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# International Law of War, War Crimes in Ethiopia, and Italy's Imperial Misrecollection at the End of Empire, 1946–1950

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## Abstract

The article explores the post-1945 discourse around Italian war crimes committed in Ethiopia from 1935 to 1942. Although Italians largely escaped prosecutions after the Second World War, the article demonstrates how an international controversy – the appointment and dismissal of a former general of the Italian army as governor of Somalia in 1949 – forced a reappraisal of Italy's imperial, fascist, and wartime past. Exploring this discourse is important for three reasons. First, it shows that, contrary to long-held assumptions, questions related to war crimes and empire were part of Italy's public debate after 1945. Second, it challenges the notion of national forgetting of the imperial past in post-war Italy. Third, it helps us better understand the multiple and subtle connections between empire and international legal order in the interwar and the early post-war period. It shows that arguments based on race, which drew heavily on fascist rhetoric and were made within rather than outside the law, served to justify violations of international legal conventions before similar issues were raised during the wars of decolonization of the 1950s and 1960s.

## I

On 29 January 1950, the Ethiopian government issued a memorandum to the United Nations (UN) in Lake Success to protest against the appointment of Guglielmo Nasi, a retired general of the Italian army, as governor of Somalia.<sup>1</sup> Disclosed by the Italian government in December 1949, the appointment responded to the UN General Assembly Resolution 289 (IV) of 21 November.<sup>2</sup> This resolution placed Somalia, a former Italian colony occupied

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<sup>1</sup> 'Ethiopia protests to U.N. on appointment of Italian general Nasi to rule Somaliland', *New York Times*, 30 Jan. 1950.

<sup>2</sup> 'Il generale Nasi sarà inviato in Somalia?', *Il Tempo*, 25 Dec. 1949; 'Somaliland post: governor appointed by Italian authorities in Rome, Dec. 26', *South China Morning Post*, 28 Dec. 1949.

by Allied forces during the war, under an international mandate governed by Italy for a period of ten years, which would be followed by independence.<sup>3</sup> Ethiopia's memorandum argued that Nasi, who was referred to as Italy's 'fascist general', was unfit for office and 'to guide the destinies of the very people whom, under the United Nations mandate, Italy is expected to prepare for independence in ten years'. The Ethiopian government further encouraged nations across the world to join their protest and reject the appointment.<sup>4</sup>

The way the memorandum chose to present Ethiopia's complaint before the UN was not rhetorical. The protest was part of the country's struggle to have Italians prosecuted for war crimes, prevent their return in former colonies via international mandate, and press broader territorial claims in East Africa.<sup>5</sup> To the broader public, Guglielmo Nasi was perhaps best known for the role he played in the invasion of Ethiopia during the fascist regime. Following the attack in 1935, Nasi led part of the colonial troops called 'Libya Division' against the Ethiopian army. Later in the occupation, Nasi was appointed to a few high-ranking positions, becoming vice-governor of Italy's East Africa Empire in 1940.<sup>6</sup> At the end of the war, the general's name was included in a list of twenty Italians wanted for war crimes by the Ethiopian government and submitted to the attention of the United Nations War Crimes Commission (UNWCC). In examining the charges against the Italians, which included the internment and killings of civilians, the use of poison gas and indiscriminate bombings, the killings of prisoners of war and mass murder, the UNWCC acknowledged the soundness of these accusations.<sup>7</sup> But in September 1949, two months before Nasi was appointed to Somalia, Ethiopia's requests to proceed with the investigations were dismissed by British and Italian diplomatic channels.<sup>8</sup> Ethiopia's protest to the UN was, nevertheless, more successful. The question of Nasi's appointment was raised in the Italian parliament where members of the opposition criticized the government's decision to appoint the general to Somalia in spite of his implications in atrocities committed in Ethiopia.<sup>9</sup> The case, also known as the Nasi Affair (*Affare Nasi*), was eventually covered by national and international newspapers, becoming a source of embarrassment to the government in Rome, which felt obliged to revise its choice.

<sup>3</sup> Italy's trusteeship in Somalia (*Amministrazione Fiduciaria Italiana della Somalia*) began in April 1950.

<sup>4</sup> Quoted in 'Ethiopia protests to U.N. on appointment of Italian general Nasi to rule Somaliland', *New York Times*, 30 Jan. 1950.

<sup>5</sup> C. Grove Haines, 'The problem of Italian colonies', *Middle East Journal*, 1 (1947), pp. 417–31.

<sup>6</sup> *Vicegovernatore Generale dell'Africa Orientale Italiana*.

<sup>7</sup> James De Lorenzi, 'The orientalist on trial: Enrico Cerulli and the United Nations War Crimes Commission', *Northeast African Studies*, 18 (2018), pp. 165–200; Richard Pankhurst, 'Italian fascist war crimes in Ethiopia: a history of their discussion, from the League of Nations to the United Nations (1936–1949)', *Northeast African Studies*, 6 (1999), pp. 83–140.

<sup>8</sup> Pankhurst, 'Italian fascist', pp. 133–4. By that time, Ethiopia's request concerned only the first two Italians on the list: Rodolfo Graziani and Pietro Badoglio.

<sup>9</sup> "No" a chi manda allo sbaraglio i nostri soldati al comando di un generale massacratore di indigeni', *L'Unità*, 4 Feb. 1950.

Previous studies have understood the Nasi Affair as representative of some of the contradictions that lay at the heart of the Italian Republic. Scholars of Italian colonialism, most notably Angelo Del Boca, have highlighted how the post-war government's choice to appoint an agent of the fascist empire to promote a 'new' democratic image of Italy and to lead a UN mandate was at odds with the republic's links to past structures and policies.<sup>10</sup> Yet, although a brief moment in the post-war period, this international controversy had wider implications that fell well beyond the domain of Italy's domestic politics. As this article demonstrates, the episode became an occasion for engaging with broader questions such as Italy's moral and political responsibilities in Ethiopia, the country's recent imperial past, its involvement in war crimes committed by the Axis powers during the Second World War, and for considering the relations between the international legal system of war and empire in the mid-twentieth century.<sup>11</sup>

After the end of the Second World War, Italian war criminals escaped prosecution by international and domestic law courts. This omission remained for a long time unaddressed by scholarly scrutiny. It has only been in the last two decades that work has begun to investigate the reasons why no military tribunals such as those held in Nuremberg and Tokyo prosecuted Italian war crimes.<sup>12</sup> Although this literature has produced important and detailed scholarship, its attention has mainly focused on atrocities committed in occupied Europe and on the Italian government's efforts not to comply with requests to hand over and try Italians wanted for war crimes after 1945. Atrocities committed in Ethiopia are often seen as disconnected from the realm of the Second World War and considered within the broader history of Italian colonialism.<sup>13</sup> In truth, the literature has widely documented the brutality of Italy's occupation practices in Ethiopia as well as the ways the fascist regime disregarded international conventions on warfare.<sup>14</sup> What are less known are the ways these atrocities were discussed at the time and understood against the background of broader questions of war crimes, Ethiopia's sovereign status, and the Peace Treaty's requirements.

<sup>10</sup> Angelo Del Boca, *Gli italiani in Africa orientale: nostalgia delle colonie* (Bari, 1984), IV, pp. 135–48; Antonio M. Morone, *L'ultima colonia: come l'Italia è tornata in Africa* (Bari, 2011), pp. 58–60.

<sup>11</sup> Boyd van Dijk, 'Internationalizing colonial war: on the unintended consequences of the interventions of the International Committee of the Red Cross in South-East Asia, 1945–1949', *Past & Present*, 250 (2021), pp. 243–83.

<sup>12</sup> For a discussion of this scholarship, Filippo Focardi, 'Criminali impuniti: cause e responsabilità della mancata Norimberga italiana', in Luigi Borgomaneri, ed., *Crimini di guerra: il mito del bravo italiano tra repressione del ribellismo e guerra ai civili nei territori occupati* (Milan, 2006), pp. 133–7; Filippo Focardi and Lutz Klinkhammer, 'The question of fascist Italy's war crimes: the construction of a self-acquitting myth, 1943–1948', *Journal of Modern Italian Studies*, 9 (2004), pp. 330–48.

