The President during the so-called Second Republic: from veto player to first in command?

Abstract
The role of the Head of State in parliamentary democracies is not taken into consideration by Lijphart, although it might become fundamental when representative institutions are unstable or unable to decide. With the Italian case in particular, the President can turn into both a powerful veto player for the government and a sort of deputy chairman. From Scalfaro to Napolitano all the presidents have had a great impact on the political scene, especially, when governments and parties have seemed to be particularly weak. So far, scholars have debated on systemic features having caused the enlargement of presidential powers, but there have apparently been few attempts to consider presidential involvement in the decision process as an aspect of the questionable change from one model of democracy to the other.
Taking into account Lijphart's framework, the paper explains why the presidency can be considered as an institution in tension between the consensual and the majoritarian pole.
Introduction

The variables chosen by Lijphart (1999) to differentiate a consensual democracy from a majoritarian one have been criticized by many scholars (Nagel 2000) especially because the reason for their selection is not clear. This defect is particularly true for "the federal-unitary dimension [...] which considers the instances in which bodies other than the government are involved in the decision process" (Blondel, Battegazzore 2003, 12). The role of the Head of State in parliamentary democracies, for instance, is not taken into consideration by Lijphart, although it might become fundamental when representative institutions are unstable or unable to decide. Indeed, with the Italian case in particular, the President can turn into both a powerful veto player for the government and a sort of deputy chairman.

Even though there hasn't been any reform of the presidency or of the form of government in the last twenty years in Italy, the role of the president of the Republic has changed during the so-called Second Republic. From Scalfaro to Napolitano all the presidents have had a great impact on the political scene, especially, when governments and parties have seemed to be particularly weak (Fabbrini 2000).

The role of the president in Italy has become a *casus sui generi* among the other parliamentary systems due to the weakness both of the representative institutions (especially the Parliament) and of the political parties which have become more and more delegitimized (Grimaldi 2012). Indeed, not only has presidential intervention become more significant in government formation in ways which are incomparable to those of other countries, but his influence in the legislative sphere has also grown. If moral suasion or referral are commonly used by presidents in parliamentary systems, there is no doubt that only in Italy has a constant and unexceptional use of these powers been played. On several occasions the Chief of State has been defined as a deputy chairman or a tutor of Italian politics (Fusaro 2003) because of his intense institutional activity during moments of extreme party weakness, that is to say, when the president's accordion - to use a popular metaphor of Giuliano Amato's - is over extended. Indeed, the Italian presidency was built to be extremely ductile and presidents can count on many unwritten praxes and informal powers.

The literature on Italian presidents focuses mainly on systemic features having caused the enlargement of their powers (Pasquino 2003b, Fusaro, 2003, Tebaldi 2005, Galiani 2012, Grimaldi 2012, Lippolis and Salerno 2013), but there have apparently been few attempts to consider their involvement in the decision process as an aspect of the questionable change from one model of democracy to the other¹. This involvement is important in two senses: first the Head of State, along with other bodies such as the Constitutional Court, can become a veto player of the government in certain spheres (from the nominee procedures to policies); secondly, the governments which have been discretionally created and sponsored by the President have contributed to enlarge the role of the executive over the legislative in Italy (Fabbrini 2000). Moreover, the president has sometime taken or conditioned decisions in foreign politics which should be strictly the government's domain.

Taking into account Lijphart's framework, the presidency is a perfect example of institution in tension between the two poles, indeed, when the President acts as a veto player our democracy is pushed close to the consensual side when the President acts as a decision-maker or deputy chairman it is pushed to the majoritarian one.

In an adversary context such as the Italian one from 1994 on, the main problem has been to find a person who is perceived as neutral, meaning someone who does not support a specific party or faction, in order to fit the oversight function at best, but at the same time a person who is seen as a possible decision-maker

¹ In my knowledge, the clearest attempt to include the role of the President of the Republic as a significant factor in the explanation of the crisis of the consensual model of democracy in Italy is that of Fabbrini (2000) when he talked about shifting semi-presidentialism (*semipresidenzialismo alternante*).
when parties are unable to agree on government formation or on policy. This search has often become a sort of squaring of the circle, as the last Presidential election confirmed when for the first time a president with a very long term (7 years) was re-elected.

In this paper the enlargement of presidential power during the so-called Second Republic is explained by taking into account systemic variables such as the changes involving parties (in particular their weaker organization and the increase of their effective number -NEP-) and executives (in particular the strongest role of the PM and the increase of cabinet stability) along with reputation variables connected with Presidents’ capacity to build consensus among the wider public and their international networks.

The main hypothesis is connected with systemic variables as it is likely that Presidents act as deputy chairmen especially when parties and cabinets are weak, whereas they act as veto players when cabinets are stronger and relatively stable. However, the analysis has involved also personal variables by trying to verify their explanatory potential.

The aim of the paper is to understand how presidents have gained sufficient success to intervene effectively on the political scene both to control and to decide. In particular, how and when can presidential behavior be considered a control action and therefore how have Presidents improved the consensual principle? How can presidential behavior be considered a substitutive action? In which areas has it occurred? To what extent has presidential behavior improved the majoritarian principle? Can a pattern of action be identified during the so-called Second Republic?

This paper consists of five sections: in the first I deal with the description of presidential powers showing how they can be divided in power to control and power to decide; in the second section I analyze the political conditions which allowed the strengthening of the presidential role during the transition from the First to the Second Republic and the role of the parties on their election; in the third section I examine when and why the Presidents of the Second Republic have acted as Deputy Chairmen; in the fourth paragraph I analyze when and why the Presidents of the Second Republic have acted as Veto Players; finally, in the conclusion, I clarify that the role of the President contributes to render Italy a sort of cross-eyed country, in which certain characteristics reflect the majoritarian democracy and others the consensual democracy, as confirmed by other studies (De Mucci 2002).

1. The concrete use of presidential powers as veto player and deputy chairman

The powers of the President of the Italian Republic have been deliberately blurred by constituents so that he or she might become a sort of "second engine" of the political system in extremely difficult moments.

Even though presidential powers are not always precisely defined in the Constitution¹, some of them can be analytically distinguished in two groups: powers which aim to control the parliamentary majority and to counterbalance the executive and powers which aim to produce effective decisions on behalf of the Parliament or of the Government. Consequently, these second kinds of powers are taken into consideration only when the will of the President is clear, otherwise there isn’t any attempt to decide on the behalf of other institutions.

When there is a pre-eminence of the first type of powers, the president acts as a veto player counterbalancing the power of the government, however, when the latter prevail, the president can become a sort of deputy chairman.

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¹ For a clear framework of the Italian presidential powers granted by the Constitution and the praxes see Fusaro (2003).
If the parties and the governments are strong there is little room for the President to play a role of Deputy chairman, limiting him to be a sort of veto player in the best case. During the transition, however, unexpected and extraordinary opportunities appeared for Oscar Luigi Scalfaro as he faced turbulent and declining parties and litigious politicians. As a consequence the Presidents of the Second Republic have been effective veto players and on certain occasions also real Deputy Chairmen.

The President acts as a veto player when he/she influences the policy-making and the structure of other institutions, namely the Parliament and the Constitutional Court. His/her influence on policy-making is exercised through the power to require Parliament, before promulgation, to reconsider proposed legislation (art. 74), by sending messages to the chambers (art. 87.2), by withholding authorization of government legislative initiatives (art. 87.4) and through so-called moral suasion, which has proved to be a recurring and legitimate practice. Moreover, other direct capacities to control regards aspects not strictly connected with the Constitution but with the phenomenon of personalization of politics (McAllister 1997), in other words, presidential communicative capacities.

Presidential influence on the structure of Parliament is rendered explicit by the power to appoint five senators for life (art. 59.2). His/her impact on the structure of the Constitutional Court is given by the power to nominate of one third of the judges (art. 135.1).

The President acts as a deputy chairman or as a decision-maker when he has a discretionary impact on government formation, the dissolution of Parliament, foreign politics. The President’s impact on the formation of governments is given its constitutional sanction both by article 92.2 and by constitutional conventions. However, it becomes real when the President goes beyond ratifying the will of the electorate or of the parties to intervene directly in the formation of the Cabinet, either by nominating a Prime Minister other than the one nominated by the parties or by blocking Cabinet appointments or sponsoring alternatives. Likewise, the power to dissolve Parliament (art. 88) is real whenever early dissolution or a decision not to dissolve reflects the exercise of discretion, going beyond mere ratification of the will of the parties in Parliament.

Even though foreign politics is not a presidential but an executive responsibility, the role of the president in this sphere has grown from the Nineties on, especially with the strengthening of the Supreme Defence Council. This institution used to be an advisory body but has over the years become an effective decisional arena (De Vergottini 2011).

