

A Constitutional Patriotism for Italian Democracy: The Contribution of President Napolitano

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I.

In a parliamentary democratic republic, the President, elected by Parliament, has the institutional tasks of ensuring compliance with the Constitution (and therefore the constitutional conformity of legislative activity) and that of representing the unity of the State and the Nation. The political role and weight of the President vary according to the person who occupies the office and in relation to specific political circumstances and institutional dynamics. In recent Italian political history, the Presidency of the Republic has become a political/institutional linkage of unprecedented importance – at least at times of change, or at critical junctures, when democracy has had to deal with challenges to its regular functioning, its quality, and its resilience. Since the 1990s, Italy, more than other European democracies, has faced challenges of this kind provoked by an interweaving between external and internal factors.¹ It is no coincidence that during the 1990s there was talk of a ‘Second Republic’ following the demise of the ‘First’ one. It may be exaggerated or inappropriate to speak of a ‘Second Republic’, but what is certain is that the ‘First’ has gone – or at least is by now unrecognisable.² During this long critical conjuncture, Italy has also been forced to question itself about its ‘political identity’ as a State, a nation, and a constitutional democracy. Italian political culture has therefore been compelled to address the problem of national identity: the identity, that is, of a democratic nation, with its history, its political and cultural heritage, and its transformations over time, in the context of

international changes (Rusconi, 1993; Nevola, 1999, 2003a). The problem of national political identity has assumed even greater importance because of dangers that the country will split at a political-ideological level, with political parties delegitimising each other, and, in some cases, on a territorial one, with political parties that seemingly undermine the unity itself of the Nation-State (Nevola, 2003b; Di Nucci and Galli della Loggia, 2003; Cammarano and Cavazza, 2010; Rusconi, 1993; Diamanti, 2006).

In light of the above considerations, it seems no coincidence that the current President of the Italian Republic, Giorgio Napolitano, should decide to entitle one of his recent books *Il patto che ci lega* (The Pact that Binds Us Together). The book consists of a selection of twenty public speeches made by the President between May 2006 (the inaugural presidential address to Parliament) and October 2009. These speeches span the first half of Napolitano's presidency, so that they can be read as a sort of mid-term 'balance sheet' on his presidency; a balance sheet not so much personal as a report on the conditions of the Italian democratic nation.

The public and official speeches delivered by occupants of the highest offices of State in exercise of their institutional roles are typically framed by the civic rituals to which even the consolidated contemporary and 'disenchanted' democracies resort (Nevola, 2006, 2007a). Such speeches are often dismissed, both by political journalists and political scientists, as empty rhetoric which says little about the political 'reality' and offers little for the analysis of a modern democracy. I argue instead that public rituals and official speeches are important moments in political life, and they enhance analysis of the democracies of our time. They are, in fact, significant elements of the political culture on which a democracy is based and by which it is nourished. Moreover, the study of political culture, though somewhat neglected in recent times, affords insights into the features, problems, and workings of a democratic political system. It investigates a dimension which extends beyond that of institutional descriptivism and 'political behaviourism'. Its purpose is to penetrate the sphere of the motivations, values, and ideas that give content and form to political affairs. In particular, this approach enables analysis of the phenomenon of political legitimation – this being the crucial mechanism of political 'reality'. More specifically, when considering the scientific and political meaning of official pronouncements by the highest officers of State, it is useful to bear in mind Bellah's argument on the matter: 'What people say on solemn occasions need not to be taken at face value, but it is often indicative of deep-seated values and commitments that are not made explicit in the course of everyday life' (Bellah, 1967: 4). Such public pronouncements synthesise and express, suggest or impose, an important normative orientation on the political culture of a democracy. They thus respond to the need for an 'ideal' reference framework indispensable if democratic systems are not to incur difficult problems of legitimacy.

Democracy, in fact, is not just a set of institutions and procedures that 'empirically' (*de facto*) work in a certain way. It is also a belief in the 'goodness' of those institutions and procedures. The democratic 'method' entails the democratic 'creed' – as the 'realist' Schumpeter (1954) warned in a passage too often neglected by his commentators. Napolitano's presidential speeches therefore provide a good basis for discussion of the 'Italian case', its developments and difficulties in the early twenty-first century.

II.

It should be immediately pointed out that the 'balance sheet' on the Italian democratic nation extrapolated from President Napolitano's public speeches has the purpose, on the one hand, of *recalling* the historical significance and ethical-political value of being a democratic nation, and on the other, of *pointing* up the challenges, difficulties, and problems that weigh on the Italian democratic nation, as well as the resources that it possesses to tackle those problems and look to the future with confidence. We thus find speeches that move along a two-track political discourse. The first track is that of 'memory' (why are we a democratic nation and what has made us such?); the second is that of 'reflection' (in what spirit should we understand the problems of our democratic nation, and how should we act to safeguard the value of national unity and democratic quality?). In this regard, as I shall emphasise in the conclusions, to be noted is an endeavour by Napolitano not to restrict his discursive action to pure exhortatory rhetoric, even though this is a valuable resource in nourishing the political-cultural bases of a democracy that wishes to be solid and of good quality.

Speeches by the highest political-institutional representatives of a democracy are obviously not all of the same kind: they vary in content and rhetorical register according to the occasion or the public addressed, the circumstances and the current political context. If the speeches are collected into a book addressed to the 'citizen-reader', their selection and their editorial organisation (sequencing, grouping into sections, and titling) already signal the topics deemed most important, and they provide a first idea of the message (or 'meta-message') that is to be conveyed to the public in general, and the ruling class in particular. It is therefore useful to show the choices made by President Napolitano on publishing a collection of his speeches. In *Il patto che ci lega*, Napolitano's speeches are divided into five sections. The first comprises 'year-end addresses': these being traditional occasions for presidents of the Republic to communicate with Italians, to extend greetings, provide a brief overview of the country's public life, and to express good wishes for the new year. They are also occasions for remembering significant difficulties and episodes during the past year, but

also for recalling the reasons for trust in the country's capacity to overcome them, emphasising the 'resources' on which it can rely. The second section collects speeches devoted to the history of the Italian Nation-State and democracy. These are speeches delivered on the occasion of celebrations – recurrent and ritual – of crucial junctures in Italian history: the 150th anniversary of the unification of Italy; 4 November – the symbolic date of the end of the First World War and the completion of national unification; 25 April – the date symbolic of the Italian people's struggle for freedom through the Resistance against the Fascist regime and the Nazi occupation in the final phases of the Second World War; 28 October – the anniversary of the Battle of El Alamein, one of the bloodiest (and until recently must controversial and therefore psychologically repressed) actions by Italian soldiers during the Second World War. The third section is devoted to the memory of the victims of terrorism (extreme right and extreme left, and the Red Brigades in particular) and to the fight against the Mafia and organised crime. The fourth section comprises speeches centred, on the one hand, on the Republican Constitution, the historical experience that produced it, and its enduring meaning and value for Italian democratic life; on the other, on the democratic-constitutional mission of the country's principal institutions (Parliament, Government and, especially, the judiciary). The fifth and final section contains speeches on international affairs, especially insofar as they are vital for Italian democracy: the references in this case are to international crises and the phenomenon of globalisation, although priority is given to Europe and to Napolitano's 'profession of faith' in it – in continuity, moreover, with the traditional orientation of Italian public institutions and political culture. Placed before these sections at the beginning of the book is Napolitano's inaugural address of 15 May 2006 to a joint session of Parliament. This was delivered to the two chambers on the occasion of his installation as President on the same day as his election (which is a long-standing republican practice). This speech anticipated the topics, approach, and register that would characterise those delivered in the following years.

