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**Economic Crisis
in a Stalemated Democracy.
The Italian Case**

**Leonardo Morlino
Daniela Piana**

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ECONOMIC CRISIS IN A STALEMATED DEMOCRACY. THE ITALIAN CASE

Leonardo Morlino* e Daniela Piana**

Abstract

In Southern Europe, the economic crisis (2008-2013) triggered a deeper political crisis, affecting a number of aspects of a representative democracy. Italy provides a particularly telling case of what happens when an economic crisis occurs in an unstable political context characterized by low government effectiveness, low efficiency, corruption, decline of electoral participation, fragmented and radicalized party competition, social inequality, high public debt, and other related features, here summarized in the model of “stalemated democracy”. On the basis of a comprehensive data set developed along with eight dimensions of democracy assessment and taking into account the policies pursued during the years of the crisis, we analyze the different effects of economic crisis—some of them expected, others more surprising—and how those effects characterize Italian political crisis and a new phase of great uncertainty. In the concluding remarks we offer an explanation of the role played by the economic crisis, focusing on the interplay between veto rules and actual veto players. Such an explanation is also relevant to see key, more in-depth aspects of Italian democracy during last twenty years and earlier.

Keywords: economic crisis, quality of democracy, government.

* Leonardo Morlino (Department of Political Science, LUISS University, morlino@luiss.it) is Professor of Political Science, Director of the Research Center on Democracies and Democratizations and Vice-Rector of LUISS, Rome (Italy). He was President of the International Political Science Association, IPSA (2009-12) and currently is the Past President (2012-14). Morlino’s most recent books include: *The Quality of Democracy in Latin America* (IDEA, 2014) *Changes for Democracy* (Oxford UP, 2012, tr. it. 2014), *Democracias y Democratizaciones* (CIS, 2008); *Democratization and the European Union: Comparing Central and Eastern European Post-Communist Countries* (Routledge 2010, with Sadurski), and *International Actors, Democratization and the Rule of Law: Anchoring Democracy?* (Routledge 2008, with Magen). He was also one of the three editors of the *International Encyclopedia of Political Science* (8 Volumes, Sage Publications, 2011), awarded of the Honorable Mention of Darthmouth Medal for reference publishing in all domains of knowledge

** Daniela Piana (Department of Political and Social Sciences, Università di Bologna, d.piana@unibo.it) is Associate Professor of Political Science at the University of Bologna where she teaches Political Science and Institutions of the European Integration. She is convenor of the Research Committee on Comparative Judicial Systems at IPSA and Associate Fellow of the Institut des Hautes Etudes sur la Justice of Paris.

1. Introduction

The economic crisis of 2008-2013 subjected all European democracies to a pressing need: coping with public expenditure reduction or reallocation, and adapting public and private institutions to a partially new, uncertain environment. How can we explain the difficulty encountered by Italian democracy in this situation? Why was it possible that economic crisis catalyzed a political crisis? Is that the seeds of the political crisis were already flourishing during earlier years? To address these questions, we would like to spell out how the pre-existing context, already characterized by change and uncertainty, paved the way for the political impact, what the key changes are, and which aspects did not change due to a high resiliency. That context had been shaped by the previous democratic crisis, which took place in the early 1990s, as well as by European constraints. Thus, the subsequent 2008–2013 economic crisis of acted as a catalyst for that previous unsolved political crisis and brought about new changes, but also showed how resilient some key, in-depth features of Italian democracy are.

Table 1 – Qualities and relevant empirical dimensions

Qualities	Relevant empirical dimensions
Rule of law	efficiency of judiciary system
	fight against corruption
	government effectiveness
Electoral accountability	presence and stability of alternatives
Inter-institutional accountability	legislative-executive relations
	constitutional court
	modes and extent of decentralization
	watching role of media
Participation	electoral participation
	other forms of conventional participation
	non conventional participation
Competition	fairness of political competition
Freedom	(no salient variation to include here)
Equality	social and economic rights
Responsiveness	satisfaction with democracy
	constraints to responsiveness

Here, we start by assuming that the relevant dimensions to be checked for change are those suggested by the theoretical frame, which was developed to analyze the quality of democracy (see esp. Morlino 2012, chs. 7 and 8). To summarize this frame very cursorily, it is worth recalling that a good democracy is, first and foremost, a broadly legitimated regime that completely satisfies citizens (*quality in terms of result*); one in which the citizens, associations, and communities of which it is composed enjoy liberty and equality, even in different forms and degrees (*quality in terms of content*); where the citizens themselves have the power to check and evaluate whether the government pursues the objectives of liberty and equality according to the rule of law (*quality in terms of procedure*). There are eight possible dimensions or *qualities* along which a democracy might vary, which are summarized in table 1, first column. The first

five dimensions are procedural. Though also relevant to the contents, these dimensions mainly concern the rules. The first procedural quality is the *rule of law*. The second and third procedural qualities regard the two forms of *accountability* (*electoral* and *inter-institutional*). The fourth and fifth are the classic *participation* and *competition*. The sixth and seventh dimensions are substantive in nature. The sixth refers to full respect for rights that are expanded through the achievement of a range of *freedoms*. The seventh is the progressive implementation of greater social and economic *equality*. The final, eighth dimension concerns the *responsiveness* or correspondence of the system to the desires of citizens and civil society in general.

When this theoretical frame is applied to the Italian case, the qualities are empirically analyzed by selecting their relevant dimensions, as listed in Table 1, second column. In fact, as we consider the 2008–13 period for the economic crisis and its political consequences and the previous fifteen years (1992–2008) when the previous context is analyzed, it is fairly obvious that not every empirical dimension is relevant. In fact, some dimensions show no variations as they are only sensitive in the long run. Thus, a selection of dimensions is necessary¹ and what the following pages show can be summarized into three key points: Italian democracy was featuring before 2008 already a lack of institutional capacity in coping with changes; second and crucial point is the stalemated nature of Italian politics; finally, the pivotal mechanism, which is responsible of this, is the existence of veto rules that are easily activated by a wide range of different and fragmented players. For these empirical reasons we deem the Italian case of great interest to unveil the engines that drive a democracy to cope with an economic crisis. Among the several potential forces we consider (as in Table 1), what are the most critical ones to explain the crisis undergone by Italy after 2008?

The findings we are going to present are drawn from a research project of the democratic changes carried out in Italy. We will present here the results of our analysis on the basis of a dimensional approach to change, showing, first, the changes featured by the democratic dimensions in the period before the crisis and then discussing the changes in the dimensions during the period characterized by the economic crisis. We will then present the explaining hypotheses and suggest a few conclusive remarks. What the case study here offered shows is a confirmation of the veto players approach with some nuances, mostly related to the role played by the veto rules, i.e. the rules that allow the activation and the mobilization of the veto actors. Moreover, what we can see is a critical role played by the lack of institutional capacity. This is a point made by a large literature of comparative politics and democratization studies. Once the rules are adopted, the key variable in preventing or triggering the changes is the capacity to implement those rules. This also holds for Italy. A final point concerns the methodology. We combined qualitative and quantitative analysis in dealing with such a complex phenomenon, especially if observed over a long period of time and described not only at the macro level, but also at the more specific level of actors.

2. A context of change and uncertainty

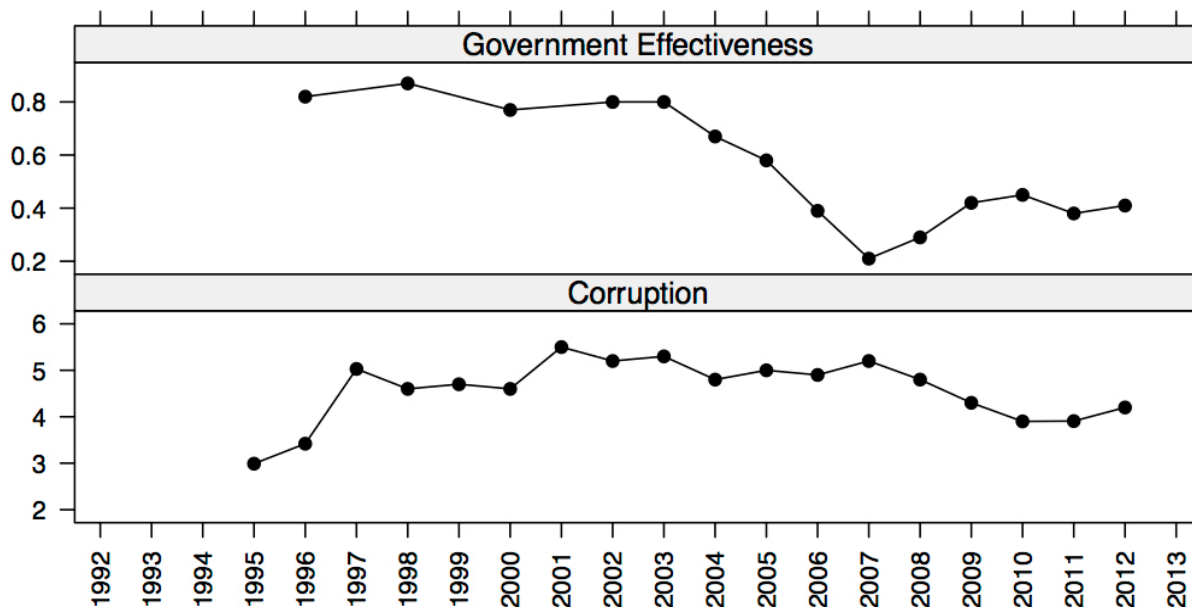
The institutional and political context featured by Italian democracy before the economic crisis can be described as a combination of a highly uncertain setting deprived of actors capable to either reducing such an uncertainty with a strong decisional entrepreneurship or governing the changes necessary to stabilize the system. As we are going to see, a deep transformation began in Italian politics in the early 1990s. This is herein described along with the reconstruction of the changes undergone by each empirically relevant dimension (see Table 1).

