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## To what extent is the structure of the Italian legislative system the cause of its slow legislative process?

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Authors	Antonino, Leonardo David
Citation	Antonino, Leonardo David. "To what extent is the structure of the Italian legislative system the cause of its slow legislative process?". BA Thesis, John Cabot University, Rome, Italy. 2023
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Link to Item	<a href="https://hdl.handle.net/20.500.14490/23">https://hdl.handle.net/20.500.14490/23</a>

*To what extent is the structure of the Italian legislative system the cause of its slow legislative process?*

*Senior Thesis*

*Political Science*

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# Abstract

This thesis delves into the Italian legislative system and whether its constitutional framework has an impact on its legislative process. This is done by taking a comparative approach and focusing on the institution of Italy and the case studies of Switzerland, Germany, and France. Scholarly criticism of the Italian system is analyzed. Then, through comparison and contrast, the degree to which the various elements of the Italian system affect the legislative process is determined. The research concluded that certain aspects of the Italian constitutional framework do negatively affect the legislative process.

The factors involved are many. On one hand, because of perfect bicameralism, a bill must be approved by both the Senate and the Chamber of Deputies. Thus resulting in the two chambers reviewing and revising the same measure several times, significantly slowing the legislative process. Similarly, the constitutional court's role in the legislative process and judicial review were also found to have a negative impact by adding steps to the legislative process. Furthermore, other factors such as regional autonomy, committees, overload of bills, and rigid constitution were found to have an effect.

However, because of the close link between legislative and executive branch, the most determinant factor was found to be the weak nature of the executive. A weak executive, as a result of governments falling and re-elections, was found to create instability in the legislative branch through changes in legislative agenda and an overall lack of continuity affecting the functioning of the legislative process. However, whereas most scholars found fault with the electoral system for this, a comparative analysis suggested that other factors were involved. On the one hand, there is the constitutional framework of the executive branch itself. On the other hand, potentially also other non-constitutional factors.

# Chapter One: Introduction

## Research Background

The Italian legislative system has evolved and undergone significant transformations throughout its history, particularly in the post-war period. However, due to its complex and often protracted legislative process, the Italian legislature has earned the reputation of being inactive and inefficient. The complexity and length of parliamentary procedures inherent in the legislative system evident in the Italian political system presents a compelling case study for examining the relationship between institutional structure and legislative efficiency. Though the Italian legislature has a rich historical background that has overcome different phases in Italy, political history attests to its operational difficulties (Newell, 2010; Davis, 2000; Di Palma, 1976).

In explaining Italy's legislative system, a review of its historical antecedent may help to ascertain the various factors that have shaped the Italian legislature, ranging from its unification in the 19th century to the implementation of the Republican Constitution in 1948, following the fall of Fascism and the end of World War II (Pavone, 1995). In the pre-unification period - before 1861 - the Italian peninsula was fragmented into various states and kingdoms, each with its own legal system. These regions, influenced by different powers, such as the Bourbon Kingdom of the two Sicilies in the south, the Papal States in the center, and various duchies and republics in the north, had diverse legislative frameworks (Hearder, 1983).

In the post-unification period, the legislative system was extended to accommodate the Statuto Albertino, the Constitution of the Kingdom of Sardinia, into the fold of the Kingdom of Italy, which marked the beginning of efforts to unify the legal systems under a constitutional monarchy (Clark, 1996). However, the turning point in the Italian legislative system was during the rise of Mussolini's fascist regime, leading to significant changes in Italy's legislative

structure, with a move towards centralization and authoritarianism, profoundly impacting the legislative process (Bosworth, 2002). This culminated with the end of the Second World War, the fall of Fascism, and the 1946 referendum that established Italy as a republic and introduced the new Republican Constitution of 1948, leading to the emergence of the democratic parliamentary system still in place today (Pavone, 1995).

Italy's legislative system has been subjected to a series of reforms since its existence as an arm of government in a democratic system. For instance, the legislature had a turbulent experience during the first republic (a period differentiated from the second republic because of political changes but not in the constitutional framework of the state) between 1948 and 1992 due to political instability, causing frequent changes of governments despite significant economic growth (McCarthy, 1995). Meanwhile, the second republic in the post-1992 period was characterized by legislative reforms to curb political corruption and improve governmental stability (Gilbert, 1995). In addition, the Italian legislature has experienced contemporary challenges due to European integration, which has prompted further changes to align with European Union standards while dealing with internal political and economic issues (Newell, 2010).

Nonetheless, the current bicameral system, comprising the Chamber of Deputies and the Senate of the Republic, operates based on the framework established by the 1948 Constitution, designed to balance power and prevent the rise of another dictatorship (Pavone, 1995). However, despite the positive goals inherent in the 1948 Constitution, the Italian legislative system today is known for its redundancy and complexity, and potentially - as this thesis will explore - the cause of legislative inefficiency (Newell, 2010).

Nevertheless, the causes of the slow legislative process in Italy are attributed to several elements within and outside the political framework of Italy that determine the functions of the Italian legislative system. Some of these elements include the composition of the legislature,

which is bicameral, the proportional representation electoral system, challenges posed by the executive and judicial arms of government, and coalition politics, all of which have been suggested to be responsible for legislative delays (Clark, 1996; Newell, 2010).

Furthermore, European integration compelled a comparative analysis of Italy's legislative system with other parliamentary democracies in Europe like Switzerland, Germany, and France, to contextualize the Italian experience. The comparison helped establish whether the challenges faced by the Italian legislative system are unique or part of a broader pattern observed in similar systems.

### **Hypothesis**

The bicameral structure of the Italian legislative system, comprising the Chamber of Deputies and the Senate, significantly contributes to the characteristically slow legislative process that undermined the efficiency of the Italian political system.

### **Aim**

This research study aims to comprehensively analyze the Italian legislative system and the extent of its impact on the legislative process's efficiency, at the same time providing a broader understanding of how institutional structures influence political and legislative outcomes in a democratic system of government.

### **Research Objectives**

1. To analyze the historical evolution of the Italian legislative system by examining the development of Italy's legislative framework from its formation during the unification of Italy to the present day.
2. To examine the Italian constitutional framework and its impact on the structural components of the Italian legislative system, focusing on its bicameral nature, function, and individuals' roles in the legislative process.

3. To conduct a comparative analysis of Italy's legislative system with other parliamentary democracies in Europe in order to determine which structural components can be blamed for Italy's legislative difficulties

### **Research Questions**

1. How has the Italian legislative system evolved through history?
2. How does the Italian Constitution framework affect key structural features of the Italian legislative system, and how do they impact the legislative process?
3. How does the Italian legislative process compare with other parliamentary democracies in terms of efficiency?
4. Which factors are the most impactful?

### **Significance of the study**

The research study is relevant due to contemporary challenges confronting the Italian legislative system, which is not performing its function at the highest level. Therefore, this research will help improve governance and policymaking by identifying the structural factors contributing to legislative inefficiency, which is crucial for improving governance. Besides, effective and timely lawmaking is essential for responding to social needs, economic challenges, and global obligations. Providing valuable information into how Italy's legislative system can function better to help enhance governance.

### **Scope of Research**

The scope of this research includes exploring Italy's political structure, focusing on the legislative system and other aspects like coalition politics, frequency of government changes, and the impact of these factors on legislative efficiency. The research will also take a comparative dimension by analyzing how Italy's legislative process compares with other

parliamentary democracies, particularly those with similar structures within the European context.

### **Research Methodology**

The comparative institutional approach will enable a comprehensive understanding of the complexities of the Italian legislative system and its impact on legislative efficiency, providing a balanced view that incorporates both empirical data and expert insights.

### **Research Structure**

The research is organized into chapters, including this introductory chapter, providing a background of the research subject and the procedures to explain to what extent the structure of the Italian legislative system affects its slow legislative process.

Chapter 2 is the literature review, presenting an analytical assessment of the literature on to what extent the structure of the Italian legislative system affects its slow legislative process. This chapter focuses mainly on the historical overview of the Italian legislative system, the constitutional framework and its impact on the legislative process, theoretical discourse, and comparative studies involving Italy's legislative system with countries like Switzerland, Germany, and France.

Chapter 3 is the theoretical framework, and it discusses new institutionalism as the leading theory adopted to explore Italy's legislative system and other key points. While highlighting the rationale the theory is suitable for to this research study. The institutionalism theoretical framework will examine and analyze various concepts, models, objectives, and research questions relating to the hypothetical argument.

Chapter 4 is the methodology, explaining how the comparative institutional approach will be used to gather resources for the research through different means.

Chapter 5 is the discussion of key concepts like the Overview of the Italian Constitution, the Constitutional Framework of the Italian Parliament, the Legislative-Process, such as Separation of power, Bicameralism, Executive-legislative relations, Role of the President, Other relevant constitutional aspects, Historical context of constitutional amendments

Chapter 6 is a comparative analysis involving Italy, Switzerland, Germany, and France. Overview of the legislative processes in each country, Comparative data analysis, including tables, findings, and discussion of case studies.

Chapter 7 discusses case studies: Slow Legislative Processes in Italy, case studies of legislative processes in Italy, review of contentious bills, and the role of the constitutional framework in these cases. Findings and discussion of the legislative process

Chapter 8 conclusion and recommendations.

# Chapter Two: Literature Review

This chapter reviews and explores scholarly works, documents, and empirical data concerning Italy's legislative system and other components contributing to the legislative process. The literature reveals a legislative system that has experienced challenges, reformations, and transformations to meet Italy's changing political, social, and economic space. The literature review is broken into sub-headings to enable detailed analysis of scholars' and experts' views on specific issues under discourse. This will provide the hypothetical basis to answer the research questions derived from the study objectives for a balanced analysis and conclusion. Each sub-heading explains and conveys diverse views of various conflicting concepts presented by different scholars on the extent to which the Italian legislative system functions and challenges causing a slow legislative process.

