

## Socio-Cultural Characters of a Border Territory

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### Abstract

*It is the aim of this article to analyze the political system in effect at the end of the XIX century in a border territory, such as Trentino Alto Adige, a region straddling to worlds: the Italian and the German speaking one. In this analysis I will retrace the origins of regional autonomy by recalling the historical and political events that led to a deep imprint of the concept of self-governance in this area; starting from the Congress of Vienna in 1815, the same year of the annexation of the Bishopric of Trento to the Austro-Hungarian Empire, and until the outbreak of WWI. The aim of this study is to understand how deeply the forms of self-governance that the Austrian empire granted to the area influenced the culture and society of the time, and even left traces in today's modern society.*

### 1. Introduction

Autonomy is an intrinsic value in the Trentino Alto Adige region, inherited from the history of its past. «The political-administrative system of a State and the correlative concept of sovereignty» hail from its «development processes»; in the case of the Trento society it was the XIX century Hapsburg domination to deeply imprint the concept of «self-governance». The Austro-Hungarian Empire had expanded geographically through «territorial conquests thanks to hereditary rights or free loyalties as in the case of the county of Tyrol». The Hapsburg monarchy had to consider the institutional apparatus of the regions it had annexed to its reign, granting them a high level of autonomy. Thus the reign was formed by regional territories called *Länder* which kept their own form of government that was not referred to the authority of the Sovereign, but was original and preceding that of the Austro-Hungarian empire. The municipalities within the *Länder* had also kept their own autonomous administrative bodies (Garbari, 2000).

With the name Trentino we identify the area that coincides today with the Provincia Autonoma di Trento (Trento Autonomous Province), which is populated by people of Italian nationality and culture. If the region had a homogeneous population, the same could not be said for its political framework and administrative system. As a matter of fact, Trentino was, since the era of Napoleon, divided into two areas, which were different in «sovereignty» as well as administrative orders (Corsini, 1983). In the XVIII century the majority of the Trento area was the property of the Trento Bishopric, a small feudal state that had come about soon after the fall of the Germanic Holy Roman Empire; it was independent in theory, but in reality subordinated to the County of Tyrol.

The area around Rovereto and the Primiero had been under the sovereignty of the Hapsburgs since the XVI century; it had been snatched from the Republic of Venice by the Austrian dynasty and annexed to Tyrol. This territory was called «Circle at the borders of Italy» or «Circle at the southern border». The Austrian centralist policy, carried out since the second half of the XVIII century, was not able to erase the «particularism of feudal origin» in the Rovereto area. Not even in the Principality was the policy carried out able to go beyond the archaic social and economic order in force. On the other hand, important transformations were carried out in the area during the Napoleonic era (Garbari, 1996). On the 6th September 1776 Napoleon and his army put an end to the Bishopric of Trento and instituted a French «provisional government», which was called the «Council of Trento», whose «jurisdiction» also covered the areas of the «Circle at the borders with Italy» (Corsini, 1981). From 1796 to 1803 there was a succession of three French and two Austrian governments; from 1806 to 1810 the land was annexed to the Kingdom of Bavaria, and from May 1810 to 1813 Trentino was annexed to the Napoleonic Kingdom of Italy (Garbari, 1996).

Finally, in 1813 and until the Treaty of Vienna the region was militarily occupied by the Austrian army and annexed to Tyrol, thus giving rise to the temporary administration of «R.I. Commissioner Roschmann» (Corsini, 1981). In the period from 1796 and 1803 a series of administrative reforms was carried out, but these influenced the area very little, given the short period of time in which they were in force. Bavarian and the Napoleon centralist policies, although positively received by the intellectual class, which was more sensible to the ideals of the French Revolution, were not well received by the people of Trento, because they were perceived as having come from the top and being alien to the local context (Garbari, 1996). These turbulent times saw «a fundamental process of administrative integration of the whole Trento territory and the manifestation of a preferential line of choice for a local self-governing system» which had its origins in the Middle Ages. The people of Trento were convinced of the irreplaceability of the powers of the Municipalities – whether big or small – and the «military organization» was a cause, which became important in order to re-establish «the awareness of the rights and interests of the Community» as opposed to the ones of the State. As a matter of fact, since 1511 the Bishopric of Trento had provided Emperor Maximilian Hapsburg with men and participated to the costs of war, but only for the protection of the country and where agreed-upon prerequisites were met (Corsini, 1981).

