On 7 May 2008, Silvio Berlusconi accepted the task of forming the sixtieth government of the Italian Republic. The birth of the new government marked what some have defined as “the eternal return of the knight,”¹ and as such has taken on a unique significance. Berlusconi became prime minister for the fourth time, barely 2 years after the end of his previous time in office, and almost 15 years since his first nomination following the elections of March 1994. In the ranking of Italian prime ministers according to the number of governments that they headed, led by Alcide De Gasperi, who was prime minister for eight terms, Berlusconi comes sixth.

However, it is his length of time in office that gives us a more precise measure of the Berlusconi “phenomenon.” At the end of 2008, with a total of 2,289 days spent at Palazzo Chigi in the course of four terms, Berlusconi was surpassed only by De Gasperi (2,806 days) and Giulio Andreotti (2,671 days). If his current government remains in office, he will eventually equal De Gasperi on 31 May 2010, and on the following day he will be declared the longest-serving prime minister in the entire history of the Italian Republic. But the birth of Berlusconi’s fourth government presents various other aspects of wider interest, primarily related to the nature of the governing coalition and to its mode of functioning. Although the first Cabinet meeting, which

Notes for this chapter begin on page 133.
would allow a proper assessment of the government’s performance, is eight months away, we can nonetheless analyze certain distinctive traits concerning its formative phase, its agenda setting, and the first months of parliamentary activity.

This chapter is therefore divided into two parts. The first part, composed of the first three sections, concentrates on the process of forming the new government: its creation, composition, and program platform. The second part, composed of the next two sections, offers an initial analysis of government action, taking into account several measures that have characterized its agenda more than others and, more generally, the volume and the “typology” of legislation initiated by the government. The characteristics of the new government and its activity in the first months in office will also be approached from a wider perspective, providing a comparison with recent governments.

**The “Return of the Knight”: The Birth of Berlusconi’s Fourth Government**

In chapter 1 of this volume, Piergiorgio Corbetta showed how the 2008 elections delivered to the country a much less fragmented political and institutional framework, compared to recent rounds of voting. If the distribution of electoral seats between parliamentary groups and parties is examined, it can easily be seen how the strategies of the major competitors in the 2008 elections, the People of Freedom (PdL) and the Democratic Party (PD), created the conditions for a completely new party system.

It is precisely with the figures relating to the make-up of Parliament that the analysis must begin. Given that the two main parties were able to win 78 percent of the votes, the two chambers have a biparty level of support that is unprecedented in the history of the Republic. Together, the PdL and the PD won 77.9 percent of the seats in the lower house and 82.3 percent of those in the upper house. The parliamentary groups formed at the beginning of the legislature amounted to six in both the lower and upper houses. As well as the PdL and the PD, the other groups represented in Parliament were the Union of Center (UdC)—a coalition that includes the Union of Christian and Center Democrats (UDC) and whose three representatives in the Senate make up a group together with those of the South Tyrolean and Valdotanian autonomous regional parties—the Lega Nord (LN), and the Italia dei Valori (IdV), in addition to the mixed group. There has thus been a significant reduction in the level of parliamentary fragmentation. This has had clear implications for the process of the
formation of the government, which took office only nine days after the inauguration of Parliament. Bolstered by a sizable majority, the government relies on solid margins to gain the confidence of both parliamentary chambers.

Measured at the time of the inaugural vote of confidence, the government-supporting majority was equal to 57.3 percent of the lower house and 55.4 percent of the upper house. As shown in table 4.1, these numbers are exactly in line with those of Berlusconi’s second government, in 2001, and are significantly higher than those of the preceding second Prodi government and also the first Prodi government in 1996.

