Stable Majorities in Italy: an Interview with FRANCESCO CLEMENTI

Francesco Clementi

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The „Italicum" law aims to fix what has ailed the Italian political system for decades: elections produce unstable majorities at best, and thereby unstable and often dysfunctional governments. Does it achieve that aim?

It is correct what you say. In fact, the Italian Electoral law called Italicum came into force on 1 July 2016. It assures to any party that reaches a threshold of 340 seats a stable majority of 630 seats, the so-called jackpot, possibly after a second electoral ballot. It was conceived to resolve the problem of unstable majorities in a bicameralism that, at the time, was also in the way to modify towards a bicameralism with a parliamentary vote of confidence in the only Chamber of Deputies, not for the Senate.

After the constitutional referendum of the last 4th of December, which has said No also on this topic because the 59% of the Italians has voted to maintain the double parliamentary vote of confidence, and after the recent ruling of the Constitutional Court which has cancelled the second electoral ballot, I am not sure that it will be possible for a single party to produce a single stable majority in both Chambers, also after the allocation of the jackpot that the Court has kept in place.

Why?

Because the real political difficulty is obtaining the same majority in two Assemblies, which have also different electorates, prescribed in our constitutional text. You have to consider that in four out of six elections since 1994 we had different political majorities after the electoral results. The first problem for all was always to get different political majorities in the two chambers to form a unique majority, even though the parties had campaigned and the voters voted in a uniform way.

Therefore, now each political party will certainly try to win both the jackpot in the Chamber of Deputies both the majority in the Senate but I suppose this will be achieved only under very exceptional circumstances.

How is this approach different compared to former legislative attempts in Italy, like Porcellum?

There are several differences between Italicum and the so called Porcellum. The most relevant is that Italicum law was realized respecting carefully the ruling of the Court on the Porcellum. And, in fact, you can measure this, considering that the Court has mostly confirmed the Italicum in the ruling of last week.

What did the Italian Constitutional Court find unconstitutional about this law?

We will have to wait until we get to read the full text of the ruling, but in a detailed press note the Court has underlined that most aspects were maintained. The Court has declared unconstitutional only two things: the run-off between the top two parties, probably because it did not fit into the perfect bicameral system preserved in December's referendum; and the Court has declared unconstitutional the possibility for MPs elected in more than one district, to choose freely, without being bound to the elections' results, in which one district they want to be elected.

As you can see, the Court has mostly confirmed the electoral law Italicum; and moreover in the press note the Court has explained that the Italicum is perfectly and immediately applicable as a basis for the next elections.

What will be the reverberations of this verdict in Italian politics?

This ruling it is very important because it confirms the mechanism of the jackpot, giving the

political parties the opportunity to obtain at least a solid majority in one Chamber, and, at the same time, it confirms the choice of a solution of a law based on a system of assured majority. We can imagine that the Court gives politics the freedom to choose between going back to the so-called first phase of the Italian Republic, based on a semi-pure proportional system, or to pursue the objectives of majoritarian effects notwithstanding a proportional system as the Italicum is.

Certainly, in a tri-polar political landscape like in Italy it would be difficult for a party or a coalition to reach 40% of the vote and to obtain the majority bonus in the Chamber. But the political parties could fight for that, and this effort is a relevant instrument to improve the chances for each of them to have *uti singuli* the same majority also in the other Chamber, the Senate. It is a sort of political bet, especially if the parties will present themselves to electorate in a single party-list as opposed to a coalition list, but it is the only opportunity to overcome the political fragmentation in a perfect bicameralism where the winner of the elections have to obtain two votes of confidence, not one as in all other parliamentary democracies.

Questions by Maximilian Steinbeis

In a former version, this article mistakenly stated the guaranteed majority as 530 instead of 630 seats. This error has been corrected.

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