On Saturday 12 November 2011, after the approval of the budget and the stability law, the prime minister, Silvio Berlusconi, who had led the government for the longest period in the history of the Italian Republic, formally resigned. Twenty-four hours later, the president of the Republic, Giorgio Napolitano, invited Mario Monti, whom he had made a Life Senator just four days earlier, to form the next government. An academic and president of the Bocconi University in Milan, Monti had been the European commissioner chosen by the Berlusconi government in 1994 and reappointed by the Massimo D’Alema center-left government in 1999. On 16 November, having accepted the president’s nomination, Monti presented a list of ministers, none of whom were members of Parliament, and they were all sworn in on that very day. Thus, one of the shortest government crises ever was resolved in less than three days.

In Italy, which has seen 58 governments since 1948, the formation of a new Cabinet is not in itself deserving of particular attention. However, the formation of the Monti government immediately raised great interest. It appeared to mark the end of a long political era and of a majority that only three years earlier had obtained a large electoral success. Secondly, the new executive was led by a figure selected from outside the parties and was made up of people who are
not politicians. Furthermore, and this is no coincidence, it had come together during the same hours in which in nearby Greece—another protagonist and victim of the financial crisis—the socialist government of George Papandreou had resigned (even though he had won the elections), to be replaced by Lucas Papademos, another prime minister without a party allegiance (albeit leading a team made up of politicians). The Monti government, like the Greek one, could rely on a broad parliamentary majority since all the groups, except for the Lega Nord (LN, Northern League), supported it in the first vote. A real government of national salvation was thus formed on a different basis from the one that had emerged following the general election. Above all, the context and the manner in which it was formed, signaled by Monti’s appointment as a Life Senator, had brought to the fore the decisive role played by President Napolitano, along with pressure from powerful external factors (e.g., financial markets and the attitudes of European partners).

This chapter will analyze (1) the sequence of events, (2) the composition of the Monti government and its first steps, (3) the debate that was sparked by its formation, (4) its nature as a “government of technocrats and of the president,” and (5) the role of the head of state in the wider context of the continuing predicament concerning the party system and the form of government in Italy.

The Sequence of Events

From the perspective of the consolidation of the political-institutional system, the 16th Legislature had set out on the best possible basis. A key factor was the clear electoral success of one of the two coalitions, that is, the one with the better-established leadership, which had a strong numerical advantage in Parliament (60–70 more seats than the opposition in the Chamber of Deputies and 35–40 more seats in the Senate). There was also a reduction in the number of groups (five plus the mixed group in both the Chamber and the Senate), which provided hope for smoother parliamentary proceedings. There were even grounds for expecting better relations between the majority and the opposition, evidenced by the bipartisan approval of the 5 percent minimum threshold for the European elections.

Three years later, after a gradual deterioration beginning in 2010, the balance had changed to the point where the parliamentary support on which Berlusconi’s fourth government rested was reduced to a bare minimum. The figures on the confidence votes speak for themselves: in 2008, there were eight votes of confidence with a margin for the
majority of between 59 and 73 votes; in 2009, there were seven votes with margins between 58 and 79 (although at the end of the year there were two occasions when the margin fell to around 40); yet in 2010, everything changed. On 30 July 2010, the members of Parliament closest to Gianfranco Fini, the president of the Chamber and ex-leader of Alleanza Nazionale (AN, National Alliance), left the Popolo della Libertà (PdL, People of Freedom) groups. There were 33 of these members in the Chamber to begin with. At first, they continued to vote with the majority (and in fact the two confidence motions in August and September 2010 were both carried, by 70 votes and 67 votes, respectively). However, on 15 November 2010, the government members closest to Fini resigned, and his new group Futuro e Libertà per l’Italia (FLI, Future and Freedom for Italy) began to vote with the opposition. Berlusconi took steps to counteract this, bringing some representatives back into the fold and appealing to members of Parliament within the opposition ranks. By doing so, he succeeded in winning the confidence vote held on 14 December 2010, but only by three votes. During the course of 2011, the government continued to hang on with margins of between 14 and 34 votes, up to the unsurprising defeat of 11 October 2011, when, without there being a vote of confidence, the general state financial report was rejected with 290 votes for and 290 against. The government closed ranks and staved off defeat for one last time on 14 October 2011 (a confidence vote on the statement by the president of the Council) with a slim 15-vote margin.

The crisis erupted when, in the second vote on the general financial report on 8 November, only 308 deputies voted in favor, with one abstention and 321 absent. This did not mean that the government had to step down automatically. In Italian law, the government does not need half the votes of members plus one; it is sufficient to gain a majority of those voting in the Chamber and those attending the Senate. Still, the vote was an indication that the government could no longer count on a sufficiently strong level of parliamentary support.

