PART II

Democratic life and institutions
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8

INSTITUTIONS AND THE POLITICAL SYSTEM IN ITALY

A story of failure

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Introduction

Italy is exceptional amongst advanced western democracies for the extraordinary focus it has placed in the past thirty years on reforming its political system through institutional reform – and largely failing to do so. In the first thirty years of the Republic, Italian democracy was perceived to have been unstable and functioning poorly, but little focus was placed on institutions as being at the heart of the problem. From the early 1980s, however, the political class saw a solution in changing the institutional framework of the Republic, a position which was reinforced by the implosion of the party system in the early 1990s, and the beginning of what most observers viewed as a transition to a more stable and effective democracy. A change in the electoral system in 1993 away from proportionality towards plurality – forced on an unwilling political class by popular referendum – and the subsequent bipolarizing effect on the party system led to an assumption that reforming institutions would be a natural and fundamental outcome of this process. Yet, despite significant efforts, the political class visibly failed to achieve this goal. Important reforms that were achieved (e.g. regional reform and further change to the electoral system) were regarded as largely partisan in origin and technically deficient.

This chapter first outlines the institutional framework and the functioning of the Italian political system until the early 1990s; then, second, documents the rise of institutional reform from the early 1980s and especially its trajectory since the early 1990s, highlighting the long-term failure of the political parties to achieve comprehensive reform; and third, analyses the Italian political system today and how, despite the absence of root-and-branch institutional reform, it differs in its operation from the so-called ‘First Republic’ as a result of the impact of a mixture of institutional and non-institutional changes.
Institutions and the functioning of Italian democracy until the 1990s

The Italian post-war settlement produced a conventional parliamentary system, albeit with some distinctive traits. It was commonly accepted that the system did not work well; yet the cause was identified not so much in the core institutions as such but in the role of the political parties and how their behaviour distorted, or at least exploited, the system’s distinctive features to the detriment of the Italian democratic model (Bull, 2004).

Cabinet government never worked effectively because of the dominance of the political parties which sapped authority from the prime minister and the Cabinet. A pure PR electoral system produced a large number of political parties in parliament, with ‘anti-system’ parties to the left (Italian Communist Party, PCI) and right (Italian Social Movement, MSI), and with two parties (the PCI and Christian Democracy, DC) significantly bigger (in votes and seats) than the rest. The 1948 elections, conducted in a climate of Cold War hostility, established a party system that would effectively prevail until the early 1990s, based on the permanence in office of the centrist DC in alliances with parties to its immediate right and left, the alliances designed primarily to keep out the ‘anti-system’ PCI. This situation persisted despite the electoral strength of the PCI in several communes, provinces and ‘red regions’, which saw the party playing a positive role in the governance of the country. The closest the PCI came to national office was during the Historic Compromise (1976–9) when – in a situation of economic and political crisis – the party allowed DC minority governments to stay in office through the former’s policy of ‘not no-confidence’. This party system had an important conditioning effect on institutions and their performance.

Governments were formed on the basis of post-election negotiations focused primarily on the allocation of ministerial posts amongst the different parties, rather than on policies, which also for that reason did not figure prominently in election campaigns. The prime minister had little control over his ministers since they perceived themselves as accountable to their parties, which had secured their appointment. Ministries were often treated as fiefdoms by ministers, safe in the knowledge that, for a prime minister, sacking a minister could result in the collapse of his government. Prime ministers were, therefore, ‘mediators’ rather than ‘authoritative leaders’.

Governments, moreover, were weak and unstable in parliament since their legislation and their own fate depended less on their policies than on internal factional struggles in the parties, often taking place outside the parliamentary arena. A government rarely fell as a result of a vote of no confidence or parliamentary defeat, and it invariably produced ‘peripheral turnover’ (in place of alternation) through a reshuffling of ministries amongst the parties.

