What is a "Good" Democracy?
Theory and Empirical Analysis

by

Leonardo Morlino
University of Florence (Italy)
&
Institute for International Studies, Stanford University
(lmorlino@stanford.edu)

To begin

An analysis of the quality of a democracy, that is, an empirical check on how 'good' a democracy is, requires not only that we assume some definition of democracy, but also that we establish a clear notion of quality. The minimal definition of democracy (see e.g. Morlino 1998) suggests that such a regime has at least: universal adult suffrage; recurring, free, competitive and fair elections; more than one political party; and more than one source of information. Among those that meet these minimum criteria, further empirical analysis is still necessary to detect the degree to which they have achieved the two main objectives of an ideal democracy: freedom and equality.

Thus, the analysis of a good democracy should set aside *electoral democracies* (Diamond 1999), that is, hybrid regimes whose failure to insure a minimum level of civil rights keeps them below the minimum threshold requirements for classification as democratic. Likewise, the *defective democracies* (Merkl, 1999) should also be left out of the analysis. This category includes 'exclusive' democracies, which offer only lmited guaranties for political rights; 'dominated' democracies, in which powerful groups use their influence to condition and limit the autonomy of elected leaders; and 'illiberal' democracies, which offer only partial guarantees on civil rights. In reality, these latter three more specific democratic models are also institutional hybrids, and thus fall short of the minimum threshold specified above.

In contrast, *delegative democracies* (O'Donnell, 1994), sometimes referred to as *populist democracies*, fit well within the scope of this analysis. These regimes are usually based on a majority system, they host 'clean elections', 'parties, parliament, and the press are usually free to express their criticisms', and 'the courts block unconstitutional policies'. In practice, however, citizens in these democracies 'delegate other to make decisions on their behalf' at the moment that they vote, but then they no longer have the opportunity to check and evaluate the performance of their officials once they are elected. Other organs of government, even those meant for this purpose, also neglect or fail to carry out their watchdog function and, consequently, the so-called *rule of law* is only partially or minimally respected (O'Donnell 1994, 60-62).

Those who analyze populist democracies cite similar problems, evaluating many current democracies as regimes in which the principle of representation, and thus the delegation of powers and accountability, is not supported in reality. These principles are instead overcome by a supposed 'direct' democracy in which largely symbolic, irrational ties connect a powerful leader, often a particularly strong president or prime minister, to a relatively undifferentiated civil society. Certain

countries in Eastern Europe and Latin America, and some suggest even Italy, come close to this model, presenting clear flaws in providing a full and comprehensive guarantee of civil rights, and of political rights as well.

As mentioned above, a second step in evaluating 'good' democracies requires a clear definition of 'quality.' A survey of the use of the term in the industrial and marketing sectors suggests three different meanings of quality:

1. quality is defined by the established procedural aspects associated with each product; a 'quality' product is the result of an exact, controlled process carried out according to precise, recurring methods and timing; here the emphasis is on the *procedure*;

2. quality consists in the structural characteristics of a product, be it the design, ma terials, or functioning of the good, or other details that it features; here, the emphasis is on the *content*;

3. the quality of a product or service is indirectly derived from the satisfaction expressed by the customer, by their requesting again the same product or service, regardless of either how it is produced or what the actual contents are, or how the consumer goes about acquiring the product or service; according to such a meaning the quality is simply based on *result.*

In summary, the three different notions of quality are grounded either in procedures, contents, or results. Each has different implications for the empirical research. Importantly, even with all the adjustments demanded by the complexity of the 'object' under examination—democracy—it is still necessary to keep these conceptualizations of quality in mind as we elaborate definitions and models of democratic quality.

Starting from these premises, the rest of the paper will propose some theoretical arguments fundamental to the analysis of democratic quality and good democracy. The next section suggests a definition of good democracy and, therefore, of democratic quality. The subsequent two sections will evaluate the main dimensions of variation. The following section will indicate models of 'good' democracy and the related and much more diffuse models of low quality democracies. The last part of the paper will be devoted to an excursus on the Italian case along the dimensions pointed out in the previous sections.

What is a 'good' democracy?

A quality democracy is a 'good' democracy. As is evident, the defining problem concerns what is intended by the adjective. Starting from the definition mentioned above, and from the prevailing notions of quality, I consider a quality or good democracy to be one presenting *a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms.* A good democracy is thus first and foremost a broadly legitimated regime that completely satisfies citizens (*quality in terms of result*). When institutions have the full backing of civil society, they can pursue the values of the democratic regime. If, in contrast, the institutions must postpone their objectives and expend energy and resources on consolidating and maintaining their legitimacy, crossing over even the minimum threshold for democracy becomes a remarkable feat. Second, a good democracy is one in which the citizens, associations, and communities of which it is composed enjoy at least a moderate level of liberty and equality (*quality in terms of content*). Third, in a good democracy it is the citizens themselves who have the power to check and evaluate whether the government pursues the objectives of liberty and equality according to the rule of law. They monitor the efficiency of the application of the laws in force, the efficacy of the decisions made by government, and the political responsibility and accountability of elected officials in relation to the demands expressed by civil society (*quality in terms of procedure*).

With the above in mind, I can thus indicate five possible dimensions on which good democracies might vary that should be at the core of the empirical analysis. The first two are procedural dimensions. Though also quite relevant to the contents, these dimensions mainly concern the rules. The first procedural dimension is the *rule of law*. The second procedural dimension is accountability.[1] The third dimension of variation concerns the responsiveness or correspondence of the system to the desires of the citizens and civil society in general. The final two dimensions of variation are substantive in nature. The first is the full respect for rights that are expanded through the achievement of a range of freedoms. The second is the progressive implementation of greater political, social, and economic equality. These five dimensions will be further elaborated in three separate sections below. At this point, however, a number of more general considerations should be mentioned.

The analytical framework proposed here differs from other studies on the quality of democracy, such as those of Altman and Perez-Linan (2001) and Lijphart (1999). While those two studies are also based on indicators encompassed by some of the elements discussed above, they do

---

[1] Kitschelt et al.(1999) also consider 'accountability' to be a 'procedural' dimension.

not consider all of them, and the consequent empirical analysis is more limited.[2] Altman and Perez-Linan return to three aspects that draw on Dahl's concept of poliarchy (civil rights, participation, and competition), which fit into the first substantive dimension indicated above, and which can also be indicators of the procedural dimensions. Some of the indicators Lijphart employs in his study include female representation, electoral participation, satisfaction with the democracy, and corruption. These indicators also fall under the five dimensions mentioned above. The analysis here, however, is instead closer to that of Beetham (spec. 1999), who stresses the virtuous combination of qualitative and quantitative measures in the general empirical analysis of the phenomenon. Some difference emerges immediately, however, in the definition of good democracy I propose here, and in the subsequently divergent approach in presenting and justifying the indicators and dimensions of variation.

The institutions and mechanisms of representative democracies are the main objects of the analysis of the quality of a democracy. This is not to ignore the direct democracy as the highest expression of democratic quality, but to acknowledge the secular experience of representative democracies and their real potential for improvement. If the analysis has to be focused on representative democracies, then the accountability - a core feature in the experience of representative democracy - becomes a truly central dimension in so much as it grants citizens and civil society in general an effective means of control over political institutions. This feature attenuates the difficulties that objectively exist when there is a shift from direct to representative democracy.

Accountability is implicitly based on two assumptions from the liberal tradition that highlight the interconnectedness of all of the dimensions explained above. The first assumption is that if citizens are genuinely given the opportunity to evaluate the responsibility of government in terms of its satisfaction of their own needs and requests, they are in fact capable of doing so, possessing above all a relatively accurate perception of their own needs. The second assumption is that citizens, either alone or as part of a group, are the only possible judges of their own needs; no third party can decide those needs. To leave these assumptions unmentioned is mistaken; they should instead be stated and taken into account from the outset. It is also erroneous to consider each of them as a mere ideological choice. It is instead important to acknowledge that western democracies have followed a liberal-democratic trajectory and that any concrete analysis of the quality of democracy must take this into account and shift towards a direction marked by more egalitarian choices.

---

[2] These choices are only justified by a research strategy involving comparative analysis of many cases. In effect, this is the strategy followed both by Alman & Perez-Linan (2001) and by Lijphart (1999).

Freedom and equality, however they are understood, are necessarily linked to accountability and responsiveness. Indeed, a higher implementation of freedom and equality for citizens and civil society lies in the sphere of those representative mechanisms. In addition, effective rule of law is also indispensable for a good democracy. The rule of law is intertwined with freedom in the respect for all of those laws that directly or indirectly sanction those rights and their concrete realization. As the next section will explain, freedom, equality, and even accountability are actually unobtainable if the respect for law is ineffective or decisional efficacy is not granted by the government and the administration. These are the fundamental presuppositions necessary for deciding on and realizing quality democratic policies.

The principle subjects of such a democracy are the citizen-individuals, the territorial communities, and the various forms of associations with common values, traditions, or aims. In this sense, the possibility for good democracy exists not only in the case of a defined territory with a specific population controlled by state institutions under a democratic government, but also for wider-ranging entities. The main point is that the above named subjects are at the heart of a democracy in which the most important processes are those that work from the bottom up, and not vice-versa. In this way, the transfer of the analytical dimensions from the national level to the supra-national level - though not uncomplicated and without difficulty - is possible. The key is to hold constant the same elements characteristic of each dimension.[3]

The necessity of capturing the complexity inherent in the notion of 'quality' democracy motivates the employment of the five dimensions elaborated above. This elaboration flags two aspects of each dimension: each might vary from the others in terms of form, and relative degree of development. As such, the analysis calls for indicators, certain measures that reveal how and to what degree each dimension is present not only in different countries, but also in various models of good democracy. These empirical data should also enable an eventual tracking of the growth of quality democracies.

The procedural dimensions

The line of reasoning followed up to now brings to a closer analysis of the constitutive dimensions of democratic quality, the essential conditions for their existence, and the numerous and related problems associated with the empirical study. Here, I consider the procedural dimensions; the others will be treated in the following sections. The first procedural dimension encompasses

---

[3] This subject is addressed in the following two sections.

decisional output and its application and is constituted by the rule of law. The second concerns the relationship between input and output and regards the accountability. A large body of literature, which I will not summarize here, already exists on these two dimensions. To put it simply, each dimension will be analyzed with regard to three aspects: the empirical definition, the problems of implementation, and the central condition or conditions.

The *rule of law* is not only the enforcement of legal norms. It instead connotes the principle of the supremacy of law, that is the Ciceronian *legum servi sumus,* and entails at least the capacity, even if it be limited, to make authorities respect the laws, and to have laws that are non-retroactive, of public knowledge, universal, stable, and unambiguous.[4] These characteristics are fundamental for any civil order and a basic requirement for democratic consolidation (see Morlino 1998), along with other basic qualities such as the civilian control over the military and the independence of the judiciary.

