HANDBOOKS PREPARED UNDER THE DIRECTION OF THE HISTORICAL SECTION OF THE FOREIGN OFFICE. No. 159

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PLEBISCITE AND REFERENDUM

LONDON:
PUBLISHED BY H.M. STATIONERY OFFICE

1920

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Editorial Note.

In the spring of 1917 the Foreign Office, in connection with the preparation which they were making for the work of the Peace Conference, established a special section whose duty it should be to provide the British Delegates to the Peace Conference with information in the most convenient form—geographical, economic, historical, social, religious and political—respecting the different countries, districts, islands, &c., with which they might have to deal. In addition, volumes were prepared on certain general subjects, mostly of an historical nature, concerning which it appeared that a special study would be useful.

The historical information was compiled by trained writers on historical subjects, who (in most cases) gave their services without any remuneration. For the geographical sections valuable assistance was given by the Intelligence Division (Naval Staff) of the Admiralty; and for the economic sections, by the War Trade Intelligence Department, which had been established by the Foreign Office. Of the maps accompanying the series, some were prepared by the above-mentioned department of the Admiralty, but the bulk of them were the work of the Geographical Section of the General Staff (Military Intelligence Division) of the War Office.

Now that the Conference has nearly completed its task, the Foreign Office, in response to numerous enquiries and requests, has decided to issue the books for public use, believing that they will be useful to students of history, politics, economics and foreign affairs, to publicists generally and to business men and travellers. It is hardly necessary to say that some of the subjects dealt with in the series have not in fact come under discussion at the Peace Conference; but, as the books treating of them contain valuable information, it has been thought advisable to include them.

It must be understood that, although the series of volumes was prepared under the authority, and is now issued with the sanction, of the Foreign Office, that Office is not to be regarded as guaranteeing the accuracy of every statement which they contain or as identifying itself with all the opinions expressed in the several volumes; the books were not prepared in the Foreign Office itself, but are in the nature of information provided for the Foreign Office and the British Delegation.

The books are now published, with a few exceptions, substantially as they were issued for the use of the Delegates. No attempt has been made to bring them up to date, for, in the first place, such a process would have entailed a great loss of time and a prohibitive expense; and, in the second, the political and other conditions of a great part of Europe and of the Nearer and Middle East are still unsettled and in such a state of flux that any attempt to describe them would have been incorrect or misleading. The books are therefore to be taken as describing, in general, *ante-bellum* conditions, though in a few cases, where it seemed specially desirable, the account has been brought down to a later date.

G. W. PROTHERO,
General Editor and formerly
Director of the Historical Section.

January 1920.

NOTE.

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The portion of this Treatise dealing with the French plebiscites is by Mr. R. S. Rait (Professor of Scottish History in the University of Glasgow and Historiographer Royal of Scotland) and Miss Beatrice A. Lees (Lecturer in History, University of Manchester). That on the Italian plebiscites is by Miss Rachel Reid (Lecturer in History, University College, London), with additions by Prof. Rait. Capt. G. M. Gathorne-Hardy contributed the account of the plebiscites in Norway; Major Basil Williams, that of the referendum in Natal; Major Frank Fox the note on the referendum in Australia. Miss Lees supplied the notes on that institution in the United States, and Prof. Rait those on the referendum in Switzerland, and the promised plebiscite in North Schleswig.

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I.—INTRODUCTION.

(i) *Plebiscite and Referendum.*—The political terms plebiscite and referendum in their modern acceptation are of comparatively recent origin, but the idea behind them—the ultimate right of the sovereign people to exercise direct legislative power—is of great antiquity. The Roman *plebiscitum* was, at least after the enactment of the Lex Hortensia of 287 B.C., a decree passed by the Plebians in their *concilium plebis*, under their own magistrates, the tribunes, and by their own forms of procedure, in virtue of the power delegated to them by the sovereign people, the "populus." The "plebs" thus gained a right to legislate for the nation. "The assembly of the plebs became the delegated alter ego of the sovereign *populus Romanus*."[1] Hence, as the decree of the plebs constituted a law, the term "lex" came to be loosely used for plebiscitum, and the term "populus" for "plebs."

In mediæval Latin and in Old French the words *plebiscitum, plébiscite, plebiscite,* retained their classical sense of a popular law (*statutum, estatut, establissement*), but were also, by an extension of meaning, applied to the popular assembly (*conventus plebis*) in which such laws were passed,

[1] *English Historical Review*, vol. I, 1886, April, p. 209 *et seq.*; J. L. Strachan-Davidson, *The Growth of Plebeian Privilege at Rome*, vol. V, 1890, July, p. 462 *et seq.*; *Ibid.*, *The Decrees of the Roman Plebs.*

while the constituent members of the assembly could even be described as *plebisciti*.[1]

In pre-Revolutionary France, Montesquieu and Rousseau used " plébiscite " as equivalent to the Latin " plebiscitum," a law made by the Plebians alone, without the Patricians or the Senate.[2] To Voltaire, on the contrary, influenced probably by his knowledge of the Swiss referendum in its early form, the word " plébiscite " seems to have suggested the popular legislative assembly, the *concilium plebis*, rather than the law made in that assembly.[3]

> " Dans l'ancienne Rome," he wrote in 1776, " et même encore à Genève et à Bâle, et dans les petits cantons, ce sont les plébiscites qui font les lois."[4]

In Voltaire's time, indeed, the final legislative power in many of the Swiss cantons actually rested with the people in their local assemblies, and not with the general assembly.[4]

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[1] Du Cange, *Glossarium mediæ et infimæ Latinitatis* ed. 1845, *sub voce*. Godefroy, *Dictionnaire de l'ancienne Langue Française:* Paris, 1902, *sub voce*. La Curne de Sainte-Palaye., *Dictionnaire Historique de l'ancien Langage François* : Paris, 1880, *sub voce*.—" Plebiscite estoit apelé aucun establissement que le menu peuple fesoit en sa cour par ses tribuns et par ses ediles et par ses majestraz." Murray, *New Eng. Dict.*, 1909 : *sub voce*.—The earliest instance given of the use of the word plebiscite in English is in 1637, in the sense of a popular decree or maxim.

[2] Montesquieu, *De l'Esprit des Lois*, chap. XVI. Rousseau, J. J., *Du Contrat Social, livre* III, chap. XV.

[3] *Œuvres Complètes*, 1785, vol. 63. *Correspondance Générale*, pp. 214-215. *Lettre* CXIX, *à M. Le Comte d'Argental*, 30 de mars, 1776. Murray, *New Eng. Dict.*, thinks that Voltaire here is using the word in the modern sense, for the popular vote. From the connection with Rome and Switzerland it seems more probable that he, in common with some mediæval writers, understood by it the popular assembly.

[4] *Eng. Hist. Rev.*, vol. VI, 1891, Oct., p. 674 *et seq* W. A. B. Coolidge, *The Early History of the Referendum.* A. Lawrence Lowell, *Governments and Parties in Continental Europe*, vol. II, chap. XII, p. 238 *et seq.* : London, 1904.

In modern politics the term "plébiscite" or "plebiscite," both in French and English, has come to mean "a direct vote of the whole of the electors of a State to decide a question of public importance"[1]—the machinery whereby the sovereign people gives expression to its will, not, as in Roman days, the embodiment of that will in the form of a law or decree. Although votes of this kind were taken in France several times between 1792 and 1804, they do not seem to have been called *plébiscites*. The word apparently only became familiar during the Second French Empire, when Napoleon III used the direct vote to strengthen and popularize his arbitrary seizure of power. From this association the term plebiscite acquired a somewhat disparaging connotation, since it was held to imply the abdication of popular sovereignity, and the delegation of the supreme power of the community to one man.[2] Thus M. Aulard, the historian of the French Revolution, describes the period of the Consulate (1799-1804) as "la république plébiscitaire," because the people, by a plebiscite, had abdicated their rights in favour of one man, Napoleon Bonaparte.[3]

If the experiences of the Second Empire discredited the plebiscite as a means of testing public opinion on constitutional questions, the Italian plebiscites of 1860 to 1870 showed the defects of the direct popular vote as a method of deciding questions of annexation, or of the cession of territory by one State to another. Yet it is chiefly in this sense that the plebiscite, as the expression of the principle of self-determination, had found favour in modern Liberal and

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[1] Murray, *New Eng. Dict., sub voce.*

[2] Bodley, J. E. C., *France*, vol. II, bk. III, §IV, p. 161, *note* 1 : London, 1898.

[3] Aulard, A., *Histoire Politique de la Révolution Française. Avertissement*, pp. v., vi. Paris, 1901.

Socialist circles, though with the proviso, that it must be an "honest plebiscite."[1] The Central Organization for a Durable Peace includes a clause in its Minimum Programme which provides that—

> "No annexation or transfer of territory shall be made contrary to the interests and wishes of the population concerned. Where possible their consent shall be obtained by plebiscite or otherwise."[2]

It is also one of the "four cardinal points" of the policy of the Union of Democratic Control that—

> "No Province shall be transferred from one Government to another without the consent, by plebiscite or otherwise, of the population of such province."

In accordance with these views the Berne International Labour and Socialist Conference of February, 1919, received a unanimous report from the Commission on territorial problems in favour of the self-determination of nationalities and plebiscites under the control of the League of Nations. Two days later, however, the German Majority representatives found themselves compelled to withdraw their proposal demanding a plebiscite for Alsace-Lorraine.[3]

Strictly speaking, the term "plebiscite" connotes the actual vote given by the whole body of electors; and the "referendum," the practice or principle of submitting questions to that body.[4] The referendum implies the appeal to the people, the act of reference; the plebiscite, the process and result of that appeal. Referendum and plebiscite may be described as complementary parts of one legislative action. In practice, however, the two terms are often used almost interchangeably, and the fine shades of distinction

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[1] Brailsford, H. N., *Publications of the Union of Democratic Control*, No. 4, p. 19.

[2] *The Framework of a Lasting Peace*, ed. L. S. Woolf, II, p. 63. London, 1917.

[3] *Manchester Guardian*, Feb. 8, Feb. 10, 1919.

[4] Murray, *New English Dictionary*. *s.v.* Referendum.

in their meanings are disregarded. Thus Mr. Lowell describes the referendum, not the plebiscite, as "the popular voting upon laws,"[1] while Professor Dicey, more accurately, identifies it with the "appeal to the people," and the "national veto."[2] Mr. Bodley, who narrows down the plebiscite to the delegation of supreme power, by the majority of voices, to one man, sees in the referendum "the approval or disapproval by that majority of a definite act or policy of the Government," and cites French advocates of the referendum for the opinion that it represents "the permanent power to exercise the national sovereignty."[3]

(ii) *The Referendum.*—The substantive use of the word "referendum"[4] seems to have passed into modern political terminology from Switzerland, where the delegates to the Diet of the early Confederation were commissioned *ad audiendum et referendum*—to hear what was proposed, and to report, or refer back to their governments—before matters of importance were settled.[5] But this ancient form of the referendum arose from the nature of the federal tie,[6] and was different in character from the modern Swiss referendum, which only came into existence in the nineteenth century, by the Federal Constitution of 1848,

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[1] Lowell, A. Lawrence, *Governments and Parties in Continental Europe*, vol. II, chap. XII, p. 238: London, 1904.

[2] *Quarterly Review*, April, 1910. Dicey, A. V. *The Referendum and its critics*, p. 538, *seq.*

[3] Bodley, J. E. C., *op. cit.*, vol. II, p. 161 and *note* 1.

[4] It is used as a verb by Vulpius, who died in 1706, in his *Historia Rhætica*. "The chief men decree what seems to them good, but everything is done *ad referendum*." (*Eng. Hist. Rev.*, vol. VI, 1891, p. 681.)

[5] *Eng. Hist. Review*, vol. VI, 1891, p. 674 *et seq.* Lowell, A. Lawrence, *op. cit.*, *Quarterly Review*, April, 1911. *The Referendum in Operation*, p. 509.

[6] Lowell, A. Lawrence, *op. cit.*, vol. II, p. 238.

and its amendments in 1874 and 1891.[1] The earliest use of the word in English given in the New English Dictionary is in 1882[2]; and in 1885 Sir Henry Maine could write of the Swiss referendum in his "Popular Government" as the "most recent of democratic inventions."[3] Historically, however, the referendum is only a Swiss invention in the limited sense of its application to ordinary laws. As a method of appealing to the people on important constitutional changes, it was practised in the eighteenth and nineteenth centuries, both in the United States of America and in France; while the annexation plebiscite, which involves the reference of a definite issue to the people, was used in France in the Revolutionary Period.

(iii) *The Popular Initiative.*—The Swiss Popular Initiative, whereby a definite number of the people has the right to propose legislative measures to the whole body, and to require a popular vote on such proposals, is "a complement of the referendum," which goes beyond it in the direction of popular legislation. In its various modern forms the Initiative is a device of the nineteenth century, but it goes back to a primitive right in the smaller cantons, where any qualified voter might, after observing certain formalities, bring proposals before the *Landesgemeinde*, or local assembly. This, as Mr. Lowell has pointed out, "is a case where every man is a member of the legislature, rather than one where the people can make laws directly without the help of any assembly at all."[4] Voltaire, however, was

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[1] *Encyclop. Brit.*, ed. 1911. Articles: *Referendum, Switzerland.* Lowell, A. Lawrence, *op. cit. Quarterly Review*, April, 1910, p. 538, *et seq.*; April, 1911, p. 509 *seq.*

[2] Murray, *New Eng. Dict., sub voce.* "A referendum or appeal to the people." *Daily News*, Feb. 7, 1882.

[3] *Quarterly Review*, April, 1910, *ut supra.*

[4] Lowell, A. Lawrence, *op. cit.*, vol. II, p. 280 *et seq. Quarterly Review*, April, 1911, p. 512 *et seq. See below:* VII. *The Referendum in Switzerland.*

undoubtedly justified in comparing the machinery of popular legislation in the small Swiss cantons with that of ancient Rome, for both the *concilium plebis* and the *Landesgemeinde* could originate laws, whereas in the plebiscite or referendum proper the people as a whole can accept, reject, or confirm, but has no power of initiation.

(iv) *Forms of Plebiscite or Referendum.*—The various forms of plebiscite or referendum may be conveniently classified, according to the purposes for which the appeal to the people is employed, as (1) the Plebiscite or Referendum in Ordinary Legislation; (2) the Constitutional Plebiscite or Referendum, and (3) the Annexation Plebiscite.[1]

The plebiscite, as an instrument of ordinary legislation, is really a Swiss invention, though a provision for a popular vote on laws was inserted in the abortive French Constitution of 1793. In the United States it has been to some extent copied from Swiss institutions; and instances of its use are found in Australia. The Constitutional Plebiscite or Referendum, the appeal to the people to sanction a new constitution, or to accept fundamental constitutional changes, has been freely used in France, in the United States, and in Australia. Italy, France, and a few other countries afford instances of the Annexation Plebiscite.

(v) *Theoretical Basis of the Plebiscite.*—All these forms of popular legislation rest ultimately on those theories of the Rights of Man, Liberty and Equality, the General Will, and the Sovereignty of the People, which, vitalized by the genius of Rousseau, exercised an incalculable influence on the political thought of the later eighteenth century. The doctrine of the Sovereignty of

[1] On the veto as a form of direct popular voting, *see* Lowell, A. Lawrence, *op. cit.*, vol. II, p. 248 *et seq.*

the People, in particular, became one of the fundamental principles of the French Revolution, a Revolution whereby, as André Chénier wrote :— "les peuples rentrent dans leur souveraineté usurpée."

To Rousseau[1] sovereignty, being simply the exercise of the general will, was inalienable; and the sovereign people could only be represented by itself. Executive power might be delegated, but legislative power, the heart of the body politic, by which the State lives, must remain with the sovereign people.

> "Le souverain," he wrote in the *Contrat Social*,[2] "n'ayant d'autre force que la puissance législative, n'agit que par des lois; et les lois n'étant que des actes authentiques de la volonté générale, le souverain ne saurait agir que quand le peuple est assemblé." And again, in another passage: "La souveraineté ne peut être représentée . . . elle consiste essentiellement dans la volonté générale, et la volonté ne se représente point."[3]

Rousseau himself saw no possibility of the full realization of this ideal save in States so small that a primary assembly of all the citizens was possible. In practical politics he would only admit the principle of representation if the deputies were mere delegates or mandatories of the sovereign people, acting under a *mandat impératif*, and unable to conclude anything definitively without first submitting it to their constituents. According to him, "Toute loi que le peuple en personne n'a pas ratifié est nulle; ce n'est point une loi."[4]

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[1] Rousseau, J., *Du Contrat Social*, ed. C. E. Vaughan, Manchester Univ. Press, 1918. See also Vaughan's ed. of Rousseau's Political Works.

[2] *Contrat Social*, livre II, chaps. I, II; livre III, chaps. XI, XII, XIII, XIV, XV, XVI. Cf. Lowell, A. Lawrence, *op. cit.*, vol. III, pp. 243-244.

[3] *Contrat Social*, livre III, chap. XV. *See* Professor Vaughan's notes on this chapter in his edition of the *Contrat Social*, Manchester, 1918.

[4] *Ibid.*

The questions of "imperative mandates" and of the royal veto on legislation were keenly debated in the National Assembly in the autumn of 1789; and the arguments used against the principle of the direct popular ratification of laws strikingly anticipate the chief modern objections to the plebiscite or referendum. Thus Mounier, the proposer of the Tennis Court Oath, a clear-sighted and temperate politician, after declaring that "imperative mandates" would result in "tumultuous democracy," and that the submission to the local assemblies of laws which the king had suspended would mean "a sovereignty divided into more than 40,000 fractions," went on to urge that such division of sovereignty would lead to troubles and factions, and to the exercise of undue influence over simple voters:—"On irait dans les districts gagner les suffrages, et il serait facile de séduire une foule peu éclairée."[1] The Abbé Siéyès also spoke strongly of the danger of entrusting direct legislative power to "elementary assemblies": "Proposer que la loi n'ait force de loi que lorsque chaque citoyen l'aura consentie immédiatement, c'est dire que la France est un Etat démocratique."[2]

Mounier and Siéyès were right in their forecast of the logical consequences of direct popular government, but the democracy which they feared was welcome to such ardent disciples of Rousseau as Robespierre and St. Just, and to the other leaders of the growing democratic and republican

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[1] *Moniteur Universel*, No. 52, Sept. 4, 1789, p. 213 *seq.* But Mounier distinguishes between the appeal to the people on questions of the organization of government and the fixing of a constitution, and on questions of ordinary legislation which arise after the government is organized. In the first case, the deputies entrusted with constituent powers must act as mandatories of the electors.

[2] *Ibid.*, No. 54, Sept. 7 and 8, 1789, p. 223.

parties.[1] Robespierre was laughed at when, in October, 1789, he proposed in the National Assembly that the formula at the head of all laws should run: "Louis, par la grâce de Dieu, et par la volonté de la Nation, roi des Français; à tous les citoyens de l'Empire Français: Peuple, voici la loi que vos représentans ont faite, et à laquelle j'ai apposé le sceau royal."[2] But the idea of the right of the people to something more than a passive share in government deepened in intensity as the Third Estate proved its mettle and its power.[3]

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[1] Aulard, *op. cit.*, Pt. I, chap. IV, puts the beginnings of the first republican party in December, 1790. Robespierre was not at first a member of it.

[2] *Moniteur*, No. 69, Oct. 8, 1789, p. 283.

[3] Aulard, *op. cit.*, Part I, chap. III, § III, p. 60, calls the taking of the Bastille and the subsequent events, "la prise de robe virile du peuple."

II.—PLEBISCITES IN FRANCE.

(I.) The Revolutionary Period.

(i) *The Constitution of* 1791.—The Constitution of 1791 provided for primary assemblies of towns and cantons, in which the electors of the new Legislative Assembly were to be chosen; but it retained the indirect method of election (*le suffrage a deux degrés*) to the central legislature, and it imposed conditions, including the payment of direct taxes, on the "active citizens" who had the right to vote in the primary assemblies, while from the electors who voted directly for the members of the legislature a property qualification was demanded.[1] Already, however, it was beginning to be recognized that genuine popular government must rest on universal suffrage.[2] In the debate of October 20, 1789, on the conditions of "active" citizenship, universal suffrage was demanded by five deputies, of whom Robespierre was one; and by 1791 Robespierre was definitely leading the campaign against a suffrage based on taxability and on property qualifications. In April, 1791, he published a "Discourse to the National Assembly," in which he proposed a decree for the establishment of universal suffrage; and, somewhat later, there were demonstrations in the

[1] *Camb. Mod. Hist.*, vol. VIII, chap. VII. The Constitution of 1791 "was actually framed for the most part during the last half of 1789 and the early months of 1790." Vaughan, *Contrat Social*, Manchester, 1918, Note B., p. lxvi.

[2] Aulard, *op. cit.*, Part I, chap. I, § VI, p. 25, writes of universal suffrage as "Chose alors [just before the French Revolution] innommée, tant l'idée en était étrangère aux penseurs du XVIIIe siècle." He notes, however, that it was demanded, under this name, by English Radicals, from about 1770.

primary assemblies in favour of this principle.[1] So early as 1790, Loustallot, editor of the *Révolutions de Paris*, had suggested that constitutional laws should be ratified by the people in their primary assemblies. "He . . . demanded a democracy with universal suffrage, and he published a regular system of *referendum* . . . for the popular sanction of laws." In June, 1791, the Cordeliers adopted this system, remodelled by René de Girardin. It aimed at controlling the Chamber of Deputies from below rather than from above, by the people, not by an Upper Chamber. "The Senate, in this ideal democratic constitution, would have been the French people."[2] After the flight to Varennes, the advanced democratic Clubs and Societies persistently demanded a national sanction for the laws. The formula of the Club of the Cordeliers was "un gouvernement national, c'est à dire la sanction ou ratification universelle et annuelle." When, after the capture of the royal family, the question arose of what should be done with Louis XVI, 30,000 citizens petitioned the National Assembly to decide nothing concerning the king without consulting the departments; and other petitions of the same kind followed. A definite attempt was thus made to apply the system of popular *referendum* to the question of the king's fate.[3]

It was not, however, till after the *journée* of

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[1] Aulard, *op. cit.*, Part I, chap. III, § III, chap. IV, § VI.

[2] *Ibid.*, chap. IV, § I, chap. V, § VII: *Révolutions de Paris*, Nos. XVII, XXXI, XXXVIII. The above account is taken from Aulard's *Hist. Pol. de la Révolution Française*, a valuable authority for this subject, as special stress is laid on parliamentary forms in general, and on plebiscites in particular. M. Aulard points out (Pt. I, chap. IV, § II), that the *fédérés* at the Fête of the Federation on July 14, 1790, were elected by the National Guard, who were practically all "active" citizens, and that these elections were regarded as a kind of plebiscite in favour of the Constitution.

[3] *Ibid.*, Pt. I, chap. V, § VIII.

August 10, 1792, the meeting of the National Convention on September 21, and the proclamation of the Republic on the following day, that France really became a democratic State, provided with adequate machinery for the exercise of popular government. A decree of August 10 established universal manhood suffrage, with the one exception of domestic servants, who were still excluded from "active" citizenship. Indirect election was retained, with the "two degrees" of suffrage; but the triumph of the democratic party, if not complete, was striking, and this triumph made it possible to translate the principle of direct legislation by the people into immediate political action.

(ii) *The National Convention*, 1792.—On September 22, 1792, the Legislative Assembly, "bowing before the majesty of the people," resigned its authority in the hall of the Tuileries, where the members of the National Convention were gathered. This new legislative body, elected by universal suffrage in the primary assemblies, claimed to represent the whole nation, and prepared to establish a constitution based on liberty and equality. The Convention adjourned to the Salle du Manège, and there, after some discussion, issued its first decree: "There can be no constitution but that which is accepted by the people."[1]

This decree was itself an amendment to a previous motion that "there can be no constitution without the ratification of the people in person"; and in the course of debate it was clearly shown that the idea of direct popular consent was indissolubly connected with the principle of popular sovereignty. "You have," said one speaker, when the decree had been

[1] For these debates, *see Moniteur Universel*, Sept., 1792, and Aulard, A., *Histoire Politique de la Révolution Française*.

accepted, "just consecrated the sovereignty of the people." It was argued that the Convention was not charged with giving the people a constitution, but simply with proposing one to the nation which had created it. Though a member who suggested that the Assembly should never deliberate save in the presence of the people was silenced as out of order, Danton urged that there could be no constitution but that which had been accepted by the majority of the primary assemblies; while the deputy Lasource emphasized the distinction between constitutional and general laws and particular laws, and insisted that the former were too important to be put into execution until the will of the nation had been formally manifested.

This distinction between the constituent powers and the ordinary legislative functions of the Convention seems to have been recognized in practice. The principle of a direct appeal to the people for the confirmation of laws was accepted for constitutional legislation,[1] and also in cases of territorial annexation, but in the work of ordinary legislation it was not observed.

(iii) *Annexation Plebiscites*: (*a*) *Savoy*.—It was on a question of annexation that the first practical application of the plebiscite occurred. French troops invaded the territories of Savoy and Nice, which formed part of the Kingdom of Sardinia; and in September, 1792, General Montesquiou, commanding the army of the South, entered Chambéry. "La marche de mon armée est un triomphe," he wrote. "Le peuple des campagnes et celui des villes accourent au-devant de

[1] There were early precedents for submitting State Constitutions to the people for ratification in America. Massachusetts rejected a "Frame of Government" in 1778 and adopted a Constitution by this method in 1780. New Hampshire rejected a Constitution by *referendum* in 1779 and ratified one in 1783. *Quarterly Review*, April, 1911, p. 251.

nous. La cocarde tricolore est arborée partout."[1] The municipal officers met him at the gate of the city in robes of ceremony, with words of welcome. On October 14 each commune elected a deputy, with full powers to decide the fate of the country in the "National Assembly of the Allobroges." This Assembly met on October 21 in the cathedral of Chambéry; and on the following day the votes of the communes on the question of union with France were verified. Of the 655 communes comprised in the seven provinces of Savoy, 580 voted for union; 70 gave their deputies unlimited powers; one voted for an independent republic; three were unable to vote because they were occupied by Sardinian troops, but they expressed a wish for union; one alone appears not to have given an opinion.[2] The declaration in favour of union with France was entered in the register, and the Assembly proceeded to decree the abolition of monarchy, the suppression of feudal rights, of the hated *gabelle*, and of the practice of torture, the seizure of church lands, and the reorganization of municipal bodies and tribunals. As a member of the National Convention said, the Savoyards did more in a week than the Constituent Assembly had done in three years.

On October 29, 1792, four citizens were appointed by the "Assembly of the Allobroges" as "interpreters of the will of the people of Savoy"

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[1] *Moniteur*, No. 273, Sept. 29, 1792. Letter from Montesquiou dated from Chambéry, Sept. 22. He is often said to have entered on Sept. 24. Sorel, *L'Europe et la Révolution française*, Partie III., chap. II., p. 114 *et seq.* Heimweh, *Droit de Conquête et Plébiscite*, I. *Les Plébiscites de la Révolution*, Paris, 1896.

[2] Sorel, *op. cit.*, and Heimweh, *op. cit.*, give 658 communes and Heimweh omits from this total the three which were occupied by the Sardinians; but the above figures are taken from the *Moniteur* and appear to be correct.

to the National Convention. On November 27, in the final debate on the question of the union of Savoy with France, the deputy Grégoire, speaking in the name of the "Comités de Constitution et de Diplomatique," raised the question of the right of separate nations to unite in a single body politic, only to answer it decisively in the affirmative. Each nation, he said, was sovereign. By uniting, they did not alienate sovereignity; they only agreed to increase the number of individuals who exercised it collectively. The demand for union made in the name of the Savoyard nation was the free and solemn expression of the desire of nearly the whole of the communes. They had declared, through the organ of their representatives, that no violence or foreign influence had directed their opinion. Thus the sovereign had spoken. When Grégoire read the *projet de décret* on the incorporation of Savoy, only one member objected. The whole Assembly rose and showed its opinion by acclamation. The question was put to the vote by rising or remaining seated. A solitary member rose in opposition. The President then pronounced the decree: "The National Convention declares, in the name of the French people, the union of the *ci-devant*. Savoy with the French Republic." After the applause had ceased, a deputy proposed to add to the decree a declaration that the union could not be regarded as definitive and irrevocable until it had been ratified by the French people. This amendment was supported by Danton, but it was rejected on the ground that by a previous declaration all constituent laws (*lois constitutives*) of the Republic must of right be submitted to the ratification of the people, though they might be provisionally put into execution in cases of urgency.