The causes of this gradual loss of support, whose consequences had emerged at the same time as the crisis over the Italian debt, were all internal. They were partly the result of Berlusconi’s loss of credibility and partly due to some strictly political events (undoubtedly made more serious due to that lack of credibility), in particular, the split brought about by Fini, one of the two co-founders of the PdL and the holder of the third most important state office, as well as the daily squabbles between the prime minister and the minister of the economy, Giulio Tremonti.

In October 2011, the Berlusconi government’s downward spiral had been going on for over a year. It had lasted this long because the
nature of the Italian government was no longer the same as it had been before the transition, and because Berlusconi had resorted to every stratagem, laying down his arms only when the weakness of his government had turned Italy into the scapegoat for a crisis that had initially come from outside. The country was now a predestined victim of financial speculation, incapable of reacting effectively (for more on this, see the chapter by Erik Jones).

The beginning of the end came with the tied vote on 11 October, when the Chamber rejected Article 1 of the general state financial report, which is merely a formal law around which there are usually no disputes, as the approval of the report is considered a standard duty. Not being able to get it passed was a clear sign of the government’s weakness. In an official statement, in fact, President Napolitano spoke of “the undeniable appearance of acute tensions within the government and the coalition” and “uncertainties in adopting necessary measures,” and he asked the majority whether they were “able to operate with the necessary constant cohesion.” Two days later, Napolitano confirmed that there was no legal requirement for the government to resign (contrary to what some commentators had begun strongly to argue), but that in any event there needed to be “a parliamentary check on the degree of confidence enjoyed by the government.” This was to lead to the last vote of confidence in the Chamber on 14 October, which was passed by 316 votes to 301.

However, the financial crisis was not getting any better. Every day the position of Italian debt was worsening on the markets, and the government was struggling to resolve the problem caused by the rejection of the financial report (without which the stability law could not be launched). These were the days when the crisis in the Eurozone was at its most acute. On 20 October, the president’s office published the content of telephone calls made by Napolitano to the president of the Eurogroup, Jean-Claude Juncker, and to the German chancellor, Angela Merkel, before the European Council meeting scheduled for 23 October. They were important calls, the first of a series that, looking beyond the institutional etiquette, show how, from mid-October onward, the president of the Republic had become the real interlocutor for Italy’s partners. There followed talks with the president of the United States, Barack Obama (10 November); the president of Germany, Christian Wulff (11 November); the president of the French Republic, Nicolas Sarkozy (11 November); and the president of the European Council, Herman Van Rompuy (11 November). The telephone call of 20 October is the one during which, according to reports in the Wall Street Journal (31 December 2011), Merkel is said to have “gently prodded” for a new government.
For all intents and purposes, between October and November 2011, Napolitano had taken the initiative. On 1 November, he had issued a note in which he stated his belief that it was “now impossible to put off making effective decisions” and that it was his duty “to assess the conditions” for the realization of the prospect of a “broad agreement on the choices that Europe, international opinion, and economic and financial operators expect.” This served as a preannouncement of the attempt to form a majority of national salvation. On 2 and 3 November, in fact, Napolitano held “preconsultations” with the main parties to find out what their general attitude might be to such an idea, even though some still confirmed their support for the Berlusconi government, while others considered it necessary to form a government on broader parliamentary foundations than on the coalition that had won the elections.

On 8 November, the government managed to get the financial report passed, but with a small and ever-shrinking majority (308 votes, as mentioned earlier, due to the defection of some deputies, who had notified the prime minister of their intent). This was what led to Berlusconi’s decision to go to the president (although, according to some reports, he was compelled to do so by Napolitano); to take responsibility for the successful passage of the stability law, “with the necessary amendments” based on the recommendations from the European Commission; and then immediately to resign. As further proof of his loss of credibility, the following day the Financial Times cast doubt on the seriousness of Berlusconi’s commitments, and the spread between bonds increased astronomically to the point where Napolitano felt it was his duty to “dispel all doubts and misunderstandings,” announcing that “within a short time” there would be “a new government or early elections.”

On the same day (9 November) Napolitano appointed Monti a Life Senator, with a decree countersigned by Berlusconi. This decision was immediately interpreted as a signal of the president’s intentions, but its purpose was also to remove a potential obstacle. As an existing Life Member of Parliament, Monti would become by definition an independent figure, someone who was not ever likely to stand as a candidate—even though this remained a theoretical possibility (the Constitution allows for someone to give up the position)—and was even less likely to lead election campaigns. This was a guarantee requested by the center-right to prevent them from having to support a future leader of the other coalition. The way was now clear for the formation of the Monti government.

On 12 November, the stability law and the 2012 budget (with which Italy aimed to achieve a balanced budget in 2013 rather than in 2014) completed their passage, and Berlusconi offered his resignation, as
expected. Details were immediately published of the timetable for consultations to take place on 13 November with 20 delegations, 7 of which were groups and parties represented in both houses of Parliament (the “real” parties in the current Italian political system), while 9 were political groups present only in the Chamber, and 4 only in the Senate.