The Congress of Vienna treaty of the 9th June 1815 reaffirmed the Hapsburg rights over the Trento area, which included the former Bishopric and the «Circle at the borders with Italy». The annexation to the Austro-Hungarian Empire had in effect already been made following the Paris Convention on 26th December 1802, which produced a political and territorial order which was completely new when compared to the previous centuries. As already mentioned, unity in the political and administrative entity of the whole area and its annexation to Tyrol had already happened (Garbari, 1981). Consequently the administrative link to the Tyrol capital was direct, while it was indirect with that of the Empire (Garbari, 1996). The annexation of Trento to Tyrol and thus to the Austro-Hungarian Empire was justified by historical relationships which had de facto tied this area to the Hapsburg monarchy. Such annexation was hindered since the beginning, because of reasons which were more economic and logistic, rather than nationalistic. The most important administrative bodies «(Lieutenancy of the Empire, Police Management, Appellate Court, [...], Diet, Junta, School Council) were created in the capital of Tyrol, Innsbruck, and consequently the Italian speaking area asked to legislate in an autonomous way to better meet the needs of a territory which was very different from the German speaking one. If «pre-established historical rights» existed, these would have supported the independence of the Italian Tyrol, which, as a Bishopric, had had a history which was separate from that of the Austro-Hungarian government. The *Land* of Tyrol hindered Vienna's centralist power, much like Trentino which rejected the one in Innsbruck; this had enabled Tyrol to obtain the promulgation of the «Verfassung-Patent», which proclaimed the region's self-government.

The Trentino request for an independent autonomy from the German area of the region originated from the fact that Trentino would have been subject to Innsbruck political will (Garbari, 1981). More in detail, the motivations supporting the request for Trento's self determination – separated from Tyrol – were rooted in the hegemonic attitude, the injustices perpetrated by the Tyrolean authorities, as well as, as already mentioned, in the placement of all the decision-making centres in Innsbruck. Other reasons were the dislike on the part of the Tyrolean Diet towards anything that concerned the economic growth and the «interests of the Italian side» of the province, and, finally, the «backward spirit of Tyrol in wanting to support the provincial Diet on the ancient caste system, in opposition to the true principles of national representation» (Benvenuti, 1996). The low representation of Trentino in the Diet – seven deputies over fifty-two – meant that it had to submit constantly to the decisions of the Tyrolean majority in the social and economic fields. The annexation of the region on Trento to Austria caused serious problems tied to the Italian «national question». Nevertheless, the unification of the entire Trento area brought advantages tied to the uniformity of the «legislative fabric», which would have brought about «equality, security and stability of right» in the relationships with the outlying authorities, those middle ones of the *Länder*, and the State ones. It also generated a precise relationship between the citizens and the command bodies, as well as between Municipalities and the provincial and State delegates. This administrative system, in force since the Restoration, remained basically unchanged up to the end of the WWI (Garbari, 1996).

## ***2. The autonomy of the Land Tirol***

From 1815 and 1918 the principal points of the administrative relationships between the authorities in Vienna and the outlying ones in Trentino were: a large «autonomy of the Land Tyrol», self-governance of the Municipalities, separate statutes for Trento and Rovereto and administrative «decentralization».

The particular political characteristic of the Trento area was the acknowledgement of a «special autonomy to the [...] County of Tyrol to which it [...] was united». This would have enabled the region to have particular functions as in relation to the Länder of the Hapsburg monarchy. Autonomy was granted on 24th march 1816 with the Verfassung-Patent and later confirmed with the Landers-Ordnung together with the Imperial patent on 26 February 1961, emanated by Austrian emperor Franz Joseph during the temporal period that put an end to the age of absolutism. The Landers-Ordnung created the constitutional monarchic authorities and restored the regional Diets. Autonomy constituted the «recognition right to exercise power to the Länder» which had been previously created. However, in the period 1815-1848 during absolutism, between 1849 and 1861 during neo-absolutism, and then again in 1873 the power in Vienna tried to limit the legislative power of the Diet of Land Tyrol. The Verfassungs-Patent was a «juridically imprecise» legislation that reconfirmed the «privileges and the freedoms» of the region, but that at the same time specified that any legal measure promulgated by the Diet needed Imperial confirmation. The same law stated that the emperor had the power to nominate the president of the region, the «Landeshauptmann», who represented him. With the Verfassungs-Patent the «provincial State» was restored in Tyrol, that is the Diet, a body with legislative powers and made up of 52 members, 13 for each of the four social classes (clergy, nobility, town bourgeoisie and peasants).

