



Culture parlamentari a confronto

Modelli della rappresentanza politica e identità nazionali

a cura di

Andrea Romano





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Emerico Amari's political commitment mirrored in his parliamentary activity

Rosanna Marsala

Introduction

Emerico Amari's¹ political and intellectual itinerary unfolds during the period of the Risorgimento and the formation of a United Italy. Brought up in an avant-garde cultural and political environment, Amari matures in an atmosphere in which the ambitions of the Sicilian aristocracy, brought to the forefront of the historical scene after the 1812 Constitution, entwine with the new role of political construction assumed by the liberal middle-classes².

The 1812 Constitution³ had been an important landmark for Sicily but above all it was the failure of this constitutional experience that left «a heritage of resentment and of hope» and gave rise to that

¹ Born in Palermo in 1812 into one of the oldest aristocratic families of the island, Emerico Amari graduated in law and entered the Bar but he soon left the legal profession to devote himself to scientific studies that he began in the reading-room of Palermo's Public library and in the Royal Academy of Science and Humanities. He was a professor of Criminal Law and Procedure at Palermo University. From 1836, when he became member of the editing board of *Giornale di Statistica*, to 1848 Amari was engaged in a series of activities through which he promoted the culture and the economy of the Island. In 1848 he became a member of the new Parliament and was appointed Vice-president of the Lower House. When the Bourbon troops re-conquered the Island, Amari was obliged to go into exile, first in Malta and then in the Kingdom of Sardinia. He moved to Genoa and together with other Sicilian exiles he continued both his political commitment in favour of Italian unification and the Sicilian cause and also his scientific activities. Together with Francesco Ferrara and Vito d'Ondes Reggio, he founded *La Croce di Savoia*, a daily newspaper that sympathized with the Centre-left of Urbano Rattazzi, and whose policy was liberal and federalist and that published articles on reform and international politics. The landing of Garibaldi's 'Thousand' and the evolution of events in Sicily induced him to return to Palermo where he worked for a federal solution to the emergent unitary state and for the convocation of a constituent assembly, but his proposals fell on deaf ears and were overcome by the convocation of the Plebiscites. He was against the policy of annexation and the incipient centralization. In 1861 Amari was elected to the first Italian Parliament and took his place on the Opposition benches. He distinguished himself for his speeches in favour of political and economic freedom, on decentralization, and in defence of Sicily and of the City of Palermo. In 1862 the death of his son induced him to resign and to abandon his political activity for a certain period. In 1864 he was one of the founders of a new society for Sicilian history that was to become the Società Siciliana di Storia Patria. In 1866 he went to Leghorn to avoid being involved in the insurrection that had broken out in Palermo. In 1867 he was elected to parliament again, but he did not complete his term of office and resigned in advance. He retired more and more from public life, continuing only as a town and provincial councillor. Stricken by a sudden illness, he died on the 20th September 1870. Cfr. F. MAGGIORE PERNI, *Di Emerico Amari e delle sue opere: saggio letto all'Accademia di scienze, lettere e arti nella solenne tornata del 18 dicembre 1870*, Palermo, Tip. Morvillo, 1871; L. SAMPOLO, *Commemorazione di E. Amari letta il 22 novembre 1870 nell'Università di Palermo*, Palermo, Tip. del Giornale di Sicilia, 1871; F. SIMON, *Emerico Amari*, in F. ARMETTA (ed.), *Dizionario enciclopedico dei pensatori e dei teologi di Sicilia secc. XIX e XX*, Caltanissetta-Roma, Sciascia, 2010, p. 64-74.

² V. FROSINI, *Introduction to Critica di una scienza delle legislazioni comparate*, Palermo, Edizioni della Regione Siciliana, 1969, 1, p. 10.

³ Cfr. F. RENDA, *La Sicilia nel 1812*, Caltanissetta, Sciascia, 1963; E. SCIACCA, *Riflessi del costituzionalismo europeo in Sicilia*

«proud sense of belonging to the Sicilian 'nation', confidence in the renewing principle of freedom, an idea based on the political and civil example of Great Britain»⁴. Emerico Amari understands and shares these feelings that, between 1830 and 1850, characterize a vast majority of Sicilian intellectuals and he was their interpreter through his political actions and his writings.

Amari's philosophical and political thought are in a well-balanced relationship between scientific and civil progress and the traditional Christian values, thus reflecting the tendency of the cultural ambient of the island. Emerico Amari recognizes his 'mental debt' to GianDomenico Romagnosi without, however, abandoning his Catholic faith⁵.

