

Chapter 13

The 2020 Pandemic Governance in Italy and Lombardy: Institutional Conflict in Health Emergency



Renzo Riboldazzi

Abstract This chapter looks at how the Covid-19 pandemic was dealt with and managed in Italy in 2020, with particular reference to Lombardy, the Region most affected. The measures adopted by the Italian Government led to the emergence of a number of critical issues, both in the relations between the Central Government and local authorities (especially Regions and Municipalities), and between the local authorities themselves. The lessons learned from this experience will prove useful in avoiding the recurrence of institutional deadlock in emergency situations when, instead, rapid and incisive action by the institutions in the interests of the community is needed.

Keywords Covid-19 · Italy · Lombardy · Pandemic governance · Local and urban governance

13.1 Introduction

The Covid-19 pandemic that broke out in 2020 had not only significant implications for the health and lives of citizens, but also revealed critical governance systems in Europe. These, in short, have been determined both by the need to address, in a very limited timeframe, a serious, rapidly evolving and entirely unknown situation, and by long-standing unresolved situations in the institutional architecture of individual countries and in the EU that have become more evident with the pandemic (Benotti 2020; Malvicini et al. 2020; Marini 2020; Staiano 2020; Zagrebelsky 2020).

Starting with the Italian situation—and with an in-depth study of Lombardy, which was the Region most affected in Italy in terms of infections and deaths—this chapter describes how the pandemic was managed in Italy in 2020, which institutions were involved, and which regulatory means were used. Rather than an account of the impact of the virus on the health and lives of citizens, the chapter deals with

R. Riboldazzi (✉)

Department of Architecture and Urban Studies, Politecnico di Milano, Milan, Italy

e-mail: renzo.riboldazzi@polimi.it

the measures aimed at containing its spread, emphasising—as far as possible—both the consequences on the daily lives of Italians, in terms of the restriction of personal freedom, and the tensions that have arisen among the various government bodies provided for by the Constitution.

This is a preliminary cursory reflection that has some limitations because it is conducted while what is described is still taking place. The first, and most important, is the impossibility of verifying the long-term impact and effectiveness of the measures analysed. That is, whether their effect, at whatever level one considers it, is and will be permanent or not. The second relates to the need to rely essentially on two types of sources—primary (regulatory measures) and secondary (the press)—with only partial reliance on more established thinking. The scientific literature on the subject, at the time of writing, is still limited and, in any case, more focused on epidemiological, health and social aspects, and much less on governance issues. The latter theme, however, is considered of particular interest here because, on the one hand, the management of the health crisis—that is, the way the State organisation worked as a whole—most likely had a significant impact on the effects of the pandemic in health, economic and social terms. On the other hand, because it was an exceptional situation that stressed on normal government practices and induced them to some extent to a prompt reconfiguration, which is likely to leave its mark in the future. To what extent this experience undermined normal democratic processes, and to what extent we can build on it in the normal practices of city and local government, is the fundamental question we are asking. A question that is anything but rhetorical if we consider that the impacts of climate change will increasingly require us to act in emergency situations.

13.2 The 2020 Pandemic Governance in Italy

13.2.1 *Relations Between the Central Government and the Regional Bodies*

In Italy, the relations between the State and the local authorities (Municipalities, Metropolitan Cities, Provinces and Regions) are regulated by Title V of the Constitution (Part Two. Ordinance of the Republic) reformed by Constitutional Law 3/2001 (Petroni 2012). Both the State and the Regions can legislate, but some matters fall within the exclusive remit of the State, while others are considered ‘concurrent’. This means that it is the Regions that legislate on them, while the State merely determines the fundamental principles with which they must comply. Among the matters of exclusive State jurisdiction are *public order and security* (paragraph h), while ‘concurrent’ matters include *health protection; safety at work; education*. Where the Constitution does not specify that this is a matter for the State to legislate on, it is understood that the Regions have jurisdiction. However, the Central Government may take the place of the Regions and other local authorities in the

event of ‘serious danger to public safety and security’ (art. 120). This actually happened in Italy in 2020.

13.2.2 *Tools for the Epidemic Government*

The regulatory frameworks used in Italy to govern the Covid-19 pandemic in 2020 are manifold. First and foremost, there were the Government’s measures, those of the Civil Protection (which is a Department of the Presidency of the Council of Ministers that operates primarily in emergency situations), those of the Extraordinary Commissioner for the implementation and coordination of measures to contain and tackle the Covid-19 epidemiological emergency. There were decrees and ordinances issued by the Ministries of Health, the Interior, Infrastructure and Transport, the Economy and Finance, Economic Development, and Labour and Social Policies, as well as those issued by the 20 Regions into which Italy is divided, by the Municipalities affected by the situation, and by all the bodies involved in this matter: first and foremost, the health authorities that run hospitals and other local facilities; those that manage public transport services; universities and regional and provincial education offices; and so on.

The serious nature of the pandemic situation that has affected the Italian territory with varying intensity, the need to make decisions quickly and, above all, the need to guarantee the necessary coordination of the actions of a number of public bodies and administrative structures spread throughout the territory, has led the Italian Government—acting in close cooperation with the Civil Protection and the Extraordinary Commissioner delegated to the emergency—to resort to two instruments in particular: the decree-law and the DPCM.¹

A decree-law is a ‘regulatory act of the Government equivalent to a law’ (Treccani, Encyclopaedia) that can only be used in cases of *necessity* and *urgency*. In order to maintain its effectiveness, it must be converted into law by Parliament within 60 days of its entry into force. In other words, it is an instrument that allows the Government, when necessary, to act immediately but requires Parliament, albeit at a later stage, to approve its provisions by converting it into a normal State law.

