

Italian Politics & Society

The Review of the Conference Group on Italian Politics and Society

No. 58

<http://www.arts.mcgill.ca/congrips/>

Fall 2003/Winter 2003-04

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* **Book Reviews**

* **Membership Application/Renewal Form**

Editor:

Vincent Della Sala
Dip. di Sociologia
Università di Trento
38100 Trento
Italia
Tel: 39 0461 883718
Fax: 39 0461 881348
vincent.dellasala@soc.unitn.it

Book Review Editor

Oswaldo Croci, Ph.D.
Dept. of Political Science
Memorial University
St. John's, Newfoundland
Canada A1B 3X9
Tel. (709) 737 8185
Fax (709) 737 4000
ocroci@mun.ca

Italian Politics & Society
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Acknowledgements

This issue of Italian Politics and Society has been published with the support of CONGRIPS.

Deadlines and Forms

This newsletter is distributed twice a year, usually in the spring and autumn. Articles, research notes, summaries of conference proceedings, as well as commentaries and announcements meant for inclusion in the Autumn number should be sent before September 1. Those intended for the spring number should be sent before March 15. All contributions should be submitted in a commonly used word processing format on a diskette. Citations and references should follow the American Political Science Association Style Manual. The booklet *Style Manual for Political Science* can be requested from APSA at 1527 New Hampshire Avenue, Washington, D.C., 20036, USA.

Back issues

Back-issues can be obtained for five dollars each or ten dollars for any three issues. A complete set of the newsletter since January 1977 would cost \$120, including postage. Send your requests to: vincent.dellasala@soc.unitn.it

Queries

Re: membership or dues: Richard.Katz@jhu.edu

Re: contributions: vincent.dellasala@soc.unitn.it

ABOUT THIS ISSUE

Readers will have noticed that the issue is a few months later than usual. This is largely due largely my fault and I apologise to the CONGRIPS members. It also is partly due to a growing problem to have members contribute to the newsletter. I would urge you to send any news you might want to share with other members to the editor. Moreover, I would again repeat an earlier appeal to guide your graduate students to the Newsletter. It is an excellent vehicle for us to find out who are going to be the next generation of scholars interested in Italy.

I would like to welcome Carol Mershon as the new CONGRIPS president. I am sure you will join me in thanking Filippo Sabetti for his hard work as outgoing president and wishing Carol best wishes for her tenure. I am especially grateful to Filippo as he was indefatigable in his contribution to the Newsletter.

I also would like to point out an item you will find in CONGRIPS announcements section. We have awarded a career achievement award to Norman Kogan. It is a small way to honour a great academic career that has brought an understanding to Italy to audiences throughout the English-speaking world and beyond.

The issue has two main articles that reflect both the conceptual and empirical richness of research on modern Italy. The first article by Guido Cainelli and Francesca Rizzitiello looks at the notion of social capital. The concept which has become so prevalent in the social sciences has its roots in the study of Italy and with the work of some of our own members. The article looks to the ways in which indicators of social capital might provide insight into local economic development. The second article by Frank Mazzella takes a close look at the members of the Bicamerale, Parliament's last major attempt to redesign the Italian Constitution. The article is sure to be useful to provide a contest to understand the political debates surrounding the current attempts at reform. The newsletter concludes with the Book Reviews section, edited as usual so well by Osvaldo Croci. I would urge all authors to have their publishers send copies to the Book Review editor.

Finally, this is my last issue as Newsletter editor. I want to thank the different CONGRIPS presidents – Richard Katz, Filippo Sabetti and Carol Mershon -that have helped me these last five years. A special thanks to Osvaldo Croci who was not only Book Review editor but also provide invaluable help with the preparation of each issue.

CONGRIPS NEWS**CAREER ACHIEVEMENT AWARD
IN THE FIELD OF ITALIAN
POLITICS & SOCIETY**

Presented in 2003 by
THE CONFERENCE GROUP ON
ITALIAN POLITICS & SOCIETY

To:

NORMAN KOGAN

For almost half a century Professor Norman Kogan has studied contemporary Italy in all its diversity and complexity. Few American political scientists have come to know and understand the evolution and dynamics of the post-war Italian democracy as well as he did.

Six scholarly books, numerous articles and monographs in English and Italian have earned him an international reputation. He is one of the few American students of modern-day Italian political life whose work has been known and opinions have been sought outside academic circles. He was a Fulbright Research Professor at the University of Rome several times in the 1960s, the 1970s, and the 1980s. In 1971 the Italian government recognized and honored his unique accomplishments by nominating him Knight in the Order of Merit of the Republic of Italy. In recognition of his distinguished career, the Society for Italian Historical Studies awarded Norman Kogan its citation for outstanding scholarly achievement in the field of Italian studies in 1981.

His activities as Faculty Associate in the Seminar in Modern Italy of Columbia University and the Permanent Seminar on Italian Studies at Harvard University, and as Director of the Center for Italian Studies at the University of Connecticut from 1967 to 1975 have stimulated research and discussion on Italian issues among American scholars. Active on the Board of Directors of the America-Italy Society and the editorial board of *Comparative Politics* for many years and past executive Secretary-Treasurer and editor of the *Newsletter* of the Society for Italian Historical Studies, he gave unstintingly of his time and energy. But his major contribution has been to the Conference Group on Italian Politics & Society, which he helped to create in 1975. He served the first president of CONGRIPS from 1975 to 1977.

The Conference Group on Italian Politics & Society is most pleased to award Norman Kogan its first career achievement award for outstanding scholarly achievement in the field of Italian studies.

CONGRIPS at APSA, 2003
Report on CONGRIPS Business
Meeting at 2003 APSA Convention,
Philadelphia

CONGRIPS President Filippo Sabetti called the business meeting to order at roughly 6:30 p.m. on Thursday, August 28, 2003. Sabetti thanked Program Chair Simona Piattoni for organizing the 2003 CONGRIPS panel, which was held Thursday morning, August 28. He invited Secretary-Treasurer Richard Katz to deliver a report on the status of CONGRIPS' finances and enrollment; Katz distributed to attendees a written summary of his report. (See other items in this issue of the Newsletter on the 2003 panel and the Treasurer's report.)

Sabetti offered reflections on his term as president of CONGRIPS. He then asked for a report from Carol Mershon in her capacity as chair of the Nominating Committee. Mershon submitted the following slate of nominees:

Carolyn Warner (University of Arizona):

Program Chair

Franklin Adler (Macalester College):

Executive Committee

Raffaella Nanetti (University of Illinois, with this nomination leaving the Executive Committee):

Vice President

Carol Mershon (University of Virginia, with this nomination leaving the vice presidency):

President

All nominees were approved. Sabetti thus stepped down, and Mershon took over, as chair of the meeting.

In her first act as president, Mershon expressed deep gratitude to Filippo Sabetti for his many contributions to CONGRIPS, including, of course, his hard work and dedicated leadership in the office of president. Mershon reiterated the organization's thanks to Simona Piattoni for her excellent service as Program Chair. She announced that Tony Masi (McGill University) had accepted the newly-created position of CONGRIPS Webmaster. She noted that the officers and Executive Committee, in their lunch meeting of August 28, 2003, had discussed how to pursue closer ties with the Italianists' group of the Political Studies Association (UK) and also with the Società Italiana di Scienza Politica.

The presentation of the first *Career Achievement Award in the Field of Italian Politics and Society* was the highlight and culmination of the 2003 CONGRIPS business meeting. The distinguished recipient of the award, Norman Kogan of the University of Connecticut, helped to found CONGRIPS in 1975 and served as the organization's first president from 1975 to 1977. The many other accomplishments and honors making up Professor Kogan's outstanding career are recounted in the citation for the award, printed elsewhere in this issue of the Newsletter.

Mershon adjourned the business meeting at 7 p.m.

99th APSA Annual Meeting, Philadelphia,
August 28-31, 2003

CONGRIPS PANEL

Panel title: “Rationality *and* Culture in Comparative Politics: Revisiting Classics in Italian Politics”

Chair: Simona Piattoni, University of Trento, Italy

Papers:

“Delegation Games and Legislative Output in the Italian Parliament”

Francesco Zucchini, University of Milan, Italy

“Rational Choice and *Caso Italiano*: Explaining Party Corruption in Contemporary Italy”

Jonathan Hopkin, University of Birmingham, UK

“Rationality, Culture, and the Collapse of Liberal Italy”

Douglas C. Forsyth, Bowling Green University

Discussant: Carol Mershon, University of Virginia

The panel was scheduled for 8:00 am on Thursday, August 28, that is, on the first day of the meeting – undoubtedly, an unpropitious time slot. We took it as a sign of CONGRIPS’ coming of age and of APSA’s confidence that we would attract an audience even then. Unfortunately, there was a room change which was not notified in the program, but which was innocuous enough as it implied just crossing the corridor. However, on Thursday morning, we found out that this new room was taken by another panel: it was suggested that we should change room again. I argued that no one would have

chased us twice across the Pennsylvania Convention Center and that changing room again would have amounted to a panel cancellation, so we ended up retaining the room but we started 15 minutes late. These problems notwithstanding, we had 11 attendees (plus Miriam Golden and Sidney Tarrow, both former CONGRIPS presidents, who had to leave soon as they had to attend another event). The diversity of approach of the papers and the geographic origin of the paper-givers reflect, I believe, the increasing ‘normalization’ of Italian politics, which is less and less studied as an ‘exceptional case’ by Italian specialists and more and more as one among many cases (although often a particularly interesting one). One of the most interesting developments appears to be the application of Rational Choice analytical tools to the study of Italian politics, which has traditionally been considered as quintessentially ‘irrational’ and characterized by a altogether special political culture. The discussion was lively, being introduced by Carol Mershon’s thorough and pointed remarks.

Conference Group on Italian Politics and Society

CONGRIPS supports academic research, writing and teaching on present and past political and social issues and practices in Italy, and encourages scholarly efforts to place such studies and teaching in a broader comparative and theoretical context.

CONGRIPS Panel at APSA 2004

“Fascists into conservatives, revolutionaries into reformists: towards the

‘normalization’ of the Italian party system?”

Has the Italian party system, once a paragon of ideological polarization, “normalized”, at least in the sense that the ideological positions espoused by parties in parliament are in line with those of most other European parliaments? Is the Italian party system now appropriately characterized by a conservative right, moderate right, center, moderate left, extreme left, and a regionalist party? Building upon last year’s Congrips panel, this panel asks whether changes in Italian parties and the party system in the past few decades can be accounted for by theoretical approaches emphasizing rationalist and/or culturalist explanations.

This panel also invites proposals for papers which would situate Italy in the larger European context, and papers which “use” Italy to re-assess major theories of party systems, including the more recent theorizing about cartel parties.

Send paper title, brief author bio, and an approximately 100 word abstract by fax or e-mail to:

Prof. Carolyn Warner
Dept. of Political Science
Box 3902
Arizona State University
Tempe AZ 85287-3902
cwarner@asu.edu
fax: 480.965.392

ANNOUNCEMENTS

Call for Papers

POLIS

Research and Studies on Italian Society and Politics

The Istituto Cattaneo (www.cattaneo.org) is an Italian non-profit organization that conducts studies and research in the fields of social and political science. Since 1987 the Istituto publishes "Polis. Ricerche e studi su società e politica in Italia", the Istituto Cattaneo's academic journal. Through the contributions of authoritative scholars (political scientists and sociologists, but also experts from other disciplines), the journal, published three times a year, offers its readers essays and research articles on contemporary Italian society and politics. Each issue also contains a review section. The editorial committee of "Polis" has launched a call for papers among international university departments and research centres conducting studies on Italian politics and society.

"Polis"

Rivista quadimestrale di ricerca e studi su società e politica in Italia

Direzione: Istituto Carlo Cattaneo

Via Santo Stefano, 11

I- 40125 Bologna

E-mail: polis@cattaneo.org

Internet: www.cattaneo.org/polis.htm

Call for Papers

After Fascism: Re-Democratization of Western European Society and Political Culture since 1945

Vienna, 19 - 21 May 2005

The Bruno Kreisky Archive Foundation is soliciting conference papers that treat various aspects of the reconstruction and reproduction of democratic social and political systems in the wake of National Socialism and indigenous fascist movements in Western Europe. The organizers welcome papers from political scientists, historical anthropologists, historical sociologists, and social or political historians. For example, papers should address developments in Germany (DDR, BRD, pre- and post-unification), Austria, Italy, France, Holland, Belgium, Denmark, Norway, or Spain. The working language of the conference will be English. The conveners plan to publish a volume of selected and revised contributions after the conference.

