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Is there still a role for the second Chamber? An Italian perspective

Ferdinando La Placa[*]

Abstract

The paper wants to gauge the current relevance of the bicameral systems, focusing, primarily, on the rationales that traditionally brought to the adoption of the bicameral model and, then, specifically, on the Italian case. It will so first try to retrace the debate and the historical reasons that justified the emergence of bicameralism, showing how its purposes (representation, ponderation and safeguard) evolved and adapted in the contemporary constitutional systems. Therefore, referring to the Italian system, it will seek to analyse the constituent discussion and the evolution of the Italian bicameral model. Finally, considering its current state and the recent proposal of the ruling right-wing coalition to introduce the direct election of the Prime Minister, the paper will attempt to evaluate if the Italian bicameral system is still consistent with its rationales, if it should be reformed or if it should be abandoned in favour of a unicameral model.

Keywords: bicameralism – functions of bicameralism – constitutional reforms – Italian parliament – de facto unicameralism

1. Introduction

As of the first quarter of 2025, 56.7% of the world's national legislatures are unicameral, while 43.3% are bicameral[1]. The choice between the two systems depends widely on the history, culture and the structure of the countries. Generally, unitary and small countries, in size or population, prefer a unicameral system, while federal and large states opt for a bicameral one (Massicotte, 2001, 152).

In federal or large countries, a second Chamber ensures the representation at the central level of the territorial instances (e.g., states, regions, provinces), recognising them to participate in the federal or national legislative process (Noël, 2022). Moreover, besides this representational task, the second House offers another and perhaps more relevant function: operating as a place of scrutiny and ponderation of the legislative drafts proposed by the other House (Russell, 2000, 21 ff; Norton, 2007, 7, 9; Vermeule, 2011, 1436 ff.). The second Chamber, indeed, according to the specific powers every legal system provides to it, could check the activities of the other, broaden the debate on the bill with new arguments, recommend or approve new amendments, and sometimes even veto the bill. This power could not only influence the activity of the other Chamber, but it could, reflectively, also affect the government's political agenda, representing in some cases an element of obstacle or delay for the adoption of the executive 's policies.

However, despite the qualities that are commonly attributed to bicameralism, the role played by the second House is often overstated. In Italy, for instance, where both the Chambers have the same

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[1] See the website Parline - Global data on national parliaments, *https://data.ipu.org/compare/?chart=pie*

powers, electoral legitimacy and functions, bicameralism has been nowadays repeatedly mortified. Since the turn of the century, the Italian Parliament has started working as a *de facto* unicameral assembly, with the second chamber discussing the bill merely voting to ratify the text approved by the other. A praxis that has strengthened during the last legislatures and that has been particularly abused when converting governmental law-decrees into laws. This unicameral trend leads then to question whether in such context the bicameral system is still relevant to be preserved.

In addressing this question, the paper begins by providing a general overview of the history of and rationales for bicameralism as captured in existing literature. Then, it proceeds to examine how bicameralism's main purposes (representation, ponderation and safeguard) developed and adapted in the contemporary constitutional systems. Therefore, the paper moves to the analysis of the Italian case, seeking to scrutinise both its bicameral theoretical premises, as they were discussed in the Constituent Assembly, and the reforms that affected it during its evolution. Hence, the paper continues with the scrutiny of the trajectory and current status of Italian bicameralism, by the examination of the data collected from the Observatory of the Legislation and the Studies Service of the Chamber of Deputies, and by an evaluation of the impact that the recent proposal for the direct election of the Prime Minister could have on it. Finally, the paper concludes by assessing if the Italian bicameral system could still be considered consistent with its rationales, if it should be reformed or if it should be abandoned in favour of a unicameral model.

2. The historical rationales and the development of bicameralism in the constitutional design

Before any theorisation, the birth of bicameralism's model in constitutional history could be regarded as a spontaneous and practical phenomenon, which simply affirmed itself in the social reality, and only subsequently slowly imposed itself in the constitutional architecture of different legal systems (European Commission For Democracy Through Law [Venice Commission], 2024, 4).

Historically, the existence of the parliaments laid on the need of the rulers to consult and obtain the approval of the most important social classes of their time. The structure in which they shaped as political places of gathering depended, thus, at least at the beginning, on the number of diverse social estates to convene (Shell, 2001, 5-7), sometimes even coming to reach a tri-[2] or tetra-[3] cameral structure (Merriman, 1911; Passaglia, 2018). However, not always each class had its own chamber.

In the British model, for example, which represents the epitome of bicameralism, all the estates were originally represented in one assembly. Previously formed only by members of the clergy and the aristocracy, the Great Council, with the growing importance of the communities and the boroughs, saw also the participation of the representatives of these collectivities. The cohabitation of the different estates, though, both for different legitimacy (the nobles represented themselves and their interests, while the commons had to respect the mandates of their communities) and for their status,

[2] E.g., the Spanish Medieval Cortes in the medieval kingdoms of Leon and Castile or the Ancient Regime French Estates-General.

[3] E.g., the four assemblies of Swedish *Riksdag*, representing the Nobility, the Clergy, the Burghers and the Peasantry, were established between the 15th and the 16th centuries and persisted until 1866.

did not last. Hence, in the 14th century, the representatives of the communities decided to meet separately from the nobles, therefore, creating the distinction between the hereditary House of Lords and the elective House of Commons (Cheli, 1987)[4]. Thus, the emergence of the first bicameral models was due to the historical and practical separation of the different estates, each of which holder of different needs and instances: a method, then, of representation of the different social groups (G. Tsebelis and J. Money, 1997, 6), a *bicameralism of classes* (Ermidio, 2015, 9). Despite this *de facto* origin, the distinction in two chambers, once established, rooted also in other countries and its existence, though not deliberatively decided, started to be appreciated and justified in the light of more sound constitutional theories.

The English model was indeed celebrated by Montesquieu, who, exalting the division of powers of the Constitution of England, underlined the importance of a bicameral structure, with a legislative power "*committed to the body of the nobles, and to the body chosen to represent the people, which have each their assemblies and deliberations apart, each their separate views and interests*" (1802, 185). But, more essentially, a legislative body, "*here then is the fundamental constitution of the government we are treating of* (…), *being composed of two parts, one checks the other, by the mutual privilege of rejecting. They are both checked by the executive power, as the executive is by the legislative*" (1802, 189), guaranteeing, thus, a balance among them and the foundation of freedoms. Montesquieu's vision, embedded with the Greek and Latin mixed government theory, recognised that the aristocratic senate, with its wisdom and sound advice, would have worked as "*a wise body that could remind the society of its first principles and ensure that new legislation improved rather than corrupted the old*" (Tsebelis and Money, 1997, 25). In that perspective, the French philosopher reinterpreted *bicameralism as a safeguard*: as a check and balances instrument, both inside the legislative and between the legislative and other powers.

