

# **The Premature End of the Fourth Berlusconi Government: An Updating of Indicators of the Government's Legislative Performance and Productivity**

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*Abstract: On 16 November 2011, after little more than three and a half years, the fourth Berlusconi government came to a premature end. This time, therefore, our usual analysis of the Government's legislative activity takes the form of a final report insofar as it is based on data that have been gathered, analysed and interpreted in real time on the executive's performance in the process of law making. This brief contribution therefore seeks to bring up to date our usual battery of indicators on the quantity and quality of the proposals presented to Parliament by the fourth Berlusconi government; on the 'division of labour' within the executive; on the extent to which the Government's legislative initiatives reflect its programme, and on the success rate of the executive in Parliament.*

Keywords: Berlusconi government, government crisis, lawmaking, executive performance

## **An overview of the volume of government initiatives**

During the course of the 163 meetings that took place between the swearing-in ceremony on 8 May 2008 and Silvio Berlusconi's resignation on 12 November 2011, the Cabinet presented 300 bills in Parliament. If we limit the analysis to the measures having the most direct influence on public policy and therefore, as usual in our reports, if we exclude from the calculation bills providing for the ratification of international treaties and agreements, the proposals adopted by the executive become 181, for a monthly average of about 4.2.

In Table 1 we disaggregate further the volume of government proposals, distinguishing between five distinct types of measure: the ratification of international agreements; decree laws; proposed laws of delegation; ordinary legislative proposals containing one or more clauses delegating powers to the executive, and ordinary legislative proposals

containing no such clauses. This gives us a complete picture of the strategies used by the Government in the initial phase of law making.

**Table 1: Bills passed by the Cabinet**

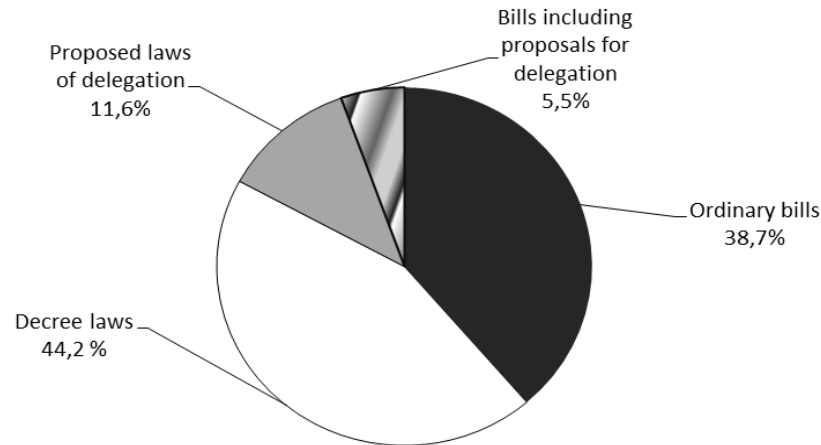
Type of bill	N	% of total bills
Bills	101	33.6
<i>Ordinary bills</i>	70	23.3
<i>Proposed laws of delegation</i>	21	7.0
<i>Bills including proposals for delegation</i>	10	3.3
Treaty ratifications	119	39.7
Decree laws	80	26.7
Total	300	100

We have already mentioned the relative weight of proposed treaty ratifications and now we see their number: 119 were issued by the Cabinet, equivalent to about forty per cent of the total volume of legislative initiatives taken by the executive.

Aside from treaty ratifications, bills approved by Cabinet (equivalent to about 34 per cent of the proposals introduced in Parliament) amount to 101. Of these, 21 can be accurately described as proposed laws of delegation, while 10 are ordinary bills containing clauses delegating powers in one or more specific areas. Overall then, the Government adopted 31 measures (a little more than 10 per cent of the total), to ask Parliament to delegate powers to it, using an instrument, legislative delegation, that is of ever increasing importance in the organisation of the Italian legislative process (Capano and Giuliani, 2001; Giuliani and Zucchini, 2008; Zucchini, 2010).

The proportion of decree laws (80) amounts to 26.7 per cent. The relative extent to which the Government had recourse to emergency decree-making went down over the course of the legislature (measured at the end of the first and second years of the Government's term, it was 33.3 and 29 per cent respectively), but such recourse nevertheless remained a strongly characteristic feature of the legislative activity of the executive lead by Berlusconi. We can see this represented better in Figure 1, where it is apparent that, excluding the ratification of international treaties and agreements, the proportion of decree laws amounts to 44.2 per cent of the total number of government legislative initiatives.

