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RESEARCH ARTICLE

The Rise and Struggle of Presidents During the Coronavirus Emergency: National and Sub-National Evidence in Italy and Spain

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ABSTRACT: This article aims to explore the expansion of power of monocratic figures during the Covid-19 crisis. In particular, it compares the Italian and Spanish cases, at both national and sub-national levels, during the pandemic. First, we explore the dynamics of personalization through an empirical analysis of emergency decrees at the state level. Second, we examine personalization as evidence of centre-periphery conflict by taking into consideration regional rules (decrees, orders, regulations, resolutions) and their relation to the state level. The comparison shows a similar path of institutional personalization of politics in Italy and Spain, with both countries displaying the features of an unstable regional framework.

KEYWORDS: Covid-19, emergency, Italy, presidentialization, Spain.

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1. Introduction

The Covid-19 pandemic is a “good” example of a transboundary crisis (Boin 2009). Each crisis requires coordination skills which, if not well orchestrated, result in a power vacuum or, conversely, a concentration of power. Indeed, the need for rapid intervention in unpredictable situations often strengthens monocratic actors. Contemporary democracies have experienced states of exception and the transitory suspension of general rules which, together with restrictions on the constitutional freedoms of citizens, have resulted in endowing governments with extraordinary competences as regards legislative functions (Norris 2008, Shugart 2008). In such exceptional situations, it is expected that path dependency is at work and that pre-existing tendencies of personalization are deepened. Did Covid-19 work as an accelerator of an underlying presidentialization dynamic?

To address this question, the article investigates the Italian and Spanish Prime Ministers’ rule-making in the very first phases of the pandemic. Moreover, it takes into consideration the legislative initiatives and procedures adopted by Italian and Spanish Regional Presidents. Italy and Spain are two of the countries in the European region most affected by Covid-19. Drawing from Poguntke and Webb’s seminal work, both Italy and Spain display trends of presidentialized government, at both national and regional levels. So, this paper will explore if and how, at this critical moment, both countries are experimenting with an analogue political trend that can shed light on the future perspective of government. As a matter of fact, the economic, social and even political similarities between Italy and Spain have often produced fruitful comparisons (Lijphart,

Bruneau, Diamandouros, Gunther 1988; Hopkin, Mastropaolo 2001). Especially in this case, the comparison is very relevant because both countries have a parliamentary system and a coalition government, but Italy – unlike Spain – is as an anomaly in the European panorama because it does not provide for any derogatory regime in cases of emergency (Musella 2020a, 2020b).

More specifically, the article proceeds as follows. In the first section, we refer to the theoretical framework bridging the literature on presidentialization and that on crisis management. Indeed, although scholars have been pointing out presidentialization processes in parliamentary regimes for years (Poguntke and Webb 2005; Musella and Webb 2015), the extraordinary situation due to the pandemic crisis seems to have emphasized this trend. In the third and fourth sections, after clarifying the different conceptions of a “state of exception” in the Italian and Spanish constitutional traditions, we first explore, at the state level, the primacy of the Chief Executive, measuring the growth of Presidents’ powers via an empirical analysis of emergency decrees in the first phases of the crisis. Indeed, during the pandemic crisis, Chief Executives have dominated national decision-making, especially through the use of executive decrees as ordinary instruments of government (Musella 2018, 2019). Furthermore, we examine personalization as evidence of centre-periphery conflict, taking into consideration regional normative production (decrees, orders, regulations, resolutions) and its relation to the state level (Rahat and Sheaffer 2007; Balmas, Rahat, Sheaffer and Shenhav 2014). Indeed, the architecture of regionalism in both countries establishes a dynamic of presidentialization not only at the state level, but also at the regional one. Therefore, the separation of powers, provided for by constitutions, enters a state crisis even more prominently due to the pandemic. Yet, especially in those countries featuring difficult ‘territorial management’ (Keating 1988), the emergency phase has also reinforced the power of Regional Presidents, thus paving the way for a spiral of centre-periphery conflicts. Indeed, although the literature argues that an effective response to the crisis mainly depends on coordination and collaboration between various public institutions and powers (Boin, ‘t Hart, Stern and Sundelius 2005), the ongoing pandemic crisis shows an almost opposite trend. In the last section, the findings of the analysis are discussed and compared, thanks to the theoretical background that we present in the following section.

Thanks to the reconstruction of the first pandemic phase, the article shows the role of crisis management in accelerating multi-level personal politics. Indeed, the analysis confirms that presidentialization represents an empirically relevant phenomenon in contemporary politics that affects several levels of government. More precisely, we find that the pandemic represents a contingent factor that contributes to a shift towards more presidentialized governance, i.e. a political situation that centralizes power in the hands of the Chief Executive at the expense of the legislature and the principle of collegiality. However, we also highlight the role of parties in government, since the coalition governments that have been established, more in Spain than in Italy, have been able to partially curtail the dominant role of Prime Ministers. Finally, the article shows that the crucial role of leadership affects crisis management from a territorial point of view, bringing out a dynamic of personalization at the sub-national level, too (‘t Hart, Rosenthal and Kouzmin 1993).

2. Theoretical framework: the personalization of politics

The state of emergency caused by the spread of Covid-19 has led to extraordinary measures that are part of the exceptional nature of historical contingencies, resulting in a transfer of power towards a governmental pole that acts as an interpreter of emergency clauses. This process takes place in the contemporary phase that politics is experiencing, characterized by the clear difficulties of the representative circuit based on political parties which, until a few decades ago, were the main axis of state-building. Legislative production is an immediate indicator of a power shift from the parliamentary body to the executive and its vertex (Pérez Francesch 2020)¹. The growth of acts emanating from executive and prime ministers implies a change in the executive-

¹ In recent years this trend, also associated with the tactical use of the question of trust, has been a means of securing a parliamentary majority or even ensuring Parliament’s will (Perna 2010).

parliament relationship at the expense of the legislative body. A pandemic, as a state of exception, is a significant occasion to observe evidence of this trend. During times of crisis, citizens look at their leaders, demanding a response to solve the crisis that can at the same time be “robust and flexible” (Boin, ‘t Hart, Stern and Sundelius 2005).

In this line of thinking, we understand the presidentialization of politics as the institutional face of the phenomenon of personalization (Balmas, Rahat, Sheaffer, and Shenhav 2014). Therefore, although personalization and presidentialization are not interchangeable concepts, they are clearly connected (Elgie and Passarelli 2019, Picarella 2009). Moreover, we consider personalization as a dynamic of the connection between citizenship and politicians in a plebiscitarian way (Linz 1990). As a matter of fact, personalization makes politics more focused on individual people and their personal characteristics. In this sense, personalization is a key concept that defines the relation between the people and institutions, ensuring a (re)new(ed) channel of identification in which personal linkage is a fundamental and structural factor. Indeed, democratic regimes are strongly influenced by the charismatic appeal of single leaders, portraying a populist hypothesis of a society formed on one side by the people, part of the political community, i.e. the civil society, the electorate; and on the other side, by representatives and the elite that occupy the institutions. In this context, a single leader arises as a representative of the general will, assuming a crucial role (Mudde and Rovira Kaltwasser 2017; Viviani 2017).

