

# Chapter 9

## Different Veils for Different Governments: The Veil of Ignorance in Shaping the Italian Decentralization

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### 1 Introduction

We apply the idea of decision-making behind a veil of ignorance in the constitutional phase developed by Buchanan and Tullock (1962) to the process of drafting the Italian Constitution in 1948, especially with respect to the territorial organization of the Italian State. In particular, we address the relevance of opacity and the relative degree of uncertainty of the Italian Constitutional Founding Fathers on the design of the different levels of government. Our main results, based on the content analysis defined as in Imbeau and Jacob (2011) and Imbeau (2009), show that the degree of uncertainty was significantly higher on the decision-making process related to the regional level. The latter, differently from the municipal and provincial level, did not belong to the pre-fascist historical institutional arrangements. We argue that this is among the main reason why the level of opacity referring to the constitutional provisions on intergovernmental relations is higher than the overall uncertainty. We provide also a reconstruction of the main steps that characterized the relations between the State and the periphery from the unification up to now to support our findings.

Through the context analysis, we propose the dilemmas and uncertainties of the idea and enforcement of the Italian regionalism, which characterizes all the historical phases where, from the unification up to today, the organization of the State and the various reforms of the relation between center and periphery were realized. We identify two main attitudes during this historical process. First, we find the idea of Regions, perceived as juxtaposed to the efforts to unify a country which

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had strong territorial identities and was not always sharing the Piedmont unification strategy and its institutional organization. Second, there is also the necessity of reframing the idea of the State after the fascist period to overcome an excess of centralization by giving more room to the local autonomies which had been penalized in the unification process. After more than 20 years of dictatorship, strongly emerged in the politico-institutional debate, the necessity to reconsider the experience of the liberal State which especially during the last Giolitti<sup>1</sup> Government (June 1920–July 4, 1921) was not able to halt the rise of fascist regime. The introduction of Regions within the Italian 1948 Constitution is regarded as one of the main institutional innovations. However, the uncertainties related to the definition of their legislative and financial competences are among the reasons why they did not fully developed in the last decades of the Italian political life.

The paper is organized as follows. In Sect. 2, we describe the political context in which the Italian Constitution was born. Section 3 addresses the debate about regionalism. In Sect. 4, we present the empirical results based on the content analysis. Section 5 concludes.

## 2 The Historical Account of the Drafting of the 1948 Constitution

The Italian State was born in the second half of the XIX century through the unification of several existing States under the monarchs of Piedmont. The Founding Fathers believed that the model of a unitary state was necessary for nation building. In fact, there were too many differences among institutions, laws, economies, customs, and languages to maintain a system of sub-national authorities.<sup>2</sup> The organization of the State replicated the model of Piedmont, which, in turn, followed that of Napoleonic France. It included three levels of government: central, provincial, and municipal. This structure stayed in place until the adoption of the Constitution of the Italian Republic in 1948.

The drafting of the constitutional document was the outcome of a political process that began with the institutional referendum of June 2, 1946. After a difficult transitory three-year period (from the end of WWII on April 25, 1945 to the exile of King Umberto II on June 13, 1946), the Italian citizens (older than 21 years) voted in favor of a republican form of government, with 12.7 million of votes versus 10.7 million for the Monarchy. This result was the manifestation of a strong division within the country: The Southern Regions included the islands (Sicilia

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<sup>1</sup> Giovanni Giolitti (Mondovì, October 27, 1842—Cavour, July 17, 1928) was a Liberal politician, Prime Minister in many Governments from 1892 to 1921 and he was engaged in the process of democratization of the unitary State and of economic, industrial and cultural modernization of the Italian society between the nineteenth and the twentieth century.

<sup>2</sup> Lower classes in some areas did not speak Italian but only dialects.

and Sardegna), expressed, respectively, 67.4 and 64 % of the valid votes in favor of the Monarchy, while the votes in favor of the Republic were concentrated in the north (64.8 %) and in the center of the country (63.4 %). In other terms, the Northern Regions which had suffered longer the burden of the Nazis' occupation were massively in favor of the Republic, substantially expressing a negative evaluation of the political behavior of the Monarchy, while the Southern Regions, sooner occupied by the Anglo-Americans, were in favor of the Monarchy. Some political analysts argue that at that time, people were not fully able to distinguish the republican form of government from the monarchic one since in Europe until the first part of the twentieth century only France and Switzerland were Republics (Martucci 2002).

