

THE ROLE OF POLITICAL PARTIES IN THE ITALIAN ELECTORAL REFORMS*

Gennaro Ferraiuolo**

Diego Praino***

Abstract

The aim of this paper is to understand the role played by political parties in the electoral reforms that have characterised the Italian experience since 1993. In order to do so, the authors: 1) describe the scholarly debate on how parties relate to electoral rules and form of government; 2) shed light on the most significant aspects of the Italian electoral reforms at local, regional and State level; and 3) analyse these reforms from the perspective of the party context. The conclusion is that parties have played only a partial role: while strong pressure to implement change has derived from external factors (referendum and judicial interventions), a widespread tendency towards concentrating power and personalising the political forces has ignored the importance of party dynamics in the way that parliamentary forms of government function.

Key words: Italian electoral reforms; political parties; electoral systems; form of government; Italian transition.

EL PAPER DELS PARTITS POLÍTICS EN LES REFORMES ELECTORALS ITALIANES*Resum*

L'objectiu d'aquest article és entendre el paper que han tingut els partits polítics en les reformes electorals que han caracteritzat l'experiència italiana des de 1993. Per tal d'aconseguir-ho, els autors: 1) descriuen el debat acadèmic que hi ha hagut sobre com els partits es relacionen amb les normes electorals i la forma de govern; 2) posen llum en els aspectes més significatius de les reformes electorals italianes a nivell local, regional i estatal; i 3) analitzen aquestes reformes des de la perspectiva del context de partits. La conclusió és que els partits polítics han tingut només un paper parcial: mentre la gran pressió per impulsar canvis s'ha derivat de factors externs (referèndum i intervencions judicials), una tendència generalitzada cap a la concentració de poder i la personalització de les forces polítiques ha ignorat la importància de les dinàmiques de partit en la manera com funcionen les formes de govern parlamentàries.

Paraules clau: Reformes electorals italianes; partits polítics; sistemes electorals; forma de govern; transició italiana.

* The authors conceived, wrote and revised this paper together. Diego Praino developed sections 1, 2 and 5, and Gennaro Ferraiuolo sections 3 and 4.

** Gennaro Ferraiuolo, Professor of Constitutional Law, Department of Jurisprudence, University of Napoli Federico II, Corso Umberto I, Naples. gennaro.ferraiuolo@unina.it.

*** Diego Praino, Associate Professor of Public Law, Oslo Business School, OsloMet – Oslo Metropolitan University, Pilestredet 35, Oslo. diego.praino@oslomet.no.

Article received: 18.07.2018. Blind review: 23.09.2018 and 24.09.2018. Final version accepted: 07.10.2018.

Recommended citation: Ferraiuolo, Gennaro and Praino, Diego (2018). The role of political parties in the Italian electoral reforms. *Revista Catalana de Dret Públic*, (57), 154-165. DOI: [10.2436/rcdp.i57.2018.3190](https://doi.org/10.2436/rcdp.i57.2018.3190).

Summary

1 Introduction

2 Political parties in the relationship between electoral rules and form of government

3 The Italian electoral saga

4 The party context in the Italian electoral reforms

5 Conclusion

References

1 Introduction

Over the past twenty-five years, the Italian legislator has modified the electoral rules at the different levels of government in order to ensure government stability. The idea of a strong leader of the executive supported by a clear majority in the Assembly was first implemented in municipalities and provinces (*comuni* and *province*) and then extended to regions and the State. At national level, in particular, the electoral rules have been changed several times, in part in response to interventions of the Constitutional Court, which, declaring the constitutional illegitimacy of some electoral mechanisms that had been adopted, gave specific indications in terms of representation principles.

By analysing these reforms, we intend to explore to what extent parties have influenced political choices as direct actors, and how much the legislator has considered the party context when amending the electoral rules. In brief, the aim of this paper is to answer the following research question: What role has the party context played in the electoral reforms that have characterised the Italian experience since 1993?

This research is extremely relevant. On the one hand, the analysis presented in this paper tries to systematise the main issues of a political tendency – towards a monocratic leadership – that has been discussed in the political and scholarly debate in Italy for more than two decades. On the other hand, the study of the Italian experience might shed some light on the topic of the relationship between parties, the electoral system and form of government. Considering its complex political context, the Italian system is an excellent case study.

Firstly, we will explore how political parties relate to electoral rules and form of government from a theoretical perspective (sec. 2). Secondly, we will briefly describe the main stages of the reforms at local, regional and State level, focusing on the most significant aspects (sec. 3). Finally, we will verify the role played by the party context in the Italian electoral reforms (sec. 4).

2 Political parties in the relationship between electoral rules and form of government

The electoral reforms studied in this paper have attempted to achieve, at different levels, government stability and a certain level of concentration of the decision-making power by introducing electoral mechanisms aimed at ensuring majority support in the legislature. These reforms were based on the idea that it is possible to influence the way the form of government works by altering the electoral rules.

