

*A Structural Help for "Diseased Democracies"
like Italy*

INTRODUCTION

In January 2008, Romano Prodi resigned as Italian Prime Minister, giving further evidence of an ongoing institutional crisis. Moreover, this step followed one year of political turmoil its only merit is to have raised key structural questions about the nature of the Italian democratic regime.

For instance, in a political letter sent to the national newspaper *Corriere della Sera*, Walter Veltroni, one of the most prominent centre-left politicians, as well as the elected leader of the "new" Partito Democratico (Democratic Party), acknowledged publicly that the Italian democracy is by now "diseased" in both its authoritativeness and power of its institutions. He also admitted that the all political class is actually lacking popular legitimacy, independently from whatever political wing, and pledged that the Partito Democratico would have provided "the embankment to this drift, in which the same political class ends to feed anti-politics" (Veltroni, 2007). We are talking about a moral and functional crisis that, according to prominent observers, might become even worse than that of 1992, the year that put an end (more symbolically than substantially) to the First Italian Republic.

Veltroni thus listed ten priorities to be done as a sort of political guidelines. However, though appreciable for many aspects, the politician was unable to exactly find the cause of this “disease” and hence to provide a correct remedy. Under question is indeed the country’s level of democratism and this contribution aims at explaining why. An issue that goes beyond Italy and indeed touches almost all the democratic world.

THE ITALIAN DEMOCRATIC SYSTEM AND ITS LIMITS

The Italian democracy, laid down after the fascist regime, has flourished with specific checks and balances featured by a long and very rigid Constitution. A very short analysis may be the following. The Parliament is the central body. Citizens elect its members, who compete through parties. These, in turn and according to the electoral law, form coalitions that compete aspiring to lead the country. The leader of the coalition who gains the majority of votes is indeed invited to form a Government by the President of the Republic and thus becomes the Prime Minister. Hence, to be formally set up, the Government must obtain confidence from the Parliament and must also maintain it along all the five years of legislature. If it does not succeed in this, a new Government can be set up or citizens are asked to vote again in new political elections.

Thus, it goes without saying that the parliamentary majority and the Government are expression of the same group of persons. Who gains the majority at the elections consequently holds two powers, the legislative and

the executive one. And this lack of powers separation is the main limit of the Italian democracy, as well as of many others in the democratic world.

Nevertheless, this structural disequilibrium is partially offset. First, there is the presence of two key bodies, the President of the Republic and the Constitutional Court, who exert a preventive and successive constitutional control over institutional deeds. Second, and more importantly, Italy is, according to Arend Lijphart (1999), a *consensus democracy*, characterised by a high level of fragmentation of dominant coalitions and by a relatively weak Prime Minister within the Government.

In this *consensual* structure, therefore, the more the parliamentary majority consists of a high number of parties, the more high is the quality of democracy. On the contrary, the more the majority is controlled by few parties, the less democratic becomes the system. And again, intuitively, democracy is improved when decisions are not taken by the Prime Minister alone, but are well shared among Ministers. It is this idiosyncrasy that allows Italy to maintain a sufficient extent of democratism, even if the country is asked to cope with other subordinate problems, such as the instability of coalitions (and hence Governments) and a lack of strong leadership.

As far as the judiciary power is concerned, instead, it is rather independent at the constitutional level, though the Minister of Justice still maintains key organisational and disciplinary powers that may raise concerns about the personal qualities of the Minister. But what matters here is that, after the War, Italy inherited a judiciary body made up of persons formed by fascism. Thus, in order to avoid potential obstacles during their time in office,

politicians agreed in creating a very parliamentary *immunity regime* that was partially reduced only by the reform of 1993, which followed the huge scandal of Tangentopoli¹. People thought, incorrectly, that popular legitimacy was enough to maintain an appropriate control over representatives. This much too confidence on the political class did not allow to create structural guarantees to avoid the “drift” mentioned above by Veltroni. And nowadays, a lack of sufficient control over each single politician is the second crucial limit of the Italian democracy.

