

The Legislative Activity of the Government in Figures: The Prodi I, Berlusconi II, Prodi II and Berlusconi IV Executives Compared

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Abstract: This article evaluates the legislative activity of the fourth Berlusconi government, eighteen months after it took office, against other 'majoritarian' governments of the most recent past, namely Prodi I and II and Berlusconi II. It considers the overall volume of legislative activity of the four executives and the types of measures they sought to promote in Parliament (with particular attention being devoted to emergency decree-making). Moreover, it analyses the 'programmatic nature' of government initiatives, the use the governments have made of votes of confidence, and the rate of success of the governments' initiatives in Parliament. The medium-term tendency seems towards a certain degree of rationalisation of the legislative activity of Italian executives, yet a diachronic analysis of the data reveals that in itself the legislative process in Italy remains 'unbalanced', 'rationalised' to only a limited degree. In particular, the fourth Berlusconi government has been able to proceed promptly towards the realisation of its distinctive legislative objectives but it has done so essentially by by-passing the ordinary legislative process and by relying massively on exceptional procedures, such as decree laws and confidence votes.

Keywords: Berlusconi government, Prodi government, decree law, confidence vote

Introduction

The basic objective of this article is to supply information useful for analysing the legislative activity of the fourth Berlusconi government eighteen months after it took office. This is a period of time sufficiently ample to enable us to begin to look for relatively solid empirical evidence of the characteristics, the peculiarities and the successes of the Government's activity in Parliament – as well as the obstacles it faced.

At the same time, we think it will be rather useful to conduct such an analysis from a diachronic perspective. The Berlusconi IV executive took office about fifteen years after the start of the so-called Second Republic. It is the product of a party and parliamentary system that was significantly transformed and simplified as a result of the general election of 2008 (Corbetta, 2009). It is an executive which, as we have already seen through

the pages of this journal (De Giorgi and Marangoni, 2009), has a number of distinctive characteristics, including, a relatively solid parliamentary majority; a high level of concentration of ministerial portfolios in the hands of the party of relative majority; a relatively powerful head. By comparing the activity of the executive now in office with that of the 'majoritarian' governments¹ of the most recent past – that is the Prodi I, Berlusconi II, and Prodi II governments – the analysis undertaken here, though essentially of a descriptive nature, may, indirectly, enable us to shed light on the impact the current government's distinctive characteristics have had on its activity.

We compare the activity of the four governments in the field of legislative initiatives and organise our discussion thus: the following section considers the overall volume of legislative activity of the four executives and the types of measures they sought to promote in Parliament (with particular attention being devoted to emergency decree-making). The section following concentrates on the 'programmatic nature' of government initiatives, that is, the extent to which governments' initiatives have been conducive to the fulfilment of the objectives set out in their election manifestos. Then we consider the use the governments have made of votes of confidence. The penultimate section offers some information about the rate of success of the governments' initiatives in Parliament. The analysis as a whole is, obviously, conducted using the same time frame in each case: it therefore considers the first eighteen months of activity of each of the governments here considered.

The volume of government initiatives

In considering the number of legislative initiatives taken by the governments in Parliament, it is first necessary to clarify a methodological point: the data for the first Prodi government are net figures in that they do not include every instance in which a decree law remaining unconverted into ordinary law is then re-issued. In other words, for each series of such instances, only the last one is counted.²

That said, the data shown in Table 1 provide some interesting material for reflection. The absolute number of legislative initiatives taken by the fourth Berlusconi government is significantly lower than the number of initiatives taken by each of the other three executives here examined. More generally, Table 1 shows a clear downward trend in the number of initiatives taken by Italian governments. This is a process of contraction that is clearly evident in the passage from the first Prodi government (with 486 proposals launched in the first eighteen months) to the second Berlusconi government (with 258 bills in the same time period) but which then follows a rather constant trend over time. Thus, during the first year-and-a-half of the fourth Berlusconi government, the number of bills the cabinet presented to Parliament was about 30 per cent of the number

presented over ten years earlier, in the same time period, by the first Prodi government.

Besides being a consequence of processes of simplification and *delegificazione*,³ the figure is, perhaps, an indicator of a certain degree of ‘rationalisation’ of the legislative activity of Italian governments, something that manifests itself as a reduced quantity of initiatives concentrated on a limited number of priorities shared by the parties making up the governing coalition. We will come back to this issue in the second section. Before that, however, we turn our attention from the volume of legislative initiatives to the ‘instruments’ used by the Government in placing its legislative proposals before Parliament. We focus, in particular on the use of emergency decrees. These are instruments of an exceptional nature, ones which, however, have traditionally been used amply by Italian governments in seeking to further their legislative agendas (Vassallo, 2001; Della Sala and Kreppel, 1998).

