

4 December: NO to RENZI'S [P2](#) Constitutional Reform

Abstract:

The new Constitution dice are loaded in favour of an authoritarian regime, where the leader of the party enjoying a guaranteed 55% majority in the Lower Chamber, who will be mostly his own nominees under the party list electoral system, in addition to his and his party's new-Constitution Senate nominees, can play an exceptionally powerful role in appointing: the Head of State, the members of the Constitutional Court, the members of the Higher Council of Magistrates (CSM), the leading Authorities responsible for sectoral functions, the RAI Board of Directors etc.; as well as legislating and exercising executive power without having to face any real opposition. And, as the UK has found with the collapse of the Labour Party, the failure to establish a real opposition has consequences for the country, and for Europe.

On 4 December 2016 Italian electors will be called to vote on a Referendum on Constitutional reform and a new electoral law. The question posed to electors is: "Do you approve the text of the constitutional law concerning 'norms for overcoming perfect bicameralism, the reduction in the number of parliamentarians, the containment of the costs of institutions, the abolition of CNEL [the advisory National Council for Economy and Labour] and the revision of Title V of Part II of the Constitution' approved by the Italian Parliament and published in the Official Gazette n. 88 of 15 April 2016?" YES/NO. Being a confirmation and not an abrogation Referendum no quorum is required for its validity.

Such a question is tendentious. The constitutional law in question does not abolish the Senate, it simply transforms perfect bicameralism into asymmetric (and less directly democratic) bicameralism, turning the Senate into a Chamber elected by a *selectorate* of mayors and regional councillors among themselves, instead of being elected directly by "the people" as art. 1 of the 1948 Constitution provides. What the new law abolishes is the Senate's power to bring down the government in a confidence vote, while retaining for the proposed Senate dual legislative powers on a broad range of questions, from local issues to European directives. The number of senators is reduced from 395 to 100 (21 mayors, 74 regional councillors and 5 nominated by the President) but there is almost no reduction in cost; far from the €500mn boasted of by Renzi, it is officially estimated at €50mn a year – equivalent to one day of Italian military expenditure, or a fraction of the tax that FIAT avoids by moving its headquarters to the Netherlands. And even that tiny cost reduction in keeping the Senate at all is matched by the only part time involvement (two days per month) of the new senators most of whose time naturally is taken up by their local administrative duties. The 630 members of the lower Chamber with their generous salaries, golden pensions and handshakes, bonuses, allowances and expenses entitlements, remain untouched.

Il Fatto Quotidiano (11 October) proposes spelling out and unbundling the long mixed question drafted by the government asking specifically whether electors approve:

- the abolition of elections for the Senate, which will be made up of mayors and regional councillors nominated by regional Councils i.e. by parties, not elected by the electorate, and empowered to legislate in the face of popular sovereignty;
- the concession of parliamentary immunity (from surveillance, arrest and prosecution) to mayors and regional councillors nominated as senators without

ever having been elected as legislators and therefore not entitled to that privilege;

- the complication of methods for law approval, passing from 2 to 10, or to 7, 9 or 13 according to the interpretation given to the incomprehensible text of the reform;
- the trebling, from 50,000 to 150,000, of the number of signatures needed to introduce a law by popular initiative;
- the survival of a Senate that will be able to or be compelled to – according to the subject matter – re-vote and modify all the laws approved by the Chamber of Deputies, replicating and complicating the bicameralism (even in its reformed asymmetry rather than current parity) that is alleged to be abrogated;
- the expropriation of the powers of Regions to protect their populations, territories, security and environment from useless large-scale, costly and polluting public works (such as the Turin-Lyon TAV, the Third Crossing [*Valico*], the bridge on the Messina Strait, oil drilling on land and at sea, regasification plants, etc.) which will be decided by the Prime Minister in Rome alone and in command.

In order to raise YES support falling behind in the South and on the Right Matteo Renzi has just resurrected the multibillion euro project of the longest suspension bridge in the world connecting Sicily with the mainland, associated with Silvio Berlusconi's premiership, and which Renzi had fiercely opposed in 2012. The project was abandoned in 2013 because of its high costs and dubious benefits, it being a long-term mafia objective, and the strait's vulnerability to earthquakes. There are more pressing needs and better growth-promoting projects in anti-seismic investment, rail and road transport improvements, and environmental protection and reclamation. [Tony Barber](#) in the Financial Times spoke of Renzi's reforms as the "constitutional bridge to nowhere" – nicely put were it not for the fact that opening to the mafia does not lead to nowhere but to the further criminalisation of the Italian state.

On 16 October Andrea Camilleri, Gustavo Zagrebelsky, Nadia Urbinati, Paolo Flores d'Arcais and Tomaso Montanari, [Why we vote NO](#), posed the question that is really being asked in the referendum:

"Do you want to count less, to have less democracy, to give a free hand?"

"We will answer NO," they write, "... We do not want to give a free hand to this or to any other government. An inept and often corrupt political class tries to convince us that the Constitution is at fault, but this is not true. To those who tell us that to make Italy work it is necessary to change the rules we answer: we, instead, want to change the players".

