

Shaping reform: the role of experts in the constitutional revision process. The case of Italy

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This research did not receive any specific grant from funding agencies in the public, commercial, or non-profit sectors. No external assistance beyond the contributions of the authors was provided during the research, writing, or proofreading of this paper. The authors declare no conflicts of interest between the written paper, other institutions, or situations.

Draft Law no. 935, together with Draft Law no. 830, proposes a constitutional revision of Italy's system of government, advocating for the direct election of the Prime Minister. The two constitutional draft laws were jointly analyzed by the Senate's First Constitutional Affairs Committee from November 2023 to April 2024. Informal hearings with experts contributed to revising the government's text. While key provisions, such as the direct election of the Prime Minister, have been retained, many others were modified, reflecting the experts' contributions. This paper explores the role of experts in the reform process, examining the initially proposed legislative measures, the opinions expressed during the informal hearings, and the text approved by the Senate. By analyzing the contributions that influenced the amendments to the reform, we conclude that experts could have played a significant role in the informal hearings process of Italy's constitutional revision.

Keywords: constitutional reform; experts; informal hearings; Italian institution; prime ministerial system; role of academia.

Received 14 January 2025; revised 8 July 2025; accepted 9 July 2025

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1. Introduction

The Constitutional Draft Law no. 935¹, together with Draft Law no. 830², outlines a constitutional revision for the direct election of the Prime Minister. Over the past forty years, the debate surrounding institutional reforms in Italy has repeatedly revolved around proposals that fully or partially address the role of the Prime Minister, their powers, and prerogatives. From this perspective, the current reform, approved by the Senate of the Republic, appears to build on past attempts, integrating several contributions previously discussed in academic literature and within Parliament.

The joint analysis of the two Draft Laws by the Senate's Constitutional Affairs Committee began on 23 November 2023 and concluded on 24 April 2024. This process featured fifty-nine hearings involving constitutional law experts, representatives of social organizations, and members of the Conference of Regions. By the end of the deliberations, the government's Draft Law was amended in several areas and along various lines. However, certain provisions of the original text withstood these modifications. These include the direct election of the Prime Minister, the elimination of life senators appointed by the President of the Republic, the repeal of some transitional and final provisions of the Constitution, and the President of the Republic's authority to dissolve only one of the two Chambers.

Considering the numerous proposed amendments, as well as those adopted that significantly altered the original Draft Law, it could be argued that the committee review process demonstrated a degree of effectiveness. In this context, the hearings involving experts, interest group representatives, and stakeholders may have played a role—alongside the natural debate among political forces—in reshaping the directions pursued by the current governing majority.

The aim of this paper is to investigate the role played by the experts heard during the institutional reform process. Our inquiry begins with an analysis of the initial positions of the political parties that most significantly influenced the final text. Specifically, we will examine the proposals advanced by the center-right coalition regarding government reform during the 2022 electoral campaign. Subsequently, we will review the documents attached to the deliberations on the Draft Laws in the Senate's 1st Standing Committee, analyzing the content of the hearings held

¹Entitled: "Amendments to the Second Part of the Constitution for the direct election of the President of the Council of Ministers, the strengthening of government stability, and the abolition of the appointment of life senators by the President of the Republic". The text, after being approved in the Senate with the amendments that will be highlighted later, is now under examination in the Chamber of Deputies, numbered as A.C. 1921, jointly with A.C. 1354.

²Entitled: "Provisions for the introduction of the direct election of the President of the Council of Ministers into the Constitution."

and the contributions gathered. By examining the text approved by the Senate and now under review by the 1st Standing Committee of the Chamber of Deputies³, we aim to identify who participated in the committee hearings, which opinions were most represented, which were the most influential and effective, and, conversely, which were excluded from the consultation process.

2. Institutional reforms in the history of the Italian Republic

The debate on institutional reforms in Italy is deeply rooted in a context rich with contributions, committees, draft laws, bicameral commissions, hearings, expert committees, and constitutional referenda (Passigli, 1984). As early as 1979, Bettino Craxi, in his famous article titled “Eighth Legislature,” advocated for the “Grande Riforma” (Craxi, 1979; Amato, 1980; Piretti, 2007). More than 40 years later, the institutional framework of the form of government designed by the Constituent Assembly seems, in its main features, to remain unchanged.

During the Italian Constituent Assembly, the choice of a bicameral system with equal powers resulted from cross-vetoes rather than a carefully considered decision. The outcome was a constitutional framework that, from the outset, required political adjustments and legislative implementations (Adams & Barile, 1953; Sartori, 1991; Ruggeri, 2023). The party system that emerged after World War II in Italy allowed the parliamentary structure thus designed to partially achieve its objectives. This was aided by parliamentary rule reforms in 1970 that centered on the idea of political compromise as the primary factor in generating democratic legitimacy (Cheli, 2012). These reforms enabled Parliament to remain central to the system and act as the primary agent for implementing the Constitution (Cardone, 2023).

