



Dissensus over Liberal Democracy in Italy

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1 ITALY IN THE THEORETICAL FRAMEWORK OF DISSENSUS OVER LIBERAL DEMOCRACY: THE ORIGINS

The aim of this chapter is to investigate the current state of liberal democracy in Italy. The theoretical framework for this analysis has been provided by recent studies (Coman & Brack, 2025, p. 430; See Coman in this handbook) that place Italy among the countries experiencing “destructive dissensus” with respect to liberal democracy. This conclusion depends on the evaluation of two relevant indicators: the object of the dissent (principles themselves or their concrete practice) and the degree of homogeneity or heterogeneity between the goals of political actors. In short, the electoral success of a far-right party such as *Fratelli d'Italia* (FdI, Brothers of Italy), its leadership in the current government, and its proposals for incisive constitutional reforms (including reforms of the balance between the executive branch and Parliament) are all seen as decisive elements in placing Italy in the most problematic category of the typology proposed in the study.

In this chapter, we will elaborate further on the structural characteristics of the Italian system, its constitutional rules, and its historical evolution in

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order to test this classification. Our aim is to recall that the management of radical dissent is likely inherent to the Italian institutional and political system, considering how it was established after World War II and how it coped with the complexity of the country's "extreme and polarised pluralism" (Sartori, 1976). These considerations will help us to calibrate the application of Coman and Brack's analysis to Italy and to place the current status of Italian liberal democracy within the theoretical framework of dissensus. Moreover, we argue that, in the last few years, an evolution in the quality of dissensus has taken place in the Italian constitutional system. During the first 40 years of constitutional democracy (from 1948 onward), the main lines of division were rooted in foreign policy and, domestically, in the exclusion of the Italian Communist Party (PCI, then the main force of the left) from government. This was, above all, a form of *disruptive* political dissensus based on ideological division (which was somewhat softened, over time, by the changing relationship between the PCI and the Soviet Union). However, this ideological polarisation did not extend to other areas—institutional, social, or legal. Today, by contrast, the level of dissensus among political actors appears to have deepened, particularly with respect to certain social issues (such as migration and security), political matters (notably the stance of FdI on anti-fascism), and institutional questions (such as reforms concerning the form of government and the organisation of the judiciary) that ultimately have an impact on the separation of powers and the rule of law.

This chapter begins with a description, in Section 2, of the historical functioning of the Italian political system, which has progressively become increasingly polarised. As will be shown in Section 3, this polarisation has spilled over into the institutional sphere, leading to the marginalisation of Parliament in favour of the executive branch and legislation originating from the Government, in part due to an institutional design that is not compatible with an increasingly competitive democracy. Sections 4 and 5 will address issues that appear to move beyond ordinary policy conflict and take on the features of a disruptive clash over the very nature and functioning of the liberal-democratic system. These sections will examine, on one hand, the controversial relationship of FdI to the Fascist legacy (Section 4), and, on the other, the institutional reforms that the current centre-right government aims to implement (Section 5, with two specific focuses on the direct election of the head of government (5.1) and on the reform of the judiciary (5.2)). Section 6 will focus on specific policies of Giorgia Meloni's government that do not entail constitutional amendments but are nonetheless extremely divisive, such as policies on immigration and security. Section 7 will conclude by highlighting the growth of dissensus among political forces during the Meloni government. Dissensus over policy goals is considered severe; when it comes to questions related to institutional reforms, dissensus is more disruptive. Although these reforms, taken individually, do not necessarily raise concerns in relation to the core principles of liberal democracy, their combined effect may put the rule of law and the separation of powers under strain. The possible use

of a referendum in each case may lead to a destructive conflict between two opposing political forces clashing over the fundamentals of liberal democracy.

