The Impact of Fascism on the Italian Doctrine of International Law

Giulio Bartolini
Assistant Professor of International Law, University Roma Tre, Rome, Italy

1. Introduction. The Emergence of Totalitarian Regimes in Europe and their Influence on International Law Studies: The Case of Italy

In the twentieth century, international law studies in European States ruled by totalitarian regimes, such as Germany and the Soviet Union, were in part conditioned by the influence exerted by these ideological dictatorships. This phenomenon was clearly perceived at the time, as emphasised by several analyses devoted to the proposed Nazi1 and Soviet2 doctrines of international law and focusing on the elements of rupture with traditional theoretical approaches proposed in these two States. These issues remain the subject of significant scientific interest.3


3) On Germany see: Detlev F. Vagts, 'International Law in the Third Reich', American Journal of International Law, Vol. 84, No. 3 (1990), pp. 661–704; Rüdiger Wolfrum,
The influence of these ideologies was in part determined by the repressive attitude of the two regimes towards scientific communities. Several scholars were expelled from universities, a phenomenon which was accentuated with the adoption of ‘racial’ measures in Germany. These purges also had an impact on the boards of legal journals, thus implying in some cases the emergence of new approaches which were more in line with the dominant political orientation. Obviously, not all scientific production was characterized by an attitude of total commitment towards the regimes. Nevertheless, many scholars were forced to resort to self-censorship in their work, mainly focusing on areas in which it was easier to avoid conflict with the dictatorships.

Germany and the Soviet Union were, of course, not the only European countries to be ruled by dictatorships in the last century: Mussolini led a Fascist regime in Italy from 1922 until 1945. The purpose of this paper is to examine the impact of fascism on the Italian doctrine of international law, since some differences can be identified in comparison with the situations described above. In particular, given the substantial lack of a comprehensive alternative model for the international law system provided by the regime or by scholars, a systematic ‘Fascist doctrine’ of international law in Italy is not

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