The crisis of Italian institutional system emerged between the late 1970s and early 1980s, driven by two key factors: first, a series of tragic events that deepened divisions within the country and its political system; second, the European integration process, which increasingly tilted the balance of power toward the executive branch at the expense of Parliament (Ruggiu, 2024). During this period, the first proposals for institutional reform began to take shape with the Parliamentary Commission known as the “Bozzi Commission,” which proposed several amendments to the second part of the Constitution, also reiterated in the Casellati-Meloni Proposed Reform of 2024, including the power to revoke

³The analysis conducted in this contribution focuses exclusively on the proceedings in the Senate of the Republic. As for the Chamber of Deputies, a total of 49 individuals have been consulted so far, 10 of whom had already been heard in the Senate. Of these, forty-one were interviewed during an initial phase that concluded on 17 October 2024, after which the examination of the text was suspended for several months. It resumed on 17 June 2025, with a new round of hearings, during which eight additional individuals were heard. The decision to concentrate on the Senate is based on the unique opportunity to compare the original draft with the approved version, allowing for an evaluation of the impact of the hearings on the Committee’s work

ministers (Pasquino, 1985; Barbera, 1992; Luther, 2017). In the 1990s, driven by a broad desire for renewal among political actors and the electorate, reform efforts reemerged, again using the bicameral commission method (Fusaro, 2015). The first attempt, the De Mita-Iotti Commission (XI Legislature), and the second, the so-called D'Alema Commission (XIII Legislature), ultimately failed (Volpi, 2023). Once again, at the start of the new millennium, the bicameral method was abandoned in favor of attempts at constitutional reform initiated primarily by the government and following the ordinary procedure established by Article 138 of the Constitution. The first such attempt was made by the Berlusconi II (and III) Government, which presented an extensive and complex constitutional reform proposal. This project was rejected by voters in a confirmatory referendum in 2006 (Fusaro, 2015). The second project, the Renzi-Boschi reform (Crainz and Fusaro, 2016) was likewise blocked by a negative referendum vote, which ended Renzi's government and, until the current legislature, any attempt at institutional reform. What must be emphasized about these two attempts is the clear difference in approach and method compared to previous efforts: both projects originated from the government and were focused on strengthening the role of the head of government, reinforcing a plebiscitary dynamic tied to the personalities who held that position—Silvio Berlusconi in 2006 and Matteo Renzi in 2016 (Calise, 2005). This occurred within a broader context marked by a substantial “flight of the government from Parliament” and an already ongoing increase in the directive power of the President of the Council in relation to individual ministers (Giupponi, 2008). In essence, there was a shift from a “shared” constitutional revision to a “contested” or even “contentious” one (Cecchetti, 2006; Cardone, 2023), in which the Constitution served no longer as a common instrument of the political forces but as an instrument of a (parliamentary) majority which, without consensus, sought to determine the Constitution as well (Schefold, 2017).

A brief mention should also be made of reforms that affected the form of government without amending the constitutional text. First, Law no. 400 of 1988 addressed the institutional crisis that began in the late 1970s and continues to this day, marked by governmental instability (Improta, 2022) and structural issues, such as a lack of clarity in the Constitution regarding the role of the Head of Government. However, it has been noted that this aspect has revealed significant limitations over time, allowing practices to deviate from constitutional provisions and necessitating updates (Tarli Barbieri, 2018).

Second, the evolution of electoral laws in Italy since the early 1990s has been significant. Following the 1993 abrogative referendum, the proportional system for Senate elections was replaced with a majoritarian system. To harmonize the electoral systems of the two Chambers, Laws no. 276 and 277 of 1994 introduced a mixed system, combining single-member districts and proportional representation (Chiaromonte and D'Alimonte, 2004).

The rationale for these changes, with the end of the Cold War and the decline of the cross-cutting Catholic vote, was to push the political system toward bipolarism, ensuring greater executive stability (Pappalardo, 1994). However, this goal was not fully achieved due to various factors: the lack of strong cohesion within the two coalitions, the incomplete parliamentary implementation of majoritarian principles, the rise of a political force—the Five Star Movement—that positioned itself initially outside the traditional left–right divide, and frequent changes to electoral laws since 2005, influenced by two constitutional invalidations by the Court (Chiaromonte and De Sio, 2014).

This overview highlights, on the one hand, the political system’s awareness of institutional issues and, on the other, its inability—exacerbated by the enduring crisis of political legitimacy—to reach a shared agreement not only to achieve institutional revision but also to ensure its stability and effectiveness once approved.

2.1 Institutional reforms and dynamics of influence in decision-making processes

A brief historical reconstruction of the Italian form of Government and its reforms would require more space than this analysis aims to cover. However, among the contributions that cannot go unmentioned are those of Sartori and other distinguished scholars who have outlined the major milestones of Institutional Reforms in Italy (Bartolini, 1982; Cotta, 1987; Sartori, 2000; Fabrizio, et al., 2023).

Today, Italian scholarly opinions on revising the form of government remain diverse and nuanced. The majority agree on the need to modernize the organization of powers. In the 1970s, some scholars advocated for reforms ensuring the establishment of “legislative governments” centered around the President of the Council of Ministers. Similarly, in the mid-1980s, proposals emerged for bicameral system reform, with some leaning toward unicameralism, particularly from scholars aligned with leftist positions (Barbera et al., 1985).

Currently, while a broad consensus exists on the necessity of institutional reforms, pinpointing commonalities in their substance remains challenging. Since the 1990s Some have pointed out that Parliament, with its particularly fragmented party system, has represented a major obstacle to the concerted will of the political executive more so than in any other democratic European country (Hine, 1993), and some authors have supported the idea of a premiership model or, at least, have not opposed it outright (Barbera, 1991; Pasquino, 1992; Ottolenghi, 2002; Frosini, 2018). Conversely, others have emphasized the need to address institutional aspects tied to the so-called “*de facto unicameralism*” (De Fiores, 2022) to balance parliamentary and governmental roles in legislative functions. More recently, a significant group of scholars opposed the ongoing constitutional

reform suggesting alternative proposals for rationalizing the parliamentary system of government (Amato, et al., 2024)⁴.