In the same circumstance, Italian citizens elected also the *Assemblea Costituente*, an extraordinary legislative body consisting of 556 deputies, which was called to draft the new Constitution, following the example given by the United States (Philadelphia, 1787) and France (between 1789 and 1945).

About 16 political lists were presented such as the *Movimento per l'indipendenza della Sicilia* (which got 4 deputies), the liberal party *Partito d'Azione* (7 deputies), the *Blocco nazionale delle libertà* (16), the *Partito Repubblicano* (23), the *Fronte dell'Uomo qualunque* (30); seven minor parties got less than 2 deputies elected. The three big parties, the catholic party (*Democrazia Cristiana*, DC), the socialist party (*Partito Socialista Italiano di Unità Proletaria*, PSIUP), and the communist party (PCI), with 74.8 % of overall votes elected 207 DC deputies (37.2 % of votes), 115 socialist deputies (20.7 %), and 104 communist deputies (18.7 %).

The Assembly began to work on June 25, 1946, after the election of its President and of the temporary President of the Republic Enrico de Nicola. The Assembly consisted of three sub-committees, the first in charge of the civil and political rights, the second of the constitutional organization of the State, and the third of the economic and social relationships and of a Committee of coordination (the so-called *Comitato dei Diciotto*) which had the responsibility to make homogeneous the different parts of the project. The Committee of coordination ended its work on December 22, 1947, but remained in charge until the political elections held on April 18, 1948. After the promulgation of the President on December 27, 1947, the Constitution of the Republic was enacted on January 1, 1948.

Emerging out of a twenty-year long-lasting fascist dictatorship and a terrible war, the country looked fragmented by ideological, social, and territorial conflicts but unified in the primary goal of establishing a stable democracy where the civil liberties and the democratic participation would be combined for the achievement of a greater social justice.

The political picture which emerged within the *Assemblea costituente* was indeed quite disintegrated, and the 1948 Constitution was the outcome of the agreement between the political parties (in particular the catholic, the socialist, and the communist) that had participated in the *Comitato di liberazione nazionale* (CLN), a political organization which coordinated the resistance against the Nazi-fascist regime from 1943 to 1947.

This circumstance was a guarantee of a Founding Fathers' *super partes* attitude, which produced different majorities aggregated around specific articles. On this respect, Piero Calamandrei, the leader of the *Partito d'Azione* in the Assembly, defined the "far-sighted" Constitution as a text which would not reflect the political disputes of the time but would create an institutional setting allowing the political evolution of the country.

Among the drafters were representatives of the old liberal regime (such as Vittorio Emanuele Orlando and Benedetto Croce), partisan representatives of the *Resistenza italiana* who had fought the Nazi-fascist regime (such as Sandro Pertini), experienced policy-makers (De Gasperi, Dossetti, La Pira, Nenni, Saragat, and Togliatti), jurists (Costantino Mortati and Tomaso Perassi), and young citizens who for the first time participated in the political life of the country and, during the following decades, would have a leading role in Italian politics (Aldo Moro, Giulio Andreotti, Nilde Iotti, and Oscar Luigi Scalfaro). Together they combined the different "souls" represented in the Assembly. The liberal political culture, although in minority in the Assembly, was prevailing in shaping the articles on the natural rights of the individuals, their guarantees against the state (political liberalism), and their economic freedom in production, distribution, and consumption (economic liberalism). The catholic culture, inspired to the social doctrine of the Church, was leading in the recognition of the value of the person, of the family and the various forms of associationism, of the duty of political, economic, and social solidarity. The socialist component was primarily focused on social justice, public education, labor, and economic planning (Bifulco et al. 2006).

