Part 2:
Regional States and European Union
Italy: The Pendulum of “Federal” Regionalism

Günther Pallaver and Marco Brunazzo

I. Introduction and theoretical approach

Italy is not a federally constituted state, since it lacks a number of characteristic constitutive elements. In particular, Italy does not have a regional Chamber of Deputies endowed with corresponding competences. Over the last several decades, the state has taken on a number of reformative steps towards federalism, but it finds itself in a sort of pendulum, swinging back and forth between phases of centralisation and decentralisation (Baldini and Baldi 2014: 87).

Our historical starting point is the second half of the nineteenth century, when the state underwent unification through unity and centralism, although even back then there were voices in favour of Italy becoming a federal state. After the Second World War the issue of regionalism was again taken up. For the architects of the new republic, decentralisation constituted the antithesis of fascist centralism. That way, the various political cultures would return to the respective regions (Putnam 1993) and their particularities (Grasse 2005: 129ff.), and the regions themselves would make an important contribution to the country’s economic development. Although regionalism was, practically speaking, disappointingly fleshed out in the 1948 constitution, the foundations were laid for a form of decentralisation which could potentially be enhanced.

Since the passage of the 1948 constitution, there have been a number of attempts to reform Italy’s institutional architecture—including the relationship between the centre and the periphery—in order to overcome the trials and tribulations of the Italian Republic: e.g., deficits in democracy, economic and social inequality, inefficiency, instability and the loss of central steering capacities (Bartolini 1982: 203) as well as the practice of “surviving without governing” (Di Palma 1977). Within the logic of “dissociative federalism”, these reformative steps indicate an incremental increase in difference and a decrease in uniformity, which is expressed in changes to institutional intra-state architecture and social relationships (Grasse 2012: 798).
Since the 1970s, however, the numerous institutional attempts at reform have either failed or have had a very weak impact. One suitable theoretical explanatory approach for this development is historical institutionalism. It views institutions as products of their origins and continuity and change as “formal and informal procedures, routines, norms and conventions embedded in the organisational structure of the polity or political economy” (Hall and Taylor 1996: 938). From this perspective, institutions pertinently shape the interests, actions and objectives of the actors, who introduce their endogenous preferences and thus influence the outcome of political decision-making processes (Steinmo and Thelen 1992: 1). Similarly, sociocultural norms and values affect institutions, particularly in the area of institutional changes, just as much as historical framework conditions influence the distribution of power and protagonists’ preferences as well as institutional effectiveness (Thelen 2002: 91).

Institutions point to a developmental path whose starting point may be located historically and which is shaped by a specific institutional logic of operation (Ikenberry 1994; Mahoney 2000: 507). Institutional changes are thus seen as processes of increasing gradual shifts, which need not occur exclusively via sudden institutional ruptures (Mahoney and Thelen 2010: 1). These endogenously or exogenously caused “critical junctures” (Capoccia and Kelemen 2007: 341), which question the dominant institutional logics of action or condition them in novel ways, may in Italy be ranked beside the far-reaching political crisis situations from 1943 to 1948, during the transition from the First to the Second Republic from 1992 to 1994, and in the crisis years between 2011 and 2013: in other words, starting with the end of the Berlusconi era to the parliamentary elections of 2013 (Edelmann 2016: 54ff.).

The institution’s logics of action introduced in the Italian constitution of 1948—which stemmed from the country’s experiences with fascism and the political polarisation between the Christian Democrats and the Communists—was based on the principles of proportional distribution and diffusion of power. In the context of the new constitutional architecture’s definition, the primary aim was to balance the power between these two blocks and avoid a concentration of power; it was less a question of efficiency (Edelmann 2016: 58). For decades, the political actors’ preferences remained stable in Italy, which was why the mechanisms relating to how the institutions maintained themselves did not change. As shall be shown below, even far-reaching political crises did not lead the predominant logics of action to decisively veer from their path.
The attempt to change the institutional logics of action in Italy has so far always been connected to a central political leader personality, to *Change Leadership* (see Blondel 1987; Burns 1978; Elgie 1995; Helms 2000: 411). Such a personality is distinguished by their strong, innovative will. They also have the necessary political institutional power position and personal leadership skills at their disposal to dominate the reform process and to impose their convictions as regards innovation (Edelmann 2016: 69). However, the *Change Leader*’s attempt to create public consensus for their reforms is countered by various possible veto players, with the result that one may assume the following thesis: The initiatives in the second half of the past century, which aimed at changes in the constitutional architecture of Italy in favour of the regions and towards federalism, were neither based on new logics of action nor on successful *Change Leadership*. Renzi’s government (2014–2016), which wanted to replace the old operative logic of power diffusion and proportional representation with concentration of power and efficiency, in spite of their *Change Leadership*, was countered by a series of veto players who held on to the old logics of action, with the result that the most comprehensive constitutional reforms so far, those of 2016, failed.

### II. Historical starting point and the Constitution of 1948

For a long time, Italy was considered a centralised, united state, which in the course of its unification process had united a number of more or less independent regional states and which between 1859 and 1918 had annexed various portions of the Habsburg Monarchy. This type of unification process affected the architecture of the Italian constitution and the relationships between the centre and periphery, as can be illustrated by considering today’s regions with normal and special statutes. This process of “unification by incorporation” was accompanied by a gradual process of centralisation in order to achieve administrative uniformity, social levelling among the quite heterogeneous populations and the nationalisation of the elites (cf. Vandelli 2012; 2013).

Under the Albertine Statute (*Statuto Albertino*), the imposed constitution of 1848, which at first was in force in the kingdom of Sardinia-Piedmont and later, from 1861 to 1946, in the kingdom of Italy, there was only limited leeway for any type of decentralisation. Below the level of the national state, regional administrative bodies of the province authorities were
in place, as were municipalities, which were administered according to model of the French *Departements* by prefects (appointed governors) (Ghisalberti 2002: 19ff.). Occasional demands for decentralisation were refused because the ruling elites feared losing control to their political opponents (Grasse 2000: 96).

The numerous regionalist and autonomous voices that came to the fore in the wake of the First World War vanished completely during the fascist seizure of power. So began the authoritarian and centralist new order of the unitary state, which eliminated the last bit of the remaining autonomy of the municipalities and provinces. Indeed, by contrast, it heavily enhanced the status of the prefects as controlling organs of the centre and of the regime (Ghisalberti 2002: 357ff.).

Even during the war, and not coincidentally, the Resistance (*Resistenza*) against the fascist and Nazi regimes demanded democratic renewal of the state under regionalist federal auspices through the removal of the prefect system. Among its most important position papers, the “*Carta di Chivasso*” of 1943, included a demand for a federal republic on the basis of extensively self-administering regions and cantons (Giuliano 2008).

