The Evolution of Italian Law

A study on post-enactment policy change between the First and Second Republic

Enrico Borghetto

enrico.borghetto@unimi.it

Francesco Visconti

francesco.visconti@unisi.it

Introduction

Scholars interested in policy change have traditionally directed their attention to either variations in budget outlays or to the pre-enactment phase of law-making. As regards the former, measuring policy evolution through variations in budget allocations (Baumgartner and Jones 1993; Baumgartner and Jones 2002; Jones and Baumgartner 2005; Soroka and Wlezien 2005) allows studying variations across time, but as noted by Ragusa (2010), dealing with budgets limits the scope of analysis. In particular, by focusing on the very end of the decision-making path, it is not possible to catch the complexity of the *process* that generated change. The second strain of research, which now corresponds to a vast mostly US-based literature, has tried to account for variations in the amount of (major) laws production according to differing macro- and micro- political conditions (Mayhew 1991; S. Kelly 1993; S. Binder 2003; Coleman 1999; Howell et al. 2000). For the most part, these authors tried to move beyond legislative research that focuses predominantly on rules and the behavior of individual lawmakers, to look at the mechanisms underlying the enactment process.

Another relevant aspect has instead been neglected: what happens after a decision is taken. The point of departure of this work is that studies focusing on policy change have largely shied away from looking at the post-enactment evolution of laws. Mostly, these studies looked at the *enactment* phase of (major) laws, thus assuming that legislative acts remains fixed once passed. The focus on the post-enactment phase has attracted attention in legislative studies only recently. Though specifically concerned with the survival of U.S. federal programs and agencies, Berry *et al.* (2010) clustered existing studies in the field in three groups: studies belonging to the literature on public administration (Frantz 1992; Mueller 1998; Behn 1976), mostly historical narratives that do not allow any generalizability of results; works for which life after enactment is uninteresting because agencies and federal programs are essentially permanent, and since their termination is random one cannot systematically study it (Kaufman 1976, Coate and Morris 1999, or Daniels 1997); studies adopting a systematic and comprehensive research design, not focusing on one policy area, trying to unveil those factors influencing the *durability* of a law or policy.

Works of this latter cluster, though differing in many aspects, have so far circumscribed their focus to the US case. They mostly share a large-N perspective – testing their hypotheses on large datasets collecting data on the lives of major U.S. laws or federal programs across different policy areas -, a focus on the individual program or

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law (thus they are more sensitive to the content of policies than studies on productivity) and some similarities in the operationalization of the dependent and independent variables (see Maltzman and Shipan 2008; Berry *et al.* 2010; Ragusa 2010, Patashnik 2008). Maltzman and Shipan (2008) showed that the time until a law is first amended is determined by the political conditions at the time of enactment and at subsequent time points (e.g. political composition of Congress, divided Vs. unified government, policy mood), but also by characteristics of the laws (complexity). Conversely, Berry, Burden, and Howell (2010) studied the impact of variations in the composition of Congress over time on the stability of U.S. federal programs. They find that the partisan composition of Congress strongly influences program stability and spending levels: partisan gains imply lengthened programs and a spending increase, and vice-versa. Ragusa (2010) built on Maltzman & Shipan's work but decided to capture policy reversal by focusing only on partial and total repeals (not modifications to a law) to major legislation between 1951 and 2006. He finds that repeals are characterized by a regular pattern with an increasing hazard immediately after approval, "followed by institutionalization and a monotonically declining hazard". Divided government is associated with a greater risk of repeal in the immediate post-enactment phase, while in the long run laws will be less likely to be repealed than those passed under unified government.

Remarkably, the dynamics of post-enactment legislative change remain largely a black hole in Italian legislative studies. A wealth of data has been progressively made available on various aspects of the legislative process (e.g. Borghetto *et al.* 2012) but so far nobody has explored the lives of legal acts after their adoption. To some extent, this should not surprise. The Italian legislative corpus has long represented a labyrinth even for the shrewdest legal practitioner because of its complexity and its sheer volume. This contribution aims at opening a new path in this under researched topic.

This is made possible by a new dataset tracing the life of laws after adoption based on *Normattiva*, an online database of Italian normative acts. We focus on laws adopted during the IX and XIII legislatures and trace their life over a seven-year time span. This research design allows us to explore the variation in policy change dynamics before and after the Italian transition from a pivotal toward a bipolar alternation in government, which

commentators usually refer to as First and Second Republic.[1] Scholarly literature has already established systematic differences and continuities between the two periods. Looking at the post-enactment legislative evolution allows us to contribute to this literature. To this end we provide a preliminary exploratory analysis of data by looking: first at distributions of changes, then to the stability of acts by means of the non-parametric tools of Event history analysis.

Dynamics of policy change from the First to the Second Republic

Most of the literature on the Italian legislative process during the First Republic agrees on its viscosity (Capano & Vignati 2008). Policy change is depicted as relatively slow if not rare at the level of "meta-" and "meso-policies", namely those decisions concerning the fundamental characteristics and directions of the political and economic regime and those concerning reforms in the areas of economic, social, foreign and institutional policy (Cotta 1996). Witnesses concur that this state of things was generalized, no matter whether the initiator was the executive.[2] Scholars' explanations of this outcome revolved around two (partially interrelated) factors: the party system and institutional determinants.

Di Palma (1977) argued that the post-war Italian political system was effective in surviving without governing. The polarized multiparty system did not create the conditions for turnover in government, if not of a peripheral kind, namely involving parties located in the political neighborhood of the DC (Sartori 1982, Vassallo 1994). Never called to electoral accountability and to seek a following on the basis of their policies, governing-oriented parties had little incentive to maintain cohesion and implement the government platform. Moreover, they tended

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[1] Whereas until the early 1990s all governments gravitated around the Christian Democrats, since 1994 center-right coalitions took turns with center-left coalitions in office.

[2] Although the Italian Constitution reserves the power to initiate legislation to a wide range of actors - MPs, government, regional councils, citizens, and CNEL – the vast majority of bills that get voted and become laws derive from proposals initiated by the executive. This is largely a consequence of the fact that the government has the formal monopoly of legislative initiative for budget laws and conversions of legislative decrees. A recent work by Borghetto and Giuliani (2012) evaluating the pace of Italian legislative processes since 1987 showed nonetheless that for adopted bills, whether they are sponsored by the executive (together with the type of procedure, the policy sector and timing of introduction) contributes to expedite their legislative process.

to avoid competition between them in high-stake decisions in order to preserve solidarity against their anti-system challengers (Cotta 1996). In practical terms, a sort of gap existed between government and parliament, with the former having to renegotiate almost every agreement with MPs due to the low party discipline (also fostered by secret ballot). Governing under the constant "siege" of anti-system communists, fragmented DC-led coalitions (so-called beleaguered coalitions) found their best strategy in inaction (*immobilism*), a solution which could "buy time, if not credit, for the center" (Di Palma 1977, 251).