<sup>13</sup> For example, see Alberto Stramaccioni, *Crimini di guerra: storia e memoria del caso italiano* (Bari, 2016), pp. 74–8. On gaps in the histories of Italy's occupation and colonial policy, see Patrick Bernhard, 'Behind the battle lines: Italian atrocities and the persecution of Arabs, Berbers, and Jews in North Africa during World War II', *Holocaust and Genocide Studies*, 23 (2012), pp. 425–46.

<sup>14</sup> Among the most recent publications, see Paolo Borruso, *Debre Libanos 1937: il più grave crimine di guerra dell'Italia* (Bari, 2020); Ian Campbell, *The Addis Ababa massacre: Italy's national shame* (Oxford, 2017).

A contention of this article is that this neglect is not the by-product of collective 'amnesia' or memory repression – notions typically used to understand the perceived lack of attention to Italy's imperial past after 1945.<sup>15</sup> It better reflects biases that characterized early debates and definitions of war crimes. In many ways, these biases took shape within Allies' diplomatic circles and with the establishment of the UNWCC in 1943. As Richard Pankhurst highlighted, Ethiopia was excluded from joining the UNWCC during the war because Great Britain feared that claims against the Italians would have been a matter of embarrassment to the Allied governments. After the overthrow of Mussolini in 1943, Great Britain and the United States had supported a temporary government, led by former members of the fascist regime and controlling Italy's south. This government had joined the war as a co-belligerent country on the Allies' side. Allies' support and the co-belligerent ambiguous position offered an opportunity for some to evade questions of complicity and war guilt. For example, the government's leader, Pietro Badoglio, had led military campaigns in East Africa, commanded the use of poison gas, and was one of the key persons wanted for war crimes in Ethiopia. And yet, later in the war, Badoglio emerged as one of the key representatives of Italian democracy. After 1945, Allies' governments appeared even less interested in considering bringing charges against Italian war criminals as they became more preoccupied with the popularity of Italy's communist party as the country approached national elections in 1948.<sup>16</sup> To gloss over their relations with former fascists, Great Britain insisted the Italo-Ethiopian war should not be considered part of the Second World War and Italian atrocities in East Africa not a matter of concern to the War Crimes Commission. Although this position clearly contradicted the terms of the Peace Treaty Italy signed with Ethiopia dating the origins of the war between the two countries in 1935, it was nevertheless effective in hindering Ethiopia's strategy to hold Italians responsible for war crimes in East Africa.<sup>17</sup>

At the same time, a discourse based on race and which drew heavily on fascist rhetoric helped consolidate this tendentious approach to the question of war crimes. Looking at the debates that developed around the Nasi Affair is telling. The withdrawal of Nasi as governor of Somalia did not mean that the Italian government acknowledged responsibilities for war crimes in Ethiopia. On the contrary, accusations against Nasi provoked some strong reactions within and without the Italian parliament. Several efforts were made, some promoted by the general himself and others by several supportive voices in the press, to defend Nasi and, more generally, Italy's warfare and imperial

<sup>15</sup> Angelo Del Boca, ed., *Le guerre coloniali del fascismo* (Rome and Bari, 1991); Giampaolo Calchi Novati, 'L'Italia in Africa: come dimenticare il colonialismo', in Riccardo Bottoni, ed., *L'impero fascista: Italia ed Etiopia, 1935-1941* (Bologna, 2008).

<sup>16</sup> Antonio Varsori, *Dalla rinascita al declino: storia internazionale dell'Italia repubblicana* (Bologna, 2022), pp. 91-106.

<sup>17</sup> Pankhurst, 'Italian fascist'. For a more nuanced investigation of the UNWCC deliberations, De Lorenzi, 'Orientalist on trial'. See also Luigi Prosperi, 'The missed Italian Nuremberg: the history of an internationally-sponsored amnesty' (2016). Available at SSRN: <https://ssrn.com/abstract=2887267>.

past. Differently from other instances where accusations of war crimes were rejected as false, atrocities in Ethiopia were not questioned per se but rather explained through a series of narrative tools that would make extreme violence legitimate and acceptable. Understanding these arguments and their rationale is important for three reasons. First, it shows that, contrary to long-held assumptions, questions related to war crimes and empire were part of public debate and scrutiny after 1945. Second, it helps us rethink the notion of national forgetting of the imperial past in post-war Italy. Rather than ‘an active erasure or a wholesale forgetting’, Italy’s imperial misrecollection can be better understood as a discursive process which, as Pamela Ballinger has recently suggested, reflects ‘a politics of selective recognition, as well as non-recognition’.<sup>18</sup> To understand this process, it is necessary not only to look at what was discarded but also at what was recognized and how this was construed. Third, investigating the approach to Italy’s war crimes in Ethiopia emphasizes the multiple and subtle connections between empire and international legal thinking in the interwar and early post-war period.<sup>19</sup> Imperial powers typically maintained that international law did not apply outside Europe and, more specifically, in the colonies. Legal scholars such as Anthony Anghie demonstrated how the notion of sovereignty determined when and where international law should be applied while justifying the exclusion of colonies from its domain.<sup>20</sup> Yet, as Nicola Perugini and Neve Gordon have recently illustrated, this framework does not fully capture the different range of ‘colonial encounter’ and how the applicability of international law could be questioned even in sovereign states such as Ethiopia in the interwar period. Rather than challenging ‘the colonial imprint of international law’, the inclusion of Ethiopia into the League of Nations in 1923 offered new ways, albeit twisted and uncertain, for the Italians to vindicate their breaches of international conventions.<sup>21</sup> This tension appeared even more evident in the late 1940s when debates about Nazi and war crimes in Ethiopia developed in Italy and abroad against the backdrop of post-war trials. Exploring these then highlights the extent to which demonstrating legal reason for violations of international law was important to imperial powers before similar issues were raised during the wars of decolonization of the 1950s and 1960s.

The article draws on periodicals, parliamentary debates, and Nazi’s memorials and exchanges with government’s representatives to reconstruct discussions on why Italian war crimes in Ethiopia should not be considered as such. These voices called for a better understanding or a contextualization of Italian atrocities, and for differentiating between them and war crimes

<sup>18</sup> Pamela Ballinger, *The world refugees made: decolonization and the foundation of postwar Italy* (Ithaca, NY, 2020), p. 20.

<sup>19</sup> Mark Mazower, *No enchanted palace: the end of empire and the ideological origins of the United Nations* (Princeton, NJ, and Oxford, 2009); A. W. Brian Simpson, *Human rights and the end of empire: Britain and the genesis of the European Convention* (Oxford, 2004).

<sup>20</sup> Antony Anghie, *Imperialism, sovereignty and the making of international law* (Cambridge, 2005).

<sup>21</sup> Nicola Perugini and Neve Gordon, ‘Between sovereignty and race: the bombardment of hospitals in the Italo-Ethiopian war and the colonial imprint of international law’, *State Crime Journal*, 8 (2019), pp. 104–25.

that took place in occupied Europe. To some extent, this call followed the stance proposed by the British government and insisted that the Italo-Ethiopian war was a separate and short conflict, lasting from October 1935 to May 1936, and that Italy should not be held responsible for atrocities committed in Ethiopia because these were not related to the works of the UNWCC. However, voices in support of Nasi brought the discussion to a different level. One of the key elements of this narrative was the assumption that the metropolitan, that is white European, public was intrinsically unaware of African customs and tradition. Crimes attributed to the Italians needed to be understood as specific to the African setting, whereby acts of brutality assumed a different and lesser degree of cruelty. Crucially, it was not the pertinence of international law under question but the ways this was or should be applied. Therefore, while efforts at contextualizing war crimes aimed at normalizing the range of violence adopted by the Italians in Ethiopia, they also emphasized the importance for imperial powers to revise the meanings of the law of war. The adoption of 'extreme violence' in the empire, as Will Smiley argued, could be justified not just by avoiding the law but by 'reasoning through the law'.<sup>22</sup>

The article will begin by discussing Guglielmo Nasi's background and the reasons why he was appointed to Somalia despite his complicity with the fascist regime. It will then examine the nature and relevance of the charges presented against him. Finally, the article will turn its attention to the arguments drawn in support of Nasi and how these constructed a temporal and contextual setting that would make atrocities committed in Ethiopia legitimate and acceptable. In the conclusion, the article will consider the importance of this case-study for different historiographies.

