Representation for the Italian diaspora

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In April 2006, Italian national elections were held. The centre-left coalition, formed under Romano Prodi, won a majority by a tiny margin, ousting the centre-right government under the infamous Silvio Berlusconi. The manner in which the majority of seats in the Senate had been won was perhaps of more interest than the ultimate result. For the first time in Italian history, representatives of Italian citizens resident outside Italy arguably held the balance of power in the Italian Senate. The electoral experiment that facilitated that outcome, the justifications for it, and the outcome it produced in this particular election were, and will continue to be, the subject of significant discussion. This paper will outline and reflect upon my experience of that electoral process as a dual Australian-Italian citizen.

The electoral experiment and some historical background

In 2000–01, the Italian Parliament, then under the leadership of Silvio Berlusconi, passed legislation and amendments to the Italian Constitution to create the four external electorates of: Europe; South America; North and Central America; and a large electorate combining Australia, Asia, Africa, Oceania and Antarctica. Italian citizens resident outside Italy had long been able to exercise their vote by returning to Italy to cast it. That kind of system is not unique to Italy. However, the change in 2000–01 was relatively radical. It meant that external citizens could now vote in their place of residence, for representatives who would represent them *as external citizens*. Those representatives were to do so by holding seats in four electorates *outside* Italy. The voting rights of external citizens of other countries varies across jurisdictions. To give an indication of the diversity — British and Australian voters may vote overseas, but only for candidates in their homeland constituency, while French and American voters in overseas territories may vote for representatives of those territories, who sit in the national parliament.

This Italian electoral experiment has been the topic of debate for decades. Voting rights for Italian citizens resident abroad was raised in the Constituent Assembly in Italy, established in 1946. The Italian Constitution which entered into force in 1948 enshrined the right to vote for all citizens in Article 48. The debates regarding how that right was to be exercised by Italians resident abroad, following the mass emigration to places like the Americas and Australia, continued from the immediate post-war era through to the 1980s and 1990s. The debate was always underscored by

the ideological differences between the parties that feature in the Italian political landscape. That landscape includes the whole range of positions, from communist to neo-fascist, and everything in between.

The neo-fascist Movimento Sociale Italiano (MSI) party made the first (unsuccessful) electoral proposal to assure external citizens the vote, in 1955. They continued to push the idea, under their new political moniker of Alleanza Nazionale, through to its implementation. In the lead-up to the recent changes that introduced the external electorates, the right's Mirko Tremaglia, until recently Minister for Italians Overseas, was the main champion. The left was initially opposed to the proposal, and the largest post-war party, the Christian Democrats, were only slightly less antagonistic to it. As time went by, most of the left and the Christian Democrats softened towards the idea. This led to the almost-unanimous support (excluding the far-left Rifondazione Comunista party) for the legislative and constitutional changes in 2000–01.

Despite the recent general support for this electoral experiment, the media coverage included comments that it was at least in part a cynical attempt by the right to obtain votes from overseas in order to overcome its flagging support inside Italy. That idea came from a stereotype of Italian migrants overseas as generally favourable to the right in politics. The outcome showed the flaw in that assumption, with the majority of the external representatives coming from the left-wing political parties. That then led to criticism of the process by the ousted centre-right government and broader debate about its legitimacy.

The mechanics of the experiment

Before addressing the policy issues that arise from this reform in Italy, some comments on the mechanics as experienced in Australia are given here. I was registered as an external elector by virtue of an inherited citizenship, known to the local Italian consulate. Leading up to the election, material was sent to me by post. In addition to official information regarding the election process, in both English and Italian, I also received printed electoral advertising from the two main coalition groups vying for my vote, as well as phone calls asking whether I needed any further assistance.

Living in a part of Australia with a noticeable Italo-Australian population, the official channels of communication were added to by posters on streets and in shop windows. I received further information from occasional reference to the SBS television broadcast of Italian news, Italian newspapers available online and discussions with fellow dual citizens in Australia.

Finally, the voting papers arrived, complete with extracts from the relevant electoral law and voting instructions in both English and Italian. Both the ballot papers (one for the Chamber of Deputies, the other for the Senate) were relatively small. The papers featured a vertical list of symbols, each representing a political party or coalition. Voters were required to make a mark against one of the symbols to indicate a vote, as well as there being the option of noting the surname of the preferred candidate of the relevant party or coalition. Once done, the papers were sealed in two envelopes. The outer envelope had my identifiers on it, the inner one unmarked so as to ensure anonymity of the vote. The ballot papers were posted and I and the world waited for the result.

The votes of Italian citizens within Italy were counted first, as it took longer for the overseas votes to be collated and calculated. The internal votes gave the Prodi coalition a bare majority in the Chamber of Deputies. The Senate, however, was in the hands of the Berlusconi coalition by one seat. Six further senators were to come from the external electorates. Four went to Prodi, one to Berlusconi, and one was an independent. Following the addition of those senators, the Prodi government had a majority in both houses of parliament. For the Australasian electorate (including Australia, Asia, Africa, Oceania and Antarctica), both the upper and lower house members elected were Melbourne-based and from Prodi's centre-left coalition. Marco Fedi gained a seat in the Chamber of Deputies, Nino Randazzo became a senator.

My experience of voting in Italian national elections for the first time raised questions in my mind, regarding the consequences of the opportunity I and others had been given. It also led to heated discussion within and outside of Italy, because the experiment had granted the government a majority in the Senate. Italians around the world debated whether the electoral experiment should survive.

Citizenship as a test of membership of the community?