## **Historical Overview of the Italian Legislative System**

This section explores Italy's legislative development's complex and dynamic nature through historical events and legal transformations. The various reviewed scholarly works provide valuable insights into the different phases of this evolution, offering a comprehensive understanding of the Italian legislative system's historical path. Moreover, the historical analysis of the Italian legislative system includes research on the impact of significant events, such as the fall of Fascism and the establishment of the Republican Constitution, which ushered in the new legislative system's structure. Overall, it covers various periods in the evolution of Italy's legal framework, from the pre-unification era to the present day.

**Pre-Unification Period (Before 1861):** This era laid the foundation for the Italian legislative system and contributed to the current legislative framework. The political events in that period prompted eventual unification and the establishment of a more centralized legal system in Italy.

In the work of Davis (2000), the pre-unification period in Italy was characterized by diverse legal frameworks adopted by the Italian city-states and kingdoms with no central control. Instead, each functioned independently. Davis' assertion showed that before 1861, the Italian state lacked a central legislative system as it was characterized by a complex patchwork of governance systems across various kingdoms, duchies, and states on the Italian peninsula, with each region having its legislative structures and laws, influenced by local rulers and foreign powers.

Author of *Italy: A Short History* (1983), Harry Hearder, discusses how the geographical arrangement of the Italian peninsula was divided into multiple states, including the Kingdom of Sardinia, the Kingdom of the Two Sicilies, the Papal States, and various duchies and republics in the north which made it easy for them to establish their respective legislature to meet local demands (Hearder, 1983). This political fragmentation resulted in a diverse array of legal systems. Historian John Davis (2000) claimed that external factors also caused the emergence of several autonomous legislatures among states in Italy since some regions were under the influence or control of foreign powers. For example, the Kingdom of Lombardy-Venetia was under Austrian rule, while the Bourbon dynasty influenced the Kingdom of Naples.

Consequently, the absence of centralized legislative authority before 1861 contributed to the emergence of various legislatures across Italian states. This development meant that each state had its laws and legislative practices, often based on local customs or the influence of dominant foreign powers (Hearder 1983; Holt 1971). The path towards unification started with the early constitutional experiments and liberal reforms initiated by some states, like the Kingdom of Sardinia, which began experimenting with constitutional frameworks and liberal reforms, particularly after the wave of revolutions in 1848 (Riall, 1994). This was followed by the Risorgimento Movement, which advocated for Italian unification and sought to unite the

various Italian states under a single national identity and cohesive legislative framework (Beales & Biagini, 2002).

**Post-Unification Period:** In the aftermath of the pre-unification phase, the Italian legislative system began to take shape; it experienced several reforms and changes to meet the immediate and long-term expectations of the Italian people. According to the submission of Clark (1996), in his work *Modern Italy*, the impact of the Statuto Albertino, in 1848, was the basis of the legal framework after Italian unification was achieved, and it was this constitutional change that transformed the Kingdom of Sardinia which which would later unify/conquer the peninsula to become the Kingdom of Italy. Other authors, such as Bosworth (2002), also agreed that the newly enacted legislative framework became the central lawmaking body in Italy even during the reign of Benito Mussolini.

**The Fascist Era:** lasted more than two decades between 1922 and 1945, during which Benito Mussolini and the fascist party became the dominant political force in Italy. Some scholars argue that it was the most challenging period in the history of the Italian legislative system. For example, Lyttelton (2004) and De Grand (1995) argued that during the Fascist era, the Italian legislative system experienced tremendous changes and modifications carried out by the government of Mussolini to enable the regime to consolidate power and establish a totalitarian state. The Fascist era departed from the parliamentary democracy established in the post-unification period and significantly altered the legislative process. Italian historian Emilio Gentile (2003) added to this, arguing that the legal system was infused with Fascist ideology, and laws were often used as instruments of political control and repression. Although the Statute itself mainly remained unaltered until the implementation of the republican Constitution in 1948.

The most critical moments from a legislative perspective during the fascist era, as Lyttelton (2004) asserts, were enacting the Acerbo Law of 1923 and establishing the Fascist Grand

Council in 1928, crucial steps in consolidating Mussolini's control and diminishing the role of the Parliament. Several scholars like Bosworth (2002) and Passmore (2002) reckoned that the Fascist era was a significant setback for the development of Italy's legislative system, which was still in its early stages. The Chamber of Deputies was transformed into a chamber of Fascist representatives, and the Senate became a tool for rewarding loyalty to the Fascist Party. While the legislative power was increasingly exercised through decrees issued by Mussolini and the Fascist Grand Council, bypassing traditional parliamentary procedures, and the judiciary was subordinate to the will of the regime, undermining the principle of separation of powers and the rule of law (Passmore, 2002; Bosworth, 2002).

**The Republican Constitution Period:** It is generally agreed that this period marked a break from the Fascist era for the Italian legislative system. The adoption of the Republican Constitution after a referendum in 1946 abolished the monarchy, leading to the establishment of the Italian Republic, marking a fresh start in Italy's legislative system (Pavone, 1995). The new Constitution instituted a bicameral parliament consisting of the Chamber of Deputies and the Senate. This structure was designed to ensure checks and balances within the legislative process. The new Constitution approved an independent judiciary and established the Constitutional Court, tasked with ensuring laws conform to the Constitution, thereby strengthening the rule of law in Italy, as well as granting provision for regional autonomy to possess legislative powers, which marked a move away from the centralized structure of the Fascist era (Palermo & Wilson, 2013; Luther, 2011).

Patrick McCarthy (1995) argued that enacting a new constitution was a positive step toward reforming and transforming the Italian legislative system damaged during the Fascist regime. As the new Constitution specified the roles and powers of each arm of government, the President of the Republic was established as the head of state, with powers that included calling

elections, nominating the Prime Minister (or Presidente del Consiglio) subject to parliamentary approval, and promulgating laws.

**Present Era:** The contemporary Italian legislative system evolves within the framework established by the 1948 Republican Constitution. It continues to face challenges and undergoes developments in response to political, social, and economic changes. In the assessment of the current era, scholars and researchers like D'Alimonte (2019), Newell (2010), Cotta and Verzichelli (2007) analyzed the Italian legislative system, arguing it has seen numerous electoral reforms aimed at achieving greater political stability and effective governance but also for other political purposes, but overall has not seen radical reforms. These limited reforms have focused principally on the electoral system, oscillating between proportional representation and majority systems.

### **Constitutional Framework and its Impact on the Legislative Process**

The current Italian constitutional framework is derived from the Republican Constitution of 1948 and remains the legal document guiding the Italian legislative process. This framework has significantly impacted the functioning of the Italian political system and its legislative dynamics. According to Cotta and Verzichelli (2007), the Republican Constitution of 1948 outlines the roles of each branch of government, and the type of legislative system it approved was a parliamentary system with a bicameral legislature consisting of the Chamber of Deputies and the Senate. This structure aims to balance representation with thorough scrutiny. However, Cotta and Verzichelli argued that the bicameral system has merits and demerits since it requires that legislation be approved by both houses, which can lead to a thorough but sometimes prolonged legislative process.

Another significant limitation inherent in the 1948 Republican Constitution pointed out by scholars is that the legislative procedure endorsed by the Constitution often involves multiple

readings and revisions of proposed laws in both chambers. This detailed process is designed to ensure careful consideration and debate of legislation but can contribute to the perceived slowness and complexity of lawmaking in Italy (Lupo, 2016). However, the Constitution provides a system of checks and balances among the executive, legislative, and judicial branches. While this system is intended to prevent abuses of power and ensure democratic accountability, it can also result in legislative gridlock, particularly when there is political fragmentation or conflict between opposite parties (Pasquino, 2008).

On the other hand, Newell (2010) argues that Italy's constitutional framework and proportional representation electoral system have historically led to a multiparty system and coalition governments offering fragile coalitions, which can impact legislative efficiency as governments may struggle to maintain stability and consensus. Also, the provision for regional autonomy ratified in the Constitution allows significant autonomy to regions in legislation-making, which has implications for the legislative process. Palermo and Wilson (2013) argued that giving regions the right to have legislative powers in certain areas is a recipe for chaos, which could lead to a complex interplay between national and regional legislation. This decentralization can sometimes lead to legislative inconsistencies and disputes over jurisdiction. Besides, scholars noted that the process for amending the Italian Constitution is deliberately rigorous, requiring a large majority in both houses or a referendum. This rigidity provides stability but can also make it challenging to enact significant constitutional reforms that could address issues in the legislative process (Bifulco and Paris, 2020).

### **Theoretical Discourse**

This literature review analyzes institutionalism theory, focusing on the new institutionalism theory, which is adopted as the primary theoretical framework for this research. The new institutionalism theory will guide this research to explore the institutional structure of the Italian legislative system and how it impacts the slow legislative process.

**New institutionalism theory:** This framework analyzes diverse political science and public administration concepts and will guide the analysis and interpretation of the data applied in this research. According to March and Olsen (1989), institutionalism theory focuses on how institutions shape the behavior of political actors and the decision-making process. It examines how formal structures like a bicameral legislature, rules, norms, and procedures within the Italian legislative system influence its efficiency.

Similarly, Pierson (2004) submitted that institutionalism helps understand the long-term development of institutions and how past decisions and structures impact current operations. This approach can be applied to study the historical evolution of the Italian legislative system and its impact on contemporary legislative processes. Still, March and Olsen (1989) maintained that the dimensional application of the institutionalism theoretical framework allowed it to conduct comparative analysis with other legislative systems, offering a deeper understanding of whether and how the Italian system's peculiarities impact its legislative speed relative to other countries. For these reasons, institutional theory is one of the best approaches to analyzing the impact of constitutional frameworks on political activity.