The idea that the electoral system affects how a regime type works in practice is not new, and has been discussed by scholars. The link between the two factors seems to be undeniable. The electoral system is the set of rules that define the mechanism through which preferences are articulated as votes and votes are transformed into the election of decision-makers (Blais, 1988: 100). Thus, in connecting voters to decision-makers – in other words, establishing a link between the electorate and the constitutional bodies – electoral law becomes one of the main essential elements of the form of government (Luciani, 2010: 572). However, the manner in which this influence is exerted is particularly complex because it involves different variables. Among these variables, the party context plays an essential role.

For some, electoral laws are able to affect certain aspects of the form of government directly, such as the strength of the executive. Citing the French reform that shortened the presidential term from seven to five years, an author concluded that this measure succeeded in strengthening the president's position in the system without necessarily passing through the party system (Passigli, 2013: 262). Others, conversely, believe that the great influence that the electoral system generally exerts on political dynamics and on how the regime type works in practice depends mainly on parties (Troper, 2013: 193). This second approach suggests that, while the electoral rules are able to affect the party system, the latter contributes to shaping how the form of government works.

The topic of the role of political parties in the relationship between electoral rules and form of government deserves some attention. A possible approach is to look not only at the party system in quantitative terms (number of parties, etc.), but to consider the whole party context (Praino, 2014). This expression indicates the political situation that characterises the system in a certain period of time, and includes the structure of the party system, but also the strength of the parties, their reciprocal relations, their ideologies, the behaviour of

the party members who become institutional actors, the constitutional conventions that they create, the manner in which they interpret the constitutional provisions, and so on. The influence that parties exert on the form of government can be of different kinds. On the one hand, the manner in which they are structured may affect the balance between constitutional bodies, and thus the functioning and performance of the form of government. On the other hand, party actors exert a direct influence on the system when they interpret constitutional rules and integrate them by establishing constitutional conventions (Elia, 2006: 2601; Staiano, 2012b).

When we consider not only the structure of the party system, but also the context in which the political forces interact, the role of parties in the relationship between electoral rules and form of government emerges clearly. For instance, in the French experience mentioned above, although the strengthening of the president's position in the system does not pass through the party system, it does pass through the party context. Without considering the behaviour of party actors in France (e.g. the fact that the candidates for president are also the leaders of the political forces), not only does his or her position not seem to be strengthened, but it even seems to be jeopardised. The power to dissolve the legislative Assembly could be limited by shortening the presidential term; if the president used this power, the term of office would no longer coincide with the duration of the legislature, the risk of cohabitation would return and his or her position in the system would be weakened. In other words, the president's position may be interpreted as strengthened by the shortening of the term of office only as long as this reform is related to the French party context and the way the presidential powers are exerted in practice within that context.¹

If we accept the idea that parties are an essential “connecting factor” in the relationship between electoral system and form of government, then, in order to understand the influence of the former on the latter, it is useful to split the analysis into two questions: 1) How do electoral laws and the party context interact? 2) To what extent does the latter affect how the form of government works in practice?

The first relationship, i.e. the influence of electoral rules on parties, is a classic topic (Grofman & Lijphart, 1986; Rae, 1967). For instance, Duverger's theory (Duverger, 1951; Ignazi, 2012: 288) – in particular, the “sociological law” that expresses the connection between plurality electoral rules and two-party systems² – is well known. In general terms, it seems possible to argue that the influence exerted by the two factors is reciprocal. Scholars have interpreted electoral systems and parties as both the cause and the effect of each other; while some have suggested that parties are a consequence of specific electoral rules, others have pointed out that those rules are chosen by the former (Colomer, 2007: 262f.). In this sense, an author has explained that the selection of electoral rules may be related to the political strategies of the parties in power, whose aim it is to increase their parliamentary strength (Boix, 1999: 621). Research suggests that the idea that political parties derive from electoral systems is valid only for remote periods characterised by elections based on multi-member districts (together with open ballots and majoritarian rule). By the mid-19th century, when elements such as partisan voting and candidacies emerged, political parties started manipulating the electoral rules (Colomer, 2007: 271), and thus the direction of the relationship changed. If it is true, for example, that proportional rules are adopted because parties that are electorally vulnerable exert pressure in this direction (Boix, 2010: 412), then it is also true that electoral systems reflect the political contexts to which they belong (Luciani, 2010: 573).

It seems natural that parties adopt electoral rules that better suit their own needs. In Italy, an attempt has been made to create a party system capable of ensuring a strong and stable executive, by “rationalising” the number of parties or coalitions. But is it that easy to manipulate the party system by simply amending the electoral legislation? Almost thirty years ago, Lijphart (1990: 493) suggested that, while formula and magnitude strongly affect electoral disproportionality, they exert, however, a much weaker effect on multi-partism. Sartori (1994) explained that the party system itself is a variable that is able to affect the relationship between the electoral system and the number of parties. Elaborating on this idea, he asserted that even plurality rules are not able to ensure a two-party system unless the two parties considered are the only relevant forces in all electoral districts. On the difficulty of altering the number of parties by manipulating the electoral system,

1 The approach suggested here also seems consistent with the idea (Troper, 2013: 187) that only if we look at the form of government beyond the distribution of powers, focusing instead on how it works in practice, does the role of the electoral system emerge clearly.