WHY POWER SEPARATION AND ETHICAL CONTROL MATTER

The separation and equilibrium of powers is the heart of democracy. The necessity of the XVII and XVIII century to escape from absolutism, which repressed peoples’ liberties, allowed enlightened thinkers to comprehensively explain this simple, yet fundamental concept. John Locke (1689) and Charles Luis de Secondat de Montesquieu (1748) supplied us with important treaties that current politicians no longer study appropriately². Montesquieu, particularly, laid down the elementary notions for the creation of a representative liberal regime capable of reducing at minimum bribery and unacceptable privileges. He realised that it needed to think a state structure of checks and balances in order to make vain any attempt by individuals or

¹ Constitutional Law n° 3 of 29 October 1993, modifying Article 68 of the Constitution.

² See also Held (1996, pp. 120-7).

groups at abusing their position. Hence, the famous division of the three fundamental powers: legislative, executive and judiciary.

Immanuel Kant was even more explicit and in 1795 wrote the basis of democracy in this manner:

In order not to confuse the republican constitution with others (as is commonly done), the following should be noted. The forms of a state (*civitas*) can be divided either according to the persons who possess the sovereign power or according to the mode of administration exercised over the people by the chief, whoever he may be. [...] The latter is called the form of government (*forma regiminis*) and is based on the way in which the state makes use of its power; this way is based on the Constitution, which is the act of the general will through which the many persons become one nation. In this respect government is either republican or despotic. Republicanism is the political principle of the separation of the executive power (the administration) from the legislative; despotism is that of the autonomous execution by the state of laws which it has itself decreed. Thus, in despotism the public will is administered by the ruler as his own will. (Kant, 1795, First definitive article)..

In many modern democracies this division lacks, so that, accordingly, the form of Government should be deemed as despotic, and not as republican.

In Italy, this becomes more evident by the fact that the Parliament has lost its fundamental role as forum for law-makers. On the one hand, the dominance of the coalition who gains the elections tends to cut off any form of constructive debate with the opposition. On the other, the latter has no interest to contribute to the legislative production, but wastes all its energy in order to

obstruct the majority in the hope of reducing the legislature and return to power as soon as possible (for this reason is called “opposition” rather than “political checker”).

The privileged monopolistic position that allows such an unproductive role of the Parliament is commonly labelled, according to Alexis de Tocqueville (1835), *the tyranny of the majority*. And the shared perception by all political parties of the opportunity of exercising such a kind of despotic behaviour, allegedly “in the name of democracy”, is a forged notion that let us understand how many practical and conceptual problems stem from an incorrect powers separation.

In the Italian case, such despotism is exerted even as regards single MPs. Under the Prodi administration, for instance, the Parliament was asked to vote on the opportunity of continuing to financing the military mission in Afghanistan (ISAF). Some individuals, most notably members of the extreme left of Prodi’s winning coalition, were against. And this meant, as far as the Italian political system is concerned, that under discussion there was the same Government, as the winning coalition lacked sufficient votes to maintain self-support. Wisely, some centre-right parties proposed to contribute with their votes to the re-funding of the mission. But, they also imposed unacceptable political conditions. Thus, after a sad page of Italian politics, where the Prime Minister also resigned temporarily and some MPs were even threatened or expelled from their party, Prodi imposed a confidence vote to actually force all individuals of his coalition to support the bill.

This shows that, without powers separation, representatives cannot be free to civilly discuss all questions and make their choice appropriately. In a well separated system, instead, a broader non-partisan support for the mission in Afghanistan would have prevailed more easily, and, more importantly, MPs could have argued their position in-depth, giving thus their contribution to an important debate of international affairs.

Moreover, when Parliament and Government are not separated, the country is persistently subjected to a likely form of discontinuity. While domestically this may even be called for by citizens, in foreign policy discontinuity often becomes unacceptable, and even deleterious, mainly when the real national interests are at stake. For instance, the Berlusconi administration (2001-2006) notoriously broke the traditional equilibrium of the country, at least since the 70s, as regards Europeism and Atlanticism. The unconditional, political support given to the US ally after 9/11, most notably as regards the Iraq war and to the detriment of European integration, produced an important turning point in the history of Italian foreign policy (Brighi, 2006; Romano, 2004). The successive Prodi administration (2006-2008), instead, modified radically the Italian position on behalf of European integration to the extent that it had to fight a lot to not surrender to an anti-American position featured in part of his winning coalition.

Continuity in international politics is exactly what we should expect from a country. A lack of continuity leads to a loss of international credibility. And when this happens for a valid motive (such as in the Iraq war?), the consequence is that we must recognise that the former Government clearly

failed to identify what national interests are. Thus, in order to avoid discontinuity, it is necessary that the Government, who leads foreign policy, be forced to compromise with the Parliament to obtain support from the most number of actors, without any political bias.

