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Essays and Articles

The French Senate: A Countervailing Power in a Context of Rationalised Parliamentarism (p. 303)

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The French Senate of the Fifth Republic has a long tradition dating back, at least, to the beginning of the Third Republic. Its nature as a chamber representing local communities, and in particular rural and/or peripheral territories, is the main legacy of this tradition. The role the upper house has been playing, since the birth of the Third Republic, in the legislative process and controlling government has experienced relevant changes. More specifically, senators have been constantly engaged in increasing their power. After a brief overview of the Third and Fourth Republics, the article analyses in detail the Senate's nature and its role in the contemporary French political system. It also devotes particular attention to a set of critical issues concerning its representativeness and the specific way the second chamber contributes to the legislative process and the function of controlling the executive. In conclusion, the author points out how, notwithstanding an asymmetric bicameralism which confers prominence to the Assemblée nationale and the rationalisation of parliamentarism that places the relationship between the government and the lower house (with the dominance of the former) at the centre of the political system, the French Senate is able to play a significant role, especially with regard to the legislative process.

Reform of the Second Chamber or Its Perpetuation? The Austrian Dilemma and Its Implications for the Italian Senate (p. 339)

Karl Kössler

Today, many second chambers in federal countries fail, to a greater or lesser extent, to fulfil the function of effectively representing subnational interests. This paper seeks to explore to what degree Austria's Federal Council performs this role, both in terms of constitutional rules and

their operation in practice, and what lessons may be learned from this experience for the Italian Senate. For this purpose, the contribution first outlines the institutional design of Austria's second chamber regarding the subnational influence on the appointment of its members and its composition. Following this, the paper explores the links of the Federal Council with both the legislatures and governments of Austria's subnational entities, the Länder. It then focuses on the Länder-related functions of the second chamber, above all, its participation in the national legislative process. All this prepares the ground for a comprehensive evaluation of whether the Federal Council fulfils the aforementioned function to represent subnational interests, of current reform options and of possible implications for Italy.

The (New) Belgian Senate: A Federalization Reform? (p. 371)

Anna Mastromarino

In May 2014, the Belgian Senate was extensively reformed. Indirect election of its members and a greater balance among federated entities' representation could have helped Belgian federalism rise above a merely linguistic perspective. Unfortunately, the party system seems to impinge negatively on the goals of the reform, thus undermining initial hopeful expectations.

Comparative Lessons for the New Italian Senate (p. 399)

Brunetta Baldi

This article analyzes the new Italian Senate (as shaped by the constitutional reform the fate of which will be decided by a referendum) in comparative perspective with special, but not exclusive, reference to the territorial chambers of Austria, Belgium and France. The aim is to better understand the potential impact and value of the Italian reform. The analysis leads to comparative lessons that highlight both limits and opportunities of the new Senate. The main limits refer to, on the one hand, the legislative function, which is downsized by the introduction of a unicameral legislative procedure and, on the other hand, the function of territorial representation, which may be weakened by the predominance of national party politics given the composition of the new chamber com-

bined with the centralization of the Italian party system. Although these limits point to a risk of legislative and political marginalization, the reform design does not prevent the new Senate from developing a significant role, with main reference to its powers to control public administrations, evaluate public policies and participate in European policy-making. Moreover, it could perform a new function of political mediation to reconcile the country's variety of territorial interests and settle centre-periphery conflicts at the seat of national sovereignty.

How the Senate Could Have Been (or Not), How It Is and How It Will Be: A Significant Improvement (p. 433)

Stefano Ceccanti, Salvatore Curreri

The essay deals with the constitutional reform of the Senate and divides the topic into three parts. In the first, it is emphasized that the historical and constitutional roots of the current reform proposal date back to the debate in the Constituent Assembly and that the proposal aims to solve the main issues raised by the Title V reform of 2001. The second part analyzes the dual role of the new Senate, which is mainly a chamber of representatives of local institutions but also a venue for reconsidering so-called "system" bicameral laws. The third part reviews the decisive role that implementation norms, especially the new electoral law and the new rules of procedure, and policy practice will play as regards the Senate's political-territorial representation within the forthcoming institutional framework.

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