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Summary of the PhD dissertation entitled
“The election of the President of Italy – A theoretical and empirical study”

The aim of the doctoral dissertation is to describe and comprehensively evaluate Italian presidential election process, taking into account both the constitutional and political framework of the Republic of Italy. The Italian Constitution lays out the election process only in part and it is not clear about many issues. Hence, the main research problems were to identify what are the constitutional and conventional rules that govern the electoral process and how the non-constitutional factors, e.g. political ones, are affecting the results thereof. Additionally, the study is aimed at answering a research question on how the political background of the so-called ‘Second Republic’ has modified the informal rules of the selection of the president. It is also aimed at answering a question whether the overall regulation of Italian law relating to the election and status of Italian president, such as secret ballot, majority voting, long term presidential office or the incompatibility principle allow Italian president to remain a ‘neutral power’.

Three main research methods were used in the PhD dissertation: formal-dogmatic, legal-comparative and historical-comparative (the latter was used mainly in the Chapter 2 which is devoted to the history of Italian presidential elections).

This dissertation consists of an introduction, five chapters and a summary.

Chapter 1 provides an overall characteristic of the five most common methods of selecting presidents adopted in different states of the world. Presidents can be elected directly by the citizens, or indirectly by different electoral bodies or parliaments. In Italy, a method called “minimal enlargement of parliament” was adopted, which is typical for regional or federal states: Italian president is elected by parliamentarians and regional representatives.

Chapter 2 covers the background of Italian presidential elections from 1946 until the last election which took place in 2015. The history of the elections was divided by the author into two parts that coincide with the political phases that Italy has undergone. First of them is called the ‘First Republic’, which is a political era when there was no real alternation between left- and right wing parties and this situation produced what has been called a ‘blocked democracy’. Under those circumstances, all the presidents have been chosen among candidates proposed by the ruling parties which have stuck to their own ‘tradition’ of alternating the presidency between the secular parties and the Catholic, i.e. the Christian Democrats, Italy’s largest party. The

second part of the Chapter describes presidential elections held in the so-called Second Republic, which has been characterised, i.a. by the fact that ideological divisions would no longer have been so acute. Although rules for the presidential election embodied in the Italian Constitution have remained unchanged during that period, some aspects of the elections have been reshaped, e.g., a former communist was elected as a president for the first time. Also, for the first time an outgoing president was re-elected. That incident constituted a breach of a long lasting constitutional convention, as it has operated since the first Italian presidential election. In addition, during Italy's Second Republic generally less rounds of voting have been required to elect a president and governing coalitions have had more power to choose the head of state without the support and votes casted by the parliamentary opposition.

Chapter 3 describes the proceedings of Italian presidential elections. This section also presents the qualifications for the office and the status of incumbent and former presidents. This research proves that a substantial number of the rules have been conceived to ensure that the office of the president is above party politics and the head of state is neutral. In practice, however, those rules are often not followed. Usually, the preparation for the presidential voting is a lengthy and nerve-racking time, when parliamentarians should maintain secrecy, however clear statements come from all party leaders who publicly declare their preferential candidates. Such statements tend to harm the presidential neutrality as they enable to identify which parties vote for a future president. The rule of the secret ballot has been violated many times, as well. The most significant procedural guarantee of president's impartiality is the high threshold of qualified majority as it forces the parliamentary majority to seek an agreement with the opposition.

Chapter IV is devoted to the electoral college which appoints Italian president. Formally, the college is not deemed as a separate organ or body, since most authors argue that it is only a joint session of both chambers of parliament.

After the World War II, Italy has become a regional state and the Founding Fathers have decided that representatives of autonomous areas would have participated in the presidential elections as a president is the guarantor of the country's unity. The regional representatives are selected by the regional councils. The rules for their selection are mainly conventional as the Constitution sets out only one provision which prescribes that they shall be elected in the way that "minorities are represented". That is why among three delegates, one must represent the opposition parties in the regional council. Among twenty Italian regions, only few of them have regulated the procedure of selecting delegates in their local acts such as regional statutes or internal regulations of the regional council.

Chapter V is devoted to proposals, both theoretical and legal, aiming at changing the adopted method. The substantial part of this section is devoted to the idea of introduction French-style semi-presidentialism in Italy as the debate on semi-presidentialism has been inextricably connected with popular vote. During Italy's First Republic, semi-presidentialism was consequently proposed by socialists whereas other parties were not interested in a stronger executive. The debate has intensified during Mr. Napolitano's term as his influence on policy-making was extremely strong. Nevertheless, the constitutional reform adopted by the parliament in 2016 proposed a partial modification of the indirect election of the president and proposals of semi-presidentialism were dismissed. This may indicate that party political forces tried to reverse the tendency towards a presidential style of government.

Finally, the author provides some conclusions about Italian presidential elections.

In Italy, likewise in many other parliamentary republics, the president has been traditionally defined as a neutral power. Real power has been wielded by the government, whereas the responsibility of presidential acts is assumed by ministers who sign them. However, since the implosion of Italy's party system in the 1990s which marked the shift to the Second Republic, presidential impact on the formation of governments have been steadily growing. Hence, as some authors argue, Italian president has become a political actor. According to the supporters of the idea of popular vote Italian Head of State, under those circumstances, should bear more responsibility: being 'accountable' for his choices directly to the nation (citizens). Constitutional academics who are not convinced that such a shift is required have traditionally focused on the methods for accelerating the current procedure of the election, as the lengthy balloting usually harms the future president's image. However, at the end of the day, any proposals aiming at streamlining the procedure of the election of Italian president, such as, e.g. adoption of lower majorities, have always been dismissed as they have been believed to jeopardise presidential impartiality.

Keywords: methods of selecting presidents, presidential elections in Italy, presidential activism and semi-presidentialism in Italy

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