The institutional design of the contemporary Italian Parliament was shaped following World War II (Cazzola 1974; Cotta 1979; Manzella 1977; Sartori 1963). Today, Parliament is a fully bicameral institution consisting of a Chamber of Deputies [Camera dei deputati] and a Senate [Senato della Repubblica]. The Senate, composed of 315 elected members and some others appointed by the president of the Republic, is among the larger upper chambers of today’s parliaments. The two parliamentary chambers are coequal in legislative powers and in their role in approving the appointments of prime minister and cabinet ministers. In the family of representative assemblies, the Italian Parliament is among the more
powerful bodies, even in some respects comparable to the U.S. Congress (see Cotta 1990, 1994, 60—63).

The purpose of this chapter is to lay a foundation for understanding the institution of the Italian Senate. It is important to elaborate the historical development of Parliament and its upper house, to explain the institutional structure of the Senate, to characterize the Senate’s lawmaking role and functions, to focus on legislative-executive relations, and to consider proposals for Senate reform. We take up these tasks in turn.

Early Days: The Albertine Statute

The year 1848 marked a turning point in European history. The wave of revolution that washed over that part of Europe lying between the Pyrenees and the czarist empire substantially spared only the Spanish peninsula and Scandinavia. Italy was still divided into several states, and it became directly involved in the uprisings that led to its passage from an absolute to a constitutional monarchy through the concession of statutes—that is to say, constitutions—by the sovereigns of Naples, Tuscany, Piedmont, and the Holy See (the pope).

From a historical and juridical point of view, the Piedmontese Statute (otherwise known as the Albertine Statute, after King Charles Albert) is particularly relevant. This charter, based on the French Constitution of 1830 and the Belgian one of 1831, was adopted in 1861 by the—at last—unified Kingdom of Italy. It was the constitution in force until Benito Mussolini took power in 1922.

The statute reserved a broad field of action to the king, with ministers being responsible to him and not to the two parliamentary assemblies (thus introducing a constitutional though not a parliamentary system). Furthermore, the statute accorded fairly ample freedom of association and of the press, and even if Article I did declare Catholicism the state religion, it ensured religious tolerance both to the Waldenses (a Calvinist congregation especially numerous in Piedmont) and to the Jews (rendered equal to other citizens and no longer discriminated against by the obnoxious “interdictions”).

However, it must be noted that the word parliament was not expressly mentioned in the Albertine Statute. There was mention of a Chamber of Deputies, elected by a very restricted suffrage, which exercised legisla-
tive power alongside the king. There was also mention of the Senate of
the Kingdom, conceived along the same lines as the British House of
Lords or the French Chamber of Peers, as a body for moderation and
stability, whose members were to be selected by the king on the basis
of specific titles and for lifelong tenure. Furthermore, the term sena te
evoked deep and ancestral memories. Since the seventeenth century,
special senates exercising judicial powers and control over government
had been active in Piedmont and in the Savoy region. They were right
and proper pillars of the Savoy state and, as such, were completely hostile
to reform.

Nevertheless, on May 8, 1848, "the first session of the national parlia-
ment" (so defined by the king's deputy) was inaugurated in Turin. Charles
Albert himself was not present, being engaged as he was in the ill-fated
war against Austria, the first of three Italian wars of independence (the
other two being in 1859 and in 1866). Prince Eugene of Savoy Carignano,
the king's lieutenant and cousin, addressed the "senators and deputies,"
as the chronicles of the day relate, "in a timid but clear voice." Two
months after the concession of the statute "octroyé" by the sovereign, still
a symbol of royal condescendence, the constitutional design was complete
(Ungari 1971). The two branches of the legislative power stemmed from
the same legislative tree. From that tree sprouted the first Italian parlia-
mentary regime, which thirteen years later Prime Minister Camillo Benso
di Cavour would deliver intact to a united Italy.

The Kingdom of Sardinia (as the Piedmontese state was actually called)
took upon itself the task of guiding the process that has been recorded in
history as the Risorgimento, the political unification of the Italian penin-
insula completed in 1870 by the conquest of the Holy See and the transfer
of the capital to Rome. Sardinia itself was quite weak, having slightly un-
der five million inhabitants in 1848. Turin, its capital, had 136,000 inhabi-
pants, not many more than Genoa or Florence. In that small kingdom,
only 82,369 people were registered to vote in the April 1848 election of
members of the Chamber of Deputies. Of these, only 53,924 actually
voted, 65 percent of the entire electorate. Only large landowners, acade-
micians and graduates, top military, and government officials had the
right to vote and, consequently, the right to run for election. Some con-
stituencies had as few as thirty electors; in the September-October 1848
by-election, Giuseppe Garibaldi was elected in Cicagna (Liguria) by only
eighteen votes.
“An electorate prevalently composed of landowners, but with a strong representation of merchants, manufacturers, and professional men,” wrote Rosario Romeo, the eminent chronicler of Prime Minister Cavour, principal architect of Italian unification. “The result,” said Romeo, “was a Chamber composed mainly of lawyers, magistrates, and officials, with a rather moderate majority, but also a rather vivacious democratic representation to whom political developments over the following years would attribute a growing influence.” Political distinctions of right wing and left wing were unknown in a parliament that had had no previous authentically revolutionary experience. Members sat haphazardly in the parliamentary chamber, inattentive to ideological differences. This was true at least until 1920. Benedetto Croce always sat on the right with the Neapolitans, and Luigi Einaudi would sit on the left with the Piedmontese.

The Senate of the Kingdom

The Senate held its sessions in Turin at the old Palazzo Madama, where it remained until 1864, when Parliament voted to adopt Florence as the capital city. Here, the high chamber was installed on the top floor of the Galleria degli Uffizi, annexed to Palazzo Vecchio. Giovanni Spadolini, historian of the Risorgimento and speaker of the Senate from 1987 to 1994, remarked, “Almost a cruel joke on the venerable senators who had to climb one hundred and twenty steps, often having to lean on their canes—the reason for the rigorous but often deserted sittings of the ‘House of Lords’ of the newly born unitary state, which had all the acerbity of adolescence.”

Upon being moved to Rome in 1871, the Senate of the Kingdom was installed in adequate offices in Palazzo Madama, the old quarters of Pope Pius IX’s Ministry of Finance. A curious and bizarre historical coincidence had it that there was also a Palazzo Madama on the shores of the Tiber River, although the two “madamas” represented two different stories and centuries. In Turin, the madama was Christine of France, duchess of Savoy, who was promised in marriage to the Prince of Wales but instead married Victor Amadeus in 1619. (As King Charles I, her first fiancé married her sister Mary Henrietta in 1625.) In Rome, the madama was Margaret of Austria (1522–86), illegitimate daughter of Emperor Charles V, who was given in marriage to Alessandro de’ Medici, duke of
Florence, in 1536 at the age of fourteen. After his assassination a year later, she married Ottavio Farnese, duke of Parma. She later became regent of the Netherlands under her son Alessandro Farnese.

Thus, two different "madamas," but enough to contribute to the psychological background of the nation and to ensure a minimum continuity in the common imagery of a population that had endured an articulated, tormented, and diversified history. The institution seated in Margaret of Austria's Palazzo Madama was one of the two branches of Parliament provided for by the Albertine Statute. That statute established the exercise of "legislative power" by a bicameral parliament, according to Montesquieu's classical triple distinction. Alongside the elected members of the Chamber of Deputies was the Senate of the Kingdom. The Senate's members—an unlimited number, nominated for lifelong tenure by the king—had to be chosen from among the twenty-one social categories defined by Article 33 of the statute. Last but not least came the royal princes, who were members of the assembly by right of privilege.

