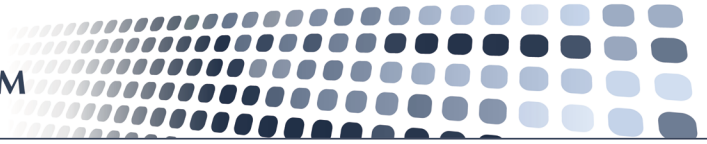




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Instruments of Participatory Democracy in Italy

by

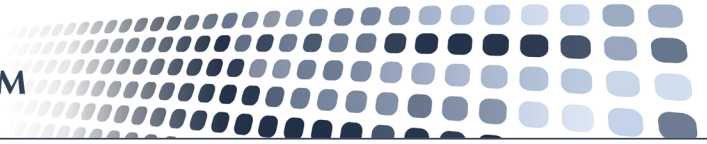
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Abstract

Participation is a fundamental principle of the Italian Constitution (art. 3). Nonetheless its enforcement was rather weak in the first decades of Italian Republic. Only from the nineties on – especially after many Italian authorities and citizens had direct knowledge of the Participatory budgeting of Porto Alegre – the simple participation evolved into various forms of Participatory Democracy. Many Italian municipalities of various dimensions developed it, creating a number of original experiments on a new model of administration. The fact is all the more remarkable as Italy in the last decade has been dominated by populism of the Berlusconi variety. This study analyses the leading principles of participatory democracy as it is now practiced in Italy and clarifies their principal purposes, hoping for their development as a means to “democratize democracy”

Key-words

participation, participatory democracy, democratization, ordinary citizen, inclusion, deliberative process, influence on decision-making



1. Participation as a fundamental principle of the Italian Constitution

There is no doubt that Participatory Democracy, as a special kind of participation, has its legal framework in the Italian Constitution itself. Art. 3 of the Constitution provides that: “It is the duty of the Republic to remove the economic and social obstacles that limit liberty and equality of the citizens, that hinder the full development of human being and the effective participation of all workers in the political, economic and social organization of the country”.

Many important features of participation are mentioned in this fundamental principle. First of all, participation is a purpose of the whole action of the State as well of the citizens (the term Republic referring to both). Being a purpose, participation is at the same time a means: one can participate just by participating. In the second place, participation must be “effective”. Third, it is bound to social justice, as is the primary scope of article 3 to assume the transformation of the Italian community with the aim of realizing a more fair society. Fourth, workers, that is to say the underprivileged citizens (as nowadays we say in a more enlarged sense) are the most important subjects whose participation should be guaranteed. Fifth, its scope is the political as well as the economic and the social field: in this respect, participation is still mentioned in art. 49 (participation in the political parties), in the trade unions (art. 39), in the management of firms (art. 46). And it is strictly connected to art. 1 (“Italy is a democratic Republic[...]. Sovereignty pertains to the people and is exercised by them [...]”) and to art. 2 and 3.1 (fundamental rights and dignity of every person) as well as to many other paragraphs of the Constitution.

In short, participation is a part of the inner circle of the principles that rule Italian Republic as well as being an essential part of theory and practice of Democracy itself¹.

2. Participation in the seventies (20th century)

Notwithstanding these clear foundations, participation in its true sense is rarely considered in the commentaries of art. 3 and of the Constitution in general and is not a



normal and general characteristic of the Italian theory and practice of democracy. These are focused on the institutions of representative democracy, in the eventual role of direct democracy and on the hegemony of political parties conceived as the very actors of participation^{II}.

It was in the sixties and in the seventies of the 20th century that participation became a focus of political attention, if not of real political life. This was not principally due to legal and political progress, but was the product of the growing complexity of civil society, the increase in its consciousness and capability, the dramatic technical progress and the crisis of the attitude of the political parties and the public institutions to face up to the new dimensions of those problems. We arrived to the point of making participation an absolute icon of legal advance.

Nevertheless, the outcomes of this aspiration were tiny; if you compare the various institutions that were put in place and, all the more, their practical performances, you must place them at the lowest rungs of Arnstein's (1969) famous ladder of citizen participation. Most cases, unless they are classified as manipulation or therapy, are to be ranged as information, consultation, placation, and just on rare occasions do they reach the rungs of partnership, delegated power or citizen control.

