

Criticism of Renzi's constitutional reform is wide of the mark – it would make Italy's institutions more efficient and responsive

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In the final days of campaigning before Italy's referendum, we are featuring a number of articles on the pros and cons of the proposed constitutional changes. In this contribution, [Corrado Morricone](#) takes issue with recent criticism of the reforms, arguing that they would make the country's institutions more efficient and responsive to the needs of citizens.



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In a [recent article](#), Gianfranco Pasquino and Andrea Capussela argue that Matteo Renzi's constitutional reform is ill-conceived and can safely be rejected. According to their cost-benefit analysis, the combined effects of the new composition of the Senate (which is part of the constitutional reform that Italians will vote on in the referendum on 4 December) and of the new electoral system for the Chamber of Deputies (which is not part of the reform) would lead to a loss of political accountability.

On the basis of this analysis, they claim that the reform is neither necessary nor useful and that alternatives should be considered. But such criticism has to be reconsidered with reference to the new formation of the Senate and to the legislative process. As such, the cost-benefit analysis Pasquino and Capussela have carried out is incomplete. Actually, the positive aspects of the reform overcome the negative ones.

On the efficiency of the new legislative process

According to Pasquino and Capussela, the new legislative procedures will be too complex and the problem they try to address – the speed of the lawmaking procedure – is based on a flawed assumption. Lawmaking procedural differentiation and speed also make up two of the four assumptions (the others being the new composition of the Senate and the fact that the executive will no longer need the confidence of the Senate) on which Valentino Larcinese has based [his view](#) according to which the reform makes the executive stronger and the parliament weaker.

As for the first argument, it has to be pointed out that [90 per cent](#) of the laws passed by the current parliament from 2013-15 would have fallen under a single specific legislative procedure (the Chamber's approval plus optional examination by the Senate) if the reform had already been implemented, while only 10 per cent would have required one of the other different procedures. Such [overwhelming prevalence](#) of a single procedure and the residual relevance of the others would make objectionable the claim that things may become more complicated, also considering the fact that a similar procedural differentiation already exists in other constitutions.

Larcinese complains that the description of the legislative process contains 500 words and refers to another ten articles, but the reason why this is a problem is left unexplained: for instance, [the English version of the German constitution](#) uses about 770 words (about 700 in the Italian version) to describe the legislative process and the functioning of the parliamentary mediation committee.

As for the speed of lawmaking, Pasquino and Capussela are right to point out that the Italian Parliament is already quite quick in approving bills, if compared to other major European parliaments. However, the devil is in the details: bills introduced by the government, ratifications of international treaties and government decrees [are approved](#) in a timely fashion (on average, in 180 days, and more than half of them only in 50 days or less), while bills introduced by

MPs take more than two times longer (504 days). Compared to countries such as France (390 days) and Spain (150 days), bills introduced by MPs in Italy are much less likely to be swiftly approved.

Abolishing the perfect parity of powers between Chamber and Senate and making the lower house prevail over the other is intended to reduce the time in which bills are passed: this is more likely to positively affect MPs' proposals (which could, at least in theory, be more rapidly approved) than government proposals, which are already fast-tracked under the current system – a system that will remain in place if the reform is rejected. This also proves that the reform does not remove a veto player, as Larcinese argues, since the agenda-setting powers of the government are already substantial (thanks to the use of confidence votes and decrees).

The 70-day limit for the approval of government proposals, which would be introduced by the reform, is already met by more than half of the current executive-initiated legislation, and the [average time](#) of parliamentary readings of bills introduced by the government is usually lower than 70 days. Setting time limits could, instead, potentially lead to a decrease in the currently excessive requests of confidence votes by the executive body. Another aspect that some critics neglect concerns the current excessive use of government decrees, which will be instead required to meet new stricter conditions, if the reform is approved.

