

Università Giustino Fortunato

Call for papers

*Tecnologia e innovazione: nuovi modi per fare cose note?*

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**Title of the paper.** *A Smart Parliament? Few lights and many shadows of parliamentary smart working.*

**Abstract.** The restriction of certain freedoms, including those of movement, has also affected the work of parliamentarians and Parliament, forced to meet on a narrow track by means of the measures decided by the public and health authorities that have drawn red zones, quarantine obligations, movement bans, border restrictions, airport closures, assembly bans, limited (if not sometimes even abolished) connections and transport.

The progressive development of the pandemic involved all the regions of Italy, in particular (during the first wave) those of the Central-North (Lombardy, Veneto, Piedmont, Emilia-Romagna), and the feared paralysis of the legislative appeared, day after day, a scenario less and less unlikely, as for the positivity of some parliamentarians, as for the impossibility for some to physically reach Parliament.

The solution adopted in the aftermath of the restrictions imposed was based on a gentlemen agreement between groups and individuals to allow safe continuation of work, with reduced ranks, and in compliance with the balance of power between the different groups of majority and reduced opposition proportionally.

A practice that is in some ways new but not mandatory, which has also marked moments of failure and has been criticized by many for the excessive penalization of minorities, as for the risk of verticalization of the parliamentary debate polarized largely on the confrontation between group leaders and party secretaries (and that often goes beyond the parliamentary classrooms) also in view of the fact that some parliamentarians are not granted the right (which remains so even in emergencies) to participate in the debates by expressing their position.

It is, moreover, a solution which cannot be imposed on individual Members by forcing them, in spite of themselves, to comply with this kind of self-reduction.

In any event, while the stated aim of ensuring that the work of the Chambers continues, it is true that Members must enjoy the same guarantees and be protected in the same way as other workers, so as to exercise their mandate without endangering their health, that of their colleagues, collaborators and technical and administrative staff of the Parliament that governs the offices of the Chambers.

However, it seems that the Constitution and parliamentary regulations are particularly reluctant to introduce forms of distance work, as also highlighted by authoritative doctrine. Among the conservative and progressive positions divided by a classical or evolutionary interpretation of art. 64, paragraph 3, Const., we can however identify a median position that enables technology therefore, to ordinary modality but would remain an exception that accompanies, without replacing, the traditional parliamentary dynamic.

Among the varied and interesting alternative proposals to be explored during the emergency there would be one, in the quiet opinion of the writer, that could be in between the two theses, that is to say, in all cases where technology can simplify and accompany the ordinary ritual of sittings, both in the Chamber and in the Commission, starting from a full exploitation of the work in the Committees responsible for the subject and the strengthening of the regulatory investigation, considering the centrality assumed by the parliaments since the post-war period parliamentary regulations do not represent an obstacle to opening up to remote sessions, in particular for the technical-scientific support provided by the expertise.

The Commissions could thus meet in the legislative forum jointly between the members of the Chamber and the Senate as if they were many permanent bicameral, but reserving to the Chamber the only phase of the explanations of vote allowing access to the Chamber of Parliament in Montecitorio Palace only to parliamentarians who require to intervene in the phases provided for by art. 85, par. 7, R.C. (explanations of vote) with the others connected remotely from the positions set up in the two Palaces (thus also taking advantage of the Hall of Madama Palace), and then allow the same competent committees to vote.

For matters covered by the reserve of the Assembly, setting the constitutional limit referred to in art. 72, par. 4, Const., the maintenance of the ordinary procedure is, to date, the only way practicable also in the light of the absence in the Constitution of a rule on emergency states

that, In theory, it could also allow limited and limited derogations to ordinary procedures in the context of the declared state of emergency.

With a view to simplifying procedures, also with a view to enhancing the functions of the Parliament in joint session such a solution would allow the continuation of parliamentary work in safe and smart mode limited to emergencies.

Such a procedure, while opening up limited to technology in Parliament, does not at all fall into a sort of integralism of the physicality and uniqueness of the seat, but reinforces the idea of a central Parliament and not marginalized during the critical phases of emergency management, allowing all representatives of the nation to meet in the same place until the moment of deliberation that comes to the conclusion of the path of co(n)decision resulting from the meeting/clash of orientations, positions and choices that must find their full realization in the same place through direct exchanges and comparisons.

Which allows technology not to become an ordinary mode but to remain an exception that accompanies, without replacing, the traditional parliamentary dynamic.