

Two Almost Identical Chambers Doing the Same Job Twice

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2021-07-13T12:02:26

On July 8th, the Italian Parliament adopted in the last reading an amendment to the constitution which lowers the voting age in Senate elections from 25 to 18 years. At first glance, an ode to democracy: the amendment eventually grants the right to vote for the upper chamber of the national Parliament to some 4 million young citizens (18-24 years), making up about 8% of the voters, who so far were entitled to vote for the lower chamber (House of representatives) but not for the Senate. In reality, the amendment is the (so far) last step of a fragmented and schizophrenic set of reforms that are gradually dismantling the logic of the constitution of 1948 without proposing an alternative constitutional strategy.

The reform follows the [one voted by referendum in September 2020](#), which reduced the number of the members of Parliament: from 630 to 400 in the House of representatives and from 315 to 200 in the Senate. Another isolated constitutional amendment, on a trendy issue (“punishing the elite”: Parliament is among the least popular institutions [according to polls](#)) with symbolic purposes that may, however, set [much bigger and uncontrollable consequences](#) in motion.

This time a referendum is very unlikely. The constitution prescribes (art. 138) that a referendum on constitutional amendments can take place only if, in the second reading, the bill is voted by the absolute but not by the two-thirds majority in one of the chambers. Such qualified majority was not reached and therefore one fifth of the members of any of the chambers of parliament, 500.000 voters or five regional assemblies could actually request a confirmative referendum within three months. However, no political party has any interest in calling for a referendum this time: the voters would massively support the proposal anyway and, unlike with the downsizing of Parliament, this amendment is not the showpiece of any party in particular.

Reforms in bits and pieces: constitutional minimalism

Like the downsizing of Parliament, also this constitutional amendment fails in addressing the structural problems of the Italian system of government, including a bicameral parliament whose two chambers have almost identical functions. A revision of the parliamentary system has been on the constitutional agenda in Italy since the early 1980s, but could never materialise so far: a few attempts to adopt comprehensive reforms have failed for lack of popular support in referenda after having been passed in Parliament, as was the case in 2006 and 2016. The only semi-structural reform that could be adopted was the one in 2001, which, however, only concerned the [vertical division of powers in the regional state](#) and was the

leftover of a much broader constitutional reform project from the late 1990s that could not be adopted due to eventual disagreements among the political parties that had originally pushed for the change.

The new revision represents the peak of the constitutional minimalism that marks the history of Italian constitutional amendments. Its content is so minimal that it only affects the first paragraph of article 58 of the constitution (simply removing the ten words long reference to the voting age for the Senate elections) but not the second paragraph, dealing with the age requirement to be elected as senator. Accordingly, the right to vote will now be reached at the same age (18) for both chambers, but the age requirement for being elected remains different: 25 years for the House of Representatives and 40 for the Senate.

It is in some respect understandable that the lesson from failed attempts to adopt structural constitutional reforms has been learned and that consequently only small amendments are put on the agenda now. Minimalism should however find its limit in a shred of an idea of constitutional policy, and these recent reforms clearly lack one. The reform concerning the shrinking of Parliament by one third of its members was merely concerned with cutting the numbers. It completely omitted to address more significant aspects of the bicameral system, such as, *inter alia*, the appropriateness of constituencies for Italians abroad or of senators for life, the working methods of Parliament and its rules of procedure, the kind of representation that is desirable (political or rather territorial) and the related electoral law: the new design of electoral districts and the necessary changes in the electoral law are still pending one year and a half before the end of term, making early elections currently impossible. This lowering of the voting age to elect the Senate has been portrayed as a democratic improvement as it widens the electorate, but its consequences have been completely neglected in the [political debate accompanying the reform](#).

What will be the consequences?

The most significant outcome of the reform is to further reduce the already very tiny difference between the two chambers of the Italian Parliament.

When the constitution was drafted, the underlying idea behind the composition and the role of the Senate was very different as compared to now. The number of the senators (as well as of representatives) was not laid down in the constitution, the Senate was elected for six years (unlike the Chamber of Representatives, the mandate of which lasted five years) and the age requirements to vote and to be elected were much higher than for the lower Chamber. Also, the electoral system was profoundly different, and the Senate was originally designed to link the regions with the centre, albeit in a soft way, privileging political over territorial representation. The significant differences in election, duration and composition between the two chambers compensated for the significant aspects they have in common from the outset: both chambers have to approve legislation and above all the government is subject to the confidence vote of both the House and the Senate, which is what makes Italy an exception in comparative perspective. This way, the drafters of the constitution made sure that both the legislation and the government were supported

by potentially different majorities and scrutinized by MPs of different age and approach, creating the conditions for a more reflected and less conflictive decision-making.

In the meantime, the mandate of the Senate has been aligned with that of the House (five years), a number of electoral laws have (rather unsuccessfully) attempted to make the election of both chambers as similar as possible, and the territorial link of the Senate has been softened even more in many ways, not least by reducing the number of senators with the [mentioned reform in 2020](#). All these successive reforms have reduced the difference between the two chambers, while at the same time preserving the common elements. To align the age requirement for electing the Senate is a further step in the direction of creating two identical chambers, with the same legitimacy and doing exactly the same things. The only remaining (and now unjustified) difference will be the age requirements for representatives and senators to be elected: 25 the former, 40 the latter.

Why having two almost identical chambers doing the same job, just twice? The debate on bicameralism is going on in Italy for at least 40 years. It has produced [many proposals](#) to differentiate role and composition of the two chambers, without success. This set of minimal and fragmented reforms is what such debate has come up with so far. From a constitutional point of view, the last amendment is disappointing to say the least. Politically, the amendment has been portrayed as a democratic improvement, but its real main (and after all not shameful) goal is to make the formation of differing political majorities in the two chambers less likely. The opposite to what the drafters of the constitution had in mind, but times change. At present, and for quite some time now, the priority has become the stability of the government, which is more difficult to achieve if two chambers have to express their confidence to it. If the electorate is more similar, there could be some hope that it casts the same vote for both chambers. Instead, a reform of the parliamentary system is a complex endeavour and requires a strategy on a number of delicate issues such as, inter alia, the territorial setup of the country and the *mise à jour* of political representation (what about discussing the vote at 16, for example, or strengthening participatory instruments?). And not least, such a comprehensive reform is likely to be voted down by referendum. So, why bother? Let us proceed step by step, not knowing in which direction, let's hope for the best and let the next generations deal with the serious issues. For the time being, the next generations should make do with being entitled to elect the senators.

It could even sound like a strategy. What it overlooks, though, is that small steps are not neutral and already hint in one direction, thus inevitably conditioning further moves and at the same time making them more necessary than ever. What the history of Italian bicameralism is witnessing is a long, slow *pars destruens* of the constitutional scheme without a *pars construens*.