The legislative power of the two houses was the same in all respects but one: all laws referring to taxation or to budget approval involved an order of precedence in favor of the Chamber of Deputies. In this regard, the Senate lacked every right of initiative and, consequently, of amendment in financial matters, due to its nonelective, census-based, and aristocratic origin.

Judicial functions were reserved to the Senate. Whenever convened as the High Court of Justice, its jurisdiction included crimes of high treason, threats to state security (a power it never exercised), and accusations by the Chamber against ministers (proceedings were held against Prime Ministers Giovanni Giolitti in 1895 and Francesco Crispi in 1897; and the minister of education was condemned in 1908 to eleven months of detention for embezzlement). Moreover, the Senate exercised exclusive power over offenses charged against its own members.

The great limitation of the life tenure chamber as against the elective chamber was not defined by the statute but came to be identified with the internal logic of the system. Contrary to the letter of the statute ("the king nominates and revokes his ministers"), common practice elaborated the dependence of government upon its majority in the elective assembly, the only one sensitive enough to catch the ebb and flow of popular support for the political parties.

The Senate also undoubtedly had the power of political control and
censure over the government. But within what boundaries? The so-called political question or matter of confidence lay within the purview of the Chamber of Deputies. Accordingly, control over parliamentary life and, consequently, over the government’s tenure in office crossed over to the other Palazzo—Palazzo Montecitorio, seat of the Chamber of Deputies. This logic became perfectly clear, after an initial and natural uncertainty, to all those members who passed through the halls of Palazzo Madama. Thus, tension between the two branches of Parliament never ran high, except on the presentation of bills of secular origin, such as provisions concerning civil marriage.

The Senate of the Kingdom became fully aware of its lesser political influence in the lawmaking process. Moreover, senators understood their minimal role in determining the government’s life, an investiture that derives from the legitimacy conferred by popular representation. On the other hand, senators were conscientious enough to provide a fundamental element of balance and moderation, an institution for necessary meditation, in times of national strife and uncertainty.

Culture, political wisdom, administrative experience, military skill, specific competence, and a profound attachment to king and country were distinctive features of the assembly in the years following unification, years in which the Senate had among its members such luminaries as the writer Alessandro Manzoni, the poet Giosuè Carducci, and the composer Giuseppe Verdi. A logic of cultural aristocracy would survive to the end, up to the rise of the irrational and totalitarian Fascist regime, when the Senate housed the last voices of Italy’s liberal Risorgimento tradition.

The history of the Italian monarchy records the Senate as an institution of moderation in the legislative process. It represented a guarantee against sudden change, its very existence being an insurmountable obstacle to excessive and hasty decisions that could derive from occasional majorities in the Chamber of Deputies. A negative vote of the Senate did not precipitate the automatic resignation of the government, but it did sound out a warning to the country and to the other chamber whenever the latter was compelled to pass bills of which, in all conscience, its members entirely or partially disapproved.
Fascism and the Crisis of Democracy

The takeover of power by Mussolini was not followed immediately by a complete institutional break with the old liberal state. But in 1925, the Fascist dictator went before Parliament to assume “full political, moral, historical responsibility” for the assassination of the secretary of the Socialist Party, Giacomo Matteotti, a criminal act courageously denounced by the liberal-constitutional leader Giovanni Amendola. From that time until 1928, institutional reform in a dictatorial direction took place. In particular, two laws marked the Fascist regime’s complete break with the political system introduced by the 1848 statute. The first, an electoral law, definitively subordinated the Chamber of Deputies to fascism by the establishment of a single list of four hundred candidates, drawn up by the Grand Council of the Fascist Party from nominations by the Fascist Trade Unions’ and Employers’ Confederations and presented en bloc for unanimous approval. The second law assigned a constitutional power of sanction to the Grand Council, called upon not only to nominate the top leadership of the Fascist National Party but also to express a compulsory opinion on the succession to the throne and the designation of those fit to assume the role of prime minister. These laws represented a decisive break in the continuity of the constitutional order: the Albertine Statute was not abolished, but it was violated in several parts and voided in spirit.

There followed the full-scale establishment of the totalitarian regime, the invasion of Ethiopia, which resulted in international isolation, and an approach toward Nazi Germany. By the summer of 1938, the degenerative process had culminated in the promulgation of the notorious laws against the Jews. On June 10, 1940, with the declaration of war against France, Italy entered a conflict from which it emerged only after five years of moral and material suffering on the part of its population. However, the last two years of World War II were marked by the Italian resistance to the German Nazi invaders. In fact, it was the resistance that contributed vitally to the civil and political maturity of Italians, paving the way for a new, democratic Italy. From that moment on, political power definitively ceased to be the exclusive property of a restricted and privileged group, and it became the object of competition and conflict. This meant that ordinary citizens, the working population, could participate in democratic politics again, with their associations, their organizations, and their political parties. Parliamentary democracy had been given another chance.
Return to Freedom: The Constitution of the Republic

On June 2, 1946, a referendum was held at the same time as elections for an assembly to draw up a new constitution. King Victor Emmanuel III had abdicated on May 10 in favor of his son, Humbert II. This was a transparent attempt to influence the electorate in favor of the monarchy through the ascent to the throne of a less discredited sovereign and, above all, one not compromised by association with fascism. In this election, women voted for the first time. Voter turnout was an extraordinary 89 percent, much higher than in pre-fascist elections. This participation level has remained more or less constant.

In the referendum, voters narrowly came down in favor of establishing a republic, even if only by a 54 percent majority. On June 13, Humbert II went into exile in Portugal. Victory for the republic was mainly due to support in the northern and central regions (64 percent pro-republic), since the majority in the southern regions and the main islands (Sicily and Sardinia) favored monarchy. On December 27, 1947, following a debate that took up 170 sessions, the Constituent Assembly approved the new Italian Constitution, still in force today, by a huge majority (433 votes to 62). The new constitution provided for a democratic, parliamentary, and representative republic based on the principle of separation of powers.

A central governing role was accorded to Parliament. It was given the legislative power, and it was to consist of two houses, the Chamber of Deputies and the Senate to be elected, respectively, every five and six years, and its members were to be elected by universal suffrage. The central role of Parliament was reinforced by the method adopted to elect the president of the Republic, who as the head of state is responsible for promulgating laws, nominating the prime minister and other ministers, and dissolving Parliament and calling new elections. The Constituent Assembly opted for the election of the president by Parliament in joint session, rather than by universal suffrage. The fundamental role attributed to Parliament and thus to the political parties represented in it is also expressed by the subordination to Parliament of the government which, entrusted with executive and administrative functions, issues from the parliamentary majority and is called upon to interpret and implement its political guidelines (see Cotta 1990; Sartori 1963).

The judicial power was given to the magistrature. The independent judiciary is self-governing, controlled by the Superior Council, two-thirds
of whose members are chosen by the magistrates themselves, with the other one-third selected by Parliament. The Superior Council is presided over by the president of the Republic. A constitutional court was also established, composed of members partly nominated by the president and partly selected by Parliament and by the magistrature. It was assigned the task of guaranteeing constitutional legality by judging the behavior of governmental institutions and assuring the conformity of laws to the constitution. It was, by express desire of the Constituent Assembly, a “rigid” or “higher law” constitution, so that ordinary laws would be considered subordinate to its provisions. However, in recognition of the people’s sovereignty, the institution of the referendum was introduced to allow the presentation of proposals to modify the constitution or to partially or totally repeal ordinary laws. A request by at least 500,000 voters, or by one-fifth of the members of Parliament, is required to call a referendum.