2 Duverger's main propositions (his “law” and “hypothesis”) are effectively explained by Benoit (2006: 70).

it is enough to mention that Duverger (1986: 71) himself was well aware that the party system also depends greatly on other complex factors, such as social forces and national traditions.

What about the second question, regarding the influence of the party context on the form of government? It is possible to argue that parties affect the regime type on different levels (Praino, 2014: 7ff.).

Firstly, they might play a significant role in determining the consistency of the form of government with democratic values. Although it is extremely difficult to delineate the set of measures and behaviours that parties should adopt in order to make a democratic system work (Müller, 2000: 309), certain mechanisms seem to be clear, especially the fact that several variables related to the party context may easily jeopardise the relationship between voters and institutions, and thus the “quality” (Elia, 1970: 651) of democracy. This is one of the reasons why “the idea that political parties are essential for practicing democracy in the modern State has become dominant” (Müller, 2000: 309).

Secondly, the party context may directly affect how the system works and its essential structure (Praino, 2017), altering the role played by constitutional bodies and institutional actors, as well as their prerogatives and powers. For example, when discussing the shift of the decision-making power from Parliament to the Prime Minister in the evolution of the British system, Bobbio (1996a: 47ff.)³ explained that this monocratic shift was only made possible because of the democratic structure of the political parties that exist in that system. In the UK, the connection between Government, Prime Minister and majority party is extremely important (Elia, 1970: 650), and this connection, together with the role played by the latter, has created the “optical illusion” of a strong executive (Bobbio, 1996a: 69), within which the Prime Minister has acquired more and more power over time. A similar “illusion” can be found in the French experience, where the president exerts political powers that go beyond the role designed by the Constitution (Duverger, 1980: 170f.). For instance, the discretionary dismissal of the Prime Minister has become a *de facto* power since De Gaulle replaced Michel Debré with Georges Pompidou in 1962, and this prerogative has significantly strengthened the president’s position in the system. This mechanism works, however, only as long as the party context allows. If it did not, the Prime Minister’s prerogatives would re-emerge, as has happened in cases of *cohabitation*. It seems clear that in both experiences the power does not go directly towards the executive, but rather from the electorate to the parties, and then up towards the leader of the ruling political force (who is also leader of the executive). In brief, both in the British and the French systems, the political power of the executive is linked to the electorate by means of the party context (Bobbio, 1996a: 59).

Party dynamics may also limit the concentration of power, as occurs, for example, in Austria. The same prerogative mentioned for the French experience – the dismissal of the Prime Minister – is explicitly given to the president by the Austrian Constitution (Müller, 2003: 243f.). In that system, however, the Head of State’s role in the appointment of the executive is mostly formal, since those dynamics are, in practice, driven by the majorities in parliament – i.e. by parties. In other words, the party context functions in a manner that limits the president’s position in the system.

In conclusion, the study of the relationship between electoral systems and forms of government is extremely complex and requires research methodology that takes into account several factors, both legal and of other varying natures – political, sociological, historical, etc. (Scoppola, 1997: 33ff.). If it is true that “European democracies are not only parliamentary democracies but also party democracies” (Müller, 2000: 309), then the party context is always an essential factor, since it expresses the social and political dynamics of the system, mediating between formal rules and the real functioning of the democratic institutions.

3 The Italian electoral saga

Between the 1948 Constitution’s entering into force and the Nineties, Italian parliamentarism was based on electoral legislation that was strongly inspired by proportional representation,⁴ and worked according to

³ This contribution is from the text of a conference held in 1946.

⁴ In that period, there was an attempt to modify the proportional nature of the system: Law no. 148 of 1953 (commonly called “*Legge truffa*”, approved during the De Gasperi VII Government) designed, for the Chamber of Deputies, a bonus mechanism that assigned around 65% of the seats to the connected lists that had obtained the absolute majority of votes. That law was the cause

consensual dynamics (Lijphart, 1999: 31ff.). During that period, the form of government was characterised by a multi-party system and faced severe institutional and political problems – such as high fragmentation of government coalitions, frequent executive crises and dissolutions of Parliament, and the presence of one political party (DC) that was always at the core of the coalitions (Armaroli, 1986). In Italian constitutional literature, this regime type was defined as parliamentarism with an “extreme” multi-party system (Elia, 1970: 654ff.).

During the first years of the Nineties, the well-known judicial investigation “Mani pulite”, uncovering a widespread corruption system within politics, led to the collapse of the party system that had characterised the Italian political context since the end of the Second World War. Political parties were facing a strong legitimisation crisis, which had already, some years before, led to an intense political and scholarly debate on the reform of the system of government.⁵ No constitutional reform on the national form of government, however, was approved,⁶ and all interventions in that regard were produced by amending the electoral legislation.⁷

The first electoral reform was implemented at municipal and provincial level. Law no. 81 of 1993 (Amato I Government) introduced the direct election of the mayor and the president of the province (hereinafter PotP), and the formula *simul stabunt, simul cadent* (together they will stay, together they will fall), according to which the stay in office of the executive and the life of the legislature depended on each other. In addition, a majority bonus that ensured the Assembly’s support was assigned to the lists linked to the elected mayor or PotP. Although this reform concerned the political dimension of lower levels of government, it has significantly strengthened, also at national level, a political culture based on the idea that parliamentarism must necessarily work in the same way as the Westminster model, and thus be characterised by a stable and strong executive with a monocratic leader.