In truth, the variety of Napolitano's speeches is much greater than appears from the above brief summary. This variety is also due to the circumstances in which the speeches were delivered, the type of audience to which they were addressed (ordinary citizens, associations and civil society, institutions and political parties, international organisations), the language used, and the issues discussed. It is nevertheless possible to identify a linking theme that unites them and which highlights Napolitano's principal concern: to 'remind' Italians (ordinary citizens, political and social forces, and the institutions) that they constitute a political community, a democratic nation held together by a political 'pact' (republican, constitutional, liberal-democratic). His main purpose, therefore, is to remind Italians of the 'pact that binds us together', of its

historical, cultural, and political bases. This is both an appeal and an admonition to 'honour' the pact with appropriate public and social behaviour, to nourish it with ideas and motivations that must be renewed every day lest they dwindle away – with the consequent risk of deteriorating social cohesion and democratic quality. Napolitano's purpose is therefore to *remember* and to *honour*, but also to *reflect critically* on the meaning, the reasons, and the bases of 'cohabiting' as a democratic community. It is, moreover, to *steer* public debate and political action so that they contribute to the vitality of the national collective pact.

Whilst the endeavour to 'remember' and to 'honour' has also been a feature of the public discourse of some of Napolitano's predecessors, and in many respects has been inherited from President Ciampi, the emphasis on 'reflecting' and 'steering' is more specific to the Napolitano presidency (with some exceptions, though of different sign and rather distant in time). These 'innovations' are not due solely to a changed political climate, nor can they be explained by mere considerations of communicative style or performance of the presidential role. They instead relate to political factors, and to a large extent also to Napolitano's (2008) public biography. It should be borne in mind that Napolitano, unlike Ciampi, became president after a long career in politics (a professional politician, therefore), as an activist and as a leader of an important Italian political party (the Italian Communist Party, PCI). However, he is also a 'politician by vocation', whose mental-cultural formation and personal experience induce him to focus on issues in *political* terms, and to set high value on the political dimension of social and public life. Napolitano's assertion of the importance and value of politics, and his dedication to them in professional-vocational terms, are features that acquire great significance in a historical period in which politics, parties, the institutions and politicians (not only in Italy) are regarded with suspicion or contempt by large parts of public opinion and most ordinary citizens – who are often seduced by, or resigned to, anti-political attitudes of various kinds. Added to this is the fact that, in the past twenty years, the Italian political scene and government have been dominated by a 'non-political' political leader, by an entrepreneur in biography and mentality (Silvio Berlusconi), who has repeatedly expressed his contempt for, or extraneousness from, 'politics' with its logic, rules and interpreters; who has dismissed them as 'child's play' (*teatrino della politica*) and extolled, by contrast, the entrepreneurial mentality and the value of the 'businessman' in creating wealth and well-being. Napolitano's public commitment is instead driven by a politics conceived and recognised as harsh and pragmatic (centred on devising and struggle for devising the means to deal with the problems of collective life). But it is also a politics not reduced to its *politicienne*, or purely instrumental, version. In other words, it is a politics based on principles of public ethics or a 'vision of the world' (one might say an 'ideology' if the term had not

been so misconstrued and distorted) directed to the pursuit of an ideal goal, that of the 'common good' of society. To paraphrase Max Weber (1919), one might say that Napolitano's political purpose is to combine the 'ethics of responsibility' with the 'ethics of conviction'. This is an endeavour already difficult on the theoretical level, but even more so on the practical one. It is on this idea of politics that Napolitano constructs his vision of the 'pact that binds us together'. The doctrinal (if not conceptual) fulcrum of this vision is what in one of his speeches Napolitano has expressly called 'constitutional patriotism'. And it is precisely on the *political* level that I shall advance some critical (and somewhat sceptical) considerations concerning Napolitano's formulation of the question of Italian identity.

In the following paragraphs I shall reconstruct in broad outline the line of argument which leads Napolitano to the notion of 'constitutional patriotism', and then conclude with some comments on it. In doing so, however, I shall also more broadly discuss constitutional patriotism as the possible identitarian-national basis for Italian democracy in the past two decades of the 'Second Republic'. At the same time, I shall emphasise the Italian political deficit in this regard, notwithstanding the political-cultural work undertaken first by Ciampi and then by Napolitano – that is, by two authoritative interpreters of contemporary Italian political culture. It will also be useful for my purposes to draw comparisons between the last two presidencies of the Italian Republic, emphasising the similarities and differences between them. This will enable me to verify the applicability to the Italian case of the notion of constitutional patriotism across a time-span sufficiently long to grasp changes and persistences in the political-identitarian basis of Italian democracy, and thereby to assess the quality of the latter at the level of the national political culture. Though the traditional 'anomaly' of Italian democracy (the lack of alternation in the country's government) is by now a thing of the past, given the recurrent changes of government between centre-right and centre-left coalitions since 1994, still to be established is whether this Italian democracy has attained a standard of 'normality' which ensures maturity and quality in its operations, achievements, and political-identitarian foundations. Constitutional patriotism can thus be used as an interpretative key to understand the importance and meaning of political culture in a democratic nation, and its implications for contemporary political life. And it also becomes a benchmark with which to gauge a political culture's ability to produce motivations for national cohesion and belonging – in the belief that national cohesion and belonging are still today political imperatives in a mass liberal-democracy.

III.

The argumentative path that underlines Napolitano's speeches starts with a reference to Italy's general recent situation on both the civic-political and economic-social fronts. The diagnosis highlights various critical aspects. These regard in particular, on the one hand, shortcomings in compliance with laws and the rules, in civic spirit, in respect for the institutions, and in the correctness of relations among the institutions; on the other, the weakness of the production system, the size of the public debt, the difficulty of linking economic revival with social justice, precariousness and insecurity in the labour market, unemployment, the difficult development of the *Mezzogiorno*. To all of this is added (especially since 2008) the worrisome impact of the great international economic-financial crisis. Worth noting is the salience given to problems in the world of work and the emphasis placed on social justice (an emphasis which at least partly derives from Napolitano's political-ideological views), as well as appreciation for the Berlusconi government's action in regard to certain problems of recent years.