Over the years, these scholarly contributions have been repeatedly presented in institutional settings, such as informal hearings, during significant attempts to reform the Constitution. Scholars, invited to provide academic perspectives on the structure of government, have often functioned as unstructured interest groups (Collins, 2013; Lundberg, 2022; Cabada and Murray, 2024). This is not only because they represent one of the most frequently consulted social categories within the Italian First Standing Committee on Constitutional Affairs (Petrillo, 2019, pp. 198–201), but also due to the process of appointment and selection that involves them, one that originates from—and is grounded in—explicitly political logic. Indeed, it is the members of the Committee on Constitutional Affairs themselves who decide and propose which experts to summon, thus reinforcing established epistemic practices for legitimizing their influence within the policymaking process (Jasanoff, 1990; Weingart, 1999; Boswell, 2008; Katainen et al., 2025).

From this perspective, however independent and impartial they may be, experts could operate as “informal interest groups”, grounding their views in specific constitutional models that reflect a defined system of values (Cross et al., 2019). These values, in turn, shape particular political visions. Despite being widely recognized, the terms “lobby” or “interest groups” often carry negative connotations in public and political discourse (Mattina, 2010, pp. 151–175). For instance, Head of Government Meloni has argued that the rationale behind reforming the form of government is to free representatives of citizens from “the interference of lobbies” (Meloni, 2024).

Such stigma persists despite the lack of a precise definition of “interest group” in the literature (Petrillo, 2006; Baroni et al., 2014; Bitonti, 2022), and notwithstanding the efforts made by scholars across disciplines to delineate their scope based on diverse theoretical premises (Sartori, 1976; Spiller, 1990; Jordan et al., 2004; Kriesi et al., 2007; Rasmussen et al., 2013; Pritoni, 2021, pp. 24–35), but also based on the dimensions of the interest being analyzed: specific, diffuse, material, or immaterial (Mattina, 2010, pp. 13–35). In the context most relevant here, there are two main aspects of the role of interest groups in the legislative process that concern us—whether these groups are structured or unstructured: the expertise they bring and the consensus they generate (Mattina, 2010, pp. 121–135; Pritoni, 2021, pp. 156–182).

The aforementioned negative perception of the term “lobbying” appears to endure despite the fact that mechanisms for opening decision-making arenas have long been historically embedded and deeply endemic in various institutional

⁴Regarding the reform currently under discussion, see also issue no. 3/2024 of the Quaderni costituzionali journal

processes (Siefken, 2021; Maya and Siefken, 2023). In Italy, the first regulations addressing the relationship between public decision-makers and interest groups date back to 1971, embedded in the parliamentary rules of the Chamber of Deputies and the Senate. Through mechanisms such as hearings, parliamentary inquiries, legislative consultations, and fact-finding investigations, Parliament has opened itself to civil society (Gianfrancesco, 2012). Hearings may play a critical role in legislative procedures and the final decision-making process, modeled on the investigatory phase of auditions (Decaro, 2004). However, Article 47 of the Senate's rules limits the range of formally eligible participants, leading to the proliferation of informal hearings (Iacometti, 2010; Fasone and Lupo, 2015)⁵.

Regarding Draft Constitutional Bill No. 935, analyzed alongside Draft Bill No. 830, the Bureau of the First Standing Committee decided in its session on 22 November 2023, to conduct a series of informal hearings. Each political group was allowed to propose four nominees to be heard (First Standing Committee on Constitutional Affairs, 2023). Whether or not they can be classified as pressure groups in a strict sense, the experts heard during the informal hearings may have exerted an influence on the decision-making process (Salisbury, 1984; Pielke, 2007; Cairney, 2022). This paper aims to examine their role and assess the impact of their contributions within the context of constitutional revision in Italy.

2.2 From electoral promises to reality: The gap between the proposed reform and the Casellati-Meloni government draft

The electoral platforms of the parties of the center-right coalition for the 2022 Italian general elections unanimously endorsed an institutional reform aimed at the direct election of the Head of State, as well as a reform oriented towards granting differentiated autonomy to the regions. However, these platforms also revealed significant differences, particularly in the institutional models mentioned and the international political systems cited as examples. Terms like “presidentialism” and “semi-presidentialism” often appeared to be used interchangeably. At the same time, the platforms lacked any specific indication about redefining the balance of powers between the President of the Republic, the Prime Minister, and Parliament. The proposed reforms appeared to pursue two distinct objectives: the direct election of the President of the Republic—rather than the Prime Minister—and the promotion of differentiated regional autonomy. This second federal reform appeared to move in a direction almost diametrically opposed to the proposed

⁵To clarify: the Rules of Procedure of the Senate provide, as a fact-finding tool for the standing committees, the so-called formal hearings under Article 47 (a similar provision is found in Article 143 of the Rules of Procedure of the Chamber of Deputies). However, this is a very limited tool in terms of the range of individuals who can be heard—primarily members of the government or public administrations. Informal hearings, on the other hand, are not explicitly provided for or regulated by the Rules of Procedure, yet they represent the main instrument through which committees gather information and opinions on a given bill from experts and interest groups from civil society.

strengthening of the executive envisioned in the first reform. In summary, the center-right electoral platforms advocated both greater autonomy and new prerogatives for the “periphery” and new legitimacy and enhanced powers for the “center.”

During the Programmatic Declarations at the opening of the XIX Legislature on 25 October 2022, President Giorgia Meloni simultaneously referenced both institutional reforms:

Alongside the presidential reform, we intend to advance the virtuous process of differentiated autonomy already initiated by several Italian regions, in accordance with constitutional provisions and in the implementation of the principles of subsidiarity and solidarity, within a framework of national cohesion (Meloni, 2022).

