



On 4 December: Matteo Renzi's big constitutional referendum

Antonella Forganni, EU-Asia Institute, ESSCA School of Management

Italy is quite famous for the high number of *referenda* that have taken place since the very foundation of the Republic, which itself was established through an institutional referendum in 1946 when citizens were asked to choose between a Monarchy and a Republic.

Since then, the Italians have been called to vote in 20 referenda on more than 70 questions. Most of time it was about the repeal of existing laws (in a so called 'popular referendum'), one was of consultative nature only (when citizens approved the increase of the powers of the European Parliament in 1989), and two of them were constitutional, like the referendum that will take place on the 4th of December.

It is the second referendum in only one year: a popular referendum in April concerned off-shore drilling platforms. It was a failure because, although 86% of the people voted in favour of repealing the law that prolongs gas and oil drilling concessions within 12 nautical miles of the Italian coast until the exhaustion of the sites, the turnout threshold to validate the result was not achieved. Basically, those that were against did not go to vote, as well as a great number of people not even interested in the question).

This time around, however, a similar failure would have far-reaching consequences. First of all, because it has become in fact a referendum in favour or against Matteo Renzi, the current head of the government ('President of the Council') who is the initiator of the vote. In a scenario that could have been written by Charles de Gaulle, his fate has become linked to the outcome, and the letter that he sent to Italian expats in order to get their support can be considered a clear sign that he is well aware of that.

Given the size of the Italian economy, its role in the Eurozone, and Matteo Renzi's standing in the European Council, some observers fear that a negative result would send serious shockwaves across the entire European Union.

So what's actually at stake? In substance, the referendum concerns a law that has already been approved by the parliament and that brings a change to the Italian Constitution.

Like the French constitution, the Italian one is a 'Rigid Constitution': it stands above the other laws of the country (contrary to 'Flexible Constitutions', such as in the U.K. for instance). For this reason, article 138 of the Constitution makes amendments very difficult, by establishing a 'heavy procedure':

'A constitutional referendum can be called only when a constitutional amendment has been approved twice by both Houses of the Parliament (the Chamber of Deputies and the Senate); if the second time – at least 3 months after the first one – it has been approved with a majority of less than two thirds in both or either Chamber, and only at the request of one fifth of the members of either House, or 500 000 electors or five regional councils. It cannot be requested more than 3 months after the second approval by the Parliament'.

Since it is a constitutional referendum, it is of 'confirmatory nature': a 'yes' vote means that the citizens want to confirm what has already been approved by the Parliament. In addition, there is no turnout threshold to validate the results, therefore the majority wins regardless of how many citizens vote.

Will all the voters understand what the referendum is about? The reform is very complex and it is not easy to forecast a precise scenario in case of favourable result of the vote. The government has published a summary presentation of the amendments provided by the 'Reform Bill of the Second Part of Italy's Constitution' (English version: <http://www.riformeistituzionali.gov.it/media/2515/ddl-costituzionale-approvato-senato-il-13-ottobre-inglese-rev2-rf-318.pdf>), which concerns the institutional organisation of the Republic. A comparative text of the current Constitution and the reform is freely accessible on the website of the Chamber of Deputies (in Italian: <http://documenti.camera.it/leg17/dossier/pdf/ac0500n.pdf>).

In a nutshell, the reform provides three main changes: It's about 1) overcoming the 'perfectly equal bicameralism'; 2) reviewing the attribution of competences between the state and the regions; 3) eliminating the mention of provinces from the constitution and abolishing the 'national council of economy and labour' (CNEL). Of course, the big change concerns point No. 1, i.e. mainly the Senate, which is considered by many one of the main institutional causes for Italy's traditional instability and inability to reform. It will be impacted by the following list of major modifications (which does not pretend to be exhaustive).

If Renzi wins,

- only the Chamber of Deputies will vote for the great majority of legislative acts (only in limited cases the Senate's vote will be required, in other words: bicameralism will still exist, but for marginal domains);
- only the Chamber of Deputies may revoke confidence in the Government;
- the Senate will be downsized from currently 630 to 100 members;
- 95 of these will be elected by the Regional Councils among their own members (74 senators), and among the mayors of each region (21 senators);
- a maximum of 5 senators can be appointed by the President of the Republic for a non-renewable 7-year mandate 'for outstanding patriotic merits in the social, scientific, artistic or literary field' (instead of the 5 'Senators for life' that currently can be appointed by the Republic's President – basically the life tenure term is eliminated).

A heated debate opposes the 'yes' and 'no' camp, mainly for political reasons. But opinions also diverge among Italian Constitutionalists, as an interesting 'Guide' published by the daily *La Repubblica* shows (http://www.repubblica.it/politica/2016/11/01/news/guida_al_referendum-151095147/). The guide explains the 15 major consequences of the reform and illustrates, for each of them, the opinion of two law professors, one in favour and one against.

In this context, it is particularly difficult for the people to understand the reform and its impact, and it is thus hardly surprising that the referendum has assumed such a heavy political meaning. In fact, it has been simplified into a referendum for or against Matteo Renzi, who promoted the reform. Obviously, the political rivals of Renzi, inside and outside his party, are strongly campaigning against the reform and demand Renzi's resignation in case of defeat. Many citizens are likely to cast their vote simply depending on their opinion on Renzi: if they want him to continue to lead the government, they will vote 'Yes', if they want him to quit, they will vote 'No'.

In my point of view, this is a case study of how to misuse democratic instruments. Referenda should not be turned into a popular vote for or against an elected government. The French are well placed to make parallels to their own experience...

Indeed, some concerns may legitimately arise on the functioning of democracy. The democratic systems suppose conscious involvement of informed citizens. Especially when complex issues are on the table, the less people are educated, the higher the risk of manipulation. All the more so in a society where campaigns become more and more aggressive, and where false information is multiplied through social media (as we have seen, for example, during the electoral campaigns in the UK and the US in 2016). It is true that in economically advanced democracies the rate of literacy is close to 100%, but how many people possess the minimum of knowledge to vote consciously on very complex matters? Or, at least, to identify true and wrong information on the Internet? As already mentioned in a previous post, I strongly believe that we need to reconsider the role of education, ensuring a prominent role of subjects as civic education, history and media literacy in school, at all levels.

Whatever the result of the forthcoming referendum, Italy will not be the same on Monday 5 December: either it will find itself in a new, and serious, political crisis (in the case of the fall of the government) or it will have a profoundly changed institutional framework. Make your choice!