

A Companion to Italian Constitutional History (1804–1938)

*The House of Savoy and the Making of
the Nation-State*

Edited by

Carolina Armenteros and Andrea Ungari



BRILL

LEIDEN | BOSTON

Contents

Notes on Contributors VII

List of Figures x

Introduction 1

Carolina Armenteros and Andrea Ungari

- 1 The Savoy Monarchy and the Parliamentary System: From the Kingdom of Sardinia to the Kingdom of Italy 27

Andrea Ungari

- 2 “Changes Appropriate to the Times, and Circumstances”: The Crown and the Modernization of the State in the Kingdom of Sardinia (1814–53) 48

Giulio Stolfi

- 3 The Pact and Its Overseer: Crown and Modern Constitutionalism in the Kingdom of Sardinia (1844–52) 76

Romano Ferrari Zumbini

- 4 Constitutionalism or “Neoabsolutism”? Monarchies in Italy, 1848–1859/1866 98

Frans Willem Lantink

- 5 The Making of Italy (through the Ephemeral): The First Italian Parliament between State-Building, “Risorgimental Neo-Medievalism,” and Glorification of the House of Savoy 120

Tommaso Zerbi

- 6 More than Kings: The Role of the Italian Monarchs in the State-Building Process and Foreign Affairs 153

Valentina Villa

- 7 The Role of the Crown in the Building of an Italian Identity (1878–1922) 175

Paolo Colombo

8	1925: The Jubilee of King Victor Emmanuel III <i>Monarchy and Fascism in a Year of Transition and Afterward</i> <i>Christian Satto</i>	196
	Conclusions <i>Francesco Bonini</i>	219
	Bibliography	237
	Index	251

The Pact and Its Overseer: Crown and Modern Constitutionalism in the Kingdom of Sardinia (1844–52)

Romano Ferrari Zumbini

1 Four Traps for the Constitutional Historian: A Preliminary Remark

Depicting the role of the Crown in a process of constitutionalization (in *any* process of constitutionalization) is a risky business for historians, especially legal historians confronted with public law. There are four “traps,” in particular, into which I think it is easy to fall.

1. The first is *the failure to contextualize*. That is to say, trying to limit the study to the depiction of a purportedly “pure” legal fact, albeit confined to the past. This inevitably leads to the adoption of a normativist approach which treats the Crown as a mere juridical device, describing its powers, competences, rights, privileges, in a word its *prerogative*, from the viewpoint of pure constitutional abstraction. It is an approach that, probably, would not seem completely out of place in a handbook of public law, were the author has to limit him/herself to an analysis of *the letter of the law currently in force*. In an historical work, it is completely useless, obliterating the wide gulf that runs between “law in the books” and “law in action” and, above all, forgetting that the business of the legal historian is to concern him/herself with the latter, not the former.

2. The other trap is *mocking political history* or, more accurately, *mocking prosopography*. At the opposite end of the spectrum, this threat comes from the (*per se*, even just) wish of the legal historian to capture the vividness of real life, of real events beyond the letter of the law. But it is easy to forget that the institutional dimension has its own perspectives, its own methodologies, its own focus. “The role of the Crown,” if we try and immerse ourselves in this institutional dimension, does not coincide with “the role that this or that king played.” In some cases, the two spheres are really difficult to separate. Just to exemplify, the trajectory of constitutionalism (or, rather, its doomed fate) in mid-nineteenth century Naples is inextricably linked to the personality, choices, fears, beliefs, etc. of Ferdinand II. But, nevertheless, even the most lumbering political personality may be – and should be – placed in an

institutional context. And in this context may develop a credible attempt at explaining some deep, vast, underlying patterns of legal history and, specifically, constitutional history.

3. Fixing the exact coordinates of the role of monarchy as a constitutional player is an even more difficult task in those cases where at the “beginning” (or, rather, at the perceived beginning) of a constitutional experience there is a *concession*, with a *charte* more or less *octroyée*. This may also lead to misunderstanding: we may be led toward the banal conclusion that the part played by the Crown was essential, simply by virtue of the fact that the constitutional *octroi* proceeded from it. This is the trap we may call *mistaking the outcome for the process*.

4. Last but not least, another difficulty lies in *avoiding ideological distortions*. And I am referring, first and foremost, to distortions created through the use of contemporary sources. For example, over-reliance on memoirs and first-hand accounts written by political figures of “radical” or “democratic” leanings, whose works are still, generally speaking, more widely circulated than those of their moderate or conservative counterparts (owing to their predominance, especially in continental historiography throughout the twentieth century), may foster an underestimation of the Crown, nurtured in the belief that it was already an outdated institution, substantially inconsistent with modern constitutionalism and even more with modern democracy, and as such destined to progressively wane and, eventually, disappear.

All these obstacles, these biases, these “traps,” and the consequences of not being able to avoid them, are easily discerned when scanning traditional historiography on the constitutional experience of the Kingdom of Sardinia. The result is that a thorough assessment of the part played by the Crown, especially in those seminal years around the concession of the Albertine Statute, is probably still wanting.¹

1 Many examples support these assertions but the historiographical vein which has lingered in the debate, somewhat marring the understanding of the Crown's role in the process, will be sufficient. For example, a paramount example of ideological burden in reading constitutional events is shown in relation to the Moncalieri proclamation(s): after World War II, the dominant historiographical trend characterized Victor Emmanuel's gesture as “unconstitutional” or even as a “*coup d'état*.” *Per se*, such a view is perfectly acceptable. The problem lies with the evidence that should support it: e.g., it cannot be assumed – as does Giacomo Perticone in *Il regime parlamentare nella storia dello Statuto Albertino* (Rome: Dell'Ateneo, 1960), p. 19 – that “the king overruled government and appealed directly to the Nation,” when the proclamation was countersigned by D'Azeglio (who supported it both politically and legally!); nor can the proclamations be seen as an “overturning of the order of powers” devised by the *statuto*, or as a “violation of the constitution.” On the contrary, the shift in the (theoretical) order of powers devised by the *statuto* had begun in March 1848, and in

This is not the place to introduce an attempt at filling such a gap. However, within the limited precincts of the following pages, we will try at least to sketch some outline as well as to clarify the definition and the evolution of fundamental processes.

It is impossible to fully understand the role of the Crown in shaping Savoyard (and, subsequently – as well as *consequently* – Italian) constitutionalism without understanding its main feature: that of a process of *renewal, without revolution*, its deep structural quality being one of *continuity between the ancient and the new order*. The constitutional experience placed itself in continuity (again), not at odds with those preceding it, as has recently been asserted. From a certain moment onwards, it is true, the slow, if constant, pace of progressive evolution began to speed up, mainly under the pressure of European events. Nevertheless, things never spun out of control in Turin. And, accordingly, the statute – when it came – did not present itself as a ground-breaking, revolutionary act.