The entire decade that started with the Clean Hands investigation (1992) and ran until 2001 was distinguished by increasing awareness among policy makers and judicial actors about the inefficiency of the legal system. This latter has been medicated by the legislative measures, which have been – once adopted – jeopardized by a poor implementation (Carnevali, 2012;

Sciacca et al., 2013). We consider not very surprising then the backlog of first instance and appeal cases, which did not decrease.² In 2008, 57% of cases pending before the European Court of Human Rights (ECtHR) concerned Italy’s violations of the right to a fair trial.

Another important sub-dimension of the rule of law is the *fight against corruption*. In a comparative perspective the perception of corruption in Italy has been fairly high (GCB, 2003 and 2004).³ The number of proposed measures to contrast this phenomenon rose to 72 during the XIII legislature (1996–2001), but only 2 became law.

Figure 1 – Key aspects of the rule of law



Sources: Government Effectiveness from Kaufmann, Kraay, and Mastruzzi (2009) and for update, World Bank; for corruption, *Transparency International Reports*, various years.

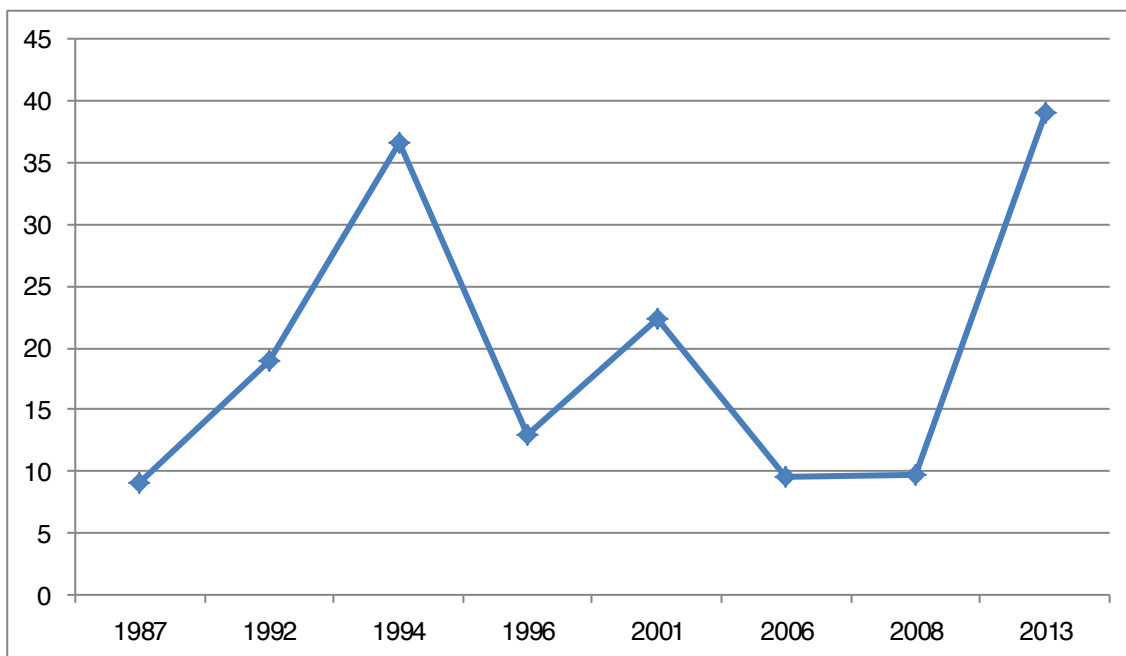
The analysis of these two sub-dimensions implicitly reveals the role played by the third sub-dimension of the rule of law, namely *government effectiveness*. This third sub-dimension underlies our analysis both of the modern judicial system and the fight against corruption. In fact, it is a cross-sector feature of the entire policy making system. Figure 1 indicates a non-linear change, which started with the Bassanini reforms in 1992 and 1993, both of which impacted positively on government effectiveness, which showed a small improvement until 1998. Since then the investment of material and professional resources (see Di Mascio and Natalini, this issue) in the public sector has been dramatically reduced.⁴ From 2001 to 2007 government effectiveness dropped rapidly and steadily (see Figure 1).⁵

If, on the whole, the rule of law is distinguished by its deterioration during the period analyzed, electoral accountability—measured as the *presence and stability of alternatives*—follows a more complex path. The starting point is the early 1990s, when the widespread restructuring of the parties and the party system took place. In this domain the two most important events occurred in 1991 and 1994. The former saw the crisis of the left, leading to the establishment of the Democratic Party of the Left, now Democratic Party (PD), the division between it and Communist Refoundation, now Left, Ecology, and Freedom (SEL), the creation of the Northern League (*Lega Nord*, LN), and, in the center-right, the creation, in 1994, of *Forza Italia* (FI) driven by the de-legitimization and crisis suffered by the five traditional parties which had anchored Italian democracy for almost three decades (Morlino, 1998). However, stability was

not restored following the 1994 elections. Overall, the period 1991–1996 saw the emergence of many new parties, movements, and electoral coalitions, and various splits, divisions, and mergers. The irony is that these major changes in the political parties went hand-in-hand with a fair degree of party-system continuity, particularly with regard to fragmentation. As a matter of fact none of these new actors ended up with re-anchoring Italian democracy and with thereby stabilizing the political landscape (Morlino, 1996). Even the change of the electoral law did not respond to the need of stability. During this phase of party crisis there was a change in the electoral law, from a highly proportional system to a mixed one in 1993 and then to another mixed system with a bonus for the electoral majority in 2005. Already in 1994, and with more evidence in 2001, citizens had a greater opportunity to punish incumbents, specially coalition leaders. Hence, each election offered the concrete possibility of party alternation to the government in power.

However, voter preferences in terms of candidates and the selection of the candidates, made by the political parties, ran along parallel and unrelated tracks. The mechanism of the closed lists adopted in 2005 as the result of a proposal made by the center-right majority created hyper-verticalized candidate selection. Consequently, cooptation the national party leaders adopted has become the only path for entering parliament, with the dual outcome of making the parties more cohesive as well as developing personalization and opportunities for abuse within parties. A further indicator considered was the propensity of voters to change their electoral orientation. On the whole, these aspects seem to compensate and mitigate the effects of the increased possibility to identify clear political alternatives to the incumbent government. As shown in the Figure 2, there was a leap in electoral volatility in 1994, further growth in 2001, and then an evident decline until 2008, which emphasizes a stabilization of alternatives.⁶

Figure 2 - Trends in electoral volatility (1987-2013)



Source: D'Alimonte (2013, 127).

The period from 1992 to 2008 is apparently marked by an improvement in electoral turnover. Above all, since 1996, when party competition began to display a more evident bipolar dynamic, with the consequent turnover between the incumbent parties and the opposition, each election has led to a complete change of the cabinet. In a way this seems to move in the direction of a deepening of electoral accountability (Venturino and Rombi, 2013). But the analysis

of the data on party competition displays a highly fragmented multi-party system (see Table 2), compounded by a new radicalization, i.e. greater distance between the parties, whose main divide is the Berlusconi-anti Berlusconi cleavage [Ceccarini, Diamanti, and Lazar 2012].