2 THE ITALIAN POLITICAL SYSTEM: AN OVERVIEW

Italian democracy was born from political parties with opposing visions of the model of society, economy, and the role of the State therein. In 1946–47, a constitutional compromise was reached between the main parties represented in the Constituent Assembly, i.e. Christian Democrats, Socialists, and Communists (Romanelli, 2023), leading to the Constitution of 1948. The constituent compromise had three central points: the rejection of the Fascist regime and the autocratic conception of the legal system (Caruso, 2024); proactive openness to international legal systems and organisations (Faraguna, 2018, p. 81); and the centrality of the human person in his or her social relations, according to an interpretation that combined the communitarian personalism of the Catholic forces and the materialism of the Socialist and Communist parties (Cheli, 1978). This compromise marked the constitutional perimeter of the political system; that is, the dividing line that defined who was part of the system legitimised by the new Constitution, the so-called *arco costituzionale*. The only political party excluded from this cooperation was the post-Fascist Movimento Sociale Italiano (MSI; see Section 5 below), as it openly declined to recognise the anti-Fascist nature of the constitutional compromise.

Despite the broad approval of the Italian Constitution in December 1947, its adoption occurred in a deeply polarised political climate. Italy's alignment with the United States through the Marshall Plan and its ratification of NATO alienated the Socialist and Communist parties, leading to their exclusion from government after 1948. This marked the beginning of the *conventio ad excludendum*, which excluded the PCI despite its size and relevance. Affected by this division, the Constituent Assembly reached a compromise on its institutional design: symmetric bicameralism, a weak executive branch, and an electoral system fully based on proportional representation. These arrangements sought to avoid political dominance and ensure constitutional balance.

The *arco costituzionale*—a tacit consensus among parties loyal to the Constitution—allowed for cooperation on key reforms, even amid deep ideological divides. This unity helped the system survive crises like the terrorism of the 1970s and facilitated major social reforms, including divorce, abortion, and public healthcare laws. Italian liberal democracy was thus characterised by inclusivity in matters of constitutional relevance but sharp fragmentation in day-to-day politics (Barile, 1958).

Indeed, in the first 40 years of the Italian Constitution, Parliament played a crucial role as an institution in which both the majority and the (systemic) opposition legitimately contributed to the political bargain. The absence of external controls strengthened the centrality of Parliament: the autonomy of politics was protected as part of the constitutional order. There are, therefore,

no mechanisms or procedures typical of the *Schutz der Demokratie* that exist in Germany or Spain, no control of the constitutionality of political parties by the Constitutional Court, and no penetrating scrutiny over parliamentary procedures.

The early 1990s were marked by the collapse of Italy's postwar political framework due to external and domestic crises, including the end of the Cold War, corruption scandals, and public disillusionment. The dominant parties of the Republic disappeared, and the fundamental solidarity of the *arco costituzionale* vanished with them. New electoral laws pushed towards a bipolar, majoritarian, and therefore competitive system. Yet institutional reforms lagged behind, and governance remained fragile (Scoppola, 1996).

Silvio Berlusconi emerged as a central figure in a new era of polarised but internally fragmented coalitions. His tenure was marred by personal scandals, legal conflicts, and accusations of self-serving policies, culminating in a loss of credibility during the 2008 financial crisis. This led to the technocratic Monti government in 2011, ushering in new anti-establishment movements like the Five Star Movement (M5S), which evolved from systemic opposition to government participation.

The trajectory of the M5S and the repositioning of Giorgia Meloni's FdI illustrate a growing strategic alignment with EU institutions, even before electoral victories. These shifts suggest that both the assumption and the anticipation of governing responsibilities drive parties towards more pragmatic and pro-European stances (Piccirilli, 2023, p. 164).

3 THE CONSEQUENTIAL INVOLUTION OF LAWMAKING AND THE MARGINALISATION OF PARLIAMENT

Parallel to the evolution of the political framework, we have witnessed a progressive involution of lawmaking methods and procedures, which today can undoubtedly be described as alarming.

In the early phase of the Republican period, with all the parties of the *arco costituzionale* participating extensively in policy making, most laws were approved at the Committee stage, with extensive use of logrolling practices (Giuliani, 1997). In the following period, as Parliament was losing its central role, there was a progressive shift of regulatory powers to the Government, with extensive use of decree-laws and delegated legislation (Cox et al., 2008). Beginning in the years of bipolarism (from 1994 onward), the technique of maxi-amendments has progressively become established (i.e. government amendments to the law with vote of confidence on them), making the elaboration of laws less and less democratic and reducing the role of Parliament to that of a ratifying body for decisions taken mostly by government offices (Piccirilli, 2021, p. 379).

