

# Transition from Democracy to Democracy: Is It Possible in Italy?<sup>1</sup>

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*Abstract: The article addresses two questions crucial for understanding Italian democracy: first, whether, since the beginning of the 1990s, there has been a transition to a different democratic regime, and second, if so of what kind. These questions can be answered using some of the dimensions suggested by Lijphart (1999): the relationship between the executive and legislative branches; the number of parties and the characteristics of the party system; plurality versus proportional electoral systems; the pluralist or neo-corporatist nature of interest-group relations with government; the concentration/dispersion of power between different institutional tiers. By applying these dimensions we are able to see, first, what kind of democracy existed in Italy prior to the 1992 elections, and then how it changed.*

**Keywords:** Transition, Consensus democracy, Majoritarian democracy, Party system, Interest groups, Dispersion of power.

## Introduction

How can the long process of change in Italian democracy best be characterised? Answering this question requires placing the phenomenon of macro-political change of a democracy within a theoretical framework that will suggest answers to three more specific questions: How should one analyse a transition from one type of democracy to another? Has there been any empirical instance of such a transition? Has what has happened in Italy been a move from one model towards another, or a process of adjustment within one and the same model?

Lijphart (1984 and 1999) has identified two models of democracy – majoritarian and consensus democracy – and a wide range of hypothetical cases, fitting existing democracies, in between. The two models are characterised by a number of dimensions that can be grouped together into two subsets: one relating to the executive branch and the political parties, and one relating to the unitary or federal character of the political system. The first subset includes: 1. composition of the cabinet: whether staffed by a single-party or a coalition; 2. relations between the executive and legislative branches: whether the executive dominates the legislature, or there is a

balance between the two; 3. the number of parties and the features of the party system: two-party versus multi-party systems and the number of cleavages; 4. the electoral system: whether plurality or proportional; 5. relations between government institutions and interest groups: whether pluralist or neo-corporatist in nature. The second subset includes: 6. the dispersal of government power: unitary versus decentralised power; 7. the number and the diversity of parliamentary chambers: monocameralism versus weak or strong bicameralism; 8. a rigid versus a flexible constitution.

These dimensions can be used to advance the following propositions: there is democratic change from majoritarian to consensus democracy, or vice versa, when all or nearly all the relevant dimensions indicated above change in one direction or another; there is adjustment only when one or some of those dimensions change substantially (as explained below), but the democracy goes on being majoritarian or consensual; there is adjustment and shift (i.e. partial change) when some dimensions change and those move in the same direction, that is to say in a majoritarian or a consensus direction.

Regarding specific cases of change from one type of democracy to another, the only evident and recent case has been France with the shift from the Fourth to the Fifth Republic between the end of the 1950s and the beginning of the 1960s.

Regarding the third question, scholars, journalists and the public have debated at length whether Italy has changed or adjusted, or whether there has merely been a long inconclusive phase of transition. Using the above-discussed dimensions this is a question that we can now set about answering, although we should note that some of the aspects indicated by Lijphart have not changed, or have changed marginally, making it superfluous to assess them in detail. Thus Italy continues to have coalition governments; there is a weak bicameral system in which both chambers have identical legislative powers; the Constitution is rigid, and the role of the Constitutional Court remains essentially unchanged. We shall, however, have to consider the relationship between the executive and legislative branches; the number of parties and the characteristics of the party system; the nature of the electoral system; the pluralist or neo-corporatist nature of the relationship between government institutions and interest groups; the concentration versus the dispersal of power between different institutional tiers. Changes along these dimensions combine to define or redefine the Italian model of democracy, whose evolution accelerated from the beginning of the 1990s onwards. This framework will allow us to see, first, what kind of democracy existed in Italy until the period between the collapse of the Berlin Wall and the 1992 elections, then see how it changed and what, in terms of these five dimensions, the changes were.

### What was the nature of Italy's pre-1992 democracy?

While acknowledging that significant changes took place in the 1970s and 1980s following the completion of democratic consolidation at the end of the 1950s (Morlino, 1991), we may define Italian democracy as a case of *consensualism*. Table 1 shows that the Italian model of democracy contrasted with the United Kingdom's majoritarian democracy, Spain's substantially majoritarian system, France's quasi-majoritarian system, and Germany's hybrid system (Bruneau et al., 2001).

**Table 1: Majoritarian and consensus models of democracy: Italy and other countries (1945-92)**

|                                                                                             |          |         |                |                |
|---------------------------------------------------------------------------------------------|----------|---------|----------------|----------------|
| 1.1 Time during which the country was governed by a minimum winning coalition ( percent)    |          |         |                |                |
| UK 96                                                                                       | Ge 70    | Sp 63   | Fr 48          | <b>It 20</b>   |
| 1.2 Average life of governments (months)                                                    |          |         |                |                |
| Sp 114                                                                                      | UK 94    | Ge 60   | <b>It 17</b>   |                |
| 2. Electoral non-proportionality (Gallagher) index                                          |          |         |                |                |
| Fr 11.84                                                                                    | UK 10.33 | Sp 8.15 | <b>It 2.71</b> | Ge 2.58        |
| 3.1 Effective number of parties <sup>2</sup>                                                |          |         |                |                |
| UK 2.11                                                                                     | Ge 2.64  | Sp 2.77 | Fr 3.43        | <b>It 3.71</b> |
| 3.2 Number of party cleavages                                                               |          |         |                |                |
| UK 1.5                                                                                      | Fr 2.5   | Sp 2.9  | Ge 3.0         | <b>It 3.0</b>  |
| 4. Spending by sub-national tiers of government as a proportion of total public expenditure |          |         |                |                |
| Fr 29.4                                                                                     | UK 32.6  | Sp 32.9 | <b>It 36.5</b> | Ge 56.1        |

Source: adapted from tables 2.1-2.8 in Bruneau et al. (2001).