The acronym DPCM stands for *Decreto del Presidente del Consiglio dei Ministri* (Decree of the President of the Council of Ministers, or Prime Ministerial Decree—i.e. the Head of Government). This is an instrument that until the pandemic had been used rarely, and only for administrative and technical matters. ‘Never before’ it was noted ‘has it happened that [the DPCM] had such great national significance’ as it did in the Covid-19 emergency period (Policarpio 2020). Unlike a decree-law, a DPCM is issued directly by the Head of Government. The involvement of the Council of Ministers as well as other State bodies or social forces is not compulsory,

¹*Decreto del Presidente del Consiglio dei Ministri* (Decree of the President of the Council of Ministers, or Prime Ministerial Decree).

and is left to the political discretion of the Prime Minister. It is therefore an even more flexible instrument than the decree-law, which, however, since it is of an applicative nature, is only legitimate if it is part of a higher-level legislative measure. All the DPCMs were preceded by decree-laws that defined their operational limits; these, in turn—when it was decided to extend their effectiveness—were converted into law.

13.2.3 The DPCM as a Key Tool of the Pandemic Government

During 2020, the Italian Government took a number of measures to deal with the pandemic. The most important were 26 decree-laws and 23 DPCMs, as well as other measures (Italian Government... Coronavirus). The issuance of these measures has gone hand in hand with the evolution of the epidemiological situation on the national territory as well as with the impacts on the economy and society. This has led to different rules for Italian citizens in time and space. In particular, two crucial periods can be identified. What the Italian press called the ‘first wave’ spans from early 2020 to late spring 2020. And what is identified with the expression ‘second wave’, which runs from autumn to the end of the year.

DPCMs are the instruments by which the epidemic was governed with the greatest incisiveness from the health point of view because they are the ones that—by imposing significant restrictions on freedom of movement, in carrying out work or school activities—had the main effect, when in force, of reducing contagions (and, consequently, a reduction in morbidity and mortality rates as well as reduced pressure on health structures). They are therefore the ones that have had the most significant impact on the lives of Italians, including the non-infected population or those who, although infected, managed the disease without the need for hospital treatment. In the following two paragraphs we will briefly analyse their contents and try to highlight their evolution during the course of the year.

13.2.3.1 The DPCMs of the Pandemic ‘First Wave’

The first action taken by the Italian Government to contain the pandemic was a simple ‘ordinance’ of the Ministry of Health of 30th January 2020, blocking air traffic with China (Ordinance of the Ministry of Health, 30 January 2020). This measure was taken on the same day that the World Health Organization declared the coronavirus outbreak in China to be a public health emergency of international concern. The following day, 31st January, the Council of Ministers of the Italian Government declared a state of emergency due to health risks throughout the country (Resolution CoM, 31 January 2020). This measure gave the head of the Civil Protection Department special powers to deal with the epidemic. And it was here,

at the 'Protezione Civile', that the first operational meeting regarding the pandemic was held, chaired by the Head of Government, Prime Minister Giuseppe Conte. It was a sign that the normal political-administrative instruments seemed insufficient for managing the emergency. An indication of the need to keep operations and politics together. This, at a time when, in effect, the pandemic had not hit Italy yet. Indeed, at that time, there were only two cases of people infected in the country: a couple of Chinese tourists who were immediately admitted to a hospital in Rome and whose movements on national soil were traced.

In the days that followed, and in general throughout the duration of the emergency, there was a succession of initiatives by the bodies and organisations involved in the crisis, the pace of which was gradually increasing. These were mainly aimed at addressing issues within their respective spheres of authority, but overall the leadership of the Head of Government was never lacking. For example, an Operating Committee and a Technical and Scientific Committee of the Civil Defence (which would play an important role in the management of the epidemic) were set up; ministerial task forces were established, and, as the effects of the pandemic began to spread to many areas of national life, several other Ministries were quickly involved in addition to the Ministry of Health. Besides these, there were also the Regions and Municipalities, as well as the companies that administer healthcare facilities or public transport services at local level. This is how a plethora of measures rained down on Italian citizens, that would significantly affect their lives throughout 2020.

On 23rd February, the Government—as soon as the first outbreaks were recorded in the country—issued the first decree-law on the subject of the pandemic (DL 23 February 2020, No. 6). This concerned various 'urgent measures for the containment and management of the epidemiological emergency caused by COVID-19' and was the instrument that paved the way for the subsequent DPCM of the President of the Council of Ministers. The first of these, countersigned by Health Minister Roberto Speranza, was adopted on the same day (DPCM, 23 February 2020) and contained the first significant restrictions on the individual freedom of citizens who resided in, or were located, in certain Italian municipalities: ten in Lombardy (Bertonico, Casalpusterlengo, Castelgerundo, Castiglione D'Adda, Codogno, Fombio, Maleo, San Fiorano, Somaglia, Terranova dei Passerini), one in Veneto (Vo'). The mayors were essentially bypassed in some of their powers, just as the Regions were bypassed (Bardi 2011). From this time onwards, people were not permitted to enter or leave the municipalities indicated. All cultural, sporting, religious and recreational events were suspended; all schools, exhibitions and museums were closed; the activities of public offices were halted (except for essential services); all commercial businesses were closed (except for basic needs) and all manufacturing activities were suspended; public transport services for people and goods were interrupted. In addition, the DPCM introduced the possibility of applying so-called 'agile work' in all high-risk areas of the country, even in the absence of prior trade union negotiations between workers and companies. Enforcement was ensured and controlled by prefects through the police bodies. Images of checkpoints at the entrances to the municipalities affected by the measure were broadcast on Italian television, making an impression on the population, although,

