

Secret Voting in the Italian Parliament*

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Abstract

This paper maps out the use of secret voting in the Italian parliament, tracing its origin in the Constitution of the Kingdom of Italy (1848), and showing its persistence throughout forty years of history of the Italian Republic (1948-1988). The analysis presented shows a dramatic increase in the use of secret voting in the decade preceding reform. In this period a more adversarial pattern in executive-legislative relations replaced the consensual pattern of decision-making that had prevailed until the early 1980s. During the 1980s, the secret ballot became a weapon in the hands of intra-party factions within governing coalitions, as these factions often voted with the opposition under the protection of secret ballot to undermine current governments. This situation led governing party leaders to implement a reform of secret voting in 1988. While the analysis conducted in this paper is preliminary, it nonetheless makes a contribution to our understanding of the strategic potential of legislative rules, and the importance of intra-party politics.

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Making legislative rules can be compared to making electoral rules. In both cases, [...] parties seek rules that will help them win and that different rules favor different parties. Given these assumptions, the successful parties in a polity should support the rules and the rules should in turn help those parties. Although the literature does not use this term, a convenient analogy is that parties and rules are symbionts.

(Gary W. Cox 2006: 148).

While secret voting in elections is currently judged essential for protecting voters from intimidation or coercion, secret voting in Parliaments is controversial.¹ Parliaments in the nineteenth century used secret voting in order to protect the freedom and autonomy of representatives from interference, or control, by a monarch or royalist government. This was consistent with both the trustee model of representation championed by Edmund Burke and J.S. Mill and the organization of parliaments before the extension of the franchise. Contemporary parliaments have in many cases abolished secret voting, or now only use it for nominations or appointments. This limited use of secret voting is consistent with conceptualising representation as accountability, and organising modern democratic parliaments around the central role played by political parties. However, arguments in favour of secret voting survive whereas monarchs have been replaced by political parties; and the autonomy of deputies is advocated against strict party discipline.

Italy offers an interesting example of the persistence of secret voting from the 1848 constitutional monarchy to the post World War II republican democracy. The Constitution of the Kingdom of Italy (*Statuto Albertino*) promulgated by King Charles Albert of Savoy in 1848 gave formal recognition to secret voting, making it compulsory *for the final vote on bills*.² Voting through secret ballot at any stage of the legislative process could be requested by ten deputies or eight senators. This number was increased to twenty in the

¹ John Stuart Mill (1861 / 1998: 203-467) advocated for an open vote for electors on the basis of the moral obligation of the voter to consider the interest of the public and on the basis of voters' accountability to non-voters (for example women). This view was not shared by his father James Mill and other liberal philosophers like Jeremy Bentham. The old debate on secrecy has shifted its focus to parliamentary debates (but see Brennan and Pettit 1990).

² According to Article 63 of the Constitution "Voting shall occur by standing up or sitting down, by division and by secret ballot. Secret voting will always be employed for the final vote on a bill, and for appointments." This provision was subsequently included in the Rules of Procedure for both the Chamber and the Senate (articles 28 and 29) approved in 1888.

(lower) Chamber and ten in the Senate in 1868. It was decided that secret voting would prevail over open voting if competing requests were put forth (Rules of Procedure, Article 97). Thereafter, both secret voting for the final vote on bills and the norm of giving precedence to secret voting have been applied in the Italian Chamber,³ with the exception of the Fascist period (1922-1943).⁴

This situation lasted until secret voting for the final vote on bills was abolished in 1988 – one hundred and forty years after its introduction into the Italian Parliament. The survival of secret voting in the Italian Parliament's Rules of Procedure and its retention in specific matters to the present day seems at odds with the principles of popular sovereignty and accountability of representatives that inspired Italy's Republican Constitution of 1948.

Different explanations for this state of affairs may be proposed. On the one hand, the persistence of secret voting could be interpreted as an example of institutional “path dependence.” On the other hand, it may also be argued that secret voting has been instrumental to the (changing) strategic purposes of key political actors; and that secret voting for bills was abolished when it no longer served a useful purpose in the eyes of some party leaders. This conjecture is consistent with an extensive rational choice literature that highlights the effects that institutions have on outcomes, and the “manipulation” of rules in order to secure desired outcomes (Shepsle 2006). This paper will argue that secret voting was in practice used primarily as a strategic tool by governing parties' factions and opposition parties to (1) shape the content of legislation, and (2) determine the composition of governments.

The argument presented in this paper is structured as follows. In the first section the debate surrounding the use of secret voting in the 1948 constitution making process will be examined. In the second section there will be a brief description of the prevailing patterns of legislative-executive relations in the period 1948-1992. This will be followed by an account of the

³ A different regulation was implemented in the Senate after the foundation of the Italian Republic. See section 4.

⁴ The fascist regime abolished secret voting in 1939. Law No. 129 (January 19 1939) established the *Chamber of Fasci and Corporations* (*Camera dei Fasci e delle Corporazioni*) as the official name of the Italian Chamber of Deputies whose members were representatives of different branches of trade and industry. The law modified the previous constitution by introducing a provision which stated “voting is always open” (article 15). This provision was also introduced in the Parliamentary Rules for the Chamber (article 56) and for the Senate (articles 20 and 21) approved on December 1938: “Voting, in both the plenary assembly and in the committees, is always open. Voting can occur by hand, roll call and acclamation.”

main changes in the parliamentary rules of procedures from 1948 to 1988. In the fifth section, the strategic use of secret voting in the Italian Parliament, and its effects on government stability, will be examined through a number of case studies. In the sixth section, an account of the parliamentary process that led to the reform of secret ballot in 1988 will be presented. Thereafter, there will be some concluding remarks.

2. Secret Voting in the Constitution Making Process

Secret voting in the Italian constitution making process can be examined from two perspectives. The first one implies looking at the use of secret voting in the workings of the Constituent Assembly, as the Assembly adopted the same Rules of procedure that had been in force under the constitutional monarchy until 1922. The second perspective refers to the debate surrounding the decision about whether or not to adopt secret voting as a provision within the future constitution, and the actual decision taken on this matter. Both aspects are relevant for understanding the general principles used to justify secret voting and the strategic considerations by political actors in the constitution-making process (Elster 1995).

The Constituent Assembly of the new born Italian Republic was elected by universal suffrage on June 2 1946.⁵ Its 556 members were elected by proportional representation in 32 multimember districts. A subcommittee of 75 members was nominated in order to draft the Constitution for the Italian Republic. The committee's proposals were then debated and voted through majority rule by the plenary Assembly. Any member of the Assembly could submit amendments. The Assembly operated until January 31 1948, holding 375 public sessions, 170 of which were devoted to constitutional debates.⁶

The partisan allocation of seats in the Constituent Assembly shown in Table 1 shows that the largest party in the assembly was the Christian Democratic Party (DC) who had 209 seats. The second largest party was the Communist Party (PCI) with 104 seats. The socialists were divided into two

⁵ Simultaneously a national referendum led to the abolition of the monarchy and founding of the Republic.

