

The Legislative Activity of Technocrats: An Updating of Indicators at the (Early) End of the Monti Government

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Abstract: After about thirteen months in office, the experience of the technocratic government led by Mario Monti came to an end. The objective of this article is certainly not to provide a definitive assessment of the government's performance. It is arguably too soon for this. We are, however, able to provide data and information that can serve such a purpose. We do so by updating the usual battery of indicators of the legislative activity of the executive at the end of its term of office. The volume of government initiatives; the type of legislative proposals placed before Parliament; the 'actors' (from within the ministerial team) responsible for government initiatives; the link between the initiatives and the Government's programme; the degree of success of the Government's initiatives on the floor of Parliament: these are the principle dimensions of our analysis.

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

On 21 December 2012, with the resignation of the Prime Minister immediately after Parliament had approved his 2013 budget, the Monti government's term of office came to an end. Exactly 401 days had passed since, on 16 November 2011, Mario Monti had been installed in Palazzo Chigi, and about four months remained before the XVI legislature came to the end of its natural term. This brief contribution is being written precisely in the days immediately following the end of the Government's mandate. It is surely still too early to attempt to draw up a definitive balance sheet of the Government's activity. In the meantime we can, however, take a last 'photograph' of the work of the executive, focusing on legislative initiatives and updating our usual base-line indicators. In particular, in what follows we will present data that will enable us to assess the instruments and the strategies used by the executive in promoting its initiatives in Parliament; to observe the 'division of labour' within the ministerial team; to evaluate

the tie between the action of the executive and the objectives the Government initially set for itself; to measure the degree of success of the Government in Parliament. We begin, however, by looking at the data regarding the number of legislative initiatives taken during the thirteen months of the technocrats' mandate.

The volume of government legislative initiatives

Between 16 November 2011 (the day on which Monti was sworn in by the President of the Republic) and 21 December 2012 (the day on which Monti resigned), the Cabinet met 61 times: on average, slightly less than five times per month. We begin by recording this simple 'news item' because, though unimportant in itself, it speaks to the urgency of the situation in which the technocratic government found itself working as well as to the limited time it had at the back-end of the XVI legislature (with only about a year-and-a-half left to run at most). To stick to recent cases, we see that the last two 'political' executives, the second Prodi and the fourth Berlusconi governments, met less frequently during the first thirteen months of their terms (having available, a least theoretically, an entire legislature before them): respectively, about 4.2 and 4 times, on average, per month. Naturally, we are less interested in the number of times the cabinet met than in the decisions it took - or at least some of its decisions: those that were translated into legislative initiatives presented to Parliament. Let us therefore consider the figures for the legislative activity of the Monti government. During the course of the 61 meetings just mentioned, the cabinet approved 116 bills. In Table 1 we break down the Government's initiatives by the type of measure concerned. To begin with, we note that exactly half of the legislative proposals presented by the Monti government concerned the ratification of international treaties and agreements. As usual, we exclude such measures from our analysis¹. 58 bills thus remain: slightly less than one measure, on average, for each meeting of the cabinet. It is again interesting to make a comparison with the Government's immediate predecessors. During the first thirteen months of the second Prodi and the fourth Berlusconi governments, activity was more intense, with about 1.8 and 1.4 measures approved respectively per meeting of the cabinet. This is not surprising. The government led by Monti certainly had no interest in overloading Parliament with an excessive number of initiatives (given the limited amount of time available to get them approved) and seems to have shown a natural tendency to be selective, concentrating on a limited number of the most significant measures.

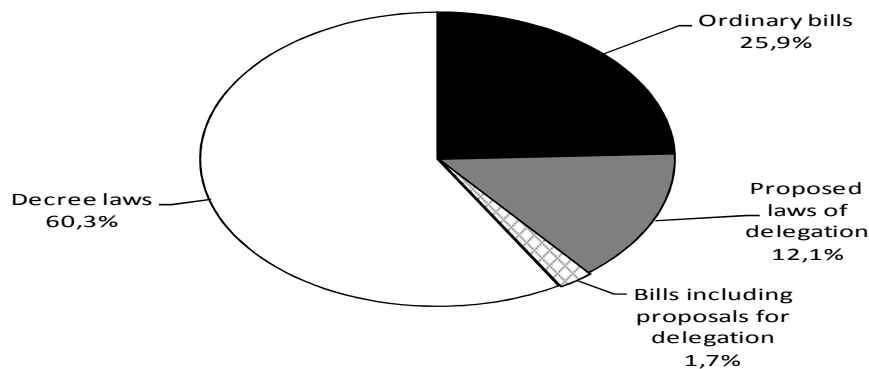
Table 1: Bills passed by the Cabinet

Type of bill	N	% of total bills
Bills	23	19.8
<i>Ordinary bills</i>	15	12.9
<i>Proposed laws of delegation</i>	7	6.0
<i>Bills including proposals for delegation</i>	1	0.9
Treaty ratifications	58	50.0
Decree laws	35	30.2
Total	116	100

