

## The power of words: the changing role of the Italian head of state during the Second Republic

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Many authors use the metaphor of an accordion to describe the enlargement of the constitutional functions of the Italian head of state: because of the weakness of the political parties the president is able to 'open and play the accordion' according to his own interpretation of his institutional powers. While useful, this metaphor does not take into account the structural changes that have occurred over the last 30 years, as well as the informal powers that recent presidents have resorted to, which were the most important factors in the metamorphosis of the presidential figure. Structural changes include the end of the Cold War, the collapse of the First Republic and the mediatisation and personalisation of politics and party structure. Informal powers include those of '*esternazione*' (a term that roughly means 'to render public personal statements without previous consultation with the cabinet') and of moral suasion. By analysing the development of these two powers, this article aims to describe the changing role of the head of state during the Second Republic. It also defines a typology of presidential moral suasion, which is proposed as a useful tool to analyse presidential style and strategy in influencing law-making. The analysis of the innovative use of communicative powers by the last two presidents, Ciampi and Napolitano, shows how the transformation of the Italian presidency can probably be considered permanent.

**Keywords:** Italian head of state; power of moral suasion; power of '*esternazione*'; Italian Second Republic; monocratic leader; communication

### Introduction

Even though the president of the Italian republic has no executive powers, the constitution assigns him real weight, to the extent that he is 'the head of state with the most important prerogatives in Europe' (Napolitano as quoted in Scalfari 2012). This may be true of the role played by President Napolitano (2006–to date), but it looks like an overstatement of the role of the Italian head of state during the so-called 'First Republic' (1948–92). At that time, the Italian political system was based on a strong tradition of party government (Vassallo 1994) and dominated by well-organised political parties, such as Christian Democracy (DC), the Italian Communist Party (PCI) and the Italian Socialist Party (PSI). The head of state was a secondary figure and, except in rare cases,<sup>1</sup> his constitutional power to influence executive appointments or dissolve parliament was very limited. With the crisis of the party system and the beginning of the 'infinite transition' (Pasquino 2001, 317) to the Second Republic, a transformation of the

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presidential role occurred. Early indications of this change can be traced back to the Pertini (1978–85) and Cossiga (1985–92) presidencies. But it was from the Scalfaro presidency (1992–99) onwards that the conditions matured for a more marked political role for the head of state. This enlargement of presidential functions was described metaphorically as an ‘accordion’ by the former prime minister and new member of the Italian constitutional court, Giuliano Amato:

When the political parties are strong, they prevent the president from ‘opening’ and playing the accordion according to his wishes and his interpretation of his institutional powers. If for whatever reason the parties are weak, then the president will be able to play the accordion how and as much as he likes to its full extension. (Pasquino 2012, 847)

Although it is useful to link the enlargement of presidential constitutional powers with the weakness of parties, this metaphor focuses solely on the institutional setting and formal powers of the president. It does not take into account the structural changes over the last 30 years; neither does it consider the informal powers that the most recent presidents have resorted to, which above all contributed to a real and probably permanent metamorphosis of the presidential role.

As far as the structural changes are concerned, recent studies have stressed the importance of the end of the Cold War and Europeanisation in challenging the Italian party structure and strengthening personal leadership (Fabbrini 2012). Furthermore, the collapse of the narrative of perfectly oppositional identities underpinning the national and international political order, made available a new symbolic and political space of reciprocal recognition (Thomassen and Forlenza 2011). At the beginning of this process were the vain attempts by Cossiga to put pressure on political parties for a reform of the institutional system, and the opening of a new phase characterised by the end of the so-called *conventio ad excludendum*, that is, the agreement to keep the Communist Party out of government, primarily justified by foreign policy concerns. However, it was only with Ciampi’s project to build a shared historical memory as a new type of national unity, beyond the party system, that such a process was successful (Forlenza 2011).

The end of the First Republic and mass political parties coincided with the crisis of political representation – the difficulty of the political system in representing the interests of all citizens. The span 1992–94 was the watershed: ‘following the major crisis derived from the Clean Hands investigation and the reform of the electoral system, Italian parties have seen their political strength significantly curtailed’ (Pasquino 2012, 845). It was the beginning of a systemic crisis involving economic, financial and legal emergencies, which favoured the enlargement of President Scalfaro’s formal powers.

Other structural changes that also contributed to the redefinition of the Italian political system included the mediatisation and personalisation of politics and party structure (Calise 2010). Such processes have increased not only the actual power of executive and party leaders (Poguntke and Webb 2005), but also the role of the president of the republic, which is the only monocratic entity in the Italian constitutional system (Fusaro 2008). Now even legal scholars emphasise the ‘communicative power’ of the president (Morrone 2013, 288) and his ‘charismatic and plebiscitary legitimation’ by public opinion (Scaccia 2013, 104). Mediatisation and personalisation also enable a more intensive and refined use of two informal powers by the president: the power of ‘*esternazione*’ (a term that roughly means ‘to make public personal statements without previous consultation with the cabinet’) and the power of moral suasion. Although not attributed to the president by the constitution, the development and use of such powers during the most recent presidencies are an indicator of the structural change in the office.

The power of '*esternazione*' has been analysed mainly from a juridical perspective (Dogliani 1997; Gorlani 2012; Grisolia 2007; Zagrebelsky 1991); the only serious attempt to operationalise this concept was provided by Tebaldi (2005) in his empirical analysis of presidential powers. Other studies have used the '*esternazioni*' to describe the presidential narrative of the country (Grimaldi 2011; Zevi 2013). In addition, challenging legal scholars' monopoly in this field (Baldassarre and Mezzanotte 1985; Luciani and Volpi 1997), some authors provided a historical and political reconstruction of the personality of each president (Mammarella and Cacace 2011), as well as a linguistic analysis of presidential messages (Cortelazzo and Tuzzi 2007), and their role in the construction of national identity (Ridolfi 2003).