Finally, the power of pardon (arts. 79 and 87.11) was defined as an exclusive power of the president by the Constitutional Court in 2005, emphasizing the autonomy of the presidential decision.

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3 This change was granted by law n. 25/1997 which caused the full involvement of the Supreme Defense Council in the defense policy process and consequently a parallel enlargement of the role of the President in this sphere, as the president of this body.
Even though, different presidents have behaved according to their own, often divergent, interpretations of their role, certain similar patterns can be identified at certain points in time. In particular, until 1992 the presidents behaved mainly as notaries vis a vis the Prime Minister, they passively oversaw the parliamentary majority and they mostly responded to political parties. However, starting with Scalfaro's term the pattern seems to have completely changed. Indeed, the presidents now mainly behave as countervailing actors towards Prime Ministers, and play an active role in controlling the parliamentary majority, responding also to citizens (Pasquino 2003b).

These changes are related to the implosion of the traditional parties (especially the DC and the PSI)-as the main political principals- damaged by scandals but also by other phenomena such as the personalization (McAllister 1997), mediatization (Strömbäck and Esser 2014) and presidentialization of politics (Poguntke and Webb 2005). The first point is connected with the idea that candidates are more important than party organization to win elections and therefore parties born with a purpose have been progressively replaced by parties born around a person (Calise 2000). The second point is the process which demonstrates how mass media, and especially television, have substituted parties as agents of political socialization. In Italy this aspect is particularly strong since one leader, Silvio Berlusconi, has massively exploited media dominance for political purposes, using his private networks. Finally, the presidentialization is explicitly connected with the strengthening of the role of the PM which has been extremely weak in Italy for a long time. However, during the last twenty years the PM has become an effective decision maker even without clear party support. In particular, Prime Ministers who have made some of the most important decisions during the so-called Second Republic were directly chosen by the President and have led the so-called "technical governments" (Amato, Ciampi, Dini and Monti) (Marangoni 2013).

In Italy the personalization, mediatization and presidentialization of politics have had an impact not only on parties and the PM but also on presidents. Indeed, the capacity to exploit media and to build a direct personal connection with citizens have also been used in various ways by presidents. In particular, presidents have resorted to these devices to strengthen their role as veto players when Prime Ministers, governments and parties are sufficiently strong and as deputy chairmen when Prime Ministers, governments and parties become weak and unstable.

2. A Changing world: From party democracy to President democracy?

Starting from the Eighties, political parties from democracy builders have become a problem for democracy. The phase of party democracy collapsed because of its degeneration into the so-called partitocrazia, namely a system where the presence of parties in the society became a mere illegal occupation of spaces of power. However, the transformation emerged in its seriousness in connection with two events: the fall of the Berlin wall, symbol of the end of real socialism and of the Cold War (1989-91) and Clean Hands (1992) the symbol of Tangentopoli.

The passage from the First to the Second Republic is consistent with the passage from party democracy to "audience democracy" (Manin 1997). The first type was based on omnipresent mass-based parties, with strong ideology, diffused organization at social and territorial level and with the participation of activists and professional politicians. In the second type of democracy, parties focus on candidates and leaders rather than on purposes, the organization has been replaced by communication, the collective identities have weakened, compensated by direct personal trust and the capacity to produce collective long-lasting tales has been replaced by individual tales placed in the present. The relationship with society and electors is assured by media and political marketing as electors become spectators rather than devotees.

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4 Elgie (2005) defined Italian Prime Minister from 1948-1992 as the weakest PM of the Western World.
The decline becomes clear by looking at the progressive deterioration of consent of the two most important parties of the First Republic: Christian Democracy and the Communist Party. They moved from controlling together 2/3 of the electorate to controlling only 45.7% in 1992. Moreover, citizens began to doubted them more and more as the level of trust towards parties dropped from 46% in 1978 to 31% in 1992 (Della Porta 2001).

In the early Nineties, Italy seemed to undergo the fastest and least painful institutional revolution possible due to a series of referenda which bypassed the decision-making phase of parties. This change was based on an institutional mirage: the overcoming of Italian anomaly, namely the absence of alternation through a new majoritarian electoral reform. The transformation was acclaimed by everybody: all the parties, the enterprise establishment and the media system. However the majoritarian electoral law wasn’t sufficient to make Italy an example of Westminster democracy. Indeed, the electoral reform alone did not achieve the simplification of the party system, the clear dominance of the executive over the legislative but led to party fragmentation, instability and over-personalization (Morlino, Tarchi 2006).

In this context the role of the President -that in a Westminster Democracy should be merely symbolic- has become fundamental (Fusaro 2003, Pasquino 2000, Tebaldi 2005). As seen, the major problem was the collapse of the traditional parties replaced by new ones which have never achieved the results of those of the First Republic neither at the electoral level nor considering the level of trust on the part of citizens. However, the disappearance of mass-based parties was just one of the problems. Indeed, Italy was facing complex crises over legality, economics, the North-South cleavage, mafia attacks (Ginsborg 1998).

This dramatic situation seemed to produce a feeling of emergency which also involved the representative institutions. Indeed, the weakening of parties produced the incapacity of Parliament to choose governments especially from 1992 to 1994 and the President had to intervene in this sphere. This party weakness was connected both with their declining organizational structure, as party membership dropped from 9.6% in 1987 to 4.5 in 1992 (Raniolo 2007), and with the growth of party fragmentation from 1992 on, as the effective number of parties goes from 5.7 during the XI legislature and touched the peak of 7.6 during the XII (Pritoni 2011).

However, the role of the parties has remained important in the selection of the President. In particular, parties have tried (unsuccessfully) to replicate patterns of choice of the past selecting as far as possible people who could be controlled by them. The role of the parties hasn’t been reduced for two reasons: 1) because the election of the President is indirect 2) because parties have always been aware of the strong role that the President can play at least potentially. Moreover, as a strong majority is required to elect Presidents, the presidential elections still remain quite conflictive, even if not so much as during the First Republic.

The conflict within parties in presidential elections can be analyzed considering the length of the process, the fragmentation of candidatures and the majority obtained by the winner.

\[5\] Notwithstanding the fact that government stability has grown during the Second Republic (+273 days) (Verzichelli 2014), this performance is still far from that of typical Westminster democracies (Morlino 2014).

\[6\] Indeed, the two major parties of the Second Republic (the FI-PDL and the PDS-DS-PD) can count together on an average electoral consent of 50.1% (from 1994 to 2013) and excluding the result of the 2008 elections this data drops to 46.1%. Moreover, parties in general aren’t worthy of the trust of citizens. Indeed, in the last ten years the level of trust on the part of citizens never gone over 12% and in 2011 there was the lowest peak: 3.9%. Source: DEMOS&PI / Cittadini e lo Stato, yearly reports.

\[7\] The President is elected by Parliament in a joint sitting of its two branches whose members constitute an electoral college that also includes 58 representatives of the regional councils. A majority of two thirds is required at the first three rounds of voting, whereas an absolute majority is needed for the fourth (Grimaldi 2011).

\[8\] Indeed, an average of 11 voting rounds were necessary to elect a President from 1948 to 1985, whereas an average of 6 were required for Presidents from 1992 to 2013.
The election of Scalfaro was a party compromise based on two considerations: his long parliamentary career (Grimaldi 2012) was seen as guarantees of the defense of the Constitution and of Parliamentarism and his capacity to keep distance from his original party, the DC, well before the explosion of the scandals was seen as proof of his integrity. Moreover, Scalfaro's position as a judge was symbolically important since his election took place two days after the murder of Giovanni Falcone, one of the most important anti-mafia judges.

Scalfaro was elected with 672 votes at the 16th voting round, namely with a medium consent of his peers: 67%10. His election was one of the longest Presidential elections ever, a clear example of political stall. None of the most prominent candidates (Arnaldo Forlani, Giuliano Vassalli and Giulio Andreotti) reached the quorum required. Analyzing the data, it emerges that despite the fact that fragmentation of the candidatures was quite high during this presidential election11, it was medium during the 16th voting round, therefore Scalfaro was chosen from among 14 candidates. There were only 4.9% blank and nullified ballots in the case of Scalfaro, confirming general agreement on his name (Tebaldi 2005). Indeed, Scalfaro was elected by the ruling parties (DC, PSI, PSDI, PRI, PLI) and by the relevant opposition parties (PDS, Greens, Radicals) with the exception of the Northern League.

According to some biographers, the esteem afforded to him by his peers was due to the fact that he was the exact opposite of his odd predecessor, Francesco Cossiga, and his desire to change the political system to a majoritarian one.