On November 29 the Convention formally adopted articles of incorporation, whereby, in

accordance with the "free and universal wish of the sovereign people of Savoy," expressed in the communal assemblies, the proposed union was accepted; and Savoy thus became an integral part of the French Republic, of which it provisionally formed the 84th department, that of Mont Blanc. The new department was to send ten deputies to the National Convention; and primary electoral assemblies were at once to be formed, on the French model. On December 24 a letter from the French Commissaries who had been sent to the "department of Mont Blanc" was read in the National Convention. It described in glowing colours the entry of the Commissaries into Chambéry, with bells ringing, and cannon firing 84 times in honour of the 84 departments of the Republic.

There seems no reason to doubt that this enthusiasm was genuine, or that the results of the plebiscite in Savoy represented the real wishes of the people. From the first it had been "difficult to say whether the province had not always been French." The vote for annexation had been anticipated in France from the early days of the occupation. The streets of Chambéry resounded to the strains of the *Marseillaise*; and General Montesquiou said that the people received him as a brother and a liberator rather than as an enemy and a conqueror.[1] The French commissary, Dubois-Crancé, who had been sent to enquire into Montesquiou's conduct of the campaign, was also careful to point out that no sort of external influence, civil or military, had been brought to bear on the Savoyard voters. The communes assembled on their own initiative, without French instigation; they expressed their

[1] On September 21 Montesquiou wrote: "Il me parait que les esprits sont disposés à une révolution semblable à la nôtre. J'ai déjà entendu parler de proposer à la France un 84me département, ou au moins une république sous sa protection."

own wishes, and sent their own representatives to Paris.[1]

(*b*) *Nice.*—The expansion of Revolutionary France, which was the immediate result of the war with Austria and Sardinia, led to a formulation of the policy to be pursued by the Republican armies towards conquered peoples and occupied territories. The National Convention renounced all claim to rights derived from conquest. It fully recognised the right of self-determination, though it refused to give military assistance to nations which retained a monarchical form of government. "The right of the sword was replaced by the authority of the plébiscite."[2] The French generals were allowed to "open the eyes" of the inhabitants of the countries they invaded. They might speak to them of liberty, of the Rights of Man, and of the "eternal principle of the sovereignty of the people." They might invite them to break the yoke of the oppressor and to give themselves laws which should be the "sacred emanations of their supreme will." But they might not impose laws on them, or even suggest that they should adopt French laws, nor might they in any way interfere with the free popular choice, or propose any form of government to the people.

On all these points Montesquiou's conduct in Savoy seems to have been without reproach, but the behaviour of General Anselme, the commander of the expedition to Nice, caused considerable dissatisfaction. On September 29, 1792, he crossed the river Var, and took the town of Nice without striking a blow. He then overran the surrounding country, while the Sardinian troops retired to the mountains. Serious disorders, however, followed his occupation. The people

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[1] *Moniteur*, September to December, 1792, No. 266 *et seq.*
[2] Heimweh, *op. cit.* *Moniteur, passim.*

appear to have been lawless and turbulent, but Anselme carried things with a high hand, and, when he took possession of the County of Nice in the name of the French nation, he municipalized it, and gave it administrative tribunals. The question came up before the National Convention; and a proposal was adopted forbidding generals to take possession of territory, ordering them to proclaim, on entering a country, that the French nation declares it liberated from the yoke of its tyrants, and free to give itself, under the protection of the armies of the Republic, any provisional organization and any form of government that it pleases.[1] When, on November 4, two deputies from the provisional administrative bodies of the town and County of Nice appeared before the National Convention to demand annexation to the Republic, their request was refused because the bodies which they represented had been arbitrarily formed by General Anselme. "Before deliberating on the union," said the President of the Convention, Hérault de Séchelles, "let the people pronounce, let the sovereign express its wishes; and the sovereign is in the primary assemblies, and nowhere else."[1]

A National Assembly was now formed in Nice, under the name of "Convention nationale des Colons marseillais." After copying the Assembly of the "Allobroges," by pronouncing the deposition of the King of Sardinia, it convoked the primary assemblies. They met on December 9 and 15; and the great majority of communes voted for union with the French Republic. The same deputies who had asked for annexation in November reappeared before the National Convention on January 4, 1793, to repeat the request, as the representatives of the people in Nice. The absorption of the Convention in the trial of Louis XVI

[1] *Moniteur, passim*; Sorel, *op. cit.*; Heimweh, *op. cit.*

delayed the reply till the end of the month, but on January 31 it was declared unanimously that the Convention, in the name of the French people, accepted the wish expressed by the *ci-devant* County of Nice ; and that, in consequence, it should form an integral part of the territory of the Republic. Under the name of the department of the Alpes Maritimes, it became the 85th department of France ; and the news of the union was received with great joy by the people of Nice, who celebrated it by a solemn *Te Deum*, music and salvoes of artillery, bonfires and illuminations.

In Nice, as in Savoy, the rejoicings were probably sincere enough ; and the French Government showed an honest desire to respect the popular freedom of choice and to check any autocratic tendencies in its officials. On two other occasions, however, when an annexation plebiscite was taken, the Convention appears to have frankly overridden the wishes of a hostile or indifferent majority by means of an " enlightened" and enthusiastic minority.

(*c*) *Mainz.*—It was obviously to the interests of the Republic to annex the rich and populous districts on the north-eastern and northern frontiers of France, on the Rhine and in the Austrian Netherlands. But here they met with opposition from the inhabitants, and they did not hesitate, while outwardly observing their own principles of action, to interpret them rather in the letter than in the spirit.

In the autumn of 1792 the Republican Army of the Rhine held a long line from Basel to Landau. The small German States were neutral. The towns were largely revolutionary ; the only strong opposition to France was found in the ecclesiastical principalities of Köln, Trier and Mainz.[1] On

[1] *Camb. Mod. Hist.*, vol. VIII, chap. XIV, p. 413 *seq.*

October 21, 1792, the French General Custine entered Mainz, after occupying much of the surrounding country. There was an enthusiastic French party in the city, chiefly composed of "intellectuals," professors, jurists, and other "noble dreamers"; but the people in general were indifferent to Revolutionary ideas, and not unfavourable to the old *régime*, while Custine's *hauteur* and violence and his heavy exactions intensified their opposition.

On November 19, 1792, the National Convention had decreed protection to nations struggling for freedom. On December 15 the famous "Compulsory Liberty Decree" was passed. It imposed on all the generals of the Republic the duty of summoning the people of occupied territories to primary assemblies, to organize a provisional system of administration and justice. Eligibility for the vote and for office was conditional on the written renunciation of all privileges and the taking of an oath to liberty and equality. French commissaries were sent to the Rhineland to carry out this decree. The primary assemblies were convoked for February, 1793. The electors of the deputies who were to form a National Assembly included all citizens of 21 years of age and upwards, who had taken the civic oath, though only those over 25 were eligible as deputies. But the mass of the people refused to vote, or even to take the civic oath, influenced partly by the clergy, who forbade their parishioners to take part in the movement, partly by the dread of Prussian reprisals.

The French, determined to obtain at all costs a vote in favour of annexation to the Republic, now resorted to intimidation and force. Their chief opponents[1] were deported, and troops were

[1] *Moniteur*, No. 91, April 1, 1793. Haussman, the Commissary sent to execute the decree of December 15, at Mainz, declared before the National Convention that "the aristocratic

called out to escort the electoral commissaries. The voting dragged on till March 10, and the "Convention Mayençoise" met a week later. Comparatively few localities were represented, but the Republican section had a majority; and on March 18, 1793, a decree was passed deposing the Emperor and all the sovereign princes between Landau and Bingen.

On March 21 the Assembly proclaimed the union of "free Germany" with the French Republic. A deputation was sent to Paris; and on March 30, 1793, the National Convention unanimously decreed that the town of Mainz should form an integral part of the Republic. This involved the incorporation of a number of other towns and communes which were represented in the Rhenish Convention.[1]

(*d*) *Belgium.*—The element of compulsion was still more marked in the annexation of Belgium. After the French victory of Jemappes, on November 6, 1792, the "philosopher-general" Dumouriez overran Belgium with ease, and on November 14 was received in Brussels as the deliverer of the country. At Liège the enthusiasm for France was so great that Dumouriez said it was a "second French Nation." The French authorities proclaimed the disinterested nature of their interference, and assured Belgium that she need have no fear for her independence. But the Belgians as a whole were devoted to their ancient liberties and to their old form of

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clique" was plotting to prevent the execution of the decree. The Commissaries stood firm, however, and on March 17 the *Convention Mayençoise* met.

> "Nous avons été forcés," said the French Commissary Haussman, "pour soutenir ces mesures, pour déjouer les agitateurs et les aristocrates, de faire déporter les chefs connus des complots . . . Cette mesure a été suivie d'un entier succès."

[1] Heimweh, *op. cit.* Sorel, *op. cit.* *Moniteur, passim.*

Government by provincial Estates. The people cried both "*Vivent les Français*" and "*Vivent les Etats.*" The priests and the Statists, wrote Dumouriez, reigned over three-quarters of the country.

Dumouriez himself, with the more moderate party, wished to form an independent Batavian Republic, but the Jacobins were resolved on annexation. The "Compulsory Liberty" decree of December 15 practically gave the country into their hands, and rendered union with France inevitable. The majority of the municipal administrations, among them the democratic representatives of Brussels, protested vainly against this decree, as "unjust, oppressive and destructive, an attack on the sovereignty of the Belgian people, contrary to the solemn and repeated promises of the French generals and statesmen." The Belgians were not even able to form a National Convention to defend their autonomy. The Revolutionary Clubs prepared the way for annexation under virtual compulsion. The electors were directly consulted in each commune, and the voting was on different dates in the various towns. Liège, where revolutionary feeling was strong, led the way with a willing vote for union with France. But elsewhere coercive measures were taken to ensure that the voting should be in favour of union; and the voters were intimidated by the clubs and by a show of military force. The elections were not completed till the beginning of March, 1793, when the defeat of Neerwinden restored Belgium to the Austrians. It was not until two years later, in 1795, that Belgium was at last declared to be an integral part of the French Republic.

These four instances illustrate very clearly both the use and the abuse of the annexation plebiscite by the Republican Government. When, as in Savoy, and, in a less degree, in Nice, a verdict

favourable to France was a foregone conclusion, there was no difficulty in maintaining the democratic ideal in all its purity. But, as soon as opposition showed itself, the Convention took legislative action, by the decree of December 15, to force its own conception of liberty on an unwilling people. In the Rhineland, and still more in Belgium, the French annexationists won a favourable vote by coercion. In the Rhineland they worked through the orthodox channels, summoning a National Convention but influencing the popular vote. In Belgium they overrode the ordinary methods of procedure in their own interests, and appealed directly to the people in their local communal assemblies, which could be more easily terrorized than a central National Assembly. But in spite of these changes of method, the principle of the right of peoples to determine their own allegiance was never denied by the Convention. As the writer who calls himself " Heimweh " says :—

> " Plutôt que de répudier la doctrine, elle a faussé l'application. Elle a mieux aimé tourner le principe que le renverser. Aussi bien a-t-elle, par là, rendu à ce principe l'hommage le plus significatif, celui que la paix armée rend à la véritable paix, celui que l'hypocrisie rend à la vertu."[1]

(iv) *Trial of Louis XVI.*—If the exigencies of foreign policy led the Jacobins to a practical disregard of the principles of popular government to which they still paid lip-service, in the important matter of the trial of Louis XVI they frankly rejected the method of direct appeal to the people, which was supported by the Girondins, partly, it would seem, in order to shift responsibility from their own shoulders.

On November 6, 1792, the Committee of twenty-four reported on the evidence which had been collected against the king ; and on November 9 there was a debate in the National Convention

[1] Heimweh, *op. cit.*

on the six main points involved in the question of the king's trial: (1) Could Louis be judged for the crimes which he was accused of having committed as a constitutional monarch? (2) By whom ought he to be judged? (3) Should he be brought before the ordinary tribunals as a common State criminal? (4) Should the right of judging him be delegated to a tribunal formed by the electoral assemblies in the departments? (5) Was it not more natural that the Convention itself should judge him? (6) Was it necessary or suitable to submit the judgment to the ratification of all the members of the Republic, united in communal or primary assemblies?

It was decided that Louis could be judged, but it was less easy to determine the method of trial, and who should be the judges. It was generally agreed that an extraordinary tribunal was needed, but there was a difference of opinion on the constitution of this tribunal. One party favoured trial by the Convention, another wished to have a court formed of the whole nation. In the long debates which followed, Saint-Just and Robespierre emphasized the political nature of the question at issue. Louis must be tried as an enemy rather than as a citizen, his existence being a constant menace to the State. He must be condemned to death summarily, in virtue of the right of insurrection. The members of the Convention were not judges, but statesmen and representatives of the nation.[1]

On December 3 it was decreed that Louis Capet should be judged by the Convention. On December 28, after the king's second appearance at the bar, Robespierre, in a famous speech, denounced the proposal that there should be an

[1] *Moniteur*, Nos. 312, 313, 314, 319, 320, 322, November 7-9, 14, 15, 17; Nos. 340, 341, December 5, 6, 1792 (Robespierre's speeches, December 3, 4). Sorel, *op. cit.*, vol. III, livre I, chap. IV, § I.

appeal to the people. He described such an appeal as "the surest means of rallying all the royalists," and argued that the people's will had already been expressed by the insurrection of the 10th of August. "Je ne vois, moi, dans ce prétendu appel au peuple, qu'un appel de ce que le peuple a voulu, de ce que le peuple a fait." He ridiculed the idea of judging the king by "a tribunal composed of 44 particular tribunals." The proposal to submit the affair of Louis Capet to the primary assemblies might lead to civil war; the Republic was in danger; and, in the interests of the *salut public*, Robespierre and the Extremists demanded the immediate execution of the king. Even the principle of the sovereignty of the people was here used as an argument against a plebiscite. "C'est se jouer de la majesté du souverain que de lui renvoyer une affaire qu'il nous a chargé de terminer promptement."

In spite of Robespierre's oratory, however, there was a strong feeling in the Convention in favour of referring the definitive judgment in the king's case to the primary assemblies. Vergniaud gave eloquent expression to this feeling in his reply to Robespierre. He defined the sovereignty of the people as the power of legislation, a power exercised either directly or by representation, but inalienable in the sense that the sovereignty always retains an "inherent right" of declaring its will. The people had acted in conformity with these principles, but they had made a distinction between constitutional acts and acts which are purely legislative, regulative, or concerned with the general security. There could be no doubt that constitutional acts, the bases of social organization, ought to be submitted to the formal acceptance of all members of the social body; whereas purely legislative and regulative acts, with those for the general security, might be submitted to a tacit ratification through

the delegates of the sovereign people. Every act which emanated from the representatives of the people, however, was an act of tyranny, a usurpation of sovereignty, unless it was submitted to the ratification of the people, either formal or tacit. Tacit ratification was not suitable to the case of the judgment of Louis; it was a judicial case; and, in dealing with it, the representatives of the people were combining the functions of accusers, judges and legislators, a dangerous extension of powers which "ends where despotism begins."[1] The people who guaranteed the king's inviolability by individual oaths to maintain the constitution which he accepted, could only withdraw that guarantee by the direct expression of the general will. Vergniaud proceeded to discuss the method to be employed in ascertaining the general will. "You will settle a day for the primary assemblies to meet, you will settle a method of taking the poll. Every citizen will give his vote by placing it in an urn, and every primary assembly will count the votes thus polled. Each primary assembly will send the results to the district, the districts will forward to the department, and the departments to the National Convention, which will proclaim the final result."[2]

It is significant that Vergniaud seems to have assumed that the question of the King's guilt would not be submitted to the primary assemblies, but that they might be asked either to decide the penalty to be inflicted, or to confirm or alter

[1] *Moniteur*, Nos. 362, 363, 364, 365, 366, December 27-31, 1792. Sorel, *op. cit.*, vol. III, livre I, chap. IV, § VI. A motion for a *scrutin épuratoire* had been proposed and withdrawn. This would have referred the name of any deputy to his constituents in the primary assemblies, on the question of the trial of the king, and would, therefore, have been a test of public opinion. *Cf. Camb. Mod. Hist.*, VIII, p. 256 *et seq.* and Voltaire's saying: "A democrat is a potential despot."

[2] *Moniteur*, No. 368, January 2, 1793. Sorel, *ut supra*. *Camb. Mod. Hist.*, *ut supra*.

a penalty already decreed by the Convention. Obviously, much depended on the order in which the three questions of the King's guilt, the penalty and the appeal to the people, were taken; and by securing that the question of guilt should precede the question of popular appeal, the extreme party in the Convention won a notable victory.

The three questions, then, were put in the following order: (1) Is Louis guilty? (2) Shall the judgement on him be submitted to the sanction of the people? (3) What shall be the penalty? In the session of January 15, 1793, the first two questions were put to the vote. On the first, the question of guilt, Louis was found guilty of treason against the nation, and of attacks on the general safety of the State, by 693 votes, while 26 members either refrained from voting or gave a conditional vote. On the question of an appeal to the people, of the 717 members present, 424 voted against the motion, and only 283 for it, while ten abstained from voting. The motion was therefore lost. The voting on the penalty, a few days later, gave a majority of one for death; the motion for a respite was defeated; and on January 21 the King was executed.[1]

In their opposition to that method of a popular appeal which they had formerly supported with ardour, Robespierre and the democratic party were undoubtedly inconsistent. But they were influenced by reasons of State, at a time when the country was at war, and the Republic seemed to be threatened by reactionary forces. It was certainly a tribute to the humanity and moderation of the French people that the politicians who had determined that the King must die

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[1] *Moniteur*, January, 1793. Sorel, *ut supra*. *Camb. Mod. Hist., ut supra.*

were afraid to trust the question of his fate to the primary assemblies. The principle of the plebiscite was honoured in its breach; but, as a practical administrative expedient, the appeal to the people stood condemned by the rejection of the motion for its use in the trial of Louis XVI.

(v) *The Constitution of* 1793.—Whatever might be the differences of opinion on the plebiscite as a means of settling such exceptional questions of policy as the trial and execution of the King, it was generally agreed that it was the only right and democratic method of constitutional legislation; and that, in particular, all new Constitutions should be subjected to direct popular confirmation. Though important constitutional changes—the abolition of monarchy, and the establishment of the Republic—had been effected without consulting the people, and though a motion of October 16, 1792, for the submission of the question of the declaration of the Republic to the people, had been negatived, these arbitrary measures could be excused on the plea that the war had created abnormal conditions. But, so early as September, 1792, the National Convention had appointed a Constitutional Committee to frame a new Constitution, which should give the country a permanent system of government. This Committee laid the foundations of the Constitution of 1793, the most democratic constitution that France has ever known.[1]

Since this Constitution never came into operation, it may seem to possess only academic interest, but in the history of the plebiscite as a political device it is of great importance. Itself ratified by an appeal to the people, it provided for the use of the popular vote on laws as an ordinary instrument of legislation, on somewhat the same general lines as the modern referendum in

[1] Aulard, *op. cit.*, Pt. I, chap. IV, p. 279 *seq.*

Switzerland.[1] By the circumstances in which it was drafted and the purposes it subserved, it affords moreover an admirable illustration of the way in which political ideals can be utilized by opportunist party leaders to further their own immediate aims.

(*a*) *The Girondist Scheme.*—As the Constitutional Committee, which had been entrusted with the task of drawing up a scheme for the new Constitution, was of a Girondist complexion,[2] the Jacobins formed an opposition "auxiliary Constitutional Committee," of which Robespierre and St. Just were members. In February, 1793, the Girondist Committee produced their scheme for a Constitution.[3] It began with a Declaration of Rights, which, with the Constitution itself, was founded on the earlier Declaration and Constitution of 1791, though the new scheme was more democratic in character.

Great emphasis was laid throughout on the elective principle, based on universal suffrage. The popular referendum or plebiscite, which the democratic party had long desired, was now definitely organized as the "censure du peuple sur les actes de la représentation nationale."[4] The people were given rights of petition, of criticism and of ratification. Constitutional laws and their reform were to be outside the plenary legislative power of the *Corps Législatif*, while a distinction was made between decrees, which could be executed without the popular sanction, and

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[1] Lowell, A. Lawrence, *op. cit.*, chap. XII, pp. 245-6.

[2] It included Siéyès, Vergniaud, Condorcet, and also Danton; there were, it is said, six Girondist members to three Jacobins. *Cf.* Rousseau, *Contrat Social*, ed. Vaughan, Note B, p. lxv *et seq.*

[3] *Moniteur*, No. 49, Feb. 18, 1793; *Séance du* 16 *fév.* Aulard, *op. cit.*, p. 280 *seq.*

[4] *Moniteur, ut supra. Constitution Française*, Titre VIII. *De la censure du peuple sur les actes de la représentation national et du droit de pétition.*

laws, which only became valid if the people did not oppose them within a given time. Any citizen, with 50 signatures to back him, might demand the convocation of this primary assembly if he wished to propose legislative changes or reforms. By a somewhat elaborate and lengthy process of successive reference to larger and larger political units, a single citizen might thus set in motion the whole legislative machine and bring about the revocation of a law, and the resignation of the Central Legislature. For a revision of the Constitution, moreover, a National Convention was to be summoned by the *Corps Législatif*, "when this had been judged necessary by the majority of the citizens of the Republic." In its external relations, too, the Republic was to annex territories when the inhabitants had freely expressed a desire to be united to France; and in dealings with foreign nations the Republic might only recognize institutions which had been "guaranteed by the consent of the generality of the people."[1]

(*b*) *The Jacobin Scheme.*—The Jacobins raised a somewhat factious opposition to this scheme; but, when the military reverses of the Republican armies and the treachery of Dumouriez had created a critical political situation, the work of Constitution-making was resumed. In June, 1793, after the fall of the Gironde and the triumph of the Jacobins, a new constitutional scheme was drafted, based, like its predecessor, on the principles of universal suffrage and the sovereignty of the people.

The Declaration of Rights which preceded the Constitution proper proclaimed that "the sovereign people is the universality of the French citizens"; that each section of the sovereign assembly ought to enjoy the right of expressing

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[1] Aulard, *ut supra.* Lavisse et Rambaud, *Histoire Générale,* vol. VIII, chap. IV, p. 178, *et seq.* (by Aulard).

its will with complete liberty; and that a people has the right to review, reform, and change its constitution.[1] The popular referendum or plebiscite appeared again in this Constitution, though in a different form from the *censure du peuple* of the Girondist scheme. The distinction between decrees issued by the Legislature, and laws proposed by the Legislature and sanctioned by the people, was retained; but the popular vote was organized in a new fashion, and the exercise of direct legislative power by the primary assemblies was rendered more difficult. The section of the Girondist Constitution on the *censure du peuple* was omitted, but the section of the new Constitution on the "formation of law" provided that, unless within forty days after a "proposed law" had been sent down to the communes, in half the departments *plus* one, a tenth of the primary assemblies in each department had objected to the proposal, it would become law. In case of opposition, the *Corps Législatif* must convoke the primary assemblies.[2] If, again, in half the departments *plus* one, a tenth of the primary assemblies in each department should demand the revision of the *Acte Constitutionnel;* or an alteration in any of its articles, the *Corps Législatif* must convoke the primary assemblies, to decide whether a National Convention should be summoned. The subjects which were to be treated by law were enumerated, and also those which

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[1] *Moniteur*, No. 178, June 27, 1793, gives the Jacobin *Acte Constitutionnel.*

[2] In the *projet de constitution* drafted by Hérault de Séchelles, on which the Constitution of 1793 was based, the exercise of a *referendum* was rendered much more easy than in the Constitution as it was finally adopted. The opposition had only to come from one or more primary assemblies in ten departments. If they did not protest within 30 days from the sending down of the proposed law, the *Corps Législatif* was to accept or reject it definitively. Aulard, *op. cit.*, pp. 298, 305, note 1.

were to be settled by decree. Among the former was the declaration of war, a power which the earlier scheme had vested in the central Legislature, by making it a matter for decree. In foreign policy, the Jacobin Constitution substituted the principle of non-intervention for the annexationist propagandism of the earlier document.

(*c*) *Plebiscite on the Constitution of* 1793.—On June 21, 1793, the Convention decreed that in eight days from the reception of their decree the Declaration of Rights and the Constitutional Act should be presented for the acceptance of the primary assemblies. This meant that the local plebiscites took place at different times in different parts of France; and the results in consequence came in slowly and irregularly. They gave a large majority in favour of the acceptance of the Constitution—1,801,918 votes against 11,610; and, as out of 4,944 cantons only 424 seem to have sent in no returns, the Constitution may be said to have been accepted with practical unanimity. Though a large number of voters appear to have failed to record their votes, their abstention was probably due to carelessness and ignorance rather than hostility to the new form of government.[1] In certain departments of France, moreover, in Corsica, in that part of the Départment du Nord which was occupied by the enemy, and in the rural communes of la Vendée, which were in insurrection, the plebiscite could not be taken at all. The great towns, with the exception of Marseilles, unanimously accepted the Constitution; and, among the 40,000 communes of the Republic, it was said that only one demanded the restoration of monarchy, while in six departments the voting was solid for the Constitution.

[1] This is the opinion of Aulard, *op. cit.*, p. 319. The above details are mainly derived from his valuable account of the Constitution of 1793 and of the Girondist scheme, and from the *Moniteur*.

The votes were taken either verbally or by ballot, as the individual voter preferred; and no primary assembly might prescribe a uniform method of voting. In each assembly the Constitutional Act was read aloud before its acceptance was put to the vote. The proceedings, however, were not uniform throughout the country. In 297 primary assemblies no individual votes were given, but the Constitution was accepted by general acclamation. This was the case in most of the sections of Paris, where the voters adopted the Constitution with loud applause, and shouts of "*Vive la République! Vive la liberté!*"[1] M. Aulard[2] thinks that the Constitution was accepted with sincere and spontaneous enthusiasm by the Republican voters, who, if somewhat intolerant to their opponents, gave their own votes freely, without coercion and in a patriotic spirit. Sone of them even sent in reasons for their vote; and in some of the primary assemblies the Constitution was discussed, and amendments were proposed.

The Constitution was proclaimed on August 10, 1793; and the National Convention ought then to have appointed a date for the election of the new National Assembly and the organization of the new scheme of government. But the Allies were marching on Paris; Robespierre proposed that the Convention should not separate until the situation was less critical; fears of counter-revolution and conspiracy were expressed; and on October 10 it was decreed that the provisional government of France should be "revolutionary until the peace."

The enforcement of the Constitution of 1793 was thus indefinitely postponed; and, while its provisions were never put into force, it became

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[1] Aulard, *op. cit.*, p. 311, from *Archives Nationales*, bk. II, 23.
[2] *Op. cit.*, p. 312.

in the popular imagination, a name to conjure by, a "gospel of democracy."[1] It was doubtless, something of a farce,[2] but it was not altogether futile from the political point of view, since it helped to reconcile the rival parties in Paris and in the departments. The referendum would have strengthened the local power of the departments; and they welcomed it eagerly, and in turn supported the Jacobins against both Royalists and dispossessed Girondins.