Another line of research associated its viscosity with institutional features. The strong degree of institutionalization of the Italian legislative system has been related to: the strong specialization of the permanent committee system; the possibility of decentralized approval of bills in committees; the power to reject, to amend and to replace governmental proposals at every step of the process; the limited power bestowed on the government to control the agenda; the lack of restrictions on members' initiatives; the power to legislate on every subject; the limited number of MPs required to form a parliamentary group; its perfect bicameralism (Della Sala 1998, Capano and Giuliani 2001a).[3] All these factors are strictly interrelated and led some commentators to classify the Italian parliament among the legislatures (such as the US Congress) with strong institutional capacities (Blondel *et al.* 1970, Norton 1994).

At the same time legislative output was comparatively high. Already Di Palma (1976, 147) argued: "the Italian Parliament tends to displace aggregative and controversial legislation and to make special room for legislation of limited import on which coalition partners and the opposition can more easily agree". Such legislation was termed *leggine*, namely small or micro-sectional legislation passed mostly through the decentralized procedure. Another peculiarity of this period is the high reliance on decree laws to get policy enacted. Again, Di Palma (1976) showed that temporary decrees were becoming more and more an instrument of resolution on substantial issues that Parliament could not resolve with the necessary effectiveness (Della Sala 1988).

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[3] Every house has the same prerogatives and has to approve the same text before its final enactment. In principle, therefore, there are no limits to the number of readings in each house, the passages of the so-called *navette* system. Even so, a political system may exploit such institutional rules in different ways. Indeed on one side voting twice on the very same bill seems highly irrational, but the two chambers Camera and the Senato could cooperate together to increase the efficiency of the overall parliament (Zucchini 2008, 11).

The popular referendum on electoral rules of 1993 is generally taken as the watershed between the First and Second Republic, and the move from a pivotal party system with limited government alternation toward a competitive bipolar democracy. According to its supporters, the new electoral system, the so-called *Mattarellum*, would reduce the number of parties in parliament, thus simplifying the party system, an evergreen for Italian reformers. For sure, in conjunction with the disruption of the previous party system due to corruption scandals (*Tangentopoli*), the economic crisis of the early 1990s and the fall of the Berlin Wall (that imposed a change to the traditional communist left), it contributed to the emergence of a new political scenario with new parties in parliament, two opposing pre-electoral coalitions, and a turnover of around two-thirds of MPs in the 1994 elections.

This systemic change had implications at the law-making stage and in the relation between government and parliament. Firstly, there has been acceleration in the long term trends of transformation of the Italian legislative output. The decline in the total number of laws approved through the ordinary procedure has been substantively compensated by a growing amount of legislative decrees (and delegating laws) issued by governments since the early 1990s (De Micheli & Verzichelli 2004). Secondly, laws have become bigger and more heterogeneous in their content, reflecting a trend which is common to other countries and related to the process of Europeanization, regionalization and de-legification (namely the progressive move of some law-making powers towards European institutions, subnational authorities and the administration). Thirdly, law-decrees have kept on playing an important role in the executive toolbox, although their number partially dropped after the 1996 sentence of the Constitutional Court.[4] Fourthly, there has been an increase in the use of legislative delegation (Vassallo 2001). Overall, these changes responded to the new bipolar logic of competition. Governments could no longer exclusively build their functional legitimacy through initiatives of a micro kind (i.e. *leggine*): they had to seek their support also through meso-policies. These legislative tools allowed the executive "to bypass the

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[4] Law 400/1988 previously tried to limit the reiteration of decree laws, but without success. Government and parliament did not want to lose their prerogatives. Decree laws represented an important outlet for them, and law 400/1988 did not provide an alternative. (Vassallo 2001:88). Then, the Court with sentence 360/1996 declared the constitutional illegitimacy of decree 463/1995 that reiterated a decree that had been previously (and for many times) unable to be converted (Vassallo 2001: 86-96). In this way the Italian Supreme Court declared the constitutional illegitimacy of all the decrees that were reiterated, signing a landmark for Italian legislation.

sluggishness of the standard legislative process without any substantive constitutional improvement being made" (Capano and Giuliani 2001a, 33)

A considerable number of analyses have also emphasized the continuities with the previous system (Newell 2006). Giuliani (2008) investigated whether the kind of consensualism that characterized the First Republic faded away with the advent of the Second and majoritarian reforms. Contrary to expectations he found out that it was only slightly reduced. Indeed those consensual practices at the committee level which characterized the First Republic seem to have been replaced by an increasing degree of agreement on the parliamentary floor. Zucchini (2011) acknowledges that there has been an increase in the legislative agenda-setting power of the executive as a result of a more strategic use of existing constitutional rules and the partial reform of the Houses' rules of procedure. On the other hand, he argues that the ideological heterogeneity of Italian coalitions, which remained high, has prevented the creation of new rules which institutionalize this power. Indeed, the law-making arena is still characterized by a large number of veto players located far apart in the ideological continuum. For instance, parliamentary fragmentation (measured in terms of parliamentary groups) increased. All in all, it appears that the dualism between executive and parliament has not disappeared and consensual practices are still at work. Doubts can be raised that the Italian system has moved decisively towards the majoritarian pole of the continuum.

This brief overview aims at setting the tone for the rest of the analysis. Indeed, inspecting the post-enactment evolution of Italian laws across these two periods of Italian history can contribute to cast some light on the elements of change and continuity occurred over the last thirty years. For instance, if we buy the account of Italy as a country with a stronger majoritarian identity, we should expect an increase in the instability of laws. New majorities should be more prone to revise what previous executives did. Besides, they should also have the capacity to do so since they can try to bypass the ordinary process. On the other hand, legislative change in the two periods might be more similar than expected. In the Second Republic, executives have not yet assumed the leadership of their parliamentary majorities but on occasion of specific "emergency" situations (for instance, see the cohesion reached by political forces when the entry of Italy among the forerunners in the European Monetary Union was in doubt).