The executive arena is the main space in which the process of personalization takes place, both formally and informally. Constitutional provisions are clearly important in determining the evolution of the political system (Samuels and Shugart 2010), but scholars have also highlighted the presidentialization of the executive without any constitutional modifications (Poguntke and Webb 2005). Institutions have become more individualised than in the past (Karvonen 2010), and this process is principally due to the growth in autonomy of the Chief Executive (Poguntke and Webb 2005), in both formal powers and political praxis. A necessary precondition for this is a strong transformation of the Executive, both normatively and organizationally (Calise 2005). Normative growth is reflected in the expansion of legislative power of the Government (law-decrees, presidential decrees or delegated legislation), and thus in the executive’s influence on the legislative agenda. Indeed, in recent decades, we have witnessed a strengthening of the executive’s powers and an overall weakening of the parliamentary functions of control and guidance (Pastore 2020). Organizational increases are, instead, evident in the concentration of resources (and power) in the support structures and office of the President. This is partly due to structural tendencies such as the internationalization of politics and governance, which make the Executive more independent of Parliament, and the extensive use of expert committees to manage crisis situations (Poguntke 2005, Criscitiello 2019).

In line with institutional and executive presidentialization, there is also party change. It is in this scenario that the concept of “personal parties” (Calise 2000, 2016; Passarelli 2015; Rahat, Kenig 2018) has been proposed. To date, scholars have analysed the presidentialization of parties as a sub-dimension of the general process of the presidentialization of politics (Samuels and Shugart 2010; Passarelli 2015; Webb, Poguntke, Kolodny 2012). Such structural factors as the economic crisis and loss of the representativeness and legitimacy of political collective actors increase the trust placed in a single leader inside the organization. When the party leader is also the leader of the parliamentary group and the Chief Executive, power is concentrated at the top (Musella 2018). Thus, the leader becomes essential to bring electoral stability to the party, developing an almost intimate linkage with the electorate, often changing the internal organizational structure of the party, e.g. with open methods for leader selection (Sandri, Seddone and Venturino 2015). The relationship between political parties and citizens is strongly influenced by the leader’s success, based on some material resources but especially on his/her charismatic authority, as the seminal work of Cavalli showed some decades ago (Cavalli 1981). This creates a plebiscitarian linkage rather than one based on ideological belonging. More precisely, there is an ambiguous relationship between party and leader which can determine the success of

either or both by attracting the voters' support. In the hand-to-hand battle between leader and party, the hegemony of one necessarily weakens the other. When this battle is at the government level, it involves the party system as a whole. We can imagine a moment in which the success of the party occurs at the expense of the leader; then, there is a space in which a relatively small growth in the weight of the leader corresponds to a relatively small loss of weight of the party, and vice versa, and finally a point of balance where both party and leader reach the maximum level of success and political legitimacy, one thanks to the other.

The representation process through which political parties, fully personalized, achieve electoral success and institutions makes clear the coexistence of two political actors: the party and the leader, notably modify partisan alignment in a general frame of personal politics (Musella 2014). Indeed, despite the central role of the leader, the party is still an important electoral machine to influence political institutions (Calise 2000; Dalton and Wattenberg 2000). This is especially true in a multi-party system in which political fragmentation does not allow the formation of a majority able to form a single-party government, so that coalition governments are most likely to emerge. Coalition formation theories have stressed that parties are generally oriented through, at a minimum, winning a coalition (Riker 1962; Muller and Strom 2000), and that the coalition rationale implies bargaining for both policy-seeking parties and office-seeking ones (Axelrod 1970). Therefore, compromise is a key feature of a coalition government. Consequently, a Prime Minister leading a coalition government should not be as powerful and dominant as one leading a single-party government. In this sense, personalization defines a new power structure inside parties and among them, inside a political system in which the leader plays a pivotal role (Musella and Webb 2015). In this sense, if different regime types provide different settings for political actors and resources that settle various types of leadership (Passarelli 2015), likewise, different coalition governments can delineate various degrees of presidential power.

The role of leaders is also crucial at the regional level (Sotarauta, Beer and Gibney 2017). Indeed, even if political parties, which are state-wide with regional branches, engage in centre-periphery conflict, the emergence and increasing centrality of a personal leader weakens the role of collective intermediate bodies (Dalton, McAllister and Wattenberg 2000; Samuels and Shugart 2010). In this sense, a more presidentialized system is a less party-oriented one, in which conflict between the centre and the periphery of the political system is also no longer party-oriented. Moreover, processes such as the deterritorialization and globalization of politics and the economy act as a counterbalance to the new protagonism of basic administrative units of the State (Keating 1997, 1998). Especially in countries where the sub-national level is an important constituent element of the political system, the regions represent decentralized decision-making arenas and are key actors in centre-periphery conflicts (Hopkin and van Houten 2009). Indeed, although some scholars (Dayton, Boin, Mitroff, Alpaslan, Green, Kouzmin, Jarman 2004) argue that crisis experience tends to foster decision-making decentralization in crisis management, this coordination rarely occurs in practice without any overlap or contradiction (Clementi 2020). According to the crisis management literature ('t Hart, Rosenthal, and Kouzmin 1993), in a time of crisis, coordination between various actors and level of authority is a main challenge in multilevel decision-making contexts (Pallarés and Keating 2003; Wilson 2012). From this perspective, the Covid-19 pandemic provides a "stress test" or a "window of opportunity" for the crisis management capacity of leadership and political systems as a whole (Boin, 't Hart, Stern, Sundelius 2005).

3. The Italian case

Italy and its Prime Ministers represent a crucial case of the presidentialization of politics in a parliamentary system (Venturino 2001; Calise 2005). Starting with Silvio Berlusconi in the nineties, political leaders have developed a direct relationship with the electorate without any formal change to the constitutional charter (Campus 2016; Fabbrini 2013). Since then, the main indicators of legislative activities have shown an evident shift in power from parliamentary to the executive, with significant growth in the number of decree-laws as a key part of overall legislation (Celotto 1997). The Italian Constitution (with the aforementioned Art. 77)

provides the Government with the possibility to issue normative acts having the force of law and a temporary nature in extraordinary cases of necessity and urgency (*decreti legge; d.l.*). Such decrees come into force immediately after their publication in the Official Gazette of the Italian Republic, but they lose their effectiveness if Parliament does not enact them into law within 60 days of publication. Moreover, Law 400/1988 (art.17) specifies the regulatory power of the Prime Minister, who also started issuing autonomous decrees (*decreti del Presidente del Consiglio dei ministri; dPCm*) with increasing frequency and political impact, relying on acts not directly foreseen by the Italian Constitution. This type of legislation progressively expanded until the contemporary emergency phase, setting aside the principle of collegiality in order to facilitate more rapid governmental action and response to extraordinary situations. Furthermore, the Prime Minister's decrees are not subject to political control by Parliament and the President of the Republic and, as administrative acts, they are not subject to control by the Council of State (Tarli Barbieri 2019), thus constituting an important and discreet autonomous field of action for a monocratic actor.

During the Covid-19 crisis, dPCms represent the principal channel that allows Giuseppe Conte to cope with the virus in Italy in a speedy and independent way. Indeed, after Italy joined the list of affected countries at the end of January, a decree-law² approved by the executive attributed to the chief executive ample emergency powers, thus opening room for a conspicuous number of dPCms. So, presidential decrees became – in both frequency and extent – the main emergency intervention tools. This type of act shows its distance from the provisions of the Constitutional Charter regarding the decree of necessity and urgency, thus tarnishing the collegiality principle vis-à-vis both the Executive and Parliament (Clementi 2020).

