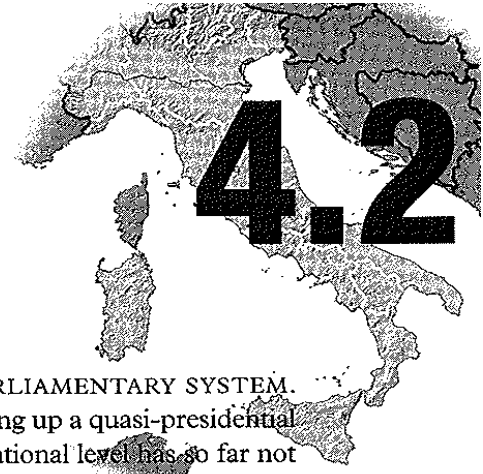


## Where Is the Power?



**I**TALY, LIKE GREAT BRITAIN AND GERMANY, HAS A PARLIAMENTARY SYSTEM. Although in recent years some thought has been given to setting up a quasi-presidential system on the French model, such institutional reform at the national level has so far not generated sufficient support. Like Germany, Italy is a parliamentary republic with what used to be considered a weak, indirectly elected president. Also, Italy is far more decentralized than most parliamentary systems. It does not actually have a federal system like Germany; rather, it has a form of regional devolution that differentiates it quite clearly from unitary systems such as those of Great Britain, Greece, or Sweden.

### ***The President: Guarantor of the Constitution and Ceremonial Chief of State***

Unlike the hegemonic French president, the Italian president resembles the ceremonial chief of state in other parliamentary republics (such as Germany). Yet at the same time the president has the important function of guarantor of the constitution and the expression of the country's national unity. The president's role in promulgating laws is to guarantee that a proposed bill is not unconstitutional and that expenditure bills are covered by adequate resources. If not, the president would refuse to sign the bill and send it back to parliament for reconsideration and changes. Like other ceremonial and representative chief executives, Italy's president is expected to greet visiting dignitaries, dedicate major public projects, visit disaster zones to comfort the populace, and perform other formal duties as the symbolic head of the Italian state, such as during visits abroad. But during the last two decades under Oscar Luigi Scalfaro (1992–1999), Carlo Azeglio Ciampi (1999–2006), and Giorgio Napolitano (2006–present) the political role of the president in appointing prime ministers and creating new governments have increased dramatically.

Overall, the Italian president's position is more powerful than that of a British monarch. First, a strong, ambitious president may hold press conferences and discuss current issues or may include controversial statements about public policy matters in a public address. Second, the president may deliver a formal message to parliament and comment critically on the state of the nation. Third, the president may return a bill to parliament for reconsideration, along with a message stating the reasons for doing so. Although such a suspensive veto may be overridden by a simple majority of those voting in each house of parliament, the president's action would weigh heavily on the resolve of the members of parliament (MPs). Fourth, because of the complex nature of Italy's multiparty system, the president's formal function of appointing the prime minister carries with it a great deal of potential influence. If no one party has a majority in parliament, the appointment of a new prime minister is preceded by intricate negotiations among various parties and factions. In the course of those negotiations, the president could seek to promote a candidate of his or her own, as President Oscar Luigi Scalfaro did in 1993 and 1995, when he put forward

the names of Carlo Azeglio Ciampi and Lamberto Dini, respectively, and in November 2011 when Giorgio Napolitano called upon Mario Monti to form a new government. Or the president could ask a resigning prime minister to continue in office. Fifth, the president can bring into existence a coalition to provide the basis of a new government as took place in 2013, thereby becoming the guarantor of a political pact for purposes of avoiding the dissolution of parliament. Sixth, the president appoints five of the fifteen judges on the Constitutional Court (of the other ten, five are elected by parliament and five are elected by the judges of the highest Italian courts) and chairs the self-governing body of the judiciary (*consiglio superiore della magistratura*). Finally, the president has the power to dissolve parliament if the government is defeated or expects to be defeated in a no-confidence vote or parliament has completed its five-year mandate.

Apart from the constitutional and customary restraints just cited, the power of the Italian president is politically limited by the manner of the presidential selection but he does wield considerable political power. The president is not directly elected by the people; instead, that official is “indirectly” elected by the Electoral Assembly, composed of members of the Chamber of Deputies (630), members of the Senate (322), three delegates from each of Italy’s nineteen other regions, and a delegate from Valle d’Aosta.<sup>1</sup> Election is by secret ballot. On the first three ballots, a two-thirds majority of the members of the Electoral Assembly is needed; from the fourth ballot on, an absolute majority suffices. Because of the secret ballot, party cohesion and party discipline are difficult to maintain. A party cannot really compel its members to support its officially designated candidate.

This system of election, with its secret ballot procedures and resulting breakdowns in party discipline, often produces unforeseen results. It can turn out factional bosses capable of unpredictable adventures but also leaders of broad vision. Some presidents have been quite distinguished: Luigi Einaudi (1948–1955), a prominent liberal economist; Giuseppe Saragat (1964–1971), leader of the Social Democratic Party; Sandro Pertini (1978–1985), a venerable socialist leader in the Resistance with a tendency to outspokenness; Carlo Azeglio Ciampi, a former governor of the Bank of Italy, minister of the Treasury in various governments, and prime minister; and the current president Giorgio Napolitano, who was reelected in April 2013 on a political mandate to resolve the political impasse that prevented a governing majority from coming into existence. Others have been Christian Democratic factional chieftains who have brought little credit to the office: Giovanni Gronchi (1955–1962), who appointed the notorious Fernando Tambroni to head a government that brought Italy to the brink of civil conflict; Antonio Segni (1962–1964), who was suspected by some journalists of having been involved in the preliminary planning for an abortive military coup; Giovanni Leone (1971–1978), who was forced to resign six months before his term expired because of alleged complicity in several cases of tax fraud and bribery; and Francesco Cossiga (1985–1992), who resigned two months before his term was to end due to the acrimony he had generated through personal attacks against various political leaders and intemperate statements on public issues.

Oscar Luigi Scalfaro, a Christian Democrat, a former Catholic partisan, and a member of the Constituent Assembly, was less controversial than his mercurial predecessor.<sup>2</sup> Yet in the turmoil after 1992 he, too, found it impossible to avoid making highly controversial decisions. When Prime Minister Silvio Berlusconi resigned in December 1994 and asked for the dissolution of parliament and new elections, President Scalfaro refused to comply with his request until the possibility of forming another cabinet had been fully explored.

## Italy at a Glance

### Type of Government

Republic

### Capital

Rome

### Administrative Divisions

*Fifteen regions:* Abruzzi, Apulia, Basilicata, Calabria, Campania, Emilia-Romagna, Latium, Liguria, Lombardy, Marches, Molise, Piedmont, Tuscany, Umbria, Veneto

*Five autonomous regions:* Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige, Valle d'Aosta

### Independence

March 17, 1861 (Kingdom of Italy proclaimed; Italy was not finally unified until 1870)

### Constitution

Passed on December 11, 1947; became effective January 1, 1948; amended in 2000

### Legal System

Based on civil law system; appeals treated as new trials; judicial review under certain conditions in Constitutional Court; has not accepted compulsory International Court of Justice jurisdiction. Subject to rulings by the European Court of Justice.