Legend: Fr=France 5th Rep.; Ge=Germany; It=Italy; Sp=Spain; UK=United Kingdom.

**Balancing the executive and the legislative branches.** Partly because of the constant presence of coalition governments, Parliament had considerable influence over the cabinet. This influence was heightened thanks to Parliament's standing orders which gave it considerable powers to amend government bills. Table 2 shows: *a.* the proportion of legislative initiatives originating in Parliament was very large and grew even larger in the 1970s and 1980s, thus illustrating the function of symbolic representation performed by Parliament in this period; *b.* the significant presence of

cabinet proposals among the legislative proposals approved; *c.* an overall reduction in the effectiveness of legislation between the first and the second period (from 95.7 to 72.1 percent).

**Table 2: Relations between the executive and the legislative branches: lawmaking (1948-92)**

| Lawmaking                              | Origin     | 1948-72 | 1972-92 |
|----------------------------------------|------------|---------|---------|
| a. bills tabled                        | Government | 35.2    | 19.7    |
|                                        | Parliament | 64.8    | 80.3    |
| b. laws enacted                        | Government | 75.3    | 77.4    |
|                                        | Parliament | 24.7    | 22.6    |
| c. cabinet/parliamentary effectiveness | Government | 81.6    | 67.4    |
|                                        | Parliament | 14.1    | 4.7     |

Source: adapted from Morlino (1998: 62-63).

Legend: a. percentage of bills tabled, by origin; b. percentage of laws enacted, by origin; c. percentage of bills enacted into law (the totals do not sum to 100 because the proportions of bills tabled but not enacted are not shown).

**The proportional electoral system.** Electoral laws at both the national and local level were distinctly proportional. The Gallagher indices shown in Table 1 reveal that, together with Germany, Italy had one of the most highly proportional systems. Alternative indices present the same picture. Rose's (1984) non-proportionality index<sup>3</sup>, for example, results in a score of 95 for the Chamber of Deputies, while the corresponding figure was 91 for Japan until 1993, 85 for the United Kingdom with its traditional plurality system, and 79 for France with its two-ballot majoritarian system, where 100 was the maximum degree of proportionality possible. Throughout this period the electoral system was regarded as a 'rule of the game', that is, a rule that cannot be modified by a simple majority alone, due to its character as a guarantee for all the political players. The two proportional and almost identical electoral systems for the Senate and the Chamber of Deputies underlay the weak bicameral system referred to above. Lastly, like all highly proportional electoral systems, Italy's had a neutral impact on the number of political parties, in the sense that it did not prevent fragmentation.

**Extreme multiparty systems and the plurality of cleavages.** There are four complementary aspects that should be noted here: heightened party fragmentation, with one centre party as the largest coalition member always in government; marginalisation of the extreme Right and the Communist Left, and a comparatively large number of cleavages. During the 1970s and 1980s the number of parties winning parliamentary seats was

always between 7 and 9, while no party ever achieved more than 42 percent of the vote in the 1970s, and 37 percent in the following decade. The centre was occupied by the Christian Democratic party, which retained a relative majority in Parliament and remained in power from the very foundation of the post-war Italian Republic with no likelihood of ever being replaced in government. For the Christian Democrats, being 'condemned' to govern was a consequence of the impossibility of the Right, represented by the Italian Social Movement (Movimento Sociale Italiano, MSI), or the Left, represented by the Italian Communist Party (Partito Comunista Italiano, PCI), entering a government coalition, because they were deemed to be 'anti-system' in terms of their ideologies and political programmes. Furthermore, in the Italian case there were at least four cleavages, arising from: socio-economic differences, expressed in the differences between the Right and the Left; the division between Secularists and Catholics; support or otherwise for the democratic regime; radical foreign policy differences, particularly with regard to the USSR. As reflected in the figures shown in Table 1, Lijphart (1984) suggests that the less intense divisions be assigned a value of 0.5

*The pluralistic nature of the system of interest groups.* While interest groups' relations with the political system were pluralist in nature, a key aspect of the interplay between the two, one specific to Italian democracy, was that party structures, interest associations and public agricultural and industrial institutions were all linked together in a complex decision-making structure in which the parties played a central role. This provided, albeit to differing degrees, symbolic and substantive space for all interests to be represented. The uniqueness of the Italian case lies in the fact that it lacked one of the distinguishing features of a consensus model, namely, the possibility for all political parties to establish alliances and to be in government, also possibly alternating in power. In consensus democracies all the players are usually deemed legitimate actors and there are no major parties or trade unions excluded from incumbency as the Communists and extreme right were. This unique feature of Italian consensualism must be borne in mind because it helps to explain what would happen from the early 1990s onwards.

