

From political to technocratic government and back: the source of legitimacy in the government building in Italy *

Andrea De Petris

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1. *Government building in Italy*

In Italy, the formation of a government during a legislature, which usually lasts five years, follows the procedure set out in Art. 92 of the Constitution¹. In practice, according to custom, the formation of the government takes place through a complex process that can be divided into several phases: the consultations, the appointment, the swearing-in and, finally, the confidence phase, as provided for by Artt. 93² and 94³ of the Constitution and by L. no. 400 of 23 August 1988⁴.

However, even after taking office, the government may be affected by reshuffles and crises which may lead to its resignation without necessarily entailing the early dissolution of the legislature and the consequent early elections. In any case, it is up to the President of the Republic to decide to dissolve Parliament and call new elections

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¹ Art. 92 Cost.: "The Government of the Republic is made up of the President of the Council and the Ministers who together form the Council of Ministers.

The President of the Republic appoints the President of the Council of Ministers and, on his proposal, the Ministers."

² Art. 93 Cost.: "Before taking office, the President of the Council of Ministers and the Ministers shall be sworn in by the President of the Republic."

³ Art. 94 I-III Cost.: "The Government must receive the confidence of both Houses of Parliament.

Each House grants or withdraws its confidence through a reasoned motion voted on by roll-call.

Within ten days of its formation the Government shall come before Parliament to obtain confidence."

⁴ [L. 23 agosto 1988, n. 400](#). Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri. Published in the Gazzetta Ufficiale on 12 September, n. 214 S.O.

at any time during his term of office, with the sole exception of the “white semester” provided for by the Constitution⁵.

Informal consultations held by the President of the Republic are a procedure by which the Head of State initiates the formation of a government. The President is not obliged by any article of the Constitution to hold such consultations, but it is a well-established constitutional practice⁶ for him to invite the leaders of the parliamentary groups and the representatives of the coalition parties, together with the Presidents of the two Houses of Parliament (Chamber of Deputies and Senate), who must in any case be consulted when the Houses are dissolved, as well as former Presidents of the Republic as senators for life. In addition, at the discretion of the President, other personalities may be consulted who, in his opinion, can help to find a person capable of forming a government and of obtaining the necessary votes of confidence in Parliament.

In any case, although it is not expressly provided for in the Constitution, in the event of a government crisis characterised by uncertainty or conflict, the task of forming a new government may be preceded by an exploratory mandate, which is generally given by the Head of State to an institutional office such as the President of the Chamber of Deputies or the Senate⁷. This mandate becomes necessary when the

⁵ Art. 88 Cost.: “In consultation with the presiding officers of Parliament, the President may dissolve one or both Houses of Parliament.

The President of the Republic may not exercise such right during the final six months of the presidential term, unless said period coincides in full or in part with the final six months of Parliament.” The “white semester” is the period corresponding to the last six months of the term of office of the President of the Republic, during which the President is not allowed to dissolve the Chambers unless it coincides with the last six months of the legislature. The purpose of this restriction is to prevent coups by the President, who could resort to dissolving the Chambers when there is little time left before the end of his term of office, with the intention of postponing the election of his successor or even of eliminating a Parliament that does not support his re-election or of electing a candidate of his choice. Recently, there has been a doctrinal and political debate on the advisability of maintaining the “white half-year” as a limit to the power of the Head of State to dissolve Parliament, given the risk of institutional deadlock that could arise if the Chambers were in a state of objective incapacity, for example following the collapse of the majority in office and the impossibility of finding an alternative capable of commanding the confidence of the government, when the President of the Republic is in the last six months of his term of office. According to some, one solution could be to abolish the possibility of the incumbent President being re-elected, thus making the White Semester unnecessary, as the outgoing Head of State would have little interest in influencing the composition of the new chambers in the event of an early dissolution. On the issue s. A. Gigliotti, [Il semestre bianco nel quadro del potere di scioglimento anticipato delle Camere](#), in *Nomos* 3/2021. In favour of abolishing the white semester to avoid the risk of unresolvable institutional deadlocks E. Furno, [Il settennato presidenziale tra rieleggibilità e semestre bianco](#), in *Nomos* 1/2023.

⁶ G.U. Rescigno, [Prassi, regolarità, regole, convenzioni costituzionali, consuetudini costituzionali, consuetudini giuridiche di diritto pubblico](#), in *Osservatorio sulle fonti*, n. 2/2018, spec. p. 2-5.

⁷ This is what happened, for example, in 1987, when the crisis of the II Craxi Government prompted President Cossiga to give an exploratory mandate to Nilde Iotti, then President of the Chamber of Deputies.

President of the Republic's consultations have not led to any conclusive indications for the formation of a government: for example, when the political situation is particularly fluid and unclear, and in the absence of a fully agreed solution to the political crisis, the holder of the exploratory mandate is called upon to carry out less formal consultations than those carried out by the Head of State, in the hope of creating the conditions for the formation of a government.

What differs from the institution of the exploratory mandate is the pre-appointment⁸, which is entrusted to the person who is asked to carry out further informal consultations and who, usually, but not always, coincides with the person to whom the President of the Republic would then probably entrust the task of forming the government, assuming that the checks carried out are concluded with a positive outcome⁹. A further case is that of the reappointment, which occurs when, following a government crisis, the President of the Republic assigns the task of setting up a new government to the same Prime Minister who has just resigned: he usually proceeds to reshuffle, i.e. to change the composition of the government, replacing ministers or undersecretaries as a consequence of the changed political situation compared to the one existing at the time of the formation of the previous government¹⁰.

However, outside the above-mentioned hypotheses, the Head of State normally gives the task directly to the person who, on the basis of the indications of the political groups and institutional actors consulted, proves capable of forming a government and of gaining the confidence of both Houses of Parliament. It should be noted that, unlike in other legal systems, the person appointed to form the government does not necessarily have to be a member of Parliament. In practice, the Head of State never makes the appointment directly, either when the parliamentary majority is clear and the choice of Prime Minister is essentially a foregone conclusion, or even less so when the political situation is more complex and undefined. In fact, the practice provides for an intermediate step in which the Head of State summons the potential Head of Government, identified by the representatives of the parliamentary groups during the consultations, to the Quirinal Palace in order to appoint him.

⁸ For a recent analysis on the differences between the described options, s. A. Morelli, [Mandati esplorativi, incarichi e preincarichi: di cosa stiamo parlando?](#), *LaCostituzione.info*, 9 May 2018.

⁹ However, it is by no means a granted fact that a pre-appointment is followed by the formation of a government by the mandate holder: in 2013, for example, President Napolitano gave MP Pier Luigi Bersani not the task of forming the government, but rather that of verifying the existence of a majority in the two Houses of Parliament, s. Lippolis, G. M. Salerno, *La presidenza più lunga. I poteri del Capo dello Stato e la Costituzione*, Bologna 2016, p. 69-74. Another recent case of pre-appointment occurred in 2008, when President Napolitano asked Franco Marini, then President of the Senate, to form an institutional government. On this occasion, however, the crisis situation proved to be particularly complex and not even the intervention of the second highest office of the State was able to resolve it: a few days after the pre-appointment, Marini had to note the unwillingness of most parties to support a government and renounced the appointment, effectively forcing Napolitano to prematurely dissolve Parliament and call new elections, s. *Id.*, 39-40.

¹⁰ A. Gigliotti, [Incarico, preincarico e mandato esplorativo](#), in *Ballot* 23.3.2013.

The mandate to form a government is given in the usual way: it is conferred verbally, at the end of an interview between the President of the Republic and the person chosen. The Secretary General of the Presidency of the Republic announces the appointment by means of a press release. Once the office has been conferred, the President of the Republic cannot, as a rule, interfere in the decisions of the person in charge, nor can he revoke the mandate: it is possible, however, for the Head of State to intervene in the choices made by the Prime Minister in charge, for example with regard to the composition of the government¹¹. Cases of “moral suasion” are also not excluded, whereby the Head of State, in the course of the talks in which the consultations take place, makes the summoned personalities or the person himself about to be appointed Prime Minister aware of any expectations of the Quirinal Palace on the objectives that the future Government should achieve.

Except in exceptional cases¹², it is customary for the President of the relevant Council of Ministers to accept the appointment subject to a reservation and to hold brief consultations with the parliamentary forces to ascertain whether there is a possibility of gaining the confidence of Parliament in a government under his leadership. At the end of these consultations, he goes to the Quirinale to report to the Head of State and to withdraw the reservation with a positive or negative result, in the latter case renouncing the task of forming a government. If the reservation is lifted, the decrees appointing the Prime Minister in charge and the proposed ministers are signed and countersigned¹³. The process then ends with the President of the Republic issuing three separate decrees:

- The decree appointing the President of the Council (countersigned by the appointed President of the Council to confirm his acceptance);
- The decree appointing individual ministers (countersigned by the President of the Council);
- The decree accepting the resignation of the outgoing Government (also countersigned by the President-in-Office of the Council).

In the period between this appointment and the eventual swearing in of the new government, a prime minister in office and a prime minister who has resigned but is still formally in office coexist.

¹¹ See the case of Paolo Savona, initially indicated as Minister of Economy for the Conte I Government, then transferred to another post due to President Mattarella’s unwillingness to proceed with his appointment, *infra* par. 3.

¹² This was the case, for example, with Silvio Berlusconi’s decision in 2008 to accept the post unconditionally and immediately announce the list of ministers. This decision was explained by the clear electoral victory of the centre-right coalition, of which Berlusconi was the prime ministerial candidate, which enabled him to count on a large majority in both chambers.

¹³ On the role of the President of the Republic and his decision-making autonomy with respect to the person to be appointed Head of Government s. V. Baldini, [*Qualche osservazione sul potere del Capo dello Stato di nomina del Presidente del Consiglio dei Ministri*](#), in *Rivista AIC* 1/2013, 29 March 2013.

Before taking up their duties, the Prime Minister and the Ministers must take the oath provided for in Art. 93 of the Constitution¹⁴: the oath, by which each minister takes an oath in the hands of the Head of State and recites a short formula¹⁵, is the instrument which attests to the acceptance of the appointment by each minister. By taking the oath, the members of the Government express and acknowledge the duty of loyalty to which they are bound, not only as citizens, but above all as persons entrusted with fundamental public functions¹⁶. Once the oath has been taken, it is signed by the newly appointed minister and the President of the Republic. In reality, however, the oath of office only allows for a provisional entry into office, since its confirmation depends on the positive outcome of the vote of confidence by the two chambers.

Art. 94 of the Constitution¹⁷ stipulates that the Government, once formed, must present itself to the two Houses within ten days to ask for a vote of confidence, even though the Government is already fully operational once it has been appointed. However, for reasons of expediency and institutional fairness, it should avoid taking any action that goes beyond ordinary administration until it has been confirmed in office by a vote of confidence by a majority of the members present in both Houses. The vote of confidence is expressed by means of a reasoned motion tabled by the political groups in both Houses and a roll-call vote. As a rule, the passage through Parliament is regarded as a formal exercise, since it is assumed that the various consultations have led to the identification of a Prime Minister and a Government likely to receive the favourable vote of at least a simple majority of the members of both Houses present at the vote. In the event of a negative vote, as has sometimes been the case¹⁸, the government must resign before the Head of State, who normally

¹⁴ Art. 93 Cost.: “Before taking office, the President of the Council of Ministers and the Ministers shall be sworn in by the President of the Republic.”