Data

The dataset used was developed by Visconti (2011) based on *Normattiva*, a new online database of Italian normative acts connected to the parliament website that gives the possibility to trace all the updates a law has encountered along its life.[5] The dataset records all changes received by each law of two legislatures of the First Republic, the 9th and the 10th, and two of the Second, the 13th and the 14th, until the end of the observation span (April 2011). Types of changes were aggregated in five categories: amendment, partial abrogation, repeal, constitutional illegitimacy, and other (containing non-politically relevant updates like corrigenda) according to the description of the amendment found on Normattiva. Besides, for every change it was also specified the type of measure accomplishing it:: either law, law decree, ministerial decree, sentence of constitutional illegitimacy, legislative decree, decree of the President of the Republic or other (corrigenda, etc.). In addition, for each change it was measured the difference in terms of words of the text of the law before and after the change. This measure has been introduced as a proxy for the *intensity* of changes; therefore more significant changes are those that imply a greater word difference. While for total and partial repeals this value is always negative, amendments (and the same holds for Constitutional rulings, though we are not considering them [*see infra*]) present both positive and negative values. Unfortunately, due to the size of our sample, it was not possible to count the amount of words substituted at each amendment, only those that were added or deleted. Therefore an amendment with a value of 0 in word difference may have experienced an exact substitution of all words as well as just 1. At the same time, instances approximating the former case are rather rare (if not absent at all). Exact substitutions of text are frequent when some value, like a deadline or a number (budget), is updated. These can be considered as classic examples of updates rather than proper changes to laws, thus we are reasonably confident in the validity of our measure. Another source of inconsistency resides in the fact that in some cases part of the law is not available in text format but as an attached image. All these relatively infrequent cases have been excluded from the analysis[6].

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[5] It was integrated with information on legislative acts drawn from the Italian Law-Making Archive (ILMA) (Borghetto *et al.* 2012).

[6] For the IXth and the XIIIth legislatures there are 22 and 10 such cases respectively.

In addition, we have to consider that we did not count as changes to temporary decrees those brought by the law of conversion. Indeed most of the time a temporary decree is modified at the time of conversion into law, but for our purpose we did not included those changes in our dataset because we treated them as belonging to the law-making stage that is not the one on which we focus here: they do not represent proper revisions that the law encounters along its life, but belong to the pre-enactment phase of the legislative process. Given that we are looking at changes after the legislative course has ended, it seemed relevant to filter away these kinds of updates.

For the purpose of this paper, we took into consideration only executive laws adopted during the IX and XIII legislature in representation for respectively the First and Second Republic. The IX legislature presented a re-edition of the *pentapartito* (five-party) coalition, composed of Christian Democrats (DC), Socialists (PSI), Social Democrats (PSDI), Liberals (PLI) and Republicans (PRI). This same coalition – with minor peripheral changes - governed Italy from the early 1980s to the end of the XI legislature (1994). The socialist leader Bettino Craxi headed the first and second government of the legislature: almost four years which in those days set the record for the longest surviving government in post-war Italy. The subsequent Fanfani government endured less than two weeks and was left in charge of administering the country until the elections in early July 1987. Overall, the legislature lasted 1451 days, from 12th July 1983 to 1st July 1987. Also the XIII legislature was dubbed historic, since it witnessed the participation in government for the first time in Italian history of the former Communists, now labeled Democratic Party of the Left. The end of the alliance with the Communist Refoundation Party in 1998 meant the end for the Prodi government. It was followed by two D'Alema governments and one Amato government, all minority governments. All in all, the legislature lasted for the whole five-year term (1846 days, from 9th May 1996 to the 29th May 2001) and it is commonly referred as the term opening officially the Italian Second Republic.

Both legislatures lend themselves to a comparison since they allow tracking the life of adopted acts over a seven-year period after the end of the term. This is a reasonably extended period covering almost one standard 5-year legislature and a half.[7] The IX legislature was followed by a 5-year legislature (X) plus one short transitional

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[7] It must be said that only 2% of acts initiated by the executive in our two legislatures was completely repealed in the subsequent 7-year period (10 out of 478), so longer time spans should be considered to study this kind of phenomenon.

legislature (XI). Following a strikingly similar pattern, after the XIII legislature came a 5-year legislature (XIV) and a short legislature (XV). Half of the acts initiated by the executive in the two legislatures considered (IX and XIII) were modified at least once over the study period (506 out of 958).[8] This figure is higher (339 out of 478) if we focus only on "major acts". Thus, by choosing this time horizon, one minimizes the loss of observations and, more substantially, is given the possibility to compare the amendatory activity between these two periods in Italian history. The three legislatures of the First Republic (IX, X and XI) featured the same coalition of parties (*pentapartito*) in power, with only marginal changes in their balance of power. On the other hand, the three legislatures of the Second Republic (XIII, XIV and XV) exemplify the turn to an alternation system in Italy: no political coalition managed to regain office after each election.

Selecting major parent acts and amending acts

In line with previous works in the field, we decided to account for the heterogeneity of laws - which comprise both substantial and technical measures - by focusing only on "major acts". Lacking a shared selection criterion, our definition of "major acts" was forcibly formal and it was based on size, calculated as number of words. We kept only those acts presenting a number of words at the moment of adoption greater than the median in each legislature.[9] This left us with 271 acts adopted in the IX legislature and 207 acts adopted in the XIII.

Finally, we sorted out minor or technical corrections from more substantial legislative amendments – which are of interest in this work – by removing:

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[8] All types of amendments included (*see infra*).

[9] Although, it does not provide a compelling criterion, we found that the size of a law is highly and significantly correlated with its figuring among the most requested laws in the Italian Parliament website. This list can be accessed at http://www.parlamento.it/841.

1) Those amendments that are not of equal legal status with respect to their parent acts. In other words, we kept only amendments carried out through primary measures (i.e. ordinary laws, laws converting law-decrees or legislative decrees).[10]

2) Changes made through sentences of the Italian Constitutional Court. These amendments (69 in total) might be relevant but they constitute a special subgroup of cases deserving an analysis which goes beyond the purview of this paper.

3) Technical modifications such as changes to annexes and final tables, *errata*, confirmations or postponement of repeals, interpretation of provisions.

A difference from existing studies in the field regards our interest in both the intensity and direction of change. Indeed an existing law might get modified in different ways, so that its impact on the relevant policy sector could be both reinforced or weakened. To catch this aspect we decided to use the number of changed words as a proxy for the intensity and direction of change. Each amendment was classified as either a small or high decrease, or a small or high increase. The fifth category collects the total repeals. If the proportion of changed words is negative we treat it as a decrease and vice versa. The division between small and high modifications is debatable. Our solution was to divide between positive and negative values, to compute the mean proportion of words changed in the two groups respectively for the First and Second Republic, and finally to split the two subsets at the mean value.[11]

The rationale underlying this categorization of amending laws is to capture differences in the type of legislative revisions. What constitutes "policy change" is rather controversial. Different operationalisations have been put forward in the literature (Cashore & Howlett 2007; Hall 1993; Jenkins-Smith & Sabatier 1993) and probably only a careful analysis of each text and an interpretation of the goals of the legislator might offer a clear-cut division of amendments. In a large-N analysis this is clearly impossible, therefore our ambitions are more modest and our

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[10] In the end, we do not lose a substantial number of observations. We removed only 22 and 33 Decrees of the President of the Republic, 2 and 3 Ministerial Decrees and 0 and 1 Decree of the President of the Council respectively in the First and Second Republic.