As far as the power of moral suasion is concerned, it is the 'original essence' (Manetti 2007) and the distinguishing feature of the last two presidencies. Yet, probably because it is hard to define and delineate such power, in-depth studies on this topic are still lacking.

The aim of this article is twofold. The first objective is to show how the transformation of the role of the Italian head of state can be considered as permanent. In order to verify this we will analyse the power of '*esternazione*' and of moral suasion as indicators of this structural transformation. The second objective is to introduce an early typology of presidential moral suasion, by providing some paradigmatic examples of its different use by Ciampi and Napolitano.

Although such powers are strictly interrelated to the constitutional powers of the head of state, as the sentence no. 1/2013 by the Italian constitutional court established, the article introduces them separately for reasons of clarity. The following section focuses on the transformation of formal presidential powers during the transition to the Second Republic. Then, we analyse the power of '*esternazione*' and the power of moral suasion under the Ciampi and Napolitano presidency. The last section consists of some concluding remarks about the permanent transformation of the Italian presidency.

### **Presidential constitutional powers in the transition to the Second Republic**

The powers of the president of the republic were 'formally ill-defined' by the Italian constitution (Tebaldi 2005, 10). Consequently, 'the role and the position of the president have remained uncertain and vague' (Luciani and Volpi 1997, 11). This allowed each president to play his role with great flexibility and to 'greatly expand his powers of intervention, and to escape, in part or entirely, the control of the parties and to take a dialectical stand against them' (51).

Article 89, first point, states that 'no act of the president of the republic is valid if it is not signed by the proposing ministers, who assume responsibility for it'. This is a very important constitutional constraint that prevents the president from using his formal powers in a completely autonomous way. Indeed, the countersignature by a minister constitutes the formal limit to the opening of presidential 'accordion'. As we shall see, such a constraint does not apply to the informal powers of the head of state, which, for this reason, emerge as the truly autonomous 'elbowroom' of the president. As far as the relationship with government and parliament is concerned, the constitution attributes to the president of the republic three fundamental powers:

- (1) the appointment of the president of the council of the ministers, that is the head of the executive (article 92);
- (2) the dissolution of one or both Houses (article 88);
- (3) the promulgation of laws and the issue of decrees having the force of law (article 87), which includes the power to refer laws to parliament regarding doubts on their constitutionality.

While conventional constitutional studies used to distinguish between the first two powers – as powers of political influence – and the power of promulgation of laws – as a power of constitutional guarantee (Galeotti 1985), recent studies (Morrone 2013; Pinelli 2013) consider such a distinction both outdated and ineffective for understanding the evolution of the presidential figure. The political role of the president lies in his very function of guaranteeing, protecting and representing national unity. This interpretation is confirmed by the sentence no. 1/2013 of the constitutional court, establishing that the role of the president's constitutional guarantee is strictly interrelated with his capacity to influence other institutional powers (Cheli 2013). Even the neutrality of the president indicates only that he is not a 'partisan power', and does not diminish his 'political power' – not in the sense that he makes political decisions, but because he

is capable of influencing them; [he] does not initiate trends, but keeps the existing ones or favours the new emerging ones; does not 'control' decision making through powers of annulment, but does so by making those who decide to reflect on their actions; does not launch crusades or give an impetus, but advises and encourages. (Baldassarre 1994, 477)

The structural changes and the systemic crisis that occurred during the transition to the so-called Second Republic led recent presidents to a different interpretation of these constitutional powers, which is partly consistent with the 'accordion' metaphor.

As to the power to appoint the head of the executive, the advent of a mainly majoritarian electoral system (from 1994 to 2005), coupled with the tendency towards a polarisation of national politics and, from 2001 onwards, the explicit indication of the potential premier by the electorate, should have transformed this power into nothing more than the ratification of election results. Yet, because of the persistent weakness of the political parties, together with the shortcomings of the new electoral law,<sup>2</sup> this has never happened in practice. In fact, whenever elections produce no parliamentary majority, the head of state 'opens the accordion' to such an extent that he imposes the appointment of a prime minister on the parties, as with the 2013 Letta coalition government. In the case of a government crisis, the president uses this power combined with the power to dissolve the Houses.

During the First Republic dissolution was decided by the majority of the parties in parliament, but from 1992 onwards it has become a more markedly presidential power (to dissolve, not to dissolve or to threaten to dissolve). The president is no more the 'institutional restraint' of the will of the parties, but he co-decides with them, standing as arbiter of last resort (Morrone 2013). The continuing crisis of parties allows the president to make choices other than ending the legislature, both contributing to the creation of a new parliamentary majority and forcing through the appointment of a new prime minister, as for the Monti government in 2011. As far as the power to refer laws is concerned, up to the Scalfaro presidency the head of state, consistent with the formal constitution, had two options: to promulgate the law or to request the Houses, with a reasoned argument, to deliberate again. From Ciampi onwards presidential practice has introduced a new option: the so-called 'dissenting promulgation' (Ruggeri 2002), that is, the possibility of attaching a disapproving letter or an official note to the promulgation. Such a practice greatly contributed to the politicisation of that power, since the head of state can put on record his critical stance on the content of the new law or the law-making procedure of the government or parliament.

