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Democracy at Stake

GIANFRANCO PASQUINO

Extremely rare have been the moments since 1946 when democracy was truly at stake during the transformation of the Italian Republic. Making reference to the contemporary debate on democracy, there never was a crisis *of* democracy in the Italian case, that is, a rejection, either by the elites or by the citizens, of the democratic framework as inadequate. Nevertheless, there have been several challenges against Italian democracy, as well as several crises *within* its framework, that is, several problems regarding the functioning of the democratic regime. Widely accepted and legitimated by a Constitution that, to the (self)exclusion only of the neo-Fascists, had been drafted and approved by all parties, Communists included, the democratic Republic has produced prosperity while, at the same time, shaping a politically competitive environment. However, for reasons having to do both with the Cold War, and with their inability to muster enough votes, the Communists never participated in the various national governmental coalitions. Hence, the Italian political system was deprived of those important requisites called governmental alternation and circulation of elites. While the Communists were in the government at the local level in quite a number of important cities and provinces, they were barred from governmental power at the national level from 1947 up to the end of what I will precisely call the "first phase" of the Italian Republic, that is, 1992¹. At that time, however, the Communist Party no longer existed.

The Way Italian Democracy Was

In a way, the Christian Democrats provided a significant amount of *political* stability, but their highly factionalized party was also the engine of *governmental* instability. Most foreign observers and scholars were confounded by what they thought were signals of deep democratic weakness. On the contrary, governmental crises and frequent ministerial reshufflings were mechanisms used to reallocate political power among and within the parties (and the factions²) and to resynchronize the governments with a changing socio-economic system. Governmental instability, the hallmark of this long phase of the Italian Republic, was counteracted by two even more significant phenomena: the long tenure of some prominent heads of government and important ministers and the overall stability of the governmental coalitions. So far there have been fifty-nine governments, but only twenty-six heads of government, some of them leading several governments: Alcide De Gasperi 8, Giulio Andreotti 7, Amintore Fanfani 6, Aldo Moro 5, Mariano Rumor 5, Silvio Berlusconi 4. There were

¹ See Luca VERZICHELLI, Maurizio COTTA, "From 'Constrained' Coalitions to Alternating Governments?", in Wolfgang C. MÜLLER, Kaare STRØM (eds.), *Coalition Governments in Western Europe*, Oxford University Press, Oxford, 2000, pp. 433-497, the best analysis of the entire period.

² Carol MERSHON, *The Costs of Coalition*, Stanford, Stanford University Press, 2002.

three major governmental coalitions: the centrist – *Democrazia Cristiana* (DC), *Partito Socialista Democratico Italiano* (PSDI), *Partito Repubblicano Italiano* (PRI), *Partito Liberale Italiano* (PLI) – from 1948 to 1960; the center-left – DC, PSDI, PRI, *Partito Socialista Italiano* (PSI) – from 1962 to 1976; and the *pentapartito* – DC, PSI, PSDI, PRI, PLI – from 1980 to 1992. At the height of the struggle against terrorism and in the midst of the first major economic crisis, an “incomplete” Grand Coalition also appeared, better defined National Solidarity (1976-1978), in which the Communists supported an all-Christian Democratic government in exchange for chairing some important parliamentary Committees. On the whole, there was a significant continuity of public policies, usually a mixture of State intervention and market competition. It was never a matter just of *survival*, as too many authors have been fond of emphasizing¹, but of skillful adaptation, moderate change and the capability to withstand what amounted to a serious attack by terrorists, left and right (including a coup in the making in 1964), against the Italian State. Not a single time was the electoral process disrupted nor were the rights of the citizens seriously curtailed.

All this is meant to stress that the interpretations provided by too many scholars emphasizing the inexistence of a government, as if nobody were in charge of politics at the top, considered as the paramount Italian problem, were considerably exaggerated, largely wrong. Those interpretations were also conveying some misleading suggestions concerning the ways to improve the functioning of the Italian political system and to sustain its needed transformation. In one of the most interesting books² devoted to the overall functioning of the Italian political system, Joseph LaPalombara, reflecting in a subtle ironical way on the politics of Italy few years before the collapse, made two major points. First, in the light of its many inherited shortcomings, having long roots in the past, Italian democracy was functioning at its best. In any case, it was highly unlikely that the Italians (the political class) could fabricate anything better. Second, one should refrain from interfering with the existing institutional mechanisms. Change may easily produce a worse situation. Though they are intelligently and lucidly presented and argued, I disagree with both statements. However, there was more than a kernel of truth in what LaPalombara held. No doubt post-1994 Italian democracy has definitely not been or performed better than the previous phase. The reforms of the electoral law and the tinkering with the Constitution have, from a purely institutional perspective, worsened the functioning of the system and have also increased the dissatisfaction of the voters. Moreover, the overall situation is not settled and the political system as a whole is still undergoing a never-ending transition³.

