

## Institutional Reform and Italian Crisis

*by Francesco Cossiga\**

One cannot interpret today's Italian crisis in terms of scandal and morality alone. Rather, it must be considered together as a moral, political and institutional crisis. The connection I make is due not only to a desire to be sincere or current, but also to a deeper connection which exists in Italy today. The need for an institutional reform, a reform of the system of public powers in Italy, dates back to the very moment Italy became constitutionalized. Paradoxically, the need for reform was born when the constitution was approved.

The constituents, in approving the constitution, were fully aware, or in large measure conscious, of the structural weaknesses of the constitution itself. Italy adopted its constitution after having chosen the Republican System, three years after the Second World War. In other words, Italy dealt with the problem of establishing a new system after twenty years of fascist dictatorship, after a lost war, after a hard struggle against Nazism; a civil struggle among Italians that was fought in the name of liberty and democracy, and after the world had divided in war. The constitution took into account all of these factors. The experience of fascist dictatorship led to a concept of checks and balances that greatly weakened the executive power. Various cultural and political currents had to find a place in the constitution: the old Liberal current; the Democratic current; the Catholic current in its various shades, from liberal to social Catholicism; the Socialist current; and the Marxist-Leninist current which the Communist party strongly espoused as it participated in the Resistance against Fascism and the struggle for liberation in Italy.

Italy's new constitution had to be a constitution of compromise, not only to satisfy the many Italian political factions, but also to account for the world that was divided in war during the constituent assembly. Two world powers were created, and also created was the lasting contrast that pitted our political and cultural ideology against the military rule which pervaded international, and in certain cases internal, affairs of countries, especially during the events of 1989-90. The Iron Curtain

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divided Europe; most significantly, Germany was split in two. Within Italy, the Iron Curtain fell too, dividing not the territory, however, but social classes, our consciousness, and even families. It created, in Italy, two areas; one ruled by the Communist Party, and the other by the traditional democratic front, centered in the party of Christian Democracy. The Christian Democracy had been transformed by De Gasperi from a party of confessional inspiration into a large democratic convergence party that replaced that backbone of Italian society, the Liberal Party, which had been swept away by the Fascist experience. The constitution was approved in, and affected by, this turbulent climate. The constitution specified the two parts into which the country was to be divided, and it guaranteed their presence to avert a civil war.

I once contended that contrary to the Italian Proverb "the frock doesn't make the monk," in Italy, the frock *does* make the monk. Two or three years later, some great thinkers reiterated these thoughts and from that moment the thoughts became the subject of theoretical speculation. But no one had the courage to criticize when Norberto Bobbio, a great thinker, silenced the scandal I had started by proclaiming the first Republic at an end by writing the dramatic article *The First Republic Died and Died Badly*. From then a new season started, a long path in the Italian life.

The Italian constitution guaranteed forty years of democratic life in our country. It guaranteed democracy by what can be considered the first historical compromise between the Catholic Party, representing the entire democratic tradition, and the Communist Party. This compromise was headed by two great leaders, perhaps the two greatest leaders in post-war Italy: the leader of the Christian Democracy, Alcide De Gasperi, and the great leader of the Italian Communist Party, Palmiro Togliatti. A silent agreement was stipulated, under which the Communist Party understood that it could not aim for participation in the government of international affairs, but was guaranteed a state of freedom which contrasted with the needs of international freedom. The Communist Party was also guaranteed an active part in the internal affairs of Italy, allowing the Italian Communist Party to become the second largest Communist Party in the West after that of the Soviet Union.

Today, criticizing the constitution, as it was created by the founding forefathers of the Republic, does not discredit the positive function that the constitution had in the civil, social and economic growth of Italy according to the principles of liberty and democracy. The life of our country and the life of the constitution developed through different

phases: from a period of hard confrontation, during the period of De Gasperi's hegemony, up to a period of rising political equilibrium when unity overcame the division which the Cold War had introduced in Italy and an attempt to confront the great problems which meanwhile had arrived.

The constitution was the great intuition of one who can be considered the brightest intellectual spirit of Italian political history: Aldo Moro. While acknowledging the existing deep diversity between the Catholic and the Communist parties, Moro recognized the need to bring them closer together in order to gain the national unity necessary to face serious economic crises, like those of the Seventies, or the great crisis of Republican legality which we had to face in the case of terrorism. Aldo Moro reestablished a method of democratic leadership that had its origins in the first democratic compromise between De Gasperi and Togliatti, called "Consociated democracy." Aldo Moro said in his famous speech in Benevento:

This is a country in which the majority cannot play to the final end the role of the majority, and the opposition cannot play to the final end a role of opposition. But the majority has to make decisions that protect the opposition, and the opposition has to be responsible for the government's decisions, otherwise, this country cannot be governed.