Amari's liberal Catholicism, which was 'quite new' for some people⁶, had a lot in common with the thought of Gioacchino Ventura, another protagonist of the 1848 Sicilian Revolution. In particular, he agreed with him on the defence of the Church from State interference and on his proposals of political economy characterized by liberalism⁷. Politically he can be placed in that moderate coalition of Federalists that formed around the *Giornale di Statistica*. The periodical became the focal point of a group of Sicilian intellectuals who were very active both before 1848 and during the pre-unification decade. In addition to Amari, among its well-known members there were also Francesco Ferrara⁸, Vito D'Ondes Reggio and Raffaele Busacca⁹. The periodical soon became the means through which they compared their ideas and they undertook the elaboration of a liberal political-economic project that could remove the causes of the backwardness and the underdevelopment that characterized the Island¹⁰.

The outbreak of the 1848 Revolution sees Amari engaged on the front line in political action. His political ideas can finally be put into practice in drawing up the summoning to the new Sicilian parliament.

(1812-1815), Catania, Bonanno, 1966; G. GIARRIZZO, *La Sicilia nel 1812: una revisione in atto*, «Archivio storico per la Sicilia orientale», 64 (1968), p. 53-65; G. BUTTÀ, *Il parlamento siciliano tra tradizione e riforma*, in *Storia della Sicilia*, Napoli-Palermo, Editrice Storia di Napoli e della Sicilia, 1978, 7, p. 21-53; C. SPOTO, *Alcune osservazioni sulla composizione del generale straordinario parlamento del 1812*, in C. CARINI (ed.), *La rappresentanza nelle istituzioni e nelle dottrine politiche*, Firenze, CET, 1986, p. 119-151; A. ROMANO, *En los albores del constitucionalismo europeo. La "carta" siciliana del 1812*, «Anuario de Historia del Derecho Español. Homenaje a F. Tomás y Valiente», 67 (1997), p. 777-797; D. Novarese, *La carta siciliana del 1812: una costituzione concordata*, in A. ROMANO (ed.), *Sovranità e autonomie. Monarchie, Parlamenti, Leggi nell'Europa Mediterranea*, Milano, Giuffrè, 2002.

⁴ FROSINI, *Introduction to Critica di una scienza delle legislazioni comparate*, p. 11.

⁵ Cfr. A. C. JEMOLO, *Chiesa e Stato in Italia negli ultimi cento anni*, Torino, Einaudi, 1948; R. DE MATTEI, *Tre cattolici siciliani di sinistra al primo parlamento italiano*, «Storia e politica», 4 (1963); E. GUCCIONE, *Ideologia e politica dei cattolici siciliani. Da Vito D'Ondes Reggio a Luigi Sturzo*, Palermo, Ila Palma, 1974.

⁶ Cfr. G. C. MARINO, *Sacri ideali e venerabili interessi. Borghesia e liberalismo nella Sicilia dell'Ottocento*, Siracusa, Ediprint s.r.l., 1988, p. 36.

⁷ Cfr. G. VENTURA, *Cenni sulla libertà di commercio in Sicilia*, Palermo, L. Dato, 1848.

⁸ Cfr. P.F. ASSO-P. BARUCCI-M. GANCI (ed.), *Francesco Ferrara e il suo tempo*, Roma, Bancaria editrice, 1990; R. FAUCCI, *L'economista scomodo. Vita e opere di Francesco Ferrara*, Palermo, Sellerio, 1995.

⁹ Cfr. R. SALVO, *Emerico Amari ed il gruppo del «Giornale di statistica». Motivi d'ispirazione cristiana nel pensiero liberale in Sicilia*, in E. GUCCIONE (ed.), *Gioacchino Ventura e il pensiero politico d'ispirazione cristiana dell'Ottocento*, Acts of the International Seminary, Erice 6-9 october 1988, Firenze, Olschki editore, 1991, 1, p. 265-318.

¹⁰ Cfr. R. ROMEO, *Il Risorgimento in Sicilia*, Roma-Bari, Laterza, 1989; R. SALVO, *Dibattito politico economico e rapporti istituzionali nella Sicilia della transizione*, Palermo, Stass, 1990; M. GRILLO, *L'isola al bivio. Cultura e politica nella Sicilia borbonica (1820-1840)*, Catania, Edizioni del Prisma, 2000; P. TRAVAGLIANTE, *Nella crisi del 1848. Cultura economica e dibattito politico nella Sicilia degli anni quaranta e cinquanta*, Milano, F. Angeli, 2001; F. RENDA, *Storia della Sicilia dalle origini ai giorni nostri*, Palermo, Sellerio, 2003; G. GIARRIZZO, *La Sicilia moderna dal Vespro al nostro tempo*, Firenze, Le Monnier, 2004; F. SIMON, *Le istituzioni, la politica e la legislazione negli articoli de «La croce di Savoia»*, «Il pensiero economico italiano», 2 (2008).

1. *The philosophical premises of his political position*

It has been observed that Emerico Amari «is perhaps the only major representative of the Sicilian Risorgimento whose political position is based on precise ideological and doctrinal premises and it is set in a vast conception of human reality»¹¹. His philosophical prospective originates in the empiricist tradition that clearly goes back to Locke and to Beccaria's and Bentham's utilitarianism, but it is all reassessed and assimilated in the light of Giandomenico Romagnosi's civil philosophy¹².