Source: CIRCaP, University of Siena

The Government's 'haste' was also manifested by a strategy of legislative action that was largely based on urgent decree-making. We can see this already in Table 1: decree laws account for over 30 per cent of the measures presented to Parliament by the executive. Figure 1, which reports the percentage distribution of the 58 'politically relevant' initiatives by type of measure, shows that the proportion of urgent decrees rises to over 60 per cent if indeed we exclude from the overall calculation international treaty ratifications. About 12 per cent of the legislative initiatives of the executive led by Monti are made up of proposed laws of delegation or of ordinary bills containing clauses delegating specific matters to the executive. Thus the proportion of measures which the Government chose to pursue through the ordinary parliamentary channels (that is without recourse to urgent decrees or requests for delegated authority) was restricted to little less than 26 per cent. The corresponding percentages, at the end of the first 13 months of the second Prodi and the fourth Berlusconi governments were over 49 per cent and about 32 per cent respectively.

Figure 1: Percentage distribution of the Government's legislative initiatives by type of measure. Ratifications excluded (as at 21/12/12)



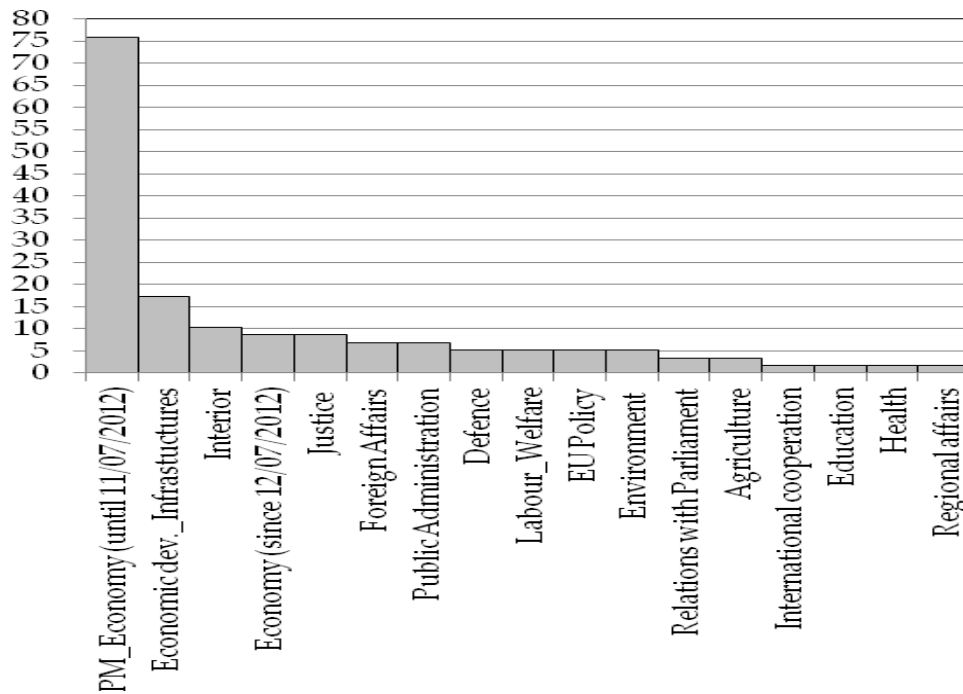
Source: CIRCaP, University of Siena

A legislative strategy coordinated from the centre of the executive

We had already noted in our last report (Marangoni, 2012) that most of the urgent decree-making showed the Monti government to be pursuing a type of legislative strategy that was highly coordinated from the centre. The data available for analysis at the end of the Government's term only confirm that impression. Legally, in fact, decree-law proposals must always carry the Prime Minister's signature. Therefore, given the large number of such proposals presented by the executive, the Prime Minister's office appears, at least formally, to have been involved in the drafting of a considerable proportion of the Government's measures. There is another factor that has worked in favour of the centralisation of government initiatives. Until the middle of July 2012 Monti combined the roles of Prime Minister and Minister for the Economy. He therefore long held not only the position of head of the government but also responsibility for a front-line ministry, one that has been especially active given the objectives of financial restructuring the technocratic government was called upon to undertake. In Figure 2, which shows the percentage of government initiatives (excluding ratifications) sponsored by each ministerial component, we see then that a good 76 per cent of the legislative proposals placed by the executive before Parliament carry the signature (alone or with the signatures of other ministers) of the Prime Minister. If in addition to treaty ratifications we exclude proposed-decree laws from the total, then the proportion of initiatives attributable entirely or jointly to the Prime Minister (who was, as mentioned, was also for a time Minister for the Economy) remains significant: about 40 per cent. The proportion is decidedly larger than the corresponding proportions at the end of the first 13 months of the second Prodi and the fourth Berlusconi governments when (excluding, as always, treaty ratifications) they amounted to a little less than 13 per cent and about 15 per cent respectively.

