The legislative agenda setting power in a changing parliamentary democracy: the Italian puzzle.

Francesco Zucchini
Dipartimento di studi sociali e politici
Università degli studi di Milano
francesco.zucchini@unimi.it

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1. Introduction

According to Tsebelis (2002), in the parliamentary governments the Executive enjoys an agenda setting power as the Congress does in the Presidential regimes. Consequently, Executives in the parliamentary governments usually should lead the final outcome of the legislative game not too far from their ideal points. This fact seems hardly disputable. After all, the parliamentary governments (Norway exception) can attach the question of confidence on a bill and threat to resign. Anyway, as Tsebelis (Tsebelis 2002) observes, this prerogative is like the threat of nuclear weapons in the international disputes: it cannot be frequently used. Other institutional means compound the legislative agenda setting power of the governments in the parliamentary democracies, but the size of this power is very variable. In some countries, as United Kingdom, it seems quite sensible looking only into the Cabinet affairs to understand the logic underlying the relevant law production. In others, as Italy, the Parliament has traditionally played a very important role in the law making process. In other words the size of the legislative agenda setting power enjoyed by the Italian Executive has been for a long time relatively small. However things change, political ones included. As Cox (Cox 1987) showed once and for all, there was a time when even the British Cabinet did
not play such a strong role as nowadays. The Executive’s legislative agenda setting power does not change only from country to country, but also in the same country in the course of time. Recently, it seems that Italian executive is enjoying an increase of its power. The way this evolution is taking place does not repeat necessarily other national histories: legislative agenda setting power is a concept summarizing the effect of various rules and procedural instruments and practices. Executives in different parliamentary democracies enjoy their advantage in the law making process by different combinations of them.

The primary intent of this paper is to summarize information about past and current methods used by the Italian government to control legislative agendas (Doering 1995, 2001, Tsebelis 2002), looking for the main changes occurred in the last decades. The secondary goal is putting forward a plausible hypothesis about the source of this legislative agenda setting evolution, also in its details. Once given for granted that an increase of the Executive’s legislative agenda setting power has taken place, big research questions follow and need an answer: what did it drive to this increase? what did it give to this increase its peculiar characteristics?

2. An earthenware pot? The executive’s role in the law making according to the Italian Constitution

In a 1999’s interview, Massimo D’Alema, first and (at least for now) last post-communist premier in the Italian history, described the interaction between the Executive and the Parliament as a confrontation between an earthenware pot and an iron pot. Indeed, complaints about the Executive ineffectiveness in the legislative arena do not come only from one side of the ideological spectrum. Five years later, premier Berlusconi summarized his discontent with its joke teller style:

“After I have taken a decision, confrontation (bargaining) with allies starts. After we have reached a common position, we must go through the committee, then in the floor. Everything requires long time. Then, it is the turn of the male senators, who have to prove that they come to Rome not only for extramarital love affairs, so they change
something (a rule) and all starts again since the beginning. All this business requires very long time\textsuperscript{1}.

Paradoxically, (but not too much), both of these complaints date back to a time when the Executive had already got a stronger role in legislative process than in the past. Maybe they testify much less about a declining role of the Executive in the decision making process and much more about a pressing need to strengthen it.

The golden age for the so called “centrality of the Parliament” was probably around the end of the sixties and the beginning of the seventies, but for the whole Italian First Republic (1948-1992) the short living and party crowded Italian cabinets have not been enjoyed strong procedural prerogatives in the legislative process. The weakness of the Executive derived, naturally, from the constitutional compromise reached during the transition to democracy (1946-1948) (De Micheli & Verzichelli 2001, Lanzalaco 2005).

As Przeworski observed (Przeworski 1991), “Successful democracies are those in which the institutions make it difficult to fortify a temporary advantage (..). The successful constitutions reduce the stakes of power\textsuperscript{2}”. At the end of second world war Italy was a deeply divided country. The ideological polarization, at least the apparent one, was very high and no political side accepted to give via Constitution to the other the opportunity to fortify the advantage coming from an electoral victory. During the constitution making, the forecasts about the first political elections outcomes were very uncertain\textsuperscript{2} and the Christian Democrats and the Left parties were afraid for their political survival in the long term in case of defeat. The “natural” bargaining equilibrium was a system where the decisional centers were scattered in order to decrease the worth of the electoral victory. The proportional representation, the perfect bicameralism and the Executive’s weakness vis à vis the Parliament were obvious means to build these system. And Italy set out for being a relatively successful and very complicated democracy.

Therefore, the Italian Constitution, still now unchanged about this subject, does not dedicate too many words to the Government in the law making process. In the

\textsuperscript{1} In spite of its mundane flavor, this assertion is in fact quite informative about the Italian Political System: it reveals that 1) Cabinet politics is complicated and is not easy to reach an agreement among allies, 2) Committee and floor steps are not formalities, 3) Bicameralism matters (“senators”) 4) the paucity of women Mps is still a big problem. See http://www.corriere.it/Primo_Piano/Politica/2004/05_Maggio/24/berlusconi.shtml

\textsuperscript{2} The 1946’s administrative elections revealed a substantial parity between the two main blocs
“ordinary” procedure (art. 72, comma 1), namely the procedure that is a priori supposed to be the most common, the Government does not play any special role: it can propose a bill as any Mp. Then, the committee (often integrated with an executive’s representative as observer) discusses and amends it. Eventually, the Floor examines the bill and votes it article by article and in full. The Government plays a role in the “special” procedures of the legislative process. They have been in fact preferred by the Executive since the beginning of the Republic in order to pass its legislation. However, not any special procedure gives the same prerogatives to the Executive, some of them are conditioned to very particular political circumstances, and the most powerful one (the delegating law) has been rarely used for the first forty years.

The decentralized procedure (called “sede legislativa”: art. 72 C., comma 2) is somehow an Italian “unique” in the parliamentary democracies: if there is a very large consensus among MPs (both in the Committee and in the Floor) and between them and the Executive, the whole legislative process, final approval included, takes place in the committee\(^3\). This procedure has been the most frequently used by the Executive (but also by private members) in order to pass the legislation for many legislatures until the collapse of the First Republic (Kreppel 1997, Zucchini 2001, Di Palma 1977). No restraint about the policy area applies, but the decentralized procedure cannot be used to convert decrees, to legislate constitutional amendments, electoral rules or budgetary norms, to ratify international treaties, to approve delegating laws (see below). By an extensive use of this procedure the bills could skip the bottleneck of the floor, and the decisional capability of the Parliament could increase more than tenfold. The crucial players are the minority of the Committees’ members (1/5 plus one), sufficient to cancel the procedure, and the executive’s ministers or junior ministers who follow the legislative process. Both these players hold formally a veto power as separately they can change the decentralized procedure into a normal procedure (“sede referente”). This last possibility can be very unpleasant for both of them if they prefer in the specific policy sector a change from the status quo, and if they share also the direction that this change should take. The ordinary procedure means floor discussion (amendment process included) and floor final vote. In other terms, a much longer and more uncertain process, whose final outcome could be worse for all committee members and/or for the

\(^3\) In order to hold a decentralized procedure it is necessary a qualified majority of 4/5 in the Committee, a qualified majority of 9/10 in the Floor and the agreement of the executive.
Executive representatives than the “worst” agreement all of them can reach in the committee. However, the decentralized procedure works only insofar the Executive, the quasi-unanimity of the parliamentary committee and of the Floor agree on changing the status quo and agree also on changing it in the same direction.