### **Presidential communicative powers**

The strengthening of the political role of the president has been described as a long-standing trend that has intensified in recent years (Tebaldi 2005). Perhaps not accidentally, some

explanations for the increasing role of the head of government (Calise 2005) are the same as those used by other authors to describe the increasing centrality of the president of the republic in the Italian political system. These include:

the monocratic nature of presidential office, the only one in the Italian constitutional system; the long-term tendency to a re-personalisation of politics, linked to the decline of mass parties in the twentieth century; the role played by mass communication media; the weakness of party politics, seen as aloof by the citizens and therefore weak and inadequately legitimised, and in need of – even presidential – support and endorsement. (Fusaro 2008, 42)

Drawing on the dynamics of mediatised and personalised politics, the head of state has carved out a new role within the institutional system. This has been achieved by the president through a more intensive and strategic use of his power of communication, that is, the leadership's ability to build trust, inspire loyalty and lead effectively (Garcia 2012). Therefore, it is no paradox that the Italian 'great communicator' era (VV. AA. 2004) – the Berlusconi era – has also been characterised by the rise of another personal 'counter-power of influence' (Fusaro 2010), who has been able to stand against Berlusconi and other political leaders as a contender in the public arena. Communication includes all the tools available to the president of the republic to implement his informal powers: press notes; unofficial 'rumours' often masterfully circulated within the president's entourage; public statements aimed at clarifying the stand of the head of state; and the often impenetrable and subtle forms of presidential persuasion. The power of communication is realised through the presidential ability both to speak directly to the public at large, thus strengthening the relationship between the president and the public opinion, and to influence other institutional powers, such as government and parliament, thus redefining the balance of power between them.

### **The power of '*esternazione*': the president and public opinion**

'*Esternazione*' defines the president's public expression of his opinion, which is disseminated in an informal and free manner (Morrone 2013). It is not based on formal acts, needs no ministerial countersignature and is often unpredictable as regards its content and form. As such, it is a very personalised and autonomous power reflecting the ability to communicate and the style of each president (Lippolis and Salerno 2013). Other specific characteristics of the '*esternazione*' are its addressee, that is public opinion, and its means, that is the media. Indeed, most of the presidential '*esternazioni*' achieve their target through the media, both directly – by an interview, an official note or a letter to a newspaper – and indirectly, by media reports of presidential statements expressed in official ceremonies or informal talks.

The first important goal of such a power is a rise in the visibility of the president. As Figure 1 shows, from the Pertini presidency onwards, the astounding development of this power has greatly contributed to the transformation in public perception of the presidency.

Compared to the average of previous presidents, Pertini's presence in the media is 151% higher. A trend confirmed by Cossiga (+54.3% compared to Pertini), above all during his last two years in office, as well as by Scalfaro (+11.4% compared to Cossiga). However, it is with Ciampi and Napolitano that the president's visibility is at its peak. Compared to Pertini, Ciampi (+96.4%) and Napolitano (+82.8%) seem to belong to a different era. They are truly mediatised presidents, whose relationship with public opinion is a kind of daily ritual. Pertini opened the door of the '*palazzo*' (the corridors of power) to the citizens, to carry out 'a symbolic integration of the masses [...] within the national community' (Baldassarre and Mezzanotte 1985, 267), whereas Ciampi and Napolitano moved the presidency out of the *palazzo*, to find in public opinion an alternative

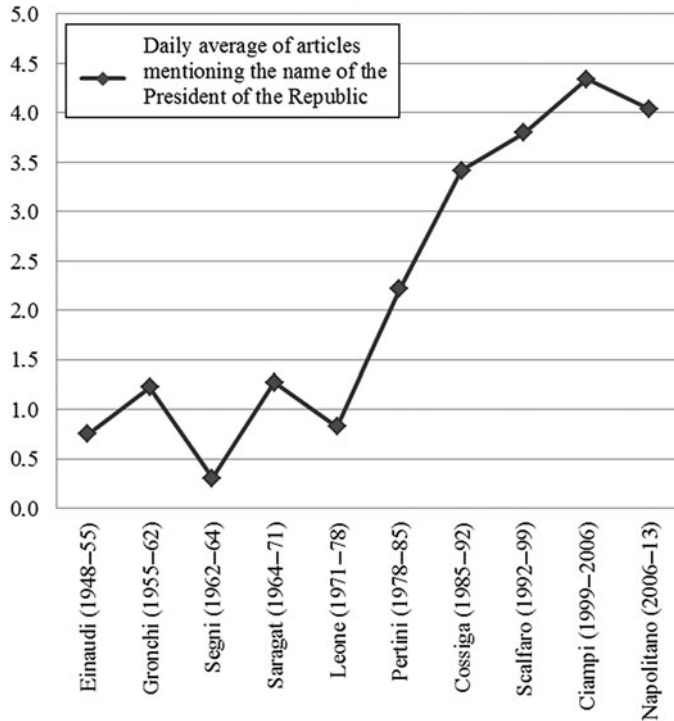


Figure 1. Media visibility of the president of the republic 1948–2013. Source: our elaboration from *La Stampa*.

source for their legitimation (Scaccia 2013). After Pertini, the last two years of the Cossiga presidency are referred to as the apex of the use of such power during the First Republic, to the extent that Zagrebelsky pointed out that the power of *'esternazione'* had grown to the point of 'shaking the foundations of our constitution' (1991, 709). But Cossiga's aims to put an end to the old political system and create a direct connection with citizens failed because political parties still retained the ability to channel public opinion and mainstream media.

But their growing inability to do this, combined with the mediatisation and personalisation of the political arena, quickly gave rise to the recognition that the head of state too had the right to make his *personal* opinion known to the general public (Cheli 1999).

According to Tebaldi (2005), and consistent with the 'accordion' metaphor, the power of *'esternazione'* grows when the party system is in crisis and the relationship between government and parliamentary majority is weak. Therefore, it is not surprising that it developed during the Scalfaro presidency (1992–99), in the midst of a political turmoil in Italian politics (Ginsborg 1998). Moreover, since 1994 the changes in electoral law, the new parliamentary composition, the new role of the media and the personalisation of Italian politics, combined to produce a rift with the old-fashioned style of this president. The use of the power of *'esternazione'* by Scalfaro had two functions: to explain to public opinion his use of presidential constitutional powers (Gorlani 2012), and to react to the routine attacks, mainly from the centre-right, on the presidency, judiciary, the parliamentary system and national unity. Yet, while Scalfaro's visibility increased, the public never perceived him as a non-partisan president, and popular trust



in him rarely exceeded 50% (*La Stampa*, 1 July 1996; *La Repubblica*, 4 July 1993; *La Repubblica*, 7 October 1995).

