



# The International Review *of* Constitutional Reform

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# Italy



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## I. INTRODUCTION

The 1948 Italian Constitution (ItC) is a comprehensive, written document characterized by a complex pathway to constitutional change. The Constitution consists of 139 articles, some of which have been abrogated, as well as 18 transitional and final provisions. The first twelve articles represent the fundamental principles of the Constitution. These provisions (and few others, such as Article 32 ItC, which recognizes health as a “fundamental individual right” and a “collective interest”) are considered a part of the ‘supreme principles of the constitutional order’ theorized by judgment no. 1146/1988 of the Italian Constitutional Court. In this decision, the Court argued that such principles cannot be altered in their essential content, even though this limitation to constitutional amendment is not explicitly stated in a constitutional provision (interpretive unamendability).

Subsequently, the Constitution is divided into two main sections: Part I provides for the rights and obligations of citizens by distinguishing among civil relations (Articles 13-28), ethical and social relations (Articles 29-34), economic relations (Articles 35-47), and political relations (Articles 48-54). Part II (Articles 55-139) is devoted to the “Organization of the Republic” and shapes the political regime of the country.

The only explicit limit to amendment concerns the republican principle under Article 139. The mentioned theory of interpretive unamendability of fundamental principles enhances the rigidity of the Constitution. Despite its rigidity, the Constitution has been altered over time. Since its entry into force until now, a total of 47 constitutional laws have been enacted, but only 19 directly affected the Constitution, resulting in amendments that have impacted 38 different articles. Throughout the years, with the exception of the 2001 reform of Italian regionalism,<sup>1</sup> all attempts to pursue extensive constitutional reforms have failed. Such was the outcome of the so-called Bozzi Bicameral Committee in 1983-1985, the De Mita-Jotti Bicameral Committee in 1992-1994, the D’Alema Bicameral Committee in 1997-1998, the reform project launched by the second Berlusconi government in 2005-2006, and the Renzi-Boschi 2016 reform.

Regarding the year 2022, two constitutional reforms were successfully adopted. The first one (Constitutional Law no. 1) was approved by

<sup>1</sup> For a review of all constitutional reforms, see Carlo Fusaro, ‘Per una storia delle riforme istituzionali (1948-2015)’ (2015) 2 *Rivista Trimestrale di Diritto Pubblico*, 431-555.

both Houses with a two-thirds majority and then promulgated by the President of the Republic on February 11th. Constitutional Law No. 1 amends Article 9 by adding a new principle of protection for the environment, biodiversity, and ecosystems for the sake of future generations. It also grants the state the responsibility to regulate the methods and forms of animal protection.

The second reform (Constitutional Law no. 2) was approved by a qualified majority and promulgated on November 7th. Following the publication in the Official Journal, no referendum was initiated. Constitutional Law No. 2 includes a modification in Article 119, paragraph 6, which acknowledges the unique characteristics of the islands and the need to redress their disadvantaged economic condition.

After a quick evaluation of the repercussions of the Parliament’s early dissolution in 2022 and the consequences of the implementation of the 2020 reform aimed at reducing the number of Members of Parliament (MPs), this report will assess all the constitutional reform propositions presented in the two legislative terms in 2022. It will offer a more comprehensive understanding of the two successful reforms in connection to the role played by the Constitutional Court. Ultimately, a concluding remark will highlight the primary avenues for future constitutional amendments in Italy.

## II. PROPOSED, FAILED, AND SUCCESSFUL CONSTITUTIONAL REFORMS

The defining feature of 2022 is the shift from the 18th to the 19th parliamentary term due to the early dissolution of Parliament. The end of the term was proclaimed by the President of the Republic, Sergio Mattarella, after the crisis of the Draghi Government, eight months prior to its natural expiration—which was originally due in March 2023. Consequently, new elections were called. The 19th Parliament is the first to operate under the revised Articles 56, 57, and 59 ItC which have reduced the number of MPs in the Chamber of Deputies from 630 to 400. Additionally, the 2020 amendment has also reduced the number of elected members in the Senate from 315 to 200, following the first application of Constitutional Law No. 1 of October 19th, 2020. With the inclusion of six life senators, the Senate currently has a total of 206 members. The recent reform has impacted the number of votes required to initiate and pass a constitutional amendment under Article 138. Although thresholds are unchanged and remain onerous, it is politically easier to meet them with an inferior number of MPs.