2 A Path in Continuity

2.1 *The “Renewal” Builds Momentum*

The ruling House, first of all, succeeded in the even more difficult task of representing the concession of the Charter as the culmination of a long, steady line of reforms that had been introduced thanks to the fundamental impulse of the Crown itself, during at least a decade and a half. This was not only the outcome of a skilful rhetorical offensive: it was a fact-based depiction.

The beginning of Charles Albert’s reign had been marked by a wave of reforms that, though ostensibly aimed at trying to give concreteness to the programme of “consultative monarchy” favored by the Vienna powers, had the actual effect of advancing the construction of the “administrative state.” For example, the creation of a Council of State (1831) was one of the most visible acts by which the Sabaudian monarchy aligned itself with the “consultative” model, since similar bodies were pivotal points of the (intended) system. But the Council, over time, became one of the main balancing authorities in the

the inauguration of a more inclusive layout of political responsibility and policy-making competences, which involved parliament in relation to government. The proclamation itself adhered to the text of the *statuto*, for it foreshadowed the king’s intention to dissolve parliament and call for a fresh election. From a merely textual perspective, this act was consistent with the royal prerogative and obviated the need for a political crisis between the Houses and government.

bureaucratic structure, filtering (through its advisory function) cases from the structure to the policy-making level. Eventually, it also acquired judicial functions, becoming the protagonist of the birth of administrative justice.

Actually, in-depth study of those trajectories followed by the Sardinian state, from its very birth to its ultimate form (that is to say, during and after the Vienna Congress), has shown that, notwithstanding the rhetoric (and even the *actual* political program) of “Restoration” adopted by the ruling elite, the institutional architecture had quickly begun to align itself with the modules of “public administration” fostered by the introduction of the representative principle in the modern sense (the adoption of these modules in itself is a precondition for the birth of constitutionalism).

I will not dwell here on the analysis of this itinerary, which the reader may find, depicted in more detail, elsewhere in this book. But, focusing on the role of the Crown in the proximity of the constitutional *octroi*, we should notice that acts and gestures unequivocally hinting at a deep renewal of the institutional framework had become more and more frequent during the reign of Charles Albert, distinguishing governmental policy from the initial attempt at building a form of “consultative monarchy,” and tending, instead, toward a closer adherence to liberal inspirations. This development intensified visibly from 1844. It saw the beginning of a thorough reform of public education (Abbé Ferrante Aporti, 1791–1854, an innovator in pedagogy and didactic methodology, and an advocate of the Risorgimento, was called to teach “Methodologies for Elementary School” at the University of Turin). With letters patent dated from August 16, corporations were abolished and the free circulation of workers was established. In 1845 the Chair of Political Economy was established at the University of Turin, then the teaching of public and international law followed, first in Turin, then in Genoa.² In the summer of 1847 the whole program of studies at the Faculty of Law of the University of Turin was reformed, with the introduction of a new regulation. On November 30, the Ministry of Education was created, replacing the old Magistracy for Studies. In the same year, other branches of the state apparatus were also modernized: a reform of the judiciary was launched, and a new emphasis was put on the homogeneity and singleness of the state, discarding the old representation and lexicon which

2 With the royal brevet of January 31, 1846, Neapolitan thinker Antonio Scialoja (1817–77) was appointed to the Chair. See Ida Ferrero, *Innovazione nella didattica giuridica torinese. Didattica e docenti di metà Ottocento* (Turin: Centro Studi Storia Università – Deputazione Subalpina di Storia Patria, 2018); Vito Piergiovanni, *Giovanni Maurizio (1817–1894): le lezioni di diritto costituzionale*, in G. B. Varnier (ed.), *Giuristi liguri dell'Ottocento* (Genoa: Accademia Ligure di Scienze, 2001), pp. 125 ff.

referred to the “Savoyard States” in favor of the “State” in its oneness (for example, a single coat of arms became the standard usage, in lieu of the ancient crests, which were differentiated for each of the kingdom’s territorial components). This act was a symbolic prelude to the abolition of the Ministry for Sardinian Affairs, which eliminated the institutional peculiarity that saw the island administered as a whole by a separate branch of the bureaucracy (pretty much like a colony). Thus the goal of unifying the administrative structure for all the territories subject to the House of Savoy was accomplished.³ A new Ministry for Public Works was also established in December 1847, in a move which epitomized the widening range of tasks assumed by the state and the quest for ever-increasing efficiency in the handling of public resources toward coherent, centrally-directed policies. Meanwhile, during the fall of that same year other reforms had taken place, touching the very foundations of the Vienna ideals: pre-emptive censorship of the press had been made more lax, and – what is even more noteworthy – municipal bodies had been given a robust injection of the representative principle, with the election of local councils. At the same time, the mayor would remain a governmental appointee, but he was to be chosen from among the elected councillors. The organization of the police was revised and placed under the Ministry of the Interior, instead of that for war. It signalled a shift toward a new concept of public order, less intertwined with the need to ensure widespread control of the territory (though, obviously, this task was not put aside, just toned down), and more connected with the idea of safeguarding legality.

At the beginning of 1848, events took on a faster pace. Demonstrations and riots began to spread throughout Italy, from Palermo to Milan. On the morning of February 2, news reached Turin that the king of the Two Sicilies, Ferdinand II, had committed to granting a constitution to his dominions. This was a point of no return, and galvanized the Conference Council into action. Initially largely informal – the place where once a week the ministers met “in conference,” that is to say in the presence of the king – the Conference Council had been institutionalized during the first years of Charles Albert’s reign.⁴ It was held on the day following the news from the South (February 3), and for the first time the word “parliament” was heard. The tide in favor of constitutionalism

3 By letters patent of October 18, 1847.

4 As such, it was the antecessor of the (constitutional) Council of Ministers. The Conference Council remains a not widely researched topic. Still, see G. C. Buraggi, “Il consiglio di conferenza secondo nuovi documenti,” in *Atti della Reale Accademia delle Scienze di Torino*, LXXIV (1938–39): 306–46 and, more recently, some remarks in Isidoro Soffietti and Carlo Montanari, *Il diritto negli Stati sabaudi: fonti ed istituzioni (secoli XV–XIX)* (Turin: Giappichelli, 2008), pp. 116–19.

began to surge. Charles Albert found himself in a dilemma. It is difficult to say whether he was at heart ready to rekindle his old liberal inclinations or, as seems more likely, he had since then developed an entrenched personal aversion toward so great a change. Most noteworthy is the fact that he chose to follow the intuition of his inner circle of advisors (who were, in fact, the same people who bore the highest government responsibilities), betting – along with them – that it could be possible to preserve the continuity of the state, while leaving the gates of the system fully open to institutional modernity. It was not the safest bet, but it proved a winning one.

Such a result would have been much more difficult to achieve, if a myriad of preliminary steps had not been taken – above all, if the machinery of the state had not been allowed to align itself, spontaneously and steadily, with the new categories, the new grammar of public power.