(vi) *The Constitution of Year III* (1795).—The Constitution of 1793 was finally set aside in the reaction against the excesses of the Terror which followed the downfall of the Jacobins in 1794. In June, 1795, the Constitutional Committee, which had been busy since April in drawing up a new Constitution, laid its plans before the Convention. The proposed Constitution, though it was prefaced by a Declaration of Rights, was frankly undemocratic; from its acceptance M. Aulard dates the beginning of the *bourgeois* Republic under the Directory which prepared the way for Bonaparte.[3] Universal suffrage, in this Constitution, was replaced by a qualified franchise, based on residence and taxability; and a property qualification was required from secondary electors. The *Corps Législatif* was organized on the bi-cameral system, with a *Conseil des Cinq-Cents* and a *Conseil des Anciens*. The *Cinq-Cents* had the sole right of initiating legislation, while the *Anciens* could veto any measure for one year. The supreme executive power was vested in the Directory, a body of five men, appointed by the *Anciens* from a list prepared by the *Cinq-Cents*. There was no question of popular voting or of a referendum

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[1] Aulard, *op. cit.*, pp. 307-8.

[2] Sorel, *op. cit.*, vol. III, p. 426, calls it "*un artifice de construction destiné à masquer l'inévitable chute de la Révolution dans la dictature.*"

[3] Aulard, *op. cit.*, pp. 572, 580.

on ordinary laws, but the Constitution itself was to be submitted to a plebiscite, in accordance with precedent.[1]

(*a*) *The Decrees of* 5 *and* 13 *Fructidor.*—Before this could be carried out, the Convention did much to nullify the practical advantages of the scheme by the " Two Thirds " decrees of Fructidor. On August 22 (5 Fructidor) it was decreed that two-thirds of the members of the existing Convention were to be retained in the new *Corps Législatif* for the first year after its convocation, and one-third for the second year. The right of nominating the two-thirds was, after much discussion, left to the electors in the primary assemblies. On August 30 (13 Fructidor) a second decree provided that the electors in the primary assemblies must nominate the two-thirds before they proceeded to the free election of the remaining third of the members of the *Corps Législatif.*

(*b*) *Plebiscites on the Constitution and the Decrees.*—It was decided to submit both the acceptance of the Constitution itself and the question of the decrees of Fructidor to the judgment of the people in their primary assemblies ; and plebiscites of the army and navy were also to be taken on the acceptance of the Constitution. The question to be decided by the plebiscites was whether the whole Constitutional Act should be accepted or rejected ; and every voter might give his vote in the manner which seemed best to him. The meeting of the assemblies was hurried on, and the results were announced before the full returns had come in. On September 1 the Convention decreed, on the strength of the favourable vote of the " great majority " of the primary assemblies, that the Constitution and the decrees of Fructidor had been accepted, and had become laws of the Republic. A week later, more complete

[1] Aulard, *op. cit.*, *Partie* III, chap. I, p. 543 *seq.*

returns were published, which showed that, out of a total of 1,107,368 votes, 1,057,390 had been cast for the acceptance of the Constitution, and only 49,978 for its rejection. The army plebiscite gave 69,567 votes for the Constitution, and 1,449 against it. The navy accepted the Constitution by 3,846 votes against 309. Among the departments which were most hostile to the proposed scheme of government may be noted the Ardennes, and the new Savoyard department of Mont Blanc, while the recently annexed department of Mont Terrible rejected the Constitution altogether by a large majority. The hostile voters, however, were probably rather counter-revolutionary than ardently democratic, for the continuance of the Republic was intimately connected with the establishment of the Constitution; and, as M. Aulard points out, "in reality the plebiscite on the Constitution was a plebiscite on the Republic, on the Revolution itself, and they emerged victorious from the test."[1]

The plebiscite on the decrees of Fructidor gave less satisfactory results. Out of 314,282 votes, 205,498 were given in favour of the acceptance of the decrees, and 108,784 for their rejection.[2] There was a very large proportion of abstentions, which probably indicated general dissatisfaction at the attempt of the Convention to retain power by the nomination of the "two-thirds." Nineteen departments rejected the decrees altogether; and in one, the department of Vaucluse, not a single vote was given in their favour. "France regretfully resigned herself to the decrees which retained two-thirds of the *conventionnels*, and willingly accepted

[1] Aulard, *op. cit.*, p. 576. *Camb. Mod. Hist.*, VIII, p. 392 *seq.*, p. 487 *seq.*

[2] M. Aulard explains that these figures are incomplete, but they are taken from the only contemporary sources available. The returns are made in a dilatory and inadequate fashion, and many details were probably omitted.

the new Constitution."[1] If there was less enthusiasm than in 1793, when the polls were heavier, this was probably due to the fact that the political situation had improved, rather than to any dislike of the *bourgeois* character of the Constitution. The country was no longer in danger, and fewer citizens troubled themselves to register their votes.

On September 26, the Constitution of Year III was proclaimed; on October 26, a month later, the National Convention was dissolved; on November 3, the Directory was installed in office.

(II) Plebiscites of the Consulate, 1799-1804.

(i) *The Constitution of Year VIII.*—In four years the Directory, the "bourgeois republic," accomplished its work of preparation for the "plebiscitary republic" of the Consulate. In 1799 (year VIII) the French people were once more called on to decide by plebiscite the question of the acceptance or rejection of a new Constitution. It has been said that "a despotism resting on a plebiscite is quite as natural a form of democracy as a republic"[2]; and the story of Bonaparte's rise to absolute power certainly shows with startling clearness that popular institutions in themselves are but feeble barriers against the usurpations of a strong and determined autocracy. The Constitution of Year VIII (1799) was drawn up after the *Coup d'Etat* of 18 Brumaire (Nov. 9, 1799), which ended the Directory. It placed the executive power in the hands of three Consuls, elected for ten years, and practically made the First Consul, Napoleon Bonaparte, master of

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[1] Aulard, *op. cit.*, p. 577.

[2] Lecky, W. E. H., *Democracy and Liberty*, vol. I, chap. III, p. 256; London, 1908.

France.[1] Nominally based on universal suffrage, it really destroyed it by restricting the rights of the people in the election of members of the Legislature to the preparation of lists of "eligibles," from which, after successive reductions, the final appointment was made by a Senate of 60 members. The legislative power was vested in a *Conseil d'Etat*, which alone had the right of proposing laws; these were afterwards submitted to a *Tribunat* of 100 members and a *Corps Législatif* of 300 members. The *Tribunat* could discuss legislative proposals and vote their adoption or rejection; but the functions of the *Corps Législatif* were restricted to voting on laws proposed to it by the *Conseil d'Etat*, and debated before it by deputies from both the *Conseil* and the *Tribunat*. The three Consuls were in future to be elected by the Senate, but in the first instance they were nominated in the Constitution itself: Bonaparte as First Consul, and Cambacérès and Le Brun as his colleagues. The reality of power was in the hands of the First Consul, who could promulgate laws, nominate and dismiss the members of the *Conseil d'Etat* and other officials, and appoint the judges. It was a dictatorship, thinly veiled in constitutional forms.

This Constitution, by its 95th Article, was to be "offered immediately for acceptance by the French people."[2] Great efforts were made to ensure a favourable popular vote. The primary assemblies were regarded as non-existent; and the votes were taken *per capita*, publicly and in writing, without the intervention of any assembly, in order to prevent unwelcome discussions and the ventilation of inconvenient opinions. In every commune a poll was opened, and the

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[1] Aulard, *op. cit.*, p. 701 *seq.* Cf. *Camb. Mod. Hist.*, VIII, chap. XXII, p. 665 *seq.*

[2] *Camb. Mod. Hist.* IX, chap. I, pp. 7, 11.

citizens were called on to vote " Oui " or " Non " by signing or " causing to be signed " registers of acceptance and non-acceptance. The voting lasted for more than a month, and was taken at different times in different districts. Thus Bonaparte was able to prepare opinion beforehand in various ways. Long before the plebiscite was completed, by a law of December 23 (3 Nivôse) the new Constitution was put into force, thus strengthening the cause of the Government by enabling the question of acceptance to be presented to the remaining voters as the confirmation of a *fait accompli*. The people were also conciliated by a show of a peace policy both at home and abroad, offers of peace to England and Austria, the pacification of insurgent La Vendée, and measures of clemency towards proscribed political opponents.

This policy had the desired effect. The result of the plebiscite was the acceptance of the Constitution by a large majority. The *Bulletin des Lois* gives the figures as 3,011,007 affirmative, and 1,562 negative votes. Too much must not be made of later attacks on the plebiscite as a mere fraud, unscrupulously worked in the interests of the Government,[1] but it cannot be regarded as in any true sense an expression of the independent will of the people, unless, indeed, it be taken as an expression of their willingness to submit to political servitude.

(ii) *Plebiscite of Year* X.—In 1802, Bonaparte, when the Senate refused to make him Consul for life, determined to " consult the people " on the subject of his position. It was suggested in the *Conseil d'Etat* that two questions should

[1] *See* the account by Ch. Conte (*Hist. de la Garde Nationale de Paris*, 1827) of the various ruses employed to swell the lists of affirmative voters. He is, however, a late authority and gives no real proof of his statements. Aulard, *op. cit.*, p. 710, *note* 2.

be laid before the people: the Consulate for life, and the right of the First Consul to name his successor. Finally, the Consuls, "considering that the resolution of the First Consul [to appeal to the nation] is a brilliant homage to the sovereignty of the people, and that the people, consulted on its dearest interests, ought to know no limits but those interests," decreed that the French people should be consulted on the question:—"*Napoléon Bonaparte sera-t-il consul à vie?*" It was unprecedented that a simple Consular decree should order a plebiscite; it was rather a *coup d'état*, which was curtly notified to the Senate, the *Corps Législatif* and the *Tribunat*. The *Tribunat* and the *Corps Législatif* accepted the *fait accompli*, and voted for the life Consulate with only four dissentient voices.[1]

The popular plebiscite was taken on the same lines as its predecessor, by direct open voting. On August 2, 1802 (14 Thermidor, Year X), the results were declared in a *Sénatus-consulte*. After having heard the report of its special committee, "charged with verifying the votes given by the French citizens," the Senate, on the report of this committee, stated that out of 3,577,259, citizens who had polled, 3,568,885 had voted that Napoleon Bonaparte should be nominated First Consul for life. It therefore decreed that (1) the French people nominate and the Senate proclaims Napoleon Bonaparte First Consul for life; (2) a statue of Peace, holding in one hand the laurel of Victory and in the other the decree of the Senate, shall attest to posterity the gratitude of the nation; (3) the Senate shall convey to the First Consul the expression of the confidence, love, and admiration of the French people.[2]

The results of the plebiscite of 1802 were a signal success for Bonaparte. He had polled

[1] Aulard, *op. cit.*, *partie* IV, chap. IV, p. 748 *seq.*
[2] *See* Aulard, *op. cit.*, p. 751.

half-a-million more *ayes* than in Year VIII,[1] and this, apparently, with less conscious and deliberate manipulation of the constituencies. Such influence as had been brought to bear on the elections seems to have been of a semi-private nature;[2] and the triumph of the First Consul was probably due, as M. Aulard states, to his popularity on account of the conclusion of the Peace of Amiens, to his clemency towards the Royalists, and to the satisfaction of the clergy with the Concordat. If, however, he was to a great extent supported by the reactionary classes in the State, the more devoted Republicans, with the *idéologues* or philosophic free thinkers, were drifting away from him; and this party seems to have largely abstained from voting on the Life Consulate. There was also a small but bold minority, 8,374 citizens, who voted in the negative, a course which, with an open register and a public poll, demanded considerable courage. The army, moreover, is said to have been opposed to Bonaparte's ambitious schemes. The story which, if not true, is at least *ben trovato*, is told of a general who drew up his shoulders and said to them:—"Comrades, there is a question of nominating General Bonaparte Consul for Life. Opinions are free, but I must warn you that the first of you who does not vote for the Life Consulate will be shot at the head of the regiment."[3]

(iii) *Plebiscite of Year XII.*—Though in 1802 the people were only asked to pronounce on the question of the Life Consulate, thousands of voters added to their "*Oui*" the words "Avec le droit de désigner son successeur." The right of naming his successor was openly asserted by

[1] The number of negative votes had also increased. Cf. *Camb. Mod. Hist.*, IX, chap. I, p. 22.

[2] *See* Aulard, *op. cit.*, p. 751.

[3] L. S. C. X. de Girardin, *Discours et Opinions*, Paris, 1828, III, p. 272. Quoted by Aulard, *op. cit.*, pp. 752-3.

Bonaparte in the *Sénatus-consulte* of 16 Thermidor, Year X, which is known as the Constitution of Year X. It needed only one step further to make the right hereditary,[1] and to enable Napoleon to give himself a monarchical or imperial title. This final step was taken in 1804, when the First Consul of the Republic became Emperor of the French. The momentous change was affected by a *Sénatus-consulte*, but the following proposition was submitted to a plebiscite, to be accepted or rejected by "*Oui*" or "*Non*":—

"Le peuple veut l'hérédité de la dignité impériale dans la descendance directe, naturelle, légitime, et adoptive de Napoléon Bonaparte et dans la descendance directe, naturelle et légitime, de Joseph Bonaparte et de Louis Bonaparte; ainsi qu'il est réglé par le Sénatus-Consulte organique du 28 Floréal An XII."

This plebiscite was taken by universal suffrage, in the same form as its predecessors, in May, 1804. There were 3,572,329 affirmative votes and 2,569 negative votes.[2] In 11 departments the vote went solid for the Empire; and it is reported, though it is hard to believe, that there were no negative votes in either the army or the navy. There may here, however, have been many abstentions. In South-Eastern France, the former home of Republicanism, the majorities in favour of Bonaparte were enormous. Such opposition as existed was probably due to hostile feeling in recently-annexed departments; to the influence of the party among the clergy which disliked the Concordat; to the Royalists, and to the more inflexible Republicans. On the whole, however, M. Aulard is inclined to see in the results of the plebiscite a declaration in favour of the Revolution against the old Bourbon *régime*. In any case, the French people had

[1] Aulard, *op. cit.*, p. 771 *seq.*, *Camb. Mod. Hist.*, IX, chap. I, p. 32.

[2] Aulard, *op. cit.*, p. 774 and *note* 5.

abdicated their sovereignty, and resigned themselves to the will of one man.

The events of 1799, of 1802, and of 1804 had created dangerous precedents, and had proved the ease with which "a plebiscite vote could be secured and directed by a strong executive, and how useful it might become to screen or to justify usurpation."[1] The experience of 1802 and 1804, in particular, was all the more threatening to popular liberty, because it seemed to show that the more direct was the plebiscitary vote the greater was the triumph of despotism. When the people ceased to vote in their primary assemblies and were dealt with individually by the agents of the central authority, when they registered their votes openly and publicly, an opportunity was given for every kind of illicit influence and terrorism.

(III) Plebiscites of the Second Republic and the Second Empire.

(i) 1848. (*a*) *Election of the Constituent Assembly.*—Napoleon III was not slow to follow the precedents of the First Republic and the First Empire. It was his use of the plebiscite that made the term familiar, and connected it with the idea of Despotism posing as Liberalism. He has even been described as "a plebiscitic adventurer." During the Second Republic (1848-1852) and the Second Empire (1852-1870) the plebiscite was a favourite political device, more particularly where constitutional changes were concerned; but it was almost always employed to obtain popular sanction for a step which had already been taken.

The Revolution of February, 1848, substituted direct universal male suffrage for a small privileged electorate, and thus restored the original foundations on which the earlier Revolutionary plebiscites

[1] Lecky, *op. cit.*, I, 14.

had been based. All Frenchmen over 21 years of age were to have a vote ; and all Frenchmen over 25 were to be eligible for election. Voting was to be secret, by *scrutin de liste,* according to departments. On February 26 notice was given by the Provisional Government that a plebiscite for the Republic would be held immediately. Both the Ministers and the revolutionary leaders, however, were afraid of an appeal to the people ; and the elections for the Constituent Assembly were postponed till April 23. Early in May the Provisional Government gave place to the Constituent Assembly, which passed the Republican Constitution during September and October. It was decided to place the executive power in the hands of a President directly elected by popular universal suffrage.

(*b*) *Election of President of the Republic.*—In December, 1848, Louis Napoleon Bonaparte was elected President by a direct universal vote. He headed the poll with 5,434,226 votes, while his three opponents polled respectively 1,498,000, 370,000 and 7,910 votes.[1]

(ii) *Plebiscite on the Coup d'Etat,* 1851.—In the proclamation which heralded the *Coup d'Etat* of December 2, 1851, Louis Napoleon announced the dissolution of the Legislative Assembly,[2] and the restoration of universal suffrage, which had been seriously restricted by the law of May 31, 1850, for " rectifying universal suffrage." The Prince President had at first intended to submit the question of the approval of the revolution to a vote *sur des registres ouverts,* but this method was afterwards altered to *le scrutin secret.* A plebiscite of the army was taken

[1] *Camb. Mod. Hist.* XI, chap. V (Prof. Emile Bourgeois). E. Lavisse and A. N. Rambaud, *Histoire Générale,* Paris, (1893-1901), XI, chap. I.

[2] The Legislative Assembly succeeded the Constituent Assembly in May, 1849.

on December 4, and the general plebiscite followed. The electors were summoned for the week ending December 21, to vote on the revision of the Constitution. A verdict favourable to the Government was practically secured beforehand by the unscrupulous use of every method of force or of suggestion. The press was muzzled; risings against the *Coup d'Etat* were sternly suppressed; and every plausible pretext was seized for the arrest of members of the Republican party. Meantime, the minds of the public, even in the remotest hamlets, were "enlightened" by "electoral committees composed of honest men"; and the *préfets* were instructed to take measures "for ensuring the free and sincere expression of the will of the nation." The circular of December 10, which contained directions for active propagandism directed towards "winning the day for the political opinions which had prompted the *Coup d'Etat*," declared for "liberty of conscience, but the resolute and consistent use of every allowable means of influence and persuasion."[1] One such "allowable means of influence" is illustrated by the story of the *préfet* who intimated to the mayor of a small town that "any negative voting would occasion a garrison of soldiers."

When the polls were opened, it is probably true, as de la Gorce asserts, "that 'la liberté morale du vote n'existait plus.'" The leaders of the Republican Party were, for the most part, in prison or in exile; and those of them who were at large were too well watched to do more than vote. The Legitimist leaders advised abstention. The clergy, as well as the army, were supporters of Louis Napoleon. In these circumstances it is not surprising that the general plebiscite gave an overwhelming majority in favour of the *Coup*

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[1] *Camb. Mod. Hist., ut supra.* (Prof. Emile Bourgeois.)

d'Etat. The question on the voting paper, to be answered by "*Oui*" or "*Non*" was :—

> "Le peuple veut le maintien de l'autorité de Louis Napoléon Bonaparte et lui délègue les pouvoirs nécessaires pour faire une Constitution sur les bases proposées dans sa proclamation du 2 décembre."

The result, on December 21, 1851, including the army vote, was an affirmative vote of 7,481,280, against a negative vote of 647,292.[1]

Although a verdict obtained under conditions of despotic terrorism cannot be regarded as in any true sense the expression of the popular will, it would be difficult to prove that the decision was antagonistic to the wishes of the French nation as a whole. The great desire was for peace at home and abroad; and Louis Napoleon owed much of his success to the weariness of the people and to their hopes of seeing internal tranquility and social order restored under a strong but avowedly pacific autocrat, the "Napoleon of Peace." But the popular will was only called on to approve *les faits accomplis*, and the vote might have been different had there been a real choice.

(iii) *Plebiscite on the Second Empire*, 1852.—Another plebiscite was taken in less than a year after the *Coup d'Etat*, for the re-establishment of the Imperial dignity. On November 6, 1852, a *Sénatus-consulte* restored the Empire, subject to the ratification of a popular vote. The 8th article of this *Sénatus-consulte* provided that :—

> La proposition suivante sera présentée à l'acceptation du peuple français dans les formes déterminés par les décrets des 2 et 4 décembre 1851 : "Le peuple veut l'établissement de la Dignité Impériale dans la personne de Louis Napoléon Bonaparte avec hérédité dans sa descendance directe, légitime ou adoptive, et lui donne le droit de régler l'ordre de succession au trône dans la famille Bonaparte, ainsi qu'il est prévu par le Sénatus-consulte de novembre, 1852."

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[1] These are the figures given by M. Charles Seignobos, in Lavisse et Rambaud, *op. cit.*, XI, chap. I, p. 35.

It was accordingly decreed :—(1) that the people should be convoked in the communes on November 21 and 22, " pour accepter ou réjeter le projet de plébiscite " contained in the above article ; (2) that all Frenchmen should be eligible for the vote who had attained the age of 21 years, and were in enjoyment of civil and political rights.

The voting took place by *scrutin secret* between 8 a.m. and 6 p.m. on the appointed days. It gave the Emperor an immense majority. The *Moniteur* of November 22, 1852, describes how, in spite of pouring rain, the voters flocked to the poll " to accomplish their civic duty," and how the members of the communes marched to vote with their banners displayed, or raised shouts of *Vive l'Empereur !* The returns came in somewhat slowly, but it soon became evident that the number of votes in favour of the Empire would surpass the total of the affirmative votes which had been given for the *Coup d'Etat*. On November 30, 1852, the *Moniteur* published the following summary of the results of the voting on November 21 and 22, so far as they were then known :—

	Oui.	*Non.*
For the 86 departments ..	7,488,130	237,244
Army	234,860	8,456
Navy	47,718	2,020
Province of Algeria (civil population)	6,269	869
Totals ..	7,776,977	248,589

There were, however, it is said, 2,062,798 abstentions.

The final totals seem to have reached a slightly higher figure than the results given in the *Moniteur*

at the end of November, though they apparently fell short of the eight millions of *Ayes* (about half a million more than had been given for the *Coup d'Etat*) which had been anticipated.[1] Still Louis Napoleon might call himself, with some show of justification, Emperor of the French, "par la grâce de Dieu et la volonté nationale," and claim that his reign was "founded on the suffrages of the People." "A free secret ballot, open to all," said the President of the *Corps Législatif*, in an official address, "had united eight million wills in a single will."[2]

The British representative at Paris wrote to Lord Malmesbury, the Foreign Secretary, on November 29, that the Navy had voted on this occasion "in much greater numbers, and much more favourably for Louis Napoleon," than it had done in December, 1851. The opposition had been strongest in Paris, but even there the affirmative majority was about four to one. "I am told," he added, "that, however, easily deception may be practised in the Provinces, it is next to impossible to falsify the votes at Paris." But, if the Paris majority in favour of the Empire represented the true wishes of the people, it is clear that in the country districts both coercion and cajolery were used by the Imperial party in order to procure a favourable decision. Notwithstanding the vast Imperialist majority and the enthusiasm which the Government organs described as marking the process of voting, so well-informed a witness as the British representative at Paris was of opinion that, in point of fact, "considerable apathy and indifference" had been exhibited, while the dominant sentiment was apparently that the Empire was a present necessity,

[1] M. Charles Seignobos (Lavisse and Rambaud, *op. cit.*, XI, p. 36) gives the final figures apparently in round numbers as 7,839,000, *Oui*; 253,000, *Non*.

[2] F.O. 940, France, 15 (Dec. 1852). *Moniteur*, Dec. 2, 1852.

and that it furnished an escape from the Republic. He noted, too, that "every conceivable engine" had been set in motion to cause electors to make affirmative use of their votes and that "the abundance of employment furnished by the new public works" had "made Imperial converts of countless numbers of the Red Republican lower orders."[1]

These charges of undue influence are repeated by modern historians. "Measures of repression and intimidations were . . . adopted," writes Prof. Emile Bourgeois[2]; "there were appeals from the head of the State to Conservatives and Catholics in the provinces, which the President visited in September; . . . . there was proscription of Democrats, and suppression of the Press." In the chorus of contemporary adulation and congratulation, moreover, there were not wanting discordant notes. The *Moniteur* of November 15, 1852, published a protest against the Empire from "La Société de la Révolution," in which Louis Napoleon is called "le César du guet-apens," and the plebiscite is attacked:—"L'exercice de la souveraineté n'est qu'une abominable trahison et la plus triste des comédies humaines quand la liberté ne tient pas les urnes." "Qu'est-ce qui sort de l'urne?" asked another Republican Committee, and answered: "La volonté de M. Bonaparte. . . M. Bonaparte a les clefs des boîtes dans sa main, les *Oui* et les *Non* dans sa main, le vote dans sa main." The French people had used universal suffrage, the weapon which the Republic had put into their hands, to destroy the Republic itself, and once more to resign their sovereign rights to an Imperial despot.[3]

It was specially in connexion with the events of

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[1] F.O. 939, France, 12; No. 21.
[2] *Camb. Mod. Hist.* XI, chap. I, p. 141.
[3] *Moniteur*, Nov. 26, 1852.

1852 that the term plebiscite, in its modern sense, came into common use, in official documents, in journalism, French and English, and in general literature. Thus the decree of 1852 for the convocation of the communes referred to "le projet de plébiscite" contained in the 8th article of the *Sénatus-consulte*. Thus, also, the committee appointed to examine the proposed modification of the Constitution, in its report to the Senate, spoke of the popular petitions and acclamations in favour of the Empire as "presque un plébiscite anticipé." Louis Napoleon, wrote Kingslake in 1863,[1] "knew how to strangle a nation in the night-time with a thing he called a 'Plebiscite.'"

(iv) *Plebiscites of* 1870.—(*a*) *On the Empire.* Under the "Liberal Empire" (1859-1870) the discussions in the press, no longer (as in 1851 and 1852) under control, and the debates in the Legislature, show that the plebiscite as a means of confirming constitutional changes was losing its popularity.

In 1860 the *Times*[2] asserted that Napoleon III was the only man in France who retained any belief in the utility of the plebiscite as a political device; and in 1869 the *Pall Mall Gazette*[3] called the "*plebiscitum*" an "outworn and exploded device." Prince Jerome Bonaparte himself, speaking in the Senate on September 1, 1869, said :—

> "I do not approve of the plebiscite. It has only the appearance of democracy. It is the legislative power exercised by the people. Good! But it seems to me to be, except in very rare instances, an illusory power. It is a mistake to take a plebiscite on changes in the Constitution. If the people approve, the result is an illusion; if they disapprove, a revolution. . . . When a plebiscite is taken . . . on a definite question of peace or war, or on the cession of a province after a defeat, I admit its utility."

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[1] Kinglake, *Invasion of the Crimea*, London, 1863-87, I, XIV, 211.

[2] *Times*, April 4, 1860.

[3] *Pall Mall Gazette*, August 4, 1869.

Nevertheless, France twice resorted to a plebiscite in the eventful year 1870; once just before the war with Prussia, and again after the downfall of the Empire.

By a *Sénatus-consulte* of April 20, 1870, important reforms were effected in the French Constitution. The constituent authority was vested in the people, and no change in the Constitution could henceforth be made without a plebiscite. The Emperor, supported by the Senate, was anxious to revive his waning influence, and to re-assert his power by an appeal to the people.[1]

"On April 23, 1870," writes M. Albert Thomas, "the French nation was summoned to declare by plebiscite whether it approved the Liberal reforms effected in the Constitution since 1860 by the Emperor with the concurrence of the chief bodies of the State, and whether it ratified the *Sénatus-consulte* of April 20, 1870."[2] Napoleon III personally urged the people in his summons to vote *Aye*, in order "to avert the peril of revolution," to "establish liberty and order on a firm basis," and to "assure the transmission of the crown to his son." A Central Plebiscitary Committee (*Comité central plébiscitaire*) was formed, to act as the organ of the Autocratic Right against the Democratic and Republican parties. The voting, which took place on May 8, resulted in an Imperial triumph.

There were 7,358,786 affirmative votes, 1,571,939 negative votes, and 1,894,681 abstentions. On the eve of its fall the Empire seemed to have renewed its strength.

(*b*) *On the Republic.*—Finally, on November 5, 1870, after a rising in Paris, the provisional Government of National Defence obtained a vote of confidence in themselves by a plebiscite taken in

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[1] *Camb. Mod. Hist.*, XI, chap. XVII, p. 492 *et seq.*
[2] *Camb. Mod. Hist.*, XI, chap. XVII, p. 493.

Paris, in which their action was approved by a large majority: 557,996 *Ayes* against 62,638 *Noes*.[1] This, the last plebiscite taken in France, is chiefly interesting because its purpose was to strengthen the hands of the Government by obtaining the popular approval of their action in the past, a *fait accompli*. With the exception of this Paris vote, the plebiscite in France ended with the Napoleonic Empire, which had discredited it by perverting its use to the service of autocracy.

