



Politica

Italy's Monstrosity

Tim Parks, The Wall Street Journal, 09-01-2007

VERONA, Italy -- For the five years of the Berlusconi government, Italy could be presented more simply than usual. Silvio Berlusconi was to blame -- for everything. Owner of three of the country's six TV networks, together with large areas of press and publishing, he clearly should not have been eligible to be prime minister as well. On trial for more than a decade for corruption of various kinds, it was at least plausible that his purposes in seeking power were evil. To foreign correspondents in Rome who despaired of explaining the complex machinations of Italian politics, its fragmented coalitions and institutionalized procrastination, this prime minister was a godsend: easy to condemn, colorful to boot. The simplistic view was epitomized in Tobias Jones's book "The Dark Heart of Italy" (2003) which carried a photo of the triumphant Berlusconi on the cover; it was a cheap equation.

Now that the man is out of power, there is some nostalgia for the easy copy. The recent discovery of frequent illegal access to the tax declarations of present Prime Minister Romano Prodi and his family in the run up to last April's elections led the BBC, among others, to suspect that Mr. Berlusconi had been planning a smear campaign. Later it emerged that Mr. Berlusconi himself had been subject to the same prying, but the BBC did not give this news prominence.

On Nov. 26, when the media magnate and leader of the country's center-right opposition fainted while addressing a political meeting, many suggested this was a sham to allow Mr. Berlusconi to ask for postponement of the trial which sees him accused, along with the English lawyer David Mills, of corrupt practices in the purchase of television rights. The trial was indeed postponed, for a few days when, a week before Christmas, Mr. Berlusconi flew to the U.S. for heart surgery.

Two recent events that have received little international coverage suggest how complex is the context in which the "monstrosity" of Berlusconi must be understood.

On Nov. 30, to everybody's immense surprise, Italy's highest court, the Cassazione, overturned the guilty verdict in an interminable trial that had seen Mr. Berlusconi's lawyer and friend Cesare Previti convicted of bribing a judge on his behalf. As prime minister, Mr. Berlusconi was frequently accused of tampering with the law to save himself and his friends from prison. (One measure permitting the over-70s to serve their sentences under house arrest was in fact known as the "save-Previti law.") So it is strange, now that the villain is out of power, to see this verdict against his closest collaborator being overturned, as if his claims that he and his team had been the victims of legal persecution were valid.

It is also strange that the parties now in power, having so vociferously attacked Mr. Berlusconi's tinkering with the law, should have introduced into the country's annual budget an amendment that limited the period during which a public administrator can be tried for corruption, this apparently to help some friend in need.

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Both stories are complicated.

In 1986, before entering politics, the businessman Silvio Berlusconi contested the sale of state-owned food-processing giant SME, with 18,000 employees, to rival magnate Carlo De

Benedetti, claiming that the company had been deliberately underpriced. Mr. Berlusconi won the contest in court but nine years later a witness told magistrates in Milan that the judge in the case had been bribed.

A trial against Messrs. Berlusconi, Previti and others finally got under way in 2000, but in 2003 the Berlusconi government passed a law under which the prime minister could not be asked to face trial while in office. Although this law was quickly ruled unconstitutional by the high court, the case against Mr. Berlusconi had already been detached from the main trial and he was acquitted in 2004.

Mr. Previti meantime had appealed to the highest court, claiming that the magistrates in Milan had a left-wing agenda, were persecuting him and as a result the trial should be moved. The claim was rejected and Mr. Previti was condemned and sentenced to five years, but did not go to prison since all verdicts in Italy can be appealed and sentences are not executive while under appeal, a state of affairs that does not encourage responsibility on the part of judges at the first trial.

In 2005, Mr. Previti was condemned again on appeal. With the Berlusconi government voted out of power last spring, his position seemed hopeless until on final appeal to the highest court his claim that the case should not have been held in Milan was this time upheld.

There was general astonishment. In an interview with *Corriere della Sera*, however, Judge Nicola Marvulli, head of the high court, explained that in 2003, although the court rejected Mr. Previti's accusations of persecution, it warned the magistrates in Milan that if the accused requested transfer of the trial for technical reasons, they would be bound to grant it since the alleged crime had occurred in Rome, not Milan. Mr. Marvulli does not understand, he says, why the Milanese magistrates insisted on continuing the trial themselves when they knew that a verdict there would be vulnerable.

What is an Italian to make of all this? Did the magistrates in Milan fear that other courts would not be so assiduous as themselves in pursuing Mr. Previti? If so, why? Did they themselves, as the defendants claimed, have motives beyond the strict application of the law? Or is it rather the highest court of appeal, as many believe, that has simply found a technical point over which it can act to defend old friends?

The constant fear that nobody, individual or institution, is acting truly independently or exclusively in the country's interests brings us to the Prodi government's first budget. It is hard for those who have not lived in Italy to understand how painfully drawn out the process of arriving at a budget is here. The government proposes a series of measures at the end of summer, which are then torn to pieces, revised, removed, reinserted and revised again before the deadline for passing the package at the end of the calendar year.

Since the Prodi government inherited a huge budget deficit but has only the slenderest of majorities in the senate, the budget process this time round was spectacularly unedifying with major concessions being made not only to the smallest parties in the coalition, but to single deputies. In a lobbyists' paradise, almost all privileged benefactors of state money escaped without facing serious cuts (the universities were a curious exception) while the government simply raised revenue through taxes, in particular a higher income tax for the better off. Given that the country's main fiscal problem is evasion, with only little over 300,000 citizens, for example, declaring incomes over \$120,000, it is hard to see tax increases at the top end as a solution. Many high earners who declare little will actually benefit from the slight tax reductions for the lower income brackets.

As the sense of fiasco surrounding the proposed budget intensified and the December deadline approached, the government proposed a single "maxi amendment" of 1,365 separate points and asked for a vote of confidence on the package in the Senato, an unusual procedure, on Dec. 15.

At the last moment, however, it was discovered (by bureaucrats rather than politicians) that somebody had inserted a clause that significantly limited the time during which a public official can be tried for fiddling state accounts. Amazingly, no one seemed to be responsible for this. Members of the cabinet denied any knowledge. At this late stage, however, the

amendment had to be passed in its entirety or the government would fall. Afterward, under pressure from the minister of infrastructures, a decree was passed to cancel the amendment, at which point, to everyone's surprise, it was defended by none other than the minister of justice.

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In a series of books and articles the historian and journalist Paul Ginsborg has suggested that the Berlusconi phenomenon represents "a bald attempt to reassert forms of private control over the state, a modern version of an ancient patrimonialism." Certainly the man's decision to remain as party leader despite electoral reversal, age and health problems indicates the logic of dynasty rather than the prevalence of democratic party politics.

All the same, one cannot help feeling Mr. Berlusconi is only singled out for the extent of his past success, his colorful style and aggressive manner. For he is hardly the only player. The social dynamic by which everybody suspects everyone else of bad faith and ideology is always seen as a cover for faction remains endemic in Italy. It thus becomes difficult for a politician or indeed businessman to renounce any chance of power, or step back from any potentially useful association, however ambiguous, since there is the fear that without power one will be vulnerable to opposing factions or even to the supposedly independent but perhaps manipulated organs of the state.

Paranoia abounds. Everywhere old men cling on, supported by those who took their patronage. In the meantime, observing the evident perversity of public life, its general atmosphere of free-for-all in every department, the average Italian is tempted to feel that tax evasion is his inalienable right.

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