It should be pointed out that the possible grouping of Italian parties around two poles is a different aspect vis-à-vis the increase of the ideological distance among the political actors, i.e. party radicalization. The combination of these two vectors “heated up” the political system and jeopardized the stability and decisional capacity of every executive in power during these years. The radicalization of political competition is presented in Table 2 and is given by the sum of votes and seats of extreme, radical parties. Moreover, the exacerbated inter-party competition combines with a radical loss of the internal regulative capacity enjoyed by political parties until 2006. Since the early 1990s the Italian political parties have ceased to be the backbone of the political system. If the democratic consolidation of the Italian republic had relied for the most part on their anchoring capacity (see Morlino 1998), the last two decades have witnessed a de-anchoring process that creates scope for new actors to enter the arena. If a high dissatisfaction is present (see below), these may become anti-party movements.

Table 2 – Fragmentation and polarization of party system (1992-2013)

	1992	1994	1996	2001	2006	2008	2013
Electoral fragmentation	0,85	0,87	0,86	0,84	0,79	0,74	0,81
parliamentary fragmentation	0,82	0,86	0,83	0,82	0,81	0,67	0,71
Eff. number of electoral parties	5,7	7,3	6,2	5,2	5,1	3,8	5,3
Eff. number of parliamentary parties	5,7	6,2	6,4	5,3	5,1	3,1	3,5
Number of parliamentary groups*	13 (14)	8 (10)	9	8	13 (14)	6	8
Political radicalization**	11 (124)	14,4 (22)	18,7 (40)	10,6 (50)	15,0 (99)	12,7 (88)	32,9 (163)

Source: Adapted from Chiaramonte (2010, 208), Cerruto and Raniolo (2013), and additional calculus from official data.

Notes: *The number of parliamentary groups cover the mixed group. In parenthesis there are the number of parliamentary groups at the end of the legislature in those cases where the final number and the initial one differ. **Radicalization is the sum in votes (%) and seats (no) of all extreme, protest parties in those elections (Chamber of Deputies).

The collapse of the previous party system in the early 1990s and the subsequent failure to restructure it affected the dynamics of the legislative-executive relationship in several ways. Traditionally, Italian politics featured a consociational pattern of legislative decision-making, whereby parliament acted as an arena for mutual and multi-lateral conflict negotiation. Instead of played a zero-sum game, the governmental majority and the opposition have always been inclined to accommodate their different interests alongside a distributive mechanism of policy making. Contrary to expectations, following the collapse of the party system in the wake of the Clean Hands enquiry (1992), and a dramatic increase in intra-party fragmentation and inter-parliamentary mobility of deputies, there was also a basic continuity. In fact, when submitting a bill to the legislative arena, the cabinet was confronted with: 1) the lack of any cohesive action by parliamentary opposition; but also 2) the need to negotiate step by step the proposal with its own majority. The entire amending process in the Italian legislative arena shows this when the origins of amendments are taken into account.

Thus, a close, in-depth analysis of the legislative decision-making process from 1993 through 2006 reveals the peculiar distribution of amendment proponents, who seem to belong predominantly to the majority (Capano and Vignati, 2008; Zucchini, 2008). In other words, the

opposition does not perform a clear-cut and effective role as a veto player within the parliament, whereas deputies and senators who supposedly support the cabinet, as they belong to the parliamentary majority, engage in a time-consuming process of bargaining within the majority (Capano and Vignati, 2008, tab. 3). The way the bargaining takes place depends on the specific decision-making process that unfolds within the parliamentary committees. Moreover, the number of amendments grew steadily during the period 2001–2006 (Visconti, 2012, p. 78), when, in principle, one might have expected Italian democracy to start acting as a bipolar system, with a majority-cabinet on the one hand and the opposition on the other. Therefore, the cabinet still remains locked into a continuous bargaining process with both its own majority and the opposition. In such a political setting, the role of the opposition is performed in different non-parliamentary arenas, namely the oversight institutions.

With regards to inter-institutional accountability (see Table 1), an additional issue to be mentioned is the constraint set by the Constitutional Court to the government strategy of issuing decree laws, irrespective of whether they met the criteria of “necessity and urgency” (see the Italian Constitution, Art. 77). Even though one might expect that the government, deprived of a traditional strategy for circumventing parliamentary blocking intervention, but also of a protection from parliamentary snipers, especially dangerous with bare majorities, had refrained from governing with decree laws, in fact the number of “necessity and urgency” laws remained high (44 in 1997, 29 in 1998, 42 in 1999, 36 in 2000 up to 52 in 2001, 44 in 2002 and 48 in 2003) (Senate of Republic, 2013, p. 8).⁷

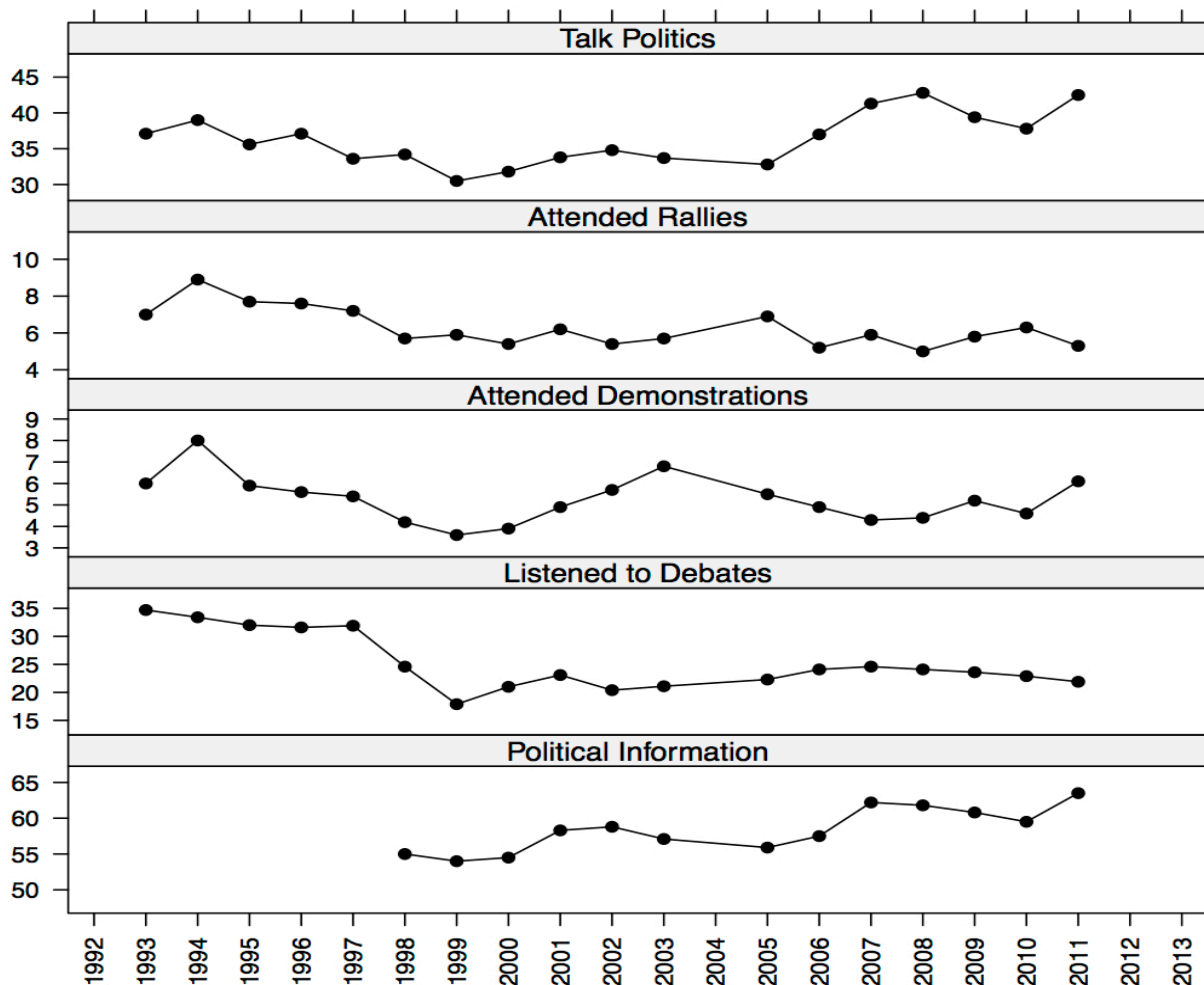
If the capacity of the opposition to hold the government accountable has been weakened, especially in the two years after the election held with the new electoral law (in 2006 for the first time), the power of the Constitutional Court, conceived as expected capacity of settling conflicts, which otherwise were not managed by the representative institutions, increased.

