Italian Political Science, VOLUME 15 ISSUE 2, SEPTEMBER 2020

Ineffective changes for hard times. The 2017 reform of the Italian Senate's Rule of Procedure and its effects

Andrea Pedrazzani
UNIVERSITY OF MILAN

Francesco Zucchini
UNIVERSITY OF MILAN

Abstract

In 2017, an extensive reform of the Rules of Procedure of the Italian Senate was enacted. The revision was soon welcomed as a step towards a more efficient and rapid upper house. In this article, we focus on one crucial aspect of the reform: the changes made to the rules governing the assignment of bills to parliamentary committees. In particular, we analyze the costs associated with the different assignment procedures and develop some theoretical expectations about the change brought about by the reform in terms of decision-making efficiency. These expectations are empirically evaluated against data on lawmaking in the Senate before and after the reform. A comparison is also carried out using data from the Chamber of Deputies. Preliminary results show that the new rules have not improved the efficiency and productivity of the Italian Senate so far.

1. Introduction

In late 2017, an ambitious reform of the Rules of Procedure of the Italian Senate was enacted. In purely quantitative terms, over one-third of the articles of the standing orders were modified. More substantively, the reform revised several important aspects regulating the lawmaking process in the Senate and the functioning of the upper house more in general. In particular, the reform introduced more restrictive rules for forming new parliamentary party groups, strengthened the role of permanent committees in the legislative process, and rationalized several steps of bill examination in the Senate. Not only the proposers of the reform, but also many observers welcomed the 2017 revision as a reform which would increase the decision-making efficiency of the Senate. Just one year before the reform, the Italian Senate had 'survived' a constitutional referendum attempting to reduce its role in the lawmaking process. By revising its internal rules, the Senate then seemed to take 'revenge' on all its detractors. The reform in the Senate was even more appreciated due to the fact that, in the same period, a similar attempt to reform the standing orders of the Chamber of Deputies proved unsuccessful.

In this article we focus on one crucial aspect of the 2017 reform, namely, the changes made to the rules governing the assignment of bills to parliamentary committees. Accounts of the legislative process in Italy have typically focused on patterns of government-opposition cooperation (Di Palma 1977; Cotta 1994; Capano and Giuliani 2001; Giuliani

Volume 15, Issue 2, 173–190.
Contact Author: Andrea Pedrazzani, University of Milan.
E-mail address: andrea.pedrazzani@unimi.it

2008; De Giorgi 2016), on the agenda setting role of the government (Zucchini 2013; De Micheli 2014), on intra-coalition dynamics (Pedrazzani and Zucchini 2013; Pedrazzani 2013, 2017; Conti and Marangoni 2015), or on the impact of bicameralism (Zucchini 2008; Pedrazzani and Zucchini 2020). Studies of how bill assignment procedures affect legislative outcomes are rare. However, bill assignment procedures can be a crucial aspect in the legislative process.

As to bill assignment procedures, in both the Italian Chamber of Deputies and the Senate, bills are assigned to a standing committee according to three possible procedures. The committee can act: a) in a reporting capacity (*sede referente*), i.e. the committee is charged with a preliminary examination of legislation to be reported on in the assembly, where the bill can be amended and possibly approved; b) in a drafting capacity (*sede redigente*), i.e. the committee examines the bill and proposes a draft bill to the floor, which can either approve or reject it; or c) in a legislating capacity (*sede legislativa* in the Chamber, *sede deliberante* in the Senate), i.e. the committee can approve the bill with no further steps on the floor. Before 2017, in both chambers, bills were normally assigned to committees in their reporting capacity. While in the Chamber of Deputies these rules have not changed, the 2017 reform introduced new assignment rules in the Senate, whereby bills are now normally sent to committees acting either in a drafting capacity or in a legislating capacity. To what degree have these new rules improved the legislative 'efficiency' of the Senate? Has the 2017 reform made the Italian upper house able to examine and approve a greater volume of bills than before?

This study offers a preliminary answer to these questions using the lawmaking data available so far. More specifically, we collected data on bill assignment to committees and bill examination from the start of Legislature XVIII up until December 31 2019. We compare these data with legislative data concerning the Chamber and with similar data covering the initial phase of (pre-reform) Legislature XVII.

This article is organized as follows. In the next section we sketch the process leading to the 2017 reform of the Rules of Procedure of the Senate, from the early steps at the onset of Legislature XVII to its revitalization after the failure of the constitutional referendum held in 2016. We also outline briefly the main contents of the reform. The third section analyzes the costs associated with the different assignment procedures and develops some theoretical expectations about the change brought about by the 2017 reform in terms of the Senate's decision-making efficiency. The following section evaluates these expectations against empirical data on lawmaking in the Senate and in the Chamber in the pre- and post-reform period. Concluding remarks follow in the final section.

2. Revision of the Rules of Procedure of the Italian Senate in 2017: an unexpected reform

Although the institutional framework established in Italy by the Republican Constitution of 1948 has been able to survive almost 'untouched' up until now, several reforms have occurred in the electoral system and in the internal rules of both houses of the Italian parliament. Four electoral reforms were approved from the 1990s onwards during the highly unstable political phase known as the 'Second Republic' (Verzichelli and Cotta 2000; Zucchini and Pedrazzani 2020). Substantial changes in the standing orders of both branches of parliament took place during the early 1970s, the late 1980s and the

1990s (Giannetti and Pedrazzani 2020). Thereafter, no major revisions were enacted until the reform of the Rules of Procedure of the Senate approved in 2017.