¹⁵ The ritual formula of the oath reads: “I swear to be loyal to the Republic, to loyally observe its Constitution and laws, and to perform my duties in the exclusive interest of the nation”.

¹⁶ Art. 54 Cost.: “All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.

Those citizens to whom public functions are entrusted have the duty to fulfil such functions with discipline and honour, taking an oath in those cases established by law.”

¹⁷ S. Note 5.

¹⁸ Since 1946 there have been five governments which, after being appointed and sworn in, did not receive the confidence of the Chamber of Deputies: the eighth De Gasperi government, which was sworn in on 16 July 1953 and failed to obtain the confidence of the Chamber of Deputies twelve days later; the first Fanfani government, which was sworn in on 20 January 1954 and failed to obtain the confidence of the Chamber of Deputies on 30 January; the first Andreotti government, which was sworn in on 8 February 1972 and failed to obtain the confidence of the Chamber of Deputies nine days later; the fifth Andreotti government, sworn in on 31 March 1979, which failed to obtain a vote of confidence at the behest of the same executive, which had been set up expressly to highlight the lack of majorities in the chambers and facilitate their early dissolution; the sixth Fanfani government, sworn in on 18 April 1987, which was rejected by Parliament ten days later, leading to early elections, again at the behest of the Christian Democratic Party, Fanfani’s own party, which thus obtained an early return to elections,

asks the government to remain in office in order to deal with current affairs: at the same time, the President of the Republic considers whether to call a new round of consultations in order to find a possible alternative head of government to the one that has resigned, or whether to opt for the early dissolution of Parliament.

2. *The 2018 elections*

On 4 March 2018, elections were held for the renewal of Parliament, following the dissolution of the Chambers decided by the President of the Republic, Sergio Mattarella, on 28 December 2017, shortly before the natural end of the 17th Legislature, scheduled for 14 March 2018. They voted to elect 630 deputies and 315 senators on the basis of the electoral law adopted in 2017, nicknamed *Rosatellum bis*¹⁹, applied for the first time on this occasion and named after its creator, Ettore Rosato. The law provides for a mixed proportional/majoritarian electoral system, with complete separation of the two parts of the seats, essentially identical for the Chamber of Deputies and the Senate²⁰. Specifically, the law provides that:

- 37% of the seats (232 in the Chamber of Deputies and 116 in the Senate) are allocated in an equal number of single-member constituencies according to the first-past-the-post system: in each constituency, the candidate with the most votes is elected;
- 61% of the seats (386 and 193 respectively) are distributed proportionally between the coalitions and individual lists that have passed the required national thresholds; seats are distributed nationally for the Chamber of Deputies and regionally for the Senate; for this purpose, multi-member constituencies are created in which the lists are presented in the form of blocked lists of candidates;
- 2% of the seats (12 for the Chamber of Deputies and 6 for the Senate) are allocated to Italians living abroad by postal vote, according to a proportional system with preferential voting.

The results showed the success of the centre-right coalition with around 37% of the vote, while the single list with the most votes, the 5 Star Movement, received over 32% of the vote. Voter turnout was 72.94% for the Chamber of Deputies and 73.01% for the Senate, a decrease of about 2.3% compared to the 2013 elections. According to the conversion of votes into seats, summarised in Table 1, the centre-right coalition

s. C. Leo, [Crisi politica, quando il nuovo governo al debutto non ottiene la fiducia in Parlamento](#), [repubblica.it](#), 8 May 2018.

¹⁹ [L. 3 novembre 2017, n. 165](#), Modifiche al sistema di elezione della Camera dei deputati e del Senato della Repubblica. Delega al Governo per la determinazione dei collegi elettorali uninominali e plurinominali, GU Serie Generale n. 264 dell'11 novembre 2017.

²⁰ L. Borsi (a cura di), [Riforma elettorale. Note sull'A.S. n. 2941](#), Servizio Studi del Senato, 2017.

had 265 MPs in the Chamber of Deputies and 137 in the Senate, compared to 122 seats in the Chamber and 59 in the Senate for the centre-left coalition. The most spectacular result, however, came from the 5 Star Movement, which alone won 227 seats in the Chamber of Deputies and 112 in the Senate.

Table 1: 2018 general elections - Seats for single parties and coalitions

Lists	Chamber of Deputies					Senate of the Republic				
	Prop.	Major.	Aosta	Abroad	Tot.	Prop.	Major.	Aosta	Abroad	Tot.
Lega per Salvini Premier	73	50	-	2	125	37	21	-	-	58
Forza Italia	59	44	-	1	104	33	22	-	2	57
Fratelli d'Italia	19	13	-	-	32	7	11	-	-	18
Noi con l'Italia – UDC	-	4	-	-	4	-	4	-	-	4
Totale coalizione di centro-destra	151	111	-	3	265	77	58	-	2	137
Movimento 5 Stelle	133	92	1	1	227	68	44	-	-	112
Partito Democratico	86	21	-	5	112	43	8	-	2	53
+Europa	-	2	-	1	3	-	1	-	-	1
Italia Europa Insieme	-	1	-	-	1	-	1	-	-	1
Civica Popolare	-	2	-	-	2	-	1	-	-	1
Südtiroler Volkspartei – PATT	2	2	-	-	4	1	2	-	-	3

Totale coalizione di centro-sinistra	88	28	-	6	122	44	13	-	2	59
Liberi e Uguali	14	-	-	-	14	4	-	-	-	4
Movimento Associativo Italiani all'Estero	-	-	-	1	1	-	-	-	1	1
Unione Sudamericana Emigrati Italiani	-	-	-	1	1	-	-	-	1	1
Vallée d'Aoste	-	-	-	-	-	-	-	1	-	1
Totale	386	231	1	12	630	193	115	1	6	315

[Source: Ministry of the Interior](#)

3. *The Conte I Government*

The Conte I government was the sixty-fifth cabinet of the Italian Republic, the first of the XVIII legislature and the fifth to be led by a non-parliamentarian. It was in office from 1 June 2018 to 5 September 2019, for a total of 461 days. It was a coalition government, born from an agreement between the 5 Star Movement and the Lega after the general elections of 4 March 2018, dubbed by the press as the “yellow-green government” because of the colours that traditionally characterise the two parties.

On 14 May 2018, after almost three months of institutional crisis, Giuseppe Conte was nominated as Prime Minister by the 5-Stars Movement and the Lega, which had reached a programmatic agreement on the basis of which to form a coalition government. On 23 May, Conte was asked by President Mattarella to form a new government, and he accepted with reservations. On 27 May, however, Conte decided to return the mandate because Mattarella opposed Conte’s choice of Paolo Savona as Minister of the Economy and Finance.

The President of the Republic’s refusal to accept the proposal to appoint Paolo Savona as head of the Ministry of the Economy and Finance has caused a major political and media uproar. In a message to the nation, Mattarella justified his decision by pointing to Savona’s notoriously sceptical positions on Italy’s participation in the

Euro²¹, and since “the appointment of the Minister of the Economy always constitutes an immediate message of confidence or alarm for economic and financial operators”, Savona risked being seen as “an exponent who, beyond the esteem and consideration for the person [...] could probably, or even inevitably, cause Italy’s exit from the euro”²². Mattarella feared that by entrusting the economy ministry to Savona, international markets and investors would have doubts about Italy’s positions on Europe and the single currency, fuelling financial speculation that could burn up financial resources, with “concrete risks for the savings of our fellow citizens and Italian families”²³.

Mattarella’s veto of Savona’s nomination provoked a political crisis of sorts, with some party leaders harshly criticising the Head of State for having unduly rejected Conte’s proposal in favour of Savona, thus exceeding the limits of his constitutional powers. Luigi Di Maio²⁴, the leader of the 5-Stars Movement, and Giorgia Meloni²⁵, the leader of Fratelli d’Italia, went so far as to propose the impeachment of the President of the Republic.

The doctrine is not unanimous on the legitimacy of the President’s veto on the proposals for the appointment of ministers by the President of the Council of Ministers, who has already been appointed²⁶: a substantial part of the doctrine considers illegitimate any refusal by the Head of State to accept the Prime Minister’s proposal, because “at the stage of the appointment of ministers, the decisive role belongs to the one who has the power to «propose», not to the one who has the power to «appoint». It is the Prime Minister who chooses the ministers, not the President of the Republic. However, since the President of the Republic has the power of nomination and is the guarantor of the Constitution, he certainly has the power to evaluate each proposal, not on the basis of its political merit, but solely to ensure that constitutional values and the rules of the game are respected”, and possibly to exercise a power of “moral suasion” on the Prime Minister if, in his opinion, there are relevant reasons for not appointing a minister²⁷. A different opinion is held by those who believe that if the appointment of a minister would have potentially serious

²¹ [Paolo Savona, *l'economista candidato al Tesoro: "L'euro? Un cappio per l'Italia"*](#), [repubblica.it](#), 21 May 2018. S. also F. Lugano, [Il "Piano B per l'Italia" nella sua interezza!](#), in [scenarieconomici.it](#), 5 Ottobre 2015, containing the slides published by Paolo Savona illustrating his proposal to exit the Euro.

²² [Dichiarazione del Presidente della Repubblica Sergio Mattarella al termine del colloquio con il professor Giuseppe Conte](#), [quirinale.it](#), 27 May 2018.

²³ Id.

²⁴ T. Ciriaco, [Il governo salta su Savona. Di Maio: "Impeachment per Mattarella"](#), [repubblica.it](#), 27 May 2018.

²⁵ S. Rame, [Impeachment, la Meloni contro Mattarella: "Non ha rispettato istituzioni"](#), [ilgiornale.it](#), 29 May 2018.

²⁶ For a summary of the doctrinal debate on the “Savona case” s. E. Furno, [Il Presidente della Repubblica al tempo delle crisi](#), Napoli 2021, p. 90-94.

²⁷ A. Gigliotti, [In tema di nomina dei ministri e poteri del Presidente della Repubblica](#), [lacostituzione.info](#), 31 May 2018.

consequences for the stability of the country, such as the possibility of Italy's abrupt exit from the euro, as Savona has theorised on several occasions, it would be fully within the powers of the Head of State to oppose such an appointment²⁸. It is also worth mentioning those who have deemed inappropriate the systematic call by certain political figures to respect the will of the people expressed by the electoral body, which would have been violated on this occasion by the presidential veto: a call that, in order to avoid institutional conflicts, "should instead be handled with a great sense of responsibility by the political actors, without using popular legitimisation in the sense of breaking the system based on constitutional democracy"²⁹.

After taking note of Conte's initial refusal to form a government without giving the economy ministry to Savona, the President of the Republic decided to appoint economist Carlo Cottarelli to form a "neutral government" with the specific task of implementing the 2019 finance law and guiding the country towards new elections. On 31 May, however, the scenario changed unexpectedly: perhaps faced with the risk of future early elections, the 5-Stars Movement and the League sought alternative ways of resolving the crisis with the Quirinale. Di Maio proposed, with Salvini's agreement, that Savona be transferred to another ministry in exchange for the confirmation of Conte's appointment as head of government, which in fact happened³⁰. As the conditions for the formation of a political government were once again met, Cottarelli resigned his mandate; on the same day Giuseppe Conte was once again entrusted with the task of forming a government, he accepted the appointment without reservation and immediately proposed the list of ministers, which included Paolo Savona as the holder of the Ministry of European Affairs: the list was approved without reservation by the Head of State³¹. The Conte government was sworn in by the President of the Republic on 1 June 2018, with the political composition summarised in Table 2³².

