

# Italian President Ciampi blocks Berlusconi's justice "reforms"

By Marianne Arens  
29 December 2004

On December 16, Italian President Carlo Ciampi refused to sign Prime Minister Silvio Berlusconi's justice reform bill, thereby blocking its enactment. The "reforms" were passed by the Italian parliament on December 1, on the basis of the votes of the right-wing majority, consisting of Berlusconi's Forza Italia, the neo-fascist Alleanza Nazionale (National Alliance), the Lega Nord (Northern League) and the UDC (Christian Democrats).

Ciampi's action means the bill will have to be debated once again in both houses of parliament.

Among the bill's most significant proposals were restrictions on the authority of the Supreme Judicial Council (Consiglio Superiore della Magistratura—CSM), which is responsible for the selection, promotion and assignment of judges. The Council is independent of the government. Its members are elected by parliamentary deputies and judges, and its work overseen by the president.

The bill also included measures to erode the independence of the country's public prosecutors, who, like Italian judges, are independent of the executive. It proposed placing them under the direct control of the justice minister. This would have enabled the government to exert influence on the scheduling of criminal proceedings.

The "reforms" would have prohibited public prosecutors and judges from making political comments, actively engaging in political or union activities, or participating in demonstrations. Other provisions were designed to more rigidly separate prosecutors and judges, and give the government more power over their selection. For example, psychological performance tests were to be introduced to determine their eligibility.

The judicial reform bill is a major attack on the constitutional principle of the political independence of the judiciary and on democratic rights in general. The veto by Ciampi does not mean that its measures have been permanently defeated. If the bill is passed once again by parliament, Ciampi cannot legally refuse to sign it.

Precisely this scenario unfolded a year ago in relation to Berlusconi's media reforms. Vetoed initially by the president, the bill was later enacted after it passed through parliament a second time.

The dispute over Berlusconi's justice "reforms" dates back

to the start of his second term in office in the summer of 2001. Since then, the government has embarked on a systematic campaign to weaken or abolish existing regulations and laws, such as those dealing with accounting practices, money laundering and the prohibition on public office-holders owning company shares. The so-called Cirami law introduced the notion of "legitimate suspicion" against the judiciary. If a defendant believes the judge is biased, he can now have his trial transferred to another location.

Half a million people demonstrated in Rome two years ago against the government's attack on the judiciary. On November 24 of this year, judges and public prosecutors went on strike against the planned reforms. Berlusconi derogatorily referred to them as the "red robes," having remarked previously that judges were "mentally disturbed" and "anthropologically different from the rest of the human race."

On December 16, the day Ciampi vetoed the justice reforms, parliament passed, by a small majority, a new, highly controversial bill that shortens the statute of limitations. The bill was immediately given the nickname "Salva Previti" (Save Previti), as it amounted to an amnesty for Berlusconi's lawyer Cesare Previti, who was sentenced last year to 11 years in prison for bribing judges.

The new bill could lead to the discontinuation of hundreds, if not thousands, of trials and is tailor-made for several current members of the government. Berlusconi himself, as well as Marcello Dell'Utri, are among those who stand to benefit.

Dell'Utri, Berlusconi's long-time confidant and the founder and deputy chairman of Forza Italia, was sentenced on December 11 to nine years in prison for collusion with the mafia. According to the judge, Dell'Utri was the "guarantor of the mafia's interests in Berlusconi's Fininvest holding company" and a "representative of La Cosa Nostra."

In Berlusconi's case, numbers of criminal proceedings have been initiated against him for falsifying company accounts, fraud and corruption. This month, rulings were handed down by a Milan court regarding two counts of bribing a judge. Prosecutor Ilda Boccassini had sought an eight-year jail term, but Berlusconi was acquitted on grounds of extenuating circumstances and the statute of limitations.

Berlusconi, who is simultaneously Italy's prime minister, its

richest citizen, and owner of the country's largest media corporation, is pursuing two aims in his long-standing campaign against the judiciary: first, he wants to protect himself and his companies from prosecution; second, he wants to loosen legal restrictions on the activities of the Italian corporate elite.