more than the methods or effects of the measures, it was the spread of the virus that was of concern at the time. In the affected municipalities, life came to a standstill. And it stopped—as we said—by virtue of a measure of the Head of Government. In other words, in a democratic country such as Italy, something happened that probably had not happened since the fall of the Fascist regime: a single man in charge—albeit assisted in his decision-making by other organs of the State—imposed, by a measure for which he alone was responsible (not the Council of Ministers, not Parliament), severe restrictions on individual freedoms for the sake of a health emergency. And this was just the beginning of a complex story that is still ongoing today (December 2020).

Two days later, on 25th February, another similar measure immediately followed (DPCM, 25 February 2020) after, the previous day, the Minister for the Economy had signed a decree approving benefits for taxpayers residing in the municipalities subject to restrictions. This DPCM was also preceded by a meeting held at the Civil Protection headquarters with a number of ministers, the presidents of the Regions and experts from the Ministry of Health. The message that the Government seemed to want to give citizens was clear: there was a public health emergency; to resolve it, the Government was in dialogue with the local authorities (the Regions), involving the State's operational structures (the Civil Protection and the Ministry of Health's experts) but, solely due to time constraints and because of the dangers that the Italian people were facing, it resorted to exceptional regulatory instruments (the DPCM). The new measure expanded the restrictions that had been in place only two days earlier. For example, sports competitions were now suspended in all municipalities in the Regions of Emilia Romagna, Friuli Venezia Giulia, Lombardy, Veneto, Liguria and Piedmont; educational visits and outings were stopped throughout Italy; distance learning was introduced in universities, and students and professors were forbidden access to classrooms.

The DPCM of 1st March 2020 introduced further measures to protect public health (DPCM 1 March 2020). This reaffirmed the restrictions set out for the municipalities indicated in the previous measure of 23rd February. In addition, as the pandemic spread across the country, it imposed further measures for the Regions of Emilia Romagna, Lombardy and Veneto and for the Provinces of Pesaro and Urbino and Savona (Art. 2); others for the Provinces of Bergamo, Lodi, Piacenza and Cremona (Art. 3) and for the Province of Piacenza (Art. 4), as well as for the entire country (Art. 5). For example, the option to use 'agile working' was extended to all Italian companies, as was the availability of distance learning for schools where ordinary teaching was suspended for health reasons.

On 2nd March, a decree-law with financial support measures for families, workers and businesses affected by the pandemic was passed (DL, 2 March 2020, No. 9). Two days later, with a new DPCM, the Head of Government imposed new restrictions (DPCM, 4 March 2020). From 4th March onwards, several measures that until then had concerned limited regional areas were extended to the entire country. For example, all schools were closed, and were asked to use distance learning; relatives of the sick were restricted from entering hospitals (a necessary measure which, however, would offend the sensitivities of many citizens unable to

accompany their loved ones through illness and often death); all shows were suspended, cinemas and theatres were closed (they would not reopen for the whole year, plunging the sector into a serious crisis); sporting events were cancelled for the entire period of the emergency, and restrictions were imposed on sporting activities. Lastly, precise procedures were laid down for people infected by the virus, including a 14-day isolation period (fiduciary but compulsory) with a ban on social contact and all travel. Hygiene measures were also imposed or recommended for certain professional groups (e.g. healthcare personnel or those in direct contact with the public) and in certain places (e.g. in public offices or on means of transport). Health and hygiene measures were also adopted for the entire Italian population, who, among other things, were now being urged to wash their hands frequently or maintain social distancing. Masks, on the other hand, for the time being only needed to be used if someone was suspected of being ill. Once again, the prefect—that is, a police body under the Ministry of the Interior—was called upon to supervise all of this. This was yet another sign that the health emergency was also considered a matter of public order. This was proof of how the handling of the epidemic, in spite of the provisions of the Italian Constitution on public health, was firmly in the hands of the Prime Minister.

On the same day that a decree-law containing specific measures for the execution of judicial activities came into force, on 8th March 2020, and after a decree-law of two days earlier (6th March) of the Council of Ministers, also containing extraordinary measures to combat the pandemic, the Head of the Italian Government issued yet another Prime Ministerial decree, once again implementing the decree-law of 23rd February 2020 that had paved the way for this instrument (DPCM, 8 March 2020). The evolving epidemiological situation in Italy demanded both a redefinition of the areas subject to restrictive measures and further measures for the whole country. The territories affected by heavy restrictions increased. This time they included the entire Region of Lombardy and a number of Provinces in the Regions of Veneto (Padua, Treviso, Venice), Emilia-Romagna (Modena, Parma, Piacenza, Reggio Emilia, Rimini), Piedmont (Alessandria, Asti, Novara, Verbano-Cusio-Ossola, Vercelli) and the Marches (Pesaro and Urbino). Thus, from 8th March, not only was it no longer possible to enter or leave the municipalities included in these areas, and it was also forbidden to travel within the same municipality (unless justified by special needs) and, in addition to the limitations of the previous decree, many others were added. Some of them concerned leisure time (cultural centres, social centres, recreational centres, pubs, dance schools, amusement arcades, betting and bingo halls, discotheques were closed); others related to sports and body care activities (gyms, sports centres, swimming pools, ski resorts, wellness centres and spas were all closed). Yet others concerned commercial and production activities (trade fairs were suspended, markets were partially closed and even large shopping centres were closed on public holidays and days before public holidays); and finally, freedom of worship. The opening of places used for religious practices was conditional on measures to ensure social distancing and, in any case, all ceremonies, including funerals, were suspended. This last measure was particularly difficult to accept because it encroached on personal feelings and social customs.

