The Italian legislative process in bicameral perspective

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I, Roberta Damiani, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

This thesis explores the functioning of the Italian legislative process at the bicameral level over the years 1996-2018, and it investigates how legislative dynamics changed following an electoral reform in 2005.

The Italian bicameral system has long been considered highly "redundant" because of how similar the two chambers of parliament are. Nevertheless, the 2005 electoral reform brought about an important and yet under-investigated change by making their partisan composition considerably more incongruent than it previously was. Given the repeated failed attempts to reform the Italian bicameral system, most recently in 2016, and the lack of detailed studies looking at how it works in practice, evidence filling this gap is an important contribution both to the academic literature and to debates about institutional reform in Italy.

The overarching research question informing this project is: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?".

The methodology used is a mixed-methods approach. A quantitative component uses two original datasets of government bills and amendments to carry out a set of exploratory regression analyses. This is a first step to reconstruct legislative trends and whether incongruence affects them.

Secondly, a qualitative part relies on a total of four case study bills, using pairwise comparison and process tracing to reconstruct the effects of incongruence by comparing the parliamentary passage of two pairs of education bills during times of low and high incongruence.

The results shed light on the performance of Italian bicameralism and inform policy recommendations for parliamentary and second chamber reform. By conceptualising the causal effects of bicameral incongruence, this study has implications for the wider comparative literature on bicameralism, coalition government and executive-legislative relations.

Impact statement

The academic impact of this doctoral thesis comes from a thorough and ambitious analysis of original data on the Italian Parliament. This thesis explores the functioning of the Italian legislative process at bicameral level, and it investigates how legislative dynamics were affected by a change in the level of partisan incongruence across the two chambers of parliament, following an electoral reform in 2005.

The methodology used in this thesis combines quantitative with qualitative methods. The quantitative analysis employs two original author-assembled datasets, one on government bills presented by Italian governments between 1996 and 2018, and one on amendments tabled to government bills in the Italian Senate between 2001 and 2017. The datasets will be made publicly available for future scholars and for replication. The qualitative analysis complements the statistical part by looking in depth at the causal mechanisms through which incongruence affects the legislative outcomes of interest, using process tracing and pairwise comparison on four case study bills. The findings that emerge from this thesis contribute to the comparative literature on legislatures, bicameralism and coalition government, and they can be used for theory-building efforts for the study of other parliamentary systems and other institutional reforms. The methodological approach also informs how to best study legislatures and bicameral systems.

The impact beyond academia comes from policy recommendations which are evidence-based. The recommendations are targeted at improving the policymaking process in the Italian Parliament, and focus on how legislators could make a better use of the current constitutional framework of "perfect bicameralism", rather than attempting another grand reform of the bicameral system. This includes codifying avenues for inter-cameral cooperation and to resolve disagreements between chambers. The findings in this thesis can be used to inform debates about institutional reform in other countries as well. Moreover, I have developed links with staff in the Italian Parliament, who have requested my feedback on how to improve data accessibility for academic researchers; this will have a positive impact for the transparency and quality of future research.

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Chapter 1. Introduction

This thesis explores the functioning of the Italian legislative process at bicameral level, and it investigates how legislative dynamics were affected by a change in the level of partisan incongruence across the two chambers of parliament, following an electoral reform in 2005. The Italian bicameral system has long been considered highly "redundant" because of how similar the two chambers of parliament are. But the 2005 electoral reform brought about an important and yet under-investigated change in the partisan composition of the two chambers, which affected both the size and the composition of the government majority; this in turn should affect how the government of the day pursues its policies in parliament. Given the repeated failed attempts to reform the Italian bicameral system, and the lack of detailed studies looking at how it works in practice, evidence filling this gap can make an important contribution both to the academic literature and to debates about institutional reform in Italy.

In this chapter I begin to contextualise my research question: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?", in light of long-standing debates about second chamber reform and of recent developments. I also present an overview of the thesis, summarising the empirical strategies used for addressing each part of the research.

1.1 Motivation and context
1.1.1 Perfect bicameralism
The Italian Parliament has a peculiar form of bicameralism (known as "perfect" bicameralism)[1] which, as Chapter 2 will explain, entails almost complete parity between the two chambers. The Chamber of Deputies and the Senate have the same formal powers, and they are both involved in the confidence relationship with the government (Costituzione della Repubblica Italiana 2012 Art. 55-60, 94) – the so-called "double confidence requirement", which compels the government to command a majority in both chambers. This has led to a widespread assumption that the Chamber of Deputies and the Senate are just duplicates of each other. As a result, there are few empirical studies about the performance of the Italian bicameral system as a whole.

The extreme parity of the two chambers meant that, for decades, the issue of reforming the bicameral system to "overcome perfect bicameralism" (Fatto Quotidiano 2014) has been a constant theme in Italian politics. By far the most recurring criticism is that having two equal chambers is "redundant" (Commissione per le Riforme 2013; Fusaro 2016; Governo Berlusconi 2006), and that their parity leads to a "burdensome" legislative process (Comitato di Studio sulle Riforme Istituzionali 1995; Comitato per lo Studio delle Questioni Istituzionali 1982; Commissione per le Riforme 2013). There is a distinctively Italian element to this claim, given the complete equality of the two chambers; however, on some level the accusation of adding unnecessary complexity is found in any bicameral system, and it is closely related to the never-ending conundrum about the very existence of second chambers. Such bodies are indeed contested

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[1] All translations of Italian words presented in this thesis are my own.

institutions, and several countries have long tried (and mostly failed) to reform them (Russell 2001; Russell and Sandford 2002).

Italy has also had several unsuccessful reform attempts led by governments of all political colours. Two high-profile ones took place over the last 15 years and saw the Italian people rejecting the plans for constitutional reform in referendums both in 2006 (BBC News 2006) and in 2016 (BBC News 2016). The failure of the 2016 reform, promoted by Prime Minister Matteo Renzi, led to his resignation and caused a significant amount of political turmoil. The reform would have turned the Senate into an indirectly elected chamber representing the regions, and its legislative powers would have been substantially curbed. The proposal was resoundingly rejected, with 60 percent of participants in the referendum voting against; subsequently, debates about whether a different, more appropriate reform plan would have been more likely to succeed continued to play an important role in the political discourse in the country (Ceccarini and Bordignon 2017).

Given the salience of Senate reform, it is puzzling that the Italian Senate has been largely overlooked in empirical work. Most existing academic studies have focused on the Chamber of Deputies only, because that is argued to be the more "political" chamber, and given their symmetry of powers and (previously) of composition, it was generally assumed that the Senate is just a replica of the Chamber (Pasquino 2002). In reality, there have always been some minor but important differences between the two chambers (which Chapter 2 will review more in detail), above all in age of members. Based on findings from other countries about how second chambers with more experienced members can provide a different type of scrutiny (e.g. Russell and Gover 2017), we should not automatically assume that senators and deputies would behave in the same way. In order to fully appreciate how the legislative process works in Italy, it seems necessary to take a bicameral approach, including both chambers of parliament in the analysis. This will allow us to determine whether they really are duplicates or not. Several comparative studies have proved the importance of second chambers in the policymaking process, as they can always bring their contribution, including improving the quality of legislation and forcing the government to reconsider unpopular policies (e.g. Brosio 2006; Russell 2013b; Tsebelis and Money 1997), even when the two chambers are essentially identical (Rogers 2001).

1.1.2 Incongruent chambers
The previous section has highlighted the existence of a gap in the literature regarding the functioning of Italian bicameralism, because of how repetitive it was considered. In addition to this descriptive gap, in recent decades there has been at least one significant development which should lead us to question the assumption that Italian bicameralism is redundant: the 2005 electoral reform.

For most of the post-war period, controlling a majority in both chambers of parliament (in line with the double confidence requirement) was a realistic expectation: the electoral laws used to elect them were so similar that their resulting partisan composition was virtually identical. While government coalitions were always fragmented as they consisted of several small parties, the relative size of the coalition in the two chambers was largely the same. However, in recent years, and particularly acutely after an electoral reform which was approved in 2005, achieving a majority in both chambers became increasingly difficult: in partisan terms, their composition became a lot

less congruent than it used to be. This was because the 2005 electoral system, by a sort of "constitutional accident" (as discussed in detail in Chapter 2), allocated a plurality bonus in different ways in the two chambers, which resulted in diverging partisan compositions across them. If the underlying assumption that the Senate would be little more than a duplicate of the Chamber was somewhat reasonable before 2005, that could be robustly challenged in light of the increase in bicameral incongruence. The definition of incongruence used throughout this thesis refers to the disparity between the distribution of seats across parties in the two chambers of parliament.

Despite the increased incongruence, controlling a majority in the Senate was still necessary, as according to the double confidence requirement the government needed to win an investiture vote there as well. This meant that a government falling short of a Senate majority had to rely on the support of additional coalition partners, which had important implications for the composition of the government majority, and hence for what the government of the day could do. Based on comparative findings about divided government, as explored in the literature review in Chapter 3, incongruence should pose new difficulties for effective government by complicating the bargaining environment for legislation. Nevertheless, its effects have still not been investigated in depth in the Italian case. This also raises a causal question about how incongruence affected policymaking in the Italian Parliament.

The 2005 electoral system was used to elect three legislatures before being replaced by a new mixed system in 2017, which functions primarily in a proportional manner. The 2017 system reintroduced congruence as it allocates seats in similar ways in the two chambers (Chiaramonte and D'Alimonte 2018). This means that the period of incongruence is now over, making this a suitable time to investigate how it affected Italian bicameralism, and to draw some conclusions about what kind of small-scale reforms could improve the functioning of the bicameral system.

Therefore, the rationale informing this research is the following. Italian bicameralism used to be considered redundant because of its extreme parity, including almost complete congruence in composition. Following the 2005 electoral reform, it was often claimed that perfect bicameralism worked against effective government because of incongruence. However, there is very little evidence on either claim, raising both descriptive and causal questions. This thesis seeks to fill the gap by looking in depth at the policymaking process in Italy. The research question through which it does so is: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?". It aims to answer it by analysing the legislative process in bicameral perspective over the years 1996-2018, and how legislative dynamics changed after the 2005 electoral reform. The thesis will provide nuanced and innovative insights into the Italian system, in addition to contributing to the wider literature on bicameralism, executive-legislative relations, and coalition government, by conceptualising the causal effects of bicameral incongruence on the policymaking process.

1.1.3 Post-2005 changes: discourse and reality
Much of the Italian discourse in the aftermath of the 2005 electoral reform focused on how it created a situation where the Senate was "too difficult" for the government of the day. This was true, at least for governments of the centre-left since (as Chapter 2 will explain) parties of the left were penalised in terms of seats in the Senate. Several commentators argued that the post-2005

situation was unmanageable, including the Minister whose name the reform bears, Roberto Calderoli, who famously renounced it. The theme that the Senate became a "sword of Damocles" constantly threatening the government's survival was widespread in Italian discourse.

While the governments of 2006 and of 2013 were undeniably penalised in the seat shares they got in the Senate, the 2005 electoral reform also brought about another important change which has been widely overlooked, both in Italian discourse and in academic work: the Chamber of Deputies became much more majoritarian than it previously was. In the old situation of congruence pre-2005, the main government party did not enjoy a comparative advantage in either chamber. After 2005, at least the Chamber of Deputies was secured, as the winner of the election could rest reassured of controlling a safe majority there. This, in fact, created a situation which in a way was easier for the government of the day, as it could rely at least on one majoritarian chamber. Such a development, as the analysis in this thesis will show, was crucial and affected the behaviour of both the government and the opposition; but so far it has not received appropriate scholarly attention.

My research in fact finds that the presence of the majoritarian Chamber of Deputies gave a new advantage to the main government party and strengthened its position vis-à-vis parliament. By exploiting the large majority in the Chamber, together with the use of prerogative powers such as decrees and confidence votes, the main government party managed to remove several obstacles and pursue its policies with more determination than was previously possible. The chamber of introduction of a bill (by which I mean the chamber which examines a draft first) became a more explicit factor to consider, which is only one example of how "anticipated reactions" (which refers to how the government pre-emptively takes into account how parliament will react) play a crucial role in legislative dynamics. Hence, somehow paradoxically, while incongruence on some levels complicated the process of government formation for parties of the centre-left, once in power the semi-majoritarian nature of the system also made some things easier. This raises implications of comparative significance for studies on bicameralism and divided government: it appears that a situation of incongruence could be either more or less troublesome for the government than one of congruence, depending on the precise nature of the two scenarios. Such subtle differences could be used in future theory-building efforts to make our understanding of legislatures even more sophisticated.

The fact that the majoritarian Chamber of Deputies offered some advantages is not to say that such a situation of incongruence is desirable - not in the Italian context at least: the thesis also shows that, especially in the 2013-2018 legislature, the Senate ended up considerably limited, as the main government party tried to circumvent it in order to avoid a difficult confrontation. Such behaviour does not seem acceptable in a constitutional system where the two chambers of parliament are conceived as (and given the failure of Senate reform proposals, remain) equal. In particular, this thesis finds that in times of incongruence the government made a particularly great use of instruments such as decrees and confidence votes, which as Chapter 3 and 5 explain, are the two main tools Italian governments have to speed up the approval of their legislation. Legislating in such a way perpetuates practices that result in a curtailment of parliament's ability to scrutinise government policy. Chapter 9 returns to these points, making some policy recommendations.

1.2 Thesis overview
This thesis will focus on three specific dynamics related to government legislation, each operationalised individually, hence leading to three main outcomes of interest:
1. Adoption of government bills
2. How government bills are adopted: use of confidence votes and decrees
3. Amendments to government bills

These three outcomes will be investigated both quantitatively and qualitatively. As the methodology chapter will explain in depth, the quantitative part will look directly at measures of the three elements. The qualitative part will look primarily at underlying dynamics and causal mechanisms, including aspects such as the behind-the-scenes role of relevant actors in the process and the so-called "anticipated reactions".

To address the topic of interest for this thesis, the next chapter, **Chapter 2**, starts by providing some context about Italian bicameralism and the 2005 electoral reform. It describes the structure of the Italian Parliament, and presents the predominant discourse about perfect bicameralism and about the effects of the 2005 reform, centred around the idea that the Senate posed difficulties for effective government. It also presents the two different incongruent scenarios that are investigated in the thesis, one corresponding to the 2006-2008 legislature and the other to the 2013-2018 one.

Chapter 3 presents the literature review. Firstly, the chapter looks at the literature on the Italian Parliament, describing its legislative powers, with a particular focus on the empirical studies that have been conducted so far. It also considers how the comparative literature about bicameralism can inform studies about Italy. In order to answer the research question, the chapter develops a theoretical framework about the effects of incongruence on legislative dynamics, based on the literature about divided government and coalition government. Finally, the last sections of the literature review reflect on the challenges of studying parliaments and the legislative process, including a discussion of studies carried out in other countries and how they can inform the approach to studying the Italian Parliament.

Chapter 4 presents the methodology I devised to answer the research question. My methodological approach is multi-step and multi-method, combining quantitative and qualitative techniques. This gives me a wealth of data and of tools to explore the questions of interest in a rigorous and ambitious way. The first part of the analysis is quantitative, using a set of exploratory regressions to investigate the legislative trends in the timeframe under consideration. This chapter describes the datasets used and how the independent variable of interest (incongruence) is operationalised, and provides a summary of the legislative dynamics measured in the quantitative analysis.

The second part of the research is qualitative, and uses pairwise comparison together with process tracing to investigate *how* incongruence leads to the outcomes of interest. This relies on two pairs of case study bills, hence a total of four cases, selected to be representative of the legislature that they were drawn from. Case selection was as rigorous as feasibly possible to match a bill drawn from a time of incongruence (post-2005) with a bill from a time of congruence (pre-2005) which serves as a "real-life counterfactual", while controlling for as many other factors as possible. This

enhances the validity of the causal inferences about the effects of incongruence. The most important controls are the main government party and the policy areas; all case studies are bills promoted by governments of the centre-left, and all are on the subject of education reform. Chamber of introduction is also controlled for. Chapter 4 sets out more fully the reasoning behind these choices. The main sources of data for the qualitative analysis are parliamentary proceedings, which are triangulated with newspaper articles and elite interviews that I conducted in Rome with relevant actors.

Chapter 5 starts filling the gap about the Italian legislative process by describing it comprehensively from a procedural point of view, setting the scene for the empirical analysis. The chapter describes the formal phases of the process, as well as the uncodified ones, and explains who the main parliamentary actors are and how they can make changes to draft legislation through amendments. It also starts to reconstruct the possible informal avenues where bargaining over legislation can take place, including for members in the two chambers of parliament to cooperate.

Chapter 6 presents the results of the quantitative analysis. The sub-questions it aims to answer are:
- What are the rates of approval of government bills, and how are they affected by variations in the level of incongruence?
- How are instruments such as decrees and confidence votes used to adopt government legislation, and how does their use vary in times of high incongruence?
- Which actors have the most successful amendments, and how does variation in the level of incongruence affect that?

Each sub-question builds on the previous one, in a way that adds layers of depth, going from an analysis at the bill level with the approval of government bills, then looking at how these are approved, and finally starting to target who is successfully modifying such bills by looking at amendment data. The chapter finds that incongruence is associated with an increase in the use of the government's prerogative powers, and a decrease in the success rates of amendments proposed by government backbenchers. While the chapter itself does not provide us with any direct evidence of this, the findings are consistent with the idea that incongruence incentivised Italian governments to proceed with a more forceful attitude to pursue their policies.

Chapters 7 and 8 present the results of the qualitative analysis. Each of them focuses on a causal mechanism about how incongruence leads to an outcome of interest. The causal mechanisms are exploratory and are informed by the theoretical framework and by the correlations found in Chapter 6. Each of these chapters is divided into two halves, one on the first pair of bills and the other on the second pair.

Chapter 7 focuses on the use of prerogative powers. The sub-questions it aims to answer are:
- How does incongruence affect the decision to use a confidence vote in the Senate?
- What other factors play a role in this mechanism?

Using a process tracing logic, this chapter shows how incongruence results in the decision to use (or not use) a confidence vote to secure the approval of the bill. The chapter finds that, in terms

of the use of confidence votes, there are differences across the two incongruent scenarios. In the more recent one, by relying on the majoritarian Chamber of Deputies, it became easier for the government to limit the involvement of the Senate in the legislative process by requesting a confidence vote, and this allowed the government to secure approval for a highly controversial bill. In the older incongruent scenario, on the other hand, the precariousness of the situation in the Senate was such that it was too risky not to appease veto players in that chamber - but having a strong majority in the Chamber of the Deputies still constituted an important advantage for the main government party. The comparisons with the old case studies help to illustrate how the use of confidence votes evolved after 2005.

Chapter 8 focuses on the content of government legislation. The sub-questions it aims to answer are:
- How does incongruence affect who gets concessions on a policy?
- How does incongruence affect how substantive these concessions are?
- How does incongruence affect at which stage they come (including anticipating what parliament wants before the formal process starts)?
- What other factors play a role in this mechanism?

Using a process tracing logic, this chapter shows how the bargaining on the content of the policy under consideration developed, reconstructing all steps of the legislative process, including behind-the-scenes dynamics and informal phases. The chapter shows how incongruence, again thanks to the presence of a majoritarian Chamber, in both scenarios helped the government by guaranteeing at least one easy parliamentary reading, which resulted in less need to compromise on the substance of the policies after they were introduced in parliament. As the comparison with the pre-2005 bills shows, this also affected the opposition's behaviour. The thesis finds that there has been a decline in the old "consensualism" that used to characterise Italian politics, according to which the opposition was highly involved in policymaking.

In tracing the two causal mechanisms of interest, this thesis also offers a rich thick description of the functioning of the Italian Parliament – the most detailed to date. This includes appreciating institutional differences between the two chambers, and the importance played by the style of the political personalities involved.

Chapter 9 concludes the thesis. It highlights the main descriptive findings and the main results on the effects of incongruence on legislative dynamics, and how it affected Italian bicameralism and the policymaking process. It also discusses some policy implications that can inform the subject of institutional reform in Italy. Since large-scale reforms seem both difficult to achieve and currently off the Italian political agenda, the suggestions are on a smaller level as they are more likely to succeed. These include suggesting how Italian governments should establish some conventions about "best practice" when it comes to legislating. Moreover, codifying some venues for inter-cameral cooperation could be beneficial to exploit the advantages offered by symmetric bicameralism. This could help to promote a culture of both collaboration and division of labour between the two chambers.

Chapter 2. Italy's "perfect bicameralism" and the 2005 electoral reform

This chapter provides some context about Italian bicameralism and the developments that are relevant for the scope of this thesis. It starts by describing Italy's "perfect bicameralism" and its background, analysing what Italian discourse identified as the main problems with this arrangement and what the main reform attempts over the last two decades have attempted to target. The chapter then moves on to discuss the 2005 electoral reform, including its aims and how the bargaining between the relevant actors at the time led to its configuration. Thirdly, it discusses the main consequence of the 2005 reform which is relevant for this thesis, namely the increased partisan incongruence across the two chambers of parliament. Post-2005 discourse has focused on the effects of a lack of a strong government majority in the Senate, but has paid little attention to the fact that the 2005 electoral reform also resulted in a strongly majoritarian Chamber of Deputies. This thesis, in setting out to answer what the effects of bicameral incongruence were, finds that the newly majoritarian Chamber of Deputies was in fact the most important development for Italian bicameralism, as it strengthened the position of the government of the day vis-à-vis parliament.

2.1 Structure of the Italian Parliament

The Italian Parliament consists of two houses, the Chamber of Deputies (often abbreviated to "Chamber") and the Senate. The Italian system is known as "perfect bicameralism": the two chambers play an equal role in the legislative process, have a veto over each other, and both take part in the confidence relationship (Costituzione della Repubblica Italiana 2012 Art. 94). There is no mechanism to resolve disputes between the chambers, hence bills shuttle between them until they agree on the text of a bill in the same form – via the so-called "navette" process (Pasquino 2002), colloquially known as "ping-pong" in the UK. While they are both directly elected, the requirements for the franchise and the rules on candidate eligibility differ slightly for the two chambers; their main differences are summarised in the table below.

Table 2.1. The Italian Parliament

	Chamber of Deputies	**Senate**
Size	630	315 elected, plus former Presidents of the Republic and up to five life senators
Method of selection	Elected	Elected; up to 5 life senators appointed by President of the Republic for outstanding achievements; ex officio (for former Presidents)
Age requirement for members	25	40
Age requirement for electorate	18	25

(Costituzione della Repubblica Italiana 2012; Russell 2013b; Senato della Repubblica 2016)

2.2 Historical background

The Parliament of the Italian Republic was the result of an explicit design to restore democracy after Fascism. Before the Fascist regime, Italy was a monarchy and it already had a bicameral parliament: the Chamber was elected by men over 21, and the Senate of the Kingdom was made up of aristocrats appointed by the King (Adams and Barile 1972). During Fascism, Parliament was almost entirely stripped of its role, as the exercise of power was shifted exclusively to the government and Mussolini himself (Franchi 1994).

Restoring a functioning parliament was hence paramount for the country when the 1948 Republican Constitution was drafted (Carocci 1964; Cotta and Verzichelli 2011); the question was what form such parliament should take (Calabrò and Cocchiara 2015). The elected Constituent Assembly had to balance opposite demands between the left, which wanted a strong and unicameral parliament, and the right, which on the contrary advocated for a strong executive in a bicameral system (Aimo 1977; Cotta 1990). The outcome of months of bargaining was "perfect" bicameralism, acclaimed by some (e.g. Cheli 1978) for succeeding in restoring democracy in Italy thanks to the dispersal of power, which encourages dialogue among all political parts, but also sharply criticised by others for being slow and repetitive (Fusaro 1998, 2013). The latter point, which concerns the extreme parity of the two chambers, is the main reason why over the history of the Italian republic there have been several attempts to reform the bicameral system, as discussed in the next section.

2.3 Reforming perfect bicameralism

This section aims to provide an overview of the main criticisms that perfect bicameralism has received. The idea of reforming the Senate has been traced back by historians to its very creation in 1848, when the Senate was appointed by the king. Calls for the Senate to become elective, to give it more legitimacy, were already present (Bonfiglio 2006; Lanciotti 1993) and intensified after the unification of the country in 1861 (Sassi 1988; Spadolini 1987). After the Republic was founded in 1946, because of the similarity between chambers, calls for reform remained constant to this day.

In the last 30 years, reform plans have usually not been limited to the topic of Senate reform, but have been part of a wider discourse about institutional restructuring. Several parliamentary commissions have worked on the task of devising a grand plan of reforms for the Italian political system (for a detailed summary of all reform attempts, see Fusaro (1998, 2013)). Reform plans often focused on a move away from perfect bicameralism, which has been criticised for different reasons. The most prevalent strands that one can identify by analysing the calls for reform over the last 30 years are twofold.

Firstly, the subject of Senate reform is often linked together with the argument for federalism or regional devolution: this revolves around the need to devolve power to the regions and to give them representation in the second chamber. This was at the centre of the discourse of both the 1997 D'Alema "bicamerale" (an hoc joint parliamentary commission), which was only debated in parliament (D'Alema 1997), and of a reform plan drafted by the 2006 Berlusconi government, which was voted down in a referendum (BBC News 2006). The 2006 reform would have introduced an indirectly elected "Federal Senate", with limited legislative powers, but it would have

also strongly increased the powers of the Prime Minister and the executive (Governo Berlusconi 2006); therefore, it was a major proposed transformation of the political system, not just a Senate reform.

While disagreeing with the federalist take and with the increase in prime ministerial powers, at the time even the leader of the centre-left Romano Prodi agreed with the need to change the bicameral system, mentioning the second most common theme for Senate reform: that "The legislative process is too burdensome, and the main problem lies in perfect bicameralism" (Ansa 2006b). The rhetoric about the need to speed up policymaking was already present in the 1980s and 1990s, and the fact that the two chambers were duplicates of each other was often blamed for such slowness. For example, the 1985 Commissione Bozzi argued that the two chambers' functions should be differentiated, "in order to avoid delays and useless duplications in parliamentary procedures" (Bozzi 1985, 16). The 1990 Commissione Labriola also recommended differentiating the two chambers (possibly to represent the regions), because having two identical chambers was pointless and only caused long times to approve legislation; if not differentiated, the report argued, Italy might as well have a unicameral parliament (Labriola 1990). The theme of enhancing quick decision-making was also dear to PM Matteo Renzi, who attempted an ambitious Senate reform in 2016 which, together with an electoral reform for the Chamber of Deputies, would have made the whole political system much more majoritarian (Ceccarini and Bordignon 2017). Renzi's Minister for Constitutional Reform, Maria Elena Boschi, argued that ending perfect bicameralism was the most efficient way to reduce the average of 600 days needed to approve a bill (and that the reform would also reduce costs, a theme not relevant for this research but often debated in Italian politics) (Ansa 2016b).

All of these reform attempts were either abandoned for lack of political consensus or voted down in referendums, and perfect bicameralism remains in place to this day.

2.4 (In)Congruent chambers: the 2005 electoral reform
Despite not having undergone any major constitutional reforms to the form of bicameralism since the establishment of the Republic, Italy has experienced various electoral reforms. Table 2.2 summarises all the electoral laws that have been in place during the post-war period.

Table 2.2. Electoral laws in republican Italy

Electoral law	Type of system	Years in place	House of parliament applied to
Pure PR*	Proportional	1946- 1993	Both (national pool for Chamber, regional for Senate)
Mattarellum	Mixed (75% majoritarian, 25% PR)	1993-2005	Both, with slight variants and minor differences in constituency size for Chamber and Senate
Calderoli	Plurality bonus-adjusted PR	2005-2014	Both, with differences in allocation of plurality bonus
Consultellum (Calderoli as modified by Constitutional Court)**	PR	2014-2016	Both
		2014-October 2017	Senate
Italicum**	Majoritarian: two-ballot below 40%, plurality bonus above 40%	2016-2017	Chamber of Deputies
Italicum (modified by Constitutional Court)**	PR with plurality bonus if 40% is reached	January 2017-October 2017	Chamber of Deputies
Rosatellum	Mixed (1/3 majoritarian, 2/3 PR with closed lists)	October 2017-current	Both

*Brief interruption with the so-called "Legge Truffa" (the Swindle Law) approved in 1953 and repealed in 1954, which would have assigned 65% of seats to a party reaching an absolute majority of the national vote. Such threshold was not reached in the 1953 election, and hence seats were allocated according to pure PR.

**Never used in an election

(Baldini and Renwick 2015; Renwick 2010; Schepis 1965; Sgherza 2017)

For many decades, the country had a purely proportional system. This was replaced in 1993 by a mixed system (known as "Mattarellum"), which allocated 3/4 of seats using a first-past-the-post system, and 1/4 using proportional representation. There were some differences in how seats were allocated in the two chambers of parliament, but they were quite minor; although compared to the previous PR system incongruence across the two chambers increased slightly, overall their

composition remained similar. Because of high fragmentation in the Italian party system, coalition government has been the norm in post-war years: no party ever won an overall majority, and according to political actors such as former PM Silvio Berlusconi, the majoritarian element of the 1993 system was not strong enough. Indeed, the "rhetoric of majoritarianism" had been a constant in Italian politics for decades (Chiaramonte 2015), and Berlusconi in particular always advocated for a stronger government and more powers for the PM. This was one of the aspects that the 2005 electoral reform sought to address.

The 2005 electoral system, known as the Calderoli law, was pursued by the 2001-2006 Berlusconi government. It has been used to elect parliamentarians on three occasions in the last twelve years before being first modified by the Constitutional Court (Gagliardi 2017) and then replaced with a new law (known as "Rosatellum") by Parliament in 2017 (Sgherza 2017). The latest system was used for the first time in 2018 to elect the 18th legislature, which is not included in the timeframe of this thesis.

The Calderoli reform is a particularly relevant development for Italian bicameralism: this electoral law was a bonus-adjusted proportional system. While the bonus was applied on the national scale for the lower house, it was assigned on a regional scale for the Senate, hence leading to different party compositions in the two chambers (Renwick, Hanretty, and Hine 2009). The reform fitted into a wider quest to stabilise the political and party system by aiming for "bipolarisation" - which, however, never fully succeeded (Bull and Pasquino 2018).

This difference in plurality bonuses in fact happened almost by accident: the initial draft of the reform would have allocated the same plurality bonus on a national basis in the Senate as well, keeping congruence between the two chambers. This was modified during the first reading of the bill, in the Chamber of Deputies, after talks with President of the Republic Carlo Azeglio Ciampi (La Stampa 2012). Ciampi intervened to point out that according to the Italian Constitution, the Senate is "elected on a regional basis". Hence, a national plurality bonus there could have been unconstitutional. The Senate bonus was thus changed to a regional one, which was a very big alteration – and yet an outcome that no party ever planned or advocated for. The resulting electoral system, which differentiated markedly between the two chambers, was in some way a constitutional accident; Pasquino called it a "fateful decision" made by "improvised and hasty electoral reformers" (Pasquino 2007, 82).

As explained by Chiaramonte, this meant that the system was "majority-assuring" in the Chamber, as the winning coalition or list obtained in any case (independently of the proportion of votes it had obtained) at least 340 seats, equivalent to about 54% of the total of Chamber of Deputies seats. In the Senate, on the other hand, the system was not majority-assuring; in fact, in relation to the Senate, "we should not even speak of a majority premium (singular) at all, but only of seat bonuses assigned in the various regions, that can be (and indeed are) won by different coalitions or lists" (Chiaramonte 2015, 16).

Despite the fact that the 2005 reform was officially classified as a "proportional system with a plurality bonus", as argued by D'Alimonte and Chiaramonte (2006), the emphasis on the "proportional" element was misleading from the start: the system was in fact far from

proportional, and it was designed with that aim by the centre-right coalition. Berlusconi was almost at the end of his mandate, and it was clear that the centre-left coalition was going to win the next election. Various scholars noticed that by pursuing such an electoral reform, which would boost bipolarisation, Berlusconi was aiming to cut his losses ahead of the next election, and hence that he was acting primarily according to his self-interest. He pursued this not only by pushing for an electoral system with a strong majoritarian component, in order to deliver a strong government in a clearly bipolar system (Ansa 2005) that incentivised the creation of two large coalitions, but also more party control on candidates by introducing closed lists (Renwick et al. 2009). Berlusconi argued that this reform would make governments more stable and give them a clear mandate to implement their manifestos. Pasquino argues that, while being for "blatant partisan purposes", the reform had to be justified by claiming that it was in pursuit of "the representation of the 'true' will and preferences of the electorate" (2007, 81).

The Minister in charge of the reform was Roberto Calderoli, from the Lega Nord (LN), whose name the reform bears. He was the one brokering the agreement within the centre-right coalition. On the one hand, the Unione dei Democratici Cristiani (UDC), a small centrist party, insisted until the end that the system should remain proportional in nature. This was in line with a seat maximization logic, because being the third player in a tripolar system, a move towards a bipolar system would have hurt the UDC's electoral prospects. Calderoli later claimed that the UDC "blackmailed him" (Repubblica 2012) that they would not support the other main government policies unless the electoral system maintained an element of proportionality. The UDC was in principle opposed to closed lists, but eventually agreed to back the reform as it was (Repubblica 2005). On the other hand, Alleanza Nazionale (AN), a party of the far-right, primarily wanted the system to become more bipolar because that would allow them to join a large centre-right coalition.

The centre-right enthusiastically supported the reform at the time. When Parliament voted to approve the reform, Lega Nord members vocally defended the introduction of the plurality bonuses, with the aim to ensure governability.[2] All other parties in the centre-right coalition, despite some compromises, supported it and spoke in favour. The representative speaking on behalf of Alleanza Nazionale said that this was a "great reform that allows the winner of the election to build a strong government".[3]

2.5 Electoral results produced by the 2005 electoral reform
While the right promoted the reform, the presence of regional plurality bonuses in the Senate strongly penalised the centre-left in terms of Senate seats: since Italian regions differ significantly in terms of population, "to win in the most populous, such as Lombardy (47 seats), Campania (30 seats), Lazio (27 seats), Sicily (26 seats), Veneto (24 seats) and Piedmont (22), is by far more important than to win in Liguria (8 seats), Marches (8 seats), Umbria (7) and Basilicata (7 seats)" (Pasquino 2007, 90). And at the time, all the most populous regions were strongholds of Forza Italia (in the south of the country) or the Lega Nord (in the north).

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[2] Camera dei Deputati, 13 October 2005
http://wai.camera.it/_dati/leg14/lavori/stenografici/framevar.asp?sedpag=sed688/s120.htm
[3] Ibid.

Indeed, the left vocally opposed this reform. During the Chamber debate on its approval, Pierluigi Castagnetti (Ulivo) anticipated that the reform could result in chaos as it was "a system that can lead to two different majorities across Chamber and Senate, thanks to the obviously unconstitutional regional plurality bonuses". Marco Boato (Verdi) echoed this concern, since in practice the electoral system introduced a "Harlequin" of regional plurality bonuses.[4]

Because of this difference in plurality bonuses, after 2005 we see a clear divergence in seat allocations to political parties between the two chambers, as illustrated by the plots in Figure 2.1. The graphs show the size of the coalitions of the centre-right and centre-left in each chamber, by showing the composition of one chamber against the other; for comparison's sake at this initial descriptive stage, they show three parliaments before the 2005 reform and three after the reform. While from the point of view of "manufacturing" a sizable parliamentary majority the new law certainly worked for the Chamber, the majority in the Senate was razor thin in 2006 (Pasquino 2007, 90); even more dramatically, in 2013 no pre-electoral alliance had a majority in the Senate, creating a confusing situation where the winner of the Chamber election had no control over the second house of parliament – while an investiture vote there was still needed.

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[4] Ibid.

Figure 2.1. Partisan composition of the two chambers of the Italian Parliament by legislature, 1994-2018

Party Seat Shares Chamber vs Senate 1994−1996
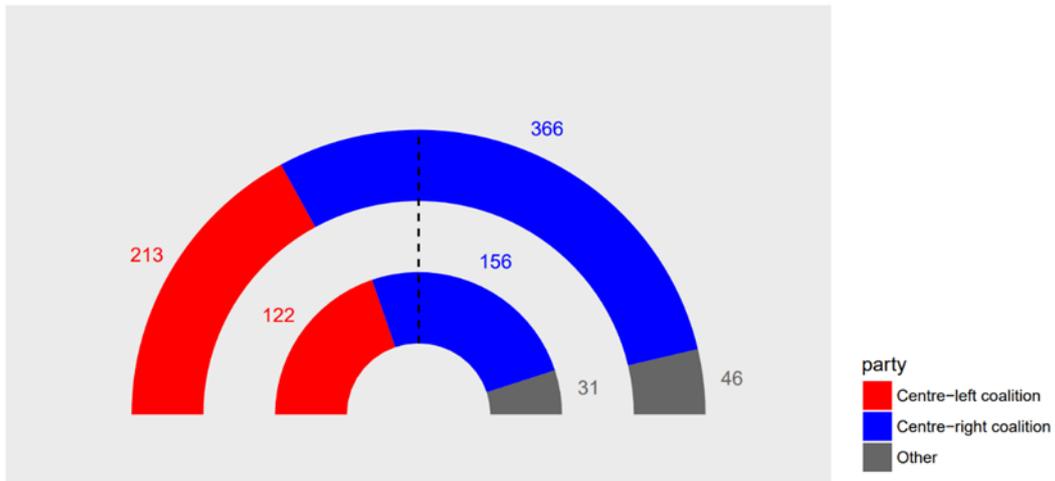
Party Seat Shares Chamber vs Senate 1996−2001
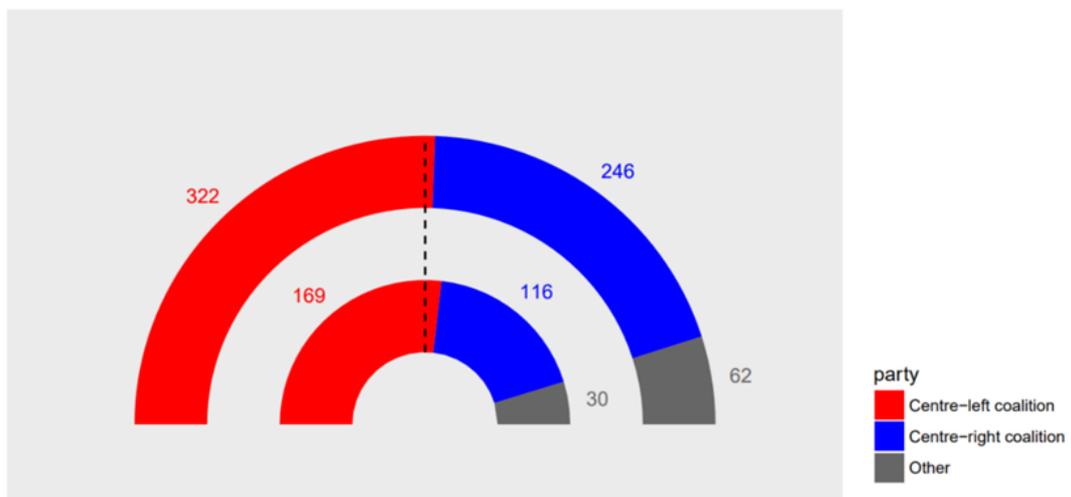
Party Seat Shares Chamber vs Senate 2001–2006
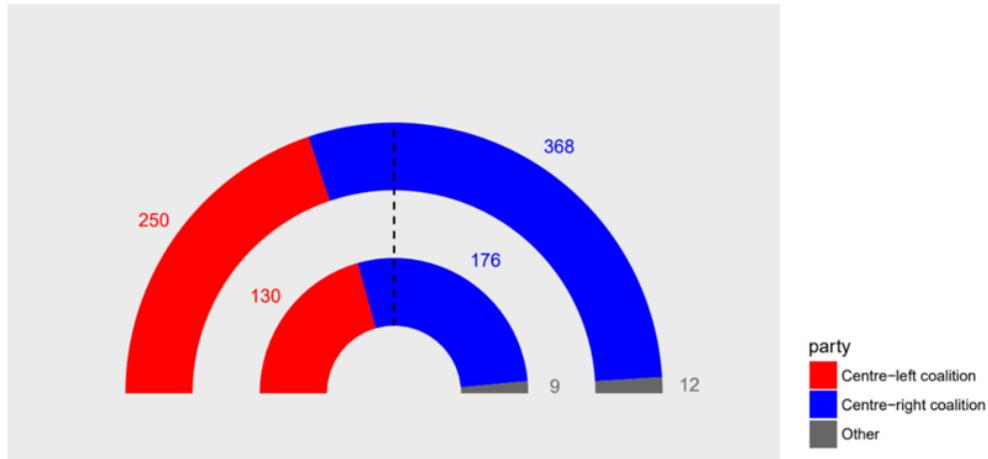
Party Seat Shares Chamber vs Senate 2006–2008
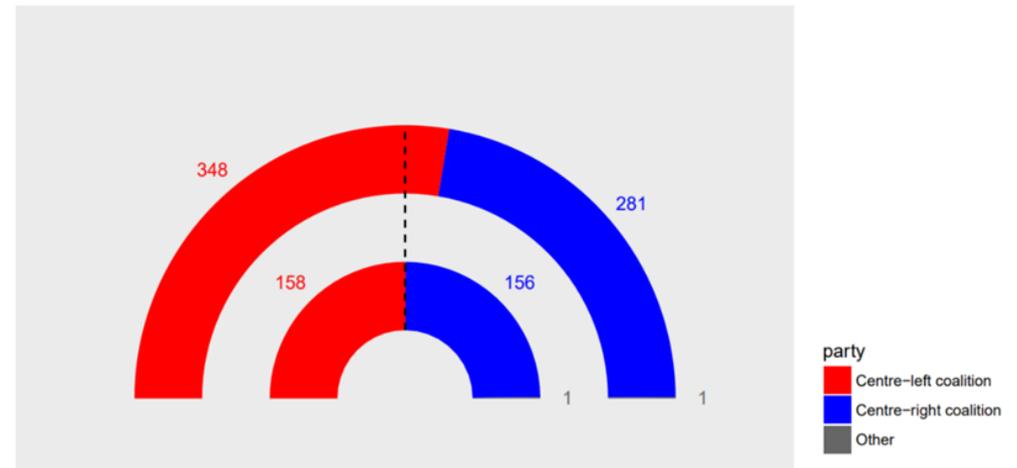
Party Seat Shares Chamber vs Senate 2008–2013
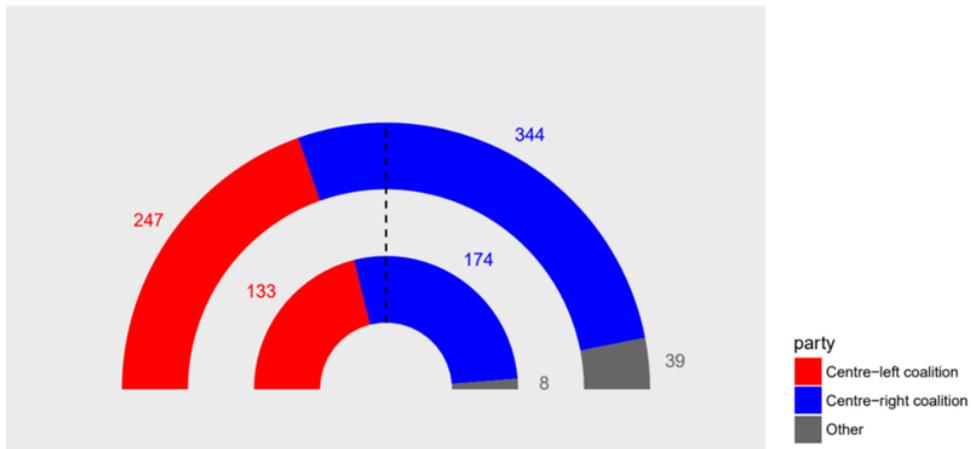
Party Seat Shares Chamber vs Senate 2013–2018

29
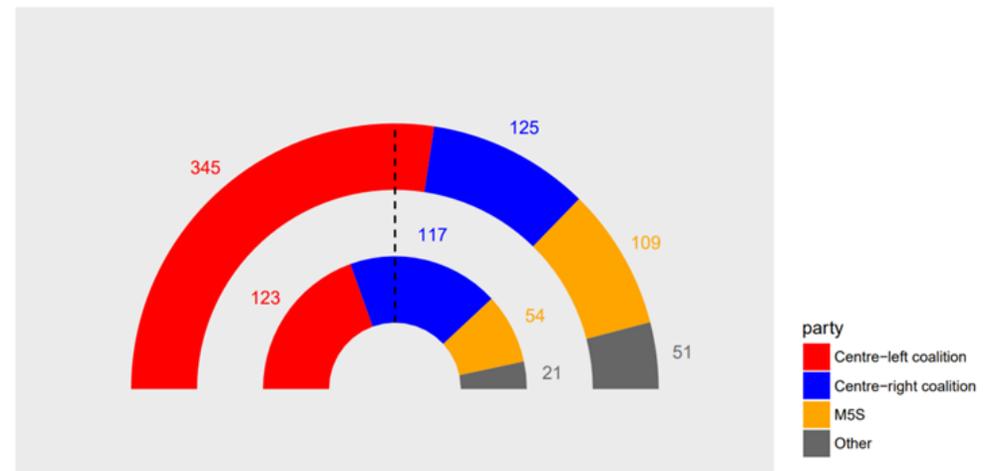
From the plots in Figure 2.1, it emerges clearly that there are two incongruent scenarios that we observed empirically in post-2005 Italy:

- The 2006-2008 (15th) legislature, which corresponds to a situation where Romano Prodi's centre-left coalition that controlled the Chamber of Deputies also narrowly controlled the Senate, but only by two votes. The government majority was extremely fragile in the Senate - it even had to rely on the votes of life senators to win an investiture vote, and on the far-left party Rifondazione Comunista, which skewed the ideological alignment of the coalition to the left (Corriere della Sera 2008).

- The 2013-2018 (17th) legislature, a situation where the Partito Democratico (PD), the main government party, did not control the Senate, and was forced to add an additional junior coalition partner from the centre-right to the government majority, in order to win an investiture vote there (Davies 2013). The resulting government majority was overall big, but since it constituted a "grand coalition", it was also very ideologically diverse.

These two scenarios will be analysed separately in the qualitative analysis, and Chapter 7 and 8 will elaborate on their differences.

2.6 Aftermath of the 2005 electoral reform: criticisms and discourse
The Calderoli law has since its implementation been widely condemned. Calderoli himself, shortly after the 2006 general election, said that he never wanted an electoral reform at all, and that the one named after him was the result of various mediations, none of which he liked. He famously called the reform "*una porcata*" (literally, garbage), primarily because of the failed attempt to make the Senate as majoritarian as the Chamber (Repubblica 2006a). Following that, Giovanni Sartori coined the name that to this day is used to refer to that law, "Porcellum", (which is a Latin-like version of the word "*porcata*") (Sartori 2006). Sartori harshly criticised the reform on the basis of how deforming the plurality bonus was, and how much it would advantage Forza Italia at the expense of the centre-left.

Eight years later, the reform was modified significantly by the Constitutional Court, which ruled that such a plurality bonus, allocated automatically without the need to reach any threshold, was unconstitutional. The Court abolished the bonus, turning the electoral system into a purely proportional one (which nevertheless was never used in an election). It also ruled that the closed lists were unconstitutional, as they presented no options to voters (Repubblica 2013). Calderoli later claimed that, at the time when his reform was written, he wanted the plurality bonus to apply only if a party, or pre-electoral alliance, reached 40% of the votes, but that Berlusconi insisted on removing any sort of threshold (Repubblica 2012). Calderoli's declarations and the success of Sartori's nickname "Porcellum" are themselves a clear indication of how discredited the reform was.

Italian discourse, both in the media and in academic writing, mostly focused on the effects that the Calderoli law had on the composition of the Senate: because of the different regional plurality bonuses, the 2005 electoral system only delivered a majority in both chambers in 2008. Many commentators have picked up the fact that the "Porcellum" created two disproportionate government majorities in the two chambers (in one word, incongruence), and in particular that it failed to produce a workable majority in the Senate in 2006 and 2013 (Bull and Pasquino 2018;

Regalia 2018). A commonly used phrase was that the 2005 law resulted in an "ungovernable Senate" (e.g. Bin 2013; D'Alimonte 2013; Pasquino 2016), which strongly suggests the Senate became more difficult for the life of the government. Former President of the Republic Giorgio Napolitano, commenting on recent developments in Italian politics, stated that perfect bicameralism was one of the factors that created "monsters" because "in recent years there have been governments that had a mandate from electors in one chamber but not in the other, undermining the confidence relationship between government and parliament" (Corriere della Sera 2015).

While the plurality bonuses in the Senate certainly did penalise the centre-left, there is also the other side of the coin which resulted from incongruence and which has been a lot less considered in Italian discourse: comparatively to the previous situation of congruence, the government could enjoy at least an advantage, because after 2005 a large majority in the Chamber of Deputies was guaranteed. This means that at least in one chamber, the government of the day knew that it had the numbers to pass any bill it wanted. The decreased fragmentation of the Chamber should in fact facilitate the Chamber phase for the government; however, this is a development that has received little attention. The post-2005 discourse overwhelmingly focused on difficulties posed by the Senate composition, and not on the potential advantages presented by the Chamber's.

2.7 Concluding remarks: questions about Italian bicameralism and incongruence
As this chapter illustrated, the 2005 electoral reform is widely acknowledged in Italian discourse as a development which brought about changes, the main effect of which was to make the Senate "too difficult". At the same time, little attention has been paid to the fact that the government majority in the Chamber of Deputies became stronger. Therefore, an interesting question is about the extent to which legislative dynamics have been affected in the direction that Italian discourse said (which is, the Senate became too difficult), versus the extent to which having a majoritarian Chamber actually strengthened the government's position, in line with the initial aims of the electoral reform.

The findings presented in the following chapters of this thesis hope to shed some light on how Italian bicameralism works and how it has evolved after the increase in bicameral incongruence caused by the 2005 electoral reform. Some tentative sub-questions about the specific effects of the 2005 reform, which will be returned to in the conclusion in Chapter 9, are:

- Were Italian governments strengthened in any way by the reform? Or was this aim completely annulled by the fact that the Senate remained fragmented?
- Did Italian governments start to behave differently, because of the clearer electoral mandate?
- Since the Chamber of Deputies became more majoritarian and the Senate remained proportional, did the reform lead to greater differentiation between the chambers?

Chapter 3. Literature review

Chapter 2 has presented the context in which this study is situated, centred around Italian bicameralism and the 2005 electoral reform. This literature chapter will firstly review the existing literature on the Italian Parliament and on bicameralism, highlighting the existing empirical gaps and the questions they raise. The structure underpinning the discussion is the following: firstly, there is a gap about the functioning of Italian bicameralism. This is in itself worthy of being addressed, since while there is a widespread assumption that the two chambers are identical, this has never been investigated in depth. Secondly, the gap becomes even more important in light of the changes brought about by the 2005 electoral reform, which made the two chambers a lot more incongruent in partisan terms. This in turn affects the composition of the government of the day, with implications for how the government can pursue its policies.

On these grounds, the overall unifying motivation for this project is that the legislative process in Italy needs to be analysed at the bicameral level: especially in light of the changes that we should expect following the 2005 reform, we need to look at how the passage of legislation unfolds in each chamber, and take into account the full journey of bills. The research question that emerges from the review of the literature is: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?".

After reviewing the relevant literature, I develop a theoretical framework based on the literature on divided government and coalition government in order to investigate the effects of incongruence.

The final sections discuss some remaining challenges when it comes to the study of legislatures, including the importance of "anticipated reactions". The findings emerging from my research will allow us to gain a more comprehensive understanding of the actual functioning of Italian bicameralism, informing recommendations for institutional reform as well as contributing to the wider academic literature.

3.1   The Italian Parliament: legislative powers

Legislation, which is part of what most scholars call the policymaking function of parliament (Loewenberg and Patterson 1979), is one of the most analysed aspects when it comes to legislatures. Olson argues that, despite their very name, legislatures are better defined as "law-effecting bodies" (Olson 1980, 19). The Italian Parliament might be considered an exception. The chambers control their own timetable and agenda, and can amend government proposals almost without restriction; there is also considerable scope for backbenchers to propose private members' bills (Furlong 1990). Another factor contributing to the Italian Parliament's reputation as "almighty legislator" (Capano and Giuliani 2003, 29) is that its committees can, on occasions, enact legislation without referring back to the plenary, which makes them very powerful comparatively (Mattson and Strøm 1996; Senato della Repubblica 2017b).

In many comparative studies, the Italian Parliament ranks near, if not at, the top in terms of legislative powers. Fish and Kroenig's well-known Parliamentary Power Index (PPI) sees Italy tied with Germany and Mongolia in the first place for most powerful legislature in the world (Fish and Kroenig 2009, 338–43). In their weighted version of the PPI, the Weighted Legislative Powers Score (WLPS), Chernykh, Doyle and Power (2016) place Italy third. Blondel famously talks about a legislature's "viscosity", which he operationalises as the amount of time spent on bills in parliament (Blondel 1970). The Italian Parliament has always been very "viscous" - arguably too viscous, considering that it takes significantly longer than in other European countries to approve a bill (in rounded averages, about 600 days versus an average of about 200) (Becker and Saalfeld 2004, 58). In Kreppel's comparative ranking, Italy, where power is much more dispersed than in the average parliamentary system (and the party system is also decentralised), is classified as a "strong parliament" (2014, 129). In another classic study, Mezey (1990) classified the Italian Parliament as a "vulnerable" legislature because, despite having a "strong policymaking power", it only enjoyed a low level of support. Arguably, now that Italian democracy is more mature, Italy would be classified as an "active" legislature. In Polsby's (1975) classification, today's Italian Parliament would likely be closer to the "transformative" end of the spectrum. This all suggests that the Italian Parliament is a very powerful one when it comes to legislation.

However, by focusing on formal powers of a legislature, most comparative studies suffer from what Arter describes as a "tendency to conflate 'legislative capacity' and 'legislative performance'" (Arter 2006, 245). Talking about Italy, Hine notices that "Judgements about the 'power' of a legislature are inevitably simplifications of complex reality. There is generally more than one dimension to such power and it is perfectly possible for a legislature to score well on some criteria and poorly on others" (Hine 1990, 166). Di Palma's seminal work on Italian parliamentary parties, which classified a large sample of bills from 1963-1972 according to their substance, showed this in an exemplary way. He found that most private member bills and those approved using the committee procedure were "micro-sectional" bills - in other words, related to minor matters; the term coined in Italian is "*leggine*", whose literal translation is "little laws" (Di Palma 1977) (for an updated version of Di Palma, see De Micheli (2001)). Often, these "*leggine*", being on minor and non-salient issues, were approved with the votes of both government and opposition members, a phenomenon the literature has called "consensualism" (Capano and Giuliani 2001; De Giorgi and Marangoni 2015; Giuliani 2008). Some scholars argued that this resulted in an unclear differentiation in parliament between the government and the opposition (Di Palma 1977; Hine 1990). Most relevantly for this research, if Parliament only decides on minor issues, one might question its substantive contribution in the policymaking process.

There have been no recent in-depth analyses of the Italian Parliament, therefore we lack detailed knowledge about how it has been functioning in more recent decades.

3.2   Second chambers and policymaking

In addition to the lack of recent comprehensive studies, the existing literature on the legislative process in Italy almost entirely focuses on the Chamber of Deputies only, ignoring the Senate, as Pasquino (2002) noted years ago.

A bicameral system is defined as a polity with a two-chamber legislature (Russell 2013b, 41). Second chambers are "essentially contested institutions" as "their very existence places parliamentary democracies on the horns of a dilemma" (Patterson and Mughan 1999a, 336–39). A famous quote attributed to Abbé Sieyès says: "if a second chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous" (quoted in Coakley 2014, 546). Despite being a common parliamentary feature – there are currently 79 bicameral legislatures and 113 unicameral ones (Inter-parliamentary Union 2020) – until recently upper chambers were largely ignored when studying parliaments. As Shell put it, "Second chambers […] are frequently institutions under threat. Their reform is widely advocated, yet on the whole little is done to bring about such reform. The reform or removal of such bodies tends to receive more public attention, and probably more scholarly attention, than the actual work they do" (Shell 2001, 3).

In the case of Italy in particular, the main reason why the Senate has been largely ignored by academic studies is that the two chambers used to be so similar in almost all respects that it seemed superfluous to look at both. This extreme parity is why there have been several Senate reform attempts, which all failed as discussed in Chapter 2. Italy is not the only country with such failed efforts: despite their contested nature which makes them a constant target for reform proposals, second chambers are rarely reformed or abolished (Shell 2001). Several countries have long-standing controversies about their upper chambers; some examples are Ireland (BBC News 2013b; MacCarthaigh and Martin 2015), Spain (Harguindéguy, Coller, and Cole 2016; Roller 2002) and the UK (Russell 2000, 2013b). Russell and Sandford argue that obstacles to second chamber reform include constitutional rigidity and vested interests in maintaining the status quo, while the most important factor is the interplay between governments (which will object to strengthening a second chamber), and public opinion (which will resist its weakening) (Russell and Sandford 2002).

Italy is an exemplary case of such controversies. Deemed as undemocratic when non-elected in monarchic times and too powerful in the republican ones, the Italian Senate embodies everything that is contested about second chambers. While there are abundant historical reconstructions of how the parliamentary structure evolved and of the failed attempts to reform it, the empirical lacuna noticed by Pasquino (2002) in the early 2000s about the actual performance of the bicameral system is still present. Patterson and Mughan noticed how there was "virtually no analytical writing" in Italian, "not to mention in English" (Patterson and Mughan 1999b, 21) over 20 years ago, when second chambers in general were still largely unexplored. Lodici's chapter in their volume provided a comprehensive overview of how the Senate worked from a procedural point of view, but revealed little about its role in the legislative process (Lodici 1999). Somewhat surprisingly, little has changed since then.

However, Tsebelis and Money's (1997) game theoretic model finds that the presence of a second chamber, even a weak one, always affects the length of the bargaining process and the outcome, as a function of institutional constraints and the patience of each player (with its associated uncertainty and lack of information). As a result, they argue that all second chambers can yield influence on policy outcomes, which is largely confirmed by case studies on national second chambers. For instance, Russell's work on the House of Lords, by looking at government defeats in the Lords and tracking their consequences in the policymaking process, uncovers that the Lords has considerable impact on policy (Russell 2013b). Similarly, the Australian Senate has been found

to make meaningful contributions on policy, tabling successful amendments which were initially opposed by the government, or forcing the government to bring forward concessionary amendments (Russell and Benton 2010; Uhr 2002). Also the Canadian Senate is vastly appreciated because of its careful scrutiny of government legislation (Docherty 2002; Smith 2003, 110). These findings confirm that second chambers should not be ignored when studying the legislative process; they hence make the lack of studies on the Italian Senate, a formally very powerful one, even more striking. Rogers finds with a game theoretic model that even two chambers with identical preferences, by being "acoustically separated", "can make informational contributions to the legislative process that result in qualitatively superior legislation being adopted than would have been adopted by a unicameral legislature" (2001, 143–44). This means that, even under the congruent bicameralism that characterised most of the republican years, the Senate should be expected to make a difference.

This gap is important and needs to be addressed, as it is too simplistic to assume that the Chamber of Deputies and the Senate are just duplicates of one another. Firstly, the two chambers of the Italian Parliament were never fully duplicates: aside from the differences in size and age highlighted in Chapter 2, the legislative process is mostly regulated by the two chambers' standing orders, which differ in some very important aspects such as amending rules and how to convert a government decree into law. As an extensive body of research on the US Congress shows, procedural rules affect how bargaining between legislators plays out, and hence these differences are likely to impact on the legislative outcomes in each chamber (Baron and Ferejohn 1989; Shepsle and Weingast 1981).

Moreover, in a bicameral parliament the two chambers could perform different functions and behave differently according to their institutional affiliation. This is often the case in systems with asymmetric bicameralism, such as the UK, where the House of Lords and the House of Commons have distinctively different functions, but also a different culture (Russell and Gover 2017). In the Italian case, despite their formal symmetry, there is some anecdotal evidence that the culture of Chamber and the Senate differs slightly. Fassone, who served two terms as a senator, describes how, despite the "etiquette" everyone in Parliament observes, there is a certain "rivalry" between the two chambers, and that their atmosphere is not the same. While the Senate is more ancient, the Chamber has always been the elected chamber and considers itself more legitimate. "Real politics" is supposed to take place in the Chamber, because that is where most leaders sit (Fassone 2009; Manetti 2006); Pasquino argues that this happened somehow accidentally, as virtually all party leaders since the creation of the Republic were drawn from the Chamber of Deputies (Pasquino 2002, 71-72). Because of this, the atmosphere in the Senate is perceived as more relaxed (Fassone 2009, 94). A difference that has been confirmed empirically concerns the number of readings needed to approve bills: Zucchini (2008) found that (until the 2001-2006 legislature, the most recent one included in his study) the Senate was considerably more likely to rubberstamp a draft that left the Chamber, while the Chamber of Deputies was more likely to modify drafts it received from the Senate. This means that a bill introduced in the Chamber of Deputies was more likely to be approved in two readings only, compared to bills introduced in the Senate which were more likely to require a third reading triggered by changes made in the Chamber. The chamber of introduction could hence play a role in how the legislative process plays out.

This raises questions about the performance of Italian bicameralism, and about how the legislative process plays out in its entirety in bicameral perspective: how do legislative dynamics work in the Italian Parliament at the bicameral level?

Secondly, in light of the 2005 electoral reform, it has become even less appropriate to ignore the Italian Senate, for the simple reason that it is no longer realistic to expect the two chambers to have identical preferences, given the increased level of partisan incongruence. In recent work on the bicameral system in Italy, Zucchini looks at some quantitative indicators on the legislative activity of each chamber separately, and he finds that the mortality rate of bills has increased since the late 1980s. He concludes that the two chambers' policy preferences have become less similar over the years (Zucchini 2008). Noticeably, this study only covered legislatures elected prior to the 2005 electoral reform which drastically changed how the seats were allocated in the two chambers. Zucchini's findings challenge the assumption that the two chambers are just "duplicates" and, most relevantly for the scope of this thesis, so does the 2005 electoral reform. This raises questions about how Italian bicameralism might have changed following the reform, as explored next.

