'Useless Approvals'. Italian Bicameralism and its Decisional Capacity

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Abstract

In bicameral parliaments, upper chambers amend the bills that have been passed by lower chambers, and sometimes bills that are passed in one chamber never become law and just 'die' in the other. Why does one chamber fail or refuse to anticipate what the other will do? What can lead the political actors in one chamber to 'waste' their time and resources on a bill that will be never approved as law? How can we explain the variations in the number of such 'useless' approvals?

This paper helps answer these questions by focusing on 'useless approvals' in the Italian parliament (1979-2018). Italy offers an ideal setting to analyse this phenomenon, with two houses holding the same powers but characterised by varying degrees of political incongruence over time. We found that differences in preference between the two chambers positively affect the chances of useless approvals, above all for private members' bills.

Keywords: bicameralism; executive-legislative relations; Italy; lawmaking; political institutions.

1. Introduction

The institutional features of Italian bicameralism have for quite a long time been criticised by both politicians and scholars, regardless of their political or academic affiliations (Carlassare, 2001; Pasquino, 2001). Nevertheless, during the 2016 referendum campaign on a constitutional bill aimed at radically reforming the Italian constitution (Tsebelis, 2017), the current bicameral arrangement turned out to have a huge number of supporters. Some important commentators and politicians showed deep scepticism about the importance of so-called 'perfect' (i.e. symmetric) bicameralism in explaining delays and inefficiency in the decision-making processes of the Italian political system. According to some opponents of the reform, a weakening of the Senate's prerogatives would have weakened the role of parliament as a whole in the legislative process, leading to an excessive predominance of the government (Pace, 2016). Other critics of the reform instead argued that the current institutional set-up, namely symmetric bicameralism, does not prevent Italian lawmaking from being as fast as in other important parliamentary democracies and does not hinder the government in carrying out its programme (Pasquino, 2016). As empirical proof, they often presented the average length required by successful lawmaking processes or the overall number of parliamentary readings (Del Bò and Pallante, 2016).[1] However, legislative processes that last a very long time or consist of many readings do not necessarily mean that the parliament is inefficient; they might just indicate that the topics addressed by the legislation are particularly complex and need prolonged examination in the assembly before being definitively approved. Moreover, by definition, such measures do not

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[1] The share of laws that are approved after more than (the minimum of) two readings has often been considered as an indicator of the inefficiencies of the Italian parliament. In the selection of bills we analyse during the 1979-2018 period (see below), more than two readings were needed to pass about 28% of Italian laws.

consider all the possible bills that, owing to the existence of two chambers, are not proposed at all or 'die' after an initial and useless approval. We choose to focus precisely on the latter phenomenon – useless approvals – even though we are conscious that this does not capture the whole effect of bicameralism on lawmaking.

When a bill, after being approved in one chamber, is not adopted in the other – and hence does not become law – we can reasonably conclude that the approval in the first chamber is pointless since the parliament has unfruitfully spent part of its time and resources on examining that bill (Zucchini 2008, 2013). Approval in one chamber but not in the other can thus be understood as a potential 'negative' consequence of bicameralism.

In the literature, the relationship between bicameralism and lawmaking has been analysed by relying on spatial models of political decision-making (Hammond and Miller, 1997; Tsebelis and Rasch, 1995). Just like other institutional arrangements that divide or distribute political power, the organisation of the legislative assembly in two distinct branches has commonly been associated with slower decisional processes and increased levels of policy stability (Buchanan and Tullock, 1962; Riker, 1992; Krehbiel, 1996; Tsebelis, 2002; Binder, 2003). However, the impact of bicameralism on legislative production has rarely been investigated in comparative terms (Rogers, 2003; Saiegh, 2014). We rely on the conventional understanding that bicameralism can be defined in terms of two dimensions: the more or less symmetrical power relations between the two legislative branches, and the degree of congruence in the policy preferences of the two houses (Lijphart, 1999). While the level of symmetry in the formal prerogatives of the two chambers mostly varies across countries, the degree of bicameral congruence is much more likely to vary both across countries and within the same country. As far as we know, very few works have been done to ascertain the impact of bicameral incongruence over failures in the decisional capacity of legislatures

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(see Manow and Burkhart 2008 on the impact of diverging majorities in the two branches of the German parliament). By studying the Italian parliament, we try to explain the occurrence of useless approvals as an example of these failures and as a consequence of bicameral incongruence.

Italy offers an ideal and unique bicameral setting to analyse this phenomenon. As for the 'symmetry' dimension, the two houses of the Italian parliament – the Chamber of Deputies and the Senate – hold exactly the same prerogatives with respect to lawmaking[2] and a majority in both chambers is necessary to keep the government alive. The power relations between the two houses have remained unaltered since 1948 and their standing orders and organisational designs are quite similar. In the lawmaking process, a bill can be presented in either chamber, and once approved in one chamber it is sent to the other. A bill only becomes a law when the same text is voted in both houses, and the only way to solve possible conflicts between the chambers over the text is a *navette* (or shuttle) system without any closing rule. Concerning the 'congruence' dimension, both houses are directly (and simultaneously) elected by the Italian citizens, but the distribution of seats among the parties in one chamber can differ from their distribution in the other. This may happen because the two legislative branches differ in their size (the Chamber has 630 members, while the Senate has more or less 320 members). In addition, only citizens who are at least 25 years old can elect the Senate, while the voters for the Chamber only have to be 18 years old. Furthermore, the electoral rules are distinct, and the electoral reforms approved in the last 25 years have –

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[2] As a consequence of such perfect symmetry, in the Italian case the two houses are interchangeable in lawmaking. Unlike in other countries, either chamber can be the originating chamber or the reviewing chamber. When a bill is submitted to the Chamber, the Senate reviews the proposal in the second reading and can return it to the Chamber. The opposite happens when the legislative process starts in the Senate.

at least until 2018 – presumably increased the dissimilarities in seat distribution between the chambers (Bartolini and D'Alimonte, 1994; Chiaramonte and Di Virgilio, 2006).

The paper is organised as follows. In the next section we deal with the difficulties in assessing the effects of bicameralism on the lawmaking process. In the following one we put forward a set of hypotheses about the occurrence of useless approvals in a bicameral legislature. In the fourth section we present the data and operationalisation of the variables. The fifth section is devoted to the empirical analysis and discussion of the main results. Concluding remarks follow in the final section.

2. The elusive effects of bicameralism

Capturing the effects of bicameralism on policymaking is not an easy task. Obviously, this is not really a problem when the upper chamber has a very limited role compared to the lower chamber: in such a situation, the impact of bicameralism on lawmaking is almost null and, in many respects, the parliament can indeed work as a unicameral body.[3] A particularly weak upper house probably has a marginal role, whether or not it shares the same policy preferences as the lower house (Heller, 2007; Cutrone and McCarty, 2007; but see Tsebelis and Money, 1997).[4] Things are however much more problematic when the upper chamber is endowed with important lawmaking prerogatives – that is, when the second chamber can review the decisions made (i.e. the

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[3] Throughout the text, the terms 'lower' or 'first' chamber are used for the democratically elected house, while the terms 'upper' or 'second' chamber refer to the other chamber.

[4] The House of Lords in the UK has long been considered as a typical instance of weak upper chamber, endowed just with the power to delay the passage of nonfinancial legislation. However, these delaying prerogatives can be crucial in the year before an election, when delaying a bill may mean killing it (Tsebelis and Money, 1997). As pointed out by Russell (2013), the role of the House of Lords in the policy process seems to have grown after the 1999 reform.

bills passed) by the first chamber. In such circumstances, although the upper house plays an important role in the legislative process, it can be really hard to measure its effect from an empirical point of view. This is related to the argument – well-known in the social choice literature – that, in equilibrium, the political institutions' impact is not immediately observable: within the constraints imposed by the institutional context, political actors move in such a way as to anticipate the potential consequences of their behaviour and the possible reactions of other actors. In these circumstances what really matters are the 'non-decisions', but these are unobservable by definition.

Hence, insofar as the political actors in both chambers have an exclusive interest in the policy outcome and act strategically under conditions of complete information, a powerful upper house should not produce any visible or easily measurable impact on lawmaking. This certainly holds when both chambers have identical preferences concerning the change or preservation of the status quo policy, which can be defined as the policy inherited from the previous legislature: in this case, if the lower house passes a bill altering the existing status quo, the upper house will probably simply ratify the decision taken by the lower house. However, the same also takes place when the two legislative branches have different preferences regarding the possibility of changing the status quo. Suppose, for example, that the lower chamber wants to extensively modify the status quo (i.e. it would like to bring about a huge policy change), while the upper chamber does not (i.e. it is more conservative). Even in this case, from an empirical viewpoint we should not observe any impact of bicameralism: rather than enacting the desired policy change (which could only occur under unicameralism), the first chamber will approve a bill implementing a change that is also acceptable for the other. In the extreme case in which the upper chamber opposes any change in the status quo, the lower chamber will not pass any new bill because any proposal changing the current situation is bound to be rejected by the upper house. As Manow and Burkhart (2008)

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note with regard to the German case, the consequences of incongruent majorities in the two legislative branches are mainly indirect and anticipatory.