⁶ The final text of the Constitution was approved by the Constituent Assembly on December 22 1947. The Constitution was proclaimed by the Head of State on December 27 1947 and came into force on January 1 1948.

parties with 65 (PSI) and 49 (PSLI) seats each.⁷ Other parties were the centrist Liberal (22 seats) and Republican (25 seats) parties. The right wing tendency was represented by the *Fronte Liberale e Democratico dell'Uomo Qualunque* (20 seats) and *Unione Nazionale* (13 seats).

<< **Table 1, about here** >>

The Constituent Assembly made extensive use of secret voting. Strategic motivations cloaked in arguments of principle are evident from the outset. In the session of April 23 1947, the first request for a ballot using secret voting was advanced by twenty deputies from liberal, republican and socialist parties. The issue at stake was an amendment submitted by a socialist deputy, meant to abolish the word “indissolubility” (of marriage) in Article 23 of the future Constitution. It should be noted that deleting the expression “indissolubility of marriage” from the Constitution was interpreted by many observers as being anti-Catholic and indicating a pro-divorce stance.

The indissolubility of marriage vote followed a debate about procedural decisions which highlights the tactical use of secret voting. The Christian Democrats were in favour of open voting (and against the substance of the amendment). A Christian Democratic speaker explicitly accused deputies from small parties of requesting a secret vote with the purpose of not revealing their preferences to a Catholic electorate. The Communists, who were openly in favour of the substance of the amendment, declared that the request for a secret vote had to be accepted because small parties needed institutional protection from being dominated by larger parties. In the final ballot, 194 out of 385 deputies voted in favour of the amendment and 191 voted against (majority threshold 193). As a result, the word “indissolubility” (of marriage) was removed from the Constitution.

From then on secret voting was used increasingly in the constitution-making process: 43 votes on constitutional amendments were taken using a secret ballot and 23 through roll call voting (the first of which was requested on March 22 1947). A “technical” reason has been suggested for this

⁷ This was the number of seats at the end of the Constituent Assembly. The most important change during this time relates to a split in the Socialist Party. On January 10 1947, the Socialist Party (PSIUP) split into two parties, i.e. the Socialist Party (PSI) and the social democratic *Partito Socialista dei Lavoratori Italiani* (PSLI).

development (Sparisci 1987). A secret vote required less time than an open vote because the last one allowed “voting declarations”. Consequently, a request for a secret ballot could be advanced in order to prevent the practice of filibustering through endless deputies’ speeches.

An examination of the 66 votes shows that strategic reasons may have played a role, as roll call voting on constitutional amendments tended to be requested more often by DC deputies whereas secret voting tended to be requested by opposition parties. This conjecture is reinforced by the fact that the Constituent Assembly attempted to reform the parliamentary Rules of Procedures, and secret voting in particular. On May 5 1947 a proposal aiming at increasing the number of deputies required to impose a secret vote from 15 to 30 was submitted by DC representatives. After a debate where deputies from minor parties declared their fierce opposition, a secret vote was requested on the decision of whether or not to proceed with reforming the Rules of procedure. Out of 380 voters, 194 voted in favour and 186 voted against. Consequently, the Assembly plumped for the status quo position and retained the prevailing rules of procedure. Another reform of the Rules of Procedure aiming at giving precedence to roll call vote over secret ballot in case of concurring requests was proposed by DC deputies on September 26 1947 but was never debated.

The debate about whether or not secret voting should have become a provision embodied in the future Constitution clearly highlights parties’ positions on the issue. On October 14 1947, the DC leader Aldo Moro submitted an amendment to article 69 in the draft of the constitution (Article 72 in the definitive version) aiming at removing the norm of secret voting from the constitutional text. In a passionate speech, Moro argued that decisions about regulation of the legislative process should be left to the ordinary rules of procedure and not embodied into the Constitution. The following day the Assembly approved a new text that removed secret voting from the future Constitution. The Communist Party (PCI) was in favour of retaining the original formulation. To this end, an amendment was submitted by two PCI deputies but it was rejected through secret voting on October 15 1947 (yes 135, no 160).

This debate was framed in terms of general principles such as liberty and autonomy of deputies versus accountability to the electorate. However, it is worth noting that in the transitional *Consulta Nazionale* installed in the previous year immediately after the end of the Second World War the DC and the PCI parties' positions on the matter were more ambiguous as the future electoral prospects were uncertain. The popular vote for electing the Constituent Assembly made clear that the DC party could now count on a high level of popular support. It was very likely that such support would have been confirmed in the general election scheduled immediately after the approval of the new Constitution. This expectation determined a clear stance in favour of open voting, as this procedure would have facilitated party discipline once in government. On the other hand, the PCI understood that secret voting could become a tool in the hands of the opposition as a means of exploiting divisions in any future governing majority (Curreri 1998).

3. Executive-Legislative Relations in Italy, 1948-1992

Executive-legislative relations are of key importance in understanding the strategic use of secret voting. Consequently, it is important to focus on the main actors in the Italian political system and on how the relationship between ruling coalitions and opposition parties evolved over time.

The first elections in the history of the Italian Republic (April 18 1948) established the predominance of the DC and shaped in a lasting way the party system. In the Chamber the DC gained 305 seats, mostly at expense of minor centrist parties, while the Popular Front (Communists and Socialists) gained 183 seats. From 1948 to the early 1990s the configuration of the party system remained relatively stable. Seven parties (PCI, PSI, PSDI, PRI, DC, PLI and MSI) enjoyed a relatively stable level of electoral support throughout this period. The PCI was placed at an extreme of the left-right policy dimension and the MSI at the opposite extreme (Laver and Schofield 1990). Both the PCI and the MSI were confined to permanent opposition given their "anti-system" stance. The DC was the largest party placed in the centre of the political spectrum. From the beginning the DC was compelled to form coalition

governments.⁸ The period from 1948 to the early 1990s may be divided into four distinct phases (Verzichelli and Cotta 2000):

- The centrist coalition phase (1948-1960) when the DC formed governments with minor centrist parties
- The centre left coalition phase (1960-1975) when governments included the Socialist Party (PSI)
- The *National Solidarity* phase (1975-1979) when the DC formed minority governments with the abstention or the support of the Communist Party
- The *pentapartito* (five parties) coalition phase (1980-1992), when the DC governed with PSI, PSDI, PRI, and PLI

These four phases differ in terms of the prevailing pattern of executive-legislative relationships. Up to the 1980s, the political scenario was dominated by the two largest parties, i.e. the DC and the PCI. The PCI was the largest communist party in any Western country. However, it was excluded by the government due to its ties with the Soviet Union. Political elites developed a pattern of cooperation captured with such terms as “consociationalism” (*consociativismo*) or consensual democracy where ideological polarization, not cultural segmentation, was the main source of division (Lijphart 1968; Bogaards 2005).