*Limited regional decentralisation.* The final element too was initially inconsistent with the consensus model. However, it became increasingly consistent from the early 1970s; for, despite the fact that the Constitution declared otherwise, Italy was a unitary country until 1970 when the regions were instituted and they, together with the first regional elections, ushered in a very partial form of decentralisation. Table 1 shows that the spending of local and regional government, at 36.5 percent, amounts to just over one third of total public expenditure.

At the end of the 1980s, against the background of growing popular dissatisfaction, the disappearance of the obstacles that kept expressions of such dissatisfaction in check, and the emergence of incentives to change, this consensus model went into crisis. Italians' dissatisfaction with the way democracy worked had been the highest in Europe for at least 20 years. But with the passage of time, a more pragmatic and moderate type of dissatisfaction began to gain ascendancy, with ideological and radical dissatisfaction going into decline. Italians' protest was increasingly fuelled by perceptions of poor performance on the part of political institutions and actors – primarily the parties, which were consequently held in low esteem by the public – rather than any ideological hostility towards the democratic system as such. There is no doubt that the sectors that had been marginalised by the 'exclusive' character of the consolidation process that took place in the aftermath of the Second World War continued to harbour more or less explicit reservations about democracy. As the system became consolidated due to a lack of viable alternatives, it became increasingly more broadly legitimised and ultimately achieved a high level of support: for the vast majority of citizens, the issue was not whether or not to accept democracy, but what type of democracy to have. Subsequently, as generational turnover led the collective memory of Fascism to fade, these attitudes of dissatisfaction could be translated into protest.

The second set of constraints that disappeared was ideological: the anti-Communist role of the moderate parties was weakened. The defeat of terrorism at the beginning of the 1980s was the first cause of this trend, but a second even more important factor was the gradual integration of the PCI into the democratic system. The third element was the emergence of a new international context following the collapse of the regimes of Eastern Europe, and the Communists' decision to found a new party – with the consequence that earlier fears among moderate sections of public opinion, disappeared. Moderate and centrist voters could now vote for parties both on the right and the left with less psychological resistance.

While the former constraints on expressions of dissatisfaction now lost their force, there were, in addition, three main incentives to it: the delegitimising effect of the 'Clean Hands' judicial investigation; the concomitant economic crisis, and the April 1993 referendum, which changed the electoral laws for both the Chamber of Deputies and the Senate.

Corruption had been a recurrent feature of Italian politics from the 1950s onwards, but none of the resulting scandals had ever had consequences even remotely comparable to what happened at the beginning of the 1990s; for before that date the constraints had worked. But from 1992 onwards, news of widespread corruption in every area of public life, and above all the impact of the Montedison trial which was broadcast on public television every evening for almost two months at the end of 1993,

gravely delegitimised the leaders of the Christian Democratic and Socialist parties and also some of those from the Communist party. A second incentive to change came from the worsening economic crisis. For decades, ineffective decision-making by Italy's institutions had been offset by substantially effective decision-making at the micro-sectoral and local levels. The large mass of private demands made by interest groups had been satisfied by enormous numbers of *ad hoc* measures – the so-called 'little laws' or '*leggine*'. Widespread patronage in the management of public affairs had acted for a long time as a clearing house for the shortcomings and imbalances at the level of visible politics. In the new environment, the prolonged economic crisis made it intolerable for resources to be squandered through the persistence of patronage networks managed by the parties, throwing into crisis the relationship between them and organised interest groups. A third incentive was the April 1993 referendum, promoted specifically by representatives of the traditional political class, demanding a change in the electoral law in the direction of a plurality system, in the hope that this would lead to more effective parliamentary decision-making, while also making it possible for citizens to feel that expressions of discontent and demands for change would have a real impact in the political system.

With the fading away of the constraints that prevented people from acting on their sense of dissatisfaction, and the emergence of incentives to do so, all the conditions were in place for a crisis. At that point there emerged a widespread demand for change and efficiency which was expressed, albeit with widely differing emphases and programmes, by the new and old political leaders and movements, that is to say, by sections of the old establishment, including the Christian Democrats, but also by the Lombard League and the other regional leagues, the *Rete*, members of the referendum movement, the Greens, the neo-Communists and the extreme Right. These players were joined by daily newspapers such as *La Repubblica*, and various sections of the business community.<sup>4</sup>

### **The electoral system: the triumph of the mix**

The five years that followed 1992-93 saw changes (some substantial, some limited, and some only apparent) underlying which there was a strong current of continuity and even a return to the *status quo ante* after a certain period.

As a result of the referendum on 18 April 1993, a mixed electoral system was introduced for both the Senate and the Chamber of Deputies (D'Alimonte and Chiaramonte, 1995). The new rules gave rise to anticipated reactions by the parties, which sought to survive the change. A process of institutional learning took place and while there was a

heightening of electoral competitiveness this did not lead to the consolidation of two parties owing to the crucial importance of the small centrist parties in deciding who wins elections.

