

IPALMO



Institute for the Relations between Italy and the Countries of Africa, Latin America, Middle and Far East

**BUILDING CAPACITIES OF PARLIAMENTARY INSTITUTIONS AND
PROMOTING CITIZEN PARTICIPATION IN ARAB COUNTRIES AND
THE MIDDLE EAST**

Pilot Phase

LEBANON – JORDAN – IRAQ

**The Representative Function of the Italian Parliament and its Relations
with Constituencies**

Abstract

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Introduction

The present session of the POGAR-IPALMO project aims at offering a qualitative assessment report on the nature and the various dimensions of the representative function of the Italian parliament. Constraints and opportunities have been analyzed with an emphasis on the following issues:

1. The nature of representation (the extent to which MPs respond to concerns and requests forwarded by individuals, the liberal principle of national representation versus the role played by the parties, the phenomenon of transfughism, MPs' motivations);
2. The actors of parliamentary life (characteristics of the different party systems, political profile of the parties, role played by the parliamentary groups, function of the permanent committees);
3. Issues covered by requests and concerns that are forwarded by citizens and adopted by MPs (issues that most interest electors, reforms adopted, incorporation of citizens' requests in the legislative process);
4. Challenges and opportunities (anti-politics and new technology).

The Nature of Representation

One of the phenomena that clearly indicates the critical side of the Italian political and constitutional system is parliamentary transfughism: the shift in the course of the legislature of MPs from a parliamentary group or party to another. In recent legislatures, transfughism has assumed huge dimensions both quantitatively (the number of MPs involved¹) and qualitatively (effects on the political arena and on the stability of the executive branch).

But is it correct to consider an MP as a bus driver who should not be contacted by passengers (electors) who have bought their tickets (voted) even if he decides to change route or destination or to abandon the vehicle?² On the one hand, there is no doubt that MPs can represent the general interest of the nation and the entire collectivity only if they free themselves from the specific instructions that originate from the electors and the party. On the other hand the major part of the electors considers the swing of an MP from a parliamentary group or from a coalition to another as deceiving their will and interests.

In the modern pluralist democracies, the relationship between electors and MPs, which constitutes the heart of political representation, depends first of all on the capacity of parties to mediate between society and state. The liberty of mandate of an MP is considered a fundamental right even if the role played by parties as tools through which citizens exercise their sovereignty in a permanent way is not questioned. MPs represent the whole nation and not those who elected them, hence they cannot support ties in their mandate.

The birth of mass political parties and the introduction of universal suffrage indicate the shift from a liberal monoclass state based on national or state sovereignty, to a democratic multiclass state based on the principle of popular sovereignty. When voting for a candidate, electors do not only designate a person for a parliamentary position so that he/she can decide freely on their behalf, they also express their consent on the political program of the candidate's party so that he/she may put it into practice.

Though the Italian constitution foresees contemporarily the liberal principle of national representation (the prohibition of peremptory mandate) and the fundamental role played by parties in the democracy, it does not mean that MPs should interpret and represent freely the ineffable willing of nation due to their 'superior capacity'. Instead they are elected to pursue the partial vision of general interests of the party in which they were elected candidates and to do so they have to liberate

¹ In the X. legislature 7% of the MPs changed parliamentary group (1.5 changes/month), in the XI 4% of the MPs (2 changes/month), in the XII 18% of the MPs (10.6 changes/month), in the XIII 23% (7.5 changes/month) and in the XIV 2% (0.8 change/month) of MPs. Verzichelli, L. *Il sistema politico italiano 2006-2007 (3) Crisi e transizione nell'Italia degli anni '90. Dalla Repubblica dei partiti all'alternanza bipolare*, www.gips.unisi.it/circap/file_download/158.

