

Democracy and Secession: The case of the “Lega Nord party” in the North of Italy

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1. Normative justification of self-determination through secession: remedial and permissive theories

The paper begins by discussing Allen Buchanan’s remedial theory of secession and Daniel Philpott’s theory and applying theoretical insights to the context of the North of Italy in the decade between 1990 and 2000. There are two principal schools of thought providing normative justifications of the principle of self-determination through secession: permissive theories and remedial theories of secession.

The permissive branch derives from an extension or application of the notion of liberal democracy although it is also applied to concepts of nationalism and national self-determination. It argues that self-determination through secession simply represents an extension of liberal democratic rights. Daniel Philpott suggests that both democracy and the plebiscitary right to secede are justified by the value of individual autonomy.

Conversely, the second branch of literature is focused on Buchanan’s remedial theory of secession. Buchanan holds that a right to self-determination through secession exists when a specified minority has been treated unjustly by the current state to which it belongs. In other words an existing state’s legitimacy may be questioned and a particular minority within that state may have a right to secede only if this represents a “last resort” to escape serious injustices.

Buchanan sets forth precise conditions under which this may be the case. These include a persistent violation of human rights, systematic discrimination and denied access of participation in democratic governance and/or the unjust appropriation of territory.

Hence, when such conditions are not fulfilled a state is considered to be legitimate and thus secession is deemed impermissible.

Let’s go to see how these two opposing theories can be applied to the “case of Lega Nord” in the North of Italy.

2. Introduction to the “case Lega Nord”

The main aim of the “Lega Nord” party is to fight for the freedom of the North of Italy. But what does it mean?

In the “Lega Nord” party’s view the political unity of what is now Italy was lost with the fall of the Roman Empire, more than 1500 years ago; since then the borders of the various states have changed innumerable times.

The “Lega Nord” party talks about the differences in history and culture between the states. The dialects spoken (considered by the “Lega Nord” as a second language) in the various regions stress these differences: in the Northwest people speak a language related to French, to Provençal and to Catalan; in some areas of the Northeast German dialects are either spoken or understood; standard Italian comes from Florence, while the Southern Italian dialects were influenced by Spanish, Greek and even Arabic.

Culture and ethnic identity may well be important but in the Lega’s opinion the economic structures are more important. They are the main factors to ponder before splitting the country or transforming it into a federation. The North is at the same level as the most developed regions of Germany, France and England, and could well be one of the most relevant forces in the European Union. Conversely the South can be compared in the Lega’s view with Tunisia and Algeria.

The “Lega Nord” wants to win the right to develop the economy, culture, science and technology of the North of Italy by establishing links with the rest of Europe.

“The problem of the South – said Umberto Bossi¹, the leader of the “Lega Nord” party, in its public speeches – has been addressed by all the 50-odd governments in the last 50 years, but their only solution has been collecting money from the North and pouring it down. In 1994, each citizen of the North paid on average almost US \$ 2000 more than he received from Rome while each citizen living in the South received some US \$ 4000 more than he paid in taxes”.

The “Lega Nord” party was formed when these cultural and economic demands merged strongly in the North of Italy.

Its symbol is a medieval warrior, in memory of the victorious struggles of the Northern Italian *Comuni* for self-rule in the 12th and 13th centuries.

Starting from about 2% of the votes in the Regions in the 1987 elections, consensus soared up to 10 % (4% on national scale) in 1990, than up to 19.5% in 1994 (in the North of Italy with peaks of almost 50% in some cities).

The message conveyed was simple to understand: the regions of the North need greater autonomy from Rome. The “Lega” wants to introduce a new constitution based on federalism. Federalism means sovereign power for the local communities and the faculty of investing locally most of the money collected locally; it also allows the local traditions and languages to be appreciated on the European scale. In this context the “Lega” has also proposed the eventual dissolution of the nation-states into a confederation of regions.

In the Lega’s view, with the second millennium, the Centralist State in Europe dies. The disaggregation of states, which had appeared to be eternal, the appearance on the map of the new borders and the disappearance of old protagonists from the international arena, from the Soviet Union to Czechoslovakia, open the way to a new set of circumstances, all still to be deciphered. Bossi stated publicly: “There is a Europe which we like and one we do not like. The first is the Europe of the smaller companies, of protected minorities, of cultural freedom, of the cities, and of the regional states; the second is the Europe of strong nationalism”.