Fig. 1*


Looking at the law production by the decentralized procedure, this circumstance must have been less and less frequent (Fig. 1). Kreppel and Zucchini (Kreppel 1997, Zucchini 2001) argued that the fall of the decentralized procedure has been strictly associated with the increase of the party fragmentation (respectively in the government or in the Parliament) since the end of the seventies.

In the decree law procedure (art. 77, comma 2) the Executive can promulgate a decree in “extraordinary cases of necessity and urgency”. The Executive’s decree becomes law immediately and remains in effect for sixty days without any parliamentary approval. If after this period the parliament has not actively ‘converted’ the decree into a regular law, then previous status quo is reinstated. The procedure to convert a decree law still now is not very different from the ordinary procedure to pass a normal bill, and it is detailed by the standing orders of the Chambers. The condition of “necessity” and
“urgency” has always given for granted. For a very long time, the Constitutional Court has preferred not to intervene in the law making practices, and the judgment of constitutionality was deferred by the parliamentary standing orders to the committee of Constitutional Affairs, or to some other internal bodies of the Parliament. As it will be clear, these internal bodies did not have any interest to stop the decree law procedure. By this procedure the Executive can try to lay down its priorities on the crowded parliamentary agenda without looking for an impossible quasi unanimity in the parliamentary committees. As the decree in law has to be converted within 60 days, the Committee and the Floor should have to give it top priority.

Fig.2

![Diagram showing decree laws converted or not from 1948 to 2001](data:chart.png)

Data source is Vassallo (2001) and [www.parlamento.it](http://www.parlamento.it)

Indeed, this procedure hided many traps for the Government. No rules in the Constitution and also in the standing orders prevent any MP in the committee and in the Floor to propose amendments both of the decree to be converted and of the converting bill. This last one is the “formal” vehicle to convert an Executive decree in law. It could be composed of a single article telling literally: “The Executive decree number xxx is converted”. Anyway, this procedure is formally faster than the ordinary one. No rule forbids to add other articles to the converting bill. MPs can find very convenient to bargain with the Executive in order to add new normative content (the subject doesn’t matter too much) to this bill instead of using a specific bill that should be approved by
ordinary procedure. If a train goes faster than any other, interested people who control
the railway stations can slow it down to add their additional wagons. After amendments
of the decree and new articles added to the converting bill, the final outcome can be
quite far from the original Executive’s intentions.
Moreover, until 1996 the Executive could practically re-issue any number of decree
laws that fail to get converted in time. It was sufficient just some formal marginal
variation of the previous decree. This reiteration (iterazione) made much less
compelling a prompt deliberation from the Parliament and transformed the decree law
procedure into a type of never-ending bargaining between the Executive and the
executive can immediately transform, by the decree in law, its desire in a new status
quo, the very uncertain destiny and content of the converting bill in Parliament could
curtail decree’s real normative strength with respect to the citizens, the interest groups
and the bureaucracy. All considered, the reiteration strengthened the bargaining power
of the MPs, as the Executive could not use the expiration date of the formal procedure
as a take or leave it offer. If the MPs were unsatisfied about what they had obtained the
first time, they could wait for the “train” to go again by and try to couple some other
wagons. The “train” went fast but seemed never to arrive.
During the transition years from the first to the second republic, the abnormal number of
reiterations reached very dangerous levels for the stability of the normative system.
Norms that were in force for many months had, nevertheless, a very uncertain fate. At
the end of 1996, a Constitutional Court’s sentence (Volcansek 2001) declared such a
practice unconstitutional and prevents the Executive to re-issue a decree that failed to
get converted in time. After a small initial decline, the number of converted decrees has
been equaling the old figures. This trend suggests that, before the Court’s sentence, the
decrees had failed to be converted more for MPs’ calculation than for a lack of
legislative capacity. Now, without reiteration, the content of the decree laws converted
by the Parliament should be nearer to the version that is promulgated by the
Government. Thus, an unexpected intervention from a third actor (the Constitutional
Court) came up to strengthen the Executive bargaining power.
The decrees law are not the only acts with a legislative status that the Executive can promulgate\(^4\).

A *delegating law* (Constitution: art 76, and art. 77, comma 1) is formally a law approved by an ordinary procedure and sometimes by decree law procedure too (in the converting bill). This type of law has at least a section (the so called “delegation”) delegating to the Executive the power to promulgate new laws (the so called *legislative decrees*) according to some general framework voted in the delegating law, and within a limited period of time. Each delegating law can contain a variable number of “delegations”. The Constitutional Court, according the usual procedure called *via incidentale*, can oversee that the legislative decrees do not cross the limits provided by the delegating law\(^5\). Delegating laws and legislative decrees were not very common during the first Republic (De Micheli & Verzichelli 2003). They were often associated with a few important reforms and with “technical” issues. A comparison between legislative decrees and decrees law can help to understand limits and advantages of the delegating law procedure. By the decrees law the executive obtains top priority in the legislative calendar and makes its will immediately, but temporary, enforced. The Executive wins a role in promoting a legislative change, but it controls badly the final and definitive outcome. The delegating bills have not by themselves any special priority, however by the delegations they give the last word to the Executive. If the delegations decided by the Parliament were too far from the Executive’s desires, the Executive can abstain from using them, namely it can abstain from promulgating legislative decrees, keeping in force the legislative status quo. Of course, it is not hard to guess that the MPs don’t like to invest uselessly time and energies in a long legislative process. Therefore, it is quite reasonable that MPs take the Executive’s preferences into careful consideration when they examine the delegating bill.

\(^4\) Unfortunately, the readers of Della Sala & Kreppel (in Shugart & Carey 1998) had the wrong impression. The authors forget completely the so called delegated decree authority.