The number of rulings issued by the Constitutional Court on the basis of an abstract, *ex ante* judicial review procedure increased from 31 in 1993 to 52 in 2008.⁸ Moreover, from 1992 to 2008 the number of rulings at odds with a law of the incumbent government dropped from an average of 14.48% in 1992–1998 to 8.51% in 1999–2005, and then up again to 12.1% in 2006–2008. In the overall system of inter-institutional accountability, the media also play a key role in holding all rulers (both elected and non-elected officers) answerable to public opinion. To perform this role and to resist the capturing strategy that any veto player may adopt to influence the media, freedom of press and the rate of market concentration should be respectively high and low. According to Freedom House, Italy’s press was free in 2002, but in 52nd place, whereas in 2006 it ranked 65th (still free). The RC4⁹ in the daily newspaper market changed from 41 to 43 in the period 1992–2006, whereas the public channels and the Mediaset¹⁰ channels together covered 100% of TV supply during the entire period analyzed here. As a matter of fact, the Italian media played either the role of amplifying the voice of some political parties, or the role of idea-brokers themselves, especially as a consequence of cases of political or administrative corruption.

The system of inter-institutional accountability has not been improved by the decentralization process. Since the 1970s, when the regions were first set up, the decentralization process has been deepened by two normative acts. The first one was the 1993 electoral reform, which introduced direct elections for town and city mayors, the presidents of the provinces, and for town and provincial councils. The second, more important step was the constitutional reform passed in 2001, whereby the regions were vested with legislative power in key areas, such as social policies, environmental policies, health policies, to mention just the most critical ones. However, the actual possibility of local authorities to act as veto players and to balance the power of central government is weak. Regions had been granted with effective legislative powers. However, their administrative capacity and the actual possibility to govern locally remained limited. In the years 2001–2008 the transfer of public funds from the central government to

the local authorities has remained stable (even if meanwhile the local taxation expanded), with the exception of a limited growth from 2007 to 2008. In 2002 the number of cases of conflicts between the regions and the central government brought before the Constitutional Court was 31; there were 108 in 2003, 122 in 2004, 95 in 2005, 103 in 2006, 53 in 2007, and 124 in 2008. This high level of conflict stems from the complex normative framework, which regulates the attribution of competences to the local authorities and the on-going process of legislative adaptation, which since the 2001 constitutional reform has continued to partially modify the competences and the tools made available to local authorities to perform their tasks.

Figure 3 – Conventional and non conventional participation



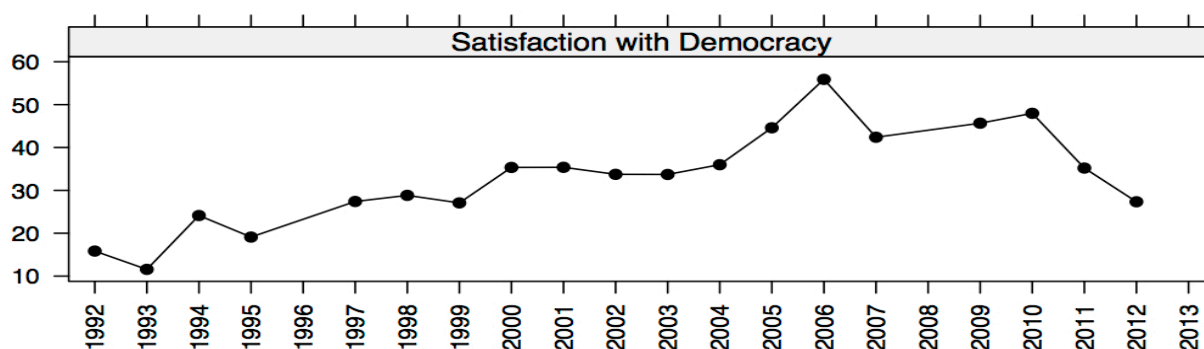
Source: Istat (2013), Indagine Multiscopo – Aspetti della Vita Quotidiana (several years). Roma: Istat.

The last procedural dimension we consider here is participation, notably in terms of electoral participation, other forms of conventional participation, and non-conventional participation. Even though Italians have voted less since the 1970s, Italy is still one of the most participative (electorally speaking) countries in the EU (88.9%) (Raniolo 2013). From 1992 to 2008 electoral participation dropped from 87.3% in 1992 to 80.5% in 2008 (Facello and Quaranta, 2013), whereas the interest in politics remained stable, and then rose between 2005 and 2008 (see Figure 3). This interest is not channeled by parties. Party affiliation and party membership dropped considerably, from 78.7% in 1996 to 51.9% in 2008 (see Facello and Quaranta 2103). However, data collected on the non conventional form of participation reveal an anti-establi-

shment and an anti-party attitude. Party disaffection and anti-establishment attitudes together contributed to the creation of a new political demand, addressed to potentially new players (especially non-traditional political parties). Nonetheless, attended demonstrations and attended rallies do not show any significant change till 2008.

The overall picture of the procedural dimensions has a paradoxical reflex at the level of responsiveness. Satisfaction in democracy features a positive trend till 2006, even though this should be combined with a differential trend of trust for each institution. This shows very clearly the careful management of public perceptions of government, especially by Berlusconi, who was the prime minister from 2001 through 2006, and then again from 2008 through 2011. Trust in parliament increased from 1990 to 2004, then dropped slightly, before increasing again until a radical slowdown in 2006. Trust in the judiciary stands higher than trust in all other institutions, but seems to reflect the legitimacy and the trend of popular support for the judiciary in connection with the big political scandals, starting with the Clean Hands enquiry in 1992.

Figure 4 - Satisfaction of democracy as perceived responsiveness



Source: Eurobarometer Trend Files; EB 58.1; EB 60.1; EB 61.0; EB 63.4; EB 65.2; EB 68.1; EB 71.3; 73.4; EB 76.3; EB 77.3.

To measure the barriers that hinder the capacity of rulers to be responsive to the ruled, we argue that the course taken by the public debt indirectly limits the range of policy options rulers can opt for, and consequently the possibility for their choices to be responsive exclusively to citizens decreases. In this picture the intervention of a supranational actor, such as the European Union, especially on those constraints that are negotiated and agreed at that level, affects the possible extent of responsiveness. It should also be added that Italy’s public debt dropped from 1993 to 2002, but then increased slightly (see Figures 4). This reflects the trend of democracy satisfaction, as we have already noted.

The last dimension to examine is equality, measured as *economic and social rights*. Here, we refer to a number of economic indexes that reveal whether or not wealth is equally distributed (especially in terms of employment and GDP), and how public expenditure has been used (or not used) to ensure “equality of opportunities”, principally access to education and access to public services such as health care and legal aid. Let’s start with the unemployment rate. This decreased till 2007, with an upward peak in 2000. Per capita GDP was almost stable during the period considered, whereas the peak in GDP growth was in 2000, after which it decreased slightly—though at a slow pace—till 2008. A further point worth addressing is the reduction of public expenditure on education and training: in 1993, Italy allocated 5.4% of its GDP to this sector, whereas by 1998 it had already fallen to 4.75%, reaching 4.5 in 2008.¹¹ To conclude this excursus, Table 3 offers an overview of changes that took place from 1992 through 2008, which we can now selectively recall. Rule of law scores lower and worse in the three sub-dimensions considered.

Table 3 – What Changed in what directions (1992-2008)