The assembly would then create the executive authority, called the provincial Junta, whose task was to govern the region. Also Trentino was represented by the Diet but in a very limited proportion, which gave rise to protests among the people in Trentino, who thought that their «economic interests», as well as social, were not sufficiently represented. The competences of the Verfassung were several and encompassed: nomination of public officials, «organisation and surveillance» of the Municipalities, management of «land heritage», agriculture and «public works», direction of the «special fund for procurement, insurance and credit institutions of provincial interest, institutes for health and social assistance», execution of the «school system, taxation and finance, proposed and final budgets».

In 1861 the Landes-Ordnung defined in detail the competencies of the Diet. The law called for the Diet to have legislative power on three levels: «exclusive and primary, concurrent and secondary, and delegate». Within the «primary exclusive authority» were the sectors concerning: agricultural policies, «public works in charge of provincial funds, charities» funded with provincial resources, and «proposed and final accounts with financial autonomy for income and expenses». Within the «secondary and concurrent power» were, with respect to State laws, matters concerning: «Municipality objects, [...] objects for the execution of public education, the expenses for transportation and provisions, as well as military accommodations». Finally, within the powers delegated by the authority in Vienna were the «other objects related to the prosperity and the needs of the province». «The defence of the country and the training of local militia» was delegated «to the cooperation between the central power and that of the Land». The Diet could also take the initiative and propose laws concerning the economic growth and the needs of the province. From this brief summary it is clear that Tyrol enjoyed vast autonomy and had ample competencies. As far as Trentino is concerned, historians have amply demonstrated that during the XIX century it fought at the parliaments in the province and in Vienna to be declared an autonomous Land, independent from Tyrol, so that it could «directly exercise autonomous powers and thus answer to the different economic and social needs of the territory». However, both the Diet in Innsbruck and the Viennese Parliament always opposed this project. Innsbruck justified its refusal by adducing specious theories about the «century-old historical unity of Tirol and Trentino». On the other hand, the central authority went against the «request from Trentino» because it feared the creation of a separate politic and administrative entity» for that national minority, that would have undermined the stability of the multiethnic Austro-Hungarian empire (Corsini, 1981).

### ***3. Municipal legislation: Law for the regulation of municipalities – 14 August 1819***

The «regulation for the Municipalities and their Heads in Tyrol and Vorauesberg», composed by the Tyrolean Diet and promulgated on the 14th August 1819 with sovereign approval, defined the duties and areas of competence of Land Tyrol. First of all the law reinstated all 384 Municipalities in Trentino, which had previously been merged into 110 in the brief period of Napoleonic domination. After that, the regulation divided the Municipalities into three classes: «Country municipalities, minor Towns that were considered as municipalities, and major Town considered as municipalities. In the Trentino area Trento and Rovereto were considered major towns, Riva and Arco minor towns, and all the others were classified as country Municipalities (Garbari, 1981 b). Electors of country municipalities elected «a municipality Chief, two municipality Deputies, a Treasurer, and their own Tax collector».

The regulation for the minor Towns called for «a political-economic Magistrate, four Counsellors, an administrator of the municipal assets, a tax collector, and a civil chancellor». Finally the 1819 law called for more ample decisional powers to major Towns and the faculty to issue its own town regulations. The town regulations issued in 1819, which at first sight seems to address the needs of the population, were in reality the outcome of a conservative political will that wanted to maintain archaic customs and mores in the society. They favoured «real estate, both collective and individual, land revenue, and only subordinately the exercise of arts, crafts and branches of industry». The municipality was considered as «an association of co-owners and owners» and its principal function was to manage municipal assets, besides taking care of the «popular primary» school (Corsini, 1981). The clear aim of the law was to favour the dispersion and shattering of the outlying political centers and this would entail a constant decisional immobilism, disguised as apparent freedom, that in fact was an obstacle to any social and economic change (Garbari, 1981). In Trentino the majority of the municipalities were rural and the average numbers of residents for each municipality was 934. The economic society of the region was mainly agrarian, and the majority of the population directly cultivated small agricultural fields. Economic stagnation was the counterpart of «social immobilism» which was itself reflected in the decisional failure of the small Municipalities (Corsini, 1981).

