

The Legislative Activity of the Fourth Berlusconi Government Three Years into its Term of Office: An Updating of Some Figures

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Abstract: On 8 May 2011, Silvio Berlusconi's fourth government came to the end of its first three years in office. In this brief note we aim at updating the standard battery of indicators by which we use to examine the activity and performance of the executive in the legislative arena. In particular, we provide data on the following dimensions of analysis: the volume of legislative proposals produced by the Council of Ministers, and the legislative instruments used to pilot them through Parliament; the "division of labour" within the cabinet; the degree of overlap between the bills issued by the executive and the goals of the government's programmatic platform; the success rate of Government bills since the beginning of the XVI legislative term.

Keywords: Berlusconi government, executive performance, lawmaking, programme for government

Half way through 2011, the sixteenth legislature, which began in April 2008, came to the end of the first three years of its life. The first three years of the term of office of the fourth Berlusconi government also came to end, the Cabinet having met for the first time on 8 May 2008. As is well known, the Government and its supporting majority reached this milestone (which, despite everything, marks out the current government as one of republican Italy's longest lived) in a state objectively rather different to the one it was in at the start of the legislature.

The tensions within the coalition, with the departure of *Futuro e Libertà* (and the decisions of new parliamentary groupings, formed during the course of the legislature, to join the government team); the not always easy-going relationships between the two principal allies (the People of Freedom and the Northern League), especially after the less-than-glowing

results for the centre right in the local elections in May (and after the referendum in June); the threat of financial crisis that appears to hang over Italy as other countries, and the Government's divisions over the best way to tackle it: these are some of the factors that have complicated the political situation in recent weeks, providing the basis for speculation about future developments which, however, are at the present juncture difficult to predict. If, for example, many within the majority are willing to bet that the current government has the capacity to remain in office until 2013 (that is, until the natural end of the legislature), many other observers believe that change among the highest ranks of the executive (or even an early dissolution and thus fresh elections) can no longer be postponed.

The situation is one suggestive of 'waiting', even though immediate and incisive measures are urgently needed if the crisis is to be avoided and the country enabled to benefit from possible future recovery of the international economy. Against this background we have taken our usual readings of the executive's activity and legislative performance. This time we have done so by updating our classic battery of indicators, presenting them in a purely 'factual' way. That is, given the extreme uncertainty that has been hanging over the present political conjuncture for some months we will postpone until subsequent analyses all attempts at interpretation.

The volume of legislative initiatives on the part of the executive

Table 1 shows the overall number of bills approved by the Cabinet and introduced in Parliament with a view to their transformation into state legislation, in the three years of the Government's term to date.

Table 1: Bills passed by the Cabinet (as at 30/06/2011)

| Type of bill | No. | % of total bills |
|--|-----|------------------|
| Bills | 90 | 32.1 |
| Ordinary bills | 63 | 22.5 |
| Proposed laws of delegation | 18 | 6.4 |
| Bills including proposals for delegation | 9 | 3.2 |
| Ratification of international treaties | 111 | 39.6 |
| Decree laws | 79 | 28.2 |
| Total | 280 | 100 |

Source: CIRCaP database on the Italian Government's legislative activity

The table highlights the relative weight of bills providing for the ratification of international agreements and treaties, which have reached the figure of

111, that is, about 40 percent of the total of 280 bills launched by the executive. The proportion accounted for by emergency decrees is also rather large at slightly over 28 percent (a percentage that rises to 47 if we exclude treaty ratifications). The bills introduced to Parliament via the ordinary procedure (besides treaty ratifications) come to 90. Of these, 27 delegate to the Government powers to pass measures in pursuit of their provisions, either through proposed laws of delegation (in 18 cases) or through ordinary law proposals containing individual and specific provisions delegating powers to the Government (in 9 cases).

In Table 2 on the other hand we see how the legislative initiatives are distributed across the various ministries of which the executive is composed. The table shows in fact the number of legislative provisions initiated, as signatory or co-signatory, by each minister belonging to the fourth Berlusconi government. Noteworthy, besides the high percentage of initiatives carrying the signature of the Foreign Secretary (almost all being treaty ratifications), is also the high rate of activity on the part of the Prime Minister's office. The percentage is one that is partly explained by the large number of decree laws presented by the executive (which as a rule are signed by the Prime Minister) and partly as the effect of a certain 'prime ministerial' strategy pursued by Silvio Berlusconi (and by officials in the Prime Minister's office), at least during the initial phases of the legislature. Significant contributions to the Government's legislative activity have also been made by the Ministry for the Economy (accounting for about 22 percent), the Ministry of Justice (17.5 percent) and the Ministry of Defence (almost 11 percent).