The first election of Napolitano was quite conflictive too, not so much for the length of the process rather for the low consent on the part of his peers. He was elected at the fourth voting round with 543 votes, namely a low parliamentarian consent: 54.8%. At the beginning the ruling parties proposed Massimo D’Alema (the leader of DS) as their candidate for the presidency, but the opposition firmly rejected this idea and proposed other names -less engaged in party politics- such as Giuliano Amato, Lamberto Dini, Franco Marini and Mario Monti (Galliani 2012). However, the major ruling party could not accept to lose the presidency, as the democrats (DS) had already given the presidency of the Chamber to the Re-founded Communists (Bertinotti) and that of the Senate to the Daisy party (Franco Marini). In addition, the government was to be led by Romano Prodi, an ex Christian Democrat. As a consequence, the major ruling party wanted one of its men in the Quirinale and therefore one of its candidates had to be elected without the opposition votes. This was the path they decided to follow, despite its complexity. Actually, fragmentation of the candidatures was very high during the first three voting rounds (respectively 18, 23 and 28 candidates), but in the end Napolitano was chosen from among other 8 candidates only. However, blank and nullified ballots constituted 36.4%, this means that Napolitano is a clear example of “president of the majority”, as he was elected just by the ruling parties that made up Romano Prodi’s third cabinet (DS, Daisy, PRC, IDV, PDCI, Radicals Greens, Udeur)12.

On the other hand, Ciampi’s election was an example of the strongest agreement by governing and opposition parties. He was elected at the first voting round with 707 votes, namely with a high

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9 Scalfaro was defined as a sort of “Cato in politics” (Breda 2006) for the role he played as chairman of the parliamentary committee of inquiry which dealt with the use of funds for the earthquake of Irpinia (1980). On that occasion he accused his own party of having wasted public funds.

10 The consent of the president among peers is valued low when the majority obtained during a president’s election is in between 50% and 59%; moderate when the majority obtained during his election is in between 60% and 69%; high when the majority obtained during his election is in between 70% and 79%, very high when the majority obtained during his election is more than 80%. See Grimaldi (2014).

11 Indeed, during the 10th voting round there were 28 candidates and 24 in the 15th.

12 It was the third case since 1948, after Segni and Leone who were elected respectively with 52.6% and 52%. On the contrary, in April 2013 Napolitano was re-elected at the sixth voting round with 738 votes, namely with 74% of the electoral body’s consent.
parliamentarian consent: 71.4%. It was the second time that a president was selected at the first voting round after Cossiga’s election. The other possible candidates were -on the Catholic front- Franco Marino, Nicola Mancino, Rosa Russo Jervolino, and -on the secularist front- Emma Bonino and Giuliano Amato. However, the agreement between the PM D’Alema and the leader of the opposition Berlusconi led to one of the fastest presidential elections in Italian history. Ciampi was considered a political outsider and consequently the main parties hoped he, unlike his predecessor, would prevent the presidency from taking an active part in the political game. In other words, what parties were looking for was a notary who would consent to play a marginal, but symbolic role, closing once and for all the period of Italian transition between the two Republics and the active season of the presidency. Analyzing the data, it emerges that the fragmentation of the candidatures was high, as Ciampi was chosen from among other 18 candidates but blank and nullified ballots constituted 7.3% only, confirming the cross-party consent. Indeed, Ciampi was elected by the ruling parties (DS, PPI, PdCi, Greens, Udeur) and by the most important opposition parties (FI and AN) with the exception of the Northern League and of the Re-founded Communists (PRC). The second election of Napolitano was another example of cross-party agreement even though forced by the situation. He was elected at the 6th voting round with 738 votes, namely the 74% of parliamentary consent (high). The re-election of Napolitano was the demonstration of impasse of the political parties in particular of the PD after the 2013 election which produced a tripolarism, as three parties obtained 1/4 of the electorate but each of them seemed reluctant to enter a coalition in order to form a government. Italy was at the same time incapable of choosing a new government and it was required to choose another President. The first candidate proposed who could count on the vote of the centre-right was Franco Marino (PD), but he didn't reach the quorum because a faction of PD close to Renzi didn't vote for him. Then PD tried to elect one of his men, Prodi, without the votes of the other parties, however the PD split up because 101 democratic parliamentarians didn't vote in accordance with the party line. In the end, the majority of parties asked the outgoing president to remain for another term, as he was able to achieve a consent even among the centre-right during his previous presidency. Analyzing the data, it emerges that the fragmentation of the candidatures was very high, especially in the first three voting rounds (respectively 10, 25, 20 candidates) but in the end Napolitano was chosen from among other 5 candidates and blank and nullified ballots constituted 2.2% only, confirming general agreement. Indeed, Napolitano was re-elected by the ruling parties (PD, FI, SC) which represented the first Great Coalition government in Italy and by the most important opposition parties (LN) with the exception of the M5S and SEL which continued to support the candidacy of Stefano Rodotà. As demonstrated the role of the parties hasn't completely diminished with the Second Republic, indeed it continues to be strong as far as the selection of the President and the formation of the government in a bipolarism context. However, parties no longer have the power once had, as can be seen with the President’s continuous intervention (infra).

3. Presidents acting as deputy chairmen

With Scalfaro the idea of the Italian presidency changed completely for Italians and consequently what a president could and should do. As pointed out by scholars (Hine, Poli 1997), his influence was stronger in the first years when the parties were totally incapable of reacting to the scandals but it declined in the following years when new or reformed parties gained legitimacy. However, his capacity to handle institutional and political crises especially in the government building sphere and in the dissolution of Parliament, clarified what a president can do in emergency situations and from that moment on, the other political actors -parties and executives- had to seriously take into account what the president thought or
preferred on a considerable number of issues. In other words, Scalfaro’s ability to solve crises left a legacy, he drew a path to be followed in an emergency.

The capacity of the President to discretionally appoint a PM has always been related to particularly difficult situations for parties\textsuperscript{13}. However, the presidential intervention in this sphere wasn't limited to Scalfaro's experience in the early Nineties. The party-system bipolarity -reached in the second half of the Nineties- couldn't reproduce the strong party government, and consequently a weak party government became one of the permanent characteristics of Italian democracy and perhaps one of the reasons why a fully-fledged majoritarian model of democracy wasn't firmly established (Pasquino 2000). Therefore, bipolarism boosted a diminution of the powers of the head of state in government formation following elections, but presidents continued to play a significant role during government crises and changes of government between elections as a consequence of the weak party government. Moreover, the influence of the President on the decision of whether or not to dissolve the chambers has become particularly relevant, while presidential intervention in the processes of appointment during the formation of a government without recourse to elections remains an option.

As far as the appointment of PMs by Presidents is concerned, Scalfaro chose three Prime Ministers with remarkable discretion (Fabbrini 1998) when traditional parties disappeared and before the complete consolidation of bipolarism, namely when new (FI) or re-founded (PDS-DS) parties can alternate in government. After the 1992 elections, Scalfaro was unwilling to nominate Bettino Craxi as Prime Minister, preferring to appoint a person less-involved with scandals from the group of candidates proposed by the potential majority. Giving the office to Giuliano Amato had the significance of a binding mandate (Tebaldi 2005). In 1993 Ciampi's appointment gave rise to what was referred to as a ‘government of the President’ since it was not based on the support of any relevant party and therefore its formation and survival relied specifically on presidential support (Grimaldi 2011). In 1995 Lamberto Dini’s government took office without any party agreement, and it was composed almost entirely of non-parliamentary personnel which, except for the Premier, included no ministers from the outgoing government. Furthermore, the prime ministerial nomination came with a binding mandate.

Since 1996, when the bipolar order began to be consolidated, the President's direct intervention in the appointment of the PM has become more sporadic: in fact, from 1996 to 2012 there was only one case of direct involvement: the nominee of Mario Monti by Napolitano in 2011. In the case of the crisis of Berlusconi’s fourth government, the intervention of the president was clear not only when he decided on Monti’s appointment, but also from the early stages when he insisted on the PM’s resignation. In an anomalous way, the president of the Republic announced the up-coming Prime Minister's resignation with a note, preceding Berlusconi’s move. Later, Napolitano appointed professor Mario Monti life senator, making his intention to nominate him Prime Minister clear (Almagisti, Grimaldi, Pasquino 2013). Indeed, Monti became PM in November 2013, after the promulgation of the budget law.

As far as the early dissolution of Parliament is concerned, the pre-eminence of the President's will usually emerges when the legislatures survive\textsuperscript{14}. From Scalfaro to Napolitano, all presidents have, notwithstanding bipolarism, rejected interpretations that regard the dissolution of Parliament as the sole means of resolving government crises. In 1994, Scalfaro refused a dissolution as requested by Prime Minister Berlusconi. This crisis was particularly severe because of the strong opposition of the outgoing Prime Minister, who placed

\textsuperscript{13} There were some examples also during the so-called First Republic, in particularly in the phases of transition from one governing formula to another, i.e. from centrism to centre-left formula or from governments of national unity to the period of five-party coalitions. See Tebaldi (2005).