Even if the rule of law is preserved and respected in varying forms and to various degrees, we can identify a number of particularly critical features in the analysis of 'good democracy'. These are:

- The application *erga omnes* of the legal system, also at the supra-national level, guaranteeing the rights and equality of citizens;

- The absence, even at a local level, of areas dominated by organized crime;

- The absence of corruption in the political, administrative, and judicial branches;

- The existence of a local, centralized, civil bureaucracy that competently, efficiently, and universally applies the laws and assumes responsibility in the event of an error;

- The existence of an efficient police force that respects the rights and freedoms guaranteed by law;

- Equal, unhindered access of citizens to the justice system in case of lawsuits between private citizens or else between private citizens and public institutions;

- Reasonably swift resolution of criminal inquiries and of civil and administrative lawsuits;

- The complete independence of the judiciary from any political influence.

All of the above concern the efficient application of the law and the fair resolution of lawsuits within the legal system. Each can be represented by various indicators and the relevant data can be analyzed on a case by case basis using both qualitative and quantitative techniques. The

---

[4] The minimal definition of the rule of law, suggested by Maravall (2002), refers to the implementation of laws that (i) were enacted and approved following pre -established procedures; (ii) that are not retroactive..., but general, stable, clear, and hierarchically ordered....; (iii) applied to particular cases by courts free from political influence and accessible to all, the decisions of which follow procedural requirements, and that establish guilt through ordinary means.

main characteristics, and the degree to which the rule of law is respected can be reconstructed for each case in each country.[5]

It should be emphasized, even if only in passing, that the analysis implicitly proposed here would be extremely expensive and practically impossible to apply to a high number of cases. The level of detail and thoroughness built into the investigation is meant for a limited number of cases, yielding the best results for a project aimed at examining at most four or five countries. Additional cases would require a reduction in the number of variables and the elimination of some dimensions. Those that should be kept in the analysis at all costs, even in a quantitative analysis involving many cases, include: the level of corruption with whatever data are available on the phenomenon; the access of citizens to the court system; and the duration of legal proceedings using the pertinent judiciary statistics. It is clear, however, that these few indicators can provide only an incomplete illustration of the phenomenon.

A closer look at the concrete problems of implementation should be accompanied by an awareness of some opposing forces that have recently received attention in numerous papers and studies. First and foremost, a rigorous application of laws, or, in certain cases, the relationship with an only superficially efficient bureaucracy can have particularly negative consequences for the most socially weak and vulnerable members of society (O'Donnell 1999, 312-13). Then, there is the possible use of the law as a genuine 'political weapon' (Maravall 2002). Here we see a persistent and diffuse temptation for politicians to use the law against their adversaries if, for example, the opposition is condemned to remain so for a long time and has no chance of electoral victory in the near future. Politicians are also tempted to use judicial acts to reinforce their own positions against the opposition. In other cases, when there is collusion among politicians, the judges themselves, with the support of the media, are tempted to turn to the judiciary in retaliation for certain political decisions that they consider unacceptable. On a different level, there is also a growing tendency among individual citizens or economic groups to resort to the law to assert their own interests. Some scholars note this phenomenon as a 'juridification' of contemporary democracy (see, for example, Guarnieri and Pederzoli, 1997). Finally, and not altogether different, is the popular and diffuse cultural attitude that interprets the law as a severe impediment to realizing one's own interests that should be circumvented in any way possible. This attitude, common in various countries throughout the world, from Southern Europe to Latin America and also Eastern Europe, extends from the popular to the entrepreneurial classes. The Italian saying *'fatta la legge, trovato l'inganno*, which suggests that fraud goes hand in hand with law, seems particularly apt in this respect.

---

[5] For example, the analysis of the Italian case is in Della Porta and Morlino (2001).

In summary, the analysis of the democratic rule of law in any one country should be made carefully, with attention to trends that work against its full realization. It remains an essential factor of democratic quality, and it plays a very important role for the existence and development of the other dimensions. What then, are the fundamental conditions that allow for at least a moderate development of the rule of law? Research on various dimensions of this theme suggest that the diffusion of liberal and democratic values on both the popular and, especially, the elite level, as well as the existence of the bureaucratic traditions and legislative and economic means necessary for its full exercise, are the necessary conditions for the democratic rule of law.

However, these conditions exist in very few countries, and they are very difficult to create. Consequently, it is also difficult to cultivate and grow this dimension of democratic quality. The most reasonable and concrete strategy would be to proceed in short, measured steps that follow the lines and objectives that emerged above. This strategy is inherently critical of Putnam's conclusion (1993) that the institutional contours of a specific democratic regime are fixed in the oldest civic traditions of that country, and that a country's institutions necessarily change extremely slowly.

Accountability, the second dimension of democratic quality here considered, is the obligation of elected political leaders to answer for their political decisions when asked by citizen-electors or other constitutional bodies. Schedler (1999,17) suggests that accountability has three main features: information, justification, and punishment/compensation. The first element, information on the political act or series of acts by a politician or political organ (the government, parliament, and so on), is indispensable for attributing responsibility. The justification refers to the reasons furnished by the governing leaders for their actions and decisions. The third, punishment/compensation, is the consequence drawn by the elector or whatever other person or body following an evaluation of the information, justifications, and other aspects and interests behind the political act. All three of these elements require the existence of a public dimension characterized by pluralism and independence and the real participation of a range of individual and collective actors.

Accountability can be either vertical or horizontal. Vertical accountability is that which electors can demand from their elected official, that the governed can require of the governor in light of certain acts which he/she has executed. This first type of accountability has a periodic nature, and is dependent on the various national, local, and if they exist, supra-national election dates. The voter decides and either awards the incumbent candidate or slate of candidates with a vote in their favor, or else punishes them by voting for another candidate, abstaining from the vote, or by nullifying the ballot. The actors involved in vertical accountability are the governor and the governed, and are thus politically unequal. This dimension of democratic quality can become less

irregular only if one considers the various electoral occasions at the local, national, and for European citizens, supra-national levels. Continuity is also supported when citizens can vote in referendums on issues regarding the activity of the central government.

Horizontal accountability is the responsibility governors have to answer to other institutions or collective actors that have the expertise and power to control the behavior of the governors. In contrast to vertical accountability, the actors are for the most part political equals. Horizontal accountability is relatively continuous, being formally or substantially formalized by law. In practice, it is usually manifest in the monitoring exercised by the governmental opposition in parliament, by the various judgments and checks emitted by the court system, if activated, and by constitutional courts, state accounting offices, central banks, and other bodies of a similar purpose that exist in democracies. Political parties outside of parliament also exercise this kind of control, as do the media and other intermediary associations, such as unions, employers associations, and the like (see O'Donnell 1999; Schmitter 1999).

Certain underlying conditions must exist to insure that the two forms of accountability can be fully claimed. For vertical accountability, political competition and the distribution of power must at least be fair enough to allow for genuine electoral alternatives at the various levels of government. Altman and Perez-Linan's (2001) focus on competition and their development of an indicator that measures the 'balanced presence of opposition in parliament' should be mentioned here. This indicator has a negative value when the governing party dominates the legislature in terms of seats or when the opposition is so strong that it poses problems for the decisional efficacy of the government. The absence of alternation and bi-polarism between two parties, or between party lines or coalitions, diminishes the importance and force of vertical accountability. If it exists, it is relevant only at the level of individual candidates.

The presence of horizontal accountability instead hinges on a legal system that, as mentioned above, provides for the exertion of checks and balances by other public entities that are independent of the government, and not competing as an alternative to it. This form of accountability demands strong and well-established intermediary structures; a responsible, vigilant political opposition; independent media that are conscious of its civil function; and a well-developed network of active, informed organizations and associations that share democratic values.

Given the well-known opacity of political processes and the complexity conveyed about them at the moments of information, justification, and evaluation, politicians have ample opportunity to manipulate their contexts in such a way to absolve themselves of any concrete responsibility. Accountability frequently becomes a catch-phrase more connected to the image of a politician than to any decisions he or she may have taken or results he or she might have produced.

Negative outcomes are easily justified by making reference to unforeseen events, or by taking advantage of a favorable press to influence public opinion. At the same time, good results, obtained sometimes at the cost of sacrifices by the governed, might result in negative or punitive judgments for the governor at the time of the next elections.

The very action, often ideological and instrumental, of parties or other components of the political opposition, or even of media actors that are in the position to conduct public processes, sometimes on inconsistent grounds, reconfirms the difficulty of implementing an actual accountability. The lack of clear distinctions between incumbent leaders and party leaders - the head of government often also controls the parties - means that parties, be they of the opposition or of the majority, are hindered in carrying out their role as watchdogs for their constituents. At the parliamentary level, party discipline is considered more important than accountability towards the electors and, in practice, the parliamentary majority supports the government without controlling it. Furthermore, there should also be a clear distinction between the responsible leader, either of the government or of the opposition, and the intermediate layers of party actors that range from militants to sympathizers. These latter trigger a bottom-up process that gives direction for how parties should control the government or organize their opposition. Recent studies on party organization in many advanced democracies (Katz and Mair, 1995) indicate an opposite trend, however, characterized by strong, oligarchic leaders who act in collusion (instead of in competition) with other parties. The most extreme hypothesis related to this phenomenon is that parties, supported by public financing, shape in fact 'cartels.'

Citizens in European countries encounter further difficulties in insuring accountability because of the existence of the supra-national dimension created by the European Union. The most fitting example of how governments in these countries avoid accountability is the well-known tactic of 'blame shifting.' Here, the political responsibility for every unpopular decision taken by the government is shifted from the national to the European level, even if they concern clear-cut issues such as streamlining national administrations or reorganizing state finances to meet large national deficits. Governments or national politicians justify actions met with large public opposition by claiming that their hands were forced by opposing coalitions in the Council of Ministers of European Union or in the European Council of prime ministers and chiefs of state, or by votes in the European Parliament.

As Maravall (1997) has already discussed, the ways in which government leaders can avoid accountability are many. At the same time, the absence or extreme weakness of horizontal accountability leaves vertical accountability as the only instrument for guaranteeing this dimension of quality democracy. The chances to exercise vertical accountability, however, are only periodic

and in some cases citizens must wait several years before the next elections. The result is that we obtain a sort of 'delegative democracy' (see O'Donnell, 1994 and above)—a democracy of poor quality in which the citizen casts his/her vote and is subsequently ignored until the next election. Citizens are left without any means of controlling corruption and bad government, and there are no other institutions really capable of guaranteeing horizontal accountability.

The central conditions for insuring accountability are fairly obvious, and are already more or less clear from the above discussion. A few, however, should be explicitly mentioned. First of all, in addition to genuine electoral alternatives and bi-polarism among political parties, for one form of accountability to exist to any effective degree, the other must be present as well, with each thereby reinforcing the other. Next, a magistracy and other public institutions that are independent of the executive and legislature and capable of concretely exercising the checks provided for by law are also necessary. Third, it is also essential that interested, educated, and informed citizens who have internalized the fundamental values of democracy remain involved in the political process. Fourth is the presence of independent sources of information. Finally, vertical and horizontal accountability are both supported when a range of active intermediary actors of various dimensions, such as parties and associations, are organizationally well-rooted and present in civil society.