The Constitution is a rigid document, which can be modified through a qualified majority of 2/3 of the components of the two Chambers of the Parliament (*Camera dei deputati* and *Senato*) and a double approbation by each Chamber. A referendum is requested if the proposed revisions are approved through a simple majority (art.138).

The first 54 articles of the Italian Constitution (art. 1–12 on Fundamental Principles and art. 13–54 on Rights and Duties of the citizens) represent a modernized version of the French and North-American Declarations of Rights of the XVIII century. Among them are the attribution of the sovereignty to the people (art.1), the principle of equality (art.3), the inviolability of personal freedom (art.13), the right to freely express personal opinions (art.21), the provisions about family (art.29–31), the guarantee of health (art.32), and the right for all citizens to have access to public offices (art.51). Those provisions, which were part of the democratic tradition of the last two centuries, were translated into a constitutional text (Congleton 2011).

The second part of the Constitution concerns the arrangement of the Republic and the definition of the checks and balances system (art. 55–139). The constitutional sequence begins with the Parliament (art.58–82), continues with the President (art.83–91), and concludes with the Government (art.92–96). There is no formal reference to the principle of the division of the powers, and substantially, their organization is not informed by such a principle. The system of the "checks and balances" was interpreted and proposed by the political parties in the *Assemblea Costituente* in the veil of ignorance logic in that the possibility for a member to be, in the future, part of the opposition rather than in the government majority made constituents

strengthen the “balances” rather than the “checks” so as to avoid a reinforcement of the government’s structure. The direct election of the President of the Republic, whose mandate was to last seven years, was rejected since the “ghost of caesarism” was still alive. He would have the same powers as the King, such as powers of appointment and guidance, and power to dissolve the Parliament. For the Parliament, a perfect Bicameralism was chosen. The Prime Minister was to lead the Government and to promote and coordinate the activities of the Ministers as a *primus inter pares*. This form of government was conceived in a political period characterized by at most seven parties (either member of the opposition or of the majority). Only later would the emergence of a more complex political situation open up to the problems of government instability that still characterize Italy (Martucci 2002).

### 3 Regionalism in the Political Debate (1860–1948)

In Italy, the intergovernmental relations have been characterized by uncertainty, ambiguity, and pragmatism since the unification in 1861. As we mention above, the need to build a unitary and centralized State led the Founding Fathers to deny to the pre-unification States not only the federal status but also the role of Regions. At the same time, localism represented a strong government tradition formally recognized in the 1848 *Statuto Albertino* (the Constitution of the Italian Kingdom) that divided the country in Provinces and Municipalities operating, however, under a strict central control. Regions did not exist neither as institutions nor as territories characterized by specific identities or cultural and historical traditions. In the process of reorganizing the State, the necessity to take into account the existence of local interests and peculiarities and the related heterogeneity of local legislation became a priority. In this respect, the idea of establishing Regions appears in the political and institutional debate since the origins of the unitary State (1861) and characterizes the entire life of the country.

A regionalist proposal to reconcile the need of a legislative unification with the diversities of the pre-unitary states was made by the Piedmont Minister of Internal Affairs, Luigi Carlo Farini,<sup>3</sup> in 1860 and subsequently presented to the Chamber of Deputies by the Minister of Internal Affairs Marco Minghetti on March 13, 1861.<sup>4</sup> The objective of Farini’s proposal was to coordinate the strong unity of the

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<sup>3</sup> Luigi Carlo Farini (Ruschi, October 22, 1812—Quarto, August 1, 1866) was member of the *Destra Storica* and Prime Minister for a short period between 1862 and 1863. *Destra* and *Sinistra Storica* are respectively close to the idea of nowadays conservative (*Destra*) and progressive (*Sinistra*) parties, even though they do not perfectly coincide with them.

<sup>4</sup> Marco Minghetti (Bologna, November 8, 1818—Rome, December 10, 1886) was member of the *Destra Storica*, twice Minister of Internal Affairs in the government run by Camillo Benso Conte di Cavour in 1861 and Ricasoli in 1862, Minister of Finance in the government run by Farini and twice Prime Minister (March 24, 1863–September 28, 1864 and July 10, 1873–March 25, 1876).

