

THE EVOLUTION OF INSTITUTIONAL REFORMS IN ITALY

The Italian situation in the 1970s was one of constant strain on the political system. After the end of the emergency government, with the death of Aldo Moro in 1978, the contrast among the main parties, the Christian Democrats and the Communists made effective government impossible. This led to a peculiar situation in which the need for an overall reform of the system became increasingly necessary, while being paradoxically impossible because of the nature of the system itself.

The decade beginning in 1979 brought a great number of changes and innovations in the political sphere to the western world. The premiership of Margaret Thatcher was hailed in that year as the beginning of the neoconservative movement that gained further momentum with the presidency of Ronald Reagan in 1981; small government, rejection of consensus policies and economic neo-liberalism were its hallmarks. At the same time the presidency of François Mitterand in France marked the final emancipation of the French Socialist Party from the Communists, which were relegated to the political sidelines from then on, and brought to a long period of progressive policies. In Italy the decade opened with a number of important events taking place. The first was the election of former socialist partisan Sandro Pertini as President of the Republic, a charismatic figure who reshaped the presidency, bringing it much closer to the general public. The second was the end of the Christian Democrats' control over Palazzo Chigi as Republican politician Giovanni Spadolini became the first "lay" Prime Minister. The third one was the most influential change in the Italian political scenario; the transformation that took place in the Italian Socialist Party (PSI). After electing Bettino Craxi as its new political secretary, the PSI began trying to imitate the example of the French and German socialist parties by eliminating its Marxist roots and achieving an independent, progressive social-democratic stance. This evolution aimed, as it had been in the other countries, at marginalizing the Communists as the dominant political force of the left.

These three factors were instrumental in starting a political season of reforms, forcing at the same time the more skeptical political actors to take a stance. The DC,

under its new secretary Ciriaco De Mita opened up to the possibility of an institutional reform, while making sure that the party did not lose its central position in national politics. The Communists instead were vehemently against any possibility of reform, not wanting to accept the rules of a democratic system to which their ideology was fundamentally opposed. The first concrete attempt to reform thus began in 1982, during Giovanni Spadolini's second cabinet, when he proposed a Decalogue of reforms that was to act as a guideline for future political action. The reforms of the Decalogue were mainly aimed at streamlining and making more efficient the action of the Cabinet and at removing the abuse of secret ballot vote by parliament. While these proposals were limited in scope, they had the major merit of officially introducing the issue of institutional reforms in the political debate; however political squabbles delayed the implementation of these proposals until 1988, long after Spadolini's tenure as Prime Minister. In 1983 infighting in the government coalition caused snap elections; the outgoing Parliament's last act was a joint bipartisan commitment to institutional reforms.

When the new Parliament was sworn in it quickly approved the creation of a Bicameral Committee on reforms. This Committee, nicknamed the "Bozzi Committee", was led by Liberal Deputy Aldo Bozzi and composed of 20 Deputies and 20 Senators, selected along party lines. The scope of the Committee was grand, as they were tasked to propose a complete overhaul of Parliament, in its composition, election and powers, of the Council of Ministers and of the Presidency of the Republic. It is obvious that great expectations were raised and unfortunately failed. The Committee was unable to reach a compromise and its only result was a list of the possible articles in the Constitution that could be modified to achieve the desired reforms. The main reasons behind this failure were three: firstly, its members were not actually able to propose individual issues, but had to respect the demands of party secretaries; secondly, the presidency of the Committee, which included the secretaries' liaisons, became the true center of decisions, effectively paralyzing debate; thirdly, the political activity of the Government seriously jeopardized the Committee's efforts. Ever since 1983 Craxi had become prime minister and he began pressing forward his agenda of strengthening the powers of the Executive, ignoring the progress or lack thereof made by the Committee. Thus the Government managed to achieve its agenda mainly through unorthodox methods such as decrees and confidence votes. The increase of

power of the Executive, if not formal was in practice real and it enjoyed public support. All of this diminished the importance of the legislative efforts of the Committee.