However, this was still not enough. The advancing epidemiological situation called for even more drastic action. The following day, 9th March, a decree-law introduced measures to boost public health (DL, 9 March 2020, No. 14) – an area that after years of cuts in public spending was particularly fragile and incapable of dealing with an emergency of such magnitude. On the same day, the President of the Council of Ministers issued – once again in implementation of the decree-law of 23rd February – a new Prime Ministerial decree extending to the entire country the measures that until the day before had only been prescribed for certain municipalities and provinces, also prohibiting ‘any form of gathering of people in public places or places open to the public’ (DPCM, 9 March 2020, Art. 1, paragraph 2). In short, the lives of Italians were completely turned upside down. The word ‘lockdown’, which many had never heard of before, entered definitively into their vocabulary and daily lives (some preferred to use the expression ‘clausura’, meaning ‘seclusion’, but the essence remained the same) (Sgroi 2020).

Since then, a large proportion of the population of all age groups stayed at home where, if they could, they tried to work; they tried to complete their lessons; they tried to do some exercise following instructions dictated by a computer screen. The social impact was enormous. As was the financial impact. The cultural and financial disparities that affected access to new technologies became apparent (De Blasio 2020). Individuals and families with more resources who could equip themselves with the appropriate tools were clearly at a greater advantage, as were those who lived in cities and areas where the Internet had a more advanced infrastructure. Less true, however, was the fact that the areas in which the public health system was known to work better were better off: Lombardy was the most striking example of this.

And this was not the end of it. With a new Prime Ministerial decree issued only two days later, on 11th March, many retail businesses, those linked to catering (bars, restaurants, ice cream parlours, pastry shops) and personal services (hairdressers, barbers, beauticians) had to close. The public administration further extended remote working and this was advocated for private professional and production businesses (DPCM, 11 March 2020). Another measure, again a Prime Ministerial decree, came about ten days later, on 22nd March, which suspended other production and commercial activities considered to be non-essential (DPCM, 22 March 2020). This followed two orders from the Ministry of Health: the first, on 20th March, prohibiting access to parks and gardens, and the second on 22nd March, prohibiting travel from one municipality to another. Yet another DPCM was issued a few days after the previous one, on 1st April: it was essentially an extension of the previous measures (DPCM, 1 April 2020). This time, however, it was in implementation of a decree-law issued in the meantime, on 25th March, which reallocated to the Head of Government the possibility of adopting measures to combat the epidemic ‘for predetermined periods, each lasting no more than 30 days, which could be repeated and amended several times up to 31st July 2020’ (DL, 25 March 2020, No. 19). Then another one came along, on 10th April (DPCM, 10 April 2020). And another one on 26th April (DPCM, 26 April 2020). And yet another, on 17th May (DPCM, 17 May 2020), the latter also implementing a decree-law of the previous day that partly

renewed and partly redefined previous measures (DL, 16 May 2020, No. 33) somewhat easing the stranglehold of the Italians.

As the days and weeks passed, the effects of the measures adopted by the Italian Government to contain the pandemic seemed to be yielding results. The number of people infected was falling, and there was a reduction in hospital admissions, and fewer deaths. Thus, new DPCMs progressively removed many of the restrictions imposed over the previous weeks. As of 17th May, for example, restrictions on moving around within the region ceased, and certain commercial, manufacturing and social activities and religious functions resumed, albeit subject to specific protocols. On 11th June, a Prime Ministerial decree confirmed that other restrictions had been lifted, such as the ban on visiting public parks and gardens and, for children and young people, places for recreational activities, as well as the restriction on practicing sports outdoors or inside sports facilities. Cinemas and theatres, museums and exhibitions all reopened, albeit with various precautions in place; retail shops also reopened, although only one person at a time was allowed to enter. Bars, restaurants, ice-cream parlours and many other commercial, manufacturing and hospitality activities also reopened (DPCM, 11 June 2020). All these measures were extended until the end of July with a DPCM of the 14th of the same month (DPCM, 14 July 2020). So, after Italian citizens and those who were on Italian soil had spent a spring with restrictions of all kinds, with the arrival of summer this whole unpleasant affair seemed to be a thing of the past. Unfortunately, however, this was not the case.

13.2.3.2 The DPCMs of the Pandemic ‘Second Wave’

The fact that the devastating effects of the pandemic had not been completely eradicated, and that a ‘second wave’ was in some way expected, was already clear at the end of July when the Council of Ministers decided to extend the state of emergency (Resolution by the Council of Ministers of 29 July 2020) and when a new decree-law extended until the end of the year the effectiveness of some of the measures taken in the previous months, and also created the conditions for further DPCMs (DL, 30 July 2020, No. 83). The epidemiological situation was still considered an emergency and the measures to govern it needed to be emergency measures—that is, outside the scope of a normal legislative process. This is the *rationale* that continued to guide the Italian Government’s action. But because this happened while a return to normality was still in the pipeline, there was widespread criticism in the national press and from opposition political parties. In reality, apart from this, the steps taken by the Government would continue for some time to head in the direction of removing the restrictions imposed in previous months. On 7th August, a new DPCM was adopted which, albeit with various precautions, once again made it possible to participate in some sporting events or public demonstrations (DPCM, 7 August 2020). Another one, adopted just one month later, on 7th September, among other things, signalled the reopening of university classrooms (DPCM, 7 September 2020). And the DPCM of 13th October—apart from establishing the obligation to wear a face mask continuously, not only in indoor

public places but also outdoors—substantially confirmed the choices of the two previous measures (DPCM, 13 October 2020). And, if we exclude a whole series of adjustments to provisions in force relating mainly to teaching activities, the same could be said of the DPCM of a few days later, that of 18th October (DPCM, 18 October 2020).