Parliament also found its powers circumscribed by the self-same factors. The power to dissolve a government through a vote of no confidence was rarely exercised, it was not an arena for the proper discussion of policy differences, and it failed to exercise properly its watchdog function. Four structural features of parliament reinforced these weaknesses, and in particular made the formation and processing of substantive policy difficult: genuine bicameralism (both chambers with identical powers); extraordinary powers of the committees system (which could pass some bills into law without going through the parliament in plenary); no limits on private members’ legislation; and the use of the secret ballot on legislation voted on in parliament (allowing members of the government to vote secretly against a bill).

The result for policymaking was inefficiency and an absence of coherence. Because of the way they were formed, governments rarely had a clear programme of legislation they wished to achieve. As a result of their coalitional nature, they struggled both to design substantive legislation and then to get it passed either in a timely manner or without substantial amendment.
To circumvent this problem, governments frequently resorted to repeated use of decree legislation (where a decree would be issued which had to be ratified by parliament within sixty days, but the decree was simply reiterated when parliament failed to act). At the same time a large amount of legislation of a particularistic nature was produced by parliament, often originating in private members’ bills and passed through the committee system.

If we use Lijphart’s (1999) widely accepted typology, Italy in the post-war period until the 1990s can be described as a ‘consensual’ rather than ‘majoritarian’ democracy (Morlino, 2013). Yet, it was a curious, or at least malfunctioning, form of consensualism, characterized by several features which tended to work against each other. On the one hand, the nature of the party system produced a system of predominant party rule and an absence of alternation in government. On the other hand, the design and operation of the institutions entrenched the power of ‘minorities’ (within both the governing coalition and the opposition), which made governments highly unstable and policymaking ineffective. This paradox of ‘stable instability’ (Bull and Newell, 1993) was supported by a party system which proved adept at adapting to absorb the increasing pressures on the system and thereby retaining its anomaly (absence of alternation in government): from centrist in the 1950s to the centre-left in the 1960s to the Historic Compromise in the 1970s and the pentapartito in the 1980s. This situation led to the development of a ‘spoils system’ in which state positions could be used clientelistically to reinforce electoral support, a system which provided a foundation for more insidiously forms of corruption in the 1980s.

**Institutional reform: goals, debate, achievements, effects**

While it was widely recognized that the political system did not perform well, there was little focus, before the early 1980s, on institutional reform as a means of overcoming the deficiencies. In the 1980s, the system’s distortions became more acute, the parties became trapped in their own clientelistic logic, the party system (after the pentapartito) had no further coalition options and the system unknowingly approached its dénouement (Bull and Newell, 2005: ch. 1). In this situation the political class turned to root-and-branch institutional reform as the solution to the system’s problems.

This had been originally launched in 1976 as the ‘great reform’ by the leader of the Italian Socialist Party (PSI) Bettino Craxi, but was only first attempted when Craxi became Prime Minister in 1983, thus starting a ‘long quest in vain’ on the part of the political class (Bull and Pasquino, 2009). The goals and procedures adopted were nothing short of ambitious. The notion of a ‘great reform’ meant not just root-and-branch in substance but, as it were, a ‘Constituent Assembly’ in style, although on a smaller scale. Large unwieldy Constitutional Commissions were the preferred mode, with representatives of all the parties present. The first attempt – the Bozzi Commission (1983–5) – set the trend. It worked for two years but it failed to meet its goals through division and partisanship. The second attempt – the De Mita/Iotti Commission (1992–4) – was set up in the throes of the dramatic upheaval in the party system (which entailed the wholesale destruction or transformation of the existing parties and the birth of new parties), and the Commission died with the end of the legislature. There were high hopes for the third attempt – the Bicameral Commission (Bicamerale) of 1997–8 – because this had been established on the back of the transformation of the party system – which had, by then, gained some stability – and two changes to the electoral system extracted from the political class by popular referendum: the removal of preferences in 1991 and a shift from proportionality to majoritarianism in 1993 (for one Chamber, followed in 1994 by similar legislation for the other).