2.2 *The Turning Point: From the Proclamation of February to the Statute in March*

The king probably made his final decision afterwards, on February 5. The municipality of Turin voted in favor of a constitutional reform. Thus, on February 7, in a rare departure from daily routine, Charles Albert convened an extraordinary meeting of the Council, which sat, unusually, for a very long time: seven hours in the presence of the king (since 9 a.m.) and four more after he had retired, at 4:30 p.m. It is worth noting that the sovereign had left the Council in order to grant an audience to a Genoan delegation which had come to court to petition for a constitutional grant. Less than a month earlier, on January 8, Charles Albert had refused to see the very same delegation, since he deemed it devoid of a sound legal mandate. And it is equally interesting to note that, when the king finally met the Genoan representatives, he had already made up his mind. The decision had been taken that morning in council, and ministers⁵ began drafting a proclamation in which Charles Albert was to announce the imminent concession of a constitution.

The following day, the proclamation was indeed issued. Charles Albert let it be known that a *charte* would be promulgated after one month. In the meantime, he ordered that ministers inform the public that the price of salt was to be cut. The suggestion had come from Count Stefano Gallina (1790–1867),

5 The main author of the text was probably the Chevalier Luigi des Ambrois de Névache (1807–74, then minister for public works, agriculture and commerce), with the help of Count Giacinto Borelli (1783–1860, then minister of the interior) and Stefano Gallina (then simply a member of the Council by special prerogative conferred by the king, but nonetheless an influential advisor of Charles Albert: see the footnote that follows).

the successful former finance minister and now much-esteemed councillor of the king,⁶ who took the opportunity to accompany the constitutional concession with a concrete gesture toward the lower classes. The two acts may seem grotesquely distant and unequal: the adoption of a fundamental charter vis-à-vis an administrative act, blandly introducing a more stringent price cap on a single commodity (albeit of particular significance). But this needs to be seen in the peculiar light of Piedmontese constitutionalism, that is, the outcome of a *renewal* process eminently pragmatic in character. Pairing the grand announcement of a charter with an economic measure whose effects were to be immediately felt by the wider strata of the population, the Crown wanted to signal that changes to come were not an ideological conquest of a single part of society (the bourgeoisie). Rather, they were to be beneficial to all the constituencies of the kingdom, not only keeping intact, but advancing the fundamental “pact” which lay at the foundation of the state.

Pragmatism and deliberate avoidance of heavily charged rhetoric were at the basis of another significant choice, that is, to give the proclamation a serial number, in keeping with normal practice for all governmental acts. So, the momentous announcement of a constitution took its place (no. 669 in the *Raccolta degli atti del Governo*) between the royal brevet “by which His Majesty appoints the two regents and the three provisional censors which are still lacking for the completion of the First Regency Council of the Bank of Turin” and the “Manifesto of the national debt making known the interest rate due for the imprests that will be granted, during the year '48, to the Provinces and the Municipalities by the *Cassa dei Depositi*.”⁷

6 A jurist by training and education, specializing in administrative law, and a moderate liberal by belief, Gallina had begun his career in the judiciary order as assistant prosecutor to the Chamber of Accounts; but he rose to prominence after joining the Ministry of Finance as first secretary. He was favored by Charles Albert, who appointed him minister for finance in 1835. He would occupy the post for ten years, at a certain point being responsible also for the portfolio of the Interior (1841–44). He was the architect of the kingdom's financial recovery and economic consolidation, and was highly regarded by the sovereign. After resigning, he continued to play a significant part, first as titular member of the Council, then as influential senator, then again as special negotiator of a commercial treaty with France (1851). On this occasion he fell out with Cavour and, from then on, his public life centered on the senate alone, where his voice was heard often, with poignant and influential interventions, especially on matters of economic, financial and legal interest. See the entry (by Barbara Modugno) in *Dizionario biografico degli italiani*, vol. 51 (1998).

7 See vol. xv1 of the *Raccolta degli atti del governo di S.M. il Re di Sardegna* (January 1–December 31, 1848 – no. 666 to no. 864) (Turin, 1848). The same bibliographical reference is valid for subsequent mentions of the *Raccolta*.

The wording of the proclamation itself, in its minimalism, was absolutely direct in stressing the fact that what was about to happen was not a radical political turn, but rather the “completion” of a long path: “Without doubt we will give to Our subjects [...] the political institutions [...] prepared in tranquility [they] will be the completion of the reforms that We have already undertaken.”⁸

The objective was clear: to prove that the events were under the firm control of the Crown and government, and that everything was going to develop seamlessly, under the sign of continuity. Accordingly, popular enthusiasm was channelled through a soberly festive set of mass demonstrations, celebrating the magnanimity of the ruling House and the wholeness of purpose between the Crown and the people. Beginning the same day of the proclamation, February 8, at 6 p.m. the streets of Turin were illuminated; at 7 p.m. a crowd gathered in Piazza Vittorio and, led by Roberto d’Azeglio (1790–1862),⁹ paraded toward Piazza Castello and the Palazzo Reale to cheer the king, who made an appearance at the balcony and waved to salute the crowd.

During the mass celebration held on February 27 – formally titled by its organizing committee, which acted in a semi-official capacity, “National Celebration for the Representative Charter” – to mark the upcoming *octroi*, only the azure cockades of Savoy were to be seen among the crowds (again, that was due to the suggestion of Roberto d’Azeglio, who was among the organizers of the celebrations). Such was the accord, even in the midst of a heated political arena resounding with passionate calls for unification throughout the Italian peninsula.

Everything went according to plan, in an orderly, even quiet, fashion. There were no incidents or unexpected occurrences; everything was over by dinner time. At midnight, as ever, Turin was “quiet and still like a desert.” It had been a grand show of loyalty to the king, and a convincing homage to the principle

8 “*Non dubitiamo di dare ai Nostri sudditi [...] le politiche istituzioni [...] preparate nella calma [esse] saranno il complemento delle riforme da noi fatte.*”

9 Marquess Roberto Taparelli d’Azeglio was the elder brother of the better-known Massimo, later to be prime minister and political mentor to the young Victor Emmanuel II, who became king after the abdication of Charles Albert following the disastrous outcome of the second phase of the war against Austria, in 1849 (once commonly known by the misleading label of “guerra regia” or “king’s war.” Misleading, since the king was thoroughly against the reprise of operations). Roberto d’Azeglio – an affluent landowner and art connoisseur – never held a senior political position, unlike his younger sibling. However, he exercised a vast influence in Turin in those days and had a prominent role in the elite circles of the ruling class. See the entry (by Narciso Nada) in *Dizionario biografico degli italiani*, vol. 4 (1962).

of continuity. Governmental success was, at least in this respect, complete and unquestionable.¹⁰

The text of the statute itself was prepared some days before the anticipated timeline, but nevertheless without haste: drafting sessions took place during the usual meetings of the Council, which were held, as customary since the start of Charles Albert's reign, each Thursday.¹¹ There were only two "extra" meetings between February and March: the first, as we have already mentioned, was the meeting of February 7, when the constitutional option was adopted and the royal proclamation announcing the statute was drafted; the second was that of March 4, which was called in order to approve the final version of the text of the charter.