Montesquieu's idea was not however shared by all his compatriots. The bicameral model was indeed fought back by the insurgents of the French Revolution. The insurrectionists, advocating for the recognition of popular sovereignty and the end of the *Ancien régime*, proposed a unicameral solution: as popular sovereignty is one, so one must be the House in which that must be expressed (Cheli, 1987, 319). In their view and, in particular, in the eyes of the abbé Sieyès, the presence of an aristocratic second house[5], on the English model, must have been excluded. A second chamber would have, indeed, reproduced that privileged system that they aimed at dismantling (Goldoni, 2009, 145) and the social distinction in orders that would have also infringed the principle of equality of the citizens (Rubinelli, 2019, 267). Moreover, always according to Sieyès, a second house would have been useless, or, worse, mischievous if disagreeing with the other one, since it could have jeopardised the correct functioning of the system[6]. Despite his warnings, though, unicameralism did not catch on and

[4] For more details on the evolution of the British bicameral system, see (Pollard 1920); Tsebelis and Money (1997, 21 ff).
[5] In his words "*un monument de superstition gothique*" in Sieyès, (2002, 44). For Sieyès, "[L]'*institution d'une chambré nobiliaire et d'une chambre théocratico-royale"* not only has a "*superstitieux*" feature, but it is "*déshonorant pour l'humanité*" in Sieyès (1795, 8).
[6] "*Il suffit d'observer que le système de l'équilibre, fût-il composé avec des contre-poids homogènes, n'en vaut pas mieux, et peut-être en vaut moins relativement au but du législateur. Si les deux procurations chargées du même pouvoir restent indépendantes, il n'y a plus de certitude dans la marche des affaires; les deux chambres resteront en* contre-action; *et si le mouvement reprend, c'est, comme on vient de le remarquer, parce que le système s'altère, se perd, et qu'au lieu d'un équilibre chimérique, il s'est reproduit celte action unique, cette unité sans division, qui renouvelle tous les dangers du despotisme. On en a fait une juste comparaison, en disant que ce sont deux chevaux attelés à la même voiture, que l'on veut faire tirer en sens contraire, ils demeureront sur la place, malgré leurs coups de collier et leurs trépignements, si le*

during the 18th and 19th centuries, both in Europe and in the United States, bicameral systems were preferred.

The arguments in favour of bicameralism were indeed sustained and esteemed in the debate that brought to the birth of the US federal system. The discussion, retraceable in its main points in The Federalist Papers, was developed at the Philadelphia Convention in 1787 where the Constitution of the US was adopted. The acceptance of the bicameral model, according to the Founding Fathers, responded to two main functions that the Senate should have exercised: a guarantee function and a federal one (Negri, 1959, 350).

Concerning the first function, numerous were the advantages that were bestowed upon a bicameral system. A separation of the legislative body into two branches, different, distinct and sharing the powers, would have represented not only a check on the government, but also on the other House and its predominance (Hamilton, 1826, 287). The member of the latter could have indeed forgotten their obligations and betrayed the faith they were entrusted by their electors. With a second chamber, instead, the security of the people would have been doubled "*by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient*" (Madison, 1826, 347). Furthermore, the Second House would have also worked as a ponderation space. On the one hand, the members, being *older*[7] than the one of the other House, would have enjoyed a "*senatorial trust*", which should have assured them a "*greater extent of information and stability of character*" (Madison, 1826, 345). On the other, since the bills needed to be approved by both the branches, another House would have also avoided that the "*impulse of sudden and violent passions*" or the seduction of "*factious leaders*" in one Chamber resulted in "*intemperate and pernicious resolutions*" (Madison, 1826, 348)[8].

As for the second aim, the federal one, the Philadelphia Convention provided its practical and theoretical foundation. The Founding Fathers managed, indeed, to find a balance between the "*principle of the independence of the states*", which were surrendering part of their sovereignty to the federal level, and the "*dogma of national sovereignty*" (Tocqueville, 2012, 197). To do so, one branch, the House of Representatives, would have been composed of members of the single states in proportion to their population, while the Senate would have had for each federated state, the same representation (two representatives each). The combination of the principles of proportionality of the population and equal representation of the states was then translated into the federal legislative process, for every law must have seen the "*concurrence, first, of a majority of the people"* represented in the lower House "*and, then, of a majority of the states*" (Madison, 1826, 346 ff.) represented in the Senate[9]. The compromise enshrined in the US Constitution shaped *bicameralism as a means of territorial representation*.

cocher royal ne monte sur le siège pour les mettre d'accord; mais nous ne voulons pas de cocher royal" in Sieyès (1795, 9).

[7] 30 years of age vs the 25 years of the Chamber of Representatives.

[8] In this regard, an anecdote reports that: "*There is a tradition that, on his return from France, Jefferson called Washington to account at the breakfast-table for having agreed to a second chamber. 'Why,' asked Washington, ' did you pour that coffee into your saucer?' 'To cool it,' quoth Jefferson. 'Even so,' said Washington, 'we pour legislation into the senatorial saucer to cool it*" in Ferrand (1911, 359).

[9] See also, Wheare (1963, 204 ff).

In Europe, instead, while the federative model found success in the 19th century in Switzerland[10] and Germany[11], most of the countries featured a bicameral system based on the English model, with an Upper House of aristocratic derivation or of royal-appointed. After the French Revolution and the Restauration, the adoption of a bicameral system highlighted two main necessities of that time. On one side, the need to still affirm, next to the new popular one, the sovereignty of the crown, confirming a *dualist structure of the power*, reflected on the division of the legislative into two chambers (an elected one and a royal-appointed one[12]) (Paladin 1988, 1). On the other, the acceptance of the British system permitted a balanced coexistence of the two, aimed also at *curbing the democratic*, often revolutionary, *aspirations* of the people represented in the lower elective Chamber (Cheli, 1987, 319), and so avoiding any precipitous alteration of the national order. A bicameralism then recognising the two sources of legitimated power (people and crown) of that time, while limiting the one deemed as the most passionate.

3. The current justifications of bicameralism: the heritage of the historical models

With the disappearance of the dualistic conception of power in the last century and the acknowledgment of sovereignty only upon the people, bicameralism lost almost everywhere its royal feature, but did not vanish. The historical reasons that justified the emergence of bicameralism throughout the centuries (representation of classes and territories, scrutiny and ponderation of the decisions, and safeguard and balance of the constitutional system), while updated, can still explain the presence and the importance of a two-branch legislative structure in many states, which, despite the differences and the absence of a unique model, blend together elements of "*inheritance*" and "*innovation*" (Uhr, 2009, 475).

3.1 Aristocratic virtue and democratic ponderation

If the bicameralism of classes and aristocratic derivations regraded with the introduction of universal suffrage, some features of it can still be detected, both in the composition and in the protective role attributed to the second house.

Concerning the composition of the Upper House, along with the United Kingdom, where a limited presence of the hereditary aspect is present even today[13], also other countries' Second Houses have a part or all the members escaping the electoral circuit. In some cases, indeed, the senators are not elected, but appointed, for very long or lifetime periods, not anymore for ancestry, but for merits, to bring knowledge, wisdom and expertise to the legislative debate[14].