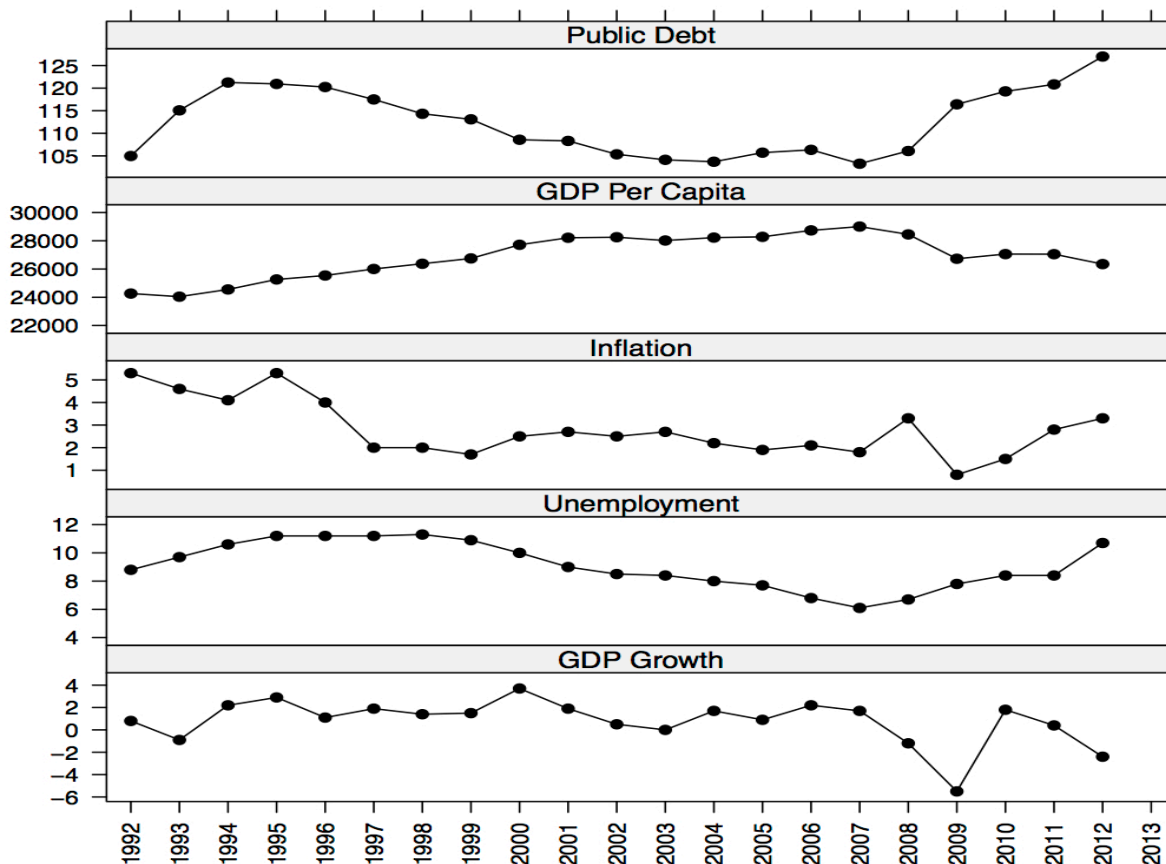
Qualities	Relevant empirical dimensions	Changes
Rule of law	efficiency of judiciary system	less efficiency; more flexibility at the local level.
	fight against corruption	poor implementation
	government effectiveness	on the overall, steady decrease
Electoral accountability	presence and stability of alternatives	low, but growing stability
Inter-institutional accountability	legislative-executive relations	Overlap between majority and opposition;
	constitutional court	increased power and effectiveness
	modes and extent of decentralization	poorly implemented; unclear division of competence
	watching role of media	high market concentration; reduced pluralism
Participation	electoral participation	decline
	other forms of conventional participation	growth
	non-conventional participation	growth
Competition	fairness of political competition	highly fragmented and radicalized
Equality	social and economic rights	highly unequal for opportunities and results
Responsiveness	satisfaction with democracy	declining satisfaction since 2006
	constraints to responsiveness	higher public debt

Furthermore, the two possible “engines” of democratic change, that is, participation and competition (see Morlino, 2012), show a significant change. Political competition has become more fragmented and more radicalized, whereas participation has shifted from electoral participation toward other forms of participation, such as non-conventional ones, although in a moderate way. In addition, the entire system of inter-institutional accountability features a radical change, which combines subversion and replacement. First of all, the executive power remained weak in setting and running the agenda, whereas the legislative power did not show any cohesion, either in the majority or in the opposition. Secondly, the oversight institutions, which include all specialized courts, have ended up complementing the role played by the representative institutions and carrying out a more prominent and diffuse control, thereby acting as an actual and effective veto power. Third, the media, which are expected to play the role of watchdogs, have a very limited pluralism due to the high ownership concentration and the lower (in comparison with other advanced democracies) freedom of press. It is also worth stressing at least one positive feature among all the changes we have discussed, that is, a greater possibility of electoral accountability as the key result of the presence of party alternatives and an effective alternation at cabinet level between the center-right and center-left coalitions.

Within this picture the European Union played a distinctive, important role. On the one hand, the fact that the government is also held accountable to EU law and to EU mechanisms of policy coordination further reduced its autonomous capacity to set the agenda. Likewise the fact that the courts can play a two-level game, by referring to the European Court of Justice and

the ECtHR, empowered the latter two. However, the normative inputs from Brussels to promote the free market of media, especially in the broadcasting and digital sector, have not been effective enough in re-directing the change suffered by the media in Italy. This also holds good for the equality dimension. European norms are growing fast in this sector, and might justify the expectation that Italy is pushed toward a positive change. As a matter of fact, to date this has not been the case. Since the implementation of EU norms in this sector depends structurally on the capacity of the domestic institutions to pursue the requested policies coherently, the state of the art of inter-institutional accountability (especially the sub-dimension of executive-legislative relations) and government effectiveness prevents the country adapting as it should.

Figure 5 – The Economic crisis: main indicators



Sources: Public debt from European Central Bank (2013). Statistical Data Warehouse. Available online: <http://sdw.ecb.europa.eu> and OECD (2013a) OECD.Stat Extracts. Available online: <http://stats.oecd.org>; GDP per capita from OECD (2013a) OECD.Stat Extracts. Available online: <http://stats.oecd.org>; Inflation from OECD (2013a) OECD.Stat Extracts. Available online: <http://stats.oecd.org>; Unemployment from European Commission (2013). Annual Macro-Economic Database (AMECO). Available online: http://ec.europa.eu/economy_finance/db_indicators/ameco/; GDP growth from World Bank (2013) World Development Indicators. Available online: <http://data.worldbank.org/data-catalog/world-development-indicators> and EUROSTAT (2013). Statistics Database. Available online: http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database.

3. The political impact of the economic crisis

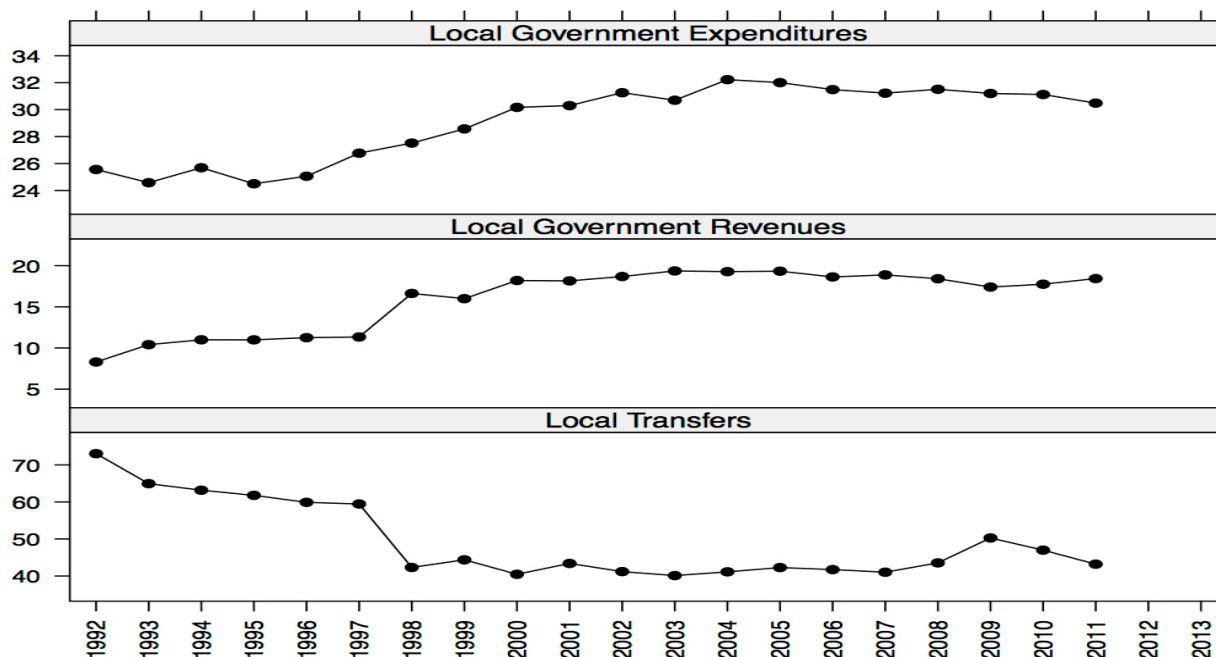
Despite the crisis might be depicted along with the trends of several indicators, we selected the most critical ones as portrayed in the figure 5. This shows how crisis is immediately mirrored by a rise in the public debt and unemployment and, after a few months, in inflation as well

as by the decline of GDP. When we consider the impact on democratic dimensions what do we see? If quantitative data are complemented by qualitative analysis on a few aspects, the new picture partly confirms the expectations, but also shows some surprising and salient effects. Moreover, in carrying on this inquiry we only need singling out those aspects, included in Table 3, which bring about the subsequent political crisis, characterized – as we are going to see - by the growth of distance between institutions and citizens, the reversing of decentralization process and a decisional stalemate.

