

9

Number 1 / July 2023
ISSN 2039-8573 online

Published by
Università del Salento
Department of Human
and Social Sciences

IdPS

Interdisciplinary Political Studies



**UNIVERSITÀ
DEL SALENTO**

INDEX

SPECIAL ISSUE

Guest Editors: ENRICO BORGHETTO, ANDREA PEDRAZZANI

Governments Expand, Parliaments Go Virtual: The Impact of the Pandemic on Political Institutions

ENRICO BORGHETTO

Virtual Parliament in Italy: if Not Now, When? The Debate About a Virtual Parliament During the Pandemic Emergency

5

FEDERICO RUSSO, MARTINA CHIRONI

Going Virtual? Analysing the Digitization of Parliamentary Work during the Covid-19 Pandemic from a Comparative Perspective

21

FRANCESCO BROMO, PAOLO GAMBACCIANI, MARCO IMPROTA

Executive Power and Accountability in Italy and the Government's Response to Covid-19

43

MICHELANGELO VERCESI

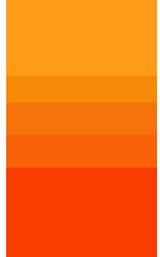
The Italian Government in Pandemic Times. Between Centralized Decision-Making and Coalitional Compromises

65

MACIEJ SEROWANIEC

"Quarantine" of Polish Constitutional Standards in the Era of Covid-19

83



RESEARCH ARTICLE

Virtual Parliament in Italy: if not now, when?

The debate about a virtual Parliament during the pandemic emergency

Enrico BORGHETTO

University of Firenze

Abstract

The emergence and spread of the Covid-19 emergency in Italy, as in the rest of the world, required parliaments to balance two priorities: ensuring the continuity of parliamentary work and protecting the health of their members and staff. If, in some legislative assemblies, the difficult balance between the right to health and the functioning of parliamentary institutions has been pursued through the implementation of measures that contemplate the use of remote participation and voting, the choices made by the Italian chambers have been more conservative, never coming to favor such solutions, at least in the plenary. This paper contributes to the debate on the digitization of parliamentary assemblies by analyzing the political reasons behind the decision to maintain the status quo in Italy, a country where the containment measures to limit the spread of Covid-19 were among the strictest in the world.

Keywords: Italy; Parliament; Remote voting; Digitalization; Covid-19

Introduction

The outbreak of the pandemic in March 2020 suddenly plunged parliamentary institutions worldwide into a scenario that was in many ways new and subject to rapid and unpredictable change. The need to minimize social contacts and discourage or prohibit gatherings generated friction with the principles that have historically shaped parliamentary procedures and practices in representative democracies, such as pluralism, deliberation and transparency (Kettemann & Lachmayer, 2022; Lupo, 2020a). To ensure the continuity of parliamentary activities while protecting the health of parliamentarians and administrative staff, legislative assemblies in Europe and beyond took steps to adapt their procedures (Bar-Siman-Tov et al., 2021; Chiru, 2023; Díaz Crego & Maňko, 2022; Sciannella, 2020; Waismel-Manor et al., 2022). Some national parliaments pushed for the digitalization of parliamentary activities, such as hybrid or remote meetings and voting, to ensure the participation of all members despite the movement restrictions (e.g., Spain, United Kingdom, European Parliament). Others have opted for technical adaptations – such as new reduced formats for parliamentary sittings, as in France (Brunet, 2022) – and procedural adaptations – such as lowering quorum requirements, as in Germany (Siefken, 2022).

A cursory reading of events reveals that the Italian Parliament belongs to the second category, having experimented only marginally with digital innovations. Nevertheless, it would be too simplistic to conclude that the pandemic experience and the observation of procedural transformations in other assemblies have had no impact on the political debate that has long been weighing the opportunities and risks of a possible “re-

CONTACT Enrico Borghetto, enrico.borghetto@unifi.it, Department of Political and Social Sciences, University of Firenze, Italy

5

engineering” of parliamentary procedures in the country in response to the digital transformation.¹ This article aims to reconstruct the Italian discourse on two reforms aimed at introducing some form of remote voting in the Italian chambers, drawing on primary (parliamentary documents and media reports) and secondary sources (mainly academic studies and survey data). This empirical material will be used to take stock of the arguments in favor and against this reform, thus gaining insight into the broader topic of the digitization of the Italian parliament.

Through this case study, it aims to contribute to a line of research on the transformation of Italian legislative assemblies in response to the digital revolution that has flourished over the last decade (e.g., Ibrido, 2022a; Lupo, 2021; Malaschini & Pandolfelli, 2022; Mazzina, 2022). At the same time, by shedding light on a paradigmatic case of resistance to the introduction of virtual plenary sessions, it aims to improve our understanding of the dynamics of adaptation within legislatures in a broader comparative framework (e.g., Fitsilis & Costa, 2022; Mencarelli, 2021). Indeed, as the data in Section 2 will show, Italy was not alone in continuing to hold plenary sessions in person.

The paper is organized as follows. First, the next two sections summarize how the Italian Parliament responded to the constraints and place it in a broader comparative framework, using original data from the Interparliamentary Union (IPU). Second, drawing on a rational-choice strand of the literature on institutional change in parliament, I sketch an analytical framework that allows bringing to the fore those factors that might explain the failure of reform proposals promoting the introduction of remote working in the Italian Parliament during the early phase of the pandemic. I show that, although most of the arguments in favor or against such measures were couched in normative, legal or technological terms, their underlying motive was quintessentially political. Whereas in ordinary times, the extension of remote participation in Parliament can be conceived of as Pareto-efficient – potentially benefiting all political forces – in times of health emergency, it can turn into a highly politicized issue, since it primarily favors the majority. I conclude by reflecting more broadly on the prospect of the Italian Parliament investing in digital transformation to build resilience to future emergencies.

The organizational adjustments of the Italian parliament

Although the jury is still out on whether the Italian Parliament was significantly sidelined by the executive in the management of the pandemic emergency (Bolleyer & Salát, 2021; Griglio, 2020; Pedersen & Borghetto, 2021), there is little doubt about how it adapted operationally to the challenge of localized lockdowns and social distancing. In both chambers, the organizational adjustments were mainly deliberated by the Conference of Political Group Leaders² and were primarily aimed at ensuring the continuity of the sessions with the full presence of all deputies and senators (Lupo & Lippolis, 2021).³ The Conference’s centrality to the debates over the operation of the two chambers during the pandemic reveals how deeply political in nature these decisions were rather than simply

¹ The reengineering of parliamentary procedures refers to the process of redesigning and restructuring the way legislative bodies function and conduct their business as a response to technological changes (Ibrido, 2022a; Lupo, 2020b). It involves making fundamental changes to the system of rules, practices, and processes that govern the functioning of a Parliament in contrast with reforms focusing only on the segments of parliamentary activity most directly impacted by technology.

² Composed of the Speaker and the leaders of each parliamentary group, it discusses and manages the parliamentary agenda, including setting the schedule for legislative debates, determining the order of business, and organizing the work of parliamentary committees. The leaders of the political groups use this platform to negotiate and reach agreements on various parliamentary matters.

³ Only in March and April 2020 parliamentary sittings drastically decreased.

technical. Furthermore, rather than proposing amendments to the parliamentary rules of procedure, which would have required an absolute majority in favor in both chambers to be approved – although, historically, even larger majorities have adopted such reforms – they mainly pleaded for an interpretation of the existing rules. This point indicates that most of these decisions were also politically controversial and, as will be shown below, created political divisions between the majority and the opposition, as well as within the two camps.

Their interventions can be grouped under three main headings: a redefinition of the spaces of the chambers and the rules of access for parliamentarians in order to respect the obligations of interpersonal distance; a relative opening to hybrid or remote participation, but not to voting, and only for parliamentary committees; a new method of calculating the quorum.

Concerning plenary activities, Members were asked to occupy both standard seats (those already equipped with electronic voting terminals) and other seats, such as those reserved for the public, the press or, only in the Chamber of Deputies, those located in a corridor adjacent to the plenary hall (the so-called *Transatlantico*). Those not sitting in the plenary voted from tablets distributed during the sessions.⁴ Remarkably, logistical solutions also trumped e-voting during the election of the President of the Republic in early 2022, a procedure that required the convocation of a special electoral college and a special quorum.⁵ On that occasion, a drive-through voting station was set up in the parking lot next to Montecitorio to allow infected or quarantined deputies to cast their ballots.

Secondly, with regard to committee work, first in the Chamber and then in the Senate, it was decided that, under certain circumstances, remote meetings could be convened. In both cases, the approach followed has been one of relative gradualism. At first, remote participation was restricted to some committee activities conducted in informal venues, such as bureau meetings and informal hearings.⁶ Only from November 2020, because of the worsening of the contagion, it was extended to all Committee meetings where no votes were scheduled.

A third set of decisions concerned quorum requirements. In Italy, these are regulated by Art. 64 of the Constitution, stating that “the decisions of each House and of Parliament are not valid if the majority of the members are not present, and if a majority of those present does not pass them, save for those instances where the Constitution prescribes a special majority”. From the beginning, it was clear to everybody that the absence of majority representatives due to movement restrictions and illnesses could lead to the accidental manufacturing of new parliamentary majorities, especially when the voting thresholds are higher. For this reason, the majority pushed for procedural countermeasures. First, for a limited time (March and April 2020), political groups in both chambers informally agreed to some form of “pairing”, whereby they would proportionally reduce the number of

⁴ “Both chambers of the Italian Parliament developed flexible voting solutions for times when physical access was restricted. In the Senate a mobile app was developed for voting by tablet. In the Chamber of Deputies the solution was similar, using laptops inside and outside the hemicycle. These solutions connected to their existing voting systems.” (Inter-Parliamentary Union, 2022: 21)

⁵ The President is elected by an electoral College formed by the joint session of both houses of the Italian Parliament with a regional delegation comprising elected representatives from each of the 20 regions of Italy. Initially, a two-thirds majority is required to elect a President in the first three rounds of voting (always using a secret ballot). If no candidate receives the necessary votes, the majority requirement is reduced to an absolute majority in the subsequent rounds.

⁶ During committee hearings, audits by videoconference had been already introduced in pre-Covid times.

parliamentarians admitted to the hemicycle.⁷ Second, the status of “on mission” (i.e., absent with justification and thus counted as present according to Rule 46(2) of the Rules of Procedure) was extended to Members in quarantine.

On the other hand, some method of hybrid or remote participation and voting has yet to be introduced for plenary sessions. However, this should not lead us to believe that there has not been a debate on whether this would be a viable option in the parliamentary hemicycle and academic circles: the most well-known proposal in this sense was formulated by the deputy (and professor of constitutional law) Stefano Ceccanti, who in October 2020 presented a proposal to reform the Rules of Procedure of the Chamber, signed by other 103 deputies. Senator Elena Botto submitted a similar proposal in June 2020, but it had less resonance. Ultimately, both initiatives were not followed up in parliament. It is on this debate that the analysis to follow will focus, but first it is appropriate to understand the exceptionality of the Italian case from a comparative perspective.

The Italian Parliament from a comparative perspective

How exceptional was the Italian response compared to that of its European partners? In the first months following the outbreak of the pandemic, national parliaments on the European continent adapted their usual working methods in three main ways: a) enabling members to participate in parliamentary meetings from a distance, using digital tools such as videoconferencing and remote voting; b) reducing the number of members attending plenary sessions or committee meetings, while respecting the legal quorum (sometimes by reducing it) and the political balance between the political groups; c) ensuring the social distance of members present by multiplying the number of meeting rooms or using larger rooms.

The review of the main measures taken in the different countries is complicated because, in many cases, these were temporary measures, or the government opted for a mix of instruments. Our analysis uses data from a survey conducted by the Centre for Innovation in Parliament (CIP) of the Interparliamentary Union (IPU) between September and December 2010. The same data was used to compile the “World e-Parliament Report 2020” (Inter-Parliamentary Union, 2021) and, in particular, a section dedicated to parliaments’ response to the pandemic. Given the report’s focus on the relationship between parliaments and new technologies, the questionnaires were sent to the administrative offices of IPU member parliaments with ICT-related responsibilities. While the survey covered 91 countries and 116 parliamentary chambers, the following comparison aims to map the organizational adjustments in the European cases and locate the Italian case among the others, so we will only consider responses from European Union and EFTA member states and the United Kingdom. Including Italy (where only the Senate participated in the survey), 28 countries and 34 chambers responded to the questionnaire, of which 15 were unicameral, 12 were lower and 7 were upper chambers.⁸

⁷ This gentlemen’s agreement ended on 24 April 2020 in the wake of the debate on the law converting the “Cure Italy” decree (Decree Law n. 18 of 17 March 2020) due to the opposition of the Brothers of Italy group. As a result, both this group and the Democratic Party group showed up in full ranks at the Chamber sitting.

⁸ Austria (Upper House), Cyprus, Czech Republic (Upper House), Iceland, Luxembourg, Malta, Slovenia (Lower House, Upper House), Switzerland (Upper House), Austria (Lower House), Belgium (Lower House), Croatia, Czech Republic (Lower House), Denmark, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Netherlands (Lower House), Norway, Portugal, Spain (Upper House), Switzerland (Lower House), France (Lower House), Germany (Lower House), Italy (Upper House), Poland (Lower House), Romania (Lower House), Spain (Lower House), Sweden, United Kingdom (Lower House and Upper House). Bulgaria, Ireland and Slovakia did not respond.

Beginning with the plenary, about one-third of chambers (11 out of 34) experimented with some form of distance or hybrid work (Belgium, Iceland, Latvia, Poland, Portugal, Romania, lower and upper house in Slovenia, Spain, and lower and upper house in the United Kingdom). These cases include large assemblies such as Spain and the United Kingdom, so size cannot be considered a limiting factor.⁹

One Parliament that stands out for having operated entirely remotely during the emergency is the Latvian Parliament. Based on the open-source platform Jitsi, a special software “e-Saeima” was developed, which allowed the 100 members not only to interact and exchange documents but also to meet and vote remotely (Inter-Parliamentary Union, 2022: 20). Voting is one of the most politically charged activities and requires major procedural changes and special attention to security. Of the 11 assemblies mentioned above, 7 were not equipped with software to ensure secure remote voting and had to develop special software, and 3 excluded the possibility of remote voting, reserving this option only for attending representatives.¹⁰

Equally interesting is the diffusion of remote participation in parliamentary committees. Only 6 out of 34 chambers (18%) in our sample did not use it (Austria – for the upper and lower houses – Croatia, Hungary, Poland, and Sweden). The committee seems thus the forum most suited to incorporate these digital innovations. However, it is necessary to distinguish between cases such as Italy, where only the meetings of non-deliberative committees were held remotely, and Germany, where the number of participants in person was limited to ten members, while the rest could participate via videoconference.

At least in part, the difference between plenary and committee is explained by the fact that the procedures governing the latter are, on average, more streamlined and do not require constitutional amendments or adjustments to the rules of procedure (an activity that would require yet more face-to-face meetings). While 7 of the 11 assemblies that have adopted some form of remote participation in the plenary have had to vote on a change to their rules of procedure, only 5 of the 23 (5 did not respond) assemblies with (partially or fully) virtual committees reported the need for procedural changes. When asked about the technological challenges they had to face, the answers were most varied: the pressure of time to find new solutions (Belgium, Spain, United Kingdom); the lack of staff (in Iceland, all the technicians were either sick or in quarantine at one point or another); the difficulty of ensuring that MEPs had some access to the Internet (Romania, Greece, Latvia); the lack of suitable software (Estonia, Germany, Slovenia).

However, one of the most common obstacles is the difficulty of some representatives in adapting to the virtual environment (Denmark, Finland, France, Greece, Netherlands, Norway, Portugal, and the Czech Republic). The level of digital literacy varied considerably within each assembly, and some members needed special assistance to learn how to use the new technologies efficiently. It was more difficult to provide such assistance remotely or, in any case, while respecting social distance. This point was also raised by the Italian respondent, who stressed how demanding the adaptation process was for the parliamentary IT department: “Supporting both the Presidency and all the Senators was very resource-intensive (2 people to integrate the votes coming from the tablets and from the pre-Covid system, plus 2 in the plenary to support the Senators, plus an official to support the Presidency and the standing groups). In addition, the parliamentary

⁹ It should also be noted that although the question allowed for a distinction between remote and hybrid modes, it was preferred to merge the two since it is possible that both have been used at some point by the same country (see the United Kingdom).

¹⁰ The Spanish Congress of Deputies already had (since 2012) a remote voting application for members on maternity leave. Therefore, this tool could easily be made available to all members in the event of a pandemic (Ibrido, 2021).

committees began to organize hearings (and other informal procedures) using videoconferencing tools and therefore requested support for initiating and managing the calls on the platform. This type of support also consumed IT resources” (declarations attached to the IPU survey).

The last question we analyze concerns the reasons for not using forms of remote participation in the plenary. Of the 23 chambers that chose this, 14 (44%) said it was unnecessary. Significantly, this is also the reason given by the official from the Italian Senate. Other solutions that could preserve some forms of face-to-face meetings were preferred, such as social distance or reduced participation. Nine respondents mentioned constitutional or legal constraints, which are difficult to overcome quickly in a public health emergency. Finally, only a few countries raised security (1) or purely technological (3) issues, which is unsurprising for developed democracies with extensive resources and well-connected parliamentary technical offices at the European level.

In conclusion, the Italian case belongs to a rather large group of countries (2 out of 3 parliaments in our sample) that did not hold plenary sessions and voted remotely. This article’s empirical sections will help to shed light on the choices made by the Italian chambers and explore their underlying reasons. Before that, the next section will summarize the literature on rule changes in parliamentary systems of government. This review will be useful in mapping the factors that weighed on the Italian decision-makers.

Explaining institutional change: a rational choice approach

At least two main strands of the institutional change literature can be used to explain the rejection of a digital solution to the social distancing problem in the Italian parliament. While rational choice institutionalism (Sieberer et al., 2016; Tsebelis, 1990) explains institutional development as a choice made by rational actors in pursuit of their goals, historical institutionalism (Mahoney & Thelen, 2010; Pierson, 2004) tends to emphasize the stickiness of policy and institutional legacies. Both approaches consider the relevance of external shocks, such as a pandemic, as potential game changers but draw attention to different political mechanisms. Since we are most interested in actors’ motivations and take the institutional status quo as given, the following analysis is rooted in a rational choice account of institutional change.

According to rational choice institutionalism, institutional change in response to a shock will occur when, after weighing the costs and benefits (in terms of electoral gains, policy influence, and gaining office) of a reform, a sufficient majority of actors prefer it to the maintenance of the status quo (Sieberer, 2011). The first question concerns the content of the reform. Indeed, some reforms have clear redistributive implications, i.e., they change the balance of power.¹¹ For example, such reforms are likely when the shock occurs close in time to a change in the actor constellation in Parliament. A change of government after an election or the formation of new political groups in Parliament due to a party split can reshape the format of the majority that supports the cabinet. As a result, the new majority may decide that a different institutional configuration best serves its goals and use the emergency as an opportunity to change the rules of the game. In this case, the new rule configuration should not be politically neutral but favor some actors over others (more likely the majority over the opposition).

The second possibility is that all parties see some benefit from institutional development (Sieberer et al., 2016). If this is the case, the likelihood of change depends on whether the costs of changing the rules outweigh the benefits. First, rule changes may be hampered by

¹¹ Tsebelis (1990, p. 104) distinguishes between “efficient” changes that bring benefits to all actors affected by the rules and “redistributive” changes that favor one part over another.

the need for supermajorities to change the status quo. For example, constitutional reforms typically require qualified majorities, increasing the cost of change for the ruling majority. Second, institutional veto players matter: the head of state, the speakers of the chambers, or a second chamber with a different composition may decide to oppose or delay a reform. Finally, rational agents can take into account the costs of implementing the reform in practice. Thus, while a majority may hypothetically unite and vote for a particular reform proposal, its progress may be halted if there is a chance that it will remain a dead letter and not be put into practice for lack of administrative capacity.

All in all, this analytical framework does not constitute an explicit model of institutional change. First, it is not always easy to classify a measure as purely “redistributive” or “efficient” (Sieberer & Müller, 2015). Second, it does not consider the possibility of interaction effects between the content of the reform and the context. As I will show, introducing the possibility of virtual plenaries in times of movement restrictions and social distancing contributed to turning it into a politicized issue. Nevertheless, it is useful because it draws attention to several candidate factors that may prove relevant in explaining the failure of reform proposals in the Italian case. It is now important to analyze the content of the two proposals.

The Ceccanti and Botto proposals to reform the rules of procedure

The reform of the Rules of Procedure proposed by Ceccanti (AC, Doc. II, n. 15) on the 1st October 2020 aimed at authorizing the Chamber’s Bureau to convene committee and plenary sessions by videoconference and to allow remote voting in exceptional cases of necessity.¹² The rationale of this proposal – which starts from the premise that personal participation is preferable and should, as a rule, be privileged – is to strictly regulate the cases in which Members cannot physically meet to carry out parliamentary work. In the reform’s preamble, the proposer declared to be concerned with those situations where qualified majorities are required to validate a vote. Guaranteeing the possibility of remote participation and voting would ensure that such extraordinary decisions would not be blocked because of a lack of numbers in the Chamber. On the other hand, ordinary votes should be less affected by the absence of Members. In these cases, one could resort to broad interpretations of the Rules of Procedure (considering quarantined Members as on mission, see above) or to the so-called fair play between the groups and between the majority and the opposition (not asking for verifying the quorum). As a result, we can say that the Ceccanti proposal aimed to introduce an extraordinary form of remote voting, very similar to that provided for in Art. 82(2) of the Rules of Procedure of the Spanish Congress of Deputies (which provided the template for the proposal).

The Five Star Movement (M5S) Senator Elena Botto presented a similar initiative in June 2020 to amend the Rules of Procedure of the Senate (AS, Doc. II, n. 5), introducing in Chapter XIII a paragraph 120-bis on remote voting. Specifically, this article provided that the President of the Senate, subject to the unanimous opinion of the Rules Committee, could authorize remote voting in cases deemed urgent and nondeferrable, both in the Standing Committees and in the assembly. The second paragraph defined “urgent and nondeferrable cases”, namely a) when a state of national emergency has been declared (as was the case with the resolution of the Council of Ministers on the 31 January 2020), or in the event of imminent danger; b) in the event of pregnancy, maternity, paternity or

¹² The Bureau (rules 5 and 12 of the Rules of Procedure) is chaired by the President of the House and is composed of four Vice-Presidents, three Quaestors and at least eight Members who act as secretaries. It is a political body in which all the political groups are represented and it is responsible for many decisions concerning the functioning of the House.

serious illness that prevents the performance of parliamentary duties, taking into account the specific circumstances justifying it; c) in cases of force majeure, assessed by decision of the President of the Senate, after hearing the unanimous opinion of the Rules Committee, when events of exceptional gravity directly threaten the regular functioning of the chamber and its committees. Since it clearly identifies the cases in which remote voting is allowed, it can be said that the Botto reform proposal for the Senate was more articulated than the one introduced by Ceccanti for the Chamber of Deputies.

Neither proposal was ever discussed. Remarkably, 103 other deputies signed the Ceccanti reform proposal. Conversely, there is not even a confirmed number of signatures for the Botto proposal in the Senate. For this reason, we will focus mainly on the objections to the extension of remote sittings and voting in the Chamber of Deputies' Rules Committee (CRC), with only limited references to the parallel debate in the corresponding committee in the Senate (Senate Rules Committee, SRC).¹³

An analysis of the nature of objections

The 103 signatures on the Ceccanti proposal came mainly from deputies belonging to his party, the Democratic Party (50), and the Five Star Movement (35), the two main political groups supporting the Conte II cabinet.¹⁴ This is evidence that the proposal was not bipartisan from the start. Although, as we will see, the opponents raised arguments that echo those of various scholars and legal experts, political considerations also contributed to the proposal's demise.

First, according to our theoretical framework, could the Ceccanti proposal be considered efficient or redistributive? From one perspective, it is a redistributive proposal. A significant absence of government MPs due to movement restrictions or illnesses could alter the political balance within the chamber or prevent the achievement of a quorum, especially when supermajorities are required. As a result, any measure that helps maintain the political balance in terms of group weight should favor the current majority. Conversely, in times of emergency, when decisions have to be taken quickly, a paralysis of voting caused by the lack of a quorum could be detrimental to the ruling majority. Such a case occurred, for example, on the 6 October 2020 and concerned a majority decision following the communications of the Minister of Health, Roberto Speranza, on the extension of the state of emergency until the 31 January 2021.¹⁵ During the Rules Committee meetings, opposition MPs did not miss the opportunity to attack the majority and attribute this and other parliamentary "defeats" to within-majority divisions and not to quarantined MPs incapacitated to attend the sitting.¹⁶ This shows that, far from being a mere procedural decision, the debate on e-voting was highly politicized.

On the other hand, proponents pointed to its potential benefits for the parliamentary institution so that it could be seen as an "efficient" decision. First, by not specifying the circumstances in which it applied, the proposal did not preclude its use outside the pandemic emergency. For example, it could be extended to allow pregnant representatives (or those on maternity or paternity leave) to attend and vote when incapacitated to

¹³ Although the proposal was officially included in the CRC's agenda on the 15 October 2020, it was discussed on three other occasions, two formal (6 October 2020 and 4 November 2020) and one informal (22 October 2020).

¹⁴ Apart from the MPs belonging to the mixed group (13), the rest were isolated cases: 3 from Forward Italy, 1 from the League, 2 from Free and Equals.

¹⁵ CRC, Transcript (6 October 2020).

¹⁶ See, for instance, the statements by Roberto Occhiuto and Simone Baldelli, both affiliated to Forward Italy, (CRC, Transcript, 6 October 2020 and 15 October 2020) and by Tommaso Foti of Brothers of Italy (CRC, Transcript, 15 October 2020).

participate in person (see the case of Spain). Second, it would not create discrimination between MPs. For instance, delegates with severe disabilities were put under significant strain to carry out their duties during the pandemic emergency.¹⁷ Finally, it would allow Parliament to effectively exercise its oversight of the executive even in times of restrictions in the freedom of movement. For example, the chambers cannot pass resolutions binding the government without meeting a quorum.¹⁸ In a context where the formal constraining role of parliaments is already weakened, this could contribute to further tipping the institutional balance between the two branches in favor of the executive (Chiru, 2023). From this perspective, then, the use of virtual plenaries could be said to serve the common interest of all (or almost all) parliamentary actors.

Let us examine the factors that converged to block the proposal. The first factor is the division within the majority. In particular, the Italy Alive group - which was part of the majority in the fall of 2020 - was consistently against it. Their representative in the CRC expressed reservations about remote voting on several occasions, mostly arguing that the circumstances did not justify it.¹⁹ This behavior may reveal the presence of rifts between the majority members of the government. These divisions eventually led the Italy Alive group to withdraw its support from the Conte II government in January 2021, forcing its resignation.

Support from the Five Star Movement has also been hesitant. Given that it has historically made virtual participation in the management of the *res publica* one of its flagship policies (Deseriis, 2017), its oscillating support for both proposals is surprising. For example, the Minister for Relations with Parliament, Federico D'Incà (M5S), was, at least initially, against the idea of remote voting.²⁰ Similarly, the party did not unite to promote the proposal of its senator, Elena Botto. Finally, the President of the Chamber of Deputies, Roberto Fico, has always been open to discussing the reform but has never thrown his weight behind the measure.²¹ One can only speculate about the reasons for this behavior. In part, we argue, it may be due to a desire to counter accusations that deputies would not fulfill their constitutional duties by moving to online meetings.²² This narrative was particularly strong during the early phase of the emergency, when the number of sittings was drastically limited to discuss only essential and urgent matters in response to the pandemic.²³ These decisions were difficult to defend while the rest of the country struggled to adjust to the new reality of the lockdown.

On the contrary, the main opposition groups at the time, Forward Italy, the League, and Brothers of Italy, sternly opposed the proposal. The President of the Senate, Maria Elisabetta Alberti Casellati, affiliated with Forward Italy, endorsed these positions and has

¹⁷ For instance, President Fico reported about the letter sent to the presidency by Deputy Noja in April, and signed by other fellow members of the Intergroup on Disability, requesting the adoption of specific measures “to allow forms of remote participation to committee meeting for Members with severe disabilities, immunocompromised or comorbidities, or those who live with and assist persons in the same condition” CRC, Transcript (7 May 2020).

¹⁸ This was the argument put forward by the proposer Ceccanti, for instance here: <https://formiche.net/2020/10/voto-aula-parlamento-a-distanza/>

¹⁹ See CRC transcripts of the 7 May 2020 (p. 8), of the 6 October 2020 (p. 7) and of the 15 October 2020 (p. 15).

²⁰ <https://www.rainews.it/archivio-rainews/media/Federico-D-Inca-sono-contrario-al-voto-a-distanza-in-Parlamento-81277df8-9123-4d05-8355-f796836415c2.html>

²¹ In this sense, see the interview released by Ceccanti (Radio Radicale, 2021)

²² As representatives of the citizens, parliamentarians should exercise their public functions by devoting space and time to the democratic process (Calvano, 2020) and doing so “with discipline and honor” (Art. 54(2) Constitution).

²³ See Melzi D'Eril and Vigevani, “Il Parlamento non sia assente durante la pandemia”, *Il Sole 24 Ore* (15 March 2020).

never considered extending the possibility of videoconferencing for the senate plenary.²⁴ Since President Fico stressed the importance of the two chambers coordinating in their organizational response to the pandemic challenge – especially when such responses require an interpretation of the Constitution – it is arguable that Casellati’s veto had a major impact on the proposal’s demise.²⁵ If we map their arguments, we find that they are mainly based on three types of reasons: a normative idea of representation, legalistic arguments, and technological considerations.

First, physical presence was presented as an indispensable condition for political representation and a free parliamentary mandate. This position was defended, for example, by representatives of the League,²⁶ but it also reflected arguments discussed in academic circles, such as the thesis that only physical presence could allow deputies and senators to confront each other and discuss without mediation (Biondi & Villaschi, 2020). Since the function of representation is to make “present” those who are “absent” (Pitkin, 1967), namely to act in the interest of the voters, to admit that such representation can take place from a distance would be tantamount to giving credit to an impoverished version of the parliamentary dialectic and of those practices that innervate a parliamentary democracy (Calvano, 2020). In support of this argument, some commentators have argued that to endorse remote participation would be equivalent to reducing Parliament to a “voting factory” (Lippolis, 2020), in which physically absent parliamentarians would limit themselves to expressing their votes remotely without having first participated in (and given life to) a deliberative process.

On legal grounds, the opponents of the proposal argued that the reference to the necessity of presence would be deducible from numerous provisions of the Constitution as well as from various articles of the Rules of Procedure (e.g., Calvano, 2020). In particular, Art. 64 of the Constitution (see above) was invoked during multiple meetings of both Rules Committees and presented as a sizeable barrier to introducing any form of remote work.²⁷ In truth, experts were divided on its interpretation (Lupo, 2020b). Some gave an extremely narrow reading of the Constitutional Court’s Decision n. 78 of 1984, which is the most authoritative interpretation of Art. 64 to date. For instance, it was argued that flexibility could only be applied to the so-called “functional quorum” (the majority required to pass a decision) and not the “structural quorum” (Lippolis, 2020).²⁸ According

²⁴ Casellati, for instance, asked that the Senate Rules Committee’s opinion included a reference to the “non-derogability of the principle of physical presence”. SRC, Transcript (9 June 2020).

²⁵ CRC, Transcript (31 March 2020), p. 8.

²⁶ Vanessa Cattoi (League) stated that her group was not in favor of the introduction of remote voting, as it is deeply convinced that the essence of the parliamentary mandate also lies in direct participation in parliamentary discussions (CRC transcript of the 15 October 2020). Similarly, Senator Calderoli stated that “the general discussion is a phase that is not purely formal, but of real confrontation aimed at the concrete achievement, if possible, of common positions or, in any case, of a reasonable compromise between the instances of the majority and the opposition, for which he considers a confrontation in the presence of the senators irreplaceable” (SRC transcript of the 10 November 2020, p. 1).

²⁷ See, for instance, Roberto Giachetti, CRC transcript of the 31 March 2020 (p. 12) and Roberto Calderoli, SRC transcript of the 9 June 2020.

²⁸ The structural quorum is the minimum number of participants required for the meeting to be valid (if it is not reached, the meeting must be dissolved). The functional quorum, on the other hand, is the minimum number of votes required for a proposal to be approved. Art. 64(3) of the Constitution states that “the decisions of each House and of Parliament shall not be valid if the majority of their members are not present”. This is the structural quorum. On the other hand, the Constitution does not establish a legal number of members that must be present for the session to begin, so the presence of a quorum is generally presumed. The President of the Assembly only has to verify it if twenty deputies or twelve senators request it when a vote is about to be taken (Art. 46 and Art. 107 of the Rules of Procedure of the Chamber of Deputies and the Senate, respectively).

to some authors, the original intention of the Constituent Assembly was to “maintain the centennial image of the Chamber as a physical place for discussion and deliberation” (Malaschini, 2020).