Summing up, under the assumptions of rational choice and in conditions of complete information, only two outcomes are possible in a bicameral legislature making decisions in a particular policy area. Either the two houses swiftly pass exactly the same bill (if they both desire to change or preserve the status quo),[5] or no bill is passed (when change or maintenance of the status quo is opposed at least by one of the two).

Still, the outcomes we observe are not rarely inconsistent with these expectations. In real-world legislative politics, second chambers do not always ratify the decisions made by the first chambers. Upper chambers may well amend the bills that have been passed by lower chambers and the legislative processes can last a long time, with possible complex bargaining in conference committees or a number of parliamentary readings that exceeds the minimum (two).[6] It may also happen that some pieces of legislation which have been adopted in the lower house are not approved in the upper house (or vice versa). Although passed by one chamber, these bills never become law and 'die' in the other chamber. How can we make sense of such 'failures' in the decisional capacity of bicameral legislatures? What can explain the fact that one chamber fails or refuses to anticipate what the other chamber will do? And, which factors can lead the political actors in one chamber to spend their time and resources

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[5] New laws do not necessarily change the status quo but can also preserve it. For instance, when the period for financing a certain public programme or activity is about to expire, the enactment of a new law that extends such a period in effect keeps the existing status quo.

[6] As Tsebelis and Money (1997: 54-63) report, the most common procedure for resolving inter-cameral disagreement is the *navette* or shuttle system, whereby a bill moves from one chamber to the other until the same text is approved by both. Whereas in some countries like Italy the legislation can go back and forth from one house to the other an indefinite number of times, most bicameral systems limit the maximum number of rounds through some kind of stopping rule.

working on a bill that will never be approved as law? What can account for the variations in the number of such 'useless' approvals in time and across bills? In the following sections we will try to answer these questions.

3. The hypotheses

The above theoretical discussion suggests that the failures we are interested in take place for at least two reasons. Firstly, it might be the case that political actors in one chamber are unable to fully anticipate what will happen in the other. In other words, the political actors in the real world are far from being in a condition of information completeness (Krehbiel, 1991). When a legislative provision is examined in one chamber, there can be great uncertainty about which parliamentary majority will exist at the time of bill discussion in the other chamber. This may happen because the 'second-moving' chamber is subject to partial renewal during the 'first-moving' chamber's tenure (like for example in Germany), or because governments have such a short life that legislative majorities often change in the course of the legislative process (like in Italy).[7] In this regard, Saiegh (2014) analyses the role of uncertainty concerning legislators' behaviour for explaining defeat of government-sponsored bills,[8] while Fortunato, König and Proksch (2013) investigate how German governments control the legislative agenda facing uncertainty about the composition of the *Bundesrat*. Uncertainty may also arise because of external shocks changing the position of the status quo during the legislative process.

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[7] Uncertainty regarding the policy preferences of the second-moving chamber may also depend on the formation of new parliamentary party groups during a bill's examination.

[8] According to Saiegh (2014), legislators' preferred policies cannot be fully predicted in advance even if the partisan composition of the legislature is observable. This is because legislators may face conflicting influences as they belong to a parliamentary party and at the same time are responsive to particular groups of supporters outside the parliament.

Secondly, the political actors in one chamber may well know what the preferences of the actors in the other chamber are. Yet they may still prefer to adopt a bill that they particularly like and that, they know, can be amended – or even die – in the other chamber. In other words, the political actors' utility function does not just depend on the actual outcome of the legislative game (i.e. on the policy content of those bills that have become laws), but also on the position they have taken in public on a given policy topic (Mayhew, 1974; Huber, 1996). Taking a stance that is particularly popular in their own constituency can indeed promote politicians' electoral prospects even if the same position is not translated into a law. A party in the lower chamber may then know that its favourite policy is likely to be overturned or put aside in the upper chamber (maybe because that party's weight in the upper house is smaller than in the lower house). However, it may prefer to propose a bill corresponding to that 'ideal' policy in order to immediately enjoy some position-taking utility.

The presence of either information problems or position-taking logics (or both) seems to be a promising explanation of the occurrence of those legislative failures that characterise bicameral parliaments, namely the useless approval of bills in just one chamber. Nevertheless the role of these factors cannot be given for granted and deserves an in-depth discussion. As we noticed above, useless approvals imply a waste of time and resources. For this reason, strong incentives can emerge to ameliorate the information available during the legislative process, as well as to find alternative and less expensive ways to stake out electorally-rewarding positions.

With respect to the information-related issue, what prevents the second-moving chamber, where the bill is doomed not to be approved, from reporting early to the other chamber (the 'first mover') that the bill content is unwelcome to the majority of its members? If the second-moving chamber were able to prevent the first-moving chamber from initiating or continuing the legislative process, it could help the first-moving

chamber to save time and resources. To put it bluntly, 'cheap talk' communication

between the two chambers could solve the problem from the onset. Although sensible,

this argument rests upon questionable assumptions. First of all, cheap-talk

communication is less likely to provide valuable information the greater is policy

divergence between the players (Krehbiel, 1991). So, cheap-talk transmission of

information across two legislative houses will work especially when the two chambers

share homogeneous policy preferences (Rogers, 1998) (see below).

More in general, knowing if a legislative proposal can enjoy sufficient support

requires a deep analysis of its effects. In particular, members of the second-moving

chamber should invest time and resources in collecting valuable information on bills

that have been proposed in the other chamber and that are still under discussion there.

Bills for which second chamber's legislators cannot claim credit, neither for having

promoted them nor for having hindered them. After all, who could attribute Senate

(Chamber of Deputies) members the merit of blocking a law that is still under

discussion in the Chamber of Deputies (Senate)? Only when a bill, after having been

approved in the Chamber of Deputies (Senate), is transferred to the Senate (Chamber of

Deputies), then the Senators (Deputies) can be considered accountable for the bill's

destiny. In other terms, the separation of a parliament in two chambers separates also

the incentives.[9] Two collective actors can in fact counterbalance the effects of this

separation on the acquisition of valuable information: the parties and, at least in the

parliamentary democracies, the government. What is not directly in the interest of

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[9] As emphasised by Rogers (2001, 2003), legislative outcomes can be significantly shaped the
mere 'acoustic' separation of chambers in a bicameral parliament. Legislators acting in separate
chambers do not necessarily receive the same messages from outside of parliament about the
state of the world and can develop differentiated policy interests. See Rogers (2001) for an
informational rationale for bicameralism whereby the informational interaction of two distinct
chambers improves the quality of legislation relative to unicameralism.

individual legislators can be indirectly in their interest as it is in the interest of the party they belong to. In other terms, the party members in one chamber could advise their comrades of the other parliamentary branch in order to prevent the party as whole from wasting time on a hopeless bill (the incentive to do so would be stronger in case of the parties supporting the government). This would occur provided that, for the parties, an unnecessary approval in one chamber is more costly than legislative inaction. However, we can argue that the latter is not always true if take into account the logics of position taking – that is, bills can be uselessly adopted in one chamber as a way to enjoy some position-taking utility.

Of course, also the position-taking argument deserves a critical discussion. If we assume at least a partial alignment between legislators' and their constituents' preferences, could not a cheap-talk signalling be sufficiently credible and much less costly than a long and hopeless lawmaking process? In other words, why don't politicians just declare their support for a policy? We argue that the meaning of any message changes according to the context where such a message is sent. Since representatives operate not only in the legislative arena but also in the electoral arena, they need to explain to their supporters any decision made in parliament (Denzau, Riker and Shepsle, 1985). A simple declaration of support in favour of a bill is sufficiently credible and fruitful in terms of position-taking utility if there is no chance to approve it in the chamber where such a bill has been proposed. However, when in a chamber there is a majority of legislators supporting a bill, then the legislative inaction is very difficult to be explained and justified in front of voters and interest groups (this is true even when the probability of a definitive approval in the second-moving chamber is very low). Coupled with legislative inaction, mere declarations of support can be perceived by constituents not only as a cheap but also as an insincere talk, it does not matter if uttered on behalf of a party or a single member of parliament (MP). In the end, the

deputies (or senators) and the parties they belong to will be held responsible only for what they do or do not in the chamber where they examined bill. This implies that a bill can be approved in the originating chamber – even if it is known that will not be passed in the other chamber – because some legislators attempt to record votes on the bill. As legislative actors bargain before an audience, they have incentives to send signals to the audience. This may inhibit reaching an agreement and passing new legislation after the first reading, leading legislators to blame bargaining failures on some political opponents (Groseclose and McCarty, 2001).