Accordingly, we do not consider the low efficiency of the legal system,¹² government effectiveness, the role of the media¹³ and others (see Table 3 and Table 5). Thus, the very first and most relevant aspects concern the reshaping of relationships between political institutions, especially political parties, and citizens. There are new parties, such as the centrist *Scelta Civica* (Civic Choice), led by the technocratic prime minister of the 2011–13 cabinet, Mario Monti; and the *Movimento 5 Stelle* (Five Star Movement), that is, a protest party led by Beppe Grillo, who has been adapting for Italian voters certain issues and aspects of the Pirate parties that first emerged in a few central and northern European countries. Party realignment is vividly mirrored by electoral volatility, 39.1, i.e. the highest one in Italian electoral history (see Figure 2). At the same time, there has been the growth of opposition, which had already started in 2010 with the split of the rightist component of the PDL, led by Gianfranco Fini, and the creation of a new parliamentary group. At the 2013 general election the political institutionalized opposition became much stronger, winning 12,111,015 votes (35.7%), a figure produced by adding together the votes of the right (about 2.6%), Northern League (4.1%), Five Star Movement (25.6%), Civil Revolution-Ingroia (2.3%), and Stop to Decline (1.1%).¹⁴ The greater resulting fragmentation and radicalization can be seen in the last column of Table 2, and the picture of a new party system characterized by anti-establishment extremist parties comes out in an evident and strong way. If we complement these data with those regarding a marked dip in satisfaction with democracy (see Figure 4) and a relative, low growth of conventional and non-conventional participation (see Figure 3), we cannot help coming to a slightly surprising first conclusion: the distance between civil society and political parties is growing, but at the same the protest parties¹⁵ are permitting an institutionalization of that dissatisfaction and are accordingly keeping non-conventional participation fairly low, with violence being limited to a few circumscribed episodes, especially a few demonstrations in Rome, during these years.¹⁶ If the Greek and Spanish protests are recalled, the difference with the Italian case is evident. But there is also the clear possibility of supposing that the economic crisis may have hit Italy less than the other two countries, especially in view of Italy's strong tradition of non-conventional participation.

The second and more surprising effect is the disappearance of any political discourse on decentralization, the beginning of an opposite trend back to unitarianism, and consequently the non-implementation of previous decisions made to achieve a much stronger decentralization. To start with, then, it can be recalled that during the 1990s and in the first years of Berlusconi's government (2001–2006) the debate on regionalization, decentralization, and related parliamentary decisions was politically highly relevant, thanks also to the existence of widespread support for decentralization on the left, and the pivotal role of the Northern League in the coalition with Berlusconi. During the last five years all this has disappeared. The legitimacy of local authorities has been eroded by recent episodes of corruption and the abuse of power, which has undermined a mainstream belief of those who were in favor of decentralization, namely that it is possible to have a politics of a higher quality at the local level than at the national level. The Northern League itself had an internal crisis and change of leadership, from the founder of the party (Umberto Bossi) to a new, younger leader (Roberto Maroni). With the economic crisis and the election of Maroni as President of Lombardy, all the issues relating to decentralization have disappeared from the national debate, and have also been forgotten by the left.

Figure 6 – Trends in Decentralization and Centralization: key indicators (1992-2013)



Source: OECD (2013) OECD Fiscal Decentralization Database. Available online: <http://www.oecd.org/tax/federalism/oecdiscaldecentralisationdatabase.htm>

If the key indicators centralization/decentralization are considered (see Figure 6), one can see a sharp decline in local transfers since 2009 and a shrinking of local expenditures since 2008, only partially compensated by some growth of local government revenues.¹⁷ It is possible to see here both a trend toward a central control of expenditures and, accordingly, a drive toward centralization, and the resistance of local power; in relation to the regions this means a cutting of expenditures on health, a very sensitive issue for citizens. If, finally, we consider government decisions in these years (see Table 4), there has been, on the one hand, the so-called law of fiscal federalism (2009), presented as a landmark for the Italian process of decentralization and, on the other hand, some preliminary decisions about axing the provinces, the intermediate local level of government (2011–2012). But if we look at the implementation of these decisions we see that almost nothing has come of them, with a ruling of the Constitutional Court declaring one of them unconstitutional. It should also be mentioned here the law 243 adopted in 2012 which introduced the constitutional principle of “balanced budget” as a constraint to all types of public policies, either adopted by the central government or (and surely mostly) adopted by the local authorities.

On the whole, this suggests very explicitly that there is a clear trend back toward unitarism at the level of expenditure and revenue management; decisions regarding decentralization that would involve more expenses have been put on hold; and, at the same time, there is not sufficient effectiveness to abolish an intermediate, traditionally important, level of government (the provinces) and consequently to save significant economic and bureaucratic resources. It must also be added that, in the perspective empirically analyzed here, considering the relationships between central institutions and peripheral ones as possible grounds for mutual checking as a key element of a rich complex inter-institutional accountability makes no sense.

These considerations are fully consistent with the third, very revealing effect of crisis. When all the policies for coping with the economic crisis are considered (see Table 4), we can very evidently see two types of policies. The first includes institutional, partially symbolic policies

that are designed to generate stronger confidence for the incumbent cabinet, whether it is chaired by Berlusconi (2008–11), Monti (2011–13), or Letta (2013–). Here one should notice further the role played by technocratic cabinets. Especially, Monti’s cabinet meant to be a way to negotiate – and accommodate – the Italian approach to the economic crisis at the European level. The pattern has been replicated also by Letta’s cabinet, with some key differences in the domestic pattern of negotiation, due to the split of the center-right party, the loss of the leader Berlusconi, and the escalation of the intra-party conflict in the Democratic Party.

Table 4 – Main Policy Reactions to crises, per year/month, cabinet and content (2008-13)

Decisions on institutional aspects		
Year/Month	Cabinet	Content
2009/03	Berlusconi	system of assessment of organizational and individual performance of public bureaucracy
2009/05	Berlusconi	fiscal federalism
2011/08		
2011/12		four decisions to cut the number of provinces, the elected executive powers (last one of them declared unconstitutional by Constitutional court)
2012/07	Berlusconi	
2012/11	Monti	
2012/07	Monti	partial cut of public financial support of parties
2012/11		
2012/12		
2013/04	Monti	
2013/06	Letta	four decisions to fight corruption
Decisions on economic institutional aspects		
2008/07	Berlusconi	repeal of fiscal imposition on ownership of first house
2011/11	Monti	reform on retirement age and other related aspects
2011/11	Monti	provisions to help starting and development of entrepreneurial initiatives
2012/03	Monti	liberalization in a few sectors (energy, bank, insurance, transport)
2012/04	Monti	constitutional law on the constraints for public budget (in connection with the European ‘fiscal compact’)
2012/06	Monti	reform labor market to fight unemployment
2012/12	Monti	Introduction of the constitutional principle of balanced budget
2013/08	Letta	a few measures for economic growth (esp. on liberalization on energy, law simplification, infrastructures)
2013/08	Letta	provisions to improve the performance of public administration
2013/10	Letta	provisions for having the debt of local institutions paid

Source: Legislative data set (2008-2013) on official parliamentary acts (see Camera dei Deputati)

The second type relates to economic decisions, some of them with institutional features or consequences. If we disregard the most recent decisions made in 2013, the effective implementation of which is still impossible to assess, there are two different outcomes: whereas the economic decisions are basically implemented due to the impetus of the European Union, the institutional ones have remained largely unimplemented.¹⁸ More specifically, the decision-making process of government and parliament, already traditionally poorly effective (see Table 3), was ill-prepared to make the profound changes an effective reaction to the crisis would have

involved. The same can be said for the subsequent implementation process. The only decisions that are made and at least partially implemented are those made under the constraints of the European Union. In fact, the two most important decisions in recent years, one regarding pensions and the other concerning the incorporation of the fiscal compact into the Italian constitution, are of this kind. Otherwise, resistance during all three governments in power since 2008 has been strong and apparently offers no way out. Table 4 gives a clear picture of institutional resilience and stalemate, additionally confirmed by all the difficulties in changing a poorly effective decision-making process; discussions about electoral reform, the reform of the second Chamber, and other constitutional changes have been going on for years, and at least three parliamentary attempts have been made to push through reforms.¹⁹

Table 5 – The impact of the economic crisis (2008-2013)

Qualities	Relevant empirical dimensions	Changes (1992-2008)	Impact (2008-13)
Electoral accountability	presence and stability of alternatives	low, but growing stability	reshaping of political alternatives and stalemate
Inter-institutional accountability	modes and extent of decentralization	poorly implemented; unclear division of competence	development of an opposite trend: toward unitarianism
Participation	non-conventional participation	growth	limited growth
Competition	fairness of political competition	highly fragmented and radicalized	development of protest parties
Equality	social and economic rights	highly unequal for opportunities and results	partial growth of inequality
Responsiveness	satisfaction with democracy	on overall, increased satisfaction	additional growth of dissatisfaction
	constraints to responsiveness	higher public debt	additional higher public debt

When we reflect on the different ways in which the economic crisis has impacted on Italian democracy, we see clearly how the economic crisis brought about the political crisis, as revealed in Table 5: the reshaping of party alignments, protest parties, growing dissatisfaction, and decisional stalemate are the recurring key aspects of every political crisis. It is impossible to explain how this kind of impact and transformation has been possible without taking into due consideration the previous context and its low stability (see previous section). However, both the transformation into a political crisis as well as the previous context should be explained. In this regard, the main question seems to be: why has there been such great resistance to change and to adapting to the challenges of economic crisis? But the answer to this question actually sheds a good deal of light on the very reasons for the crisis of the early 1990s, that is, why there was so much resistance to change in those years.