Finally, the discussion revolved around technological limits in e-voting, which could not guarantee the respect of principles such as the protection of freedom, personality, and the secrecy of the vote. For example, a deputy of the Italy Alive party called for “careful consideration of the technical and practical implications, such as the possibility for the President to verify in practice, for each vote, the correct functioning of the system for each Member and the effectiveness of the personality of the vote”.²⁹ In fact, to allow parliamentarians to carry out their activities electronically securely, technical solutions are needed that exclude any possible form of interference or external conditioning. Another problem has been the extension of site immunity, namely the guarantee that any site or building where the parliamentary function takes place, even occasionally, is free from any possible external conditioning, to ensure its free exercise “in all places, not necessarily those coinciding with the residence, from which deputies and senators could potentially connect to vote remotely” (Pertici, 2020).

Conclusion

The pandemic emergency – in Italy as elsewhere – significantly impacted the functioning of parliaments. Most legislative bodies had to adapt to some extent to ensure the continuity of parliamentary work. Some chambers were more open to digital solutions. Others were more conservative and maintained in-person participation, especially for plenary activities.

In Italy, two reforms of the Rules of Procedure of the chambers were debated to introduce remote voting. Both were shelved without a vote. Instead, the political groups, through their leaders in the Conference of Presidents, preferred alternative solutions that did not involve changes to the Rules of Procedure. Only for committee meetings, and only when they were not deliberating, they introduced some form of online debate.

Using an analytical framework of institutional change rooted in the rational choice tradition, this manuscript examined why proposals to reform the Rules of Procedure to introduce the possibility of virtual plenaries failed. It offered a reading of events in which political competition between the majority and the opposition and divisions within the majority camp played an important role in the proposals’ demise. Against the backdrop of a pandemic emergency that struck in waves, political attention gradually shifted from ensuring health conditions within the parliamentary site to dealing with potential absences in the majority ranks due to sick or quarantined parliamentarians.

On the one hand, the opposition – aside from some initial concessions in terms of pairing – had little incentive to uphold the government’s majority. They strategically exploited the quorum requirement to expose divisions within the majority and even destabilize the government. On the other hand, disagreements among majority partners made it difficult to achieve the absolute majority needed to change the rules of procedure when the window of opportunity was still open. A test of the majority’s resolve to advance the proposal came in early 2021 when a new larger majority (all but one of the main parties) voted the confidence to the Draghi executive. With the strengthening of governmental stability, the proposal soon fell off the radar.³⁰

²⁹ See for instance Roberto Giachetti, CRC transcript of the 16 October 2020 (p. 15).

³⁰ Of course, also the improvement of the health emergency due to the progressive rollout of vaccination played a role.

At present, it is unlikely that these proposals will be revived and find fertile ground in Italian politics. For instance, there is no trace of such provisions in the reforms of the Rules of Procedure, which aim to adapt the two chambers' organization to the reduced number of parliamentarians brought about by Constitutional law n. 1/2020. The only occasion the Rules Committee of the Chamber of Deputies mentioned remote voting was in November 2022 during a discussion on the arrangements for the participation of parliamentarians who are also mothers of newborns in plenary debates. One parliamentarian excluded the possibility of them voting from a room next to the plenary hall, as this would be tantamount to remote voting, an option that the Committee had already discussed and ruled out when dealing with the Covid-19 emergency.³¹

More generally, we can conclude that there is still skepticism about virtual plenaries among political forces on both sides of the parliamentary aisle. While some of the objections relate to the potential for hacking or technical failures that could disrupt the voting process, most worry that remote voting could compromise the quality of decision-making by reducing face-to-face interactions and require a Constitutional amendment. Regardless of which of these motives predominated in parliamentarians' statements, we argue that the main reasons were political. Rational parliamentary actors focused on short-term political benefits for their camp when defining their institutional preferences – what we have called “redistributive” implications – and largely disregarded the overall future benefits of digital solutions for the parliamentary institution – what we have called “efficient” reforms. This article argued that the context in which reforms were discussed significantly affected political actors' evaluations of current versus future payoffs.

Arguably, postponing the debate on how technology can be leveraged to enable flexible and remote working in the Italian Parliament is not sustainable in the long run. The prospect of a virtual Parliament holds great potential “from legislation to control, from political direction to documentation and research, from ascending and descending relations with citizens to the management of its human and material resources” (Malaschini & Pandolfelli, 2022). More importantly, it is essential to ensure the resilience of Parliament in the face of future crises. Nevertheless, if the coronavirus emergency could not trigger a wider strategic rethinking of the relationship between Parliament and technology in Italy as has happened in other countries (Inter-Parliamentary Union, 2022), it is difficult to imagine what could be the next driver of change. Perhaps the time has come to take a more proactive stance and place Parliament at the heart of the digital transformation that will transform our societies. If not now, when?

ORCID

Enrico Borghetto 0000-0001-8676-3583

Funding

This research was carried out as part of the University of Florence's two-year project (2022-23), entitled “Assemblee rappresentative ed innovazione tecnologica dopo la pandemia: la “reingegnerizzazione” delle procedure parlamentari e del drafting legislativo” (LEGITECH) with funding from the European Union Next Generation EU, MUR DM 737/2021, and co-funding from the Fondazione Cassa di Risparmio di Firenze.

Acknowledgements

³¹ Igor Iezzi, CRC transcript of the 15 November 2022 (p. 10).

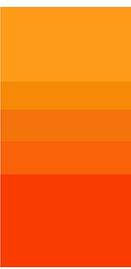
I would like to express my sincere gratitude to the journal editors for their invaluable assistance and comments. I would also like to thank the anonymous reviewers, as well as Renato Ibrido, Chiara Spiniello and all the participants of the workshop “*Parlamento e governo alla prova della pandemia*”, organized by the SISP Standing Group on Government, Parliament and Representation (9 June 2022, Università Roma Tre), for their constructive feedback. Finally, I want to thank the Centre for Innovation in Parliament at the Inter-parliamentary Unio for sharing the World e-parliament report 2020 survey data.

REFERENCES

- Bar-Siman-Tov, I., Rozenberg, O., Benoît, C., Waismel-Manor, I., & Levanon, A. (2021). Measuring Legislative Activity during the Covid-19 Pandemic: Introducing the ParlAct and ParlTech Indexes. *International Journal of Parliamentary Studies*, 1(1), 109-126. <https://doi.org/10.1163/26668912-bja10006>
- Biondi, F., & Villaschi, P. (2020). Il funzionamento delle Camere durante l'emergenza sanitaria. Riflessioni sulla difficile praticabilità di un Parlamento “telematico”. *Federalismi.it*, 18, 26-48.
- Bolleyer, N., & Salát, O. (2021). Parliaments in times of crisis: COVID-19, populism and executive dominance. *West European Politics*, 44(5-6), 1103-1128. <https://doi.org/10.1080/01402382.2021.1930733>
- Brunet, S. (2022). The Hyper-Executive State of Emergency in France. In M. C. Kettemann, & K. Lachmayer (Eds.), *Pandemocracy in Europe: Power, Parliaments and People in Times of COVID-19* (pp. 201-224). Hart Publishing. <https://doi.org/10.5040/9781509946396>
- Calvano, R. (2020). Brevi note su emergenza COVID e voto dei parlamentari a distanza. Rappresentanza politica, tra effettività e realtà virtuale. *Federalismi.it*, 21, pp. 45-61.
- Chiru, M. (2023). *Parliamentary oversight of governments' response to the COVID-19 pandemic: Literature review*. EPRS | European Parliamentary Research Service. <https://data.europa.eu/doi/10.2861/25071>
- Deseriis, M. (2017). Direct Parliamentarianism: An Analysis of the Political Values Embedded in Rousseau, the “Operating System” of the Five STAR Movement. *eJournal of eDemocracy and Open Government*, 9(2), 15-25. <https://doi.org/10.1109/CeDEM.2017.32>
- Díaz Crego, M., & Maňko, R. (2022). *Parliaments in emergency mode: Lessons learnt after two years of pandemic*. EPRS | European Parliamentary Research Service PE 698.879 - January 2022, pp.1-12.
- Fitsilis, F., & Costa, O. (2022). Parliamentary Administration Facing the Digital Challenge. In T. Christensen, E. Griglio, & N. Lupo (Eds.), *The Routledge Handbook of Parliamentary Administrations* (pp. 105-120). Routledge.
- Griglio, E. (2020). Governments as Covid-19 Lawmakers in France, Italy and Spain: Continuity or Discontinuity. *European Journal of Law Reform*, 22(4), 398-413.
- Ibrido, R. (2021). Alla ricerca della “giusta distanza”: Il formato tecnologico dei lavori parlamentari in Italia e in Spagna durante la crisi pandemica. *Il Filangieri, Quaderno 2020*, 77-102.
- Ibrido, R. (2022a). Evoluzioni tecnologiche o involuzioni costituzionali? La “reingegnerizzazione” del processo di decisione parlamentare. *Osservatorio Sulle Fonti*, 2022(2), 291-310.
- Ibrido, R. (2022b). Sul problema della praticabilità del voto da remoto in occasione delle elezioni del Presidente della Repubblica: Alcune ipotesi interpretative. *Diritti Comparati*, last accessed 7 July 2023. <https://www.diritticomparati.it/sul-problema->

- della-praticabilita-del-voto-da-remoto-in-occasione-delle-elezioni-del-presidente-della-repubblica-alcune-ipotesi-interpretative/
- Inter-Parliamentary Union. (2021). *World e-parliament report 2020*. Inter-Parliamentary Union. <https://www.ipu.org/file/11896/download>
- Inter-Parliamentary Union. (2022). *World e-parliament report 2022. Parliaments after the pandemic*. Inter-Parliamentary Union. <https://www.ipu.org/file/11896/download>
- Kettemann, M. C., & Lachmayer, K. (Eds.). (2022). *Pandemocracy in Europe: Power, Parliaments and People in Times of COVID-19*. Hart Publishing. <https://doi.org/10.5040/9781509946396>
- Lippolis, V. (2020). *Parlamento a distanza? Meglio di no*. Il dubbio, 1 April, last accessed 7 July 2023. <https://www.ildubbio.news/giustizia/parlamento-a-distanza-meglio-di-no-lvvocfhk>
- Lupo, N. (2020a). L'attività parlamentare in tempo di coronavirus. *Forum Di Quaderni Costituzionali*, 2, 121-142.
- Lupo, N. (2020b). Perché non è l'art. 64 Cost. A impedire il voto "a distanza" dei parlamentari. E perché ammettere tale voto richiede una "re-ingegnerizzazione" dei procedimenti parlamentari. *Osservatorio Costituzionale*, 2020(3), last accessed 7 July 2023. <https://www.osservatorioaic.it/it/osservatorio/ultimi-contributi-pubblicati/nicola-lupo/perche-non-e-l-art-64-cost-a-impedire-il-voto-a-distanza-dei-parlamentari-e-perche-ammettere-tale-voto-richiede-una-re-ingegnerizzazione-dei-procedimenti-parlamentari>
- Lupo, N. (2021). La rivoluzione digitale e i suoi effetti sull'attività parlamentare. *Lo Stato*, 17(LUGLIO 2021-DICEMBRE 2021), 291-309.
- Lupo, N., & Lippolis, V. (Eds.). (2021). Il parlamento nell'emergenza pandemica. *Il Filangieri, Quaderno 2020*.
- Mahoney, J., & Thelen, K. (2010). *Explaining institutional change: Ambiguity, agency, and power*. Cambridge University Press.
- Malaschini, A. (2020). *Procedure parlamentari e legislazione d'emergenza*. SoG Working Paper, 57, last accessed 7 July 2023, https://sog.luiss.it/sites/sog.luiss.it/files/SOG%20Working%20Paper%2057_0.pdf
- Malaschini, A., & Pandolfelli, M. (2022). *PARLTECH. Intelligenza Artificiale e Parlamenti: Una prima riflessione*. Luiss Working Paper Series, SOG-WP69/2022, last accessed 7 July 2023. <https://sog.luiss.it/sites/sog.luiss.it/files/Malaschini-Padolfelli%20WP69%202022r.pdf>
- Mazzina, P. (2022). Dalla torsione della forma di governo alla verticalizzazione della decisione parlamentare: Lo svolgimento dei lavori delle camere in tempo di pandemia e lo smart voting. *Diritto Pubblico Europeo - Rassegna online*, 17(1), Article 1, 278-300. <https://doi.org/10.6093/2421-0528/9150>
- Mencarelli, A. (2021). Parliaments Facing the Virtual Challenge: A Conceptual Approach for New Models of Representation. *Parliamentary Affairs*, 75(4), 904-918. <https://doi.org/10.1093/pa/gsab052>
- Pedersen, H. H., & Borghetto, E. (2021). Fighting COVID-19 on Democratic Terms. Parliamentary Functioning in Italy and Denmark during the Pandemic. *Representation*, 57(4), 401-418. <https://doi.org/10.1080/00344893.2021.1973546>
- Pertici, A. (2020). Riunirsi e votare in via telematica? Una soluzione che non convince. *Quaderni Costituzionali*, 2, 382-385. <https://doi.org/10.1439/97138>
- Pierson, P. (2004). *Politics in Time: History, Institutions, and Social Analysis*. Princeton: Princeton University Press.
- Pitkin, H. F. (1967). *The Concept of Representation*. Los Angeles: University of California Press.

- Radio Radicale. (2021). *Quirinale: «e io ripropongo il voto a distanza»*. *Intervista con Stefano Ceccanti* [Text]. Radio Radicale. 29 December, last accessed 7 July 2023. <https://www.radioradicale.it/scheda/656792/quirinale-e-io-ripropongo-il-voto-a-distanza-intervista-con-stefano-ceccanti>
- Sciannella, L. G. (2020). La crisi pandemica da Covid-19 e la “trasformazione digitale” dei Parlamenti. Un’analisi comparata. *DPCE Online*, 43(2), Article 2, last accessed 7 July 2023. <https://www.dpceonline.it/index.php/dpceonline/article/view/1026>
- Sieberer, U. (2011). The Institutional Power of Western European Parliaments: A Multidimensional Analysis. *West European Politics*, 34(4), 731-754. <https://doi.org/10.1080/01402382.2011.572389>
- Sieberer, U., & Müller, W. C. (2015). Explaining Reforms of Parliamentary Minority Rights: A Theoretical Framework with Case Study Application. *West European Politics*, 38(5), 997–1019. <https://doi.org/10.1080/01402382.2015.1045321>
- Sieberer, U., Meißner, P., Keh, J. F., & Müller, W. C. (2016). Mapping and Explaining Parliamentary Rule Changes in Europe: A Research Program. *Legislative Studies Quarterly*, 41(1), 61-88. <https://doi.org/10.1111/lsg.12106>
- Siefken, S. T. (2022). The Bundestag in the Pandemic Year 2020/21 – Continuity and Challenges in the Covid-19 Crisis. *German Politics*, 1-22. <https://doi.org/10.1080/09644008.2021.2024806>
- Tsebelis, G. (1990). *Nested Games: Rational Choice in Comparative Politics*. Los Angeles: University of California Press.
- Waismel-Manor, I., Bar-Siman-Tov, I., Rozenberg, O., Levanon, A., Benoît, C., & Ifergane, G. (2022). Should I Stay (Open) or Should I Close? World Legislatures during the First Wave of Covid-19. *Political Studies*. <https://doi.org/10.1177/00323217221090615>



RESEARCH ARTICLE

Going Virtual?

Analysing the Digitization of Parliamentary Work during the Covid-19 Pandemic from a Comparative Perspective

Federico RUSSO

University of Salento

Martina CHIRONI

University of Salento

Abstract

The crisis triggered by the Covid-19 pandemic has made it difficult for parliaments to function properly. Parliamentary work is primarily based on face-to-face interactions, which are at odds with social distancing measures. Unlike previous crises, the current situation has presented democratic parliaments with an unusual alternative: utilizing remote forms of participation while foregoing physical presence, either entirely or partially, albeit with uncertain consequences; or maintaining the requirement of physical presence at the cost of limiting the number of participating parliamentarians during sessions. This essay advances the hypothesis that the chosen solution to this dilemma depends on the specific role played by the parliament in various political systems. By analyzing the implementation of virtual participation methods in the legislatures of the EU-15 countries, we found that, following the outbreak of the Covid-19 pandemic, parliaments were less inclined to adopt virtual measures that could jeopardize their core activities.

Keywords: Parliaments; Pandemic; Covid-19; Virtual participation; Digitalization

Introduction

The Covid-19 pandemic has profoundly challenged the capacity of parliaments to perform their duties. It is well-known that emergencies fall within the jurisdiction of executives. In extraordinary times, when quick and urgent measures need to be adopted, executives typically assume increased powers. Parliaments, with their complex rules designed to maximize the representation of diverse voices, are simply not equipped to make swift decisions. However, the Covid pandemic presented a more specific obstacle to legislative assemblies, particularly during the initial phase before the development and distribution of Covid vaccines. The most crucial action to slow the spread of the virus was the adoption of social distancing measures. The pillars of social distancing include avoiding public gatherings, minimizing contact with others, and preferably staying at home. At the beginning of April 2020, all Western European countries had already decided to cancel public gatherings and restrict gatherings of less than 10 people (Hale et al., 2021). Travel bans had

CONTACT Federico Russo, federico.russo@unisalento.it, Department of Human and Social Sciences, University of Salento, Italy

21

also been imposed in many countries. In such circumstances, operating large collective bodies whose very essence requires physical gatherings of many politicians discussing public problems in a closed space became difficult (Bar-Siman-Tov, 2020).

Notwithstanding the severity of the challenge, parliaments have proved to be resilient institutions, at least in democratic regimes. Moreover, they adapted with surprising speed. On March 11 2020, the World Health Organization (WHO) declared the covid-19 outbreak a global pandemic. Within one month, according to a survey covering the activities of 159 parliaments (Waismel-Manor et al., 2020), in fully democratic regimes parliaments remained open as usual or reduced their activities only slightly¹. In the beginning, a common response was to reduce parliamentary activities to the essentials and limit the number of members attending official meetings. While in the very beginning, a limited number of parliaments took more stringent measures such as temporary closure (e.g. UK, Switzerland) (Rozenberg, 2020), as time passed legislatures generally adopted some forms of organizational adjustments to perform their functions in full while protecting the health of their members.

For the first time, the adoption of forms of virtual or hybrid meetings was a realistic possibility, at least in technologically developed countries. Going virtual presented two advantages in comparison to the alternatives, namely keeping parliaments fully functional while allowing all members of parliaments to participate. However, three factors limited the feasibility (and desirability) of holding plenary meetings and committee work virtually. First, there were security concerns about possible external interferences in parliamentary works; second, in many countries, there are legal requirements mandating physical presence for parliamentary meetings; finally, doubts were raised on the political consequences of introducing virtual participation in parliamentary work. In the long run, this third point is the most interesting. Security concerns can be overcome through the adoption of refined technical solutions and legal requirements can be modified by amending the relative laws. By contrast, there is no easy way to predict how a virtual parliament would perform its legislative, oversight and representative functions. Anyway, within three months of the outbreak of the pandemic, about forty per cent of parliaments use digital tools to hold committee meetings, and one in ten introduced some form of remote participation in the plenary sittings (Williamson, 2020).

Among legislative scholars, it is widely held the assumption that technological changes are not neutral but can alter how public institutions work. The impact of new technologies and practices on parliaments -such as the introduction of televised debates (Soroka et al., 2015) and the diffusion of the Internet (Leston-Bandeira, 2007)- contributed to this belief. Parliaments are ancient institutions where members debate and pass laws through in-person interactions: could they shift online and preserve their democratic standards? We believe that this question was extremely important in the minds of parliamentarians when they decided whether and to what extent it was appropriate to embrace forms of virtual participation. Our intuition is that the answer given to this question reflects the idea of parliament that is prevalent in a given country. In other words, we maintain that the pandemic created an opportunity for parliamentarians to reflect on the role performed by their institution in the broader political system. Building on the idea that not all parliamentary functions are equally adaptable to the virtual world, we assess the existence of a relationship between the specific role played by different parliaments and the degree to which they introduced forms of virtual participation. We did so by focusing on the

¹ On the contrary, the most vulnerable legislatures were those in partially free countries, in which executives were tempted to shut down parliaments to increase their own powers.

parliaments of the EU-15 countries, which are comparable in many respects while presenting a sufficient degree of variation in their powers and specializations.

The first section presents a brief overview of how parliaments adapted to the pandemic. The second section is devoted to developing the theoretical argument on the potential impact of virtual participation on three parliamentary functions: legislation, representation of different voices and oversight. Next, the third section outlines our research strategy and the fourth one describes the empirical results. Finally, we discuss the significance of our findings.

How parliaments adapted to the Pandemic

The impact of the Covid-19 pandemic on our societies cannot be overestimated. Since its outbreak, the pandemic has subjected public institutions and private companies to stress affecting each aspect of people's lives. Political institutions are not exceptions but were affected to a different extent. Executives did not require major adjustments to perform their functions. By contrast, parliaments, which by definition are large assemblies of elected representatives meeting in person, had to quickly adapt their organization to perform their essential functions. However, this was not as simple as it might seem. Adapting to the pandemic was the most severe challenge for legislative assemblies in recent years. Previous research shows that, at least in democratic regimes, legislative assemblies have largely found a way to remain open (Waismel-Manor et al., 2020), but the solutions adopted considerably differ (Akirav et al., 2021). The response given by parliaments touched on several aspects of their operations, including the rules for holding plenaries, committee meetings and organizing the work of parliamentary officers. Trial and error was an inevitable part of the process. It is obvious that, at the outset of the emergency, the simplest solution for parliaments consisted in focusing only on their most urgent activities. For this reason, many legislative assemblies reduced the number of agenda items (e.g. Irish parliament and Dutch legislative assembly) and reduced the weekly sitting days (e.g. Estonia, Germany, Portugal) (Deveaux et al., 2021).

However, as time passed, many forms of organizational adjustments were tested in an attempt to guarantee the continuity of as many important activities as possible. One of the first and most effective measures to contain Covid-19 in society was the introduction of social distancing (also called physical distancing), the practice of avoiding mass gatherings and, more in general, keeping a safe space between persons. To a certain extent, this would have been the first choice also for parliaments; nevertheless, applying it to them without changing their "soul" is not easy. Parliaments are by definition large assemblies of people who convene in the same closed space to discuss matters of public interest. They are hosted in highly symbolic buildings and consist of a fixed number of MPs. Keeping social distance intuitively requires having either more space or restricting participation to fewer persons.

The first alternative solution could be finding additional space, preferably in the same building but also moving the assembly to other locations. For instance, the Italian Chamber of Deputies, which regularly hosts 630 members, changed the seating arrangement in the hemicycle debating chamber to host only 339 seats (thus respecting social distance) and obtained the remaining seats using the tribunes usually reserved to the public (about 170 seats) and the large corridor that runs alongside the debating chamber, called Transatlatico (about 120 seats) (Curreri, 2020). Other parliaments, such as those of the Philippines, Ireland, Luxembourg and the United Kingdom, instead, moved to different places: for instance, the British Parliament held some reunions in Westminster Hall, which is usually used for ceremonial events (Akirav et al., 2021).

A second approach was to limit the number of MPs attending parliamentary meetings: this was usually achieved through the so-called “pairing”, an agreed reduction of MPs during the plenary to maintain unaltered proportionality among party groups. For instance, to make this approach feasible, the Bundestag amended its Rules of Procedures halving the quorum for making decisions from 50% to 25% of its members (Siefken, 2022). Although this approach ensured the respect of social distancing, it opened normative problems, especially on the representative nature of the assembly: for instance, who had to select the “privileged” members attending parliamentary works? According to what criteria? And what about the principle of equality among their members which is a pillar of representative assemblies?

In the current technological environment, another possible solution would be embracing forms of virtual participation. This would allow the simultaneous digital presence of all the MPs or permit the participation of members that couldn't be physically present in the Chamber due to Covid-19 restrictions. In other words, thanks to the use of technologies and personal devices, plenaries and committee meetings could take place completely or partially online. Many parliaments, indeed, opted for a hybrid modality, which included both physical presence, within the limits established, and remote participation of MPs. According to the Inter-Parliamentary Union (2021), by late 2020 one-third of the surveyed parliaments held virtual or hybrid plenaries and 5% of them held entirely virtual sittings. Despite the difficulties, countries as different as Belgium, United Kingdom, Argentina, Brazil, Chile, Indonesia, New Zealand, Greece, Poland, United States, Latvia and Slovenia held virtual or hybrid plenaries during the pandemic. There has been a considerable variation in the technological solutions adopted. For instance, the Brazilian Chamber of Deputies has utilized an established commercial software such as Zoom to host (hybrid) plenaries, while the Parliament of Latvia set up a tailored comprehensive virtual system called E-Saeima².

A theme strictly connected to the possibility of holding virtual or hybrid sessions regards the eventual presence of constitutional dispositions prescribing physical presence for holding valid parliamentary sessions. This reveals how far parliaments may have structural difficulties when trying to change their traditional organizational settings. The contemporary presence of parliamentarians in the same place has always been an explicit or implicit requirement to debate and pass laws. However, legal problems have been often addressed with flexible interpretations of the norms or through the adoption of specific provisions, permanent or temporary, that would permit parliaments to implement the necessary organizational changes to face the pandemic.

Beyond the legal problems, the adoption of forms of virtual participation in Parliament raised a more fundamental normative question. The question was bluntly put by Rozenberg (2020, p. 6): “Is it possible for legislatures to become virtual without losing their soul?” Our working hypothesis, developed in the following section, is that such a question cannot be answered once for all democratic parliaments. Not all parliaments are created equal, and each of them has a different soul.

Virtual Participation and the Functions of Parliaments

The pandemic has stimulated a renewed interest in the functions performed by parliaments in the context of democratic regimes. When parliaments were forced to modify their usual working modalities, it was clear that some of the tasks they usually perform would inevitably suffer. However, different organizational responses implied different types of consequences. Looking at the solutions adopted to keep parliaments open, while at the

² <https://www.ipu.org/innovation-tracker/story/latvias-move-towards-electronic-parliament-e-saeima>, last checked on 10 November 2022.

same time containing the risk of contagion, may tell something interesting about the relative importance assigned to the functions prioritized in different political contexts. For this article, it is especially important to speculate about the possible impact of introducing forms of virtual participation on the different functions usually associated with legislatures. The first step for this effort is compiling a list of those functions.

Parliaments are often called legislatures because in the liberal constitutional tradition (which developed the idea of separation of powers) their primary role was to deliberate on the laws and pass them. This line of reasoning can be found in the theorizations of classics of Western political philosophy such as Locke and Montesquieu. However, they lived in a different time when “state involvement in social and economic matters was minimal if not nonexistent” (Blondel, 1973, p.13). The gradual expansion of the role of the state in the management of economic and social affairs made it impractical for a collective assembly to remain at the centre of the lawmaking activity. In the European parliamentary democracies, this trend was magnified by the emergence of cohesive political parties first, and the mediatization of politics afterwards. However, already in the nineteenth-century thinkers such as Walter Bagehot and John Stuart Mill described the British House of Commons as an intermediate body making “governments responsive to the people and the people willing to comply with decisions of governments” (Loewenberg & Patterson, 1979, p.43). Bagehot’s list of parliamentary functions (elective, expressive, teaching, informing and legislative functions) has long been treated as the basic starting point to describe what parliaments do. Nevertheless, scholars dealing with comparative studies discovered that parliaments are flexible institutions which may perform several functions in a political system (Mezey, 1979). An interesting approach was adopted by Coghill and colleagues (Coghill et al., 2012): to avoid the risk of imposing one’s normative criteria on a complex reality, they looked at how several parliaments describe themselves on their websites. The resulting list was not very different from the standard account, as the three core functions emerging from this effort were those of representation, legislation, and oversight (although other more specific functions were also mentioned). It is worth noting that representation can be intended in a very broad fashion or in a narrower way. This distinction is similar to that introduced by John Stuart Mill (1861, p. 104) when he stated that the British House of Commons should be “at once the nations’ Committee of Grievances and its Congress of Opinions”. In its most general sense, political representation refers to the activities through which citizens are made present within the governing institutions.

Obviously, this is partially done through the activities of legislating and overseeing the government, but the activity of representing has also a more performative dimension (Saward, 2017), which is especially visible in parliamentary debates. Parliaments are the institutional venues in which popular opinions are reflected and, at the same time, shaped. In contemporary democracies, where collective (partisan) representation is central, the voice of citizens is mainly reflected in the public exchanges between (the leaders of) political parties. In ensuring that all opinions can be publicly expressed, the parliamentary venue is especially important for opposition parties which are not represented in government. Representation can also be defined more narrowly, referring to the capacity of the assembly to redress citizens’ grievances against the government. If we conceive representation as consisting of two pillars, one collective and the other individual (Weissberg, 1978), redressing grievances is the typical activity conducted by individual members. In this sense, the line separating it from constituency service (Papp, 2020) is somehow blurred. In this work, we focus only on the more general meaning of

representation, leaving aside the function of redressing grievances³. In the remainder of this section, we discuss how virtual participation can affect three parliamentary functions: legislating, representing the plurality of political visions and overseeing the government.

Legislative function

The basic defining function of parliaments is that of giving “assent, on behalf of a political community that extends beyond the executive authority, to binding measures of public policy” (Norton, 1990, p. 1), or in other words to approve laws. However, the role of parliaments in the legislative process is highly variable in different political systems and at different times. It is well known that in parliamentary democracies most laws, and certainly the most important ones, are drafted and initiated by governments, but parliaments can often amend or reject government bills and formulate their legislative proposals. Jean Blondel (1970) elaborated a pioneering perspective to measure the power of parliaments to slow down and amend the proposals put forward by the executive. This capacity is called “viscosity”, and parliaments can be ordered on a continuum ranging from full compliance to the executive’s will to total freedom. A second influential analysis can be found in the work of Nelson Polsby (1975), who distinguishes between two ideal types, transformative and arena legislatures. The two mainly differ concerning the sources of decision-making power: in arena legislatures, legislative outcomes are primarily determined by outside forces, whose equilibrium is reflected in parliament. Arena legislatures are fora in which policy alternatives elaborated elsewhere are publicly discussed, but not chosen. By contrast, transformative legislatures have a much more autonomous role in the policy-making process, as their internal articulations and organizational/political culture influence legislative outcomes. The most important factor determining the nature of the legislature is the character of political parties. Countries in which parties are highly hierarchical and centralized tend to have arena legislatures because parliamentarians enjoy little autonomy. On the contrary, decentralized parties are compatible with transformative legislatures. Kreppel (2014) notices that in Polsby’s analysis, aside from the fact that such terminology had still to be invented (Lijphart, 1984), the degree of legislative independence is mainly linked to the majoritarian or consensual character of the parliamentary parties. The capacity of parliaments to influence policy-making is also central to the work of Mezey (1979) who, in his *Comparing Legislatures*, distinguished legislative assemblies with regard to the popular support they enjoy and their capacity to influence policy-making. With regard to the latter point, parliaments can have strong, modest or little policy-making power. A more general model was advanced by Lijphart (1984) with the intention of classifying different types of democracies. In his model, which has somehow evolved over time (Lijphart, 2012), there exist two ideal-typical models, consensus and majoritarian democracies. In the majoritarian model, the power is concentrated in the hands of the executive, while in the consensus model, the power is dispersed among a number of actors. With regard to the relationship between parliaments and governments, in the majoritarian model, the executive is predominant and the parliament is the stage in which the visible confrontation between government and opposition takes place. By contrast, in the consensus model, there are a number of parliamentary actors with considerable powers, and the outcome of the parliamentary process will reflect the relative and variable influence enjoyed by

³ Redressing grievances is something that parliamentarians often do by asking parliamentary questions (Martin & Rozenberg, 2012). As we consider the ability to ask questions as a form of oversight (see below), in practice we have no empirical strategy to differentiate between oversight and grievances redress. The point is also theoretical, because often parliamentary control is achieved as an unintentional by-product of the activities conducted by MPs in their attempt to represent the demands asked by citizens (Wiberg, 1995).

parliamentary groups supporting the executive, committee leaders and even the opposition. In a slight modification of the terminology introduced by Lijphart, Cotta (1987, 1994) calls this second model polycentric instead of consensual, to stress the fact that power is dispersed among several actors among which consensus may (or may not) exist.