Our discussion then confirms that position-taking utility and information can justify the existence of useless approvals. However, these failures vary in time and across bicameral systems. What accounts for these variations? If we focus on the information problems, then we need to distinguish factors that mitigate/exacerbate the impact of the scarcity of information on the legislative process from factors that directly increase/reduce the actors' capacity to collect information during lawmaking. In order to clarify such a distinction, let us propose an example. Imagine a short-sighted shooter. If we locate a target close to him/her, then probably he/she will be able to hit it. As we move away the target, the shooter's performance will worsen. The same result can be achieved by reducing the shooter's vision without moving the target. Similarly, the chances of observing a bicameral failure can increase for two reasons. One is because preference incongruence between the chambers exacerbates information problems: given a certain level of information, growing levels of incongruence make what can be decided in one chamber less and less compatible with the preferences of the other chamber.[10] Another is because – assuming the discrepancy in the two houses'

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[10] Suppose that the legislators in one chamber do not know anything about the political preferences in the other chamber. Nevertheless, if the preferences are very similar in the two

preferences to be fixed – the level of information necessary to correctly anticipate the outcomes in the other chamber becomes more demanding vis-à-vis the capacity of the political actors. This argument brings us to put forward the following hypotheses.

H1 The chances that a bill is only approved in one chamber will increase the less similar the policy preferences of one chamber are to the policy preferences of the other chamber, provided that both chambers are powerful enough to influence the lawmaking.

H2 Bills that are particularly complex as they imply effects on many policy areas are more likely to only be approved in one chamber.

If compared to other European legislatures, private members' bills have a quite important weight in parliaments like the Italian one. If we exclude the ratifications of international agreements – a very special type of laws whose number and origin are mostly independent from the domestic legislative arena –, the laws initiated in Italy by MPs have been on average around 30% of the total amount of laws enacted in each legislative term since 1979, without any clear evidence of a declining trend. Nevertheless, as in any other parliamentary system, also in Italy the governments play a special role as legislative sponsors (Gamm and Huber, 2002). In a principal-agent perspective, the cabinet can be viewed as the main agent of the parliament (Strøm, Müller and Bergman, 2003). As a result of delegation, the government enjoys a significant informational advantage over the parliament, as the Prime Minister (PM) and the other cabinet members are probably more aware than simple members of parliament

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houses, then we should observe very few failures. With the same level of information, huge preference discrepancy across chambers will lead to many more failures.

of what the impact of bills will be if approved. We also argue that, especially when the government is an agent of both chambers like in Italy (due to the requirement of a double confidence vote), those bills that are sponsored by the government are prepared with higher levels of information about the preference distributions in both chambers compared to legislation that is drafted and proposed by one or more MPs. Furthermore, private members' bills are often used by single legislators as instruments for increasing their chances of re-election or reselection by their party leaders (Mattson, 1995). In this regard, private members' bills are more likely to perform a position-taking function than governmental bills.

The government, at least in Italy where it must rely upon the confidence of both chambers, cannot enjoy any position-taking utility by a useless approval as a failure in one chamber equates to a loss of legitimisation. Therefore the government has a strong incentive to know very precisely the effects of its bills with respect to the distribution of the policy preferences in both chambers before introducing them in the legislative arena.

To put it bluntly, government-sponsored bills, once officially proposed, should be less 'vulnerable' in parliament and should be less affected by bicameral incongruence. We therefore formulate the following two hypotheses.

H3 Government-sponsored bills are less likely to be approved in only one chamber than private members' bills.

H4 The weight of preference incongruence between the two chambers in explaining the chances of useless approvals is lower or absent when we consider government bills.

4. Data and operationalisation

To test our hypotheses about the impact of bicameral incongruence on the chances of the useless approval of bills, we use data on the legislative production of the Italian parliament. More precisely, we collected information on the 'life' of Italian bills from the websites of the Chamber and the Senate. Our chosen time period spans from Legislature VIII (1979-83) to Legislature XVII (2013-18), thus covering almost 40 years. Our data then consider a substantial period of time including the last part of the so-called Italian First Republic (up to 1992), the transition years, and the Second Republic up to 2018. As we are interested in assessing whether or not bicameralism can favour failures in the parliament's decision-making, we collected information solely on those bills that were approved at least once in one chamber of the Italian legislature. In so doing, we came up with 10,265 bills. Bill proposals that were submitted to parliament but did not receive approval in either the Chamber or the Senate were hence excluded from our data (indeed, those bills remained in the house where they had been presented, without ever being delivered to the other house).

Before performing our analyses, we reduced the dataset in several ways in light of some peculiarities that characterise the legislative process in Italy (and maybe in other countries). First, sometimes a group of bills that are introduced by MPs and address the same policy topics are examined jointly in the legislative arena. They are jointly discussed in the committee and on the floor, and, if they are finally approved, all of them are considered to be enacted as law. To avoid any redundancies, every time there was a set of jointly-discussed bills we collapsed them into a single observation. Although our unit of analysis is not the bill *sensu stricto*, for the sake of brevity we will use always the term bill.

Second, our dataset includes bills aimed at converting decree-laws into law. Decree-laws are decrees promulgated by the Italian government with immediate force of law. According to the Italian constitution, the same day in which the decree is

emanated the government must submit to parliament a bill intended to convert the decree into law. If the converting bill is not approved by the parliament in 60 days, the related decree-law loses its effect. Mostly during the transition years from the First to the Second Italian Republic (1992-96), many decree-laws were not converted by the parliament within the 60-day term; Italian governments used to re-introduce these decrees (after very slightly amending them) as new bills, until they were approved or definitively dismissed. The official numbers therefore indicate many bills that were promulgated to convert decree-laws and a high level of 'mortality' for these bills. Behind this, however, there was very often a single negotiation that did not cease when the converting bill officially expired. To take in consideration such a tricky phenomenon, we counted as only one (converting) bill any lawmaking process where very similar bills were promulgated one after the other to convert decree-laws on the same topic.

Third, we excluded from the analyses those bills that ratify international treaties and agreements. If compared to the rest of legislation, ratifying bills are approved through a different decision-making process: usually, they are almost passively rubber-stamped by parliament. Furthermore, we dropped the 19 legislative proposals introduced by popular initiatives or by regional councils. All said, the final dataset used for the analysis consisted of 5,649 bills.

As far as the operationalisation of the variables is concerned, our dependent variable (*FAILED APPROVAL*) is a dummy indicating when a failure in the parliament's decisional capacity occurs. In particular, its value is 1 when, after being approved by (at least) one chamber, a bill is never enacted as law; and 0 when a bill is approved definitively and becomes law. Considering the entire dataset, useless approvals regard about 20% of Italian bills: on average, one bill out of five dies in the legislative arena after being approved either in the Chamber or the Senate. However,

there is a huge variation around the general mean (descriptive statistics are provided in the appendix). Figure 1 displays the distribution of the dependent variable over time. Each bar in the graph reports, for a given legislative term, the percentage of bills that were approved at least once in a chamber but did not become laws, with respect to the whole amount of bills approved at least once in a chamber. As shown by the figure, a large part of the overall variation depends on the length of the parliamentary term: useless approvals are more common in short legislatures (especially Legislatures XI, XII and XV) than in legislatures that last for their natural duration (five years). Moreover, with the exception of Legislature XIV, the 'mortality rate' of bills tends to be higher in the Second Republic, once one has taken in consideration the length of the legislatures. The graph also seems to suggest an interesting distinction between governmental bills and private members' bills: in the case of government-sponsored legislation (blue bars), useless approvals regard the First Republic more; in case of parliamentary bills (orange bars), useless approvals regard the Second Republic more.

To further explore the impact of different types of initiative, Figure 2 reports the bills' mortality rate computed separately for governmental legislation and for private members' proposals. As the graph shows, the mortality rate is always higher for parliamentary bills than for government bills. However, it seems that, over time, the percentage of legislative failures has grown for the former while it has shrunk for the latter.