After 2001 the Berlusconi government was in a position to introduce electoral and constitutional reforms, but it only did so at the end of the life of the parliament with the introduction of a new electoral system (Law 270 of 21 December 2005). This remained a partially proportional system with low electoral thresholds and a majority premium. It brought a further growth of coalitional bipartisanship (from 97.6 to 99.8 percent in 2006 in terms of seats, and from 89.7 to 99.1 percent in terms of votes cast)<sup>5</sup> and of party fragmentation (from 7.14 in 1996 and 6.32 in 2001 to 7.35 in 2006).<sup>6</sup> Although, owing to the majority premium awarded to the largest electoral coalition, the reformed electoral law is a hybrid system, its effects have been relatively more proportional than those of the previous one, as shown by the increased level of party fragmentation.

### **The parties and the party system: between change and continuity**

Between the early and the mid 1990s, a widespread restructuring of the parties and the party system took place. The two most important events occurred in 1991 and 1994. The former year saw the crisis of the Left formally recognised by the institution of the Democratic Party of the Left and the division between it and Communist Refoundation (Ignazi, 1992; Baccetti, 1996). Almost simultaneously, the Northern League (Lega Nord, LN) emerged to fill, in certain parts of northern Italy, the void created by the disappearance of the Christian Democratic party and the crisis in Catholic culture. The Northern League succeeded in capitalising on feelings of discontent in those regions by creating clearly defined territorial identities through localist, anti-centralist, anti-party, anti-Southern and anti-immigration stances as well as a certain anti-Europeanism (Belotti, 1992; Diamanti, 1995 and 2003; Segatti, 1992).

With regard to the Right, the MSI softened its right-wing conservative positions after its success in the 1993 local elections until it eventually transformed itself into the National Alliance (Alleanza Nazionale, AN) by incorporating part of the former Christian Democratic party at the beginning of 1995. But the most important event on the centre right was the creation, in 1994, of Forza Italia (FI) driven by the de-legitimisation and crisis suffered by the Christian Democrats (Democrazia Cristiana, DC), the Italian Socialist Party (Partito Socialista Italiano, PSI) and the other small centrist parties (Partito Liberale Italiano, PLI; Partito Repubblicano Italiano, PRI; Partito Social Democratico Italiano, PSDI), a process which, as the elections approached, created a void in the moderate electorate (Diamanti 1995). The sudden and unexpected success of FI can be explained by its capacity to meet a popular 'demand' – combining discontent, desire for

change, an aversion to politics, and the absence of the old DC – with an ‘offering’ designed by an entrepreneur with experience in advertising and the backing of a corporation (Diamanti 1995, 2003; Pasquino, 2003). Stability was, however, not restored following the 1994 elections. Indeed, between the end of 1994 and June 1995, various small parties were created and became important partners of the larger ones.

The period 1991-1996 as a whole saw the emergence of large numbers of new parties, movements, electoral coalitions, splits, divisions and mergers. The irony is that these far-reaching changes in the political parties went hand-in-hand with considerable party-system continuity, particularly with regard to fragmentation. After considerable stability in the number of parties between 1946 and 1987, with party fragmentation (PF) = .79 in 1946 and .78 in 1987 (see table 3) and highly polarised elections in 1948 and 1976, fragmentation increased in the early 1990s (PF = +.7 between 1987 and 1992), but declined in 2001 before rising again with the new electoral law (Chiaromonte, 2007).<sup>7</sup> The rise in the number of major political parties was the outcome of the collapse of the DC, which was replaced by not less than five political parties of varying size. These were AN (with 13.5 percent of the vote in 1994, 15.7 percent in 1996 and 12.0 percent in 2001); FI (with 21.0 percent in 1994, 20.6 percent in 1996 and 29.5 percent in 2001); LN (which obtained 8.4 percent in 1994, 10.0 percent in 1996 and 3.9 percent in 2001); the Popolari and the Patto Segni (whose support amounted to 11.1 percent and 4.7 percent in 1994); the Centro Cristiano Democratico (CCD) and Cristiani Democratici Uniti (CDU), which then formed the Unione dei Democratici Cristiani e Democratici di Centro (UDC) (with 3.2 percent of the vote in 2001); and the Margherita (with 14.5 percent in 2001).

Anti-system parties no longer existed, and consequently bilateral oppositions also disappeared. AN joined the government before 2001 and was in office continuously from 2001 to 2006. From 1994, it was taken for granted that the Party of the Left (Partito Democratico della Sinistra, PDS) and later Left Democrats (Democratici di Sinistra, DS) was a viable ally. Furthermore, because of the crises and the divisions in many parts of the DC, there was no longer a centre occupied by only one political party. There were several weaker centrist parties, in addition to alternation in government. All this meant that there was a shortening of ideological distances, and a process of de-radicalisation taking place in the parties, whose stances reflected ever less perfectly the traditional division between right and left. But at the same time a new radicalisation was emerging, with a split between the centre and the periphery and also a potentially deeper split between the left and the right over social issues. There was also a new process of radicalisation, characterised primarily by the attempt by the right-wing and centre-right parties to recreate an artificial division between Communists and anti-Communists. In short, it was still possible to define

the Italian party system as a form of *extreme pluralism* (Sartori, 1976), and even suggest a neo-polarisation fuelled by the same large number of political parties that were supposed to guarantee its existence.