From the classic works mentioned above, it is clear that parliaments widely differ in their capacity to influence legislative outputs, that this distinction is related to the nature of the legislative-executive relations and that these factors depend on the broader model of democracy adopted in a political system. The pandemic has not stopped the legislative activities of legislatures, where such institutions were strong and legitimated (Waisman-Manor et al., 2020), but the type of organizational reactions adopted may have had different consequences on the capacity of parliaments to exert legislative influence. It is important to note that when parliaments amend or modify legislative proposals, informal contacts are at least as important as formal procedures (Andeweg & Nijzink, 1995; Norton, 2019; Russell & Gover, 2017). Based on this consideration, it has been argued that virtual meetings can reduce the legislative influence of parliaments exactly because, at least at the current stage of technical development, informality works at its best in physical presence. As it was expressed by Rozenberg (2020, p. 6) “the possibility for backbenchers to conduct informal discussions in lobbies, the glances exchanged by participants during committee meetings, or the involuntary body language of orators are all subtle elements which disappear behind a computer screen”. Likewise, with virtual meetings, it is more difficult for backbenchers to informally approach ministers and their staff. There are fewer opportunities for having unscheduled interactions between parliamentarians belonging to different parties (Malloy, 2020, p. 308). Mencarelli (2021) goes as far as to speak of a relational cost caused by the lack of spontaneity of debates and the rarefaction of informal personal contacts, which are often functional to reach the compromises that are often necessary to achieve a parliamentary majority.

Suppose legislative influence is often achieved through informality. In that case, it is reasonable to expect that parliaments, which are invested in transformative powers, will resist the adoption of virtual meetings, relying on a set of more traditional organizational adjustments (e.g. use of face masks, social distancing, changing seating arrangements) that are compatible with operating in physical presence. As committees are usually the internal articulations in which government proposals and amendments are discussed, we expect that parliaments invested with considerable law-making influence will resist the adoption of virtual meetings not only in the plenary but also in committees. In the absence of comparative scores of parliaments’ viscosity or degree of transformativeness, we will compare parliaments in consensus and majoritarian democracies:

H1: Parliaments in consensus democracies will be less likely than those in majoritarian democracies to introduce forms of virtual participation.

Representing the plurality of political visions

Representative assemblies are called “parliaments” -from the French verb parler- because they are institutions in which a group of elected politicians convene to speak about the most important problems of a country. Parliaments are the institutionalized venues in which political debate is conducted; it is there that the priorities and positions of the various political forces are publicly discussed. Different societal interests are represented and articulated, not only those which are championed by the government but also those which are defended by the opposition. This process, which is based on the public confrontation

between two or more political forces, is important to increase the legitimacy of the political system.

Not all parliaments place the same emphasis on making visible the confrontation between the majority and the opposition. This characteristic has something to do with Bagehot's expressive function, the possibility for members of all sections of the society to make their arguments heard. Since the advent of the age of collective representation, the primary voices to be heard are those of the different political parties⁴. Given that parties in government have privileged access to multiple channels to make their voices heard, the most interesting empirical problem concerns the arrangements to give opposition parties an opportunity to articulate their views in the parliamentary arena. In the attempt to develop a comprehensive Opposition Power index, based on the institutional opportunity structures offered to the parliamentary opposition in different legislative settings, Garritzmann (2017) distinguished between the power to control the executive and the power to present itself as an alternative to the government of the day. Similarly, but looking only at parliamentary questioning, Russo and Wiberg (2010) ranked parliaments according to the opportunities they offer for the opposition to extract information from the government and to create a lively public debate.

In general, the pandemic altered the perceived importance of different parliamentary functions. After the first months of the pandemic, observing the adaptations of the Canadian parliament, Malloy (2020) argues that the crisis exacerbated the tension between two competing logics, that of governance and that of representation. Passing laws and scrutinizing government actions respond to the logic of governance, whereas proposing policy alternatives and giving voice to backbenchers follow the logic of representation. According to his account, in the Canadian case, both the majority and the opposition discussed the appropriate organizational adjustments only with regard to the logic of governance, while the necessity to ensure representation was largely ignored. This is not surprising during an emergency that is severe but arguably brief. In the short term, the political confrontation between different parties is not hindered by sacrificing parliamentary debates, because there are other channels through which political forces can communicate their policy views. Traditional and new media can be reasonable alternatives. By contrast, only the parliament can pass laws and force the government to justify its actions. However, in the long run, reducing the centrality of the parliamentary arena as the institutionalized venue in which the positions of the majority and the opposition can be publicly articulated would be a challenge for democratic systems.

The character of parliamentary debates is arguably very different when taking place in person or in the virtual world. As was effectively expressed by Rozenberg (2020, p. 7) "The unforeseen development of certain exchanges, their rhetorical effects, the emotional range of some claims are more likely when orators are physically present and all contribute to maximizing the pro et contra aspects of the debates". The lack of spontaneity of online debates and the limited role of nonverbal communication would probably reduce the interest of the media and the public in what happens in parliament. Following this line of reasoning, it can be hypothesized that parliaments in which the public confrontation between political parties is most relevant will resist the adoption of virtual meetings, especially for plenary sittings.

⁴ Using the categorization developed by Nelson Polsby (1975), we might be tempted to simply reverse the arguments made in the previous section arguing that arena legislatures are those in which policy alternatives elaborated elsewhere are publicly discussed. However, Polsby's classification is based on the relative autonomy through which parliamentary forces are able to influence the policy making process.

H2. Parliaments placing much emphasis on the confrontation between the majority and opposition will be less likely than others to introduce forms of virtual participation in plenary sittings.

Oversight function

Oversight is often used interchangeably with terms such as scrutiny and (parliamentary) control and generally refers to the goal of “holding the government to account”. The notion that parliaments should give priority to its control function was clearly expressed already in the nineteenth century by John Stuart (1861, p. 104): “the proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition of all of them which any one consider questionable...” This view gained further popularity in the most recent decades, even in the context of European parliamentary systems⁵. A comprehensive review of this debate is outside the scope of this work, but it is worth citing the major findings of the Green Paper “The Future of Parliamentary Democracy: Transition and Challenge in European Governance” (Burns et al., 2000). According to the experts who worked on the report, parliaments have been progressively marginalized from the legislative function because of three recent developments: the growing complexity of modern policies, which implies a frequent intervention of the “experts”; the emergence of forms of “new governance”, where economic and social organizations participate to the policymaking process on a formal parity with executives; the transfer of some formerly national competences to supranational institutions. These trends, albeit sometimes described with slightly different words, pushed several theorists and experts to state that in the current context, parliaments are no longer able to effectively contribute to law-making, but should focus more on oversight and control. At the same time, important theoretical studies on how to conceptualize and study parliamentary oversight in parliamentary systems started to be published (Saalfeld, 2000).

Despite this new awareness, it has proved to be difficult to compare parliaments on the basis of their capacity to scrutinize the executive. Some authors focused on the formal availability of different procedures enabling parliaments to extract information from the government and the bureaucracy (Pelizzo & Stapenhurst, 2004; Russo & Wiberg, 2010), while others measured the actual use of those procedures, most frequently parliamentary questions (Wiberg, 1994). A different approach was followed by Sieberer (2011), whose aim was to develop a comprehensive comparison of the powers held by Western European parliaments. Arguing against the common conceptualisation of parliamentary power as a unidimensional phenomenon, Sieberer distinguished different mechanisms through which parliaments can influence the policies adopted by governments: policy-making powers (the lawmaking function), the selection of external officeholders (the elective function) and ex-post control of the cabinet (the control function). Parliaments in Austria, Denmark and Spain are extremely well equipped to perform the control function, while the reverse is true for cases such as Sweden and France (Sieberer 2011, p.747).

Emergencies such as the pandemic further strengthen the policy-making powers of governments, but at least in principle, they reinforce the necessity for parliaments to keep the executive accountable. Can parliaments do that equally well by forgoing physical presence in favour of virtual meetings? According to Rozenberg (2020), contrary to legislation, the oversight function is not negatively affected if parliaments go virtual. There are some activities, such as asking parliamentary questions for written answers, which do

⁵ In the US there was already an intense debate of how the Congress could oversee the action of the executive (McCubbins & Schwartz, 1984).

not require synchronous interaction between parliamentarians and ministers: in many parliaments, MPs submit their questions through digital devices and the relevant minister publishes the replies in the official proceedings. It is true that other procedures, such as parliamentary questions for immediate reply, are arguably less effective when conducted online, but they are more an instrument to represent the conflict between government and opposition than to monitor the actions of the executive (Russo & Wiberg, 2010). From this line of reasoning, we conclude that the degree to which a parliament is focused on the oversight function is unrelated to the adoption of virtual participation during the pandemic.

H3: There is no relationship between the importance of the oversight function and the adoption of virtual forms of participation.

Methods and data

As discussed in the previous sections, social and political dynamics have been decisive in facing the pandemic. Variables such as the level of democracy, economic and technological resources and political culture are probably the most important factors explaining the response of different parliaments. Therefore, in order to test our hypotheses, it is necessary to restrict the empirical analysis to a group of countries that are sufficiently similar to be comparable. We decided to focus on the Western European democracies belonging to the EU-15 group, those which constituted the European Union from 1995 to the 2004 enlargement: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, United Kingdom, Spain, Sweden.

This choice allows us to keep many possible confounding variables constant. In particular, given the theoretical focus of our investigation, the most important requirement is comparing consolidated democracies. By looking at the Polity's Democracy Index (Marshall 2020), it is clear how the EU-15 countries are highly democratic⁶. Secondly, according to the United Nations (2022), all these countries are developed economies, which is a good proxy for their capacity to implement sophisticated technological solutions to allow Members of parliament to participate remotely. An additional important confounding variable that is controlled by selecting these cases is the system of government because there are no countries adopting a presidential system where the separation of power holds. In all EU-15 countries, which are commonly classified as either parliamentary or semi-presidential systems, the cabinet is accountable to the parliament. In addition, these countries share much more in terms of their political traditions, which are firmly rooted in the liberal constitutional spirit. Finally, the responses to the pandemic adopted by these parliaments are well documented.

While these countries are similar in many respects, they significantly differ with regard to the independent variables entering our hypotheses (see the next section).

After selecting the cases, it is important to define and measure our dependent variable, the adoption of virtual forms of participation in parliamentary works. This aspect is crucial because of the very heterogeneous utilization of online tools made by different parliaments. At one extreme there are some assemblies which, for a certain period of time, shifted all their work online: for instance, this is the case of the European Parliament, which held the plenary session of October 2020 virtually, giving to its Members the right to intervene in the

⁶ That index is calculated by subtracting the variable *Autoc*, which ranges from 0 to 10 and measures the authoritarian character of a country, to the variable *Democ*, which measures democratic characteristics. As a result, the index varies from -10 (highly authoritarian regime) to +10 (highly democratic regime). All EU-15 countries achieve a score that is equal or greater than 8, with most of them reaching the maximum theoretical value of the index.

debates and vote using a remote system⁷. On the other extreme, remote systems were used only for preparatory and informal meetings, as it happened for instance in the Italian Parliament (Curreri, 2020).

In this work, we consider parliamentary participation as the possibility of actively intervening on agenda items and interacting with other MPs during official sittings. Voting remotely is considered a form of active participation, but the mere possibility of following the debate through a form of live streaming without the possibility of intervening does not qualify as participation. Likewise, actively participating in informal or preparatory meetings held remotely has not been considered a form of participation⁸.

By focusing on the opportunity for MPs to participate remotely, we do not distinguish between parliaments adopting fully virtual and hybrid modalities. A finer distinction would require measuring the degree of “virtualization” of each parliamentary activity by looking at the proportion of parliamentarians participating in physical presence and online. However, in the current state of knowledge, comparable data of this kind are not available. In other words, we decided to focus on the possibility to participate remotely rather than on the mandatory and complete shifting of all parliamentary activities online.

It is essential to stress that, for the purpose of this article, we consider every form of virtual participation even though they have been adopted temporarily or permanently during the pandemic. In fact, most provisions to introduce forms of virtual participation were temporary in nature. In some cases, an example is France, the decision to allow forms of virtual participation in parliamentary work was first adopted by the Parliament itself, and subsequently reversed by the judiciary (Crego & Mańko, 2022, p. 9). Given the purpose of this work, the focus is on the political decision to allow virtual participation rather than on its actual application or persistence. Finally, in the case of bicameral systems, we only focus on lower chambers.

To date, several reports and country studies describing the adoption of virtual forms of participation in Parliament have been published. For the measurement of our dependent variable, we mainly relied on the following sources:

- Three documents produced by the Inter-Parliamentary Union: “Country compilation of parliamentary responses to the Pandemic” (Inter-Parliamentary Union, 2020a); The report “How to run a parliament during a pandemic: Q and A” (Inter-Parliamentary Union, 2020b); The report “World e-Parliament Report 2020” (Inter-Parliamentary Union, 2021);
- The working paper “Parliaments in the Pandemic I” (Akirav et al., 2021), the first public report of an ongoing research collaboration promoted by the Research Committee of Legislative Specialists of the International Political Science Association.
- The report from the House Democracy Partnership and Swiss Agency for Development and Cooperation “Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning” (Deveaux et al., 2021);
- The briefing of the Study Service of the European Parliament entitled “Parliaments in emergency mode. Lessons learnt after two years of pandemic” (Crego & Mańko, 2022).

⁷<https://www.europarl.europa.eu/news/en/press-room/20201015IPR89406/next-week-s-plenary-session-to-take-place-remotely> (last accessed 23 May 2023)

⁸ Informal or preparatory meetings held virtually have not been considered as a form of participation essentially for three reasons. First, it is difficult to find comparable data about unofficial meetings. Second, the degree of informality may differ among different parliaments, making comparisons slippery. Third, and perhaps most importantly, there is a substantial difference between formal and informal meetings: considering them alike would artificially reduce the observed (and substantially important) variance.

These sources have been integrated, whenever possible, with academic essays dedicated to the study of specific cases.

The results of our explorations are presented in Table 1, a simple contingency table distinguishing the EU-15 national parliaments on two dimensions:

- A. whether they allowed some forms of remote participation in committee meetings
- B. Whether they allowed some forms of remote participation in plenary sittings.

We distinguished between the two because the above-mentioned reports stressed that parliaments encountered fewer technical and legal obstacles in shifting committee work online. The first finding of our exploration is that this was not the case in EU-15 countries, perhaps because of our choice of not counting informal committee meetings.

Among the cases considered here, only two parliaments have adopted virtual participation for plenaries and physical presence for committees (Finland and Spain). In Spain, this is the effect of considering remote voting as a form of participation⁹. The other countries are evenly distributed in one of the three remaining cells. In Austria, Denmark¹⁰, Ireland¹¹, Italy¹² and the Netherlands¹³ no form of virtual participation was introduced. The parliaments of Germany, Portugal¹⁴ and Sweden¹⁵ allowed some forms of virtual participation only for committee meetings. Finally, in Belgium, France¹⁶, Greece, Luxemburg and the UK virtual participation was allowed in both committee and plenary sittings, although often for a limited period.

⁹ For the MPs who could not attend plenaries, it was guaranteed the possibility of following debates and voting remotely through the extension of an already existing procedure that was reserved for a limited number of health-related situations (Crego & Mañko, 2022; Inter-Parliamentary Union, 2020a; Williamson, 2020)

¹⁰ Plenary meetings were held in presence with a significant reduction of MPs (only 6% of all MPs). Other MPs could follow the plenaries through a broadcasting system in their offices: however, they could not intervene or vote. For this reason, this modality does not fulfil our requirements for being considered a remote form of participation. Furthermore, Danish committees held only informal reunions relating to Covid-19 remotely (Pedersen & Borghetto, 2021)

¹¹ Remote voting was allowed only within the parliament's premises and it hasn't been considered as a virtual form of participation of MPs (Inter-Parliamentary Union, 2021)

¹² Committees met remotely only for informal meetings (Curreri, 2020; Inter-Parliamentary Union, 2020a)

¹³ The Dutch Eerste Kamer has guaranteed remote participation for plenaries and committees, but it doesn't affect our analysis that is limited to lower chambers.

¹⁴ Committees held reunions when necessary by videoconference using Skype (Country compilation of parliamentary responses to the pandemic (Inter-Parliamentary Union, 2020a)

¹⁵ Formal online committee meetings have been allowed through a change of the Riksdag Act on June 17, 2020 (https://www.robert-schuman.eu/en/doc/ouvrages/FRS_Parliament_Sweden.pdf, last viewed on 21 November 2022)

¹⁶ As already mentioned in the text, the possibility of remote participation was originally introduced by the Parliament and then reversed by the Constitutional Court (Crego & Mañko, 2022).

Table 1. Adoption of forms of virtual participation in plenary and committee meetings in the EU-15 national parliaments

	No virtual participation in plenary	Virtual participation in plenary
No virtual participation in committees	Austria Denmark Ireland Italy Netherlands	Finland Spain
Virtual participation in committees	Germany Portugal Sweden	Belgium France Greece Luxemburg United Kingdom

Source: authors' elaboration of several reports (Akirav et al., 2021; Crego & Mañko, 2022; Deveaux et al., 2021; Inter-Parliamentary Union, 2020a; Inter-Parliamentary Union, 2020b, Inter-Parliamentary Union, 2021) integrated when necessary with the country studies mentioned in the text.

To test our hypotheses, it has been essential to measure the level of consensualism of each political system (H1), the importance given to the visible confrontation between majority and opposition (H2) and the propensity of parliaments to scrutinize government's actions (H3). The operationalization of these variables is described in the following section.

A test on Western European parliaments

The number of cases included in our analysis does not allow for sophisticated quantitative analyses, but it is sufficient for computing bivariate correlations. Naturally, finding a correlation could not be taken as proof that a causal relationship exists between our dependent and independent variables, but would constitute only a plausibility test. However, the opposite is true: finding no relationship would amount to persuasive proof against our hypotheses. The previous section distinguishes between virtual participation in plenary sittings and committee meetings, thus the analyses that follow will be conducted taking into account both dimensions separately.

The first hypothesis (H1) posits that consensual democracies are less likely to have introduced forms of virtual participation. To check whether the hypothesis holds, we have treated Liphart's Executive-Party dimension as a continuous variable and computed the polyserial correlation coefficient between it and the adoption of forms of virtual participation in either committee meetings or plenary sittings (both dichotomous variables). The polyserial correlation coefficient¹⁷ between Liphart's EPD and having virtual participation in committees goes in the expected direction, albeit its magnitude is only moderate (-0.57). However, the correlation is statistically significant (p-value = 0.013). Adopting a different measure such as Kendall Tau-b the correlation coefficient is slightly lower (-0.43), but the direction of the effect is confirmed. The correlation between Liphart's EPD and having virtual participation in plenary sessions is of similar strength (-0.60), and

¹⁷ Polyserial correlation can be trusted only after testing for bivariate normality. When not indicated, the assumption has been verified.

statistically significant even at the most stringent conventional levels (p -value < 0.001). Computing Kendall Tau-b results in a lower coefficient (-0.35).

To visualize the relations between models of democracy (majoritarian-consensual) and virtual participation table 2 discretizes the continuous score on Lijphart’s EPD, dividing democracies into three groups. For this purpose, we consider:

1. Consensual democracies, those with Lijphart’s EPD greater than 1
2. Mixed democracies, those with Lijphart’s EPD ranging from 0 to 1
3. Majoritarian democracies those with Lijphart’s EPD less than 0.

We then computed an overall index of virtual participation by adding the two dummy variables concerning committees and plenary meetings: the index has a value of 0 when no form of virtual participation has been introduced; it has a value of 2 when virtual participation has been introduced in both the plenary and committee meetings. Finally, it has a value of 1 in intermediate cases. The polyserial correlation coefficient between Lijphart’s EPD and the overall index of virtual participation is -0.64, significant at the most demanding conventional levels ($p < 0.001$).

The graphical presentation of the results fits nicely with our argument. Nine parliaments out of fifteen are placed in the grey cells, those on which we would expect to find all parliaments if the relationship between the model of democracy and virtual participation were deterministic. Most consensual democracies scored 0 on the index of virtual participation (Denmark, Italy and the Netherlands), while most majoritarian democracies (France, Greece and the UK) scored 2. Democracies with an intermediate position in Lijphart’s EPD are mostly in the in-between category. The only true outlier is Belgium, the parliament of a consensual democracy which introduced virtual participation in both committee meetings and plenary sessions.

Table 2. Adoption of forms of virtual participation in plenary and committee meetings in the EU-15 national parliaments

Lijphart’s Executive-Party Dimension (EPD)			
Index of virtual participation	Consensual (EPD>1)	Intermediate (0≤EPD≤1)	Majoritarian (EPD<0)
0	Denmark (1.35) Italy (1.13) Netherlands (1.17)	Austria (0,64) Ireland (0,38)	
1	Finland (1.48)	Germany (0.63) Sweden (0.87) Portugal (0.04)	Spain (-0.63)
2	Belgium (1.10)	Luxemburg (0.38)	France (-0,89) Greece (-0.55) United Kingdom (-1.48)

Note: Values in parenthesis are countries’ scores on the Executive-Party Dimension according to Lijphart (2012)

Sources: authors’ elaboration on Lijphart (2012)

The second hypothesis holds that parliaments placing much emphasis on the confrontation between the majority and opposition will be less likely than others to introduce forms of virtual participation in plenary sittings. The previous analysis reveals that, if we operationalize the importance of parliamentary confrontation with the majoritarian/consensual character of the broader political system, this hypothesis does not hold. However, it would be more appropriate to employ a specific measure relating only to the executive-legislative subsystem. Russo and Wiberg (2010, p. 226) developed an indicator to evaluate the degree to which the parliamentary procedures to ask questions for oral answers are conducive to a lively debate in the plenary; the indicator varies between 1 (low potential to create a lively debate) to 3 (high potential). The indicator is available for all countries covered in our study aside. Despite this, none of the typical measures of correlation that can be used for ordinal variables achieves the conventional level of statistical significance. The polychoric correlation coefficient between them is in the expected direction but only weak (-0.23), and not statistically significant. The Kendall Tau-B gives an even lower correlation (-0.17). A different measure to evaluate the effectiveness of Question Time for criticizing the government has been developed by Garritzmann (2017): it is a continuum index varying between 0 (low opportunities for the opposition) to 1 (high opportunities). This indicator is however not available for two of the countries included in our analysis, Luxembourg and Greece. We computed the polyserial correlation between Garritzmann's Question Time Index and the introduction of virtual participation in plenary sittings. The correlation is weak (-0.25) and not statistically significant. It is quite clear that the data does not support H2.

Our third hypothesis is that the potential for parliamentary oversight in different countries is not related to the adoption of virtual forms of participation because checking the actions of the government can be done reasonably well even by going virtual. It is difficult to find comparable data on the capacity of parliaments to shed light on the implementation of government policies. There is a stream of comparative literature, based on the data collected by the Inter-Parliamentary Union, assessing the number of oversight instruments that are available in different legislative assemblies (Pelizzo & Stapenhurst, 2014, 2004). However, the inclusion of as many as 120 parliaments operating in countries with different forms of government and variable levels of democracy tends to obscure the variance of relatively similar countries such as those that are the object of our analysis. Other analyses conducted by legal scholars (Maffio, 2002; Griglio, 2020) are more focused on European countries, but their interest lies more in classifying oversight tools than in rating the oversight potential of different parliaments. Russo and Wiberg (2010) propose an index of "potential for information" based on procedural features to ask questions for written answers. However, a more comprehensive index of "ex-post control" was provided by Sieberer (2011) in his attempt to measure different dimensions of parliamentary power in Western European countries. The index is derived from a factor analysis of different items. Those contributing to the "ex-post control" factor are mainly measures related to the institutional strength and formal powers of parliamentary committees (Sieberer, 2011, p. 754), under the assumption that powerful committees are central to scrutinizing the government effectively. The index of ex-post control is available for 14 out of our 15 countries (all parliaments aside for Luxembourg).

To assess the relationship between our variables we computed the polyserial correlation coefficient because the index of "ex-post control" is measured on a continuous scale. Contrary to our expectations, there is a strong ($\rho = -0.75$) and statistically significant ($p > 0.001$) negative correlation between Sieberer's index and the adoption of virtual forms of participation in the committees. As usual, Kendall's Tau-B gives a lower correlation

coefficient (-0.43), but in the same direction. By contrast, there is no significant relationship between the index of ex-post control and introducing forms of virtual participation in the plenary (Polyserial Rho= -0.32, p=0.310).

To visualize the relationship between parliamentary ex-post control powers and the adoption of virtual forms of participation in committees, we discretize Sieberer's index and divide democracies into three groups, as shown in Table 3:

1. Parliaments with weak ex-post control powers are those with Sieberer's index less than -1
2. Parliaments with intermediate ex-post control powers are those with Sieberer's index ranging from -1 to 1
3. Parliaments with strong ex-post control powers are those with Sieberer's index greater than 1.

Based on this table, it is evident that parliaments with intermediate ex-post control powers are evenly divided between the two categories. However, parliaments with either exceptionally strong or exceptionally weak ex-post control powers are grouped together. Notably, parliaments with strong ex-post control powers have not implemented virtual forms of participation in committees¹⁸.

Table 3. Adoption of forms of virtual participation in committee meetings in the EU-15 national parliaments

Sieberer' Index of ex-post Control Power (ICP)			
Virtual participation in committee meetings	Weak (ICP<-1)	Intermediate (-1≤ICP≤1)	Strong (ICP>1)
No		Italy (-0.364) Ireland (0.021) Finland (-0.662) Netherlands (-0.337)	Austria (1.834) Denmark (1.892) Spain (1.686)
Yes	France (-1.061) Sweden (-1.052)	Belgium (-0.558) Germany (0.300) Greece (-0.503) Portugal (-0.345) UK (-0.360)	

Source: Authors' elaboration on Sieberer (2011)

Concluding remarks

The necessity to keep parliaments open during the Covid-19 pandemic was strongly felt in democratic countries. Despite the frequent lamentations that emergencies marginalize parliaments, the experience of the last two years has revealed that legislatures can find

¹⁸ Although it is notable that all extreme cases behave as predicted, we must concede that the results are driven by a rather limited number of observations. However, this limitation is inherent in the research design adopted.

creative solutions to fulfil their role even under extremely unfavourable conditions. While many parliaments initially closed or limited their activities in the early weeks of the crisis, it soon became a matter of how, rather than if, parliaments should adjust their organization to remain open. One of the significant debates revolved around the trade-offs implied by different solutions. Limiting the number of MPs who could attend parliamentary work risked violating the rights of individual parliamentarians and raised fundamental questions regarding the representative nature of these "diminished" assemblies. Granting parliamentarians the right to participate remotely created the equally concerning doubt that introducing virtual participation could reduce the power and alter the very essence of democratic parliaments.

In the comparative context, there are cases of parliaments that, despite facing similar challenges, took opposite stances on the possibility of adopting virtual means. The most extreme examples of embracing virtual participation include the European Parliament and the Brazilian Congress, while at the opposite end, several parliaments adopted alternative mitigation strategies to function exclusively in person. We argue that this difference can be explained not only by factors related to the severity of the pandemic or the material resources available to different parliaments but also by a matter of preference.

We argue that parliaments perform different roles in different systems, and this can influence the expected costs of transitioning to virtual participation. Through the study of the adoption of virtual participation forms in the parliaments of EU-15 countries, we have identified two main trends. Firstly, parliaments in which the relationship between parties and the executive is consensual have been less inclined to introduce virtual participation forms. This finding aligns well with the notion that in consensual democracies, parliaments serve as arenas for reaching compromises and amending governmental proposals. It is widely recognized that these activities are not easily replicated without the informal meetings made possible through in-person interactions. Secondly, we found an inverse relationship between the likelihood of introducing virtual participation forms in committee meetings and the ex-post oversight power of parliaments, as measured by Sieberer's index (2011). This result contradicts our initial expectation that there should be no relationship between the oversight potential of parliaments and their inclination to adopt virtual means. Our hypothesis was based on Rozenberg's (2020) consideration that oversight can be equally effective when conducted remotely or in person. While this consideration may hold true objectively, it could be the case that during the pandemic, parliamentarians were averse to the idea of shifting their traditional practices to the virtual world.

This empirical study represents one of the initial attempts to explain why parliaments have taken different stances towards the idea of embracing virtual participation. Our empirical approach does not technically enable us to demonstrate a causal relationship between the functional specialization of parliaments and their decision to adopt virtual participation forms. However, we have considered the causal mechanism that could substantiate this relationship (i.e., parliamentarians perceiving virtual participation as a threat to the effectiveness of certain activities) and found some empirical evidence in support of this view. Future studies can further illuminate this issue by pursuing three complementary strategies. Firstly, we acknowledge that our study employs a relatively simplistic measure to determine whether parliaments have adopted virtual participation forms. Future studies could develop more nuanced approaches to evaluate not only the adoption but also the extent of virtual participation. Secondly, a more refined comparative design could expand beyond the limited geographic area we have focused on, analyzing additional countries and examining how parliaments gradually adapted their responses during the pandemic crisis. Lastly, in addition to elucidating the factors explaining the adoption of virtual participation,

conducting in-depth qualitative studies would be valuable for understanding the arguments raised both in favor of and against the opportunity of going virtual.

By pursuing these avenues, the Covid-19 pandemic can serve as a lens through which legislative scholars can enhance their understanding of how legislative institutions perceive themselves.

ORCID

Federico Russo 0000-0002-0052-6796

Martina Chironi 0009-0003-0319-5747

Funding

This work has been conducted within the framework of the PRIN 2020 Project DEMOPE DEMOcracy under PressurE (Prot. 2020NK2YHL), funded by the Italian Ministry of Universities and Research.

Acknowledgements

The authors thank all the participants of the workshop “*Parlamento e governo alla prova della pandemia*”, organized by the SISP Standing Group on Government, Parliament and Representation (9 June 2022, Università Roma Tre). We thank the anonymous reviewers for their precious comments.