Today, maxi-amendments are the main procedure for approving laws in Italy. This is concerning not only because they lead to the approval of laws with heterogeneous content, given that, in many countries, there are also

recurrent practices of omnibus legislation (Bar-Siman-Tov, 2021). The real problem is the absolute marginalisation of Parliament in the approval of laws by this procedure: entire bills, which can include hundreds if not thousands of clauses, are approved with a single vote, and this vote serves to confirm the support of the MPs for the Government. When the Government decides to use this procedure (which happens more and more frequently and for the most important laws, including the annual budget), no changes of any kind are allowed, and the proposal is voted on as a whole with a single approval.

The use of this method has continued regardless of political shifts from Draghi's broad coalition to Meloni's majority-based government: both have relied on confidence votes and omnibus measures, undermining bicameral debate.

This legislative dysfunction has eroded public trust (Tafari, 2022). Voter turnout has fallen sharply, and Parliament is perceived more as a burden than a democratic forum. In response, the 2020 M5S-backed constitutional reform reduced the number of MPs by over a third. However, since the reform's implementation in 2022, parliamentary efficiency has not improved, and the use of maxi-amendments has even increased.

4 THE NEW RULING PARTY: *FRATELLI D'ITALIA* FROM POST-FASCISM TO A-FASCISM?

In this new scenario, with a marginalised Parliament unable to perform its traditional functions of integration and mitigation of extremism, the new ruling party *Fratelli d'Italia* proudly claims not to have common cause with the parties that founded the Republic and approved the 1948 Constitution. We will summarise the party's origins and how it achieved electoral success in 2022.

After 1943, opposition to Fascism was the main unifying factor among political parties, as reflected in Final Provision XII of the Constitution, which forbids re-establishing the dissolved Fascist party. While liberals preferred an a-Fascist Constitution (Croce, 1944), the majority saw anti-Fascism as the ideological foundation to ensure that "what happened once may never happen again". The provision was rarely applied, and never against MSI, a political party whose electoral support ranged between 4% and 7% during the first 40 years of the Republic. MSI was tolerated for political reasons but excluded from the *arco costituzionale* and was thus unable to take part in policymaking. This "objective" ban was complemented by a "subjective" political barrier (Pezzini, 2024, p. 322).

After the end of the Cold War, MSI's secretary, Gianfranco Fini, transformed the party into Alleanza Nazionale (AN). The 1995 Fiuggi Manifesto affirmed "without reticence [...] that anti-fascism was the historically essential moment..." while rejecting its ideological use. This shift enabled AN to join the Government and merge into the People's Party (PdL, a large political formation led by Berlusconi that aimed to unify all Italian conservatives).

Fini later condemned Fascism as “absolute evil”. After PdL’s collapse, former members of the party founded FdI, which has been led since 2014 by Giorgia Meloni (the former head of AN’s youth organisation), with a centralised leadership and no party congresses since 2020. After being the only party to oppose the Draghi government during the COVID-19 pandemic, FdI gained vast popular support and suddenly became the most popular party in the general elections in 2022.

Following the Fiuggi line, Meloni rejects both Fascism and ideological anti-Fascism, framing herself as an “underdog” excluded by leftist cultural dominance. She condemns totalitarianism and racial laws but denounces 1970s militant anti-Fascism for prolonging conflict. This creates a divide between historical anti-Fascism—which Meloni considers positive but transitory—and ideological anti-Fascism, which she calls “equal to and contrary to fascism”. Meloni’s generation is described as a-Fascist democrats, “anti-anti-Fascists” rejecting claims that only some anti-Fascists embody Italian democracy (Vassallo & Vignato, 2024). Yet the extent to which this approach is genuinely shared across the entire party, and the nature of its ties with minority neo-Fascist movements, remains to be seen in the coming years.