The outcome: satisfaction and legitimacy

In analyzing democratic quality, it is fairly common to refer to the responsiveness of government, that is, the capacity to satisfy the governed by executing its policies in a way that corresponds to their demands. This dimension is analytically related to accountability. Indeed, judgments on responsibility imply that there is some awareness of the actual demands, and that the evaluation of the government's response is related to how its actions either conform to or diverge from the interests of its electors. Responsiveness, therefore, must be treated in connection with accountability.[6]

This dimension of democratic quality is not particularly difficult to define. Eulau and Karps (1977) have already demonstrated how responsiveness is a way to see representation 'in action'. They also show how this dimension is manifest through four main components in relation to: the policies at the center of public interest; the services that are guaranteed to the individuals and groups represented by the government; the distribution of material goods to their constituents

---

[6] I will not address the theoretical problems associated with the connection between responsibility and responsiveness that has been discussed within the theory of representative democracy. For more on this point, see Sartori (1987, esp. 6.9).

through the public administration and other entities; and the extension of symbolic goods that create, reinforce, or reproduce a sense of loyalty and support towards the government.

The empirical study of responsiveness, however, is more complicated. In fact, the idea that even educated, informed, and politically engaged citizens always know their own needs and desires is at best an assumption (see above), especially tenuous in situations where citizens might need specialized knowledge to accurately identify and evaluate those very needs and desires. Simplified, though still satisfactory solutions, are still in order, however. Empirical measures of citizen satisfaction are easily found in the many surveys that have been regularly conducted for many years, especially in Western Europe, but also, as of late, in Latin America, Eastern Europe, and other countries around the world.[7] Some scholars have also indirectly obtained a second measure of responsiveness by measuring the distance between the governors and the governed on certain policies, and not just in terms of left/right divisions (see, for example, Lijphart 1999, 286-88)[8].

Perhaps the most effective method for measuring the responsiveness dimension is to examine the legitimacy of government--that is, the citizens' perception of responsiveness, rather than the reality. This leads us back to a fundamental process of democratic consolidation (see Morlino 1998), but in a slightly different key. In fact, certain dynamics that opened the door for democratic consolidation in many countries, such as uncritical acceptance of the institutions in place, simple obedience for a lack of better alternatives, or negative memories of the past are no longer relevant in terms of measuring legitimacy, and might even be interpreted as de-legitimizing factors. Here, the key element is that the support for democratic institutions, and the belief that these institutions are the only real guarantors of freedom and equality, is diffuse at every social level from the most restricted elite to the general masses. The diffusion of attitudes favorable to the existing democratic institutions and the approval of their activities would suggest satisfaction and, indirectly, that civil society perceives a certain level of responsiveness. In contexts characterized by high legitimacy, one should also see a full range of interests and forms of political participation.

Analyses of this type, however, bring to light a number of problems and limitations. The end of the twentieth century was accompanied by various challenges to legitimacy. These challenges prompted Kaase and Newton (1995, 150ss) to speak of the 'crisis of democracy', for example, with particular references to the distancing of citizens from political parties, the emergence of anti-party attitudes, and the growing incidence of more general dissatisfaction and anti-establishment attitudes. In their analysis Pharr and Putnam (2000) do not hesitate to use the term of 'dissatisfied

---

[7] A common question, for example, is "How satisfied are you with the way in which democracy functions in your country?' See Morlino 1998, ch.r 7, for more on this regarding Southern Europe.

democracy,' and they, together with Dalton (2000, 25), emphasize the decline of 'the capacity of political actors to act according to the interests and desires of citizens', that in this analysis indicates a decline in responsiveness. On the whole, these three authors see a decline of confidence in public institutions. Newton and Norris (2000) second this impression, with specific reference to parliament, the legal system, the armed and police forces, and public administration. In her analysis of corruption Della Porta (2000)[9] also notes this growing lack of confidence in government, the scanty application of law and, more related to this author's perspective, the resulting inadequate responsiveness. Moreover, here one also sees the connection between the rule of law—or rather the absence of its guarantee—and the incapacity of governments to respond to the demands of their citizens, for whom the guarantee of law takes precedence over other needs or preferences.

There are at least two orders of objective limits on responsiveness. First of all, elected leaders do not always seek to understand and respond to the perceptions and positions of the citizens. As discussed above, at times they instead work to maximize their own autonomy and influence citizens' perceptions and understandings of what the most important issues are. Politicians take advantage of the complexity of problems, and, evidently, of the shifts in political priority that occur over the course of a single legislature—a period that usually spans four or five years.

The second order of limits is shaped by the resources a government has at its disposition to respond to the needs of its populace. Limited resources and economic constraints on public spending affect the responsiveness of even the wealthiest countries. For example, if a certain population that already enjoys an upward trend in its average life demands better pensions and other improvements, a government burdened with budgetary limitations cannot possibly act on their behalf. Likewise, the persistent problems posed by unemployment and immigration are also illustrative of the near impossibility of finding generally satisfactory, legitimate, and responsive solutions in contemporary democracies. Indeed, the situation is more and more characterized by discontent, dissatisfaction, fear of poverty, and general democratic malaise. Such conditions contribute to a de-legitimization of democratic systems and encourage the type of populism mentioned at the beginning of the paper.

The contextual conditions that favor responsiveness are similar to those that support accountability. They include a well-established, independent, informed, and engaged civil society, with the concurrent presence of strong and active intermediary structures. It is fairly obvious why these factors are essential. Civil society and intermediary organizations are crucial for explaining at

---

[8] There are a number of quantitative studies that analyse this theme, including Eulau and Prewitt (1973); Eulau and Karps (1977); Verba and Nie (1978), and, more recently, King (1990) and Huber and Powell (1994).

[9] For research on corruption, see Della Porta and Meny (1997) and Della Porta and Vannucci (1 999).

least one facet of responsiveness: the perception of needs. Government output, or the actual response of government to its electors, is the other facet of responsiveness. The potential for this form of responsiveness is only possible - with all of the difficulties mentioned above - in richer and more developed democracies and societies. In conclusion, the economic factor, so central to the explanation of democratic consolidation, also plays an important role in the capacity of governments to respond to the needs of their citizens and general populations.

Fig. 1 : Democratic Quality: Connections between procedural dimensions and result

rule of law   *accountability*
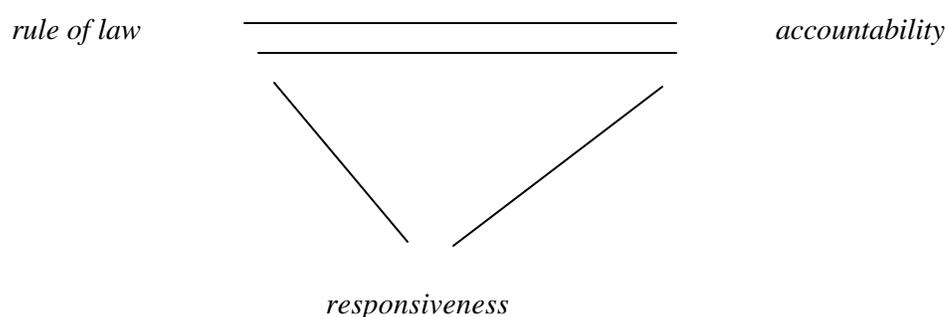
responsiveness

At this point, one can draw at least three partial conclusions from the above discussions of the rule of law, accountability, and responsiveness. From the empirical definitions of each dimension, one can deduce the reciprocal relationships that exist among them. While the various aspects of the rule of law provide the grounds for citizens' and other entities' demands for accountability, the presence of genuine accountability promotes improvements in the legal system and in respect for law. The rule of law is also an essential premise for responsiveness that, in turn, is an important pre-condition for evaluating accountability. The actions of these three dimensions compose a sort of triangle, with each side bearing different weight and meaning. Fig. 1 illustrates the relationships among these dimensions of democratic quality.

If it were not for all of the issues raised above, one could construct a fairly optimistic scenario for the future implementation of these three dimensions. Solutions to some of these problems of actualization have emerged, but other elements, ranging from international and supra-national events to the transformation and weakening of party structures, continue to pose further obstacles to the full development of the rule of law, accountability, and responsiveness.

Finally, a reflection on the chief dynamics surrounding these dimensions indicates that the bulk of responsibility for achieving them now falls on democratic, participatory civil society,

assumed to be gifted with rich cultural and economic resources. This same civil society, however, might feel threatened by the phenomenon of immigration and the associated presence of profoundly different cultures. This, in turn, might lead to greater pressure for self-protective measures that limit the rights of non-citizens, thereby placing the substantive dimensions of democratic quality in jeopardy as well.

The two substantive dimensions

Freedom and equality are the two main democratic ideals, and it is obvious that they are central to a normative definition of quality democracy. Dahl (see, for example, 1971), Marshall (1976) and numerous other scholars have provided many suggestions on which essential rights should be promoted in democracies. For the most part, these rights can be grouped under political rights, civil rights, or social rights.

Political rights include the right to vote, the right for political leaders to compete for electoral support, and the right to be elected to public office (passive electorate). But in a good democracy, the political right *par excellence*, that is, the right to vote, can be strengthened and extended if the electoral mechanisms are such that the voter gains the possibility/right to elect the government either directly (elections for head of state or prime minister who also fills the office of the head of government), or else *de facto* (when the leader of the winning party or coalition in a bi-polar context is elected prime minister). An even richer version of this right is achieved when citizens can influence or choose the electoral candid ates, that is, the passive electorate in intra-party or primary elections. One problem to resolve on this theme is the extension of political citizenship to adult residents in given territory so that immigrants can also participate in this part of the political process.

Essential civil rights include personal liberty; the right to legal defense; the right to privacy; the freedom to choose one's place of residence; freedom of movement and residence; the right to expatriate or emigrate; freedom and secrecy of correspondence; freedom of thought and expression; the right to an education; the right to information and a free press; and the freedoms of assembly, association, and organization, including political organizations unrelated to trade unions. In addition, from the broader category of civil rights the so-called civil-economic rights should receive their own mention. Elaborated by Giddens (1984), these include not only the rights to private property and entrepreneurship, constrained as they are within the social limits fixed by law, but also

the rights associated with employment and connected with how the work is carried out, the right to fair pay and time off, and the right to collective bargaining.

As the overwhelming majority of democratic legal systems have established this collection of civil rights, there are two primary dimensions that appear to be important for a good democracy. The first pertains to the capacity to enrich the legacy of rights and freedoms enjoyed by citizens without limiting or damaging others. The second concerns the actual procedures by which these rights are granted to all residents in a certain area. This latter takes us back to the issues of efficiency that were raised in the discussion on the rule of law. As stated in the preceding section, for example, the right to a legal defense entails the right to due process, to a speedy trial, and to legal assistance regardless of one's economic means. Although the overlapping of such rights appears messy and less than elegant from a theoretical point of view, it is inevitable if one wishes to demonstrate how rights and freedoms are the 'content' of democracy, that is important in its own right.

The main social rights of democratic polity include the right to health or to mental and physical well-being; the right to assistance and social security; the right to work; the right to human dignity; the right to strike; the right to study; the right to healthy surroundings, and, more generally, to the environment and to the protection of the environment; and the right to housing. There is not much variation on these rights from country to country, though all face obstacles to full actualization and all have greater potential for improvement than do political or civil rights.