To amend the Italian Constitution, a special procedure involving both Houses of Parliament and a possible referendum is required. The 2020 reform has reduced the number of votes needed for each type of majority. While any MP can propose a constitutional amendment, it must first be approved by a simple majority of half plus one of all House members present for the first reading. The second reading requires an absolute majority, which now stands at 201—instead of 316—votes in the Chamber of Deputies and 104—instead of 161—votes in the Senate. The two readings must be spaced at least three months apart.

If the proposal gains two-thirds majority support during the second reading, no referendum is necessary. This means that at least 267 deputies and 138 senators must vote in favor instead of the previous numbers of 420 and 214, respectively.

In addition to these changes in the majority numbers, which have an impact on parliamentary works and decision-making processes, and imply political readjustments, it shall also be considered that when a parliamentary term expires, legislative proposals introduced in Parliament but did not successfully progress into law also expire. These proposals must be reintroduced in the new legislative term if sponsors wish to continue pursuing their passage. Alternatively, bills may be abandoned or substantially modified before reintroduction. Generally, bills do start the legislative process anew due to the principle of sovereignty and autonomy of each Parliament. However, some exceptions exist based on parliamentary rules of procedure, such as bills initiated by citizens or those reproducing a previously approved text, which can be declared urgent and follow a fast-track procedure. (See Rule 107 of the Chamber of Deputies, as well as Rules 74.2 and 81 of the Senate of the Republic.)

In 2022, during the 18th legislature, 34 constitutional bills were lodged, with 14 filed in the Chamber of Deputies and 20 in the Senate of the Republic. From the beginning of the 19th legislature in October 2022 until the end of the year, 51 proposals for constitutional revision were introduced, of which there were 35 in the Chamber of Deputies and 16 in the Senate.<sup>2</sup>

One of the promising proposals worth mentioning is the amendment of Article 33 of the Constitution, which aims to introduce an explicit reference to the sport as a basic right rather than just as a shared legislative power (as per Article 117.3 ItC). The suggested revision was already tabled during the 18th legislative term.<sup>3</sup> A unified text was adopted at the first and second readings by the Senate, and only at the first reading by the Chamber, where it did not conclude its proceedings by reason of the dissolution of the Parliament. An identical text has been presented at the Senate, following Rule 81 of the Senate's Procedures, and approved after its first reading on December 13th, 2022.<sup>4</sup> Afterwards, this amendment proposal was adopted in first reading by the Chamber on April 14th, 2023;<sup>5</sup> at the Senate, it was adopted in the second reading on May 17th, 2023. Its examination is currently underway at the Chamber of Deputies.

2 All parliamentary draft bills by legislative term can be found in the Senate's online database, equipped with an advanced search engine. See: <<https://www.senato.it/ric/sddl/nuovaricerca.do?params.legislatura=19>>.

3 For the draft bills at the Chamber of Deputies, see C.3531, C.3531-B, C.3536. For the draft bills at the Senate of the Republic, see S.747, S.2262, S.2474, S.2478, S.2480, S.2538, S.2538-B.