**Figure 1: Percentage distribution of the Government's legislative initiatives by type of measure (excluding treaty ratifications)**



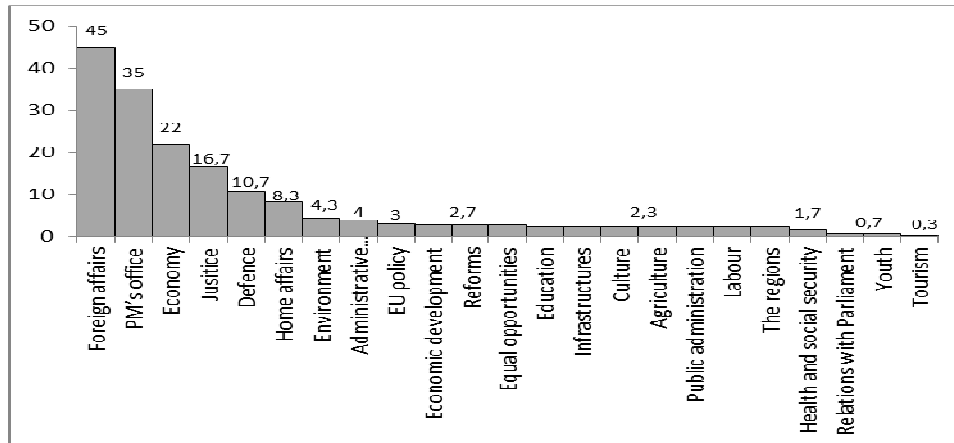
### The sponsors of government initiatives

The specific make-up of the legislative initiatives taken by the Berlusconi government has a significant impact on (or has perhaps been the consequence of) what we can call the division of labour within the executive.

In Figure 2, which shows the percentage of government initiatives signed (individually or together with other government colleagues) by each member of Cabinet, we can see that the minister for foreign affairs (who signed 45 per cent of the bills presented by the executive) is the principal sponsor, at least in numerical terms, of the Government's legislative activity. The figure is not in the least bit surprising (and hardly, if at all, unusual with respect to a by now well-established tendency of Italian governments) given the relative weight of international treaty ratifications (always initiated by the Foreign Minister, if necessary with other ministers) in the legislative activity of the Government.

The Foreign Minister aside, then, we observe the existence of a 'hard core' of three ministers, who mostly seem to direct the initiatives of the executive: the Prime Minister (involved as the first signatory or co-signatory in about 35 per cent of the initiatives) and the ministers of the Economy and Justice (whose rates of involvement are, respectively, 22 per cent and 17 per cent). There then follow, with percentages that vary from around 11 per cent to a little less than 5 per cent, the ministers of Defence, of Home Affairs, of the Environment and the minister without portfolio having responsibility for Legislative Simplification. The other ministers have rates of involvement of below 4 per cent.

**Figure 2: Percentage of government bills (co)sponsored by each ministerial component**



Particularly striking is the figure for the Prime Minister. His rate of involvement in fact, is eloquent about the quantity of measures in which the Prime Minister's office has intervened (directly or indirectly, in the supervisory phase) and may be an initial empirical indicator of the head of government's capacity (or at least his propensity) to lead and coordinate the legislative activity of the executive. If we exclude treaty ratifications, the rate of participation of Silvio Berlusconi in government initiatives amounts to 57.5 per cent. This is a high percentage, one that is without doubt partly explained by the strategic (and as we have seen frequent) recourse to decree laws – acts which must always carry the signature of the Prime Minister. The percentage is one that nevertheless attests to a leadership style that is rather closely oriented towards interventionism on the part of the Prime Minister: in order to have a recent comparator, one should consider that at the end of the second Prodi government, the corresponding percentage amounted to little more than 38. On the other hand, if we confine ourselves to ordinary bills (excluding ratifications), thus leaving aside decree laws, Berlusconi's rate of involvement amounts to around 24 per cent (while it had come to about 13 per cent in the case of the previous Prodi II government).