The Italian political spectrum also includes openly neo-Fascist organisations, such as CasaPound and Forza Nuova. Their platforms and their pronouncements are expressly xenophobic, which risks the parties’ dissolution for violation of Final Provision XII of the Constitution.

The anti-Fascist vocation of the Constitution is a fundamental principle of Italy’s liberal democracy and a core element of the Republic’s constitutional identity. A challenge to this aspect of the Constitution would amount to *destructive dissensus* aimed at re-founding the democratic system. However, the marginal role of neo-Fascist organisations and their lack of formal connection with government parties contribute to a level of dissensus that remains merely *disruptive*.

5 DRAFT CONSTITUTIONAL AMENDMENTS PROPOSED BY THE MELONI GOVERNMENT

The two constitutional amendment bills proposed by the Meloni government are a clear sign of its ambition to modify the current status of liberal democracy in Italy. These are the only two proposals to amend the Constitution that have been introduced by this government, and each one affects crucial areas of the separation of powers.

The first proposed amendment concerns the direct election of the President of the Council of Ministers and would profoundly change the relationship between legislative assemblies and executive power. The second aimed to make a strict distinction between prosecuting and judging magistrates, separating the bodies responsible for protecting the autonomy of the judiciary. It also aimed to reduce partisanship in these bodies by replacing existing electoral mechanisms with a random selection of members. Although the former seems

to be blocked and the second was eventually rejected by referendum, the method followed in Parliament for their discussion and the ultimate aims of their content show a disruptive dissensus vis-à-vis the core values of the 1948 Constitution.

The Direct Election of the Head of Government

The possibility of reforming the form of government in Italy has been under discussion for over 40 years. In general, there is a widespread belief among politicians and in society that the Government is too weak, especially because it relies on a unique parliament made up of two Houses, which are both elected directly by the people and whose confidence the government must simultaneously maintain (Mair et al., 2011). The difficulty in forming stable and cohesive majorities (as well as coherent majorities between the two Houses) is one of the causes of the great instability of Italian politics: between 1948 and 2025, Italy has seen 68 different governments led by 31 different Presidents of the Council of Ministers.

Since the early 1980s, the issue of institutional reform has been a permanent feature of the political debate. There have been many attempts to amend the Constitution in this respect, but they have never succeeded. Parliament passed extensive constitutional reforms twice (in 2006 under the Berlusconi government and in 2016 under the Renzi government), and in both cases, the people blocked them by means of a referendum.

The current proposal for constitutional reform aims to introduce an unprecedented form of direct popular election of the Head of Government, which would also lead to the formation of homogeneous majorities between the two Houses of Parliament in support of the elected President. Parliament would still have the option to withdraw its confidence in the Prime Minister, which would result in both the dissolution of Parliament and the calling of new elections, both for a new Prime Minister and for new Houses of Parliament.

Again, the system outlined in the reform bill would be unprecedented. There are some similarities with the Israeli system between 1992 and 2003. However, the Israeli model differed in several ways (such as the unicameral system, the fact that the vote for the election of the Knesset was separate from that for the Prime Minister and, therefore, there was no guaranteed majority in the Knesset to support the latter) and, in any case, it is significant that that experiment was abandoned only after a few years.

Most of the concerns raised by commentators are related to a profound and twofold break with the choices made at the time the 1948 Constitution was established. First, the transfer of direct popular legitimacy from Parliament to the Head of Government would definitively transform a democracy based on pluralism and the centrality of parliamentary representation into a mechanism for the investiture of an individual. Second, and in consequence, the confidence relationship between the legislature and the executive would be reversed: both the composition of the legislature and its capacity to govern

until the end of its term would depend only on the stability of governmental leadership (Schillaci, 2024, p. 424).

In practice, the approval process for the proposal seems to have slowed down significantly. After approval by the Senate in the spring of 2024, the Chamber of Deputies only held expert hearings and did not proceed further with the discussion. In fact, from Meloni's statements, it seems possible that this proposal will be abandoned to be replaced by a reform of the electoral law. The objective would still be to strengthen the coherence between the composition of Parliament and the leadership of the Government, but the path would be much easier for the majority. The Italian Constitution, in fact, allows citizens and parliamentary minorities to request a referendum on constitutional amendments that the Parliament has approved with a majority of less than two-thirds. Such a referendum that lacked a quorum would risk polarising public opinion, as has already happened, with negative outcomes, for Berlusconi in 2006 and for Renzi in 2016.