3.3   Bicameralism: post 2005 changes

Given the large number of bicameral systems in existence, bicameralism is a very varied phenomenon; possibly its most well-known classification is Lijphart's. He classifies bicameral systems along two dimensions: symmetry (made up of two criteria, the relative formal powers of the two chambers over legislation and their method of selection, such as election or appointment) and congruence of composition (whether the second chamber represent the same units or overrepresents some, such as states in federal systems). Lijphart argues that "strong bicameralism" combines symmetric and incongruent chambers (as in the US) (Lijphart 2012, 198–201).

However, congruence can be defined (and measured) in different ways. Another crucial aspect of bicameral systems is whether the chambers are "congruent" in partisan terms, which is not captured in Lijphart's definition, but was emphasised by authors such as Sartori (1996), Tsebelis (2002) and Russell (Russell 2013a) because of its importance for the number of veto players in each chamber. "Congruence" interpreted in a partisan sense is crucial for this discussion of Italian bicameralism. Because of its extreme parity, Italian bicameralism has always been seen as very "redundant"; after the 2005 electoral reform, which changed the proportional composition of the two chambers, this was no longer the case.

The increase in incongruence had dramatic consequences because in Italy the government must enjoy the confidence of both the Chamber and the Senate, which is a "rarity in constitutional geography" (Predieri 1975, 15). The power of a legislature to remove the executive from office is a key characteristic of parliamentary systems, in contrast with presidential ones, but usually this power is limited to the lower chamber (Russell 2013b) (another uncommon case is Romania, where the government must have the confidence of a majority of the two houses combined (Chiva 2015)). This characteristic, together with the increasingly incongruent nature of the two chambers, creates some serious problems: following the 2005 electoral reform, having two congruent majorities became considerably less likely - and yet still constitutionally essential, given the requirement for

the Senate's confidence. This leads Italian governments to have to balance the support of two divergent chambers. Comparatively, it is considered desirable to have incongruent bicameralism: as summarised by Heller (2007, 247), "The conventional view of bicameralism is that it is politically significant if it is both symmetric […] and not too congruent".

The 2005 electoral reform moved Italian bicameralism closer to this criterion, since the two chambers were still symmetrical from a point of view of powers, and less congruent in composition. However, in most other parliamentary systems the government does not need to rely on the support of the second chamber, and hence incongruence does not directly threaten its survival (although Druckman, Martin and Thies (2005) find that governments controlling a majority in the second chamber are more likely to form). Double confidence seems incompatible with bicameral incongruence, as it poses difficulties to the government's ability to survive.

These developments raise some questions: what were the effects of the 2005 electoral reform? In particular, what were the consequences of the increase in partisan incongruence over the policymaking process? To address these questions, I build on the literature on divided government and coalition government to devise the theoretical framework informing this research, presented next.

3.4   Theoretical framework: bicameral incongruence

Combining the gaps identified in the literature about the functioning of the Italian bicameral system and about the effects of the increase in partisan incongruence, the research question informing this project is: **"How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does bicameral incongruence affect them?"**.

"Legislative dynamics" is a broad term, and it encompasses a wide reality that cannot be defined in its entirety with one measure. Here, it is used to refer to the passage of government legislation through parliament. This project will focus on three specific dynamics related to government legislation, each operationalised individually, hence leading to three main outcomes of interest:
1. Adoption of government bills
2. How government bills are adopted: use of confidence votes and decrees
3. Amendments to government bills

3.4.1 Bicameral incongruence
This project will focus on bicameral incongruence, defined as the disparity in seats across parties in the two chambers of parliament, as a crucial factor that affects the passage of government legislation. The following sections detail how incongruence is conceptualised, and how it is expected to affect the dependent variables of interest. The specific hypotheses will be stated and discussed more in detail in the relevant empirical chapters.

Most studies on bicameralism tend to conclude that for it to be useful there must be some differentiation between the two chambers, either in functions or in composition. If the two chambers are too similar, bicameralism is considered "redundant", hence not making a worthwhile contribution to the policymaking process (Buchanan and Tullock 1969; Rescigno 1995; Sartori

1996). Italy provides an ideal case to test this claim, because of the effects of the 2005 electoral reform which, as discussed in Chapter 2, made the two chambers considerably less congruent than they used to be in terms of partisan composition.

Usually, the literature on bicameralism looks at whether the government has a majority in the second chamber or not; nevertheless, that is too reductive, because who is in government affects the bargaining process necessary to get legislation approved, and therefore the final content of the laws. Hence, this project rests on a two-step causal argument:

- First, the level of legislative incongruence, measured in terms of the partisan disparity between the two chambers, affects the composition of governments: it affects the size of the majority in the second chamber, and if it is necessary to add parties further along the ideological spectrum in order to form a stable coalition in the upper chamber (an imperative condition in the presence of double confidence), it also affects the ideological spread of the government coalition.

- Second, the composition of governments affects the dynamics of law-making within the legislature by influencing the bargaining process on the legislation: in order to get its majority to agree on a bill, there are negotiations within the government coalition, and if the partners have different preferences, it is necessary to reach a compromise and give concessions.

This argument rests on literature about divided government and about coalition government, discussed in the next sections.

3.4.2 Incongruence and coalition types
The first step of the causal argument is about how bicameral incongruence affects government composition. The mechanism through which incongruence affects the composition of the government is primarily arithmetic, because of the need to command a sufficient number of seats in both chambers of parliament, in line with a wide literature on coalition formation (De Swaan 1973; Dumont, De Winter, and Andeweg 2011; Riker 1962). In a system of symmetric bicameralism with double confidence, the government must win an investiture vote in each chamber, hence gaining the support of a majority.

At times of low chamber incongruence, when there are no significant differences between the size of the political parties in the two chambers, the government of the day has the same partisan majority in both chambers; while there is more than one party in the coalition, the two coalitions are proportionally the same in the two chambers.

Hence, with low incongruence a situation of majority-majority (by which I mean, a situation where the government has a majority in the lower chamber and a majority in the upper chamber) is more likely (or, in the case of a minority government, a minority-minority situation). To put it more generally, it is more likely to be the exact same coalition, with proportionally the same parliamentary composition, replicated in each chamber. After an increase in the level of incongruence, there are different scenarios; within the scope of this project, a likely one is majority-minority since, while a majority in the lower chamber was guaranteed thanks to a plurality bonus,

it became harder to have a majority in the second chamber. This has implications for the relative size of the government coalitions.

The majority-minority situation can be conceptualised as a variation of divided government, albeit with some specifications. In presidential systems such as the US, this occurs when the presidency is controlled by one party and at least one chamber of the legislature is controlled by another party (Elgie 2001). Laver and Shepsle (1991, 251) generalise divided government as a situation "with the potential for confrontation between executive and legislature arising from different patterns of partisan control of these institutions". Elgie's (2001, 12) definition of divided government in parliamentary systems is a situation when the government (single-party or coalition) fails to command a majority in at least one working house. In the presence of double confidence, the situation is slightly different since the government needs to win an investiture vote in the second chamber too. This means that there must be some arrangement, either formally with extra parties joining the cabinet (hence resulting in an oversized coalition in the lower chamber) or with some arrangement for external support (hence resulting in a minority government in the second chamber).

According to the literature, this makes bargaining more complicated: it is often argued that coalitions will be minimal-winning, as increasing the numbers of actors makes bargaining more difficult (Dumont, De Winter, and Andeweg 2011; Laver and Schofield 2001; Riker 1962). If high incongruence makes a minimal-winning (Chamber) coalition not sustainable in the Senate, it becomes necessary to add parties to the majority, hence increasing the number of actors at the bargaining table. According to veto player theory, this should limit the "winset" of the possible outcomes (Strøm 2003, 74; Tsebelis 2002, 114).

Focusing on the size and the number of parties in the coalition implies that partisanship is the main driver of parliamentary behaviour, and this approach tends to portray parties as unitary. This assumption is not always realistic, as sometimes disagreements among party factions can be noticeable. While overall party cohesion is very high all across Western Europe (Diermeier and Feddersen 1998), and in general quite high in Italy as well (Curini and Zucchini 2012; Giuliani 2008), there can be differences among party factions, and issues of conscience that might transcend partisanship. Qualitative case studies that allow the researcher to treat parliamentary actors as heterogenous can help to lessen these somewhat simplistic assumptions.

3.4.3 Incongruence and ideological spread
The second step of the causal argument relates to how the composition of the government affects bargaining on legislation. In addition to the theories on the type of coalitions, other theories on government coalitions have focused on the role of ideology and policy preferences in the bargaining process, treating policy as the main driver of behaviour. De Swaan's "close minimal range" theory argued that coalitions are more likely to form if they are not only "minimal" and "winning", but also ideologically closed: an actor in need of a coalition partner "is likely to enter the process in a 'margin dependent' manner by looking for that partner with whom policy differences are minimal" (De Swaan 1973, 287). In fact, in the context of this project the concepts of incongruence and ideology are closely related: incongruence in the number of seats in the two chambers can have the effect of increasing the ideological spread of a government coalition. This

can happen in situations where it is arithmetically necessary to add parties to government coalition, because incongruence has resulted in an unsustainable minority in the second chamber. Adding parties that are placed further along the side of the political spectrum, or even from the other side of the spectrum, will result in a more ideologically diverse government coalition.

The literature finds that higher ideological spread makes it harder for the government to compromise with its coalition partners (Martin and Vanberg 2014, 436–38) as a cabinet is better able to handle its conflicts if it spans limited ideological preferences (Strøm, Müller, and Bergman 2008, 279). There is evidence that ideologically diverse coalitions last less time than homogeneous ones, although there is no evidence on the causal mechanisms – it is assumed that this is the case because differences between the partners eventually make it impossible for them to agree on policy (Ibid., 22). The key argument is that higher ideological spread makes bargaining among coalition partners more complicated, and if incongruence leads to an increase in the ideological spread of the government coalition, this affects the bargaining process on legislation.

3.4.4 Incongruence and the legislative process
It has been discussed how bicameralism affects policy outcomes, and how this project argues that an increase in incongruence should have an effect on policy decisions. This project focuses on the legislative process in order to trace these effects, for two main reasons.

First of all, filling the empirical gap about the Italian bicameral system and the functioning of the Italian Parliament is a key driver for this research. As discussed in the introduction, the Italian Parliament is an under-studied, unique institution that deserves more scholarly attention in political science. The legislative process in a bicameral perspective is the focus of this research.

Secondly, following the comparative literature on legislatures, the legislative process is the most appropriate setting to investigate the effects of incongruence on the legislative dynamics of interest: the legislative arena is indeed the main, publicly observable place where bargaining is going to play out, as that is the formal setting where the attempts to scrutinise and modify policy take place (Martin and Vanberg 2014, 438–41). Parliament's ability to do so depends on how wide its formal powers are, and given the large powers of the Italian Parliament, this is the most appropriate arena to investigate.

In particular, reconstructing what happens during committee proceedings seems like a promising avenue to investigate the actual policy work that parliament carries out on government legislation. Literature on committees shows how non-public proceedings favour conditions to reach consensus and compromises, in line with Woodrow Wilson's famous quotation "Congress in its committee rooms is Congress at work" (Price 1978, 548). Committees that work on legislation have the potential to be less partisan than plenary settings (Thompson 2015, 28) and can promote cross-party work (Benton and Russell 2013; Russell and Gover 2017, 229). We could hence expect to find much of the bargaining on the policies taking place in committees.

An alternative focus to trace the effects of incongruence would be to look at the executive level, as that is clearly another important bargaining arena (Martin and Vanberg 2014, 442-43). There are attempts in the literature on coalition governments to do this, often looking at who, among

coalition partners, holds ministerial portfolios (e.g. Thies 2001), as the minister is seen as the main person in charge of the policy area, and the one responsible for "policing the bargain" with backbenchers. We should expect this level of negotiations to be affected by changes in the composition of the government; unfortunately, this level is also much less easily accessible for investigation to outsiders. Interviews with government officials are ideal to focus on this area, investigating how the cabinet ensures that policy compromises are reached; however, this remains a much less transparent and hard to reconstruct level. Compared to the executive level, the legislative process has the advantage of being a public arena, and parliamentary records are easily accessible online.

3.4.5 Effects of incongruence on the dependent variables of interest
The three legislative dynamics of interest in this research relate to the approval of government bills, to the use of procedural instruments, and to the influence of the actors involved over legislation. These are all aspects that we should expect to see affected following an increase in bicameral incongruence.

The mechanism through which incongruence affects them is by influencing the bargaining process on government legislation. When the government has a majority that it can rely on in both chambers, it should be simpler to make sure that its policies are approved. On the other hand, as the government majority becomes smaller in the second chamber, or more diverse in order to have the necessary numbers in the second chamber, more bargaining with coalition partners and backbenchers should be necessary.

As it is quite rare to see such changes in a real-life legislature, these hypotheses have been subjected to limited empirical testing. Studies in the field of coalition government look at the effects of government size on cabinet formation (Martin and Vanberg 2003) and stability (Damgaard 2008; Saalfeld 2008), and some on bicameralism focus on the same aspects (Heller 2001) and on government spending (Heller 1997, 2007). Some authors focus on coalition agreements as a mechanism to iron out policy differences among partners (Andeweg and Timmermans 2008; Klüver and Bäck 2019; Moury 2011). More closely related to legislation, Martin and Vanberg (2011) look at the effects of coalition government on the amount of scrutiny that government bills receive in parliament, using length of the process and number of articles to operationalise scrutiny and taking into account ideological differences, but without a focus on bicameralism. Hence, while there are a lot of useful pointers in the literature, there remains an empirical gap concerning the specific effects of incongruence on legislative outcomes.

The closest empirical testing that looks at the specific effects on legislation is that conducted in the literature on divided government. Work on the US is extensive, and it focuses on the impact of divided government on the production of important laws (Edwards III, Barrett, and Peake 1997; Fiorina 1992; Mayhew 2002; Thorson 1998) and logrolling (Heller 2007; McCubbins 1991). Most studies found that divided government has no effect on the number of important laws that are approved, but it does affect the content of legislation, because when there is no secure partisan majority, all actors need to accept "sub-optimal payoffs" if they want to reach an agreement (Thorson 1998, 751). This suggests that we need to analyse both the process that shaped the

legislation and its content. Some French literature looks at France's semi-presidential system, as summarised by Tsebelis and Money (1995).

Testing in the context of parliamentary systems is limited; one exception is Manow and Burkhart's (2007) study on divided government in Germany, which uses roll call data together with party composition to predict a confrontational vote between the two chambers. They find that when the upper chamber is controlled by the opposition, governments exercise "legislative self-restraint", and as a result party-political conflict between chambers is *less* likely. Hence, the main effects of divided government are "indirect and anticipatory" (Manow and Burkhart 2007, 167). One of the most comprehensive quantitative studies of the Italian Parliament, by Pedrazzani (2017), can be interpreted in the same light. Pedrazzani tests whether higher bicameral divergence leads to more readings and longer times to approve bills. He finds no support for this, and in fact having a minority in one chamber seems to shorten times to approve bills. As the author comments, this could be due to negotiations taking place at earlier stages, and this study does not consider the content of legislation. This clearly illustrates that there are limits to the aspects of parliamentary influence that can be captured quantitatively, which will be returned to in the final sections of this chapter.

Therefore, while we should expect the move from a low incongruence to a high incongruence situation to have an impact on the law-making process, there is uncertainty about the detailed effects of these changes. The initial hypotheses informing this research are based on comparative literature about other countries, which has never tested the effects of going from a situation of congruence to one of incongruence with a larger majority in one of the chambers (as happened to the Italian Chamber of Deputies after 2005). Such a change could, in fact, facilitate the legislative process for the government of the day, at least in the majoritarian chamber – hence, some of the expected changes could work in opposite directions. In its totality, this project aims to investigate the specifics of the Italian case, but also to use Italy in order to provide some answers and contribute to these broader debates, including the literature on coalition governments, bicameralism and executive-legislative relations. The main areas of the hypotheses suggested in this project are described in the next sections, highlighting the main questions about the legislative dynamics of interests and the effects of incongruence.

1. **What are the rates of approval of government bills, and how are they affected by variations in the level of incongruence?**

When investigating the effects of bicameral incongruence, the relevant counterfactual is a situation of congruence – a situation where the composition of the government majority is proportionally the same in the two chambers. As a starting point, based on findings in the divided government literature, it can be hypothesised that a situation of low incongruence is less challenging than one with higher incongruence. While it is still possible that government bills run into trouble even in a situation of congruent majorities, it can be expected that they do so to a lesser extent compared to one of higher incongruence, with either a small or non-existent majority in the second chamber or a very ideologically diverse coalition. Hence, when incongruence gets higher, because of a trickier bargaining process, the passage of government legislation should be more challenging. Therefore,

we could hypothesise that the success rate of government bills goes down in times of high incongruence.

The main weakness of this hypothesis is that it is too simplistic: looking at the approval rate alone would not be very informative, as it is an indicator of conflict, not concessions. If this hypothesis is confirmed, we have some preliminary evidence that the government does indeed struggle when incongruence is higher. Nevertheless, even if the hypothesis is not confirmed, that is still not definitive evidence against the claim that it has become harder for the government to pass bills: while it is reasonable to start from the success rate, the difficulty of passing bills does not necessarily have to manifest itself in an increase in government defeats. An alternative could be that government bills are still approved at the same rates, but that this is the case because the government uses its prerogative legislative instruments to ensure that they are approved, as argued by Tsebelis (2002, 93–94). It could also concede more, or anticipate what has more chance of being approved, as explained further below.

2. **How are instruments such as decrees and confidence votes used to adopt government legislation, and how does their use vary in times of high incongruence?**

Urgent legislative procedures that allow the government to end the legislative process early are often recognised by scholars as mechanisms that the government can exploit to curb parliament's role (Cox, Heller, and McCubbins 2008; Kreppel 2014; Martin and Vanberg 2014). They have the effects of making the approval of a piece of legislation urgent and time-critical, and deadlines and impatience play a crucial role in bargaining (Strøm, Müller, and Bergman 2008). The two instruments of interest for this study are decrees and confidence votes.

In Italy, government decrees are fast-tracked bills, (supposedly) on "urgent matters" enacted by the government, whose use increased steadily in post-war years (Mattei 2005, 2007; Vassallo 2001, 87–88). This is to an extent similar to the use of executive orders in the US, which has been the subject of several studies (e.g. Cooper 2002; Howell 2003). Italian governments have used decrees in large numbers for decades, which not only puts a lot of strain on Parliament's agenda by forcing it to ratify large numbers of decrees (Cazzola, Predieri, and Priullia 1975; Simoncini 2006) (as Chapter 5 will explain from a procedural point of view), but gives governments much more agenda-setting power than a superficial reading of parliamentary rules suggests (Cox, Heller, and McCubbins 2008). If the parliamentary arena looks challenging because of incongruence, decrees are a way to curb parliamentary debate on a policy.

A similar argument applies to confidence votes which, at a theoretical level, can be conceived as the extreme example of such mechanisms. Governments in parliamentary systems can ask for a confidence vote on their bills, signalling that losing that vote would lead to their resignation (this is not to be confused with a motion of no-confidence, an instrument at parliament's disposal to force the government out of office). Given the double confidence requirement, in Italy the government can use a confidence vote ("*questione di fiducia*") in the Senate as well as the Chamber (Lupo 2017; Olivetti 1996, 309; Razza 2016). Using a confidence vote is considered a costly move, because it is seen as imposition of the PM's will on parliament (Huber 1996). Therefore, "all else equal, then, a prime minister would prefer to obtain her policy goals without resorting to this

dramatic procedure" (Huber and McCarty 2001, 348). Since "termination costs" are usually high for all actors, the government has the upper hand (Ibid., 348-349).

For this project's purposes, a theoretical distinction is necessary between the reasons why the instrument is used. The one described above is the standard interpretation in the literature, according to which the threat of using a confidence vote is comparable to "nuclear weapons" (Tsebelis 2002, 100). However, to conceptualise the use of confidence votes correctly, we need to make a necessary distinction for the Italian practice: on average, about a third of government legislation is associated to a confidence vote (OpenPolis 2017). Very often this is done to force the discussion of a bill up the agenda, sometimes as a way to get around the opposition's filibustering, but without any disagreements among the government coalition. This theoretical distinction has been made in Italian scholarship; Olivetti (1996) classifies confidence votes as either "procedural" (=a vote on a bill that is uncontroversial within the government majority and whose aim is to speed up the passage of the bill) or, in the classic conceptualisation of confidence votes, "substantive" (=a vote on a bill that is controversial within the government majority and whose aim is to prevent rebel votes). This project follows such a distinction and incorporates an element of qualitative coding in the quantitative analysis of confidence votes, as described by the methodology in Chapter 4.

When incongruence gets higher, decrees and confidence votes should become mechanisms to ensure the passage of government legislation. They are ways to force the government coalition to vote cohesively. Therefore, we should expect a higher number of decrees, and more "substantive" confidence votes.

3. **Which actors have the most successful amendments, and how does variation in the level of incongruence affect that?**

The need to bargain more within the government coalition can increase the potential of actors such as government backbenchers to extract policy concessions from the government. Several studies have looked at what actors make successful amendments, hence using success rates of amendments as an indicator of concessions. Fortunato finds that coalition partners are likely to amend bills proposed by the main government party in order to differentiate themselves on key policy issues (Fortunato 2019). In the case of Italy, Capano and Vignati (2008) look at the amendatory process in the Chamber of Deputies. In the first study of this kind, they select data for about 800 bills between 1996 and 2006, which amounted to around 42,000 voted amendments. They find that governments are forced to amend the majority of their bills in order to push them through, and they interpret this as a clear sign of parliamentary influence (Ibid., 55-56). While this is a good starting point, there are no published studies that look at amendments in the Italian Senate, as well as important limitations to what crude success rates can tell us.

In a detailed study on the UK, Griffith realised that merely counting legislative output is not enough: this is why, to measure the impact of the House of Commons on government bills for 1967-1971, he also looked at the "quality" of amendments. He found that many government amendments were responses to concerns raised in committees by backbenchers and opposition

members (Griffith 1974). Similar research has been done much more recently by Russell and Gover in the largest study of this kind in 40 years, where the authors trace over 4000 amendments to 12 government bills, and carry out over 100 interviews. This allows them to discern the contribution of each parliamentary actor in the passage of the policies by tracing the original source of influence in Westminster, analysing not only amendments themselves, but also committee recommendations and debates in parliament, and they conclude that parliament is far from insignificant (Russell and Gover 2017). Thompson, in a detailed study of the impact of UK public bill committees, finds that whether a committee amendment is approved is not all that matters; a crucial factor is the response of the government minister, who can follow up with different undertakings, including reconsidering amendments, making compromises and making legislative changes elsewhere (Thompson 2015, 70–78). An important theme in these studies is that it is difficult to determine the original source of influence.

Tsebelis et al (2001), similarly to Griffith, argue that simply counting the number of successful amendments does not demonstrate much about the influence of an actor. Applying these theories to EU institutions, they find that sometimes amendments from the European Parliament are immediately incorporated into the Commission's proposals, and only counting would attribute zero influence to Parliament. Häge and Kaeding make a similar point about the need to take into account the whole history of an amendment to identify Parliament's impact. This is why in their quantitative analysis they code whether an amendment was adopted by the Commission or the Council at various stages during co-decision, and hence ended up appearing under another actor's name (Häge and Kaeding 2007).

Another improvement over mere counts is to take into account the substantiveness of the amendments. Kreppel's work examines more than 1,000 randomly selected amendments to 44 bills introduced by the European Parliament, under both the cooperation and co-decision procedures, between 1987 and 1996. She carries out regression analysis to investigate what factors determine amendment success, and includes a qualitative coding representing the "type of amendment" in the independent variables. Substantive "policy" amendments, as opposed to "semantic" and "technical" ones, have significant success rates (Kreppel 2002). A similar coding of amendment type has been applied to the Scottish Parliament, and showed that the legislature is more influential than the simple rate of success would suggest (Shephard and Cairney 2005). Russell and Gover (2017) and Thompson (2015) follow similar methods. This clearly illustrates the need to look beyond a crude measure of success, and shows that it is useful to look at the content of amendments to be able to gauge the real influence of parliaments.

Therefore, as a starting point it can be hypothesised that when incongruence is higher, amendments proposed by government backbenchers become more likely to be approved, if the main government party has to concede more; however, in order to have a more complete picture, it will be necessary to go beyond and to analyse the content of the amendments - a task well-suited for case studies.

3.5. Challenges of studying the legislative process

The discussion in the preceding sections has already touched on a number of challenges when studying the legislative process. This concluding section discusses some remaining ones.

Defining (and measuring) concepts such as "power" and "influence" has always been a challenge for political theorists. One of the most commonly referred to definitions of "power" is the one provided by Dahl: "A has power over B to the extent that he can get B to do something that B would not otherwise do" (Dahl 1957, 202–3). Dahl's definition is intuitively appealing, but according to Lukes it does not capture the different forms (or "faces", in his terminology) that power can take. Lukes defines three "faces" of power: the first one is what Dahl identifies; the second builds on the work of Bachrach and Baratz, and refers to more subtle concepts such as "influence", "coercion" and agenda setting, arguing that B can do what A seems likely to ask, even if A does not ask explicitly; the third face is what he calls "the supreme exercise of power" and refers to how A can control B "by influencing, shaping or determining his very wants" (Lukes 2005, 13–27).

When it comes to the study of legislatures, Blondel noted a long time ago the difficulty in measuring decisional outcomes, as reliable indicators were not easily identified (Blondel 1970), and comparative rankings can be a bit too simplistic. Di Palma's work on Italy shows this very well: if the Italian Parliament primarily works on micro-sectional *leggine*, Italy might be a "working" legislature rather an a "talking" one, but it might influence relatively unimportant matters. By "removing the layers like an onion", Di Palma shows that the "outer layer" corresponding to legislative output has very little "measurement validity" (Ibid., 93). To look at what a legislature actually "does", it is therefore necessary to go beyond the surface.

In talking about Westminster's influence, Russell and Gover build on Lukes' approach and elaborate six faces of parliamentary power, which include the power to expose the government and "anticipated reactions" (Russell and Gover 2017, 266–73). "Anticipated reactions", that is, the notion that a certain actor adjusts a course of action in anticipation of how other actors might react, is an important concept in legislative studies. Blondel refers to this as the "preventive" power of parliament, indicating that it might be the most important aspect of parliamentary influence, given that sometimes we openly see a government withdrawing a bill because of parliamentary resistance, but we cannot see how many other times bills do not even reach the floor of the house (Blondel 1970). Hall talks of "implicit influence" and argues that observable public actions might be insincere, if someone is trying to accommodate the preferences of others (Hall 1992). As he puts it, "some players win, some players lose, and, through a process of silent anticipation, some members 'win' without even playing" (Ibid., 221). Manow and Burkhart's analysis shows that even simply the threat of a veto is enough to significantly affect government's behaviour (2007), and in some cases veto power is not even necessary. Russell and Benton's work on UK select committees reveals that this mechanism of anticipation is in fact the main source of committee power, as committees "generate fear" and that is enough to affect the government's behaviour (Benton and Russell 2013).

When talking about influence over policy, then, there is much we cannot observe (and as a result, cannot measure) because it is informal and private. To lessen this problem, it is important to try and look at what happened behind-the-scenes. These are phenomena that EU scholars have

described, with the legislative process ending early after informal talks within a selected number of actors, as a result of an increasingly complex institutional framework (Reh 2014; Reh et al. 2013). Still in the context of the EU, Bressanelli and Chelotti (2018) also underline the importance of reconstructing the full genesis of the bargaining on policies to fully explain an actor's (in this case, the European Parliament's) influence. In a situation as complex as the Italian one, we should expect lots of informal undertakings, including informal cooperation across the two chambers. But political science literature has never investigated them in depth.

Another factor that might affect the bargaining over policy is the leadership style of the PM, or of the relevant personalities involved, such as the minister in charge of a policy. While there is literature about the personalisation of politics (e.g. Poguntke and Webb 2005), assessing the style of different leaders is difficult for a series of methodological reasons, including finding comparable measurable indicators, as reviewed by Dyson in his content analysis over Tony Blair's communication style (Dyson 2009). There is a large literature investigating US Presidents, including Skowronek's work, which focuses on the historical circumstances and political constraints each president has to face, and how their character interacts with those (Skowronek 2011). Some studies focus on the effects of presidential leadership over their foreign policy (e.g. Kaarbo and Hermann 1998). In the case of Italy, a lot has been written about Berlusconi (Campus 2010; Fabbrini 2013) and his impact on the process of personalisation of politics (Calise 2005); recently, there has been work about Renzi's leadership style, which several commentators have compared to Berlusconi's (Bordignon 2014; Pasquino 2014). This is relevant, because Renzi is one of the PMs selected in the sample for this research's case studies. More in general, as will be returned to in the methodology chapter, since I am comparing different political personalities it is worth noting that they might contribute to differences across the cases; for instance, a leader might be more inclined to listen to parliament's concerns while another might prefer to proceed on his own. If these differences do exist, the qualitative case studies are very well-suited to investigate them and their effects.

3.6.   Concluding remarks

As this chapter has shown, the Italian Parliament is an interesting and yet understudied institution, in particular regarding the functioning of the bicameral system and the policymaking process as a whole. The discussion has highlighted the existing gap in empirical studies that fail to take into account the Senate, and more generally, the need to take a holistic approach to the study of the Italian Parliament. This is in line with a general lack of detailed studies about most second chambers. The first important question is a descriptive one, asking how legislative dynamics work at the bicameral level. This includes questions about how the two chambers can cooperate and about informal avenues where bargaining on legislation can take. These questions will be addressed primarily in Chapter 5, describing the legislative process, and in Chapters 7 and 8 presenting the thick description provided by the qualitative results.

Secondly, this review has shown how Italian bicameralism underwent an important change after the 2005 electoral reform, which made the partisan composition of the two chambers more incongruent than it previously was. This raises questions about the effects of incongruence on legislative dynamics, including how incongruence might have affected the (allegedly) redundant

perfect bicameralism. In this chapter I devised a theoretical framework based on the literature on divided government and coalition governments to study the effects of bicameral incongruence over the legislative process. Chapter 6 presents the statistical findings laying the macro foundations about how incongruence has affected the legislative dynamics of interest. Chapters 7 and 8 go into the details about the causal mechanism underpinning the results.

This chapter also reflected on a series of methodological challenges faced by scholars studying legislatures and the legislative process in particular. The existing comparative literature in legislative studies offers crucial pointers both to know where to look for the effects of interest, and to determine how to best study parliamentary institutions, which I discuss next in the chapter about the methodology.

Chapter 4. Methodology

In this chapter I set out the methodological approach used to answer the research question that emerged from the literature review. The methodology used is a mixed-methods one, combining quantitative and qualitative methods. The chapter starts by describing the quantitative part, including the datasets used and how the independent variable of interest (bicameral incongruence) is operationalised, and it offers an overview of the outcome variables of interest. The second part focuses on the qualitative analysis, which combines pairwise comparison with process tracing to reconstruct the causal mechanisms underpinning the effects of incongruence on the legislative dynamics of interest. In this chapter I present my case selection strategy and the sources of data I used. The strengths and weaknesses of each methods are also discussed.

4.1 Research design

The aim of this project is both to start filling the empirical, descriptive gap about the functioning of Italian bicameralism, and to investigate the causal effects of the increase in bicameral incongruence. The phenomenon of interest for this project, the legislative process in bicameral perspective, is wide and multifaceted and, as discussed in the literature review, is a challenging subject to study. Given the complex nature of this process, a multi-step approach, where each step allows me to uncover further aspects of the dynamics of Parliament, was the most appropriate strategy. The best way to answer these questions is to use a mixed-methods design, combining quantitative with qualitative methods, in order to address the different levels of analysis that are relevant when studying legislation, and to paint a picture as complete as possible.

The first step is the quantitative analysis of government legislation which relies on a set of regressions and descriptive statistics; these investigate what goes on at the macro level in the Italian Parliament, with the element of originality that both chambers are investigated, and an entirely novel amendment dataset developed. The first quantitative step is ideal to get the overall picture of the passage of legislation. In addition to providing an overview of legislative trends over the years in Italy, the statistical analysis serves as a valuable basis for case selection and for devising the hypothesised causal mechanisms.

The case study section moves to the micro level, which uses process tracing and pairwise comparison to trace the effects of bicameral incongruence, and in doing so provides a thick description of how the legislative process works, including reconstructing informal elements and behind-the-scenes dynamics. This step is important as it brings much more depth and nuance to the analysis of policymaking, which allows me to reconstruct how the dynamics in the Italian Parliament actually work in practice.

4.2 Timeframe

The timeframe under consideration for this thesis is 1996-2018. This allows me to consider the periods both before and after the key development of interest, which is the 2005 electoral reform.

Another important development which is secondary for the scope of this research, but worth noticing, is the 2013 national party-system change that followed the impressive performance of

the populist Five Star Movement in the national election, where it won 25% of the vote share (Ministero dell'Interno 2013). Its debut in Parliament made the incongruence of the two chambers even more noticeable and, given its refusal to enter a government coalition with mainstream parties, problematic.

It is worth noticing at this point that, while this analysis is centred around a pre and post-2005 comparison, bicameral incongruence started to increase after the 1993 electoral reform (Zucchini 2008), which introduced a mixed system to replace the previous pure PR one (as illustrated in Table 2.2. in Chapter 2). In light of this, a timeframe going back further than 1996 might have been ideal in order to reconstruct how legislative dynamics changed over a longer time period. Unfortunately, data on legislation prior to 1996 is not available online, hence a study covering a longer timeframe would not have been feasible within the time and space of my PhD, as it would have required extended archival research in Rome to digitise the relevant information. Moreover, from a theoretical point of view, it was only with the 2005 reform that incongruence across chambers was introduced "by design", and the increase became much more substantial. Therefore, I chose to limit my analysis to the two more recent decades, relying on the data which is publicly available online. This offers a timeframe which is long enough to compare before and after 2005, ensuring both enough variation and feasibility.

4.3 First part: Quantitative analysis

The first part of the project is a quantitative analysis of government legislation. Its purpose is to look at the broad consequences of the 2005 electoral reform on the legislative process – more precisely, at how the fact that the government had to command two increasingly incongruent majorities affected the law-making process.

In this project I analyse government legislation only, discarding private member bills. By focusing on government bills, this project focuses on the bargaining dynamics between the government and its backbenchers, and parliament more widely. This is the most appropriate strategy to answer my research question, since the key argument is that bicameral incongruence affects the composition of the government, which in turn affects the law-making process. Moreover, as mentioned in Chapter 3 in the Italian context most private member bills, while constituting a significant percentage of the approved legislation, relate to micro-sectional, uncontroversial subjects (the so-called "*leggine*"), and hence are not usually subjected to much partisan confrontation (De Micheli 2014; Di Palma 1977); therefore, they should not be as affected by changes in the level of incongruence.

The exploratory regressions I propose are the first step to look at the relationship between the independent variable, which is bicameral incongruence, and some important variables related to legislative dynamics in Italy as informed by the literature review. Chapter 6, discussing the quantitative results, will also present several descriptive statistics, illustrating legislative trends over the 22 years under consideration.

4.3.1 Datasets

The quantitative analysis uses two author-assembled datasets. I carried out all the data analysis using the software R.

- Government bills

For the analysis at bill level, I used a dataset containing information on all government bills proposed during the years 1996-2018. Data covering **approved bills** between 1996 and 2013 was received from the Italian Law-making Archive Centre (ILMA), based at the University of Milan (Borghetto et al. 2012), and required no further data cleaning. For **non-approved bills** and for years between 2013 and 2018, I added the data manually taking the relevant information from Parliament's online data platform. This required a considerable data collection effort.

There are different types of bills in the Italian system; following standard practice in the Italian literature (e.g. Zucchini 2008), I have removed bills that are constitutional, ratifications of international treaties, and the budgets, as these bills are not subjected to normal partisan dynamics.

There are in total 1720 individual bills in the dataset, that can be either decree conversion bills or ordinary bills, spanning over five legislatures. I recorded the type of bill and whether there were any confidence votes associated with a bill, and if so in which chamber. I also coded the PM and the legislature.

- Amendments

The second dataset uses individual amendments as the unit of analysis and consists of the amendments tabled to **approved government bills** in the Senate over the years 2001-2017. I received the amendment data in spreadsheet format from the staff in the Senate Library in the autumn of 2017, hence it is somewhat truncated.[5] In order to make sure that the bills in the sample had a complete parliamentary journey, I selected only government bills that had already been officially approved.

The data is all that is available online on the website of the Italian Senate, as data for previous years is not digitised, and hence this constitutes a fully novel dataset. The data I received initially contained over 300,000 observations, corresponding to individual amendments to approved government bills. After discarding observations for which data was missing on the dependent variable (outcome of the amendment, not always recorded on the Senate search engine), it includes over 192,000 individual amendments to 297 approved government bills, covering four legislatures.[6]

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[5] I am grateful to the staff in the Servizio Informatica of the Italian Senate for their support.

[6] The amendment data available online for the Chamber of Deputies is not enough to contribute to the research question under consideration in this project, because it only starts in 2006, hence it is not sufficient to investigate the effects of the 2005 electoral reform.

The data I received also contained the name of the sponsor(s) of each individual amendment, and on which bill it was tabled. Amendments tabled by the committee as a whole, by the government or by the rapporteur were already identified as such. However, because the Italian Senate's website does not report the corresponding political party of the sponsor, this information was missing for amendments tabled by individual parliamentarians. I hence merged the amendment data with data on the party affiliation of senators in each legislature; where a senator switched party in the course of the legislature, the correct affiliation at the time of the amendment's presentation was matched to the sponsor(s).

In a subsequent step, I created a variable called "Actor" which, based on the political party of the sponsor, coded which of the six actors of interest (further discussed in section **5.1.4 Parliamentary actors** in Chapter 5) corresponded to the amendment's sponsor: backbencher of the main government party, junior coalition partners, opposition – in addition to the existing possible sponsors already coded in the data, which were committee, government and rapporteur.

4.3.2 Independent variable: Operationalisation of bicameral incongruence

Since the argument explained in the theoretical framework is a two-step causal argument, the measure of incongruence used in this thesis is calculated at two levels.

1. Legislature level: chamber incongruence

The first level is the legislature, and incongruence is operationalised using Heller's (2001) formula:

$$Chamber\ incongruence_\text{t} = \frac{\sum_{i=1}^{n_p} |\ share(L)_i -\ \ share(U)_i\ |}{n_p}$$

where $share(L)_i$ is party i's seat share in the lower chamber; $share(U)_i$ is party i's seat share in the upper chamber, and n_p is the total number of parties in parliament, at time t.

This measure captures the disparity in seats of all parties in parliament, which means it includes the disparity in seats of the opposition as well as the government.

This corresponds to the measures used by Pedrazzani (2017) and Zucchini (2008) in the few existing studies of Italian bicameralism.[7] The legislature level serves to start investigating whether there are any effects of bicameral incongruence on legislative dynamics when there are changes in the composition of the chambers of parliament as a whole.

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[7] A binary dummy coding "congruence/incongruence" was also attempted in the analysis with similar results, but for its superior nuance which allows to show year-by-year changes and for ease of interpretation, the continuous variable is preferable.

2. <u>Government level: government incongruence</u>

$$Government\ incongruence_{\text{t}} = \frac{\sum_{j=1}^{n_g} |\ share(L)_j -\ share(U)_j\ |}{n_g}$$

The second and most relevant level is the government level. This is an adaptation of Heller's formula, where $share(L)_j$ is party j's seat share in the lower chamber; $share(U)_j$ is party j's seat share in the upper chamber, and n_g is the total number of parties in the government coalition, at time t.

This version of the measure is limited to the disparity of seats <u>of parties that are in the government majority only</u>. The most important level for this analysis is indeed the governmental one, and it corresponds to the second step in the causal argument, which says that an increase in parliamentary incongruence has in turn an effect on the composition of the government. A measure that focuses on the disparity in seats for parties that are in the government coalition seems more likely to capture the effects of interest for this research than Heller's and Pedrazzani's, which as mentioned also captures fragmentation among opposition parties.

The measures can range from 0 to 1, with higher values denoting a higher disparity in seats. Information on which parties were in government[8] and on the party shares of each chamber of parliament was retrieved from the website of the Italian Chamber of Deputies[9] and of the Senate,[10] from which one can access the composition of each chamber for previous legislatures (as well as the current one).

The two indices are computed annually: party-switching is well-documented in the Italian Parliament (e.g. Heller and Mershon 2005), and it is common for new party groups to be born, and for both whole groups and individuals to join or leave the government majority over the course of a legislature. Since the party groups in the Chamber and the Senate coordinate (mostly) independently, over the course of a parliament their composition evolves autonomously; this means that the government majority can either gain or lose supporters in one chamber, but not in the other. For instance, the Renzi cabinet continuously had to bargain with a new group in the Senate that left the majority, but voted with it on an ad hoc basis (Redazione Online 2015). Computing the index annually captures these changes. In addition, if there were changes in the premiership and new cabinets were sworn in, the indices were also calculated at the time when the reshuffles took place (hence there can be more than one value per year).

4.3.3 Dependent variables
As anticipated in the literature review, the three outcomes of interest for this research are the adoption of government bills, the instruments used to approve government bills, and the concessions on government bills. In the quantitative analysis each of these is operationalised individually, and Chapter 6 will present each individual model, describing the specific control variables and fixed effects as appropriate in each case.

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[8] http://www.senato.it/leg/ElencoMembriGoverno/Governi.html
[9] https://www.camera.it/leg17/46
[10] http://www.senato.it/leg/17/BGT/Schede/GruppiStorici/Grp.html

The independent variable of interest is always incongruence, operationalised with the two indices described in the previous section. The main sub-questions addressed in the quantitative part of the research are:

◊ What are the rates of approval of government bills, and how are they affected by variations in the level of incongruence?

◊ How are instruments such as decrees and confidence votes used to adopt government legislation, and how does their use vary in times of high incongruence?

◊ Which actors have the most successful amendments, and how does variation in the level of incongruence affect that?

The table below summarises what the dependent variables are, but a more detailed explanation will accompany the discussion of the results in Chapter 6.

Table 4.1. Summary of dependent variables in regression models

Variable	Description	Source
DV 1 Approval of government bills	0 = bill not approved 1 = bill approved	ILMA datasets (1996-2013) and Parliament data (2013-2018)
DV 2 Use of decree	0 = ordinary bill 1 = decree	(same as above)
DV 3a Use of confidence votes	0 = vote not requested 1 = vote requested	(same as above)
DV 3b Type of confidence votes	0 = procedural vote 1 = substantive vote	Plenary speeches, author's coding
DV 4 Amendments to government bills	0 = rejected 1 = approved	Senate online dataset (2001-2017)

4.3.4 Coding confidence vote types

The dependent variable used in model 3b, type of confidence vote, is measured through qualitative coding. As anticipated in the literature review in Chapter 3, because of how confidence votes are commonly used in the Italian system, it is important to distinguish the reasons why such votes are requested.

To ensure construct validity, the coding categories were identified using the Italian literature on confidence votes. Following Olivetti's (1996) distinction, which builds on a rich corpus of Italian constitutional law treaties, this project classifies confidence votes as either "procedural" (= a vote on a bill that is uncontroversial within the government majority and whose aim is to speed up the passage of the bill) or, in the classic conceptualisation of confidence votes, "substantive" (= a vote on a bill that is controversial within the government majority and whose aim is to prevent rebel votes). As Chapter 6 will argue, this is an important step in the analysis, because I expect only substantive confidence votes to increase in the Senate as incongruence gets higher.

The coding task to establish whether a vote is procedural or substantive was carried out reading the transcripts of the plenary sessions for all 224 confidence votes requested in the timeframe under consideration. The literature recognises how coalition partners use their opportunities to speak during plenary debates as a way to express their dissent and differentiate themselves from the other government parties (Martin and Vanberg 2014, 438–39). An observable implication of this is that coalition partners voice their concern when they are not happy with the policy of the main government party and are called to give their confidence on it. Since during that type of debate parliamentarians overtly express their views, this coding focused on manifest content of speech. By reading the declarations of all members of the government majority who spoke up during the declarations of voting intentions for a confidence vote, I have reconstructed whether each actor in the government majority expressed their support for the policy, or whether they voted in favour but in fact expressed disagreements with the principles of the bill.

The former constitutes a "procedural confidence vote". As explained by Olivetti, when the government is using a confidence vote as an anti-obstructionist device, or as a timetabling device, it is in fact not invoking the confidence relationship with its majority in any way. It is not a real renewal of the confidence that the parliamentary majority has in the government: that confidence was solid and did not need to be tested. Sometimes, backbenchers of the government majority might comment on whether it is appropriate to use such an instrument, as the confidence should be limited to matters of key relevance for the government's survival, but they are not arguing with the content of the policy, just with the method. In fact, often they even express support for the method, stating that it is important to proceed in a speedy fashion (Olivetti 1996, 332–34). In these cases, where the votes on the bill were there to begin with and were not the result of "blackmail" on the main government party's behalf, the vote always counts as procedural.

On the other hand, where members of the government majority only vote in favour of a bill as the result of the threat of "nuclear weapons" which would result in the resignation of the government, the confidence vote is "substantive". Such votes are in fact an appeal to the confidence relationship that underpins the very existence of the government. If it were not for the threat of the confidence vote, the bill would have lacked the support to get through. When this is the case, government backbenchers vocally protest during plenary debates, as they have the opportunity to use their speeches to signal their policy positions to their constituents. Since confidence votes that result in controversy are usually picked up by the media, that is an easy platform to exploit for dissenting parliamentarians, and, as the literature finds, MPs often have incentives to voice their differences of opinion for electoral reasons (Fortunato 2019; Fortunato and Stevenson 2013; Martin and Vanberg 2014). Government backbenchers can be very explicit about this kind of blackmail, stating that they are only voting in favour of the bill to prevent the collapse of the government.

The table below summarises how the plenary speeches given by members of the government majority informed whether a confidence vote should be classified as procedural or substantive. The two categories, again following the existing distinction in Italian parliamentary doctrine, are conceived as mutually exclusive: the differing condition is whether the votes from the members of the government majority were present regardless of the confidence vote request (because they supported the principles of the policy), or only as a result of the threat imposed by it. Since the

votes are either present or not, there can be no cases where a confidence vote does not fall into either category, and similarly it cannot fall into both.[11]

Table 4.2. Coding scheme for confidence vote types

Type of confidence vote	Statements from government backbenchers	Necessary condition	Possible addition	Examples of statement
Procedural	Support for policy	✓		"We are pleased with the government's text and happy to vote in favour"
	Support for policy and method		✓	"The PM is right in requesting a procedural vote, so that we can implement the policy quickly" / "We fully recognise the need for this procedural mechanism".
	Support for policy but not method		✓	"We clearly support the policy, although we could debate whether using a confidence vote is appropriate here"
Substantive	Disagreements with the policy	✓		"We should have had the chance to discuss and amend this policy further, as we do not like it in its current form"
	Disagreements with policy and denounce that they are being forced to vote in favour		✓	"We do not agree with most of this policy, but when given the choice between approving it or going home, we have no option but to vote for it"
Total number of confidence votes coded (universe of cases in timeframe): 224				

Chapter 6, presenting the quantitative results, will show a breakdown of the results of the coding.

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[11]A list of confidence votes by government can be consulted on the website of the Italian Senate, which allows one to click through to the relevant plenary debate http://www.senato.it/leg/17/BGT/Schede/Statistiche/Governi/75/DDLGovernoQuestioneFiducia.html

4.3.5 Strengths and weaknesses of quantitative analysis

The quantitative part of the research is a first important component in this thesis, as it allows me to discern legislative trends over the years under consideration, and as mentioned it offers a great starting point to select cases.

The advantages offered by a quantitative approach are clear. First of all, there are several elements that can be counted when it comes to legislation. The type of indicators suggested above are widely used in the literature, and hence have high "face validity" (Halperin & Heath 2016, 171). The analysis of confidence votes is a fully novel contribution, and incorporating a qualitative distinction accounting for why they are used also adds nuance to the analysis. The amendment data is also fully original, and contributes to a rich literature studying amendments to government bills.

The fact that the data used in this project is a one-country study of Italy also offers important methodological advantages over a cross-country design, as it allows me to control for several important sources of potential confounding, such as political culture, giving more leverage to causal inferences about the effects of bicameral incongruence.

Nevertheless, there are some shortcomings deriving from relying entirely on quantitative indicators. Generally speaking, they are quite crude measures: counting bills and amendments is a necessary starting point but, as Chapter 3 discussed, it does not tell the whole story. A small number of approved amendments does not necessarily mean that the government made no concessions over a policy, if the approved amendments are important. Moreover, numbers alone fail to take into account the context and the fact that influence over legislation can take softer forms (which the qualitative part aims to trace). This suggests that quantitative indicators of legislative outputs might lack "content validity" (the extent to which the indicator covers the full range of the concept, covering each of its different aspects) (Halperin & Heath 2016, 171). Qualitative techniques can compensate.

In addition, in this project there is a limitation in the measurement of the independent variable: the incongruence index does not account for ideological differences, as the measures that exist are not enough to capture variation over the years. As Chapter 6 will show, they only show the ideological range of the government that is sworn in after a general election. This is not accurate to capture the Italian situation, where governments, more often than not, do not last for a whole legislature (Damgaard 2008, 306). Unfortunately, the lack of variation in the measures makes it impossible to use ideological spread as an independent variable in this research. Incongruence in seats is the closest measurable proxy. The qualitative part will complement this by looking at what each actor in parliament bargained for, accounting for ideological differences within the government coalition.

An additional shortcoming is that the amendment data is limited to the Senate. Since the data available in digital version for the Chamber of Deputies starts in 2006, it would not be enough to account for any over time variations, and a direct comparison with the Senate would also be very limited. The case studies will compensate for this to at least an extent, as I manually collected all the amendments for both chambers for the four bills under consideration.

4.4 Second part: process tracing in pairwise comparison

The second part of this project is a small-n study of four case study bills. This part of the design is inspired by Russell and Gover's (2017) methodology in their study of the legislative process in the UK. It aims to take a similar in-depth approach, adapting it to the Italian context.

The research design for the case study part of this research relies on a combination of the comparative method with process tracing. The case study bills were chosen according to a pair-wise selection. By having variation on the independent variable while controlling for as many other factors as possible, this is a strong methodological approach to make causal inferences for the independent variable of interest (Anckar 2008; Halperin and Heath 2016, 219); in this case, it will allow me to vary the level of bicameral incongruence.

Process tracing is a qualitative methodology that allows the researcher to trace the factor(s) that causally led to an outcome through "the examination of intermediate steps in a process to make inferences about hypotheses on how that process took place, and whether and how it generated the outcome of interest" (Bennett and Checkel 2014, 6). As explained by Bennett and Checkel, in such most-similar case comparisons, process tracing can help establish that the one independent variable that differs is related to the outcome through a convincing hypothesised causal process. By comparing similar cases of approved government bills during a time of low incongruence with cases of high incongruence, we can observe how different coalitions face the challenges of getting their legislation through parliament, and how their circumstances change when the coalitions become more diverse. In this case, process tracing allows me to reconstruct the causal mechanisms linking the independent variable, incongruence, to the outcomes under consideration.

The aim of this research is exploratory. The approach followed is mostly deductive, as it examines the observable implications of causal mechanisms which are hypothesised in light of the theoretical framework and of the results of the quantitative analysis.

The two causal mechanisms of interest, building on the outcomes identified for the quantitative part, are two: the first relates to the use of confidence votes, and the second to the concessions made on government bills.

- **Confidence votes** requested on a bill

The quantitative analysis provides an overview of the use of confidence votes, showing how they vary in each chamber by type (procedural or substantive), and whether they increase or decrease with incongruence. It then enables me to select cases that reflect these variations. The scope of process tracing is investigating *how* incongruence leads to the use of a confidence vote. A qualitative analysis at case study level can look in detail at what explains the decision to request a confidence vote (as done in a study by Becher, Broudar and Guinaudeau (2017) on France, and one by Döring and Hönnige (2006) on Germany). Such detailed studies do not exist in the case of Italy, hence this is a novel contribution. This is the subject of Chapter 7.

The main sub-questions addressed in the analysis focusing on the above mechanism are:
   ◊ How does incongruence affect the decision to use a confidence vote in the Senate?

◊   What other factors play a role in this mechanism?

- **Concessions on government bills,** including number and nature of amendments approved and softer forms of concessions

Looking at the number of successful amendments will provide variation on one of the most visible forms of concession over legislation, and looking at all amendments tabled will show which parliamentarians were most interested in securing changes or signalling discontent. The quantitative analysis measures whether approved amendments increase or decrease with incongruence; the scope of process tracing is to investigate *how* incongruence affects the concessions that the main government party makes (which can be in different forms other than amendments, and the qualitative case studies are a good way to discern them). In the qualitative analysis it is possible to go beyond the amendments' outcome, in order to see whether some amendments have strong support among the majority and in parliament, and force the government to react in some way that is not necessarily just approving the amendment itself (for instance, the government might promise to bring forward new legislation). This approach builds on previous examples in the literature, such as the work of Russell and Gover (2017) and Thompson (2015). This is the subject of Chapter 8.

The main sub-questions addressed in the analysis focusing on the above mechanism are:
◊   How does incongruence affect who gets concessions on a policy?
◊   How does incongruence affect how substantive these concessions are?
◊   How does incongruence affect at which stage concessions come, including anticipating what parliament wants before the formal process starts?
◊   What other factors play a role in this mechanism?

This mixed-methods approach makes the whole research design solid and well-connected, as each part of the thesis is building on the previous one to paint a more detailed picture of policymaking in the Italian Parliament, and how incongruence affected it. In doing so, the case studies provide plentiful opportunity to offer a thick description of the cases and of the functioning of the legislative process, including uncovering less measurable aspects of legislative dynamics, including the role of anticipated reactions.

4.4.1 Case selection
The bills selected for this project are four in total: they were selected as pairwise comparisons, in order to compare two similar pieces of government legislation, **one before and one after 2005**, aiming to hold constant other relevant variables.

This comparative **most similar system design** is ideal to isolate causal effects, by comparing cases that have different values on the independent variable while controlling for all as many other relevant factors as possible; this gives credit to the claim that the independent variable is what explains variations in the outcomes of interest (Anckar 2008; Halperin and Heath 2016, 219). In my case, such comparison allows to me to capture the effects of increased incongruence on legislative dynamics.

Important criteria to be matched were also:

- Main government party: not controlling for the main government party would in all likelihood result in biased results, as any differences found could easily be due to varying approaches and cultural differences across parties on opposite sides of the political spectrum.
- Type of bill: the bills in a pair should be either both ordinary bills or both decrees, as there are different parliamentary procedures for the two types of bills (as Chapter 5 describes). Ordinary bills are more suitable for the purposes of this research, as they entail more parliamentary scrutiny than decrees.
- Policy area: the subject of the bill. The policy area should be as close as possible across bills in one pair, in order to minimise the risks that any resulting differences are due to the nature of a specific policy issue.
- Chamber of introduction: whether the bill was introduced in the Chamber of Deputies or the Senate. Not controlling for this could result in biased results, because if I were to compare a bill introduced in the Senate to a bill introduced in the Chamber, it could be that the institutional differences across chambers are what is driving potential differences across cases.

The bills were selected to be representative of the legislature they were drawn from based on the quantitative findings, in terms of whether they were associated to a confidence vote or not, and of the number of amendments they attracted, as the subsequent paragraphs show.

As identified in Chapter 2, there are two different incongruent scenarios that we can discern in Italy during the timeframe under consideration: each pair of bills corresponds to one of the two incongruent scenarios, where one bill is drawn from an incongruent legislature, and then it is matched to a corresponding pre-2005 bill.

As Chapter 2 illustrated, governments of the centre-left have been more affected than those of the centre-right by the 2005 electoral reform. Therefore, both the bills for incongruent years are from governments of the centre-left. These two bills are **Renzi's *Buona Scuola* bill** (2013-2018 legislature) and **Fioroni's *Maturità* bill** (2006-2008 legislature). Each of these is paired to a "real-life counterfactual", which serves as the other bill in the pair-wise selection. The bills from a time of congruence are both from the 1996-2001 legislature, which is the only congruent legislature in the sample for which the party of the Prime Minister was from the centre-left.

The process to select the two pairs, based on the quantitative findings, entailed looking at what policy areas offered bills that matched on the key criteria identified. This quickly reduced the choice of the feasible pairs: there are not many bills that deal with similar policy matters across legislatures which also happened to be introduced in the same chamber of Parliament (since bills can be introduced in either, and in fact the split is almost fifty-fifty), and that were both either ordinary or decrees. In particular concerning bills from the 2006-2008 legislature, which was very short-lived, representative choices that matched a congruent counterfactual were extremely limited.

Table 4.3. Case selection shortlist for 2013-2018 incongruent scenario

	Policy	Incongruence	Year	Type	Chamber of introduction	Readings	Confidence votes
Pair 1	Education	Low	1997	Ordinary	Chamber	2	None
		High	2015	Ordinary	Chamber	3	Substantive at Senate reading
Pair 2	Justice (online trials)	Low	1997	Ordinary	Senate	3	None
		High	2015	Decree	Chamber	2	Substantive at both Chamber and Senate readings
Pair 3	Post-earthquake financial measures	Low	1998	Decree	Senate	2	None
		High	2017	Decree	Chamber	2	Substantive at both Chamber and Senate stages
Pair 4	Financial funds for southern regions	Low	1996 - 1998	At least 3 possible bills, both decrees and ordinary	Both Chamber and Senate (depending on the bill)	2 for all 3 bills	All with no confidence votes
		High	2017	Decree	Senate	2	Procedural at Chamber reading and substantive at Senate reading

Table 4.4. Case selection shortlist for 2006-2008 incongruent scenario

	Policy	Incongruence	Year	Type	Chamber of introduction	Readings	Confidence votes
Pair 1	Pension	Low	1997	Ordinary	Senate	4	None
		High	2007	Ordinary	Chamber	2	Substantive at both Chamber and Senate readings
Pair 2	Education	Low	1997	Ordinary	Senate	3	None
		High	2006	Ordinary	Senate	2	None

As Tables 4.4 and 4.5 show, this matching exercise dramatically narrowed down the search to a few potential pairs. One option, which I eventually discarded, could have been a pair on the subject of pension reform for the 2006-2008 incongruent scenario, and the other pair on education reform for the 2013-2018 scenario.

In the end, I decided that selecting the same policy area for both pairs was preferable, as it allowed me to draw comparisons across all four cases while controlling for policy area, resulting in an overall stronger research design. All four cases are hence on the subject of education (this also has some drawbacks, as discussed in section 4.4.5).

Tables 4.6 and 4.7 summarise the main characteristics of the final selection of the case study bills in the two pairs, highlighting the main criteria according to which they were selected. Appendix D recaps some additional details on all four cases.

Table 4.5. First pair (first incongruent scenario): grand coalition

Minister and bill	Policy area	Year	Readings	Confidence votes	Chamber of introduction	Number of amendments tabled	Size
Luigi Berlinguer: "*Legge Quadro*"[12]	-School cycles -Subjects of new school cycles -Compulsory schooling age	2000	2	None	Chamber of Deputies	Moderate	Medium (biggest of several separate bills in the reform plan)
PM Matteo Renzi (Minister Stefania Gianniti): "*Buona Scuola*"	-Hiring plan for teachers -New subjects -School autonomy	2015	3	Substantive at Senate stage	Chamber of Deputies	Large	Large

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[12] The Legge Quadro was repealed by the 2001-2006 Berlusconi government before its implementation, therefore despite being officially approved by Parliament, it was never actually fulfilled.

Table 4.6. Second pair (second incongruent scenario): precarious Senate majority

Minister and bill	Policy area	Year	Readings	Confidence votes	Chamber of introduction	Number of amendments tabled	Size
Luigi Berlinguer: *Maturità* reform	Equivalent to A-levels	1997	3	None	Senate	Moderate	Small
Giuseppe Fioroni: *Maturità* reform	Equivalent to A-levels	2006	2	None	Senate	Moderate	Small

4.4.2 Sources of data

Three main sources of data were used for the qualitative part: media articles, parliamentary documents and elite interviews.

- Media and parliamentary proceedings

For the qualitative document analysis, I used parliamentary proceedings (including legislation itself) and newspaper coverage of the bills under consideration. Usually, at least the most salient parts of the passage of legislation in parliament are covered in the media; if there are controversial or high-profile events such as divisive votes, the media will pick up on them. In order to search for articles covering the bills in my sample, I used Lexis Nexis searching for relevant key words in all available Italian newspapers, in addition to searching the websites of the main Italian newspapers (all newspapers are listed in Appendix A). Reading media coverage was very useful to get an initial sense of how the overall unfolding of the events took place chronologically, and it offered a valuable triangulation against what people told me in interviews (as discussed in the following sections).

Parliamentary proceedings were the main source of primary data. A crucial stage to investigate compromises is the committee stage, which is where most of the negotiations take place, as confirmed by the Italian interviewees. Italian committees do not produce minutes, but they do produce very detailed summaries which report each intervention of all members, in a way that is very close to minutes. Committee summaries give a good indication of whether there was agreement on the principles of the bill, and since committees can also propose amendments, on what was brought up in particular during the committee stage. The summaries also include all voting declarations on amendments and the outcome of all votes, which I was hence able to reconstruct. Since a government representative always attends committee meetings, the summaries also provide the government responses to amendments and requests for changes.

With respect to the plenary stage, minutes of all debates and votes are available online. Plenary proceedings are useful to see what members of the government majority are happy to state in

public. Very often the level of consensus found in committee is mentioned during debates at the plenary stage, where references to cooperation and efforts made by all parties at committee stage are very common; similarly, there can be mentions of resistance. In addition, as already discussed, if there are serious disagreements within the government coalition, plenary speeches are an ideal venue to voice them. Transcripts of votes on amendments and bills are also available online.

