The institutionalisation of the referendum in the Italian political system: from the national to regional and local levels

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To the memory of Renzo Rastrelli*

„The referendum in itself has powerful edifying force on public life, since it accustoms citizens to concern themselves with things rather than people“ (Giovanni Giolitti)**

Introduction***

The first modern examples of the referendum phenomenon in Italian political history date back to the end of the 18th century. The constitutions of the Cispadane and Ligurian republics were put to a popular „vote“ in so-called „comizi primari“, or town meetings (literally: „primary meetings“). Just as with similar experiences in the Batavian Republic in the Netherlands and the Swiss Confederation, the first Italian experiences (1797-1805) were the fruit of both the influential political ideas of the French revolution and the power of the Napoleonic troops which were to occupy part of the Italian peninsula for a number of years (Uleri 2003: 115-122). These consultations were set up as votes to ratify constitutions. The first such experiences had been those in Massachusetts and New Hampshire (1778-1781), and for this reason referendums of constitutional ratification have been considered a „pure product of the American constitutionalist movement of the revolutionary period“ (Auer 1989: 8). Nevertheless, such votes, in France and in other countries occupied by French troops, were rapidly transformed into Bonapartist plebiscites.

In March of 1797, the Constitution of the Cispadane Republic – after certain corrections made by Napoleon himself and his subsequent tacit approval of the text worked out by the Constituent Congress – was approved with 76,382 votes in its favour (Candeloro 1978, vol. I, 227-229). Notwithstanding pressure from the occupying French military presence, the outbreak of violent clashes and accusations of electoral fraud, 14,259 votes were cast against the Constitution (ibidem). The vote was neither free, nor secret, and was carried out „in the shadow of intolerance, fear, and intimidation“ (Zaghi 1986: 115). In December of the same year, the Constitution of the Ligurian Republic was ratified by the comizi primari, with approximately 100,000 votes in favour and 17,000 against (Candeloro 1978, vol. I, 245).

* This chapter is dedicated to the memory of Renzo Rastrelli, our kind and smiling colleague for many and many years at the „Cesare Alfieri“ in Florence, who left us in summer of 2008.

** This statement was attributed to Minister of the Interior Giolitti during the Congress of the National Association of Italian Municipalities, held at Messina between the 9th and 11th November 1902. On that occasion the representatives of the municipalities which were members of the ANCI discussed which types of referendum it was desirable to adopt at the municipal level (Gaspari 1998: 108). Giolitti is reported to have made the statement during discussion of the proposed law on municipalisation approved in March 1903; see the discussion below.

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Other referendum consultations, held at both „regional“ and local levels, and more or less plebiscitary in nature, would play a role in the political events surrounding the construction of the Italian nation state in the middle of the 19th century. In the course of roughly twenty years (1848-1870), ten „plebisciti“ were held on four separate occasions to ratify the accession of parts of the Italian territory to, first, the Kingdom of Sardinia (1848) and, subsequently, to the Kingdom of Italy (1860, 1866, 1870) (Basile 1992; Mongiano 2003). The French policy, led by the actions of Napoleon III, also influenced some of these consultations, such as, for example, the referendum held in Tuscany in 1860 (Danelon Vasoli 1968).

During the first two decades of the twentieth century, local referendums became relatively significant: in fact the Giolitti law on municipalisation (law no. 103 of 1903, article 13) instituted the first kind of referendum hitherto established in Italian law: the compulsory referendum in order to ratify the decisions of municipal councils to set up public service corporations (Basile 1994; Gaspari 1998: 83-118). The law required decisions of municipal councils to establish public sector corporations to be put to a ratification vote by the electors of the relevant municipality. Between 1904 and 1914, dozens of compulsory municipal referendums were held throughout all of Italy, but especially in the North and Centre.¹ The municipalities in which such referendums were held included not just small, but also medium-sized and even large towns, such as Milan, Rome, Palermo, Turin, Genova, Pavia, Padova, Verona, Udine, Venice, Parma, and Reggio Emilia. These votes concerned decisions such as: the construction of electric tramways, thermo-electric, hydro-electric and sanitary plants, electric or gas street lighting, council housing, and pharmacies. This experience was certainly influenced by the attention paid by Italian politicians and scholars to the Swiss referendum experience during the preceding decades. How and why this experience should have fallen by the way-side in the democratic period, and should indeed fail even to leave a trace in public consciousness, is a fact which merits some reflection and explanation.

The authoritarian Fascist regime obtained the consent of the Italian people by recourse to two „electoral plebiscites“, in 1929 and 1934: these votes were neither free nor competitive, and the single list of candidates of the Partito Nazionale Fascista (National Fascist Party) won 98.4 and 99.9 per cent of the vote. After the fall of the fascist regime and the end of the Second World War, a referendum vote of the 2nd June 1946 put an end to the monarchy, and instituted a Republic. The republican and liberal-democratic Constitution which entered into force on the 1st January 1948 permitted various types of referendum. Compared with the experience of other countries, the Italian referendum experience – at national level – should be considered as one of the most significant, both for the presence of referendums which can be called by a popular request signed by citizens, and also in terms of the numbers of questions put to referendum.

Beginning in the late seventies and continuing until the first decade of the 21st century, the referendum phenomenon has undoubtedly been an important part of Italian national political life. The process of institutionalization of the referendum phenomenon at the regional and local level has been slower, more difficult and somewhat weaker, at least until the present day. This has been so in virtue of the institutions’ and parties’ greater ability to control the process of institutionalisation. The comparison between the national, and re-

¹ A full list of obligatory referendums on municipal corporations is found in the Appendix to Basile [1994: 308-313].