The Reform of the Judiciary and the Separation of Judges and Prosecutors: a Liberal Solution?

The Italian Constitution establishes a strong judiciary, unifying judges, and public prosecutors in a single order. This was a deliberate choice made by the Constituent Assembly, which considered it appropriate to include public prosecutors within the judicial system, rejecting proposals to place them instead under the authority of the Minister of Justice (as proposed by the Christian Democrats, thereby reproducing the structure in place under the Fascist regime) or, even, to make them elected (as proposed by the Italian Communist Party). Article 105 of the Constitution entrusts the High Council for the Judiciary with decisions on magistrates' careers, including hiring, assignments, promotions, and disciplinary measures. Article 112 establishes compulsory prosecution, ensuring that prosecutors act on any crime report required by law. The High Council consists of three members *ex officio* (the President of the Republic, the Chief Justice of the Court of Cassation, and the General Prosecutor of the Court of Cassation) plus 30 others, of whom two-thirds are from among the judiciary (*membri togati*) and one-third are elected by Parliament (*membri laici*).

Over time, the judiciary evolved from a bureaucratic body to one implementing constitutional values (Maranini, 1965). In the 1990s, following corruption scandals, it took an antagonistic role, particularly through *Mani Pulite*, which helped to collapse Italy's political class (Hogic, 2023, p. 128). Investigations fueled the *cirque médiatico-judiciaire* (Larivière, 1993), that is, the tendency of the judiciary to shift judicial investigations onto the media stage, relying on compliant journalists to secure the support of public opinion, thereby giving consistency to the sentiment of anti-politics that was later exploited by populist movements such as the M5S (Mete, 2022). Public sentiment evolved from a general support for the judicial removal of corrupt

politicians towards judicial populism (Della Porta, 2001, p. 15). With Berlusconi's rise, the new majority party *Forza Italia* reacted to judicial activism and adopted an opposite anti-judiciary stance, portraying magistrates as "*toghe rosse*" (Dallara, 2015, p. 67). Furthermore, there was growing distrust towards the so-called currents of the judiciary—associations that were established, beginning in the 1960s, to highlight the different (broadly political) conceptions of law among magistrates, but which, through the election of the *membri togati* to the High Council of the Judiciary, have become instruments for awarding promotions on the basis of partisan affiliation.

The parties of the current majority have found a shared priority in reforming the judiciary, partly as a reaction to these trends and partly by combining Berlusconi's legacy with a sentiment of intolerance towards countervailing powers. The proposal to separate the careers of judges and of prosecutors, which was proposed by Minister Nordio and approved by the parliament in October 2025 without any changes to the bill proposed by the government, would have created two separate High Councils. *Membri togati* would have been drawn by lot from their respective categories; *membri laici* would have been randomly selected from a parliamentary register. A new High Court would have taken over key disciplinary functions, with appeals decided internally, excluding members who were involved in the first ruling.

Concerns include a lack of consultation, the risk of partisan reform, and substantive contradictions (Gatta, 2025; Silvestri, 2025). The separation would have created an autonomous prosecutorial body akin to law enforcement, eroding a shared legal culture and prosecutors' awareness of defendants' rights. The current mixed composition of the High Council ensures mutual checks and balances; separation could reduce accountability and increase executive control. Random selection could have also conflicted with the electoral principle and undermine ideological pluralism (Caruso, 2022). Finally, concentrating procedures of first instance and appeals within the same body would have clashed with the principles of *ne bis in idem* and *nemo iudex in causa propria*.