2.1. The reform process

The process leading to the approval of the 2017 reform of the internal rules of the Senate is intertwined with an attempt to revise the Italian Constitution which occurred during Legislature XVII (2013-2018). During Legislature XVII, a major revision of the Italian Constitution promoted by the ruling center-left coalition was approved by the Italian parliament. The reform aimed at reducing the prerogatives of the Senate, thus abolishing symmetric bicameralism with respect to policy-making and increasing the powers of the executive as an agenda setter (Tsebelis 2017). In addition, the constitutional amendment included provisions to centralize policy-making powers in the hands of the national government vis-à-vis regional governments. Such a broad reform project has never been implemented, as it was stopped by popular vote in a constitutional referendum held in December 2016 (Vercesi 2019). However, it considerably affected the history and outcome of the reform of the parliamentary rules in the Senate.

The process leading to the enactment of the 2017 reform started well before the legislative procedure of the constitutional revision. In this process a crucial role was played by the President of the Senate Pietro Grasso, a former anti-mafia magistrate who had been elected senator in the list of the Democratic Party (*Partito democratico*, PD) in the general elections of February 2013.[1] On April 9 2013, during the first meeting of the Committee on Rules[2] of Legislature XVII, the President of the Senate charged two expert senators – Marco Minniti (PD) and Gaetano Quagliariello (People of Freedom, *Popolo della libertà*, PDL) – with the task of examining all the amendments to the Rules of Procedure that would be submitted thenceforth. Two months later, after Minniti and Quagliariello became members of the cabinet and hence left the Committee on Rules, their task was entrusted to Anna Finocchiaro (PD), Donato Bruno (PDL) and Roberto Calderoli (Northern League, *Lega Nord*, LN) (June 19 2013).[3] In Autumn, the three rapporteurs reported in the Committee on Rules on the received amendment proposals (October 15 2013), and in January they informed the other members that they were about to circulate a draft of the project of reform (January 21 2014). The proposed amendments included a revision of the organization and competences of permanent committees.

Some days later, a first stop in the process occurred, as the Committee on Rules decided to postpone the discussion on the revision of the parliamentary rules of the Senate, given the start of negotiations on an overall reform of the Constitution (January 30, 2014). Not only had the main Italian parties started bargaining over a constitutional reform, but

[1] Later, Grasso left the PD. In December 2017 he founded a new leftwing party called Free and Equal (Liberi e Uguali, LEU).

[2] The Committee on Rules is one of the select committees of the Italian Senate. When a new legislative term starts, the President of the Senate appoints the members of this committee, taking into account the size of parliamentary party groups. The Committee on Rules usually comprises ten senators and is chaired by the President of the Senate. It examines and introduces changes to the Rules of Procedure, and issues opinions on the interpretation of the Rules submitted to it by the President of the Senate.

[3] In late April 2013, after two months of negotiations, a 'grand coalition' government headed by Enrico Letta was formed, relying on the support of the PD, PDL and the main centrist parties. The Northern League was in the opposition.

also the overall political landscape had changed meanwhile. The Letta government was replaced by a new cabinet headed by PD secretary Matteo Renzi (February 22, 2104). The new cabinet relied on the support of a PDL splinter known as New CenterRight (*Nuovo Centrodestra*, NCD), while the PDL itself had withdrawn from the government some time before and was re-labeled Go Italy (*Forza Italia*, FI). In the ensuing meeting of the Committee on Rules, the draft circulated by the rapporteurs was adopted as a starting point for the next discussion, and a ten-day deadline was fixed for tabling amendments to the draft. At the same time, President Grasso asked the rapporteurs to get in touch with the Committee on Rules of the Chamber in order to harmonize the projects of reform of the standing orders that were discussed in the two houses (March 12, 2014).

Yet, the process was soon blocked. On April 8 2014, a bill proposing an overarching reform of the Italian Constitution was submitted to the Senate: the so called 'Renzi-Boschi' bill, named after its two main sponsors (Prime Minister Renzi and the Minister for Constitutional Reforms Maria Elena Boschi). After this, the Committee on Rules of the Senate was not convened for about three years.

As mentioned above, the Renzi-Boschi attempt to reform the Constitution eventually failed. This seemed to open again the possibility to revise the parliamentary rules, at least in the Senate. In June 2017, six months after the constitutional referendum, President Grasso gave a new boost to the process of internal reform of the Italian upper house. In a public conference eloquently entitled 'Which limited reforms to the standing orders are still possible in the current legislative term?' (Rome, June 22 2017), Grasso gave a speech enlisting a number of possible revisions to the internal rules of the Senate (Grasso 2017). When the Committee on Rules met for the first time after the constitutional referendum (July 11, 2017), Grasso proposed the same list of revisions to the other members of the Committee. This proposal was based on the draft discussed in the Committee on Rules three years before and overtly aimed at making parliamentary proceedings more efficient. Quite interestingly, Grasso's list did not mention any change in the rules of bill assignment to the committees. The same day, Grasso appointed a restricted working group (*comitato ristretto*), which would draft a reform proposal based on unanimous consensus among its members. This time, the working group included Maurizio Buccarella, a member of the anti-establishment Five Star Movement (*Movimento 5 stelle*, M5S), in addition to Anna Maria Bernini (FI), Calderoli (LN) and Luigi Zanda (PD).

Three months later, the draft was illustrated to the other members of the Committee on Rules (October 11, 2017). The project of reform introduced new rules for bill assignment, as bills were to be 'normally' assigned to committees in a drafting or legislating capacity (rather than in a reporting capacity). On November 14 2017, the reform proposal was finally adopted by the Committee on Rules and submitted to the floor of the Senate (Doc. II n. 38). After being examined in the assembly, on December 20 2017 the reform was definitely approved by the Senate. The proposal was largely supported, as just three senators abstained and five voted 'No' in the final vote on the floor. The reform was welcomed as an 'unhoped-for miracle' by life senator and former President of the Republic Giorgio Napolitano (Senato della Repubblica 2017). At the same time, the President of the Chamber Laura Boldrini bemoaned the lack of a similar reform in the lower house. In an official message, she pointed out that the same parties which approved the reform in the Senate refused to do the same in the Chamber (Boldrini 2017).