Furthermore, considering that a state of exception is not foreseen by the Italian Constitution, in 1992, Law n. 225 established the national civil protection service and rules in a state of emergency (Staiano 2020). This was deliberated by the Council of Ministers, along with the Prime Minister's proposal, and so one can be declared in the event of a natural disaster or human activities that need immediate intervention and extraordinary powers³. The Law establishes that, during an emergency, the Head of the Civil Protection Department holds the power of ordinance, unless otherwise established via a resolution in a state of emergency. Because of Covid-19, the Council of Ministers debated a state of emergency on 31 January.

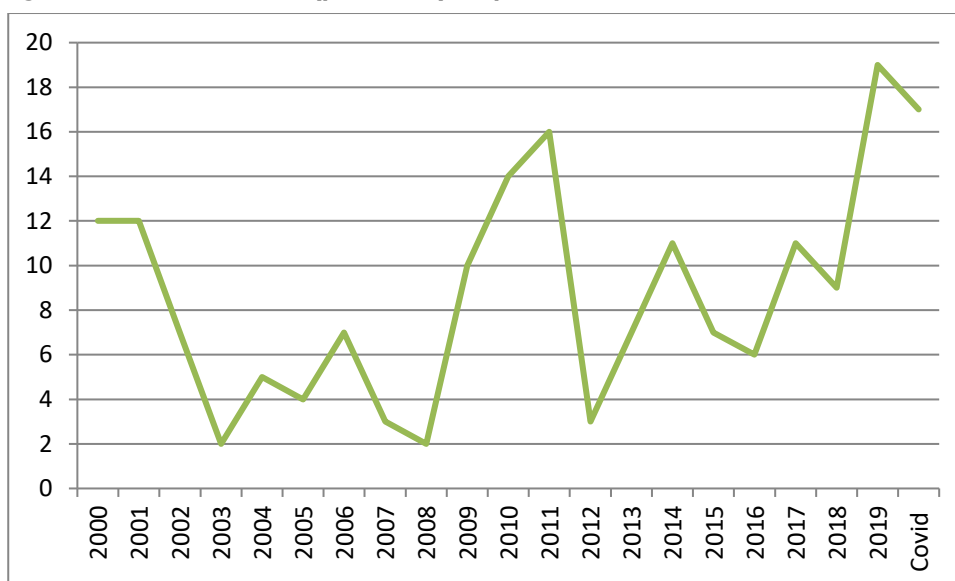
Italy had to face a rapid escalation in infections: with the decree-law of 23 February, "Urgent measures for the containment and management of the epidemiological emergency from COVID 19" and the consequent dPCm of February 23 "Implementing the provisions of the decree-law of 23 February", emergency command was centralized in the hands of the Prime Minister, and full marginalization of the ordinary legislative process and restrictions on mobility to eleven municipalities, ten of these in the Lombardy region and one in the Veneto region, were imposed. Only two weeks later, Conte was obliged to extend these measures to several Italian regions, from Lombardy to Veneto and Emilia Romagna. Since 4 March, schools and universities have been closed nationally, and on 8 March Italy opted for a national quarantine, with people ordered to stay at home and allowed to go out only for essential and self-certified reasons. These measures were followed a few days later by a general shutdown of the Italian production system. From February 23rd onwards, the various dPCms issued by the Italian Prime Minister affected the very delicate sphere of citizen's rights, from freedom of movement to economic enterprise, with relevant short- and long-term consequences.

Constitutional scholars stress that the use of Prime Ministerial Decrees, although they allow the government to deal quickly with an emergency, represents a way of escaping the parliamentary dialectic, neither fostering nor allowing collaboration of majority and parliamentary minorities. Indeed, despite Parliament having not stopped its work, examining, modifying and converting about ten decree-laws during the first months of the emergency (Pastore 2020), the widespread use of dPCms, especially to regulate matters subject to legal reserve, is noticeable and growing (Musella 2020a; Rullo 2021).

² Here we refer to Decreto-legge 23 febbraio 2020, "Misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID 19".

³ Article 2, Law 225/1992.

Figure 1 - Number of dPCMs (per annum) adopted in 2000–2020.

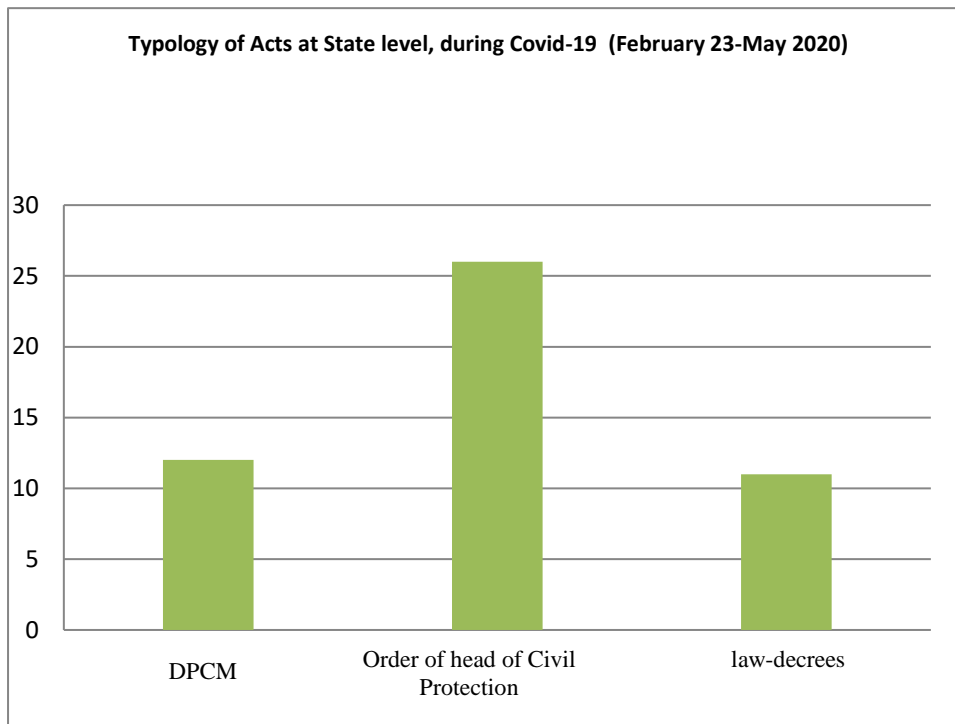


Source: <https://www.normattiva.it/>. Author's own elaboration.

As has been observed, the overall "regulatory role" of Government has grown, making the Government the "*signore delle fonti*" (Cartabia 2011). This trend is very evident in Figure 1, in which is reported the use of dPCMs by the Italian Presidente del Consiglio in the last 20 years. The use of these acts is clear evidence of the growth of the president's power. Moreover, scholars observe that Covid-19 challenges legislatures in terms of playing a guide role (Ginsburg 2020). As Bar-Siman-Tov (2020) argues: "the Coronavirus pandemic poses a dual challenge for legislatures: the pandemic makes it difficult and even dangerous for legislators to operate according to regular order in their elected assemblies; and it creates a sense of emergency that empowers the executive branch and emboldens its motivations to assert greater authority at the expense of the legislature". In Italy, the Parliament continued its work in the presence of the pandemic, creating the conditions for distancing between deputies and senators and sometimes allowing a roll call to reduce the number of people present in the hall. But, at the same time, it was decided to focus parliamentary activities only on urgent and undelayable acts, such as the conversion of "pandemic" decree-laws (Ibrido 2020).