In parallel with problems, President Napolitano stresses that Italy possesses the resources necessary to deal with them and to look to the future with confidence. These resources are of various kinds: the richness of the civil and cultural fabric, and of associationism (especially in the form of secular and religious voluntary organisations), the presence of solid regional and local institutions, the economic and educational role of the family, the contribution of entrepreneurs both capable and determined not to succumb to criminality (as in the case of the Sicilian businessmen combating the Mafia and the protection racket), the social and civic commitment of women, young people, and workers. However, there is a necessary condition for efficacious use of these resources: the country must unite its strengths and regain 'national cohesion'. This is the challenge that subsumes all the others and involves the 'entire national community'. Now Napolitano emphasises the responsibility of politics: in particular, he urges the latter 'to intervene... by defining rules and having them respected'. But for politics to be able to do so, the President repeatedly stresses, the Italian political climate must be more constructive than in the years of the 'Second Republic'. The political forces of 'Italian (democracy) of alternation' must not confuse 'bipolarism' with outright political conflict: 'it is important that there be more dialogue, more reciprocal listening between the opposed alignments' (Napolitano, 2009: 54, 166). This does not mean that majority and opposition must embrace each other: robust disagreement is part of democratic competition, but it must not cancel out what unites the Italian people.

Napolitano thus touches upon an issue controversial for contemporary political culture and theory: that of the sense of nationhood and its relationship with democratic politics. Contrary to what is often

argued, especially in Italy and in the political culture of the left, Napolitano fully believes that the value of nationhood is compatible with that of democracy: pluralism, freedom, dissent, and political competition (the cornerstones of democracy) closely interweave with the sense of belonging to the national community (Napolitano, 2009: 101). This thesis acquires especial significance in that it is propounded by a politician who authoritatively represents at least part of the political culture of the Italian left. Despite the widespread idea of an atavistic and profound deficit in national identity, and despite the rise of political-cultural movements that challenge Italian unity and national identity, President Napolitano proclaims that Italy has always possessed a unitary spirit and has always recognised the bonds of national belonging (from the time of the Constituent Assembly to the years of domestic terrorism in the 1970s, on the occasion of severe economic-social crises, and in face of natural calamities). In most recent years, this 'renewed patriotic sentiment' has been strengthened by the praiseworthy efforts of President Ciampi. The national bond is therefore considered a 'primary good' which the Head of the State has the duty to protect and to consolidate with his everyday political-institutional action, as well as on particular occasions of strong symbolic-ritual significance (typically, the celebration of anniversaries or civic-national holidays). In short, the bond of national belonging is a resource for a democratic regime. As such, it cannot be dismissed as an anachronism or as a disquieting spectre of the monolithic and aggressive European nationalism of the nineteenth century and part of the twentieth.

IV.

We thus come to the core of Napolitano's public reflections: the 1948 Constitution is 'a precious resource' for nourishing national cohesion. The celebrations in 2008 of the 60th anniversary of the Constitution provided Napolitano with a symbolic-ritual context in which to voice his satisfaction with the vitality and richness of the commemorative initiatives, but also to stress the dangerous uncoupling of social and political life from the founding values set forth by the Constitution: an uncoupling due to the increasing disorientation of the national community and a weakening of civil and national cohesion. Whence derives Napolitano's declaration that the Constitution 'is... the basis of our cohabitation and our renewed national identity', since it safeguards the spiritual and moral legacy of the Resistance against nazi-fascism, and the Italians' struggle for freedom. As the fruit of the Italian people's will, the democratic Constitution expresses values (primarily that of national unity) embraceable by 'all' Italian citizens, even those who experienced the 'founding years' (1943 -45) from different positions and have 'diverse' memories of that phase in Italian history. The binding relationship between the Constitution and the national

identity determines the possibility of reconciling 'divided memories': the Constitution is the 'substrate of national unity.' It embodies the 'pact that binds us together', 'our pact of national unity in freedom and democracy.' Italy can and must strive for this 'new, modern form of patriotism': 'constitutional patriotism' (Napolitano, 2009: 40, 147).

The idea of constitutional patriotism as a new form of Italian national identity is not an entirely novel one (Nevola, 2003b). It assumed a certain salience in Italian political culture and debate during the 1990s until it inspired the 'civic-national *pedagogy*' of President Ciampi (Rusconi, 1997; Nevola, 2003a; Peluffo, 2008). But aside from more or less genuine rhetoric, associated with constitutional patriotism is a particularly demanding type of national identity, which if it is to be a functional part of a country's political culture requires fulfilment of a number of specific conditions – as can be deduced by conceptual and historical-political examination of the matter. Here it is not possible to account for the theme of constitutional patriotism in all its aspects and implications,³ nor to explain, for instance, why Ciampi's civic-national pedagogy has not been able to give body to a national identity according to the model of constitutional patriotism – instead it recalls the model of a 'civil religion' (Nevola, 2003a, 2006). But here we would observe that the content, approach, and language of Napolitano's speeches exhibit, with respect to the recent past, features that more closely match the idea of a constitutional patriotism for the Italy of today. But neither in this case, as we shall see, does a perspective emerge which is fully able to define the conditions necessary to pursue the objective of a constitutional patriotism, or one which can really be based on such conditions. In this regard, the benchmark consists in those aspects that already proved most problematic in the case of Ciampi's patriotic-constitutional programme: the bases of 'historicity' and 'politicity' which (together with the base of 'universalism')⁴ typically characterise a well-understood constitutional patriotism.

The 'historicity' of constitutional patriotism requires at least the existence of a 'shared memory'. For Italy, this consists above all in the 'shared re-appropriation' of the founding moment of the Italian democratic republic. In this case, the political-cultural evolution of the political parties (along trajectories specific to each of them) has meant that the Resistance, its celebration (on 25 April), and its political-symbolic-identitarian value (albeit variegated) is nowadays somehow recognised (or at least increasingly recognised) as a shared historical-identitarian heritage. The point is both underlined and advocated by Napolitano when he notes that anti-fascism, the Resistance, and 25 April are inclusive values for Italians; values which gave rise to a Constitution whose principles are shared by all Italians. Hence, 'the twenty-fifth of April is not a one-sided celebration', as it has been until recently. Instead, through the incorporation of its principles into the Constitution, it also includes those parties who were