The country’s negative experiences with fascism led the newly re-established democratic parties to become more understanding towards calls for decentralisation. The Republic’s constitution, established in the course of Italy’s democratic reorganisation after the end of the Second World War and of the dialectic between continuities and ruptures, represents the new beginning’s core. It was written by all political forces united with the *Resistenza*’s “*arco costituzionale*” (constitutional arc) (Floridia 1995: 5).

Replacing the liberal *Rechtsstaat* (state under the rule of law) with a new *Rechtsstaat* and a social welfare state, however, became particularly arduous when it became necessary to find a fundamental consensus among the mass parties—which by now had become the state’s founders and representatives—on the purpose of the state architecture and organisation. The Christian Democrats, generally speaking, argued for a vertical (though not exactly federal) separation of powers, and thus for a strengthening of the regions. They did this because of their basic opposition to a centralist state and because of the principle of subsidiary: a fundamental principle developed by the Catholic Church.

Conversely, the left-wing parties put on the brakes when it became an issue of moving towards decentralisation, because they viewed it as an obstacle to social reforms, which the state were supposed to implement (starting) from the centre. The compromise between both big political
camps, which operated amid the logic of power diffusion and a system of concordance, ultimately foresaw the establishment of a decentralised, unified state (Barbagallo 1996). Considerations for a federal system by the Costituente (constituent national assembly) were a priori not taken into account: out of fear that the unity of the state might break down, but also out of mutual distrust between the parties (Ventura 2002: 113). The upshot was that after the consolidation of their power as a result of the parliamentary elections of 1948 (Ricolfi 2012: 31), the Christian Democrats suspended the renewal of the institutions. This involved the Constitutional Court, The High Council of the Judiciary, the legal institution of the Referendum and implementation by the regions.

The regions, provinces and municipalities were dealt with in articles 114 to 133 of the constitution of 1948 (Falzone et al. 1976: 364ff.). The 20 regions were divided into normal statutes (Piedmont, Lombardy, Veneto, Liguria, Emilia-Romagna, Tuscany, Umbria, Marche, Lazio, Abruzzo Molise, Campania, Puglia, Basilicata, Calabria) and five had special statutes (Aosta, Trentino-South Tyrol, Friuli-Venezia Giulia, Sicily, Sardinia), whereas Aosta and Sicily had received a special statute prior to the new constitution and Friuli-Venezia Giulia as of 1963 (Nevola 2003). The senate, according to the constitution, was to be elected on the regional level (Art 57), but it is not a regional representative.

The constitution of 1948 defines Italy as a “regionalised unified state”. Art. 5 of the constitution determines the unity and indivisibility of the Republic, but also the state’s duty to recognise local autonomies and to foster them. In this vein, according to Art. 115: “The regions are established as autonomous bodies with their own prerogatives and tasks according to the principles laid down by the constitution”. To this extent, the state of Italy is required to orient its legislation towards decentralisation and self-administration. The regions have been raised to a constitutional level but are not units of a federal government. The centre cedes certain competences to the peripheral territorial bodies, but there is no division of powers in a federalist sense of the word. The regions administer their competences by way of the regional council and the regional government elected from it, which is headed by a president.

Under the constitution of 1948, the regions were to be conferred administrative and political tasks, with the result that the regions, in relation to the centre, obtained self-administration, albeit a tentative one. The anticipated legislative autonomy in Art. 117 hardly came into force because the regions, among other things, were granted only competitive legislative
competence vis-à-vis the central government.\textsuperscript{1} This resulted in legislation in the framework of the principles developed by the government’s laws under the precondition that these regulations contradicted neither the state’s interests nor those of other regions (Art. 117). The competences of the regions were comprehensively listed; everything else fell within the state’s remit. The right to launch legislative initiatives, including initiatives for changes to the constitution and abrogative and affirmative referenda, was thus severely restricted (Arts. 71, 75, 121 and 138). The tripartite system of territorial autonomy was thus constituted by regions, provinces and municipalities, accompanied by further territorial mergers, such as the association of mountainous municipalities (comunità montane), associations of municipalities (unioni di comuni) or the associations of the islands (comunità isolate) (Grasse 2012: 800).

Compared to the regions with normal statutes (ordinary regions), the regions with special (or autonomous) statutes were endowed with many broader competences and primary legislative power. They also had much more generous financing, which was essentially provided by the centre. Yet it was still a far cry from financial autonomy. This meant that until 1970, the regions with ordinary statutes, in the absence of legal and practical implementation, remained “frozen”, whereas the regions with special statutes (Friuli-Venezia Giulia as of 1963) could move along their path to self-administration from the very beginning. In this way, Italy was a regionalised, unified state. However, since it diverged from that—because of its five regions with special statues—it was an “asymmetrically” regionalised, unified state.

\textsuperscript{1} Art. 117 of the constitution: “For the following areas, the regions have legal and binding principles within the framework of state laws on the condition that these principles do not contradict the state’s interest or that of any other region. Orders for civil servants and the administrative bodies are dependent on the region: municipal borders; local city and region police; fairs and markets; open pilgrimage or health and sickness assistance; handicrafts and professional training as well as school counselling; museums and libraries in the local bodies; urban development; the tourism and hospitality sector; streetcars and transport services; road construction, water pipes and public works of regional interest; inland navigation and harbours; mineral and thermal water circulation; stone quarries and peat-ditch; hunting; fishing and inland water; agriculture and forestry, handicrafts and other described areas as per the constitutional laws.

The laws of the Republic may transfer the power of attorney to the region to exempt necessary by-laws. Online: http://www. verfassungen.eu/it/ital48.htm [accessed: 10.10.2015].
III. Regional emergence

The practice of decentralisation began once the institution of the region was implemented (law 108/1968): in other words, twenty years after the Italian constitution came into force. In 1970 the ordinary regions were finally able to elect their regional councils. In 1971 the regional statute was adopted. Transfers of power and of financial resources followed (law 281/1970). Nevertheless, reservations towards the regions still existed on the part of the federal state and its bureaucracy. Thus, the implementation of the decrees of 1972, which aimed to transfer competences, was extremely restrictively handled. After long and controversial debates, law 382/1975 was passed and, as a consequence, so was the decree of 1977; both the law and the decree delegated legislative and administrative functions more decisively. With corresponding legal measures between 1975 and 1978, the state’s administrative personnel were assigned to regional programmes in the framework of public policy areas, such as healthcare and transport (Cotta and Verzichelli 2008: 196).