Therefore, why are many modern democracies unwilling to change their potentially unreliable and often unreliable regimes?

The answer is straightforward. Political power is actually the predominant form of control over many aspects of the society. Just like autocrats, liberal politicians are unwilling to find limits in their sphere of action. Unlike autocracies, however, democratic regimes force individuals to achieve only a shared power. Politicians are actually forced to accept the logic of alternation and oligarchic competition. But, as human nature is made, it still remains a potential conflict between national and personal interests. Indeed, liberal politicians as well do go in trouble to accept that, once in power, a structural mechanism limit them, beyond what they perceive as strictly necessary at that moment.

Here, one might argue that, whereas they represent the best kind of state organisation, democracies are far from being perfect. We also rely on the virtue of modern politicians, who should be nevertheless checked by citizens and can indeed be punished for their behaviour at next elections. But, is this form of control actually effective to prevent abuses? Montesquieu would say:

Constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits? (Montesquieu, 1748, Second part, Book XI).

This raises the problem of constitutional control over representatives, before and during their time in office. Indeed, politicians have well understood that it is sufficient to form a relatively closed *social class* to preserve enough power to overcome any ethical concern.

In Italy, for instance, a rare journalistic pride started denouncing privileged positions and the huge cost of the all political system. Representatives were accused of being not willing for, and even of fearing reforms because this would have put at stake a number of privileges placed in the ground along time. Eventually a very moral question arose in 2007, and this is probably why Veltroni decided to publicly speak of “drift”.

Italy is not the only example. There are others around the world, not less astonishing. The US citizens, for instance, have been heavily engaged in seeking to rescue liberal principles from an arbitrary war on terror³. What matters here is that when a political class loses its honour, the country loses

³ For an extension to the problems related to international law see Evangelista (2006; 2007).

credibility and eventually its same identity (Pew, 2007). And since this happens in modern democracies, we should start questioning seriously the current institutional solidity of these regimes.

A STRUCTURAL SOLUTION: MANAGERIAL SYSTEM

Modern democracies are not perfect and just for this reason must be improved. Every country has its peculiarities and hence a proper solution. Concerning Italy, we have seen that the current system leads to other problems, although less important, such as the instability of coalitions and a lack of strong leadership. We should not wonder that politicians attempt at suggesting inappropriate solutions. For instance, many want to imprudently change a *consensus democracy* in a *majoritarian* one, proposing a reform that would cut off smaller parties from the Parliament (as it actually happened in recent 2008 elections) and improve the power of the Prime Minister. They want a strong bipolarism (bipartitism?). But, political fragmentation and the weakness of the Prime Minister are just crucial factors that allow Italy to be mentioned among consolidated democracies. Moreover, these suggestions even raise the suspect that the major parties want to transcend popular legitimacy to eliminate the risk of failure. A regime with only two parties, indeed, means that the presence of the one, and not the people, legitimates the survival of the other. A system like this would require huge democratic improvements, simply unlikely in Italy (even the United States receives criticism on this issue).

Thus, let me suggest a general structural solution centred on powers separation and constitutional control over politicians. A clear separation of the executive from the legislative power is achieved by a different popular legitimacy. Citizens should be asked to vote for their representatives and for the leader of the Government in two different and well separated political elections. Similar to the US system, it is reasonable to vote every two years. Yet for the Members of Parliament first; and only after two years for the Executive, so that the length of time for powers becomes asymmetric and each reduced to four years.

In the elections for the executive power, citizens should be asked to vote only for a candidate leader (sponsored by, but not radically committed to parties), who will be invited by an independent figure, like the President of the Republic in Italy, to form a Government. The Prime Minister should stay at his job for all the four years, unless resignation are voiced by a very qualified parliamentary majority or by the President of the Republic, when the latter realises that the elected leader is no longer capable of forming any Government. In all these instances, citizens should be asked to vote again.

Only after a clear division of powers can be possible to slightly increase the role of the Prime Minister, giving him freedom in the choice and management of Ministers. Thus, any single Minister should be subjected to two kinds of confidence. But this time, thanks to the absence of radical political commitments, the most important one would stem from the Parliament actually as a whole. Therefore, the Prime Minister would remain still weak relatively to the Parliament, with which is forced to frequently compromise.