\(^5\) The draft legislative decrees usually have to submitted for ex ante and formal judgment to the relevant standing committee in both Chambers. However, the judgment is not bounding and the Executive can ignore it.
This procedure has been more and more used for the last 13 years (Fig.3), and it is universally considered as the most important evidence of the increased importance in the law making of the Executive, vis a vis the Parliament (Vassallo 2001; Lupo 1998, Gianniti L. & Nicola Lupo 2004). Moreover, since 1992 most of the delegating laws include delegations that give to the Executive the possibility to correct and integrate the content of legislative decrees that have been already promulgated according the same delegating law. In other terms, the constitutional clause that restricts to a limited time the delegation of the legislative function from the Parliament to the Executive is more and more, at least partially, eluded.

3. The executive’s role in the law making according to the parliamentary standing orders and informal practices.

What we have just summarized are procedures written in the Italian Constitution since the birth of the Italian Republic. Other norms can modify the Executive’s role that emerges from the Constitution’s reading (Ieraci, G. 2003). Prerogatives of the Cabinets
in the law making can be found in the parliamentary standing orders or in other normal statutes. Do these “second” level rules give formally to the Executive important role in the law making?

The change of these rules is obviously less cumbersome and more frequent than a constitutional change. Therefore, it is possible to find the signs of an evolution in the Executive-Legislative interaction also looking at the rules’ change, and not only at the frequency of the use of unchanged rules. Is it self-evident and uncontroversial a strengthening of the Executive?

My answer will be somehow negative. The standing orders and their evolution are always everywhere attempts to rationalize the law making process and to reduce the impressive transaction costs inherent the legislative arena (Cox, 2005). In the U.S. political system, for the division of powers, the internal bodies of the Congress (committees, subcommittees, Rules Committee, speakers etc) address brilliantly these problems by themselves. In the parliamentary democracies, stronger Cabinet’s prerogatives seem to be the natural solution. However, if you look at the Italian legislative arena, you will find out that the attempts to fight against filibustering and obstructionism and to centralize the agenda formation have mostly strengthened internal bodies of the Parliament (above all the presidents) instead of the Executive.

Except for the delegating laws, the increase of the Executive’s effectiveness in the legislative arena has depended mainly on “creative” practices that survive and grow in the no-man’s land of what is not formally forbidden, even if often (and hypocritically) blamed. Also the political affinity and shared interests between the Presidents of the Chambers and the Executive has played some role.

The Constitution overlooks quite “naturally” three subjects that are included in the parliamentary standing orders and in other statutes, and that are crucial for measuring the Executive’s role in the lawmaking: 1) time constraints and parliamentary work planning; 2) Amendment and voting rules; 3) Budgetary process.

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6 “Laws amending the Constitution and other constitutional laws shall be adopted by each House after two successive debates at intervals of no less than three months, and shall be approved by an absolute majority of the members of each House in the second voting. Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House, or five hundred thousand voters, or five Regional Councils. The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes. A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members.”(art. 138 Cost.)
3.1. Time constraints and parliamentary business planning

For a very long time, Italian Parliament hasn’t got practically any program of business and a few rules to constrain the debate (Lippolis 2001). The Chamber of Deputies’ standing orders in force since the beginning of the Republic to 1971 were, in fact, the same of the pre-fascist period. They mirrored the atomistic and individualistic legacy of that legislative assembly and helped to consolidate very consensual practices. The standing orders, both in the Chamber of Deputies and in the Senate, did not put any limit to the frequency and to the duration of the speeches, and only a floor’s vote could close parliamentary debates otherwise endless. The only new body was the Conference of Group Chairpersons (1950). They could reach an agreement, only by unanimity, about a program for the conduct of the Chamber’s business that the Floor was free to change or dismiss. In any case, the Government was not in this conference.

New 1971’s standing orders did not improve the Executive’s position. Although the Chamber of Deputies rules (art.23 R.C.) declared ambitiously that “The Chamber shall draw up a programme for the conduct of its business”, the unanimity in the Conference of Group Chairpersons was still compulsory to approve a program for the Floor activity. When unanimity was not possible, the president of the chamber proposed an order of day (Camera) or a weekly plan (Senate) that could be also changed by a Floor’s deliberation. Chamber of Deputies and Senate ruled differently the time constraints. The Chamber of Deputies did not put any clear and enforceable constraint. The Senate includes in its rules the premise for fixing in the future the time for the parliamentary debates: by unanimity agreement the Conference of Group Chairpersons could define the number of speeches and the amount of time for each parliamentary group in the Floor. In both chambers (but more in the Chamber of Deputies), the programs of the Committees were not required to be strictly linked to the program of the Floor.

All considered, the first parliamentary standing rules of the republican age codified practices that were already consolidated and in tune with the spirit of the Constitutional agreement. However, they were born old. The political conditions that had allowed the Parliament and the Government to work together with some decisional effectiveness (for instance, by the decentralization procedure) were vanishing: new political forces, that had not taken part in the Constitution making, obtained seats in the Parliament. They started using instrumentally the great variety of opportunities offered by the rules
to prevent and slow down the decision making. Moreover, around the end of the seventies the party fragmentation started rapidly increasing (more or less in the same period, the decrees in law started growing).

During the eighties, in both the Chambers some innovations tried to deal with these problems (the timeliness of the decision) but, again, the Government was not supposed to play any decisive role in constraining the time and in planning the business. The attempt to improve the timeliness of the decision favored increasingly the presidencies of both the Chambers. In 1981, the Chamber of deputies changed the rules about the program of business. When in the Conference of Group Chairpersons wasn’t found an unanimous agreement, the President of the Chamber of Deputies could propose, by a take or leave it offer, a two-month program of works and two weeks calendars. At the end of the decade (1990), also the approval stage in the Floor was cancelled and in case of lack of unanimity the president gained literally the last word. In the same period the Senate strengthened the time constraints mechanisms: since then the calendar has to schedule normally for every topics also the last day for the final voting. In both the Chambers (Senate in 1988 and Chamber of deputies in 1990), for the first time, the Executive’s indications were explicitly quoted as one of the sources to be taken into consideration for planning Parliament Activity. Also the link between the Floor programme of business and the Committees was for the first time quoted explicitly in the Standing Orders :“The programme and the order of business of each Committee shall be established so as to ensure that the bills and other subjects included in the programme and in the order of business of the House are considered as a priority (..)” (art.25 R.C., art. 53, comma 6 R.S.)

