

## **ST6 : Les réformes électorales : un nouvel angle d'approche des systèmes électoraux ?**

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### **Réformer en grappe : dynamiques de coalition et réformes institutionnelles en Italie, 2003-2006**

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#### **Abstract**

Cette contribution a pour but de renouveler l'objet de recherche « réforme électorale » en montrant comment celles-ci appartiennent très souvent à un processus de négociation plus large que le système électoral lui-même, touchant à des dimensions multiples de l'architecture institutionnelle et impliquant des compromis complexes où les dynamiques de coalitions sont centrales.

Ces dynamiques de « réformes en grappe » sont ici étudiées à l'aune d'une vaste séquence de réformes institutionnelles conduites par la coalition de centre-droit en Italie entre 2003 et 2006, comprenant une réforme constitutionnelle (avortée) qui aurait modifié une cinquantaine d'articles de la constitution italienne, et une réforme électorale (réussie) qui remplace le système mixte majoritaire adopté en 1993 par un système proportionnel avec bonus. Ces deux réformes, particulièrement conflictuelles, soulèvent deux questions essentielles : comment une coalition aussi hétérogène a-t-elle pu adopter au Parlement des réformes de si grande ampleur ? Pourquoi la réforme électorale a-t-elle été adoptée avec succès alors que la réforme constitutionnelle a échoué ?

Notre principal argument considère que la présence de quatre partenaires de coalition, tous porteurs de priorités distinctes, a conduit à la formulation d'une « grappe » de réformes de plus en plus grande. Ce vaste ensemble de réformes a été construit pour tenter de concilier les priorités et les préférences divergentes des membres de la coalition pour que chacun ait la sensation d'obtenir une part du butin institutionnel, une condition sans laquelle aucun accord n'aurait pu être atteint. Deuxièmement, les dynamiques de compromis et de négociations, tout comme les anticipations plus ou moins heureuses sur les effets des réformes ont conduit les partenaires de coalition à faire durer le processus, mettant en évidence la question cruciale du timing pour comprendre l'issue finale des deux réformes.

Ainsi, cette contribution montre comment ni la réforme électorale, ni la réforme constitutionnelle ne peuvent être comprises séparément l'une de l'autre, tant la logique de réforme en grappe est centrale dans ce processus. Plus largement, ces conclusions invitent à élargir les dimensions analysées pour rendre mieux compte de la nature imbriquée et systémique des institutions démocratiques.

(Papier en anglais)

## Bundling the bundles: coalition dynamics and institutional reforms in Italy, 2003-2006

« Ora vi conto tutto.  
Ma tenetevi forte alle sedie.  
Perché tutto si tiene, tutto si tocca, tutto si collega  
Io ve lo ripeto : tenetevi forte alle sedie».  
Dichiarazione di un pentito  
*Il Divo*, 2008, regia di Paolo Sorrentino

Electoral reforms have been at the forefront of a renewed interest of political science for the object of institutions in general and institutional change in particular for the last 20 years. Thanks to a wide series of case studies (for syntheses, see Gallagher and Mitchell 2005; Renwick 2010; Shugart and Wattenberg 2003), the knowledge on the determinants and mechanisms of electoral system change has vastly increased, and the methods used to analyse electoral reforms have become more varied. Studies now include historical accounts related to the consequences of democratisation on electoral systems (Ahmed 2013), quantitative analyses over a long period of time on the trends of electoral reform (Colomer 2004; Renwick 2011; Renwick and Pilet 2010), research on the impact of public opinion on electoral reform (Norris 2011), to name only a few of the most promising directions taken by this field of study. Yet, one of the gaps of the literature on electoral system change is the tendency to study electoral reforms “outside” of the institutional system they belong to, ignoring that they are very often part of a vast sequence of institutional reforms touching upon other dimensions of the institutional architecture. Here, the constitutional reform and the electoral reform are studied as being part of the same bundle of reforms. They can be defined as *institutional reforms linked to each other relating to at least two dimensions of the institutional architecture*. This concept can be interpreted synchronically, as reforms *belonging to a single package deal and defining the strategies, interests and moves of the political actors accordingly* (1), or diachronically, as reforms *belonging to a broader sequence beginning or finishing beyond the moment of adoption and discussion of a given reform* (2) (Bedock 2014, 26).

I use the case of Italy precisely to show in what way the final outcomes of processes of electoral reforms can be heavily influenced by discussions on *other* concomitant institutional reforms. During the fourteenth legislature (2001-2006), discussions and negotiations about the Italian institutional system have come to a peak, leading to the adoption in the Parliament in 2005 of a reform modifying around 50 articles of the Italian constitution; repelled in a referendum, and the replacement of the mixed-member majoritarian electoral system adopted in 1993 by a mixed system (Bedock and Sauger 2014) combining PR with a majority bonus. This paper is guided by one puzzling interrogation: how could an extremely heterogeneous government coalition adopt a set of far-ranging institutional reforms in the parliament, even though the constitutional reform was eventually repelled? The main argument of this paper is that the very presence of four coalition partners with different priorities has led to the formulation and negotiation of an ever wider bundle of institutional reforms. First, this large bundle has been built in order to accommodate the diverging priorities and preferences of the government coalition by giving something to each party, a condition without which no deal

could have been reached. Secondly, the very dynamic of tradeoffs and the anticipation of the effects of the reforms have led the reformers to include more and more provisions in the deal, eventually evidencing the crucial importance of time management in the final outcome of the two reforms. Indeed, the electoral reform was adopted by the centre-right majority in the parliament. The constitutional reform, on the other hand, has been repelled by the voters in 2006 in a confirmative referendum in the aftermath of an alternation in power.

The first part of the paper focuses on the convergence in 2003 of four aspects of the constitutional debate in a unique discussion: federalism, “*forma di governo*” (“form of government”), bicameralism, and to a much lesser extent the electoral reform. The second part of the paper is devoted to the analysis of the adoption of the two reforms, focusing on the expansion of the scope of the discussion on the institutional reforms.

### ***1. From separate discussions to the convergence of the institutional debate in 2003***

The four main elements that have structured the debate about institutional reforms since the 1990s have followed different paths. Whereas the questions relating to the form of government, bicameralism and electoral reform have tended to be associated, the matter of federalism only appeared later in the debate, not least because of the efforts of the Lega Nord. During the thirteenth legislature (1996-2001), the centre-left government attempted a major revision of the constitution linking all aspects together, which eventually led to the adoption of a federalist constitutional reform in 2001. The institutional reforms of the fourteenth legislature direct consequences of the unresolved issues posed, in particular, by the 2001 reform. In 2003, after the failure to implement several separate projects of reform, the multiple elements of the debate were linked together again, leading to an initial deal in the summer of 2003 between the four components of the centre-right majority.

#### **1.1. The institutional debates of the “Second Republic” before 2001**

Since 1993, Italy is stuck in a context of deeply rooted uncertainty and party system recomposition, the general consensus among Italian political scientists and lawyers associated the need to reform the institutions, with a way to end the so-called “Italian transition” (among many others, see Ceccanti and Vassallo 2004; D’Amore 2007; Fabbrini 2003; Lanzaletto 2005). This paradigm can be associated with the intense feeling of the intrinsic abnormality of the “anomalous” Italian political system, and of the need to regularise it through the transformation of the institutions:

“The Italian political debate has long been characterized on the one hand by a general consensus that fundamental institutional reform is needed, and, on the other, by a lack of agreement over what needs to be changed. Furthermore, since the end of the 1990s, there has been deep-seated disagreement over the best (or ‘legitimate’) method by which such a reform might be achieved – beyond acceptance of the formal procedures for reform laid down by the Constitution. As a consequence of these three factors, the debate over institutional reform has become an intimate part of the substantive struggle for political power.” (Bull and Newell 2009, 43).

Four themes have become recurrent in the Italian institutional debate in this context: the form of government, bicameralism and electoral reform – with the will to enable the advent of a

majoritarian democracy – and federalism, a separate debate initially associated with the Lega Nord.

In the aftermath of 1993, the debates on the revision of the Italian institutions progressively focused on the means to make the executive stronger, to revise the symmetric bicameralism, and to modify the electoral system in order to ensure the governability of the institutional system. The matters of the form of government and/or bicameralism have been discussed in virtually every legislature since the 1980s, with more “radical” solutions proposed (but never implemented) since 1994, and the advent of the so-called Second Republic. Between the mid-1990s and 2001, the solutions considered alternated between the institution of a semi-presidential regime largely inspired by the French experience, or a strong reinforcing of the head of government, inspired by the British Westminster institutional system. As noted by Ceccanti and Vassallo, the positions of the main Italian parties, those of the centre-left and those of the centre-right, were (and remain) fairly close in relation to institutional matters (2004b, 17). Unlike the differences between left and right, the differences *within* fragmented coalitions, including parties with polarised positions on the matter, or in others words, “the veto players within each coalition” (Bull and Newell 2009, 54), made any change impossible. To summarise, the “big” parties in both poles (FI, DS, AN and, somehow, the Margherita) supported the reinforcement of the executive – either through semi-presidentialism or through a strengthening of the role of the PM, while the small parties, and in particular the heirs of Christian Democracy, opposed it in order to privilege parliamentarism with a weak executive.