Finally, the constitution defined the political-administrative division of the state, adding to the traditional independent local administrations—the municipality and the province—a new body, the region, whose council was to be elected by universal suffrage, like those of the municipality and the province. Regions are assigned a degree of financial autonomy and legislative power in a broad spectrum of policy areas. Because of their historical traditions, an even broader degree of autonomy was accorded to Sicily, Sardinia, the Aosta Valley, Friuli—Venezia Giulia, and Trentino—Alto Adige.

The Senate of the Republic

The Constituent Assembly did not achieve unanimity in relation to the Senate. The Italian Communist Party (PCI) had firmly favored a unicameral system. The PCI had gone into opposition in 1947, but it continued to carry out an important role in the elaboration of the Constitution. Its rejection of the idea of two parliamentary assemblies mirrored developments in the East European satellite countries of the Soviet Union. A majority of the other political and cultural forces present in the Constituent Assembly favored bicameralism, notwithstanding their differing concepts of the shape the bicameral Parliament should take. Opinions ranged from the idea favored by the Christian Democrats of a senate representing social classes or regions, to the idea of a senate directly representing the people,
which was favored by the Republican Party, the Action Party, a large part of the Socialist Party, and all of the non-denominational Democratic Left (Aimo 1977).

In the wake of the liberation from fascism, and after the institutional referendum, there were signs of opposition to the establishment of an upper house. Nevertheless, bicameralism prevailed in the Constituent Assembly, both in the preparatory proceedings and in general debate in the Assembly. Once bicameralism was agreed on in principle, the contest then concerned the particular institutional design of the upper house, with proposals offered for a "second house," a "chamber of senators," a "chamber of the regions." Not by chance, the name Senate of the Republic was adopted by an amendment presented by two Republican Party members of the Constituent Assembly. This extraordinary initiative came through the political party that was both ideologically and psychologically most distant from the previous Senate of the Kingdom.

Thus the republican Senate was born. It was to be a senate different from the upper house originally established by the Piedmontese legislators in 1848, a body which actually had involved a form of "attenuated bicameralism." The transformation from a monarchy to a parliamentary state had been interrupted by the rise of fascism. The constituent assembly's preoccupation was to protect the constitutional guarantee of popular sovereignty in creating the new parliamentary institutions. It rejected all proposals involving the direct representation of interests, references to "power," or allusions to Fascist-type corporatist design.

The Senate retained its name, its glory, and that rather exclusive aura of a club, as well as its mission to smooth out conflicts and its propensity for moderation and mediation. But it became an entirely new body, framed in a radically different design of integral and popular democracy. The only exceptions to popular election were the life tenure of senators nominated by the head of state and the designation of senators by right afforded to former presidents of the Republic. It was a complex structure of differences, attentively calculated and assessed: different ages to elect and be elected, different electoral systems.

On April 18, 1948, the first republican senate was elected. Along with the popularly elected members, its membership also included 106 former parliamentarians who had been persecuted by the Fascist regime and nominated by the president of the Republic. This first senate should have
remained in office until 1954, considering that the constitution originally fixed the Senate's term at six years. However, it was dissolved prematurely by President Luigi Einaudi when the Chamber of Deputies' term ended, so members of both houses could be elected at the same time. In the same way, the Senate elected on June 7, 1953, was dissolved in advance in 1958 by President Giovanni Gronchi, upon expiration of the Chamber of Deputies. Finally, in 1963 a constitutional law was approved reducing the length of senators' terms from six to five years to coincide with the terms of deputies. By the same law, the constitution was modified to raise the number of elected senators to the fixed number of 315. Previously, the constitution had assigned each region a senator for every 200,000 inhabitants, so that the number of senators elected had varied (237 in 1948, 237 in 1953, 246 in 1958). In addition, the Senate's rules have been revised and reformed a number of times, most recently in 1993 (see Senato della Repubblica 1949, 1988a).

Perfect Bicameralism

Within the perfectly bicameral system established by the constitution, the two assemblies nevertheless differ in their composition and election criteria. Senators are elected by citizens over twenty-five years of age, and they must be over forty years old in order to be elected; the corresponding age limits for deputies are eighteen and twenty-five years old. Members of the Senate, like those of the Chamber of Deputies, are elected for five years. In exceptional cases, the term of a legislature may be shortened should the president of the Republic decide, after consulting the speakers of both houses, to dissolve Parliament and call early elections. However, in practice the exception has become the norm in the last ten years. The early dissolution of Parliament is now an almost mundane fact of political and parliamentary life. This is borne out by the fact that only five legislatures (1st, 2d, 3d, 4th, and 10th) out of thirteen completed their five-year term. The others were interrupted in midterm by a call for early elections. In any case, the term of a parliament cannot be extended except during war and only by law. New elections must be held within seventy days of either a normal or an exceptional termination of a parliament.

Parliament's powers include (1) the power to revise the constitution
(Article 138); (2) the exercise of the legislative power, that is, the power to pass laws (Article 70) and among these, specifically, those that set fundamental principles for regional legislation and those that integrate constitutional laws involving fundamental rights; (3) the power to declare war (Article 78); (4) the power to elect the president of the Republic (Article 83); (5) the power to concede or deny confidence in the government nominated by the president, thus conditioning its juridical existence (Article 94); (6) the power to establish the administrative machinery of government (Article 81); (7) the power to investigate matters of public concern (Article 82); and (8) the power to coordinate autonomous social initiatives (Article 41) and the autonomous territorial bodies (Articles 117 and 127).

As can be seen from this litany of powers, the Italian parliamentary system is organized according to bicameral principles, tempered by unitary moments provided for by the constitution (Tosi 1974, 43–49). As a complex institution, Parliament has its structural and functional unitary expression in the joint sittings of the two houses to elect the president of the Republic and to receive his oath of allegiance (Articles 85 and 91); to elect five judges to the Constitutional Court and to vote on the list of citizens who will serve as “aggregate” members of the Court to pass judgment on constitutional matters (Article 135); to elect one-third of the members of the Superior Magistrates’ Council (Article 104); and, finally, to impeach the president of the Republic for high treason or breach of the constitution (Article 90). Alongside these unitary moments, however, ordinary parliamentary activity takes place in the normal functioning of the two chambers.

The Composition of the Senate

Italian bicameralism is known as “parity” or “perfect” bicameralism, and it stands out with respect to other so-called differentiated or imperfect bicameral systems in which the two houses have a different representational legitimacy and unequal powers (Cotta 1979). We have already observed that the Senate has 315 elected members. Its membership also includes a small number of nonelected members (nine at the present time), either nominated by the president for life tenure, and selected among “those citizens who have honored their country by distinguished
merits acquired in the social, scientific, artistic, and literary fields,” or former presidents of the Republic who have life tenure unless they waive the right (provided by Article 59).

The number of senators tenured for life varies, since it is impossible to determine in advance either the number of former living presidents or the number of life-tenured senators to be nominated by the president. Previously the total number of lifetime senators was limited to five, but now each president is allowed to nominate five senators. This gives rise to a variable number of lifetime senators because of both the overlapping of nominations by succeeding presidents and the impossibility of naming substitutes for any of the five nominees in the case of death or resignation once the president has made his five choices. Parliamentary development since the inception of the republic has produced a generous interpretation of the regulations concerning life-tenured senators. This has led to a more marked differentiation between the two assemblies that the Constituent Assembly was not able to create at the outset.

