

The Porcellum Revisited

Judith Harris (July 19, 2011)



When you hear talk in a Roman trattoria of “Porcellum”, the diners are not discussing the pork roast on the menu—they’re talking politics. The back story is that after the current election bill became law, the man who wrote it, Roberto Calderoli of the Northern League, either shamelessly or



carelessly called it “una porcata”, which Google’s free translation service puts into English as “crap.” Taking Google at its literal word, this means that the law which gave the present parliament and senate their seats and salaries is called in English “the crap law.” Political analyst Giovanni Sartori dressed it up a bit by putting it into Latin. Ever since the law is universally known as the Porcellum, suddenly under discussion because, after countless vague hints and blackmail-style threats, early elections begin to appear a real possibility. The signs are everywhere, but nowhere clearer than in the continuing concerns over ratings and the effectiveness (or not) of the new emergency budget.

ROME – The Porcellum (Law No. 270 of December 21, 2005) seriously altered the Italian election system. It awards extra parliamentary seats to the coalition in the lead, which automatically wins 340 seats in the Chamber, and hence a clear majority. Candidates cannot be voted by name, meaning that the powers of the political party in-groups who compile the electoral lists are reinforced, tending to freeze the system. To have candidates in Parliament, every coalition must obtain at least 10% of the national vote. A bright spot: the right for overseas Italians to vote. Otherwise, for the voters, it’s been take it or leave it.

Its many critics blame the Porcellum for rewarding party loyalty and obedience over ethics or hard work in Parliament, and even for fostering corruption. Italian judicial expert Gustavo Zagrebelsky has called the law “absurd” because it transforms a minority (albeit the larger among the small fish) into a very large parliamentary majority. Nevertheless, efforts two years ago to overturn this unfortunate law by referendum vote flopped when the turnout was insufficient.

The Partito Democratico’s chief, Pier Luigi Bersani, for one, called this week for new elections. Behind the scenes the debate is therefore revision of the Porcellum, whose conditions can influence the outcome. Curiously, not everyone wants revision, however, and the anti-Berlusconi parties are divided about what is to be done. Writing July 15, Zagrebelsky spelled out the problem, ominously warning in *La Repubblica* that the left must avoid the temptation to use the Porcellum for its own purposes, even if convinced it can sink the center-right of Berlusconi and the Northern League. The way out, Zagrebelsky suggests, is not recourse to another referendum, but a law to sent to Parliament that would revert to the previous election law, which could eventually be amended.

While this revision or abrogation of the election law is still being debated, on Monday Calderoli himself, a former surgeon from Bergamo who today is Minister for something called the “Normative Simplification” (which includes trying to make bureaucratic life easier by simplifying laws), was looking beyond elections and into a new regime. To this end he has sent to Parliament, on behalf of the Silvio Berlusconi government, a bill that would significantly beef up the powers of the Premier. The president of the council of ministers would be known henceforth—in Calderoli’s proposed revision of the postwar Constitution—as the Prime Minister, “responsible for the general policies of the Government.” Among its other provisions: abrogation of overseas residents’ right to vote and, at home, universal suffrage for the election under regional direction of a “federal Senate,” whatever that is. This new Senate’s labors would moreover be aided and abetted by “some representatives of the Regions and of local autonomies,” albeit without a right to vote. No region could have fewer than five senators (today Molise has only two, and the Valle d’Aosta has one).

The point, Calderoli stresses, is that the cost of government would be cut by reducing the number of deputies and senators to 250 for each house (today inflated to 630 in the lower house, the Chamber of Deputies, and 315 in the Senate). Salaries would depend upon presence in the two houses. Only the Chamber of Deputies would have the right to vote in a motion of confidence for the government, while a mechanism called “constructive no-confidence” would be created. When a confidence vote fails, no dissolution of Parliament would be obligatory; instead, either the Italian President or the Chamber of Deputies would have the right to nominate a new Prime Minister, on the basis of election results. The Prime Minister himself would also be able to request the President to dissolve Parliament. The state would have exclusive control over energy and distribution networks. Finally, “in every instance in which he cannot carry them out,” the functions of the President of the Republic would pass to the President of the Chamber of Deputies.



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