As to their structure, they can be divided into two categories. The first one is a kind of organizational participation, located inside the administration, where representatives of the citizens take part in an administrative body, generally consultative in character, much more rarely decision-making. This should be a channel for genuine participation, but generally it is encumbered by three alternative or cumulative failings: 1) it represents corporate groups of society rather than ordinary citizens, so that it is a form of "pluralistic" democracy (in the American sense of these words) rather than citizens participation^{III}; 2) strong groups prevail over representatives of general society and of less strong groups; 3) these representatives are generally subordinate to the representatives of the administration in the same body, as their participation is consultative not decision-making^{IV}.

The second category refers to procedural tools, like adversary procedures where single citizens and representatives of corporate interests can be part of a hearing. They are a rarer but perhaps more efficient form of participation, though generally participation is restricted to a single stage of the process, already advanced so that its incidence is tiny, as it is the case in town and country planning proceedings.

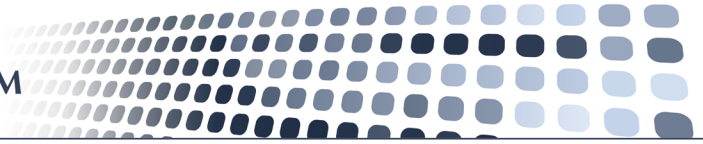


Some of those tools, organizational or procedural in character, are more ancient; the new most celebrated cases of participatory institutions of that period were the creation of 1) under municipal councils (*Consigli di circoscrizione*): they were born as such but they were developed into elected decentralized bodies, ruled by the political parties, provoking much disappointment in the general public; and 2) school boards, formed by representatives of teachers, students and parents, provided with very small authority in minor problems of school administration; they too rapidly missed their reputation as true participatory bodies. But, to understand the whole intellectual and political climate in which the experiences of institutional participation took place, it is important to consider that they were surrounded by many different instruments which can be themselves pointed out in a broad meaning as ways of participation, whose practice became at that time fairly widespread: spontaneous mobilization of citizens for or against choices of public policies, grassroots movements, voluntary associations, self-management of special social services etc.; and, with a different value, the participation in the administrative process by interested persons or bodies, sometimes legally provided for, but that in Italy – notwithstanding proposals by many law scientists - were a matter of general legislation for the first time in the nineties.

3. The true concept of Participatory Democracy

Generally in those times, the word Participation was employed to show those experiments; but sometimes the expression Participatory Democracy was also employed in various improper contexts^V. Properly speaking, participatory democracy shows a set of experiences that took place in the course of the nineties or after, whose nature may be outlined as follows.

Without any doubt, the most decisive source of these new instruments of participation was the practice of Participatory Budgeting in the great town of Porto Alegre, Brazil, which was initiated in 1989 and is still operative, as well as the town planning of the same metropolis. Although there had been some original experiences in Italy earlier (the small town on Grottammare, from 1994 on), the real drive to participatory democracy in our country, and in all Europe, came from the influence of Porto Alegre, later followed by similar practices in Brazil and other Latin American countries, whose knowledge reached



Europe by means of the first Global Social Forums of 2001 and 2002. A number of Italian local authorities were most impressed by their presence at those forums and decided to apply the techniques of participatory budgets and other participatory instruments to their municipal or provincial governments.

Generally speaking, participatory democracy is a set of proceedings (a family of processes, as one might say) - in which Participatory Budgeting is at the top of the ladder – that possess this common character: to implement the voluntary collaboration, institutionally ruled, of ordinary citizens with public authorities in the deliberative process of a public (administrative or even legislative) decision, so that citizens can be influential actors of the same decision.

In Italy, there have been and still exist many experiments of participatory budgeting, at the level of small towns (e. g. Grottammare, Pieve Emanuele and other towns in Milan's outskirts, several Lazio towns and villages), of provincial capitals (Modena, Reggio Emilia, Parma, Arezzo) and of big cities (Rome, above all), not always involving the whole city but most frequently just one "circonscrizione" or several of them.; as well as (for five years) the Lazio Region^{VI}. There are also many kinds of participatory proceedings, elementary or more advanced, in town and country planning processes, some citizen juries and two known cases of public debate French style^{VII} on big public or private works (in Genoa and in the small municipality of Montaione^{VIII}, Tuscany^{IX}). On the contrary no public debate process, on a number of important occasions, has taken place in the Region of Tuscany, in spite of being allowed by a regional statute^X.