However, the situation dramatically changed again at the end of the month. Indeed, the Prime Ministerial decree of 24th October 2020 once again imposed numerous and significant restrictions on individual freedoms, and the public and private lives of Italians were once again subject to strict limitations (DPCM, 24 October 2020). For example, Municipalities were authorised to close streets and squares where gatherings could occur. Not only were sporting events and competitions again prohibited, but also the operation of gyms, swimming pools, ski resorts, contact sports and amateur sports, while open-air motoring activities were allowed, with appropriate distancing. Games rooms and betting shops had to close. Theatre performances and concerts were again suspended, and cinemas also had to close. In-person conferences and congresses were cancelled. Bars, restaurants, ice-cream parlours and pastry shops all had to close at 6:00 p.m., while hotels remained open. Distance learning was back in schools, except for younger children. For the time being, albeit on the basis of protocols agreed with the trade unions, manufacturing and commercial activities continued to operate, but it was ‘strongly recommended that all individuals do not travel by public or private transport’ except for justified and serious needs. Travel to and from certain States was completely prohibited.

Despite all of this, the epidemiological situation was worsening. Thus, the DPCM of 3rd November confirmed many of the previous restrictive measures and added several others (DPCM, 3 November 2020). For example, as during wartime, a curfew was introduced: from 10:00 p.m. to 5:00 a.m. the following morning, no travel was allowed except for special reasons; exhibitions and museums closed again; on public transport, ‘an occupancy coefficient of no more than 50%’ was introduced (Art. 1) which was very difficult to implement and placed a strain on the budgets of transport companies. In addition to those established for the entire national territory, this measure introduced differentiated measures in Regions where there was a ‘highly serious scenario’ (Art. 2) or ‘a scenario of utmost gravity’ (Art. 3). In the first case, as in the ‘first wave’ of the pandemic, all movement in and out of certain areas was again prohibited. In the latter case, it was even forbidden to travel within the same territories; all commercial businesses (except those dealing with foodstuffs and basic needs) were closed again; motor activity could only be carried out in the vicinity of one’s own home and a mask must be worn; apart from nursery and primary schools, all schoolwork, including university courses, took place exclusively remotely.

Regions placed in the so-called ‘red band’ (situation of maximum seriousness and therefore subject to more restrictive measures), ‘orange’ (intermediate level) or ‘yellow’ (low level) were not indicated by the DPCM. This, indeed, simply established that—on the basis of certain parameters previously established and shared with the Ministries the Regions and other State bodies involved in the

operational management of the epidemic—the Minister of Health would issue a special order to identify them. This decision was no doubt based on operational reasons but, at the same time, it seemed to underline the fact that the choice to impose restrictions on individual and social freedoms was not political, but technical. And, at the same time, that it was not only the President of the Council of Ministers who made the decision, but the Government as a whole, or at least the relevant ministers. So, the following day, 4th November, Minister Roberto Speranza signed an order dividing Italy into three parts, classifying some Regions and Autonomous Provinces as ‘yellow’ (Abruzzo, Basilicata, Campania, Emilia Romagna, Friuli Venezia Giulia, Lazio, Liguria, Marche, Molise, the Provinces of Trento and Bolzano, Sardinia, Tuscany, Umbria and Veneto), others as ‘orange’ (Puglia and Sicily) and still others as ‘red’ (Calabria, Lombardy, Piedmont and Valle d’Aosta). This classification would change continuously from then on with subsequent ordinances that would essentially only reflect the progress of the spread of the virus on the territory, and its impact on healthcare facilities but, at the same time, generate a certain confusion in the population due to the need to adapt to constantly changing rules.

Despite a few positive signs, the situation remained critical. What was most frightening was the approach of the Christmas and New Year celebrations which, given the multiplication of social occasions, could plunge the country back into a very serious situation. Therefore, on 2nd December, a decree-law was approved as a precautionary measure, extending the validity of the DPCM from 30 to 50 days (DL, 2 December 2020, No. 158). But, above all, together with the Prime Ministerial decree of the following day (DPCM, 3 December 2020), it imposed particularly severe measures on Italians for the Christmas period which, once again, although for very valid reasons, weighed heavily on social life and emotional, love, friendship and family relationships. For example, from 21st December 2020 to 6th January 2021—that is, just when Italians usually return to their homelands from the places to which they have usually moved for work or study reasons—they could not travel from one Region to another. On 25th and 26th December and 1st January—that is, just when the majority of Italian families get together to celebrate Christmas or the New Year—even travelling between municipalities was prohibited. It was therefore impossible to visit relatives, friends or second homes. Christmas and New Year’s Eve for Italians were spent at home, and without guests. Guests were not formally forbidden, but essentially it was impossible to accommodate them. A curfew, that is, a ban on movement from 10:00 p.m. to 5:00 a.m., remained in force throughout the country. Ski resorts remained closed (throwing the Alpine winter tourism sector into a crisis situation that provoked many protests). Cruises were suspended. From 7th January, however, the return to face-to-face teaching was allowed for secondary schools, albeit with a limited number of students. Other limitations were laid down, in differentiated forms (according to the category in which the Regions were classified), for commercial businesses, restaurants and hotels.

