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Introduction

by

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Abstract

The goal of this monographic is the analysis of citizen participation in the regional and local levels of government of Italy and Spain. The essays present the current situation of the different types of democracy: representative, direct and participatory, in the framework of the new generation of Statutes passed last decade in both countries. Instruments of participation are introduced in the decision-making process and they serve to ensure transparency, legitimacy and greater accountability to the public institutions

Key-words

citizen participation, decision-making process, representative, direct and participatory democracy, pluralist society, regional level of government in Italy and Spain



A renewed interest on the part of the legislator is on the rise concerning the participation of citizens in political life and, not surprisingly, it has extended to legal theory as a whole, permeating every aspect of our contemporary liberal democracies.

Notwithstanding the specific features of individual systems as such, a comparative analysis leads to the identification of a number of solidly rooted common elements regardless of any actual difference. Participatory instruments thus become a sort of antidote, a catalyst or a generator of institutional practices that are conceptually consolidated, taking on various forms, aimed to adjust to the changing needs of our times.

In addition to a more traditional view of direct and representative democracy – based on a concept of democracy that rests on majority decisions – that largely prevails in our systems, a new viewpoint is gaining momentum whereby participation is seen as an element that is not filtered by decision-making, but is itself part of the process. It entails the possibility for every citizen to take part in decision-making before, during and after deliberation. As a result, brand new instruments are taking shape that aim to bring out the eminently dialogical and cooperative nature of the consolidated democratic model of contemporary liberal democracies. They permeate decision-making processes and they serve – or are intended to serve – to ensure transparency in institutional procedures and greater accountability on the part of both the administration and the community at large.

Participation becomes a requirement dictated by the political and institutional dynamics afoot as an answer to the need for a more “customized” political attitude and the only true assurance that a socially and ideologically fragmented system is, indeed, democratic (Manzella: 2002).

There is no doubt that more emphasis is placed on participation at a time of crisis such as the one that set in a few years ago across : the majority of democracies based on a multiple-party system. It is precisely the lack of guidance that stems from these systems that has pushed voters towards abstentionism and has triggered a feeling of resignation towards the drift of delegated democracy.

Thus two different perspectives open up that aim to legitimize the decision-making process: a more central role for the “leader” and a new impetus towards greater participation of the electorate outside of the mere, one-off “voting” event. Clearly, the myth of a rational and fair law shared by all has been reconsidered in the awareness of the

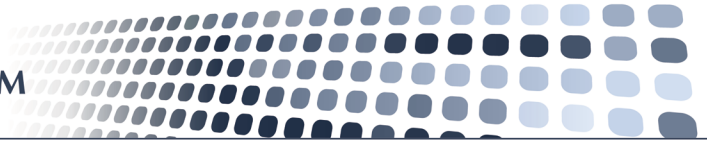


shortcomings of the legislative process in a pluralist and multiethnic society, in favour of a majority-based approach.

However, if Kelsen's utopian version of parliamentary democracy appears no longer viable, it would be misleading to think of the electorate as a manipulated and passive entity, regardless of the national political system in place. In contemporary parliamentary systems, even where there is an apparently inexorable tendency towards the overexposure and the progressive presidentialization of the Executive Power (Di Giovine-Mastromarino: 2007), the adoption of participatory instruments outside of voting proper can contribute to stifling the rise of charismatic "heroes" and unrestrained monocratizations.

In this context, greater interest is generated by the comparative analysis of participation in its various forms of expression, particularly concerning the Italian and the Spanish systems, that aims to identify similarities and differences in their regional autonomy. Once again the Center for Studies on Federalism (Centro Studi sul Federalismo) collaborates on a research project with the University of Barcelona – specifically, a collaboration with *Grup d'Estudis sobre Democràcia i Constitucionalisme GEDECO* in the framework of a project titled "Estado autonómico y democracia: los derechos de participación en los Estatutos de Autonomía" (DER2009-12921) that was funded by the Spanish Ministry of Science and Innovation. In this case too, major constitutional points are discussed not in general terms but according to a local and regional perspective, as dictated by a bottom-up process to renew the Italian and Spanish political scene. What happened in Italy in the early 1990s with Title V of the 1948 Constitution is similar to Spain's new generation of statutes that concerned autonomous communities (without modifications to the Constitution).

In this case the research efforts aim to determine the new features introduced at regional level by the new statutes in terms of citizen participation. The following papers present the views of notable Italian and Spanish scholars, who share a similar approach while preserving the aspects specific to individual systems and personalities, aiming to analyze the various instruments of participation in the context of representative, direct and participatory democracy.



References

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