What has happened with the Ciampi and Napolitano presidencies? As it was with Cossiga, the power of '*esternazione*' still represents a 'going public' strategy, which the president uses to activate a direct connection with public opinion, bypassing all institutional mediations. However, the success of such a strategy now relies on a different context: the already-mentioned weakness of the political system, the media representation of presidential action and the communication style and skills of each president in office and his ability to be perceived as the true representative of national unity. With Ciampi and Napolitano, the '*esternazioni*' cover various issues: Europe, the constitution, the crisis of the parties, national unity, justice, the social and economic crises (Mammarella and Cacace 2011; Zevi 2013). Over the last decade, the high visibility of the head of state has kept growing, as well as the frequency of '*esternazioni*' (Grisolia 2007; Tebaldi 2005), even when the political dispute was less intense and the relationship between government and parliamentary majority reasonably strong (Gorlani, 2012). This is a sign that the traditional 'accordion' concept is not exhaustive.

If a difference can be observed, coinciding with the increased 'mediatisation' of the head of state, it is that presidential interventions [...] appear more and more as the result of an *autonomous* initiative. The communicative power makes the head of state *present* in any situation he deems worthwhile to act, regardless of the particular conditions prevailing in the political system, or the strength of the [parliamentary] majority backing the government. (Morrone 2013, 295; emphasis original)

As shown by a recent study on the visibility of the president of the republic on prime-time newscasts between 2001 and 2013, the monthly average of overall visibility of Ciampi and Napolitano varies independently of a political crisis (Osservatorio di Pavia 2013).<sup>3</sup> This visibility (the total time, TT, see Figure 2) is made up of two parts: the 'news time' (NT) – the time (in seconds) allotted by the media to the president – and the 'managed time' (MT) – the time each president achieves by autonomous initiative. The results highlight that the MT represents constantly about 25% of the TT of the president. This is evidence of the president's ability to create an autonomous and permanent public space for manoeuvre. Secondly, the results show that Napolitano's TT is higher than Ciampi's, above all during his last three years in office. This is probably due to the economic and political crisis in 2011, but it can also be attributed to a different use of communication by Napolitano, specifically in his innovative rendering of the power of moral suasion (see the next section).

The visibility of Ciampi and Napolitano is just a precondition for the achievement of the real aim of the power of *esternazione*, that is, to change the balance of power between the president and other institutions, such as government and parliament. This has been possible for Ciampi and Napolitano because they, compared to Cossiga and Scalfaro, have been perceived as 'the true custodians of public trust' (Tebaldi 2005, 341), and the true representatives of national unity. From 1999 onwards, public confidence in the head of state has been permanently higher than before (see Figure 3), popular trust peaking at 80%,<sup>4</sup> a figure that only Pertini, in a different political and media context, reached on a few occasions (*La Stampa*, 5 October 1984).

Ciampi was well aware of his enormous popularity among the public (Bordandini and Cartocci 2003) and the strategic importance that this might imply in his relation to other institutions. Hence, during his office, he promoted the creation of an institutional website ([www.quirinale.it](http://www.quirinale.it)) to publicise all presidential activities, and consulted the main opinion poll societies to find out citizens' stands on key political issues (Mammarella and Cacace 2011). He was the first president of the bipolar era. He was neither a member of the parliament nor a party member: therefore, creating a direct connection with public opinion was a really strategic asset.

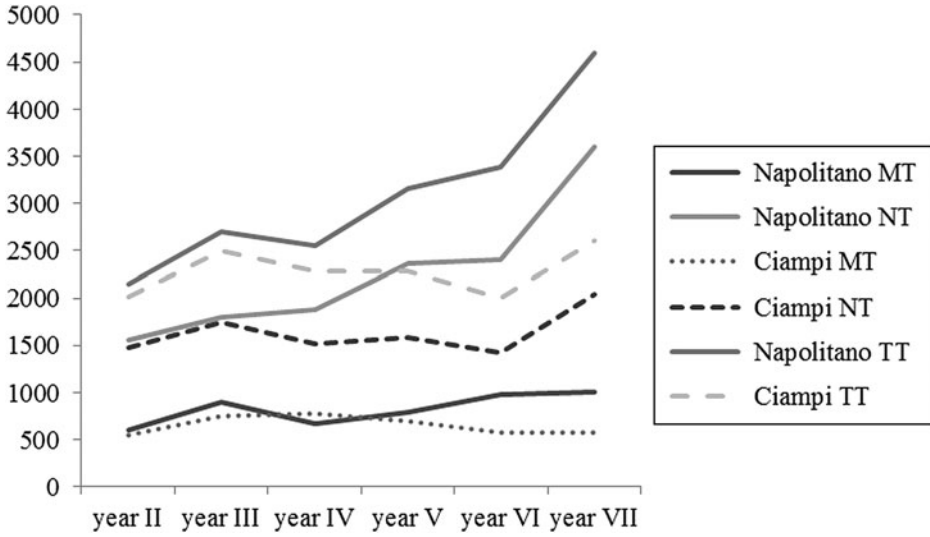


Figure 2. The prime-time visibility of the president of the republic: 2001–13. Source: our elaboration from Osservatorio di Pavia (2013).