Such a solution might allow a country like Italy to achieve political stability (the Prime Minister cannot be changed if not for extraordinary reasons); centrality of the Parliament (as independent law maker body, without coalition binding commitments); and a higher quality of Ministers (as a more professional competence would be required to maintain parliamentary confidence; and one can no longer play a blackmailing role, as his lack of support would not be capable of creating an institutional crisis). This form of government would be different from presidential or semi-presidential organisations. Indeed, it looks more appropriately like a sort of *managerial system*.

As far as the control over politicians is concerned, the Constitutional Court should judge on the lack of ethical, professional and honourable requirements that should be solidly inserted in the Constitution. As all citizens should have the right to check their representatives, it would be worth creating a new body of control charged of carrying out a first evaluation of complaints and hence submitting the requests for resignation to the Constitutional Court. Such a kind of control might produce a more honourable political class and allow the press to rediscover its crucial role as checker.

HOW TO CHANGE IN PRACTICE?

However, we should wonder how such a proposal of constitutional reform that touches powers and privileged positions can be implemented by the same political class. In the Italian case, politicians should not only recognise the

current endemic institutional crisis but, more importantly, the fact that they failed to provide the correct rules of polity. The likelihood of an endogenous change, therefore, is reasonably low, and the proposal seems doomed to fail from the outset.

Yet an opportunity of change actually exists: it consists of a pressure from abroad. Scholars in International Relations can argue that a country might be forced to reform itself by one of these external forces: (1) international crises such as war; (2) the key presence of an influential leader; (3) the opportunity of satisfying greater interests in the international system.

As international crises are ruled out by assumption, let me focus first on point (2). When states improve themselves significantly, they may also become an example to follow. A virtuous democratic leader can indirectly induce the others to change, facilitating thus a sort of good competition. Moreover, the more democracies become improved, the more liberal values are expected to flourish around the world and have a positive impact on other regimes. During several years after World War II, this leading role has been played by the United States of America.

Nowadays, unfortunately, it seems to be no actor capable of positively influencing the others so much. Particularly, the US seems to have fundamentally lost its moral legitimacy around the world, as Human Rights Watch (2007) and other observers have been strongly voicing since time. More deeply, the most recent US administrations decided to rely more on power than soft leadership (Lake, 1993; Gilpin, 1988). And power without limits can actually lead states to lose their principles of justice and eventually their same

identity, becoming soon an example not to follow. The main instance is given by the attempts to export an unspecified kind of democracy around the world, even through violent means. On this issue, Immanuel Kant would probably argue that in this way behave nothing more than “moralizing politicians”, who only make reform impossible and perpetuate the violation of law. (Kant, 1795, First appendix).

It follows that a change for a country like Italy can stem from point (3): greater interests in the international system. Indeed, an improvement of the domestic system of a country may be encouraged by the opportunity of achieving key interests in the international dimension. Like individuals, who can be improved by a good state organisation, a democratic regime can be induced to improve itself by structural forces. This is possible when the anarchy of the international system is overcome by social constructions capable of having a positive impact on the states. And the European Union is exactly one of these social structures.

For example, a country like Italy might be forced to reform itself thanks to the necessity of a closer integration to achieve greater security or to play an ambitious, more influential role in the international system as a whole. Should Europe decide to deepen its level of integration upgrading into a real political union, Italy might actually be forced to improve its democratic standards not to remain emarginated, for instance, by France and Germany. Indeed, no partner would be willing to commit more closely with a country that shows to be poor in quality and potentially unreliable.

CONCLUSIONS

The crises of democracies like Italy challenge seriously the solidity of these regimes. Modern democracies should look at their inside more accurately. More importantly, this article wants to draw attention to social structures. While actors may of course be virtuous, they tend not to behave as such when are not subjected to a good structural organisation. This is true for individuals within democracies, as well as for democracies within the international system (Waltz, 1959). Concerning Italy, the European Union might force this “diseased democracy” to reform itself. In this light, I have provided politicians with the guidelines for a constitutional reform. For other democracies that lack a social structure like the EU, it would be time to think something similar. Otherwise, nothing more than personal virtue can prevent the country from being affected, before or later, by the same virus as that of Italy. But virtue – Montesquieu teaches – should not be a thing on which to rely too much.

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