This cooperation is well documented in the literature which shows that three-in-four of the laws approved by the Italian Parliament passed with the support of opposition parties including the Communist Party (Di Palma 1977; Cotta 1996). Such consensus was equally high for laws approved through the so called *decentralized procedure*, i.e. by parliamentary committees, which was the most common procedure up to 1980s, or through the ordinary procedure i.e. by the floor.⁹ The literature stresses the micro sectional character of the Italian law-making (Zucchini 1997; Giuliani 1997).

In the national elections of 1976, the PCI came close to the DC in terms of electoral support gaining the 34.37% of the vote while the DC gained 38.71%. Other parties entered the Parliament for the first time (the Radical Party, an extreme left splinter and the Greens). The collaboration between DC and PCI – defined as an “historic compromise” by political leaders and intellectuals –

⁸ In 1953 the DC failed to change the electoral law in a majoritarian fashion that would have guaranteed the party a solid governing majority.

⁹ Constitutional and budgetary issues and international agreements require the ordinary procedure.

culminated in the PCI abstaining in the vote resulting in the DC minority government of 1976; and the PCI vote of confidence leading to the next DC cabinet formed in 1978. These events occurred when Italian democracy was grappling with the threat posed by political terrorism.¹⁰

In the 1980s the pattern of cooperation between the DC and PCI eroded, due to the increasing role played by the reformed Socialist Party under the leadership of Bettino Craxi (from 1976 onwards). Even though the PSI never became a serious electoral challenger either to the PCI or the DC, its central position on the left-right dimension allowed it to play a pivotal role in the making and breaking of governments. Throughout the 1980s both the DC and the PCI suffered electoral losses, as in the 1983 elections the DC gained 33% of the popular vote and the PCI the 29% of the votes cast. Even though the DC was still the largest party, its bargaining power in government formation was undermined as the DC had to concede the Prime Minister to the Republican Party in 1981 and eventually to the Socialist Party in 1983.

The literature about coalition formation in Italy emphasizes a typical pattern of short lived governments (the mean cabinet duration was less than a year) coexisting with policy stability; as the coalitions that formed always included the DC as the largest and central party (Giannetti and Sened 2001). The heterogeneous nature of coalitions and especially internal divisions among parties are the key to understanding cabinet instability. The DC party had an institutionalized factional structure, but internal divisions were significant in other parties as well.¹¹ Allocation of executive power among the major factions of each party within coalitions explains the recurrent pattern of government termination, where intra-party factions renegotiated their participation in the following cabinets. This was especially apparent during the five-party (*pentapartito*) coalition phase. In this period the PCI played a stronger oppositional role, as it often succeeded in exploiting the divisions of the governing majority.

To sum up, Italian politics in the period 1948-1992 was marked by two different patterns of executive and parliament relationships: a consensual phase (up to 1979), and a more adversarial phase that lasted until the early

¹⁰ The leader of the Christian Democrats, Aldo Moro, was kidnapped and murdered by the Red Brigade terrorist group in May 1978.

¹¹ The factional structure of Italian parties is well documented in the literature, starting from Sartori (1973).

1990s before the collapse of the so called First Republic. As we shall see in the next section, changes in the parliamentary rules of procedures reflect these evolving patterns.

4. Institutional Background: Parliamentary Procedures 1948-1988

Article 64 of the Italian Constitution of 1948 establishes that “Each Chamber will adopt its own Rules of Procedures through majority voting.” The Chamber of Deputies approved new Rules of Procedures in November 1949 but made only minor changes to the rules that had been in place up to 1922.¹² Article 93 (formerly article 97) reaffirmed (1) the binding use of secret voting for the final vote on bills, (2) the number of twenty deputies for requesting it at any stage of the legislative process, and (3) the precedence of the secret vote over the open roll call procedure.

In the previous section, we described how the legislative-executive relationship evolved from a consensual pattern of decision making that characterized the first phase of the Italian republic (up to 1979) towards a more adversarial system pattern that was typical of the 1980s. The Chamber undertook a major reform of its internal rules in 1971. The Rules of Procedures (1971) formalized the consensual nature of Italian democracy, giving the Parliament a central role *vis-à-vis* the executive; and setting the institutional background for a further evolution of the relations among the largest governing and opposition parties (Labriola 2001; Lippolis 2001).

The main changes may be summarised as follows. Parliamentary parties rather than individual legislators became the main actors in legislative politics. At least 20 deputies were required to form a parliamentary party grouping.¹³ Parliamentary groups and their Chairs (*Capigruppo*) were endowed with substantial agenda setting power over the organization of parliamentary activity. What is most important here is that the timing of

¹² The new Senate adopted different provisions concerning the use of secret voting. However the rules of procedure for the Senate maintained the precedence of secret over open balloting in cases of concurring requests (art 76). This provision was encapsulated in an amendment submitted by PCI deputies. The amendment was approved by a majority of 25 votes, i.e. 139 yes, 114 no (Casu 1986).

¹³ This provision is still in place. It was ten in the Senate. MPs who are not affiliated with any particular party join a group of “others”, the so-called *Gruppo Misto*. In some circumstances it was possible to form a parliamentary group even without the required number.

parliamentary activity had to be established by the *Capigruppo* using a unanimity rule.¹⁴ The unanimity rule implied that there had to be an agreement among all the political groups represented in the parliament for the legislature to work effectively. This is why such a provision has been considered by many commentators as a key symbol of the *consociational* phase described in the previous section.

Rules disciplining the terms of parliamentary debate (articles 39 and 83) and the submission of amendments on the floor were established (article 85), but any leader of a party group could ask for a departure or dispensation from these rules. As a consequence of such wide discretion, only an agreement among the governing and opposition parties could guarantee the enactment of bills. Moreover, the Rules of Procedure (1971) established that a request for a secret vote on a piece of legislation could be submitted by any chair of a parliamentary party grouping. This rule allowed minor party groups to request secret voting for strategic purposes.