(v) *General Remarks*.—Of the three main classes of plebiscite,[2] the French, then, during the last century and a half, have almost entirely neglected the plebiscite as a means of ordinary legislation, while they have used the constitutional plebiscite frequently, and the annexation plebiscite with less frequency, under the First Republic and, as is shown below,[3] under the Second Empire and the Third Republic.

In internal politics the people have acted as an extraordinary primary Constituent Assembly, not as an ordinary primary Legislative Assembly. In their constituent capacity they have, as a rule, only exercised functions of ratification or of rejection. They have approved or (rarely) disapproved of *faits accomplis*, changes already made, which they had not initiated and which they were powerless to undo. Even in this limited capacity they have shown themselves liable to be captured by plausible and unscrupulous politicians, and have become the authors of their own subjection.

Nor have the French annexation plebiscites been free from these defects, which have gone far to destroy the political efficacy of the constitutional plebiscites. The early annexation

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[1] *Camb. Mod. Hist.*, XI, chap. XVII, p. 499.
[2] *See* above, p. 13. [3] *See* below, pp. 60, 93-105.

plebiscites of the Revolutionary era tended to reflect the growing despotism of Republican partisans, rather than the free will of self-determining nations. With the triumphant assertion by Napoleon Bonaparte of the right of conquest, they came to an end; and, when democracy revived after the middle of the nineteenth century, the Liberal Empire and the Third Republic saw only two cases of annexation plebiscites in which France was concerned. Italy, rather than France, was the scene of the real trial of the annexation plebiscite as a political expedient; and, in the only question of territorial cession or annexation to France which was submitted to a plebiscite during the Second Empire, both Italy and France were involved.

(vi) *Plebiscites in Nice and Savoy*, 1860.[1]

(vii) *Plebiscite in Saint-Barthélemy*, 1877.—The last example of a plebiscite taken to sanction a cession of territory occurred in 1877, upon a very small scale. The island of St. Barthélemy, in the Antilles, was a French possession which had been ceded to Sweden in 1784, in return for some commercial privileges. The possession of the island was of small value to Sweden, which had no other interests in that part of the world; and in 1877, the Swedish Government offered to sell it to France, subject to the consent of the population. The plebiscite resulted in 351 votes for the cession. There were some abstentions, but no votes were cast against the proposal.

No plebiscite was taken on the occasion of the annexation of Madagascar by France in 1886.

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[1] *See* below, under "Plebiscites in Italy," pp. 93-105.

III.—PLEBISCITES IN ITALY.

(I) Historical Introduction.

(i) *Italy after the Congress of Vienna.*—The revolution that gave birth to the present kingdom of Italy had its origin not in a desire for national unity but in a desire for personal and local liberty. Without a nation there can be no desire for national unity; and, since the fall of the Western Empire, Italy had been not a nation but a nursery of nations,[1] a mere "geographical name."[2] Indeed it is not too much to say that, on the very eve of the Risorgimento, there were in Italy as many nations as there were states; and the Congress of Vienna, which restored the Bourbons in the south, the Habsburgs in the north and centre, cannot fairly be accused of violating Italian national feeling.

That in little more than half a century the work of the Congress was undone, and a kingdom of Italy embracing the whole peninsula created, was due not to the Restoration but to the reaction that followed it. For both, the chief responsibility lay with Metternich, who negotiated the one and approved, when he did not inspire, the other.

The settlement of 1815 had made Austria the virtual ruler of Italy; but Metternich realized clearly that Liberalism, which would be fatal to the supremacy of the German minority in the Austrian Empire, would be equally fatal to the supremacy of that Empire in Italy. He therefore adopted in Lombardo-Venetia a policy of unqualified absolutism, and encouraged the rulers of the other Italian states to do the same.

[1] Sismondi, *Italian Republics*, Introduction, London (1906).
[2] Metternich to Count Dietrichstein, Aug. 2, 1847.

(ii) *Liberal Parties in Italy.* (*a*) *The Revolutionary Party.*—The intervention of Austria, in order to suppress the risings of 1820-21 and 1831, had a wholly unforeseen effect on the Liberal movement in Italy. Hitherto, the revolutionary party had been composed almost wholly of men who had been ruined by the reaction—officials and officers of the Bonapartist administrations and armies, with a handful of professional men, lawyers, doctors, and writers, and a few nobles, who in their youth had been won by the doctrines of the French Revolution with their insistence on the rights of man. Comparatively few in number, liberty and equality had been their sole aim, secret societies and local insurrections their means. Now they were joined by men of a younger generation, whose inspiration came not from the Revolution but from the rising of the nations against it. These realized, as the older men could not, that Nationalism is the counterpart of Liberalism, and that the rights of nations are the complement of the right of man. To these men, his own contemporaries, Mazzini appealed through "Young Italy," the Society founded by him in 1831; and through his influence "Union and Independence" were added to the "Liberty, Equality, and Fraternity" of the earlier revolutionaries; the need for concerted, though still secret, action was recognized; and revolutionary centres were organized and conspiracies set on foot all over Italy for the expulsion of the Austrian and the establishment of United Italy as a Republic.

(*b*) *National Liberal Party.*—At the same time Austria's intervention roused to action a Liberal party that had been growing up outside the revolutionary societies. Drawn, like them, chiefly from the upper middle classes, but with many more nobles in its ranks and among its leaders, this party derived its inspiration from a very

different source. While French thinkers were formulating the revolutionary conceptions of a liberty and equality independent of time and place, and an inalienable sovereignty of the people based on reason and the law of nature, German scholars were reconstituting antiquity and founding a school of thought in which the rights of men and of peoples were based not on reason or justice, but on history.

Thus it came to pass that, while the nations of Western Europe demanded liberty and equality in the name of reason, humanity, and justice, the peoples of Central and Eastern Europe, just awaking to self-consciousness, demanded liberty and unity in the name of "history."[1]

Deeply as Italians differed from the Germans and the Slavs, they could not be unaffected by these doctrines. For, if French political philosophy, which had its source in the thought of Roman jurists, had a peculiar fascination for men who could claim Roman Law as their own, the appeal to history as justifying a demand for liberty also had peculiar force for men who held as their most precious heritage the memory of the greatness of Rome, of Florence, of Milan, and of Venice. Consequently, Sismondi, Manzoni and Capponi easily did for the Italians what Niebuhr and Gervinus did for the Germans, and Palacky for the Slavs.

But Renaissance Italy had been a land of city-states; and the rise of historical and philological studies in Italy, while spreading and intensifying the desire for liberty and reviving the hatred of the "barbarian" once expressed by Machiavelli, hindered rather than favoured the growth of a desire for unity. Therefore,

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[1] *See* Gooch, G. P., *History and Historians in the Nineteenth Century*, London, 1913, and Bourgeois, E., *Manuel Historique de Politique étrangère*, Paris, 1892-1906, Tome III, chap. VI.

as in the case of the party of revolution, it required the armed intervention of Austria in the affairs of the Italian states to rouse the party of "historic liberty" to a recognition of the need for union. Once this need was recognized, action speedily followed. The societies for the scientific study of Italian history, which had long existed at Florence, Rome, and Turin, were really centres of Liberalism; and, when there met at Pisa in 1839 the first of a series of congresses to be held annually, ostensibly for the "advancement of natural science," but really for the exchange and dissemination of Liberal views, the first step was taken towards the creation of a National Liberal party in Italy.

(iii) *Relations of the Liberal Parties in Italy.*—The next step was taken when the Abbé Gioberto, once a follower of Mazzini but a friend of Manzoni, published (1843) his *Primato morale e civile degli Italiani*, followed by Count Balbo's *Speranze d' Italia* (1844) and d' Azeglio's *Gli Ultimi Casi di Romagna* (1846). Agreeing with Mazzini in demanding liberty and unity, these writers differed from him both in the meaning they attached to these words and in the means by which they sought their ends. Men are inevitably influenced by the predilections of their own class; and the Genoese lawyer naturally had a more democratic notion of political, as distinct from personal, liberty than the Piedmontese nobles and ecclesiastic. But this was of less consequence than the fact that Mazzini held in equal distrust all rulers, native and foreign, and looked to an Italian Republic as his end, and to conspiracy and insurrection as his means; whereas the others, having no grievance against monarchy and sympathizing with the inveterate municipalism of their fellow-countrymen, looked to an Italian League, in which each of the existing states might retain its identity under its present ruler, as

their end, and to the education of public opinion as their means. In short, while Mazzini stood for revolution, the National Liberals stood for reform along the lines of historical development.

This difference of opinion between the Italian Liberal parties was fundamental and in the end almost fatal to their common cause—the freeing of Italy from foreign rule. For in no one state did all the Liberals belong to the same party. The party of revolution was naturally strongest in the Papal States and the Two Sicilies, where the administration was intolerable and the tradition of liberty weak; and, conversely, the party of reform was strongest in the northern states, where the administration was in general tolerable and the tradition of liberty strong. But, as the one party had many adherents among the middle classes of the great cities of the North and Centre, who distrusted as much as they envied the nobles, so the other had many adherents among the upper classes of the South, who feared political revolution as the prelude to social.

Moreover, the Reformers were themselves divided. Gioberti's book was an eloquent plea for a return to the Guelph policy of Julius II and the unification of Italy as a confederacy under the headship of the Pope. The suggestion captivated the Catholic masses and was approved by the princes; but it was opposed both to the traditional Italian belief that the Papacy had ever been the real obstacle to Italian unity, and to the ambition of the House of Savoy, which had long cherished the hope of uniting at least Northern Italy under its own rule. Balbo, therefore, as became a loyal subject of the King of Sardinia, while not rejecting the idea of Papal headship, urged as the first step towards independence the formation of a North-Italian Federation under the headship of his own sovereign; while d'Azeglio, whose book

was otherwise one long indictment of Papal misrule, urged that those states whose rulers proved unwilling to grant constitutional government should annex themselves to Piedmont in a kingdom of Upper Italy, or, in other words, should reconstitute the Napoleonic kingdom of Italy. This was the idea destined to be realized; but, for the moment, its chief effects were, on the one hand, to turn the thoughts of the Grand-Duke of Tuscany towards the revival of the kingdom of Etruria for himself, and on the other to alarm the Dukes of Parma and Modena and bind them closer to Austria.

(II) Plebiscites of 1848.

(i) *Events leading thereto.*—It was in the midst of this ferment of ideas that Cardinal Mastai-Feretti ascended the Papal throne as Pius IX (June 1846), and published an amnesty for all political offenders and suspects. He was at once hailed as the ideal head of Gioberti's Italian League; and throughout Italy men sought by means of popular demonstrations to force their rulers to grant constitutions and lead their subjects in a crusade against the hated Austrians. Metternich's answer was to occupy Ferrara with Austrian troops and sign treaties of alliance, offensive and defensive, with the Dukes of Modena (1846) and Parma (December 1847), meanwhile ignoring the demand of the nobles of Lombardy and Venetia for a measure of self-government. But the other Italian rulers were not unwilling to fall in with their subjects' wishes, as the one means of freeing themselves from Austrian tutelage; and a rising at Palermo on January 12, 1848, was the signal for a general revolution. On January 29, the King of Naples granted a Constitution; and his example was quickly followed by the King of Sardinia, the Grand-Duke of Tuscany, and the Pope.

At this moment, when the League of Italian States seemed on the point of coming into existence, the whole course of events was changed by the revolution in Paris, whereby the Second Republic was established. The upper and wealthier classes looked upon the fall of the July Monarchy with dismay, and, out of regard for order and a dread of the extension to Italy of socialist doctrines, were ready to give their support to the authorities, even in Lombardy. On the other hand, the lawyers and men of letters were ready to hail any change with satisfaction, provided it involved the overthrow of the Austrian rule.[1] While the Reformers were thus hesitating and the Revolutionaries were preparing to act, there arrived (March 17) the news of Metternich's fall. On March 18, the Milanese rose, and after five days' fighting drove out the Austrian garrison; already the Republic of St. Mark had been proclaimed at Venice.

Both risings were the work of the revolutionaries, that is to say, the Republicans; but at Milan the leadership was quickly assumed by the nobles, who at once sought the aid of Piedmont, in order, as they said, to save Lombardy from becoming a Republic.[2] But Charles Albert shared the dismay of the upper classes at the events in France and hesitated to intervene. By the time he entered Pavia (March 29) the unity that had hitherto prevailed among the Lombards had given place to division, the aristocrats desiring that Lombardy and Piedmont should be united, with Charles Albert for their sovereign; the middle classes, including the commercial and literary people, and all the promising

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[1] Dawkins, Consul at Milan, to Lord Palmerston, March 6, 1848. F.O. Austria, 356, No. 22.

[2] Sir R. Abercrombie to Lord Palmerston, March 20, 1848. F.O. Sardinia, No. 48.

youth, favouring a Republic.[1] In the circumstances the Provisional Government, in which both parties were represented, could do no more than announce that the wishes of the people would be consulted on the form of government to be adopted, at the end of the war with Austria.

Despite this check, the National Liberals went forward with their plans. The revolution was carried out in Parma and Modena; and the states which had already received constitutions joined Piedmont in what was now openly a War of Independence. In Modena, the Duke having fled, a Provisional Government was set up; and the Grand-Duke of Tuscany, whose subjects were allowed to salute him as King of Etruria,[2] "in the interests of quiet in his own dominions," occupied Massa and Carrara with the aim of annexing all the Modenese territories.[3] The Duke of Parma, on the contrary, granted a constitution which his people accepted; but renewed agitation led to a Provisional Government being set up in Parma also.[4] Meanwhile, the Grand-Duke of Tuscany declared war on Austria; while Naples not only sent troops to Upper Italy to aid in expelling the Austrians but sent a fleet to the Adriatic.

At this moment, with independence in sight, the old municipal rivalries broke out again; and even among the parties engaged in supporting the cause of Italy there appeared a want of union and a disposition to break up into sections. The insistence of the Sicilians that their union with Naples should be personal only, and their subsequent deposition of the King for refusing their demand, enabled the latter to suppress the

[1] Campbell (vice-consul at Milan) to Abercrombie, March 31, 1848. F.O. Sardinia, No. 44.

[2] Sir G. Hamilton to Lord Palmerston, April 1, 1848: F.O. Tuscany, 131, No. 43.

[3] *Ibid.*, March 24, 1848: F.O. Tuscany, 130, No. 39.

[4] April 16, 1848: F.O. Sardinia, 41, No. 86.

constitution he had lately granted and to order the return of his army from the seat of war (May 22). All hope of a League of Italian States had in fact already gone when Pius IX, whose favourite scheme it had been, administered the *coup de grace* by the Encyclical of April 29, in which he not only denounced the war but, both as man and as Pope, thenceforth disclaimed all part in the cause of Italy.

(ii) *Plebiscites in North and Central Italy.*—It was in these circumstances that the Lombards and Venetians were roused, by the arrival of Austrian reinforcements (April 22), from their dream of victory already won. The Republicans at once began to talk of appealing to the French Republic for aid; but the other inhabitants of Lombardy, Venetia, Parma, and Piacenza turned with one accord to the King of Sardinia, praying for annexation to Piedmont. Modena did the same, with the exception of Massa and Carrara, which with Lunigiana turned to the Grand-Duke of Tuscany; and only Venice, protected by her lagoons, still clung to the republican ideal. The wishes of the people were as clear as their need; but, in face of the bitter hostility that the Republicans had already shown to union with a monarchic state, none of the Provisional Governments, bound as they were by their undertakings to consult the people on the constitution to be set up, dared to act without the express sanction of those concerned. The most direct way to obtain this sanction, and the surest way of silencing the Republicans, was to imitate the Provisional Government that had just established the Second Republic in France, and to take a plebiscite of the inhabitants of each state on the question of immediate union with Piedmont under Charles Albert as king.

Piacenza led the way, the National Guard demanding that registers should be opened for

the votes of the people on the question of union with Piedmont, with Lombardy, with the States of the Church, or with Parma; and on May 13 it was announced in the Piedmontese Chamber of Deputies that the Duchy of Piacenza had formally proclaimed its union with Piedmont, the numbers being as follows:—[1]

For union with	Piedmont	37,000
,, ,,	Lombardy	69
,, ,,	the States of the Church	300
,, ,,	Parma..	10

This example had already been followed by Parma, where the Provisional Government had arranged for registers to be opened in all the communes of the State in order that the wishes of the people regarding the future destiny of the country might be duly ascertained, but with the view that Parma should form part of a powerful kingdom under the name of "il Regno d' alta Italia."[2]

At Modena the movement originated with the municipal authorities, who addressed their fellow-countrymen, pointing out the advantages to be obtained from the formation of a powerful kingdom to which Modena should belong. This demand was seconded by the Provisional Government; and a register was opened at the palace of the Municipality for the signatures of all classes. Parma and Modena, with Reggio, followed Piacenza in voting for union with Piedmont; but the Duchies of Massa and Carrara, with Garfagnana and Lunigiana, voted for union with Tuscany,[3]

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[1] F.O. Sardinia, 42, No. 110, Turin, May 14, Abercrombie to Palmerston.

[2] F.O. Tuscany, 131, No. 73, Florence, May 13. 37,250 votes were registered for union with Piedmont. F.O. Sardinia, 207, No. 162.

[3] F.O. Tuscany, 131, No. 73, Florence, May 15. In April the Provisional Governments of Massa and Carrara had determined to elect a Chamber of Deputies by universal

and were accordingly annexed to his dominions by the Grand-Duke on May 18.[1]

Most important of all was the decision of the Provisional Government of Milan to consult the people as to the future form of government to be adopted in Lombardy, in accordance with which a decree was issued on May 12, ordering the immediate opening of registers in every parish throughout Lombardy, in which the votes of the inhabitants were to be recorded with reference to two questions, the one in favour of immediate union with the Sardinian States, the other that the discussion of the constitution should be deferred until the war should be successfully ended. The lists were to be closed on May 29,[2] the anniversary of the Battle of Legnano (1176). Clear directions were given in the decree[3] as to who should vote, and how. Every man of the age of 21 years had the right to subscribe, in the register of the parish in which he lived, his name, his age and the names of his parents, the illiterate making a cross in the presence of the parish priest and two delegates chosen by the Communal Council, preferably from among its own members, who were to superintend the signing of the Register. When closed, the registers, sealed by the parish priest, were to be sent by the Communal Deputations and the Municipal Congregations to the Provincial Congregation, which would count the registers in the presence of the Bishop, or his representative, and a Government Commissary; and the count should then be sealed like a *procès-verbal* and sent to the Government, which should announce the result at once, a majority of

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suffrage to decide on the fate of the duchies (F.O. Tuscany, 131, No. 54, April 17, 1848), but they abandoned this for the plebiscite.

[1] *Ibid.*, No. 74, Florence, May 18.

[2] F.O. Sardinia, 42, No. 110, May 14, 1848.

[3] Published as a supplement to *Risorgimento*, No. 117.

subscriptions constituting the vote of the nation. Special provision was made for citizens serving with the army, who were to subscribe, in the presence of their superior officer, a register to be opened in each command; also for Mantua, then in the hands of Radetsky, and for the mainland provinces of Venetia, whose votes were to be collected by the Government Commissioners sent to help them.

Of the result of the plebiscite thus taken, there was never any doubt.[1] From the beginning, the lower classes had regarded the war against the Austrians as holy, since it was sanctioned by their beloved Pio Nono;[2] and, although his Encyclical made some hesitate, it had less effect in Lombardy than in any other Italian state, owing to the secular jealousy between Milan and Rome.[3] The middle classes were more doubtful, owing to their republicanism; but they were not unaffected by the nationalist literature that had been smuggled in from Piedmont, Switzerland, and Romagna, long before the war began,[4] and by the Piedmontese agents who had been at work among them. The Provisional Government also took special pains to secure their vote by coupling with the declaration for union with Piedmont, not only a statement that it was for the sake of freeing Lombardy and Italy from the stranger, but also an announcement that in the united states there was to be convoked a Constituent Assembly chosen by universal suffrage which should discus and establish the basis and form of a new constitutional monarchy under the dynasty of Savoy. This clause is said to have been the work of the

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[1] F.O. Sardinia, 42, No. 110, Turin, May 14.

[2] Campbell to Palmerston, April 4, 1848; F.O. Austria, 358, Milan.

[3] *Ibid.*

[4] Consul Dawkins to Palmerston, Milan, Jan. 5, 1848; F.O. 120 Bundle, 649.

Genoese members of the Sardinian Cabinet who, desiring union with Lombardy at all costs, in order to obtain a larger market for Genoa, came to terms with both the Ultra-Liberal and the Milanese parties for a new constitution which would thus come from the people, not from the king; and, though it was not generally approved by the Piedmontese, who feared absorption by Lombardy, nor by the aristocratic Milanese, who feared that the issue would be a Democratic Monarchy or even a Republic,[1] the event proved the wisdom of its authors. For, although Mazzini issued a violent proclamation against the plebiscite, it had no effect beyond stirring the Milanese mob to demand the indissolubility of the National Guard as then established, the right of association, the liberty of the Press, and the Constituent Assembly, all of which were granted.[2]

Such of the Republicans as did not vote for union with Piedmont and a Constituent Assembly, which might establish an Italian Republic, either voted for deferring the question to the end of the war or abstained from voting altogether, as did the few adherents of Austria. Those who took either of these courses were astonishingly few. In Milan, where 132,882 persons were entitled to vote, only 228 voted for deferring the decision, and 2,614 abstained; in Brescia, the numbers were 35 and 3,278 out of 88,644; and in Pavia 9 and 1,604 out of 38,173, the percentage of abstentions being 1·9, 3·7 and 4·2 respectively.[3]

Opponents of the House of Savoy have sought to lessen the significance of these figures by asserting that forgery, pressure and coercion were freely used to obtain them; but even they have to

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[1] F.O. Sardinia, 42, No. 140, June 12, 1848.

[2] F.O. Austria, 358. Campbell to Palmerston, May 28, 1848. It was rumoured that this outburst was due to Austrian intrigue, and it is not unlikely (*Times*, June 10, 1848).

[3] F.O. Sardinia, 42, No. 133, June 9, 1848.

admit that, when every allowance is made for the use of unworthy arts, there must have been among the Lombards an overwhelming desire to escape from Austrian rule at any cost, such as might well lead the Republicans to accept in all honesty and honour the compromise of a Constituent Assembly.[1] Whatever the determining causes, it was made known on June 8, that in Lombardy 561,000 votes had been cast for immediate union with Piedmont against 625 for deferring the question.[2] Two days later the agreement between the King of Sardinia and the Provisional Government of Milan was signed and sealed, and sent to Turin for the Chambers to ratify.

The reasons that moved the Lombards to union with Piedmont were still more strongly felt by the Venetians of the mainland. Even before the Austrian advance began, the feeling in the principal towns was unfavourable to Venice and indisposed to acknowledge her supremacy ;[3] and, after the fall of Udine, it became daily more hostile to the reconstruction of the Republic of Venice.[4] The only alternative was union with Piedmont ; and, while the Lombard plebiscite was being taken, another was taken in Padua, Vicenza, Treviso, and Rovigo. Then, on May 31, the deputies of the Departmental Committees of these provinces addressed a letter to the Provisional Government

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[1] The best proof that the plebiscites represented the real wishes of the people at the moment lies in the facts that the Republicans, aware that they were but a small minority, were afterwards strongly opposed to this mode of ascertaining the wishes of the people ; and that, as Manin had proclaimed the Republic of Venice without seeking ratification by plebiscite, so the Republics afterwards proclaimed in Tuscany and at Rome (Feb., 1849) were not established by plebiscite but by constituent assemblies elected by universal suffrage.

[2] F.O. Sardinia 42, No. 134. Finali, in *Le Marche*, gives the figures as 561,002 and 681.

[3] F.O. Austria, 356, No. 56, Venice, April 20, 1848.

[4] *Ibid.*, No. 59, April 28.

of the Venetian Republic informing it of what had been done and why, and calling upon it to follow their example without delay, threatening in case of non-compliance to separate themselves completely from Venice and to establish a new centre of government on the mainland.[1]

In Venice the Republican Party was still fairly strong, or at all events loud, but it was confined to the lawyers, led by Manin, and the classes who had money to make or none to lose.[2] The greater part of the upper and middle classes, with the whole of the Navy, were in favour of a junction with Piedmont rather than the continuance of a Republican Government.[3] The Provisional Government, therefore, sought to temporize by issuing two decrees on June 3. One announced the convocation of the Assembly on June 18 for the purpose of deliberating (*a*) whether the question relative to the present condition of the country should be decided then or at the end of the war; (*b*) whether in the event of an immediate decision being agreed upon, it would be expedient to form an independent state or to unite with Piedmont; (*c*) whether the members of the Provisional Government should be changed or confirmed. The other decree provided for the electoral qualifications, according to which all male persons who had attained the age of 21 years had a right of voting, and all persons who had attained the age of 25 years were eligible as deputies, who were to be chosen in the proportion of one for 2,000 inhabitants.[4] The mainland provinces, however, were in no way satisfied with this device—their situation was too desperate; and the law declaring the formal annexation of Lombardy to the State of Charles

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[1] F.O. 120, Bundle 649, Venice, June 4. Dawkins to Palmerston.

[2] *Ibid.*, May 30. Dawkins to Ponsonby.

[3] *Ibid.*, June 2. [4] *Ibid.*

Albert, which was laid before the Sardinian Parliament on June 15, also announced the annexation of the four Venetian Provinces.[1]

The reply of the Republicans was to postpone the Assembly to July 3 and to call upon those inhabitants of Venice who were in favour of applying to the French Republic for succour to inscribe their names in registers opened for that purpose (June 13).[2] Wiser counsels, however, prevailed; and on July 4 the Venetian Assembly, at the instance of Manin himself, voted by 130 votes against 3 for immediate decision and by 127 votes against 6 for immediate fusion with the Sardinian States, on the same conditions as Lombardy and almost in the same words.[3] The decision was generally approved, the nobles hoping that their birth might procure them that distinction under a monarchy, which their talents would never have earned for them under the Republic; the middle classes realizing that it would have been impossible to maintain independence under the Republic, the mainland provinces being lost; and the lower classes having been gained by money freely spent among them.[4]

The people of Piacenza, Parma, Modena, Lombardy, and Venice having thus expressed their desire for fusion with Piedmont—all, save the city of Venice, by plebiscite—it remained only for the Sardinian Parliament to consent to the annexations. This was done by 134 votes to one; and on July 27 was completed the union of Piedmont, the Duchies, Lombardy, and Venetia in a kingdom of Upper Italy under the House of Savoy.[5] But on July 25 Charles Albert was defeated at Custozza and again on August 4

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[1] F.O. Sardinia, 42, No. 143, Turin, June 15, 1848.
[2] F.O. Austria, 356, No. 87, Venice, June 14.
[3] F.O. Austria, 357, No. 25, Venice, July 5.
[4] *Ibid.*
[5] F.O. Sardinia, 42, No. 166.

before Milan, so that he was glad to obtain the armistice of Salasco, which restored the *status quo ante bellum* except in lagoon-defended Venice, which was to hold out under a restored Republican Government for over a year. The kingdom of Upper Italy, created by plebiscite, had lasted just a fortnight.

(III) Plebiscites of 1860.