[Figures 1 and 2]

The argument put forward in the theoretical part posits that preference incongruence between the houses of a bicameral parliament should help explain why some bills are passed in one chamber but not approved definitively as law. We operationalised the

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preference incongruence between the chambers in two different ways. Firstly, for each bill we calculated a measure based on the differences in the party composition between the Chamber of Deputies and the Senate. To do so, we used the well-known Duncan index (Duncan and Duncan, 1955), which enables a synthetic evaluation of the dissimilarity between two frequency distributions: in our case, the dissimilarity between the distribution of seats among parties in the Chamber and the distribution of seats among parties in the Senate at the time when a bill was last discussed. The resulting variable (*DUNCAN*) ranges from 0 to 1, with 0 representing the hypothetical case when the seat share of each party is exactly the same between the two houses and 1 representing the hypothetical case when the seat distribution in the upper and lower chambers is completely different (Pedrazzani, 2017). In our data, the minimum value of *DUNCAN* is 0.05, which indicates that, on comparing the two houses, just 5% of parliamentary seats (32 deputies or 16 senators) are distributed differently among the parliamentary parties. The maximum observed value of *DUNCAN* is instead 0.22, implying that 22% of deputies (139 MPs) or 22% of senators (70 MPs) should switch to another parliamentary group in order to have the same seat distribution in both the Chamber and the Senate.

Secondly, we measured preference incongruence between the chambers by looking at the difference between the position of the median party in the Chamber and the position of the median party in the Senate along the policy domain addressed by the legislation. More precisely, we proceeded in the following way. 1) We used the classification of Italian bills provided by the Italian Law-Making Archive (ILMA) (Borghetto et al., 2012), where approved bills are coded according to their content following the Comparative Agendas Project (CAP) classification scheme which

includes 21 policy categories.[11] 2) As ILMA coding only covers approved bills, we extended the CAP classification scheme to non-approved bills with the help of a supervised machine learning algorithm.[12] 3) For the entire 1979-2018 period, we calculated the position of the median party in the Chamber and the position of the median party in the Senate at the time of the bills' examination. Median scores were obtained on the basis of expert survey data on Italian parties.[13] We chose the following three relevant policy domains: *Taxes vs Spending* (dealing with economic issues), *Social Policy* (relating to civil rights), and *Decentralisation* (concerning the degree of territorial decentralisation of political decisions). 4) We associated the CAP categories with one of the three abovementioned domains.[14] 5) Finally, for each bill we calculated the absolute difference between the median party in the Chamber and the median party in the Senate at the time of the bill's discussion. The resulting variable – labelled *MEDIANDIFF* – is equal to 0 when the same party is median in both the Chamber and the Senate. The highest values (a distance of more than four points on a 1-20 scale)

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[11] CAP is a transnational research network whose aim is to develop and apply common methods for the comparison of policy agendas. For further information, see: http://www.comparativeagendas.org.

[12] After testing several classification algorithms, we chose the Random Forest algorithm. The most effective features used in the classification of the bills in our sample were the title of the bill, the committee to which the bill was assigned, and the topics assigned to the bill by the Italian parliament's bureaucrats (these topics are available on the website of the Chamber and Senate).

[13] We used data from Laver and Hunt (1992) for the 1979-94 period, Benoit and Laver (2006) for the 1994-2001 period, Curini and Iacus (2008) for the 2008-13 period, and Di Virgilio et al. (2015) for the 2013-18 period. We thank Kenneth Benoit for sharing with us expert survey data for the 2006 national elections, which we used for the 2006-8 period.

[14] See the appendix for how we matched the CAP categories with the expert survey domains. Let us note that we were not able to assign the bills dealing with the 'Foreign Trade', 'Government Operations' and 'International Affairs and Foreign Aid' CAP categories to any of the three expert survey dimensions.

were reached in the case of bills examined by the Italian parliament in the period between 2006 and 2013.

Another major reason why we can observe failures in the decision-making capacity of a bicameral legislature is related to the level of information that, in one chamber, is required to correctly anticipate the outcomes of lawmaking in the other chamber (as well as the implications of bills if enacted as laws). To capture the complexity of the issues that the bills deal with, for each bill we counted the number of legislative committees that were involved as 'consultants' during the first reading. As the number of permanent committees has varied over time both in the Chamber and in the Senate, we normalised the simple number of consultant committees according to the maximum number of legislative committees in the chamber where the bill was introduced (*CONSULT*).

All bills are differentiated according to the nature of their proposer and the legislative branch where they were presented. The *GOV* dummy captures the distinction between governmental initiative (1) and parliamentary initiative (0). According to Hypothesis 3, we expect that being a government bill reduces the probability of useless approval, while, according to Hypothesis 4, we expect that the effect of the political incongruence between two chambers on useless approvals is tempered when the bill is initiated by the government. The *MAJORITY* dummy instead considers the distinction between bills whose first sponsors belong to the legislative majority supporting the government, including government members (1), and bills whose first sponsors belong to the opposition parties (0). The *FIRSTSENATE* variable is equal to 1 when the bill was introduced in the Senate. Bills introduced in the Senate may have lower chances of becoming law simply for mechanical reasons. Senators are fewer in number than deputies and hence the number of bills initiated in the Senate is smaller. Therefore, when reaching the second reading (and any other stage of the legislative process as

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well), senators' bills are outnumbered by deputies' bills and have comparatively lower chances of being approved.

We introduced a further set of control variables that can affect our dependent variable. To begin with, we created dummy variables indicating the nature of the legislative proposals: ordinary bills, bills converting decree-laws, budgetary bills and bills aimed at reforming the constitution. Budget bills and conversion bills should present particularly low mortality rates, not only because they are introduced by the government but also because they 'expire' unless they are approved within a strict deadline. We also considered the number of days that separate the presentation of bills from the end of the legislature (*DAYSTOEND*). Moreover, some bills were presented under a certain government and examined by parliament under a different one. In the latter case, the *GOVDIFF* dummy is equal to 1. In addition, we created 21 dummy indicators, one for each policy sector, according to the CAP category to which the bills were assigned. Finally, we introduced dummies for the different legislative terms. Descriptive statistics for the independent and control variables are provided in the appendix.

5. Analysis and findings

Since our dependent variable has a dichotomous nature, the four hypotheses we put forward in the theoretical part were tested by using a series of logistic regression models. Our dataset presents three levels of analysis, as each bill (the most basic unit of analysis, at level 1) belongs to one of the 21 policy categories in the CAP scheme (level 2) and one particular legislative term (level 3). To model the hierarchical structure of the data, we specified both a set of logistic regressions with fixed effects on legislatures

and policies, and a set of multilevel logistic regressions with random intercepts on legislatures and policies (Rabe-Hesketh and Skrondal, 2012).[15]

The models reported in Table 1 allow us to test hypotheses H1-H3. Preference divergence between the chambers – which is one of our key independent variables – is operationalised as the dissimilarity in the seat distribution of the two houses (*DUNCAN*) in Models 1-2, and as the distance between the median parties in the two houses (*MEDIANDIFF*) in Models 3-4. In the table, the two incongruence-related variables are reported in the first row, under the label *INCONGRUENCE*. Our last hypothesis (H4) is tested in a second set of models displayed in Table 2. In this case too, bicameral incongruence is gauged both as *DUNCAN* (Models 5-6) and as *MEDIANDIFF* (Models 7-8). In each model of Table 2, the incongruence-related variable is made to interact with the *GOV* dummy. As we mentioned above, the policy distance between the parliamentary medians was calculated for the bills in all but three categories of the CAP scheme. For this reason, in Tables 1 and 2 the number of observations is lower when incongruence is measured as *MEDIANDIFF*.

[Tables 1 and 2]

In all the logistic regressions in Tables 1 and 2, we modelled the likelihood that a bill is not enacted as law after being approved in one chamber as a function of bicameral incongruence, type of initiative (and the interaction between the two) and bill complexity, plus a set of control variables. A positive coefficient means that higher

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[15] A likelihood-ratio test comparing the fit of a three-level random effects analysis of variance to that of a regression model with a constant only (allowing for individual variation only) indicates that the null hypothesis (i.e. there is no cross-legislature or cross-policy variation in the likelihood that bills will fail to be approved) has to be rejected.

values of that covariate increase the probability of bills, after being passed at least in one chamber, failing to be definitively approved by the Italian parliament.

The results given in the tables provide clear support for our hypotheses. According to H1, the greater the bicameral incongruence, the more likely bills should be to be ('uselessly') approved in one chamber without becoming laws. As expected, Table 1 shows that both our measures of bicameral incongruence positively affect the probability of useless approval. This finding is weaker when we measure bicameral incongruence through *MEDIANDIFF* and include fixed effects (Model 3).[16]

According to H2, particularly complex bills should be less likely to become law after approval in one chamber. Consistent with this expectation, the *CONSULT* variable is found to be positive and significant across all the models, again with the exception of Model 3. Anticipating what will happen in the reviewing chamber can be hard for political actors in the first chamber, especially when the legislation under examination deals with multiple policy areas.