2.2. The contents of the reform

According to the proposers, the 2017 reform of the Rules of Procedure – which would have been applied starting from Legislature XVIII – aimed at increasing the efficiency and speed of decision-making in the Senate.[4] As Bernini stated in the final declaration of vote on the reform she gave on behalf of the FI party group, the new rules on bill assignment were meant to 'speed up, make more efficient and simplify the activity of committees'. This is because, as stressed by Doris Lo Moro (LEU) in the same debate, when the media talk about lawmaking 'it is very often said that everything languishes in the Senate, everything is stopped in the Senate' (Senato della Repubblica 2017).

Overall, 66 articles were altered out of the 167 provisions that form the standing orders. The reform addressed three main aspects: the formation of parliamentary party groups, the role of permanent committees, and the rationalization of several steps of bill examination. As to the first aspect, the primary aim of the new rules was that of hindering the formation of new parliamentary groups during a legislative term. For example, new Art. 14 establishes that each group shall comprise at least ten senators from a party or political movement, or a combination of parties and political movements, whose candidates ran for and were elected to the Senate under the same party symbol. Moreover, during the term, a new parliamentary group can only be established if it is the result of a merger of existing groups (Art. 15). With regard to the third aspect above, the new rules curtailed speaking time on the floor during debates on legislation (Art. 89). In addition, the new provisions granted two weeks a month, not overlapping with plenary business, for the work of standing and special committees (Art. 53). Furthermore, the rules governing voting in the plenary (Art. 107) and Question Time (Art. 151-bis) were made more similar to those operating in the Chamber. The reform also increased the transparency of committees' activities, since the broadcasting of committee sittings was made possible not only when committees act in a drafting or legislative capacity – as in the previous rules – but also when they act in a reporting capacity (Art. 33).[5]

For the purposes of this article, the second aspect above – namely the role of permanent committees – is the most crucial one. The reform aimed at enhancing the role of standing committees in the lawmaking process. In this regard, the new Art. 34 stipulates that, after being submitted to the Senate, bills are 'normally' assigned to committees in a legislating or in a drafting capacity. This is a remarkable change, as according to the previous rules of the Senate (and also to the rules still operating in the Chamber) bills were normally sent to committees acting in a reporting capacity. The goal of this revision was that of charging the committees (endowed with the power to draft or even approve bills) with most of the lawmaking activities, thus making the parliamentary process

[4] Initially the proposers of the reform also aimed to reduce some discrepancies in the standing orders of the two parliamentary houses. However, the 2017 revision of the Rules of Procedure of the Senate introduced some new rules (like those regarding bill assignment to committees and the formation of parliamentary groups) that are not present in the Chamber (Gianfrancesco 2018; Giupponi 2018; Lupo 2018).

[5] Note that broadcasting has to be requested by the committee and allowed by the President of the Senate. As pointed out by Fasone and Lupo (2015), increasing the forms of public accessibility to the activity of committees can undermine their lawmaking capacity. In this regard, if compared to the previous situation in the Senate, the 2017 reform may have weakened the committees' ability to shape legislation when acting in their reporting capacity. We do not specifically address this issue in the present article.

more rapid and efficient. As in the pre-reform Senate, however, certain 'special' types of bills can still be only assigned to the committees in their reporting capacity: bills amending the Constitution, dealing with the electoral rules, converting law decrees, including delegation clauses, ratifying international treaties, and budget bills (Art. 35 and 36). Moreover, until the final vote in the Senate, bills being examined by a committee in its legislating or drafting capacity can be re-assigned to a committee in a reporting capacity if requested by the government, one-tenth of the members of the Senate, or one-fifth of the members of the committee (Art. 35 and 36).

3. A promise of increased efficiency

On the same day in which the reform was approved, the President of the Senate Grasso solemnly declared: 'The floor has approved the modification of the Senate rules, which has a profound effect on its efficiency and effectiveness and will allow us to respond more quickly to the needs of citizens' (December 20 2017). In this article we focus on investigating the effects of the new rules regarding the assignment of the bills to the committees. In this regard, Grasso's words seem to resonate with the opinion of observers and even Senate officials, according to whom the reform would allow a huge number of bills to be examined by committees in a drafting or legislating capacity, thus increasing the volume of approved bills (Carboni and Magalotti 2018).

In both houses of the Italian parliament, any legislative process begins with the bill being assigned to a legislative committee in order to be discussed. As mentioned above, the committee can act: a) in a reporting capacity (the bill proposed by the committee is introduced to the floor, which can amend it before final approval), b) in a drafting capacity (the bill proposed by the committee can only be approved or rejected by the floor), or c) in a legislating capacity (the committee can approve the bill without any subsequent step on the floor). Both the legislating capacity and the drafting capacity are kept (and acquired) by the committees only if one-tenth of the house members, one-fifth of committee members and the government do not oppose (Art. 72 of the Constitution; Art. 92 and 96 of the Rules of Procedure of the Chamber; Art. 35 and 36 of the Rules of Procedure of the Senate).

Usually, and still now, in the Chamber of Deputies the bills are assigned to the committees in their reporting capacity. Only when their nature (see above) and an almost unanimous consensus allow it, they are re-assigned to the same committee acting in a legislating or (much more rarely) in a drafting capacity. The same does not happen in the Senate where, as we have already seen, the standing orders were changed at the end of Legislature XVII. During the current legislature (XVIII), in the Senate bills are normally not sent to committees in their reporting capacity. All bills that are not associated with the budgetary process, do not ratify international treaties or convert decree laws and that do not include legislative delegations to the government or deal with electoral rules are assigned to a committee acting in a drafting or legislating capacity. From now on, we use the term 'bill' to refer only to the category of legislative proposal affected by the reform. Our argument applies just to these bills, and not to the 'special' bills mentioned above (which can be assigned only to the reporting committee).