²⁸ A. Capussela, *Il caso Savona-Mattarella non è ancora chiuso. E anzi svela il tallone d'Achille della politica italiana*, open.luiss.it, 8 June 2018.

²⁹ L. Ferraro, *La nomina del Ministro Savona e le "accuse" al Presidente Mattarella*, forum di Quaderni Costituzionali, 29 September 2018.

³⁰ U. Rosso, M. Rubino, *Governo, Di Maio: "Troviamo un'alternativa a Savona". Salvini apre. Dal Colle ancora tempo per un esecutivo politico*, repubblica.it, 30 May 2018.

³¹ On how the crisis was managed, from Conte's first assignment to his appointment, s. C. Pinelli, *Appunti sulla formazione del Governo Conte e sulla fine della riservatezza*, in *Osservatorio Costituzionale*, 2/2018.

³² A. Morrone, *Conte 1 (2018-2019) Governo di cambiamento*, in B. Caravita, F. Fabrizzi, V. Lippolis, G.M. Salerno (a cura di), *La nascita dei governi della Repubblica 1946-2021*, vol. I, Torino 2022, p. 1024-1049.

Table 2: Conte I Government, members' political affiliation at the time of swearing-in

Party	President	Vicepresidents	Ministers	Viceministers	Undersecretaries	Tot.
Movimento 5 Stelle	-	1	7	3	22	33
Lega per Salvini Premier	-	1	5	3	15	24
Indipendenti	-	-	2	-	1	3
Indipendenti di area M5S	1	-	1	-	-	2
Indipendenti di area LSP	-	-	1	-	1	2
Movimento Associativo Italiani all'Estero	-	-	-	-	1	1

Source: Senate of the Republic³³

As mentioned above, the Five Star Movement and the League signed a government agreement, known as the “Contract for the Government of Change” (*Contratto per il Governo del Cambiamento*)³⁴, which contained a series of measures that the new government undertook to implement during the legislature³⁵. The government

³³ [Governo Conte-I, dal 1 giugno 2018 al 4 settembre 2019.](#)

³⁴ The Contract, submitted to the approval of the members of both Lega and 5Stelle, has been interpreted as a further step towards a populist conception of politics, in which the direct voter/elected person relationship is opposed to the representative mediation circuit of the Parliament/Government system, s. M. Fichera, [The People vs. the Elite: Italian Dialectics and the European Malaise](#), in [verfassungsblog.de](#), 28 May 2018.

³⁵ Among the most important measures included in the agreement were: 1) increasing the number of detention centres, reducing the number of landings of migrants and asylum seekers from Africa and the Middle East, and expelling those who do not qualify for asylum; 2) introducing a tax-free zone for low-income families and a flat tax for individuals and companies; 3) introducing a guaranteed minimum income (the so-called citizenship income) of up to €780 per month for individuals and the citizenship pension for those living below the poverty line; 4) the introduction or promotion of instruments of direct democracy, such as propositional referenda, the abolition of the quorum for overturning referenda, and the obligation for Parliament to schedule popular initiative bills; 5) a reform of the National Health Service to minimise inefficiency and waste of resources, while preserving regional autonomy in matters of health services and leaving it to central government to indicate the essential levels of care; and 6) a new reform of the pension system that would allow people to retire when the

then obtained the confidence of the Senate of the Republic on 5 June 2018, with 171 votes in favour, 117 against and 25 abstentions. The following day, it also received the confidence of the Chamber of Deputies with 350 votes in favour, 236 against and 35 abstentions³⁶.

In the summer of 2019, strong tensions emerged within the yellow-green majority, culminating on 8 August with the announcement by the League secretary, interior minister and deputy prime minister, Matteo Salvini, that he was withdrawing his party's support for the government. The formalisation of a real government crisis was followed by the League's call for early elections, with the intention of forming a centre-right coalition with Forza Italia and Fratelli d'Italia³⁷. The next day, the League tabled a motion of censure against the Prime Minister in the Senate³⁸, although all members of the government belonging to the League remained in office. On 20 August, Conte reported to the Senate on the government crisis and announced his resignation: the Lega withdrew the motion of censure, but Conte confirmed his resignation the same evening, putting an end to the government for good³⁹. In the following days, Salvini agreed to support the formation of a new government with the M5S, proposing Luigi Di Maio as prime minister, but the latter refused any form of agreement with his former ally⁴⁰.

4. *The Conte II Government*

On 29 August, after several meetings between Luigi Di Maio for the 5-Stars Movement and Nicola Zingaretti, then secretary of the PD, President Mattarella again entrusted Giuseppe Conte with the task of forming a government, which the outgoing Prime Minister accepted "with reservations" and then began talks with the parties concerned. On 4 September, Conte withdrew the proviso, accepted the mandate and announced the composition of the new government, which, as Table 3 shows, involved

sum of their age and years of contributions is at least 100 ("quota 100"), s. *Contratto per il Governo del Cambiamento*. For an examination of the expressly political nature of the so-called *Contratto di Governo* and its consequent non-legally binding nature, also in a comparative perspective with the German *Koalitionsvertrag*, s. L. Marantoni, *Contratto di governo e accordo di coalizione. Natura giuridica e vincolatività*, *Osservatorio Costituzionale AIC*, 3/2018, 317-330.

³⁶ [Governo, fiducia anche alla Camera: 350 sì. Conte: "Non stravolgiamo Buona Scuola. Giustizialisti? Rispettiamo Carta"](#), [ilfattoquotidiano.it](#), 6 June 2018.

³⁷ A. La Mattina, [Salvini tenta gli alleati: "Voglio il fronte del Sì con Berlusconi e Meloni"](#), [lastampa.it](#), 12 August 2019.

³⁸ A. Custodero, [Crisi di governo, mozione di sfiducia della Lega a Conte al Senato. Lunedì si riunisce la capigruppo. Martedì quella della Camera](#), [repubblica.it](#), 9 August 2019.

³⁹ A. Custodero, M. Rubino, [Crisi di governo, le dimissioni di Conte: "Il governo finisce qui. Salvini ha seguito interessi personali e di partito". Poi sale al Quirinale](#), [repubblica.it](#), 20 August 2019.

⁴⁰ C. Lopapa, [Salvini all'angolo offre Palazzo Chigi a Di Maio per salvarsi](#), [repubblica.it](#), 22 August 2019.

parties very different from those that had supported the majority of the previous government. The following day, the so-called Conte II government was sworn in and officially took office.⁴¹

Table 3: Conte II Government, members' political affiliation at the time of swearing-in

Party	President	Ministers	Viceministers	Undersecretaries	Tot.
Movimento 5 Stelle	-	9	6	16	31
Partito Democratico	-	9	4	14	27
Indipendente di area M5S	1	1	-	-	2
Articolo Uno	-	1	-	1	2
Sinistra Italiana	-	-	-	1	1
Movimento Associativo Italiani all'Estero	-	-	-	1	1
Indipendente	-	1	-	1	1

Source: [Presidenza del Consiglio dei Ministri](#)

The Conte II government was the 66th of the Italian Republic and the second of the 18th legislature. It was in office from 5 September 2019 to 13 February 2021, for a total of 527 days, supported by a majority composed of the 5 Stars Movement, the Democratic Party, Liberi e Uguali and Italia Viva (the latter from 18 September 2019 to 13 January 2021)⁴². Due to the colours traditionally used by the majority parties, and similarly to the previous “yellow-green government”, the Conte II government was often referred to by the media as the “yellow-red government”. The government obtained the confidence of the Chamber of Deputies on 9 September 2019, with 343 votes in favour, 263 against and 3 abstentions⁴³. The following day it received the confidence of the Senate with 169 votes in favour, 133 against and 5 abstentions⁴⁴.

⁴¹ M. Marcelli, [Governo. I ministri giurano al Quirinale. L'esecutivo Conte 2 è in carica](#), *avvenire.it*, 5 September 2019.

⁴² M. Olivetti, *Conte II (2019-2021) La crisi di governo del 2019: dallo scioglimento mancato al rovesciamento delle alleanze*, in B. Caravita, F. Fabrizzi, V. Lippolis, G.M. Salerno (a cura di), *La nascita dei governi della Repubblica 1946-2021*, cit., Vol. II, p. 1050-1075.

⁴³ S. Buzzanca, M. Rubino, [Governo, la Camera vota la fiducia con 343 sì al Conte bis. Proteste della Lega](#), *repubblica.it*, 9 September 2019.

⁴⁴ [Governo, diretta – Il Conte 2 ottiene la fiducia anche al Senato: 169 sì. Salvini a M5s: “Siete passati da rivoluzione a voto di Monti”. Conte: “Voleva i pieni poteri, è diventato suo nemico chiunque lo ostacoli”](#), *ilfattoquotidiano.it*, 10 September 2019.

On 26 January 2021, after a long period of tension with the leader of the Italia Viva party, Matteo Renzi, Conte returned the mandate to the President of the Republic⁴⁵. As usual, the government remained in office only to manage current affairs, while for the third time in the same legislature the Head of State initiated consultations that led to the appointment of Mario Draghi as Prime Minister.

5. *The Draghi Government*

The Draghi government, sixty-seventh of the Italian Republic and third and last of the XVIII legislature, was in office from 13 February 2021 to 22 October 2022, for a total of 616 days. It was supported by an extremely large majority, representing almost all the political forces present in Parliament, to the point of being considered a government of national unity: a characteristic that allowed the government to overcome the usual dialectical relations between majority and opposition typical of parliamentary systems, and which usually recur in situations of serious emergency (war, financial crises and the like).⁴⁶

After the resignation of the Conte II government on 26 January 2021, and following a quick round of consultations, President Mattarella had given the President of the Chamber of Deputies, Roberto Fico, an exploratory mandate to verify the existence of a majority between M5S, Partito Democratico, Liberi e Uguali, Italia Viva and Europeisti-MAIE-Centro Democratico⁴⁷ that would be solid enough to support a government, but the attempt failed⁴⁸.

Therefore, noting the failure of the consultations of Chamber of Deputies President Roberto Fico, on the evening of 2 February 2021 the Head of State gave a speech⁴⁹ in which he explained why - faced with the choice between immediate elections or the launch of a so-called technocratic government - he decided to opt for the latter. In his speech, Mattarella did not mention the name of Mario Draghi, but then summoned the former President of the European Central Bank from 2022 to 2019 to the Quirinale the following day to entrust him with the task of forming a new government⁵⁰. In his speech, the Head of State clearly set out the reasons that had led

⁴⁵ [Il Presidente del Consiglio Conte ha rassegnato le dimissioni del governo da lui presieduto](https://www.quirinale.it/it/2021/01/26/il-presidente-del-consiglio-conte-ha-rassegnato-le-dimissioni-del-governo-da-lui-presieduto), quirinale.it, 26 January 2021.

⁴⁶ [Che cos'è un governo di unità nazionale](https://www.openpolis.it/2021/01/26/che-cos-e-un-governo-di-unita-nazionale/), openpolis.it, 26 January 2021.

⁴⁷ [Mattarella ha affidato a Roberto Fico un mandato esplorativo](https://www.agi.it/2021/01/29/mattarella-ha-affidato-a-roberto-fico-un-mandato-esplorativo/), agi.it, 29 January 2021.