The Senate membership is apportioned on a regional basis. None of the twenty Italian regions can have less than seven senators (except for Molise, which has two, and the Aosta Valley, which has one). In each region, three-quarters of the Senate seats are single-member constituencies in which senators are elected on a winner-take-all basis. One-quarter of seats are assigned on a proportional basis. It must be remembered that from 1945 until the general elections of 1992, the Italian electoral system was a fully proportional one. This means that there was a substantial overlap between the percentage of popular votes obtained by the various parties and the percentage of seats won in Parliament. In May 1993, in a referendum held on the Senate's electoral system, a majority of Italians voted in favor of completely abandoning the proportional system (Longi 1993, 45–61).

In the following months, the two houses were involved in the difficult task of translating this popular sentiment into law. The new electoral law for the Senate clearly adopted the principles deriving from the referendum. In the first place, it established that a candidate may run for office in only one constituency (this is not so for the Chamber of Deputies), and that a petition for candidacy must be signed by no fewer than 1,000 and not over 1,500 electors in the constituency. Independent, nonparty candidates can run for election but “do not . . . participate in the proportional allotment of seats.” The law specifies the election criteria: a simple
Table 8.1. Regional Composition of the Italian Senate

<table>
<thead>
<tr>
<th>Region</th>
<th>Majority Seats</th>
<th>Proportional Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aosta Valley</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Piedmont</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>Lombardy</td>
<td>35</td>
<td>12</td>
</tr>
<tr>
<td>Trentino—Alto Adige</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Friuli—Venezia Giulia</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Liguria</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Veneto</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>Emilia-Romagna</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Tuscany</td>
<td>14</td>
<td>5</td>
</tr>
<tr>
<td>Marche</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Umbria</td>
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<td>2</td>
</tr>
<tr>
<td>Abruzzo</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Molise</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Latium</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>Campania</td>
<td>22</td>
<td>8</td>
</tr>
<tr>
<td>Puglia</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>Basilicata</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Calabria</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Sardinia</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Sicily</td>
<td>20</td>
<td>7</td>
</tr>
</tbody>
</table>

Note: According to Italian convention, regions are listed geographically, from north to south.

majority vote for about three-quarters of the constituencies in every region, and proportional voting for the remaining quarter. The seats, first majority and then proportional, are allocated region by region, as shown in table 8.1.

In each constituency, the candidate who obtains the most votes wins the seat. The proportional allotment is made after having subtracted the votes used up by the parties for the election of their candidates in the various single-member constituencies. Therefore, assuming that the candidates of only one party have won all the majoritarian seats in that region, that party will not take part in the allotment of the proportionally assigned seats. This provision does away with the inconvenience of parties that are geographically concentrated being able to cancel the representation in Parliament of other parties able to register a presence across the
regions. Having summed up all the votes not used by the various parties, the proportional seats are assigned to party candidates who have a right to them on the basis of the highest individual quota. Thus, if party X has a right to two seats in Latium, proportional allotment will elect, in this order, candidate Julius Caesar who, though beaten by party Y’s candidate, obtained 37 percent of the votes in constituency #8, and candidate Mark Anthony who obtained 31 percent of the votes in constituency #2. When a vacant seat is to be assigned by the majority system, a by-election is held. When a vacant seat is to be assigned by proportional allotment, the candidate of the same party with the most votes will succeed the outgoing senator. Finally, the electoral law provides for elections lasting only one day, with polling booths open from 7 A.M. to 10 P.M. Previously it had been possible to vote until 2 P.M. on the day after the opening of the polls.

The Organization of the Senate

Like the Chamber of Deputies, the Senate must convene within twenty days of the elections. This session is led by the eldest senator and is given over to the election of a presiding officer. The speaker represents the Senate, regulates all its activities, directs and moderates discussions, proposes issues for consideration, establishes voting procedures and proclaims the outcome, is responsible for maintaining order, and on the basis of Senate rules ensures that correct procedures are followed (Tosi 1974, 131–42). The speaker is expected to direct the Senate’s activity impartially, which is underscored by candidates for speaker having to win an absolute majority of senators’ votes on the first two ballots. Should there be no winners, the majority of the votes is sufficient for the third ballot; should even then no one obtain the required majority, the Senate proceeds on the same day with a ballot between the two candidates who obtained the most votes on the previous ballot, and the one who wins a simple majority is then elected. In case of ties, the eldest is elected. Only once, in 1994, has there been an effective contest between two candidates: incumbent speaker Giovanni Spadolini, supported by the liberal and radical senators, was challenged by Carlo Scognamiglio Pasini, supported by conservative members. Until the last vote was counted, the result of the contest was
uncertain. But ultimately Scognamiglio prevailed by one vote, 162–161. Had there been a tie vote, Spadolini, the older of the two candidates, would have become speaker.

Having elected a speaker, the assembly proceeds to elect other officers of the house (Tanda 1987). These include four deputy speakers, who stand in for the speaker to moderate debates and perform ceremonial duties; three questors, who supervise services, protocol, Senate security, and budget; and eight senator secretaries (the number can be increased to include representatives of all parliamentary groups), who assist the speaker during sessions by reading the bills, verifying voting results, and overseeing the minutes of the sessions. The deputy speakers, questors, and secretaries make up the Speaker's Council, which makes decisions concerning house administration and discipline. The Speaker's Council, amongst other tasks, nominates the secretary general of the Senate, the highest official of all the Senate offices (Senato della Repubblica 1988b). The election of the speaker and the Speaker's Council does not end the preliminary procedures at the beginning of the political and legislative activity of the assembly. The next step is the setting up of the parliamentary groups, the select committees, and the standing committees.

The Parties in Parliament

According to the Italian Constitution, the people have two ways of taking part in the political life of the Republic: by organizing themselves politically, and by exercising their sovereignty directly. Citizens may vote in elections in which the membership of the two houses is chosen (Article 58). Alternatively, they may join a political party and “contribute toward determining national policy by democratic means” (Article 49) (Nocilla and Ciaurro 1987). Thus, the Italian political system is based on several linkages; the elaboration of national policy comes about through the concurrence of political parties and through parliamentary resolutions (see di Palma 1977). The link between the parliamentary institutions and the wider political system is provided by the association of their members in “parliamentary groups” (Massai 1996, 17–26). It is no accident that, in House and Senate rules, the regulations which concern these groups come immediately after those which regulate the structure of the houses,
However, the link between parties and parliamentary groups is not absolute. In fact, parliamentary regulations do not establish any relationship between being elected on a particular party list and then joining a corresponding parliamentary group. The rules only establish that senators, within three days from the first sitting, must declare which group they intend to join; deputies have only two days to decide (Rescigno 1965).

MPs make their own choices in selecting political group membership, and they may establish groups that do not correspond to any political party. Consequently, if a certain number of deputies or senators (respectively, twenty and ten) decide to form an official group independent of their formal party allegiance, they can do so freely. Article 14 of the present Senate Regulations permits the formation of groups comprising fewer than ten senators, with the authorization of the Speaker’s Council, “on condition that they represent an organized party or movement in the country which has presented lists of candidates under the same token in at least fifteen regions for the Senate elections and has elected representatives in at least three regions, and on condition that at least five senators, even if elected under different labels, join the said group.” Political representation organized by parties is certainly preferred. But if a group reaches the prescribed number of ten senators, no reference to any political party is necessary. In any case, it can be said that the groups are an integral part of the parliamentary structure (see Cazzola 1974).

In both the Chamber of Deputies and the Senate, the so-called mixed group unites those members of Parliament who declare they do not belong to any political party or other group or who do not make a choice. This group also hosts those members of Parliament from parties or movements which, not having achieved the prescribed number of members, have not been authorized by the speaker’s office of their respective house to form a group.