Soon after the introduction of the new local systems, in 1993, the legislation concerning the election of the national Parliament was also amended with similar goals. However, the events regarding the national reform were much more complex. The transformation into a peculiar mixed system – in which around 75% of the seats were assigned by means of a plurality mechanism, while the rest were assigned using a proportional formula – was the effect of a referendum that partially repealed some of the provisions of the Senate’s electoral law. The system that resulted from the popular vote was later adopted by Parliament through Law no. 276 and Law no. 277 of 1993 (Ciampi Government), which also extended it to the lower chamber. For this reason, in Italy, it is common to refer to these laws as legislation “dictated” by referendum (*leggi scritte sotto dettatura referendaria*).⁸

The next interventions concerned the regional level of government. Firstly, Law no. 43 of 1995 (Dini Government) established new rules for the election of the Councils of the ordinary regions. Later, with constitutional Law no. 1 of 1999 (D’Alema I Government) and constitutional Law no. 2 of 2001, a new regime type with basically the same features as in the model described above for municipalities and provinces was introduced at regional level. This regime type, which was later confirmed by almost every region with their statutes and electoral laws, is based on a strong directly-elected president who operates within a relationship of “political consonance”⁹ with the legislative branch: a motion of no confidence against the president, but

of high political contrast. It was, however, applied only in the elections on 7 June 1953. Since no political force had reached the threshold necessary for the attribution of the bonus, it was repealed during the II Legislature. For more information on the topic, see Piretti (2003).

5 See Bozzi Commission, IX Legislature; Cossiga’s message to the Chambers, 26 June 1991; De Mita-Ioti Commission, established with constitutional Law no. 1 of 1993; D’Alema Bicameral Commission, established with constitutional Law no. 1 of 1997.

6 In particular, the electorate rejected the constitutional reforms voted for by Parliament through referendum in 2006 and 2016.

7 Considering this aspect and the fact that the Italian political arena has continued to be characterised by a multi-party system (despite new political forces emerging), it seems correct to agree with those authors (e.g. Scoppola, 1997: 525f.; Staiano, 2018a: 1) who avoid using the expression “*Seconda Repubblica*” to indicate the system that originated in the early Nineties.

8 It is also worth mentioning the 1991 referendum, which repealed the multiple preferences in the elections to the Chamber of Deputies against the will of several party leaders. On the same occasion, a referendum on the electoral formula of the Senate had not been accepted by the Constitutional Court (Decision no. 47 of 1991).

9 Constitutional Court, Decision no. 12 of 2006.

also his or her permanent inability, removal, death or voluntary resignation entails the dissolution of the legislature as well (according to the logic *simul simul*).¹⁰

A few years later, the legislator amended the national electoral system with Law no. 270 of 2005 (Berlusconi III Government). Although the new model adopted a proportional formula, it was “corrected” by the following aspects: a strong majority bonus; a system of thresholds that fostered the aggregation of the lists in coalitions;¹¹ and the need to indicate, before the vote, a leader as candidate for the Office of President of the Council of Ministers (hereinafter PCM).¹² One of the main flaws of this electoral law was how the majority bonus was assigned in the Senate. While in the Chamber of Deputies around 55% of the seats were assigned to the list or coalition that obtained the simple majority of the votes; in the Senate, instead, the bonus – or better, the premia – was assigned on a regional basis: thus, it was not certain that the sum of seats assigned would ensure the same political balance present in the lower chamber. Paradoxically, the bonus created problems in terms of governability, which in theory was the issue that this mechanism was meant to solve. The Constitutional Court felt the need to intervene, and with decision no. 1 of 2014 it declared the constitutional illegitimacy of the following aspects of the law: a) the bonus in the Chamber of Deputies, because it was unreasonable and not linked to a minimum threshold of votes; b) the bonus in the Senate, because its regional structure produced a distortion in the equality of the vote that did not aim at governability; c) the system of blocked lists, because it excessively affected the choice of candidates by the electorate. After this decision, the model that resulted was a proportional system, corrected only by the thresholds.