Electoral reform was also on the agenda for a long time in Italy, but unlike with the form of government, major changes (i.e. the replacement of the former electoral system with a new one) have actually taken place thanks to the positive outcomes of two major abrogative referendums conducted by “elite outsiders” (Donovan 1995). In 1991, 95.6% of the citizens voted in favour of the abrogation of the multiple preferences. In April 1993, 82.7% of the citizens voted for the abolition of the PR system in the Senate, obliging the legislators to modify the electoral law in both the Chamber and in the Senate because of the symmetric bicameralism in Italy. It is safe to say that the modification of the electoral system in 1993, which led to the adoption of a rather baroque mixed-member majoritarian system, was the result of very strong constraints on the political actors. It led to a system where 75% of the parliamentarians were elected in single-member districts, and the 25% remaining with PR, with multiple and complex provisions regarding compensation, thresholds, etc. Most of the parliamentary negotiations were the result of self-interested strategies adopted by the parties of the First Republic, which endeavoured to temper the majoritarian injunctions of the referendum as much as was possible (Bedock 2011; Chiaramonte and Di Virgilio 2006; Katz 2003), in a context of “extreme uncertainty” (Andrews and Jackman 2005). Following the adoption of the *Mattarellum*, attempts to modify the system again in the 1990s sought to make it fully majoritarian. Two abrogative referendums held in 1999 and 2000 sought to abolish the PR part of the electoral system, both times with widespread approval from voters (91% and 70.6%, respectively), but without reaching the 50% quorum of registered voters (49.7% and 32%, respectively). Parliamentary attempts have been no less numerous, although also unsuccessful, again because of opposition from small parties in each camp, opposed to a fully majoritarian system that would have largely prevented their presence in the Parliament.

Finally, the debate on so-called “federalism” only came into play at the end of the 1980s, with the voice of the party which would later become the Lega Nord. In an interview, Salvatore Vassallo notes: “until 1989, federalism was a concept practically inexistent in the public debate. (...) In 1992, it was considered a violent word, a polemic used by Bossi to

enter the political market. But already in 1994, 1995, it is very widespread”.<sup>1</sup> After Bossi, the leader of LN, chose a secessionist strategy in 1996, the federal option became more respectable, and was seen as endorsable by the mainstream centre-left parties. The third bicameral Commission supported the federalist option, and as a consequence, all of the parties, except for the League and Rifondazione Comunista agreed upon a “federal organization” (Morrone 2004, 248–249). The constitutional laws 1999/1 and 2001/2 recognised the full statutory autonomy of the ordinary regions and of the regions with special status, and also implemented the direct election of the president of the region, who gained substantial powers of direction and government. These laws were approved by a very wide majority in both Chambers. The rest of the reform of Title V, however, ended up being adopted by a very small majority of five votes by the centre-left, a few days before the end of the legislature in October 2001. This adoption “*a colpo di maggioranza*” (by the sole majority) was a first in Italian constitutional history, where the previous attempts had tried to unite opposition and majority in the constitutional reforms. The main provisions of this reform include for instance the constitutionalisation of all of the entities forming the Italian Republic; the inversion of the legislative powers with a differentiation between matters of exclusive competence of the state, concurrent matters, and all remaining matters going to the regions; the distribution of the administrative competences on the basis of the principle of subsidiarity; the extension of the financial autonomy of the regions; and the suppression of various instruments of control exercised by the state on the regions and the local entities. The reform was adopted thanks to a confirmative referendum in late 2001, during which the centre-left defended the reform while the centre-right challenged it for not going far enough towards decentralisation, although many individuals still took a position in favour. The referendum was only opposed by the Lega Nord and Rifondazione Comunista and resulted in a positive outcome (64.2% “yes” vote). The reform of Title V adopted in 2001 was the most important constitutional reform adopted in Italy since 1948, and would largely influence the emergence of the package of reforms from 2003 onwards.

## 1.2. The convergence of the debates on federalism and form of government in 2003

At the beginning of the legislature, the centre-right coalition, who had made a certain number of promises in its coalition manifesto regarding the institutional reform,<sup>2</sup> chose not to institute a bicameral commission. At the beginning of 2003, the discussion in the Parliament started on a series of proposals coming first from the centre-left<sup>3</sup> before being re-endorsed by the centre-right<sup>4</sup>. The *premierato* option they advocated aimed at reinforcing the head of the executive by instituting the direct election of the prime minister as head of an identifiable parliamentary majority with powers of dissolution and the creation of opposition status. The move towards the *premierato* is to be understood as a concession by the centre-right to their adversaries in order to facilitate an agreement. Thus the logic was clearly an attempt to build a

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<sup>1</sup> «Fino al 89, il federalismo era una parole pressoché inesistente nel dibattito pubblico. (...) Nel 92, é considerata una parola violenta, polemica usata da Bossi per entrare nel mercato politico. Ma già nel 94, 95, é molto diffusa. » Interview with Salvatore Vassallo, Professor of Political Science and Comparative Politics at University of Bologna, former MP of Emilia-Romagna between 2008 and 2013, PD, 11 June 2013, at his office in Bologna.

<sup>2</sup> The 2001 manifesto promises the implementation of “*devoluzione*” for health, instruction and training.

<sup>3</sup> Disegno di Legge Tonini e altri, A.S. 1662.

<sup>4</sup> Disegno di legge Malan e altri, A.S.1889

bipartisan agreement. It soon became clear, however, that the hypothesis would not enjoy more than a few days of discussion because of internal oppositions within each camp. The small parties of the centre-left (far-left, Greens) supported something closer to the German system, with a weaker PM figure.<sup>5</sup> Within the centre-left, much opposition came, not only from the small allied parties, but also from a significant element of the Democratici di Sinistra and of the Margherita, the two parties comprising the Ulivo.<sup>6</sup> Commenting on the discussion within his own party at the time, Tonini, the author of the law proposal of the centre-left, states:

“This thing [the *premierato*] was very opposed to in the centre-left, because reinforcing the Prime minister meant in the public debate reinforcing Berlusconi. (...) The majority said: ‘Berlusconi is already almighty, if we give him other powers, he becomes God!’”<sup>7</sup>

In sum, the centre-left opposition showed little will to enter into a dialogue with the centre-right on institutional reforms, even when the initiative was actually coming from its own camp. Not only would this largely condition the attitude of the opposition for the rest of the debate, but it also explains why the institutional reforms up until the end of the legislature were largely, if not exclusively, internal matters for the centre-right, despite the fact that centre-left proposals, such as the *premierato*, were completely accommodated in the subsequent proposals. Within the centre-right, the main opposition came from the newly formed UDC (Movarelli 2013, 60),<sup>8</sup> which was opposed to any radical change in the form of government. Forza Italia was also internally divided between those in favour of presidentialism and devolution, and those in favour of bipartisan dialogue (Tonini 2003, 116–117). In the middle, AN and Fini were stuck between the support for presidentialism and an unacceptable devolution (Tonini 2003, 118). In this extremely embryonic institutional discussion, it soon became clear that sealing a deal on institutional reforms would not be easy, and would lead to the discussion of other institutional issues, such as devolution or electoral law, *within* the centre-right coalition and without the opposition.

Alongside with the failure to reunite majority and opposition on the *premierato*, the Northern League started the legislature of 2001 with one, single obsession: to once again reform Title V of the Constitution after the centre-left’s “fake” reform to move towards a harder, better, faster and stronger federalism: “devolution”. This soon took the form of a project of law, initiated by Bossi, minister “for institutional reforms and devolution”,<sup>9</sup> which attempted to modify again Article 117 of the Italian Constitution, in which the respective legislative competences of the state and of the regions are distributed. The project aimed to give the regions “exclusive legislative competency” over four matters: health assistance and organisation, school organisation and management of the schools and training institutes, the definition of the school and training programmes of specific interest to a region, and local police.<sup>10</sup> Despite the fact it had been approved in first reading in the Senate in December 2002 and in the Chamber in April 2003, there was strong evidence of the impossibility of going

<sup>5</sup> Salvati, Michele. « L’urgenza delle riforme e i dubbi del centrosinistra », *La Repubblica*, 11 February 2003.

<sup>6</sup> The Ulivo (Olive Tree) was a centre-left coalition created in 1996 by Romano Prodi, composed initially of the Democratici di Sinistra (heir of the PCI) and the Partito Popolare Italiano (PPI), heir to the DC. In 2001, the PPI became united with other small Christian democratic parties within the Margherita.

<sup>7</sup> « Questa cosa nel centrosinistra era molto osteggiata perché rafforzare il primo ministro voleva dire nel dibattito pubblico italiano rafforzare Berlusconi. (...) La maggioranza diceva : ‘Berlusconi è già onnipotente, se gli diamo altro potere diventa Dio, insomma! » Interview with Giorgio Tonini, senator of Marche between 2001 and 2013, senator of Trento since 2013, DS, 4 July 2013, at his office in Rome.