The new regional governments, a few of which consisted of centre–left and left-wing coalitions, exerted considerable political pressure on the central government to speed up the renewal process. All in all, however, it must be pointed out that the regional experience was rather disappointing. Restrictive guidelines determined what the regions could implement. Since the regions only had competitive legislative competence, national legislation, in the framework of which the regions had to operate, was able to delay, prolong or even sabotage initiatives. Furthermore, the regional laws were subjected to pre-emptive control by the federal state—namely with respect to their legality in the sense of regional competence and compatibility with constitutional principles, with fundamental state norms, with the national interest and with the interest of other regions. It even afforded the central government the opportunity to appeal to the constitutional court against a regional law—one that had already been passed (ex post). All of this led to the regions with non-autonomous statutes predominantly becoming functioning administrative bodies and much less autonomous legislative organs (cf. Grasse 2000: 208f.).

The regions with the ordinary statute were only minimally endowed with financial resources. According to Art. 119: “The regions have financial autonomy within the forms and limits set by law; these laws they accord with the finances of the state, the provinces and the municipalities. The regions are accorded their own taxes and shares of the federal taxes
according to the necessities of the regions for the realisation of the necessary tasks in the carrying out of their normal competences”. Thus, the regions on principle were entitled to financial autonomy, but this was ultimately determined by the centre (Grasse 2005: 84).

For a long time and to a large extent as a result of these framework conditions, the possibilities of regional autonomy were not taken advantage of. The regions’ efficiency also left much to be desired. An unclear relationship between the central government and the peripheral governments remained (Hine 1993: 271). Indeed, Robert Putnam (1993: 48) looked sternly at the regions and spoke of a “Kafkaesque combination of lethargy and chaos.”

But not all regions could be lumped together. In spite of the institutional homogeneity, there were glaring differences in the policy output of the northern regions at times, which were more active and enterprising, and which conducted more efficient administration and management of finances vis-à-vis the regions of the south and the islands. Above all, historical and structural framework conditions burdened the regions’ unequal development. Italy’s regional system was based ultimately on a parallelism of central and regionally autonomous structures, which led time and again to conflicts as regards competences, to overlaps, and also to inefficiencies and blockades. Italy was thereby neither united nor federalist but rather a hybrid system of an asymmetrical and regionalised unified state.

Between 1970 and 1990 there were a number of demands for reform, such as the Socialists’ project “Grande Riforma” (Acquaviva and Covatta 2010; Bull and Pasquino 2009: 16), which in particular called for more democracy “from below” and greater efficiency from regional institutions. Several territorial bodies, not only regions, were dissatisfied with their narrow autonomy and demanded greater margins for manoeuvre, which related to competences and financial safeguards. In the 1980s, various civic movements rose up to become protagonists of the peripheries. Subsequently, the Lega Nord rose up too, and vehemently at that. As the new political party connecting localism and regionalism, it called for radical and political renewal, and in doing so it accelerated Italy’s political transformation process (Bull and Gilbert 2001; Diamanti 1996).

Amongst others, state law 142/1990 regulated the autonomy of the municipalities, transferred more tasks and responsibilities to them, introduced rules on transparency in the administration, rules in favour of direct democracy, and instituted a type of ombudsman (difensore civico). In this way, the responsibilities and tasks of Italian municipalities became largely
uniformly organised. Between 1991 and 1993, in order to offset the general disenchantment with politics and political parties, which in Italy were above all provoked by bribery scandals (*tangentopoli*), new electoral systems were introduced on all levels: the state, regions, provinces and municipalities (Tarli Barbieri 2010: 81).

*IV. Sluggish reform process*

But reform was not only limited to the electoral systems. Rather, in the wake of far-reaching crises at the beginning of the 1990s, the demand for substantial reform of the central state institutions was raised by broad segments of civil society and by new political parties. This related to a crisis of the political class and parties as well as political institutions and national identity (Bull and Rhodes 1997). This great difficulty, accompanied by a black financial and economic crisis, reached into the state institutions, their rules and procedures and the “material” interpretation of the constitution, which had been bent by the parties and placed into their service.

As of the 1960s, reform project proposals would be guided by three demands: apply the constitution, return to the constitution and reform the constitution (Basso 1958). At the end of the 1970s, the demand for a *Grande Riforma* (great reform) finally took shape (Amato 1980). During these years, the call for renewal (Barbera 1991) led to three *bicamerale* (two-chamber commissions): The “*Commissione Bozzi*” elaborated a reform proposal headed by Liberal Party member Aldo Bazzi. It was never discussed in parliament, however (Cheli 2000: 9). The second *bicamerale* was set up in 1992 and was chaired by former DC (Democrazia Cristiana/Christian Democrat Party) Prime Minister, Ciriaco De Mita, who was subsequently replaced by a representative of the Communist Party, Nilde Jotti. Because of the turmoil surrounding the bribery scandals, however, there were few prospects for any substantial success (Barbera 1990; Bonini 1993). Two fundamental difficulties were on the political agenda of the Commissione De Mita/Jotti: i) the reform of the electoral system, initiated and pressured by a referendum; and ii) issues regarding Italy’s federalism, which in the wake of the Lega Nord’s electoral victory in 1992 had become politically quite expedient. None of them led to political consensus, however. The electoral law was changed by the 1993 referendum, and Italy’s timid federalisation had to wait until 2001 to obtain its first breakthrough (Pallaver 2003: 28).
The third go at reform followed a far-reaching political crisis in which the old party system imploded and was replaced by a new and fragile one. The reform happened under the leadership of left-wing Democratic Party Secretary and later Prime Minister Massimo D’Alema. The new combined majority electoral system (1993), which had replaced the proportional one that had been in force since 1948, also required an amendment to be made to the central constitutional institutions, since these were essentially orientated towards a proportionally representative and consociational democracy.

The “Commissione parlamentare per le riforme costituzionali” (Bicameral Commission) was established by a constitutional law in January 1997 and consisted of 35 deputies and 35 senators. The Commissione was responsible for the revision of the second part of the constitution, entitled “Organisation of the Republic”: i) to change the form of the state; ii) to reform the form of government; iii) to reform the perfect bicameral system (bicameralismo perfetto); and iv) to reform constitutional guarantees. From the very beginning, the Lega Nord wished to enshrine the “right to secession” into the constitution; this, however, was rejected. The main goal was to transform the “regionalised unified states” into some sort of “federal state”. Therefore, the heading chosen for the second part of the new constitution was “The Republic’s Order of Federation”. But the longer the proceedings lasted, the more the federal orientation faded. In the end, terms such as “federalism” or “federal” could no longer be found in the text, since the reformers had agreed on minimalist and rather more “potentially federal reform work”, which was to strengthen the regions. A substantial novelty was the de jure equal status among municipalities, provinces, regions and the national state, even though this was done in gradations regarding functions and competence and within the logics of the subsidiary principle. What was important was that the regions were to receive general legislative competence—excepting certain competences which expressis verbis would be reserved for the state—and financial autonomy in order to sufficiently cover the region’s competences. Lastly, the regions were allowed to determine autonomously their statutes and electoral system (Pallaver 2003: 30).