The bipolarizing impact of the electoral reform on the new and transformed parties became visible in 1994 as two broad coalitions – centre-left and centre-right – took shape, with the
centre of the spectrum no long acting as the fulcrum of governing coalitions but increasingly squeezed itself, and the 1994 and 1996 elections witnessed the achievement of alternation in office. It seemed natural, therefore, that the new ‘majoritarian’ drives in the system should be facilitated – if not a transition to a new model of democracy completed – by significant changes to the Constitution. Yet, the proposals produced after eighteen months’ work by the Bicameral Commission (chaired by Massimo D’Alema) were sunk in parliament by Berlusconi’s withdrawal of his party’s support for the project. Berlusconi’s action was commonly viewed as a reaction to the commission’s failure to circumscribe the role of the judiciary. However, the institutional reforms proposed by the commission were widely perceived to be poorly conceived compromises and unlikely to produce the intended effects (Pasquino, 2000).

If this action confirmed the partisan stamp of the institutional reform debate (originally placed on it by Craxi, whose proposals seemed designed to break the PCI–DC hegemony and increase the powers of his own prime ministerial office), the centre-left subsequently destroyed an apparent ‘sacred cow’ designed to offset the dangers of such partisanship: that institutional reform should be a product of wide-ranging consultation and consensus across party lines. In 1999–2001, the centre-left governments drove through a significant reform of the Constitution on the back of its majority. Following the so-called Bassanini reforms in 1997, which empowered central government to transfer administrative responsibilities to the regions in their area of competence and placed limits on central controls, a constitutional law was passed in 1999 which strengthened the role of regional presidents mainly through making them directly elected, and Title V of the Constitution was revised, which provided greater legislative autonomy to the regions and reduced further the scope for centralized control over their acts. This reform, which was widely regarded as prompted by a partisan agenda (Masseti and Toubeau, 2013: 367–8), was opposed by the centre-right, which petitioned a ‘confirmative’ referendum (made possible since the reform had not been passed with a two-thirds majority), which took place on 7 October 2001, the Italian people approving the changes, albeit on a very low turnout of 34 per cent.

In the short term, this reform was perhaps less significant for its substance than the fact that it had been passed a colpi di maggioranza (on the strength of its parliamentary majority), which thus treated the Constitution like any other law and undermined its sacrosanct nature. This set a precedent which the centre-right, on the back of a decisive electoral victory, did not hesitate to mimic, but on a much larger scale. Indeed, the centre-right's constitutional reform proposals of 2005 promised to rewrite about a third of the Constitution (most of Part II). The principal two aspects of the proposed reform concerned wide-ranging ‘devolution’ to the regions and an increase in the powers of the prime minister, alongside important changes to parliament. The reform was highly controversial not only because of its scale and the manner in which it was passed (using Article 138 of the Constitution to bundle the different proposals together to be voted en bloc and then mustering its majority to see it passed) but also because it was seen to be the product of an unwieldy compromise between the different parties of the governing coalition and therefore technically deficient, if not dangerous (Sartori, 2006: 54–5).

Part of that compromise involved, as a separate matter, reintroducing proportionality into the electoral law. In December 2005, shortly after definitive parliamentary approval of the constitutional reform package, the centre-right changed the electoral law which had served for the previous three national elections (1994, 1996, 2001). The 1993 reform, admittedly, had not delivered everything expected of it. Indeed, some argued that, as a mixed system, it delivered the worst aspects of both the proportional and plurality models. The need to construct all-encompassing coalitions to secure the single-member constituencies increased the bargaining power of small parties and led to conflict-ridden coalitions. At the same time, the proportional component of the electoral law exacerbated the fragmentation of the party system, with parties
retaining their identities and undermining the consolidation of the coalitions. However, the
efforts of those who favoured shifting the system further in a ‘majoritarian’ direction had been
thwarted by a large number of ‘proportionalists’ who campaigned against and successively defeated
(through the participation rate not reaching quorum) two referenda in 1999 and 2000 which
would have introduced a majoritarian system. Then in December 2005, with the centre-right
having been defeated in the 2005 regional elections and opinion polls predicting a centre-left
victory in the 2006 national elections, the centrist Union of the Democratic Centre (UDC)
extracted from an all too willing Berlusconi a return to proportionality, partly because it ensured
the UDC’s support for the constitutional reform and partly because the new law (through a 25
per cent bonus to the winning coalition) was designed to place a cap on the size of the likely
centre-left victory. The reform was ‘elite-imposed’ and unashamedly partisan in its origin and
design, Roberto Calderoli (the minister responsible) himself describing it as a *ponata* (pig’s dinner)
(Baldini, 2011: 654–5).