### **Comparative Studies of Italy and Selected Countries**

In addition, a comparative review of the Italian legislative system with other countries, like Switzerland, Germany, and France, is also adopted because it reveals impressive contrasts and similarities in how these European democracies structure their lawmaking processes. There exists a broad consensus amongst scholars that democratic countries' systems reflect - to a significant degree - unique historical, political, and cultural contexts, which inform their respective electoral systems and legislative processes (Elgie, 2011; Linder, 2010; Newell, 2010). In their separate arguments, Paterson (2008) and Newell (2010) argue that Italy is confronted with political instability and coalition governance challenges in contrast to Switzerland's direct democracy, Germany's federalist structure, and France's stronger executive

model. They further argued that the dissimilarity and diversity of European democratic practices underlined the strengths and limitations of their different legislative systems. For these reasons, a comparative approach can help determine which unique factors of Italy's system are affecting its legislative process in contrast to other democracies in Europe.

Scholars argue that Italy has a parliamentary system with a bicameral legislature consisting of the Chamber of Deputies and the Senate, which is determined by a proportional representation electoral system, often resulting in coalition governments. Therefore, it creates an opening for political instability; anytime there is disagreement in the coalition government, this can impact the legislative process (Newell, 2010). In contrast, Switzerland operates a unique form of direct democracy combined with a federal structure. Its bicameral Federal Assembly, comprising the National Council and the Council of States, is less prone to the political instability seen in Italy, primarily due to its consensus-driven political culture and the regular use of referendums to make or ratify laws (Linder, 2010).

Likewise, Paterson's (2008) analysis of the German system, especially the role of the Bundesrat, reflects the country's federal structure, where states (Länder) have considerable influence in legislation, particularly on matters affecting them directly (Paterson, 2008). In contrast, the Italian system, which is also bicameral, does not provide regions with the same level of legislative influence as the German Länder, reflecting a more centralized approach to governance than Germany's federalism.

On his part, Elgie (2011) uses Italy and France to buttress the similarities and dissimilarities between both countries' parliamentary systems. He asserted that France operates a semi-presidential system of government that runs a bicameral legislature with the National Assembly and the Senate. The French system is characterized by a powerful executive branch, especially under the Fifth Republic, with considerable powers vested in the President, in contrast to Italy's parliamentary system, where the executive is more dependent on the legislature's support. In

addition, the French legislative process is often more streamlined than Italy's, partly due to the majoritarian electoral system that typically leads to clearer parliamentary majorities, as opposed to Italy's proportional system, which often results in forming a coalition government (Ibids).

# Chapter Three: Theoretical Framework

This research theoretical framework evaluates and analyzes to what extent the Italian legislative system contributes to its slow legislative process. This framework ensures that the research's findings are coherent and logical by demonstrating how they relate to the research method and objectives. The theoretical framework provides an overall view and approach to this research study by developing and organizing ideas based on a literature review of existing studies and theories concerning the subject under research.

The new institutionalism framework would comprehensively analyze how structural and cultural institutional characteristics impact the legislative process. The new institutionalism approach provides insights into the complexities of governance and the interplay between political actors within institutional frameworks (Pierson, 2004).

## **Basis for Institutionalism Theoretical Framework**

The rationale for adopting the new institutionalism for this research is that the theory will provide a robust framework for analyzing how the specific structures of the Italian legislative system, such as its bicameral nature and procedural rules, delay its legislative process and efficiency. Consequently, the theory considers the processes by which structures become established as authoritative guidelines for social behavior (Scott, 2008).

First, the framework functions within a historical context. It allows one to explore the historical development of Italian legislation's current institutional dynamics, which is particularly relevant for Italy, where historical events have significantly influenced the evolution of its legislative system. According to Scott (2008), institutionalism is a theoretical framework that underscores the significance of productivity, ethics, and legitimacy. Therefore, the framework

provides an opportunity to address the research objective and answer the research question, which is significant to the result of this research.

According to Pierson (2004), institutionalism emphasizes the impact of historical legacies on current institutions. Italy's legislative system, shaped by its Fascist past and post-war democratic transition, operates within a context where historical experiences influence current norms and practices. This notion, expressed by Pierson, was also echoed by Bull and Newell (2005), that Italy's legislative system experienced under the Fascist era emboldened the system to prevent authoritarianism in post-Fascism. Therefore, it encourages a system that promotes checks and balances but also complicates swift legislative action.

The second basis for institutionalism theory is the Italian constitutional framework, which is the source of the Italian legislative system. The constitutional framework shaped the antecedent and nature of Italy's legislative system, which reflects a behavioral pattern displayed by the political actors that have influenced the political system. This framework is helpful within the context of Italy; it could help explain how institutional features contribute to slowing the legislative process. In the opinion of March and Olsen (1989), unstable institutional structures can lead to extensive negotiations and revisions, potentially slowing the legislative process.

Moreover, many scholars posit that political outcomes are significantly shaped by institutional structures, as reflected in the case of Italy, which operates the bicameral parliamentary system comprising the Chamber of Deputies and the Senate, which necessitates that legislation be approved by both houses (Bull & Newell, 2005). According to Lijphart (1999), the proportional representation electoral system, which often results in coalition governments, further influences legislative dynamics, requiring more extensive consensus-building among multiple parties. Cotta and Verzichelli (2007) contend that the new institutionalism explained that the behavior and strategies of political actors in a democratic system affect the legislative process.

In the Italian context, coalition building is essential because diverse political interests within the Parliament influence how legislators negotiate and prioritize the legislative process.

The third basis for choosing institutionalism is the comparative approach inherent in the theory. This framework design is helpful in conducting a comparative analysis of other countries' legislative systems, for example, comparing Italy's legislative system with some European countries like Switzerland, Germany, and France, which operate similar democracies but have diverse legislative processes. Therefore, the theory will offer a deeper understanding of whether and how the Italian system's peculiarities impact its legislative speed relative to other countries. Although the selected countries have their respective political and cultural history, they share similarities as members of the European Union and practice democracy.

### **Application in Research**

Applying new institutionalism offers a multi-dimensional framework to approach and study complex institutional phenomena like the Italian legislative system and its related components. Therefore, institutionalism provides the tool to analyze bicameralism institutions like the Italian legislative system to ascertain the interaction between the Chamber of Deputies and the Senate, as well as their distinct compositions and powers, which impacts the pace and efficiency of the legislative process.

In analyzing an institution, understanding organizational behavioral patterns is essential to knowing how the institution functions within its environment. For instance, Meyer and Rowan (1977) emphasize that a system of government conforms to societal expectations and norms to gain legitimacy, sometimes prioritizing this over efficiency. According to Di Maggio and Powell (1983), the legislative process is part of public policy and administration procedures; it is within the context of new institutionalism to analyze how institutional structure affects policymaking and implementation. Peters (2019) discusses how institutional designs and

administrative traditions impact policy efficiency and public sector performance in his submission.

Similarly, scholars opined that the framework is mainly used in analyzing political institutions and governance to determine how political institutions operate and influence policy outcomes. In their shared opinion, March and Olsen (1989) argue that political institutions are not just arenas for contending interests but are also collections of standard operating procedures and routines that shape political behavior and decisions. Thus, the framework is valuable in investigating and assessing specific procedural rules within the Italian Parliament, such as those governing debates, amendments, and voting, which influence the legislative timeline.

# Chapter Four: Research Methodology

This study's research method explores the political system in Italy, focusing on its legislature, comprising the Chamber of Deputies and the Senate, to determine the extent to which the bicameral arrangement impacts the slow legislative process that undermined the efficiency of the Italian political structure. For example, the approach will analyze how the historical evolution of the Italian legislative system impacts Italy's legislative process. At the same time, it will also examine the impact of the Italian constitutional framework on the structural components of the Italian legislative system, focusing on its bicameral nature, function, and individual roles in the legislative process. In addition, the research method will compare the Italian legislative system with other countries that operate similar democracies, like Switzerland, Germany, and France, to determine their efficiency and effectiveness.

## **Methods**

The study research questions fit in the realm of interpretivism since the aim is to understand the extent to which the activities of the Italian Parliament slow the legislative process, resulting in democratic limitations. In order to strengthen the trustworthiness, validity, replicability, objectivity, and reliability of the chosen methodology and approaches, the main focus will be abstraction and interpretation during the data selection process. This approach can provide detailed insights into how the legislative structure affected particular policy outcomes.

## **Case selection**

This research takes a comparative dimension to explore other countries' democracies, such as Switzerland, Germany, and France, with similar or different legislative structures compared with Italy's legislative process.

# Chapter Five: Constitutional Framework of the Italian Legislative System

Critics and scholars often describe Italy's legislative process as slow, which they attribute to several structural and political factors. These critics have some ground, as Italy's neighbor Switzerland, for example, passes roughly twice as many bills as Italy into law in a year (for reference look at table 3 in Chapter Six). Italy's legislative process is designed to be thorough and representative to meet the expectations of the people who elected them. Though, some collective factors have delayed it from accomplishing this objective. The Italian constitutional framework is a complex system that balances democratic representation, regional autonomy, and thorough legislative review. However, while these features favor the democratic and pluralistic nature of Italian society, they create inefficiencies and complexities in the legislative making process.

As Bull and Pasquino (2004) state, the Republican Constitution of 1948 serves as the foundation for the constitutional structure of the Italian Parliament and established Italy as a parliamentary republic. A parliamentary republic is characterized by the relationship between its executive and legislative branch and by the separation between the head of state (which may be a king or a president) and the chief executive (which is commonly called Prime minister) (Morgan & Schleiter, 2009). The legislature's structure, authority, and duties are created in this framework, which influences the Italian legislative process and, amongst other things, create a perfect bicameral parliament and granted it the power to enact laws and carry out its complete legislative duties. Although this system allowed for intricate and multi-phased legislative procedures to guarantee close examination, it also added to the lengthy and sluggish character of the Italian legislative process (Cotta and Verzichelli, 2007). This intricacy has made it more

difficult for laws to pass and for the government to respond quickly to new problems (Cotta and Verzichelli, 2007). Martinico (2012), for example, suggested that the constraints imposed by the Italian constitutional framework have created several issues, particularly regarding political stability and legislative effectiveness, which frequently spark discussions and lead to different reform initiatives in Italy.