REFERENCES

- Akirav, O., Coghill, K., Guasti, P., Haupt, P., Patzelt, W. J., & Siefken, S. T. (2021). *Parliaments in the Pandemic I* (No. 1; RCLS PiP Working Paper). International Political Science Association.
- Andeweg, R. B., & Nijzink, L. (1995). Beyond the two-body image: Relations between ministers and MPs. In H. Döring (Ed.), *Parliaments and Majority Rule in Western Europe* (pp. 152-178). St. Martin's Press.
- Bar-Siman-Tov, I. (2020). Covid-19 meets politics: The novel coronavirus as a novel challenge for legislatures. *The Theory and Practice of Legislation*, 8(1-2), 11-48. <https://doi.org/10.1080/20508840.2020.1800250>
- Blondel, J. (1970). Legislative Behaviour: Some Steps towards a Cross-National Measurement. *Government and Opposition*, 5(1), 67-85. <https://doi.org/10.1111/j.1477-7053.1970.tb00494.x>
- Burns, T. R., Jaeger, C., Liberatore, A., Meny, Y., & Nanz, P. (2000). The Future of Parliamentary Democracy: Transition and Challenge in European Governance. *Green Paper Prepared for the Conference of the European Union Speakers of Parliament, September 2000*.
- Coghill, K., Holland, P., Kinyondo, A., Lewis, C., & Steinack, K. (2012). The functions of Parliament: Reality challenges tradition. *Australasian Parliamentary Review*, 27(2), 55-70.
- Cotta, M. (1987). Il sotto-sistema Parlamento-Governo. *Italian Political Science Review/Rivista Italiana Di Scienza Politica*, 17(2), 241-283. Cambridge Core. <https://doi.org/10.1017/S0048840200016683>
- Cotta, M. (1994). Rise and Fall of the 'Centrality' of the Italian Parliament. Transformations of the Executive-Legislative Subsystem after the Second World War. In G. W. Copeland & S. C. Patterson (Eds.), *Parliaments in the Modern World, Changing*

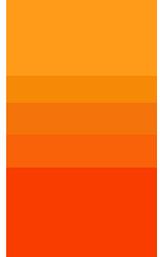
- Institutions*, (pp. 59-84). University of Michigan Press.
- Crego, M. D., & Mańko, R. (2022). *Parliaments in emergency mode Lessons learnt after two years of pandemic* (PE 698.879; Briefing European Parliament). EPRS | European Parliamentary Research Service.
- Curreri, S. (2020). Il Parlamento nell'emergenza. *Osservatorio Costituzionale*, 2020(3), 214–252.
- Deveaux, K., Švecová, N., & Baker, T. (2021). *Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning*. House Democracy Partnership and The Swiss Agency for Development and Cooperation.
- Garritzmann, J. L. (2017). How much power do oppositions have. Comparing the opportunity structures of parliamentary oppositions in 21 democracies. *The Journal of Legislative Studies*, 23(1), 1-30. <https://doi.org/10.1080/13572334.2017.1283913>
- Griglio, E. (2020). *Parliamentary oversight of the executives: Tools and procedure in Europe*. Hart Publishing.
- Hale, T., Angrist, N., Goldszmidt, R., Kira, B., Petherick, A., Phillips, T., Webster, S., Cameron-Blake, E., Hallas, L., Majumdar, S., & Tatlow, H. (2021). A global panel database of pandemic policies (Oxford Covid-19 Government Response Tracker). *Nature Human Behaviour*, 5(4), 529-538. <https://doi.org/10.1038/s41562-021-01079-8>
- Inter-Parliamentary Union. (2020a). *Country compilation of parliamentary responses to the pandemic*. <https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>
- Inter-Parliamentary Union. (2020b). *How to run a parliament during a pandemic: Q and A*. <https://www.ipu.org/news/news-in-brief/2020-04/how-run-parliament-during-pandemic-q-and>
- Inter-Parliamentary Union. (2021). *World e-parliament report 2020*. Inter-Parliamentary Union. <https://www.ipu.org/file/11896/download>
- Kreppel, A. (2014). Typologies and Classifications. In S. Martin, T. Saalfeld, & K. W. Strøm (Eds.), *The Oxford Handbook of Legislative Studies*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199653010.013.0032>
- Leston-Bandeira, C. (2007). The Impact of the Internet on Parliaments: A Legislative Studies Framework. *Parliamentary Affairs*, 60(4), 655-674. <https://doi.org/10.1093/pa/gsm040>
- Lijphart, A. (1984). *Democracies*. Yale University Press; JSTOR. <https://doi.org/10.2307/j.ctt1ww3w2t>
- Lijphart, A. (2012). *Patterns of democracy: Government forms and performance in thirty-six countries* (2nd ed). Yale University Press.
- Maffio, R. (2002). Quis custodiet ipsos custodes? Il controllo parlamentare dell'attività di governo in prospettiva comparata. *Quaderni Di Scienza Politica*, IX(2), 333–383.
- Malloy, J. (2020). The Adaptation of Parliament's Multiple Roles to Covid -19. *Canadian Journal of Political Science*, 53(2), 305-309. <https://doi.org/10.1017/S0008423920000426>
- Martin, S., & Rozenberg, O. (2012). *The roles and function of parliamentary questions*. Routledge.
- McCubbins, M. D., & Schwartz, T. (1984). Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Journal of Political Science*, 28(1), 165. <https://doi.org/10.2307/2110792>
- Mencarelli, A. (2021). Parliaments Facing the Virtual Challenge: A Conceptual Approach for New Models of Representation. *Parliamentary Affairs*, gsab052. <https://doi.org/10.1093/pa/gsab052>

- Mezey, M. L. (1979). *Comparative legislatures*. Duke University Press.
- Mill, J. S. (1861). *Consideration on Representative Government*. Parker, Son and Bourn.
- Norton, P. (1990). Parliaments: A framework for analysis. *West European Politics*, 13(3), 1-9. <https://doi.org/10.1080/01402389008424803>
- Norton, P. (2019). Power behind the Scenes: The Importance of Informal Space in Legislatures1. *Parliamentary Affairs*, 72(2), 245-266. <https://doi.org/10.1093/pa/gsy018>
- Papp, Z. (2020). Constituency service. In M. Cotta & F. Russo (Eds.), *Research Handbook on Political Representation* (pp. 266-275). Edward Elgar Publishing Limited.
- Pedersen, H. H., & Borghetto, E. (2021). Fighting Covid -19 on Democratic Terms. Parliamentary Functioning in Italy and Denmark during the Pandemic. *Representation*, 57(4), 401-418. <https://doi.org/10.1080/00344893.2021.1973546>
- Pelizzo, R., & Stapenhurst, F. (2014). *Parliamentary oversight tools: A comparative analysis*. Routledge.
- Pelizzo, R., & Stapenhurst, R. (2004). Tools for legislative oversight: An empirical investigation. *The World Bank, Policy Research Working Paper Series*, 3388.
- Polsby, N. W. (1975). Legislatures. In F. I. Greenstein & N. W. Polsby (Eds.), *Handbook of Political Science: Vol. V* (pp. 257-319). Addison-Welsey.
- Rozenberg, O. (2020). *Post-Pandemic Legislatures: Is real democracy possible with virtual parliaments?* (Discussion Paper No. 2; pp. 1-11). European Liberal Forum.
- Russell, M., & Gover, D. (2017). *Legislation at Westminster: Parliamentary actors and influence in the making of British law* (First edition). Oxford University Press.
- Russo, F., & Wiberg, M. (2010). Parliamentary Questioning in 17 European Parliaments: Some Steps towards Comparison. *The Journal of Legislative Studies*, 16(2), 215-232. <https://doi.org/10.1080/13572331003740115>
- Saalfeld, T. (2000). Members of parliament and governments in western Europe: Agency relations and problems of oversight. *European Journal of Political Research*, 37(3), 353-376. <https://doi.org/10.1111/1475-6765.00517>
- Saward, M. (2017). Performative Representation. In M. Brito Vieira (Ed.), *Reclaiming representation: Contemporary advances in the theory of political representation*. Routledge.
- Sieberer, U. (2011). The Institutional Power of Western European Parliaments: A Multidimensional Analysis. *West European Politics*, 34(4), 731-754. <https://doi.org/10.1080/01402382.2011.572389>
- Siefken, S. T. (2022). The Bundestag in the Pandemic Year 2020/21 – Continuity and Challenges in the Covid-19 Crisis. *German Politics*, 1-22. <https://doi.org/10.1080/09644008.2021.2024806>
- Soroka, S. N., Redko, O., & Albaugh, Q. (2015). Television in the Legislature: The Impact of Cameras in the House of Commons. *Parliamentary Affairs*, 68(1), 203-217. <https://doi.org/10.1093/pa/gst017>
- United Nations Department of Economic and Social Affairs. (2022). *World Economic Situation and Prospects 2022*. United Nations. <https://doi.org/10.18356/9789210011839>
- Waismel-Manor, I., Bar-Siman-Tov, I., Rozenberg, O., Levanon, A., Benoît, C., & Ifergane, G. (2020). Covid-19 and Legislative Activity: A Cross-National Study. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3641824>
- Weissberg, R. (1978). Collective vs. Dyadic Representation in Congress. *American Political Science Review*, 72(2), 535-547. <https://doi.org/10.2307/1954109>
- Wiberg, M. (Ed.). (1994). *Parliamentary control in the Nordic countries: Forms of questioning*

and behavioural trends. The Finnish Political Science Association.

Wiberg, M. (1995). Parliamentary Questioning: Control by Communication? In H. Döring (Ed.), *Parliaments and Majority Rule in Western Europe* (pp. 179-222). Campus/St. Martin's Press.

Williamson, A. (2020). Virtual Members: Parliaments During the Pandemic. *Political Insight*, 11(2), 40-40. <https://doi.org/10.1177/2041905820933376>



RESEARCH ARTICLE

Executive Power and Accountability in Italy and the Government's Response to Covid-19

Francesco BROMO

Texas A&M University

Paolo GAMBACCIANI

University of Bologna

Marco IMPROTA

University of Siena

Abstract

In this article, we add to the existing literature on the political consequences of Covid-19 by studying executive power in Italy during the 2020 – 22 emergency. Given the direct, inverse link between executive centrality and accountability intended as the formal and informal institutions that limit unilateral action, we examine the behavior and practices of Italian executives in the context of the government-parliament relationship, the dynamics between the central state and the regional authorities (horizontal accountability), and the media (diagonal accountability). We focus on the choices made by the government during the Covid crisis. We present descriptive evidence indicating that executive centrality and standards of accountability fluctuated with an intensity proportional to the threat levels of the various stages of the pandemic.

Keywords: Covid-19; Executive power; Accountability; Policymaking; Italy

Introduction

The Covid-19 pandemic represented an unprecedented shock for countries across the globe. Italy was the first European country to be majorly hit by the spread of the virus, with exceptionally high infection rates among the population (Ceylan, 2020). Such an unparalleled emergency deepened the existing challenges faced by the Italian political system in the aftermath of the government crisis that led to the collapse of Giuseppe Conte's first cabinet in September 2019 (Bull, 2021). From January 2020 to February 2021, the pandemic was managed by the second Conte cabinet. This coalition comprised the *Movimento Cinque Stelle* and the center-left group (*Partito Democratico; Italia Viva; Liberi e Uguali*).¹ The second Conte cabinet was replaced by a technocratic-led government headed by Mario Draghi in February 2021. All parties supported this cabinet except for *Fratelli d'Italia* and *Sinistra Italiana*. The Draghi administration dealt with the pandemic until the end of the state of the emergency (24 March 2022).² In line with Italy's constitutional arrangements, the management of the pandemic took place in the context of a formal

¹ The state of emergency was officially declared on 31 January 2020 through a government resolution (*Delibera del Consiglio dei Ministri*) (*GU Serie Generale* n. 26 del 01-02-2020).

² Decree-law n. 24/2022 (24 March 2022) formally sanctioned the end of the state of emergency in Italy.
CONTACT Paolo Gambacciani, paolo.gambacciani@unibo.it, at the Department of Political and Social Sciences, University of Bologna, Italy

division of competencies between the central state and the regional authorities. Indeed, the Italian Constitution contemplates concurrent legislation for health-related matters (Art. 117).

Scholars have argued that Covid-19 could represent a turning point for the future of political and social institutions (Giovannini & Mosca, 2021). There is a historical pattern of abuse of emergency powers by governments (Kemp, 2021). In light of this pattern, questions have been raised about how far a health emergency could be addressed without compromising internal checks and balances or stomping on liberal rights (Ginsburg & Versteeg, 2021; Goetz & Martinsen, 2021). The literature has, therefore, investigated how executive power and the oversight functions of national institutions have changed as a result of the pandemic (e.g., Bolleyer & Salât, 2021; Guasti, 2021). Some political scientists focused on the long-term implications of Covid-19, wondering whether the changes in the powers of legislatures and executive centrality stemming from the Covid crisis could persist after the emergency (Talib, 2023).

In this article, we study executive power in Italy by relying on the notion of accountability.³ Accountability is instrumental in understanding fluctuations in executive centrality, and it is intended as the formal and informal institutions that limit unilateral action (Cox & Weingast, 2018). We focus on (i) how the national parliament and regional authorities have monitored the executive's policies and actions (horizontal accountability) and (ii) the extent to which Italy's public national broadcasting company (*Radiotelevisione Italiana*, RAI) favored political pluralism (diagonal accountability) during the state of emergency (January 2020–March 2022). Given the direct, inverse link between executive centrality and accountability (O'Donnell, 1994; 1998), we expect to see an increase in executive centrality if individual legislators and political parties have fewer opportunities to influence policymaking.

Our goal is to look at the relationship between prior institutional arrangements and increased executive centrality during the Covid state of emergency to see whether it is mediated by the severity of the crisis (timing). In periods of crisis, a reduction in accountability standards can be more likely, since governments must take immediate action in a context of high uncertainty, confusion, and pressure (Fleisher, 2013).

We focus on Italy as a country that was already undergoing a process of informal executive expansion. Our analysis uses data on the employment of restrictive legislative procedures on the part of the government before and after the pandemic (votes of confidence, decree-laws, ministerial decrees) and data on news time coverage of prime ministers and political parties throughout the 2020–2022 emergency. We find that the degree of executive centrality and standards of accountability in Italy fluctuated with an intensity proportional to the threat levels of the various stages of the pandemic: executive centrality peaked in the initial and most critical phase of the Covid emergency. The evidence we present is limited due to the descriptive nature of our study, which does not allow us to make causal claims about the behavior and practices of Italian executives.

The remainder of the article is organized as follows. The next two sections present the theoretical background, our expectations, and our case, methodology, and data. Next, we analyze the horizontal accountability dimension in two sections dedicated to parliament

³ Accountability as described by O'Donnell (1994; 1998) can be “vertical,” “horizontal,” or “diagonal.” Vertical accountability refers to the ability of voters to hold incumbents accountable for their actions. Horizontal accountability refers to the ability of legislators and the courts to keep tabs on the executive. Diagonal accountability refers to the ability of other institutions such as the media and civil society organizations to monitor the government and its policies. In this article, we focus on the horizontal and diagonal dimensions.

and the regions. The following section focuses on the diagonal dimension (media). The last section includes some considerations regarding the findings of our study.

The Covid-19 Emergency and Executive Power

The Covid-19 pandemic was a health emergency that plagued the world between January 2020 and May 2023, causing more than 6.8 million deaths.⁴ During the emergency, national executives implemented various measures to contain the spread of the Coronavirus, ranging from suspending operations of trades and businesses to preventing citizens from leaving domestic premises for non-essential reasons. These restrictions reduced the virus' mortality rate but led to economic depression and curbing of personal freedoms.

Political scientists have already analyzed some of the consequences of the Covid crisis. Much attention has been paid to (i) policymaking outcomes and (ii) tracing changes in national institutions and the behavior of political actors the pandemic might have caused or expedited. Concerning the former, scholars have assessed the variation in legislators' responses to the health emergency in terms of economic and lockdown strategies across different countries (Capano et al., 2022; Chen et al., 2021; Engler et al., 2021). As for the latter, the literature explored how Covid-19 was handled in non-unitary states where legislation pertaining to health matters is concurrent (Paquet & Schertzer, 2020; Vampa, 2021; Kuhn & Morlino, 2022), how the oversight capacity of legislatures adjusted to these unprecedented circumstances (Bar-Siman-Tov, 2020; Platon, 2020; Pignataro, 2022), and how governments communicated and interacted with the public and the other political actors throughout the pandemic (Castro Seixas, 2021; Mazzoleni & Bracciale, 2021; Thiers & Wehner, 2023).

In this article, we focus on the second aspect, the changes in national institutions and the behavior of the political class linked to the Covid crisis. Academics expressed concern vis-à-vis the ability of liberal democracies to survive the health emergency unscathed (Goetz & Martinsen, 2021). One possibility is that leaders might have exploited the state of emergency as a window of opportunity to grab power or cultivate personalism, as historical patterns indicate (Kemp, 2021). Accordingly, some researchers employed the notion of "executive aggrandizement" (Bolleyer & Salát, 2021) and the consequent reduction in "vertical," "horizontal," and "diagonal" accountability (Guasti, 2021) to study the effects of the pandemic. Executive aggrandizement occurs when incumbents avail themselves of legal means to increase their powers and prerogatives gradually. This reduces the oversight capabilities and influence of other constitutional bodies and groups that keep tabs on the executive (Bermeo, 2016). This process can involve the electorate (vertical accountability), parliament and the judiciary (horizontal accountability), or the media and civil society organizations (diagonal accountability) (e.g., Khaitan, 2019).

In our study, we consider the horizontal and diagonal accountability dimensions as a function of executive centrality. We examine whether or to what extent horizontal and diagonal accountability levels were impacted, at least for the duration of the Covid emergency, in the Italian case. Accountability is intended as the formal and informal institutions that limit unilateral action (Cox & Weingast, 2018). We are not talking about constitutional changes that undermine accountability which scholars have linked to democratic backsliding, as in the examples of Hungary and Poland (Guasti, 2021). We are

⁴ Source: Johns Hopkins University (<https://coronavirus.jhu.edu/map.html>, last accessed 19 July 2023). On 5 May 2023, the World Health Organisation declared the end of Covid-19 as a "public health emergency of international concern" ([https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-coronavirus-disease-\(covid-19\)-pandemic](https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-coronavirus-disease-(covid-19)-pandemic), last accessed 19 July 2023).

talking about standards of accountability, e.g., the extent to which the executive allows for *ex ante* scrutiny of its policies and actions. For instance, the executive could opt for more restrictive procedures that hamper parliament's ability to intervene in the legislative process. Thus, we look at the aspects of accountability that strictly regard the behavior of the executive vis-à-vis policymaking.

Regarding increased executive centrality and the consequent reduction in accountability, the comparative literature suggests that the actions of parliamentary administrations during the Covid-19 emergency can be largely interpreted in light of prior institutional arrangements. Hence, crisis-related executive expansion will be more acute where pre-existing institutions allow for more executive dominance (e.g., Zhang et al., 2020; Bromo et al., 2022; Capano et al., 2022). Still, timing impacts executive centrality and accountability, mediating the effect of this relationship. Evidence from other political systems indicates the severity of the emergency might moderate the effect of institutions. For example, the legislative functions of parliament in Israel (Bar-Siman-Tov, 2020) and the United Kingdom (King & Byrom, 2021) were primarily suspended or reduced during the first wave. Similarly, with respect to the relationship between the central government and the regions, in Germany (Kuhlmann et al., 2021) and Canada (Broschek, 2022), we observe less homogeneity as we move beyond the initial phase of the pandemic.⁵ Finally, in terms of the media, we observe a pattern analogous to the one we propose in France: President Macron's media presence peaked from March to May 2020 (Guigo, 2021). Therefore, we expect executive centrality and accountability levels to fluctuate with an intensity proportional to the threat levels of the different phases of the Covid pandemic. This expectation is plausible based on what occurred in other political systems.

Our goal is to determine whether timing affected the fluctuations in executive centrality and standards of accountability that would otherwise relate to the state of emergency per se. We do so by looking at the case of Italy, a country that was already experiencing a process of informal executive expansion. In other words, rather than constant executive expansion, we should observe a peak in the first wave (January–May 2020), stabilization as the crisis progressed to the second wave (November 2020–January 2021), and a decline during the third wave (November 2021–March 2022). We formalize our research hypothesis as follows:

Between 2020 and 2022, in Italy, the degree of executive centrality and the legislative influence and controls carried out by parliament, the regions (horizontal accountability), and the media (diagonal accountability) fluctuated proportionally to the threat levels of the different phases of the Covid-19 emergency.

In the next section, we discuss the focus of our analysis: Italy as a case study and the institutions responsible for upholding standards of accountability.

The Italian Case & Accountability

Having laid out our expectations, in this section, we explain why Italy is an appropriate case to test such expectations and how we evaluate standards of accountability. We focus on Italy because, as we anticipated, the country was already undergoing a process of informal executive expansion, i.e., not necessarily related to mutations in the formal

⁵ In Germany, Art. 74 of the Basic Law (*Grundgesetz*) states that health-related matters and pandemic management are concurrent. In Canada, section 92 of the Constitution Act, 1867 states that individual provinces are responsible for the management of the health system at the local level.

institutions but to the government's practices (Calise, 2005; Lupo, 2019; Lupo & Piccirilli, 2021).⁶ Italian incumbents might have had an easier time enhancing their centrality at the expense of other institutions due to the already relatively weak oversight capabilities of the legislature (Lupo & Piccirilli, 2021; Rullo, 2021) and the significant policy challenges faced by the country both in terms of deaths per population and the lack of preparedness of the national health system (Capano, 2020).

Concerning horizontal accountability, we consider the national parliament and the regional authorities because they play an active role in shaping legislation and, in doing so, they interact with the government directly. They are mainly responsible for performing *ex ante*, and *ex post* checks over the executive's actions (Sartori, 1989; Pasquino & Pelizzo, 2006). According to Petrov (2020), during a health crisis like the Covid one, courts primarily serve the purpose of defending the rights of citizens and interpreting laws retrospectively. Instead, legislatures provide feedback to the executive and scrutinize its decisions first-hand. For this reason, we exclude the judiciary from our analysis. We consider, though, the regions because they were consulted before the adoption of pandemic measures, given that healthcare legislation is concurrent (Marchetti, 2021). As for the diagonal dimension, we focus on political pluralism by looking at the media presence of the prime minister compared to ruling and opposition parties to determine the extent to which government policies have been subject to public scrutiny and debate.

To test our hypothesis, we rely on different sources and approaches. Each change in the accountability dimensions will be outlined through a literature review and, in the case of parliament and regions, by tracing the legal frameworks and documents related to the pandemic. We then corroborate the analysis with data on the use of unilateral or restrictive legislative procedures on the part of Italian governments before and after the Covid-19 crisis. These are procedures that enable the executive to make or enforce legislation without parliament's approval or that severely limit legislators' ability to influence the legislative process, such as votes of confidence (Rules of Procedure; Law n. 400/1988, decree-laws (Art. 77 of the Italian Constitution), and ministerial decrees (Law n. 400/1988). We contrast pandemic data to the years leading up to the Covid emergency to determine if there was an exceptional use of these procedures during the pandemic. We purposely include the years 2012–2013 to compare the Draghi and Monti administrations to account for potential effects due to the non-partisan nature of the government.

We also present AGCOM (*Autorità per le Garanzie nelle Comunicazioni*) data on news time coverage of prime ministers and political parties throughout the 2020–2022 emergency. Such data provide official information vis-à-vis the presence of political actors in national public newscasts. In particular, this data allows us to quantify the attention devoted by the media to our actors of interest. We opted for AGCOM (television) data as, during the pandemic, national tv was the primary public forum for political actors to communicate with each other and citizens. Our goal is to investigate if the ruling leaders overshadowed political parties, reducing the opportunities for public scrutiny and debate of government policies.⁷

⁶ For instance, Lupo & Piccirilli (2021) call attention to the evolving *modus operandi* of Italian cabinets. These have become increasingly more reliant on omnibus legislation in the form of “omnibus budget bills” or omnibus decree-laws and “the practice of maxi-amendments, namely long and heterogeneous amendments approved by a unique parliamentary vote tied to a question of confidence posed by the government” (p. 53). The repercussion of this intense use of what Koß (2020) refers to as “executive legislative prerogatives” is the restriction of other actors' ability to influence legislation.

⁷ We did not present any specific data on the relationship between the central government and the regional authorities because mutual checks were primarily carried out in the Conference of Regions meetings, whose content was not disclosed to the public. Contrasting the raw number of meetings before and during the

The evidence we present is limited due to the descriptive nature of our study. As such, we do not make causal claims about the behavior and practices of Italian executives. We do not exclude that other factors, such as the type or composition of the cabinet or the personality of leaders in office, also play an important role in the phenomena under consideration (e.g., Marangoni & Kreppel, 2022). In the next section, we discuss one component of the horizontal accountability dimension: the government-parliament relationship.

The Government-Parliament Relationship

Horizontal accountability is the ability of legislators to scrutinize the government. In a state of emergency like Covid-19, legislatures play a key role by providing feedback to the executive and monitoring its activities. Parliaments prevented overreach or abuses of power and legitimized government policies by informing constituents that their representatives would discuss pandemic-related measures in advance and take constituents' preferences into account when processing executive bills (Sartori, 1989; Pasquino & Pelizzo, 2006). However, during the Covid crisis, MPs' oversight and legislative functions were hampered due to the very nature of the virus. Person-to-person transmission through close contact made it harder for legislators to perform their regular tasks (Bar-Siman-Tov, 2020), and the exponential increase in cases (March–April 2020) led governments to acquire a more central role vis-à-vis the other constitutional bodies because the executive is the branch with the means to respond to emergencies more swiftly (Ginsburg and Versteeg, 2021).

In the case of Italy, parliamentary influence and control over executive laws and ordinances have partially increased over time. Two phases can be distinguished in the relationship between the government and the legislature throughout the pandemic. The first phase, from 23 February 2020 to 22 May 2020, was characterized by the fact that the checks performed by MPs were exclusively *ex post*, that is, legislators did not get a chance to moderate the actions of the incumbent pre-emptively, if at all. In the second phase, from 22 May 2020 to 31 March 2022, the government changed its *modus operandi*, allowing representatives to veto emergency policies and amend them, i.e., allowing for more *ex ante* checks as well.

One commonality between the two phases was the use of non-codified mechanisms and the transfer of the power to issue ordinances from the health minister to the prime minister. Before Covid-19, Italian law stipulated that all that concerned hygiene, public health, and animal control (*polizia veterinaria*) could only be handled by the health minister by means of contingent and urgent ordinances (*ordinanze contingibili e urgenti*) (Law n. 833/1978). Starting from 23 February 2020, this prerogative was extended to the head of government with a decree-law (n. 6/2020), stipulating that the PM would rely on decrees of the President of the Council of Ministers (*Decreto del Presidente del Consiglio dei Ministri*) (DPCM), a type of ministerial decree that amounts to a secondary act. Consequently, the executive secured the power to impose any kind of local restriction for citizens and private businesses it deemed appropriate (or proportionate) based on the number of cases and deaths in each territory.

pandemic would have been misleading because of the different duration and themes of these meetings. The frequency of meetings was fairly homogeneous before Covid (Salvati, 2022), but the topics discussed were of a different nature compared to pandemic times (e.g., allocation of financial resources to regions, the appointment of the heads of national agencies, opinions on draft bills, legislative decrees, and regulations concerning regional matters) (Carpani, 2006).

Other countries created new emergency procedures to pass legislation and introduce measures to deal with the pandemic, though Italy remains an idiosyncratic case in that the initial decisions were not debated in parliament or voted on by MPs. The Italian government used the decree-law issued on 23 February 2020 mentioned above to legitimize the new emergency mechanism. This became effective immediately, with no pre-emptive vote, and would only decay if not ratified by parliament within 60 days (Art. 77). In other cases, such as in the United Kingdom (King & Byrom, 2021) or Israel (Einat et al., 2021), the new mechanisms brought about by the Coronavirus Act and the Corona Laws, respectively, were discussed by legislators before their approval. In essence, without any parliamentary scrutiny or debate, the executive in Italy gained considerable discretion by specifying that it could issue DPCMs to adopt measures aimed at countering the spread of the Coronavirus.

The main characteristics of the Decree of the President of the Council of Ministers are that (i) it goes into effect immediately, and (ii) it does not require approval from parliament. In addition, there were hardly any restrictions vis-à-vis the provisions contained in these decrees to the extent they complied with the principle of proportionality. The incumbent *de facto* gained *carte blanche* with the decree-law expedient for something that would be normally achieved with a delegation law that enables the government to rule by legislative decree.⁸ This new emergency regulatory framework allowed executive-issued secondary legislation (DPCMs) to bypass the stipulations of primary legislation and constitutional provisions.⁹

This course of action changed slightly with another decree-law (n. 19/2020) issued on 25 March. The decree established that ordinances pertaining to health matters introduced by way of decrees of the President of the Council of Ministers would be first evaluated by the advisory committee of experts (*Comitato Tecnico Scientifico*, CTS). Moreover, the decree-law introduced a sunset clause for ministerial decrees (“no longer than 30 days, renewable and amendable”).

A more significant occurred with the ratification of decree-law n. 19/2020. During its ratification on 22 May 2020, an amendment was approved geared towards rekindling the legislative influence of parliament. The amendment imposed that the executive would communicate the content of a ministerial decree to the legislature before issuing the decree. Additionally, MPs would vote on the ordinances issued by the cabinet by means of *ad hoc* resolutions.¹⁰ Thanks to this change, referred to as the parliamentarisation of

⁸ Some legal scholars have deemed this mechanism potentially dangerous for democracy and unconstitutional (Baldassarre, 2020; Cassese, 2020). Others upheld its legal validity, emphasizing the need for Italy – the first Western country to deal with Covid-19 – to equip itself with legislative procedures that would allow the executive to act without delay (Luciani, 2020; Raffiotta, 2021). On 23 September 2021, the Constitutional Court ruled that the DPCMs were not unconstitutional. This is because they did not confer a legislative prerogative or power to the prime minister in violation of articles 76-78 of the Italian Constitution. Instead, they classify as an instrument with “the purpose of implementing primary norms” (Decision n. 198/2021).

⁹ Alongside this procedure, the PM also issued ordinances based on the stipulations of the Civil Protection Code (Legislative Decree n. 1/2008) to set up an advisory committee of experts (5 February 2020) and appoint Domenico Arcuri as Emergency Commissioner (17 March 2020). The Emergency Commissioner was also granted the power to issue ordinances, which he used to purchase medical equipment. All the secondary acts could only be amended *ex post*.

¹⁰ Amendment 2.52 by MP Ceccanti (*Partito Democratico*). The amendment was discussed on 12 May 2020 was supported by the majority parties. The opposition parties were in favour of replacing DPCMs with decree-law altogether or having DPCMs go through the scrutiny of parliamentary commissions before being issued by the government. Some representatives affiliated with the ruling coalition, such as MP Fassina (*Liberi e*

DPCMs, the government-parliament relationship entered a new phase where the legislature could exercise pre-emptive control over executive emergency policies more easily. Starting from 23 May 2020 and until the end of the state of emergency on 31 March 2022, DPCMs were discussed by parliament before going into effect (except for two DPCMs issued on 18 and 24 October 2020). Still, several Italian scholars pointed out that the process of parliamentarisation of DPCMs failed to involve legislators effectively because the content of ministerial decrees was often revealed to the media before its discussion in parliament, and legislators were usually given very little time to process these decrees (Lippolis, 2021; Lupo, 2021; Nicotra, 2021).

In May 2020 and November 2020, the legislature passed two motions urging the government to commit to using primary legislation procedures, such as decree-laws, rather than secondary acts.¹¹ Decree-laws, like DPCMs, can be adopted unilaterally by the incumbent relatively speedily, but unlike DPCMs, they are monitored by the President of the Republic and the Constitutional Court. They can also be amended by parliament and decay automatically if not ratified within 60 days (Art. 77). Following the breakdown of the second Conte cabinet and the appointment of PM Draghi in February 2021, the executive reversed to the use of decree-laws for the introduction of pandemic-related measures. The prime minister extended the state of emergency twice (July and December 2021) and revoked it on 31 March 2022 (Decree-law n. 24).

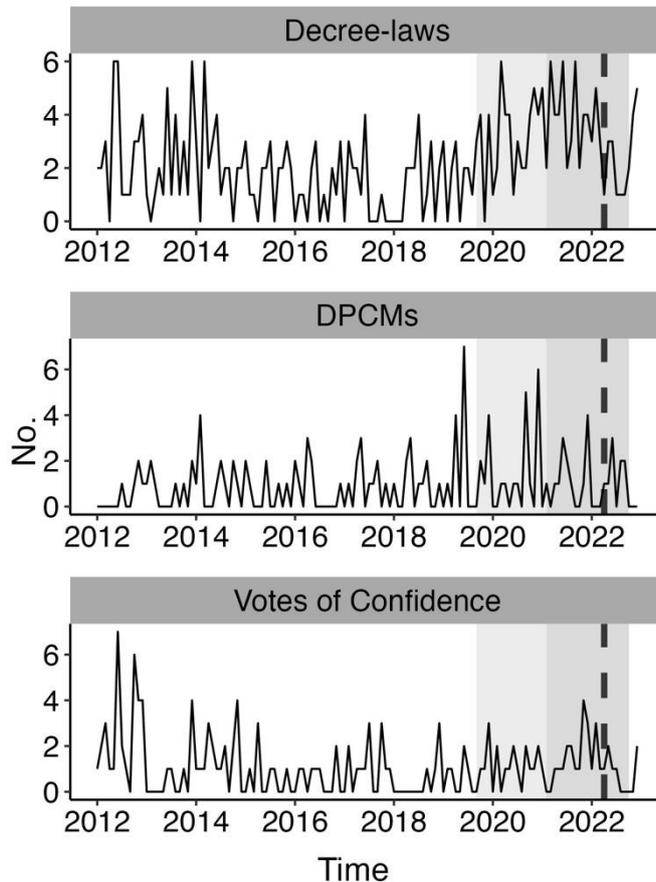
To sum up, MPs' oversight potential and legislative influence have recovered over time, despite a slump at the beginning of the pandemic, but not steadily. During the second wave (October 2020), regulatory acts (ministerial decrees) reverted to being scrutinized by the legislature *ex ante*, while, in 2021, the Draghi administration (13 February 2021–22 October 2022) replaced DPCMs with primary legislation. Considering these details, we want to quantify the use of primary and secondary procedures during the state of emergency (31 January 2020–31 March 2022) by looking at the number of DPCMs (secondary legislation) and decree-laws (primary legislation) issued by the government. We also look at the number of times a vote of confidence was called to verify if the use of decree-laws was accompanied by increased use of this instrument, which would restrict parliament's influence more severely (Razza, 2016; Lupo, 2019). To determine whether the use of these procedures during the Covid crisis was unusual, we also consider the years leading up to Covid-19, starting from 2012. We, therefore, check whether Italy experienced a similar increase in executive centrality when the country dealt with the aftermath of the 2008 financial crisis, an emergency that was also handled by a technocratic government (Monti administration, 16 November 2011–28 April 2013).

Figure 1 shows the monthly number of decree-laws, DPCMs, and votes of confidence between January 2012 and December 2022.

Uguali) also supported the switch to decree-laws. In this regard, as reported below, motions will be voted on later in 2020 that favored this course of action.

¹¹ Motion n. 1-00348 tabled by MP Crippa (*Movimento Cinque Stelle*) on 11 May 2020; Motion n. 6-00146 tabled by MP Calderoli (*Lega*) on 2 November 2020.