Prospective participants are asked to submit an English version of (1) a 500 word (max.) abstract and (2) a curriculum vitae of no more than three pages by 31 January 2004 to one of the following conference organizers:

Dr. Maria Mesner
Stiftung Bruno Kreisky Archiv
Rechte Wienzeile 97
A-1050 Wien
AUSTRIA
e-mail: maria.mesner@univie.ac.at
Fax +43 1 545 30 97

Dr. Matthew Paul Berg
John Carroll University
Department of History
20700 North Park Blvd
University Heights, OH 44118
USA
e-mail: mberg@jcu.edu
Fax + 216 397 4175

Interested scholars will be informed of the status of their submissions before the end of March 2004.

Archivio Luce

The Archivio LUCE is now online and may be of interest for those conducting research in various facets of Italian history etc. from the 1910s onwards:

<http://www.luce.it>

Films, newsreels and documentaries are available to view online, with options for modem, ADSL and broadband connection.

It should be a very useful resource, especially for those interested in the media.

ANN-Premio di studio e ricerca della “Fondazione Giuseppe Di Vagno”

Premio di studio e ricerca della “Fondazione Giuseppe Di Vagno”

La “Fondazione Giuseppe Di Vagno (1889-1921)”, con i fondi messi a disposizione dalla Famiglia, istituisce il Premio di studio e di ricerca storico culturale “Giuseppe Di Vagno”, Deputato socialista al Parlamento nazionale, vittima dello squadristico fascista, di Euro 2.500 per un lavoro di ricerca individuale o di gruppo, con riferimento al Mezzogiorno ed in particolare alla Puglia del XX secolo,

con cadenza biennale, su uno dei seguenti argomenti

- a) culture e modelli di comportamento nelle dinamiche città- campagna
- b) cambiamenti istituzionali
- c) dinamiche dei processi di industrializzazione, economici, sociali e del lavoro
- d) Conflitti e lotte politiche, Socialismo e Riformismo.

La prima edizione del premio verterà su:

- a) Conflitti e lotte politiche, Socialismo e Riformismo
- b) Cambiamenti Istituzionali

La domanda di partecipazione, con l'indicazione del nome, cognome, data e luogo di nascita, domicilio e recapito telefonico, curriculum di studi del/i concorrente/i nonché tutti gli altri elementi identificativi, dovrà pervenire alla Segreteria del Premio presso la sede sociale della Fondazione, a mezzo plico raccomandato o corriere espresso, entro le ore 12 del 28 febbraio 2004; alla domanda dovranno essere accluse sei copie del lavoro con il quale si intende concorrere, delle quali una resterà agli atti della Fondazione: le copie non saranno restituite.

Potranno concorrere al Premio giovani studiosi meridionali dell'età massima di anni 32.

Il lavoro sottoposto a concorso potrà essere inedito o in corso di pubblicazione, o come da attestazione dell'Editore, o pubblicato

purchè non oltre l'anno solare precedente la data del bando.

Il Premio sarà assegnato a giudizio insindacabile della Commissione che sarà nominata dal Consiglio di Amministrazione della Fondazione.

Il premio, linea di massima, sarà consegnato in occasione della Commemorazione dell'anniversario dell'assassinio di Di Vagno che si terrà nell'Aula Consiliare del Comune di Conversano il 25 settembre 2004.

Call for Manuscripts-Series on Changing Perspectives on Early Modern Europe(University of Rochester Press)

University of Rochester Press

CHANGING PERSPECTIVES ON EARLY MODERN EUROPE

The University of Rochester Press is pleased to announce the launching of a new series: Changing Perspectives on Early Modern Europe. With a number of related titles already in print, the UR Press is prepared to see this series become a major endeavor.

The Editors of the Series are James B. Collins, Professor of History at Georgetown University, and Mack P. Holt, Professor of History at George Mason University. They are assisted by a panel of distinguished scholars from a variety of institutions. The editorial board is seeking

a mix of titles and formats, ranging from monographs by a single author to edited volumes representing many authors and points of view. Our current plan is to release 2-4 new works each year. First books by younger scholars are particularly encouraged.

Changing Perspectives on Early Modern Europe brings forward the latest research on Europe during the transformation from the medieval to the modern world. The series seeks to publish innovative scholarship on the full range of topical and geographic fields. Moving beyond the religious focus of some existing series, Changing Perspectives will include monographs on cultural, economic, intellectual, political, religious, and social history. Chronologically, the series will focus on the period 1400-1750. Geographically, it will include all the states of Western, Central, and Eastern Europe, as well as their relations with their overseas empires. In an effort to avoid overlap with existing series, however, it will not publish works on the British Isles or on Russia.

Anyone interested in making a submission for consideration is requested to send a project proposal or prospectus. The project proposal should include: 1) an abstract of 300 words or less, summarizing the work's content; 2) a complete Table of Contents; 3) one sample chapter. All scholars with an interest in submitting their work for consideration should contact the Editors:

James B. Collins (Georgetown University)
collinja@georgetown.edu

Mack P. Holt (George Mason University)
mholt@gmu.edu

Editorial Board: Marc C. Forster (Connecticut College), Karin Friedrich (School of Slavonic and East European Studies, University of London), Robert Frost (Kings' College, University of London), Martha Howell (Columbia University) Sara T. Nalle (William Patterson University), Denis Romano (Syracuse University)

Send proposals to:
University of Rochester Press
668 Mt. Hope Avenue
Rochester, New York 14620

Call for Papers

Truth and Falsehood in Early Modern Italy

The Second Biennial Villa Spelman Conference
Villa Spelman
The Charles S. Singleton Center for Italian Studies
Florence, Italy
October 15-17, 2004

Between 1300 and 1700, Italy saw the destabilization of notions about truth and falsehood on a number of fronts, from the personal, intimate, and sexual, to the public, philosophical, and religious. Litterati, philosophers, and religious figures railed against falsehoods while struggling ever harder to discern and define truths. Popes and antipopes

proliferated, councils rebelled against them all; popes and emperors sacked and burned their own and one another's domains. Jews and Muslims seemed more than ever to mock the Church's pretension to truth by their stubborn refusal to convert; they were joined after 1400 by ever-more frightening enemies of the faith: witches, magicians, and the revivers of pagan philosophies from Platonism to Epicureanism. Philologists threatened to "ruin the sacred truths" by exposing them as human artifacts of precise times and places. The destruction of Constantinople echoed Lorenzo Valla's deconstruction of the donatio Constantini.

Forgers of all stripes in all fields blurred the boundaries between artistic or literary imitation and venal or ideological forgery: Michelangelo produced pseudo-antique sculpture that proved his artistic virtù, the renegade scholar Annius of Viterbo created an entire pseudo-antiquity that dethroned Athens and Rome while making Christianity all but superfluous.

Like "man," women became a topic of debate in themselves: what constituted proper femininity, what was women's place, and how should they behave as either mother, wife, virgin, or whore? What roles best suited them? The same questions affected children and their education.

Topics to be explored may include: - the search for religious or philosophical truth about human nature, society, men, women, or children - legitimacies (of rule, of birth) - legitimate and illegitimate deception or

dissimulation in the arts, politics, or personal life - language and truth (Latin vs. vernacular, the questione della lingua) - the codification of artistic mediums and genres (epic vs. romance, paragoni) - truth in medicine and science -monsters, marvels, and miracles - philology, forgery, and imposture -the imagination as vehicle of truth or falsehood.

Proposals of roughly 250 words must indicate how the problem of truth and falsehood will be specifically addressed in papers presented, include a one-page cv, and be submitted by March 26, 2004.

Organizers:

Walter Stephens and Julia L. Hairston

Articles

Social capital and local development in Italy. A note

Giulio Cainelli (*) and Francesca Rizzitiello (**)

(*) *University of Bari and CERIS-CNR, (DSE Milan)*

(**) *University of Naples "Parthenope" and CERIS-CNR, (DSE Milan)*

1. Introduction

The economic debate on the determinants and the characteristics of local development in Italy has stressed the dualistic nature of this process (Lutz, 1962) both in terms of territorial heterogeneity (with a developed and rich North and a poor South with low growth rates) and also firm size heterogeneity (the co-existence of big enterprises, the most of them publicly owned, and small firms, normally seen as residual realities). Nonetheless, at least since the second half of the 70's, a *Third Italy* has been 'discovered' (Bagnasco, 1977), where the success of small and medium-sized enterprises operating inside industrial districts seemed to be somehow more connected with social and institutional elements than with merely economic ones. Unsurprisingly, at least according to Becattini's definition, it is stressed that one of the main features of the industrial district is the intense 'permeation' between the population of an area – with its own social, cultural and political values – and the firms located there. This argument seemed to be supported by the famous contribution of Putnam (1993), that has often been read as

the 'experimental' proof that the 'mystery' of the great gap in the economic performance of the different Italian territorial areas could be explained by the considerable differences in endowments of 'civic tradition' or, more generally, in 'social capital'. Putnam's masterpiece then gave rise to several applied economic research works attempting to measure social capital at different territorial levels, in order to test for the existence and the quality of a relation with the main economic performance indicators.

The aim of our research project (Cainelli and Rizzitiello, 2002) is to check for the existence of a significant relation between some recently built indicators of social capital (Sessa, 1998) and the rate of growth of per-capita value added measured at a provincial level; our study could offer some empirical insights for the hypothesis that a correlation exists between different endowments of civic factors and the local differences of income growth.

2. Social capital and local development: some theoretical issues

First of all, we feel that any empirical study necessitates a theoretical

investigation into the concept of ‘social capital’, that is supposed to be the key issue. Rather than for a precise definition, we are looking for contributions that enable us to restrict the field we refer to. In fact, a certain ambiguity and indefiniteness of the concept seems to be evident even from a lexical analysis: the term ‘capital’ belongs to the economic realm, and means an input that allows us to produce something without being consumed, while the adjective ‘social’ is normally associated to informal relations, existing for non-economic reasons (but nevertheless, with economic implications).

Recently, the concept of ‘social capital’ has gained relevance in the literature dealing with economic development; but it cannot be considered a brand-new concept, since its importance was implicit in the first contributions of economic sociology. Notably in Weber’s *The Protestant Ethic and the Spirit of Capitalism* (1904-5) it is recognized that the networks of social relations existing for extra-economic reasons can play a positive role in economic development, thanks to the generation of trust and a facilitating information flow that go to stimulate economic exchanges. What should be of note is that the resurgence of the concept seems to be related with the crisis of the Fordistic paradigm, since in the vertically integrated big firms and in the centralized bureaucratic systems relational factors have been almost completely marginalized. Furthermore, it has been argued that the Fordistic invention of the production-line (*catena di montaggio*) – together with the Tayloristic notion of the ‘scientific management’ of mass production- have

exerted a negative influence on the reproduction of social capital. For this reason it has been hypothesized that a new cycle of generalized economic prosperity won’t take place until the social structures and the institutions of many communities regain or acquire a new autonomy and identity (Sweeney, 2001).

An interesting definition of social capital is attributable to Coleman (1990): “a resource for the action, that belongs not to the individuals, neither to the physical means of production, but to the structure of the relations among two or more people”; in this sense it is possible to overcome the individualist bias of classical and neo-classical economics, encapsulating thus the potential for action that comes from the relational structures. This definition can be connected with the idea of the embeddedness of economic exchanges in stable social relations introduced by Granovetter (1985) recalling Polanyi, and with the studies of Jacobs (1961) on the crisis of the big American cities, where the accent is placed on the importance of the informal aspects of relational structures in highly organized societies and that are seen as crucial resources for making society work.

The vagueness of the concept seems to be reflected by the variety of attempts of making it operational.

For example, the contribution of Glaeser *et al.* (2000), rooted in the neo-classical economic tradition, deals with social capital in the same fashion as with human and physical capital, defining ‘individual social capital’, the social characteristics of one person that allow her to make market and non-market profits from

interacting with other individuals. Thus, the ‘aggregated social capital’ is a function of the different types of individual social capital, and theoretically it embodies all the inter-personal externalities that are generated. This kind of approach, however, smacks of individualistic reductionism, since its aim should be to enrich economic analysis with an element that belongs to the social sphere, whereas it simply identifies the aggregate with the sum of the social characteristics of atomistic individuals. What is left completely unexplained, is how individual beliefs can become social norms.