In addition to the previously deep political rifts (concerning left and right, religion, support for democracy and foreign policy), social and economic conflict was salient, this as a result of the continuing heavy burden of public debt which often forced the government to adopt restrictive policies. Differences over foreign policy became even more marked as a result of the changed international situation which led Italy to intervene in various theatres of war, such as Lebanon, Kosovo, Afghanistan and Iraq. The conflict between Catholics and Secularists remained, especially on issues to which the Catholic Church attributes particular importance, such as the family, abortion, euthanasia, and so on. Having been weakened since the time of the 'historic compromise' (1973), conflict over support for democracy completely disappeared. However, there was an upsurge in the conflict that had already existed at the end of the 1970s, around environmental issues. Lastly, there was heightened conflict between the centre and the periphery, which had become the preserve of the Northern League. Finally, there was still a total of 3.0 party cleavages (Lijphart, 1999) which shows that, from a systemic point of view, little had changed (see point 3.2, table 1).

### **The seesaw: a weak-strong-weak executive**

Relations between the executive and Parliament continue to see-saw. The 1987-1992 legislature, the last preceding the "party earthquake", already revealed a weakened role of the executive. But this weakness became even greater in the two following legislatures (1992-94 and 1994-96). These, not by chance, were the shortest-lived since 1948. They were characterised by a dominance of Parliament that was wholly exceptional among the world's democracies and was the sign of a period of democratic crisis.

We should also examine the figures for bills enacted between 1994 and 1996: 89 percent were of parliamentary origin, 11 percent were government bills, the worst ratio since the end of the Second World War. The following decade saw a rebalancing of these ratios, while Parliament showed persistence with the past in continuing to provide a powerful form of symbolic representation, as emerges clearly from the origins of the bills tabled in the period 1949-92 (cf. table 2) and in 1992-2006 (cf. table 3).

For several years, the Government had sought to avoid parliamentary constraints by issuing decree laws, whether or not they met the criteria of 'necessity and urgency' prescribed by article 77 of the Constitution. If Parliament failed to convert decrees into ordinary law within the constitutionally required period of 60 days, governments issued them again, sometimes several times over (cf. Cazzola and Morisi, 1981). In the

early 1990s, faced with weak or non-existent parliamentary majorities, governments issued decree laws with growing frequency; indeed they became the main means of decision making (Simoncini, 2006:21). Meanwhile, a decreasing percentage of them were enacted into law: 45.0 percent during the 1983-87 parliament; 40.1 percent in 1987-92; 24.2 percent in 1992-94, and 16.9 percent in 1994-96. Furthermore, when they were enacted, this was often due to the Government's reluctant acceptance of amendments originating in Parliament. In the period 1996-99, 90 percent of the enacted decrees were amended (Simoncini 2006:31). In 1996, the Constitutional Court declared unconstitutional the re-issuing of decrees. That judgement stopped the practice of re-tabling the same decrees, but it did not stop the practice of tabling decree laws. Deducting from the overall average number of decrees in previous years the number of re-presented decrees, and considering the number of decrees that were truly 'urgent', we see that the latter remained essentially unchanged in every year from the 7th legislature onwards (Simoncini 2006). In this way, when there was a weak or poorly cohesive Parliamentary majority, parliamentarians had more power to condition the executive. It may help to understand this phenomenon by comparing it with what happened in Greece. During the 20-year period from 1974 to 1995, corresponding to the crucial phases of democratic consolidation, a total of 150 decree laws were tabled and all of them were enacted, usually without being re-presented (cf. Morlino, 1998).

**Table 3: Relations between the Government and Parliament: legislative activity (1992-2006)**

| Legislative activity          | Orig. | 1987-92 | 1992-4 | 1994-6 | 1996-01 | 2001-6 |
|-------------------------------|-------|---------|--------|--------|---------|--------|
| a. bills tabled               | Gov.  | 12.5    | 7.4    | 5.9    | 12.5    | 18.5   |
|                               | Parl. | 87.5    | 92.6   | 94.1   | 87.5    | 81.5   |
| b. laws enacted               | Gov.  | 69.6    | 74.8   | 11.3   | 77.6    | 77.5   |
|                               | Parl. | 30.4    | 25.2   | 88.7   | 22.4    | 22.5   |
| c. Gov't/Parl't effectiveness | Gov.  | 74.0    | 68.9   | 9.0    | 48.9    | 72.7   |
|                               | Parl. | 4.6     | 1.9    | 4.5    | 2.0     | 4.8    |

Source: Morlino (1998) and from 1996 CIRCAP data, University of Siena.

Legend: a. percentage of bills tabled, by origin; b. percentage of laws enacted, by origin; c. percentage of bills enacted into law (the totals do not sum to 100 because the proportions of bills tabled but not enacted are not shown).