[10] The constitution of 1848 provided for a Second Chamber based on the Cantons' territories.
[11] Bismark's Constitution of 1871 introduced a Federal Chamber (*Bundesrat*),
[12] Examples could have been found, for instance, in Italy, Spain, France, and Portugal. See, Art. 33, 34 Albertinian Statute 1848; art. 15, 20 Spanish Constitution 1837, art. 14, 15, 18 Spanish Constitution 1845, art. 20, 21, 22 Spanish Constitution 1876; art. 27 French Constitution 1814, art. 23 French Constitution 1830; and, Art. 39, 40 Portuguese Constitution 1831.
[13] With the 1999 House of Lords Act, the number of Hereditary Peers with the right to sit in the House of Lords was reduced to 92 members. See, Russell (2013, 72 ff.) and Caravale (2000).
[14] See, for instance, the Italian and the Canadian cases. In Italy, the former Presidents of the Republic are *de iure* life senators, and five people could be appointed as senators by the Italian President of the Republic for outstanding merits in the social, scientific, literary and artistic fields (art. 59 Italian Constitution). In Canada, the members of the Senate

As for its protective role, the Second Chamber maintains the aristocratic *role of a ponderation* chamber, defending the system against imprudent decisions made by the other House. Despite often being easy to override in asymmetrical bicameral systems, the Senate is believed to behave as a sober chamber complementing the drunkenness of the first one (Waldron, 2012, 33,38). The duplication of a second legislative body, its redundancy[15], reopens the discussion on the draft of the bill, providing time for second thoughts on the text (Patterson and Mughan, 1999, 12). The presence of a Second Chamber gives indeed the space for a moment of further discussion on the draft of the legislation, which not only could embrace new opinions and moderate the bill, but could also notice and correct the possible inaccuracies, which, without this second analysis, would have passed unobserved, thus operating as a quality control mechanism (Tsebelis and Money, 1997, 40; Sénat, 2000, 103).

3.2 The safeguard of a checks and balances' system

The necessity of a second check on the legislation also reflects Montesquieu's theorisation of bicameralism as a *means of safeguard.* By separating and differentiating the organs called to exercise the powers, bicameralism grants control and balance to both the activities of the other Chamber and the government. However, the control that can be exerted and, so the strength of the second Chamber, depends today, on some factors that have been identified mainly on the powers that are invested in it and its different composition (Lijphart, 2012, 198).

Concerning the powers they enjoy, formally, the greater they have, the more they should be influential (Russell 2013a, 372). However, some Senates demonstrated to be influential both in case their powers were considered weak or insignificant (Tsebelis and Money, 1997, 211), or when they only threatened to use them (Russell, 2001, 455). The most important counterbalancing power is certainly the veto power, through which the Upper House, could, according to the different legal system, delay or definitively abort any proposal of the first House and the government, which usually controls it[16]. A veto power that expresses its widest potentiality in the constitutional revision procedure, where the Second Chamber, being its intervention typically indispensable, acts as a custodian of the fundamental law and public freedoms (Venice Commission, 2024, 8).

Nevertheless, the powers that are actually deployed are subject to the second factor, i.e., the composition of the House. Indeed, the more dissimilar and independent its members are from the other branch of the legislative and the executive, the more efficiently is believed it could use them. If the Second House presents the same majority, controlled by the same parties, then hardly a guarantee's role could be recognised in it (Sartori, 1994, 185). Even if entrusted with the strongest counterweighting powers, a submitted House will not employ them, thus, becoming an irrelevant tool. The differentiation of the members of the two Chambers is usually provided by the different selection

represent the provinces and were appointed before the 1965 Constitutional Act for a lifetime period. After the 1965 Constitution Act, the members of the Senate are instead, appointed by the governor general on the advice of the prime minister, and stay in charge until the age of 75 years-old (art. 24 and 29 Canadian Constitution Act, 1867). Since 2016, a newly established Independent Advisory Board for Senate Appointments (IABSA) has been responsible for giving not binding merit-based recommendations to the Prime minister on the senatorial nomination. See, *https://www.canada.ca/en/campaign/independent-advisory-board-for-senate-appointments.html*

[15] For the concept of redundancy see also, Landau (1969).

[16] Of course, the Second Chamber, according to the different legal systems, could be also entrusted or sharing with the lower one some other relevant power, such as: the selection of institutional figures, such as the Constitutional Court judges, or the President of the Republic; the impeachment procedures; the ratification of international treaties; or, more rarely, dismiss the government. See, Drexhage, (2015, 22 ff).

or election methods prescribed for the Upper Chamber[17]. The diverse legal systems could indeed indicate a longer tenure of the members of the higher chamber[18], a different term of renewal of part of its members[19], a different electoral system[20], or the different interests that they should represent[21], in that way producing distinct compositions in the Houses and dissimilar majorities.

3.3 Representation of territories and social groups

Lastly, still current seems the legacy of the results of US Philadelphia's Convention, which predisposed, through the bicameral system, a constitutional model for *territorial representation*. Although the US solution is initially and mainly applied in federal states[22], the idea of having a territorial chamber found its application also in unitary states, albeit for different reasons (Cheli, 1987, 320). Bicameralism in federal systems addresses the need to balance the equal positions of the federated states and the representation of the entire population of the federation (Sartori, 1994, 189). In the regional states, instead, the presence of a second House expression of the subnational entities, allows to maintain the unity of the state, while granting the representation of the interests of these territories. Still, the representative feature of bicameralism offers, nowadays, a remedy for the representation not only of territorial entities, but also of other social or professional groups (Russell, 2013b, 44). In some countries, indeed, the Upper Houses become the centre of expression of different minorities, ethnical or linguistic ones[23], or also of professional or trade groups[24].

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[17] For more details and data on the methods of selection of Second Houses' members, see Venice Commission (2024, 15 ff).

[18] E.g., in France, the *Sénat*'s (Senate) tenure is 6 years, while the *Assemblée nationale*'s (National Assembly) is 5 years; in the US the Senate's tenure is 6 years, while the Chamber of Representatives' one is only 2 years; in Czech Republic, the *Senàt* (Senate) tenure is 6 years, while the *Poslanecká sněmovna*'s (Deputies' Chamber) one is 4 years.

[19] E.g., in France, 1/3 of Upper House is renewed every 3 years; in the US and the Czech Republic, 1/3 every 2 years; in Chile, 1/2 every 4 years.

[20] E.g., in the Netherlands, France, Austria and Slovenia, an indirect election system is used for the Upper Houses. In Italy, Poland, Switzerland, the Czech Republic or the US, a direct election is prescribed. In Germany and Canada, an appointment system is established. While in Ireland or Belgium, the selection system is based on a mixed model.

[21] E.g.: in federal (US, Germany, Austria) or regional systems (Spain, Italy) they should represent territorial instances; in Belgium, they represent the country's different ethnics and linguistic communities; in Slovenia, the different economic, social, professional and local groups.

[22] For details on bicameralism in federal systems, see Noël (2022).

[23] Such as in Belgium, where art. 67 of the Belgian Constitution prescribes that the members of the *Sénat* are appointed by the Flemish, the French Community, the Walloon, and the German Community Parliaments, by the French linguistic group of the Brussel Capital Region Parliament, and by the senators appointed by the Flemish Parliament and co-opted by the linguistic group of the senator appointed by the French community and the French linguistic group of the Brussel Capital Region Parliament. Or, in Bosnia-Herzegovina, where Art IV, 1 of the Bosnian Constitution establishes that the *Dom naroda Bosne i Hercegovine* (House of Peoples) comprises 15 delegates, 5 for each ethnic group (Croats, Bosnians and Serbs)

[24] As in Ireland, where Art 18 of the Irish constitution states that of the 60 members of the *Seanad Éireann*, 11 are nominated by the Taoiseach, while the other 49 are elected by different electorate: 3 are elected by the Dublin University, 3 are elected by National University of Ireland, and the remaining 43 are chosen by members of the lower house (*Dáil Éireann*), outgoing senators and members of county and city councils, from 5 different panels. These panels contain the names of people with experience and knowledge of the following services or interests: " i National Language and Culture, Literature, Art, Education and such professional interests as may be defined by law for the purpose of this panel; ii Agriculture and allied interests, and Fisheries; iii Labour, whether organised or unorganised; iv Industry and Commerce, including banking, finance, accountancy, engineering and architecture; v Public Administration and social services, including voluntary social activities". In Slovenia, instead, the *Državni svet* (the National Council) is, according to art. 96 of the Slovenian Constitution, representative of the social, economic, professional, and local interests. Its members are indeed, 4 representatives of employers, 4 of employees, 4 of farmers, crafts and trades, and independent professions, 6 of non-commercial fields, and 22 of local interests.