At the end of the nineties, after the electoral reforms and the collapse of the so called first republic, many experts in constitutional law and some politicians talked about the necessity to innovate the parliamentary standing orders for meeting the needs of a “majoritarian” democracy. The innovation took place at the Chamber of Deputies (1998) but did not change radically the rules about agenda planning and time constraints. In the Chamber of Deputies, filling, at least partially, the gap about this

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7 In 1998 a further integration to the same article has limited more strongly the committee’s autonomy: “(..)Bills included in the programme of the House shall be entered as the first agenda item of the reporting Committee, in the first sitting scheduled in the Committee’s own order of business, as drawn up after the House has been informed of the programme established” (art. 25).
subject with the Senate, the examination and discussion of bills are now effectively scheduled in the calendar (even if voting is excluded by the schedule). Government has won the right to be present in the Conference of Group Chairpersons but it does not enjoy either any special proposal or voting right about the planning of the parliamentary activity. In the Chamber of Deputies, for the first time, the unanimity’s taboo was broken, but the Conference of Group Chairpersons has still to reach a very qualified majority (3/4) to approve the plan and the calendar. Such a majority cannot plausibly coincide with the government majority. Moreover, the opposition groups are due a share of the topics (bills included) to be discussed in the Parliament and they are also due a quota of time to discuss the governmental bills larger than the quota assigned to majority groups. It is formally forbidden that more than one fifth of the total time is dedicated for converting decrees in law.

3.2. Amendment and voting rules

In the international literature (Weingast 1992, Tsebelis 2002), the rules about the so-called last amendment have been called to give an account of the ability to lead policy making by multiparty coalition. Heller (Heller 2001) argued that “The authority to make ‘last offer’ amendments protects the government from losing control of legislative content and being forced to watch bills it dislikes become law”. The Italian Executive was explicitly considered an example. Although the theoretical argument is convincing, the application to the Italian case is groundless. In fact, if you look at the Italian Public law expert literature, you do not find these rules as Executive’s procedural weapons. The trivial reason is that in both Chambers the real rules (article 86 R.C, comma 5; art.100 R.S., comma 6) did not give an unconditioned and exclusive power of the last amendment to the Executive. In other words, the amendment is not necessarily the last one and does not necessarily come only from the Executive. In the Senate, individual Senators normally may table the amendments before the beginning of the debate. However, eight senators can table new amendments during the debate if they refer to other amendments that were already tabled or already approved. And, in any case, the President can make an exception to this rule and allow new amendment during the debate.  

8 The parliamentary anecdotic suggests that the rule of the (quasi) last amendment was used mostly during the budgetary session in order to evade the financial control of the Committee of the Budget, and that it was used by the Committees.
debate, even when they are disconnected from any previous amendment. The Committee and the Government can table amendments without the previous restrictions, but the President can discretionally delay the debate in order to allow Senators to table new amendments linked to them. In a few words, in the Senate it is the President who decides the end of the amendment sequence and the Executive has as many privileges as the Committee.

In the Chamber of Deputies, in the normal amendment procedure, the Committee or a sub-unity of the Committee ("Comitato dei 9") accomplishes some of the filtering function accomplished by the President in the Senate. However, also here, the President has the important function to lay down the time limit for tabling amendments and sub-amendments when it is allowed to table amendments at the last moment. The article 86, comma 5, says: “The Committee and the Government may table amendments, sub-amendments and additional sections until voting on the section or amendment they refer to has begun, provided they fall within the context of the subjects already considered in the text or in any amendments tabled and declared admissible at the Committee stage. Thirty deputies, or one or more Chairpersons of Groups that, separately or jointly, account for at least the same number, may table sub-amendments to each of these amendments and additional sections, including during the sitting, within the time limit laid down by the Chairperson. Each minority rapporteur may table, within the same time limit, only one sub-amendment relating to each amendment or additional section tabled by the Committee or by the Government as set out in this paragraph”9. As I’ll show below, the so called last amendment rule plays a very important role combined with the question of confidence, not just to win a majority in the floor but to help the research of the agreement in the Cabinet.

During the eighties, while the time constraints rules and a stricter planning started limiting the debate length, an abnormal submission of amendments became the main dilatory tactics. The time saved by limiting the Mps speech duration run the risk to be lost in voting activities. The Presidents (above all in the Chamber of Deputies) first reacted applying rigidly standing orders articles already in force (amendments that are

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9 What is quite curious is the evolution of this article. In the 1971’s version the amendment sequence stopped after the amendments from the Committee or the Government. Namely, it was more convenient for the Executive (and the Committee). The most recent versions (1986 and 1997) provide explicitly the possibility that the Mps continue the amendment’s process after the offer from the Government or from the Committee.
tabled in the Floor cannot be about subjects not already treated in the Committee, and
cannot replicate amendments that were already dismissed in the Committee). At the
beginning of eighties, a new rule (art. 85 R.C.) allowed the President to dismiss the so
called “serial” amendments: “Whenever several amendments, sub-amendments and
additional sections differing from one another only with respect to increments in
figures, data or other elements are tabled with respect to the same text, the President
shall put to the vote the one that departs furthest from the original text, together with a
number of intermediate amendments up to the amendment that is closest to the original
text, and shall declare the others to be subsumed. In determining the amendments to be
put to the vote, the President shall take into account the extent of the differences
between the proposed amendments and the significance of the increments in relation to
the contents of the amendments. If the President considers that the House should be
consulted, the latter shall decide without debate by show of hands (..)”. But the final part of the same article, giving the normative ground, during the nineties,
for much more incisive practices, is even more important: “The President may also
change the order of voting when he or she deems this to be appropriate for reasons of
efficiency or clarity of the votes themselves”. According to this comma, the presidents
can organize the voting on selected amendments or by principles. In the first case, the
president can choose the order to follow in putting the amendments to vote. In extreme
cases he can put first the article. In case of approval, all connected amendments fall.
Voting by principles means voting on some general criteria inferred by the content of
many amendments. If the criteria are turned down, all connected amendments fall.

No explicit attempt has been carried out for the last decade by amendment rules to
assign an agenda setting power to some institutional actor in the legislative arena.
Nevertheless, the fight against obstructionism favored the Presidents, did not favor, at
least not directly, the Executive.

The most important change about voting and amendments took place in 1988, and
cancelled an anomaly that had made the Italian Executive one of the weakest Executive
in the world. Until then, not only the extensive use of the secret ballot was allowed, but
in the Chamber of Deputies it was required for the final voting of any bill. The last rule
made useless for the Executive to resort to the confidence procedure in order to
discourage opportunistic behaviors that cannot be visible in front of the public opinion.
As the vote about the question of confidence cannot be secret, the Executive before the 1988’s reform could not attach any question of confidence on the final voting. Practically, the Executive could obtain a positive vote about the question of confidence attached on an bill’s article or amendment and a few minutes later see the entire bill being defeated in the final secret voting. The same was true even when the bill, as usually the bill converting a decree in law, had only one article. In this case, the Chamber of Deputies standing orders requires two distinct voting, the first one about the article and the final one about the bill. The change of these voting rules has made the question of confidence a much stronger instrument than before. Moreover, it has made more convenient an informal practice very common nowadays: the so called maxi amendment.