As the typology of acts in Figure 2 shows, in the first and second phases of the emergency (from the end of February to May 2020), decision-making was highly centralized at the executive level. In fact, the actors who legislated were all in the Government: the numbers of presidential decrees and law-decrees are almost the same, while orders from the Head of Department of Civil Protection are more numerous. The pandemic crisis management confirms and highlights the growing normative power of the executive and of the Presidente del Consiglio.

Figure 2 - Typology of acts adopted during the first and second phases of the Covid-19 crisis.



Source: Conferenza delle Regioni e delle Province Autonome. Author's own elaboration.

If, from a legislative point of view, in these first two phases, the Prime Minister and the executive body produced about the same numbers of acts, mediatically speaking, the Prime Minister was predominant. As Hart, Heyse and Boin (2001, 183) offer in evidence with respect to crisis management, “it is not just running the physical response operation that counts, managing the ‘image fallout’ that follows the outbreak of crisis has become important as well”. As a matter of fact, during the crisis, Giuseppe Conte often spoke to the nation through press conferences on national television (where the Prime Minister generally speaks in the first person), or directly through his personal Facebook page (Karlsen and Enjolras 2016). While a few years ago one may have imagined that the Prime Minister would act and make pronouncements after intense discussions with party representatives, Conte seemed to offer personal guidance during the crisis, with only the support of an inner cycle of scientific experts collected in committees⁴ (Calise and Musella 2019). Conte’s media presence stands for the institutional centralization of power in his hands⁵.

The coalition government in charge, which has to cope with the pandemic, is composed of the Five Star Movement (Movimento Cinque Stelle, M5S), the Democratic Party (Partito Democratico, PD), Italy alive (Italia Viva, IV) and Free and Equal (Liberi e Uguali, LeU)⁶, while the Presidente del Consiglio, Giuseppe Conte, is an Independent and not formally a member of any party. Whereas M5S and PD hold most of the ministerial offices, IV and LeU have very few, yet these are strategic for pandemic management; they hold

⁴ This represents the conditions for a quite obscure decision-making process, as observed by B. Caravita, “L’Italia ai tempi del coronavirus: rileggendo la Costituzione italiana”, in *federalismi.it*, 18 marzo 2020.

⁵ As observed by Rullo (2021): “In the first instance, his followers increased from almost one million in January 2020 to over three million at the beginning of May, while he reached almost 700,000 followers on Twitter.”

⁶ LeU was launched in 2017 as a federation of political parties including Article 1 (Articolo 1), Italian Left (Sinistra Italiana) and Possible (Possibile). The three founding parties left the alliance in late 2018, but LeU continued to exist as a Parliamentary Group.

LeU, the Health Ministry, IV, the Ministry of Agriculture and Food Policies, and the Ministry of Equal Opportunities and Family. Nevertheless, the coalition supporting the Conte II government appears divided on both minor and major issues such as electoral law (Lupo 2020). Moreover, lacking any constitutional provision for a state of emergency and the President being a person formally independent of the parties in government, the centralization of powers was essentially automatic. Indeed, despite having to deal with a coalition government and power-sharing by several parties, in Italy the Presidente del Consiglio was the central actor in management of the pandemic.

The only ones who seem to impinge on the Prime Minister's power are the Presidents of the Regions, at both the media and decision-making levels. With the constitutional reform in 1999, these monocratic actors have become the highest political authority provided with direct legitimation in Italy. Furthermore, the personalization of politics helps this monocratization. The reform of Title V of the Constitution (2001) relaunched Italian regionalism on a new basis. In fact, the criterion of competences division between the centre and intermediate bodies was reversed, according to a policy that made the regions holders of general legislative power. The "governors", as Regional Presidents are often referred to, to evoke their American namesakes, already at the centre of the media scene, also became the centre of a reform that revised the nature of the State. During the Covid-19 emergency, the Regional Presidents very often integrated, reinforced or challenged the Prime Minister's decisions and power, through the use of a number of relevant emergency orders⁷. However, the crucial role of the Presidents of the Regions is evident, above all in the mediatic arena in which they can establish direct and immediate links with citizens. Indeed, "one of the most crucial leadership tasks during a crisis is to explain what is happening and what leaders are doing to manage the crisis" (Boin 2009, 373). For instance, the President of Region Campania, Vincenzo De Luca, attracted the attention of international media thanks to his vigorous opposition to the spread of the epidemic contagion in his territory. Besides, after some days, the Ambassador of the United States, comparing Giuseppe Conte and Donald Trump, declared his trust in both, describing them as strong leaders able to face up to the emergency.

The great number of ordinances, as shown in Figure 3, has led to the government, in the absence of adequate coordination procedures between the State and the Regions, creating tools of "standardization", as in the case of the preparation of the draft ordinance model of Health Minister Speranza. The management of the emergency has given rise to disputes over competences (Catelani 2020), if not real political conflict, as in the case of Marche Region, where the Regional President, Luca Ceriscioli, decided to close the schools and ban public events before the Prime Minister's decision⁸. The mechanism for coordination in two-level governance contemplated in Law-Decree 6/2020 does not work well; for example, the decisions taken by the President of the Calabria Region, Jole Santelli, challenged the Conte government by reopening bars and restaurants when the national territory was still experiencing the so-called phase 1 of the emergency, with an order contested in front of the TAR⁹. Moreover, this is evocative of the conflict between Central Government and the Lombardy Region as regards the possibility to declare "red zones"¹⁰ or not. Nevertheless, conflicts occur not only between the Regions and the State but also between the Regions themselves, as shown in the case of the President of Basilicata region, Vito Bardi, who, fearing that Lucanian migrant workers and students might return to their region, appealed to Conte and the Interior Minister, Lamorgese, in respect of the order of the President of the Lombardy region that halted productive activities¹¹.

⁷ Art. 32 of the law of 23 December 1978, n. 833 allows a Regional President, in matters of hygiene and public health, to adopt contingent and urgent ordinances with their effect extended to the Region or part of its territory.