(i) *The Plebiscites in Central Italy.* (*a*) *Events leading thereto.*—The state of Italy in 1860 was in many respects very different from what it had been in 1848. Whatever chance there once may have been of uniting Italy as a Confederation of Sovereign States under the presidency of the Pope had passed away for ever; for the Italian princes, including Pio Nono, had reverted to absolutism and alliance with Austria. Only Victor Emmanuel, raised to the Sardinian throne by his father's abdication (March 23, 1849), had refused to revoke the constitution of 1848; and, under the guidance of Cavour, Sardinia had become the one liberal and national state in Italy. Republicanism, too, had been discredited by the failure of the Republics of Venice, Rome, and Tuscany; and Mazzini's influence had been undermined by various causes. Liberals of all shades of opinion had at length come to see, not only that without union Italy could never be free, but also that neither unity nor freedom could be attained save through the House of Savoy. Nevertheless, there remained a considerable difference of opinion between the two wings of the Nationalist party as to the exact extent and nature of the union to be effected between the several states. The members of the National Society (founded by three leading Mazzinians[1] in 1857), who were drawn chiefly

[1] Pallavacino, La Farina, and Garibaldi.

from the lower middle classes of the towns, advocated the formation of a unitary state by the fusion of all the other states with Piedmont. But, apart from her government and her army, Piedmont compared unfavourably with the other states.[1] So the National Liberals, who were drawn chiefly from the upper and middle classes, had no desire for the union of their own states with Piedmont unless they were to form parts of a strong Italian kingdom which might rank in amount of population and importance with the Great European Powers;[2] and even then they advocated, not annexation *to* Piedmont, but a union *with* her of all the states of Northern and Central Italy into one kingdom in which equal rights would be reserved to each part.[3] So strong, in fact, was the municipalism of the Italians that it may safely be asserted that nothing but the fear of foreign intervention could ever have induced the peoples of Central and Southern Italy to accept unconditional annexation to Piedmont.[4]

Yet without foreign intervention Italy had no chance of winning freedom and union. Cavour therefore sought and found an ally in France, the traditional enemy of Austria. But Napoleon III, ready as he was to help the King of Sardinia to tear up the treaties of 1815 and to turn the Austrians out of the peninsula, was not ready to help him to become King of a united Italy. So the agreement for an offensive and defensive alliance against Austria, arrived at between the Emperor and Cavour at Plombières (July 21, 1858),[5] gave to Sardinia Lombardy, Venetia,

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[1] F.O. Tuscany, 213, No. 23; Jan. 19, 1860.

[2] F.O. Tuscany, 206, No. 93; Aug. 1, 1859.

[3] F.O. Tuscany, 207, No. 144; Scarlett to Lord John Russell, Sept. 25, 1859; *cf. ibid.*, 213, No. 23; Jan. 19, 1860.

[4] F.O. Tuscany, 207, No. 129; Sept. 4, 1859.

[5] *Cavour, Lettere*, ed. L. Chiala, Turin, 1913, etc., iii, pp. I, ff.

Romagna, Parma and Modena, but stipulated that Tuscany and Umbria should form an independent kingdom of Etruria; that Rome and the Comarca Province should remain under Papal rule; that Naples—where Napoleon expected a Muratist rising to follow the downfall of Austria—should be left to herself; and that the four states thus constituted should form an Italian Confederation under the presidency of the Pope. In compensation, Savoy was to be ceded to France.

The preparations for war were not yet complete when Europe took alarm. England, although she sympathized with Italian liberalism, was not prepared to weaken Austria, her traditional ally, by furthering a union with Italy which must in any case embarass her own position as a Mediterranean Power, unless she were forced to it by the fear of seeing French influence replace Austrian in the peninsula. She, therefore, offered her mediation, while Russia proposed that the Italian question should be submitted to a Congress of the Powers. France approved this course, and Napoleon III had to endorse it. At the last moment, however, Austria, bent on settling the Italian question once for all and in her own way, sent an ultimatum to Sardinia (April 23, 1859), requiring her to disarm at once. Three days later her troops entered Piedmont; and on May 3 France declared war on Austria.

The campaign that followed was very short. At Magenta Lombardy was wrested from the Austrians; at Solferino their effort to regain it was defeated; and at Villafranca Napoleon III, without consulting his ally, signed an armistice (July 8) and a preliminary treaty of peace (July 11)[1] by which an Italian Confederation under the presidency of the Pope was to be created; Lombardy, except the fortresses of Mantua and

[1] Hertslet, *Map of Europe by Treaty*, London, 1875, ii, No. 298.

Peschiera, was to be ceded to the Emperor of the French, who should present it to the King of Sardinia; Venetia, remaining subject to the Emperor of Austria, was to form part of the Italian Confederation; the Grand-Duke of Tuscany and the Duke of Modena were to be restored,[1] on condition of granting a general amnesty; and the Holy Father was to be requested to introduce in his States some indispensable reforms.

This abrupt conclusion of hostilities was certainly justified by the military situation; but the Emperor's decision to make peace at once was also influenced by a well-founded fear that he could no longer control the national movement in Italy in the interest of either France or the Pope. In accordance with the plans made at Plombières the outbreak of war had been the signal for revolution in Central Italy. The very day the Austrians entered Piedmont the Florentines rose, demanding that the Grand Duke should either make an offensive and defensive alliance with Sardinia against Austria or abdicate. He refused to do either, and left the country; whereupon a Provisional Government was set up, which at once offered the dictatorship of Tuscany to Victor Emmanuel during the war.[2] Elsewhere, the revolution at first hung fire; but after Magenta the Duchess of Parma and the Duke of Modena also fled,[3] and Provisional Governments were set up in both duchies as well as in Romagna, which at once proclaimed Victor Emmanuel King of Italy (June 12). At the same time the sovereignty of Tuscany was offered to him by the Provisional Government, Prince

[1] In the final Treaty of Zürich (November 10, 1859), their rights were reserved for the consideration of the two Emperors; Hertslet, *op. cit.* No. 301.

[2] As France had not yet entered the war, the King would accept a Protectorate only.

[3] On June 9 and 12 respectively.

Napoleon having tacitly declined it by advising the incorporation of the Grand-Duchy with Sardinia, preparatory to the union of all Italy under the House of Savoy.[1] The Prince's views, however, were by no means those of the Emperor; and owing to the latter's attitude, Victor Emmanuel had to refuse the offer.[2]

To the Nationalists, who had been confident that the end of the war would see Italy united as well as free, the truce of Villafranca was a crushing blow. Yet, in truth, it was to this betrayal, as they deemed it, that they were to owe the fulfilment of their hopes.[3]

The unanimity of the movement for union with Piedmont had been apparent rather than real. The revolutions had been the work of the National Society, and the policy of the Provisional Governments had been inspired by it;[4] but at bottom the risings had been neither nationalist nor liberal, but simply anti-Austrian. So long, therefore, as there was any hope of driving the Austrians out of Italy altogether, many inhabitants of the duchies were quite ready to take back their late rulers, believing that, when they could no longer count on the aid of Austria, they would be disposed to adhere to a liberal form of government.[5] In fact, in the

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[1] F.O. Tuscany, 205, No. 134; Scarlett to Malmesbury May 26, 1859.

[2] F.O. Tuscany, 206, No. 18; July 5, 1859.

[3] Cavour, *op. cit.* III, Lett. dccxxxvi.

[4] On March 1, 1859, Garibaldi, as vice-president of the National Italian Society, gave his instructions to the chiefs in the several provinces to revolt with the cry of "Long live Italy and Victor Emanuel! Out with the Austrians!" as soon as war began between Austria and Piedmont. When the revolution was complete, a Provincial Commissioner was to be appointed, and all clubs and all newspapers except an official one to be forbidden. *Further correspondence concerning the affairs of Italy*, 1859, No. 51.

[5] F.O. Tuscany, 213, No. 5; Jan. 4, 1860.

spring of 1859, the old Republican party was almost alone in desiring the union of the duchies with Piedmont;[1] and it was not till Prince Napoleon had tacitly refused to be King of Etruria, and the Dukes had made their restoration impossible by appearing in the Austrian ranks at Solferino, that the movement for union with Piedmont gained much ground in the country at large.[2] Even so, it was only union with, not annexation to, Piedmont that was desired.

The signature of the Preliminaries of Villafranca entirely changed the state of feeling in Central Italy. That agreement left the Austrians in possession of Venetia, and promised restoration to the recently dethroned princes without reference to the wishes of their late subjects. Even if resentment at what was universally regarded as the French Emperor's treachery had not urged the Italians to thwart his plans, the fear that their late rulers would be brought back by the aid of foreign bayonets, and that there would be no amnesty for those compromised by the revolution, was strong enough to reconcile the upper and middle classes to the union of the Central Italian states with Piedmont, the only Power upon whom they could rely for assistance against the threatened restoration.[3]

Realizing that the Italian cause was doomed unless they could oppose to the will of the Emperors the will of the Italian people, the Provisional Governments were quick to take advantage of the sudden change in public feeling. Within a week of Villafranca the Electoral Law of 1848 had been re-established in Tuscany (July 14); and a National Assembly had been summoned, which, unanimously and without discussion, voted by ballot, that the dynasty of Lorraine should not be recalled,

[1] F.O. Tuscany, 205, No. 182; June 27, 1859.
[2] F.O. Tuscany, 207, No. 129; Sept. 4, 1859.
[3] *Ibid.*

and that the Grand-Duchy should form part of a constitutional kingdom under the sceptre of King Victor Emmanuel (August 20). In Parma and Modena the Provisional Governments at the outset followed the precedent of 1848 and ordered (July 16) that registers should be opened for voting by signature on the question of union with Piedmont. But, when the voting proved satisfactory—over 90,000 votes in Modena, over 63,000 in Parma, being inscribed for union with Piedmont—the Modenese Government summoned a National Assembly, which voted unanimously, first that the Duke of Modena was deposed, and then that the Modenese Provinces should be annexed to "the constitutional kingdom of the glorious House of Savoy under the sceptre of the magnanimous King Victor Emmanuel" (August 21). Shortly afterwards National Assemblies were likewise summoned in Parma and Romagna, which adopted the Modenese formula without change, the one on August 27, the other on September 10.

It was afterwards alleged that terrorism had been so freely used in the elections that the votes of the Assemblies in favour of union with Piedmont did not truly represent the national wish. It is true that Italian statesmen of that day had little respect for minorities, and were indisposed to tolerate even legitimate opposition[1]; but there is little evidence that intimidation was resorted to during the elections. Indeed, there was little need for it, because all organized opposition had long since been made impossible, and most of the chief advocates of restoration had already left

[1] F.O. Tuscany, 213, No. 7, a confidential letter from Scarlett to Lord John Russell, Jan. 5, 1860. A passage in the *Souvenirs Historiques* (Turin, 1884) of the Marchioness Costanza d'Azeglio is significant. It runs:—"16 Jan., 1860. On intrigue énormément dans les Duchés. Le Duc de Modène y dépense beaucoup d'argent, et Farini fait un peu trop le satrape; en Toscane Bettino Bey (Ricasoli) fait de l'absolutisme."

the country.[1] When the elections took place, therefore, the opponents of union with Piedmont either obeyed the exhortations of the clergy and abstained from voting,[2] or voted in favour of a policy they disapproved.[3] It was a more valid objection that the franchise was too narrow, the whole of the peasants, for instance, being excluded, and that the Assemblies represented a minority.[4] Against this, however, must be set the facts that in Italy political life had always been confined to the towns; and that the Assemblies, representing as they certainly did a majority of the upper and middle classes, represented the most intelligent part of the community.

That the union of the Central Italian States with Piedmont did not at once follow the vote of the Assemblies in its favour was due in the first instance to the attitude of France.

Napoleon III was very unwilling to admit that his Italian policy had failed; and, although he would not allow the Central Italian States to be

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[1] F.O. Tuscany, 206, No. 91; July 31, 1859. In the *Times* of August 10 there appeared one striking bit of news:—"In a public café (in Parma), the Café Violi, a list is now open, the subscribers of which bind themselves to shoot or stab any person who ventures to propose or in any manner to abet and promote the Duchess's restoration, the leaders being the men who murdered the Duke in 1854." We are not told how many subscribed this list, but the fact that the Government allowed it to be opened is eloquent.

[2] Of 1,200 priests in Florence, only 15 went to the poll; F.O. Tuscany, 206, No. 100; Aug. 10, 1859. *Cf. ibid.*, 213, No. 30; Feb. 1, 1860.

[3] F.O. Tuscany, 207, No. 129; Sept. 4, 1859.

[4] In Tuscany, for example, in a population of 1,806,990 souls, 900,000, or nearly half, were males, but only those of 25 years of age had a vote, and the property qualification —payment of 10 Tuscan lire (8½ francs) of personal tax, or 30 lire (25 francs) of property tax—further reduced the number of electors to 68,311, of whom only 35,240, or 1·9 per cent. of the total population voted. *L'Assemblea Toscana* (Florence, 1859), by Leopoldo Galeotti, one of the Liberal Deputies.

coerced into taking back their former rules, since that would benefit Austria only, he would not allow Victor Emmanuel to accept their renewed offers of the kingship. At this moment Great Britain intervened. She had watched with growing uneasiness the progress of the War of Liberation, and now took advantage of the situation created by the Treaty of Villafranca to put herself in France's place as the friend of Italy. Encouraged by Palmerston to confront the Emperor and Europe with a kingdom of Upper Italy as an accomplished fact, Victor Emmanuel renewed negotiations with the Governments of the Central States; and just before peace was formally concluded at Zürich (November 10), the Assemblies of Romagna, Modena, Tuscany, and Parma elected Prince Eugene of Savoy-Carignano as Regent of the Provinces of Central Italy.[1] This time the offer was accepted, although the Prince did not take up the regency in person but delegated his authority to Boncompagni, formerly Sardinian Minister at Florence.

Even then the Emperor did not give up all hope that the formation of too strong a kingdom of Italy might yet be prevented by the maintenance of Tuscany as a separate state. He was well aware that the difference in the resolutions adopted by the Assemblies in August reflected a real difference of opinion between Tuscany and the other states; and that, as the fear of foreign intervention declined, the desire for autonomy had revived in Tuscany, and disunion had appeared in Central Italy. The other states, having voted for annexation to Piedmont, had hastened to adopt her laws wholesale, and to abolish their separate administrations in favour of a single administration modelled on hers; but Tuscany,

[1] This course had been approved by Palmerston in September. (*Lettere di Cavour*, Turin, 1863-87, III, p. ccxliv, *note* (2)).

although she joined her neighbours in a Military League, steadily opposed every measure that seemed to endanger her autonomy,[1] and, even when she had agreed to the appointment of one Regent for the four provinces, insisted that the Governments should remain unchanged under Boncompagni as Governor-General of the League of the Provinces of Central Italy.

Tuscan opposition to annexation was stiffened by the Piedmontese policy pursued in Lombardy by the Government of Turin; and it is hard to say what the issue might have been, had not the formation of the Governments of Parma, Modena, and Romagna into the Government of the Royal Provinces of Emilia, as from January 1, 1860, at last convinced all but the most obstinate municipalists that Tuscany would never have the augmentation of territory without which she could not continue to stand alone, and so reconciled them to the annexation of all Central Italy to Piedmont and the formation of a kingdom able to make itself respected.

By this time, too, Napoleon III had realized that he could not prevent the union of Parma and Modena with Piedmont; but he thought that there was still a chance of keeping Tuscany a separate state, and of saving Romagna for the Pope, at least in name.[2] He therefore accepted the British proposal (January 15, 1860) that Central Italy should be left free to determine its own fate.

He insisted, however, that the States should give their decision by plebiscite instead of through freshly elected Assemblies, believing that the influence of the priests and the landlords, reinforcing the secular antagonism of town and country, would induce the peasants to vote against annexation.

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[1] F.O. Tuscany, 207, No. 163; Oct. 24, 1859.

[2] As a lay Vicariate under Victor Emanuel.

In the same belief, Ricasoli, now Dictator of Tuscany in all but name, resisted an appeal to the people by universal suffrage as long as he could; but, warned by the British Government, he gave in at last. As the Emilian Government had only been waiting for his concurrence, the assurance of Cavour that Victor Emmanuel would accept annexation, if offered (February 29), made further delay unnecessary. On March 1, therefore, the peoples of Central Italy were invited to express by plebiscite on March 11 and 12 their wishes with regard to "union to the constitutional monarchy of King Victor Emmanuel," or "the formation of a separate kingdom."

(*b*) *The Plebiscites in Tuscany and Emilia.*—The form of the plebiscites taken in Central Italy in March, 1860, followed the French mode of procedure.[1] The appeal to the people was made by manhood suffrage; women and minors were not allowed to vote[2]; and the franchise was restricted to males of 21 years of age and over in enjoyment of civil rights, who had been resident in their commune for at least six months, that is, roughly 25 per cent. of the whole population. Of these the municipal authorities in every commune were to compile a list before March 11, when the voting was to begin in the chief town or village of the commune. The voting was to continue for two days between the hours of 8 a.m. and 5 p.m. and to take place in the presence of five Councillors, or, if there were not enough for all the booths, of five honest citizens chosen by the Gonfaloniere, of whom two must always be present. The voting was to be by ballot, every voter, after his right to vote had been verified, depositing in an urn a ticket written or printed

[1] The Tuscan decree is summarized in the text, but the same procedure was followed in all the plebiscites of 1860.

[2] The Tuscan women, however, presented an address to Ricasoli in favour of annexation.

with the words, "Unione alla Monarchia costituzionale del re Vittorio Emanuele," or, "Regno separato." Each evening the urn was to be sealed by the presiding Councillors; and, when the voting was over, it was to be taken to the office of the *Pretore* (district judge), who was to count the votes and send the sworn result to the Prefect. In his turn the Prefect was to forward the count at once to the President of the Court of Cassation at Florence, who was also to receive the counts from the army, the total to be sent to the Minister of Justice and Grace on March 15.[1]

The plebiscites were duly taken in the prescribed manner on March 11 and 12, and on March 15 and 16 the results were made known. In Tuscany, out of a total population of 1,807,000, 504,000 were inscribed as voters, of whom 366,571 voted for annexation, 14,925 for a separate kingdom 4,949 spoiled their papers, and 117,555 abstained from voting. In Emilia, out of a total population of 2,127,105, 526,258 were inscribed as voters, of whom 426,006 voted for annexation, 756 for a separate kingdom, 750 spoiled their papers, and 98,746 abstained from voting. Taking the Emilian vote by provinces, we find that in Parma, out of 107,435 voters inscribed, 88,511 voted for annexation, 181 for a separate kingdom, and 18,743 abstained from voting; in Modena out of 121,527 voters inscribed, 108,336 voted for annexation, 231 for a separate kingdom, 231 spoiled their papers, and 12,729 abstained from voting; in Romagna, out of 252,727 voters inscribed, 202,659 voted for annexation, 254 for a separate kingdom, 471 spoiled their papers, and 49,343 abstained from voting.[2]

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[1] *Further correspondence concerning the Affairs of Italy*, 1860. Part III, No. 24 and enclosure.

[2] *Ibid.*, Part IV, No. 12. These are the official figures, but they are neither complete nor satisfactory for Emilia. One official document gives 406,791 as the total number of

The opponents of Italian nationalism, mostly Clericals, have constantly asserted that this overwhelming vote for annexation was only obtained by the unsparing use of terrorism, while its friends have constantly and vehemently asserted that no official pressure of any kind was used. As usual, the truth does not wholly lie with either side. The procedure gave the authorities abundant opportunity for influencing the voting; and, though there was no deliberate attempt at organization, it is impossible, as the *Times* Correspondent (himself an ardent Nationalist) admitted, not to feel that popular opinion was largely swayed by the attitude of the municipal authorities who had the management of it and who had just announced themselves unanimous for annexation to Piedmont.[1] Nevertheless, it would be true to say that such intimidation as there was came, not from the authorities, but from the people themselves.

The Nationalists have always made much of the voting being by ballot; but it was not by ballot as we understand it. The Provisional Governments, by suppressing all newspapers, had left themselves no means of ascertaining

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votes given there for annexation, made up of 202,659 from Romagna, 115,621 from Modena, and 88,511 from Parma; another gives the same figures for Romagna (therein called Bologna) and Parma, but gives 108,536 for Modena, adds 23,492 for Massa, and 3,008 for Borgorato, and gives 426,006 as the total. The difference in the number of votes assigned to Modena in the two documents is very nearly 7,000—far short of the 23,492 votes assigned to Massa, which we should have expected to find included with Modena, but very nearly equal to the number of votes from Carrara (4,366) and Massa (2,875) together, as given by the British Consul at Carrara; F.O. Tuscany, 213, No. 73. What the explanation may be cannot be ascertained without reference to documents not accessible at the present time. In the references here made to the voting at Modena, the figures given for that duchy by itself have been used.

[1] *Times*, March 8, 1860.

beforehand the real trend of public opinion; but with the eyes of Europe upon them, they dared not make any attempt to influence the voting directly. The countrymen of Machiavelli, however, found a simple way out of their difficulty. The two proposals on which the people were asked to vote were printed, not on one paper but on two, which were placed in separate baskets or salvers on either side of the urn[1]; and the voter had to select his ticket and place it in the urn under the eyes, not only of the presiding Councillors, but also of his fellow-voters, who thus knew quite well how he voted. Moreover, almost simultaneously with the decree ordering the plebiscite to be taken, there appeared thousands of tickets printed with the annexation formula, which were quickly bought up by the lower classes, who wore them in their hats as badges.[2] Thus, without a hint of official pressure, such of the upper and middle classes as were at heart opposed to annexation were made aware that it might be unwise to go counter to the will of the masses by picking up and placing in the urn a ticket for a separate kingdom. The movement was not confined to the towns; and on the polling-days bands of peasants headed by their curés were to be seen marching to the parish church, which, in the villages, served as the polling booth.[3]

By these means intimidation on the polling

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[1] *Times*, March 19, 1860. As the correspondent of the *Times* was a Nationalist, any evidence given by him against the Italian authorities may be accepted, especially when he seems to be unaware of its damaging nature. His evidence for them, however, is only to be accepted when corroborated by the British Ministers. Their evidence may be accepted because Great Britain's policy was frankly opportunist, and it was essential that the Government should be informed of the whole truth without glossing.

[2] E. Rubieri, *Storia Intima della Toscana dal* 1, *Gennaio*, 1859, *al* 30 *aprile*, 1860, Prato 1861, p. 316.

[3] *Times*, March 19, 1860.

days was made as unnecessary as it was impolitic. Most of the voters followed the example of their betters, and especially that of the municipal authorities, in voting for annexation,[1] while those who were opposed to annexation for the most part abstained from voting altogether; but those who voted for a separate kingdom were not molested. Any movement towards violence was easily checked by a hint from the better-class voters that any disturbance of the peace would be maliciously interpreted as intimidation;[2] and testimony to the regularity and good order of the proceedings was freely forthcoming from the British representatives in Italy.[3]

A much more subtle means of influencing the voting lay in the form of the alternate proposal for a separate kingdom. In Emilia this proposal had hardly any support; chiefly, we may believe, because its annexation to Piedmont was already almost complete, and even five months' experience had taught the inhabitants the advantage of being part of a large state. But in Tuscany, as we have seen, the desire for autonomy was still very strong. Therefore, it is noteworthy that the proposal for a separate kingdom was so vaguely expressed that those who were in favour of preserving the autonomy of Tuscany were in many cases prevented from voting in favour of it, from a fear that its adoption might result in the return of the Grand-Duke; and, rather than do anything which might tend to such a result, they voted for annexation, although they disapproved it. Conversely, many of those among the upper classes who favoured restoration voted for annexation from a conviction that, if the formation of a separate kingdom were favoured, the choice

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[1] *Times*, March 8 and 19, 1860.

[2] Rubieri, *op. cit.*, p. 316.

[3] F.O. Tuscany, 213, Nos. 73, 74.

of the new sovereign would not fall on the Grand-Duke.[1]

Nevertheless, when all allowance has been made for the use of these questionable methods of influencing the voting, the fact remains that the plebiscites yielded a majority for annexation so overwhelming that it is impossible to deny that by far the greater number of those who voted for annexation did so because they really were in favour of it. In fact, whether we compare the number of votes given for annexation with the total number of votes given or with the number of persons entitled to vote, we find that either way the majority for annexation was overwhelming, the percentages being respectively 94·8 per cent. and 72·9 per cent. in Tuscany, 99·7 per cent. and 82·3 per cent. in Parma, 99·5 per cent. and 89·1 per cent. in Modena, 99·6 per cent. and 80·1 per cent. in Romagna, and 99·8 per cent. and 80·9 per cent. for the whole of Emilia.

This is the more telling because the whole influence of the Church, as represented by the higher clergy, had almost everywhere been used against annexation; and, although many of the country clergy in Modena, Romagna, and Tuscany, voted for it, nearly all the lower clergy in the city of Bologna followed their superiors in abstaining from voting and in exhorting their parishioners to do the same.[2] If, then, the abstentions nowhere exceeded 24 per cent. of those entitled to vote,[3] we are obliged to admit that, whether the feeling that prompted them was a permanent one or the result of a temporary enthusiasm excited by circumstances, the vast majority of the inhabitants

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[1] F.O. Tuscany, 213, No. 56. March 2, 1860.

[2] *Times*, March 8 and 19. F.O. Tuscany, 213, No. 74, March 16.

[3] The percentages were: Tuscany, 23·7 per cent.; Parma, 21·2 per cent.; Modena, 10·4 per cent.; Romagna, 19·9 per cent.

of Central Italy were honestly in favour of the measure.

Any reluctance on the part of the defeated party to abide by the result of the plebiscite was removed by Napoleon himself; for he made his consent to the annexation of Tuscany to Sardinia conditional on her administration being not wholly absorbed by Sardinia; and his tone of command so wounded the self-esteem of the Tuscans that it turned into staunch unionists even the most notorious municipalists.[1] It was therefore amid universal enthusiasm that, as soon as the results of the plebiscite had been announced in the Assemblies of Emilia and Tuscany, Victor Emmanuel formally proclaimed[2] the union of the Central Italian States with his own in the kingdom of Italy. On April 2, 1860, the first Italian Parliament met at Turin.

(ii) *The Plebiscites in Savoy and Nice.* (*a*) *Events leading thereto.*—Almost the first business laid before the Italian Parliament was the ratification of the Treaty of Turin for the cession of Savoy and Nice to France. At Plombières Cavour had agreed to the cession of Savoy, but not to that of Nice, as the price of French aid in wresting Lombardy *and* Venetia from Austria; but the Treaty of Villafranca, by giving Victor Emmanuel Lombardy only, had made void the cession of Savoy. Now the Emperor, on the ground that Tuscany and Emilia were more than an equivalent for Venetia, made the cession of Savoy *and* Nice the price of his consent to the annexation of the former provinces to Sardinia. Cavour resisted the Emperor's demand as long as he could; but at last he had to give in and sign the Treaty of Turin (March 24, 1860), ceding both provinces to France. He made the cessions dependent, however, on the consent

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[1] *Times*, March 14, 1860.

[2] On March 18 and 22 respectively.

both of the populations concerned and of the Sardinian Parliament.[1]

A frank explanation of the reasons for the cession of Savoy and Nice was made by Cavour in the Sardinian Chamber of Deputies on May 26, 1860 :

> " All parties in France not being favourable to Italy, it was necessary to satisfy them by ceding Savoy and Nice, as otherwise the Emperor would have been unable to continue to manifest his sympathies with us. For a long time Nice and Savoy have expressed their French tendencies, and Nice is not an Italian province."[2]

The French Government, on their side, invariably represented the cession as a reunion of French provinces with the mother-country. justified by the spontaneous desire of the inhabitants.

The Savoyards, had, on the occasion of various international agreements—in 1648, in 1713, and in 1748—expressed a wish to be given the status of a Swiss Canton ; and in 1814 they suggested the creation of a neutral State between France and Italy. The first definite suggestion of a renewed union with France appears to have been made in connexion with the assistance given by Piedmont to the Allies in the Crimean War. The treaty negotiated for this purpose met with considerable opposition in the Sardinian Chamber ; and the *Times* correspondent of 1860 states that, in these discussions, the Savoyard members objected to the use of conscription for this purpose, and suggested that they might as well be under the French flag.[3] It is possible that this debate inspired Napoleon III with the ambition of procuring the cession of Nice and Savoy ; and after the conclusion of the Crimean War the

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[1] Hertslet, *op. cit.*, Vol. ii, No. 313.

[2] *Times*, May 28, 1860.