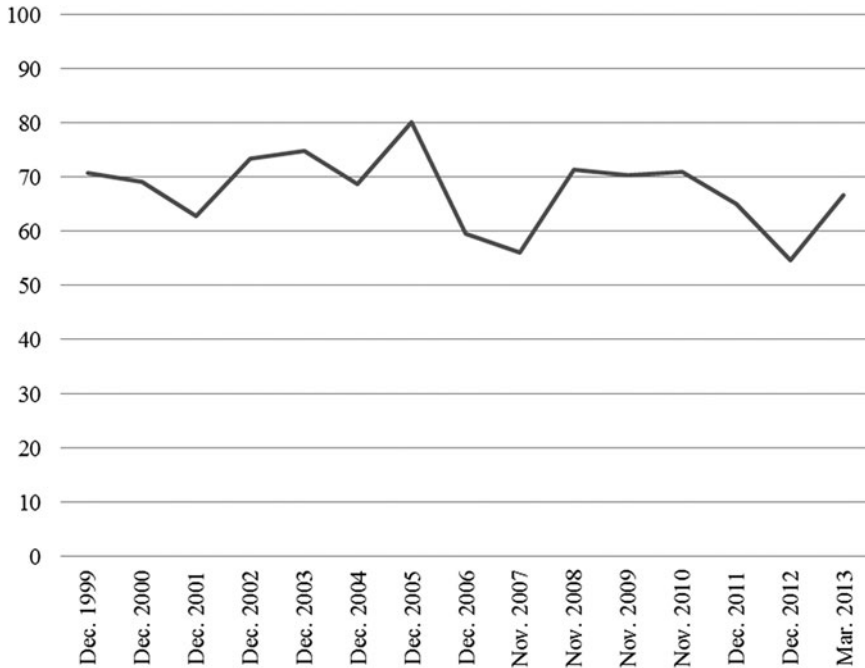


Figure 3. Public confidence in the president of the republic. Source: our elaboration from [www.demos.it](http://www.demos.it).



For different reasons, the link with public opinion is crucial to Napolitano too. As an experienced politician with a history of well-defined and never denied leftist political partisanship, he was elected in 2006 only with the votes of the parliamentary centre-left majority. Hence, his wish to be the ‘president of all’ had to rely on a search for cross-party support in public opinion to legitimate and strengthen his position:

The commitment to be ‘the president of all’ was rewarded with a growing popularity among the general public [...] that Napolitano has obviously been able to deploy as a factor to increase his authority in his relationship with the political and institutional world. (Mammarella and Cacace 2011, 311–312)

The visibility and popularity of Napolitano reached their peak over the first 11 months of 2011 (Demos 2013), which were characterised by two main events: the celebration of the 150th anniversary of Italian unification and the increasing economic and financial crisis, which also affected political stability. The first event was described as Napolitano’s communication masterpiece (Calise 2013), because of his ability to build sincere national feeling in Italian citizens. Napolitano’s ‘skilful communicative direction’ (Bianchi 2011, 62) has strengthened his image of ‘elective president’ (Zevi 2013, 77), that is – besides being formally elected by parliament – he finds an ‘elective affinity’ with the people, because of his ability to create a direct relationship and consonance with them. This experience is crucial to understanding Napolitano’s role over the last months of 2011, when he was the only institutional figure capable of guiding the country out of the stalemate produced by the economic, financial and political crisis.

Ciampi and Napolitano were aware that, even without implying any legal obligation on other political actors, the power of ‘*esternazione*’ exercises ‘a greater influence the higher the level of popular consensus (legitimacy)’ (Baldassarre and Mezzanotte 1985, 307). Their ‘extensive’ interpretation of the presidential function of representing national unity has been performed via a daily communication with the public at large. This strategy opens the possibility of finding an alternative legitimation than the one offered by increasingly delegitimised political parties (Scaccia 2013). It also gives the president the opportunity to propose ‘to public opinion his own channel of representation as an alternative to party representation, thus becoming with full rights an input actor of policy making’ (Gorlani 2012, 351). On the one hand, such a power is ‘the main communication tool for controlling government decision-making’ (Tebaldi 2005, 304), and it exercises a ‘media supervision’ (330) against the executive and its leader. On the other hand, the power of ‘*esternazione*’ is also a kind of open moral suasion, that the president can resort to in order to persuade other political actors to perform specific actions, as well as to modify controversial law proposals. This is why the ‘*esternazioni*’ represent ‘the melting point of the two conceptions of the presidency as a guarantee power and as a political power’ (Gorlani 2012, 357).

### **The power of moral suasion: the president and law-making**

Moral suasion is the ability of the head of state to influence and pressure, but not force, government into adhering to certain policies, modifying controversial law proposals or furthering the good of the national community. Since the constitution excludes the president of the republic from the formal law-making process (Scaccia 2013), moral suasion represents a flexible strategy to interfere in policy-making without involving any formal procedure (Manzella 2013). The expression ‘moral suasion’ is borrowed from the vocabulary of finance to indicate the discreet pressure that a central bank exerts on private credit banks while respecting their autonomy. Therefore it is not surprising that it was introduced by Ciampi, who for several years

had been the governor of the Bank of Italy. ‘Ciampi uses this tool to preventatively advise the government to change the draft of laws or decrees – changes that are essential to avoid a subsequent rejection by the president for reasons of manifest unconstitutionality’ (Mammarella and Cacace 2011, 277). Since the Einaudi presidency, informal talks between the head of state and the prime minister have always taken place, but a qualitative and quantitative difference materialised during the Ciampi and Napolitano presidencies. While moral suasion was ‘the original essence of the Ciampi presidency’ (Manetti 2007, 199), the use of such power by Napolitano has made ‘structural [...] the president’s involvement in law-making’ (Scaccia 2013, 98–99). From Ciampi onwards, no policy field has been beyond the scope of presidential influence: from electoral (as in the new electoral law in 2005) and financial matters (as in the 2003 financial law), to media system regulation (as in the law on broadcasting and concentration of media ownership, also known as the ‘Gasparri law’) and security matters (as in the immigration law of 2009); from the relationship between politics and justice (as in the law granting immunity from prosecution to the four highest political offices in Italy, also known as the ‘Lodo Alfano’), to telephone tapping (as in the proposed law on wiretapping in 2010) and social and environmental security (as in the ‘Ilva decree law’ about the iron and steel industry).<sup>5</sup>

An in-depth analysis of Ciampi’s and Napolitano practices led us to the construction of a typology of presidential moral suasion (see Figure 4). The two main variables are the type of communication (informal or official) and the channels (inter-institutional or media) the president decides to use to put pressure on the executive.