⁸ See, among others, the article "Coronavirus, scuolechiuse" (by Monica Rubino), published in La Repubblica newspaper: https://www.repubblica.it/politica/2020/02/26/news/coronavirus_scontro_stato-regioni_ceriscioli_marche-249607131/

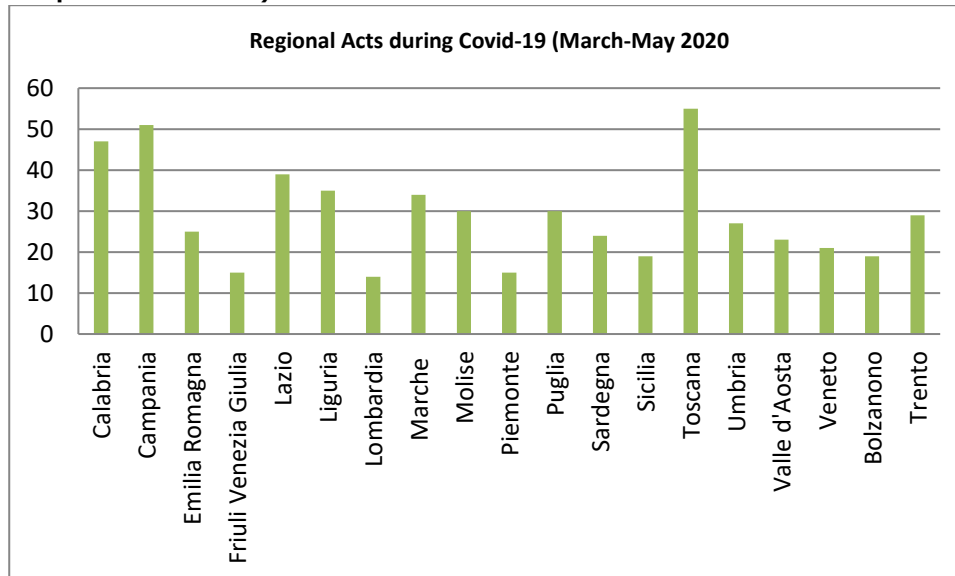
⁹ See the following article, published in La Repubblica, "Coronavirus, il Tar accoglie il ricorso del Governo contro l'ordinanza della Calabria" (by Alessia Candito):

https://www.repubblica.it/politica/2020/05/09/news/tar_accoglie_ricorso_governo_su_ordinanza_calabria-256157510/

¹⁰ See the article "Conte-Fontana: si riaccendo il conflitto tra Stato e Regioni" (by Annamaria Graziano), published in the Italian Times: https://www.theitaliantimes.it/politica/cont-fontana-conflitto-stato-regioni_150620/

¹¹ Here is the letter written by Bardi to Conte and Lamorgese: <https://www.regione.basilicata.it/giunta/site/Giunta/detail.jsp?otype=1012&id=3064137>

Figure 3 - Number of acts adopted by single autonomous communities during the period March–May 2020 (1st and 2nd phases of Covid-19).



Source: Conferenza delle Regioni e delle Province Autonome. Author's own elaboration.

As the notable normative production demonstrates, the regional level of governance competed with that of the state in terms of quantity and primacy. In the Italian legal system, the Regions are responsible for health protection, while the State determines the fundamental principles. So, constitutional provisions (art. 117 Cost.) and the vertical subsidiarity principle encourage concrete actions of the Regions in the health sector, while the state of emergency pushes for a more centralized decision-making system. The result is “normative hyperactivism” (Catelani 2020) and a confusing scenario in which the only certainty is the crucial role of the personal leader, at both state and regional levels.

4. The Spanish case

The first Covid-19 case was registered in one of the Canary Islands on 31 January, while the first death was in Valencia on 13 February. Currently, Spain is the country the third most affected by the Coronavirus pandemic in the European Region.¹² In the first ten days of March, some Autonomous Communities began to take measures to combat the virus until the Central Government declared a state of emergency, initially for two weeks, on 14 March in Real Decreto 463/2020¹³.

Unlike the Italian case, in Spain, there is a formal constitutional provision for a state of alarm, exception and siege¹⁴ (art. 116 of Constitution and Ley Orgánica 4/1981) that allows the Government to deal with an emergency. In addition, Organic Law 4/1981 also provides that a decree declaring a state of alarm may impose

¹² Website consulted on 11 June 2020: <http://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/covid-19-latest-updates>

¹³ As the brief note of the Italian Senate, N. 180 – March 2020, states, some parliamentary groups presented motions to be voted on in the second extension to the state of alarm. The resolution approved by the Congress of Deputies is that of the PNV which obliges the Government to inform Parliament weekly on the emergency measures adopted. In our view, this stresses the role of political parties in limiting executive overpower.

¹⁴ According to the doctrine, the alarm status is the most ambiguous and soft among the states of emergency and perhaps, at this stage, a state of exception is hidden behind it.

limits on the movement or permanence of people¹⁵. Based on such provisions, Decree 463/2020 imposes a limitation on citizens' freedom of movement and "social distancing" measures.

Meanwhile, four days before the declaration of a state of alarm, the Congress of Deputies and the Senate suspended its parliamentary activity due to contagion among the Vox and Podemos deputies,¹⁶ prompting a few days later the inauguration of an online voting method and curtailing the schedule of parliamentary work (Piergigli 2020). The Congress of Deputy granted six extensions (7 March, 10 April, 24 April, 8 May, 22 May and finally 3 June: the last two fall outside our temporal framework) to the state of alarm, and the Council of Ministers, on 28 April, approved a De-escalation Plan (*Plan de desescalada*)¹⁷ which contained measures for a transition towards a "*nueva normalidad*" (new normality).

The Plan consists of four phases, each lasting at least two weeks¹⁸, depending on the epidemiological state of each region and depicting asymmetrical governance. The Plan is especially relevant in this sense because it identifies collaboration between the State and Autonomous Communities as a principle of escalation, but the last word on transition from one phase to another comes from central government and is based on various indicators.

However, focusing on the first two phases (from March to May 2020), we notice that the initial management of the crisis showed a centralising character, also because Spain is the only other European system, apart from the Italian one, to contemplate emergency decrees, i.e. decree-laws, *decretos-leyes* (Astarloa Huarte-Mendicoa 1985; Tarchi and Fiumicelli 2016). This is one of the main reasons why executive powers have been growing thanks to the use of legislative power that is – for the Government – constitutionally limited to some special situations of urgency and extraordinary circumstances (art. 86). Notwithstanding, the need for normative intervention by the central government has been extensive. So, the use of decree-laws has been very frequent, while the law will gradually lose ground, because law-decrees are the best-equipped regulatory instrument to respond to social demands in critical situations, such as an economic or health crisis. The use of decree-laws as ordinary legislation practice has been a constant in the Spanish constitutional democracy, although it recently reached a high level, especially if compared with ordinary legislation (Aragón Reyes 2016; Barreiro González 2003; Carmona Contreras 2013; Celotto 1999; Pérez Sola 2020). Moreover, according to Law 50/1997, both the President and Ministers have regulatory powers with *reales decretos*¹⁹, and Ministers can also issue resolutions and provisions via ministerial orders. But, unlike Italy, the use of autonomous decrees by the President and the Ministry directly dependent on him, is now falling compared to the preceding 20 years.

¹⁵ Other measures provided for by Article 11, II Chapter of the Organic Law 4/1981 are: requisitions of goods; temporary occupation of factories or industries and exploitation of natural resources; limits on basic necessities; provisions for market supply.