extraneous to its enactment. One notes when comparing Ciampi and Napolitano a non-casual difference of emphasis that they place on the most symbolic dates of the Italian Republic: this difference of emphasis is particularly evident at the level of the 'historicity' of constitutional patriotism. Whilst the cornerstone of President Ciampi's civic-national pedagogy was 2 June (the anniversary of the referendum that instituted the Italian republican Constitution, and which Ciampi elevated to the status of a 'Celebration of the Republic'), President Napolitano has stressed the significance of 25 April as a public holiday including all Italians. This change of emphasis is due to the fact that - also by virtue of the Ciampi Presidency - 2 June is no longer a particularly problematic occasion as regards the historical dimension of a shared nationhood. The political forces and cultures once openly opposed to the Constitution and the democratic Republic have progressively lost importance (first the monarchists, then the heirs of fascism). Although other 'new' political forces and cultures (for instance, Berlusconi and the Northern League) are lukewarm or uncertain in their attitudes towards the political-identitarian foundation symbolised by 2 June, only rarely do they openly distance themselves from the founding story of the Italian democratic republic and its constitution. Their quarrel is instead with the persistence of constitutional constraints tied to a historical moment whose time is over, and which are therefore anachronistic and obstacles against change and the governance needed by contemporary Italian society. By contrast, still in the years of the Ciampi Presidency, the most divisive historical experience was the Resistance, and therefore the memory and the political-cultural significance of April the 25th for the Italian democratic fatherland. Expected on this symbolic date were pronouncements by the political parties (and especially those deriving from the PCI and the Italian Social Movement, MSI), pronouncements that over the years have come (though only slowly, and with reluctance and hesitation). But also necessary was a political-cultural drive that would clarify and restore the national memory and 'political conscience', giving a direction and legitimacy to this process of political recognition. In this regard, President Napolitano is committed to making an important contribution.

Napolitano's speeches also contain passages referable to the 'politicity' element of constitutional patriotism. Indeed, at this level they exhibit an even greater effort to clarify Italy's political difficulties and the conditions necessary to remedy them - regardless of how this effort may be judged. The substance and form of 'politicity' is the *political* 'pluralism' and 'antagonism' of a national community which is democratic. This pluralism is typically embodied, above all, in political parties; and the 'party system' is the way in which political pluralism is structured. Whilst it is true that a party system cannot exist without a shared set of fundamental values and rules, it is equally true that it is not only a consequence of the constitutional

pact; it is also a political-institutional mechanism which produces and fuels the pact. The party system gives political and democratic expression to the various cleavages (functional, territorial, cultural, ideological) present in a society and 'politicises' them. That is to say, it confers political importance on certain issues and the divisions that arise around them. But it also recomposes those cleavages through reciprocal recognition among the parties, and their mutual legitimation. From this it follows that if constitutional patriotism is to have its necessary political dimension, a number of conditions must be fulfilled: 1) the Constitution must express and recompose the main cleavages in society; 2) the party system must be structured and predictable in its workings; 3) the party system, too, must express and recompose the cleavages present in society and 'crystallised' in the Constitution - in short, the party system and the Constitution must be in harmony; 4) the parties must perpetuate the founding political pact, identifying themselves with the Constitution; 5) the parties, 'making a system', must recognise each other as legitimate. In short, these five conditions tell us that if constitutional patriotism is to possess its 'political' (i.e. pluralist-antagonistic) character, there must be harmony among the cleavages salient in the society, political forces, and the Constitution: in some way, these must reflect each other.

During the Ciampi Presidency, Italian democracy regained its identitarian-patriotic dimension, at both the élite and mass level.⁵ But this was not enough to confer on Italian democracy a sense of collective identification according to the model of constitutional patriotism. Nor was Ciampi's civic-national pedagogy able to promote a sense of patriotic-constitutional identity. This identitarian development was hampered or slowed down mainly by the absence in Italian democracy of precisely the 'politicity' conditions of constitutional patriotism. This absence still persists today. Examples of this situation are: 1) the lack of mutual recognition between the centre-right and centre-left coalitions; 2) the existence in Italian society of a territorial north/south (or centre/periphery) cleavage and its politicisation in the unprecedented form of a 'northern question', and claims for federalism which do not find suitable expression and recomposing in the Constitution (here the protagonist is the Northern League, but there are other regionalist movements); 3) the division between laypeople and Catholics, which in recent years has once again forcefully characterised, and sometimes lacerated, the Italian political-cultural fabric, traversing party alignments; 4) the conflict between the political sphere and the judiciary which has sometimes deteriorated into outright clashes between them; 5) the issue of criteria for the admission of immigrants and their eligibility for Italian citizenship; 6) the problem of Italy's military involvement in foreign wars and international crisis (the Italian Constitution 'repudiates' the use of force to settle international conflicts, and there is a widespread, sometimes radical, culture of pacifism in the

country); 7) the contrasting needs for 'decision' and 'representation' that raise the problem of relations between the executive and the legislature, with defenders of the parliamentary system, on the one hand, and proponents of a presidential-type system on the other. Large part of these divisions today traversing Italian democracy are not envisaged by the Constitution, which appears in some important respects 'distant' from them or 'obsolete' with respect to important demands by society, political culture, and political parties. In face of these cleavages, which express significant changes in Italian society, culture and politics, uniting the country around a constitutional patriotism would require nothing less than a 'new constituent pact', or at least a 're-constituent pact', among the political forces operating in Italy today (Nevola, 2003a).

Apparent in Napolitano's speeches is a certain awareness of these problems. And also a certain concern with the discord among Italy's cleavages (which are so evident also because they have been successfully politicised), the positions of the political parties, and the Constitution. The focus is accordingly on the meaning of the Constitution with respect to the transformations in the political life of an Italy that should and must remain a united and democratic nation because this is what all its citizens want - a country able to depict itself as 'the fatherland of the Italians' also by virtue of its Constitution.

President Napolitano has no doubts about the validity of the Republican Constitution. The values and principles enshrined in it stem from a foundational episode in the Italian democratic community, and they are anchored in the Italians' experience of anti-fascism and the Resistance. They have demonstrated their vitality and efficacy in guiding Italian political life over sixty years of history. This vitality and efficacy, Napolitano stresses, still persists notwithstanding significant changes and the radical political-ideological divisions of Italian democracy of recent years. Of course, the constitutional principles must be implemented, and this necessarily requires a civil, cultural, and political commitment which has to be constantly renewed. But it also requires 'open reflection' on something (the Constitution) which is an 'historical product' and as such - Napolitano notes - must be kept 'alive' amid the great changes now taking place. In short, the Republican Constitution is not an archaeological find to be exhibited in a museum; but nor is it an untouchable 'icon'. On these premises, Napolitano puts forward his 'non-static' conception of the Constitution. On the one hand, this is a conception that marks a certain distance from the positions of the majority of Napolitano's predecessors;⁶ one the other, it is an inevitably 'non-banal' one, given the institutional mission of the President of the Republic as custodian of the Constitution. In this regard Napolitano draws on a forceful argument consistent with faith in the constitutional values: the Constitution should be 'made to live' in the historical moment when it must apply and in relation to the demands that

arise in society. Important as a consequence is the possibility of undertaking constitutional and institutional reforms – a possibility which at some junctures (as in recent years) has become a necessity.