The envisaged reform of the form of government was characterized by “*the hypothesis of a semi-presidentialism modeled on the French system*”, which “*ensures stability and restores the centrality of popular sovereignty. A reform that enables Italy to transition from an interlocutory democracy to a deciding democracy.*”

However, the proposal advanced in Senate Bill No. 935 diverges markedly from the French semi-presidential model, in which the electorate directly elects the President of the Republic, who, in turn, appoints the Prime Minister, who must then secure Parliament’s confidence (Elgie, 2004). In the proposal of Bill No. 935, the two roles would remain “separate but parallel,” both in their democratic legitimacy circuits and in their assigned prerogatives. The President of the Republic would continue to be elected by Parliament in a joint session, while the Prime Minister, directly elected by the electorate, would observe a significant strengthening of their powers. The so-called “Reform of Reforms,” as described by the proposing Minister herself⁶, did not emerge from a clearly defined set of proposals within the electoral platforms of the parties that later formed the government. At the same time, the steps towards a premiership-based model could rely on a long-standing political tradition rooted in Berlusconiism, which emphasized the strengthening of the Head of Government—directly legitimized by popular vote—and the progressive weakening of institutional mechanisms of checks and balances (Bull and Pasquino, 2007; Criscitiello, 2021; Baldini and Ventura, 2024). Thus, the proposed reform finds in plebiscitarian logic a common denominator among the various initiatives put forward by the center-right coalition—an approach shaped by the governmental experience of Forza Italia and the earlier constitutional

⁶See: <https://www.riformeistituzionali.gov.it/it/comunicazione/eventi/evento-le-buone-leggi-semplificare-per-far-ripartire-litalia/> and <https://www.rainews.it/articoli/2023/09/le-buone-leggi-semplificare-per-far-ripartire-litalia-seguita-diretta-40e92fb6-ce3b-491e-86cc-a0ed18a21392.html> (accessed on 20th May 2025).

reform attempt under the third Berlusconi government (Edwards, 2005; Improta and Marzi, 2024).

The Senate's Constitutional Affairs Committee proceeded with a joint examination of the two Bills, treating them as interconnected during the referential stage. Therefore, the analysis that follows in subsequent sections cannot—and should not—be separated in methods or content with respect to the individual bills, given that the hearings conducted focused on both simultaneously. However, particular attention will be paid to the government-initiated Bill No. 935, as Bill No. 830-A has, in practice, been absorbed into it.

The main principles of the Casellati Bill can be summarized into four key points:

1. The direct election of the Prime Minister by the entire electorate;
2. The constitutionalization of a majority premium, equal to 55% of the seats in both Houses, for the coalition or list linked to the elected Prime Minister;
3. The dissolution of the Chambers if the elected Prime Minister fails to obtain parliamentary confidence in both Houses;
4. The provision for a second term, only once, to a person different from the directly elected Prime Minister, but still connected to the previous one and maintaining the previously established programmatic commitments.

3. Analysis of the positions of experts and stakeholders

An analysis of the textual contributions provided by the audited stakeholders clearly indicates that the majority of participants expressed a general opposition to the Institutional Reform proposed in Bills No. 935 and No. 830-A. Overall, the analyzed contributions amount to forty, three of which pertain to individuals who were consulted on two separate occasions. Among the forty auditions analyzed by the Senate Committee and considered in this analysis, fourteen expressed support for the main direction of the proposed reform—namely, the direct election of the Prime Minister—while also voicing criticisms, concerns, or suggestions regarding specific elements. In contrast, twenty-six hearings expressed opposition to both the reform as a whole and its specific formulation.

Of the forty contributions analyzed, thirty-two were submitted by university professors—associate, full, and emeritus (P) –, two by current or former parliamentarians external to the academic sphere (O), and six by representatives of social partners, including trade unions and professional organizations (S). The distribution of positions on the reform across these categories is shown in Fig. 1:

Before delving into the specific concerns raised, it is useful to outline the main positions that emerged regarding the direct election of the Prime Minister—the core element of the Casellati Reform. Among those who oppose the reform as currently formulated, the direct election of the Prime Minister is seen as a threat to democratic balance:

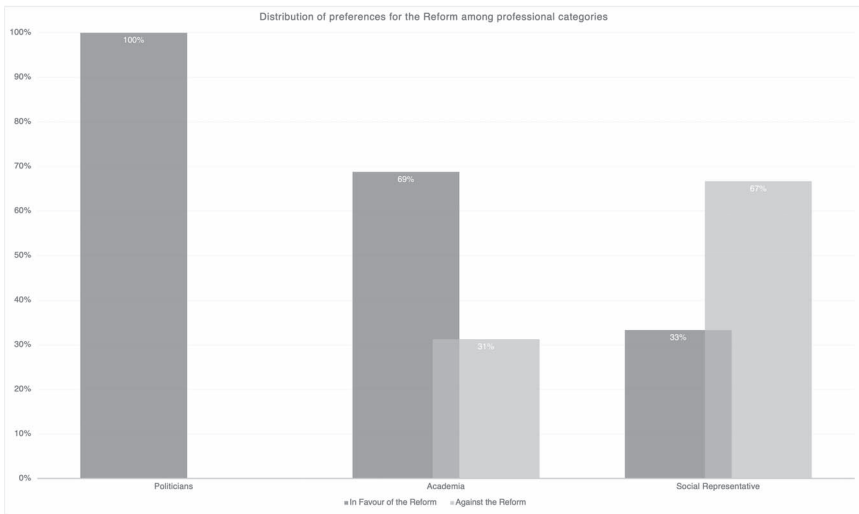


Figure 1. Distribution of preferences for the reform among professional categories.

It is indeed true that only a few provisions are affected (which, in the absence – as mentioned – of the necessary checks and balances, is by no means a sign of moderation, but rather of excess), yet with a small legislative gesture, the entire constitutional framework and the foundation of the democracy it outlines are effectively overturned. (P23) – Zagrebelsky.