The starting point for a philosophical-juridical reflection¹³ on the Palermitan scholar is the analysis of human behaviour that is conditioned by contrasting stimuli of pleasure (which Amari intends not only in a material sense but as a set of sensations that give pleasure to the body and the soul) and pain. According to Amari the satisfaction of one's needs, the search for a condition of well-being proceeds from one's sensation through experience to reach the best choice according to a utilitarian calculation. Such a process also involves the ethical sphere from which comes the idea of duty, making Man understand the function of order, of law and of justice. In fact, each individual realizes that it is necessary to carry out certain obligations if he/she wants to reach objectives; the first goal that everyone is called to reach is happiness, that for Amari represents «the perfect harmony between earthly and religious pleasure in order to achieve the full realization of human dignity»¹⁴.

In this way Amari keeps a distance from a purely materialistic vision but also from a metaphysical and spiritualistic type, placing his idea of the good of the individual in a lay vision that is perfectly reconcilable with the Christian faith. From the individual utility that can be reached through a process of perfection thanks to the rational capacity that Man has at his disposal one can achieve the good of the whole community. As an alternative to Hegelian idealism and to the spiritualism of Rosmini and Gioberti, Amari elaborates a doctrine that considers valid knowledge based on empirical data and on social calculation, the integration of individual utility into collective utility, the compatibility of utilitarianism with Christian ethics ad doctrine. These are the topics that Amari deals with in his early writings and that are a necessary premise for the elaboration of his political and economic theories¹⁵.

In favour of liberalism and against economic paternalism, Amari considers that economic liberty lies at the basis of the civil progress of a people, so economic liberalism is associated with juridical liberalism until it reaches political liberalism. The idea of progress lies at the basis not only of his economic doctrine but also of his vision of institutions and laws. Such an idea has as its driving force science, freedom and tradition «that assures the continuity of the results obtained by various peoples and different generations»¹⁶. Tradition, the supreme condition of progress and of civilization, makes use of the instruments of imitation and propaganda, and in this way the laws are passed on from people to people. But the laws, Amari affirms, are transmitted by violent command or by free choice: «the first way is based completely on force, and it has all the vices, the other has all the virtues of freedom. Force imposes only laws hated by the recalcitrant and they last only as long as the oppression does. Science, favoured by freedom,

¹¹ G. LUMIA, *Economia e politica nella vita e nelle opere di E. Amari*, «Il circolo giuridico "L.Sampolo"», 28 (1957), p. 81.

¹² Cfr. P. F. ASSO-F. SIMON, *Individualismo, benessere, epistemologia. Spunti di modernità in alcuni scritti inediti di Francesco Ferrara ed Emerico Amari*, «Rivista italiana degli economisti», 3 (2005), p. 481-508.

¹³ Cfr. G. BENTIVEGNA, *Emerico Amari: la filosofia, le leggi e la storia*, Catania, Società di storia patria per la Sicilia orientale, 1992; G. BENTIVEGNA, *Storicismo e sociologia del diritto in Emerico Amari*, Catania, Il Fauno, 1997; G. BENTIVEGNA, *Dal riformismo muratoriano alle filosofie del Risorgimento: contributi alla storia intellettuale della Sicilia*, Napoli, Guida, 1999.

¹⁴ ASSO-SIMON, *Individualismo, benessere, epistemologia*, p. 493.

¹⁵ For all this part see *ibid.* and the relative bibliography contained in it.

¹⁶ FROSINI, *Introduction to Critica di una scienza delle legislazioni comparate*, p. 11.

hands down the most useful laws, that last for ever just as the belief in truth and the love of good»¹⁷. The instinct of imitation and of uniformity, so widespread in the nineteenth century, if badly governed, that is by violating freedom, can cause so many ills, but if regulated in a way that is in keeping with «the benevolent designs of Providence they are useful to civilize mankind rapidly and to bring about wonderful progress in legislation»¹⁸.

Being immaterial like ideas, laws do not meet with obstacles in their diffusion and Amari affirms that the sovereigns of Europe must realize this, remembering the lesson left by Napoleon. After him the sovereigns «finally know that the world is governed by ideas and not by violence, but they do not want to know that the ideas spread whether they like it or not. So they have left nothing undone in their attempt to prevent their propagation»¹⁹. Amari gives fundamental importance to the laws; «they are the life of the peoples, the best of which are the greatest benefit of Providence. [...] Where a pressing and constant need urges the people to look for the best»²⁰. It follows that the existence itself and the prosperity of a people cannot exist without a good government that is based on good legislation.