Legislative activity and the Government's programme

From the quantity of bills we now turn, as usual, to a consideration of certain indicators of the executive's performance. In particular, we look at the degree of overlap between the executive's legislative activity and the programmatic priorities established by the centre-right coalition during the 2008 general election campaign. Table 3 thus shows, for each type of legislative act of the Government, the percentage of measures that can be directly attributed to the document setting out the current government's programme (measures we call 'programmatic initiatives').

Let us remember that an individual government initiative is considered programmatic when it can be attributed, wholly or in part, to at least one of the 'strategic objectives' making up the programme of the centre right.¹ Thus, if we exclude from the calculation the ratification of international treaties, almost 32 percent of the Government's initiatives turns out to be classifiable as programmatic in nature. This is a percentage whose progressive diminution over time is confirmed – so much so that when the last edition of this journal was published it already seemed

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possible to identify three distinct phases in the capacity of the Government to promote initiatives linked to its programmatic priorities.

Table 2: Government bills by type and by sponsoring (or co-sponsoring) department (as at 30/06/2011)

| | Ordinary bills | Proposed laws of delegation | Bills including proposals for delegation | Ratifications | Decree laws | Total* | % of bills |
|-------------------------------|----------------|-----------------------------|--|---------------|-------------|--------|------------|
| Foreign affairs | 2 | 3 | 0 | 111 | 11 | 127 | 45.4 |
| PM's office | 14 | 4 | 1 | 1 | 78 | 98 | 35.0 |
| Economy | 20 | 2 | 1 | 1 | 37 | 61 | 21.8 |
| Justice | 11 | 5 | 2 | 13 | 18 | 49 | 17.5 |
| Defence | 3 | 1 | 0 | 14 | 12 | 30 | 10.7 |
| Home affairs | 2 | 1 | 3 | 2 | 17 | 25 | 8.9 |
| Environment | 3 | 0 | 1 | 2 | 6 | 12 | 4.3 |
| EU policy | 1 | 3 | 3 | 0 | 1 | 8 | 2.9 |
| Administrative simplification | 4 | 3 | 1 | 0 | 3 | 11 | 3.9 |
| Infrastructure | 1 | 0 | 0 | 2 | 4 | 7 | 2.5 |
| Agriculture | 2 | 0 | 0 | 2 | 3 | 7 | 2.5 |
| Economic development | 0 | 1 | 0 | 0 | 6 | 7 | 2.5 |
| Equal opportunities | 5 | 0 | 0 | 2 | 1 | 8 | 2.9 |
| Education | 1 | 0 | 1 | 0 | 5 | 7 | 2.5 |
| Public administration | 2 | 2 | 0 | 2 | 1 | 7 | 2.5 |
| Labour | 1 | 3 | 0 | 1 | 2 | 7 | 2.5 |
| Culture | 2 | 0 | 0 | 2 | 1 | 5 | 1.8 |
| Health and social security | 2 | 1 | 0 | 1 | 1 | 5 | 1.8 |
| Reforms | 3 | 1 | 1 | 0 | 1 | 6 | 2.1 |
| The regions | 2 | 2 | 1 | 0 | 1 | 6 | 2.1 |
| Relations with Parliament | 0 | 0 | 0 | 0 | 2 | 2 | 0.7 |
| Youth | 2 | 0 | 0 | 0 | 0 | 2 | 0.7 |
| Tourism | 1 | 0 | 0 | 0 | 0 | 1 | 0.4 |

Source: CIRCaP database on the Italian Government's legislative activity

* A bill often carries the signatures of multiple sponsors. The total number of bills sponsored by the various departments is therefore higher than the 280 presented by the Government.

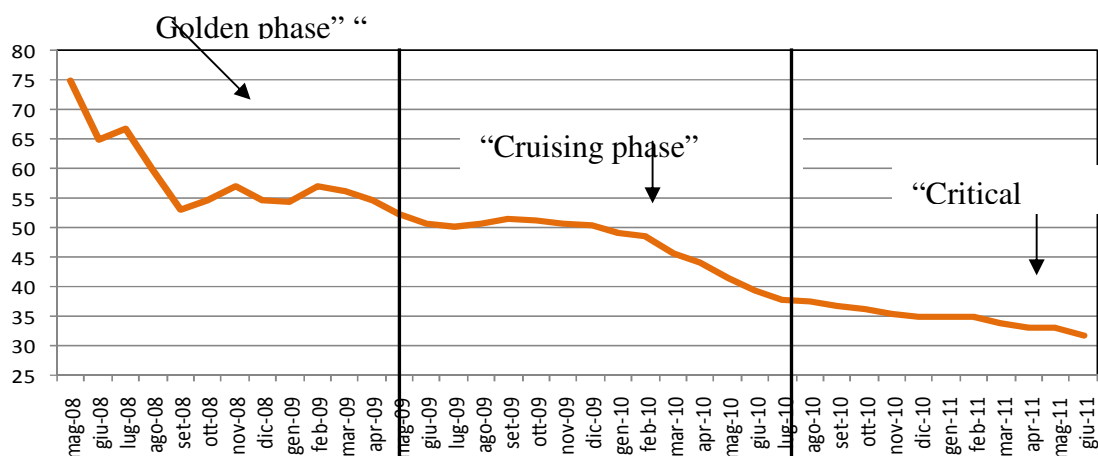
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Table 3: Government legislative proposals linked to programmatic objectives by type of bill (excluding ratifications) (as at 30/06/2011)