4 See S.13, S.135, S.152.

5 See C.212, C.337, C.423, C.715.

Before 2022, two successful proposals were introduced, but the stages for the approval of the constitutional laws were finalized in 2022 and are therefore worth mentioning in this report. Firstly, the so-called 'Environmental Reform' became Constitutional Law No. 1 on February 11th, 2022, concerning "Amendments to Articles 9 and 41 of the Constitution on Environmental Protection."<sup>6</sup> Secondly, a bill initiated by citizens in 2018 sought to amend Article 119 by introducing a sixth paragraph concerning the recognition of the peculiarities of the islands. It received the approval of the Senate on April 27th, 2022, and was definitively approved by the Chamber of Deputies on July 28th, 2022, despite the early dissolution of Parliament. Unlike the "sports reform," which had to undergo a new legislative path, the course of the "insularity reform" was not interrupted by the dissolution of the Parliament. This has high political significance since it seems to set a new precedent in which proposals initiated by popular initiatives can also be voted on during the temporary *prorogatio* of a dissolved Parliament.<sup>7</sup> Constitutional Law No. 2, enacted on November 7th, 2022, refers to the "Amendment of Article 119 of the Constitution". The purpose of this amendment recognizes the characteristics of the Islands and the overcoming of the disadvantages deriving from insularity<sup>8</sup> entered into force on November 30th, 2022.<sup>9</sup>

In the previous legislative term, multiple proposals were introduced and are now being sponsored again in the current term. Others have been newly presented in the 19th legislative term. Among these bills are proposals aiming to modify the territorial organization of the State and obtain increased autonomy for regions with special status, namely Sardinia and Trentino-Alto Adige/South Tyrol, or the city of Rome as the capital.<sup>10</sup> By amending Article 111 ItC, other proposals aim to insert a principle of independence for lawyers<sup>11</sup> or to recognize the need to protect crime victims.<sup>12</sup> Other bills seek to modify the composition of the Constitutional Court in general,<sup>13</sup> allocate a share of members to the category of lawyers<sup>14</sup> or to linguistic minorities<sup>15</sup> as well as inserting a specific provision to recognize Italian as the official language of the Republic<sup>16</sup>. Other proposals are also included which seek to amend Article 27 ItC concerning criminal liability,<sup>17</sup> the establishment of new provisions for protecting human rights,<sup>18</sup> and changes to the national fiscal regime.<sup>19</sup> Additionally, some proposals hope to modify the rules concerning the decrees-laws, under Articles 74 and 77,<sup>20</sup> alter Part II

6 The law is published in the Official Journal no. 44 of 22 February 2022.

7 It should be noted that in the Italian system, the legal concept of *prorogatio* does not equal that of prorogation. While the latter means the status of a Parliament following the termination of a session of a House, *prorogation* refers to the status of a Parliament which, despite its dissolution, can be summoned for urgent or temporary issues. The rationale of *prorogatio* is to avoid discontinuity in the functioning of the assemblies before newly elected Members can be summoned.

8 The law is published in the Official Journal no. 267 of 15 November 2022.

9 See Gianmario Demuro, 'Le isole ritornano in Costituzione' (2022) 4 *Quaderni costituzionali*, 901-904.

10 For the 18th legislative term, limited to 2022, see S.2608, S.2654 and C.3635; for the 19th legislative term, see S.172, S.324, S.304, S.305, S.307, S.308, C.7, C.277, C.278, C.392, C.393, C.350, C.514.

11 19th legislative term, S.418, C.6694.

12 19th legislative term, S.427 and C.286.

13 18th legislative term, C.3497.

14 19th legislative term, C.227.

15 19th legislative term, C.6.

16 19th legislative term, S.337, C.736.

17 19th legislative term, S.426, C.285.

18 19th legislative term, C.9, C.580.

19 19th legislative term, C.91, C.414. For the 18th legislative term, see C.3520.

20 19th legislative term, C.607. For the 18th legislative term, see S.2523.

of the Constitution, and especially change the articles that cover the Parliament, legislative procedures, and the confidential relationship with the Government.<sup>21</sup> There are also proposals that serve to introduce norms concerning the participation of Italy in the European Union.<sup>22</sup> Other reforms have been tabled in the 19<sup>th</sup> term to separate the careers of the judiciary,<sup>23</sup> amend norms pertaining to the social dimension of individuals related to family and school,<sup>24</sup> establish a right to access the internet,<sup>25</sup> change the rules concerning amnesty and pardon,<sup>26</sup> alter the distribution of competences between the State and the Regions on health matters,<sup>27</sup> abolish the National Economic and Labor Council (CNEL),<sup>28</sup> and change the procedure for constitutional amendment under Article 138.<sup>29</sup>