⁴⁸ [Governo, fallisce il tentativo di Fico, Mattarella convoca Draghi](https://www.ilsole24ore.it/2021/02/03/governo-fallisce-il-tentativo-di-fico-mattarella-convoca-draghi/), Ilsole24ore.it, 3 February 2021.

⁴⁹ [Dichiarazione del Presidente della Repubblica Sergio Mattarella al termine dell'incontro con il Presidente della Camera Roberto Fico](https://www.quirinale.it/it/2021/02/02/dichiarazione-del-presidente-della-repubblica-sergio-mattarella-al-terminare-dell-incontro-con-il-presidente-della-camera-roberto-fico/), quirinale.it, 2 February 2021.

⁵⁰ [Mattarella ha convocato Mario Draghi](https://www.ilpost.it/2021/02/02/mattarella-ha-convocato-mario-draghi/), ilpost.it, 2 February 2021. On the direct involvement of Mattarella and Draghi in the formation of the government s. F. Fabrizzi, A.M. Poggi, *Draghi (2021) Il Governo Draghi, il "governo dei due Presidenti"*, with an additional of Beniamino Caravita, in B. Caravita, F. Fabrizzi, V. Lippolis, G.M. Salerno (a cura di), *La nascita dei governi della Repubblica 1946-2021*, cit., vol. II, p. 1076-1106.

him “to appeal to the political forces for a high-profile government”, to deal “promptly with the serious emergencies that are underway and cannot be postponed”. The country was in a profoundly complex phase: the fight against the Covid pandemic was by no means over, and indeed the measures to be taken in those months would be decisive in bringing the pandemic emergency to a successful conclusion, and this objective alone, according to Mattarella, required the presence of a government in full ownership of its functions. The President of the Republic then recalled that in Italy, several months usually elapse between the dissolution of the Chambers and the formation of the government: a period of time in which political action is necessarily suspended: a scenario that, if implemented at that stage, would have kept the country “with a government without full ownership of its functions for crucial, decisive months for the fight against the pandemic, for the use of European funding and for dealing with serious social problems.” Concerns that “are well in the minds of our fellow citizens, who are demanding concrete and rapid answers to their daily problems.”

What's more, by April 2021 Italy was supposed to present the plan to obtain Next Generation EU funds: a plan that is fundamental so that “those indispensable funds are committed soon, and the sooner you present the plan, the more time you have for confrontation with the Commission.” Those funds “must then be used, and a government with reduced activity could not do that,” Mattarella noted, “and we cannot miss this fundamental opportunity for our future.” Again, the President of the Republic recalled how at the end of March 2021 the freeze on redundancies due to the pandemic would expire, and this deadline demanded “appropriate and timely decisions and social protection measures, which are very difficult to take by a government without full functions, in the midst of an election campaign”.

Finally, Mattarella recalled how Italy was in the midst of the pandemic at the time, and how such a condition posed serious health security problems should a general election be held at that time. The President observed: “The contagion of the virus is widespread and alarming; and new waves of its variants are feared. It must be remembered that elections do not consist only of the day one goes to vote, but include many complex previous activities to form and present candidacies. Moreover, the subsequent election campaign requires - inevitably - many crowded meetings, assemblies, rallies: in the hectic electoral rhythm, it is almost impossible for them to take place with the necessary distances. In other countries where voting has taken place - compulsorily, because the legislatures of parliaments or the terms of presidents have expired - there has been a serious increase in contagions. This gives one pause for thought, thinking of the many victims that we unfortunately continue - even today - to record every day”.

Draghi accepted the task with reservations and the government was dissolved on 12 February after intensive consultations with all political forces and talks with the social partners. As mentioned above, the government was sworn in on 13 February

2021⁵¹ and received a vote of confidence in the Senate on 17 February 2021 (262 votes in favour, 40 against and 2 abstentions) and in the Chamber of Deputies the following day (535 votes in favour, 56 against and 5 abstentions)⁵².

As Table 4 shows, the new government was supported by a particularly large majority: no fewer than nine parties were represented in the new government, including ministers, deputy ministers and undersecretaries⁵³. In addition, there were thirteen other non-party personalities, starting with Draghi himself, who preferred not to create a cabinet of technicians of his own choice, but to include political personalities with weight, with a twofold purpose: to benefit from a more stable majority than he would probably have been able to count on if party representatives had not been given government posts, and to force the parties themselves to take direct responsibility for the work of the government, since some of their leading exponents were also part of it⁵⁴.

During the Draghi government, Italy also had to deal with the re-election of the President of the Republic, as Mattarella's term expired in early 2022. After a very concise phase, in which it was not at all clear when the political forces would be able to elect a successor, on 29 January 2022 the parliament in joint session decided on the re-election of the outgoing Head of State⁵⁵.

Although the constitution does not provide for a term limit, the President had previously shown himself opposed to this hypothesis, for both personal and constitutional reasons: however, faced with the request of the parliament, unable to converge the majority of its votes on an alternative candidate, and aware of the serious institutional deadlock that a delay in the re-election of the Head of State would have entailed for the country, Mattarella decided to accept the request for re-election⁵⁶.

In fact, Mattarella's re-election took place following a crescendo of concerns over an impasse from which it seemed increasingly difficult to escape. The political framework appeared objectively complex, given that the debate on the Head of State was inexorably linked to the fate of the executive. The parties, in fact, found themselves having to choose whether to favour the government alliance or the coalition alliance, aware that each choice would have led to important consequences for the political and institutional balance of the nation. Even the decision to favour the axis of government was not without risks for the executive. In that case, the seemingly most obvious choice

⁵¹ [Il governo Draghi ha giurato. Il premier ai ministri: "Uniti per mettere in sicurezza il paese"](#), *ilfoglio.it*, 13 February 2021.

⁵² [Formazione del Governo Draghi](#), *camera.it*. V. anche [Cosa ci dicono i voti di fiducia al governo Draghi](#), *openpolis.it*, 19 February 2021.

⁵³ C. Fusaro, [Draghi's New Cabinet Sails but Italian Political Institutions Do not Risk Reforms](#), in *verfassungsblog.de*, 24 February 2021.

⁵⁴ F. Mastroianni, [Draghi, i governi tecnici e la politica. Il nuovo volto della Repubblica](#), *Ilsole24ore.it*, 12 August 2021.

⁵⁵ [Il secondo mandato di Sergio Mattarella](#), *openpolis.it*, 1 February 2022.

⁵⁶ L. Mari, [Sergio Mattarella rieletto presidente della Repubblica con 759 voti: al via il bis](#), *repubblica.it*, 29 January 2022.

could have been the election of Mario Draghi himself as President of the Republic, with the support of the large majority backing him in Parliament. With this decision, the ruling parties would have renewed their confidence in him, but at the same time decreed the end of the government he led. A situation that would have forced the political forces into negotiations and consultations to form a new one, with all the difficulties involved. All this in a phase in which the health crisis and the implementation of the PNRR⁵⁷ made the action of the executive absolutely urgent, discouraging government crises with unpredictable outcomes: scenarios that strongly recalled the conditions in which, a little less than a year earlier, Mattarella himself had explained to the country why he had opted to entrust Draghi with the task of forming a new government instead of calling new elections. For these reasons, there was probably a strong sense of urgency during the days that saw parliament engaged in voting to arrive quickly at a positive result with respect to the designation of the new President of the Republic.

Despite the fact that he had not yet been publicly indicated by any party, by the seventh vote Mattarella had received 387 votes. This was five more preferences than President Casellati had received on the fifth ballot, when she was officially nominated by the centre-right. It is therefore not surprising that after the parties agreed on his name, Mattarella was elected in the eighth ballot by a very large majority, i.e. 759 preferences, or 77.2% of the voters. This is an objectively high figure, which in the course of Republican history has only been surpassed by Sandro Pertini and Giovanni Gronchi, elected with 83.6% and 79% of the vote respectively.

By the way, the fact that for the second consecutive time an outgoing President of the Republic was re-elected, after the same had happened to Giorgio Napolitano on 20 April 2013, is a sign of the decision-making weakness of the Italian parties: a phenomenon that also explains the recourse to so-called technocratic governments in the most troubled phases of the Nation⁵⁸.

In July 2022, a crisis triggered by the abstention of the 5 Stars Movement and the withdrawal of the Lega and Forza Italia from the Chamber during a vote of confidence led to the resignation of the government, accepted by the President of the Republic on 21 July⁵⁹. Taking note of Draghi's unwillingness to continue his work as head of government, the President of the Republic then ordered the early dissolution of the Chambers and called elections for 25 September 2022. The Draghi government

⁵⁷ The National Recovery and Resilience Plan (Piano Nazionale di Ripresa e Resilienza, abbreviated as Recovery Plan or PNRR) is the plan approved in 2021 by Italy to revive its economy after the COVID-19 pandemic, in order to enable the country's green and digital development. The PNRR is part of the European Union's programme known as Next Generation EU, a EUR 750 billion fund for European recovery (called "recovery fund"). Italy has been allocated EUR 191.5 billion, of which EUR 70 billion - 36.5 per cent - in grants and EUR 121 billion - 63.5 per cent - in loans. S. [Italia Domani, il Piano Nazionale di Ripresa e Resilienza](#).

⁵⁸ V. Teotonico, [Note \(sul dibattito\) intorno alla rielezione del Presidente della Repubblica](#), in: Rivista AIC, 2/2022, 60-82.

⁵⁹ F. Zatti, [La fine del governo Draghi. Cosa è successo e perché](#), rainews.it, 21 July 2021.

then remained in office for the sole purpose of dealing with current affairs until 22 October⁶⁰, the day on which the Meloni government was sworn in, opening the 19th legislative period.

Table 4: Draghi Government, members' political affiliation at the time of swearing-in

Party	President	Ministers	Viceministers	Undersecretaries	Tot.
<u>Independents</u>	1	8	-	4	13
<u>Movimento 5 Stelle</u>	-	4	1	8	13
<u>Lega per Salvini Premier</u>	-	3	1	8	12
<u>Partito Democratico</u>	-	3	1	5	9
<u>Forza Italia</u>	-	3	1	5	9
<u>Italia Viva</u>	-	1	1	1	3
<u>Articolo Uno</u>	-	1	-	1	2
<u>+Europa</u>	-	-	-	1	1
<u>Noi con l'Italia</u>	-	-	-	1	1
<u>Centro Democratico</u>	-	-	-	1	1
Tot.	1	23	6	35	65

Source: [Governo italiano, Presidenza del Consiglio dei Ministri](#)

⁶⁰ A government that has resigned is nevertheless obliged to remain in office until a new one is installed, since the institutional structure cannot remain without executive and administrative leadership. In fact, there is a wide range of acts that are due (because they are required by law) or urgent, which require the daily intervention of the government, either collectively (in the Council of Ministers) or through the individual ministries. The absence of the government would otherwise lead to administrative paralysis. At the same time, the outgoing government, having resigned, no longer has the same political legitimacy as a fully functioning government. For this reason, even in the silence of the Constitution, it is customary for the government to remain in office "to deal with current business": with this expression, the Quirinale, in taking note of the resignation of the Prime Minister, invites the government to remain in office in order to ensure the continuity of administrative action, s. L. Cuocolo, [Cosa comprendono gli "affari correnti" di un governo dimissionario](#), *lavoce.info*, 22 July 2022. In a general sense, the phrase "conducting current business" describes a state of affairs whose boundaries are not always easy to define. Despite doctrinal differences, it has been customary since the 1980s for outgoing prime ministers to indicate the limits of their government's political-administrative action in a directive. This is an act of self-limitation in which the government undertakes to confine itself to ensuring administrative continuity, implementing decisions already taken by Parliament and adopting only urgent legislation. There is no fixed content, but some guiding principles to be followed, enucleated by the doctrine according to which the government must "(...) carry out the due (obligatory) acts and all those whose extension would cause appreciable damage to the State, while it must abstain, for reasons of political correctness, from all those discretionary acts that can be left to the future government without appreciable damage", s. U. Rescigno, *Corso di diritto pubblico*, XIII edizione, Bologna 2010, p. 421 f.