Table 4.7. Summary of sources of data

Documents	Description	Source
Committee meeting summaries	Summaries of what committee members discussed during each of their meetings; include votes on amendments and government responses	Chamber of Deputies and Senate websites
Plenary proceedings	Minutes of plenary sessions include speeches of members of parliament, votes on amendments and final votes on bills	Chamber of Deputies and Senate websites
Italian newspapers	News articles about the bills under consideration	Italian newspapers websites and Lexis Nexis

All links to the parliamentary sources are provided in Appendix A.

- Interviews

Interview subjects

To investigate off-the-records dynamics and informal parts of the bargaining over government legislation, I conducted semi-structured interviews with a sample of purposefully selected actors. The decision-making leading to the choices of interview subjects was targeted to reach the key actors who were involved in the passage of the bills under consideration (which included parliamentarians, parliamentary staff and government officials) and some senior figures who know the details of how the Italian Parliament works and who witnessed how it changed over the last 20 years.

Making initial contact with political elites and getting their agreement to take part in an interview is notoriously challenging (e.g. Goldstein 2002). In order to alleviate this potential problem, I made contact with several academics based in Italy who regularly work with parliament. After carrying out the document analysis of the parliamentary proceedings for my case study bills, I identified the committee members who would be the most relevant to talk to, and approached them through existing contacts or directly, where I was able to find a contact online. These parliamentarians were some of the key political actors, and interviewing them would offer a first-hand account of behind-the-scenes dynamics and of the bargaining process within the government coalition.

In addition, through existing networks in Rome, I enquired who worked in the relevant committees in parliament, and where possible who worked on the ministerial teams and who were the main government officials in charge of the bill. This was a crucial step, because in Italy the names of parliamentary clerks are not publicly available. Some were introduced to me through colleagues who work (or previously worked) in Rome, and then a certain amount of "snowballing" took place, with people referring me to other suitable interviewees.

I conducted a total of 22 interviews. For obvious logistical reasons, there were fewer people available to interview for the older case studies in my sample. The subjects I interviewed are committee clerks, senior parliamentary clerks, academics with experience working in parliament, government officials, and a few former parliamentarians. Unfortunately, the availability of parliamentarians turned out to be limited: only three MPs, two of which had just completed their mandate in the 2013-2018 legislature, were willing to take part. While I tried to contact many more, including from older legislatures, they did not reply to my interview requests. The majority of the interviewees in my sample were hence either parliamentary clerks or government officials, particularly for older case studies. This has the drawback that more "political" takes are missing from my interview findings, aside from the case of the *Buona Scuola* bill. Nevertheless, the experience of interviewing parliamentary clerks in particular was highly informative, as these are highly insightful individuals who know the institution very well and have an objective view about its functioning, and especially those who have been in their post for a long time were able to offer an overview of how it evolved over the years. Government officials were also instrumental in reconstructing behind-the-scenes bargaining.

The anonymity of my interviewees is maintained in this research, and their data is protected under UCL Data Protection Regulations.[13] A list with details on the date and place of each interview is found in Appendix B.

Areas covered in interviews
Semi-structured interviews are considered the most appropriate type of interview when dealing with political figures, as they allow the researcher to cover all the themes they are most interested in while also leaving space for the interviewees to display their expertise and to bring up elements the researcher had not previously envisioned (Bailer 2014; Leech 2002).

As discussed in the literature review, an important way in which incongruence might affect law-making could be that the government pre-emptively takes into account what parliament will and will not accept, and hence modifies its policies before even introducing them. Some of the possible ways for these "anticipated reactions" to play out as bicameral incongruence increases are:
- more strategic planning before formally introducing a bill, such as government officials and ministers trying to incorporate what coalition partners and backbenchers might want;
- more behind-the-scenes negotiations between key players such as parliamentary party groups leaders, and main influential figures within party factions;

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[13] Project Reference No Z6364106/2019/06/179, enquiries to data-protection@ucl.ac.uk

- more accommodation and mutual adjustment as the process goes along – e.g. non-government amendments are picked up by the government, or incorporated in some other way, and so are withdrawn (Russell and Gover 2017).

These dynamics are most likely to take place behind closed doors, and hence are difficult to trace. The main way to reconstruct them is through the interviews (and results should still be expected to be partial).

The contribution of the interviews in this research is twofold. Firstly, the interviews gave me crucial insights into how parliamentary dynamics changed following the increase of bicameral incongruence more generally, and valuable contributions to reconstruct the thick description of how the legislative process actually works in Italy, presented in Chapter 5. This includes areas such as:

1) Insights on governments' strategic planning in general: for instance, on proposals that never made it to the floor because the government realised they lacked support; whether (and if yes, how) these strategic anticipations changed after the government majority became thinner and/or more heterogeneous;

2) Insights on the use of government decrees and confidence votes, and how it changed: whether these instruments were used as responses to the increased incongruence;

3) Insights on the use of amendments, including reasons to table them and who writes them.

Secondly, on the case study bills in particular, presented in Chapter 7 and 8, interviews allowed me to explore:

1) Off-the-record and behind-the-scenes dynamics: talks that went on in private when negotiating the passage of the bill in parliament; concessions made to backbenchers and coalition partners; where the most troublesome stages were and how the government responded, etc.;

2) Some forms of anticipated reactions: signs that the government proactively takes into account how parliament will respond, for instance by making changes that the government incorporates even before introducing the bills in order to make the text more acceptable to parliament;

3) Other kinds of strategic behaviour: dynamics such as log-rolling (trading of agreements on different bills), behind-the-scenes workings to gather cross-party support, especially among coalition partners, etc.;

4) Style of the personalities involved, such as ministers and rapporteurs, and how they worked with parliament to develop their policies.

The questions about specific events on the case studies served as a guide, but they were left more unstructured and open-ended. This allowed me to follow up on specific aspects brought up by the interviewees, such as things that were discussed during a particular cabinet meeting or a particular private meeting, and what aspects caused the most contention within the government coalition and how they were resolved. Appendix C lists the main interview questions asked.

4.4.3 Data collection
For the amendment data, since there is no online data for the old case studies, I manually collected information on who tabled amendments while reading the committee summaries and the plenary

minutes. For each amendment, I recorded its number, the sponsor(s), the party of the sponsor(s), and the outcome in a spreadsheet (amendment outcomes are discussed in Chapter 5, in section **5.1.2 Possible amendment outcomes**). For each stage of the process, I then compiled the descriptive statistics about the outcomes by actor and stage using R.

All parliamentary proceedings and media articles were stored using the software NVivo, so that every document was recorded with the date and the relevant information it contained. Each document was marked up with codes noting the main events and dynamics it described.

Interviews, where given permission, were audio-recorded and then transcribed. The main themes emerging from the interviews were mapped to the notes on the document analysis. Following a process tracing logic, I devised the main observable implications that we could expect to see for the two causal mechanisms under investigation, and I checked them against all the available data, as Chapters 7 and 8 explain in detail. All these sources contribute to reconstruct the bargaining process on the bills under consideration, and such a triangulation of data helps me corroborate how the events unfolded and for what reasons; it hence increases the validity of the claims.

4.4.4 Contextual and uncontrolled variables

There are some contextual variables that I am not able to control for in the qualitative analysis. The most obvious are:

- Minister and PM: with an analysis covering different time periods, it is impossible to control for individual personalities.
- Political context: this includes political traditions which might evolve over time.
- Party culture: again, this is mostly unobservable and might evolve over time.

Since I am carrying out a single-country analysis, the last two of the above, which broadly fall under political culture, should by and large be controlled for. While political culture might change to some extent over time, the use of real-life counterfactuals will allow me to consider alternative explanations to discuss the impact of contextual factors over the outcomes of interest.

Several other aspects relating specifically to the case studies in the sample that are not held fully constant across cases are the following:

- Specific policy area: while the policy is exactly the same for the second pair of bills on the subject of the *Maturità* reform (corresponding to UK A-levels), this is not as close for the first pair.
- Size of the bill: in the first pair of bills, the *Buona Scuola* is bigger than the *Legge Quadro*. It is not possible to find bills on the same policy issue that are exactly the same in size, because bills used to be much smaller in the 1990s.

With these caveats in mind, the process of selection and matching for the bills under consideration has been as rigorous as feasibly possible.

4.4.5 Strengths and weaknesses of case studies

The qualitative part of this research has several strengths. Above all such an in-depth approach allows me to paint a more complete picture of what goes on in Parliament, and to account for

effects that are quintessentially non-measurable, such as the importance of culture and informal dynamics. Choosing specific bills as case studies allows me to complement quantitative indicators by taking into account the context and the players involved. In particular, added value is provided by interviews with participants who were involved in the passage of the bills.

The main shortcomings are that, in general, in-depth analyses of this kind are time-consuming. All the bills in my sample are from governments of the centre-left, which means the analysis is limited in how generalisable it is to government of different political colours. Because of feasibility restrictions within the scope of this project, the total of four cases is quite small, and it is limited to education policy; this means that the findings might suffer from lower external validity if they cannot be generalised to other policy areas. Future research could focus on case studies on other subjects.

Nevertheless, while process tracing findings might not be directly empirically generalisable, they are theoretically transferable: while the way in which the causal mechanism plays out empirically is particular to the case, one can expect the mechanism to be theoretically relevant to other similar cases, even though the mechanism might have different observable implications in those cases and leave different empirical traces (Beach 2017). The validity of the causal mechanisms investigated in this thesis is enhanced by the discussion of alternative explanations, which allows me to consider counterfactuals and hence to rule out the relevance of confounding factors in the mechanism under consideration. This gives high internal validity not only to the empirical reconstructions which are specific to each case, but also to the broader theoretical arguments underpinning them. Thanks to the high internal validity and the theoretical transferability potential, the findings emerging from these case studies can hence still inform future research by offering generalisable causal mechanisms.

Interviews themselves have their intrinsic limitations, above all that respondents can (even unintentionally) overestimate their own influence, and give biased answers (Bailer 2014; Bull 1994). Overall, the number of interviews that was possible to carry out is moderate, and the limited availability of parliamentarians and of interviewees from the 1996-2001 legislature is also a potential drawback.

Finally, making causal inferences is a difficult task, including because of factors that vary over time and are difficult to control for, such as changes in political context and personalities. This means that if there are differences across cases driven by individual personalities, these could be a source of bias.

However, there are ways to overcome these disadvantages: for this project, they are a careful selection of cases to increase validity, and triangulation of sources to increase reliability and to mitigate any potential bias in interviews. The use of real-life counterfactuals for the process tracing analysis also helps to lend more robustness to the discussion of the effects of incongruence, giving more leverage to causal inference.

By using triangulation of sources and detailed in-depth analysis, all these elements contribute to reconstructing the full picture of how the parliamentary passage of government bills unfolds,

comparing times where the government majority in the two chambers is very congruent to others when high incongruence creates a different situation.

4.5 Concluding remarks

The research design for this project was planned in a way which allows each part to build on the previous one, giving the whole project a high degree of coherence.

Firstly, the quantitative analysis will show measurable differences in legislative output at the aggregate level. This serves to answer questions about legislative trends over the years (about the approval of government bills, the use of government instruments, and amendments on government legislation) and whether incongruence affects them.

The correlations found in the statistical analysis can provide useful starting points for the causal mechanisms investigated in the qualitative part of the project, where the four case studies will complement the statistical findings with a focus on questions about *how* incongruence affected the legislative process (specifically, the use of confidence votes and concessions on government bills), and how actors in the two chambers contribute to it. This relies on process tracing and pairwise comparison, trying to isolate the effects of incongruence as much as possible. In doing so, the case studies also provide a rich thick description of policymaking as carried out in the Italian Parliament, drawing on elite interviews as well as extensive documentation.

This mixed-method approach draws on the strengths of each technique, and is the most promising route towards answering the research questions of interest.

Chapter 5. The Italian legislative process

This chapter aims to provide a comprehensive description of the legislative process in Italy. It sets the scene for the empirical analysis presented in this thesis, and makes in itself a contribution to the literature on the Italian Parliament, which has rarely taken a complete approach to analyse how policymaking is carried out at the bicameral level.

The chapter describes the formal phases of the process as well as the uncodified ones, and it illustrates who the main parliamentary actors are and how they can make changes to draft legislation through amendments. This part of the chapter draws primarily on sources such as the standing orders of the two chambers of the Italian Parliament, the Italian Constitution, and treatises about parliamentary law written by Italian scholars. In the more original part of the chapter, I provide an overview of the possible avenues for members in the two chambers of parliament to cooperate, including informal ones. These sections draw on interviews I conducted with senior parliamentary clerks, who helped me get a sense of how the legislative process plays out in practice in the Italian Parliament, including which actors play a key role in shaping it. Interviews carried out with parliamentarians were also crucial to reconstruct the informal avenues for legislative work in the Italian Parliament. The interviews also informed some potential ways in which the 2005 electoral reform affected the legislative process, which the remainder of the thesis will focus on. This chapter should be consulted as a guide when reading the following empirical chapters, for all terminology and definitions.

The chapter lays the foundation to start answering the overall research question: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?". In particular, it answers the institutional side of the first, descriptive half of the question about the procedural functioning of the legislative process in the Italian bicameral system.

The main sub-questions answered by this chapter are:
- What are the formal stages of the legislative process?
- Who are the main actors during these stages?
- What are the possible behind-the-scenes, uncodified parts of the process?
- How do the two chambers cooperate? Are there any differences between the chambers?

5.1 The Italian legislative process

The Italian Constitution establishes that the legislative function is exercised collectively by the two chambers of Parliament (Costituzione della Repubblica Italiana 2012 Art. 70). This means that in order to become law, a draft must be approved by the lower chamber (the Chamber of Deputies) and the upper chamber (the Senate) with exactly the same wording.

According to the Constitution (Art. 71), the actors that can initiate primary legislation are:
- the government
- individual deputies or senators

- at least 50,000 citizens with certified signatures
- regional governments
- the CNEL (National Council of the Economy and Labour), a constitutional organ of experts that advises the Italian government, Parliament and the regions, and promotes legislative initiatives on economic and social matters (Renzi's 2016 constitutional reform would have abolished it).

Drafts initiated by all these groups follow the same parliamentary procedure to become law.

5.1.1 Codified parts of the legislative process

This section describes the main phases of the ordinary legislative procedure[14] (a detailed description in Italian, written from the parliamentary law perspective with a specific focus on how the procedures work according to the Constitution and Parliament's standing orders and how the rules changed over the years, can be found in Lupo and Gianniti (2013, 221–35)).

First reading

A draft, consisting in one or more articles, can be introduced in either chamber of Parliament. This initiates the **first reading** (*prima lettura*). A reading is defined as the whole examination phase of a draft in one of the two houses, until the house approves the draft. It is different from the use of the term "first reading" in the UK system; in the Italian case, the "first" refers to the chronological order of the chambers examining the draft. When a bill is introduced, there are no formal phases in the plenary, apart from the programming of the duration of each phase, which is not discussed by the whole house. The timetabling of all business is decided by the "Conference of Party Group Leaders" (*conferenza dei capi gruppo*), a body headed by the President of the assembly (by which I mean the President of the relevant chamber, so either the President of the Chamber of Deputies or the President of the Senate – "President of the assembly" is the generic expression which can apply to either chamber) and made up of the leaders of all the party groups. The conference sits regularly, with the presence of a government representative, to agree on the assembly's calendar.

- Committee stage

Each draft is first assigned to one of the permanent parliamentary committees, according to its policy area. This is the principal committee that is in charge of the draft; according to the ordinary procedure, the committee will then refer to the plenary about the outcome of its discussion. When the committee operates in this capacity of first examiner ahead of a plenary stage, the committee is working according to a procedure which is known as *sede referente* - literally "in referring capacity".

The Italian Parliament has a system of 14 permanent committees in each chamber (Camera dei Deputati 2009 Art. 22; Senato della Repubblica 2012 Art. 22), whose membership is as proportional as possible to the composition of the chamber. At the beginning of each legislature, party groups put forward the names of their members who want to serve on each committee. If any adjustments are needed to ensure proportionality, the President of the assembly can discuss

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[14] An overview can be found on the website of the Chamber of Deputies at:
https://www.camera.it/leg18/716

with the party groups to finalise the committees' membership (Camera dei Deputati 2009 Art. 20; Senato della Repubblica 2012 Art. 27). The committee chair, who is elected by the committee members, has the job to regulate the rhythm of the proceedings and ensure that the appropriate procedures are followed at all times. Usually chairs are mostly impartial figures, although one of the case studies considered in this thesis shows that their role can be controversial, as they can allow ways of proceeding that favour the government.

A key figure from the committee stage onwards is the **rapporteur** (*relatore/relatrice*): a parliamentarian, formally nominated by the committee chair, who is in charge of following the passage of the bill in one chamber and officially reporting to the plenary what the committee concluded. The rapporteur is usually, although not necessarily, a member of the government majority, and therefore customarily the government endorses any decision taken by the rapporteur (including on amendments, as discussed in section 5.1.3 Possible amendment outcomes).

Committee members, the committee as a whole and the rapporteur can all table amendments to the draft during the committee stage. The committee votes on the proposed amendments, and if they are approved with a majority, the draft is modified accordingly. The committee stage during the bill's first reading tends to be the most "transformative" phase: the committee works not only to make technical corrections and improvements to the draft, but also substantive policy adjustments.

While examining drafts, the committee can carry out hearings, both with government representatives and with outside interests and experts. They can be formal hearings, with minutes publicly available, but also informal ones, and in this case there is no record of what took place. Some are standard practice, such as hearings with trade union representatives and the main professional bodies relevant for the policy area under consideration (Camera dei Deputati 2009 Art. 79; Senato della Repubblica 2012 Art. 43).

At the end of its work, if the majority of committee members express a favourable opinion on the draft, the committee instructs the rapporteur to prepare a report for the plenary, which contains the text as elaborated by the committee. Minority reports may be submitted by the opposition party groups, if they disagree with the committee's conclusions. In the Chamber of Deputies, if there are any minority reports, they must be accompanied by an alternative draft (Camera dei Deputati 2009 Art. 79). While minority reports are a tool devised specifically for the opposition, any dissenting committee member has the opportunity to speak when the bill is introduced in the plenary, manifesting their disagreements.

The committee phase should always be formally completed, since the Italian Constitution says that the plenary should debate bills "following examination in committee" (Art. 72). This means that the committee should officially conclude its works by giving the rapporteur the mandate to refer to the plenary that the bill can be taken forward. As two of the four case studies under consideration in this thesis show, this might not be the case, either for lack of time or for curtailment: if the committee chair and the President of the assembly agree that the government can re-present a bill in the plenary without a rapporteur, the committee might not complete its

work. This only happens by convention, and as illustrated by the case studies in Chapter 7, it can be a controversial event.

Committees only produce summaries of their proceedings, as they are private sessions. Votes taken in committee are not formally recorded and only their outcomes are known, even though the position of each member can be inferred by reading the summaries. The fact that committee meetings are not public facilitates cross-party dialogue and cooperation, compared to the plenary which is a much more partisan, confrontational setting. A former clerk of the Chamber of Deputies said in interview: "In committee everyone takes their job seriously, and members can work together. But the plenary is a wild beast, a theatre of representation – everyone is just trying to get visibility and to pander to their electors, members do not listen to each other at all" (Interviewee I, 2019).

- Plenary stage

The discussion in the plenary begins with the formal introduction of the draft that came out of committee. The President of the assembly announces that the draft has been received, and the rapporteur gives an oral report on the committee's work and the modifications it made to the text. Usually there is also an intervention of a government representative, either the relevant minister or an undersecretary. They are followed by speeches from parliamentarians expressing the position of their party groups, and the discussion is then open to all members. The individual articles of the draft are then examined, voting on the amendments ruled in order by the President of the assembly. Lastly, the whole draft is voted on as amended, in the "final vote" (*votazione finale*).

Plenary proceedings are public and televised. Minutes of all debates are available online.

If the first chamber approves the text, the draft is transmitted to the other chamber of parliament for its "second reading" (*seconda lettura*).

Second reading

Once a draft reaches the second chamber for its "second reading", the same stages (committee and plenary) are repeated. If the draft is approved without further modifications, the bill is sent to the President of the Republic who has to sign it for the bill to become law. Instead, if it is modified with further amendments, the draft goes back for approval to the first chamber for a "third reading" (*terza lettura*).

Third reading (*navette*)

In principle, a draft could shuttle between chambers for an infinite number of readings; it has to do so until it is approved by both in identical formulation - this is referred to as "*navette*" (known in the UK parliament as "ping-pong"). In general, if there is a third reading, that is the final one, and it tends to be a very streamlined phase. Only the articles that were modified by the other chamber during the second reading are discussed, and often the committee and plenary stage are tabled within a narrow timeframe, implying that they should just rubberstamp it as it would not be feasible to vote on large numbers of amendments. More often than not, then, the third reading is in practice just a formality. In the government bill dataset used in this thesis, 311 out of 1720 bills

were approved in three readings, while only 43 had more than three readings. All the others were approved in two readings only.

Presidential approval and publication in the Official Gazette

Once approved by both chambers in exactly the same text, before a draft officially becomes law it must be promulgated by the President of the Republic - who can, however, send a draft back to parliament for reconsideration. This is quite rare, and only happened for two bills in the 22 years of the government bill dataset under consideration in this thesis. A presidential referral starts the legislative process from the beginning. If the President signs the bill into law, the law is published in the Official Gazette and it comes into force 15 days after its publication.

Figure 5.1. Summary of legislative process to approve a bill
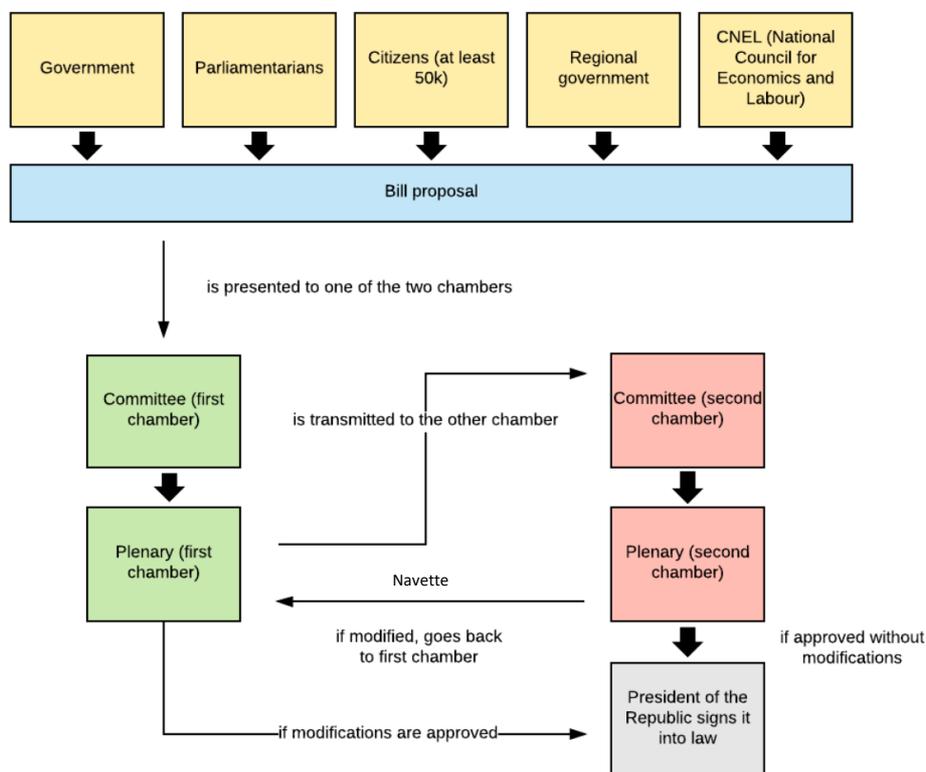
5.1.2 Committee procedures in the legislative process

Italian committees are peculiar and comparatively powerful, because they can work on a draft in different capacities. The standard legislative process described above is, as mentioned, the "*sede referente*" where the committee works in a "referring" capacity, and then "refers" to the plenary via the rapporteur. There are however other procedures, including some variations whose description is beyond the scope of this thesis (they are discussed in Valentini (1970) and all procedures are regulated in the standing orders (Camera dei Deputati 2009 Art. 22, 92-95; Senato della Repubblica 2012 Art. 28, 35-37)). The next paragraphs describe the two most important ones.

-Sede legislativa (or sede deliberante)
There is the possibility to shorten the legislative process by giving the committee the power to approve bills directly, according to a procedure known as *sede legislativa* (or *sede deliberante*). This means that there is no plenary stage, and the committee deliberates on the final outcome of the drafts. This only happens if the matter under consideration is extremely consensual, because it is enough for a fifth of committee members, or a tenth of the plenary members, to request that a draft should undergo the ordinary procedure, bringing it "back to the plenary". The use of the *sede legislativa* was very common until the 1990s, because of the high proportion of *leggine* on micro-sectional matters (Di Palma 1977), but it has sharply declined over the last two decades (Zucchini 2008).

-Sede consultativa
During the examination of the draft, the committee in charge generally acquires the opinions of other committees whose area is secondarily relevant for the policy under consideration. The other committees participate in an advisory capacity which is known as the *sede consultiva*, a consultative procedure, which is common practice on all drafts. For example, a draft on education reform can be relevant for the Budget Committee, the Constitutional Affairs Committee and the Employment Committee. The committees that are consulted give a non-binding opinion, with the exception of the Budget committee, which must give permission to proceed without reservations to make sure the bill will be covered by available funds. Committees advising on the draft can submit their own amendment requests to the main committee.

5.1.3 Possible amendment outcomes
The main way to make direct changes to draft legislation in Parliament is to amend it. As in the UK, amendments are proposals to change the text of the legislation under consideration, through deleting, adding to, or substituting some of its content (Russell and Gover 2017, 38). As mentioned, several actors can propose amendments to drafts, both in committee and in plenary.

In the Italian context, the possible outcomes of amendments are the following (Senato della Repubblica 2017a).

-Approved: if a majority votes in favour, the amendment is added to the draft.
In general, amendments are only approved because they are endorsed by the rapporteur (and, since as discussed the rapporteur is usually a member of the government majority, by extension, endorsed by the government). This is a very explicit process: during committee sessions, before every vote on an amendment, the rapporteur and the government's representative give their opinion on each individual amendment. The rapporteur is also invited by the President of the assembly to give their opinion on each amendment under examination in the plenary. As the case studies illustrate, endorsing amendments from the opposition is a way to build consensus. Theoretically, it would be possible for an amendment to be approved without the endorsement of the rapporteur, but it would require enough rebel votes on the government's side to have a majority; in the case studies under consideration in this thesis, this never occurred.

-<u>Withdrawn</u>: if the rapporteur gives a negative opinion on an amendment, the sponsor is "invited to withdraw" it. If the sponsor accepts, the amendment is filed as "withdrawn". As the case studies will illustrate, this is very often a signalling method used by government and opposition backbenchers alike. Sometimes, so-called "banner amendments" (*emendamenti di bandiera*) are tabled to make a point, even though the sponsor already expects it not to be endorsed, just because it is an issue close to the sponsor's interests, or a hardcore party line point. Interviews with government backbenchers suggested that they usually table amendments to signal that they had a different view on some specific points of the draft, but do not actually want to cause trouble for the government, so they withdraw their amendments without insisting on a vote. Often, withdrawn amendments are turned into "*ordini del giorno*" (ODGs), an instrument similar to an early day motion, which allows government backbenchers to signal discontent without disrupting the passage of a bill. The main government party usually "welcomes" backbenchers' ODGs, promising to keep in mind their concerns when implementing the policy.

-<u>Rejected</u>: If the sponsor refuses to withdraw an amendment after the rapporteur's invitation to do so, a vote takes place. If a majority votes against, the amendment is rejected. The vast majority of rejected amendments are from opposition members, because they insist on having a formal vote in order to slow down proceedings or to get a point across to their electorate. Tabling a large number of amendments is indeed an obstructionist technique with the aim to make the draft's journey trickier. As one of the case studies from the 1990s illustrates, under some circumstances this can almost derail the whole draft.

-<u>Out of order</u>: this means that the amendment is not relevant to the draft under consideration, or, if there are any financial provisions associated with the draft, that the amendment violates them. The decision regarding amendments' admissibility is made by the committee chair if voting in committee, or the President of the assembly if voting in the plenary. If pertinent, they consult with the Budget Committee. Again, the majority of out-of-order amendments are usually from the opposition, because they tend to be obstructionist.

-<u>Absorbed</u>: this refers to a situation when the substance of an amendment overlaps with that of other amendments that have already been voted on. This is decided by either the committee chair or the President of the assembly, depending on whether the vote is in committee or in the plenary. In these cases, the amendments are not put forward for a vote and considered "absorbed" by the other ones (for example, an amendment asking for a three-month extension could be "absorbed" by one asking for a six-month extension).

-<u>Deferred</u>: this can happen in committee if an amendment is temporarily set aside, for instance while the rapporteur works on drafting a new compromise, or if the committee decides that the amendment should be re-presented during the plenary stage.

-<u>Not considered</u>: this only applies if the amendment is not put to a vote because of restrictions, such as the committee not finishing its work, or a limitation imposed from the chair to get around high numbers of amendments. An example often mentioned in Italian media is the so-called "kangaroo rule" (*regola del canguro*): when there is a series of amendments which have the same substantive meaning and only differ by an incremental figure (for example, increasing an amount

by a percentage point at a time), the committee chair (or the President if in plenary) can allow votes to take place on blocs of amendments. This is done to "economise time" (Camera dei Deputati 2009 Art. 85; Senato della Repubblica 2012 Art. 102).

5.1.4 Parliamentary actors

The chapter so far has already cited several actors that participate in the legislative process and that can influence the content of a policy. The next section focuses on describing their role.

When discussing government legislation, a key figure is the minister in charge of the bill, and their undersecretaries. The minister or one of their representatives always takes part in committee meetings to represent the government, even though this is not a hard rule. The government itself can table amendments to all drafts, sometimes responding to parliamentary pressure.

As explored in the literature review, due to the fragmented party system, coalition government is the norm in Italy. This introduces a distinction between the main government party, which is the party of the Prime Minister[15] and junior coalition partners. Often backbenchers of the main government party and members of the junior coalition parties have divergent policy preferences, and there is a significant amount of intra-coalition bargaining that needs to take place.

As already mentioned, a crucial figure throughout the passage of a bill in a chamber is the rapporteur. It is their job to broker agreements with a consensus as wide as possible in committee, and often they write amendments which address points raised during the discussions that are meant as a consensus-building effort. These are often substantive amendments in response to concerns raised by all members, including the opposition. Such amendments are drafted by the rapporteurs themselves, with the assistance of the committee's personnel. In recent years, as the case study from the 2013-2018 legislature shows and as will be discussed in Chapter 8, it became more common to see the appointment of two rapporteurs from different parties in the government coalition. Senior parliamentary clerks suggested in interviews that this practice developed in order to maintain cohesion within a diverse majority, as it facilitates intra-coalition negotiations.

Once a draft reaches the plenary, the President of the assembly is the main authority that oversees the chamber's work and makes sure the standing orders are respected, in addition to chairing debates and votes. The President of the assembly is a *super partes* (non-partisan) figure, elected by the members of each chamber with a secret ballot at the beginning of each legislature (Costituzione della Repubblica Italiana 2012 Art. 63).

During plenary debates, all parliamentarians are allowed to intervene, but the overall time is usually allocated to the party groups, which then select the individual speakers from their group. All parliamentarians can table amendments, but the committee members are those who have the greatest possibility to exert influence on a draft. Usually the majority of amendments tabled in

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[15] Situations in which the PM is a non-partisan figure are possible, but technocratic governments are not considered as case studies in this thesis.

plenary still come from the committee members, as they are the most familiar with the details of a bill. Individual parliamentarians write their amendments themselves, with the help of their personal assistants and aides.

The contribution of committee members during the plenary stages is to an extent formalised with the creation of the *Comitato dei nove* (Committee of the Nine) in the Chamber of Deputies, and *Comitato dei sette* (Committee of the Seven) in the Senate. This is a sub-group of committee members and the rapporteur that officially follow the draft once it moves from the committee to the plenary (Lupo and Gianniti 2013, 229), so it is a sort of mini-committee. It is common to see that plenary sessions are suspended in order to allow the *comitato* to confer and represent the committee's unified view in the plenary. This is why sometimes the sponsor of amendments in the plenary is "the committee". Often, the amendments incorporate directives from the Budget Committee.

The analysis has so far highlighted that there are some institutionally determined actors who can play an important role in the legislative process over government bills and who can table amendments: these are the rapporteur, the committee as a unified actor, and the government itself (also as a unified actor). In addition to these three, individual parliamentarians can also table amendments. The main distinctions that are relevant for the scope of this thesis are between government and opposition, but also between parties in the government coalition. Unlike the UK, Italy does not have a distinction between a formalised official opposition and smaller opposition parties. Similarly, while shadow ministers can exist in the Italian system, they are not officially recognised figures, and there is no formalised practice distinguishing between opposition frontbench and backbench. In fact there have only been three shadow executives in the republican years, the last of which was formed in 2008 and only lasted one year (Corriere della Sera 2008b). In order to simplify the description and the analysis of this research, the main parliamentary actors that can make a contribution to the policymaking process are classified in the following six categories:

- government: this refers to the government as a unified actor, that can table amendments to its own bills;
- backbenchers of main government party: this refers to parliamentarians from the party of the PM;
- junior coalition partners: this refers to parliamentarians from all minor parties in the government coalition;
- committee: this refers to the committee as a unified actor;
- rapporteur(s)
- opposition: this refers to all parliamentarians in all opposition parties.

These categories were chosen as they approximate in a sufficiently accurate way the different actors who can play a role in the Italian legislative process, although they remain a simplification of reality. They do not in themselves make a theoretical contribution to the literature on legislatures, although they do reflect insights from key studies such as King's (1976) about the need to look at relationships which go beyond a simplistic executive-legislative conceptualisation. In particular, in the case of Italy this applies to the "intra-party mode" between the main government party and its own backbenchers, but also to the relationship between the main government party and its junior

coalition partner. As discussed by Russell and Cowley (2018) in their recent reassessment of King's model, the latter is a crucial dimension when analysing coalition governments.

The six categories identified above are used throughout the whole analysis in this thesis.

5.1.5 Uncodified parts of the process

Before the introduction of a draft in parliament, there are no formal, codified parts of the legislative process. In Italy there is no formal pre-introduction stage, unlike the UK pre-legislative scrutiny (Kelly 2010), and all negotiations on the content of a bill are (or at least should be) done in the parliamentary arena. The government might consult with its parliamentarians in various ways, most commonly through party group meetings, but it is in no way compelled to do so. It emerged from interviews with parliamentary staff that, precisely because of the fact that there are no institutionalised practices of pre-legislative scrutiny, parliament itself is often the testing ground for the bill: this is one of the reasons why the Italian Parliament is considered a "transformative" body (Interviewee B, 2018; Interviewee K, 2019). Drafts traditionally reach parliament in an embryonic form, and the contribution that the committee makes to shape them into an acceptable proposal is substantial. This Italian tradition might look considerably different from, for instance, UK practice. The fact that formally the whole "gestation" of a bill takes place after the formal introduction in parliament is probably one of the reasons why on average it takes much longer to approve bills in Italy than in other countries (Becker and Saalfeld 2004, 58). As the case studies show, bills can be in the committee of the first chamber that examines them for several months, if not years.

Before starting the formal work on a bill, the committee can carry out a preliminary investigation to assess whether there are several drafts that deal with the same legislative matter. Since, as Chapter 3 discussed, in Italy private members' bills constitute a non-negligible proportion of the legislation proposed, it often happens that the government introduces a bill which deals with a matter that is also the subject of numerous bills sponsored by individual parliamentarians. If this is the case, the committee can decide to treat the drafts jointly, and to merge them into a unified text (Interviewee I, 2019). According to Italian practice, when a committee receives several drafts on the same subject, the committee nominates a *comitato ristretto* (literally the "narrow committee"), made up of an indefinite number of committee members tasked with the job of merging the proposals and agreeing on a compromise text (Camera dei Deputati 2009 Art. 79). The proceedings of the *comitato ristretto* are not public, and they do not produce any kind of output on their meetings; the only result is the unified text itself (Lupo and Gianniti 2013, 226). The minister usually participates. This practice used to be common in the 1990s, and indeed both case studies from that time period illustrate this. *Comitato ristretto* phases can be used to hear from parliamentarians of both chambers, for instance inviting the members of the committee counterpart in the other chamber, but since there are no formal rules this is up to the discretion of the actors involved.

Indeed, given that there are some possible uncodified phases and some grey areas, it appears that there would be room for individual personalities to shape these parts of the process according to their character. For instance, if a minister were inclined to engage with parliament, and even use it to make a draft better, they might put to it a sketchy draft and then try to get a *comitato ristretto*

running. On the other hand, since this is all optional, they could also skip it. If they were not keen to have a detailed discussion, they might introduce a draft that is already quite detailed and be more reluctant to take on board substantial modifications.

Apart from these decisions about the process itself, all parliamentarians interviewed for this thesis suggested that the style of the minister or the PM can have an important impact in softer ways (e.g. Interviewee H, 2019; Interviewee G, 2019; Interviewee V, 2019). While it is up to the committee to decide whether they should hold hearings, the minister can make it clear to the members of the government majority that they should opt for a speedy process. The ministers' attitude towards civil society and crucial stakeholders, such as trade unions, can also vary significantly, and this has wider repercussions over the perceived legitimacy of their policies. This can also apply to the style of a figure such as the rapporteur. Chapter 7 and 8 discussing the case studies return to these points and provide examples to illustrate them.

5.2 Government prerogative instruments

The government of the day is the main actor that proposes legislation. Tsebelis (2002, 115) argues that the government always has the upper hand compared to parliament when it comes to policymaking, because it can rely on the use of several prerogative powers that give it an advantage when presenting legislation. As the literature review mentioned, while the Italian Parliament is considered a comparatively powerful one, there are a number of instruments that Italian governments can use in order to speed up the legislative process, and get their bills through Parliament without leaving much room to debate or change the substance of the policy. A senior parliamentary clerk said in interview: "Naturally the government has the instruments to get to a decision, and over the history of the Italian Parliament these instruments have been used to avoid a 'degeneration of parliamentarism' [= gridlock resulting from the impossibility to reach a conclusion]. This is also to make perfect bicameralism work, because while on paper it looks like it would take forever to get anything done in such a repetitive system, the system is extremely rationalised in practice" (Interviewee K, 2019).

The next sections will describe the government's main instruments and how they are employed in the Italian system, detailing their procedural effects on the legislative process. Their use, and how it changed after the 2005 electoral reform, will be investigated both quantitatively and qualitatively in later chapters.

5.2.1 Confidence votes and maxi-amendments

A confidence vote (*questione di fiducia*) (Camera dei Deputati 2009 Art. 116; Senato della Repubblica 2012 Art. 161) is the most dramatic tool that Italian governments can use to limit the role of Parliament in the legislative process: losing such a vote would result in the resignation of the government. As the theoretical framework in Chapter 3 explained, in Italy the reasons behind the use of this instrument can vary, and it is not always intended as an ultimatum to the government majority. This section focuses on describing the procedural aspects of confidence votes and at which stage of the process they can be used.

The use of a confidence vote applies to an individual reading of a government bill. It is possible to use one during multiple readings, but that is not generally necessary; for instance, a bill could be introduced in the Chamber of Deputies and go through the regular procedure there, and then be subject to a confidence vote during the second reading in the Senate. The stage where it can be requested is the plenary one: the vote hence takes place in the assembly, which usually votes on the draft that came out of the committee. Confidence votes cannot take place in committee.

The decision to request a confidence vote is taken at cabinet level, and either the PM, or a minister delegated by the PM, has to be present in parliament in order to formally put forward the request. The President of the assembly will then announce it to the plenary.

The procedural repercussions of a confidence vote are dramatic: it has the effect of making all tabled amendments lapse, and the draft has to be voted on within 24 hours. This enormously speeds up the process to get to the *votazione finale*, and it also prevents the opposition from engaging in filibustering techniques to stall votes. In Italian parliamentary jargon, it makes a draft "*blindato*": literally, something similar to "bulletproof". When the government behaves in a way that implies it will accept no changes from parliament, it is said to "*blindare*" a draft. The opposition often makes this accusation during the plenary stage when the government is rejecting all tabled amendments; a confidence vote inescapably implies that.

Closely related to the practice of confidence votes, **maxi-amendments** (*maxi-emendamenti,* singular *maxi-emendamento*) are a way for the government to introduce a new version of its own draft halfway through the process. The government can replace part of a draft, or a whole draft, with a so-called "maxi-amendment", a text that can consist of more than one article, but that is voted on en bloc, as if it were a single amendment. This practice is not codified, and is only based on existing precedents where the President of the assembly allowed it. The introduction of a maxi-amendment usually comes after the committee stage, when the government tries (or, at least, claims to try) to incorporate what was discussed there in the new draft, which is then what the plenary votes on. It is almost always the case that a maxi-amendment comes with an associated confidence vote (Lupo and Gianniti 2013, 226).

5.2.2 Decrees
As indicated in the theoretical framework in Chapter 3, decrees (*decreti legge*) are fast-tracked bills that are enacted by the government, and they become law immediately without going through parliament. However, after the initial enactment, the government still has to introduce a bill, called a decree conversion bill, to parliament. The conversion bill, like any other draft, can be introduced in either chamber, and then follows the ordinary legislative procedure as detailed above, going through committee and plenary stage in both chambers, and can be amended. The only imposition is that of time limits, as these bills need to be ratified within 60 days from the initial decree enactment, otherwise the decree would lapse (Costituzione della Repubblica Italiana 2012 Art. 77). In 1996, the Constitutional Court outlawed the reiteration of decrees that had not been converted within 60 days from their date of issue, which means that lapsed decrees cannot be re-introduced in the exact same form (Vassallo 2015, 112).

5.2.3 Delegated legislation (*deleghe*)

There is a separate instrument that has a deceivingly similar name to *decreti legge*, that is actually different and is related to the use of delegated legislation (singular *delega*, plural *deleghe*). As in the UK, in the case of delegated legislation, the government has to first obtain Parliament's permission to take over the policy matter (Costituzione della Repubblica Italiana 2012, Art. 76). This is done through the approval of a "delegation bill" (*legge di delega*) that the government has to introduce to parliament and which follows the ordinary procedure. Often, the delegation bill is folded into an ordinary law as an article, when the government is setting aside some specific aspects of a draft to legislate on later. The delegation bill has to set out the content, the principles, and the timescale the government is planning to implement the policy. After the delegation bill is approved, the government is able to enact the subsequent legislation through a different type of decree, known as "legislative decrees" (*decreti legislativi*). Since the "legislative decree" comes after parliament has given up its authority on the subject matter, they become law directly, without going through parliament. There is still some parliamentary scrutiny, as the relevant parliamentary committees need to be consulted during the implementation phase. They provide an opinion which, like in the case of the *sede consultativa*, is non-binding, so the government is not obligated to change its course of action.

5.2.4 Curtailment of debate time (*contingentamento*)

The instruments discussed above refer to legislative instruments. However, the government can also try to shape the legislative process through agenda-setting powers.

As mentioned above, the timetable relating to the parliamentary passage of a draft is determined by the Conference of Party Group Leaders, not the government alone. It is supposed to leave enough time for both the committee and the plenary to have a chance to examine the bill, and then table and discuss amendments. However, in order to guarantee that a bill will be approved within a certain deadline, the government can ask the Conference to agree to a curtailment of debate time, known as *contingentamento*: this sets an overall limit to the time that can be dedicated to the discussion of a draft, and the distribution of the maximum amount of time each party group can take up to speak in the plenary. The Conference of Party Group Leaders can also set a date by which the final vote on a draft has to take place (Camera dei Deputati 2009 Art. 24; Senato della Repubblica 2012 Art. 55).

Even though the *contingentamento* has to be agreed to by the Conference of Party Group Leaders and the government does not have the power to impose it directly, this instrument still gives an advantage to the government, since a majority in the Conference is enough to get the timetabling approved.

5.3 Functioning of the bicameral system

5.3.1 Division of labour and cooperation between chambers

So far, the chapter has focused on describing all the elements of the legislative process in Italy. It now turns to look at how all the parts fall into place at the bicameral level, including how the two chambers divide their workload and cooperate with each other. This section draws mostly on the interviews, and is entirely original.

Procedurally, as mentioned, a draft can be introduced in either chamber of parliament, without any formal requirements to choose one rather than the other, given their complete symmetry, and they can both make changes to a draft.

Nevertheless, in practice it is rare for the two chambers to do the same amount of work on a draft, at least in terms of amending it. Many interviews with Italian practitioners confirmed that the first chamber to examine a draft (the one where the "first reading" takes place) is the chamber which does the most work in terms of modifying it. More often than not, bills are approved in two readings only, as the expectation is that the second chamber will only ratify the draft without making any further amendments to it. This is, according to several interviewees, a way to "rationalise" the "burdensome" nature of Italian bicameralism: since there is no stopping point for the navette, it could drag on for an infinite number of readings, but the navette does not happen in most cases (Interviewee T, 2019; Interviewee I, 2019; Interviewee K, 2019; Interviewee B, 2018). As long as the government majority broadly agrees on the substance of a draft, it is more efficient for the two chambers of parliament to split the workload according to this principle, where only one chamber of parliament makes a substantive contribution (Zucchini 2013, 110). A report from the Chamber of Deputies *Osservatorio sulla Legislazione* found that, over the years 2006-2018, 87% of government bills (56% when excluding the ratification bills of international treaties) were approved with only one reading in each chamber (Osservatorio sulla Legislazione 2018). A senior parliamentary clerk called it "alternated bicameralism": in practice, more often than not the chambers take turns working on legislation (Interviewee T, 2019).

Interviews confirmed that the main factor according to which the government chooses where to introduce a bill is efficiency: as the next chapter shows, in the dataset of government bills used for this thesis, there is indeed an almost 50-50 split in the number of bills that were introduced in either chamber over the last two decades. The minister tries to take into account the schedule of each chamber and find a balance. Occasionally there are additional factors, such as some particularly dedicated or knowledgeable committee members in one of the chambers, but primarily it should be a scheduling matter (this changed after 2005, as will be discussed in the final section) (Interviewee B, 2018; Interviewee A, 2018; Interviewee T, 2019).

Both parliamentarians and practitioners admitted that this is not necessarily a painless choice for the members of the chamber that is expected to rubberstamp the draft; however, they mostly realise that it is for the overall good of the government's policy (Interviewee K, 2019; Interviewee G, 2019). The preference of the government is always to avoid the navette and to "bring home the bills" as quickly as possible (which is the main reason why the use of decrees is so common). Often the government, when trying to speed up the proceedings, tells members "the first chamber has already spent a lot of time on this issue and we debated it for a long time, now it is time to move on". To use the Italian jargon, in practice most of the time a draft is de facto "*blindato*" at its second reading.

The fact that, more often than not, only one chamber has the chance to amend a draft creates incentives for the two chambers to develop some avenues to cooperate, giving members of the chamber that will do the second reading the chance to get involved informally during the first one. Formally, there are no official venues in which this cooperation is supposed to happen, and the

two chambers are independent in setting both their business and their timetable. However, there are a number of informal routes that they can pursue in order to cooperate, and there is more contact between the two chambers than suggested by an evaluation of the formal process alone.

First of all, interviews with parliamentarians suggested that party groups often bring together their deputies and their senators in joint party group meetings. This is generally the arena where the "political agreement" on the substance of a policy is found, after its formal introduction in one of the chambers (Interviewee I, 2019; Interviewee T, 2019; Interviewee G, 2019, Interviewee H, 2019). Party group meetings are private, and they give government backbenchers an arena to influence the content of a draft when it is still in its early days.

Some collaboration also takes place at committee level. Parliamentary clerks said in interviews that the two committee chairs are often in touch to take stock of what their counterparts are working on, and to get a sense of whether they are on board with what is happening on a specific draft (Interviewee O, 2019; Interviewee K, 2019). This helps when there is no navette, as it ensures that to some extent both deputies and senators are consulted. Occasionally, committees can also work together in a more official way and hold joint hearings on a draft. This is done in order to make sure that the chamber carrying out the second reading will not have to do any more hearings, hence saving time. Whether this happens or not is entirely a choice of the two committees themselves; according to clerks, more often than not they insist on setting their own schedule of hearings (Interviewee L, 2019; Interviewee T, 2019).

Finally, informal contact can happen between individual deputies and senators. In high profile cases of controversy on a policy, members of one chamber can appeal to the other one asking it to intervene to change the draft. This is a very explicit and visible process in one of the case studies, with unhappy deputies asking senators to step in. However, interviews with parliamentarians also revealed that this only happens when it is clear that they cannot make the changes themselves; otherwise, the preference of individual parliamentarians is to put their name on the change, and they are reluctant to give up this credit (Interviewee G, 2019; Interviewee H, 2019).

5.3.2 Differences between chambers

As mentioned, a central feature of the Italian system is that the two chambers of the Italian Parliament have equal powers and are almost identical under every point of view. There are some differences in the standing rules, that Italian parliamentary lawyers have described in great detail (e.g. Lupo 2017; Lupo and Gianniti 2013; Piccirilli 2008). The main one worth flagging for the purposes of this project is a difference when it comes to the conversion of decrees. In the Senate, this is regulated with a tight scheduling of the calendar that automatically applies a curtailment, to ensure that decrees will be converted within the overall deadline. On the other hand, in the Chamber of Deputies there is no such tight timetabling. Because of this, often in the Chamber decrees are converted with a "procedural" confidence vote, which inflates the overall number of confidence votes – this point is returned to in the statistical analysis in Chapter 6.

Chapter 3 discussed that there are some anecdotal differences between the chambers, including that the Senate is supposed to be less combative than the Chamber of Deputies. More than one

interviewee mentioned "The Senate knows that it always was and always is the 'second' chamber", and parliamentarians who have been members of both chambers lament how slow and uncombative the atmosphere of the Senate is compared to the Chamber (Interviewee G, 2019; Interviewee T, 2019). As the case studies will illustrate, this difference across chambers seems to be based on institutional "norms of appropriateness" (e.g. March and Olsen 1984) according to which the Chamber feels more entitled to challenge the government than the Senate, despite the fact that the Senate has exactly the same formal powers.

The pace in the Senate is indeed considerably less hurried (Fassone 2009). This is evident when reading speeches: senators have longer time limits on speeches compared to deputies, and their debates can go on much longer if there is no curtailment in place. A related procedural difference, which could be the result of a less intense parliamentary arena, is that while the standard for votes in the Chamber is an electronic roll call, the rule is that the Senate votes by show-of-hands; an electronic vote can be requested, but it is not the norm. This seems in line with the idea that Senate votes are more relaxed, since there are no records of how individual senators voted. Such records exist for deputies, hence allowing them, for instance, to cast a rebel vote and easily signal their position directly to their constituents. On the contrary, senators need to make a statement if they want any record of their dissent. This could also signal that party discipline might be looser in the Senate - or at least, not policed as closely as in the Chamber.

5.3.3 Potential changes: the legislative process after 2005
While one of the main aims of the 2005 electoral reform was to increase governability, few thought it a success in this regard – indeed, quite the opposite was the case. As discussed in Chapter 2, the overwhelming perception is that the Senate passage became more difficult than it previously was for the government. What seems to be driving this view is that the 2005 electoral reform was supposed to deliver a clear winner, unlike the old system which resulted by design in a fragmented parliamentary composition. Because it was immediately clear in 2006 that the reform got the Senate "wrong", Italian discourse has focused on how bad the lack of a clear majority there was. It seems that it was also perceived as standing in the way of the winner of the election, which firmly controlled the Chamber of Deputies but not the Senate. Overwhelmingly, from the point of view of the main government party, this created an obstacle to the speedy policymaking process which they felt they were entitled to. One of the main strategic calculations that this should lead to is how to minimise possible disruption in the Senate when introducing bills.

Interviews with clerks and government officials suggested that, in a situation of incongruence, the priority of the main government party should be to avoid more than one reading in the Senate, as just a few rebel votes could cost the government a successful outcome (Interviewee B, 2018; Interviewee D, 2018; Interviewee T, 2019). This entails, above all, a choice between tackling the Senate first or second; the strategy pursued will depend on the policy itself and intra-coalition dynamics, as the empirical analysis will show. What is immediately clear is that the chamber of introduction should become a much more explicit factor to consider in the legislative process.

While the principle of splitting the legislative workload between the two chambers still holds, interviews suggested that after the 2005 electoral reform, the government had to be more

deliberate when it came to deciding where to introduce a bill, because the Senate was perceived as too unstable (more than one respondent used the phrase "the dangers of the *Senato ballerino*") (Interviewee G, 2019; Interviewee H, 2019; Interviewee T, 2019). Since it would be enough for a few senators from the majority to oppose a bill to prevent it from being approved, all interviewees shared the feeling that the Senate became a "sword of Damocles", and a delicate parliamentary stage. Hence, when the partisan composition of the two chambers is incongruent, the political circumstances of each chamber matter a lot more when it comes to introducing a bill – especially bearing in mind that the government's preference is always to avoid the navette. This could affect how the policymaking process plays out.

5.3.4 Concluding remarks

This chapter set the scene for the research presented in this thesis by describing how the Italian legislative process works from a procedural point of view. In doing so, it aimed to illustrate the formal functioning of the legislative process by describing the main actors and the main legislative instruments Italian governments can use, but also to start analysing the potential informal avenues for bargaining on legislation, including cooperation across chambers. In doing so, the chapter drew on original interview data, and offered a complete overview of the policymaking process at the bicameral level in Italy. This chapter should make it easier to follow the description that is presented in the following chapters.

The remainder of the empirical chapters in this thesis will focus on investigating how the Italian legislative process works in practice, and how it changed after 2005. The next chapter starts by presenting the quantitative results, illustrating how legislative trends changed over the years.

Chapter 6. Legislative trends: quantitative analysis of government bills and amendments in the Italian Parliament (1996-2018)

As explored in the literature review, while there is a large literature on the different types of bicameralism and several US studies on whether divided government has any effects on policymaking (e.g. Edwards III, Barrett, and Peake 1997; Fiorina 1992; Mayhew 2002) the latter literature is much more limited in the case of parliamentary systems, with some exceptions on Germany (e.g. Bechtel and Füss 2008; Manow and Burkhart 2007). There is also a surprising lack of empirical studies about the performance of the Italian bicameral system in particular, because of the underlying assumption that the two chambers are just duplicates of each other. Most of the few existing empirical studies only look at dynamics in the Chamber of Deputies, with a couple of exceptions as discussed in Chapter 3 (Pedrazzani 2017; Zucchini 2008). This means that we lack detailed knowledge about how the policymaking process plays out at the bicameral level, and in the Senate.

The aim of this chapter is to take the first step towards filling this gap by looking at macro level data on legislation. It will investigate whether we see any changes over time in the patterns of legislation in the Italian Parliament, in particular any statistical effects of incongruence on approval rates and types of legislative instruments. Potential correlations could serve as a starting point to investigate causal mechanisms, which will be explored in the qualitative analysis. The quantitative analysis also serves to inform case selection, as it is instrumental for the identification of bills that exemplify "representative cases", and this is taken into consideration when selecting the pairs of bills that can serve as case studies for the qualitative part.

This chapter analyses legislative trends in Italy over the years 1996-2018, looking at the effects of the increase in incongruence that resulted from the 2005 electoral reform. As discussed in the methodology in Chapter 4, it does so by using two original, author-assembled datasets on government legislation, one containing individual bills, and the other containing individual Senate amendments to approved government bills. Looking at bills offers a useful macro-level starting point, while analysing amendments provides an additional layer of depth and nuance.

As explained in the literature review, the phrase "legislative dynamics" is used to refer to the passage of government legislation through parliament. This chapter focuses on three specific outcomes, each operationalised individually:
1. Approval of government bills
2. How government bills are adopted: use of government's prerogative powers (decrees and confidence votes)
3. Content of legislation: amendments to government bills

This chapter is organised as follows. Firstly, it presents some descriptive data about government bills to provide an overview. It then discusses the expected effects of incongruence on the legislative dynamics of interest and details the hypotheses. The operationalisation of the independent variable (incongruence) is then illustrated, and the findings of each model are subsequently presented and discussed in detail. The conclusion sums up the new insights on how incongruence affects legislative trends in the Italian Parliament, and the implications for future

studies. In addition to filling the gap on the Italian case, by conceptualising the effects of incongruence on the policymaking process this analysis aims to contribute to the wider literature on bicameralism, executive-legislative relations, and coalition government, in addition to that on divided government. Since the latter is limited when it comes to parliamentary systems, this study makes an important contribution for comparative scholars, by testing hypotheses on divided government in a new case with original data. The findings suggest that during incongruent parliaments Italian governments started to behave in a more forceful fashion, and while not enough to show it directly, this is in line with the idea that the majoritarian Chamber might have given them an advantage in the policymaking process.

6.1 Overview of government legislation: differences across chambers

The 1720 government bills contained in the dataset on government legislation, as discussed in Chapter 4, include all ordinary government bills and decree conversion bills that were tabled in the Italian Parliament from 1996 to 2018, a timeframe that includes five legislatures. Two of these, the 1996-2001 (13th) and the 2001-2006 (14th) legislature, are anterior to the 2005 electoral reform. The 2006-2008 (15th), 2008-2013 (16th) and 2013-2018 (17th) legislatures were instead elected with the 2005 Calderoli law. The 2006-2008 legislature, which ended early after only two years, contains an overall smaller number of bills, which is proportional to the length of the legislature.

Table 6.1. Percentage (%) of bills by chamber of introduction

	Chamber of Deputies	**Senate**
1996-2001 (13)	46.8	53.2
2001-2006 (14)	49.3	50.7
2006-2008 (15)	57.5	42.5
2008-2013 (16)	57.3	42.7
2013-2018 (17)	55.1	44.9

Table 6.1, confirming findings from interviews with Italian practitioners, shows that the bills in the sample are remarkably balanced in terms of chamber of introduction, especially for legislatures in the pre-2005 period. This in line with the principle of splitting the legislative workload between the two chambers in order to exploit perfect bicameralism to speed up the legislative process, discussed in Chapter 5. The post-2005 legislatures have a higher proportion of bills introduced in the Chamber of Deputies.

Table 6.2. Number of bills by type and chamber of introduction

	Chamber of introduction	Decree conversion bills	Ordinary	Total by chamber
1996-2001	Chamber	94	202	296
	Senate	90	246	336
2001-2006	Chamber	96	89	185
	Senate	109	81	190
2006-2008	Chamber	21	82	103
	Senate	16	60	76
2008-2013	Chamber	69	131	200
	Senate	64	85	149
2013-2018	Chamber	62	40	102
	Senate	39	44	83
Total by chamber	Chamber	342	544	886
	Senate	318	516	834
Total n: 1720				

Table 6.2 looks at the number of bills and shows that, in the two oldest legislatures in the sample, the introduction of the bills was balanced also according to the bill's type: similar numbers of decree conversion bills and of ordinary bills were introduced in the Chamber of Deputies and in the Senate. In the 2006-2008 legislature both decree conversion bills and ordinary bills were introduced in bigger numbers in the Chamber of Deputies. In the 2013-2018 one the difference is only marked in terms of decree conversion bills, which were primarily introduced in the Chamber of Deputies; slightly more ordinary bills were introduced in the Senate.

The relevance of the chamber of introduction during times of incongruence is something that for now is only noted descriptively, but which the case study analysis will return to. While this chapter does not investigate it directly, as raised in Chapter 2, it is interesting to ask whether the newly majoritarian nature of the Chamber of Deputies after the 2005 electoral reform facilitated the policymaking process for the government, in opposition to the widespread claim in Italian discourse that the Senate situation made effective government more complicated. Introducing a bill strategically in one chamber rather than the other could be a factor that makes the bill's passage through parliament smoother.

6.2 Effects of incongruence on the dependent variables of interest

The three outcomes investigated in the quantitative analysis, which relate to the approval of government bills, to the use of government's prerogative powers, and to the content of the legislation, are operationalised individually and modelled as the dependent variable of a number of statistical models. As explored in the literature review, the mechanism through which incongruence is expected to affect them is by influencing the bargaining process on government legislation, depending on the preferences of the veto players in each chamber.

This section discusses the hypotheses in relation to each individual legislative outcome of interest. While there are a lot of useful pointers in the literature, there remains an empirical gap for what concerns the specific effects of incongruence on legislative outcomes. As covered in the literature review, the closest empirical testing about the effects of bicameral incongruence is that conducted in the literature on divided government. Together with the literature on coalition government, it constitutes the theoretical starting point for the following hypotheses. This study aims to use the Italian case in order to contribute to these broader debates.

1. **What are the rates of approval of government bills, and how are they affected by variations in the level of incongruence?**

To begin with, it can be hypothesised that a situation of incongruence is more challenging than one of congruence. This would apply in a situation of incongruence where no party controls an overall majority in one chamber, and hence such chamber is highly fragmented as it has many small parties. If such chamber becomes more fragmented than it previously was, this could create a situation that is more difficult by increasing the number of veto players.

The most obvious way in which this difficulty could manifest itself would be legislative gridlock - more government bills could end up not being officially approved, if the bargaining environment is very challenging and it proves impossible to reach a compromise. Previous work in the US found that divided government has no effect on the number of important laws that are approved (Edwards III, Barrett, and Peake 1997; Mayhew 2002). While this is not the same measure as the overall approval rate of government bills, looking at the overall rate is the most basic starting point from which we can begin to analyse how incongruence affects the passage of government legislation. In addition, gauging the "importance" of legislation would be a very time-consuming task, which also entails an element of subjectivity; considering all government bills seems more objective.

Hypothesis 1: The approval rate of government bills decreases with incongruence.