¹ Percy A. ALLUM, *Italy-Republic without Government?*, Weidenfeld and Nicholson, London, 1973; Giuseppe DI PALMA, *Surviving without Governing. The Italian Parties in Parliament*, University of California Press, Berkeley, Los Angeles, London, 1977; Sabino CASSESE, “Is There a Government in Italy? Politics and Administration at the Top”, in Richard ROSE, Ezra N. SULEIMAN (eds.), *Presidents and Prime Ministers*, American Enterprise Institute, Washington, DC, 1980, pp. 171-202.

² Joseph LaPALOMBARA, *Democracy, Italian Style*, Yale University Press, New Haven-London, 1987.

³ Martin BULL, Gianfranco PASQUINO, “A Long Quest in Vain: Institutional Reforms in Italy”, *West European Politics*, vol. 30, no. 4, September 2007, pp. 670-691.

Autobiography of the Nation, Regime and the Idea(l) of a Normal Country

A relatively new generation of scholars has curiously offered a more positive interpretation of the Italian political system. According to Newell¹, the politics of Italy is the politics of a "normal" country. On his part, Bull² has peremptorily declared that the "transition", whatever is meant by this term, is over. Though troubled by their own mixed-feelings and both bashing Berlusconi, the British historian Paul Ginsborg³ and the former editor of the *Economist* Bill Emmott⁴ have strived to find, respectively, several small Italian virtues, and something good, if not in the politics of Italy, at least in its socio-economic system. Without hesitation, I strongly object to all these interpretations. I will shape my analysis around the most important components of the post-1994 political system⁵. At the heart of my analysis, I will always keep the question: "Has Italian democracy been at stake in the past twenty years?"

In his own words, Berlusconi took the field of Italian politics in 1994 in order to prevent the widely predicted victory of the Communists, former Communists, and post-Communists. Millions of center-right voters, painfully in search of the political and parliamentary representation that the crumbled *pentapartito* could no longer grant to them, immediately rewarded Berlusconi's political audacity and gamble. Berlusconi may be "unfit to lead Italy", as the *Economist* famously wrote in its front page in 2006, but he has largely dominated Italian politics since. Mindful of Fascism, some scholars and journalists⁶ have resuscitated two famous interpretive keys: autobiography and regime. The antifascists grouped around the political movement called "Giustizia e Libertà", following Piero Gobetti (1901-1926) claimed that Fascism was the autobiography of the Italian nation. All the unsolved problems of the unification had come home to roost and Mussolini proved to be capable of building upon them in its attempt to found a regime. Berlusconi's opponents, many of them, in a way, the ideological successors of "Giustizia e Libertà", so much so that they called their own movement "Libertà e Giustizia", have argued that, indeed, Berlusconi is the autobiography of Italy and its post-1946 inadequacies and unsolved problems. They have also accused Berlusconi of having attempted to construct a regime. In their opinion, Berlusconi may have not succeeded but his political actions and his television stations have inexorably affected and fatefully distorted Italian democracy.

By "regime", Italians refer exactly to the period of Fascist rule (1922-1943), characterized by unfettered political power in Mussolini's hands utilized with little restraint to silence and sanction any and all opposition. For purely polemical purposes, the long, though not solitary and definitely not authoritarian, rule by the Christian

¹ James L. NEWELL, *The Politics of Italy. Governance in a Normal Country*, Cambridge University Press, Cambridge, 2010.

² Martin BULL, "The Italian Transition that Never Was", *Modern Italy*, vol. 17, no. 1, February 2012, pp. 103-118.

³ Paul GINSBORG, *Salviamo l'Italia*, Einaudi, Torino, 2010.

⁴ Bill EMMOTT, *Good Italy Bad Italy. Why Italy Must Conquer Its Demons to Face the Future*, Yale University Press, New Haven and London, 2012.

⁵ See also Pietro GRILLI DI CORTONA, *Il cambiamento politico in Italia. Dalla Prima alla Seconda Repubblica*, Carocci, Roma, 2007.