The Formation of the Agenda

Each group elects a chair and a chair’s council. The chairs of the Senate parliamentary groups join together in a special conference with the deputy speakers to assist the speaker with the organization of sessions by preparing bimonthly programs and, usually, monthly schedules. The
standing committees formed on the basis of nominations by the single
groups examine the bills and various topics before they are discussed and
voted on in the assembly and, in certain cases, may even deliberate on
these in lieu of a final vote in the assembly.

The preliminary object of contention between majority and opposition
in Parliament is the importance to be attached either to the monitoring
or the implementation of the government's agenda. This is also true of
the efforts by minorities (or single members of the majority) to include
their own pet topics alongside or as substitutes for those proposed by the
government and the majority. The organization of the sessions is a testing
ground for the capacity of conflicting groups to reconcile their differences
and enable the government of the day, which has received the confidence
of Parliament to govern, along with the opposition, to get on with parlia-
mentary business.

Until 1990, the Italian system was dominated by the old warranty
principle by which the houses were "masters of their order-of-the-day"
(Senato della Repubblica 1988a). This institutional arrangement generated
inadequate coordination of parliamentary sessions, along with a marked
incapacity of governments to elaborate programs, and it weakened polit-
ical cohesion in the governing majority (Modugno 1979). However, be-
tween 1988 and 1991, some important changes were made in Chamber and
Senate rules by which, with the agreement of the speakers of both assem-
blies, a priority role has been assigned to the government in setting parlia-
mentary agendas.

The 1971 Parliamentary Regulations had established the organization
of proceedings based on the principles of "program" and "unanimity"
(Di Ciolo and Ciaurro 1994, 51–54). The latter aimed at making all the
parliamentary groups, including groups in the opposition, jointly respon-
sible for decisions made during the chairs' conference. Actually, the 1988–
91 rules had to do with a change of course that reflected the political need
to associate the Communist Party with the government's decisions in a
period of serious national and international emergency. This political op-
eration would be remembered in history as the "historic compromise."
These principles still constitute the basis for decisions concerning parlia-
mentary proceedings. First, the speakers of the assemblies try to gather
the unanimous consensus of the groups on a program outline, bearing in
mind the priorities of the government and the proposals of the groups in
relation to the numerical size of their constituencies. If unanimity is not reached, the rules allow the speakers to intervene. In the Senate, the speaker may draw up a program for one week only, “based on the indications which emerged during the Conference” in which the conflict arose. This outline is then communicated to the assembly, which has the power to change it. The same situation arises with the calendar, the monthly document which sets ways and times for the deliberation of the program. In the Chamber of Deputies, whenever unanimity is not reached during the group chairs’ conference, the power to draw up the calendar passes entirely to the speaker, without any interference from the assembly, whereas the Senate’s calendar prepared by the speaker is subject to amendment by the assembly.

The approved calendar contains the number and dates of dedicated sessions for each subject. This is made possible by means of time-sharing, which consists in the distribution of time among parliamentary groups in light of their numerical constituency and their political interest in the proceedings. In the Senate, time-sharing is decided by a majority vote in the group chairs’ conference.

At their initial meeting, called by the speakers of the respective houses, parliamentary groups elect their representative bodies. The rules of these groups must be deposited with the speaker’s office as a condition of access to public funding. At the same time, the parliamentary groups are not the integral parts of the houses that the standing and the select committees are. In other words, when we speak of the will of the Senate or the Chamber of Deputies, we are referring to their exercise of constitutional authority. This can be expressed only by the standing committees and, at times, by the select committees, not by the parliamentary groups. The groups may be responsible for leadership initiatives, or for the desire to act, but never for the official acts of the legislative houses. It is only in the programming of sessions, a task entrusted to the chairs of the parliamentary groups, that they contribute directly to the formation of the will of the houses. But in this circumstance it is not the groups or their chairs who directly form the will of one of the two houses. Rather, it is the chairs’ conference, which is itself an institution presided over by the speaker of the Senate or the Chamber of Deputies. The groups simply designate, in the persons of their chairs, the members of this body, just as they designate the members of the standing committees and bicameral committees,
in accord with the house rules. Therefore, it can be said that the party
groups are independent instrumental entities within the ambit of the par-
liamentary system.

Standing and Select Committees

The committees set up within each house are a fundamental feature of
parliamentary organization. The standing committees are so called be-
cause they are not set up from time to time for the examination of single
provisions, but have a predetermined jurisdiction in the various fields of
Senate activity. Their composition reflects the size of the parliamentary
groups, so they tend to mirror the composition of the assembly as a
whole. Palazzo Madama has thirteen standing committees, each of which
has jurisdiction over the subject indicated next to its number: (1) con-
stitutional affairs, the presidency of the Council of Ministers, the interior,
and public administration; (2) justice; (3) foreign affairs, emigration; (4)
defense; (5) economic programming, budget; (6) finance and the Treas-
sury; (7) public education, cultural assets, scientific research, entertain-
ment, and sport; (8) public works, communications; (9) agriculture and
food production; (10) industry, commerce, tourism; (11) labor, social se-
curity; (12) hygiene and health; and (13) territory, environment, and en-
vironmental assets (Chimenti 1977, 85–89).

In addition, the Senate may establish committees of inquiry to look
into matters of public concern. Again, special committees may be created,
upon decision of the assembly, to examine particular bills. Finally, joint
Chamber-Senate committees may be established, including bicameral
committees of inquiry and for direction and control. Members of the
Select Committee for Regulations and the Select Committee for Elections
and Parliamentary Immunities are chosen by the speaker of the Senate.
Although these latter committees are largely technical and required to act
impartially, the speaker takes into account the size of the parliamentary
groups when determining their composition.

The ten-member Select Committee for Regulations is led by the
speaker of the Senate. Its number can be expanded by no more than four
additional members so as to increase its range of representation. It is re-
sponsible for all initiatives or the examination of every proposed modifi-
cation concerning house rules, and it responds to requests for advice on the interpretation of rules submitted by the speaker. The Select Committee for Elections and Parliamentary Immunities has twenty-three members and is called upon to verify senators' titles for admission and all causes for ineligibility. It is also charged with examining any request for authorization to proceed to arrest a senator, and any request to authorize action on ministerial offenses involving the Senate as an institution. The Select Committee for European Union Affairs includes twenty-four senators, and it has general jurisdiction over matters directly related to the activity and the affairs of the European Union and the implementation of EU agreements. The Committee for the Library has three members and is responsible for monitoring the Senate Library.

One of the practical complications faced by the bicameral system concerns the bicameral committees, comprised of both deputies and senators. These committees represent an effort to overcome the rigid Chamber-Senate dualism and to articulate Parliament's desires in matters where there is no need for the redundancy of a double decision and where there is a stronger need for a univocal exercise of parliamentary power. Some bicameral committees are provided for in the constitution (Article 126 indicates the formalities regarding the Committee for Regional Affairs) or in ordinary legislation. Much more numerous are those established by ordinary law, including the Committee for Direction and Control of Broadcasting Services; the Committee for Control over Intelligence and Security Services and on State Secrets; a committee to control the activity of agencies for social security and assistance; and several committees of parliamentary inquiry. At times, bicameral committees have been activated by nonlegislative action, through simple motions approved by the two houses of Parliament (e.g., some committees of inquiry and, in 1983, the Committee for Institutional Reforms).