Owing to executives' special agenda-setting prerogatives during the legislative process, according to H3 government-sponsored bills are expected to be less subject to useless approval than private members' bills. As conjectured, the coefficients on the *GOV* dummy are always negative and strongly significant.

Our last hypothesis (H4) relates to the interaction between bicameral incongruence and the government's role, as the latter is expected to mitigate the impact of the former on the chances of observing useless approvals. In other words, higher

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[16] As robustness checks, we ran the same analyses using different measures of bicameral incongruence. These include the absolute difference in the effective number of parties between Chamber and Senate (calculated either for all parliamentary parties or only for the government coalition parties) and a variable indicating when a given government controls just a minority of seats in either chamber. Our results are not substantially affected by the choice of measure of bicameral incongruence.

values of bicameral incongruence are hypothesised to increase the probability of useless

approvals for private members' bills (i.e. when *GOV*=0); however, in the case of

government-sponsored bills (i.e. when *GOV*=1), the impact of bicameral incongruence

should be weaker or not even significant in statistical terms. To test this hypothesis, we

ran a set of logit regressions where the *INCONGRUENCE* variables are interacted with

the *GOV* dummy. Results are reported in Table 2. Since in case of nonlinear models –

such as logit regression – it is not so easy to understand interactions simply from the

table of results, we rely on a graphical inspection of the effect of our covariates on the

probability that a bill will not be definitively enacted after approval in one chamber

(Brambor, Clark and Golder, 2006). More precisely, Figure 3 displays the marginal

impact of the type of initiative (parliamentary bills vs government bills) across different

values of incongruence-related variables. In each graph, negative plotted values imply a

negative difference in the probabilities: compared to private members' proposals,

government-sponsored bills are less likely to gain useless approval in one chamber.

[Figure 3]

Consistent with our expectation, all the graphs in Figure 3 show that the bills

introduced by Italian cabinets have a systematically lower probability of dying after

approval in one chamber vis-à-vis the pieces of legislation submitted by MPs. For our

two incongruence-related variables, the confidence intervals estimated around the

predicted difference are both below the zero line across almost the entire range of values

of bicameral incongruence. Moreover, the distinction between government-sponsored

bills and parliamentary bills seems to have a greater impact at higher values of

incongruence. Further exploration of the data reveals that, as bicameral divergence gets

larger, the probability that a bill will fail to be enacted as law after adoption in one

chamber always increases for parliamentary bills. In the case of government bills, the probability of useless approval either flatlines or increases with incongruence but following a less steep function (see Figure A1 in the appendix).

Let us now turn to the control variables included in the models. The results given in Tables 1 and 2 not only show that government bills are less likely than parliamentary bills to die without being approved, but also that legislation sponsored by members of the majority supporting the cabinet is less subject to useless approval than legislation initiated by opposition MPs. The coefficients on the *MAJORITY* dummy are indeed always negative and statistically significant. The dichotomous *FIRSTSENATE* variable is instead always positive and significant. This implies that bills have greater chances of dying after approval in one chamber if they are introduced as first reading in the Senate rather than in the Chamber. As mentioned above, this is probably a mechanical effect depending on the different size of the two legislative branches.

Unsurprisingly, budget bills and bills aimed at converting law-decrees have lower mortality rates than ordinary legislation, while constitutional proposals die more easily in parliament after approval in one legislative branch. As the negative coefficients on *DAYSTOEND* indicate, bills that are introduced sooner during the legislative term are less likely to die in parliament after being approved in one chamber. The positive signs of *GOVDIFF* instead imply that the chances of useless approval are higher for those bills that are proposed under a certain government but examined by parliament under a different one. This variable may also capture the fact that, when the introduction of a bill and its discussion occur under two different governments, the political conditions that initially seemed favourable to the approval of that bill may then change because of some external shocks.

With respect to the indicators we included in our models to tap into differences between policy areas, the analysis hints at some peculiarities of lawmaking (and perhaps

also party competition) in Italy. The most 'vulnerable' bill proposals are those addressing the 'Health' policy sector: if compared to the legislation dealing with agriculture (the reference category), bills about public health have greater chances of useless approval. In contrast, the bills which are least likely to die after being approved in one chamber are on issues that require very specific and technical knowledge ('Space, Science, Technology, and Communications', 'Transportation', 'Energy'), and those regarding the 'Civil Rights, Minority Issues, and Civil Liberties', 'Social Welfare' and 'International Affairs and Foreign Aid' domains. Finally, the results related to the different parliamentary terms are not easily interpretable. The stronger findings concern Legislature IX and, to a lower degree, Legislatures XV and XVI. During these terms, Italian bills experienced higher mortality rates than during Legislature VIII (the reference category). Further analyses reveal more specific patterns involving policy domains in each legislative term (see Figure A2 in the appendix).

6. Conclusion

The analysis of lawmaking data in the Italian parliament from 1979 to 2018 revealed that information about the distribution of political preferences in both houses plays a crucial role. We found out that the chances of useless approvals increase as the distribution of political preferences in one chamber is less and less mirrored in the other, namely when the weight of the political parties is different and when the median parties in the two houses are distant from each other. The mortality rate of legislation also increases when bills are complex and deal with many different issues that require a higher level of information. Above all, useless approvals are more likely for bills sponsored by an MP. Any legislator, even when acting on behalf of the whole party he/she is a member of, belongs to only one chamber; he/she cannot have the same 'synoptic' view the government has. Conversely, according to the constitution, the

Italian government is somehow an agent of both chambers, as both chambers can independently put its life at risk. This gives the government a further advantage in comparison to simple MPs.

All these considerations lead us to conjecture that the persistence of Italy's so-called perfect bicameralism can have relevant policy implications in terms of institutional productiveness that contrast with the scepticism of the scholars and politicians who stood against the constitutional reform of 2016:

(1)   Any difference in the party composition of the two chambers is doomed to make Italian lawmaking actors less able to get their bills approved, in particular when they are MPs;

(2)   Bicameral incongruence can contribute to the decline of parliament as an effective sponsor of legislation vis-à-vis the government. However, this strengthening of the government's position as a legislative actor can only be relative as it takes place in a context of increasing difficulties in the lawmaking process;

(3)   As complex legislation is more likely to die after an initial approval than bills with a limited scope, bicameralism cannot be considered completely 'innocent' with respect to the difficulties that the Italian political system often encounters in enacting extensive reforms.

In the very recent period, bicameral incongruence seems to have disappeared from the agenda of Italian politicians and observers. Indeed, the Italian general election of March 2018 were held under a new electoral system – so-called the Rosato law – which at the national level brought about very limited distortion in the translation of votes into parliamentary seats, creating two congruent legislative branches. However, the potential for bicameral incongruence has not been completely thwarted. First of all,

it has been shown that the new electoral system produced distinct territorial patterns of disproportionality, that in 2018 ended up compensating each other (Chiaramonte and D'Alimonte, 2018). Moreover, the two houses are still elected according to partially different rules: seats are distributed at the national level for the Chamber while at the regional level for the Senate, constituencies are larger for the Chamber and smaller for the Senate, electoral thresholds are lower for the Chamber and higher for the Senate. Further heterogeneity may stem from possibly distinct strategies of parties in competing for Chamber and Senate election and from the fact that the two houses are elected by two different electoral bodies, as citizens younger than 25 do not vote for the Senate. All these aspects may very soon bring back to the fore the issue of bicameral incongruence.

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Tables

Table 1. Determinants of useless approvals in the Italian parliament (1979-2018). Logit regression models with fixed effects and multilevel logit regression models with random intercepts.