On the evening of Sunday, 13 November, bringing his initiative to a close, after consultations that lasted eight hours in all, President Napolitano handed the newly appointed Life Senator Monti the task of forming the next government. When announcing this decision, he also gave a detailed rationale for the need to “form a government capable of commanding as broad a level of support in Parliament as possible, based on urgent policies designed to strengthen our financial position.” He went on to underline the seriousness of the crisis and pointed out the need to “regain the confidence of European investors and institutions,” bearing in mind the 200 billion euros of government securities due to be renewed in 2012. Napolitano also mentioned the need to “avoid a hasty recourse to early elections and thus a period with no government in power.” However, he was quick to add that “it is not a question … of overturning the 2008 election results, or of falling short in our effort to reinvigorate our democracy and alternation in power.” Rather, “it is simply a matter … of opening the way for a government that can unite different political parties in an extraordinary response that the current emergency … demands.” Napolitano concluded with a reminder that it would be Parliament that would have the last word.

The Monti Government: Its Composition and First Moves

Monti agreed to form the next government and returned to the Quirinale Palace (the office of the president) on 16 November with a list of ministers, none of whom was a member of Parliament. It contained just 17 names, the result of “talks held jointly with Napolitano,” according to the newspapers.

On the list were a number of academics: Renato Balduzzi, minister of health, a constitutionalist and previously an adviser to Rosy Bindi, minister of health in the Romano Prodi I government and both Alema governments; Elsa Fornero, minister of labor and social policy, an expert on labor law and vice-president of the supervisory board of the Intesa Sanpaolo bank; Piero Giarda, minister of relations with Parliament, an economist and previously an undersecretary in the governments of Lamberto Dini and Prodi I, as well as both D’Alema and Giuliano Amato governments; Enzo Moavero Milanesi, minister of European affairs, a European Union (EU) official who also had previous
experience in the first Amato and Carlo Azeglio Ciampi governments, as well having served as a judge at the EU Court of First Instance; Lorenzo Ornaghi, minister of culture, a political scientist and former president of the authority for non-profit and charitable institutions; Francesco Profumo, lecturer in engineering and currently president of the National Research Council; Andrea Riccardi, minister of international cooperation and integration, a historian and founder of the Community of Sant’Egidio; and Paola Severino Di Benedetto, minister of justice, a lawyer and lecturer in criminal law. Then there was an administrative magistrate, Filippo Patrioni Griffi, minister of public administration and of simplification, who was added a few days later.

There were also two high-ranking managers: Corrado Passera, minister of economic development, infrastructure, and transport, who was previously president of one of the main Italian banks, Intesa San Paolo, and before that the manager who had led the transformation of the Italian postal services; and Piero Gnudi, minister of regional affairs, tourism, and sport, the former president of the Ente Nazionale per l’Energia Elettrica (National Electricity Board). Finally, there were a number of senior state officials: Fabrizio Barca, minister of territorial cohesion, formerly general director in the Ministry of the Economy; Anna Maria Cancellieri, minister of the interior, in which she was a director; Mario Catania, minister of agricultural policy, also a director of the same department; Corrado Clini, minister of the environment, as well as general director of the department; Giampaolo Di Paola, minister of defense, an admiral and a former chief of staff for defense and president of the NATO military committee; and, lastly, Giulio-maria Terzi di Sant’Agata, minister of foreign affairs, the incumbent Italian ambassador to Washington.

Monti, an economist who had served as a European commissioner from 1995 to 2004, took on ad interim responsibility for the most important ministry and certainly the most decisive one as far as his government’s duties were concerned, that is, the Ministry of Economy and Finance. It is difficult to question the individual competences of the 18 ministers, as they were all specific and directly connected with the functions that they each covered; yet for sure it was the most “technocratic” government in the history of the Republic. There was no shortage of people with experience of government, most of them having had the opportunity to work, in one way or another, with both center-left and center-right administrations. It was also a government with an average age of 63 and a big gender imbalance: only 3 of 18 ministers were women.

The composition of the Cabinet also showed that the attempt to involve the parties directly, by having them nominate ministers, had
failed, even though this had been the first and most ambitious aim of the newly appointed prime minister (and of the president of the Republic). Initially, Monti had considered appointing Gianni Letta (undersecretary of the prime minister and one of Berlusconi’s closest aides in each of his governments) and Giuliano Amato (the respected ex-prime minister from the PD) as his deputy prime ministers. But the PD had objected that Letta was too strongly linked to the previous government, forcing his withdrawal. What should be especially emphasized is that the two main parties were convinced that it would suit them better not to be directly involved in the government and to keep their hands free. Both the leaders of the PD and Berlusconi needed to maintain significant resistance to the idea of supporting the government, unlike the Unione di Centro (UdC, Union of the Center), which was united in its support for the new executive. The UdC saw an opportunity in this new scenario—albeit a temporary one—for an end to bipolarism in the political system, or at least a weakening of it.