Indeed Craxi's attempts to increase the power of the government followed his personal proposal of institutional reforms. Since 1979 the Socialist leader had developed the outline of a "great reform" for Italy. This reform was trying to accomplish a complete overhaul of the institutional framework of the country, as to ensure the effectiveness and stability of government action. The great reform was developed along two parallel lines: the first of which was the so called neoparlamentarian line and the second was the presidential line. The neoparlamentarian line had as an objective the strengthening of the powers of government within the frame of a parliamentarian system similar to the existing one. The changes it suggested were: to reduce the ability of party secretaries to undo cabinets, to increase local autonomies in the Regions and to strengthen the position of the Prime Minister. It had as models Germany and the United Kingdom, copying such ideas as constructive no-confidence votes and a change in the composition and election of Parliament. On the other hand the presidential line did not aim at establishing a true presidential system, such as in the United States, for that would have required a complete overhaul of the Constitution so as to provide the required checks and balances. Instead it was aiming at a semi-presidential system, akin to that of France, in which a popularly elected President would appoint the Cabinet with consent of the Parliament and would have a greater role in shaping national policy. The example of France was appropriate because the French Fourth Republic was so similar to the Italian situation and it would have been easy to mimic the changes introduced by De Gaulle in 1958. However appealing and ambitious as these policies were, they suffered from fundamental flaws: firstly the presidential line was never organically developed until 1991, remaining mainly a theoretical concept; secondly, there was no unanimity in the PSI on which proposal to implement, as they both held their appeal. Even Craxi was not entirely sure about which would have been the most opportune: the presidential line was more appealing but the neoparlamentarian one held higher chances of approval. In the end neither of these was implemented, as

Craxi left Palazzo Chigi in 1988, striking a secret deal with Christian Democrats Arnaldo Forlani and Giulio Andreotti to ensure his return to the highest office after about five years. Even the idea to propose a popular referendum, appealing as it seemed, considering his high approval ratings, never reached fruition.

The late 1980s saw other political phenomena take place: firstly there was the birth of the leagues, northern political organizations that coalesced in the Lega Nord by the late '80s, under the leadership of Umberto Bossi. These movements started demanding more and more independence from the corrupt and inefficient central government and they started making inroads into local governments while demanding substantial reforms. These demands were coupled with a malaise felt by the general public toward the political elite that was seen as disconnected from the needs of the populace. Secondly the new President of the Republic, Francesco Cossiga, started launching harsh accusations against the institutional system, encouraging the outcry from the people and increasing the discredit of the political elite. The resulting wave of popular outrage was the beginning of a new season in Italian politics that is known as the "referendum era". The people, having failed to convince the politicians of the need to reform, would force them with the only instrument of self government allowed, referendum. The push toward referenda had begun with the Radical Party, and a number of social issues had been decided in that fashion, including abortion and divorce in the 1970s. A Christian Democrat, Mario Segni, launched the idea of nationwide referenda to prompt reforms. His referenda proposed to change the functions of both Senate and House, but the Constitutional Court ruled them all out, arousing suspicions of a politically motivated decisions. However one referendum was allowed to stand: the reduction to one of the candidates who could be selected in open list elections. However small and technical that may have been, Segni made the most out of it, presenting it to general public as a chance to deliver a blow to the political parties. It worked; a majority of Italians went to vote and a resounding majority approved the referendum, notwithstanding the contrary advice of leading politicians. The first battle won, Segni launched his second campaign, proposing to eliminate the current proportional law by which the House and Senate were elected. Of course the idea behind this was to force Parliament to introduce a new plurality voting system. Once again the referenda were a success and Parliament was forced to act. In 1993 both House and Senate changed their electoral laws, moving to a

mixed proportional-plurality system, the so-called Mattarellum from the name of its creator, Sergio Mattarella.

At the same time, as the Iron Curtain and Communism fell around the world, the Italian political system was about to collapse. In the early 1990s, their integrity already shaken, all national political parties except the Communists, the post-fascist MSI and the Lega, were overrun when the huge scandal of Tangentopoli was uncovered. It was revealed that billions of Liras had been embezzled by parties and individual politicians; that they had been accepting huge bribes in exchange for political favors and that many prominent politicians were associated with organized crime. Nearly overnight the Italian political leadership was wiped out: Forlani, poised to succeed Cossiga at the Quirinal, was brought to trial for corruption; Andreotti, the great schemer, was accused of consorting with the Sicilian Mafia; Craxi was deemed responsible for corruption and abuse of office and fled the country. Like them, hundreds of other prominent members of the Italian elite were removed from the stage. A last desperate attempt to introduce some face-saving reforms, a new Bicameral Committee, failed once again. The Committee's first president, Ciriaco De Mita, was soon brought to trial as were several other of its members. A technical government, led by Bankitalia Governor Ciampi, was put in charge in 1992, but it was only two short years before new elections had to be called. The parties that had held sway over Italy for half a century had been swept aside, leaving only the Communists untouched. The Communist Party had shed most of its Marxist trappings starting in 1989, and although obviously unassailable from the accusation of being pawns of the USSR (the Soviet state collapsed in 1992), they still had the reputation of never having truly abandoned their original ideological leanings.