[3] *Times*, March 27, 1860.

possibility of the arrangement was widely discussed. In 1859, the *Courrier des Alpes* began a French propaganda; and on February 7, 1860, the Marquis of Normandy asserted in the House of Lords that there was on the Continent a universal belief in the existence of a compact between the Emperor of the French and the King of Sardinia for the transference to France of Nice and Savoy. Lord Granville replied that the Government had been assured that there was no question of annexation at the present moment; but the attitude of the French newspaper press left no room for doubt; and on March 9 the *Opinione* of Turin announced that Cavour had written a note in which while expressing the attachment of the King of Sardinia to the provinces of Savoy and Nice, he stated that:—

> "true to the principles which he supports in Central Italy, His Majesty declares his intention to interrogate the population in a manner to be established by Parliament, reserving the question of the frontiers and of the guarantees to be given to Savoy."[1]

Rival declarations were issued from time to time by partisans of each policy; and the evidence as to the feeling of the population is, naturally, somewhat conflicting. A demonstration against annexation took place so early as January 29, 1860, and was followed by others. The Municipal Junta of Nice voted against annexation; and the National Guard elected by a large majority a colonel who was attached to the old allegiance. On the other hand, a pro-Sardinian demonstration is described by the other side as composed of 500 children and Italian employés. The French Emperor received a deputation from Savoy on March 16; and the Savoy correspondents of French newspapers asserted that annexation was impatiently awaited. Observers in this country differed in opinion.

[1] *Times*, March 12, 1860.

Sir Robert Peel stated in the House of Commons on February 28 that :—

> " there was a stern and determined resolution on the part of the Savoyards to resist their transfer to France, the national feeling, he knew, being absolutely antagonistic to the connection."

On the other hand, on March 2, Mr. Bright spoke of a popular desire for annexation.

So far as Savoy was concerned, the cession was not likely to excite much opposition either in the Duchy or in Italy. No sentiment of nationality bound the one to the other, while interest made their association a burden to each. On her side, Savoy thoroughly disliked a connexion that not only took from her every year 17,000 men for the Sardinian army and 12,000,000 lire for the Sardinian treasury, but also erected a customs barrier between her products—timber, hides and cheese—and their natural markets in France and Switzerland, as well as between Savoy and the cheap manufactured goods of those countries.[1]

The commercial interests of Savoy were certainly likely to benefit by union with France ; for the Savoyards were forced to send their products by an incomparably more difficult and expensive route to a worse market in Piedmont ; and there was no available capital in Savoy or in Piedmont to develop their own resources.

After 1848 the separatist feeling to which this divergence of interest gave rise was encouraged by the priests and the landlords, who were for the most part opposed to the Italian nationalist movement and the constitutional form of government then adopted.[2] There was, however, not one separatist party but two, one for France, the other for Switzerland, the

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[1] *Gazette de Savoie*, April 17, 1860.

[2] *Times*, Feb. 7, 1860 ; from the Correspondent at Milan.

valleys which opened on France being for France, those which opened on Switzerland being for Switzerland.[1] Savoyard national feeling, however, was strong enough to make dismemberment unpopular; and, until circumstances should decide the fate of the Duchy as a whole, the Savoyards clung loyally to their Duke.

With respect to Nice, the situation was very different. The province was essentially Italian by language, position and affection; its cession to France would at once gravely affect the entire seaboard of Italy by giving the former two offensive points instead of one. Interest as well as sentiment therefore urged Italy not to cede Nice to France. As for Nice itself, sentiment was wholly on the side of Italy; but it is not so clear that interest was. So far back as June, 1848, there had appeared in *L'Echo des Alpes Maritimes* a leading article in which it was pointed out that, while Turin, to secure the loyalty of Genoa, fostered her trade, Nice might starve behind her mountains if France closed her ports against her; for she had no link with Turin save a route over three chains of mountains, nor with Genoa save by one cut by innumerable torrents. This article summed up the facts of the position; and the attachment of the Nizzards to the House of Savoy was seriously shaken when its free port was suppressed in 1852 for the profit of Genoa. The French party in Nice was in fact steadily gaining ground when the events of 1859 roused to the highest pitch the Nizzards' admiration for Victor Emmanuel and for their countrymen, Garibaldi, and their anger against Napoleon III, who in deserting Italy had deserted them.

After Villafranca the separatist agitation revived

[1] *I.e.*, the Provinces of Chablais, Faucigny, and Annecy, which, after the annexation, were formed into the Department of Haute Savoie.

both in Savoy[1] and in Nice, but was quickly checked by the Intendant-General sent thither by the Sardinian Government, which thus showed its power to defeat French designs on the Alps until the programme on the Adriatic had been carried out. As soon as Napoleon III gave his consent to the annexation of Tuscany and Emilia to Sardinia, the separatist agitation began again. For the whole question of the cession of Savoy and Nice lay in this :—They had been secured to Sardinia by the treaties of 1815, which also, neutralized certain parts of Savoy in the interest of Switzerland ; and it was certain that both Switzerland, who wanted to annex those districts, and Great Britain, who did not want to strengthen France, would protest against the cession as an infringement of the treaties. Therefore, Savoy and Nice could only be ceded and accepted if the populations of those provinces demanded it, as a consequence of the principle that each country has the right of choosing its own government and dynasty.[2]

So far as Savoy was concerned, it was certain that, however the people might vote if left to themselves, a popular movement in favour of France could be got up, even in northern Savoy, with the connivance of the Sardinian Government and a judicious agitation by France ; but that Nice would resist the proposed cession was made clear by the agitation against it that began as soon as the proposal became known. That, nevertheless, Nice as well as Savoy voted for annexation to France accounts for the contempt in which the Italians thenceforth held the plebiscite as a means of ascertaining the will of the people.

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[1] In January, 1860, the municipal elections at Chambéry returned the friends of annexation to France by a majority of two-thirds of the votes, not one of the Opposition being elected ; (*Times*, Jan. 31, 1860.)

[2] *Times*, Feb. 7 and April 17, 1860.

The treaty of Turin was made public on March 29, 1860, and on April 12 it was ratified by the new Italian parliament. The cession of Savoy was voted almost without discussion ; but to the cession of Nice there was strong opposition. This was, however, useless ; even before the treaty of cession was ratified, the plebiscites had been ordered to take place, in Nice on April 15, in Savoy on the 22nd. The rest was in keeping with this beginning.

(*b*) *Plebiscite in Savoy.*—In accordance with the invariable rule followed by Napoleon III, the popular vote was invoked to confirm an already accomplished fact. The Piedmontese party was necessarily deprived of its natural leaders, because the Government declared its assent before the vote was taken. The treaty of March 24, 1860, confirmed the agreement of the King of Sardinia to the transference of Nice and Savoy to France ; the Emperor and the King were to concert as to the best means of ascertaining the wishes of the people, on whose choice there was to be no kind of constraint ; the rights of the officials of the Piedmontese Government were secured ; a year was allowed for the removal of dissatisfied subjects to Piedmontese territory ; and such removal was not to invalidate their right to own land in Nice or Savoy.

The Piedmontese Government gave an unmistakable guarantee of good faith by abrogating its own powers and functions before the vote was taken. On the day of the signature of the treaty, two squadrons of Piedmontese cavalry were removed from Chambéry, the population showing no sign of emotion of any kind.[1] This was the beginning of a general recall of Piedmontese troops ; and it was announced that the

[1] *Times*, March 27, 1860.

military classes due to join the army at the time were not to be called up. Not only did the Piedmontese uniform disappear, but in the public offices Piedmontese were replaced by Savoyards with French sympathies.[1] Meanwhile, French troops were passing through Savoy on their way home from Italy, and were being received, according to the French papers, with enthusiasm.[2] They even established themselves at Chambéry. Under the plea of relieving the National Guard of the fatigue of active service, one post after another passed into the hands of the French troops. The whole country was inundated by secret agents in disguise; hosts of *commis-voyageurs*, with articles unprecedentedly cheap, were trying practically to convince the people of Savoy of the advantages of union with France; and to crown all, M. Laity, the Imperial Commissioner, who appeared as soon as the Sardinian Governor withdrew, undertook a tour through the Duchy, in the course of which he announced that Chablais and Faucigny were to have their own commercial zone, and promised Annecy a railway and a horse-breeding establishment.[3]

When the day of voting had been fixed, the efforts of the annexationists were redoubled. The form of procedure was almost the same as in Tuscany and Emilia, but, where it differed, it gave the authorities still more scope for influencing the voting. All males of the age of 21 and over, born in Savoy or out of it of Savoyard parents, who had been living in the commune for six months at least, and had not been sentenced to a criminal penalty, were entitled to vote. The vote was to be on the question, "La Savoie, veut-elle être réunie

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[1] *Times*, April 3 and 9, 1860.
[2] *Times*, April 2 and 9, 1860.
[3] *Times*, April 19 and 28, 1860.

à la France ? Oui ou Non." It was to be taken by ballot on April 22, between 8 a.m. and 7 p.m. In each commune a committee, presided over by the Syndic or by the oldest assessor of the municipal junta, and composed of four members chosen in the junta and, if necessary, in the municipal council, by order of seniority, was to choose a secretary, draw up the lists of voters and post them up on the 15th, hear claims, preside at the voting and give the result in a *procès-verbal* signed by all the members.[1] The poll taken, the reports were to be sent at once to the Intendants of Arrondissements, who were to forward them to the Secretary of the Court of Appeal through the Governor. The Court would then proceed to consider the votes and would publish the result in a public sitting. Absentees and soldiers with the flag were not to be put on the lists unless they returned before the voting-day. To every voter was to be sent a card with his name sealed with the municipal seal ; and no one would be admitted to the voting-hall without this card, which he was to give up to the bureau when he handed his ballot-paper to the president to put in the urn.[2]

As in Tuscany and Emilia, the balloting was a farce. " Oui " tickets were to be seen in abundance long before the voting-day ; " Non " tickets were not always to be obtained on the day itself.[3] But the authorities could not, as in Italy, rely on the people making intimidation unnecessary, at least in the northern provinces of Savoy. So we not only have the plebiscite taken by communes, of which the majority were French in sympathy, instead of by provinces, since this

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[1] Where necessary, several sections were to be formed in commune, each under a special bureau of five members, chosen in the Communal Council as above, subject to the Governor's authority.

[2] F.O. Sardinia, No. 256 ; April 14, 1860.

[3] *Times*, April 24, 1860.

would have allowed Swiss Chablais and Faucigny to go their own way[1]; but we also find the Annexationist Committee at Chambéry calling upon the municipalities, and Syndics to make the communes vote *en masse*, enjoining the former to take matters into their own hands in case the Syndics were refractory.[2] Already the whole influence of the priests was being used on their side; and now the appointment of French partisans as Syndics and Intendants put the whole administration, and with it the power of inflicting annoyance on opponents, into the hands of the annexationists.[3] Thus every kind of influence that could be used to hinder opposition was at the disposal of men who did not scruple to use it in order to bring about a favourable result.

That so much effort was thought necessary to obtain a vote for annexation to France shows how much opposition to it there was, at least in Upper Savoy. For Sardinia had solemnly renounced all her rights; a vote for union with Switzerland had been made impossible by the form of the question; the "No" had therefore no meaning, or, rather, it meant anarchy. With French troops already occupying the country, it seemed wiser to make a virtue of necessity, and, since nothing could prevent the annexation of all Savoy to France, to seek the favour of the new masters of the land by voting for it. The Liberals, indeed, abstained from voting,[4] though a few bold spirits, regardless of mobbing, voted against annexation. But, when the result of the plebiscite was declared, it was found that in French Savoy, out of 71,990 persons entitled to vote, 70,636

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[1] F.O. Sardinia, 256, No. 168. April 9, 1860.

[2] *Times*, April 19, 1860.

[3] Five Syndics, of whom the Syndic of Chablais was one, were deposed the day before the voting began, and their posts taken by men favourable to France (*Times*, April 28, 1860).

[4] *Times*, April 23, 1860.

had voted—70,536 for, 74 against, annexation—and 26 had spoiled their papers; while in Swiss Savoy, of 63,459 persons entitled to vote, 60,203 had voted—59,997 for, and 161 against, annexation—and 45 had spoiled their papers; the figures for the whole duchy being 135,449 entitled to vote, 130,839 voters, 130,533 for, 235 against, and 71 null.[1] Of the Savoyards in the Army at Turin, 3,182 voted for the annexation, and 127 against.

A correspondent of the *Times*, whose attitude towards Napoleon III and the French claims was unsympathetic, was present during the taking of the plebiscite, and reported that promises had been made and intimidation practised by the municipal authorities. He wrote that procalamations by the Governor of Annecy, the Syndic of Bonneville, and the Committees of Chambéry were posted at Bonneville, showing the advantages of the French connexion, and ending with the words: "Vive la France! Vive l'Empereur!"; that the Governor of Annecy announced, before the voting, a visit of Napoleon III in the coming summer; and that the Syndic of Bonneville convoked the citizens to bless the French tricolour at 7 a.m. on the morning of the elections. "The vote," he asserted, "was the bitterest irony ever made on popular suffrage—the ballot-box in the hands of the very authorities who issued the proclamation; no control possible; all opposition put down by intimidation." He described efforts made to prevent his observing the process of voting, and stated that Sardinian agents tried to secure that voting-papers should not bear the word "Non." He did not, however, say that he actually saw any of these papers, and he did see one which had "Non" duly printed on it.[2]

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[1] F.O. Sardinia, 256, No. 196. Turin, April 26.

[2] *Times*, April 28 and 30, 1860.

(*c*) *Plebiscite in Nice.*—The story of the plebiscite in Nice was much the same. A French frigate appeared off the town on March 23, and was followed a few days later by a squadron from Toulon; troops on their way back from Italy entered the province on April 1. A provisional Government formed of Nizzards was nominated by France and informed that, if the voting went right, they would keep their places. Cavour himself called on the civil authorities to influence the people to approve of annexation, and asked the Bishop, whom he had nominated, to get the curés to do the same. Accordingly the Governor appointed to take the plebiscite issued a proclamation urging the people to confirm by popular consent the treaty of cession made by their king; and the Bishop issued a circular enjoining a vote for France as a duty. *Il Nizzardo*, a paper that had strenuously opposed annexation, was seized and its editor threatened with imprisonment. Finally, the Governor sent agents into the rural and mountain districts to "organize" the vote, granting them full powers even to dissolve the municipal councils that might happen to have another mind than that of the Sardinian Governor, thirsting for a French Prefecture.[1] The result was all that could have been hoped for; Nice, passionately Italian as the people were, voted for annexation to France. Out of a population of 125,000 souls, 30,712 were entitled to vote; and of these 25,933 voted—25,743 for, 160 against, annexation—and 30 spoiled their papers.[2] The French papers treated the vote as practically unanimous, and asserted that 100 of the 160 non-contents at Nice said that they had cast

[1] *Times*, April 2, 14 and 17, 1860; cf. F.O. Sardinia, 256, No. 176: a summary of Robandi's speech in the debate on the Cession in the Italian parliament on April 12.

[2] *Further correspondence concerning the Affairs of Italy*, 1860, Part IV, No. 151.

their votes in error, and signed an address to the Emperor.[1]

The treaty of 1860 was approved in the Sardinian Chamber of Deputies on May 28, by 229 votes to 33, with 23 abstentions, and in the Senate on June 10, 1860, by 92 votes to 10. The opponents in the Lower House did not base their arguments upon any suggestions of the unreal character of the voting in the plebiscite; but in the Senate, Signor Musio, a Sardinian, spoke of the "illegality and immorality of the vote elicited by universal suffrage in Nice and Savoy."[2]

It is quite clear that the annexation was not carried out against the popular wish, but it is also evident that the attitude of the Piedmontese Government prevented what was probably a minority from exercising its full influence. The *Times'* correspondent was probably right in describing "the immense majority" of the population as "passive in a matter which they think already decided for them."[3] The episode illustrates the importance of the *fait accompli*, and the opportunities enjoyed by the side which is in administrative control when a plebiscite is taken.

(iii) *The Plebiscite in Naples and Sicily.* (*a*) *Events leading thereto.*—Of the three Powers whose ambition or interest had kept Italy disunited for centuries, Austria and France had now been forced to acquiesce in its union, at least for a time; but there remained the third, the Pope, whose refusal to submit the fate of Romagna to a Congress of the Powers had defeated that last device of Napoleon III's for preventing the annexation of the Central States to Sardinia. When the result of the plebiscites had been

[1] *Times*, April 23, 1860.
[2] *Times*, May 29 and June 12, 1860.
[3] *Times*, April 9, 1860.

announced, His Holiness sent a protest to Victor Emmanuel against his "usurpations," called on Catholic Europe to defend the Temporal Dominions of the Church, and sought alliance with Naples and Austria. Cavour, aware of the danger to the new kingdom, a danger that he would have to meet unaided by any of the Powers, offered (April 1860) alliance to Francis II, the well-meaning but weak prince who had succeeded King Bomba in May 1859. When the offer was rejected, there remained to Cavour only the policy that he had formulated after Villafranca :—"They have stopped me from making Italy by diplomacy from the north ; I will make it by revolution from the south."

Already revolution had begun. The withdrawal of the Austrian troops from Romagna after Magenta had been the signal for revolt not only in Bologna but in Ancona and Perugia also. Here, however, revolt had been crushed by the Pope's Swiss Guards ; and in April a revolt at Palermo had been put down. But on May 11 Garibaldi and his volunteers landed at Marsala ; on the 15th he won the battle of Calatafimi ; and on the 27th he entered Palermo. Master of Sicily, he proclaimed his intention of crossing the Strait of Messina to raise the standard of revolt in Naples and Rome.

The situation that now arose was a difficult one for Cavour. Summoned by the Republicans, Garibaldi on landing had proclaimed himself Dictator ; but he had fought in the name of "Italy and Victor Emmanuel," and the Sicilians had acquiesced readily enough, since all the liberal aspirations of the island aimed first at a dissolution of the connexion with Naples, which had for a century been an intolerable grievance for Sicily. But Cavour did not want Garibaldi to go to Rome ; for an attack on the Papacy would force Napoleon III to fight for the Pope against his

brothers-in-arms of Magenta and Solferino. At all costs this must be prevented; and, as the simplest way to do this was to deprive Garibaldi of his base of operations by having Sicily annexed to Sardinia without delay, Cavour sent La Farina to the island in June to urge the Dictator to arrange this. Garibaldi's reply was to arrest La Farina and go on with his preparations.

In the meantime, Francis II of Naples, breaking at last with Austria and Russia, had turned to the Maritime Powers, who alone could help him to save his kingdom. They gave him nothing but advice to do what he should have done long ago; but the restoration of the Neapolitan constitution of 1848 on June 25 was regarded by his subjects as a confession of weakness, and did not check Garibaldi, who occupied Reggio on August 21, and marched on Naples almost unopposed. On Sept. 6, the king retired to Gaeta,and on the following day Garibaldi entered Naples. The situation was now very critical. If Garibaldi's volunteers defeated the Neapolitan troops on the Volturno, nothing could prevent them from attacking Rome, and French intervention must follow; if they were defeated, the revolution in the Two Sicilies would be undone, and then the king of Naples would help the Pope to recover Romagna and undo the revolution in Central Italy. Once more Cavour called revolution to his aid.

After the short-lived revolutions at Perugia and Ancona, clerical misrule in Umbria and the Marches had become even more intolerable, until the unhappy subjects of the Pope were ready to become royalist or republican at the bidding of whoever would deliver them. But without aid they were helpless, for the Pope was replacing the Swiss soldiers, who had gone, and the French, who were going, by an army of 20,000 foreign mercenaries, mostly Austrian, who treated the

Pope's subjects as a conquered people.[1] It was in the situation thus created that Cavour saw the way of escape from the dilemma in which Garibaldi had placed him.

Napoleon III conceived that his duty to the Pope did not require him to do more than defend Rome and the Patrimony of St. Peter; therefore, when warned by Cavour that he would have to forestall the Austrians by occupying Umbria and the Marches, he merely replied: "Faîtes vite." On September 7 the Sardinian army entered Umbria, and a messenger was sent to the Pope demanding the dismissal of all the foreign mercenaries in his service; on the 18th the Papal army was defeated at Castelfidardo; and on the 25th Ancona capitulated. A few days' march brought the Sardinian troops to the Neapolitan frontier, just in time to turn the battle of the Volturno into a victory (October 2). At last the dreaded march on Rome had been stopped.

All that remained now was to annex Naples and Sicily to the kingdom of Victor Emmanuel. But how was this to be done? By plebiscite or by assembly? In a plebiscite the decision would rest with the lower classes, for the most part illiterate and ignorant of affairs; in an assembly it would rest with the upper and middle classes. Now, the rule of the Bourbons had been odious to a vast majority of their subjects in the Two Sicilies, but it was a majority composed of parties having very different aims, and with the downfall of the dynasty the differences between them came to the fore.

In Sicily, the opponents of annexation were split into two sections—Bourbonists, who wanted a restoration, and Autonomists, who wanted an independent state. The party that favoured annexation was far the more important both in numbers and in talent, counting in its ranks the

[1] F.O. Rome, 77, No. 66, Russell, May 11, 1860.

chief exiles and the chief non-emigrants as well as most of the lower classes; but it was split into three sections: (1) Dilationists, who wished to defer annexation till the Two Sicilies were wholly free, and who were mostly Republican; (2) Fusionists, who wanted to weld all Italy into one great whole; (3) Conditionalists, who wanted to annex Sicily to the other Italian States on conditions that would leave the adjustment of local affairs to the local administrations, while securing to the Central Government all powers necessary to establish and uphold the unity of Italy.[1]

In the kingdom of Naples similar divisions appeared. The lower classes in the towns, and in the country districts through which Garibaldi passed, shouted for Italy and Victor Emmanuel, simply because he did so; in the Abruzzi and other districts not visited by him they obeyed the priests and demanded the restoration of the Bourbons.[2] The upper and middle classes for the most part hated the rule of the Bourbons; and, so far as they were concerned, the reactionary party was confined to the court, the army, and the church.[3] Nevertheless, although they wanted to have the political institutions of the north, they also wanted to keep their own legal code and administrative system.[4] Unwilling to see their country sink to the level of a province, many of them would fain have replaced the Bourbon dynasty with a Bonapartist; others wanted a Republic; and, although the greater number realized that only union with Victor Emmanuel's kingdom could save them from

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[1] F.O. Naples, 321, No. 588, Consul Godwin's *Political Journal*, Oct. 15.

[2] F.O. Naples, 321, No. 610. Elliott, Nov. 2, 1860.

[3] *Further correspondence relating to Italy*, 1861. Part VII, No. 70. Elliott, Aug. 31, 1860.

[4] *Memoirs of Francesco Crispi*, Trans. M. Prichard-Agnetti London, 1912. I, p. 445.

foreign intervention and perhaps restoration, they wanted the union to be conditional and to leave them a large measure of autonomy.

The opposition to unconditional annexation was expressed by Crispi[1], who urged the Dictator to submit the question of annexation to elected assemblies. His case was a good one ; and Garibaldi, who fully shared the distrust and contempt in which Italians now held universal suffrage as the clumsiest means of arriving at the real sense of the nation, was easily persuaded to issue on October 8 decrees convoking National Assemblies to meet at Palermo and Naples on October 21 to decide the fate of the kingdoms.

Neither Assembly met. Crispi's policy meant that weeks, perhaps months, must pass before annexation took place, if it ever did ; but the makers of Italy could count only on days. Austria, Prussia, and Russia were holding ominous conferences at Warsaw. Reactionary movements had begun wherever the priests could persuade the peasants to rise for Francis II. The country was falling into anarchy. Its one crying need was a regularly-constituted Government to restore order. Such a government the Neapolitans could have for the asking ; for on October 2 the Sardinian Parliament had, at Cavour's invitation, voted for the annexation of " those provinces of Central and Southern Italy which freely by direct universal suffrage may express the will of the population to be an integral part of our constitutional monarchy." Both in Sicily and in Naples the people were beginning to murmur at the delay ; and, bowing to their will, Garibaldi ordered a plebiscite to be taken on the question of annexation on October 21.

(*b*) *The Plebiscite.*—The form of procedure was almost, though not quite, the same as in the

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[1] *Op. cit.*, i, 445.

plebiscites taken earlier in the year. All males of 21 years of age, and in full enjoyment of civil and political rights, were to vote. Lists of the voters, compiled by the Syndic of each commune, were to be published and affixed to the usual places by October 17. Protests were to be lodged within 24 hours before the District Judge, who was to give his decision, without appeal, by the 19th. The votes were to be collected in the chief town of each district by a committee composed of the District Judge, as president, and the Syndics of the communes of the district. At the voting places there were to be placed three urns, one to hold the "Aye" tickets, one to hold the "No" tickets, and in the middle an empty one in which the voter was to place whichever ticket he wished. When the voting was finished, the committee of the district was immediately to send the urns, closed and sealed, by means of the president, to the provincial committee. In every chief town of a province there was to be a committee composed of the Governor, as president, the President and Procurator-general of the Grand Criminal Court, and the President and Procurator-Royal of the Civil Tribunal. This committee was to examine the votes collected by the district committees and immediately send the result, closed and sealed, by means of a municipal agent, to the President of the Supreme Court of Justice. The general scrutiny of the votes was to be made by the Supreme Court; and its President was to announce the result from a rostrum placed for the purpose in the square of St. Francesco di Paula.[1]

So far there was but little difference between the southern and northern plebiscites, although the substitution of the district for the commune was nicely calculated to keep away from the

[1] *Further correspondence relating to Italy*, 1861. Part VII, No. 130.

voting urns the peasants of the outlying communes who, under the influence of their priests, might have voted against annexation. But there was a notable difference in the formula on which the people were to vote. Instead of "Annexation to the constitutional kingdom of Victor Emmanuel," they were asked to vote on the question: "Do the people wish that Italy be one and indivisible, with Victor Emmanuel as her constitutional king, to be followed by his legitimate descendants? Yes or no." This was a concession made by Pallavicina to meet Crispi's contention that the southern kingdoms, owing to the special conditions under which their revolution had taken place and in consideration of the importance of their position as regards the rest of Italy, could not accept the formula that Tuscany and Emilia had accepted. "Our country," he said, "must not *give* herself to another, must not *annex* herself, which verb savours over-much of servitude, but must rather express her desire that union be achieved."[1] In the end, however, the difference in the formula was of no importance, save in so far as it may have caught the votes of some who were separatist at heart and grudged sorely to see their country become a mere province of the *parvenu* Sardinia. In fact, as the British Minister at Naples wrote, "the terms of the vote and the manner in which it is to be taken are well calculated to secure the largest possible majority for the annexation, but not so well fitted to ascertain the real wishes of the country."[2]

This criticism was fully justified by the event. The situation in Naples and Sicily was in fact just like that in Nice and Savoy, with the one big difference that in the southern provinces it was the lower classes that were for, and the upper and

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[1] Crispi, *op. cit.*, I, p. 443.
[2] F.O. Naples, 320, No. 579. Elliott, Oct. 16, 1860.

middle classes that were against, unconditional annexation. It was, therefore, easy for the authorities to act correctly, since the people themselves could be trusted to supply all the pressure needed to secure the vote desired. The voting in Naples itself was typical of the whole country. The Sardinian army occupied the country, but was not in evidence on the day of voting; and the voting urns were placed under the care of the National Guard, who had orders to protect anyone who was maltreated for voting as he chose. The presiding officials also insisted on the right of a free vote; but the risk run in exercising it was considerable. Popular feeling was very strong against those who were suspected even of a wish to throw in a negative; some people even received letters threatening them if they voted "No." Many were undoubtedly kept away by fear or by diversity of opinion; the gentry especially abstained. Some "Noes" were given, but very few; and the wonder was that even a few could be found in Naples who had the moral courage to vote "No." We can but repeat the words of the correspondent of the *Times*:—"I cannot call the great drama which has just terminated a national expression of opinion, because the moral obstacles to freedom of voting were undoubtedly great. . . . It was, however, a grand demonstration of the Liberal party."[1]

The result was all that could have been hoped for. On November 6, it was officially announced that the votes given were: in Naples 1,302,064 for, and 10,312 against, annexation; and in Sicily 432,054 for, and 667 against. As the number of persons entitled to vote in each kingdom is not available, it is impossible to say how many abstained from voting; but the fact that in Naples, out of a population of over 7,400,000, only 19·17 per cent.

