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Mr Gladstone - to please Mr Callan. Dave 8/6



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the referenda did not bring about a crisis. The letter is interesting for the underlying change in outlook of the man in the street.

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Dear Roy,

REFERENDA

1. My letter of 11 February.
2. On 17 May five of the six referenda allowed by the Constitutional Court were put to the vote. The sixth, on military tribunals, was rendered unnecessary by a change in the law, to which all parties had agreed; even the Radicals accepted the change, content to have made their point about the unsatisfactory state of much of the Penal Code.

3. The results were as follows:-

Subject	In Favour	Against
i) Abortion (Radical)	11.5%	88.5%
ii) Abortion (Movement for Life)	32.1%	67.9%
iii) <u>Legge Cossiga</u>	14.8%	85.2%
iv) Life imprisonment	22.7%	77.3%
v) Bearing arms	14%	86%

Since all referenda are by definition abrogative, these results mean no change in present legislation.

4. All the parties had made their position clear on the referenda. The Christian Democrats (DC) were in favour of the Movement for Life proposal and gave their supporters clear guidance on how to vote, although stressing that this was a moral choice and should not become a bone of contention between parties. As Jim Callan has reported (not to all) the Pope came out strongly in favour of the proposal and this may have influenced the DC towards more committed support, instead of leaving the Movement for Life to fight its own battle. The other four referenda attracted a negative DC vote. The PCI opposed all the referenda except life imprisonment, on which they counselled party members to vote yes: the figures, especially in some regions, show that their

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famous party discipline was less tight on this occasion. The Socialist (PSI) position was the same as that of the PCI. Only the Radicals (apart from the extreme left, who are numerically insignificant) supported the referenda on Legge Cossiga, bearing arms, and full liberalisation of abortion; they therefore claimed, disingenuously, that the outcome proves a degree of support for Radical policies in the country as a whole far higher than their representation in Parliament would suggest. In fact what the results as a whole show is the extent to which voters followed their conscience rather than a party line; for example, if all voters had followed the guidance of the party for which they voted at the last general election, the Movement for Life referendum would have received 44% 'yes' votes and that on life imprisonment 46%.

5. The Movement for Life referendum was the one on which most of the polemics and propaganda were concentrated. Despite the efforts of the Catholic church, which in many areas put vivid posters on Church noticeboards, and a widespread expectation that the attack on the Pope only four days before might generate some form of sympathy vote, only in one Region (Trentino/Alto Adige) did the 'yes' votes outnumber the 'no'. Despite having themselves called on the DC not to make the issue divisive between parties, lay party leaders and spokesmen could not resist interpreting the result as a victory for them over the Catholic establishment. But politically this was the less unsettling of the two possible outcomes; had the referendum proposal been approved, accusations of Vatican interference would have increased and there could, according to hints dropped by Craxi and others, have been a split in the coalition itself. What it shows, just as much as the Divorce referendum in 1974 (when the votes were more evenly balanced) is the extent to which Italian society has become less dominated by Catholic doctrine and more by lay principles; and this is a development with which all the parties, but especially the DC, have to reckon in future.

6. The differences in voting pattern between regions and especially between north and south Italy on this referendum were instructive, showing wide discrepancies in attitudes. Many lay observers have pointed out that now that the present Law, no. 194, has survived it needs to be implemented better. The proportion of legal abortions to live births ranges from about a third in Liguria to about a tenth in Calabria. Doctors can refuse to perform abortions on grounds of conscience and a recent survey showed that 65% of obstetricians take this view; in parts of the South the figure is much higher (said to be over 95% in Lucania). Knowledge of the

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present legislation is not widespread in many poor areas and social factors still make recourse to clandestine abortion, however risky, more common. Both sides in the referendum campaign naturally sought to use these facts to their own advantage. What the result proves is that the present law, itself a compromise hammered out with some difficulty in 1978, commands the support of more than two-thirds of the Italian public - including a good number of DC voters.

7. The results on bearing of arms and Legge Cossiga are widely interpreted as a victory for common sense. Most Italians regard the right of the individual to possess a weapon for self-protection as inalienable, and the weakness of the State security apparatus tends to reinforce them in that view. The opposition to the restrictive provisions of Legge Cossiga is less than it was to the previous legislation, Legge Reale, on which a referendum was held three years ago. This result, and the firm commitment of the main parties to supporting the present law, must be at least a crumb of comfort to the hard-pressed security forces.

8. The proposal to abolish life imprisonment as inhumane received less support than expected. In fact in Italy it is normal for those who receive such a sentence not to serve more than 28 years; most are released a year or two before that period is completed, unless they remain too dangerous to be trusted in free society. Much more controversial is the proposal to re-introduce the death penalty, for which the MSI (Neo-Fascists) are campaigning. This could never be the subject of a referendum because the Constitution (Article 27) expressly forbids it except in time of war. But that has not prevented the MSI from holding rallies on the theme (eg. in Bologna, for obvious reasons) and there is at least some public support for their view in respect of terrorists. The MSI argument when pressed on the Constitutional point is that the struggle against terrorism is a form of war. (as a party they are outside the Constitution anyway).

9. The electoral turnout was the lowest since the war and the number of blank or spoiled votes reached record levels. This was due in part to the unprecedented complexity of the choice facing the voters. A vast amount of money and effort was expended to explain that those who were against abortion should vote yes to one of the proposals and no to the other and vice-versa, but one wonders how many votes were nevertheless cast in error, especially among the older rural population where illiteracy rates remain high. Many are now arguing that the conditions for holding a referendum should be made more stringent (eg. by requiring more than the present 500,000 signatures), especially as none of the 8 referenda held so far in the Italian Republic have resulted

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in any change to the law - although, as with military tribunals, the threat of one sometimes has. Some at least of the major parties would be sympathetic to such a proposal to modify the referenda rules; but the Radicals would fight tooth and nail to avoid being deprived of their single most effective political tool.

Yours ever,

A handwritten signature in dark ink, appearing to read 'R N Culshaw', with a horizontal line drawn underneath it.

R N Culshaw

cc: Chanceries:
Holy See
Washington
Bonn
Paris
Moscow

Mrs K Colvin, Res. Dept, FCO
P Thompson Esq, Milan (with letter under ref)