## II

Born in 1879, Guglielmo Nasi attended the Military Academy in Modena and completed further training in Turin in 1899.<sup>23</sup> Upon his retirement after the Second World War, Nasi had spent forty-nine years in the army and almost half of his career in Africa where he had taken part in and led military campaigns and was appointed to administrative positions in North and East Africa. Having a member of the army appointed to administrative posts was not exceptional in Europe's imperial tradition. The French army, for instance, had played a key political role in the colonies, holding responsibilities in both civilian and military domains.<sup>24</sup> This also reflected Italy's approach to colonial rule and the consolidated tendency to appoint service persons as high-rank officials during both liberal and fascist regimes. In line with this

<sup>22</sup> W. Smiley, 'Lawless war of empire? The international law of war in the Philippines, 1898–1903', *Law and History Review*, 36 (2018), pp. 511–50, at pp. 549–50.

<sup>23</sup> My reconstruction of Nasi's career is based on: Curriculum Vitae di Guglielmo Nasi, 1956 c/a, Archivio dell'Ufficio Storico dello Stato Maggiore dell'Esercito (AUSME), Fondo Nasi (FN) 4; Curriculum Vitae del Gen. d'Armata Guglielmo Nasi, Archivio Storico del Comune di Casale Monferrato (ASCCM), Fondo Brusasca (FB) 33.

<sup>24</sup> Ruth Ginio, *The French army and its African soldiers: the years of decolonization* (Lincoln, NB, 2017).

approach, Nasi's profile combined military and administrative experiences. As a military officer, he took over several leadership positions and oversaw all colonial forces in Libya and part of the colonial troops in East Africa. Due to his long-term commitment overseas, Nasi had managed to attain a reputation of being an 'expert' in colonial affairs. Already in the late 1920s, when the fascist regime was preparing to extend colonial occupation in Africa, Nasi had the opportunity to contribute to these plans and helped establish a War School (*Scuola di Guerra*) in Turin, where he taught 'colonial operations' for three years, from 1927 to 1930. During the occupation of Ethiopia, Nasi was also appointed to the post of governor in the Harrar province between 1936 and 1939 and, from 1940, vice-governor of Italy's self-proclaimed East Africa Empire.

In 1946, after he had returned to the Italian peninsula, Nasi was tried and later acquitted for his complicity with the regime. The trial was part of broader attempts to sanction collaborators of the Axis governments after the war at international tribunals established by Allies in Nuremberg and Tokyo and other national trials that took place across the world.<sup>25</sup> The Nuremberg trials considered offences committed during the war broadly grouped as 'crimes against peace, war crimes, crimes against humanity and a common plan or conspiracy to commit any of the foregoing crimes'.<sup>26</sup> Italy's High Court investigating fascist crimes shared similar concerns. Among others, it examined the profiles of 177 senators to ascertain the responsibilities of those who 'have favoured the regime and made the war possible with their votes, individual actions and propaganda carried out inside and outside parliament'.<sup>27</sup> Nasi joined the fascist party in 1934 when membership became compulsory for military officials. In 1939, he was nominated senator of the Italian kingdom, a seat that he kept until 1947, and was among the Senate's members investigated by the High Court after the war.<sup>28</sup> Admittedly, these investigations adopted a conventionally Eurocentric approach to the question of the Second World War and focused on conflicts that followed Germany's invasion of Poland in 1939 and, more specifically, Italy's declaration of war against France and Great Britain in 1940. The court did not consider the invasion of Ethiopia and, in this way, it implicitly followed the tendentious way the fascist regime presented the Italo-Ethiopian war: a short conflict of 'colonial conquest' preceding the establishment of Italian sovereignty in East Africa, as discussed later in this article. Yet, if Italians might have held different opinions on the origins of the Second World War, the Peace Treaty Italy signed with the Allies stated that conflicts with Ethiopia began in October 1935. Although the treaty was ratified among public outcry in February 1947 and investigations into fascist crimes ended in June 1946, questions as to how crafting

<sup>25</sup> Tony Judt, *Postwar: a history of Europe since 1945* (New York, NY, 2005), pp. 41–62.

<sup>26</sup> Quoted in David M. Crowe, *War crimes, genocide, and justice* (Basingstoke, 2014), p. 122.

<sup>27</sup> See Guglielmo Nasi's personal folder available at: <https://notes9.senato.it/web/senregno.nsf/38c577ccd5139785c1257bec004a1954/c306c450f1c564de4125646f005dcb2a?OpenDocument> (last visited 12 Mar. 2021).

<sup>28</sup> The Italian kingdom's Senate ceased its functions in 1947.

conditions for peace with Italy were brought up already before. More specifically, issues arose during the war when Ethiopia's sovereignty was restored in East Africa and in 1945 when the country became one of the founding members of the UN.<sup>29</sup>

The terms of the treaty also meant that Italy should be held responsible for crimes that had taken place from the mid-1930s until the 1940s. But when another Italian commission was established in 1946 specifically looking into war criminals, its works mimicked the High Court's inquiry and focused on Europe's occupied territories exclusively.<sup>30</sup> This controversial approach to the question of war crimes was not confined to Italy but mirrored similar developments in post-war Japan under the occupation of the United States. In promoting post-war reconstruction, military authorities were not interested in dwelling on Japan's imperialist policies and 'chose to relegate the imperial context to the fringes of Japan's history'. As a result, 'many significant crimes and atrocities committed by Japan in its Asian empire played only a marginal role in the trial proceedings'.<sup>31</sup>

The narrow timeframe adopted by Italy's domestic investigations produced a limited interpretation not only of what should be prosecuted but also of who should be put on trial. This also meant that, to respond to charges, Nasi had to distance himself from the regime's activities from 1940 to 1945. The general's strategy reflected Axis apologist narratives and the superior orders' defence of the Nuremberg trials. In a memorial presented to the High Court's attention, Nasi emphasized his military career while dismissing the administrative positions held in the former empire. Accordingly, as a member of the Italian army, he had served Italy under fascism but had never been involved in the regime's politics. The term 'politics' here assumed a rather restricted notion limited to the involvement in the life and development of Italy's fascist party and did not include the range of governing practices. Ambiguously, Nasi used his role in Italy's imperial venture, that is his governing experiences, to dissociate himself from the party's affairs. Although he had accepted the prestigious award of being appointed as a member of Italy's Senate, Nasi pointed out he had never taken part in its works because he was posted in Ethiopia at the time. That this position stemmed from the regime's imperial policies remained overlooked. Yet, perhaps to brush aside this ambiguity, Nasi specified that his administrative posts in Africa were not related to his political profile. Rather, these positions had been given to Nasi the '*Generale*' because of his competence and knowledge of the 'colonial problems'. As Nasi further elaborated, 'I was more suited (I believe) than anyone else to stabilize the political and military situations of regions during a time of uprisings, [which are] still

<sup>29</sup> Rinaldo Salvadori and Pier Giacomo Magri, *Il trattato di pace con l'Italia e la questione delle ex colonie italiane, 1947-1960* (Parma, 1972), p. 103. The treaty is available at [www.loc.gov/law/help/us-treaties/bevans/m-ust000004-0311.pdf](http://www.loc.gov/law/help/us-treaties/bevans/m-ust000004-0311.pdf) (last visited 27 May 2021). Sara Lorenzini, *L'Italia e il trattato di pace del 1947* (Bologna, 2007).

<sup>30</sup> Filippo Focardi and Lutz Klinkhammer, 'La questione dei "criminali di guerra" italiani e una commissione di inchiesta dimenticata', *Contemporanea*, 4 (2001), pp. 497-528.