During the 18th legislative term, more proposals were introduced but have now expired due to the dissolution. They encompassed a variety of different amendments, such as creating a dedicated section for military offences within the regular courts by modifying Article 111 of the ItC,<sup>30</sup> defining the prerequisites for announcing a state of national emergency,<sup>31</sup> altering aspects of the President of the Republic's election and powers,<sup>32</sup> and eliminating foreign constituencies for electing MPs.<sup>33</sup> Other constitutional reforms which never progressed include those that aimed to convene a constituent assembly to revise the constitution's organizational section (Part II),<sup>34</sup> to withdraw the constitutional recognition of the Treaty regulating the relationship between the Catholic Church and the State,<sup>35</sup> to incorporate the principle of human dignity in Article 2 ItC,<sup>36</sup> to establish citizen assemblies for public consultation,<sup>37</sup> and to amend Article 41 ItC to address criminal interference in the national economy.

To gain a comprehensive understanding of the attempts to alter the Constitution, it is important to note that during the 18th Parliament, 310 constitutional reforms were put forward. Among these reforms, 34 were awaiting committee assignment, 189 were assigned to committees but never debated, 12 were being examined by committees, 4 were being discussed in the plenary, and 2 were waiting for rapporteurs to finalize their opinions. Out of these 310 reforms, only 4 minor modifications were implemented between 2018 and 2022, which confirms the level of rigidity of the Italian Constitution.

21 19<sup>th</sup> legislative term, S.149, S.94. It can be included also C.325 aiming at ensuring the functionality of the Parliament in times of emergency. During the 18<sup>th</sup> legislative term, proposals S.2584 and S.2608 were filed to amend the composition of the Senate to ensure a territorial representativity.

22 19<sup>th</sup> legislative term, C.221, C.349.

23 19<sup>th</sup> legislative term, C.434.

24 19<sup>th</sup> legislative term, C.175, C.253, C.331. For the 18<sup>th</sup> legislative term, see C.3553 and S.2497.

25 19<sup>th</sup> legislative term, C.327.

26 19<sup>th</sup> legislative term, C.156.

27 19<sup>th</sup> legislative term, S.116.

28 19<sup>th</sup> legislative term, C.8.

29 19<sup>th</sup> legislative term, C.391.

30 This proposal was filed during the 18th legislative term, S.2554, but by the time being is not lodged again since its main sponsor is not elected in the new Parliament.

31 18<sup>th</sup> legislative term, C.3444.

32 18<sup>th</sup> legislative term: C.3453, C.3456, S.2534 and S.2521 concern the procedure for the election of the Head of State. S.2511 seeks to abolish the power to nominate life senators, while S.2522 aims at modifying the regime of parliamentary dissolution. S.2525 aims at amending Article 92 ItC which provides for the power to design ministers.

33 18<sup>th</sup> legislative term, S.2524.

34 18<sup>th</sup> legislative term, S.2581, C.3541.

35 18<sup>th</sup> legislative term, C.3470.

36 18<sup>th</sup> legislative term, S.2593.

37 18<sup>th</sup> legislative term, S.2665.

### III. THE SCOPE OF REFORMS AND CONSTITUTIONAL CONTROL

The two amendments adopted in 2022 can be described as amendments rather than dismemberments of the Italian Constitution. Borrowing from Richard Albert's taxonomy,<sup>38</sup> both amendments do not exceed the boundaries of the existing constitutional order. However, some questions were raised during the drafting process.

Specifically, Constitutional Law no. 1/2022 was the first amendment in the history of the Italian Republic to affect the content of a provision located in the initial section of the Constitution, namely Article 9 ItC. This sparked debates about whether it is permissible to amend the 'Fundamental Principles' (Articles 1 to 12) of the Italian Constitution since it has long been established that such basic principles, having a 'super-constitutional value,' are considered more difficult to change and may serve as silent limitations regarding constitutional amendments. Moreover, in 1988, the Italian Constitutional Court (judgment no. 1146) identified an unamendable core of the Constitution that extends beyond the guarantee of republicanism entrenched in Article 139 ItC. Constitutional amendments altering this untouchable core of the constitutional would most likely be deemed unconstitutional by the Constitutional Court, who has the power to scrutinize their constitutionality and to strike them down (as further stated in judgment no. 2/2004).