⁶ Notably, in an otherwise quiet good book, Massimo GIANNINI, *Lo statista. Il ventennio berlusconiano tra fascismo e populismo*, Baldini Castoldi Dalai, Milano, 2008.

democrats has also been defined "regime". Neither usage is fully appropriate from a political science point of view. Technically, regime defines the rules of the political and institutional game, the procedures, the institutions of a political system. It cannot be utilized to emphasize the protracted rule by one party or by one man unless they have proceeded forcibly to change the most important components of the regime itself. The fact is that, while the 1992-1994 period can, indeed, be defined a regime crisis, the 1994 and subsequent (minimal) changes do not amount to a change of regime. Incidentally, this is why I believe it is wrong to speak of a Second Republic since there has been no regime change. Nevertheless, all that has taken place then and in the subsequent years cannot be characterized as "politics in a normal country" (the subtitle of Newell's book).

In itself neither can the reform of the electoral law indicate that there has been a regime change. Nevertheless, some non-technical differences between the two electoral laws must be highlighted. First, the *Mattarellum* was but a poor and convolute adaptation of the electoral system chosen by the voters in a referendum (1993). On the contrary, the existing law, dubbed *Porcellum*, was a deliberate and successful attempt by the governing centre-right majority to fabricate in 2005 an electoral system that could prevent a sizeable victory by the centre-left. The *Mattarellum* was most certainly not the best of the so-called mixed-member electoral systems. The *Porcellum* is by far one of the worst proportional systems ever. On the whole, both contributed to the (re)shaping not so much of Italian parties and the party system, but of the electoral and the governing coalitions. None had enough constraining power to revitalize declining parties in a way similar to what the French run-off majority system has done.

Finally, throughout their respective life and implementation (*Mattarellum* 1994, 1996, 2001; *Porcellum* 2006, 2008, 2013) both were seriously criticized, made the target of several popular referendums (unfortunately, the "uncertain" jurisprudence of the Constitutional Court has sentenced that some of them could be not admitted) and, what matters the most, some sectors of the political class remain favorable to one of those electoral systems, other sectors put forward proposals technically and politically unacceptable. Hence, all analysts ought to come to the conclusion that, yes, in Italy the electoral transition goes on. Here is not the place to provide a detailed and critical evaluation of the reform proposals, most of them, at the same time, highly partisan and poorly drafted. Still, it is impossible not to put the blame on the electoral system(s) for the unsatisfactory performance of Italian democracy.

Anticipated by a serious and incisive reform of the electoral law for municipal and provincial governments (whose merits go the proponents of the electoral referendums), the reform of the national electoral law was supposed to be the first step in an ambitious process leading to a new model of government. The centre-left never found enough time nor any satisfactory unity of thought and action to launch an institutional project. Twenty years after, the situation has not improved. Berlusconi emphatically imposed his (received) views and his parliamentary majority passed a reform of 56 articles of the Constitution out of 139. No matter that complexity, confusion and, even, contradictions were the hallmark of the reform. The center-left immediately called for a popular referendum to defeat and cancel the entire package. Neither Berlusconi nor the leaders of the other centre-right parties campaigned in defense of their reform that was resoundingly rejected by the voters in June 2006. In any case, Berlusconi's reforms would have entailed a challenge not to the democraticness of the parliamentary Republic, but to the functionality of the political system. Though also interested in strengthening the powers of the Prime Minister, Berlusconi's paramount goal was, and

remains, the taming of the judiciary. Much to the credit of the judges themselves and of Italian public opinion, but also of the Constitutional design, the changing equilibrium among the three major institutions, executive, legislative, and judiciary, has not been affected. Twenty years of intense and hostile confrontations have not seen Berlusconi on the winning side of the reform of the judiciary. This may even be an understatement.

Governing a Parliamentary Democracy

In the light of the Italian tradition of government formation and demise, the post-1994 phase has offered at the same time some significant innovations and some perverse continuities. The most significant innovation is represented by the electoral and political imperative to construct pre-electoral coalitions whose leader had to be the candidate to the office of Prime Minister¹. The other, slightly disturbing, innovation has been the appearance of *non partisan governments*. There have also been two perverse continuities. The pre-electoral coalitions were bound to be heterogeneous. As a consequence, all governments proved to be quite unstable. In practice, in a twenty-year period, Italy has had twelve governments, but only seven Prime ministers. The average tenure of these governments, about fifteen months, hides some important elements. Berlusconi has led the longest Italian government ever: 1.410 days. Between 2001 and 2005 he has almost succeeded in completing one full parliamentary term at the helm of the same government. Rotation in office, that is, alternation in the government, that had entirely escaped the first phase of the Republic, has characterized all post-1994 elections. No coalition and no government have retained office following a general election.