This hypothesis could be too simplistic for a number of reasons. Firstly, as argued by Manow and Burkhart (2007), the government will always try to anticipate what is acceptable to the second chamber where it does not have a majority, and this game of "compromise-or-confrontation" (Ibid, 170) can take place even before the formal introduction of a bill, hence it could be that significant concessions to parliamentary actors take place at an earlier stage; sometimes it can also lead to a bill never being introduced. Secondly, a reasonable alternative could be that government bills are still approved at the same rates, but that this is the case because the government uses its prerogative instruments to ensure that they are approved (Tsebelis 2002, 115), which is the subject of the next three hypotheses.

2. **How are instruments such as decrees and confidence votes used to adopt government legislation, and how does their use vary in times of high incongruence?**

As discussed in the literature, the two main prerogative powers that Italian governments can use to fast-track their legislation are decrees and confidence votes. If the parliamentary arena looks challenging because of incongruence, decrees are a way to limit the influence that parliament can

have on a certain policy. It is hence reasonable to expect that as incongruence increases, government could make a bigger use of decrees to bypass difficulties in parliament.

Hypothesis 2: The use of decrees increases with incongruence.

A similar argument applies to the use of confidence votes, which are the ultimate weapon the government has at its disposal to force its majority to vote cohesively. As discussed in Chapter 3 and in the methodology chapter (Chapter 4, section 4.3.4), based on the practice of confidence votes in Italy it is important to distinguish between "procedural" and "substantive confidence votes". When incongruence gets higher, this instrument should be used increasingly to allow the main government party to retain the upper hand over the fate of a bill. We should expect more confidence votes, and in particular more "substantive" confidence votes.

Hypothesis 3a: The use of confidence votes increases with incongruence.

Hypothesis 3b: The use of substantive confidence votes increases with incongruence.

3. **Which actors have the most successful amendments, and how does variation in the level of incongruence affect that?**

Finally, I look at amendments. The initial hypothesis is that when incongruence is higher, actors such as backbenchers of the main government party and coalition partners will try to use their relative weight in the Senate to win more policy concessions. Despite not affecting the overall number of approved bills, divided government has been found to affect the content of legislation, because when there is no secure partisan majority, all parties need to accept "sub-optimal payoffs" if they want to reach an agreement (Thorson 1998). If the main government party is struggling, it might be forced to concede more.

Hypothesis 4: The success rates of amendments presented by actors such as backbenchers and coalition partners increase with incongruence.

It could however be that concessions take different forms. While amendments are the most visible form of legislative concessions, some of the mechanisms through which influence on legislation can be exerted are harder to capture, and compromises could be reached in some other ways. For instance, pressure on the main government party might force it to promise to bring forward new legislation, or amendments of its own, as found by Russell and Gover in the context of the UK parliament (2017), and often such compromises take place behind closed doors. It could also be that there are only a few of successful amendments, but that they constitute substantive policy concessions, and hence substance, not only quantity, is what matters.

6.3 Operationalisation of bicameral incongruence

As discussed in the methodology chapter (Chapter 4, section 4.3.2), incongruence is measured at two levels: the chamber level and the government level. For the remainder of this chapter, the former will be referred to as "chamber incongruence" and the latter as "government incongruence".

The measures can range from 0 to 1, with higher values denoting a higher disparity in seats across chambers. The plots below show their variation over the years under consideration. Red dots represent values for the two legislatures (2006-2008 and 2013-2018) for which the 2005 electoral reform failed to deliver a clear winner in the Senate.

Figure 6.1. Chamber incongruence

Min.	1st Qu.	Median	Mean	3rd Qu.	Max.
0.01401	0.01834	0.01912	0.02248	0.02169	0.0477

Chamber incongruence 1996-2018
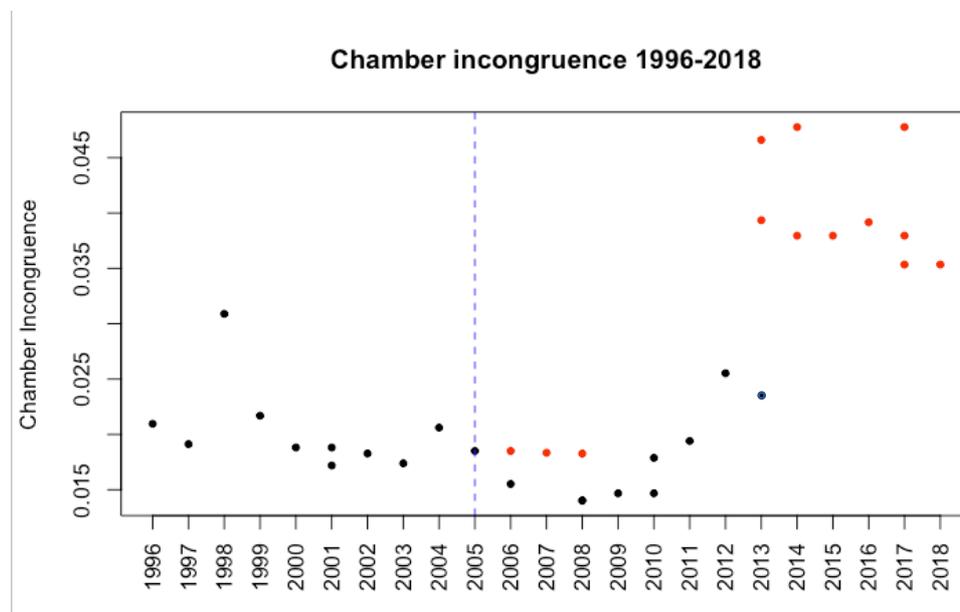
As discussed in the literature review and the methodology, chamber incongruence is the measure used by Heller (2001) and Zucchini (2008), hence it is not a novel index. It corresponds to the first step of the causal argument about how the composition of the two chambers of parliament will in turn affect the composition of the government, and the nature of legislative relations. This measure captures the disparity in seats <u>of all parties in parliament</u>, which means it includes the fragmentation of the opposition as well as the government.

Figure 6.1 plots the chamber incongruence index. According to Figure 6.1, this measure does not seem to capture any change at all in the 2006-2008 legislature, which in fact has a lower level of chamber incongruence than some years in the pre-reform period; the measure only shows an increase in the 2013-2018 legislature. Its validity with regards to the change of interest for this research is questionable: the 2006 situation was, as discussed in Chapter 2, dramatically different than previous legislatures, since the Prodi government had a comfortable majority in the Chamber

of Deputies but only had a majority of two seats in the Senate. The legislature-level measure of incongruence does not capture the "incongruent" nature of the 2006-2008 legislature at all, signalling that it might not be an appropriate way to capture all important changes in the composition of bicameral parliaments over time – it certainly does not in the case of Italy. Results from the chamber measure in this research are expected to be limited, both because of the inherent limitations of the measurement itself and because it corresponds only to the first step in the hypothesised causal chain; nevertheless, given the broad exploratory scope of this thesis, it seemed appropriate and important to use this as the starting point and to test the validity of the measure.

Figure 6.2. Government incongruence

Min.	1st Qu.	Median	Mean	3rd Qu.	Max.
0.01924	0.02605	0.02733	0.03376	0.03222	0.11455
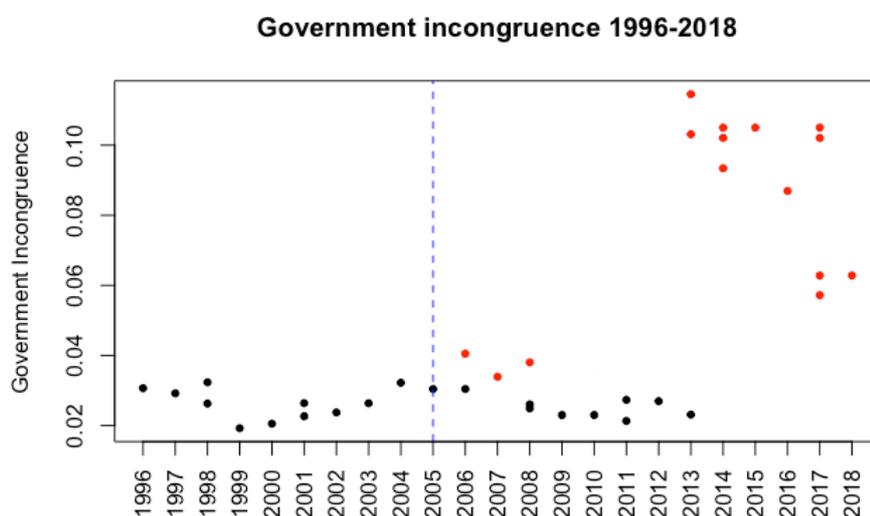
The second level of measurement is the government incongruence measure, displayed in Figure 6.2. This version of the measure is limited to the disparity of seats <u>of only parties that are in the government majority</u>.

In 2006, when the government only had a majority of two seats in the Senate, the measure starts to increase (the low black dot indicates the value for the government elected under the old electoral system, the high red one the value for the new government elected in 2006 with the 2005 reform). While numerically the increase seems modest, as mentioned it had dramatic consequences for the 2006 Prodi government, which fell because it lost the confidence of the Senate. The incongruent nature of the 2006-2008 legislature is better captured by the government-level version of the measure, compared to the legislature-level one, but not in a particularly striking way. This suggests that a quantitative index of incongruence is not entirely appropriate to capture the nuances of what changed in 2006: while this is the best that we can aim to measure quantitatively, there are subtle qualitative differences for what concerns the precariousness of the government majority in the Senate which are not conveyed forcefully enough here. The analysis carried out in this chapter remains important to set the scene and try to measure changes in legislative dynamics over time,

but the qualitative case studies will be crucial to better explain the nuanced developments of Italian bicameralism after 2005.

There is a return to congruence after the 2008 election until 2013, after which the measure reaches its maximum values during the 2013-2018 legislature, in this case capturing the change quite appropriately.

6.3.1 Effects of incongruence on ideological spread of government coalitions

As discussed in the literature review, in situations where it is necessary to add further parties to the government coalition in order to get a workable majority in parliament, the ideological spread of the government should increase. This was in fact the case in Italy. The boxplot in Figure 6.3 shows the ideological range (left-right measure) of parties in the Italian government coalitions over the years 1994-2013[16], using data from the Comparative Manifesto Project (Volkens et al. 2017). The plot shows the ideological spread of the government sworn it after a general election. Higher values on the y- axis indicate a more right-wing ideology.

Figure 6.3. Ideological spread of Italian governments, 1994-2013 (Comparative Manifesto Project)
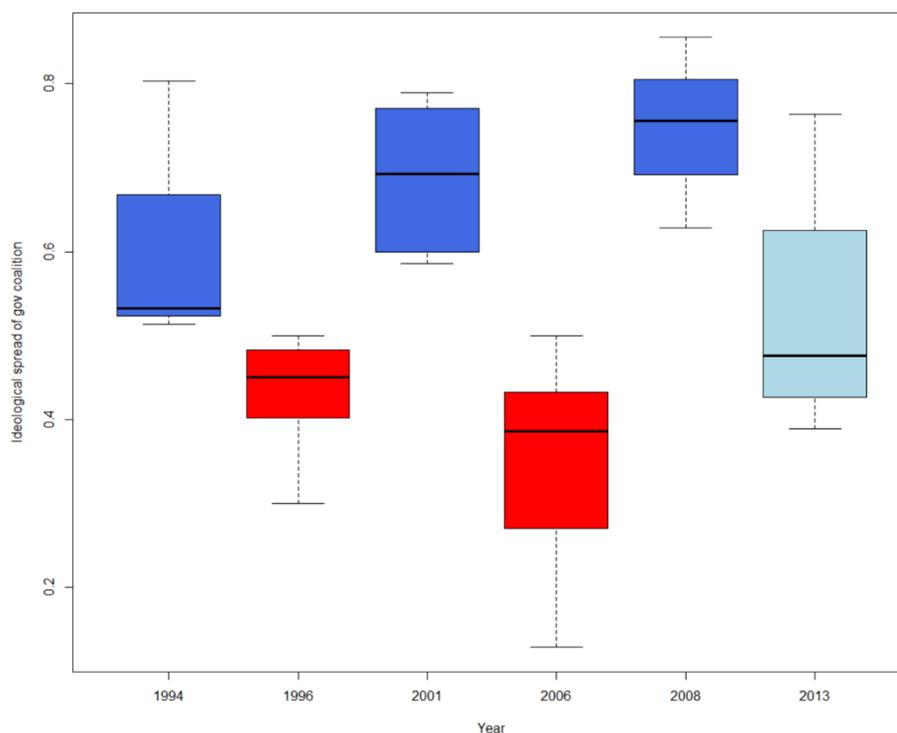
As illustrated in Figure 2.1 in Chapter 2 (pp. 28-29), the 2008 Berlusconi government had a low level of incongruence and in fact, as shown in Figure 6.3, had a smaller ideological range than previous governments of the centre-right (plotted in blue). However, for centre-left governments (red), we see a remarkable increase in 2006 compared to 1996. This was the result of Rifondazione Comunista, a party of the far left, formally joining the cabinet for the first time – a necessary development to control a majority of seats in the Senate (Repubblica 2006c). The grand-coalition

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[16] The 1994-1996 legislature is included only for illustrative purposes.

of 2013, headed by the Partito Democratico (PD), also shows a higher than average range, resulting from the fact that the centre-right Nuovo Centro Destra (NCD) had to enter cabinet, again to command a majority in the Senate (BBC News 2013a).

As discussed in Chapter 3, an higher ideological spread makes it harder for the government to compromise with its coalition partners (Martin and Vanberg 2014, 436–38; Strøm, Müller, and Bergman 2008, 279). Chapter 4 explained how the measures of incongruence used in this thesis do not capture the increase in ideological spread, which is a key part of the causal argument. Unfortunately, the data summarised in Figure 6.3 was all the data available to me on the measure of ideology: it only shows the ideological spread of the government that was sworn in at the beginning of a legislature, because the Comparative Manifesto Project only records changes when there is an election. This means that the direct measure of ideological spread cannot be used directly in the quantitative analysis as an independent variable for lack of variation (there are only five values) and accuracy. The measures capturing the disparity in seats in the two chambers are the closest measurable proxies to capture the changes in the post 2005 period. Subtle differences across the two incongruent scenarios, due to the different composition of each coalition, cannot be captured quantitatively, and this chapter is only the starting point for the more detailed qualitative part.

6.4 Government bills

This part of the analysis uses the dataset on government legislation, consisting of the 1720 government bills (decree conversion bills and ordinary ones) which were introduced during the timeframe under consideration.

6.4.1 Results and discussion

The legislative outcomes at bill level are analysed with four single-level logistic regressions.

In all instances, "**Model 1**" employed **chamber incongruence** as the independent variable, and "**Model 2**" used **government incongruence**.

Models that use the chamber measure include fixed effects for PMs, while models that use the government measure include legislature fixed effects (this is to avoid multicollinearity which would arise by using the chamber measure with legislature fixed effects, and the government measure with PM fixed effects). Fixed effects alleviate threats to inference stemming from potential confounders and changes in contextual factors that may influence each outcome of interest by controlling for differences across PM and legislatures respectively, which greatly reduces omitted variable bias. The next paragraphs discuss the details and the findings of each model.

The first question is whether government bills are less likely to be approved when incongruence is high. Table 6.3 shows the number and the percentage of approved bills in each legislature.

Table 6.3. Number and percentage of approved government bills by legislature

	Approved	% approved	Not approved	% not approved	Sum
1996-2001	396	62.7%	236	37.3%	632
2001-2006	296	78.9%	79	21.1%	375
2006-2008	61	34.1%	118	65.9%	179
2008-2013	237	67.9%	112	32.1%	349
2013-2018	135	73.3%	50	26.7%	185
Sum	1125		595		1720

At a first glance, it does not appear that the success rates of government bills changed dramatically over the five legislatures in the sample - with the exception of the 2006-2008 legislature, because of its abrupt end that left most bills half-way through the legislative process. This a limitation of the data which unfortunately cannot be addressed in any feasible way. It is simply impossible to determine which bills would have received official approval if more time were available, and for this reason it is not possible to arbitrarily remove some incomplete bills from the sample. The regression analyses, which employ logistic regression, will produce "predicted probabilities", extrapolating beyond the sample.

Apart from the 2006-2008 legislature exception, the proportion of approved bills has remained more or less stable, hovering between 64 and almost 79 percent in the 2001-2006 legislature, if anything increasing slightly over time.

Table 6.4 shows more in detail what the possible outcomes for government bills are. There are very few bills that were flatly rejected in the sample – less than 1 percent in any legislature. Most government bills that do not end with official approval get stuck at the committee stage ("Awaiting committee stage"). This could be due for a number of reasons, from impossibility to find an agreement to lack of time. Bills that are "awaiting committee assignment" do not even make it to the committee stage, while those "awaiting committee report" usually encounter some kind of technical difficulties which requires the committee to study the matter more in detail. Other outcomes, such as a presidential referral or a "*stralcio*" (a procedure according to which a portion of a bill can be separated from the text under consideration and turned into a separate bill) are also quite rare.

Table 6.4. Outcomes of government bills by legislature (%)

	1996-2001	2001-2006	2006-2008	2008-2013	2013-2018
Approved	62.7	78.9	34.1	67.9	74.1
Awaiting committee assignment	1.9	0.5	5.6	2	17.3
Awaiting committee report	6	1.9	2.8	0.3	1.1
Awaiting committee stage	24.5	16	55.3	25.5	7.6
Awaiting plenary stage	3.3	1.3	1.7	0.3	0
Referred by President	0.3	1.1	0	0.3	0
Rejected	0.8	0.3	0.6	0.6	0
Returned to Committee	0.2	0	0	0.3	0
Stralcio **(=turned into separate bill)**	0	0	0	2.9	0
Withdrawn	0.3	0	0	0	0

To keep the regression analysis interpretable, the outcome of interest is a binary variable capturing whether a bill was "approved" or "not approved". Table 6.5 shows the results of two logistic models where this binary is used as the dependent variable. The measures of incongruence are the main independent variable of interest. Type of bill (a binary coding whether the bill is ordinary or a decree conversion bill) is also added to the models as a control. As mentioned, PM fixed effects are included in Model 1 and legislature fixed effects in Model 2.

Table 6.5. Approval of government bills

	Model 1	Model 2
Chamber incongruence	29.0624	
	(27.7146)	
Government incongruence		-5.60016
		(6.36512)
Type(decree conversion bill)	3.4068***	3.40492***
	(0.2202)	(0.22033)
AIC	1629.1	1637.2
BIC	1629.1	1659.0
Log Likelihood	-810.5	-814.6
Num. obs.	1720	1720
Num. groups: Legislature number		5
Num. groups: PM	10	
***p < 0.001, **p < 0.01, *p < 0.05, . p < 0.1		

Confirming what the descriptive statistics suggested, neither measure of incongruence is significant in this model. In both models, the only significant variable is bill type: ordinary bills are significantly less likely than decrees conversion bills to be approved. The predicted probability of an ordinary bill being approved starts from as low as 30 percent, while that of decrees starts as high as over 90 percent, as shown in Figure 6.4 (which is built on Model 2; Model 1 returns the same predictions).

Figure 6.4. Predicted probabilities of government bill approval by type (95% CI)
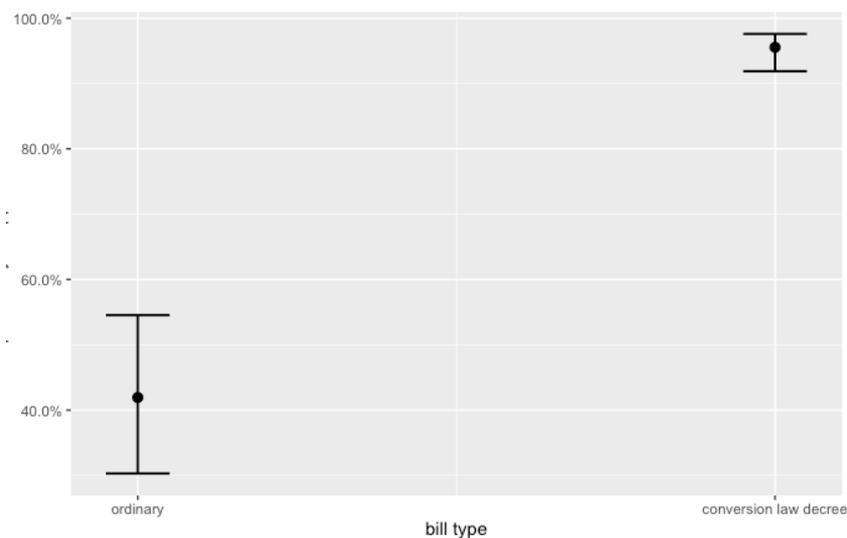
This finding is not surprising, given the bigger prerogative power of decrees, but it confirms anecdotal evidence about their use in the Italian case, and it clearly illustrates that the government could use this instrument when facing a challenging bargaining environment.

The fact that incongruence has no effect on the approval rate of government bills is in fact reasonable: it is a dramatic event when the government is defeated, as at the end of the day if it commands a majority it should be able to get its policies approved. This seems in line with Manow and Burkhart's (2007) findings that during times of divided government there are in fact fewer confrontational votes in the second chamber, because the government successfully anticipated what would be supported by a majority there. However, when the majority is precarious or diverse, approval rates could remain stable also because the main government party is taking precautionary measures to ensure approval despite internal disagreements.

Therefore, the next step is to look at *how* government bills are approved. Under circumstances of incongruence, I expect the main government party to use its prerogative powers more often in order to avoid defeats. Table 6.6 shows the distinction between ordinary bills and decree conversion bills, and the corresponding percentages out of total bills per legislature. In the 2013-2018 legislature, there were more decrees than ordinary bills (but this was the case also in the 2001-2006). The 2006-2008 legislature, which as pointed out consists of several truncated bills, is not a reliable description. The regression models will project the effects of incongruence over type of bill using predicted probabilities.

Table 6.6. Bill type and % by legislature

	Ordinary	% ordinary	Decree conversion bills	% decree conversion bills	Total
1996-2001	448	70.9%	184	29.1%	632
2001-2006	170	45.3%	205	54.7%	375
2006-2008	142	79.3%	37	20.7%	179
2008-2013	216	61.9%	133	38.1%	349
2013-2018	84	45.4%	101	54.6%	185
Total	1060		660		1720

The first step is to look at whether the use of decrees increases as a function of incongruence. The dependent variable used is the type of bill, a binary capturing whether a bill is a decree conversion bill or not; the model is a logistic one. Table 6.7 summarises the results of the models.

Table 6.7. Use of decrees

	Model 1	**Model 2**
Chamber incongruence	-32.5174 (33.43)	
Government incongruence		24.93 . (13.26)
AIC	2221.0	2200.9
BIC	2237.3	2233.5
Log Likelihood	-1107.5	-1094.5
Num. obs.	1720	1720
Num. groups: Legislature		5
Num. groups: PM	10	
$^{***}p < 0.001$, $^{**}p < 0.01$, $^{*}p < 0.05$, . $p < 0.1$		

These models are very simple. The chamber incongruence measure is not significant, while the government incongruence one is significant at 0.1 level (the p-value is 0.06). There is some evidence that government incongruence leads to an increase in the use of decrees, but this evidence is weak, and the effect appears to be driven by the data for the 2013-2018 legislature. Other factors not accounted for in these models probably have a greater explanatory power.

Figure 6.5 shows that, as government incongruence increases from its minimum to its maximum, the probability of a bill being a decree instead of an ordinary bill increases from about 30 percent to 70 percent.

Figure 6.5. Predicted probabilities of decrees with incongruence (95% CI)
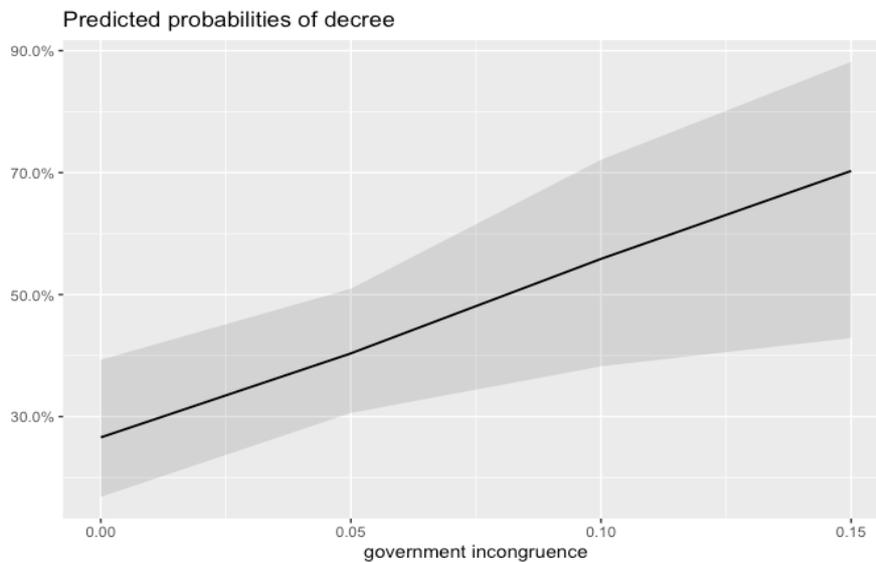
Since the previous model shows that decrees are more likely than ordinary bills to be approved, this overall suggests that the government has an advantage in using them when incongruence is high.

As discussed in the literature, the other prerogative instrument Italian governments can use to force bills through parliament is a confidence vote. In the timeframe under consideration, a government never lost a confidence vote on a bill, and so all bills associated with a confidence vote are approved. This suggests that, when the main government party wants to push ahead with its policy line, we could see an increase in the probability of bills being approved with a confidence vote. The graph in Figure 6.6 shows that from one legislature to the next, the number of bills that were approved with a confidence vote increase considerably.

Figure 6.6. Number of bills that received confidence votes (at least one reading) by legislature
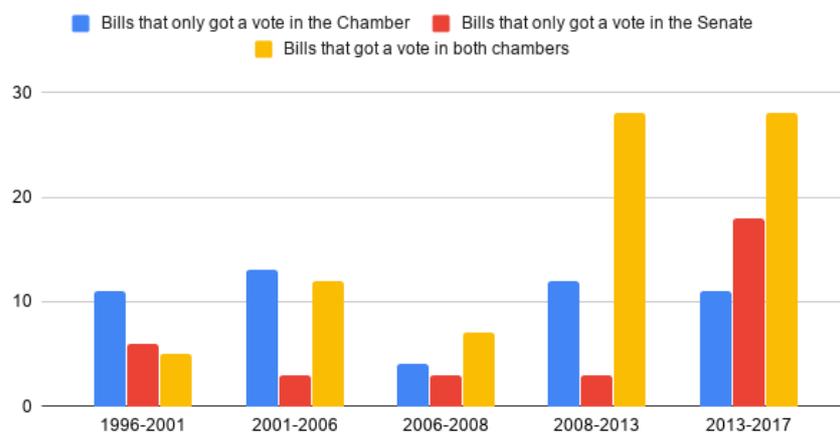
For the analysis on the use of confidence votes, the sample size drops to 1099, because I am only considering approved bills. In the next model, the dependent variable is a binary capturing whether a bill is approved with a confidence vote or not. In addition to the measures of incongruence, the

type of bill is once again included as a control. An additional control variable is where the bill is introduced: "original branch" is the chamber where the bill was introduced, and "final branch" is the chamber where the bill received its final reading; the baseline category for these dummy variables is the Chamber of Deputies. Table 6.8 shows the results.

Table 6.8. Use of confidence votes

	Model 1	**Model 2**
Chamber incongruence	11.733	
	(25.830)	
Government incongruence		6.750
		(9.469)
Type(decree conversion bill)	1.982***	1.9781***
	(0.272)	(10.701)
Original branch(Senate)	-0.0625	-0.0271
	(0.242)	(0.245)
Final branch(Senate)	-0.557*	-0.611*
	(0.242)	(0.244)
AIC	733.2	723.4
BIC	763.2	753.4
Log Likelihood	-360.6	-355.7
Num. obs.	1099	1099
Num. groups: Legislature		5
Num. groups: PM	10	
***p < 0.001, **p < 0.01, *p < 0.05		

The models show that neither incongruence measure is significant: despite the overall increase in confidence votes over the years, it seems that this is driven by over time changes not captured by the measure of incongruence. A particular outlier in this dataset was the technocratic government led by Mario Monti (2011-2013), which despite having a big parliamentary majority used confidence votes very often (Razza 2016). This could be influencing the results of the statistical analysis; however, removing Monti from the sample leads to similar results, and the incongruence measures are still not significant.

Type of bill is significant in both models, with decrees more likely to be approved with a confidence vote. We can also see that confidence votes are significantly less likely to take place in the Senate, when the Senate is the final branch discussing the bill.

Given the Italian practice when it comes to confidence votes, the above is not sufficient. Large numbers of "procedural" votes would not indicate that the government majority is divided, only "substantive" confidence votes would. The next step digs a little deeper to account for these differences.

To account for differences across chambers, an analysis at confidence vote level is needed, to account for the fact that individual confidence votes are requested not on bills, but on individual readings of bills. This allows me to count individual confidence votes, distinguishing the type between those that took place in the Chamber of Deputies and in the Senate. The graph in Figure 6.7 shows the results of the qualitative coding of confidence vote types, by PM in each chamber of parliament. They are displayed by PM, and not by legislature, because the PM is the actor in charge of deciding whether to use this instrument or not, and their personal style could play a part in determining how often they use it. The plot shows these variations. This coding task was carried out reading the transcripts of the plenary sessions for all 224 confidence votes requested in the period under consideration, according to the coding scheme presented in Chapter 4.

Figure 6.7. Types of confidence vote by PM
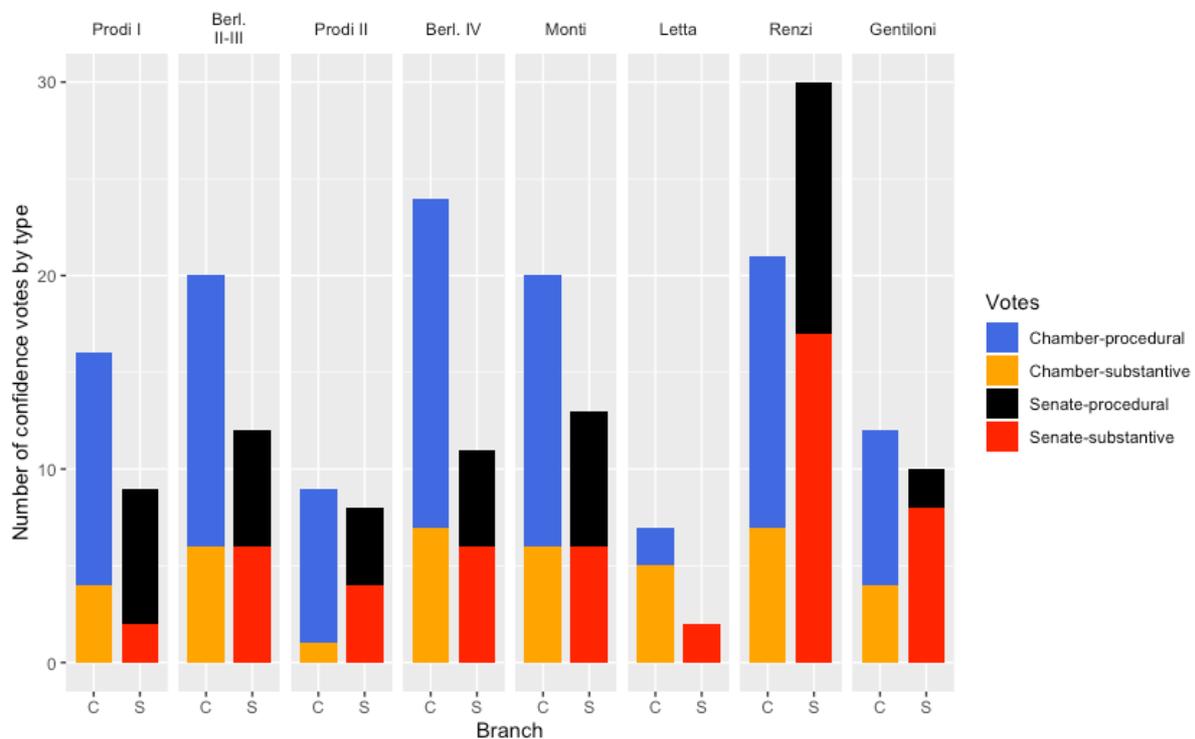
The results of the qualitative coding show that, while the number of substantive confidence votes in the Chamber of Deputies has remained more or less stable over the years, the number of substantive confidence votes requested in the Senate reached a record high under PM Matteo Renzi (2014-2016). They also confirm that procedural confidence votes are routinely used primarily in the Chamber of Deputies, as acknowledged in the Italian scholarship, to overcome the difference (mentioned in Chapter 5) in the standing orders that makes programming about the conversion of government decrees in the Chamber less efficient than in the Senate (De Micheli 2014).

For the statistical analysis, the relevant sample corresponds to the 224 confidence votes that took place in the timeframe under consideration. While the sample size is more modest compared to

the previous models, this corresponds to the whole population of confidence votes for the time period under consideration. The dependent variable is binary, coded as "substantive" or "procedural" to account for the type of confidence vote. In addition to including the incongruence measures, the models control for the type of bill and the stage of the confidence vote. Table 6.9 shows the results of the logistic model.

Table 6.9. Type of confidence vote

	Model 1	Model 2
Chamber incongruence	29.6140[*]	
	(12.9387)	
Government incongruence		11.5190[*]
		(4.7342)
Cv stage(Senate)	0.8904[**]	0.8807[**]
	(0.2904)	(0.2911)
Type (decree conversion bill)	-0.6422	-0.6707
	(0.4349)	(0.4366)
AIC	292.2	286.55
BIC	309.3	303.45
Log Likelihood	-141.1	-138.28
Num. obs.	224	224
Num. groups: Legislature		5
Num. groups: PM	10	
[***]$p < 0.001$, [**]$p < 0.01$, [*]$p < 0.05$		

The effect of the incongruence measure this time is significant at the 0.05 level in both models: when government incongruence increases, a confidence vote is more likely to be substantive rather than procedural. Figure 6.8 shows the predicted probabilities of a substantive confidence vote over the range of incongruence increase from below 30 percent to almost 60 percent.

Figure 6.8. Predicted probabilities of a substantive confidence vote (95% CI)
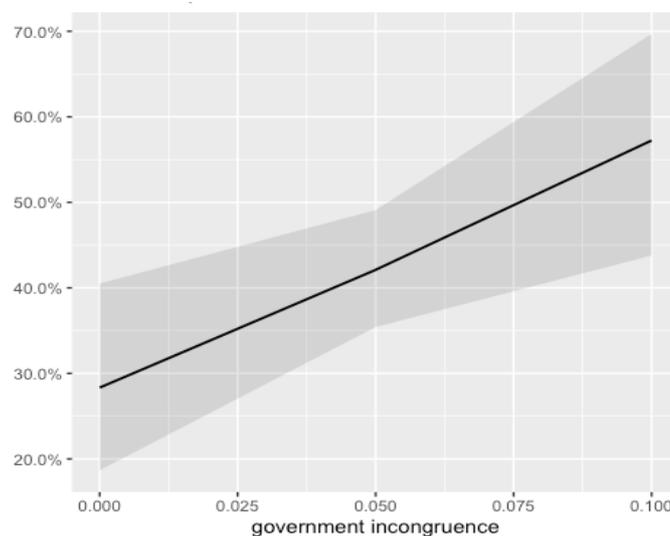
This is indicative of serious disagreements within the government coalition, to the extent that the main government party has to use the threat of "nuclear weapons" to get its bills through.

The models also show that confidence votes requested at the Senate stage are more likely to be substantive at the 0.01 level of significance, confirming the descriptive pattern in Figure 6.7. This suggests that the most delicate stage is the Senate, and that is where the government needs to lock in the bill most of the time.

6.5   Amendment data

The last layer of this analysis tries to dig even deeper, and moves from the bill level to the amendment level. This is done using an entirely original dataset, consisting of the data available on the website of the Italian Senate, which starts in 2001, limiting the timeframe for this part of the analysis to 2001-2017. The dataset includes over 192,000 individual amendments to 297 approved government bills.

6.5.1 Results and discussion

Table 6.10 shows the number of amendments that each actor proposed, according to their outcome (where "no" stands for "not approved" and "yes" for "approved"), over the four available legislatures.

As noted with the bill analysis, since the 2006-2008 legislature ended early, there were fewer approved bills relative to the other legislatures; this results in fewer amendments in this sample.

In the 2013-2018 legislature, there were three Prime Ministers. Matteo Renzi's premiership was longer than those of Enrico Letta and Paolo Gentiloni, which explains (at least partially) the higher number of amendments tabled by all actors during Renzi's tenure.

Table 6.10. Amendment outcomes, by actor and legislature

Actor	Outcome	2001-2006	2006-2008	2008-2013[17]	2013-2018		
		Berlusconi	Prodi	Berlusconi	Letta	Renzi	Gentiloni
Backbenchers of main govt. party	Yes	164	90	570	416	944	362
	No	4102	2073	4228	3306	11281	6768
	Total	**4266**	**2163**	**4798**	**23077**		
Committee	Yes	1299	210	381	337	118	292
	No	1256	172	501	136	366	62
	Total	**2555**	**382**	**882**	**1311**		
Government	Yes	0	23	104	21	28	12
	No	0	337	67	11	10	4
	Total	**0**	**360**	**171**	**86**		
Junior coalition partners	Yes	184	396	165	349	936	385
	No	6073	3657	1689	5208	16684	7348
	Total	**6257**	**4053**	**1854**	**30937**		
Opposition	Yes	213	138	1448	202	709	623
	No	38143	8815	23747	5100	18447	10996
	Total	**38356**	**8953**	**25195**	**36077**		
Rapporteur	Yes	0	61	190	50	103	25
	No	0	182	181	50	50	13
	Total	**0**	**243**	**371**	**291**		

The trend suggests that over the years there has been a change in the behaviour of government backbenchers, as the table clearly displays that the overall number of amendments proposed by backbenchers and by junior coalition partners increased quite dramatically from one legislature to the other - from around 4000 to 23,000 for backbenchers of the main government party, and from 6000 to 30,000 for coalition partners.

However, looking at descriptive statistics on the approval rates suggests that the increase in tabled amendments has not been matched by an increase in success rates. Table 6.11 shows that the approval rates for backbenchers and junior coalition partners fluctuate slightly from one legislature to another, but not by big margins. Approval rates for committee amendments are consistently quite high, while those of the opposition are consistently low. As explained in Chapter 5, in the Italian context the rapporteur is usually a delegate of the government majority who is appointed by the committee chair to report to the assembly about the proceedings; their amendments are usually consensual, and indeed their approval rates are very high throughout. Similarly, committee amendments usually reflect consensus of the whole committee, and are usually taken on board by the government.

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[17] Since there were no bills from Monti's government in the data that I received from the Senate Servizio Studi, for the 2008-2013 legislature I only have amendments tabled under Berlusconi's government.

Table 6.11. Proportion of proposed amendments that are approved, by actor and legislature

Actor	Outcome	2001-2006	2006-2008	2008-2013	2013-2017
Backbenchers of main government party	Yes	3.8	4.1	11.9	7.5
	No	96.2	95.9	88.1	92.5
Committee	Yes	50.9	54.9	43.2	39.4
	No	49.2	45.1	56.8	60.6
Government	Yes	0	6.4	60.8	70.9
	No	0	93.6	39.2	29.1
Junior coalition partners	Yes	2.9	9.8	8.9	5.5
	No	97.1	90.2	91.1	94.5
Opposition	Yes	0.6	1.5	5.7	4.2
	No	99.4	98.5	94.3	95.8
Rapporteur	Yes	0	25.1	51.2	61.2
	No	0	74.9	48.8	38.8

For the statistical analysis, amendment data is analysed with multilevel logistic models, to fit the structure of the data. While the unit of analysis is the individual amendment, and the outcome of interest is whether an amendment is approved or not, amendments are clustered by bill, which means that the amendment observations are not independent of each other as they are nested within bills. This two-level structure of the data requires a multilevel model with mixed effects for bills. Random intercepts account for heterogeneity across bills and allow for correlation among observations within a given bill, reducing threats to inference and omitted variable bias. PM clustered standard errors are included in model 1, and legislature clustered standard errors in model 2.

Table 6.12 shows the results of the logistic multilevel model looking at the approval of amendments, where the dependent variable is a binary capturing whether the amendment is approved or not.

Apart from incongruence, another relevant independent variable for this analysis is the sponsor of the amendment, as per one of the six actors I have identified in Chapter 5. We could expect that as incongruence increases, backbenchers and coalition partners in the Senate, where their support is necessary to support the government, might try to extract more concessions in the form of amendments from the main government party. The interaction term between incongruence and actor is the main effect of interest. The model includes an additional binary variable to control for whether the amendment was tabled in committee or at the assembly stage (assembly is the baseline).

Table 6.12. Amendment approval

	Model 1	Model 2
Chamber incongruence	-8.96	
	(7.32)	
Government incongruence		24.75***
		(2.14)
ACTOROpposition	-4.53***	-4.14***
	(0.12)	(0.08)
ACTORBackbencher	-3.54***	-3.34***
	(0.13)	(0.09)
ACTORGovernment	-3.18***	-2.05***
	(0.30)	(0.23)
ACTORJunior coalition	-2.89***	-2.91***
	(0.13)	(0.09)
ACTORRapporteur	-0.94***	-0.35*
	(0.23)	(0.17)
STAGECommittee	3.09***	3.08***
	(0.05)	(0.04)
ACTOROpposition* incongruence	5.26	-6.16***
	(4.05)	(1.38)
ACTORBackbencher* incongruence	-2.12	-6.04***
	(4.04)	(1.41)
ACTORGovernment* incongruence	114.57***	29.20***
	(12.92)	(4.47)
ACTORJunior coalition* incongruence	-24.59***	-13.40***
		(1.43)
ACTORRapporteur* incongruence	43.76***	10.72***
	(8.07)	(2.75)
AIC	56373.1	57126.5
BIC	56657.8	57360.4
Log Likelihood	-28158.5	-28540.2
Num. obs.	192638	192638
Num. groups: Bill number	297	297
***$p < 0.001$, **$p < 0.01$, *$p < 0.05$		

We can see that amendments tabled at the committee stage are more likely to be approved than those tabled in the plenary, which is in line with interview findings (discussed in Chapter 5) about how the committee stage is usually the most transformative phase of a bill.

The interesting results come from the interaction term between incongruence and the actor sponsoring the amendment, as they do not confirm the initial hypothesis.

In Model 1, the interaction between the measure of chamber incongruence and backbenchers of the main government party is not significant. In Model 2, the interaction with the government incongruence measure is significant at the 0.01 level, but the coefficient is negative, indicating that as government incongruence goes up, amendments tabled by backbenchers of the main government party become *less* likely to be approved compared to those proposed by the committee (the baseline category in the "actor" variable).

In both models, the interaction term with junior coalition partners is significant at the 0.01 level and negative, again suggesting that, contrary to what the hypothesis stated, as incongruence increases amendments tabled by coalition partners become *less* likely to be approved, compared to committee amendments. Those tabled by the government and the rapporteur, on the other hand, become more likely to be approved. The interaction term from Model 2 is plotted in Figure 6.11, showing the change in the coefficient of each actor's dummy as incongruence increases from its minimum to its maximum.

Figure 6.9. Interaction effect visualisation (95% CI)
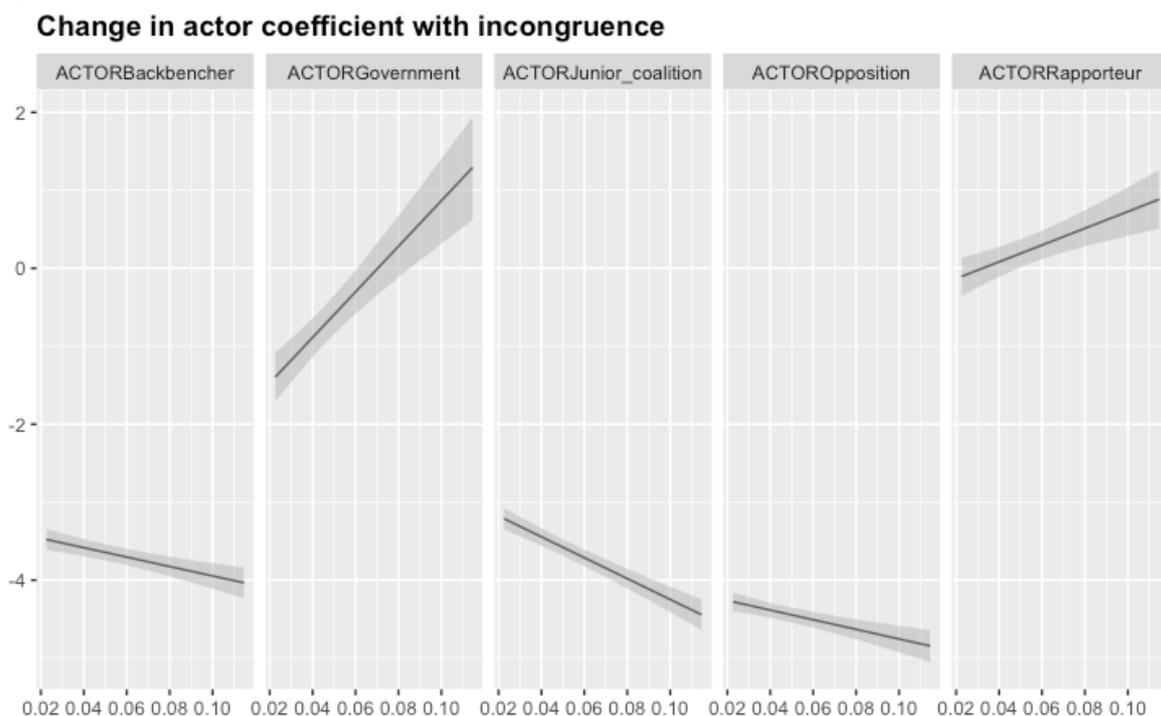
These results contradict what we would have expected based on the comparative literature. They suggest that if the main government party is struggling to gets its bills through parliament because of higher incongruence, government policy becomes more rigid, probably because the main government party does not want to risk opening up the discussion in the parliamentary arena. This evidence hints that players in the government coalition did not become more likely to successfully influence the content of government legislation, at least via amendments, when incongruence is

high. It could also be, as mentioned, that compromises are been brought forward either behind-the-scenes or in government amendments themselves, which the case studies will reconstruct.

6.6 Concluding remarks

This chapter started to investigate policymaking in Italy over a twenty-year timeframe. It focused on the statistical effects of incongruence over the three main legislative outcomes of interest. The theoretical starting point for the analysis was that incongruence, by increasing the ideological spread of government coalition and creating a situation similar to divided government for the main government party, should make it hard for the government of the day to legislate; this is a straightforward intuition. What is less straightforward is how the government might adjust its behaviour in response to these challenges.

Primarily, the government could either compromise substantively with relevant veto players in the coalition and pass watered-down versions of its policies; or it could try to push them through as they are by exploiting its prerogative powers and by using legislative instruments that curb parliament's role, as a way to avoid confrontation altogether. Of course, the government could also combine the two and follow different strategies depending on each policy.

This study uses the case of Italy and new data on legislation to add to the existing literature on divided government and coalition government, by comparing a time of bicameral congruence with one of incongruence. It shows that, in line with the findings from pioneering studies on divided government in the US about the number of important laws approved (e.g. Mayhew 2002), the overall success rate of government bills did not change. Therefore, incongruence does not necessarily result in legislative gridlock and inability to reach a conclusion. What is more interesting is to dig deeper and look at *how* such conclusions are reached. This study finds that, as bicameral incongruence increased, Italian governments became more likely to limit parliament's opportunity to modify policies: the use both of decrees and of "substantive" confidence votes (particularly in the Senate) increased, indicating real disagreements within the coalition, that the main government party seemingly decided to disregard. At the same time, amendments tabled by actors in the government coalition became less likely to be approved as incongruence goes up. While this could be interpreted as a "survival" technique on the government's behalf in order to get over inevitable impasses, this is a significant development, both theoretically and for policymaking in practice.

Theoretically, what this means is that parliamentary actors who, in principle, should have a strong veto are circumvented altogether. This confirms Tsebelis's argument (2002, 115) that the government always has the upper hand when legislating. Hence, legislative theories should go beyond formal rules, and aim to account for how the policymaking process can actually play out given the ways in which the government can exert its advantages.

For policymaking in practice, this has a significant impact on who can influence legislation. If backbenchers and junior coalition parties are routinely forced to vote according to the line of the main government party with the threat of "nuclear weapons" and their amendments are mostly rejected, then they might end up having little or no influence over the actual content of a policy. This has particularly important consequences for the Italian case, given the reputation of its

parliament as a "transformative arena": if the government regularly limits parliament's involvement, despite its wide formal powers it could play little to no part in shaping policies. This echoes Arter's point about how comparative studies have a "tendency to conflate 'legislative capacity' and 'legislative performance'" (Arter 2006, 245), and it highlights the importance of in-depth studies to uncover how the process actually plays out.

These findings all point to the idea that, in fact, the government is better able to get its bills through without conceding to parliamentary actors during times of incongruence. While there is no direct evidence yet, the quantitative findings are consistent with the idea that having a majoritarian chamber made it easier to circumvent veto players in the Senate, as it gave the government a comparative advantage it did not have in a situation of congruence. This is a point that will be returned to in the case studies, where this can be observed directly.

This chapter aimed firstly to make a contribution to the comparative research on divided government in parliamentary systems. It also opens avenues to study the effects of similar institutional changes and to investigate how governments' behaviour and coalition dynamics develop when the bargaining environment is challenging. Future research could look at even more fine-grained differences, such as whether governments adopt different strategies by policy area and depending on where they are in the electoral cycle. The analysis in this chapter has also employed two different measures of bicameral incongruence; at least for what concerns the Italian case, a government-level measure seems more appropriate than a legislature-level to capture the changes of interest, although this version of the measure also remains inherently imperfect. By showing these limitations transparently, this chapter can serve as an example for future studies facing similar measurement challenges.

The correlations I find with the statistical analysis are not enough to make causal claims, but they suggest some significant changes in the legislative trends and offer a good starting point to investigate the causal mechanisms behind them, as they raise several questions. Specifically, the case studies will aim to answer:
- On confidence votes: How does incongruence affect the decision to use a confidence vote in the Senate? What other factors play a role in this mechanism?
- On concessions: How does incongruence affect who gets concessions on a policy? How does incongruence affect how substantive these concessions are? How does incongruence affect at which stage they come (including anticipating what parliament wants before the formal process starts)?
- How do dynamics in the two incongruent scenarios (2006-2008 and 2013-2018) differ?

Chapter 7. Government prerogative powers: confidence votes

As discussed in the literature review, using a confidence vote is the ultimate way to force parliament to pass a government bill. Under normal circumstances, there should not be much need to use such an instrument, as it should be the last resort for the government: asking for the confidence sends a bad signal both to the public and to the government's own majority, as it greatly limits the involvement of parliament in the passage of the bill (Becher et all 2017). However, as found by the quantitative analysis, governments become more likely to use confidence votes in a "substantive" way during times of incongruence, particularly in the Senate. A reasonable explanation for this result is that, if the Senate is perceived as unstable in a situation of incongruence, the government will use a confidence vote to force the members of the government coalition to vote cohesively.

Instruments such as confidence votes are rarely studied; one exception is a study by Döring and Hönnige (2006) on Germany. Since confidence votes are relatively common in the Italian context and they have important consequences for policymaking, it is interesting and critical to investigate their use. This chapter focuses on the causal mechanism explaining the use of a confidence vote, investigating the role of incongruence. It will also consider possible alternative explanations, such as the style of the personalities involved or contextual constraints external to parliament.

This chapter consists of two halves, each looking at one pair of bills, and hence analysing the two incongruent scenarios identified in the literature review. As the discussion will show, I hypothesise a difference between the two types of incongruence scenarios. Confidence votes seem likely to be used more often if the government has a numerically large majority (even though there are big ideological differences between coalition partners), but that they are not more likely to be used if the government has a very small majority. The first scenario is the 2013-2018 one, where no party controlled the Senate and the resulting government was a grand oversized coalition, and the second is the 2006-2008, where the Senate majority was razor thin. The difference across cases should be driven by the fact that the willingness of the main government party to request a confidence vote should be higher when overall the size of the majority is secure, and hence the risks linked to the government survival are not serious. On the other hand, when the government majority is really thin, asking for a confidence vote would be risky, as it would take very few rebellions from government backbenchers to lead to the collapse of the government. The theoretical intuition for this reasoning is that, as mentioned in Chapter 3, usually the costs of terminating the government are very high for all actors involved (Becher et all 2017; Huber 1996), so the aim should always be to prevent that.

The sub-questions addressed are the same throughout the two halves of the chapter, and they are:
- How does incongruence affect the decision to use a confidence vote in the Senate?
- What other factors play a role in this mechanism?

The initial, tentative hypotheses for the causal mechanism linking incongruence to confidence votes are suggested based on the results on the quantitative analysis of confidence votes and on what we could expect theoretically. Since this research is exploratory, the initial mechanism is just

a starting point and is not presented as a strict framework; it is primarily intended to guide the discussion throughout the chapter, covering the most important areas. For each pair of bills, I devise some observable implications we should expect and then present the evidence to support them, while remaining open for new insights.

In answering the sub-questions, the chapter provides a thick description of the bills selected, and of the legislative process in Italy and how it changed over the years, including differences across the two chambers of parliament. It reveals how having a secure majority in at least one chamber made it easier for the government to get bills through the Chamber of Deputies, and how exploiting this new advantage, compared to a situation of congruence, made it easier to justify the use of a confidence vote in the Senate; in doing so, the chapter shows that a crucial factor that changed after 2005 was the need to plan more carefully in which chamber to introduce a bill. While Italian discourse on the 2005 electoral reform focused on how the Senate became "more difficult", the qualitative analysis clearly illustrates that the fact that the main government party was able to claim a strong electoral mandate and firmly controlled a majority in the Chamber of Deputies strengthened its position. To account for this important development, which was not hypothesised in the initial causal mechanism, the concluding sections on each pair of bills include a revised causal mechanism about how incongruence affects the outcome under consideration. The chapter's conclusion at the end of the chapter reflects on differences and similarities across pairs.

Pair 1: *Buona Scuola* (17th legislature, 2013-2018) and *Legge Quadro* on School Cycles (13th legislature, 1996-2001)

This pair corresponds to the first incongruent scenario, a situation where the main government party (or bloc of parties, in case of pre-electoral alliances) did not control the Senate, and was forced to include an additional junior coalition partner to the government majority to win an investiture vote there. In the case of the Renzi government considered here, the government majority was a grand coalition: it was hence overall big, but also very ideologically diverse.

The *Buona Scuola* bill, selected as the case study from the 2013-2018 legislature, was pursued by Matteo Renzi's government, which had to reconcile very different policy preferences. The main government party, the Partito Democratico (PD), was in itself quite ideologically diverse, as it was (and still is) the main party of the left and spanned from a very leftist faction to a Catholic, centrist one. In addition, the PD had to govern with the Nuovo Centro Destra (NCD), a small centre-right party which ended up being the kingmaker for the majority in the Senate. The even smaller Scelta Civica (SC) also joined the coalition, but it did not play a crucial role as the NCD did. On the *Buona Scuola*, but also on other crucial policies, some PD members and NCD members were pushing in incompatible policy directions. The *Buona Scuola* had a substantive confidence vote at its Senate reading.

The "real life counterfactual" from a time of congruence that is matched to the *Buona Scuola* is the 2000 *Legge Quadro* on School Cycles, pursued by Education Minister Luigi Berlinguer. As described

in the summary of the case studies in Chapter 4, the bills match on a series of important criteria; most relevantly, they were both introduced in the Chamber of Deputies.[18]

The correlation found in Chapter 6 showed that as incongruence increases, substantive confidence votes increase, and that most substantive confidence votes take place in the Senate. The correlation is not enough to understand why that is the case, which is the subject of the hypothesised causal mechanism under investigation in this chapter.

I hypothesise that high incongruence results in a substantive confidence vote in the Senate through the causal mechanism displayed below. I showed in Figure 6.3. (Ideological spread of Italian governments) in Chapter 6 that the 2013-2018 legislature resulted in a high ideological spread for the government coalition. Following literature on coalition government (e.g. De Swaan 1973; Martin and Vanberg 2014; Strøm, Müller, and Bergman 2008), reviewed in Chapter 3, this should result in difficult bargaining on legislation. If the disagreements cannot be resolved, the main government party could cut short the bargaining by requesting a confidence vote. This could be how incongruence results in a substantive confidence vote in the Senate.

Figure 7.1. Hypothesised causal mechanism for first incongruent scenario
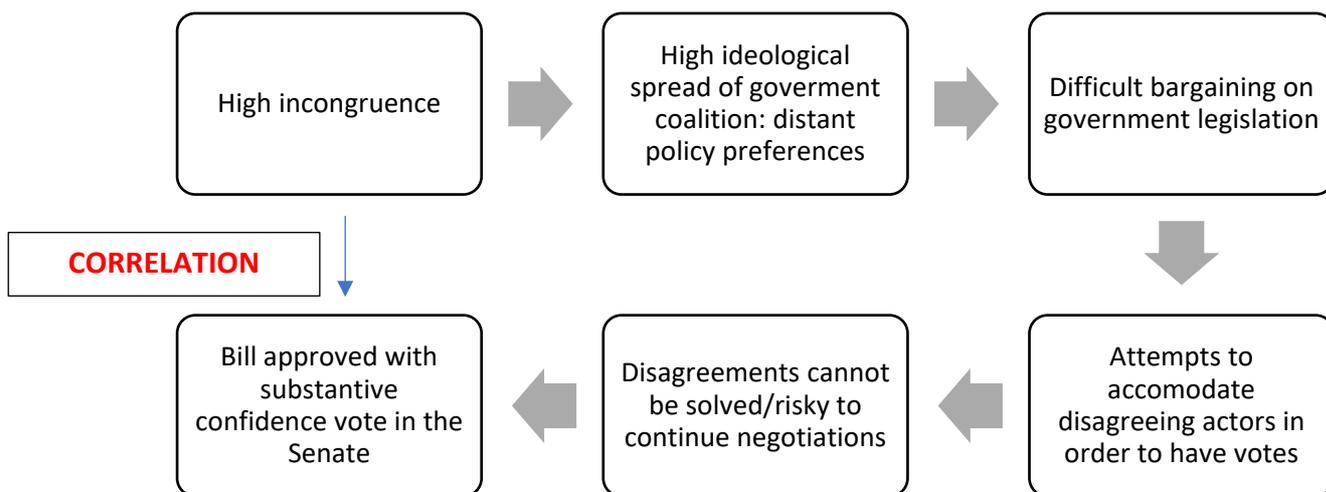
Hypothesis: With a high ideological spread of the government coalition, actors in the government majority had very different policy preferences. As there was no compromise that would satisfy all parties in the coalition, the main government party was facing a lack of support in the Senate, as it did not control a majority there because of incongruence. Therefore, it used a substantive confidence vote in the Senate in order to secure final approval.

The main observable implications of difficult bargaining and irreconcilable disagreements within the government coalition should include some of the following:
- Lengthy process: e.g. committee working on the bill for many sittings, or for very long hours; readings lasting more than average; more than two readings (use of navette

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[18] A brief summary of the main actors on all the case study bills is presented in Appendix D.

procedure). As discussed in Chapter 5, the government's preference is always to avoid the navette and to ensure that bills are approved as quickly as possible. If we observe signs suggesting that the navette becomes necessary and that the process is dragging on, this could signal that there are disagreements within the government coalition which prevents it from reaching a decision.

- Coalition partners and government backbenchers making statements to the media and in parliament about being far from reaching an acceptable solution; media coverage of behind-the-scenes intra-coalition arguments displaying different preferences within government parties. This would be the most direct and evident sign of discontent within the government majority, as it would show that government backbenchers are willing to show their divergences of opinion on the policy in a public way.

- Threats of rebellions and/or actual rebellions on amendments. If government backbenchers are willing to openly defy the government's line, this would suggest that their concerns on the policy are serious. As discussed in Chapter 5, generally when government backbenchers have differences of opinion but do not wish to obstruct the passage of a bill, they use ODGs (*ordini del giorno*) to raise their concerns in a way which does not impede progress. If we observe government backbenchers proceeding in a more vigorous way, it would a be a sign of irreconcilable differences with the policy's aims.

- Persisting large numbers of amendments tabled from backbenchers of the main government party and/or coalition partners, with no signs of parliamentarians withdrawing them. Relatedly to the previous point, it is often the case that government backbenchers might initially table some amendments raising their concerns, but after discussion in committee they withdraw the amendments without insisting for a vote, at most turning withdrawn amendments into ODGs (as described in Chapter 5). Refusal to do so and to insist for a vote would be a much stronger way to express dissent.

- Minister/PM showing no willingness to engage with parliamentarians' concerns on a substantive level, and attempts to limit debate and scrutiny using other prerogative powers. If the government representatives in charge of the policy fear that differences within the coalition are impossible to reconcile, they might try to prevent in-depth discussions and to insist that the policy must be ratified as it is, in order to avoid confrontation.

- Commotion in plenary when confidence vote is requested. Based on the results of the qualitative coding of confidence votes, explained in Chapter 4, we already know that the confidence vote at the Senate reading on the *Buona Scuola* bill qualifies as a substantive one, indicating disagreements within the government coalition. In the qualitative discussion, we can go beyond this and try to gauge what the atmosphere in the Senate plenary was like when the confidence was voted on. Tense atmosphere and disruption during the sitting would be signs that there is widespread and severe discontent on the government backbench.

The observable implications listed here are based on what we could expect from the literature and what is known about the Italian Parliament. In a situation of incongruence, the above mechanism should apply. On the other hand, if a policy is not controversial, we should see members of the government coalition backing the executive's choices and expressing no unease in doing so. There

should be no mention of the possibility of a confidence vote to force the bill through. This should apply in the congruence scenario.