The first type of moral suasion is the personal. This strategy acts in the grey area of personal and political relationships between the president and the head of government (Lippolis and Salerno 2013). It is activated whenever the head of state chooses to communicate *directly* to the head of government through face-to-face informal talks in meetings behind closed doors. In this case the media have a secondary role, since the president opts for a reserved inter-institutional channel of communication. The second type of moral suasion is the institutional. It consists of the head of state making known his remarks on a draft law by sending an official letter to the head of government, as well as to the presidents of the Chamber and Senate or the committees involved in that law-making process. This strategy emphasises the formal communicative circuit between institutions and the institutional role of the president, choosing an official channel of communication and abstaining from any personal or informal contact with the addressees of his

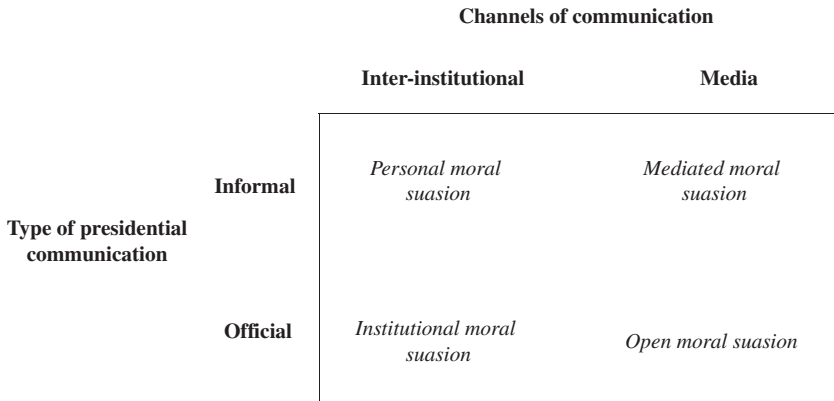


Figure 4. Typology of presidential moral suasion.

message. This type of moral suasion also includes the ‘dissenting promulgation’, that is, the president promulgating a controversial law in parallel with the issue of an official letter or note – formally addressed to the law-makers – including the president’s unfavourable opinion on the law he was compelled to approve. The latter represents the president’s last resort in aiming to persuade decision makers, and occurs particularly when other types of moral suasion have failed. In resorting to this practice the president tries to make an ‘ex-post’ moral suasion: indeed, besides making known his own opinion to the political class and to citizens, he addresses government and its supporting majority to invite them to improve the law in its implementation or to specify the critical elements that could lead to a future referral to parliament of similar laws.

The media have an active role in fulfilling the other two types of moral suasion. The third type is the mediated moral suasion, which is based on media accounts of the president’s alleged stand on a given political issue. It is ‘mediated’ because the president’s opinion is only presumed by the media and no official announcement on the topic was issued by the presidency. Nevertheless the head of state’s position in this process is not completely passive. Indeed, a special role in activating such a strategy is played by the communicative circuit surrounding the president of the republic, which makes public, often on a ‘tip’ of the head of state’s entourage, the ‘alleged’ presidential stand. If no official denial to the news is issued by the head of state, then media accounts become the true position of the president in the eyes of the political class and public opinion. This allows the president – while not speaking personally, formally or publicly – to exert an *indirect* pressure on decision makers by the media. Lastly, the fourth type is open moral suasion. In this case, the head of state decides to resort directly and actively to the media. Through an ‘*esternazione*’, an official statement, an interview or an official note, the president activates a direct channel of communication with public opinion. On the one hand, the aim is to motivate publicly his own stand on a controversial law; on the other hand, he is also trying to strengthen his position by taking advantage of the well-known high approval for the presidency in popular polls. In this case, both the head of state and the media have an active role, even though – compared to mediated moral suasion – it is up to the president to manage the communication flow.

In order to illustrate the four types of moral suasion, some key examples are provided. The first case is the enactment in November 2002 of the Italian law on legitimate suspicion, also known as the ‘Cirami law’ after its author.<sup>6</sup> In September 2002, newspapers reported a meeting behind closed doors between the prime minister, Berlusconi, and Ciampi, as well as some alleged remarks by the latter about some elements of the proposed government law (*La Repubblica*, 5 September). Ciampi’s personal moral suasion (his face-to-face informal talk with Berlusconi) was coupled with newspaper accounts of the president’s alleged remarks on the law. Mediated moral suasion continued over the following days, when newspapers publicised that ‘it is not a secret that the head of state is pushing the governing majority and the opposition for the introduction of amendments aimed at excluding the implementation of the law to judicial processes already underway’ (*La Repubblica*, 19 September) and ‘the president of the republic has no doubt: the Cirami law has to be and will be modified’ (28 September). Such an indirect pressure led both the Chamber of Deputies and Senate to enact some important amendments consistent with the president’s suggestions and, on 5 November, parliament enacted the law. As revealed by Breda (*Corriere della Sera*, 6 November), the president ‘will promulgate the law because now it is “a different law”’ compared with the earlier government proposal.

The flexibility of personal moral suasion is both the strength and the weakness of this strategy. It allows the president to intervene according to different degrees of intensity, ranging from a simple suggestion to real ‘preventative bargaining’ (Bertoncini 2003) with the executive

on specific measures. The more the president moves from one end to the other of this continuum, the more effective his action can be, but this also renders him subject to criticism because he is liable to stray beyond the limits set by the constitution, which does not assign to the president any legislative function. As to mediated moral suasion, it allows the president to ‘march out’, that is to make known – often even proactively – his position on a given issue or decision; however, such a strategy carries risks, since it lacks transparency on the presidential role and clarity on his real will, thus fuelling criticisms and unfounded rumours about the presidential position and neutrality.