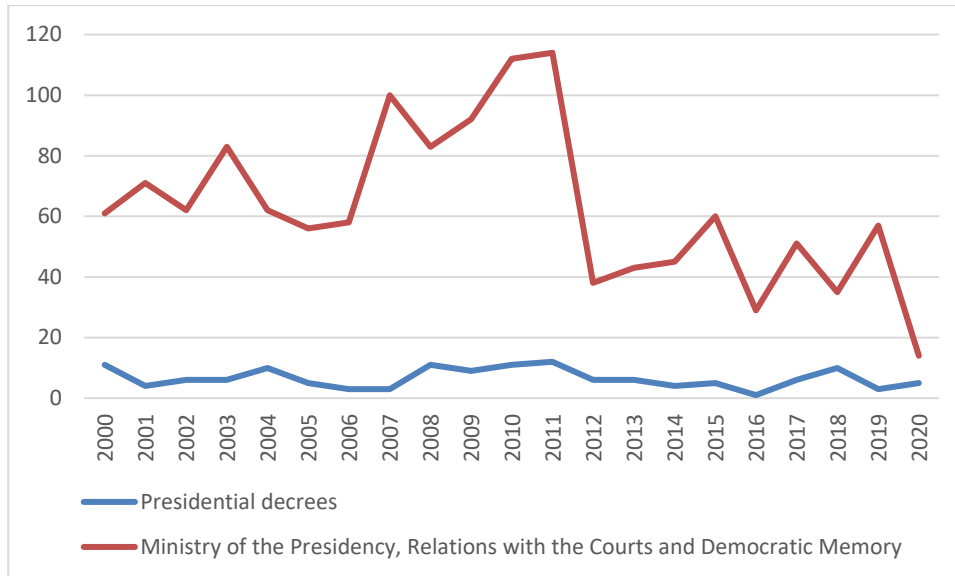
¹⁶ See these journal articles (12 March): <https://www.elmundo.es/espana/2020/03/10/5e677680fdddf77138b45be.html>; <https://elpais.com/espana/2020-03-12/el-congreso-aplaza-las-explicaciones-del-ministro-de-sanidad-tras-el-positivo-de-la-ministra-montero-por-coronavirus.html>.

¹⁷ To see the conference: <https://www.marca.com/tiramillas/actualidad/2020/04/28/5ea84bf122601d43128b459b.html>. See also the Moncloa official website: <https://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/280420-enlace-desescalada.aspx>.

¹⁸ Here is a guide to find out what stage each Autonomous Community is in: https://elpais.com/sociedad/2020/05/07/actualidad/1588852756_386639.html.

¹⁹ For the analysis carried out here, we take into consideration Decrees issued by the Ministry of the Presidency since this is the Minister who directly supports the President. According to jurisprudence and doctrine, instead, Presidential decrees are generally used to manage the internal organization and structure of the Government. So, we decided not to take this type of act into account in our analysis.

Figure 4 - Presidential decrees and Ministry of the Presidency in Relation to Courts and Democratic Memory adopted in 2000–2020.



Source: <https://www.boe.es/>. Author's own elaboration.

Moreover, although Spain has opted for the use of remote voting, making the country one of those that have at least one “hybrid parliament” (Ibrido 2020), the role of the legislative body has not been more relevant than in Italy. Indeed, during the first emergency period, Parliament only approved law-decrees adopted by the executive and resolutions to extend the state of emergency²⁰. As a matter of fact, *gobemar por decreto* seems to be a consolidated praxis adopted by governments of various political backgrounds (de la Iglesia 1997; Fittipaldi 2020). So, it comes as no surprise that the Covid-19 crisis has been managed through executive acts. Indeed, as Figure 2 shows, there are three types of acts: 1) 14 decree-laws²¹ (*Reales Decretos-leyes*); 2) six decrees proposed by the Ministry of the Presidency, Relations with the Courts and Democratic Memory; 3) 53 ministerial resolutions, orders and dispositions (*ordenes, resoluciones*) emanating from ministries.

As Figure 5 shows, most statal acts are ministerial. Although the protagonism of the President is evident in the decrees proposed by the Ministry of the Presidency, Relations with the Courts and Democratic Memory (the ministry supporting the Presidency), these are significantly fewer than the acts (orders and resolutions) specified by various Ministers. This is mainly due to two factors. First, a constitutional provision establishes that the Government is the competent authority during a state of alarm (Article 7, Organic Law 4/1981), and its collegial body (Council of Ministers) has responsibility for declaring it (Article 4, Organic Law 4/1981 and Article 116, Constitution).

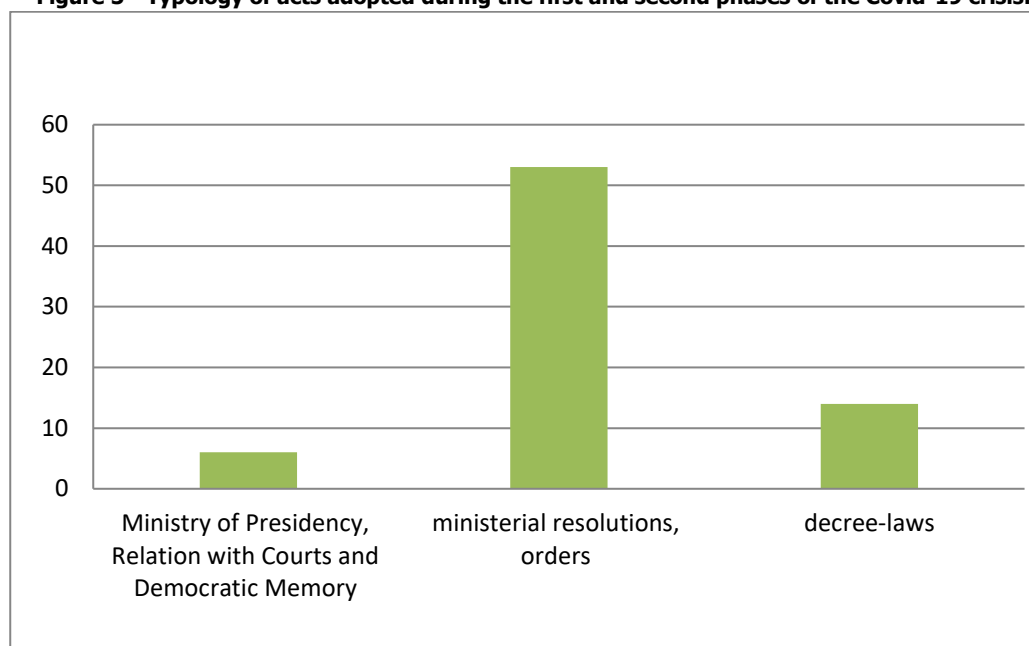
Moreover, Decree 463/2020 (article 4) states that the competent delegated authorities, within their functions and under the direction of the President of the Government, will be four Ministers, namely the Minister of Defence, the Minister of the Interior, the Minister of Transport, Mobility and Public Agenda and the Minister of Healthcare (the latter is also competent in matters not delegated to other authorities).

²⁰ https://www.congreso.es/web/guest/iniciativas-legislativas-aprobadas?last_search=1.

²¹ This is the number of approved decrees-law. Source:

http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/LeyesAprob?_piref73_1335447_73_1335446_1335446.next_page=/wc/busquedasLeyesAprobadas&anoLey=2020&selectLey=tituloListadoRealesDecretos.

Figure 5 - Typology of acts adopted during the first and second phases of the Covid-19 crisis.



Source: <https://www.boe.es/>; <https://envira.es/es/normativa-publicada-relacion-covid-19-espana/>; http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/LeyesAprob?_piref73_1335447_73_1335446_1335446.next_page=wc/busquedasLeyesAprobadas&anoLey=2020&selectLey=tituloListadoRealesDecretos. Author's own elaboration.