Did such a new rule really increase the Senate's decision-making efficiency as the President of the Senate suggested? Why should starting the legislative process with one

of these two procedures – committee acting in a drafting or legislating capacity – make the process more efficient than in the past, when the starting point was the committee acting in a reporting capacity? In the next two sections we will try to figure out the rationale behind the reform.

3.1. The decision-making costs

In order to answer the above questions, we first need to consider the advantages and disadvantages associated with the different procedures as well as the potential costs intrinsic to switching from one procedure to the other.

On the one hand, when the committees act in a legislating or drafting capacity, the outcomes are more predictable. Either the floor is not involved in the decision making (legislating capacity), or the floor can only accept or refuse, section by section, the bill proposed by the committee (drafting capacity). Moreover, as near-unanimity is required to let the committees keep the prerogatives associated with these procedures, the policy options that can be approved are few in number, i.e. the bargaining set is small. The scarcity of winning alternatives and the absence or downsizing of the floor's role can shorten the time necessary for the decision. On the other hand, if the bargaining set gets so small it becomes empty, no agreement can be reached about any alternative to the status quo. In summary, the approval of a law (the change of the status quo) is much less likely when committees act in a legislating or drafting capacity. When possible, however, it is easier to achieve it.

On the contrary, when the committees act in a reporting capacity the bargaining set is wide – the agreement of just a majority of committee members (normally those who support the government) is sufficient to adopt a bill – but the final outcome is much less predictable, also because any final approval depends on the preferences of the floor. Moreover, the floor's schedule is crowded with the special bills that cannot be assigned to the committees acting in drafting or legislating capacity. Overall, the decision making takes much longer. Summing up, when committees act in a reporting capacity bill approval is on average more likely, but it is also more 'costly' to achieve it.

We define as *CR* the cost in terms of required time to approve a bill in a chamber when the committee acts in a reporting capacity, as *CD* the same cost when the committee acts in a drafting capacity, and as *CL* the same cost when the committee acts in legislating capacity. Then, in condition of incomplete information, we assume the following:

$$CR > CD > CL \qquad (1)$$

Also switching from one procedure to another implies a prolongation of the decision-making process, which is different according to the starting procedure that the committee decides to abandon and the final procedure that the committee decides to adopt. Such a delay can be long when the committee tries to stop acting in a reporting capacity to start acting in a drafting or legislating capacity. In this case, even when there is a better option than the status quo for all relevant players (the committee's unanimity is needed in the Senate to turn from a reporting to a drafting or legislating capacity), finding it in conditions of incomplete information takes time and has bargaining costs. On the contrary, the shift from a committee acting in drafting or legislating capacity to a committee acting in

reporting capacity is easy and fast, as a small minority is sufficient to impose it. We call *CRDL* the time necessary for a committee to change from acting in a reporting capacity to acting in a drafting or legislating capacity, and *CDLR* the time necessary for the reverse change. Based on the discussion above, we assume the following:

$$CRDL > CDLR > 0 \qquad (2)$$

These costs are certainly not sufficient to assess which procedure is more convenient for the legislators and what the latter will choose to discuss and approve the bills. We also need to know which outcomes the legislators are likely to obtain given their ideal points and the position of the status quo (see below).

Turning back to the costs above, let us consider those bills examined by the committees acting in a legislating or drafting capacity. In the case of these bills, ceteris paribus, the Senate after the 2017 reform should be more efficient than the Senate prior to the reform. In the pre-reform Senate, the bills were usually assigned to the committees acting in their reporting capacity. Therefore, in the pre-reform Senate for those bills examined by committees in a legislative or drafting capacity we should take into account not only the cost of the procedure itself (*CL* or *CD*), but also the cost of changing the procedure (*CRDL*). For the same bills, in the post-reform Senate only *CL* or *CD* has to be paid, being absent the cost of changing the procedure.

A similar argument should give a small advantage in terms of efficiency to the Senate before the reform when we consider those bills examined by the committees acting in a reporting capacity. For these bills, there were no costs for changing the procedure in the pre-reform Senate since the normal procedure was that the committees acted in a reporting capacity. So, only *CR* had to be paid. The cost of changing the procedure (*CDLR*) affects, instead, the Senate after the reform (in addition to *CR*), where bills are normally supposed to start with one of the other two procedures.

These considerations suggest that an analytical comparison between the 'legislative efficiency' of the Senate before the reform and that after the reform gives an ambivalent result. The overall effect of the reform will depend on the frequency of political circumstances that make it more attractive for the government parties' members to choose the committees acting in their legislating or drafting capacity rather than the committees acting in their reporting capacity. The government parties' members are the crucial ones as, in light of the literature, we assume that usually no legislative decision can be taken against the will of a government party (Cox and McCubbins 2005). Therefore, we need to turn to the effects of the different procedures in terms of policy outcomes for the government parties' members.

3.2. A spatial analysis of the policy outcomes

Let us assume that *A*, *B*, *C* are the ideal points of three political actors. They are located along one policy dimension. *B* and *C* are the ideal points of the members of the government majority. *A* is the ideal point of the main opposition party. On the same policy dimension, *SQ* is the position of the policy status quo. Also the policy outcomes, that is the approved bills, are represented along the same dimension. E_{ABC} is the policy outcome when the committee acts in a drafting or legislating capacity, i.e., when the bill must be supported by all actors. E_{BC} is the policy outcome when the committee acts

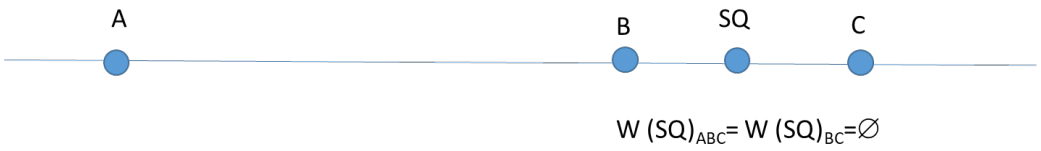
in a reporting capacity, i.e., when the agreement of the government parties is sufficient to support the bill.