Figure 1. Executive procedures (January 2012–December 2022).



Source: data collected by the authors (see also Figures A1, A2, and A3 in the Appendix).

The legislation made by the second Conte cabinet (light gray area) was characterized by less intense use of decree-laws and more ample use of DPCMs. The number of DPCMs is not dissimilar from previous years, but we observe these decrees being employed more frequently during Covid peaks. Of the 16 DPCMs issued in 2020, 75% were issued during the first (23 February–22 March 2020) and second (13 October–3 November 2020) wave of the pandemic. We also note that the Conte administration was already accustomed to the use of ministerial decrees, having issued 19 DPCMs in 2019. In essence, the raw number of DPCMs issued by the government did not change substantially compared to the years leading up to the Covid-19 emergency. However, the content and scope of those issued by PM Conte were substantially different compared to previous years, especially if we compare the frequencies of words across DPCMs issued in 2019 and 2020 (see Figure A4 in the Appendix). While not enormous, the comparison does highlight some differences in the content of the decrees. For instance, those issued in 2019 often include more neutral words such as “cultural”, “museums”, “tourism”, “archaeology”, “archives”, “research”, etc. Conversely, the decrees issued in 2020 include more evocative words such as “security”, “critical”, “infrastructures”, “transportation”, “bank”, “decree-law”, etc.¹²

Subsequently, the Draghi cabinet (dark gray area) issued fewer pandemic-related DPCMs. For the most part, the PM stuck to decree-laws (64 in total between March 2021 and October 2022), although he made the ratification of these decrees an issue of confidence to a larger degree. A similar trend also occurred during the Monti government (2011–2012). We assume that this is a characteristic of technocratic governments rather than a

¹² We collected all the decrees issued in 2019 and 2020. We processed the texts with the Text Mining package in R. We then computed the frequencies and produced the word clouds with the wordcloud package.

consequence of the state of emergency (De Micheli, 1997; Vassallo, 2001; Zulianello, 2013). Further proof that the use of the vote of confidence procedure is not a peculiarity of the pandemic is also the fact that a similar trend persisted after the Meloni administration took over.

In conclusion, the data confirm how the influence and controls of parliament increased over time, except for the greater use of the vote of confidence procedure on the part of the Draghi government. In the next section, we discuss another component of horizontal accountability: the dynamics between the central state and the regional authorities.

The Marginalization of the Italian Regions

So far, we have discussed the relationship between the executive and legislators in the national parliament, one aspect of horizontal accountability. Regional authorities as well can and do play a role in influencing policymaking. As highlighted by the literature on federal states, Covid-19 was a “complex intergovernmental problem,” and non-coordinated responses would have been inefficient because they could have led to the emergence of local clusters (Paquet & Schertzer, 2020). The crisis was a major challenge for federal countries, which already have structures in place that facilitate interrelations between the central government and the sub-national institutions. In Italy, the emergency was even more challenging due to recurring clashes between the regions and the central state (Vampa, 2021), an inadequate legal framework regarding the management of the pandemic (Capano, 2020; Marchetti, 2021), and demands from three regions (Veneto, Lombardy, and Emilia Romagna) for greater policy discretion.

Based on Article 117 of the Italian Constitution, regional authorities are responsible for the provision of health services, and they share responsibility with the government with respect to the management of national emergencies (Legislative decree n. 1/2009; Law n. 883/1978).¹³ Given these power-sharing arrangements, we might expect sub-national institutions to play a decisive role in terms of influencing legislation and keeping tabs on the national executive. However, we find that this process happened only subtly.

On substantive issues, such as lockdown strategies and vaccine distribution, the regions were mostly required to comply with the regulations set out by the central government. Regions reacted only *ex post*, frequently contesting the legitimacy and content of the measures adopted by the executive (Salvati, 2022). As Palermo (2021) pointed out, regions could make minor logistic decisions, such as how many times citizens were allowed to walk their dogs, but they could not regulate the operations of trades and businesses. When regional authorities, as in the cases of Calabria and Valle d’Aosta, attempted to exercise discretion over major aspects of pandemic management, the ordinances were always voided by the administrative courts (TAR) since decree-law n. 19 (25 March 2020) stipulated that regional administrations would only be allowed to implement measures that were as or more restrictive than those adopted by the central government.

In accordance with decree-law n. 6 (23 February 2020), the only channel for regional governors to express non-binding opinions on national pandemic measures was Conference of Regions meetings, in which case the regional authorities were allowed to monitor DPCMs in the works. Even still, the executive *de facto* monopolized decision-making and treated the Conference meetings as a “formal exercise” (Palermo, 2021, p. 106)

¹³ According to the Civil Defence Code (Legislative decree n. 1/2009) and the National Health System Law (Law n. 883/1978), government and regions share responsibilities concerning the management of health or civil emergencies. With respect to civil defence, ordinances can be adopted by the Civil Defence Department chief with the approval of regional governors. As for public health (e.g., pandemics), the power to issue ordinances is retained by the Health Minister, regional governors, and local mayors.

to reduce clashes between the central government and the regional governors, who often complained about their lack of involvement in the decision-making process (Salvati, 2022). This kind of dynamics went on for the entire duration of the state of emergency, with few exceptions.

Dissent on the part of regional leaders resulted in blatantly unconstitutional ordinances (such as the ordinance issued in Campania to close regional borders) or public criticism of action taken by the executive. These complaints mainly involved the Conte government and, to a much smaller extent, the Draghi government, which was supported by almost all political parties in parliament (Salvati, 2022).

Particularly during the second Conte administration, regions led by both center-right (e.g., Basilicata or Lombardia) and center-left (e.g., Lazio or Campania) coalitions advocated for measures different from those implemented by the executive. Regional authorities were generally critical of the central government. The content of their proposals, though, was heterogeneous across the various regions, depending mainly on the party affiliation of the regional governor (see Table A1 in Appendix) (Parrado & Galli, 2021). In addition to conflict between the individual regions and the executive, at times, there were also disputes between regions, as in the case of the allocation of national healthcare funds to northern and southern regions (Salvati, 2022). Disagreements ranged from the strictness of lockdown policies and the application of the advisory committee of experts (CTS)' guidelines to demands to join the European Stability Mechanism (ESM). Frictions between regional governments and the executive were also the product of differences in policy positions of center-right and center-left parties on Covid-19 and European integration (Salvati, 2022; Fonda & Vassallo, 2023).

Scholars have also interpreted these clashes as a legacy from the past (Vampa, 2021), rooted in the northern regions' demands for secession (Salvati, 2022) and the 2001 constitutional reform regarding the powers and prerogatives of regional authorities, which resulted in numerous appeals to the Constitutional Court for issues related to concurrent legislation (Palermo, 2021).¹⁴ Others have interpreted these clashes as "presidentialisation" strategies on the part of regional governors aimed at "vertical political blame shifting" against the national government and its unpopular policies (Kuhn & Morlino, 2022, p. 113). Emblematic was the choice of individual regions to set up their own advisory committee of experts, even though they could not exercise any policy discretion over major aspects of pandemic management (Salvati, 2022).

Unlike the national parliament, the legislative influence of regional authorities has remained more stable over time, improving to some extent under the Draghi administration. Throughout the pandemic, the regions lamented the possibility of performing checks that were almost exclusively *ex post*. Their lack of involvement negatively impacted their role as horizontal accountability institutions. As suggested by Petrov (2020), horizontal accountability mechanisms are most effective when institutions are able to monitor and influence executive decisions *ex ante*. Furthermore, the regional authorities often failed to hold a unitary view or reach an agreement on pandemic measures, which compromised their ability to act as a counteractive force against executive policymaking. In the next section, we focus on the media presence of the PM and political parties (diagonal accountability).

¹⁴ Analogously, in Germany, the eastern *länder* demanded more discretion over lockdown policies. In these regions, such as Saxony, the issue of independence is more salient, and parties like *Alternative für Deutschland* tend to perform better than their national average (Kropp & Schnabel, 2021).

Pandemic Governments and the Media

Executive centrality increases when other institutions (e.g., parliament and sub-national authorities) become weaker in their ability to react and counteract the actions of the government, but also when public scrutiny and debate are impaired. In this case, citizens and opposition parties have a harder time performing the function of “watchdogs” (Keane, 2009). Plural and free information are thus necessary in order “to support the other two dimensions of accountability” (vertical and horizontal) (Van Ham & Chappell, 2017, p. 147).

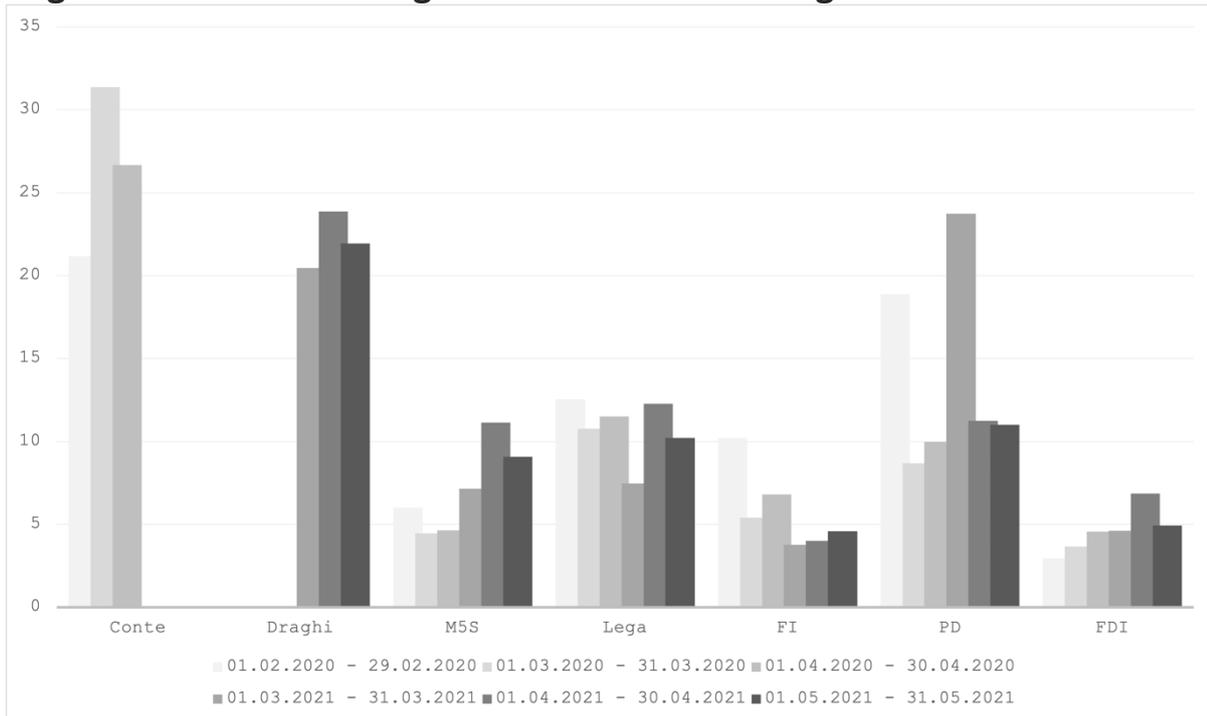
Moreover, considering that, during the early stages of the pandemic, there was an increase in television consumption, it is important to verify the nature of the flow of information.¹⁵ A drop in political pluralism would imply a reduction in criticism of the government's actions. With fewer opportunities for opposition parties to voice dissent in the media, communication of government policies is more one-sided, and citizens become less aware of contrasting policy views.

In Figure 2, we show AGCOM news time coverage data comparing the media presence of Conte and Draghi as well as the ruling and opposition parties. We can observe that the media presence of PM Conte peaked in March 2020, following the outbreak of the pandemic. In general, Conte exhibited higher rates of media presence between March and April 2020 compared to PM Draghi in his first months of tenure. Most importantly, we detect changes in the presence of political parties. Under the Conte administration, the media presence of the prime minister is inversely proportional to the media presence of political parties, i.e., more airtime is dedicated to Conte than representatives from the political parties in parliament, both ruling and opposition. Such a drop is especially visible in the cases of the *Partito Democratico* (ruling) and *Forza Italia* (opposition). Instead, the media presence patterns are largely consistent across political parties and the prime minister under the Draghi administration.

The fact that political parties, including the opposition, get fewer chances to moderate the legislative process by means of public debate in the initial phase of the Covid emergency suggests a reduction in political pluralism. Hence, we see a peak in executive centrality in the context of the media environment in the earlier, most critical stage of the crisis, but these changes fade away once Draghi takes over, in line with our hypothesized relationship. These findings can be interpreted in light of the existing research on the personality of leaders as well.

¹⁵ For the exact figures, see the 2020 report produced by Confindustria (<https://confindustriaradiotv.it/ascolti-tv-2020-nellanno-del-covid-discontinuita-e-consolidamenti/>, last accessed 19 July 2023).

Figure 2. News time coverage under the Conte and Draghi administrations.



Note: news time coverage indicates the % of time news reports (TG1, TG2, TG3, Rai News) spent on the discussion of a specific leader or political party.

Source: data collected by the authors from AGCOM.

The existing research already noted that Conte seized the health crisis as a window of opportunity to increase his popularity and centrality in Italian politics. The PM adopted a highly personalized leadership style (Mazzoleni & Bracciale, 2021), largely increasing his media presence. The event marking the beginning of this strategy was his speech announcing the new, highly restrictive measures to face the pandemic. He simultaneously went live on national tv (RAI) and on his personal Facebook page. As Rullo & Nunziata (2021) noted, this strategy aimed at connecting his personal social platforms to the traditional media to provide accounts of the policies enacted by his government. This move was criticized by Conte's political opponents, especially when it came to the exploitation of public television channels (Ventura, 2022). Despite the criticism, Conte persevered with this communication strategy until the end of his tenure. Several scholars, however, have interpreted this strategy as effective in producing disintermediated connections with citizens. The prevailing trend was, therefore, to deliver "monologic, disintermediated speeches" (Novelli, 2021, p. 139) and establish a personal relationship with the public (Ventura, 2022), "anchoring his public profile in his biography rather than in the official position occupied" (Ceccobelli & Vaccari, 2021, p. 265). Overall, the academic consensus is that the pandemic resulted in increased personalization of the role of prime ministerial (Rullo & Nunziata, 2021), signaling augmented executive centrality in the media environment.

Concerning Draghi's style of communication, a turn can be observed. Compared to Conte, Draghi aimed at limiting the media presence of the executive, focusing on press conferences to communicate policy decisions to the public. Therefore, according to several scholars (e.g., Ventura, 2022), Italy moved to a lower profile handling of the state of emergency on the part of the prime minister. In this regard, Figure 2 shows that during the first month of tenure of the Draghi administration, attention in the media was mostly dedicated to the Democratic Party rather than the PM. Moving to the following periods,

Draghi gained more visibility but never approached the levels recorded by Conte during his time in office. By looking at AGCOM data, thus, we can confirm that executive centrality decreased in the context of the media environment as a result of cabinet turnover. This turn is particularly evident in March, that is, the first month of Draghi operating at full capacity. Draghi's behavior deviated from Conte's but also from other European leaders aiming at boosting trust in national cabinets benefitting from the rally around the flag effect. The news coverage time dedicated to Draghi during his first months in office is less than that dedicated to Conte by roughly ten percentage points in all periods examined, with the exception of the reduced time for both Draghi and Conte in their first month of leadership.

Nonetheless, the low-profile strategy adopted by Draghi can also be interpreted as the consequence of the already high public support obtained by Draghi in the early stages of his governmental experience – a popularity that can be noticed when looking at social media, too (Loner, 2022). Indeed, similar to Monti, Draghi enjoyed high approval rates.

All in all, we observe a reduction in political pluralism and thus standards of diagonal accountability in the first wave of the pandemic in national newscasts. In particular, with the outbreak of Covid, the prime-ministerial media presence has become considerably high, limiting political parties' news time coverage.

Conclusion

In this paper, we discussed the variation in executive centrality during the state of emergency in Italy. We focused on Italy as a country that was already undergoing a process of informal executive expansion. Albeit limited by the descriptive nature of this study, our main and original conclusion is that the severity of the Covid pandemic (timing) moderates the relationship between institutions and executive expansion in a state of emergency. Rather than constant expansion, we observed fluctuations in executive centrality and standards of accountability based on the threat levels of the different phases of the emergency: a peak in centrality in the first wave (January–May 2020), stabilization as the crisis progressed to the second wave (November 2020–January 2021), and a decline during the third wave (November 2021–March 2022).

These findings enrich the existing literature, which hypothesizes the presence of a link between institutions and increased executive centrality during a state of emergency like the one brought about by Covid-19 but does not take into account the timing effect. In line with evidence from other political systems, we find that the ability of parliament, the regional authorities, and the media as a forum for public debate to influence legislation and control the actions of the government was more restricted in the first phases of the Covid crisis but improved as the pandemic progressed. The findings concerning the regions can be interpreted in light of prior institutional arrangements and the conflicting relationships between the central government and sub-national authorities, with the government often taking unilateral action.

Overall, these results are supported by the data on the use of legislative procedures and the media presence of the prime minister and political parties we presented. Our evidence is descriptive. Therefore, we do not make any causal claims about the phenomena under discussion. It may be possible to expand these results with comparative research that goes beyond the case of Italy. Additionally, researchers may investigate this subject by employing more quantitative approaches to identify the drivers of fluctuations in executive centrality at an aggregate level, allowing for a broader generalization of our findings.

ORCID

Francesco Bromo 0000-0002-5616-9505

Paolo Gambacciani 0000-0001-6356-1081

Marco Improta 0000-0003-3830-7887

Funding

The research received no grants from public, commercial, or non-profit funding agencies.

Acknowledgments

An earlier version of this manuscript was presented at the SISP Workshop “*Parlamento e governo alla prova della pandemia*,” Roma Tre University, Rome, 9 June 2022. We wish to thank the anonymous reviewers for their helpful comments. All remaining errors are our own.

REFERENCES

- Baldassarre, A. (2020). *Dpcm in Tutto Incostituzionale*. Adnkronos, 27 April, last accessed 17 July 2023. https://www.adnkronos.com/baldassarre-dpcm-in-tutto-incostituzionale_1nRpFK0xVFubHPn6OgSq5.
- Bar-Siman-Tov, I. (2020). Covid-19 Meets Politics: The Novel Coronavirus as a Novel Challenge for Legislatures. *The Theory and Practice of Legislation*, 8(1-2), 11-48. <https://doi.org/10.1080/20508840.2020.1800250>
- Bermeo, N. (2016). On Democratic Backsliding. *Journal of Democracy*, 27(1), 5-19. <http://doi.org/10.1353/jod.2016.0012>
- Bolleyer, N., & Salát, O. (2021). Parliaments in Times of Crisis: Covid-19, Populism and Executive Dominance. *West European Politics*, 44(5-6), 1103-1128. <https://doi.org/10.1080/01402382.2021.1930733>
- Bromo, F., Gambacciani, P., & Improta, M. (2022). Governments and Parliaments in a State of Emergency: What Can We Learn from the Covid-19 Pandemic? Paper presented at the SISP Workshop ‘*Parlamento e governo alla prova della pandemia*’, Roma Tre University, Rome, 9 June 2022.
- Broschek, J. (2022). Federalism, Political Leadership and the Covid-19 Pandemic: Explaining Canada’s Tale of Two Federations. *Territory, Politics, Governance*, 10(6), 779-798. <https://doi.org/10.1080/21622671.2022.2101513>
- Bull, M. (2021). The Italian Government Response to Covid-19 and the Making of a Prime Minister. *Contemporary Italian Politics*, 13(2), 149-165. <https://doi.org/10.1080/23248823.2021.1914453>
- Calise, M. (2005). Presidentialization, Italian Style. In T. Poguntke, & P. Webb (Eds.), *The Presidentialization of Politics: A Comparative Study of Modern Democracies* (1st ed., pp. 88-106). Oxford University Press. <https://doi.org/10.1093/0199252017.003.0004>
- Capano, G. (2020). Policy Design and State Capacity in the Covid-19 Emergency in Italy: If You Are Not Prepared for the (Un)expected, You Can Be Only What You Already Are. *Policy and Society*, 39(3), 326-344. <https://doi.org/10.1080/14494035.2020.1783790>
- Capano, G., Howlett, M., Jarvis D., & Ramesh, M. (2022). Long-term Policy Impacts of the Coronavirus: Normalization, Adaptation, and Acceleration in the Post-COVID State. *Policy and Society*, 41(1), 1-12. <https://doi.org/10.1093/polsoc/puab018>
- Carpani, G. (2006). *La Conferenza Stato-regioni: Competenze e Modalità di Funzionamento Dall'Istituzione a Oggi*. Il Mulino.

- Cassese, S. (2020). *La Pandemia Non È una Guerra. I Pieni Poteri al Governo Non Sono Legittimi*. Il Dubbio, 14 April, last accessed 6 June 2023. <https://www.ildubbio.news/cronache/cassese-la-pandemia-non-e-una-guerra-i-pieni-poteri-al-governo-non-sono-legittimi-n5p4wvtd>
- Castro Seixas, E. (2021). War Metaphors in Political Communication on Covid-19. *Frontiers in Sociology*, 5. <https://doi.org/10.3389/fsoc.2020.583680>
- Ceccobelli, D., & Vaccari, C. (2021). A Virus in the Hybrid Media System: How the Conte Government Communicated the Coronavirus Crisis. *Contemporary Italian Politics*, 13(2), 259-274. <https://doi.org/10.1080/23248823.2021.1906529>
- Ceylan, Z. (2020). Estimation of Covid-19 Prevalence in Italy, Spain, and France. *Science of The Total Environment*, 729. <https://doi.org/10.1016/j.scitotenv.2020.138817>
- Chen, C., Yu Shi, P. Z., & Chengri, D. (2021). A Cross-country Comparison of Fiscal Policy Responses to the Covid-19 Global Pandemic. *Journal of Comparative Policy Analysis: Research and Practice*, 23(2), 262-273. <https://doi.org/10.1080/13876988.2021.1878885>
- Cox, G. W., & Weingast, B. R. (2018). Executive Constraint, Political Stability, and Economic Growth. *Comparative Political Studies*, 51(3), 279-303. <https://doi.org/10.1177/0010414017710254>
- De Micheli, C. (1997). L'Attività Legislativa dei Governi al Tramonto della Prima Repubblica. *Rivista Italiana di Scienza Politica*, 27(1), 151-187. <https://doi.org/10.1017/S0048840200025557>
- Einat, A., Bar-Siman-Tov, I., Gross, A., & Hostovsky-Brandes, T. (2021). Israel: Legal Response to Covid-19. In J. King, & O. Ferraz (Eds.), *The Oxford Compendium of National Legal Responses to Covid-19*. <https://oxcon.ouplaw.com/home/OCC19>
- Engler, S., Palmo, B., Romane, L., Tarik, A.C., Leemann, L., Glaser, A., & Kübler, D. (2021). Democracy in Times of the Pandemic: Explaining the Variation of Covid-19 Policies Across European Democracies. *West European Politics*, 44(5-6), 1077-1102. <https://doi.org/10.1080/01402382.2021.1900669>
- Fleischer, J. (2013). Time and Crisis. *Public Management Review*, 15(3), 313-329. <https://doi.org/10.1080/14719037.2013.769852>
- Fonda, R., & Vassallo, S. (2023). I Temi e i Leader. In S. Vassallo, & L. Verzichelli (Eds.), *Il Bipolarismo Asimmetrico* (1st ed., pp 143-164). Il Mulino.
- Giovannini, A., & Mosca, L. (2021). The Year of Covid-19. Italy at a Crossroads. *Contemporary Italian Politics*, 13(2), 130-148. <https://doi.org/10.1080/23248823.2021.1911026>
- Ginsburg, T., & Versteeg, M. (2021). The Bound Executive: Emergency Powers During the Pandemic. *International Journal of Constitutional Law*, 19(5), 1498-1535. <https://doi.org/10.1093/icon/moab059>
- Goetz, K. H., & Martinsen, D. S. (2021). Covid-19: A Dual Challenge to European Liberal Democracy. *West European Politics*, 44(5-6), 1003-1024. <https://doi.org/10.1080/01402382.2021.1930463>
- Guigo, P. E. (2021). France: An Unpopular Government Facing an Unprecedented Crisis. In D. Lilleker, I. A. Coman, M. Gregor, & E. Novelli (Eds.), *Political Communication and Covid-19* (1st ed., pp. 88-98). Routledge. <https://doi.org/10.4324/9781003120254-9>
- Guasti, P. (2021). Democratic Erosion and Democratic Resilience in Central Europe during Covid-19. *Czech Journal of International Relations*, 56(4), 91-104. <https://doi.org/10.32422/mv-cjir.1818>
- Keane, J. (2009). *The Life and Death of Democracy*. Simon & Schuster.
- Kemp, L. (2021). *The 'Stomp Reflex': When Governments Abuse Emergency Powers*. BBC Future, 28 April, last accessed 9 June 2023. <https://www.bbc.com/future/article/20210427-the-stomp-reflex-when-governments-abuse-emergency-powers>

- Khaitan, T. (2019). Executive Aggrandizement in Established Democracies: A Crisis of Liberal Democratic Constitutionalism. *International Journal of Constitutional Law*, 17(1), 342-356. <https://doi.org/10.1093/icon/moz018>
- King, J., & Brown, N. (2021). United Kingdom: Legal Response to Covid-19. In J. King, & O. Ferraz (Eds.), *The Oxford Compendium of National Legal Responses to Covid-19*. <https://oxcon.oup.com/home/OCC19>
- Koß, M. (2020). Executive Prerogatives in the Legislative Process and Democratic Stability: Evidence From Non-presidential Systems. *Political Studies Review*, 18(1), 71-86. <https://doi.org/10.1177/1478929919862235>
- Kropp, S., & Schnabel, J. (2021). Germany's Response to Covid-19: Federal Coordination and Executive Politics. In R. Chattopadhyay, J. Light, F. Knüpling, D. Chebenova, L. Whittington, & P. Gonzalez (Eds.), *Federalism and the Response to Covid-19* (1st ed., pp. 84-94). Routledge India. <https://doi.org/10.4324/9781003251217-10>
- Kuhlmann, S., Hellström, M., Ramberg, U., & Reiter, R. (2021). Tracing Divergence in Crisis Governance: Responses to the Covid-19 Pandemic in France, Germany and Sweden Compared. *International Review of Administrative Sciences*, 87(3), 556-575. <https://doi.org/10.1177/0020852320979359>
- Kuhn, K., & Morlino, I. (2022). Decentralisation in Times of Crisis: Asset or Liability? The Case of Germany and Italy During Covid-19. *Swiss Political Science Review*, 28(1), 105-115. <https://doi.org/10.1111/spsr.12482>
- Lippolis, V. (2021). Il Rapporto Parlamento-governo nel Tempo della Pandemia. *Rivista AIC*, 1/2021, 268-277.
- Loner, E. (2022). Winners or Losers? Using Twitter to Evaluate How the Covid-19 Pandemic Changed the Images of Political Leaders in Italy. *Contemporary Italian Politics*. <https://doi.org/10.1080/23248823.2022.2119191>
- Luciani, M. (2020). Il Sistema delle Fonti del Diritto alla Prova dell'Emergenza. *Rivista AIC*, 2/2020, 109-141.
- Lupo, N. (2019). «Legislative Populism?»: Continuity and Discontinuity in Trends of Italian Legislation. *Ragion Pratica*, 1/2019, 251-272. <https://doi.org/10.1415/93465>
- Lupo, N. (2021). Il Parlamento nell'Emergenza Pandemica, Tra Rischio di Auto-emarginazione e 'Finestra di Opportunità'. *Il Filangieri* 2021, 145-166.
- Lupo, N., & Piccirilli, G. (2021). Omnibus Legislation and Maxi-Amendments in Italy: How to Circumvent the Constitutional Provision Requiring Approval of Bills 'Article by Article'. In I. Bar-Siman-Tov (Ed.), *Comparative Multidisciplinary Perspectives on Omnibus Legislation*, (1st ed., pp. 53-71). Springer Cham. https://doi.org/10.1007/978-3-030-72748-2_3
- Marangoni, F., & Kreppel, A. (2022). From the 'Yellow-red' to the Technocratic Government in the Pandemic Era. The Formation and Activity of the Draghi Government During its First Nine Months in Charge. *Contemporary Italian Politics*, 14(2), 133-150. <https://doi.org/10.1080/23248823.2022.2051121>
- Marchetti, G. (2021). The Management of the Coronavirus Emergency by the Italian Government and the Relationship Between State and Regions. *Athens Journal of Law*, 7(2), 129-148. <https://dx.doi.org/10.30958/ajl.7-2-1>
- Mazzoleni, G., & Bracciale, R. (2021). The Italian Prime Minister as a Captain in the Storm. In P. Van Aelst, & J. G. Blumler (Eds.), *Political Communication in the Time of Coronavirus* (1st ed., pp. 65-79). Routledge. <http://dx.doi.org/10.4324/9781003170051-6>
- Nicotra, I. A. (2021). Stato di Necessità e Diritti Fondamentali. Emergenza e Potere Legislativo. *Rivista AIC*, 1/2021, 98-165.

