

Constitutional Dullness

Marco Goldoni

2020-09-09T09:08:40

Should the number of Italy's Members of Parliament (MPs) be reduced from 945 to 600? Italian citizens will decide on that question in a constitutional referendum that will take place in less than two weeks. While other referendums in Italian history have been vectors of remarkable civic mobilisation, this one fails to capture the constitutional imagination of Italian citizens. What could – and should – be a radical public debate about Italy's political system and the current order, in fact revolves around pettiness and trivial constitutional engineering.

Subject of the referendum

Constitutional referendums in Italy are formally confirmative. Following the standard procedure set by art. 138 of the constitution, Italians will have to vote on the confirmation of the constitutional amendments that have been approved in two different votes by the Italian parliament. The amendments in question would change three articles (56, 57 and 59) of the constitution: The number of MPs in the lower chamber (*Camera dei deputati*) would be cut from 630 to 400 and the number of Senators in the higher chamber (*Senato*) from 315 to 200. Furthermore, MPs elected in foreign constituencies would also be reduced. Finally, art. 59 would be modified in order to make clear that no more than 5 senators can be appointed for life by the President of the Republic (the current version is ambiguous in that regard).

This constitutional reform, originally advocated by the 5 Stars movement, has been supported and/or approved by vote by a vast majority of the political parties represented in Parliament, with some variations in the two voting sessions. If constitutional amendments are approved by a two-third majority of the MPs in the second vote a referendum is excluded. This threshold was not met in one of the voting sessions which gave 71 senators the possibility to ask for a referendum.

The current governing coalition (5 Star Movements, Democratic Party, and other minor parties) came into power when the procedure for the constitutional amendments had already started, but the coalition agreement coupled the constitutional amendments with the reform of the electoral law (which in Italy is regulated by a statute). The idea was to give the impression of a more organic reshaping of political representation. However, a proposal for a new electoral law has not yet been formalised. Hence, at this stage Italians are merely called to vote for or against a reduction of the numbers of MPs.

The logic behind the amendments

Given the rhetorical stance behind the whole process of getting the amendments approved, one can hardly miss to spot the populist mark. Under the aegis of

abolishing the privileges of the political class, members of parliament are ‘punished’ with a reduction of their number. This would save – so the argument goes – some public money from being wasted in stipends for lazy and unrepresentative MPs. Clearly, the original push for this anti-political sentiment comes from the harsh reality of the weaknesses of political representation, a widespread belief that is not without reason. In the last decades, a constitutional order that used to be defined as [‘a republic of parties’](#) with at least three mass parties (Christian Democrats, Socialist Party, and Communist Party) organised across the whole of the national territory has seen a restructuring of the political system. Party elites are even more in control of the selection of future candidates than they used to be and the relationship between party organisation and society has deteriorated and led to a growing discontent toward the political class. Accordingly, the level of representativity has dropped dramatically, not to mention [the internal democracy of each and every party](#).

On top of that, a clear sense that parliament is neither in charge of pushing the political direction of the government nor the most important lawmaker in the land (qualitatively and quantitatively: see [here](#) for a recent report), has strengthened scepticism toward the institution. Furthermore, the impression shared by many that institutional politics can at best accommodate impulses coming from other social systems like finance, technology or science, but cannot mould nor shape them, increases the perception of parliament’s marginality. The failure of resisting austerity as imposed by European institutions and national financial elites during the last decade is a testimony of that political weakness. Actually, it seems that the constitutional amendments are presented as part of a compensation for the austerity policies imposed by the governing class over large parts of the population. The amendments in question aim to convey that class will share some of the (financial) burden – even though in fact it is only a tiny fraction of it. Hence, the populist move has fulfilled one of its functions: to channel resentment against the failure of the political system in a direction that leaves unscathed the political economy of the constitutional order. Actually, it is a move coherent with the logic of cuts that undergirds austerity policies.

It is also puzzling to hear as an argument in favour of the amendments that the reduction of MPs would increase their individual profile because a lower number will make for tougher competition to be elected. Alternatively, the argument goes, a lower number of MPs would even help parliament regain the centrality that the formal constitution bestows on it (*sic*). These arguments are based on an interesting fiction: ‘as if’ there were no organisations or institutions between citizens and MPs; as if party elites were not selecting the candidates; as if parliamentary politics were an aggregate of actions of individual MPs. How is it possible to assess these claims without debating the organisation of the political system and its actors?

A petty and trivial imaginary

The debate is far from having mobilised the public and seems to remain confined within academic circles and political subjects, that are primarily worried about the consequences of the referendum’s outcome on the coalitions currently governing the country or opposing the government. If a constitutional imaginary is a necessary

staple for the development of a constitutional order (as brilliantly shown [here](#)), then which kind of imaginary is conjured up here? It seems a petty one. No wonder that its capacity of triggering the intense political action, which is usually necessary to imprint a relatively stable change over a constitutional order, is seriously hampered. Shall we truly believe that what is at stake in this referendum is the future of representative democracy? Although this is not a definitive truth-making factor, the absence of enthusiasm shows that the imaginary of a certain type of populist constitutionalism is rather poor and, in the end, not really disruptive of the material tenets of the current order.

Furthermore, the referendum is framed in a way that celebrates the autonomy of political institutions in the most formalist and trivial sense. The alleged effect on the quality of political representation by these constitutional amendments is assessed in a way that is completely detached from the social context. There is discussion of constituencies, gerrymandering, increased efficiency for smaller chambers, and so forth, but all pitched at such an abstract level that it is difficult to see any crucial issue at stake.

The same dryness in the argumentation is common for those who oppose the constitutional amendments. Obviously, reducing the number of MPs would imply that each MP represents bigger constituencies. But a reduction would hardly *per se* end political pluralism or make the parliamentary institution dangerously more inefficient (e.g., in the workings of the committees). Most of the other arguments raised in the public debate are not relevant for the centrality of parliament in the Italian constitutional order. For example, the reduction of MPs gives more weight to the (58) regional representatives that sit together with the MPs for the election of the President of the Republic (according to art. 83 const.). Even though this is an important point, it is not essential for the revival of political representation. All in all, the majority of arguments put forward by the opponents of the amendments are more about constitutional engineering, which – although at times correct – cannot trigger any constitutional imagination.

Where it's at

In contrast to other referendums (ordinary or constitutional) in Italian history like those on divorce, nuclear energy, water privatisation or the attempts at a fundamental constitutional transformation in 2006 and 2016, this one is leaving a vast majority of citizens cold and detached. And in its failure to capture the constitutional imagination of Italian citizens, the referendum is constitutionally quite telling of the spirit of the epoch. In conclusion, the most important lesson we can learn from this referendum is about the politics of Italian constitutionalism: not much to remember, not much to look forward to.