### Suffrage

Eighteen years of age (except in senatorial elections in which minimum age is twenty-six); universal

### Executive Branch

*Chief of state:* president

*Head of government:* prime minister (known in Italy as the president of the Council of Ministers)

*Cabinet:* Council of Ministers nominated by the prime minister and approved by the president

*Elections:* president elected by an electoral assembly consisting of both houses of parliament and fifty-eight regional representatives for a seven-year term; prime minister appointed by the president and confirmed by parliament

### Legislative Branch

*Bicameral parliament:* Senate and Chamber of Deputies. Senate: 315 senators elected by popular vote, 309 by proportional representation, and 6 from overseas constituencies; 7 senators-for-life. Term: five years. Chamber of Deputies: 630 deputies, 612 elected by proportional representation, and 12 from overseas constituencies. Term: five years.

### Judicial Branch

Constitutional Court composed of fifteen judges: one-third appointed by the president, one-third elected by parliament, and one-third elected by the ordinary and administrative Supreme Courts

### Major Political Parties

Left: Civil Revolution; Ecological and Libertarian Left (SEL); Center-Left Democratic Party (PD); Italy of Values (Di Pietro); 5-Star Movement Center: Union of Christian Democrats (UDC); Civic Movement; South Tyrolean People's Party (SVP); Center-Right: Freedom Alliance (PdL); Northern League; Right: The Right.

*Source:* Ministry of the Interior, 2013 parliamentary elections.

A cabinet was eventually formed in 1995 under an independent central bank official and former member of the outgoing cabinet, Lamberto Dini. But President Scalfaro was denounced and vilified by Berlusconi's supporters for not having carried out Berlusconi's request.

Neither Dini nor the prime minister appointed in 1993, Carlo Azeglio Ciampi, was an MP; both were high officials of the Bank of Italy. By appointing non-MPs to head the cabinet, President Scalfaro was venturing where other presidents had feared to tread. He also established the informal custom of having prime ministers consult the president before making important decisions on cabinet appointments.

Scalfaro's successor, Ciampi, was forthright in his statements on public policy and Italy's role in Europe. It could be argued that as Prime Minister Berlusconi's political fortunes declined in 2004–2005, the visibility of the president increased, thereby providing a sense of stability and continuity to a troubled and at times chaotic governing party coalition. President Ciampi, who was supported by both the Democratic Party of the Left (PDS) and Forza Italia because of his nonpartisan image, did not stir up controversy. Indeed, his personal style and ability to interact with different social strata made him one of Italy's most respected and beloved institutional figures. Two-thirds of the Electoral Assembly elected Ciampi president on the first ballot in May 1999, which was a major departure in Italian politics. In his first address to parliament later that month, Ciampi emphasized the need for constitutional and political reform.

In May 2006 a new president, Giorgio Napolitano, was elected on the fourth ballot and on the basis of a simple majority. He received 543 of the 1,010 votes in the Electoral Assembly. The center-left parties voted for him as a bloc, and only a few scattered votes came from the center-right. In 1992 Napolitano was leader of the reformist wing of the former Communist Party, but after 1992 he began to detach himself from the internal politics of the PDS and Democrats of the Left (DS). During the 1994–1996 parliament, he served as president of the Chamber of Deputies, and in the first Prodi government (1996–1997) Napolitano was appointed minister of the interior. Between 1999 and 2004 he served in the European Parliament. As a European MP, he distinguished himself as a strong supporter of the draft European constitution and of further political integration. In his 2006 acceptance speech, he told the delegates of the Electoral Assembly that during his tenure he would emphasize his role as defender of the constitution and guarantor of national unity. After his election, Napolitano became a staunch advocate of Italian unity (given the 150th anniversary of Italian unity) and of continued support of national policies to help stimulate growth in the less developed regions. His measured statements and bipartisan approach have endeared him to the electorate and parties of the center-right. In Italy's fractured political system he continues to remain the political figure with the highest public approval, and that approval was vital in permitting Napolitano to navigate the troubled political waters that brought Mario Monti to power in 2011 on the basis of Italy's equivalent of a grand coalition. In April 2013 Napolitano's seven-year term ended, and expectations were that he would be followed by Mario Monti. However, the results of the parliamentary elections in February 2013, and the less than elegant maneuvers engaged in by Monti in his attempt to be elected president of the Senate, doomed any chance that he could create a broad coalition behind his candidacy. The result was a split electoral college. The center-right could not propose a candidate acceptable to the center-left (e.g., Berlusconi) and the

center-left's proposal to elect Romano Prodi could not unite the party. The only alternative was to insist with the out-going president to renew his term for the good of the country and to find a solution to the governmental impasse. On the 20th of April 2013 Giorgio Napolitano was the first president of the republic to be reelected. The majority necessary for his election was 504 votes; he received 739. He stated in a subsequent interview that he decided to accept the request to be reelected only "out of a sense of duty during a very difficult moment for the country given that it was urgent to form a government capable of responding to the difficulties in which too many families, too many firms and too many Italian workers find themselves at the present moment" (*Corriere della Sera*, April 30, 2013). Immediately after his inauguration as president, Napolitano appointed Enrico Letta to form a new grand coalition government composed of the Democratic Party (PD), *Popolo della Libertà* (PDL), and Monti's Civic Movement party.

### ***The Prime Minister and the Cabinet***

The Italian cabinet (officially the Council of Ministers) and the prime minister (whose official title is president of the Council of Ministers) together constitute the political wing of Italy's dual executive. They resemble the classic model of the political executive in a continental European parliamentary system. After an election or the resignation of a prime minister, the president consults with the parties in finalizing his choice of prime minister, and the prime minister, in turn, consults with the parties of his coalition in selecting the list of cabinet members. The cabinet—usually a coalition cabinet, composed of members of several parties—is selected from among the MPs and independent experts. The prime minister then discusses the composition of the cabinet with the president. Once agreement has been reached, the prime minister and his cabinet swear their allegiance to the constitution in the presence of the president. This section first describes the major changes that have taken place in response to the upheavals of the 1990s and then the difficulties faced by the government led by Enrico Letta.

From 1993 through 2013, some interesting variations on past formulas were adopted:

- *A broadened center coalition with nonpolitical technocrats playing a major role.* The Ciampi cabinet in 1993–1994 was headed by a former central bank executive who was neither an MP nor a politician;
- *A center-right coalition with a sharp tilt to the right:* the Berlusconi cabinet, appointed in 1994 and once again in 2001 and 2008.
- *An all-technocratic cabinet,* the Dini cabinet of 1995 was headed by a former central banker; while the Monti cabinet of 2011 was composed of technocrats with no previous political experience. Monti's previous governmental experience was limited to his ten-year role as EU Commissioner for the Single Market and Competition Policy between 1995 and 2004.
- *A broader center-left coalition,* composed by the PDS or PD in a leading role: the Romano Prodi cabinet of 1996–1998.
- *A more inclusive center-left coalition,* headed by the PDS–DS, but stretched to include a small, newly formed orthodox Communist Party (Armando Cossutta's Communist

Party of Italy, or PCd'I) and a small center-right party of former Christian Democrats (Cossiga and Mastella's Democratic Union for the Republic, or UDR). This coalition made up the Massimo D'Alema cabinet, formed in October 1998, and the successor government headed by Giuliano Amato. It was repeated again in 2006 in the formation of the second Prodi cabinet.