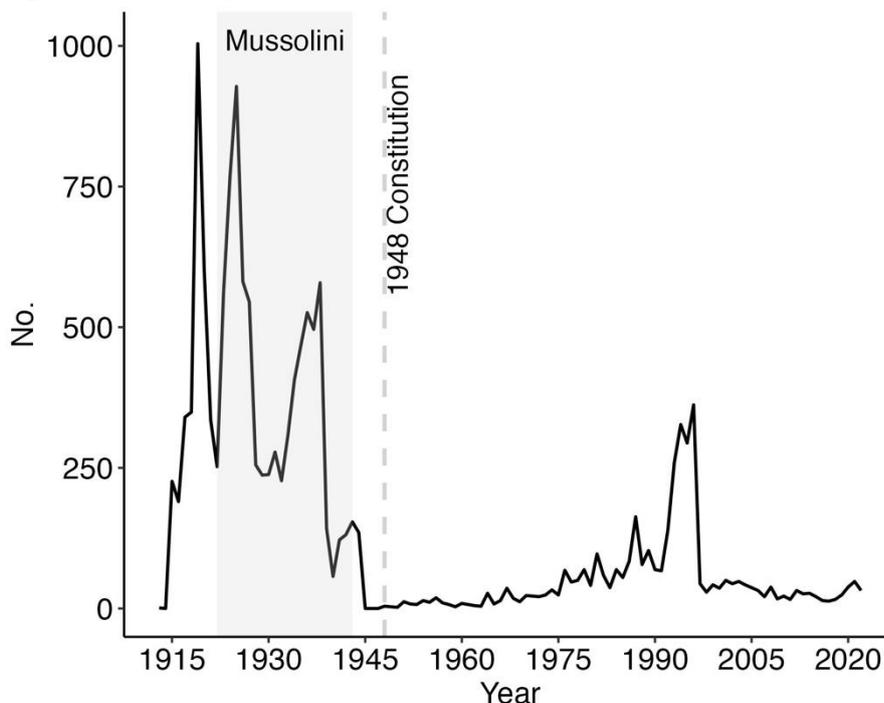
- Novelli, E. (2021). Italy: The Frontrunner of the Western Countries in an Unexpected Crisis. In D. Lilleker, I. A. Coman, M. Gregor, & E. Novelli (Eds.), *Political Communication and Covid-19* (1st ed., pp. 132-144). Routledge. <https://doi.org/10.4324/9781003120254-13>
- O'Donnell, G. A. (1994). Delegative Democracy. *Journal of Democracy*, 5(1), 55-69. <https://doi.org/10.1353/jod.1994.0010>
- O'Donnell, G. A. (1998). Horizontal Accountability in New Democracies. *Journal of Democracy*, 9(3), 112-126. <https://doi.org/10.1353/jod.1998.0051>
- Palermo, F. (2021). The Impact of the Pandemic on the Italian Regional System: Centralizing or Decentralizing Effects? In R. Chattopadhyay, J. Light, F. Knüpling, D. Chebenova, L. Whittington, & P. Gonzalez (Eds.), *Federalism and the Response to Covid-19* (1st ed., pp. 104-112). Routledge India. <https://doi.org/10.4324/9781003251217-12>
- Parrado, S., & Galli, D. (2021). Intergovernmental Veto Points in Crisis Management: Italy and Spain Facing the Covid-19 Pandemic. *International Review of Administrative Sciences*, 87(3), 576-592. <https://doi.org/10.1177/0020852320985925>
- Paquet, M., & Schertzer, R. (2020). Covid-19 as a Complex Intergovernmental Problem. *Canadian Journal of Political Science*, 53(2), 343-347. <https://doi.org/10.1017/S0008423920000281>
- Pasquino, G., & Pelizzo, R. (2006). *Parlamenti Democratici*. Il Mulino.
- Petrov, J. (2020). The Covid-19 Emergency in the Age of Executive Aggrandizement: What Role for Legislative and Judicial Checks? *The Theory and Practice of Legislation*, 8(1-2), 71-92. <https://doi.org/10.1080/20508840.2020.1788232>
- Pignataro, M. (2022). Constitutional Degradation in a Time of Coronavirus: Reflecting on Governmental Accountability in the United Kingdom and Italy. In T. Groppi, V. Carlino, & G. Milani (Eds.), *Framing and Diagnosing Constitutional Degradation: A Comparative Perspective* (1st ed., pp. 21-31). Consulta OnLine.
- Platon, S. (2020). Reinventing the Wheel ... and Rolling Over Fundamental Freedoms? The Covid-19 Epidemic in France and the 'State of Health Emergency'. *The Theory and Practice of Legislation*, 8(3), 293-309. <https://doi.org/10.1080/20508840.2020.1804110>
- Raffiotta, E. C. (2021). I Poteri Emergenziali del Governo nella Pandemia Tra Fatto e Diritto: Un Moto Perpetuo nel Sistema delle Fonti. *Rivista AIC*, 2/2021, 64-83.
- Razza, A. (2016). Note sulla Normalizzazione della Questione di Fiducia. *Rivista AIC*, 3/2016, 1-41.
- Rullo, L. (2021). The Covid-19 Pandemic Crisis and the Personalization of the Government in Italy. *International Journal of Public Leadership*, 17(2), 196-207. <https://doi.org/10.1108/IJPL-08-2020-0083>
- Rullo, L., & Nunziata, F. (2021). Sometimes the Crisis Makes the Leader? A Comparison of Giuseppe Conte Digital Communication Before and During the Covid-19 Pandemic. *Comunicazione Politica*, 22(3), 309-332. <https://doi.org/10.3270/102415>
- Salvati, E. (2022). Fragmentation and Intergovernmental Conflict During the Covid-19 Crisis. The Complex Relationship Between National and Regional Governments in Italy. *Regional & Federal Studies*. <https://doi.org/10.1080/13597566.2022.2100769>
- Sartori, G. (1989). *Elementi di Teoria Politica*. Il Mulino.
- Talib, N. S. (2023). Democratic Backsliding in Malaysia: Executive Aggrandizement Under Muhyiddin Yassin's Government. In J. Ockey, & N. S. Talib (Eds.), *Democratic Recession, Autocratization, and Democratic Backlash in Southeast Asia* (1st ed., pp. 117-138). Palgrave Macmillan. https://doi.org/10.1007/978-981-19-9811-9_5
- Thiers, C., & Wehner, L. (2023). Britain's Covid-19 Battle: The Role of Political Leaders in Shaping the Responses to the Pandemic. *The British Journal of Politics and International Relations*. <https://doi.org/10.1177/13691481231159021>

- Van Ham, C., & Chappell, L. (2017). Democracy and Human Rights: A Tripartite Conceptual Framework. *Australian Journal of Human Rights*, 23(2), 143-167. <https://doi.org/10.1080/1323238X.2017.1371927>
- Vampa, D. (2021). Covid-19 and Territorial Policy Dynamics in Western Europe: Comparing France, Spain, Italy, Germany, and the United Kingdom. *Publius: The Journal of Federalism*, 51(4), 601-626. <https://doi.org/10.1093/publius/pjab017>
- Vassallo, S. (2001). Le Leggi del Governo. Come gli Esecutivi della Transizione Hanno Superato i Vetì Incrociati. In G. Capano, & M. Giuliani (Eds.) *Parlamento e Processo Legislativo nella Transizione* (1st ed., pp. 85-126). Il Mulino.
- Ventura, S. (2022). The Italian Government's Pandemic Communication from Giuseppe Conte to Mario Draghi: Between 'Leadership Building' and 'Crisis Resolution'. In P. J. Maarek (Ed.), *Manufacturing Government Communication on Covid-19: A Comparative Perspective* (1st ed., pp. 253-271). Springer International Publishing. https://doi.org/10.1007/978-3-031-09230-5_13
- Zhang, Y. B., Zhu W. L., & Chen, B. (2020). Why Do Countries Respond Differently to COVID-19? A Comparative Study of Sweden, China, France, and Japan. *The American Review of Public Administration*, 50(6-7), 762-769. <https://doi.org/10.1177/0275074020942445>
- Zulianello, M. (2013). When Political Parties Decide Not to Govern: Party Strategies and the Winners and Losers of the Monti Technocratic Government. *Contemporary Italian Politics* 5(3), 244-261. <https://doi.org/10.1080/23248823.2013.849858>

APPENDIX

Figure A1 shows a yearly time series of decree-laws from 1913 to 2022. Figure A2 shows a yearly time series of DPCMs from 1987 to 2022. Figure A3 shows the number of decree-laws and votes of confidence as a percentage of legislative proposals introduced by the government between 2012 and 2020.

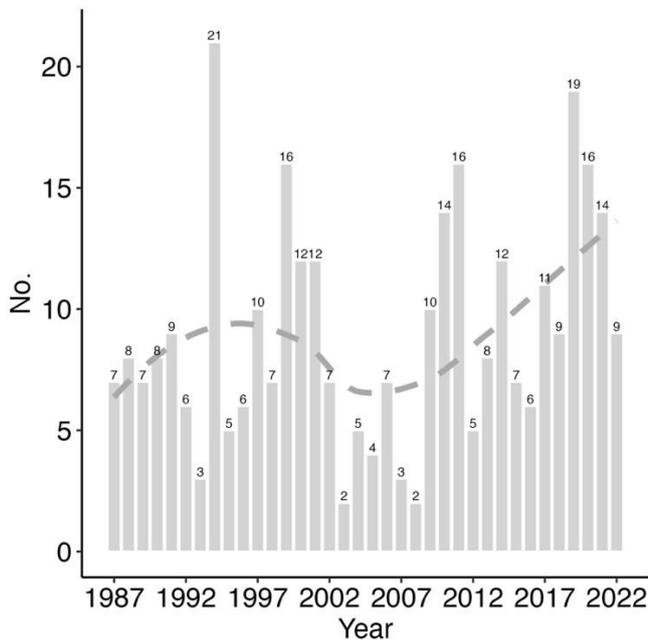
Figure A1. Yearly time series of decree-laws (1913–2022).



Note: the count includes royal decree-laws (*Regio decreto-legge*) (1913–1947), lieutenant decree-laws (*Decreto-legge luogotenenziale*) (1915–1919; 1944), and decree-laws (*Decreto-legge*) (1948–2022). The decree-law procedure was first formalized in the 1910s and subsequently regulated by Law n. 100/1926.

Source: data collected by the authors.

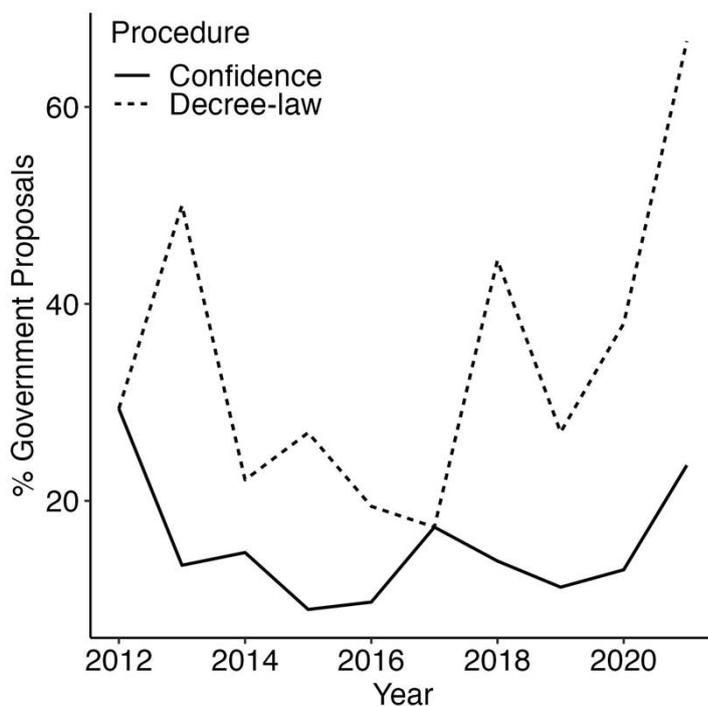
Figure A2. Yearly time series of decrees of the President of the Council of Ministers (1987–2022).



Note: the decree of the President of the Council of Ministers (Decreto del Presidente del Consiglio dei Ministri) is a type of ministerial decree (Decreto ministeriale), first regulated by Law n. 400/1988. Before the establishment of the Italian Republic, we also find “decrees of the head of government” (Decreto del Capo del Governo) and, during the fascist era, “decrees of the Duce” (Decreto del Duce).

Source: data collected by the authors.

Figure A3. Confidence votes and decree-laws as a percentage of government proposals (2012–2021).



Note: the confidence procedure includes confidence motions and confidence questions (questione di fiducia); The lines show the number of votes of confidence (solid) and decree-laws (dashed) as a percentage of the legislative proposals introduced by the government, including those that did not become law.

Table 1. Regional governments and governors during the Covid-19 pandemic.

Region	Regional Government (<i>Giunta Regionale</i>)	Regional Governor (<i>Presidente della Giunta Regionale</i>)
Abruzzo	Lega-FI-FdI-UdC-AP	FdI (Feb 2019–)
Basilicata	Lega-FI-FdI-IDeA-Civiche	FI (Apr 2019–)
Calabria	FI-Lega-FdI-UdC FI-FdI-Lega-CI-UdC	FI (Feb 2020–Oct 2020) FI (Oct 2021–)
Campania	PD-IdV-PSI-SC-CD-UdC-Civiche PD-P-IV-CD-PSI-+E-EV-DemoS- Civiche	PD (Jun 2015–Oct 2020) PD (Oct 2020–)
Emilia-Romagna	PD-Art.1-SI-Az-EV-IV	PD (Feb 2020–)
Friuli-Venezia Giulia	Lega-FI-FdI-Civiche	Lega (May 2018–Apr 2023)
Lazio	PD-LeU-+E-M5S	PD (Mar 2018–Nov 2022)
Liguria	Lega-FI-FdI CI-Lega-FdI-FI	FI/Cambiamo! (Jun 2015–Oct 2020) Cambiamo!/Coraggio Italia (Oct 2020–)
Lombardia	LSP-FI-FdI-Ncl-UDC-Epl	Lega (Mar 2018–Mar 2023)
Marche	PD-FdV-IdV-PSI-SC-UdC-CD- DemoS Lega-FdI-FI	PD (Jun 2015–Sep 2020) FdI (Sep 2020–)
Molise	FI-Lega-Ppl-FdI-UdC-Civiche	FI (May 2018–Jul 2023)
Piemonte	Lega-FI-FdI	FI (Jun 2019–)
Puglia	PD-SEL-UdC-CD PD-CD-SI-M5S-Civiche	PD/Ind. (Jun 2015–Nov 2020) Ind. (Nov 2020–)
Sardegna	PSd'AZ-FI-Lega-FdI-UdC-Civiche	PSd'AZ (Mar 2019–)
Sicilia	FI-UdC-CP-MpA-#DB-FdI-Lega	#DB (Nov 2017–Oct 2022)
Toscana	PD/Art.1 PD-IV-Art.1	PD (Jun 2015–Oct 2020) PD (Oct 2020–)
Trentino-Alto Adige	SVP-Lega-FI-Civiche SVP-Lega-FI-Civiche	SVP (Feb 2019–Jul 2021) Lega (Jul 2021–)
Umbria	LSP-FdI-FI	Lega (Nov 2019–)
Valle d'Aosta	UV-UVP-SA-ALPE PCP-UV-AV-SA	UV (Dec 2019–Oct 2020) UV (Oct 2020–Jan 2023)
Veneto	Lega -FI-FdI Lega-FdI-FI	Lega (Jun 2015–Oct 2020) Lega (Oct 2020–)

Note: full names of political parties: ALPE (Autonomie Liberté Participation Écologie), AP (Alternativa Popolare), Art. 1 (Articolo 1 - Movimento Democratico e Progressista), AV (Alliance Valdôtaine), Az (Azione), CI (Cambiamo!), CD (Centro Democratico), CI (Coraggio Italia), CP (Cantiere Popolare), #DB (#DiventeràBellissima), DemoS (Democrazia Solidale), +E (+Europa), EV (Europa Verde), FdI (Fratelli d'Italia), FI (Forza Italia), IDeA (Identità e Azione), IdV (Italia dei Valori), Ind (Indipendente), IV (Italia Viva), LeU (Liberi e Uguali), M5S (Movimento 5 Stelle), MpA (Movimento per l'Autonomia), P (Popolari), PCP (Progetto Civico Progressista), PSd'AZ (Partito Sardo D'Azione), PSI (Partito Socialista Italiano), SA (Stella Alpina), SC (Scelta Civica), SEL (Sinistra Ecologia e Libertà), SI (Sinistra Italiana), SVP (Südtiroler Volkspartei), UdC (Unione di Centro), UV (Union Valdôtaine), UVP (Union Valdôtaine Progressiste).

Source: data collected by the authors.

RESEARCH ARTICLE

The Italian Government in Pandemic Times

Between Centralized Decision-Making and Coalitional Compromises

Michelangelo VERCESI

Portuguese Institute of International Relations, NOVA University Lisbon

Abstract

Due to the Covid-19 pandemic, Italy went through a severe health crisis, which put national political institutions and public services to the test. In response to this challenge, policy-makers implemented specific health policy measures as well as policies in other fields to contain the circulation of the SARS-CoV-2 virus and to mitigate negative economic effects. In this context, conflicts between coalition parties and single cabinet members arose. Against this background, this article deals with the way in which the Italian political executive made its pandemic policy-related decisions during the pandemic. In particular, it aims to test the viability of existing theoretical models of coalition governance to account for actual cabinet decision-making. The work uses formal decrees (by the prime minister, by ministers, or by the cabinet as a whole), approved between February 2020 and February 2022, as proxies of coalition governance models. It answers the following questions: when do PMs centralize or decentralize decision-making? How do crises affect power delegation in cabinet? Four hypotheses result from the integration of literature strands on presidentialization of politics, party behavior in coalitions, and crisis management. Findings show that centralized decision-making prevailed when the prime minister enjoyed greater party support and especially in the most acute phases of the pandemic. However, the ‘coalition compromise’ model of coalition governance was more common when the intra-coalition heterogeneity of policy preferences was higher. The article contributes to the debate about mechanisms of mutual party control within coalition governments and their determinants under the pressure of exogenous shocks.

Keywords: Cabinet government; Coalition governance; Ministerial government; Prime ministerial government; Covid-19

Introduction

This article investigates the Italian executive’s¹ management of the Covid-19 pandemic crisis, from the confirmation of the first cases of infection in Italy to February 2022. Its focus is on cabinet decision-making and not on policy outputs.²

Cabinet decision-making in parliamentary democracies is a key topic in Comparative Politics. In this regard, scholars not only describe ministerial behaviors, but they also discuss their main causes and implications for democratic accountability (Andeweg et al., 2020). A cabinet is a formally collegial institution made up of a prime minister (PM) and a set of ministers, who are bounded together by the principle of collective responsibility

¹ For the sake of simplicity, henceforth I will use ‘executive’, ‘government’, and ‘cabinet’ as synonymous.

² On decision-making styles and policy outcomes, see, for example, Casula and Malandrino (2023).

CONTACT Michelangelo Vercesi, michelangelo.vercesi@fcsh.unl.pt, Portuguese Institute of International Relations, NOVA University Lisbon

(Barbieri & Vercesi, 2013). Against this background, the analysis of intra-governmental interactions is especially important when the executive is a coalition government, in that policy responsibilities are hard to attribute to single coalition partners. It is thus not surprising that '[p]erhaps the most important substantive development in the field over the past decade or so has been a growing interest in coalition *governance* as opposed to coalition *governments*. If we want to understand the making and breaking of governments then we have to understand what happens in between these defining events' (Laver, 2012, p. 113, emphases in the original).

Parallely, the literature on crisis management highlights that 'common' dynamics and power delegations within governments are likely to change when exogenous threats to the polity require quick political responses. One reason is that citizens change their expectations towards public decision-makers. In this regard, the scholarship highlights that exogenous crises open windows of opportunity for the centralization of political power, because the population demands fast, direct, and efficient responses from political leaders (Boin et al., 2012). At the same time, voters expect government members to work hard to solve the crisis, but ministers may be inclined to 'pass the buck', in order to avoid public blame due to unsatisfactory policy outcomes (Traber et al., 2020). From this viewpoint, the Covid-19 crisis – as well as the consequent health, economic, and social challenges – was a case in point (Musella, 2020a; Bolleyer & Salát, 2021; Hinterleitner et al., 2023).

This article applies extant theories of coalition governance in parliamentary systems to understand if and to what extent the Covid-19 crisis affected intra-coalitional party dynamics, in times of presidentialization and party government decline (Poguntke & Webb, 2005; Samuels & Shugart, 2010). According to the principal-agent model of democratic delegation (Müller, 2000), parties increasingly tend to delegate government responsibilities to strong leaders enjoying ample popular support.; these leaders, rather than being 'party-agents', are the 'principals' of these parties (Müller-Rommel et al., 2022). The main research questions are thus: when do strong PMs centralize or decentralize cabinet decision-making? How does power delegation change during crises? In light of the prominent role of individual leaders relative to party organizations that characterize its political system (e.g., Musella, 2020b; Pasquino, 2014), Italy is used as a case study.

Before going deep into the analysis, a clarification is necessary. This article is interested in internal cabinet decision-making. For this reason, it overlooks relationships between the political executive and other institutional and non-institutional actors, which defined the overall governance of the pandemic in Italy (e.g., Casula et al., 2020). However, the findings will not be substantially affected: there is evidence that, after an initial moment of bewilderment, the political executive – assisted by policy experts – took the undisputed lead in the management of the pandemic. This was true even in relation to regional governments, which usually enjoy extensive autonomy when it comes to defining health policy (e.g., Casula & Pazos-Vidal, 2021; Salvati, 2022; Ieraci, 2023).

In the next section, the article presents the theoretical framework and four expectations. Subsequently, it introduces the Italian case and highlights its most relevant features for the article's purpose. The fourth section operationalizes the variables and clarifies the data basis. The empirical analysis leads to the conclusion. The findings have implications for the study of the relationship between changes in political leadership and democratic governance at large.

Coalition Governance, Presidentialization of Politics, and Crisis Governance and Delegation within Coalition Government

Any party coalition is made up of two or more political parties, which temporarily join to achieve certain common goals. Nevertheless, these parties have diverging policy preferences and remain competitors in the electoral arena (Lupia & Strøm, 2008). This means that the coalition is defined by cooperative and conflictual drives at the same time (Vercesi, 2016). How, while in government, can parties avoid the political costs of the conflict?

In this regard, the literature detects a set of institutional and behavioral mechanisms, which parties use for mutual control. These mechanisms can be activated before (*ex-ante* mechanisms) or after (*ex-post* mechanisms) the government enters office. The range of options goes from careful portfolio allocation to drafting coalition agreements, from parliamentary questions to the establishment of coalition committees for conflict resolution (Strøm et al., 2010; Ecker et al., 2015; Kamm & Siegenthaler, 2022; Klüver et al., 2023). One of the most common mechanisms is sharing policy responsibilities among cabinet members, for example through inter-ministerial committees or in the full cabinet (Vercesi, 2020). This especially holds when coalition partners consider a policy field salient (Klüser, 2022).

Overall, political parties try to benefit from the participation in government, without being controlled by their allies. A party's chance 'to win' in the cost-benefit calculus depends on its strategic strength in the coalition, which is a function of the number of its parliamentary seats as well as its 'position relative to the other parliamentary parties in policy space' (Müller & Strøm, 2000, p. 7). That said, even the 'weakest' coalition partner can block any governmental decision, by (plausibly) threatening to leave the coalition and make the cabinet fall (Tsebelis, 2002).

Therefore, party leaders (who are sometimes also cabinet members) need to solve problems of collective action within the coalition (Olson, 1965). One solution is to endow the PM with the power to settle cabinet agenda (Luebbert, 1986). For examples, PM are expected to solve cabinet conflicts; to define public policy; to provide solutions to exogenous crises (Grotz et al., 2021, p. 1915-1916). Yet, a weak PM leading a coalitional government will hardly centralize cabinet decision-making; rather, she will delegate tasks to the cabinet as a whole or to individual ministerial heads (Dewan & Hortalá-Vallve, 2011).

Three models to organize cabinet internal procedures stand out. The first is the *prime ministerial* model: it depicts a cabinet where the PM dominates, defining the agenda and shaping policy decisions (Dunleavy & Rhodes, 1990).³ The second model is the *coalition compromise* model. In this case, ministers take part jointly in the decision-making process, usually on behalf of their parties (Martin & Vanberg, 2014; Dragu & Laver, 2019; Ie, 2022). Finally, each minister may benefit from large policy autonomy within her departmental jurisdiction; this scenario recalls the *ministerial government* model (Laver & Shepsle, 1990, 1996).

It is worth noting that power concentration characterizes the prime ministerial model, whereas the coalition compromise and the ministerial models are defined by power sharing and power fragmentation, respectively. Moreover, in first model the PM is the principal and the ministers are her agents. In the third, ministers act as agents of their

³ According to Jahn (2016, p. 59-61), this model describes a context in which political parties do not have any policy incentive to be part of the government, unless they nominate the PM. For this reason, he suggests to understand it as a 'negotiated prime ministerial model' (p. 61), whereby the PM uses bilateral meetings to lead and control cabinet decision-making. However, a PM can exercise her influence within collective arenas as well, as the British Prime Minister Edward Heath (1970-1974) did (Vercesi, 2012, p. 18-19).

party. Finally, the coalition compromise model implies that ministers are ‘double agents’: of the cabinet as well as of their party (Andeweg, 2000).

Presidentialization, Ideological Heterogeneity, Crisis

Why does a model of coalition governance prevail over the others? Below, the article proposes four hypotheses, based on the literature on executive politics and the impact of crises on political leadership. All hypotheses are valid in relative terms; in other words, they refer to trends.

The first expectation derives from the presidentialization of politics thesis. In a nutshell: since the late 1990s, PMs have gained political authority and policy autonomy to the expense of collective political actors. The internationalization of politics, the growth of the state, the end of cleavage politics, and the transformation of media have fostered this change (Poguntke & Webb, 2005). The outcome has been the emergence of ‘personal’ governments, whose support depends on the personal traits and performance of the leader, rather than on party programs (Berz, 2020). Eventually, the presidentialization process is conducive to monocratic leadership (Musella, 2022b).

Therefore,

1. *when the government is ‘presidentialized’, the prime ministerial model of (coalition) governance prevails.*

The second and third expectations ensue from theoretical arguments about intra-coalition ideological heterogeneity. A coalition of parties with divergent policy preferences is, all else equal, a coalition that face more obstacles in changing the policy status quo, relative to a homogenous coalition (Zucchini, 2013). As observed by Andeweg and Timmermans (2008, p. 276), intra-coalition policy heterogeneity jeopardizes cabinet decision-making and government stability, in that parties aim at different policy outputs.

In this situation, political parties try to contain the policy influence of ministers who belong to their allies and check that these allies do not drift away from the coalition program. To this end, coalition parties implement *ex-post* mechanisms of mutual control (Bowler et al., 2016; Höhmann & Sieberer, 2020). In particular, they promote the sharing of policy responsibility – as well as the blame – across ministries (Shpaizman & Cavari, 2023). According to this argument,

2. *coalitions that are characterized by high ideological heterogeneity will adopt the coalition compromise model of governance more frequently than coalitions with low heterogeneity.*

In contrast, when heterogeneity is low, coalition partners will avoid the costs of mutual monitoring and will concentrate on the *ex-ante* allocation of policy responsibilities (Falcó-Gimeno, 2014). It follows that

3. *coalitions that are characterized by low ideological heterogeneity will resort to the ministerial model of governance more frequently than coalitions with high heterogeneity.*

The just presented three expectations apply to ‘normal’ times. What about times of crisis? In their *Governing the Pandemic*, Boin et al. (2021) argue that crises – including the Covid-19 crisis – make governance capacity particularly urgent; at the same time, they profoundly challenge it (e.g., Capano, 2020). This happens because decision-makers need

to provide fast responses, but the existing governance capacity of the system cannot be expanded quickly enough. To overcome this problem, one efficient solution is – in the short run – to ‘streamline the governance capacity that already exists. Two typical streamlining strategies are increasing executive power and centralizing authority (Boin et al., 2021, p. 53).

In this regard, Greer et al. (2022) distinguish between two types of centralization that states relied on during the Covid-19 pandemic: centralization within and centralization between governments (see also Hegele & Schnabel, 2021). While the former means centralization of authority in the hands of the head of government, the latter refers to a shift of authority from sub-national governments to the national executive. For the reasons mentioned in the introduction, the following investigation will take only the former into consideration. In this regard, the most relevant observation by Greer et al. (2022) is that, during the pandemic, heads of government pursued centralization when citizens expected decisive and effective responses. However, they tried to decentralize when times were less ‘demanding’ and no fast exceptional decisions were necessary: the underlying logic was blame avoidance for unsolved and long-lasting problems linked to the detrimental effects of the pandemic.

On a more specific note, and looking at the Israeli cabinet during the Covid-19 pandemic, Shpaizman (2023) finds that ministers whose jurisdiction was not directly linked to the field of the crisis hardly shared policy responsibility. At the same time, those who were expected to be key to manage the crisis were the most active actors.

Among these actors, the PM is central, it that one of her most important delegated tasks is in fact crisis resolution (Grotz et al., 2021, p. 1915). In fulfilling this task, PMs are expected to be particularly proactive in cabinet decision-making (Boin et al., 2012).

Therefore, the fourth expectation is that

4. *during crises, governments will tend to adopt the prime ministerial model of governance more frequently than in normal times, irrespective of the usually adopted model.*

Before the empirical assessment of the four expectations, the next section introduces the case study.

The Case Study

Italy as an ‘Experimental’ Case

Italy is a suitable case study for four reasons. First, it allows reaching generalizable findings under ‘quasi-experimental’ conditions: two cabinets coped with the Covid-19 crisis from its outbreak to the formal end of the state of emergency on 31 March 2022. The first, led by Giuseppe Conte, was in office from September 2019 to February 2021; the second, led by Mario Draghi, entered office in February 2021 and terminated in October 2022. These cabinets were both led by a non-partisan PM, but they diverged in terms of party composition and ideological heterogeneity. Second, Italy was the first European country to go through a rapid growth of confirmed cases of SARS-CoV-2 infections: this made Italy implement, to contain the virus, earlier restrictions to constitutional liberties, such as freedom of movement and association (Bol et al., 2021; Engler et al., 2021). Third, crisis management soon turned into a source of prime ministerial personalization in the context of cabinet decision-making (Rullo & Nunziata, 2021), notwithstanding the usual significant political weight of Italian ministers (Zucchini & Pedrazzani, 2021). Finally, any ‘rally ‘round the flag’ effect in support of the PMs was weak compared to the effect in other

Western democracies, making Italian ministers more autonomous from the PM (Altiparmakis et al., 2021; Giovannini & Mosca, 2021; Vercesi, 2022).

The Italian Cabinets of the Crisis: Conte II and Draghi

The Conte II cabinet sworn in after the early termination of the post-electoral cabinet led by the same PM and made up of the 5 Star Movement (*Movimento 5 Stelle*, M5S) and the League. The Conte II cabinet included the M5S, the Democratic Party (*Partito Democratico*, PD), and the small left-wing Free and Equal (*Liberi e Uguali*, LeU); it passed a positive vote of confidence from both parliamentary chambers, on September 9 and 10. However, on September 18, the PD suffered from an internal split led by the then senator and former PM Matteo Renzi, whose followers formed a new parliamentary group supporting the executive: Italy Alive (*Italia Viva*, IV) (Cotta, 2020, p. 134-136).

Almost one year later, Matteo Renzi strongly criticized Mr. Conte's leadership, disapproving the alleged PM's actions against collegial forms of cabinet decision-making. Plagued by internal conflicts, the Conte II cabinet fell in late January 2021. On February 13, a new cabinet led by the former president of the Central European Bank Mr. Draghi sworn in. Supporting this cabinet, the former coalition was broadened up to including also the center-right Silvio Berlusconi's party Go Italy (*Forza Italia*, FI) and the right-wing Matteo Salvini's League. Brothers of Italy (*Fratelli d'Italia*, FdI), a far-right party led by the future PM Giorgia Meloni, was the only relevant party that stayed in the opposition. The Draghi cabinet had two main policy goals: to organize a mass vaccination campaign against Covid-19 and to define a national plan to benefit from the Next Generation EU funds, according to the schedule of the European Commission (Marangoni & Kreppel, 2022).

With regard to their parliamentary support and ideological profile, the Conte II and Draghi cabinets were substantially different. The former was supported by a minimum winning coalition both in the Chamber of Deputies (lower chamber) and the Senate (whose confidence is necessary for the cabinet to stay in office as much as the Chamber's); the latter, in turn, was backed by an oversized coalition. Moreover, the Conte II cabinet was relatively more left-wing: on average, the position of the parties in the Conte II along an ideological scale from 1 (left) to 20 (right) was 7.94; the Draghi cabinet scored 11.48. Moreover, the distance between the two most 'extreme' parties on the same scale, which is a proxy of intra-coalition heterogeneity, was 7.21 in the Conte II cabinet and 14.01 in the Draghi cabinet.⁴ Adding a further key dimension of party competition (i.e., integration or 'open borders' and demarcation or 'closed borders'), the picture does not change: within a hypothetical bidimensional space, the Euclidian distance between the PD and the League was higher than their own distance from the largest party, the M5S (Giannetti et al., 2022). In other words, the 'Pareto set' of the Draghi cabinet was considerably larger than the set of the Conte II cabinet (Russo & Valbruzzi, 2022, p. 179).

Prime Ministers Conte and Draghi were both non-partisans, yet they differed in their relationships with the parties supporting their cabinets. Professor of Private Law, Mr. Conte was initially selected in 2018 as a populist political outsider close, yet not affiliated to the M5S. His only relevant political activity before his investiture in 2018 had been a public endorsement to this party; the M5S, in turn, had proposed him as the possible future minister for public administration during the 2018 electoral campaign. When the Conte I cabinet fell, however, Mr. Conte tried to redefine his profile and to present himself as an autonomous political leader, who could be the reference figure of the M5S (Cotta,

⁴ Values indicate the party positions in 2018, as measured in Giannetti et al. (2018, p. 31).

2020).⁵ In fact, he successfully gained support within the party as well as in the electorate; this allowed him to exercise a very personalized leadership in government (Amoretti et al., 2021; Rullo, 2021). In contrast, Mr. Draghi was a fully-fledged technocratic PM, whose appointment was strongly supported by the head of state. Although, when he took office, popular approval was high, his legitimacy derived primarily from his policy expertise and his technical profile, rather than from a party-based representative function (Barbieri & Vercesi, 2022).

The Conte II and Draghi cabinets faced different phases of the pandemic. Mr. Conte governed during the pandemic outbreak and the new upsurge of the virus circulation of winter 2020. Mr. Draghi, in turn, was invested soon after the start of the anti-Covid-19 vaccination campaign, which began with the delivery of the first doses of the Pfizer-BioNTech *Comirnaty* vaccine in December 2020.⁶

Table 1 summarizes the differences (and similarities) between the two cabinets, which are relevant for this article's purpose. Moreover, it indicates where each coalition governance model is expected to be more frequent.

Table 1. Composition, leadership, and coalition governance of the Conte II and Draghi cabinets.

	Cabinet	
	Conte II	Draghi
Features		
Day of entry into office	5 September 2019	13 February 2021
Parties in the coalition	M5S, PD, IV, LeU	M5S, Lega, PD, FI, IV, LeU
Coalition type	Minimum winning	Oversized
Ideological heterogeneity	7.21	14.01
Prime ministerial background	Independent	Technocratic
Party resources of the PM	Medium	Null
Leadership personalization	High	Moderate
Expectations		
Prime ministerial model	X	
Ministerial government model	X	
Coalition compromise model		X

Notes: parties are listed from the largest to the smallest in terms of parliamentary seats; data refers to the Chamber of Deputies and to the parties in cabinet only. The classification of the prime ministerial background is based on Vercesi (2019). X indicates where – relatively to the two cabinets – the model is expected to be more frequently used.

Cabinet Decision-Making in Italy During the Pandemic Operationalization and Data Basis

As outlined in the introduction, this article investigates the use of coalition governance models, *in the context of the (pandemic) crisis*. It is not interested in cabinet decision-making at large; rather, it focuses on the decision-making that specifically developed in

⁵ After the termination of the Conte II cabinet, he became the new president of the M5S. See 'M5S, Conte confermato leader con il 94% dei voti.' *Il Sole 24 Ore*, 28 March 2022.