State with the development of the life and liberty of local communities, and progressively to reduce the degree of dependency of Provinces and Municipalities on the central administration. In this perspective, Farini emphasized the need of establishing an intermediate entity, which would be below the political concept of State and above the Province which naturally and historically formed these wider entities. Regions should not be the result of an abstract and artificial design, but rather they would represent those effective natural and historical divisions, “the centers of moral strengths” which, if legitimately satisfied, and not repressed, “could positively contribute to the strength and magnificence of the nation.” In his proposal, Regions were characterized by elected bodies, an autonomous administration, and the following competences within the limits imposed by the State’s legislation: roads, ports, rivers, social assistance, education, agriculture, and forestry (Atti del Parlamento italiano 1861). Subsequently, in 1861, Minghetti put forward a legislative proposal which designed the establishment of the Regions as clusters of Provinces, with the competences identified by Farini and emphasized the need of equalization in favor of poorer territories, endowed with less infrastructures. Three months after its presentation, and Cavour’s death, the legislative proposal was definitely rejected in the Parliament. Again in 1861, Giuseppe Mazzini in his paper “Dell’Unità d’Italia” considered the Region as ancillary in the relation between the Nation and the Municipalities, which are the constitutive and fundamental elements of the new structure of the State. The Nation represented the *association*, the Municipality, the *liberty*. They were both the natural elements of the people. The others were *artificial* and had the only function of facilitating the relations between the Nation and the Municipality and to protect the latter from possible usurpation by the Nation. Mazzini considered the possibility of establishing twelve Regions divided into Districts and consisting in about one hundred Municipalities of large size, which included also the rural population to overcome the dualism between urban and rural areas (Mazzini 1861).

After the defeat of the liberal democratic proposal made by the *Destra storica*, the idea of Region disappeared from the political agenda, except for a few feeble initiatives by the *Sinistra storica*, which includes decentralization in the government platform in 1876. For more than half a century, until the first postwar period, the issue was only reconsidered by single scholars, among which Giuseppe Saredo, member of the Senate in the XVII legislature (1890–1892). In 1886, he prepared a mindful and mature project for the institution of the Regions based on the idea that Italy presented a combination of unitary and regional elements as far as interests, conditions, traditions, and needs were considered, showing a picture of variety in the unity. He considered the Italian State strong enough in its political unity to confer the Regions a wide administrative autonomy; in his view, each Region was able to take care of its own interests and locally to provide public services. This would simplify the activity of the State, reduce its burden, limit people’s contribution to national taxation, enhance civil participation, appraise the competence of local policy-makers, and strengthen the political institutions by giving different populations both the benefits of the unity and of a legitimate autonomy. Like Minghetti, Saredo was aware of the necessity and importance of

resource equalization among the Regions that should be guaranteed by the State (Boneschi 1946: 101). Saredo's proposal ended with De Pretis' death.

The first postwar period was characterized by a strong resume of the political initiative on regionalism because of two major factors: the emergence of regional political parties (i.e., the *Partito sardo d'azione*) and the creation of a mass party by Luigi Sturzo,<sup>5</sup> the *Partito popolare* that had a regionalist agenda (Boneschi 1946: 101). In line with most of the regionalists, Sturzo conceived regionalism as opposed to federalism and the Region as a convergent, rather than divergent, entity of the State. The Regions should be elected—representative, autonomous—autarchic, and administrative—legislative entities, by encompassing within their territorial limits local collective interests (Sturzo 1921).

After the long parenthesis of fascism, the debate on regionalism re-emerged in 1944–1945 and intensely continued through the contributions of many scholars. Among them, Jemolo, member of the Commission for the reorganization of the State, suggested the possibility to give the Regions wide legislative competences, either exclusive or concurrent with the State (1945: 13–31); instead, Salvemini strongly opposed the idea of Region in favor of the autonomy and self-government of Provinces and Municipalities (1945: 357).