The weakness of the governments is a product of two very different factors. On the one hand, Italian post-1994 political parties have shown to be fragile organizations, often litigious, either unwilling to sustain a strong leader (centre-left) or unable to go beyond the extreme personalization of politics fully enjoyed and happily exploited by Berlusconi. When Berlusconi's leadership was, for whatever reason, challenged, the centre-right proved unable to put forward a viable alternative. On the other hand, all parties had plunged to such low levels of prestige that, under some conditions, non-partisan governments appeared to be the temporary solution to the crisis of party government. The analysis of the evolution and working of Italian parties and the party system is a crucial endeavor for all those who attempt to understand what has gone wrong since 1994. As famously written in 1960 by the US political scientist E.E. Schattschneider and widely shared by the political science community, contemporary democracies are inconceivable without parties. All democracies are, indeed, "party democracies". Their differences derive from the kind and the number of parties existing in each political system and from the type of electoral political competition among them. No matter what kind of Constitution and which model of government (parliamentary, semipresidential, presidential) they have, the functioning of contemporary democracies is largely, in some cases, thoroughly, affected by their parties and their party systems.

¹ Additional details to be found in Eoin O'MALLEY, Francesco CAVATORTA, "Finding a Party and Losing Some Friends: Overcoming the Weaknesses of the Prime Ministerial Figure in Italy", *Contemporary Politics*, vol. 10, nos. 3-4, September-December 2004, pp. 271-286.

Democracy and Partyocracy

Italian democracy is an excellent example of a political system in which parties have been a dominant component from 1946 to 1992. So much so that the, admittedly, derogatory expression used to define Italian democracy was *partitocrazia*: hence, not power of the people, but power of the parties. There would be a lot, positive and negative, to say and still to be researched concerning the impact of *partitocrazia* on the way Italy was practically ruled and on its consequences. However, in my opinion what is more important is to understand whether Italian *partitocrazia* has survived and how the collapse of all Italian parties and the party system in 1994 has weakened Italian democracy. Ironically, an Italian social scientist and political commentator, Ilvo Diamanti, has remarked in several newspaper articles that the disappearance of the entrenched Italian parties of the past has been followed by the attempts of their rather weak successors to create a *partitocrazia*, exaggerated power in the hands of small parties. In Italy, mass parties do not exist any longer, but their successors have not renounced their old habits of extracting resources from the economic system, of resorting to clientelism and patronage, of controlling social and cultural activities focusing especially on the mass media and television. Nevertheless, party leaders have been unable to strengthen their organizations and to satisfactorily (re)connect with the voters. In Italy the crisis of representation is alive.

There has been one unique element of stability in the Italian party system. It was represented by Silvio Berlusconi's undisputed, unchallenged, irreplaceable role of leader of the centre-right or, in any case, of the largest party of the center-right. However, even Berlusconi's party has undergone some significant changes. At the beginning there was the political movement called "Forza Italia". It was utilized by Berlusconi as the core of successful coalition-building, especially so in 2001: the *Casa della Libertà* (House of Freedom). Influenced by the merger that in June 2007 led to the *Partito Democratico* (see below), Berlusconi felt somewhat obliged to counteract. In November 2007 Berlusconi announced his intention to create the *Popolo della Libertà* joining together *Forza Italia* and the National Alliance. In April 2008, the *Popolo della Libertà* became the federation of many centrist and right-wing parties sizably winning the general elections. The first Congress of the *Popolo della Libertà* was held at the end of March 2009, but Berlusconi's authoritarian caesaristic tendencies produced a reaction from the former leader of the National Alliance Gianfranco Fini. Between April and July 2010 the *Popolo della Libertà* had broken up, itself becoming a contributor to political and governmental instability.