13.2.4 Government/Lombardy Region: An Endless Fight

In Italy, the management of the pandemic caused ongoing conflict between the Regions and the Central Government. Here below we will briefly describe the situation in the Lombardy Region, because it was the one most affected by the Covid-19 virus (and consequently the one most affected by the measures to contain its spread) and one of those in which the confrontation/clash between the State and the Regions was most heated. Before delving into the details, it must be said that the political parties supporting the Regional Government were the same as those in opposition at national level. On the one hand, therefore, it is necessary to take into account the fact that some of the reasons for the disagreement were of a political nature that went beyond the content of the Government measures. On the other hand, it is possible to identify elements of friction that were structural in nature, that is, they appeared to be caused by real problems in the political-administrative system. These concern the constitutional framework or long-term political-administrative choices—for example, regarding the organisation of public health—rather than the political positions of the actors involved in this confrontation.

So let's take a step back to the beginning of the pandemic. On 20th February 2020, the *Corriere della Sera*—the most influential Italian newspaper in terms of circulation, which we will use as the main source to outline the details of this matter—reported a clash between the President of the Council of Ministers Giuseppe Conte and the President of the Lombardy Region Attilio Fontana (Piccolillo 2020a). The reason for this was the management of a hospital in Lombardy which, according to the Government, did not comply with protocols and therefore became a hotbed for the spread of the virus. What was at stake, in reality, was the management of Lombardy's public health service in the pandemic period that was emerging in Italy. The publication of the decree-law of 23rd February, which would pave the way for the subsequent Prime Ministerial decrees, and the hypothesis aired by the Prime Minister of using this instrument to handle the emergency situation (effectively removing the Regions' powers in the field of public health) was not well received.

At a political and institutional level, there was more than one call for the tone of the confrontation to be brought down, for the tension to be defused and for a responsible approach to be taken to cooperation (Sarzanini 2020a; Trocino 2020). The danger was that, along with the pandemic, confusion and alarmism would spread among the population. However, the tension did not abate for several months (Piccolillo 2020b). Despite statements to the contrary, the idea of a central 'control room' led directly by the Government to manage the epidemic on the national territory raised many doubts, as it considerably reduced the decision-making autonomy of the Regions guaranteed by the Constitution (Rossi 2020a). There was no shortage of requests to leave it up to Lombardy to take appropriate measures for its own territory because, as Fontana said, 'the feeling is that in Rome there is no real perception of what we are experiencing' (Rossi 2020c; Giannattasio and Senesi 2020; Guerzoni and Sarzanini 2020). This was the case even if Lombardy was

accused of being the Region that least made use of its autonomy to manage the emergency in practice (Gabanelli and Ravizza 2020). This inertia even had legal implications, to the extent that the Bergamo Public Prosecutor's Office opened special investigation files (Di Landro 2020; Di Landro and Sarzanini 2020) and aggravated the clash between the Region and the Government (Guerzoni 2020c; Sarzanini 2020b).

Throughout the 2020, mutual accusations were rife. The Lombardy Region criticised the Government's measures (Giannattasio 2020a, 2020b; Rossi 2020d; Guerzoni 2020d); complained to the Government that it was moving forward without taking into account the views of the Regions (Guerzoni 2020b); and, to give another example, accused the Government of being slow to act. According to its governor, if certain measures had been adopted in good time, the spread of the virus would have been more restrained. Above all, however, it emphasised—in order to highlight the weaknesses of centralised management of the epidemic—the importance of local operations in terms of health organisation (Rossi 2020b). At the beginning of April, however, Mr Fontana again opened up a new issue concerning funding: in his view, the Lombardy Region had received 'only scraps' from the Government to deal with the health emergency (Meli 2020). In May, the clash was over how the recovery should take place, also in relation to other Italian Regions (Trocino 2020; Giannattasio et al. 2020). This was followed by a barrage of criticism of Government measures that continued throughout the year and into the Christmas period (Landi 2020b).

But it didn't end there. In an attempt to reaffirm its independence, the Lombardy Region also resorted to a series of measures that pre-empted, overlapped with or deviated from the choices of the Central Government (Ravizza 2020). The most striking of these was probably the appointment of an extraordinary regional emergency commissioner in opposition to the national one. This was Guido Bertolaso—who had led the Civil Protection Department during the Berlusconi Government—and who was given the task of building a new intensive care unit in record time in the halls of the Milan Trade Fair (Landi 2020a). It was a major organisational and economic effort, but one that the Government probably did not appreciate, so much so that when the Minister for Regional Affairs, Francesco Boccia, visited Milan with the head of the Civil Protection Department, Angelo Borrelli, he didn't even deign to visit (Lio 2020a). Alongside this were also the ideas:

- to set up a regional 'steering committee' to manage the pandemic, similar to and running in parallel with that of the Government (Chiale 2020a);
- to pre-empt the resumption of certain activities before this was decided at central level (Guerzoni 2020a; Giannattasio and Rossi 2020a);
- to envisage, in spring 2020, *ad hoc* rules and measures for the Lombardy Region based on the so-called 'four D': distancing, devices, digitalisation, diagnosis (Seminati 2020);
- to abolish, by means of a regional ordinance, the nationally prescribed public transport distancing (Chiale 2020b; Chiale 2020c);

- to try to bring forward the reopening of sporting events to the public (Guglielmini 2020);
- to suspend, once again, in the autumn—before a governmental and ministerial decision and even in disagreement with the mayors of Lombardy cities—all face-to-face high school classes (Lio 2020b; Giannattasio 2020c);
- to impose, again in the autumn, more stringent rules than those envisaged by the Government (Giannattasio 2020d).