The utility of a certain policy outcome for each political actor is given by the distance between its ideal point and the policy outcome. The smaller the distance, the greater the utility. For example, in Figure 2a below, for actor *C* the utility deriving from the outcome when the committee acts in a legislating or drafting capacity is $U_C(E_{ABC}) = -|C - E_{ABC}|$.

We can distinguish three scenarios. In a first scenario, irrespective of the procedure with which a bill has been assigned to the committee, the bill is not in fact approved and sometimes it is not discussed either. The other two scenarios correspond to the procedures we have described above.

SCENARIO 1. WHEN NO PROCEDURE IS DE FACTO ACTIVATED. No procedure is in fact activated if, even for just one of the actors required by the procedure, the utility is lower than that obtained by preserving the status quo *SQ* (Romer and Rosenthal 1978; Tsebelis 2002). In Figure 1 the status quo will be maintained, as any agreement between the government parties *B* and *C* to change it is not possible. Obviously, the procedure that requires the support of the opposition party fails as well. If we define $W(SQ)$ as the 'winset' of the status quo *SQ*, then $W(SQ)_{BC} = W(SQ)_{ABC} = \varnothing$.[6]

Figure 1. Legislative actors and status quo when no procedure is activated (scenario 1).



Source: own elaboration

SCENARIO 2. WHEN COMMITTEE ACTS IN LEGISLATING OR DRAFTING CAPACITY. A necessary but non-sufficient condition to allow the committee acting in legislative or drafting capacity is that also opposition party *A* supports the policy change. It is not sufficient because also the other procedure (the reporting procedure) could be chosen. In this case $W(SQ)_{BC} = W(SQ)_{ABC} \neq \varnothing$. Even if the set of alternatives that can defeat the status quo is the same under both procedures (reporting or legislating/drafting), the outcome of the legislative game is likely to be different according to the selected procedure. When a committee acts in legislating or drafting capacity, the final outcome will be the closest one to the government party that is least distant from the opposition party. As illustrated in Figure 2a, opposition party *A* somehow reinforces the bargaining power of government party *B*. When, instead, the committee acts in a reporting capacity, the bargain takes place only between the ruling parties, *B* and *C*, as in this case the required consensus is only inside the government majority. Therefore, the final outcome is more likely to be closer to *C* than under the legislating/drafting procedure (E_{BC} versus E_{ABC}). Party *C*, i.e. the government party closest to *SQ*, is the crucial actor. The committee will go on acting in a drafting (or legislating) capacity if

$$-|C - E_{ABC}| - CD > -|C - E_{BC}| - CR - CDLR \qquad (3)$$

$$-|C - E_{ABC}| - CD > -|C - SQ| \qquad (4)$$

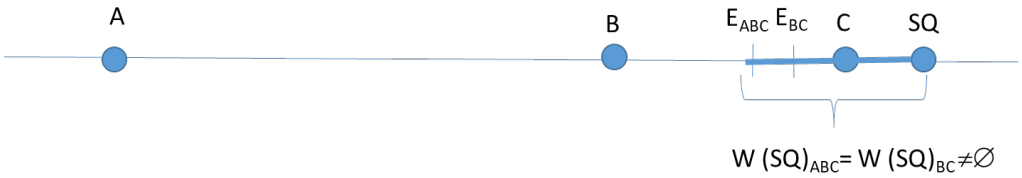
[6] The winset of the status quo is the set of points in the policy space that can beat the status quo according to the decision-making rule in place.

From *C*'s point of view, a committee acting in legislating or drafting capacity brings lower decision-making costs but a farther legislative outcome, while a committee acting in reporting capacity brings higher costs but a closer outcome. As in equation (1) we have assumed that *CD* < *CR*, inequality (3) is more likely to be true when the two policy outcomes, E_{ABC} and E_{BC}, are similar. In this case, the low bargaining costs and uncertainty of the committees when they act in legislating or drafting capacity can largely compensate *C* for an outcome that is slightly worse than the outcome achieved under the reporting procedure.

Two circumstances can make the two policy outcomes similar to each other, thus making the adoption of the legislating/drafting procedure more likely:

1) if the possible policy change is marginal as in Figure 2a, i.e., when the winset of the status quo is small;
2) if party *B* is particularly close to *C* (i.e., the government majority is cohesive) as in Figure 2b. In the latter case, at worst the final outcome will not be farther for *C* than the ideal point of *B* even when the winset of *SQ* is large.

Figure 2a. Legislative actors and status quo when committee acts in legislating or drafting capacity (scenario 2a)



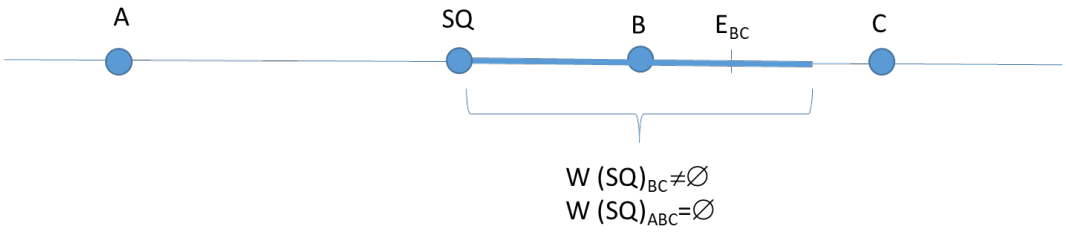
Source: own elaboration

Figure 2b. Legislative actors and status quo when committee acts in legislating or drafting capacity (scenario 2b)

