

Little is known about the strategic bargaining processes occurring in parliamentary democracies after cabinet formation is complete. The existing literature typically alleges that cabinets dominate policymaking, and it assumes that cabinet objectives are ironed out during government investiture. Research on parliamentary bargaining therefore concentrates on cabinet formation and dissolution, leaving us in the dark about how political parties reach and maintain policy agreements between the births and deaths of cabinets.

*Rationalizing Parliament* seeks to remedy this through the analysis of institutional arrangements aimed at “rationalizing” the policymaking role of the French National Assembly. Drawing on diverse methodological approaches, the author argues that even though parliamentary institutions provide the cabinet with considerable autonomy in deciding the policy proposals voted on by parliament, the primary purpose of these institutions is not to resolve conflict between legislature and executive. Instead, it is to enable the leaders of parties and factions to preserve policy agreements reached outside parliament, and to clarify for voters the parties’ policy positions and the locus of political responsibility for policy outcomes.

By focusing on how parliamentary institutions affect bargaining among parties, the analysis reveals shortcomings in conventional interpretations of French politics, as well as similarities between legislative bargaining processes in the United States and in parliamentary systems. New insights into legislative-executive relations also come to light, including an institutional underpinning for the decision by political parties to endow cabinets rather than parliaments with superior resources for formulating policy proposals.



## **RATIONALIZING PARLIAMENT**

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# RATIONALIZING PARLIAMENT

*Legislative institutions  
and party politics in France*

JOHN D. HUBER

*University of Michigan*



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**For Lucy**



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## *Series editors' preface*

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The Cambridge series on the Political Economy of Institutions and Decisions is built around attempts to answer two central questions: How do institutions evolve in response to individual incentives, strategies, and choices, and how do institutions affect the performance of political and economic systems? The scope of the series is comparative and historical rather than international or specifically American, and the focus is positive rather than normative.

John Huber's original, imaginative book develops and tests theories about how institutional arrangements shape political decision making. He provides innovative game-theoretic arguments about how legislative procedures, through their impact on the bargaining strategies of political parties, influence policy outcomes, cabinet stability, and political accountability in France. Bringing together often-separated models of strategic bargaining and legislative behavior, he argues that most policy conflict in parliamentary systems is not between the cabinet and parliament but between different parties or factions within the government majority or between government and opposition parties during minority governments. He examines two institutional arrangements for resolving such conflicts, the "package vote" and the "confidence vote procedure," both significant elements of politics and policy outcomes in the French National Assembly. He concludes that such procedures are less "antidemocratic" than is often suggested. Neither the package vote nor the confidence vote procedure is used by the government to run roughshod over the National Assembly. Instead, the package vote is used by party leaders in government to preserve essential elements of policy bargains struck outside the legislature. The confidence vote procedure, on the other hand, is triggered when rival political parties adopt position-taking strategies in parliament, clarifying responsibility for policy outcomes without destabilizing government. Both procedures are thus of particular importance when the government coalition is fractionalized or of minority status.

### *Series editors' preface*

Huber tests these insights using data collected at the archive of the French National Assembly, interviews conducted with leading participants in two French budget debates, and primary documents from the constitution-building process in France.

Parliaments are a highly visible arena in which inter- and intraparty conflict must be publicly aired and resolved. Confidence vote procedures are standard features of parliamentary institutional arrangements. The package vote also resembles important procedures in other legislatures, such as the “financial guillotines” in Great Britain and Ireland, limits on budget proposals in Japan, and the closed amendment rules in the U.S. Congress and the Russian Council of the Duma. The book thus provides both a pathbreaking analysis of French legislative procedures and lays a foundation for exciting future comparative work.

## *Acknowledgments*

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## *Introduction*

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Democratic government is impossible without formal institutional arrangements, or rules, that fix the limits of legitimate political behavior. Rules define how elected representatives are chosen, how policies are formulated and adopted, how policies are enforced, and even how the rules for choosing policy are themselves established. Although there is an enormous variety of institutional arrangements for democratic government, almost all share one common feature: they are not neutral. Most rules create opportunities for particular individuals or groups, impose constraints on others, and thus affect who wins and who loses the competition to influence policy outcomes. Rules also create trade-offs. Some may increase the efficiency of decision making, but only at the cost of excluding certain individuals or groups from power and influence. Other rules may enhance political stability, but only by denying meaningful choices to citizens at election time. And yet other rules may ensure the inclusion of a large number of groups in decision making, but at the cost of clear accountability for policy choices. Not surprisingly, then, political elites expend enormous energies battling over the rules for political decision making.

The transition from the Fourth to the Fifth Republic in France provides what may be the most dramatic historical example of how changing the rules of a democracy can change the performance of that democracy. The Fourth Republic is often criticized for two related reasons.<sup>1</sup> The first is executive impotence. The government (i.e., the prime minister and the cabinet) was often unable to make important decisions, a failure with serious consequences during crises in Indochina, debates on the European Defense Community, and, most significantly, the civil war in Algeria. The second reason is cabinet instability. There were twenty-nine governments from 1946 until the time that the National Assembly called on General Charles de Gaulle's government to draft a new constitution in June

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1958.<sup>2</sup> Twelve of these were minority governments. The most durable lasted but sixteen months. Of course, this extraordinary instability was believed to be a major reason the government was unable to act decisively during times of crisis.

The Fifth Republic Constitution was overwhelmingly adopted by national referendum in September 1958. Since that time, the French people and its politicians have widely embraced the new institutional arrangements for their ability to deliver stability and decisiveness to French politics. Scholars have also extolled the virtues of the new French Constitution, some going so far as to claim that the Fifth Republic has finally provided the successful conclusion to the search for satisfactory institutional arrangements that began during the French Revolution.<sup>3</sup> And not surprisingly given the dramatic changes they brought to French politics, the institutional arrangements of the Fifth Republic have been an influential model during the crafting of new constitutions in the fledgling democracies of Eastern Europe and elsewhere.

The success of the Fifth Republic is widely attributed to two types of rules in the Constitution. The first is the existence of a strong president. This aspect of the Constitution was particularly important to de Gaulle, who felt it essential to permit the chief-of-state to stand above the partisan squabbles that often paralyzed political action in the Fourth Republic. The second is the establishment of *le parlementarisme rationalisé*, where the government must maintain the support of a majority in parliament, but where there also exists a host of institutional arrangements, inscribed in the Constitution, that “artificially ensure” executive decisiveness in the absence of coherent partisan majorities in the National Assembly (see Quermonne 1987a: 53). This was particularly important to Minister of Justice Michel Debré, the chief architect of the Constitution and the first prime minister of the Fifth Republic, who wanted to reverse the power relationship between government and parliament that had existed during the Fourth Republic.