If the Prime Minister has been by far the most active member of the Government, then the Minister for Economic Development whose signature appears on about 17 per cent of the initiatives approved by the cabinet) has also been relatively active: and this appears consistent with a government programme that was heavily weighted towards measures linked to economic restructuring and re-launching the economy. The Ministry of the Economy itself, following the passage of responsibility from Monti to Minister Vittorio Grilli, was sponsor or co-sponsor of about 9 per cent of the Government's legislative proposals. The triad formed by the Prime Minister's office, the Ministry for the Economy and the Ministry for Economic Development, thus seems to have constituted a kind of summit for the coordination of the Government's legislative activity having contributed to the drafting of about 85 per cent of the initiatives placed before Parliament by the executive.

Figure 2: Percentage of bills sponsored (or co-sponsored) by each ministerial department. Ratifications excluded (as at 21/12/2012)



Source: CIRCaP, University of Siena

Legislative activity and the Government's programme

Having looked at the volume of government initiatives and the actors responsible for them, we now consider how much of this activity was related to the objectives set out in the Government's programme. As usual, we regard as *programmatic* those legislative proposals of the executive that aimed to give effect (wholly or in part) to the public-policy objectives outlined in the statements made by the Prime Minister to Parliament when the inaugural votes of confidence were held². In Table 2 we see that about 45 per cent of the Government's legislative initiatives are traceable to the set of objectives it set for itself (or at least publicly claimed to have set for itself). As we might have expected, the largest percentage (over 51) of programmatic initiatives is found among the decree laws³.

By their very nature, programmatic initiatives are important measures to which the Government, at least, attaches priority. It is not surprising, then, that the executive itself often chose to ensure that such priorities would be achieved rapidly and in easily foreseeable time frames, this by having recourse to the instrument of urgent decree-making. This impression is even clearer if we bear in mind that of the 26 initiatives that we have classified as programmatic, slightly fewer than 70 per cent were

presented to Parliament as decree laws (a proportion that declines to 53 per cent in the case of initiatives not linked to the Government's programmatic objectives). Another clear sign of the executive's desire to protect with armour-plate (and to accelerate) the parliamentary passage of its most important initiatives, is the extent to which it has recourse to votes of confidence. Overall, in fact, about 29 per cent of the Government's legislative proposals were made matters of confidence on at least one occasion. But in percentage terms the rate of recourse to this instrument (used typically to discipline the majority, or to limit the rush to amend proposals sponsored by the Government), was significantly higher for measures of a programmatic nature (in this case amounting to 50 per cent) than for initiatives not associated with programmatic objectives (12.5 per cent).