### **Overview of the Italian Constitution**

The Italian Constitution adopted in 1948 came into force one century after the previous Constitution of the Kingdom of Italy was enacted. The current Constitution is the outcome of a referendum – held in 1946 to decide whether Italy would remain a kingdom or become a Republic - and is considered the origin of the country's present legislative framework. It became a foundational document that established Italy as a parliamentary republic and laid down the principles of its democratic governance. Son of the second President of the Republic, Mario Einaudi (1948) submitted that the provisions entrenched in the Constitution were a collective political consensus reached within the Constituent Assembly, which ratified the various functions of each section of the society. Since then, the evolution of the Italian Constitution has undergone significant changes, deciding the form of government, regional arrangements, and constitutional adjudication. However, in this research, the focus is mainly on the Italian legislative system.

### **Key Constitutional provisions relevant to the legislative process**

There are several key provisions enacted in the Constitution of 1948 that are particularly relevant to the legislative process. The various articles related to the legislative branch of government in the Constitution outline the legislature's role, the Italian Parliament's structure, powers, and functioning, and its relationship with other branches of government. For example, Articles 55-82 in the Constitution approved the structure of the legislative system and outlook;

within these articles, the establishment of the bicameral structure of legislature was recommended, consisting of the Chamber of Deputies and the Senate of the Republic and also define the composition and election of both chambers (The Italian Constitution, 2016). Article 64 states that each Chamber establishes its own rules by a majority of its members, which prescribes that joint sessions of the Chambers are made public. Furthermore, each chamber can also convene in a secret session. Article 67: Members of Parliament represent the nation and carry out their duties without a binding mandate, ensuring independence in legislative decision-making (Ibid). Still, Luther (2011) argues that the Italian legislative process spelled out in Articles 70-82, emphasizing Article 70, which explains the legislative function of both Chambers of Parliament and the People, who exercise it through referenda. Similarly, Article 71 reveals that the government could initiate a legislative bill, each member of the Chambers, a certain number of voters, or those bodies represented by regional laws. It also mentions legislative initiatives through popular petitions.

Furthermore, Article 72 in the Constitution provides a detailed explanation concerning the process of law-making, stating that each Chamber can adopt laws independently and that laws are sent for approval to the other Chamber, which must approve them in the exact text. Similarly, Article 75 is about the provision for a referendum to abrogate a law or a measure having the force of law. On the other hand, the provisions in Articles 134-139 elaborate on Constitutional supremacy and judicial review. For example, Article 134 establishes the Constitutional Court and its powers, including the authority to pass judgments on the constitutionality of laws. Meanwhile, Article 138 provides the process for constitutional amendments and the role of a referendum in this process (The Italian Constitution, 2016).

### **Background of Italy's Legislature**

As aforementioned, the Italian Constitution approved a bicameral legislative system comprising two houses: the lower house, the Chamber of Deputies (Camera dei Deputati), and

the upper house, the Senate of the Republic (Senato della Repubblica). Both function in accordance with the principle of perfect bicameralism, which means that the two houses perform identical functions, and both must vote in favor of a bill in order for it to pass. The XIXth Legislature of Italy (XIX Legislatura della Repubblica Italiana) is the current 19th session of the Italian parliament, which commenced on October 13, 2022.

The composition of the Chamber of Deputies and the Senate of the Republic has been recently amended in the 2020 Italian constitutional referendum. In the Chamber of Deputies, the number has been reduced from 630 to 400, while in the Senate, the number of elective members has been reduced from 315 to 200 (Bonanata, 2022). However, both chambers are still elected for five-year terms as defined in the Italian Constitution unless they are dissolved before the completion of their full term under certain circumstances like political instability (Ibid).

The electoral laws through which the chambers of parliament are elected have changed many times since the founding of the Italian Republic. Many of which were instituted but never used, changing again before elections were held. However, since the first electoral law of 1946 (legge elettorale del 1946) – which was a purely proportional system – to the current Rosato law (Legge Rosato, or also Rosatellum) – which uses a mixed system – all electoral laws have been based on the use of proportional representation. With a proportional electoral system each house is filled proportionally to the number of votes each electoral party received. The current Rosatellum electoral law is a mixed system, with just over 1/3 of the members of parliament selected through a majoritarian system – meaning the candidate with the most votes within his district wins – and the rest are elected through the proportional system (Masseti & Farinelli). The only exception is for a minority of the Senate, which has five senators who are nominated by the President of the Republic and serve for life (Senato Della Repubblica, 2018).

## **Legislative Process**

The legislative process in Italy, shaped by its parliamentary system, is intricate and involves multiple stages of scrutiny and revision. This process occurs within the bicameral parliament, involving the Chamber of Deputies and the Senate of the Republic. As mentioned previously, the only differences between them lie in the membership and the rules for the election of their members.

The bill initiation on the floor of both chambers during sitting officially starts the legislative process in the Italian parliament. The bill proposal in Italy can originate from various sources, including the Government (Government bills), members of parliament, regional councils, and popular initiatives. These diverse origins reflect the democratic and pluralistic nature of the Italian legislative process (Senato della Repubblica, 2018). After the bill's introduction, a preliminary examination is conducted in either the Chamber of Deputies or the Senate. The first chamber to consider the bill is typically chosen based on the subject matter and strategic considerations (Newell, 2010).

The next phase is the committee review, and the bill is referred to a parliamentary committee constituted in both houses for detailed examination. Committees are crucial in scrutinizing, amending, and sometimes redrafting legislation; they sometimes consult with experts and stakeholders (Cotta and Verzichelli, 2007). The Committee phase is also time-consuming, contributing to a slow legislative process. Then, there are the debate and voting phases; after committee review, the bill returns to the floor of the originating chamber for debate. The debate occurs in several stages, including a general discussion and article-by-article examination. Each chamber votes on the bill; if approved, it is sent to the other chamber for a similar process (Newell, 2010). The second chamber can approve, amend, or reject the bill. If amendments are made, the bill returns to the first chamber and the process must start again. This back-and-forth can occur multiple times until both chambers agree on the text (Ismayr, 2009).

Then is the Presidential promulgation and referendum. After both chambers pass the bill, it is sent to the President of the Republic for promulgation. The President can request a reconsideration of the bill or parts of it. In some cases, laws can be subjected to a popular referendum before they come into effect, particularly if requested by a significant number of citizens or regional councils (Amato and Biondi, 2016). After the bill is signed into law or promulgated by the President, the publication becomes official. The law enters into effect after it is made public through its publishing in the Official Gazette (*Gazzetta Ufficiale della Repubblica*) coming into force after 15 days from its publication, unless specified otherwise within the law (Ismayr, 2009).

Though it forces scrutiny of the bills, this process is lengthy and takes time. For this reason, Italian governments have often *De facto* – and more often recently – gone through an alternative process using the *Decreto Legge* system. These are special laws made by the government that are enacted immediately without the need for parliamentary approval but which last for a limited period, after which they must be approved by parliament or will not continue to have the force of law. The constitutionality of using this system is unclear, as some argue it was intended to be used only in times of crisis and not as an alternative legislative process (Simoncini & Longo, 2014).

Finally, the constitution also establishes an independent judiciary, a constitutional court with judicial review powers, that has helped sustain the Italian democratic practice and prevent the political system from chaos. This court can deem laws unconstitutional and block them from passing (Ragone & D'Amico, 2023).

### **Bicameralism:**

Although many scholars have commended the Italian Constitution for its substantial success, mainly in guiding the country through several decades of democracy, it is not without its

shortcomings. According to Ragone and D'Amico (2023), the solidity of the Republic of Italy's Constitution has guaranteed civil and political rights for the past seven decades. On the other hand, the Constitution's limitations have also hindered growth in the Italian legislature despite its success, as revealed by Palermo (2014). He argued that the Parliament's perfect bicameral system, which endorsed shared equality between the two chambers, causes legislative inefficiency, duplication of legislative work, and slowing down the law-making process, as every piece of legislation must be passed in identical form by both houses.

Perfect bicameralism and the two chambers sharing equal legislative powers are prescribed in Article 55 of the Italian Constitution (Luther 2011). Some scholars, such as Gardbaum (2014), acknowledged the merit of this bicameral Parliament because it allows for thorough scrutiny of legislation, as bills must be approved by both chambers, ensuring many readings and examinations by different people. However, in contrast, other critics see the Italian bicameral arrangement as a defect as both houses must approve a bill in the same form, which can result in prolonged legislative procedures and occasional gridlocks (Palermo, 2014). Thus, D'Alimonte (2019) argued that bicameral parity undermined the legislative process since the equal power of both chambers can lead to legislative gridlock.

Perfect bicameralism can be considered a first constitutional feature limiting the efficiency of the legislative system.

### **Separation of power**

The Italian Constitution establishes the framework within which the Italian legislative process operates and outlines the roles and functions of the different branches of government to ensure a system of checks and balances, one of the core principles of a democratic system of government. Specific provisions in the Constitution adequately distinguish between each branch of government and their respective power.

Scholars such as Palermo and Wilson (2013) argue that the principle of separation of powers in Italian democratic practice, as outlined in the Republican Constitution of 1948, is central to the functioning of its political system. They stressed that this principle divides the state's powers among the legislative, executive, and judicial branches to prevent the concentration of power and ensure checks and balances. However, in countering this notion, Gardbaum (2014) argued that although the judicial branch is separate and independent from other branches, there is, in reality, no concrete separation of powers between the executive and legislative branches because the executive must be approved by and is responsible to the legislative branch.