4. An explanation and some concluding remarks

The analysis developed in the previous pages shows, at a first sight, that the worsening of one sub-dimension is constantly related to the deterioration of the others (see also Morlino 2012, ch.8). Hence, we should ask what is the key factor behind them that prevents Italy from coping successfully with the economic crisis as other countries in similar economic conditions

within the European Union. To sum up, financial and economic crises have affected Italian democracy by magnifying the distance between institutions and citizens, by reversing the decentralization process and by creating a decisional stalemate. Let's take it for granted here that every democracy would be in a difficult situation if faced by a deep economic crisis. The data on other European democracies provides strong empirical evidence for this. The relevant issue is that an effective democracy is able to reduce some of the negative and often unavoidable aspects of a crisis, whereas Italian democracy is unable to cope with difficult situations, even if expected. If this reasoning is correct, then the question is: why the difficulty to adapt and why the political crisis that other democracies, even ones more deeply hit by the financial and economic crises, did not have?

Table 6 – Effective Number of Parties in Europe (selected countries)

Country	ENPV*	ENPS*	Polariz*	year
Austria	4.8	4.3	.44	2008
Belgium	10.0	8.4	.41	2010
Bulgaria	4.4	3.3	.15	2009
Denmark	5.9	5.9	.45	2011
France	5.3	2.8	.41	2012
Germany	5.6	4.8	.40	2009
Greece	9.0/5.2	4.8/3.8	.35/.34	2012/12
Ireland	4.5	3.5	.40	2011
Italy	3.8/5.3	3.1/3.5	.41/ -	2008/13
Netherlands	7.0	6.7	.49	2010
Norway	4.6	4.1	.51	2009
Poland	3.7	3.0	.34	2011
Portugal	4.0	2.9	.38	2011
Romania	3.9	3.7	.25	2008
Spain	4.0	3.1	.41	2011
Sweden	4.8	4.5	.43	2010

Legend: *ENPV= effective number of party votes; ENPS= effective number of party seats. Polariz = polarization, as calculated by Dalton (see fn. 20). In Greece there are two elections in 2012. For Italy see Table 2.

Source: data from <http://www.parl.gov.org/stable/data.html>.

If we accept that the main problem is decisional inefficacy, traditional rational choice theory (see, for instance, Buchanan and Tullock 1962) affirms that a high number of active players accounts for that problem: the higher the number of actors, the weaker the decisional efficacy. In fact, Table 2 shows both high fragmentation and the growth of it. But this hypothesis is falsified by a comparative check. Other countries have been hit by economic crisis and have high fragmentation, but have not experienced the political crisis of the kind Italy had in the early 1990s and now. Table 6 (2nd and 3rd columns) shows this. Pursuing the same line of reasoning, we can add that the distance of position on ideological and policy issues among a high number of parties, complemented by the impossibility of manufacturing a parliamentary majority, is an even stronger explanation for such inefficacy. With his notion of polarized party system, indirectly, but explicitly, Sartori (1976) would have supported this explanation. Moreover, it can be added that to justify their role and to win the vote of citizens, party leaders emphasize their mutual differences, even when the anti-system parties, which were the key element in Sartori's analysis of polarization, are disappearing in a new political context where democracy is largely accepted

almost all over the world. Even following Dalton (2008) and his new measure of polarization²⁰ this hypothesis lacks conviction. After all, first, the key variable still is the number of parties, and hence it is not supported comparatively; second, during the last two decades in Italy there has been no stability of parties, but on the contrary a total or partial renewal of them, whereas the hypotheses on self-imposing parties that have to distance from one another to justify their existence eventually imply a high stability; third, Table 6, column 4 shows again how there are other highly polarized party systems. Thus, we don't discard completely that part of the explanation lies in the high number of parties and the polarization, which for 2013 in Italy is partially overlaps with the radicalization as measured here (see last row of Table 2) and increases between 2008 and 2013. But, on a comparative ground we have to acknowledge that this is only a partial, insufficient explanation. Moreover, we should recall that there are two aspects to account for, not only one—as shown by our previous analysis, we need to explain both the low decisional inefficacy and the poor implementation of approved bills.

The additional factor, which is distinctive of the Italian case and can complete our explanation is the existence of 'veto rules' and, consequently, the presence of activated veto powers²¹. Here, we take into account the societal, more or less organized actors, who are able to block any decision they do not like at different levels, local and national. This is possible because a veto potential is created by the existence of 'veto rules', mainly formal ones. They are non-challenged norms aimed at giving guarantees to minorities or specific actors to be protected. The most important example of veto rules is in the existing procedures for law-making by a Parliament, formed by two Chambers with the same legislative powers, which makes for a cumbersome, complex decision-making where all actors, interest groups included, can intervene and re-intervene, if they are not satisfied, even at the subsequent phase of implementation. Another important example of a 'veto rule' is art. 138 of the Italian constitution, which create barriers to the constitutional reforms by requiring an over qualified majority – in the two Chambers.²² Another set of veto rules that demands a high consensus is present in the parliamentary standing orders.

Barriers entrenched into the constitutional design to the approval of comprehensive reforms go hand in hand with a style of legislative decision making, which is patently marked by a fatal combination: decree laws necessity and urgency adopted by the executive to make laws and iper-fragmented amendments made by both the majority and the opposition. This ends up with producing poorly elaborated legislation and introduces a double level of uncertainty and ineffectiveness. At the level of law making as well as at the level of law implementation.

Inside them positive incentives to fragmentation are embedded so that they are detrimental to the capacity of the country to cope with external and compelling challenges, such as the crisis. Still another example is the possibility granted to all local authorities to bring a case before the regional administrative courts and afterward to appeal this latter before the supreme administrative court. A last example of veto rules is offered by a scrutiny of the judicial sector. Each level of jurisdiction is open to access without any specific constraint²³. The lack of formal constraint is compounded by the existence of informal incentives to delay the final judicial decision, such as a disproportionate number of lawyers (almost four times the number displayed by France), the presence within the procedural codes of norms, which allow the parts to object also when this latter option is due simply to delay the decision. Therefore, the high litigation rate of the Italian society²⁴ and the lack of any mechanism to set disincentives for the escalation of the demand of justice are key factors to establish the veto rules as well as to justify and to shield them from possible reform²⁵.