The passage of the electoral reform poured further fuel on the fire of the institutional reform
debate, and the centre-left managed to sink the constitutional proposals through a popular
referendum. This resulted in an unequivocal entanglement of constitutional reform in partisan
debate, since the referendum took place in June 2006 only two months after the national elections,
the parties lining up for or against the referendum according to coalition lines. In short, a
referendum on one of the most significant reforms since the birth of the Republic became little
more than a political instrument of the two coalitions. The referendum’s decisive defeat of the
proposals (61.7 per cent against 38.3 per cent on a turnout of 53.7 per cent) led to a pause in
attempts to achieve root-and-branch institutional reform (as well as attempts to reform the
Constitution by majority), but it did not end the institutional reform debate itself. On the contrary,
nothing could quash the political parties’ putative aspiration for a ‘modernization’ of Italian
democracy and their conviction that it could not be achieved without institutional reform (Bull,
2007).

Following the centre-left election victory in 2006, the Constitutional Affairs Commission
was tasked with identifying specific reforms which might improve the functioning of the
Constitution, rather than producing a comprehensive blueprint for constitutional reform:
‘constitutional gardening’ as it was dubbed at the time. This was an all-party affair and it presented
its proposals (known as *Il Progetto Violante*, after its main spokesman, Luciano Violante) to the
Chamber of Deputies in 2007, but its work effectively died with the collapse of the government
in 2008 and fresh elections. The Berlusconi government elected in 2008 committed itself to
constitutional reform, including a reform of the electoral system before the next election. But
both these projects died with the collapse of the Berlusconi government in the midst of the
economic crisis in November 2011. The Berlusconi government, however, did pass a reform
introducing ‘fiscal federalism’, although the full implementation of the reform depended on
enacting legislation which never saw the light of day.

The Monti ‘technical’ government which followed the Berlusconi government in 2011 had
primarily economic aims, but the parties supporting him also committed themselves to reforming
the electoral law before the next elections. This they failed to do and the February 2013 elections
took place with the old electoral law. The outcome of those elections produced a ‘perfect storm’
in Italian politics: no party or coalition secured an absolute majority in both houses and was
therefore able to form a government; the President of the Republic, Giorgio Napolitano, no
longer had the power to dissolve parliament and call fresh elections because he was in the so-
called ‘white semester’ (the last forty days of his office); and the outgoing technocratic prime
minister was no longer credible as the focus for a continuing technocratic solution since he had
entered the election as a politician at the head of a party list.

107
In this situation, President Napolitano, in effectively his last substantial act of his term of office, set up a working group of ‘ten wise men’ who were entrusted with the task of identifying a set of proposed reforms which might provide the basis for the development of a government programme which Napolitano could hand on to his successor. The ‘ten wise men’ divided themselves into two working groups, one producing a report on socio-economic reforms and the other on institutional reforms (Mauro et al., 2013). The fact that, in the midst of what was Italy’s worst political crisis since 1992, a working group was established to identify a set of institutional reforms for the country was testimony to the importance with which such reforms were viewed, nearly forty years after Craxi’s first initiative.

When the parties proved unable to agree on and vote in a new presidential candidate, they turned to Napolitano, who agreed to stand for a second term of office. When Napolitano was sworn in to office in April 2013, he delivered (in his acceptance speech) a devastating indictment of the politicians and political parties for their failure to deliver urgently needed institutional reforms. He said that what had prevailed over many years was ‘contradictions, delays, hesitations . . . calculations of expediency, tactical manoeuvres and instrumental moves’. He described as ‘unforgivable’ the failure to reform the 2005 electoral law, especially when the Constitutional Court had called on Parliament to review specifically the clause providing a premium to the majority party irrespective of any threshold of seats or votes. He argued that this had helped create fierce competition between parties to secure the premium, difficulties in forming a government after the election and further citizen disenchantment because of being unable to choose their representatives directly. It was also unforgivable, he said, to have done nothing about Part II of the Constitution, where even reforms of a limited nature, laboriously agreed, had then been sunk, and where there seemed to be an obsession with protecting, at all costs, ‘symmetric bicameralism’. Napolitano went on to argue that the working group’s recommendations would provide the basis for the next government and he warned the parties to live up to their responsibilities (La Stampa, 22 April 2013).