**TABLE 4.1**  *Majorities of inaugural votes of confidence in governments, lower and upper houses, 13th–16th Legislatures*

<table>
<thead>
<tr>
<th>Government</th>
<th>Date of Vote of Confidence in the Lower House</th>
<th>Date of Vote of Confidence in the Upper House</th>
<th>Votes (%) in Favor in the Lower House</th>
<th>Votes (%) in Favor in the Upper House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prodi I</td>
<td>24 May 1996</td>
<td>31 May 1996</td>
<td>51.9</td>
<td>55.3</td>
</tr>
<tr>
<td>Berlusconi II</td>
<td>20 June 2001</td>
<td>21 June 2001</td>
<td>57.3</td>
<td>55.7</td>
</tr>
<tr>
<td>Prodi II</td>
<td>19 May 2006</td>
<td>23 May 2006</td>
<td>56.2</td>
<td>51.5</td>
</tr>
<tr>
<td>Berlusconi IV</td>
<td>14 May 2008</td>
<td>15 May 2008</td>
<td>57.3</td>
<td>55.4</td>
</tr>
</tbody>
</table>

*Source: CIRCaP, *Rapporto sul governo italiano* (Siena: University of Siena, 2009).*

The Political Composition of the Government

The margin of victory for the center-right coalition makes the analysis of the political make-up of the new government particularly interesting. From this point of view, the high degree of cohesion of the Berlusconi government should be emphasized. Here we have opted to measure rigorously the internal fragmentation of the coalition, considering as many of the participating actors as possible. Therefore, we count as autonomous entities (since they remain separate parties at an organizational level) the three groups that have merged into the newly formed PdL: Forza Italia (FI), Alleanza Nazionale (AN), and the smaller Democrazia Cristiana per le Autonomie (DCA). To these three parties should be added the LN, along with several smaller parties represented only at an undersecretary level (Popolari-Liberali, Democrazia Cristiana, and the Movimento per l’Autonomia). Even using these
strict criteria, the formation supporting the fourth Berlusconi government is more homogeneous compared to its recent predecessors. It also appears relatively more cohesive compared to the second Berlusconi government, which had five parties represented in the Cabinet (FI, AN, LN, CCD, CDU), as well as the Italian Republican Party and the New Socialist Party, which were represented with one and two undersecretaries, respectively. The current center-right government alliance is also significantly more cohesive than the center-left coalitions that supported the Prodi governments in 1996 and 2006.

The second Prodi government was defined as a “minimum winning coalition,” with the additional characteristic of a very high number of constituents with the power of veto (given its slender majority in the Senate). The fourth Berlusconi government, by contrast, is technically a government with a “redundant coalition,” having at least two micro parties in excess of the number needed to achieve a parliamentary majority, and is also characterized by a significant concentration of positions held by the main center-right parties. Table 4.2 shows how, with 30 ministers and undersecretaries, the FI alone holds 49 percent of government posts (62 percent, if considering only those at the ministerial level). The PdL as a whole reaches 70 percent (81 percent, if counting only ministers).

How was this outcome possible? The streamlining of the electoral coalition was an important element. However, the key factor was the prime minister’s post-electoral decision to fix a quota for those in office,

### TABLE 4.2  Berlusconi’s fourth government, number of government appointments by party

<table>
<thead>
<tr>
<th>Party</th>
<th>Ministers</th>
<th>Undersecretaries</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forza Italia</td>
<td>13</td>
<td>17</td>
<td>30</td>
</tr>
<tr>
<td>Alleanza Nazionale</td>
<td>4</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Democrazia Cristiana per le Autonomie</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Lega Nord</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Popolari Liberali</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Movimento per l’Autonomia</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Democrazia Cristiana</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Independent-PDL</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Independent</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22</strong></td>
<td><strong>39</strong></td>
<td><strong>61</strong></td>
</tr>
</tbody>
</table>

* Including the prime minister.

*Source: CIRCaP, *Rapporto sul governo italiano* (Siena: University of Siena, 2009).*
reducing the number of ministers and undersecretaries, forgoing the appointment of deputy ministers, and therefore limiting the amount of (over)representation of several small groups, which, while supporting the government in Parliament, were excluded from the ministerial team. Thus, with 61 members between ministers (22, including the prime minister) and undersecretaries (39), the ministerial team put together by Berlusconi ended up being one of the smallest in the Republic’s recent history.

In this way, the formation of the new government demonstrated early on a strong leadership style by the prime minister, who allocated ministerial roles swiftly and decisively, with a reminder of his own responsibility as policy-making coordinator and with the promise to monitor government action closely. Such monitoring, following the “Westminster style” of “reshuffling” from the center, could produce a change in ministers after the initial phase of government. Berlusconi’s fourth Cabinet introduced some notable changes that specifically relate to the process of allocation of ministerial portfolios, particularly as regards the profiles of individual ministers. For example, there has been criticism of the prime minister’s decision to use people with limited political experience and no proven ability in their area of expertise.