The rules included in the Constitution to strengthen the French government against the legislature seem formidable. The Constitution contains provisions that grant control of the legislative agenda to the government, that limit the right of deputies to submit and vote amendments, that limit opportunities for deputies to gain information and expertise, and that even limit opportunities for members of parliament to vote on bills themselves. Since these rules of legislative procedure were actually placed in the Constitution, the members of parliament cannot easily change or get rid of them. The National Assembly under the Fifth Republic is therefore often regarded as one of the weakest legislatures in any modern democracy.

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### **CONFIDENCE VOTES, PACKAGE VOTES, AND PARLEMENTARISME RATIONALISÉ**

This book focuses primarily on the second of these two new sets of institutional arrangements: the *parlementarisme rationalisé*.<sup>4</sup> I focus in particular on the political trade-offs created by two constitutional rules that have arguably had the most important impact on policymaking processes in the parliament of the Fifth Republic. These procedures, which are at once praised as essential components of political stability and criticized as antidemocratic foundations of parliamentary impotence, are found in Articles 44.3 and 49.3. Article 44.3 establishes what I call the package vote. (The French call it the *vote bloquée*.) This provision of the Constitution states:

If the Government requests it, the assembly considering a bill decides by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

Under this procedure the government can at any time selectively group articles and amendments, excluding those it opposes. The parliament must then vote either to accept or to reject the government's policy package.

Article 49.3 establishes what I call the "confidence vote procedure." (The French simply call it *le 49.3*.) This provision of the Constitution states:

The Prime Minister may, after deliberation by the Council of Ministers, engage the responsibility of the Government before the National Assembly on the vote of a bill. In this case, the bill is considered adopted unless a motion of censure, introduced within the next 24 hours, is adopted in the conditions set forth in the preceding paragraph.

Under this procedure there is no vote on the bill itself, but instead all debate ceases immediately and if a motion of censure is not introduced and adopted within a specified time limit, the bill is considered as passed *in the form designated by the government*.

These two restrictive procedures have played a central role in the legislative process since the founding of the Fifth Republic. Figure 1 provides the frequency with which each of the procedures was used from 1959 to 1994. During this time, the package vote was used a total of 299 times in the National Assembly and the confidence vote procedure was used 77 times. As is obvious from Figure 1, the two procedures are used much more frequently in some periods than in others.

The package vote and the confidence vote procedure are also important because they are often invoked on very significant pieces of legislation.

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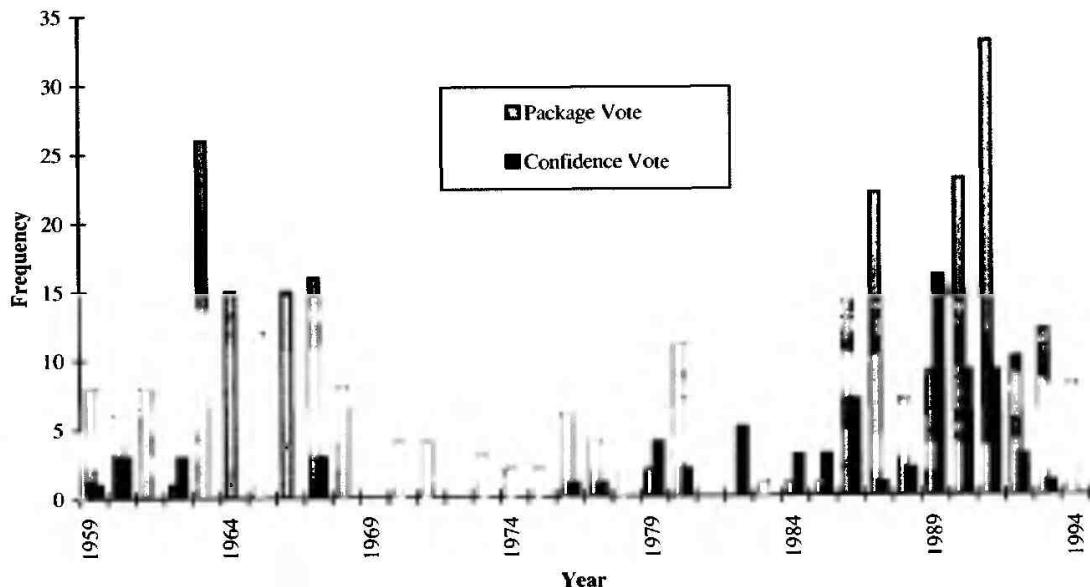


Figure 1. Annual Utilization of the Package Vote and the Confidence Vote Procedure 1959–1994.

The procedures have been used to adopt bills dealing with the establishment of France's nuclear energy policy, its nuclear weapons program, the level of state aid to Catholic schools, the adoption of national budgets, the nationalization and denationalization of French industry, and the reform of the electoral law, to name but a few. Consequently, in order to understand many important policy decisions that have been taken since 1959, it is important to understand how the package vote and the confidence vote procedure influence political behavior.

The framers of the Fifth Republic included the package vote and the confidence vote procedure in the Constitution in order to combat the weakness of the executive – and in particular the instability of the cabinet – that was present during the Fourth Republic. Since that time, the procedures have been praised as crucial elements in the institutional formula for political stability.<sup>5</sup> Duverger (1987: 100) goes so far as to say that the confidence vote procedure “could not be suppressed without danger for the regime.”

At the same time, however, the procedures are frequently denounced as being patently *antidemocratic*. The antidemocratic arguments take two forms. The most prominent concerns the impact of the procedures on amendment rights, and thus on policy outcomes. Since the procedures can be used to suppress votes on the amendments offered by deputies, the package vote and the confidence vote procedure are often viewed as instruments that governments use to prevail in legislative battles when there

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is policy conflict between the executive and legislature. Consequently, the procedures are held to move policy outcomes away from the preferences of the directly elected representatives of the people and toward the preferences of the nonelected members of the government.

On this point, scholars pull no punches in their invective. Jean-Louis Quermonne, a leading expert on the French constitution, writes:

Article 49.3 has a shocking character, one that pushes the limits of a rationalized parliament to the frontier of the absurd by resolving the problem of governmental responsibility before the National Assembly by the immediate suppression of legislative power. The efficiency that results does not justify the procedure.

(1987a: 242; see also page 330 on the package vote)

André Chandernagor, in his provocatively titled book *Un Parlement: pour quoi faire?* goes so far as to draw an analogy between the package vote and the St. Bartholomew's Day massacre:

It is now the case that the package vote is invoked very early in the discussion of bills. In such situations, deputies participate in a new version of the massacre of the innocent. The amendments are rendered obsolete before ever being discussed. Their authors certainly have the right to stand up and defend the amendments, but why bother, given that the amendments will never be voted on. The Assembly is limited from this moment to be, with more or less grace, nothing more than a rubber stamp.