In short, the ‘perfect storm’ of the early months of 2013 brought to a head in the most dramatic manner possible the long-standing failure of the political class to achieve institutional reform. It symbolized how fanciful it had been – even in the context of the partial renewal of the Italian political class in the 1990s – to have imagined that there existed a consensus on reinforcing the system’s new majoritarian tendencies by carrying through appropriate institutional reforms.

Yet, Napolitano’s attempt to overcome this deadlock was not without problems. While the government of Enrico Letta that was cobbled together was not a ‘technical’ government as such, it resembled closely its predecessor (Monti’s) in so far as it was effectively presidentially ‘owned’ and ‘transitional’ in nature, with a limited (eighteen-month) tenure and a programme shaped from above. In this way, the report of the ‘ten wise men’ and Napolitano’s savage indictment of the political parties made electoral and institutional reform a central tenet of the Letta government. In June 2013 Letta set up a ‘Commission for the Reform of the Constitution’ consisting of 35 people, mostly from universities, tasked with mapping out possible reforms, based on the same objectives that inspired the work of Napolitano’s ‘wise men’: ‘to revitalize democratic participation, assure efficiency and stability to the political system and reinforce public ethics’ (Commissione per le riforme costituzionali, 2013: 6). The commission submitted its report to the prime minister in September 2013. It was highly generic in nature and reflected divisions inside the commission, especially over the broad direction that institutional reform should take (offering three possible options) but nevertheless managed to propose certain common reforms, including: reduction in the number of members of parliament; the overcoming of ‘symmetric
bicameralism; a strengthening of the government in parliament; and an overhaul of sub-national government’ (ibid.).

In parallel with the work on the Report, a ddl (disegno di legge or draft law – no. 813) was formulated and presented to parliament in June 2013. This draft law was less controversial for the ‘Committee of 40’ it proposed to establish specifically to draft a package of constitutional reforms (i.e. based on the Commission’s ideas) than for the procedures it outlined to achieve the reform, which would have set aside one of the provisions contained in Article 138 of the Constitution. This article requires constitutional amendments to be passed by each chamber after two successive debates at intervals of three months. The draft law reduced this to just over a month, and at the same time contained other provisions to ensure that the reform would be achieved within eighteen months of the draft law being passed.

In view of the wide scope of the committee’s brief – the examination of Titles I, II, III and V of the Constitution pertaining to the form of state, government and bicameralism, as well as considering (under ordinary legislation) proposals for reform of the electoral system – the provisions in the draft law 813 were highly controversial, not only amongst the opposition (and especially the populist Five Star Movement (of Beppe Grillo), which filibustered the bill), but amongst elements of those parties supporting the government. The bill was approved twice by the Senate and once by the Chamber of Deputies, to which it was returned for a required second reading. However, by then, the procedural provisions had lost the bill all credibility, and the prime minister eventually, in December 2013, formally withdrew it, thus ending this attempt at constitutional reform.

In the same month, a Constitutional Court ruling on the existing electoral system compounded the failure of the draft law. The Letta government had not overlooked electoral reform. The Senate had set up a commission to consider options for electoral reform, which would then be considered by the Committee of 40, but progress had been interminably slow. The withdrawal of the draft law 813 coincided with a ruling by the Constitutional Court – in response to a case brought to it by a lawyer – that the existing electoral law (the so-called Porcellum) was unconstitutional. The Court’s reasoning (published in mid-January 2014) focused on both the premium awarded to the winning party and the lack of preferences given to voters. The effect of its ruling was that the provisions invalidating the electoral law had to be removed, which meant – unless parliament carried through electoral reform before the subsequent election – a return to a proportional electoral system.

