

Meloni's Constitutional Reform:

Between the myth of government stability and the risk of authoritarian drift

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The Italian government is seeking to advance a constitutional reform that would allow the Prime Minister to be directly elected by the citizens. The idea is that this would ensure greater stability to the government, also respecting the principle of democratic representation. Although the Italian coalition government appears not to have the necessary number of seats in the Parliament to pass the reform, without resorting to a popular referendum, the risks of this reform are twofold:

- (1) On one hand, the government's proposal is likely to build on a widespread discontent against the Italian political establishment, acquiring support by spreading the idea that only forms of direct election by the citizens, which are mainly supported by populist parties, can be the proper response to Italy's political crises.
- (2) On the other hand, if the reform were to pass, it would risk bringing Italy closer to illiberal democracies. In fact, if the Meloni's government is already pushing through quite radical reforms in the media and judicial systems that risk undermining the rule of law in Italy. If passed, the Constitutional reform will be applicable only from the next legislature. Yet, it will give an unprecedented power to the Italian Prime Minister, loosening the system of checks and balances established by the post-Fascism Italian Constitution.

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1 Why Italy needs a Constitutional reform: a Meloni's perspective.

One of the flagship initiatives of Meloni's government is a so-called revolutionary Constitutional reform to make the Prime Minister directly elected by citizens. According to the current government, led by the right-wing coalition of Fratelli d'Italia, Lega and Forza Italia, this reform would provide two major benefits: It will allow citizens to directly choose their head of government, and it will provide more political stability to the executive. The direct election of the Prime Minister was not part of the Meloni's Fratelli d'Italia electoral program of 2022. Originally, the party manifesto referred to the direct election of the President of the Republic by citizens. The latter is indeed elected by the parliament and usually holds very limited power.

While the content of the reform is still subject to change, if approved, it would represent the 21^o change to the Constitution since 1948 and the first one related to the governmental asset of the country. Moreover, the last Prime Minister who attempted a Constitutional reform did not face a positive epilogue. In 2016, then Head of Government Matteo Renzi resigned after the constitutional referendum he supported failed to pass.

Despite these bad omens, on November 3, 2023, the Council of Ministers approved a draft constitutional reform bill. The reform proposal is still a work in progress, so the exact legal terms of how it might change the current institutional setting are still unknown. Yet, the reform is set to greatly increase the powers of the Prime Minister vis à vis the parliament, the rest of the Government and even the President of the Republic. The latter, indeed, risks losing much of the current autonomy regarding the appointment of a new Prime Minister in case the incumbent is no longer able to lead the government or maintain the confidence of the parliament. In these cases, the reform would indeed allow for the reappointment of the incumbent Prime Minister to form a new government. Alternatively, if the Prime Minister's resignation is confirmed, the reform would allegedly permit the appointment of another member from the same majority that won the elections. If both hypotheses fail, the Head of State would have to dissolve the Chambers and call for new elections, while trying to form a new government with the parties that may be willing to support it.

2 Popular support for Constitutional reforms in Italy

Normally, a two-thirds majority in the parliament is required to approve a constitutional reform. If this is not achieved, it is possible to pass the reform with an absolute majority of parliamentarians, but in this case a popular referendum can be held, to allow citizens having the final say on the approval or rejection of the reform. The current centre-right majority supporting the Meloni's government does not hold a two-third majority in either chamber, so recourse to a referendum is virtually certain. Beyond its chances to be approved within the parliament, according to the most recent opinion polls such a reform seems to be supported by 53% of the Italians.¹ Indeed, Italians appear to have suffered a perceived abuse of technical governments that have characterised the executive in the last years. In 2011, after Silvio Berlusconi announced his resignation as Prime Minister due to mounting pressure from financial markets and European institutions, Italian President of the Republic, Giorgio Napolitano, appointed as Prime Minister Professor Mario Monti, an economist and former European Commissioner. His technocratic government aimed to address the economic crisis Italy was facing, by

¹ Quorum/YouTrend poll, available at: Sondaggio, maggioranza degli italiani favorevole all'elezione del presidente del Consiglio | Sky TG24

implementing structural reforms and austerity policies to restore the financial market confidence. Although Monti was backed by most of the Italian parties, he soon lost the support of one Italian out of two.² Then again in 2021, during the final stages of the pandemic crisis, Mario Draghi was appointed as Prime Minister, forming a technical government under a large political coalition, which basically included all political parties apart from Fratelli d'Italia. Although Draghi enjoyed a large popular backing, the technical government per se fuelled rising social discontent against traditional parties. This contributed to the electoral support of Meloni's party, which benefited from being almost the only one excluded by the Draghi's government and increased its electoral support from 4 to 28 per cent in the last elections.