In addition to these observable relevant aspects that can be reconstructed from the media and the parliamentary proceedings, there are less visible ones that take place behind-the-scenes and that shape the bargaining process in less predictable ways. These were investigated in the interviews, which constitute an important part of the thick description of the cases.

Process tracing is a well-suited methodology to rule out alternative explanations for the causal mechanisms under consideration (Bennett and Checkel 2014, 23–24). The above discussion links incongruence to the use of a confidence vote because it conceptualises a substantive confidence vote as a coalition management device, used when bargaining is inconclusive in the Senate. For what concerns the use of confidence votes, the following are the most likely alternative explanations.

Firstly, an alternative mechanism that could lead to the use of a confidence vote could be not about the composition of parliament (and government), but the style of the minister or the PM. Therefore, in the case of the *Buona Scuola*, it could be PM Renzi's style that determined the use of a confidence vote, and not incongruence. This implies that Renzi would have requested a confidence vote even under the counterfactual situation of congruence. Observable implications of this would suggest that other PMs would be less likely to use such instrument, and that Renzi was willing to take more political risks than other personalities. This could include bold declarations to the media and in parliament, and mentions in parliamentary proceedings and interviews about Renzi's willingness to proceed in such a fashion.

Secondly, another alternative explanation when it comes to the use of confidence votes is that there was no time to try to find compromises among the parties in the coalition, as the bill needed to be approved quickly (meaning that compromises might have been possible in theory, but actual urgency prevented the government from pursuing them). The evidence supporting this would be that there was urgency beyond the government's control, which would have been there also in the counterfactual situation of congruence. This could include external deadlines and pressures to pass the reform quickly, such as the start of a new school year, the budget coming up, or stakeholders external to parliament demanding the implementation of the reform. The final sections of the discussion return to the alternative explanations and evaluate whether there is any evidence supporting them.

7.1   Testing the causal mechanism: *Buona Scuola*

As described in the case study summaries, the *Buona Scuola* was a large and complex bill which intervened in several areas of education. Overall, the bill had a complicated journey through parliament. It was introduced in March 2015 and finalised in July of the same year. The bill had in total three readings: after being introduced in the Chamber, during the Senate plenary stage the government introduced a maxi-amendment which effectively replaced the whole bill, and after

getting the bill approved in the Senate with a confidence vote, it had to go back to the Chamber for a third reading.[19] The discussion in this chapter focuses on two of the many *Buona Scuola* sub-policy areas, discussed in the next section, to illustrate the causal mechanism of interest.

7.1.1 The *Buona Scuola*: hiring plan and "gender" controversy

The main policy areas which are relevant to illustrate the necessity of confidence vote in the Senate are the teachers' hiring plan and the "gender" controversy.

Renzi's education reform was a crucial component of his government agenda. One of its main aims was to regulate how teachers should be hired. This was a necessary and urgent intervention, because the Italian job market for primary and secondary teachers was in disarray. Up until that point, teachers could get a permanent position by either winning a public exam, or by joining a sort of waiting list system that assigned them a teaching post as they reached the top of the ranking. There were several different waiting lists, from a main and a secondary tier, which started in different years. Because getting a post through the waiting lists could take several years, a big percentage of teachers were hired on temporary contracts (as "*precari*"), with no job stability. In 2014, the EU Court of Justice ruled that this was unlawful, and that the teachers should be offered reparations and permanent contracts (Corte di Giustizia dell'Unione Europea 2014). Various members of the opposition argued that the government's hiring plan was actually just a necessity following the ruling, not an enlightened reform. The initial draft wanted to hire most teachers on the waiting lists; however, the government did not include the lists of *precari* in the second tier. The rhetoric used by the government was that they would "empty the waiting lists", but it was clear from quite early on that this was not an accurate statement (Caroselli 2014). As will be discussed, the opposition was almost unanimous in vocally demanding that the hiring plan be separated from the main bill (to have a "*stralcio*", which creates a separate bill) in order to disentangle hiring teachers from the rest of the reform. That would have allowed the hiring plan to be implemented fast, while allowing parliament more time to develop the other provisions. It was not just the opposition of the centre-right, such as Forza Italia (FI) and the Lega Nord (LN), that demanded the *stralcio*, but also Sinistra Ecologia and Libertà (SEL), a party of the far left which was also in opposition.

Renzi refused to consider doing that, and the subject remained highly controversial; it was the aspect of the reform that the trade unions were primarily interested in and, most relevantly for the purposes of this research, it was controversial within the PD itself. Some PD members expressed the willingness to at least consider the *stralcio* request. While the PD majority in the Chamber of Deputies was large enough to keep the rebels at bay, in the Senate the PD rebels were dangerous.

Similarly, another issue that was contentious within the government majority was the so-called "gender education": this was the proposal to introduce a new subject that would teach children about gender equality, and the main objective was to prevent violence against women. Conservative Catholics, primarily from NDC (but also in the opposition ranks) completely misinterpreted what the classes would be, and they started a big media controversy about how this

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[19] Senato della Repubblica, http://leg17.senato.it/leg/17/BGT/Schede/Ddliter/45457.htm

subject would "promote homosexuality" and "destroy traditional family values" by brainwashing children (Benignetti 2016). While the NCD leadership did not put up a strong fight against the bill, a couple of members in the Senate refused to vote in favour of the bill as a protest against the gender education issue, defying the confidence request.

Various disagreements in the government coalition were evident throughout. The key finding that emerges from a detailed analysis of the case is that the confidence vote at the Senate stage was a clear result of incongruence: while the Chamber of Deputies was a safe phase of the bill's passage and the PD could ignore the rebels, in the Senate the bill was at risk because of lack of support. In the Chamber of Deputies, the PD enjoyed a large majority by itself, and its rebels were proportionally a small faction. This allowed Renzi to bypass the core of their concerns, as well as the NCD's concerns, and to successfully get the bill through the Chamber despite a few rebellions. On the other hand, in the Senate just a few defections from the government ranks would have killed the bill.

7.1.2 Difficult intra-coalition bargaining: large number of amendments from government backbenchers

One of the main observable implications of a complicated bargaining process within the government coalition, more specifically of parliamentarians' dissatisfaction with the government's line, is a high number of amendments tabled to a government's bill. A senior political party adviser explained in interview that "backbenchers tabling amendments is a sign of unhappiness within the coalition. If they are willing to show disagreement publicly, then the issues are real. If their concerns are minor, they only pursue them through less incisive instruments, such as written and oral questions or *ordini del giorno*" (Interviewee A, 2018). A high number of backbenchers' amendments hence signals that they are trying to make changes, as they are not satisfied by the government's line. As Table 7.1 shows, during its first reading in the Chamber there were in total 3064 amendments tabled to the *Buona Scuola*.

Table 7.1. *Buona Scuola*: amendments tabled during Chamber's first reading, by actor and outcome (yes/no)

Actor	Outcome	Committee	Plenary	Total	Total by actor
PD backbenchers	Yes	99	9	108	450
	No	236	106	342	
NCD and SC (Junior coalition)	Yes	3	0	3	28
	No	20	5	25	
Committee	Yes	1	36	37	41
	No	0	4	4	
Finance Committee	Yes	0	2	2	2
	No	0	0	0	
Government	Yes	3	0	3	3
	No	0	0	0	
Opposition of the right	Yes	45	9	54	2057
	No	1215	788	2003	
SEL (left opposition)	Yes	12	2	14	457
	No	291	152	443	
Rapporteur	Yes	1	0	1	27
	No	25	0	26	
Total	**Yes**	**188**	**58**	**246**	**3064**
	No	**1763**	**1055**	**2818**	

The government accepted a total of 246 amendments, of which 188 were in committee and 58 in plenary. The nature of the concessions will be discussed more in Chapter 8.

Most of the amendments, over 2000, were tabled by the opposition of the right, and SEL also tabled 457. The NCD and SC junior coalition partners tabled a small number of amendments, particularly in the plenary stage. This suggests that they were already quite happy with the draft. PD backbenchers, on the other hand, tabled in total 450 amendments. This is in line with the expected observable implication about backbenchers tabling a large number of amendments to signal their discontent.

In particular, PD dissident Stefano Fassina tabled an amendment to say that there should be a transition phase in the hiring plan, because what the government was suggesting in order to stabilise the *precari* was too drastic and chaotic. SEL supported him, but the amendment was rejected. Another PD backbencher, Gianni Cuperlo, had a similar amendment offering a 5-year plan to hire everyone on the waiting lists in different phases. There was a third similar PD amendment on this, but sponsor Vincenza Bruno Bossio withdrew it following an invitation from the minister to do so. However, she complained in the Chamber plenary that the government "did not do a good job" and should have welcomed at least Cuperlo's amendment, which was sensible, and hoped that the Senate would intervene to improve this point. She and three other PD backbenchers (all from the leftist faction, close to the trade unions) abstained on the vote on the

article on the hiring plan.[20] These were all clear signs that the government majority was split. Nevertheless, given the overall size of the PD party group in the Chamber, the dissidents were relatively few, and hence they were not numerically strong enough to pose a threat to the bill.

Also the centrist partners NCD, that rarely rebelled against the government's line, had some concerns. The government opposed an amendment from Forza Italia's former Education Minister, Maria Stella Gelmini, to include in the hiring plan the *precari* which would otherwise be left out. An NCD backbencher, Rocco Buttiglione, said that he was not going to vote in favour of the amendment because he would follow the government's plan, but added that he recognised that the problem of the *precari* left behind was real, and hoped the government would rethink this.[21] Therefore, despite toeing the government's line, NCD members had some reservations too, and on occasions only voted in favour because of a matter of loyalty.

This suggests that incongruence made a difference also, if not mostly, because of the new advantage that the government could enjoy at the Chamber stage: the fact that the PD controlled a large majority by itself meant that the bill faced no significant obstacles during its first reading, as there were enough deputies supporting it to pass it with a more than comfortable margin. While about a dozen PD members walked out, there were indeed 316 votes in favour and 137 against during the bill's final vote in the first reading in the Chamber plenary.[22]

7.1.3 Irreconcilable disagreements: curtailment of Senate committee stage
While the bill made it through the Chamber unscathed thanks to the large majority, once in the Senate for its second reading it started to become evident that it would have been challenging to get approval there, given the lack of a strong PD majority.

The most apparent event that shows the lack of agreement within the government coalition is that the Senate committee stage was curtailed. This is the clearest sign that the disagreements within the government coalition were impossible to solve and that the government wanted to limit debate on the policy; this is also an example of an observable implication which we would not have been able to expect before delving into the case, since it is very rare for the committee stage to be curtailed. As mentioned in Chapter 5, the committee stage should always formally be concluded, and a senior parliamentary clerk said in interview that it is so rare for the government to cut it short that this is not an event for which parliament records a statistic, since it just should not happen (Interviewee I, 2019).

Already during the Chamber committee stage the opposition, above all SEL, started to demand the *stralcio* of the hiring plan, arguing that its timing was urgent and for once it would make sense for the government to issue a decree on the matter. The government's response, through the

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[20] Camera dei Deputati, Assemblea, 18 May 2015
https://www.camera.it/leg17/410?idSeduta=0429&tipo=stenografico#sed0429.stenografico.tit00070.sub00010
[21] Ibid.
[22] Camera dei Deputati, Assemblea, 20 May 2015
https://documenti.camera.it/apps/votazioni/votazionitutte/schedaVotazione.asp?Legislatura=17&RifVotazione=431_51&tipo=dettaglio

Chamber rapporteur Coscia and the undersecretary Faraone, was that the government was not willing to consider that proposal.[23]

While in the Chamber the PD size was big enough to ignore dissidents, in the Senate committee the PD did not control an overall majority. This is because the composition of committees reflects that of the plenary, and hence out of 25 committee members, only 9 were from the PD.[24] In order to have a majority, the government needed all PD, NCD and SC members to vote cohesively. Out of these 25, at least three members were from the PD leftist faction, and it was clear from the first committee session that these PD members, such as Walter Tocci and Corradino Mineo (who argued that the reform was a "macroscopic mistake") would have joined SEL in supporting the *stralcio* of the hiring plan.[25] Since a couple of PD members willing to side with the opposition were enough to tip the balance, the government would have lost some key committee votes on the *stralcio* request.

There were several amendments tabled by members of both the government and the opposition fronts, but for several weeks the meetings of the committee were cut short (the minutes of the sessions repeatedly end with "the meeting is postponed"). The committee only voted on 10 amendments in total, all rejected, as the rapporteurs' position was negative on all of them. Government representatives and rapporteurs persistently encouraged groups to withdraw their amendments, without voting on them. In the end, the committee stage ended abruptly, with the chair announcing that the previous day the Conference of the Party Group Leaders decided that the plenary stage should start "today at 4.30pm".[26] This was facilitated by the committee chair, Andrea Marcucci, who was close to Renzi. Staff from the PD legislative office stated in interviews that they cut the committee stage short for reasons of time, and that Marcucci "did his job well and mediated as much as possible, flagging up things that would slow down the proceedings" (Interviewee O, 2019).

Renzi's line continued to be that the hiring plan was too fundamental to be separated from the rest of the bill, and that all the other aspects of the reform would only fall into place once the hiring plan was finalised. Speculation in the media (e.g. Bei 2015; Libero Redazione 2015) and interviews with insiders confirmed that while struggling to get the Senate committee to approve the draft without further changes, Renzi considered postponing, and even abandoning, the whole reform. In the end, he was persuaded that giving in to the *stralcio* request, or giving up entirely, would have been a humiliating political defeat, so he pushed ahead (Interviewee O, 2019; Interviewee S, 2019). Since the Chamber majority was such that he had already secured the bill through the first reading, he only had to pushed through the Senate to ensure its approval.

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[23] Camera dei Deputati, Assemblea, 14 April 2015,
https://www.camera.it/leg17/824?tipo=C&anno=2015&mese=04&giorno=14&view=&commissione=07&pagina=data.20150414.com07.bollettino.sede00010.tit00010#data.20150414.com07.bollettino.sede00010.tit00010
[24] Senato della Repubblica, Composizione 7a Commissione
http://leg17.senato.it/leg/17/BGT/Schede/CommissioniStoriche/0-00007.htm
[25] Senato della Repubblica, 7a Commissione, 4 June 2015,
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=921062&part=doc_dc
[26] Senato della Repubblica, 7a Commissione, 24 June 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=926650

The explanation that the government curtailed the committee for reasons of time did not convince senators, and the move was harshly criticised. Gian Marco Centinaio, a committee member from the Lega, speaking during the plenary stage said that the committee was told in the Conference of the Party Group Leaders that it would have 70 hours to work on the text, but the committee had used only 18 when the government interrupted its work. He also stated: "The government argues that this bill has been in parliament for too long overall, between Chamber and Senate. It should take long, it's a massive reform! […] They say that this is an example of how dysfunctional perfect bicameralism is, but we all know that this is not true and that nobody in committee was happy with the text".[27]

Loredana De Petris, from SEL, argued that in committee there was a total of around 100 amendments from all opposition parties combined, therefore voting on them would not have taken too long, but the government did not want them to vote, and that is why they did not respect the original deadlines.[28] This is in fact confirmed by the descriptive statistics, presented in Table 7.2, as there were only 161 amendments tabled in the Senate committee stage. Therefore, it was not a matter of numbers of amendments, but the problem was about what potentially successful amendments could have meant for the substance of the bill.

Table 7.2. *Buona Scuola***: amendments in Senate committee stage, by actor and outcome**

Actor	Out of order	Rejected	Withdrawn	Total
PD backbenchers	26	1	36	63
NCD	12	0	2	14
Opposition (right)	48	4	12	64
SEL (left opposition)	14	2	4	20
Total	100	7	54	161

After the curtailment of the committee stage, PD legislative office staff confirmed, the government was aware of the need "to avoid surprises". They also acknowledged that this way of proceeding was not free from controversy: "Needless to say, the senators of the majority that had tabled several amendments did not take this well. We were aware that some discontent persisted. We tried our best to clear the air later on" (Interviewee O, 2019).

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[27] Senato della Repubblica, Assemblea, 24 June 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=926708
[28] Ibid.

7.1.4 Irreconcilable disagreements 2: government's maxi-amendment and persisting large number of amendments

As well as curtailing the committee stage, in order to get the bill through the Senate, the government introduced a maxi-amendment.[29] This is another example of an instrument that the government used to limit parliamentary discussion in this case; another sign that there were irreconcilable disagreements. As Chapter 5 explained, maxi-amendments are tabled in the plenary, so this was tabled once the bill was re-presented in the Senate plenary, and it was the maxi-amendment which was subjected to the confidence vote.

The maxi-amendment draft incorporated some concessions, however on the hiring plan specifically it only said that only about half of the teachers on temporary contracts would be hired right away, while the others would be hired "in the future". This was not enough to satisfy the government's backbenchers, and in the Senate plenary stage there were again huge numbers of amendments tabled: 2200 in total, of which over 500 were from PD backbenchers, and almost 85 from the NCD. The government, as discussed in section 7.1.6, claimed that this was obstructionism. One Forza Italia member said: "At this stage we have a total of 2000 amendments tabled, and according to the government this is obstructionism – actually, hundreds of these are from PD members. This means that this alleged obstructionism is essentially coming from the main government party itself".[30]

Table 7.3. *Buona Scuola***: amendments tabled during Senate reading, by actor and outcome**

Actor	Approved	Lapsed	Out of order	Rejected	Withdrawn	Total
PD backbenchers	0	474	26	3	36	539
NCD	0	71	12	0	2	85
Government	1	0	0	0	0	1
Opposition (right)	0	1049	48	5	12	1114
SEL (left opposition)	0	440	14	3	4	461
Total	1	2034	100	11	54	2200

Table 7.3 shows that the only amendment approved at the Senate reading is a government one: this is the government's maxi-amendment, which in fact replaced the whole bill.

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[29] Senato della Repubblica, Assemblea, 25 June 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787
[30] Senato della Repubblica, Assemblea 24 June, 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=926708

7.1.5 Irreconcilable disagreements 3: commotion in the Senate plenary

Renzi tried to frame the need to use a confidence vote to finalise the reform as a matter of urgency, and once the plenary stage started the Senate committee chair, Marcucci, tried to argue that the changes in the government maxi-amendment were the results of the committee's efforts. However, reading the parliamentary proceedings confirms the difficult intra-coalition dynamic: at least five dissenting PD senators openly spoke against the reform during the Senate plenary stages. This includes Corradino Mineo, who said: "Honourable Senators, I beg you […] read these forty pages and then vote against them, this is one of the worst reforms this parliament has seen in 70 years". Nerina Dirindin, also from the PD, said that she would vote in favour but she had strong doubts about the reform: "Despite my reservations, with a lot of anguish I have decided to vote for this confidence, because given the circumstances it is difficult to distinguish the support for this bill and the confidence in this government. And we do need a government in this country". Laura Bignami, an opposition member (of the umbrella "Gruppo Misto", literally "mixed group") said that PD senators had privately confessed that they had a "stomach-ache" at the prospect of supporting this bill, and yet were forced to vote according to party lines.[31]

Some NCD members also threatened not to vote for the confidence on the grounds of the "gender" controversy. Interviews with insiders revealed that the NCD leadership were trying to defend their electorate from the Lega, which was arguing very strongly against the new gender education, pandering to Catholic audiences. In particular, in the Senate the NCD insisted on an *ordine del giorno* that asked the government to clarify what the new subject was. Eventually the ministry turned the government's reply into a document that they circulated to all NCD members. The document said that parents would always have to give their consent when "sensitive subjects" were discussed; in light of these explanations, NCD members supported the bill, apart from one who abstained on the grounds of the gender controversy (Interviewee O, 2019; Interviewee S, 2019).

The combined effects of dissent within the PD and the need to ensure the backing of the centrist partners made the use of a confidence vote inevitable to get the bill through the Senate. There was a lot of commotion when the vote was requested, including members of the public shouting protests in the Senate gallery, and several senators made reference to public protests that were taking place outside.[32] This decisively confirms that the atmosphere in the Senate was tense.

7.1.6 Main government party refusing to engage: Renzi's narrative

A final piece of evidence that there was effectively not enough support for the government's proposal in the Senate can be found in Renzi's attempts to spin the narrative in the media. This is also an observable implication in line with the idea that Renzi did not want to engage with concerns raised in parliament (particularly in the Senate). While the bill was in the Senate committee, Renzi appeared on a famous talk show, "Porta a Porta", where he claimed that there were "too many amendments tabled in the Senate", blaming the Senate for stalling the reform (Santarpia 2015).

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[31] Senato della Repubblica, Assemblea 25 June, 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787
[32] Senato della Repubblica, Assemblea 25 June, 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787

Several senators complained that the government was disrespecting the Senate, with Centinaio from the Lega saying that Renzi was lying when he blamed "those rowdy senators. [Renzi says,] 'Teachers: if we don't hire you, it's because of those evil senators, they have too many amendments'. The reality is completely different".[33]

A relevant note on context is that Renzi at the time was also pursuing an ambitious constitutional reform to change the bicameral system, in a way which would have considerably curbed the powers of the Senate (which failed in the 2016 referendum, mentioned in early chapters). Some commentators (above all senators themselves) perceived that Renzi was prone to disrespect the Senate from the beginning, and they said so during the plenary debates. Tocci (PD) argued that what was happening in that assembly was sad. He mentioned the ongoing plans to reform the bicameral system, saying "they should not be tantamount to humiliating the Senate while we still have perfect bicameralism".[34]

This dynamic certainly has a lot to do with Renzi's style, as he was not deterred from using a confidence vote to force his bill through the Senate. Interviews with people from the team who worked on the *Buona Scuola* confirmed that Renzi was happy to be seen as a "*decisionista*" – a strong leader that makes things happen (Interviewee O, 2019; Interview S, 2019). It looks like he considered the Senate as a sort of nuisance standing in his way, and he was determined to do whatever it took to get the policy through. This is in line with the kind of reputation that he is famous for. As summarised by Bordignon, Renzi's "predilection for quick decision-making, which bypasses the intermediation of parties and unions, is viewed with unease – if not as a symptom of authoritarian tendencies – in a party in which the collective dimension is still important" (Bordignon 2014, 8). Salvati also explains: "In his [Renzi's] view, the leader is at the centre of the stage and he must have the right to take autonomous decisions that are binding on the whole party. This means that there is no more room for collective decisions taken by a group of party leaders: the new leader makes the decisions and these are judged only by the electorate" (Salvati 2016, 9). During the discussion of the *Buona Scuola,* Renzi also almost completely upstaged his Education Minister, Stefania Giannini, who declared she sometimes was left out of the loop when Renzi was adjusting the course of the reform (Zunino 2015).

7.1.7 Effects of incongruence on the Buona Scuola

While Renzi's style might have contributed to his vision of how policymaking should work, what happened during the passage of the *Buona Scuola* was a clear result of the incongruent situation: since Renzi could rely at least on the guaranteed support of the Chamber of Deputies, he had the option to ensure the approval of his bill by using a confidence vote only at one reading, the only difficult one. As discussed in Chapter 3, using a substantive confidence vote is a costly move for the PM. In the counterfactual scenario of congruence, if the support for key provisions of the bill was lacking in both chambers, Renzi would have had to override parliament's will not once, but twice. Pushing ahead in such a forceful way would be a risky and unpopular approach, and the government would in all likelihood be defeated. It is therefore more likely that Renzi would have

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[33] Senato della Repubblica, Assemblea 24 June, 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=926708
[34] Senato della Repubblica, Assemblea, 25 June 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787

had to make some big concessions, including the hiring plan *stralcio*, or that he would have actually given up as he contemplated. This is best illustrated by the corresponding case study selected from a time of congruence, discussed next.

In the end, the Senate approved the *Buona Scuola* with 159 favourable votes and 112 against. Only three PD members walked out to abstain[35], signalling that after all the government managed to enforce discipline. The bill was then sent back to the Chamber for a third reading to ratify the new text.[36]

Because of the Chamber large majority, once the bill got there for a third reading Renzi knew he could relax again: both the committee and the plenary ratified the bill without any further modifications. Parliamentary proceedings clearly show that the atmosphere on the government benches was not free of tension. During the plenary stage, two PD backbenchers spoke out against the bill, claiming to speak on behalf of "many others". In the end, only five PD backbenchers voted against the bill, but an impressive 28 members walked out of the Chamber in protest. Still, in total, there were 277 votes in favour of the bill and 173 against. The total of those in favour went down from 69% to 61% compared to when the Chamber examined the bill at the first reading.[37] Despite the intra-coalition difficulties and the Senate events, this was more than enough to secure the bill's final approval. Therefore, by introducing the bill in the Chamber and using a confidence vote in the Senate, the government managed to get the bill through despite harsh intra-coalition disagreements. Being able to rely on a strong majoritarian Chamber facilitated this.

This meant that, unlike what used to be the case under congruence with the principle of splitting the workload between the two chambers, deciding where to introduce the bill had important consequences for the passage of the reform. In the case of the *Buona Scuola*, the government decided to introduce it in the Chamber of Deputies because the majority there was much more comfortable. Interviews with technocrats from the Ministry of Education and with staff from the PD legislative offices confirmed that the Chamber was chosen for "political reasons" (Interviewee O, 2019; Interviewee S, 2019). Introducing a bill in the Chamber meant that the government could try to exploit the new semi-majoritarian bicameral system to its advantage: the Renzi government clearly hoped that only the Chamber would work on the draft and modify it, and that the Senate would just ratify it. Further evidence of this is that the Chamber and the Senate offices organised several joint hearings with trade unions and civil society associations, which is uncommon, since normally each chamber organises its own hearings. A clerk from the Chamber of Deputies Education committee confirmed in interview that they decided to proceed jointly because they were "hoping the Senate wouldn't have to do anything else once the bill got there" (Interviewee L, 2019). While in the end there was a third reading because of how contentious the bill was, the draft was de facto "*blindato*" at the Senate reading, and by using a confidence vote and the maxi-amendment the government remained firmly in control of the process.

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[35] Ibid.
[36] Senato della Repubblica, Assemblea 25 June, 2015
http://leg17.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787
[37] Camera dei Deputati, Assemblea, 9 July 2015,
https://www.camera.it/leg17/410?idSeduta=0458&tipo=stenografico#sed0458.stenografico.tit00040.sub00020

7.2   Berlinguer's *Legge Quadro* (2000) congruence counterfactual

The case of the 2000 *Legge Quadro*, pursued by Education Minister Luigi Berlinguer, is a good representative case of how during congruent parliaments, under normal circumstances, there was no need to request a confidence vote. Since the backing of the government majority was guaranteed, and since there was no dissenting faction that could exert enough leverage in either chamber, the government was certain that it could rely on sufficient support in both the Chamber and the Senate.

The centre-left government coalition, called L'Ulivo, consisted of several small parties, but as shown in Figure 6.3 in Chapter 6, the ideological spread was smaller than in Renzi's government. The PM during the time which the *Legge Quadro* was debated in parliament was Massimo D'Alema, who was the leader of the Democratici di Sinistra (DS), but he was personally not involved; Minister Berlinguer handled the process. The coalition included the Verdi (Green Party); the Popolari, a party of a more Catholic inspiration; and Rinnovamento Italiano, another small party with a more centrist ideology. Rifondazione Comunista, a party of the far left, did not support the D'Alema government and was in opposition during this time (see again Appendix D for an overview of the main actors).

7.2.1 *Legge Quadro*: school cycles

This specific bill, the *Legge Quadro*, was part of a wider education reform plan, which Minister Berlinguer decided to pursue with several small bills instead of a single big one.

Because there were several (relatively) small bills on the subject of education reform under the consideration of parliament at the same time, the bills were introduced in a staggered fashion between the two chambers: bills such as the *Legge Quadro* and another one (on increasing the compulsory age to leave school) were introduced in the Chamber of Deputies. Other bills closely related to these matters, such as school autonomy, a university staff reform and the *Maturità* reform (also studied in this research) were instead introduced in the Senate. It is hence evident that Berlinguer tried to use the bicameral system to maximise efficiency and get all bills approved within reasonable times, making sure that members in both chambers would be involved in at least some matters relating to education reform.

The *Legge Quadro* was arguably the most important bill of the reform plan, as it focused on re-organising the school cycles, with the main aim to eliminate some "gaps" in the school system by replacing the three main cycles of the Italian school system (primary, middle and secondary school) with two main cycles, a foundational one and a further education one. Finding agreement on their structure, including how long each cycle and the overall compulsory school period should be, was one of the most contentious points, with clear ideological divides between the government and the opposition.

7.2.2 Detailed parliamentary scrutiny: reconcilable disagreements

The *Legge Quadro* shows very well the old situation of bicameral congruence in Italy, when the government coalition was made of many small parties because of the fragmentation of the party

system. It also illustrates how the old Italian "consensualism" (Giuliani 2008) used to work: on most bills, the government of the day tried to involve the opposition as much as possible. In this case, the rapporteur and minister made a real effort to accommodate not only government backbenchers, but also the opposition on some points that were not too distant from the government's preference (as Chapter 8 will show in more depth). The bill was in the Chamber for a long time, including a long preliminary phase between 1996 and 1999, and then the Senate had five months to ratify it.[38] Berlinguer spent months debating the proposal with the Chamber Culture committee, and (as Chapter 8 will discuss more) the resulting draft had incorporated various elements brought up by deputies. By the time that the draft reached the Senate, there were no complaints from members of the government majority, and no speculation in the media that a confidence vote could be used.

The government did somehow impose its will on parliament at one point, because once the bill reached the Senate for the second reading it imposed a compulsory deadline for the committee to finish analysing the draft, and moved on to the plenary before the committee had time to vote on all the amendments that had been tabled. However, this was not a controversial move within the majority. With respect to the observable implications that we should see for a bill with difficult bargaining, we see the opposite.

First of all, the bill was in the Senate committee for several months, and the committee had in principle plenty of time to work: the reason why they proceeded slowly was that the opposition kept delaying the discussion by signing up to speak on the general principles. Once they moved on to analyse the amendments, the rapporteur and the government representatives expressed a negative opinion on all of them, which clearly showed that the government did not welcome any further changes and wanted the Senate to ratify the draft as it was. The opposition strongly condemned the government for making the draft *"blindato"* and tabled over 250 amendments, as shown in Table 7.4. However, members of the government majority tabled almost no amendments. Only one member of the DS, Aldo Masullo, expressed a criticism on how the draft did not make any reference to the importance of "critical thinking skills", but he withdrew all his amendments before voting on them; all other committee members from the government majority stated that the bill was good enough as it was.[39] As will be returned to in the next chapter, since the bargaining phases in the Chamber committee was long and thorough, the position both of government backbenchers' and of the opposition was already taken into account during the initial stages. This is at least part of the reason why we see a considerably lower number of amendments tabled to the *Legge Quadro* compared to the *Buona Scuola*.

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[38] Senato della Repubblica, http://www.senato.it/leg/13/BGT/Schede/Ddliter/4.htm

[39] Camera dei Deputati, Commissione Cultura, 2 February 2000,
http://leg13.camera.it/chiosco.asp?cp=2&content=/_dati/leg13/lavori/bollet/07r.htm?

Table 7.4. *Legge Quadro*: **amendments tabled at Senate reading, by actor and outcome**

Actor	Not examined	Out of order	Withdrawn	Total
DS backbenchers	0	0	5	5
Junior coalition partners	1	0	4	5
Opposition (right)	195	26	39	260
Rifondazione (left opposition)	5	1	0	6
Total	201	27	48	276

According to the calendar of the committee and of the plenary, the Senate committee stage was scheduled to finish before the Christmas break of 1999. The chair pointed out that if they kept working that slowly, they would not finish voting on the amendments. The rapporteur asked the opposition to reduce the amount of amendments, and they would not do so. The committee also discussed whether to hold night sessions, and everyone voted against this option. The fact that all government members endorsed the government's timetable shows that they fundamentally were on board with the bill's aims. Therefore, the committee kept working at the same pace, but only managed to discuss amendments on the first article of the bill. Eventually, the chair announced that the time available for the committee was over and that the government would be re-presenting the bill in the plenary. The media did not pick up that formally the committee did not finish the examination, and in fact it was not a controversial move. The rapporteur said that he would rather see the draft approved as it was than risking never implementing the reform. Maria Grazia Pagano, a DS senator, said she endorsed the idea of not amending the bill at this reading, and invited colleagues who had amendments to withdraw them and turn them into ODGs.[40] In the case of the *Legge Quadro* it is evident that the Senate reading was redundant, as it was only meant to rubberstamp the Chamber draft, and the principle of splitting the workload between the two chambers held. This is very different from what happened during the *Buona Scuola*, where the Senate committee was not allowed to work on the draft as planned.

7.2.3 No consideration of using confidence votes
The fact that there was no confidence vote once the *Legge Quadro* reached the Senate plenary decisively confirms that there was secure political agreement on bill. Therefore, all the observable implications we should expect for a bill which is uncontroversial within the government coalition are present. This is primarily because, in a situation of congruence, it is hard for the government to impose on parliament something that is not supported by its own backbenchers. Pushing through a bill which is not supported would require the use of a confidence vote in both chambers, which would be too unpopular.

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[40] Senato della Repubblica, Commissione Cultura 18, January 2000
http://www.senato.it/Web/13LavoriNewV.nsf/All/DE60E3B6839A39224125686A0067B15C?OpenDocument

In fact, as he had to engage with parliament, Berlinguer was forced to concede on some elements that did not have the backing of his majority; for example, he dropped a provision on making the last year of nursery school compulsory, instead of pushing it through. The original government proposal included this provision; however, a coalition member, Nando dalla Chiesa (Verdi) pointed out that the distribution of nursery schools was not equal across the country, and hence that it would be premature to make it compulsory, and a couple of other members were not fully convinced. Moreover, this was opposed on more ideological grounds by Catholic members of the centre-right, who argued that this would be an imposition of the state, and it would limit the primary role of the family as an educator of children. In the end, Berlinguer recognised that the committee did not support including the last year of nursery school in the compulsory period, and he accommodated it by welcoming a Forza Italia amendment that set the beginning of the compulsory period at the start of the primary cycle. The minister was hence forced to give up this provision, admitting that he would have preferred to keep it but he had to do so for lack of support.[41]

This again suggests that incongruence makes a difference because the presence of a majoritarian Chamber gives the government a comparative advantage. During congruent times, the two chambers were just as fragmented, and hence just as "difficult". The fragmentation, combined with the wide powers of the Italian Parliament, resulted in a situation where plenty of veto players in parliament had a lot of leverage, including the opposition. Therefore, in order to get bills through parliament, the system used to be very consensual. Renzi, on the other hand, managed to minimise parliament's involvement by exploiting the large Chamber majority.

7.2.4 Engaging parliament: Berlinguer's style
Similarly to what was said with regards to Renzi's style in dealing with parliament, in the case of the *Legge Quadro* too the style of Minister Berlinguer contributed to the overall consensual approach. According to officials who worked with him (Interviewee P, 2019; Interviewee Q, 2019), he was really good at finding common ground and anticipating how parliament would react (again, this will be discussed more in depth in Chapter 8). Even though the opposition took a much more adversarial tone during the plenary stages, as the minister himself said in the plenary: "At this point it is unfair for opposition members to say that the government is not listening, since the committee worked so much with them on both the overall structure [of the cycles] and the details. Often the government welcomed opposition amendments in committee, but even before that, we incorporated their ideas in the draft itself".[42] This sentence nicely illustrates the so-called "anticipated reactions" in action: the minister actively tried to incorporate changes during the early stages in order to make sure that the bill would not face too many difficulties. Interviews with officials confirmed that the old bicameral system was slow and clunky, and there were plenty of opportunities for things to get stuck – one official said: "We really were vexed by perfect bicameralism, it could really be too slow, but Berlinguer knew how to deal with it" (Interviewee

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[41] Camera dei Deputati, Assemblea, 23 July 1999,
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed575/s000r.htm

[42] Camera dei Deputati, Assemblea, 14 September 1999,
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed581/s000r.htm

Q, 2019). Hence, thanks to Berlinguer's ability to interact with parliament and to mediate, he was capable of navigating that complicated situation successfully.

7.3 Alternative mechanisms: confidence votes on the Buona Scuola

The above discussion investigated how incongruence resulted in the use of a confidence vote on the *Buona Scuola*. In order to rule out alternative explanations, in this section I discuss possible alternative propositions about the reasons to use a confidence vote, and what we would observe if they were true.

An alternative mechanism could be about the style of the minister or the PM. Therefore, in the case of the *Buona Scuola*, the confidence vote could be a result of Renzi's style.

As already mentioned, Renzi's attitude certainly contributed to the decision to proceed this way, and it is clear from his own declarations during "Porta a Porta" and from interviews that looking "authoritarian" did not bother him. Nevertheless, in a counterfactual situation of congruence where both chambers are fragmented and the main government party does not control a safe majority in either chamber (such as the situation when Berlinguer's reforms were pursued), in order to push through a bill that is not supported by a majority, he would have had to use a confidence vote in each chamber. Despite Renzi's self-assured style and his determination to pass the reform, it would have been too risky politically to use "nuclear weapons" with parliament twice instead of only once: his government might have collapsed.

Furthermore, Renzi is not the only PM who used several confidence votes in the Senate during the 2013-2018 parliament, as shown by the statistical analysis in Chapter 6. The other PMs from that legislature, Enrico Letta and Paolo Gentiloni, do not have his reputation for quick decision-making and forceful ways, but requested several confidence votes nevertheless.

Therefore, Renzi's style alone is neither a sufficient nor a necessary condition for a confidence vote. The strengthened position of the government in the Chamber, caused by incongruence, might have made him feel more entitled to push ahead with his plans; his style contributed to his willingness to do so, but alone it would not have been enough to succeed.

Another alternative explanation could have to do with urgency to approve the bill, and as mentioned the evidence supporting this would be that there was urgency beyond the government's control which could have resulted in a confidence vote. This could include external stakeholders demanding that the reform should be implemented quickly. If this had been the case, then it is possible that the process to find an agreement in parliament could have been speeded up because of lack of time to compromise, but not necessarily because of lack of will to do so. In fact, what happened in the case of the *Buona Scuola* was quite the opposite. The trade unions vocally opposed the reform, and organised repeated strikes against it. Even if there were real urgency, it would be sufficient but not necessary to justify the use of a confidence vote in the Senate, because when there is real urgency parliamentarians might comply and support a bill even without the threat of "nuclear weapons". Therefore, urgency alone does not explain the use of a substantive confidence vote in this case. Incongruence is the only factor that is both sufficient and necessary.

7.4 First incongruent scenario: concluding remarks

To conclude, this discussion has shown how incongruence led to the use of confidence votes to bypass difficulties in the Senate and to pass a bill close to the main government party's preference. As the *Buona Scuola* case study illustrates, the use of substantive confidence votes in the Senate, and the increased willingness to override the Senate, is a result of incongruence, and the mechanism through which this happens is not simply that the government uses a confidence vote to bypass difficulties in the Senate. The mechanism that emerges from this analysis suggests that incongruence created a situation where the main government party enjoyed a comparative advantage in the Chamber of Deputies, as the Chamber became more majoritarian, strengthening the government's position. In a situation of congruence where the main government party does not have a comparative advantage in any chamber, it would take two, not one, substantive confidence votes to impose an unpopular proposal on parliament; it is extremely unlikely that any PM would proceed in such a way, and indeed in the old bills that serves as real-life counterfactuals this never happened. Renzi was able to rely on a safe Chamber majority to ratify any bill he put forwards, and by locking it in the Senate stage with a confidence vote he did not have to concede on a major controversy, such as the hiring plan. This is in line with what several interviewees described. As a senior Senate clerk put it in an interview, "The practice of using a confidence vote at the second reading in order to make a draft 'bulletproof' has increased in recent years, primarily as a way to pre-empt possible problems in the Senate" (Interviewee D, 2018).

This is an important finding, because it mostly demystifies the rhetoric that it became too difficult for the government to legislate. By exploiting the majoritarian Chamber and its prerogative powers, the government actually was in a comparatively stronger position than before, and it managed to use it to ignore the veto players in the Senate, which would not have been possible with congruence. The fact that the Chamber became an easier stage is a development that has been mostly overlooked in Italian discourse, much more preoccupied with the difficulty of the Senate. This discussion points towards some changes in the Italian policymaking process that are primarily due to effects of incongruence.

First of all, the chamber of introduction of a bill matters a lot more, as the dynamics of the *Buona Scuola* case prove and as interviews confirmed. While under incongruence the principle of splitting the workload by introducing bills in a staggered fashion still holds, interviews with parliamentarians and advisers confirmed that after the 2005 electoral reform, the government had to be more strategic when it came to deciding where to introduce a bill, because the Senate was perceived as too unstable (as mentioned in Chapter 5, more than one respondent used the phrase "the dangers of the *Senato ballerino*"). Since it would be enough for a few senators from the majority to oppose a bill to prevent it from being approved, and since the majority was so diverse, all interviewees (parliamentarians, clerks and government officials) shared the feeling that the Senate became a "sword of Damocles", and a delicate parliamentary stage (Interviewee A, 2018; Interviewee D, 2018; Interviewee G, 2019; Interviewee H, 2019; Interviewee T, 2019). This was definitely the case for the *Buona Scuola*, which indeed was introduced in the Chamber of Deputies hoping that the Senate would just rubberstamp it. An effect of incongruence on legislative dynamics was that the political imbalance of the two chambers created an element of asymmetry, and deciding in which

chamber to introduce a bill became a matter more of political calculations than of scheduling requirements.

Another consequence of the asymmetry was that the more majoritarian Chamber "dominates", while the Senate is more limited. The 2005 electoral system was designed to deliver a clear winner: that is the party (or pre-electoral alliance) that controls the Chamber of Deputies. The general rhetoric strongly suggested that, while perfect bicameralism in itself could work under the old electoral system, a system that introduced such a partisan disparity but maintained equal powers for the two chambers created an impossible situation to legislate. This fuelled the idea that perfect bicameralism needed to be reformed even more than in the previous decades. In the case of Renzi's premiership, this led even him to advocate for a radical reform to curb the powers of the Senate, hence enhancing the primacy of the Chamber of Deputies (it is not surprising that the PD was the party campaigning for a Senate reform at this point, since they were particularly penalised by how the plurality bonus in the Senate worked). Renzi clearly felt that as long as he had the support of the Chamber, it was legitimate for him to proceed in a way that limited the role of the Senate. Senators, who have always been defensive about their role and aware that they are the "second" chamber, felt particularly disrespected by the government.

The fact that the after 2005 the Chamber became more majoritarian is a crucial part of the mechanism which "normalised" the use of substantive confidence votes in the Senate, and this was not included in the initial, tentative causal mechanism, as that was simpler and based on theoretical insights and quantitative findings. The following revised causal mechanism, amended in light of the findings of the qualitative analysis, illustrates the importance of this development.

Figure 7.2. Revised causal mechanism for first incongruent scenario
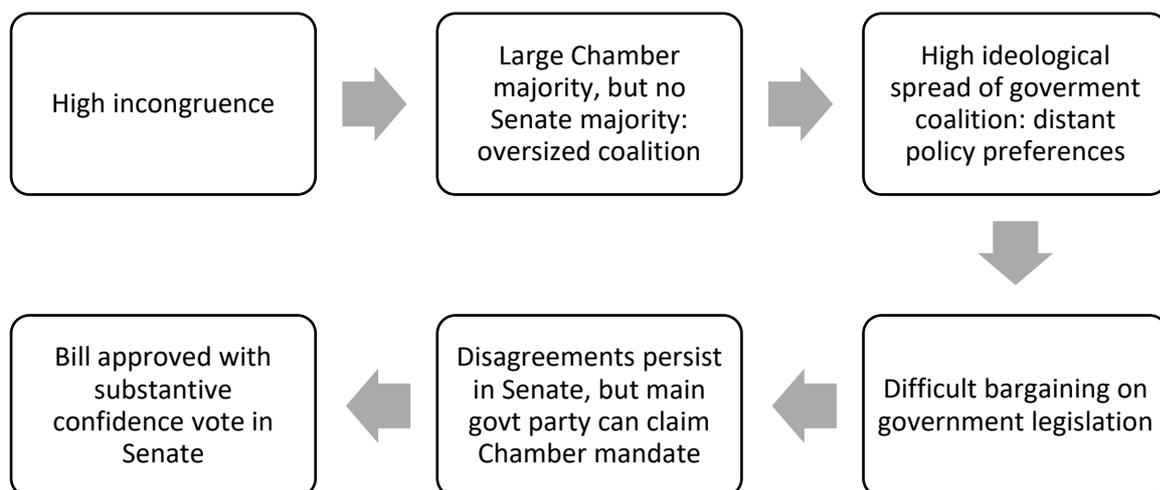
In addition to tracing the causal mechanism, this discussion provided a detailed description of how the approval of the two bills unfolded in parliament, considering subtle factors such as the role played by leadership's style, appreciating how individual personalities might have different qualities that contribute to shaping the policymaking process. This shows the value of in-depth approaches

to the study of legislative institutions, which allow the researcher to consider contextual factors and to paint a full picture of how bargaining on legislation plays out.

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Pair 2: Fioroni's *Maturità* reform (15th legislature, 2006-2008) and Berlinguer's *Maturità* reform (13th legislature, 1996-2001)

This pair of bills corresponds to the second incongruent scenario, the 2006 situation where Romano Prodi's centre-left coalition (called "Unione") that controlled the Chamber of Deputies also narrowly controlled the Senate, but only by two votes. The government majority was hence overall ideologically less diverse than in the other incongruent scenario, but also extremely fragile in the Senate - it even had to rely on the votes of life senators to win an investiture vote, and on the far-left party Rifondazione Comunista, which formally joined the cabinet for the first time (Corriere della Sera 2008a).

Both bills in this pair deal with reforming the *Maturità* exams, which are the exams students take at the end of high school (corresponding to the English A-levels). Both reforms covered aspects such as the composition of the exam board, the format and substance of the written exams, and how private schools (as opposed to state schools) could hold the exams. The 2006 *Maturità* reform, pursued by Education Minister Giuseppe Fioroni, was in some respects aimed at the same policy issues that the 1997 Berlinguer bill, the "real life counterfactual" for a situation of congruence in this pair, also regulated. The two bills are both relatively small and very similar in content. The main actors in the government coalition are also more or less the same: in both cases the coalition was the centre-left, and a crucial parliamentary actor was the coalition partner of the far-left, Rifondazione Comunista. The bills are hence a very suitable pair to test how the legislative process changed after the 2005 electoral reform, holding constant as many factors as possible, including policy themes and chamber of introduction - in this case, the Senate. The PM at the time when both these bills were presented and approved was Romano Prodi, leader of the centre-left coalition both in 1996[43] and in 2006. As shown in Figure 6.3 in Chapter 6, the ideological spread was higher in 2006 than in 1996, because Rifondazione officially joined the cabinet.

The cases were also selected to be representative of the findings about the 2006-2008 legislature: as shown in the quantitative chapter, the bills approved with a substantive confidence vote remain a minority in that legislature, although they were starting to increase. Hence, representing the most common outcome, the 2006 Fioroni bill is not associated with any confidence votes. This suggests that when the Senate majority was very thin, the preferred strategy was to avoid asking for a confidence vote, as it was too risky for the chances of the government survival, and as mentioned "termination costs" are usually too high for government actors (Huber 1996). Hence, incongruence in this scenario should result in no confidence votes.

These findings and expectations serve as the basis for the following expected causal mechanism. As in the previous pair, this is tentative and its main purpose is to guide the discussion; the mechanism is revised in the concluding section in light of the qualitative findings.

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[43] Romano Prodi's first cabinet ended in 1998, and he was then replaced as PM by Massimo D'Alema, who was PM when the previously covered 2000 *Legge Quadro* was pursued.

Figure 7.3. Hypothesised causal mechanism for second incongruent scenario
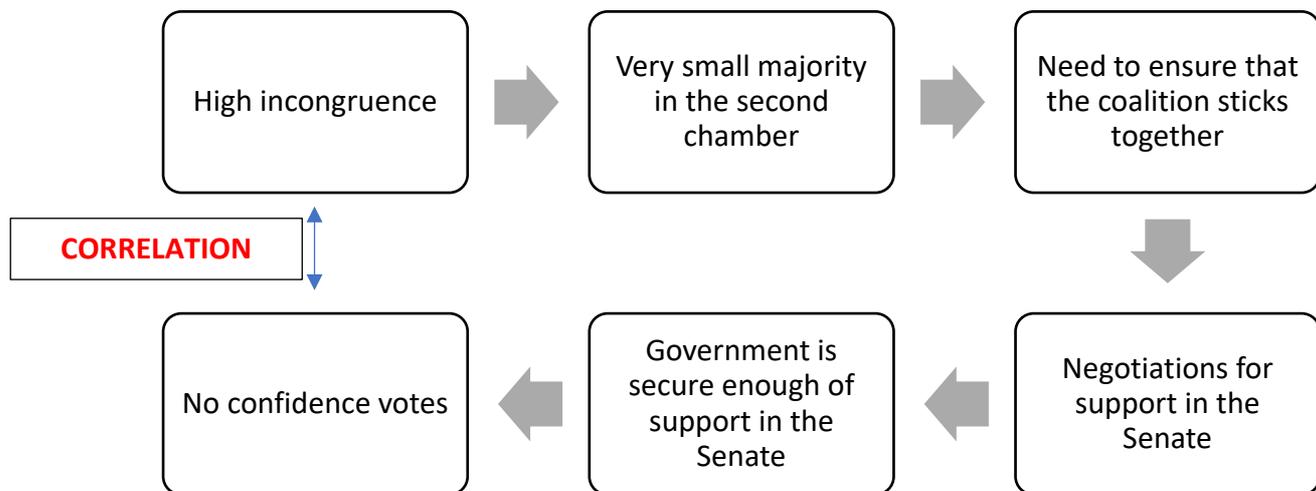
Hypothesis: with a fragile majority in the Senate, it is too risky to use a confidence vote in the Senate as the government could fall in case of defeat, so the safest strategy is to avoid it. It is safer to aim to gather support of veto players in the Senate, keep the majority united and avoid a confidence vote there.

The main observable implications we should expect for the above mechanism include:

- Divergences within the majority (if present) should not look too incompatible. If the main government party is preoccupied from the beginning about potential falling out with coalition partners, following an "anticipated reactions" logic, it should present a bill which aims to accommodate everyone. Hence, preferences should not be excessively far apart.

- Attempts to engage with veto players in the Senate – e.g. incorporating their ideas in drafts, endorsing their amendments. Similarly to the above, if the main government party needs to gain the support of the coalition partners, it should show signs of goodwill and make sure it is working to secure the veto players' support.

- The coalition partners and spokespeople should speak broadly in agreement with the policy, and suggest small specific changes rather than try to alter it significantly. The efforts to be consensual should be expected from all members in the government coalition, not just the main government party, as everyone should be aware of the precariousness of the situation and of the need to prevent a government collapse.

- Amendments tabled to the bill should be mostly from the opposition. In line with the above, there should be only moderate number of amendments from government backbenchers, as given the delicate situation they should behave cautiously and avoid public disagreements.

In the case of this bill as well, we can think about alternative explanations that might lead to the same outcome but are not related to incongruence.

First of all, it could be that there was no confidence vote in the Senate because it was not common practice to use one at that time. If this was the case, the option of using a confidence vote should not have been on the table at all, and not as a result of a precarious Senate majority. Observable implications of this would include no significant differences between confidence votes use during this legislature and previous legislatures.

Another explanation for the lack of a confidence vote in the Senate could relate to the minister's style and the fact that he might not have personally liked to use such instrument. Observable implications of this would suggest that other ministers during the same legislature were more willing to use confidence votes, despite the precariousness of the Senate.

Finally, the explanation could be that there was no confidence vote because the policy was not controversial at all within the government coalition. Observable implications of this would include the lack of any disagreements among the actors in the government coalition, and resounding statements in support of the policy in its totality by backbenchers of both the main government party and the junior coalition partners.

7.5 Testing the causal mechanism: Fioroni's *Maturità*

The *Maturità* bills in this pair were relatively small, but they still touched on different sub-policy areas. The main policy areas from Fioroni's bill that are relevant to illustrate this mechanism are those dealing with the issue of private schools and of private candidates (*privatisti*). They correspond very closely to aspects of Berlinguer's *Maturità* bill, illustrating very well how a situation of incongruence differs from one of congruence. These are used throughout the following discussion.

7.5.1 Fioroni's *Maturità*: *privatisti*

The subject of private versus state schools has always been a controversial aspect in education reform in Italy. In particular, the Fioroni bill dealt with the delicate matter of who could serve as an external examiner during the *Maturità* exams. In the initial government proposal, teachers from private schools were not allowed to serve as external examiners in state schools, while the opposite was required (externals in private schools had to be from state schools). The government insisted this was because the *Maturità* are "state" exams, so it was necessary to have some state employees to represent the state. The opposition argued throughout the process that this was discriminatory towards the fully qualified staff of private schools.

Even more than the subject of the examiners, the matter that caused the most discussion in parliament was that of the *privatisti,* the independent candidates that could sign up to take the exams without attending high school regularly. The reform wanted to crack down on how easy the practice was, including for students who had not completed the last year of high school yet, but that had an average score which was high enough to allow them to take the exams in their fourth year (nicknamed the "eight-ists", those with an average of 8 out 10). The new law wanted private candidates to take a preliminary exam to be admitted to the exams, and then to take them in the borough where they were registered as residents (because it was very common for *privatisti* to travel to schools where the standards were considered laxer); moreover, this was only allowed

if the candidates studied at some accredited institutions. The reform also set stricter parameters for the eight-ists, who needed to have a high average not only in their fourth year but in all previous years; this was supposed to stop some bad students who failed at a state school moving to a private one and suddenly getting a much higher average. These were all aspects that were aimed at reducing the phenomenon known as "diploma mills" (*diplomifici*), according to which private schools give qualifications to unprepared candidates.

The centre-right opposition always argued that *privatisti* should have the freedom to decide what worked for them, so they vocally opposed these parts of the reform. Rifondazione Comunista, on the other hand, wanted to be even tougher on *privatisti*, and was not happy that Fioroni did not abolish the practice entirely. Berlinguer in 1997 confronted almost exactly the same dilemma over whether to accommodate the opposition or Rifondazione, and as the next sections will show the process played out rather differently, because of how the precarious situation in 2006 affected the government's tactic.

7.5.2 Need to keep the coalition together: bill introduced in the Senate
First of all, the fact that Fioroni's bill was introduced in the Senate was in this case a deliberate calculation in order to deal with the threats posed by the veto players there – in particular, Rifondazione Comunista. Given the tiny majority margin, the support of Rifondazione in the Senate was absolutely crucial, as the government could not risk losing the vote of a single senator. This overall uneasiness about how unstable the Senate situation was resulted in more caution when pursuing policies. As already mentioned, this primarily created a choice between tackling the precarious Senate first (allowing it to work on the draft while knowing that the Chamber would just ratify it), or leaving it second hoping to lock the bill in as it was. In the case of this bill, since there were some elements that were sensitive for Rifondazione, it was considered a safer approach to introduce it in the Senate, in order to make sure that the bill would be acceptable there. A government official who worked in Fioroni's team said in an interview: "Yes, the problem for us was the Senate, it was always the Senate. Our majority there was virtually non-functional. We preferred to start from there because at least, once we passed that hurdle, that was it, the bills were safe" (Interviewee R, 2019).

In case of Fioroni in particular, the Minister does not come across as imposing in his style when addressing parliament. When the government introduced the *Maturità* draft, it was announced that it would be an ordinary bill to leave the door open to everyone in parliament to take part in the debate (Ansa 2006a; Ricciardi 2006b).

During the Senate committee stage, even though they denied doing so, the opposition tried to slow down the proceedings by tabling large numbers of amendments that only differed in very small details. For instance, the Lega Nord and Forza Italia tabled a series of amendments to set the percentage of classes a student should attend in order to be admitted to the exams – the percentages proposed started at 66 percent and increased in percentage point increments up to 94 percent. In such cases, since there was a series of amendments which have the same substantive meaning and only differ by an incremental figure, the committee chair applied the so-called "kangaroo's rule": procedurally, this allows votes to take place on blocs of amendments, and speeds up the voting process. Despite the opposition's (not very credible) claims that these were

all substantively different proposals, the committee voted against them in the bloc vote. The same rule was applied to a series of amendments about the implementation date of the bill; the Lega tabled over ten virtually identical amendments with the aim to delay the implementation, where the first amendment in the series said "the new rules apply for students starting from school year 2007/2008" and went up by academic year until 2017/2018.[44]

By grouping amendments, the committee managed to finish its proceedings in time to move on to the plenary stage according to the government's schedule. This is a technique that places some loose limitations on parliament's ability to discuss amendments, but is not as nearly as forceful or as coercive as a confidence vote.

Once in the Senate plenary, Forza Italia made some further attempts to obstruct the bill by continuously asking to check the quorum.[45] This is an opposition's delaying technique that forces the Speaker (of either chamber) to interrupt the proceedings in order to count how many parliamentarians are present (Senato della Repubblica 2012, Art. 107 & 108). This trick used to work, especially when the quorum was not met, and often resulted in the suspension of the session (and indeed this was the case more than once during the debate of the Berlinguer bills). In the case of the Fioroni bill, the quorum was always met: this suggests that in the 2006-2008 parliament, given such a precarious Senate situation, government backbenchers felt an increased responsibility to be present during plenary votes in order to avoid delays, and that they complied more with this requirement. This is also in line with interview findings that obstructionism became less successful over the last three legislatures. A senior parliamentary clerk noticed: "Party groups realised this was too big a disruption, and they just started making sure that the quorum was met, end of story" (Interviewee T, 2019).

By introducing the bill in the Senate, the government managed to keep Rifondazione "appeased" by involving it in the initial stages and during the first reading where the draft was modified.

7.5.3 Negotiations with Senate veto players: Rifondazione's support
The tactic of involving Rifondazione in fact paid off enormously: despite the fact that Rifondazione disagreed with the minister's proposal on a couple of issues and did not shy away from voicing criticisms, it also recognised that the fate of the bill was at stake, and it voted in line with the government at every occasion. Rifondazione was particularly strict on the aims to crack down heavily on private schools in order to limit the phenomenon of diploma mills, in the opposite direction to what the centre-right advocated. In particular, the opposition in the plenary criticised several times the provision which did not allow staff from private schools to serve as external examiners, and tabled several amendments to change it.[46] However (unlike Berlinguer, who as discussed in the next sections, tried to reach a mediation with centre-right and in doing so angered Rifondazione), Fioroni did not seem willing to engage with the topic of private schools at all, and

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[44] Senato della Repubblica, 7a Commissione, 19 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=221229&part=doc_dc
[45] Senato della Repubblica, 14 November 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=15&id=223025
[46] Senato della Repubblica, 14 November 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=15&id=223025

he simply reiterated the government line throughout the plenary stage. Since this was the topic that Rifondazione cared the most about, it is clear that Fioroni did not want to risk provoking them, because losing their support in the Senate would have derailed the whole reform, and possibly have even more dramatic consequences for the survival of the government. In fact, Rifondazione kept tabling an amendment to say that private schools should not be allowed to hold exams for *privatisti*, and overall wanted to make sure the exam was rigorous.[47]

7.5.4 Bill is secure in the Senate: moderate number of amendments

Apart from this specific Rifondazione amendment, most amendments from government backbenchers were withdrawn; indeed, looking at the amendments tabled by actor, in Table 7.5, confirms that the dynamics within the government coalition were mostly consensual. Government backbenchers withdrew the majority of their amendments (30 out of 46), while 8 were approved. As discussed in Chapter 5, interviews with former MPs confirmed that when members of the majority withdraw their amendments it is because they wanted to signal a view on a matter, but they also did not want to create trouble for the government, so they did not insist on a vote (Interview G, 2019; Interview V, 2019). In the case of this bill, it looks like government backbenchers were willing to yield from the beginning.

The opposition tabled most of the amendments, with a total of 304. This shows at least some obstructionist intention. 12 were approved, while the vast majority were voted down.

The government itself tabled 4 amendments during the committee stage, all approved.

The rapporteur, Albertina Soliani, tabled a total of 9 amendments to address some technical points and some concerns raised during the committee discussion (as discussed more in the next chapter).

Table 7.5. Fioroni *Maturità*: Senate reading, amendments' outcome by actor

Actor	Absorbed or not examined	Approved	Out of order	Rejected	Withdrawn	Total
Government backbenchers	2	8	5	1	30	46
Government	0	4	0	0	0	4
Opposition	61	12	7	209	15	304
Rapporteur	3	5	0	0	1	9
Total	66	29	12	210	46	363

Once the bill reached the Chamber of Deputies for its second reading, where the main government party could rely on a comfortable majority, the government could breathe. The committee stage was exceptionally fast (it only lasted a week) but not because of any actual forcing; mostly, large numbers of amendments were withdrawn.

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[47] Senato della Repubblica, 7a Commissione, 18 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=221111&part=doc_dc

While there were still some amendments tabled in the Chamber, the numbers were moderate. Government backbenchers, including Rifondazione, withdrew most of them, and even the opposition only insisted on voting on only 53 of them out of 94. The opposition amendments primarily aimed at relaxing criteria for *privatisti*, while the Lega in particular wanted to postpone the implementation of the reform.

Table 7.6. Fioroni *Maturità*: Chamber reading, amendments by actor and outcome

Actor	Absorbed	Approved	Rejected	Withdrawn	Total
Government backbenchers	0	0	3	9	12
Opposition	17	0	53	24	94
Total	17	0	56	33	106

On the other hand, Rifondazione openly said that they kept the one amendment they had in the Senate, which would prevent *privatisti* from taking the exams in private schools. Some government backbenchers had previously presented amendments to the same effect in the Senate committee, however those were withdrawn, signalling that backbenchers did not want to disagree with the minister too publicly. Rifondazione in the end also openly said that they would support the government plan, as explained by deputy De Simone: "We care deeply about this reform and we think it does a good job, however it could be even better on diploma mills. We only have one symbolic amendment about this, and we dropped all the others".[48] Evidently, Rifondazione members were aware that without their votes the reform would not pass, and more generally that given the delicate position of the government, they should not pick a futile fight that could make the government collapse. The descriptive statistics are hence in line with the story that emerges from the parliamentary proceedings, which suggest that backbenchers did not want to cause any trouble, and overwhelmingly agreed with the substance of the bill.