3.3. The maxi amendments

In December sixteenth 2004, the Italian President of the Republic sent back to the Chambers a very important delegating law approved by the Government majority about the reform of the judicial system. The Italian President of the Republic has a kind of dilatory veto power: “(...) Before promulgating a law, he/she may request the Houses, with a reasoned message, to deliberate again. If the Houses once more pass the bill once again, then the law must be promulgated (art.74 Cost.)”. Usually, in the messages the president points out some normative content of the law that would contradict the Constitution and/or the sentences of the Constitutional Court. In this case, for the first time, the message included also an observation about the legislative drafting: “I would like also to notice that the analysis of the statute is made very difficult by the content’s organization: all provisions are summarized in only two articles. The second one consists of 49 commas and takes 38 of 40 pages (...). I would like to draw the Parliament’s attention to a way of legislating, established for a long time now, that does not seem consistent with the meaning of the constitutional norms that concern the law making, in particular with the article 72, according to which “Every bill submitted to one of the Houses is, in accordance with its Rules, considered by a Committee and then by the House itself, which approves it section by section and with a final vote”. 
The message of the President of the Republic has generated a lively debate among politicians and experts in constitutional law (Griglio 2004). The President of the Republic was questioning the constitutionality of a practice very common, that he himself used when he was the premier.

As the presidential message reminds, the Constitution requires that the bill are approved section by section. However, the constitution does not define what a section is. A division in sections makes a bill much more understandable, but also vulnerable during the decision making. It can be more easily emended and it takes longer time to pass, because it is necessary to vote many times (at least as many times as the number of sections). Without any “closed rule”, the Government bills that are subdivided in sections can suffer from successful amendments coming from the opposition as well as from the majority Mps. Attaching a question of confidence is an extreme and effective attempt to protect the content of a government bill, but doing it for every bill’s section implies a costly procedure in terms of time, and it can be also risky as it requires an high level of “mobilization” of the Government’s Majority Mps. The Government can by pass these obstacles by submitting at the last moment (according the art.86 R.C., comma 3) in the Floor a single amendment that replaces by a single section the whole bill (in other terms, all sections) as it comes out after the discussion in the committee. The executive attaches on this amendment a question of confidence. These tactics have many advantages. The Executive can include in the single amendment any “improvement” approved at the Committee Stage as well as it can dismiss any change about which no agreement is reached in the Cabinet’s meeting. By taking advantage of

Tab.1

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Confidence vote on ordinary amendments</th>
<th>Confidence vote on completely substitutive amendment (maxi amendment)</th>
<th>Confidence vote on ordinary articles</th>
<th>Confidence vote on single article</th>
<th>Tot</th>
</tr>
</thead>
<tbody>
<tr>
<td>X (1987-1992)</td>
<td>4</td>
<td>0</td>
<td>7</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>XI(1992-1994)</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>XII(1994-1996)</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>XIII(1996- 2001)</td>
<td>2</td>
<td>9</td>
<td>0</td>
<td>10</td>
<td>21</td>
</tr>
<tr>
<td>XIV(2001-2004*)</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>7</td>
<td>16</td>
</tr>
</tbody>
</table>

Source: elaboration on bills archive www.senato.it
the special prerogative about amendment submission (see above), the party leaders in the Executive can use all the time before the first voting to bargain about the final content of the law. Moreover, according to the Parliamentary standing orders, when the question of confidence is attached on a single section, any discussion about the amendments of this section is precluded. As the section the Executive proposes is actually a new version of the whole bill, so the discussion about all amendments is precluded, and the version of the bill that the Executive collectively most prefers can pass by only one voting and a relatively short discussion.

This practice was not completely unknown during the first Republic. At the beginning, it concerned only bills that converted the decrees law. As we know, in this case the bill is often composed of one article that provides the conversion of the decree law. Lately, it expanded to any kind of bill (delegating one included). During the last two legislatures the maxi amendments have been much more frequent. An indirect evidence comes from statistics about the number of bills that had at least one question of confidence. The overwhelming majority concerns question of confidence attached to single article bill or maxi amendment (tab.1).

Many commentators observed that the maxi amendment is at the same time an act of strength and the symptom of weakness. They argued that, if the government majority was more cohesive, it needn’t any stratagem to pass the Executive legislation. In my view point, the last assertion means only that the Executive is a fragmented collective player where sometimes the extremist political positions need to emphasize symbolically their difference by making necessary the question of confidence (Huber 1996). However, the way how the maxi amendment works shifts the research of a bargaining equilibrium from the Parliament towards to the Executive arena and can humiliate the activity of the standing committees.

The message of the President of the Republic created uncertainty. It could be a pointless request to minimize the maxi amendments, or it could give some cues about the Constitutional Court’s next intentions. And, as the decrees law history teaches, the Court’s sentences are not really inconsequential.
3.4. Budgetary process

The Budgetary process is very complex and it cannot be described entirely in a few rows. I’ll try to offer a synthetic account of some of its features directly related to the legislative agenda setting.

In the budgetary process, the Executive takes advantage of the same procedural weapons (decree laws, maxi amendments etc.) that characterize the normal legislative process, but in a pre-determined legislative sequence, where any step is scheduled very strictly. The procedure is quite recent and it has changed three times since the first introduction (1978). The main changes have concerned the documents and bills that the Parliament has to examine during the budgetary process, the content of the financial law, and the amendment regime (Verzichelli 1999; Verzichelli e Vassallo 2004; Zangani 1999).

If the triggering cause of the standing orders change was the increasing obstructionism, the persistent arguments for innovating the budgetary process have been, first, the frequent financial weakness of its results, then the chaotic and micro distributive nature of many of its provisions. Until 1978 Italy did not have any real financial law. In other words, Italy did not have any specific legislative instrument to organize the collecting of the financial resources for public expenses, the counting of their effects and the planning of prospective financial adjustments. The only two formal requirements were the annual budget bill and the constitutional requirement of cover: “The Houses approve every year the budgets and accounts submitted by the Government. The provisional budget cannot be granted unless by law and for periods not exceeding a total of four months. It is not possible to introduce new taxes and new expenditures in the law approving the budget. Any other law involving new or increased expenditures must specify the resources to meet these expenditures” (Art. 81 C.).