\textsuperscript{14} There are only two cases of decisions regarding early dissolution of Parliaments taken by the President only and they are related to cabinets with binding mandate, namely Ciampi’s government and Dini’s government who both resigned after achieving their goals.
considerable pressure on the head of state to dissolve the legislature born only seven months before. Scalfaro, "having ascertained the existence of a potential alternative majority, maintained that as long as it was possible to keep such a recently elected parliament alive, the President had the constitutional duty to facilitate the survival of the legislature" (Grimaldi 2011,112). However, from that moment on the relations with the leader of the centre-right was compromised. Indeed, the right-wing parties organized a public campaign accusing Scalfaro of favoring the left-wing parties (Mammarella, Cacace 2011).

There are two other cases of presidential autonomy in the decision not to dissolve the chambers. Scalfaro's refusal of 1998, which was accepted by the parliamentary majority. Indeed, the centre-left parties showed they were able to come to a governing agreement despite the change in leadership (from Prodi to Massimo D'Alema) and the withdrawal of Communist Refoundation (the PRC). Napolitano’s decision, in 2007, not to dissolve Parliament and not to accept Prodi’s resignation sending him back to the chambers, where he was given a vote of confidence.

The discretionary intervention of Presidents in the selection of the PM and in the decision of whether or not to dissolve Parliament before time seems to be especially linked to party and government weakness. This was the case for Scalfaro when parties could not face the moral crisis and when the NL decided to abandon Berlusconi government I (namely, one of the shortest executives of the Second Republic, 252 days). Likewise for Napolitano when parties couldn’t cope with the dramatic economic situation he nominated Mario Monti as PM and when the parliamentary majority in the Senate seemed to crumble over the resolution regarding the participation of Italy in the Afghan war (indeed, during XV legislature ENP was 7.3)

On the other hand, the pressure of the Presidents for asking or opposing the nominee of certain Ministers and their role in foreign politics seems to be connected with the consensus gained by each President among citizens.

In 1994 Scalfaro successfully opposed the nomination of Cesare Previti as Minister of Justice in the first Berlusconi government because he was considered unsuitable for the office. However, the consent of the President wasn’t strong enough to exclude Previti from the government, indeed he became Minister of Defence. In 2001 Ciampi sponsored the appointment of Renato Ruggiero as Foreign Minister as a guarantee of government continuity in foreign policy regarding Europeism, as the minor coalition partner: the NL expressed clear anti-europeistic positions. Napolitano asked and obtained that the Ministry of Economic Affairs in Renzi’s government was Pier Carlo Padoan, a person who could assure the EU and the markets of the real and ongoing commitment of Italy in getting the public budget back on track, notwithstanding the change of the PM.

In each case the consent for the President and that for the PM were particularly high, but the level of trust in the President was always higher than it was in the PM. This explains why stronger PMs accepted the Presidential suggestions regarding government formation.

Even though there are no clear data for Scalfaro both for Ciampi and Napolitano their consent among citizens was quite high respectively in 2001 and in 2014. Indeed, Ciampi’s consent among citizens was around 63% in 2001, whereas the consent of the PM Berlusconi was on average 53% from June to

15 Moreover, also party fragmentation was high, as ENP was 5.7 between 1992-1994 and 7.6 between 1994-1996.
16 Scalfaro’s level of trust among the wider public is difficult to measure because there aren’t clear data. However, according to certain analyses (Hine, Poli 1997), at the beginning of his term his consent among citizens was quite high, comparable to that of other institutions, capable of ensuring the proper functioning of democracy, such as the Constitutional Court and the presidents of the Chambers. Indeed, in the first two years (1992-1994) it was quite simple for Scalfaro to evoke popular loyalty through public statements of moral scorn against parties and the political class damaged by the Tangentopoli scandal. But later, his interventionism started to dismantle his consent especially when the political vacuum was filled by the new personality of Silvio Berlusconi who won the elections in 1994.
November 2001, from this we conclude that Berlusconi accepted the Ruggiero nominee\(^{17}\) in order to avoid a conflict with such a beloved President at the beginning of his government experience. In February 2014 Napolitano’s consent among citizens was around 66%, this a few days before the choice of Padoan as Minister of Economic Affairs, whereas the consent for the PM Matteo Renzi was 60%\(^{18}\).

The consent for the Ministers recommended by Presidents has been high as well. Ruggiero was one of the most appreciated ministers in 2001 with a constant level of trust of 57% on average\(^{19}\). Padoan too had a very high level of trust, 60% in April 2014\(^{20}\).

Foreign politics is another sphere where the intervention of the President is not only linked to cabinet weakness but also to specific presidential consensus among the wider public along with his personal international credentials.

During the so-called Second Republic, Presidents engaged in this field more and more challenging the role of the PM. Both the experience of Ciampi and Napolitano were important and in the latter case scholars express concern that the President may have been trespassing.

Ciampi’s international credentials were greater than those of his predecessors, as he had had contacts with the economic European elite during his long term as president of the Italian Central Bank. Moreover, he was responsible for Italian membership in the Eurozone and consequently, he was well known abroad. From the beginning of his presidency he travelled throughout the world in order to improve the Italian position. Even though president Ciampi reaffirmed the traditional line of Italian foreign politics: Europeism, Atlantism and attention for the Middle East (Saiu 2005; Di Leo 2004), he seemed to differ with the political line of Berlusconi’s government which was closer to the Russian and Israeli positions. In particular, Ciampi used his international credit to cover up certain embarrassing situations such as the clear anti-Europeistic position of Berlusconi’s coalition partner, the Northern League, and certain PM blunders\(^{21}\). Indeed, he was considered a guarantor of national unity and of the continuity of Italian foreign policy as well (Galliani 2012, 91, Puri Purini 2012).

This legitimacy was important in particular when Ciampi intervened against Italian military participation in the Iraqi war within the "Coalition of the Willing". The PM wanted to support the US and the UK, while Ciampi was inclined to maintain a position similar to that of the majority of EU partners, namely France and Germany’s. The president used his power within the Supreme Defense Council to force Berlusconi’s government to avoid direct Italian military intervention (Bellandi 2011, Galliani 2012) even if the US use of Italian territory to favor Iraqi intervention was granted.

Ciampi’s ability to influence foreign politics was successful both because of his international credentials and because of his consent among the wider public which was 75% in 2003, one of the highest peaks, especially in comparison with the consent of the PM Berlusconi in the same year, on average 28.9\(^{22}\) . Napolitano’s international credentials are particularly significant. Indeed, in the middle Seventies he was responsible for the foreign policy of the PCI. Moreover, Napolitano spent two legislatures in the Parliament

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\(^{17}\) Data on Ciampi is published by DEMOS &PI in 2002, whereas data on PM is published by CIRM Market Research S.p.A. for Gruppo Editoriale L’Espresso Spa. According to this latter Institute the level of trust in Berlusconi was 50% in June, 51% in July, 53% in August, 55% in September, 54% in October and 53% in November 2001.

\(^{18}\) Data is published by IPSOS on 23 February 2014.


\(^{20}\) It was one of the highest result according to the poll published on Trust of Ministers in Renzi’s Government published by Istituto Piepoli on 23 April 2014.

\(^{21}\) The most troubling occurred when Berlusconi compared Schulz -the socialist whip of the European Parliament and member of the SPD- to a Kapò of a Nazi concentration camp.

\(^{22}\) Data on Ciampi is published by DEMOS &PI in 2004 whereas data on PM are elaborated from Ispo Polls collected monthly in 2003.
of Strasbourg and like his predecessor, Ciampi, he was aware of how the EU works. Indeed, throughout his presidency he worked for Italian compliance with the agreements undertaken with European partners. As his predecessors, president Napolitano continued to travel and on certain occasions was able to clarify the Italian position on international issues. The most important demonstration of his international credibility was that he did not just meet his foreign counterparts for reasons of protocol, but that he stood in for the government with foreign Heads of Government. In particular, during the Berlusconi government crisis and the formation of Monti’s cabinet, his interpretations were asked for by Angela Merkel, Francoise Hollande and Barak Obama. As historians have pointed out (Mammarella, Cacace 2011: 308), Obama seemed to find in Napolitano his proper counterpart, as he wanted to know Napolitano’s opinion on how to face the economic crisis rather than that of the PM Berlusconi and for this reason Napolitano flew to Washington both in 2010 and before the end of his first term in 2013. From the press releases it is clear that these visits were anything but ceremonial. Moreover, president Hollande behaved in the same manner in November 2012. Indeed, during Napolitano’s State visit to Paris there was a press conference to communicate the common position of Italy and France on episodes of violence in Israel and the Gaza Strip. Therefore, again Napolitano was treated and behaved like the perfect counterpart to the French Head of State, although powers in foreign policy are not assigned to the president by the Constitution. However, international presidential credibility was important when Italy had to decide how to face the Libyan war, as the cabinet played for time, while France and Great Britain organized the attack against Geddafi. First, Napolitano declared at the UN Human Rights Council in Genève that the violence against civilians perpetrated by Geddafi was unacceptable. Then, back in Italy, he convened the Supreme Defense Council and convinced the PM to take part in the military intervention if the UNO legitimized it. According to certain scholars (De Vergottini 2011), in the foreign politics sphere there was clear trespassing of constitutional prescriptions by Napolitano, as he acted before and in the place of the executive. Napolitano’s ability to influence foreign politics was very high during his first term, as his level of trust was 65.1% in 2011, whereas the consent of the PM was on average 29%.