As with the proclamation of February 8, it was decided to present the statute as a "normal" product of governmental regulatory and legislative activity. This meant that the charter itself was given a progressive number in the *Raccolta degli atti del Governo*: to be precise, no. 674. The name of the charter, "statute" – apart from its less evident, but nonetheless undeniably palpable, political and ideological undertones, which have been clarified elsewhere – clearly underlines a precise negative choice: this was *not* a "constitution."

On Saturday, March 4, the king signed the statute, which was published the following day in two versions: French and Italian. The French text had, in point of fact, been drafted first, then it had been translated into Italian (probably not before March 2). The *charte* was met with some disillusionment by radicals, who had hoped for bolder solutions and found themselves, instead, with a curt and sometimes even arid text, which seemed to put aside the most innovative proposals in terms of fundamental rights, favoring a cautious and concise approach and reasserting, on the institutional side, the well-tested formula of "constitutional monarchy." Genoa in particular, stronghold of democrats and progressives of various descriptions, remained rather cold. But the text of the statute was soon to prove only a fraction of the process of constitutionalization. From the institutional front in particular, there soon came groundbreaking innovations, which had nothing to do with the charter's theoretical prescriptions.

10 Many eye-witnesses confirm the quiet atmosphere of those days: among these, observing the "decent" bearing of the population, Cesare Giambattista Trabucco, Count di Castagnetto, who was Charles Albert's private secretary, in a couple of letters to jurist and economist Giacomo Giovanetti. See Italo Raulich (ed.), "Un manipolo di lettere del conte di Castagnetto a G. Giovanetti," *Rassegna storica del Risorgimento*, IV (1922): 841 ff.

11 Again, on this topic there appears to be an historiographical myth about the *statute's* "feverish" and "hasty" drafting. See e.g. Rebuffa, *Lo Statuto albertino*, p. 48.

On the very same day of the signing – to be precise, the moment after the signing itself – all the ministers, headed by Count Giacinto Borelli (1783–1858), offered their resignation to the king. Thus, in parallel with the symbols of continuity, there were also those of change. The gesture of the titular holders of the highest posts in the administration clearly signalled an acknowledgment that, since the inauguration of a representative system, the relationship between political decision and executive power could not remain the same: in practical terms, those who had managed the structure when ultimate responsibility rested on the king alone could not be the same people who would now be called to take up some form or other of political responsibility, before an elected parliamentary House. This was not at all a contradiction of the paradigm of continuity: rather, it can be seen as its confirmation. Continuity implies a movement, a flow. For the ministers to do otherwise, remaining in charge or at least attempting to do so, would have compromised the steering course of the Savoyard state, trying to bring a perilous halt to a motion which had long been set out.

Only eleven days later, on March 15, Cesare Balbo was sworn into office as the first president of the Council of Ministers of the Sardinian Kingdom.¹² He had been entrusted with the formation of the first constitutional cabinet a few days earlier, after a short-lived attempt by Federico Sclopis (1798–1878), who had decided to step back as early as March 6. Balbo, on the contrary, after a week or so of talks, had succeeded in reaching a compromise between radicals and liberals. The (nominally) new first minister, thus, was able to present to the king a list of ministers who, in turn, were appointed and sworn into office immediately after the president of the Council the following day, March 16. In a word, all seemed to follow the best and most established conventions of parliamentary government, which had first arisen in Westminster centuries earlier and which had become a model (admired, studied and sometimes emulated) throughout Europe. There was one extraordinary peculiarity: no provision whatsoever of the statute contained even a single hint at the figure of the president of the Council of Ministers, or even the Council itself. The two organs had been born spontaneously, out of common consent, and with the king's active assent. From the very onset, the actual constitutional model detached itself from the abstract paradigm designed in the statute. The birth of a cabinet was clearly a prelude to the birth of a cabinet system: and, indeed, when the first general election took place (April 27–28) and the new Chamber of Representatives was first convened (May 8) along with the Senate (the

¹² The royal decree of appointment was countersigned by Count Giacinto Borrelli, the outgoing (and last pre-constitutional) minister for the Interior (another sign of continuity). See the State Archive of Turin (ASTO), *Register of Royal Letters Patent*, 120, c. 210.

Upper House, whose members were appointed by the sovereign), between both Houses and government, a relationship based on confidence was inaugurated. Of course, the complete maturation of a cabinet system, with all its apparatus, its conventions, its unwritten rules, would take many more years to perfect.¹³ But it is a juridically relevant fact that the first political crisis of the new constitutional Piedmont culminated in a vote of no confidence, which, in turn, sparked the cabinet's (accepted) resignation. And, for the purpose of this brief presentation, it is equally a juridically relevant fact that, again, not a single occurrence of the word "confidence" was to be found in the statute.¹⁴

2.3 *Crown and Government: Leading Change (Cautiously)*

2.3.1 Between Old and New: Shaping a Cabinet Model

What may be called the "legal parliamentarization" of the system – meaning the birth of the juridical mechanisms and organs which formally (or legally) characterize a parliamentary model – took place, as we have seen, immediately

¹³ It is not the intention of the author to dust off a long-standing controversy about the "immediate" or "progressive" parliamentarization of the system. If we mean "parliamentarization" in an eminently *political* sense, that is, as the unanimous convergence of all attitudes and acts of the actors on stage toward a cabinet model whereby all conventions, practices and even routines have been fixed and are followed as such, certainly it may be agreed that, for this to consolidate, an appropriate amount of time had to pass. But, in light of the facts, it is likewise incorrect to state that the relationship of confidence between government and parliament was born in the Cavour age, or that the parliamentary evolution of the *statuto* emerged with great gradualism and even slowness (see Carlo Ghisalberti, *Storia costituzionale d'Italia 1848/1948* (Bari: Laterza, 1977); or Giorgio Candeloro, *Storia dell'Italia moderna, III. La rivoluzione nazionale 1848–1849* (Milan: Feltrinelli, 1995 [1960])), or that "the parliamentary traditions of the kingdoms were formed during the twenty-nine-year-long reign of Victor Emmanuel II," whereas the foundations and the cornerstones for the construction of these traditions were all laid during the last year of Charles Albert's reign (see Denis Mack Smith, *Vittorio Emanuele II* (Bari: Laterza, 1975)). Such assertions are often linked to misconceptions (or, at the very least, inferences) about the "hostility" of Charles Albert toward "everything constitutional," though providing little factual evidence (as we will see, it might well be that the king was not personally inclined towards constitutionalism, but it is of very little consequence, given that he chose to trust his councilors and to allow constitutionalism to set foot in the state, afterwards coherently presiding over the institutional transition, without opposing it). See e.g., Rosario Romeo, in *Dal piemonte sabaudo all'Italia liberale* (Turin: G. Einaudi, 1964 [1963]), p. 102: "[Charles Albert] had spurned with irritation every hint at the possibility of substituting the ancient azure flag with the tricolor." It may be a coincidence, but the same Charles Albert, at the end of May 1848, crossed the Ticino with the tricolor...