Within the institutional reforms (e.g., state president, government, courts, referenda, electoral system, European integration), regional and local territorial units were at the centre of the pressure for reforms. Their participation in the national decision-making process resulted in the reorganisation of the bicameral system. The 630 deputies were planned to be
reduced to 400; the 315 senators to 200. Yet the senate’s transformation into a true chamber of the regions was quickly rejected. Instead, the senate, as a Camera delle garanzie, was to be set up for the election of constitutional judges, the High Council of the Judiciary or the members of independent authorities. The Chamber of Deputies as Camera politica was to receive exclusive control of the government and sole legislative competence—except, for instance, for constitutional changes, electoral legislation, the judiciary, broadcasting or local governments (Vassallo 1997: 694).

With regard to competences of the regional and local bodies, the Senato integrato dai rappresentati delle autonomie was to convene: that is, the senate, enlarged by 66 district councillors, as well as provincial and regional councillors. The bicamerale passed the reform package in a timely manner, but it still failed due to the about-face by opposition leader Silvio Berlusconi and to the lack of enthusiasm from the government parties.

In spite of the bicamerale’s failure, the reform process continued. Simultaneously to reforming the bicamerale, Prime Minister Romano Prodi (1996–1998) began to reform those regulations of the regionalist system which did not require a constitutional amendment and thereby a requisite majority. An administrative reform took place under the direction of Franco Bassanini, the minister for public services and regional affairs, which newly attributed functions to the state, regions and other local bodies. In this way, Bassanini reformed the administrative system by means of political-administrative interventions and measures of decentralisation in a federalist sense, whereby a number of administrative competences, together with financial funds, were ceded to the regions (amendment to the local and regional financial constitution of 1997/2000) (Gilbert 1999: 161). In 1999, apart from the administrative reform, a constitutional law was passed which newly regulated the position of the regional presidents (the governatori of the regional government) and the statutory autonomy of the regions. Now there could be direct elections of the governatori, which were granted the principle of policy guidelines, as long as the regional statute did not plan something else (Baldini and Vassallo 2001: 127). In

---

2 Cf. Atto Camera 3931/Atto Senato 2583 and Atto Camera 391-A/Atto Senato 2583-A.

3 On the political level, strengthening the regional executive, among other things, occurred by means of reforming the electoral system: the introduction of the direct election of the president and a majority bonus (cf. Vandelli 2012).
this way, the new governatori received stronger democratic legitimacy. The regions were also entitled to grant themselves a statute that did not require the approval of the (national) parliament, as had been the case up until then. Henceforth, the question of the statute’s constitutionality could only be broached in the space of 30 days.

Giuliano Amato’s government (2000–2001) concentrated on the reform of Title V of the constitution: regions, provinces and municipalities. A constitutional reform passed in September 2000 referred to the work of the bicamerale, which led to strong political and administrative enhancement of the importance of the regions (Legge costituzionale 2001).

The central points of reform affirmed that municipalities, provinces, metropolitan areas, regions and the state make up the Italian Republic (cf. Camera dei Deputati 2002). Rome received a special statute. On the basis of a new sensibility towards ethnic minorities, asymmetrical regionalism and bilingual designations were introduced in the following regions: Valle d’Aosta/Vallée d’Aoste and Trentino-Alto Adige/Südtirol (South Tyrol). Namely, on their initiative, the regions could be conferred further competences (but not the other way around: from the region to the national state). Yet these additional competences were limited to the competitive competence between the national state and the regions, to environmental protection, to general educational guidelines and to guidelines for the justices of the peace.

The most important amendment concerned the reversal of the competences between the national state and the regions and included an exhaustive enumeration of the national state’s competences and of the attribution of all other competences to the regions.4 In the constitution of 1948, the opposite principle was valid. This thus signified the most marked advance

4 The state (Art. 117 para 2) has exclusive legislative powers in the following matters: a) foreign policy and international relations of the state; relations between the state and the European Union; right of asylum and legal status of non-EU citizens; b) immigration; c) relations between the Republic and religious denominations; d) defence and the armed forces; state security; armaments, ammunition and explosives; e) currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; equalisation of financial resources; f) state bodies and relevant electoral laws; state referenda; elections to the European Parliament; g) legal and administrative organisation of the state and of national public agencies; h) public order and security, with the exception of local administrative police; i) citizenship, civil status and register offices; l) jurisdiction and procedural law; civil and criminal law; administrative judicial sys-
towards decentralisation and federalism. In addition, the regions’ political autonomy was strengthened: the regions were now directly involved in setting up communal norms and were able to conclude agreements with other states or territorial bodies (also on the national state level). Apart from this, numerous issues remained in the competing legislation of the state and the regions.

In terms of financial autonomy, the reform did not deviate much from the traditional paths. Rather, the issue was adapted into the new constitutional framework, which had resulted from the strengthening of the regions. The position of the regions and their autonomous margin of manoeuvre were reinforced by the fact that an entire series of control instru-

5 However the national state may step in for the regional bodies—that is, for the metropolitan areas, provinces and municipalities—if they do not comply with international treaties or communal guidelines, or in cases in which public safety, the unity of the national law and the economy, or civic and basic social rights are interfered with (Pallaver 2003: 34).

6 According to Art. 117 para 3, the following areas are part of competitive legislation: international and EU relations of the regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and with the exception of vocational education and training; professions; scientific and technological research and innovation support for productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; harmonisation of public accounts and coordination of the public finance and taxation system; enhancement of cultural and environmental properties, including the promotion and organisation of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the subject matters covered by concurring legislation, legislative powers are vested in the regions, except for the determination of the fundamental principles, which are laid down in state legislation. The regions have legislative powers in all subject matters that are not expressly covered by state legislation. Online: http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf [accessed: 27.02.2017].
ments on the part of the state was abolished: such as, the “state interest” or the state’s preventative control of regional laws. The state could henceforth appeal in front of the Constitutional Court against regional laws only within a certain time frame.