But ‘what’ reform of the Constitution? And what should be the extent of the reforms? Also in this regard President Napolitano is clear and firm in his views. The Constitution, he rightly points out, consists of two parts. The first is that of fundamental principles and values. It expresses the national, historical-ethical, and democratic values – and this part is deemed untouchable. The second part deals with the juridical-political system, and it establishes the institutional order of the Italian democratic State – and this is the part that Napolitano regards as ‘reformable’. This distinction enables Napolitano to clarify that anchorage to the principles of the 1948 Constitution must not be mistaken for pure ‘constitutional conservatism’. Through constructive discussion, and the search for broad agreement among the political forces, it is possible and necessary, but also legitimate, to revise important elements of the Constitution’s second part, without this betraying defence of the Constitution or its fundamental principles. This, therefore, does not signify writing a new constitution or wholesale reform of the present one. As is well known, past attempts in this regard have invariably failed. Feasible instead is revision of specific constitutional articles of great importance in responding to the widely acknowledged need to give greater efficacy to the Republic’s articulation of institutional powers. A good politics, in fact, is in need of universally recognised, strong, and efficient institutions.

Within this framework, according to Napolitano, there are two main aspects on which to intervene: the relationship between the legislature and the executive (and therefore the ‘form of government’), and the relationship between the central institutions and the regional and local ones (and therefore the ‘form of the State’). In regard to the form of government, without expressing his own preferences, which would be inadmissible, Napolitano joins the debate on preference for the presidential option or the parliamentary option. He argues that Italian democracy requires a strengthening of the Government’s decision-making capacity – albeit in full respect of the political-institutional centrality of Parliament. In other words, the role of Parliament should be safeguarded, but the ‘degenerations’ typical of parliamentarism should be prevented. At the same time, the political majority – whatever it may be – should be equipped with the institutional instruments that it needs to govern with efficiency, effectiveness, and timeliness. In regard to the form of the State, Napolitano directly addresses the regionalist/federalist/separatist challenge raised with particular vehemence by the Northern League and in the northern regions of Italy. However, he frames the question in more general and less dramatic terms by shifting the discussion from the ‘identitarian’ level to the ‘functional’ one. He thus stresses the indivisibility of the Republic but

nevertheless recommends a better 'autonomist-federalist' structuring of the Italian Nation-State (expressing, moreover, reservations about reform of Title V of the Constitution relative to relations between regions and the central State – a reform urged by the centre-left majority in 2001 and improperly called 'federalist'). Napolitano does not have objections at the level of principles on the controversial issue of creating a federal system and fiscal federalism. But he stipulates that such reforms must be intended to improve the government and development of the *country as a whole*. Hence, federalism may be beneficial to Italy, but on the condition that it is not introduced solely to enhance the capacities of the richer and more dynamic regions of the North to the detriment of those of the South. Instead, its purpose should also, and especially, be to eliminate the persisting and unacceptable divide between North and South. In the case of federalist reforms, therefore, the prime concern should be their consequences for the southern regions.⁷ Consistently with his openness to federalism, Napolitano also emphasises the need to replace Italy's 'anachronistic perfect bicameralism' with a 'Chamber of the Regions' – supporting thus an evidently federalist model.

V.

Napolitano's 'reformist' stance on the Constitution, his 'dynamic' vision of the latter, and his openness to its revision in light of the difficult issues that have arisen in Italian public life, are certainly consistent with the 'politicity' that should characterise a properly-understood constitutional patriotism: coherence among the Constitution, the cleavages that traverse collective life, and the positions of the political forces. Nevertheless, the directions taken by Napolitano's political-discursive action exhibit two main shortcomings. They concern the creation of an identitarian foundation referable to the model of constitutional patriotism; a foundation which the various components of the Italian democratic nation should share and 'feel to be part of themselves'.

The first shortcoming concerns the range of the cleavages for which Napolitano requests political-institutional recognition and recomposing by the Constitution. In fact, he refers only to certain cleavages that concern the institutional structure of Italian democracy (form of the State; form of government). Instead, he leaves out of consideration (or mentions only in passing) other important issues that induce the political forces to take opposing sides. Here I cite only those that I consider most important: 1) the issue of the relationships between the political system and the judiciary, the limits to be set on interference by the one in the other, and 'mutual respect' between them (on this point Napolitano does not seem to go much beyond moral suasion);⁸ 2) the issue of the relationships between State and Church, and even more so between defenders of the lay (and 'neutral') nature of the

democratic State and proponents of the recognition of confessional (Catholic) values in the public, political, and legislative arena – an issue which has provoked increasing tensions among and within political alignments in face of the need to legislate on ethically sensitive problems, characterised by the public and political-moral protagonism of the Catholic Church as well as by the weakening of politics as a source of ethical and ideological orientation, in face of the pluralism of religious faiths associated with the growing presence in the country of immigrants (especially Muslim); 3) the (classic ‘class-based’) issue of the relationships between ‘labour’ and ‘capital’, in a society which, during the past three decades characterised by globalisation and liberalisation, has seen increasing inequality in the distribution of power and wealth between labour and capital (as made evident by the global economic-financial crisis of recent years, or by Fiat’s recent plans for the restructuring of production and corporation-union industrial relations); 4) the issue (now of unprecedented magnitude in Italy) of immigration, which provokes fierce controversy in society and among parties on policies to regulate migratory inflows, the reception and integration of immigrants, their entitlement to citizenship, or the acceptability of an increasingly multiethnic and multicultural society.

The second shortcoming (which partly relates to the cleavages which Napolitano places at the top of the agenda for revitalisation of the Italian Constitution) concerns the way in which he frames the nature and recomposing of political cleavages within a frame of renewed cohesion and national unity as the basis for Italian democracy. This is an approach which can be termed ‘functionalist’. That is to say, it is an approach attentive to the pragmatic dimension of the workings of a democratic system, based on criteria of efficiency and effectiveness relative to the performance of decision-making and representation mechanisms, and based on a ‘rational’ institutional engineering perspective. Napolitano expects from constitutional reforms inspired by this ‘functionalist’ view of politics⁹ that Italian public life will draw new nourishment from a so reformed Constitution. This would be the road to make the Constitution able to include better all parties and able to act as a pillar of a shared fatherland. However, an approach of this kind fails to see, underestimates, or deliberately ignores the fact that the issues and cleavages that today convulse Italian public life and impede sharing of a ‘constitution-fatherland’ lie at a level deeper than the ‘functional’ one – a level which I would call ‘identitarian’. This ‘given of political reality’ makes resolution of such issues and the recomposing of cleavages through the constitutional reforms propounded by Napolitano very difficult, if not impossible. The identitarian cleavages, in fact, involve fundamental values, visions of the world, partisan affiliations, cultural and territorial roots, political cultures, and ‘mental reservations’ or collective pre-judgments that produce a

polarisation among social and political forces, as well as distrust, suspicion and reciprocal 'extraneousness'.