¹⁴ See Amedeo Pinelli and Paolo Trompeo (eds.), *Atti del Parlamento Subalpino*, Session of 1848 (May 8–December 30), *Discussioni della Camera dei Deputati* (Turin: Eredi Botta, 1856), pp. 278–90.

after the introduction of the statute. At the same time, parliamentarization made a significant leap from the text itself: it was a spontaneous development which came from a shared vision, a common understanding between the Crown and the political factions. But the birth of the tools of parliamentarism did not mean the immediate activation, in its full force, of a new political and institutional equilibrium, with the retreat of the king from the actual day-to-day management of the state machine and the takeover by the Council of Ministers, with its president as “prime minister” in charge of defining and maintaining the government political line. The appearance of parliamentary confidence, in turn, did not mean *per se* that the circuit of political responsibility between government and parliament would immediately rule out the active presence, albeit in the background, of the king.

Apparent contradictions continued to surface. I call them “apparent” because it is in the very nature of a spontaneous juridical process to be less than straightforward, unevenly paced, sometimes even ambiguous. Spontaneity, in its creation of mobile, flexible categories, eschews the crisp geometry of statutory (and, more generally, positive) law.

Such contradictions closely concern the role of the king, or, more precisely, the role that the king continued to play within the executive power, notwithstanding the fact that he himself had given his (irreplaceable) consent to the transformation of this same power from the model envisaged (and never realized) in the statute and a parliamentary outlay.

From an institutional point of view, it is very noteworthy that the creation of a president of the Council did not go (at least, not immediately) with the “ordinary” ensemble of powers and competences which supposedly are contained within the very notion of a similar figure. In fact, the president of the Council was born as a minister without portfolio. The presidency was not even given a dedicated staff, and this remained the case for many years. Only after the experience of the first few cabinets it became progressively customary for the president to be also titular minister either of the interior or of foreign affairs (or even both), thus strengthening the position of the titular head of government within the cabinet. This was the case, for example, with D’Azeglio and, later, Cavour. The presidency wasn’t given its own bureaucratic structure proper (its departments, with their competences) until the turn of the century (despite the periodical surfacing of regulatory projects). The definition of the attributions of the president, and of the Council itself, were initially left to conventions and customs, only to be first detailed in 1850, thanks to a royal decree willed by D’Azeglio (no. 1122/1850).

This peculiarity of the first constitutional cabinets inevitably provokes the question of the presidency and its role. Given the absence of a direct authority

over at least a branch of the state apparatus, which could foreshadow a preeminence in directing the policy of the entire government, what exactly did the president do? An obvious answer should be that, at least, he would supposedly exert the presidency of the ministerial board *stricto sensu*: that is, managing and convening meetings, setting the agenda. But the reality of the Sardinian constitutional experience was different and, in a way, puzzling. We are, indeed, confronted with a *dual* presidency.

Since the very first days of the new, “constitutionalized” regime, it is often possible to observe how it was the king who convened the Council and presided over it, just as it had been previously with the Conference Council (that is, the – initially informal, then covered by statutory law – organ which, since the Restoration, periodically reunited the ministers “in conference,” that is in a meeting, with the sovereign, to discuss the highest matters of government). Whenever the sovereign was present in Council, he would preside over it, regardless of who had called the meeting (it might have been the king himself or the president). This royal presidency was not a rare occurrence and was not felt as exceptional or derogatory by nature: in fact, when the king, after the start of the war against Austria, went to the front with the army, the Lieutenant, Prince Eugene of Carignano (1816–88), would sometimes preside over the Council, which had remained in Turin (only one of the ministers went with His Majesty to the field, *à la suite*, acting as a link between the rest of the cabinet and the monarch with his military staff).¹⁵

With Charles Albert, meetings of the Council presided over by the king were often held in the afternoon. Victor Emmanuel, at the beginning of his reign, adopted a different scheme: whenever he wished to preside, he would first have a one-to-one briefing with the president of the Council (that is, Massimo d’Azeglio (1798–1866), who, as we have said before, was a mentor of sorts to the monarch) at 8:30 a.m.; then, at 9:00 a.m., the two would be joined by the rest of the government and the meeting of the Council proper, its plenary session, would start.¹⁶ The fall of the D’Azeglio government and the rise of Camillo Benso di Cavour (1810–61) marked a change of habit and, thence, of customs: relations between the king and the new leader of the cabinet were undeniably more distant and cold compared to the warm familiarity that the former

15 Des Ambrois, in his valuable memoirs, describes a “*Conseil réuni sous la présidence du Prince de Carignan, lieutenant du Roi*,” in *Notes et souvenirs inédits du Chevalier Louis des Ambrois de Névache* (Bologna: Nicolas Zanichelli, 1901), p. 23.

16 The custom is apparent from the *Letters (1819–66)* of Massimo d’Azeglio (ed. Georges Virlogeux), vol. v (Turin: Centro Studi Piemontesi, 2002), e.g. p. 463; see also Francesco Cognasso (ed.), *Le lettere di Vittorio Emanuele II* (Turin: Deputazione Subalpina di Storia Patria, 1966), vol. 1.

president had enjoyed (it is often reported that Victor Emmanuel, in fact, harbored a certain personal dislike for Cavour), and this meant fewer occasions for informal political talks as well as the fact that the royal presence in Council (and, consequently, the royal presidency) became increasingly rare. Nevertheless, this did not mean that Victor Emmanuel had any intention of discarding his active involvement in the dealings of government. He simply began to favor other means of intervention: for example, written notes addressed to the president, which were meant to be read in Council (not infrequently causing some stir). With the passing of time, the presence of the king in Council became normally limited to the ritual of the “royal signing.” Nonetheless, the royal presidency continued to exist practically as long as the monarchy endured, even under the fascist regime.¹⁷