Against this prospect, the “Lega” will fight resolutely, to defend the small and medium sized enterprises, which need down-to-earth interlocutors: the regional states”.

It’s quite clear that the game will be played once again on the field of economy.

3. The “Lega Nord’s 1996-1999 position on secession” vis-à-vis the Buchanan’s remedial theory

Can Buchanan’s theory of legitimate statehood and secession provide a normative basis for the effective secession of the North from the rest of the Italian territory?

The remedial right theory holds that “the right to secede, as a general right, rather than a special right established by negotiation or by explicit constitutional provisions, arises only in response to serious and persisting grievances. More specifically, a group has the right to secede (in the absence of any negotiation or constitutional provisions that establishes a right) only as a remedy of last

¹ Umberto Bossi is the leader of Lega Nord Party. He was elected for the first in 1987 as *senatore* at Italian Parliament. The speeches of Umberto Bossi are available at the following website:
http://www.leganord.org/a_1_discorsi_elenco.htm

resort to escape serious injustices”². In Buchanan’s theory the only injustices capable of generating a right to secede are:

- 1) persistent violation of human rights, including the right to participate in democratic structures;
- 2) the unjust taking of the territory in question, if that territory previously was a legitimate state or a portion of one (in which case secession is simply the taking back of what was unjustly taken).

What the remedial theory does not allow is a right to secede from a “just” state?

Could Italy be considered a “just” state between 1996 and 1999?

Were “economic injustices”, as Lega claimed, capable of generating a right to secede?

Unlike traditional autonomist movements, the “Lega” based its arguments on the socio-economic situation and not on ethnic divisions. Bossi stated: “It is the economy which unites and divides the institutions proposed by our movement, but it could be that the glue will not be enough and then secession will result”.

In the light of the above statement it seems that the remedial theory is not applicable in the case of the position of Lega Nord during 1996 and 1999. I mean the remedial theory is not able to justify secession of the North of Italy.

Italy could be considered a just state. There was no persistent violations of human rights, including the right to participate in democratic structures, and the minimal standards of justice were met.

In other words Italy was generally recognised as a legitimate state.

According to Buchanan’s view, “only those states that meet minimal standards of justice (including democratic governance and respect for human rights) can be recognised as legitimate, and in general citizens of such states will have a moral obligation to help to support them and to make them more just”³.

As regards the second condition considered by Buchanan - the unjust taking of the territory in question – the North of Italy cannot be considered a portion of a state unjustly taken.

Lega claims economic injustices, but even if these kinds of injustices were real, the Italian State met minimal standards of justice as well.

² A. Buchanan, Democracy and Secession, in “National Self-Determination and Secession”, edited by M. Moore, Oxford University Press, 1998, 25

The Copenhagen Agreement extends protection to democratic states by obligating the thirty-five signatories to the document to support democratic regimes against efforts to overthrow them.

Buchanan states that this provision is consistent with the idea that there is a presumption that there is no right to secede from a democratic state.

In Buchanan's view firstly a conception of legitimacy is based on democratic governance (and respect for human rights), and secondly this concept is understood to include protection for "legitimate" states against secession.

To sum up Buchanan's theory we can say:

- 1) A state is legitimate if and only if it is democratic (and respects human rights);
- 2) Secession from a legitimate state is impermissible;
- 3) Secession from a democratic state is impermissible (except in cases where there is a negotiated secession or secession as the result of the exercise of a constitutional right).

Is the secession of the North a "last resort" to achieve "economic justice"? And could "economic justice" be considered a "last resort" to justify secession from a democratic state?

The answer to these questions is negative as far as Buchanan's theory is concerned. I believe that we have to make some consideration on this specific point. Even if we consider "economic justice" a sort of fundamental right, Buchanan does not insert "economic" issues within the fundamental rights to take into consideration in order to justify secession from democratic state. Only if there is a "discriminatory redistribution" as in the American South's protest against the North's high tariffs would it be possible to consider economic justice as a reason to justify secession.