The combination of this latest failure to achieve both electoral and institutional reform threw the issues back into the political arena and caused an apparent ‘mad dash’ for reform of both institutions and electoral system in early 2014, initiated and primarily shaped by the newly elected leader of the Democratic Party, Matteo Renzi, who started work on trying to forge agreement with the other parties on a package of proposals. In early 2014, however, it remained uncertain what chances of success this latest attempt would have.

In short, the severity of the crisis of early 2013 led many into false expectations: that what had proved impossible to achieve through consensus over forty years could then be secured on the back of Napolitano’s admonishment of political parties for their ‘irresponsible’ behaviour. Today there is little evidence that the constraining factors have disappeared, and notably the extent to which partisan considerations on the part of parties override any concerns about national interest and coherence in the design of reform proposals (Pasquino, 1998). Italy is almost unique in so far as ‘a lack of agreement on the fundamental rules, mechanisms and institutions shaping Italian democracy has pervaded the system for so long it seems to have become a predominant element in the country’s political culture’ (Bull and Pasquino, 2009: 34).
The Italian political system today

The long-term failings of the political class, however, do not mean that the Italian political system remains unchanged. On the contrary, several reforms have changed the way in which institutions and the system function today compared with the period until the early 1990s. It is clear that, if the political system until the early 1990s was a ‘consensual’ democracy, then the changes of the 1990s and 2000s have introduced a stronger element of majoritarianism in the way in which that democracy operates, although this trajectory (as an expressed aspiration on the part of so many) remains incomplete. The principal motivator of that change, however, has not been institutional reform as such but a combination of changes in the electoral and party systems.

The principal development (which itself has been the cause of other changes) has been the bipolarization of the party system (under the impact of its implosion and the 1993 electoral reform) into two broad blocs (centre-left and centre-right), with the accompanying disappearance of anti-system parties and the decline of the centre as the pivot around which coalitions are made (Millefiorini, 2007), and a significant turnover in the political class (see Verzichelli in this volume). Bipolarization has consequently led to alternation in government and a greater stability in the duration of governments, relative to those before the early 1990s (when the average life of a government was almost half of that today). This has led to an increased focus on the design of policy manifestos at elections and use of them in election campaigns, with a stronger sense of a government being elected to carry through a programme, as opposed to a programme being a by-product of a post-election set of compromises over the formation of government and allocation of ministries.

These changes have, with other factors, had spillover effects on the relationship between the legislature and the executive, with a ‘shift . . . from a parliament-centred system to a government-centred system’ (Fabbrini, 2012: 15). Successive governments from the 1990s onwards – partly drawing on reforms already introduced in the 1980s, such as a significant restriction on the use of the secret ballot – have drawn on the implications, obligations and expectations of bipolarization to increase their muscle in the policymaking process through various changes and developments, including: control over the parliamentary agenda; a transformation in the role of Speaker, who has become responsible for oversight of the viability of government bills (and as a consequence of which Speakers of the two Houses are now regularly elected from the majority coalition); greater use of decree laws and ability to transform those decree laws into legislative acts within the required sixty days, especially following the Constitutional Court’s ruling in 1996 that constant reiteration was illegitimate; a marked increase in the use of legislative decrees, promulgated by government on the basis of prior authorization of parliament (according to ‘directive principles and criteria’) and having the immediate force of proper laws; more extensive use of ‘regulations’, which are legislative provisions issued directly by the government but without having the status of laws as such; greater use of the vote of confidence both to accelerate the tabling of government legislation (which is prioritized when it is subject to a vote of confidence) and to increase its likelihood of approval (since voting is by roll call, which makes it more difficult for individual MPs to vote against); and greater use of the so-called ‘maxi-amendment’, whereby a government amendment completely replaces a bill at the same time as integrating it with other provisions which have nothing to do with the original bill, with the possibility also of calling a vote of confidence on the amendment (Vassallo, 2007: 696–703).

