

## THE FORMATION, DEVELOPMENT AND FEATURES OF PARLIAMENTARISM IN ITALY

### ПАРЛАМЕНТАРИЗМ ІТАЛІЇ: СТАНОВЛЕННЯ, РОЗВИТОК ТА ОЗНАКИ

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The formation of parliamentarism in Italy has a long history. The article examines the main stages of the formation of parliamentarism in Italy, in particular, the development of representative bodies of power from medieval city-states such as Venice, Genoa and Florence to the formation of a single Italian state in the XIX century during the Risorgimento movement. Considerable attention is paid to the constitutional changes and development of the bicameral parliament after the unification of Italy in 1861, which became the basis for the modern Italian parliamentary republic. The formal features of Italian parliamentarism are the separation of powers, the parliament's function of controlling the government, and the special status of parliamentarians. The division of state power in Italy is flexible. The Italian Parliament is vested with the function of controlling the government. The forms of parliamentary control are: parliamentary inquiry, interpellation, raising a question of confidence in the government or a motion of no confidence in the government, controlling activities of parliamentary commissions, financial control, etc. The legal status of Italian parliamentarians is determined by the Constitution of the Italian Republic on 22 December 1947. The main constitutional principles of the status of Italian deputies are the principle of a free mandate, parliamentary indemnity, parliamentary immunity, and incompatibility of the mandate of a parliamentarian with other activities. Informalized features of Italian parliamentarism are not directly enshrined in the law. They relate to the parliament itself and are manifested in its structure, the level of professionalism and discipline of parliamentarians. Parliamentarism is significantly influenced by the electoral system, which facilitates the representation of different political parties in parliament, but can also cause political fragmentation. Frequent changes of governments and the need for coalition governance due to political fragmentation lead to government instability and affect the efficiency of the parliament, which is one of the biggest challenges for modern Italian parliamentarism.

**Key words:** parliament, parliamentarism, Italy, Chamber of Deputies, Senate, separation of powers, legal status.

Становлення парламентаризму в Італії має давню історію. У статті розглянуто основні етапи становлення парламентаризму в Італії, зокрема, розвиток представницьких органів влади від середньовічних міст-держав, таких як Венеція, Генуя та Флоренція, до утворення єдиної італійської держави в XIX столітті під час руху Рісорджіменто. Значну увагу приділено конституційним змінам та розвитку двопалатного парламенту після об'єднання Італії у 1861 році, який став основою для сучасної італійської парламентарної республіки. Формальними ознаками парламентаризму Італії є: поділ влади, наявність у парламенті функції контролю за діяльністю уряду та особливий статус парламентаріїв. Поділ державної влади у Італії є гнучким. Парламент Італії наділяється функцією контролю за діяльністю уряду. Формами парламентського контролю є: депутатський запит, інтерпеляція, постановка питання про довіру уряду або внесення про недовіру уряду, контрольна діяльність парламентських комісій, фінансовий контроль тощо. Правовий статус парламентаріїв Італії визначаються Конституцією Італії від 1947 року. Основними конституційними принципами статусу депутатів Італії є принцип вільного мандату, парламентського індемнітету, парламентського імунітету, несумісності мандата парламентарія з іншими видами діяльності. Неформалізовані ознаки італійського парламентаризму не закріплюються в законодавстві безпосередньо. Вони стосуються самого парламенту і виявляються в його структурованості, рівні професіоналізму і дисципліни парламентаріїв. Значний вплив на парламентаризм здійснює виборча система, яка сприяє представництву різних політичних партій у парламенті, але водночас може викликати політичну фрагментацію. Часті зміни урядів та необхідність коаліційного управління через політичну фрагментацію призводить до нестабільності уряду і впливає на ефективність роботи парламенту, що є одним із найбільших викликів для сучасного італійського парламентаризму.

**Ключові слова:** парламент, парламентаризм, Італія, Палата депутатів, Сенат, поділ влади, правовий статус.

**Introduction.** The modern Italian parliament is one of the oldest and most developed in Europe. Parliament plays a key role in passing laws, controlling the executive branch and shaping public policy. The Italian parliamentary system is constantly evolving to reflect the political changes and challenges faced by the country.

One of the most important challenges for modern parliamentarism in Italy is political fragmentation and coalition instability. Despite these difficulties, the parliament remains the main institution of democracy in

the country, which ensures the representation of citizens and the balance of power.