The legislator, then, intervened again. Law no. 52 of 2015 (Renzi Government) designed a new model, but one that regulated only the elections to the Chamber of Deputies. The “bonus logic” was still there: around 55% of the seats were assigned to the single list – it was no longer possible to create coalitions – that: a) obtained 40% of the votes; or, if this did not happen, b) won a second ballot between the two lists that obtained more votes.¹³ But why, in a system where the two chambers have the same powers and express the same electorate, did the law regulate only one of them? That was a sort of “bet” of Renzi’s executive – a scholar has defined this method as “performative reformism” (*riformismo performativo*) (Staiano, 2016: 8). At the same time, the Parliament was debating a constitutional reform that would have transformed the Senate into an indirectly-elected body outside the parliamentary confidence scheme and with significantly reduced legislative powers (Ferraiuolo, 2017, p. 104ff.). Law no. 52 should have worked in a new constitutional context. However, the bet was lost: on 4 December 2016, the electorate rejected the reform by constitutional referendum. The result was that the Italian form of government remained characterised by the presence of two chambers of equal powers and prerogatives, elected, however, by means of two different electoral mechanisms. It is worth noting that Law no. 52 also had a judicial epilogue: with Decision no. 35 of 2017, the Constitutional Court declared the constitutional illegitimacy of the second-ballot mechanism designed by the law.¹⁴

Law no. 165 of 2017 (Gentiloni Government) has brought the two channels of parliamentary representation together again, designing, for both chambers, a mixed system in which around two thirds of the seats are assigned using a proportional formula, while the remaining seats are assigned by means of a plurality mechanism. The most significant aspects of this system are: a) the voter cannot split the vote between the two electoral mechanisms (there is only one ballot paper); b) it is possible to form pre-election coalitions; c) there is a peculiar threshold of 3%. If the list within the coalition obtains less than 1%, its votes are not counted; if the list passes 1%, but remains below 3%, the votes of the excluded list will go in favour of the coalition.

10 See Art. 126, Italian Constitution.

11 Higher thresholds for the lists that ran by themselves, and lower for the lists that ran within coalitions.

12 This model was also characterised by particularly long blocked lists linked to wide districts, and by the fact that candidacy in several districts was allowed. These aspects entailed strong control by the parties’ leaders over the names of the candidates.

13 This system was characterised by a threshold of 3%.

14 Consequently, the majority bonus would have been assigned only if the list had obtained 40% of the votes.

4 The party context in the Italian electoral reforms

Having described the electoral reforms, it is now possible to analyse the role that the party context has played in this process. In particular, this section attempts to answer two questions: a) To what extent have political parties influenced these interventions as actors? b) To what extent has the legislator considered the actual party context when manipulating the electoral rules?

Following the perspective suggested in the second section, a reform of the electoral system should consider the party context. Intervening on representation mechanisms requires the legislator to take into account the overall political and social dynamics that characterise the system in order to adopt rules that fit the specific context and reflect the societal structures. In Italy, however, the electoral reforms have misinterpreted the real political system. Rather, these reforms were intended to impose by law, in the complex Italian context, mechanisms that derive from a foreign paradigm – the Westminster model. This second approach has been dominant over the past twenty-five years. But how is it possible that parties have basically forgotten themselves? As explained above, electoral laws are, in the end, “the choice of political actors” (Boix, 2007: 507). So why have parties allowed a reform process that was not consistent with the party context?

In reality, the reform process that started in 1993 – as described above – derived mainly from two external factors. On the one hand, from the judicial investigations that were dismantling an intricate system of political corruption (*Tangentopoli*); on the other hand, from societal groups that, in response to the legitimisation crisis of political parties, promoted referendum initiatives aimed at transforming how representatives were elected. In particular, the main goal of these initiatives was to abandon proportional representation in favour of a plurality mechanism based on single-member districts. Together, these two external factors deeply affected not only the electoral system of the different levels of government, but also the political culture in Italy.

The reform process was thus activated by external pressures. In addition, since the beginning, it has been based on two mistakes (Ferraiuolo, 2018: 2ff.). On the one hand, as already mentioned, it tried to import the institutional effects – alternation of two parties in power, governability, etc. – of an electoral system that reflected a completely different societal structure. On the other hand, it misinterpreted the system it was trying to imitate: while the British model was based on strong and responsive political parties, the Italian political context, on which a new electoral model was being built, was particularly unstable. Some warned against the idea of building a new parliamentary paradigm on an unstable party system, linking the adoption of plurality rules to the “destruction of parties” (Elia, 2009: 430),¹⁵ while others pointed out that two contradictory campaigns were being conducted at the same time: one in favour of a stable executive; the other against parties (Bobbio, 1996b: 121).¹⁶ In brief, the original engine of the Italian reform process was not the party context itself, but, on the contrary, a sentiment of distrust against parties.

While the original idea was to alter the functioning of parliamentarism, promoting dynamics that belong to the Westminster model, the legislator soon also intervened on the structure of the form of government, inserting elements that go beyond the parliamentary nature of the system. This is particularly evident if we analyse the reforms at local level, although it is also true for the national context.

The municipal and provincial levels of government were the easiest to manipulate, since in those cases the national legislator could intervene, by means of *legge ordinaria* (ordinary law, modifiable by Parliament with a simple majority), both in the electoral mechanisms and in the rules concerning inter-institutional relations. By delineating the direct election of the mayor and of the PotP, the reform shifted the electoral debate towards the actual person put forward as candidate, who has also become the element that keeps together the pre-election coalitions. This aspect, together with the automatic attribution to the mayor or PotP of a majority in the Assembly and the *simul stabunt simul cadent* formula, established a new paradigm of monocratic power. In this peculiar regime type, the formation of an executive is always ensured, beyond any real negotiation between parties, and the political crises are hidden as a result of the threat of a premature end to the term of the Assembly. For this reason, this model goes beyond the logic of parliamentarism, disregarding the

¹⁵ This contribution was first published in 1992.