In a comparison with the politics of the Ancients who believed in the fatal decadence of the laws, in their immutability, in a continuous interference by the legislator and in his omnipotence, Amari indicates the characteristics of a legislation that believes in progress, in reform, in the spontaneous action of the citizens guaranteed by law, in the omnipotence of freedom. For the Palermitan scholar the laws, whose only rule is their immutability, must be passed taking into account the historical moment and the material conditions in which they are to be applied and they must be in accordance with the universal and eternally right principles of natural law²¹.

The first condition for the duration of the laws, that are «the authentic history of the peoples», is therefore, «their flexibility adapt themselves without either difficulty or violence to the incessant improvement of the idea and to the present triumph of the laws»²². Those constitutions and codes that some thinkers have thought to make immortal are «the pride of ignorant legislators and the ridicule of history»²³. However, Amari underlines, mutability does not mean instability. To reply to the ideas and to the needs of nations makes the laws more steady and more respected, not to take into account the needs of the peoples inevitably leads to revolutions. Some nations provide examples of this: «immobility produces China and Turkey, continuous violent changes France, opportune and incessant reform England»²⁴.

By defining the state as a «set of relationships, of needs and of interests closely linked to each other»²⁵, Amari, in agreement with Utilitarianism, maintains that the effectiveness and the legitimacy of a law derives from its ability to bring benefit to the community, to co-ordinate the social life so that each member, using the personal ability at his disposal, can carry out his own plan of happiness without causing conflicts or harm to other people²⁶. In other words the legislator must take into consideration the good of the individuals and, through the legislation, create the best conditions that allow them to obtain their

¹⁷ E. AMARI, *Critica di una scienza delle legislazioni comparate*, Palermo, Edizioni della Regione Siciliana, 1969 [1875], 1, p. 75.

¹⁸ *Ivi*, p. 77.

¹⁹ *Ivi*, p. 78.

²⁰ *Ivi*, p. 79.

²¹ *Ivi*, p. 216-228.

²² *Ivi*, p. 165-166.

²³ *Ivi*, p. 165.

²⁴ *Ivi*, p. 166.

²⁵ *Ivi*, p. 188.

²⁶ Cfr. ASSO-SIMON, *Individualismo, benessere, epistemologia*, p. 503.

greatest happiness. However a preliminary indispensable condition of every judgment on the laws remains establishing what one means by excellent government or «the ideal archetype created by a very well governed republic»²⁷. It is clear that, when Amari speaks of a perfect model for civil sciences, he does not mean the research of a hypothetically excellent government, nor that of a single form of human activity, but «[...] a *global* and positive model of the whole civil organization of a people, in which all the social functions and all the moral and material powers are arranged harmoniously, [...] and that serves as a paragon for all the laws that have been passed, or that will be passed: that will be the only decisive criterion of scientific judgment and censure»²⁸.

Amari agrees with Bentham that laws and governments are actually limits on freedom, but they are necessary considering the imperfection of human nature. Notwithstanding this the doctrine of progress will bring 'social perfection' nearer and this will allow government interference to be reduced and also a considerable decrease in the number of regulations that discipline many aspects of life and the increase in individual autonomy²⁹.

2. *The beginning of political activity*

The 1848 Revolution, as we have already mentioned, counts among its protagonists that group of liberals who in the preceding years had gathered around the *Giornale di Statistica*, opening a debate and formulating proposals, also in the light of what was going on in the rest of Europe, on questions concerning the Sicilian economy and a possible new institutional order. Some of these proposals were included in the *Act of Summons* of the new Parliament that was accompanied by a *Report of the Commission on the Preparatory Work for the Convocation* drawn up by Amari himself. Issued on 24 February 1848, the document represented the official ideological and programmatic text of the revolution and gave rise to a liberal inspired institutional organization. The Act and the Report were a compromise between the moderate and the democratic factions that, that thanks to his capacity as a mediator, Amari managed to realize. Between a democratic faction that proposed shelving the 1812 Constitution, being of the opinion that a new unicameral parliament, which was the direct expression of the 1848 Revolution, could ratify the subversive result, and a moderate group that, on the contrary, simply asked for the re-enactment of the 1812 Constitution, Amari was in favour of a reform of the Charter that had been voted by a constituent assembly and then implicitly abrogated in 1816 by Ferdinand I with a constitutional law of the Kingdom of the Two Sicilies. He expressed the reasons for his position clearly in the *Report on the Preparatory Work* for the summoning of the parliament: «the primary need of revolutions – Amari affirmed – is a government that draws all its energy from its own origins in order to triumph over anarchy on the one hand and a return to tyranny on the other»³⁰.

In other words, Amari's opinion was that the conquests of a revolution, although they are legitimate and sacrosanct, can only be guaranteed and maintained by a strong government and a government is strong only if it is the 'expression of a national vote'; so he considered it was opportune to summon national representation within the Constitution, the only way to guarantee the legitimacy of the new par-

²⁷ *Ibidem*.

²⁸ AMARI, *Critica di una scienza delle legislazioni comparate*, p. 193.