Other important procedures used by governments were tying the finance bills, which enjoyed privileged parliamentary treatment, to a rich variety of 'allied bills', enabling them to circumvent the obstacles associated with the normal procedures for enacting legislation. Then there were the sessions

taken up examining the numerous European directives, which Parliament had very little possibility to change. Delegated decrees and repealing regulations were two more major instruments used by governments to short-circuit Parliament (Calise, 2006). Just over 50 percent of the total laws enacted during the past decade have been ordinary laws and just over 30 percent have been legislative decrees or repealing regulations, the remainder being decree laws (Osservatorio Legislazione 2007: 265-67). Parliament can influence the substance of delegated legislation, which gives governments powers to issue decrees pursuant to the legislation's provisions. However, such legislation, together with repealing decrees and the use of finance bills, has considerably lightened the burden on governments seeking to strengthen the effectiveness of their action. Governments have been helped, too, by the 1997 reform of the Chamber of Deputies' standing orders, giving the President of the Chamber – who, since 1994 has always been a member of the largest governing party – a decisive role in setting the Parliamentary agenda.

It is obvious that large and cohesive parliamentary majorities strengthen the hands of governments, while their absence weakens them, regardless of what Parliament's rules of procedure say. Thus after 2001 the executive once again dominated Parliament, and thanks to this and to the stabilisation of the economy, with Italy already in the euro zone, it was now possible to introduce reform in a majoritarian direction. As the legislature was drawing towards the end of its life, Berlusconi launched a major constitutional reform without the agreement of the opposition. The reform gave a dominant role over Parliament to the Government and Prime Minister, who would henceforth have the power to dissolve the legislature. The package of measures was heavily criticised by constitutionalists and political scientists (see Bassanini, 2004 and Mastropaolo, 2004) who saw in it a weakening of the system of institutional checks and balances. For example, almost one half of the judges of the Constitutional Court (7 out of 15) would be chosen by the parliamentary majority and the role of the Head of State would be weakened. On the other hand, the reform gave greater budgetary powers to the regions. In the June 2006 referendum, 61.3 percent of voters nevertheless turned their backs on the only major opportunity to introduce change to have presented itself in recent decades.

### **From pluralism to neo-corporatism and back**

Relations between organised interests and political actors expressed a paradox: the coexistence of political instability with social and economic stability. On the one hand we have seen the greatest change in the party system since the Second World War. In order to find electoral volatility as high as that of 1994, one would have to go back to the 1920s before the Fascist period. Italy had four governments in four years (Amato, Ciampi,

Berlusconi and Dini), three of which were 'technocratic governments' each with an average of life of nine months. On the other hand, following the 1992 economic crisis, there was a long period of economic and social stability culminating in Italy's entry into the euro zone accompanied by a substantial reduction in the public debt and inflation. All this took place despite the considerable fragmentation of the trade unions and other interest groups and associations; despite the substantial disappearance of the traditional relationship between interest groups and associations (Lanzalaco, 2006), and despite the weakness of the parties as gatekeepers, controllers of the political agenda and as decision-makers. How was it all possible?

Leadership skills (particularly on the part of Amato and Ciampi in the most difficult moments) and the sense of responsibility of interest groups, particularly the three leading trade-union confederations – the Italian General Confederation of Labour (Confederazione Generale Italiana del Lavoro, CGIL), the Italian Confederation of Workers' Trade Unions (Confederazione Italiana Sindacati dei Lavoratori, CISL) and Italian Workers' Union (Unione Italiana del Lavoro, UIL) – and the employers' association, Confindustria, all help to explain this paradox. The demands of European economic integration were the main reasons why Amato, Ciampi and interest group leaders accepted the practice of close coordination – known as 'concertation' – between 1992 and 1998.

This led to agreements focusing on inflation control (with the abolition in 1992 of the wage-indexing system, incomes policy, and the revision of collective bargaining in 1993), pension reform in 1995, an employment pact in 1996 and a development pact in 1998. Together they had major economic stabilisation effects and ultimately made it possible for Italy to join the euro. Second, concertation became the practice at a time of pronounced trade-union fragmentation and the existence of radical and autonomous fringes. From the point of view of neo-corporatist theory – which links arrangements of this type to organisational centralisation and monopolisation of representation in the sectors involved (see Schmitter 1981) – this represents a paradox within the paradox.<sup>8</sup> Not only were the agreements concluded, they were approved in a vast number of trade-union assemblies involving thousands of workers; for after 1993, there were consultations with the workers before and after agreements were concluded and trade-union elections took place. In short, behind the practice of 'consultation' a more complex participatory process developed, one that managed to involve workers in the concertation process and create support among the majority of them.

And so while the game being played by party leaders in the area of electoral change seemed to take Italian democracy in a majoritarian direction, at a deeper level, politico-economic agreements responding to

the demands of the time seemed to push, more importantly, towards consensus democracy.<sup>9</sup> It should be recalled that the agreements, which involved the Government giving important economic policy commitments gave Parliament an important part to play, requiring it to approve the measures that would follow. This places relations between the Government and Parliament in the 1990s in a different light. On the one hand, it was important for the Government to have effective control over parliamentary activity; but on the other hand, its weakness obliged it carefully and continuously to engage in concertation in Parliament as elsewhere.