Source: own elaboration

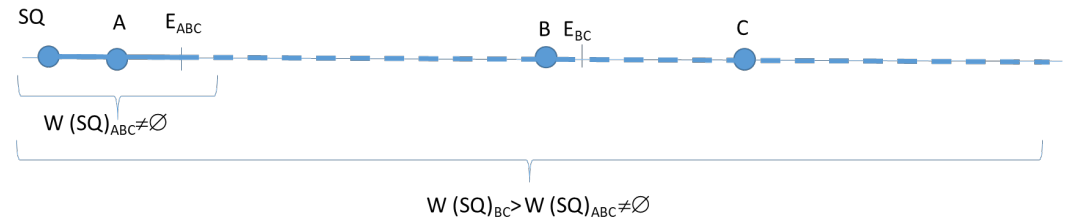
SCENARIO 3. WHEN COMMITTEE ACTS IN REPORTING CAPACITY. According to the above discussion, when a policy change is almost unanimously preferred to the preservation of status quo, then the committee acts in reporting capacity if the change is not marginal and/or if the government majority is not very cohesive. The adoption of this procedure is de facto 'compulsory' also when the status quo is controversial, i.e., when the policy change wanted by the government parties is in the opposite direction to the change desired by the opposition party (Figure 3a). The reporting procedure will be chosen also when both majority and opposition parties want a policy change in the same direction, but a new bill adopted under the legislating/drafting procedure would be very far from the ruling parties (Figure 3b).

Figure 3a. Legislative actors and status quo when committee acts in reporting capacity (scenario 3a)



Source: own elaboration

Figure 3b. Legislative actors and status quo when committee acts in reporting capacity (scenario 3b)



Source: own elaboration

The analysis of the consequences in terms of policy outcomes of the different procedures allows us to predict that the current Senate should be more efficient in processing the 'normal' bills than the pre-reform Senate if the possible policy changes are not only 'uncontroversial' but also smaller (Scenario 2a), and/or if the government parties are also more homogenous (Scenario 2b) than in the previous legislatures. In other terms, the post-reform Senate should be more efficient (as it would resort more often to committees acting in legislating or drafting capacity) if the scenarios that are described in Figures 2a and 2b are more likely now than in the past.

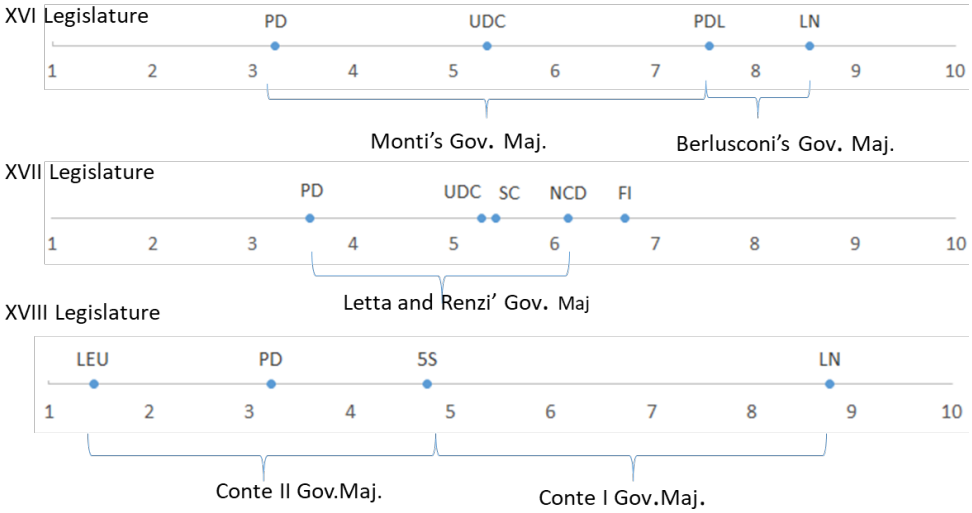
Even a rough knowledge of Italian politics over the most recent years suggests that this is not the case. The internal homogeneity of the government majority increases the closer the ruling parties are in policy terms. As to the size of uncontroversial policy change, the scope of possible policy change grows with the distance in terms of policy positions between a government and the previous one. The status quo that the current government majority confronts and tries to change is largely the legacy of the government majorities that preceded it. The greater the difference between a government majority and the previous one in terms of policy positions, the less marginal (i.e. the greater) on average should be the policy change. An overview of the internal heterogeneity of government majorities and of the distance from the past government majorities in Italy can be provided by the expert survey data collected by Chapel Hill in 2010, 2014 and 2019 (Polk et al. 2017; Bakker et al. 2015, 2020). Party scores along the general left-right dimension are displayed in Figure 4. Looking at the graphs, we note that the ideological extension (or 'range') of the majorities that supported the Letta, Renzi and Gentiloni cabinets during Legislature XVII was lower than that of the governments of Legislature XVIII. The ideological distance that separates each government from the previous one also seems greater in Legislature XVIII as compared to Legislature XVII.[7] In particular, the distances between the Conte II and Conte I cabinets,

[7] Identifying the joint policy position of the majority supporting a government is a hard task. We can expect the government position to be located somewhere between the two most extreme coalition parties. For ease

and between the Conte I and Gentiloni cabinets (Legislature XVIII), are greater than the distances between the Gentiloni and Renzi cabinets, between the Renzi and Letta cabinets, and between the Letta and Monti cabinets (Legislature XVII).

Summing up, during Legislature XVIII neither of the circumstances that should favor the choice of the legislating/drafting procedure – hence making the Senate more efficient – applies. Therefore, we expect that the political circumstances push the senators during Legislature XVIII to approve (or to try to approve) bills by assigning them to committees acting in a reporting capacity. A procedure that in the current, post-reform Senate is not the 'natural' one anymore and implies a change of the procedure and hence additional costs in terms of loss of time. In the next section we will try to assess if the implications of our very simple (and maybe simplistic) models are empirically confirmed.