In light of this, critics have argued that amending a provision explicitly included among the 'Fundamental Principles' of the Constitution may significantly alter the spirit and the content of the Constitution. A recurring objection is that the unamendable core of the Constitution is not forcefully limited to the 'Fundamental Principles' of Articles 1 to 12 and does not necessarily correspond with them.

Prior to 2022, Article 9 ItC stated that the Republic promotes the development of culture and research, and protects the natural landscape, as well as the historical and artistic heritage of the Italian nation. As a result of the 2022 amendment, the new Article 9 ItC includes an additional task of the Italian Republic: protecting the environment and the ecosystem for the sake of future generations.

Some critics have argued that explicitly mentioning the environment may ultimately undermine the constitutional protection of Italy's natural landscape and cultural heritage, which are deeply ingrained in the Constitution and, more broadly, in the Italian model of heritage protection.<sup>39</sup> Therefore, amending Article 9 may induce a dramatic alteration of the meaning and scope of well-established constitutional principles.

Nevertheless, the dominant view is vastly different. Since the 1980s, environmental protection has been recognized as a specific "constitutional good" through the case law of the Constitutional Court. In 2001, Constitutional Law no. 3/2001, which set the ground for a significant transformation of the Italian regional model, also made reference to the "protection of the environment, the ecosystem, and the cultural heritage" as a subject matter in which the state holds exclusive legislative competence. Constitutional Law no. 1/2022 has not significantly modified the existing fundamental principles related to the promotion of research

38 See Richard Albert, *Constitutional Amendments. Making, Breaking and Changing Constitutions* (OUP, 2019).

39 See Tomaso Montanari, 'Art. 9' in the series edited by Pietro Costa and Mariuccia Salvati, *Costituzione italiana: i Principi fondamentali* (2nd ed., Carocci editore 2002).



and the protection of national heritage. Instead, it has contributed to further highlighting the constitutional relevance of environmental principles that had already been established through constitutional case law and constitutional and ordinary legislation.

In line with the above, Constitutional Law no. 2/2022 is worth mentioning as its contents may at first glance seem to have limited legal and political impact. However, the heated debate surrounding the implementation of asymmetric regional autonomy and the internal balance of the Italian model of regional state suggests that this amendment may have more profound consequences.

A procedural point should be noticed. The Chamber of Deputies approved this amendment in the second reading on July 28th, 2022, despite President Mattarella's dissolution of the legislature and calling for a snap election on July 21st. For the first time since the Constitution came into effect, an amendment was passed by a dissolved legislature. Some scholars have objected that both the Chamber and the Senate had already approved this bill in the first reading. Furthermore, the second reading had been completed in the Senate before the dissolution of the Parliament. Consequently, it was reasonable to get to the end of the legislative procedure. A further incentive for the legislature to approve the reform was the fact that this amendment was the result of a popular initiative (see above at II). Considering the public's support for this reform, it would have been unwise for elected officials to hinder the legislative process. On the other hand, critics pointed to this as setting a potentially dangerous precedent that an unscrupulous legislature may rely upon in the future.

Before drawing conclusions, it should be noted that in the Italian system, there is no ex-ante constitutional control of constitutional reforms. The only form of scrutiny in the amendment process concerns the admissibility of the referendum.<sup>40</sup> According to Article 138.2 ItC, a constitutional referendum can only be initiated if three conditions are met: 1) if the two-thirds threshold for the approval of the reform during the second reading is not met, 2) if a request is made within three months of the publication of the Law, 3) if such request is filed by at least one-fifth of the members of a House, 500,000 voters, or five regional councils. With regard to the 2022 reforms, a referendum was technically allowed only for Constitutional Law no. 2. However, no request was filed.