When analyzing the evolution of the center-left, two elements stand out: the number of leaders who have followed each other and the restlessness of the party organizations. Between 1994 and 2013, the major party of the left, that is the successor party to the Italian Communist Party has had as many as eight secretaries (Achille Occhetto, Massimo D'Alema, Walter Veltroni, Piero Fassino, Walter Veltroni again, Dario Franceschini, Pier Luigi Bersani, Guglielmo Epifani). None of them ever fully acquired control over a factionalized party structure. The ninth secretary is in the making. The major party of the left has also changed its name twice: *Partito Democratico della Sinistra* and *Democratici di Sinistra* before merging into the *Partito Democratico* with former left-wing Christian Democrats, *La Margherita*, whose terminological whereabouts are well-nigh impossible to retrace. In any case, those whereabouts do not tell us anything of political significance. If the figure of the leader and the name of the party constitute cognitive shortcuts for a variety of disinterested, disaffected,

disappointed voters, then the center left was increasing the disorientation of their potential voters, not making their electoral and political life easier. To make things worse in the two (out of six) electoral contests won by the centre-left, the candidate, Romano Prodi, kept a deliberate distance from identifying with any of the major parties.

The situation is not at all better when looking to the other parties and/or lists putting up candidates at the parliamentary elections, obtaining votes, winning seats. In the Parliament elected in February 2013, there is only one party that was already present in 1994: the Northern League. The oldest among the other parties is the *Partito Democratico*, officially born in 2007. The newest, rejecting the label party, is the *MoVimento 5 Stelle*, which at its electoral debut has received even more votes than *Forza Italia* in 1994. All the other parties are the product of splits and mergers leading to other mergers and other splits, exploiting some socio-political niches and winning some parliamentary representation only thanks to some clauses of the existing proportional electoral law. Italy offers to the critics of proportional electoral laws an excellent example that proportionality does mean representativeness, but it may translate into fragmentation, incessant negotiations, skewed bargaining, and the politics of blackmail¹.

The Presidency of the Republic

If Italian parties have become a collection of fragile, fluctuating, litigious associations of unjustifiably ambitious small leaders, who and how has protected democracy and will do so in the foreseeable future? The outstanding feature of the post-1994 period has been represented by the role played by the Presidents of the Republic. The classic interpretation of the Presidency given by almost all constitutional lawyers was that of a largely ceremonial office. Only few experts wrote that what the Constitution makers had designed was an ambiguous role. In the Constituent Assembly, one firm conclusion had been reached that the Italian President had to be elected not by the Italian citizens at large, but by the parliamentarians and a number of representatives of the Regional Assemblies. The requirement that he had to "represent the national unity" was always considered more important than the Constitutional powers he was explicitly endowed with, namely: the appointment of the Prime Minister (and, on the latter's proposal, of all the Ministers) and the dissolution of Parliament (albeit following a consultation with the Speakers of the two Houses), according, respectively, to art. 92 and art. 88.

To make a long, but really interesting, story short², those two powers had never been used autonomously by the President(s). Most certainly, they had not been used independently from the wishes and preferences of the political parties or against them. The strength of the parties and, at least vis-à-vis the President, their joint attitude meant that the Presidents enjoyed a very limited sphere of discretionality. Though to some extent they could criticize party politics, something that was done

¹ Giovanni SARTORI, *Parties and Party Systems. A Framework for Analysis*, Cambridge University Press, Cambridge, 1976.

² The longer version can be found in Gianfranco PASQUINO, "Italian Presidents and their Accordion: Pre-1992 and Post-1994", *Parliamentary Affairs*, vol. 65, no. 5, October 2012, pp. 845-860.

especially by the very popular Sandro Pertini (1978-1985) and, in the second part of his term, by Francesco Cossiga (1985-1992), Italian Presidents were not supposed to take independent initiatives. When Giovanni Gronchi (1955-1962) appointed Fernando Tambroni a Prime Minister not indicated by the parties and disliked by them, an almost institutional crisis followed so that Tambroni quickly had to resign (March-July 1960). There was no subsequent attempt by any President to impose his candidate. However, between the 1992 and 1994 general elections, the crisis of the parties manifested itself in full bloom. In a way, against their constitutional convictions, all three Presidents elected since have felt obliged to use their powers to the utmost. Few, extremely relevant, examples will suffice.