On the other hand, Scalfaro's impact on foreign politics was modest as his international credentials were absent and his level of consent seemed to drop constantly from the second half of his term. However, he understood the importance of re-defining a European strategy for Italy, as was proved with his appointment of Prime ministers such as Amato, Ciampi and Dini, all of whom had the explicit duty of reducing the Italian debt and improving the economic situation.

Finally, the power of pardon is another area of intervention where the pre-eminence of the President is granted vis a vis that of the government and in particular that of the Minister of Justice. Indeed, in 2006 the Constitutional Court in its sentence (n.200/2006) regarding the conflict of attributions between the President (Ciampi) and the Minister of Justice (Castelli) changed the significance of granting pardon and conferred this power to the President only de facto (Galiani 2012). From that moment on, the power of pardon has become an exclusive prerogative of the President and it has been used in two famous cases by Napolitano. In 2006 when he granted pardon to Ovidio Bompressi and in 2013, when he granted pardon to the US colonel Joseph Romano. If in the first case there was no relevant criticism by constitutionalists, as the health conditions of Bompressi were particularly bad, in the second case certain doubts arose about the

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23 Data on Napolitano is published by DEMOS &PI in 2012, whereas data on PM are elaborated from IPR Marketing Polls collected monthly in 2011.

24 Indeed, he had never held an office in Europe or any specific role abroad.

25 Indeed, the Constitutional Court stated that pardon has not to be considered an instrument of penitentiary deflation but rather a humanitarian and equitable measure. In order to have the whole picture of the power of pardon see Pugiotto (2001).
legitimacy of this act which seemed driven by international political reason rather than humanitarian motivations (Scaccia 2013).

4. Presidents acting as veto players

The powers to require reconsideration of laws and to refuse the promulgation of government acts are the clearest examples of presidential power to control legislation. In addition, we can include also the right to send messages to the Chambers even though the effects produced on the legislator are less evident. All these powers have not been used in a clearly different manner with respect to the past from a quantitative point of view, however, there are discontinuities with the so-called First Republic from a qualitative point of view. Indeed, both Scalfaro and Ciampi vetoed a similar number of laws to that of their predecessors 26, respectively six and eight, whereas, Napolitano used his veto power much less, just once during his first term. However, all the Presidents in office from the Nineties on haven’t limited the use of veto to legislation lacking the necessary financial coverage, in accordance with the consolidated praxis between 1948-1989 (Grimaldi 2011). The discontinuity is not only based on the greater use of the criterion of merit in order to veto legislation (Ruggeri 1997) but on the use of the suspensive veto with respect to laws considered important by parties of the governing majority and in particular by the PM (Cacace 2008). Indeed, one of the six suspensive vetoes required by Scalfaro allowed the Head of State, for the first time, to enter into the merit of particularly controversial questions and to formally express his concern with regard to the decisions recently formulated by the legislator (Grisolia 2009). The law in question regarded a series of regulations in financial matters, among which the provision for public financing of political parties. Ciampi from 2003 on tended to veto not only matters of evident unconstitutionality, but also the constitutional merit of laws having considerable political significance for the government (Balboni 2005). The suspensive veto of the so-called Gasparrì law – on the reorganization of the television system- and that of the reform of Justice (Castelli law) triggered the retaliation on the part of Berlusconi who alluded to a presidential manipulation by "left mermaids" (Breda 2006). On this occasion, Berlusconi’s public campaign against the president was less powerful and successful with respect to what happened with Scalfaro, as Ciampi’s level of trust was incredibly high, and even for Berlusconi it was difficult to damage. Napolitano requested reconsideration of an employment law in March 2010, focusing on provisions for the use of arbitration as an instrument to solve disputes. This bill was intended to achieve a simplification of the legal framework of the labour market and was important for the centre right government as it was a clear point in Berlusconi’s agenda during the 2008 campaign (CIRCAP 2009).

As far as the refusal of the promulgation of government acts is concerned, Presidents rarely adopted this praxis during the First Republic, indeed, it was used from 1980 to 1990 just four times. During the so called Second Republic both Scalfaro and Napolitano resorted to it. Scalfaro rejected the so-called "Conso decree" which was intended to decriminalize party financing in order to close once and for all the "Clean Hands" season. According to certain journalists (Breda 2006) that rejection definitively crushed the First Republic, and it was considered a sort of death certificate. Napolitano was more active as he asked for the review of a law-decree, he refused to enact a legislative decree and a law-decree. The President didn’t reject the so-called Bondi decree on lyrical theatre in April 2010, but asked the government to revise certain parts. In

26 With respect to an average value of 6 vetoes for President from 1949 to 2013, as the total number of presidents’ referral is 60. Besides the exceptional case of Cossiga (22 referrals), all President used the referral more than Napolitano with the exception of Saragat who never used this power whereas Leone used it only once in seven years, like Napolitano.
particular, the decree had been drafted without previously consulting workers and the Trade Unions. The president's suggestion was carried out by the government and the decree was amended. Moreover, the Minister of Welfare promised to discuss it with the Trade Unions before the conversion of the text into law. Napolitano also refused the enactment of a legislative decree on municipal fiscal federalism for a strictly procedural reason. Indeed, the text differed from that originally approved by the government. Moreover, the President complained about the extraordinary convocation of a government meeting without an agenda and without informing the presidency. Therefore, the government was forced to repeat the procedure according to the president's recommendations. However, the most debated control action on legislation made by Napolitano occurred when he refused to enact the so-called "saving Eluana" decree, as it didn't fit certain urgent requirements and it was in contrast with a sentence of the Court of Appeal. The government withdrew the decree and attempted to approve a bill with the same content. However, Eluana Englaro died before the bill was discussed in Parliament. This case clearly showed that the force of the President in defending his prerogatives- according to the principle of division of powers- was more incisive than that of the Government (Lippolis, Salerno 2013).

As far as the power to send messages to the Chambers is concerned, Presidents used it only a few times during the First Republic, just seven times, and five by one single President, Cossiga. Moreover, these messages were not really acknowledged by the Parliament and by parties, with the exception of that of Cossiga on institutional reforms towards a majoritarian model of democracy which produced a strong debate (Fusaro 2003). However, the messages sent by Presidents of the Second Republic had a stronger impact on the legislator and/or on the judiciary. In 1993 Scalfaro sent a message to the Parliament, as according to article 87.2 of the Constitution, in order to focus parliamentary attention on the secession theme supported by the Northern League. According to the president, this position was to be rejected but the "popular protest had to be listened to and had to receive a convincing political answer". In other words, Parliament was driven to realize a reform to overcome the centralism of the State. This speech seemed to inspire certain judiciary initiatives against the NL and its members (Fusaro 2003). In 2002 Ciampi decided to send a message to Parliament to focus parliamentary attention on pluralism and information impartiality. According to the President, this step was fundamental to assure Democracy. This message is considered the first real outrage against Berlusconi's government by historians (Mammarella and Cacace 2011) and it had a real effect on Parliament which in two months prepared a bill on this issue. Napolitano did not send a message to the Parliament on a specific policy issue during his first term, but he did so in the second term. In October 2013 he focused on the theme of prison overcrowding and a new debate was started on this issue in March 2014. Even if this is one of the weakest formal powers of the Presidents, during the Second Republic it seems to have produced more pronounced effects than in the past. Probably this also depends on the greater capacity of Presidents to inspire trust among the wider public. Indeed, the message of the most beloved President, Ciampi, was that which was most taken into account by the parliamentary majority and by parties.