⁶ See 'Il 27 dicembre le prime 9.750 dosi vaccino in tutta Italia.' *Ansa.it*, 19 December 2020.

response to the health, economic, and social challenges of the pandemic. Moreover, the analysis is limited to cabinet members and excludes junior ministers.

To follow every single cabinet decision-making step is hardly impossible (Blondel & Müller-Rommel, 1993). Therefore, this work uses the actors from whom a policy formally originated as proxies of the use of a coalition governance model. More specifically, it counts the number of governmental decrees issued to contrast the effects of Covid-19, according to the online classification of the Italian Prime Minister's Office and Health Ministry.⁷ To focus on the decrees allows concentrating on law-making instruments that are key normative sources in the Italian political system (Tarli Barbieri, 2019).⁸ Moreover, the production of these decrees entirely develops within governmental and/or coalitional decision-making arenas; this means that the findings will not be 'distorted' by the possible impact on laws of the opposition in parliament.

The analysis posits that prime ministerial decrees (*decreti del presidente del Consiglio dei ministri*, DPCM) are indicators of the use of the prime ministerial model of coalition governance.⁹ Ministerial and inter-ministerial decrees, in turn, are indicators of the ministerial model, in that they originate from ministers working autonomously as departmental heads. Finally, the formal approval of decrees by the full cabinet indicates the adoption of a coalition compromise-like model of governance.¹⁰ The specific content of the counted decrees is not relevant for the article's purpose, since all of them referred indiscriminately to the same issue (the pandemic and its effects on the Italian polity), whose salience for the executive remained relatively constant over time.

The period of the analysis goes from 31 January 2020 to 28 February 2022. This implies that also the first phase of the pandemic crisis is assessed and that the Conte II and Draghi cabinets are compared under a similar time span (i.e., one year for each cabinet).

Finally, the seriousness of the pandemic crisis is operationalized as the daily number of hospitalizations for million inhabitants. This number provides a reliable indication of the level of 'stress' of the health national system as well as of the quantity of serious positive cases, more than the daily number of infections do. Daily infections, indeed, sensibly grew after the introduction of the vaccines and the spread of more contagious SARS-CoV-2 variants; however, this increase did not lead to a proportional worsening in terms of hospitalizations (Figure 1). Data comes from the Covid-19-related dataset of the *Our World in Data* observatory (Ritchie et al., 2020). Overall, the days on which the number of hospitalizations for million inhabitants exceeded 500 were 83 out of a total of 760.

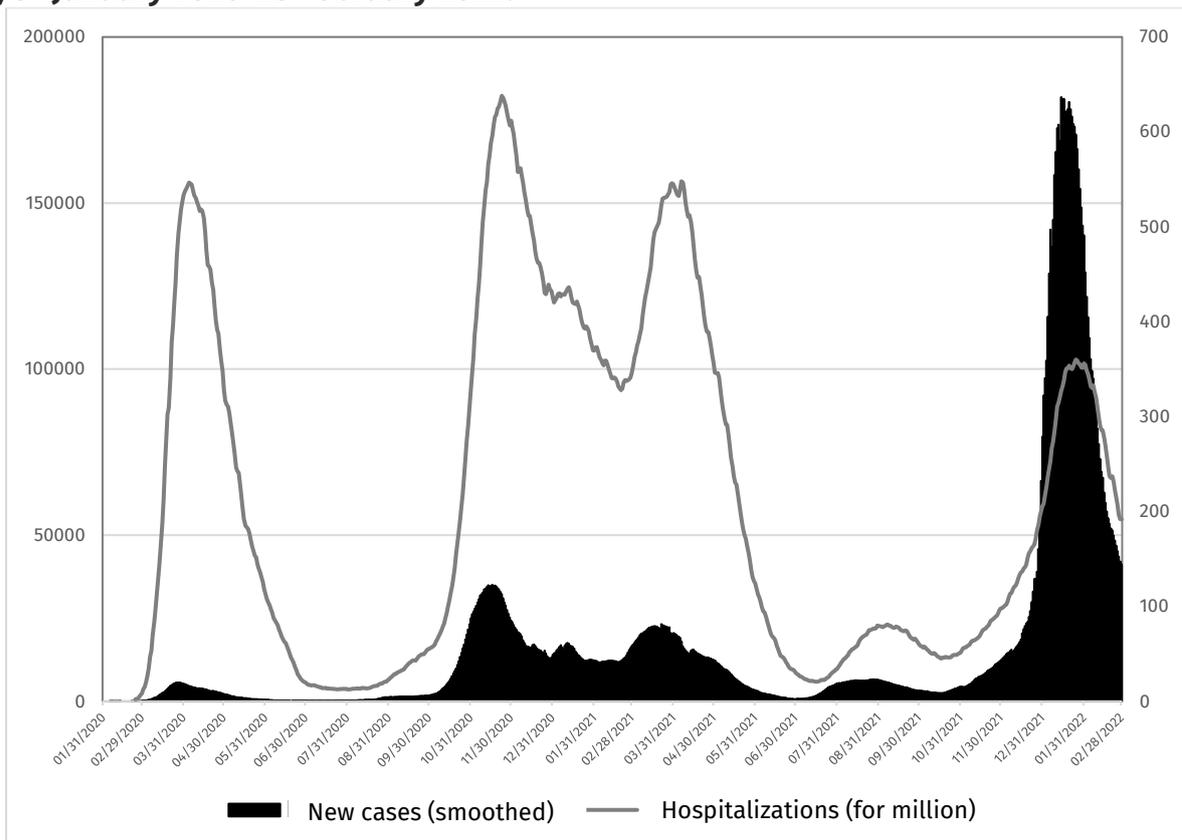
⁷ See the following archives: 'Coronavirus, le misure adottate dal Governo' on the PM's Office (<https://www.governo.it/it/coronavirus-misure-del-governo>) and 'Norme, circolari e ordinanze' under 'Documentazione' of the Health Ministry (<https://www.salute.gov.it/portale/nuovocoronavirus/archivioNormativaNuovoCoronavirus.jsp?lingua=italiano&testo=&tipologia=DECRETO&giorno=&mese=&anno=&btnCerca=cerca>), accessed on 1 June 2022.

⁸ Ministerial circulars and ordinances are excluded.

⁹ As discussed in the debate between law scholars, a frequent use of DPCMs is 'a "clue" [...] of the importance of the president of the Council of Ministers – and thus a further element of the executive "presidentialization" that has characterized the most recent period' (Tarli Barbieri, 2019, p. 187, own translation).

¹⁰ The idea to use ministerial and full cabinet decrees to pinpoint specific models of coalition governance extends – *mutatis mutandis* – the practice of counting prime ministerial decrees to assess the level of 'monocratization' of the political system. In this regard, see Fittipaldi (2020); Musella (2022a); Criscitiello (2023).

Figure 1. Daily cases (smoothed) of Covid-19 infections and related hospitalizations in Italy, 31 January 2020-28 February 2022.



Note: the number of cases is on the left axis, whereas hospitalizations are on the right axis.
 Source: See fn. 7.

Centralization and Delegation in the Conte II and Draghi Cabinets

In the first fifty years of the republic, Italian political executives were characterized by weak PMs and fragmented decision-making process. After the breakdown of the party system in the early 1990s, cabinet decision-making has become relatively more collective, party leaders have become ministers more frequently, and PMs have taken part in the decision-making process more substantially (Vercesi, 2019). Coalition governance has been defined by, on the one hand, a balance between the coalition compromise model and the ministerial government model and, on the other hand, a limited yet significant increase in prime ministerial power (Bergman et al., 2021, p. 717).

What happened during the pandemic crisis? Did this picture change? Were the Conte II and the Draghi cabinets different? Table 2 shows the type and number of decrees issued between February 2020 and February 2022, by month of signature. Moreover, the table indicates the seriousness of the pandemic crisis as a function of the level of stress of the health national system.

Table 2. Number of executive decrees and level of pandemic crisis in Italy, February 2020-February 2022.

Cabinet and month	Decrees			Total decrees	Crisis level
	Prime ministerial	Ministerial	Full cabinet		
Conte II					
February 2020	2	1	2	5	Low
March 2020	6	5	3	14	Medium
April 2020	3	1	3	7	High
May 2020	1	0	3	4	Medium
June 2020	1	0	1	2	Low
July 2020	1	1	1	3	Low
August 2020	1	0	1	2	Low
September 2020	1	0	2	3	Low
October 2020	3	1	2	6	Low
November 2020	1	1	2	4	High
December 2020	1	0	3	4	High
January 2021	1	1	2	4	High
February 2021 (until 12 th)	0	1	1	2	Medium
<i>Sub-total</i>	<i>22</i>	<i>12</i>	<i>26</i>	<i>60</i>	<i>Medium</i>
Draghi					
February 2021 (from 13 th)	0	0	1	1	Medium
March 2021	1	2	3	6	High
April 2021	0	0	1	1	High
May 2021	0	0	2	2	Medium
June 2021	0	0	0	0	Low
July 2021	0	0	1	1	Low
August 2021	0	1	0	1	Low
September 2021	0	0	2	2	Low
October 2021	2	2	1	5	Low
November 2021	0	0	1	1	Low
December 2021	0	0	3	3	Low
January 2022	1	3	2	6	Medium
February 2022	0	2	1	3	Medium
<i>Sub-total</i>	<i>4</i>	<i>11</i>	<i>18</i>	<i>33</i>	<i>Low</i>
Total	26	23	44	93	Medium

Note: the level of crisis is defined 'low' when the number of hospitalizations is below 200, 'medium' between 201 and 400, and 'high' when the number is above 400. Numbers indicate the arithmetical mean of the daily hospitalizations in the month at issue; February 2021 is bipartite, i.e., before and after the entry into office of the Draghi cabinet.

Source: own elaboration, based on data gathered from sources indicated in fn. 7.

During the pandemic, the Italian cabinets drifted away from their common patterns of coalition governance. The coalition compromise model remained frequent, but authority delegation to individual ministers considerably decreased. At the same time, PMs became more proactive. In a nutshell, cabinet decision-making moved from decentralization to centralization, either in the hands of the PM or in the full cabinet.

However, there are substantial differences between the two cabinets. The Conte II cabinet is in line with the general pattern, while the Draghi cabinet is more similar to the

pre-pandemic cabinets (i.e., characterized by little prime ministerial centralization, ministerial fragmentation, and integration mostly through the full cabinet). Moreover, the Conte II cabinet produced almost twice as much decrees as the Draghi cabinet. Third, the level of crisis was medium under the Conte II cabinet and low under the Draghi cabinet: while the Conte II had to face four high-level crisis months, the Draghi cabinet experienced it only for two months.

Overall, the evidence suggests that the crisis was conducive to changes in the patterns of coalition governance, especially fostering prime ministerial centralization. In this regard, it is worth noting that, after a year of relatively more acute crisis and significant monocratization of cabinet decision-making under the Conte II cabinet, the Draghi cabinet went back to ‘normal’ practices as the general level of crisis decreased.

Table 3 presents more systematic evidence, providing the relative frequencies of the use of the three coalition governance models by cabinet.

Table 3. Frequency of the models of coalition governance in the Conte II and Draghi cabinets.

Governò	Model of coalition governance		
	Prime ministerial	Ministerial	Compromise
Conte II	36.7%	20.0%	43.3%
Draghi	12.1%	33.3%	54.6%
<i>Total</i>	<i>28.0%</i>	<i>24.7%</i>	<i>47.3%</i>

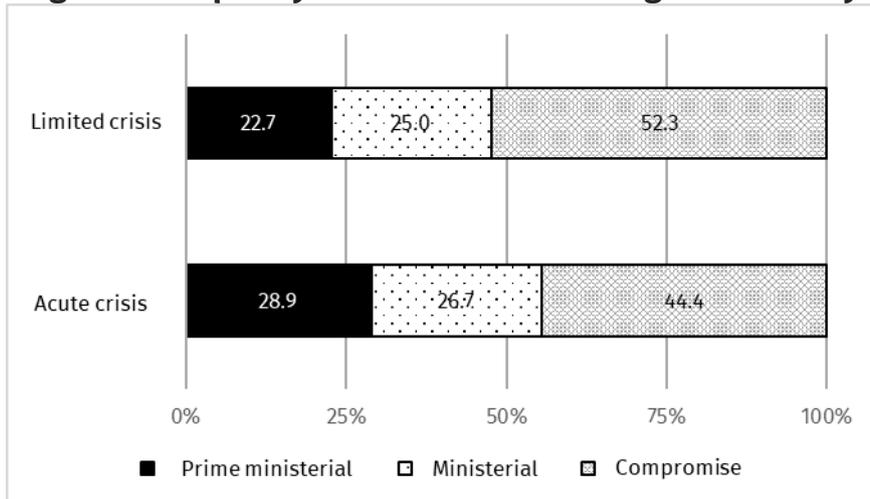
Source: See Table 2.

As expected, the frequency of the prime ministerial model is appreciably higher in the Conte II cabinet, which was – as noticed above – more ‘presidentialized’. In turn, the use of the coalition compromise model was more frequent in the Draghi cabinet, whose supporting coalition was more heterogenous. However, the difference in percentage terms regarding the coalition compromise model is 11.3 percent, whereas the difference concerning the use of the prime ministerial model is 24.6 percent.

In contrast, data do not support the expectation about the use of the ministerial government model. The Conte II cabinet used this model in one fifth of the cases; while the quantity grows up to 33.3 percent (i.e., in more than one third) in the Draghi cabinet. Therefore, there is no evidence of the expected positive relation between low ideological heterogeneity and the ministerial government model. Yet, the figures might also confirm the monocratization trend of the Conte II cabinet. The educated guess is as follows: a strong PM who centralizes authority will hardly want to delegate power to her cabinet colleagues. Rather, this PM will try to control the decision-making process, either by her own or, when not viable, through collective arenas.

Finally, the fourth hypothesis of this article suggests a positive relation between the seriousness of the crisis and the frequency of the prime ministerial model of governance. In this regard, Figure 2 compares the relative frequency of each coalition governance model and the level of the pandemic crisis. The crisis is classified serious in those months characterized by a high level of crisis (see Table 2) as well as in the month before them. The assumption is that, before the level of crisis becomes high, there are signals of a significant worsening shortly to come already one month earlier; these signals prompt the cabinet to act to preempt the foreseen negative consequences.

Figure 2. Frequency of models of coalition governance by level of crisis.



Source: See Table 2.

Findings support the theory: the prime ministerial model is more frequent (+6.2 percent) during phases of acute crisis. At the same time, the frequency of the ministerial government model does not vary significantly (+1.7 percent), whereas the percentage of the coalition compromise model even decreases of almost eight percentage points during the worst phases of the crisis.

Conclusion

This article has investigated the behavior of Italian cabinets during the Covid-19 crisis. Its focus has been on the decision-making process under the Conte II and Draghi cabinets. Four expectations derived from the literature on executive politics in times of crisis have informed the empirical analysis. Five key findings have emerged.

First, Italian cabinets centralized the decision-making process in time of crisis. This finding corroborates the theoretical arguments of the literature on the relationship between exogenous crises and political leadership.

Second, the Conte II cabinet was more ‘presidentialized’ and this is reflected in a more frequent use of the prime ministerial model of coalition governance.

Third, the Draghi cabinet, whose ideological heterogeneity was higher, was characterized by a higher frequency of the compromise model. This may be explained by the desire of the coalition partners to exercise mutual control.

Fourth, the less heterogenous Conte II cabinet did not use the ministerial government model more frequently. A plausible explanation is that a strong PM tends to avoid authority delegation to the ministries and to centralize cabinet decision-making.

Fifth, centralization and collective cabinet decision-making correlate, respectively, positively and negatively with the crisis level.

Overall, the investigation contributes to the debate about the effects of serious crises on democratic governance at large. It has supported the argument that a substantial threat to the political system is likely to create functional pressures towards authority centralization. Moreover, political leaders need to develop a discursive legitimation of the concentration of power. In this regard, the empirical scholarship shows that personalistic rhetoric used to legitimize executive authority is significantly linked to a long-term deterioration of the quality of democracy, or even to autocratization. Yet, advanced liberal democracies have higher chances to escape this autocratization trap (Brunkert & von Soest, 2023). Therefore, the take-home message may be that democracy can cope with the rationalization of governance capacity fostered by exogenous shocks, without jeopardizing

its constitutive traits in the long-term. However, liberal democracies should prepare themselves in advance, when not under stress, by making their core institutions strong.

Future studies can broaden the focus of the investigation, both longitudinally and cross-sectionally. The increase in the number of the units of analysis and observations is a necessary condition to apply rigorous research methods to test general hypotheses in a more systematic way. From a theoretical viewpoint, a possible research outlook is the inclusion of a higher number of variables, which may affect the choice of the coalition governance models. In this regard, scholars can assess the conditional effect of the policy field at issue. Finally, the scholarship would benefit from the use of a more fine-grained set of proxies of coalition governance models, which should take also the dynamic facet of the decision-making process into due consideration.

ORCID

Michelangelo Vercesi 0000-0002-5723-5076

Funding

The research received no grants from public, commercial or non-profit funding agency.

Acknowledgements

I am most grateful to the reviewers. An earlier version of this article was presented at the 'Parliament and Government to the Test of the Pandemic' Conference, organized by the SISP (Italian Political Science Association) Standing Group on 'Government, Parliament, Representation' and held on 9 June 2022 at Roma Tre University. I thank the participants and in particular Paolo Gambacciani and Luca Pinto for their valuable comments.

REFERENCES

- Altiparmakis, A., Bojar, B., Brouard, S., Foucault, M., Kriesi, H., & Nadeau, R. (2021). Pandemic Politics: Policy Evaluations of Government Responses to COVID-19. *West European Politics*, 44(5-6), 1159-1179, doi: 10.1080/01402382.2021.1930754
- Amoretti, F., Fittipaldi, R., & Santaniello, M. (2021). Poteri monocratici e comunicazione politica ai tempi della pandemia. Dal governo Conte II al governo Draghi. *Comunicazione politica*, 13(2), 333-356, doi: 10.3270/102416.
- Andeweg, R.B. (2000). Ministers as Double Agents? The Delegation Process between Cabinet and Ministers. *European Journal of Political Research*, 37(3), 377-395, doi: 10.1111/1475-6765.00518.
- Andeweg, R.B., Elgie, R., Helms, L., Kaarbo, J., & Müller-Rommel, F. (Eds.) (2020). *The Oxford Handbook of Political Executives*. Oxford University Press.
- Andeweg, R.B., & Timmermans, A. (2008). Conflict Management in Coalition Government. In K. Strøm, W.C. Müller, & T. Bergman (Eds.), *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe* (pp. 269-300). Oxford University Press.
- Barbieri, C., & Vercesi, M. (2013). The Cabinet: A Viable Definition and its Composition in View of a Comparative Analysis. *Government and Opposition*, 48(4), 526-547, doi: 10.1017/gov.2013.1.
- Barbieri, C., & Vercesi, M. (2022) Le basi del sostegno politico del presidente del Consiglio dei Ministri. In S. Cassese, A. Melloni, & A. Pajno (Eds.), *I presidenti e la presidenza del Consiglio dei ministri nell'Italia repubblicana. Storia, politica, istituzioni* (pp. 1141-1158). Laterza.

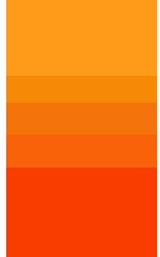
- Bergman, T, Bäck, H., & Hellström, J. (2021). Coalition Governance Patterns across Western Europe. In T. Bergman, H. Bäck, & J. Hellström (Eds.), *Coalition Governance in Western Europe* (pp. 680-726). Oxford University Press.
- Berz, J. (2020). All the Prime Minister's Glory? Leader Effects and Accountability of Prime Ministers in Parliamentary Elections. *Politics*, 40(4), 444-459, doi: 10.1177/0263395720907054.
- Blondel, J., & Müller-Rommel, F. (Eds.) (1993). *Governing Together: The Extent and Limits of Joint Decision-Making in Western European Cabinets*. St. Martin's Press.
- Boin, A., 't Hart, P., & van Esch, F. (2012). Political Leadership in Times of Crisis: Comparing Leader Responses to Financial Turbulence. In L. Helms (Ed.), *Comparative Political Leadership* (pp. 119-141). Palgrave Macmillan.
- Boin, A., McConnell, A., & 't Hart, P. (2021). *Governing the Pandemic. The Politics of Navigating a Mega-Crisis*. Cham: Palgrave Macmillan.
- Bol, D., Giani, M., Blais, A., & Loewen, P.J. (2021). The Effect of COVID-19 Lockdowns on Political Support: Some Good News for Democracy? *European Journal of Political Research*, 60(2), 497-505, doi: 10.1111/1475-6765.12401.
- Bolleyer, N., & Salát, O. (2021) Parliaments in Times of Crisis: COVID-19, Populism and Executive Dominance. *West European Politics*, 44(5-6), 1103-1128, doi: 10.1080/01402382.2021.1930733.
- Bowler, S., Indriđason, I.H., Bräuninger, T., & Debus, M. (2016). Let's Just Agree to Disagree: Dispute Resolution Mechanisms in Coalition Agreements. *The Journal of Politics*, 78(4), 1264-1278, doi: 10.1086/686805.
- Brunkert, L., & von Soest, C. (2023). Praising the Leader: Personalist Legitimation Strategies and the Deterioration of Executive Constraints. *Democratization* 30(3): 419-439, doi: 10.1080/13510347.2022.2150760.
- Capano, G. (2020). Policy Design and State Capacity in the COVID-19 Emergency in Italy: If You Are Not Prepared for the (Un)expected, You Can Be Only What You Already Are. *Policy and Society* 39(3): 326-344, doi: 10.1080/14494035.2020.1783790.
- Casula, M., & Malandrino, A. (2023). Exploring the Link Between Administrative Styles and Policy Output: The Case of the Italian Extraordinary Commissioner for the Covid-19 Emergency. *European Policy Analysis* 9(2): 119-141, doi: 10.1002/epa2.1176.
- Casula, M., Pasoz-Vidal, S. (2021). Assessing the Multi-level Government Response to the COVID-19 Crisis: Italy and Spain Compared. *International Journal of Public Administration* 44(11-12): 994-1005, doi: 10.1080/01900692.2021.1915330.
- Casula, M., Terlizzi, A., & Toth, F. (2020). I servizi sanitari regionali alla prova del COVID-19. *Rivista italiana di politiche pubbliche* 15(3): 307-336, doi: 10.1483/98732.
- Cotta, M. (2020). The Anti-Establishment Parties at the Helm: From Great Hopes to Failure and a Limited Resurrection. *Contemporary Italian Politics*, 12(2), 126-139, doi: 10.1080/23248823.2020.1744894.
- Criscitiello, A. (2023). Tra DPCM e vertici di maggioranza. L'esecutivo italiano alla prova della pandemia. *Rivista Italiana di politiche pubbliche* 18(1): 35-65, doi: 10.1483/106818.
- Dewan, T., & Hortala-Vallve, R. (2011). The Three As of Government Formation: Appointment, Allocation, and Assignment. *American Journal of Political Science*, 55(3), 610-627, doi: 10.1111/j.1540-5907.2011.00519.x.
- Dragu, T., & Laver, M. (2019). Coalition Governance with Incomplete Information. *Journal of Politics*, 81(3), 923-936, doi: 10.1086/703130.
- Dunleavy, P., & Rhodes, R.A.W. (1990). Core Executive Studies in Britain. *Public Administration*, 68(1), 3-28, doi: 10.1111/j.1467-9299.1990.tb00744.x.

- Ecker, A., Meyer, T.M., & Müller, W.C. (2015). The Distribution of Individual Cabinet Positions in Coalition Governments: A Sequential Approach. *European Journal of Political Research*, 54(4), 802-818, doi: 10.1111/1475-6765.12108.
- Engler, S., Brunner, P., Loviat, R., Abou-Chadi, T., Leemann, L., Glaser, A., & Kübler, D. (2021). Democracy in Times of the Pandemic: Explaining the Variation of COVID-19 Policies across European Democracies. *West European Politics*, 44(5-6), 1077-1102, doi: 10.1080/01402382.2021.1900669.
- Falcó-Gimeno, A. (2014). The Use of Control Mechanisms in Coalition Governments: The Role of Preference Tangentiality and Repeated Interactions. *Party Politics*, 20(3), 341-356, doi: 10.1177/1354068811436052.
- Fittipaldi, R. (2020). Il Presidente del governo in Spagna. In bilico tra norma e prassi. In F. Musella (ed.), *L'emergenza democratica. Presidenti, decreti, crisi pandemica*. Editoriale scientifica, pp. 133-165.
- Geer, Scott L. Rozenblum, S., Falkenbach, M., Löblová, O., Jarman, H. Williams, N., & Wismar, M. (2022). Centralizing and Decentralizing Governance in the COVID-19 Pandemic: The Politics of Credit and Blame. *Health Policy* 126(5): 408-417, doi: 10.1016/j.healthpol.2022.03.004.
- Giannetti, D., Pedrazzani, A. Pinto, L. (2018). The Rising Importance of Non-Economic Policy Dimensions and the Formation of the Conte Government in Italy. *Italian Political Science*, 13(2), 27-44.
- Giannetti, D., Pedrazzani, A., & Pinto, L. (2022). Faraway, so Close: A Spatial Account of the Conte I Government Formation in Italy, 2018. *Italian Political Science Review*, 52(1), 83-100, doi: 10.1017/ipo.2021.11.
- Giovannini, A., & Mosca, L. (2021). The Year of Covid-19. Italy at a Crossroads. *Contemporary Italian Politics*, 13(2), 130-148, doi: 10.1080/23248823.2021.1911026.
- Grotz, F., Müller-Rommel, F., Berz, J., Kroeber, C., & Kucek, M. (2021). How Political Careers affect Prime-Ministerial Performance: Evidence from Central and Eastern Europe. *Comparative Political Studies*, 54(11), 1907-1938, doi: <https://doi.org/10.1177/0010414021997174>.
- Ie, K.W. (2022). Cabinet Composition, Collegiality, and Collectivity: Examining Patterns in Cabinet Committee Structure. *European Political Science Review*, 14(1), 115-133, doi: 10.1017/S1755773921000345.
- Ieraci, G. (2023). Scientific Committees, Government and the Management of the COVID-19 Emergency in Italy. Some Empirical Insights Drawn from the Study of the Decision-Making During the First Lock-Down. *Rivista Italiana di politiche pubbliche* 18(1): 5-34, doi: 10.1483/106817.
- Hegele, Y., & Schnabel, J. (2021). Federalism and the Management of the COVID-19 Crisis: Centralisation, Decentralisation and (Non-)Coordination. *West European Politics* 44(5-6): 1052-1076.
- Hinterleitner, M., Honegger, C., & Sager, F. (2023). Blame Avoidance in Hard Times: Complex Governance Structures and the COVID-19 Pandemic. *West European Politics*, Latest Articles, 46(2), 324-346, doi: 10.1080/01402382.2021.1873529.
- Höhm, D., & Sieberer, U. (2020). Parliamentary Questions as a Control Mechanism in Coalition Governments. *West European Politics*, 43(1), 225-249, doi: 10.1080/01402382.2019.1611986.
- Jahn, D. (2016). *The Politics of Environmental Performance: Institutions and Preferences in Industrialized Democracies*. Cambridge University Press.
- Kamm, A., & Siegenthaler, S. (2022). Commitment Timing in Coalitional Bargaining. *Experimental Economics* online, doi: 10.1007/s10683-022-09778-3.

- Klüser, K.J. (2022). Keeping Tabs Through Collaboration? Sharing Ministerial Responsibility in Coalition Governments. *Political Science Research and Methods*, 1-18, doi: 10.1017/psrm.2022.31.
- Klüver, H., Bäck, H., & Krauss, S. (2023). *Coalition Agreements as Control Devices Coalition Governance in Western and Eastern Europe*. Oxford university Press.
- Laver, M. (2012). Book Review of *Parliaments and Coalitions: The Role of Legislative Institutions in Multiparty Governance* edited by Lanny Martin and Georg Vanberg. Oxford: Oxford University Press, 2011. *The Journal of Legislative Studies*, 18(1), 113-114, doi: 10.1080/13572334.2012.646712.
- Laver, M., & Shepsle, K.A. (1990). Coalitions and Cabinet Government. *American Political Science Review*, 84(3), 873-890, doi: 10.2307/1962770.
- Laver, M., & Shepsle, K.A. (1996). *Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies*. Cambridge University Press.
- Lillopolis, V. (2021). Il rapporto parlamento-governo nel tempo della pandemia. *Rivista AIC*, 12(1): 268-277.
- Luebbert, G.M. (1986). *Comparative Democracy: Policymaking and Governing Coalitions in Europe and Israel*. Columbia University Press.
- Lupia, A., & Strøm, K. (2008). Bargaining, Transaction Costs, and Coalition Governance. In K. Strøm, W.C. Müller, & T. Bergman (Eds.), *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe* (pp. 51-83). Oxford University Press.
- Marangoni, F., & Kreppel, A. (2022). From the 'Yellow-Red' to the Technocratic Government in the Pandemic Era. The Formation and Activity of the Draghi Government during Its First Nine Months in Charge. *Contemporary Italian Politics*, 14(2), 133-150, doi: 10.1080/23248823.2022.2051121.
- Martin, L.W., & Vanberg, G. (2014). Parties and Policymaking in Multiparty Governments: The Legislative Median, Ministerial Autonomy, and the Coalition Compromise. *American Journal of Political Science*, 58(4), 979-996, doi: 10.1111/ajps.12099.
- Müller, W.C. (2000). Political Parties in Parliamentary Democracies: Making Delegation and Accountability Work. *European Journal of Political Research*, 37(3), 309-333, doi: 10.1111/1475-6765.00515.
- Müller, W.C., & Strøm, K. (2000). Coalition Governance in Western Europe: An Introduction. In W.C. Müller, & K. Strøm (Eds.), *Coalition Governments in Western Europe* (pp. 1-31). Oxford University Press.
- Müller-Rommel, F., Vercesi, M., & Berz, J. (2022). *Prime Ministers in Europe: Changing Career Experiences and Preferences*. Palgrave Macmillan.
- Musella, F. (2020a) (ed.). *L'emergenza democratica. Presidenti, decreti, crisi pandemica*. Editoriale scientifica.
- Musella, F. (2020b). The Personalization of Italian Political Parties in Three Acts. *Contemporary Italian Politics* 12(4): 411-424, doi: 10.1080/23248823.2020.1838870.
- Musella, F. (2022a). Governo e presidente del Consiglio. Cronaca di una istituzionalizzazione mancata. In M. Tebaldi (ed.), *Verso la terza Repubblica. La democrazia italiana tra crisi, innovazione e continuità (2008-2022)* (pp. 85-11). Carocci.
- Musella, F. (2022b). *Monocratic Government: The Impact of Personalisation on Democratic Regimes*. De Gruyter.
- Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard University Press.
- Pasquino, G. (2014). Italy: The Triumph of Personalist Parties. *Politics & Policy* 42(4): 548-566, doi: 10.1111/polp.12079.