² Curreri, S. (2004), *Democrazia e rappresentanza politica. Dal divieto di mandato al mandato di partito*, Firenze University Press, p. 24.

themselves from the specific interests of electors, but not from the parties that synthesize and express general interests. Continuing to demand the complete liberty of mandate of MPs regards to electors and the party means remaining anchored to the liberal vision of representation, which is unacceptable in the modern *Parteienstaat*.

The notion of constituency service – MPs' commitment to the problems and concerns of constituents - in our country is less relevant than in the US Congress or in the British Parliament. The territorial linkage of MPs may vary from one party to another, from one region to another. Today MPs elected in constituencies of the centre and northwest do not attribute special interest to their constituencies while those of the northeast, south and the isles present respectively 7, 2 and 3 % more drafts that interest their constituencies. If one is elected in a constituency different from his/her place of residency or birth (13 and 23% of MPs) the attention on constituency is less relevant³.

To decide whether MPs in Italy are more willing to follow personal interests or to maximize collective good, the number of legislative proposals and the change in MPs' parliamentary allowance could be useful indicators⁴ as well.

According to the authors of the most successful best seller in Italy, *La Casta*, Italian politicians constitute a Caste that “has invaded the whole Italian society (...) setting for itself less and less the objective of pursuing the common good and good government so that it can chase the goal of feeding itself”⁵. In fact MPs today earn almost 8 times as much as their colleagues did after the Second World War (calculating in 2006 euro).

We can conclude confirming the affirmation of the founder of the journal “Repubblica”, Eugenio Scalfari according to whom the political class in Italy is like a “rotten mirror” which instead of reassuring the society, crumbles it even more.

The Players of Parliamentary Life

The presence of the strongest communist party of Western Europe in a permanent opposition role, the permanence of the Christian Democratic Party in government position for more than 45 years, the fragmentation of the party system, the high level of ideological distance between the extreme political forces and the penetration of parties in society and economy are only some of the several interesting features that make the study of the Italian party system particularly intriguing.

The following different political systems have characterized our country since its foundation: 1. period of restricted suffrage (1861-1913) – parties were loosely connected cliques of notables, only the Socialist Party (founded in 1892) can be considered as a mass party; 2. period of extension of suffrage (1919-1922) – establishment of proportional electoral system, emergence of the 2nd mass party (Christian Democratic *Partito Popolare*), permanence of several weakly organized notable parties and independent personalities; 3. democratic interruption (fascist parenthesis); 4. *Partitocrazia* (1945-1992)⁶ – ‘polarized multipartism’⁷; 5. ‘Second Republic’ (after 1994⁸) – three poles: left (post-communist party),

³ Gagliarducci, S., Nannicini, T., Naticchion, P., *Chi guadagna dall'elezione*, 4 April 2006

The legislatures analyzed by the authors are the following ones: XII (1994-96), XIII (1996-2001) XIV (2001-06).

For further detail see: <http://www.lavoce.info/articoli/pagina2098.html>

⁴ Ibidem.

⁵ Rizzo S. and Stella G.A. (2007), *La Casta - Così i politici italiani sono diventati intoccabili*, Rizzoli, Milano, p. 7.

⁶ The ‘First Republic’ can be divided into two phases: 1953-76 (growing concentration of votes on two parties: Christian Democratic Party and Italian Communist Party) and 1976-92 (decreasing role of the two parties).

⁷ Expression used by Giovanni Sartori. With the existence of 2 anti-system parties (*Partito Comunista* and *Movimento Sociale Italiano*) and the presence of 3 poles (left, centre, right) the governing coalitions were always formed around the centre pole and opposition was bilateral. The competition was centrifugal rather than centripetal, the democratic centre was under pressure and the opposition – without chance of access to government – was irresponsible.