The purposes of participatory democracy are multiple: to give expression to the various viewpoints reflecting the complexity of modern societies, to implement the knowledge by administrative and technical officials of the relevant elements of the public choices, to strengthen the efficacy and efficiency of public decisions, to increase the capability of citizens in the field of public affairs and the growth of inclusion of the public in public policy, to assure a higher degree of social justice in a highly differentiated society etc. In a word, it is a question of "democratizing democracy" in a world that tends to restrict it to the empire of oligarchies and of supremacy of economy over politics. All these purposes are present in Italian experiments to a greater or lesser extent.



4. Leading principles

In Italy, the ruling principles of participatory democracy are consistent with international theory—based on various experiences but implemented to different measures from case to case. They can be summarized as follows^{XI}.

1) *Flexible institutionalization*. Participatory process must be attentively ruled, but an excess of regulation would destroy the empirical and creative role that participatory democracy must have in this stage of its development. It is essential – besides a general legitimization which is guaranteed by the constitution itself – that the procedure be framed by some rules that can be previously established either generally or case by case and proposed by the institution in charge with the help of participants and periodically modified on the basis of experience. Statutory or other equivalent regulatory provisions are not strictly required and, if adopted, must have a purpose of promotion more than of ruling. So, Tuscany, Emilia-Romagna, Umbria and Lazio regional laws – the only ones existing in Italy - dictate promotional and financial rules rather than regulating ones. Consequently, the task of judges should moderate, except probably in questions of legitimising the process and its conclusion. As to our knowledge, no judicial controversy has been promoted up to now on the matter.

2) *Inclusion*. It is perhaps the principle most unanimously declared. Participatory democracy processes are by their nature open to all persons wishing to participate, without having to prove any particular interest or a particular residence (except in the eventual stage of voting). The purpose of assuring participation of the poorest and of other underprivileged people legitimises the adoption of means of promotion by the institutions, as in the case of young people, of women, of foreigners and so on. Nonetheless, the level of participation of young people and of foreigners in Italy seems to be generally low and the participation is normally an affair of the middle classes.



3) *Corporate participation*. It is frequent and generally useful, considering the skill provided by all kinds of associations, but it is recognized that no privilege should be allowed to them, as they would sometimes demand.

4) *Institutional engagement*. The necessity of participation by institutional levels – political authorities, bureaucracy, experts and technicians – is recognized, but may vary a lot and is not always effective in practice. Their presence in physical processes (assemblies, forums and so on) must be preceded, accompanied and followed by the maximum possible level information, provision of documents, communications and transparency. A similar degree of engagement is desirable on the part of the citizens. But it is not effectively present in all Italian experiences.

5) The principle of *mutual confidence* is a prerequisite of the entire process. Still, it can be critically observed that the institutional milieu – political, bureaucratic and technical – is often hostile to genuine participation. Conversely, a great part of the public – grassroots movements and associations included – do not trust the institutions and their relations with the general public and are very suspicious about how genuine they are in promoting or accepting a participatory process.

6) *Continuity* of participation in each stage of the process must be assured, from the start of proposals and projects up to decision and monitoring. Continuity is not always practiced; often participation takes place in a single stage of the procedure.

7) *The setting* of the occasions of participation (forums, conferences, assemblies) is another prerequisite for the success of the initiatives; although generally paid attention to, it can be improved. Vocational training of persons e. g. competent in conducting a forum or an assembly suggest a number of initiatives by town councils and other authorities throughout the country.