7.5.5 Effects of incongruence on Fioroni's *Maturità*

Therefore, incongruence again had the effect of making the choice of where to introduce the bill more deliberate, as it was crucial to keep the Senate majority as united as possible. In this scenario where only a couple of votes could affect the outcome, the safest strategy was to start from the Senate in order to involve all the parties in the government majority (the relevant veto players) and guarantee their support. These calculations allowed Fioroni to get his bill through without any confidence votes or other impositions on parliament. This is also in line with interview findings from government officials who worked with Fioroni, who confirmed that they were painfully aware that it was too risky to ask for the confidence lightly, as something could have easily provoked some senators and result in a government crisis. The preference was to avoid confrontation wherever possible, because "the confidence was risky business" (Interviewee R, 2019).

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[48] Camera dei Deputati, Assemblea, 19 December 2006,
http://legxv.camera.it/resoconti/dettaglio_resoconto.asp?idSeduta=0088&resoconto=stenografico&indice=alfabetico&tit=00070&fase=00020#sed0088.stenografico.tit00070.sub00020

Moreover, interviews confirmed that, in order to limit discontent, backbenchers in the Chamber of Deputies were involved informally in party group meetings with senators, because the government was planning all along to use the majoritarian Chamber to close the bill at the second reading, without giving deputies the chance to amend it. As the preference for the government was to start in the Senate, it was frustrating for the government deputies in the Chamber to always end up "*blindati*". In order to lessen their grievances, the party group would always meet jointly with senators and deputies, which meant that the political agreement was found together. This is in line with the expectation that the initial draft should aim to accommodate everyone, and another good example of "anticipated reactions", which to an extent was facilitated by Fioroni's style. Fioroni was an important "*capocorrente*" (faction leader) in his party, and according to people who worked with him, he was always more interested in spending time in parliament rather than in the ministry (Interview R, 2019; Interview U, 2019). He wanted to broker the agreements himself, and he was good at taking advantage of what was going on in the media: in the case of the *Maturità* reform, the media at the time was widely discussing how the Ministry had conducted very intensive checks on the requisites of candidates taking the exams in 2006 and annulled the exams for 50 candidates who were found out of order (Repubblica 2006b). Fioroni was able to use this to his advantage to create momentum behind the need to pass the reform, to make the exams more rigorous.

When the government did impose a strict timeline on the Chamber to ratify the bill quickly, the opposition, knowing that the government majority was too large, did not even try to block the bill's approval. Valentina Aprea, from Forza Italia, openly admitted: "We even agreed to the minister's expedited timetable, he has already won this battle […] We already consider this bill as good as approved".[49]

Therefore, the fact that the government knew it could rely on a large majority to give the bill its final approval meant that no further prerogative instruments, such as confidence votes, had to be used, and it managed to avoid the navette. The minister correctly anticipated how the overall passage of the bill would play out, and by introducing it in the Senate and exploiting the majoritarian Chamber, he successfully secured its approval without constraining parliament with confidence votes.

7.6 Berlinguer *Maturità* congruence counterfactual

As mentioned, the bills that were part of Berlinguer's reform were introduced in a staggered fashion across the two chambers in order to exploit the bicameral system to pass the bills as quickly as possible. However, in practice the chamber of introduction could already end up making a difference in a situation of congruence: as Zucchini (2008) found, it is a statistical fact that the Senate (at least until the 2001-2006 legislature) was considerably more likely to rubberstamp a draft that left the Chamber, while the Chamber of Deputies was more likely to modify drafts it received from the Senate, forcing the process to carry on to a third reading. This suggests that there were already some differences across the chambers, especially in terms of both backbenchers and

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[49] Ibid.

opposition behaviour towards the government. Berlinguer's *Maturità* bill is a particularly good case to show that the Chamber was much more adversarial and likely to put up a fight against the government, as it proved impossible to avoid the navette and a third reading was necessary. Despite those difficulties, this case also shows that at that time it was not as common to use a confidence vote as an easy way out of parliamentary confrontation, and that a detailed discussion in parliament was the default way to proceed.

7.6.1 Berlinguer *Maturità*: *privatisti*

Berlinguer's *Maturità* bill, very close in content to Fioroni's bill, also aimed to reform the *Maturità* exams. It dealt with both the form of the exams and the composition of the exam board, and also with the matter of *privatisti* and "diploma mills", which was already contentious at the time. Berlinguer faced the same problems as Fioroni, as Rifondazione was opposed to anything to do with private schools while the centre-right defended them. Unlike the case of Fioroni, at the time of Berlinguer's *Maturità* bill, Rifondazione Comunista was not formally part of the government coalition, but was an external supporter of the government. Since Berlinguer was in a situation of congruence, the passage of his bill unfolded in drastically different ways.

7.6.2 Scrutiny in parliament: Senate, first reading

It is clear that Berlinguer always aimed to involve all parties in parliament on his reforms. In the case of the *Maturità*, the media speculated that the minister could enact a decree in order to implement the reform quickly, in time for the new school year (Masci 1996). That would in fact be a plausible course of action with a time-sensitive matter. However, Berlinguer opted for an ordinary bill, and when speaking in the Senate plenary he said that such a delicate matter, which dealt with the future of young people, deserved to be discussed seriously in parliament and that the government "preferred to give up on the certainty of speed" and to go through the ordinary procedure.[50] Indeed the first reading in the Senate lasted 7 months.

The most delicate issue, dealt with in article 7 of the bill, was where external candidates (*privatisti*) would be allowed to take the exams. The government, aiming to crack down on "diploma mills", wanted to set limits such as a cap on the number of external candidates per institution, and which institutions should be allowed to hold the exams. Initially, the government plan was to only allow the exams in institutions which offered a full programme of high school education, and Rifondazione supported this position. This matter caused a lot of controversy already during the Senate committee stage, as the centre-right opposition said it would unfairly penalise good private schools, including those that offered evening courses, not only "diploma mills". This discussion was postponed twice while the rapporteur worked on an amendment to try to accommodate everyone. The final compromise was that the exams would be allowed in schools that offered programmes that lasted at least three consecutive years. At this stage, the opposition welcomed the compromise, as well as a rapporteur amendment that limited the number of external candidates per institution to those allowed in a normal-sized class. Apart from a Rifondazione senator, everyone in committee voted in favour of this provision.

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[50] Senato della Repubblica, Assemblea, 25 June 1997,
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=13&id=4860&part=doc_dc

When the committee voted to give the mandate to the rapporteur, the members of the government majority voted cohesively in favour, while most opposition members abstained instead of voting against.

During the Senate plenary stage, the opposition re-tabled several amendments to change the composition of the exam board and to lift the limitations set on private schools, arguing that Rifondazione had influenced the bill too much. However, opposition senators did not start a serious obstructionist battle, and the government won the final vote without much controversy. Berlinguer explicitly thanked the opposition for "suspending judgement instead of directly opposing the bill in committee"[51], showing signs of goodwill.

7.6.3 Scrutiny in parliament: Chamber of Deputies, second reading

Once the bill reached the Chamber for its second reading, Berlinguer asked for a curtailment of debate time, in order to have a secure end date.[52] Already during the committee stage it was clear that the government was not accepting any further changes and the draft was de facto "*blindato*". This is a sign that, originally, the government was not considering going through the navette, and was expecting the Chamber to ratify the bill without further modifications.

Because of the tight timetable requested by the government, according to which the plenary was supposed to start its examination of the bill three days later, the chair asked the committee to vote directly on whether to give the mandate to the rapporteur, implying that the government was not accepting any changes, therefore the individual committee amendments were not actually examined. A majority in committee voted in favour of proceeding to the plenary (this was not a recorded vote, so precise voting figures are unknown), so the bill moved to the Chamber plenary.[53]

Nevertheless, that was not free of controversy. Even a couple of members of the government majority voiced criticisms of the government's choice, most of all Nando Dalla Chiesa (Verdi), a distinguished academic, who speaking in the Chamber committee said that it was not fair for the committee members of the Chamber to be belittled like that, and that he was not willing to debate the bill knowing that there was no possibility to modify it. Members of the junior partner Rinnovamento Italiano also expressed dissatisfaction. It is worth noticing that exactly the same applied to the senators in the case of Berlinguer's *Legge Quadro*, since they also had to ratify the bill without the chance to amend it, but both the extent and the gravity of their complaints was nowhere near those of the deputies with Berlinguer's *Maturità* bill. In the case of the latter, especially the dynamics with the opposition, which had been quite consensual in the Senate, changed drastically during the Chamber of Deputies reading. The Chamber opposition put up a massive resistance, using every possible procedural trick to slow down the process and force the minister to satisfy some of their demands – which eventually triggered the navette.

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[51] Senato della Repubblica, Assemblea, 25 June 1997,
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=13&id=4860&part=doc_dc
[52] Camera dei Deputati, Assemblea, 17 September 1997,
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed243/s000r.htm
[53] Camera dei Deputati, 7a Commissione, 23 July 1997,
http://leg13.camera.it/chiosco.asp?cp=2&content=/_dati/leg13/lavori/bollet/07r.htm?

Once the bill reached the Chamber plenary, in July 1997, the opposition's obstructionism got very disruptive. They started accusing Berlinguer of denying the Chamber the chance to contribute to a crucial school reform. The Lega in particular tabled over 600 amendments alone, with a total of over 800 opposition amendments, as shown in Table 7.7.

Table 7.7. Berlinguer *Maturità*: Chamber reading, amendments' outcome by actor and outcome

Actor	Approved	Not examined	Out of order	Rejected	Withdrawn	Sum
Committee	1	0	0	0	0	1
Government	1	0	0	0	0	1
Government backbenchers	0	39	1	31	1	72
Opposition	1	273	57	541	2	874
Sum	3	312	58	572	3	948

Berlinguer initially still hoped to get final approval before the summer recess; however, the opposition's attitude was so tough that one of the July sessions resulted in a fight, and the Speaker had to suspend it. Berlinguer agreed to postpone and resume the examination of the bill in September, insisting that the draft was not "*blindato*" but that it was becoming more and more urgent to approve the reform, as it was long awaited. [54]

Once Parliament returned in September 1997 after summer recess, the atmosphere was still tense. Speaking in the Chamber, Berlinguer said that the government would be willing to talk to the opposition on some small improvements, but that it did not seem worth it to send the bill back to the Senate for a third reading and he admitted that he would have preferred to avoid the navette altogether. Nevertheless, in the end the government made three further policy concessions, in different forms. Two of these will be discussed in the next chapter; for the scope of the mechanism under consideration here, the relevant one is a change on article 7 which cancelled the limit on the number of *privatisti* that could take the exams per institution. This was done by endorsing an amendment sponsored by Valentina Aprea (Forza Italia), which was the main point of compromise with the opposition. Rifondazione members spoke vocally against this move, as it allowed the "diploma mills" practice to continue, and crucially from that moment they stopped supporting the bill.

During the final vote in the Chamber, Sbarbati (Rinnovamento Italiano) said that her party did not like how the government had ignored its own backbenchers while giving in to the opposition demands. Similarly, Dalla Chiesa (Verdi) voted in favour out of loyalty but said that the government should learn how to handle parliament a little better. Most dramatically, Rifondazione voted against the government, arguing that the new amendment on article 7 betrayed a long

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[54] Camera dei Deputati, Assemblea, 30 July 1997, http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed239/s000r.htm

journey to find agreement with all majority forces in the Senate.[55] Rifondazione's votes were not necessary to secure the bill's approval, which received 242 votes in favour and 180 against, and was hence approved.[56]

Both the opposition's and the junior partners' behaviour during the passage of this bill confirms some anecdotal evidence about different atmosphere in the two chambers of parliament: in this case, it is exceptionally evident that the opposition was harsher and a lot more confrontational in the Chamber of Deputies, and that government backbenchers also voiced their criticisms much more openly, confirming that the Senate is overall less adversarial.

Despite the obstructionist attempts of the opposition in the Chamber, there were no confidence votes at any reading, and no mention on the government's behalf that using one was a possibility (even though the Chamber opposition mentioned a couple of times that they half-expected Berlinguer to do so).[57] Therefore, in the case of Berlinguer, the government gave up pushing the bill through parliament in any way. The perception was that it would be seen as too imposing, and according to Italian tradition, compromises had to be found in parliament.

7.7 Alternative mechanisms: lack of confidence votes on Fioroni's *Maturità*

As in the previous pair, the above discussion conceptualises a substantive confidence vote as a coalition management device, and focused on how incongruence led to the outcome of choosing not to use one on Fioroni's bill. In this section I discuss possible alternative propositions about why a confidence vote was not used in the case of Fioroni's bill and what we would observe if they were true.

First of all, it could be that there was no confidence vote in the Senate because it was not common practice to use one at that time. This is certainly true for previous legislatures, but as the quantitative analysis shows, the practice started to increase in the 2006-2008 legislature, driven by other ministers, and the opposition often mentioned that they expected Fioroni to do the same. The evidence on this front is mixed. It emerged very clearly from the Fioroni case that using a confidence vote was considered too risky, but as the trend was starting to increase, clearly not all ministers thought so. Since the convention was starting to change at that time, the fact that it was not common to use substantive confidence votes up until that legislature is neither sufficient nor necessary to explain the lack of a confidence vote on this bill in particular, but the causal mechanism based on how risky the practice was does not seem to apply to all bills from the 2006-2008 legislature. It is possible that the contentiousness of the policy area and the specific intra-coalition disagreements played an important role in this choice. Future studies could focus on examining cases of bills approved with a substantive confidence in the Senate during 2006-2008,

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[55] Camera dei Deputati, Assemblea, 23 September 1997,
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed246/s000r.htm

[56] Senato della Repubblica http://www.senato.it/leg/13/BGT/Schede/Ddliter/aula/8673_aula.htm

[57] Camera dei Deputati, Assemblea, 25 July 1997
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed236/s000r.htm

investigating the mechanisms and the conditions that led other ministers to take the gamble of asking for a confidence vote in such a precarious situation.

Another explanation for the lack of a confidence vote in the Senate could relate to the minister's style and the fact that he might not have personally liked to use this instrument. That is probably true for Fioroni, who as discussed was a skilled "political animal" and liked to find compromises, so it looks like he would not use a confidence vote lightly. However, even with a minister who personally did not mind looking forceful, using a confidence vote would have risked antagonising the veto players in the Senate - above all Rifondazione, whose support was crucial for the survival of the government (and Fioroni might have learned the lesson from Berlinguer's struggles when it comes to alienating Rifondazione). Therefore, the strategy to avoid confidence votes in the Senate was not a matter of style alone, but one of political calculation necessitated by the razor thin majority in the Senate. Fioroni's style most likely contributed, but it wasn not the only factor determining this outcome. In this case, the minister's style might be a sufficient but not necessary condition to explain the absence of a confidence vote in the Senate.

Finally, the explanation could be that there was no confidence vote because the policy was not controversial at all within the government coalition: while this would be a sufficient condition, as the discussion illustrated, it was not the case. If anything, the issue of private schools was as delicate as before, and divisions within the majority persisted. Rifondazione maintained their "banner amendments" until the very end, but the difference in this case, as opposed to the congruent scenario, was that they knew the policy would not pass without their votes, and the minister did not have to force them with a confidence vote. Therefore, in this case it is the necessary and sufficient condition of incongruence that led to this outcome, as the government did not want to provoke Rifondazione in a risky situation, and Rifondazione in turn understood the need to put their disagreements aside in order to make sure the government would achieve its reform.

7.8 Second incongruent scenario: concluding remarks

To conclude, this discussion has shown that, unlike the other incongruent scenario, in 2006 the practice of using a substantive confidence vote to lock in a government bill was generally seen as too risky, and indeed it was just starting to develop. With a small Senate majority, it was dangerous to ignore the veto players in the Senate and to try to push the bill through using a confidence vote, because the likelihood of missing out on just a couple of votes would lead to a government crisis. In the case of the 2006 Fioroni bill, incongruence with a small Senate majority led to the choice of engaging the Senate by introducing a policy there, ensuring that it could be approved without a confidence vote.

Relatedly, the chamber of introduction once again becomes a much more explicit factor when planning the passage of a bill: in this case, given the sensitivity of the issue of private schools within the coalition, it was safer for Fioroni to do the bare minimum in the Senate, "appeasing" Rifondazione, knowing that then the Chamber would be easy, given the large majority there. Therefore, again, the majoritarian Chamber made a difference by giving the government some advantage that it did not previously have.

While the Chamber used to be the trickiest phase, the fact that after 2005 it became a lot more majoritarian decreased the incentives for the opposition to obstruct: if in the case of the 1997 Berlinguer reform the opposition managed to force the government to make further changes at the second reading, in 2006 the Chamber composition was so skewed in favour of the government that clearly the opposition knew it could not win any further policy concessions, and gave up trying to stop the bill. This in itself constitutes an important change, as the Berlinguer case has illustrated how much more confrontational the Chamber opposition used to be.

Therefore, as with the other pair of case studies, this discussion suggests that, more than the Senate becoming "more difficult", a clear consequence of the 2005 electoral reform was that, by giving the government a safe majority in what used to be the most combative house, the Chamber phase of the policymaking process became a lot easier for the government. This is a crucial development for Italian bicameralism, as the legislative process in fact sped up at least in one half of the parliament. As with the other pair of bills, this development is incorporated in the following revised causal mechanism.

Figure 7.4. Revised causal mechanism for second incongruent scenario
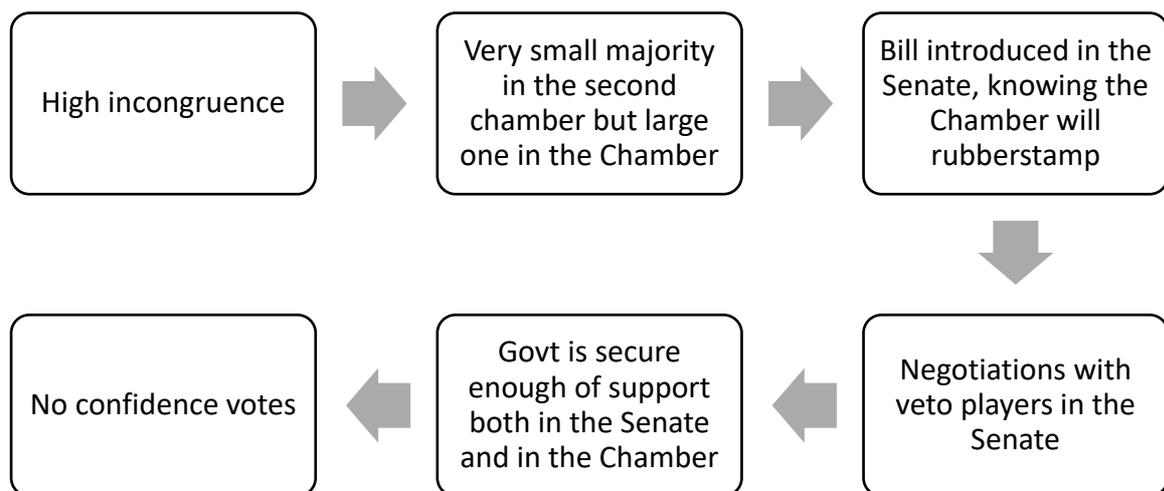
7.9 Chapter conclusion

To conclude, based on the analysis carried out in chapter it is possible to draw some comparisons across the two pairs of bills. For the discussing concerning the use of confidence votes, it emerges that the newly majoritarian Chamber of Deputies offered an unprecedented advantage to the government: in both scenarios, the government could rely on its strong majority there to pass the bills without obstacles. By planning carefully where to introduce the bills, the governments in incongruent times managed to exploit the majoritarian Chamber to have an overall easier passage of their bills. Both counterfactuals from the old congruent times confirmed that this was not previously the case. Chapter 9, the conclusion of the thesis, will also return to these points.

Nevertheless, the analysis also reveals that the government's tactics in terms of how to pursue legislation vary greatly across the incongruence scenarios: when the government majority is large (even though ideologically diverse), it can take the risk of using a confidence vote to bring home the bill, because it is unlikely that there might be enough rebellions to derail its approval. This was the case in the Renzi bill. On the other hand, when the government majority is tiny, it looks too risky to proceed using a confidence vote. This was the case of the Fioroni bill, where there was no confidence vote in the Senate because of its extreme precariousness. This is an important finding which differs from the dynamic in the other incongruence scenario, because a small Senate majority forced the government to anticipate what the Senate would support: in Fioroni's case, veto players there did have leverage, as the government was not able to circumvent them, and the government coalition remained a lot more cohesive than in Renzi's *Buona Scuola*. This is further explored in Chapter 8, investigating the concessions on legislation more in detail.

Therefore, it looks like the choice on whether it is considered convenient to use a confidence vote or not depends on the specific context of each legislature. In the case of the bills studied in this thesis, the strategies differed significantly across the two scenarios. By analysing the two separately, the analysis has shown that incongruence is about more than variations on a numerical index, and the effects it has on policymaking depend on the nuances of each situation. In-depth process tracing is an ideal method to reconstruct such differences.

This discussion also nicely illustrates some differences that already existed between the two chambers of parliament during times of congruence, and that have not been fully appreciated in existing studies of the Italian Parliament. Theoretically, there should have been no relevant differences, given their symmetry of powers and composition, and in fact the fundamental claim that Italian bicameralism is redundant because the two chambers are duplicates rests on this assumption. But as the case studies show, the behaviour of deputies was always different from that of senators, and this difference seems driven by cultural "norms of appropriateness" (March and Olsen 1984). In line with the anecdotal evidence mentioned by the interviewees, the Senate was less combative, as if it had less legitimacy to challenge the government. The Chamber, on the other hand, was considerably more adversarial, and the opposition managed to make a lot more trouble with their obstructionism. In the case of the 2000 *Legge Quadro*, once the bill was sent to the Senate from the Chamber, senators of the opposition complained that it was not fair to use the argument "this bill spent a lot of time in the Chamber" to incentivise them to approve it without further amendments; yet, there was no third reading on the *Legge Quadro*. This was very different for the 1997 Berlinguer *Maturità* bill, as in that case the deputies kept pressing until they forced the use of the navette. Therefore, it looks like the deputies always challenged the government's line to a considerably greater extent, which suggests Italian bicameralism was never fully redundant.

Given the dramatic consequences for intra-coalition dynamics and on the length of the process, these differences are important and worth appreciating even when the two chambers are congruent. This is relevant for both studies looking at the "old" Italian bicameralism, but also at the newly restored congruent one, hence it is worth bearing in mind for future research.

Chapter 8. Concessions on government legislation

The previous chapter focused on analysing *how* government legislation is approved. This chapter looks more in detail at the content of the four bills under consideration, focusing on the bargaining process on the substance of the policies, and which actors manage to win policy concessions. As discussed in the literature review (Chapter 3), an indicator that several studies look at to measure influence over policy is the success rate of amendments (Häge and Kaeding 2007; Kreppel 2002). The quantitative analysis presented in Chapter 6 used new data on amendments in the Italian Senate to see which actors are more likely to successfully amend legislation, and whether incongruence had an impact on that. The results suggested that as incongruence increases, amendments tabled by backbenchers of the main government party and by coalition partners, compared to those proposed by the committee (which was the baseline actor in the multilevel model) become *less* likely to be approved. Only amendments sponsored by the government itself or by the rapporteur are more likely to be approved, compared to the committee's, as incongruence increases.

These findings are a useful starting point to get a sense of how legislative trends changed over the years; nevertheless, the literature has also widely acknowledged that only counting amendments is not enough to make claims about an actor's influence (e.g. Griffith 1974; Russell and Gover 2017; Tsebelis et al. 2001), as discussed in Chapter 3. Qualitative analyses can complement the counts by reconstructing the full journey of the bill to discern the contribution of each parliamentary actor in the passage of the policies, as done for the UK Parliament by Russell and Gover (2017). This chapter is inspired particularly by their methodology, as it focuses on reconstructing the evolution of the policies and which actors contributed the most to shaping their content. This includes looking at the approved amendments, but also subtler dynamics such as whether the amendments are incorporated in the rapporteurs' ones, or whether the preferences of each actor were already taken into account during the drafting stages, in line with "anticipated reactions". I did not systematically track the source of influence on each individual amendment, and my reconstruction of amendments' substantiveness is not as systematic as Russell and Gover's, due to the fact that I was the sole investigator carrying out this research and was hence more limited in what was feasible; nevertheless, I aimed to cover the same kind of dynamics.

The chapter reconstructs both formal and informal stages of the Italian legislative process, drawing extensively on the interviews with parliamentary and government actors, capturing the softer aspects of the bargaining process and the importance of the minister's style during negotiations. In doing so, it raises some methodological points about what quantitative indicators can and cannot tell us, and shows why it is important to complement them with a more nuanced narrative in order to fully understand what actors play a role in determining legislative outcomes.

In particular, this chapter shows that, as hinted at by the quantitative analysis, government policy does indeed become more rigid during times of incongruence, thanks to the underappreciated development that the Chamber of Deputies offered a strong majority to the main government party. The fact that the Chamber became an easier phase in the policymaking process offered a

new advantage to the government of the day, which in times of incongruence was able to exploit the semi-majoritarian system to pass a bill without subjecting it to great changes in parliament.

This discussion, as in the previous chapter, takes the two pairs of bills in turn, analysing the two incongruent scenarios and their respective counterfactuals separately. The sub-questions are the same throughout the two halves, and they are the following:
- How does incongruence affect who gets concessions on a policy?
- How does incongruence affect how substantive these concessions are?
- How does incongruence affect at which stage concessions come, including through the government anticipating what parliament wants before the formal process starts?
- What other factors play a role in this mechanism?

As done in Chapter 7, the discussion on each pair starts by setting out a tentative causal mechanism and the observable implications we should expect, and possible alternative explanations. The discussion then goes through the evidence on the observable implications. At the end, it reflects on factors that might make a contribution towards the outcome under consideration, such as the style of the personalities involved. It finally discusses what the evidence suggests about alternative mechanisms, and presents a revised causal mechanism highlighting the role played by the majoritarian Chamber. This structure is followed for each half of the chapter. At the end of the chapter, the chapter's conclusion draws some comparison across the two scenarios and reflects on some methodological points.

Pair 1: *Buona Scuola* (2015) and *Legge Quadro* on School Cycles (2000) (first incongruent scenario)

As discussed in the previous chapter, Renzi's *Buona Scuola* corresponds to the first incongruent scenario, a situation where the PD, the main government party, did not control the Senate and had to govern with the centrist junior coalition partner NDC. Its real-life counterfactual is Berlinguer's *Legge Quadro*. The bills in this pair were introduced in the Chamber of Deputies.

Using amendments as a starting point to analyse who is winning policy concessions, there are two main alternatives regarding the effect of incongruence: one could be that veto players in the government coalition become more successful if the main government party has to concede to them; the alternative is that government policy becomes more rigid, and success rates of amendments stay the same or even decrease. As discussed in Chapter 6, it was initially hypothesised that the success rates of amendments from actors such as backbenchers of the main government party and the junior coalition partners would increase, based on what could have been expected given existing studies on divided government in the US (e.g. Thorson 1998). Nevertheless, the statistical analysis did not support this, as the success rates of amendments from government backbenchers did not increase with incongruence – in fact, they decreased. This is in line with the alternative hypothesis that, rather than conceding more, the main government party becomes more rigid when pursuing its policies. This could be the case because the main government party might expect irreconcilable disagreements within the coalition, as should be the case when the majority

is highly diverse (e.g. Strøm, Müller, and Bergman 2008) and it is trying to prevent public disagreements (Manow and Burkhart 2007).

These results are in line with the hunch that incongruence empowered the main government party by giving it a strong mandate in the Chamber, although the quantitative analysis does not provide any direct evidence of this. This discussion takes as a starting point the hypothesis that government policy became less subjected to changes in the parliamentary arena.

This reasoning serves as the basis for the following causal mechanism.

Figure 8.1. Hypothesised causal mechanism for first incongruent scenario
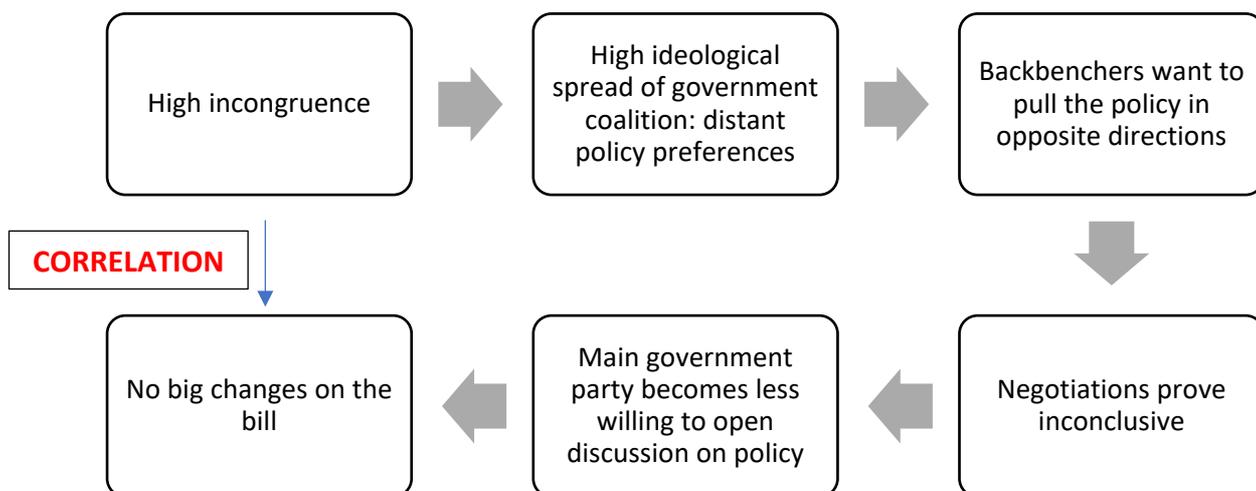
Hypothesis: Because of high ideological spread, parties in the government coalition have diverging policy preferences. If their positions are too far apart to be reconciled, the main government party should be less willing to start unpacking the details of the bill in order to avoid it being pulled in different directions, aiming to limit intra-coalition fighting. This results in no big changes on the policy substance.

Observable implications of coalition partners pulling the bill in diverging policy directions should include the following:

- Coalition partners expressing opposite preferences about how to modify the bill. These manifest signs of different preferences should emerge from the discussion in committee and would be the most obvious reflection of ideological differences within the government coalition.
- Parliamentarians' mentions that their (contrasting) demands on the bill have not been met. These would also be manifest expressions of disagreements, which could be found in either committee or plenary discussions. Unhappy parliamentarians could also make statements to the media to signal their personal position.
- Large and/or persistent amounts of amendments, and backbenchers refusing to withdraw them. As discussed in Chapter 5 and 7, if government backbenchers continue to table a large number of amendments and insist on having a vote on them, this is a sign of profound disagreements.

- Low success rates of amendments. If the main government party is willing to open the discussion on the policy in parliament, the minister and the rapporteur should welcome amendments from government backbenchers. On the other hand, if the aim is to avoid deviating from the bill's initial plan, the number of approved amendments could be moderate.

- Substance of approved amendments is minor. As Chapter 5 explained, generally the most transformative phase of a bill in parliament is the committee stage, and most approved amendments are usually tabled in committee. However, relatedly to the previous point, the number of approved amendments is not enough to appreciate the scale of the changes that parliament makes to government policy. If the main government party is not willing to accept big changes, then the substance of the approved amendments should be quite minor.

- Government using various mechanisms to keep the debate short. As discussed in Chapter 5, Italian governments have several instruments that they can use to push their business through parliament, including maxi-amendments and confidence votes. If the main government party wants to avoid detailed discussion in parliament, it can make use of such instruments, and this would signal that drastic measures were necessary to guarantee the bill's approval.

In a situation of incongruence where the main government party does not want to unpack the details of a bill in the parliamentary arena, the above should apply. On the other hand, if the main government party is receptive to suggestions from its backbenchers, we should see the opposite. In line with what is suggested by the interviews discussed in Chapter 5 about how it was common practice to introduce bills in "embryonic form", and to iron out most of the details in parliament itself (Interviewee E, 2018; Interviewee H, 2019; Interviewee K, 2019), this should apply in the congruent scenario. Under such circumstances, we should also expect to see a certain degree of opposition involvement, in line with the old Italian practice of "consensualism" (Giuliani 2008).

As in the previous chapter, by using process tracing it is possible to evaluate possible alternative explanations for the outcome of interest. In the case of this outcome, one possibility is that concessions were not made on the substance of the bill under consideration, the *Buona Scuola,* because of Renzi's style. Evidence supporting this would suggest that Renzi would have behaved in the same way, ignoring concerns from Parliament, in a situation of congruence.

Another reason why the policy could remain rigid once in parliament could be that the government resisted making concessions in order to respect the preferences of other stakeholders. Evidence supporting this would indicate that the main government party was trying to appease sources of influence external to parliament, such as trade unions or teachers and/or students' associations.

8.1 Testing the causal mechanism: Renzi's *Buona Scuola*

As mentioned in previous chapters, Renzi's *Buona Scuola* was a big reform which touched on several aspects of education. This chapter focuses on the bargaining on two of its sub-policy areas to illustrate the causal mechanism under consideration, and as done in Chapter 7 goes over the relevant evidence backing the observable implications, while remaining open for new insights.

8.1.1 Main points of contention: tax breaks and headteachers' powers

For this causal mechanism, the main policy areas from Renzi's *Buona Scuola* which are useful to illustrate the government's unwillingness to open up the discussion in parliament are the headteachers' powers and tax breaks for private schools' tuition fees.

In Renzi's original proposal, in order to enhance school autonomy and meritocracy, headteachers would have been in charge of the teachers' performance reviews, as well as of choosing what subjects to include in the curricula. This attracted criticisms from the PD leftist minority, which argued that it would turn the headteachers into "sheriffs" - an expression that became popular in the Italian media (e.g. Intravaia 2015a; Libero 2015). Renzi, a former mayor himself, insisted on the idea that the headteacher would be "the school mayor" rather than a "sheriff" (Intravaia 2015b). The far left SEL and the Five Star Movement also strongly opposed this. A particularly contentious point was the so-called "direct call", according to which headteachers would be able to single out teachers they wanted to join their schools from the existing waiting lists. All opposition parties argued that this created the potential for corrupt practices and nepotism, especially in parts of the country where the Mafia is strong.

Another delicate issue dealt with potential tax breaks. The original proposal would have given Italian taxpayers the possibility to devolve 5‰ ("five per thousand") from their annual income tax return to a school of their choice. This was a very contentious point within the PD, with the leftist faction strongly opposing it, claiming that it would accentuate existing differences between wealthy and regular schools. SEL and the First Star Movement were also vocal in speaking out against it. Eventually the 5‰ was scrapped, but the closely related possibility to claim a tax refund for private schools' tuition fees was not scrapped. The initial draft only suggested that the tax refunds would apply for primary school fees, but the centrist NCD was rumoured to have demanded an extension to secondary schools as well, which eventually was introduced.

Despite these substantial contentious points, as the next sections illustrate, the government showed minimal interest in engaging with parliament to resolve them, and instead seemed more focused on getting the content of the reform through as close as possible to the initial draft.

8.1.2 Distant policy preferences: drafting at ministerial level

There are various signs that, from the very beginning, the substance of the *Buona Scuola* was not up for debate in parliament.

First of all, most of the bill itself was drafted by a team of technocrats in the Ministry of Education. As a member of the team who came up with the original reform proposal said in interview, the team originally only wanted to address the specific issue of the teachers' hiring plan (discussed in Chapter 7) with a decree (not an ordinary bill), precisely to make sure that it would not face any parliamentary obstacles. However, this idea was not pursued because the team realised that, since decrees are a legislative instrument made for urgency, in this case it was not believable to argue that there was an emergency (Interviewee S, 2019). The ministerial team held a public consultation on the theme of education reform which ended in December 2014 (MIUR 2014), and the hiring plan was supposed to start the following September; it was evident that there was no real

justification for a decree. The hiring plan was then turned into an ordinary bill, to which Renzi himself added new elements, making the reform much more multifaceted (Interviewee S, 2019).

While drafting the initial plan in the Ministry, the team did try to consult all the main political parties, asking them for their "position paper" on the theme of education reform; however, they claimed that the contribution of parliamentarians was often limited and ideological, because the few who replied seemed to have a narrow "banner issue", while nobody had a coherent plan for education reform. The technocrats also lamented in interviews that there is no proper, official channel to connect the Ministry and Parliament directly, since potential consultations are all done informally (Interviewee S, 2019). Moreover, they claimed: "Once in Parliament, we were faced with so many different specific demands that it was impossible to even consider them". Since they were not met with energy or enthusiasm, the reform was completely devised in the Ministry. At the team's own admission, in retrospect it was a mistake not to get Parliament more involved, because this bill was very strong on the technical principles, but started with the "original sin" of being drafted elsewhere (Ibid.) and was not received well once introduced in Parliament.

The ministerial team did however make sure that the centrist coalition partner NCD was represented on the groups doing the preparatory work, which in fact was quite extended. The Ministry set up two "*cantieri*" (literally, "construction sites"), which were two teams (one on the hiring plan, one on students' experiences) (Interviewee O, 2019). While they were made of mostly technocrats, they also invited some headteachers, economists and entrepreneurs to bring different experiences to brainstorm how to make education better (Salmaso 2020). In particular, an NCD undersecretary, Gabriele Toccafondi, did a lot of work on building consensus about the subject of private schools (Di Michele 2015; Tiengo 2017). That was the main area the NCD was interested in, and despite being an issue that the left traditionally opposed on ideological grounds, it was easy for them to find synergies with Renzi's faction (since Renzi was always seen as "not leftist enough"). On the other aspects of the bill, the government officials reported that the NCD leadership was not pugnacious – in all likelihood, it was never in its interest to antagonise the PD, because it was aware that its electoral chances were getting worse, so they wanted to remain amicable overall. In fact, during the parliamentary passage, the NCD is hardly seen putting up a fight with the PD. While some clear ideological differences persisted, they were addressed as much as possible away from parliament, where disagreements would be public and could get out of hand. Interviewees confirmed that most of the convergences with the NCD were found early on in cabinet meetings (Interviewee S, 2019; Interviewee O, 2019). Once the bill got to parliament, the government appointed two rapporteurs at the Senate stage, one from the PD and one from the NCD;[58] this was not previously common, but interviews with senior parliamentary clerks confirmed that it became a mechanism to ensure discipline when the government coalition was diverse (Interviewee T, 2019; Interviewee K, 2019).

Therefore, it looks like the decision-making process was moved away from the legislative arena as this was perceived as too challenging. Limiting the discussion to the cabinet level, failing to address how the *Buona Scuola* would be received in Parliament by government backbenchers, especially PD ones, created serious problems.

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[58] http://www.senato.it/leg/17/BGT/Schede/Ddliter/45685.htm

8.1.3 Backbenchers pulling the policy in different directions: large number of amendments

The long preparatory phase in the Ministry meant that the bill was introduced to Parliament already in a detailed state, at least in terms of policy substance. However, since it was a broad and complex reform and there was no consensus in Parliament over its core principles, a lot of amendments were tabled to the *Buona Scuola*. When the bill was introduced, it consisted of 24 articles. Table 8.1 shows the number of amendments tabled by article. It confirms that the controversial areas of the policy are the ones that attracted the most amendments.

PD backbenchers tabled most of their amendments on article 8, the one on the hiring plan, which in total attracted over 400 amendments alone. The same applies to the junior coalition backbenchers, which include both NCD and SC - who however tabled very few amendments overall, just 28 versus the 450 of PD backbenchers. Article 6, on the headteachers' powers, and articles 16 and 17, on tax credits, also attracted numerous amendments. This is all in line with the expectation that the policy was highly contentious, and deputies were trying to change it substantially.

In addition to the usual parliamentary actors, during the plenary stage the Finance Committee can table amendments to make sure the bill has the correct finance provisions in place. They are usually very targeted and technical, and indeed the Chamber Finance Committee only tabled two amendments on the *Buona Scuola*.

Table 8.1. *Buona Scuola*: Amendments tabled by actor and article, Chamber reading

Actor	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	Total
PD backbenchers	5	53	32	13	17	24	39	65	15	50	7	2	6	4	9	3	16	4	16	2	39	7	19	3	0	0	450
Committee	1	9	2	2	0	5	1	4	3	4	0	1	0	0	0	0	0	0	0	2	4	0	0	0	0	3	41
Finance Committee	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Government	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
NCD and SC	2	6	0	0	0	1	2	9	2	1	0	0	0	0	0	0	2	0	1	0	1	0	0	1	0	0	28
Right opposition	56	360	24	72	45	78	149	270	103	193	54	31	39	9	32	23	40	26	22	29	257	22	110	12	1	0	2057
SEL (left opposition)	15	91	15	14	8	17	25	72	17	38	9	17	4	6	8	4	12	9	12	9	31	4	17	3	0	0	457
Rapporteur	1	6	0	2	1	2	2	2	0	1	0	0	0	1	1	0	1	1	1	0	0	0	0	4	0	0	26
Total	80	525	73	104	71	128	219	422	140	287	70	51	50	20	50	31	71	40	52	42	332	33	146	23	1	3	3064

Table 8.2. *Buona Scuola:* Amendments approved by actor and article, Chamber reading

Actor	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	26	Total
PD backbenchers	0	21	8	7	8	6	5	11	2	6	2	1	0	2	0	1	1	1	6	1	13	1	4	1	0	108
Committee	1	9	2	2	0	3	1	4	3	4	0	1	0	0	0	0	0	0	0	1	4	0	0	0	2	37
Finance Committee	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	2
Government	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
NCD and SC	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Right opposition	6	12	3	4	5	0	0	9	2	2	0	0	0	1	1	1	3	0	1	0	3	0	1	0	0	54
SEL (left opposition)	1	2	1	2	1	0	0	4	0	0	0	0	0	1	0	0	1	0	1	0	0	0	0	0	0	14
Rapporteur	1	6	0	2	1	1	2	2	0	1	0	0	0	1	1	0	1	1	1	0	0	0	0	4	0	25
Total	10	51	14	18	15	12	9	30	7	13	2	2	1	5	2	3	6	2	9	2	20	1	5	5	2	246

Table 8.2 shows the number of approved amendments by article and actor. The number of approved amendments was in total 246. Most of them came from PD backbenchers, with a total of 108. The article that was amended the most was article 2, which was about new subjects to be added to the curricula – the high number of amendments approved is a result of the fact that there were several different preferences on the subjects themselves (for example, some wanted more Latin, some more sciences, and so on).

Most of the amendments (188) were approved in the committee, which as mentioned is where most of the substantive work on the bill takes place. There were 58 approved in the plenary, and 36 of these were from the committee itself.

Table 8.3. *Buona Scuola*: **Amendments by proposer and stage, Chamber of Deputies**

Actor	Committee	% committee approved	Plenary	% plenary approved	Total
PD backbenchers	99	29.6	9	7.9	108
Committee	1	100	36	90	37
Finance Committee	0	*NA*	2	100	2
Government	3	100	0	*NA*	3
NCD and SC	3	13.1	0	0	3
Right opposition	45	3.6	9	1.2	54
SEL (left opposition)	12	3.9	2	1.3	14
Rapporteur	25	96.2	0	*NA*	25
Total	188		58		246

In terms of success rate, aside from the committee and the rapporteur, PD backbenchers were the most successful in terms of amending the policy: 29.6% of their amendments tabled at the committee stage were approved, but this decreases to less than 8% at the plenary stage. Junior coalition partners only had a success rate of 13% in the committee, and 0% in the plenary. However, these percentages alone would be misleading: as noticed earlier, NCD members tabled a very small number of amendments to begin with, hence they were not trying to change the content of the bill to a great extent. All other actors had even lower success rates: all opposition parties were under 4%, even at committee stage.

While PD backbenchers seem highly successful at a first glance, the nature of the approved amendments was minor: the vast majority were either technical ones, clarifying the drafting and economic clauses, or on micro-themes. It was indeed clear all along that the government was primarily (if not only) willing to accept "tidying up" amendments and minimal improvements. A recurring micro-theme is specifying that schools should aim to promote inclusion for students with special needs. Table 8.4 shows some examples of approved amendments which recur on most articles of the bill. It illustrates that the government was happy to welcome tidying up amendments that would improve the drafting (a point which will be returned to in a later section), but not changes on the substance of the policy.

Table 8.4. *Buona Scuola*: Examples of approved "tidying up" amendments[59]

Theme of recurring amendments	Example of amendments	Number of similar approved amendments
Specification of available funds	Add the word "annual" after [amount]/The funds will be available from [start date] until [end date]	~40
Linking new provisions to existing national and regional regulations	In accordance with what set out in decree [n./date]/In accordance with regional competences	~20
Add specifications for special status regions	With exceptions for Bolzano and Trento/for Slovenian linguistic minorities/for French-speaking minorities in Valle D'Aosta	~20
Make wording less specific in order to apply to both state and private schools	Eliminate the word "state" before "school"	~12
Make wording about promoting collegiality in decision-making in schools	Add words "in cooperation with the school council"/ "aiming to involve all members of staff'"	~15
Make wording about promoting inclusivity and diversity for special needs students	Add words "keeping in mind special needs and arrangements for students with disabilities"/ "to favour inclusion of students with any need"	~25

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[59] Camera dei Deputati, 7 May 2015
http://documenti.camera.it/leg17/resoconti/commissioni/bollettini/html/2015/05/07/07/allegato.htm#data.201
50507.com07.allegati.all00010; Camera dei Deputati, 9 May 2015
http://documenti.camera.it/leg17/resoconti/commissioni/bollettini/html/2015/05/09/07/allegato.htm#data.201
50509.com07.allegati.all00020;

8.1.4 Unwillingness to open up the discussion: headteachers' powers and 5‰

One of the key concerns of PD backbenchers was the article about the new headteachers' powers. Despite resistance on the backbench, while these powers were slightly scaled down during the Chamber reading, fundamentally they did not change. There were two main substantive modifications on this topic: one was an opposition amendment on the "direct call" from the Five Star Movement, supported by the PD backbenchers as well, about ruling out the possibility for the headteacher to hire relatives or acquaintances, to reduce the risk of nepotism and corrupt practices. The only other change addressed the issue of staff performance reviews. Initially, the draft said that headteachers alone would be in charge of writing staff reviews for the teachers. This prompted protests from both left and right - the left arguing that it would lead to biased evaluations, and the right mostly saying that headmasters already had enough responsibilities and adding these new ones would create an excessive burden. Some PD amendments aimed to change this provision, which in the end was toned down by a rapporteur amendment: instead of headmasters evaluating teachers alone, a committee including two internal teachers would be created.[60] But fundamentally, the principle of enhancing school autonomy by giving more responsibilities to the headteachers, despite the fact that nobody in the committee seemed to fully agree with it, was unchanged.

Similarly, most PD backbenchers opposed any sort of incentives for private schools. When discussing the 5‰ provisions, initially SEL denounced that it was unclear whether the tax revenue to be devolved to schools would be in addition to an existing 5‰ in the Italian tax system (which allows taxpayers to donate to a charity), or whether one would have to choose between donating to a school or a charity. Most PD members did not speak to support the 5‰ provision, but in general they also did not criticise it openly; they seemed on the fence. The only PD member openly against this was Stefano Fassina, who agreed with SEL about how unclear the measure was, and that the instrument would damage the charities that might lose donations. He announced that he would present an amendment in the plenary to abolish it.[61]

In the end, the rapporteur announced the *stralcio* (which as Chapter 7 explains, is a procedure to turn a provision of a bill into a separate bill to be re-introduced on its own) of the article on the 5‰ provision. This was done by endorsing four identical amendments that asked to cancel the 5‰. One amendment was from Donata Lenzi, a PD backbencher; the others were from SEL and M5S. The rapporteur said she realised the government "had to pay more attention to the concerns of colleagues of all party groups".[62]

It looks like behind-the-scenes the 5‰ measure proved too unpopular with PD backbenchers, but also too complicated to implement in such a short time: such a change to the tax system only

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[60] Camera dei Deputati, 7a Commissione, 9 May 2015,
https://www.camera.it/leg17/824?tipo=C&anno=2015&mese=05&giorno=09&view=&commissione=07&pagina=data.20150509.com07.bollettino.sede00010.tit00010#data.20150509.com07.bollettino.sede00010.tit00010

[61] Camera dei Deputati, 7a Commissione, 15 April 2015,
https://www.camera.it/leg17/824?tipo=C&anno=2015&mese=04&giorno=15&view=&commissione=07&pagina=data.20150415.com07.bollettino.sede00050.tit00010#data.20150415.com07.bollettino.sede00050.tit00010

[62] Camera dei Deputati, Assemblea, 19 May 2015,
https://www.camera.it/leg17/410?idSeduta=0430&tipo=stenografico#sed0430.stenografico.tit00050

seemed small, but even just the uncertainty about whether it would be an additional 5‰ or a replacement for the existing one signalled that it was not planned with enough care. The Minister speaking in the Chamber plenary said that the measure would be implemented it "in the future".[63]

8.1.5 Behind-the-scenes: mediating with NCD on tax credits

While the 5‰ measure was scrapped, this more of a symbolic concession than an actual U-turn, as the principle behind it remained intact. Indeed, the possibility to claim back from taxes the tuitions for private schools was not scrapped, and in spirit the aim of this provision was the same of the 5‰. Government officials said in interviews: "Yes, the 5‰ was an ideological battle with the PD leftist faction that we decided was not worth fighting. We realised that we could just sneak the principle back in through the backdoor, by keeping the tax reliefs for private schools, which was the only request the NCD had – and we were fine with it" (Interviewee O, 2019).

In fact, the possibility to claim back private school fees was extended from primary schools to secondary ones in a rapporteur amendment, which addressed demands coming from the NCD – not so much voiced in committee meetings, but in private cabinet meetings, as confirmed by the interviews with government officials (Interviewee O, 2019; Interview S, 2019) and as speculated in the media (Voltattorni 2015). This was diametrically opposed to what PD backbenchers wanted, showing how complicated it was to find a balance within such a diverse coalition.

Forza Italia said that they were happy to see that PD was "open-minded" – in other words, the new tax breaks were an ideologically right-wing move. Both SEL and the M5S in the plenary proceedings often accused the PD of implementing a right-wing reform. Stefano Fassina (PD) made passionate speeches arguing that the government was neglecting state education to appease the centre-right. There were in total seven rebellions on the tax break article, with three PD backbenchers abstaining and four voting against; the opposition parties of the centre-right, Forza Italia and Lega, supported it.[64]

Beyond the partisanship of the issues about tax credits, there was a wide debate about their constitutionality. Indeed, Article 33 of the Italian Constitution states: "Private enterprises can establish schools and educational institutions, without costs for the State" (Costituzione della Repubblica Italiana 2012). There were lots of conversations about the semantics of the article, debating whether "establish" referred merely to the creation of new institutions, or to costs to keep them running as well.[65] The interpretation of a Chamber clerk was that measures which favoured private schools, such as the tax reliefs, were at the very least a stretch of the Constitution, because by taking away tax revenue they were in fact a cost for the state (Interviewee L, 2019).

The tax credits controversy is the most evident example of the need to mediate with the NCD. A PD member of the Chamber Culture committee said in interview: "We all had to accept some elements we did not like. Personally, I hated the whole discussion about private schools, but given

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[63] Ibid.
[64] Ibid.
[65] Ibid.

the circumstances and the diversity of the majority, we had to be realistic and make some compromises" (Interviewee H, 2019).

Roberto Rampi (PD) mentioned during the committee proceedings that it was normal to see different ideas inspiring this bill, since the majority was very diverse, and the different coalition partners did not run together for office.[66] This all confirms that there were very distant policy preferences, for which it was simply impossible to find compromises in Parliament.

Another PD member pointed out in an interview that the NCD was not too difficult on the *Buona Scuola* in particular, but they were able to demand something in return for their support when it came to other bills, in a classic logrolling example (Interviewee G, 2019). One of the most high-profile policies pursued by Renzi's government was civil partnerships for same-sex couples, for which the PD wanted to include adoption as well; however, Renzi had to give up the adoption provision because the NCD would not back it, preventing the bill's passage in the Senate (Ansa 2016a).

8.1.6 No big changes on the bill: maxi-amendment and confidence vote in the Senate

During the passage of the *Buona Scuola*, the government managed to remain firmly in control of the bill at the Chamber stage, despite the fact that clearly there was discontent on the government's backbench, thanks to the strong majority that the PD controlled there. In a nice example of inter-chamber cooperation, the PD leftist faction openly addressed their counterparts in the Senate in a letter, asking them to make the improvements that they themselves had not managed to include, such as more limits to the headteachers' powers. Promoted by Gianni Cuperlo and Roberto Speranza, the letter wanted to encourage further debate in the Senate during the bill's second reading (Fatto Quotidiano 2015b; Repubblica 2015).

These examples about how the two chambers can work together are rarely acknowledged in empirical work on the Italian Parliament; this is because, as described in Chapter 5, inter-cameral work is entirely uncodified. Interviews with parliamentarians revealed that informal contact at individual level between deputies and senators happens all the time, and as already mentioned party groups can hold joint meetings. However, since there are no institutionalised mechanisms, these dynamics of cooperation are not systematic.

In the case of the *Buona Scuola*, as Chapter 7 discussed regarding the use of a maxi-amendment and confidence vote, once the bill reached the Senate its fate was uncertain because of the severe disagreements within the government coalition and the lack of a PD majority in that chamber. Nevertheless, by exploiting the government's prerogative powers and by being able to claim a Chamber mandate where a strong PD majority had already given approval to the bill, the concessions made at the Senate stage were minimal. As mentioned in Chapter 7, the government's hope was that the Senate would simply rubberstamp the bill (Interviewee L, 2019; Interviewee O, 2019). This did not work out (also because of the scale of nationwide protests that took place against the reform (Fatto Quotidiano 2015a)), and in the end the government was forced to

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[66] Camera dei Deputati, Assemblea, 14 May 2015,
https://www.camera.it/leg17/410?idSeduta=0427&tipo=stenografico#sed0427.stenografico.tit00020

welcome some further changes in the maxi-amendment and to go through the navette. Government officials admitted this is something they had to pay for, because they did not listen to the PD leftist faction in the Chamber: "In retrospect, we underestimated the risks posed by the PD dissidents, but we already had to keep the NCD backbenchers satisfied, someone was always going to be disappointed" (Interviewee O, 2019). The main changes in the maxi-amendments were a cap on the amount of tax credits that could be claimed annually, and an enlargement of the school committee that would support the headteachers in their new responsibilities.[67] However, thanks to the use of the maxi-amendment and confidence vote, these changes were minimal and very much government-driven. This is despite the fact that the bill was still highly contentious. The use of such instruments, together with the curtailment of the Senate committee stage discussed in Chapter 7, decisively confirms that the government was not willing to discuss nor welcome big changes on the policy substance.

8.1.7 Notes on context: Renzi's style

Once again, Renzi's commanding style is visible throughout the process: he and the government representatives speaking on his behalf declared both to Parliament and the media that the bill, even after the Chamber committee stage, was mostly unchanged and there was no intention to modify its core principles. Undersecretary Davide Faraone and rapporteur Maria Coscia both claimed that they appreciated the discussion, but that the set-up of the reform was not up for debate.[68] Even when it became apparent that the bill had to undergo further changes in the Senate, the PD team confirmed in interviews that they were only willing to compromise on technical points, not substance (Interviewee O, 2019; Interviewee S, 2019).

Confirming his predilection for quick and leader-guided decision-making (Salvati 2016), Renzi would also take important decisions by himself, without consulting anyone - not even the ministerial team. A dramatic event while the bill was being stalled in the Senate was the already mentioned appearance on the TV show Porta a Porta, where Renzi (as well as complaining about the slowness of the Senate reading) floated the idea of suspending the reform to hold a congress and consult with the trade unions and teachers' representatives (Mauro 2015). This did not happen in the end, but it turns out that nobody knew he would say this on TV; one of the interviewees said: "We in the ministry were both protagonists and spectators, because sometimes the PM would go out on his own and send his own messages" (Interviewee S, 2019).

Similar to the dynamic relating to the use of the confidence vote discussed in Chapter 7, it is clear that Renzi did not necessarily have the patience nor the willingness to compromise, therefore he was never keen to engage with Parliament. However, his style alone would not have led to such outcomes; instead, it interacted with the incongruent situation: since it was clear that the parliamentary passage of the bill was going to be difficult because of the Senate "sword of Damocles", Renzi tried to finalise the content of the policy elsewhere, hoping to force Parliament

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[67] Senato della Repubblica, Assemblea, 25 June 2015
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=17&id=928787
[68] Camera dei Deputati, 7a commissione, 14 April 2015
http://documenti.camera.it/leg17/resoconti/commissioni/bollettini/html/2015/04/16/07/comunic.htm#data.20150416.com07.bollettino.sede00010.tit00010

to ratify it more or less as it was. The choice of introducing it in the Chamber of Deputies also confirms this, since that was the safer environment politically. The majoritarian Chamber was hence a decisive factor.

In the congruence scenario, as the next section discusses, things played out in a completely different way. In the case of the *Legge Quadro*, the government openly aimed for the widest possible consensus, including reaching out to the opposition, and the debate in parliament was long and thorough. In the case of the *Buona Scuola*, the dynamics within the government coalition were complicated enough, and the PM barely tried to appease his own PD backbenchers. The only compromises reached were aimed at appeasing the NCD leadership, and none of them took place in the parliamentary arena: all the discussions took place behind closed doors, either in cabinet meetings or in informal conversations, and they all happened very early during the drafting stages.

Therefore, the fact that the content of government policy was not open for debate in detail in the parliamentary arena is a result of incongruence: the mechanism through which this happens is that incongruence created a situation that the government of the day perceived as too risky, with coalition partners advocating for changes in different directions. In order to prevent the policy from getting too modified or even falling apart entirely, the government's preference was to try and force a bill through parliament without much room for change. This was enabled by the presence of the majoritarian Chamber which, as discussed in the previous chapter, gave a comparative advantage to the government. We see that government policy undergoes fewer changes in parliament during times of incongruence both quantitatively, with a decline in the approval rates of amendments, and qualitatively with the (more or less) deliberate refusal to deeply engage with Parliament during the drafting stages and throughout the process. By introducing the bill in the Chamber, where the PD majority was more than safe, Renzi managed to claim a strong Chamber mandate to push the *Buona Scuola* through both chambers of parliament without subjecting it to big policy changes, despite the presence of some important controversies such as the tax credits' provision. This shows that the new majoritarian nature of the Chamber of Deputies advantaged the main government party (or more specifically, in this case, Renzi).

8.1.8 Notes on methods: quantity versus "quality" of amendments

The case of the *Buona Scuola* shows that the face validity of amendments' outcomes as a measure of influence over policy can be questionable: as Table 8.3 showed, during the committee stage in the Chamber, the rapporteur Maria Coscia brought forward a considerable number of new amendments (25 in total), often trying to appease concerns of all committee members. For instance, the entire first article of the bill was replaced by a rapporteur's amendment, which she rewrote to make sure that the aims of the reform were phrased in a way which was acceptable to the whole committee.[69] Two PD deputies interviewed for this research confirmed that Coscia did a stellar job explaining the reform to committee members and making sure they could all exchange ideas as much as possible (Interviewee G, 2019; Interviewee H, 2019). This is an example of how crude quantitative measures might underestimate the influence of parliamentarians on policy,

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[69] Camera dei Deputati, 7a Commissione, 16 April 2015,
https://www.camera.it/leg17/824?tipo=C&anno=2015&mese=04&giorno=16&view=&commissione=07&pagina=data.20150416.com07.bollettino.sede00010.tit00010#data.20150416.com07.bollettino.sede00010.tit00010

which should serve as a caveat when employing such methods to study these subjects. A low amendment success rate does not necessarily mean that an actor's position was not taken into account at all.

The dynamic of the rapporteur incorporating members' amendments into her own is similar to what British scholars such as Thompson (2015) and Russell and Gover (2017) find in the case of the UK, where the government often bring forward amendments from parliamentarians under the government's label. This kind of in-depth analysis shows the value of going beyond the success rates of amendments, uncovering that influence over legislation can happen in various, sometimes hard-to-quantify ways.

However, the opposite can also be true: a high number of approved amendments does not necessarily mean that the policy was substantively changed in Parliament, and the *Buona Scuola* is a good example of this too. The high number of successful PD amendments is not a reflection of how much influence they had, as in fact these concessions were more symbolic than substantive modifications on their key concerns, and as shown in Table 8.4 the approved amendments were primarily "tidying up amendments". The scrapping of the 5‰ measure was also just for show, since the principle was brought back "through the back door".

While most accepted amendments were of minor policy relevance, this shows that committees work really hard to improve the details of legislation, and significantly contribute to its proper drafting, often in a non-partisan manner. For example, on the mentioned micro-theme of improving accessibility for students with disabilities there was strong cross-party cooperation between a PD and a Lega member (Interviewee H, 2019; Interviewee N, 2019).

In the case of the *Buona Scuola*, the committee even worked during night sessions,[70] which is not too common (apart from proceedings for key pieces of legislation such as the budget), hence it shows the commitment on behalf of the committee members. Government officials themselves admitted that these are fundamental efforts, especially in the case of the *Buona Scuola,* because while (as mentioned) the bill was highly detailed for what concerned the policy content, since it was not drafted by individuals with parliamentary experience, from the point of view of legislative drafting it required a lot of work. An official said in interview: "We knew the bill was strong on the principles, but the drafting was so poor, we needed the Chamber committee to do the work to tidy it up. Thankfully we knew the rapporteur was very competent" (Interviewee O, 2019). This confirms the valuable work carried out by committees.