More in general, at different levels of government Italian democracy is disseminated with veto rules that make the adoption of a decision and its implementation more cumbersome and difficult, and give the possibility to political actors to intervene and act as veto powers at any point of the policy making process. Hence, a vicious mechanism of stalemating is set up: a high number of actors, some of them radicalized, are able to stalemate a democracy because of the

existence of those veto rules, which are embedded in the various institutions at different phases, decision making and implementation, and level, central and local ones. No doubt that when the number of actors is higher and they are more radicalized the stalemate is higher, but this game is only possible because of existence of those veto rules.²⁶

While the setting up of such rules and powers to protect Italian democracy just after World War Two, following twenty years of Fascism and at the beginning of the Cold War, can be approved and is easily understood, sixty years later and more than twenty years after the fall of the Berlin Wall the continuing existence of rules and powers that retain certain actors and modes of perpetuating a conservative stalemate it is difficult to justify.²⁷ Especially when an economic crisis demands quick reactions and effective decisions, the rigid guarantors of democracy pave the way for a democracy without qualities that is unable to respond to the crisis. This is more so in a complex, fragmented, mobilized society where the decision-making process is in itself more difficult, the thrust for higher inequality is in the way the world economies are developing, and above all groups with mobilizational or status resources are able set up barriers against decisions that could harm them. The lack of trust into the parliamentary means to deal with conflicts and dissent creates also cultural justification for this state of matter and therefore creates barriers to its change.²⁸

The existence of veto rules and consequent veto powers has led to the consolidation of a proportional or consensual model of democracy. When, after the political crisis of the early 1990s, there was an attempt to develop a majoritarian model, characterized by higher decisional efficacy and the possibility of implementing decisions regarding changes to the electoral law and other reforms, such as the direct election of the mayor at municipal level or of the president of regions, these veto rules were not even touched. Consequently, the change of Italian democracy did not take place and the institutional model was frozen in a midway position. Even the reforms of the standing orders of the Parliament – which took place in 1991 for the lower Chamber and in 1999 for the Senate – did not transform the previous law making style. They only introduced a few “stricter majoritarian and pro-government rules: the unanimity rule regarding parliamentary groups and agenda setting was set at a lower quorum of three-quarters; the Government was given the opportunity to notify of its priorities; more restrictions were introduced regarding amendment selection, discussion and voting. A distinction between opposition and majority was formally introduced” (Capano, 2005, p. 9-10). This notwithstanding, the parliamentary committees system remained very strong, the number of MPs requested to create a parliamentary group remained very low and thereby an embedded incentive to fragmentation was perpetuated. Thus, the internal procedures of the legislative arena matches and magnifies the intra-party fragmentation and the intra-coalition fragmentation, which usually marks the cabinet. Italian cabinets have always been coalition-governments. The instability of the parties, especially of the parties’ factions has been a facilitating condition to undertake distributive negotiation within the cabinet and consequently within the parliamentary majority. Therefore, the capacity of pursuing straightforwardly regulative policy objectives has been fundamentally undermined. To this we can add the relatively poorly innovative policy frames promoted by the party leaders. As a matter of fact the possibility of observing the creation of an advocacy coalition promoting a new policy frame is radically reduced by the fact that, even if this coalition had gained a governing position, it would be somehow forced to negotiate the frame itself in a patchy and hieratic system of side payments.

As a way of concluding, let it be recalled that the economic crisis of these years asks for the overcoming of the low decisional efficacy complemented by low levels of effective implementation. In addition, by itself an economic crisis brings about harsher conflicts and, consequently, an even more difficult decision-making, as every decision may involve serious costs for social groups and citizens. Hence, the only possible decisions are imposed by external powers and are implemented only if they cannot be circumvented. If this analysis is correct, finding a way out

of such a 'stalemated democracy' is almost impossible. Changing it would involve both a change of formal and informal rules. But there are too many rules, at a number of different levels and domains. The consequent legislative interventions should therefore be numerous and never ending. That change would involve a massive change in the consciousness of citizens and elites. If Italian political élites will be able to find the narrow path out of this situation or if in spite of keeping the stalemated pattern, they will invent something of go out from the crisis will be seen in the years to come.

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Endnotes

- 1 For the results of a more comprehensive research ranging over two decades, 1992-2012 see Morlino, Piana, Raniolo, (2013).
- 2 Data from CEPEJ Comparative reports (2006, 2008, 2010). Here it is important to notice that even though the budget, in absolute terms, stands at the level of other EU countries, in terms of infrastructural and professional investments, Italy lacks vision, continuity, and entrepreneurship (Piana, 2013; Verzelloni, 2013).
- 3 The report relies on data collected in 2008-2009. This is the reason we refer to this for our analysis of the 1992-2008 period.
- 4 This also holds true for the judicial sector. Although the overall budget remains in line with EU standards, on average the administrative staff do not experience any turnover, any professional retraining, or any restructuring process.
- 5 Please, note that details about the index on government effectiveness built on the basis of different sources are in Kaufmann, D., A. Kraay, and M. Mastruzzi (2009). These data rely on experts surveys, whose assessment ranks from 0 to 1 for government effectiveness and from 1 to 10 for perceived transparency.
- 6 Electoral volatility was 9.1 in 1987, 19.0 in 1992, 36.7 in 1994, 13.0 in 1996, 22.4 in 2001, 9.5 in 2006, and 9.7 in 2008.
- 7 This is allowed according to the parliamentary regulation. In fact amendments can be submitted to the parliamentary committee vote or to the assembly without any cross check exercised by the parliamentary groups presidents. This creates a window for deputies who are willing to take distance from the position of the party leader or simply who are able to create intra-party or inter-party alliances in specific processes of legislative decision making.
- 8 On these data see www.cortecostituzionale.it, link: rulings.
- 9 The RC4 measures the concentration of ownership in the media market. In fact, the concentration is the quota held by the first four ranked companies in the market.
- 10 The Mediaset Group is a private company created in 1993. Its financial holding is Fininvest, the media group launched by Silvio Berlusconi in 1978. It is now one of the biggest private companies in the European media market.
- 11 Data from Eurostat, 1990-2010 series. See also below, next section.
- 12 More specifically, the justice system has been affected by the economic crisis in two ways, both of them not salient for our explanatory reasoning. The first concerns the limited capacity to deal with the increasing number of cases concerning labour disputes and company crashes. The second one relates to the increasing penetration of criminal organizations into the economic sector, with dramatic effects on the economy (especially the public sector economy). See, on both these points, Grasso (2011) and Banca d'Italia (2012).
- 13 On this, for example, we can see a sharp worsening of the situation, as in 2009 Italy was ranked 73rd and partly

free, and in 2013 68th, again partly free (see above and Freedom of the Press data).

14 The last three groups are new ones, and the first two were previously integrated within Berlusconi's party.

15 In some cases, as for the Five Stars Movement, we can observe a growing participation on the web, with a presumed legitimization by means of on-line participation.

16 This is a key point, which point out to a paradox: all anti-party, anti-politics attitudes are channeled and expressed through parties rather than through non conventional or violent forms of participation. It won't be developed in this work.

17 In the specialized press, economic experts estimate that during the 2008–13 period the economic resources for municipalities alone were reduced by 16 billion Euros.

18 The example of fiscal federalism has already been mentioned above. At the end of October 2013 (27 October), official data from the Italian Presidency of the Council of Ministers stated that, by and large, 43% of decisions made by the Monti cabinet have been implemented vis-à-vis 11% of decisions made by Letta cabinet.

19 The first one was made by the parliamentary committee chaired by the liberal Bozzi in 1983–85, that is, well before the crisis of the early 1990s; the next attempt was carried out by a committee created during that crisis (1992–94), chaired first by the Christian Democrat De Mita and then by the leftist, ex-Communist Iotti; the third attempt, apparently with the greatest possibility of success, was the parliamentary committee chaired by the leader of the left, D'Alema, in 1997–98.

20 The measure of party polarization includes "two elements: (a) the relatively position of each party along the Left–Right scale and (b) the party's position weighted by party size (because a large party at the extreme would signify greater polarization than a splinter party in the same position)" (Dalton, 2008, 906).

21 In his work Tsebelis (2002) considers the variables we take into account here, such as the number of veto players, the ideological distance, and cohesion. In our analysis, however, we broaden the notion of veto players/powers by including oversight institutions as well. They are not in principle dominated by one party (as is possible for the representative institutions). However, their positions enter into the overall system of inter-institutional accountability, which describes, at the functional level, the inter-dependent system of vetoes.

22 "Laws amending the Constitution and other constitutional laws shall be adopted by each House after two successive debates at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House in the second voting. Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes. A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members." In a personal communication Sabino Cassese stresses how art. 138 has the purpose of affirming the superiority of Constitutional Charter on ordinary laws and, as a consequence, it provides a rationale to constitutionality control. The two points, the one mentioned in the text and the other here stressed, are not mutually exclusive.

23 This constraint might be represented for instance by the preliminary screening of the cases lodged at the appeal and at the supreme court as we have in other European countries.

24 This aspect parallels the polarization of the political setting analyzed.

25 The introduction of the procedural screening to access the appeal court dates to 2012, and it is too early to assess the impact.

26 Let it be emphasized that this does not imply in any way the repeal of all or most of guarantees in a democracy. They are an important part of it. The issue is on the high number of them that makes unavoidable a stalemate democracy. This theoretical aspect is not developed here.

27 See on this also the analysis by Fabbrini (2013) on political and institutional constraints to reforms.

28 This is well witnessed by the case of the electoral law. The factors mentioned in our analysis prevented for long time the parliament from changing the electoral law, which is to say to overcome the many vetos and reach an agreement. This has been solved by requesting the constitutional court to intervene. This happened on December 2013 with a ruling whose main content is the statement of non-constitutionality of two clauses of the current electoral law.