Concerning the ex-post scrutiny of constitutional laws, it can be asserted that the Italian Constitutional Court plays a counter-majoritarian role since the established case law has acknowledged the power to invalidate constitutional norms approved by the Parliament for defects or errors in the substance or content of the law (*vizi sostanziali*). At the same time, defects in the form of the law and parliamentary procedural irregularities (*vizi formali*) cannot render a law invalid or unconstitutional since the final parliamentary approval is assumed to correct every fault unless this results in a violation of the Constitution itself.

The Court's control for substantial defects in constitutional laws is premised on the idea of the hierarchical superiority of specific principles or norms that subsequent constitutional reform could never override, mostly including Articles 1-12 fundamental principles. This line of reasoning formed the basis of the theory of silent (or 'natural') limitations to constitutional revision, which, as previously mentioned,

was carved in the 1988 judgment and is supported by dominant constitutional literature.<sup>41</sup> Concerning the 2022 amendments, no referral was made to the Court up to now. In this regard, the constitutional and legislative regulation of access to the Court has an obvious impact on the possibility that amendments are subject to constitutional review.

#### IV. LOOKING AHEAD

The victory of the right-of-center coalition led by Fratelli d'Italia in the 2022 general election may foreshadow yet another round of constitutional reform. The four political parties that make up the right-of-center coalition share a platform that places a significant amount of emphasis on constitutional reforms. Several ambitious goals are mentioned, such as the direct election of the President of the Republic and the reform of both the judiciary and the Higher Council for the Judiciary. Other envisaged innovations do not forcedly require constitutional innovations.

Introducing direct presidential elections was foreseen since the 1980s in the agenda of Fratelli d'Italia's predecessors, Alleanza Nazionale (AN) and the Movimento Sociale Italiano (MSI).<sup>42</sup> However, declarations issued by senior representatives of Fratelli d'Italia, including party leader and Prime Minister Giorgia Meloni, suggest that this reform project would go beyond modifying the election process for the head of state. Rather, it seeks to change Italy's parliamentary form of government into a presidential or, more likely, a semi-presidential model. The specific way this change may occur is unclear. As mentioned above, during the 18th parliamentary term, Fratelli d'Italia MPs tabled a constitutional bill that can be viewed as a blueprint for their constitutional objectives.<sup>43</sup> In its early form, critics noticed that the bill was affected by inherent contradictions, as it was based on the difficult coexistence of a strong President of the Republic entrusted with primary responsibility for governmental action and mechanisms seeking to ensure the stability of the cabinet, including the German-inspired constructive vote of no confidence.

Even some critics of the current government's constitutional reform agenda acknowledge that changes to improve the institutional structure are desirable. However, they disapprove of the limited flexibility and the internal inconsistency of (semi-)presidential projects. These detractors also suggest that well-targeted adjustments to the existing parliamentary form of government should be favored. In this aspect, an element that should be considered with the greatest attention in the discussion about reform is the increasing and unprecedented deinstitutionalization of the party system since 2013, which has impacted existing institutions.<sup>44</sup>

A distinct question is how these reforms should be adopted. Evidence from the past, most notably the two constitutional referendums in 2006 and 2016, suggests that a unilateral, confrontational

<sup>41</sup> See, for instance, Stefano M. Cicconetti, *Le fonti del diritto italiano* (3rd ed., Giappichelli, 2017), 108 ff.

<sup>42</sup> More generally, the French semi-presidential model has been quite popular in conservative and moderate circles since the 1960s: see Raffaele Romanelli, *L'Italia e la sua Costituzione. Una storia* (Laterza, 2023), 210 ff.

<sup>43</sup> 18th legislative term, C.716. The bill was rejected by the Chamber of Deputies in the final weeks of the term, on 10 May 2022.

<sup>44</sup> A trend that has its root causes in the peculiarity of the history of Italian political parties, well described by Pietro Scoppola, *La repubblica dei partiti* (Il Mulino, 1991), *passim* and Giuseppe Maranini, *Storia del potere in Italia. 1848-1967* (Corbaccio, 1995), *passim*.