The staunch defender of the prerogatives of Parliament (hence of the parties in Parliament), who had been elected almost entirely because of his previously expressed parliamentary credentials, Oscar Luigi Scalfaro (1992-1999) set the tone. In a sequence, he could first choose in a roster of names whom to appoint as Prime Minister (Giuliano Amato, 1992). Then, out of a partisan impasse, he appointed to that office the first non-parliamentarian ever, the Governor of the Bank of Italy Carlo Azeglio Ciampi (1993). Constitutionally obliged to recognize that Berlusconi had indeed mustered a parliamentary majority, in April 1994 Scalfaro appointed him Prime Minister, but then he exercised his constitutional power rejecting the appointment of Berlusconi's personal lawyer to the office of Minister of Justice. In December 1994, Scalfaro also refused an early dissolution of Parliament as requested by Berlusconi abandoned or "betrayed" by his cherished ally, the Northern League. Again unprecedentedly, Scalfaro solved the governmental crisis appointing a fully non-partisan government, dubbed "tecnico" (the reporter for *The New York Times* provided a better, not flattering, definition: "A government made of low-profile professionals"). The government led by Lamberto Dini enjoyed by all means Scalfaro's not hidden political and institutional support. In 1998, following the defeat of Prodi's government in a vote of confidence, Scalfaro found himself again in the position to reject Prodi's request for an early dissolution of Parliament. He masterminded or conspicuously contributed to the formation of D'Alema's government. At the end of his tormented term, Scalfaro had put to good use all the panoply of the presidential powers. Interestingly, he refrained from appointing any Senator for life.

Ciampi's presidential term (1999-2006) was by far less troubled by the delicate issues of appointing the Prime Minister and of dissolving or not the Parliament¹. Nevertheless, two more "special" issues made their appearance. According to the Constitution, the President gives his authorization to the bills the government itself wants to send to Parliament. Hence, informally, the President has the possibility and the right to point at some aspects of dubious constitutionality and/or politically questionable. Ciampi's advisors and Berlusconi's lawyers and collaborators clashed repeatedly, though not in the open, on some bills aimed at reducing the powers of the judiciary to investigate the activities of the Prime Minister. Eventually, the Constitutional Court cancelled those laws. Leaving aside the substance of the issue, President Ciampi imposed his view on a not minor detail, the allocation of the seat bonus in the election of the Senate, upon the Minister of Reform, Sen. Roberto Calderoli, responsible for drafting the law. Finally, the most important clash between the government and the

¹ A sympathetic account is provided by Massimo GIANNINI, *Ciampi. Sette anni di un tecnico al Quirinale*, Einaudi, Torino, 2006.

President took place on the bill to regulate radio and TV broadcasting. In November 2002, President Ciampi sent the text back to Parliament with a five-page message that contained his evaluation and suggestions for improving it along the lines of two fundamental criteria: pluralism and impartiality of information.

President Ciampi had no party backing of his own. Prime Minister Berlusconi was the leader of a large parliamentary majority. The Constitution had no specific provision. Unfortunately, no significant precedents existed to solve a major conflict of "institutional" opinions. Hence, introducing few, largely cosmetic, changes, the government sent his bill back to Parliament where Berlusconi's majority duly approved it a second time. Still, the President of the Republic has made his point and, if and when necessary, the Constitutional Court could "build" on Ciampi's remarks and critiques.

In all likelihood against his expectations, most certainly against his wishes, it is with the Presidency of Giorgio Napolitano that the elasticity of the constitutional powers of the President has made its full appearance. Also because of his superior knowledge of politics, that is, of the power relations among the different actors, and of his sense of the timing affecting those relations, Napolitano has played a dominant role during his first term. The highest point has been reached when, first, Napolitano persuaded the parliamentary leaders of the opposition to postpone a vote of censorship against Berlusconi, that, indeed, the incumbent Prime Minister survived (December 2010). The price was that Berlusconi had to prove not only that he was, in fact, supported by a *numerical* parliamentary majority, but that his majority was also *operational*. When it became clear that the second requirement could no longer be met, Napolitano persuaded Berlusconi to resign (November 2011) and replaced him with Professor Mario Monti whom he had purposefully appointed Senator for life few days before. Also because of its composition, Monti's government is to be considered the best example of a *non-partisan government*, none of its ministers having had any previous party affiliation¹. Since Napolitano also convinced the leaders of the major parliamentary parties to vote the confidence to Monti and to keep the government going, it is fair to say that Monti's was a "government of the President", built on Napolitano's prestige, moral suasion, political and institutional support.