The lack of any financial legislative instrument probably increased the capacity of the Parliament to intervene in the economic and financial planning and on all money bills. However, even the first attempt (L. 468 1978) to regulate these issues by a government financial bill and by a financial parliamentary session did not attain the goals of a more sustainable financial equilibrium and less micro distributive legislation (the so called financial “omnibus” laws). Not surprisingly, since the MPs (both in the Committee and
in the Floor) could freely emend the financial bill, and the section that determined the overall spending could be voted at the end of the process.

The 1988 legislative innovation (L. n. 362 1988.), some subsequent changes in the Parliamentary standing orders and in the practices (strongly required to respect the so-called European external bound), have changed some of these characteristics, without strengthening so much the Executive role. Most of the rationalization of the process has formally increased the agenda setting power of the Presidents of the Chambers and of the Budget Committees.

The Executive has acquired, by the so-called DPEF (Document for Economic and Financial Planning) the possibility at the beginning of the process to limit, at least in terms of financial outcomes, the range of the parliamentary action. However, most of the following filtering functions are accomplished by the parliamentary bodies: the President can set aside the measures unrelated to the subject, as defined by the current legislation on the State budget and accounts. When the Financial bill and the legislation connected to the Budgetary Process start being discussed in the Budget Committee, the president of the Committee can also “declare inadmissible any amendments and additional sections dealing with subjects that are unrelated to the Finance and Budget bills, or do not comply with the criteria for the introduction of new or increased expenditure or lower revenue, as defined by the current legislation on the State budget and accounting and by the decisions of the Committee itself (…)”.

In the Floor the discussion starts again and any amendment that was considered admissible in the Committee (art. 121 R.C., comma 5) can be re-tabled again. However, the overall spending level is now fixed at the beginning of the discussion. As in normal procedure, the Presidents of the Chambers can effectively fight against the obstructionism with their prerogatives already working in the ordinary process.

It is difficult to evaluate the impact of the new rules and practices, as in the mean time, for all the nineties, the European Monetary Unification has worked as shared goal and external bound. The mere financial goals established by the money government bills seem to be now substantially respected (Table 2), but the frequent use during the financial session of maxi amendments, delegating laws, decree laws, shows that no specific rule or practice of the Budgetary process can enough ensure by itself the agenda setting power to the Executive.
Table 2. Italian Budget Laws for 1982 to 2001. Figure indicated is the total amount of spending for each year. All amounts are in billions of lire*.

<table>
<thead>
<tr>
<th>For Year</th>
<th>PROPOSED by Government</th>
<th>PASSED by Parliament</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>135460</td>
<td>164087</td>
<td>17%</td>
</tr>
<tr>
<td>1983</td>
<td>172772</td>
<td>203510</td>
<td>15%</td>
</tr>
<tr>
<td>1984</td>
<td>227077</td>
<td>242321</td>
<td>6%</td>
</tr>
<tr>
<td>1985</td>
<td>274163</td>
<td>297597</td>
<td>8%</td>
</tr>
<tr>
<td>1986</td>
<td>280900</td>
<td>334543</td>
<td>16%</td>
</tr>
<tr>
<td>1987</td>
<td>311432</td>
<td>358997</td>
<td>13%</td>
</tr>
<tr>
<td>1988</td>
<td>368360</td>
<td>414814</td>
<td>11%</td>
</tr>
<tr>
<td>1989</td>
<td>388562</td>
<td>406271</td>
<td>4%</td>
</tr>
<tr>
<td>1990</td>
<td>456202</td>
<td>445655</td>
<td>-2%</td>
</tr>
<tr>
<td>1991</td>
<td>498505</td>
<td>509594</td>
<td>2%</td>
</tr>
<tr>
<td>1992</td>
<td>541967</td>
<td>559556</td>
<td>3%</td>
</tr>
<tr>
<td>1993</td>
<td>612696</td>
<td>588981</td>
<td>-4%</td>
</tr>
<tr>
<td>1994</td>
<td>563208</td>
<td>549658</td>
<td>-2%</td>
</tr>
<tr>
<td>1995</td>
<td>611073</td>
<td>611390</td>
<td>0%</td>
</tr>
<tr>
<td>1996</td>
<td>647486</td>
<td>637007</td>
<td>-2%</td>
</tr>
<tr>
<td>1997</td>
<td>633348</td>
<td>642245</td>
<td>1%</td>
</tr>
<tr>
<td>1998</td>
<td>634393</td>
<td>653414</td>
<td>3%</td>
</tr>
<tr>
<td>1999</td>
<td>658278</td>
<td>672500</td>
<td>2%</td>
</tr>
<tr>
<td>2000</td>
<td>673282</td>
<td>679779</td>
<td>1%</td>
</tr>
<tr>
<td>2001</td>
<td>700646</td>
<td>725944</td>
<td>3%</td>
</tr>
</tbody>
</table>

*Source Forrestiere & Pelizzo (2004)*
### Tab.3 Methods to control legislative agenda. Italian first and second Republic

<table>
<thead>
<tr>
<th>Methods to control legislative agendas</th>
<th>Crucial actors and their role</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Republic (1948-1992)</td>
<td>Second Republic</td>
</tr>
<tr>
<td><strong>Proposal rights</strong></td>
<td></td>
</tr>
<tr>
<td>Right to initiate bills</td>
<td>Shared by individual MPs and Executive</td>
</tr>
<tr>
<td>Right to initiate money bill</td>
<td>Only Government</td>
</tr>
<tr>
<td>Gatekeeping authority</td>
<td>In ordinary procedure, partially in the hands of the Committee; In decentralized procedure, shared by Executive and quasi unanimity of MPs</td>
</tr>
<tr>
<td><strong>Amendments</strong></td>
<td></td>
</tr>
<tr>
<td>Last offer authority</td>
<td>In the Chamber of Deputies, shared by the Executive and the Committee In the Senate given by the President</td>
</tr>
<tr>
<td>Germaness rule</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Other criteria for admission of Amendment</td>
<td>None until the nineties</td>
</tr>
<tr>
<td>Order of voting amendments</td>
<td>Most far-reaching proposal voted on first; President’s decision on which proposal is most far-reaching.</td>
</tr>
<tr>
<td>Combination of items .</td>
<td>Sporadic cases with confidence vote (maxi amendment)</td>
</tr>
<tr>
<td><strong>Time Constraints</strong></td>
<td></td>
</tr>
<tr>
<td>Setting parliamentary calendar</td>
<td>Unanimity of Conference of Political Group Chairperson. In case of disagreement, provisional order of day proposed by the president.</td>
</tr>
<tr>
<td>Priority in discussion</td>
<td>No special prerogatives for government bill.</td>
</tr>
<tr>
<td><strong>Delegated Legislative authority</strong></td>
<td></td>
</tr>
<tr>
<td>Constitutional Decree authority</td>
<td>Government power to promulgate decree law, to be passed by the Parliament within 60 days. Amendment power of the Parliament and possibility to re-issue the same decree.</td>
</tr>
<tr>
<td>Delegated Decree authority</td>
<td>A few delegating laws (and delegations) passed by the Parliament conferring legislative power to the government for a fixed period of time and according precise criteria.</td>
</tr>
</tbody>
</table>