In general, the capacity of control over the government in the policy sphere using formal powers confirms that the president can act as an effective veto player even when parties are organized and strong, namely when the bipolar context seems to be growing stronger. Probably the most important discontinuity

28 The government tried to adopt a decree-law to forbid the interruption of feeding and hydration of people who cannot take care of themselves. This provision was to avoid the implementation of a sentence which allowed Mr. Englaro to put an end to his daughter's suffering. For further information regarding the Englaro case, see Pasini (2010).
29 The Italian mass media system was object of international concern in those years because of the anomalous position of a PM owner of half of the free TV market. Indeed, Italy was ranked "partly free" by Freedom House in 2003. Italy retained the 74th position of the world ranking after Benin, Botswana and Solomon Islands.
between the First and the Second Republic regards the means used by Presidents to accomplish their controlling functions. If formal powers were used in a pretty similar way, informal powers -such as moral suasion- were used in a pervasive manner from the year Two-Thousand on. Moral suasion is not a novelty in Italian democracy, however, its increased use and its more effective impact on the executive is connected with presidents' strategy to gain credit among the wider public.

Ciampi was the first president to clearly define moral suasion as one of the standard instruments in the president's toolbox and to publicly claim the right to use it. During his term he often resorted to moral suasion in order to convince the government to improve certain provisions, however, not always were these kind of interventions successful (Pasquino 2003a), as the reform of the electoral law in 2005 confirmed. Especially in the first three years of his term, Ciampi attempted to be faithful to the spirit of that institutional convergence which granted his election and therefore he tried to avoid any overlap with the activities of the government and the Parliament, even when Silvio Berlusconi returned to power in 2001. In the first phase of his "cohabitation" with Berlusconi, he used soft powers -such as moral suasion- to convince the government to modify certain aspects of certain controversial provisions, the so-called ad-personam laws which favored the person or the business of the PM, under investigation in various trials. Indeed, until 2003 he was criticized by the opposition parties for not carrying out his control functions towards the government. However, when Ciampi realized that collaboration with Berlusconi's government was becoming harder and harder to achieve, he decided to strengthen his surveillance by using his hard powers, namely veto.

Napolitano's ability to influence legislation was high, even though he used his formal powers poorly with regard to the policy-making sphere (Grimaldi 2011; Lippolis, Salerno 2013). Indeed, Napolitano's informal activity of advising, pushing or restraining, which can be summed up with the formula of moral suasion, was predominant from all points of view (Gorlani 2011). The decrease of opacity which moral suasion actions entail, was undoubtedly a peculiarity of Napolitano's term. In other words, the president tended to disclose legislation through letters, notes, statements with the aim of clarifying and justifying his positions much more than his predecessors had done. The majority of moral suasion actions carried out by Napolitano concerned his opposition to “urgent enactment”.

Other important examples are: the presidential refusal of the constitutional bill on trial suspension for high state officers, proposed by the Berlusconi Government -after the Lodo Alfano rejection by the Constitutional Court; the criticism of the law-decree on rubbish in Campania, the so-called "promulgation with reserve" (Ruggeri 2002, 2009) of law n. 94/2009 on public security and that of the University reform (the so-called Gelmini law, n. 240/2010).

In both cases the presidential suggestions were mostly accepted by the government or by the parliamentary majority and this can be explained by focusing once again on the capacity of these two Presidents to build consensus around their figure. Indeed, the medium value of trust during their seven-year terms was 71.4% for Ciampi and 62.1% for Napolitano (cfr. Figure 2).

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30 However, most of the Italian presidents had also used moral suasion however with strict confidentiality (Grimaldi 2011).
31 Some examples are: law no 367/2001 on international extradition requests; law no 148/2002 which allows trials to be moved in cases of legitimate suspicion that the judge involved is biased; law no. 140/2003 on the immunity from prosecution of the holders of the highest offices of State.
32 The president criticized the inclusion of regulations heretofore not foreseen because this behavior thwarted the presidential oversight functions, as the partial veto is not foreseen in Italian system. The most emblematic episode occurred in April 2009 at the time the approval of the so-called “incentive decree”.
33 In particular, Napolitano's doubts on the bill regarded the hypothesis that this trial suspension could also concern the president. See: Statement of the 22 October 2010. Source: Quirinale website.
Another important change from the First to the Second Republic is connected with the increasing communication abilities of Presidents. This aspect is important for two reasons: 1) the public statements of the President regarding certain executive decisions or behaviors have produced a sort of daily "mediatic surveillance" which enhance the presidential capacity to act as Veto Player; 2) mass media visibility is the only opportunity that presidents have to make themselves known and to have contact with citizens in a media society. Consequently, presidential communicative abilities have been measured through their visibility on public TV during prime time\textsuperscript{34}.

Scalfaro, even if he wanted to keep a low profile, as was the case with First Republic presidents, was forced to intervene often to clarify, suggest, give trust and consequently, he ended up being more visible than his predecessor, Francesco Cossiga, called the *picconatore* (Tebaldi 2005). Probably one of the most interesting episodes was when the president decided to defend himself on live TV from the accusations of having used public funds for personal purposes when he was Minister of the Interior in the Eighties. These allegations by certain Secret Service (SISDE) officials who were under investigation, seemed to the president an attempt to avoid elections with a new majoritarian electoral law (Breda 2006) and an attempt to end the "Tangentopoli affair" with a general absolution or amnesty (Mammarella, Cacace 2011).

The range of Scalfaro’s monthly visibility mean on public television goes from 7.7 minutes to 3.3 minutes in the three years and a half available (1995-1999). Unlike what happened with the other presidents of the Second Republic, for Scalfaro the total time of his visibility decreased from the second half of his term on, as emerges in figure 3. The time granted by TV to Scalfaro (news time, NT) shows a peak in 1995 and 1996 (2236 seconds per month), namely when he had a strong role in government formation, but then it decreased (under 1500 seconds per month), as his involvement became more limited and his popularity decreased as well (Hine, Poli 1997).

Despite Scalfaro having learned to use television to defend his office and also some of his decisions, there is still an apparent lack of ability to build media events to focus attention of public opinion on the presidency. As reported by the historian Maurizio Ridolfi (2003), Scalfaro’s call for a re-composition of divided memories concerning the Resistance between fascists and antifascists didn’t lead to a constant use of symbols and rituals and whose effect was therefore far from strengthening or building a sort of civil religion.

\textsuperscript{34} Unfortunately no similar data exists for Presidents of the First Republic, however scholars reported that Presidents started to be more visible from Pertini’s term.
(Nevola 2003). However, according to this data, Scalfaro's visibility is evaluated as high, as the mean value, during the whole monitoring period, is 2137 seconds (Grimaldi 2014).

Figure 3. Presidents' monthly visibility mean on the three Rai Channels (Seconds per Years)

As pointed out by Cobianchi (2013), Ciampi’s visibility is moderately high during his term, as his monthly visibility mean (total time TT) during prime time on the three Rai channels goes from 5.6 minutes to 7.4 minutes\(^35\). In particular Ciampi's peak of visibility occurred in 2002 with a coverage of 29076 seconds (about 8 hours) that is one-fifth of Prime Minister Silvio Berlusconi’s coverage in a year, but more than that of the leader of the opposition, Rutelli\(^36\). This data confirms how Ciampi exploited the mass media as a form of communication. Indeed, Ciampi was at his best in the construction of ad-hoc media events, generally regarding the celebration of national heroes or festivities or historical episodes (Grimaldi, Riccamboni 2007). These presidential initiatives produced great participation on the part of the people and therefore a deeper interest on the part of the mass-media which reported Ciampi's words and advice. Taking into account the above elements, Ciampi's communicative capacity is assessed as high, as his visibility mean value is 2270 seconds during the monitored period.

Napolitano’s visibility was high during his first term\(^37\), as his monthly visibility mean (total time TT) goes from 5.9 minutes to 12.3 minutes(Cobianchi 2013). As emerges in figure 3, Napolitano’s visibility tended to grow every year and especially from 2011 on (36385 seconds), when his activism in the government building sphere increased. Even though the president’s direct use of TV was pretty much the same for his entire term, the time granted by the mass-media to Napolitano and his initiatives doubled, as news-time was 1483 seconds per month in 2008 and 3469 seconds per month in 2013.

Napolitano’s peak of visibility occurred in 2012 with a coverage of 37633 seconds, however, considering the monthly visibility mean, the highest value was recorded in 2013, before his re-election, with 4421 seconds. In accordance with Ciampi's idea of building media events connected with the Italian founding myth, Napolitano organized celebrations of the 150\(^{th}\) anniversary of Italian Unification. Notwithstanding certain

\(^{35}\) In Ciampi’s case, the monitoring time covers the period 2001-2006, namely 65 months.

\(^{36}\) According to an article published by the Osservatorio di Pavia (2002), Berlusconi’s total time between 2001-2002 was 149255 seconds (about 41 hours) while Rutelli’s total time was 21708 seconds (about 6 hours).