¹⁶ According to the author, a rearrangement of the political parties was considered a necessary condition for ensuring government stability.

political dynamics of the party context. It is interesting to point out two aspects: 1) This reform was basically exogenous, since it was not determined by the institutions affected, but by the legislature of a higher level of government (the national Parliament); 2) this model introduces and strengthens, over time, a political culture based on the idea of a strong monocratic leader of the executive branch, and on the personalisation of political parties.

The new regime type of the regions is characterised by the same logic, with an additional contradiction. Over the same period in which Parliament approved the abovementioned constitutional laws of 1999 and 2001 (changing the regional form of government), it also reformed the structure of the form of State, significantly strengthening the legislative powers of the regions (with Constitutional Law no. 3 of 2001). The principles and aims of that reform – in particular, the central role of the regions in the life of the country – contradicted the monocratic tendency of the previous laws, which, conversely, compressed the representative function of the regional assemblies and the role of parties. The new regime type had in fact concentrated the decision-making power in the hands of “governors”, bypassing the ability of those assemblies to represent their own electorate. Some have suggested that these dynamics have affected the quality of democracy (Staiano, 2012a: XII). What is the point of having a legislative assembly if it always obeys the will of the leader of the executive (Villone, 2007: 7)?¹⁷ It has been explained that one of the main functions of parties is to help go beyond the difficulties of collective action, and that this goal is reached when parties have leaders who are able to “internalise the party’s collective interest” and “monitor” the other members of the party (Müller, 2000: 229). Does the monocratic nature of the regional model encourage the presidents of the regions to “internalise” and “monitor” or to “impose” and “control”? It is possible to argue that, in general terms, the reforms at local level have strengthened the process whereby parties are being transformed into personal entities that do not adopt the democratic methods provided by Article 49 of the Italian Constitution, but are, instead, controlled by the leader (Elia, 2006: 2600; Staiano, 2017a: 73ff.).

In the meantime, the effects of the 1993 laws regarding the national electoral system had started to emerge. On the one hand, it became clear that a system mostly based on a plurality mechanism does not necessarily simplify the party system and reduce the number of parties. On the other hand, despite the executives’ seeming to be much more stable, they were based on a political system that was extremely unstable. The new electoral rules entailed a transition from a system characterised by a formal instability of governments, within a stable political system, to a context in which governments are stable, but the overall political system is not (Villone, 2007: 3).

When Law no. 270 of 2005 was enacted, the monocratic logic that inspired the reforms of municipalities, provinces and regions was transposed into the State dimension. It is possible to argue that this law attempted to replicate, at national level, the idea of “Italy’s mayor” (Luciani, 2011: 8) by means of several electoral mechanisms that aimed at shifting the decision-making power towards the parties’ leaders (who could potentially become PCM). Firstly, a strong majority bonus, which operated regardless of the percentage of votes obtained by the list, was meant to ensure a majority support in Parliament.¹⁸ Secondly, the complex system of thresholds favoured the formation of coalitions. Finally, the formal indication of the leader of the coalition fostered the idea of a clear and strong head of government. In this context, the fact that party leaders chose the names of the candidates in the lists was both symptom and effect of the phenomenon of personalising the political forces. The distortion logic of this electoral law was in contrast with the need to strengthen the representative nature of the legislature. In this sense, the Italian Constitutional Court¹⁹ criticised, for lack of proportionality, the huge distance between the legislative body and the will of the electorate expressed in the elections and the consequent compression of its representative nature.

17 The author asks this question in relation to the national Parliament and the 2005 electoral law. In his view, the ability to represent is the main reason for the existence of the legislature.

18 The limits of the bonus in the Senate (explained in sec. 3) were not in contrast with this logic. The aim of governability was not denied, but the law intended to make that effect difficult for the coalition that did not include the main macro-regional party (*Lega Nord*, which was part of the coalition that approved the law).

19 Italian Constitutional Court, Decision no. 1 of 2014. See also Decisions no. 15 and no. 16 of 2008, and no. 13 of 2012.

In a way, Law no. 52 of 2015 went even further. The reformers explicitly stated that the law was inspired by the idea that, one minute after the elections, the name of the winner should be clear – which recalls one of the main traits of presidentialism (Volpi, 2015: 7) and compresses the role of political parties even more. In addition, it did not consider the possibility of coalitions but yet maintained – with the correction of the 40% threshold or of the second ballot – a strong majority bonus aimed at ensuring clear support in the Chamber of Deputies. It is possible to argue that this law rejected the idea that parties should negotiate, adopting legal measures aimed at creating a result that politics were not able to reach spontaneously. Also, this piece of legislation attempted to design a “mayor” for the national dimension, as the reformers themselves explicitly admitted²⁰. It is interesting to notice that PCM Matteo Renzi, who promoted this reform, started his political carrier as president of the province and then as mayor, growing within institutional contexts characterised by strong leaders.