The political bodies in Vienna exercised a limited control, rather than a strong vigilance, on Municipalities, which consisted only in a direct assistance aimed to forbid the approval of illegitimate municipal regulations by virtue of the principle that the State could not exercise power over municipal bodies (Garbari, 1981). Moreover, municipality laws did not introduce the concept of «mandatory and facultative expenses», and this allowed Municipalities to enjoy ample «discretionary decisional power», although they had to follow the «regulatory direction of public aims» while carrying out their duties. «Vigilance [...] over Municipalities» in the Trentino area was carried out through «the administrative and political bodies of the Province (Diet, provincial Junta and Lieutenancy) or by the political authority of the district» (Garbari, 1996). «the exercise of the Law» was given in the first place to the authority of the district, while control over municipal accounts and «the application of surtaxes» was given to the Tyrol provincial Junta (Corsini, 1981). In the event of «grave cases» the political authority could choose municipal councils, but it had to call for new elections within a month and a half. The nomination of a commissioner was not contemplated, since the authority could not in any case replace that of the municipal Chief. Only at the end of the XIX century did the legislation provide for «the nomination of [...] trusted men [...] for the execution of the regulations given by the political authority», but in any case they did not have the power to take the place of the Municipalities, but only to support them in their tasks. Paragraph 49 of the 1892 regulation established that the commissioner had the task to «influence, through education, so that discovered vices be eliminated; he is not permitted to give directions himself». The laws of the Austrian monarchy about municipal centres were formulated in the following way: the State established the general «directions», valid for all provinces in the Empire, through framework legislation, and the several Länder would then provide sets of rules that needed approval from the Sovereign, or they allowed the central government to issue them in a direct manner (Garbari, 1996).

In Trentino also «midway political-administrative structures» were present; from 1817 to 1848 they were represented by the circles of Trento and Rovereto, which in turn were divided into district Courts (21 for the Trento circle and 14 for Rovereto). From them one would have gone to the «Gubernium in Innsbruck and to the Court Chancellery in Vienna» (Garbari, 1981). The Circles and the «district Courts» represented the Government and their functions encompassed all fields of State administration, as well as control over the activities delegated to the municipal centres (Corsini, 1981). The political and judiciary power were united, but this was not perceived as detrimental to the «liberal principal» for the purpose of practicality and conservatism. In the period between 1849 and 1868 outlying bodies underwent constant changes, caused by political upheaval brought about at first by the revolutionary and liberal period, then by the neo-absolutist period, and at last by the return of the reign to «constitutional life». With the approval of the Constitution on 4th March 1849 the powers were divided with the creation of judiciary and political Districts. On 21st December 1849 the Gubernium was abolished in order to give the power back to the Diet and the provincial Junta. The political authority of the state was represented by an imperial Lieutenant and three Circle Regencies were created; one for the entire Trentino, that was subdivided into six districts Circles or political Districts, which included several judiciary Districts in their territory (Garbari, 1981). Aim of this reform was to reduce public spending, but this did not resonate either with the people of Tyrol, or with the locals politics.

The Saint Sylvester Patent form 31 December 1851 abolished the 1849 Constitution and neo-absolutism came back. Political and judicial powers were reunited with the creation of the «mixed District offices», abolished on 30th August 1868. With the «Diploma in October 1860 and the Patent in February 1861» there was a comeback to constitutional life. The Tyrol Diet was reinstated with all its powers. The 19 May 1868 law reinstated the principle of separation between political and judiciary powers, thus reinstating political Districts (6 instead of the former 8). Each «political District» included several «judiciary Districts» in its territorial area. In November 1854 the «office of Dignified Chancellor representing the Lieutenancy in Innsbruck» was created, but only after the regulation from 19 May 1868 and the ministry ordinance from 31 July 1868 was the office of the Lieutenancy created. This section was introduced for the first time in a region of the reign, and it should have vouched for the request on Trentino's part for an administration independent from the German Tyrol. The same Diet advised that «at the second administrative request for Southern Tyrol a larger and independent [...] possible sphere of action were assigned», but in reality the ministerial ordinance gave the lieutenant in Innsbruck power of veto over the decisions taken by the lieutenant in Trento. In any case the Lieutenancy did not meet the actual needs of the people of Trento and was closed in 1896 (Corsini, 1981).