We should also note that the extent of Berlusconi's participation in the executive's production of bills remained more or less constant during the course of the near three-and-a-half years of the Government's period of office, without showing any particular signs of weakening. From this point of view too, then, we can perceive that the greatest obstacles and traps in the way of leadership of the Government came not so much from within the executive, as from the management and control of a coalition which, as we have seen, became increasingly disjointed and lacking in cohesion.

### Legislative activity and the Government's programme

Rather than through the quantitative aspects of legislative activity, we can thus measure the progress of the Government's performance by looking at its 'quality'. For this purpose we will make use, as a readily-available yardstick, of the government programme presented in 2008 during the course of the election campaign: the "Sette missioni per il futuro dell'Italia" (Seven missions for the future of Italy).

This is a document that is in fact divided into seven general missions (for example, to 'Re-launch expansion'), that are broken down into a series of 'objectives' (for example, 'A new tax regime for firms'), each of which lists a series of specific actions to be taken (for example, 'Tax cuts for overtime pay, prizes and incentives linked to increases in productivity'). What we do is to classify the legislative initiatives of the Government on the basis of their 'programmatic nature'. That is, we classify the executive's bills as 'programmatic' when they are designed to implement (in whole or in part) the commitments made in the Government's programme itself. The commitments we identify are those deriving from the objectives into which the document is divided. In operational terms, therefore, we apply our classification by basing ourselves in the first instance on the monitoring conducted by the Government itself through the ministry for Implementation of the Programme and by considering as 'programmatic' only those initiatives that can be associated, not only with a generic programmatic mission, but also with a more immediate, and in some ways more tangible and verifiable, programmatic objective.

**Table 2: Percentage of government legislative initiatives linked to programmatic objectives (excluding treaty ratifications)**

Type of initiative	N	%
Bills	23	22.8
<i>Ordinary bills</i>	14	20.0
<i>Proposed laws of delegation</i>	6	28.6
<i>Bills including proposals for delegation</i>	3	30.0
Decree laws	30	37.5
Total	53	29.3

In Table 2, then, we can see that (excluding bills for the ratification of treaties) little more than 29 per cent of the legislative initiatives promoted by the executive in the almost three and a half years of its time in office can be directly attributed to the programmatic objectives the Government set for itself. The percentage of programmatic initiatives that emerges at the end of the Government's period of office is therefore significantly lower than those we had observed previously (and which were 36 in November

2010 and had reached over 41 per cent at the end of the first two years of the Government's term).

**Figure 3: Rate of programmatic activity of the executive during the course of the legislature (excluding treaty ratifications)**