One should also note that there is no necessary nexus between neo-corporatism and the consensus model of democracy. As the Italian case had demonstrated in the past, it is possible to have a consensus model without neo-corporatism. On the other hand, neo-corporatism usually brings with it consensus democracy, with Austria as the most extreme example, one we might call 'perfect consensualism'. After entry into the Euro, and especially after the 2001 Berlusconi government took office, neo-corporatist arrangements were superseded. However, remembering how, in December 1994, he had had to resign due to rising protest by the unions supported by the Northern League, Berlusconi tried to establish new patterns of 'social dialogue' or, at any rate to stabilise a channel of communication with the trade unions, perhaps also trying to split them. The essential discriminating factor here was, significantly, political: the trade-union left (particularly the CGIL) refused to accept dialogue, and the agreements concluded with the Catholic (CISL) and centrist (UIL) federations were insufficient to sustain 'concerted' economic policies. Moreover, Berlusconi had a huge majority in parliament. This helps, at least as far as the Italian case is concerned, to clarify how the consensus model and neo-corporatism are related: to have them both would require a left- or centre-left government with a solid parliamentary majority, which would give it a capacity to involve the politically sympathetic trade unions in an agreement on economic policy.

### **Scattering power: beyond the nation state**

Law no. 81 of 25 March 1993 changed the voting system for municipal and provincial elections by providing for the direct election of local-council mayors and provincial presidents in order to bring greater stability and decision-making capacity to municipal and provincial councils, and greater control over their activities. The 1997 Bassanini law transferred and delegated functions from central government to the regional governments, thereby seeking to bring about decisive administrative decentralisation. Constitutional reform in 1999 and 2001 sanctioned direct election of the presidents of regional governments and empowered regional authorities to choose their own statutes and electoral systems. It gave them general lawmaking powers and greater revenue-raising and expenditure autonomy,

with an equalisation fund “to the benefit of areas where the fiscal capacity per inhabitant is reduced” (Constitution art. 119. 3). Article 23 of the Constitution stipulates that “Nobody may be forced to perform personal service or payment without legal provision”, thus tying tax-raising powers to the existence of a central-government law and limiting the revenue-raising autonomy of local authorities. From this point of view, the two measures represented a major step forward with regard to the territorial division of powers, and hence once again a significant move in the direction of the consensus model.<sup>10</sup>

The constitutional reform defeated in the June 2006 referendum had taken a further step towards the devolution that the Northern League had been so strongly advocating. It created a Senate of 252 members, elected on a regional basis, and with legislative powers shared with the Chamber of Deputies. It gave the regions exclusive competence in certain sectors. It established a Central Government-Regional Governments Conference to encourage co-operation between the two tiers and so avoid conflict of the type that had existed for many years in Spain.

Though the referendum defeat was a step back from the consensus model, the previous steps remain. Their significance was greatly heightened by the further shift in the distribution of power that came when the 1992 Maastricht Treaty enhanced the significance of the European level of decision-making. The failure of the Constitutional Treaty, signed in Rome in October 2004, did not alter the situation; for the Treaty merely registered an already-existing situation in which the bulk of national legislation was viewed as a transposition of decisions taken in Brussels. If one looks at this point more closely, one realises that the concentrations of power typical of unitary states that are also majoritarian democracies, are no longer possible, as the British case has shown.<sup>11</sup> In the end, then, through the shift of power to sub-state (regions and other local authorities) and supra-state levels (the European Union) a consensus characteristic has gained greater prominence.

### **An overall evaluation with a few explanations**

Which model – the consensus or the majoritarian – best represents Italian democracy and why?<sup>12</sup> Answering this question requires considering the relations between the different dimensions shown in Table 4. The electoral system influences the party system, increasing or reducing fragmentation, and – to the extent that it leads electoral majorities to become parliamentary majorities – it also influences relations between the Government and Parliament. When, in addition, there is concertation between interest groups and government, there is a comparatively greater degree of consensualism.

*Table 4: Trends in the main dimensions of change (1992-2008)*

|                                       |                                                                                                                    |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 1. electoral system                   | From a hybrid system to a system relatively more proportional in terms of overall outcomes (especially the Senate) |
| 2. party system                       | Increased fragmentation with bipolarism                                                                            |
| 3. Government/Parliament relations    | Parliamentary predominance, balance, executive predominance, balance                                               |
| 4. interest group/political relations | From neo-corporatism to attenuated pluralism                                                                       |
| 5. division of power                  | dispersion of power toward various institutional tiers                                                             |

In the Italian case, concertation has been suspended, but it could re-emerge in the future, while the distribution of power between Government and Parliament has see-sawed in recent years. Overall, Italy is an example of a consensualism that grew more pronounced in comparison with the pre-1992 period, and was 'strong' in the crisis years (particularly in 1992-96) – when concertation and government weakness coexisted with party-system fragmentation – and gradually weakened before growing strong again with the comparatively more proportional consequences of the electoral system.

However, pre-1992 consensualism was very different from the consensualism of the 1992-2008 period for at least two reasons. The first was the emergence of bipolarity, as the effect of the first electoral law of 1993, which survived passage of the second electoral law of 2005. Its consequence, given the complete legitimisation of the extreme parties, was the alternation in office of competing coalitions. Unless there is a deep-seated crisis, all consolidated democracies have a tendency to move in this direction, driven by electoral competition against a background of the legitimisation of all the major political actors. This characteristic seems very difficult to reverse, therefore. High levels of party fragmentation weaken bipolarity by reducing cohesion, but they do not eliminate it. Between the centrist parties, the UDC and Margherita, there were significant differences in terms of programmes, leadership and electorate that were not easy to reconcile. Their possible convergence on specific issues relating, for example, to ethics or religion, does not detract from this point.