### **3.1 Municipal legislation: «Provisional» law on Municipality - 17 March 1849**

During the revolutionary era there was an attempt to strengthen the power of outlying centers and with this aim the «provisional» law on Municipality from 17 March 1849 was promulgated (Garbari, 1981). The first article stated that «the fundamental pillar of a free State is a free Municipality» and that the Municipality had its own «natural» powers and functions. However this article only had a semblance of democracy, because this regulation was issued after the «decree for the termination of the Kremsier Constituent assembly». As a matter of fact, the imperial patent was a tool to gain «the consent [...] of the autonomous administration about local interests». The law granted independence to local administrations, «where elements of political and social conservatism prevailed», so that the central authority could direct power in an absolutist direction, erasing from the top the freedom granted to the outlying bodies (Garbari, 1996). Paragraph 4 called for the possibility for several Municipalities to gather in one consortium, if they could not meet the needs of the citizens. Paragraph 6 called for the right of major Municipalities to have their own Statute. Several articles reaffirmed the principle of «publicity» of Town hall meetings as well as that of the «electivity» of Juntas and their president, called Burgomaster. Also interesting is paragraph 110, which dealt with «legitimacy and merit» of the laws passed by the Municipality.

The article said that «only when the Burgomaster thinks that an ordinance by the Junta contrasts with this law or the laws in force» - field of legitimacy - «or is actually detrimental to the Municipality» - field of merit - «he is compelled to suspend its execution and to immediately bring the matter to the attention of the District authority, which at last presents it to the Circle Delegation for review». Paragraph 142 and following defined the competencies of the District Delegation, represented by a junta nominated within the municipal ones of the pertinent territory and that in turn nominated an Obmann<sup>1</sup>. On the other hand, paragraph 259 and following introduced the new median organ of Circle Delegation in the political panorama; it was elected as always by the municipal juntas and chaired again by an Obmann. This law is considered as very important because its value is to have adopted the «liberal thought» that was spreading in some areas of the Austro-Hungarian empire, but certainly not in conservative Tyrol. Briefly, a series of median organs would be established, elected by the people, and they would favour the development of the Municipalities and their territories (Garbari, 1981 b). This law finally abolished «feudalism» in Austro-Hungarian territories, a phenomenon that in Prussia lasted till the beginning of the XX century (Redlich, 1910; Rainer, 1983). However, from 1851 the power of the Municipalities was influenced by the centralism of the Hapsburg monarchy, so that «we cannot speak of an autonomous administration of the Municipalities (anymore)» (Rainer, 1983; Zöllner, 1979).

### **3.2 Municipal legislation: The law on the fundamental regulations of the Municipality – 15 March 1862**

Once the neo-absolutist and centralist era, strongly opposed by all the regions of the Empire, was over, a new liberal era arose. On 15 March 1862 the law on the «fundamental regulations» of the Municipality was issued; it defined the natural competences (independent as well as proper) of the Town Halls, and those delegated to the State (Garbari, 1981 b).

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<sup>1</sup> German term for President, Representative.

Article 5 stated: «the autonomous sphere, that is to say the field within which the Municipality, in observation of the existing imperial and provincial laws, can order and legislate in free self-determination, includes everything that closely concerns the interests of the Municipality, as well as what can be decided and put into practice with its own power within its borders»<sup>2</sup>. In reality a small Municipality with modest assets and a modest income could do very little, and it certainly would not have been able to shake the stagnant economic situation (Garbari, 1996). This regulation gave the requisites for «passive and active electorate, called for publicity of the sessions», gave indications for the collection of tax or the existing surtaxes. Article 17 provided for the possibility to introduce, «between the Municipality and the Diet» in Innsbruck, a median organ, the «District Delegation», that would have dealt with the common activities in the area of the district, as well as the delegated ones. It was «elective» and would be made up of «the delegates of the four bodies expressing the economic and social structure, and its Chief were subject to confirmation by the sovereign». Its tasks were caring for the conservation of Municipal assets and approving the Municipal acts concerning the economy. Moreover, it had a say on the appeals presented about the deliberations of city councils. However, district Delegations were not created in Tyrol because the Hapsburg monarchy was worried of losing political control over the region, and the provincial Diet worried that its sphere of action might be reduced (Garbari, 1981).

The 1862 law called for the Länder themselves to draft a municipal regulation for their area. After a heated discussion within the Diet and among majority conservative as well as minority delegates – both liberals and Italians – the first bill was drafted; this would exclude the consorts from the right to active and passive vote. The consorts were all the citizens that did not reside in the Municipality, but that were the owners of buildings subjected to duties, or that were subjected to a direct tax on their working activity. This bill was heavily opposed by the Italian liberal delegates who felt subjected to the German part of Tyrol, which was tightly shut within an «anachronistic conservatism». To the Italians the acknowledgment of the consorts' electoral rights would have facilitated the rise of a new ruling class, which would have enabled the Trentino to shake the economy out of a state of total stagnation. The absence of the sovereign's acceptance of the bill of the municipal set of rules drafted by the conservative Diet in Innsbruck gave rise to a new dispute between liberals and conservatives. In 1865 the Diet presented a new bill to relegate the consorts among the foreigners in the Municipality and deprive them of their right to vote. It was on this occasion that the Italian delegates Leonardi, Stroschio, Sartori and Cresseri opposed it and brought several tangible justifications in their favour. First of all they reaffirmed the different characteristics of Trentino agricultural lands as compared to those in the German part of the region.