One of the most important provisions of the Rules of Procedure (1971) was article 116 which regulated the use of the confidence vote. The confidence vote is typically used by governments to stabilize fragile ruling coalitions, or speed up the legislative process by attaching the fate of a particular policy to a vote on government survival (Huber 1996). According to article 94 of the Constitution, the investiture vote was to be taken using an open vote. However, the Constitution said nothing about the request of a confidence vote by the Government. This is because the rules of procedure enacted before 1971 did not formally regulate the use of the confidence vote; between 1948 and 1971 the use of this procedure was based on informal rules.¹⁵

Article 116 of the Rules of Procedures (1971) established that the confidence vote could not be requested on matters for which the rules prescribed the use of secret voting, such as the final vote on bills. More importantly, article 116 introduced a double vote (open and secret) on bills composed of just one article on which the government had requested a confidence vote. Single article bills were typically decree laws or legislation

¹⁴ In situations where there was no unanimity the decision shifted to the Chair of the Chamber who decided on the legislative agenda on a daily basis.

¹⁵ The confidence vote was not requested very often the first two decades of the Italian Republic. See De Cesare (1998).

that ratified international treaties.¹⁶ The strategic importance of this provision can be fully understood by looking at one of the devices that the Italian executive has at its disposal in order to enact its own bills, i.e. the *decree law procedure*.

A decree law becomes operational immediately and remains in effect for sixty days without any parliamentary approval. If after this period the parliament has not ‘converted’ the decree into a regular law, then the status quo prevails. The executive could reissue any number of decree laws that failed to get converted.¹⁷ Throughout the 1970s the use of decree laws increased well beyond the requirements of “extraordinary necessity and urgency” established by the Constitution. Decrees become a common device that shaped strategic bargaining between the executive and the legislature (Della Sala and Kreppel 1998). In short, the main consequence of article 116 was that if the government asked for a confidence vote on a bill composed of a single article thereby converting a law decree into a law, then immediately following this vote the same bill had to be approved by secret voting (in this order). This provision gave ample room for strategic manoeuvring as will be seen in the next section.

The end of the consensual phase in 1979 paved the way for a substantial revision of the rules of procedures during the 1980s. This process of revision occurred in several steps; and involved curbing the terms of parliamentary debate and reforming the amendment procedure, by allowing the government to group articles and amendments selectively. Among the most important provisions was the abolition the unanimity rule for setting the agenda of parliamentary activity.

If attention is focussed on changes related to the use of secret ballot an important revision occurred in 1983 where the number of deputies required for calling a secret vote was increased to 30. Moreover, it was established that the request of secret voting could be submitted only by chairs of parliamentary party groupings that, independently or jointly, summed up to that number. The use of secret ballot for final vote on bills was finally abolished in 1988.

¹⁶ This provision passed thanks to an amendment proposed by Giulio Andreotti, a DC left wing faction leader. Andreotti was Prime Minister several times during the National Solidarity phase.

¹⁷ This situation lasted until 1996, when the Constitutional Court declared such a reissue of decrees to be unconstitutional.

Before analyzing the parliamentary process that led to the reform of secret voting, in the next section we will focus on the impact of secret voting on the legislative process and government termination.

5. Strategic Use of Secret Voting, 1979-1988

In the previous sections it was argued that the main actors in the political game devised parliamentary rules of procedures that were largely instrumental to their interests. Here it is important to stress the point that the secret ballot was seldom used when the relationships among government and opposition parties followed a pattern of cooperation in the legislative process. This is because the threat of requesting a secret vote that had the potential of revealing areas of dissent in the governing majority induced government and opposition parties to reach prior agreement on the content of legislation. When the relationships among the governing and opposition parties evolved toward a more adversarial pattern, the use of secret ballot increased dramatically becoming a constant threat to government survival.

<< **Figure 1, about here** >>

Figure 1 shows the sharp increase in the use of secret voting during the legislatures VIII (1979-1983), IX (1983-1987) and X (1987-1992). An examination of this data reveals that the use of secret ballot increased after the end of the *National Solidarity* phase (1971-1979) and the beginning of the *pentapartito* coalition governments (1981-1992). In order to show how secret voting was an important strategic tool that allowed the opposition to exploit the divisions within the governing coalitions, the focus in this section will be on government termination.

In order to set the context, it is important to outline the composition and duration of governments immediately prior to the reform of secret voting and its immediate aftermath, i.e. between May 1979 and June 1992. Table 2 shows the composition and duration of governments during the VIII, IX and X legislatures. In what follows we will focus on four cases of government termination: 1) the termination of the Cossiga government in 1980; 2) the

termination of Spadolini government in 1981; 3) the termination of Craxi government in 1986; 4) the termination of Gorla government in 1988.

<< **Table 2, about here** >>

Cases 1) and 3) followed the same pattern: a decree law on a financial issue was introduced by the government requesting a confidence vote on it; this resulted in two votes in close succession, a confidence vote held by an open ballot and a secret vote on the same decree law; the government won the first (open) vote and then lost the second vote (secret) where between one-in-ten and one-in-five governing party MPs defied the party whip; this defeat, despite prior success in a confidence vote, led to the resignation of the prime minister and the immediate collapse of the government. These two episodes are striking because the first and the second votes occurred in sequence. Cases 2) and 4) also stem from being defeated through secret ballot in one or a series of votes, which may or may not have been preceded by a confidence vote.

Fall of the Cossiga I (DC) government, 1980

On September 27 1980 the Prime Minister Francesco Cossiga (DC) leading a coalition government composed of DC, PSI and PRI was compelled to resign. The government had requested a confidence vote on the article converting into law decree law number 503 of 30 August 1980. This was a piece of legislation that contained important financial provisions. The lower chamber first held a confidence vote using an open ballot procedure where the government won by a reasonably margin with 329 votes as shown in Table 3.

<< **Table 3, about here** >>

Immediately after the confidence vote, the chamber then voted on the same law using the secret ballot according to article 116 of the Rules of Procedure. In this second secret vote the government was defeated as it garnered 297 votes in favour of the decree law. This loss of 32 votes representing a 10% decrease in support from the confidence vote taken a short time earlier

illustrates how discipline within the governing parties weakened when secret voting was used.