Though Napolitano had solemnly declared that for reasons of age (b. 1925), but especially because he did not want to create the precedent of the re-election of the incumbent President, following some disturbing performance by the newly elected Parliament, he changed his mind. That is, he yielded to the humbled request by the leaders of the *Partito Democratico, Popolo della Libertà, Scelta Civica* (Monti's political vehicle) to accept to be elected to a second unprecedented term. His acceptance was not at all unconditional. In fact, President Napolitano has made it clear that he wanted to appoint a Prime Minister capable of constructing a viable governmental coalition including those three parties. The *governo delle larghe intese* (a government of wide agreements), almost a German/Austrian style Grand Coalition, bears Napolitano's imprint. What counts is that all political leaders are once more well aware that the government is fully supported by the President and that the ball of the game is firmly in his hands. More details could be offered, but I believe I have made it already

¹ Gianfranco PASQUINO, Marco VALBRUZZI, "Non-partisan Governments Italia-style: Decision-making and Accountability", *Journal of Modern Italian Studies*, vol. 17, no. 5, December 2012, pp. 612-629.

clear enough that there has been a massive re-allocation of political and institutional powers away from the parties and Parliament toward the Presidency of the Republic. It remains to be seen whether this reallocation, depending on Napolitano's many personal and political assets/qualities, is temporary or whether it may anticipate and pave the way to a French-type semi-presidential Republic (openly disliked by Napolitano).

There are some political and institutional ironies in the behavior of Scalfaro and Napolitano. The most glaring of them is that, though both personally "guardians" of the parliamentary prerogatives and loyal lifetime party members, their Presidential performance necessarily meant a reduction of the powers both of Parliament and of the parties. President de Gaulle would be proud of them. Moreover and paradoxically, while Scalfaro was operating in a semi-presidential way, his name was utilized by an association spreading the message "*Salviamo la Costituzione*" ("Let us Save the Constitution", obviously not from Scalfaro's actions, but from Berlusconi's intentions). Located on the hill of the Quirinale, inevitably, both Presidents felt obliged to inject a fair amount of personalization into their performance, something that the political cultures of their partisan affiliation had always abhorred and rejected. Finally, will it be possible to revert to a "normal" Presidency after Napolitano's years and experience? Will it be necessary? Will it be advisable?

The Transition as an Institutional and Political Problem

There is no need to answer all these questions at this point. Nevertheless, if the overarching question is whether Italian democracy is at stake, the answer must be found in a closer analysis of the never-ending transition. Those who state that the transition is over are missing the core of Italian politics and will be unable to provide a satisfactory explanation of all the peculiar, not "normal" by any means, phenomena that have taken place since 1994. I have given enough emphasis to the role played and the powers wielded by the Presidency of the Republic. But I want to add that the Presidency cannot be analyzed in isolation since the powers of the President have a strong impact on the formation of the government and affect the dynamics and the very survival of Parliament. In fact, it is also slowly becoming quite clear to many analysts and practitioners that a bicameral symmetric Parliament is no longer sustainable. That a new well framed electoral law is necessary not only to select and choose better parliamentarians, capable of bridging the representational gap, but also to give more power to the voters. It has also been established that the electoral law must be a significant component of the institutional reform package, but in this case the proposals are highly partisan and often quite divergent. No technically and politically satisfactory solution is in sight. Moreover, eleventh hour accelerations in case of a sudden governmental crisis are to be feared because exposed to many contingent factors. Finally, that a systemic view is indispensable for satisfactorily reforming the three major institutions, the Presidency, Parliament, the government, though belatedly, seems to have been understood by the authorities that have proceeded to appoint, first a Committee of experts, then a bicameral parliamentary Committee.

All this said, however, the Italian problem is represented by the parties and the party system. There are only two parties worthy of this name and neither is strong and consolidated. The *Partito Democratico* is constantly engaged in internal struggles that have doomed some of its leaders and that discourage some potential voters. Not

only is the *Popolo della Libertà* on its way out to be replaced by a second version of *Forza Italia*, but for reasons of age its founder and leader may decide to exit. What will follow is going to be more complex than a succession crisis, because neither the *PdL* nor *Forza Italia* are organizations capable of surviving unless kept united and led by a strong personality. That there is a widespread dissatisfaction with the existing parties, especially, the largest ones, is certified by the stunning electoral success of the Five Stars Movement. The protest that fueled the Movement has come from the poor performance both of the *PdL* in government and of the *PD* in the opposition. Their weakness opened an electoral prairie for Beppe Grillo's political challenge. There is more in the Movement than just politically motivated (and justifiable) protest. There is a strong component of populism: the language (simplified and gross), the themes (for instance, the anti European Union rhetoric), the anti-establishment posture, the "us" against "them" (the politicians, the bankers, the intellectuals, the mass media and, subtly, the Jews). According to Grillo, the end is near. Traditional politicians would do better to surrender. Soon the Movement will win 100% of the seats: not exactly a liberal-constitutional goal. Not the contribution that is needed to end the transition by constructing a viable competitive pluralist political system. When a populist movement gets 25% of the popular vote, it seems preposterous to state that the politics of the country having nourished and harboring this phenomenon is normal.