In other words, it seems clear that Lombardy was using all the margins of freedom at its disposal, not only or not so much to support the Government's action, but rather to differentiate itself from it.

This was also happening in other Regions (especially in those governed by parties in opposition at national level) and especially at other levels of public administration. In Lombardy, for example, there was no shortage of conflict between the mayors of Milan, Bergamo, Brescia, Cremona, Lecco, Mantua and Varese and the Regional Government (FP 2020; ss 2020; Giannattasio 2020b). Or even between the city of Milan and the Central Government: For example, on the distribution of funds to support local businesses (Senesi 2020) or on the contents of Government measures to be put in place for Christmas (Giannattasio and Rossi 2020b; Orlando 2020).

13.3 Elements for a Debate

By briefly analysing the measures that had the greatest impact on Italian society from the perspective of the spread of the virus and at the same time the limitation of personal freedom, in the previous paragraphs we highlighted a number of critical issues in the governance of the pandemic and, more generally, in the Italian institutional framework. A similar analysis with predictably identical results could have been carried out on the measures taken regarding the handling of public health, manufacturing or commercial apparatus, or education during the emergency period.

The situation we have briefly described has not yet been resolved, and any findings on the governance of the pandemic in Italy in 2020 will certainly need to be verified in the future with further research. However, it is possible to say that if the relationships between the different political-administrative levels of the State and the bodies involved in this scenario (in particular, public health) had worked more effectively, the pandemic would probably have had a more limited impact, both in health terms and in economic and social terms. A reconstruction of the facts will therefore be necessary to establish what worked well, what worked only partially, and what did not work at all in the management of the emergency. Consequently, it is recommended that corrective measures be introduced into the Italian institutional structure—particularly in the relations between the State, the Regions and the Municipalities—to improve relations between the various government bodies by clearly defining their tasks and degrees of freedom. This is out of respect for the many victims of the pandemic, and also to protect Italian citizens from similar

situations in the future. It is highly likely that climate change will require our society to act in emergency conditions more and more often, and it is therefore important to develop a theoretical reflection that—also on the governance front—goes in the direction of identifying suitable solutions to deal with unforeseen and complex situations.

What we can do now—considering that the matter we are reflecting on is still ongoing and it is not possible to draw firm conclusions—is to ask ourselves questions, make observations and think about what lessons can be drawn from the Italian case.

The initial general observation we can make is that democracy cannot always be reconciled with emergency. The choices made by the Italian Government probably bypassed normal decision-making processes in the name of the emergency (to some extent overriding Parliament, Regions and Municipalities) and have been criticised precisely for this reason (Giannini 2020a, b). However, it is quite clear that, given the nature of the pandemic and considering that the Italian institutional system is not always very clear in its distinction of tasks and responsibilities, things would have been even worse if the Government had not made the decisions it did at the time it did. We should ask ourselves more than one question. Is it possible to imagine ways of making decisions in emergency situations that are both timely and democratic? Is it feasible to make decisions on certain issues or contingent matters that, at least in emergency situations, bypass normal decision-making processes without undermining the democratic accountability of institutions and the rights of citizens? Who ensures that such decisions—especially those restricting personal freedom—are made out of genuine necessity, and that their effects are limited in time? In other words, if the pandemic becomes endemic or lasts for an indefinite period of time, can we accept that this approach should continue as it has done to date, without posing other equally serious risks? (Colonna 2020; Dolso et al. 2020; Giannini 2020a, b; Gratteri and Nicaso 2020; Malvicini et al. 2020; Marini 2020; Pizzul 2020; Staiano 2020; Zagrebelsky 2020).

The second observation is regarding the distinction between technical choice and political choice when it comes to decisions affecting people's health and lives. The Italian example shows that various Government measures that were objectively useful in controlling the spread of the virus—and therefore, in principle, both desirable and correct because they were aimed at people's well-being—ran aground or were hindered in their application by a form of political ostracism between the various institutional levels that had nothing to do with their objectives. For example, the measures taken by the Lombardy Region to reassert its autonomy in the management of public health and the pandemic were certainly legitimate and, in principle, correct, because they were aimed at restoring its constitutional rights. However, the extent to which, in this particular situation, they ended up hindering or at least delaying action against the spread of the virus must be seriously examined. It therefore seems appropriate to ask to what extent it is advisable for certain decisions, for example those concerning public health, to be left in the exclusive hands of a fragmented and often poorly coordinated political-administrative power, at least in emergency situations (Mensurati and Tonacci 2020). What role does scientific

culture and, more generally, the social fabric play in guiding political and administrative decisions? At the same time, it is necessary to ask ourselves—also by analysing the situation in other countries and what history teaches in similar situations—what risks would be run if these decisions were entrusted to expert bodies that are normally operational or set up specifically to cope with contingent situations, even though they are in the framework of a specific regulation (Amendola 2020; Giannattasio 2020e; Honigsbaum 2020; Malvaldi and Vacca 2020; Muci 2020; Zhang 2020).

