



A setback for Silvio

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THE 17 years since Silvio Berlusconi entered Italian politics have been characterised by an endless courtroom war, with the much-prosecuted media magnate on one side and Italy's judges and prosecutors on the other. Mr Berlusconi's supporters had hoped a ruling from the constitutional court on January 13th would



in the evening, it made it likely, not only that hostilities would recommence, but that they would prove even more debilitating for Italy's prime minister and his already semi-paralysed government.

The court had been asked to decide on the constitutionality of a measure approved in March 2010. This enabled any cabinet minister who was put on trial to have the proceedings suspended by getting the prime minister's office to attest that his official duties constituted a "legitimate impediment" to his appearance in court. (Of course, in most normal democracies, a minister ceases to be a minister long before he comes to trial. But this is Italy.) In practice, Italian defendants rarely attend their own trials. And, since Mr Berlusconi is the only minister in his government who faces prosecution, his critics argued it was simply a wheeze specifically designed to keep him out of trouble.

The constitutional court did not throw out the law altogether. But the judges concluded that the mechanism it set up was an unacceptable form of self-certification. They handed to the trial judge the authority to decide, on a case-by-case basis, what was, and was not, a legitimate impediment.

Mr Berlusconi's followers protested that this was tantamount to giving the judiciary, which they accuse of harassing the prime minister, a wholly inappropriate power to assess the importance of political commitments. Opposition MPs were delighted with the ruling, which was backed by 12 of the court's 15 members.

The immediate effect will be to put Mr Berlusconi back on trial. Indeed, he faces no less than three trials for alleged offences that include corruption and fraud. But the decision—the reasoning for which has yet to be given—also appeared to leave him room for manoeuvre. Having insisted on his right to be in court, Mr Berlusconi can be expected to protest when the trials get underway that he cannot attend because of pressing government business. As soon as one of his justifications is dismissed, he can be similarly expected to prompt a showdown. The law allows him to contest the judge's decision in the constitutional court.

That alone has political implications: it offers yet another way for the workings of the Italian government to be slowed down by the conflicts of interest that have been inherent in Mr Berlusconi's position since the day he entered politics. But there are others.

After narrowly surviving a no-confidence vote last month, the prime minister badly needs to shore up his parliamentary majority by wooing lawmakers susceptible to argument or inducement. But to achieve that he needs to appear strong, and the constitutional court has made him more vulnerable. Its ruling makes it more likely, though not yet probable, that Italy will have an early election.

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