4. The Italian case: origin and evolution

These three main functions and rationales of representation, ponderation and safeguard have been justifying the emergence of bicameralism through the centuries and, with the more different adaptations, still influence the constitutional design of diverse legal systems. These aims were, indeed, taken into consideration also in the debate in the Italian Constituent Assembly[25], whose activities originated a peculiar form of bicameralism, an atypical one, with two Houses having the same functions but very few differences regarding their structure (Cheli, 1987, 323).

4.1 The debate in the Constituent Assembly: abound in guarantees

The debate that brought to that model was quite complex and extensive, and, while the choice of bicameralism was soon accepted, the result of the final configuration of the system was more due to political contingencies and mutual vetoes inside the Assembly than to a fully deliberate choice (Mattarella, 1983, 1162 ff.; Delledonne, 2018, 80; De Fiores, 2022, 12). Since the first discussions concerning the constitutional organisation of the Parliament, developed both in the second subcommittee and the plenary, it was clear that the leftist parties and the other parties (Catholics, Republicans and the right-wing parties) had different conceptions of the architecture of the *costituendo* legislative power.

The former, indeed, recalling the French revolutionary theorists, were in favour of a unicameral Parliament and held, in the words of La Rocca, that if the "*foundation of the sovereignty is one, and it is the people, the popular will finds its expression in one Assembly"* (Assemblea Costituente. Commissione per la Costituzione, 1948, 135) and that having two identical Houses would have been, according to Nobile, as absurd as "*having an industrial company with two different boards of directors"* (Assemblea Costituente. Commissione per la Costituzione, 1948, 140)[26]. The latter parties, instead, with their divergences on how to structure it, supported a bicameral model on the premises that it could have realised a function of control of the activities of the other chamber, of technical enhancement of the legislation, and integration of the representation[27]. The leftist parties[28], though, knowing to represent a minority position, and recognising that in the Assembly there was the will to "*abound in guarantees*" (Assemblea Costituente. Commissione per la Costituzione, 1948, 135), did not categorically oppose the bicameral system, as long as the second Chamber would have been an elected one.

Once agreed on the bicameral structure[29] and on the equality of the functions[30], the main open issue was to decide what would have been the elements which would have differed the Senate from the

[25] For details on the origin of the pre-constituent debate and the debate in the Constituent Assembly see, Macchia (2018).
[26] All translations were made by the Author.
[27] See Mortati (Assemblea Costituente. Commissione per la Costituzione 1948, 87 ff.). See also, Bulloni, who considered the Second House as a "*moderating and integrating element, with equal participation with the other chamber in the pondered drafting of the law*", (Assemblea Costituente. Commissione per la Costituzione 1948, 142).
[28] Except Nobile.
[29] O.d.g. Mortati, Bozzi, Castiglia, Einaudi (7.9.1946)
[30] O.d.g. Leone (26.9.1946). For the positions in favour of the equality of the functions, see Mortati to "*guarantee the same political efficiency to both the chambers*" (Assemblea Costituente. Commissione per la Costituzione 1948, 262). Also, Tosato, according to whom establishing two chambers with the same powers is essential to preserve the principle

Chamber of Deputies (Paladin, 1984, 226). A first position, sustained by the Catholics, aimed at making the Senate a corporative House, where the different social and professional groups could have had a specific representation to promote their concrete interests and coordinate them with the general one (Assemblea Costituente. Commissione per la Costituzione, 1948, 300). A second position, promoted by the Republicans, wished to create a House of the Regions. Therefore, while the Chamber would have represented the entire nation, the Senate would have seen the representatives of the local and regional entities, which would have ensured the national legislation to be more attentive to their concerns (Assemblea Costituente. Commissione per la Costituzione, 1948, 141). Both these positions were contested by the left parties. On the one hand, they rejected the idea of a corporative House, not only because of the difficulties in deciding how many representatives to give to each profession, but mainly because of its anti-democratic feature. For them, indeed, in a modern democracy, it was not possible to have a House, participating in the exercise of the sovereignty, drawing its authority, directly or indirectly, from a source different from the universal popular suffrage (Assemblea Costituente. Atti della Costituente, 1948, 99 ff.). On the other hand, they refused the idea of a House of the Regions, considering that the Constitution did not provide for a federal state and that it could have jeopardised the political unity of the country (Assemblea Costituente. Atti della Costituente, 1948, 472 ff).

The absence of a consensus on these two positions and the crosscutting vetoes brought eventually to the approval of the text of the current art 57 of the Italian Constitution, which states only that the Senate: "*is elected on a regional basis*"[31]. This solution guaranteed the direct popular legitimacy of both the Houses, while distinguishing them according to the electoral constituencies and the electoral law[32]: a proportional system for the Chamber[33] and a uninominal system on a regional basis for the Senate[34]. But these were not the only differences between these two Houses with the same functions. The other elements concerned: the age to be elected[35] and to vote for the Senate[36]; the reduced numbers of senators compared to the deputies[37]; the presence of a small number of appointed or de jure senators in the Upper Chamber[38]; the original dissimilar duration of the legislature for the Chamber and the Senate[39].

The result of the works of the Constituent Assembly delivers a perfectly symmetrical bicameral system, with both the Chambers enjoying the same powers and prerogatives, e.g., the joint exercise

of balance in the state organisation, by dividing the organ of the states and creating counterweights so that no one could have such power to promote forms of absolutism, that could raise if all the powers were concentrated in only one body (Assemblea Costituente. Commissione per la Costituzione 1948, 277).

[31] Mortati's amendment 8.10.1947.

[32] The electoral laws were not approved as part of the constitution so to leave to the future legislator the ability to change it by the ordinary procedure.

[33] O.d.g. Giolitti 23.9.1947.

[34] O.d.g. Nitti 7.10.1947.

[35] 40 years old for the Senate (amendment's De Vita, Conti and Nitti) and 25 for the Chamber.

[36] Originally, 25 years old for the Senate and the legal age for the Chamber (in 1948, the legal age was 21 years old; after the L. 8 March 1975 n. 39, the legal age was reduced to 18 years old). Now, after the constitutional law 1/2021, it is 18 years old for both the Houses.

[37] The members of the Houses were originally proportional to the population and calculated according to a ratio of one deputy every 80.000 people, or for a fraction superior to 40.000, and one senator every 200.000 people, or a fraction superior to 100.000, with a minimum of 6 senators per region, except for the Valle d'Aosta with only one senator.

[38] Alberti's amendment 24.09.1947 and 9.10.1947.

[39] Clerici's amendment 9.10.1947, 5 years the Chamber and 6 years the Senate.

of the legislative function[40], the power to present, scrutinise or reject all kinds of bills, the power to dismiss the government, etc., but also the same representative structure (Amato, 1980, 182). The adoption of a bicameral model with the same functions would have in the eyes of Constituents, increased the constitutional guarantees, fulfilling both the desire for political control and avoiding a concentration of the power in only one assembly, and so the risk of a parliamentary tyranny (Cheli, 1987, 323), while, simultaneously, ensuring a sufficient ponderation on the legislative acts (Bianchi D'Espinosa, 1950).