Table 4.3, which compares the last four elected governments, shows evidence of irrefutable changes to the socio-graphic and political profile of ministers making up the Berlusconi government. For instance, the average age of ministers is relatively low, largely due to the presence of two very young ministers (Giorgia Meloni and Mara Carfagna).

<table>
<thead>
<tr>
<th></th>
<th>Prodi I</th>
<th>Berlusconi II</th>
<th>Prodi II</th>
<th>Berlusconi IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average age</td>
<td>55.9</td>
<td>56.9</td>
<td>56.4</td>
<td>47.8</td>
</tr>
<tr>
<td>Newly appointed ministers</td>
<td>13 (59.1)</td>
<td>17 (68.0)</td>
<td>14 (53.8)</td>
<td>13 (61.9)</td>
</tr>
<tr>
<td>Women ministers</td>
<td>3 (13.6)</td>
<td>2 (8.3)</td>
<td>6 (23.1)</td>
<td>4 (19.0)</td>
</tr>
<tr>
<td>Education (degree)</td>
<td>20 (90.9)</td>
<td>20 (83.3)</td>
<td>21 (80.8)</td>
<td>18 (85.7)</td>
</tr>
<tr>
<td>Member of Parliament</td>
<td>14 (63.6)</td>
<td>18 (75.0)</td>
<td>19 (73.1)</td>
<td>20 (95.2)</td>
</tr>
<tr>
<td>Previous junior minister experience</td>
<td>1 (4.5)</td>
<td>2 (8.3)</td>
<td>3 (11.5)</td>
<td>1 (4.8)</td>
</tr>
</tbody>
</table>

*Source: CIRCaP archive on the Italian political class.*
and others who have yet to reach the age of 40 (e.g., Mariastella Gelmini and Angelino Alfano). The current government’s other features, however, remain fairly consistent with the ministerial personnel of the second Berlusconi government: for instance, the low level of female representation (which rose nevertheless to 19 percent, compared to the very low figures of the previous center-right government, but still below the level reached by the center-left governments), and the high proportion of ministers with a university education.

Significantly, the percentage of ministers drawn directly from Parliament, for the first time since the beginning of the Italian transition, has surpassed the 90 percent quota. In the current Cabinet, the only non-parliamentary member is Luca Zaia (LN), the minister of agriculture, food, and forestry, who boasts a strong political track record. Finally, it is interesting that this is the first experience in government for 62 percent of the ministers in office—a percentage that is not far off that of the second Berlusconi government and higher than that of the second Prodi government (two cabinets that were formed after spending five years in opposition). This represents an important indicator of discontinuity only two years after the end of Berlusconi’s third government.

In reality, if the data are broken down by party, rather more diversified trends emerge. Although around 67 percent of ministers supporting the FI are new to this role (as a result of the decisions made by the leader of the government and the party itself), the LN adds a group of tried and tested ministers to the Cabinet—Umberto Bossi (minister of federal reform), Roberto Calderoli (legislative simplification), and Roberto Maroni (internal affairs)—who are in key positions in terms of their electoral priorities, with only Zaia being new to government. There is, however, a higher percentage of AN ministers who are making their debut (75 percent). The admittance of this party to the PdL perhaps required greater internal adaptation.

The Government’s Program

The possible signing of a “coalition agreement” can be a crucial moment in the formation of a new government, representing an essential decision-making arena (if the objectives and the priorities of the government are defined within this arena), as well as an important tool of coalitional governance. Formally, the coalition in support of the fourth Berlusconi government is not based on any such agreement. In fact, the government program presented by Berlusconi at the beginning of March 2008 as the “electoral manifesto” of the PdL did not include the LN among its signatories. At the most, Bossi’s party
expressed its generic approval, while underlining the total independence of its own specific priorities with respect to those outlined in the government program.