Going back to the initial phases of Savoyard constitutionalism, the existence of a “dual presidency” of the Council signals another fact: when the king decided to exert a direct influence on government, he never did so by trying to enact the model of “constitutional monarchy” as contained in the letter of the *statuto*. As we know, this model would have obliterated the presence of any ministerial board, of any autonomous Council, let alone the president as an institutional figure in his own right. The only provision concerning executive power in the *statuto* was that according to which “the king appoints and dismisses his ministers.” But there was never a struggle between this supposed scheme and parliamentarism. Rather, constitutional life found its own way, contradictory though it may seem, to balance a fundamental parliamentary option with the need to maintain the king (at least for the time being) at the forefront of the constitutional equilibrium. This way was based on a mingling of past customs (the royal presidency) and new representations (the Council as autonomous organ, with its own president, and no longer just “of conference”). Change was not heralded by ambitious regulatory initiatives, but hinted at through “minor” occurrences: for example, in the transition between the Conference Council and that of ministers, the practice of verbalizing the discussion was lost, as was the figure of the secretary of the Council as a stand-alone official. In their stead, an intermittent custom of taking informal minutes of the meetings’ proceedings was introduced, depending on the will of the president in charge. Only with the ascent of Cavour did the records become routine practice, and, as such, uninterrupted. As far as we know, these began in 1859 (no earlier minutes are extant). As regards the secretary, this was

17 It was witnessed as late as May 1941, as Galeazzo Ciano’s diaries inform us, telling of a Council presided by Victor Emmanuel III in Tirana, much to Mussolini’s annoyance.

no longer an office but a role, usually (at least during the time of Cavour) taken on by the younger minister.¹⁸

2.3.2 Ensuring Continuity, Pursuing Renewal: The Crown and the Consolidation of a New Consensus

As we have seen, the role of the sovereign as a key figure in redefining the institutional architecture (on top of making the choices that opened the way for that architecture) can be evidenced through the analysis of structural elements, such as the dual presidency. But it filters through a series of episodes in which the Crown demonstrated its ability, in a critical phase (the biennium 1848–50) to take the lead in building a new constitutional consensus: balancing the capacity to maintain traditionalist elements in this consensus by leveraging their loyalty; being so flexible as to accept even unwelcome political solutions for the sake of stability; and, even more, by acting as a catalyst for emergency solutions that, though formally “unconstitutional”, revealed themselves instrumental to saving constitutionalism.

Thus, the largely shared loyalty to the House of Savoy was instrumental in the successful attempt to form a compromise cabinet in March 1848. Conservatives accepted government posts, or renounced them to openly combat the recent institutional developments, even despite their personal beliefs, which of course were against constitutionalism. Loyalty, therefore, determined political choices which contributed to the avoidance of frictions or even ruptures, and conferred stability to the system. For example, as we have already mentioned, Charles Albert’s first choice for the inaugural presidency of the Council had been Count Federico Sclopis, a jurist and long-time collaborator of the king (he had been one of the main architects of the introduction of new, modern codes back in the early 1830s). An influential conservative, convinced that the constitution was the only means, as well as *the means*, to preserve the continuity of the state, his effort at forming a cabinet was, most likely, half-hearted: he would have preferred to step aside from active politics. Nonetheless, he accepted the burdensome post of minister of justice out of a sense of fidelity to the monarch. And he found himself playing a leading role, often representing the government in parliament.

But the king did more for the stabilization of the constitutional system than inspire goodwill and cooperation from his traditional supporters. He ensured

¹⁸ As appears to be the case from the analysis of the earliest extant records, viz. *Verbali del Consiglio dei Ministri, tenuti per uso del conte di Cavour* (“Records of the Council of Ministers, kept for Count Cavour’s usage”), which can be found in the Central Archive of the State in Rome (ACS), Presidency of the Council of Ministers 1859–1976.

that stability would come also from the *opponents* of the old order. He accepted one of the immediate consequences of parliamentarism: that is, the possibility that the majority of the Houses would elect a cabinet whose political line was not to the king's liking. Formally, as we know, no provision was made to coerce the sovereign in his governmental appointments. Judging from the *statuto* alone, the government itself should have been the king's government, entirely separate from the legislative body. This abstract model, however, had been immediately shelved, as we know, in favor of an embryonic, but architecturally recognizable cabinet government to assist the king. The primary concern of the Crown was to preserve the continuity of the state and, since this continuity required the pursuit of institutional renewal, as demanded by the dominant classes, the changes which had been put in motion should necessarily be left some room to develop. If we look at the first constitutional cabinets, we can conclude that two out of four had radical-democrat leanings: namely, those led by Gabrio Casati (nominally, a coalition government; in practice, a radical ministry) and Vincenzo Gioberti. Charles Albert finally opted for them (or rather tolerated them), after some attempts at preventing them. The appointment of Gioberti is particularly remarkable since the king had a marked aversion for the ambitious polemicist, but nonetheless he relented in order to avoid unrest in Genoa, where the radical party had its stronghold. All was instrumental toward the overarching goal of keeping the institutional equilibrium intact. Adherence to a (formal) principle of constitutional legality was not the point: the focus was on the enlargement of the consensus around the public powers. When strict adherence to parliamentary orthodoxy resulted in a backlash to this renovated consensus and its firmness, the Crown would not hesitate to interfere.

Therefore, in moments of extreme crisis, the king acted in such a way as to let the reasons of institutional survival prevail, even at the cost of sacrificing supposed constitutional purity. This was the case, notably, during the famous – or infamous, depending on the historiographical viewpoint – Moncalieri proclamation(s), the two addresses which accompanied, on July 3 and November 20 1849 respectively, two consecutive dissolutions of parliament, aimed at ensuring a liberal-conservative majority that could, in turn, ratify the peace treaty with Austria and secure the threatened kingdom. The first proclamation was not successful; the second resulted in a radical change in the parliamentary balance of power, which ousted the former radical-democrat majority. The implications of these acts – especially of the second – go beyond the immediate concern that inspired them, as we will shortly see. Another example of the attitude we are trying to sketch can be found in the feverish days of summer, 1848.

On August 8, in the face of imminent military collapse and mistakenly convinced of a forthcoming French intervention in the war (and thus of the

opportunity of maintaining a hawkish stance), the cabinet – led by Casati – resigned. The gesture was designed to emphasize the distance between the (then) hegemonic radical faction and the king’s position, which was that military operations needed to cease before it was too late. In a move that lacked both tact and expediency, the resigning president of the Council, in a meeting with the king on the battlefield (near Vigevano), proposed Gioberti as the next prime minister; the candidate himself was present on the occasion. The king’s silence was his eloquent response.¹⁹ On August 9 (the same day of the armistice), the king conferred the task of forming a new government on Count Ottavio Thaon di Revel (1803–68), one of his most trusted counselors and obviously a liberal-conservative.

Revel immediately began working on forming a new government, but meanwhile – given the very delicate situation – he also assumed the task of directly conducting essential diplomatic talks with the major non-belligerent European powers (France and Great Britain). He was evidently treading on unsure ground: he still had no official capacity whatsoever, while the outgoing cabinet remained in charge, as usual, for day-to-day affairs, until a new government formally stepped in. The legitimacy of Revel’s actions rested solely with the king’s mandate, and, furthermore, was implicit since there had been, evidently, no formal act by which Charles Albert had vested in the president of the Council-designate the power to conduct diplomatic negotiations. Revel was conscious of the risks he was taking, but such a course was inevitable. Moreover, the envoys of Great Britain (Sir Ralph Abercromby, 1803–68) and France (Count Gustave de Reiset, 1821–1905) had already joined Charles Albert on the battlefield.