Because of economic stagnation, the southern part of the province had seen a fragmentation of the agricultural properties, which were sold to the foreigners residing in the major Municipalities of Trento and Rovereto. They were subjected to taxes on their land, but could not intervene in the decisions of township councils, which were often against them, because they were considered consorts. Thus the Italian opposition asked that, at least in Trentino different town regulations be promulgated, because the consorts were the only ones who could have given rise to a new economic growth. The request of the delegates from Trentino concealed «the will to obtain for Trentino an administrative differentiation in relation to the German Tyrol». In this case the «economic» element carried a heavy «weight», both because of the actual «backwardness of the territory, and for the belief that such reasoning would not be seen as politically suspicious» on the part of the government (Garbari, 1983).

### **3.3 Municipal legislation: The «Town Regulations» - 9 January 1866**

All this notwithstanding, on 9 January 1866 the Diet approved the «Town Regulations» and the «voting regulations for the Municipalities» (Garbari, 1981 b). The law put the consorts among the foreigners in the township, but gave the Municipalities the discretion to give them full voting rights. And in this way many Municipalities in Trentino put them among the registered people, not because they were more democratic, but because the Municipal Councils «relied on» these registered people, because they were of the «most economically active social classes» and would have supported economic development in the territory (Garbari, 1983). However the legislation did not change anything in the structure of the municipal bodies. It reiterated the principle that all existing municipal centers «will remain as such until some change occurs at the legislative level» (Eccheli, 1877). Basically, no Municipality could be abolished and united to others without the assent of the registered voters. The power to make modification to the Municipal setting was part of the functions of the Diet and of the provincial Junta, not of those of the central authority, even if the assent for the Lieutenancy, which was an outlying state body, was needed.

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<sup>2</sup> See Article V of the «Reichsgesetzblatt» law n.18 of 5 March 1862.

In this way «popular will» as respected, and the field was protected from interference by the central authority; on the other hand, though, municipal dispersion was facilitated (Corsini, 1981). The legislation always recognised the electivity of the of the Municipal council, the Junta and the Chief of the Municipality, and also contained regulations about advertisement and transparency during the elections. Particularly, heavy sanctions were contemplated for those who renounced elected public offices without giving explanations, as well as «fines for absentees» to be paid to the «Town Cashier» (Garbari, 1996). As far as municipal functions are concerned, while making a distinction between the «proper» and the «delegated» ones, the law gave the first ones a «juridical definition» that stressed the «autonomy» of the Municipality.

«The proper (natural) attributions, that is those according to which the Municipality, once the acting laws of the empire and the province have been observed, can give orders and make provisions by its free own determination, encompass in general all that closely relates to the interests of the Municipality, and that it can carry out within the borders with its own powers»<sup>3</sup>. Among proper attributions were those in the «juridical» field (registry office, civil registry, draft, conciliators), [...] «social» field (education, health, charitable activities, public works), «financial field (town finances, taxes, surtaxes), and within the limitations that in the public interest are carried on to private activity (local police, health police, on service personnel and workers», public morals, building and fire safety regulations). The Municipality had a strong authority concerning education in the middle and popular schools. In detail, it had «power of surveillance, of collaboration» in finding new teachers and additionally it had to care for the construction and maintenance of school buildings (Corsini, 1981).

The «assent» towards the «autonomy» given Municipalities in Trentino was total, because the bureaucracy was limited, the authorities in command scattered throughout the territory, and the employees were speaking the same language of the local population. However, at the end of the XVIII century the fragility of the Austrian administrative apparatus became evident; this made any form of economic development and wealth growth impossible. As a matter of fact the Municipalities had, «by their own powers» a limited ability for action given the limited economic resources they had at their disposal (Garbari, 1996). The sovereign patent of 14 March 1817<sup>4</sup>, regarding the «organization of district Judgements», granted special conditions to the two major municipalities in Trentino, Trento and Rovereto, in line with the prerogatives they'd had since the Middle Ages . These two centers were classified as «first instance political authorities, or rather district-towns», and, besides «natural and proper» functions, were given ample «delegated» authorities in the «economic and financial» fields. The several fiscal revenues, the ample real estate properties and the intellectual bourgeoisie and entrepreneurial character of the ruling class in the two centers would give rise to innovative projects that would have repercussions on the entire Italian Tyrol (Garbari, 1981).