- *A mixed 'grand coalition' of political representatives from both the center-left and center-right with a mixture of technocrats responsible for the more 'delicate' ministries—e.g., Justice, Treasury, Economic Development and Labor. This combination broke the deadlock at the end of April 2013 and permitted the government headed by Enrico Letta (PD) to win a vote of confidence in both the Chamber of Deputies and Senate.*

Although before 1992 the cabinet was a loose-knit, motley body in which a great number of uncoordinated ministries often operated at cross-purposes, there was a growing trend in the 1970s and 1980s toward the creation of a dominant position for the prime minister. Prime ministers were able to increase their influence by virtue of their ability to mediate differences among various power centers within and outside the cabinet and to give some measure of central direction to the government. They were able to assume this important role with the help of the Office of the Prime Minister, a staff agency that had grown remarkably since the 1950s and that by 1980 employed about 800 people. By 2011 the prime minister's office had grown to 2,438 members of staff. In the 1970s the Office of the Prime Minister acquired control over government spending, the expenditures of public corporations, supervision of relations with the regions, and some aspects of security and public order. The expansion of the prime minister's influence depended less on his formal powers than on his strategic location and his possession of a growing and skilled staff.<sup>3</sup>

In the years since 1992, the cabinet and the executive branch it controls have been further strengthened.<sup>4</sup> First, technocrats and ex-central bankers have played a dominant role in the economic ministries, and some have served as prime ministers. Several technocrats were in the reshuffled Amato cabinet of February 1993 and in the Ciampi cabinet of April 1993. In 1995 the Dini cabinet was again headed by a top official of the Bank of Italy and was composed entirely of technocrats. The Prodi cabinet of 1996–1998 was headed by a distinguished professor of economics, who had been at the helm of a giant public holding company (the Institute for Industrial Reconstruction, or IRI). It also included Ciampi as Treasury minister. In the D'Alema cabinet, appointed in October 1998, Ciampi was once again entrusted with the Treasury portfolio.

Second, the prime minister has more discretion in making appointments, particularly for the economic ministries. The party groups in parliament are still consulted, but they are no longer able to dominate the appointment process to the extent they did in the past. In fact, Prime Minister Ciampi did not bargain with the parties at all when he selected his cabinet.

Third, at times the executive has been given a free hand to deal with certain economic problems. The Amato cabinet was authorized to govern by decree in four policy areas considered to be the chief sources of budget deficits: health, pensions, public sector employment, and local government finance. Such delegations of authority were often

justified by citing the need for Italy to conform to the economic and monetary guidelines laid down by the European Union. In addition the major reform of public finance has placed severe restrictions on parliament's power to modify the government's budgetary and financial proposals.

Fourth, some progress was made toward reducing the size of the cabinet and making it a less unwieldy body. Some ministries were actually abolished—some by law, some by referendum—despite the resistance of vested interests within the executive branch and in parliament.

Finally, both the Prodi cabinet (1996–1998) and the D'Alema cabinet (1998–2000) resolved the long-standing conflict between the expansion-minded Budget Ministry and the stability-biased Treasury Ministry by merging them into a single super ministry headed by the minister of the Treasury. In both cabinets, that minister was Ciampi, formerly director of the Bank of Italy. The hegemonic role of technocratic and banking interests in Italy and the concomitant dedication to economic stability were vividly symbolized in May 1999 by the election of Ciampi as president of the republic. In 2004, when Giulio Tremonti was ousted as minister of the Treasury because of his proclivity to make decisions without informing his cabinet colleagues, he was replaced by the administrative head of the ministry, Domenico Siniscalco, who served as a technocrat rather than a member of a particular party in the Berlusconi cabinet. In 2005 Siniscalco was ousted and replaced by Tremonti, because Siniscalco refused to turn a blind eye to a blatantly “electoral” budget that the cabinet insisted on passing in preparation for the 2006 parliamentary elections. In 2013 the Treasury was once again allocated to a representative of the Bank of Italy, the Director General Fabrizio Saccomanni.

### ***The Parliament***

In its structure and mode of operation, the Italian Parliament differs in some significant ways from most other western European parliamentary bodies. First, it is truly bicameral. A bill must pass both houses—the Chamber of Deputies and the Senate—to become law. Moreover, the cabinet is equally responsible to both houses. This legal equality is reinforced by the fact that both houses are elected by popular vote. The main differences between the two elections are voting age and representation. The minimum voting age is eighteen for elections to the Chamber of Deputies and twenty-five for senatorial elections. At the end of 2005, the Berlusconi government did away with single-member districts for both the Chamber of Deputies and the Senate and replaced them with proportional representation (PR) list systems. For the Chamber of Deputies, the PR system operated at the national level in the distribution of seats; in the Senate the distribution of seats for the two coalitions was organized at the regional level. Because these differences are not very striking, the Senate can rightfully claim that it is hardly less representative than the Chamber of Deputies and is therefore entitled to equal legislative power.

Representing roughly similar electorates, the two houses did not differ sharply in their political makeup until 2013: the different rules operating in the Chamber of Deputies (the party or coalition with the relative plurality of votes at the national level receives 55 percent of the seats) and in the Senate (the additional seats to the party or coalition with a plurality is distributed at the regional level) produced a clear majority in the former and no majority in the latter thus producing a *hung parliament*. With similar levels of popular

support the center-left had a thirty-vote majority in the Chamber and was thirty-eight votes short in the Senate. Because of the similarity in the composition of the two houses, the Italian Senate does not give special representation or protection to any specific minority interest (like the French Senate and the German Bundesrat). A second, rather distinctive feature of the Italian Parliament is the power possessed by its standing committees.<sup>5</sup> They receive a bill just after first reading and may subject it to drastic changes before reporting it to the floor. The chair of a standing committee appears to be master of the committee's timetable and can expedite or slow down the progress of a bill without having to worry about pressure from the presiding officer (president) of the chamber. Most important, the committees have the power to pass certain bills. When the president of the chamber refers a bill to a standing committee, he or she decides whether the committee is to act *in sede referente* (report the bill back to the chamber with proposed amendments) or *in sede deliberante* (take final action on the bill—that is, pass it and send it on to the president of the republic or defeat it once and for all). Because most bills approved by the Italian Parliament are enacted through the rather unique *in sede deliberante* procedure, the Italian standing committees literally act as miniature legislatures. Two limitations are placed on the use of *in sede deliberante*. First, certain kinds of important legislative proposals (constitutional amendments, electoral laws, delegations of legislative power, treaties, budgetary and spending bills) must be discussed on the floor after being considered in committee. Second, a bill being considered *in sede deliberante* must be brought to the floor of the chamber if so requested by the cabinet or by 10 percent of the members of the chamber or 20 percent of the members of the standing committee.

The Italian Parliament has adopted several procedures that differentiate it from the parliaments of other western European democracies. First, there is no effective limit on the number of private-member bills that can be introduced; the cabinet has far less control over the legislative agenda than is true in Great Britain and Germany. Second, there is no conference committee to iron out differences between Senate and Chamber of Deputies versions of a bill. Consequently, many bills shuttle between the two houses for years without ever achieving passage. Finally, there was until recently a requirement in the rules of the Chamber of Deputies that the final vote on a bill be taken by secret ballot. Such a procedure permitted recalcitrant Christian Democratic deputies (“snipers”) to vote against measures supported by their party leadership. When a bill was defeated in a secret ballot, the cabinet could, however, ask for a formal vote of confidence, which required a roll call. Sniping was an embarrassing practice that lowered the prestige of cabinet members and occasionally impelled them to resign. The parliamentary secret ballot was recently weakened through the introduction of electronic voting, but it is still quite possible for parliamentarians to vote against their government or party without being detected.

In other respects, the Italian Parliament resembles other western European parliamentary systems (except that of France, which possesses both presidential and parliamentary features). It can pass any law that does not violate a provision of the constitution, and it can manage its own procedures and budget without being subject to external interference. Its powers are fairly conventional. It passes laws, delegates rulemaking power to the cabinet, ratifies treaties, approves the budget, and conducts investigations. It meets in joint session to elect the president of Italy, to impeach the president for high treason or offenses against the constitution, and to elect one-third of the members of the Constitutional Court.