The practical form of Italy's government was created due, almost equally, to the majority and the opposition. The theoreticians said that the political regime, the effective way to keep the constitution alive, was based on two conventions: a *conventio ad escludendum* under which the impossibility of the Communist Party entering the international government was recognized, and a *conventio ad conveniendum* under which an exchange was established for the Communist Party to have the right, from the opposition, to an active role in the domestic government, and a veto right in relations to the most important international decisions.

Certainly there were exceptions when the Communist veto right was not considered. One exception, during my government, was the decision made with Germany to answer the challenge of Brezhnev, who had displayed the SS20 and the Backfire bombers that kept Europe hostage. We answered by accepting the American proposal to display the Cruise and Pershing missiles. Today, we know that was the moment when the Soviet strategic and economic strategy entered a crisis, initiating the decline of the Soviet Union. Gorbachev's declaration affirmed this, although in Italy few remember this or have thanked me for it. To my surprise, however, I was thanked for contributing to the event

when I first visited the capital cities of the formerly socialist countries, which had again espoused democracy.

Together with Ambassador Gardner, I made the decision to display missiles after long confrontations with the leader of the Italian Communist Party, who was, incidentally, my cousin. I had to respect the convention that stipulated that decisions of such importance cannot be made without having first consulted the Communist Party. Their opposition to the missile display was apt, and yet surprisingly soft. In fact, the Communist Party was chastised by the Soviet Union, which sent its minister of foreign affairs, Ponomarev, who spent four hours, being a typical Soviet diplomat, alternating between flatteries and menaces. Throughout the different episodes, the Italian political regime remained one of consociated character, the power of which was exercised not according to the criteria of classical democracy, but exercised with sometimes exhausting and paralyzing mediation and compromise.

Thirty-five years have passed, and the Italian government has spent that past ten years in talks about the reform of the constitution. Italy was a country which had changed, the institutional tools were not appropriate for the demands of a modern country, now heavily industrialized, nor for social, moral and religious growth.

The Second Vatican Council was established during the years following the war with resounding effects. Italy is a country traditionally Christian, so much so that one of Italy's greatest secular philosophers, Benedetto Croce, wrote an essay entitled *Why We Cannot Not Call Ourselves Christians*. The Christian tradition, the Christian culture, strongly affects Italy in that purely ecclesiastical and religious events such as a new Council have real effects on government.

Our country is a frontier country; it is the only country which has attempted to sanction both Catholicism and Communism. In this world in flux, that is yet kept still, perhaps necessarily by a compromise and a consociated formula of running public affairs, the 1989-90 crisis fell as heavily as a mallet. As with Germany, one cannot speak of the crisis as a "fall of Communism," because an ideology which has a seventy year history does not fall in one night. The thinking of Robespierre did not die out; we have traces of it still in Italy. When Robespierre addressed the French Convention in favor of the revolutionary government, he said:

Tomorrow we will have a constitutional government, but to reach the constitutional government we must pass through the revolutionary government, because we must defeat the enemies of the Republic. Tomorrow we will have a trial according to the guarantees of a constitutional government; to give a just

trial to the enemies of the republic today would mark the end of the Republic.

Today, there is in Italy a saying: "suspicion is the hallmark of truth." Suspicion, not as a hallmark of truth but as a path to justice, was celebrated in the famous Rousseau Jacobin speech to the Convention, when he asked to pass the famous laws on terror, and pronounced the tremendous, but exalted phrases: "Terror without virtue is a crime, but virtue without terror is impotence."

The echo of Rousseau's teaching did not die out in the 1700s, yet there are those today who contend that communism died and disappeared due in large part to a state of equilibrium and to the crisis of economic systems, such as that of the Soviet Union. The "Eclipse of Communism"—I prefer this phrase to the "Fall of Communism"—the fall of so-called socialist systems, and the dissolution of the Soviet Union has been, for the countries of Eastern Europe, a great era of liberty and independence.

The eclipse of communism impacted Germany not during reunification, but in the period that followed, once unity was achieved. What problems has Italy faced? Many reasons for the compromises in the constitution have disappeared. *Conventio ad escludendum* and *Conventio as consociandum* have been made obsolete because the Communist and Christian Democracy parties have become parties like any other, undergoing an identity crisis from which they have not exited. The Communist Party, despite its efforts, has not been able to identify itself with its necessary historical function as a democratic party of the Left, which must assume responsibility for the government of the country. The Christian Democracy is in search of a unity beyond the purpose of being a wall against communism. The extraordinary system of institutional and political compromises which were useful in saving Italy from civil war, and which allowed the building of a modern Italy, are no longer needed, and we find ourselves with a series of old rules which don't apply anymore. Not only that, but due to the ideological crisis of communism, the very future on which the constitution has its foundation has been questioned. This was the culture of anti-fascist unity and of the Resistance.