The Lawmaking Process

The process for passing laws is specified in Article 71 and subsequent provisions of the constitution. The legislative function is exercised jointly by the two houses. Both houses must approve exactly the same text of a law before it can be promulgated by the head of state and published in the
Official Journal. Although consensus between both houses is required for the final approval of a law, it does not matter which house takes the legislative initiative.

Parliamentary committees may, in appropriate circumstances, exert the ultimate lawmaking decision, without recourse to the plenary of either house. The attribution to committees of such sweeping powers in legislative matters is entirely peculiar to the Italian Parliament and should make possible (unfortunately only in theory) a certain speeding up of the lawmaking process. It is up to the Senate speaker to determine whether a bill is only to be considered by a committee or given a final vote by the committee to which it has been assigned before it becomes law (Ciaurro 1982, 33–48). Exceptions to this rule are those bills which, as the constitution requires, must always be presented for discussion and vote by the full house—bills concerning constitutional and electoral issues; matters involving legislative delegation; ratification of international treaties; and the approval of budgets and statements. Furthermore, when one-tenth of the members of the Senate, one-fifth of committee members, or the government request it, bills must be presented to the assembly for resolution.

Bills come before the parliamentary houses in the version adopted by the committee that reports on it. This committee text is printed alongside the version of the bill’s sponsor so that the assembly may assess any committee changes. The bill is also accompanied by a committee report or by the separate reports from majority and minority committee members. The first stage of the house’s deliberative process is a general discussion in which all senators may participate, and it is intended to uphold or reject the validity of the ends or purposes which the legislation proposes to meet, including its probability of meeting them. Then, the rapporteur and the government representative speak. There follows an examination of the single articles, which are discussed and voted on individually, after any amendments have been accepted or rejected. The bill is then voted on in its entirety. A bill approved by one branch of Parliament is immediately passed to the other. Should the second house approve exactly the same text, the law has completed its parliamentary “iter” (that is, its passage) and can be promulgated and published.

If the text is modified in either house, a bill must be returned to the other house for a resolution of the changes approved by the first chamber. The process of passing bills back and forth between Chamber and Senate
until both have approved an identical text is the "shuttle." If one house rejects the bill, further consideration is terminated. Finally, prior to the promulgation of a law, the head of state may, by means of a special message, request that Parliament examine it again. This applies particularly to laws that are fully financed by the government but that do not indicate where the money is coming from. Any imperfections in the constitutionality of a law can also be brought to the attention of the Constitutional Court during any legal action before the magistrates or by the direct initiative of a region should it consider its competence impaired by the new law. Moreover, the electorate may express itself through a referendum, requesting repeal of a law approved by Parliament (excluding proceedings on matters of taxation and budget, amnesty and pardons, and ratification of international treaties).

Parliament and Government

The constitution mandates that the government must obtain a vote of confidence from both Chamber and Senate. This prescription (Article 94) sums up what is currently considered the most important political activity of Parliament. It exercises direction and political control to oversee, press, and check the activities and performance of the government, supporting or censuring it whenever necessary and even, in the extreme, expressing a vote of "no confidence" and obliging the government to resign. Moreover, the president of the Republic can call for the early dissolution of Parliament when a new parliamentary majority willing to give its confidence to a government cannot be found.

The president of the Republic nominates the president of the Council of Ministers—in other words, the prime minister—and then nominates ministers upon his or her advice. The government must go before the houses to obtain a vote of confidence within ten days of its formation, which is sealed by the swearing-in ceremony presided over by the president. The call for a vote of confidence is made after a declaration is read by the prime minister, giving an outline of the programs and general policy guidelines for domestic and foreign affairs that the government intends to implement. This policy declaration, promulgated first in one house and then in the other, is followed by a debate culminating in a vote on a "motion of confidence" in favor of the government. If the vote is
positive in both Chamber and Senate, the government is definitively formed. However, if the vote is negative, or if it is positive in one house but negative in the other, the government must resign.

Once the political guidelines proposed by the government are approved, Parliament contributes to their implementation by means of its legislative activity. This contribution comes about not only through the approval of bills proposed by the government (which represent the great majority of bills approved by the houses) but also by conferring on it the power to approve laws (by legislative delegation) on certain subjects, always for short periods and with prior indication of the broad principles to which the laws must conform. Furthermore, Parliament devotes a good portion of its time to the conversion into law of any urgent provisions (decree laws) adopted by the government (Ciaurro 1982, 42–102).

In this context, the yearly approval of the national budget is very important (Camera dei deputati 1992, 171–97). It is the accounting document prepared by the government where public revenues and expenditures are forecast for the following financial year, together with the financial law and the other related provisions. The financial law and the budget law provide the basis for the government’s fiscal planning to attain the economic policy objectives to which it aspires. Indeed, the budget law must be accompanied by the presentation of a “report on estimates and programs” by the ministers responsible for the Treasury and the budget. Such presentations provide the houses extensive information on revenues and expenditures for the previous fiscal year, which allows for informed budgetary consideration by the two chambers of Parliament.

Equally important is Parliament’s role in the field of foreign policy. The constitution states, in fact, that both houses of Parliament must ratify international treaties and declare war. Cooperation between government and Parliament is most readily obtained when the government has reported to the houses regularly, giving deputies and senators briefings on matters ranging from budget estimates and programs to the country’s general economic situation. Often ministers testify before the assembly and appear before the appropriate committees on subjects for which they are specifically competent. At the same time, the houses may adopt motions defining their opinion on specific topics; carry out inquiries through special committees or through standing committee research; or approve resolutions on policy matters and request that ministers report to Parliament concerning their activities. Finally, each member of Parliament may
put forward questions, which are requests for information to ministers on specific items or subjects, and which are a typical expression of parliamentary control over the government's activity.

The “Big Bang” of 1994

The year 1994 symbolizes the end of an era in Italian politics. It is irrelevant that in that year the Polo delle Libertà [roughly, the Alliance for Liberties] won the election and captured a bare majority in the Twelfth Parliament. The alliance was a conservative coalition headed by television and media tycoon Silvio Berlusconi. His was a heterogeneous majority whose nucleus comprised middle-class moderates, ambitious “yuppies” tied to Berlusconi’s extensive economic interests, and large numbers of Berlusconi’s employees turned militant and united in Forza Italia [Go Italy], the new party created ad hoc with the money and television networks of the Milanese millionaire. But it was also a majority that ranged from the former Fascists from the Alleanza Nazionale [National Alliance], headed by Gianfranco Fini, to the separatists of Lega Nord [Northern League], captained by Umberto Bossi and made up of Margaret Thatcher-type free traders and old Christian Democrats tied to a clientelist, paternalistic conception of politics. Unsurprisingly, this fragile majority fell to pieces eight months after taking over, and Berlusconi had to resign as prime minister.

There followed a more or less neutral government headed by Lamberto Dini, formerly a top-ranking official of the Bank of Italy turned politician only a few months previously. It was an administration made up of non-politicians chosen mostly from among university intellectuals and government bureaucrats, and it was trusted by the president of the Republic.

It had nothing to do with the beginning of a “second republic,” aping the institutional journey of the French republic. Neither was it the much vaunted renewal of national leadership. Quite the contrary, other parties, both liberal and conservative, were established with the transparent purpose of assuring the reelection of politicians of the old establishment who otherwise risked political extinction. The new parties served as laundries to recycle politicians who had survived the wreckage of the previous months. No doubt even Forza Italia performed this service. The old Communist Party (PCI) managed to preserve its membership and organization almost intact, both outside and inside Parliament. The old PCI
became the Partito Democratico della Sinistra [Democratic Party of the Left], or PDS. Ironically, PDS is an acronym in vogue with the ex-Communist parties of Eastern Europe.