| Type of bill | N | Programmatic bills as % of bills of the same type |
|--|----|---|
| Bills | 23 | 25.6 |
| Ordinary bills | 14 | 22.2 |
| Proposed laws of delegation | 5 | 27.8 |
| Bills including proposals for delegation | 4 | 44.4 |
| Decree laws | 30 | 38.0 |
| Total | 53 | 31.4 |

Source: CIRCaP database on the Italian Government's legislative activity

Figure 1: Change in programmatic bills as percentage of total government bills (excluding ratifications)



Source: CIRCaP database on the Italian Government's legislative activity

Figure 1 suggests this impression once more, the impression being reinforced by the figures relating to the last six months: thus we once again find a 'golden phase' characterised by a rate of programmatic activity (defined as the number of programmatic initiatives expressed as a percentage of the total number of measures presented to Parliament by the executive excluding treaty ratifications) above 55 percent, at least until the beginning of 2009; a 'cruising phase', with a rate of programmatic activity that stays between 55 and 45 percent (between the beginning of 2009 and 2010), and a phase which we can define as 'critical', with a percentage that

ends up declining to below 35 – a phase that has characterised at least all of the last twelve months of the Government’s activity – testifying, certainly, to the natural transformation of government priorities during the course of the legislature, but probably also to a decline in the unity of the Government since the start of its term.

In Table 4 on the other hand we see the distribution of programmatic initiatives among the various ‘strategic objectives’ set out in the centre right’s programme (remembering that a single initiative can be associated with more than one objective).

In Table 5 we offer even more detailed analysis of the connection between legislative initiatives and the Government’s programme, observing how many of the ‘strategic actions’ set out in the programmatic document have been the object of (legislative) measures on the part of the executive. For each programmatic ‘mission’, therefore, the table shows the overall number of ‘strategic actions’ envisaged and of these, the number (and percentage) with which it is possible to associate at least one government initiative: or, rather, at least one article (or paragraph) of a bill presented by the Cabinet (bills for the ratification of treaties excluded).

Table 4: Distribution of government bills of a programmatic kind, by type of bill and programmatic objective (excluding ratifications) (as at 30/06/2011)

| "Strategic Objective" | Ordinary bills | Decree laws | Proposed laws of delegation | Bills including proposals for delegation | Total | As % of total Bills | As % of programmatic bills |
|---|----------------|-------------|-----------------------------|--|-------|---------------------|----------------------------|
| Company taxation | 2 | 7 | 0 | 0 | 9 | 5.3 | 17.0 |
| Infrastructure | 1 | 9 | 0 | 1 | 11 | 6.5 | 20.8 |
| Employment | 2 | 4 | 0 | 0 | 6 | 3.6 | 11.3 |
| Liberalisation | 1 | 4 | 0 | 0 | 4 | 2.4 | 7.5 |
| Support for exports | 2 | 4 | 0 | 0 | 6 | 3.6 | 11.3 |
| Reorganisation public administration | 2 | 6 | 2 | 1 | 11 | 6.5 | 20.8 |
| Lower taxes | 2 | 7 | 0 | 0 | 9 | 5.3 | 17.0 |
| Homes for all | 2 | 5 | 0 | 0 | 7 | 4.1 | 13.2 |
| Better social services | 2 | 2 | 0 | 0 | 4 | 2.4 | 7.5 |
| Giving hope for the future to the young | 0 | 1 | 0 | 0 | 1 | 0.6 | 1.9 |
| Improved security | 3 | 5 | 1 | 1 | 10 | 5.9 | 18.9 |
| Better justice | 5 | 5 | 1 | 2 | 13 | 7.7 | 24.5 |