(1967: 59)

Other French political scientists also condemn the procedures. Pierre Avril (1965: 445), who has conducted the most extensive research on the package vote, concludes that the procedure "has become the cornerstone of neo-parliamentary Government during the Fifth Republic." He argues (1965: 457; see also page 440 and Avril 1971) that the package vote has moved the legislative process out of parliament and into the administration in Fifth Republic France: "The Assemblies do not participate in power; they are only an instrument of an authority external to themselves." Even Duverger, who recognizes the benefits of the restrictive procedures, notes that "to permit government bills to be adopted without a vote or with the vote of a minority . . . is hardly democratic" (1959b: 195).

Not surprisingly, politicians are also quick to condemn the anti-democratic aspects of the restrictive procedures. On January 11, 1961, former prime minister Paul Reynaud wrote a letter to Prime Minister Michel Debré that stated:

The promulgation of [Article 49.3] violates two principles which are at the core of all democratic regimes . . . The first is formulated . . . by Article 3 of the Constitution: "The national sovereignty is held by the people, who exercise it by their representatives or by way of referendum." The second . . . is found in Article 34: "The law is voted by Parliament." These two principles were violated thanks to Article 49 of the Constitution.<sup>6</sup>

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Reynaud was objecting to Debré's use of Article 49.3 to pass the *force de frappe*, a bill that established France's nuclear weapons program. The bill was extremely controversial and was opposed by many deputies. Debré invoked the confidence vote procedure during a debate on a procedural motion to send the bill back to committee – before the contents of the bill were ever discussed in first reading. The government also invoked Article 49.3 during the second and third readings of the bill. The legislative decision to establish a nuclear weapons capability in France was therefore taken without there ever being a vote by a directly elected representative.

A similar denunciation occurred following a 1962 debate on a revision of the national budget (*projet de loi de finances rectificative*). At this time, the package vote was used to attach the expenditures on Pierrelatte, an atomic energy center, to the expenditures on civil servants and the elderly. Consequently, in order for the members to vote against the atomic energy center, it was necessary to defeat the expenditures for these groups. With obvious frustration, Senator Guille took to the podium and stated:

You know, Mr. Minister, that the majority in the Palais Bourbon is hostile to the appropriations for Pierrelatte, but not to the appropriations for the civil servants and the elderly; but you have joined them indissolubly. . . . You force on us the frustrating obligation either to consent to what we judge bad and dangerous for France, or to refuse what we believe to be necessary and urgent for the French.

(quoted in Avril 1965: 441)

Although the most common criticism of the procedures is that they permit the government to impose its will when there is policy conflict with the National Assembly, the procedures are sometimes deemed anti-democratic for a second reason. This criticism focuses on the fact that the government can use the procedures to provide political cover for deputies during politically sensitive debates. In the 1986–8 period of cohabitation,<sup>7</sup> for example, there was a high level of conflict between Raymond Barre of the UDF (a party of the right in coalition with the Gaullists) and Jacques Chirac, the Gaullist prime minister, both of whom were jockeying to become the leader of the right in the 1988 presidential election. Duverger (1987: ch. 4) argues that in order to avoid politically costly debates within the majority – as well as possible legislative defeat – on three important bills, the confidence vote procedure was invoked very early in the legislative process, before the opposition had any opportunity to debate the bill. A major bill to privatize a large number of French industries, for instance, was debated for only fifty-five minutes, with the only intervention by an opposition member being a five-minute point of order (*rappel au règlement*) by a Communist deputy. Similarly, a law to change the French electoral system was “debated” for only one hour and fifteen minutes. Duverger (1987: 101) states that this use of the procedure is

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highly contestable and points out that “no other democracy today would tolerate such a debate – or rather such an absence of debate.” The package vote can play much the same role, protecting members of the majority from politically difficult votes on particular amendments.<sup>8</sup> During the first experience with cohabitation for example, Prime Minister Chirac used the package vote to suppress the vote on amendments relating to abortion and the death penalty that had been submitted by the radical right-wing National Front Party.

The two French procedures are therefore held to create particular trade-offs. On the positive side, the procedures are believed to enhance executive authority and cabinet stability. On the negative side, the procedures are believed to be antidemocratic, both in their effects on policy outcomes and in their effects on political accountability.

But though scholars widely share the view that the package vote and the confidence vote procedure influence important aspects of political performance in France, they have not answered important questions about how these institutional arrangements produce their purported effects:

- How, and under what circumstances, do the procedures influence cabinet stability?
- What is an antidemocratic outcome, and how do the procedures promote such outcomes?
- How, and under what circumstances, do the procedures influence political accountability for policy outcomes?
- What explains the government’s decision to use the restrictive procedures on specific pieces of legislation and not others?
- Do the procedures operate uniformly, or do they arise under different circumstances and for different reasons?

Absent answers to these questions, it is impossible to have confidence in the dramatic claims that are frequently made, not simply about these specific procedures, but more generally about the triumphs and failures of the institutional arrangements of Fifth Republic France. The central substantive focus of this book, then, will be to develop and test arguments about why these restrictive voting procedures are used and about how their use influences policy outcomes, cabinet stability, and political accountability in France.

### **THE COMPARATIVE CONTEXT AND THE STUDY OF INSTITUTIONS**

Neither these questions nor the answers that emerge from this study are of exclusively parochial interest. For one thing, the package vote and the

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*Table 1 Confidence vote procedures in eighteen advanced industrial democracies*

Source of authority for confidence vote procedures			
Convention	Constitution	Standing orders	None
Australia, Canada, Denmark,* Ireland,* Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom	Finland, France, Germany, Portugal,* Spain*	Belgium, Italy	Iceland

*Note:* Countries marked with an asterisk also contain provisions in the Standing Orders that clarify the prime minister's prerogative to demand a vote of confidence on a specific policy. The data were collected by the author.

confidence vote procedure are not peculiarly French. As Table 1 shows, in many parliamentary democracies, there exists a convention, a constitutional provision, or a standing order that permits the government to make a particular policy issue a question of confidence. Thus, in most parliamentary systems the government can force members of the legislature to make the same basic choice that the confidence vote procedure requires in France. In fact, in many countries, the use of confidence vote procedures is even more powerful than in France because most governments (unlike in France) can attach the vote of confidence to a dissolution threat, forcing members of the assembly to choose between either accepting the government's policy or facing the voters in an election.

There is a long history of parliamentary governments using confidence votes for policy purposes. In Britain during the nineteenth century, for example, the cabinet frequently made policy issues questions of confidence, a fact that Cox (1987) ties to the emergence of party discipline in the House of Commons. In New Zealand during the early part of this century, confidence votes were frequently invoked on specific policies. And the utilization of confidence votes for policy purposes was common during the Third Republic in France.