	(1) DUNCAN (fixed effects)	(2) DUNCAN (multilevel)	(3) MEDIANDIFF (fixed effects)	(4) MEDIANDIFF (multilevel)
INCONGRUENCE	17.462***	10.810***	0.116*	0.157**
	(3.784)	(3.346)	(0.067)	(0.068)
GOV	-0.442***	-0.543***	-0.490***	-0.542***
	(0.096)	(0.098)	(0.104)	(0.105)
GOVDIFF	0.631***	0.682***	0.777***	0.768***
	(0.090)	(0.088)	(0.096)	(0.094)
DAYSTOEND	-0.000***	-0.000***	-0.001***	-0.001***
	(0.000)	(0.000)	(0.000)	(0.000)
MAJORITY	-0.258**	-0.254**	-0.265**	-0.278**
	(0.115)	(0.116)	(0.124)	(0.125)
CONSULT	0.503**	0.519**	0.393	0.560**
	(0.237)	(0.234)	(0.274)	(0.278)
BILLTYPE:				
DL conversion	-0.564***	-0.487***	-0.736***	-0.627***
	(0.117)	(0.114)	(0.132)	(0.130)
Budget	-2.463***	-2.265***	-2.482***	-2.342***
	(0.505)	(0.484)	(0.510)	(0.489)
Constitutional	1.319***	1.260***	1.272***	1.160***
	(0.360)	(0.319)	(0.389)	(0.344)
LEGISLATURE:				
IX (1983-1987)	0.615***		0.701***	
	(0.130)		(0.140)	
X (1987-1992)	-0.230*		-0.046	
	(0.136)		(0.139)	
XI (1992-1994)	0.149		0.254	
	(0.190)		(0.198)	
XII (1994-1996)	-0.406		1.234***	
	(0.427)		(0.199)	
XIII (1996-2001)	-0.789***		0.324**	
	(0.303)		(0.151)	
XIV (2001-2006)	-0.191		0.073	
	(0.200)		(0.196)	
XV (2006-2008)	0.398		0.655**	
	(0.287)		(0.321)	
XVI (2008-2013)	0.193		0.549**	
	(0.252)		(0.224)	
XVII (2013-2018)	-2.080***		0.249	

	(1)	(2)	(3)	(4)
	(0.600)		(0.236)	
FIRSTSENATE	0.569***	0.573***	0.520***	0.529***
	(0.073)	(0.074)	(0.080)	(0.082)
POLICY:				
Banking, Finance, Domestic Commerce	0.146		0.145	
	(0.191)		(0.191)	
Civil Rights, Minority Issues, Civil Lib.	-1.299***		-1.204***	
	(0.411)		(0.406)	
Community Development, Housing Issues	0.149		0.239	
	(0.304)		(0.300)	
Cultural Policy Issues	-0.015		-0.015	
	(0.229)		(0.228)	
Defence	-0.011		-0.036	
	(0.205)		(0.205)	
Domestic Macroeconomic Issues	0.099		0.166	
	(0.208)		(0.209)	
Education	0.051		0.027	
	(0.203)		(0.203)	
Energy	-0.639*		-0.673*	
	(0.360)		(0.359)	
Environment	0.253		0.290	
	(0.225)		(0.226)	
Foreign Trade	-		-	-
Government Operations	-0.149		-	-
	(0.178)			
Health	0.571***		0.629***	
	(0.210)		(0.211)	
Immigration and Refugee Issues	-0.277		-0.280	
	(0.469)		(0.468)	
International Affairs and Foreign Aid	-0.895***		-	-
	(0.236)			
Labour and Employment	0.142		0.145	
	(0.215)		(0.215)	
Law, Crime and Family Issues	-0.017		-0.026	
	(0.180)		(0.181)	
Public Lands, Water Management, Territ.	-0.485		-0.487	
	(0.315)		(0.316)	
Social Welfare	-1.133***		-1.121***	
	(0.378)		(0.379)	
Space, Science, Technology, Communic.	-2.837***		-2.842***	
	(0.795)		(0.793)	
Transportation	-0.600**		-0.633***	
	(0.241)		(0.241)	
Constant	-2.421***	-2.071***	-1.171***	-0.896***
	(0.336)	(0.436)	(0.246)	(0.216)
Variance component:				
Legislature level		0.210		0.106*
		(0.148)		(0.063)
Policy level		0.192***		0.149***
		(0.057)		(0.056)

N	5,602	5,649	4,430	4,430
Log-likelihood	-2.470	-2.546	-2.005	-2.065
AIC	5.017	5.119	4.083	4.156
BIC	5.276	5.205	4.320	4.240

Notes: The cell entries are logistic regression coefficients. The baseline category for *BILLTYPE* is 'ordinary'. The baseline category for *POLICY* is 'Agriculture'. The baseline category for *LEGISLATURE* is 'VIII (1979-83)'. The number of observations in Model 1 is lower than in Model 2 because those bills dealing with the 'Foreign Trade' policy category were dropped from the analysis due to collinearity problems. The number of observations is lower in Models 3-4 than in Models 1-2 because *MEDIANDIFF* is not available for all policy categories. Standard errors in parentheses. Statistical significance: * $p<0.10$, ** $p<0.05$, *** $p<0.01$.

Table 2. Determinants of useless approvals in the Italian parliament (1979-2018). Logit regression models with fixed effects and multilevel logit regression models with random intercepts. Interactions between bicameral incongruence and type of initiative.

	(5) DUNCAN interaction (fixed effects)	(6) DUNCAN interaction (multilevel)	(7) MEDIANDIFF interaction (fixed effects)	(8) MEDIANDIFF interaction (multilevel)
INCONGRUENCE	19.355***	13.362***	0.224***	0.240***
	(3.820)	(3.359)	(0.082)	(0.079)
GOV	0.070	-0.022	-0.435***	-0.497***
	(0.178)	(0.184)	(0.106)	(0.107)
INCONGRUENCE X GOV	-6.298***	-6.354***	-0.278***	-0.229**
	(1.903)	(1.909)	(0.103)	(0.107)
GOVDIFF	0.623***	0.668***	0.772***	0.762***
	(0.090)	(0.088)	(0.096)	(0.094)
DAYSTOEND	-0.000***	-0.000***	-0.001***	-0.001***
	(0.000)	(0.000)	(0.000)	(0.000)
MAJORITY	-0.227*	-0.223*	-0.277**	-0.286**
	(0.118)	(0.118)	(0.125)	(0.125)
CONSULT	0.623***	0.634***	0.498*	0.629**
	(0.240)	(0.237)	(0.276)	(0.280)
BILLTYPE:				
DL conversion	-0.521***	-0.446***	-0.702***	-0.600***
	(0.117)	(0.114)	(0.133)	(0.130)
Budget	-2.468***	-2.284***	-2.494***	-2.352***
	(0.503)	(0.484)	(0.510)	(0.490)
Constitutional	1.346***	1.288***	1.276***	1.158***
	(0.363)	(0.321)	(0.396)	(0.346)
LEGISLATURE:				
IX (1983-1987)	0.616***		0.700***	
	(0.128)		(0.140)	
X (1987-1992)	-0.192		-0.039	
	(0.135)		(0.138)	
XI (1992-1994)	0.175		0.245	
	(0.190)		(0.199)	

XII (1994-1996)	-0.197		1.222***	
	(0.435)		(0.199)	
XIII (1996-2001)	-0.699**		0.320**	
	(0.303)		(0.151)	
XIV (2001-2006)	-0.158		0.068	
	(0.199)		(0.195)	
XV (2006-2008)	0.440		0.681**	
	(0.287)		(0.333)	
XVI (2008-2013)	0.223		0.532**	
	(0.251)		(0.226)	
XVII (2013-2017)	-2.056***		0.213	
	(0.603)		(0.242)	
FIRSTSENATE	0.567***	0.572***	0.528***	0.535***
	(0.073)	(0.075)	(0.080)	(0.082)
POLICY:				
Banking, Finance, Domestic Commerce	0.143		0.133	
	(0.192)		(0.191)	
Civil Rights, Minority Issues, Civil Lib.	-1.290***		-1.201***	
	(0.419)		(0.411)	
Community Development, Housing Issues	0.137		0.228	
	(0.303)		(0.298)	
Cultural Policy Issues	-0.023		-0.008	
	(0.231)		(0.228)	
Defence	-0.014		-0.036	
	(0.205)		(0.205)	
Domestic Macroeconomic Issues	0.084		0.162	
	(0.207)		(0.208)	
Education	0.054		0.021	
	(0.203)		(0.202)	
Energy	-0.694*		-0.690*	
	(0.363)		(0.357)	
Environment	0.227		0.279	
	(0.226)		(0.225)	
Foreign Trade	-		-	-
Government Operations	-0.153		-	-
	(0.179)			
Health	0.552***		0.626***	
	(0.211)		(0.210)	
Immigration and Refugee Issues	-0.287		-0.289	
	(0.467)		(0.469)	
International Affairs and Foreign Aid	-0.878***		-	
	(0.236)			
Labour and Employment	0.140		0.132	
	(0.215)		(0.214)	
Law, Crime and Family Issues	-0.028		-0.024	
	(0.181)		(0.181)	
Public Lands, Water Management, Territ.	-0.501		-0.487	
	(0.315)		(0.315)	
Social Welfare	-1.146***		-1.124***	
	(0.383)		(0.377)	

Space, Science, Technology, Communic.	-2.832***		-2.928***	
	(0.796)		(0.824)	
Transportation	-0.603**		-0.658***	
	(0.241)		(0.243)	
Constant	-2.656***	-2.333***	-1.212***	-0.930***
	(0.342)	(0.437)	(0.246)	(0.217)
Variance component:				
Legislature level		0.226		0.106*
		(0.152)		(0.064)
Policy level		0.182***		0.143***
		(0.055)		(0.055)
N	5,602	5,649	4,430	4,430
Log-likelihood	-2.464	-2.541	-2.001	-2.063
AIC	5.008	5.109	4.078	4.154
BIC	5.273	5.202	4.321	4.243

Notes: The cell entries are logistic regression coefficients. The baseline category for *BILLTYPE* is 'ordinary'. The baseline category for *POLICY* is 'Agriculture'. The baseline category for *LEGISLATURE* is 'VIII (1979-83)'. The number of observations in Model 5 is lower than in Model 6 because those bills dealing with the 'Foreign Trade' policy category were dropped from the analysis due to collinearity problems. The number of observations is lower in Models 7-8 than in Models 5-6 because *MEDIANDIFF* is not available for all policy categories. Standard errors in parentheses. Statistical significance: * p<0.10, ** p<0.05, *** p<0.01.