6. The reasons that led to the appointment of the Draghi Government

Draghi's call to the government was mainly due to a double crisis related to Covid-19: the health crisis, which required measures to contain and prevent infections, and the economic crisis, which was a consequence of the impact of the pandemic on production activities. In many political and economic circles it was feared that Giuseppe Conte did not have what it took to adequately manage this phase of the crisis. On the other hand, Draghi's experience and authority at the international level, as well as his independence from domestic political considerations, pointed to him as the most suitable person to lead a government that would pull Italy out of its health, economic-financial and social emergency and encourage the resumption of productive activity. Draghi's appointment was greeted with enthusiasm by much of the press and political forces, while the few dissenting voices came mainly from the most extreme right and left parties.

Although it could not be classified as a political government, it is also true that it included numerous members of political parties present in parliament, as well as independent experts who Draghi himself wanted at the head of ministries crucial to crisis management. This "hybrid" composition led to some tensions between "political" and "technocratic" ministers and between political exponents belonging to the same majority. The Prime Minister's final decisions conflicted with the political strategies of individual ministers, undersecretaries or party secretaries, which weakened the Prime Minister's image in the eyes of the public. In some cases, there was a perception that certain political interests were more influential than others in the government's actions, as was the case with the attempted reform of the land registry and the reform of the citizens' income. At these junctures, Draghi seemed to avoid getting too involved in the merits of individual measures in order to maintain the distance from traditional party lines that had enabled him to secure such broad parliamentary support at the beginning of his government experience. Over time, the maintenance of broad parliamentary support became increasingly difficult, although this was not made sufficiently explicit⁶¹.

The balance on which the majority rested also became increasingly precarious due to unforeseen events that profoundly changed the international context. If, in the first months of 2022, the overcoming of the Covid emergency still seemed uncertain, leaving the socio-economic aspects of the pandemic crisis undefined, the invasion of Ukraine by Russia triggered a series of chain reactions that called into question the strategic balances, the economic and productive structure and the political stability of several countries. The tensions that arose - for example, over intelligent working, measures to respond to the climate crisis or support for the defence of Ukraine - provoked deep tensions within the majority that could not be resolved by a government formed to respond to very different emergencies.

⁶¹ M. Ricciardi, [La caduta del Governo Draghi](#), in *Il Mulino*, 22 July 2022.

An increasing radicalisation of the demands of the components of the government majority, each of which defended the interests that were considered most distinctive in the eyes of their respective electorates (beach concessions, taxi drivers, property owners, small businesses, citizenship income recipients), distorted the very nature of the government: what had begun as a political project based on the *super partes* centrality of the former ECB president crystallised into different, in some cases opposing, positions.

Draghi, who in his first months as prime minister had been able to use the authority of his presidential investiture vis-à-vis the parties of his majority, some of which were allies in spite of themselves, was no longer able to exercise the same synthesis in the final phase of his mandate. It is difficult to identify the specific responsibilities for the crisis and the subsequent fall of the government, as they are many and varied. Undoubtedly, an important role was played by former 5-Stars Prime Minister Giuseppe Conte, who tried in his own way to respond to the signs of crisis in his movement. The departure of the M5S would have required the government to be reconstituted on the basis of different parties, but this would have left out the relative majority political force, which Draghi ruled out on several occasions⁶².

This explains the President of the Republic's request to the then resigning Prime Minister to "parliamentarise" the crisis⁶³: a dutiful step that gave Draghi a political profile that he had previously lacked. On the other hand, this very evolution of the Prime Minister from "manager" of the crisis by presidential mandate to potential referent of a future fully political government stimulated tensions in some parties of his (now almost former) majority: several exponents had in fact already expressed divergences with regard to the government's actions in the first months of 2022, and probably felt threatened by a possible realignment in a centrist key of a government potentially hegemonized by the Democratic Party and a consequent reduction of the "government supporting" right-wing parties. This was a problem that did not concern

⁶² Repubblica.it, [Draghi: "Il governo con gli ultimatum non lavora. Non c'è esecutivo con me senza M5S"](#), 12 July 2022.

⁶³ Generally speaking, government crises can be either parliamentary or extra-parliamentary. Parliamentary crises occur when there is no majority, i.e. when the count of votes shows that the government no longer has a majority in either chamber. This can happen in two main cases: when the government suffers a motion of censure, or when it finds itself in the minority following a vote of no confidence in a measure or its own policy. Extra-parliamentary crises, on the other hand, are not provoked by a parliamentary vote, but are formalised by the spontaneous resignation of the prime minister. This happens, for example, when a government coalition suffers a heavy defeat in an electoral session and finally decides to resign, as in the case of Massimo D'Alema's II government after the 2000 regional elections, or the Renzi government after the 2016 referendum on the constitutional reform promoted by Renzi himself. In Italian political-constitutional jargon, the request to "parliamentarise" an extra-parliamentary crisis aims to bring back into the parliamentary chambers a government crisis that had originated outside, e.g. as a result of initiatives by individual ministers, political leaders or the prime minister himself, as in the case of Draghi in the present case, s. [Cosa significa "parlamentarizzare" la crisi](#), ilpost.it, 15 June 2022. For a general analysis on the parliamentarisation of government crises s. V. Lippolis, *La parlamentarizzazione delle crisi*, in *Quaderni Costituzionali* 1/1981, p. 145-154.

Giorgia Meloni, whose Fratelli d'Italia party had remained in opposition since the formation of the Draghi cabinet and who, at the time of the government crisis, was all the more hoping for a rapid return to the polls⁶⁴.

In this uncertain and contradictory scenario, Draghi's decision to break the deadlock and confirm his resignation from Palazzo Chigi was announced. This move, unexpected by some, triggered a series of actions and reactions that undermined the very element that, in the eyes of Italian and European public opinion, had justified Mattarella's decision to appoint Draghi: his *super partes* authority, as mentioned above, which was suddenly increasingly called into question.

7. *The 2022 general elections*

The general election for the renewal of the Italian Parliament was held on 25 September 2022, following the early dissolution of the Chambers ordered by President Mattarella on 21 July due to the aforementioned Draghi government crisis. The results of the vote showed that the centre-right, led by Giorgia Meloni, was the coalition with the most votes, with around 44% of the preferences, giving it an absolute majority in both chambers. It should be recalled that the constitutional reform approved in 2019 and confirmed in the 2020 referendum reduced the number of deputies from 630 to 400 and senators from 315 to 200⁶⁵; moreover, the voting age was unified at 18 for

⁶⁴ [Meloni invoca le elezioni e chiude a un altro governo Draghi: «Questa legislatura è finita»](#), open.online, 14 July 2022.

⁶⁵ L. cost. 19 ottobre 2020, n. 1 “Modifiche agli articoli 56, 57 e 59 della Costituzione in materia di riduzione del numero dei parlamentari”, published on [Gazzetta Ufficiale n. 261 del 21 ottobre 2020](#). The constitutional bill was finally approved by the Chamber of Deputies on 8 October 2019 in the second reading, with 569 deputies present, 567 voting, 553 in favour, 14 against and 2 abstentions. On 10 January 2020, 71 senators submitted the request for a referendum to the Constitutional Court, as permitted by Article 138 of the Constitution. In the referendum, which did not require a quorum to be valid, the YES vote won with almost 70% of the votes cast, against almost 22% NO and almost 10% abstentions. S. [La riduzione del numero dei parlamentari](#) on the website of the Presidency of the Council of Ministers. The reform significantly altered the political balance, as the reduction in the number of parliamentarians reduced the space for the smaller political forces: however, the political debate on the subject was almost non-existent and, on the whole, extremely meagre among experts in the field. There was probably a fear of incurring the criticism of public opinion, which, according to opinion polls at the time, was overwhelmingly in favour of reducing the number of seats, with the motivation - not without populist content - of supporting a reduction in public spending on political activity. For a review of the process that led to the adoption of the reform, partly coinciding with the critical phase of the pandemic, s. C. Tripodina, [Riduzione del numero dei parlamentari, tra riforma costituzionale ed emergenza nazionale](#), in *Osservatorio Costituzionale AIC*, 3/2020. Cautious about the consequences of the reform on the future role of Parliament in the Italian form of government E. Cheli, *Dopo il referendum costituzionale. Quale futuro per il nostro Parlamento?*, in *Quaderni costituzionali*, 4/2020, p. 697-700.

both chambers, whereas until 2018 one could vote for the Chamber of Deputies from the age of 18, while for the Senate a threshold of 25 was set⁶⁶.

The electoral law used was the same as the Rosato law for the 2018 elections, with the only difference being the aforementioned reduction in the number of seats in the two chambers. Thus, on this occasion, 61% of the seats (in this case, 245 in the Chamber and 122 in the Senate) were allocated through a proportional system in multi-member constituencies on the basis of blocked lists, with the seats distributed nationally for the Chamber and regionally for the Senate, while 37% of the seats (147 and 74 respectively) were allocated through a majority system in a single round in as many single-member constituencies (so-called first-past-the-post); finally, 2% of the seats (8 and 4 respectively) were allocated on the basis of a first-past-the-post electoral system in as many constituencies as there are seats; finally, 2% of the seats (8 and 4 respectively) were allocated on the basis of the votes of Italians living abroad, expressed by mail, using a proportional system with preferential voting⁶⁷. The September elections were also the first in the history of the Italian Republic to be held in the autumn, whereas general elections had always been held in the first half of the year.

The electorate comprised almost 51,000,000 voters⁶⁸. The turnout of Italian voters was just under 64%, 9 percentage points lower than the negative turnout of the previous elections in 2018⁶⁹: this was not only the lowest turnout in the entire history of the Republic for a general election, but also the biggest drop ever between two

⁶⁶ The text of the constitutional law for the reform was definitively approved on 8 July 2021 and, as it did not achieve a two-thirds majority, it was published in the Official Gazette on 13 July 2021 to allow for a possible request for a constitutional referendum by one-fifth of the members of each chamber or five hundred thousand voters or five regional councils. The three-month deadline for requesting a confirmatory referendum was set at 14 October 2021: as no request was made, the reform entered into force unchanged. In favour of the unification of the electoral age for the two chambers, considered to be an indispensable step to rationalise a differentiation that could no longer be justified, N. Lupo, *Il "mezzo voto" ai cittadini più giovani: un'anomalia da superare quanto prima*, in: *Osservatorio Costituzionale AIC*, 6/2019, p. 71-81.

⁶⁷ Critical of the risks of combining a reduction in the number of MPs with the maintenance of an electoral law drafted when the two Chambers had significantly more seats than after the reform G. Delledonne, *A Parliament Shaped by the 'Worst Election Law Ever': Cause and Effect in the Upcoming Italian Elections*, in *verfassungsblog.de*, 31 August 2022.