Confidence votes continue to play an important part in parliamentary policymaking. During the 1993 debate over ratification of the Maastricht Treaty for European Union in the British House of Commons, twenty-three "Euro-rebels" – Tory MPs who opposed European integration – defied Conservative Prime Minister John Major by voting with Labour and the Liberal Democrats to defeat a motion that would have permitted the British government to ratify the Maastricht Treaty. Following this

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defeat, Major tabled a motion stating that the House of Commons had confidence in Major's Maastricht policy. He also announced that if he lost the vote on his confidence motion, the Queen would dissolve parliament, triggering an election campaign. On the next day, the Euro-rebels backed Major in the confidence vote, concluding the unsuccessful attempt to stop ratification of the Maastricht Treaty.

Similarly, in Italy in 1992, the four-party coalition government (backed by Christian Democrats, Socialists, Social Democrats, and Liberals) faced rigid opposition to budget austerity measures that were deemed essential and urgent not only by Prime Minister Giuliano Amato, but also by the European Community. In order to adopt the austerity measures, Prime Minister Amato made the budget bill a question of confidence. The deputies, forced to choose between accepting the government's budget and instigating a cabinet crisis, permitted the budget to pass by refusing to bring down the government. Confidence votes therefore are an important procedural weapon in any parliamentary democracy, and knowledge of how the confidence vote procedure shapes political performance in France will provide insight into how confidence votes influence parliamentary politics more generally.

The package vote seems to be somewhat more uniquely French, although other countries have analogous rules that force an up-or-down vote on a specific policy (without jeopardizing the continued existence of the government). In Great Britain, for instance, there exists a procedure called a *financial guillotine*, which can be used by the government on motions that set levels of expenditures on national budgets ("supply motions"). Under this frequently used procedure, British MPs face the same basic decision imposed on French deputies when the package vote is used because the MPs have no opportunity to amend many important budgetary decisions (Griffith and Ryle 1989: 251). A similar procedure exists in Ireland. In Japan, although members of the Diet can in principle amend budget bills, the procedural hurdles for doing so are very high, leading to a de facto package vote on budgets. In the U.S. House, closed amendment rules are often used to consider legislation. Under such rules no amendments can be offered to a committee proposal on the floor of the legislature. In Russia, the Council of the Duma can unilaterally demand closed amendment rules.

## *Research on parliamentary legislatures*

By focusing on the how the package vote and the confidence vote procedure shape legislative behavior and political performance, this study directs attention toward a theoretical issue typically neglected in the comparative politics literature: the impact of legislative institutional arrangements

## *Rationalizing parliament*

on the outcomes of strategic bargaining processes in parliamentary systems. Scholars have probably ignored the study of how legislative institutional arrangements influence bargaining processes in parliamentary systems because a consistent theme in the literature is that legislatures in parliamentary systems generally play an insignificant role in policymaking.<sup>9</sup> To be sure, scholars find variance in the extent to which legislatures influence policies, but the general weakness of legislatures outside the United States is part of the canon in comparative politics.

Not only are parliaments frequently held to be unimportant in policymaking, the common explanation for parliamentary impotence has nothing to do with institutional arrangements. In fact, scholars argue that in principle, executive dependence on legislative majorities permits members of parliaments to control policymaking processes.<sup>10</sup> But *political parties* are said to ensure that institutional prerogatives need not be exercised (because members of the majority in parliament have the same preferences as members of the government)<sup>11</sup> or, more commonly, cannot be exercised (because parties are organized to ensure deference by members of parliament to expert leaders on policy questions).<sup>12</sup> So, the argument goes, party leaders in cabinets use the institutional structure of political parties to dominate the elected members of the legislature.

The emphasis on cabinet dominance in previous research has led scholars to ignore the study of strategic bargaining processes in parliaments. Instead, scholars have often focused on estimating the relative weakness of parliaments in policymaking (e.g., Copeland and Patterson 1994a, Mezey 1979, and Olsen and Mezey 1991). Other research attempts to identify the different roles played by individual representatives (e.g., Searing 1994 and Woshinsky 1973), or to delineate functions other than policymaking that parliaments play across polities (e.g., Copeland and Patterson 1994b, Packenham 1970, and Wahlke 1971).

The efforts to delineate the “nonpolicymaking” activities of parliaments has led to a longlist of “system functions” that parliaments perform, as well as numerous categorizations of parliaments according to how well they perform these functions. This way of thinking about parliaments probably had its origins in the mid-nineteenth century, when Bagehot, recognizing the “efficient secret” of parliamentary government, argued that the primary function of the British House of Commons is not to make policy but rather to elect the executive. Policymaking is not even a secondary function of parliament according to Bagehot. The secondary functions include informing the cabinet of public sentiments, criticizing proposals, and educating the public about matters of the national interest (Bagehot 1867). A century later, Sir Ivor Jennings, focusing on the same assembly, argued that the role of governments was to govern and the role of parliaments was to criticize the government (Jennings 1957).

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More recent research delineates new functions played by assemblies. Central among these is “legitimation.” Scholars argue that legislatures fulfill “support” rather than “demand” functions in society. That is, the function of a legislature is to sustain support for authority and build political community by mobilizing public consent for policies advocated by leaders in the cabinet. The legitimization function is held to be crucial – without parliament fulfilling this role, the survival of democracy is held to be next to impossible. The legitimization function also explains why there is an increase in the number of legislatures in the world in a period when the policymaking role of legislatures seems to be on the decline.<sup>13</sup>

The concern with the legitimization function of parliaments has led to an interest in the process of *institutionalization*.<sup>14</sup> Over time, the argument goes, legislatures, like other organizations, become increasingly complex in their development of norms, procedures, decision-making routines, and leadership patterns. As legislatures become institutionalized, they become autonomous and thus independent of structures and organizations outside the legislature (like the church, the military, the bureaucracy, or interest groups). The process of institutionalization and the fulfilling of system functions are therefore intimately linked – institutionalization facilitates the fulfillment of functions. Part of this institutionalization process is adaptation to changing exigencies of the political system. Copeland and Patterson (1994: 153) have recently argued, for example, that “if the polity is failing in some regard, the parliament may undertake a new responsibility to aid the continuance of the polity or may adapt its current practices to better accomplish a function that is part of its mission. If it fails to do so, and assuming the polity survives, some other component of the system will undertake these functions, thereby weakening the parliament within the system.”

## *The drawbacks of anthropomorphizing parliaments*

The problem with this research on the roles of parliaments is its functionalism. Functionalist arguments “postulate a purpose without a purposive actor or, in grammatical terms, a predicate without a subject” (Elster 1982: 454, italics in original). Critically absent from research on the roles of parliaments are the purposive actors, or the “subjects.” Instead, the *agent* that institutionalizes, that adapts, and that through this process fulfills various functions is “the parliament.” These studies, then, anthropomorphize the parliament, treating it as a coherent actor in the political process and exploring the extent to which it fulfills various roles deemed essential to the polity.