The second difference was the greater dispersion of power after 1992 with more decentralisation and a greater importance of sub-national institutions. The positions of both the Northern League and the traditional left-wing pushed in the direction of giving greater powers to the regional governments, sub-national and local authorities being considered conducive to a more democratic way of governing. Moreover, the aforementioned European level contributed to a further dispersion of

power. European structural fund policies, which coincided with the end of the special legislation for intervention in southern Italy, also pushed in this direction (see Fargion, Morlino and Profeti, 2006). Supported on many sides, it too therefore was a trend that was practically irreversible.

These considerations give rise to the question, would it have been possible to move towards a majoritarian solution instead of adapting the existing consensualism? Changing a democracy within the framework of the same model – that is to say adapting a majoritarian democracy, as occurred in New Zealand, or trying to adapt a consensus democracy, as occurred in Italy – is possible, but not easy, even when it would be the appropriate thing to do. But moving away from a consensus model to a different, majoritarian, model altogether would appear to be an unviable proposition. Apart from the French case referred to above, actual institutional systems are bound up with the substantive features of the countries in question, and it is very difficult to change them merely by an exertion of will or the passage of a law. Paradoxically, a majoritarian model is viable where there is an underlying consensus between the various political forces active at the moment of democratic installation, one that is strengthened during its consolidation. But if there are deep-seated disagreements and conflicts, as in the Italian case, then the consensus model is the only one that can guarantee democratic consolidation and consequent stability.

In the majoritarian model, the aggregation of interests takes place at a ‘pre-party’ stage, or within large parties, so that in the end, there is a single party available to govern. In consensus systems aggregation takes place through party mobilisation and the mobilisation of diversified local identities, where these exist. In the first case, an active and well-organised civil society ensures that none of the weaker interests are systematically excluded in the aggregating phase. In the second case, less active and organised civil societies ensure that party élites play an important role in articulating interests and expressing identities, and aggregation takes place subsequently within institutions, and at the moments of formal and informal decision-making. Party fragmentation and consensualism can be acceptable in a modern democracy if, on the one hand, there are wide-ranging areas of liberalisation and a substantially reduced public sector of the economy, and, on the other hand, governing is the result of rules which, however complex and however long they take to apply, deliver prompt and important results. What is more difficult for citizens to accept is the type of extreme fragmentation that allows smaller and less significant interests to obstruct, or radically condition, the whole decision-making process and its outcomes. But this is the main problem in any consensus model.

To conclude, widespread dissatisfaction, translated into demands for more effective decision-making and greater administrative efficiency, has, over the past 16 years, pushed the country towards solutions that, together, have been much closer to the consensus than to the majoritarian model. As opinion polls have shown, public dissatisfaction and the demand for a majoritarian system have amounted to a demand for more effective decision-making and greater administrative efficiency – not a demand for a majoritarian democratic model as such. This is impossible to achieve because of the exceptional nature the substantive aspects that would require change, and the complexity of the change that would be necessary. In short, the demands for efficiency and effectiveness, still essentially unmet, are what have been driving the whole debate on Italian democracy – which is often premised on mistaken assumptions the overlook the impossibility of doing away with the consensus model.

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<sup>2</sup> Calculated, using the Laakso and Taagepera (1979) formula, as  $N = 1 / \sum p_i^2$ , where N is the number of parties and  $p_i$  is the fraction of votes (or seats) of the  $i^{\text{th}}$  party.

<sup>3</sup> Gallagher's index (1991) measures the difference between the vote and the seats won by each party, and is calculated using a least-squares method. Rose's index (1984), which measures the same difference, is calculated as the sum of differences between votes and seats shares for each party, multiplied by 0.5, where the product is then subtracted from 1 and the result multiplied by 100.

<sup>4</sup> This section on the Italian crisis takes up the theses previously developed by Morlino (1998) and taken up more recently in Morlino and Tarchi (2006).

<sup>5</sup> These percentages are the combined share of the votes cast for the two main party coalition.

<sup>6</sup> See note 2.

<sup>7</sup> PF, party fragmentation or better fractionalisation, is calculated using Rae's formula:  $PF = 1 - \sum p^2$ , where p is the share of the vote obtained by each party in the elections (Rae, 1971).

<sup>8</sup> For a complete analysis of the Italian case against the background of neo-corporatist theory, see also Baccaro (2002).

<sup>9</sup> A great deal has been written about the agreements in those years. See for instance Giugni (2003), Salvati (2000), Regalia and Regini (2004).

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<sup>10</sup> It should also be noted that the Constitutional Court seemed to be putting itself forward as an effective guarantor of the decision further to pursue political and institutional decentralisation in 1999-2001 (cf. Simoncini, 2004).

<sup>11</sup> On the impact of Europeanisation as a driver of change in the Italian case, see also Fabbrini (2000).

<sup>12</sup> For a rapid but accurate analysis of the Italian case between 1992 and 2006, see also Guarnieri (2006f) and Calise (2006).