Nonetheless, according to Persson et al. (1997), there still exists a system of checks and balances between the executive and legislative branches which serves as a crucial mechanism to avert the concentration and abuse of power. These checks and balances function by establishing a system of mutual oversight between the executive and the legislature, ensuring that both bodies must find consensus on matters of public policy. Consequently, this arrangement fosters a dynamic where each branch holds the other accountable to the benefit of the electorate.

### **Constitutional Court**

The judicial branch's role in the legislative process is outlined in Article 134 of the Constitution and plays a crucial role in overseeing the constitutionality of laws (Luther, 2011). This oversight ensures that laws adhere to constitutional principles, protecting fundamental rights. However, the challenges of the Constitutional court adversely affect the legislative process since the conduct of judicial review can delay the implementation of laws and may lead to conflicts between the legislative and judicial branches (Martinico, 2012). As a consequence, judicial review becomes a de facto additional step in the process of passing a bill. Although it may be important to maintain the constitutional framework of the Italian Republic intact, it becomes an additional factor that legislators must resolve for a bill to be enacted into law.

## **Legislative-Executive Relations**

Political interests significantly influence legislative-executive relations in the Italian parliamentary form of government as the relationship between the two branches of government is elusively broad and diverse. The relation is defined by the outward disposition of political actors at various points of engagement between legislative and executive, which determines legislative supervision of the executive oversight and the executive interference in the legislative process.

The relationship between the Parliament and the government is entrenched in Articles 92-96 of the Italian Constitution. Since the primary function of the legislature is to make laws for the country, by virtue of the vote of confidence, which brings a new Government to life, they establish the political guidelines that the executive has to follow, making the government accountable to the Parliament, which questions the actions of the executive (Kreppel, 2009).

However, critics argue that the relationship between the legislative and the executive is fragile due to the shared power and coalition politics that characterize the Italian parliamentary form of government, where the executive branch is dependent on the confidence of the legislative branch. Though the structure necessitates a close relationship between the two, it can also lead to instability, especially given Italy's tendency towards coalition governments, and the need for coalition support in the legislature often complicates the executive's ability to govern effectively (Newell, 2010; Bull & Pasquino, 2004).

On the same note, Palermo and Wilson (2013) stressed that the relations between the legislative and executive are not defined, as both maintain cordial relations since they are suspicious of each other's actions. Moreover, the executive overreliance on parliamentary confidence contributes to frequent government changes. The interdependence between the legislative and executive branches and the system of perfect bicameralism thus creates a complex and

sometimes cumbersome legislative process. Cotta and Verzichelli (2007) argued that the executive's stability is directly tied to its support in the legislature, and the fractious nature of Italian politics often leads to short-lived governments with a negative impact on the legislature.

Similarly, Maartinico identified limited government accountability as one of the factors confronting the legislative branch of government in Italy due to the frequent practice of coalition politics. This weakened accountability in the system makes it challenging for voters to identify those to blame for government ineffectiveness, which can undermine democracy (Martinico, 2012).

Newell (2010) postulated the cause of the problem was to be found in the Constitution's provisions, which leads to fragile coalition governments due to the proportional representation electoral system, resulting in frequent government changes and a lack of a stable majority, affecting the continuity and effectiveness of governance. This instability causes regular government changes, affecting the continuity and effectiveness of legislative initiatives, and the multitude of potential legislative initiators can lead to a crowded agenda and slow legislative process (Newell, 2010). This is compounded by the fact that weak governments lead to the early dissolution of either or both houses – since when a coalition cannot form a government, the president is forced to call for elections – is common in Italian politics due to governmental instability or political deadlock. Critics consider it a key factor contributing to the slow legislative process and weakening the Parliament's strength. In such cases, new elections are held, and the legislative term for the newly elected Parliament begins anew (Heller & Mershon, 2005). It is important to note that the legislative term determines the period during which the elected Parliament can function before new elections must be held. However, the actual duration can be shorter than five years if early dissolution occurs. This aspect of the Italian legislative system reflects the country's parliamentary dynamics, where government stability is closely linked to the support of the Parliament.

In summart, the Italian parliamentary system makes the legislative and executive branch highly interconnected, which as a consequence means disagreement in the legislative branch weakens the executive, and a weak executive negatively effects the legislative process in the legislative branch. The cause of this instability seems to be in the Italian electoral system which makes it difficult for a strong majority to form in parliament that can hold the executive branch stable.

### **The role of the President**

In the structure of the Italian parliamentary democracy, the role of the President is restricted, and the powers are limited to symbolic and representative functions. As previously explained Italy operates a parliamentary system, which means that the Prime Minister (Presidente del Consiglio) heads the Italian government and is significantly more politically powerful than the President (Presidente della Repubblica).

The core responsibilities of the President are within the provisions enacted in the Constitution. As the head of state in Italy, the President plays a pivotal role in embodying and promoting national unity. Though this position is symbolic, its functions are important; it entails a range of responsibilities to ensure the smooth functioning of the state's constitutional and democratic processes.

According to McGaw (1948), one of the critical functions of the President is to facilitate communication between the executive and legislative branches. This involves sending messages to Parliament, providing guidance or opinion on national matters, and the President's authority to authorize the introduction of government-proposed bills into the legislative process. In this capacity, the President acts as a conduit for policy initiation, bridging the executive's agenda with the legislature's law-making role.

Within the legislation framework, the President's responsibilities extend to the final stages of the law-making process. The promulgation of laws, decrees, and regulations falls under the

President's purview, marking the final step in transforming legislative proposals into binding legal enactments. This function underscores the President's role in overseeing the fruition of legislative processes, ensuring that the laws passed by Parliament align with constitutional mandates and national interests.

The President also has the significant power to dissolve Parliament, a critical tool for addressing political impasses or crises. However, this power is exercised with constitutional safeguards, particularly during the "semestre bianco," the last six months of the President's term, when the dissolution of Parliament is restricted. This restriction is in place to maintain political stability and continuity, especially during transitional periods in the presidential tenure.

Thus, although the President has an important role in the legislative process, its many limitations eliminate it as a significant factor.

### **Other relevant aspects of the constitutional framework**

**The rigidity of constitutional amendments:** Amendments to the Constitution require either a super-majority in parliament or, if not, a popular referendum. Martinico (2012), in his criticism of the Italian system, affirmed that the Italian Constitution is a rigid document that makes it difficult for political actors to manipulate, making change difficult to address urgent and contemporary challenges and issues in Italy. The difficulty in amending the Constitution has become a significant factor impacting the legislative process, at the same time making critical constitutional reforms challenging to achieve, potentially delaying necessary modernizations in the face of evolving political and social realities.

**Legislative process and democratic representation:** According to Luther (2011), the Italian Constitution encourages a democratic legislative process, where laws or bills can be sponsored or proposed by the government, members of Parliament, regional councils, and through popular

initiatives as recommended in Article 71 of the Constitution. This is to allow pluralism in order to enhance democratic participation in the legislative process. However, Cotta and Verzichelli (2007) revealed that the Italian Parliament often faces an overload of legislative proposals, partly due to the multiple sources of legislative initiative the Constitution allows.

**Regional Autonomy:** Palermo and Wilson (2013) argued that though Article 114-133, entrenched in the Constitution, grants significant autonomy to regions, this approval is counter-productive, as it affects legislative competencies at both national and regional levels. Although the intention was to allow regional legislation to respond to local needs and conditions, this sometimes creates tensions and inconsistencies between regional and national legislation despite the roles and powers of the regions in the legislative process outlined. Therefore, balancing regional autonomy with national cohesion remains a contentious issue, impacting legislative and administrative efficiency (Bull and Pasquino, 2004).

## **Conclusion**

In summary, scholars have acknowledged the uniqueness of Italy's parliamentary system, especially its legislative process of perfect bicameralism, where both the Chamber of Deputies and the Senate have equal powers and the same methods of screening bills to become law. This system, along with other features mentioned, was in part very successful, leading Italy through over half a century of democratic governance and representation. However, critics also see this legislative process as cumbersome, slow, and moribund. In addition to perfect bicameralism, other causes often mentioned by scholars are political fragmentation and coalition governments due to the element of proportional representation in Italy's many electoral systems, impacting legislative stability and efficiency. In addition, perfect bicameralism, judicial review, the many sources of bills, the long process through which bills must go through, and the need to balance regional and national interests have also been criticized for slowing the legislative process.



# **Chapter Six: Comparative Analysis: Italy, Switzerland, Germany, and France**

This chapter is essential to this research to determine whether the abnormalities noticeable in the Italian parliament are a pattern in neighboring European countries with a democratic system of government and to determine the degree to which the various factors impact the legislative process. To do this, a comparative analysis of the legislative systems in Italy, Switzerland, Germany, and France is used as a case study to understand the workings of each of the country's parliaments, their structure, law-making process, and other related components impacting the legislative activities. Since each country's legislative system reflects its unique political culture and historical context, this analysis will highlight each system's core features, strengths, and challenges.

## **Short-Overview of the Legislative Processes in Selected Countries:**

According to Lijphart (2012), the legislative branch is the core tenet of a democracy and a key pillar in the political power structure, wielding authoritative influence within a government. Often referred to as parliaments, congresses, or councils, legislatures are central to democratic governance. They primarily fulfill three fundamental functions: the enactment of laws, the representation of constituents, and the oversight of executive actions and administrative processes. This chapter's comparative analysis also underscores the variety of approaches to fulfill these fundamental functions of the legislative branch of government in different national contexts.