In this context, the subsidiary principle represents the central political key to understanding Italian constitutional reform; it is also relevant for the distribution of competences among territorial bodies in the sense of vertical logic and for fostering the assumption of tasks by social protagonists in the sense of horizontal logic. Since the constitutional law was passed in the second (parliamentary) reading only via the absolute majority of the government parties, it was submitted to a constitutional referendum. With voter participation of 34% (and thus no quorum for the referendum’s legal validity), 64.2% voted in favour and 35.6% voted against.

Still, this constitutional reform, which should have been a substantial step in the direction of federalism, contained a few decisive shortcomings. The terms “federalism” or “federal” did not appear in the reform text; nor did it include a chamber of the regions or regions and local territorial bodies. This ultimately points to the fact that the little political will behind Italy’s endeavours to become a federal state was too weak. Interim regulations were also lacking, with the result that for a more centralistically oriented government, like Berlusconi’s (in spite of Lega Nord), it was easy to interpret the reform regulations as restrictively as possible and to delay the reforms’ implementation. Quite soon problems arose in trying to harmonise the new reforms in the constitution’s second part with its first, general part. Nonetheless, the door to asymmetric federalism had been opened (Palermo et al. 2007).

After the parliamentary elections of May 2001, the centre–right-wing alliance under Silvio Berlusconi replaced the centre–left-wing alliance in the government. This new government, pressured by its coalition partner Lega Nord, called for an amendment to the reform that had been put into effect in 2001: among other things, it called for a chamber of regions as a counterpart to the strengthening of the executive by means of the direct election of the prime minister. After various projects aimed at dividing Italy into three macro-regions (cf. Diamanti 1993; Passarelli and Tuorto 2012) and subsequently after the call for a secession of the north of Italy (Diamanti 1996), the Lega Nord demanded “devolution” based on the example of Scotland. In accordance with this, the regions were to be granted the chance to receive executive competence in the areas of schools, healthcare and regional (local) police. In the sense of the “two-speed approach”,

162
the taking-up of these competences was to be immediately realised by regions with (appropriate) organisational and financial capacities; the other regions were to take on the same competences at some later point (Pallaver 2003: 35). This reform was rejected in 2006 by the constitutional referendum (with voter participation of 52.5%) by 61.3% against 38.7% in favour (Pasquino 2015).

V. The performance of the regions

Although the Italian regions have long been characterised by substantially similar institutions and, at least as regards the ordinary statute regions, have exercised the same powers, their institutional performance—i.e. their capacity to solve collective problems raised by a certain context—has been very diverse (Vassallo 2013a; for a historical survey with emphasis on economic policy aspects, see Daniele and Malanima 2007).

Also, the reforms introduced since the mid-1990s have not made the regions substantially different from each other in their institutional features. Although the constitution grants regional administrations relatively wide margins of freedom in determining the rules on the election of their presidents and councillors—and consequently their system of government—all the Italian regions have adopted a neo-parliamentary system characterised by direct investiture of the president of the region and the regional councils. This does not mean that the institutions have not changed with respect to the past. On the contrary, the reforms have significantly empowered the presidents of the regions, who, besides the strong legitimacy deriving from their direct election, also enjoy large majorities in the regional councils. At the same time, the reforms have reduced the role of the councils, which in the past were instead central to the selection of the governing majority. As a consequence, the regional governments are today substantially more stable than in the past.

The extensive empirical research conducted by Vassallo and his colleagues, however, draws conclusions that are only partially different from (and complementary to) those reached by Putnam (1993). Levels of civic culture and economic affluence, as Putnam also argued, are still important factors in explaining the differing performances of Italian regions on many (but not all) policies. Nevertheless, the institutional reforms have been important. In the words of Vassallo (2013b: 33), “the North-South divide, also in terms of the quality of administrative performance, is still substan-
tial, and it seems bound to continue. The good news is that, among so many culpable omissions in its self-reform, politics has made a useful choice in recent years. Introducing the direct election of regional presidents and neo-parliamentary governments has produced government stability where it previously did not exist: Therefore, at least in some areas of public policy, it has increased the chances that, even in socially and economically adverse conditions, regional institutions are somewhat better at performing the tasks for which they were created.”

A. The reforms of some public policy areas

Institutional reforms are not the only reforms that modify the relations between the central state and regions in Italy. The new distribution of competences among the various institutional actors envisaged in the 2001 Reform of Title V of the constitution required the adoption of specific regulations in a number of policy areas. However, the new legislation has not solved the ambiguity of the real attribution of competence in widely overlapping domains (for example, in the field of environmental norms or of the norms related to territorial planning) and has, in contrast, contributed to fuelling the dispute between the state and the regions before the Constitutional Court. In addition, even where efforts have been made to achieve real decentralisation of competences, new problems have arisen following the outbreak of the economic and financial crisis. As a result, in many cases the state has tried to take back at least part of the competences it lost. Consequently, a contradictory and conflictual relationship between the centre and periphery has emerged. One can consider three major policy areas as examples: health policy, fiscal federalism and regional participation in the bottom-up phase of national European Union (EU) policy.

In the field of healthcare, Italy has experienced three stages of decentralisation (Ferrera 2005). The first one, which took place in the 1970s and 1980s as a response to the increasing difficulty of centrally managing a widespread health system, was in fact initiated in 1978 with the creation of local health units (*unità sanitarie locali*, USL) and with the attribution of steering powers to the regions. The second phase took place during the 1990s under the strain of the public finance crisis and the emergence of political actors strongly in favour of decentralisation (or federalism) processes with territorially concentrated consensus, such as the Northern League. During this period, the national health system (*Sistema sanitario*...
nazionale, SSN) was regionalised: the regions were considered preferable to the municipalities in the management of the services because they can develop more economies of scale. Legislative Decree No. 502 of 1992 for the reorganisation of healthcare regulations, Legislative Decree No. 446 of 1997 providing for the possibility of increasing regional taxation in order to finance the health sector, and the reform of Title V of the constitution in 2001 were the main regulatory steps of this phase. The third phase started with the new century. During recent years, in fact, “the regions have been able to create very different institutional arrangements in terms of supply configuration, buyer–producer relations, access to the regional healthcare system (Sistema sanitario regionale, Ssr) by private service providers, freedom of choice of the patients’ care structure” (Pavolini and Vicarelli 2003: 203). However, in this third phase, the central government has not been watching: on the contrary, it has tried to control the level of regional health spending more effectively by imposing serious budget constraints. In 2001, therefore, the first agreement between the national government and the regions was approved, in which the government pledged to increase the state’s contribution to SSN funding, provided that the regions adopt mechanisms to control health spending and, where necessary, to recover from potential budget deficits. This agreement was then revised in 2005 and 2007. To date, seven of the current 21 SSRs continue to accumulate deficits and state control activities tend to concentrate mainly on them. However, as France (2008: 18) writes, “The seven ‘regions in difficulty’ are in such dire financial straits that they have been prepared to accept severe limitations on their freedom of action. This exercise of central spending power represents a dramatic break with the period pre-2001 when state financing was granted virtually unconditionally”.