[11] Mean values for the First Republic are -0.052 and 0.032, for the Second are -0.059 and 0.026.

operationalization much rougher. In terms of direction, we argue that all changes cutting the overall number of words of a law might be intended as either a contraction or a reversal of policies (certainly this is contingent on what is deleted). To some extent, they change the path of the law. Instead, those amendments adding texts to laws are interpreted as an extension of the policy. The policy is still in place but (for instance) it applies to different areas. Thus, we pragmatically assume that additions of words are changes more conservative compared to deletions. Of course such quantitative measures are far from ideal and should be taken cautiously. Especially when the proportion of changed words is small, it is difficult to distinguish additions from deletions and conceive of them as a good approximation for policy extensions or reversals. For this reason, we differentiate between high and small decrease/increase. Only for the former category (high decrease/increase), which we will refer to as "major amendments", we can talk with some confidence of changes aimed at consolidating a law or at modifying it.

Exploring post-enactment politics: distributions

The final dataset consists of 1121 amendments: 272 (24%) modifying laws of the IX legislature, 849 (76%) modifying laws of the XIII legislature. This is already a remarkable finding: in the First Republic laws were amended on average once in their first seven years of life, whereas this figure has risen four times in the Second. As already emphasized in previous studies, the number of adopted laws decreases in the Second Republic. Less well known is the fact that the legislator displayed a greater proclivity to modify the existing legal apparatus. This finding is confirmed if one considers that 158 laws were not significantly modified in the First Republic, whereas only 50 did not undergo major changes in the Second.

How does one explain this remarkable change? Let us first of all look at how amendments are distributed per law. The jitter plot in Figure 1 clearly shows the presence of outliers in the Second Republic. These are four budget laws that respectively collected 57 (Law n.662 of 1996), 44 (Law n.449 of 1997), 44 (Law n.448 of 1998), and 51 (Law n.388 of 2000) amendments. For the sake of the rest of the analysis, these cases will be removed from our dataset. We will come back to them when discussing the changes in the post-enactment phase experienced by budget laws. The boxplot in Figure 2 illustrates the increase in the amendment rate in the Second

Republic. The median number of amendments per law shifts from zero to two, the interquartile range is three times as big and there is an increase in the number of laws with more than ten amendments.

FIGURE 1AND 2 HERE

If we consider the distribution of amendments according to amount of words changed, one has to notice first the low number of repeals (Table 1). Of course, this is a consequence of the relatively short time span considered (from 7 to 12 years after adoption). However, this record should be read in conjunction with another. For both the First and Second Republic the most populated categories are those of amendments increasing the number of words (76% and 67% of the total). These figures are indicative of a trademark of the Italian legal system: rather than repealing, laws undergo a process of constant extension.[12] Our data reveal a slight decline in this trend after 1996, although it is mainly driven by the rise of small decreases. For the rest, the distribution of proportions of amendments in the four categories is strikingly similar between the two republics. This finding seems to support those analyses emphasizing the continuity between the two periods. More divergence emerges if we take into account the fact that there are more amendments per law in the Second. Whereas the ratios of high and small increases per law grow twofold (from 0.25 to 0.53, from 0.51 to 1.66), the ratios of high and small decreases become more than four times greater as compared to the First Republic (from 0.05 to 0.21, from 0.18 to 0.83).

TABLE 1 HERE

Alternation could be responsible for the greater frequency of decreases in the 13th legislature, with the 14th legislature dominated by a Centre-Right coalition revising those deals struck by previous governments located further left on the policy space. To explore this question, we consider in which legislatures amending acts are adopted (Table 2). We notice that while in the First Republic a majority of changes (59%) occurs during subsequent legislatures, it is the reverse in the Second Republic. A slight majority of amending acts (53%) is enacted already before the end of the legislature. From another angle, almost 57% of the laws of the Second Republic are amended already by their enacting coalition, whereas this is the case for only a minority of cases in

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[12] Of course we have to take into account the possibility of sunset provisions. In some cases, laws already contain a nested deadline after which they get automatically repealed. It constitutes a sort of implicit repeal that does not show up in the list of modifications. Thus we have to bear in mind this possibility: we are analyzing only explicit changes to laws, namely they are brought by another normative act, and so listed on *Normattiva* website.

the First Republic (20%). This finding is interesting because it goes against one of the most plausible consequences of alternation, namely what we refer as the "legislative spoil system". After an electoral turnover in the Second Republic, the new majority should have greater incentives to revise those acts enacted in the previous term because of the supposed distance between policy preferences of incumbent governments from the previous one. It is their chance to give their imprint to policies that bring the stamp of the previous coalition. The evidence points to the contrary. Paradoxically, this logic seems more patently at play in the First Republic, when – it is worth recalling it - succeeding majorities exhibit more or less always the same range of parties in power.

Further insights might be gained by considering the direction and intensity of changes. In the First Republic, most amending acts adopted in the same legislature of the parent act are increases (84% of the total). Even so, there was no reluctance to substantially revise existing legislation on the part of subsequent majorities despite the close political background: high decreases rise from 0 to 13 (from 0 to 8%, against a parallel stasis in high increases). This does not become however the most common type of legislative modification chosen by subsequent majorities. One amending act out of two is a small increase. In the Second Republic, 15 "high decreases" (4%) are already passed in the XIII legislature. They rise to 27 (9%) if adopted in subsequent legislatures, thus reaching proportions similar to the first period. This smaller increase is partly compensated by a greater proportion of small decreases. This is the only appreciable difference between the two Republics. Overall, we observe a strong tendency to add words by the majority enacting the parent law. This imbalance is partly offset in subsequent majorities, which make a greater use of decreases. Our data do not support the hypothesis that it is the very advent of alternation that brought about a greater recourse to repeals by subsequent majorities.

TABLE 2 HERE

An inspection of the distribution of amending acts according to type of law reveals that they are rather evenly spread among categories (Table 3). Their average number per act ranges from a maximum of 1.4 for laws related to budget or converting law-decrees and a minimum of 0.7 for ordinary laws. All figures increase in the Second Republic, especially with regard to ordinary laws that get to the same level of law decrees. These are mostly small modifications, which should not dramatically alter the content of the law. It appears that the decrease in the

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absolute number of ordinary acts in the Second Republic goes in parallel with a greater propensity to marginally modify what already exists.

If we included the four outliers, all belonging to the Second Republic, the most remarkable rise would concern the category of budget laws: the amendment rate would increase from 2.7 to 13.5. The impression that one gets is that the growth in complexity and range of interested areas of recent budget and budget-related laws (De Giorgi and Verzichelli 2008) contributed to make them a "construction site" in need of multiple measures of upgrading over time. This statement is further supported by the fact that more than 95% of amendments to this category of laws are small changes of words.