On November 13, 1946, Gaspare Ambrosini, President of the Committee for the regional autonomy, presented a project on the establishment of Regions (unanimously approved on November 8) to the sub-commission of the Commission for the Constitution (*Assemblea Costituente*). After illustrating the main points of the debate on regionalism from Farini and Minghetti to Saredo and Sturzo, he examined four models of Region: (1) the most extreme, which envisages a federalist system; (2) the administrative decentralization, which is the closest to the already existing organization of the State; (3) the institutional and autarchic decentralization, which implies the attribution of some of the central government's competences to sub-national elected authorities; (4) the further advancement of the status of the Region from an administrative authority to a legislative one with exclusive and concurrent competences in sectors of local interest, to be exercised within the limits of the Constitution and of the fundamental legislation of the State and financial autonomy. The latter was the preferred solution, approved by the Commission for the Constitution (*Assemblea Costituente* 1946).

The Regions were finally introduced about one century later when the process of democratization, on the one hand, and the need to modernize the administrative sector, on the other, created the conditions for the establishment of wider units of government with functions of development and planning. The 1948 Constitution foresees the principle of a decentralized organization of the State identifying three levels of sub-national governments (Regions, Provinces, and Municipalities) that are autonomous and necessary (art.114). It favors local autonomy (art.5), defining the Provinces and the Municipalities as autonomous entities within the principles established by the general laws of the Republic, with administrative functions

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<sup>5</sup> Luigi Sturzo (Caltagirone, November 26, 1871—Rome, August 8, 1959) was a priest and politician who founded il *Partito popolare* to give a voice to Catholics in politics and create a catholic and social alternative to the socialist movement.

(art.128–129) and establishing a further level of government, the regional one (art. 5 and Title V of the Constitution). The Founding Fathers introduced the “autonomist principle” among the fundamental principles of the Constitution (Vandelli 2004: 21–24) by devoting only a few articles to the Provinces and the Municipalities which had a solid and deep-rooted tradition as well as an administrative role. As expected, most of the provisions of Title V were devoted to the newly created Regions, perceived as more politically relevant because of their legislative competences.

Italy was thus divided in 20 Regions. Five of them, the first to be established between 1948 and 1963, enjoy a special statute (*Regioni a Statuto Speciale*, or RSS), because of their multilingual status, borderline position, or particularly low level of development. The remaining 15 Regions characterized by an “ordinary statute” (*Regioni a Statuto Ordinario*, or RSO) were established in 1970, 22 years after the constitutional provision. Several Italian constitutional lawyers and political scientists (e.g. Putnam 1993) argue that the creation of the regional governments in 1970s constituted a response to the stalemate in national politics, where the Communist Party, which represented more than 1/3 of the electorate, could not participate in government activities because of its incompatibility with the Italian set of alliances. Regional governments could provide communist politicians with a chance to govern certain areas of the country without interfering with foreign policy. At the same time, the experience of administrating regional governments could make Italian politics more oriented toward administration than ideology (Veronese 2007). In the 1970s, however, the Parliament was still defining the powers of the Regions, and the financial relations between regional and local authorities were still not clear since the Regions were still limited by the existing centralism and the persistent localism (Baldi and Agostini 2011).

## 4 The Content Analysis on the Italian Constitution: A Focus on the Sub-national Level

The Italian Constitution counts 126 articles divided in 6 sections, preceded by 12 articles addressing the fundamental principles related to civil and fundamental rights. It counts 10,836 words which, analyzed according to the method explained in Chap. 4 (Imbeau and Jacob 2015), can be translated in 488 power relations. 4.1 % of them rely on wealth, 6.1 % on knowledge, whereas the majority,

**Table 1** Sources and types of power in the Italian Constitution

		Type of power		Total
		Social power	Instrumental power	
Source of power	Authority	182	176	358
	Wealth	8	12	20
	Knowledge	13	17	30
	Indeterminate	40	40	80
Total		243	245	488



73 %, relies on authority (see Table 1). In the Italian Constitution, instrumental and social relations are completely balanced counting 50 % each. This means that agents are given or taken the competence to act on things or on people in an equal measure. Consistently with the other case studies, the direction of power is negative only for 0.04 % of the 488 detected relations (see Table 2).