Contrary to the intentions behind the proposal, direct election is not believed to foster governmental and social stability; rather, it is viewed as a potential factor in exacerbating social conflict, shifting tensions from institutions to society itself:

The reform proposals envisage the introduction of coercive legal mechanisms aimed at artificially achieving what cannot be obtained through the normal institutional means of a pluralist democracy such as Italy's. There is a concrete risk that the conflict, artificially removed from representative democratic institutions, could erupt uncontrollably within civil society, which is highly complex and fragmented. (P22) – Silvestri.

Among those in favor of the government reform, the direct election of the Prime Minister is seen as a solution for the “ills of parliamentarism.” It is a common view among those who support the Casellati Reform that with the direct election of the Head of government, many of the inherent flaws of the Italian parliamentary model would be solved on their own: instability of governments, the crisis of international credibility, political immobility, and low citizen participation.

[...] in terms of guaranteeing governmental stability, it is highlighted that the direct election of a monocratic body contributes to polarizing the political system, thus ensuring alternation in the roles of majority and opposition. This does not pose a risk of authoritarian drift but is likely the best antidote to that very risk. (P06) – Belletti.

The citizens, endowed with the right to vote and choose the Prime Minister, would therefore be incentivized to participate actively in the political life of the country.

A government chosen by the people for a legislative term [...] It is not presidentialism but neo-parliamentarism – a development of the parliamentary system that maintains the confidence relationship but evolves to ensure stability and restore the centrality of popular sovereignty. (P24) – Frosini.

It should also be added that some observers have linked the structural problems of the institutional system to social, economic, political, and cultural issues, believing that such problems could be addressed and corrected through a reform of the government. Among these, the following dynamics are highlighted:

[...] economic stagnation, youth unemployment and precariousness, hydro-geological instability, low birth rates, excessive bureaucracy, tax inequities and tax evasion, malfunctioning of the justice system, low levels of education, poor digitalization, lack of infrastructure, social immobility, low international credibility. (S21) – IoCambio.

In this context, despite the division between supporters and opponents of the reform (or reforms), certain prevailing trends can still be discerned. The contributions, observations, and criticisms of the audited stakeholders seem to converge on specific aspects, that we will address in the following paragraph. This convergence extends not only to positions on the proposed reform but, more significantly, to the broader narrative about the state of the Italian institutional system and the most desirable reform of government. At the same time, the divergences noted in their observations differ both in substance and in the levels of criticism expressed. These differences span a range of perspectives and tones, including simple suggestions, corrective recommendations, criticisms, and strong opposition to the reform.

The most frequently mentioned observations can be grouped into six sections addressing specific elements of the proposed government reform:

1. the applicability of the so-called “Anti-Turnover Clause”;

2. the dual legitimacy of the Head of government;
3. the constitutionalization of the majority premium;
4. the erosion of the President of the Republic's prerogatives;
5. the lack of clear check and balances;
6. the longstanding debate over introducing a mechanism for rationalizing the form of government.

The following section shifts the focus from positions on the core element of the reform—the direct election of the Prime Minister—to other aspects of the institutional changes under discussion. It brings together the most frequently raised issues during the hearings, regardless of whether they were expressed by supporters or opponents of the reform, presenting both the main objections raised by critics and the recurring alternative proposals aimed at improving the current draft or the broader institutional framework. The analysis highlights recurring themes rather than assessing their argumentative strength or their influence on the final text—matters that will be addressed in §5, “*The Effectiveness of the Hearings.*”

4. Critiques and alternative proposals of the reform

4.1 On the “anti-turnover clause”

If a second Prime Minister, appointed after the resignation or no-confidence vote of the elected Prime Minister, fails to gain parliamentary confidence or faces a vote of no confidence in either the Chamber or the Senate, both houses of Parliament would be dissolved. This rule, known as the “*anti-turnover clause*” in public and political discussions, has received strong criticism from experts. According to those audited, this rule would paradoxically reinforce a dynamic that the reform itself claims to counter: governmental instability. The so-called “anti-turnover clause” appears to disproportionately strengthen the second Prime Minister:

Given that only one additional government can be formed after the one designated during elections, from the very first day, ‘allies’ might begin undermining the elected Prime Minister in an effort to succeed them, thereby triggering a relay effect. This hardly promotes governmental stability. (P13) – Celotto.

This concern was raised across the board by those heard during the hearings, to the point that even some supporters of the reform expressed doubts regarding the so-called “anti-turnover clause,” with criticisms that closely mirrored those put forward by opponents of the constitutional revision:

Regarding the so-called anti-turnover clause [...] I confirm that this is a cumbersome mechanism and inconsistent with a direct election system. If the majority goes into crisis, the Prime Minister should be able to exercise the power to dissolve the Chambers early, so that the choice of the new government and new parliament can return to the will of the voters. (P24) – Frosini.

4.2 On the dual legitimacy of the head of government

The second critical issue concerns the dual political legitimacy that would involve the Prime Minister. On one hand, the Prime Minister would ostensibly benefit from a direct democratic mandate from the electorate—with decision-making mechanisms yet to be determined. On the other hand, the Prime Minister would still remain subject to a vote of confidence by both houses of Parliament. This dynamic seems to be further complicated when considering the actors involved in the second circuit of legitimacy: the same political and parliamentary majority that have been elected among the Prime Minister. This second step could take one of two forms, it might either become purely formal, serving as a symbolic gesture easily bypassed in practice:

Some have pointed out the inconsistency between the direct election of the Prime Minister and the parliamentary confidence vote for the government. [...] Considering the dual channel of popular legitimacy, an initial confidence vote may seem unnecessary. (P11) – Cerrina Feroni.