Figures

Figure 1. Percentage of bills that were approved at least once in a chamber without being definitively approved as law, by legislative term (Italy 1979-2018).
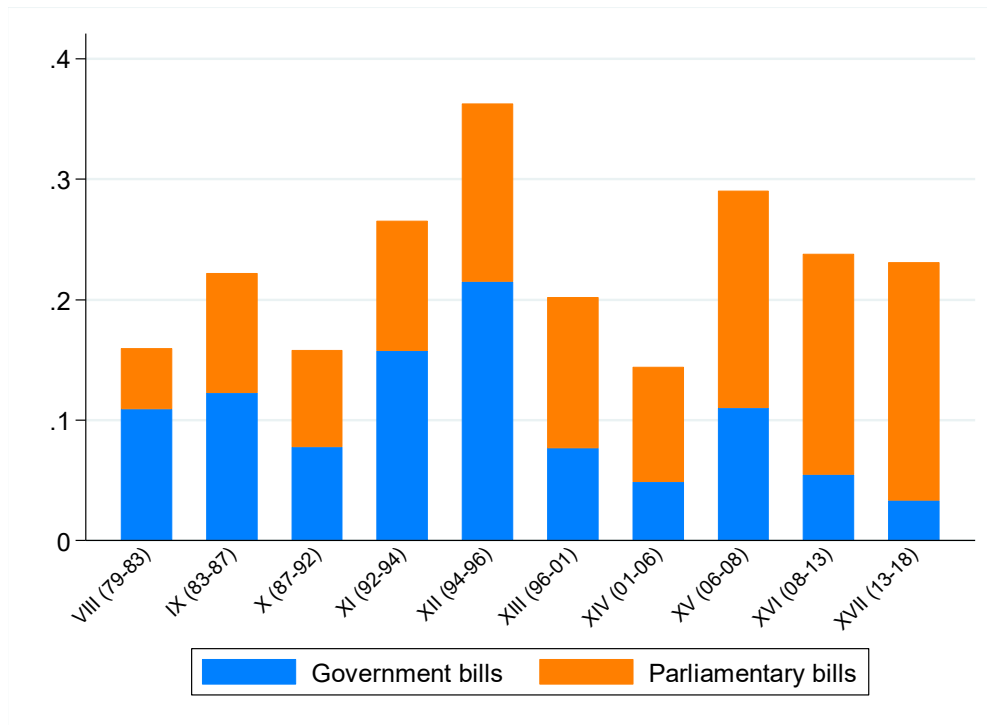
Figure 2. Percentage of bills that were approved at least once in a chamber without being definitively approved as law, by type of initiative and legislative term (Italy 1979-2018).
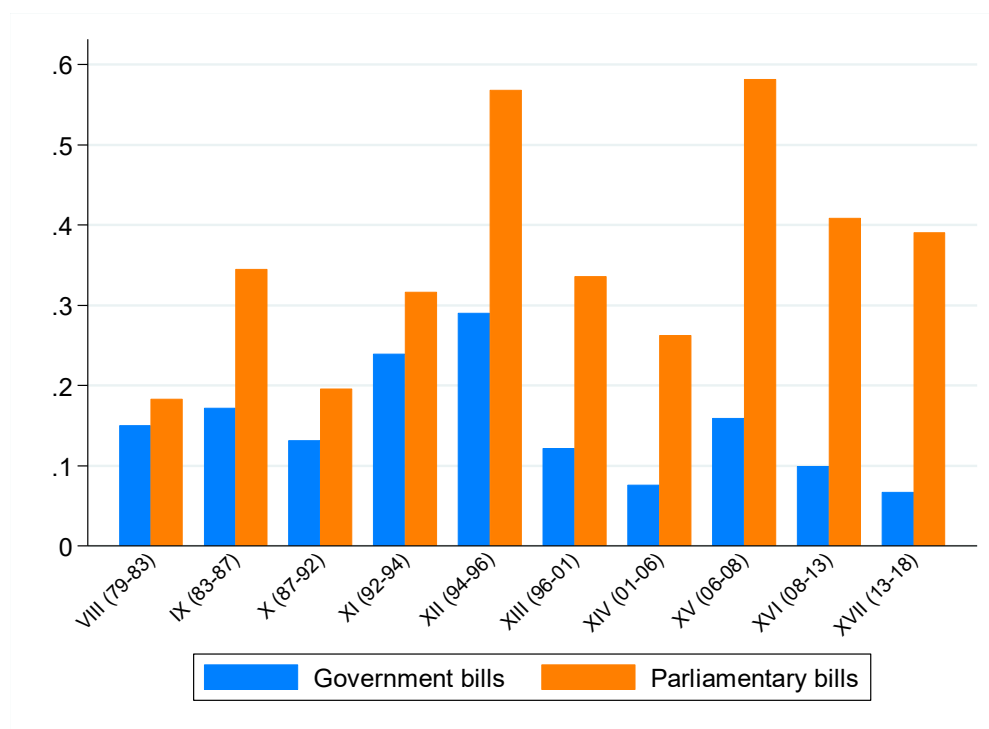
Figure 3. Marginal impact of the type of initiative (government bills vs parliamentary bills) on useless approval, for different measures of bicameral incongruence and different models (Italy 1979-2018).
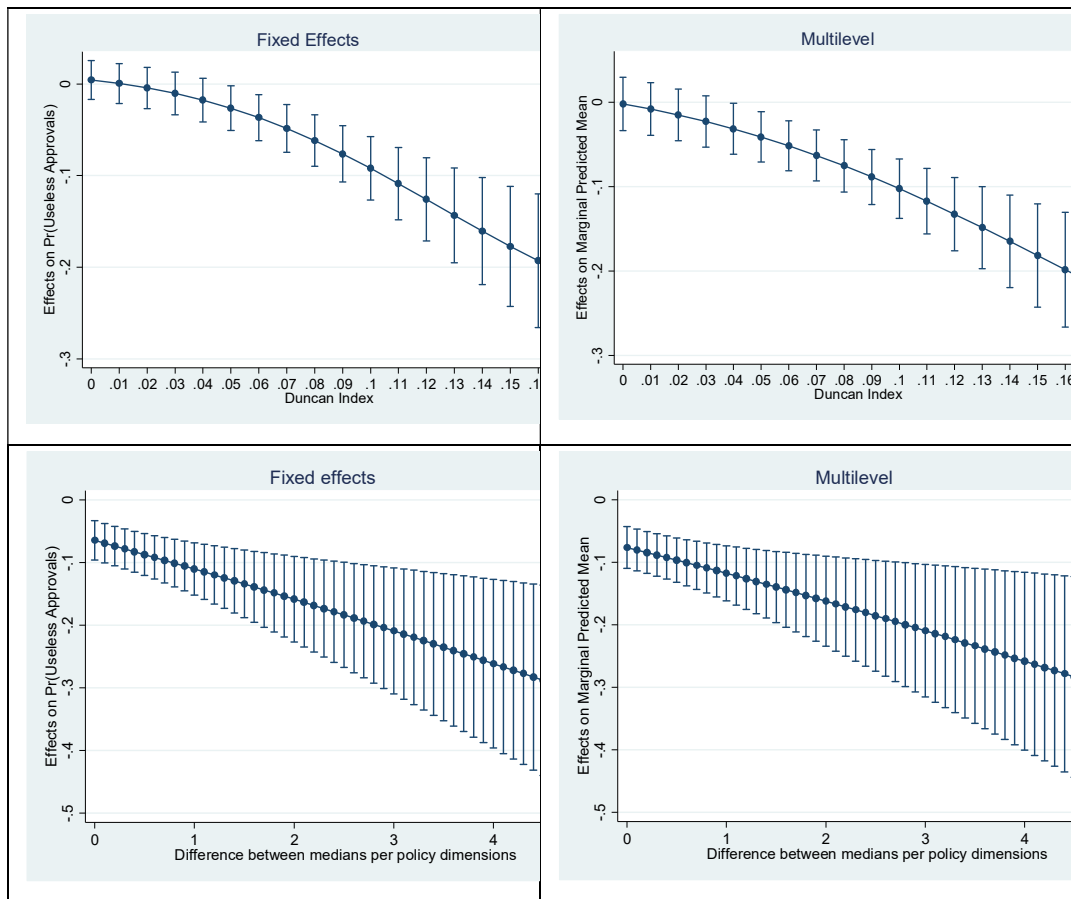
Notes: The plotted values are estimated from Models 5-8 (see Table 2). Whiskers around estimated values indicate 95% confidence intervals.