Nevertheless, 12 days passed before the new government was able to proceed with the appointment of its 3 vice-ministers and 25 undersecretaries, which took place on 28 November, by which time the first criticisms had been leveled in the press concerning the new prime minister’s obvious efforts to take the parties’ wishes into account, which in turn called into question his widely expected ability to make quick decisions.

Vittorio Grilli, the director general of the Treasury, became Monti’s vice-minister of the economy; Mario Ciaccia, previously a magistrate in the Court of Auditors and a banker, became Passera’s vice-minister; Michel Martone, a half-French, half-Italian academic, became Fornero’s vice-minister of labor. As for the undersecretaries, there was a mix similar to that of the ministers: academics, high-ranking civil servants, and magistrates. There was also a group of four or five “politicians,” whose appointments resulted in arguments. All in all, the relationship between the responsibilities and functions that these officials were expected to cover was much looser. The average age was still high, over 59, and there were only 3 women out of 28. Monti’s Cabinet was the smallest in decades: it was made up of 46 people, compared to the maximum of 60 allowed by law (the last government before the law was approved had been comprised of 101 members).

The Monti government has had a number of successes in a short space of time, but it has also run into its first difficulties and seen its first casualties. One success was Decree Law No. 201 of 6 December 2011, rechristened the “Save Italy” decree by Monti, which the chambers—in “mid-honeymoon” and still influenced by the ongoing pressure from the markets—approved in two weeks. It was the famous “blood
and tears” measure (more taxes than cuts in expenditure) aimed at restoring a balanced budget, albeit by introducing undoubted social costs. The main cost was the withdrawal of the opportunity to take early retirement, and this changed the future prospects of millions of citizens. The Italian pensions system has thus become one of the most sustainable in Europe. Another success was the renewed international credibility of the government, which one month later was to launch Decree Law No. 1 of 24 January 2012, “Cresci Italia” (Growth for Italy), which set out the rules on competition. It was followed a few days later by a decree on development and simplification, “Semplifica Italia” (Simplify Italy). Taken as a whole, this seemed to be a strong remedy over a short time frame, and it gained as much broad support from the media as it brought opposition from the groups adversely affected (lawyers, truck drivers, notaries, pharmacists, taxi drivers, and the self-employed sector in general).

The government met with difficulties when attempting to turn this new credibility into European policies whose objective was to reduce the burden of Italian debt. The spread between bonds stayed high (although not as high as the levels reached in November 2011), and the rating agencies once again gave Italy the thumbs down in January 2012. Finally, as far as the casualties were concerned, in the midst of a frenzy of campaigns against the “costs of politics,” and in spite of the example set by Monti in giving up his right to indemnity as prime minister and as minister of the economy, as well as minister Passera’s decision to sell his shares in Intesa San Paolo (the most obvious conflict of interest), Undersecretary Carlo Malinconico was forced to resign because some years earlier he had taken a holiday paid for by a businessman.

The Debate Surrounding the Formation of the Government

The characteristics of the Monti government—the way and the context in which it was formed—raised a number of issues, both in Italy and abroad, all of which were to a degree interconnected. One first general matter concerned the circumstances in which some countries, particularly Greece and Italy, saw their governments change at more or less the same time, raising the issue (not a new one) of national sovereignty being subject to interference from the markets and the EU.15 The latter has created unprecedented problems for Italy from a constitutional point of view: Article 11 of the Constitution provides for “limitations of sovereignty” but “in conditions of parity with other states.” This condition had been by and large met until this moment, but was now being called into question.
A second matter concerned what can be defined as the democratic issue in its various guises. In fact, there has been talk, sometimes in overheated tones, of “suspended democracy,” of “torn democracy,” of “democracy placed into administration,” or, more mildly, of “technocracy.” This refers above all to the theme of the non-electoral legitimization of the executive, which has real substance but no legal relevance. This limited or peculiar legitimization is justified by the exceptional nature of the circumstances. The issue is linked to the non-party make-up of the government, with ministers chosen on the basis of their competence and suitability: these are distinct aspects because lots of party-based governments in Italy and elsewhere have made use of “experts” and continue to do so. With regard to the crises affecting Greece and Italy, the first to speak of “technocratic governments”—outlining the underlying conditions that had brought them about, their advantages and disadvantages, their prospects and limitations—were American political scientists, followed by the major international broadsheets.16

Almost all legal practitioners have argued against the extreme interpretations (such as the suspension of democracy) that have been put forward mainly by political commentators, ruling out any talk of an emergency or of a challenge to the Constitution. Indeed, many do this while at the same time underlining the exceptional nature of the context. Some such as Gustavo Zagrebelsky accept that “a debate needs to be opened on the constitutional substance with regard to democracy.” It is recognized that what has happened is virtually a declaration of bankruptcy of the party system. As Francesco Clementi, not by chance quoting Napolitano himself, put it: “The rule is the return to a renewed alternating democracy at the end … of the legislature.”17 In reality, there should be little doubt about this if we consider the Constitution, let alone common sense.18

A third matter, finally, concerns the crucial role played by the president of the Republic, Napolitano, and, more generally, the state of health of the form of government in Italy, in relation both to the functioning and the responsibility of democratic power (discussed in the concluding sections of this chapter).