Alternatively, the dual legitimacy circuit could create a clash between the branches of government, subordinating legislative authority to the executive in function of the popular mandate:

Bill No. 935, by introducing the direct election of the Prime Minister, creates a clash between two distinct sources of legitimacy – electoral/plebiscitary and parliamentary – that are not reconciled. (P8) – Calvano.

4.3 On the constitutionalization of the majority premium

On the constitutionalization of the majority premium for lists or candidates associated with the elected President, there appears to be almost complete convergence among the experts. The reform proposed would indeed introduce a premium, in both chambers, equal to 55% of the seats to be allocated «at the national level». The hardening of the democratic mechanism would bring with it a series of adjustments, the first of which is the necessary quorum for the election of other constitutional bodies, such as the President of the Republic, five Constitutional

Court judges, and a third of the members of the Superior Council of the Judiciary (CSM).

I would not include explicit references in the Constitution; instead, I would prefer to address this issue through electoral law, employing a formula that preserves the system's representativeness while promoting the majority principle. (P7) – Bassu.

Some stakeholders also raised doubts about the constitutional legitimacy of this provision, highlighting contradictions between Bill No. 935 and the jurisprudence of the Constitutional Court itself, potentially violating Articles 1, 3, 48, and 67 of the Constitution:

The text does not provide a minimum vote threshold for the majority premium to apply. This [...] appears inconsistent with specific decisions of the Constitutional Court (Judgment No. 1/2014 and Judgment No. 35/2017), which have already established that a majority premium requires [...] the definition of a minimum threshold of votes to be valid. (P15) – Pizzetti

Even among those who support the reform, the constitutionalization of the electoral matter, with the introduction of a predetermined percentage of seats, is generally regarded negatively:

The provision of a fixed majority Premium, amounting to 55% of the seats, appears problematic in relation to the necessary flexibility in drafting electoral laws, especially considering the scenario of a coalition winning the elections but falling far short of an absolute majority. (S35) – ConfProfessionisti.

However, the need for a connection between the parliamentary majority and the candidacy for Prime Minister is still emphasized, and some experts support the introduction of the majority premium in the Constitution without specifying any access threshold:

The constitutionalization of a connection between the parliamentary majority and the Prime Ministerial majority is essential to the model. While it may be preferable to achieve this with less rigid formulas, this connection remains indispensable. (P39) – Cavino.

4.4 On the erosion of the president of the Republic's prerogatives

Another significant point of criticism from those opposed to the Constitutional Reform—also raised by some experts who are otherwise in favor—concerns the

downsizing of the President of the Republic's powers. The government proposal would lead to a general transformation of the current institutional structure, with a transfer of competencies and prerogatives. Focusing on the formal aspect alone, this reformulation would have considerable implications for both the form of government and the role and prerogatives of the President of the Republic, as well as for the Parliament. Among the most significant changes is the power of appointment of the Prime Minister. The President of the Republic would be stripped of the considerable discretion that the current constitution grants, which has been a key element in the exercise of their role over the years.

The popularly elected Prime Minister would be granted supremacy over other institutions without any balancing mechanisms to safeguard the democratic stability of the system, creating a framework that lacks parallels in other Western democracies. This would result in a severe imbalance of powers, undermining the role and prerogatives of the President of the Republic and diminishing the centrality of Parliament. (S4) – CGIL.

However, these concerns are not shared, as one might expect, by those who support the proposed Reform of the Form of Government. While they do not outright deny the possibility of a reduction in the prerogatives of the President of the Republic, they argue that this would restore the role of the Head of State to what was originally envisioned by the constitutional framers—a role that has evolved and changed due to the increasing political significance acquired over time within the institutional practice:

[...] direct election more clearly affects the President's power of appointment, but it leaves intact the President's influence over the composition of the government, as well as the political leverage the President holds in the event of a government crisis [...], direct election enhances the political stature of the Prime Minister while reinforcing the guarantor role of the President of the Republic. (P29) – Poggi.

4.5 On the lack of clear check and balances

Another element of criticism concerns the set of rules governing the appointment and designation of the key figure of the reform: the elected Prime Minister. It is a common view among those consulted that the current reform lacks clarity on rules for the Prime Minister: many stakeholders emphasize the need to establish clear check and balances, such as term limits. The absence of provisions regarding consecutive terms and the powers conferred raises concerns, prompting calls for immediate legislative action:

Another critical point is the lack of term limits for the Prime Minister: concentrating power in one individual requires time constraints, as seen in major democracies with direct presidential elections or in systems with directly elected mayors and regional presidents. (S5) – UIL.

The same concerns are raised among supporters of the reform, who see the same instrument as counterbalancing the strengthening of the Prime Minister's prerogatives:

Regarding checks and balances, I would first point out the need for term limits (two full terms would seem appropriate). (P27) – Fusaro.

[...] I also believe it is important to include in the Constitution a limit on consecutive terms (two?). This would align with widely accepted principles in Western liberal democracies. (P26) – Zanon.

4.6 On the introduction of mechanisms for rationalizing the form of government

With this final section, we turn to the positions of those—both supporters and opponents of the reform – who have proposed adjustments in the form of mechanisms aimed at rationalizing the structure of government. Among opponents in particular, these mechanisms are often presented as genuine alternatives to the direct election of the Prime Minister. They seek to achieve the same goals pursued by the reform – such as greater governmental stability and political alternation – without substantially altering the institutional balance. The most frequently suggested measures fall into two main categories: granting the Head of Government the power to dismiss ministers and introducing a constructive vote of no confidence. Both issues that are not new in the debate on the rationalization of the government form:

The mechanism of the constructive vote of no confidence, which has already been tested and implemented in several European countries, enables Parliament—or one of its chambers—to withdraw confidence from the executive only if an alternative government is simultaneously proposed. For many of those consulted, this mechanism is often seen as a preferable means to enhance executive stability compared to the government's current proposal:

More effectively strengthening government stability could lie in introducing the system of so-called constructive votes of no confidence, in addition to the possibility of electoral lists including the proposed Prime Minister. (O14) – Finocchiaro.