It also may amend the constitution. An amendment must be approved twice by each chamber, and the two votes must be held at least three months apart. The first vote requires a simple majority of those voting. The second vote requires an absolute majority of each house. Unless at least two-thirds of the members of each house support the amendment on the second vote, it must be submitted to a popular referendum on the demand of one-third of the members of each house, or of 500,000 voters, or of five regional councils (legislatures).

The organization of the Italian Parliament is also fairly orthodox. The two presiding officers, the president of the Senate and the president of the Chamber of Deputies, share control of the order of business with the Conference of Presidents (the heads of the various standing committees and parliamentary groups). The two officers have the power, subject to appeal, to assign bills to standing committees and to determine whether a bill should be passed in the committee itself *in sede deliberante* or reported to the floor *in sede referente*. They also appoint the members of select committees. Finally, the president of the Senate and then the president of the Chamber of Deputies are in line to succeed the president of the republic if the president were to die or become incapacitated in office. Unlike the Speaker of the British House of Commons, the presidents of the two chambers tend to be prominent partisans with ambitious plans for future advancement (to be president or prime minister). Yet because of the loose power structure of the Italian parliament, the two presiding officers are quite limited in the power they can exercise. The current presidents of the Chamber (Laura Boldrini) and Senate (Pietro Grasso) were supported by the center-left and Mario Monti's Civic Movement. In the Senate Grasso also received support from a small group of five-star senators who put him over the top vis-à-vis the center-right candidate, Renato Schifani, who had held that position during the previous legislature.

In 1971 both houses of the Italian Parliament adopted some major changes in their rules and procedures. One of the most ambitious of these changes gave formal recognition to the Conference of Presidents and assigned it the task of setting the legislative agenda, by unanimous agreement, for periods of from two to three months. The pious hope that long-term legislative planning by unanimous consent would somehow be possible has proved to be unjustified. What was supposed to be an organic plan for a long-term legislative program has turned out to be either an incoherent shopping list based on logrolling or a series of brief one- or two-week calendars for which unanimity is not required.<sup>6</sup>

In addition to a presiding officer who resembles the continental European model of an avowedly partisan Speaker and who has political clout and ambitions of his own, each house of the Italian Parliament possesses another trait characteristic of a continental European parliamentary system: It is divided into parliamentary groups that are more or less cohesive and disciplined caucuses of the respective parties. These groups are responsible for assigning members to the standing committee positions that have been allocated to each group. They also advise the president of the chamber on the appointment of investigating committees and on filling vacancies on select committees.

The president of each parliamentary party group represents the group in the Conference of Presidents, which is supposed to reach agreement on the order of business for the chamber. The president of the republic also consults the parliamentary group leaders during a cabinet crisis or when a prime minister has resigned and a successor must be appointed. The parliamentary party group reaches binding decisions on how its members

are to vote on pending legislation. But the parliamentary group can itself be subject to pressure from the party organization outside parliament. Some parliamentary groups have been more successful than others in maintaining a certain degree of autonomy against directives issued by extraparlimentary party organs. Yet overall, the party structure outside parliament has traditionally exercised more influence over legislative affairs in Italy than is true in either Great Britain or Germany. ~

That said, since 1992 party organizations outside parliament have lost much of their customary clout. Parties such as the Socialists and Christian Democrats first became weaker and more loosely organized, and then they literally disintegrated and others replaced them. New parties such as Forza Italia and the Northern League resemble US parties in their emphasis on media-driven election campaigns and in their responsiveness to the political themes stressed by the party leader.

The executive domination of the parliament found in Great Britain and France has not really been present in the Italian Parliamentary system. Rather, the multiparty, multifactional system that has prevailed in Italy has made the Italian Parliament almost unmanageable, despite the existence of some degree of party cohesion (generally solid bloc voting by each parliamentary group) and party discipline (sanctions against individual legislators who stray from the party line). The power of dissolution has been rather ineffective, because elections rarely can be counted on to improve the government's mandate. What is the use of dissolving parliament when the percentage of the total vote polled by each party is subject only to relatively minor changes and PR minimizes the impact of these changes? As a result, between 1948 and 1968 parliament was always allowed to serve out its full five-year term. After 1968, with the increasing volatility of the Italian electorate, elections were held at shorter intervals (four years, except in 1976–1979). The adoption in 1993 of a new election law providing for the election of most deputies and senators from single-member districts with election by plurality seemed to portend that the power of dissolution would be relied on more heavily in the future. And in fact, only two years after the election of 1992, parliament was again dissolved, and the process was repeated in 1996. Since 1996, however, the parliaments of 1996–2001 and 2001–2006 have been able to serve out their full terms despite the profound policy cleavages that separated the center-left coalition from the center-right coalition. The Prodi coalition elected to power in 2006 only lasted two years while the Berlusconi government of 2008 was substituted after three years in power and in the following year, 2012, parliament was dissolved in preparation of the new elections in 2013.<sup>7</sup>

Some of the structural characteristics and procedures of the Italian Parliament also have tended to protect it against executive dominance. These include the absence of any limit on private-member bills, the lack of tight cabinet control over the agenda, the power of standing committees to enact laws *in sede deliberante*, and the presence of a powerful popularly elected second chamber. And lacking a secure majority, cabinets have come and gone. Parliament has been protected against dissolution by the party system and, until 1993, by the reluctance of governments to verify the level of popular support until forced to do so by the five-year electoral mandate.

The post-1992 upheaval has had a noticeable impact on parliament.<sup>8</sup> First, the executive managed to establish a more dominant position in relation to the parliament. The economic ministries, which are headed by or are highly responsive to technocrats, used their expertise and power of knowledge to issue and reissue executive decree laws.

Meanwhile, the moral authority conferred on them by the general consensus that Italy should reduce its deficits to retain good standing in the Economic and Monetary Union (EMU) allowed these ministries to bypass many of the parliamentary barriers to policy-making. Parliament continues to service the demands of constituents, submit questions to the executive, and disseminate information. In fact, it performs these functions more vigorously than it did in the past. When it comes to general economic policy, however, the cabinet has increased its influence to a very marked degree.

A second and related point is that because a major party is no longer in permanent opposition in the Italian Parliament, it is much easier to build a strong and reasonably coherent cabinet that enjoys a working majority. Before 1992, the Communist Party was barred by long-standing custom from entering the cabinet, as was the neo-Fascist Italian Social Movement (MSI). But these two parties at the extreme poles of the system controlled more than one-third of the seats in parliament. A cabinet could survive only with the support of over 50 percent of the MPs, which meant gaining the support of about three-fourths of the noncommunist, non-Fascist MPs. However, with the disappearance of both extremist parties of the left and right the power of parliament to precipitate cabinet crises has been reduced. A defeat of the government in a vote of confidence in parliament produces a potentially “catastrophic” effect on the ruling coalition by forcing it to resign and call new elections rather than taking the approach favored in the past when such crises were resolved through minor readjustments of cabinet posts within the ruling coalition.