Why is anthropomorphizing parliaments a problem? One reason is that if one accepts that parliaments are unimportant in policymaking

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processes, then it is necessary to explain why *parliaments* fulfill system functions. To this end, one must peel the cover off the assembly, look inside, and explain why elected representatives ever choose to perform system functions. After all, a *parliament* never acts. Individuals within parliaments act. Why would individuals bother to “legitimate” the policies of the executive on the floor of the legislature? Why would they want to use the rostrum of parliament to educate the masses about good and bad public policy?

Providing satisfactory answers to these questions is difficult. One problem is that while a single legislator can influence policy outcomes through voting or offering bills and amendments, it is much more difficult for an individual member to influence the legitimacy of any particular governmental action, much less the legitimacy of the polity more generally. An application of collective action theories would therefore suggest substantial difficulties in linking the performance of “system functions” to individual incentives. A second problem is empirical. The voluminous substantive literature on how individual legislators perceive their roles and functions emphasizes that members of parliaments are motivated by the opportunity to influence policy on behalf of constituents, and to rise to leadership positions within parties. Legitimation roles are virtually never mentioned.<sup>15</sup> Anthropomorphizing parliament also presents problems in research on the policymaking role of legislatures. One such problem is that no studies demonstrate a systematic impact of the “importance” of a parliament’s legislative role on any aspect of political performance. That is, scholars have not made the case for why we should care whether “the legislature’s” policymaking role is strong or weak.<sup>16</sup> A second problem is the set of thorny practical difficulties associated with identifying or quantifying the amorphous concept of the policymaking “importance” of the legislature. Typical measures focus on voting discipline, the number of private member versus government bills, substantive changes to budgets, and the length of time in session each year. But each of these variables is a poor proxy for the impact of the legislature on policy outcomes because none measure the preferences of legislators, the preferences of cabinet ministers, or the nature of final policy outcomes. Not surprisingly, therefore, scholars looking at the same data can widely disagree on whether a legislature is strong or weak.

Such disagreement is apparent in the French politics literature. Most scholars subscribe to the textbook notion of a weak legislature in the Fifth Republic.<sup>17</sup> But many others do not. Avril (1981: 31), for example, argues that the legislative process follows two models in the Fifth Republic: first, that of the “disciplined parliamentary majority comparable to that of Great Britain,” and second, “a system of negotiations between an

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independent executive and the ‘inferior circle’ of legislators analogous to the practice in the United States.” Carcassonne (1988) analyzes empirically a variety of legislative activities in the National Assembly and argues it is wrong to conclude “the government ‘makes’ the laws.” Brouillet (1973) reaches a similar conclusion following his excellent case study of parliament’s treatment of a government bill in 1967. Lijphart’s (1984a) study leads him to classify France as a “consensual democracy.” And Wilson (1983) finds that over half of the elites he interviewed believe that parliament plays an important role in the legislative process. Of course, resolving whether the French parliament exerts an important or powerful influence in policymaking will be difficult because notions of “importance” or “power” are so amorphous.

The greatest problem with anthropomorphizing parliament is not, however, simply one of measuring and quantifying legislative roles. Rather, it is the fact that this approach has led comparative research on legislatures to treat the names of countries, rather than institutional arrangements within parliaments, as independent variables. Insofar as scholars have incorporated institutional arrangements into their research, it has been for the purpose of classifying the legislatures of particular countries according to broad, functionalist categories. The result is sentences in previous comparative research of the following style: “The legislatures in Countries A and B do x, while the legislatures in Countries C and D do y.” Or similarly: “The legislatures in Countries A–D are in category x (e.g., arena legislatures) while the legislatures in Countries E–H are in category y (e.g., transformative legislatures).”

The end result of such research is that we have little understanding of how legislative institutional arrangements – such as the package vote and the confidence vote procedure – interact with legislators’ preferences to influence political behavior and performance. That is, there are few sentences of the following variety: “The impact of legislative procedure x on political performance variable y depends on a, b, and c.”<sup>18</sup>

The absence of such sentences is a problem. Even if parliament’s “role” in the legislative process appears minimal, legislation in parliamentary systems cannot be adopted without some sort of favorable public pronouncement. Finding a bill that can achieve majority support will require the agreement of all factions within the majority party or parties, all parties within a government coalition, and, during minority government, all parties in government plus at least one party in opposition. Scholars know virtually nothing about how party leaders reach these policy agreements, much less about whether institutional arrangements shaping the consideration of bills on the floor of parliament influence in systematic ways the nature of these agreements. A central goal of this research is to

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begin filling this gap in our understanding of parliamentary government by directing attention toward the impact of institutional arrangements on the behavior of party leaders and backbenchers in the legislature.

### THE METHODOLOGY OF FORMAL MODELING

If previous research sheds little light on how institutional arrangements shape behavior and outcomes in parliamentary legislatures, where should one turn in the effort to understand the impact of the package vote and the confidence vote procedure on French politics? This study adopts a “triangular” approach. I use three distinct methodologies: formal deductive modeling, quantitative statistical analysis, and qualitative case studies.

Formal models play the most prominent role in constructing the theoretical arguments. Although the analysis relies heavily on game theory, the specific models are not technically sophisticated or analytically complex. Consequently, the formal arguments are made entirely in the text, using words and diagrams rather than symbols and equations to convey intuitions and results. The primary theoretical arguments should therefore be easily understandable by readers lacking previous training in game theory.<sup>19</sup>

The analysis draws on a variety of game theoretic models, and it uses these models for a variety of reasons, making it useful to discuss briefly why the methodology of formal modeling is appropriate and valuable. One reason why formal models are valuable is that they require a clear specification of one’s assumptions about the structure of institutional arrangements, the identities of the players who interact in a particular institutional context, and the motivations of these interacting players. Although clarity about assumptions is possible without developing a formal model, it can be difficult to achieve. Formal models are a valuable crutch: one cannot make a single claim using this methodology until one establishes the precise assumptions on which the claim will rest.

Explicitness about assumptions is valuable for two reasons. First, such explicitness aids the *individual researcher*. Since the methodology of formal models requires careful thought about the precise assumptions underlying particular theoretical claims, this methodology can help one to avoid research paths that may be best left unexplored. Studies of the system functions of legislatures provide an example. This literature might have developed quite differently if rather than anthropomorphizing legislatures, scholars had written down the assumptions about legislators that would be necessary to support claims about the various system functions of parliaments.

Second, explicitness about assumptions aids the *scholarly community*.

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Since assumptions are explicit in formal models, the logic underlying any particular theoretical claim need not rest on rhetoric or persuasion. Instead, the logic is always completely transparent. This transparency eliminates confusion about the source of theoretical claims, making it easy for scholars to identify the precise elements of a theoretical argument that they find most objectionable or inappropriate. The language of formal models is therefore a valuable pedagogic device for communicating ideas openly and honestly.