In this respect, Meloni is now trying to capitalize on this political discontent, by allegedly putting the citizens back at the centre of the political rally for forming a government, while promising more stable tenure of the executive. Moreover, building on an inexplicable fascination that many Italians have for the British culture, supporters of the reform maintain that the latter would make the Italian system more similar to the Westminster model, whereby the Prime Minister has greater power and can for instance dissolve the chambers. Yet, in the case of the UK, great centrality is provided to the parliament deliberative process and the Prime Minister is not directly elected. Moreover, the British mainly two-party system guarantees greater chances for alternance of power within the executive. To date, the presence of many parties in the Italian political panorama is certainly one of the causes of unstable governments. In fact, elected parties often have to form alliances to govern, and it is precisely because of these unstable coalitions that the majority of Italian governments, which did not complete their full five-year term, were dissolved. In this respect, the government seems to be ready to also change the electoral law to tackle a too fragmented political system and introduce a majority bonus of 55% of the parliamentary seats for the winning coalition.

3 An increasing encroachment of the executive: a dangerous path for Italy and the EU

What is clear, however, it is that boosting the role of the Prime Minister risks to somehow reinforce a dangerous path, characterising the Italian political system, whereby the parliament has seen its power eroded. For instance, in the last years, Italy has foreseen an abuse of the decree laws (acts with the force of law written by the government, which parliament is only required to convert into law within 60 days of their enactment), as well as a tendency of the government to take over some of the legislative power from the parliament. This trend was particularly evident during the Covid 19 pandemic: from March to December 2020, e.g., out of 430 pieces of legislation enacted by the government to deal with the Covid 19 crisis, only 11 saw the active participation of parliament.³ This meant that in 97% of the times the parliament was not involved in decisions related to the containment of the pandemic crisis. Yet, while during the pandemic the urgency of the health crisis could have justified such interventionism, the Meloni's government has no reason to do so. Nonetheless, since the beginning of her mandate in October 2022, Meloni has produced 58 decree laws: a quite high number, considering that her government has started just a year a half ago.⁴ Although her predecessor Mario Draghi used

² Vincenzo Emanuele, (2023), [Il governo Monti perde appeal, piace solo la lotta all'evasione](#), Centro Italiano Studi Elettorali,

³ Eleonora Poli, (2020), [Covid-19 and the erosion of politics in Italy](#), CEPS,

⁴ See data on [Italian Parliament web page](#)

64 decree law, the average number of decree-laws published per month by Meloni government is 3.4, while Draghi, who had to cope with the pandemic, performed an average of 3.2.⁵

While the Constitutional reform, with the direct election of the Prime Minister, should not formally result in an increasing use of decree law, it is evident that in a situation where the government tends to expropriate the parliament of part of its legislative role, providing the Prime Minister with more power could potentially lead to even worse trends, affecting the normal functioning of the democratic process. Besides, in recent months and weeks, the Meloni's government has also been criticised for initiatives that are significantly reducing the space for pluralism in public radio and television networks. For instance, according to the latest decision by the Commission in charge to oversight public television RAI, members of the Governments, such as Ministers and Undersecretaries will have no time constraints in public television programs and will be able to say whatever they want as long as it pertains to their institutional activities. Apart from this, the government is also attempting to introduce some reforms that could reduce the autonomy of the judiciary. For instance, it recently introduced the use of psycho-aptitude tests, which prospective judges will have to take from 2026, to assess their suitability for the judiciary. The scheme provoked an outcry from the Magistrates' Association, which said the introduction of the tests was aimed at spreading the idea among the public that judges needed a "psychic or psychiatric" check.

The question is whether the reform is simply an attempt to strengthen the powers of the government, and in particular of the Prime Minister, over the other institutions, which could undermine the system of checks and balances typical of liberal democracies as well as the independence of the judiciary and information systems. While much will depend on the actual legal content of the reform and the limit of power that it will introduce, it is already clear that the government is trying to encroach the fixed boundaries of the executive power. This scenario has so far been observed mainly in some Eastern European Member States, such as the Visegrad countries, with which Meloni, however, has always claimed great understanding and friendship. Beyond the pro-European, pro-Ukraine and pro-Nato patina of the Meloni's government, the current risk is that Rome is moving closer to illiberal-democratic models and considering the mounting trend of rule of law violations and support towards populist parties across the EU, this might not just be an Italian problem, but a European one.

⁵ Open Polis (2024), [L'abuso dei decreti legge e le incognite di una riforma costituzionale](#)



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