### ***The Bureaucracy***

As of 2011, Italy had about 3.28 million state employees (see Table 4-1). Of those, about 300,088 worked in the national civil service. The rest (596,381) were employed in regional, provincial, and local public administration jobs. The bulk of public employment in Italy has historically been associated with the national education system (1,154,031) that covers education from the primary to the tertiary level. Very few students, in fact, attend private schools at any level in the system. The other major sources of public employment in 2011 were the national health system with 682,477 employees and the country’s armed forces and national police branches with 550,022 salaried workers. As Table 4-1 reports the total number of workers in the public sector represented during the 2007–2011 period around 14 percent of the workforce compared to 22 percent two decades earlier. What has happened to bring about this drastic change in the weight of public employment in Italy from one in five in 1990 to one in seven in 2011? The answer is to be found in the steady privatization strategy adopted by national and local governments over the past two decades. At the national level the large enterprises (e.g., Telecom, Alitalia, state railways, Enel, Eni, the banks) were privatized, and a similar policy was instituted at the local level with regard to water, refuse collection, gas, and other local services. Thus, Italy has during the last two decades gone from being a country whose utilities and public infrastructure were controlled by public companies to a country that has transferred these former government monopolies into private sector firms and has stimulated significant competition to emerge in these sectors. Even in the national rail system the company (NTV) headed by Luca Cordero di Montezemolo (the president of Ferrari) has taken on the successor (Ferrovie dello stato [FS]) to the national monopoly in a spirited duel over passenger numbers and the provision of discounted tickets.

**Table 4-1 Public Employment in Italy, 1970–2011 (Thousands)**

	1970	1980	1990	2000	2011
Public administration	1,129.80	1,299.80	1,484.10	1,389.60	896.47
Schools	817.4	1,390.30	1,670.80	1,603.40	1,154.03
Health and other social services	794.7	989.5	1,182.30	1,344.00	682.47
Other public services	538.4	517.1	793.3	1,002.60	550.02
Total public employment	3,280.30	4,196.70	5,130.50	5,339.70	3,282.99
Total employment	19,931.40	21,372.80	22,609.50	23,128.40	22,857.0
Public employment/employment (percentage)	16.5	19.6	22.7	23.1	14.0

Source: Ministero dell'economia e delle finanze, "Analisi di alcuni dati del conto annuale del periodo 2007–2011." Updated January 3, 2013.

The two decades between 1970 and 1990 witnessed the biggest increase in public employment, especially in the education, health services, and other public services sectors, because the Italian welfare state was being consolidated through, among other things, the move to full public education and the creation of the national health system. Not surprising, it was also the period during which annual deficits and the public debt rose exponentially. But once that deficit was no longer considered to be sustainable, governments have undertaken the politically painful decision to dismantle a system of providing jobs to the unemployed through the public sector. In addition, progress was also made in whittling down the size of the bureaucracy through the process of not substituting retired employees. The recent reform of the pension system undertaken under the Monti government (the Fornero reform) that moved the previous retirement age from 63 to the current level of 66 years of age has encouraged a number of public employees to seek early retirement. Similar trends had been visible throughout the decade as the retirement age for public employees moved steadily upward.

The higher civil service (*carriera direttiva*) is staffed mostly on the basis of merit, although some patronage appointments and positions are filled without competitive examination by temporary appointees who eventually acquire permanent status. For those recruited by competitive examinations, either by direct entry from the universities or by promotion, the examinations tend to stress legal training rather than the broad social science background emphasized in France and Great Britain.

The recruitment system has resulted in the overrepresentation of the south in the higher civil service, because in the south, like other developing and economically backward areas, a higher percentage of the university population is attracted to the traditional professions (*professioni liberali*) such as law and medicine.<sup>9</sup> Moreover, southerners are more apt to be attracted to the secure if rather humdrum careers provided by the bureaucracy; young people from economically stagnant regions more often than others lack the contacts and know-how to embark on a business career. Many southern recruits are apt to be of lower-middle-class origin, in sharp contrast to the upper-middle-class graduates of the *Ecole nationale d'administration* (ENA) recruited into the French higher civil service. Italian higher civil servants therefore have been drawn disproportionately from the most underdeveloped, tradition-bound regions of Italy. This bureaucracy, which also receives a

brief period of in-service training, tends to be cautious and negative in its attitude toward policy innovations.

Although exceptions to this tradition have increased, particularly since 1992 (the greater number of technocrats in political offices and European management requirements have brought economists and other social scientists into higher ministerial positions), there has been no thoroughgoing, coherent effort to reform the bureaucracy. Unlike public finance, which is under the control of the powerful Treasury Ministry, bureaucratic reform falls under the aegis of the minister of public administration, who is, in effect, a minister without portfolio dependent on the commitment and support of the prime minister, and prime ministers have not usually given this problem top priority. Rather, they have bowed to pressures to reform public finance to conform to EU expectations; there have been no such external pressures for broader bureaucratic reform.<sup>10</sup>

Two powerful innovations, however, have spurred the introduction over time of other changes into Italy's public administration. The first is the sustained devolution of policy—economic development, social concerns, health, urban and regional planning, tourism, and transport—since the 1970s from the national to the regional and local levels. The second major, and more recent, innovation is the Europeanization process, whereby policy sectors, such as monetary and market regulation policies as well as fiscal, foreign, defense, and justice policies, have been moved from the national to the European level as part of the consolidation of European integration. These two forms of policy transfers (upward and downward) have shifted the emphasis in the *modus operandi* of national bureaucrats from law and formal procedures to the policy-specific expertise and negotiation techniques needed to advance national priorities in the formulation of European policies, while maintaining a coordination function for the regions. Under such conditions, it has been easier to introduce a supplementary compensatory system based on merit and responsibilities assumed by the administrative elite at both the national and subnational levels.

### ***The Judiciary***

Like France and Germany, Italy has a legal system in the civil law tradition, which stems originally from Roman law. Judges are supposed to simply apply the law as stated in the relevant provisions of the legal code, not to analyze the facts of the case and explore the applicability of past judicial decisions, which is the practice in the British and American common law systems. Law, then, is not determined primarily by an accumulation of judicial opinions but is found in statutes, executive decrees, legal codes, and the accepted interpretations of legal scholars. In short, the concept of judge-made law is foreign to the civil law tradition. The judge's function may appear to be somewhat mechanical, with little room for judicial discretion. Yet there are inevitable departures in any civil law country from this model of the civil law tradition. Since 1956 the Constitutional Court at the highest level of the system has been quite active in providing interpretations of the constitution and resolving conflict between different levels of government. Moreover, since 1958 the rulings of the European Court of Justice have had a significant impact on Constitutional Court rulings. The supreme example of this impact was the *Costa v. Enel* case, which was referred through the Italian court system to the European level. The judges ruled that Italy's post-1958 legislation was subject to the provisions set out in the Rome treaty. Therefore, national legislation (in this specific case the nationalization of the electrical industry)

was subject to the provisions of that treaty. In essence, the ruling established the supremacy of European law (treaty provisions and regulations) vis-à-vis national law.

The Italian judicial system has some features in common with that of France. For one thing, there are two parallel judicial hierarchies: five tiers of ordinary law courts, culminating in the Court of Cassation, and a system of administrative courts in which the appeal process culminates in the Council of State and Court of Accounts. In addition, as in France, judges are recruited for a judicial career after graduation from law school, and they work their way up the judicial ladder in a series of promotions and transfers.