<sup>8</sup> Unifying on 6 December 2002 the Centro Cristiano Democratico (CCD), the Cristiani Democratici Uniti (CDU), and Democrazia Europea.

<sup>9</sup> Disegno di Legge S.1187 and C. 3461.

<sup>10</sup> As stated in the version of the text approved in the Chamber of Deputies

through with the devolution reform, clearly identified as the “toy” of the Lega, in the absence of concessions to the other parties of the majority. This dead-end gave way to the bundling and “deal expansion” logic that would guide all of the remaining steps of the process of institutional reforms (cf. section 2). There were two camps at the beginning of 2003 regarding devolution: those in favour including, obviously, the Lega Nord, but also a part of Forza Italia which supported devolution *and* “presidentialism”, to be understood as something resembling the French system (Tonini 2003, 117). On the other hand, some of FI, the UDC and Alleanza Nazionale were opposed to further reforms of Title V, partly because of their centralist tradition, but mostly in opposition to the league. During our interview, Tonini explains very well why, discussed on its own, the devolution project was unacceptable for the majority of the components of the centre-right:

“One needs not to forget that the centre-right in Italy (...) has always had two souls: the Northern soul where the Lega has always been hegemonic, (...) and then, however, there is a Southern soul (...) with Sicily that has always been a stronghold, and in general in the regions of the South where the centre-right is very strong. And these ones were absolutely opposed to the devolution of Bossi. So, this road revealed itself to be blocked”.<sup>11</sup>

As a consequence, at the beginning of April 2003, the centre-right reached a new agreement on a wider project of reform elaborated by the minister of regional affairs, La Loggia, “mixing” devolution with the reform of Title V, re-attributing certain exclusive competences to the state, while also implementing devolution. The commentators soon presented the agreement as a package deal, in which everyone thought he had won,<sup>12</sup> paving the way for the general logic of the remainder of the process: bundling reforms in order to make concessions to every party.

### **1.3. The initial deal of Lorenzago di Cadore: overcoming the tensions in the coalition**

During the summer 2003, the centre-right coalition was hanging by a single thread, not least because of the tensions regarding institutional reforms. Not only did all of the four parties of the majority have different preferences, they also had diverging priorities on the four topics presented above. The conflict between the four components of the majority was resolved in Lorenzago di Cadore by four “wise men” through the construction of a bundle of reforms on the three first topics. Andrea Pastore for FI, Domenico Nania for AN, Francesco D’Onofrio for the UDC and Roberto Calderoli for the Lega, all of whom were senators at the time, along with a couple of experts and public servants, were put in charge of ironing out the differences within the government majority in order to present a draft of institutional proposals that could turn into a concrete text. There were two logics behind the bundling strategy. The first consisted of enabling mutual concessions, making the overall reform acceptable to everyone. The second consisted of the reform of bicameralism, as it had implications both for the form of government and actually made a comprehensive deal necessary for federalism.

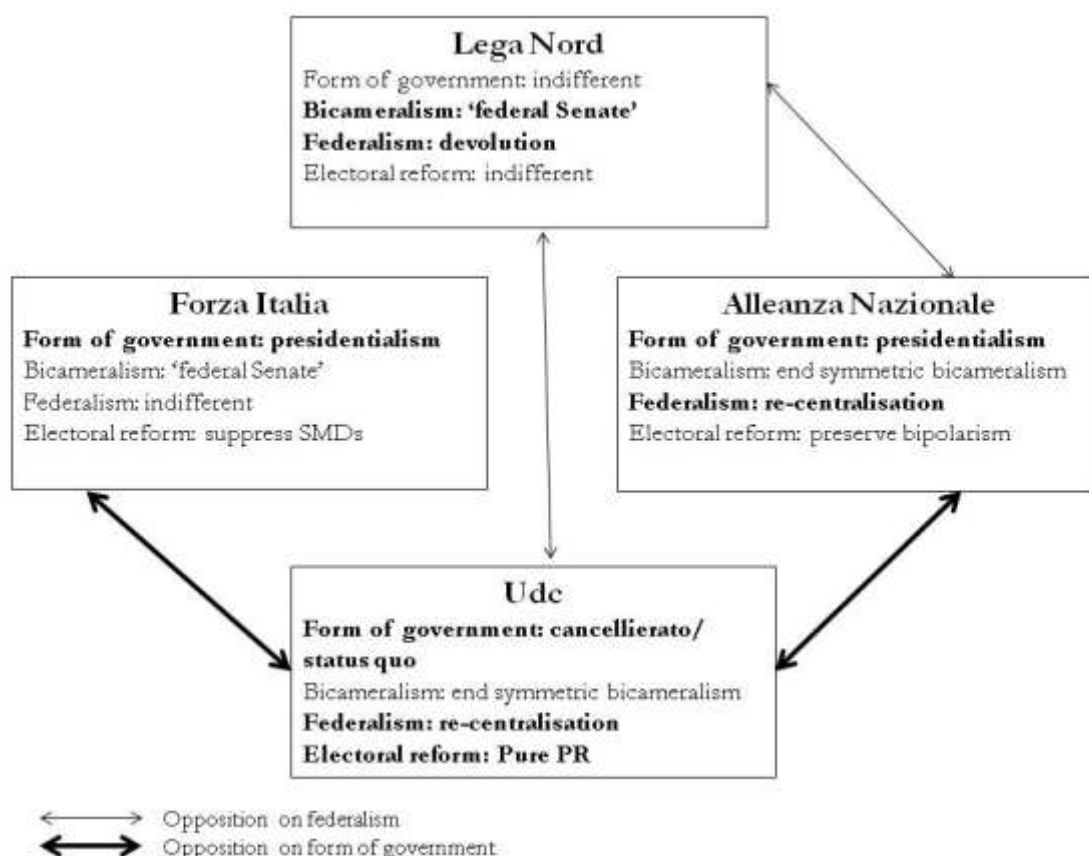
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<sup>11</sup> « Bisogna non dimenticare che il centrodestra in Italia (...) ha sempre avuto due anime : l’anima Nordista dove la Lega è sempre stata egemone, (...) e poi però invece c’è un’anima meridionale (...) con la Sicilia che è sempre stato un roccaforte, e in generale nelle regioni del Sud dove il centrodestra è molto forte. E questi erano assolutamente contrari alla devolution di Bossi. Quindi quella strada si rivela inpercorribile ». Interview with Giorgio Tonini, op. cit.

<sup>12</sup> La Mattina, Amedeo. “Venerdì la riforma in consiglio dei ministri, da lunedì alla Camera si vota sul testo leghista ». *La Stampa*, 8 April 2004.

The positions of the four parties of the centre-right coalition have to be summarised (Figure 1) in order to understand the deal reached by the four “wise men” in August 2003. Internal differences on one or several of the four main topics (form of government, bicameralism, federalism and electoral reform) existed within each of the four parties. Each of these four themes had different significance for each party. Each of the four parties focused only on pushing forward *its preferred position on its own priorities*, and was relatively indifferent about the outcome of reform on other issues. In other words, each of the four coalition partners had some “blind spots”, and only cared about certain elements of the deal, but not about others. Hence, a priority can be defined here as something sufficiently salient for a party to make it block the deal if its position is not taken into account. Secondly, the negotiators managed to reach a deal on a comprehensive institutional reform because each of the four parties had its own position successfully accommodated *on at least one of its leading priorities*.

**Figure 1.** Initial positions in summer 2003 of the four parties of the majority on the four main institutional themes



*Note:* the text in bold indicates the leading priorities of each party. For example, the priorities of the Lega Nord related to bicameralism and federalism.

Looking at Figure 1, it appears that only one theme was relatively unproblematic, i.e. the matter of bicameralism. The leaders of Forza Italia and the Lega Nord supported the so-called “federal Senate”, whereas Alleanza Nazionale and the UDC supported of the end of symmetric bicameralism, although this was not a priority. As Andrea Pastore, one of the four



wise men notes: “Everyone of us wanted the federal Senate”.<sup>13</sup> That being said, however, two points appeared particularly problematic in that they concerned diverging preferences on themes that were a priority for several of the coalition parties: form of government and federalism. On the form of government, both Alleanza Nazionale and Forza Italia were in favour of presidentialisation or at least of a strong reinforcement of the executive, because of its post-fascist institutional tradition for the former, and because of its rhetoric on personalisation for the latter. Conversely, the UDC was more than reluctant and only supported the status quo or a limited reinforcement of the powers of the PM. On federalism, the Lega Nord, which was supportive of devolution, faced the opposition of both Alleanza Nazionale and the UDC who wanted a re-centralisation of competences as compared to the 2001 reform. Finally, electoral reform was one of the priorities of the UDC in supporting the return to PR, whereas the other parties of the coalition held different positions, but did not consider the electoral reform to be a priority either. This summary illustrates several blocks, with varying alliances according to the topic in question: Lega vs. AN and UDC on federalism, FI and AN vs. UDC on form of government, UDC vs. everyone else on electoral reform. UDC was the party that had the most divergences with its coalition partners, in that its positions on its own priorities clashed with those of each one of its coalition partners on at least one matter. This would prove crucial, particularly when the electoral reform was dealt with.