Fall of the Craxi I (PSI) government, 1986

The government following the national elections of June 1983 was the first government in the history of the Italian Republic led by a socialist. The Craxi government was also the longest in the history of the “First” Republic, as it lasted for about three years as shown in Table 3. However, one may see from the centre of Table 4 that on June 26 1986 Craxi was compelled to resign having secured a majority (338 yes) in an open confidence vote; and immediately thereafter he lost this majority (266 yes, a decline of 72 votes or 21% drop in government support) in a secret vote on a decree law dealing, once again, with financial issues.¹⁸ It is important to reiterate the point that the collapse of the Cossiga I and Craxi I governments occurred where both had been successful in open confidence votes. These two episodes highlight why during the “First” Republic governments in Italy never lost power after losing a confidence vote.¹⁹

Termination of the Spadolini (PRI) and Goria (DC) governments

The use of secret vote constantly undermined government survival throughout the 1980s. Two further cases of government termination that followed a secret vote defeating the government majority are the first *pentapartito* government led by Giovanni Spadolini (PRI) that formed on 28 June 1981 and the Goria government that formed on 29 June 1987. As shown in Table 4, on August 7 1982 the government led by Spadolini resigned after a financial decree law (n. 430, to be converted into the law 3602) voted through secret ballot was declared inconsistent with the constitutional requirements of “necessity and urgency.”

The cabinet led by Giovanni Goria (DC) was one of the most fragile governments in the history of the Italian Republic. Goria resigned three times: on November 16 1987, on February 10 1988, and finally on March 11 1988. In the first two instances, the Head of State (the President of the Republic) sent the government back to the lower chamber where it passed an investiture vote.

¹⁸ Decree law n. 133 of April 30 1986 to be converted into the law n. 3795

¹⁹ The first government resigning after losing a confidence vote was the Prodi government in 1998.

After the third resignation, it was replaced by another *pentapartito* government led by Ciriaco de Mita (DC). The Goria government was constantly under the assault by the so called *franchi tiratori*, a term given to legislators who did not follow the party line.²⁰ The *franchi tiratori* phenomenon was a characteristic feature of the Italian Christian Democrat (DC) party where members of DC factions often voted against their own party under the protection of secret ballot.²¹

Here we will focus on the votes for passing the annual budget bill that preceded the second Goria government termination, by examining the nineteen parliamentary sessions held between January 18 (the day when the discussion on the annual budget bill began) and February 10 1988, the date of Goria's resignation (plus a preliminary session held on January 12 when two articles converting into laws decree laws related to the budget bill were defeated by the Chamber). The annual budget bill was composed of 42 articles, where more than two thousand amendments were submitted.

In the nineteen sessions under consideration the Chamber voted a total of 317 times: 288 by secret vote, 29 by roll call (7 of which were confidence votes requested by the government). The government was defeated on eight separate occasions:

- Two identical amendments submitted by the PCI on January 19 (322 yes, 182 no)
- An amendment submitted by extreme left parties on January 20 (248 yes, 227 no)
- An amendment submitted by the PCI on January 22 (240 yes; 232 no)
- An amendment submitted by the Radical Party on January 22 (258 yes, 227 no)
- An amendment submitted by the PCI on January 26 (333 yes, 197 no)
- An amendment submitted by the PCI on January 27 (286 yes, 217 no)
- An amendment submitted by extreme left parties on February 9 (272 yes, 236 no)
- Article 3 of the budget law proposed by the government (255 yes, 264 no)

The evidence presented in Table 4 shows that the government passed eight confidence votes: two on January 24 (348 yes, 209 no; 349 yes, 210 no), two

²⁰ The expression comes from military jargon, and in particular from the French word *franc-tireurs*, indicating groups of fighters who engaged in military operations against regular troops during the Franco-Prussian war.

²¹ There is a huge journalistic coverage of this phenomenon. See Casu (1987) for references and also the archive of the newspaper *La Repubblica*, available on line since 1984.

on January 29 (353 yes, 180 no; 350 yes, 162 no); two on February 1 (337 yes, 162 no; 339 yes, 167 no) and two on February 5 (350 yes, 208 no; 331 yes, 263 no). One commentator at the time noted “a series of negative votes by secret ballot have been considered more important than a series of formal confidence votes”.²² These negative votes made clear that the government could not count on a solid majority, and this led to the resignation of the Prime Minister.

Four cases of government termination only provide partial evidence of the strategic use of secret voting. However, the cases examined above illustrate a more general theoretical point: the assumption that parties act as unitary actors frequently used in rational choice accounts of government formation (and termination) is questionable. After all, the governments that formed in Italy throughout the 1980s were the same in terms of their partisan composition. The strategic use of secret voting can be understood only by taking different factions within the governing parties as the unit of analysis. These different factions often voted with the opposition leading to the defeat of incumbent governments. Government defeat allowed a renegotiation of factions’ participation in future governments on more favourable terms on the basis of office or policy concessions.

This strategy was feasible so long as the dominance of the DC party guaranteed no alternation in power. For the PCI, who was excluded from government formation, the use of secret voting was a key tool of influencing the policy-making process in terms of the substantive content of the legislation passed by DC led coalitions. It is revealing that the Chair of the PCI group in the Chamber offered to vote openly on the budget bill of the Goria government if the prime minister was willing to accept some amendments submitted by the PCI such as increase in pension payments and other fiscal provisions.²³

²² See G. Ferrara, “Guerriglia in Parlamento,” *La Repubblica*, February 16 1988.

²³ This offer came from the Chair of the PCI group in the Chamber Renato Zangheri. See M. Ricci, “E il PCI lancia un’offerta,” *La Repubblica*, February 21 1988.

6. The Reform of Secret Voting, 1988

The reform of secret voting was the outcome of an explicit attempt by the largest factions within governing parties to (a) strengthen the role of the government *vis-à-vis* the Parliament, and (b) break the consensual pattern of legislative bargaining, and (c) redefine the role of the parliamentary opposition. In their parliamentary speeches asking for a confidence vote, Prime Ministers Spadolini (PRI) in 1982, Craxi (PSI) in 1983, and De Mita (DC) in 1988 explicitly declared their commitment to institutional reforms. It should be noted that these three prime ministers were also leaders of their respective parties.

The procedure for changing parliamentary rules differs from the procedure used for ordinary laws as reform proposals have to be examined by a special committee (*Giunta per il Regolamento*) composed of representatives of all the major parties. The amendments to original proposals can be grouped by the committee into “super amendments” (*principi emendativi*), and then submitted to a vote on the floor (requiring simple majority support).²⁴ Then the Committee revises the text accordingly and submits it to a final vote. The final approval requires an absolute majority, i.e. 316 votes.

The parliament started debating the text drafted by the committee on September 27 1988. The discussion occupied a total of eleven sessions. The floor addressed three preliminary questions. First, should reform of secret voting be undertaken using open or secret ballots? Deputies of the MSI, Independent Left, and extreme left parties requested voting by secret ballot. The Chair of the Chamber accepted this request on the basis that the Rules of Parliamentary Procedure stipulated (as noted earlier) that secret voting had precedence over open ballots for final vote on bills.