One possible justification for the greater rate of amendments to law-decrees might be found in the ban on the reiteration of decree laws imposed by the Constitutional Court in 1996. We recall that, before this sentence, governments used to keep on reiterating temporary decrees (with small modifications) that did not pass the conversion stage. We expect that those decrees that reached conversion during the First Republic should be more stable due to the fact that their enacting coalitions had to be built sometimes after long bargaining processes. Indeed government could reiterate a decree law indefinitely, while the parliament could continue to reject it until an agreement was reached. Nonetheless, once the agreement was reached, one could expect it to last longer given the wide consent it was based on. What is more, most amendments to the law-decrees were mainly included in the law of conversion and, as we said, these have not been computed among amendments. All in all, law-decrees survived the 1996 reform (although their relative frequency declined substantially) but they have been more prone to be revised after conversion.

TABLE 3 HERE

Changes between the two periods regard also the type of amending measures (Table 4). Whereas in the first period the favorite instrument to modify existing major laws was the law-decree, the legislator in the Second Republic makes a greater use of ordinary laws and legislative decrees. Also this finding might be consequential to the limitations put on the reiteration of law-decrees by the Constitutional Court in 1996.

TABLE 4 HERE

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On the whole the image that emerges points to a greater instability of laws of the XIII legislature with respect to those of the IX. More than half of laws enacted got changed by their enacting coalition, as if agreements reached were weaker in comparison with deals struck by governing coalitions during the First Republic. To cast more light on this issue, the next section will compare the stability of acts in the two republics through the non-parametric tools of Event history analysis.

The stability of laws: a non-parametric analysis

As already anticipated, we measure the stability of a law in terms of days from adoption until an amendment occurs (Box-Steffensmeier & Bradford 2004). A widespread tool to describe duration until an event is to calculate Kaplan-Meier estimates of survival, namely the estimated probability of surviving at least t units of time without experiencing the censoring event (in our case an amendment). Figure 3.a plots Kaplan-Meier estimates in a so-called survival curve for the 271 laws of the First Republic and for the 203 laws of the Second. The graph shows the probability of surviving beyond time t (on the x axis) without being amended. The number of laws still at risk of a first amendment at each time point for the periods is shown below the horizontal axis. The two groups display a clearly different pattern. For laws of the First Republic the probability of not being amended remains constantly higher, and declines at a significantly slower pace. Instead for laws of the Second Republic the probability of surviving gets around 0.5 already after the first year (median survival time). The big gap between the two curves builds up pretty fast and after the first two years the pace becomes basically the same. If instead of all first amendments we consider only major amendments (Figure 3.b), i.e. those that impose changes with an intensity above the mean (we consider also total repeals), the pattern is much more similar. The curves run parallel during the first year; then they diverge up to the fourth year because there is a more rapid decline in the Second Republic; then they stabilize and decline at a slower pace. In both figures, the log-rank test statistically confirms the dissimilarity between the two curves.

INSERT FIGURES 3 HERE

Figures 4a and 4b plot the same K-M estimates according to type of law. Again we notice how, for the First Republic, that the estimated survival function remains always quite high and above the median (since

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approximately half of the observations are censored). Budget laws are a small group so we cannot make reliable inferences. At face value, they differ substantially between the two republics, with a steeper decline in the Second. Instead, from the graphs we derive that ordinary laws have in both cases a higher survival rate compared to conversion of law-decrees, with a gap between the two groups that is greater in the case of the First Republic. Difference in survival probability between the three curves is not statistically significant (P=0.096 using the log-rank test).

INSERT FIGURE 4 HERE

Figure 5a and 5b illustrate the survivor curves for the two Republics according to policy area. To ease the visualization, we aggregated the 21 major policy sectors used to attribute laws to their relevant policy sector (based on the Policy Agendas codebook[13]) in 6 macro-categories as listed in Table 5. Even if categories are not enough populated to get a clearer picture, we notice that laws belonging to the policy area Justice tend to be the most stable and resistant to change. This category comprehends all those laws containing provisions on civil rights and liberties, law and crime. Instead for both periods the Government area is very prone to amendments. It is a rather wide policy sector comprehending all government operations, thus all laws addressing the distribution of competences among different levels of government, the workings of public administration and political institutions. For the First Republic also the category Welfare follows a similar pattern and stands out for its relatively great probability of change. This category comprises all issues related to social public policies, so healthcare, pensions, labor and education. On the whole, the policy sector with more laws is Economy with 168 major laws in total. The result originates from the peculiar mix of policies adopted during the 9th legislature: 114 major laws belonged to this area. It comprises all provisions covering macroeconomic issues, banking, finance and commerce regulation, energy, transports, and R&D. The survival curve is located in the middle, for both legislatures. Apart from Justice and Government, that are located at the extremes, other curves in the Second Republic exhibit a very similar pace of change. Probably for these cases it is not the difference in policy area that explains the difference between the revisions of laws for the two Republics.

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[13] Further information available at http://www.policyagendas.org/page/datasets-codebooks .

The overall picture we got is one of remarkable regularity in the pattern of our curves. The gap between the two Republics widens during the first years and then it stabilizes. This finding confirms a trend already emerged in our data: 57% of acts adopted in the XIII legislature were modified before the end of the term, versus only 20% in the IX.

Discussion and further step

This paper aimed at exploring a neglected issue in Italian legislative study: the post-enactment lives of Italian acts. The relevance of our approach to the study of policy change stems from its capacity to cast new light on the long debated issue of transition in the Italian political system. As emphasised by the literature, the transition from the First to the Second Republic implied elements of both continuity and change. Our exploratory analysis gets to the same conclusions.

Both periods share a similar tendency to expand existing laws rather than curtailing them. Increases of small intensity are more likely to get adopted by the same coalition enacting the parent act. On the other hand, subsequent legislatures are more prone to pass amendments decreasing the number of words, especially of small entity. The proportion of amendments is rather evenly distributed among policy sectors and acts pertaining to judicial matters stand out as the most stable. The survival rate of law-decrees is always smaller than the other two categories.

On the other hand, the evidence we collected points also to some clear-cut signals of transformation. In the Second Republic, there is a substantial increase in the number of amendments per law. This does not originate only from a decrease in the number of adopted laws, but more definitely from a proliferation of amending acts. With regards to intensity and direction, it is the class of "small and high decreases" which experiences the greatest increment (fourfold increase in the number of amendments per law), whereas there is a clear reduction in the relative frequency of "high increases". Of course, given the controversial nature of our classification based on intensity, we cannot read too much into it: they might be a result of alternation but also of a greater incentive to rationalise existing legislation by cutting old branches instead of planting new trees. Contrary to our

expectations, the majority of amendments in the Second Republic are approved before the end of the legislature of enactment. This finding might originate from the peculiar political conditions of the XIII legislature, which experienced four governments supported by relatively diverse and precarious coalitions. Thus, it appears that the rationale behind this increase in amendments has to be found within coalition dynamics rather than in the new system of bipolar competition.