Table 1: Governments’ legislative initiatives during the first eighteen months in office

Executive	Ordinary bills	Ratifications	Decree laws	Total
Prodi I	193	178	115	486
Berlusconi II	97	86	75	258
Prodi II	100	71	36	207
Berlusconi IV	43	68	44	155

Source: CIRCaP database on Italian governments’ legislative activity

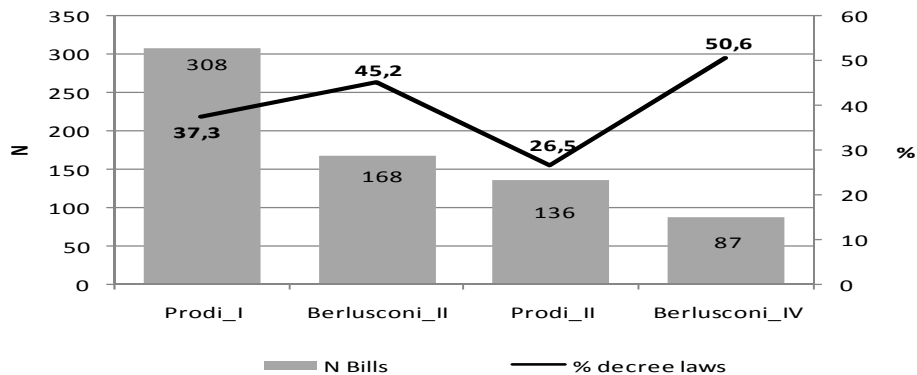
Emergency decree-making

Figure 1 shows the relative weight of emergency decrees in the overall total of legislative measures launched by the cabinet. We consider only the most ‘significant’ measures, in other words, those that most directly concern the implementation of the Government’s policies, thus excluding from the calculation bills to ratify international treaties and agreements. Consequently, the columns shown in Figure 1 represent the number of proposals presented to Parliament minus those ratifying treaties. The percentage of proposals represented by decree laws, in contrast, is shown by the unbroken line.

The executives which, in percentage terms most often have recourse to decree laws are the two led by Silvio Berlusconi – while the fourth Berlusconi government uses this instrument to a greater extent than it uses the procedures of ordinary legislative initiatives (over 50 per cent of the

proposals issued by the current executive, excluding treaty ratification, having been bills to convert emergency decrees into ordinary law). It is noteworthy that the second Prodi government, the most immediate point of comparison chronologically speaking, had a rate of recourse to decree laws at the end of the first eighteen months of its existence (26.5 per cent) that amounted to little more than half that of the fourth Berlusconi government over the same period of time.

Figure 1: Number of government legislative initiatives (excluding ratifications) and the percentage of these represented by decrees laws during the first eighteen months of office



Source: CIRCaP database on Italian governments' legislative activity

Looked at from a diachronic perspective, then, what comes to light in examining the current executive – but also, essentially, in examining the second Berlusconi government a year-and-a-half into its term – is a model of legislative activity according to which the executive, buoyed up by a solid parliamentary majority, adopts a decision-making strategy that is rather 'aggressive'. It adopts such a strategy by choosing to concentrate on a limited number of priorities, and by forcing Parliament to approve them very quickly through recourse to decree laws (often accompanying such actions, as we shall explain later, with votes of confidence). This is a model which, precisely because it involves the systematic recourse to the issuing of emergency decrees, also reflects a high degree of concentration of the executive's power of legislative initiative in the hands of the Prime Minister – at least formally, obliged as he is to sign each decree law. In this way the Prime Minister's office has a hand in the drafting of a large proportion of the measures prepared by the various ministries.

Compared to this model, the model reflected by the two Prodi governments, and especially by the more recent second government, is one that is necessarily more closely linked to a coalitional logic and restricted by the structural weaknesses of a small and fragmented majority. Precisely for this reason it is a model that reflects a reduction in the scope for deployment of instruments, like the adoption of urgent decrees, that can be used to force the ordinary legislative process.