Formal models are also valuable because they facilitate the discovery of empirically testable propositions about behavior, propositions that should hold regardless of time, space, or cultural context. This is perhaps the most common justification given for formal models, and scholars frequently stress that models should yield general propositions that are “counterintuitive.” The term “counterintuitive,” however, can be misleading. If a particular model generates a result that after careful thought remains counter to what our intuition tells us could be correct, then there is a good chance the model is wrong. In such cases, if we subject the counterintuitive insight to a careful empirical test and find out that it is indeed supported by data, then the model may be predicting behavior we cannot understand. Such events are thankfully quite rare.

Instead of producing “counterintuitive insights,” formal models should produce *intuitive* insights that have never occurred to us before. The models lead to arguments that make us rap ourselves on the head and say, “Of course, that’s the way the world works. I wonder why I didn’t think of that before!”

But if models lead to insights for which we actually need no model, one might ask why bother with the model in the first place. One reason has already been given: formal models provide a convenient language for clearly communicating theoretical arguments about behavior. A second response to this question is that we can seldom know whether insights from formal models would have been discovered absent the models. David Kreps, an economist, admits there is an “identification problem” associated with discerning whether the tools of game theory actually improve understandings of economics:

Without the concepts and language of game theory, essentially the same economic analyses may well have been carried out; game theory may be nothing more than window-dressing. Hence improvements in understanding that I may attribute in part to game theory may in fact have little or nothing to do with the theory. Having no ready answer to this criticism, I simply note it and move on. Short of looking for two independent populations of economists, one having game theory at its disposal and the other not, I see no way to solve this problem of identification except by appeal to your good judgment. (1990: 6)

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Many insights from this book emerge from game theoretic models. These insights surely could have emerged without the models. To my knowledge, however, many of the arguments have never been made before, they emerged from employing the methodology of game theory, and I will never know if the arguments could have emerged independent of the use of this methodology. That said, I appeal to the reader's good judgment and (like Kreps) move on.

A third response to the “why bother” question is that models provide an essential tool for checking intuitions. Our observations of political processes generate a wealth of intuitions about why the world works the way it does, and these intuitions play a central role developing theories and explanations of political behavior. The problem, however, is that some of our intuitions are correct, while others are wrong. It is therefore important to be able to determine when one can sensibly rely on particular intuitions. To this end, if intuitions concern logical (rather than empirical) relationships, formal models are a reliable tool because they expose logically inconsistent arguments.

A final advantage of formal models is that they facilitate the study of phenomena that are *not* easily analyzed empirically. Although scholars often stress the importance of using models to generate empirically testable hypotheses, it is important to recognize that models are sometimes most useful when the object of study is difficult to analyze empirically.<sup>20</sup> To take one example, there is a growing formal literature on the circumstances under which various political agents, such as lobbyists or legislators, will truthfully reveal private information during the course of political debate.<sup>21</sup> Certainly the substantive issue is important if one cares about informed public policy, but given the problems inherent to collecting reliable data on honesty, it is unclear how far one could get by adopting a purely empirical approach. In this case, formal models at least provide an opportunity to generate logical arguments about factors that should lead to truth telling. In order to be valuable, then, formal models need not always generate hypotheses that are testable in practice. Indeed, it is often the case that the methodology is especially valuable when empirical research is most difficult.

In sum, formal modeling serves a wide range of methodological objectives, a fact of which this book takes full advantage. My analysis relies on formal models – not to present a single “rational choice theory” – but rather for a variety of methodological reasons that are in many respects unrelated. I use a formal model, for example, to check central intuitions from the French politics literature, to generate new empirically testable propositions about behavior, to suggest connections between American and French politics, and to talk about claims in the literature that are difficult to study empirically.

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### DESIGN OF THE ARGUMENT

Chapter 1 begins the analysis by addressing two central themes in the literature on French institutional arrangements, both of which might predispose one against expending the considerable effort underlying a study of the package vote and the confidence vote procedure. The first theme is that the French president holds real political power. Since France is often viewed as presidential, some might argue it is unnecessary to worry about institutions that shape the relationship between the National Assembly and the prime minister. The second theme is that the National Assembly is impotent in the policymaking process and that the package vote and the confidence vote procedure are but two weapons in the government's arsenal that ensures this impotence. Thus, some might contend that to understand policymaking in France, we need not focus on the National Assembly, and if we insist on focusing on the weak National Assembly, there is no reason to limit ourselves to the two procedures that are central to this research.

One response to these arguments has already been given. Sweeping claims about the importance of various branches of government do not help us understand bargaining processes within and among political parties, and thus shed little light on the postgovernment formation factors that influence bargaining strategies, policy outcomes, and political performance. Chapter 1, however, provides a different type of response, one aimed directly at the existing French politics literature: I argue that the two themes in previous research are misguided at best and are in many respects incorrect. I also argue that although most constitutional arrangements that were aimed to "rationalize" the parliament have not had their intended effect, deputies in France have no way of evading the effects of the package vote and the confidence vote procedure. Thus, these two procedures have imposed perhaps the greatest institutional constraints on policymaking in the Fifth Republic. In making these arguments, I provide background information about French institutional arrangements that will be useful for readers with limited previous knowledge of French politics.

Chapter 2 addresses the substantive question "How did the package vote and the confidence vote procedure wind up in the Fifth Republic Constitution?" My answer to this question draws on two quite different sources. In order to provide a theoretical anchor for understanding the historical events, I describe the evolution of formal models of majority rule, and in particular the pathway from the chaos models of "institution-free" majority rule to the "new institutionalist" models of legislative procedures. In order to provide insights into the historical pathway leading to the creation of the package vote and the confidence vote procedure,

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I draw on recently published archival data on the debates over the drafting of the Constitution in 1958.<sup>22</sup>

The discussion has several objectives. For readers with little knowledge of positive political theory, the chapter provides information that will be useful not only for understanding the events in France in 1958 but also for understanding arguments about restrictive institutions in subsequent chapters. For readers with little knowledge of French politics, the chapter provides essential information about France in 1958, when democracy was temporarily suspended while an entirely new constitution was drafted and put to the people in a referendum. Most importantly, by fusing a discussion of positive political theory with a discussion of French political history, I hope benefits will flow in two directions. On one hand, the marriage of the two discussions provides a more general theoretical framework for understanding why the confidence vote procedure and the package vote were placed in the French Constitution. On the other hand, the historical discussion of constitution building in France raises issues that are relevant to more general theorizing about the endogenous choice of democratic rules and procedures.