Berlusconi represents a section of the ruling class that seeks to free itself from the traditional forms of bourgeois parliamentary democracy and establish more authoritarian forms of rule in order to more effectively attack the rights and living standards of the working class.

His opponents in the judicial apparatus and the judge's association, the ANM (Assoziazione Nazionale Magistratura), represent a faction of the Italian bourgeoisie that fears the politically and socially destabilising implications of Berlusconi's gangster methods. To this camp also belong the politicians of the centre-left opposition and a section of the trade union bureaucracy.

A representative of this faction is Antonio Di Pietro, party chairman of Italia dei Valori (Italy of Values) and a member of the European Union (EU) parliament. After the sentencing of Dell'Utri, Di Pietro clamoured for Berlusconi's resignation and for new elections. "This political class is not worthy of ruling this country," he declared.

Twelve years ago, Di Pietro worked as a state prosecutor during Operation Clean Hands (Mani Pulite), a campaign against official corruption. This drive against pervasive corruption within the largest post-war political parties marked, in the final analysis, a new orientation for the Italian bourgeoisie, and paved the way for legal changes in the field of economic and social policy. It aimed at creating better conditions for Italy to participate in the European Monetary Union and adopt the new European currency, the euro. The so-called "tangentopoli"—the expensive system of slush funds and favours—was viewed as a barrier to the success of Italy in the global economy.

Mani Pulite brought scores of prominent figures from the political and business worlds before the courts and sent them to prison, thereby playing a key role in the break-up of the largest post-war parties—the Christian Democrats and the Socialists. A political vacuum arose as a result. Due primarily to the influence of the Stalinist Communist Party of Italy (PCI), the working class remained passive and disoriented, allowing Forza Italia and the neo-fascists to profit. This was the time of Berlusconi's rise to prominence.

One of the current spokesmen of the anti-Berlusconi faction is Romano Prodi. Last November, Prodi was replaced as president of the EU Commission and has since been promoting himself as a challenger to Berlusconi in the 2006 elections.

Prodi is far from an unknown quantity. From 1996 to 1998, he was prime minister and led a vicious campaign of budget cuts to secure Italy's entry into the European Monetary Union. His government initiated attacks on the Italian pension system

that have since escalated.

Today, Prodi is supported by all of the centre-left parties, as well as the Rifondazione Comunista (Communist Refoundation Party—PRC), one of the remnants of the PCI. Six months ago, the PRC affiliated with the Olive Tree alliance to form the Great Democratic Alliance (GAD). During the one-day strike on November 30 against the Berlusconi government, Prodi, as the main spokesman of the demonstration in Rome, called for a "movement for the political rebirth of the country." At a meeting of the Olive Tree alliance in Milan, Prodi was greeted with a standing ovation.

President Ciampi also played a leading political role in the 1990s. Between the spring of 1993 and the spring of 1994, he stood at the head of an interim government that abolished the automatic indexation of wages to inflation, implemented an extensive privatisation program, and introduced a new electoral law that aided Berlusconi's rise to power. From 1996 to 1999, he served as Treasury head under the governments of Prodi and Massimo D'Alema, who headed the Democratic Left party, another outgrowth of the disintegration of the PCI. The D'Alema government enforced a ban on strikes for the first time since the end of the World War II and led the country into the Kosovo war, circumventing parliament to do so.

These same politicians and parties, which today are the loudest in their criticisms of Berlusconi, carried out the previous attacks on the population that led to popular frustration and disappointment and paved the way for the Berlusconi government. They continue to support Berlusconi's "war on terror," in the name of which fundamental democratic rights are being destroyed.

The justice "reforms" of the Berlusconi government represent a renewed attack on democratic rights and a further step towards the establishment of dictatorial forms of rule. However, the struggle against them cannot be entrusted to the capitalist judiciary system or the centre-left opposition. It can be waged only through the mobilisation of the working population on the basis of an international socialist perspective.

To contact the WSWWS and the  
Socialist Equality Party visit:

<http://www.wsws.org>