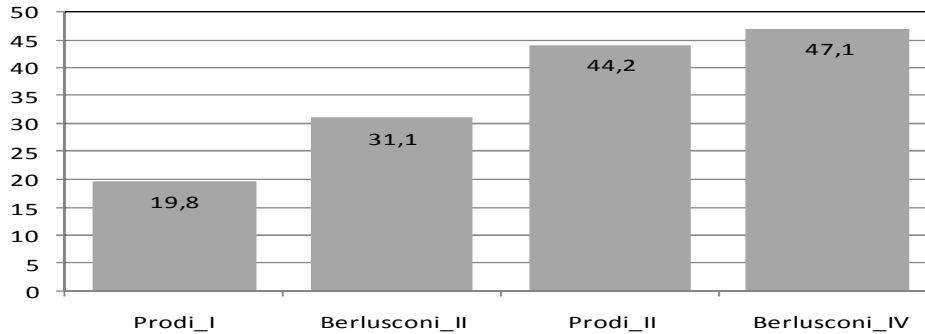
The programmatic nature of the Government's legislative initiatives

The negotiation of programmatic agreements (mostly in the form of the election manifesto of the coalition and its leader) is now a relatively consolidated practice in Italy as in other democracies. In all probability the programmatic documents issued by Italian governments cannot yet be considered fully-fledged coalition agreements (Verzichelli and Cotta, 2000) as these are understood in the cross-national comparative literature (Timmermans, 2006). Yet recent research has shown that from this point of view the degree to which Italian executives (and therefore the programmatic agreements reached by the coalitions that sustain them) represent deviant cases is steadily diminishing (Moury and Timmermans, 2008). At the same time, in a democracy characterised by alternation in government, the ability of the executive to establish its own agenda of priorities and agree a programme outlining the most important commitments becomes crucial.

A year and half is probably too short a period of time to make it possible to assess the ability of a government to deliver on commitments made (the more so if the focus of such an assessment is on the outcomes rather than the outputs of government activity). We can however consider the extent to which the programmatic documents agreed by the majority coalitions have in fact served to orient the activity of members of the cabinet. Figure 2 thus shows the rate of programmatic activity reflected by the legislative initiatives of the four executives – that is, the number of bills we classify as being 'of a programmatic nature' (in the sense that they can be directly attributed to objectives outlined in the governments' programmes) as a percentage of the total presented to Parliament.⁴

Overall, almost 31 per cent of the approximately 700 bills considered (again excluding those ratifying international treaties) can be classed as programmatic: with percentage variations, however, that run from 19 per cent for the first Prodi government to over 48 per cent for the fourth Berlusconi government,⁵ and that thus reflect the growing tendency of Italian governments to base their legislative activity on predefined programmatic platforms.

Figure 2: Percentage of government initiatives during the first eighteen months in office that are programmatic in nature (excluding ratifications)



Source: CIRCaP database on Italian governments' legislative activity

The use of confidence votes

The controversy surrounding the use – excessive according to most – which the fourth Berlusconi government has allegedly made of confidence votes is one that has marked the sixteenth legislature from the start. In several quarters, not only those of the opposition benches in Parliament, in fact, complaints have often been heard that the current executive – which, as we have already seen, has had frequent recourse to the issuing of emergency decrees – has ended up depriving Parliament of further important decision-making and monitoring prerogatives, precisely because of a massive recourse to votes of confidence.

Table 2 shows that at the end of its first eighteen months in office, the fourth Berlusconi government, though able to rely on a large and cohesive majority, had made votes questions of confidence twenty-two times in the two chambers of Parliament, for a total of fifteen bills proposed by the cabinet (some measures having thus been made matters of confidence both in the Chamber and in the Senate).

It is interesting to note that at the end of its first eighteen months in office, the behaviour of the preceding Berlusconi II government was significantly different, there having been only six confidence votes for five bills presented. It is as if, through a process of learning, the current executive and its leader had chosen from the start to be much firmer (to the extent of forcing the normal legislative procedures) in the way it directed the Government's activity so as to shelter it from the parliamentary 'obstacles' encountered in the past.

But it is equally interesting to note that in absolute terms, the executives led by Romano Prodi had had recourse to confidence voting during the first eighteen months to an extent that was not dissimilar to the fourth Berlusconi government. On the contrary, while the second Prodi

government did it less frequently (sixteen times) for a smaller number of bills (twelve), the first Prodi government confronted Parliament with confidence votes twenty-two times (once more than the Berlusconi IV government) for a total of eighteen bills proposed by the cabinet.

In relative terms, on the other hand, the fourth Berlusconi government is in effect the one that shows the most striking propensity to have recourse to confidence voting: it does it in relation to over 17 per cent of the bills presented to Parliament (again excluding bills ratifying international treaties). This compares with 5.8 per cent for the first Prodi government, 3 per cent for the second Berlusconi government and 8.8 per cent for the second Prodi government.