If the right to vote is considered a political right of the community of the country in question, what can be said of this electoral experiment? Two main issues arise. The first is the political right of diasporas to vote in their country of origin. The second is the contrast with the political right of foreign nationals resident in a country to vote for that country's Parliament.

The right to vote in Italy is determined by citizenship, and ignores residence, except to determine which electorate one votes in. Due to the generosity of being able to inherit citizenship, that has the potential of expanding the notion of the relevant political community beyond reasonable grounds. Inherited citizenship comes from having at least one parent being an Italian citizen at the time of one's birth. That child then inherits the citizenship and any of their children inherit Italian citizenship, and so on without end. Thus, one can be a citizen by birth to a citizen, regardless of having no other connection to Italy. On the other hand, the Italian regime acknowledges that some people do have multiple identities, with more than a formal link to a country beyond the one in which they live, making it a legitimate exercise to involve individuals in decision-making in that place of non-residence.

However, the relative unimportance of residence in determining eligibility to vote also highlights the exclusionary nature of the intersection of the citizenship and electoral regimes. Italy is relatively reluctant to confer Italian citizenship on someone without a hereditary link to the country, slightly less so if one is European. By contrast, for individuals with an existing citizenship beyond EU countries, it takes ten years of legal residence in Italy before one can even apply for Italian citizenship. That seems to render the electoral system overly restrictive. One may have made one's home in Italy, yet be excluded from voting by the formal restriction on citizenship. That disregards the fact that such individuals may be more affected in practice by the outcomes of elections and consequent legislation, than are external citizens. Such a situation is in direct contrast with other counties such as New Zealand, which grants all permanent residents the right to vote for that parliament, but is similar to the electoral regime in Australia, which restricts parliamentary voting rights to Australian citizens or British citizens enrolled before 1984.

No representation without taxation?

The classic American catch-cry of 'no taxation without representation' can be neatly overturned in considering the Italian experiment. In the case of the external electorates, people are enfranchised who may make no contribution to the economic or social life of the country in question, or feel the effects of decisions made by their representatives. My unease with that situation did not stop me voting, but raised the question of whether there should be some kind of reciprocity involved before such a strong political right is granted – in a simplistic sense, no representation without taxation?

On the other hand, arguments can be made that the right to vote is in recognition of the sacrifices made by Italians who emigrated after the Second World War, and their later contribution to the Italian economy. It is a familiar story to hear of Italian migrants in countries such as Australia, who left Italy due to the dire circumstances in their homeland post-war. Many such migrants worked hard to establish a new life for themselves outside Italy while also sending money back to families in Italy to support them. While that may provide a rationale for recognising such migrants' political rights in Italy, it is more difficult to use it as a justification to extend such rights indefinitely along hereditary lines.

Contributions from the Italian diaspora?

This experiment may have positive consequences, by allowing for diversity of opinion and approach to be injected into both of the political spheres that external citizens may be a part of.

With respect to Italy, it is a country with notoriously short-lived and unstable coalition governments, often clouded by economic difficulties and corruption claims. Perhaps notions of governance from outside Italy could become part of the political discourse in Italy through this electoral experiment, as the representatives from the four external regions engage in discussions with other representatives, the parliament as a whole and the media. There may be specific areas where the personal experience of external parliamentary representatives may be able to contribute a new perspective to political debates in Italy. One example is that of migration. The external representatives are by

definition either migrants or descendants of migrants, and therefore may have a different view to the internal citizens in the fraught migration debates in Italy.

By contrast, the dual Australian-Italian citizenship of many of the Australian-based voters in the Italian elections may in turn raise discussion here of political issues that come from the experience of voting for representatives for this external electorate, or from the experience of being such a representative. Two issues come to mind immediately. The first is whether the lessons of the Italian experiment can illuminate the calls for external electorates for the Australian diaspora.[1] The second is questioning the constitutional restriction on Australian parliamentary representatives, such that they cannot have dual citizenship. This is enshrined in section 44(i) of the Australian Constitution, and can only be changed by referendum, which is a notoriously difficult process. At the same time, dual citizenship has become more accepted in Australian law. Should this restriction on who can be a parliamentary representative therefore be reconsidered? Is the restriction in Australia justified in light of the relative Italian generosity of allowing dual citizens not only to vote for their Parliament, but also to be elected as representatives?

Conclusion

It is uncertain whether this Italian experiment will survive a second testing. The practical result of external citizens effectively handing the coalition a majority in the Italian Senate has heightened queries as to the legitimacy of that vote. Essentially, that is due to the unease regarding who is or should be a part of the relevant political community with the power to control government. Is citizenship, as both the necessary and sufficient indicator, too crude a criterion? Does it ignore more practical indicators of membership of the community in question? Regardless of whether these issues can be resolved in Italy, this experience can serve as an impetus to question how the Australian system both identifies its relevant political community and structures the processes in order to satisfy the desire for true representation in government.

[1] See Bryan Mercurio and George Williams, 2004, 'The Australian diaspora and the right to vote', *University of Western Australia Law Review* 32(1): 1-29; Andrew Leigh, 2004, 'New Voting Rights for the Australian Diaspora', in *Democratic Audit of Australia* <http://democratic.audit.anu.edu.au/papers/200407_leigh_expat_ref.pdf>

Further reading

Gianfranco Cresciani (ed.), 1983, *Australia, the Australians and the Italian Migration*, Milan, F Angeli

Gianfranco Cresciani, 2003, *The Italians in Australia*, New York, Cambridge University Press

Bruno Mascitelli, 2006, unpublished presentation at *Cosmopolitan Citizenship: Legal issues for the EU and Australia*, Australian National University