## **Switzerland:**

Switzerland is a crucial case study because of its unique constitution, which creates a constitutional framework different from that of Italy and other democratic republics worldwide in almost everything. However, it is also one of the few countries sharing the unique nature of a perfectly bicameral legislature with Italy. This allows us to separate the effects of a perfectly bicameral legislature from other potential factors. Switzerland has a unique constitutional framework, sometimes called a directorial republic. This government type is based on consensus politics, in which all major political parties elect a government member through a process called the magic formula (Moser, 1996). The government is represented by the federal council, and the different representatives of the various parties must compromise in order to reach a political agenda (Ibids). In addition, Switzerland makes significant use of direct democracy by involving citizens through referendums in the legislative process (Eschet-Schwarz, 1989).

On the other hand, Switzerland's legislative branch, the Federal Assembly (Bundesversammlung, Assemblée fédérale, or Assemblea Federale), is characterized by a bicameral federal legislature consisting of the National Council (Nationalrat/Conseil National/Consiglio Nazionale), lower house, and the Council of States (Ständerat/Conseil des États/Consiglio degli Stati), upper house, and a strong tradition of public participation in law-making. However, unlike in Italy although both chambers have equal power they represent different sections of societies, the National Council being elected nationally through a proportional electoral system, and the Council of States representing the regional administration (Cantons) (Eschet-Schwarz, 1989).

Bill initiation in the Swiss legislature takes various forms, and it could be from the legislators of either chamber of the Federal Assembly, cantonal governments, and through popular initiatives, where citizens can propose new laws or constitutional amendments if they gather a

sufficient number of signatures (Linder, 2010). Any initiated bill passes through various stages within the parliament before it becomes signed into law. First, the bill passes through the preliminary consultations stage, where cantons, political parties, and interest groups are invited to comment on the draft proposal and deliberation in the Federal Assembly (Church, 2004). Then, Each chamber must approve the bill, and they often do so in several readings. Here, the two chambers can differ in the bill versions (Linder, 2010), another difference with the Italian bicameral system. Finally is the reconciliation and the conference committee, composed of members from both chambers to resolve any disagreement on the bill. Once a bill has passed both chambers, a referendum, if required, is signed into law by the Federal Council and enacted. This is the direct-democratic aspect of the system, as a popular vote can stop any legislation from passing (Eschet-Schwarz, 1989). This final step completes Switzerland's comprehensive legislative process (Church, 2004). Switzerland's legislative system is characterized by its strengths in direct public participation, federal balance, and thorough legislative scrutiny. Still, it also faces challenges in complexity, susceptibility to populism, and managing federal-cantonal relations.

### **Germany:**

In contrast to Switzerland, Germany shares an almost identical constitutional framework as Italy. They have a parliamentary republic framework in common, a bicameral legislature and, as of recently, also a similar electoral system. The critical difference is the imperfect bicameralism and a stronger separation between the executive and legislative branches. Germany is a federal parliamentary republic with a bicameral arrangement consisting of the Bundestag (Federal Diet) and the Bundesrat (Federal Council). This process reflects the country's commitment to federalism and regional interests at the national level (Leunig, 2012). These two houses have different powers, as for most bills the Bundesrat can only temporarily veto legislation, making the Bundestag more powerful ((Mahler, 2013).

Similarly to Italy, Germany is a parliamentary republic in which the President (Bundespräsident) picks a chief executive or Chancellor (Bundeskanzler) based on his consultation with parties in the parliament to form a government which must be given a vote of confidence from the parliament. However, in contrast to Italy, in the German system, the Chancellor cannot be given a vote of confidence at any time. Instead, the constitution forces coalitions intentioned to give a vote of no-confidence to find a substitute chancellor before they can do so. This makes it more difficult to make a government fall – as a strong coalition must form before the vote of no confidence – and if successful it ensures a new stable government has already been found (Mahler, 2013).

The legislative process in Germany starts with initiating a bill, which could originate from the Federal Government, the Bundestag, or the Bundesrat. In addition, Ismayr (2009) argues that the German Constitution (or Basic Law or Grundgesetz) allows for the introduction of bills through popular initiatives under certain conditions. However, it is not a common practice and is constitutionally unclear. After being initiated, a bill initiated in the German legislature passes through five stages before it is passed into law. The first reading of the bill in the Bundestag starts the debate process on the objectives and principles of the bill, and there is no voting at this stage. After the first reading, the bill is referred to one or more specialized committees. These committees thoroughly examine the bill and may consult with experts and stakeholders. The committee stage shapes the bill's final form (Saalfeld, 2005). Finally, it is subjected to the second and third readings in the Bundestag, where it is debated, and amendments may be proposed. This is followed by a third reading focusing on the bill's amendment.

The Bundestag votes on the bill; once the Bundestag passes a bill, it goes to the Bundesrat, which represents the federal states (Länder). The Bundesrat reviews the bill and can propose amendments. As already mentioned, for certain types of legislation, particularly those affecting the states, the Bundesrat's consent is required for the bill to become law (Leunig, 2012),

otherwise for other types of bills the Bundesrat approval is not needed. If the Bundesrat disagrees with the bill, a Mediation Committee, composed of members from both the Bundestag and the Bundesrat, can be convened to find a compromise (Ismayr, 2009). Final approval comes when both chambers agree on the text; the bill is sent to the Federal President for promulgation. The President checks the bill primarily for constitutional compliance before signing it into law (Saalfeld, 2005). The German legislative process entails multiple readings, committee reviews, and the involvement of both federal and state representatives to ensure thorough scrutiny of legislation and balance the interests of different stakeholders. The legislative process reflects Germany's federal structure and commitment to a participatory and deliberative democratic process.

### **France:**

The legislative process in France, operating under a semi-presidential system, is defined by the interaction between the executive and the legislative branches, specifically the President, the Government (Prime Minister and ministers), the National Assembly, and the Senate. The process is structured to balance efficiency in law-making with democratic representation and checks and balances. The legislative process starts with the initiation of the bill. However, priority is given to bills initiated by the government (*projets de loi*) or members of parliament (*propositions de loi*) (Knapp and Wright, 2006). However, Elgie (2011) points out that De Facto, any government-initiated bill undergoes an extra step through a Council of State vetting to ensure the bill's constitutionality before being submitted to the parliament.

Enacting a bill into law starts with the introduction, the first reading in the lower chamber and the second reading in the upper chamber, in which debates and necessary amendments are carried out (Cole, 2008). Both chambers often set up a joint committee (*commission mixte paritaire*) to reconcile disagreements on the bill. If the joint committee reaches an agreement,

the compromised bill is sent back to both chambers for a final vote. Once both chambers agree on the text, the bill is sent to the President for promulgation (Knapp and Wright, 2006).

The President can ask Parliament to reconsider the bill or parts of it but cannot veto it outright. After the final approval, the bill becomes law (Elgie, 2011). However, the Constitutional Council can still review any bill before or after its enactment, and a law can be referred to the Constitutional Council to ensure its compliance with the French Constitution. This can be requested by the President, the Prime Minister, the presidents of the assemblies, or a sufficient number of parliamentarians (Cole, 2008).

The legislative process in France reflects its semi-presidential system, where the executive and legislative branches play significant roles. This process is designed to ensure thorough scrutiny of legislation while maintaining the balance of power between the different branches of government.

### Comparative Data Analysis

Tables 1, 2, and 3 below show data analysis of selected countries legislative systems.

**Table 1. Comparative assessment of key features of selected countries**

	<b>Italy</b>	<b>Switzerland</b>	<b>Germany</b>	<b>France</b>
<b>Assessment</b>	Bicameral: Chamber of Deputies (Camera dei Deputati) and the Senate of the Republic (Senato della Repubblica)	Bicameral: National Council and the Council of States	Bicameral: Bundestag (Federal Diet) and the Bundesrat (Federal Council)	Bicameral: National Assembly (Assemblée Nationale) and the Senate (Sénat)
<b>No. of legislators</b>	Chamber of Deputies (lower house) has 400 members elected by the people. Senate has 200 elected senators, plus life senators appointed by government	National Council has 200 members. Council of States (upper house) has 46 members. Both houses are elected by the people.	Federal Diet (primary chamber) number not fixed due to the system of overhang and leveling seats, it current has a total of 736 members elected by the people.	National Assembly, known as deputies has 577 members elected by the public. Senate has 348 elected by electoral college

			Federal Council has 69 members, appointed by the government.	
<b>Power sharing in the legislature</b>	Both Chambers share equal power in the legislative process	Both chambers share equal power in the legislative process	The Federal Diet is the primary legislative body in Germany and wields more power than the Federal Council in the legislative process.	The National Assembly is more powerful than the Senate, particularly regarding legislative authority, government oversight, and financial legislation.
<b>Legislative timeframe</b>	The legislative term for both houses of parliament is five years	The legislative term for both houses of legislature is four years	Federal Diet has a four-year term, while the Federal Council has no term, changes in state governments determines the composition of the Federal Council.	National Assembly has five-year term, the Senate has six-year term to seek reelection.
<b>No. of sitting in one legislative year/term</b>	Estimated number of sittings of the parliament in one year is usually 100 to 120 sessions, while in a legislative term is 500 to 600 sessions	12 weeks of regular sessions comprising of estimated 48 to 60 sittings in a legislative year.	The number of Federal Diet sitting in a year varies, is estimated 50 to 60 plenary sessions per year, in a term, which is four-year is 200 to 240 sessions, subject to change.	Number of sitting by both houses in a year or term are not fixed but have two sessions each comprising of many sittings.
<b>Timeframe of passing a bill into law</b>	Timeframe of bill from introduction to enactment varies, usually take 6 months to 2 year.	Bill timeframe from introduction to enactment ranges from months to about two years.	Bill timeframe is not defined, but usually is 6 months to a year depending on the circumstances surrounding the bill.	Bill timeframe from initiation to enactment takes 6 months to over a year depends on the urgency of the bill
<b>No. of bills passed in one legislative year/term</b>	Estimated bills passed in a year is from 50 to 100 bills in a year, in legislative term is 250 to 500 depending on the legislative agenda and political circumstances.	Estimated bills passed in a year is from 100 to 200 or more. Over a full four-year legislative term is 400 to 600 bills.	The German legislature is expected to pass 50 to 100 bills in a year and 200 to 600 in a legislative term depending the nature of the bills introduced to the house.	The French Parliament passed an average of 20 to 100 laws in a year, and in a term 300 to 600 depending on the circumstances.