[1] *Times*, Oct. 30, 1860.

voted as against 21·83 per cent. in Tuscany where the number of abstentions was 119,555, suggests that in the Two Sicilies it was very large.[1]

(iv) *The Plebiscite in Umbria and the Marches.* (*a*) *Events leading thereto.*—Clericals have always maintained that the inhabitants of the States of the Church were quite contented with the Papal Government, and would never have sought to change it but for the intrigues of Piedmont. But, as Odo Russell pointed out, " this happy conviction scarcely explains the revolution in Romagna after the departure of the Austrians, the presence of a large army of foreigners under General de Lamoricière in the Adriatic Provinces, and the French occupation of Rome for the last ten years."[2] Nor is there really any need to look outside the States of the Church for an explanation of the discontent of the Pope's subjects with his rule. Pius IX himself supplied all the explanation needed when he said, " We are advised to make reforms, and it is not understood that those very reforms, which would consist in giving this country a Government of laymen, would make it cease to exist. It is called the States of the Church, and that is what it must remain."[3]

The Papal Government, in fact, was hated not only because it was absolute, but because it was foreign, as foreign as the Austrian was in Lombardo-Venetia. That hatred was to be met in every class. The middle classes, in whom were chiefly to be found the intellect and energy of the nation, were of course opposed to the Pope's rule.[4]

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[1] F.O. Naples, 321, Nos. 609, 619, 621.

[2] F.O. Rome, 77, No. 131. Russell, Sept. 17, 1860.

[3] *Queen Victoria's letters*, ed. 1907, III, p. 397: a letter from Odo Russell to Edwin Corbett, Secretary of the Legation at Florence, Jan. 14, 1859.

[4] F.O. Rome, 78, No. 148. Russell, Oct. 2, 1860.

The aristocracy were "as distant from the throne as all the other lay subjects of the Sovereign Pontiff; and the majority of them were Italian in their sympathies."[1] Even the clergy, elsewhere the most determined opponents of Italian unity, were here largely in favour of it. The Pope had long ceased to consult the Sacred College of Cardinals, and, having dismissed the financial Consulta, governed his States despotically with the aid of Cardinal Antonelli. So it came to pass that among the Italian Cardinals in 1860, nine at least were in favour of a spiritual Church under the Protectorate of a United Kingdom of Italy. In this opinion they were supported by a large majority of the lower Italian clergy, jealous of the favour shown by the Pope to the foreign prelates around him.[2]

Well aware of the existence of these feelings in the inhabitants of the Papal States, Cavour hoped that, when the Sardinian army was actually accupying Umbria and the Marches, Pius IX would realize that the Temporal Power was doomed, and would accept the understanding with United Italy summarized in the formula, "A free church in a free state." But, when the men he sent to negotiate with His Holiness on that basis were imprisoned, he recognized that in the Papacy he had found the most implacable foe of Italian unity, and without loss of time appealed from the Pope to the People. On October 21, a decree was issued for taking a plebiscite in Umbria and the Marches on November 4 and 5.

(*b*) *The Plebiscite.*—The form of procedure was practically the same as in Emilia and Tuscany. All males of 21 years of age and over, enjoying full civil

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[1] F.O. Rome, 78, No. 148. Russell, Oct. 2, 1860 and F.O. Rome, 77, No. 131. Russell, Sept. 17, 1860.

[2] F.O. Rome, 78, Nos. 170, 190; Russell, Nov. 11 and Dec. 26, 1860.

rights, were entitled to vote. The Municipal Commissions were to make up the list of voters. The voting, which was to be secret, was to take place in the chief town or village of each commune, the Commission being empowered to form the voters into sections of at least 500 wherever there were more than 1,000. The votes were to be counted by the Pretore, who would send the count to the Commissary of the Province. He would transmit them to the President of the Tribunals of First Instance, which were to meet on November 9, at Ancona in the one case, at Perugia in the other, under the presidency of the Chief of the Court of Appeal, who would make the final count and announce the result.[1]

The formula differed from both the Tuscan and the Neapolitan formulæ, but was equally well devised to attract votes. The people were simply asked to answer " Aye " or " No " to the question, " Volete far parte della monarchia costituzionale di Vittorio Emanuele II ? " But the issues involved were put clearly before the voters in a proclamation issued with the decree ordering the plebiscite to be taken.

> " To be part of a great nation, or a province of a little state ; to be fellow-soldiers of Victor Emanuel, or soldiers of Lamoricière ; to be equal before the laws which your deputies have helped to make, and which you yourselves will administer, or to obey the arbitrary will of a privileged class ; to belong to a civil state in which you will have justice, security, education, industry and commerce, or to have none of these things. Yours is the choice."[2]

To such a question so put there could be but one answer. In the Marches, out of 135,255 persons entitled to vote, 123,783 voted for and 1,212 against annexation, 205 spoiled their papers, and

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[1] G. Finali, *Le Marche* (Ancona, 1896), pp. 187 *et seq.*

[2] *Ibid.*

10,055 abstained from voting; in Umbria, out of 133,011 persons entitled to vote, 97,040 voted for and 380 against annexation, 205 spoilt their papers, and 35,386 abstained from voting.[1] That the abstentions were so many in Umbria —26·45 per cent. of those entitled to vote— is really less surprising than that they were so few in the Marches—7·43 per cent. of those entitled to vote. For many of the country labourers had been persuaded by their parish priests that eternal damnation would be the consequence of such a wicked act as voting on such a question.[2] Many also did not seek the voting urns because they were too few to form a separate section, and would not journey to the chief town of their commune. Something, too, must be allowed for the influence of the women and the minors, who were very angry at not being allowed to vote, although they had been neither too weak nor too young to suffer for Italy.[3] Nevertheless, contempt for the administration of the priests was deep enough and general enough to produce an overwhelming vote for annexation to the kingdom of Victor Emmanuel.

On December 26, 1860, the National Parliament at Turin voted the annexation of the Two Sicilies, the Marches, and Umbria, and then gave place to a new assembly, the Italian Parliament, which on March 13, 1861, gave Victor Emmanuel the title of King of Italy.

(IV) The Plebiscites of 1866 and 1870.

(i) *The Plebiscite in Venetia:* (*a*) *Events leading thereto*—The kingdom of Italy had been made; but it lacked its historic capital, Rome; and Venice

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[1] F.O. Sardinia, 259, No. 458. Hudson, Nov. 11, 1860.

[2] F.O. Sardinia, 259, No. 459. Consul at Ancona, Nov. 6, 1860.

[3] Finali, *loc. cit.*

was still under the Austrian yoke. Without the goodwill of France neither could be won; and that goodwill was wanting. Even French Liberals were reluctant to make Italy stronger, while French Catholics were determined to maintain the Temporal Power, believing that without it the spiritual freedom of the Pope would be lost, and that, when Rome became the capital of Italy, the Vicar of Christ would become nothing more than an Italian bishop ready to further the interests of Italy in every way. Napoleon III saw more clearly, but he could not go against the will of France. Therefore, before Victor Emmanuel could obtain the withdrawal of the French troops from Rome, he had to undertake (Sept. 15, 1864), not only not to attack Rome himself, but also to prevent anyone else from doing so. Nevertheless, Napoleon III's personal goodwill to Italy remained; and of this Austria availed herself in 1866, when on the eve of war with Prussia, using him as the medium of an offer of Venetia as the price of the neutrality of Italy. It was too late. On April 8, a treaty of offensive and defensive alliance against Austria had been concluded between Prussia and Italy. Refusing to betray her new ally, Italy declared war on Austria, only to be defeated once more at Custozza. On July 3, however, Austria was defeated at Sadowa, and renewed her offer of Venetia in exchange for an armistice that would allow her to concentrate her forces against Prussia. Again Italy refused, and extended the war to the Adriatic, only to be defeated at Lissa.

Even now Italy would not make peace; for beyond Venetia lay *Italia Irredenta*—Italian Tirol, Istria, and Dalmatia, once part of the Republic of Venice. But Bismarck's plans required that, when war began between France and Prussia, Austria and Italy should remain neutral; and, to that end, Austria must keep something that

Italy wanted to take. He therefore concluded (August 23) the Treaty of Prague. As after Villafranca, Victor Emmanuel, abandoned by his ally, could not continue the war. So he accepted the good offices of Napoleon III and signed an armistice on August 12, followed on October 3 by the Treaty of Vienna, whereby the Emperor of Austria agreed to the union of the Lombardo-Venetian Kingdom to the Kingdom of Italy.[1]

Italian pride was sorely hurt by having to take Venetia as well as Lombardy as a gift from the Emperor of the French; and it was partly to soothe the smart that Napoleon, when offering Venetia to Victor Emmanuel (Aug. 11), made the cession conditional on the people expressing their desires by means of universal suffrage. But nothing could make the whole transaction other than humiliating, whether to the king, who had already signed decrees for organizing the Venetian provinces in the name of national right and for promulgating the Italian constitution in Venetia, or to the people, who, contemptuous as ever of the plebiscite, called it "a hard, an absurd, and a humiliating thing." They found fault with everything. The plebiscite, they declared, would be a mockery, because in the first place no one under 21 years of age was to vote, which would cut off that part of the population which was most ready to receive new ideas; in the second place, the lists were to be compiled by the parish priests who would avoid the houses of those not in the pale of the Catholic Church. "Does liberal and progressive France," they asked, "count non-Catholics as excommunicated dogs to whom civil rights are to be denied?"[2] They even talked wildly of refusing to vote at all; but gradually

[1] Hertslet, *Map of Europe by Treaty*, III, Nos. 383, 388, 392.

[2] A letter from Venice to the *Corriere della Venezia*, quoted in the *Times*, Sept. 18, 1866.

wiser counsels prevailed, as they came to see how the plebiscite might be used to show the whole world how whole-heartedly they desired to form part of the kingdom of Italy.

(*b*) *The Plebiscite.*—It is probably for this reason that the plebiscite taken in Venetia on October 21, 1866, corresponds more nearly than any of the others to our idea of what a plebiscite ought to be. For the voting was really secret. Every voter went up to the bureau alone, gave his name and address, which were verified, received a voting paper, marked and folded it, and put it in a metal box through a slit in the top.[1] No one knew how his neighbour voted; and there was no disturbance of the peace, save at Padua, where there was almost a revolution among the women demanding to vote. Otherwise, the procedure did not differ materially from that followed in the other provinces, though a change in the formula is noteworthy, the voter being asked, "Do you desire union with the kingdom of Italy under the constitutional monarchy of Victor Emmanuel II and his successors?" Evidently, the Government was still afraid of the Republicans, who had waived their demand for a republic for the king's lifetime only. Nor were their fears wholly groundless. The result of the plebiscite was an overwhelming vote for union, 641,758 votes being given for, and only 69 against it; but the 273 spoiled papers included certain votes for annexation to Italy under Victor Emmanuel as constitutional king but not his successors.[2]

(ii) *The Plebiscite in Rome.*: (*a*) *Events leading thereto.*—Rome had still to be won; and in October, 1867, Garibaldi entered the Papal territory, hoping that a revolution in the city would follow. But he was now too closely identified with

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[1] *Times*, Oct. 29, 1866.

[2] *Times*, Oct. 29 and 30 and Nov. 2, 1866.

"revolution," for which the Italians had lost their taste; so the Romans looked on quietly while the French troops, who had hurried back to the defence of the Pope, crushed the Garibaldians at Mentana (Nov. 3). The French remained in Rome till July, 1870, when Napoleon III had to recall them to meet the Prussians. The German victories set Victor Emmanuel free at last; and on Sept. 8, the Italian Government announced its intention to occupy parts of the Roman territory in the interests of peace, allowing the inhabitants of the same to choose their own government. Then an ultimatum was sent (Sept. 14) requiring the Pope to renounce his Temporal Power under pain of seeing Rome invaded. On Sept. 22, the Italian troops entered the Eternal City; and, two days later, orders were issued for a plebiscite to be taken on Oct. 2.

(*b*) *The Plebiscite.*—The form of procedure was that now familiar to us. All males of 21 years of age and over enjoying full civil rights were entitled to vote. The lists were prepared by the Giunta appointed by the Italian General, Cadorna. Voting began at 8 A.M. and closed at 6 P.M. In Rome a bureau, where a member of the Giunta with two citizens and a guard of firemen[1] watched over the voting urn, was set up in each of the twelve quarters of the city. Each voter was offered two tickets by the presiding member of the Giunta, one "Aye" and one "No," one of which he had to choose as his answer to the question, "Do you desire union with the kingdom of Italy under the constitutional monarchy of Victor Emmanuel II and his successors?"[2] At 6 o'clock the urns were sealed by a notary and taken to the Capitol. The same form was observed in the Roman Provinces.

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[1] There was no National Guard in Rome.

[2] *Correspondence respecting the Affairs of Rome*, 1870-71, No. 52.

Nearly the whole male population over 21 took part in the voting, led by the aristocracy and the middle classes, but not to any extent by lawyers or professors. There was more organization of the voters than in any other Italian plebiscite except those in Savoy and Nice, the corporations, trade guilds, and districts having agreed that the voters should muster under their respective banners and so march to the voting booths ; but the sole basis of the charge that voters were imported from other parts of Italy seems to be the return to Rome of 4,300 Roman soldiers in the Italian army, whose expenses were paid by the Government.[1] The count, however, showed that the voting had not been appreciably affected by these devices. In the Roman Provinces, out of 167,548 persons entitled to vote, 133,681 voted for, and 1,507 against, union with the kingdom of Italy, 103 spoiled their papers, and 32,257, or 19·25 per cent. abstained from voting. In Rome itself 40,805 votes were given for and only 46 against union.[2]

When all allowance has been made for the presence of the Italian army, for the influence of the anarchy into which Rome seemed to be falling in the two days that elapsed between the entry of the troops and the appointment of the Giunta by Cadorna, for the organization of the voters, and for the fear of some of the Papalists and the apathy of the rest, it remains undeniably true that a majority of the Romans, at least of the upper and middle classes, did wish their city to be part of the kingdom of Italy.

(V) The Italian Plebiscites and the Rights of Nations.

If the Italian Plebiscites had done no more than facilitate the formation of a strong kingdom of Italy out of the petty states of the Italian

[1] *Times*, Oct. 10, 1870. [2] *Times*, Oct. 4 and 8, 1870.

peninsula, they would be of first-rate importance in the history of Europe. But they did much more than that; for they initiated a change in the principles regulating international relations and international law, the meaning of which we are only now beginning to perceive.

For over four centuries—from the rise of the New Monarchy, in fact—international relations and international law have been regulated by one principle only, the interest of the sovereign state, which knows no limitation of its powers but self-interest and acknowledges no right that does not emanate from itself. Even the advocates of the rights of man and of the sovereignty of the people could conceive no other principle by which international relations could be regulated; for, whether vested in one man or in a whole people, sovereignty remains the same, illimitable save by self-interest, non-moral, and without need of any justification for its acts other than the reason of state.

As a matter of fact, the first result if the application of the principle of the sovereignty of the people to treaties and international relations was the violation of the Treaties of Westphalia and Utrecht and the annexation of the lands between the frontier of France and her "natural" boundaries, whose inhabitants had been induced by skilful propaganda to demand union with the French Republic. It is not surprising, therefore, that European statesmen should have regarded the doctrine of the sovereignty of the people with abhorrence as one subversive of all law and order, nor yet that they should afterwards have sought to restrain all states from action injurious to their neighbours by making the maintenance of treaties the guiding principle of European policy, even forming the Concert of Europe for that purpose.

Yet the treaties in the maintenance of which men saw the only security for peace had in themselves no element of performance; for they were

based on reasons of state and had no other aim than to establish a balance of power. Neither the treaties nor the international law that grew up around them recognized the existence of any right not created, or at least admitted, by the state. The treaties "cut and pared kingdoms and duchies as though they were Dutch cheeses," without regard to the wishes of the inhabitants; and the law denied that persons resident in a conquered or ceded territory had any right to withhold their allegiance from the new sovereign.[1] It made no difference that some of the states recognized the rights of man and the sovereignty of the people in their relations with their own members; their relations with other states were still regulated by the reason of state. Thus, the United States of America, although they justified their own declaration of independence by an appeal to the rights of man, annexed Louisiana, Florida, New Mexico, California, and Texas by conquest and treaty, with as little heed to the wishes of the populations concerned as the Prussians showed when they annexed Hanover, Schleswig-Holstein, and Alsace-Lorraine.

The recognition of such states as Greece and Belgium did not constitute a real exception to the rule. On the one hand, they were recognized as having become states by a successful revolution, not as having had a right to do so in any case; on the other hand, recognition was accorded to them only because it served the interests of the Great Powers most nearly concerned; and assuredly it would never have been accorded if they had sought to annex themselves, the one to Russia, the other to France. As the reason of state required the modification of the treaties on which the peace of Europe depended, so the reason of state determined the limits of such

[1] W. E. Hall, *International Law*, 2nd ed., Oxford, 1884, p. 567 note.

modification; international law was modified to the extent only of admitting that, when a Government constituted by a successful revolution is found to be possessed of the rights of sovereignty over those whom it claims to govern, it must be recognized by other states as a state with all the rights of a state.[1] "Might" was still "right."

The first serious challenge to this principle and to the underlying conception of the state as the whole source of right, came from the Lombards in 1848, when they laid claim to "the inalienable right that all peoples have to be independent and to be masters of their native land, the right to be not only Lombards but Italians;" and declared that, while "treaties may settle questions between nations, they cannot dispose of the right of a people, as they cannot blot out a history, abolish a language, and establish that a transient act created by force should prevail over the laws fixed by Providence."[2] That nations, as such, have rights was not to be admitted by any of the Powers in 1848, the year of the revolutions. It even seemed to them less dangerous to recognize the sovereignty of the people, since that at least had been shown to be not incompatible with the continuance of the reason of state as the regulating principle in international relations and law. And it was on this ground rather than on the other that the kingdom of Italy was ultimately recognized. The distinction may be subtle, but that it is real becomes clear when we consider how little the principles of international law have been modified in consequence of that recognition. Few writers on international law deny that, by itself, conquest

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[1] P. Fiore, *International Law Codified*; trans. E. M. Borchard, New York, 1918. Tit. II, § 91.

[2] Memorandum of the Provisional Government of Lombardy to the Nations of Europe, April 12, 1848. F.O. Austria, No. 358.

gives a just title to sovereignty over the conquered territory, or contend that a cession of territory requires the consent of the inhabitants to make it valid. They are not even agreed that the old principle of a forcible transfer of allegiance should be abandoned in favour of that of an express or implied consent[1]; and, although the better opinion now seems to be that those who wish to retain their former allegiance may do so on condition of leaving the country, it has not yet been established that they may keep their property if the treaty of cession does not expressly stipulate for this.[2]

It is in the sphere of politics that the Italian plebiscites have had most influence. However willing the Powers might still be to treat the rights of nations as non-existent, they could not well continue to do so when once Italy had taken her place among them. But, indeed, with the single exception of Austria, they were not unwilling to adopt the principle of nationality as soon as they saw how it could be made to serve the state. It was in the name of nationality that Germany seized Schleswig-Holstein and Alsace-Lorraine, and the Concert of Europe broke up the Ottoman Empire. Nevertheless, some of these applications of the principle of nationality were so loudly denounced by those most concerned as being really violations of it, that it became

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[1] In 1866 Count Hallemund, who left Hanover with his late sovereign, was condemned by the Prussian Kammergericht to 15 years' penal servitude on a charge of high treason for acts committed by him as "a Royal-Prussian subject" after ceasing to reside in Hanover. Halleck, *International Law*, ed. Sir Sherston Baker, 1908, ii, chap. xxxiv, § 8.

Hall, *loc. cit.*, likewise denies that persons resident in a conquered territory have a right to withhold their allegiance from the conqueror, on the ground that they have no right to keep their property.

[2] Halleck, *op. cit.*, ii, chap. xxxiv, §§ 6, 7; cf. W. J. Westlake, *Private International Law*, 5th ed., London, 1912, §27.

clear that much hard thinking and more goodwill were needed before the principle could pass from policy into law.

Uncertainty as to what constitutes a nation makes it very necessary that there should be some recognized means of ascertaining whether populations that seem to be parts of one nation are really so to the extent of desiring to unite with one another as a political body. At first sight there seems to be no method more suitable than the plebiscite; but the Italian plebiscites, especially those of 1860, give us reason to doubt this. The Italians themselves deride the plebiscite as the clumsiest of devices for ascertaining the will of the people. A plebiscite, if it does not yield an overwhelming majority one way or the other, is worse than useless; for it serves only to emphasize the division of opinion among the people, and to open the way for intrigue, perhaps for civil war. We have only to think what the consequences of a narrowly contested vote in Tuscany or Naples would have been, to realize that there is some excuse for the men who made the plebiscites there, though nominally secret, virtually open, in order to "manage them."

Again, the plebiscite is a suitable means of determining only the simplest issues; but those affecting the destiny of a people are never simple. What could seem simpler than the issue laid before the voters in Savoy? "Do you wish Savoy to be annexed to France?" Every one who voted for this knew exactly what he was voting for. Savoy would be merged in France; Savoyard law would give place to French; and the voter would share all the privileges and all the burdens of Frenchmen. But there was not the same certainty as to what was being rejected. If not annexed to France, would Savoy remain part of a Sardinia that was fast becoming Italy?

If so, would her identity be merged in that of Italy, or would she recover a large measure of autonomy? Or would she become independent and free to join the Swiss Confederation? Only when these questions had been answered could the Savoyards decide for or against annexation on its own merits. Not one, but four plebiscites were really needed here.

But it is seldom that an annexation plebiscite can be taken on so simple an issue. When the question is one of uniting several fragments of a nation in a single state, there must always arise a further question of the constitution to be adopted; and this can never be simple. How difficult it is to get a decision for or against annexation on its own merits, and how easy it is for those taking the plebiscite to obtain the decision they want by confusing the issues, becomes clear when we consider the Neapolitan plebiscite. The question submitted to the voters looked simple enough: "Do you wish for Italy one and indivisible under the constitutional monarchy of Victor Emmanuel and his lawful descendants?" Really, it was very complex. Many who wanted Italy one and indivisible did not want a monarchy, constitutional or otherwise; others were prepared to accept Victor Emmanuel as king for his own lifetime but wanted to re-open the question of his death. Others who were ready to accept the whole formula were by no means agreed as to what was meant by "Italy one and indivisible." Was it simply an expansion of Sardinia, or was it a new state? In the latter case, was it to be unitary of federal? Conversely, those who were opposed to union were in grave doubt as to what would follow if it were rejected. Would the Bourbons be restored unconditionally, or on condition of maintaining the constitution? Would a Muratist government be established; or would a republic be created? Not one, but half a dozen plebiscites

would have been needed to determine all the issues involved. And behind all, there was the conviction that it was waste of time to vote for anything but annexation, as the withdrawal of the Sardinian troops would be the signal for the arrival of the Austrians, who would assuredly pay no heed to the result of any plebiscite.

The Italian plebiscites also bring out another defect of the annexation plebiscite; it submits the destiny of a whole people to the decision of the classes most easily swayed by passing considerations and least fitted by education and experience to deal with the complex issues involved. Serious in any circumstances, this defect is particularly so where there is so much illiteracy as there was in Italy in 1860. It is quite clear that in the central states the masses voted for annexation because they hated the Austrians, and in the southern states because they worshipped Garibaldi; and that the one thing that could have made them vote against it would have been the influence of the priests. In neither case was annexation voted for or against on its own merits. It is also clear that a large majority of the upper and middle classes desired union but not annexation, though they were willing to accept it rather than run any risk of renewed Austrian intervention in the affairs of Italy. But the desire of these classes for autonomy was quite overborne by the demand of the masses for annexation; so the Italian states were annexed *to* rather than united *with* Sardinia, and the Sardinian constitution and law became the constitution and law of the whole kingdom of Italy.

How much this was to be regretted became clear before many years had passed. In the north no great harm was done, because the states there were fairly homogeneous, not only in origin and speech but in manners and customs. Only historical tradition had kept them asunder, and

that only in part. For the very municipalism that had held them asunder was rooted in a common passion for self-government that had again and again brought them into alliance against the foreigner, albeit for a time only. Fear of Austria and resentment against France had led them to give their latest alliance a more permanent form by annexing themselves to Sardinia; and the persistence of the Austrian menace kept them together until they became fully conscious of a community of interest based on a common political ideal and a common economic life which made separation unthinkable.

In the south it was very different. Between Naples and Sicily and the rest of Italy there was indeed substantial community of origin, speech, and culture, but there was no community of historical tradition. Under a long line of French or Spanish kings their political and economic development had been very different from that of the northern states. While the northern were industrial and commercial, urban and democratic, the southern were agricultural, even pastoral, and feudal. Four-fifths of the land was held by a small number of nobles, who had surrendered their feudal rights with reluctance and still shared with the priests a strong influence over the peasants. The nobles had steadily resisted the attempts of their foreign rulers to impose on them a foreign administration, and had maintained the rights of the local Estates; but there were very few towns, and the middle class was small and weak, even in the middle of the nineteenth century. Where the mass of the people was so backward, representative constitutional government was hardly possible; and, if only the Bourbons could have brought themselves to observe the constitution of 1848 and to make alliance with Sardinia, all the aspirations of the Neapolitans for liberty and unity would have

been fully satisfied, as would those of the Sicilians, if, at the same time, the bond that held them to the Neapolitans had been severed or made merely personal.

Cavour's insistence on the formal annexation of Naples and Sicily was natural in view of the attitude of his own country, where his ministry would probably have fallen if he had followed any other course, and of the need for establishing a stable government in the Two Sicilies before the spread of anarchy gave Austria and Russia a reasonable pretext for intervention. But it is none the less regrettable, for the gulf between north and south was too wide to be easily bridged. Cavour himself recognized that the Kingdom of Italy ought to be regarded, not as an expansion but as a new State requiring a new constitution; but, after his death, Italy was constituted as a unitary State with a highly-centralized administrative system, by the simple process of extending the Sardinian constitution and laws to the whole kingdom. This course, by forcing into too close a union peoples at such different stages of political and economic development as were the Italians of the north and the south, encouraged a Bourbonist reaction that very nearly wrecked the new kingdom in 1866, when the declaration of war against Austria was the signal for revolt in Sicily, and left a legacy of brigandage that has hindered the economic development of the south, as the corruption introduced from Naples into national politics hampered for a time the political development of the country.[1] Union was politically necessary; but, if the question had been determined by assemblies instead of by plebiscite, it would have taken place in a form more consistent with historical circumstance.

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[1] R. de Cesare, *La Fine di un Regno*, 2 pt. Cittá di Castello, 1901.

The contrast between the consequences of the annexation policy in the centre and in the south suggests (1) that community of origin, speech, and culture is not by itself sufficient to constitute a nation, and that without community of historical tradition national unity is incomplete; and (2) that this ought to be reflected in the degree of political union established between parts of a nation that have long been severed. We may also infer that nationality is a matter not of the past but of the present; and that, therefore, no nation has the right to insist on a population that once belonged to it being again united with it on that ground only.[1]

This becomes still clearer if we consider the history of Nice since its annexation to France. The existence of the shore road round the end of the Alps has always made intercourse between the people on either side of the mountains easy here; and in origin there is practically no difference between Provençals and Genoese. Accident made Nice Italian in speech and culture; but geographically, and therefore economically, the district west of Cap Martin belongs to France, and, as soon as the artificial barriers erected by historical circumstances had been removed by the plebiscite of 1860, it began to follow its natural line of development and became French in interest, as it is becoming French in speech. Would it be reasonable to contend that, because all Nice was once Italian, Italy has a right not only to the part of Nice east of Cap Martin which has remained Italian, but also to the part which has become French?

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[1] There are interesting discussions of these matters in the *Revue de Droit International*, 1870-71, by von Holtzendorff, *Le principe des nationalités et la littérature italienne du droit des gens*, 1870, p. 92; F. Lieber, *De la valeur des plébiscites dans le droit international*, 1871, p. 139; and G. Padelletti, *L'Alsace et la Lorraine et le droit des gens*, 1871, p. 464. The last is the most interesting.