The third observation concerns the governance and planning of cities and regions. This is because, on the one hand, the pandemic contributed to the spread of new ways of living and, above all, of working, that will undoubtedly leave their mark in years to come. In particular, the spread of remote working, to which workers and businesses have rapidly adapted, of distance learning (especially at universities) and of online trade will certainly have a major impact on cities, regions and, above all, on society, raising issues of considerable importance (Alessandria 2020; Balducci 2020; Benanti 2020; Cannata 2020; Consonni 2020; Kostner 2020; Lombardo and Mauceri 2020; Nobile and Sutura 2012; Nuvolati and Spanu 2020; Silva 2020). For example, there is the issue of whether we will only live in cities or if—as some predict—the population will be sprawled throughout the country, and the small villages, which Italy has in abundance, will be repopulated. The question arises as to the future of the huge tertiary real estate assets that characterise entire urban sectors of Italy's main cities, and the infrastructures that enable them to be accessed. Yet another question arises—that of what form and future public spaces in cities will have if the need for social distancing remains. Above all, to return to the issue of governance, it seems useful to consider whether the government and planning of the city and the territory should in some way be reassessed in the light of the pandemic, and how the institutions to which the government and planning of the city and the territory are entrusted will be able to respond in the future to demands of this nature. Beyond the extensive literature on the resilience of urban and regional settings, is it actually possible to think of urban planning (its contents, tools and procedures) as capable of adapting quickly to respond to unforeseen phenomena such as the pandemic? And, from an institutional standpoint, how can we avoid overlapping and interference between the different State bodies in managing cities and the territory?

13.4 Conclusion

As in the rest of Europe and the world, the Covid-19 pandemic that broke out in 2020 unearthed significant governance issues in Italy. This was due both to the unprecedented nature of the situation and to previous weaknesses in the institutional set-up, which were compounded by political divisions between different levels of government. Analysing, tackling and resolving these critical issues will be one of the tasks to which the Italian leadership will be called when the emergency phase is over. This

is a complex undertaking that will require both a contribution from scientific studies that can clearly identify the most critical aspects of governance and indicate the most reliable solutions, and the political will to learn the lessons that have emerged from this experience in order to avoid a repetition of the impasse situations that probably did not help in combating the spread of the virus. This is not a choice but—given the number of victims the pandemic has caused and, more generally, given the economic and social effects it has had—an inescapable ethical imperative.

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- DPCM 17 May 2020: Disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19. (GU Serie Generale n.126 del 17-05-2020)
- DPCM 11 June 2020: Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19. (GU Serie Generale n.147 del 11-06-2020)
- DPCM 14 July 2020: Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19. (GU Serie Generale n.176 del 14-07-2020)
- DPCM 7 August 2020. Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19. (GU Serie Generale n.198 del 08-08-2020)
- DPCM 7 September 2020: Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, recante misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19, e del decreto-legge 16 maggio 2020, n. 33, recante ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19. (GU Serie Generale n. 222 del 07-09-2020)
- DPCM 13 October 2020: Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19». (GU Serie Generale n.253 del 13-10-2020)
- DPCM 18 October 2020: Ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19, convertito, con modificazioni, dalla legge 25 maggio 2020, n. 35, recante «Misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19», e del decreto-legge 16 maggio 2020, n. 33, convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74, recante «Ulteriori misure urgenti per fronteggiare l'emergenza epidemiologica da COVID-19». (GU Serie Generale n.258 del 18-10-2020)
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- Ordinance of the Ministry of Health 30 January 2020: Misure profilattiche contro il nuovo Coronavirus (2019 - nCoV). (GU Serie Generale n.26 del 01-02-2020)

Webgraphy

Fondazione Gimbe: www.gimbe.org (November-December 2020)

Governo Italiano. Presidenza del Consiglio dei ministri: www.governo.it. In particular:

- *Costituzione italiana. Titolo V* (November 2020);
- *Coronavirus, la normativa vigente* (November 2020).
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Renzo Riboldazzi is Associate Professor of Urban Design and Landscape at the Department of Architecture and Urban Studies of Politecnico di Milano.

His scientific activity aims to critically interpret, even from a historical viewpoint, theories and principles underlying the town planning analysis and design at different scales of representation; programming, planning and control tools related to the physical environment transformation; their outcomes above all from the viewpoint of environmental, social and economic sustainability and of the enhancement of the place and landscape characters.

Results of Riboldazzi's research activity can be found in this selection of publications: *Una città policentrica* (2008); *Un'altra modernità* (2009); *Modern Urban Open Spaces and Contemporary Regeneration* (2012); *Historical Heritage, Landscape and Modernity* (2013); *The IFHTP Discourse on Urbanism in Colonial Africa between the Wars* (2015); *Le matrici progettuali del piano regolatore di Milano del dopoguerra* (2016); *Local Government Innovation in Italy and Its Impact on Urban and Regional Planning with a Focus on the Milanese Context* (2017); *Piero Bottoni a San Gimignano* (2019); *The 2016–2018 Milan Metropolitan Strategic Plan* (2020).

Since 2013 he has curated 'Città Bene Comune' – a place for debates on the city, the region, the landscape, the environment and the related design culture – produced by the Casa della Cultura of Milan along with the Department of Architecture and Urban Studies of Politecnico di Milano. Since 2014 he has been a member of the Cultural Board of the Casa della Cultura of Milan; and since 2019 a member of the Scientific Board of Archivio Piero Bottoni.