8.2 Berlinguer's *Legge Quadro* congruence counterfactual

The Berlinguer's *Legge Quadro* on School Cycles constitutes the "real-life counterfactual" from a time of congruence matched to the *Buona Scuola*. It shows that the unfolding of the bargaining on this bill was drastically different from what we saw in the *Buona Scuola*. This discussion follows the observable implications set out above, showing that in the case of the *Legge Quadro* we see the opposite of what was expected for a time of incongruence: the bill was subjected to a long and

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[70] https://www.camera.it/leg17/126?tab=4&leg=17&idDocumento=2994&sede=&tipo=

detailed scrutiny in parliament, disagreements within the government coalition were resolved, and as the discussion will show Parliament had the chance to make a deep and significant contribution on the policy substance of the bill.

8.2.1 Main points of contention: school cycles

The main guiding principle of the *Legge Quadro* was to eliminate some "gaps" in the school system, which was (and still is) structured around three main cycles: primary school (*scuola elementare*), middle school (*scuola media*) and high school (*scuola superiore*).

The reform proposed to reduce the number of cycles, leaving only two: after nursery school, starting from the age of 5, there would be 6 years of the first cycle (foundational education) and then 6 for secondary education (secondary cycle). This should have made the whole education trajectory more cohesive for the students.

The main novelties were introduced in the second cycle, which would also allow 15-year-old students to choose between a professional formation path or a high school specialisation (e.g. more scientific subjects, more art etc.). During the last year of the second cycle, there would be options to do internships and start planning a career, or pre-register to go to university.

The structure of the cycles themselves was one of the most contentious points. The opposition of the right wanted to maintain three main ones and opposed merging primary with middle school. They insisted that primary school, which lasted 5 years, was an Italian excellence as it was, and that it would be devalued by the reform.

Another big controversy was introducing the option to choose between an academic specialisation or a professional path after the first two (compulsory) years of the secondary cycle, which, for different reasons, was criticised by all opposition parties. The parties of the centre-right argued that allowing this at 15 was too late, because it would force pupils who already knew they wanted to get a job to wait too long. On the left, Rifondazione Comunista argued the opposite, saying that giving this choice so early would reinforce a class division between students of lower social classes and of wealthier families, and that regardless of what profession anyone chooses, their background education should be solid. The government argued that they found a good balance between these concerns, and that similar systems existed in other European countries like Germany.

8.2.2 Long discussion in Parliament: *comitato ristretto*

Both the bills in this pair had a long preparatory stage, but they differ significantly on a key aspect: while the 2015 *Buona Scuola* was conceived and planned by the technocrats in the Ministry of Education, the 2000 *Legge Quadro* had a very long foundational phase in Parliament.

The *Legge Quadro* was formally introduced in the Chamber Culture committee in 1996, but was only officially approved in 2000. All negotiations were done in the parliamentary arena, as this used to be common practice. As discussed in Chapter 5, formally in Italy there is no pre-introduction stage, and therefore the extent to which there are any preparatory works depend on the minister and the topic itself. In the case of the *Legge Quadro*, the bill was introduced in committee in a much

less detailed state than the *Buona Scuola*, as it was common to introduce bills in an "embryonic" state.

In addition to the government's text, there were eight other proposals from individual parliamentarians on virtually the same topics, six of which were from the opposition.[71] The rapporteur Sergio Soave and the minister worked hard with Parliament from the beginning to build consensus, welcoming the idea of a "*comitato ristretto*" which, as described in Chapter 5, allows the committee to merge different policy proposals into a unified draft. There are multiple mentions in the committee proceedings of how cooperative and consensual the *comitato ristretto* work was. Interviews with people from Berlinguer's team confirmed that this was considered the best way to proceed. In doing so, the resulting merged text was in some respects considerably different from what the initial government proposal envisaged.

Firstly, it changed the length of the new school cycles themselves: the government initially wanted two cycles of six years each, which would have led to a drastic change of the primary school 5-year set-up. After mediating with the opposition (and several long debates about the value of primary school and how it should continue to be treasured in the education system), the government agreed to keep primary school as it was, having a 5 + 7 structure instead of a 6 + 6 one. This is a very important change on a key point of the policy, which is only appreciated by reconstructing the work that went on behind-the-scenes in the *comitato ristretto*.

Similarly, on the specialisms and professional formation point, while the minister maintained broadly the structure he proposed, the committee intervened to specify the details about how it would work and what the possible options were.[72]

There are several mentions in the committee proceedings that during this phase parliamentarians of all party groups from both chambers were invited to offer their opinion on the proposals. In addition, the Minister and Chamber rapporteur consulted several times with the trade unions and teachers' associations, and the Chamber committee held several hearings.[73]

The dynamics within the government coalition itself appear very consensual: despite consisting of eight small parties, the coalition was remarkably united on the theme of education reform. The mainstream left parties all agreed on the principles and spoke enthusiastically in favour of the bill. The party which ideologically was the furthest from the PM's was the Partito Popolare, which was more of a centrist, Catholic ideology. The Popolari managed to win some policy concessions; above all, they were proud of having an explicit wording in article 1 of the bill about how education relies on the cooperation between the state and the family, as the latter is a theme dear to Catholics.[74] Despite this lasting ideological difference, the Popolari took a pragmatic approach and happily cooperated with the left.

[71] Parlamento Italiano, http://www.senato.it/leg/13/BGT/Schede/Ddliter/4.htm
[72] Camera dei Deputati, 7a Commissione, 27 April 1999,
http://leg13.camera.it/chiosco.asp?cp=2&content=/_dati/leg13/lavori/bollet/07r.htm?
[73] Senato della Repubblica http://www.senato.it/leg/13/BGT/Schede/Ddliter/comm/4_comm.htm
[74] Camera dei Deputati, 7a Commissione, 2 June 1999,
http://leg13.camera.it/chiosco.asp?cp=2&content=/_dati/leg13/lavori/bollet/07r.htm?

8.2.3 Reconcilable preferences: moderate numbers of amendments

The amendment data presented in Table 8.5 confirms the narrative that, while of course members of the government coalition had suggestions for aspects that they wanted to improve, they were mostly on board with the principles. In line with the findings of the quantitative analysis, the 2000 *Legge Quadro* received a moderate amount of proposed amendments.

In total, at the first reading of the bill in the Chamber of Deputies, 716 amendments were tabled, over 600 of which came from the opposition. Despite their claims that they were trying to make the text better, such a big number clearly confirms that the opposition was trying to slow down the proceedings. Sometimes the opposition's amendments were openly in contradiction with each other: for example, Forza Italia tabled several amendments to set the end of the compulsory schooling period at 15, then several more to set it at 16.

In total, 82 amendments were approved, 49 of which during the committee stage. This is considerably lower than on the *Buona Scuola*, which suggests the subject was less controversial.

Backbenchers of the main government party (DS) only tabled 25 amendments in total, most of these at the committee stage. Similarly, junior coalition partners also tabled a reasonable amount of amendments with a total of 56, again most of which were in committee. The contrast with the *Buona Scuola* (which as discussed received over 3000 amendments in its Chamber reading, over 400 of which were from PD backbenchers) is remarkable: the *Legge Quadro* received fewer than 100 from all government backbenchers combined.

Most amendments were tabled on article 4, which was the one that set out the new secondary cycle and as such encompassed more than one contentious point. It also specified that professional formation could only begin after the two first years of such a cycle and that these two years would be part of the compulsory schooling period.

Table 8.5. *Legge Quadro:* **Amendments tabled by article, Chamber reading**

Actor	Stage	1	2	3	4	5	Total
DS backbenchers	Committee	4	5	1	9	1	20
	Plenary	0	0	1	3	1	5
	Total	4	5	2	12	2	25
Committee	Committee	0	0	0	0	0	0
	Plenary	0	0	0	0	2	2
	Total	0	0	0	0	2	2
Junior coalition partners	Committee	7	3	5	21	2	38
	Plenary	3	1	1	12	1	18
	Total	10	4	6	33	3	56
Opposition (right)	Committee	70	42	59	151	22	344
	Plenary	67	25	35	106	16	249
	Total	137	67	94	257	38	593
Rifondazione (left opposition)	Committee	1	0	1	4	2	8
	Plenary	2	2	4	4	2	14
	Total	3	2	5	8	4	22
Rapporteur	Committee	3	2	2	4	7	18
	Plenary	0	0	0	0	0	0
	Total	3	2	2	4	7	18
Total	Committee	85	52	68	189	34	428
	Plenary	72	28	41	125	22	288
	Total	157	80	109	314	56	716

The opposition of the right presented an avalanche of amendments to anticipate when professional formation would start; none of these substantive amendments were accepted. The amendments that were accepted on article 4 were all quite minor and mostly had to do with the wording, in order to make it clearer that professional formation and continuing high school were two equally respectable options. They were nevertheless technical improvements on the government's draft, signalling again that the work committees do is crucial to improve the quality of legislation, as already noted on the *Buona Scuola*.

Table 8.6. *Legge Quadro:* **Amendments approved by article, Chamber reading**

Actor	Stage	1	2	3	4	5	Total
DS backbenchers	**Committee**	1	0	0	1	0	2
	Plenary	0	0	1	3	1	5
	Total	1	0	1	4	1	7
Committee	**Committee**	0	0	0	0	0	0
	Plenary	0	0	0	0	2	2
	Total	0	0	0	0	2	2
Junior coalition partners	**Committee**	1	2	3	0	1	7
	Plenary	2	0	0	4	1	7
	Total	3	2	3	4	2	14
Opposition (right)	**Committee**	9	6	8	0	0	23
	Plenary	1	3	1	13	1	19
	Total	10	9	9	13	1	42
Rifondazione (left opposition)	**Committee**	0	0	0	0	0	0
	Plenary	0	0	0	0	0	0
	Total	0	0	0	0	0	0
Rapporteur	**Committee**	3	2	2	4	6	17
	Plenary	0	0	0	0	0	0
	Total	3	2	2	4	6	17
Total	**Committee**	14	10	13	5	7	49
	Plenary	3	3	2	20	5	33
	Total	17	13	15	25	12	82

In terms of success rates, DS backbenchers did well at the plenary stage, where they tabled only 5 amendments and all 5 were endorsed by the government. Junior coalition partners also had high success rates: 18% of their amendments were approved in committee, and almost 40% in the plenary. This is in line with the expectation of a constructive exchange in parliament within the government coalition. The opposition still got some amendments endorsed by the government, at both committee and plenary stage, with a success rate hovering between 6 and 8%, signalling an effort on the government's behalf to involve opposition parties too – this confirms the "consensualism" dynamics noted by the Italian academic literature.

The fact that the changes brought about by the amendments themselves are quite modest is also a consequence of the amount of bargaining that went on initially, with lots of changes incorporated in the government's draft during the *comitato ristretto* phase, which again confirms that counting amendments is in itself not enough to capture who had influence on the policy: if "anticipated reactions" play an important role from the beginning, then there will be less need to modify the policy later on.

Table 8.7. *Legge Quadro*: **Success rate of amendments (%) by actor and stage at Chamber of Deputies reading**

Actor	Committee	% approved in committee	Plenary	% approved in plenary
DS backbenchers	20	10%	5	100%
Committee	0	*NA*	2	100%
Junior coalition partners	38	18.4%	18	38.9%
Opposition (right)	344	6.7%	249	7.9%
Rifondazione (left opposition)	8	0	14	0
Rapporteur	18	94.5%	0	*NA*
Total	428		288	

Once the *Legge Quadro* reached the Senate for its second reading, as discussed in Chapter 7, only 9 amendments came from members of the government majority, and they were all withdrawn after the rapporteur invited the sponsors to do so. This confirms that the bill was not controversial within the government majority. Almost all amendments, about 200, were from the opposition of the right, and the amount once again reveals the obstructionist aim. The Senate promptly ratified the bill without any further changes, with no controversies within the government majority, as the political agreement was already found. The Senate reading for the *Legge Quadro* bill was hence an easy stage for the government.

8.2.4 Notes on context: Berlinguer's style
As discussed in the previous chapter, the fact that Berlinguer was a good mediator is important. His willingness to examine the alternative proposals presented by individual parliamentarians, including the opposition ones, and to go through the *comitato ristretto* could in itself make a meaningful difference. Berlinguer comes across as a skilled and attentive Minister both in the interviews and from the reading of his behaviour in Parliament. He said that he had hoped there could be almost full consensus on this reform, as the government always wanted to reach it, and that was why the new draft had some important differences to the initial 1996 government proposal.[75] Fundamentally, Berlinguer correctly anticipated that in the end parliament would come to an agreement, and since the two chambers were congruent, the political agreement found in one held in the other one as well. This is quite different from what happened in the *Buona Scuola* case.

8.3 Alternative mechanisms: concessions in the *Buona Scuola* case
The above discussion has reconstructed how incongruence has affected the behaviour of the main government party towards Parliament, which on the *Buona Scuola* resulted in less willingness to welcome important changes in the formal parliamentary venues. This was facilitated by the

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[75] Camera dei Deputati, Assemblea, 23 July 1999,
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed575/s000r.htm

presence of the majoritarian Chamber, which strengthened the position of the main government party. This section discusses possible alternative mechanisms that could explain such outcome, and what we would observe if they were true.

One possibility is that the government's resistance to making concessions on the substance of the *Buona Scuola* resulted from Renzi's style: as discussed at length by now, as party leader Renzi always favoured quick decision-making, and since his *Buona Scuola* reform was quite personalised, he was keen to "put his face on it". Renzi's style certainly contributed to the unfolding of events on the *Buona Scuola*, since from the beginning he personally was not willing to change the substance of the bill. Nevertheless, his style alone would not have been enough to avoid making concessions: in a situation of congruence, without a large majority at least in one chamber, he would have lost key votes in both chambers, since some provisions were not supported by all the relevant veto players in the government coalition. It was the majoritarian Chamber that made the difference, because he managed to get the bill through the first reading in a format that was close to the government's initial preference, and then by using the government prerogative powers (as discussed in Chapter 7), he managed to avoid big concessions at the Senate stage too. His style in this case was neither sufficient nor necessary in determining the observed outcome. The factor that made a difference was the majoritarian Chamber, together with the fact that the 2005 electoral reform gave the main government party the possibility to claim a clear mandate. Thanks to the large majority that the PD alone controlled in the Chamber of Deputies, Renzi manage to ignore concerns from rebels; furthermore, once the bill moved to the Senate, the fact that he could claim legitimacy for the reform in light of the Chamber's approval made it easier to silence dissent in the Senate.

Another reason why the policy could remain rigid could be that concessions were not made on the *Buona Scuola* in order to listen to the preferences of other stakeholders: this would have been the case if the government's plan were aligned, for instance, with the trade unions, or other external bodies like the EU (given the EU Court of Justice sentence on the *precari*, this could have been a possibility). In this case, the government could have ignored Parliament's concerns to listen to them, so this in itself could be a sufficient condition for such outcome. However, this is not what happened in the case of the *Buona Scuola*, as it was mostly the PD rebels who had the backing of trade unions. In fact, the trade unions, trying to defend the interests of the teachers, encouraged the protests against the reform (Fatto Quotidiano 2015a), and the government did not listen to them either. Hence, it was the necessary and sufficient condition of incongruence that strengthened the government's position and put it in a safe enough place to pass a policy which was very close to the initial draft, despite its contentious points.

8.4 First incongruent scenario: concluding remarks

This discussion on the bargaining process that took place on the pair of bills under consideration, by digging deeper than the previous quantitative analysis and the previous chapter did, aimed to paint a complete picture of the development of the policies; this includes uncovering what happened behind-the-scenes and reconstructing the informal pre-introduction phases. The two cases have shown that since the preparatory stages of a policy are not codified, the extent and the form to which they can take place varies greatly. In the case of the *Buona Scuola*, there was a long

preliminary phase, but it took place in the Ministry, not in Parliament. An area that future studies might want to explore is whether it is now more common for bills to be drafted in the ministries because of increased professionalisation; this is something for which there is no recorded data, hence it would require a considerable amount of research. Things went very differently for the *Legge Quadro*, as in the 1990s it was normal to use parliament as the arena to iron out the details of a policy and to aim for a wide consensus in the committee, even going through optional mechanisms such as the *comitato ristretto*. Such parliamentary traditions are still valued today, but they appear to have declined. A more detailed investigation of these aspects could be a promising avenue for future research.

The same level of variation can apply to the cooperation between chambers: once again this is not codified, and while party groups can hold joint meetings, they do not always do so. Lack of coordination can lead to more informal ways to cooperate, such as the example of the letter from the deputies to the senators on the *Buona Scuola*, but these mechanisms are quite feeble. It emerges clearly that often key decisions are taken in far from transparent ways, such as the logrolling with NCD about private schools, which took place entirely behind closed doors (in line with findings on other institutions, such as the EU (e.g. Reh 2014; Reh et al. 2013)).

Crucially, on the effects of incongruence, it is evident that Renzi managed to pass a policy which was ambitious and still very close to what he initially wanted because he could rely on a majoritarian chamber. Despite the fact that Parliament was broadly perceived as "too difficult" because of the fragmented Senate, on the *Buona Scuola* the government actually had an advantage compared to Berlinguer because of the large majority in the Chamber, which is the main difference in the two scenarios. In the case of the *Buona Scuola*, in order to bypass anticipated difficulties within the coalition, most of the political agreement was found outside of the parliamentary arena: the policy was drafted in the Ministry, and the government left little room for parliamentarians to intervene once the bill was formally introduced to Parliament. The policy substance was more or less imposed on parliament, relying on the large Chamber majority for the first reading and using various prerogative powers for the second reading in the Senate. The majoritarian Chamber strengthened the position of the main government party (in this case, the PD). The following revised mechanism includes this development.