<sup>31</sup> Sebastian Conrad, 'The dialectics of remembrance: memories of empire in Cold War Japan', *Comparative Studies in Society and History*, 56 (2014), pp. 4-33, at pp. 11-12.



very delicate.<sup>32</sup> In short, Nasi requested to be considered primarily as a military officer who had served his country during fascism but had never engaged with the politics of his time as much as this referred to the fascist party's domestic activities. His request was successful and charges against him were soon dismissed.

In 1949, the Italian government decided to appoint Nasi, then seventy years old, as Italy's chief representative in Somalia in part because the region was under a British administration and Nasi had worked with the Allied forces during the war.<sup>33</sup> Yet it was Nasi's governing experience in Africa, previously glossed over due to its links with fascism, that came to the fore. Sending a one-page curriculum vitae to Giuseppe Brusasca, undersecretary of the Ministry for Foreign Affairs, Nasi presented his expertise in 'military-political positions' as some of his core skills, emphasizing that he had acted as 'Civil Governor' in Africa 'for a total of six years'. The general's military and administrative, or civil, skills were also publicly appraised at the time of his appointment to Somalia.<sup>34</sup> For example, the Rome-based conservative newspaper *Il Giornale d'Italia* stated:

Guglielmo Nasi is too well-known to all Italians...today a civilian, he possesses not only high military but also high civic qualities. Everyone who has met General Nasi has also been forced to value him...Thus, those who would want to see in Guglielmo Nasi's appointment a reference to the past, and we are not so sure what [reference exactly], will be greatly mistaken...Guglielmo Nasi, administrator of Somalia, combines in himself all those knowledges that are necessary to the government of the country that needs to be educated to self-government.<sup>35</sup>

The government in Rome also shared similar views, considering the general a 'highly trustworthy and capable' person because of 'his knowledge of the Somali environment, his high standing among native populations, and his tact and intelligence'.<sup>36</sup>

### III

Following Ethiopia's protests to the UN over the appointment of Nasi, the Italian government came under some diplomatic pressure.<sup>37</sup> At this early

<sup>32</sup> Guglielmo Nasi to Italy's High Court (*Alta Corte di Giustizia*), Rome, 21 Jan. 1946, AUSSME, FN 5, p. 2.

<sup>33</sup> As a prisoner of war in Kenya, Nasi negotiated terms for employing Italian soldiers in labour camps. Nasi's 'collaboration' with the British became a cause of further public scrutiny. Right-wing circles that had defended the general from accusation of war crimes in Ethiopia, later accused Nasi of having betrayed Italians and encouraged forms of violence against fascist soldiers in Kenya. 'Quando il terrore si chiamava Burguret', *Settimo giorno*, 19 Nov. 1952; 'Le stragi di Burguret', *Il Merlo Giallo*, 12 May 1953.

<sup>34</sup> 'Il generale Nasi sarà inviato in Somalia?', *Il Tempo*, 25 Dec. 1949.

<sup>35</sup> 'Il gen. Nasi Amministratore della Somalia', *Il Giornale d'Italia*, 25 Dec. 1949.

<sup>36</sup> Del Boca, *Nostalgia*, p. 135.

<sup>37</sup> Tarchiani to Ministry of Foreign Affairs, 9 Feb. 1950, Washington (DC), ASCCM, FB 33, 1505/780/07; Foreign Office to Addis Ababa, 31 Dec. 1949, The National Archives, Kew, London (TNA), War Office (WO), 230/250, 1079.

stage, though, it seems Italy did not find it necessary to engage directly with the question, perhaps hoping the case would eventually fade away.<sup>38</sup> But in early February, some members of parliament launched a passionate attack against the general during heated discussions to ratify the bill on the international mandate in Somalia. More precisely, it was a member of the opposition, Gian Carlo Pajetta of the communist party, who documented the general's implications in atrocities committed in Ethiopia. In an address to parliament, the communist MP read out extracts taken from a publication sponsored by the regime in the mid-1930s with the title *Il I anno dell'impero* (The First Year of the Empire) to mark the establishment of Italy's self-declared empire in East Africa.<sup>39</sup> This publication comprised four volumes, and two of these collected official documents related to different stages of the invasion. The extracts chosen by Pajetta were telegrams Nasi exchanged with Rodolfo Graziani, at the time in charge of military operations in Ethiopia, as well as weekly military reports. Among other things, these sources documented counter-insurgency tactics and acts of reprisals that Italy adopted to suppress Ethiopia's resistance.

Evidence presented by Pajetta was important. Details of atrocities committed in Ethiopia were not previously unknown. These had circulated widely in the 1930s when international correspondents had reported on several issues such as the use of chemical weapons and bombings of International Red Cross camps in East Africa between December 1935 and March 1936.<sup>40</sup> The invasion triggered waves of international mobilization in support of Ethiopia and became a critical moment in the development of 'anti-colonial militarism' and Black internationalism.<sup>41</sup> News about Italian atrocities had also been a matter of debate at the League of Nations when, in June 1936, Ethiopia's emperor Haile Selassie had delivered a passionate speech before the General Assembly denouncing further charges.<sup>42</sup> After the war, details of Italian war crimes were collected in a 'scalding dossier' prepared by the Ethiopian government and submitted to the attention of the UNWCC.<sup>43</sup> In spite of the evidence collected throughout the years, Italians had 'consciously appropriated the [League of Nations] language of trusteeship to justify their campaign' and

<sup>38</sup> Italy's representatives to the UN denied that Nasi had been a member of the fascist party. 'I confini delle colonie all'ONU', *Il Giornale della Sera*, 1 Feb. 1950.

<sup>39</sup> Governo generale A.O.I., *Il I anno dell'impero* (Addis Ababa, 1936–7).

<sup>40</sup> Rainer Baudendistel, *Between bombs and good intentions: the International Committee of the Red Cross and the Italo-Ethiopian war, 1935–1936* (New York, NY, and Oxford, 2006).

<sup>41</sup> Peter Garretson, *A Victorian gentleman & Ethiopian nationalist: the life & times of Hakim Warqenah, Dr Charles Martin* (Woodbridge, 2012), pp. 204–36; Fikru Gebrekidan, 'In defence of Ethiopia: a comparative assessment of Caribbean and African American anti-fascist protests, 1935–1941', *Northeast African Studies*, 2 (1995), pp. 145–73; Neelam Srivastava, *Italian colonialism and resistance to empire, 1930–1970* (London, 2018).

<sup>42</sup> 'Discours prononcé par sa Majesté Haylé Sélassié I Empereur d'Éthiopie à l'Assemblée de la Société des Nations à la session de juin-juillet 1936'. Available at: [www.wdl.org/en/item/11602/](http://www.wdl.org/en/item/11602/) (last visited 22 June 2021).

<sup>43</sup> Dan Plesch, *Human rights after Hitler: the lost history of prosecuting Axis war crimes* (Washington, DC, 2017), p. 93. The dossier was published as Ethiopian Government Press and Information Office, *La civilisation de l'Italie fasciste en Nations* (2 vols., Addis Ababa, 1948).

dismissed accusations counterarguing it was Ethiopia that had broken international conventions on warfare.<sup>44</sup> This justification presented Italian actions as legitimate reprisals. If Italians did commit wartime atrocities, it was only because of Ethiopia's alleged inability to respect the principles of international law of war and always as a reaction to the enemy's unscrupulous actions.<sup>45</sup> Documents quoted by Pajetta were in this sense distinctive. Not only were these official documents produced and published by the Italian regime itself, but they also refuted Italy's wartime justification to have acted in reaction to Ethiopia's illegitimate conduct.<sup>46</sup>

The contents of these documents were equally significant. Evidence had often constituted a problem in investigations into war crimes as proofs in support of charges at times appeared weak and circumstantial.<sup>47</sup> Italian sources documenting atrocities in Ethiopia also presented empirical flaws. As Ian Campbell highlighted, military telegrams produced by General Graziani, then viceroy in East Africa, deliberately tended to downplay the degree of violence adopted by the Italians. This reticence was particularly evident in sources concerning acts of reprisals against civilians.<sup>48</sup> Differently, the documents appended to *Il I anno dell'impero* were less reluctant in detailing Italy's operations. This was probably due to the book's scopes and objectives, which reflected the regime's quest for the occupation to be legitimized and for their empire to be acknowledged at home and abroad.