**Table 2. Key differences in legislative systems of selected countries**

Areas of Differences	Italy	Switzerland	Germany	France
<b>System Type</b>	Parliamentary system	Federal Directory	Federal Parliamentary system	Semi-Presidential
<b>Bicameralism (nature of the second chamber varies)</b>	Both chambers have equal power, some of the senators are not elected by the people	Both power function on equal basis are elected by the public	The Federal Council members are appointed by the government and less powerful than the Federal Diet	The National Assembly is more powerful than the Senate in key areas of law making, and the senate are elected through electoral college not directly by the people.
<b>Electoral systems</b>	Mixed systems	Proportional representation for the National Council	Mixed systems	Two-round system for the National Assembly.
<b>Legislative process</b>	Equal approval of bills	Mutual cooperation for bills to be passed	Bundestag more empowered to pass bills	National Assembly more empowered to pass bills
<b>Centralization</b>	Unitary	Federal system	Federal System	Unitary

**Table 3. Shows key similarities in legislative systems of selected countries**

Areas of Similarities	Italy, Switzerland, Germany, and France
<b>Bicameral legislatures</b>	All the countries operate bicameral legislatures, consisting of two chambers.
<b>Representative democracy</b>	Each country practices representative democracy.
<b>Mixed electoral systems</b>	Germany and Italy use mixed electoral systems. While France employs a two-round system for the National Assembly, and Switzerland uses proportional representation.
<b>Legislative initiative and review</b>	In all four countries, bills can be initiated by the government, members of the legislature, and the public.
<b>Role of committees</b>	Parliamentary committees play a significant role in the legislative process in all four countries. These committees are responsible for detailed examination, discussion, and amendment of legislation, and often include specialized focus areas.
<b>Constitutional oversight</b>	Italy, Germany, and France have constitutional courts or councils that review legislation for constitutional compliance. Switzerland, while not having a

	constitutional court, incorporates legal review mechanisms to ensure adherence to its Federal Constitution.
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Source: all tables compiled by Author

Data for the length of passing legislation, number of sittings and number of bills compiled using data from official parliament websites: Parlamento.it, Fedex.admid.ch, Bundestag.de, Assemblee-nationale.fr

Full reference at the end.

**Analysis of Tables 1, 2, 3:**

The comparative assessment of key features of selected countries shows that all four countries, Italy, Switzerland, Germany, and France, shared common features despite different variants, but also some significant differences. As seen in Table 1, the term of all countries’ legislatures varies; they are fixed by their respective national constitutions, which makes provision for dissolution depending on the country’s political situation. Moreover, the number of sitting in a year and legislative term also varies depending on each country’s political circumstances. However, Switzerland and Germany have fewer sittings than Italy, while France has no fixed, though it has two sessions comprising many sittings. Furthermore, Table 1 shows that the estimated timeframe for passing a bill into law is almost the same in all countries except Switzerland, which is the slowest, projected to last almost two years. Italy also having slower timeframes than France and Germany. In addition, the number of bills passed by the legislature of each of the selected countries depends on the workloads and situations in their respective countries. No exact number is given except an estimate, which shows Switzerland has the highest turnover of bills passed into law despite having fewer sittings and slower timeframes. On the other hand, despite the highest number of median sittings per year of parliament, Italy also the lowest median turnover of bills passed by year. Although this data also suggests a difference amongst the case studies, making evident problems both in the Switzerland – in

terms of length it takes to pass bills into law – Germany and France – in terms of quantity of bills passed – it shows Italy’s legislative system – although not drastically worse than its neighbors – is nonetheless slower and less efficient than the other case studies.

### **Bicameralism:**

All four countries operate bicameral legislative systems with different variations. All members of the legislatures in the four countries are elected to reflect a national spread, with a minor exception in Italy, where although most of the Senate is made up of elected representatives, some senators are appointed by the president for life. However, this is a very minor difference. The feature of having two almost identical houses of parliament is unique to Italy. Although the Senato and Camera dei Deputati differ in size, they are elected by the same electorate. Before 2022, the age requirement was 21 for the Senate, two years above the Chambers of Deputy. However, this was amended. On the other hand, in Switzerland, the National Assembly is elected nationally through a proportional electoral system. At the same time, the Council of States is made up of representatives of the various Cantons (or regional administrations) of the federation. Similarly, in Germany, the Bundestag is elected nationally through a mixed electoral system, while the Bundesrat is appointed by the regional governments (Landers). In France, the National Assembly is elected through a majoritarian electoral system. In contrast, the Senate is elected through a unique system, through which a body called the grands électeurs, including regional councilors, department councilors, mayors, municipal councilors in large communes, as well as members of the National Assembly, nominate the members of the Senate, with the majority of the Senate being chosen by municipal councilors (Mahler, 2013). Thus, although all four systems are bicameral, Italy is the only country in which both houses represent the same constituency, whereas in the rest of the case studies, the upper house represented, to some degree, regional administrations.

Another critical difference among the case studies is the element of perfect bicameralism. Whereas in Italy and Switzerland the two houses have identical powers and roles, in France and Germany, they do not. This is especially relevant because the findings suggest that allocating equal power to both chambers slowed the legislative process. The similarity in length of passing legislation – being the two slowest systems – and given that perfect bicameralism is one of the few institutions the two systems have in common suggests perfect bicameralism is in fact a constitutional factor affecting the time it takes to pass legislation. However, unlike Italy, Switzerland also has the highest turnover of legislation.

In contrast, Italy has a low one. This suggests that whereas Switzerland's process is slow, it is consistent, and many bills pass through time. In contrast, in the Italian system, bills pass slowly and in small number. Thus, the findings confirmed the many critiques faulting Italy's system of perfect bicameralism for allowing both Chambers equal power in the legislative process, leading to prolonged deliberations and undermining the political System (Newell, 2010). The difference in turnover may be due to the different executive structures and the consensus style politics in Switzerland, which is less prone to instability. Whereas in the Italian case, changes in government can be blamed for the abandonment of bills and the low turnover.

### **Executive branch role:**

A key feature of the Italian system explored in previous chapters is the weak executive branch and government. For example, Cotta and Verzichelli (2007) contended that the proportional representation electoral system in Italy. Prevents a clear majority in the legislature, resulting in the fragmentation of both chambers. France has a different electoral system. On the other hand, Switzerland and Germany share the element of a proportional electoral system with Italy.

As a consequence, especially Switzerland, like Italy, is characterized by coalition governments, which impact legislative negotiations and compromises (Church, 2004). However, Switzerland

uses a different political system that does not require coalition governments. A majority does not need to be formed as through consensus politics the government and parliament can pursue their legislative agenda without a coalition. In Germany, on the other hand, where a parliamentary system is present, unlike Italy, weak governments are not typical (Mahler, 2013). The difference may be caused by one of the few differences that Germany and Italy share: the aforementioned chancellor democracy. In Germany, whereas in Italy a government can fall at any time if a majority is lost, the chancellor remains in power until a substitute can be found, forcing continuity and making changes in government more difficult, as explained earlier in this chapter.

These findings suggest differences in the executive branches; adopting features similar to Swiss consensus politics – directory – or the German chancellor democracy might strengthen the Italian continuity of government and, consequently, allow more continuity in the legislative process. However there is another difference in the continuity of parties in Italy, that suggest a problem deeper than the constitutional framework of the executive branch. In particular, Germany has not seen significant and repeated changes in parties or coalition in power for the past decades (Chase & Goldenberg, 2021). Switzerland too, although different parties have rose and fell in the polls, has not seen the fall or rise of any new significant force (Claude, 2019). In contrast Italy has seen drastic changes in parties. From the Christian Democrats, to Forza Italia, to the PD, to the MS5 movment (Cerruto & Facello, 2014) continuing to today. This suggests an instability exogenous to the constitutional framework of the executive and relate to the political culture of Italy, such as a lack of strong parties. This is a feature Italy shared with France, which has recently seen a dramatic shift in power among parties and the rise of new parties (Surel, 2021), despite differences in electoral systems. Which strengthens the idea that in addition to the constitutional factors already mentioned, factors external to

electoral systems or the constitution of the executive are likely to blame as well for the weak executive branch in Italy.

### **Judicial review**

Another common feature among all three systems is judicial review. Italy, Germany, and France have constitutional courts or councils that review legislation for constitutional compliance. While not having a constitutional court, Switzerland incorporates legal review mechanisms to ensure adherence to its Federal Constitution. Constitutional courts in Italy, Germany, and France play a significant role in ensuring legislation complies with the Constitution. In Switzerland, the direct democratic process serves as a check on the legislature. Although the element of judicial review may cause the slow legislation process, the fact that it is a common feature amongst all case studies suggests it cannot be the factor that causes Italy to be the outlier.

### **Other issues:**

Finally, the role of committees and many sources of bills criticized in previous chapters are also common among all four systems. The strength and influence of committees can significantly affect how legislation is developed and amended. Similarly regional and national division of powers were also discussed, however similar circumstances are also observed in federal systems like Germany and Switzerland, where the distribution of powers between federal and regional governments is crucial. Furthermore, Table 3 shows that legislative proposals can be initiated in all four countries by the government and legislature members, and other agents, who play a significant role in the legislative process. Sharing these common features suggests that they are also not the factors that make Italy an outlier.