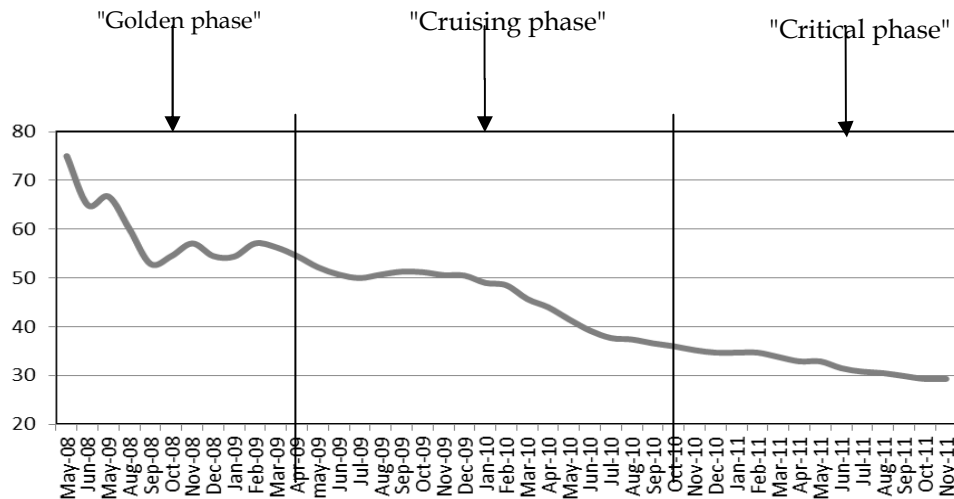


Figure 3 gives us a more detailed diachronic perspective on the Government's ability to pursue its programme. In fact, it shows us the programmatic measures as a percentage of the total number of initiatives taken by the executive (excluding ratifications), as measured at the end of each of the 43 months of the Government's life. Better still than we have been able to do in the past through the pages of this journal (Marangoni, 2010), we can easily distinguish three principal phases. A first phase, which we call the 'golden' (or 'honeymoon') phase, coincides with the first four months of the term: months during which the Government showed a degree of concentration of its legislative initiatives on the programme that was equal to more than 60 per cent. A second period, which we call the 'cruising' phase, is one in which programmatic initiatives count for between 55-57 and 50 per cent of the total (and which lasts until early 2010). Finally, there is a phase we call 'critical', during which the percentage of programmatic initiatives declines steadily, and ever more clearly, to below 50 per cent, until reaching 29 per cent at the time of the Prime Minister's resignation. This is a phase that coincides with what our data suggest was a long, creeping period of crisis that affected the internal power balance and the ability to function of the Government already from the first half of 2010.

If we ask about the programmatic objectives on which the Government's activity concentrated most during its time in office, we can answer by referring to Table 3, in which we present the percentage of

initiatives that are linked to each of the objectives listed in the Government's programme. Here, a single legislative initiative is associated with a specific objective when, for at least one of the articles (or clauses) of which it is made up, it is possible to identify a link with the objective in question (the same initiative can thus be associated with more than one objective).

**Table 3: Percentage of government legislative initiatives by related programmatic objective (excluding treaty ratifications)\***

Programmatic objective	% of government initiatives linked to the objective*	% of initiatives of a programmatic nature linked to the objective
New tax regime for firms	5.0	17.0
Infrastructure	6.6	22.6
Employment	3.3	11.3
Liberalisation	2.8	9.4
Supporting exports	3.3	11.3
Reorganising public adm.	6.6	22.6
Lower taxes	4.4	15.1
A house for everyone	3.9	13.2
Better social services	2.2	7.5
A future for the young	0.6	1.9
More security	5.5	18.9
More justice	7.2	24.5
Health	1.7	5.7
Schools, universities, research	4.4	15.1
Environment	1.7	5.7
South: infrastructure	1.7	5.7
South: target legislation	-	-
South: industrial development	-	-
South: compensatory tax regime	1.1	3.8
South: combating crime	-	-
Federalism: local institutions	1.1	3.8
Federalism: local finance	2.2	7.5
Public finance	1.1	3.8

\*A single initiative can be linked to more than one programmatic objective

The most revealing percentage is the one calculated on the basis only of the initiatives of a programmatic nature (the third column of the table). We thus see that the Government's programmatic initiatives were focussed especially on the objectives of 'More justice' (24.5 per cent of the initiatives of a programmatic nature), 'Infrastructure and telecommunications' (22.6

per cent), 'Reorganisation and digitisation of the public administration' (22.6 per cent) and 'More security' (about 19 per cent).

The lowest rates of programmatic activity have instead concerned the objectives linked to the mission of improving the position of 'the South' with proportions of the overall volume of programmatic initiatives that vary between 0 and 6 per cent. This could explain the repeated conflicts that characterised the relationship between Silvio Berlusconi and some of his important southern allies - especially in Sicily - like Raffaele Lombardo and Gianfranco Miccichè, both the leaders of a movement distancing itself from the political project of Berlusconi's centre right.

In Table 4, we conclude our analysis of the relationship between legislative initiatives and the Government's programme by observing how many of the specific actions listed in the programme have been the object of legislative initiatives on the part of the executive. For each programmatic mission, the table shows the overall number of actions envisaged and the number (and the percentage) of actions with which it is possible to associate at least one government initiative, or rather, at least one article in a bill passed by the Cabinet (excluding treaty ratifications). Naturally, as for the data just discussed above, we have here a simple indicator of the degree to which the Government's initiatives are distributed between the various sections of the programme, certainly not a measure of the degree to which the objectives themselves have been reached. The distribution of the Government's initiatives gives us merely an idea of how the Government's priorities have taken shape in the first three and half years of the legislature. It tells us nothing about the 'goodness' or the effectiveness of these initiatives (nor, therefore, if these initiatives have or have not achieved the results envisaged for them). Overall, the programme presented by the centre-right coalition at the general election of 2008 listed 125 specific actions (distributed across the seven different missions) to be undertaken over the five years of the legislature. Of these, 53 (equal to 42.4 per cent) were the object of Government legislative initiatives.