Italy proclaimed the annexation of Ethiopia and establishment of the empire in East Africa on 9 May 1936. This occurred after the departure of Ethiopia's emperor Haile Selassie into exile in Great Britain and the occupation of Addis Ababa by Italian troops a few days earlier.<sup>49</sup> Western scholars have conventionally considered this as the moment marking the official end of conflicts between the two countries. Yet, as pointed out by Bairu Tafla, this approach is both problematic and erroneous because, on the one hand, it is wedded to the rhetoric of the fascist regime that reclaimed Italy's victory over Ethiopia. On the other hand, it concealed 'the fact that [when the empire was proclaimed] the Italians had before them an expanse of territory', roughly two-thirds, to occupy.<sup>50</sup> Moreover, the Ethiopian government did not cede its functions following the departure of Haile Selassie but was moved to Goree, in

<sup>44</sup> Susan Pedersen, *The guardians: the League of Nations and the crisis of empire* (Oxford, 2015), pp. 296–8.

<sup>45</sup> Perugini and Gordon, 'Between sovereignty'.

<sup>46</sup> Minutes of Parliamentary Meeting, 3 Feb. 1950, *Atti Parlamentari-Camera dei Deputati*, CCLXXXII, p. 15013.

<sup>47</sup> Hannah Arendt, *La banalità del male: Eichmann a Gerusalemme* (2nd edn, Milan, 2001) (trans. by P. Bernardini).

<sup>48</sup> Ian Campbell, 'Reconstructing the fascist occupation of Ethiopia: the Italian telegrams as historical sources', *International Journal of Ethiopian Studies*, 1 (2004), pp. 122–8.

<sup>49</sup> Angelo Del Boca, *La guerra d'Abissinia, 1935–1941* (Milan, 1965), pp. 191–3; Nicola Labanca, *La guerra d'Etiopia, 1935–1941* (Bologna, 2015), pp. 151–4.

<sup>50</sup> Bairu Tafla, 'Review of Alberto Sbacchi, Legacy of bitterness. Ethiopia and fascist Italy 1935–1941', *Aethiopia*, 2 (1999), pp. 269–74. On Ethiopia's resistance, see Bahru Zewde, *A history of modern Ethiopia, 1855–1974* (London, 1991), pp. 166–77.

south-western Ethiopia, and remained the country's legitimate state authority at least until October 1936.<sup>51</sup> Juridically speaking, Italy's self-proclamation was a unilateral declaration that was recognized only in part and later by other imperial powers.<sup>52</sup> Therefore, although the rhetoric of the 'fascist conquest' is often taken at face value today in Italy and abroad, in truth, the future of Ethiopia was, at least at this stage, very uncertain.<sup>53</sup> Rumours about a possible return of the emperor circulated widely even among Italy's troops. These were coupled with fears that the Ethiopian resistance would hamper Italy's imperial project.<sup>54</sup>

Early wartime publications such as *Il I anno dell'impero* – characterized by a triumphalist narrative celebrating the extent to which Italy's imperial endeavour had succeeded – were also meant to dispel the regime's anxieties about their occupation. The number of sources appended to the text were, in this sense, instrumental in backing the narrative up and in providing proofs of the regime's 'historical truth'.<sup>55</sup> As the emphasis was on Italy's 'triumph' (*conquista*) over Ethiopia, claims were certainly bound to be exaggerated. Nevertheless, reprisal methods discussed in the book were particularly consistent in detailing the series of counter-insurgency tactics adopted to respond to Ethiopia's armed resistance. These pointed to the concerted use of bombs, the imprisonment of civilians including minors, the confiscation of cattle, and entire villages set to fire. Sources included in the book made special reference to the treatment of Ethiopian prisoners including well-known leaders of the resistance such as Ras Dasta Damtaw. Following instructions given by Graziani and Mussolini, prisoners were summarily executed by firing squads (*passati per le armi*) and were thus denied of the principle of immunity and the status of privileged belligerent established by international conventions.<sup>56</sup> As Frédéric Mégret noted, these practices reflected 'means and methods of warfare' used across 'the non-European world...that were increasingly considered despicable in European warfare'.<sup>57</sup> In one of the telegrams, which was also quoted in parliament, Nasi reported how Italy's air force managed to locate and 'bomb a mass of fleeing rebels'. The document further specified that 'the lesson [we] imparted was terrible because in addition to the victims the

<sup>51</sup> Tsehai Berhane-Selassie, *Ethiopian warriorhood: defence, land & society, 1800–1941* (Woodbridge, 2018), pp. 253–5. See also Emmanuel Abraham, *Reminiscences of my life* (Trenton, NJ, 2011), pp. 26–30.

<sup>52</sup> Francesco A. Sarubbi, 'Il trattato di pace con l'Italia e la sorte dei beni italiani in Ethiopia', *Rivista di Studi Politici Internazionale*, 17 (1950), pp. 27–38.

<sup>53</sup> See, for instance, Susan Pedersen: 'By this point [May 1936],...The Italian conquest of Ethiopia was nearly complete.' Pedersen, *Guardians*, p. 291.

<sup>54</sup> 'Allegato N. 3', in Governo, *I anno*, pp. 10–13; Del Boca, *Guerra*, p. 193.

<sup>55</sup> As specified in the introduction: 'A series of appended documents proves the story's historical truth providing the serious objectivity which we wanted and which we should and could have.' Governo, *I anno*, p. 7.

<sup>56</sup> For documents incriminating Nasi, see 'Allegato N. 132', in Governo, *I anno*, p. 155; 'Allegato N. 163', in *ibid.*, p. 188; 'Allegato N. 242', in *ibid.*, p. 254.

<sup>57</sup> Frédéric Mégret, 'From "savages" to "unlawful combatants": a post-colonial look at International Humanitarian Law's other', in Anne Orford, ed., *International law and its others* (Cambridge, 2006), p. 280.

rebels have lost their homes', adding that the raids also 'set fire to all of [rebels'] belongings' as well as 'a great part of livestock'.<sup>58</sup> In a different document, Nasi detailed how his troops, aided by bombers, chased armed resistance after this had broken down into different groups fleeing with their families.<sup>59</sup>

Although Pajetta's speech came as a surprise to many members of parliament, had it not been for the international impact of the Nasi Affair the question would have probably ended in confrontation between different parliamentary forces. During the debate, for instance, the opposition used the controversy to criticize the government and the minister of foreign affairs, Sforza, who in 1944 was in charge of the High Court investigating fascist crimes and had thus had the opportunity to scrutinize Nasi's profile.<sup>60</sup> At the same time, members of the majority party accused the communists of promoting an 'anti-national attitude' while dismissing the government's relations with Nasi.<sup>61</sup> Nevertheless, details of allegations made by Pajetta as well as the existence of published documents that explicitly incriminated Nasi were reported not only by domestic periodicals that published extracts of parliamentary debates, they were also presented by international media whose pieces, such as those published in *The Manchester Guardian* and *The Times of India*, were rather critical of Italy.<sup>62</sup> Newspapers in the United States, where Ethiopia had traditionally enjoyed a great deal of support, especially among Afro-American communities, paid close attention to this case.<sup>63</sup> Facing unexpected publicity, the government finally decided to reconsider their choice and, as *The New York Times's* foreign correspondent reported, thought it 'best not only to drop General Nasi as administrator, but also not to allow him to set foot' in Somalia.<sup>64</sup> Formally, Nasi kept working on Italy's plans for the UN mandate, managing a number of tasks including the recruitment of Italian personnel to be posted to East Africa.<sup>65</sup> Meanwhile, as governmental spokespersons invited everyone to refrain from making any judgements before hearing from all the parties involved, a defence of Nasi was already under way. This stood by the general and by Italy's imperial past. Crucially, this defence did not reject atrocities attributed to Italians in Ethiopia but sought to explain why these did not qualify as war crimes representing, instead, Italy's legitimate counter-insurgency tactics.