4.2 The evolution of the system and the issue of the differentiation

If, then, the aim of ponderation and safeguard seemed satisfied (Mattarella, 1983, 1174), the aim of bicameralism to give different representation to the two Chambers, for the vetoes inside the Assembly, appears to have been the most sacrificed. The electoral criterion, indeed, proved to be a weak element of discrepancy. The electoral laws approved by the Constituent Assembly, although one proportional (Chamber) and one majoritarian (Senate), acted in reality both as proportional. The electoral law of the Senate set, on paper, a uninominal system on a regional basis, with the direct attribution to the seat to those who would have obtained 65% of the preferences on the constituencies[41]. Nonetheless, in case this very high result was not reached, which was the most common case, the attribution would have been according to the connections between candidates, producing, thus, results similar to a proportional system, and consequently, generating since the beginning an almost identical composition of the two Houses (Paladin, 1988, 5 ff.).

The only relevant differentiation of the two chambers could then have been given by their dissimilar term, which calling the electors to vote in different years would have caused a period of cohabitation of different majorities in the Houses. However, this disposition has never produced its effects, for the anticipated dissolution of the Senate both in 1953 and 1958 and for the approval of the constitutional law n. 2/1963[42], which levelled the duration of the two Houses to 5 years (Capuozzo, 2016, 9). The elimination of this temporal difference reduced the distinguishing elements of the Senate to the number of its members, the presence of the life senators, and the higher requirements prescribed for the elections. Elements, which proved to be so marginal as to have no practical consequences on the political configuration of the House (Cheli, 1987, 323), making the Senate, already functionally equal, even temporally and politically, a copy of the Chamber (Mattarella, 1983, 1168 ff.). The correspondence on the composition further increased in recent years with the adoption of an identical electoral law in 2017[43] and the equalisation of the active electorate in 2021 in both Houses[44].

The realisation that one Chamber was the double of the other raised some doubts about its usefulness and many since the beginning were the attempts to reform it (Negri, 1959, 353; Macchia, 2018, 265). During the '70 and the '80, this duplicity was, indeed, accused of slowing down the time of approval of the law[45] and causing instability in the governments, for the possible obstructions that the parties or the single turncoat could have exercised during the discussions of the bills (Capuozzo, 2016, 10

[40] A bill to become law must be adopted in the identical text by both the Houses. If one amends it, the other must again approve it until the same text is positively voted by both the Chambers.
[41] L. n. 21, 6 February 1948.
[42] The same law fixed the number of senators to 315 and the deputies to 630.
[43] L. 3 November 2017 n. 165.
[44] Constitutional law n. 1/2021.
[45] *Contra*, see (Mattarella 1983, 1171).

ff.). The numerous proposals of those years to tackle these issues moved from the introduction of unicameralism[46], to a differentiation of the structure of the Senate[47], to a division of the functions between the Houses[48]. From the '90 on, after the fall of the old party system and the emergence of federal instances, the main aim of the proposals concerning the bicameralism system turned into giving stability to the government and introducing a Senate representative of the regional requests (De Fiores, 2022, 23 ff.; Tarli Barbieri, 2019, 63 ff). The two principal proposals, which managed to be approved by both branches of the legislative in 2005[49] and 2016[50], were, however, rejected in the constitutional referendums needed for their final validity. Positively sanctioned by the constitutional referendum was, instead, the constitutional law n. 1/2020, which, despite leaving unaltered the powers of the Houses, reduced the number of MPs from 630 to 400 for the Chamber and from 315 to 200 for the Senate.

5. Recent trends in the functioning of the Italian bicameralism system

Apart from this last reform[51], the bicameral system has been exempted from particular commotions, maintaining, at least formally, the competencies and the duties the Constituents entrusted it. Yet, looking at the data collected in the Reports of the Observatory of the Legislation and the Studies Service of the Chamber of Deputies, it is possible to notice how its actual functioning has radically changed.

5.1 Governmental influence and de facto unicameralism

Starting from the consolidation of the bipolar, and then tri-polar, party system, two main phenomena affected the activities of the Parliament[52]. The first is the impact of the government on the legislative procedures, registered by the rise of the bills of governmental origin approved (bills of governmental initiative, among which, ratification bills and bills converting law-decrees), often combined with the

[46] This was for instance the position of the communist party which, acknowledging the incongruences of the duplication of the parliament, reiterated the proposal of a unicameral system to reinforce the centrality of the Parliament and rationalise the parliamentary form of government. For details, see, De Fiores (2022, 17 ff); Barbera, (1985); Ferrara (1985).

[47] Transforming it into a House of the Regions or a House with the participation of professional groups, see Cheli (1987, 324).

[48] The 1985 Bozzi Commission issued a proposal that would have established a "differentiated" bicameralism, according to the different functions to attribute to them. The Senate would have retained the function of control and the Chamber the legislative power, except for the "necessarily bicameral laws" (constitutional law, electoral laws, law converting law-decree, etc.), and the confidence vote to be given in a joint session. See, Fusaro (2008, 10 ff.); Fichera and Atripaldi (1985, 15 ff.).

[49] AS-2254-D, published in the Gazzetta Ufficiale n. 269 of 18.11.2005, rejected by the referendum of the 25-26.06.2006. The reform would have, among others: introduced a Federal Senate, representative of the regions and the local communities, reduced the numbers of MPs, lighted the legislative process; redistributed the functions between the Houses; and reinforced the role of the executive, directly indicated by the electorate. See, Allegretti (2003); (Caretti, 2004); (Fusaro, 2008, 14 ff.).

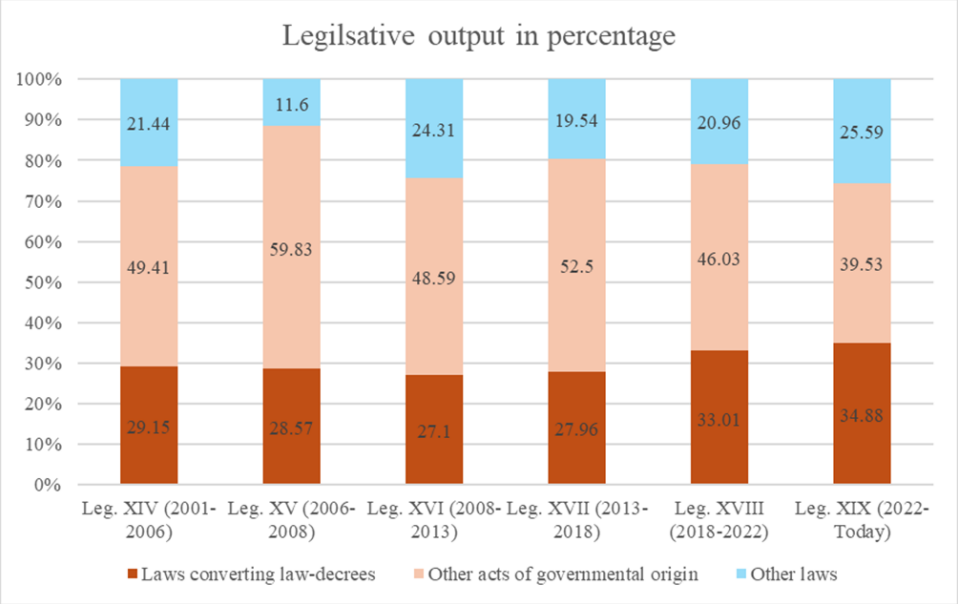
[50] AC 2613-D, published in the Gazzetta Ufficiale n. 88 of 15.04.2016, rejected by the referendum held on 4.12.2016. The reform would have, among others: restructured the bicameral system; made the Chamber the only directly elected one, with the power to dismiss the government; introduced a Senate of the regions, composed of the members appointed by the regional councils; reinforced the position of the government, that in connection with a strongly majoritarian law, saw a centralisation of competences on the state and the introduction of a fast track for the bill presented by the executive. See, Villone, (2016); Pace (2016); Caravita di Toritto (2016).