I want to clarify immediately that I was brought up in a strictly anti-fascist, radical, Republican family. I received a liberal Catholic education and therefore, during the years of Fascism, an anti-fascist education. If I had found myself in the area of the country that was occupied by the Germans, I would have been in favor of the Italian resistance against the Germans. But the analysis made by Bobbio says even more: that the culture of the anti-fascist unity was a myth that

was experienced differently by its interpreters, that a univocal culture of resistance did not exist, and that constitutions cannot live without a culture to support them. The great vitality of the American constitution is that it has behind it a culture. The American culture is not of that continental illuminism, but rather perhaps, British illuminism, the culture of the founding fathers, of the constitution of the colonies of Virginia, Maine, and Massachusetts. It is the culture which we may find in the *Federalist Papers*. With the crisis of communism, it became apparent that the weakness of the formal culture, and thereby the weakness of the constitution, was that it was constituted not by one culture, but by a fractured culture. Those who were supposed to be the founders and keepers of Italy rapidly found themselves on one side or the other of the chasm.

The members of the hegemonic parties, the Christian Democracy and, substantially, the Communist party, found it difficult to accept changes in the rules of conduct, while others, myself included, felt that radical changes were absolutely necessary. Due to the forced "consociated" life, the hegemonic parties had generated the system called "partyocracy," in which the parties occupied the society and the state and substituted themselves for her institutions. This may have been a result of the hegemonic nature of the cultures behind the parties, cultures which refuse the ethics of responsibility, risk and choice.

"The Great Moral Question" arose during the process of creating institutional reform; my fellow citizens gave this question the name *Tangentopoli*, or "Kickback City." The political and institutional crisis and Kickback City are the same thing. It is not that the crisis of the political society, or even of the institution, is a result of the transgressive city, which substituted and took the place of the city of the citizens, but nonetheless, "Kickback City" did affect the political crisis.

If the recent national dilemma, which is the wide spread system of corruption, was an ordinary tale of common thieves, we would not have much to worry about. In all regimes throughout history, monarchies and republics, great private and public stealing has occurred and been accounted for by the economic system. Why then is Italy's problem a great national crisis? Because Kickback City is a syntheses of politics, entrepreneurship and bureaucracy, and has an autocratic and privileged gestation period of its own power that contrasts with economic interests, penal laws and, even more seriously, the fundamental laws of democracy. The laws of responsibility in politics, of impartiality in administration, and the laws of confrontation and competition in the market economy have been ignored by this system.

The "consociated" life and "partyocracy," which are conservative perceptions of society that reject the ideas of risk and of choice, which

is the fundamental ideal of liberty. They have generated a system which recalls the economy of socialism. Does this mean that we are looking for a historical justification of the various conditions under which Kickback City was formed? No, we are not, for two reasons. First, because there is an evident crisis of legality in Italy, and to restore legality we cannot ignore the crime. Secondly, the protest has become, or has the risk of becoming, violent, and the evaluation of a historical explanation could be confused with the justification of it.

The story of common thieves can find a causality in an external forum (within the halls of justice) and an internal forum (within the confessionals). But a bifurcated history in which the country's economy and politics deviated cannot be reconciled if the country's institutional and political crisis are of political origin. This is not to detract from the magistrates' meritorious activity, today those prosecuting, tomorrow the judges; but, it would be extremely dangerous to suppose that there is a judicial path to the solution of a political and institutional crisis. This risks tempting the judicial system not to exercise a law for the sake of justice, but rather for the sake of assuming the power to function as a political entity. Transforming the judicial system into a neutral, political power would be a distortion of the principles of the constitutional and legal state which will only worsen the crisis in which we live.

Reforms of the institutions, political society, and rules of politics go hand-in-hand with solutions to the grave moral question. In Italy, there have been in one year, 1450 arrests and 200 investigations into members of Parliament; we find ourselves facing a crisis which cannot be reduced to a crisis of penal law—we are facing a crisis of a type of politics, an institutional system. The problem remains of what to do. The judicial authority can solve problems on the level of individual cases and of individual responsibilities, but not the problems of a serious crisis of conduct within the political society and the institutions or the problems of undertaking a courageous reform policy both of the institutions and political conduct.