<sup>40</sup> Whether or not the President of the Republic may abstain from promulgating a constitutional law and ask for yet another parliamentary deliberation is disputed.

approach may ultimately backfire against the very proponents of a given reform project. To date, Prime Minister Meloni has generally acknowledged the need for cross-partisan consensus; meanwhile, she has also suggested that the right-of-center majority has the ability and duty to pursue its agenda also in this field. Uncertainty about the contents of this reform has not waned. In a hearing before the Senate Committee for Constitutional Affairs on April 5th, 2023, the Minister of Constitutional and Law Reform, Maria Elisabetta Alberti Casellati, confirmed that the constitutional bill will be tabled in the next few months. The bill will address two main topics: governmental stability and the direct election of the President of the Republic or the Prime Minister.

Finally, other reform projects should be mentioned because, although they do not impact the text of the Constitution, they have very clear constitutional implications. As amended in 2001, Article 116(3) ItC empowers ordinary regions to achieve ‘additional forms and particular conditions of autonomy,’ thereby paving the way for greater asymmetry in the Italian regional model. Back in 2017, the regional governments of Lombardy, Veneto, and Emilia-Romagna initiated this procedure. Towards the end of the 17th parliamentary term, the Gentiloni government concluded three preliminary agreements with Lombardy, Veneto, and Emilia-Romagna. During the 2018-2022 term, the implementation of these preliminary agreements was severely affected by political instability in the center, with three governments supported by three very different coalitions.

Meanwhile, the COVID-19 crisis cast a shadow over the Italian regional model. Supporters of the Italian model highlight the virtues of territorial pluralism, while critics make the case for some kind of recentralization of powers and competencies. These skeptics also argued that granting greater autonomy to some of the regions—mostly those in the North of the country—would be tantamount to authorizing a ‘secession of the rich.’<sup>45</sup>

The ambiguous wording of Article 116(3) ItC and the lack of a general implementing law fostered a wide array of conflicting opinions in scholarship comments. In the current parliamentary term, asymmetric regionalism is a priority in the agenda of the Meloni government and, above all, of the Lega Salvini Premier, one of the political parties of the right-of-center coalition. However, to grant greater autonomy to some regions, several preliminary issues should be resolved, mostly related to the largely unimplemented constitutional reform of 2001 (see above at III). On March 23rd, 2023, the Meloni government established a nonpartisan committee in charge of setting the basic standards for civil and social rights throughout the national territory. On the same day, the Minister for Regional Affairs and Autonomy, Roberto Calderoli, tabled a general bill on asymmetric regionalism.<sup>46</sup>

Amid growing partisan polarization, the presidential reform and asymmetric regionalism will most likely dominate the agenda of constitutional reform in a broader sense. The success of these reform efforts will ultimately depend on the clarification of several substantive and procedural issues.

## V. FURTHER READING

Giuliana Giuseppina Carboni, ‘La stagione dell’insularità’ (2022) 22 *Federalismi.it*, 20-30.

Marta Cartabia and Nicola Lupo, *The Constitution of Italy. A Contextual Analysis* (Hart, 2022).

Marcello Cecchetti, ‘La revisione degli articoli 9 e 41 della Costituzione e il valore costituzionale dell’ambiente: tra rischi scongiurati, qualche virtuosità (anche) innovativa e molte lacune’ (2022) 3 *Forum di Quaderni Costituzionali Rassegna* 286-314.

Enzo Cheli, ‘Perché dico no al presidenzialismo’ (2022) 3 *Forum di Quaderni costituzionali Rassegna* 54-62.

Marilisa D’Amico, ‘Lo sport come diritto della persona: analisi dei progetti di revisione costituzionale’ (2022) 1 *Rivista del Gruppo di Pisa*, 152-167.

<sup>45</sup> See Gianfranco Viesti, *Verso la secessione dei ricchi? Autonomie regionali e unità nazionale* (Laterza, 2019).

<sup>46</sup> 19th legislative term, S.615.