To overcome some of these deficiencies the head of state may resort to an official type of communication, both through inter-institutional and media channels. In the first case, he can implement institutional moral suasion. Such a strategy, which involves the issue of formal acts by the president, may be used only exceptionally for influencing the law-making processes, because it runs the risk of formalising what the constitution does not authorise, that is, the president’s active participation in law-making. This notwithstanding, we identified one case of institutional moral suasion during the making of a law. In October 2010, President Napolitano sent an official letter to the president of the Senate Standing Committee on Constitutional Affairs, Carlo Vizzini, and for reference to the presidents of the Senate and Chamber of Deputies,<sup>7</sup> expressing his ‘strong perplexities’ about some elements of the draft constitutional law proposal 2180/S (also known as ‘Lodo Alfano bis’), ‘which seems vitiated by gross irrationality’ where it authorises a simple parliamentary majority to assert the alleged penal responsibilities of the president of the republic. Such institutional moral suasion, which really led the president to the very limit of his constitutional attributions, succeeded also thanks to a subsequent open moral suasion (*Corriere della Sera*, 31 October), an ‘*esternazione*’ expressing presidential satisfaction about an amendment to the law announced by the centre-right. On the other hand, during the last two presidencies institutional moral suasion has been resorted to mainly after the conclusion of a bill’s passage through parliament. Indeed, both with Ciampi and Napolitano there are several cases of ‘dissenting promulgation’.<sup>8</sup> For instance, on 15 July 2009, President Napolitano promulgated the law n. 94 in the field of public security, introducing the felony of illegal immigration. On the same day, he sent an official letter to the head of government, Berlusconi, and the ministers Alfano and Maroni, stating that he ‘has not the power to suspend the entering into force of the law’, but ‘cannot help pointing out to you my doubts and concerns’ about the law. Because ‘public security [is] an all-encompassing matter’, the new law, ‘consisting of just three articles [...] lacks orderliness as well as coherence’ and produces ‘inconsistent provisions’. To support his position, the head of state made reference to public opinion and one of his previous unsuccessful open moral suasions. Such provisions, ‘as formerly I publicly noted [...], are beyond the understanding of public opinion and make citizens’ relationship with the law more and more difficult. [...] It is indispensable to put an end to such a practice.’<sup>9</sup>

While overcoming the lack of transparency of personal and mediated moral suasions, the limit of this strategy lies in how little it is used during the law-making process, as well as in its ineffectiveness (at least on the law just promulgated) when resorted to after parliamentary approval of the law.

The fourth type of moral suasion can at least partly overcome these limitations, because it allows the president to avoid any accusations of blackmail or connivance with the executive (as in personal moral suasion), as well as criticism for lack of transparency fuelled by media versions of his position (as in mediated moral suasion), and to go beyond formal acts (as in institutional moral suasion) to achieve a very flexible and unformalised strategy.

Open moral suasion places the president of the republic at the centre of the public arena. Therefore, its effectiveness is linked to the president's communication skills, as well as his ability to create an 'elective affinity' with the people. It is a part of an all-encompassing presidential style characterised by openness and transparency. The potential disadvantage of this strategy lies in its excessive use, which could undermine the prestige of the presidency, as well as the power of his words (Gorlani 2011). However, despite the 'communication bulimia' (Fusaro 2008, 39) of the last two presidents, this risk is only theoretical at present, taking into account the persistent difficulties political parties experience in representing the people.

Ciampi and Napolitano have widely resorted to the strategy of moral suasion, though drawing on its types in a different way. In the early years of his office, Ciampi mainly used personal moral suasion, coupled with few public interventions and much mediated moral suasion. He was a 'silent yet not absent' president (Ainis 2003). Yet, in the midst of his term, in order to counter criticisms of his alleged back-door activity on policy-making, and of a lack of transparency, Ciampi decided to resort to open moral suasion too, with public statements in favour of magistrates, the parliamentary system and the separation of powers.

The personal moral suasion used by Ciampi was 'a double-edged tool, which helps prevent explicit conflicts with government, but at the same time marks the president's (attempted) participation in policy-making' (Manetti 2007, 199). While continuing the practice of personal moral suasion, which resulted in several allegations of 'co-partnership' or 'preventative bargaining' with government (Spadaro 2011), Napolitano has almost always preferred to combine it with an open, visible and transparent moral suasion, as well as with a sharp use of institutional moral suasion. He was aware of the dubious effects of an intense use of mediated moral suasion.

Napolitano's different strategy can be understood in the light of his partisan political history and his 2006 election, which was achieved only with the votes of the centre-left parliamentary majority. He could run the risk of being labelled a 'partisan president'. But his skills as 'extraordinary communicator' (Bianchi 2011) have led him to pursue a well-rounded strategy of moral suasion.

The presidency of the republic has seen the need to make known to the public the role it plays, in the belief that only a tenant of the Quirinale assiduously partaking in public debate has the power to exercise the functions of guarantee, control and representation of unity that the constitution gives him – as if the public were willing to recognise presidential authority only if it perceives it as a familiar, recognised and present power. (Gorlani 2011)

## Conclusion

During the last months of 2011, when the economic and financial crisis was increasing the institutional and political instability of Italian democracy, the president of the republic, Giorgio Napolitano, was considered the only institutional figure capable of guiding the country out of its stalemate. He acted in a moment of generalised discredit of the political and ruling classes, as the real interlocutor of Italy's international partners (Fusaro 2012). Napolitano's role was such that the Italian edition of the magazine *Wired* named him 'Person of the Year'. The *New York Times* dedicated to 'King George' the 'Saturday profile', arguing that the president 'pushed that role to its limit to become a quiet power broker' (Donadio 2011) in the transition from the Berlusconi to the Monti government. Moreover 'it helped that Mr Napolitano enjoys popular approval ratings of around 80 per cent, compared to 20 per cent, in recent weeks, for Mr Berlusconi'. This is a confirmation of the pivotal symbolic and communicative nature of the presidency and of the popular approval of his decisions. From Pertini onwards these two features have developed in a