⁸ In less than two years after (1992-1994) the main actors of the ‘First republic’ either disappeared or underwent deep transformations. The death of the Christian Democratic Party paved the way for the Northern League and hence for the fracture between centre and periphery. The birth of *Forza Italia* meant that some social groups decided to enter directly into the political arena instead of delegating their representation to others.

centre pole (post-Christian Democratic Party, new party of Segni), right pole (*Forza Italia*, the *Lega*, *Alleanza Nazionale*, CCD).⁹

In order to summarise the main characteristics of the current political system, we can make the following (incomplete) list: predominance of the bipolar shape: two large alliances compete against each other at the elections (the centre can not succeed electorally), high level of fragmentation and relative weakness of the two large parties (they have never run alone in the majoritarian competition).

The real players of parliamentary activities inside the Italian Parliament are the parliamentary groups which in most cases but not always are equivalent with political parties. After the fascist parenthesis the 1949 regulation confirmed the role of parliamentary groups (defined in the 1920-22 laws) while the 1971 regulation extended and specified their prerogatives. This way parliamentary groups became bonds between the parties and the parliament.

They have a stable structure and a group discipline. It is their prerogative to designate committee members and set the parliamentary agenda. The minimum number of members is 20 in the Chamber of Deputies and 10 in the Senate. There are mixed parliamentary groups in both houses. While having extremely heterogenic political forces inside (members come from different parties and political movements), they have assumed significant dimensions in the recent legislatures.

If the parliament in XIX century was focused on the assembly, the contemporary model can be called the parliament of committees. From Art. 72 of the Constitution, it becomes clear that parliamentary committees are necessary organs of the chambers, can be permanent and have to reflect the political composition of the assembly. They have an important function in the legislative process and enjoy other significant prerogatives (addressing and controlling functions and cognitive faculties). There are 14 permanent committees in both the Chamber of Deputies and the Senate which are specialized in different subjects. There are also some committees with specific functions (inquiry etc.) but it is the first ones that play a crucial role in the legislative process. As each MP belongs to a parliamentary group so as he/she has to join at least one permanent committee.

Issues and Popular Initiatives

As Romano Prodi affirmed, it is hard “to distinguish the real issue—about which nobody ever talks—from the fictitious one which is fought over ferociously.”¹⁰ It has been particularly true in the case of the debate over the draft 2008 budget of the current centre-left government.

In a survey that was undertaken in order to test electors’ enthusiasm for matters concerning the international scene, the national scene and the local one, shows that electors are not VERY but only QUITE or LITTLE interested. Among those who are very interested in one of the three areas, the local issues are in first place (21%), the national issues in second (17.5%) and international ones in third (10.8%)¹¹. As it becomes clear from another survey, the five main issues according to Italians are the following: job and employment (25 %), safety of citizens (19%), health system (18%), pension (16%), justice (12%)¹².

These results are not surprising if one considers that the employment rate in Italy remains one of the lowest in the OECD: less than 59% of people of working age have a job (compared with over 70% in the best performing OECD countries), the employment rate is only at about 46% among women (only Mexico and Turkey have lower levels) and the unemployment rate among youth aged 15 to 24 years remains very high at 21.6% (only France, Greece, Poland and the Slovak Republic do worse than Italy in this respect)¹³. Italy ranks below the OECD average in terms of total health spending and

⁹ Berlusconi’s victory meant that for the first time the centre was defeated.

¹⁰ *Italy’s budget. Too much*, The Economist print edition, 4 October 2007, http://www.economist.com/displayStory.cfm?story_id=9909367

¹¹ DATACONTACT/ TRM Multimedia, *I cittadini ed il rapporto con la politica*, 20 April 2007, <http://www.sondaggipoliticoelettorali.it/>

¹² ISPO/ TV7- ROTOCALCO, *Ma quali problemi interessano davvero gli italiani?*, 29 October 2007, <http://www.sondaggipoliticoelettorali.it/>

¹³ OECD, *Employment Outlook 2007 - How does Italy compare?*, www.oecd.org/dataoecd/27/19/38797278.pdf

health spending per capita¹⁴ while it spends more of its national income on public pensions than all other OECD countries¹⁵. Expected future retirement benefits have been cut by pension reforms over the last decade but the outcome of the transition to the new system is uncertain.