**What Kind of Government Is Monti’s Government?**

There was immediate debate about the nature of Monti’s government and thus also about how to define it. From a constitutional point of view, governments cannot be described by adjectives. But even constitutionalists often use journalistic terms that attempt to summarize a
government’s individual features, particularly when referring to types
of majoritarian coalitions. Hence, the practice of calling them center,
center-left, five-party, center-right, or Ulivo (olive tree) governments.

With regard to some governments, the choice of terminology has
depended on other elements considered to be defining: (1) the gen-
eral historical-political context (hence, transition governments or
reconstruction governments); (2) the influence in the selection of the
prime minister by the parties (and by the electorate) and/or the presi-
dent of the Republic, as well as the relations between the government
and the parties and the government and the head of state (hence,
presidential governments as opposed to classical party governments);
(3) the origins (party or otherwise) of the prime minister and the other
ministers (hence, technocratic governments, administrative govern-
ments); (4) the mission given to the government or set by the gov-
ernment itself (possibly as a result of the mandate received from the
electorate), by the government’s plans (content, limits, inclusions, or
exclusions), or by its expected duration (hence, electoral governments,
short-stay governments, governments based on a program, emergency
governments, national salvation governments, national solidarity
governments); and (5) the limitations of the majority, as well as the
relations between the majority and the program (hence, governments
with/without preconstituted components, governments of abstentions,
minority governments, governments with a limited majority, single-
party governments). Recourse has often been made to governments
that are different from the classical model. As early as 1953, Prime
Minister Giuseppe Pella was appointed without consultations by the
president of the Republic, Luigi Einaudi: it was called an administra-
tive government (a formula used in Liberal Italy to indicate a type of
caretaker government) and later also a president’s government.

The Fernando Tambroni government (1960) was also called a presi-
dential one, since Tambroni was appointed by President Giovanni
Gronchi against the wishes of the Democrazia Cristiana (DC, Christian
Democratic Party), of which both men were members. So too was the
following government, the third Fanfani government, which came into
office after the traumatic end to the short-lived Tambroni administra-
tion. In particular, governments detached from the strict “continuum”
with the parties and with Parliament have emerged at times when the
balance of relations between parties has shifted (e.g., the crisis of Alcide
De Gasperi’s leadership and of centrism, of the center-left, of national
solidarity, of the five-party government, and, now, of “Berlusconism”).

There have been other interesting cases, such as the third (1976)
and fourth (1978) Andreotti governments. The former, a government
“of national solidarity,” came into existence only as a result of the
abstentions that enabled a minority to pass a vote of confidence; thus, it was described as a “Cabinet based on abstentions.” The fourth Andreotti government took power in the days of the Aldo Moro kidnapping and is the one whose parliamentary foundations were most similar to Monti’s government. It received 545 votes in favor, 30 against, and 3 abstentions (about 50 were absent); only the Movimento Sociale Italiano (MSI, Italian Social Movement) and the Partito Radicale (PR, Radical Party) were against. Both governments, however, were far from being presidential governments: it had been the parties that had wanted them, not the head of state.

As for the governments of Francesco Cossiga (1979) and of Giovanni Spadolini (1981), in each case the two prime ministers were weak. The former had no base of his own in the DC, while the latter led a party—the Partito Repubblicano Italiano (PRI, Italian Republican Party)—with 3 percent of the vote. Their appointment was decided by the president, Sandro Pertini, and was forced upon some parties within the majority. Cossiga and, to an even greater extent, Spadolini were the first prime ministers to enjoy a sort of investiture and a special relationship with the president.

Then there were the obviously particular circumstances surrounding the two transition governments between the 11th and 12th Legislatures. The Ciampi government (1993) was unprecedented because Ciampi was the governor of the Bank of Italy and the first non-member of Parliament to become prime minister. Furthermore, his government was a mixture of politicians and independent figures. It was also called a “government of professors” due to the number of academics (15 out of 28, although a number of them were also party members).