Another branch of literature is explicitly linked with the contribution of Putnam, that after a twenty years long enquiry on the functioning of the new-born regional administrations in Italy has generated long debates, especially in Italy, with his *Making Democracy Work* (1993). In this book the concept that can be likened to that of social capital, is ‘civic culture’, and basically the work seemed to prove that the smooth functioning of local democracy depended on the different endowments of civic values that may or may not have been inherited by a territorial area for historical reasons. Exceeding the intentions of the author, the book seemed to explain the deep-rooted reasons for the persistent Italian dualism between Northern and Southern regions. Afterwards, many scholars have doubted the scientific reliability of Putnam’s comparative study. This is not only due to some historical inconsistencies, but also because models based on long term analyses fail to consider the interconnection of several mechanisms because they isolate one factor – in this

case the civic culture- and they make of this factor the only determinant of something else – i.e. of economic success (Bagnasco, 1994). The main problem in Putnam’s account is that it ignores the impact that different policies have had in more recent times than the Medieval one (Sabetti, 2000).

Other contributions stress the point that economic exchanges and long term contractual relations cannot take place without trust (Lorenz, 1999). The presence of generalized and mutual trust encourages people to cooperate, and this is the key for economic success (Fukuyama, 1995). However, the maintenance of trust is possible within structures of governance that allow for peer-to-peer monitoring and the punishment of those who defect. These structures seem to be present and to work efficiently in the industrial districts of the Third Italy, where there is a combination of family-related, legal, political and historical elements that act in this sense (Powell and Smith-Doerr, 1994). So, in broader terms, trust seems to be an element of social capital.

3. The empirical results

Our empirical analysis is based on the estimation of an equation of conditioned β -convergence in order to test whether the social capital of one local system is relevant in explaining the differentials of local growth in Italy. More specifically, we investigate the impact that some recently elaborated indicators of civic culture, have had on the rates of growth of the per-capita value added in the 95 Italian provinces over the period 1991-1999. It is known from previous empirical

literature that the addition of socio-economic indicators as explanatory variables in this kind of equations leads to ambiguous results. Furthermore, the introduction of indicators of social capital raises problems in interpreting the direction of causality: in fact it seems more likely that economic success feeds civic virtues and *vice-versa*, in a mutual interaction. In this regard we are fully aware of the need to look for structures of correlation rather than for causality relations.

The econometric exercise has been based on a cross-sectional analysis in order to verify if there has been β -convergence in the period 1991-1999 (that is, if the poorest areas have grown more, on average, than the richest ones), and the role played in this process by a vector of exogenous variables (the conditioning variables). Among these variables we have introduced indicators of social capital together with indicators of infrastructure endowment, distance from final market, human capital, production structure, level and growth of population and territorial differences. In particular, the indicators of social capital try to capture 'civic environment', 'cultural vitality' and 'global relations': as the author of the indicators explains in his contribution, the first indicator should give some measure of civic traditions, informal relations based on trust and the presence of associative movements; the second one mainly concerns cultural activities and the educational level of the population; the last one tries to express the potential links and interaction between the internal social context and external areas (Sessa, 1998).

The results of our estimates show

that during the '90s a process of divergence among the Italian provinces took place. In fact (as it is shown in table 1) the coefficient of the initial level of per-capita product is positive in each equation specification.

This means that the differentials of per-capita incomes among the different areas of the country assumed wider proportions than at the beginning of the period under consideration.

The other interesting result of our analysis is that this process appears to be correlated with both the social and the human dimensions of capital.

Namely, in all the specifications considered (2, 3 and 4), the first indicator of social capital (that we have defined 'civic environment', CIV in table 1) has a positive and statistically significant coefficient. On the contrary the other two indicators of social capital, the "cultural vitality" one (VIT) and the "global relations" one (REL) are not significant.

Moreover, the indicator of human capital (HC) has a statistically significant but negative coefficient. This result can be interpreted as evidence of an ambiguous role of human capital investment in lagging regions. In fact low expectations regarding job opportunities in the southern regions tend to increase the number of graduates (with respect to the total population).

These first results can be further developed along two different research lines: first, a refinement of the econometric methodology and a better empirical identification of social capital indicators; second, a more thorough investigation into

the policy implications that can be derived from our findings.

Table 1: Analysis of convergence (conditioned and not) of per-capita value added of Italian provinces (1991-1999)

| | [1] | [2] | [3] | [4] |
|--|---------|-----------|----------|-----------|
| Constant | -0.015* | 0.005 | 0.007 | 0.005 |
| Log(Y ₉₁ /Pop ₉₁) | 0.017** | 0.011** | 0.010** | 0.011** |
| CIV | ... | 0.0001** | 0.0001** | 0.0001** |
| HC | ... | -0.0006** | -0.0006* | -0.0005** |
| REL | ... | ... | 0.00001 | ... |
| VIT | ... | ... | | 0.00000 |
| <i>N. Obs.</i> | 95 | 84 | 84 | 84 |
| <i>Adjusted R²</i> | 0,316 | 0,321 | 0,321 | 0,322 |

** 5% significance

* 10% significance

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Article

POLITICAL PARTIES AND CONSTITUTIONAL REFORMS IN ITALY: A SURVEY OF THE MEMBERS OF THE PARLIAMENTARY COMMISSION OF 1997-BICAMERALE-

Frank Mazzella
Department of Political Science
Southwest Missouri State University
Springfield, Mo 65804

1. The Problem

The Italian Parliament has attempted to implement and to rethink the Italian Constitution of 1948 for the last twenty-five years. The work has resulted in some unsatisfactory constitutional change. Constitutional changes come in different forms and are stimulated by a wide variety of reasons and circumstances. They take place whenever the rules of the political game are reformulated and the work of institutions is reinvented through parliamentary legislation, often under pressure of referenda. Constitutional replacements are considered drastic attempts at total transformation of an existing political order, and are often the product of deepening crisis of legitimacy.¹ In the last twenty-five years the democracies of the ‘Third Wave’ earnestly launched a new era of constitutional writing in order to consolidate the passage from authoritarianism to democracy.² In some cases the dynamics of the reform politics precipitated changes in freshly minted new documents. In Argentina, Brazil and the Philippines the politicians in power have tried to change their new

constitutions to facilitate the re-election of incumbent presidents. Constitutional changes very often are precipitated whenever significant sectors of the public perceive actions of the people that make authoritative decisions to be out of step with the existing constitutional conventions.³ Constitution writing tends to reflect political instability. In some cases, however, constitutional changes occur in regimes with an institutional organization that has provided a relative political stability, a reasonable consolidation of democratic principles, and a remarkable renovation of economic and social advancement.⁴ Italy falls in this category of constitutional change.

Scholars have argued about the health of Italian democracy, the capacity of the state and the wisdom of the politicians who drafted the Constitution of 1948, which has provided the structure of the government for over fifty years. More specifically, the Italian democratic skeptics have complained that Italian democracy has been warped by the absence of governing alternation and the consequent rise in practice of a one-party “soft

hegemony” by the Christian democratic party, around which shaky government coalitions were formed. The electoral law of proportional representation encouraged multi-party proliferation that failed to provide for governing stability and produced weak parliamentary governments.⁵

The Italian state has rarely enjoyed the legitimacy that might have equipped it with a strong, sustained capacity to manage internal crises and international challenges. The three regimes since the Italian unification of liberal, fascist and the republican democratic have suffered the deprivation of legitimacy by the opposition. The clash between the forces of the state and anti-state has weakened the governing capability of regimes to deal with industrialization and democratization.⁶ The democratic republic experiment of 1946 has been particularly disappointing to the skeptics. The Constitution of 1948 was drafted by a constituent assembly that blended the liberal, Catholic and popular cultures as expressed in the key political parties of post-fascist Italy.⁷ The constitution was centered on the political parties which took over the interpretation and implementation of the democratic experiment.

The Italian Parliament has been the center of political and constitutional battles. Government and political stability remained hostage to party dealings and ideological confrontations. Some provisions of the constitution were implemented only slowly as in the case of regional governments, civil liberties, administrative decentralization, parliamentary procedures and changes in the judicial system.⁸ The rise of popular

referendums was also instrumental in providing an impetus for further constitutional reforms.⁹ The parliament was pressured to pass laws to abolish the vote of personal preference, public finance of political parties, direct election of mayors of large cities, a new electoral law designed to curb the effect of proportional representation on the number of political parties (75%-25%) and the continuing increase in the decentralization of the state by giving regional assemblies more financial responsibilities and service functions in health, environment and transportation.¹⁰

The desire for constitutional changes received impetus from different places and circumstances. Discovery of the corruption scandals of 1992 and the projections of party officials, business managers, and politicians called “clean hands” contributed to the slow demise of the traditional party system and created a climate of constitutional crisis. Post-communism facilitated changes in the Communist Party and among Catholic-oriented groups that lost the Christian Democratic Party as their preferred political home and prepared public opinion for more significant constitutional changes. The constitutional conventions traditionally accepted by the major parties began to be questioned, and party leaders experimented with institutional changes never attempted before. In 1993, for the first time in the history of the republic, the political parties lost the long-assumed prerogative to dictate the choice of prime minister from the ranks of political parties when President Scalfaro went outside the political world and appointed the former head of the Bank of Italy, Carlo Azeglio

Ciampi, as the head of the government. The issue of political stability and the erosion of party power became popular arguments in favour of serious constitutional innovations that would have to create a “second republic.” The election of Mr. Ciampi by the parliament and regional electors as president of the republic in 1999 ushered in a new wave of enthusiasm for institutional reforms because the political parties felt pressured to go outside partisan choice.¹¹ The conventional partition of the crucial institutions among the major political parties came to an end. Mr. Ciampi’s popularity and his support for government stability, state rebuilding, and bureaucratic efficiency are generating more interest in constitutional changes. Straw polls two months before the presidential choice placed Mr. Ciampi well ahead of any other party leader and, a month after taking office, his popularity was still over 70%, especially in Northeast Italy (the most anti-state region and where the Northern League—the most anti-institution political party—is very strong), where he enjoyed a 70.6% approval rate.¹²

2. The Management of the Problem

Constitution building is a stage-by-stage process that has the appearance of political engineering, but in reality it responds to complex political, historical experiences. Why do some countries amend their constitution while others decide to write new documents? France (1958), former communist countries, and Latin American countries (1980s) decided to begin a new political life by writing a new document. Scholars have not been able to identify the motives and

movements for constitutional changes or to explain the longevity of some constitutions.¹³ The comparative study of constitutions shows that the majority of efforts is directed at changing rather than writing a new document. Studies also show that the drafting of a totally new document is preferred when the arguments of the defenders of the existing constitution become unsustainable or unpopular and dramatic events produce upheaval in society and uproot traditional loyalties.

The Italian constituent assembly that drafted the 1948 document started from scratch because the “material constitution,” i.e. “political values” and “institutional aims” and the “formal constitution” had been destroyed by a new political order created by the way the fascist regime came to an end.¹⁴ The republican democratic constitution eventually had to join together the new “material” and the “formal” constitution; the political parties became the guarantors and the managers of the process. Italian democracy became a functional party-dominant democracy, and party-government replaced the formal constitution, which blurred the sovereignty of people and their representative institutions. Government stability and parliamentary sovereignty were undermined by party-brokerage.

The leaders of the major political parties in the 1980s sensed that the “formal” constitution, managed through the domination of party-dealings, was getting out of touch with the “material” political order whose main concerns were more for efficiency, stability and popular choice than fear of democratic stability. The crisis, however, was not so acute as to

indict the formal constitution as the chief suspect ready for total replacement. The communist and neo-fascist political parties were not interested in the operation, while the socialists and Christian Democrats, the key players, wanted to keep the institutional reforms under the leadership of political parties. They favored changing only the periphery of the second part of the constitution.¹⁵ A Bicameral Commission in 1983 was led by the liberal party's Aldo Bozzi, whose capable management was not enough to force the forty-one members into a coherent set of proposals. The commission produced only mild procedural parliamentary reforms to improve the status of the prime minister. The electoral reform and preference vote were dropped from consideration.