Non-dissimilar dynamics can also be observed in the second policy area considered, that of fiscal federalism. The need for greater control of public spending and the need to respond to political pressure stemming from federalist parties’ affirmation (or, in any case, in favour of limitation of the central state’s power) is at the origin of the reform of the tax levy system. The enabling law of 5th May 2009, n. 42, has initiated a process of redefining the economic and financial relations between the state, regions and local authorities with two essential goals. The first is to strengthen the accountability of local administrators towards their citizens. The legislature, in other words, considered that the regions directly exercising the tax authority could make citizens more aware of the merits (or lack) of the choices made by the political class. The second goal is to promote more
effective public spending. It was pursued by overcoming the criterion of historical spending and adopting the standard of cost/needs criterion. In other words, the legislator sought to overcome the inefficiencies that had led to the allocation of funding calculated on past spending in favour of a more equitable, effective and efficient mechanism. In short, the enabling law was concerned, on the one hand, with making the regions more transparent, and, on the other hand, with continuing to provide the local authorities with relatively stable and sufficient financial resources to provide the services they were required to deliver.

Fiscal federalism has, however, encountered two interrelated obstacles. The first concerns the adoption of implementing decrees, which, after the first two years since the enabling law came into force, has undergone a major slowdown (Grasse 2016: 368). The second hurdle is the outbreak of the international economic crisis that led the Economic and Monetary Union countries to sign the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (also known as the “Fiscal Compact”) in 2012. This treaty forced Italy (and other European countries) to enact a constitutional reform on 20th April, 2012, with Constitutional Law n.1, entitled “Introduction of the principle of budgetary balance in the Constitutional Charter”. In fact, the need to comply with tight budgetary constraints at European level has led to a halt in the process of Italy adopting fiscal federalism. As a consequence, a process started which led to further limitation of the spheres of local authorities’ financial autonomy and an increase in the central state’s capacity to impose constraints and limitations on the autonomy of the regions themselves (Lo Duca 2014).

The third policy area considered here concerns regional participation in the ascendant phase of European law. The approval of the Treaty of Maastricht and, lastly, the Lisbon Treaty have forced the governments of the EU Member States to reconsider the role of regions and territorial entities in defining their European policy. After all, there are more and more numerous decisions taken by the EU that affect the competences of subnational institutions (Brunazzo 2005). In addition, the Lisbon Treaty itself aims at enhancing the role of the representative institutions, particularly at local and regional level. Article 42.2 of the TEU, for example, recalls that the EU “shall respect the equality of Member States before the Treaties as well as their national identities […] inclusive of regional and local self-government”. Article 5.3.1 TEU stipulates that, in accordance with the principle of subsidiarity, the EU will intervene in areas not falling within its exclusive competence “only if and in so far as the objectives of the pro-
posed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level”. Finally, the Lisbon Treaty emphasises the principle of proximity, namely the fact that decisions must be taken “as close as possible to the citizens” (Ingravallo 2013).

In Italy, these EU reforms have gone hand in hand with the adoption of the 2001 constitutional reform and the adoption of laws which aim to strengthen the involvement of the Italian regions in EU decision-making. In particular, the so-called Legge La Loggia of 5th June, 2003, No. 131, then replaced by Law No. 234 of 24th December 2012, has sought to regulate an area of policymaking attributed to the monopoly of the national government as part of foreign policy for a long time.

Law No. 234/2012 therefore establishes the Inter-ministerial Committee on European Community Affairs (Comitato interministeriale per gli affari europei, CIAE), whose objective is to contribute to the government’s policy lines in the process of forming the Italian position in the preparation phase of EU acts. Once defined as guidelines in the CIAE, they are communicated to the European Policy Department (Dipartimento Politiche Europee), which prepares the unitary definition of the Italian position to be subsequently represented, in agreement with the Ministry of Foreign Affairs, at EU level. Secondly, the law requires that the special session of the State-Regions Conference (Conferenza Stato-Regioni)7, which is devoted to European issues, be convened every four months (instead of the previous six). Finally, it stipulates that the government is obliged to submit draft European legislative acts to the State-Regions Conference and the Conference of Presidents of their assemblies, in particular when matters falling within the competence of the regions are affected. Nevertheless, 7 The Permanent Conference on Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano was established by Legislative Decree no. 281 of 28th August 1997 in order to foster cooperation between the activities of the state and those of the regions and autonomous provinces. It constitutes the main link between central government administrations and the regions. The State-Regions Conference is the venue where the positions of actors from different institutional levels are represented, and the seat where the government acquires the regions’ opinion on the most important administrative and regulatory acts of regional interest. Moreover, it is the place where loyal cooperation between the central and regional administrations can become a reality, and where the regions can contribute to the government’s choices in matters of common interest. In addition, it meets in a special community session to address all aspects of EU policy, which are also of regional and provincial interest (Carpani 2007).
Drigani (2013) remarks that regional involvement is still limited and ultimately coincides with the role played by the State-Regions Conference. However, even in this case regions are weak. For example, if the regions do not agree, the government can proceed in any case in defining its position. Secondly, the regions have to agree with each other before meeting with the government, which is obviously not easy. In short, “in practice [...] it emerges that the state can only lead the ascending phase alone, given that the regions do not have a role of real influence” (Drigani 2013: 943).

VI. Constitutional reform and a new trend towards centralism

During the 16th legislative period (2008–2013), Italy’s severe financial and economic crisis led to a reconsideration of limiting regional autonomies based on the legislative and administrative autonomy that had been consolidated in 2001. The weakening economy was the main factor that had persuaded those leading this process. In 2012, Prime Minister Mario Monti (2011–2013) introduced a draft of a constitutional law, which foresaw re-centralising the constitution in regard to regional autonomy. The mandate for the reform was to realise the federal state’s legal and economic unity. Similarly, Enrico Letta’s government (2013–2014) appointed a commission on constitutional reform, which foresaw *inter alia* the reform of the system of the regions and of the local district bodies and thereby the reduction of competitive legislation. Both initiatives came to naught (cf. Edelmann 2016: 291–314).

Following Italy’s extremely critical years—2011 to 2013, when a government of “experts” was more answerable to the (republic’s) president than to the parliament and as the country was saved from economic disaster—new elections (2013) were held and a transitional government was formed. Matteo Renzi took over the leadership of the Democratic Party (2013) as well as the office of prime minister (2014).