8) *Deliberation*: the very heart of a participatory process. Here participatory democracy crosses the deliberative democracy, which in itself may be created by citizens and civic organizations without explicit authority or substantial public influence^{xii}. Rational



approach, arguments, openness to others' viewpoints and frank admission of alternative approaches to the matter to be discussed are necessary in order to reach clear if not necessarily common positions. Habermas' reflections are most useful for clarifying this point

9) *Who decides?* This is perhaps the most controversial principle. Generally speaking, in Italy it is admitted that the decision is wholly reserved to institutional authorities and they are very protective of this right. But a number of devices place constraints on them when engaging in a participatory process: if not a political engagement to pass a decision conforming with the prevailing opinion expressed in the deliberative stage, at least an obligation to justify the reasons for departing from it.

10) *Monitoring* the development of the procedure, as well as its result and the implementation of the decision; a point not frequently present in practice, but essential because failure to implement decisions produces disappointment and loss of all confidence in the method of participation.

5. Prospects

Which are the prospects of participatory democracy in Italy? The difficulty in assessing this is considerable. One could say that the trend is to expansion; others may affirm the opposite. The same person might assess the situation in different ways even over a short period of time. This variability depends on many circumstances. Political above all: it is definite that the long era of Berlusconi was characterized by a climate decisively hostile to this kind of development: participatory democracy and populism are clear opposites. Nonetheless, the first decade of this century, dominated by this climate, also saw a major development of experiments of participatory democracy. The trend of this expansion grew because of a push at local and sometimes at regional level, partially dominated by left-wing majorities. In recent years, the difficulties have been increasing. The deep economic crisis, with all the difficulties in the field of public finance, is being decisive: much of the burden of saving on public expenditure has been placed with local authorities, extremely



diminishing their capacity to exercise their own discretion. Where the leading majority has changed, moving from left to right, most frequently the experiences of participatory democracy have been closed, as in the Lazio Region or in some municipalities in the outskirts of Milan. As an exception to the rule, the city of Parma developed an experience of participatory budget under a right-wing majority.

So, a number of advanced municipal experiences (Modena, for example, or Reggio Emilia) have recently changed their models of participation, from the more ambitious ones such as participatory budgeting to processes of participation in small operations or current services (improvement of the fruition of a park, problems of urban security etc.) and to initiatives of training, pointing to the creation of a new generation of citizens and public officials.

There is, at a deeper level, a problem of culture. The culture not only of the political class, but also of bureaucracy and the intellectual milieu. Lawyers appear to be less permeable, even at an academic level, than urban, social and political scientists. Hence, the importance of training the new generations. Anyhow, the hope for further development must be maintained, if democratization of democracy is to advance.

^I See among American authors Verba et al., 1995; Putnam, 2000, 336. Among Italian political scientists, Sartori, 2007, 80; Raniolo, 2007; Pasquino, 2007 a), p. 9, as well as Pasquino 2007 b), 155; in the law theory, Allegretti, 2011 c), 301 ff.

^{II} A valuable exception is V. Atripaldi, 1975, 20 ff.; more recently, Valastro, 2010.

^{III} See Gastil - Levine, 2005, 13 ff.

^{IV} See Albanese, 2010, 352 ff.

^V E. g. Zampetti, 1969.

^{VI} For the Lazio experience see Lewanski, 2010.

^{VII} As well known, the “débât public” in France is an adversarial procedure regulated by statutory law and managed by an independent authority, the “Commission Nationale du Débat Public”, publishing every year an excellent report on its activity. See Revel et al., 2007.

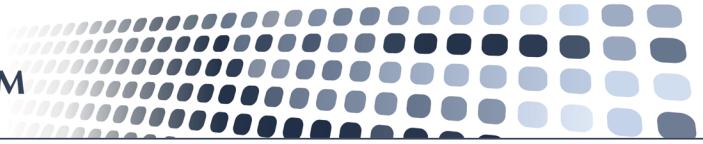
^{VIII} On the Genoa case see Bobbio, 2010.

^{IX} On the Montaiione case see Baldeschi, 2010.

^{XX} The Tuscan statute 69/2007 contains two kinds of participatory procedures: the French style “dibattito pubblico sui grandi interventi” (major public works) and the “sostegno (support) to participatory processes”.

^{XI} See in general U. Allegretti 2011 a) e 2011 c); With special reference to Italian experience U. Allegretti, 2011 b).

^{XII} See Levine – Fung - Gastil, 2005, 277.



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