How are citizens' requests incorporated in the legislative process? In Italy the constitution foresees three procedures in the legislative process where the role of parliament differs significantly: ordinary legislation, the 'decree laws' and the delegating laws. Recently, the legislative overflow has decreased (in the past, the Italian legislature, the most 'productive' in Europe in terms of number of laws, passed: 685 in the XIV. Legislature in respect to 2,314 in the I. one); cabinets have succeeded in keeping the legislative flow under control and in making the majority of their proposals accepted¹⁶; the percentage of legislation approved directly by committees has significantly reduced (today 20% of the total number of laws – still a consistent rate).¹⁷

The Italian Parliament has acknowledged the right of the cabinet to pursue its program in parliament. Recent governments have used delegated legislation to cover the existing legislative deficit in a number of crucial policy areas (welfare, education, problems of economy). Parliament guarantees longer time to the executive branch to produce its delegated decrees and accepts new instruments such as 'maxi-amendments' proposed by the government in order to prevent parliamentary attacks on the articles of the bill and the 'vote of confidence on legislative items'.

However significant reforms in the above mentioned areas are not easy to adopt. In the very heterogeneous centre-to-right and centre-to-left coalitions each part tries to defend its vested interests. Doing so they succeed in blocking reform initiatives (in the current government for example communists tend to obstacle improving Italy's competitiveness while centrists prevent reducing the public wage bill, increasing competition in services or breaking up the privileges of professionals such as lawyers and architects).

Regarding popular initiatives to influence the decision-making process, we have to mention the procedure in which laws can be proposed by popular initiatives which, as a tool of democracy, is halfway between petition and referendum. The constitution foresees that the popular initiative come from 50,000 electors (signatures have to be collected in 6 months), that it is written in articles and accompanied by a report that specifies its objectives. It can regard any matter (even constitutional ones). However neither electors nor representatives have too much faith in this instrument even though it offers an immediate and direct way to the manifestation of popular will and a possibility to bring citizens nearer to the institutions. It also constitutes a soft alternative to abrogative referendum (respect to which has less political and financial costs).

The Constitution of Italy provides for two kinds of legally binding referendums: legislative referendum and constitutional referendum. The legislative referendum can only be called in order to decide on whether to abrogate totally or partially an existing law (the first one was held in 1974) while the latter is to decide on whether to approve a constitutional law or amendment (the first one was held in 2001).

The first part of the 1990s present an example for a successful popular initiative due to which the parliament had no option but to follow the electors' will. Since no agreement could be achieved among the political parties on institutional reform (notwithstanding the efforts of some leading politicians such as Craxi and De Mita), a popular initiative was born in order to change the existing electoral law¹⁸. Supported by the press, the referendum could mobilize enough people to be held in 1991 (in spite of leaders' advice to "go to the beach"¹⁹). It obtained great success and paved the way for a second referendum on the central mechanisms of the electoral law. After the 1993 popular vote,

¹⁴ OECD, *Health Data 2007 - How Does Italy Compare?*, www.oecd.org/dataoecd/45/52/38979929.pdf

¹⁵ OECD, *Highlights – Italy. Pensions at a Glance - Public Policies across OECD Countries 2007 Edition*, <http://www.oecd.org/dataoecd/15/20/38728696.pdf>

¹⁶ Bills autonomously introduced by MPs continue to play an important symbolic role for purposes of constituency service. This type of initiative has clearly increased in number, but its success rate is now close to zero.

¹⁷ Cotta, M., Verzichelli, L. (2007), *Political Institutions in Italy*, Oxford University Press, pp. 154-155.

¹⁸ According to Augusto Barbera electoral law "in a democracy is like the law of succession to the throne in a monarchy"

¹⁹ In order to prevent attainment of the 50% quorum, constitutionally required for an abrogative referendum to be valid.

parliament had to abolish the old proportional system. A similar situation can be observed today. A referendum initiative has been promoted by 179 personalities to change current electoral law.