⁶⁸ Namely, 50,869,304, of which 46,127,514 reside in Italy and 4,741,790 abroad, s. *Dossier sulle elezioni politiche*, Ministry of the Interior, 25 September 2022.

⁶⁹ Il Sole24ore, *Elezioni, non c'è più l'affluenza di una volta. Come va cambiato il voto*, 4 November 2022. According to the political scientist Roberto D'Alimonte, such a large drop in participation can only be partly explained by accidental factors, such as the bad weather that hit many southern regions on 25 September, but must also be attributed to structural causes, such as disaffection with politics, the loss of relevance of the parties, and the different understanding of political participation between young and old voters, s. L. Salvioli, *L'affluenza crolla al minimo storico (63,9%). In Calabria ha votato solo il 50,8%*, Il Sole24ore, 26 September 2022.

consecutive rounds of elections⁷⁰, and one of the highest abstention rates in a Western election⁷¹.

In terms of electoral results, the 2022 parliamentary elections confirmed the outcome many had expected, with the centre-right winning, thanks mainly to the success of Giorgia Meloni and her Fratelli d'Italia party⁷². In this respect, as in 2018, these elections were also characterised as a revolution in terms of votes cast⁷³. At least 30% of voters changed their vote compared to previous elections, confirming that voting in Italy has become extremely “liquid”, with a very low level of electoral loyalty and a clear prevalence of the so-called opinion vote⁷⁴.

Of the 44% of the vote won by the centre-right in both the Chamber and the Senate, 26% went to Giorgia Meloni's Fratelli d'Italia, which alone won more preferences than all the other coalition partners put together, with the Lega on 8.8%, Forza Italia on 8.2% and Noi Moderati⁷⁵ on 0.9%. In the Senate, Meloni's party alone received more preferences than the entire centre-left coalition, with 26.01% against 25.99%⁷⁶. Compared to 2018, the League and Forza Italia were more than halved: Salvini's party - which, incidentally, had reached 34% of the consensus for the 2019 European elections - lost more than 3.2 million votes, while Fratelli d'Italia won more than twice as many votes as the Lega in Veneto and Lombardy, two regions where the hard core of the Lega electorate is traditionally found. Forza Italia, on the other hand, somehow managed to retain the core of its electorate and came very close to the Lega's result. Moreover, Silvio Berlusconi's party played a decisive role in winning a majority in both the Senate and the Chamber of Deputies, where it won 18 and 45 seats respectively⁷⁷.

The centre-left, on the other hand, suffered a heavy defeat. Compared to 2018, the Partito Democratico actually improved its percentage slightly, from 18.7% to 19.0%, but lost more than 800,000 votes in absolute terms. The Green-Left alliance, on the other hand, confirms the one million votes and a little more that the environmentalist left has received in national elections since 2008, amounting to 3.5%,

⁷⁰ YouTrend/AGI, [Chi ha vinto le elezioni, come e perché: un'analisi finale](#), 1 October 2022.

⁷¹ V. Emanuele, B. Marino, [In Italia nel 2022 uno dei maggiori cali dell'affluenza in Europa occidentale](#), Centro Italiano Studi Elettorali, 26 September 2022.

⁷² [Elezioni 2022, Fratelli d'Italia allunga sul Pd: Meloni sempre più vicina al 25%. Non decolla il Terzo polo](#), Open.online.it, 28 August 2022.

⁷³ C. Fusaro, [No Institutional Upheaval in Sight in Italy](#), in [verfassungsblog.de](#), 27 September 2022.

⁷⁴ YouTrend/AGI, [Chi ha vinto le elezioni, come e perché: un'analisi finale](#), cit.

⁷⁵ Noi Moderati, unlike the three other parties that make up the centre-right coalition, is not a party, but an alliance with a centrist liberal-conservative orientation created on the occasion of the 2022 general election between different political forces running on the same list: Noi con l'Italia, Italia al Centro, Coraggio Italia and Unione di Centro, v. E. Lauria, [Noi moderati, prove da partito. Lupi: “Non c'è spazio per il Centro fuori dai poli”. Al primo congresso i big del centrodestra](#), [repubblica.it](#), 21 May 2023.

⁷⁶ Id.

⁷⁷ [Elezioni politiche. Vittoria del centrodestra e prime reazioni](#), [treccani.it](#), 27 September 2022.

which barely allows it to cross the threshold⁷⁸. By a few votes (0.17% in the Chamber of Deputies and 0.07% in the Senate), the Più Europa list failed to pass the threshold⁷⁹.

The Five Stars Movement halves its 2018 result, stopping at 15.5% of the consensus, or more than 6.3 million votes compared to the previous general election. However, compared to the predictions of the electoral polls, the party of former Prime Minister Conte limits its losses and even wins some seats in single-member constituencies in the south: in the province of Naples, for example, the 5 Star Movement obtained more than 40% of the vote and, as in 2018, won all the available uninominal constituencies in both the Chamber of Deputies and the Senate⁸⁰.

Terzo Polo, the joint list of Italia Viva, the party of former Prime Minister Matteo Renzi, and Azione, the party of Carlo Calenda, former Minister of Economic Development under Renzi, obtained 7.8%: an interesting result, but one that does not allow it to overtake Forza Italia - considered by Renzi and Calenda to be the main “competitor” for the political reference area - or to play a role in the formation of the next government⁸¹.

8. *Electoral flows in the 2022 elections*

The analysis of electoral flows provides useful insights into the meaning of the vote, although due account must be taken of the extreme electoral volatility that is now a structural component of the Italian political system⁸². Thus, when analysing the movement of support from one party formation to another in the various polls, it must always be borne in mind that the votes obtained from time to time by the various parties must to a large extent be regarded as the expression of occasional preferences, liable to change direction from one election to the next, or to become “non-votes” if the voter, disappointed by the party previously voted for, decides not to participate in the next poll⁸³. This is now endemic in the Italian political landscape and helps to explain the high number of abstentions in recent elections.

⁷⁸ G. Bartoloni, [Elezioni 2022, dopo 14 anni i Verdi tornano in Parlamento: «Anche il nostro ambientalismo è cambiato»](#), [espresso.repubblica.it](#), 27 September 2022.

⁷⁹ [Elezioni, +Europa chiederà il riconteggio dei voti: ne mancano solo diecimila \(lo 0,05%\) per superare la soglia di sbarramento del 3%](#), [ilfattoquotidiano.it](#), 26 September 2022.

⁸⁰ A. Piccirilli, [Il M5s ha due facce: dilaga \(ancora\) al Sud, ma crolla al Nord](#), [today.it](#), 26 September 2022.

⁸¹ [Come è andato il Terzo Polo: il fallimento dell'obiettivo del 10% e la sfida a Forza Italia](#), [open.online.it](#), 26 September 2022.

⁸² F. Bordignon, L. Ceccarini, I. Diamanti, *Le divergenze parallele. L'Italia: dal voto devoto al voto liquido*, Bari 2018.

⁸³ It has been noted how the instability emerging from the Italian general elections of 2022 is part of a framework of persistent instability of the party system, which has characterised Italy since 2013. Looking at the cases of highest volatility recorded in 3 consecutive elections, Italy in the 2013-2022 decade records the highest overall volatility, with an aggregate value of 95.05 points, higher even

The results of 2022 confirmed the indications that emerged from the polls in the weeks before the vote, with significant variations at the political level (see the decline of Lega in relation to Fratelli d'Italia), but overall limited in terms of numbers. Compared to 2018, Fratelli d'Italia built its success on a significant influx of votes from M5S and, above all, Lega⁸⁴, while the number of abstentions, which this time decided in favour of Meloni's party, is overall limited. It has already been mentioned that the M5S vote was more than halved in relative terms, with less than a third of voters in 2018 confirming their support for Giuseppe Conte's party, while a quarter opted to abstain and one in six switched to the FdI.

On the centre-left, the Partito Democratico roughly reconfirmed its electorate compared to the 2018 general elections and the 2019 European elections, losing a little to Italia Viva and Azione in particular, but not managing to attract new voters from other political forces or abstainers: 3 out of 4 PD voters in 2022 had already voted for it in the 2019 European elections.

As mentioned above, abstention, which also increased on this occasion, was fuelled not only by M5S voters from 2018, but also by Lega, PD and Forza Italia voters who were obviously disappointed by their political performance in recent years.

A final aspect, fundamental to fully understanding the significance of the 25 September vote, is to examine the results in absolute terms and not just in percentage terms. Those commenting on the elections, even abroad, perceived an extraordinary exploit by the centre-right coalition, and in particular by the far-right party Fratelli d'Italia⁸⁵, but an examination of the electoral data in terms of votes cast, and not in terms of percentages, reveals a partially different reality:

Parties	2022 – Votes	2018 – Votes	Difference
Fratelli d'Italia	7.301.303	1 421 109	+5.880.194
Lega	2.470.318	5.702.517	-3.232.175
Forza Italia	2.279.266	4.612.856	-2.333.630
Noi Moderati	254.127	418.177	-164.050

than that of Greece in the dramatic 2012-2015 period (87.7 points), s. V. Emanuele, B. Marino, [Volatilità elettorale sopra i 30 punti: sistema partitico instabile per la terza elezione di fila](#), Centro Italiano Studi Elettorali, 26 September 2022.

⁸⁴ Nearly 4 in 10 Lega voters opted this time for Giorgia Meloni's party over the 2019 European elections, cfr. IPSOS, [Elezioni politiche 2022. Analisi del voto](#).

⁸⁵ J. Horowitz, [Giorgia Meloni Wins Voting in Italy, in Breakthrough for Europe's Hard Right](#), nytimes.com, 26 September 2022; P. Kirby, [Giorgia Meloni: Italy's far-right wins election and vows to govern for all](#), bbc.com, 26 September 2022; C. Gijs, [Europe's right wing cheers Meloni's win in Italy, as others look on nervously](#), politico.com, 26 September 2022; A. Mazoue, [Victoire de Giorgia Meloni en Italie: une nouvelle claqué pour l'UE](#), France24.com, 26 September 2022; M. Rüb, [Rechtsbündnis um Meloni gewinnt Parlamentswahl](#), Faz.de, 26 September 2022.

<i>Tot. Centro-destra</i>	12.305.014	12.154.659	+150.355
Partito Democratico	5.348.676	6.178.205	-776.043
Alleanza Verdi-Sinistra	1.021.808	-	-
+ Europa	796.057	836.619	-40.562
Impegno civico	173.555	-	-
<i>Tot. Centro-sinistra</i>	7.340.096	-	-
Movimento 5 Stelle	4.335.494	10.734.839	-6.399.345
Terzo Polo	2 186 505	-	-
Voters	29.385.111	33.924.110	-4.538.999

Source: [Ministero degli Interni](#)

Table 5 shows the absolute number of votes obtained by each party in the 2022 election, compared to the same number obtained by the same parties in 2018. In cases where it was not possible to show the extent of preferences, because the formations corresponding to certain parties standing in 2022 were missing in 2018, the corresponding changes between the two elections were also not calculated.