*Changes highlighted*
4. A tentative explanation

During the last fifteen years, in Italy, a presumably strong demand for a stronger Executive’s role has met an increasing supply of questionable practices (maxi amendments), an anomalous use of “exceptional” instruments (delegating laws and delegations; decree laws) and only a few, and often quite marginal, changes in formal rules (see table 3). The overall effect is a stronger role of the Italian Executive in the legislative agenda setting. Any good explanation of this evolution should account not only for the new Executive’s centrality but also for the way it took place.

As it is well known, during the same period big changes have affected crucial aspects of the Italian political system. The party system that had survived since the end of the second World War collapsed at the beginning of nineties; new electoral rules encouraged the formation of two broad, competing and quarrelsome coalitions that have alternated to control the Executive. It is a new thing in the Italian political history since the alternation between the so called historical right and historical left (1876). For many years, during the first republic, political commentators (and also some important politicians) have complained the lack of alternation as the main deficiency in the Italian democracy. The lack of political competitiveness would have created the premises for rent seeking, corruption and deficit spending policies. A few observers pointed out that the lack of real Executive’s alternation (better, the lack of its possibility) could also affect the Executive-Legislative interaction.

Imagine a country where all political players know that no Government will be possible without a party (Christian Democracy), and many of them believe that no Government will be possible with other two parties (communist party and neo-fascist party). And imagine also that both beliefs are always confirmed by the electoral results and by the post-electoral coalitional party behaviors. In other terms, imagine a country where the government parties are more or less always the same, and they are supposed to be the same election after election, it doesn’t matter how many cabinets are made and broken during a legislature (Galli 2000). Finally, add that the only visible change during a long period is a gradually increasing party fragmentation both in the Parliament and in the Government. This was, in a few words, the Italian First Republic. Which are the consequences in the law making process and in the legislative agenda setting power?
All important policy changes will be difficult and a common preference for delaying could prevail. If the same government coalition is in office for long time, the status quo of many policy areas will be probably inside the Government parties’ Pareto Set or not too far from its borderline. Moreover, as no alternation is expected in the future, the decision outcomes are considered quite stable. In these circumstances, the lack of alternation (and the “impossibility” to think about it) reinforces the effect of the size of the Pareto Set on both the policy stability and the agenda setting power. If the change is possible but marginal, many political actors can consider unattractive and risky to delegate agenda setting power to some other player in order to reduce the costs of a cumbersome legislative process that, at the best, will produce small shared utility improvements\(^\text{10}\). Improvements that could not be “improved” anymore. Vetoing and waiting for a better role in the decision making process could be the most convenient strategy. The Legislative-Executive interaction is deeply affected by this logic\(^\text{11}\). And the very low number of delegations and delegating laws during most of the first Republic period becomes understandable, not to talk about the lack of radical changes in the parliamentary standing orders.

Suppose that in the legislative arena there are three government parties (A, B, C). They are in fact differentiated between members of multiparty government (g) and backbenchers (p) (fig.4). I assume that the first ones are closer each other than the second ones. They serve as representatives of their respective parties to the government

\(^{10}\) Incidentally, for the same reasons, you have a partial explanation also of another Italian singularity: the usual enormous amount of laws. Many of these statutes in other countries are administrative rules (for instance in France). However, in this last case the change of the status quo would be driven by the single minister or by the department’s chief. When the size of the Government’s Pareto Set is very large and the status quo is near the borderline, a change by the administrative way can drive the final outcome to a point in the policy space worse for some coalition party. On the contrary, a legislative change insures relatively well against “bureaucratic” opportunistic behavior as laws are binding (or at least are supposed to be) in the subsequent implementing phase. Paradoxically, legislating, a cumbersome and time consuming decision making process minimized, at least temporarily, the political transaction costs of the Italian policy making. For a similar logics, see Huber & Shipan (2003).

\(^{11}\) These circumstances affect also the Cabinet stability and the interaction between Legislative and Executive parties. Cabinet stability is worth if breaking a government can reduce drastically the probability for the government parties and their MPs to keep their ministerial and parliamentary offices. Usually, because of a subsequent electoral defeat that gives to another coalition (or to the main opposition party) the role to aggregate a new majority supporting the Government. Which is the value of the Cabinet stability if there is not alternation? If the game for taking part in and leading the Executive is always restrained to the same political players who have already been in the Executive? Not only the Cabinet stability is little valuable but, for some pivotal actor (party or faction), breaking the Government can be convenient. A gamble with a positive expected utility.
and they are most often drawn from the more moderate wings of their parties (Kreppel 1997). The approval of backbenchers is obviously necessary to legislate.

The status quo SQ1 describes the usual situation during the Italian First Republic. Parliament can change the Status quo by an ordinary procedure or a decree in law, and the final outcome will be included in the dark gray lens. If the transaction and information costs are high, SQ1 can also remain in force. However, no change by delegating law and delegations is possible. Parliamentary parties (p) could agree about a delegating law in the win set of SQ1 (the dark gray lens) but this bill will be always (by construction) outside the Executive parties’ Pareto Set. After its approval, the Executive parties (g) by unanimity have an interest to change again this agreement, wherever it is located (for instance Lp). The legislative decrees can drive the final status quo to a point worse for the Parliamentary parties than the initial status quo. As they anticipate this result, they never approve the delegating law.\footnote{Insofar as the Constitutional Court is centrally located in the policy space, it wouldn’t have most of the time any interest in sanctioning a shifting of the legislative decrees from the criteria of the delegating laws.}

Fig. 4
This is not true anymore (or less true) if the status quo is getting worse and worse for the government parties and/or if the alternation is a real possibility. In spatial terms, if the status quo is farer. Imagine that the initial status quo is SQ2. There are many options in the winset of SQ2 and some of them are included also in the Pareto Set of the Executive parties. In other terms, the Parliamentary parties can find the delegating bill that is unanimously better than the status quo for both components of every party, and whose content cannot be subsequently betrayed by the legislative decrees as at least one executive party would oppose (for instance Lp2).