The greatest problem associated with these three kinds of rights resides in the cost that many rights, especially social rights, impose on the community. Consequently, there have been attempts to redesign policies that support social rights in a way to alleviate the economic burden they place on society. It is also well known, however, that a broad application of social rights is the best means available for diminishing inequality and, therefore, attaining the other democratic ideal. Despite this, many democratic countries demonstrate serious deficiencies in social rights, which are often more precarious than civil or political rights. The main prerequisites for the further consolidation of social rights, therefore (beyond political will), include enough affluence on the societal level to furnish the means for realizing cohesion policies for less well-to-do individuals, and, at the same time, unified, organized, unions that represent a broad range of employees and are capable of obtaining the recognition and eventual expansion of those rights (see Rueschemeyer, Huber-Stephens, and Stephens 1992).

The implementation of equality, if possible, is closer to utopian objectives, and is not always advocated by all supporters of democracy. In this sense one can distinguish at least two phases in affirmation of this value. The first is widely accepted and concerns formal equality. It infers both

equality before the law, and the prohibition of discrimination on the basis of sex, race, language, religion, opinions, and social and personal conditions.[10] The second is more problematic, and pertains to the pursuit of substantive equality. It concerns the lifting of barriers that limit social and economic equality, and therefore 'the full development of the human person and the effective participation of all workers in the political, economic, and social organization of a country'.[11]

All of the rights that specify how to implement freedom and equality in a democratic society are now typically inserted in the constitutional charters of many countries, Italy included. Furthermore, the European Union's Charter of Fundamental Rights, attached to the Treaty of Nice (December 2000)[12], clearly specifies all of the aspects of dignity, freedom, equality, solidarity, citizenship, and justice, still referable to the two substantive dimensions of equality already discussed. The problem, therefore, is not understanding or defining these values: they are by now embedded in the legal cultures of many countries throughout greater Europe, and, at least at the level of knowledge, could easily be exported to many non-European countries. The problem instead is at the level of implementation. If there were a perfect, complete implementation of the rule of law at the European level, and, if other countries completely absorbed the European Charter into their own legal systems and also completely recognized the rule of law, liberty and equality would be possible. The fundamental problem, however, is that two important pre-conditions still do not exist. First of all, at neither the mass nor the politically élite level do we see full, diffuse, effective legitimacy of the concrete means for implementing the two democratic values as they are expressed, for example, in the Charter of Nice. Second, the economic and administrative means for implementing these values are still inadequate.

In this sense, it is necessary to underline how the problem of legitimacy is recast. In terms of democratic consolidation, legitimacy concerns the acceptance and support of democratic rules and institutions (see Morlino 1998). In terms of responsiveness, legitimacy is related to the presence of attitudes and behaviors that confirm satisfaction with the existing democracy. For the substantive dimensions of democratic quality, legitimacy connotes broad support for a regime that implements the values indicated above. In effect, this happens extremely rarely in European countries, since the aspect of efficiency or even of accountability is deeply entrenched in the various conceptualizations of democracy; but in the best of cases, one sees an affirmation of freedom that is limited only to basic rights, and an affirmation of equality that incorporates only the most important social rights.[13]

---

[10] This equality is also sanctioned by the legal system and covered in manuals of constitutional rights (see Caretti, 2002, ch. 5).

[11] This is 'simply' part of paragraph 2, article 3 of the Italian constitution (see Caretti 2002, 150-1).

[12] The web site of the European Union and that of the Italian Chamber of Deputies provide the text of this charter, with the EU site offering commentary on and explanations of the document.

[13] For more on the problem of the meaning of democracy at the mass level, see Morlino (1998).

In this sense, the concrete assurance of these values meets with resistance and opposition for reasons unrelated to economic constraints that many people see as perfectly justifiable. The explanation, then, for the diffusion of these political conceptions, that largely or partially mute equality, can easily be traced back to the cultural traditions of a country as well as individual choices.

The relationship between the procedural, outcomes, and substantive dimensions of quality democracy should by now be quite evident. One recalls again how the affirmation of the democratic values emerges through their transformation into formalized rules, institutions, or at least routines or recurring patterns, which then become as elements of the legal system and of the rule of law. But the assessment of the accountability is based on the values of those who make the assessment and the related political decisions can - and should – be assessed in relation to how successfully they implement those beliefs. The substantive dimensions wouldn't make sense without the procedural dimensions—this is a well-known principle of democratic regimes. For quality democracy, however, the substantive dimensions are even more important than the procedural dimensions. As will be shown in the next section, differences remain in how the various dimensions are implemented in relation to the specific conditions found in each country.

Patterns of quality democracy, and the opposite.

The two procedural dimensions, the satisfaction dimension, and the two substantive dimensions can combine to configure various models of quality democracy. The procedural dimensions mainly are substantiated in the efficient application of the legal system and in the fair resolution of legal disputes, and in the political responsibility demanded by the voters, intermediary structures, associations, and other organs that make up a democratic regime. The two substantive dimensions regard the measure of liberty and equality realized by the regime.

Democracies can thus vary according to the greater or lesser realization of each of the main dimensions, sometimes driven by various combinations of choices and concrete opportunities. Because of the connections that exist among the various dimensions, however, one cannot simply be substituted for the other. Rather, one can be added to the others. The variation across regimes resides mainly in the major or minor presence of each dimension, with obvious, ample possibilities for diverse combinations. An *effective democracy* might result when there are real guarantees on freedom and an implementation of equality that closely adheres to the minimum requirements necessary, but with a very strong rule of law. A *responsible democracy* is one that also is

characterized by levels of freedom and equality that meet the minimum threshold, but that also exhibits a comprehensive respect for accountability. A *fully legitimated democracy* is characterized by the strong and diffuse support of a satisfied civil society that provides firm testimony to that regime's responsiveness. *Free* or *egalitarian democracies* might vary in terms of their procedural characteristics, but each exhibits a strong affirmation for one of the two values. To bring the analytical framework to completion, one could also hypothesize a *perfect democracy,* in which all the dimensions are present to a very high degree. Moreover, the expression 'to a very high degree' draws attention to the fundamental and intractable empirical indeterminacy of each dimension. Its meanings can be differently understood in different time periods or by people, leaders, and citizens with different values.

Fig. 2: Quality Democracies

Rule of law	Accountability	Responsiveness	Freedom	Equality	Results
+					Effective
+	+				Responsible
+	+	+			Legitimate
+	+		+		Free
+	+	+		+	Egalitarian
+	+	+	+	+	Perfect

In fig. 2, the 'plus' signs indicate a high presence of the dimension listed at the top of each respective column. This figure illustrates the various models of good democracy, making evident the possible transition fr om one result to another.

Fig. 2, taken with the analyses given in the preceding sections, also indirectly suggests how one might define a *democracy without quality,* a democratic regime devoid of those dimensions which have been elaborated above but still categorized in the democratic *genus*. One example of a *democracy without quality* would be a country overrun with problems of maintenance or consolidation (Morlino 2002) in which politically active groups and parties challenge the government on a range of issues.

Fig. 3: Democracies without quality

Rule of law	Accountability	Responsiveness	Freedom	Equality	Results
-					Inefficient
-	-				Irresponsible
-	-	-			Illegitimate
-	-		-		Reduced
-	-			-	Unequal
-	-	-	-	-	Imperfect or minimal

Fig. 3 is the reverse of fig. 2, and indeed can be better understood with reference to the latter. Here, the 'minus' sign indicates the lack of the dimension listed at the top of the related column. *Inefficient democracies* are very common, distinguished by legal systems that do not conform to democratic values; the presence of widespread corruption or organized crime; limited independence of the judiciary; lengthy waits for the resolution of legal disputes; and expensive (and thus exclusive) access to the court system. O'Donnell's concept of delegative democracies (1994) would correspond to inefficient democracy, with diffused corruption, the absence of horizontal accountability, and the weakness of vertical accountability. In some analyses (see, for example, Mair 2002, 81ss), populist democracies are party-less regimes in which the fragmentation of political identities and ideological as well as organizational confusion characterize the decline of representative mechanisms. Consequently, these regimes see a weaker enforcement of accountability and a greater presence of movements and the 'masses' in direct relation with political leaders[14]

Irresponsible democracies instead are characterized by the absence of electoral alternatives; little competition among the dominant political forces active in parliament or the country; or else weak intermediary structures. *Poorly legitimate* or *illegitimate democracies* stem from diffuse discontentment. They often experience multiple challenges to their institutions by more or less organized groups that launch protests, strikes, and demonstrations on a more or less regular basis.

The result is that governments, in reaction to these challenges, often defend themselves by cracking down on other freedoms. The experience with terrorist movements in Italy and Germany, and the reactions of these countries' respective democratic regimes, are very good examples of this dynamic.

For lack of a better term, I call the fourth 'democracy without quality' a *reduced democracy*. Here, social rights are ever more limited, and the political right *par excellence*, the vote, is limited to choosing among lists that are nominated by the oligarchy of the party. Information is often monopolized by a single media mogul, with the expected results in terms of exaggerated influence over public opinion and restricted alternatives for other forms and sources of information.

Unequal democracies might spring up in the presence of deep economic problems when the economic policies pursued by the government are rooted in strong conceptions of the market and competition, but are not attenuated by the presence of solidarity and social justice. In addition, high levels of immigration of individuals who have no means of subsistence and are willing to take any job can also contribute to the development of this type of regime. In these democracies, social and economic distances between sub-groups of the population steadily increase, rather than decline. Finally, *minimal* or *imperfect democracies* are those which, though still classified as democracies, are devoid of all dimensions that can improve a democratic regime.

This exercise of classification and the previous dimensional analysis can be usefully applied to the Italian case to better understand the sense of the theoretical proposal through a case-study, and to this the second part of the paper will be devoted.

Excursus on a case-study: Italy [15]

Issues related to the indicators and measures of quality democracy will not be discussed here. Implicitly, the solution given to these problems are suggested in a number of studies devoted to these problems, especially Weir and Beetham (1999) on the British case, Della Porta and Morlino (2001) on the Italian case, and Altman and Perez-Linan (2001), Lijphart (1999) and Foweraker and Krznaric (2000). Here, an excursus on the Italian case will be proposed and some conclusions related to the first, theoretical sections of the paper will be suggested.

---

[14] The populist phenomenon, with its placing of 'the people' at the center of democracy, has recently been analysed as a reaction to the tensions, discontent, dissatisfaction and protest—in a word, to the democratic 'malaise' that has surfaced in recent years in Western Europe (Meny and Surel 2002).

[15] This section of the paper is largely a summary of the report on Italy prepared by Donatella Della Porta and the author of this paper and sponsored by IDEA within a larger international research project directed by D.Beetham and R. Lopez Pintor.

On the whole, the empirical research on the quality of democracy in Italy (Della Porta and Morlino, 2001) mainly emphasizes flaws and problems in the following directions: territorial limits to the rule of law, an ongoing corruption, party decline and transformation, large control of media by the leader of *Forza Italia* (Go Italy) and incumbent prime minister, slowness in the conclusions of trials in front of the courts, attempts to influence the magistracy and gaps in the actual guarantee of social rights for sectors of the population. Here, these aspects will be mainly discussed according to the different dimensions suggested in the first part of the paper.