\(^{37}\) In Napolitano’s case, the monitoring time covers 2008-2013, namely 64 months.
expressions of dissent from right-wing political figures\textsuperscript{38}, these presidential initiatives produced great participation on the part of the people and therefore a deeper interest on the part of the mass-media which reported Napolitano’s statements. The same also happened when Napolitano constructed a media-event in order to reflect on the political terrorism season of the Seventies, involving right- and left-wing extremists\textsuperscript{39}. In conclusion, Napolitano’s communicative capacity is assessed as very high, as the mean value during the whole monitoring period is 2790 seconds.

Finally, the intervention of the President in the structuring of Parliament and of the Constitutional Court, through life-senators and judges appointments has been seen as more conflictive in the new bipolarism context. These powers allow the President to put into practice the principle of check and balances because he can appoint senators with divergent opinions with respect the parliamentary majority, improving the discussion and therefore, the surveillance of the parliament over the executive. Likewise, the appointment of 1/3 of the constitutional judges by the President guarantees that they cannot all be chosen by the Parliament whose work is in turn controlled by the Constitutional Court.

The interpretation of article 59.2 of the Constitution is left to the President since it can be interpreted both to mean that there can be up to five life senators in total, or to mean that each president can nominate five, as Pertini and Cossiga did. Above all, the latter interpretation enables the head of state to influence the solidity of governments’ majorities, with potentially significant implications for the activities of the governments themselves. Every president, with the exception of Scalfaro, has appointed life senators. Until the end of Napolitano’s first term the nomination of political or partisan figures (16) was pretty much the same to those of non political figures (17). Moreover, until Ciampi’s term nominees had been uncontested (Almagisti, Grimaldi e Pasquino 2013), as the impact of Life Senators on executive survival had never been decisive. However, in the majoritarian context this presidential power \textit{de facto} influenced the parliamentary equilibrium, especially in Parliaments with small and/or barely cohesive majorities, as those which sustained Prodi’s second government.

Napolitano, during his first term used this power modestly probably because he feared that any such appointment might be read as an instrument to strengthen or thwart the parliamentary majority (Cacace, 2008), considering the very narrow Senate majority on which Prodi’s cabinet could count. Napolitano appointed just one senator during his first term: Mario Monti in November 2011 before the end of Berlusconi government IV. The purpose here was to grant a parliamentary background to a person who might have been chosen as PM for his technical expertise.

On the other hand, a few months before the beginning of his second term Napolitano completely changed strategy by appointing four Life-senators\textsuperscript{40}. Notwithstanding the fact that all the nominees were non political figures\textsuperscript{41}, there was a lot of controversy. The centre-right parties criticized the President both because these nominees seemed to be inappropriate during the austerity rule which all institutions were

\textsuperscript{38} In particular, Northern League members such as Roberto Calderoli and even certain ministers such as that of Education, Mariastella Gelmini.

\textsuperscript{39} The idea of inviting to the Quirinale the widow of police commissioner Calabresi murdered by Lotta Continua, and the widow of Cesare Pinelli, the anarchist who was wrongfully accused of being one of the attackers of the Piazza Fontana massacre, was considered a positive and symbolic step towards national pacification.

\textsuperscript{40} On August 30 2013 Napolitano appointed: \textit{maestro} Claudio Abbado, professor Elena Cattaneo, architect Renzo Piano and professor Carlo Rubbia, who have honored the Nation for outstanding achievements in science, art and social development. Source: Quirinale website.

\textsuperscript{41} Actually, certain right-wing party members complained about this, stating they would have preferred political nominees with an aim of appeasement such as those of Silvio Berlusconi or Gianni Letta.
supposed to conform to\footnote{This was the criticism of certain important NL members such as Roberto Calderoli, Matteo Salvini and Luca Zaia. See the article by Alessandro Montanari, "Alla faccia della crisi. Ecco altri 4 senatori a vita per puntellare il Letta-bis?, La Padania, 31.08.2013.} and because they feared that Life-Senators could become supporters in reserve for the Letta government, as had happened with Government Prodi II\footnote{This was the opinion of Maurizio Bianconi a PdL (now FI) member, reported in the article "Senatori a vita. Quattro nuove nomine", Corriere della Sera, 31.08.2013: Moreover, il Giornale, property of Berlusconi's family, published a number of interventions regarding the new senators in order to emphasize their positions against Berlusconi. Actually, they were opposed not to Berlusconi but to certain provisions of his last government, as was the case of the scientist Elena Cattaneo or of the physicist Carlo Rubbia. See the article by Stefano Zurlo, "Ritratto di anti Cav a vita", Il Giornale, 31.08.2013.}.

Generally, the choices of constitutional judges by presidents had been uncontested and praised by scholars until the Eighties (Pederzoli 2008).

Starting with Cossiga's nominees (Baldassarre and Vassalli\footnote{Antonio Baldassarre was the first ex communist constitutional judge. However, the most contested appointment was that of Giuliano Vassalli, both because a socialist replaced a catholic (Conso) and because the Court had to express its opinion on a number of complaints about the new Code of Criminal Procedure enforced in 1989, with the signing of Vassalli, then Minister of Justice. In practice, the proponent of the reform was the same person who judged it (Pederzoli 2008).}) all those who followed were criticized by political parties especially by those of the centre-right. Scalfaro's nominees seemed to stick to a majoritarian logic because he appointed in succession three members linked to the center-left (Zagreblesky, Contri, Neppi Modona) and one to the PPI (Capotostì), shortly after the settling of the Prodi government. These choices were contested by the opposition. Ciampi's nominees were the most criticized because they followed an anti-majoritarian logic, namely he appointed 4 out of 5 judges (Flick, Gallo, Cassese, Tesauro) linked to the centre left when the government was a centre-right coalition. Actually, Ciampi isn't the only president who followed an anti-majoritarian logic\footnote{Indeed, during the First Republic Gronchi appointed two right-wing judges (Azzariti and Petrocelli) when the government was a coalition of the DC, the PSDI and the PLI and Saragat appointed two leftist judges (Crisafulli and Rossi) with Dc single-party governments (Leone II and Rumor II). See Pederzoli (2008).}; moreover, he seems to have followed another criterion: he replaced the outgoing judges with other with a similar system of values and political orientation.\footnote{Indeed, the previous judges replaced Vassalli (Psi), Zagreblesky (centre-left), Contri (PSI), Neppi Modona (centre-left).}

Napolitano seems to have moved in the same direction as he appointed two Catholic judges (Paolo Grossi and Marta Catarbia) during his first term. He replaced judges with similar political values and continued to guarantee the presence of at least one woman among the 15 judges\footnote{The first woman to become Constitutional Judge was Fernanda Contri, appointed by Scalfaro in 1996. Then, Ciampi appointed professor Maria Rita Saulle in 2005 and finally, Napolitano replaced Saulle with Marta Cartabia in 2011.}. Napolitano seems to have moved in the same direction as he appointed two Catholic judges (Paolo Grossi and Marta Catarbia) during his first term. He replaced judges with similar political values and continued to guarantee the presence of at least one woman among the 15 judges\footnote{Napolitano clearly stated: "It is completely false to claim that the Quirinale 'signed agreements' on passage of laws whose initiative, as is well known, is up to the government, and even more false to state that the President may grant the constitutionality of a law. [...] The respect for the independence of the Constitutional Court and its judges should be a duty for all and has been a constant course of action for all Presidents of the Republic (translation mine). Note of 12.10.2009. Source: Quirinale website.}. Napolitano seems to have moved in the same direction as he appointed two Catholic judges (Paolo Grossi and Marta Catarbia) during his first term. He replaced judges with similar political values and continued to guarantee the presence of at least one woman among the 15 judges\footnote{Napolitano clearly stated: "It is completely false to claim that the Quirinale 'signed agreements' on passage of laws whose initiative, as is well known, is up to the government, and even more false to state that the President may grant the constitutionality of a law. [...] The respect for the independence of the Constitutional Court and its judges should be a duty for all and has been a constant course of action for all Presidents of the Republic (translation mine). Note of 12.10.2009. Source: Quirinale website.}.