Neither is it entirely justified to claim that speeding up the lawmaking process will make parliament weaker. It is actually the current system that makes it difficult for MPs to see their proposals approved within a reasonable time and it already provides quite powerful tools for the government to carry its agenda forward. The reform would even remove an excuse for a lack of political action and response.

A complete cost-benefit analysis

Opponents of the reform are also afraid of the possibility of disputes between the Chamber of Deputies and the Senate playing out before the Constitutional Court. This might be a worst-case scenario, but, in a cost-benefit analysis all the elements of the reform should be taken into proper account. Since 2001, when another constitutional reform created a new system of exclusive and shared powers and competencies among the central state, the regions and the autonomous provinces, the number of jurisdictional disputes between the state and the regions showed a substantial increase. And in the most recent period, the [number of these disputes](#) has remained substantial, albeit far from the peak of the years 2010-12.

But even if we assume that the reform would lead to repeated litigation between the Chamber and the Senate, on the other hand it should be considered that Renzi's reform also reduces regional powers and gets rid of shared competences. It might be a step back from a federalist point of view, but it could create a more rational system in which current levels of litigation are virtually annulled. It has also been overlooked that important social and economic areas such as job protection and safety and unemployment policies will return to the central government: in these fields, shared powers have just brought about confusion and scarcely effective active labour market policies.

Moreover, critics maintain that the new Senate will lack trust and credibility because it will be mainly composed of regional councillors, who have been among the politicians most involved in scandals over the recent years. In Pasquino and Capussela's analysis, however, the reduction of powers of the regional councillors is not regarded as a positive outcome – more generally, they largely underestimate the other main element of the reform, i.e. a new system of central and local powers.

With regard to the quality of Italy's democracy, new possibilities for the direct involvement of citizens are introduced. It is incorrect to claim, as Pasquino and Capussela do, that the new constitutional changes with respect to referendums are ambivalent on the basis that they "make it more difficult to call them (more signatures are needed), but lower the quorum for the validity of the result, which caused many referendums to fail".

This is simply inaccurate: the reform will keep the current system alive (500,000 signatures and a 50 per cent + 1

vote *quorum*) and at the same time will make available a new one (800,000 signatures and a required threshold of 50 per cent of votes based on the turnout of the latest general election: at present this would be about 37.6 per cent of votes backing the proposed abolition of legislation). Moreover, while Italian citizens can currently only vote for the abolition of an existing law, under the new system they would also be able to propose a referendum to introduce new laws.

Finally, on checks and balances, bicameral systems [do not effectively restrain executive powers](#), and allow vetoes only when there is an agreement among the leaders of the dominant parties. The Senate's function as a veto player is actually accidental rather than a proper intrinsic feature. As for the role of national unity and a democratic guarantee, it may also be pointed out that while currently the President of the Republic can be elected by an absolute majority of the electoral college (MPs and regional representatives), leaving room for a President supported only by the government party or coalition as in 2006, if the reform is approved, the required threshold will change to 60 per cent of votes, which implies that some form of agreement among the government party or coalition and some of the opposition parties will be required.

Taking stock of the criticism

The arguments put forward by Pasquino and Capussela are widely accepted among the opponents of Renzi's reforms. The problem with their views, as outlined above, is that they focus only on some specific aspects, such as the composition of the Senate, that they tend to consider only the worst-case scenarios, and, in some cases, that they accept potentially flawed assumptions, as in the case of the new legislative procedure and the new referendum regulations.

While some elements may raise doubts, the reform as a whole contains some positive improvements. These include a new system of regional representation, a stricter definition of the limits on the use of government decrees, new possibilities for direct democracy, a reduction of state-region disputes, and legislative supremacy of the lower house over the Senate, as already exists in many other major European democracies.

Rather than making it weaker, the proposed package of reforms makes the Parliament more responsive. When considering the arguments against the reforms, some are undoubtedly valid, but most are weak or questionable when some factual and comparative evidence is taken into account. For these reasons, such criticism should be rejected and the reform should be supported.

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