The so called First Republic was no more, but the 1994 elections brought an unexpected result. The former Communists were poised to win, since their only major opponent was the centrist Patto Segni. However a few months before the elections, billionaire entrepreneur Silvio Berlusconi created a political party, Forza Italia, which proposed a moderate, liberal program. Berlusconi used the full extent of his media empire to broadcast his political message and managed to execute a master coup by creating a double alliance for the elections; in the north with the Lega and in

the south with the post-fascist MSI. Against all expectations, the center-right coalition won the general election and the subsequent European election; however it was a short lived victory. Umberto Bossi became dissatisfied over the alliance with Forza Italia, as he saw his party being increasingly sidelined; and so by December 1994 he left the government coalition, paving the way to a caretaker Government led by Lamberto Dini. This period was characterized by a revamp concerning the interest in institutional reforms. There were two main paths in this direction: the first proposed a change in the form of government along the old lines of semi-presidentialism or strong premiership; the second introduced a new federalist interest in reducing and defining the areas of competence of the central government and devolving all other issues to Regions.

A new change in the situation began in 1996, when the center-left won the elections by forming a grand coalition led by former IRI President Romano Prodi. He narrowly defeated Berlusconi's coalition, mainly thanks to the defection of the Lega. Although the contrasting interests that dominated his coalition hampered Prodi's ability to govern the country, Parliament proposed a new formal initiative towards reform; this created a new Bicameral Committee, the third, which was to be headed by former Communist secretary Massimo D'Alema. The main reforms proposed by the center-left were thus contained in the final document of the D'Alema Committee. This was aiming at emulating the German model of federalism, including: a strengthening of the powers of the Prime Minister, a division in a nationally elected House and a Federal Senate and an increased power for Regions. The turmoil of the last months of the Prodi Cabinet brought these attempts to an end, thereby shelving all proposals in mid-1998. The D'Alema Committee was the last attempt to introduce bipartisan reforms. From then on three main reforms were introduced, one by the center-left in 2001 and two by the center-right in 2005. Each one was approved strictly along party lines. The first of these reforms attempted to re-propose a part of the failed legislation of the Bicameral Committee. The end result, made into law just months before the 2001 general election, was approved by the first confirmation referendum in June 2001. It provided a clear definition of those powers which were exclusive to the State, those that were shared and those that were exclusive competence of the Regions. Thus it established a complete innovation in what had been up until then a highly centralized and

hierarchical system. Regions, Provinces, Cities and the State were all created equal components of the Republic.

The approval of this reform and the British devolution of power in favor of Scotland, spurred a renewed interest in the Lega towards federalism. Once again allied with Berlusconi, Bossi pushed for a more comprehensive reform. This was adopted after the 2001 elections in which the newly reformed center-right coalition won a resounding victory. Berlusconi accepted Bossi's proposal in exchange for including in it a reform of Government and Parliament. The reform went through a lengthy parliamentary process but was finally approved in the autumn of 2005. A new referendum was called in June 2006 and the reform proposal was defeated. Although defeated it is worth mentioning for it was the most comprehensive reform attempted in Italy. It introduced a strong premiership, with the Prime Minister's tenure tightly intertwined with that of the legislature. A lack of confidence by the House would have caused the Premier to resign and the automatic calling of new elections. The House would also have been forced to give precedence to government bills. The Senate instead would have been entirely federal, with the Senators elected together with each Regional Council, providing a fluent majority akin to that of the German Bundesrat. With the failure of the constitutional review and the 2006 elections looming on the horizon, Berlusconi was pressed to change the electoral law. It was partly to satisfy the smaller parties who were at a disadvantage with the first-past-the-post system and partly to try to hinder the center-left's victory chances in 2006. So the Calderoli law was born, nicknamed by its creator "una porcata" or a pig's job, and then more diplomatically Porcellum. The new electoral law was entirely proportional with three particular characteristics. It had a high threshold, 4% for single parties and 10% for cartels in the House and twice that much in the Senate. It provided a majority prize by which the party or cartel obtaining a plurality of votes would have been entitled to 55% of the seats in the House and 55% of the seats in the Senate, based on the performance in each Region separately. Finally it created a system of blocked electoral lists, by which an elector would have been able only to vote for a party and not for an actual candidate.

The electoral reform of 2005 was the last major institutional reform introduced in Italy, and it has caused controversy over its effectiveness and the possibility of corrective measures, a debate that persists to this very day.