Furthermore, even if we consider economic issues to be among the fundamental rights that can justify secession, it is quite difficult to consider secession a "last resort" to achieve "economic justice" in a country like Italy. The Italian Constitution guarantees the respect of democratic governance, making it possible to fight battles of this sort democratically.

In fact, Buchanan argues: "Democratic values tell against a majoritarian right to secede. Recognition of such a right would tend to undermine the conditions for a flourishing democracy, by stimulating destructive strategic behaviour. [...] If a plebiscitary right to secede were recognised (either as a matter of constitutional or international law or by a widespread moral consensus), a territorially concentrated minority could use the threat of secession as a strategic bargaining tool. If

³ Ibidem, 27

the threat of secession was credible and the majority viewed secession as a sufficiently high cost to themselves, the minority would in effect wield a veto over majority decision”⁴.

In the light of the above considerations, it is clear that when democratic rules work relatively well, the threat of secession undermines democracy and it is absolutely unjustified.

4. The “case Lega Nord” vis-à-vis Philpott’s permissive theory

On the other side, there is a permissive branch, which derives from an extension or application of the notion of liberal democracy. It argues that self-determination through secession simply represents an extension of liberal democratic rights. Daniel Philpott is one of the most important theorists of this doctrine. He argues that “self-determination is a basic right, rooted in liberal democratic theory, available to any group the majority of whose members desire it. [...] At least the right to self-determination is also qualified, limited by the same liberal democratic commitments which ground it. Self-determining groups are required to be at least as liberal and democratic as the state from which they are separating, to demonstrate a majority preference for self-determination, to protect minority rights, and to meet distributive justice requirements”⁵.

Actually in Philpott’s permissive theory the basis of the right to self-determination through secession is individual moral autonomy. Self-determination promotes democratic autonomy for the group and then promotes moral autonomy for the member of the group as well.

What justifies self-determination is the realisation of democratic autonomy. In Philpott’s view, the good of member’s autonomy is alone sufficient to justify self-determination.

In the Lega’s view the pendulum of history has reversed the direction of its movement toward the pole of liberty. Bossi said that liberty has become the locomotive of history. And liberty means autonomy. Much progress has been made in the last century in the direction of social justice, and now it is freedom’s turn: individual autonomy, autonomy for social group, autonomy for the people. The “Lega Nord” party stated that “the wind from the East is coming around, even from the West now a wind of liberty is beginning to blow which may knock down the old walls of the centralist state”.

Self-determination as defined often by “Lega Nord” party was a concept of sovereignty by which culturally strong local communities grant only those necessary governing powers on a contractual

⁴ Ibidem, 21

basis to higher levels of the body politic which forms an efficient, well-disciplined state, which guarantees and regulates competition in a borderless economy and protects individual freedom and human rights. In the light of the above statements issued by the “Lega Nord”, how was it possible to manage the transition to provide for a stable and disciplined future while allowing for the maximum of individual choice and freedom? The “Lega Nord” suggested developing and promoting a greater autonomy of the North. A greater autonomy allows strengthening the cultural identity and the economic livelihood.

“Democracy also mandates that a majority, perhaps even a supermajority, of the group’s member ought to approve of the self-determination claim in a plebiscite. A self-determining group that seeks economic independence might also be morally required to pay compensation or maintain a co-operative economic relationship with the larger state, according to the requirements of distributive justice”⁶.

The Lega talked about a kind of federalist liberalism functional to the society of small producers, of employers and workers, both autonomous and dependent. The “Lega Nord” was convinced that this is the winning logic.

As regards the point about the maintenance of a co-operative economic relationship with the other components of the larger state, the “Lega Nord” offered “fraternal” co-operation to build a different state when freedom and autonomy replace centralism, to the peoples of the South.

Generally speaking, it seems to me that Philpott’s permissive theory could be used to justify Lega’s claims. But at the same time Philpott argues that: “In no way does it imply the desirability of self-determination movements. [...] The question of self-determination arises when, by definition, the unity of a political order has already been seriously ruptured. For one reason or another, a group of people within that order has developed a new identity or merely a separatist aspiration – as the Irish did, as the American colonists did, as the Basque have, as the American South did”⁷.