²⁹ *Ivi*, p. 210.

³⁰ *Le Assemblee del Risorgimento* (from now on AdR) Acts gathered and published by the Sicilian Parliament, Sicilia, I, (Roma 1911), p. 13-21. For the works of the Sicilian Assembly see F. BRANCATO, *L'Assemblea siciliana del 1848-49*, Firenze, Sansoni, 1946.

liament thanks to those articles that transferred the initiative of legislative power in cases of weakness of the executive power. Of course, although the 1812 Constitution embodied many liberal constitutional principles, it was necessary to reform it and bring it up-to-date³¹, eliminating those elements that were in contrast with the natural evolution of the situation. Amari expressed this opinion on several occasions, for example during the sitting on 15 May 1848, concerning the civic councils he said:

This law must be amended in several points, it is necessary to modify it. [...] If we really want the well-being of the municipal corporations, with this in mind we must remember that a law that existed a long time ago, in a period that was very different from the one we live in, cannot be adopted and its application to the town councils means adding other motives of disagreement. [...]. Then the needs of society were different³².

In Amari's opinion it was necessary to examine and discuss the articles of the 1812 Statute and «eliminate the useless and inadapted ones and those that were no longer in keeping with the times» since he «could not vote blindly a law formulated 36 years before, that needed many reforms»³³. According to some scholars the adaptation of the 1812 Charter to the new Sicilian post-Revolutionary reality was simply «a formal adaptation, a question of recognizing a greater participation of the middle class in the government of public affairs»³⁴. In practice, it is a Constitution that, inspired by the British and American examples, mirrors the needs of the liberal middle class that had been developing in the Island since the beginning of the nineteenth century. Amari and other members modified the Constitution in a few fundamental points such as the criteria for political representation, the composition of the two legislative houses and their constitutional relationship.

In particular the Constitution includes in its axiological apparatus the principle of the equality of all the citizens; it broadened the social basis legitimate for participating in the life of the State and power management both by eliminating the system of distinction between the representatives in categories, that corresponded to as many hierarchical steps of the feudal society, and by doing away with the census basis for the right of the active electorate, even if the exclusion of the illiterate, that represents about 90% of the population, prevents in practice real popular participation. On the contrary, there are still restrictions regarding the passive electorate in order to avoid the risk of the interference of the lower classes. The Parliament is composed of two houses: the Senate, a sort of House of Lords or of Peers, that was typically feudal and hereditary, a third of which was elected every two years and the House of Representatives that was entirely elected³⁵. Since his first speeches in the Sicilian Parliament, Amari pledges himself to the development of constitutional and representative institutions. In his speech on the 29 March he began as follows: «We are inaugurating the constitutional government; we must therefore proceed constitutionally»³⁶. And this is the dominant leitmotif of both his political activities and his activities as a scholar of law. He conceives Parliament as a single organ, but wants each house to conserve its own individuality.

My heart fills with joy to see the Upper House – he affirms – that does not lower itself but rises to democracy: but I think the best method is that each carries out preparatory work, then compares it through

³¹ Cfr. *Ibidem*.

³² Speech by E. Amari during the sitting of 15-05-1848, in AdR, p. 559-560.

³³ *Ivi*, p. 560.

³⁴ M. GANCI, *Storia antologica dell'autonomia siciliana*, Palermo, Flaccovio, 1980, 1, p. 259.

³⁵ *Statuto Costituzionale del Regno di Sicilia*, 1st edition, edited by the general Parliament of Sicily, signed by Ruggiero Settimo e Mariano Stabile, kept in the Palermo public library (coll. XLVI C. 62 n.26).

³⁶ Speech by E. Amari during the sitting of 29-03-1848, in AdR, p. 65.

friendly communication; I cannot fail to remind you that nowadays, that's to the freedom of the press, one house can daily come to know what the other does and contribute in this way³⁷.

Amari openly expressed his preference for a constitutional government based on the separation of the powers: «I am more adamant than anybody else in wanting to keep the attribution of the different powers separate»³⁸ but he thinks that it is right that among these organs themselves there should be a harmony of aims and actions. He is in favour of allowing «the ministers to accumulate the periods of elected office as often as they are re-elected» just as the 1812 Constitution states and he does not consider the need to modify this part in so far as 'it conforms with the constitutions of all free peoples». In Amari's opinion, in fact, there would be no risk of an excessive influence of the ministers on the freedom of the House considering that it is

the organ of public opinion that alone can create and destroy Cabinets. This is so true – the Palermitan scholar goes on – in our constitutional organization, that if the House is unpopular the executive power can dismiss it and keep the Cabinet. But when public opinion is against the policy of a minister, five or six votes are against it, as everybody knows that they are the votes of the ministers, they cannot obviously support the Cabinet³⁹.