The Dini government (1995) is the one that more than any other deviated from the standard model. This model of government was strongly pushed for by President Oscar Luigi Scalfaro, who was determined to avoid early elections, and it was entrusted to a figure who—albeit a minister in the 1994 Berlusconi government—had a strong “expert” background (until a few months earlier, he had been the director general of the Bank of Italy). Like Ciampi, Dini was not a member of Parliament, just like his ministers (who were academics, high-ranking state officials, entrepreneurs, and magistrates, some of them allegedly recommended by the president). The Dini government was considered the first technocratic government in the history of the Republic. It enjoyed a degree of confidence on a par with Andreotti’s third government, thanks to the abstentions, and it was also the first whose majority included only one part of the coalition that had won the previous general election (what is more, this was a junior partner, the LN, which adopted a completely new political line). Finally, the
program for government was restricted and focused on a few priorities that had been agreed upon with the president of the Republic (or rather, had been imposed by him).

What can be said of the Monti government? First of all, it is one that does not exactly fit any political formula. It is not the expression of a coalition voted for by the electorate; plus, the consensus for its formation was very broad, coming from both groups that had won and those that had been defeated in the 2008 general election (although we should note here that the Monti government was not supported by a key component of the previous majority, the LN). It is a government of “national unity,” but not a “grand coalition.” It is supported by parties that are normally alternative, although it has not been formed by them. Secondly, it is a government led by and made up of figures who are not (or no longer) directly involved in politics, but who are competent in specific areas. In this sense, too, it is not a party government. The prime minister appears to be determined not to make it a launch pad for a future political career; thus, it is described as a “technical government” or a “government of technicians” or a “technocratic government.” Thirdly, it is a government whose formation, long before the actual investiture took place, saw the president of the Republic take on a decisive role. Moreover, statements made by both Monti and by Napolitano repeatedly showed that there were very close links between the government and the head of state, whose support for the executive appeared particularly strong. This explains the label “the president’s government.” Fourthly, it is a government with a clearly defined program that openly excludes policies in certain areas, for example, electoral and institutional reforms. It is not bound by any manifesto presented to the voters, nor has it been negotiated among the parties. Its mission focuses on the need to tackle the crisis, resulting in terms such as “government of national salvation” or “the save-Italy government” or “the government of national commitment” are used.

The nearest precedent would seem to be the Dini government of 1995–1996; however, the similarity is closer in the formation and make-up of the government than in its supporting majority. Dini’s government, compared to Monti’s, was without a real majority from the outset. In addition, while at that time most of the post-election majority moved de facto into opposition, in the case of Monti’s government only the junior member of the majority (the LN) did so. This means that in terms of its type of majority, this government is more like Andreotti’s fourth. However, there are other political similarities with the Dini government. Although both were “governments of no party,” in 1995 and in 2011 it was the center-right that stepped down after winning the previous general election, and so it is the center-right
that has been forced to put up with an unwelcome situation in terms of both image and content (in fact, in 1995 Berlusconi’s Forza Italia opposed a large number of Dini’s measures). Therefore, if we wish to find a formula to sum it up in a nutshell, perhaps we could describe Monti’s government as “the president’s technocratic government.”

The Role of the President of the Republic

The key role played by President Napolitano in the appointment of the Monti government was chiefly explained and/or justified by the exceptional nature of the context (the euro crisis, the huge Italian debt under siege on the markets, the paralysis of Berlusconi’s government) and by its temporary duration. It should also be said that it came during a period in which there has been a long and steady increase in the importance of the role of the head of state, quite apart from the events surrounding the formation of governments and the degree of confidence that they hold.

This is a crucial point. The occasional re-emergence of the presidential role in inverse proportion to the solidity, stability, and compactness of the party political class is far from a new phenomenon. Rather, it is relatively normal in a form of parliamentary government that operates as poorly as the Italian one, characterized by long, drawn-out post-electoral negotiations and frequent crises. The same is also true when a majority is elected if the parties forming the majority are incapable of staying together for the full legislature.

But this does not give us the whole picture. In Italy, the president’s active involvement has taken many and varied forms over the last 20 years, and these testify to the unshakable guiding role held by the only monocratic official power, albeit under the veil of being the guarantor of the Constitution. Increasingly often, this guiding role compensates for the representative and governmental vacuum created by parties enjoying increasingly less legitimacy and perceived (sometimes wrongly, but often correctly) as weak, although not completely lacking in power.