At this stage, the question is: had a people of North developed a new identity or a separatist aspiration? It is no easy task to answer to this query. The “Lega” answered in a positive way of course. At the beginning of this paper I have already explained why (different cultures and different histories between “il Nord e il Sud”) but it is time now to try to define precisely what the “North” means.

⁵ D.Philpott, *Self-Determination in Practice*, in “National Self-Determination and Secession”, edited by M. Moore, Oxford University Press, 1998, 80

⁶ *Ibidem*, 83

⁷ *Ibidem*, 84

Geographically speaking, the North is composed by the following regions from the West to the East: Valle d'Aosta, Piemonte, Liguria, Lombardia, Trentino Alto Adige, Veneto e Friuli Venezia Giulia. Some consider the Emilia Romagna to belong to the North as well. In the Lega's view the borders between the North and the rest of Italy are established by the river Po, and consequently all the regions that I mentioned above plus a part of Emilia Romagna.

Had people which are living in this part of Italy acquired a new identity?

I don't believe that they have acquired a new identity from a cultural point of view, but I believe that they have, at least acquired from an economic point of view, a truly separatist aspiration.

How this separatist aspiration were diffused is difficult to establish precisely. On the ground of the Lega's electoral votes in 1994, it was possible to say around 20 %.

Twenty per cent is not enough to justify a self-determination through secession on the ground of Philpott's permissive theory. He argues that only a majority, perhaps even a supermajority of the group's member should approve the self-determination.

It seems clear that there was no majority in favour of secession in the North of Italy.

Therefore, could Lega's movement that promoted secession or at minimum a larger autonomy be considered legitimate? Could we consider it a "perverse effect" that risked undermining the constitutional order in Italy?

Critics of Philpott state that the permissive theory has a particular perverse effect: it would undermine the stability of constitutional orders, especially democracies.

It is true that several times the "Lega Nord" party has made every question a question of secession. The "Lega Nord" often exercises the threat of separatism in order to achieve some specific results. Philpott argues that the right to secede would not necessarily undermine democracy. "Consider the cases of Quebec and Slovakia, the first a region whose inhabitants narrowly voted down secession, the second a region which did secede, and both cases in which little blood was shed over the question"⁸.

In my view a "perverse effect" is identifiable in cases where there is no majority in favour of secession. And this was the case in the North of Italy.

In this specific case I believe that the constant threat of secession could undermine the constitutional order. And then, my question is: could we consider legitimate a movement that doesn't have a majority of people who support its intention to secede?

⁸ Ibidem, 98

5. Conclusions

In my view, in the light of Philpott's theory, a movement which fights in favour of secession becomes legitimate only when it acquires the support of the majority of the people who are living in the relevant territory. There are no constitutional or international rights to secede; only very few states in the world today have them. It means that only the willingness of the majority can legitimate the secessionist movements.

But the "Lega Nord" had every right to take actions in order to stimulate the willingness of the North's people, on the ground of the economic claims.

Philpott's permissive theory can be used to justify the actions taken by the "Lega Nord" party. In an anarchic world of sovereign states, institutions to promote self-determination would be imperfect. Then, only the majority can justify the secessionist movements. When the majority believes that self-determination can improve the realisation of democratic autonomy, secession is justified.

Buchanan's conclusions are very different. It is difficult, and in my view almost impossible, to use Buchanan's theory to justify the "Lega Nord" actions from 1996 and 1999 when it talked about secession. Buchanan's theory argues that a group attains a moral right to self-determination (to secession in Buchanan's version) when it has suffered certain kind of threats or grievances, that were extremely difficult to find in the case of the people of the North of Italy.

To sum up, two different points of view that give opposite conclusions. In any case, the Lega's fight goes on, particularly now that the party is a relevant component in the current government. Their beliefs are always the same: the centre of political action should be the reform of the centralist state and the revision of the Eighteenth Century ideological myths. The next general elections in Italy will give an indication as to the progress (or otherwise) made by this political idea.

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