The current legislation – Law no. 165 of 2017 – has taken into account the considerations of the Constitutional Court. However, it allows control of the leaders over the candidacies and, in general terms, it still presents problems in relation to the party context. This is shown, for example, by the presence of coalitions that have become no more than simple tools of electoral propaganda, while after elections the political balances and alliances necessarily reshuffle again (Staiano, 2018b: 8ff). It is possible to argue that this mechanism confuses the electorate. On the one hand, the voter receives the promise of a certain government coalition within a political culture that rejects the idea of post-electoral negotiations – which are regarded as “palace games”. On the other hand, those negotiations become necessary after the elections. This happened in 2018: *Lega* and *Forza Italia* were allies against *Movimento 5 Stelle*; however, after the elections, the former broke the alliance with *Forza Italia* in order to form a government coalition with the latter (Conte Government).

5 Conclusion

This paper has described and analysed the electoral reforms in Italy from 1993 to today with the aim of understanding the role played by the party context. Two main conclusions emerge. On the one hand, political parties – as actors – have only partially influenced the direction of the reform process. Firstly, the initial pressures came from a referendum movement as a consequence of the legitimisation crisis of a political system characterised by widespread corruption. Later on, the legislator had to take into account the indications of the Constitutional Court (Troisi, 2018), which intervened on the matter of the electoral system, declaring the constitutional illegitimacy of some of the mechanisms that had been adopted. In other words, the engine of the reforms was not only the parties, but also significant external factors. On the other hand, there has been a tendency towards a concentration of power that has ignored the role of party dynamics in the formation of the executive and, in general, in the functioning of parliamentarism. This has derived both from the attempt of importing, into the Italian system, the main effects of the Westminster model (government stability, strong leadership, etc.), and from a process that personalises the political forces.

Both aspects create problems of democratic legitimacy. In particular, as explained in section 2, the party context could be able to strengthen the PCM’s position in the system spontaneously, simply by channelling the electorate’s will towards the institutions: the power goes from voters to parties, and through them to the constitutional bodies. In the Italian experience, instead, the legislator has tried to achieve a monocratic concentration of power artificially, by means of electoral mechanisms imposed in a political context that would probably require a whole different set of rules.

It is also worth pointing out that the monocratic tendency described appears self-contradictory. At regional and State level, the idea of concentrating power creates even more problems than at local level: the nature of the legislative competences involved should entail a stricter control over the decision-making power. At higher levels of government, in fact, the exercise of power does not concern only administrative functions, but also the possibility of modifying primary legislation. The use of this power might negatively affect the legitimisation of the legal source and the representation function of the legislative assemblies (Ferraiuolo, 2018: 5ff.).

²⁰ See the words of Debora Serracchiani, President of Friuli-Venezia Giulia and member of the *Partito Democratico*, in the interview in “La Repubblica” on 21 July 2016.

In conclusion, Italian electoral dynamics have been characterised by a political culture based on the idea that the electorate should vote for a specific person who, in case of an electoral win, will become the leader of the executive. In this context, the illusion of stability of the decision-making mechanisms is regarded as a value that goes beyond the causes and aims of the decisions themselves (Staiano, 2017b: 16).

References

- Armadori, Paolo (1986). *L'introvabile governabilità: le strategie istituzionali dei partiti, dalla Costituente alla Commissione Bozzi*. Padova: CEDAM.
- Benoit, Kenneth (2006). Duverger's Law and the Study of Electoral Systems. *French Politics*, 4(1), 69–83.
- Blais, Andre (1988). The classification of electoral systems. *European Journal of Political Research*, 16(1), 99–110.
- Bobbio, Norberto (1996a). I partiti politici in Inghilterra. In Norberto Bobbio (Ed.), *Tra due repubbliche. Alle origini della democrazia italiana* (pp. 47–71). Roma: Donzelli.
- Bobbio, Norberto (Ed.) (1996b). *Tra due repubbliche. Alle origini della democrazia italiana*. Roma: Donzelli.
- Boix, Carles (1999). Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies. *The American Political Science Review*, 93(3), 609–624.
- Boix, Carles (2007). The Emergence of Parties and Party Systems. In Carles Boix & Susan Stokes (Eds.), *The Oxford Handbook of Comparative Politics* (pp. 499–521). New York: Oxford University Press.
- Boix, Carles (2010). Electoral Markets, Party Strategies, and Proportional Representation. *American Political Science Review*, 104(2), 404–413.
- Colomer, Josep M. (2007). On the Origins of Electoral Systems and Political Parties: The Role of Elections in Multi-Member Districts. *Electoral Studies*, 26(2), 262–273.
- Duverger, Maurice (1951). *Les partis politiques*. Paris: A. Colin.
- Duverger, Maurice (1980). A New Political System Model: Semi-Presidential Government. *European Journal of Political Research*, 8(2), 165–187.
- Duverger, Maurice (1986). Duverger's Law: Forty Years Later. In Bernard Grofman & Arend Lijphart (Eds.), *Electoral Laws and their Political Consequences* (pp. 69–84). New York: Agathon.
- Elia, Leopoldo (1970). Governo (forme di). In *Enciclopedia del diritto* (Vol. XIX, pp. 634–675). Milano: Giuffrè.
- Elia, Leopoldo (2006). Forme di Stato e forme di governo. In Sabino Cassese (Ed.), *Dizionario di Diritto pubblico* (Vol. III, pp. 2593–2605). Milano: Giuffrè.
- Elia, Leopoldo (2009). Prolegomeni ad ogni futura riforma. In Leopoldo Elia (Ed.), *Costituzione, partiti, istituzioni*. Bologna: il Mulino.
- Ferraiuolo, Gennaro (2017). Tra metodo e merito. Osservazioni a margine del (fallito) processo riformatore della XVII legislatura dell'Italia repubblicana. *Revista d'Estudis Autònoms i Federals*, (26), 86–129.
- Ferraiuolo, Gennaro (2018). La transizione maggioritaria in Italia. Equivoci, paradossi, distorsioni della realtà. *Astrid Rassegna*, (10).
- Grofman, Bernard, & Lijphart, Arend (Eds.) (1986). *Electoral Laws and their Political Consequences*. New York: Agathon.
- Ignazi, Piero (2012). Piero Ignazi rilegge: Maurice Duverger (1951) Les partis politiques. *Polis*, (2), 287–294.
- Lijphart, Arend (1990). The Political Consequences of Electoral Laws, 1945–85. *The American Political Science Review*, 84(2), 481–496.