The agreement of August 2003 provides a very concrete illustration of the bundling logic’s facilitating role in closing a deal on institutional reforms. Indeed, the above-mentioned divergences notwithstanding, a pact on a comprehensive package of reforms was reached after a few days of discussions, accommodating the priorities of each of the coalition partners into a single text. The agreement explicitly dealt with the matters of the form of government, bicameralism, and federalism, but not with the electoral reform. The deal of Lorenzago doubly illustrates the bundling logic at work: firstly, as a concrete means of reaching agreement on topics on which parties have diverging positions and priorities, and secondly, as a necessary consequence of the systemic character of institutions. As Vassallo notes,

“if the reform proposed by Bossi had been approved in isolation and if the centre-left had initiated a referendum on that bill, the outcome would probably have been disastrous for the government. That is why it was necessary to link devolution to a package of reform *with which each party leader could claim to have made a contribution*. In other words, if the issue of constitutional reform had to be confronted, then the government bill could be the result only of a package deal agreed to by all of the partners of the majority coalition” (2005, 127, emphasis added)

Each party came to the table of negotiations with non-negotiable and negotiable requests, based on the positions previously mentioned. As Andrea Pastore (FI) explains, “[they prepared] a draft that took into account the positive and negative will, that is to say the yeses and the noes of the components of the centre-right coalition”.<sup>14</sup> Indeed, the deal reached in Lorenzago was the result of “many tradeoffs of differing proportions” (Vassallo 2005, 127). To expose only a few highlights, on the form of government, in order to accommodate the presidentialist vision of FI and AN and the parliamentary vision of the UDC, a consensus was reached on an intermediary solution, i.e. the *premierato* initially suggested by the centre-left. The four parties decisively agreed upon a directly elected Prime Minister with full

<sup>13</sup> « Il Senato federale lo volevammo tutti ». Interview with Andrea Pastore, senator of Abruzzo between 1996 and 2013 and president of the Commission Affari Costituzionali I between 2001 and 2006, FI, 19 June 2013, at his office in Pescara.

<sup>14</sup> « E preparammo una bozza che tenesse conto delle volontà in positivo e in negativo, cioè i sì e no, dei componenti della coalizione di centrodestra. » Interview with Andrea Pastore, op. cit.

powers of nomination and revocation in relation to ministers, and power of dissolution. On the reform of bicameralism, the agreement indicated a new division of powers between the Chamber of Deputies, the only chamber whose confidence would have been required for the government, and the new “federal Senate”. The Chamber would be put in charge of legislation regarding matters of exclusive competency of the state, the Senate being responsible for the concurrent matters. The content of the deal on federalism is probably the best illustration of the trade-off logic of the negotiations. The Lega obtained the inclusion of devolution. However, the constitutional deal agreed upon in August 2003 contained a decisive element of re-centralisation, with the reintroduction of the principle of national interest. Finally, on the electoral reform, the UDC obtained only a vague promise that this aspect would be dealt with later on, although as D’Onofrio, the centrist negotiator, told me: “For our part, I said: ‘you see, if there is no PR, the law will not happen. Because for us, PR is fundamental’.”<sup>15</sup> Yet, electoral reform was widely perceived as a secondary topic, as confirmed by Nania: “In fact, the electoral law was not an argument within the perimeter of the reforms. It was a marginal argument”.<sup>16</sup>

In the negotiation conducted in August 2003, the bundling logic intervened in two ways. Firstly, in order to “give” something to everyone and reach an agreement, the building of a bundle of reforms was inevitable, and secondly, due to the fact that all aspects were linked together. The first of these points is clearly admitted by Roberto Calderoli himself: “If we faced the questions individually, problems always came out. Put all together on the table, on the contrary, even the issue of the national interest has been resolved”.<sup>17</sup> All of the other participants also clearly state the importance of each party’s ability to claim credit for one part of the reform in the achievement of a successful outcome: devolution for the League, some form of presidentialism and the national interest for AN, a stronger PM linked to a majority defined before the elections for FI, and the promise of a return to PR for the UDC (Vassallo 2005). However, it would be cynical to reduce the scope of the constitutional deal to this sole strategic necessity. As noted by several experts during my interviews, it was difficult to treat these aspects individually, in particular because “there is something that is in the middle, which is the composition and the functions of the Second Chamber.”<sup>18</sup> Indeed, reforming perfect bicameralism, giving greater power to the PM, or reinforcing federalism invariably calls into question the role of the Italian Senate, which is key to the whole dispositive.

Yet, it would soon become clear that the August 2003 deal, although it would constitute the backbone of the constitutional reform, contained many grey zones on the specifics of the reform, which would lead to fierce debate during the parliamentary procedure, and to the expansion of the initial project concerning 29 articles of the constitution to include no less than 45 after final approval (Fusaro 2004), and with the adoption of a brand new electoral system.

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<sup>15</sup> « Per parte nostra, dicevo, ‘vedete, se non c’è il proporzionale, non si fa la legge. Perché per noi il proporzionale è fondamentale’. » Interview with Francesco D’Onofrio, senator of Lazio (1983-1987, 1996-2008) and president of the parliamentary group from 2001 to 2006, ex-MP of Lazio between 1990 and 1996, UDC, 25 June 2013, at his home in Rome.

<sup>16</sup> « Ma in effetti la legge elettorale non era un argomento dentro il perimetro delle riforme. Era un argomento a margine. » Interview with Domenico Nania, senator of Sicilia and president of the AN parliamentary group in the Senate from 2001 to 2006, MP of Sicilia between 1987 and 2001, AN, 26 June 2013, at the Senate, Rome.

<sup>17</sup> « La novità -dice Calderoli-è che se affrontavamo le questioni singolarmente saltavano sempre fuori problemi. Messe tutte sul tavolo, invece, si è risolto anche il problema dell’interesse nazionale» Cerruti, Giovanni. « Approvato il documento finale della ‘tre giorni di Lorenzago’ ». *La Stampa*, 24 August 2003.

<sup>18</sup> « Perché c’è una cosa che sta in mezzo, che è la composizione e le funzioni della seconda Camera. » Interview with Stefano Ceccanti, Professor of Comparative Public Law at university La Sapienza of Rome, senator of Piemonte between 2008 and 2013, PD, 26 June 2013, at a café in Rome.

## ***2. The expansion of the bundle and the different destinies of the constitutional and electoral reform***

The process of adoption of the constitutional reform in the parliament in 2005 led to the progressive expansion of the institutional deal to include greater detail, because of the remaining reservations of both some coalition partners, and of the senators. This expansion went so far as to lead to an upsurge regarding the matter of electoral reform during the final stages of the parliamentary procedure of the constitutional reform, in order to close the final deal. This eventually contributed to the creation of a “bundle within the bundle”, with a rushed electoral reform responding to exactly the same logic as the constitutional reform: mutual concessions and trade-offs. Yet, the hard-won constitutional reform was rejected by referendum in June 2006.

### **2.1. The discussion of the constitutional reform in the parliament: between coalition and self-survival logics**

The parliamentary procedure followed by the constitutional reform lasted for more than two years, from the introduction of the bill in October 2003 until its final adoption in November 2005. There have been two readings of the constitutional law in the Senate,<sup>19</sup> and two in the Chamber of Deputies.<sup>20</sup> However, in order to finish the parliamentary procedure before the end of the legislature, no amendments were adopted during the second reading of the text in both chambers. Therefore, three alternative versions of the text have been examined: the bill introduced by the government, the second version after the first reading in the Senate, and the final version after the first reading in the Chamber of Deputies (Appendix 1).<sup>21</sup> If one compares the final text after the parliamentary procedure with the initial text, one might note a substantial difference, both in content and in length. These successive readings have significantly altered the initial project, leading to an increase in the number of modifications to the constitution, which were not included in the preliminary deal, but also to substantial modifications of the content of the law.

What happened in the parliamentary arena during the debate on the constitution led to substantial modifications which were the result of two elements: the continuation of the conflict between the coalition partners of the centre-right, leading to further concessions in particular to the AN and the UDC (coalition logic); and the logic of self-survival of the senators, who attempted to limit the damage to themselves and to their institution during the course of the discussion (institutional logic). Two of the most important modifications, the re-attribution to the state of an important number of exclusive legislative competences, and the creation of the so-called “*anti-ribaltone*” mechanism (anti-reversal of parliamentary majority), were primarily caused by the conflict within the coalition. The “strong contextuality” (i.e., the concomitant election of the senators and of the regional councillors), on the other hand, serves as an example which illustrates how the Senate tried to maintain some ground as an institution.

Regarding the coalition logic, the parliamentary activism during the debate is in line with the findings of Pedrazzani and Zucchini. The two authors find that the statistical models enabling to explain the number of amendments for a given law in Italy between 1987 and 2006 depend on “the coalitional nature of executives” (2013, 705). As the authors put it,

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<sup>19</sup> Disegno di legge S.2544 and S.2544b respectively

<sup>20</sup> Disegno di legge C.4862 and C.4862b respectively.