### 3.4 Municipal legislation: Proper statutes of the town of Trento

By virtue of the Municipality law of 1849, the town of Trento had already adopted a proper statute by 1851. The proper statute of 1851 of the town of Trento sanctioned in paragraph 2 that « The city of Trento creates its own district that is immediately and directly dependent from the president of the Circular Regency»<sup>5</sup>. The Statute was composed of 124 paragraphs that formed the Local Regulation and defined the competence of the Trento Municipality. The heaviest surveillance by the Habsburg Monarchy was effected by the sovereign confirmation to which the Head of the elected council was subjected<sup>6</sup>. If the podestà could not obtain confirmation, then new elections were to be called, and, in case even the new Head of the Town could not be confirmed, then the emperor would elect him ex-officio by choosing him among the municipal delegates or the «eligible citizens» (Garbari, 1981 b). In Trento, since 1851 and until the election of Giovanni Ciani as Head of the council in 1866, none of the previous podestà had received sovereign confirmation, as prescribed by the «Temporary law on Municipalities of 1849». Therefore the city had been administrated by «government representatives» or by extended mandates by the chief magistrate and this meant that the District didn't make full use of the conferment given it by the statute. The situation deteriorated when in 1862, after imperial confirmation to the newly elected podestà had been refused for the umpteenth time, the entire City council resigned as sign of rebellion (Bigaran M. , 1996; Blanco, 2010).

<sup>3</sup> See Law 5 March 1862, art. 16, recalled by the regulation of 9 January 1866, art 27.

<sup>4</sup> In the law of 14 March 1817, near the town of Trento, «provincial civic judgement», it is written: «The duties of the political Superiority of the district are fulfilled by the civic Magistrate in Trento».

<sup>5</sup> On 21 December 1849 the «Circular Regency» was implemented; this was substituted by the «circular Captaincy» on 6 May 1854.

<sup>6</sup> Town Chief or podestà.

With the law of 5 March 1862 all the towns of importance were able to provide themselves with their own statute, promulgated through laws that were prepared by the provincial Diets. The Heads of the Municipality or Chief magistrates had to obtain sovereign confirmation<sup>7</sup>. Later, also those Municipalities that already had their own statute began to draft a new one. The promulgation of a new statute for the city of Trento took place in 1888, «after a long exchange of ideas and propositions» between the Town magistrate, the provincial Diet and the Ministry of the Interior, that had started in 1868.

The long period of time passed from 1868 to 7 December 1888, when the statute obtained sovereign sanction, was due to the fact that the town was being politically controlled by the provincial Diet because of the irredentist behaviours expressed in the past (Mayrhofer & Pace, 1896; Rainer, 1983). We must remember, in fact, how within the statute, in addition to the protection of the secular privileges and to the request for a bigger «Autonomy», also the «National» interests of the Italian inhabitants of the region, who were an ethnic minority inside Tyrol and the Habsburg Reign, were embedded (Corsini, 1981). At paragraph 3 the new statute defined the condition of the city of Trento towards the central administration in Vienna and Innsbruck: «The Civic Municipality of Trento forms by itself just a political district and is submitted in respect of its own conferment directly to the Provincial Junta and respectively to the provincial Diet; and in respect to delegated conferment to the provincial political Ministry, that is to the Lieutenancy (Garbari, 1981; Blanco, 2010). In short the city, being a District Captaincy and carrying out simultaneously civic and state roles, answered directly to the Provincial Diet (Klabouch, 1968; Rainer, 1983).