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|-------------------------------------|---|---|---|---|---|-----|------|
| system | | | | | | | |
| Health | 1 | 1 | 0 | 1 | 3 | 1.8 | 5.7 |
| Schools, universities, research | 3 | 4 | 0 | 1 | 8 | 4.7 | 15.1 |
| Environment | 2 | 0 | 0 | 1 | 3 | 1.8 | 5.7 |
| The South: Infrastructural planning | 0 | 3 | 0 | 0 | 3 | 1.8 | 5.7 |
| The South: Framework legislation | - | - | - | - | - | - | - |
| The South: Industrial development | - | - | - | - | - | - | - |
| The South: Compensatory taxation | 1 | 1 | 0 | 0 | 2 | 1.2 | 3.8 |
| The South: Fighting crime | - | - | - | - | - | - | - |
| Federalism: Local authorities | 0 | 1 | 1 | 0 | 2 | 1.2 | 3.8 |
| Federalism: Local finance | 0 | 3 | 1 | 0 | 4 | 2.4 | 7.5 |
| Public finance | 1 | 1 | 0 | 0 | 2 | 1.2 | 3.8 |

Source: CIRCaP database on the Italian Government's legislative activity

Table 5: Programmatic actions concerning which the Government has taken at least one legislative initiative (excluding ratifications)

| "Mission" | "Strategic actions" envisaged (N) | Actions made the object of an initiative (N) | % of actions made the object of an initiative |
|-----------------------|-----------------------------------|--|---|
| Rekindling growth | 31 | 15 | 48.4 |
| Supporting the family | 34 | 7 | 20.6 |
| Security and justice | 26 | 19 | 73.1 |
| Public services | 20 | 6 | 30.0 |
| The South | 9 | 2 | 22.2 |
| Federalism | 4 | 3 | 75.0 |
| Public finance | 1 | 1 | 100 |
| Total | 126 | 53 | 42.1 |

Source: CIRCaP database on the Italian Government's legislative activity

The rate of success of the Government in Parliament

Finally, in Table 6, we observe a direct performance indicator regarding the activity of the executive: the rate of success of government bills in Parliament.

After three years in office, the executive had seen transformed into law about 73 percent of the bills passed to the two branches of Parliament (a percentage that was, incidentally, identical to the one concerning the first two and a half years of the legislature). The Government's success rate falls to 67 percent if international treaty ratifications are not included.

Table 6: Government bills: success rate, average number of readings, and average time required for their approval

| Type of bill | No. approved | Bills approved as % of bills of the same type | Average no. of readings | Average time required for approval (in days) |
|--|--------------|---|-------------------------|--|
| Bills | 41 | 45.6 | 2.3 | 204.3 |
| Ordinary bills | 30 | 47.6 | 2.2 | 163.6 |
| Proposed laws of delegation | 5 | 27.8 | 2.6 | 317.2 |
| Bills including proposals for delegation | 6 | 66.7 | 2.6 | 313.3 |
| Treaty ratifications | 91 | 82.0 | 2.0 | 115.3 |
| Decree laws | 72 | 91.1 | 2.2 | 53.7 |
| Total | 204 | 72.9 | 2.2 | 111.9 |

Source: CIRCaP database on the Italian Government's legislative activity

It will be noted, further, that different types of bill are characterised by different rates of approval. Thus over 91 percent of emergency decrees meet with success at the end of their parliamentary passage (which, at 54 days on average, is, naturally, relatively short given the nature of this legislative instrument). On the other hand, only 45.6 percent of bills that have been subject to the ordinary procedure (including those delegating powers to the Government) are similarly successful (remaining in Parliament for over 200 days).

Translated by James L. Newell

Notes

¹ The Government's programmatic document is structured in terms of seven general 'missions', which are in turn composed of a larger number of specific 'strategic objectives' (23 in total). Each objective in its turn envisages a series of still more specific 'strategic actions' (126 in total). See the appendix for a more detailed description of the structure of the Government's programme.

Appendix

The structure of the programme for government: Aims, objectives and number of related actions

| Missions | "Strategic Objectives" | Number of "strategic actions envisaged" |
|-----------------------|---|---|
| Rekindling growth | New tax regime for enterprises | 8 |
| | Infrastructure, sources of energy | 10 |
| | Employment | 5 |
| | Liberalisation | 3 |
| | Support for exports | 4 |
| | Reorganisation public administration | 2 |
| | Total | 31 |
| Supporting the family | Lower taxes | 7 |
| | Homes for all | 7 |
| | Better social services | 14 |
| | The future of young people | 6 |
| | Total | 34 |
| Security and justice | Improved security | 12 |
| | Better system of justice | 14 |
| | Total | 26 |
| Public services | Health | 5 |
| | Schools and universities; research and culture | 10 |
| | Environment | 5 |
| | Total | 20 |
| The South | Infrastructural planning | 2 |
| | Framework legislation | 1 |
| | Industrial development | 2 |
| | Compensatory taxation | 2 |
| | Fighting crime | 2 |
| | Total | 9 |
| «Federalism» | Local authorities | 2 |
| | Local finance | 2 |
| | Total | 4 |
| Public finance | Agreement between state and regions: solidary fiscal federalism | 1 |
| Total | | 126 |

Source: CIRCaP (2010)