Thus, during those uncertain days, the most momentous acts of foreign policy were conducted formally outside of any constitutional framework, and with the direct legitimation of the king. Moreover, there was no subsequent regularization of the situation, since Revel failed to form a new government (and was, instead, appointed minister of finances, evidently with no competence or powers related to the negotiations he had initiated). However, a moderate cabinet was eventually formed on August 19, with Count Cesare Alfieri (1799–1869) as president of the Council. And Revel’s diplomatic work, albeit of questionable legality, proved essential, since on that same day the newly formed cabinet decided to accept the Anglo-French mediation in order to reach an

¹⁹ It is Charles Albert himself who recounts the unpleasant episode in a letter addressed to Revel: “which proves more and more the immense need that we have of peace, and to form a ministry composed of men of an assured probity, of a liberal but moderate spirit [...] yesterday in front of Gioberti, Count Casati told me that the ministry urged me to entrust him with forming the new one: but in conscience [...] I do not believe that he is the man who can raise the Fatherland.” See Giovanni Gentile (ed.), *Lettere di Carlo Alberto a O. Thaon di Revel* (Milan: Treves, 1931), pp. 102 ff [translation by Carolina Armenteros].

“honorable peace” with Austria. Diplomatic efforts on the part of these two great powers resulted in a substantial reduction of the compensation originally imposed by Austria on Piedmont and in the evacuation of Alessandria, which had been occupied by imperial troops, restoring, at least, the territorial integrity of the Kingdom of Sardinia to the *status quo ante*. But the issue of Revel’s negotiations had not passed unnoticed. When parliament reconvened, in October, the radical party (now the opposition) vehemently attacked the then-president-designate’s actions: a motion of individual disapprobation was presented against Revel, and the governmental acceptance of the European powers’ mediation was called into question because of its unconstitutionality. But the majority reacted and voted on the order of the day that expressed support for Revel and his actions.²⁰

3 The Crown and the Constitutional Pact: Keeping a Mutual Trust

Given such preconditions and such a background, one could say that the *statuto* had assumed, since the onset of its being granted legal force, the role of a “tile” – albeit a very central one – in a “mosaic.” This mosaic, in its entirety, was the *complete constitution*, as opposed to the “constitution as a (mere) legal act.” The real basis of constitutionalism was, therefore, never the charter itself (as it would have been in a normativistic cultural climate). In fact, it was not even a “norm,” if we see a norm as an identifiable legal object (to be precise: a command, an act of will), but rather a “juridical sentiment”: a common understanding on the existence of a *fundamental pact*, in continuity with the pact that had maintained the state thus far, but *renewed*, if compared; a pact endorsed by all (vital) classes and (influential) orders of society, which allowed the redesigned institutional architecture, in which the principle of political representation and its corollaries had been introduced, to be brought to life and even to prosper.²¹

20 The anti-Revel motion was proposed by Domenico Buffa (1818–58), a “leftist,” moderate-progressive member of parliament who would later distance himself from the radicals and converge, together with many of his faction, upon Cavour and his moderate liberals. The constitutionality question was raised by Urbano Rattazzi, who would become the protagonist and one of the architects of the *connubio* (“marriage”) between the moderate left and the center-right. See Amedeo Pinelli and Paolo Trompeo (eds.), *Atti del Parlamento Subalpino*, Session of 1848, *Discussioni della Camera dei Deputati* (May 8–December 30) (Turin: Eredi Botta, 1856), pp. 580 ss.

21 This anti-normativistic understanding of constitutionalism was clearly present in Italian legal thinking since the first “old” school of liberal constitutionalists. For example, Fedele Lampertico, in *Lo statuto e il senato. Studio* (Rome: Forzani e C., 1886), affirms that “the

The *statuto* was formally the product of a concession, but, in its concrete form, it acquired a distinctly contractual character that allowed the development of new political and institutional solutions, the ensuing result of a constant pursuit of new social and cultural balance points. These were not “conquests” of one political faction at the expense of another, but rather outcomes which had been agreed upon by the bourgeoisie and the most forward-thinking elements of the aristocracy on the one hand, and the Crown on the other. This accord between the dominant social and political forces was not oblivious of the need to include a progressively increasing portion of society, in order to expand the institutional consensus, thus making the foundations of the renewed state architecture increasingly stable (hence, again, the emphasis on the price of salt).

Constitutional renewal would unfold and be accomplished because of the *pact* in which every institutional development was rooted and around which the life of the legal-political system, as a whole, revolved.

The Crown, as we have tried to illustrate by example, was no less and no more than this: the subject called to preside over this *renewal in continuity*; the overseer of the *pact*. This representation was very clear to all the actors of the new representative institutions: hence the far from ritualistic expressions which echoed the inaugural Crown speech in the first parliamentary session of 1848. The king had referred to a “mutual trust” between the people and the sovereign; the senate response (dated May 26) used the same phrase; the Lower House, in its address (on June 7) went even further, mentioning the “reciprocal love” which “ensures the gain of this new glory.” And the same concept was stressed in all subsequent inaugural speeches and responses: on February 20, 1849, the senate spoke of an “intimate union between king and people”; on March 2, the Lower House recalled the “wonderful accord” which “reigns in our state between the prince and the people.” The same expressions surfaced during the debates in the subsequent parliamentary mandates, confirming the existence of the *pact*.²²

statuto is the fundamental law, and as such it is the cornerstone of all the constitutional building, but it is not the whole constitution. Constitution lies not only with the *statuto* or the laws that go with it: it is in the public sentiment, in custom, in precedents, in all legislation,” p. 102. A similar approach was followed by Domenico Zanichelli in the very same years (see the comprehensive reconstruction of his ideas in Luca Borsi, *Nazione democrazia Stato. Zanichelli e Arangio-Ruiz* (Milan: Giuffrè, 2009); it remained alive until it reached Santi Romano, who, in his *Le prime carte costituzionali* (inaugural speech of the academic year 1906–07 at the University of Modena), in *Annuario dell’Università di Modena*, 1907, states: “our constitutional law is mostly unwritten, even though on the surface it may seem the opposite,” p. 266.