The second key question centred on whether the parliament had the right under the Italian Constitution to reform secret voting? Three separate motions were tabled addressing this constitutional question. The third question asked: Could proposals for reforming secret voting be postponed to some future date? Six motions were proposed by deputies from the PCI, the Radical Party, and the MSI who wanted to delay discussions aimed at reforming secret voting. In essence, the second and third questions posed by members of the

²⁴ This procedure had been introduced in the 1970s to prevent filibustering.

opposition parties were attempts to halt or delay reform of the secret voting procedure.

Plenary votes on the second (constitutional) and third (timing) questions were subject to secret ballots. On the constitutional question a majority of legislators (258) supported the view that reform of secret voting did not imply any violation of constitutional principles while 231 felt this reform was not constitutional. On the question of timing a majority of deputies (267) voted in favour of dealing with reform of secret voting immediately and 247 supported doing this task at some future unspecified date. The narrow divisions on these secret roll call votes (41 vs. 37% and 43 vs. 39% with 22% and 18% abstention rates respectively) demonstrate how controversial and uncertain the process of reform was in late 1988.

Initially, forty amendments were tabled within the special committee charged with making proposals for reforming the secret vote. In order to reduce the burden of having many plenary votes the committee aggregated these forty amendments on the basis of their substantive content into a smaller group of six 'super' amendments. Then these six 'super' amendments were voted on by the floor in eighteen separate votes as shown in Table 4 (parliamentary session of October 7 1988). The eighteen secret votes dealt with the use of open or secret vote on financial laws, constitutional laws, electoral laws, Parliamentary Rules of Procedures, and parliamentary committees charged with investigating powers. These votes highlight a close parliamentary battle, where some secret votes were won by a narrow margin as it may be seen in Table 4.

<< Table 4, about here >>

The evidence presented in Table 4 shows how success in reforming the secret voting procedure sought by Italian party leaders was far from certain. Opposition to the reform came from a number of sources and different tactics were employed at different stages of the reform process. The second amendment which proposed introducing an open ballot for financial laws was passed by a wide margin. In contrast, other amendments were adopted with much narrower majorities: the third amendment allowing open ballot voting

within parliamentary committees; the fifth amendment concerned with abolition of the double (final) vote for bills; and the sixth amendment restricting the use of secret ballot. However, the closest vote evident in Table 4 was on amendment 1-d, which was defeated by just three votes. Had amendment 1-d been approved, the reform of the secret vote procedure would have been fundamentally weakened because a unanimous agreement among parliamentary party leaders would have been able to secure use of the secret ballot on any specific vote they desired.

The special committee charged with reforming secret voting submitted its final bill to the floor of the lower chamber of the Italian parliament on October 13 1988. All of the opposition parties requested that the legislature vote on the secret vote reform bill article by article. The opposition parties hoped that this strategic approach would increase the likelihood that the reform of secret voting would fail because there would be more opportunities for defections from the party line. After a heated discussion, the Chair of the Chamber ruled that reform of the secret vote would be undertaken on a ‘take-it-or-leave-it’ basis, where there would be no scope for legislators to accept or reject specific provisions through a series of ballots.²⁵

Eventually the bill reforming secret voting passed by a narrow margin with 323 supporting reform, 58 opposing, and 222 legislators, coming mainly from the PCI and Independent Left, abstaining. In this secret vote, the governing majority with 377 seats lost a considerable amount of support (54 votes or 14%) and consequently the reform bill passed with a slender majority of just 7 votes (or 1% of the total chamber) above the required majority of 316. The PCI abstained on the final vote for two reasons: the party was officially in favour of introducing open vote for financial laws (maintaining secret vote on all the other laws); the outcome of the vote was highly uncertain and a defeat could not be excluded notwithstanding PCI abstention.

Following the reform of October 13 1988 use of secret ballot was, and still is, restricted according to article 49 of the Parliamentary Rules of Procedure, to the following circumstances.

[V]otes regarding persons, and, when so requested in accordance with Rule 51, in votes having a bearing on the principles, rights and liberties enshrined in Articles

²⁵ This decision was highly contested as the Chair of the Chamber of Deputies was the PCI deputy Nilde Iotti.

6, 13 to 22 and 24 to 27 of the Constitution, as well as the rights of the family under Articles 29, 30 and 31, paragraph 2, and the rights of the person under Article 32, paragraph 2, of the Constitution.

Under article 49 secret voting can be requested in “[v]otes on amendments to the Rules, on establishing Parliamentary Committees of enquiry, on ordinary laws regarding State constitutional bodies (Parliament, President of the Republic, Government, Constitutional Court) and regional bodies, as well as on electoral laws.” The restrictions concerning the use of secret voting followed Law 362, approved on 23 August 1988, which established a fixed calendar for the submission of the budget bill and its final approval. This law gave the executive agenda setting power on budgetary issues such as the annual budget bill.

In sum, secret voting could no longer be used in any parliamentary deliberations that had financial implications. More generally, reform of the secret vote marked the end of the “supremacy of Parliament” (*centralità del Parlamento*) *vis-à-vis* the executive. This in turn contributed to breaking the consensual pattern of executive-legislative relations and paved the way for the institutional reforms of the early 1990s.

Conclusion

The main purpose of this paper has been to map out the use of secret voting in the Italian parliament. The secret vote has a long history in Italy as its origin may be traced to the Constitution of the Kingdom of Italy of 1848. In the foregoing pages the focus has been on the strategic use of the secret vote during the First Italian Republic. One of the most salient features of the history of the secret vote in Italy in the post-war period was the dramatic increase in its use in the decade before this legislative rule was reformed. The main effect of reforming secret voting in 1988 was to limit the use of this legislative rule.

Understanding the context in which the secret vote was reformed in Italy is critically important. In the decade prior to reforming secret voting the use of this legislative rule grew phenomenally, i.e. by more than thirteen times between Legislatures VI and VIII. This expansion in the use of the secret vote coincided with a period where executive-legislative relations became

increasingly adversarial rather than consensual. With increased competition between the executive and parliament, the secret vote was used as a key strategic weapon by intra-party factions within governing coalitions.