Figure 4. Positions of main political parties in the left-right dimension in Legislatures XVI, XVII and XVIII



Source: own elaboration

4. An empirical analysis

To empirically evaluate the expectations deriving from our theoretical arguments, we collected data on the bills proposed and examined in the Senate during Legislature XVIII (since it began on March 23, 2018, until December 31, 2019). Measuring the legislative performance of the Italian Senate – and other representative chambers as well – is certainly not easy, as the notion of lawmaking powers has a complex and multifaceted nature (Arter 2006). Being aware that our evaluation is partial and rough in some way, here we offer an assessment of the legislative performance that is based on quantitative measures of productivity – i.e. the volume of bills examined under different procedures in a given time period. In so doing, we concentrate on exactly those aspects which have been especially emphasized by the proposers of the reforms and by most observers (see above).

Moreover, as we already mentioned, we focus on 'normal' bills – that is, those bills that can be assigned to different legislative procedures. In other words, we dropped from our

of illustration, we suppose that the government position corresponds to the mid-range position between the most left-wing coalition party and the most right-wing coalition party (Tsebelis and Chang 2004).

analysis the bills that can only be assigned to the committees in their reporting capacity: bills amending the constitution, electoral reform bills, bills converting law decrees, bills that include provisions delegating the government to act, bills ratifying international treaties, and budget bills. 'Normal' bills were more than 82% of all bills that were presented during Legislature XVII but only 23% of bills that became law. Table 1 reports the distribution of all the bills submitted to the Senate in the early period of Legislature XVIII (until the end of 2019), according to the stage of the legislative process they reached and the procedure of the committee's assignment.

Table 1. Distribution of 'normal' bills proposed in the Senate, according to the procedure of committee's assignment. Legislature XVIII

	Reporting		Drafting		Legislating		All procedures
All the bills	120	10.4%	1021	88.8%	9	0.8%	1150
Bills discussed at least once in committee	90	41.5%	118	54.4%	9	4.1%	217
Bills already examined in committee	35	47.3%	35	47.3%	4	5.4%	74
Approved bills	13	54.2%	8	0.0%	3	0.0%	24

Source: own elaboration

A preliminary glance at the data reveals that, from the beginning of Legislature XVIII to December 31, 2019, 120 bills that according to the new rules should have been sent to committees acting in drafting or legislating capacity, have in fact changed procedure. They were eventually assigned to committees acting in reporting capacity, and supposed to be examined under such procedure. These bills that changed procedure, even though they are only 10.4% of all the bills we consider, are more than 41% of bills that have been discussed at least once in the committee, more than 47% of bills for which discussion in the committee has been concluded, and 54.2% of bills that have already been approved in the Senate. Altogether, these data seem to suggest that, if the reform aimed at speeding up the approval of bills by letting them be considered in committees acting in drafting or legislating capacity, then it has failed so far.

Nevertheless, assessing the efficiency of the current Senate is a demanding task and our conclusion above could be premature. A proper evaluation can only be given in comparative terms. To do this, however, one has to skip some methodological traps. On the one hand, a direct comparison with the Senate of the previous legislature does not allow consideration of the general political circumstances that may have affected differently the number of bills found at different steps of the legislative process in the Senate. Furthermore, the sheer number of bills is in itself a questionable measure as bills are in some way packages of differing sizes and importance, and the average number and size of bills can differ from one legislature to another. In fact, a few major bills can point to a Senate that is more effective and efficient than a Senate that approves and/or discusses a large amount of fairly insignificant bills. On the other hand, a mere comparison with the Chamber of Deputies of the same legislature would keep us from considering some important institutional differences between the two chambers, such as, first and foremost, the lower number of legislators in the Senate.

We decided to combine these comparisons to minimize their drawbacks. To this purpose, we consider three different steps of a bill in the lawmaking process: 1) having been discussed at least once in the committee; 2) having completed examination in the

committee; 3) having been approved in the house where the bill was presented. Firstly, we created – separately for Legislature XVIII until December 31 2019 and for Legislature XVII (from its start on March 15 2013 to December 31 2014) – two indices of law 'productivity' for each of the three above-mentioned steps. One index is the ratio between the absolute number of bills proposed in the Senate and the absolute number of bills proposed in the Chamber of Deputies (*ABS_INDEX*). The other index is the ratio between the percentage of bills in a given step over the total bills in the Senate, and the same percentage in the Chamber (*PER_INDEX*). These indices offer a measure of relative 'productivity' of the Senate as compared to the Chamber. Results are reported in Table 2. In particular, the upper part (a) of the table reports data on post-reform Legislature XVIII, while the central part (b) of the table displays data on pre-reform Legislature XVII. We note, for instance, that during Legislature XVIII *ABS_INDEX*=0.388. This means that during the current legislature the bills approved in the Senate were almost 39% of the bills approved in the Chamber of Deputies. Also, *PER_INDEX*=0.548 implies that the percentage of approved bills over the whole amount of bills in the Senate was almost 55% of the percentage of approved bills over the total amount of bills in the Chamber. During Legislature XVII, these scores were higher. The bills approved in the Senate were roughly 50% of the bills approved in the Chamber (*ABS_INDEX*=0.495). Moreover, the share of approved bills in the Senate was about 87% of the share of the approved bills in the Chamber (*PER_INDEX*=0.872).