**Recent literature review.** Among the numerous studies and publications that cover the issues of Italian parliamentarism, the works of the following researchers deserve special attention: O. Bandurka, A. Georgica, V. Grobov, O. Skakun, Y. Todyka, O. Fritsky, M. Zwick, V. Shapoval, P. Shlyakhtun, O. Yarmysh, etc.

**The purpose** of the article is to analyze the formation, development and features of Italian parliamentarism.

**The main part of the article.** The history of parliamentarism in Italy is a complex and lengthy process that reflects the change of political and social structures in the country from the Middle Ages to the present. The influence of various political regimes, cultural and social changes led to the establishment of a parliamentary republic in Italy.

Until the nineteenth century, Italy was divided into many states and principalities with different forms of government. One of the first forms of representative bodies was the communal councils that existed in Italian city-states, such as Venice, Genoa and Florence, in the XIII-XIV centuries. These councils were composed of representatives of the local elite and, although not democratic in nature, became the basis for future parliamentary traditions [9, p.43-47].

In the early nineteenth century, Italy was experiencing political fragmentation under the influence of various foreign powers – Austria, France, and Spain – which controlled certain parts of the country. At the same time, the ideas of nationalism and liberalism were spreading in European countries, which found a response in Italy, stimulating the movement for the unification of the country.

The next stage in the formation of parliamentarism in Italy was the Risorgimento movement. It was driven by liberal and nationalist ideas that were widespread in the intellectual and political circles of Italy. The main figures of this movement were Giuseppe Garibaldi, Victor Emmanuel II and Camillo Cavour, whose activities contributed to the unification of the country [6, p.112-115].

In 1861, the creation of the Kingdom of Italy was proclaimed with Victor Emmanuel II as its head. Italy received its first constitution, the Statute, which was signed by King Charles Albert of Sardinia and was in force until 1947 [1, p. 3]. This constitution provided for the existence of a bicameral parliament consisting of the Senate and the Chamber of Deputies. Although the parliament had limited powers, it was an important step towards the development of parliamentarism.

According to the Charter, legislative power was jointly exercised by the king and the parliament, while executive power belonged exclusively to the king. At the same time, the king was defined as «the supreme head of state» and his person was «sacred and inviolable» (Articles 4-5). The king had the right of legislative initiative, the right of a suspensive veto (laws vetoed by the king could be reconsidered by the chambers only at the next session) and the right to dissolve the Chamber of Deputies at his own discretion [11]. The king appointed and dismissed ministers at his discretion, and the government as a separate state body and the position of the head of government were not provided for. Article 68 stipulated that justice came from the king and was administered on his behalf [11]. The king also appointed all judges at his own discretion, but after three years in office, judges

acquired the status of «irremovable», i.e. appointed for life.

At the same time, by the end of the nineteenth century, it was customary for ministers to be recognized as politically accountable to the chambers. Similarly, the institution of the government (council of ministers) was defined and established at the customary level as the relevant state body and the position of prime minister was singled out within the government. At the same time, the practice of forming the personal composition of the government was established, taking into account the alignment of political forces, primarily in the Chamber of Deputies.

According to the Charter, the Parliament was bicameral. The members of the Chamber of Deputies (the lower house) were elected for five years and were defined as «representing the nation as a whole» (Article 41) [11]. This recognized the free (rather than mandatory) nature of the mandate of a deputy. The right to vote in the elections to the Chamber of Deputies, being initially significantly limited, by the First World War had acquired the meaning of truly equal and universal. The Senate (the upper house) was formed by lifetime appointments made by the king, and the latter was not limited in the number of such appointments. The Senate also included princes of the royal family who had reached a certain age.

As noted, the text of the Charter did not provide for political accountability of the government to the parliament. However, a mechanism of criminal liability of ministers before a special court for their actions in office that could be qualified as criminal was established [11].

In such cases, the Chamber of Deputies brought the charges, and the Senate was supposed to act as a special court. But over time, this responsibility was actually replaced by the political responsibility of ministers to the chambers. In the nineteenth century, such a change in the nature of ministers' responsibility for their actions in office was also inherent in other European countries, where a relatively limited monarchy was gradually transformed into a parliamentary monarchy.