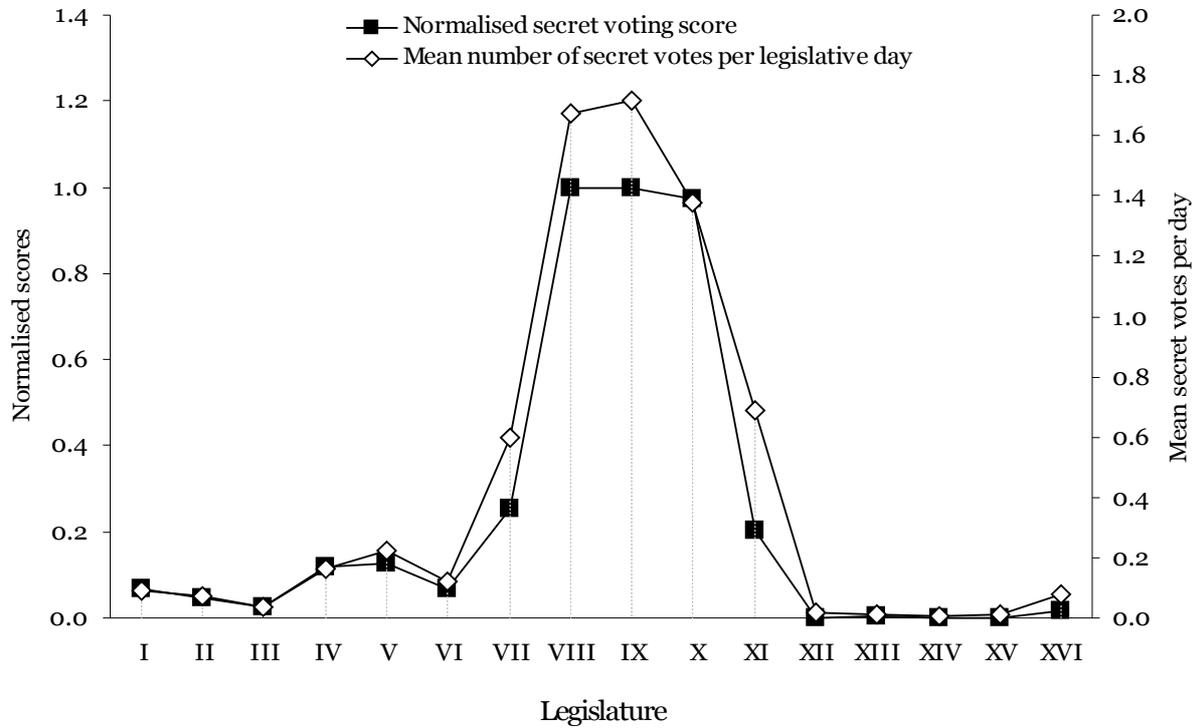
Factions within the governing coalition parties often voted with the opposition, under the protection offered by the secret ballot, in order to promote their own agenda. This strategic use of secret voting was most strongly evident in the termination of Italian governments where success in open confidence votes was nullified by defeats in subsequent secret votes. The strategic use of secret voting by party factions had two main consequences: it undermined party discipline, and thereby reduced government stability. This in turn made policy-making more inefficient, and attenuated the effectiveness of Italy's post-war system of democratic governance. In sum, the Italian case graphically illustrates that the strategic context within which legislative rules, such as secret voting, are used is fundamentally important.

The research pursued in this paper may be further extended by examining three specific questions with important general implications. First, did the use of secret voting have an impact on the quantity and type of legislation enacted by a parliament? In the Italian case, unlike most other parliamentary democracies, there is sufficient data to examine this question. Second, did increased use of secret voting in Italy lead to more confidence votes and legislative decrees? This is an important question because it highlights how changes in the balance of power between executive and Parliament are reflected in the strategic use of specific procedural rules. Third, was the power of Italian party factions solely tied to the strategic use of secret voting? There is evidence to suggest that party factions also used strategic abstention on key votes where failure to reach a quorum would act as an effective block on the legislative process and/or turned to party switching under permissive rules for the formation of parliamentary parties. This implies that the association between intra-party politics and the strategic use of parliamentary rules may be much more pervasive than previously realised.

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Figure 1
Comparison of two alternative measures of secret voting in a legislature where differences in duration taken into account



Source: Author's elaboration from data available at Italian Chamber of Deputies.
 Note duration of legislative terms and the number of secret votes have been normalized in order to remove differences that may result from variations in the absolute length of legislative sessions. This normalized estimate attempts to control for variation in absolute values where longer legislative terms would ceteris paribus be expected to have more secret votes. An alternative method is to present the average daily number of secret votes taken in a specific legislature term – an estimate that also controls for absolute differences in legislative terms.

Table 1
Partisan composition of the Constituent Assembly

Party	No. of Seats
Autonomista	10
Blocco Nazionale della Libertà	
Partito Comunista Italiano (PCI) [<i>Communist Party</i>]	104
Democrazia Cristiana (DC) [<i>Christian Democratic Party</i>]	209
Partito Democratico dei Lavoratori	9
Fronte Liberale e Democratico dell'Uomo Qualunque	20
Partito Liberale Italiano (PLI) [<i>Liberal Party</i>]	22
Partito Socialista Italiano (PSI) [<i>Socialist Party</i>]	65
Partito Socialista dei Lavoratori Italiani (PSLI) [<i>Socialist Party of Italian Workers</i>]	49
Partito Repubblicano Italiano (PRI) [<i>Republican Party</i>]	25
Unione Democratica Nazionale	9
Unione Nazionale	13
Other	17
Total	552

Source: Author's elaboration from data available at the Italian Chamber of Deputies.
Note total number of seats at the end of the Constituent Assembly (1948).

Table 2
Italian governments in the VIII, IX, X legislatures (1979-1992)

Leg.	Govt.	Start	End	DC	PSI	PSDI	PRI	PLI	Total govt. seats	Type of govt.
VIII	Cossiga (DC)	05/08/1979	03/04/1980	262	-	20	-	9	291	MPMG
VIII	Cossiga (DC)	04/04/1980	18/10/1980	262	61	-	16	-	339	S
VIII	Forlani (DC)	19/10/1980	27/06/1981	262	61	20	16	-	359	S
VIII	Spadolini (PRI)	28/06/1981	22/08/1982	262	61	20	16	9	368	S
VIII	Spadolini (PRI)	23/08/1982	10/12/1982	262	61	20	16	9	368	S
VIII	Fanfani (DC)	11/12/1982	03/08/1983	262	61	20	-	9	352	S
IX	Craxi (PSI)	04/08/1983	01/08/1986	226	73	22	29	16	366	S
IX	Craxi (PSI)	02/08/1986	17/04/1987	226	73	22	29	16	366	S
IX	Fanfani (DC)	18/04/1987	28/07/1987	226	-	-	-	-	266	SPMG
X	Goria (DC)	29/07/1987	12/04/1988	234	94	17	21	11	377	S
X	De Mita (DC)	13/04/1988	22/07/1989	234	94	17	21	11	377	S
X	Andreotti (DC)	22/07/1989	29/03/1991	234	94	17	21	11	377	S
X	Andreotti (DC)	15/04/1991	27/06/1992	234	94	17	-	-	345	S

Source: Author's elaboration from data available at Italian Chamber of Deputies.