[51] And the constitutional reform n.1/2001 that reserved some seats for the Italian citizens resident abroad (now, four in the Senate and eight in the Chamber).

[52] For a recent contribution on the Italian normative production, see Cardone (2023)

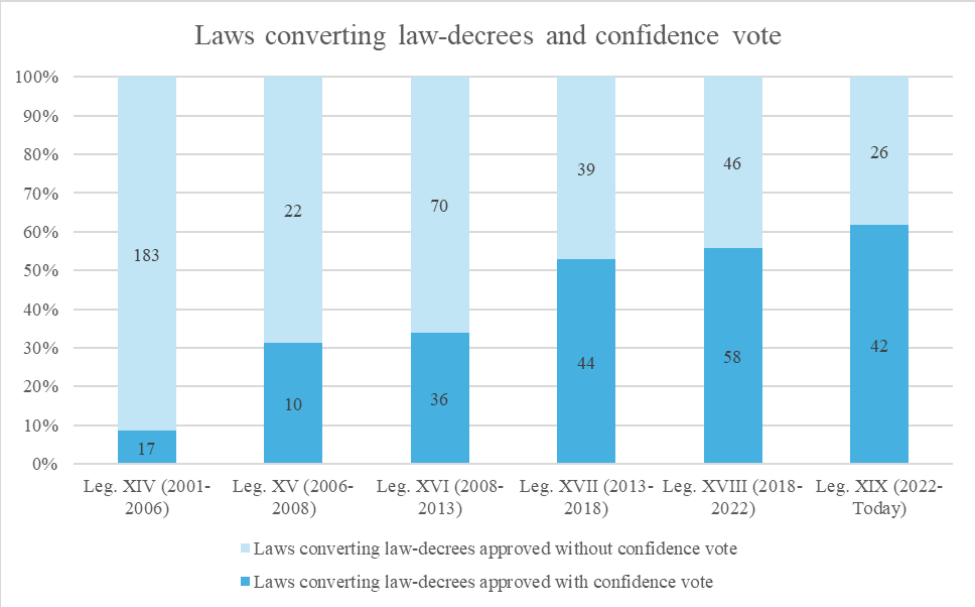
request by the government of the confident vote, which interrupts the debate and precludes the possibility to further amend the bills[53] (See, figures 1 and 2)[54]. As it can be seen from the figures 1 and 2, in the last legislatures more 74% of the acts approved by the Parliament have been of governmental initiative. Moreover, it can also be noted that the percentages of laws converting law-decrees has also been increasing, as well as the percentage of confidence vote requested by the government for their approval.

Fig. 1 Legislative output in percentage



[53] The trend has been constant over the years.
In the XIV (2001-2006) legislature 78.6% of the laws approved (539 out of 686) are of government initiative. Of these 539, 200 (37.1%) are laws converting law-decrees, for 17 (8%) of them a confident vote has been asked, see Osservatorio sulla legislazione della Camera dei deputati (2007, 270 ff.).
In the XV (2006-2008) legislature 88.4% of the laws approved (99 out of 112) are of government initiative. Of these 99, 32 (32.3%) were laws converting law-decrees, for 10 (31,3%) of them a confident vote has been asked, see Osservatorio sulla legislazione della Camera dei deputati (2008, 349 ff.).
In the XVI (2008-2013) legislature 75.7% of the laws approved (296 out of 391) are of government initiative. Of these 296, 106 (35.8%) were laws converting law-decrees, for 36 (34%) of them a confident vote has been asked, see, Osservatorio sulla legislazione della Camera dei deputati (2014, 464 ff.).
In the XVII (2013-2018) legislature 74.4% of the laws approved (282 out of 379) are of government initiative. Of these 282, 83 (39.4%) were laws converting law-decrees, for 44 (53%) of them a confident vote has been asked, see, Osservatorio sulla legislazione della Camera dei deputati, (2018, 16 ff.).
In the XVIII (2018-2022) legislature 79% of the laws approved (249 out of 315) are of government initiative. Of these 249, 104 (41.7%) were laws converting law-decrees, for 58 (55.8%) of them a confident vote has been asked, see, Osservatorio sulla legislazione della Camera dei deputati, (2023, 10).
By 13th December 2024, in the XIX legislature (2022-today) 74.4% of the laws (128 out of 172) approved are of governmental initiative. Of these 128, 68 (53.12%) were laws converting law-decrees, for 42 (61.76%) of them a confident vote has been asked, see Servizio Studi Camera Deputati XIX legislatura, (2024).
[54] All the figures in the articles have been made by the Author according to the data collected.

Fig. 2 Laws converting law-decrees and confidence vote



The second is the affirmation of the so-called "alternate unicameralism", or *de facto* unicameralism (Tarli Barbieri, 2019, 59 ff.; Longo, 2017; Lupo, 2010), namely, the circumstance that the chamber that is called to vote on a bill already approved by the other chamber now usually only ratifies the text approved without amending it[55]. These two trends display the control of the executive on the activities and the productions of the Parliament, and the decline of the role of the Parliament in the legislative process. This decline is particularly remarkable if we consider that the percentage of laws converting decree-laws approved with this unicameral "procedure" increased drastically during the last legislatures[56], arriving at 100% in the current one[57] (See, figure 3 and 4). Certainly, the law-decrees must be converted within 60 days of their approval to avoid the loss of their effects, but since they should be considered as an exceptional measure to be adopted only "in case of necessity and

[55] The number of acts approved by legislatures with this *iter* were: 78.5% in the XIV, 87.5% in the XV (but it lasted only two years and had a fragile majority in the Senate), 80.6% in the XVI, 83.7% in the XVII, and 88.6% in the XVIII. On 13th December 2024, the percentage for the current legislature XIX is 93.6%. The data are taken from: for the XIX legislature, https://www.camera.it/temiap/2024/04/19/OCD177-7146.pdf (last visited on 14.01.2025); for the XVIII, from Osservatorio sulla legislazione della Camera dei deputati (2023, 29 ff); for the previous, Di Porto (2022, 4).

[56] 73% in the XIV, 84.4% in the XV, 81.1% in the XVI, 88%, in the XVII, and 95.2% in the XVIII legislature. Sources from the data of the Camera cited in previous notes.

[57] See Servizio Studi Camera Deputati XIX legislatura (2024) available https://www.camera.it/temiap/documentazione/temi/pdf/1354685.pdf?_1717571955744. (last visited on 14.01.2025)

urgency"[58], and the requirements are often missing, it is impressive that one of the branches of the Parliament abdicates its duty to revise them[59].