In order to replace the old logics of action with proportional distribution and diffusion of power through a new logic of effectiveness and power, Renzi’s government introduced a novel process of reform. This was meant to realise these goals through a new electoral system and constitutional reform (Bull 2016: 89ff; Edelmann 2016: 325f.).

In May 2015, the Italian parliament passed a new electoral law entitled *Italicum*, which has the following characteristics: a majority bonus of 340
seats out of altogether 630 seats (54%) for the one party which receives at least 40% of the votes. If no party list receives 40%, there will be a run-off between the top two opponents. The victorious list receives the majority bonus. On the national level, there is a threshold of 3% (cf. Legge 2015).

The final constitutional reform was passed by parliament in April 2016, for which a referendum was called on 4th December (for a constitutional referendum, unlike for an abrogative referendum, a simple majority without a minimum quorum of participation is sufficient) (see Ministero degli interni 2016a), based on the following reform intentions: i) overcoming the equally balanced bicameral system; ii) reducing the number of MPs; iii) reducing the overhead expenses of the public institutions; iv) eliminating CNEL (National Council for Economics and Labour); and v) revising Title V of the second part of the constitution (Disegno di legge costituzionale 2016).

According to the reform proposal, the Italian parliament was to continue to consist of two houses: a Chamber of Deputies and a Senate. However, the political weight was to clearly shift towards the former. The government would require (a vote of) confidence only from the chamber, which would be responsible for the government’s political alignment and control. The new senate was to represent the territorial bodies: namely, the regions and municipalities. The latter was to comprise 100 members, whereby 95 were to come from the regions. Five senators may be appointed by the head of state to serve for seven years; they should be among those people who have honoured the nation through their outstanding achievements in the social, scientific, artistic and literary fields. Former presidents of the republic, as had been the case up to now, would remain senators. However, the aforementioned 95 senators would no longer be elected directly; instead, 74 would be sent by the 19 regional parliaments and by the two provincial parliaments of the autonomous provinces Trento and Bolzano, and 21 would be sent from the ranks of mayors (Romboli 2015).

The concentration of legislation in the Chamber of Deputies was intended to correspond to the concentration of power in the centre at the expense of the sub-state regional territorial bodies. The autonomy of the regions, which had been strengthened in 2001, as well as the “federalism of taxation” had not delivered the desired results, according to the government. On the contrary, a number of scandals in some regions brought to light poor administration of public resources and thereby discredited the regions in the eyes of public opinion (Bilancia and Scuto 2015: 7).
As an important step, the constitutional reform additionally included the elimination of approximately 100 provinces,\(^8\) with the result that apart from the approximately 8,000 municipalities and nine metropolitan areas with administrative powers below the national state level, there would only be 20 regions that conducted territorial administration. The expected advantage for the state was administrative rationalisation and a reduction in costs. As a complementary measure, competing competences would be transferred to the state. These competences, in which the state had set the essential principles by which the regions could organise their corresponding affairs, had been strongly expanded in the course of the constitutional reform of 2001. This had allowed the regions to be fortified in their organisational possibilities. The argument was made that such competitive competences had led to permanent conflicts between states and regions and to an accumulation of legal proceedings before the constitutional court; thus the regions were again to be significantly restricted in their areas of competences (which, as stated above, would now go to the state) (Marcelli and Giammusso 2006). Furthermore, the state’s exclusive competence was to be greatly expanded once more.

An exception in the new distribution of competences was to be accorded to the five regions with special statutes (Sicily, Sardinia, Aosta, Friuli-Venezia Giulia and the two autonomous provinces Trento and Bolzano). For these a particular protective clause was planned in the interim. This clause implied that the provisions of Chapter IV of the constitution (the distribution of competence and supremacy clause) would not be applied until their statutes were revised, which was to be carried out on the basis of agreements with the regions and the autonomous provinces.\(^9\)

---

\(^8\) With the law of 3\(^{rd}\) April 2014 n. 56, most provinces in regions with ordinary statutes were transformed into second-level administrative bodies with restricted elections, while ten provinces were transformed into metropolitan areas. Online: http://www.gazzettaufficiale.it/eli/id/2014/4/7/14G00069/sggl. http://www.gazzettaufficiale.it/eli/id/2014/4/7/14G00069/sg [accessed: 03.04.2017].

\(^9\) For the region Trentino-South Tyrol, especially for the province of Bolzano, an international safeguard of autonomy from the Gruber-De Gasperi Agreement of 1946 was added, as were subsequent agreements between Italy and Austria. The Constitutional Court had already established a legal framework for the formulation of “agreement” (di intese), all the more so since this term can be found in the current constitution (Art 8 para 3). The Constitutional Court upheld the opinion that the parliament wields the regulative sceptre. Cf. Constitutional Court decisions No
The constitutional reform appeared to be aimed at reorganising and simplifying competences between the state and the regions (Bilancia and Scuto 2015: 22). In fact, however, the regions would have lost competences and thus political weight. The transfer of the coordination of public finances and the tax system from a competitive affair to the exclusive competence of the state alone substantiates this process as one of centralisation. In this context, an important contribution regarding the tendency towards new centralisation is played by the Constitutional Court, which in terms of conflicts of competence, such as in the framework of competitive authorities, generally speaking decides in favour of the state and not the regions (Parisi 2011: 370).

The debate between those who were pro and contra such a constitutional reform was fiercely and contentiously carried out: between both political camps (as well as within each camp) and among scholars (cf. Ceccanti 2016; Crainz and Fusaro 2016; Fadda 2016; Guzzetta 2016; Rodotà, 2016; Rossi 2016; Settis 2016; Zagrebelsky 2016).

This constitutional reform was rejected in a referendum on 4th December, 2016. Voter turnout was 65.5%, with 59.1% voting against and 40.9% voting in favour (Ministero degli interni 2016b). The only ones that voted for the reform with a majority were the regions Trentino-South Tyrol, Emilia-Romagna and Tuscany. As a result of this outcome, Prime Minister Renzi stepped down. The constitutional reform was put on hold for the time being, and a month later the Constitutional Court declared important portions of the newly introduced electoral system, which had not yet been put into practice, unconstitutional (Corte Costituzionale 2017; Dickmann 2017).