<sup>21</sup> On the chronology of the parliamentary procedure for the two reforms, cf. appendix 2.

“Parliament appears to be an arena at the coalition partner’s disposal, where a second, decisive round of the cabinet decision-making process is played” (ibid.). Indeed, although the leaders of each of the four coalition parties reached an argument thanks to the mediation of Lorenzago, some elements of the government proposal were unacceptable without changes for many of the parliamentarians, and in particular those of AN and UDC. The subsequent modifications during the parliamentary procedure certainly didn’t help to simplify the project, and tempered the government’s initial intention, both in terms of giving more powers to the regions, and in terms of reinforcement of the PM.

The devolution, in particular, was an extremely problematic element. Francesco D’Onofrio (UDC), rapporteur of the law in the Senate, recalls the difficulties encountered on the topic of federalism: “I was one of the very few in my party to be in favour of federalism (...) Because in the Senate, many of those from Southern Italy heard their own voters who said ‘but this is what the Lega Nord wants, we do not want that’”.<sup>22</sup> Many of the AN senators and MPs were equally ill at ease with devolution. These reservations eventually led to new guarantees being given to the centralist wing of these two parties, in order to pass the reform. This took the form of the re-centralisation of a series of legislative competence ranging from international monetary policy, credit, and common organisation of the market for finance to big strategic networks of transportation and navigation considered to be in the national interest (to name only a few). Some of the constitutional experts that I have spoken with consider that, if anything, the reform was a centralist one. Ceccanti explains it in a lapidary way: “Devolution (...) was fake more than anything else”.<sup>23</sup> Similarly, Vassallo calls devolution a “myth” (2006).

Similar reflections could be made about the introduction of the so-called “*anti-ribaltone*” mechanism, supported in particular by AN in order to impede changes to parliamentary majorities, and which “guaranteed that it did not have to risk approving a reform that contemporarily would have put it out of the game”.<sup>24</sup> The Senate adopted in the first reading a mechanism that enabled a change of PM without dissolution in the case that the majority that emerged from the elections presented a motion proposing an alternative PM. During the first reading in the Chamber of deputies, the proposal of the Senate was accepted with slight modifications,<sup>25</sup> and the MPs adopted a norm disallowing the Prime Minister from winning a confidence vote through the votes of MPs coming from outside of the majority. By reinforcing the majority expressed in the elections, these two elements also weakened the figure of the PM. As a consequence, all parties effectively get blackmailing power *vis-à-vis* the Prime minister. To summarise, the conflict between the four centre-right components led to the subsequent adoption of trade-offs, always with the aim of closing the parliamentary procedure before the end of the legislature. Yet, these trade-offs tended to contradict the initial proposal, counter-balancing both the advancement of federalism and the reinforcement of the PM figure.

The institutional logic, although it had less influence on the final text, is perceptible in important aspects. The Senate was the institution that would have been most severely affected by the reform, with major changes not only to its functions, but also to its composition.

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<sup>22</sup> «Io ero del mio partito uno dei pochissimi favorevoli al federalismo (...) Perché al Senato, molti dell’Italia meridionale sentivano i propri elettori che dicevano ‘ma questo lo vuole la Lega Nord, noi non lo vogliamo ». Interview with Francesco D’Onofrio, op. cit.

<sup>23</sup> « Devolution (...) era più finta che non altro ». Interview with Stefano Ceccanti, op. cit.

<sup>24</sup> « Una riforma che garantiva che non rischiava di approvare una riforma che contemporaneamente la metteva fuori gioco elettoralmente ». Interview with Francesco D’Onofrio, op. cit.

<sup>25</sup> The replacement of the PM must not only be presented, but also voted on by the MPs of the majority that emerged in the elections.

Getting the support of the senators was the main reason behind the very long transitory norms, which would have meant that the constitutional reform, and in particular the new composition of the Senate, would only become effective in 2016. The adoption of the so-called “strong contextuality”, a proposal that actually came from the Left Democrat senator Morando, and linked the office of the senators with the office of the regional councillors, illustrates the logic of self-survival incorporated by the senators. The initial proposal made by the Senate would have implied that the “duration in office of the regional councils would have depended of the length of time in office of the senators” (Vassallo 2005, 120), whereas the final version linked the office of the senators with that of the regional councillors. This would have meant that the Senate would have been partially renewed at each regional election contest. It may seem paradoxical that the members of the “federal Senate”, who supposedly represent the regional entities, have only a link with the region by being elected on the same day as the regional councils. Yet, it soon became clear that the senators would not accept a system in which they would have not been directly elected. D’Onofrio recalls: “there was very strong pressure. Here is why in the end I succeeded in introducing the contextual election with the regional councillors: because this was the minimum point that the senators accepted. We want to be elected. We do not accept nomination by external people”.<sup>26</sup>

In other words, not only was the final deal on the constitutional reform wider than the initial one because of the modification of more articles, it was also both more ambiguous and less readable in terms of its intentions and expected outcomes. However, these modifications and ambiguities were necessary to successfully take the reform home, given the institutional and coalition disagreements which had not been dealt with at Lorenzago. A major disagreement was yet to be dealt with, though: the matter of the electoral system. The tricky question of the electoral reform, which was largely avoided between 2003 and mid-2005, was to make a dramatic entrance during the very last moments of the discussion on the constitutional reform in the Parliament.

## 2.2. The upsurge of the electoral reform: closing the final deal

At first glance, the electoral reform of 2005 is a puzzle, not only in terms of content, but also in terms of process. Why would such a major electoral reform, which led to a switch back to PR, succeed, when all of the previous attempts to reform the electoral law had been in the direction of making it more majoritarian, and had failed? Why would this reform, which at the beginning was supported only by the UDC, be adopted by a heterogeneous centre-right coalition made up of actors with different, if not opposing, partisan interests? The answer to the first question implies, again, the re-positioning of that electoral reform within a wider bundle of reforms, namely as a dimension of negotiation of the constitutional reform. The answer to the second question echoes the dynamics of the constitutional reform: the agreement reached on a complex electoral reform with multiple incentives is, once more, a result of multiple trade-offs among the coalition, in attempting to give something to each party.

D’Alimonte calls electoral reform the “*fiume carsico*” (underground river) of the Italian political debate, referring to a debate that is always present, even when not visible on the surface.<sup>27</sup> The difference between this reform and the previous failed attempts is that, in

<sup>26</sup> « Ci fu una fortissima pressione. Ecco perché io alla fine riuscì a far passare l’elezione contestuale ai consiglieri regionali: perché questo era il punto minimo che i senatori accettavano. Vogliamo almeno essere eletti. Non accettiamo che siamo nominati degli esterni. » Interview with Francesco D’Onofrio, op. cit.

<sup>27</sup> Interview with Roberto D’Alimonte, Professor of Italian political system at University LUISS Guido Carli of Rome, 13 June 2013, at his office in Florence.

2005, the electoral reform was considered to be the final piece of the giant institutional jigsaw that began in 2003. Moreover, rather than disproving the parsimonious self-interested models of electoral reforms (Benoit 2004), the 2005 electoral reform shows the importance of considering the existence of other institutional reform attempts when trying to understand the position of a given party during a given process of electoral system change. The re-emergence of the debate on the electoral law in September 2005 was the result of two structural elements (the long-term commitment of the UDC to a return to PR, and the under-performance of the centre-right coalition in the SMDs), and of two contingent elements (the approach of the final vote on the constitutional reform in the Senate, and the bad electoral prospects of the centre-right coalition for 2006). Finally, despite the fact that the electoral reform was not dealt with up until the very end of the institutional process, the reflection on the electoral reform began earlier, in 2003. Indeed, the direct election of the PM, instigated in the new constitutional law, pointed towards a system similar to that of the provinces or of the regions,<sup>28</sup> whose heads are directly elected in Italy. These reflections had remained embryonic, but *de facto*, constitutional and electoral reforms were clearly thought of as part of the same debate.

The confrontation on the electoral reform began with the apparent benign will to modify the most problematic aspects of the *Mattarellum*, following the generalisation of “*liste civette*” in 2001 – a concept that can be roughly translated as “trap lists” – invented in order to bypass the compensation mechanism for small parties in the PR part.<sup>29</sup> The most discussed proposal was on the adoption of a single ballot, a proposal nicknamed the Nespolum after the AN senator who developed it.<sup>30</sup> This choice was made, notwithstanding the repeated declarations of the UDC on the need to proceed with a much wider reform, that would lead to a return to PR.<sup>31</sup> Yet, the first reflections of the Chamber of deputies on the electoral reform in commission took the form of a discussion in March 2005 regarding 7 proposals of minor corrections of the *Mattarellum*, and of the adoption in June 2005 of a relatively consensual text by the same Commission. These correctives had another, hidden objective: there was widespread agreement among the experts and the leaders of the centre-right regarding the tendency of the Polo to under-perform in the single member districts. Indeed, the centre-right consistently won more votes in the list part, where the parties run on their own, compared to the number of votes obtained in the SMD part, where the coalition presented a common candidate (the “differential of coalition”, D’Alimonte and Bartolini 2002). In late June 2005, the UDC MPs changed strategy, and eventually led the centre-right to widen the scope of the reform considerably, until the elaboration of a text to replace the 1993 system with a PR system with majority bonus (Table 1). In mid-2005, the constitutional reform reached the final stage in the Parliament, and the two final readings in the Chamber and in the Senate were due to take place before the end of the year. It is worth recalling that if any modification had taken place during those two readings, a further reading in each Chamber would have been required, making the adoption of the constitutional reform in the Parliament before the 2006 general elections impossible.