Fig. 3 Percentage of laws approved with de facto unicameral iter

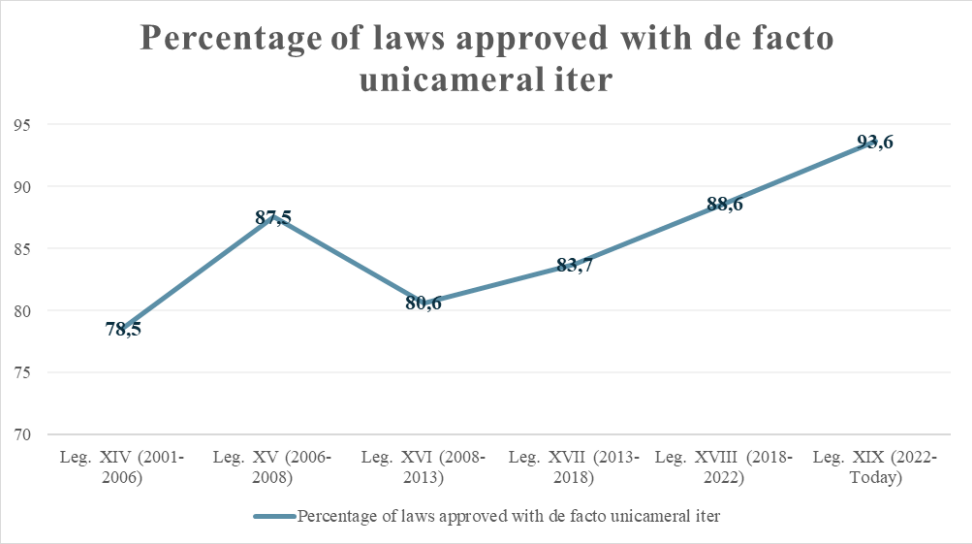
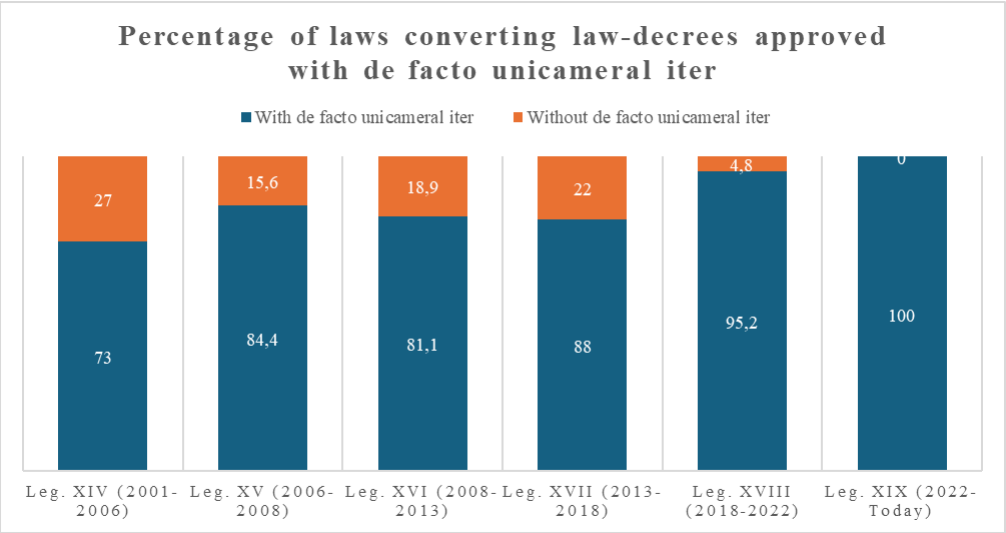


Fig. 4 Percentage of laws converting law-decrees approved with de facto unicameral iter

[58] Art 77 Italian Constitution: "*1. The Government may not issue decrees having the force of ordinary law without an enabling act from the Chambers. 2. When, in extraordinary cases of necessity and urgency, the Government submits, on its own responsibility, provisional measures having the force of law, it must on the same day present said measures to the Chambers for conversion into law which, even if they have been dissolved, shall be expressly summoned for this purpose and shall convene within five days. 3. The decrees lose effect from their inception if they are not confirmed within sixty days from their publication. The Chambers may however regulate by law legal relationships arising out of not confirmed decrees*".

[59] On the parliamentary control over these requirements, see Scopelliti (2025).



This de facto unicameralism creates a *prater Constitutionem* praxis (Pinto, 2022, 99 ff), which if formally does not go against the constitutional text, though, neglects the basic democratic and guarantee principles which inspire the *iter legis* envisioned by the fundamental text so that the law could have a full democratic legitimacy. The prescription that the legislative function is jointly exercised by both Houses[60] is believed to presume the actual participation of the members of both Houses in the approval of a law, and not their only ratification[61]. This Parliamentary inclination or, sometimes, impossibility to act, facilitated by the loyalty of the MPs of the majority to their party's leaders, marks not only the prominent role of the government in legislative productions (Deodato 2013, 5 ff.), but, more importantly for our analysis, the end of the last two functions that justified the bicameral structure. If the element of differentiation that should have been expressed in the other House was missing since the beginning, with this submittal of the Parliament to the governmental agenda and the surrendering or inhibition to exercise its emending tasks and its control, even the ponderation and safeguard functions seem to faint.

5.2 The possible impact of a "premieral" system

This progressive erosion of the bicameral system, and in general of the role of the Parliament, already exposed to the dominance of the government, seems to possibly be further deepened by the reform that the current government aims to approve.

In particular, the constitutional bill proposed by the government and currently under discussion in the Chamber of Deputies[62], after already being approved in the first reading by the Senate[63], provides a transformation of the Italian form of government, from a parliamentary one to an "elective premieral" one (Tarchi, 2023). To assure the stability of the government and the respect of the will of the electors, the bill proposes the direct election of the Prime Minister (a PM chosen by the people), linking to his

[60] Art 70 Italian Constitution.
[61] Moreover, as Vernata says: "*Supporting this kind of approach, indeed, would mean inverting the direction of the fiduciary relationship, stating that what is law is what Parliament does not reject and not what it, instead, wants in its being expression of popular sovereignty*", in Vernata (2022, 152).
[62] AC-1921.
[63] The Senate AS-935 was approved on 18.06.2024.

office the duration of the Parliament. In case the Parliament removes the support to the PM, the Houses would be dissolved, removing the possibility of the President of the Republic to find another majority[64]. Moreover, the project prescribes the introduction in the Constitution of the principle that the electoral law would give the elected PM a majority bonus that would grant him the majority of the seats in both Houses. A reform of that kind, without specifying a minimum of votes needed, leaves the PM, who would need only to obtain one vote more than the other contestants, the full control of the Houses. Also, if the majority requested for the election of the guarantee body or the provisions requested for the amendment of the constitution would not be changed, it would compromise even the other instruments of checks and balances. The PM constitutionally entitled to a majority could indeed elect alone with its majority the President of the Republic, after the sixth vote, and so indirectly the five Constitutional judges that he can nominate. Similarly, the PM would always have the majority requested to modify the constitution with the only caveat to always ask for a constitutional referendum.

With this new system, unique in the comparative scenario, the PM would be the fulcrum of the constitutional organisation and *dominus* of the institutions. The reform does not formally alter the constitutional provisions on the bicameral system, however, some of its innovations severely affects it, furtherly compromising its functions. The introduction of the majority bonus which would automatically give a stable majority in both the Houses, would constitutionally assign the two Chambers the very same composition: a majority loyal to the PM. A majority that guided by a directly elected PM would be hesitant to oppose his/her political programme, knowing that removing the support to the executive would result in the dissolution of both the Houses. In a context of this kind, where the principle of the Parliament controlling the executive seems inverted, it is difficult to imagine, especially if the unicameral iter persists, not only that a second chamber could fully exercise its prerogatives of control and ponderation, but that the Parliament itself could have any role.