Overall, many indicators point to the fact that laws in the Second Republic are less stable. This could derive from: a more careless drafting of legislation, a more piece-wise approach to law-making (originating partly from the necessity to pass wide-ranging reforms in very complex areas), a greater need to extend rights granted to a specific group to other constituencies as a result of changes in the composition of the coalition (see the multiplication of amendments to budget-related acts), within-coalition conflict leading to a perpetual modification of legislative agreements to reflect new balances of power.

All these hypotheses are plausible and warrant further analysis, both of a qualitative and quantitative kind. As for large-N analysis, we plan to make use of the "harder" statistical tools of parametric and semi-parametric Event history analysis which, among others, allow to factor in the duration of all amendments (not simply the first one). We have but scratched the surface of the largely unexplored area of post-enactment politics.

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Table 1

	First Republic	Second Republic	% column	% column
Amending acts by number of words changed				
Total repeal	4	3	1%	0%
High decrease	13	42	5%	6%
Small decrease	49	169	18%	26%
Small increase	138	336	51%	51%
High increase	68	107	25%	16%
Amending acts by number of words changed (per law)				
Total repeal	0.01	0.01		
High decrease	0.05	0.21		
Small decrease	0.18	0.83		
Small increase	0.51	1.66		
High increase	0.25	0.53		

Table 2

	First	Second	% column	% column
When amending acts were adopted				
Same legislature of the parent act	111	351	41%	53%
Different legislature of the parent act	161	306	59%	47%
Same legislature of the parent act				
Total repeal	1	0	1%	0%
High decrease	0	15	0%	4%
Small decrease	17	73	15%	21%
Small increase	58	192	52%	55%
High increase	35	71	32%	20%
Different legislature of the parent act				
Total repeal	3	3	2%	1%
High decrease	13	27	8%	9%
Small decrease	32	96	20%	31%
Small increase	80	144	50%	47%
High increase	33	36	20%	12%
When parent acts were first amended				
Same legislature they were adopted	53	115	20%	57%
Different legislature they were adopted	60	38	22%	19%
Not changed	158	50	58%	25%

Table 3

	First	Second	% column	% column
Parent acts per type				
Ordinary	153	111	56%	55%
Converting law decree	100	79	37%	39%
Budget law	18	13	7%	6%
Amending acts per type of parent act				
Ordinary	110	366	40%	56%
Converting law decree	137	256	50%	39%
Budget law	25	35	9%	5%
Average number of amending acts per type of parent act				
Ordinary	0.7	3.3		
Converting law decree	1.4	3.2		
Budget law	1.4	2.7		
Amending acts per type of parent act and number of words changed				
Ordinary				
Repeal	4	2	4%	1%
High decrease	8	26	7%	7%
Small decrease	16	102	15%	28%
Small increase	50	174	45%	48%
High increase	32	62	29%	17%
Converting law decree				
Repeal	0	1	0%	0%
High decrease	5	16	4%	6%
Small decrease	23	55	17%	21%
Small increase	74	140	54%	55%
High increase	35	44	26%	17%
Budget law				
Repeal	0	0	0%	0%
High decrease	0	0	0%	0%
Small decrease	10	12	40%	34%
Small increase	14	22	56%	63%
High increase	1	1	4%	3%

Table 4

	First Republic	Second Republic	% column	% column
Amending acts per type				
Ordinary law	114	344	42%	52%
Law-decree	143	215	53%	33%
Legislative decree	15	98	6%	15%

Table 5

| POLICY SECTORS	COMPARATIVE AGENDAS MAJOR TOPICS	FIRST REPUBLIC	SECOND REPUBLIC
Environment	Environment; Public Lands and Water Management; Agriculture	21	22
Economy	Domestic Macroeconomic Issues; Banking, Finance, and Domestic Commerce; Energy; Transportation; Space, Science, Technology and Communications	114	54
Foreign	Foreign Trade; International Affairs and Foreign Aid; Defense	19	24
Welfare	Health; Labor, Employment; Immigration Issues; Social Welfare; Community Development and Housing Issues; Education; Culture Policy Issues	45	55
Justice	Civil Rights, Minority Issues, and Civil Liberties; Law, Crime; Court Administration	23	23
Government	Government Operations	49	25