<sup>28</sup> Caprettini, Alessandro M. « Scajola promette agli azzurri un nuovo sistema elettorale. » *Il Giornale*, 11 May 2003.

<sup>29</sup> When the citizens voted to elect their MPs, they had to give one vote for a candidate, and the other for a list. Each candidate was linked to a list, and thanks to a complex mechanism of compensation named the *scorporo*, the parties that performed the best in the SMDs had some of their votes subtracted in the PR part in order to give more seats to the parties that had underperformed in the majoritarian part. However, in 2001, the two biggest parties (FI and DS) had generalised the practice, which consisted of linking their candidates with “trap lists” with whimsical names in order to avoid subtracting votes from the party lists.

<sup>30</sup> Anon., « Si profila una mini-modifica del sistema per votare alle prossime politiche fra un anno e mezzo ». *La Stampa*, 15 December 2004.

<sup>31</sup> Cf. Rampino Antonella. « Alla richiesta leghista di accelerare sulla devolution l’UDC contrappone il ritorno alla proporzionale ». *La Stampa*, 30 June 2004.

As Nania recalls, the UDC intimidated its coalition partners, threatening to make the constitutional reform fail, if the electoral reform argument was not discussed: “Once the argument had been found on the whole reformatory package, [the UDC] (...) imposed a diktat: either an electoral law with a proportional system is made, or [they] do not vote these reforms that they had contributed, and a lot, to make”.<sup>32</sup> A few years later, Roberto Calderoli, the LN senator who elaborated the final version of the project, talked about “blackmail” in an interview, referring not only to the UDC, but also to the rest of its coalition partners: “we were blackmailed by Casini and the UDC to introduce a proportional system, by Fini who wanted the blocked lists and by Berlusconi who wanted the majority bonus”.<sup>33</sup>

**Table 1.** *Main steps in the emergence of the electoral reform in the Chamber of deputies*

Date	Event in the Parliament	Initiator	Main dispositions
3 March 2005	Beginning of discussion in Commission	Commission Affari Costituzionali	Projects of minor modifications of the Matarella law
16 June 2005	Adoption of a unified text : suppression of the <i>scorporo</i> and minor technical dispositions	Commission Affari Costituzionali	Suppression of the <i>scorporo</i>
28 June 2005	Amendments in favour of a substantial electoral reform	UDC	The PR part of the Matarella electoral system would rise from 25% to 75%
8 September 2005	Re-opening of the amendments to the unified text against the will of the opposition	UDC	
13 September 2005	Discussion in commission of amendments entirely substituting the unified text	FI	PR system Blocked lists Majority bonus according to the seats obtained by the leading coalition
27 September 2005	Presentation in commission of new non-modifiable amendments	FI, AN	Suppression of preference vote National threshold of 4% Majority bonus according to the votes obtained by the leading coalition Obligation for coalitions to present a PM candidate and a common programme

<sup>32</sup> « Una volta invece trovata l'intesa su tutto il pacchetto riformatore, [l'Udc] (...) pose un diktat: o si fa una legge elettorale su impianto proporzionale, o non [votano] quelle riforme che avevano contribuito, e molto, a fare. » Interview with Domenico Nania, op. cit.

<sup>33</sup> « Fummo ricattati da Casini e dall'Udc per introdurre un sistema proporzionale, da Fini che voleva le liste bloccate e Berlusconi che voleva il premio di maggioranza ». Declarations of Roberto Calderoli in the TG1 on TV, quoted in anon. « Calderoli: “Berlusconi ci ricattò sul Porcellum, con Casini e Fini”. Ma non spiega come ». *Il Fatto quotidiano*, 2 October 2011.

The second contingent aspect that should be taken into account is the tight electoral spot in which the centre-right coalition found itself in 2005. Since its return to power in 2001, the centre-right had lost all of the intermediary elections. This came to a peak in April 2005, when the centre-right lost 12 regions out of the 14 called to vote. The centre-left was, at the time, considered to be almost sure to win, by a comfortable margin, the 2006 parliamentary elections, and was actively preparing the open primaries that would lead Romano Prodi to be appointed leader of the coalition in October 2005, with 75% of the 4.3 million votes. During September 2005, hard negotiations took place between the leaders of the centre-right coalition, in the context of major tensions between the UDC and Berlusconi, who accused the centrist leaders of being “metastasis”.<sup>34</sup> The *in extremis* closure of the deal, prior to the start of the general discussion of the text on 29 September 2005, resulted from the resignation of the first secretary of the UDC, Marco Follini, who had advocated for an exit from the centre-right coalition. Pier Ferdinando Casini, the president of the Chamber of Deputies was, on the other hand, in favour of keeping the centrist party within the Polo, and was one of the main architects of a definitive agreement on the electoral reform, by giving up on the matter of preference vote and accepting the majority bonus.<sup>35</sup> His decision also closed the argument regarding Silvio Berlusconi’s leadership of the centre-right coalition. Moreover, the pact was facilitated by pre-electoral polls suggesting that the new system advocated by the centre-right would reduce the electoral defeat.<sup>36</sup>

### **2.3. A bundle within a bundle: a complex electoral reform with contradictory incentives**

So far, the emergence of the electoral reform has been explained, but its precise content has not, and nor have the reasons why the various parties of the centre-right came to an agreement on this particularly tricky institutional issue. The new system, modelled on the Tuscan regional electoral system, substituted the single member districts with a mixed system combining PR tempered by a majority bonus, taking the form of blocked lists for vast regional constituencies. The first crucial point is the mode of attribution of the majority bonus: the coalition that obtains more votes automatically secures 54% of the seats in the Chamber, while the bonuses are attributed region by region in the Senate. Secondly, the lists are blocked: the citizen cannot express any preference vote. Thirdly, the new law introduced various thresholds of representation in order to access the distribution of seats in the Chamber: 10% of the votes for a coalition, 2% of the votes for a party that is part of a coalition,<sup>37</sup> 4% for lists running on their own. These thresholds are 20%, 3%, and 8%, respectively, in the Senate. Finally, the law gave the option of standing for election in multiple constituencies, enabling the parties to modify the order of the lists in a discretionary way after the vote in case of multiple elections of a single candidate.

Figures gathered by Chiaramonte and Di Virgilio (2006) give a picture of the preferences of delegates from 11 Italian parties between 2002 and 2005 on the best electoral system. All of the small centre-left parties were in favour of a PR system (UDEUR, RC, Verdi, PCDI, SDI, SVP), as well as a substantial number of the MPs of the Margherita. The only actors who were clearly against the proportional option were the Left Democrats (DS), a majority of whom supported a two-round majoritarian system. Most of the centre-right parties

<sup>34</sup> Interview with Silvio Berlusconi, « Basta Metastasi nel Polo ». *Corriere della Sera*, 21 September 2005.

<sup>35</sup> Note that the centre-left had unsuccessfully attempted to propose a waiver pact for the next parliamentary elections in exchange for the blocking of the electoral reform.

<sup>36</sup> D’Alimonte, Roberto. « Per chi vince maggioranza ad handicap ». *Il Sole 24 Ore*, 15 September 2005.

<sup>37</sup> In reality, the threshold is even lower, as the “best” party in the coalition under this threshold of 2% also gets to participate in the distribution of seats.



(FI, MSFT, UDC) were in favour of pure PR, or PR with thresholds, with the notable exception of AN, which supported a majoritarian electoral system. Yet, why would all of the centre-left parties, including the small formations, oppose the reform in Parliament? Why would AN, the full integration of which into the Italian political system was only made possible by the 1993 electoral law, support the new system? Why would the UDC accept majoritarian corrections, with a majority bonus?

The answers to these questions are different for the centre-left and the centre-right. Again, for the political actors of the majority, the conciliation of contradictory interests within a bundle of electoral mechanisms served to bypass the conflict between the different components. Multiple mechanisms, with potentially contradictory incentives, were introduced in the law in order to enable each of the four parties of the coalition to anticipate the realisation of its own priorities. Such expectations were facilitated by the ambiguity of the law, which made it difficult, if not impossible, to anticipate its exact consequences. Similarly to what happened with the constitutional reform, each party tried to push forward certain priorities, and had “blind spots” that enabled the agreement to emerge. This time, it is possible to identify five main points of tension (Table 2): the bipolarisation of the political system (1); the coalition constraint, which can be defined as the incentive for parties to form a pre-electoral coalition rather than running on their own (2); the level of the thresholds of representation (3); governability, which in particular implies the examination of government stability (4); and the reinforcement of the central leaders’ powers in candidate selection (5).<sup>38</sup> The motley dispositions of the new law suddenly make sense: each of them is a concession to conciliate antonymic objectives, in particular those of AN and of the UDC, whose priorities are opposed on each and every point.