In his inaugural speech in Parliament, the prime minister made reference to this program, and it is in relation to the objectives set out in this document that the Ministry of Program Implementation, led by Gianfranco Rotondi, carries out its monitoring function. It is for this reason that we choose to focus our analysis around this document. We start by aiming to identify and “classify” the expressed objectives. We believe that this could prove useful in future evaluations of the actions of a government whose leader has strongly insisted on the rhetoric of keeping promises made during the electoral campaign, ever since drawing up his famous “contract with the Italians.”

In the way it is structured, the center-right program makes it easy to isolate individual objectives that the government has set for itself. In fact, the document singles out seven “missions for the future of Italy,” each of which envisages a group of policy areas requiring intervention and identifies a list of specific actions. We suggest that these actions should be labeled according to the classification scheme proposed by Terry Royed,8 which distinguishes between “rhetorical” or “symbolic” commitments (the accomplishment of which cannot be immediately or unequivocally evaluated, e.g., the “fight against illegal immigration”), “definite” commitments (whose fulfillment can be empirically evaluated, e.g., the “total abolition of the tax imposed on first homes”), and “difficult definite” commitments (concrete commitments that are lacking clear implementation criteria, e.g., a “system of incentives to use sources of renewable energy”).

The first column of table 4.4 shows six of the “seven missions” identified by the government’s program. The seventh mission (“an extraordinary plan for public finance”) represents a synthesis of the underlying philosophy of declared intentions, rather than specific program objectives. Areas of intervention are shown in the second column, while the following columns show the distribution (absolute and percentage) of the commitments according to their classification, as defined above.

Based on the number of planned actions, family support and relaunching economic development are the two centerpieces of the whole government program, accounting for about 55 percent of stated commitments overall. More specifically, it is noteworthy that these two lines of intervention not only have a relatively high number of actions, but also are defined by a high percentage of “definite,” more or less easy to implement commitments: 74 percent and 81 percent, respectively, of the planned actions for each mission.
From this point of view, it is very interesting that the relatively high quota of “symbolic” commitments are concentrated in the “more security, more justice” mission (around 43 percent of the planned actions for this category).9 These facts serve as a testament to the nature of the PdL program as an electoral manifesto, rather than a coalition agreement. The rhetoric concerning the increasing lack of safety in the cities and the need to guarantee swift and efficient justice against petty crimes had in fact been at the heart of Berlusconi’s electoral campaign.
Tax reductions, another theme of Berlusconi’s political message, made up no fewer than seven of the planned commitments envisaged in the government program, each of which can, with varying degrees of accuracy, be classified as “definite” (and thus more clearly recognizable by voters). Generally, around 70 percent of the 117 actions under consideration can be classified as “definite” (however difficult to implement). Therefore, this document, fine-tuned during the center-right’s electoral campaign, also constitutes a political platform with a challenging set of goals. Future analyses will have to confirm whether this platform will truly drive government actions and inform the behavior of individual coalition partners.

What concerns us here are government interventions carried out in the first months of activity. It is in the opening phase, when it enjoys electoral approval, that a new government is more likely to put forward its most significant measures. Hence, this is a crucial time for shaping the government agenda. It is also a time when the real extent of agreement between the different members of the coalition on fundamental objectives becomes decisive (and measurable).

Fiscal Federalism, “Security Package,” and Justice Reforms: Defining the Political Agenda and Coalitional Politics

Among the objectives in the government program, one in particular aroused the attention of observers—the commitment to include in its plan for fiscal federalism the bill approved in 2007 by the regional council of Lombardy relating to the financial autonomy of regions.10 “Fiscal federalism” had been at the center of political debate during the previous legislature and was considered “unavoidable” by the head of state himself, in order to fully accomplish the reform of Title V of the Constitution.11

The LN’s success in the elections forced the timescale on this issue. Bossi had already reminded his allies during the electoral campaign that federalism was the main objective of his party and the reason for its alliance with the PdL. At the end of polling, the new government’s planned commitment to implement some kind of regional fiscal autonomy was then transformed by the LN—at a speed that not even the coalition partners could have foreseen—into a responsibility requiring immediate fulfillment.