In Tables 3, 4 and 5, we provide a similar analysis with a special focus on the main political agents described in Sect. 2: the President of the Republic, the Parliament, and the Government. Among the three, the higher number of power relations defines the Parliament (see Table 3), while for all three of them, the source of power is authority (see Table 4). Distinctions are detectable once we look at the type of power: For the President of the Republic, the majority of power relations are social, while they are instrumental for the Parliament, and there is not a strong majority in the case of the Government defined by an equal number of social and instrumental power relations (see Table 5). Finally, the direction of

**Table 2** Direction of power in the Italian Constitution

		Direction of power		Total
		Positive	Negative	
Source of power	Authority	346	12	358
	Wealth	20	0	20
	Knowledge	30	0	30
	Indeterminate	74	6	80
Total		470	18	488

**Table 3** Distribution of the power relations among political agents

Political agents	Number of power relations	%
President of the Republic	36	7.38
Parliament	74	15.16
Government	42	8.61
Others	336	68.85

**Table 4** Sources of power among political agents

Source of power	Authority	Wealth	Knowledge	Indeterminate
President of the Republic	32	0	2	2
Parliament	64	0	7	3
Government	37	0	1	4

**Table 5** Types of power among political agents

Type of power	Social power	Instrumental power
President of the Republic	21	15
Parliament	28	46
Government	21	21

the power is in any case completely positive (see Table 6). This analysis confirms what we have stated at the end of the Sect. 2 on the fear of the Founding Fathers of a strong government.

We then calculate the values of V1 (Source of power), V2 (Type of power), and V3 (Direction of power) on three subsets of power relations concerning the sub-national level of governments. The first subset is based on the overall sample of power relations dealing with Regions, Provinces, and Municipalities, even if they are not directly mentioned as agents in the granted power relation. We define this subset as the sub-national level set. The second and the third samples contain information, respectively, only on Regions, Provinces, and Municipalities. These samples identify only the power relations in which the identity of the agents is clearly stated. They are defined as regional and *provincial and municipal level*. The goal of our analysis is to provide a comparison of the content analysis on these subsets with the values obtained from the analysis on the overall constitutional text, which we define, the national level.

Table 7 shows the number of power relations per subset of levels of government and samples, where it is apparent that the 24 % of the national power relations concern sub-national levels.

In Table 8, we present the number of power relations according to their source, type, and direction. It is worthwhile to notice that only three power relations are indeterminate when dealing with Regions, while the number rises to twelve when the level of government is provincial and municipal. The type of power is mainly social for Regions, while it is mainly instrumental for Provinces and Municipalities. However for both level, the direction of power is overwhelmingly positive.

The results are consistent with our hypothesis. The source, the type, and the direction of the power relations are almost identical when the national level

**Table 6** Direction of power among political agents

Direction of power	Positive	Negative
President of the Republic	35	1
Parliament	74	0
Government	42	0

**Table 7** Distribution of the power relations among levels of government\*

Level of government	Power relations
National level	488
Sub-national level	115
Regional level	60
Provincial and Municipal level	53

\*The sub-national level does not represent the sum of regional and municipal relations, since some articles deal with both at the same time.

**Table 8** Distribution of power relations according to their source, type, and direction\*

		Power relations		
		Sub-national level	Regional level	Provincial and Municipal level
Source of power	Authority	83	53	29
	Wealth	13	1	12
	Knowledge	3	3	0
	Indeterminate	16	3	12
Type of power	Social power	62	36	25
	Instrumental power	53	24	28
Direction of power	Positive	110	55	53
	Negative	5	5	0