- Lijphart, Arend (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.
- Luciani, Massimo (2010). Governo (forme di). In *Enciclopedia del diritto* (Annali III, pp. 538–596). Milano: Giuffrè.
- Luciani, Massimo (2011). Costituzione, istituzioni e processi di costruzione dell'unità nazionale. *Rivista AIC*, (2).
- Müller, Wolfgang C. (2000). Political Parties in Parliamentary Democracies: Making Delegation and Accountability Work. *European Journal of Political Research*, 37(3), 309–333.
- Müller, Wolfgang C. (2003). Austria: Imperfect Parliamentarism but Fully-Fledged Party Democracy. In Kaare Strøm, Wolfgang C. Müller, & Torbjörn Bergman (Eds.), *Delegation and Accountability in Parliamentary Democracies* (pp. 221–252). Oxford: Oxford University Press.
- Passigli, Stefano (2013). Leggi elettorali e sistemi di partito. Considerazioni sul caso italiano. *Teoria Politica*, 261–268.
- Piretti, Maria Serena (2003). *La legge truffa: il fallimento dell'ingegneria politica*. Bologna: Il Mulino.
- Praino, Diego (2014). La definizione e il funzionamento della forma di governo nel contesto partitico. In Sandro Staiano (Ed.), *Nella rete dei partiti. Trasformazione politica, forma di governo, network analysis*. (pp. 3–32). Napoli: Jovene.
- Praino, Diego (2017). A new system of government? Defining the confidence relationship of the EU model. *Journal of European Integration*, 39(3), 319–332.
- Rae, Douglas W. (1967). *The Political Consequences of Electoral Laws*. New Haven: Yale University Press.
- Sartori, Giovanni (1994). *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives, and Outcomes*. London: Macmillan.
- Scoppola, Pietro (1997). *La repubblica dei partiti. Evoluzione e crisi di un sistema politico. 1945-1996*. Bologna: Il Mulino.
- Staiano, Sandro (2012a). Prefazione. Dai sindaci ai governatori. In Fulvio Pastore (Ed.), *I sistemi elettorali regionali tra complessità delle fonti, forma di governo e dinamiche partitiche*. Torino: Giappichelli.
- Staiano, Sandro (2012b). Prolegomeni minimi a una ricerca forse necessaria su forma di governo e sistema dei partiti. *Federalismi.it*, (3).
- Staiano, Sandro (2016). Metodo, merito, contesto. *Federalismi.it*, (15).
- Staiano, Sandro (2017a). *Costituzione italiana: Articolo 5*. Roma: Carocci.
- Staiano, Sandro (2017b). La rappresentanza. *Rivista AIC*, (3).
- Staiano, Sandro (2018a). La forma di governo italiana. Permanenza e transizione. *Astrid Rassegna*, (10).
- Staiano, Sandro (2018b). L'incertezza (anche) delle regole sull'incarico. *Federalismi.it*, (4).
- Troisi, Michela (2018). La legge n. 165 del 2017 e il formante giurisprudenziale della forma di governo. *Astrid Rassegna*, (10).
- Troper, Michel (2013). Formes de gouvernement et systèmes électoraux: relations et influences réciproques. *Teoria Politica*, 183–194.
- Villone, Massimo (2007). *Chi ha paura del lupo cattivo?* Retrieved October 10, 2018, from <http://www.astrid-online.it/static/upload/protected/Vill/Villone-x-ASTRID-Rassegna-referendum-elettorale-03.pdf>
- Volpi, Mauro (2015). Le riforme e la forma di governo. *Rivista AIC*, (2).