That is, after the unification of Italy, the parliament worked within the framework of a constitutional monarchy, but real power was often concentrated in the hands of the king and his advisors. Nevertheless, between 1861 and 1922, important steps were taken in the development of the country's political system, including the adoption of a new electoral law in 1912.

However, with the rise to power of Benito Mussolini in 1922, the signs of parliamentarism were effectively destroyed. The fascist regime established a dictatorship, and the parliament lost its independence, turning into a decorative body that supported the policies of the fascist party. During this period, Italy experienced the decline of parliamentarism and the concentration of power in the hands of one person.

After the fall of the fascist regime and the end of World War II, a referendum was held in Italy in 1946, where the people of Italy decided to abolish the monarchy and proclaim a republic. This decision was a fundamental step in the restoration of democratic institutions in the country.

On December 22, 1947, the Constituent Assembly adopted a new Constitution of Italy, which came into force on January 1, 1948. The new Constitution became the basis for the development of parliamentarism. According to this Constitution, Italy became a parliamentary republic, where power was divided between the legislative, executive and judicial branches.

The Italian Parliament is bicameral. The upper house is called the Senate, and the lower house is called the Chamber of Deputies. The Senate and the Chamber of Deputies are elected by universal and direct suffrage for a five-year term. The lower house of parliament has 400 members, eight of whom are elected from the Estero district. The age limit for members of the lower house is 25 years. Elections are held under a mixed system. The upper house of parliament has 200 members, four of whom are elected in foreign constituencies. Each region or autonomous province must have at least three senators, including two from Molise and one from Valle d'Aosta. The age limit for senators is 40 years. Elections are held under a mixed system. After leaving office, the President of Italy becomes a senator for life. The head of state has the right to appoint five representatives to the upper house of parliament from among honorary citizens who have made the country famous for their achievements in science, literature, and art [5].

Italian parliamentarism provides for the real supremacy of parliament in the legislative sphere. The formal features of Italian parliamentarism are the separation of powers, the parliament's function of controlling the government, and the special status of parliamentarians.

The separation of powers in Italy is flexible. The President of Italy is the head of state and represents national unity (Article 87(1) of the Constitution of the Italian Republic on 1947) [5]. He is elected by the Parliament, namely by the electoral college formed on its basis. The executive power is vested in the President of the Council and the ministers. The government is called the Council of Ministers. The judiciary is an independent branch of government. For example, the Constitution of the Italian Republic on 1947 states that justice is administered on behalf of the people and judges are subject only to the law (Article 101) [5].

The Italian Parliament is vested with the function of controlling the government. The forms of parliamentary control are: parliamentary inquiry, interpellation, raising a question of confidence in the government or a motion of no confidence in the government,

controlling activities of parliamentary commissions, financial control, etc.

A parliamentary inquiry is an appeal by a member of parliament to the prime minister or minister to provide clarification on a particular issue. In Italy, every day after the parliamentary session, the lower house has an hour of questions to the government.

Interpellation is also used. An interpellation is an appeal to the government as a whole or to individual members of the government by deputies to give explanations about their general policy or a particular issue. An interpellation is a special type of parliamentary inquiry. An interpellation is submitted at a plenary session of the parliament. Usually, a large number of signatures are required under the text of the interpellation, and strict deadlines are set for its submission and discussion. The interpellation provides for a response from the head of government or minister, discussion and decision-making by voting. Discussion of the response may trigger a general debate on the credibility of the government [2, p. 179].

Raising a question of confidence in the government or a motion of no confidence in the government. According to the Constitution of the Italian Republic on 1947, the government is collectively and individually responsible to each of the chambers, which may result in its forced resignation or the same resignation of individual ministers as a result of a resolution of no confidence initiated by at least one tenth of its total membership [5].

Another form of parliamentary control over the government is the establishment of special committees.

Article 81 of the Constitution of the Italian Republic on 1947 states that each year the chambers of parliament shall adopt a law on the budget and on the implementation of the law. The budget is submitted by the government and debated by both houses of parliament, and then approved by a majority vote in each house. The article also states that every law that provides for new or increased expenditures must specify how these expenditures will be financed. This provision controls the state deficit and debt [5].

The legal status of Italian deputies is determined by the Constitution of the Italian Republic on 1947 and relevant laws. The main constitutional principles of the status of Italian deputies are the principle of a free mandate, parliamentary indemnity, parliamentary immunity, and incompatibility of the deputies mandate with other activities.