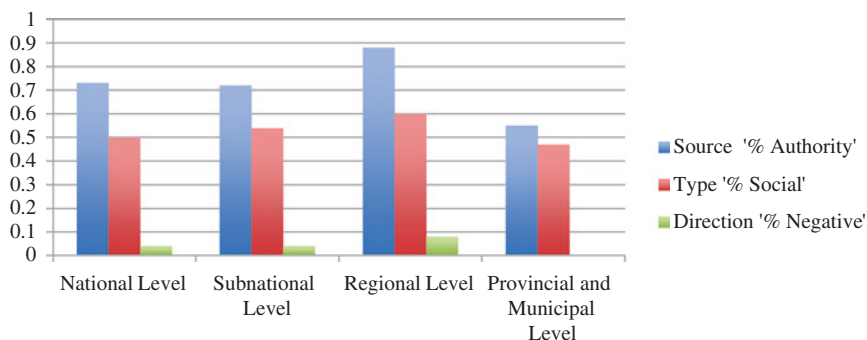
\*The sub-national level does not represent the sum of regional and municipal relations, since some articles deal with both at the same time.

analysis is compared to the analysis run on the sub-national level. The levels of opacity and therefore uncertainty are equivalent: 72 % of power relations are based on authority at the sub-national level and 73 % at the national level, 54 % of them are social rather than instrumental relations in the sub-national level versus a 50 % at the national level, and the direction of the relations is negative in the same percentage (0.04) (see Table 9).

Results change substantially once the analysis moves on the different identity of the sub-national level agents. The index calculation relying only on the regional relations shows a substantially higher level of uncertainty faced by the constitutional fathers not only compared to the national level but also to the level strictly related only to the municipal and provincial. The level of opacity of the latter is lower than those presented for the regional issues. This is consistent with the fact that the constitutional drafters were quite aware of the municipal realities and interests, whereas the definition of the political balances for Regions was much more uncertainty.

**Table 9** Power relations in the sub-samples

Level of government	Power relations		
	Source % authority	Type % social	Direction % negative
National level	0.73	0.50	0.04
Sub-national level	0.72	0.54	0.04
Regional level	0.88	0.60	0.08
Provincial and Municipal level	0.55	0.47	0.00



**Fig. 1** Power relations per level of government

Figure 1 provides graphical representation of the evidence shown in Tables 8 and 9. Overall the national and the sub-national level appear balanced. Within the sub-national level, differences between the regional level on one side and the provincial and municipal level on the other are striking.

## 5 Conclusion

In this chapter, we test the Veil of Ignorance hypothesis on a specific issue, which has characterized the Italian political debate since the birth of Italy as a unitary country in 1861: The creation of Regions as an intermediate level of government between the State and the local authorities. The empirical analysis runs through the methodology described in Chap. 4, confirms that the level of opacity, which characterized the choice made by the Founding Fathers on the regional issue was higher than the overall level of constitutional opacity. We explain this outcome as a function of a double level of debate within the Italian institutional history. A first level is related to the concerns of the Founding Fathers of the unitary country, who considered the introduction of a regional level an attempt to the unitary design. A second level belongs to the Founding Fathers of the 1948 Constitution, who had to deal with the reconstruction of a democratic country after 20 years of fascist dictatorship. In this perspective, the recognition and advancement of the preexisting local autonomies together with the introduction of the Regions represented a guarantee of the democratization process.

However, this spirit was betrayed during the enforcement of the Constitution and it was reaffirmed in the 1990s, in particular during the XIII Legislature (1996–2001), when the experience of the so-called First Republic born after WWII collapsed due the political scandals of the Clean Hands (Mani Pulite) judiciary investigation. The rise of a Second Republic in 1994 was hailed as the possibility to fully realize and expand the potentialities of the original regionalist project of the Founding Fathers, only partially enforced in the First Republic

history. As a consequence, a new constitutional reform reinforcing the role and the competences of the Regions was enacted in 2001. Again, this new Constitutional design, federalist in spirit, remained unenforced due, as in the past, to political reasons.<sup>6</sup> The story of regionalism in Italy seems to be conflicting in its nature: On the one side, the institutional design provides a proper structure for decentralization, on the other the political consequences of a full implementation of an autonomous regional level are not really wanted most likely because of the consequences in terms of accountability of a greater legislative and financial autonomy.

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<sup>6</sup> Even if an attempt to enforce the 2001 reform was done in 2009 through the provisions of an ordinary legislation which were suspended as a consequence of the public finance priorities due to the international financial crisis.

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