- Poguntke, T., & Webb, P. (Eds.) (2005). *The Presidentialization of Politics. A Comparative Study of Modern Democracies*. Oxford University Press.
- Ritchie, H., Mathieu, E., Rodés-Guirao, L., Appel, C., Giattino, C., Ortiz-Ospina, E., Hasell, J., Macdonald, B., Beltekian, D., and Roser, M. (2020). *Coronavirus Pandemic (COVID-19)*. OurWorldInData.org, last accessed 25 October 2022, <https://ourworldindata.org/coronavirus>.
- Rullo, L. (2021). The COVID-19 Pandemic Crisis and the Personalization of the Government in Italy, *International Journal of Public Leadership*, 17(2), 196-207, doi: 10.1108/IJPL-08-2020-0083.
- Rullo, L. & Nunziata, F. (2021). 'Sometimes the Crisis Makes the Leader'? A Comparison of Giuseppe Conte Digital Communication Before and During the Covid-19 Pandemic. *Comunicazione politica*, 13(3), 309-332, doi: 10.3270/102415.
- Russo, L., & Valbruzzi, M. (2022). The Impact of the Pandemic on the Italian Party System. The Draghi Government and the 'New' Polarisation. *Contemporary Italian Politics*, 14(2), 172-190, doi: 10.1080/23248823.2022.2063099.
- Salvati, E. (2022). Fragmentation and Intergovernmental Conflict During the Covid-19 Crisis. The Complex Relationship Between National and Regional Governments in Italy. *Regional and Federal Studies* online, doi: 10.1080/13597566.2022.2100769.
- Samuels, D.J., & Shugart, M.S. (2010). *Presidents, Parties, and Prime Ministers. How the Separation of Powers Affects Party Organization and Behavior*. Cambridge University Press.
- Shpaizman, I. (2023). Duty Calls but Not for All: The Policy Involvement of Cabinet Ministers during Crisis. *European Journal of Political Research* 62(1): 47-69, doi: 10.1111/1475-6765.12518.
- Shpaizman, I., & Cavari, A. (2023). Minding (Your Own and) Others' Business: Assigning Co-Responsibility in Cabinet Decisions. *Comparative Political Studies* online, doi: 10.1177/00104140231152797.
- Strøm, K., Müller, W.C., & Smith, D.M. (2010). Parliamentary Control of Coalition Governments. *Annual Review of Political Science*, 13, 517-535, doi: 10.1146/annurev.polisci.10.071105.104340.
- Tarli Barbieri, G. (2019). *L'attività regolamentare*. In F. Musella (Ed.), *Il governo in Italia. Profili costituzionali e dinamiche politiche* (pp. 165-193). Il Mulino.
- Traber, D., Schoonvelde, M., & Schumacher, G. (2020). Errors Have Been Made, Others Will Be Blamed: Issue Engagement and Blame Shifting in Prime Minister Speeches during the Economic Crisis in Europe. *European Journal of Political Research*, 59(1), 45-67, doi: 10.1111/1475-6765.12340.
- Tsebelis, G. (2002). *Veto Players. How Political Institutions Work*. Princeton University Press.
- Vercesi, M. (2012). Cabinets and Decision-Making Processes: Re-Assessing the Literature. *Journal of Comparative Politics*, 5(2), 4-27.
- Vercesi, M. (2016). Coalition Politics and Inter-Party Conflict Management: A Theoretical Framework. *Politics & Policy*, 44(2), 168-219, doi: 10.1111/polp.12154.
- Vercesi, M. (2019). *Il 'decision making' dell'esecutivo*. In F. Musella (Eds.), *Il governo in Italia. Profili costituzionali e dinamiche politiche* (pp. 219-241). Il Mulino.
- Vercesi, M. (2020). Cabinet Decision-Making in Parliamentary Systems. In R.B. Andeweg, R. Elgie, L. Helms, J. Kaarbo, & F. Müller-Rommel (Eds.), *The Oxford Handbook of Political Executives* (pp. 438-459). Oxford University Press.
- Vercesi, M. (2022). Il rafforzamento del capo del governo durante la pandemia di Covid-19: il caso di Angela Merkel. *Rivista di Politica*, 13(1), 145-157.
- Zucchini, F. (2013). *La repubblica dei veti. Un'analisi spaziale del mutamento legislativo in Italia*. Egea.

Zucchini, F., & Pedrazzani, A. (2021). Italy: Continuous Change and Continuity in Change. In T. Bergman, H. Bäck, & J. Hellström (Eds.), *Coalition Governance in Western Europe* (pp. 396-447). Oxford University Press.



RESEARCH ARTICLE

“Quarantine” of Polish Constitutional Standards in the Era of Covid-19

Maciej SEROWANIEC

Nicolaus Copernicus University in Toruń

Abstract

The SARS-CoV-2 virus epidemic causing Covid-19 is a phenomenon that strikes at social relations, economic stability and the possibility of realising fundamental human rights. Due to the scale of the threat to citizens' security and out of concern for the stability of the state's economic system, it has become necessary to introduce legal regulations to counteract the effects of Covid-19 effectively. This paper seeks to answer an important constitutional question. It concerns the issue of assessing the compatibility of measures introduced by public authorities in Poland to prevent, counteract and combat Covid-19 with the standards adopted in the Constitution.

Keywords: Covid-19; Parliament; Government; State of emergency; Democratic standards

Introduction

Examples of European countries where the epidemic started earlier than in Poland – such as Spain or Germany – have demonstrated how vital it is for state institutions to quickly react to the spread of the Covid-19 to contain the epidemic's effects. In accordance with their constitutional frameworks, the governments of these countries decided to introduce extraordinary measures for a limited duration to protect public safety and health. It should be kept in mind, however, that in the light of international standards, these measures may be deployed only to protect values of supreme importance, such as life or health of people. As is well known, restrictions on the enjoyment of fundamental rights have occurred almost worldwide. Governments had to provide immediate answers to the question of how to effectively ensure the protection of public health, while meeting the requirements of guaranteeing the protection of individual rights. Governments' responses to the pandemic often raised many legal questions and raised concerns about their compliance with universal standards for the protection of human rights. In doing so, it must be emphasised that even those states with a reputation as mature democracies have introduced severe restrictions on constitutional freedoms and human rights.

Moreover, restrictions on fundamental rights have been a common denominator for both democratic states and non-democratic regimes. A report on the 2020 Democracy Index, compiled by the Economist Intelligence Unit's research arm for The Economist Weekly, also pointed out that the global Covid-19 pandemic proved to be a serious threat to democracy itself, with the index decreasing at its lowest level since 2006, the year in which the index began to be compiled annually. Deterioration of democratic standards was also seen in some European Union countries: even France and Portugal lost their status of “full

CONTACT Maciej Serowaniec, mserowaniec@umk.pl, Faculty of Law and Administration, Nicolaus Copernicus University in Toruń, Poland

83

Work licensed under a Creative Commons Attribution Non-commercial-Share alike 3.0 Italian License.
Copyright of the authors.

democracy” to “incomplete democracy” in 2020. According to some observers, this may be evidence that the pandemic did not just signify – as declared by national governments – the need to protect public health at the expense of limiting individual rights.

In some cases, the currently ruling camps in various states have used the situation to expand the constitutionally defined scope of their powers arbitrarily or, at the very least, to achieve ad hoc political gains (Przywora & Dobrzeniecki, 2022). However, contrary to the majority of European countries, the government of Poland has not decided to proclaim an extraordinary state of emergency (Polish: *stan nadzwyczajny*). Regrettably, the epidemic in Poland had become an element of an ongoing political struggle between political parties, including the battle for votes that characterised the presidential elections of May 2020.

Although it would be impossible to exhaustively mention all the common problems faced by the constitutional orders of European states during the pandemic, it is worth noting at the end of this thread that in many states there were also frequent violations of such universal legal principles as legal certainty, consistency and clarity (Bar-Siman-Tov, 2020). Under the influence of the massive and otherwise uncoordinated “production” of legislation introducing restrictions, even uniformed services and state bodies (not to mention citizens) encountered serious difficulties in determining what legal norms applied and required application (Cormacain & Bar-Siman-Tov, 2020). In many countries, finding or tracing the legal norms in force at any given time was difficult (Waismel-Manor et al., 2020).

From the beginning of the epidemic in Poland, the parliamentary majority has been trying to prove that there are no material premises for declaring a state of emergency in the constitutional sense. On the other hand, in the opinion of representatives of the doctrine of constitutional law, the circumstances connected with the SARS-CoV-2 epidemic determine that the prerequisites for declaring a state of emergency in the form of a natural disaster, as provided for in the Constitution of the Republic of Poland, have been fulfilled (Serowaniec, 2021). Therefore, the failure to introduce a state of emergency constitutes a failure to fulfil constitutional obligations by the competent public authorities.

This paper seeks to answer an important constitutional question. It concerns the issue of assessing the compatibility of measures introduced by public authorities in Poland to prevent, counteract and combat Covid-19 with the standards adopted in the Constitution. Were the measures taken based on an appropriate legal basis, necessary and proportionate?

“Quarantine” of Polish constitutional standards

Chapter XI of the Polish Constitution of 2 April 1997 regulates three categories of states of emergency: martial law, a state of emergency and a state of natural disaster. The introduction of any of these may occur “[in] situations of particular danger, if ordinary constitutional means are insufficient” (Art. 228(1) of the Constitution), which is referred to as the principle of the finality of states of emergency, determining the general premise for the admissibility of their establishment. According to the Constitution, enacting a state of emergency is connected with the necessity to observe four important principles. These are the principles of: exceptionality, legality, expediency and proportionality. The principle of exceptionality means that introducing a state of emergency depends on the occurrence of a factual state defined in the Constitution as a “situation of particular threat” in which ordinary constitutional means are insufficient. The principle of legality is connected with the fact that each of the three types mentioned above of states of emergency may only be imposed based on a statute, by way of a regulation which, in accordance with Art. 228(2) is not only published in the Journal of Laws, but is also “subject to additional publicity”. The

Constitution does not specify the forms in which this additional publicity is to take place. It is assumed in the literature that these forms may take various forms and depend on local conditions and customs. The principle of proportionality in establishing a state of emergency expressed in Art. 228(5) of the Constitution dictates that actions taken by public authorities during a state of emergency should remain in appropriate relation to the scale of the threat posed. This provision also stems the principle of expediency, according to which state authorities' actions aim at the quickest possible restoration of the state's "normal" functioning. The principle of purposefulness thus protects against, among other things, an excessively long maintenance of a state of emergency. The principles of exceptionality, legality, proportionality and expediency protect the discretionary introduction of states of emergency and the abuse of power in such states of emergency (Eckhardt, 2012). Art. 228(6) and 228(7) are additional safeguards to the core of the existing constitutional order. Art. 228(6) provides that "during a period of introduction of extraordinary measures, the following shall not be subject to change: the Constitution, the Acts on Elections to the Sejm, the Senate and organs of local government, the Act on Elections to the Presidency, as well as statutes on extraordinary measures". Under Art. 228(7), "during a state of emergency and within 90 days after that, the term of office of the Sejm may not be shortened, a national referendum may not be held, elections to the Sejm, the Senate, local government bodies, and elections of the President of the Republic may not be held, and the terms of office of these bodies shall be extended accordingly. Elections to local government bodies shall be possible where a state of emergency has not been declared". Art. 228(7) of the Constitution thus safeguards the foundations of the state system not only during a state of emergency, but also during "convalescence of the state", i.e., the return to a state of efficient functioning of the state apparatus (Kustra-Rogatka, 2021).

In practice, there has most often been a violation of the principle that limitations to the constitutionally guaranteed rights of the individual may only be made by means of sources of law of appropriate rank. Particularly often in Poland, there was a violation of the principle of exclusive statutory matter, which obliges the legislator to use only a normative act with the rank of a statute in a situation where there is a need to introduce limitations to individual rights. The introduced method of limiting constitutional rights is inconsistent with Art. 31(3) of the Constitution and the provisions of Chapter II of the Constitution, which introduce detailed limitation clauses. Art. 31(3) of the Constitution of the Republic of Poland states that restrictions on exercising constitutional freedoms and rights may be imposed "only by statute". In the light of the established case law of the Constitutional Tribunal, the law must independently determine the basic elements of the limitation of a given right and freedom. In this way, the Constitution of the Republic of Poland expresses and implements the fundamental idea that restrictions on constitutional rights and freedoms may be introduced and maintained only if they are provided for by a provision of universal validity contained in a statute. Therefore, it should be a provision adopted by a democratically legitimated Parliament through a legislative procedure provided for by law, which should guarantee openness of parliamentary debate and the possibility of pluralistic consideration of the various types of interests at stake, which is duly published and promulgated, and for which there is – at least potentially – the possibility of its being subject to preventive and subsequent review by the Constitutional Tribunal in respect of its conformity with the Constitution of the Republic of Poland. As rightly pointed out in the literature, the need for a legal basis for the introduction of restrictions on constitutional rights and freedoms is a manifestation of the implementation of the principle of a democratic state (Art. 2 of the Constitution of the Republic of Poland), in which the supreme power belongs to the Nation and in which the Nation exercises this supreme

power directly or through its representatives (Art. 4 of the Constitution), in particular through its representatives in Parliament. The Sejm, composed of representatives of the Nation, is recognised as the body that can most adequately express the Nation's will and translate that into legislation.

Consequently, a law enacted by Parliament is intended to be, in its conception, an expression of the will of the nation and, at the same time, the primary form of implementation of the principle of the sovereignty (supremacy) of the Nation. In this way, it is the Nation, through the laws passed by Parliament, that can decide how to regulate issues relating to individuals' constitutional rights and freedoms. This is therefore a legal solution that is fully in line with the principles of modern democracy.

During the pandemic, however, it was extremely common for fundamental rights to be restricted by means of acts belonging to administrative legislation, i.e. by means of normative acts emanating from the executive, rather than using laws issued in the ordinary legislative procedure by Parliament, and acts emanating from the executive did not have statutory rank. This refers to several acts of the executive which were used to introduce particular restrictions and were only executive to laws (i.e. those which, in "normal circumstances", serve to implement and execute the law). In Poland, this was done through regulations of the Council of Ministers and the Minister of Health. Each of the Covid-19 pandemic regulations contained solutions that interfered very deeply with individual rights, far beyond the limits applicable to the normal functioning of the state. For example, the freedom of economic activity concerning the types of activity enumerated in the subsequent regulations was suspended indefinitely. It further follows that the services may establish, among other things: a temporary restriction of a particular mode of movement, a temporary restriction or prohibition of the marketing and use of certain objects or food products, a temporary restriction of the operation of certain institutions or workplaces, a prohibition on organising spectacles and other gatherings of the population, and an order to make real estate, premises, land and the provision of means of transport available for anti-epidemic activities provided for in anti-epidemic plans. This entailed several problems related to the application of the law. The finale of many cases related to the validity of the restriction of individual rights sometimes (at least in Poland) took place in the courtroom, where the judge decided that the legislator had introduced the given prohibition without a proper legal basis (Dobrzeńcki & Przywora, 2021).

As is also well known, the executive and not the Parliament becomes the "main player" in managing a given threat during emergencies and crises. Indeed, emergencies are the "hour of government". It is worth pointing out that this regularity was confirmed. At the same time, it should be noted that during the first month of the pandemic in Poland, the Polish Parliament managed to *de facto* perform only one of its functions – the legislative one – albeit to a limited extent, as the remote sittings and the related technical problems limited the already modest deliberation under the Polish political conditions. Moreover, the focus at this time was only on legislation related to the coronavirus pandemic. Under the influence of the massive and otherwise uncoordinated "production" of legislation introducing strictures, even uniformed services or state bodies (not to mention citizens) encountered serious difficulties in determining what legal norms applied and required application.

(Over)ordinary state of epidemics in Poland

The detailed premises for introducing particular categories of states of emergency are formulated in other provisions of the Constitution. Martial law may be imposed in the event of "an external threat to the state, an armed attack on the territory of the Republic

of Poland, or when an international agreement imposes an obligation of joint defence against aggression” (Art. 229). A state of emergency, in turn, may be introduced in the event of a “threat to the constitutional system of the state, the safety of citizens or public order” (Art. 230(1)). Both martial law and a state of emergency are imposed by the President of the Republic of Poland, but not on his initiative, but only at the request of the Council of Ministers. A state of natural disaster is imposed by the Council of Ministers “in order to prevent the consequences of natural disasters or technical failures bearing the hallmarks of a natural disaster and to remove them” (Art. 232(1)). As follows, moreover, from Art. 233(3) of the Constitution, during the state of natural disaster, based on the law, freedoms and rights specified in Art. 22 (freedom of economic activity), Art. 41(1, 3) and 41(5) (personal freedom), Art. 50 (inviolability of the dwelling), Art. 52(1) (freedom of movement and residence in the territory of the Republic of Poland), Art. 59(3) (right to strike), Art. 64 (right to property), Art. 65(1) (freedom of work), Art. 66(1) (right to safe and hygienic working conditions) and Art. 66(2) (right to rest) may be limited (Florczyk-Wątor, 2020).

The Council of Ministers resigned from the formal introduction of a state of emergency, as provided in the Constitution of the Republic of Poland. Therefore, to introduce restrictions on freedoms and human rights, one cannot invoke extraordinary circumstances justifying specific legal solutions, and such circumstances cannot justify far-reaching limitations on civil liberties introduced in the form of regulations (Kardas, 2020). The epidemic should be fought within the framework of the constitutional order, which public authorities are obliged to respect. Without introducing a state of emergency, these bodies may operate only within the framework of ordinary constitutional limitation clauses appropriate for situations with no special threat. The failure to introduce a state of emergency, where there are extraordinary threats, may therefore be treated as a violation by a public authority body of the injunction to act on the basis and within the limits of the law, as formulated in Art. 7 of the Constitution.

The legal basis for combating epidemics in Poland became the Act of 2 March 2020 on specific solutions for preventing, counteracting and combating Covid-19, other infectious diseases and crises caused by them. Art. 25 of the Covid-19 Act introduced many changes to the December 5, 2008 Act on preventing and combating human infections and infectious diseases. First of all, Art. 46a, introduced into the Act, authorises the Council of Ministers to issue an ordinance specifying the area where the epidemic threat or epidemic occurs and introducing solutions through which such a state is to be combated, deserves particular attention. Initially, the legislation combating the epidemic was based on Art. 46 of the Act on preventing and combating infections and infectious diseases in humans. However, the provision expressing a blanket legislative delegation became the basis for the Minister of Health to issue several regulations that defined the rules of action during an epidemic and drastically restricted constitutional freedoms and rights. Using the authority granted in Art. 46 on preventing and combating infections and infectious diseases in humans, the minister issued regulations that independently regulated a range of issues reserved for the law and made drastic limitations of constitutional freedoms and rights. These limitations often encroach upon the essence of constitutional freedoms and rights.

Only then did the Council of Ministers turn to Art. 46a on preventing and combating human infections and infectious diseases. The mechanism of action was similar here. The determination of the state of emergency, and then of the epidemic, the principles of activity of state bodies and finally the limitation of constitutional rights was included not in a law, but in a regulation. The introduced method of limiting constitutional rights is inconsistent with Art. 31(3) of the Constitution and those provisions of Chapter II, which

introduce detailed limitation clauses (Tuleja, 2020). Art. 31(3) of the Constitution determines that limitations to the enjoyment of constitutional freedoms and rights may be established “only by statute”. In light of the established jurisprudence of the Constitutional Tribunal, the statute must independently determine the basic elements of the limitation of a given right and freedom. In this way, the Constitution of the Republic of Poland expresses and implements the fundamental idea that limitations of constitutional rights and freedoms may be introduced and upheld only when they are provided for by a provision of universally binding law contained in a statute, i.e. a provision which a democratically legitimised parliament adopts by way of a legislative procedure provided for by law, which should guarantee the openness of parliamentary debate and the possibility of a pluralistic consideration of the various interests at stake, appropriately promulgated and promulgated, and in the case of which there exists – at least potentially – the possibility of subjecting it to preventive and subsequent control by the Constitutional Tribunal in terms of its compliance with the Constitution of the Republic of Poland. As rightly pointed out in the literature, the requirement of a statutory legal basis for the introduction of limitations to constitutional rights and freedoms is a manifestation of the principle of a democratic state (Art. 2 of the Constitution), in which supreme authority belongs to the Nation and in which the Nation exercises this supreme authority directly or through its representatives (Art. 4 of the Constitution), particularly through its representatives in Parliament. The Parliament, consisting of the representatives of the Nation, is recognised as the body which most adequately expresses the will of the Nation and can express that will in its laws. As a result, the laws passed by Parliament are intended to express the popular will, simultaneously the primary form of implementing the Nation’s principle of sovereignty (supremacy). In this way, through laws passed by Parliament, the Nation can decide on regulating issues related to constitutional rights and freedoms of individuals. This is a legal solution that is fully consistent with the principles of modern democracy.

It is also worth noting that each of the analysed regulations contains solutions that interfere very deeply with the individual’s rights, far exceeding the limits applicable during the normal functioning of the state. For example, freedom of economic activity within the scope of the types of activity listed in subsequent regulations has been suspended indefinitely. It also follows that the services may establish, among other things, temporary restrictions on a particular mode of movement, temporary restriction or prohibition of marketing and use of certain objects or food products, temporary restriction of the functioning of certain institutions or workplaces, prohibition of organisation of shows and other gatherings of the public, and an order to make real estate, premises, land and means of transport available for anti-epidemic activities provided for in anti-epidemic plans. In this way, a quasi-emergency state was de facto introduced in Poland.

As rightly pointed out in the doctrine of constitutional law, to recognise a given situation as fulfilling the criteria of a state of emergency, not all limitations provided for in the law on states of emergency must be introduced. Firstly – due to the principle of the autonomy of constitutional notions, and secondly – even in the case of a formal introduction of a state of emergency, emergency measures are not introduced automatically, but by the size and type of threat. There is no doubt that the formal prerequisites for the legal introduction of a state of emergency have not been fulfilled (Krzemiński, 2020). In particular, the competent authority has not issued, based on the existing acts on states of emergency, a regulation proclaiming a particular state of emergency in an appropriate procedure, and thus – a specific form of this state has not been indicated: martial law, state of emergency or state of natural disaster. Although from the formal point of view, the characteristic feature of a state of emergency is interference with the constitutional rights

and freedoms of an individual by means of sub-statutory acts, such an act is certainly not the abovementioned regulation of the Minister of Health of 20 March 2020, because it was not issued after the formal introduction of a state of emergency, and not based on the act determining the consequences of the introduction of such a state.

The question also arises whether ordinary laws may supplement the matters regulated in states of emergency. The answer does not follow directly from Art. 228 and subsequent provisions of Chapter XI of the Constitution. As rightly pointed out in the literature, considering the numerous clauses of states of emergency, it should be assumed that each state of emergency should be regulated by a separate act or by one act defining these states separately. It is also permissible for three states of emergency to be regulated by more than three laws. These laws must indicate that they have been enacted to concretise Art. 228 clause 1 of the Constitution.

Furthermore, the laws should specify within the scope of which state of emergency they are enacted. Considering the principles of legislative technique, the current legal state and three laws defining three constitutional states of emergency should be deemed optimal. The subject matter regulated by these laws may be supplemented or modified by ordinary laws. It should be borne in mind, however, that the special constitutional regime resulting from Art. 228 does not apply to these statutes. For example, the law on epidemics may not specify special principles for action by state organs and special limitations on human rights indicated in Art. 228(3) of the Constitution. Such special rules can only be determined by a specific act on the state of emergency and the regulation introducing this state. In this connection, it is possible to indicate a general relationship between the normal legislation and the legislation of states of emergency. Introducing one of the states of emergency does not suspend the binding force of normative acts indicated in Art. 87 of the Constitution. Nor does it cause all legislative activity to pass into the state of emergency specified in Art. 228 of the Constitution. The conduct of this activity may be carried out on normal principles. However, it should be borne in mind that counteracting the threats indicated in Art. 228(1) of the Constitution, which requires special rules for the functioning of the state and special limitations on human rights, should be carried out through emergency legislation.

Conclusions

In the Polish case, the government became the leader in managing the pandemic. This resulted in an avalanche of executive acts issued by various government administration bodies, which contradicted the principle of legal certainty and undermined citizens' trust in the state authorities and the laws it made. Moreover, the regulations issued during the pandemic were often incomprehensible due to their inconsistency and imprecision, and there were numerous references to other acts (including fragments of normative acts, some of which were upheld and the rest repealed). Thus, at least part of the *lex coronavirus* did not provide the individual with legal security because citizen could not be sure of the legal consequences of the acts undertaken. One has to agree with the statement that "if hard cases create bad law, emergencies create even worse law" (Carr, 1940). The cited quotation could summarise the Polish *lex coronavirus*, starting with coordinating legislative activities, which has become the proverbial Achilles' heel, and ending with the quality of created law. Another common problem of both constitutional orders was the numerous violations of the principle of division and balance of powers. As is well known, in emergency and crisis situations, the executive and not the Parliament become the "main player" in managing a given emergency. Situations of emergency are the "hour of the executive". This regularity has been confirmed by the fact that during the first month of the pandemic, the Polish Parliament *de facto* performed only one of its functions

– i.e the legislative one – albeit to a limited extent, as the remote meetings and the associated technical problems limited the already modest amount of discussion in the Polish political context. Furthermore, only legislation related to the coronavirus pandemic was in focus at the time.

From the material and legal point of view, *de facto* since the beginning of March 2020 there existed a legal state of emergency in Poland, which the Constitution defines. From the formal point of view, however, it has not been proclaimed, and even less a specific type of state of emergency has not been indicated (war, emergency, natural disaster). Thus, we are dealing with a hybrid state of emergency, implemented through the introduction of the norms constituting it into the legal system, but with the omission of the formal rigours set out in the Constitution, and not specified in terms of its type. We have, therefore, a situation in which the organs of public authority act under the rules provided for by the Constitution for a state of emergency, but without formally introducing this state, in this way trying to avoid the limitations that the Constitution introduces in this circumstance – in the form of a ban on holding elections (including presidential), referendum and prohibitions on amending the law (including the electoral code). It follows from the above that the analysed normative acts introduced a legal regime, which contains all the constitutive features of a state of emergency, including solutions provided for in the acts on particular states of emergency, such as binding orders of public administration bodies, restriction of rights and freedoms by executive order, restriction (and sometimes even abolition) of the freedom of movement, economic freedom, freedom of assembly and worship, restrictions on transport and trade in goods, orders to undergo medical procedures. The existence of a legal regime defined by Art. 228 of the Constitution as a state of emergency is indicated by the regulations violating the essence of constitutionally protected rights (economic freedom, freedom of movement, freedom of assembly), and violating the constitutional principle of self-government independence. While the analysed bans, orders and restrictions were substantively justified, the manner of their introduction led to a violation of fundamental rights and freedoms of the individual under the provisions of the Constitution of the Republic of Poland.

ORCID

Maciej Serowaniec 0000-0003-4693-7977

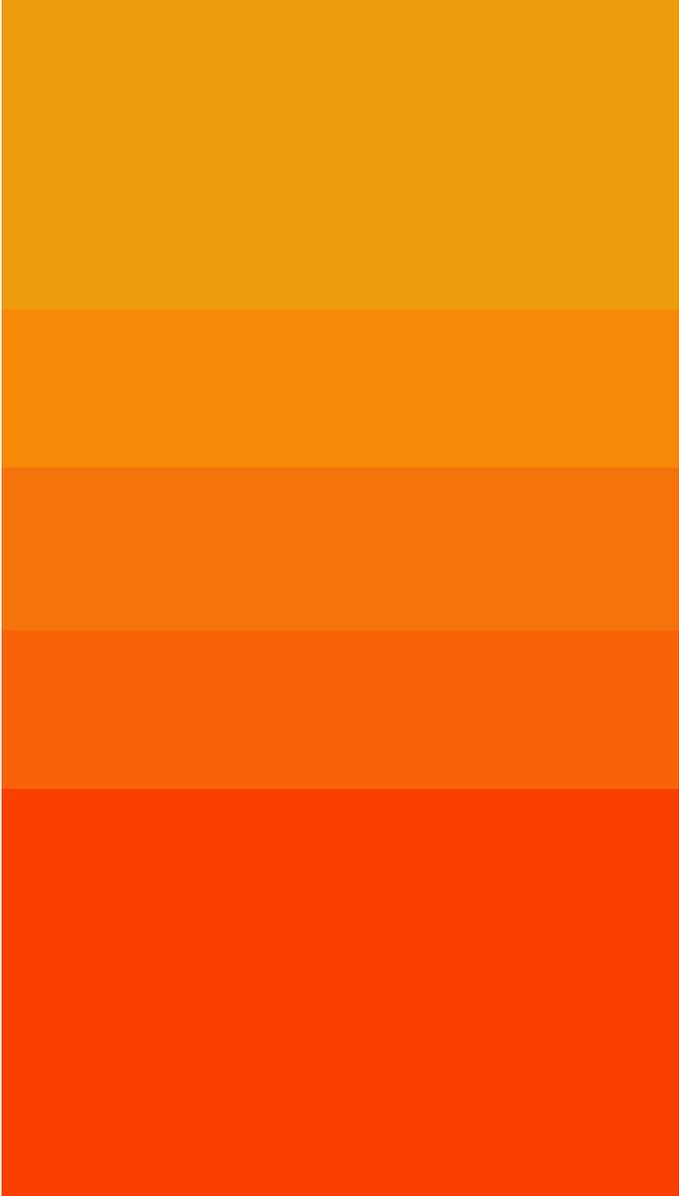
Funding

The research received no grants from public, commercial or non-profit funding agency.

REFERENCES

- Bar-Siman-Tov, I. (2020). Covid-19 meets politics: the novel coronavirus as a novel challenge for legislatures. *The Theory and Practice of Legislation*, 8(1-2), 11-48. <https://doi.org/10.1080/20508840.2020.1800250>
- Carr, C. T. (1940). Crisis Legislation in Britain. *Columbia Law Review*, 40(8), 1309-1325. <https://doi.org/10.2307/1117363>
- Cormacain, R., & Bar-Siman-Tov, I. (2020). Legislatures in the Time of Covid-19. *The Theory and Practice of Legislation*, 8(1-2), 3-9. <https://doi.org/10.1080/20508840.2020.1816017>
- Dobrzeńiecki, K. & Przywora, B. (2021). Legal basis for introducing restrictions on human rights and freedoms during the first wave of the Covid-19 pandemic, *Review of European and Comparative Law*, 46(3), 43-65. <https://doi.org/10.31743/recl.12439>

- Eckhardt, K. (2012). *Stany nadzwyczajne jako instytucja polskiego prawa konstytucyjnego*. Wydawnictwo Naukowe Wyższej Szkoły Prawa i Administracji Przemysław-Rzeszów.
- Florczak-Wątor, M. (2020). Niekonstytucyjność ograniczeń praw i wolności jednostki wprowadzonych w związku z epidemią Covid-19 jako przesłanka odpowiedzialności odszkodowawczej państwa. *Państwo i Prawo*, 75(12), 5-22.
- Kardas, P. (2020). Konstytucyjne podstawy rozstrzygnięcia kolizji obowiązków i konfliktów dóbr w czasie epidemii, *Palestra*, 65(6), 5-22.
- Krzeminski, M. (2020). *Hybrydowy stan nadzwyczajny*, 28 March, last accessed 1 July 2021. <http://konstytucyjny.pl/marcin-krzeminski-hybrydowy-stan-nadzwyczajny/>
- Kustra-Rogatka, A. (2021). Stany nadzwyczajne. In Z. Witkowski, D. Lis-Staranowicz, & M. Serowaniec (Eds.), *Polskie prawo konstytucyjne w obliczu wyzwań współczesności*, (1st ed., pp. 563-583). TNOiK.
- Przywora, B., & Dobrzeniecki, K. (2022). Extraordinary legal measures and their application as a response of states to the first wave of the Covid-19 pandemic, *Polish Political Science Yearbook*, 1(51), 1-13. <https://doi.org/10.15804/ppsy202211>
- Serowaniec, M. (2021). The (extra)ordinary state Of Covid-19 pandemic in Poland. In M. Löhnig, M. Serowaniec, & Z. Witkowski (Eds.), *Pandemic Poland, impacts of Covid-19 on Polish law*, (1st ed., pp. 9-24). Vandenhoeck & Ruprecht Verlage.
- Tuleja, P. (2020). Pandemia Covid-19 a konstytucyjne stany nadzwyczajne, *Palestra*, 65(9), 5-20.
- Waismel-Manor, I., Bar-Siman-Tov, I., Rozenberg, O., Levanon, A., Benoît, C., & Ifergane, G. (2020). Covid-19 and Legislative Activity: A Cross-National Study, *Bar Ilan University Faculty of Law Research Paper*, 20(12), 1-15. <http://dx.doi.org/10.2139/ssrn.3641824>



EDITORS

Federico Russo, University of Salento, Italy
Alessandra Russo, University of Trento, Italy

ASSOCIATE EDITORS

Alice Cavalieri, University of Torino, Italy
Giulia Cimini, University of Bologna, Italy

ADVISORY BOARD

Frank R. Baumgartner, University of North Carolina, USA
Paolo Bellucci, University of Siena, Italy
Stefano Braghiroli, University of Tartu, Estonia
Manuela Caiani, Scuola Normale Superiore, Italy
Michele Carducci, University of Salento, Italy
Chiara de Franco, University of Southern Denmark, Denmark
Fabio de Nardis, University of Salento, Italy
Caroline Dufy, University of Bordeaux, France
Senem Ertan, Social Sciences University of Ankara, Turkey
J. Andrew Grant, Queen's University, Canada
Christoffer Green-Pedersen, University of Aarhus, Denmark
Ruth Hanau Santini, University of Naples L'Orientale, Italy
Stephanie Hofmann, Graduate Institute Geneva, Switzerland
Silvio Labbate, University of Salento, Italy
Cristina Leston-Bandeira, University of Leeds, UK
David Lewis, University of Exeter, UK
Sonia Lucarelli, University of Bologna, Italy
Catherine Moury, New University of Lisbon, Portugal
Thomas Saalfeld, University of Bamberg, Germany
Francesco Strazzari, Sant'Anna School of Advanced Studies, Italy