In truth, such an objective, although specific and peremptory, seemed above all to hold an undeniable symbolic value, raising more than a few questions about its applicability.12 Most importantly, there was the issue of equalization, that is, compensation for the disadvantaged
regions with low fiscal capacity in order to ensure that all regions receive the necessary funds to guarantee uniform services across the national territory. The Lombardy region’s proposal aimed at restricting this redistributive mechanism to cover 50 percent of the difference between the fiscal capacity per inhabitant of each region and the national average, as opposed to the guarantee of covering the entire cost of essential services (e.g., health care, local public transport, and education), which had been drawn up in a document signed by the presidents of the Italian regions only a few months before.

It was not by coincidence, then, that the first criticisms of the LN’s proposal were made by the regional “governors,” including those elected among the center-right. At the time, news coverage failed to show any clear intervention by the prime minister regarding possible solutions to the issue of fiscal federalism. But this is not really surprising. Berlusconi, in fact, appeared keen to avoid any conflict with his partner on an issue that potentially threatened the balance of his coalition.

In any case, the president of the Council had other priorities, not least of which were the issue of security and the reform of the justice system. On the theme of security, as we said earlier, the leader of the PdL spent much of his electoral campaign, and this was the focus of the first of the government’s interventions. The one later known as “the security decree,” launched by the government on 21 May, contained a series of measures that were aimed at speeding up trials; introducing harsher punishments for theft, burglary, and offenses against women; and fighting more effectively against illegal immigration. But the measures that particularly dominated the political scene were the two amendments presented by the PdL, proposing a year-long suspension of trials for crimes committed up to 30 June 2002 that were punishable with less than 10 years of imprisonment. This “trial blocking” law would also affect the legal proceedings of the Milan tribunal, in which Berlusconi was charged with corruption of judiciary acts, along with the English lawyer David Mills (hence the label “Mills trial”).

For many, it was a sign of the return of the ad personam laws of Berlusconi, which also provoked a few early disagreements within the majority coalition. The rule on the suspension of trials was particularly condemned as an anomaly by the president of the Republic, Giorgio Napolitano, who asked for a substantial modification, and provoked strong opposition from the judiciary. The stalemate ended at the beginning of July, when the government presented a maxi-amendment to the text of the decree to the lower house, alongside a vote of confidence, canceling the law on the suspension of trials in exchange for obtaining a quick approval of the bill on the suspension of any penal proceeding against the highest offices of the state for the entire
duration of their mandate. This so-called Alfano law, named after the minister of justice who presented it in Parliament on 17 June 2008, was definitively approved on 22 July.

The “exchange” between the “trial blocking” law and immunity for high offices of the state paved the way for conversion into law of the bill on security, which took place on 23 July, thus allowing Berlusconi to postpone the Milanese trial. It is significant, moreover, that an initial proposal for a solution along these lines came from the LN (in the form of Minister Calderoli), which was interested in bringing the question of federalism back to the forefront. With the approval of the security decree, the debate within the coalition focused once again on the need to identify the more immediate objectives of the government. On the one hand, the LN now declared that the launch of a bill for fiscal federalism must not be deferred any longer. On the other, Berlusconi seemed to be taking a different line, giving absolute priority to a reform of the justice system, which, among other points, involved the professional separation between public prosecutors and the judicial bench.

Faced with repeated warnings from the LN to “respect agreements,” the prime minister responded by giving responsibility to Minister Alfano to expedite justice reform. Fiscal federalism and the reform of judicial laws would follow parallel tracks, with two bills to be launched and conveyed to Parliament by September. This was the agenda dictated by the prime minister, to which Bossi himself finally agreed. Thus, at the end of July, Minister Calderoli was able to present a draft bill on fiscal federalism that received preliminary approval by mid-September and was passed by the Cabinet on 3 October 2008.

The chosen form was an enabling bill, which outlined the general principles, with further detail postponed until later governmental legislative decrees. At first, the proposal by the Cabinet seemed to indicate that the prime minister’s strategy was a success. The delegated law, if only from a symbolic point of view, satisfied the “appetite” of the LN by allowing regions to allocate to themselves quotas of state fiscal revenue collected within their territory and to impose their own taxes, instituted through regional laws, on taxable income that was not already subject to state taxation. At the same time, the law responded to AN concerns about the southern regions (providing an equalization fund, managed by the central state, to cover comprehensively the provision of essential services) and the specific interests of the smallest government ally, the Movimento per l’Autonomia (MpA), run by the current president of the Sicily region, Raffaele Lombardo (establishing the right, for the regions that hold refineries, to retain “shares of the revenue resulting from the excise tax on mineral oils in relation to the volume of refineries in their territories”).