More than the overall percentage of actions that have been the object of initiatives (which, as we have said, tells us nothing about the efficiency of the initiatives or about the actual achievement of the objectives envisaged), it is interesting to observe how this same percentage is distributed among the various missions. We thus discover a picture that is analogous to the one outlined previously. Some missions have been the focus of a significantly disproportionate number of Government initiatives, especially, 'More security, better justice' (with 73 per cent of the associated actions having been the object of Government initiatives), 'Re-launching expansion' (48.4 per cent) and 'Federalism' (75 per cent).<sup>1</sup> Particularly worthy of note is the figure for the missions, 'More security, better justice' and 'Federalism'. These two objectives, especially dear to the most demanding of prime minister Berlusconi's governing allies, the Northern



League, have had a disproportionate amount of attention as compared to the priority they had in the electoral programme of the *Popolo della libertà* (the People of Freedom, Pdl).

Yet again, the actions associated with the mission of improving the position of 'the South' are the subject of especially low rates of attention. The percentage of actions envisaged by this mission that were addressed by government initiatives is just above 22 per cent. Similar levels are true of the mission of 'Supporting the family', with around 21 per cent.

**Table 4: Strategic actions envisaged by each programmatic mission in relation to which the executive took at least one legislative initiative (excluding treaty ratifications)**

<i>Mission</i>	<i>No. of strategic actions envisaged</i>	<i>No. of actions addressed by government initiatives (%)</i>
Re-launching expansion	31	15 (48.4)
Supporting the family	34	7 (20.6)
More security, better justice	26	19 (73.1)
Public services	20	6 (30.0)
The South	9	2 (22.2)
Federalism	4	3 (75.0)
Public finance	1	1 (100)
Total	125	53 (42.4)

The decline in incisiveness of the Government's actions can be brought into focus better if instead of concentrating on the decline in programmatic activity (which is subject to a physiological retrenchment as the start of the legislature becomes increasingly remote in time), we analyse the trend in government initiatives overall (continuing to exclude treaty ratifications which, given their number, would heavily skew the outcome of our analysis).

As we can see in Figure 4, with the passage of time the number of government initiatives progressively declines. The trend is greater in the first six months of the Government's life (until November / December 2008) with an average of 7 - 10 initiatives per month. The flow then goes down constantly in the period immediately following (that is, already during 2009), before stabilising at 4.5 initiatives per month. By dividing the figure into three-month periods, we can see the same dynamic better, as it enables us to calculate the quarterly average and to observe its change over the period of the Government's life (Figure 4).

This simple analysis thus reveals a further, if small, contraction in Government initiatives during the final 12 months (between the eleventh

and the fourteenth quarter of the Government's life: beginning, therefore, at the end of 2010). The figures thus confirm the fading of the activity of a government that was progressively less able to exercise autonomous control over the policy-making agenda and thus to impose its will in at least the most important decision-making networks.

*Figure 4: Trend in the quarterly average of the number of government initiatives*



### **The Government's success in Parliament**

As a final indicator of the Government's performance, we analyse the rate of success in Parliament of the legislative initiatives sponsored by the executive. We present the data, broken down by type of measure, in Table 5.

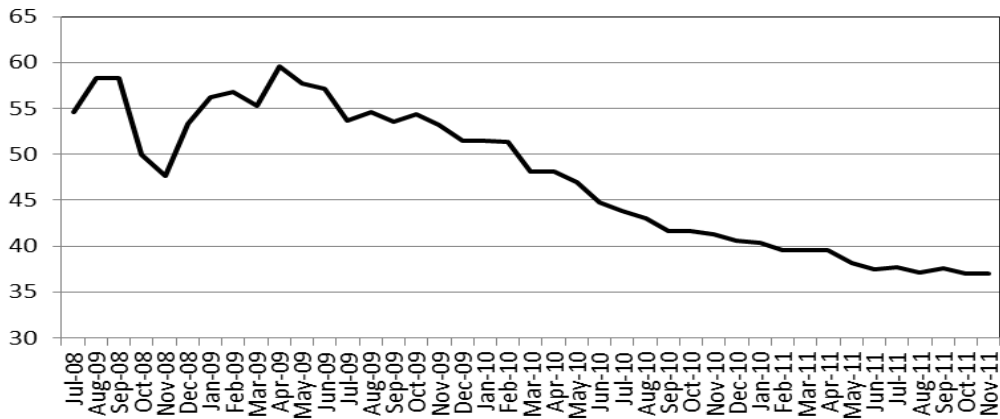
The Government managed to 'bring home' over 75 per cent of the proposals presented to the Chamber and Senate (a rather high rate of success if one considers that the corresponding figure at the premature end of the second Prodi government was a little over 44 per cent). This confirms the political point concerning the obvious advantage enjoyed by this executive thanks to the relative cohesion and the simplicity of the governing coalition's structure from the start.