Online appendix

Table A1. Descriptive statistics for the dependent and independent variables.

Variable	Mean	SD	Min	Max
FAILED APPROVAL	0.201	0.400	0	1
DUNCAN	0.085	0.034	0.053	0.215
MEDIANDIFF	0.217	0.713	0	4.638
GOV	0.649	0.477	0	1
GOVDIFF	0.429	0.495	0	1
DAYSTOEND	1023.661	501.797	50	1847
MAJORITY	0.895	0.306	0	1
CONSULT	0.271	0.200	0	1
FIRSTSENATE	0.510	0.500	0	1

POLICY:	N.	%		
Agriculture	282	4.99		
Banking, Finance and Domestic Commerce	401	7.10		
Civil Rights, Minority Issues and Civil Liberties	70	1.24		
Community Development and Housing Issues	101	1.79		
Cultural Policy Issues	211	3.74		
Defence	333	5.89		
Domestic Macroeconomic Issues	559	9.90		
Education	309	5.47		
Energy	105	1.86		
Environment	195	3.45		
Foreign Trade	47	0.83		
Government Operations	823	14.57		
Health	262	4.64		
Immigration and Refugee Issues	32	0.57		
International Affairs and Foreign Aid	349	6.18		
Labour and Employment	246	4.35		
Law, Crime and Family Issues	734	12.99		
Public Lands, Water Management and Territorial Issues	100	1.77		
Social Welfare	99	1.75		
Space, Science, Technology and Communications	101	1.79		
Transportation	290	5.13		

BILLTYPE:	N	%
Ordinary	3,906	69.14
DL conversion	1,519	26.89
Budget	176	3.12
Constitutional	48	0.85

LEGISLATURE:	N	%
VIII (1979-1983)	1,010	17.88
IX (1983-1987)	880	15.58
X (1987-1992)	1,084	19.19
XI (1992-1994)	343	6.07
XII (1994-1996)	284	5.03
XIII (1996-2001)	782	13.84
XIV (2001-2006)	535	9.47
XV (2006-2008)	100	1.77
XVI (2008-2013)	328	5.81
XVI (2013-2018)	303	5.36

Table A2. Correspondence between CAP categories and expert survey dimensions.

CAP category	Expert survey dimension
Domestic Macroeconomic Issues	*Taxes vs Spending*
Education	*Taxes vs Spending*
Energy	*Taxes vs Spending*
Environment	*Taxes vs Spending*
Health	*Taxes vs Spending*
Labour and Employment	*Taxes vs Spending*
Social Welfare	*Taxes vs Spending*
Space, Science, Technology and Communications	*Taxes vs Spending*
Transportation	*Taxes vs Spending*
Civil Rights, Minority Issues and Civil Liberties	*Social Policy*
Cultural Policy Issues	*Social Policy*
Defence	*Social Policy*
Immigration and Refugee Issues	*Social Policy*
Law, Crime and Family Issues	*Social Policy*
Agriculture	*Decentralisation*
Banking, Finance and Domestic Commerce	*Decentralisation*
Community Development and Housing Issues	*Decentralisation*
Public Lands, Water Management and Territorial Issues	*Decentralisation*
Foreign Trade	-
Government Operations	-

Figure A1. Predicted probability of useless approval by type of initiative, for different measures of bicameral incongruence (Italy 1979-2018) and different models.
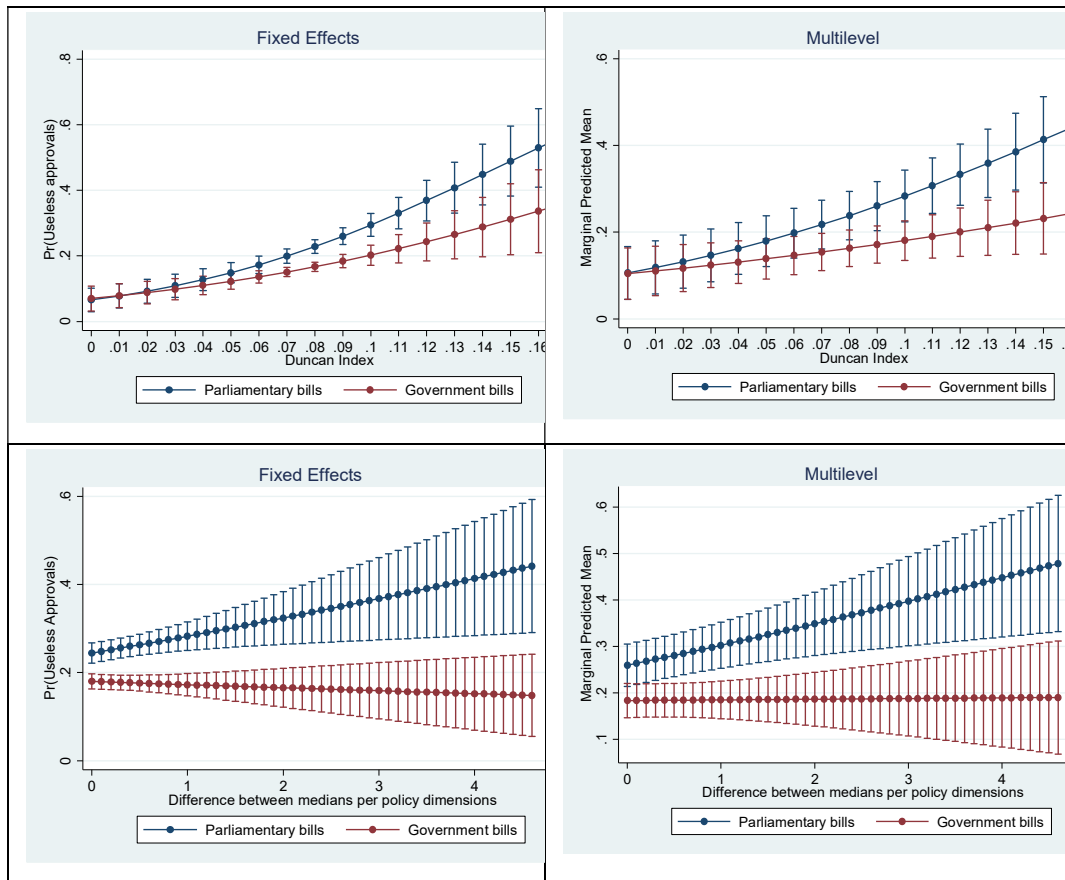
Notes: The plotted values are estimated from Models 5-8 (see Table 3). Whiskers around the predicted values indicate 95% confidence intervals.

Figure A2. Empirical Bayes estimates of the random intercepts across legislative terms and policies. Estimation based on Model 2.

Legislature IX

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Foreign Trade
Government Operations
Health
Immigration and Refugee Issues
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

Random Intercepts

Legislature X

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Foreign Trade
Government Operations
Health
Immigration and Refugee Issues
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

Random Intercepts

Legislature XI

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Environment
Foreign Trade
Government Operations
Health
Immigration and Refugee Issues
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

0   .2   .4   .6   .8   1
Random Intercepts

Legislature XII

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Foreign Trade
Government Operations
Health
Immigration and Refugee Issues
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

0   .2   .4   .6   .8   1
Random Intercepts

Legislature XIII

Legislature XIV

Legislature XV

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Government Operations
Health
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Social Welfare
Space, Science, Technology, and
Transportation

Random Intercepts

Legislature XVI

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Foreign Trade
Government Operations
Health
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

Random Intercepts

49

Legislature XVII

Agriculture
Banking, Finance, and Domestic C
Civil Rights, Minority Issues, a
Community Development and Housin
Cultural Policy Issues
Defense
Domestic Macroeconomic Issues
Education
Energy
Environment
Foreign Trade
Government Operations
Health
Immigration and Refugee Issues
International Affairs and Foreig
Labor and Employment
Law, Crime, and Family Issues
Public Lands, Water Management,
Social Welfare
Space, Science, Technology, and
Transportation

Random Intercepts