To take a few examples from the current seven-year period of office, President Napolitano has often carried out his legislative duties by choosing explicitly to make clear his own reservations in those cases when laws have been passed that have not been totally satisfactory for procedural reasons or because of their substance, but not so deficient as to require further deliberations in the chambers. Examples include the Alfano law in July 2008, the security decrees in July 2009, and the university reform in December 2010. As far as these events were
concerned, it may be said that there were “dissenting statements” or “statements putting forward opposing motivations,” illustrating that Italy has almost found its own peculiar kind of institutional cohabitation. At other times, the president has explained why he had agreed to sign decree laws made by the government, thereby distancing himself from them, as was the case with the “Save the Lists” decree of March 2010 or the one concerning the reform of opera theatre companies in April 2010. He took the same line when authorizing the government’s presentation of draft laws that were challenged by the opposition. However, in one famous instance (the Englaro case, concerning the right to switch off life support), he refused to issue a decree law proposed by the government. On another occasion, he sent a letter to a parliamentary advisory committee setting out his objections to a plan proposing a constitutional reform (regarding the suspension of trials involving the prime minister and the head of state). At other times, he appeared to negotiate with the government about steps it intended to take, for example, the decree to tackle the umpteenth garbage crisis in Naples. He later made no secret of his disapproval regarding the outcome.

Added to all this we should mention the unstoppable flow of expressions of opinion, both from Napolitano and from his predecessors, since the presidency of Pertini. Unlike in the past, these were all independently made—that is, without the agreement of the government—and full of clear messages. And that is not all. For years, the head of state has been subjected to ever-greater pressure, and with ever-greater frequency, from “campaigns,” sometimes led by parties and sometimes by parts of the press and civil society, aiming to influence him in the exercise of his powers, both in terms of the powers he actually holds and those that are merely presumed powers (hence, generating the impression that they are real powers). In concrete terms, this means that the distinction between the figure of the president as the symbol of national unity (the only function actually spelled out in the Constitution) and the president as the bearer of a particular political position, based on his own judgment of the overriding interests of the nation (occasionally singing a different tune to the government in office), becomes more and more blurred and faint.

This type of evolution is also influenced by the way in which the media report events concerning politics and state institutions, the far from impartial attitudes of the majority and of the opposition (who are equally likely to “tug the president’s coat-tails” at every turn), and even the astonishing positions taken by some constitutionalists, who are capable of inventing non-existent presidential prerogatives. The
picture is complete if we remember the enormous capital in terms of consensus that a figure such as the head of state, as recognized by the Constitution, is able to build up. This has been confirmed by the fact that, as shown in opinion polls, each and every president, from Pertini onward, has succeeded in accruing ever-greater consensus, making effective use of all the channels of communication.29

We should therefore not be surprised either by the centrality taken on in general by the presidential figure or by the fact that, when the Monti government was formed, there emerged a theory, based on some minority doctrinaire positions, which argued that “governments of the president” could (or should) even become the normal type of government required by the Italian Constitution.30

Conclusions

All this means that the consoling interpretation of the exceptional nature of the crisis—put forward above all by Napolitano himself, and as a justification for the formation of Monti’s government—does not suffice to explain the issues that this event has raised. It also makes clear why the debate about the role of the head of state in these circumstances has inevitably reopened the prospect of renewed attempts to review the form of government as laid down by the Constitution. Such efforts have often been initiated, but they have always failed.

Indeed, when faced with the reality of the part played by President Napolitano in the formation of Monti’s government,31 some commentators have taken the opportunity to press for the issue of the form of government to be tackled, implying that an irreversible process has begun—that is, the increased importance of the figure of the president—and to look further down that line (rather than toward the government and the prime minister) to strengthen governmental institutions.32 This accounts for the tendency on the part of some to use strong terms to emphasize the role played by President Napolitano (starting with quotations from the likes of Carl Schmitt and Carlo Esposito, who define the president as “holding up the state” in “exceptional circumstances”), while others, on the opposite side of the debate, seek to diminish that role, almost as if Monti’s government were, in the final analysis, an executive like any other, although this can only apply from a formal perspective, that is, if we simply say that the letter of the Constitution has been respected.33 The former argue for a process of reform that they believe is necessary and wish to promote, while the latter are opposed to any strengthening of the executive, particularly if this is pursued within the context of a presidential
parliamentary system. From this, we can see that what is actually at stake in the debate about Napolitano’s role in the appointment of Monti’s government is (also) if and how institutional, electoral, and constitutional reforms may take place.34

The further along the path where the president of the Republic is viewed as the wise guardian of the institutional political system in the face of repeated “crises” (and Italy is a country that is well used to being guided by crises), the harder it will be to do without incisive constitutional changes.35 Moreover, such changes cannot be made without facing up to a basic choice: on the one hand, whether reforms should attribute political responsibility to a president who has by now become an actively guiding figure (e.g., defining his/her own acts, clarifying which of these do not need to be countersigned, and, if necessary, having to be elected by the citizens) in an openly dualist system; or, on the other hand, whether reforms should strengthen the figure of the president within a monist system (the one supported by the vast majority of constituents) and maintain the continuum between government and Parliament (e.g., by moving in the direction of the prime minister’s role, possibly toward a type of direct electoral legitimation).