I. The rule of law

Territorial constraints and limits to the rule of law

The main territorial limitation to the rule of law is represented by the presence of various mafias. The influence and nature of mafias have undergone many changes, and new types of mafia have emerged as a consequence of immigration and the end of the cold war. Unclear links between political parties and the mafia have been repeatedly affirmed, even by parliamentary committees set up to investigate the phenomenon. The main charge was that mafia clans supported party leaders by mobilizing votes in the territory under their control in exchange for 'assistance' in getting public works contracts and manipulating criminal records where mafia members were on trial. The new business for the mafia is money laundering which has been further developed thanks to the introduction of new technologies. The struggle against the various Italian mafias received growing attention since the eighties, thanks to some reform in the organization of the investigative actors and the increasing power given to them. Antimafia legislation has brought about stiffening of some preventive measures. However, a side effect of globalization has been the development of new forms of organized crime. If the state regained some control on its territory, the mafias now use different modus operandi where the control of the territory is less central.

Italy has also experienced the interference of paramilitary forces which operated behind the scenes, in alliance with segments of the secret services or, at least with their connivance. The most structured attempt to create an occult form of government was the so-called "Loggia P2", operating during the seventies.

The role played in both the economic and political systems by networks of personal trust based on blood and friendship ties or patronage relations contributed to the survival of mafia groups. The weak institutionalization of distinct political and economic spheres produced a pathological association of economic and political power. Confusion between legal and illegal spheres also fuelled corruption.

Although the judiciary has a high level of institutional autonomy, the increasing number of investigations of political corruption resulted in increasing criticisms and attempts to limit such autonomy. The principle of a just trial, already inferable from Article 111 of the Constitution has been implemented by constitutional law 2/99. However, several shortcoming of the judiciary system are to be mentioned. A most disturbing issue is the length of the trial, which cost the Italian system several condemnations by the European Court of Human Rights.. The UN Human Rights Committee has also expressed concern regarding preventive detention. In addition, the situation of the Italian prisons is very alarming and violations of human rights have been frequently recorded. The UN Human Rights Committee (1997) and the UN Committee against torture issues (1999) pointed out that the Italian prison system remains overcrowded and lacking in facilities which made the overall conditions or detention not conducive to the efforts of preventing inhuman or degrading treatment or punishment.

Civilian control of the military and police

In Italy there is a traditional civilian (political) control of the armed forces. The problem with police and security forces has been they are always seen as a "police of the government", which defends the political order also against the opposition. Only gradually, in the most recent decades, have some elements of a "citizens' police", that is, which protects citizens' rights, been introduced and the public's perception of the police been modified. After the fight against terrorism, the struggle against the Mafia further legitimized the police, thereby contributing to its "new" public image and to a more positive rapport with the population at large. The violence characterizing the seventies led both protesters and the police forces to greater self-examination, and efforts to defuse violence on both sides considerably reduced the radicalism of protest.. The image of the policemen as a "citizen in uniform" emerged, as did a growing sensitivity towards "legitimization from below".. This democratization of the police forces has not yet been completed, however. While the state police is demilitarized and more open to society, the *Carabinieri* and *Guardia di Finanza* remain military, and secretive, bodies. Moreover, police reform was a reform promoted from within, which focused more on the living conditions of officers than on police accountability towards society. The police force has also remained extremely centralized, under the control of the Ministry of Home Affairs, and with no deployment of powers to the Region and/or to the city councils.

<u>Minimizing the effects of corruption</u>

Among modern Western democracies, although certainly not isolated, the case of Italy is singular owing to the intensity of corruption and the seriousness of its political repercussions. Since 1992, judicial investigations disclosed a complex and widespread system of political corruption, with bribes going in part to enrich individual politicians and in part to finance the political parties. Public bureaucrats often colluded with politicians. Although the investigations had in the beginning a disruptive effects on the political institutions, bringing about deep changes in the party structures and the political class, there are indications that corruption is still widespread, especially in public works.

The Italian experience confirms that the repression of political corruption presents specific problems in comparison to the repression of other crimes. Such specificity is linked, to a large extent, to the potential limits that the executive power imposes on the judicial power as well as to the potential collusion between controllers and controlled. To this we must add the specificity of corruption as a crime, for it does not entail a victim: neither the bribers nor the bribed have an interest in prosecuting their case since they can share the benefits of the corrupt exchange.

The repression of corruption requires guarantees of independence from the political power not only for the judges, but also for the prosecutors. It is necessary, however, to balance these needs with those of democratic control on the discretionary decisions referring to the politics of justice. On these themes in Italy, the debate has been distorted by a polarization between a party for the judges and an anti-judicial one. On the one hand, part of public opinion took sides in defense of the *status quo*, fearing that the political class might tame judges. On the other hand, the center-right parties, and particularly *Forza Italia*, launched a campaign against the magistracy, accused of "polluting" the democratic process by supporting one political wing over the other. This situation has jeopardized the reforms that are essential to restrict the traditional lengthiness and inefficacy of the Italian judicial system. At the same time, it has reduced the legitimization of the magistracy, over-exposed as an organ aiming to "control the righteousness" of the political class.

The cross vetoes intrinsic to the reform of the judicial system have not resolved a series of problems related to the chronic insufficiency of the judicial system. As has been recalled recently, the judicial apparatus has been, for decades, in a catastrophic situation. The problems of chronic ineffectiveness that torment such organisms have been increased by the probative difficulties that the new code of penal procedure has introduced. It is no coincidence that the European Court of justice has, on more than one occasion, reproached Italy for the length of its judicial procedures. Obviously, the ineffectiveness of the judicial system reduces the function of punishment as a deterrent, as does the expected lightness of the sentence. This situation illustrates the weakness of

the administration and also attenuates the expectations citizens have for support in the legal battle for their rights, thus pushing them to look for individualized protection.

Moreover, one of the most delicate problems in the Italian administrative system, according to all experts, is the system of controls. Internal checks, traditionally entrusted to inspectors, are no longer carried out but there are (too) many external checks (in 1990, there were 100 thousand control procedures), most of which are ineffective, quite simply because they merely verify the formal regularity and legitimacy of public activities, and not their efficiency in achieving objectives. Over the last years, however, the legislature has implemented various reforms in the system of controls. In brief, checks have been decentralized, favoring mechanisms from within administrations, the results of which are increasingly considered to be important. The lines along which these reforms are going are promising, even if some areas continue to be problematic. In particular, this is due to the lack of adequate staff training and to the insufficient co-ordination between the bureaucratic offices responsible for these new duties.

With regards to financing elections, candidates and elected representatives, during the nineties the disclosure of a system of capillary corruption clearly illustrated that public funding (introduced in Italy in the seventies) had not discouraged illegitimate financing. The political scandals of the nineties paved the way for a series of reforms aimed, above all, at ensuring transparency in finances and incentives and in the reduction of electoral costs. After the scandals following the Clean Hands investigation, the 1974 Law was in part abrogated and public funding of party expenses was repealed by the electorate by means of a referendum which took place on April 18th 1993, and obtained a majority of 90.3% of all valid votes.

The Italian experience illustrates, however, that although public financing does not automatically reduce corruption, it is not wholly responsible for it; on the contrary, public funding seems a necessary institution in order to avoid social inequalities being reflected by an unequal access to politics. The Committee appointed by the Italian Parliament to study solutions against corruption did *not* recommend the abolition of public financing, but instead stressed the importance of indirect financing in illegal activities. Indeed, their suggestions against corruption were to limit the possibility of funding the political subjects, intervening at the same time on the neeed for limiting expenses; to ensure that both expenses and financing are made public". To date, the legislation has succeeded neither in making the regulation of party activities more transparent, nor in making politicians, who carry out public duties and are given money by the state, to have greater respect for obligations and accountability.

Other measures that can help the fight against corruption are still to be implemented. The entrepreneurs' ability to build up hidden reserves of the "commodity" (money to pay for the bribes)

necessarily depends on their illegal dealings, since bribes can hardly be included in an official budget. One measure which has been suggested to punish companies that have "black funds", is *blacklisting* - that is, the creation of a public list of enterprises that have been banned from public contracting procedures. In Italy, with the exception of Law Decree N.58/1998, which increased the powers of control carried out by minority partners as well as the syndicate over management, no real measures have been taken in this field. Nonetheless, the fight against fiscal evasion has given some positive feedback.

A particularly delicate question for any democracy is the potential "conflict of interest" within the administration. The overlapping roles between individuals operating in the political arena and on the market makes it difficult to define any clear boundaries, and consequently produces a dangerous "concentration" of political and economic power. In Italy, the lack of a general set of norms which disciplines such conflicts - the limits of the existing law, dating back to 1957, are evident - have been stigmatized, in particular, after the media tycoon Silvio Berlusconi entered the political arena as the leader of the party *Forza Italia*, becoming Prime Minister from May 1994 to December 1994 and more recently from May 2001.

On the whole, in Italy the political response to corruption has to date appeared extremely weak. Specific measures taken to prevent the action of bribers have been few and not very incisive. The Italian process of reform has always been, and still is, characterized by ambiguity and indecision. In addition, the problem of corruption has not been resolved – indeed, it is, according to statistics, on the rise again. From 1992 to 2000, after discovering the extent of capillary corruption, the Italian political class came up with a number of very limited and unclear legislative or administrative measures, aimed at preventing corruption. In the years immediately following these scandals, some reforms were made in the attempt by the political class to find answers to this institutional emergency. However, since then, the interest of the public has declined, and more recent investigations have led to divisions and even mistrust - instead of creating consensus, and, since they have been perceived as an intervention by the magistracy in "spheres of electoral legitimization", the theme of anti-corruption policies has gradually disappeared from the political agenda. The rapidity with which the Italian legislature tried to resolve the phenomenon of terrorism in the seventies or the Mafia in the eighties is in stark contrast to what has happened in areas concerning corruption: no bill on this issue has, as yet, been approved.

II. Accountability

Democratic role of political parties

Party socialization, recruitment and campaigning for office are free and effective. There are also no obstacles to their formation. But actually the presence of parties in the society strongly declined and it has impacted on the organization. Thus different kinds of party organizations still exist, but they are very 'light' and poorly rooted on the territory. Moreover, the accentuation of the organized localization, derived from Italian political traditions and increased with the introduction of the mixed electoral system with single-member districts, is more evident.

With reference to parliamentary parties, floor crossing has been recurring in the last parliament so that several MPs elected within a coalition have supported the cabinet of the opposite coalitions. More precisely, since 1994 the percentage of parliamentarians involved in "floor crossing" was 24% for the Chamber and 22% in the Senate. But such behaviour has been strongly criticized and should be much more difficult in next Parliament where a solid majority will not allow room for it.

The problem of the party financing of politics is still open (see par. 9). Many criticisms address the scarce transparency of the system of financing and the superficiality of the controls on the balance of payments and party expenses. Further the parties are surreptitiously financed by a law that allocates public funds for their publicity, attributing significant sums to any parliamentary group (composed of even just two members) which declares a certain newspaper or magazine as its own press organ. As the sums are given on the basis of the numbers of printed copies – and not on the effective diffusion of the publication - there is the suspicion that the parties obtain much more money than they do realistically invest in their press. If one examines the party balance of payments, the deficit produced by the support to their papers, one realizes the importance of this indirect source of financing, which is not declared.