<sup>58</sup> Minutes of Parliamentary Meeting, 3 Feb. 1950, *Atti Parlamentari - Camera dei Deputati*, CCLXXXII, p. 15014.

<sup>59</sup> 'Allegato N. 1039', in *Governo, I anno*, p. 292.

<sup>60</sup> Minutes of Parliamentary Meeting, 4 Feb. 1950, *Atti Parlamentari - Camera dei Deputati*, CCLXXXIII; 'Italy cuts tenure of Nasi in Africa. Governor to leave Somaliland after transfer from British - his past "shakes" Sforza', *New York Times*, 5 Feb. 1950.

<sup>61</sup> Minutes of Parliamentary Meeting, 3 Feb. 1950, *Atti Parlamentari - Camera dei Deputati*, CCLXXXII, p. 15016.

<sup>62</sup> 'Allegations against Italian general: chamber of deputies debate on Somaliland', *Times of India*, 7 Feb. 1950.

<sup>63</sup> 'Ethiopia opposes Nasi as chief of Somaliland', *Afro-American*, 18 Feb. 1950.

<sup>64</sup> A. Cortesi, 'Italy withdraws Somaliland head: Gen. Nasi, accused of reprisals, loses administrator's job in government reversal', *New York Times*, 6 Feb. 1950.

<sup>65</sup> Del Boca, *Nostalgia*, pp. 138-9.

## IV

On 4 February 1950, Italy's press agency ANSA released some documents to lobby for a positive revision of Nasi's conduct in East Africa. These sources included letters attributed to members of Ethiopia's elites paying tributes to the general, and were coupled by other wartime documents probably circulated by the government itself. All these materials constituted the basis for a defence of Nasi that appeared in several newspapers, typically close to Italy's majority party or to right-wing circles.<sup>66</sup> One of their main intentions was to rehabilitate the honour of the general, of the Italian army, and of the imperial past more broadly. Echoing apologist tropes used in post-war trials, Nasi was typically depicted as a law-abiding and ordinary soldier who had always obeyed orders coming from higher ranks.<sup>67</sup> The promptness with which he had accepted the appointment to Somalia was presented as a further proof of his strict adherence to authority and inclination to comply with instructions.<sup>68</sup> Another point that was emphasized was Nasi's allegedly good nature and spirit, which made him valued and admired at home and abroad.<sup>69</sup> A couple of British wartime publications, which had expressed appreciation of the general's military and personal profile, were quoted to testify the extent to which Nasi was esteemed by Allied powers.<sup>70</sup> Similar opinions were also attributed to the Ethiopian emperor Haile Selassie, who had purportedly expressed regrets for not having had the possibility to meet Nasi upon his return to Ethiopia in the early 1940s.<sup>71</sup> Italians living abroad – such as former officials who happened to be in East Africa during the war, professionals still living in Ethiopia, or diplomatic personnel posted in the United States – were behind these rumours and contributed to circulating the idea that 'General Nasi had a comparatively favourable reputation among Ethiopians.'<sup>72</sup> These rumours were quickly rectified by Ethiopian diplomats.<sup>73</sup> Additionally, it was also claimed Nasi was highly regarded by his subjects.<sup>74</sup> Due to 'his seasoned experience as colonial administrator', a paper argued, the general's profile remained 'valued and loved everywhere among indigenous peoples'.<sup>75</sup> In dealing with these subjects, a friend and colleague of the general further claimed that

<sup>66</sup> For Italian voices against Nasi, see 'Lettere al direttore', *Paese Sera*, 7 Feb. 1950.

<sup>67</sup> Minutes of Parliamentary Meeting, 4 Feb 1950, *Atti Parlamentari - Camera dei Deputati*, CCLXXXIII, pp. 15039–40.

<sup>68</sup> E. M. Gray, 'Governo senza bretelle', *Il Nazionale*, 12 Feb. 1950; 'Gorini, Ferrara...e la nomina del Generale Nasi', *Vent'Anni in Marcia*, 15 Mar. 1950.

<sup>69</sup> 'Prime truppe per Mogadiscio in partenza martedì da Napoli', *Il Tempo*, 5 Feb. 1950.

<sup>70</sup> 'Garibaldi se ne infischia replicava il gen. Nasi', *Il Momento*, 30 Jan. 1950.

<sup>71</sup> 'I guerriglieri del Negus', *Il Tempo*, 4 Feb. 1950; 'Aspro dibattito sul generale Nasi', *L'Avvenire d'Italia*, 3 Feb. 1950; 'Diffamazione antinazionale', *L'Avvenire d'Italia*, 4 Feb. 1950.

<sup>72</sup> The Italian embassy in Washington. Quoted in 'Ethiopian protests to U.N. on appointment of Nasi', *New York Herald Tribune*, 31 Jan. 1950.

<sup>73</sup> Foreign Office to Addis Ababa, 31 Dec. 1949, TNA, WO, 230/250, 1079.

<sup>74</sup> 'Lettere al gen. Nasi di capi e notabili etiopici', *Il Popolo: Giornale del Mattino*, 5 Feb. 1950; 'Documenti su Nasi', *L'Avvenire d'Italia*, 5 Feb. 1950.

<sup>75</sup> 'Il generale Nasi sarà inviato in Somalia?', *Il Tempo*, 25 Dec. 1949; 'Amministratore fiduciario sarà nominato un diplomatico', *Il Messaggero di Roma*, 5 Feb. 1950.

Nasi had kept 'as far as possible – the spirit of deep humanity...that has always distinguished and honoured us under every sky in the world'.<sup>76</sup>

To some extent, attempts at rehabilitating Nasi and, by extension, Italy's imperial past reflected the cultural and political process that starting with the end of the Second World War led to a positive reconsideration of the collective image of Italians. As Filippo Focardi explored, this revision particularly focused upon the Italian army and its military conduct during the war and ended up sanitizing the perception of Italian soldiers and their wartime records. At the same time, this revision depicted non-Italians as spiteful and immoral persons.<sup>77</sup> Voices in defence of Nasi certainly speak to this myth. However, as concerned with Italy's responsibilities for atrocities in Ethiopia, they also offer a different and more nuanced perspective on the process of rethinking imperial practices vis-à-vis post-war debates about war crimes and on efforts to provide legal reason for violations of international law of war in East Africa.

Consider the way accusations of war crimes committed in occupied Europe had been dealt with after 1945. To reject charges, Italy's ministries of war and of foreign affairs prepared a dossier which would demonstrate the alleged irreprehensible behaviour of Italian soldiers while documenting a list of atrocities committed by the enemy.<sup>78</sup> Filippo Focardi and Lutz Klinkhammer have convincingly argued that this strategy was twofold. It tried to evade requests to hand over war criminals sought for trials abroad – as, for example, requested by the Yugoslav government – and it attempted to shift the attention away from Italian war crimes to the enemy's conduct.<sup>79</sup> This strategy remained, nevertheless, confined to accusations of war crimes committed in Europe. No such attempt was made to reject allegations of war crimes in Ethiopia. In fact, very few voices denied atrocities took place in East Africa and the ones who did so were interested in finding fault with the ways the government handled the question of Nasi.<sup>80</sup> Most of the debates around the affair centred on when and where atrocities occurred. In other words, Nasi's defence revealed an effort to construct a temporal and contextual setting that would make extreme violence legally acceptable to a metropolitan audience in post-war and post-imperial Europe.

A tendentious approach to the question of war crimes had already emerged during the war. The question of time played a key role in defining what qualified as war crimes. Time provided an excuse to exclude Ethiopia from the works of the UNWCC. Yet, the *ex post facto* principle was accepted when considering war crimes in occupied Europe.<sup>81</sup> In a similar fashion, voices in

<sup>76</sup> Gen. Ottavio Zoppi, 'L'affare Nasi', *Il Nazionale*, 12 Feb. 1950.