piecemeal way. Starting from the 1990s, the overwhelmingly declining reputation of mass parties, and the difficulties the new political system encountered in governing and legislating, gave rise to an ‘extension’ of the presidential ‘accordion’. At the same time, the mediatisation and personalisation of politics was creating a new political environment with a special emphasis on communication and monocratic leaders. Through the power of communication, the head of state has been able to present himself skilfully as a representative institution that is an alternative to parties, bridging the gap between citizens and the political class. Secondly, the power of ‘*esternazione*’ – besides strengthening the visibility of the president of the republic – has created an alternative source of legitimation for the presidency, that is the ‘plebiscitary-charismatic legitimation’ (Scaccia 2013, 104) provided by popular confidence. According to Scaccia, this ‘charismatic leadership of the president of the republic allows him to confront openly the institutionalised political class, and to change to his advantage the balance of power with the parties’ (106). Hence ‘*esternazione*’ is also an integral part of the power of moral suasion, since if the former is successful, then the latter is more likely to be effective and the president will be able to influence law-making. These two powers tend to widen the ‘strong and unbridgeable asymmetry in popular consent between, on the one hand, parties, government, and parliament and, on the other, the president of the republic’ (Fusaro 2008, 43). This asymmetry is also due to the monocratic and ‘*super partes*’ nature of the presidential figure, who is not subject to the veto of many players in the Italian political system. More recently, the power of moral suasion was also accorded legitimacy by the sentence n. 1/2013 of the constitutional court, establishing that:

to play effectively his role [...] it is indispensable for the president to link his formal powers with the use of the so-called ‘power of persuasion’, primarily consisting of informal activities, which may precede or succeed the adoption of certain actions.

Such informal activities are ‘inextricably intertwined with the formal ones’. The combined use of constitutional and communication powers appears to be the main strategy chosen by Napolitano to seek a solution to Italy’s predicament. His re-election in April 2013, unprecedented in Italian republican history, confirms that he is the only stable figure in Italy’s infinite turbulence.<sup>10</sup> After the political and institutional stalemate following the national election in February 2013, with political parties and leaders unable either to achieve a parliamentary majority for a new government or to elect a different president, Napolitano’s re-election was the parties’ solution for breaking through the impasse. The balance of power between president and parties worked even more to the president’s advantage, enabling him to expose ‘a long series of omissions and faults, of narrow-mindedness and failings of responsibility’ (Napolitano 2013) by the political system. His speech before the Chambers was an out-and-out presidential manifesto, including a set of reforms, political actions and government composition. If these were rejected, he said, ‘if I find myself once again faced with a wall of deafness like the one I have come up against in the past, I will not hesitate to draw the appropriate conclusions and act accordingly before the entire country’ – further evidence of the president’s strategy to place his confrontation with political class in the public sphere. The enlargement of the head of state’s powers led many scholars and columnists to suggest the existence of an ‘Italian semi-presidentialism’. The strengthening of the presidency resulted not only from its constitutional powers, which Napolitano declared he wanted to exercise ‘with an increased sense of the limits that apply to them’, but from the power to communicate. Whereas Italian semi-presidentialism is still a work in progress, it is ‘Napolitano’s media presidentialism’ (Osservatorio di Pavia 2013) that best represents the structural transformation of the Italian presidency.



## Notes

1. Such cases occurred over phases of acute political instability. For instance, during the passage from centrism to the centre-left formula, Gronchi (1955–62) intervened in two government crises and was able to influence their outcomes.
2. On the one hand, the electoral reform (law n. 270/05, then declared partially unconstitutional by the sentence n. 1/2014 of the constitutional court) added other fetters for the head of state in the electorate's explicit indication of the leader of the winning coalition. On the other hand, because of the different method of allocation of the majority bonus in the House of Deputies and the Senate, the law allows the possibility (as the results of the 2013 general elections showed) that no single party or coalition is able to gather the number of votes necessary to form a government. Such a situation opens a new space of manoeuvre for the head of state to solve the stalemate (see Pasquino and Valbruzzi (2013) for a more detailed reconstruction).
3. Because a change in the methodology occurred in 2001, it is not possible to compare such data with the Scalfaro presidency.
4. Such data vary on the basis of the different polling procedures. For instance, in September 2011, a poll by IPR Marketing attributed to President Napolitano a confidence level of 92%, 24% higher than at the beginning of his office. In April 2012 the level was still 87%. In this case, the percentage is the total of those who answered 'much' and 'enough' to the question: 'How much confidence do you have in Giorgio Napolitano as president of the republic?' In contrast, the polls by Demos show a lower average of public confidence than this, because they include only those who answered 'very much' and 'much' to that question.
5. For the most relevant cases of the Napolitano presidency see Spadaro (2011).
6. The Cirami law introduced into the Code of Criminal Procedure the notion of legitimate suspicion as one of the reasons which could be used for requesting the transfer of a case from one court to another. Legitimate suspicion is founded on serious local circumstances likely to disturb the course of the proceedings. There is no limit to the number of requests for transfer on grounds of legitimate suspicion. It is sufficient to raise further grounds which may relate to facts already known that have not yet been relied upon.
7. See [www.quirinale.it/elementi/Continua.aspx?tipo=Comunicato&key=10834](http://www.quirinale.it/elementi/Continua.aspx?tipo=Comunicato&key=10834) for the full text of the letter.
8. The first dissenting promulgation concerns the Decree-Law n. 63/02 (April–June 2002). After its issue, Ciampi sent a letter to the government (not parliament, which is the formal legislative body) urging it to improve the law at the time of its implementation.
9. See [www.quirinale.it/elementi/Continua.aspx?tipo=Comunicato&key=8874](http://www.quirinale.it/elementi/Continua.aspx?tipo=Comunicato&key=8874) for the full text of the letter.
10. This is not to say that he is not open to attack by a political leader or by the media, as shown by the recent impeachment proposal by the leader of the Five Stars Movement, Beppe Grillo, or the criticism by Berlusconi that Napolitano did not pardon him after he was sentenced for tax fraud.

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