The theoretical and empirical study of the conditions leading to the use of the restrictive procedures, and of the impact of these procedures on political performance, are found in Chapters 3 through 6. The analysis begins with the most prominent claim in the previous literature, which is that both the package vote and the confidence vote procedure are used by the government primarily to control policy outcomes when there exists conflict between the government and the National Assembly. This claim is important, not only because of its prominence in the literature, but also because it underlies many arguments that the procedures are anti-democratic. Surprisingly, however, scholars have never provided either a logical argument for *why* the use of the procedures should be related to the level of policy conflict, or empirical evidence that in fact that use of the procedures is related to levels of policy conflict. Thus, Chapter 3 attempts to provide both. First I develop a formal model designed specifically to assess the *logic* of claims that use of the restrictive procedures should be related to the level of policy conflict between the government and parliament. The model fails to confirm the expected relationship, providing instead an explanation for why the use of restrictive procedures should be completely unrelated to the level of policy conflict. Second, the chapter conducts an empirical test of the policy conflict hypothesis. Again, the analysis suggests that the level of policy conflict has little or no effect on the government's decision to use the restrictive procedures. Thus, Chapter 3 rejects the prominent claim in the literature that the two French restrictive procedures are tools the government uses to exercise policy control when there exists conflict with the National Assembly.

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Given the lack of support for the principal claim in the French politics literature, Chapter 4 turns to a quite different source for theoretical inspiration: formal models that have been developed to study closed amendment rules in the U.S. House of Representatives. Applying the insights from these models to the case of France leads to a new theoretical argument about the package vote and the confidence vote procedure. Instead of viewing these institutional arrangements as tools that the executive uses to exert policy control, one should view the package vote and the confidence vote procedure as tools that facilitate negotiations and policy bargains among parties in coalitions and among members of the majority party on multidimensional policy issues. Empirical tests strongly support this theoretical argument in the case of the package vote but are less compelling in the case of the confidence vote procedure.

This analysis in Chapter 4 has important implications for how scholars should view legislative–executive relations in parliamentary systems. Traditionally, scholars focus on the vertical relationship between these two branches – on combat between the government and parliament. This focus ignores the fact that much if not most conflict in parliamentary systems is not between two branches of government but rather between different parties or factions within the government majority (or between government and opposition during minority government). Parliaments are one important arena in which this conflict must be publicly aired and addressed. Chapter 4 underlines the important role that institutional arrangements play in shaping the resolution of such conflicts among political parties and party factions.

The results in Chapter 4 are also important for several other reasons. Although many countries have restrictive amendment procedures, the development and testing of formal models has been strikingly parochial, concentrating almost exclusively on the U.S. House of Representatives. The comparative study of legislatures suffers from this parochialism by failing to incorporate insights from existing models into explanations of behavior in non-American settings. And the explanatory power that the formal models can claim is limited by this parochialism because the failure to test these explanations outside the U.S. House makes it relatively difficult to determine if the models actually generate explanations of behavior and choice that are independent of context or culture. Chapter 4 is important, then, not simply because it sheds new light on the study of French politics (and parliamentary politics more generally), but also because the analysis demonstrates the cross-national traveling capacity of the formal models developed in the American context.

The analysis in Chapter 4 is also significant because it suggests important similarities between legislative politics in the “activist” Congress and legislative politics in a “weak” parliament, the French National Assem-

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bly. Scholars often assume that the American Congress is unique: legislative resources, the individual autonomy of MCs, and the peculiarities of candidate nomination processes are said to lead to behavior that has little in common with behavior in parliamentary systems, where political parties are held to impose tight constraints on the behavior of MPs. Chapter 4 suggests that the obvious differences between Congressional and parliamentary politics have led scholars to overlook important similarities in policymaking processes. In particular, the analysis argues that choosing policies by majority rule creates certain inherent problems in any legislative assembly and that even if parties are quite disciplined, when more than one party or party faction must reach agreement before a policy can be adopted, the structure of legislative rules and procedures should influence how these inherent problems are resolved. Thus, in France the package vote is found to play the same role in facilitating bargaining processes among parties that closed and restrictive rules are often found to play in facilitating bargaining processes among individual members of the U.S. House of Representatives.

Finally, the analysis in Chapter 4 is important in response to the common assertion in the French politics literature that the package vote and the confidence vote procedure are interchangeable. The empirical tests of the “American” models do an excellent job of revealing the circumstances under which the package vote is used, but provide much less insight about why or under what circumstances the government will use the confidence vote procedure. The analysis therefore clearly indicates that the two procedures are not interchangeable – they are often used under different circumstances and for different reasons. Chapter 4 therefore underlines the need for new theory that focuses exclusively on why the French prime minister uses the confidence vote procedure. I undertake this task in Chapters 5 and 6.

Chapter 5 develops an “Electoral Politics Model” of the confidence vote procedure. The Electoral Politics Model, unlike standard models of legislative behavior, assumes that the agents care not simply about the nature of short-term policy outcomes but also about the “office” and “electoral” implications of their actions. The analysis of this model, which yields a host of empirical implications about how the confidence vote procedure should influence political behavior, suggests a different perspective on the study of legislative institutional arrangements than scholars have typically adopted. Rather than viewing the confidence vote procedure primarily as an instrument by which the government can control policy outcomes, the Electoral Politics Model suggests that the procedure is an institution used by political parties to communicate information to voters about responsibility for policy outcomes.

The logic of the arguments from the Electoral Politics Model are

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assessed in Chapter 6 using a case study of two budget debates. In May 1988, Socialist François Mitterrand was reelected as president of France, and he immediately exercised his right to dissolve the National Assembly and call for a new legislative election. After the election, the Socialist Party held 275 of the 577 seats in the National Assembly. Two conservative parties, the Gaullists (RPR, 130 seats) and the UDF (90 seats) together held 220 seats. The Communists (PCF) held 25 seats, and for the first time since the 1973 election, 41 deputies formed a Center group (UDC) independent of the UDF. Since the election failed to return a majority for either the Socialist party or the coalition on the right, the Socialists formed the first minority government in the history of the Fifth Republic, with Michel Rocard as prime minister.

The formation of the Rocard minority government raised speculation about the role that the French National Assembly might begin to play in French legislative politics. Until 1988, scholars frequently argued that the French government could use the numerous constitutional procedures to limit sharply the legislative role of parliament (see, e.g., Andrews 1982, Frears 1981, and Keeler 1991. In French, see Masclet 1982 and Parodi 1972). However, given its minority status, it was not clear whether the Rocard government could use the wide range of institutional procedures at its disposal to limit the opposition's role in policymaking, or if the government would find it necessary to make policy concessions to the opposition in order to pass legislation.

After the adoption of the national budget in the fall of 1988, many observers believed that the government's minority status would indeed force the government to make significant policy concessions to the opposition and would therefore lead to an historic revitalization of the National Assembly's role in French policymaking. The budget debate was marked by a spirit of cooperation and conciliation. The government avoided using many of the institutional mechanisms available to it for limiting changes to its bill by the National Assembly. Large policy concessions were granted to the opposition parties, as well as to the Socialist group in parliament. In the end, deputies from both the Socialist and opposition parties publicly praised the government for entering into a serious and constructive dialogue on substantive policy questions.