The result of the centre-right coalition parties deserves attention. In absolute terms, the success of Fratelli d'Italia stands out: not only is it the only one of the four parties to increase its votes, but it is also the only one to gain more votes than the other three put together. Even in the variations between 2018 and 2022, the figure of Meloni's party stands out, whose positive balance (+5,880,194) more or less matches the loss of consensus of its coalition allies (-5,729,855). Above all, however, the numerical count of the votes reveals an aspect of the consultation that the percentage data hide: if we compare the votes of the centre-right coalition in 2018 and 2022, we see that the balance is almost unchanged, with an increase of only 150,355 preferences in four years. In other words, the centre-right did not overwhelmingly win the elections, but essentially maintained the votes it received in 2018. What transforms the numerical data into a crushing victory is the shift to percentage data: the 44% obtained by the centre-right must be evaluated in the light of the high number of abstentions, which reduces the total from which the share of preferences that went to the coalition led by Giorgia Meloni is extrapolated by a good 4,538,999 units. It can therefore be concluded that the centre-right has merely confirmed the overall result obtained in 2018: what has changed is the internal balance within the coalition, which has gone from a preponderance of the Lega and Forza Italia to a clear leadership of the Fratelli d'Italia⁸⁶.

The same table shows that even the Partito Democratico's result is less negative than it appears at first glance: the party, then led by Enrico Letta, lost 776,043 votes

⁸⁶ F. Palermo, [What's Next, Bro? Unprecedented Results and Continuity in Italian Parliamentary Elections](#), in [verfassungsblog.de](#), 29 September 2023.

compared to four years earlier, but this is a much smaller drop than that suffered by the Lega (-3,232,175) and Forza Italia (-2,333,630), which actually celebrated the result of the polls as a victory.

The 5-Stars' result is absolutely striking: the party that was the relative majority in 2018 loses a good 6,399,345 preferences, but still outperforms both the League and Forza Italia by around 2 million votes: a remarkable performance for a movement born in 2009 and with an electoral base that is certainly smaller than that of parties with decades of political activity, such as those of Salvini and Berlusconi.

Table 6: General elections 2022 - Seats for parties/coalitions Chamber and Senate

Party	Chamber of Deputies					Senate of the Republic				
	Prop.	Magg.	Vd A	Estero	Totale	Prop	Magg.	VdA/T AA	Estero	Totale
Fratelli d'Italia	69	49	-	<u>1</u>	119	34	32	-	-	66
Lega	23	42	-	<u>1</u>	66	13	14	<u>2</u>	-	29
Forza Italia	22	23	-	-	45	9	9	-	-	18
Noi Moderati	-	7	-	-	7	-	1	<u>1</u>	-	2
Totale coalizione di centro-destra	114	121	-	2	237	56	56	3	-	115
Partito Democratico	57	8	-	4	69	31	4	<u>2</u>	3	40
Alleanza Verdi e Sinistra	11	1	-	-	12	3	1	-	-	4
+Europa	-	2	-	-	2	-	-	-	-	-
Impegno Civico	-	1	-	-	1	-	-	-	-	-
Union Valdôtaine	-	-	1	-	1	-	-	-	-	-
Totale coalizione di centro-sinistra	68	12	1	4	85	34	5	2	3	44

Movimento Stelle	5	41	10	-	1	52	23	5	-	-	28
Azione - Italia Viva		21	-	-	-	21	9	-	-	-	9
SVP – PATT		1	2	-	-	3	-	-	2	-	2
Sud chiama Nord		-	1	-	-	1	-	1	-	-	1
Movimento Associativo Italiani all'Estero		-	-	-	1	1	-	-	-	1	1
Totale		245	146	1	8	400	122	67	7	4	200

Source: [Ministero degli Interni](#)

In any case, as Table 6 shows, the centre-right coalition clearly prevailed, also thanks to the peculiarities of the mixed electoral system. This was only partly mitigated by the unexpected performance of the 5 Star Movement, which won 15 seats in the south of Italy with the first-past-the-post system: a surprising and unexpected performance, without which the triumph of the alliance led by Giorgia Meloni would have been even more overwhelming⁸⁷. However, the solidity of the centre-right majority, which can count on 237 out of 440 seats in the Chamber of Deputies and 115 out of 200 in the Senate, remains undeniable. It was therefore a foregone conclusion that Giorgia Meloni would be in charge of forming the new government.

9. *The Meloni Government*

Meloni's government is the 68th of the Italian Republic, the first of the 19th legislature, in office since 22 October 2022 with the support of the parties of the centre-right coalition⁸⁸. On 20 October, the Head of State initiated a rapid round of consultations which ended the following day with the appointment of Giorgia Meloni to form the government. Meloni accepted the task without reservation and presented

⁸⁷ [Elezioni 2022, M5s vince 15 collegi uninominali \(uno in meno del centrosinistra\). Dagli uscenti Aiello e Castellone alle new entry: chi sono](#), [ilfattoquotidiano.it](#), 26 September 2022.

⁸⁸ The formation of Italy's first post-fascist, far-right government has raised more than a few concerns about the country's political future and the resilience of its relationship with the EU. Cautiously optimistic about the risks of an authoritarian degeneration of the Italian system, Antonia Baraggia sees European constraints as a safety net against such scenarios, v. A. Baraggia, [The Shadow of the Past, the Challenges of the Future. A First Glance into the Italian General Election](#), in [verfassungsblog.de](#), 28 September 2022.

the list of ministers at the same time⁸⁹. On 22 October, the government was sworn in at the Quirinale Palace and officially took office⁹⁰. On 25 October 2022, the government received a vote of confidence from the Chamber of Deputies with 235 votes in favour, 154 against and 5 abstentions, and the following day from the Senate of the Republic with 115 votes in favour, 79 against and 5 abstentions⁹¹.

As Table 6 shows, the government is made up of representatives of four parties: Fratelli d'Italia (Meloni's party), Lega per Salvini Premier and Forza Italia, with undersecretaries expressed by Italia al Centro and Rinascimento (lists involved in the Noi moderati alliance), plus the external support of MAIE (Movimento Associativo Italiani all'Estero), the other three parties of the Noi moderati alliance (i. e. Noi con l'Italia, Coraggio Italia, Unione di Centro) and the Movimento Animalista (a movement of MP Michela Vittoria Brambilla).

Table 6: Draghi Government, members' political affiliation

Party	President	Ministers	Viceministers	Undersecretaries	Tot.
Fratelli d'Italia	1	9	4	14	28
Lega per Salvini Premier	-	5	2	9	16
Forza Italia	-	5	2	6	13
Indipendenti	-	5	-	1	6
Italia al Centro (NM)	-	-	-	1	1
Rinascimento (NM)	-	-	-	1	1
Tot.	1	24	8	32	65

Source: [Presidenza del Consiglio dei Ministri](#)

⁸⁹ The same process of simultaneous acceptance of office without reservation and presentation of the list of ministers had already happened on two occasions in the past: Giuseppe Pella in 1953, and Silvio Berlusconi for his fourth government in 2008, [Giorgia Meloni, incarico senza riserva. I precedenti: il Dc Giuseppe Pella nel 1953 e Silvio Berlusconi nel 2008](#), *ilfattoquotidiano*, 21 October 2022.

⁹⁰ F. Galici, [Meloni e i ministri hanno giurato: "Serviremo l'Italia, subito al lavoro"](#), *ilgiornale.it*, 22 October 2022.

⁹¹ [Il governo di Giorgia Meloni ha ottenuto la fiducia anche al Senato](#), *ilpost.it*, 26 October 2022.

10. Government building in Italy, between political and institutional responsibility

The last four years are emblematic for understanding the problems of government formation in the Italian system. In less than a single legislature, and in an essentially permanent context of crisis, albeit due to emergencies of a different nature⁹², no less than four governments have been formed: three of them by winning the confidence of the same Parliament, even though they were able to unite different political majorities. Three governments (Conte I and II and the Meloni Cabinet) were formed on a purely political basis, in the sense that their formation followed the usual procedure laid down by constitutional provisions and practice. Even the officially independent members of the governments, i.e. those who did not belong to any party, were identified, proposed, appointed and finally confirmed by Parliament on the basis of a choice for which the political forces of the majorities that voted for confidence on each occasion were solely responsible⁹³.

The discourse is different for the only government of the four that is defined as “technocratic”: a term used precisely to highlight its difference from the so-called political governments. This difference is well illustrated by the event that led to the formation of the Draghi government. On that occasion, despite the efforts of the Head of State, the political forces were unable to find a compromise on which to build a government alliance, at a particularly complex and worrying time for the country. Faced with the inability of the political forces to assume their responsibilities, the President of the Republic decided to intervene in a personal capacity, committing himself to the formation of a government which, not coincidentally, like the Ciampi, Dini and Monti governments, was also called the “Government of the President”⁹⁴. Certainly, the vote of confidence by the two chambers of Parliament, by a very large majority, indicated the willingness of most of the parties present in Parliament to support the formation and work of the government. On the other hand, while it is possible to define cabinets such as Conte I and II or the current Meloni government as “political” because the responsibility for their formation is purely political, it is possible to characterise as “institutional” the responsibility underlying a “technocratic” cabinet, in the sense that it is the institutional sphere, first and foremost the Head of State, that intervenes to compensate for the shortcomings of the more purely political

⁹² R. Calvano, [Appunti sulle fonti del diritto del periodo 2020-2023, tra crisi, emergenze e squilibri della forma di governo](#), in [costituzionalismo.it](#), 1/2023, p. 15-64.

⁹³ It has also been appropriately observed how in reality, even in a properly “political” government, the appointment of the Prime Minister is to some extent shared between the presidential mediation between the parties and the outcome of the popular vote, s. A. Barbera, C. Fusaro, *Corso di diritto pubblico*, Bologna, IX ed. 2016, p. 326.

⁹⁴ C. Bassu, *Art. 92*, in: F. Clementi, L. Cuocolo, F. Rosa, G. E. Vigevani (a cura di), *La Costituzione italiana*, Bologna 2018, 217-222, e C. Bologna, *Art. 93*, *Ibid.*, p. 227-231.

context⁹⁵, giving technocratic governments an imprimatur that allows them to be catalogued as “governments with a presidential matrix”⁹⁶ or “institutional”⁹⁷.

The criticism usually levelled at so-called technocratic governments is well known: that they do not really reflect the will of the political class, starting with the fact that their members are usually outside the party system. This leads to a kind of democratic deficit that forces them to deviate from the normal process of forming a government in a parliamentary system: a process that should instead be based on the centrality of the parties as an instrument for linking the will of the people to the decision-making process of the institutional sphere⁹⁸.

This criticism does not adequately take into account the contexts in which the formation of a technocratic government is achieved, where the efforts made by the President of the Republic to verify whether the conditions for the formation of a “political” government are met are in fact well known⁹⁹. It is only when the presidential consultations fail, due to the complexity of the contingent political moment, that the Head of State intervenes directly to advocate a solution to break the deadlock in decision-making. In fact, like the Draghi government, the other technocratic cabinets¹⁰⁰ have tried to deal with serious tensions that could have further aggravated the country’s situation¹⁰¹.

⁹⁵ C. Fusaro, *Da Ciampi a Draghi (passando per Dini e Monti): verso una forma di governo parlamentare sotto tutela?*, in Quaderni costituzionali, 1/2021, p. 173-176, speaks in this regard of a “presidential corrective” form of government.

⁹⁶ S. Bonfiglio, *La scelta del Premier nei sistemi parlamentari*, Torino 2023, p. 119-120.

⁹⁷ This is the definition used by Giuseppe de Vergottini, who, however, sees problems with it, mainly due to the fact that in these cases the President of the Republic would not only assume an important role vis-à-vis the Prime Minister and the ministers, but would also maintain a special fiduciary relationship with the government, even after it had won the confidence of Parliament, to the point of speaking of “double confidence”, s. G. de Vergottini, *Diritto costituzionale*, Milano 2017, p. 648.