Due to the scarcity of controls, reliable data on the actual amount and the sources of private financing of the Italian parties are not available. The analyses of the party budgets indicate that, among the most significant sources of incoming payments are the members' association quotas and public financing. The association quotas represent the major source of self-financing. According to the declarations of the parties and analyses of current values, the volume of public contribution to the parties has more than doubled. Public financing, therefore, is today the fundamental component of incoming payments to parties, especially after the law of 1999 which allowed sums much greater than the declared electoral expenses to enter their budgets. The budgets of many parties, which for a long time were in the red, have been rendered healthy.

The media and open government

Ownership of the press is fairly pluralistic, in spite of some groups which hold a large number of newspapers in their hands, such the R.C.S. Group, with *Il Corriere della Sera*, and L'Espresso Editorial Group, with *La Repubblica*.. On the contrary, ownership of television networks is based on a substantial duopoly. Silvio Berlusconi, the tycoon owner of Mediaset, challenged the RAI monopoly in the highly unclear legislative context which characterized the mid-eighties, and, in a very short space of time, managed to create a situation characterized by the dominance of RAI and Mediaset over all other networks, in terms both of advertising and audience (the former obviously being a direct consequence of the latter).

Political choices still have a strong influence on the composition of the Board of Governors, and hence over editorial choice. Until the early nineties, the main parties agreed to distribute all offices and positions among themselves, thus leading to a form of pluralism with economically inefficient patronage aspects. This process was defined as *lottizzazione*, a word taken from agriculture and meaning the "parcelling out" of a piece of land. This did not change when responsibility for appointing the Board of Governors passed from the hands of the Chambers of Parliament into those of the Presidents of each Chamber in 1993. As a result of most recent elections (2001) and the change of governmental coalition, a new president, who will be a politician very close to Berlusconi, is expected to be appointed.

In terms of access of different sections of society to media, while it might be claimed that parties at large seem not to suffer from under-representation (their role being rather exalted by the media), the absence of specific slots is detrimental to, for example, trade unions and social movement organizations or weak social groups (such as the immigrants).

The start of Silvio Berlusconi's political career at the head of *Forza Italia* clearly posed a threat to pluralism in TV news and programmes, and led to a new set of laws regulating political communications during electoral campaigns. Mediaset newsreels (*TG4* and *Studio Aperto* in particular) strongly favored *Forza Italia* and its leader, and so did - to a lesser degree - all their other newsreels. Suffice it to say that during the 2000 campaign Silvio Berlusconi effectively appeared on the screen for 367.8 minutes, while Massimo D'Alema (Prime Minister at the time, Democratic Left) only "scored" 131.5, and Walter Veltroni (leader of Democratic Left) 112.7. A similar picture is confirmed during the most recent electoral campaign for 2001 elections.

Investigative journalism is unfortunately much less common compared to the widespread use of press-releases, interviews, and editorial comments on news. Nor did journalists play a decisive role in unveiling corruption. Direct intimidation by political leaders is reported as being

fairly common, albeit subtle: phone calls to the editor, reports on the behavior or "unwelcome" opinions of the journalist and so on, are frequently made by politicians.

Recently, doubts have also been raised concerning the norms regulating the secrecy of sources of information. The authority for the protection of personal data secures the protection of privacy in all contexts, including that of the media. The most urgent problem, however, is that of the conflict of interest which the electoral victory of *Forza Italia (Let's go Italy)* and the related coalition in the 2001 general election created. Since the beginning of Berlusconi's political career in 1994, the subject of media has been much debated both in and out of Parliament, without, however, reaching any serious conclusions.

Government accountability

If there are few doubts about the government influence and control of important policy areas, effectiveness and accountability are more problematic. In order to address these problems, an attempt was made to build a party government with a multi-party but two-pole system—by many considered as a step towards a two-party system democracy. In support of this, but especially as a direct result of the growing shift of the power to regulate and apportion to European Union authorities, there is a large and growing conferral of legislative functions to government. This is evident not only in the major strategies aimed at a de-legislation and a rationalization of the gigantic law-making apparatus, but also in the legislation addressing urgent legislative, organizational, and functional change.

Thus, a new setting that has been developed over the last two decades through a series of regulatory laws for the Lower and Upper Chambers has profoundly modified the relationship between government and parliament. The main result has been the abandonment of the unanimity principle in the Party Whips' conferences programming the Chambers' agendas. Under the new rules, the agenda of both the lower Chamber and the Senate are set on the government initiative without having to be approved beforehand by the Assembly, and the timing for examination and debate is guaranteed by anti-filibustering measures that go hand-in-hand with guarantees giving the opposition a preset amount of time and number of calendar periods. Furthermore, the set of Parliament activities is organized to give the executive virtual dominance of its agenda in exchange for a strengthening in opposition controls. The discipline of the vote of confidence should also not be underestimated as a means for the cabinet to constrain its majority, when conflict arises within the coalition or majority groups. It should also be remembered that the secret ballot has been abolished in the great majority of cases, and consequently the possibility of "*franchi tiratori*" (free

shooters), i.e. members of the majority who voted against the indications of their parties, was dramatically reduced.

It remains to be seen whether this collection of tools, and the more generalized attempt to position the executive centrally in the form of a government with a prime ministerial re-configuration at its head, will bring about a greater government efficiency in the implementation of its policy program. A first indicator in this direction is government law-making. According to the Study Service of the Lower Chamber, in 1999, "Parliament further accelerated the previous years' trend by transferring many law making functions to the government, making use of delegation and and different legal tools rather than laws. In 1999, a turning point was reached in delegation: the number of legislative decrees passed (94) was indeed higher than the numbers of laws passed by Parliament (72)", decree laws excluded. This is an important milestone in the model of policy making, and despite some thorny, still-unresolved judicial problems in both procedural and constitutional areas, it seems to place the government in a new, central position from which to conduct the planning and definition of an ever-growing list of crucial questions that especially concern the future of the administrative-political system and how it should interact with the market and society. A second important indicator is the increasing government produced legislation, in addition to that delegated. Hence a tendency emerges that realigns the relationship between Government and Parliament. Parliament, therefore, is no longer the source of government policies, but only the "arena", where majority and opposition clash to sway decisions that have been essentially defined elsewhere.

It is also important to take into account the recent creation of the *independent administrative authorities* and a plethora of regulatory *agencies* whose surrogate, crucial function in economic and social regulation is now decisive, supplanting the hierarchical authority and the limits imposed by government policy with autonomous and prolonged public activity stressing activities on which the community places particular social importance. Born under the example of similar Anglo-Saxon bodies, these independent collegial bodies receive ample powers of investigation, monitoring and control. Composed of a president and of a variable number of members, they group different bodies, some of which represent Parliament and others that revolve instead around the Government. These last bodies undertake collegiate functions and consultations with the Executive. Born out of the need to protect the rights of the citizen according to principles of quality of service and freedom of choice, the independent authorities place themselves as institutes of protection *super partes* in the attempt to control and regulate the most important economic and institutional sectors of the country. All subjects (private individuals, companies, public administrations, consumer associations) can address themselves to these institutes of protection in order to bring to their attention irregularities

in the various sectors of economics and public administration. The current number of authorities is eight.

Concerning the scrutiny of elected leaders and ministers over the bureaucracy, we may recall how, for a long time, compared to the civil servants of other democracies, Italian bureaucrats had a legal education, a markedly low-mobility between private and public sectors and a low exposure to the outside. The preponderance of staff with legal training was due to public function hinged on the principles of legality, to the exclusion of efficiency, efficacy, and economy. The Italian bureaucrat was, above all, a public official of the *generalist* kind, generally able to handle all types of jobs at his level in whatever area of public administration. This legalistic attitude of bureaucracy limited its capacity for initiative and change in a country that progressively became firstly a major industrial power and subsequently a post-industrial one. The public administration's limited capacity for initiative went hand in hand with a widespread use of veto power: non implementation of laws, delays in handling files, and removal of the more conflictive problems from the agendas at the top of the bureaucratic ladder. A long, contorted series of checks of mere legitimacy and not efficacy often gave them a decisive excuse for blocking or setting limits, often imposed on the more innovative policies that the political sector regularly attempted to activate in order to remedy situations and sectors afflicted by structural crisis. Patronage relations made public bureaucrats often subordinated to party politicians. The behavior pattern widespread in Italian public administration continued until the dawning of the nineties when a series of reforms (difficult however to implement) addressed the issues.

III. Responsiveness

Political participation

The political parties that developed a relationship of "protection" with social movements and various NGOs have traditionally mediated political participation. Rates of membership in political parties were quite high, although with serious differences in the meanings of membership. If participation in various kinds of associations was low in comparison with other European countries, the number of people who took part in unconventional forms of political participation was quite high. In some periods, protest radicalized, even into terrorist forms. Voluntary associations (such as charities) were traditionally associated with the Catholic Church and had only informal and sporadic relations with the public administration.

The pattern of political participation changed in the eighties and in the nineties. In the eighties protest became much more moderate in repertoire and pragmatic in scope. In the nineties,

the breakdown of political parties that followed the exposure of political corruption dramatically affected political participation. The drop in political party membership has been particularly remarkable after the political scandals that started in 1992. Protest increased, although keeping mostly moderate forms. Social movement organizations multiplied, but remaining usually very small and loosely connected with each other. The voluntary associations also grew in number and with reference to other features. New forms of "association life" developed in the so-called 'third sector' with increasing, although sometimes conflictive, relations with the public administration, especia lly at the local level.

A persistent problem is the under-representation of women standing in national and local elections. Participation of women in public life is, in Italy, quite low by comparison to other Western democracies. According to the Inter-Parliamentary Union, on a descending rank order of 177 countries based on the percentages of women in the Lower or Single Chamber, Italy ranks at 56th place, behind many Northern, Central and Eastern European Countries. The role of women in other areas too emerged late compared to Constitutional precepts. For example in the area of family rights, it was only by Law 151/75 that measures objectively restrictive to the moral and legal equality attributed to women by the Constitution, including the exercise of parental authority by the father alone, and his sole right to extraordinary administration of children's and family assets and to decide on place of residence, were finally abolished. Finally, many laws have long been in conflict with the provisions of Article 37 of the Constitution that states that a woman worker has the same rights and, for doing the same job, the same pay as her male counterpart, and that her special family role must be duly considered and protected. Formal equality was established only in the late seventies (Law 903/77). Further in this direction is legislation that not only forbids discrimination but also provides initiatives aimed at a more-than formal equality in the workplace between men and women. In order to inject vigor into the achievement of real equality between the sexes in all its various aspects, among other things a national Commission was set up and also, recently, an *ad hoc* Ministry.

Government responsiveness

In Italy, relationships between government representatives and representative organizations have given life to a pluralistic system of functional representation, politicized and fragmented. Since industrial relations enjoyed a low institutional profile, trade unions sought an additional resource through a privileged relationship with parties, aligning on different fronts. A high level of fragmentation also affected the organizations representing entrepreneurs due to party and political

alliances, resulting in a weakening in capacity for collective action and 'concertation'. State intervention in the relationships among social actors was initially weak. If the fifties saw state intervention especially in public-sector industry, in the following decade the center-left governments paved the way toward company contract negotiations and institutionalized confrontation with workers' representatives. It was not until the late seventies that 'concertation' started to emerge in industrial policy. In the nineties, increasing institutionalization was witnessed both in collective bargaining and social concertation, indicating a move towards a corporate model, albeit decentralized.