Also an ordinary procedure or a decree law procedure could change SQ2, but it takes longer time and more energies\textsuperscript{13} (at least until the 1996 Constitutional Court sentence). On the contrary, the delegating law delegates the law “details” drafting to the Executive. Moreover, if you look at the illustration, you will find out that there is at least one party (C) whose both components would prefer an alternative inside the Executive parties’ Pareto Set.

The recent political history illustrates quite well what I mean. The sudden and impressive grow of delegating laws and delegations at the beginning of the nineties is strictly associated with one of the most dangerous economical and financial crisis that the Italian Republic has gone through since its birth (Lupo 1994). This crisis was not only a problem by itself but also because it was moving away the goal of integrating Italy inside the European Union by the monetary unification. In case of failure to attain the goal, the returning point (the definitive status quo) was mostly considered an economic and symbolic disaster (Ferrera & Gualmini, 1999) for both a majority of the old rapidly declining governing parties and for a majority of the new political forces supporting the transition cabinets.

The delegations and the delegating laws did not decrease the years after because, in the meantime, the alternation has become a real possibility. At the 1996 elections the most “leftist” party coalition in the Italian history won the election and formed the government. Five years later it has been defeated by a center right coalition more rightist than the old Christian democracy centered coalitions.

\textsuperscript{13} The difference in transaction costs between the decision making in the legislative arena and the decision making in the Executive arena can be even stronger in case of minority governments. So, if the status quo is bad enough for the government coalition, I would expect more delegations.
Some data about the party location on the policy space provide an impressionistic, but maybe meaningful, picture of the size of the alternation (Fig. 5)

Fig. 5

Using the expert’s survey conducted by Laver and Hunt at the end of eighties (Laver & Hunt 1992) and by Benoit and Laver in 2004\textsuperscript{14}, I plotted the position of the parties from the old party system and from the new one in the two most salient dimensions, that are also two of the only three issues\textsuperscript{15} considered in both data collection. If you believe to this representation, the collapse of the First Republic has created opportunities of important changes, and the alternation takes place between two very different coalitions.

\textsuperscript{14} Unpublished data.

\textsuperscript{15} The third issue is the environmental one and it is strongly correlated with tax versus services.
Alternation means three things:

1) In front of a really new government coalition, the status quo in some policy areas is far enough, namely the price to maintain it is high enough, to overcome the existent transaction costs that still plague a still fragmented coalition government.

2) As alternation has happened, it can happen again. The preference for delaying is sensitive for some crucial political player when the time horizon is very long, namely when what it is not decided today can be decided tomorrow by the same actors. The alternation makes very uncertain this expectation.

3) The alternation changes the parameters of the political calculation. A relative bad decision can be convenient for a party member of the government if it can prevent the alternation. In other words, alternation can make more acceptable for a government party a worsening of the status quo if it can prevent a worsening much worse: the electoral defeat of the present government coalition and the loss of any cabinet office.

In a few words, first the economic emergency and then the alternation made many status quo very unpleasant for the government parties in office. These circumstances have made possible a change in the agenda setting equilibrium between the Executive and the Parliament.

The next question to be answered is why this change has not taken place until now by a more explicit innovation in the formal rules. Everything happened without any big visible transformation: some legislative instruments have been included in the Italian Constitution for more than 50 years. Other tools have been made more powerful or legitimized by the intervention or by the not intervention of the Constitutional Court, an actor outside the parliamentary arena. The “formal” changes that reinforce the Executive were few and incremental and mostly conditioned to the behavior of the Presidents of the Chambers. Why?

A first general answer is that the institutional change does not evade the traps and the pitfalls of the normal policy change. The alternation has taken place twice in a context of party fragmentation. Still now, the Veto Players Pareto Sets of both coalitions are quite large in some of the most common policy dimensions. The institutional issues don’t seem to be less divisive than others but, in addition, some of the helpful
instruments for facilitating the lawmaking (confidence vote procedure, maxi
amendment, delegating laws, decree law) cannot work for the institutional issues as
well. Therefore, any behavioral change that could be produced by an (ab)use of the
existent rules or by the informal practices has been welcome for the last ten years.
Secondly, some of the decisive new formal rules needs to be passed by constitutional
laws. These requirement is very demanding for the Italian political actors, which
compete in an alternational and fragmented political system. On one side, any
constitutional reform without a large political agreement, much larger than the
percentage of parliamentary seats controlled by any government majority, can run the
risk to be disconfirmed by the constitutional referendum. On the other side, also a large
consensus can be politically too costly to be born for the most extreme government
parties. In short, a safe and consensual constitutional agreement makes the government
or the opposition coalition unstable and easy to break. A narrow and government driven
constitutional process makes uncertain the final approval of the new constitutional laws.
More important are the alternation and its consequences for the political actors, more
likely is the second option. The present center-right government opted for this second
solution. A very ambitious Constitutional Bill has been sponsored only by the
Government parties and it has passed the second step of the special approval procedure
for the constitutional legislative process.

5. Conclusions

The Italian slow evolution of the legislative agenda setting power can help to
understand better which factor drives an Executive’s strengthening in the law making.
The implicit hypothesis of this paper is that institutional or procedural change follows
the same logics of the policy change. According to Tsebelis, a large Veto Players Pareto

16 Apparently relevant pro-Executive changes in the parliamentary standing orders would seem not too
difficult. They require only the absolute majority of Mps without any risky referendum as for the
Constitutional laws. However, in the procedure for changing parliamentary standing orders, the presidents
are crucial actors. They chair the rules committees that have exclusively the right to propose to the Floor
new rules or amendments of the existing ones. As I have shown, the present standing orders give the
Presidents many prerogatives. It is at least questionable that they have a strong interest in increasing
directly the power of the Executive. Moreover, the presidencies of the Chambers are, not too differently
from the Ministers, offices that are involved in the post-electoral bargaining process among winning
coalition parties about relevant offices allocation. Never both presidents are member of the prime
minister’s party.
Set makes quite unlikely changes in the agenda control (Tsebelis 2002: 184). However, as alternation plays a role in increasing the probability of the policy change, it helps also to change the agenda setting rules (formal or informal). Alternation makes possible a delegation to the Executive of the agenda setting powers in two ways: 1) it changes the set of veto players, increasing the opportunities of policy instability; 2) it introduces a prospective change of veto players in the political calculations of the present ones, decreasing for them the value of the policy stability.

If my hypothesis is correct, I should expect to find that a strengthening of the Government agenda setting power is more likely in the countries where: 1) alternation is more frequent; 2) distance in a multidimensional space between alternative governments is larger; 3) Veto Players Pareto Set is relatively small. Only a comparative research design and a cross national data set will help, in the future, to test and ameliorate this hypothesis.

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