Table 2: Government legislative initiatives made matters of confidence during the first eighteen months in office

	Number of bills whose approval has been made a matter of confidence	Confidence motions tabled in the Chamber of Deputies	Confidence motions tabled in the Senate	Total no. of confidence motions tabled by the Government
Prodi I	18	13	9	22
Berlusconi II	5	4	2	6
Prodi II	12	10	6	16
Berlusconi IV	15	15	6	21

Source: CIRCaP database on Italian governments' legislative activity

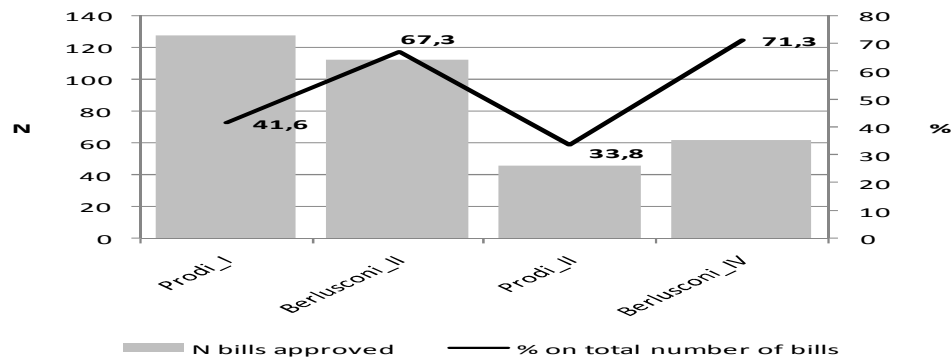
Rates of success of government bills in Parliament

We come finally to an examination of the data concerning the rates of success in Parliament of the measures proposed by the four governments here considered. That is, we are here concerned to establish how many of the legislative measures introduced by the executive in the Chamber and the Senate had been given definitive approval by Parliament at the end of the first eighteen months of the governments' periods of office.

The figures speak for themselves. The fourth Berlusconi government meets with a rate of success in Parliament that is indeed significantly high,

with over 71 per cent of the measures passed by the cabinet being translated into laws of the State (excluding treaty ratification). This is a rate of success far higher than that encountered less than two years previously by the second Prodi government (stationary, after eighteen months, at slightly less than 32 per cent) and by the first Prodi government (with a success rate equal to around 42 per cent). Once again we are led to point out that the more fragmented governments, like those led by Prodi, supported by small majorities, have had to struggle mightily to 'get by' in Parliament, and to see their agenda of objectives and commitments implemented. This has been much more so than has been the case for the two governments of the centre right (that is, not just the current government, but also the second Berlusconi government which, after eighteen months, had seen over 67 per cent of its legislative initiatives approved by the two chambers) – governments that have been more cohesive, enjoying stronger parliamentary majorities (see Figure 3).

Figure 3: Number of government bills approved and as a percentage of the total number of legislative initiatives launched by the cabinet during the first eighteen months of the legislature



Source: CIRCaP database on Italian governments' legislative activity

Certainly, it is once more necessary to emphasise the considerable impact of the various legislative strategies of the four executives here analysed on their ability to 'bring home' the measures agreed in cabinet. Thus, the high rate of success in Parliament of the proposals of the fourth Berlusconi government is a direct consequence of a strategy towards the legislature that we have labelled 'aggressive' and that rests on the use of decisive instruments such as emergency decrees and confidence votes. Of the 62 laws proposed by the Government and passed by the Chamber and Senate in the first eighteen months of the legislature, in fact, nearly 68 per

cent consisted of measures converting decrees into ordinary law or involved the Government in making the matter a question of confidence.⁶

Conclusion

In this short article we have focussed on data concerning the legislative activity of the current Berlusconi IV government, and of the executives taking office at the start of the preceding three legislatures, at the end of their first eighteen months in office. We have done so having purely descriptive aims, with the objective of providing observers and scholars with detailed and systematic information about the volume of legislative initiatives of Italian governments; the ability of these governments to harmonise their activity with the prior programmatic commitments shared by their members; the use of 'exceptional' legislative procedures such as confidence votes and emergency decrees; the rate of success in Parliament of government bills.

In that connection we have discovered what appears to be a medium-term tendency, one now consolidated, towards a certain degree of rationalisation of the legislative activity of Italian executives – a rationalisation consisting of a progressive diminution in the quantity of government proposals, the proposals being increasingly closely linked to implementation of the more or less detailed and specific programmatic objectives agreed by the coalition for the election.