Parties were also strong 'gate keepers' in the relations between elected politicians and their electorate. In fact, legislation referring to the availability of elected public officials to their electorate is very scant, and most of it refers to members of Parliament. In the Italian legislation, parliamentarians, just like other elected officials, are not limited by mandate vis-à-vis their electors. Access to elected representatives is however granted in an informal, individualistic and selective way, especially along patronage lines (in particular, but not only, in the South). Only very recently, at the local level, have some municipalities started to develop websites, offering citizens information and channels of interaction with local administrators.

Opinion polls indicate a long-standing dissatisfaction of Italian citizens towards their administrators. Following the continental model, the Italian public bureaucracy was closed to citizens' access, but permeated by distorted relations with representatives of political parties. Also in this area, Italy has been characterized by a strong 'gate keeping' role of political parties that traditionally mediated citizens' demands to the public administration. Traditionally, users have no formal means of participation, and recourse to magistrates has long been the only (and expensive) means of "complaint and redress". Indeed recourse to the magistracy has been high and is rising. Awareness of the need to improve the quality of public services, or those in any way considered in the public interest, has marked recent Italian legislation. The tendency over the last few years has been to entrust matters concerning the guarantee of the quality of services provided to independent administrative authorities set up for that purpose, shifting their control away from ministerial structures toward independent bodies, considered more suitable because of their purely technical-administrative character, devoid of any political leaning. Triggered by budget problems, public administration reform subsequently tackled additional questions, such as decentralization and democracy. In the late nineties, several laws have enhanced citizen access to the administrative documentation that concerns them, increased the possible means of opposing unpopular executive decisions, simplified the relationships between private and public administration, set in motion a

process that will reduce the number of laws and make them simpler, given greater room for interest group participation in public decision making and improved the visibility of public decisions.

Decentralisation

Italy is a unitary state with growing decentralization of power and an incomplete turn towards federal assets in the nineties. The Italian Constitution provides for at least three levels of regional autonomy: Regions, Provinces and Municipalities and others of lesser importance. Municipalities, provinces and regions are run by elective organs: they have a Council that checks on the activity of the executive organ and has the power to adopt basic measures as provided for by law (statute, regulations, budget and basic measures committing the body's finances etc) and a head of the executive with an executive council. The regional level, set up in the constitution, was implemented only in the mid-seventies, when, however, there was a reduction in the financial autonomy at the municipal level. Later, the nineties witnessed an additional decentralization.

The Constitution and the subsequent laws outlined a model based on "integration", so that in virtually all matters where competence lies with local authorities, State (or Regional) intervention is asked for either directly, in terms of approval, authorization or drawing up of standards, or indirectly in the form of financial support or planning. In reality, boundaries are not definite, and the sharing of responsibilities is the rule. Proper co-ordination among different levels of government, vital to both responsibility and efficiency, is not guaranteed by the "negative co-ordination" deriving from the power that each level has to veto a decision and make the whole process come to a halt. Overall reform of regional competence, also involving the regions identifying the optimal level for each area of competence, has been set in motion by executive decrees following Law 59/97 (so-called *"Bassanini I"* Law). But implementation is still far from complete. From the standpoint of obtaining financing, moves have recently been afoot to reform taxation under the name of "fiscal federalism" (Decree Law 56/2000). The national state keeps a number of controls on the activity of both regions and other local bodies.

In the nineties, a reform of the electoral system provided for the direct election of the mayors and the president of the provinces and the regions, with a potential increase in their visibility, legitimacy and political role. The degree to which the mayors and the presidents of regions were able to exploit this opportunity in order to increase their personal influence and consensus varies, however, significantly.

The openness and accountability of local administrations are fairly sore issues; dominating the Italian local bureaucracy are a rigid application of norms and an indifference to the requirements

of users, and the legislative reforms of the 1990's have found it difficult to impose new principles on the running of offices and proceedings.

Formal institutions of direct participation in the processes of policy making are rather weak at the level of local governments. Although referendums, petitions, and popular initiatives are in various ways regulated, and their importance stressed, by the statutes of territorial bodies of government, their use has been, until now, very limited. The very occasional involvement of environmental associations or local committees in the decision-making process does not generally allow for a contribution from below, nor does the institution of representative assemblies in districts of large towns (*consigli di quartiere*). Civic networks - which many municipalities have set up on the Internet – have rarely been used as a mean of two-way communication: their top-down conformation has led to a one-way means of conveying information and tele-service more than interaction and two-ways communication.

IV. Freedom and equality

<u>Nationhood and citizenship</u>

In general, the acquisition of citizenship, mainly regulated according to *jus sanguinis*, is quite difficult, and this is more and more problematic since Italy, once an "emigration country" became, since the nineties, a "country of immigration".

Equality between women and men is legally granted, but the UN Human Rights Committee (1998) mentioned persisting discrimination against women on the job market. First, in 1997 the Ministry of Equal Opportunities was instituted to remedy this *de facto* inequality. The UN Committee on Economic, Social and Cultural Rights has emphasized that weak legal protection for homosexuals.

The Italian Constitution protects linguistic minorities "by means of special provisions".. However, only very recent legislation (Law N.482/99) has attempted to give juridical status to minority linguistic groups.

Until the eighties, immigrants enjoyed very little legal protection. A limited (although growing) number of human rights are granted now to non-citizen residents. With the exception of the citizens of the European Union, who obtained the right to vote in administrative, municipal and council elections of their places of residence, non-citizen residents have no right to vote.

Although in the past Italy has experienced a relatively low number of racist incidents compared to other European countries, during recent years, owing to the growth in the number of immigrants, these incidents have been on the increase. Although Italian legislation has showed an

awareness of new phenomena such as racism and intolerance by introducing ad hoc provisions, the fear of the "illegal immigrants" as potentially delinquent is widespread. The European Commission against Racism and Intolerance of the Council of Europe has identified some crucial areas—such as more awareness raising against intolerance; more reliable and efficient implementation of the legislation against racism and intolerance; strengthening co-operation between the state, voluntary organizations and NGOs dealing with assistance to immigrants -- on which Italy should focus.

By and large, Italy does not have a tradition of positive discrimination for disadvantaged groups. A heavy influence of the Catholic Church also restricted or delayed some individual liberties, in particular on family issues and sexual behavior. A homophobic culture limited rights for homosexual and delayed women's rights.

Free and fair elections

Free and relatively fair elections are the rule in current Italian politics. Registration and voting procedures are accessible and inclusive for all citizens—although, as mentioned, all non-citizen residents are excluded from national elections and only EU-citizens can vote in local elections. The party system is characterised by high fragmentation, and during the last decade the decline of electoral turnout has been continuous.

The problem of the equal and fair access of parties to the media has been regulated by the law on the so-called *par condicio* (equal condition) that imposes impartiality in the practice of access of candidates and parties to the means of communication with the electors. Furthermore, an independent *Osservatorio* undertaken by the University of Pavia publishes regularly the data concerning exposure in the mass media of each political grouping represented in Parliament, distinguishing both networks and single programs (such as news, talk shows, etc). However, there remains a great deal of debate on the effective validity of the provisions. On the one hand, the law has been largely challenged as it takes into account the television and radio exposure of party coalitions – be they large or small – that present a minimum number of candidates on an equal basis, not on the basis of their electoral force. Moreover, criticisms are directed against the networks that overexpose some party leaders during the periods in between one electoral campaign and another one. This problem is all the more acute since three national television networks (Rai1, Rai2, Rai3) are public and consequently easily influenced by the government and the other three (Canale5, Rete4, Italia1) belong to Mediaset, whose main owner is the current prime minister, Silvio Berlusconi.

<u>Civil rights</u>

Freedom from physical and moral abuse is mainly enshrined in Article 13 of the Constitution that prohibits all forms of restriction, even temporary, on personal freedom "unless by motivated act of the legal authorities" and only where provided for by law. Only in cases "exceptional in necessity and urgency and absolutely indicated by law" may public security authorities take temporary measures that must, in all cases, be confirmed by the judicial authorities within a very short time: failing this, they are devoid of effect. The Constitution guarantees a wide range of freedom of movement, expression association and assembly in Articles 16, 21, 18 and 17 respectively.

Legislation on public security, still hinged on the 1931 Unified Text of the Law on Public Security (TULPS), bears however traces of its authoritarian origins, some of which survived the impact with new constitutional principles and Constitutional Court jurisprudence. Some of these have given rise to debates that the Constitutional Court has not always contributed to solving satisfactorily. Some measures in particular within TULPS significantly restrict rights guaranteed by the Constitution, such as for example the police power of obligatory accompaniment, or the crime of refusal to give ones own identity or seditious shouting and demonstrations.

Freedom of religion is affirmed by Article 8 of the Constitution that states that "all religious faiths are equally free under law". Article 19 confers a special characteristic to the principle of religious freedom affirming that everyone has the right to profess their religious faith in whichever way they please, proselyte or practise in public. The only limitation is that the rites be vice-free, here in the penal sense. It must however be said that the Constitution itself places the Roman Catholic religion on a plane making it objectively different from other faiths.

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. In 2000, Italy has 479 volunteer organizations whose main area of activity is the protection and promotion of rights.

In the nineties, under supranational pressures, there was an increase in minority rights and some experience of positive discrimination of weak groups. The recognition of political rights was also extended, with an increasing tolerance for unconventional forms of political participation. The lack of political rights for a large quota of immigrants is still an open question.

<u>Social rights</u>

The Italian welfare state has been traditionally based on a non-universalistic, occupational model, partially reformed in the sixties and the seventies, when the social expenditures reached 22.6% of the gross internal product (versus 10% in the fifties). Although developing an universalistic approach to the public health system and reducing the particularism in the provision of social security, the welfare state kept its characteristics of overprotection of some groups (those occupied in the public sector and the large firms in the industrial sector) and strong under-protection of the so-called "weak quota" of the labour market: women, young people, irregular workers. Employment policies have traditionally been oriented to the passive protection of those already employed, with a lack of "active" intervention to expand occupations and weak protection of the unemployed and the poor. A huge and increasing part of public expenditure went into the pension system, which was also characterised by a hyper-protection of those occupied in the "strong" labour market, with retirement pensions that were proportional to the wage instead of to contribution, and very young retirement age. Low invalidity pensions were distributed often in a clientelistic way. Families and charities associations had to compensate for the weaknesses of this "breadwinner", or familistic, model based on the protection of the adult males with regular jobs.

Some reforms in the nineties were directed especially to reduce public expenditures in the welfare states and solve some of the disequilibrium of the Italian model. In many fields, there has been a move from transfers of income to services and incentives. In particular, in the nineties, policies on unemployment moved decisively towards an active promotion of new jobs, giving impulse to professional training, part time jobs and, in general, larger flexibility in the labour market. As for the pension system, since 1992 several reforms have contrasted—although not solved—the problems created by the "breadwinner" tradition in the pension system that has put Italy in the first rank, in an international comparison, for the expenses for retirement pensions and in the last positions for the protection of "weak" groups of the population. Moreover, it is worth mentioning that, in fields such as health, employment and assistance, there has been a trend towards decentralisation, although with the maintenance of strong control capacity by the central government.