On the question of natural functions attributable to the Municipality of Trento, there was no discrepancy between those indicated by the statute of 1888 and those of the provincial law of 1866 which was valid for the entire Tyrol. A substantial «difference» existed instead for those delegated (Corsini, 1981). In article 27 the 1888 statute outlined the range of the delegated functions and stated that «generally it falls on the civic municipality as delegated authority to fulfil within the district's area of the city of Trento all the political-administrative businesses attributable to the district's political Authorities». This was also reiterated in article 71, second paragraph «To the Magistrate as the delegated Authority for the Trento municipal district is entrusted the carrying-out of the political-administrative affairs that fall on first instance political Authorities (district Captaincies)». The functions delegated to the town of Trento were important both as far as the «political» profile is concerned, as well as the «economic-financial» one<sup>9</sup>. In the 1888 statute the election of the Town's Head always took place through sovereign confirmation, but the methods for the choice of a new one were different from the 1851 statute (Garbari, 1981 b). As he was nominated by the district's Council elected by the registered people, the Podestà was the expression of the town's independence and represented the most important «political and administrative authority». For this reason not always the election of the Municipal Chief in Trento obtained sovereign confirmation and this caused moments of clashes between the citizen representatives and the Central administration (Corsini, 1981).

#### **4. Conclusions**

The relevant political feature of the City of Trento was that this district provided itself with election regulations, even if it was promulgated with the provincial law. Dealing with possible future modifications, paragraph 19 of the 1888 election regulations said that: «for the related proposal the presence of at least two thirds of the members of the District's Council and the acceptance of the absolute majority of the people present was required», thus confirming full self-determination in this field. As a consequence between 1898 and 1901 the Trento Municipal Council was called to debate some various reforms concerning the enlargement of the right to vote at the municipal elections. In short, the autonomy of the city of Trento would have theoretically allowed «the adoption of the universal suffrage before its introduction» in the rest of the Austro-Hungarian Empire. The statute granted temporary powers to the city of Trento compared to other Municipalities also in the management of its own real estate assets as well as in the economic and financial fields, with the possibility to carry out long term financial and credit<sup>10</sup> transactions, without prejudice to the approval of the Diet and of the Sovereign authorization.

But the greater autonomy that the town enjoyed with the 1888 statute, did not transfer to management of the «security service» in the town, which was carried out without interruption «by the state police due to feared untrustworthiness of the local administration ». More specifically, article 69 stated that «the State security

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<sup>8</sup> Article XXII of the law of 5 March 1862.

<sup>9</sup> Art. 27 of the 1888 Statute.

<sup>10</sup> Art. 39 of the 1888 Statute: «the Town Council has the faculty to obtain loans, issue guarantees and execute credit transactions in the interest of the civic Municipality ».



authorities and the Trento administration must support each other in order to achieve the objectives of police service» (Grass, 1972; Rainer, 1983). «Full awareness of the political, and not just administrative, depth of the rights and authority that Trento enjoyed, allowed the ruling class of the city, provided with organized men, a long-range and propelling action regarding the entire Trentino territory».

In this way the managerial bodies of Tyrol, that in different contexts and in the hands of a different political class might have been subjected by the perpetuation of a conservative and ultra-conservative layout, when utilized by an economically resourceful class which was also culturally prone to liberal and national aspirations, could become an efficient tool of resistance against those political authorities which the administrative regulations had stemmed from, and in particular against the government in Innsbruck. Maker of the economical growth in Trento was the Podestà Paolo Oss Mazzurana, that making the best use of the freedoms, authorities and conferment provided for by the proper Statute of the town gave birth to «social progress and urban renewal projects». In this way Trento's economic activity was meant to become aligned with the dynamically expanding ones in the other cities of the Austro-Hungarian empire and Europe. Among all the particularly meaningful endeavours of urban renewal, it is worth mentioning the roll-out of electricity for industrial purposes as well as lighting, the establishment of a municipal credit institution in favour of all Districts in Trentino, and the creation of electric tramways that would connect every mountain town in Trentino with Trento. These projects had an economical and political value. For example the realisation of the railway projects would unite the valleys of Trentino with Trento instead than with Bolzano, supporting the request for a separated autonomy of the Italian part from the German one. These initiatives would «facilitate economic regeneration not only in Trento, but also in the entire province». This would allow «the severance of the bond of economical dependency from German Tyrol and would promote the protection of the Italian characteristics of the population of Trentino. Economic independence would be the prelude to the political one».

In whatever way we judge the administrative system of Tyrol, it had a huge influence on the populations of Trentino and on the ruling class, even though they were siding with opposite political parties. The makers of the political and administrative autonomies were liberals, Catholics, socialists, maybe inside a different political overall project. And also the national role of the autonomies was received by everybody, even if with due distinctions and a different way to intend and pursue the protection of the Italians. But «the most significant element of this long habit of self-governance, was maybe to have understood the deep meaning of education to the custom of democracy by every representative of each politic ideology» (Garbari, 1981 b).

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