Concerning finally the gap between electors' will and representatives' action, political analyst Sergio Romano's metaphor sounds convincing: "Italy is like a pair of scissors which would function well if its two parts were coordinated by the same hand and if they worked together. In Italy however while one side (representatives – E.S.) wants to reduce debt, the other (electors – E.S.) wants to reduce the number of heads. The scissors in these conditions cannot achieve either of them."²⁰

Challenges to Cope with (Anti-Politics) and Opportunities to Seize (ITC)

The emergence of anti-politics constitutes a challenge to face while new technology offers an opportunity to seize for the political actors to strengthen their representative function.

While in the *partitocrazia* parties had a significant control over society and were the main gate-keepers in the representation of interests²¹ today things are different: not only have the number of parties' organizational units and their membership declined but also the qualitative importance of their activities and cultural messages for people has shrunk. The capacity of parties to mediate between society and state through elaboration of effective political synthesis has been strongly criticized. 'To survive without governing' is a frequent government strategy that has not met Italian electors' approval.

In particular, it was the book "La Casta" of Sergio Rizzo and Gian Antonio Stella and the initiatives of the Italian actor and comic Beppe Grillo that contributed to the proliferation of debates on the emergence of populism and anti-politics in our country. Both testify to electors' disillusion in politics which had already been proved by the results of several public surveys²².

This problem should not be underestimated because anti-party criticisms can become very quickly criticisms of the political class, then criticisms of the parliament and finally, criticisms of the democracy²³. Notwithstanding their inadequacy, parties continue to be indispensable points of reference for the political life of all democracies because they keep being the only organization able to represent constituents in the parliamentary arena. Since nothing better than parliament has been so far discovered to be elected by citizens to represent the collectivity as Packerham affirmed in 1970: "these (the parliaments – E.S.) are the best of the times. These are the worst of the times"²⁴. For this reason, the task is to understand through what kinds of new forms parliaments could reinforce their role of representation which is necessary for the correct exercise of their functions.

New technology, besides offering a useful tool for those who are eager to diffuse anti-political sentiments, is one of the opportunities which can help parliaments to enable citizen participation and include the electorate in the decision-making process. The ITCs give people the opportunity to make use of the extraordinary wealth of materials, elaborate proposals, control the way power is exercised, and organize themselves in society. Parliaments therefore should find new ways of communicating (also by placing proposals on the internet for which they seek the opinions of citizens) and strengthen democracy by enhancing the diffusion of social and political power; fostering genuine citizen participation; providing scope for freedom; reducing existing inequalities; and by disseminating knowledge as a major common good. This way the contrast between representative democracy and direct democracy could be overcome, and parliamentary democracy would gain new legitimacy by putting itself forward as a permanent interlocutor of society.

²⁰ Sergio Romano, *La crisi politica e i paragoni con il 92, I tagliatori di teste*, "Corriere della Sera", 6 October 2007, p.1.

²¹ Morlino, L. (1991), *Costruire la democrazia. Gruppi e partiti in Italia*, Il Mulino, Bologna.

²² According to the results of a survey on anti-politics undertaken in October 2007 while 40% of the interviewed people are interested in politics, 59% are not interested at all. According to electors the diffusion of anti-politics is due to the fact that MPs do not do what they promise during the electoral campaign (38%), politicians have too many privileges (23%), the majority of politicians is dishonest (16%), the politicians are always the same (14%), Italians always protest and accuse politicians (5%). Ispo, *Sondaggio sull'antipolitica*, 4 October 2007, <http://www.sondaggiopoliticoelettorali.it/>

²³ Pasquino, G. (1999), *La classe politica*, Il Mulino, Bologna, p. 27.

²⁴ Packerham, R.A. (1970) *Legislatures and Political Development*, in Kornberg, A. and Musolf L.D. (edited by) *Legislatures in Developmental Perspective*, Duke University Press, Durham.