13

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Nevertheless, although the bill for fiscal federalism was approved in a short time, it did not concretely resolve critical issues linked to finalizing and implementing such a challenging reform. Fiscal federalism not only promises to achieve a closer relationship between tax collection and the provision of policies and services, but it should also prompt a virtuous process of rationalization of public spending. In this sense, the transition from “historic spending” (undergone by every region) to “standard cost” (the “optimal cost” for the supply of services) as the criterion for the determination of the equalization funds appears to be one of the principal innovations in the bill presented by the government. However, this same bill fails to clarify the many possible ambiguities generated by the question of the determination and calculation of standard costs.15

Another potentially significant innovation is the birth of a new permanent conference composed of representatives of all the institutional levels. The conference will have to agree on the objectives of public finance (by division), taking into account the levels of fiscal pressure and the debt load, and contribute to monitoring their attainment, as well as proposing criteria for a correct use of the equalization fund. The enabling act, however, does not specify any working criteria for the equalization mechanism.

To summarize, the reform of fiscal federalism will require government commitment for a long time to come. Following the eventual approval of the enabling law by Parliament, the government would then have 24 months to pass the necessary decrees for its implementation. After this, a transitional phase lasting at least five years would begin. In the short term, the enabling bill will act as a “relief valve” to the pressures of the LN. In fact, after the government had presented the bill for fiscal federalism, it seemed that the plan for reorganization of the judiciary system so dear to Berlusconi might resume its parallel progress. In reality, the justice reform was subjected to a considerable delay. It was perhaps obstructed by developments in the Milanese trial, in which Berlusconi was a co-defendant,16 and by the aversion often expressed by the magistracy to the proposed separation between the careers of judges and public prosecutors. It was certainly impeded by the contingent need of the government to intervene in unforeseen and unplanned issues, above all, the international crisis surrounding the financial markets and the banks. The fact remains that at the end of 2008, Berlusconi’s preannounced judicial reform bill had still not been brought before the Cabinet. We will return to this point in the conclusion, where we will assess the prime minister’s ability to control and guide the government during these months.
The Government in Parliament

Up until 31 December 2008, the new government had presented 82 bills to Parliament. It is obvious that the volume of legislative initiative is not necessarily a measure of efficiency and cannot provide an indication of the performance of the government. However, it is significant that the number of legislative proposals by the current government equals the levels of the preceding government headed by Romano Prodi, who at the end of the first eight months in power had initiated 76 law proposals. It might indicate the achievement of a new balance in the progressive reduction of legislative output, which has been noted by many analysts since the second half of the 1990s.

What seems to separate the action of the two governments is the level of parliamentary success. After the first eight months in power, the second Prodi government had achieved only a little under 28 percent approval in Parliament of its legislative initiatives (21 out of 76), while the current government had succeeded in passing more than 52 percent (43 out of 82). This difference can be seen as reflecting the consequences of the internal split of the preceding center-left coalition. The difference remains high (roughly 18 percentage points) even when the bills ratifying international agreements and treaties are not taken into account; in fact, the level of success for the fourth Berlusconi government rises to almost 53 percent (out of 55 initiatives) against 35 percent (out of 58 initiatives) recorded by its predecessor.

That being said, it needs to be highlighted that the strong parliamentary performance of the fourth Berlusconi government draws largely on its tendency to present emergency measures. Around 37 percent (30 out of 82) of the legislative initiatives put forward by the Cabinet are in fact made up of conversion bills of legislative decrees. This number rises to above 54 percent (30 out of 50), if we again exclude the ratification of international treaties.

Such data seem linked only in part to the physiological transition from one legislature to another. In reality, it shows the predisposition of the government to “ring fence” their priorities in Parliament. This predisposition was already evident during the second Berlusconi government, compared to the reduction in the volume of urgent decrees recorded by the second Prodi government. It is an indicator of how “an instrument like a legislative decree, envisaged as extraordinary by the Constitution but traditionally used by Italian governments to push measures through Parliament … had lost a lot of its potential in a context in which, given the fragility of the majority in the Senate, the government’s ability to maneuver and force through measures has been notably reduced.” Paradoxically, if this holds true, it is precisely
the numerical strength of the parliamentary majority that encourages the use of emergency legislation by the government, so as to avoid the “dangers” of a barely functional legislative arena. 