Second, looking at the Spanish party system and coalition government, the role of political parties limits the concentration of power in the hands of the President, since he must compete for power with other political and collective actors of the democratic regime, namely, political parties in both the Executive and Parliament²² (Pomed Sánchez 2020; Salvador Crespo 2020). Indeed, the coalition government is composed of the Spanish Socialist Workers' Party (Partido Socialista Obrero Español, PSOE), United we can (Unidas Podemos, UP) and the Socialist Party of Catalonia (Partit dels Socialistes de Catalunya, PSC). The PSOE holds the major offices in the executive, while Podemos and IU hold a total of four ministries (namely the Ministry of Equality, the Ministry of Labour and Social Economy, the Ministry of Consumption and the Ministry of Social Policies and Agenda 2030²³). This Government framework paints a more favourable picture of the parties, not only because the Premier is also the leader of the major ruling party, but also because the constitutional provision for a state of emergency (in this case, the *estado de alarma*) provides for ministerial management of the crisis.

Notwithstanding, if management of the crisis depicts rich ministerial normative production, the role of the President is predominant in the media arena, in which the personalization of politics is the main channel. President Pedro Sánchez holds many press conferences in Moncloa Palace and his activity is constant even on social media, so much so that the mediatic presence of Sánchez became a habit for Spanish people, as the document *Comunicación política en tiempos de coronavirus* highlights (AA.VV. 2020).

However, in addition to the parties being competitors at the central level, the Spanish President also sees his power restricted by dominant figures at the regional level, being constitutionally provided for by administrative decentralization and a system of local autonomy. The Presidents of Autonomous Communities, in a regional party politics view, challenge the predominance of the Prime Minister in both the mediatic arena and legislative

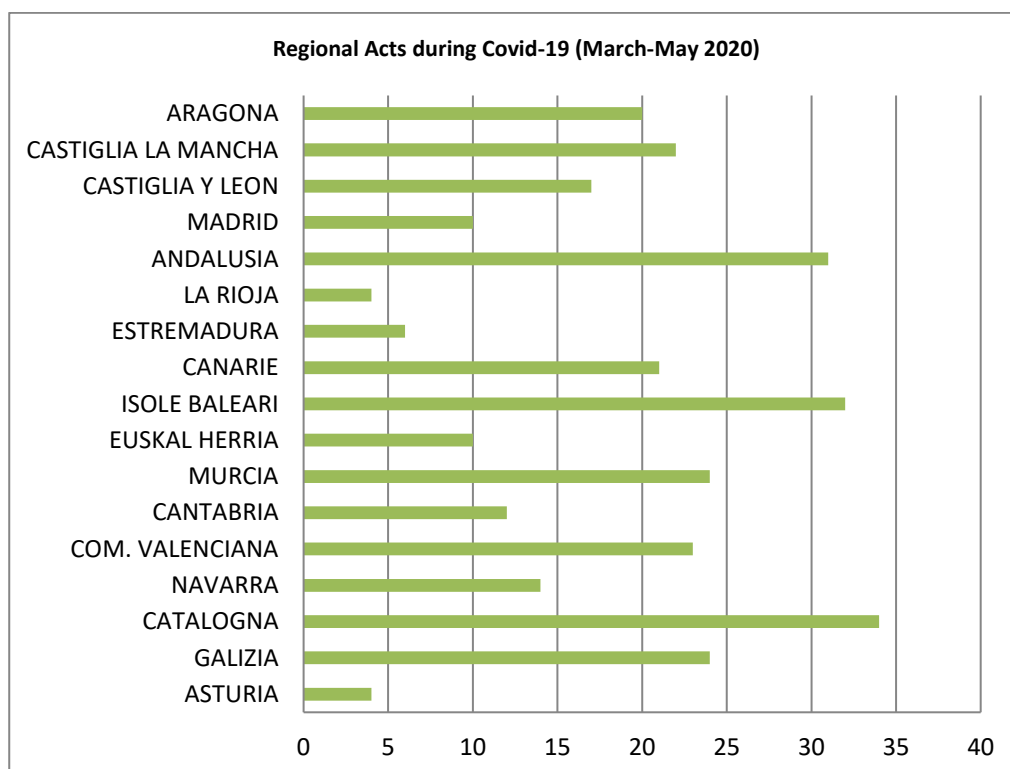
²² See, for example, the article published in *El confidencial*, “Los partidos limitan el margen y el poder de Sánchez en el estado de alarma”, by Fernando Garea: https://www.elconfidencial.com/espana/2020-04-10/partidos-limitan-margen-poder-sanchez-estado-alarma-coronavirus_2542628/

²³ This is held by Pablo Iglesias, who is also the Second Vice President of the Government.

production, with autonomous decree-laws or other types of regulations, since the statutory reform, carried out since 2006, also incorporated and implemented the decree-law instrument at the regional level of governance (Pérez Sola 2020; Ruiz Rico Ruiz 2006)²⁴.

So, while a process of centralization of decision-making is evident at the central level, with the reinforcement of the role of the Executive, the protagonism of Regional Presidents must also be considered. As Stern and Sundelius (2002, 72) offer in evidence, crisis contingencies “pose similar challenges of decision-making and communication to those who act in the name of the state. Actors at various levels of national and regional administration are likely to perceive these incidents as characterized by urgency, threats to core values, and uncertainty—in other words as crises that demand an effective response”. Indeed, each region has adopted state-level legislation and integrated state-government provisions into its own complex multi-level governance. Figure 4, below, presents the number of acts for two-level governance. All 17 Autonomous Communities have legislated to manage the Covid-19 crisis, as well as central Government. Indeed, on 9 March, the Autonomous Community of Madrid closed all schools and every order and decree in the region provides for the daily disinfection of public transport vehicles (Orden 338/2020); and on 12 March in Catalonia, the most active Autonomous Community in terms of regulatory production, as can be seen from Figure 3, the President of the Community, Quim Torra, issued the first decree-law to manage the pandemic from an economic point of view. Moreover, all the autonomous Presidents, except Quim Torra, signed a document for unity of action against Covid-19 after a videoconference with the Prime Minister, Pedro Sánchez (Poggeschi 2020).

Figure 6 - Number of acts adopted by single autonomous communities during the period March–May 2020 (1st and 2nd phases of Covid-19).



Source: <https://envira.es/es/normativa-publicada-relacion-covid-19-espana>, elaboration of the author.

²⁴ In this regard, the Tribunal Constitutional asserts that Regional Statutes have to adopt the provisions in the Constitution in order to make Regional Government respect the limits set forth in art. 86.1 of CE.

These examples of decisions at the regional level precede the state of alarm declaration by five days and this is symptomatic of the decisional decentralization that characterizes the Spanish Regional State. The coordination between the central State and Autonomous Communities does not always seem direct and free from criticism.²⁵

The centralization of the major part of the decision-making process actuated with the state of alarm by the Executive collides with health management usually in the hands of Autonomous Communities, which have 17 different regional health systems. Some sort of turnaround is noticeable on 3 May, when the Ministry of Healthcare issued an order that started the *cogobernanza* process (i.e. co-governance) with Autonomous Communities in the health area. However, from the executive, the appeals to Autonomous Communities are often centred on unity; while from the bottom (regional level), controversy mainly focused on the centralization of decision-making²⁶, the delays in distributing medical materials in the first weeks of the emergency and the excessively harsh closure measures²⁷. Moreover, the aforementioned *Plan de desescalada* constitutes another area of contrast between the centre and periphery, mainly because the Government decides on measures that the regional level must apply in practice, being the regional level, as in Italy, that is competent in the health area. The fact that these conflicts are not party-oriented, since the Presidents of Autonomous Communities agree with the Central Government or not regardless of their political colour, confirms the progressive loss of relevance of the role of political parties in centre-periphery conflicts and in terms of multi-level governance²⁸.