Such rates of parliamentary success are (also) the result of a precise strategy of the Government which, as we have seen, often decided to get legislation through Parliament by means of emergency decree-making. The measures have thus remained in Parliament for about a quarter of the time required (on average) by ordinary bills before being finally approved by the Chamber and Senate (see Table 5 for the average times required for the approval of government initiatives) and they have been notable for the very high proportion (over 96 per cent) converted into ordinary law.

**Table 5: Rate of success, and average duration of the process of parliamentary approval of government initiatives**

	Approved	%	Average duration of the approval process (days)
Bills	47	46.5	209.9
<i>Ordinary bills</i>	35	50.0	162.2
<i>Proposed laws of delegation</i>	7	33.3	365.6
<i>Bills including proposals for delegation</i>	5	50.0	297.4
Ratification of treaties	103	86.6	120.3
Decree laws	77	96.3	52.5
<b>Total</b>	<b>227</b>	<b>75.7</b>	<b>115.1</b>

**Figure 5: Programmatic measures as a percentage of total government initiatives approved by Parliament (excluding treaty ratifications)**



We have shown above that there was a progressive decline in the rate of programmatic activity of the executive: a gradual worsening of government inputs to which corresponded, over the long run, a deterioration in the legislative output obtained by the Government, which, as we have just seen, nevertheless remained quantitatively significant. Thus, in Figure 5, we can see that (excluding as always treaty ratifications) the share of laws attributable to the Government’s programme, of the total number of measures of government origin approved definitively by Parliament, went from percentages in the range of 60 to 55, such as those registered until the end of 2009, to percentages that were a little above 40 at the end of 2010, before falling to 37 per cent at the time of Silvio Berlusconi’s resignation and the end of his fourth government.

## Concluding remarks

In this short article we have again updated the battery of indicators which, from the beginning of the legislature, we have used in previous issues of this journal to 'measure' the activity of the fourth Berlusconi government in the crucial sphere of activity of law making. We have done it at a critical period of the sixteenth legislature and of the Government's term, one coinciding with the premature end of the executive itself and the formation of a new government led by Mario Monti.

The data we have analysed confirm once again that however much the crisis was (according to some) caused by external factors (above all, the international economic and financial crisis and the crisis of the euro zone in particular), the demise of the Berlusconi government was not sudden or unexpected. It was, on the contrary, the result of a crisis of performance of which, in the data we have just discussed, we find traces already from the middle of 2010 (in concomitance, therefore, with the emergence and growth of severe tensions within the governing coalition, and in particular within the Pdl, leading to the breakaway of those surrounding the President of the Chamber and cofounder of the party, Gianfranco Fini).

The progressive weakening of the Government's 'programmatic activity' (though partly physiological and linked to the need to redefine the agenda of government in order to confront new situations and demands as they arose) is perhaps the fact that best captures the growing difficulties encountered by an executive which nevertheless succeeded, as we have seen, in maintaining high success rates for its bills in Parliament.

In that sense, then, if it is true that the Government's legislative activity encountered increasingly severe obstacles during the course of the legislature, these do not seem to have come (at least in the first instance) from an inability of the executive, thanks to subsequent efforts of 'restyling' of the governing majority, to win the approval of Parliament. If anything, the greatest problems emerged before the Government's measures were presented to the legislature, in the growing indecision of the Government (thanks to the conflicts within the majority, according to some, or to the international economic difficulties, according to others) in its efforts to pursue an agenda of significant decisions of its own.

*Translated by James L. Newell*

## Notes

1. The percentage for the 'Public finances' mission is also especially large, though the figure is not especially revealing as compared to others as the mission is composed of a single programmatic action.

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