To sum up, and looking beyond the current crisis situation, the birth of the Monti government can be seen as part of a long-term trend that began and gained momentum due to the weakness of the parties. That very weakness in turn makes the trend stronger and provides it with further justification. Moreover, what has happened shows us that, regardless of the formal issues, the question of the form of government in Italy is now an open one and is being posed, at least in the opinion of some, as a question of democracy.

— Translated by David Bull

Notes

1. Berlusconi governed for 3,340 days, one-third more than Giulio Andreotti and Alcide De Gasperi (the two prime ministers who come immediately after him in the rankings), and 50 percent more than Aldo Moro. Berlusconi’s second and fourth governments were the longest in the post-war period. The second and third, which were almost identical, covered the whole of the 14th Legislature, that is, 1,800 days.
2. According to Article 59.2 of the Constitution, the president of the Republic can nominate up to five Life Senators.
3. This record is shared with the formation of the third Berlusconi government (less than three days), followed by the second Moro, sixth De Gasperi, and second D’Alema governments (four days).

4. Papademos is an economist, a former member of the European Central Bank, and a former governor of the Bank of Greece.

5. The votes on the confidence motion confirmed this support a little later. In the Senate on 17 November 2011, the Monti government obtained 281 “yes” votes and 25 “no” votes of the 306 members present (out of a total of 322). In the Chamber the next day, the Monti government received 556 “yes” votes and 61 “no” votes of the 617 members present (out of a total of 630).

6. By “margin,” we mean the difference between votes cast for the majority and those cast for the opposition. Here we consider only the Chamber of Deputies, where the margins were closer.

7. In the Italian Parliament, the majority, alone, must ensure that the legal number is achieved. This is not easy, especially if many deputies are also members of the Cabinet.

8. The number of abstentions is not calculated in the Chamber, but it is in the Senate. Therefore, those who abstain in the Senate are effectively voting “no.”

9. All statements made by the president are taken from official communiqués and notes. See http://www.quirinale.it.

10. Merkel was said to be prudent, showing her appreciation for the measures taken by the government, but calling for more incisive steps and wondering whether Berlusconi was strong enough to take them (Wall Street Journal, 31 December 2011).


12. These seven “real” parties were the Union Valdôtaine, the Südtiroler Volkspartei, the Movimento per le Autonomie (MpA, Movement for Autonomies), Italia dei Valori (IdV, Italy of Values), the LN, the PD, and the PdL, to which the UdC should be added (although it stood as a divided party because it belonged to parliamentary groups with different political parties in the Chamber and in the Senate).


14. A lay movement with strong Catholic leanings, the Community of Sant’Egidio is a promoter of international mediations, such as establishing talks between the two sides in the Mozambique civil war.


.com/node/21538698, where the case of Jan Fischer's government in the Czech Republic (2009–2010) is also mentioned.


18. Regarding this, see Articles 92 and 94 of the Italian Constitution and especially Article 49 on the role of parties as instruments to be used by the citizens to determine national politics.


20. The third Andreotti government won the confidence vote in the Chamber with 258 “yes” votes and 44 “no” votes, but with 303 abstentions (with 25 absent). The reader will recall that the absolute majority is 316.

21. The Dini government received a vote of confidence from the Chamber with 302 “yes” votes, 39 “no” votes, and 270 abstentions (with 19 absent).

22. This is the approach that Dini had taken, as Berlusconi must have recalled when the Monti government was formed.

23. For a clear analysis of these aspects, not written until the idea of a technocratic government was first being mooted in the fall of 2010, see A. Spadaro, “Poteri del capo dello Stato, forma di governo parlamentare e rischio di ‘ribaltone,’” http://www.forumcostituzionale.it/site/images/stories/pdf/documenti_forum/paper/0228_spadaro.pdf.


25. Andreotti’s fourth government won a vote of confidence in the context of a dramatic crisis after the Moro kidnapping.


27. How can such examples be considered if not as expressions of a different direction?
28. It is worth recalling here the theories according to which Napolitano could have “removed” Berlusconi; that is, the president could have called for new elections without asking Berlusconi to agree to them.


33. This is the position taken by President Napolitano himself, as is clearly outlined in his speech of 20 December 2011 to high-ranking state officials (http://www.quirinale.it/elementi/Continua.aspx?tipo=Discorso&key=2334). On this point, cf. Onida, “Nessuna emergenza costituzionale anche con il ‘governo dei tecnici,’” who rejects the theory of the state of exceptional circumstances and of the president holding up the state, as well as the theory of presidential involvement in the choice of ministers.

34. Cf. again Onida, “Nessuna emergenza costituzionale anche con il ‘governo dei tecnici,’” who argues that those who talk too much of a crisis in fact wish to move beyond the parliamentary system in favor of presidential models.

35. This point is well-outlined in G. Azzariti, “Il berlusconismo e i rischi dei neocostituzionalisti,” *Il Manifesto*, 26 October 2011.