VII. Summary and explanatory model

In the immediate post-war period and again soon after the political stabilisation of the 1950s and 1960s, Italy ranked as a country in need of reform. This was in order to reverse the state’s lacking efficiency and its diminishing steering capabilities. As a result, there was a delay in the regionalisation that had been planned in the 1948 constitution. Establishing the re-

gions and thus realising decentralisation was carried out only as of 1968, at which point Italy started on its path towards “a regionalised, unified state” for the first time. As was already intrinsic in the Costituente (constituent assembly), the definitive birth of the regions occurred in the logics of action to safeguard power. The political actors of both big subcultures had no interest in making a substantial change to the constitutional architecture; rather, they persisted with the logic of power diffusion and political concordance and thus with a consensus-oriented party democracy. Ultimately, this also held true for the Grande Riforma launched by Bettino Craxi, for both of the later parliamentary explorative committees and for the Bicamerale Bozzi.

This was also true for the four constitutional reform projects elaborated in the so-called Second Republic: i) Bicamerale De Mita/Jotti; ii) Bicamerale D’Alema; iii) Reform of the Constitution’s Title V; and iv) the Devo-lution project\textsuperscript{10}. Both bicamerale commissions failed and the two other reforms were approved by the parliament, but only by the respective government majorities. The reform of Title V, as advanced by the centre–left government and which led to a strengthening of the regions, was confirmed by a constitutional referendum. However, the subsequent centre–right-wing government essentially thwarted its resulting implementation. The Devolution reform succeeded in overcoming the parliamentary hurdle, but it was ultimately rejected by a constitutional referendum.

As regards each of the four attempts at reform, Edelmann (2016: 266ff.) convincingly shows that just as in the First Republic, the political system was determined by dynamic path dependency. Despite the obvious Critical Juncture (the end of the Cold War, corruption scandals, civic protests, the party system’s implosion), the institutional logics of action and the preferences by the protagonists—in the sense of power diffusion and proportionality—remained unchanged, despite the communicative orchestration of innovation and rupture with the past.

Nor was there any Change Leadership. De Mita and Jotti had been socialised in the First Republic’s concordance culture; D’Alema was a representative of the old actors’ preferences; Berlusconi withdrew his support

\textsuperscript{10} The two constitutional commissions of the 16\textsuperscript{th} legislative period (2008–2013), that is, the \textit{Commissione per la revisione dell'ordinamento della Repubblica} and the \textit{Commissione Quagliariello}, did not produce any definitive results. For this reason, they are considered of little relevance and have not been taken into account in our analysis.
for the reform when his own interests (in the judiciary) were not taken into account. Thus the motivation for reform simmered on a low flame: Negotiation processes stalled; divergences on substantial matters were not overcome; and the decentralisation of the state was called into question time and again. Despite parliament passing the Title V reform (Prodi’s government, confirmed by constitutional referendum) and the Devolution (Berlusconi’s government, rejected by constitutional referendum), both reforms were characterised by path-dependent continuity of the elite’s preferences and by the absence of a Change Leader. In both cases, there was strong pressure from civil society (in particular in the north) and from the Lega Nord to lead Italy on the federal path, with the result that one could have expected an institutional path-divergence development. In the first case, although reorganisation of competences emerged between the state and the regions, uncertainties regarding competitive competences remained. Moreover, coming to a decision in favour of a Chamber of Deputies for the regions seemed impossible. In the second case, although a Senato federale was set up, it foresaw no substantial distinctions in its functions. Here, too, the Devolution remained inconsistent. The backdrop to this was the lack of will towards innovation on the part of the respective leaders who, despite varying motivational frameworks, were oriented towards safeguarding power in the logic of the established actors’ preferences (Edelmann 2016: 270).

After the Critical Juncture (serious debt and financial crisis, political crisis) in the final period of the Berlusconi era and after a short intermezzo in 2013, Letta’s interim government was capable of little more than a declarative policy on constitutional reform. In 2014, Matteo Renzi became prime minister and he declared that reforming Italy would be his main objective (cf. Renzi 2013; Edelmann 2016: 325ff.). Renzi has been generally credited with institutional, path-divergent logics of action. He aimed at replacing power diffusion and proportionality with a concentration of power and efficiency in order to introduce a sociopolitical process of modernisation within the framework of a majoritarian democracy (Galli et al. 2015). To this end, the new electoral system should have served with its majority bonus, along with his policy of “scrapping” the old political class within his party. For precisely this reason, he has been ranked a Change Leader (Bordignon 2014: 1; Pasquino 2014: 548). Despite resistance within his own party, and due to his strong personal leadership, he succeeded in pushing through his constitutional reform project in parliament. Yet here the path towards a federal order started to unravel. Whereas the role of the
regions had been strongly enhanced in 2001, precisely in view of Italy’s efficiency and economic innovation, the same argument about efficiency was used in the course of the reform of 2016 to weaken the regions again in favour of the central state. The elimination of the perfect bicameralism and the senate reform connected with it, the rationalisation of the legislative process in favour of the Chamber of Deputies, which thus supported the executive branch, and the recentralisation and intensive trimming of regional competences should have constituted the path-divergent, institutional logics of action.

But in December 2016, this did not happen: the constitutional reform was clearly rejected. A whole range of veto players opposed the Change Leadership. These included political elites (opposition parties, but also some members of the governing PD), academic elites (above all constitutional lawyers) or media elites (coverage of the constitutional reform ranged from critical to outright rejection). Thus, the institutional logics of action of the past continued.

Since Italy’s unification, the development of its territorial constitutional architecture, alongside the tension between the centre and periphery, may be summed up as follows:

*Figure 1. The development of the organisation of the state of Italy, 1861–2017*

| Centralised, unified state (1861) | Regionalised, unified state with five special autonomies (1948) | Asymmetrical regional state (1970–72) | Semi-federal regional state with increasing asymmetry (as of 2001) |

Source: Grasse 2012: 800, and adaptations by the authors.

Following its national unification in 1861, Italy was set up as a centralised, unified state. It remained so with varying hues until the end of fascism and the Second World War. The republic’s democratic founding, with its constitution of 1948, laid the basis for a regionalised, unified state, which by virtue of its five special autonomies transcended the principle of homogeneity through differentiation. Establishing regions at the beginning of the 1970s led Italy into an asymmetrical regional state. As a result of the constitutional reform of 2001, we can speak of a semi-federal regional state with increasing asymmetry, because the legal status of those regions
with a non-autonomous statute was constitutionally strengthened, because these regions were able to extend their competence at varying speeds, and because the regions with a special statute differentiated among themselves more and more. Yet, there was still no Chamber of Deputies on the regional level. In the logics of dissociative federalism, the next and decisive reform measures should have transformed Italy into a federal state. The constitutional reform of 2016, however, would have let the pendulum swing back in the direction of centralism. Although this was unsuccessful, one may observe the wind of political public opinion now blowing in the federalists’ faces.

References