6. Evaluating the current relevance of bicameralism in age of governmental aggrandizement

The picture that emerges from the analysis of the bicameralism in Italy returns a bicameral model struggling to comply with the functions originally attributed. The features of differentiation of the Houses, since the beginning perceived as the weak element of the Italian bicameralism, found no solutions during the evolution of the bicameral model, and, on the contrary, the reforms introduced gradually reduced them. The functions of ponderation and safeguard considered respected for most of the Republican time, faced from the beginning of the century a retreat, aggravated after the pandemic. The data collected certified the subordination of both Houses to the action of the government, and so the inability to perform a real control on the acts of the executive. Moreover, the *de facto* unicameralism, limiting the amending of the bills only in one chamber, reduces the space of an actual ponderation and improvements of the texts by the second chamber.

[64] Only in case of the PM's death or impediment, or in case of PM's resigning without proposing the President of the Republic to dissolve the Parliament, the President of the Republic would be able only once to give the task of forming a new government to the outgoing PM or another MP elected in the lists of the PM.

In such context, in which the three main functions of bicameralism seem rarely fulfilled, the consistency of the Italian model with its rationales appears today to be vanishing and it will be then necessary to question if a model of this kind is still appropriate to be maintained.

Some believe it would be time to abandon the bicameral system, or this *de facto* unicameralism, to fully formally embrace a unicameral one. This choice would be the natural consequence of the recent functioning of the Italian system and would be needed to overcome this neglecting praxis and bring back the actions of the political actors and the Parliament inside a constitutionally legitimate scheme (Vernata, 2022, 149, 169). Moreover, unicameralism would guarantee the political representation of people in only one chamber, avoiding the division into two branches which is not justified by any differentiation of the interests there represented (Manzella, 2020, 65). The presence of only one chamber would also speed up the legislative process and avoid the delays typical of bicameralism. Nevertheless, even the supporters of unicameralism are aware that, despite the need for efficiency, some delays and moments of reflections could be still needed. Thus, they recognise that in a unicameral system some issues could still require more than one approval, or the consent of higher majorities (Ciarlo and Pitruzzella, 2013). Indeed, the unicameral model is not without risks and should be accompanied with several other precautions (De Fiores, 2022, 37). The exploitation of the government in a unicameral system would, undeniably, be greater if not well conceived. Unicameralism means, indeed, a full concentration of power, while bicameralism still ensures a degree of separation (Lijphart, 2012, 200) and, as Uhr reminds us, even if weak or insignificant, or easily tameable by the government, "*where bicameralism exists, it always matters*" (2009, 491).

Similarly to the Constituents, the aim, when thinking to reform the constitutional system, should be to abound in guarantees and systems of safeguard, not diminishing them. If they are still there, they can still be used. If they are removed, this possibility is excluded. What is essential, especially in an age of governmental aggrandizement, would indeed be to maintain the duplication and the redundancy of a bicameral system. The lengthening of the procedures of bicameralism provides for a necessary multiplication of the technical times usually cut in unicameral system. If "*a week can be a long time in politics*"[65], these times, even if they could seem irrelevant, could still give the occasions for decantation, second-thinking, or even withdrawal of potential controversial bill already adopted in the first Chamber, that in unicameral system would have already entered into force. Moreover, even if the percentage of acts modified by the second chamber voting on them is very low (just 6.4%), still something that would have not otherwise be there was added. Bicameralism, even if mortified, should be preserved and, hopefully, restored in all its proper functions of safeguarding, ponderation and, if possible in Italy, representation. Both Chambers must be put in the conditions to exercise both jointly and independently the competencies that the constitution recognises them, repelling the abusive practices for too long passively accepted.

If any reform should be done, the temporal differentiation prescribed at its origin could maybe be a way of differentiating the two Houses. This would indeed maintain the electoral legitimacy of both of them, while preserving the possibility to have two set of diverse representatives to discuss every bill. This difference in the electoral schedule could also have a positive impact on the output of the legislation, forcing the government, when the two majorities of the Houses are different, to find compromises and solutions inside the Parliament. A different majority in the Houses would also

[65] A quip attributed to British Prime Minister Harold Wilson.

guarantee a stronger control of the activities of the executive and on the quality of the legislation. If a constitutional reform wants to be avoided, other solutions could be implemented. As ordinary reforms, it could perhaps be useful to enhance the coordination between the Houses, by a revision of the parliamentary regulations to establish a common planning of the works, and, so, procedures and times to guarantee both the Houses the possibility to actually intervene in the debate. The abuse of the law-decrees could be maybe tamed if the MPs, acknowledging the lack of the emergency requirements, start refusing to convert the law decrees. In the beginning, there would be the issue of regulating the effects of decayed law-decrees, but if the executive knows that the law-decrees road is blocked then it would be more prone to going back to the ordinary procedures and finding compromises with the Houses. Meanwhile, to facilitate the government to terminate this abusive praxis, specific times could be recognised to discuss its projects, without though renouncing or weakening the control of the Parliament. A re-appropriation of the Parliamentary functions, as well as any consistent reform, however, requires the MPs to recover the awareness of their position towards and against the government, finding, even inside the majority, the force to denounce the limitations that their prerogatives are undergoing and activate the dozing powers that they struggle to adopt. This task and the will of a self-reform are only up to the Parliament and its actors. Their functions are there, they should only be exercised.

7. Concluding remarks

The paper tried to evaluate the current relevance of the role of a second chamber in contemporary state, adopting Italy as a case study. To address the question the article explored the historical reasons that justified the adoption of the bicameral model in the Western tradition and indicated how the main functions that were bestowed on this model (representation, ponderation and safeguard) adapted and updated to the transformation of contemporary constitutional states, legitimising still nowadays the presence of this model. The debate in the Constituent Assembly demonstrated how also in Italy these aims were esteemed and put as fundament of the bicameral choice. The Constituent Assembly created a theoretically strong bicameral system, a perfectly symmetrical one, with both the Houses provided with the same powers and prerogatives, both directly legitimised by a popular vote, and with some degrees of differentiation, in order to guarantee all the purposes of a bicameral system.

However, the differentiation of the two chambers narrowed during the years to the point where one seems the copy of the other. The aim of representation of different interests maintains mainly the sole constituency criterion that, with the same electoral law applied, creates two Houses with a homogeneous majority. The persistent vilification of the role of ponderation and control registered in the last years appears to make the two lasting functions disappear. In that scenario, in which all the justificatory reasons for bicameralism seem to vanish, one should conclude for the inconsistency of the Italian bicameral system to its premises.

Nevertheless, despite the temptation to abandon bicameralism for unicameralism, it is believed that especially in period of governmental aggrandizement, bicameralism should be preserved. To have a second chamber, even if receding or marginalised, still leaves open the possibility to perform its tasks, while if completely removed, neither that possibility would still be there. The Italian system certainly needs to be reformed, not, though, in the direction of expanding even more the executive influence on the Parliament, but by strengthening the Parliament and revitalising bicameralism, so that both Houses could again fully perform the role and the functions constitutionally attributed.

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