The more serious attempt at institutional reforms was made ten years later. The urgency of the enterprise was provided by four related events: the end of the Cold War, the self-destruction (aided by bribing scandals) of the government-parties - the Christian Democrats and socialists - the beginning of reforms within the Italian Communist Party, which was slowly abandoning Marxist positions, and the popular movement toward referendums devised to change the electoral law, public finance of political parties and preference voting. The landmark parliamentary election of 1992 reflected the changes of the "material constitution." The socialists in the 1980s had become an indispensable government partner of the Christian Democrats, who were viewed as resistant to modernizing institutions in order to provide governing stability and alternation of power. The socialists pushed the idea of "constitutional modernization" in their

overarching scheme of political modernization.

The Demita-Jotti Bicameral Commission was formed with sixty members (20 Christian Democrats, 11 reformist communists-now called the Democratic Party of the Left-9 Socialists-5 from Northern League, 3 from the neo-fascist M.S.I., 3 from hard-line Communist Rifondazione, and the rest from seven other political groups).

The commission concentrated on the second part of the 1948 Constitution: structure of the state, form of government and parliamentary form. The commission submitted to the Italian Parliament modification of the electoral law (mild changes in the proportional system), reduction of seats in both houses of parliament, a chancellor-type of premiership with constructive vote of no-confidence, and implementation of more regional autonomy.¹⁶ Political parties were deeply divided on the issues and the proposals. The Christian Democrats favored only changes in the electoral law (majoritarian and 12% of seats on proportional representation) and supported a chancellor-type but opposed presidency, federalism and reduction of parliamentary seats. The socialists favored a presidential form and changes in the electoral law, opposed federalism, and wavered on the reduction of seats. The reformed communists (P.D.S.) favored a majoritarian election law with a proportional component, but opposed presidentialism and federalism. The Northern League favored presidentialism, federalism, reduction of seats and majoritarian electoral law. The M.S.I. favored presidentialism, reduction of seats

but opposed federalism and majoritarian law. Rifondazione Comunista favored proportional representation, opposed federalism, presidentialism and reduction of seats. The Italian Parliament failed to act on the proposals because of its dissolution and of the indictment of one-third of its members.¹⁷ The election of 1994 catapulted Mr. Berlusconi and a new political party (Forza Italia) into government.

The third and most promising attempt to change the second part of the 1948 Constitution took place after the 1996 parliamentary election. The issues that shaped the “material constitution” (governing stability, the structure of the state, the form of government and the electoral law) remained unresolved. The 1994 election was hailed as the beginning of the end of the first republic and the transition toward a second republic. The fall of Mr. Berlusconi’s government after a year because of the defection of the Northern League from his electoral coalition was a warning that the transition would be more tortuous. Constitutional changes were hostage to the electoral clarification and the maturation of the “material constitution.” In 1994 the new electoral law forced political parties to form electoral alliances with some vague reference to a government program.¹⁸ The desire for a two-party system with the slow absorption of small parties received a boost with the formation of the left-oriented progressive coalition led by the reformed communist party (DS). This innovation was followed by a new experience for Italian voters who were exposed to the dangers and benefits of public and private television in the political marketplace. Mr.

Berlusconi’s ownership of the major private network precipitated new political arguments about conflict of interest, role and management of political advertisement by the government, and the relation between democracy and the media ownership by a key political player

These new developments contributed to the maturation of the “material constitution” because the Northern League brought on the political scene a renewed attack on the centralist state inherent in the “formal constitution” centered on the unitary structure of the state.¹⁹ The inclusion of the neo-fascists in Mr. Berlusconi’s government legitimized a political group excluded from the 1948 constituent assembly, which drafted a formal constitution with a strong anti-fascist direction.²⁰ The neo-fascist political culture brought a penchant for a unitary state and a preference for a stable, strong government, whose emphasis was less on representative parliamentary democracy and more on strong presidentialism.

The 1996 parliamentary election went further toward changing the “material constitution” in that it brought in the government for the first time since 1948 the reformed communists and the unreformed communists in the Ulivo’s cabinet of Premier R. Prodi. The 1996 election opened the door to an alternation of power for the first time since 1948. The public began to wonder whether this development was the end of a blocked democracy and the consolidation of a new “material constitution” awaiting incorporation into a new “formal constitution.” The electoral campaign in 1996 gave some impetus to institutional

reforms. The programs of the two electoral coalitions included planks on constitutional issues that were debated in public forums. My interviews with local party leaders of both coalitions in Campania made frequent reference to institutional reforms as a way to join the “formal constitution” with the emerging of a new “material constitution.” The emphasis was on a significant restructuring of the state, a more stable form of government, a decreasing power of political parties, and the evolution of an alternation in government.

In 1996, leadership of the constitutional reforms was taken up by the current Prime Minister, M. D’Alema of the Ulivo-coalition and head of the reformist communist party (P.D.S.).²¹ The avenue chosen for the formal institutional reforms was that of appointing a bicameral commission since the option of a constituent assembly had become impractical.²² Article 138 of the 1948 Constitution allows parliamentary procedures for the changes.²³ The Bicamerale was approved by parliament at the end of January, 1997, by 530 to 70 votes in the house and 256 to 16 in the senate. The Northern League voted against its formation and boycotted all the meetings except a few appearances at the end of the commission’s work. Senator Bossi, the leader of the party, believed that the Bicamerale was not serious about a federal form of government

The 70-member Bicameral Commission for institutional change (Bicamerale) was composed of 35 senators and 35 deputies; the left-Ulivo coalition had 35 members, the opposition conservative coalition had 29 and the

Northern League 6. The largest groups were those of P.D.S. (19), followed by the Forza Italia led by Mr. Berlusconi (12) and the former neo-fascist party, now renamed the National Alliance, led by Mr. Fini (10).

The commission submitted a set of proposals to the parliament. The structure of the state remained substantially unitary with significant decentralization. The regions and municipalities would have more regulatory autonomy, less controls and regional and local financing. The form of government changed to a semi-presidential system with shared responsibility with a prime minister but not like the French type. The number of seats of the house and senate would be reduced and the functions of the senate would change slightly. The electoral law and the issue of the judicial system were not affected very much.²⁴ The proposals were not seriously debated in the parliament; 40,004 amendments (28,018 by one member of the house alone) were proposed. The leaders of the major parties had major reservations on all the key issues, and the small parties were afraid that they would disappear. The spirit of compromise did not meet the changing “material constitution.” Public opinion was not impressed; 43% had no opinion; 25% felt it was a sham; and 32% believed that the proposals deserved serious consideration.²⁵ A group of constitutional scholars found the proposals seriously flawed in the form of government.²⁶

3. The Study of Failure

The most serious attempt to change the 1948 Constitution failed for several reasons. This paper explored those reasons with the analysis of the results of a mail

survey of the 70-member commission. The mailing was done on the first week of April, 1999; a two-page, 20 question (2 open-ended) instrument was mailed to 34 senators and 34 deputies (Bicamerale) at their office in the Italian Parliament. The questionnaire was in Italian. Fourteen replies were received at the end of April, 5 in May and 5 in June for a total of 24 (35%). No second mailing was done because by the end of May the European parliamentary campaign was underway and the rate of return might not have improved. Fifteen senators (45%) and nine deputies (25%) returned the instrument; fourteen from Ulivo, nine from Polo, and one from Lega Nord .

(Table 1 here)

The members of the Bicameral were composed of five women and sixty-five men, which was about the same ratio of women elected to the Italian Parliament (11.3% in the house and 8.3% in the senate).²⁷ Incumbency was very high among the members (52-70), and eleven had been elected from two to three legislative elections. In the 1996 elections, 45% of house members and 40.3% of senators were freshmen, while the average seniority was two legislatures.²⁸

The members were seasoned politicians with several years of political experience and political leadership. Over 60% of the members had occupied either local government or institutional experience in Parliament; 38% of them had served in constitutional or judicial commissions. The occupational background of the Bicamerale, as expected, reflected the responsibility of political parties to appoint members with a legal, university and liberal profession.

(Table 2 here)

The professional background of respondents reflected the occupation distribution of the commission: twelve university professors, four lawyers, two journalists and six “others.”

The constitutional commission was split on the controversial issue of whether to change the entire constitution or the second part; 42% favored the former and 56% the latter. The major parties of Ulivo (DS and PPI) favored the decision to change only the second part (70%), while the major parties of Polo (FI and AN) took the opposite view: 60% wanted to change the entire constitution and 40% agreed to change only the second part. The second most controversial issue among politicians, constitutional experts and the public was related to the calling of a constituent assembly or to use Article 138 and leave the matter to parliament. The commission split: 50% opposed the election of an assembly, while 34% answered “maybe” and 20% “yes.” The parties of Polo were more ambivalent than those of Ulivo: all the members of Forza Italia answered “maybe,” while the answers of National Alliance were entirely against a constituent assembly, and they were closer to the views of Ulivo, 80% of whom opposed a constituent assembly.

The members of the commission believed that the need for “efficiency” and “stability” justify constitutional changes. They chose those two reasons over “legitimacy of the political system” and “a more dynamic democracy.” The members of Polo exhibited more diversity by choosing equally “legitimacy,” “efficiency” and “stability,” while Ulivo’s parties tended to be more decisive by choosing “stability”

and “efficiency” over other reasons for the changing of the second part of the constitution.

The reasons for the failure of parliament to consider the recommendations of the Bicamerale have been debated a great deal among politicians and the public. The conventional conclusion was that neither the left-Ulivo nor the conservative-Polo could agree on the form of government, the state structure and the electoral law. Constitutional experts criticized the proposals of the commission.²⁹ A majority of members (60%) believed that “the form of government that historically fit the political reality of Italy” is the “German-type chancellor,” 30% chose the semi-presidential system and 10% the existing premiership-type. When asked which proposals of the commission the members knew that parliament would “strongly oppose,” three issues were mentioned above all: the changes in the judicial system, the reduction of senators and house members and the form of semi-presidentialism, followed by the electoral law (which was not part of the issues to be debated), the structure of the state and presidential powers. The political party was an influential variable on both questions. The two major parties of Ulivo (the PPI and DS) chose the German-chancellor type as “fitting the Italian political reality, while the two major parties of the Polo (F.I. and N.A.) were more divided: 40% chose the German-chancellor type, while 60% believed in a semi-presidential system.

(Table 3 here)

The responsibility of political parties and the content of the changes proposed

were the key reasons for the failure of the proposals, according to the majority of the members. Ideological reasons and constitutional culture received little reference in the open-ended question about reasons for the failure. The political alliance had little influence on responses. The Ulivo members showed more variety of answers than the respondents of the Polo, but in general the underlying theme of the answers point toward the heavy responsibility of political parties and the choice of the constitutional design they agreed or failed to agree on.

The institutional reasons for the failure are an important variable to test. How did the commission weigh its responsibility? Over 4/5 of the members believed that the commission performed a useful function toward constitutional changes, but the consensus breaks down when asked whether the commission had made some mistakes: 45% said yes, 20% “maybe” and 35% admitted no errors. The lack of agreement was spread almost evenly among all the major parties of both Ulivo and Polo. The divisions were reflected in the difficulty of identifying “some of the errors” among the 16 who admitted that the commission had made errors. Only a few references were made to specific issues such as federalism, electoral law; the majority of answers related to “lack of vision,” “lack of shared vision,” “lack of agreement between the majority and the opposition.”

Respondents agreed that Mr. D’Alema’s party (DS) was the major supporter of institutional reform, followed by the National Alliance, and, a distant third, Forza Italia, and Popolari as lukewarm toward changes. But while the majority of respondents of all political parties in both

majority-Ulivo and opposition-Polo agreed about the supporters, they showed less agreement in identifying the key opponents to reforms. Ten respondents cited Rifondazione, nine named Forza Italia and three the Northern League; Mr. Berlusconi's party was blamed, especially among the members of Ulivo-coalition, while the members of Polo spread the blame among several parties.

The members of the commission had frequent contacts with their colleagues in their political parties (75%) and citizens interested in institutional reforms (60%). The groups of citizens that sought contacts with the members of the commission were magistrates, judges, and intellectuals. The large majority of senators and deputies (80%) of the Bicamerale felt that if parliament had passed the proposed institutional reforms, the majority of citizens would have approved them; but their optimism dropped when asked if Italians were still favorable to constitutional changes (only 60% answered in the affirmative).