Still in pursuit of greater stability, the power to dismiss ministers should be entrusted to the elected President, without needing to resort to the powers of the President of the Republic:

These goals [achieving real governmental stability or of significantly enhancing the government's function] , given the current conditions, can reasonably be pursued through solutions that have already proven effective in other systems (such as Spain and Germany), like the constructive vote of no confidence, as well as by adopting instruments long recommended by constitutional scholars – such as separate investiture of the Prime Minister, combined with the power to appoint and dismiss ministers. (P19) – Cheli.

Similar observations can also be found among those who expressed support for the reform. It is commonly held among them that granting such rationalization mechanisms to the Prime Minister is more consistent with the legitimacy of a political figure directly elected by the electorate:

Secondly, I believe that the Prime Minister should be granted the substantive power to appoint and dismiss ministers. This power [. . .] seems necessary to me in order to ensure coherence and effectiveness in the Government's political and administrative direction. [. . .] Thirdly, I believe that the Prime Minister should hold the substantive power to dissolve Parliament, [. . .] that this is also a defining element of the “premiership” model. (P25) – Cintioli.

5. The effectiveness of the hearings

The proposed government reform, as approved by the 1st Permanent Commission of the Senate, has undergone several modifications. It appears that some of the adjustments suggested by the experts consulted during the informal hearings were considered by the legislator, who incorporated them into the revised proposal.

Below, we will examine the five amendments adopted that may align with the critical elements raised by experts. For a comprehensive review of the positions of those consulted, refer to Appendix 1 of this paper, [Table A.1](#).

The text has been modified as follows:

1. Reformulation of the provision regarding the dissolution of the Chambers in the event of the Prime Minister's resignation. Thus, the requirement for the second Prime Minister to adhere to “programmatic commitments” is abolished;
2. Removal of the quantification of the majority premium in the Constitution for the coalition or list associated with the elected Prime Minister;
3. Expansion of the number of votes in which a two-thirds majority of Parliament in joint session is required for the election of the President of the Republic.

4. Introduction of a constitutional limit on the duration of the elected Prime Minister's term in office;
5. Inclusion of the mention of the "revocation" of ministers proposed by the Prime Minister and ordered by the President of the Republic;

With the first modification introduced, one of the prevailing opinions among the experts consulted was accepted: the majority of respondents had indeed strongly criticized the "anti-turnover clause", while only three respondents were in favor of it. Now, in the event of a vote of no confidence against the elected Prime Minister, the President of the Republic should order the dissolution of Parliament. This adjustment, requested by both supporters and opponents of the reform as a whole, seems to pursue a direction also proposed by scholars (Pitruzzella and Poggi, 2023). The dynamic of "simul stabunt, simul cadent" (meaning that the institutions stand or fall together), extended from local governments to central government, does not seem to activate automatically in the case of the elected Prime Minister's resignation. In this second case, the dissolution process must be requested by the Head of Government from the Head of State, who must then order it. If, following the resignation, the dissolution of the Chambers does not occur, the President of the Republic can assign a second mandate—only once during the entire legislature—to a parliamentarian "elected in connection" with the elected Prime Minister, or the resigning Prime Minister themselves.

Regarding the quantification of the majority premium in the Constitution, a "compromise" between the government proposal and the nearly unanimous observations of the experts seems to have been adopted. This change was the most suggested among those heard, approximately 9 out of 10 experts stated that the majority premium set in the Constitution should be removed. However, although the quantification of this premium, previously set at 55% of the seats in both Chambers, has been removed, the provision for a majority premium itself remains. The government Reform proposal seems to bind ordinary law, and therefore the electoral law, to provide a seat premium to the list—and the candidates—associated with the most voted Prime Minister candidate. The premium would guarantee, on a national basis, a majority of seats in each of the two Chambers. The electoral law would thus be responsible for determining the election methods (how many ballots and what connection between the President and candidates and/or electoral lists), the allocation of seats, the quantification of the premium, and the definition of a minimum threshold (for both the majority premium and the validity of the Prime Minister's election). Finally, ordinary law would also bear the responsibility of correcting any distortions in the model, such as the possibility of split voting, which is also foreseen in the electoral mechanisms of the

Regions and Municipalities.⁷ In summary, with the Reform proposal as corrected in the committee, there would be the “constitutionalization of the provision” of an electoral premium.

In line with the previous point, several participants in the hearings raised concerns about the potential implications of the majority bonus, particularly in relation to the election of the President of the Republic and other guarantor institutions. They warned that these roles risk becoming entirely controlled by the governing majority. During the committee review the text was amended to incorporate the proposed guidelines: a sixth ballot will now be required, rather than a third, to lower the quorum for the election of the President of the Republic from a qualified majority (two-thirds of Parliament convened in joint session) to an absolute majority. Among those audited who expressed an opinion on the number of ballots required to move from one quorum to another, only one expert expressed a dissenting opinion.

The reworded text appears to partially address the observations of those, both in favor and against the reform, who expressed the need to introduce limits on the Prime Minister’s mandate. None of those heard, in fact, opposed the introduction of such a limitation. With the new text, it is established that the Prime Minister’s eligibility cannot extend beyond two legislative terms. However, this limit may be extended to three terms if the Prime Minister served for a total period of less than 7 years and 6 months. This provision seems to partially mirror what is already foreseen for the Mayors of Municipalities⁸.