Figure 8.2. Revised causal mechanism for second incongruent scenario

```
┌─────────────────┐      ┌─────────────────┐      ┌─────────────────┐
│                 │      │ High ideological│      │ Backbenchers    │
│ High            │  ─►  │ spread of govt  │  ─►  │ want to pull    │
│ incongruence    │      │ coalition:      │      │ the policy in   │
│                 │      │ distant policy  │      │ opposite        │
│                 │      │ preferences     │      │ directions      │
└─────────────────┘      └─────────────────┘      └─────────────────┘
                                                           │
                                                           ▼
┌─────────────────┐      ┌─────────────────┐      ┌─────────────────┐
│                 │      │ Main govt party │      │ Bill introduced │
│ No big changes  │  ◄─  │ claims Chamber  │  ◄─  │ in Chamber      │
│ on the bill     │      │ mandate to push │      │ where main govt │
│ once in         │      │ bill through    │      │ party majority  │
│ parliament      │      │ both chambers   │      │ is strong       │
└─────────────────┘      └─────────────────┘      └─────────────────┘
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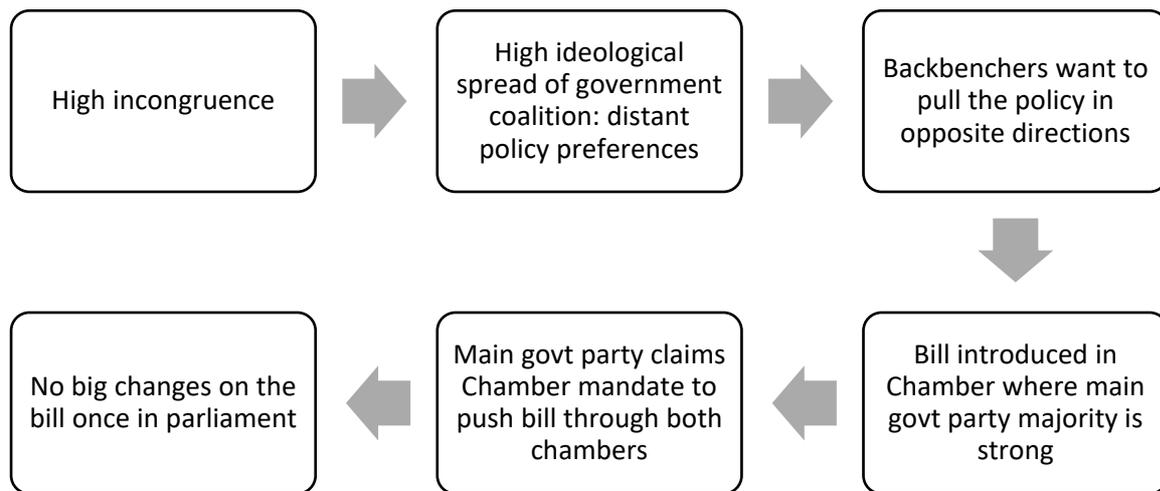
This is a stark difference from the 2000 *Legge Quadro*, for which all bargaining was done in the parliamentary arena. All the committee members, including the opposition, were deeply engaged in shaping both the overall aims and the details of the reform. In contrast, on the *Buona Scuola* the government took parliamentary concerns into much less regard.

Finally, of interest for Italian scholars, we see a clear decline of consensualism: the case of the *Buona Scuola*, compared to the *Legge Quadro*, clearly shows that the government never aimed to reach an agreement with the opposition, and we see a clearer government-opposition mode, as in the classic form of conflict identified in the UK by King (1976). With the *Legge Quadro*, the minister was aiming for "complete consensus", and the opposition managed to win some important concessions, for instance on the structure of the cycles. Such a dynamic does not seem to happen as the norm anymore; the next pair of bills will also return to this point.

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Pair 2: Fioroni (2006) and Berlinguer (1997) *Maturità* (second incongruent scenario)

The next half of the chapter again turns to the second pair of bills under consideration. This consists of Fioroni's *Maturità* for the incongruent scenario and Berlinguer's *Maturità* as the corresponding congruence counterfactual. The bills in this pair were both introduced in the Senate.

Since this situation differs from the other incongruent scenario, the behaviour of the main government party towards the coalition partners should differ. While the government coalition is more ideologically cohesive, it is also much more precarious in the Senate. Compared to when the majority is large but diverse, now the strategy should be a more careful one, in order not to anger any of the Senate veto players, to make sure they would not withdraw their support (e.g. Manow and Burkhart 2007). As before, the hypothesised causal mechanism is only tentative at this stage, and based on what we could expect from the literature and on the correlation found in the statistical analysis, which shows a decrease in approved amendments to government bills. The final section of this sub-chapter includes a revised causal mechanism.

Figure 8.3. Hypothesised causal mechanism for second incongruent scenario
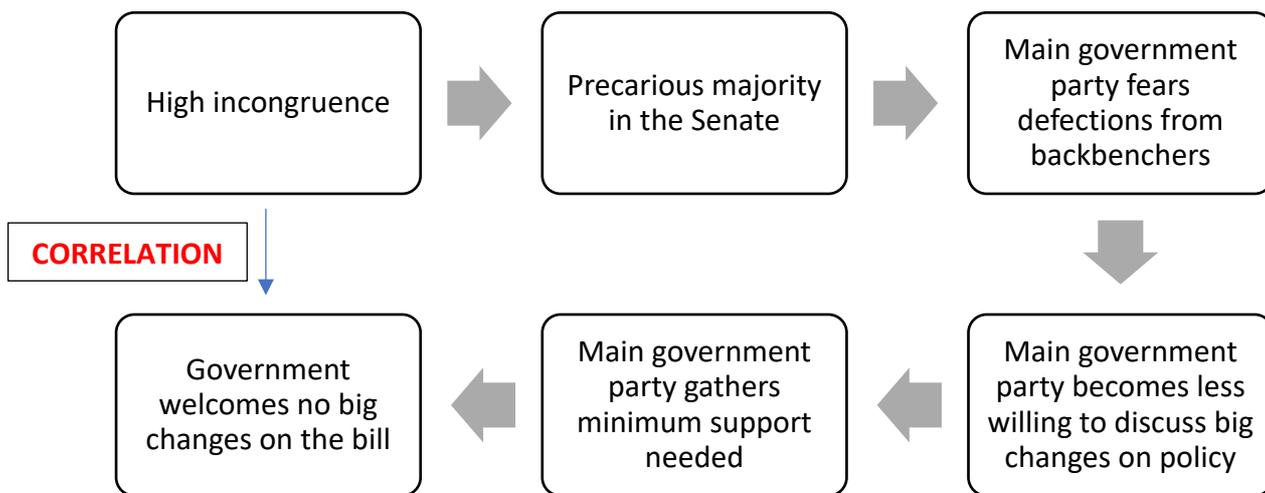
Hypothesis: with a fragile majority in the Senate, it appears challenging to pursue ambitious policies which require a lot of mediation. The strategy is to only do the bare minimum to get parliament on board and to play it as safe as possible. This could include building the main concerns of government's backbenchers into the bill early on, to guarantee their approval.

Among the observable implications for the above mechanism we can expect the following:

- The minister, anticipating what the government backbenchers would support, should propose a draft that is close to their preferences. If the strategy is to try and get the bill through parliament with minimal hassle, then following an "anticipated reactions" logic the minister should aim to introduce a bill which is unlikely to create insurmountable controversies within the government coalition.

- Mentions (in interviews and media) of private encounters to find political agreement early on and prevent the reform to fall apart in parliament. Following the previous point, if the minister wants to play it safe in parliament, if there is any parliamentary influence on the bill this is likely to come during the early stages, maybe even in informal pre-introduction discussions.

- The bill should be quite modest. If the minister needs to play it safe to make sure the bill will not cause any controversies once in parliament, the aims of the bill could be quite limited. A big, ambitious bill would be more likely to provoke disagreements within the government coalition, and hence be more likely to fail.

- Government backbenchers should table moderate numbers of amendments. If their concerns are taken into consideration from the beginning, they should already be quite satisfied. Government backbenchers should also avoid public displays of disagreements, as they are aware of the precariousness of the situation.

- The minister should use accommodating tones with veto players in the Senate and show some signs of goodwill towards them (e.g. welcoming their ODGs, thanking them for their contribution). This should ensure that the veto players feel involved and remain supportive, since alienating them could have dramatic effects for the fate of the bill (and of the government itself).

- Approved amendments should focus on small aspects of the policy and not pull too far from the initial proposal. If the political agreement on the aims of the reform is found early on, then the minister should be reluctant to deviate from the core of the policy's substance. Approved amendments should therefore focus on aspects such as technical and typographical improvements, and not bring about big changes in terms of political line.

Nevertheless, it could be that other factors are what actually lead to the outcome of interest. An alternative explanation in this case could be that the minister might play it safe in parliament because the government never planned to pursue big education reforms, not because of the challenging parliamentary situation that resulted from incongruence. The evidence supporting this would be a limited programme on education in the manifesto before the 2006 general election.

Another option could be that the style of the minister is what might lead to limited parliamentary discussion. Evidence of this would emerge primarily from interviewees who worked with Fioroni, and would paint a picture of someone who was not interested in engaging with Parliament regardless of its level of congruence, either for lack of competence or personal preference.

8.5 Testing the causal mechanism: Fioroni's *Maturità*

As discussed in the previous chapter, the second incongruent scenario corresponds to a situation where the centre-left coalition led by Romano Prodi (the "Unione") had a large majority in the Chamber, but only a two-seat majority in the Senate. The "real-life counterfactual" is again Berlinguer's *Maturità* reform, and the relevant policy areas again match very well across the two bills, making the comparisons very suitable to understand what changed after 2005.

8.5.1 Main points of contention: *Terza prova* and reform timeframe

For this causal mechanism, the main policy areas from Fioroni's *Maturità* bill which are useful to illustrate the government's unwillingness to open up the discussion in parliament are the controversy over the third written exam and the implementation timeframe of the reform.

One of the aims of the Fioroni reform was to limit the powers of a body created in 2003 by the previous Berlusconi government, called the INVALSI (National Institute for Education Evaluation) which, among other tasks, should have been able to write a standardised "third exam" (*terza prova*) for all high schools' exams (more details in Appendix D). The Fioroni reform changed this to give back to individual schools the autonomy to decide what the third exam covered, with INVALSI only giving recommendations on what should be included. This was a delicate aspect for the opposition, as it came across as a partisan move to attack what the previous centre-right government had done, but the government did not show any signs of being open to debate the provision with them.

Fioroni also wanted to implement his reform right away, while the opposition said that it would not be fair for the students who had already started the school year to be faced with a new exam. The government stuck to its line and the new *Maturità* was already in place at the end of the 2006/2007 school year. As the discussion will show, Berlinguer faced the same demand in 1997, and he had to give in to the opposition's pressure to postpone.

8.5.2 Playing it safe: no *comitato ristretto*

As already discussed, under the "old" bicameralism system it used to be common to have a phase in parliament in the *comitato ristretto* setting when there were several bill proposals on the same legislative topic. Working in the *comitato ristretto* is a typical sign of the old Italian consensualism, as it was a mechanism to find a mediation with the opposition and to promote cross-party work as much as possible during the early drafting stages. Both the 1990s bills under consideration in this research went through the *comitato* phase.

On the contrary, in the case of the 2006 Fioroni bill, which chronologically represents the first incongruent legislature, there was no *comitato ristretto* phase. This was despite the opposition's requests to have such a phase to analyse some private members' bills on the same topic. Rapporteur Soliani said that the committee should proceed directly with the government's proposal, as the matter was urgent and there was no time to add that stage.[76] This is a sign that the government was not willing to negotiate in detail with the opposition, and is indicative of a change in the government's behaviour compared to what used to be the standard under congruence: with such a precarious majority in the Senate, conceding to the opposition would be a risky move because it would water down the policy, which could in turn result in a loss of support from the coalition partners.

8.5.3 Playing it safe 2: small reform

The size of the bill itself is indicative of the fact the reform was quite modest: rapporteur Soliani during the first Senate committee session openly said: "We are not carrying out a whole reform of the education system. We are targeting what needs to be fixed [in the *Maturità* system] and nothing else".[77]

The bill indeed only consisted of three articles.
- Article 1 contained all the substance of the reform. It addressed the change in the composition of the exam board, the new role of the INVALSI and the new provisions for external candidates.
- Article 2 gave the government a *delega* to build links between high schools and universities.
- Article 3 specified the timetable for implementation and transition to the new system.

During the electoral campaign of 2006, the centre-left alliance had set out a very ambitious plan for education reform, called "Knowing is growing". It revolved around a great plan of literacy for the whole country, and included elements such as building links between schools, university and workplaces, promoting more scientific subjects, but also investing in migrants and building schemes to reward the teachers (Unione 2006). Fundamentally, the plan was to cancel the 2003 reform promoted by the previous Berlusconi government. PM Prodi talked often about education during the campaign: "School, school, and school: let me say it three times, we need to invest in education to reach EU standards" (Ansa 2006c). When facing rival Berlusconi in a TV debate, he said: "If we want to compete with other emerging powers, education needs to be our absolute

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[76] Senato, 7a Commissione, 15 November 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=15&id=223092
[77] Ibid.

priority. We need school at the centre of society. We need to invest in our human resources at every level, both students and teachers" (Porta a Porta 2006). Hence, clearly the government aimed to be ambitious and to deal with education reform on several levels – just like Berlinguer was in the 1990s.

However, once in office, Fioroni declared: "I am not considering a complete cancellation [of previous reforms]. I will use the "screwdriver technique": I will dismantle what does not work bit by bit. […] I have no interest in pursuing a large-scale reform that will bear my name. I will use a different method" (Europa Quotidiano PD 2006).

The "screwdriver technique" is a catch-phrase that the media picked up and that interviewees from Fioroni's team mentioned as well: it was endorsed by his party, which hailed his strategy as "minimal gradualism" and "healthy pragmatism" instead of the classic "slogans and noisy announcements" – Fioroni's were "baby steps that aimed to go far" (Ibid.). But it also meant that, in order to avoid a big, comprehensive reform that risked being pulled apart in Parliament, the government pursued various aspects of its education plan separately and through different legislative avenues: most crucially, away from parliament. One newspaper summed up the screwdriver technique as "buying as much time as possible, avoiding Parliament, using secondary legislation" (Ricciardi 2006a).

This was confirmed in great detail during interviews with Fioroni's team in the ministry: "We used a lot of decrees, a lot of delegated legislation, and most of the key provisions were introduced in the budget. In fact, the *Maturità* bill is the only ordinary one, because we just could not avoid some parliamentary debate, but otherwise we only went through Parliament if we absolutely had to. Wherever we could, we added education provisions to broad economic decrees that dealt with a bit of everything". This was done deliberately because "Parliament for us was a tough reality, with that two-seat majority in the Senate. It could fall apart over everything. We stayed away as much as possible" (Interviewee R, 2019).

Indeed, the 2006 budget contained several provisions about university funds and personnel,[78] and Fioroni also passed two decrees with "urgent funds and provisions" for university research and secondary education.[79] One of the most exemplary shows of creativity to get things through with (to say the least) highly unusual legislative tricks is that, in a decree which was supposed to be on "consumers' rights, enterprise competition and economic activities", they managed to squeeze in "urgent measures to recognise professional high schools and enhance school autonomy" (in the same article of the decree that introduced new measures about scrapping old cars!).[80] The government official that brought up this anecdote in an interview declared (not without some satisfaction): "This was the screwdriver at work!" (Ibid.).

Therefore, the *Maturità* reform was the only one over which parliament had some say, and as shown previously, its aims were narrow. Overall, during the 2006-2008 legislature, the

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[78] https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2006;296
[79] http://www.parlamento.it/523?current_page_6595=5&area_tematica=31
[80] https://www.camera.it/parlam/leggi/07040l.htm

precariousness of the Senate situation resulted in more caution when pursuing policies: education reform was extremely government-driven, and parliament's involvement overall limited. This is backed up both by the interviews and by the abandonment of the ambitious electoral manifesto plans.

8.5.4 Minimum support gathered: moderate numbers of amendments

Table 8.8 shows the number of amendments tabled to Fioroni's bill by article and sponsor during its first reading in the Senate. There were in total 363 amendments, 315 of which were tabled on article 1, the most important one. There were also 34 amendments on article 2, primarily aimed at removing the *delega* for the government. Government backbenchers tabled very few amendments: 46 in total, combining backbenchers of all government parties. This is in line with what expected at the beginning, with small numbers of amendments tabled by government backbenchers signalling no strong disagreements.

Table 8.8. Fioroni *Maturità*: Senate reading, amendments tabled by article

Actor	Stage	1	2	3	Total
PD backbenchers	Committee	0	2	0	2
	Plenary	0	0	0	0
	Total	0	2	0	2
Government	Committee	4	0	0	4
	Plenary	0	0	0	0
	Total	4	0	0	4
Junior coalition partners	Committee	23	5	0	28
	Plenary	15	1	0	16
	Total	38	6	0	44
Opposition (right)	Committee	182	17	11	210
	Plenary	85	7	2	94
	Total	267	24	13	304
Rapporteur	Committee	6	2	1	9
	Plenary	0	0	0	0
	Total	6	2	1	9
Total	Committee	215	26	12	253
	Plenary	100	8	2	110
	Total	315	34	14	363

Table 8.9 shows the number of approved amendments, still by article and sponsor. In total, 29 amendments were approved, 22 of which were on article 1.

The most important ones (5 in total) came from the rapporteur, where she addressed some concerns raised by the opposition during the committee discussion on the wording about the value and importance of the exams. Three dealt with minor matters, such as specifying that the exams should be carried out with a collegial attitude and stimulate the students to discuss their future career plans.

A more substantive one addressed the role of the INVALSI, which the left wanted to limit, while Forza Italia and most opposition parties wanted to expand, primarily leaving it the task to write

the *terza prova*. The rapporteur's amendment compromised by addressing several opposition amendments, saying that INVALSI would give guidelines on possible models for the third exam to individual schools. While the opposition argued that this was not enough to satisfy them, the rapporteur and the government representative, undersecretary Mariangela Bastico, openly said that they were not trying to.[81]

Table 8.9. Fioroni *Maturità*: Senate reading, amendments approved by article

Actor	Stage	1	2	Total
Government	**Committee**	4	0	4
	Plenary	0	0	0
	Total	4	0	4
Junior coalition partners	**Committee**	4	3	7
	Plenary	1	0	1
	Total	5	3	8
Opposition (right)	**Committee**	10	2	12
	Plenary	0	0	0
	Total	10	2	12
Rapporteur	**Committee**	3	2	5
	Plenary	0	0	0
	Total	3	2	5
Total	**Committee**	21	7	28
	Plenary	1	0	1
	Total	22	7	29

As discussed in Chapter 7, the government seemed more preoccupied from the beginning with making sure that Rifondazione would support the bill. Rifondazione members themselves clearly realised that the government was dependent on its support in the Senate, and voted in line on all the votes, despite voicing some differences in preferences; on the INVALSI amendment, they said that they did not like it but would support it given the "political context".[82] In general, all coalition partners used a conciliatory tone, praising the aims of the reform and the need to approve such a bill quickly; therefore, it looks like after private discussions, they were all on board. Pellegatta, from the Verdi, claimed: "We did a good job and the current reform is widely supported".[83] This is in line with the expectation that the proposal did not create insurmountable controversies.

The opposition also complained that implementing the reform right away would be too soon, and tabled a total of 13 amendments on article 3 to change this. Government backbenchers and junior coalition partners tabled no amendments at all on article 3, and the rapporteur dismissed the

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[81] Senato, 7a Commissione, 4 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=220161
[82] Senato, 7a Commissione, 19 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=221229
[83] Senate, 7a Commissione, 26 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=221808&part=doc_dc-sedetit_isr

opposition's claim by arguing that the education system was awaiting the reform and was there no time to waste.[84]

Table 8.10 shows the success rate of amendments by actor. Backbenchers of the main government party only tabled 2 amendments to begin with, and they withdrew both and turned them into ODGs (a sign that the backbenchers did not want to cause trouble). Junior coalition partners tabled a total of 44, and 8 of these were approved, which gave them a success rate of 25% in committee and 6.25% in the plenary.

Table 8.10. Fioroni *Maturità*: Senate reading, success rate of amendments (% approved) by actor

Actor	Committee	% committee approved	Plenary	% plenary approved
PD backbenchers	2	0	*NA*	*NA*
Committee	*NA*	*NA*	*NA*	*NA*
Government	4	100%	*NA*	*NA*
Junior coalition partners	28	25%	16	6.3%
Opposition (right)	210	5.7%	94	0
Rapporteur	9	55.6%	*NA*	*NA*
Total	253		110	

The opposition success rate was below 6% in committee, and no opposition amendments were welcomed during the plenary stage. This is in line with the government's tone towards the opposition, which was remarkably less accommodating than in the past. While the opposition always laments that the government is not listening to them, in the case of this bill it is in fact true that the opposition won no big policy concessions. As senator Franco Asciutti (Forza Italia) pointed out, all the approved opposition amendments were typographical or minor technical corrections. Some of them were on micro-themes, such as spelling out that Italian schools abroad could also hold the exams. The fact that the substance of the approved amendments was minor is another clear sign that the government was not willing to welcome big changes in Parliament.

Overall, the bill cleared the Senate without much controversy, as the government coalition voted cohesively. Fabio Giambrone, a government backbencher, said: "The reform we are about to vote on is an excellent improvement over the existing *Maturità* set-up; the government has brought forward some superb provisions"; several other members echoed the same sentiment. Also Rifondazione members said that they supported the principles of the reform and that they would

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[84] Senate, 7a Commissione, 4 October 2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=220104

vote in line with the government despite some ideological disagreements, above all about private schools, covered in Chapter 7.[85]

Therefore, in the end, the implementation of the reform was not postponed, and despite opposition's complaints the *terza prova* remained as the Minister wanted.

Once the bill moved to the Chamber of Deputies for its second reading, the bill was ratified as it was. Any opposition complaints could easily be dismissed, given the large majority, and the government could be reassured that the navette would not be necessary. Table 8.11 shows that the only actors that tabled any amendments during that reading were Rifondazione and the opposition.

Table 8.11. Fioroni *Maturità*: Chamber reading, amendments tabled by article

Actor	Stage	1	2	3	Total
Rifondazione	Committee	11	0	0	11
	Plenary	1	0	0	1
	Total	12	0	0	12
Opposition	Committee	35	7	4	46
	Plenary	36	7	5	48
	Total	71	14	9	94
Total	Committee	46	7	4	57
	Plenary	37	7	5	49
	Total	83	14	9	106

Rifondazione tabled the already discussed "banner amendments" over the matter of private schools, but mostly withdrew them at the moment of the vote. Backbenchers of the main government party tabled no amendments at all.

The opposition tabled a total of 94 amendments, but at the same time realised that the government majority was too large to be overcome in any way, and they did not try to obstruct the timetable suggested by the government. Indeed, no amendments were approved at the Chamber reading, as shown in Table 8.12: this is clearly illustrative of the advantage enjoyed by the government at this reading, compared both to the Senate reading and to congruent times.

Table 8.12. Fioroni *Maturità*: Chamber reading, proportions (%) of amendments' outcomes

Actor	Absorbed	Rejected	Withdrawn	Total
Rifondazione	0	25	75	100
Opposition	18.1	56.4	25.5	100

During the final declarations, all the members of the government coalition who spoke did so to support the bill. Government backbenchers tabled three ODGs in total, on minor rhetorical issues

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[85] Senato della Repubblica, Assemblea, 15/11/2006
http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=15&id=223153&part=doc_dc-ressten_rs

such as making sure the new exams would help the students' career development. The government welcomed all of them, showing that, in line with expectations, it wanted to show goodwill towards its backbenchers, and the bill was approved without any problems.[86]

As discussed in Chapter 7 (section 7.5.2) on the chamber of introduction, on Fioroni's bill the Senate was chosen deliberately because the aim was to get the hurdle of that passage out of the way soon. The above reconstruction also suggests that Fioroni planned his tactic very carefully to make sure that the bill would be approved, and he explicitly chose to introduce the bill in the Senate in order to minimise the possibility of disruption, knowing that the majoritarian Chamber would not pose any risks. This careful and cautious way to proceed was a new development, especially compared to Berlinguer's bold education plans and long parliamentary phase: it is clearly a result of the precarious Senate situation that resulted in 2006, but it also rested on the strong Chamber majority.

8.5.5 Notes on context: Fioroni's style
The "screwdriver technique" discussed above is, at least to some extent, not too far from Renzi's approach to Parliament in the other incongruent scenario: both he and Fioroni knew that parliament would be difficult, and they tried to stay as away from it as possible. The result was in both cases a limited involvement of parliament over the substance of the policies after the bill's formal introduction. However, it is worth appreciating once again the different styles: Fioroni always worked at least with his party group to find a political agreement. Bearing in mind that Renzi was party leader, he was also considerably more individualistic, and his leadership was deeply divisive within the party. Fioroni, with his soft negotiating skills and discreet manners, managed to cause less discontent while proceeding in a similar way in terms of taking decision-making away from the official parliamentary arena. Therefore, while the end result might be more or less the same in the two incongruent scenarios, the style and behaviour of the key personalities involved certainly played a role in determining how well-received the outcome was.

8.6 Berlinguer's *Maturità* congruence counterfactual
As mentioned when presenting the Fioroni's bill, its main points of contention matched very closely issues that were debated during the passage of Berlinguer's *Maturità* as well. These were already the *terza prova* and the timeframe for the implementation of the reform. As done previously, the discussion follows the observable implications set out above, showing that in the case of the Berlinguer's *Maturità* we see the opposite of what expected in a time of incongruence: Berlinguer tried to engage with parliament, including with the opposition, and since he could not rely on a strong majority in the Chamber he had to make some concessions during that reading. The discussion reconstructs the full unfolding of the events and describes the form of the concessions.

8.6.1 Main points of contention: *Terza prova* and reform timeframe
The *terza prova* was in fact firstly created by the Berlinguer reform, and at the time of its introduction there were also several debates about what it should cover. The *terza prova* was an addition to two existing written tests, an essay and an assessment whose focus depended on the

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[86] Camera dei Deputati, Assemblea, 19 December 2006
http://legxv.camera.it/resoconti/resoconto_seduta.asp?idSeduta=0088

type of high school (for instance, mathematics for scientific ones, and Ancient Greek for classical ones). The third written test was devised with the aim to complement this specialised expertise with a more general knowledge quiz, but designing the questionnaire and deciding whether it would be nationally standardised or not was always a cause for disagreements. The government plan was to leave the subjects up to the individual schools, in contrast with the other two written exams which were national and distributed by the Ministry. This was supposed to enhance the principle of school autonomy (which was the subject of another of Berlinguer's reform bills, not under consideration in this thesis). On the other hand, Rifondazione wanted the third exam to be standardised across schools and to be drafted by the Ministry like the other two.

The composition of the exam board was also a controversial point. The government wanted to maintain a majority of internal examiners, as had been the case since the 1960s, but also to introduce at least two external ones with the aim to make the exam more rigorous. The opposition was against the idea of introducing any external members at all (because it would be too costly to pay them and it would be unfair for the students), while Rifondazione strongly advocated for a majority of external examiners.

Finally, while Berlinguer wanted to implement the new *Maturità* right away, the opposition unanimously demanded that it should apply from the following school year and not the one already underway.

Finding a balance among all these different views proved a tricky challenge, as the discussion will show.

8.6.2 Detailed discussion in parliament

Contrary to the 2006 bill, where Fioroni did not even try to involve the opposition, in the case of the 1997 Berlinguer *Maturità* there was a short *comitato ristretto* phase in the Senate to discuss how to merge some opposition's alternative texts with the government one,[87] although they did not go far in finding an agreement. The rapporteur reported back to the committee that the *comitato* members decided the whole committee should discuss the contentious points, including the third exam, the exam board composition and the limits for *privatisti*[88] (covered in Chapter 7). While on this occasion the committee could not resolve the disagreements privately, the government at least showed willingness to compromise and to try to pre-empt disagreements with the opposition. This is different from the Fioroni case, as Fioroni closed the door to the opposition from the beginning.

8.6.3 Moderate numbers of amendments from government backbenchers

The bill consisted of 9 articles in total. During its first reading in the Senate, the 1997 Berlinguer bill received a moderate number of tabled amendments. In total, 162 amendments were tabled, and 21 were approved.

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[87] Senato della Repubblica, 7a Commissione, 4 March 1997
http://www.senato.it/Web/13LavoriNewV.nsf/All/D1BC6C331BD49866412564510035141C?OpenDocument
[88] Senato della Repubblica, 7a Commissione, 8 April 1997
http://www.senato.it/Web/13LavoriNewV.nsf/All/55C003454376B4C6412564740034B5CF?OpenDocument

As shown in Table 8.13, all actors tabled some successful amendments. DS backbenchers tabled a total of 7, and 2 of these were approved. The others were either withdrawn or rejected. Similarly, junior coalition partners tabled 15, and 4 were approved. Such small numbers of amendments from members of the government majority are a sign that, at this stage, there was overall political agreement on the content of the bill, similarly to Fioroni's case.

The opposition tabled the highest number of amendments, with a total of 131. Compared to the Chamber stage, as discussed next, this is a moderate amount. Despite disagreements, the Senate opposition did not try too hard to obstruct the passage of the bill. 7 of their amendments were approved, while the vast majority were voted down. 27 were ruled out of order as they came with increased financial provisions which would not have been covered in the budget.

The rapporteur, Maria Pagano, tabled 6 amendments to address some technical points and some concerns raised during the committee discussion by members of the opposition. Apart from one which was withdrawn in order to rephrase it in line with existing legislation, they were all approved.

Table 8.13. Berlinguer *Maturità*: Senate reading, amendments' outcome by actor

Actor	Approved	Out of order	Rejected	Withdrawn	Total
DS backbenchers	2	1	2	2	7
Government	3	0	0	0	3
Junior coalition partners	4	1	7	3	15
Opposition (right)	7	27	90	7	131
Rapporteur	5	0	0	1	6
Total	21	29	99	13	162

Table 8.14 shows the success rates. All of the amendments tabled by backbenchers of the main government party were proposed at the committee stage, and they had a success rate of almost 29%. The fact that they did not table any amendments in the plenary strongly signals that they had no major concerns over the policy substance.

The success rate of junior coalition partners in committee was lower, at 11%. Unlike DS backbenchers, they tabled amendments at the plenary stage as well, indicating that they were still not fully satisfied with the content of the bill, and were trying to signal their discontent. This included Rifondazione and their amendments to implement tougher provisions on diploma mills. Of these, 50% were approved. These numbers are in line with the idea that bargaining within the government coalition was taking place in parliament itself.

The success rate of the opposition was 8.7%, but some of their concerns, especially on private schools, were incorporated in the rapporteur's amendments, showing again that a low success rate does not necessarily mean no impact on policy (this will be shown very dramatically in regards to the Chamber reading).

Table 8.14. Berlinguer *Maturità*: Senate reading, success rate of amendments (% approved) by actor

Actor	N. tabled in committee	% approved in committee	N. tabled in plenary	% approved in plenary
DS backbenchers	7	28.6%	0	*NA*
Government	0	*NA*	3	100%
Junior coalition partners	9	11.1%	6	50%
Opposition (right)	46	8.7%	85	3.53%
Rapporteur	6	83.3%	0	*NA*
Total	68		94	

Table 8.15 shows the number of tabled amendments by article and proposer, confirming the most contentious points. Most amendments (64) were tabled on article 4, which was the one regulating the composition of the exam board, one of the most debated themes. The 35 amendments tabled on article 3, which set out the format of the examination, illustrate the disagreement on what format the new *terza prova* should take.

The bill also had an element of delegated legislation for the government, to make the necessary modifications to existing laws as the new exams were rolled out. This was set out in article 8 which specified the scope of the *delega*. The opposition tabled the same amendment during the committee and the plenary, to delete the article. This is relevant as one of the main policy concessions, discussed in the next section, was on the *delega*.

Table 8.15. Berlinguer *Maturità*: Senate reading, amendments tabled by article

Actor	Stage	1	2	3	4	5	6	7	8	9	Total
DS backbenchers	Committee	0	0	2	5	0	0	0	0	0	7
	Plenary	0	0	0	0	0	0	0	0	0	0
	Total	0	0	2	5	0	0	0	0	0	7
Government	Committee	0	0	0	0	0	0	0	0	0	0
	Plenary	1	0	2	0	0	0	0	0	0	3
	Total	1	0	2	0	0	0	0	0	0	3
Junior coalition partners	Committee	2	1	2	3	0	0	1	0	0	9
	Plenary	0	2	2	2	0	0	0	0	0	6
	Total	2	3	4	5	0	0	1	0	0	15
Opposition (right)	Committee	1	7	8	20	3	0	6	1	0	46
	Plenary	4	14	18	31	6	0	10	1	1	85
	Total	5	21	26	51	9	0	16	2	1	131
Rapporteur	Committee	0	0	1	3	0	0	1	0	1	6
	Plenary	0	0	0	0	0	0	0	0	0	0
	Total	0	0	1	3	0	0	1	0	1	6
Total	Committee	3	3	13	31	3	0	8	1	1	68
	Plenary	5	5	22	33	6	0	10	1	1	94
	Total	8	8	35	64	9	0	18	2	2	162

Table 8.16 shows the number of approved amendments by article. The main concessions at the Senate stage were about agreeing on the mixed nature of the exam board, with half internal and half external examiners; Berlinguer later on declared that this was more than the mere result of political bargaining among committee members, as it represented a balanced solution to guarantee both that the exam would be rigorous (with the external examiners) and that the students would be treated fairly (with the internal examiners): "It's a real equilibrium which was the result of a productive exchange with all of the committee members".[89] This illustrates that a lot of bargaining took place in parliament over this aspect.

Some bargaining also took place on article 3, in particular to determine the purpose and the organisation of the *terza prova*. As mentioned, Rifondazione wanted the third exam to be standardised. After these pressures, the rapporteur compromised in an amendment which said that, while the final approval of the bill on school autonomy was still pending, the Ministry would issue guidelines on what to cover in the third exam, but that after the school autonomy law it would be up to the individual schools - as the whole point of enhancing autonomy was to decentralise some competencies. Rapporteur Pagano explicitly said that allowing for this transition was already a compromise on the government's behalf.[90] This is again different from Fioroni's attitude, as the government was not willing to engage with the opposition on the third exam controversy at all, despite the salience of the INVALSI's controversy.

Table 8.16. Berlinguer *Maturità*: Senate reading, amendments approved by article

Actor	Stage	1	2	3	4	5	7	9	Total
DS backbencher	**Committee**	0	0	1	1	0	0	0	2
	Plenary	0	0	0	0	0	0	0	0
	Total	0	0	1	1	0	0	0	2
Government	**Committee**	0	0	0	0	0	0	0	0
	Plenary	1	0	2	0	0	0	0	3
	Total	1	0	2	0	0	0	0	3
Junior coalition partners	**Committee**	0	1	0	0	0	0	0	1
	Plenary	0	0	2	1	0	0	0	3
	Total	0	1	2	1	0	0	0	4
Opposition (right)	**Committee**	0	3	0	0	1	0	0	4
	Plenary	0	1	0	1	1	0	0	3
	Total	0	4	0	1	2	0	0	7
Rapporteur	**Committee**	0	0	0	3	0	1	1	5
	Plenary	0	0	0	0	0	0	0	0
	Total	0	0	0	3	0	1	1	5
Total	**Committee**	0	4	1	4	1	1	1	12
	Plenary	1	1	4	2	1	0	0	9
	Total	1	5	5	6	2	1	1	21

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[89] Camera dei Deputati, Assemblea, 25 July 1997
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed236/s000r.htm
[90] Senato della Repubblica, 7a Commissione, 7 May 1997
http://www.senato.it/Web/13LavoriNewV.nsf/All/8DFE3DC2D5396FCF4125649100339D41?OpenDocument

8.6.4 Engaging with opposition: content of concessions

As Chapter 7 discussed, the dynamics with the opposition changed drastically during the Chamber of Deputies second reading, where the opposition was a lot more difficult, and unlike in the Fioroni case, the opposition successfully managed to extract more policy concessions by obstructing the proceedings in a very determined way. This included walking out of the chamber several times so that the quorum would not be met, and tabling hundreds of amendments, as shown in Table 8.17. The Chamber opposition clearly displayed a much more confrontational attitude than the Senate one.

Table 8.17. Berlinguer *Maturità*: Chamber reading, amendments tabled by article

Actor	Stage	1	2	3	4	5	6	7	8	9	Total
DS backbencher	Committee	0	0	0	0	0	0	0	0	0	0
	Plenary	0	0	0	0	0	0	0	1	0	1
	Total	0	0	0	0	0	0	0	1	0	1
Government	Committee	0	0	0	0	0	0	0	0	0	0
	Plenary	1	0	0	0	0	0	0	0	0	1
	Total	1	0	0	0	0	0	0	0	0	1
Junior coalition partners	Committee	8	3	11	14	0	0	3	0	0	39
	Plenary	5	3	10	13	0	0	1	1	0	33
	Total	13	6	21	27	0	0	4	1	0	72
Opposition (right)	Committee	41	54	55	77	11	1	22	10	2	273
	Plenary	54	129	142	172	48	11	15	24	6	601
	Total	95	183	197	249	59	12	37	34	8	874
Total	Committee	49	57	66	91	11	1	25	10	2	312
	Plenary	60	132	152	185	48	11	16	26	6	636
	Total	109	189	218	276	59	12	41	36	8	948

In the end the government made three further policy concessions, in different forms.

The first concession was discussed in the previous chapter, and it cancelled the limit on the number of *privatisti* that could take the *Maturità* per institution – with serious repercussions on the government coalition, since Rifondazione withdrew its support for the reform.

The second concession was on the *terza prova* controversy, in the form of a government amendment that said the third exam would be written by the exam boards themselves, while the Ministry would issue guidelines and instructions. This was supposed to be a compromise between what the opposition wanted (full school autonomy) and what Rifondazione wanted (a lasting element of standardisation).

The third and final concession was on article 8, and it was in an amendment written by the committee, incorporating three opposition amendments. It spelled out that the government would

have to ask the parliamentary committees' opinion on the regulations that would follow the bill in the *delega*, as well as the opinion of the Council of State (a legal-administrative consultative body).[91]

Table 8.18. Berlinguer *Maturità*: Chamber reading, amendments' outcome by actor

Actor	Approved	Not examined	Out of order	Rejected	Withdrawn	Total
Committee	1	0	0	0	0	1
Government	1	0	0	0	0	1
Junior coalition partners	0	39	1	31	1	72
Opposition	1	273	57	541	2	874
Total	3	312	58	572	3	948

These dynamics are not captured by the statistics alone, since as illustrated in Table 8.18 there were only 3 amendments approved at the Chamber reading, but they were all big substantive changes. The success rates in Table 8.19 also do not reflect the importance of the concessions, especially for the opposition: their success rate is just 0.11%, but it corresponds to the amendment on the *privatisti* which had dramatic consequences for the government. Equally, the committee's and government's amendments were in response to the opposition's concerns, showing that only tracking the events in parliament properly identifies the original source of influence. This is in line with the points on methods raised during the discussion of the previous pair, highlighting that success rates of amendments alone can be misleading when analysing bargaining over policies.

Table 8.19. Berlinguer *Maturità*: Chamber reading, proportions (%) of amendments' outcomes

Actor	N. of amend. tabled	% Approved	% Not examined	% Out of order	% Rejected	% Withdrawn	% Total
Committee	1	100	0	0	0	0	100
Govt	1	100	0	0	0	0	100
Junior coalition partners	72	0	54.2	1.4	43	1.4	100
Opposition	874	0.1	31.3	6.5	61.9	0.2	100

Because these three amendments were added during the bill's second reading, there was a third reading in the Senate. When there is a third reading, only the articles that were modified during the second one are discussed, so it is usually a very streamlined phase. In this case, the government tabled the committee and the plenary stage on the same day, hence the committee did not have a proper in-depth debate but only ratified the changes made by Chamber.[92]

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[91] Camera dei Deputati, Assemblea, 24 September 1997
http://leg13.camera.it/chiosco.asp?content=/_dati/leg13/lavori/stenografici/framedinam.asp?sedpag=sed247/s000r.htm
[92] http://www.senato.it/leg/13/BGT/Schede/Ddliter/8674.htm

The only and final concession the government made at this stage was that Berlinguer agreed that implementation should start not from the school year which was underway, but from the following one, in response to calls from both the opposition and Rifondazione.[93] Again, this is different from Fioroni's case, when the government managed to contain the opposition's protests and implemented the reform right away.

Therefore, unlike Fioroni, Berlinguer made substantive concessions to all actors, including on the implementation timeline and the *terza prova*. This used to be normal during old times: the government worked with parliament, including the opposition, and the initial drafts were modified substantively. In the case of the bills under consideration here, this changed quite dramatically after 2005, and Fioroni did not have to concede on either the implementation timeline or the *terza prova*, despite the opposition's attempts, thanks to the strong majoritarian Chamber.

8.7 Alternative mechanisms: concessions in Fioroni's *Maturità*

The above discussion has reconstructed how, similarly to the other pair of bills, incongruence has contributed to a change in the government's behaviour towards parliament, which resulted in less willingness to welcome important policy changes in parliament. In particular, in the case of Fioroni we see that the *Maturità* reform (the only education bill that went through the ordinary parliamentary procedure) was a modest piece of legislation with targeted aims, that the government was not willing to unpack in parliament. This section discusses possible alternative mechanisms, other than incongruence (the independent variable), that could explain such outcomes, and what we would observe if they were true.

An alternative explanation could be that Fioroni's policy was small because the government never planned to pursue big education reforms, and hence this was not an effect of the post-2005 situation. The evidence would be a limited programme on education in the manifesto before the 2006 general election. However, this was not the case, since the 2006 Unione manifesto was initially ambitious in setting out a big vision about education, and PM Romano Prodi mentioned it often during the electoral campaign. There are no signs that his government was always going to pursue a minimal education plan, nor the "screwdriver strategy" to avoid confrontation in parliament. Therefore, while small ambitions would be a sufficient condition to pursue a modest policy, this was not the case.

Another option could be that Fioroni's style is what led to a modest bill and limited parliamentary discussion. All evidence suggests that Fioroni was a "political animal", and interviews with his team confirmed that he liked to spend all his time in parliament rather than in the Ministry (Interviewee R, 2019; Interviewee U, 2019). Being a "*capocorrente*", he was also in a position of influence within the government coalition. This all suggests that Fioroni, both because of his personality and his role, would not shy away from pursuing an ambitious reform programme. If he had to do so, it was not because of lack of will or competence. Therefore, while an inexperienced or unambitious minister might be a sufficient condition for a modest reform and no involvement of parliament, this was not the case of Fioroni. It was the sufficient and necessary

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[93] Senato della Repubblica, 7a Commissione, 30 September 1997
http://www.senato.it/Web/13LavoriNewV.nsf/All/9D66544B6430C15D4125652300504D4B?OpenDocument

condition of incongruence, with an extremely fragile majority in the Senate, that made the government more cautious and keener to minimise parliament's involvement.

## 8.8 Second incongruent scenario: concluding remarks

To conclude, on the Fioroni bill, incongruence with a precarious Senate affected the government's behaviour by making it more cautious in what it presented to parliament and paying more attention to anticipated reactions.

The clearest effect of the precarious situation is that the government perceived it as too risky to pursue any big reform through parliament. This is confirmed by several interviews. The case of Fioroni's bill clearly illustrates that the government was unwilling to open up the debate in parliament on the details of the policy, but also that the policy itself was more modest and its aims more limited than in the congruent scenario. Overall, the strategy was to gather minimum agreement for this bill, which absolutely had to go through parliament, to make it secure enough in the Senate with the backing of Rifondazione; the rest of the reform programme was implemented using instruments that would not require going through parliament, such as decrees, and the budget (a complex piece of legislation which, as mentioned in Chapter 4, is generally not subjected to normal partisan dynamics).

This is important because the (acutely perceived, but also factual) precariousness of the Senate had a profound impact on how the government pursued its policy: this pair of bills clearly shows that more changes on the policy took place in parliament during the time of congruence than that of incongruence. Not only were more substantive amendments approved overall, but it was common practice to have a *comitato ristretto* phase. In the case of this pair of bills, the two initial proposals of the government had several similar points, including when to implement it. Among other things, Berlinguer gave in to parliamentary pressures and postponed his reform, while Fioroni did not. Similarly, on the *terza prova* controversy, Berlinguer aimed to find consensus with the opposition (as this was the norm), while Fioroni openly did not even try. He did the bare minimum to make sure that his own majority was satisfied enough to vote in favour, and then kept it unchanged; this succeeded also thanks to his ability to correctly anticipate what the Senate majority would support, and then being able to rely on a big Chamber majority.

The following revised mechanism corrects the initial hunch to account for the impact of the majoritarian Chamber, which strengthened the government's position.

Figure 8.4. Revised causal mechanism for second incongruent scenario
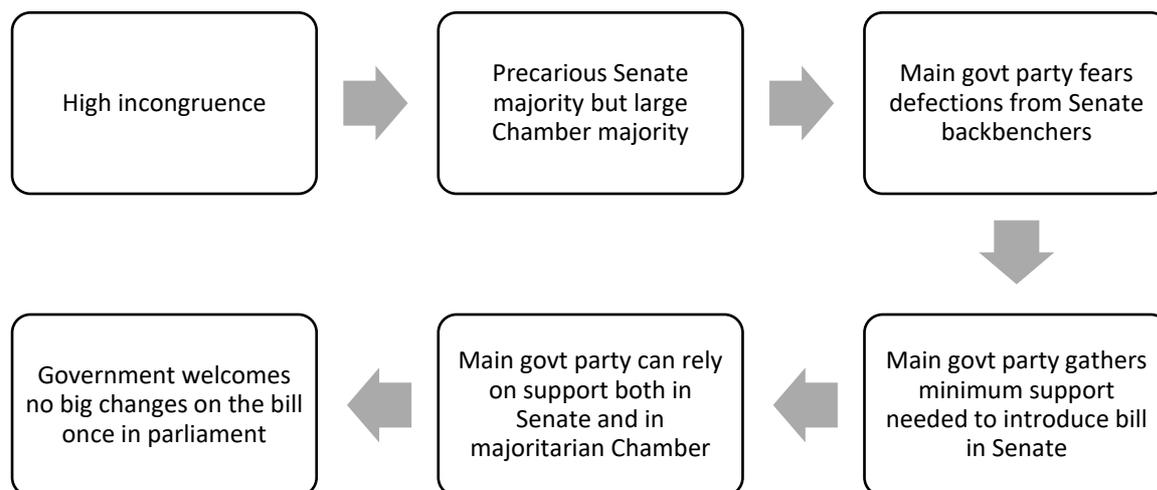
Therefore, in this scenario as well, parliament's role ended up being more limited than it used to be, not only on this bill in particular but also on the wider education reform plans, which were not subjected to parliamentary discussion at all. In particular, while Fioroni's party group was somehow informally involved, the opposition was able to have a lot less influence than it previously had.

Hence, in the 2006-2008 parliament, incongruence led to smaller bills, whose aim was to appease strictly the coalition partners, and not the "full consensus" Berlinguer was aspiring for. The mechanism through which incongruence led to this outcome was that the government feared that legislating on contentious issues would result in gridlock, if crucial veto players from the coalition in the Senate whose votes the fate of the bill depended on, such as Rifondazione, were not willing to back a bill. Negotiations happened pre-introduction and behind-the-scenes, and since the policy was small there was not much to disagree on. The counterfactual of the Berlinguer reform shows that trying to appease the opposition too much alienated parts of the government coalition and, in a situation of incongruence with a very precarious Senate, that would be enough to derail a bill. Hence, Fioroni played it safe and was careful not to step onto Rifondazione's toes; this included refusing to accommodate opposition's requests, which, as discussed in the previous chapter, led to a decline of consensualism.

8.9 Chapter conclusion

To conclude, based on the analysis carried out in chapter it is possible to draw some comparisons across the two pairs of bills, as done in the previous chapter. For the discussing concerning the concessions on government legislation as well, it is confirmed that the majoritarian Chamber of Deputies offered an unprecedented advantage to the government: in both scenarios, it allowed the government to have at least one safe reading where it did not have concede too much.

Nevertheless, the analysis in this chapter further confirms that there are also differences across the two incongruet scenarios. In the case of Renzi's bill, the policy was big and its aims were very ambitious; despite its contentious nature, thanks to fact that Renzi was able to claim a strong mandate from the Chamber of Deputies while having a large enough majority to pass the bill

overall, he was able to circumvent concerns raised in the Senate, and the most controversial points remained. This played out differently in the case of Fioroni's bill: Fioroni had to engage with veto players in Senate because the balance was too precarious to ignore them, and the bill was modest, despite initial ambitious plans which were in fact similar to Renzi's.

Despite these notable differences, in both incongruent scenarios the bills underwent fewer substantive changes in the formal parliamentary arena than their congruent counterfactuals. While there were preliminary works on both bills, these happened in venues which were not the official parliamentary ones, such as the *comitato ristretto*, but either in the Ministry or party groups. This could open up avenues for future studies investigating the policymaking powers of the Italian Parliament, as it seems to challenge the widespread conceptualisation of the Italian Parliament as a particularly strong legislature: in incongruent times, it looks like Parliament's ability to modify bills decreased.

This chapter also discussed how differences in personality style are important in the bargaining process over legislation, and they contribute to how happy/unhappy everyone feels at the end. While Renzi was prone to disregard Parliament, the same cannot be said of Fioroni, and indeed the attitude of the government backbenchers was considerably different in the two cases.

On a methodological point, the discussion of this chapter has highlighted the advantages of research methods that go beyond counting legislative outputs and use case studies to reconstruct the full journey of a bill. While tracing the causal mechanisms and providing a rich thick description of the cases, this chapter has shown that concessions over policy can come in forms that are more subtle than amendments, such as the bargaining in the *comitato ristretto* phase which takes place behind closed doors, and also that sometimes it is not the overall number of amendments that matters, but their content. Such in-depth case studies, including interviews with actors who were present, can complement comparative and quantitative studies in valuable ways, building a full appreciation of the context and of the role played by the style of the key political personalities involved.

Chapter 9. Thesis conclusion

In this thesis I investigated the Italian legislative process in bicameral perspective, taking a holistic approach to consider both chambers of parliament, and looking at how government legislation goes through Parliament: what instruments and prerogative powers the government uses, who wins policy concessions, and how the increase in bicameral incongruence affected these dynamics. In this concluding chapter I summarise the main results from the empirical findings presented in Chapters 5 to 8 and highlight my contribution to the existing academic literature. I also present some policy implications that could inform debates about institutional reform in Italy and consider future research directions for scholars interested in the Italian Parliament and in parliamentary institutions more broadly.

9.1 Research findings

The main research question this thesis set out to answer was: "How do legislative dynamics in the Italian Parliament work at the bicameral level, and how, if at all, does variation in the level of bicameral incongruence affect them?". This was targeted at filling both a descriptive gap about the functioning of Italian perfect bicameralism and its alleged redundant nature, and a causal one about the effects of the increased partisan incongruence that followed the 2005 electoral reform. In doing so, the thesis has offered rich thick descriptions of how the legislative process works, comparing the "old" bicameral system with the post-2005 period.

Chapter 2 raised questions about the direction of the effects of incongruence. These were:

- Were Italian governments strengthened in any way by the reform? Or was this aim completely annulled by the fact that the Senate remained fragmented?
- Did Italian governments start to behave differently, because of the clearer electoral mandate?
- Since the Chamber of Deputies became more majoritarian and the Senate remained proportional, did the reform lead to greater differentiation between the chambers?

The most important finding that emerges from this research is that the main way in which Italian bicameralism was affected by the 2005 electoral has been severely underappreciated both in Italian discourse and in academic work. Most of the Italian rhetoric about the 2005 electoral reform focused on the fact that the two different plurality bonuses created a situation where it became more difficult to command a majority in the Senate. As Chapter 2 discussed, this claim is factually true, at least for governments of the centre-left: the 2005 electoral system strongly penalised parties of the left, as the regional plurality bonuses advantaged the parties that were stronger in the biggest regions of the country, which were the Lega Nord in the north and Berlusconi's Forza Italia in the south. Indeed, both of the incongruent scenarios identified in this thesis apply to governments of the centre-left, because the only post-2005 centre-right government in the timeframe under consideration (the 2008 Berlusconi government) in fact controlled a comfortable majority in the Senate as well. Under the previous electoral system of 1993, while the government was always a coalition made of several parties, the seat difference between the government and the opposition was enough to give that coalition a working majority in both chambers. The government majority was never as small as two seats in the Senate, as in 2006 for Prodi's centre-left Unione alliance –

this situation was basically a fifty-fifty split in the Senate between the two main political coalitions. In 2013, it was even worse, since (following the national debut of the Five Star Movement) the PD was far from controlling the Senate and had to involve the NCD as an add-on coalition partner to win an investiture vote there. Therefore, it is correct to state that in these two scenarios the political equilibrium in the Senate became more delicate than it was previously.

However, there is the other side of the coin of the 2005 electoral reform, which has received a lot less attention: while the system did not become fully majoritarian because of how the plurality bonuses were allocated in the Senate, the Chamber of Deputies did become considerably more majoritarian. The fact that the system was "majority-assuring" in the Chamber of Deputies (Chiaramonte 2015) has been vastly underappreciated in Italian discourse. It is acknowledged in the literature and by practitioners that the Chamber of Deputies is the chamber that dominates politically, as it is the "first" chamber; anecdotally it is also said to be more adversarial than the Senate (Fassone 2009, Pasquino 2002). Hence, the fact that the Chamber went from being fragmented (in partisan terms) to being firmly controlled by the main government party should lead to some changes, because it gave the government a comparative advantage that did not exist before.

The concept of incongruence captures both these changes: by incongruence I mean the disparity in seats across the two chambers. The numerical index used in the quantitative part of this research incorporates both the fact that the proportion of seats controlled by the parties in government decreased in the Senate, as well as the fact that it increased in the Chamber of Deputies – although it fails to capture the difference between the two changes. The latter specific change has been a lot less discussed, but actually it was a crucial development for Italian bicameralism, as demonstrated by the qualitative investigation of the causal mechanisms of interest for this thesis. In fact, Italian governments were at least to some extent strengthened by the 2005 reform, thanks to the presence of the majoritarian Chamber of Deputies, as the next sections recap.

9.1.1 Effects of incongruence and developments for Italian bicameralism
The three main sub-questions about the effects of incongruence investigated in this thesis were:
- ◊ What are the rates of approval of government bills, and how are they affected by variations in the level of incongruence?
- ◊ How are instruments such as decrees and confidence votes used to adopt government legislation, and how does their use vary in times of high incongruence?
- ◊ Which actors have the most successful amendments, and how does variation in the level of incongruence affect that?

These were addressed first quantitatively; then, qualitatively, in the case studies the sub-questions on the causal mechanisms went beyond exploring the direction of the effects, and addressed *how* incongruence contributed to the outcome under observation.

While incongruence does not seem to have an effect on the overall approval rates of government bills, this thesis has presented evidence that incongruence had an impact on both the way in which governments pursue legislation, revealing a trend to take decisions away from Parliament by

making a bigger use of prerogative instruments, and on the content of government legislation, with the resulting policies being more in line with the government's initial plan and less subjected to changes made in formal parliamentary venues. This was investigated quantitatively in Chapter 6, and qualitatively in Chapters 7 and 8.

On the first aspect concerning the use of the government's prerogative powers to pursue policies, we see an increase in the use of decrees and of substantive confidence votes. The increase is established by the statistical analysis, as illustrated in Chapter 6. The case studies, especially through interviews, decisively confirmed that these instruments became the go-to way for the government of the day to legislate in order to overcome hurdles in Parliament, as Chapter 7 discussed in detail. Fioroni's *Maturità* bill, which revealed how clauses about education reform were intentionally tucked away in big economic decrees or in the budget to avoid discussion of the details in Parliament, clearly confirms that incongruence had an impact on the behaviour of the main government party, as Parliament was perceived as too challenging because of the razor-thin majority in the Senate. Fioroni's "screwdriver technique" clearly illustrates that the main government party tried to get its policies implemented as far as possible without going through Parliament at all. Renzi's *Buona Scuola* illustrates how a substantive confidence vote in the Senate allowed Renzi to keep the *stralcio* about the *precari* hiring plan off the table, passing a reform which was unpopular but close to his initial preferences.

On the second aspect about the content of government policies, in Chapter 6 we saw some hints that statistically government backbenchers became increasingly more likely to try to amend government bills, but that as incongruence increased there was a decline in the rate of approved amendments. In the case studies, as discussed in Chapter 8, we saw this through decision-making being taken away from parliament: on Fioroni's *Maturità* bill, which was the one aspect of education reform that had to go through parliament as an ordinary bill, the minister played it as safe as possible and pre-emptively introduced a modest reform where the room for change in Parliament was minimal. The minister had no intention of going through the navette, and the modifications welcomed in the Senate first reading were very small. Similarly, in the other incongruent scenario with Renzi's *Buona Scuola*, we see that all the pre-introduction work was done in the Ministry of Education, precisely because Parliament was expected to be difficult. The coalition partner NCD, crucial to have the numbers in the Senate, had the leverage to get some concessions, namely on tax breaks for private schools, and this can be considered a form of parliamentary influence (a mostly invisible one, as all discussions took place behind closed doors). The NCD successes were not free of controversy, as the party's demands on private schools were opposite to what the PD leftist faction advocated for. Once in Parliament, the PD leftist faction, which was also representing the trade unions' interests, did not get any of the substantive concessions demanded, on tax breaks or on the new headmasters' powers.

In both scenarios, having a majoritarian Chamber made a difference which helped the government. In particular, the chamber of introduction mattered enormously; as discussed in the case studies, there were differences already in the old congruence scenario, when the Chamber of Deputies was more likely to change bills introduced in the Senate than the other way around (Zucchini 2008). After the change in partisan composition, much of the attention (including from the point of view of the main government party itself) focused on how it became crucial to plan the journey of the

bill through Parliament in a way which allowed the government to minimise risks that it would get stuck in the Senate; but in fact, the presence of a majoritarian Chamber offered a new comparative improvement for the main government party. By planning more deliberately where to introduce bills, in both scenarios the government managed to exploit the new semi-majoritarian system to its advantage. This is also a good example of "anticipated reactions" on behalf of the main government party, as it had to come up with a strategy which would ensure the bills' approval, showing that Parliament permeates every aspect of policymaking.

In the case of Fioroni's bill, as discussed in Chapter 7 and 8, a large majority in the Chamber of Deputies completely erased the risks deriving from the opposition's obstructionism in that chamber, which were so severe in the 1990s that they almost derailed Berlinguer's *Maturità* reform. In the case of Renzi, as seen in Chapter 7, the presence of the majoritarian Chamber allowed the *Buona Scuola* to go through Parliament despite being highly contentious, because the Chamber majority was so large that its fate there was assured; hence, it was enough for Renzi to ask for one confidence vote only at the Senate reading to secure its approval. In the counterfactual situation of congruence, Renzi would have had to ask for a confidence vote in each chamber, which would have been too unpopular politically. Hence, the presence of the majoritarian Chamber was decisive. Despite being a sort of constitutional accident and not a fully-fledged transformation of the political system, the intentional part of 2005 electoral reform, which was supposed to strengthen the parliamentary position of the main government party, still managed to do so at least to some extent.

These developments are significant, to such an extent that they might challenge the conceptualisation of the Italian Parliament as a transformative arena which, as discussed in Chapter 2, is widespread in the literature (e.g. Fish and Kroenig 2009; Mezey 1990; Polsby 1975). Under the "old" system, when bicameral congruence was the norm, that classification seems mostly fitting. Private members' bills were often approved, and lots of legislation was approved by committees using the *sede deliberante* (Di Palma 1977a; Mattson 1995). While the literature on *leggine* reveals that most of this legislation only dealt with low-profile subjects (De Micheli 2014; Di Palma 1977), parliament was in fact "policymaking" in the literal sense of the word. However, this characterisation could be questioned following the government's (successful) attempts to limit Parliament's involvement by making an increased use of prerogative powers and taking decision-making away from the formal parliamentary arenas. The use of the committee *sede deliberate* has also declined over the years (Zucchini 2013). These findings prove the importance of Arter's point about why we should not conflate "legislative capacity" with "legislative performance" (Arter 2006, 245). It is necessary to look at how policymaking plays out in practice in order to have an accurate picture of how parliament works. Formally, the Italian Parliament might continue to be one of the most powerful ones in the comparative rankings, but the fact that the government routinely manages to limit its involvement in the substantive work on policies should make us question its real influence in the legislative process. In practice, this might bring Italy closer to other countries generally perceived to have stronger governments.

9.1.2 Differences across incongruent scenarios

The analysis in this thesis has also discovered some differences across the two incongruent scenarios. The fact that I controlled for the policy area of the bills under consideration across both pairs of cases allows me to draw some comparisons.

The 2006-2008 legislature emerges as a fascinating case, which deserves to be studied more in-depth. In this case, in line with Italian discourse, the Senate was undeniably a sword of Damocles, because a majority of just two seats posed important threats to the survival of the government. Since antagonising even just two members in the Senate could lead to the collapse of the government (and in fact did in the end, after only two years), it was not possible to ignore the Senate's preferences in the making of a policy. The equilibrium was so precarious there that senators had considerable leverage. As discussed in Chapters 7 and 8, the Fioroni case illustrates that backbenchers of the main government party, as well as of coalition parties, were involved in early stages when ironing out the political agreement on the bill; while the reform was a modest one, since it had to go through parliament the government majority needed to be united. This is confirmed by interviews with Fioroni's team, which revealed that the political line was always shared with the backbenchers in informal party group meetings (often joint with both deputies and senators present), so their backing during the formal stages was always guaranteed. The example of Fioroni's tactic when dealing with parliament is a good example of "anticipated reaction" working out successfully.

On the other hand, in the grand coalition scenario of 2013-2018, because overall the size of the government majority was big in the Senate, it was easier for the main government party to ignore the Senate's concerns. With a two-seat majority it was too hazardous to ask for a confidence vote, because just two rebellious votes could be fatal; but with a large majority, even accounting for a few rebel votes, most votes should fall into line. This allowed Renzi to safely request a confidence vote, which effectively circumvented the power of the veto players in the Senate. What emerges from the *Buona Scuola* analysis in Chapters 7 and 8 seems to be that the coalition partner NCD knew they could not push too much with their demands, because they ultimately did not want the government to fall - they knew that they were unlikely to get into such a position of power again. It therefore did not take too much for Renzi to successfully keep them on his good side by appeasing them on the tax breaks issue, and he managed to impose his line in parliament, which means the potential of the Senate be a "sword of Damocles" was considerably limited. This is an important difference across the two cases about the involvement of the Senate in the legislative process.

9.1.3 Differences between Chamber of Deputies and Senate

In analysing the changes that took place after the 2005 electoral reform, this research has also highlighted existing differences between the two chambers of parliament, which challenge the idea that they were ever perfect duplicates of each other, even during congruent times. The qualitative analysis confirms that the anecdotes according to which the Chamber of Deputies was a more adversarial arena than the Senate were certainly correct for the congruence period. However, this difference seems to have decreased with incongruence: the main appreciable difference between the Chamber of Deputies and the Senate was driven by the opposition's behaviour, which was considerably harsher and more determined in pursuing obstructionist tactics in the Chamber of

Deputies. During times of congruence, where the main government party did not control a large majority in either chamber, this behaviour could be successful in forcing more concessions to the opposition, as Berlinguer's *Maturità* bill showed.

However, after the 2005 electoral reform made the Chamber much more majoritarian and allowed the main government party to control a large majority by itself, the opposition's behaviour changed, as it clearly realised that it was useless to fight: the government's margin in the Chamber was so big that it could "bring home" its bills no matter what. This emerges very clearly from the discussion in Chapter 7, in particular comparing Fioroni's *Maturità* bill to Berlinguer's: while in the case of the latter the Chamber opposition almost derailed the whole reform, in Fioroni's case it openly gave up opposing the minister's timeline, as the fate of the reform was far from in doubt. Therefore, interestingly, the congruent situation was more difficult for the government of the day, because it was both chambers, not only one, that were fragmented, and the Chamber used to be particularly troublesome. Senators, including those of the opposition, never challenged the government's line with such force, which is in line with the view that senators are aware that they are the "second" chamber. This difference across chambers, which emerged particularly strongly from the analysis of the Berlinguer's case studies, seems to be based on institutional "norms of appropriateness" (March and Olsen 1984). While the Chamber of Deputies behaves as if it could claim stronger legitimacy in confronting the government than the Senate, this is following a cultural norm rather than actual differences in formal powers.

Closely related to the matter of the opposition's behaviour and the fact that the Chamber became an easier step, we also see that the typical pattern of Italian "consensualism" declined after 2005: while for decades it was common to see most laws approved with both the votes of government and opposition parliamentarians (Capano and Giuliani 2001; De Giorgi and Marangoni 2015), as the main government party found itself in a stronger position in the Chamber the need to involve the opposition in order to promote a large parliamentary consensus was not as compelling. In fact, as the government majorities became more ideologically diverse, the priority became working on intra-coalition dynamics only, excluding the opposition. While for decades several scholars argued that there was no clear differentiation in parliament between the government and the opposition (Di Palma 1977; Hine 1990), after 2005 we can discern a much clearer government-opposition parliamentary mode. It will be interesting for future studies to look at whether these patterns continue or if, after the re-introduction of congruence and proportionality, they will revert back to what they used to be, and if the Chamber will once again become more confrontational.

9.1.4 Informal phases of legislative process and behind-the-scenes events

This thesis was also novel in the way in which it included informal phases of the Italian legislative process in the analysis, painting as complete a picture as possible. Chapter 5, which set the scene by describing procedurally how the legislative process works, presented some potential avenues for informal policy work. My research indeed discovered that there is a considerable amount of informal work taking place on legislation, which can include inter-cameral cooperation. The use of the *comitato ristretto* is the most prominent example that used to happen in parliament, and it was used in both of the case studies from the 1996-2001 congruent parliament (while senior parliamentary clerks confirmed that this practice has declined sharply in recent years). There are also other, unsystematic but significant possibilities for informal work within party groups

involving members of both chambers, as was the case with the Fioroni bill. Extensive preparatory work can also take place in the Ministry, as in the case of Renzi's *Buona Scuola.*

Finally, this thesis found that most of the real influence over policy takes place behind closed doors. This is in line with findings from the literature such as that on the EU (Reh 2014; Reh et al. 2013), which finds a shift towards informal decision-making to reach an earlier agreement when the institutional framework is complex. Moreover, literature discussing committees also shows how non-public proceedings favour conditions to reach consensus and compromises (Benton and Russell 2013; Price 1978; Russell and Gover 2017, 229; Thompson 2015, 28). As shown by all four case study bills, in Italy by far the most transformative phase of a bill in parliament is the committee stage, with dynamics such as the rapporteur incorporating members' amendments and the government proposing its own amendments to address members' concerns. Committees do a lot of careful work on the drafting and on the technical aspects of policies, and that is where the serious discussions on the substance can take place.

Especially during times of congruence, committees used to be the testing ground for the political side of the policies. Yet, in both the incongruent cases, most of the political agreement was found before the bill was even introduced into parliament. This highlights the importance of investigating behind-the-scenes dynamics when studying policymaking, which is also the best way to capture softer aspects of bargaining over legislation such as "anticipated reactions". It also emphasises that the style of the individual personalities in charge of the bargaining can play an important role in how happy (or unhappy) all actors involved end up being: the stylistic differences between Berlinguer and Fioroni, both considered skilled ministers when it came to dealing with parliament, are in stark contrast with how "authoritarian" Renzi was perceived to be.

9.2 Contributions to the literature
The research carried out for this thesis contributes to the academic literature in several ways.

Firstly, it constitutes an important contribution to the literature on the Italian Parliament. While there is an abundance of constitutional law texts which describe the legal aspects of Parliament's functioning, political science studies which analyse it empirically are scarce. The few existing ones overwhelmingly focus on the Chamber of Deputies only (Capano and Giuliani 2001; Capano and Vignati 2008; Cox, Heller and McCubbins 2008). A couple of recent exceptions that look at both chambers are purely quantitative (Pedrazzani 2017; Zucchini 2008), and offer very useful indications, but are not enough to capture the nuances of the Italian legislative process at the bicameral level. This thesis starts by analysing a rich amount of original quantitative data, both on bills and on amendments, and then goes into considerably more depth by complementing this with qualitative case studies. By reconstructing the full history of four government bills in the two chambers of Parliament, including informal and behind-the-scenes dynamics, the thesis paints a much more complete picture of how legislative dynamics actually work in the Italian Parliament, and gives us a more nuanced understanding of the institution.

Secondly, this thesis makes a contribution to the literature on bicameralism. As discussed in Chapter 3, a large body of literature reviews the different configurations for second chambers,

arguing that they always make important contributions in the policymaking process (e.g. Brosio 2006; Rogers 2001; Russell 2013b; Tsebelis and Money 1997). But there is an empirical gap about the Italian Senate. Since the comparative literature about second chambers suggests that even two symmetric and congruent chambers can work in different ways, and are never identical either in their preferences or in their style, this suggests second chambers can make their own contribution even in a "redundant" system such as the Italian one, but this had never been adequately tested. The analysis of the "old" congruent scenario illustrated that in fact the two chambers were never identical in how they behaved during the passage of legislation, and these differences had important implications for how the bargaining unfolded and for intra-coalition dynamics. The post-2005 situation, which resembled divided government, illustrates how the main government party adjusts to make sure that its policies will be approved. This includes anticipating more carefully what the second chamber will accept to avoid too much visible conflict (Manow and Burkhart 2007), and more deliberate planning of where to introduce a bill to circumvent potential problems in the Senate. In the incongruent scenarios, the bicameral system was clearly not redundant.

Thirdly, this thesis contributes to the literature on coalition government. Coalition government has always been the norm in republican Italy, and hence Italy is a good case to analyse how coalition partners bargain on policies, and who wins and loses out in the process. In line with several studies (Andeweg and Timmermans 2008; Fortunato 2019; Martin and Vanberg 2014), this thesis finds that junior coalition partners have an incentive to distinguish themselves in parliament with the use of amendments and by picking some ideological battles (like the gender controversy in the *Buona Scuola* case illustrated very well) in order to appeal to their electorate. Nevertheless, it also finds that there is extensive informal bargaining and log-rolling that takes places behind closed doors, as the interviews have highlighted. Scholars interested in coalitions should therefore keep these dynamics in mind, thinking about how to trace them best.

Finally, this thesis makes a valuable contribution to the broader comparative literature on legislatures. Taking such an in-depth approach to the study of a parliament results in appreciating that legislatures are complex institutions that deserve detailed scholarly attention, as this might challenge well-established stereotypes. Just as Russell and Gover's (2017) work challenges the idea that Westminster is a weak legislature, this thesis should urge us to at least reframe the widespread image of the Italian Parliament as an "almighty legislator" (Capano and Giuliani 2003, 29), given the significant use of prerogative powers to limit its involvement. The Italian Parliament is powerful from a formal point of view when it comes to policymaking powers, but if the government routinely constraints Parliament, it can end up not being so. On the other hand, legislatures can also be influential through subtler dynamics, in line with Russell and Gover (2017), such as anticipated reactions that pre-emptively force the government to change its course of action. We see this with Fioroni's case study, where the minister introduced a modest reform aiming to minimise disruption in Parliament, and in Renzi's *Buona Scuola*, with the great amount of preliminary work at the ministerial level involving the junior coalition partner NCD. This illustrates the subtleties involved when studying legislatures, and raises questions about how much we can compare institutions with significantly different traditions.

9.3 Policy implications
The analysis carried out in this research can also provide some evidence-based claims to inform debates about institutional reform in Italy.

9.3.1 Legislative instruments
In line with suggestions previously made by Italian practitioners (e.g. Ferrajoli 2008; Olivetti 1996; Razza 2016), the most obvious policy recommendation would be to regulate the use of confidence votes. This would take either a reform of Parliament's standing orders, or an active effort on behalf of a government of the day to start introducing new best practices and to establish conventions, because confidence votes are not regulated by the Constitution. As noted by Piccirilli (2008, 798), the problem is that in Italy the government lacks better tools to prioritise the discussion of its bills in Parliament, and hence a confidence vote "acts as a substitute for other instruments that would strengthen the powers of the Government before Parliament". The fact that formally the Italian Parliament is so powerful vis-à-vis the government when it comes to policymaking means that Italian governments are, compared to their European counterparts, weaker, as their legislation has no precedence or different treatment in parliament (unlike, for instance, the UK where government business takes precedence in the House). Given the lack of better instruments, Italian governments have turned to confidence votes to try and ensure quick decision-making and effective government. However, in line with the authors above, I would argue that confidence votes are not the appropriate instrument to do so. Confidence votes are designed to invoke the confidence relationship, one of the cornerstones of government in parliamentary systems, and they are supposed to be used only when such relationship is at stake. The constant use of confidence votes trivialises the instrument. The case studies in this thesis focused on "substantive" confidence votes, but it is primarily "procedural" confidence votes, which are used so often, that lower the costs of the instrument for the government of the day. Even Mario Monti's 2011 technocratic government, which was supported by almost all parties in Parliament, made a great use of confidence votes, only as a means of implementing its reforms fast (Savini 2012). Procedurally, this established a bad precedent (Razza 2016).

The same applies to the use of decrees. Change would once again depend on introduction of good practice on the government's part, because there are no limits to the number of decrees a government can use, and as long as there is a possibility of claiming that a policy matter is "urgent", a decree can be issued. Nevertheless, some tactics, such as making use of decrees to squeeze important policy aspects into economic measures and avoid parliamentary scrutiny, are evidently bad legislative practice. Relatedly, as noted in Chapter 5, a discrepancy in the rules of procedure in the two houses of parliament which continues to this day (for no justifiable reason) is that in the Chamber of Deputies there are no time limits for debates on decrees, which is the main reason why so many procedural confidence votes are used in that chamber. In the Senate, the discussion of decrees always comes within a pre-set timetable, which makes use of the confidence unnecessary. This difference could easily be corrected in the rules of procedure of the Chamber, and it would be a good first step to deflate the excessive use of procedural confidence votes (Lupo 2017).

The main solution long advocated by Italian constitutionalists to ensure better parliamentary practices is to introduce a "certain date" clause, establishing a hard deadline by which government

legislation needs to be debated. This deadline does not need to be particularly tight, and usually proposals suggest that it should be around 80/90 days (Pisaneschi 2015). During those days, Parliament would be sovereign and there should be no restrictions over debates or discussion of amendments. It is clear that this would require more careful planning and rationalisation of time. Such a reform could work because it would address at the root the main reason why governments use both decrees and confidence votes so often: to speed up the legislative process. The worrying side effect of having no better instruments to speed up proceedings is that the use of these two instruments comes with a severe limitation of Parliament's ability to scrutinise and amend legislation, in particular with the use of confidence votes, which require an immediate final vote on the text. Ensuring a certain end-date for a piece of legislation would remove the pretext to impose such a strict imposition on Parliament, and hence result in much less curbing of Parliament's powers.

As Chapter 5 and the case studies illustrated, the government can already request a shortening of debate in Parliament, the so-called *contingentamento*. However, this is not the default, as the government has to make an official request and that has to be approved by the Conference of the Party Group Leaders. Whenever the government asks for a *contingentamento*, the opposition accuses it of silencing Parliament. Having a certain end date as the default would favour the government, but it could lead to a more productive environment overall.

This could be in parallel to the application of stricter anti-obstructionism rules, which is also part of the reason why governments feel the need to artificially speed up the legislative process. It is in fact bad practice on the opposition's part to table thousands of amendments and to walk out of the chamber to make the session lack the required quorum: these are not tactics that lead to any dialogue with the government; they are only a waste of precious parliamentary time. Limiting these practices, together with having a certain deadline for the discussion of the bill, could create an incentive to promote more responsible behaviours from the opposition as well, as they would have to prioritise the discussion of amendments that they saw as the most crucial and/or the most likely to succeed. If they continued to table a big number of repetitive and useless amendments, it would be evident that they were not using their time productively. Rules that allow the President of the relevant chamber, or the committee chair, to select amendments for discussion already exist, as the discussion of the "kangaroo" rules already showed. When these procedures are applied, they entail a process according to which each party group gets a limited number of amendments that it can put forward for discussion (Camera dei Deputati 2009 Art. 79, 85). A routine selection of amendments, as found in the UK, would help to streamline the discussion of legislation.

9.3.2 Bicameralism
The problem of how time-consuming the legislative process is in Italy is also, as discussed in Chapter 2, one of the main accusations that proponents of Senate reform have always brought up to justify the need to revise the Senate's legislative powers. Guaranteeing speedier parliamentary passages of bills would hence also address the main criticism against perfect bicameralism – which according to several commentators is itself not the only cause of long times to approve bills, since laws can also be approved very quickly when there is the political will to do so. The most quoted example of this possibility is a law of the 2008 Berlusconi government, known as the "Lodo Alfano", which guaranteed immunity for political figures under judicial investigation, and was

approved in less than a month. According to this point of view, perfect bicameralism is often blamed in order to hide intra-party bickering and to shift the blame for political ineffectiveness (Pasquino et al. 2016; Pisaneschi 2015).

The analysis carried out in this research in terms of the functioning of the bicameral system does not suggest that perfect bicameralism in itself poses a problem for policymaking. In fact, the "old" bicameralism, under partisan congruence, seemed to work quite well. It is true that overall the legislative process was quite lengthy: both of Berlinguer's bills under examination in this research were in parliament for several years. The *Legge Quadro* had a particularly long "gestation period" and took almost four years in total. Berlinguer's *Maturità* reform also spent a full year in Parliament, despite the fact that the subject it dealt with was relatively low-key and that the bill was quite small. This is in contrast with the speedy approval times of Fioroni's *Maturità* reform and of Renzi's *Buona Scuola*, which took 3 and 4 months respectively. But it is also clear that Berlinguer was more than happy to use the time for dialogue with all actors, and hence the longer timeframe did not constitute a problem.

However, while symmetric bicameralism overall worked with congruence, the two case studies from a time of incongruence suggest that perfect bicameralism does seem incompatible with partisan incongruence. Especially in the 2013-2018 legislature, where the PD firmly controlled the Chamber of Deputies but not the Senate, such disparity led to an unfair delegitimization of the Senate, which was overall perceived as a nuisance standing in the way of the PD. The *Buona Scuola* illustrated this to a great extent, given the curtailment of the committee stage in the Senate and the use of a controversial confidence vote. This had detrimental effects, since senators lamented that they felt disrespected and cut out of an important reform.

As a result of the 2017 electoral reform, which reverted to distributing seats in the same way in the two chambers (Chiaramonte and D'Alimonte 2018), partisan congruence has now been restored. The Constitutional Court also concluded that the rejection of Renzi's Senate reform in 2016 confirmed that the country had "a constitutional framework based on the parity of function and legitimacy of the two elected chambers", and therefore the electoral systems used for the two chambers of parliament "must not impede the formation of homogenous parliamentary majorities […] in order to preserve the correct functioning of the form of parliamentary government" (Corte Costituzionale 2017). In light of these recent developments, it appears that large-scale constitutional reforms of the bicameral system will be off the table, at least in the not too distant future, and based on all the available empirical evidence from other countries about how difficult it is to pursue second chamber reforms (Russell and Sandford 2002), perhaps that approach was never going to succeed. There are nevertheless some areas which could be improved upon in order to make the functioning of the bicameral system smoother and to exploit the advantages it currently offers, without the need for revisions of the Constitution.

Symmetric bicameralism can in fact offer some advantages. Above all, two equal chambers can in principle achieve an efficient division of labour, if only one chamber works on a bill while the other one ratifies it (avoiding ping-pong). Indeed, this thesis has discussed how such a pattern evolved to a degree spontaneously in Italy, with the informal principle that government bills should be introduced in a staggered fashion between Chamber and Senate, with only one chamber

amending the text while the other one ratified it. According to this practice, the second chamber analysing a bill can still intervene if there is something obviously wrong with the text, but it would not have to invest a considerable amount of time debating issues over which the political agreement has already been found. That resulted in an overall efficient and productive approach to policymaking. However, despite the fact that this used to be common practice, because the principle of splitting the legislative workload is not officialised, the chamber that was denied the opportunity to amend a bill always felt left out to some extent. The discussion of the case studies has illustrated how the Chamber of Deputies complained to a greater extent (and statistically it also complied less with this principle); nevertheless, also when it was the Senate's turn to ratify a bill at second reading, at least a few senators expressed some complaints along the lines of "It is not fair that this assembly has been denied the chance to intervene in the making of this law". Hence, some more explicit convention formalising the splitting workload procedure could be a promising avenue for parliamentary reform, to make the most of the existing constitutional framework and to prevent discontent among members.

In order to make sure that all members who want to get involved in the drafting of a bill get a chance to do so, it could also become a more institutionalised rule that the early stages of a bill should be open for consultation from members of both chambers. That way, members from the chamber where the bill is introduced would still do the most policy work, but those from the other chamber would also have a chance to express their opinion early on. It is in fact clear from my interview findings that it is possible for inter-cameral cooperation to take place, but that the avenues to do so are not codified. Most of the existing cooperation takes place at the party group level only; this means that it is only the more party-political side of joint work that happens quite regularly, and the extent to which it might happen is a decision that depends on the individual personalities involved. It seems advisable to encourage more cooperation between members of the two chambers at the institutional level as well, especially in committees. To begin with, the committee doing the detailed policy work on a bill could always consult in a formalised manner its counterpart in the other chamber to hear its concerns. This would ensure that, alongside the standard cross-party work that takes place in committee, cross-chamber collaboration also happens routinely and in the appropriate parliamentary settings. If such consultations took place during the early stages of a bill, then the chamber that examines the bill second would in all likelihood not feel as left out when denied the opportunity to amend the bill. Codifying such practices would also prevent them from vanishing over the years, as happened in the case of the *comitato ristretto*.

An alternative but more ambitious way to make the most of symmetric bicameralism would be to achieve some kind of differentiation between chambers in the type of scrutiny that each is in charge of, similarly to the working of the Romanian bicameral system. Despite being a semi-presidential system, and less analysed in the comparative literature, the Romanian system is one of the closest to Italian perfect bicameralism. The Romanian Senate is directly elected (Bessi 2006), and as mentioned in Chapter 3 the way in which the confidence relationship works is possibly the most similar to the Italian case: in Romania, the government must win the confidence of the majority of the two houses combined (Chiva 2015), not of each chamber separately as it is in Italy. Until 2003 the Romanian system operated in a very similar fashion to the Italian one, in a process where each bill had to go through the two equal chambers. However, following a constitutional reform

in 2003, the Romanian houses now have separate subjects that each one of them is primarily responsible for, in the capacity of "deciding chamber" (Curt 2006). This should achieve, at least in principle, an efficient division of labour between two symmetric chambers. However, it seems difficult to achieve such a differentiation without a constitutional reform, which would likely fail in Italy unless broad cross-partisan consensus was present, and introducing such a stark differentiation by subject could create "uncertainties and conflicts" (Violini 2014, 3).

One final option would be the introduction of a conciliation mechanism, such as those found in France and Germany, to reach an agreement when the two chambers disagree on a text – which could be a fruitful avenue, as it should be relatively easy to implement within the current constitutional framework. Conciliation mechanisms have been the subject of a briefing paper by the Italian Senate library which looked at models found in other countries (Tutinelli 2013), although this question has received little attention in concrete reform proposals so far. Still, there is scope to make the overall working of perfect bicameralism more efficient without the need for a radical transformation of the Italian political system, which has proved hard to sell to the electorate for decades.

9.4 Limitations of the thesis

The analysis carried out in this research was limited in some respects, which Chapter 4 already touched on. Regarding the quantitative part, Chapters 4 and 6 discussed the limitations of the data available online, as well as the (unfixable) restrictions of the measurement of the independent variable. It would be ideal to develop an index that captures ideological differences within the government coalition in a more nuanced way; this could be used to validate the findings presented in this thesis. Moreover, although fixed effects help to account for unobservable confounders, the statistical models presented in this thesis are not enough to make causal inferences.

The most prominent limitation for the case studies is that the sample size of four cases is quite small, for reasons of feasibility within a PhD thesis carried out by a sole investigator without external research assistance. Moreover, since all four cases focused on the subject of education reform, the analysis is confined to one policy area, with implications about its external validity. Future studies could look at other policy areas, including high-profile ones such as the budget and financial policy. This would allow researchers to see whether the dynamics identified in this thesis transfer to other policy subjects. There was also limited availability of interviewees for case studies from the 1996-2001 legislature. Future studies focusing on a more recent timeframe could make greater use of interviews.

Process tracing also has some intrinsic limitations, above all the fact that making definite causal claims remains difficult because of unobservable confounders. The aim of this research was exploratory, hence its claims about the effects of incongruence are just the first analysis of a broad phenomenon which deserves more scholarly attention. The analysis backing these claims could be replicated and validated by future research.

While this research is a single-country case study, it raises implications for countries with systems of symmetric bicameralism, and as discussed next its insights can be generalised more broadly for the studies of legislatures in comparative research.

9.5 Implications for future research

This thesis has drawn on a rich methodological approach that combines quantitative and qualitative data in order to paint as complete a picture as possible of the legislative process in the Italian Parliament. In light of this, I have reconstructed how government legislation goes through the bicameral system, including considering informal avenues for policy work and inter-cameral dynamics. This shows the importance of looking at the passage of legislation across the two chambers: previous empirical studies that only focused on measuring some specific aspects in the Chamber of Deputies fail to appreciate how complex and subtle legislative dynamics can be.

The first direction for future research about parliamentary institutions is hence methodological. Future research should aim to take a holistic approach to the study of the legislative process, including tracing informal phases and behind-the-scenes dynamics, to reconstruct the full development of a policy. Methodologically, this means continuing to draw from the ever-increasing wealth of legislative data freely available online, but also pursuing qualitative techniques such as interviews. This could result in further challenges to the conventional wisdom about the policymaking capacity of specific parliaments, in particular bicameral ones.

The second direction concerns the study of the Italian Parliament. In terms of developments that are worth investigating more, as already mentioned the 2006-2008 legislature emerges as a very interesting case for its peculiarity. Moreover, in light of the new 2017 electoral system, bicameral congruence has been restored. Following this additional change, it will be interesting to look at whether the developments identified as results of incongruence continue to be found after the restoration of congruence, or whether "old" dynamics will start to emerge again. For instance, it would be fascinating to continue to study institutional differences across the chambers, and whether the Chamber (in particular the opposition in the Chamber) will revert to being considerably more argumentative. It would also be interesting to see whether a return of congruence will bring back any of the old Italian practice of "consensualism", or whether the newly emerged government-opposition mode will continue to prevail.

The third direction concerns the implications for future research in the field of comparative politics more broadly. Building on detailed single-country studies, and keeping in mind its peculiarities, the Italian Parliament could also be included in comparative studies. Scholars interested in divided government and how coalition governments work in challenging parliamentary conditions could draw on evidence from the Italian case to inform these wider debates within the context of multi-country research. In addition, this thesis has brought more nuance to how we conceptualise and measure bicameral incongruence by introducing a government-level measurement and by distinguishing the effects of incongruence across different scenarios, which could inform theory-building efforts to study other countries. In particular, whether we conceive a situation of incongruence as more or less complicated than one of congruence in fact depends on the specifics of each scenario.

Concerning the literature on bicameralism, this research raises implications about how we study inter-cameral relations, including forms of informal cooperation between members of the two chambers. This suggests that in order to reconstruct how the policymaking process unfolds on a certain policy, chambers in a bicameral parliament should not be treated in isolation. Findings from this thesis also suggest that veto player theory might not be enough to fully capture inter-cameral dynamics: while veto player theory would capture that increasing the number of veto players limits the winset on a certain policy, some of the changes that followed the 2005 electoral reform were more subtle and indirect. Most importantly, despite the formal symmetry of the two chambers, this research shows that in the post-2005 years the majoritarian Chamber of Deputies became more dominant, and this accentuated existing differences with the Senate. Despite their formal equality, Chamber and Senate became two more distinctive realities. This means that there are more subtle insights that future theories about bicameral system could draw on.

9.6 Concluding remarks

To conclude, this thesis aimed to start filling the gap in the literature regarding the functioning of Italian bicameralism by looking at the legislative process in bicameral perspective. It analysed the Italian system in great detail with a nuanced mixed-methods approach, deepening our understanding of how the legislative process unfolds by including formal as well as informal avenues for policy work that are available to parliamentary actors. In addition to contributing to the descriptive gap on Italy with a rich thick description, the thesis studied how the policymaking process was affected by the increase in bicameral incongruence which resulted from the 2005 electoral reform. On this it concluded that Italian governments were to an extent strengthened by the reform, but that partisan incongruence seems incompatible with a system of symmetric bicameralism and double confidence. The findings which emerged from this research contribute to the comparative literature on legislatures, bicameralism and coalition government, and can inform topical debates about parliamentary reform in Italy. Future studies could build on its results and methodology to further explore the functioning of parliamentary institutions and the impact of institutional reforms.

Appendix A. Parliamentary and media sources

1. Quantitative analysis

- Government bills extracted from ILMA dataset:

Borghetto, E., Curini, L., Giuliani, M., Pellegata, A., & Zucchini, F. (2012). Italian law-making archive: A new tool for the analysis of the Italian legislative process. *Rivista Italiana di Scienza Politica*, 42(3), 481–502.

Enquiries to: ilma@coolresearch.net

- Senate amendments online search:

http://www.senato.it/ric/emend/nuovaricerca.do

Enquiries to: webmaster@senato.it

2. Qualitative analysis

Pair 1

- Matteo Renzi "*Buona Scuola*":
  http://www.senato.it/leg/17/BGT/Schede/Ddliter/aula/45685_aula.htm

- Luigi Berlinguer "*Legge Quadro*":
  http://www.senato.it/leg/13/BGT/Schede/Ddliter/comm/4_comm.htm

Pair 2

- Giuseppe Fioroni *Maturità* reform:
  http://www.senato.it/leg/15/BGT/Schede/Ddliter/26600.htm

- Luigi Berlinguer *Maturità* reform:
  http://www.senato.it/leg/13/BGT/Schede/Ddliter/8672.htm

Chamber of Deputies Culture committee sessions:
http://leg13.camera.it/chiosco.asp?cp=2&content=/_dati/leg13/lavori/bollet/07r.htm?

Senate Culture committee sessions:
http://www.senato.it/Web/13LavoriNewV.nsf/RSSettimaCommWebDett?ReadForm&3/1998/13

List of Italian newspapers consulted through their websites:
- Corriere della Sera https://www.corriere.it/
- Huffington Post https://www.huffingtonpost.it/
- Il Fatto Quotidiano https://www.ilfattoquotidiano.it/
- Il Giornale https://www.ilgiornale.it/
- La Repubblica https://www.repubblica.it/
- Libero https://www.libero.it/

List of newspapers available on Lexis Nexis at the time of research:
- Ansa
- Il Sole 24 Ore
- ItaliaOggi
- La Stampa

Appendix B. Interviews details

The anonymity of my interviewees is guaranteed in line with UCL Data Protection policy.

Project Reference No Z6364106/2019/06/179
Enquiries to: data-protection@ucl.ac.uk

1. Interviewee A, Former party adviser, Senate clerk, 12 June 2018 (Rome)
2. Interviewee B, Chamber of Deputies clerk, 13 June 2018 (Rome)
3. Interviewee C, Senate clerk, 13 June 2018 (Rome)
4. Interviewee D, Senate clerk, 14 June 2018 (Rome)
5. Interviewee E, Chamber of Deputies clerk, 15 June 2018 (Rome)
6. Interviewee F, Former Chamber of Deputies clerk, 12 June 2018 (Rome)
7. Interviewee G, Former Partito Democratico (PD) deputy, 11 June 2019 (Rome)
8. Interviewee H, Former Partito Democratico (PD) deputy, 16 June 2019 (over Skype)
9. Interviewee I, Former Chamber of Deputies clerk, 11 June 2019 (Rome)
10. Interviewee J, Party adviser, 12 June 2019 (Rome)
11. Interviewee K, Chamber of Deputies clerk, 12 June 2019 (Rome)
12. Interviewee L, Chamber of Deputies Culture committee clerk, 15 June 2019 (Rome)
13. Interviewee M, Senate clerk, 11 June 2019 (Rome)
14. Interviewee N, Chamber of Deputies Culture committee clerk, 08 June 2019 (over Skype)
15. Interviewee O, Government official, Legislative office, 14 June 2019 (Rome)
16. Interviewee P, Former government official, Legislative office, 11 November 2019 (over Skype)
17. Interviewee Q, Former government official, Legislative office, 11 November 2019 (over Skype)
18. Interviewee R, Former government official, Legislative office, 22 October 2019 (over Skype)
19. Interviewee S, Consultant on *Buona Scuola* technocratic team, 17 June 2019 (over Skype)
20. Interviewee T, Former Chamber of Deputies clerk, 12 June 2019 (Rome)
21. Interviewee U, Former government official, legislative office, 23 October 2019 (over Skype)
22. Interviewee V, Former Partito Democratico (PD) deputy, 14 June 2019 (Rome)

Appendix C. Structured interview questions

1. **General questions on parliamentary dynamics** (primarily for parliamentary clerks and government officials)

Anticipated reactions and intra-coalition bargaining
- What steps does the main government party take to iron out differences among coalition partners?
- How does the main government party find out what coalition partners will accept?
- Who are the key figures who are involved in the bargaining? i.e. who does the minister in charge of the bill talk to? (parliamentary party leaders, committee chairs…)
- Is there an informal phase of consultation among coalition partners before bills are introduced? In UK it is very common to have private meetings, does that happen here?
- Does it happen that the main government party does not even introduce a bill because they realised they would not have enough support? (some anecdotal evidence from preliminary interviews indicates this was very often the case during the Prodi government of 2006-2008)

Committee
- How does the committee stage work?
- Is the working in committees more consensual than in the plenary? Is that a place where it is easier to find compromises?
- The main government party often accepts committee amendments – what other forms of accommodation are common?

Amendments
- Questions on the reasons for tabling of amendments and whether amendments are a good measure of concessions – if not, what else?
- How does the process of "signalling" amendments work when party groups have to reduce their number of amendments?
- Can amendments be used to put pressure on the government? Does the government react in other ways (e.g. bringing forward new legislation?)
- What other forms concessions to coalition partners are common?

Bicameralism
- What steps does the main government party take to ensure that once a chamber has approved a bill, the second chamber will not block it/disagree too much?
- Are there some kind of informal "bicameral" consultations? i.e. at the planning stages, does the PM/ministers consult figures in both chambers, from both main government party and coalition partners?
- Do the two chambers work in different ways? Often in bicameral systems the upper chamber focuses on technical aspects of legislation, and there are some mentions in Italian literature that the Chamber of Deputies is more "political" than the Senate.

- Are they any effects due to the age differences of senators and deputies? Do they have different attitudes?
- The Senate is also smaller: does this affect the dynamics of the plenary proceedings?
- Is there cooperation between them to work on legislation? Rivalry?

Effects of incongruence
- Impact of having a very small/very diverse majority in the Senate: did it make the requirement of double confidence unsustainable?
- Use of instruments such as decrees and confidence votes and how it changed: are these instruments used as responses to the increased bicameral incongruence? Are they a way to overcome the risks posed by the double confidence requirement?
- Is using a decree with associated confidence vote the new default option for the government of the day to legislate?
- What are the backbenchers' thoughts on the use of these prerogative instruments? Do they genuinely complain and then have to act compacted, or do they understand the situation and are supportive of the main government party?

2. **Case studies**

Renzi's Buona Scuola
General
- To what extent is what happened on this bill a reflection of broader coalition dynamics?
- Who do you think "won" the most in terms of concessions on this policy?
- Are there some parts of it that would have been drastically different if the centrists weren't in government?
- To what extent was the fate of this bill linked to other important policies?

- To what extent do you think actors outside parliament were involved? E.g. trade unions, schools and teachers' association - There were hearings and the consultations, but were their concerns actually addressed? What specific concerns?

- What kind of negotiations took place before the formal introduction of the draft? It appears that the NCD preferences were already quite accounted for in the initial draft
- How involved was Renzi? And the minister?
- How was their style? (opposition and the media often call Renzi "authoritarian" and the minister "passive")

- The bill was introduced in the Chamber of Deputies. Was this a deliberate choice? Clearly the Chamber stage was less difficult than the Senate one

Questions for PD members and government officials

- It is clear that there was some discontent on areas like 5‰ and private schools. How did the negotiations with the minority faction unfold?
- To what extent did the party try to appease the minority faction?
- 5‰: eventually scrapped. Why?
- Tax breaks for private school fees: why was this expanded? It was already quite controversial
- The hiring plan was one of the most controversial parts. Why so adamant about not separating hiring plan from rest of the reform? What do you personally think about it?

Questions for Chamber clerks

- During the committee stage there were very often amendments from the rapporteur that substituted entire articles. How do you see this instrument? Did it work well in that context?
- Are these amendments a way to address concerns in an efficient way? Are they a sign of consensus or is it an imposition on the government's behalf?

- Some deputies invited senators to make further changes. Is it common to have such inter-cameral cooperation?

- When the bill came back to the Chamber for its third reading, it was not formally "locked in" with a confidence vote, but it was not modified despite lasting discontent. What happened behind-the-scenes?
- Did the government not have to worry just because its majority in the Chamber was big enough to take some defections?

Questions for Senate people and government officials

- How common is it to have two rapporteurs from the government majority?
- How was the atmosphere in committee? From the summaries it sounds unusually tense

- What do think of the Senate Speaker's decision to go to the plenary without finishing the committee examination of the bill? (for academics and practitioners: how unusual is this? Has it happened on other lower-profile cases?)
- What do you think of Marcucci's (committee chair) role in this?
- What do think was the main reason for this?
- How did the backbenchers who were not on the committee react?

- Government maxi-amendment: do you feel that it accurately reflected the concerns raised by the committee members?
- How did senators feel about having to vote on a text they could not amend?

- Why the confidence vote? Who was not going to comply? Was it because of the centrist partners or the PD dissidents? Or both?
- Was the unhappiness mostly about the content of the bill (if so, which parts?)? Or was it about the government's overriding the Senate?
- Do you think that this move has anything to do with Renzi's governing style (would other PMs proceed in such a way)?

Fioroni's *Maturità*
- Were there any informal pre-introduction discussions?
- Were there any specific reasons to introduce the bill in the Senate? Or was it a scheduling matter?
- Were there any informal forms of cooperation between members in the two chambers?
- Style of the minister: how was Fioroni in parliament?
- What do you remember as the most contentious points? (e.g. private schools)
- Relationship with Rifondazione Comunista and other coalition partners: tense? Consensual?
- Relationship with opposition: did you try to involve them? E.g. INVALSI theme
- Did you hold any hearings with civil society?

- The bill seems quite modest, and it is the only ordinary education bill. Was this because of the precarious Senate situation?
- How else did you pursue education reform and why? (e.g. decrees, delegated legislation)
- Do you feel like in the end Fioroni managed to achieve his reform agenda?

Berlinguer's case studies
General questions applicable to both bills
- Coalition dynamics: in general, were relationships within the coalition consensual or tense? Was there a party that had more leverage? Did this depend on each individual policy area?
- Style of the minister: how was Berlinguer in parliament? Did he aim for consensus?
- Was it common to have informal steps and consultations before introducing a bill in parliament?
- Were there any forms of cooperation to involve both deputies and senators on a draft?
- Perfect bicameralism: advantage (because of division of labour) or obstacle (e.g. obstructionism in the Chamber)?
- Was it common to hold hearing with civil society? With whom precisely?

Maturità
- Were there any specific reasons to introduce the bill in the Senate? Or was it a scheduling matter?

- Can you tell me what you remember being the most contentious points? Who "won" the most during the negotiations?
- There was a lot of opposition obstructionism in the Chamber – did you ever consider using a confidence vote to get around that? Why not? Why a third reading instead?
- Relationship with Rifondazione Comunista: disagreements on number of *privatisti* and concessions to opposition – details on how it played out, why did you give concessions to Forza Italia and not Rifondazione?
- Relationship with Rinnovamento Italiano: they seemed closer to Forza Italia on private schools
- Relationship with Popolari: that seems very consensual, how was it behind-the-scenes?
- Style of the rapporteurs: how were they? Did that have an impact on the process?
- *Comitato ristretto* phase: how did it go?

Legge Quadro
- Were there any specific reasons to introduce the bill in the Chamber? Or was it a scheduling matter?
- Can you tell me what you remember being the most contentious points? Who "won" the most during the negotiations?
- [same as above about relationship with coalition partners, rapporteurs, *Comitato ristretto* phase]

Appendix D. Main actors on case study bills and overview

<u>**Pair 1**</u>

1. Bill 1: *Legge Quadro* **on School Cycles, from parliament 1996-2001**, promoted by Minister Luigi Berlinguer, approved in 2000

Overview

This bill was part of Luigi Berlinguer's wider reform plan of the education system, pursued with several small bills, instead of a single big one. The bill had a long preliminary phase during which the government consulted intensely with parliamentary actors, but was then approved in just two readings (hence without the use of the navette), and no confidence votes.

Main actors

- PM: Massimo D'Alema (DS). He was not involved personally with the passage of this bill; he only spoke to say that the education reforms were important for his government, and he let the minister handle the process
- Minister: Luigi Berlinguer (DS)
- Coalition partners: Partito Popolare, Socialisti, Verdi and Partito Comunista
- Rifondazione Comunista: opposition of the far-left party
- Opposition of the right: Forza Italia, Lega Nord, Alleanza Nazionale

2. Bill 2: *Buona Scuola* **("The Good School"), from parliament 2013-2018**, promoted by PM Matteo Renzi and Minister Stefania Gianniti, approved in 2015

Overview

Renzi's education reform was an important pillar of his government platform. He talked about it in his manifesto when he ran to become leader of the Democratic Party in 2013 (Renzi, 2013), and once PM he put education at the centre of his rhetoric. He was a lot more involved personally than the PMs of the other case studies, and for that reason the minister Stefania Gianniti played a much more limited role than her counterparts.

The *Buona Scuola* was a big reform that encompassed several aspects of the education system, with budgetary requirements and an article dedicated to delegated legislation. The reform primarily had the aim to create more job stability for teachers (thousands of whom had been working for years on temporary contracts); and secondly to introduce meritocracy and autonomy (the best teachers should be rewarded with higher salaries and each school should have the freedom to make its own decisions on that matter). The latter included giving more powers to the headteachers, who would be able to evaluate their teaching staff.

The bill had an arduous parliamentary passage: after being introduced in the Chamber, there were further modifications at the Senate reading in a maxi-amendment, hence making a third reading back in the Chamber necessary. The government requested a confidence vote at the Senate stage.

Main actors
- PM and leader of Democratic Party (PD): Matteo Renzi
- Minister for Education: Stefania Gianniti (Senator, member of the Democratic Party by the time the bill was introduced, but previously member of the centrist Scelta Civica until February 2015)
- Rapporteurs: Maria Coscia (PD, Chamber of Deputies), Francesca Puglisi (PD, Senate), Franco Conte (NCD, Senate)
- Chair of the Senate committee, close to Renzi's party faction: Andrea Marcucci
- PD minority (leftist backbench faction)
- Centrist junior coalition partners, necessary to have a majority in the Senate but not necessary in the Chamber of Deputies: Nuovo Centro Destra (NCD) and Scelta Civica (SC)
- Opposition: Forza Italia (FI), Lega Nord (LN), SEL (far left), Five Star Movement (M5S)
- External to parliament: trade unions; teachers and students' associations

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<u>**Pair 2**</u>

1. Bill 1: **Berlinguer, *Maturità* reform, from parliament 1996-2001**, promoted by Minister Luigi Berlinguer, approved in 1997

Overview

This bill was also part of Berlinguer's wider reform plan of the education system. It focused on reforming the Italian equivalent of A-levels, the "*esami di stato conclusivi*" (known as *Maturità*) students take at the end of high school. Its main objectives were introducing a third written exam, establishing a mixed exam board with some internal and some external examiners, and setting some limitations to what candidates attempting the exam as external, private candidates (the so-called "*privatisti*") could do to take the exams.

Main actors
- Minister: Luigi Berlinguer (DS)
- Senate rapporteur: Maria Pagano (DS)
- External supporter of government majority: Rifondazione Comunista
- Rinnovamento Italiano and Popolari: junior coalition partner, ideologically centrist/liberal
- Forza Italia, Lega Nord and Alleanza Nazionale: opposition

2. Bill 2: **Fioroni, Maturità reform, from parliament 2006-2008**, promoted by Minister Giuseppe Fioroni, approved in 2006

Background

In between the 1997-2000 Berlinguer reforms and the Fioroni one, there was another big education reform by the 2001 Berlusconi government (the 2003 Moratti reform) which cancelled most of the Berlinguer reforms. The 2006 Fioroni reform intervened to modify the Moratti reform. The main provisions of the Moratti reform that are relevant for the Fioroni reform are:

-the Moratti reform reintroduced an exam board made entirely of internal examiners for the *Maturità* exams, changing Berlinguer's mixed board.

-it created the INVALSI (National Organisation for the Evaluation of the School System), an organisation under the jurisdiction of the Ministry of Education, with the aim to implement some new evaluation standards for schools, including some standardised exams for students at all levels. Among other things, it was in charge of drafting one of the three written examinations that Italian students took as part of their exams.

Overview

The Fioroni's reform aimed to cancel most of what the 2001 Moratti one had done, limiting the role of INVALSI and re-introducing a mixed exam board (as in Berlinguer's case). Again similarly to Berlinguer's reform, Fioroni wanted to crack down over the *privatisti* practice.

Main actors

*   Minister: Giuseppe Fioroni (L'Ulivo/Partito Democratico)
*   PM: Romano Prodi (L'Ulivo/Partito Democratico)
*   Rapporteur: Albertina Soliani (Senate, L'Ulivo/Partito Democratico)
*   Rifondazione Comunista, coalition partner on the far-left
*   Opposition actors: Alleanza Nazionale (AN), Unione di Centro (UCD), Forza Italia (FI), Lega Nord (LN)
*   Life senators: voted favourably during the government's investiture vote, and were necessary to have a majority in the Senate.

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