Conclusions

From a purely, but quite important, point of view, it is undeniable that, though challenged, Italian democracy, meaning free and fair elections plus civil, political, social rights, has never been seriously at stake in the past twenty years. From a substantial point of view, the functioning of Italian democracy, its performance, its production of public policies, its transformation toward a more egalitarian condition have always shown glaring inadequacies and have rightly been exposed to criticisms. More recently, I would like to call the attention to two phenomena. Mario Monti's government (November 2011-December 2012) has been accused of having "suspended" Italian democracy because it did not have any electoral mandate. Even though Monti's non-partisan government could not point to any mandate received from the voters, it was fully legitimate according to the Constitution because the government had received the vote of confidence both from the House of Deputies and the Senate. It kept this confidence and tapped on it in order to have several of its bills approved by Parliament. Perhaps, to some extent, Monti's government is also to be considered a good testimony of the flexibility of the parliamentary models.

The second phenomenon I want to highlight is that from 1994 up to now Italian politics has been marked by repeated confrontations and clashes especially those pitting at different points in time the governments led by Berlusconi against the judiciary, but not only, the Constitutional Court, against the Presidency of the Republic and, to a lesser, though not to be minimized, extent, against Parliament. None of these confrontations and clashes has produced lasting, negative consequences. Berlusconi has not succeeded to "tame" the judiciary, to relegate the Presidency of the Republic to a minor role, to make the Italian Parliament a rubber stamp institution. Briefly, my overall evaluation is that all Italian institutions have proved to be remarkably resilient, capable of obliging all the protagonists not to overstep the rules of the constitutional-democratic game.

The persistence of democracy in Italy ought not to be considered in question. The quality of democracy is most certainly questionable. Since the late 1970's when the secretary of the Socialist Party Bettino Craxi launched the idea of a *Grande Riforma*, many formal and informal attempts have been made to formulate proposals and solutions leading to the stabilization and the strengthening of Italian governments. Though which "strengthening" remains controversial and somewhat obscure. So far, only the electoral law has been revised, for the better in 1993-1994 following a popular referendum, for the worse in 2005 implementing the highly partisan preferences of the centre-right governmental coalition. For many politicians interested in retaining and enhancing their chances of re-election and their political power, the electoral law continued to be an obscure object of desire or an object of obscure desires. Not only a discussion of the various, often technically very poor, proposals would require a paper of its own, but it would be totally useless because Italian parliamentarians have expressed widely divergent views and seem unable to come to any lasting agreement. In all likelihood, a forthcoming sentence of the Constitutional Court on some features of the existing electoral law will oblige Parliament to approve few minor adjustments.

Leaving aside my preferences for the entire structural arrangement of the Fifth French Republic, that has considerably modernized French politics¹, I am convinced, and I hope to have demonstrated, that what makes the Italian situation less promising compared with other similar democratic political systems is the party system. Following Schattschneider's intelligent and inspiring perspective², I began by stressing that contemporary democracies are party democracies. When the quality of the parties is poor and the party system is unable to structure a decent competition, the democratic framework itself is bound to suffer. Were the Italian *Partito Democratico* willing to agree to the popular election of the President of the Republic, as requested by the centre-right, provided Berlusconi and his allies reciprocate accepting the run-off majority electoral system utilized in France, a new phase of Italian politics will begin. In fact, such "virtuous exchange" promises both to introduce renewed vitality and political dynamism into stagnating Italian politics and to restructure the parties and the party system. Unfortunately, no major political figure has so far shown enough courage to pursue the virtuous exchange. Hence, no revival of representative party organizations and no restructuring of the party system are in sight. Italian democracy will continue to be based on weak and conflict-ridden parties and it will exhibit a poor quality in terms of electoral accountability, political representation, and governmental decision-making.

¹ Gianfranco PASQUINO, Sofia VENTURA (eds.), *Una splendida cinquantenne. La Quinta repubblica francese*, Il Mulino, Bologna, 2010.

² Elmer E. SCHATTSCHNEIDER, *Party Government*, Holt, Rinehart, and Winston, New York, 1942.