



Comments to George Tsebelis

Bicameralism as a tool of Constitutional Engineering: can it affect economic performance?

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Can it affect economic performance?

Two main arguments, if/as I understood the slides.

- A less symmetric and less congruent bicameral system operates on legislation through less veto-players. Results may be ambiguous. Maintenance of the status quo? Important versus nuisance legislation? Where are the veto-players.
- The new Senate operates on economic performance through more decentralization (because of higher voice to subnational bodies).

New Bicameral system and decentralization

Main questions.

- Towards a Federal Senate ?
- Less congruent with lower house than the existing one?
- Are legislation competences enough to strengthen subnational governments.

Towards a Federal Senate?

Representation is crucial

ART. 55

“ Each Member of the House of Deputies represents the Nation”.

“The Senate of the Republic represents territorial bodies”.
(Istituzioni territoriali).



Towards a Federal Senate?

Two models of “Federal” Chambers

First Model

Senators represent communities because they are elected:

- directly by people, (US, Australia, South American federations); or
- indirectly, i.e. by subnational bodies (Austria, India) without imposition of constraints on their choices.

Numbers of Senators is irrelevant (if Texas has four instead of two, they still represent the people, and political parties).

Towards a Federal Senate?

Second model

Senators are elected by subnational bodies and have to represent the views of these bodies because of

- a. mandates;
- b. instructions;
- c. “personal union (or coincidence) of seats” ,as in Council of the European Union (heads of government).

Very few examples: initial US Senate, German *Bundesrat*, South African, *National Council of Provinces*, EU.

Towards a Federal Senate?

The new Italian Senate

100 members (plus..)

- 5 appointed by the President of the Republic;
- 74 appointed by Regional Councils among their councilors with:
 - proportionality;
 - and some indications from voters (still to be defined).
- 21 City Mayors appointed by regional councils;
- (4) existing Senators for life.
- (2) former Presidents of the Republic.



Towards a Federal Senate. Does it represents people or institutions?

Still depends from the implementation law.

- The law could introduce appointment of the (21) Governors of the Regions, since according to Statutes are members of Councils.
- If Governors are appointed:
 - 42 out of 100 would represent local bodies;
 - 52 out of 100 would represent communities/people.
- If Governors not appointed:
 - only 21 out of 100 would represent local bodies.



Towards a Federal Senate. **Less congruence?**

Voice of local bodies is increased in both cases, although traditional representation of parties is kept and strengthened with proportionality.

More vocal local bodies –coincidence of seats - should shift the pendulum towards more decentralization,

although uniformity of views among local bodies could be imperiled by antagonism between Governors and Mayors,(especially when representing opposing coalitions in the same Region).

Congruence between the two chambers is much less changed than at first view and proclaimed.

More or less veto-players? Yes, due to mixed character of Senate. Although the small number of senators operates the other way.

Enough legislation competences to strengthen subnational governments?

List of competence referring decentralization includes:

- the protection of linguistic minorities and popular referenda;
- functioning of municipalities and metropolitan cities;
- basic principles on the election system and on the cases of ineligibility and incompatibility of the President and regional council;
- attribution of supplementary forms and conditions of autonomy to regions.

Enough legislation competences to strengthen subnational governments?

- Any reference to revenue and budget issues is missing.
- Main preoccupation of constitutional reform is to build a cordon sanitaire around budget.
- As a matter of fact, assignment of (own) revenue seems to be the last preoccupation of Italian regional and local elected officials.
- Being at the mercy of central government decisions makes subnational governments quite weak, however.