During the First Republic, the unconditional use of legislative decrees highlighted the government’s difficulty in achieving shared decisions, with the result that it ended up implementing relatively unimportant measures. Now, instead, the apparent “aim” of emergency decrees is to facilitate the implementation of governmental objectives. This seems to be a perverse effect of the failure to modify parliamentary procedures and regulations in accordance with the new centrality of government (in a context dominated by bipolar competition and alternation).

Thus, it is through the approval of legislative decrees that a large part of the more significant legislative measures adopted by the fourth Berlusconi government in 2008 was passed. Out of these, by degree of “complexity,” Law No. 133/2008 (conversion of legislative Decree No. 112 of 25 June 2008) stands out. The so-called summer budget, anticipating the budgetary law for 2009 and placing it in a three-year time period, included several of the government measures that would attract the attention of journalistic and political debate, such as progressive cuts to the public financing of universities. Administered by Renato Brunetta, the minister of public administration and innovation, it also took action against absenteeism among state employees. These regulations were inserted into a broader set of measures aimed at rationalizing public administration funds, which integrated a plan to promote greater efficiency and productivity in administrative activity. It was finalized by the government in June with the launch of an enabling bill for the reform of public employment, signed by the same Brunetta. At the end of the year, the bill was still waiting to be approved by Parliament. Similarly, it was through the use of legislative decrees that the government put forward several important interventions in education, which were set in place by Minister Gelmini at the end of August (see the chapter by Giancarlo Gasperoni in this volume).

It is evident, therefore, that the current government has passed measures of heightened importance through legislative decrees that do not always meet the criteria of an emergency, but which, apart from their specific features, testify to the peremptory approach adopted by the government to push through its chosen measures. This is exemplified by the two legislative decrees to which we just referred. On these occasions, not only has the government placed urgent and complex legislative proposals before Parliament, but it has also called for a vote of confidence in at least one of the two parliamentary passages.
Conclusion

At the time of writing, at the beginning of 2009, the fourth Berlusconi government shows all the necessary prerequisites for a lengthy tenure, maybe even so far as to become the first government of legislature in the history of the Republic. These conditions include a “charismatic” leader at the head of a (relatively) slender government, an integrated coalition, and a strong majority in both houses of Parliament.

This majority has, until now, allowed both houses to expedite a relatively wide set of interventions. The 24 legislative decrees converted by Parliament constitute a substantial set of measures with which the government closed its “legislative balance sheet” for 2008. This package included interventions for rationalizing public spending and increasing efficiency in the public sector, as discussed earlier, as well as other measures, aimed largely at countering the effects of the international financial and economic crisis.25

On the other hand, as discussed above, the center-right coalition seems focused on a program that is detailed and strong enough to direct much of the government’s action, at least during the initial phase of legislation. On this subject, we would refer to the suggested codification of the program objectives described earlier (see table 4.4), highlighting that over 49 percent of the legislative initiatives proposed by the Cabinet (out of the total number of bills for ratification) are connected to these objectives.

Yet it is precisely the events linked to the priorities of the government’s actions that do not allow us to remove the question mark that it is at the core of the title of this chapter and to which we now turn. Is Berlusconi really “the only man in charge”? In other words, is he really a leader who is able, under all circumstances, to guarantee control of the government agenda? Certainly, Berlusconi ably succeeded in maintaining secure control of coalition dynamics during the launch of the enabling bill for fiscal federalism, even salvaging a degree of consensus to proceed with the project to reform the judiciary system, which was more dear to him. But it is also true that on this occasion the LN dictated the timing of the government agenda.