Divisions of this kind are difficult to heal solely by means of the pragmatic-rational action of institutional engineering. In other words, the difficulties of constitutional reformism are deeply rooted in the political culture, and it is for this reason that they are particularly intractable. Firstly, the 'parties' do not recognise each other as 'parts of a whole', as parts of a shared political community. This prevents a reform process driven by dialogue, by 'reciprocal listening', in accordance with the virtuous experience of the constituent process of the democratic Republic after the Second World War (Pombeni, 1995) which Napolitano insistently cites as a model. At that time, in fact, although the parties clashed on many fronts, they granted legitimacy to each other, united by a pact of freedom and shared anti-fascism. Their task was to build Italian democracy together, and each party considered the contribution of the other legitimate and worthy of consideration, acknowledging its democratic credentials – and they did so despite their mental reservations or different views of freedom, equality, rights and duties, and of democracy itself. Only on the bases of a political communality of this kind – that is, only on the bases of the existence of conditions for a 'political pact' – was it possible to accomplish a 'constituent pact' and a Constitution of which the parties were equally the 'fathers' and, at the same time, the 'fully legitimate children': the Constitution was *their Constitution*; it was the Constitution of the political parties, of the political cultures, of the Italians involved – with some excluded (the heirs of Fascism, as in the case of the MSI). This was a process certainly referable to constitutional patriotism.

Secondly, the current Constitution or the constitutional reforms proposed do not solve the problem of the recognition of the equal and full legitimacy of the political adversary – at least not from the standpoint of a constitutional patriotism. For this reason, the 'pact that binds us together' is today under strain. Indeed, it is sometimes openly disputed by certain political forces whose radical criticisms of the Constitution reveal their rejection of either the latter or the option of a 'new' one. The fundamental issue is that, rightly or wrongly, the political forces today dominant in Italy do not feel themselves equally and entirely the 'father' and 'children' of the current Constitution. This is due to the fact that some of them were not part of the political pact which gave rise to the present Constitution: either because they did not exist at the time or because their political predecessors were excluded from the pact. An important consequence of this situation (to which I shall return below) is that some parties do not see the present Constitution as recognising and recomposing the issues and cleavages from which they draw their political rationale, their electoral support, their capacity for democratic representation, and their identity (values, visions, interests). Whence derives a 'mutual extraneousness' between the

Constitution and certain political movements and attitudes – albeit with formal respect for the constitutional rules and their authoritativeness (an aspect, this, of no little importance).

In this situation, the politicity necessary for constitutional patriotism can only be acquired along the ‘high road’ (the ‘master road’) which solves at its root the problem of the mutual political extraneousness between the Constitution and certain political forces: a ‘new’ Constitution based on a ‘new’ political and constituent pact among the parties, political cultures, and other social actors today the protagonists of Italian public life. This would be a pact that comprised among its contractors also those parties, cultures, and actors which today feel themselves most ‘extraneous’ to the Constitution – and some of which for almost twenty years have been at the centre of the political stage by the will of Italian citizens, have repeatedly achieved majorities in elections, and headed the country’s government.

VI.

Emphasising this necessary condition for constitutional patriotism in Italy is not to express any value-judgement, any sympathy or antipathy towards the parties concerned. The argument is *sine ira ac studio*. Here, in fact, I do not wish to go into the feasibility or desirability of a ‘new Constitution’ drawn up by the political parties today most significant in Italy, in light of the dominant cleavages politicised by them, with their ‘identitarian’ and political-cultural contributions (whatever their specific content). I shall instead conduct a ‘conditional analysis’ of constitutional patriotism as a form of identity and national political cohesion for Italian democracy in recent years. The interest in concentrating on this point is also due to the fact that, as already pointed out, constitutional patriotism has for some years been an objective with supporters in the cultural, scientific, and political debate, and to which the last two Presidents of the Republic have been explicitly committed. In this respect, as said, something has changed between the years of the Ciampi Presidency and that of Napolitano. Nevertheless, despite some important differences, fundamental unresolved problems still remain. Consequently, further discussion of the position taken by the current Head of State seems fruitful, especially in regard to some of his particular opinions.

According to President Napolitano, ‘None of the political forces that took part in elaboration of the Constitution... has remained the same as it was at that time’ (Napolitano, 2009: 139). This statement is accurate and important, and it rightly takes account of political changes that should not be forgotten. But full understanding is necessary of the extent of these changes, which have led to the ‘de-structuring’ of the party system erected on the ‘constitutional arch’ of the post-war period. Napolitano’s observation describes the reality, but on more careful examination it is

somewhat generic, or better partial, because it does not make explicit certain substantial differences among the changes emphasised. There is no doubt that none of the political forces involved in the constituent process at the end of the Second World War has remained unchanged. Nonetheless, this notation refers to political forces that *participated* in the process and which, still today, are at least partly recognisable in the party-political landscape (as regards their personnel, political-ideological orientation and values, organisation, and identity). The reference is, in this case, above all to the Christian Democrats and the PCI: two political forces that have gradually transformed themselves or regrouped in recent years (People's Party, Margherita, UDC, UDEUR, PDS, DS, Democratic Party, Communist Refoundation, etc.). But this does not say everything about the changes in question. There are at least two other cases to consider. The first concerns a political force that has indeed changed in recent years – in important respects, not least the orientation of its leadership – but which does not at all derive from any of the political forces that participated in elaboration of the Constitution. The reference is to the MSI, subsequently the National Alliance, which then, under the leadership of Gianfranco Fini,¹⁰ joined the People of Freedom headed by Berlusconi (although at the end of 2010 one of its factions led by Fini himself split from Berlusconi's party).¹¹ The second case instead concerns political forces which have come to the fore since the 1990s (one of them was born precisely in those years) and which did not participate in drafting of the Constitution because they did not exist at the time. The reference is to the Northern League and Forza Italia (subsequently People of Freedom).¹²

This variety of situations, together with other elements concerning the positions of these political forces on important political issues and their politicisation of certain cleavages, have significant repercussions for the prospects for an Italian constitutional patriotism. To clarify the point, I shall start with another belief expressed by Napolitano: the political crisis of the 1990s gave rise to 'a set of political forces which, because they compete for government of the country, recognise the Constitution' (Napolitano, 2009: 139). It is clear that at the level of *political legality* – that is, at formal-institutional level – matters stand as Napolitano describes them: none of the political forces in question declares itself extraneous to the constitutional framework, and all of them act in compliance with constitutional constraints. Even when these latter appear 'forced', the political-democratic game is driven by the rules and by legality. Nevertheless, as for example German political scientists emphasised, following Weber, at the time of the Weimar Republic (Weber, 1921; Schmitt, 1932; Kirchheimer, 1932), there exists another level: that of *political legitimacy*. This is the level defined by values, by *political judgement*, by *political recognition-acceptance* of constitutional constraints, rules, and adversaries, by *political identification* of all parties with a shared idea of a