The complexity of the reasons for the failure of the reforms is evident from the media coverage and press interviews of members of parliament. The author analyzed both and concluded that the major reasons given were: disagreement over electoral law, judicial changes and federalism among the leaders of the major parties such as Mr. Berlusconi's (FI), Mr. Fini's (A.N.), Mr. D'Alema's (POS) and among those of minor parties in both party-coalitions. The lack of agreement on a constitutional culture was the second prevalent reason for the failure. The same analysis revealed that the chief justifications for institutional changes – government instability, irresponsible party supremacy,

lack of political alternatives, decentralization of the state, and government performance – were important, but failed to generate public support of a magnitude necessary to initiate a mass movement with coherent institutional demands.

The respondents of the Bicamerale reflected this public mood in their answers to an open-end question on “the reasons for the failure of the proposals in parliament.” The “responsibility of political parties” and “personal interests” (quoted below) cited by 40% of the 20 responses (2 senators and 2 deputies failed to answer the question). The second group of answers was centered on controversy over some specific issues (20%). The form of government and the structure of the state were the most cited answers. A few respondents cited the absence of constitutional culture and moralistic ideological reasons (quoted below) tend to be more divided over the reasons for the failure than senators. The lack of “constitutional culture” and the “specific content of the proposals” were the most frequent categories (reasons) among the deputati, while among senators “responsibility of political parties” was the most frequently cited category followed by “content of specific reforms” and “lack of leadership.”

The institutional differences tend to be significant on some issues, but not remarkable. Deputies and senators tend to agree on more issues than they disagree. Members of the house believe that stability, efficiency and legitimacy are key justifications for constitutional changes, while senators tend to add other motives such as making democracy more dynamic, to better the economy and to avoid a split of the country. The method of using a

constituent assembly finds more favor among senators who are more divided than the deputies on the crucial question of the form of government (Table 4).

*"Political choice of Mr. Berlusconi determined though by the uncertainty of the left-coalition in the matter of form of government and justice." Deputato

*"The fragmentation of parliamentary groups in the house which has caused irresponsible behavior on federalism and justice." Senatore

*"There was no spirit of constituent." Deputato

*"The forces of status quo have prevailed over the forces of innovation." Deputato

*"The fear of being courageous." Deputato

(Table 4 here)

Conclusion and Discussion

The study of the Bicamerale is an attempt to shed light on the complexity of constitutional reforms in a mature democracy and in the absence of critical challenges to the existing "formal constitution." The "material constitution" has changed significantly in the last twenty years and the working of the bicameral commission reflected the desire and anxiety of the types of change to include the "formal constitution." The members of the Bicamerale were aware of the key reasons for their selection. People wanted to end the stranglehold of political parties on government efficiency, efficacious decision-

making, power alternation with accountability, and decentralization of the state. They behaved like professional politicians who had to rise above partisanship in order to link the newly arising "material constitution" with the formal document. The members also represented the institution that they were called upon to turn upside down.

The Ulivo-coalition was torn between the old and the new, while the Polo members wanted to establish a democracy without the mediation of political parties.³⁰ The findings confirmed the conventional interpretation that the former communists (DS) and the former neo-fascists (National Alliance) were regarded as the key supporters of changes, while Rifondazione and Forza Italia were viewed as key opponents. The leaders of the major parties had agreed roughly on an outline of key proposals centered on the introduction of the German-type chancellor, reduction in the number of house members, senate, continuing decentralization of the state and further change in the electoral law with a bonus for the majority party. In the last minute, the members of the Northern League who did not participate in the sessions of the commission decided to throw their vote in support of a semi-presidential form of government sought by the National Alliance but weakly supported by Forza Italia.³¹ The findings of the survey show the difficulty of fitting the form of government in the Italian political reality of the early twenty-first century. The top controversial proposals cited were: the reform of justice, the reduction of seats in both houses, the presidential powers, the electoral law (even though it was not part of the proposals), the form of government, and local autonomy in

this order. The coherence of the blaming theme for the failure is evident in open-end answers as well. It is safe to say that there was no single killer issue or killer party but a widely-diffused sense of caution that made everyone take a step backward after agreeing on a particular proposal – self-interests, cynical preservation and a realistic pessimism that political innovations seldom bring about what they are designed to bring. The controversy over the form of government is not just a choice between efficiency and inefficiency but also a fear of personal decision-making.

The work of constitutional change has not ended. The structure of the state is rapidly changing through ordinary legislation forced by abrogative referenda. Local governments have now elected mayors and regional governments are managed by elected regional presidents. In both cases political stability and party responsibility are increasing. The election of the former head of the Bank of Italy as president of the country was a further step toward the decline of *partitocrazia*. The tenacity by popular forces to offer abrogative referendums keep civil society growing and leaves open the door for reforms. The growing body of European Union law is pressuring the member countries to grow out of their present constitutional structure and establish more uniformity in government responsibility and in the management of democracy. The work of the bicameral commission was an additional functionalist step toward the direction of institutional changes. It provided an instrument for reasonable reforms, popular arguments and awareness of political problems in a new era.

NOTES

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3. Bogdanor, V. op. cit.
4. *The Annual Report of Censis/99* reveals the contours of an advanced society characterized by “a container with a

molecular organization “anchored to a diversified economy with growth in telecommunication, service, information, expansion of individually-owned small business (from 409,000 (1992) to 2,409,000 (1999) and increased privatization with global connection. My concept of mature democracy is based on the following criteria: sustained expansion of democratic values and practices of at least fifty years, decline of anti-system political forces, strengthening of the political center, and membership in a supranational entity whose chief – admission-criterion is commitment to democratic principles and free market broadly defined. Italy meets all these criteria.

5. The literature on the operation, i.e. success/failure of Italian constitutional democracy can be easily classified in two groups: the skeptics and the cautious optimists. Here is a selective sample of skeptics: Sartori, G., *Parties and Party-Systems: A Framework for Analysis*, (London: Cambridge University Press, 1976); D. Palma, G., *Surviving Without Governing*, (Berkeley: University of California Press, 1976); Pasquino, G., *Il sistema Politico Italiano* (Bari: Laterza, 1985); McCarthy, P., *The Crisis of the Italian State*, (New York: St. Martin's Press, 1995); Putnam, P., *Making Democracy Work*, (Princeton: Princeton University Press, 1993); Gilbert, M. *The Italian Revolution* (Boulder: Westview Press, 1995); _____, “Italy's Third Fall,” *Journal of Modern Italian Studies*, vol. 2, no. 2 (Summer, 1997), 220-230; Salvadori, M. *Storia Dell'Italia E Crisi Di Regime*, 2nd ed. (130 Bologna *Il Mulino* 1996).

6. The more likely candidate literature of the cautious optimists: La Palombara, J., *Democracy Italian Style*, (New Haven: Yale University Press, 1987); Tarrow, S. *Democracy and Disorder*, (New York: Clarendon Press, 1989); Hine, G., *Governing Italy*, (Oxford: Clarendon Press, 1993); _____, “Italy Condemned by its Constitution?”, in Bogdanor, V., op. cit., pp. 218-223.

7. Ferrajoli, L., “Democracy and the Constitution of Italy,” *Political Studies*, xlv (1996), pp. 457-472; Florida, G., “La Costituzione,” in Pasquino, G., ed., *La Politica Italiana: Dizionario Critico 1945-1995*, (Bari: Laterza, 1995), pp. 5-31; Fioravanti, M. *Costituzione E Popolo Sovrano*, (Bologna: Il Mulino, 1998).

8. Dente, B. “Sub-National Governments in the Long Italian Transition,” in: Bull, M. and Rhodes, M. eds., *Crisis and Transition in Italian Politics*, (London: Frank Cass, 1997); Ceccanti, S., “riforme Istituzionali: Passato E Futuro,” *Il Mulino* no. 5 (September-October, 1994); Newell J., “At The Start of A Journey: Steps on the Road to Decentralization,” in: Bardi, L. and Rhodes, M., eds., *Italian Politics: Mapping the Future*, (Boulder: Westview Press, 1998).

9. Cariola, A., *Referendum Abrogativo E Giudizio Costituzionale*, (Milan: Giuffre, 1994); Donovan, M., “The 1997 Referendums: Failure Due to Abuse?” in: Bardi and Rhodes, eds., op. cit., pp. 196-198.

10. The relations between the center and periphery is one of the three key issues of constitutional change. The bicameral commission endorsed some form of fiscal federalism and local governing structures. The Parliament has passed a law to allow fifteen regions (5 regions have special statutes), to have their own statute to set up their form of government but until they do, the president of the regional government will be elected directly by the people with a plurality system; in case of vote non-confidence against the president, there will be new elections for both the president and the regional assembly (*La Repubblica*, July 29, 1999). Fiscal autonomy has also increased with significant portions of IVA, gas, and IRPEF revenues to be given to regional governments who will administer them with more autonomy in several areas of health, road, infrastructure, tourism, cultural events, and environment. The central government has set aside a “fund of equity-solidarity” to prevent too much disparity between poor regions and self-sufficient regions. For the history of regional-local autonomy see: Dente, B., op. cit. pp. 187-190; Newell, J., op. cit. pp. 160-167.

11. Vespa, B. *Il Superpresidente*, (Milan: Mondadori, 1999).

12. *Il Corriere Della Sera*, July 5, 1999.

13. Flanz, G., op. cit., Serrano, M. and Bulmer-Thomas, op. cit., Cain, B. and Noll, R. eds., *Constitutional Reform in California*, (Berkeley: University of California press – Institute of Governmental Studies, 1995); Pace A.

“L’Instaurazione Di Una Nuova Costituzione: Profili Di Teoria Costituzionale,” *Quaderni Costituzionali*, Anno xvii, no. 1 (April, 1997), pp. 7-44; Bettineli, E., “Referendum E Riforma Organica Della Costituzione,” in: Ripepe, E. and Romboli, R. eds., *Cambiare O Modificare La Costituzione?* (Turin: Giappichelli, 1995).

14. The concept of “material” vs. “formal” constitution originated in the works of C. Mortati and “it has been used to point out the gap between the two [forms] either to highlight the violation and non-fulfillment of the constitutional design, or to legitimate ‘realistic’ reform proposals intended to bring the constitution into line with what actually happens: “Ferrajoli, L., op. cit., foot note no. 1, p. 457; for a more extensive discussion of Mortati’s constitutional ideas see: Fioravanti, M., op. cit., pp. 69-86; Florida, G., op. cit., pp. 10-15.

15. Pasquino, A., “Reforming the Italian Constitution,” *Journal of Modern Italian Studies*, vol. 3, no. 1 (Spring, 1998), pp. 430-50; Vassallo, S., “The Third Bicamerale,” in Bardi, L. and Rhodes, M. eds., op. cit., pp. 111-131.

16. Newell, J., loc. cit.; *La Repubblica*, December 1, 1992.

17. Pasquino, G., “Reforming the Italian Constitution,” loc. cit., p. 43.

18. The literature on the changes in the Italian party-system, voting behavior and electoral alliances is exploding; this list includes only some key works:

D'Alimonte, R. and Nelken, D., eds., *Italian Politics: The Center-Left in Power*, (Boulder: Westview Press, 1997) and the series on *Italian Politics: A Review*; Corbetta, P and Parisi, A. eds., *A Domanda Risponde: Il Cambiamento Nel Voto Degli Italiani: Nelle Elezioni Del 1994 e 1996*, (Bologna: Il Mulino, 1997); Ignazi, P., *I Partiti Italiani* (Bologna: Il Mulino, 1997); Newell, J. and Bull, M. "Party Organisations and Alliances in Italy in the 1990s: A Revolution of Sorts," and D'Alimonte and Bartolini, S. "Electoral Transition and Party-system changes in Italy" both in: Bull, M. and Rhodes, M. op. cit., pp. 81-134; Calise, M. *La Costituzione Silenziosa: Geografia Dei Nuovi Poetri*, (Bari: Laterza, 1999); Teodori, M., *Soldi E Partiti Quanto Costa La Democrazia in Italia*, (Milan: Ponte Delle Grazie, 1999).