(See also PELLECCCHIA [Intellettuali del bel paese dove il sì suona](#), MARTELLI [Se Renzi è un oligarca](#), SOMMA [Benigni, la Costituzione e la Brexit](#), DE LUCA [Politici corrotti, giù le mani dalla Carta](#), FORGES DAVANZATI [La finanza e la controriforma costituzionale](#). See also [Noi votiamo NO](#); Zagrebelsky and Pallante, [Loro Diranno, Noi Diremo](#), Travaglio and Truzzi, [Perche' NO](#), La Valle [La Verita' sul Referendum](#), a set of replies [NoFattoDaVoi](#)).

The present Parliament was elected on the strength of electoral law 270 of 21 December 2005, named after its Lega proponent, Roberto Calderoli, and better known as the *Porcellum* from the name (*una porcata*, a pig's breakfast) attached to it by the proponent himself, which in January 2014 was declared unconstitutional by the Constitutional Court (Sentence 1/2014). Continuity of state power required that Parliament should continue to be legitimate in its functioning, but it is highly questionable whether the current Parliament should have done anything other than at most pass a new electoral law before being dissolved by the President, who was himself

elected by the current unconstitutional Parliament, moreover for a second mandate not envisaged (although not specifically forbidden) by the Constitution. Instead of which the unconstitutional Parliament with Napolitano's prodding launched itself at a major constitutional reform changing one third of our Constitution.

Moreover, since its unconstitutional election in February 2013 the Italian Parliament has achieved the unenviable record of containing 246 turncoats (*voltagabbana* in Italian) Members of Parliament changing sides, many of them more than once reaching a total of 325 crossings of the floor, equivalent to about one third of the combined membership of the Lower Chamber and the Senate (and rising weekly). Berlusconi, a pioneer in establishing a market for parliamentarians, purchased support that was decisive in toppling the Prodi government. With this kind of tradition there is no way even the majority premium envisaged by the new Constitution can guarantee a stable majority.

So the new Constitution dice are loaded in favour of an authoritarian regime, where the leader of the party enjoying a guaranteed 55% majority in the Lower Chamber, who will be mostly his own nominees under the party list electoral system, in addition to his and his party's new-Constitution Senate nominees, can play an exceptionally powerful role in appointing: the Head of State, the members of the Constitutional Court, the members of the Higher Council of Magistrates (CSM), the leading Authorities responsible for sectoral functions, the RAI Board of Directors etc.; as well as legislating and exercising executive power without having to face any real opposition. And, as the UK has found with the collapse of the Labour Party, the failure to establish a real opposition has consequences for the country, and for Europe.

Gustavo Zagrebelsky, the former President of the Constitutional Court, states that the combination of the new electoral law (the so called *Italicum*, whereby 2/3 of deputies will be nominated by party leaders), and the reforms linked to it by a YES in the Referendum would remove the checks and balances so judiciously introduced in the post-Fascist 1948 Constitution to prevent any return of authoritarianism of any kind, and create the conditions for "a shift from democracy to oligarchy". Indeed, under *Italicum* a party commanding only 20%-25% of the votes in the first ballot might access a second ballot and beat the only other remaining competitor, thus gaining the winner's premium to end up with a statutory 55% majority.

The concept of oligarchy must not be confused with that of minority. Government is always necessarily exercised by a minority, but whether or not this is an oligarchy depends on whether power is exercised for the benefit of that ruling minority and its goals, or for the collective benefit of society, in which case it is not an oligarchy but a representative democracy – as the historian Emilio Gentile observed in his rebuttal of Eugenio Scalfari, the *Repubblica* editorialist's crass claim that oligarchy is the only possible form of democracy. Moreover – as Gentile pointed out – any democracy is intensely vulnerable to the oligarchic globalisation of economic and financial powers interfering with national policy-making, a major constituent of the "[post-democracy](#)" theorised by Colin Crouch. The risk is of a democracy in which the people are only *comparse* (extras) acting an insignificant part on the political stage at the time of the election leaving the exercise of power to party and government oligarchies, demagogic leaders, a corrupt political class, a degraded political culture and the method of populist slogans and announcements.

Renzi is simply the current mouthpiece and tool for the implementation of the [Piano di Rinascita Democratica](#) (Plan for Democracy Reborn), an authoritarian project initiated in Italy by Licio Gelli of the P2 secret Masonic Lodge (drafted around 1976, published in 1982), and pursued by Craxi, Cossiga, Berlusconi, Napolitano, with the blessing of international financial circles such as [JP Morgan](#) (2013), not to mention the support

obtained through undue interference by the [US Ambassador](#) and [Barack Obama](#) in his role as the President of the US.

JP Morgan claimed that in Europe "Constitutions tend to show a strong socialist influence, reflecting the political strength that left wing parties gained after the defeat of fascism. Political systems around the periphery typically display several of the following features: weak executives; weak central states relative to regions; constitutional protection of labor rights; consensus building systems which foster political clientalism [sic]; and the right to protest if unwelcome changes are made to the political status quo. The shortcomings of this political legacy have been revealed by the crisis." The Renzi regime's attempted scrapping of the Italian 1948 Constitution is custom-tailored to JP Morgan's specifications.

For my part, I will vote a convinced NO, and encourage all my readers who have a vote to do the same on 4 December next.