Note that the total seats in the chamber are 630 for all legislature examined. Leg. refers to a legislature's identification number; Govt. the prime minister and his party; Begin and End show the start and end dates for a government; the columns with party labels indicate the number of seats; Total govt. seats shows the level of government support in seats; and the final column indicates type of government – MPMG: Multi Party Minority Government, S: Single party government, and SPMG: Single Party Minority Government.

Table 3
Secret votes leading to government termination

Leg.	Govt.	Date	Type	Law	Present	Voters	Majority	Yes	No	Abstain
VIII	Cossiga I	27/10/1980	Confidence	Decree law	593	593	297	329	264	0
		27/10/1980	Secret	Decree law	595	595	298	297	298	0
VIII	Spadolini I	11/07/1981	Investiture		616	616	309	369	247	0
		04/08/1982	Secret	Decree law	421	421	211	198	223	0
IX	Craxi I	26/06/1986	Confidence	Decree law	568	568	285	338	230	0
		26/06/1986	Secret	Decree law	559	559	280	266	293	0
X	Goria	12/01/1988	Secret	Decree law	370	370	186	55	315	0
		12/01/1988	Secret	Decree law	412	410	206	155	255	2
		19/01/1988	Secret	Opp. amend.	505	504	253	322	182	1
		20/01/1998	Secret	Opp. amend.	476	475	238	248	227	1
		22/01/1988	Secret	Opp. amend.	473	472	237	240	232	1
		22/01/1988	Secret	Opp. amend.	487	485	243	258	227	2
		24/01/1988	Confidence	Govt. amend.	557	557	279	348	209	0
		24/01/1988	Confidence	Govt. amend.	559	559	280	349	210	0
		26/01/1988	Secret	Opp. amend.	530	530	266	333	197	0
		27/01/1988	Secret	Opp. amend.	504	503	252	286	217	1
		29/01/1988	Confidence	Govt. amend.	534	533	267	353	180	1
		29/01/1988	Confidence	Govt. amend.	513	512	257	350	162	1
		01/02/1988	Confidence	Govt. amend.	499	499	250	337	162	0
		01/02/1988	Confidence	Govt. amend.	506	506	254	339	167	0
		05/02/1988	Confidence	Govt. amend.	558	558	280	350	208	0
		05/02/1988	Confidence	Govt. amend.	594	594	298	331	263	0
09/02/1988	Secret	Opp. amend.	494	494	248	248	246	0		
09/02/1988	Secret	Opp. amend.	509	508	255	272	236	1		
09/02/1988	Secret	Art.3 budget bill	519	519	260	255	264	0		

Source: Author's elaboration from data available at Italian Chamber of Deputies.

Note Leg. refers to a legislature's identification number; Govt. the prime minister; Date indicates when the votes took place; Type shows the type of vote, i.e. confidence, investiture or secret; Law shows the type of bill, i.e. government decree law, opposition or government amendment to a bill, or a budget bill; Present indicates the number of legislators in the chamber, voters the number of legislators who voted, majority is the number of votes necessary for a yes vote to be carried. The 'yes', 'no' and 'abstain' columns indicate the secret vote results.

Table 4
Secret votes about reforming the secret vote procedure

Date	Type	Present	Voters	Majority	Yes	No	Abstain
07/10/1988	Amend. 1-a	593	592	297	295	297	1
07/10/1988	Amend. 1-b	603	603	302	571	32	0
07/10/1988	Amend. 1-c	605	605	303	555	50	0
07/10/1988	Amend. 1-c II	605	605	303	334	271	0
07/10/1988	Amend. 1-d	605	605	303	301	304	0
07/10/1988	Amend. 1-e	606	606	304	336	270	0
07/10/1988	Amend. 1-e II	603	603	302	319	283	0
07/10/1988	Amend. 1-f	603	603	302	297	306	0
07/10/1988	Amend. 2	604	604	303	521	83	0
07/10/1988	Amend. 2 II	600	599	300	446	153	1
07/10/1988	Amend. 3	603	603	302	314	289	0
07/10/1988	Amend. 4	600	600	301	541	59	0
07/10/1988	Amend. 4 II	602	601	301	59	542	1
07/10/1988	Amend. 5	607	606	304	313	293	1
07/10/1988	Amend. 5 II	601	601	301	520	81	0
07/10/1988	Amend. 6	605	605	303	324	281	0
07/10/1988	Amend. 6 II	603	603	302	549	54	0
07/10/1988	Amend. 6 III	599	598	300	530	68	1
13/10/1988	Final vote	603	381	316	323	58	222

Source: Author's elaboration from data available at Italian Chamber of Deputies.

Note the following are some of the basic details of the amendments referred to in this table. Present indicates the number of legislators in the chamber, voters the number of legislators who voted, majority is the number of votes necessary for a yes vote to be carried. The 'yes', 'no' and 'abstain' columns indicate the secret vote results.

Amendment 1-a: "secret ballot extended to voting about constitutional laws, laws amending the Constitution, constitutional requirements of decree laws and other kinds of laws"

Amendment 1-b: "secret ballot extended to voting about other principles and rights granted by the Constitution"

Amendment 1-c: "secret ballot extended to voting about electoral laws"

Amendment 1-c part II: "secret ballot extended to voting about laws regarding constitutional order"

Amendment 1-d: "secret ballot extended to cases when it is required by a unanimous vote by the Chairs of parliamentary parties"

Amendment 1-e: "secret ballot extended to voting about changes in the Parliamentary Rules of Procedures"

Amendment 1-e part II: "secret ballot extended to voting about Parliamentary committees with investigating powers"

Amendment 1-f: "secret ballot extended to voting about any other deliberation, except budgetary laws and related laws, and any other deliberation with financial implications"

Amendment 2: "open ballot for voting on budgetary laws and related laws, and any other deliberation with financial implications"

Amendment 2 part II: "open ballot for voting on budgetary laws and related laws"

Amendment 3: "open ballot for voting in the Committees, except for votes regarding persons"

Amendment 4: "secret vote will occur on request in the above cases, and it is mandatory for votes regarding persons"

Amendment 4 part II: "changing the number of deputies required for requesting secret voting"

Amendment 5: "abolition of double vote for final vote on bills".

Amendment 5 part II: "adoption of procedures to verify the legal number of voters"

Amendment 6: "use of secret ballot exclusively for the cases enumerated above"

Amendment 6 part II: "allow voting on separate parts"

Amendment 6 part III: "possibility of consulting the Head of state for matters related to amendment 1"