The LN ministers have repeatedly reiterated that no measure must impede the parliamentary path of fiscal federalism. Thus, 2008 ended without the launch of the package of justice reforms by the government. Indeed the LN, more concerned that a head-to-head confrontation with the opposition might hinder the approval of fiscal federalism, has repeatedly “held up” Berlusconi and reminded the government that an issue as important as the judiciary system needs to be discussed with the other political parties.
Berlusconi is undoubtedly a “strong” prime minister. He is strong by virtue of his resounding electoral success and his apparent popularity, verified by public opinion surveys. He is also strong thanks to unity in the emerging PdL, which is to some degree surprising, given the occasionally tense relationship between the FI and the AN during the two years in opposition to the second Prodi government. But we will have to wait for the full course of the government to verify the prime minister’s ability to steer the coalition successfully and to ensure its unity. In this sense, the course of the enabling bill on fiscal federalism will be the most challenging test.

In the meantime, the two years of mediation on the definition of the implementative decrees could open up tensions between the members of the coalition over the many questions left unresolved by this enabling measure. These include the matter of calculating the standard cost of services, the specific working modalities of the equalization fund (as well as questions related to its financial cover), and, even more, the issue of the “fiscal concessions” to the southern regions. More generally, will the approval of the enabling bill on fiscal federalism act as a release from the pressures applied by the LN? Or, especially in view of the new federalist reform that Bossi’s party has consistently indicated as a top priority, will it not give rise to more demands, putting a brake on the prime minister’s ambition and on governmental “agenda setting”?26

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Notes

2. Three political parties within the same mixed group hold weight in the Cabinet: the Movimento per l’Autonomia (MpA), the Liberal Democratici-Repubblicani, and the Minoranze Linguistiche. In the upper house, two elected members of the MpA sit among the mixed groups (in addition to other life peers).
3. From the beginning of the 15th Legislature, the political parties were divided into 8 parties in the upper house and 13 in the lower house.
4. These included the Partito Repubblicano Italiano (with two seats in the lower house) and the Partito Socialista-Nuovo PSI (two members of Parliament). The choice to promote Giuseppe Pizza’s small party, Democrazia Cristiana, in the governmental team (with two undersecretaries) was an exception. The party had renounced an appeal against the exclusion of its list from the electoral ballots.
6. Zaia is the former president of the province of Trento, as well as vice-president and member of the regional council for the Veneto region.
9. These include commitments such as “protection of public order from illegal attacks by various ‘law-breakers’” or “the fight against illegal immigration with the collaboration of European governments and countries of origin and transit of immigrants.”
10. The proposal included maintenance of around 15 percent of revenue derived from direct taxes and 80 percent of VAT (value-added tax) revenue, apart from the entire revenue of the excise tax on fuel.
13. Interior Minister Maroni had already expressed this on 21 June 2008, when interviewed in the newspaper *La Stampa*.
14. Sicily is the region with the largest number of refineries on Italian soil.
16. On 4 October, the Milanese tribunal decided to transfer the trial documents to the Constitutional Court, in order to judge the legitimacy of the Alfano law. The court decision therefore referred the suspension of trials involving the highest offices of state to a judgment of constitutional legitimacy (expected for the beginning of 2009). At the same time, the court decided to remove Berlusconi from the trial proceedings, which will continue only against the lawyer Mills. The political implication of such a decision is obvious: any first degree conviction of Mills could not help but involve his co-defendant, Berlusconi.
17. If anything, from the point of view of rationalization and containment of “legislative inflation,” it could have the opposite effect.


19. This is the interpretation, in relation to the increase in legislative decrees, put forward in the report on the activity of the first six months of government produced by the Ministry of Parliamentary Affairs, http://www.governo.it/rapportiparlamento.

20. CIRCaP, L’esperienza del governo Prodi II: Primi rilevamenti (Siena: University of Siena, 2008).


22. Actions included increasing the severity of checks on sick leave and the suspension of allowances after the first 10 days of illness.

23. The measures ranged from restricting staff turnover (to 10 percent of those leaving) to limiting spending on heat and electricity, from reducing the number of directors to cutting spending on estate maintenance.

24. Overall, the government has proposed seven votes of confidence to the lower house on five of the legislative measures presented.

25. These measures include the “anti-crisis” legislative decree on 28 November 2008, legislative Decree No. 134/2008 on “restructuring large companies in crisis” (passed as Law No. 166/2008), and legislative Decree No. 155/2008 on “stability in the banking and saving sector” (passed as Law No. 190/2008).