If there was no "second republic," certainly the party system that had rebuilt Italy from 1945, and even more from the time the country joined NATO at the height of the cold war, was no more. The Christian Democratic Party, the hub of the postwar Italian political system, split into three pieces—the Partito Popolare [People's Party], greatly weakened and moving toward center-left, and the smaller CCD and CDU groups leaning center-right. The minor secular parties, such as the Republicans, the Social Democrats, and the Liberals, had practically been annihilated. The Socialist Party [Partito Socialista] had been blown away by the scandals exposed by investigations conducted by the so-called Tangentopoli [Kickback City] of the Milanese judges. Its leader and former prime minister, Bettino Craxi, is wanted by the police and self-exiled in Tunisia.

By this time the fall of the Berlin Wall had swept away the balance of power established at Yalta after World War II, and with it the *conventio ad excludendum* that was its corollary (no government with the Communist Party). Italians were no longer forced by the cold war or by considerations of international politics to accept a savage spoils system in which many parties participated—where the leading role was played by the parties in power and their friends and also, although to a lesser extent, by the parties of the opposition like the PCI, today the PDS. The Christian Democrats, its centrist allies, and since 1960 the Socialists could no longer justify their actions by the need to defend Italy from Soviet and Communist subversion. Under these conditions it was inevitable that a liberated Italian electorate would become extremely mobile and volatile.

Nevertheless, a mature democracy characterized by alternation in government is still a long way off. The most recent general elections gave a narrow parliamentary majority to the Olive Tree [Ulivo], a liberal and radical alliance whose hard core is the PDS, and to which the People's Party, the Greens [Verdi], and new minor groups of secular and centrist orientation have contributed. Also supporting the new majority, but not part of the Olive Tree coalition, is the Communist Refoundation Party [Rifondazione Comunista], a radical movement that blatantly proclaims its Marxist-Leninist ideology. The largest political party in the Olive Tree coalition is led by former Communist Massimo D'Alema, but the prime ministership fell to Romano Prodi, a former University of Bologna economics professor,
former Christian Democrat, former cabinet minister before the “big bang,” and former president of the IRI, the powerful holding company that controls the greater part of the country’s state-owned industry.

Despite a reformed electoral law, the Italian party system has not assumed bipolar form. Bipolarity does not require a system of only two political parties; it only requires that serious contention for governmental offices fall to two leading parties or coalitions. Paradoxically, inside the two houses of Parliament fully forty-four political movements are represented, twenty-six of which have only one member. This kind of fragmentation results, above all, from the controversial and bizarre law on public financing of political parties that was approved in 1996.

Fewer political groups are represented in the Senate than in the Chamber of Deputies. In the upper house, assembled under the banner of the Olive Tree are the Democratic Left [Sinistra Democratica] mostly made up of members of the PDS, joined by a few independents and a handful of former Republicans, the People’s Party, Italian Renewal [Rinnovamento Italiano], a group founded by the foreign minister and former prime minister Lamberto Dini, the Greens, and, in a strategic position given its freedom of movement, the Communist Refoundation Party. On the opposition side is the Alliance for Liberties, composed of Go Italy, the National Alliance, the Christian Democratic Center (CCD), and the United Christian Democrats (CDU). The Northern League also opposes the government, though its attitude is largely one of filibustering and hostility to national unity.

The future consequences of post-1994 parliamentary developments are not easy to predict. Italy is the same country that in recent years witnessed the maneuvering of the largest Communist party in the West as it learned, little by little, to abide by the rules of liberal democracy. Italy, devastated by World War II, decided to embrace parliamentary democracy, a free market, and free international trade. The same country only twenty years ago endured relentless, widespread terrorist activities that threatened the security of the nation. These bloody attacks were conducted by extreme leftist groups that considered the Communist Party traitorous. The mortal threat of terrorism was stifled without introducing draconian laws abolishing civil liberties. Fortunately, the democratic forces in the country, including the vast majority of political parties, gave continued strong support for democratic institutions, demonstrating that even though chaotic, Italian democracy was working.
Today, this same Italy is facing a deep crisis regarding its form of government, a crisis that is compounded both by transformations in Italian society, and by national and international economic realities. Despite lingering uncertainty and ambiguity, Italy has changed. Most important is the growing recognition, in a rapidly changing world, that the government must acquire new and effective decision-making tools, and recognize that unworkable institutions must be changed with the utmost possible haste. To move in this direction, early in 1997 Parliament established a bicameral committee to hammer out institutional reforms (Piciacchia 1997). Members of this new reform committee were nominated by the speakers of both houses according to the recommendations of the parliamentary groups, based on proportional representation. Its membership includes thirty-five senators and thirty-five deputies, and the committee elected PDS leader Massimo D'Alema as its chairman. Of course, this is not the first time a committee on reform has been created; it had been done in 1983, and then again in 1993.

The constitutional law that established the bicameral committee also endows it with its powers. Article 1 affirms that the seventy-member committee may hammer out proposals regarding that part of the constitution providing for the establishment of governing institutions (e.g., administrative agencies, Parliament, local government). Although fundamental principles cannot be infringed, in principle the committee recommendations can range from American-style presidentialism, to French semipresidentialism, to a Westminster parliamentary model, to German federalism. The committee's final recommendations must be taken to Parliament for consideration and, inasmuch as revisions of the constitution are involved they must be approved by both chambers in two successive sessions separated by no less than three months. If Parliament were to approve, the reforms it proposes must be submitted to a popular referendum.

Predictably, strong differences of vision and equally strong difficulties in reaching compromises emerged right from the start. The American presidential alternative never was considered; there was some support for the French model on the part of conservatives, and some support for a prime ministerial structure vaguely along British Westminster lines preferred by liberals. The German federal model, with devolution of power to the subnational units [länder], aroused widespread discussion. The
issue of “perfect bicameralism” has also been considered extensively, mainly along two lines: a senate representing the regions; or a senate confined to oversight of the executive, with the lower house exercising the legislative power and charged with giving direction to the nation. The alternatives remain under discussion, and will not be soon resolved.

Bicameralism: Conclusions and Future Prospects

It is now possible, fifty years after the approval of the constitution, to draw some conclusions and trace an outline for the future. In 1947, it was right and proper for the requirements of Italian society to adopt the term parlamento, which, as decreed by Article 55, is composed of the Chamber of Deputies and the Senate of the Republic. It was a highly innovative choice considering the nature of the pre-Fascist system, precisely because it underscored the unity of the electorally based and democratic parliamentary system. However, today no one in Italy doubts the existence of a serious institutional problem that directly involves Parliament (Di Ciolo 1994, 47–72).

What is the problem to be tackled and solved? Basically, the problem is the need to speed up the process of parliamentary decision making so as to enable a quicker and more timely response to government initiatives. Put differently, a lawmaking process must be established that can keep pace with a rapidly changing world and respond in a timely way to the new demands and needs of an advanced industrial society in continuous and profound transformation.

It might be inappropriate to question the suitability for this goal of a parliamentary system in bicameral form. The reason is not so much a blind faith in the 1947–48 constitutional model or a particular attachment to the Senate of the Republic, the parliamentary house that would be sacrificed in a unicamerally oriented constitutional reform. Rather, it is because daily practice in Palazzo Montecitorio, and more particularly in Palazzo Madama, demonstrates time and time again that the meditation allowed by double deliberation in considering bills can be useful. Redundancy has its virtues.