**Table 2.** *Prioritisation of the objectives on the electoral law by the parties present in the Italian Parliament, 2005*

	Reinforcement of bipolarisation	Strong coalition constraint	Low thresholds of representation	Reinforcement of governability	Reinforcement of the central leadership of parties
FI	+	+	--	++	++
AN	++	++	-	+	++
LN	=	-	+	-	+
UDC	--	--	+	-	--
Others Polo	=	=	++	--	=
DS	++	+	--	++	+
Margherita	+	+	--	++	+
RC	-	--	++	--	--
Others Unione	=	-	++	--	--

*Note:* ++ Leading priority, + secondary priority, = indifferent, - in contradiction with a secondary priority, -- in contradiction with a leading priority

*Source:* Bedock 2011, 41

<sup>38</sup> This analysis is a synthesis of the systematic qualitative and quantitative study of the detailed arguments on the merits of the reform during the parliamentary debates held on the electoral reform between 29 September and 13 October 2005 in the Chamber of Deputies. The main themes are the following: bipolarisation and alternation, coalitions, governability and fragmentation, thresholds of representation, selection of candidates and internal functioning of political parties (Bedock 2009, 94–105).

Given the different prioritisation of these five goals by the coalition partners, only a compromise which preserved the priorities of each partner enabled them to reach a consensus on the law, although, as for the constitutional reform, this was at the expense of the efficiency of the text. According to Vassallo, the general logic is the following: “the competition must be bipolar”, meaning that all provisions were meant to disincentivise independent lists.<sup>39</sup> The PR formula aimed to make the system more representative, the differentiated thresholds of representation were meant to reinforce the coalition constraint, the majority bonus aimed to reinforce bipolarisation, the blocked lists aimed to give greater power to the party oligarchies, etc. As a consequence, the position of AN - or rather, the position of Fini<sup>40</sup> - can be explained by the conviction that the majority bonus would preserve the bipolar structure of the Italian party system, and incidentally, that the blocked lists would avoid corruption,<sup>41</sup> whereas the concessions of the UDC on the blocked lists were based on the (not so) secret hope that the law would eventually reconstitute a third centrist pole. FI sought to get rid of the SMDs while reinforcing the power of the party leaders through the blocked lists, and imposed the majority bonus in order to preserve bipolarism as well as its leadership. As D’Onofrio, the UDC senator, explains, “the bonus, Berlusconi in the final agreement, I would not say that he has imposed it, but he has been the one to ask for it, as the head of the coalition”.<sup>42</sup> The Northern League, finally, was compelled to adopt the electoral law in exchange for final support for the constitutional reform.

The existence of opposed objectives in the centre-left, which puts the big parties of the coalition (DS and Margherita) face to face with the small ones, is exacerbated, and does not immediately explain the centre-left’s unanimous opposition to the electoral reform. The small parties protested particularly against the introduction of thresholds of representation, even if they were very low, as they considered them to be a potential threat to their presence in the parliament. The attitude of the opposition has primarily to do with the centre-left’s certainty of an easy victory in the upcoming elections, therefore putting the electoral reform back on the agenda after the election, within conditions chosen by the centre-left. In fact, there is no consensus on the degree of opposition that was actually expressed internally: Alessandro Maran, a DS MP, recalls that “we were only a handful of people criticising”.<sup>43</sup> Moreover, this is not to gloss over the fact that some parties of the coalition, and in particular Comunist Rifondazione, were actually quite happy with the adoption of the new system.<sup>44</sup> In other words, the official position of the Unione should not be explained on the basis of the actual preferences of the actors, but rather on the basis of the need to show strong opposition to the

<sup>39</sup> Interview with Salvatore Vassallo, op. cit.

<sup>40</sup> Nania, the AN “wise man”, told me what happened when he was consulted by his party leader on the opportunity to introduce preference voting in the new system: “Fini phoned me and told me: ‘what do you think about that [Tuscan] law, put at the national level?’ I told him that according to me, that law was an anti-democratic law because it did not give the voters the possibility to choose who they elect. (...) He answered me: ‘From now on, you are not in charge of this matter’”. « Fini mi telefonò e mi disse: ‘che ne pensi di questa legge, da mettere sul piano nazionale? Io gli disse che secondo me, questa legge era una legge anti-democratica perché non consentiva agli elettori di scegliere chi eleggere. (...) Lui mi rispose: ‘Da oggi non ti occupi più di questa materia’ ». Interview with Domenico Nania, op. cit.

<sup>41</sup> This explanation was offered by Roberto Calderoli. Iovene Bernardo. « Ecco il retroscena della porcata ». *CorriereTV*, 8 October 2013.

<sup>42</sup> « Il premio, Berlusconi nell’accordo finale, non dico che l’ha imposto, ma lo ha chiesto lui, il capo della coalizione ». Interview with Francesco D’Onofrio, op. cit.

<sup>43</sup> « Eravamo quattro gatti a criticare ». Interview with Alessandro Maran, MP of Gorizia between 2001 and 2006 and member of the Commission Affari Costituzionali I between 2001 and 2006, MP of Friuli-Venezia Giulia between 2006 and 2013, senator of Friuli-Venezia Giulia since 2013, DS, 25 June 2013, at a restaurant in Rome.

<sup>44</sup> D’Alimonte asserts: “I know for certain that Bertinotti has uncorked many bottles of champagne. (...) And French champagne, not even Italian! (« Io so per certo che Bertinotti ha stappato molte bottiglie di champagne. (...) E champagne francese, neanche italiano! »). Interview with Roberto D’Alimonte, op. cit.

centre-right only a few months before a crucial electoral contest. Calderoli soon called the law a “*porcata*” (“junk” or “load of rubbish”), which led to its more colourful nickname, *Porcellum*. The problems relating to its conception are numerous; the most problematic of these being the high risk involved in having different majorities in the Chamber and in the Senate, as it happened in 2013. Beyond the anecdotes, the important issue is that, in this particular instance, as was the case with the referendum on the constitutional reform, the attitude of the centre-left was based not so much on the merit of the reform, but on the need to oppose a reform from which they had been excluded.

## Conclusion

The hard-earned constitutional reform was adopted in a final reading in the Senate in November 2005, but ultimately failed to clear the final hurdle: in June 2006, during the confirmative referendum, the “no” vote triumphed with a comfortable margin (61,3% of “no” with a 52,3% turnout), in the aftermath of parliamentary elections which were won by the centre-left. The main reasons behind this failed referendum were the successful centre-left campaign which presented the constitutional project as a product of the Lega’s blackmailing, thus threatening the unity of the country, but also the bad timing of the referendum, as it occurred after the centre-right was defeated in elections. In other words, the constitutional reform was rejected because the centre-right coalition did not manage to win the confirmative referendum on the constitutional package that it had been negotiating since 2003. The length of the negotiations due to the construction and the expansion of the bundle gave the centre-right a difficult strategic choice: going all-out in the parliamentary elections, or in the referendum campaign. Berlusconi made the choice to organise the referendum after the parliamentary elections, knowing full well that a negative result would prevent his coalition from controlling the results of the referendum. D’Onofrio summarises this choice as such:

“We went, Calderoli and I, to Berlusconi. Before the election, obviously. And we said: ‘we would like to have the referendum organised before the elections. (...) And Berlusconi told us: ‘but this way we also lose the elections!’”<sup>45</sup>

In conclusion, the electoral reform and the constitutional reform are to be viewed in light of an institutional sequence which started in 1993, following the collapse and recomposition of the Italian party system in a context of democratic dissatisfaction and deep electoral uncertainty. These two institutional reforms were put on the agenda as a direct consequence of the reforms adopted in the preceding legislature, and particularly the constitutional reform of Title V which turned Italy into a “federal” state. As early as 2003, the different themes that had structured the debate on Italian institutions (bicameralism, form of government, and electoral reform on one hand; federalism on the other) became intrinsically linked into a single debate and eventually, into a single gigantic bundle of institutional reforms.

This paper has shown the crucial importance of the bundling logics in contexts where the government coalition is divided. The adoption of the two reforms *in the parliament* resulted from the ability of the elements of the majority to build a package deal enabling every actor in the coalition to “win” on at least one of its priorities. Secondly, in majoritarian processes for divisive institutional reforms, the opposition has greater incentive to oppose the

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<sup>45</sup> « Andammo, Calderoli ed io, da Berlusconi. Prima dell’elezione, ovviamente. E dicemmo: ‘vremmo far fare il referendum prima delle elezioni. (...) E Berlusconi ci disse: ‘ma noi così perdiamo anche le elezioni!’ ».