Finally, following the effects of the consultations, the provision allowing the revocation of ministers by the Prime Minister seems to have been introduced. While this practice has been widely reported—both in doctrine and in the contributions of the experts during the hearings⁹—it seems to be limited to the sole prerogative of *proposing the revocation* of ministers, while the effective power of dismissal remains in the hands of the President of the Republic.

6. Conclusions

Once the analysis of the texts presented to the Commission and those approved by the Commission after the political debate and informal hearings has been completed, it is necessary to reflect on the impact these hearings had on the

⁷It should be noted that the split vote, in this context, for the election of both Parliament and the President of the Council, would not only concern the selection of the President and the list associated with him or her, but also the possibility of assigning votes to different lists and candidates in the two Chambers. The majority premium—or the “governability” premium—would be determined on a national basis in both branches of Parliament (including the Senate, despite Article 57 of the Constitution) and should ensure both governability and representativeness in both Chambers.

⁸Article 51, legislative decree number 267/2000.

⁹Only three experts had opposed the introduction of this prerogative for the Prime Minister.

decision-making process and the effectiveness of the interventions presented by the individuals consulted.

In Italy, informal hearings lack a formal framework, in contrast to formal hearings and investigative inquiries, which are subject to specific limitations. However, informal hearings have become a widely adopted practice, gaining increasing importance for collecting opinions and information from civil society members or experts on the matter at hand—particularly those with significant interests in the proposed measure or specific expertise (Gianniti and Lupo, 2023). Given that this tool is not subject to specific constraints and lacks a dedicated regulation, its usefulness—and, by extension, its “legitimacy”—should be assessed based on the fact that, as a non-mandatory procedure, the Commission’s intent is to gather substantive suggestions to improve the proposed reform from those with greater expertise in the relevant field.

First and foremost, it is important to emphasize that, as seems logical and predictable, the position of those opposed to the core idea of the revision—that is, the direct election of the Prime Minister—was not adopted by the Commission. Many of these individuals emphasized, on one hand, the necessary reform of the political system (e.g., Cabiddu, Zagrebelsky, Silvestri), and on the other hand, the better opportunity to intervene in favor of a rationalization of the parliamentary system by proposing a series of measures (e.g., Azzariti, De Pretis). In any case, what seems to have been disregarded by the Commission is the suggestion related to maintaining the balance of powers within the State (e.g., Cheli), in a situation like Italy’s, where the government is, *de facto*, the main body exercising legislative power (Spadacini, 2022). According to several individuals, any strengthening of the executive should have been accompanied by a simultaneous reaffirmation of the parliamentary legislative power, both of the majority and the opposition (e.g., De Siervo).

Secondly, it should be noted that several of the suggestions put forward by the individuals consulted were accepted. Almost all of these changes were highlighted in a bipartisan manner by both experts opposed to the reform and those in favor. Specifically, the following points are mentioned:

- The removal of a rigid majority premium in the Constitution.
- The increase in the number of ballots requiring a qualified majority for the election of the President of the Republic from three to six.
- The introduction of a limit on the number of terms for the elected Prime Minister.
- The granting of the power to dismiss ministers to the Prime Minister.

Regarding the so-called “anti-turnover clause”, the perspective followed seems to align with that proposed by Professor Fusaro, who was in favor of the revision

and suggested more strongly embracing the principle of “simul stabunt simul cadent” in relation to the trust relationship, while regulating other cases of termination of office (especially voluntary resignation and death of the President) more flexibly. However, the solution chosen for these latter cases seems still too rigid and cumbersome, risking over-restraining the political actors who would be tasked with interpreting it in practice.

Several individuals had emphasized the need for a parallel discussion of the electoral law alongside the constitutional revision. This was to ensure immediate coherence between these inseparable disciplines and to resolve some issues raised in the analysis of the constitutional text that would have found a more appropriate place within ordinary legislation (e.g., Cartabia). However, these suggestions were ignored, as were those proposing a simultaneous reform of Law No. 400 of 1988 to better integrate it with the new organization of the government (e.g., Frosini, Azzariti).

Regarding the overall effectiveness of these hearings, it seems that two important outcomes can be identified: on one hand, many of the specific interventions on technical issues related to the correctness of the adopted legal techniques and the consistency of the proposed system with the revision were accepted. What seems to have been ignored, however, is the general warning regarding the maintenance of the system’s balance. The majority, in pursuing its “minimal revision” idea, appears not to have heeded the criticisms highlighting that this revision risks further unbalancing the distribution of power in favor of the executive, without introducing systemic safeguards to ensure pluralist democracy. From this more general perspective, compared to past revision attempts, it could be noted that the role of the academic community in the constitutional revision process and more generally within the legislative power has diminished.

Finally, some reflections on the individuals consulted.

First, it would be worth considering expanding the pool from which these experts are selected, involving political scientists and social science scholars more.

Second, many have pointed out (Barbera, 2016; Grassi, 2017) that a constitutional text does not merely capture the present reality but serves as a tool to regulate and define situations that may be extremely distant in time and for purposes different from those foreseen by its historical legislators. In this sense, the Italian Constitution is no different: on one hand, its rigidity naturally aims to bind future subjects to the political horizon it outlines, while on the other, many of its provisions have been seen as tools to adapt the Constitution to societal evolution. For example, Article 2 or Article 9, defined by Häberle as the “*eternity clause*” (Häberle, 2000). In this sense, it can be said that a Constitution, and thus a constitutional revision, has the “duty to look to the future” (D’Aloia, 2022), and from this perspective, what is disappointing is that in this legislative process,

no representation of “future generations” was involved, who, in the event of the reform’s approval, would be the most affected by its effects.

Conflicts of interest statement: None declared.

Funding

None declared.

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