19. D'Amanti, I., "The Lega Nord: From Federalism to Secession," in D'Alimonte, R. and Nelken, D., op. cit., pp. 65-81; _____, *La Lega*, 2nd ed. (Rome: Donzelli, 1995).

20. Fioravanti, M., op. cit., Merlini, S., "Il Governo Costituzionale," in: Romanelli, R. ed., *Storia Dello Stato Italiano*, (Rome: Donzelli, 1995).

21. Vassallo, S., op. cit.; D'Alema, M., *La Grande Occasione*, (Milan: Mondadori, 1997).

22. D'Alema, M., op. cit., pp. 2-3.

23. Art. 138 of the Italian Constitution allows both houses of parliament to amend the document but it's not clear whether a parliamentary commission should or can

amend parts or the entire document. See: Ferrajoli, L., op. cit., p. 462; Pace, A., op. cit., p. 44.

24. Vassallo, S., op. cit., pp. 115-124.

25. *La Repubblica*, October 2, 1997.

26. *Liberal*, no. 29, July, 1997.

27. Verzichelli, L., "The Majoritarian System, Act II: Parliament and Parliamentarians in 1996," in : D'Alimonte, R. and Nelken, D. eds., op. cit., p. 151.

28. *Ibid.*, p. 149, 155 and my calculations.

29. Pasquino, G., "Reforming the Italian Constitution," loc. cit.; Sartori, G. is critical of all electoral changes proposed and the chancellor-type form of government. He has advocated a semi-presidential system with an electoral system based on a two-rounds system. See his contributions to various issues of: *L'Espresso*, 1999-2000.

30. Cotta, M. and Isernia, P. eds., *Il Gigante Dai Piedi Di Argilla: La Crisi Del Regime Partitocratico in Italia*, (Bologna: Il Mulino, 1997).

31. Pasquino, G., "Reforming the Italian Constitution," op. cit., ; Vassallo, G., "The Third Bicamerale," op. cit.; D'Alema, M., op. cit., pp. 119-165.

Table 1
Responses by Political Party

| <u>Party</u> | <u>Number in Bicamerale</u> | <u>Number of Responses</u> |
|-------------------------|-----------------------------|----------------------------|
| Democratici Di Sinistra | 19 | 7 |
| Forza Italia | 12 | 5 |
| Alleanza Nazionale | 10 | 3 |
| Popolari | 7 | 3 |
| Verdi | 2 | 2 |
| Lega North | 6 | 1 |
| Rifondazione | 4 | 1 |
| Rinnovamento | 2 | 1 |
| CCD | 3 | 1 |
| Socialist | 1 | 0 |
| Gruppo Misto | 2 | 0 |

Table 2

Occupation of Parliament and Members of Bicamerale (1996) in %

| <u>Occupation</u> | <u>House(630)</u> | <u>Senate(315)</u> | <u>Bicamerale(70)</u> |
|-----------------------|-------------------|--------------------|-----------------------|
| Political Party | 13.8 | 5.4 | 4.0 |
| Labor Union | 2.1 | 3.8 | 4.0 |
| Worker | 2.1 | 1.3 | - |
| Retail | 1.3 | 0.6 | - |
| Entrepreneur | 8.1 | 5.7 | 11.0 |
| Manager | 3.3 | 2.5 | 5.0 |
| Law | 11.3 | 14.4 | 35.0 |
| Teacher | 9.4 | 9.8 | 4.0 |
| Liberal profession | 11.3 | 13.3 | 12.0 |
| University professor | 9.7 | 18.1 | 16.0 |
| Manager-public sector | 6.0 | 10.4 | - |
| Government employee | 7.8 | 8.6 | - |
| Other | 8.6 | 7.9 | 9.0 |

Source: House and Senate, Verzichelli, op. cit., p. 154: Bicamerale, author's calculations.

Table 3

| Ulivo and Polo Differences on Selected Indicators (in Ns) | | | |
|--|----------------------|---------------------|-------------------|
| Indicator | Response Type | Ulivo (N=10) | Polo (N=8) |
| What part of the constitution to change: | Entire | 3 | 5 |
| | Part II | 7 | 3 |
| Constituent Assembly: as method to change | Yes | 1 | 1 |
| | No | 8 | 2 |
| | Perhaps | 1 | 5 |
| Work of Bicameral Commission has been useful: | Useful | 10 | 6 |
| | Useless | - | 2 |
| Commission made errors: | Yes | 5 | 4 |
| | No | 4 | 3 |
| | N.A. | 1 | 1 |
| Believe that majority of people favor constitutional reforms: | Yes | 6 | 4 |
| | No | - | 1 |
| | Perhaps | 4 | 3 |
| Form of government that fits political reality of Italy: | Semi-presidency | 2 | 4 |
| | German Chancellor | 8 | 3 |
| | Other | - | 1 |

*The number of Ulivo's members includes only the responses of the major political parties of the coalition (DS and PPI). The number of Polo's members are based on the major political parties of the coalition (Forza Italia and National Alliance) – eliminated from the responses: 4 from Ulivo and 1 from the Polo. This reflected better the balance of forces.

Table 4

Institutional Differences and Constitutional Reforms: House-Senate Differences (in %)

| <u>Issue</u> | <u>Response</u> | <u>House (N=9)</u> | <u>Senate (N-15)</u> |
|--|-------------------|--------------------|----------------------|
| 1) How to change the constitution: constituent assembly | Yes | 30 | 20 |
| | No | 60 | 45 |
| | Not Sure | 10 | 35 |
| 2) What part of the constitution: to change | Part II | 65 | 55 |
| | Entire | 35 | 45 |
| 3) Usefulness of Commission: | Useful | 100% | 85 |
| | Not Useful | - | 15 |
| 4) Has Commission made serious mistakes? | Yes | 45 | 45 |
| | No | 45 | 45 |
| | Not Sure | 10 | 10 |
| 5) Are people favorable to constitutional reforms? | Yes | 65 | 55 |
| | Maybe | 35 | 35 |
| | Other | - | 10 |
| 6) Form of government: | Semi-presidency | 30 | 45 |
| | German Chancellor | 70 | 35 |
| | Other | - | 20 |
| 7) Contacts with party colleagues: | Frequent | 100 | 75 |
| | Infrequent | - | 25 |

Book Reviews

Carlo Fusaro, *Il presidente della Repubblica. Il tutore di cui non riusciamo a fare a meno*, Bologna, Il Mulino, 2003 (pagg.141, Euro 8,00).

Il piccolo volume di Carlo Fusaro dovrebbe essere letto da tutti coloro che sono interessati a capire la natura e le problematiche della transizione istituzionale italiana. Esso consente di “farsi un’idea” (questo è il nome della collana mulinesca che lo ospita) su un’istituzione che ha assolto una funzione importante nella storia italiana post-bellica, se non una funzione strategica nella vicenda decennale della recente trasformazione del sistema partitico italiano.

Da valente studioso di diritto pubblico e costituzionale quale è, Carlo Fusaro ricostruisce non solo il profilo storico della italiana Presidenza della Repubblica, ma la colloca anche nel più generale quadro comparativo delle forme di governo democratiche. Per presentare quindi le diverse interpretazioni del ruolo del presidente della Repubblica italiana che si sono confrontate all’interno della comunità dei giuristi del paese.

Tuttavia, l’interesse del volume risiede maggiormente nei suoi capitoli finali, quelli più direttamente collegati al vivace dibattito in corso in Italia sul tema delle riforme istituzionali. Esploso prepotentemente con la crisi del sistema partitico dell’Italia post-bellica del periodo 1992-1996, il tema delle riforme istituzionali ha quindi accompagnato la

transizione che si è avviata con le elezioni parlamentari del 1996, le prime che hanno registrato l’esistenza di due principali (e alternative) coalizioni politiche (seppure spurie al loro interno). Una transizione ancora oggi tutt’altro che conclusa, anche per il ritardo che si è registrato nell’adeguare le istituzioni dell’Italia consensuale alla logica maggioritaria del riformato sistema elettorale e alla struttura bipolare della competizione politica.

Tale ritardo, ed è questo il punto, ha anche a che fare con la difficoltà a individuare una soluzione condivisa al problema dell’instabilità governativa. Instabilità che ha connotato drammaticamente il periodo 1948-1993, ma che ha pure condizionato il decennio successivo. Basti pensare che nella sola legislatura 1996-2001, si sono succeduti ben quattro governi e tre primi ministri.

Non vi è dubbio che nella crisi del periodo 1992-1996 e quindi nella transizione successiva, il presidente della Repubblica ha esercitato un importante ruolo di tutoraggio del sistema partitico, se non in alcuni casi (come nel periodo dei governi tecnici del 1993 e del 1995) di vera e propria supplenza politica. Grazie anche alla personalità del presidente della Repubblica degli anni novanta (Oscar Luigi Scalfaro), la Presidenza della Repubblica è divenuta un organismo quasi politico, piuttosto che di garanzia costituzionale. Il ruolo di garanzia è stato quindi ripreso dal successivo presidente della Repubblica (Carlo Azeglio Ciampi), anche perché un ruolo politico avrebbe

contrastato con il nuovo assetto del parlamento italiano, oltre che con le preferenze e attitudini personali del presidente in carica.

Fatto si è che, in particolare nel corso degli anni novanta, si è venuta a formare un'opinione (tra gli studiosi oltre che tra le forze politiche in particolare di centro-sinistra) assai favorevole al rafforzamento del ruolo del presidente della Repubblica nel sistema costituzionale italiano, quasi che esso potesse costituire il baluardo insuperabile del "populismo televisivo" che gli stessi ritengono sia rappresentato dall'attuale presidente del Consiglio.

Questa posizione viene criticata con garbo, ma anche con chiarezza, da Carlo Fusaro. Per quest'ultimo, il presidente della Repubblica è venuto ad eccedere il proprio ruolo di garanzia, anche per l'ambiguità con cui la Presidenza della Repubblica era venuta ad essere interpretata nel corso del secondo dopoguerra. In particolare, Carlo Fusaro argomenta convincentemente la necessità di sottrarre al presidente della Repubblica il potere di scioglimento delle camere, per affidarlo interamente al primo ministro di un sistema politico sempre di più competitivo. Il potere di scioglimento è un potere sommamente politico, sostiene Fusaro, e nessun potere politico può essere dissociato dalla responsabilità nel suo esercizio. Infatti, la costituzione italiana prevede l'irresponsabilità politica del presidente della Repubblica, a garanzia del suo ruolo *super-partes*. La difesa del potere di scioglimento in capo al presidente della Repubblica, seppure confortato (quest'ultimo) dall'opinione dei presidenti delle Camere nell'esercizio di

quel potere, equivale nei fatti alla difesa di un sistema dualistico, poco o punto conciliabile con un governo parlamentare competitivo. Se si vuole lasciare al presidente della Repubblica quel potere, dice Fusaro nell'ultimo capitolo del libro, allora sarebbe meglio politicizzare la Presidenza della Repubblica. Con conseguenze prevedibili di conflittualità o di concorrenza tra quest'ultima e la Presidenza del Consiglio. Per questo motivo, Fusaro propone di liberare la presidenza della Repubblica dalla sua ambiguità, riconoscendole pienamente il suo ruolo di garanzia costituzionale (e non politica), così da favorire una riforma del sistema di governo basata sul rafforzamento e la responsabilizzazione del primo ministro. Solamente in questo modo si potrà concludere la transizione istituzionale, adeguando le strutture del governo italiano alle caratteristiche di una democrazia che non vuole più essere consensuale.

C'è da aspettarsi che questo piccolo volume di Carlo Fusaro susciterà una vivace discussione tra i giuristi e i riformatori istituzionali. Almeno tale è l'augurio di questo recensore.

Sergio Fabbrini
Università degli Studi di Trento

Ilaria Favretto, *The Long Search for a Third Way: The British Labour Party and the Italian Left since 1945*, New York: Palgrave, 2003, 233pp.