democratic fatherland, and therefore by endorsement of the 'Constitution as fatherland'. This is a level of politics which is more difficult to grasp and 'to photograph' on the empirical level and that of actors' behaviours. It is especially so when political forces resort to it (as often happens) while simultaneously acting at the level of political legality, thus more or less subtly playing the 'ambiguity' card. This comes about when political forces exploit the 'twofold nature' of democratic politics: democracy as *legality* expressed by juridical norms and procedures; and democracy as *legitimacy* expressed by political judgements and by the 'people' (or by the groups of which it consists). And yet, when considered in terms of *democracy as legitimacy*, the Italian political climate of today appears to gainsay Napolitano's conclusion about a full Constitution sharing, so that in some cases it seems to be little more than an official homily, a rhetoric devoid of concrete content. Of course, it is above all at this level that the expectations of constitutional patriotism for Italy should be measured, and it is at this level that they are disappointed. Evidencing this situation are numerous episodes, declarations, and actions that involve almost all the protagonists of current Italian politics. Here I shall cite only some of them: a) the discontent with the Constitution (if not its disownment) repeatedly expressed in public by the current Prime Minister, Berlusconi; b) the 'snubbing' by the Northern League of the ongoing (2010-2011) celebrations of the 150th anniversary of Italy's unification, with explicit criticism of the creation of the Italian Nation-State - unification which receives solemn reaffirmation and formal custody in the Constitution, which defines the Italian Republic 'one and indivisible'; c) the persistent, even if sporadic, accusations of anti-democratic behaviour and attitudes that the coalitions continue to level at each other: the left and centre-left parties identify the right and centre-right parties (and Berlusconi in particular) as the negations of democracy, the driftage or simulacrum of democratic legitimacy, 'the Mob become a political regime', a new fascism, democracy degenerated into populism, an enemy of the constitutional order. Or they see Berlusconi's party as a 'political business' owned by a plutocrat and media manipulator; while they consider the Northern League to be bent on destroying national unity, as an instigator of racism and social egoism. They accuse their political adversaries of damaging Italy's reputation in Europe and internationally. The right or centre-right parties identify their adversaries as the expression of pure establishment politics, out of touch with society and its 'moods', incapable of representing the interests and values of ordinary people, the embodiment of professional politics, parasitical politicians who live on the backs of Italians who work. Or they see the left and centre-left parties as entrenched in defence of privileges and powers through a Byzantine and formalistic politics that draws its strength from anachronistic constitutional constraints and institutional rules unconnected with the popular will. Centre-left politicians are often accused

of being 'hard left' and 'camouflaged communists' allied with those Catholic forces that have betrayed their values for the sake of power. The rightist parties accuse their political antagonists of being contemptuous of the popular meaning of democracy, of instigating social conflicts and personal hatred, whose action has the sole purpose of preventing the legitimately elected government and the majority from 'working', to the point of damaging the national interest and ruining Italy's international image.

Hence, if one considers the relations between the main political parties in Italy in recent years, it is difficult not to conclude that reciprocal recognition, acceptance of the political adversary's legitimacy, and full political (and not only formal-procedural) identification with the Constitution by all political forces do not seem to describe a *modus vivendi* well established in Italian democracy today.

All this raises a *political* problem for the prospect of a constitutional patriotism which 'binds' Italians together on the basis of a shared democratic identity. The Italian democracy that has emerged from the turmoil of the 1990s has been termed the 'Second Republic' by numerous observers. But in truth the 'Second Republic' has never consolidated: indeed, there are those who argue that it is now necessary to set about constructing a 'Third Republic', because the 'Second' one has already died or was aborted before it was born.¹³ In this ambiguous situation 'suspended' among a 'First', 'Second' and 'Third' Republic, what is certain is that the constitutional patriotism advocated by Napolitano with the purpose of enabling Italian democracy to function more efficiently and to confront the mounting domestic and international difficulties of the age, is an outcome difficult to achieve. On this view, Napolitano's correct and noble idea of the 'pact that binds us together' requires clear steps forward on the *political* level of the national identity. More than anything else, it requires that Italian democracy, with the political forces that populate it, must not remain stuck 'in the middle of the ford'¹⁴ between a 'First' Republic which by now no longer exists (although it still has its admirers) and a 'Second' Republic (or a 'Third', if one wishes) which has never come fully into being (and which also has its proponents).

VII.

The Italian political system needs to resolve this indecision between the 'First' and 'Second' Republic. In parallel, it is essential to understand which of them should underpin the constitutional patriotism of the Italian democratic community. In principle, both options are viable in their own way. The first of them, however, cannot be more than an attempt to ground constitutional patriotism on the current Constitution and on the significance that it has acquired through its political, ideological, and

cultural history. And this is not only because of the need, urged by many, to revise some aspects of the current Constitution; it is also, and especially, because of the need to turn it into a Constitution which all the political and social forces, and all the cultural movements, today the protagonists of Italian public life truly feel to be their own. Necessary for this purpose is what I call a 're-constituent pact' on the current Constitution (with possible revision of specific points), so that the contemporary interpreters of Italian democracy become, and feel themselves to be, the fully legitimate 'fathers' and/or 'children' of a Constitution to which they look and with which they identify politically as democratic Italians. In this case it would be necessary to 're-forge the pact' on the basis of the 1948 Constitution: or, in a certain sense, 're-sign' all together the old Constitution or a retouched version of it. By contrast, the second option would require a new political-constitutional pact to give rise to a new Constitution able to perform its political-identitarian mission as in the previous scenario.

Until Italian democracy is able to accomplish this task, the 'Constitution as a fatherland for Italians' will continue to be a project that is either anachronistic, or rhetorical or un-political. As in the past so today, the main responsibility lies with the political parties, and also with the social and cultural forces in the country. The problem is one of a political nature, and politics must find the answer for it. To this end, the investment of resources, energy, and determination in development within society of a suitable political culture and commitment to rendering it fertile are indispensable if the notion of constitutional patriotism is not to lapse into a purely declamatory, or sometimes even opportunistic, rhetoric able at most to satisfy or interest political élites or intellectual coteries. Italian citizens must play their part, and in recent years they have indeed responded to the patriotic appeal – as already apparent in the years of President Ciampi's civic-national pedagogy. But constitutional patriotism is something else: it is a lofty and demanding form of (identitary) politics in the age of democracy.

As democratic Italians, we cannot but be grateful to President Napolitano for his lucid diagnosis and sober cultivation of the 'good reasons' for 'a pact that binds us together'. We must also acknowledge that he has brought constitutional patriotism closer by assuming the task of directing attention to the political level. Furthermore, his public speeches (but also his institutional pronouncements) reveal an orientation and a commitment to furthering the cause of a democratic national identity through what we may call a 'civic-national *politics*'. Napolitano's civic-national politics build on the 'civic-national *pedagogy*' of Ciampi, and in a certain sense they steer it in the direction of a constitutional patriotism as properly understood. But the destination does not yet seem to have been reached, nor is it close.