The fact that here the national boundary now almost coincides with the geographical boundary between France and Italy, that is, with the water-parting of the Alps, suggests that in the making of a nation geographical circumstance is more effective than historical. This suggestion is fully supported by the history of Savoy, annexed to France at the same time as Nice. In speech and culture all Savoy is and always has been French; but geographically, and therefore economically, only the southern part belongs to France; the northern part belongs wholly to Switzerland. On the ground that Savoy was a political unit and ought not to be dismembered, Napoleon III insisted on the whole Duchy being annexed to France, with the result that, whereas southern Savoy is now wholly French, northern Savoy, in spite of its French speech and culture, is so essentially non-French in interest that France has had to withdraw her tariff boundary to the watershed and make Haute Savoie, like the Pays de Gex, economically as well as militarily neutral. The inference to be drawn is that, as community of origin, speech, and culture are not enough to constitute a nation without the community of interest that comes from having a common past, so they are not enough without the community of interest that comes from living in the same environment; and that, of the two, geographical circumstance is more effective and therefore more important than historical circumstance.

IV.—THE NORWEGIAN PLEBISCITES OF 1905.

(i) *Introductory.*—In 1905, when the dissolution of the Union between Sweden and Norway was under consideration, the authorities of the latter country resorted on two occasions to the expedient of a plebiscite. As the special committee appointed to consider the question of the first plebiscite reported, such an expedient was unknown to the Norwegian constitution, but it was considered a rapid and convenient way of obtaining an expression of public opinion.

The earlier plebiscite, which was held on August 13, 1905, was concerned with the question of the dissolution of the Union. A proposal was made in the Storthing to incorporate with this the question of the future constitutional form of the Norwegian Government; but it was considered inconvenient to combine the two matters, and the proposer seems to have been the only member who voted in favour of the amendment. The fate of the monarchy was therefore deferred for later consideration, and formed the subject of the second plebiscite above referred to, which was held on November 12 and 13.

The basis of both plebiscites was the existing parliamentary franchise, which included all males over 25 years of age, with five years' residence in the country, unless disqualified by the receipt of parish relief or other specified cause. Facilities were provided whereby men who had qualified since the last electoral register should have an opportunity of being included in the electorate.

(ii) *Causes of the Separation from Sweden.*—The events leading up to the dissolution of the union

with Sweden may be briefly stated. Since their union in 1815 the relations between the two countries had never been very cordial; their commercial interests and political ideals were widely different; and the language of Norway, though akin to that of Sweden, differs far more from the latter than from that of Denmark. The position became critical in consequence of the introduction of what was known as the "consular question." Norway desired a separate consular service, a project which was persistently opposed by the king, under pressure of Swedish opinion. On May 23, 1905, the Storthing, without a dissentient voice, passed a bill for the establishment of an independent consular service. King Oscar, however, contrary to general expectation and the advice of his Norwegian ministers, refused his assent to the measure, thereby bringing about the immediate resignation of the ministry. This resignation he refused to accept, on the ground that it was clearly impossible, in the circumstances, to form an alternative government. Accordingly, on June 6, the ministry pointed out to the king that "according to the fundamental law (*grundlov*) of Norway, it is incumbent upon Norway's king to provide the country with a constitutional government. In the same moment that the king's policy prevents the formation of a constitutional council, the Norwegian monarchy is thrown out of function." As a sequel to this protest the Storthing, on June 7, passed, unanimously and without debate, the following resolution:—

"Since the members of the state council have all resigned their offices;

"Since His Majesty the King has declared himself not in a position to provide the country with a new government;

"And since the constitutional power of the monarchy is thus thrown out of gear;

"The Storthing authorizes the members of the state council which ceased to operate to-day to exercise until

further notice the authority vested in the King, in conformity with the fundamental law of the Norwegian kingdom and the relevant laws, with the changes necessitated by the fact that the Union with Sweden under one king is dissolved, as a result of the King's cessation to function as a Norwegian king."

(iii) *Reasons for the Plebiscite.*—The dissolution of the union was thus, from the Norwegian point of view, a *fait accompli.* In confirmation of this attitude, the Storthing passed on the same day resolutions adopting a national flag for the navy and deleting from the church services the prayers for the king and royal family. There was therefore from a constitutional standpoint no necessity for any further expression of the national will. Sweden, however, as was to be expected, refused to concur in such a point of view; and, on the address from the Swedish Chambers to the king presented on July 28, 1905, the expedient of a referendum is thus suggested :—

"In certain bills laid before the Riksdag it is maintained that Sweden should not give her consent to the dissolving of the Union before the Norwegian people should have had an opportunity of declaring their will, either, as one mover proposes, by the election of a new Storthing, or, as it is suggested by another, by a referendum to the people. The Riksdag considers that in a matter of such importance as that of the maintenance or dissolution of the Union, a surer expression of the will of the Norwegian people must be obtained than that which is to be found in the decision of the Storthing of the 7th of June, 1905.'

At the same time a vigorous propaganda had been begun by both nations with a view to influencing opinion abroad. Norway desired to settle matters, if possible, on a friendly footing, and was also anxious to obtain the favourable opinion of other countries. Accordingly, on July 27, the Norwegian Department of Justice issued a report recommending that a plebiscite should be held, upon the following grounds :—

"In the extraordinary decision, necessitated by the circumstances, which has been taken by the Storthing on

the nations' behalf by its resolution of the 7th of June, 1905, the national assembly has proceeded with the authority which is secured to it by its position and with the consciousness of acting with the full accord and approval of the Norwegian people. Outside Norway, however, there has been an attempt to raise a doubt as to the existence of such a popular feeling. In particular, this state of doubt may be presumed to be the reason for the desire for a further demonstration of the will and opinion of the Norwegian people, which has been expressed in the committee's report now presented to the Swedish Riksdag, and in the Riksdag's resulting resolution with reference to the dissolution of the Union and the questions connected with it . . . .

"A free plebiscite of Norwegian citizens with reference to the question of the dissolution of the Union, with the answer to which the said doubt is evidently connected, will make the matter fully and widely clear, and get rid of the effects of the mistaken opinions which may have made an impression abroad. And for our fellow-citizens such an extraordinary personal demonstration of their feeling and desire may serve in itself to strengthen patriotic affection and devotion, and further awaken their sympathy and consciousness of the common responsibility."

On the grounds stated above, a plebiscite was accordingly decided upon, and a special committee appointed to consider the draft resolution. This committee still further emphasized the *fait accompli* by altering the original question "whether they (the voters) are in agreement with the dissolution of the union or not" to read "whether they are in agreement with the dissolution of the union, which has taken place, or not."

(iv) *The first Plebiscite.*—The interval before the voting was taken up with an energetic canvass of the nation, in which all parties worked together. The Conservative Union issued a manifesto in which, as "old friends of the union," they proclaimed their conversion. The Church lent its support; and even among the resident Swedes resolutions were passed and manifestoes issued in favour of the dissolution of the Union.

The Norse Woman's Suffrage Union, doubtless with an eye to the furtherance of their cause,

which obtained recognition not long afterwards, also made arrangements whereby the women of Norway might have an opportunity of recording their agreement with the national point of view, since, as they said, " even if our votes cannot be counted, they may yet be weighed." On the day of the plebiscite the newspapers all brought out special " Ja " numbers ; the country was decorated with flags ; and the strains of the national anthem could be heard issuing from many churches. The result was what might have been expected from the measures adopted to excite popular enthusiasm—368,211 votes were recorded in favour of separation, and only 184 against it. The canvass was probably justified in the circumstances, as the opinion of the country was never really in doubt, and the only thing to be secured was that the electorate should take the trouble to give proof of the views they indisputably entertained.

(v) *The second Plebiscite.*—The question had still to be decided whether Norway should continue to exist as a monarchy or should change her constitution to that of a republic. An address from the Storthing to King Oscar, dated June 7, 1905, had suggested his support of the proposal that a prince of his house should be elected to the Norwegian throne, after resigning his right to the succession to the crown of Sweden. On October 27, however, the King of Sweden declined this offer, the acceptance of which, he thought, might give rise to mistrust and suspicion. After a long debate in the Storthing on the question of the future constitution, the following resolution was passed on October 31.

> " The Storthing authorizes the government to initiate negotiations with Prince Carl of Denmark to accept election as King of Norway, on condition that the Norwegian people supports the resolution of the Storthing by a majority of the votes given in a plebiscite carried out in essentials according to the same rules as were employed in the plebiscite of the 13th of August, 1905."

The Government thereupon issued a manifesto to the people, in which the advantages of continuation as a monarchy were not obscurely indicated. The republican party, on the other hand, sent out a strong appeal with over 200 signatures inviting the people to reject the proposal. In the result the monarchy obtained a majority of 259,563 votes against 69,264. Prince Carl immediately asserted his willingness to be elected, and he ascended the throne of Norway as King Haakon VII.

V.—THE REFERENDUM IN NATAL, 1909.

THREE of the four South African colonies that sent delegates to the South African Convention of 1908-9—Cape Colony, the Transvaal, and the Orange River Colony—were content to accept the new Union Constitution on the vote of their respective Parliaments. The fourth—Natal—insisted on a referendum to all the voters in the Colony. There were special reasons for this decision. Natal was not originally enthusiastic for union in any form. More purely British than the other colonies, she feared that with union she might be ruled by Dutch Ministries, and her children forced to learn Dutch at school—in a word, that she would lose her British tone. Moreover, Natal had always been somewhat apart from the other colonies for geographical reasons, and had thus been comparatively unaffected by the movements and ideas prevalent in the rest of South Africa. There was much more hesitation in Natal than elsewhere about sending delegates to the Convention ; and, when it had been decided to send them, considerable anxiety was displayed lest the Colony should lose its full liberty to reject any decisions arrived at by that body. Mr. Smythe, himself one of the delegates and leader of the opposition, in September, 1908, a month before the Convention met, introduced a Bill into the Natal Parliament providing for a referendum on any scheme to be proposed by the Convention. This Bill was rejected as inopportune for the moment, though not before the Prime Minister had promised that a Referendum Bill should be subsequently introduced.

The first draft of the Constitution for the Union of South Africa was submitted to the

Natal Parliament in the following March. It found many critics there, all the more as it was found to contemplate, not the loose federation on the Australian model, such as the Natal delegates had proposed, but a close union more after the model of Great Britain, which entirely abolished the legislative independence of the four colonies as such. Certain amendments were proposed, with a view to strengthening and more amply securing Natal's provincial powers. Moreover, in fulfilment of the Prime Minister's promise of the preceding year, a Referendum Act was passed, whereby Natal's acceptance of the scheme, as finally agreed to by the Convention after the consideration of various amendments, was to depend on the result of a vote by all those on the Colony's electoral roll.

The chief points to notice in the debates on the Bill are the following :—

(1) Some discussion arose as to whether a minimum of votes should be polled to make the decision valid. It was suggested, for example, that, out of the total roll of 25,463 electors, a minimum of 11,000 should be required. But it was decided, without much objection, that the people of the Colony could be trusted to vote in sufficient numbers on so important a question.

(2) More difference of opinion arose as to the need of stipulating for a majority of a certain size to make an affirmative decision valid. There were two contradictory precedents in Australia. The 1898 Referendum Act of New South Wales on the Commonwealth Constitution had required a large affirmative majority, while that of 1899 only demanded a bare majority. For Natal, Mr. Smythe had in 1908 proposed a majority greater than a bare majority ; but, though some members asked in the 1909 debate for a majority of 2,000 it was finally decided to adopt the precedent set in 1899 by New South Wales.

(3) The provision for plural voting, under which

parliamentary elections were held, was dropped on this occasion with general consent.

(4) Special precautions were enacted to secure that the voters should know for what they were voting and where they should vote. The Draft Bill of Union, as finally approved by the Convention, was to be published not only in the Government Gazette but also in every newspaper of the Colony at least 20 days before the polling; and notice of the polling-stations was to be given at least 7 days before.

(5) All the voting was to take place on one day between the hours of 8 A.M. and 4 P.M. In parliamentary elections the voting was not all confined to one day.

The Convention met again at the beginning of May, and, after making certain amendments, approved of the final draft to be submitted to the four Colonies. In accordance with the Referendum Act, the draft was submitted to the electors of Natal on June 10, 1909.

The ballot papers were in this form :—

Referendum Act, 1909.

Are you in favour of the proposed Draft South African Act ?

Yes .. .. [ ]
No .. .. [ ]

If you are in favour of the Draft Act, make your X in the square opposite the word Yes.

If you are against the Draft Act, make your X in the square opposite the word No.

Before the polling day the members of the House of Assembly had toured their constituencies, explaining the Draft Act to the electors. Other advocates and opponents of the measure, some from other Colonies, had held public discussions about it, and the newspapers were full of it. On the whole, the public discussions did not seem to augur well for the prospects of the scheme. One of the two chief Natal papers was strongly against

it, and the other seemed rather undecided. Great capital was made by the opponents of the Act out of the recent dismissal of three English inspectors in the Orange River Colony; and, partly owing to some delay in explaining the recent commercial treaty between the Transvaal and Delagoa Bay, which was really not unfavourable to Natal, some apprehensions were aroused amongst commercial people. Undoubtedly, the opponents were more vociferous, and created a feeling outside the Colony that Natal might very possibly reject the Union. But two strong forces were working in a contrary direction. The Dutch in the districts of Greytown, Vryheid, and Newcastle had said little, but were almost solid for union with their brothers in the Transvaal and the Orange River Colony, while the German colonists in New Hanover were on the same side. Moreover the English trading and farming community, though politically anxious to remain separate, saw that they stood to lose enormously in trade by setting themselves up against the rest of South Africa. If high tariff walls were erected against them, they were in danger of ruin. These considerations proved decisive; and, in spite of newspaper and platform talk, which gave an entirely wrong impression of public feeling, the voting showed an overwhelming majority for the Draft Act.

Altogether, out of an electorate of 25,463 14,822 voted; 11,121 in favour of the Draft Act and only 3,701 against. Not only was the majority for the whole Colony decisive, but in every one of the 17 voting districts there was a majority, the smallest being at Pietermaritzburg (1,122 for, 722 against). The percentage of voters who recorded their votes varied between 55·63 per cent. and 99·27 per cent. (in the Vryheid district). It must be remembered, however, that the electorate in Natal was exceedingly small compared

with the whole population, as white males only had the vote: the figures of the 1904 census being:—

Europeans	97,109
Indians and Asiatics ..	100,918
Natives	910,727
Total population ..	1,108,754

This referendum was certainly amply justified in Natal. In the other Colonies there was no need for it, as there was no considerable opposition to union; and, though there was a half-hearted demand for a referendum in some quarters in the Transvaal, the scheme had been so fully discussed there and in the other two Colonies that nobody felt it a grievance that the electors were not specifically consulted. But in Natal it was very different. The Colony had not wished for union at first; and, though the objections to refusing, when the other Colonies intended to unite, were obviously strong, the opponents of union did their best to prove their own importance. Had no referendum been held, the numerical weakness of these men would never have been demonstrated, and Natal would undoubtedly have felt that she had been driven into union against her will. After the referendum, Natal felt that she had entered the Union with her eyes open, and became much more disposed to make a success of the new venture.

VI.—THE REFERENDUM IN AUSTRALIA.

The value of the Referendum as a part of the legislative machinery was discussed in various States of Australia almost from the dawn of responsible government. In its theory and practice there have been so many good examples under the Federation that no record need be made of facts earlier than those of 1897-98.

(i) *Referenda on the Constitution.*—The Federal Convention sat in three sessions in 1897-98 to draft a constitution for the Union of Australia. The States represented sent ten delegates each. The Convention agreed upon a Federal Constitution modelled on American lines rather than on those of the Canadian Constitution. "State rights" were reserved; and the Senate was constituted as a Second Chamber, not only with the ordinary functions of a revising Chamber, but with the special responsibility of safeguarding "State rights."

A proposal to settle disputes between the two Houses by means of the Referendum was defeated. It was recognized that this would make the Second House practically powerless to defend the interests of the less populous States in conflict with those having a larger population. The Referendum was, however, adopted as a final reference in cases of any proposed change in the Constitution.

Such an amendment must secure an absolute majority of both Houses of Parliament and must then be referred to a direct vote of the people. At this vote the amendment, to take effect, must be endorsed by a majority of the voters in a majority of the States and by a majority of the

total poll of the Commonwealth. There are six States in the Commonwealth. A proposed change of Constitution must thus be endorsed not only at the total poll, but also at the poll of at least four States. If Tasmania, West Australia, and South Australia by small majorities voted "No," and New South Wales, Victoria, and Queensland by large majorities voted "Yes," the "No" would have effect, though the total poll of the Commonwealth would be overwhelmingly "Yes."

This referendum system acts as a very conservative check on constitutional changes. It is made still more conservative by the provision that, if a proposed alteration in the Constitution affects the boundaries of any particular State or its representation in the Federal Parliament, the referendum in that State must give a majority in favour of the alteration.

The purpose was to safeguard "State rights" and "self-determination." This extremely jealous care as to State rights is remarkable in view of the fact that the States were almost identical in types of population, commercial interests, language, etc.

The Federal Constitution, as agreed to by the Convention of 1897-98, was submitted to a Referendum in the various Australian States. The New South Wales Parliament had imposed, as a condition of its acceptance of the decision of the Referendum, the proviso that a certain minimum number of affirmative votes should be cast. This number was not reached. The Federal Constitution was then slightly amended and again submitted to the Referendum in 1899. There was no condition in any State as to a minimum affirmative vote. The Constitution was accepted by New South Wales, Victoria, Queensland, South Australia, and Tasmania. Subsequently West Australia gave its adhesion. In 1901 the Federal Constitution was proclaimed.

To understand the subsequent Referenda of 1911 and 1913, it is necessary to have in mind the fact that the Australian Commonwealth Constitution (following therein the Constitution of the U.S.) gives to the High Court of Justice the right to veto State laws that trespass on the Federal Constitution and Commonwealth laws that trespass on State rights. A great deal of the "Labour legislation" of the Federal Parliament was declared unconstitutional by the High Court. A Labour Government in Power carried through both Houses of Parliament proposed amendments of the Constitution which gave to the Federal Legislature increased powers in dealing with trusts and monopolies. The figures of the Referendum poll taken on April 26, 1911, were:—

Total electors enrolled ..	2,341,624
Total ballot papers issued...	1,248,226
Affirmative votes for proposed first amendment to Constitution	483,356
Negative ditto	742,704
Affirmative votes for proposed second amendment to Constitution	488,668
Negative ditto	736,392

In all the States the vote was negative. On May 31, 1913, certain proposed amendments to the Constitution were again submitted to a Referendum. They covered a wider range this time, but all had the same design, to increase the power of the Federal Legislature in matters of Labour legislation. All the proposed changes were negatived, though they had all been approved by both Houses of Parliament.

(ii) *Other Referenda.*—On October 28, 1916, the Australian Government, by a special Referendum, asked the voters whether they were in favour of

compulsory enlistment for service abroad (compulsory service for home defence already existed in Australia). The answer was "No," by a majority in the total poll of 72,426. Three States voted "Yes" by a majority, and three States voted "No." Experience of the Referendum in the Commonwealth of Australia shows that it does not follow the vote of Parliament.

Several of the States of Australia have a regular Referendum on the question of the sale of alcoholic liquor, taken at the time of a General Election. At such a Referendum the electors, voting on this direct issue, can vote for a continuance of the existing number of licensed houses, or for a reduction, or can vote "no licence." New South Wales, in 1916, had a special Liquor Referendum to decided the hour at which public-houses should close during the continuance of the war. Electors could vote for any hour from 6 P.M. to 11 P.M. The decision was for 6 P.M.

VII.—THE REFERENDUM IN SWITZERLAND.

As now understood in Switzerland, the Referendum means that certain bills must (Obligatory Referendum) and that other bills may (Facultative Referendum) be submitted to a popular vote for acceptance or rejection. But, in another form, the Referendum had existed for hundreds of years in certain of the Swiss cantons, where

> "certain matters which the assembled deputies of the people could not decide, either from want of the necessary powers or from lack of instructions, were reported on by them to their constituents, who, after discussing and considering them in their local assemblies, accepted or rejected the proposed measures, their decision being conveyed by their deputies to the large assembly, and the law finally rejected or approved by the majority of the communes or *Gemeinden* and not by the general assembly."

The earliest examples of this use of the institution are to be found in the history of the Valaisan and Rhætian Leagues, which were allied with, but were not part of, the Swiss Confederation. The Communes or Zenden of the Upper Valais sent, so early as 1399, representatives to the *concilium* or Landrath of the Bishop of Sion. These deputies brought back reports of proposed measures which were discussed in the Zenden, and the decision was announced to the Landrath. No measure was binding unless it was approved by all the Zenden.

The institution of the Referendum is more fully developed in the Swiss cantonal constitutions than in the federal constitution; and its corollary, the

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[1] Coolidge, in *English Historical Review*, October, 1891. *See* above: Introduction, pp. 12, 13.

Initiative, by which representative assemblies can be compelled to take proposals into consideration, was introduced in the Cantons before it was adopted by the Federation. By the federal Constitution of 1848, as amended in 1874 and 1891, it is provided (*a*) that a revision of the Constitution shall always be submitted to a popular vote; (*b*) that the question of the desirability of a revision shall be submitted, if either House of the Legislature or 50,000 qualified voters demand this step; (*c*) that eight cantons or 30,000 voters can demand a vote upon any measure not being urgent; and (*d*) that the Initiative may be applied to any partial revision of the Constitution on the demand of 50,000 electors. Apart from the acceptance of the constitutions of 1848 and 1874, there were, between 1848 and 1907, 30 Obligatory Referenda on amendments of the federal Constitution, 30 votes on bills (since the introduction of the Facultative Referendum in 1874); and, since the introduction of the Initiative in 1891, seven votes have been taken in accordance with the provisions then made. Of these 67 appeals to the people, only 28 have resulted in approval of the proposed changes, and only one of these approvals was given in the period from 1848 to 1874. These figures seem to suggest that, in contrast to the French plebiscites, which, as we have seen, tended to be taken after the accomplishment of the facts which they confirmed, the Swiss Referenda, taken while the event was still doubtful, tended towards conservative decisions. On the other hand, it must be remembered that, while in the 26 years between 1848 and 1874 there was only one approval, in the 33 years between 1874 and 1907 there were 27; and the experience of the last few years does not necessarily confirm the theory that the Referendum is essentially a conservative institution. In 1908, by the Facultative Referendum, the Swiss people procured the passage of a law authorizing the

Federal Legislature to legislate about trades and professions;[1] and by the Initiative they secured the adoption of a resolution authorizing the Federal Legislature to pass laws for the utilization of hydraulic power, and of a decree prohibiting the manufacture and sale of absinthe (the latter by 237,665 votes to 136,254). In 1910, an Initiative in favour of proportional representation in the National Council was rejected by a small majority (265,000 votes to 240,000). In 1912, a Facultative Referendum on a Sickness and Accident Insurance Bill approved the new measure by 287,566 votes to 241,416 on a poll of 63·04 per cent. of the electorate. In 1913, a bill giving the Federal Government power to deal with dangerous and widespread diseases of human beings and animals was prohibited, on a Referendum, by a majority of about 57,000 votes. These approvals illustrate a marked tendency of recent Swiss politics towards the transference of administrative authority from the Cantons to the Confederation. The only important innovation which falls outside this category—the proposed introduction of proportional representation—was, as we have seen, rejected.

A very important vote has recently been taken in Switzerland on the question whether the Confederation should join the League of Nations or not. The voting took place on Sunday, May 16, 1920. The votes were: for adhesion 416,870 votes; against it 323,719, showing a majority of 93,151 in favour. But, according to the law, a majority of cantons was also required; and here too a majority, but a very narrow one, was secured, 11½ cantons voting for adhesion, and 10½ against it.

[1] The voting was 228,670 against 90,182.

VIII.—THE REFERENDUM IN THE UNITED STATES.

"The Referendum, in the restricted sense of a submission to a vote by the whole electorate of measures passed by the representative body, has been introduced in three different forms at three different (though to some extent overlapping) periods of American history."[1] These three forms are (1) the Constitutional Referendum; (2) the Referendum as a check on the Legislature; (3) the General Referendum on ordinary laws.

The Constitutional Referendum, which was the earliest form of the modern Referendum to appear in America after the Declaration of Independence, resulted from an attempt to place the fundamental law of the State on a different basis from the ordinary law. By it State constitutions were submitted to the people for ratification. In 1778 Massachusetts rejected a "Frame of Government" by a direct popular vote; two years later a constitution was accepted by the same procedure. New Hampshire rejected a constitution in 1779, and accepted one in 1783, by the same procedure. After 1820 it became the common practice to submit State constitutions to a popular vote. It is possible, too, to amend, or partially revise, a constitution by this method, without rejecting or revising it as a whole. This is effected by inserting a provision in the constitution itself whereby the Legislature is empowered to enact amendments

[1] Lowell, A. Lawrence, *Quarterly Review*, April, 1911, art. 11, *The Referendum in Operation*. This article gives an admirable summary of the subject. *See also* Viscount Bryce, *The American Commonwealth*. 2 vols. New York, 1910.

subject to ratification by popular vote. A provision of this kind, which appeared in Connecticut in 1818, has since been almost universally copied.

The use of the Referendum as a check on the Legislature has arisen from a practical demand. A clause was inserted in several State constitutions providing that the action of the Legislature on certain subjects should not be valid unless ratified by popular vote. The subjects to which this test was applied were those in which the Legislature was supposed to be peculiarly susceptible to local influences or external pressure. The practice of thus checking the Legislature by the direct action of the people in particular circumstances began about the middle of the nineteenth century. It has been chiefly used in the smaller States, and has not spread very widely either in local extension or in the range of subjects affected by it.

The General Referendum on ordinary laws, the most comprehensive of the three forms of Referendum, is of very recent introduction. It is brought into being by inserting a general provision in a constitution that, " upon the petition of a certain number of citizens, any law, not declared urgent by the Legislature, shall be submitted to popular vote."[1] . . . . " It is a conscious imitation of Swiss models, and has usually been coupled with the Swiss Initiative, whereby a fixed number of citizens can propose a law and require a popular vote thereon."[2]

The General Referendum was adopted by South Dakota in 1898, and has since spread to many of the newer and less populous States. The Initiative has been little used in America, except in Oregon, where it has been very popular.

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[1] Lowell, A. Lawrence, *ut supra.*
[2] *Ibid.*

IX.—THE PROMISED PLEBISCITE IN NORTH SCHLESWIG, 1866.

Article V of the Treaty of Prague (1866) provided for a plebiscite in Schleswig :—

> "His Majesty the Emperor of Austria transfers to His Majesty the King of Prussia all the rights which he acquired by the Treaty of Vienna of October 30, 1864, over the Duchies of Holstein and Schleswig, with the condition that the populations of the northern districts of Schleswig shall be ceded to Denmark if, by a free vote, they express a wish to be united to Denmark."

Prussia not only refrained from consulting the people of North Schleswig, but sternly repressed any expression of Danish sympathies, and declared that the execution of the treaty was a matter that affected the signatories alone, and that any effort to bring this provision into effect was treasonable. A petition with over 27,000 signatures was ignored.[1] Bismarck, in a speech in the Diet, insisted that the clause in the treaty gave no right to any inhabitant of Schleswig ; that only the Emperor of Austria could exact its fulfilment ; that the treaty itself gave a wide latitude to the Prussian Government, entrusting the decision to its good faith and to its realization of the interests of the Prussian State ; and that in no circumstances could Prussia accept a frontier which compromised its own strategic security.[2] In 1879 the clause in question was cancelled by the Treaty between Germany and Austria which laid the foundation of the Triple Alliance ; and no plebiscite was taken in Schleswig under Prussian rule.

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[1] *Revue de Droit International*, vol. ii (1870), pp. 325-6.

[2] *Ibid.*, p. 722, and *Les Discours de M. le Comte de Bismarck*, 2 vols., Berlin (1870), vol. i, pp. 322-5.

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