The Italian Parliament is called upon to do a great deal of legislating. Statistically, the average number of laws passed annually by the two houses
is 240–280, as compared to 80 or so passed in France and Germany, and
the 60 passed in Britain. But there is a growing gap between excessive
lawmaking on minor matters and lack of regulatory legislation on matters
of primary concern, for example, the crucial law on the national broad-
casting system, and the inadequacy of the various provisions accompa-
nying the annual budget.

To sum up, too few major laws and too many trivial laws. This short-
coming was observed as early as the 1960s by such distinguished scholars
as Giovanni Sartori and Alberto Predieri (Sartori 1963, 205–76). Excessive
preoccupation with minor legislation was encouraged and even favored
by the ability to pass laws in the committees and without the approval of
the full houses. This is why it is necessary to ponder making some changes
in the constitutional model drawn up by the 1947–48 Constitution. In this
sense, there has been an ongoing debate for most of the past twenty years
on delegificazione, the necessary and unavoidable restriction of the law-
making purview and powers of Parliament.

In Italy, the sternest criticisms of bicameralism have stemmed from its
having come to be identified as one of the major causes of the malfun-
tioning of the whole institutional system, whereas the real roots of the
institutional problem are in the country’s extreme multipartism. In addi-
tion, the presumed defects of bicameralism were long attributed almost
exclusively to the Senate, so that debate on the workings of Parliament has
often given rise to proposals for its abolition. There is an interesting law
of nature in politics that applies to the institutional domain: very lively,
dynamic, and public debate of the great issues in politics tends to flourish
in the popular house of Parliament. Thus, the major influences on Italian
public opinion come from the Chamber of Deputies, which prefers a sen-
ate whose role is one of mediation, wisdom, and moderation, and not a
senate with coequal legislative or government-making power.

Since the early 1970s, the vision of Parliament as a unitary institution
has continued to loom large, serving to highlight how a debate about bi-
cameralism should involve consideration of the working methods of both
houses. This unitary vision is particularly important because it makes
comprehensible the reality that Italian bicameralism is substantially pro-
cedural in nature and that the double-reading system can be compared to
the guarantees offered by double-tier jurisdiction in criminal trials. The
“parity bicameralism” in which both legislative houses are coequal, pro-
vided in the constitution, is far from being a major reason for the malfunctioning of the Italian parliamentary system. To argue otherwise only serves to distract attention from the serious political problems that jeopardize the working of Italian representative democracy.

Some Possible Reforms

Proposals abound to reform the structure and the functions of both houses of Parliament (Caretti 1981). One proposal calls for the election of senators by regional council members. However, this proposal in favor of a chamber of the regions meets with objections centering around the difficulty that the Senate could not long lay claim to the same legislative powers as the lower house if it were not directly elected. Moreover, inasmuch as Italy is not a federal state, there are reservations about the idea of one chamber representing the regions, while the other one represents the electorate as a whole (Occhiocupo 1990). At the same time, federalist urges reverberate in some forms, witness the upsurge of separatist sentiment, of which the Northern League is the loudest and most controversial advocate. In fact, it has not yet been clarified by either the majority or the opposition parties whether a federal form of local government is the chosen option. Nor is it clear whether they prefer some form of administrative decentralization through the devolution of broader powers to the regions and more consistent administrative authority to the municipalities and provinces. Such devolution, although it might signify a strong decentralization of powers, cannot be considered the same as federalism.

On the other hand, a reform proposal that has been debated for some years would allow both houses of Parliament to maintain their representative basis, but would reserve lawmaking to the Chamber of Deputies, and it would assign to the Senate the functions of controlling and monitoring the government, as well as the responsibility for setting general guidelines in certain sensitive areas of national life, such as information, security, or nomination of public agency heads. In relation to this, it may be noted that the history of control of government and the public bureaucracy in Italy does little to justify the need for an ad hoc chamber. Moreover, the distinction between legislation and control obscures the fundamental activity of setting guidelines that the Italian system expresses
by means of the foremost legislative activity—that of implementing the government's program through a vote of confidence. In fact, the two functions of legislation and control are intended to reinforce one another.

A reform of this nature would also be unbalanced because it would make the Chamber of Deputies the majority group's house, and the Senate would be where the opposition would prevail. For these reasons, the greatest caution must be used regarding proposals tending to attribute specific powers to the upper house. It would also be right to ask oneself what could have been the basic motive for the constitution's implementation of parity bicameralism. The reason for bicameralism is that it provides for reconsideration of one house's actions in the other house so that decisions can be confirmed or modified. Such reconsideration is only made possible by the institution of reexamination in another assembly, especially if it is convened by a different electoral system and it operates on the basis of at least partially different regulations. In this sense, assuming that Italian bicameralism is essentially procedural, it can be said that procedural reform is called for. Such reform could ensure responsibility, clarity, and speed to the work carried out by the two branches of Parliament. In this context, reform can be foreseen that will define two categories of legislation, one consisting of proposed laws to be determined jointly by the two houses, and the other including legislation for unicameral passage (Senato della Repubblica 1990).

Accordingly, the Chamber and the Senate would remain equal components of a unitary Parliament with identical powers and equal dignity, while unnecessary duplications, procedural delays, and incomprehensible and unjustifiable repetitions would be eliminated. Thus, parity bicameralism rather than perfect bicameralism would prevail. In this sense, it would be necessary to define a limited number of necessarily bicameral laws that would have to be approved by both houses. These would be laws concerning constitutional and electoral matters, legislative delegation, authorizations to ratify international treaties of a political nature or involving important territorial variations, the elaboration and approval of budgets and statements, and the conversion of decree laws.

In every other case, a bill approved by one house would be passed to the other and would be considered definitively approved unless, within a certain time, a majority in the second house were to express a preference that the bill should be submitted to it for approval. Any late requests for reexamination by each house would then need to be presented,
again within a certain time, by the absolute majority of its members. And the government would have similar powers to recall a law.

It would also be necessary to define who should have the right to assign the first reading to one or the other house without sparking a conflict between them. It is very clear that an efficient coordination of the workload between the two parliamentary houses could save time with respect to the legislative activity assigned to or initiated by only one house. Making a sharp distinction between research activity and decision making would also enable the former to be carried out jointly by the committees of the two houses or at least produce a rapid joint use of its results. The tendency to specialize could also be developed usefully for purposes of control. And a general rationalization effort involving both houses could better define the positions of majority and opposition in relation to the various matters being examined, allowing voters to acquire a clearer picture of what is going on and thereby guaranteeing an effective link with society at large.

Another matter requiring a solution concerns the propensity of Parliament to get involved, almost lost, in the approval of laws of little or no importance on extremely specific topics and items, thereby allowing itself to lose sight of the "general and abstract" nature which the Italian Constitution requires of every law. It would be simpler for any matter not expressly reserved to the law by the constitution if the government were to exercise its regulatory power. Parliament would then be left free to decide on major issues unburdened by lightweight problems such as the intonation of musical instruments, or the reconstruction of a single crane that collapsed in a certain port, or the concession of a quality brand for a special kind of ham.

These reforms would neither represent radical changes in the constitution nor provide a remedy for all the ills of the Italian system. They would require legislation limited to a series of mediated adjustments of the complex rules that lie at the core of the system. But, above all, democracy requires patience, tolerance, and gradualness. Having these properties, a democracy need not become immobilized. On the contrary, Italy needs to see concrete results issuing from its political, institutional, and juridical debates. It needs to move over from the realm of proposals and possibilities to the terrain of concrete legislative decisions. This is also necessary in order to alleviate the antiparliament prejudice so evident in Italian public opinion.
References