This is evidenced in an improvement in public policymaking performance, with an increase in the successful passage of government legislation (including legislation linked to its manifesto programme), as part of a more general shift from ‘government by transaction’ – where policies
are secondary to government formation – towards ‘government by achievement’ – entailing greater responsiveness to the wishes of the electorate, as expressed in its vote for a programme (Conti, 2012; CIRCaP, 2011). The ‘centrality of parliament’ of pre-1990s Italy has, therefore, been considerably undermined.

At the same time, there has been a notable shift inside the executive itself, with the rise of the prime minister as the key focal point, and therefore a shift from prime minister as ‘mediator’ towards prime minister as ‘authoritative leader’. This is partly because of the collapse of the old parties, based on traditional organizations and ideologies, and their replacement with parties which, in many cases, resemble personal machines at the service of their leaders (of which Berlusconi’s Forza Italia is the example par excellence). However, it is also because the old system of checks and balances as well as bargaining between different positions has largely unravelled and been replaced by centripetal forces converging around the prime ministership. External pressures – and notably those emanating from the European Union in a situation of economic crisis – have reinforced the strength of these centripetal forces because of the need for swift and effective responses which only a powerful Executive can provide (Calise, 2010; Fabbrini, 2012).

The rise of the Executive and within that, the prime minister’s office, has been reflected in changes of an organizational nature, most of which were carried through in the 1990s: a reduction in the number of ministries and a streamlining of the ministerial apparatus; decentralization of certain public administration functions; privatization of key public and semi-public enterprises; an increase in the number of political appointees to the Civil Service (to drive through the government’s programme); and reforms to rationalize the bureaucracy and improve coordination between different departments (Vassallo, 2007: 703–8). Finally, the territorial reforms carried out between 1996 and 2001 brought into effect a significant decentralization of the Italian political system, which could develop further if the necessary legislative decrees were to be passed on the back of the May 2009 ‘framework law’ on fiscal federalism (Massetti and Toubeau, 2013: 373–6).

Yet, in looking at the core institutions, many of the changes in operation are largely conjunctural rather than structural in nature, and therefore unstable. Indeed, some of them (use of decree legislation, votes of confidence, maxi-amendments) resemble precisely the sort of practices derided in the ‘First Republic’. They represent adjustments to primarily non-institutional factors (parties, party system, electoral system – although this last has institutional aspects) which themselves are unstable and changing. The parties remain polarized, and until the 2008 elections high in number. They are effectively constrained into a bipolarized logic by an electoral law which offers a ‘premium’ to the winning coalition and which, because of party lists, has the effect of alienating citizens from directly choosing their representatives in parliament. While it is true that governments since the 1990s have expressed a stronger will to lead the legislative process in a stronger adversarial context, at the same time, ‘parliament continues to be shaped by a structure and procedures that favour fragmentation and induce individual MPs into exploiting legislative decrees, and forcing parliament’s hand, and sometimes that of its own majority, with last-minute maxi-amendments and votes of confidence’ (Vassallo, 2007: 703). Analyses of policy performance over time confirm the rather ephemeral and unstable nature of the trend towards more effective majoritarian government, with marked differences not only between different governments but within the same government during its term of office, when ‘centrifugal forces in the system cause government instability’ (Conti, 2012: 14).

Admittedly, this is not a unique situation, since the exact manner in which the institutional arrangements in any democracy will function is dependent upon various non-institutional
factors. Yet the Italian case stands out for the degree of change it has undergone (from consensualism towards majoritarianism) on this basis, combined with the failure of these conjunctural changes to be reinforced or consolidated through reforms of a more lasting, structural nature.

Conclusion: whither the Italian political system?