However, this controversial constitutional amendment on the organisation of the judiciary was rejected by popular referendum held on 22 and 23 March 2026. Almost 54% of the voters (with a significantly high turnout of 55,7%) voted against it, a result that surprised most of the commentators and political actors. Certain critical aspects of these two failed reforms require further elaboration. First and foremost, neither of the two attempts has involved the opposition; indeed, the judicial reform was pushed through Parliament under a closed rule, without the approval of any amendments (including any originating from the governing majority itself). Furthermore, even in the case of dropping the premiership reform a similar risks to produce an extreme vertical concentration of power, may be reached by a highly majoritarian electoral reform, whose first steps are also been made without any meaningful involvement of the opposition.

Taken individually, the attempted justice reform must be considered as an expression of disruptive dissent: it concerned important institutional principles of Italian democracy, and the majority never involved the opposition in drafting the reform. Nonetheless, it should not be forgotten that some (minor) opposition parties voted in favour (*Azione*), while others abstained (*Italia Viva*, led by former Prime Minister Matteo Renzi).

6 DISSENSUS OVER IMMIGRATION AND SECURITY POLICIES

When discussing the basic rules of functioning of Italian democracy, there are specific aspects that characterise the Meloni government in terms of concrete policies. In particular, immigration policy and security policy are areas in which a growing climate of tension has been developing.

Migration management, a sensitive issue across the EU, is central for Italy as a country of first arrival. A key measure was an agreement with Albania, inspired by the UK–Rwanda model, to establish migrant processing centres there. A ministerial decree identified “safe countries”, whose nationals were presumed ineligible for asylum, with applications examined in Albania. However, CJEU case C-406/22 (October 2024) held that a country can only be deemed safe if it meets the criteria across its entire territory. Italian judges applied this ruling, blocking transfers or ordering returns. The government responded by amending the list via decree-law (thus elevating the rank of its source), but courts either did not apply the new rules or referred the matter again to the CJEU. The CJEU ruled (in cases C-758/24 and C-759/24) that EU law does not preclude a Member State from designating a third country as a safe country of origin by means of a legislative act, but that that designation must be subject to effective judicial review. Moreover, a Member State may not designate as a “safe” country of origin a third country which does not satisfy, for certain categories of persons, the material conditions for such a designation.

Another flashpoint was the legacy of Salvini’s 2018–2019 migration policies, including delays in migrant disembarkation. In the *Open Arms* case (Tribunal of Palermo, decision of 20th December 2024), Salvini was acquitted of kidnapping charges; in the *U. Diciotti* case (Court of Cassation, Joined Civil Sections, decision of 18 February 2025 no. 17687/24), compensation was awarded to migrants for delayed disembarkation.

Security is another policy field that has acquired a crucial role in the last few years. To bypass parliamentary debate, the Meloni government adopted a decree-law that was later converted with a confidence vote. Scholars criticised its lack of urgency (which is a prerequisite under Article 77 of the Constitution: Domenicali, 2025) and its use to create or aggravate criminal offences (Balduzzi, 2025; Dolcini, 2025). Some provisions raise constitutional concerns about the repression of dissent, such as the criminalisation of passive

resistance in detention facilities and the reinstatement of the offence of road blockades, which was aimed at climate activists (e.g. *Ultima Generazione*).

The migration and security policies pursued by the Meloni government have been sharply contested by opposition forces and social movements, revealing growing dissent and strong polarisation among political actors. Within the taxonomy proposed by Coman and Brack (2025), this dissent should be classified as “severe”: it highlights a profound disagreement between political forces but does not, in our view, amount to a form of dissent capable of endangering the cornerstones of liberal democracy. The phenomenon of migration has been perceived by all political forces that have alternated in government as a problem to be addressed: even previous centre-left governments have, in the past, responded by restricting the channels of legal migration.

It is true that the CJEU found, in the recent cases *Alace* and *Canpelli* (Joined Cases C-758/24, C-759/24), that Italian legislation violated EU standards stating that a Member State shall not designate a third country as a “safe” country if it does not meet the material conditions for such a designation for certain categories of persons. However, it is important to remember that EU law in this area will change in the near future, narrowing the gap with recent Italian legislation: in June 2026, EU Regulation 2024/1348/EU will take force, allowing designations of safe countries to be made with exceptions for clearly identifiable categories of persons and referring to the Union the task of determining the list of safe countries. This regulation thus meets the needs of the Italian Government (and of Member States’ governments more generally) by mitigating the conflict on migration policy between the government and the judiciary.