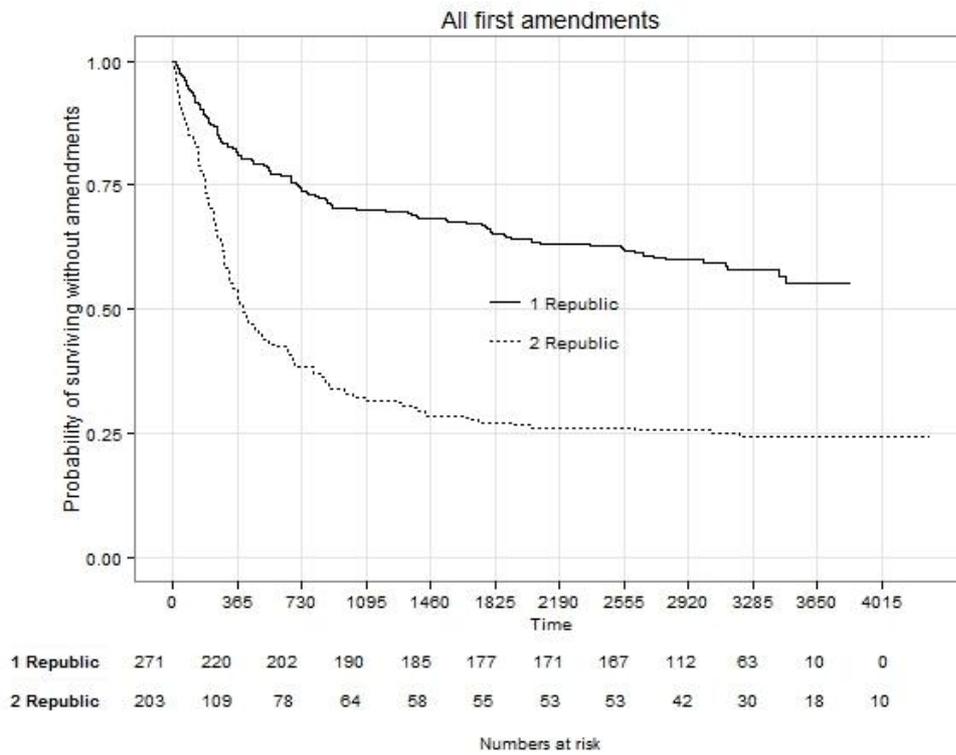Figure 1 Jitter plot
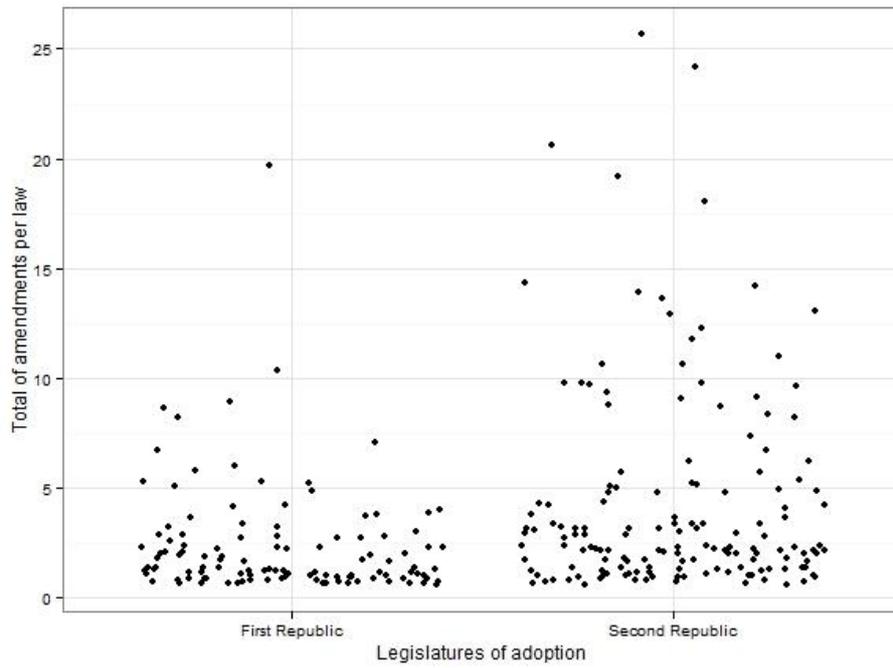
Figure 2 Number of amendments per law
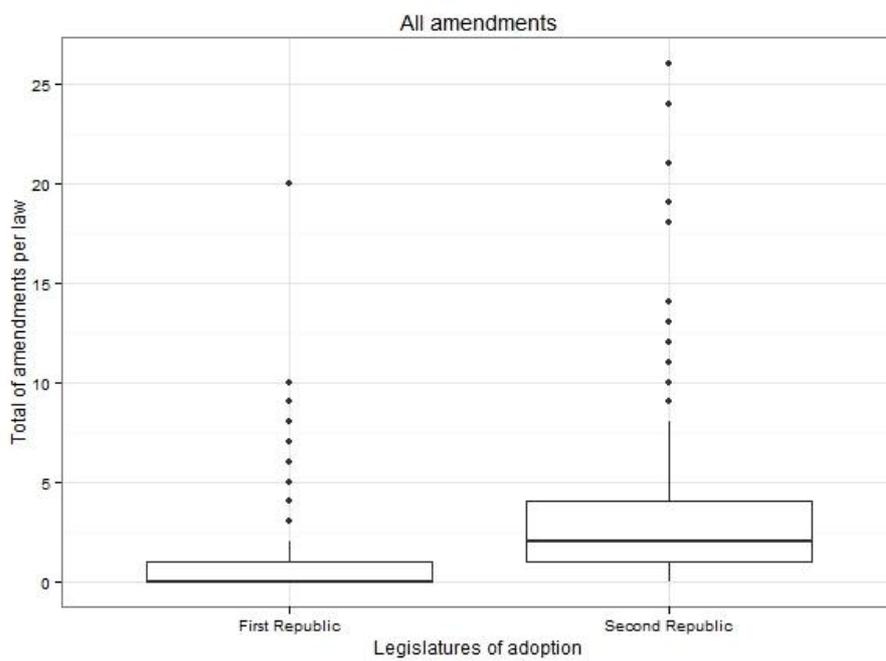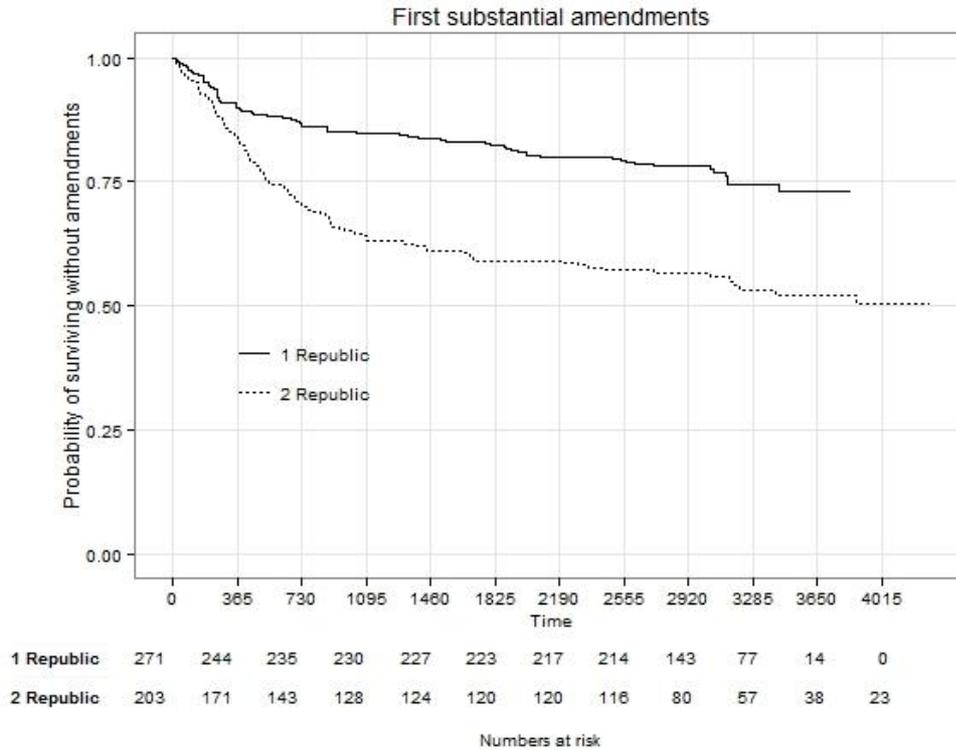