In any case when the representatives are appointed ministers they change their position and so re-election is necessary, «if confidence has brought them to the House, they must seek the same confidence when they find themselves in a doubtful position; if the minister has not this confidence, if there is not a majority of more than 30 or 20 votes, then he falls. Therefore, I am in favour of re-election»⁴⁰. To those who fear a dangerous plot between the executive and the legislative powers Amari replies that between these two powers there must be both freedom and correlated actions but not a constant struggle.

It is necessary that the executive power born out of the legislative corresponds to its intentions and when it abuses of its faculty then it will pay the penalty, while the representative body forms the majority and when the majority wants the Minister falls. [So] – continues Amari – The ministers must sit here among us so that we can proceed for the good of our land, so that they can give us inspiration and illuminate us in what they know more closely than we do. I repeat that it is necessary that one power and the other collaborate with each other because they both have the same goal⁴¹.

However, by declaring that he shares the opinion of those who deny the right of the King to break up or suspend the houses, Amari confirms his preference for a constitutional government that could evolve in a parliamentary direction. The fundamental principle that is most often proclaimed within the House is the sovereignty of the legislative power legitimised by the vote of the electors.

There cannot be ministries that do not come from the majority in the Houses, and that are not supported by them, and when this support is lacking, they must absolutely stand aside. With the right of dissolution, the ministry may find itself in the minority and it may delight in this situation, indeed it may struggle boldly against the legislative power [...] challenge the Houses, annul them, it tries with the good and sad arts of seduction to corrupt the electors [...]. On the other hand - Amari goes on - it is easier for a ministry

³⁷ Sitting of 29-05-1848, *Ivi*, p. 74.

³⁸ Sitting of 15-05-1848, *Ivi*, p. 560.

³⁹ Sitting of 29-03-1848, *Ivi*, p. 68.

⁴⁰ *Ibidem*.

⁴¹ *Ivi*, p. 70-71.

to err than 400 representatives of the people. One presumes that those who must present themselves again to their electorate to be re-elected to the new legislature cannot be deaf or indifferent to public opinion⁴².

These are very advanced constitutional aspirations for which Amari makes himself spokesman and that go beyond the prospects of the moderate factions themselves that he represents within the Sicilian Parliament. The Palermitan scholar always remained faithful to his principles and firmly maintained his political position without failing to take into consideration the lessons of experience and the changing circumstances. In this sense we must read his refusal to accept the appointment to deputy-president of the special Council of State and in his declaration of non-acceptance he recognizes and becomes the supporter of a regional solution within the ambit of a rigorous political unity, but he denounces the limits of this transitory organ appointed from above and so the modalities of Sicilian annexation:

...All these principles and all the consequences that legitimately derive from them, a Sicilian Assembly could have been proposed to popular suffrage as the bases and conditions of its annexation. [...] But now merely indicated by a consultative body, without a popular mandate [...] they could be considered as mere opinions and modest requests. So – Amari concludes – in a situation in which the imposing and solemn voice of a popularly elected assembly was made silent, our weak and oppressed voice of private citizens, and in any case my own, that is the weakest of all, can be worth so much that it can make itself accepted and respected by those who have everything and the destinies of Sicily in their hands⁴³.

3. *A Sicilian in the first Italian Parliament*

In 1861 the political elections of the Kingdom of Italy took place according to the Piedmontese electoral laws which, to limit the great flow of Southern deputies, was modified by Cavour who was worried by their autonomist aspirations⁴⁴.

Emerico Amari was elected as representative of the autonomist party, at the first ballot in the first constituency of Palermo and he took his seat among the benches of the Opposition. The attitude adopted by the Palermitan scholar, along with the other Sicilian left-wing deputies present in Parliament, was characterized by a strong feeling of 'Sicilianity' united, however, with a common political conscience of belonging to the great Italian homeland. In other words, that «sense of nationality»⁴⁵ that had matured during the centuries above all among the educated Sicilian classes had been transferred to the new Italian state without however «dampening the longing for a special autonomy»⁴⁶.

In front of the problems of a united Italy, the Sicilian left-wing deputies, according to De Mattei's analysis, were «willing to collaborate, but were always ready to place the right to the autonomy of their Island before any centralization of the powers. It was not parochialism but awareness of being able to and having to be Italians without giving up being Sicilians, that is without renouncing to their rich

⁴² Sitting of 3-07-1848, in AdR, p. 1078.

⁴³ GANCI, *Storia antologica dell'autonomia siciliana*, p. 156.

⁴⁴ Cfr. L. GALEOTTI, *La prima legislatura del Regno d'Italia*, Firenze, successori Le Monnier, 1865; U. GIUSTI, *Dai plebisciti alla costituente*, Roma, Editrice Faro, 1945; G. TALAMO, *L'Italia di Cavour*, in *Storia d'Italia* diretta da N. VALENTI, vol. 4, Torino, UTET, 1965; F. BARTOLOTTA, *Parlamento e governi d'Italia dal 1848 al 1970*, Roma, Vito Bianco, 1971.