<sup>77</sup> Filippo Focardi, *Il cattivo tedesco e il bravo italiano: la rimozione delle colpe della seconda guerra mondiale* (Rome and Bari, 2013). See also Angelo Del Boca, *Italiani, brava gente? Un mito duro a morire* (Vicenza, 2005).

<sup>78</sup> Filippo Focardi, 'I crimini impuniti dei "bravi italiani"', *Contemporanea*, 8 (2005), pp. 329–35, at pp. 329–30.

<sup>79</sup> Focardi and Klinkhammer, 'Questione'.

<sup>80</sup> See E. M. Gray, 'Governo senza bretelle', *Il Nazionale*, 12 Feb. 1950.

<sup>81</sup> Pankhurst, 'Italian fascist'.

support of Nasi insisted that the Italo-Ethiopian war ended with Italy's proclamation of empire in May 1936. Only crimes committed before that date could be considered war crimes whereas later atrocities, including most of the charges under scrutiny, should not.<sup>82</sup> In a written memorial of thirty-five pages forwarded to government representatives in February 1950, Nasi elaborated on the question of time even further. Charges against him occurred when the conflict was 'over' and Italy's military occupation 'completed'. Applying this chronology was important because, as Nasi suggested, from May 1936 onwards Italians were not obliged to respect international conventions on warfare and on the treatment of prisoners of war: 'Following [the establishment] of Italian sovereignty...[Ethiopian resistance] did not any longer constitute [acts of] belligerency, but rebellion to the Italian government which was no longer bound to international conventions [in dealing with] rebels but only to its own spirit of humanity.'<sup>83</sup>

Not only was this stance mistaken and in conflict with the terms of the Peace Treaty Italy signed with Ethiopia in 1947, which dated the origins of the Second World War to 1935, as discussed earlier, it was also – to a large extent – inconsistent with the ways Nasi responded to further charges. Take, for instance, the distinction between legitimate warfare, 'acts of belligerence', and illegitimate warfare, 'rebellion to the Italian government', expressed in the quote above. Elaborating on the operations against Ethiopia's resistance, Nasi differentiated between 'combatants', 'patriots', 'rebels', 'bandits', and 'guerrilla fighters'. Yet, he did not apply these categories following a linear temporal trajectory but according to different circumstances regardless of whether the events under question occurred before or after May 1936. In his 1950 memorial, for example, Nasi reported of an Ethiopian leader who, having deserted the Italians in 1941, was later captured and treated, the general claimed, 'as a patriot, actually a legitimate combatant'.<sup>84</sup> In an earlier essay Nasi presented to Italy's High Court in 1946, the general used the expressions 'campaign of war' and 'guerrilla warfare' interchangeably.<sup>85</sup>

To be sure, the irregular use of different categories of combatants reflected Italy's limited knowledge of Ethiopia and, as Aregawi Berhe pointed out, the (mis)appropriation of the local tradition of *shifita* erroneously and/or conveniently reduced to the practice of banditry.<sup>86</sup> But these inconsistencies also pointed to a series of uncertainties that characterized the nature of Italy's empire and its position in East Africa. When responding to the charge of

<sup>82</sup> Gen. Ottavio Zoppi, 'L'affare Nasi', *Il Nazionale*, 12 Feb. 1950.

<sup>83</sup> Guglielmo Nasi, 'Memoria. Circa i documenti, a firma generale Nasi, letti alla camera dall'On. Pajetta e pubblicati su l'Unità del 4 febbraio 1950', Rome, Feb. 1950, AUSSME, FN 4, p. 3. Similar points were made in an earlier draft. Guglielmo Nasi, 'L'azione di commando politico militare in A.O.I.', Feb. 1950, ASCCM, FB 33.

<sup>84</sup> Guglielmo Nasi, 'Memoria. Circa i documenti', Rome, Feb. 1950, AUSSME, FN 4, p. 29.

<sup>85</sup> Guglielmo Nasi to Italy's High Court (*Alta Corte di Giustizia*), Rome, 21 Jan. 1946, AUSSME, FN 5, p. 1.

<sup>86</sup> A. Berhe, 'Revisiting resistance in Italian-occupied Ethiopia: the patriots' movement (1936–1941) and the redefinition of post-war Ethiopia', in Jon Abbink, Klaas van Walraven, and Mirjam de Bruijn, eds., *Rethinking resistance: revolt and violence in African history* (Leiden, 2003).



ordering executions of Ethiopian prisoners, Nasi at first resorted to the temporal distinction between events that occurred before and after Italy's proclamation of empire and claimed he never ordered executions of prisoners before October 1936, when Italy's policies of repression became more sustained. Yet, he also felt the need to justify later atrocities and admitted having followed these dispositions even though they were 'completely opposed' to his moral principles because of the 'extreme circumstances' he had to endure. As the general specified: 'In truth, I followed these draconian regulations...only when I saw that clemency...encouraged rebels to resort to loot and violence.'<sup>87</sup>

The ways Nasi responded to different accusations of war crimes illustrates the uneasiness with which he tried to conciliate Italy's racist and imperial practices with obligations deriving from international conventions on warfare and Ethiopia's sovereign status. Ultimately, it was a generalized and stereotyped African context that defined the peculiarities of warfare, and Nasi's defence invited everyone to consider this setting before 'evaluating the unrelenting struggle (*lotta senza quartiere*) which circumstances forced upon us'.<sup>88</sup> One of the core assumptions of Nasi's memoir – and of people who came to his defence, typically former colleagues and colonial clerks, but not exclusively – was that his metropolitan audience did not know the 'African context'. Emphasizing this point was central to Nasi because it not only provided a justification for his memoir, it also invested the general with the authority of defining and qualifying the context. In illustrating features of the occupation in East Africa, the general claimed Italian campaigns could not be understood without addressing 'Africa's martial setting'. Accordingly, this was an environment 'with all its mysteries and immensities, that only the one who has been there and knows it can understand and explain it'. Although Nasi admitted martial customs might differ within the continent, he argued 'to a greatest extent these were the same for all races [in Africa] because they derived from the primitive sentiment and, above all, from contingences'. This 'primitive sentiment', Nasi explained, had three main characteristics: a tendency to indulge in 'indiscriminate fighting'; an all-absorbing passion, or 'infatuation', for warfare; and an adherence to the 'primitive law to not take prisoners' but have them killed.<sup>89</sup> This, Nasi argued, was because Africa's troops, whether regular or irregular, 'do not have that sentiment proper of civilized peoples whereby the wounded is sacred (or they apply this sentiment in a different way)'.<sup>90</sup>

That the general explicitly admitted failing the very same principle when acknowledging summary executions of Ethiopian prisoners including the wounded did not seem to diminish the basic arguments of this defence. The point was not excusing Italians for the atrocities committed but making these legitimate and in line with what ought to be considered as a plausible wartime conduct in a non-European setting.<sup>91</sup> This process of revision of

<sup>87</sup> Guglielmo Nasi, 'Memoria. Circa i documenti', Rome, Feb. 1950, AUSSME, FN 4, pp. 5–6.

<sup>88</sup> Guglielmo Nasi, 'L'azione di comando politico militare in A.O.I.', Feb. 1950, ASCCM, FB 33.

<sup>89</sup> Guglielmo Nasi, 'Memoria. Circa i documenti', Rome, Feb. 1950, AUSSME, FN 4, pp. 6–7.

<sup>90</sup> *Ibid.*, p. 18.