Reform, in my opinion, has to have as a criterion the realization of a *complete* democracy in Italy. Due to the historical and geographical situations that have effected Italy's politics, we have lived for twenty years in an incomplete democracy. A democracy that does not allow for the maximum amount of control and responsibility and the possibility of alternatives is not a democracy. Today, for international, internal and ideological reasons, we can drive the country to a phase of complete democracy. Complete democracy means a personalization of responsibility, direct responsibility of power. The people are alienated from the institutions, which then have a serious problem of de-legitimacy in

the public eye. These institutions find themselves asking to have a more direct rapport with public officials, so that these officials will have a public face and direct responsibility. All this is necessary because, while the political society has been blinded in these years by a conservative vision, which perhaps was necessary to keep democratic institutions and the principles of liberty in a climate of relative civil peace, the country has moved forward. Now a deep gap has formed in our entrepreneurial-based civil society between its cultural, religious and intellectual needs and its political expressions. I believe in order to break the procedure of "partyocracy," "consociated" life, it is absolutely necessary to stress personal responsibility and return power to individuals.

In a transformation of the institutions in Italy, the system has to be privileged with an executive power that will be a direct expression of the people, combined with a strong dose of direct participation by the people in major political decisions. It is a misconception that the common citizens are ready to accept institutions, even the best ones, if they have not directly participated in their creation.

A heavy veil of hypocrisy still covers Italy. There is a belief or pretended belief that our serious moral crisis is just an ordinary story of common thieves. The political subjects and the political class do not want to accept responsibility not only for our institutional and political crisis, but also for the moral crisis of Italy. We must make "the Great Confession" to the Italian people. We must have the courage to inform the people; this cannot be accomplished by attorneys or prosecutors, nor judges at an individual level. It can only be accomplished by a great political inquiry in our country, to discover how it happened that important members of our political and economic lives found themselves able to collaborate for years, for decades, to sustain and finance a political system in which a demand for money transformed political parties into state parties, societal parties.

What historian can imagine a history of the French Revolution written as follows:

There was a happy time in France where kings wisely ruled, where there were also healers and thaumaturgic kings. And then Marie Antoinette buys for herself an emerald necklace, spending a large sum of money. Then certain meddlers of the royal house skim the public finances. The cause of the French Revolution is not the dissolution of organicistic conception of the monarchy and the eruption of the bourgeoisie into the social life of France. No, the origin of the French

Revolution is in Marie Antoinette's necklace and the stealing by a few petty-ministers of the King of France.

So, the history of the Italian cannot be written simply:

There was a country that was big and powerful—the seventh, sixth or fifth industrial power in the world—but what happens in the middle of this prosperity? There were these men, Mr. Chiesa, Mr. Mongili, Mr. Prada, who were important examples of what would be the revolutionary conscience. This crisis in Italy was caused by Mr. Chiesa, Mr. Prada and Mr. Mongili. . . .

The history of Italy is as unique as the history of the French Revolution in which Marie Antoinette's necklace both counts and does not count, where the petty stealing in the royal house counts and does not count. In the history of a great country can we accept that 615 million "counts", but that the two billion of Chiesa is immediately given back to him after a relatively mild sentence? This is not possible, and this is why I say that it is necessary for the political class to assume responsibility. Today there are excellent people investigated; tomorrow, there will be excellent people condemned. But in this crisis in Italy there seem to be no excellent innocent people. The Great Confession, the lifting of the veil of national hypocrisy, is the other end of the commitment to reform, to rebuild the state, to regroup politics and resurrect the Republic.

Italian society, civil society, has grown and presses us to include the timetables that our country now has in relation to the new European community. We must answer new questions posed by having discovered that Europe is made up not only of Germany, France, Italy, and England, but also includes Poland, Russia, Slovenia, Croatia, and Hungary, countries which at one time seemed abstract entities behind the Iron Curtain. Italian society has grown so much and is so rich in ideas, rich in possibilities. She asks for a new system of politics, a new political morality and new institutions, and if we don't give in to her demands, she protests, and protests loudly.

Is this a pessimistic or optimistic picture? Sin has always lived together with virtue and grace. The choice of the interpretation, based on an optimistic conception or on a pessimistic conception of the society, is a choice that then falls upon our capability to make choices to conform to public interest. In reality, the problem is one of ethics. The ethical life of the country, in regards to politics, economics, family life and personal life, has been replaced by the ethics of the group.

The rights of the party, the faction, the enterprise and the lobby have replaced the rights of the individual.

Being a devout Christian, I refrain from making a prophesy about politics or the future of Italy. I can, however, have a hope—a hope that the traditions of Italy and its dramatic past will give to the present a horizon of light. I believe this light can soon be realized by a strong political and moral reform initiative that will bring back the kind of politics that can be appreciated as an art, as a science. I hope that the common good at the center of life and of society will finally rebuild a new moral and ethical unity in our people.