There are also some significant differences between the two systems. First, Italian judges on the lowest rung of the hierarchy receive much lower salaries than their French and German counterparts. Second, nothing in Italy corresponds to the National Center of Judicial Studies in France, which provides modern training for future magistrates; Italian judges enter the judicial corps with only the formalistic legal training they received in the universities. Third, promotion in Italy is less dependent on executive fiat than it is in France. It is generally agreed that the French executive branch has come to dominate the promotion process, but in Italy the Superior Council of the Judiciary has effective control over appointments, transfers, and promotions. From its inception, this council has been dominated by senior judges of the higher courts, who have tended to be somewhat conservative but who have been criticized by the center-right government as being too liberal. Italian judicial independence therefore has been threatened less by executive encroachment than by the financial penury that younger judges have had to endure and the domination senior judges of the higher courts have exercised over the promotion process. Reform measures in the 1960s and early 1970s eroded the hegemony of the senior judges by making promotion based on seniority virtually automatic and providing for guaranteed salary increases at periodic intervals. In the 1970s and 1980s, judicial power and prestige were greatly expanded as a result of the judiciary's role in the struggle against terrorism and organized crime.<sup>11</sup>

The administrative court system deviates from the French model to a still greater degree than the ordinary judicial system. There are two separate hierarchies of administrative courts: one headed by the Court of Accounts and the other by the Council of State. Italian administrative courts are less prestigious and self-assertive than their French counterparts, because at the lower levels they are staffed by civil servants rather than by full-time judges. Unlike the French administrative courts, which can hear suits by private citizens for damages against the state and suits challenging the legality of executive decrees, Italian administrative courts can consider only the question of legality. Damage suits must be introduced in the ordinary law courts. Finally, the Italian Council of State has been more cautious in challenging the executive than has the French Council of State, although recently it has taken a more independent course.

Despite the personal and political ties that many Italian judges have developed with the world of partisan and factional politics, the Italian judicial system enjoys a high degree of independence from executive control. This independence also applies to public prosecutors, who are considered part of the judiciary and are therefore responsible to the Superior Council of the Judiciary rather than to the Ministry of Justice. This *de jure* independence enabled a portion of the judiciary, especially in the Milan region, to initiate a series of investigations—“Operation Clean Hands”—of political corruption in 1992.

The investigations, followed by a wave of prosecutions, were to some degree influenced and encouraged by some unprecedented events: heavy Christian Democratic losses and Northern League gains in the parliamentary elections of 1992 and in municipal and provincial elections and the rapidly declining electoral strength of the main political parties. At first, southern judges and prosecutors, more closely connected to the political parties than their Milanese counterparts, took a cautious stand, but the mushrooming of the corruption crisis resulted in a general weakening of the bonds between judges and politicians.<sup>12</sup>

The post-1992 investigations and prosecutions involving the network of bribery and corruption widely known as “Kickback City” resulted in the arrest of many national and local politicians, as well as business owners, industrial managers, and high-ranking bureaucrats. Thousands more were investigated. Prosecutors such as Antonio Di Pietro in Milan became national heroes in the eyes of large segments of the Italian public.<sup>13</sup> Even those who came to power in 1994 were not immune from judicial scrutiny. The brother of Prime Minister Berlusconi, leader of the Forza Italia party, had to face trial on corruption charges, as did some senior executives of his Fininvest financial empire. Berlusconi himself has been the object of a series of trials related to his media empire, Mediaset, and some of his top collaborators—for example, Marcello Dell’Utri and Cesare Previti—were tried and convicted for engaging in the corruption of judges and tax evasion and maintaining ties to the Mafia. Berlusconi was eventually indicted and convicted for bribery and fraud, but his control of the top political office in the country slowed down and sometimes stopped the three-stage appeals process that must be completed before a person is incarcerated. The leader of the Northern League, Umberto Bossi, also came under investigation for his involvement in the illegal financing of political parties and threats to judges investigating his party. In 2012 a series of investigations of electoral campaign reimbursements involving his sons and a small circle of advisors forced the resignation of Bossi as its president and the purge of his political entourage.

Such ongoing investigations highlight some of the less-appealing features of the Italian judicial system. Preventive detention may be used to subject a suspect to lengthy imprisonment while awaiting trial. Moreover, because of the unpleasant conditions prevailing in Italian prisons, the prospect of indefinite preventive detention may be employed to coerce a suspect into collaborating with the authorities. These possible abuses were cited by Prime Minister Berlusconi in July 1994, when his government issued a decree suspending the powers of the judiciary to order the preventive detention of corruption suspects. The decree aroused a major political uproar, however, spurring not only threats of resignation by several well-known public prosecutors and protests by the leaders of the opposition parties, but also vocal objections by Berlusconi’s coalition partners, the Northern League and the National Alliance. As a result, the decree was rescinded.<sup>14</sup>

In one important respect, the Italian judicial system bears a strong resemblance to Germany’s in that it has a Constitutional Court with powers of judicial review. Established by the constitution, this court was not actually set up by parliamentary law until 1956 because of the decade-long foot dragging of Christian Democracy, which saw the court as a threat to majority (i.e., Christian Democratic) rule.

The Constitutional Court has fifteen members—five selected by the president of Italy, five elected by a three-fifths vote of a joint session of parliament, and five elected by judges of the highest Italian courts (the Court of Cassation, the Council of State, and the Court

of Accounts). Members of the Constitutional Court serve a twelve-year term, which is not immediately renewable. The court has the power to determine the constitutionality of national and regional laws. Any case may be brought before the court on the appeal of an individual, a group, or a region. One serious obstacle to utilization of the appellate procedure is that the judge of the lower court from which an appeal to the Constitutional Court is being sought may block the appeal by issuing an interlocutory judgment to the effect that the appeal is patently unfounded. Because many Italian judges (especially in the Court of Cassation) resented the establishment of the Constitutional Court as a departure from the traditions of the Italian legal system and could not accept the concept of judicial review, such interlocutory judgments were not uncommon during the first years of the court's existence.

The Constitutional Court has had a major impact on the Italian political system. Among other things, it has struck down numerous provisions of the penal code adopted during the Fascist regime. In 1961, for example, it declared unconstitutional an old law that forbade any person to move from one locality to another without the guarantee of a job in the new locality. Various laws restricting freedom of expression have been invalidated. In controversies over divorce and abortion, the court has strengthened the cause of secularism. In 1970 it decided that a pending divorce bill would not require an amendment of the constitution, even though Article 7 of the constitution incorporated the Concordat of 1929, in which Italy agreed to make its rules on marriage and divorce conform to those of the Roman Catholic Church. Also in 1970 the court declared the Italian law forbidding adultery to be unconstitutionally discriminatory against women. In 1971 a law prohibiting the publication of birth control information and the sale of contraceptives was struck down. In 1975 the court declared unconstitutional some provisions of an antiabortion law of long standing.

Despite these rulings, many restrictions on civil liberties are still on the books, although the Constitutional Court has gone a long way toward extending individual freedom, while avoiding any major clash with the executive branch. In 2004 the Constitutional Court struck down the law passed by the second Berlusconi government suspending judicial proceedings against the country's top political leaders (prime minister, president of the republic, members of the Constitutional Court, and the presidents of the two chambers). Despite attacks by the center-right government, the courts have been successful in maintaining themselves free of encroachment by the executive.

### **Subnational Governments**

The three main tiers of governmental authority below the national level are the regions, the provinces, and the communes. The regions—five “special regions” and fifteen “ordinary regions”—correspond in size to the twenty-two French regions and the fifteen German *Länder*. The 103 provinces are comparable to French *départements*. And the 8,078 communes are counterparts of the French communes, although they are far less numerous and fragmented than the French.

Before 1970 the French and Italian patterns of local government shared strong similarities. Both had elected local and departmental-provincial councils that, in turn, elected executive committees or juntas from their ranks. Both also had systems of appointed central officials—prefects—who were named by the minister of interior to supervise the departments-provinces and communes. The prefect for each department-province had



the power to annul the decisions of the departmental–provincial or communal councils and to suspend local officials who were derelict in their duties. At the communal level, the executive committee or junta was headed by a mayor who supervised the executive organs of the commune and negotiated both with central government agencies and with the prefect.

