



Panóptica
ISSN 1980-7775

SANT'ANNA LEGAL STUDIES

STALS / PANOPTICA BOOK REVIEW

Emanuele Rossi
I partiti politici in Italia.
Laterza, Roma-Bari, 2007

reviewed by G. Martinico

Sant'Anna School of Advanced Studies
Department of Law
<http://stals.sssup.it>

Panóptica - Revista Eletrônica Acadêmica de Direito
<http://www.panoptica.org>

Emanuele Rossi, I partiti politici in Italia, Laterza, Roma-Bari, 2007, pag. 193, €

12.00

reviewed by

Giuseppe Martinico¹

Introduction: political parties in the Italian Constitution

The book I am going to review belongs to a special series that an Italian publisher, “Laterza”, has devoted to the Italian institutional system.

The aim of such a special series consists in the effort to provide a non professional reader with a language which allows him to understand the dynamics and the structure of the Italian political institutions (the Parliament, the Judiciary, the Cabinet and, in this case, the political parties system). Like all the other books included in the series, the volume by Rossi presents a long introduction -devoted in this particular case to the Italian party system (history and constitutional framework)- and a second part which is divided into a set of entries which offer the scholars a reference mark with regard to the terminology.

The author is Full Professor in Constitutional law at the Sant’Anna School of Advanced Studies, and additional member of the Italian Constitutional Court².

The book is coherent with the scientific path of the author, since he has already devoted a study to the subject of “social groups” mentioned in our art. 2 of the Constitution reading: “*The Republic recognizes and guarantees the inviolable human rights, be it as an individual or in social groups expressing their personality, and it ensures the performance of the unalterable duty to political, economic, and social solidarity*”.

According to the Italian Constitution social groups are the natural environment for the development of the human being’s personality. This is precisely what the fathers of the Constitution meant by the personalistic and pluralistic principles, according to which the most important element of the new constitutional paradigm (that emphasized by the new Italian Constitution of 1947) consists in acknowledging the importance of the protection of the human being both as an individual (*uti singulus*) and as a relational actor (*uti socius*), that is the human being conceived both as a “person” and within the social relations

¹ Lecturer in Law at the University of Pisa (Center for Peace Studies); Stals (Sant’Anna Legal Studies Assistant Editor, www.stals.sssup.it).

² Art. 135, 7, Italian Constitution: “*When sitting to decide on a case of impeachment against the president, the court consists of sixteen additional members, who are drawn by lot from a list of citizens elected by parliament every nine years, from among those possessing the qualifications for election to the senate, by the same procedures as for the appointment of the ordinary justices*”.

The importance of the social relations implies the overcoming of the liberal principle according to which the man was to be conceived as an individualistic “monad”.

Another fundamental principle is represented by the pluralistic one, according to which the State shall favour the birth of social groups that constitute an intermediate level between the State itself and the citizens

Political parties are the best example of the connection between civil society and State, and because of this their role became more and more important with the passage from the Liberal State conceived as an elitist state (characterized by the non-universal suffrage) to the democratic one (in Italy the complete universal suffrage- with the extension to women of the right to vote - was achieved only after the Second World War in the referendum for the choice between monarchy and Republic and in the elections for the Constituent Assembly with the assignment of providing the Italian Republic with a new Constitution).

Rossi presents a general overview of the most important steps of the political parties' history, connecting the evolution of the party system with that of the electoral one and of the right to vote.

Moreover, in spite of the subject being typically politological, Rossi is able to deal with it from a pure legal point of view without neglecting the importance of the political history and the political science.

Contents of the book

As written above the book consists of a long introduction and a series of entries, including a complete thematic bibliography. The long introduction written by Rossi is actually an essay on the political history of Italy after the Second World War and this helps the reader appreciate the importance of political parties in the Italian political system.

Starting from the constitutional frame Rossi writes about the genesis and the interpretation of art. 49 of the Italian Constitution, reading: “*All citizens have the right to freely associate in political parties in order to contribute by democratic methods to determine national policy*”.

This article has to be read in the light of art. 18 of the Constitution, devoted to the freedom of association, which reads:

“(1) Citizens have the right freely and without authorization to form associations for those aims not forbidden by criminal law.

(2) Secret associations and associations pursuing political aims by military organization, even if only indirectly, are forbidden”.

Political parties, in fact, are particular forms of private association and they are mainly disciplined in the Italian Civil code (art 36 ff.), which is perhaps paradoxical considering their public role.

Another provision to be taken into account is the XII transitional and final provision of the Italian constitution, which states that: *“It shall be forbidden to reorganise, under any form whatsoever, the dissolved Fascist party. Notwithstanding Article 48, the law has established, for not more than five years from the implementation of the Constitution, temporary limitations to the right to vote and eligibility for the leaders responsible for the Fascist regime”*.

This provision aims at protecting democracy from the dangers of the past totalitarian experiences and in this sense it has to be read together with art. 139 which forbids the amendment of the “Republican form”, formula under which the Italian Constitutional Court grouped the essence of the supreme values of the current Constitution (judgment n. 1146/88).

One of these fundamental values is obviously the democratic one as confirmed by the importance given by the Constitution to the call for the “democratic methods” of political parties: it would be a countersense to entrust political parties with the determination of national policies if they did not respect the basic values of the constitutional pact.

The stress on the *“democratic methods”* can be explained paying attention to the necessity to ban the violent methods from the political competition (“external democracy”); moreover, according to some scholars, the Fathers of the Constitution wanted to guarantee that the internal set up of the parties responded to the democratic principles (“internal democracy”).

As Rossi recalls a real turning point in the Italian political history is represented by “Tangentopoli” (literally “bribe-ville”) scandal - at the beginning of the ‘90s: the real outcome of that event was not the end of the corruption (now more contained although still extended spread) but that of the *Democrazia Cristiana*³ - Christian Democratic Party, the most important political party until that time. That phenomenon coincided with the adoption of a new (prevalently) majoritarian system which paved the way for a substantial bipolarism which is quite different from the made-in-England perfect bipartism (in the Parliament) but which contributed to a form of alternation between political forces although leaving unaltered the number of parties.

As regards to stability, the new electoral system does not win the battle for the stability of the Executives which were usually torn by the political division between the parties components of governing majorities.

³And the end of the Italian Socialist Party

Recently the situation has changed once again, since in 2005 the Berlusconi government amended the electoral system coming back to a (basically) proportional system with the introduction of a majority premium (“premio di maggioranza”)⁴.

It is evident from the analysis by Rossi that both the political and the electoral systems are determining factors in the evolution of the form of government that is the set up of the relations between the constitutional bodies.

In conclusion, Rossi’s useful contribution serves as a general overview on the main issues related to the political parties (in Italy) for non expert readers in a very difficult period for the Italian civil society characterized by the spread of a lack of interest (especially among young citizens) or trust in the politics and in the activity of politicians⁵.

⁴ Quoting Sartori: “*The majority premium consists of giving a premium in seats to the list...having obtained the highest vote*”, G.Sartori-P.Maier, *Parties and Party Systems: A Framework for Analysis*, European Consortium for Political Research, ECPR Press, 2005, 87.

⁵ See the opinion polls regularly reported by the main Italian journals (“Repubblica” or “Il Corriere della Sera”. <http://news.kataweb.it/item/528219/giovani-ricerca-bocciano-media-e-mondo-politica>