⁴⁵ Cfr. R. DE MATTEI, *Il pensiero politico siciliano fra il Sette e l'Ottocento*, Catania, Tip. C. Galatola, 1927, p. 94. See E. SCIACCA, *Il problema storico del pensiero politico siciliano dell'Ottocento*, «Memorie e Rendiconti dell'Accademia di Scienze Lettere e Belle Arti degli Zelanti e dei Dafnici di Acireale», 4 (1988), p. 531-567.

⁴⁶ E. GUCCIONE, *La lettura dei pensatori politici siciliani*, «Trimestre», 26/2-3, (1993), p. 249.

moral, cultural and political heritage, that for better or for worse had made the islanders a people and, if we like, a nation with its own roots, characteristics and tendencies»⁴⁷.

In the eyes of Amari and that «isolated little group of Sicilian deputies» it was immediately clear that the government wanted to impress continuity between the reign of Sardinia and the Italian state, but they also realized that basically «Piedmont had not become Italy, but the whole of Italy had been Piedmontized»⁴⁸. Their entry into the Italian Parliament had almost the flavour of a challenge to that policy of centralization and of disregard for the Sicilians' autonomist pride and of the dignity of a people rich in civilization and traditions, in the hope that their contribution would lead to the real unification of the whole country and not to the umpteenth conquest of the South⁴⁹.

This is what we can deduce from the parliamentary debates in which, from the very first speeches, the autonomist unrest and the socio-economic conditions in Sicily and in the Southern provinces seem to be the most pressing problem.

In reply to a parliamentary interrogation by two southern deputies⁵⁰ who underlined the inefficiency and uselessness of the governments to which the king delegates his powers, Emerico Amari intervened to uphold the necessity to maintain the deputyships until the Farini-Minghetti plan for administrative decentralization had been passed. Amari did not deny the precarious situation that existed in the Island, both for the insufficiency of public security, and for the very bad financial state, all due to a revolution that «had proved one of the longest and most violent in history»⁵¹, but all this, Amari insisted, was due to a period of natural post-revolutionary adjustment, and it could not be eliminated with a rigorous policy and administrative centralization, but with systems that, taking into account the environmental differences, endeavour to realize those social necessities; the hope of realizing them had been one of the mainsprings that had pushed the Sicilians to fight for Italian unity⁵².

The political unity pursued by Cavour was to be followed by administration and judiciary unification. It was the extension of the Piedmontese legal system in Sicily *tout cour* that provoked the reaction of the jurist and expert on criminal law Emerico Amari. In the sitting of the 5 April 1861, Amari questioned the right and the legitimacy of the King's representative to issue important laws like the organic codes and said:

When Sicily voted its plebiscite, she voted to join the Italian state that had all the constitutional guarantees and with this only condition, that embraces all the others within it, of the Constitution. He who utters the term 'constitution' has already said in a single word that the power to pass laws lies only in the collective work of the Houses and the King. And the joyous acclamation of the convocation to Parliament was nothing other than this thought [...] the era of arbitrary legislation was over for ever and the era of constitutional legislation was beginning. How then – Amari wonders – [...] are such important laws issued [...] in such a hurry that the government had not even the time to publish the reports preceding them?⁵³

⁴⁷ *Ivi*, p. 250; cfr. DE MATTEI, *Tre cattolici siciliani di estrema sinistra al primo parlamento italiano*.

⁴⁸ P. BAGNOLI, *L'idea dell'Italia 1815-1861*, Reggio Emilia, Diabasis, 2007, p. 334.

⁴⁹ Cfr. RENDA, *Storia della Sicilia dalle origini ai giorni nostri*; R. ROMEO, *Il Risorgimento in Sicilia*; G.C. MARINO, *L'ideologia sicilianista: dall'età dell'illuminismo al Risorgimento*, Palermo, Flaccovio, 1988.

⁵⁰ He is Giuseppe Massari, a Neapolitan deputy, and Paolo Paternostro, the representative of the Comiso constituency, both very faithful collaborators of the government.

⁵¹ Speech by E. Amari in Parliamentary acts, discussion, VIII leg., I sess, sitting of 4 aprile 1861, p. 414.

⁵² *Ivi*, p. 415.

⁵³ Speech by E. Amari in Parliamentary acts, discussion, VIII leg., I sess, sitting of 5 aprile 1861.

The problem of the destination of ecclesiastical property was at the centre of many legislatures and various bills⁵⁴ had tried to find a solution. In the sitting of 10 July 1867 Amari intervenes against a bill on the liquidation of the ecclesiastical estate judging it profoundly anti-democratic and anti-liberal:

My conscience as a free citizen, as deputy of a free nation and as an old and unchanged defender of all liberties, especially those of religion and of the Church, obliges me to oppose with heart and soul the law that has been presented to us; and I am obliged to oppose it because I see the violation of three great liberties on which the force and existence of civil co-existence lie and they are: the right to property, freedom of association, religious freedom and the freedom of conscience⁵⁵.