The main difference between the two systems lay in the role of the prefect. The French prefect also acted as coordinator and supervisor of central government field agencies, whereas the Italian prefect was confined to controlling local government. Moreover, unlike the French prefect, the Italian prefect had to share this power of control with central government field services. In short, France had an integrated prefectural system, and the Italian prefectural system was unintegrated.<sup>15</sup>

With the ratification of the constitution of the Italian republic in 1947, Italy adopted a system that was neither unitary nor federal but possessed some quasi-federal features. Under a form of regional devolution, the Italian regions were granted extensive concurrent powers to share with the national government. As in a federal system, the powers of the regional governments are specified in the Italian constitution and may be formally repealed only by constitutional amendment, although the Constitutional Court may restrict or dilute those powers by judicial interpretation. Moreover, the regions were specifically named in the constitution, thereby protecting them against any ordinary parliamentary statute or executive decree reorganizing the boundaries and powers of subnational governments.

The Italian system of regional devolution contained, however, some definitely nonfederal restrictions on regional autonomy. First, the regions cannot exercise their concurrent powers until central government organs have issued the necessary enabling statutes and decrees. Second, the regions, which have received no original taxing power of their own, must depend on central legislation to authorize those taxes they were permitted to impose. Third, an appointed central government commissioner in each region has a suspensive veto over bills passed by the regional councils (legislatures). Finally, a bill passed once again by a regional council after such a veto can be blocked either by the Constitutional Court (which can rule on a bill's constitutionality before it goes into effect) or by the Italian Parliament (which could declare that a bill was contrary to the national interest). Not only is national law supreme over regional law, but also regional law must give way to the national interest as defined by parliament.

Before 1970 the regional autonomy provided by the 1948 constitution remained largely a dead letter. Five “special regions” had been created because they contained special ethnic minorities or displayed marked separatist tendencies. These regions comprised three ethnic border zones—French-speaking Valle d’Aosta, partly German-speaking Trentino-Alto Adige, and partly Slovenian Friuli-Venezia Giulia—and the two big islands of Sicily and Sardinia. The powers granted to these five special regions broke with the general pattern just described. Sicily received the power of taxation and control over local government; Sardinia, Valle d’Aosta, and Trentino-Alto Adige received significant additional financial resources from the central government; and Friuli-Venezia Giulia was given substantial autonomy in policymaking and administration after the 1976 earthquake.

The other fifteen regions—the “ordinary regions”—remained regions only on paper, because no enabling legislation was passed until 1966 and 1970. Once again, just as it was for the Constitutional Court, the fault lay with the dominant Christian Democracy, which

did not want to establish any institutional checks on majority rule even though the party was the major proponent of regionalization during the constitutional debate in 1947. By the late 1960s the situation was ripe for change. The centrist coalition cabinets of the 1950s gave way to a series of center-left cabinets that included the Italian Socialist Party, and the Socialists wanted to see the regions established at long last. Support for the regions was also strong among some of the more progressive factions of Christian Democracy, and the Communist Party was favorably inclined, because it expected to control several regional governments. Moreover, after the strikes and demonstrations of the "Hot Autumn" of 1969 it seemed advisable to deflect some popular grievances to the lower levels of government. Accordingly, enabling legislation was passed, and in 1970 the "ordinary regions" elected regional councils.

Nevertheless, the position of the regions remained quite precarious. The regional councils were up and running, and the regional juntas were assuming their executive duties, but few decision-making powers had been transferred to the regions. Not until 1975, when the left and particularly the Communists made remarkable gains in the second set of regional elections, was parliament motivated to authorize real progress toward regional devolution. A 1975 law directed the government to complete the transfer to the regions of all powers assigned to them by the constitution. In 1977 a set of decrees was issued carrying out many (but by no means all) of the transfers envisioned by the 1975 law and turning over to the regions approximately 25 percent of the national budget. With Law No. 382 (1975) and D.P.R. 616 (1977), the regions were finally in business.<sup>16</sup>

Since 1978 the regions have been engaged in an ongoing contest with the central government to defend and, if possible, extend the powers they have been granted, to obtain an adequate share of national revenues, to protect their policy turf against encroachment by the central government, and to clarify their role in relation to that of the central and local authorities. The regions believed their status left much to be desired.<sup>17</sup> The second Amato government in 2000–2001 undertook a significant devolution of power to the regions, and the transfer of power was ratified by a national referendum in 2001. First, the regions were empowered with exclusive responsibility for a whole series of "low politics" policy issues that extended from agriculture to transportation and from social policy to development policy issues. Second, regions were given co-policymaking roles in the budgetary process, which required extensive cooperation between the regions and the executive branch of government through the state–regional and the state–regional–city government commissions. Third, the central government still decides what revenues will be assigned to finance the national health system, but the regions and the government must agree on the size of the allocation. Fourth, the central government must coordinate with the regions the transposition of EU directives into national legislative provisions, because some of these directives involve both regional and national responsibilities. Fifth, the Constitutional Court has been empowered to rule on conflicts between the regions and national legislation. In recent years, the court has generally ruled on behalf of the regions in cases involving the encroachment of national legislation on regional powers. Finally, the national government has been forced to consult with the regions on initiatives taken at the European level in policy fields in which the regions have primary responsibility. As a result, the regions have been incorporated into the Office of the National Representative in Brussels and participate in meetings of the Council of Permanent Representatives.

The center-right government proposed strengthening the role of the regions in national policymaking even further by devolving to the regions exclusive responsibility in education, law enforcement, and health. But no provision was made to devolve to the regions greater responsibilities in generating their own resources through greater taxing powers. Critics have maintained that the center-right proposals threatened the viability of a national educational and health system because of the lower tax revenues collected by the southern regions. The reaction to the center-right's devolution proposal helped to fuel the across-the-board losses by the governing coalition in the 2005 regional and local elections, especially in southern Italy. In December 2005 the center-right government succeeded in passing the regional reform, but before it could come into force it had to be supported by a majority vote in the June 2006 referendum. In February 2006 the referendum on regional reform presented by fifteen regional councils was accepted by the Court of Cassation, and the referendum was scheduled for June 25–26, 2006. The voters overwhelmingly rejected the proposed constitutional reform: 52.3 percent of the electorate turned out to cast ballots, and 61.3 percent voted against the proposed change.

Still, the advances made in the regionalization of policymaking and implementation since the 1970s have served to change significantly the structure of the Italian state and its policymaking. In 2009 the Berlusconi government passed a constitutional amendment to introduce a system of *fiscal federalism* with the objective of allowing the regions to maintain a larger portion of taxes generated locally. The details of the proposal were not spelled out, however, and the time period foreseen for the implementation of the provision was five years.

Because the constitution gave provinces and cities an administrative role rather than a political role, the situation surrounding the local governments has been less problematic than it could have been. Despite the repeated introduction of abortive bills and numerous debates, it was not until the early 1990s that the Italian Parliament finally got around to passing new legislation redefining the structure and powers of local governments and their relationship to the regions and the central government.

Yet even before the passage of Laws No. 142 (1990) and No. 81 (1992), some trends were discernible. The prefects were stripped of most of their supervisory powers over local governments, especially those involving prior surveillance of local government decisions. That function was now performed by a regional administrative tribunal, a majority of whose members were elected by the regional council. A second development was the delegation of certain powers to the local governments by both the national government and the regions.