Generally, the choices of constitutional judges by presidents had been uncontested and praised by scholars until the Eighties (Pederzoli 2008). Starting with Cossiga's nominees (Baldassarre and Vassalli\footnote{This was the criticism of certain important NL members such as Roberto Calderoli, Matteo Salvini and Luca Zaia. See the article by Alessandro Montanari, "Alla faccia della crisi. Ecco altri 4 senatori a vita per puntellare il Letta-bis?, La Padania, 31.08.2013.} all those who followed were criticized by political parties especially by those of the centre-right. Scalfaro's nominees seemed to stick to a majoritarian logic because he appointed in succession three members linked to the center-left (Zagreblesky, Contri, Neppi Modona) and one to the PPI (Capotostì), shortly after the settling of the Prodi government. These choices were contested by the opposition. Ciampi's nominees were the most criticized because they followed an anti-majoritarian logic, namely he appointed 4 out of 5 judges (Flick, Gallo, Cassese, Tesauro) linked to the centre left when the government was a centre-right coalition. Actually, Ciampi isn't the only president who followed an anti-majoritarian logic\footnote{This was the opinion of Maurizio Bianconi a PdL (now FI) member, reported in the article "Senatori a vita. Quattro nuove nomine", Corriere della Sera, 31.08.2013: Moreover, il Giornale, property of Berlusconi's family, published a number of interventions regarding the new senators in order to emphasize their positions against Berlusconi. Actually, they were opposed not to Berlusconi but to certain provisions of his last government, as was the case of the scientist Elena Cattaneo or of the physicist Carlo Rubbia. See the article by Stefano Zurlo, "Ritratto di anti Cav a vita", Il Giornale, 31.08.2013.}; moreover, he seems to have followed another criterion: he replaced the outgoing judges with other with a similar system of values and political orientation\footnote{Indeed, during the First Republic Gronchi appointed two right-wing judges (Azzariti and Petrocelli) when the government was a coalition of the DC, the PSDI and the PLI and Saragat appointed two leftist judges (Crisafulli and Rossi) with Dc single-party governments (Leone II and Rumor II). See Pederzoli (2008).}. Napolitano seems to have moved in the same direction as he appointed two Catholic judges (Paolo Grossi and Marta Catarbia) during his first term. He replaced judges with similar political values and continued to guarantee the presence of at least one woman among the 15 judges\footnote{Indeed, the previous judges replaced Vassalli (Psi), Zagreblesky (centre-left), Contri (PSI), Neppi Modona (centre-left).}. Napolitano clearly stated: "It is completely false to claim that the Quirinale 'signed agreements' on passage of laws whose initiative, as is well known, is up to the government, and even more false to state that the President may grant the constitutionality of a law. [...] The respect for the independence of the Constitutional Court and its judges should be a duty for all and has been a constant course of action for all Presidents of the Republic (translation mine). Note of 12.10.2009. Source: Quirinale website.}.
During his second term Napolitano appointed Giuliano Amato following the same principle of choosing judges with similar orientation, indeed he replaced Gallo with Amato. On this occasion too, right-wing parties opposed the President’s choice because Amato might favor the policies of leftist executives whereas M5S deputies feared he might grant the impunity and the political survival of Berlusconi.

Conclusions

The presidents of the Second Republic gained considerable capacity to act both as Veto Players and as Deputy Chairmen proving that they can no longer be considered notaries within the Italian political system. Moreover, in the previous sessions it was demonstrated that the enlargement of their powers could be explained considering four important variables: the power of the parties and the power of the PMs and of their cabinets -these are systemic variables- the level of presidents ’consent among the wider public and their international networks which are related to their personalities.

At this point we can say that our initial hypothesis is confirmed, as Presidents act as deputy chairmen especially when parties and cabinets are weak, whereas they act as veto players when cabinet are stronger and relatively stable. However, this is not the whole story and our analysis enables us to be more precise.

On one hand, it is true that Presidents act as Deputy Chairmen, namely appointing PMs or deciding whether or not to dissolve Parliament, when parties and/or cabinets are weak, however their capacity to decide on government formation, namely suggesting certain ministers, and on foreign politics relies on other factors. In particular, on their consent and their international networks.

Indeed, Ruggeri and Padoan were appointed ministers through the President’s initiative but this influence only had an impact because of the presidents’ level of consent among the wider public. Moreover, Presidents are able to directly influence foreign politics when they have strong domestic consent and when they can count on international recognition through their foreign contacts. This was precisely the case of Ciampi in dealing with the Iraqi war and that of Napolitano in dealing with Libyan war.

Moreover, PMs have been discretionally appointed by Presidents only when parties were incredible weak and could not decide autonomously on a government such were the cases of Amato, Ciampi and Dini appointed by Scalfaro and Monti appointed by Napolitano.

On the other hand, Presidents act as Veto Players in opposition to strong cabinets.

As concerns formal powers, such as veto on legislation, messages to the Chambers, authorization of government decrees, appointment of Life-Senators, Presidents resort to these devices in order to control the longer lasting cabinets.

Indeed, the majority of Scalfaro’s vetoes occurred with executives in office after 1995, namely when he faced relatively stronger cabinets ( Dini Government which lasted 529 days and Prodi’s Government I which lasted 887 days); his message to the Chamber was given in 1996 when Government Prodi I was in office. However, the rejection of Conso’s decree occurred with quite a weak cabinet (Government Amato I which lasted 304 days).

Seven vetoes out of eight decided by Ciampi regarded legislation of Government Berlusconi II and III; and the first was the longest lasting Italian cabinet (namely, 1412 days). Moreover, his message to the Chamber and his appointment of Life Senators also occurred in between 2001 and 2006.

Napolitano’s veto regarded legislation of Berlusconi Government IV (namely the second longest lasting government in Italian history, 1287 days), as well as his three rejections of government decrees.

Instead his appointment of Mario Monti as Life-Senator cannot be considered a real countervailing action towards Berlusconi government IV rather a way to grant Monti a parliamentary background once he became PM. However, during Napolitano’s second term, Life-Senators appointments and his message to the Chambers occurred during the Great Coalition government. In this case, it seemed that the President’s
intent was to help the government survive rather than controlling it. Indeed, Letta's Government was one of the weakest cabinets during the Second Republic, as it lasted 300 days only. Taking into account informal powers such as moral suasion, it is evident that they are more used and effective when the consent of the president is high. This was the case for Ciampi, as his most import moral suasion actions occurred between 2001 and 2003 and his consent was between 63% and 75%. This is also true for Napolitano, as his most important moral suasion actions occurred between 2009 and 2010 when his consent was between 70% and 71%.

Finally, visibility is connected with "media surveillance" of Presidents on government thanks to their capacity to build a communication strategy. Our analysis demonstrates the growing capacity of Presidents to make themselves known and to have contact with citizens through television, as their total time during prime time on public television increased during their terms (with the exception of Scalfaro) and seemed to grow from one presidency to the next.

When considering each Presidency from 1992 on, it becomes clear that only in the case of Ciampi has the President mainly acted as Veto player and consequently strengthened the consensual principle. Indeed, Ciampi used formal (such as veto and message to the Chambers) and informal powers (such as moral suasion and media surveillance) to control government policies and actions and in addition, he chose constitutional judges and life-senators who could credibly oppose the government in office. However, his role of Deputy Chairman wasn't nullified as he successfully influenced the nomination of Minister Ruggiero and a decision regarding important foreign policy in the Iraqi war.

For Scalfaro and Napolitano the situation is more similar and balanced. Indeed, Scalfaro was able to behave as a Deputy Chairman by discretionally appointing three PMs, by influencing the nomination of the Minister of Justice and by deciding on the dissolution of Parliament. On the other hand, he also acted as Veto Player by using formal powers (vetoes, rejection of government acts, messages to the Chambers).

Likewise Napolitano strengthened the majority principle by discretionally appointing a PM, by influencing the nomination of Minister Padoan, by deciding on the dissolution of Parliament and on an important foreign policy issue. On the other hand, his control actions strengthen the consensual principle, even though they were carried out through his informal powers - in particular moral suasion and media surveillance- rather than formal ones. However, Napolitano was more moderate than his predecessor in choosing Life Senators and Constitutional judges who were clearly opposed to the government in office, especially during his First term.

In conclusion, the involvement of the President in the decision process is an important factor to explain the apparent change from a consensual to majoritarian model of democracy in Italy, even though this inclusion may complicate the picture.

Indeed, the President acts as veto player especially when faces strong PM and governments and therefore his intervention in policy issues as well as for certain appointments strengthen the consensual principle. The control action of the President is effective even when it is carried out with his informal powers if the President has strong consent. This was especially true with President Ciampi facing Government Berlusconi II and President Napolitano facing Government Berlusconi IV.

Moreover, the President's intervention strengthens the majoritarian principle on certain occasions. In particular, when parties are too weak to choose a government and this task has to be carried out by Presidents, as was the case with Scalfaro and Napolitano. Moreover, Presidents reinforce the majoritarian principle when they are able to influence the nominee of a Minister or certain decisions in foreign politics. In these cases the explicative variables are not just systemic -for instance connected with the PM or cabinet declining power- but related to the president's personality, namely his consent and international networks.

The role of the President in Italy cannot be neglected when reflecting on the changes affecting democracy, even though there isn't a clear pattern of action which unequivocally pushes Italy to either the consensual
or the majoritarian side. Therefore, the President's intervention contributes to rendering Italy a sort of cross-eyed country as certain decisions on government formation and on foreign policy reinforce the majoritarian principle, whereas the controlling actions reinforce the consensual principle.

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