⁹⁸ Art. 49 Cost.: “Any citizen has the right to freely establish parties to contribute to determining national policies through democratic processes.”

⁹⁹ In this regard, the Italian Constitutional Court states that “in order to effectively fulfil his role as a guarantor of constitutional balance and as a “judiciary of influence”, the President must constantly weave a network of relationships in order to reconcile possible conflicting positions and polemical bitterness, and to indicate to the various holders of constitutional offices the principles on the basis of which the most common solutions to the various problems that arise can and must be sought”, s. [Cost., 15 January 2013, n.1](#), p. 8.3. considerato in diritto.

¹⁰⁰ N. Lupo, [Un governo “tecnico-politico”? Sulle costanti nel modello dei governi “tecnici”, alla luce della formazione del governo Draghi](#), in *Federalismi.it*, 8/2021, p. 133-148.

¹⁰¹ This was the case, for example, with the Monti government, which was formed in 2011 at the express wish of the President of the Republic, Giorgio Napolitano, to somehow overcome the crisis triggered by the resignation of the Berlusconi IV government, at a time when the Italian economy was in great danger of falling victim to international speculation, s. V. Lippolis, G. M. Salerno, *La presidenza più lunga. I poteri del Capo dello Stato e la Costituzione*, cit., p. 40-54. On the other hand, it is true that not all technocratic governments have been created to deal with moments of crisis: sometimes they have been created with the precise task of imposing far-reaching economic and social reforms that the political class was unable or unwilling to carry out, and in this sense it has been rightly observed that they have never turned out to be politically “neutral” governments, s. V. Lippolis, G.M. Salerno, *Sulla nascita dei*

In other words, by forming technocratic governments, the President of the Republic fulfils his institutional role of guaranteeing national unity, which is also understood as defending the stability of the country, enabling it to be governed¹⁰² as far as possible, and avoiding deadlocks and power vacuums that could weigh heavily on the often already precarious national socio-economic situation. In this sense, the President of the Republic has a different margin of initiative: While in the formation of the government at the beginning of the legislature, he should act cautiously, taking into account the electoral result, in the event of a government crisis during the current legislature, it would not be possible to “mechanically dissolve the chambers”, but it would be the President’s main task to verify the existence of an alternative parliamentary majority to form a new government, in the knowledge that early recourse to new elections always represents, to a certain extent, a leap in the dark for the nation¹⁰³. In these circumstances, the action of the President of the Republic cannot take the form of his direct involvement in the activities of the other constitutional powers, as has been rightly feared on other occasions when the powers of the Head of State have been stretched to the limits of their legitimacy and perhaps even beyond¹⁰⁴.

The Head of State thus compensates as far as possible for the lack of political responsibility on the part of the parties with his own institutional responsibility, acting “in a unifying role with regard to the pluralism” of the parties themselves¹⁰⁵. Of course, this does not prevent it from taking note, if necessary, of the fact that even a technocratic government will have to relinquish its mandate when the conditions for its continuation do not exist and, in the absence of alternatives, will have to return to the ballot box in the hope of re-establishing the traditional cycle of party-political

governi e i poteri del Presidente della Repubblica, Introduzione a B. Caravita, F. Fabrizzi, V. Lippolis, G.M. Salerno (a cura di), *La nascita dei governi della Repubblica 1946-2021*, cit., Vol. I, p. 10.

¹⁰² Beniamino Caravita observes that “the power of appointment of the President of the Republic, pursuant to Article 92(2), is not free, unlimited, entrusted to his total discretion and uncontrolled and unquestionable decision, but is a teleologically oriented power: it can and must be exercised so that the person appointed has «the confidence of both Houses» within the meaning of Article 55 II of the Constitution”, v. B. Caravita, [Il Presidente della Repubblica nell'evoluzione della forma di governo: i poteri di nomina e di scioglimento delle Camere](#), in [federalismi.it](#), n. 22/2010, 29 November 2010, p. 3.

¹⁰³ C. Colapietro, *Il Governo e la Pubblica Amministrazione*, in Franco Modugno (a cura di), *Diritto Pubblico*, Torino 2012, p. 366.

¹⁰⁴ G. Azzariti, *Osservazioni sul Presidente della Repubblica nella forma di governo italiana*, in Id., *Forme e soggetti della democrazia pluralista*, Giappichelli, Torino 2000, p. 420. Likewise P. Barile, *I poteri del Presidente della Repubblica*, in *Rivista trimestrale di diritto pubblico*, 2/1958, p. 295 ss., argues that the Head of State would be the holder of a “general or constitutional political direction”, aimed at implementing the permanent objectives envisaged by the constitution, as opposed to the “contingent, majority political direction” proper to parliament and the government, which would instead tend to implement the constitution only in those parts deemed congenial to their own strategic interests.

¹⁰⁵ A. Baldassarre, C. Mezzanotte, *Il Presidente della Repubblica fra unità maggioritaria e unità nazionale*, in *Quaderni costituzionali*, 1/ 1985, p. 8 s., 27.

responsibility¹⁰⁶. In this case, it will once again be up to the parties to make an effort to form a new government, aware of the precariousness of the political confrontation, and to leave the floor to the electoral body as the ultimate holder of sovereignty¹⁰⁷.

In exercising this “maieutical” function in the formation of a technocratic government, which “enhances its political role”¹⁰⁸ while keeping it outside the party constellations typical of parliamentary majorities, the President of the Republic is merely fulfilling his duty to protect constitutional values in moments of crisis due to the deadlock in the traditional circuit of representation¹⁰⁹. On the contrary, it is the parties that must guarantee respect for the role of Parliament, contribute to the formation of political governments, and thus fully and responsibly fulfil the role of link between citizens and institutions that the Constitution assigns to them in the interests of the nation¹¹⁰.

In fact, in recent months a new debate has arisen in Italy on the advisability of reforming the form of government to remedy the endemic weakness of the Executive and the role of Parliament with respect to the composition of solid majorities capable of holding for the duration of the legislature. The Meloni government manifested its intention to intervene on these aspects, with corrective measures that firstly provided for the direct election of the President of the Republic by the citizens; secondly, this proposal gave way to the direct election of the Prime Minister. The intention of this amendment would be to strengthen the role of the Prime Minister with respect to the rest of the government on the one hand, and on the other to hinder changes of majority within Parliament during the same legislature, which historically have led to very frequent changes of government in Italian political history¹¹¹.

There is no space here to deal with such a topic, which is so complex and connected to multiple constitutional, institutional and political aspects: however, strong perplexities remain with regard to a measure that, if adopted, would attribute plebiscitary traits to the Head of Government alone, further undermining the already

¹⁰⁶ Marta Ferrara observes how in the event of an early dissolution of the Chambers, “the President acts as the reserve engine of a form of government that is intrinsically fragile due to the state of incompleteness in which the Constituents’ design has remained”, v. M. Ferrara, *L’attività di tutoraggio costituzionale del Presidente Mattarella sul Governo Draghi al tempo del “riformismo vincolato”*, in *costituzionalismo.it*, 2/2022, p. 125.

¹⁰⁷ Gustavo Zagrebelsky appropriately warns of the risks that presidential intervention in the event of a crisis in the party-government-parliamentary relationship could become endemic, definitively marginalising the political participation circuit, s. G. Zagrebelsky, *La democrazia dall’alto*, in *Repubblica*, 25 February 2021.

¹⁰⁸ P. Caretti, U. De Siervo, *Diritto pubblico e costituzionale*, Torino, III Ed. 2018, p. 230.

¹⁰⁹ F. Politi, *Diritto Pubblico*, VII Ed., Giappichelli, Torino, 2020, p. 316. In this regard, Gino Scaccia defines that of the Head of State as a “magistratural representation” (rappresentanza magistraturale), s. G. Scaccia, *Il Presidente della Repubblica fra evoluzione e trasformazione*, Modena 2015.

¹¹⁰ P. Ridola, *Democrazia rappresentativa e parlamentarismo*, Torino 2011.

¹¹¹ For a collection of opinions by constitutionalists and experts on the subject on the proposed direct election of the Prime Minister see the Focus “[Institutional Reforms and Forms of Government](#)” in the legal journal *Federalismi.it*.

overt weakness of political parties, which, as forms of parliamentary government comparable to the Italian one such as Spain and Germany demonstrate, should actually remain the key to guaranteeing the functioning of political representation¹¹².

Certainly, the Italian system suffers from an obvious rationalisation deficit, which would ultimately require: an in-depth regulation of the role and internal organisation of the parties; an adjustment of the parliamentary regulations that would prevent deputies and senators from changing parliamentary groups during an ongoing legislature or from forming parliamentary groups that are not linked to parties that are candidates in the elections; a revision of the electoral law that would return to the voters a real power to choose the elected representatives, which is currently a virtual monopoly. These are factors that weaken the very representative function of the parliamentary body; a revision of the electoral law that would return to the voters a real power to choose the elected representatives, which is currently de facto monopolised by the party leadership and which helps to explain the low turnout of Italian citizens. However, this is another issue that, until it is resolved, will continue to require institutional substitution interventions, such as those that the President of the Republic has so far deployed.

ABSTRACT: This paper proposes an analysis of the process of government formation in the Italian system, taking as a reference the events that took place between 2018 and 2022. In just four years, Italy has seen four governments: the Conte I and II governments, the so-called technocratic¹¹³ Draghi government and the Meloni government, which is currently in office. The first part of this article describes how governments are formed in Italy, on the basis of both constitutional norms and established practices¹¹⁴. This is followed by an analysis of the particular context in which the four governments mentioned above were formed. Finally, the last part aims to show how the formation of a government in Italy can involve different types of responsibility, even though they all have the same objective of providing political leadership for the country: a truly political responsibility and an “institutional” responsibility, defined here as “institutional” in order to better distinguish it from the

¹¹² A. Algostino, *Premierato... Purché capo sia: il fascino della verticalizzazione del potere e i rischi del suo innesto in una democrazia spolitizzata*, in: Rivista AIC, 3/2023, 120-131.

¹¹³ On technocratic governments in Italy s. A. Pierini, *I governi tecnici in Italia*, in: Mauro Volpi, a cura di, *Governi tecnici e tecnici al governo*, Torino 2017, p. 43-86.

¹¹⁴ M. Giannetto, *Governo e Presidente della Repubblica. Dettato costituzionale e prassi nella partecipazione alla funzione di governo*, in S. Cassese, A. Melloni e A. Pajno (a cura di), *I presidenti e la presidenza del Consiglio dei ministri nell'età repubblicana. Storia, politica, istituzioni*, Laterza, Roma-Bari, 2022, Vol. II, p. 1453-1518. For an overview in English of the role of the government in the Italian constitutional framework s. A. Tarzia, *The Government*, in G.F. Ferrari (Ed.), *Introduction to Italian Public Law*, Milano 2008, p. 75-96.

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former, both of which have their own legitimate dignity. This is clearly a source of aporias and problems, due to the persistent systemic dysfunctions mentioned in the last part of this article, which should be overcome by an urgent and profound rationalisation.

KEYWORDS: Italy - technocratic government - Head of State – confidence - representation

Andrea De Petris – Scientific Director Centro Politiche Europee, Rome/Research Fellow in comparative public law, Università degli Studi Internazionali, Rome (andrea.depetris@unint.eu)