We may perhaps ask Napolitano to persevere in his endeavour and to address the political-cultural issues still to be resolved. But we must above all ask the political parties to enhance the meaning of politics and to convince ordinary citizens, associations, and social movements that their political legitimacy is surely rooted in the partisan consensus envisaged by the rules of a democratic regime. But the citizens should also be told that parties' legitimacy also stems from their capacity to ensure the quality of political cohabitation in a democratic community as a whole, as well as to represent it publicly. The precarious cultural and organisational state in which the political parties have languished for years, especially in Italy, do not induce optimism. Nevertheless, the road is the one as described, and until it has been travelled, the controversial national identity of Italians will continue to configure itself, in the best of cases, in terms of a 'civil religion'. As such it will continue to run the risk of derailment from the principles of liberal-democracy, already difficult to fulfil in themselves.¹⁵ Political analysts and intellectuals have the task, should they accept it, of demonstrating that work at the level of political culture to develop a constitutional patriotism is of crucial importance for collective life, and for the democratic quality of a political community.

Translated by Adrian Belton and Gaspare Nevola

Notes

¹ The international factors include: globalisation; the end of the regimes of 'real socialism' and of international bipolarism of the Cold War years; the frequent political-military crises in various regions of the world; European integration and 'enlargement'; transnational migrations. The national factors include: the demise of the parties and ideological forces that characterised Italian republican politics for almost half a century; the 'de-structuring' of the party system born from the 'constitutional arch' after the Second World War and which dominated Italian politics until the 1990s; the birth of new political forces, in some cases heirs of the traditional parties, in others entirely new; the emergence of new issues or the return of cleavages for decades latent (federalism, the 'northern question', laicism/Catholicism, State/market, immigration, Europeanism, globalism, nationalism, localism); the deligitimisation of the political institutions and class following corruption scandals ('Tangentopoli') which led to the disappearance of large parts of the old ruling political class; the increasing disaffection of citizens with politics (neo-populism, anti-politics); the bitter conflict among political forces, which refuse to recognise each other as legitimate in the democratic competition and in government; the acute conflict among the political institutions (Government, Parliament, President of the Republic, judiciary). See Nevola (2003a; 2003b).

² On this political phase in Italian democracy, for that matter still ongoing, see Grilli di Cortona (2007), Calise (2006), Lazar (2006), Morlino and Tarchi (2006), Caciagli (2010).

³ The concept of constitutional patriotism, which relates to the French and North-American political-cultural tradition of republican patriotism, was propounded in Germany after the Second World War by Dolf Sternberger, and consecrated in contemporary political theory by Habermas in the 1980s, with reference not only to Germany but also to the European Union. For an analytical-conceptual discussion see Nevola (2007b).

⁴ The 'universalism' basis of constitutional patriotism is in many respects the least problematic in a consolidated democracy, and it is so also in the Italian case. On this see Nevola (2003a).

⁵ Information in this regard is available from various sources: articles in the press, television programmes, fiction and films, conferences, research studies (principally historiographical), opinion polls, and so on.

⁶ With the exception, in the past twenty-five years, of President Cossiga, though he cannot be compared with Napolitano. Recall that Cossiga was President of the Republic in the years of the 'post-1989' Italian political crisis.

⁷ At the level of the political-territorial cleavages 'centre-periphery', or centralist State *versus* federal State, Napolitano shows a certain openness to the 'reasons' for the new 'northern question'. But his attention is never distracted from the 'reasons' for the more traditional 'southern question'. In his public speeches, the latter is constantly made a national priority, also with recommendations for self-criticism by southern society and culture.

⁸ However, it should be borne in mind that neither in this case does Napolitano evade controversial issues, being harshly critical of both the political system and the judiciary. In the former case, he points out that nobody can claim to be above the law. In the latter case, he stresses that it is the duty of judges to administer the law, not to exhibit 'courage', 'pursue the powerful' or 'strike at political malpractice which does not constitute significant criminal behaviour'. He urges judges to 'avoid media exposure', lest 'television come to overlap with justice'. On the one hand, Napolitano notes that there is no form of popular investiture that allows a politician to refuse to be interviewed by a judge tasked with applying the law (here the polemical allusion is, for example, to the frequent, and current, occupant of the office of Prime Minister, Berlusconi). On the other, he observes that every judge must be 'aware of the effects that may be produced by his or her actions' (and here some might see an equally polemical allusion to, for example, the conduct of the 'Clean Hands' judicial investigations of the 1990s, or to more recent ones). See Napolitano (2009: 152-3).

⁹ The same expectations are held by some political analysts, sections of the public, and certain political forces (especially on the centre-left, but also on the centre-right – consider the faction led by Fini).

¹⁰ Fini is currently President of the Chamber of Deputies.

¹¹ The party headed for many years by Fini is a complex and interesting case which raises numerous questions that cannot be dealt with thoroughly here. Suffice it to point out that this party, which originated from one excluded from the constitutional process after the Second World War, has in recent years, above all through the efforts of its leader Fini, developed (not without difficulties and

ambiguities along the way) a position which consists in full, and not merely formal, recognition of the current Constitution. It has thus set aside one of its main political demands of recent years (for a form of presidential government). Although political events in 2010 show that Berlusconi and Fini, for some time at loggerheads, have politically divorced, it should not be forgotten that: a) Fini's party owes a great deal to Berlusconi for its legitimisation since 1993; b) it was until recently a 'historic' ally of the political movement led by Berlusconi, and indeed formed a single party with it for a few years; c) Berlusconi and his movement (Fini's 'historic' ally) are not among the convinced proponents of the current Constitution. In regard to the recent, abrupt, and acrimonious split of Fini's party (or better a faction of it) from Berlusconi's People of Freedom, still to be determined is the extent to which this has been due to a profound and genuine political, cultural and identitarian change of mind by Fini, and the extent to which it has instead been prompted by considerations of political expediency by a party leader in search of a 'political repositioning' (especially in a 'post-Berlusconi' scenario) with respect to the overwhelming weight and 'compromised' image of Berlusconi, and with a view to political-electoral competition with the Northern League (always an awkward ally). It is not easy to pronounce on the matter, although there is reason to believe that it does not exclusively concern political expediency.

¹² This is also the case of Italy of Values – the political party founded, headed, and led to a certain degree of political-electoral success by Antonio Di Pietro, the former chief public prosecutor in the 'Clean Hands' investigations of the 1990s – a party whose political orientation (not without ambiguities) is still difficult to decipher and to locate along the dimension of the political-constitutional and political-identitarian issues discussed here. As regards Forza Italia, as already said, some years ago it bred, besides the National Alliance, also the People of Freedom, although in 2010 a faction of the National Alliance headed by Fini withdrew from it.

¹³ Among the numerous contributions made over the years to this debate, to be mentioned in particular are the following: Sartori (1992), Barbera (1991), Miglio (1990), Calise (2006), Grilli di Cortona (2007).

¹⁴ I take the expression from the title of a book by Napolitano (1979) on the difficult years of the 1970s for Italian democracy: *In mezzo al guado*. For analyses of this critical juncture in Italian democracy see Graziano and Tarrow (1979).

¹⁵ For a comparison between the identitarian formulas of civil religion and constitutional patriotism, their differences at the level of democracy, and with reference to Italy, see Nevola (2006).

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