The principle of a free mandate is stated in Article 67 of the Constitution of the Italian Republic on 1947: «Each member of the Parliament represents the nation and performs his/her functions without a mandatory mandate» [5].

The principle of parliamentary indemnity (from the Latin *indemnitas* - compensation for losses, break-even) is derived from the principle of a free mandate

and consists in the legal nonliability of a parliamentarian for his or her actions as a member of parliament [3, p. 342]. In other words, a parliamentarian is not legally responsible for speeches, statements, votes, inquiries, submission of bills and amendments to them, participation in the work of parliamentary committees or commissions and other actions directly related to parliamentary activities, both during the period of exercising parliamentary powers and after their expiration. In Italy, parliamentary immunity is relative. Thus, members of parliament may not be prosecuted for their opinions and votes in the performance of their functions (part 1 of Article 68 of the Constitution of the Italian Republic on 1947) [5].

The principle of parliamentary immunity (from Latin *immunitas* - liberation, freedom) is the legal inviolability of a parliamentarian and means that he or she cannot be prosecuted, detained or arrested without the consent of the parliament [3, p. 343]. Parliamentary immunity is not absolute. It applies to the entire period of election of a parliamentarian. No member of Parliament may be prosecuted without the permission of the chamber to which he or she belongs; may not be subjected to a personal or home search, arrested or otherwise deprived of liberty, except in cases of execution of a final sentence or detention at the scene of a crime for which arrest is mandatory. The same authorization is required when any form of interception of conversations or communications and seizure of correspondence of members of Parliament is car-

ried out (Article 68(2), (3) of the Constitution of the Italian Republic on 1947) [5].

The principle of incompatibility of a parliamentarian's mandate with other activities means that a parliamentarian cannot hold positions defined by law.

In addition to the legal ones, there are informal features of parliamentarism that are not enshrined in the law. They relate to the Italian parliament itself and are manifested in its structure, the level of professionalism and discipline of parliamentarians. Such features largely depend on the party and electoral systems.

**Conclusion.** Thus, parliamentarism in Italy has come a long and difficult way of its formation and development, starting from the fragmentation of medieval city-states to the unification of the country in the XIX century during the Risorgimento. The historical events that accompanied the formation of Italian statehood had a significant impact on the formation of parliamentary institutions. The adoption of the Constitution of 1947 was a turning point for modern Italian parliamentarism, laying the foundation for the functioning of a parliamentary republic. Formal and informal features of Italian parliamentarism, such as flexible separation of powers, electoral system, and parliamentary control over the government, contribute to the effective functioning of democratic institutions. However, political fragmentation and the need for coalition governance pose challenges to the stability of governments, which is a characteristic feature of the Italian political system.

#### REFERENCES:

1. Шаповал В.М. Конституція Італійської Республіки (з передмовою Володимира Шаповала). Київ: Москаленко О.М., 2018. 62 с.
1. 2.Шляхтун П.П. Конституційне право: словник термінів. Київ : Либідь, 2005. 568 с.
2. 3.Шляхтун П. П. Сучасний зарубіжний конституціоналізм (основні поняття та інститути): підручник. Київ: Київський університет, 2021. 512 с.
3. 4.Clark, Martin. Modern Italy: 1871 to the Present. Pearson Education, 2008. 576 p.
4. 5.Constitution of the Italian Republic on 22 December 1947. URL:<https://www.senato.it/istituzione/la-costituzione> (date of application:12.09.2024).
5. Di Scala, Spencer M. Italy: From Revolution to Republic, 1700 to the Present. Westview Press, 2009. 528 p.
6. Duggan, Christopher. The Force of Destiny: A History of Italy since 1796. Allen Lane, 2007. 704 p.
7. Ginsborg, Paul. A History of Contemporary Italy: Society and Politics 1943–1988. Palgrave Macmillan, 2003. 592 p.
8. Mack Smith, Denis. Italy and Its Monarchy. Yale University Press, 1992. 432 p.
9. Riall, Lucy. Garibaldi: Invention of a Hero. Yale University Press, 2007. 384 p.
10. Statuto del Regno «Statuto albertino», 4 marzo 1848. URL: [https://it.wikisource.org/wiki/Italia,\\_Regno\\_-\\_Statuto\\_albertino](https://it.wikisource.org/wiki/Italia,_Regno_-_Statuto_albertino) (data della domanda:12.09.2024)