<sup>91</sup> As Nasi remarked: '*c'est la guerre* in Africa'. *Ibid.*

international principles of law represented a problem common to all European imperial powers:

Hence, it has happened that European leaders in Africa, whether small or big, have inevitably been forced to get accustomed [to local tradition]... We must consider that in the African context it is not possible for large army formations to live in towns, often even the water is scarce, there are no roads, houses, hospitals, transport and all the things that civilized countries can offer, communication is difficult and time-consuming, often formations in the field inevitably burnt bridges behind them, [this context] has unfortunately led to the drastic revision of some international conventions and some rules of civilization and humanitarian attitudes.<sup>92</sup>

Efforts at contextualizing violence in part echoed the perceived need to differentiate between civilized and uncivilized warfare that characterized part of the discussions on international law in the nineteenth and early twentieth centuries.<sup>93</sup> Anthony Anghie demonstrated how this 'dynamic of difference' constituted an 'endless process of creating a gap between two cultures' one 'civilized' and the other 'uncivilized'.<sup>94</sup> Once applied in African and Asian colonies, this discourse informed the belief that international law did not apply outside Europe and that 'uncivilized' societies 'lay outside the law'.<sup>95</sup> This was used to justify the reliance on exemplary force such as the use of collective punishments, on the assumption that colonial subjects were too uncivilized 'to understand notions of individual responsibility'.<sup>96</sup> Arguments made by Nasi and by people who sided with him also made similar differentiations to explain the range of violent practices that characterized the Italian occupation. Yet, as Ethiopia and Italy were meant to operate within rather than outside the law, they did not use this paradigm to deny the applicability of the law of war but to present war crimes as legitimate acts.

At the time of the invasion, Ethiopia was, like Italy, one of the long-standing members of the League of Nations.<sup>97</sup> Although portrayed as a war of colonial conquest by fascist propaganda, the Italo-Ethiopian war was, in fact, a conflict between two independent and sovereign states. International law did apply in Ethiopia and the Italians were, at least nominally, accountable for their action before the international community.<sup>98</sup> While dismissing international conventions, the Italians were aware of the fact that they needed a rationale to justify the invasion of Ethiopia. This became evident already during the war when,

<sup>92</sup> Ibid., pp. 9–10.

<sup>93</sup> D. M. Segesser, "'Unlawful warfare is uncivilised": the international debate on punishment of war crimes, 1872–1918', *European Review of History: Revue européenne d'histoire*, 14 (2007), pp. 215–34.

<sup>94</sup> Anghie, *Imperialism*, p. 4.

<sup>95</sup> Mark Mazower, *Governing the world: the history of an idea* (New York, NY, 2012), pp. 77–8.

<sup>96</sup> Huw Bennett, 'The Mau Mau Emergency as part of the British Army's post-war counter-insurgency experience', *Defence & Security Analysis*, 23 (2007), pp. 143–63, at p. 156.

<sup>97</sup> On this, see Gaetano Salvemini, *Prelude to World War II* (New York, NY, 1954), pp. 48–72, 179–90.

<sup>98</sup> On the war's diplomatic impacts, see Bruce Strang, ed., *Collision of empires: Italy's invasion of Ethiopia and its international impact* (Farnham, 2013).

following reports of Italian bombings of Red Cross camps in Ethiopia, the fascist regime felt compelled to respond to accusations of breaching international law and did so by blaming the alleged ‘uncivilized’ condition of Ethiopia for Italy’s conduct. This framework mirrored the defence of Nasi in the post-war period, which exploited the ‘extremely precarious’ international status of Ethiopia.<sup>99</sup> As Perugini and Gordon have argued, although the African kingdom was recognized as a sovereign state, it was generally considered as ‘uncivilized’ by other powers. Its sovereign status then ‘did not prevent the production of alternative forms of sovereignty that were deemed lesser from European sovereignty due to their inflection with blackness’.<sup>100</sup> It was a discourse based on race to determine how international law should be understood and what kind of violence accepted. As the pertinence of international law in Ethiopia could not be questioned, what mattered was the (re)interpretation of its principles.<sup>101</sup>

## V

The story of Nasi, his appointment as governor of Somalia in 1949, and his defence against accusations of war crimes highlights a number of continuities in a time of change. Ethiopia’s official protest to the UN pointed to the role that former agents of fascism continued to play in post-war Europe. As Nasi was nominated to manage a mandate of the UN – an organization created also in opposition to fascism – this was not a minor question. Italy’s quick dismissal of Nasi formally overturned the controversy. Yet, the matter also unleashed debates on how to frame the practices of occupation in Ethiopia against the background of the broader question of war crimes committed by the Axis Powers during the Second World War. If Italian war criminals managed to escape prosecution by military tribunals, debates that developed around Nasi offered an opportunity to conduct an alternative investigation into these issues where the collective memory of war crimes could be revised and reshaped.<sup>102</sup> Discussions certainly included a great deal of criticism directed towards Nasi and the Italian government, but considerable parts of these were eager to express support for the general and for what he had represented and still represented in post-war Italy. As a discourse based on race was used to determine what qualified as war crimes, blame and responsibility for Italian atrocities rested with their victims.

Historicizing these debates offers a more nuanced understanding of the ways Italy’s empire came to be considered after 1945. Notions of national forgetting and colonial amnesia are typically used to account for Italy’s limited engagement with its imperial past, especially in the decades that followed

<sup>99</sup> Megan Donaldson, ‘The League of Nations, Ethiopia and the making of states’, *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 11 (2020), pp. 6–31.

<sup>100</sup> Perugini and Gordon, ‘Between sovereignty’.

<sup>101</sup> Smiley, ‘Lawless’, p. 515.

<sup>102</sup> Kim Christian Priemel, ‘Consigning justice to history: transitional trials after the Second World War’, *Historical Journal*, 56 (2013), pp. 553–81, at p. 553.

the end of empire.<sup>103</sup> Until ‘the end of the 1960s’, historian Nicola Labanca argued, ‘in Italian public memory and even in historical writings, there was almost no mention of the crimes, massacres and genocides associated with the Italian colonial actions in Africa’.<sup>104</sup> This perspective has the merit of highlighting the perceived lack of critical scrutiny in post-imperial Italy, but dismisses the empire’s continuous presence after its fall.<sup>105</sup> Discussions that developed around Nasi not only suggested that atrocities committed in Ethiopia were a matter of debate at the time but that they were taken seriously. Nasi and the people who sided with him did go to some length to elaborate on the reasons why Italian atrocities committed in Ethiopia were not to be linked to post-war investigations of war crimes. Rather than being ‘unwilling to face the fact that war crimes had been committed by its nationals’ in Africa, as scholar of Ethiopia Richard Pankhurst suggested, Italians were more reluctant to see their atrocities labelled as such.<sup>106</sup> There was no silence placed upon these atrocities, but efforts to sanitize their nature and make Italy’s practices of imperial occupation legally and morally acceptable for a domestic and international audience. Crucially, both opponents and supporters of Nasi made use of the terminology associated with post-war trials, suggesting that some felt there was indeed the possibility for Italians to be prosecuted for their crimes in Ethiopia.<sup>107</sup>

Engaging with this possibility provides a deeper comprehension of how international legal thinking, race, and empire intertwined in the twentieth century. It is well established that imperial powers used race – more specially the belief that non-European people were too uncivilized to understand international warfare conventions – to deny the applicability of the law of war outside Europe and were in this way able to keep international law out of their imperial domains well after 1945. The war between Ethiopia and Italy, Italy’s occupation, and the issue of war crimes – events spanning from the 1930s to the 1950s – invites us to reconsider this temporal framework and to look more carefully for continuities, as well as ruptures, between the pre-war and post-war imperial legal order. They further point to the need to integrate these histories more fully into broader discussions about law, war crimes, and empire as they offer a way to better explore how these reflected subtle articulations of racial thought. Arguments based on race did not simply serve to exclude non-Europeans from the realm of international law, they also informed its interpretations, inherently shaping those colonial encounters occurring within rather than outside the law.

<sup>103</sup> Del Boca, *Le guerre*.

<sup>104</sup> Nicola Labanca, ‘Colonial rule, colonial repression and war crimes in the Italian colonies’, *Journal of Modern Italian Studies*, 9 (2004), pp. 300–13, at p. 301.

<sup>105</sup> Ballinger, *The world*; Gabriele Proglia, ‘The fascist empire strikes back: reconsidering the memory of colonialism after 1945’, in Paolo Bertella Farnetti and Cecilia Dau Novelli, eds., *Images of colonialism and decolonisation in the Italian media* (Cambridge, 2017).

<sup>106</sup> Pankhurst, ‘Italian fascist’, p. 137.

<sup>107</sup> For example ‘Aspro dibattito sul generale Nasi’, *L’Avvenire d’Italia*, 3 Feb. 1950.

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