

Italy's Meloni government pushes judicial “reform” in preparation for massive opposition to war and austerity

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Italy's confirmatory constitutional referendum, scheduled for March 22–23, 2026, represents the most significant challenge to the Italian Republic's architecture since the adoption of the 1948 Constitution. Presented by the government as a technical judicial fix—the “Nordio Reform,” named after Justice Minister Carlo Nordio—the proposal is, in reality, a far-reaching assault on the balance of power.

At its core, the reform seeks to separate the career paths of judges and prosecutors, split the High Council of the Judiciary (CSM) into two distinct governing bodies and establish a new High Disciplinary Court composed through sortition (random selection).

These measures would dismantle the unified judicial order established by the postwar constitution, fundamentally altering the relationship between the judiciary, the executive, and the legislature. This reform must be viewed alongside the government's broader “Premierato” project, which proposes the direct election of the prime minister and a guaranteed parliamentary majority for the winning party. Together, these initiatives represent a systematic attempt to centralize power in the executive and weaken the state's internal checks and balances.

The referendum constitutes a serious attack on democratic rights by the government of the fascist Giorgia Meloni, who is attempting to capitalize on the justified frustrations toward a justice system that disproportionately penalizes workers. It arrives amid growing social opposition to war, state repression, and the genocide in Gaza, as well as a surge in strikes since last summer. The ruling class is visibly strengthening its instruments of authority in anticipation of mounting social conflict.

The 1948 Constitution was drafted in the shadows of Mussolini's collapse. It was heavily influenced by decades of class struggle, including the global impact of the Russian Revolution 30 years prior, even if that influence was often channeled through the distorted lens of reformist socialist and Stalinist parties.

A central mission was to prevent the reemergence of dictatorship through a system of institutional balances, ensuring no single authority could dominate. Within this framework, the judiciary was conceived as a unified body. Because judges and prosecutors belonged to the same professional corps and were governed by a single CSM, the structure guaranteed that criminal prosecution could not be subordinated to political whims.

Italian constitutional theory describes this as the *pouvoir neutre*, a neutral balancing authority. Historically, this equilibrium rested on the independence of the magistracy, the mediating role of Parliament and the discretionary powers of the president of the Republic. For decades, this architecture stabilized a country marked by intense class conflict and political fragmentation. However, this stability rested on specific historical conditions: postwar reconstruction, the presence of mass workers' parties and the Cold War geopolitical framework.

Over the past 40 years, the structural crisis of capitalism has eroded this equilibrium. The dismantling of the welfare state, driven by finance capital and EU-mandated austerity, has produced chronic instability. Since the 1990s, successive governments have sought to “modernize” the system to suit globalized capital. Electoral laws were modified to produce artificial majorities, expanding executive authority through emergency decrees and reducing Parliament's deliberative role.

The separation of judicial careers is not a new invention of the current right-wing coalition. It has been a long-standing project of various political and professional circles. The Radical Party was an early advocate, arguing that an adversarial criminal system requires a strict wall between judges and prosecutors. In 2000, they organized a referendum on the issue, supported by the Socialists and Republicans, which failed due to a lack of quorum. Similar efforts surfaced in 2022 via the Lega and the Radicals; though they failed, they helped manufacture a political

consensus around restructuring.

Professional organizations like the Union of Italian Penal Chambers (UCPI) have also lobbied for this change, arguing that “osmosis” between prosecutors and judges undermines neutrality. Liberal think tanks, such as the Luigi Einaudi Foundation, have framed the unified the judiciary as an “outdated” model incompatible with modern legal standards. These arguments have now been embraced by the Fratelli d’Italia, Lega and Forza Italia coalition, among others.

The Democratic Party (PD) and the Five Star Movement (M5S) now cast themselves as the defenders of the Constitution against the Nordio reform. Their opposition, however, is marked by deep historical hypocrisy. For decades, leading PD figures like Massimo D’Alema, Luciano Violante, and Franco Bassanini signed legislative proposals advocating for the separation of judicial careers. In 2007, the Prodi government even passed a bill incorporating elements of this separation.

As recently as 2019, a PD congress motion described the reform as “unavoidable.” Furthermore, PD governments frequently sought to strengthen the executive; Matteo Renzi’s “Italicum” electoral law provided a majority bonus similar to what the current “Premierato” proposes.

The Five Star Movement followed a similar trajectory. Born from “Vaffa-Day” protests against the “party-ocracy,” it quickly integrated into the institutional framework it once condemned. Their primary constitutional achievement, the 2020 reduction of parliamentarians by one-third, has actually contributed to the weakening of the very Parliament they now claim to protect.

One of the most radical aspects of the Nordio reform is the High Disciplinary Court composed via sortition. Supporters claim random selection will eliminate “correntismo” (factionalism) and restore public confidence. In reality, the measure risks hollowing out the magistracy’s professional accountability while opening disciplinary procedures to external political pressure.

Splitting the CSM into two bodies destroys the unified structure that has historically protected the autonomy of criminal prosecution. Prosecutors would effectively lose independence and become a separate category, potentially subject to executive subordination, a trend seen in other legal systems that have moved toward authoritarianism.

The combined weight of the Premierato and the Nordio reform would effectively collapse the two pillars of postwar stability: parliamentary mediation and judicial autonomy. This is not an isolated Italian phenomenon; comparable developments in Poland and Hungary have shown how restructuring the judiciary serves to consolidate executive power and erode democratic safeguards.

What distinguishes the current moment from the rise of

20th-century fascism is the absence of a mass fascist movement. Giorgia Meloni’s government does not possess overwhelming political legitimacy. Many who feel inclined to support the referendum do so out of frustration with a judicial system perceived as punishing workers while ignoring the corruption of the elite.

Yet, this disillusionment is a symptom of a deeper crisis. Italy is experiencing mounting opposition fueled by economic stagnation and the militarization associated with NATO’s posture toward Russia and the expanding wars in the Middle East, especially in Iran. Despite widespread opposition among workers and youth, European governments have aligned themselves strictly with US and Israeli interests. In Italy, this dissent has manifested in strikes, protests against repression and anti-war demonstrations.

The March 2026 referendum is part of a broader restructuring of the state in anticipation of future social upheavals. By weakening judicial independence and concentrating power in the executive, the reform clears the path for more aggressive authoritarian measures. It is a deliberate step in dismantling the safeguards established after the defeat of Mussolini.

Ultimately, the defense of democratic rights cannot be entrusted to the political parties—right or nominal center-left—that paved the way for this erosion over the last 30 years. The struggle against authoritarianism is inseparable from the struggle of the working class against war, austerity and the capitalist system. Only through independent political mobilization and a fight for genuine socialism can the working class defend democratic rights and oppose the drive toward authoritarian rule.



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