## **Conclusion**

After a detailed evaluation of Italy's legislative system, a comparative analysis was carried out to compare it with other countries' parliamentary democracies in Europe to ascertain if there is a pattern in the legislative process. The key findings show that each country's legislative system is defined by its political, cultural, and historical background, constituting the framework of their respective Constitution that is the source of the legislative power. Also, further findings reveal constitutional and non-constitutional factors affecting legislative processes. Perfect bicameralism seems to be a constitutional factor negatively affecting the legislative system, as seen by comparing Italy and Switzerland to the other systems. However, the degree of its impact is likely limited in Switzerland by the role of the executive in ensuring consistency. Compared to the case studies, Italy is an outlier regarding government stability. This is another feature which can be determined to be significant. However, although the proportional electoral system was previously blamed, other constitutional features are likely to be involved, such as from the comparison of Italy with Germany and Switzerland. Furthermore, non-constitutional factors such as political culture may also affect the strength of governments and coalitions in Italy, as was seen in the comparison between Italy and France. Other constitutional features previously discussed, such as judicial review, committees, lengthy legislative rules, and the relationship between national and regional governments, although they might contribute, are likely not as determinant.

# Chapter Seven: Case Study of Slow Legislative

## Process in Italy

### Controversial Bills Due to Legislative Process

Several bills have historically stirred controversies in the Italian legislative system and faced prolonged deliberation due to their contentious nature. These include reforms in areas such as labor laws, pensions, and constitutional changes, which tested the resolve of the legislature during challenges. Some of these controversial bills became landmark laws which are highlighted below.

**Jobs Act (2014-2015):** Scholars like Recchia (2017) identified the Jobs Act bill as controversial, which activated serious debates among legislators when it was introduced on the floor of both chambers sponsored by then Prime Minister Matteo Renzi, aimed at reforming labor laws to address Italy's high unemployment rate. According to Sacchi (2015), the bill faced significant opposition, particularly over provisions that made it easier for companies to hire and fire employees. The controversy stemmed from concerns over workers' rights and job security. The bill's passage involved intense political debate and criticism from different public sections, but it was seen as a critical test of Renzi's reform agenda.

**Pension Reforms (Fornero Reform, 2011):** Another controversial bill that passed through the legislative process is the pension reform bill. Jessoula et al. (2014) posited that the "Fornero Reform," conceived by then Labor Minister Elsa Fornero, was introduced as part of austerity measures during the European debt crisis. It raised the retirement age and altered pension calculations, leading to widespread protests and strikes. In their submission, Graziella and Lipsi (2018) considered the reform as contentious due to its impact on workers' retirement plans and

broader social welfare concerns, though the public pension system is defined as a contribution scheme based on the principle of actuarial fairness.

**Constitutional Reform Referendum (2016):** The 2016 constitutional reform, also spearheaded by Renzi, proposed significant changes to the Italian Constitution, including reducing the powers of the Senate and altering the division of competencies between the state and regions. The reform was highly controversial, culminating in a referendum where voters ultimately rejected it since the debate centered on concerns about democratic representation and the balance of power (Martinico, 2016). These examples reflect the complexities of passing significant reforms in Italy, where political, economic, and social factors intertwine, often leading to extended legislative debates and public controversies.

### **Italian Constitutional Provisions in these Cases**

The broader role of the constitutional framework in Italy is crucial in understanding the complexities and controversies surrounding the legislative cases mentioned earlier. Italy's Constitution sets the parameters within which laws must operate, providing both a guide and a constraint for legislative action. Therefore, the constraints established by the constitutional framework played a role in these specific cases.

For instance, in the Jobs Act bill, the constitutional framework guarantees certain workers' rights and protections. The Jobs Act had to navigate these constitutional guarantees while attempting to introduce flexibility in the labor market. The reforms had to balance the need for economic competitiveness with the protection of workers' rights enshrined in Articles 35-40 of the Constitution (Senato della Repubblica, 2018).

Also, the Pension Reforms bill is closely linked to constitutional principles of social welfare and equity (Articles 36-38). The Fornero Reform, aimed at ensuring the pension system's sustainability, had to be aligned with these constitutional principles, especially regarding the

right to a dignified standard of living for the elderly. Meanwhile, the 2016 Constitutional Reform Referendum bill is a case that directly involved the constitutional framework as it sought to amend the Constitution. The proposed Constitutional reforms aimed to change the bicameral system and the distribution of powers between the state and regions. The need for a referendum is entrenched in Article 138. and reflects the constitutional requirement for direct public involvement in significant constitutional amendments, which called for a referendum for the people to decide (Senato della Repubblica, 2018).

However, the Italian Constitution provided a foundational legal and ethical basis in each case that guided and constrained legislative actions. Legislators had to consider their policies' practical implications and alignment with constitutional principles. This, most times, required careful negotiation and compromise, contributing to the complexity and duration of the legislative process. Also, Recchia (2017) points out that the role of the Italian Constitutional Court in interpreting these laws about the Constitution is significant. The Court ensures that legislation complies with constitutional requirements, checking legislative and executive powers. Its interpretations can influence both the content and the implementation of laws, further underscoring the importance of the constitutional framework in the Italian legislative process.

Thus the rigidity of the constitution itself can be considered an additional factor slowing down legislation as seen in these case studies.

## **Chapter Eight: Conclusion and Recommendations**

### **Findings and Discussion of Factors Slowing Italian Legislative Process**

First is the ‘Perfect Bicameralism’; the findings from the research analysis revealed that Italy’s system of perfect bicameralism requires that both the Chamber of Deputies and the Senate pass identical versions of a bill. This often leads to multiple readings and revisions of the same bill between the two chambers, significantly slowing the legislative process. This is confirmed by the view expressed by Cotta and Verzichelli (2007). Similarly, another finding shows that the frequent formation of coalition governments in Italy due to the proportional representation electoral system hindered continuity and growth in the legislature, thereby adversely affecting the process. Likewise, Newell (2010) asserted that sustaining coalition unity often complicates the legislative process, as multiple parties with differing agendas must negotiate and agree on bills.

Also, another research finding is the recurrent problem of political instability leading to frequent changes in government, which creates a distraction and disruption in the legislative process. This observation was equally attested to by Jones (2009). According to him, the new governments may have different legislative priorities, leading to the abandonment or revision of bills introduced by their predecessors, causing unnecessary delay and repetition of similar bills in the House.

Similarly, Cotta and Verzichelli (2007) identified complex and lengthy procedures involved in the Italian legislative process, which concurred with the findings of this research. The Italian legislative process involves several stages, including committee referrals, multiple readings, and potential revisions, which are inherently time-consuming, preventing swift responses to urgent issues concerning public expectations.

Additionally, another finding from the research is that regional and local interests have limited legislative processes due to efforts to provide a broad base legislative system with a balanced national legislative process. In their criticism of the system, Palermo and Wilson (2013) argued that balancing national legislation with regional and local interests, especially under the framework of regional autonomy, can add layers of complexity and time to the legislative process, causing avoidable delay and conflict of interests (Palermo and Wilson, 2013).

In another twist to the argument, Vassallo (2009) identified bureaucratic delays as another critical factor contributing to the slow legislative process in Italy, preventing the swift passage of the bill into law. In his submission, he posited that the Italian public administration is often embroiled and recognized for bureaucratic inefficiencies, which can delay the implementation of legislation even after it has been passed.

In addition to these findings is the element judicial review, which is another factor slowing down the legislative process. In his agreement with this finding, Martinico (2012) concurred that since the Constitutional Court is empowered, its role in reviewing legislation for constitutional compliance can also contribute to delays, particularly if laws are challenged after passage.

However, although most of these criticisms, such as judicial review, are likely to have an effect, this is probably limited. As seen by comparing Italy with Switzerland, Germany, and France. These comparisons showed that although all shared these issues, they did not present similar outcomes to Italy. Thus these factors could not be blamed for the difference in outcome for Italy. Instead, through a comparative analysis, perfect bicameralism was found to be a significant constitutional factor to blame for Italy's slow and cumbersome legislative process. Nonetheless, the outcome might be different if not compounded by weak governments and coalition politics.

Thus, the most significant feature of the system thus is Italy's weak executive. However, although many scholars have argued that the proportional electoral system is the culprit – which might be true to an extent – it cannot be entirely blamed. Instead, the constitutional framework of the executive branch and perhaps non-constitutional elements such as political might be to blame to a greater extent.

## **Recommendations**

These recommendations aim to balance the need for efficient and timely legislation with the preservation of democratic principles and the representation of diverse interests, which are central to the Italian political system.

- **Reforming Perfect Bicameralism:** Modifying the System of perfect bicameralism could reduce legislative delays. This might involve differentiating the roles of the two chambers, perhaps by limiting the Senate's power to a revisory or consultative function on certain types of legislation.
- **Electoral System Reform and Improving the Role of Committees:** Revising the electoral system to foster more stable majority governments could reduce the need for broad coalitions and the associated political bargaining, leading to more decisive and streamlined law-making.
- **Streamlining Legislative Procedures and Legislative Agenda:** Simplifying the legislative procedure, such as reducing the number of required readings or formal steps, could shorten the timeframe for passing laws without compromising democratic scrutiny. Governments could establish clearer legislative priorities at the outset of their terms. A well-defined agenda, agreed upon by coalition partners, could focus legislative efforts and reduce delays caused by political disagreements.
- **Judicial review might be revised.** Perhaps introducing a system similar to the previously mentioned French constitutional council which revises bills before entering parliament.

Ensuring that parliament doesn't have to waste time debating over bills that may be blocked by the constitutional court.

- Strengthening the government. Italy's defining feature is the instability of its executive branch. Perhaps amendments to move the system closer to something like the German or Swiss system might be considered.

- Further research is recommended on this subject to enable researchers to extend beyond the scope of this study by conducting primary material like interviews and questionnaires to get the first information from the stakeholders involved, such as legislators themselves. Similarly, more research is needed into the effect of non-constitutional factors to develop a fuller view. Moreover, this research might be helpful in further similar research and to get a better understanding of the Italian legislative system.

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