In the lower part of Table 2 (c), we compare the indices of law productivity across legislatures. In other words, we compare a measure of productivity of the Senate with respect to the Chamber during Legislature XVIII with the same measure calculated for Legislature XVII. By doing so, we also control for different levels of law productivity between legislatures. If the Senate's productivity indices increase when shifting from pre-reform Legislature XVII to post-reform Legislature XVIII, i.e., if the ratio between the indices for Legislature XVIII and the indices for Legislature XVII is bigger than one, we can infer an increase in efficiency that is not affected by general political conditions and by the institutional differences between the two chambers.

On the contrary, the results show us that the (post-reform) Senate of Legislature XVIII is systematically less efficient than the (pre-reform) Senate of Legislature XVII, regardless of the steps in the decision-making process we take into consideration. The worst efficiency scores for the post-reform Senate are the ones referring to the conclusion of work in the committees (0.710 and 0.574), and the best scores are those obtained considering the bills that have been discussed at least once in the committee (0.880 and 0.706). In the Senate of Legislature XVIII, the bills that concluded their examination in the committee were only 45% of the bills that concluded their examination in the Chamber. In the previous legislature such a percentage was around 64%. Therefore, the main negative effect of the reform seems to take place during the discussion in the committee, long before bills are considered for approval on the floor.[8]

[8] Although the reform does not seem to have fulfilled the promise of more efficient decision making in the Senate, political actors who can propose a bill appear to have believed in the increased efficiency of the Senate. During the first 19 months of Legislature XVIII, the number of 'normal' bills submitted to the Senate were 71% (1150/1627) of the normal bills presented in the Chamber. During the first 19 months of Legislature XVII, these were 57% (1212/2136) (see Table 2).

Table 2. Distribution of 'normal' bills proposed in the Senate and in the Chamber of Deputies, according to the procedure of the committee's assignment. Legislatures XVIII and XVII. Indices of law productivity

a) Legislature XVIII	Senate XVIII (March 23, 2018-December 31, 2019)				Chamber XVIII (March 23, 2018-December 31, 2019)				Ratio Senate/Chamber XVIII	
	Reporting	Drafting	Legislating	All procedures	Reporting	Drafting	Legislating	All procedures	*ABS_INDEX*	*PER_INDEX*
All the bills	120	1021	9	1150	1617	1	9	1627		
Discussed at least once in committee	90	118	9	217	315	0	0	315	0.689	0.975
Already examined in committee	35	35	4	74	163	0	0	163	0.454	0.647
Approved	13	8	3	24	59	0	3	62	0.388	0.548

b) Legislature XVII	Senate XVII (March 15, 2013-December 31, 2014)				Chamber XVII (March 15, 2013-December 31, 2014)				Ratio Senate/Chamber XVII	
	Reporting	Drafting	Legislating	All procedures	Reporting	Drafting	Legislating	All procedures	*ABS_INDEX*	*PER_INDEX*
All the bills	1195	0	17	1212	2104	0	32	2136		
Discussed at least once in committee	448	0	17	465	594	0	0	594	0.783	1.380
Already examined in committee	224	0	17	241	377	0	0	377	0.639	1.127
Approved	84	0	10	94	160	0	30	190	0.495	0.872

c) Comparison XVIII vs XVII	*ABS_INDEX* XVIII / *ABS_INDEX* XVII	*PER_INDEX* XVIII / *PER_INDEX* XVII
Discussed at least once in committee	0.880	0.706
Already examined in committee	0.710	0.574
Approved	0.782	0.628

Source: own elaboration

5. Conclusions

The 2017 reform of the Rules of Procedure of the Italian Senate was celebrated as an unexpected 'miracle'. The revision was not only extensive from a purely quantitative point of view, but also relevant in more substantial terms. Indeed, the promoters of the reform presented it as a step towards a more efficient and rapid Senate. In this article we concentrated on one key aspect of the reform: the changes made to the rules governing the assignment of bills to parliamentary committees. According to the new assignment rules introduced by the 2017 reform, bills are to be normally sent to committees acting in a drafting or legislating capacity, and not in a reporting capacity (as under the previous rules in the Senate and the current rules in the Chamber of Deputies). Our study offered a preliminary evaluation of the degree to which the new rules have so far improved the legislative efficiency of the Senate.

After summarizing the process leading to the 2017 reform as well as its main contents, we singled out the costs associated with the different assignment procedures and developed some theoretical expectations about the impact of the reform in terms of the Senate's decision-making efficiency. We hypothesized that, during post-reform Legislature XVIII, the political circumstances would lead the senators to resort to committees acting in a reporting capacity in order to approve bills – a procedure that has become more costly since the reform. Empirical data on lawmaking processes in the Senate showed that this indeed happened during the first part of Legislature XVIII. This implies that, if the new rules aimed at speeding the approval of bills through committees acting in drafting or legislating capacity, then they have failed so far.

Our analysis also revealed that, contrary to the intentions of the proposers of the reform, the legislative productivity of the Senate has not yet improved. A cross-chamber comparison shows that the post-reform Senate of Legislature XVIII has systematically lower levels of productivity than the pre-reform Senate of Legislature XVII. Furthermore, the productivity 'gap' seems higher when bills are examined in the same committees, well before being considered for approval on the floor.

Using the preliminary evidence hitherto available, this article has then shown that the results hoped for by Grasso and the supporters of the 2017 reform have not been achieved so far. Of course, the legislative players in the Italian Senate probably need some time to learn how to make the most of the new rules. However, based on the theoretical arguments outlined in this article we can expect that the Senate will increase its decision-making efficiency when the possible policy changes are uncontroversial and especially small, and when the governing coalition is particularly homogeneous in ideological terms.

Finally, although based on preliminary data, our analysis suggests some avenues for future research. For example, more extensive comparisons might be carried out using data on the entire Legislature XVIII, which would allow greater control over the time legislators need to adapt to the new rules. Also, our aggregate analysis of law productivity might be complemented by an individual-level investigation of bills, where a number of characteristics of bills – such as their content and sponsor – would be properly taken into account.

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