Interview with Francesco D’Onofrio, op. cit.

reform regardless of its own position on the topic, and this is even more the case when the opposition itself is split. Therefore, coalition dynamics are, in contexts where divisive reforms are discussed within a government coalition holding widely distinctive preferences, key to understanding the failure or the success of the adoption of institutional reforms, but also to understanding the attitude of the opposition towards the project. Thirdly, despite the fact that the parliamentary battle for the constitutional reforms had been won, the time required to finalise the deal prevented the centre-right coalition from holding a referendum in favourable conditions, leading to the failure of the constitutional reform.

Another paradox of institutional design is apparent in the Italian case: mutual concessions and trade-offs were necessary in order to allow a comprehensive deal to be reached, but these negotiations eventually led to the adoption in the parliament of reforms which partially clashed with the initial objectives of most of the reformers. Despite the fact that the constitutional reform initially aimed, for some, to reinforce the executive, for all, to neutralise the second chamber, and for others still to deepen federalism, the final agreement was so ambiguous and complex that, in all likelihood, it would have been at odds with all of these objectives. The same goes for the electoral reform: empirical evidence from the 2013 election shows clearly that it did not consolidate bipolarism, provide stable parliamentary majorities, or enable a truly proportional repartition of seats to emerge. “Too many cooks spoil the broth”, as the saying goes: here, the very conditions enabling an agreement to be found also meant that any deal would necessarily contain contradictory incentives and lead to uncertain outcomes. The current discussions that have led to the recent adoption of the *Italicum* on the 5<sup>th</sup> of May 2015 and the ongoing discussions on the matter of bicameralism in Italy clearly illustrate again this paradox and the complexity of the negotiation on intricate institutional reforms.

Finally, this paper shows the interest of studying electoral reforms as part of a wider institutional system. The fact that institutions are “clustered” is now well-established in the literature (Lijphart 1999), but should be fully taken into account when studying institutional change. Using the “bundle of reforms” as an object of study is useful, as it enables to abandon a single-dimensional vision of institutional reform, and insists on the multidimensionality of the tradeoffs taking place when discussing institutional matters.

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**Appendix 1.** *Main modifications enacted from the first to the final version of the constitutional reform*

Version	Articles modified	Dimension	Main modifications compared with the previous version <sup>a</sup>
Text of the government	29	Form of government	<p>Modification of the electoral college of the president of the Republic to give more voice to the regions. The president cannot be reelected.</p> <p>The president of Council is replaced by the Prime Minister. The PM candidate is linked on the ballot with candidates for the Chamber of Deputies. The president must nominate the candidate PM linked to the majority that has won the election.</p> <p>The president of the Republic can dissolve only after the request of the PM. Dissolution is automatic in case of the adoption of a motion of no-confidence, or of the rejection of a motion of confidence.</p> <p>The PM appoints and dismisses ministers.</p>
		Bicameralism	<p>The Senate becomes the federal Senate, elected by universal suffrage. It is composed by 206 senators, no more than 5 senators for life, and representatives of the regions who participate in the debate but cannot vote. The number of MPs is reduced to 412. Lowering of the minimum age to be elected: from 40 to 25 for senators, from 25 to 21 for MPs.</p> <p>Only the Chamber of Deputies, and not the Senate anymore, is responsible in front of the government. End of the symmetric bicameralism, replaced by an asymmetric one with prevalence depending on the type of laws.</p> <p>New legislative procedure with three types of laws: (1) the laws where the Chamber prevails (for matters of exclusive legislative competence of the State), (2) the laws where the Senate prevails (for matters of concurrent legislative competence with the regions), and the bicameral laws (e.g., electoral laws). The presidents of both Chambers regulate conflicts of competences.</p>
		Federalism	<p>Introduction of devolution: the regions have exclusive legislative authority on healthcare and its organisation, organisation of education and management of educational and training establishments, content of the educational and training programmes with areas of specific interest to the regions, and local police.</p> <p>Rome is the capital of the federal Republic and benefits from particular forms of autonomy.</p> <p>Reintroduction of the national interest: if a regional law is deemed contrary to the regional interest, the government can ask the Senate to deal with the question. The Senate has the ability to cancel a regional law if this law is not modified by the incriminated region. End of “two-speed federalism”: suppression of the article 116.3 that gave the possibility to ordinary regions to get extra competences.</p>
		Other	<p>Transitory dispositions: some dispositions entering into force immediately (ex. devolution), others in 2011 (ex. new composition</p>

			of the Chambers)
1st reading Senate	34	Form of government	<p>Reinforcement of the regional component in the election of the president of the Republic, stronger qualified majority in the first four rounds. Suppression of the term limit for the president of the Republic</p> <p>Relaxing of the link between PM and parliamentary majority: the president does not dissolve if within 10 days after the request of the PM the MPs of the majority present a motion to continue the legislature with the name of a new PM.</p> <p>Suppression of the reference to the publication of the PM candidate on the ballot.</p>
		Bicameralism	<p><b>Introduction of the contextual election of the Senators with the regional councillors.</b> Term of the regional councils subordinated with the term of the senators.</p> <p>Cancellation of the lowering of the age of eligibility in the Senate, in the Chamber and to run as president of the Republic.</p> <p>Relaxing of the rules to recall the law adopted by the other chamber, reinforcement of the procedures of conciliation between the two chambers in case of conflict with a joint commission. The Senate cannot be dissolved.</p>
1st reading Chamber	43	Form of government	<p>Reduction of the regional component for the election of the president of the Republic, relaxing of the qualified majority required from the third round onwards.</p> <p>Lowering of the minimum age to be elected president, confirmation of the suppression of the term limits.</p> <p>Confirmation of the relaxing of the link between PM and parliamentary majority. The motion must not only be presented, but adopted by absolute majority.</p> <p>PM candidate can be linked with candidates, and with lists.</p> <p><b>“Anti-ribaltone” mechanism: the PM must resign not only if he loses a motion of confidence, but also if the motion of confidence is rejected by votes not coming from MPs of the majority determined by the election.</b></p> <p>Creation of constructive no-confidence vote that can be presented by the MPs belonging to the majority expressed by the elections.</p>
		Bicameralism	<p>Term of the senators aligned with the term of the regional councils.</p> <p>Limitation of the reduction of the number of senators and MPs: from 1/3 to 20%: 252 senators and 518 MPs including 18 elected abroad, replacement of senators for life by MPs for life.</p> <p>Re-installment of the lowering of the age of eligibility in the Senate, in the Chamber, and to run as president of the Republic.</p> <p>Creation of a procedure to bypass the Senate for laws in which the Second Chamber prevails, in case the adoption of a given law is deemed as necessary for the realisation of the programme of government. It requires the agreement of the president of the Republic.</p>



	In case a law is deemed contrary to the national interest by the government, it can be repelled by the Parliament in common session (and not by the Senate like initially formulated).
Federalism	<p>The police devoluted to the regions is the administrative, local and regional police.</p> <p><b>The State gets back a number of legislative matters of exclusive competence including, among others, protection of health, strategic networks of transportation and navigation, transportation and distribution of energy...</b></p> <p>Constitutionalisation of the State-region conference to solve conflicts between the State and the regions.</p>
Other	Extension and precision of the transitory norms. Reform would be fully operative in 2016.

*Source:* Fusaro 2004, Martin J. Bull and Newell 2009, Servizio studi del Senato 2004 & 2005, D.D.L S.2544, C.4862, S.2544b.

<sup>a</sup> The previous version refers for the text of the government to the constitution of 1948. The provisions in bold are the most important modifications enacted in the debate.

**Appendix 2.** *Main steps of the parliamentary procedures for the electoral and constitutional reforms, and electoral contests between 2002 and 2006*

<b>Date</b>	<b>Event</b>
11/02/2002	Institution of the Committee of study Brigandi on the constitution
25 and 26/5/2003	Administrative elections won by the centre-left (6 municipalities out of 10, 7 provinces out of 12)
17/10/2003	Presentation of the project AS 2544 of constitutional reform in the Senate
25/04/2004	Approval in the Senate in first reading of the constitutional reform
12 and 13/6/2004	European elections won by the centre-left
15/10/2004	Approval with modifications in the Chamber of Deputies of the project AC.4862 of constitutional reform in first reading
03/03/2005	Beginning of the discussion on electoral reform in the Chamber of Deputies
23/03/2005	Approval in the Senate in new first reading of the constitutional reform
3 and 4/4/2005	Regional elections won by the centre left (12 regions out of 14)
13/10/2005	Approval in the Chamber of Deputies of the electoral reform
20/10/2005	Approval by the Chamber of Deputies of the constitutional reform in second reading
16/11/2005	Approval by the Senate of the constitutional reform in second reading
18/11/2005	Publication of the constitutional law in the Official journal
14/12/2005	Approval without modifications in the Senate of the electoral law
30/12/2005	Publication of the electoral law in the Official journal
9 and 10/4/2006	Parliamentary elections won by the centre-left
25 and 26/6/2006	Confirmative referendum on the constitutional reform won by the "no" side