Once passed, Laws No. 142 and 81 brought about significant changes,<sup>18</sup> and others are expected to occur. Law No. 142 granted statutory autonomy to the provinces and communes, permitting them to set up their own administrative structures and procedures instead of conforming to a national model imposed from above; stripped the regional administrative tribunals of most of their powers to exercise external controls over local decisions; strengthened the executive role of the junta and confined the functions of the elected council to legislative and oversight duties; introduced the German constructive vote of no confidence to make it impossible for a council to overthrow an executive junta and mayor, unless it simultaneously designates their successors; and charged the regional governments with the task of creating metropolitan authorities for nine of the largest cities in Italy.

Law No. 81 was even more far-reaching: it provided for the direct election by popular vote of the mayor and the president of the provincial junta (both had been elected by their respective councils) and replaced PR with majority voting for the election of communal and provincial councils. Also, members of the executive were to be appointed directly by the mayor and were to be responsible to him or her, not to the separately elected communal council.

The years since 1993 have provided evidence of how these reforms have affected local and regional government. A new class of strong mayors with personal mandates from the electorate has emerged from the reform of local elections, and these mayors have been free to appoint nonpolitical experts to important executive posts in local government. Meanwhile, the stifling influence of the party machines over local and provincial administration has been greatly weakened. Moreover, the financial autonomy of local governments has been augmented by the creation of a local authority property tax with rates set by local governments.

The reforms at the local and regional levels have led to the emergence of regional presidents and city mayors who have benefited from a greater level of visibility and political importance. At the same time, the subnational executives have had to assume responsibility in choosing their cabinet members and ensuring that their governments respond to citizen demands. The mayors of major cities such as Milan, Rome, Naples, Bologna, Florence, Catania, Palermo, and Bari and the presidents of large regions (Campania, Emilia-Romagna, Latium, Lombardy, Piedmont, and Sicily) are now treated by the media as important political leaders, and they certainly cannot be ignored by national politicians. Cooperation rather than unilateral dictation has become a strict necessity for the implementation of national policies at the subnational level.

The uproar that has followed the economic crisis gripping the country since 2008 and the scandals associated with the cost of maintaining political representatives at the national, regional, provincial, and local levels has given rise to the demand for a radical restructuring of the political system. The call for change has been especially concentrated on reducing the salaries and number of representatives at the national level and in eliminating the provinces as one of the tiers of subnational government. When presenting his governmental program to the chamber for the vote of confidence, Enrico Letta listed as one of his priorities the abolition of the provinces. Such a change would be difficult to achieve in the short run given that the provinces are mentioned in the constitution. However, the presentation of the law and its passage in parliament could put the provinces on hold until the full passage of the constitutional amendment.

## NOTES

1. Valle d'Aosta is treated differently because of its size—it has a population of about 120,000—and because it has a French-speaking majority.
2. Scalfaro was a member of the Constituent Assembly that set up the parliamentary system and then went out of existence once the constitution was ratified in 1947 and the first parliamentary elections were held in 1948. During its existence, this assembly provided a vote of confidence for the governments, but it could not legislate.
3. See Sabino Cassese, "Is There a Government in Italy? Politics and Administration at the Top," in *Presidents and Prime Ministers*, ed. Richard Rose and Ezra N. Suleiman (Washington, DC: American Enterprise Institute, 1980), 171–202.

4. See Vincent della Sala, "Hollowing Out and Hardening the State: European Integration and the Italian Economy," in *Crisis and Transition in Italian Politics*, ed. Martin Bull and Martin Rhodes (London: Frank Cass, 1997), 26, 30; Gianfranco Pasquino, "No Longer a 'Party State'? Institutions, Power and the Problem of Italian Reform," in Bull and Rhodes, *Crisis and Transition*, 48; Giacinto della Cananea, "The Reform of Finance and Administration in Italy: Contrasting Achievements," in Bull and Rhodes, *Crisis and Transition*, 196–202.
5. Annie Kreppel, "Executive-Legislative Relations and Legislative Agenda Setting in Italy: From Leggine to Decreti and Deleghe," *Bulletin of Italian Politics* 1, no. 2 (2009): 183–205.
6. See Giuseppe Di Palma, "The Available State: Problems of Reform," in *Italy in Transition: Conflict and Consensus*, ed. Peter Lange and Sidney Tarrow (London: Frank Cass, 1980), 162–163; and Giacinto della Cananea, "Reforming the State: The Policy of Administrative Reform in Italy under the Ciampi Government," *West European Politics* (April 1996): 321–339.
7. Maurizio Carbone and James L. Newell, "Italy on the Eve of the 2013 General Elections," *Bulletin of Italian Politics* 4, no. 2 (2012): 205–206.
8. See della Sala, "Hollowing Out and Hardening the State," 28, 30. Also see Vincent della Sala, "Italy: A Bridge Too Far?" *Parliamentary Affairs* 50 (July 1997): 398–406; and Luca Verzichelli, "The Majoritarian System, Act II: Parliament and Parliamentarians in 1996," in D'Alimonte and Nelken, *Italian Politics: The Center-Left in Power*, chap. 8.
9. Maria Tullia Galanti "Is Italian Bureaucracy Exceptional? Comparing the Quality of Southern European Public Administration," *Bulletin of Italian Politics* 3, no. 1 (2011): 5–33.
10. See della Cananea, "Reform of Finance and Administration in Italy," 199–208.
11. See Carlo Guarneri, "The Judiciary in the Italian Political Crisis," in *Crisis and Transition in Italian Politics*, ed. Martin Bull and Martin Rhodes (London: Frank Cass, 1997), 159–164; Maria DeFranciscis and Rosella Zannini, "Judicial Policy-Making in Italy: The Constitutional Court," *West European Politics* 15, no. 3 (1993): 68–80; and Mary L. Volcansek, "Political Power and Judicial Review in Italy," *Comparative Political Studies* 26, no. 4 (1994): 492–511.
12. See Carlo Guarneri, "The Italian Judiciary and the Crisis of the Political System," *Italian Journal* 7 (1993): 20–22; and Francesco Sidoti, "The Italian Political Class," *Government and Opposition* 28 (Summer 1993): 344–348.
13. Alberto Vannucci, "The Controversial Legacy of 'Mani Pulite': A Critical Analysis of the Italian corruption and Anti-corruption Policies," *Bulletin of Italian Politics* 1, no. 2 (2009): 233–264.
14. See Patrick McCarthy, *The Crisis of the Italian State* (Basingstoke, UK: Macmillan, 1995), 188–191.
15. See Robert C. Fried, *The Italian Prefects: A Study in Administrative Politics* (New Haven, CT: Yale University Press, 1963), 116–118, 249–295, 303–308.
16. Robert Leonardi, Raffaella Y. Nanetti, and Robert D. Putnam, "Devolution as a Political Process: The Case of Italy," *Publius* 11 (Winter 1981): 95–117; and *La pianta e le radici: l'istituzionalizzazione delle regioni nel sistema politico italiano* (Bologna: Il Mulino, 1985).
17. See "Editoriale," *Le Regioni* 11 (January–April 1983): 1–4.
18. For the main highlights of the legislation reforming local government in Italy, see Marco Cammelli, "Eletto dal popolo: Il sindaco fra ruolo nuovo e vecchi poteri," *Il Mulino* 348 (July–August 1993): 1775–1784; and R. E. Spence, "Institutional Reform in Italy: The

Case of Local Government," *Local Government Studies* 19 (Summer 1993): 226–241. For the impact and outcome of that legislation, see Bruno Dente, "Sub-National Governments in the Long Italian Transition," in Bull and Rhodes, *Crisis and Transition*, 176–193. See also James Newell, "At the Start of a Journey: Steps on the Road to Decentralization," in *Italian Politics: Mapping the Future*, ed. Luciano Bardi and Martin Rhodes (Boulder, CO: Westview Press, 1998), 149–167.