As for the security decree, although certain provisions may appear disproportionate or unreasonable, the possibility always remains for review by the Constitutional Court, which could, if necessary, neutralise the most problematic provisions.

7 CONCLUSION

The resilience to centrifugal forces on one hand and the ability to implement the principles of the Constitution through new rights on the other support the belief that at present, the basic values of the Constitution are firmly established and acknowledged in society and among the various political parties (Barbera, 2016, p. 43).

Many factors seem to contribute to an increased ability to manage and rationalise dissent, even in the extreme. The first is a longstanding ability of the political system to find its own internal balance, including in the confrontation between parties, without the need for external corrective interventions. Another is the robust independence of counter-majoritarian institutions, such as the President of the Republic, the Constitutional Court and, ultimately, the judiciary. Furthermore, EU membership also has a role to play in this process:

with integration into the institutional systems and dynamics of the EP's political groups, anchoring to European dynamics is ultimately a tool for managing dissensus. This happened in the past with the M5S, which was antithetical not only to European values but also to the foundations of liberal democracy (Piccirilli, 2023, p. 169). In some ways, it is also happening with FdI, at least insofar as the party sees European institutions as a further means of gaining credibility in order to escape the isolation that its political area of origin had suffered for decades.

Many—if not most—of these balancing features of Italian democracy are now up for debate. The autonomy granted to Parliament and the lack of external checks and balances now seem at risk of being captured by an extremely powerful Head of Government, enabled by the constitutional amendment bill. The judiciary, which represented the only significant counter to government power, risked being significantly weakened by the constitutional amendment, which has eventually been rejected by a popular referendum. Further and serious threats arise from immigration and security management, including in their connection to the application of EU law, even if the European institutions have addressed the problem. The dissensus on the principles relevant to these areas seems to expand and foster conflicts beyond the issue at hand and risks endangering the fragile equilibrium between political actors and those who are called to protect fundamental rights of migrants (in particular the judiciary and, increasingly, EU institutions). At the same time, the European Union itself and the domestic guarantor institutions (such as the Constitutional Court) appear to be a solid barrier against authoritarian overreach.

Similar conclusions can be drawn regarding the value of anti-Fascism: although it is framed within a partial narrative that is primarily linked to the political clashes of the 1970s, FdI can be considered a party that, at least at the level of its leadership, identifies with this value. What remains to be further examined are its relations with certain extremist factions that openly declare themselves anti-Fascist. As for institutional reforms, it does not seem that, taken individually, they could in themselves lead to a departure from liberal democracy and thus a form of destructive dissent, in part because, particularly in the case of the reform of governmental structure, these issues have long been under discussion. However, the combined effect of the two reforms must be assessed, especially in a context where the opposition's contribution is marginal if not altogether absent.

A few years ago, an influential editorial published in *European Constitutional Law Review* proposed a prophetic and, at the time, counterintuitive reading of the risks to the future of the European Union. Whereas most of the literature at the time focused on rule of law backsliding, the authors claimed that democracy was instead the most important topic to address in order to understand the most serious threats to fundamental values of society (Besselink & Reestman, 2017, p. 219). Now, with reference to Italy, this chapter offers the opposite view. The Italian model of liberal democracy has

always had a tradition and an inclusive capacity that seems able to support a high level of heterogeneity among political actors. What is challenged is instead the long-term ability to maintain the principles of the rule of law, the separation of powers, and the independence of the judiciary. In other words, recalling the theoretical framework of the analysis, the level of heterogeneity of actors' goals remains significant, at a minimum. The conflict involves not only the practice but also the principles of liberal democracy. The dissolution of political conventions of the past means that there is no longer a capacity for the inclusion and domestication of dissensus. This is an extreme and probably unprecedented stress-test for the political and institutional system, and the prospects for its management could not be more unclear.

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Editors

The Palgrave Handbook of Dissensus over Liberal Democracy in Europe

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