Table 3: Percentage of government legislative initiatives linked to programmatic objectives. Ratifications excluded (as at 21/12/12)

Type of initiative	N	%
Bills	8	34.8
<i>Ordinary bills</i>	5	33.3
<i>Proposed laws of delegation</i>	2	28.6
<i>Bills including proposals for delegation</i>	1	100
Decree laws	18	51.4
Total	26	44.8

Source: CIRCaP, University of Siena

The executive in Parliament: the rate of success of government initiatives

The amount of time available to the executive to try to ensure that its legislative initiatives completed their parliamentary passage successfully was not, then, great: and it shrunk given the acceleration in the unfolding of events that led to the dissolution of the XVI legislature a few months ahead of the end of its natural term. It therefore becomes (still more) important to establish what proportion of the Government's initiatives managed to make it on to the statute books. We have already seen that the executive tried in practice to circumvent the problem of the lack of time by having recourse to urgent decree-making: a type of time-saving initiative by definition. At the time of Monti's resignation, then, about 95 per cent of the urgent decrees presented by the Government had been converted into law. As we can see in Table 3, therefore, the high rate of conversion of decrees (and the large number of decrees presented for conversion) brings the (overall) rate of success of government initiatives in Parliament to above 65 per cent.

Table 3: Rate of success of government initiatives by type of initiative. Ratifications excluded (as at 21/12/12)

Type of initiative	N	%
Bills	5	21.7
<i>Ordinary bills</i>	3	20.0
<i>Proposed laws of delegation</i>	1	14.3
<i>Bills including proposals for delegation</i>	1	100
Decree laws	33	94.3
Total	38	65.5

Source: CIRCaP, University of Siena

Less straightforward, relatively, was the parliamentary passage of ordinary bills. Only 20 per cent of those presented to Parliament could be considered in time to be given final approval by the assemblies of the Chamber and the Senate. An even greater uphill struggle was faced by the proposed laws of delegation: only one of those presented by the Government had in fact become law⁴ by the date of the Prime Minister's resignation.

Concluding remarks

The end of 2012 coincided with the early end of the technocratic government led by Mario Monti (which however remained formally in office to enable the continuation of day-to-day business until the take-over of the new executive). There thus began a period of election campaigning whose characteristics and likely outcomes were highly uncertain at the time of writing, and to which political scientists and commentators will have occasion to return. What we have done here, a few days after the end of the (latest) period of technocratic government, has been to update our usual battery of indicators to describe the Government's legislative activity over the course of its thirteen months of office. Overall, the Monti government has shown a certain tendency and ability to select, from what it regarded as the most important, a limited number of legislative initiatives on which to work and take up the time of Parliament. On the other hand, this could not, perhaps, have been otherwise given the very tight schedule according to which the Government's activity had to be conducted during the final months of the legislature. Certainly, the early end to the Government's term brought an abrupt interruption of its activity, and many of the initiatives passed by the executive but not approved by Parliament are destined to remain a dead letter. We have, however, seen that the executive nevertheless managed to obtain approval for a large percentage of the legislative proposals presented to Parliament. It did so, to a large degree, by having recourse to measures that were 'exceptional' – if not in terms of

their content (on which we suspend all judgment) then certainly in terms of the types of legislative instruments used to pilot them. Urgent decree-making and questions of confidence are a combination of procedures that were often resorted to by the executive to ensure parliamentary approval for its legislative proposals – especially, as we have seen, for those initiatives associated with the programmatic objectives the Government set itself at the moment of its inauguration. The need to ensure that the activity of the ministerial team was consistent with a set of predefined objectives was thus reflected in the strategy of centralising legislative initiatives with the Prime Minister at its head, together with a restricted number of ministries (for the Economy and for Economic Development above all others).

More in-depth analyses will be necessary in the future to try to understand the extent to which this technocratic executive and its activity represent a moment of evolutionary change in Italy's model of government, in the way the technocratic governments of the turbulent period of transition from the First to the Second Republic did (Fabbrini, 2000). Such analyses might interpret the Monti government and its activity with the future in mind, in comparison with the governments of the so-called Second Republic – whose end, with the political de-alignments that have followed, has in all probability been marked precisely by the government led by the former European commissioner.

Translated by James L. Newell

Notes

¹ We have repeatedly justified this choice on the basis of the substance of international treaty ratifications (which are almost always of little relevance in terms of policy) (De Giorgi and Marangoni, 2009).

² For a more detailed description of the classification, and the advantages and the limits of this indicator, see the previous report on the activity of the Monti government published in this journal (Marangoni, 2012).

³ At 100 per cent, the proportion of programmatic initiatives is larger among the ordinary bills containing clauses delegating authority on specific matters. However, this category of measures contains only one bill (which is, precisely, of a programmatic nature).

⁴ The proposed laws of delegation that remained mired in Parliament included the so-called 'fiscal authorisation' (for reform of the fiscal system) and one for the decriminalisation of minor offences provided for by Justice Minister Paola Severino.

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