22 Not only in ceremonial speeches: for example, on February 26, 1849, Carlo Cadorna, then minister of education, speaking before the Upper House during question time on the intervention in Tuscany, evoked the pact: Paolo Trompeo (ed.), *Atti del Parlamento*

The Crown had presided over the modernization of the state, which is a precondition for constitutionalization (we use the term “modernization” in its precise sense: meaning, transition of the architecture of public powers from an “early” configuration whereby the structure of the bureaucratic apparatus is similar to a “solar system” of independent planets, with the Crown acting as a central “fixed star,” around which every orbit had to revolve, to a “fully modern” configuration as the state reshaped itself as a pyramid, and public power, and public command, proceeded without interruption from the top to the base, and public responsibility, conversely, rose from the base toward the apex, ultimately “accumulating” on the top).²³

This modernization, in turn, had been preceded by actual state-building, which itself had been the *magnum opus* of the House of Savoy. It has been recalled before that it was not until the very eve of constitutionalization that the Savoyard *States* formally became the Sardinian *state*. But this process, in its institutional substance, was all but complete and had been inaugurated as far back as the eighteenth century. After the Revolution and the French conquest, with the return of the ruling house, this state embraced administrative modernity, acknowledging the birth of *administrative law*. This, as we know, had been the work of many decades: from 1814 onwards to the reign of Charles Albert. Now, it ensured that the fundamental “pact” which had kept the vital parts of society in a stable consensus with the machine of public powers remained intact, developing into a “constitutional pact.”

Two events demonstrate the truth of this bold assertion. One is universally known; the other completely obscure but nonetheless illuminating. It dates back to the very opening of the first session of the Sardinian Parliament. On May 24, 1848, only a few days before the response to the king’s inaugural address to the senate was to be read, a large and diverse group of senators presented an amendment proposal to the speech which openly vied for the reform of the Upper Chamber: the senators were ready to tender their resignations before the king, so as to allow him to make such changes in the structure of

Subalpino, Session of 1849 (February 1–March 30), *Discussioni del Senato del Regno* (Turin, 1860), pp. 40 ff.

23 An architecture which lies, now, in ruins, together with the formalist, normativist idea of law which is a necessary corollary of this structure of the public powers. Post-modernity, from the institutional/constitutional viewpoint, is certainly characterized by uncertainty and fluidity, but may also be seen as the fertile ground from which a renewed protagonism of law as a consensual, spontaneous product of society may thrive, if we embrace a view according to which “the essence of law is not in the building of an authoritarian command, but a flexible order for the social magma” (Paolo Grossi, “Tra fatto e diritto,” *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 2 (2009): 1901.

parliament as he saw fit. Here the point is clear: we have an exceptionally lucid act of recognition of the role of the Crown in governing institutional change. Reform through the initiative of resignation, not legislation, meant that the prime force of further constitutional progress, even in the sense of a stronger affirmation of the representative principle, could not but rest with the monarch, the embodiment of the state and its institutional tie.²⁴

The universally known episode stems from the Piedmontese army's complete defeat, after the resumption of war in 1849, at the hands of the Austrian army led by Marshal Joseph Radetzky (1766–1858) at the Battle of Novara. An armistice was signed; Charles Albert abdicated in favor of his son. The new government, led by Massimo d'Azeglio, was called to negotiate peace terms with the Empire, but the Chamber of Deputies – which, during that term, had radical leanings – would not ratify the treaty. The option of continuing the war would most likely have been disastrous. The king dissolved parliament and called for a new election, issuing a proclamation which invited support for the formation of a stable majority in favor of peace. This support, however, was not forthcoming. Just approximately one-third of the electoral body expressed itself, resulting in an even more radical Chamber than the last. Conservatives openly suggested withdrawing the *statuto* and dissolving parliament again, this time on a permanent basis. Neither king nor government complied. A fresh election was called, but D'Azeglio chose to prepare another public statement for the king to accompany this decision. The result was the famous *second* Proclamation of Moncalieri (which we have already mentioned).

In its careful wording, the proclamation epitomized the attitude of the Sabaudian monarchy toward institutional change. It opened with a strong assurance that dissolution of the Chamber did not imperil, *per se*, the survival of constitutional institutions. The monarchy had given its word, and the concession of the *statuto* was to be “a new pledge of certainty,” symbolizing – again and, as ever – continuity in change, and stability in reform. But, the statement went on, if the people so chose to endanger stability, then responsibility for the failure for what followed would be neither the king's nor the government's, but theirs alone. In other words, the king was assessing his role as institutional tutor of the entire system. Constitutionalism would be safeguarded as long as the state, so painstakingly crafted by the monarchy, was not imperiled.

This time the effect of the Proclamation was a victory for liberal-conservatives. Every possible sector on the side of stability in the kingdom supported it: even bishops endorsed it. An historiographical reading has it, that

24 See Amedeo Pinelli and Paolo Trompeo (eds.), *Atti del Parlamento subalpino*, Session of 1848, *Discussioni del Senato del Regno* (Turin: Eredi Botta, 1859), p. 18.

with heavy governmental rigging of the election, mainly through the action of the prefects, an “original sin” of what would become Italian parliamentary democracy was allowed to emerge: that is, the dominance of the executive branch over representative institutions and the equation between “state” and “government,” which, in turn, fostered a lack of shared sense of institutional belonging throughout society.²⁵

Was the Proclamation a substantially unconstitutional act, whose shadow was destined to encumber the peninsula’s subsequent institutional development? Or was it a bold move which saved constitutionalism, leveraging the *pact* which had made it possible?

Probably there is some truth in both assertions. It depends on which viewpoint we assume. Those supportive of D’Azeglio’s contribution in shaping a robust parliamentary environment could well argue that no better proof of his achievements in this sense can be found than in the crisis which led to his resignation from the post of prime minister in 1852 – a crisis that was ultimately the consequence of fully “modern,” quintessentially “political” manoeuvring from Cavour and Urbano Rattazzi (1808–1873). This resulted in a deep shift in the balance of the parliamentary majority, and D’Azeglio’s resignation was occasioned by the king’s refusal to sign a bill on civil marriages,²⁶ thus signaling that the system was now (more or less) securely integrated into the rules and patterns of modern parliamentarism, and that monarchy was increasingly about to play the part of “*an*” actor, albeit of primary importance, within a complex, and substantially irreversible, constitutional equilibrium of checks and balances. As we have seen so far, this was, first and foremost, the result of a conscious (or, at least, not unconscious!), long-standing strategy of the Crown.

At the same time, it must be conceded that this strategy, however successful, could not last forever, nor be suitable for all seasons. The *pact* which innervated the Piedmontese political and institutional system was destined to shift, change and adapt with the unification process. Unification, inevitably, meant the end of the unique institutional microclimate which had made it possible for modernization and stability to coexist in old Piedmont, the first under the “tutelage” of the second. But that is another story.

25 This view was espoused, notably, by liberal historian Giuseppe Maranini in his pugnacious *Storia del potere in Italia (1848–1967)* (Florence: Vallecchi, 1967).

26 See Francesco Bartolotta, *Parlamenti e governi d’Italia dal 1848 al 1970*, I (Rome: n.p., 1971), pp. 25 ff.