At the start of this volume, the author warns us that 'it is always much

better to disappoint readers in the preliminary pages instead of dragging them through the entire book, desperately searching for something they will not find' (p.4). This is good advice indeed because the book does not deliver what is promised by the title. It neither covers the period from 1945 to 2003, nor makes a convincing link between the British Labour Party and the Italian left. On the other hand, through its references to the wider scene of European social democracy, the work exceeds its brief. The study focuses on the two waves of socialist revisionism in Britain and Italy - the 1950s and 1960s and the 1980s and 1990s. For the general reader familiar with debates at the level of 'high politics', it is a readable and enjoyable account of those periods. The preceding and intervening years are left out on the grounds that it is only in periods of opposition that socialist parties have the time and inclination to think big thoughts about themselves and where they want to go. Disregarding the fact that this sits uneasily with the pattern of governmental power in Italy for most of the period since 1945, it is questionable whether one can understand too much about socialist revisionism without considering the experience of office holding by socialist parties. The book also excludes foreign policy from its considerations, a serious omission in the context of the heat it generates, certainly in the British Labour Party. Indeed, after acknowledging that unilateral disarmament was a 'contentious issue' in the Labour Party in the 1950s and '60s, the author makes the extraordinary claim that in 1964, Labour foreign policy had hardly altered from 1951, and 'was fully in line

with the Conservative Party's' (p.5). Here at least British understatement is combined with Italian hyperbole.

The study takes a basic political economy, if not quasi-Marxist approach by arguing that changes in the social and economic characteristics of post war capitalism produced changes at the political and ideological levels, specifically in socialist parties. Against the power of this explanatory hypothesis are the profound differences in national contexts, but these are neither examined exhaustively or systematically to assess their potential impact. They simply lurk in the background as a set of residual variables. One of the author's early claims is that the debates in the British Labour Party were very influential on the thinking of the non-PCI mainstream Italian left. Flattering though this is to the Labour Party, the study does not document many specific instances of influence and learning. If this could have been shown, it would have been very interesting. Instead, we have to be content with the implication that broadly similar (although also different) conditions produced similar results. In the main chapters of the book, the respective narratives for the most part run side by side, but sadly do not entwine like lovers. Nevertheless, the book has the virtues of readability and brevity while covering a lot of ground. The bibliography is extensive.

Roger Levy
Glasgow Caledonian University

Harvey, Margaret. The English in Rome, 1362-1420: Portrait of an Expatriate Community. Cambridge: Cambridge University Press, 2000. Pp. 295. \$60, ISBN 0521620570.

When Margery Kemp left her traveling companions in a huff, she turned to fellow English people at the Collegio Inglese in Rome, a remarkable institution founded to aid the sick and needy among the English community, as well as pilgrim travelers. Professor Harvey's magisterial use of the institutions records attempts to reconstruct the community living in Rome and its interests in promoting English-Roman interests. Building on her previous book, England, Rome and the Papacy, 1417-1464: The Study of a Relationship, Harvey looks further back in time to a small, close-knit community living on religious tourism in Rome and gambling on the return of the pope from Avignon, backed by substantial encouragement from burghers in the city of London, many of whom were kin.

The Collegio Inglese was a combination hospital-hotel-retirement home, whose patrons meant not only to better their souls, but also facilitate English travel. Remarkably for the period, this "English" community embraced other Britons, including Scots, Welsh, Irish and even Gascon pilgrims and businessmen. The institution itself had links to English religious communities, like that of the Archbishopric of York and the confraternity of the Holy Trinity, and business and culture flowed both ways, establishing a banking connection and new markets for luxury goods. The community was also truly expatriate in the sense that

some of its members used Rome as a haven from Richard II's policies, and intrigued on behalf of the Lancastrians. More practically, it gave the English legal and physical security, from witnesses to important documents to the assurance that one wouldn't be left to sleep in the street and be eaten by wolves.

The highlights outside of the narrative of the institution's existence are the finely examined wills of female patrons, revealing a great deal of power in the community, the strange careers of English Cardinals Adam Easton and Simon Longham, English attempts to influence papal investigations of John Wycliff, and the possibility that the Collegio Inglese helped spark Florentine trade in English wool. Harvey's extensive notes reveal the difficulty of working in fragmentary medieval archives, and point out the value and painstaking reconstruction of her work. The only additions to the work might be a series of family trees (in aid of sorting out the inter-married families whose wills were studied), and a more clearly framed introduction giving non-specialists better grounding in the politics and religious factions of late medieval Rome.

Margaret Sankey
Minnesota State University Moorhead

Jane C. Schneider, Peter T. Schneider, *Reversible Destiny. Mafia, Antimafia, and the Struggle for Palermo*, Berkeley: University of California Press, 2003

Reversible Destiny vuole essere un “esame” delle “storie interrelate della mafia e dell’antimafia”(p. 1) dal dopoguerra a Palermo, e così “catturare il nostro senso della profondità della trasformazione che la Sicilia ha testimoniato dal 1965”(p. 21, corsivo mio). *Nostro* si riferisce ai coniugi Schneider che dal ‘65 appunto hanno percorso prima le strade della Sicilia rurale (p. 20) e poi negli anni novanta le vie dei quartieri di Palermo (p. 19).

Così annunciata, l’impresa si presenta ardua, volendo gli autori articolare in una visione d’insieme, oggetti differenti, e cioè formazioni sociali e azioni collettive, processi di gruppo e azioni individuali a scale spazio-temporali variabili dal microsociale dell’incontro interpersonale, della festa del centro sociale al trend macro della *new global economy*, dal fenomeno percepito nella sua durata storica all’evento puntuale. E tutto questo senza evitare il confronto con i nodi che hanno caratterizzato il dibattito degli addetti ai lavori negli ultimi venti anni circa : le diverse interpretazioni del fenomeno mafioso, la *quaestio disputata* della sua connessione alla cultura siciliana. Non ultimo, tale visione d’insieme è l’occasione per gli autori di rileggere il percorso intellettuale fatto nello sforzo, intellettualmente onesto, di comprendere le logiche delle “cose siciliane” che frequentano ormai da quarant’anni. Come essi integrano tutto questo?

Nei dodici capitoli in cui il testo è ritmato, gli autori costruiscono i loro oggetti, la mafia (cap. 2-6) e l’antimafia (cap. 7-11), adottando come filo conduttore la successione cronologica e mettendoli in relazione, in un grande intrigo, attraverso due metafore chiavi, la lotta dagli esiti imprevedibili e, intimamente legato a quest’ultima, la reversibilità di un destino che non è ancora scritto. La profondità della trasformazione di cui vogliono catturare il senso è in fondo l’avvenire storico di questa lotta come possibilità concreta di cambiamento. E di questo avvenire desiderano darne le ragioni. Gli Schneider desiderano descrivere e analizzare “una lotta complessa tra forze sociali che non si combattono su lati opposti di un campo di battaglia con armate identificabili, una di fronte all’altra. Piuttosto questa lotta è incarnata in attitudini divergenti e pratiche di persone che occupano gli stessi spazi sociali ...e che sono spesso insicure del vessillo che stanno portando come incerte dell’esito della lotta. Il destino della mafia è reversibile; ma non lo è stato.”(p. 4).

L’esame delle storie interrelate della mafia e dell’antimafia si risolve così in una storia, non senza accenti epici, spesso cronaca, raccontata attingendo massicciamente alla più recente storiografia della mafia, alle fonti di seconda mano, molteplici e diversificate (dalle dichiarazioni dei pentiti, ad articoli di quotidiani, saggi, ecc) e al materiale raccolto durante i periodi di fieldwork nella Sicilia rurale ed in Palermo.

Quest’ultima, la città delle pietre, è lo scenario ed il memoriale, sacramento direbbe Aldo Rossi (Aldo Rossi, *L’architecture de la ville*, Livre &

Communication: Paris, p. 168), della lotta che avviene nella città degli uomini. Gli Schneider, con intuito indirizzano la loro attenzione allo spazio urbano, ricostruendo la storia urbanistica di Palermo (cap. 1) come luogo dove la lotta si è manifestata e si manifesta nelle sue figure paradigmatiche di appropriazione dello spazio urbano: il sacco di Palermo del dopoguerra o il suo recupero a “città normale” nella Variante del Piano Regolatore Generale di fine anni ‘90 (cap. 11). Fissato il decoro il dramma può essere messo in scena.

La tesi centrale del libro, l’avvenire della possibilità storica del cambiamento espressa come destino reversibile, si fonda su quattro presupposti che lo sviluppo della narrazione avrà il compito di fondare: la mafia è una formazione sociale recente, separabile come subcultura dal suo contesto e non è una eccedenza della “cultura siciliana” che viene dal passato ma che trova le sue origini nei processi di formazione dello stato nazionale e del mercato; l’antimafia, nei suoi due volti di severe misure politico-giudiziario e di movimento sociale, nei due ultimi decenni, è riconducibile alla modernizzazione della società siciliana dopo l’ultimo conflitto mondiale e alla costituzione di una classe media urbana, colta e professionalizzata in Palermo; questi gruppi sociali urbani hanno tentato di sfidare le pratiche locali che favoriscono il crimine organizzato attraverso processi politici e sociali e la sostituzione delle rappresentazioni e dei discorsi della mafia come destino inevitabile e dei mafiosi come uomini d’onore (l’impatto è evidente nel recupero del centro storico e i programmi di rieducazione dei bambini nelle scuole); la

trasformazione nell’organizzazione politica ed economica del mondo e della società italiana negli ultimi decenni ha promosso, certo, un maggior impegno dei governi alla lotta del crimine organizzato ma rischiano altresì di ostacolarne lo sviluppo (la fine della guerra fredda ha spinto i governi nazionali a non tollerare più il crimine organizzato come un baluardo contro il comunismo, l’Unione Europea alloca molte risorse contro il crimine organizzato come il collasso della Prima repubblica ha lasciato i mafiosi senza referenti politici).

L’oggetto mafia, sorto nelle pieghe della transizione dal feudalesimo al capitalismo alla metà del secolo diciannovesimo e in quelle della caduta del regime borbonico e della formazione dello stato-nazione italiano, nasce come un oggetto ambiguo che resta tale nel tempo. La difficoltà di definire i suoi limiti (dove la mafia finisce e comincia la non-mafia) così come l’essere più di ciò che appare (la coerenza e la energia di una rete criminale) e meno di quanto le autorità ne fanno (il modello giudiziario dell’associazione segreta dai limiti ben definiti a se stante), rende ragione della coesistenza di discorsi plurali talvolta contraddittori. Questa ambiguità è funzionale invece alla chiave di volta del suo modo vincente di operare, *l’intreccio*, la capacità dei singoli “mafiosi” di coltivare relazioni strategiche e alleanze a geometria variabile, secondo la necessità, con vari “pezzi” della società civile e dello stato.

All’oggetto mafia si contrappone l’oggetto antimafia. Configuratasi come movimento a sostegno della riforma agraria del dopoguerra animato dal Partito Comunista, l’antimafia degli anni 80 e 90, di cui gli Schneider disegnano una

geografia e una cronologia dettagliata, è un movimento urbano sostenuto dalla classe media colta, che trova nella *koiné* del “cosmopolitismo progressivo”, della “buona cittadinanza” e della “società civile”, l’ispirazione per l’azione politica e i progetti di intervento, recupero del centro storico e formazione alla legalità nelle scuole, ma che eclissa il linguaggio di classe al suo interno e si priva così degli strumenti per pensare la problematica della giustizia economica che resta il *vulnus* non sanato della città.

Perché scrivere questa storia ?

Gli Schneider hanno scritto questo libro per “estrapolare utili lezioni, elementi di complessità e contraddizioni che possono essere significanti oltre il caso particolare” (pp. 5, 301) che è quello dello sforzo di una città di contrastare la sua tradizione del crimine organizzato. Il lettore deve attendere le ultime tre pagine del capitolo finale del libro, per conoscere quanto Palermo, “la capitale dell’antimafia” insegna.

Primo. “La guerra al crimine non deve diventare un assalto ai poveri” (p. 301). Se esiste una relazione dinamica tra accumulazione di risorse, protesta sociale e opportunismo criminale allora, dicono gli Schneider, la lotta al crimine diventa paradossalmente una minaccia per i gruppi sociali più vulnerabili, tanto più se questi ultimi sono percepiti dalle classi dominanti come minacce. Esempio tipico è il comparto dell’edilizia a Palermo. Riconosciuta permeabile all’azione e alla logica del crimine organizzato, la sua regolamentazione, ha comportato la precarizzazione del lavoro salariato nelle aree più povere della città dove rimaneva il principale reparto creatore d’occupazione.