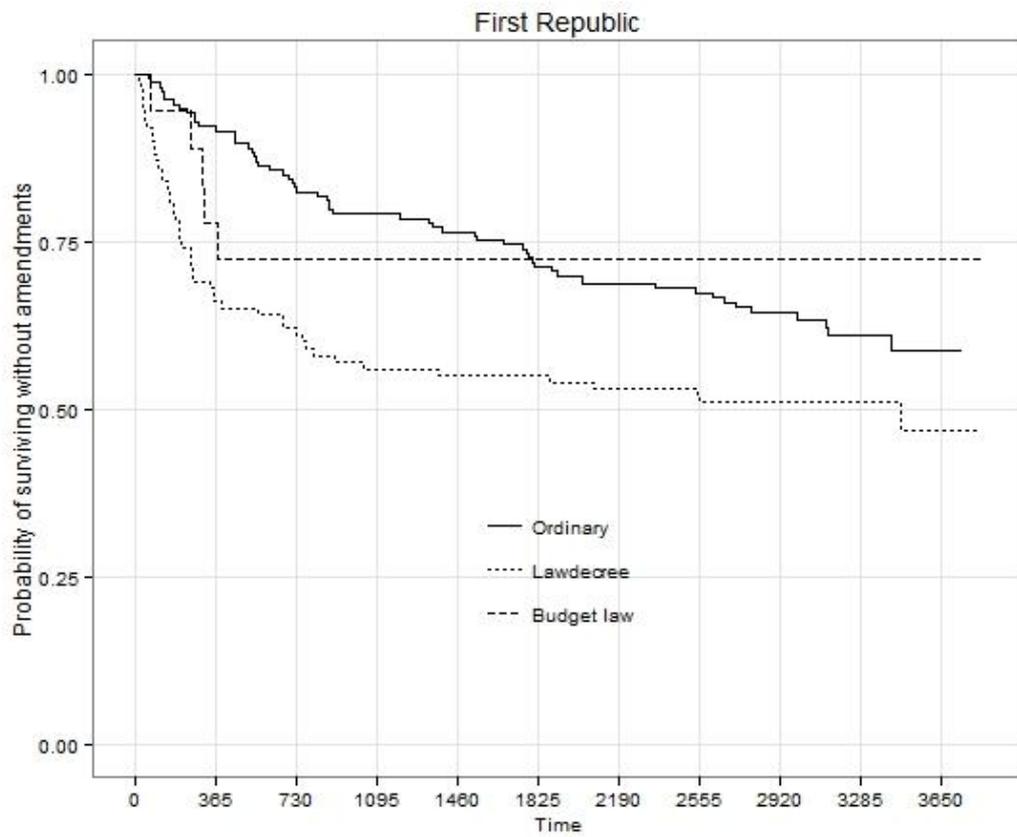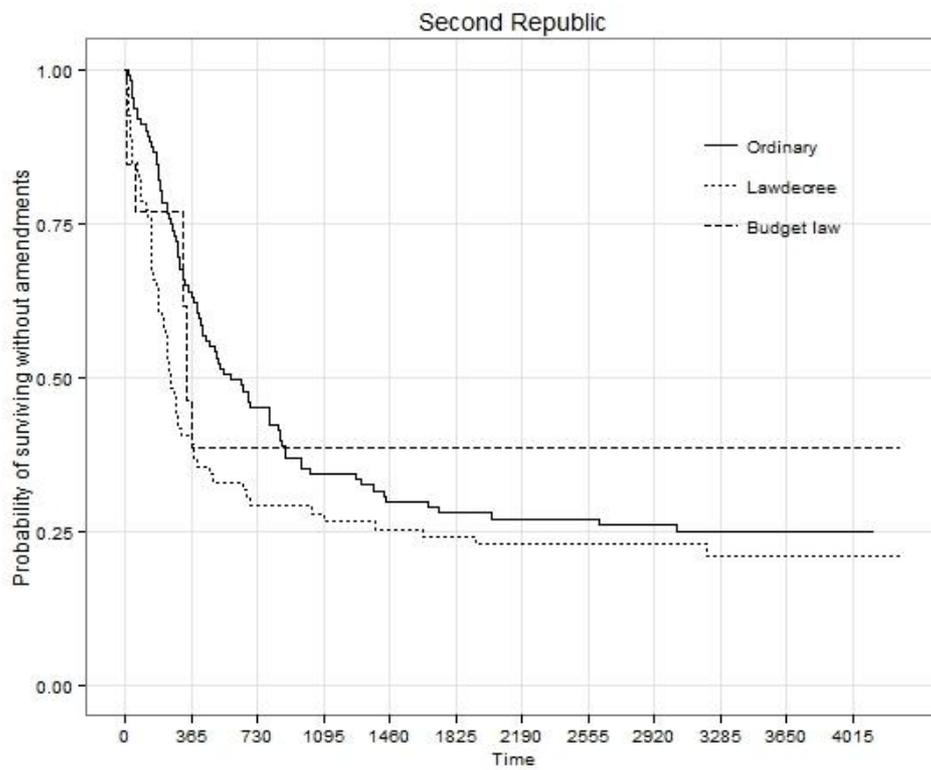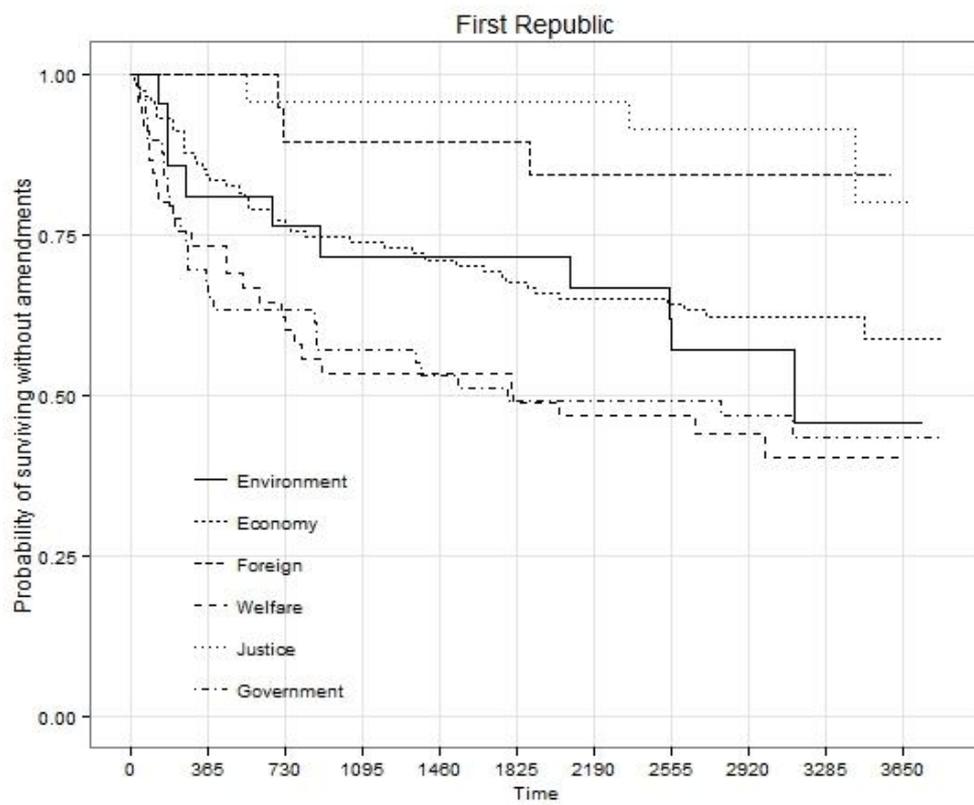
Figure 3.a

Figure 3.b

Figure 4.a

Figure 4.b

Figure 5.a

First Republic

Figure 5.b

Second Republic