Yet a diachronic analysis of the data reveals that in itself the legislative process in Italy remains 'unbalanced', 'rationalised' to only a limited degree. The data concerning the experience of the fourth Berlusconi government are highly revealing from this point of view. It is indeed true that the current centre-right executive has seemed able to proceed promptly towards the realisation of its distinctive legislative objectives (with more than seven bills already approved by Parliament for every ten approved by cabinet). However, it has done so despite the size of its majority (or perhaps because of it), essentially by by-passing the ordinary legislative process and by relying massively on exceptional procedures, such as decree laws and confidence votes. As we have seen, these instruments were also widely used (though to a lesser extent) by the preceding governments.

Aside from different governing styles, which are clearly reflected in contrasts in the behaviour of the executive towards, and in, Parliament, these data perhaps help once more to highlight the lack of adaptation of the structure of the Italian parliament (and its standing orders) to the new principles of a (nearly) majoritarian form of government. This has had the paradoxical effect of removing the representative arena from the centre of law-making processes, without, on the other hand, assuring governments any certainty in terms of levels of decision-making effectiveness, much less

any degree of stability – as the experience of the last two Prodi governments demonstrates.

Translated by James L. Newell

References

- Corbetta, P. (2009), "Cronaca di una vittoria annunciata. Le elezioni politiche del 13-14 aprile", in G. Baldini and A. Cento Bull, A. (eds.), *Politica in Italia, ed. 2009*, Bologna: Il Mulino
- De Giorgi, E. and Marangoni, F. (2009), "The First Year of Berlusconi's Fourth Government: Formation, Characteristics and Activities", *Bulletin of Italian Politics*, 1 (1), 87-109
- Della Sala, V. and Kreppel, A. (1998), "Dancing Without a Lead: Legislative Decrees in Italy", in J. Carey and M. Shugart (eds), *Executive decree authority*, Cambridge: Cambridge University Press.
- Moury, C. and Timmermans, A. (2008), "Conflitto e accordo in governi di coalizione: il caso Italia", *Rivista Italiana di Scienza Politica*, 3, 417-442.
- Timmermans, A. (2006), "Standing apart and sitting together: enforcing coalition agreements in multiparty systems", *European Journal of Political Research*, 45 (2), 263-283.
- Vassallo, S. (2001). "Le leggi del Governo. Come gli esecutivi della transizione hanno superato i veti incrociati", in G. Capano and M. Giuliani (eds.), *Parlamento e Processo Legislativo In Italia*, Bologna: Il Mulino.
- Verzichelli, L. and Cotta, M. (2000), "Italy. From 'Constrained Coalitions to Alternating Governments?'" , in W. C. Müller and K. Strøm (eds.), *Coalition Governments in Western Europe*, Oxford: Oxford University Press.

¹ That is, the governments formed immediately after a general election.

² The habit of re-issuing decree laws not converted by Parliament into ordinary law within the sixty-day period stipulated by the Constitution became an established characteristic of the legislative activity of Italian governments, giving rise to veritable legislative 'chains' whose effects were often felt for long periods of time (on this see Vassallo, 2001). The practice was stopped by judgment no. 360/196 of the Constitutional Court which effectively ruled it unconstitutional.

³ That is, of efforts to drive law out of the administrative sphere in order, thereby, to rationalise it. The process takes place through the passage of legislation which, by stipulating that the provisions of unwanted laws are to be abrogated with effect from the entry into force of regulations to replace them, draws on the Government's power to issue regulations in pursuit of a given law. 'Delegificazione' is not, therefore, precisely the same thing as 'deregulation'.

⁴ The programmatic nature of government bills is established by comparing the key words contained in the titles of the bills with the text of the programmatic documents presented by the corresponding coalitions during the election campaign. The specific documents analysed were: the '88 tesi dell'Ulivo' (Eighty-eight Theses of the Olive-tree Alliance) in the case of the Prodi I government; the 'Piano di governo per una legislatura' (Government Programme for a Five-year Term) in the case of the Berlusconi II government; 'Per il bene dell'Italia' (For the Good of Italy) in the case of the Prodi II government; the 'Sette missioni per il futuro dell'Italia' (Seven Goals for the Future of Italy) in the case of the Berlusconi IV government.

⁵ The trend shown by the proportion of initiatives that are programmatic in nature also provides an interesting perspective on the internal dynamics of governing coalitions. The proportion for the Berlusconi IV government, for example, was over 56 per cent during the initial months of its term. The modest decline (to 48 percent at the end of eighteen months) perhaps reflects the heightened degree of internal conflict that seems to have characterised the governing majority in the second half of 2009.

⁶ On no fewer than thirteen occasions, the Government's decree laws were accompanied by confidence motions (tabled, in five of these instances, both in the Chamber and in the Senate).