How best can the Italian political system and the functioning of its core institutions be captured today? Under the impact of the dramatic changes of the early 1990s and the political will of (putatively ‘majoritarian’) reformers, the functioning of the political system has undergone change, largely through the development of adversarial politics and the adoption of some of the practices of the ‘Westminster’ model, something which has allowed the system to overcome the chief failure of the ‘First Republic’: to achieve alternation in government. At the same time, these changes, if analysed according to the different dimensions of the two Lijphartian models of democracy (consensus v. majoritarian), remain partial and incomplete, leaving Italy in a kind of hybrid state of ‘adjustment and stalemate’ (Morlino, 2013: 338). What Italy has experienced thus far has been a complex ‘process of institutional (re-)stabilisation and negotiated change in which the “new” (or at least substantial parts of it) looks remarkably similar to the “old”’ (Bull and Rhodes, 2009: 6). Moreover, even though it is difficult to envisage a complete return to the consensual model of the ‘First Republic’, the direction of future change is anything but predictable (Bull, 2012).

The reason for this state of affairs is that the conjunctural features of change have not been accompanied by structural reforms necessary to consolidate the majoritarian tendencies. This is not to say that there has been inactivity on the structural front. On the contrary, in some areas (e.g. territorial reform and – if one counts it as institutional – electoral reform), the opposite could be argued. Regarding the latter, it is worth noting that ‘today Italy is the only democracy in the world that finds itself discussing its third important electoral reform in less than 15 years’ (Baldini, 2008: 105); yet, this is due to little more than ‘electoral reform cycles’ in which publicly inspired reforms are then subject to ‘a backlash from the political elite who try to get more of what they want out of the system by reforming it’, provoking a further backlash from the public (Baldini, 2011: 660). And regarding the former, while it is true that there have been four substantial territorial reforms since 1996, this is largely because the Northern League managed to force the two coalitions (centre-left and centre-right) to adopt an electoral logic which ‘gave territorial reforms a strongly partisan flavor and heightened the salience of the territorial dimension in mainstream political competition’ (Masseti and Toubeau, 2013: 376). Finally, those attempts at producing a root-and-branch overhaul of the core institutions – Bozzi (1983–5), De Mita/Iotti (1992–4), Bicamerale (1996–7), the centre-right’s constitutional package (2005–6), the Napolitano–Letta attempt (2013) – have been subject to intense partisanship once under way, which has coloured the outcome and ensured failure.

What makes the scale of this failure all the greater is that a consensus exists and has long existed not just on the inadequacy of the existing institutional framework but also on the general trajectory that institutional reform should take (‘majoritarian’) and on the types of reforms perceived as necessary to stabilize Italian democracy around a new institutional equilibrium. If one looks at the ‘high points’ of the institutional reform debate over the past twenty years, from Bozzi through to the ‘ten wise men’ and the ‘35 wise men’ of 2013 (and even to the proposals of Matteo Renzi in 2014), one finds a common and repeated thread of proposed reforms, including: ending symmetric bicameralism; streamlining the legislative process; reducing the size of parliament; modifying the relations between the executive and legislature; consolidating the
power of the prime minister; modifying the role of the president; introducing fiscal federalism; and reforming the electoral system to stabilize the bipolar logic and the reduced number of parties.

The problem is that once the reform process is commenced and the detail of such reforms negotiated, the parties tend to adopt approaches which place their partisan interests over any national interest, which leads to conflict, procrastination, partial and poorly designed reforms and, ultimately, failure. In this way, the very process of institutional reform has, paradoxically, had the effect of delegitimizing further the existing institutional framework by simultaneously highlighting its inadequacies at the same time as the incapacity of the political elites to achieve its reform.

Notes

1 Save for the introduction of regional governments in the 1970s (supported mainly by the PCI and PSI), which did not begin to operate properly until the late 1970s, and were, in the 1980s, regarded as having failed to meet expectations.

2 Sartori, therefore, dubbed it the Porcellum since the 1993 reform had been called the Mattarellum after its chief proponent.

3 The prospects of this receded with the onset of the economic crisis, when the reform was effectively used for cutting public spending and raising taxes (Masseti, 2012) although the report of the ‘Ten Wise Men’ in April 2013 recommended it as ‘an essential component of the policies to relaunch the country’ (Mauro et al., 2013: 18).

4 The 2008–11 Berlusconi government is a good example: it started out cohesive and able to legislate but then endured, from within its supporting coalition, a complete collapse in its authority and capacity to legislate (CIRCaP, 2011).

References