Secondo. Le reti di complicità ad alto livello di potere, restano invisibili perché pericolose, e sfuggono alla ricerca sociale rimanendo come alterità da immaginarsi. Le teorie del potere, continuano gli autori, tacciono rispetto a queste reti, “tecnicamente conoscibili ma troppo pericolose per essere conosciute”.

Terzo. La guerra al crimine è influenzata dai contesti macro delle trasformazioni politiche globali. Le conseguenze della storia della guerra fredda pesano sugli sviluppi della guerra al crimine organizzato, poiché il superamento delle divisioni ideologiche tra destra e sinistra domandano ed assorbono ancora molte energie politiche. L’eliminazione del linguaggio di classe perché rinvante a queste vecchie distinzioni ideologiche, permette certo un ecumenismo politico praticabile ma impedisce una elaborazione critica delle ingiustizie economiche. La guerra al crimine rischia di creare effetti ingiusti. La necessità di una nuova economia nella città in cui possono trovare le proprie opportunità i molti socialmente ed economicamente vulnerabili, i “paria urbani” direbbe Wacquant (Loic Waquant, *Parias Urbanos. Marginalidad de la ciudad al comienzo del Milenio*, Manantial: Buenos Aires, 2001), è la più importante lezione di Palermo.

Gli Schneider realizzano ciò che annunciano? Il testo può essere considerato certo come lo sforzo di una prima grande sintesi su mafia e antimafia. Le considerazioni che sollevo mettono in prospettiva più che i suoi contenuti la modalità della loro produzione.

Ci si può chiedere se fare la cronaca degli eventi equivalga a descriverli, e se ciò sia sufficiente a coglierne le logiche

che li governano. Il ricorso massiccio e prevalente alle fonti di seconda mano non può non porre gli stessi problemi di distanza critica che l'incontro, di prima mano, sul campo solleva: lo sforzo di deprendersi dalla prospettiva in cui il ricercatore è posto ricollocando le informazioni della "fonte" nella versione di realtà di cui essa è artefice. In questo caso sicuramente certi riferimenti risulterebbero più illuminanti per la loro modalità di costruire la realtà piuttosto che per le informazioni di cui sono portatori. Gli Schneider sembrano prendere talvolta a *face value* le informazioni delle fonti, di prima e seconda mano, che sono invece versione situate, *situated knowledge* direbbero altri, che costituiscono i fenomeni stessi oggetto di analisi. Militanti, operatori, "testimoni privilegiati", vicini di casa, autisti di autobus, leader sindacali, presidi, professori, genitori che gli autori convocano nel loro racconto, sono costruttori del mondo in cui si implicano e pertanto nel testo restano dei personaggi. Una analisi più dettagliata delle loro traiettorie biografiche avrebbe certo permesso di risituare e comprendere il loro dire e il loro fare negli spazi di comunicazione in cui si realizzano (scuole, condomini, associazioni, spazi aperti, etc.). E così generare, non una teoria sociale, ma quel sapere a misura di questo oggetto che solo il lavoro sul campo, di prima mano, può offrire. L'uso del materiale etnografico in questo grande sintesi risulta dunque più un supporto ed una illustrazione della tesi prestabilita che il luogo di elaborazione di una mediazione concettuale che renda conto di ciò che accade dal suo interno. Ci si può

domandare se l'approccio diacronico dominante dunque abbia penalizzato la comprensione sincronica, e se il ricorso al confronto con teorie elaborate in altri luoghi e spazi, che porta certo conforto (p. 43) forse solleva da quella tensione feconda di misurarsi, disarmati, con un materiale etnografico che resiste. Non poteva essere altrimenti. Il testo è ricco di oggetti e saperi diversi che ne fanno la sua originalità ma anche paradossalmente il suo limite. Esso offre molto, molto più di ciò che annuncia e allo stesso tempo molto meno di ciò che promette. Per questo aiuterà sicuramente chi si avvicina per la prima volta alle "storie" della mafia e dell'antimafia; per chi già è familiare con questi oggetti, costituirà piuttosto una elaborata, seria e dettagliata "agenda di lavoro".

Ferdinando Fava
Centre d'Anthropologie des Mondes
Contemporains
Ecole des Hautes Etudes en Sciences
Sociales
Paris, France
ffava@msh-paris.fr

R.C. van Caenegem, *European Law in the Past and the Future: Unity and Diversity over Two Millennia*, Cambridge: Cambridge University Press, 2002.

The genesis of this book by well-known legal historian Professor R.C. van Caenegem is in lectures given at a course on European legal history in the *Magister Iuris Communis* programme at the University of Maastricht. Professor van Caenegem evidently took great pleasure in teaching the course and in the interaction with international students who had first degrees in law. The author's discussions both in class, and with colleagues in the Maastricht Law Faculty, took in not only the European legal past, but also "the possibility of a common European law of the future" (p. vii).

At 143 pages, this book does not attempt an over-detailed coverage of its subject. Instead, the author focuses on various topics within the rubric of European legal history, some of which are purely historical, and some of which are comparative (e.g. similarities between civil law systems and the common law). In addition, as suggested by the title, the author also looks at the possibility of future unification of private legal systems as practised in countries of the European Union. Each chapter could stand on its own as an informative and well-written article. Read together, they form an excellent starting point for those who are interested in European legal history and in the perplexing question of how far individual countries' legal systems will travel along the road of European unification.

In the first chapter, Professor van Caenegem looks at the history of legal systems to establish points in common and to examine why laws in different European countries diverged. Although we take as given and as quite natural that "present-day Europeans live under their national systems of law" (p.1), in reality this is a recent phenomenon, going back only one or two centuries. In medieval and early modern Europe, there were no national legal systems: "People lived either under local customs or under the two cosmopolitan, supranational systems – the law of the Church and the neo-Roman law of the universities (known as 'the common, written laws', or the learned *ius commune*).

The author then presents five illustrations of the "transnational character" of the law in Old Europe. One of the most striking of these is that the English common law had its origin on the European continent. At its beginning it was feudal law administered under King Henry II and had been brought by the Norman conquerors. The law in the court of Henry II was Anglo-Norman, shared by the kingdom of England and the duchy of Normandy: "[I]t was only after the 'loss of Normandy' to France in 1204 that the kingdom and the duchy went their separate ways and the original Anglo-Norman law became purely English" (p.2). At a later point in the chapter, the author returns to an examination of English law and finds that the common law is not the only legal system followed in England. Other bodies of law include canon law of the Latin Church, the law of the Court of Chancery, and of the Court of Admiralty. Furthermore, the common law itself is

marked by civilian learning and arguably even of civilian jurisprudence.

Other illustrations of the cross-fertilization of European law are: the influence of Germanic and feudal customary law on the French *Code civil* of 1804, the Roman character of the German Civil Code of 1900 (an eventual result of the “*Rezeption*” at the end of the fifteenth century), the adoption of the German Civil Code by Japan, and the learned system produced by the European universities which arose from Roman law and canon law, the *ius commune*, the “supranational law *par excellence*” (p. 13.). There is also an interesting and concise discussion tracing how the law book of Justinian, which belonged to the classical world, “became the cornerstone of the modern civil law that, together with the English common law, dominates our own world” (p.17).

In the succeeding chapters, Professor van Caenegem expands upon the ideas presented in the first chapter and develops the thesis that there is more similarity than we would expect in the law of European countries, including that of England. In Chapter 2, he examines the *ius commune* which he identifies as the “first unification of European law” (p.22). In Old Europe, legal fragmentation was rampant. At any one time many different types of law – to name a few: feudal laws, urban legislation, the law of medieval corporations, Church law, and neo-Roman law – were applied in different courts. “The fragmentation was so extreme that within a single agglomeration, neighbouring areas, districts and even buildings could fall under different legal systems and belong to different courts of

aldermen, guilds, feudatories, lords, rural deans or hundreds” (p. 23). Surprisingly, society coped well with the many laws and courts.

Professor van Caenegem then explores Roman law as a unifying force, although he also urges caution in this assertion given that Roman law has also lead to diversity between countries. The reason for this was probably that the *ius commune* had been “received” in different countries at different times and with various impacts ranging from “close to nil (in the case of the English common law) to massive (in the case of the German Pandectists of the nineteenth century)” (p.25).

The author then poses the question as to whether the development of a new *ius commune* in the form of a common European theory of private law could play the same unifying role as the old one did. Although there have been efforts made towards unification, the “great stumbling block” is the English common law (p.26). Academic commentary, both optimistic and pessimistic, on the possibility of overcoming the differences between national legal systems and in particular between English law and that of continental Europe is reviewed. Professor van Caenegem then presents his reflections on these issues from the point of view of a legal historian. He concludes that in the past “new large political formations have tended to evolve legal systems of their own”; that “legal science has played a preparatory, pioneering role on the road to unification”; and that “science alone is not enough: the political will and political power are essential to bring the work of the scholars to fruition” (pp 32-35). His

largely optimistic view of the possibility of European legal unification rests on historical legal developments wherein huge obstacles were overcome to pave the way for change. He states: “[I]f the political will is strong enough and the lawyers prepare the road, legal unification in Europe may still come about” (p.37).

Chapter 3 follows the analysis of Peter Stein, Regis Professor Emeritus of Civil Law at Cambridge University and looks more closely at why the civil law and the common law differ, focusing on six areas in particular. It is demonstrated in the discussion, however, that there are many similarities between the two, to the point that a “*rapprochement* is undeniable” (p. 53). The focus of Chapter 4 is on what the author calls the “holy books” of the law. Parallels are drawn between Holy Scriptures, and fundamental and influential legal writings. For example, both types of texts are subject to interpretation in two broad ways: one bound by the “original intent” of the writer of the text, often many centuries ago, and the other by taking into account “the values and outlook of the present day” (p. 57). Real-life illustrations of the contrast of these two schools of thought included the differing analyses of judges of the US Supreme Court (in particular Mr. Justices Brennan and Scalia) regarding The Eighth Amendment of the Constitution and its interpretation in light of American laws imposing the death penalty. Discussion in this chapter inevitably deals as well with the “judicial activism” debate. The second part of the chapter deals with the background to the 1804 Code Civil of France and its interpretation. Again, some judges found themselves to be strictly bound by the

literal meaning of the Code; others were willing to go outside the Code to look for the legislator’s intent or even to include reference to “natural law”, ancient law, and “arrêts de règlement” in their reasoning (pp. 70, 71).

The author returns to the *ius commune* in Chapter 5 and poses the question of why it conquered Europe. The explanation takes in five different causes: legal, political, cultural, economic, and “opportunistic”. This chapter may have been more helpfully placed earlier in the book (perhaps after Chapter 2) given that the *ius commune* is such a fundamental part of all the discussions. From the point of view of a practising lawyer, the discussion regarding “opportunistic causes” was particularly interesting. Apparently, twelfth-century advocates and judges started to rely on the Digest, not for the noble reason of development of legal science, but in attempts to bolster a difficult argument or support a judgment that could not be justified otherwise. “This universal ploy of desperate pleaders was resorted to very soon after the *Corpus* had found its way to northern Italy and must have encouraged both advocates and judges to take a closer look at this new star in the legal firmament” (p.82).

Chapter 6 is entitled “Law is politics” and marks a change in the discussion. Whereas the previous chapters dealt more with the impact of cultural influences on legal history, this chapter focused on the mark of “power politics and economic pressures” on the face of the law (p. 89). The discussion is divided informally into two main parts: the “elaboration and promulgation at the end of the nineteenth century of the German

Civil Code” (p. 90), and an overview of law in Germany in the Third Reich, focusing on five jurists of the era. This reviewer found the latter discussion to be the most interesting part of this chapter in that it showed how easily the rule of law can be perverted in a society that had previously enjoyed a respected legal tradition. This chapter should be required reading for those who are complacent about the importance of the rule of law and an independent judiciary and bar.

Although Professor van Caenegem is obviously an expert in European legal history, he manages to communicate in a way that is accessible to a reader with a legal background, but who has limited

exposure to the historical side of the law. This reviewer is a common law lawyer with academic exposure to European Union law and found that despite her lack of experience in civil law jurisdictions, this text was not difficult to read and understand. Indeed, it was very enlightening, and only whetted the appetite for more information about the past and probable future of European law.

Sheila Osborne-Brown
Benson & Miles
St. John’s, Newfoundland

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