Conclusion

Concerning our main hypotheses, this article suggests that the pandemic crisis enhances the personalization of politics. Looking at our two empirical cases, we may argue that a personalization trend characterises both countries. Indeed, in both Italy and Spain, the regulatory and normative powers of presidents are, as Figures 1 and 4 demonstrate, generally used in cases other than those of exceptionality and of an extraordinary nature contemplated by the Law and the Constitution (Heywood and Molina 2000). Thus, path-dependency guides these extraordinary situations so that in the Covid-19 crisis too, since it was unexpected, there emerged the deep and pre-existing political nature of systems (Capano 2020). Moreover, the evidence from Italy and Spain indicates that institutional personalization occurs at two levels of government: on the one hand, it can realize centralized power in which the Presidents play a central role; while on the other, it can shape the decentralization of power, in which regional and local politicians play a relevant role. These phenomena do not necessarily balance each other out, but they do imply a high level of personalization as a structural element of multi-level politics.

²⁵ See, among others, the two following articles. The first is “La gestión de las comunidades ante la crisis del coronavirus gana apoyos frente a los fiascos de Moncloa”: https://www.abc.es/sociedad/abci-gestion-comunidades-ante-crisis-coronavirus-gana-apoyos-frente-fiascos-moncloa-202004240207_noticia.html?ref=https:%2F%2Fwww.google.com%2F. The second is entitled “El debate en el Senado pone a prueba la coordinación y unidad entre Gobierno y autonomías frente a la covid-19”: <https://www.publico.es/politica/emergencia-coronavirus-debate-senado-pone-prueba-coordinacion-unidad-gobierno-autonomias-frente-covid-19.html>

²⁶ See, for example, the conflict in Catalunya. Here are two articles on the (national) centralization of power during the pandemic: https://www.elnacional.cat/es/politica/parlament-recentralizacion-gobierno-coronavirus_519462_102.html and: https://www.eldiario.es/politica/comunidades-rebelan-sanidad-disparidad-desescalamiento_1_5872610.html

²⁷ The article “Sánchez insiste en homogeneizar a las autonomías: “No tienes que hacer diferencias, el virus no entiende de fronteras” (by Juan Carlos Merino), published in La Vanguardia, is available here: <https://www.lavanguardia.com/politica/20200329/48159227624/sanchez-homogeneizar-autonomias-diferencias-virus-fronteras.html>

²⁸ In the article “Las autonomías recelan de la desescalada del Gobierno”, published in La Vanguardia, the director Lola García analyzes the recent conflict between autonomías and the Government on de-escalation in Spain: <https://www.lavanguardia.com/politica/20200428/48765805397/autonomias-recelan-desescalada-gobierno-pandemia-coronavirus-espana-covid-19-video-seo-lv.html>

The analysis carried out in this article offers new empirical evidence about presidentialization and demonstrates that Italy and Spain have different forms of pandemic management which clearly increase the role of the Executive at both the national and sub-national levels. Indeed, Covid-19 has considerably influenced the decision-making process, making it more top-down. We note an intense use of presidential decrees and decree-laws in Italy, and of ministerial orders and resolutions in Spain. This largely undermines the parliamentary form of government and involvement of the legislative body in the legislative process (Blanco Valdés 2007). Nevertheless, while in Italy the role of Prime Minister results in policy that is more relevant, taking into consideration his extensive use of presidential decrees and the fact that legislative activity consisted almost entirely of the adoption of decree-laws, in Spain the predominance of the President seems to be more limited by parties and ministers (see Figure 5 on the typology of Covid-19 acts in Spain). In Italy, Conte assumes a role divided between politician and outsider/technocrat (Pasquino and Valbruzzi 2012). Indeed, he is not a member of any party and is formally independent. While in Spain, Sánchez is the leader of PSOE as well as Prime Minister. Furthermore, both countries have a coalition government, but while in Italy the Prime Minister is not the expression of any party, in Spain the opposite is true. The fact that the Chief Executive is also a party leader does, on the one hand, support the thesis of personalization (more roles for one person); and on the other hand, it makes the President more dependent on the parties, thus mitigating his executive leadership (Poguntke 2005). However, both cases highlight a notable personalised trend, even if in different ways. In the Italian case, the personalization of politics and the leader's growing importance occur at the expense of the parties. Conversely, in Spain, the personalization of politics is evident in the identification of the leader with his party²⁹. Although both processes assume that the figure of the leader is progressively more important and that he occupies centre-stage in the political arena, thus shaping a leader-oriented political structure, the direct and main consequence of the decline of parties' role as intermediate bodies is more evident in Italy than in Spain (McAllister 2007; Rahat and Sheaffer 2007). Notwithstanding, the continuous plebiscitary appeal is noticeable in the speeches of Conte and Sánchez, underlining that coronavirus results in increasingly personal speeches by public leaders (see plebiscitarian linkage as a variant of electoral linkage in Barr 2009). Both Presidents have a personal and direct link with their citizens, both hold press conferences and make interventions on social networks, framing the crisis and making sense of it (Ansell, Boin, Keller 2010).

At the regional level, in both countries, Presidents of the regions issue many orders and provisions, indicating a presidential regional system (Capano 2020, Kölling 2020). Nevertheless, from a territorial governance point of view, the decision-making process is very centripetal in both cases. And, especially, the Spanish "Estado autonómico" as a pattern of territorial system is challenged by the state of alarm provisions (Ruiz-Rico Ruiz 2020). If, on the one hand, the pandemic crisis has led Presidents of the Regions to adopt more binding and restrictive regulations (thus causing problems of understanding by citizens and businesses, lost and uncertain about their daily actions due to often conflicting provisions), on the other hand, it built a centralized system (Celotto 2020). In Italy this occurs at the executive level, thanks to a lack of legislative provision for an emergency; and at the presidential level, thanks to political fragmentation in the coalition government. Conversely, in Spain, the centralization in government is justified by the legislative provision for a state of exception and the relatively less centralization in the hands of the President of the government is due to the lower fragmentation of the governing coalition and the greater weight of the parties. Moreover, the emergence and significant normative and media activity of sub-national leaders confirm the thesis of the growing importance of personal politics, more so because this is replicated at several levels and in several arenas, highlighting a *de facto* personalization trend.

It is too early to evaluate the effects of stabilization of presidential crisis management in the aftermath of the health and economic crisis, but for now we can at least assume that it is not just a possible trend. Rather,

²⁹ To learn more about the topic in order to compare candidate-selections and leader-selections between Italy and Spain see: Vicentini 2013.

personalization represents a dynamic that orders the contemporary political space. Covid-19 turned out to be a very powerful accelerator of processes already underway.

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