

SUMMARIES

Functions and disfunctions of Referendum Democracy

by Yannis Papadopoulos

This article is devoted to the analysis of functions and disfunctions which can be recognized in two different forms of direct consultations: referendum, to be considered a veto on some acts of the legislative or the government, and initiative, which tries to transfer the production of laws from elected representatives to the voters. Generally speaking, referendum instruments are considered functional for the demos, since they grant the power to decide directly the issues and increase occasions for participation and socialisation, and disfunctional for the political élites, who usually consider direct consultations an interference in decision making.

The author tries to offer a more articulate discussion of the subject. For instance, empirical analysis shows that referendums may work as instruments of integration of oppositions and as ways to strengthen the legitimacy of the élites, thus becoming functional for them. But disfunctions and risks showed by direct consultations (which are zero-sum mechanisms) often appear to be neglected. First of all, they need a higher level of knowledge and competence than in normal elections, since voters are issue deciders and not simply electors; moreover, the overload on governments may be a consequence either of a proliferation of inputs (initiative) or of an excessive contestation of the governments' outputs (referendum); the fact that referendum and initiative may become an instrument of pressure and a «blackmail potential» in the hands of minority groups opposing and obstructing innovations suggests that popular consultations may also produce conservative effects.

Judiciary in the crisis of Italian democracy: From neutrality to political activism?

by Stella Righettini

The aim of this article consists in examining the relationship between the crisis of Italian democracy and the increasing political activism of judicial élites.

In the first part, it is pointed out how the democratic crisis is deeply rooted both in a lack of political legitimation, caused by an increasing political corruption, and in the ineffectiveness of judicial control. The analysis of the structural legal crisis in Italy shows the capture of the watchdogs of legality and their neutralization. Since the beginning of the 90's, the functionality of the Italian political system has been radically altered by a new judicial activism against political and administrative corruption. It created at the same time an unexpected and large consensus in the country for judicial action and an intense conflict between some public prosecutors and the politicians. A general intensification of judicial prosecutions produced a renewed emphasis on developing the potentialities of the public prosecutors office.

In the second part, the article analyses what makes the Italian judicial activism unique. In particular the discussion concentrates on the crucial role played by mass media in shaping a new balance of power between judiciary and politicians. The Italian public prosecutors increased their popularity by defending and promoting their judicial politics on television. Therefore the symbolic power of their action went very far beyond the traditional political neutrality of judicial power. Judicial activism together with extra-judicial activism brought the Italian prosecutors to play the role of public policy formulators in conflict with the national government and the minister of justice.

Finally the third part points out how an opinion directed judicial élite influences and modifies the dynamic of democratic legitimation. The entering of judicial élites in the political arena modifies the features of the democratic regime because of the conflict with political power in giving solution to some political issues.

Nowadays, in the Italian case, the question consists in creating the basis of a new balance between justice, media and political power.

Structuring the party systems of new Democracies

by Maurizio Cotta

This essay studies the making of competitive party systems after the breakdown of a non democratic regime. More in particular the author discusses through a comparative analysis of the three waves of

democratizations that have taken place in Europe after the Second World War how the passage from the transition to the post transition phase affects the features of the party system.

The starting point is the finding that the first structuring of the party systems in the new democracies is in most cases strongly influenced by the special problems of the transition period. The article discusses how the need to ensure the conditions for a successful instauration of democracy tends to produce broad coalitions or special front-like political movements associating all political forces which support democracy. The few exceptions to this rule can be explained either by a more easy transition or by a transition controlled by external actors. The first structuring produced during the transition is however by its own nature only temporary. With the solution of the problems of this phase the political agenda changes significantly with a shift of the attention from the institutional issues of democracy to the substantial issues of economy, society, etc. The political space widens and gains new dimensions. This is a propitious moment for the birth of new parties, for splits in the old ones and for coalitional changes. A more stable structuring of the party system will be accomplished only during the post-transition phase as a result of a combination of long term socio-political cleavages, legacies of the previous regime and of the new key issues that have gained a place on the political agenda after the accomplishment of democratization.

Theoretical Models of Federalism

by Daniela Giannetti

This essay reviews three main strands of research in the analysis of federalism, which have in common the methodological premises of rational choice theory: a) the economic approach and the analysis developed within *public choice*; b) political theory, as represented by the work of W.H. Riker; c) new institutionalism, or analyses of institutions using tools derived from microeconomics, game theory, and social choice theory.

The economic discussion of federalism mainly concentrates on federalism as a substantial degree of decentralization. This approach stresses the consequences of decentralization in terms of efficiency induced by competition, but fails to provide satisfactory means of distinguishing federalism from other forms of government.

In defining federalism as a «constitutionally determined tier structure» of government, the political theory of W.H. Riker focuses on the origins of federations as «constitutional bargains». Riker's theory also gives a contribution to an understanding of the fundamental pro-

blem of what prevents the central government from overturning the constitutional restrictions.

Institutional stability is a central issue of new institutionalism. Such approach offers new insights about the meaning of an *effective constitution*, interpreting it as a coordinating device rather than as a social contract. As applied to the analysis of federalism, new institutionalism usefully contributes to explaining the survival of federal systems and devising some general rules of constitutional design.

Policy learning and change: the role of ideas and knowledge in policy making

by Elisabetta Gualmini

This essay examines and classifies the theories on Policy Learning and Policy Change, a recent expansion of policy analysis. Reviewing the works of Hecló up through those of post-modern policy analysts, five main approaches are outlined. They can be placed in a spectrum whose extremes are based on two contrasting images of learning: evaluation-oriented learning and knowledge-oriented learning. Included in the first group are authors who focus on instrumental and prescriptive definitions of learning, where corrections of past mistakes in policy implementation are considered possible. The evaluation of the consequences of policy processes and of mismatches between expected outcomes and effective results becomes here a priority. In contrast, authors in the second group make reference to models founded on a cognitive and epistemic notion of learning, that is, learning as a knowledge generating process. The spill over of new ideas provokes substantial shifts in the institutional context, giving rise to continuous experimentation of new programmes.

The main thesis of the paper is that the analysis of learning processes and of cognitive factors embedded in the political strategies has an influential impact on the debates over the determinants of policy change. It allows us to both discover new variables with which to describe the evolutionary development of policies, and to show how the introduction of new programmes is constantly filtered through individuals' perceptions and interpretations.