According to the supporters of the bill the state had an 'eminent right' over ecclesiastical property and advoking it to herself would not violate any principle contained in the Statute, in so far as such property was not connected with any productive and working activity of the Church and it would belong to the poor. In his fiery address Amari replied to these motivations stating that in this way besides destroying the activity of public charity, which especially in Sicily filled the gap left by the state among the poorest part of the population, it would end by suppressing the inviolability of most existing property:

[...] private property is born out of work, and I can accept that, but I ask myself: all of us that are seated here, what work have we done? Yet we own property that we believe to be inviolable and it is nothing but the work accumulated by our fathers and handed down to us; just as we have the right to our fathers' property, so the Church has the right to its property that is also the fruit of accumulated work⁵⁶.

On the other hand to think of solving the financial problems with the confiscation of the Church goods was a vain illusion; what had happened in France where the churchmen who no longer had any goods were a burden on the State balance, would also happen in Italy. Besides, to those who tried to mitigate state intervention affirming that the law would be limited to abolishing the juridical nature of the charitable foundations, whose property as a consequence like a vacant succession, should go directly into the state treasury, Amari replied that it was pure hypocrisy «[...] this seems to me like the way of behaving of those who kill a man and then take whatever he has on him saying: it is *res nullius*»⁵⁷. For the Sicilian deputy there was no doubt, to confiscate the ecclesiastical property would constitute a violation of the freedom of religion and the Church's freedom of self-regulation, a freedom that being a right founded on natural law could not be violated or subjected to conditions of any kind. For these reasons Amari and other Catholic deputies considered it their duty to oppose a law that, far from being advantageous to the State, would have transformed itself into a sort of reprisal or of punishment towards the Church policy and the umpteenth calamity for Sicily.

Conclusion

Emerico Amari can rightly be considered a protagonist of the culture and of the political events of the Italian Risorgimento, although only in the past few decades has he attracted the attention of the historians involved in recovering and studying his numerous inedited papers and in going more deeply into his

⁵⁴ Cfr. A. C. JEMOLO, *La questione della proprietà ecclesiastica nel Regno di Sardegna e nel Regno d'Italia (1848-1888)*, Bologna, il Mulino, 1974.

⁵⁵ Speech by E. Amari in Parliamentary acts, discussion, X Leg., sess. 1, vol. II, p. 1281.

⁵⁶ *Ivi*, vol. 2, p. 1282.

⁵⁷ *Ibidem*.

political and economic thought and his interest in the Constitution and in the institutions. His scientific production noteworthy for the number of works and for the profundity of the contents, the value which is still partly to be brought to light, ranges from moral philosophy to epistemology, from economics to criminal law. But at the same time, the Palermitan scholar, convinced that intellectuals should assume civil and political roles in society, devoted himself to the realization of a liberal and federalist programme. His numerous speeches as deputy-President of the Lower House, his editorial activity in particular the articles he published in *Croce di Savoia* and his participation in the first Parliament of the new Italian State confirm that the Sicilian jurist made a remarkable contribution to the constitutional doctrine of the nineteenth century. On the wake of the Sicilian legal tradition Amari worked for the realization of a constitutional government of a parliamentary type in which the legislative power was legitimised by popular vote, all within a scenario of a regional solution that did not impair political union. In him federalism and constitutionalism mix to give rise to that individual liberty that he always pursued. He was able to face these political proposals, also supported by other deputies from his region, in a global vision of the political reality and with solid juridical competence.

The scientific formation and revolutionary ideals had united the Sicilian liberals but Amari as the years passed distinguished himself from the other members of the group for his extreme coherence that in part had been a constant factor in the 1848 leadership, not only in Sicily. Up to the very end he remained faithful to the research of a reconciliation between the ideas of civil progress and his Christian upbringing. In politics he like to define himself as a moderate, always trying to find the *juste milieu*. This attitude that «he maintains with exemplary coherence and sometimes with courageous firmness» is due not so much to a faint-hearted, accommodating and undecided character, but rather to «a rare inner harmony, a genteel spiritual education, for which virtue, according to the Aristotelian teaching, still seemed to him like a sense of measure and an active synthesis of contradictory motives»⁵⁸. Two ideals accompanied Amari throughout his life: the value of freedom and faith in Christianity, both of which leave a mark on his activity as a writer and as a politician. However, his position in favour of federalism, with a more representative political system and with a freer market condemned him there and then to isolation and placed him among the supporters of a minority Risorgimento defeated by the events. But with the passing of time we have had to admit that many aspects of his political and economic thought were right.

⁵⁸ FROSINI, *Introduction to Critica di una scienza delle legislazioni comparate*, p. 12.