Article 4 of the Constitution states that the Republic, besides recognising the right to work, "promotes conditions that make this right effective". The Constitution, therefore, obliges legislators to pursue goals that tend towards full employment through the activation of public powers. Access to work and social security is however more difficult for certain categories, in particular for immigrants from non-European countries, but participation rate is also lower among women than among men, and unemployment is higher among young people. Moreover, significant geographical differences must be taken into consideration.

Total unemployment in Italy is one of the highest in Europe, but that of adult males is Europe's lowest (in the mid '90s). This means that women and young people are those most excluded from the labour market. Moreover, unemployment is higher in the Southern regions. Although the difference between the Italian unemployment rate and that of other European countries is small, specific problems are the increasing differences among regional unemployment rates; the steep increases in structural unemployment for women and young people; and the sharp rises in long-term unemployment. Although the "underground" economy, traditionally widespread in Italy, is now in decline, there is an increase of so-called "atypical occupations", where workers have low levels of protection. Moreover, irregular jobs are frequent among immigrants.

According to World Bank statistics (1997), full access is available to health services and sanitation, even if Caritas points, however, to areas of health where immigrants are particularly vulnerable. Environmental protection has not been on the political agenda for long. Only in the late nineties a national agency for environmental protection was set up whose duty it is to provide means of controlling and verifying the adherence to regulations regarding pollution and environmental protection in coordination with the Ministry of the Environment. In most cities, pollution is above the limits set by EU law to protect citizens' health.

As for the right to education, access to basic education is nowadays granted to everyone, and the diminishing illiteracy is concentrated among the elderly, who did not have the benefit of an easy and widespread access to education. The 1999 UNESCO statistics show how the rate of illiteracy has dropped since the '70s, but point to a persisting relative disadvantage for women.

The recognition of the role of trade unions is found in basic Law 300/70 (the so-called "Worker's Statute") that provides for a wide range of rights for trade union associations in the workplace (such as the rights to distribute propaganda and to proselyze, to use company premises for trade union meetings and gatherings, and to have special leave for trade union officials). In the workplace, company union representation may be organized within the framework of each trade union signatory to the collective labour contract. Article 40 of the Constitution recognises strikes as a workers' right, to the point of placing them among the absolute right of a person. The Constitutional Court has affirmed the legitimacy of "political" strikes i.e. those that are aimed at solving general grievances, not directly against the employer and not necessarily containing demands of a retributive or contractual nature. There are no available data on actual discrimination against trade unions, although this was an issue until the 1970s.

Consumers' protection has been traditionally low, although now it is gradually increasing, in particular in the form of the protection of the market (often resulting from Community directives).

V. International dimensions of democracy

Being a member of several international organizations such as NATO, the Council of Europe, WEU, UN, OECD, G7, WTO and, above all, European Union, Italy is conditioned by several constraints as are most of the other European countries. Particularly, the growing prevalence of inter-governmentalism over supra-nationalism in the EU contributes to emphasize the problems of the so-called democratic deficit within the Union. A perceivable discord is definitely felt in Italy also between the fundamental requisites of democracy and the conditions upon which the governance of the EU rests.

Italy is also fairly active within the Office for Democratic Institutions and Human Rights of the OECD in charge of monitoring elections and developing national electoral and human rights institutions. At the UN, Italy is strongly supportive of Security Council reform in order to respond adequately to the needs of new States and to the changes in the international system. Contradictory to Italy's commitment to the promotion of democracy abroad, there is the growth of arms export (1,715 billions of old Italian lira in 1999) to countries that are either involved in war or have poor human rights records, like Eritrea, Ethiopia, India, Pakistan, Algeria, Turkey and Colombia. According to the *Osservatorio italiano sul commercio di Armi* (Oscar) the Italian defense industry receives sizeable orders from countries such as United Emirates of Arabia (1,274 billions), Cyprus (62 billions), Ghana (10 billions), India (8 billions), and Algeria (4 billions), none of which are paragons of democratic virtue. Amnesty International also pointed out that on December 29 1999, the government signed a draft law modifying Law 185 embodying one of the most far-reaching and strict sets of rules in the matter.

Final Remarks

For a deliberate choice, this paper has no proper conclusions. However, a few theoretical and empirical aspects can be pointed out. First, the analysis presented in the first theoretical part of the paper with the final classification exercise on the various types of quality and no-quality democracies, leaves no doubt of the complexity and difficulty of constructing a good democracy. At best, attempts to implement a good democracy are at risk of becoming sterile and utopian exercises, if not unrealistic and harmful. The analysis also reveals the frequency with which these attempts end up producing democracies without quality.

Second, deepening the empirical analysis of a good democracy very often means to look for the different ways in which the rule of law has been distorted, accountability circumvented, responsiveness and people satisfaction created without an actual reason, and the appearances of freedom and equality created. But it also may mean for a scholar just to uncover and openly display all this and even more, e.g. how indifferent or threatened citizens may punish a responsible, responsive, honest government.

Third, however, fixing the definitions pertinent to good democracy, and seeking an understanding of the dimensions necessary to achieve them and their associated problems and variations, is important not only for scholars, but also for political leaders and citizens.

Fourth, the empirical analysis of the Italian case shows mainly the persisting constraints in the implementation of the rule of law. They can be explained, and this task has been carried out by a few scholars who rightly point to the problems of continuity.

Fifth, in addition, after the changes of the early 1990s, the Italian democracy seems a better democracy when the accountability is considered because of the new party bipolarization and the actual possibility of change of government or, as is usually said, alternation. But at the same time the large influence on mass media of an entrepreneur who became the prime minister seems a negative aspect in terms at least of both procedural dimensions, rule of law and accountability.

Sixth, the Italian case emphasizes that other problems, such as corruption, the decline of parties, the limits of social rights, are also some of the main recurring problems for other European democracies, and even more serious problems affect other polities in different part of the world.

Bibliographical references:

Altman, G.A. e A. Perez-Linan (2001), "Assessing the Quality of Democracy: Freedom, Competitiveness and Participation in 18 Latin American Countries", Kellogg Institute, Notre Dame University, Notre Dame paper.

Caretti, P. (2002), *I diritti fondamentali: libertà e diritti sociali*, Torino, Giappichelli.

Dahl, R.A. (1971), *Poliarchy. Participation and Opposition*, New Haven, Yale University Press.

Dalton, R.J. (2000), in Pharr and Putnam, *Disaffected Democracies, cit.*.

Della Porta, D. (2000), "Social Capital, Beliefs in Government and Political Corruption" in Pharr and Putnam, *Disaffected Democracies*, cit., 202-29.

------ e Y. Meny (1997), eds., *Democracy and Corruption in Europe*, London, Washington, Pinter.

------ e L. Morlino (2001), *Rights and theQquality of Democracy in Italy. A Research Report*, Stokkolm, IDEA.

------- e A. Vannucci (1999), *Corrupt Exchanges. Actors, Resources and Mechanisms of Political Corruption*, New York, Aldine de Gruyter.

Diamond, L. (1999), *Developing Democracy: Toward Consolidation*, Baltimore, Johns Hopkins University Press.

Eulau, H. e P. Karps (1977), "The Puzzle of Representation: Specifying Components of Responsiveness" in *Legislative Studies Quarterly*, 3: 233-54.

----- e K. Prewitt (1973), *Labyrinths of Democracy*, New York, Bobbs-Merril.

Foweraker, J. e R. Krznaric (2000), "Measuring Liberal Democratic Performance: an Empirical and Conceptual Critique", in *Political Studies*, 48: 759-87.

Giddens, A. (1984), *The Constitution of Society: Outline of the Theory of Structuration*, Cambridge, Polity Press.

Guarnieri, C. e P. Pederzoli (1997), *La democrazia giudiziaria*, Bologna, Il Mulino.

Huber, J.D. e G.B. Powell (1994), "Congruence Between Citizens and Policy Makers in Two Visions of Liberal Democracy" in *World Politics*, 46 (3): 291-326.

Kaase, M., K. Newton (1995), eds., *Beliefs in Government*, Oxford, Oxford University Press.

Katz, R. S. e P. Mair (1995), "Changing Modes of Party Organization and Party Democracy: The Emergence of the Cartel Party", in *Party Politics*, I (1): 5-28.
.
King G. (1990), "Electoral Responsiveness and Partisan Bias in Multiparty Democracies", in *Legislative Studies Quarterly*, 15(2).

Kitchelt, H. et al. (1999), *Post-communist Party Systems. Competition, Representation and Inter-party Cooperation*, Cambridge, Cambridge University Press.

Lijphart, A. P. (1999), *Patterns of Democracy. Government Forms and Performance in Thirty-six Countries*, New Haven, Yale University Press.
.

Mair, P. (2002), "Populist Democracy vs. Party Democracy", in Mény and Surel, *Democracies and the Populist Challenge*, cit. : 81-98.

Maravall, J. A. (1997), "Surviving Accountability" in Jean Monnet Chair Papers, European University Institute, Florence.

Maravall, J.A. (2002), "The rule of law as a political weapon". In J.A. Maravall e A. Przeworski, eds., *Democracy and the Rule of Law*, Cambridge University Press, forthcoming.

Marshall, T.H.(1963), *Sociology at the Crossroad*, London, Heinemann, 1963.

Meny, Y. e Y. Surel (2002), eds., *Democracies and the populist challenge*, Palgrave, London.

Merkl, P. (1999), "Defective Democracies", unpublished paper.

Morlino, L. (1998), *Democracy Between Consolidation and Crisis. Parties, Groups and Citizens in Southern Europe*, Oxford, Oxford University Press.

-----(2002), *Democrazie e Democratizzazioni*, Bologna, Il Mulino.

Newton, K. e P. Norris (2000), "Confidence in Public Institutions: Fate, Culture, or Performance?" in Pharr and Putnam , *Disaffected democracies*, cit..

O'Donnell, G (1994), "Delegative Democracy", in *Journal of Democracy*, 5 (1): 55-69.

---- (1999), "Horizontal Accountability in New Democracies", in Schedler, Diamond and Plattner, The Self restraining State, cit..

Pharr, S.J. e R.D. Putnam (2000), eds., *Disaffected Democracies: What's Troubling the Trilateral Countries?* Princeton, N.J., Princeton University Press.

Poli, E. (2002), *Forza Italia*, Bologna, Il Mulino.

Putnam, R.D. (1993), *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, N.J., Princeton University Press.

Rueschemeyer, D., S.E. Huber Stephens e J.D. Stephens (1992), *Capitalist development and democracy*, Cambridge, Polity Press.

Schedler, A., L.J. Diamond e M. Plattner, (1999), eds., *The Self-restraining State: Power and Accountability in New Democracies*, Boulder: Lynne Rienner.

Schmitter, P.C. (1999), "The Limits of Horizontal Accountability", in Schedler, Diamond and Plattner, *The Self-restraining State*, cit..

UN Human Rights Committee (1998), *Concluding observations: Italy*.

Verba, S.e N. Nie (1978), *Participation and Political Equality: A Seven-nation Comparison*, London, Cambridge University Press.

Weir, S. e D. Beetham (1999), *Political Power and Democratic Control in Britain*. London and New York Routledge.

World Bank Statistic (2000), *World Development Report 1999/2000,* Washington, USA