But one year later, with the same political actors and the same basic policy questions at issue, the budget debate unfolded completely differently. The government negotiated no important concessions with the opposition parties, and it used "institutional force" to prevent substantive policy changes by the National Assembly. The deputies of the opposition parties were harshly critical of the government for its unwillingness to enter serious policy negotiations and for its use of institutional force. Ultimately, the budget was adopted using the confidence vote procedure.

## *Rationalizing parliament*

An obvious substantive question poses itself: Given the political actors, the political institutions, and the political issues were the same across the two years, why was the 1988 budget debate marked by policy negotiation and compromise between the government and the National Assembly while the 1989 budget debate was marked by a lack of negotiation and compromise and by widespread use of restrictive procedures, including the confidence vote?

Drawing on archival records of these budget debates, as well as seventeen private interviews I conducted with the key participants in the 1988 and 1989 budget debates,<sup>23</sup> I analyze this puzzle in Chapter 6. The case studies are used to validate the model in Chapter 5 and to shed important light on how the confidence vote procedure affects the nature of legislative outcomes, the clarity of responsibility for legislative outcomes, and the bargaining strategies of parties during minority government.

Chapter 7 concludes the book. I summarize my findings regarding the impact of the package vote on confidence vote procedure on French politics. I also discuss the implications of the research for several more general issues in the study of parliamentary government, including legislative–executive relations, political leadership, cabinet formation, and cabinet dominance.

# I

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## *Parliamentary government in the Fifth Republic*

Two stylized facts are woven through the literature on Fifth Republic France. The first is the primacy of the president in French politics. Institutional arrangements, and in particular the direct election of the president since 1962, are said to give the president vast power. Presidential power is held to be further augmented by the *presidentialization* of French political parties: since the presidency is an enormous prize, parties are organized to service the needs of their presidential aspirants, and these *présidentiables* are believed to exercise extraordinary control over party positions on policy.<sup>1</sup>

The second stylized fact is that the National Assembly plays no important role in policymaking. A whole host of constitutional procedures that “rationalize” the role of parliament, together with the emergence of coherent legislative majorities under the Fifth Republic, are said to limit substantially the opportunities for France’s elected representatives to participate meaningfully in the legislative process. The National Assembly is therefore often held to be among the weakest legislatures in the advanced industrialized world.<sup>2</sup>

These two stylized facts have had a significant impact on political science research. On one hand, the presidential interpretation of the French system has often led comparative research on *parliamentary government* to exclude the Fifth Republic. A survey of nineteen studies of coalition formation, for example, reveals only five that include the Fifth Republic, while eight exclude France altogether and six focus only on the Fourth Republic.<sup>3</sup> Similarly, a survey of twenty-two studies of cabinet stability shows only six that include the Fifth Republic, whereas six ignore France, and ten limit themselves to the Fourth Republic.<sup>4</sup> On the other hand, the notion of parliamentary impotence has frequently directed attention of French politics scholars away from understanding the impact of France’s rich set of institutional arrangements on bargaining

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processes, leading them to focus instead on the power of the French administrative elite.<sup>5</sup>

The two stylized facts also raise an interesting question regarding the study presented in this book. If the president is the dominant figure in the executive, and if French deputies play no significant role in policymaking, why undertake a book-length study of institutional arrangements that influence relationships between deputies and members of the cabinet?

This chapter evaluates claims about presidential supremacy and parliamentary impotence in France. The chapter makes two main points. First, arguments that *institutional arrangements* ensure presidential supremacy and parliamentary impotence are incorrect. Second, arguments that *political factors* ensure presidential supremacy and parliamentary impotence are only correct during a handful of years. In periods when these political arguments are correct, they are largely irrelevant because at such times the power relationships among the various political actors do not affect political outcomes. These two dominant themes in the French politics literature have therefore left unanswered important questions about how French institutional arrangements shape bargaining processes among competing parties and groups in government coalitions.

### **EXECUTIVE POWER IN FRANCE**

There are two arguments about presidential supremacy in France. One is institutional. The other is “political.” I consider these arguments in turn.

#### *Institutional explanations of executive power*

In France’s dual executive system, the *locus* of executive power is not clear. The Constitution states that the president is directly elected, appoints the prime minister, and can dissolve the parliament, and that the prime minister directs the government, controls the parliamentary agenda, and is responsible to parliament. Beyond that, the Constitution is vague or even contradictory as far as executive power is concerned. The Constitution states in Article 15, for instance: “The President of the Republic is the chief of the army. He chairs the superior councils and committees of defense.” At the same time, Article 20 states: “The Government shall determine and direct the policy of the nation” and that it “shall have at its disposal the administration and the armed forces.” Moreover, Article 21 states that the “Prime Minister shall direct the operation of the Government” and “shall be responsible for national defense.”

Are French institutional arrangements presidential?<sup>6</sup> Does the institutional logic of the Fifth Republic support a presidential interpretation of

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the French system? Does the president have the institutional means necessary to influence French policymaking?

Since 1962, the French president has been directly elected using a two-ballot runoff system. The president serves a seven-year term and is not constitutionally restrained from seeking reelection. Although the Constitution devotes extensive space to delineating the powers of the president (see Articles 5–19), there are four “major” powers and two “minor” powers over policymaking. The four “major” powers are:

1. The president can dissolve parliament (Article 12).
2. The president names the prime minister (Article 8).
3. The president can invoke emergency powers that give him wide authority to take measures necessary to resolve a crisis (Article 16).
4. The president can call for a referendum on the proposition of the government or of both houses of parliament (Article 11).

The most important of these powers is the first one. Unlike many parliamentary systems, the French Constitution denies the prime minister the right of dissolution. Instead, this prerogative lies with the president. Any argument that French institutional arrangements tilt in the presidential direction should stress this feature.

If the president opposes a policy favored by the majority in the National Assembly, dissolution is a credible threat if public opinion is on the president’s side. In 1981 and 1988, for example, a conservative majority controlled the National Assembly at the time of a presidential election. Socialist François Mitterrand won both of these presidential elections, and immediately following his victories, he dissolved the National Assembly with the hope of returning a Socialist majority. The outcome was an unequivocal success in 1981, when the Socialists won a huge legislative majority. In 1988, the outcome was also a success, although a more modest one than in 1981 because the Socialists were forced to form a minority government.

Although dissolution is a powerful weapon, it is important to recognizes its limits. Constitutionally, the president’s right to dissolve can only be exercised once a year. Politically, the president’s ability to dissolve the legislature is also constrained. If an election would not return a different majority to parliament – one more sympathetic to the president’s policies – then dissolution threats do not enable the president to influence policy outcomes.

The other three powers of the president are weaker than one might imagine. Although the president names the prime minister, the president cannot legally require the prime minister to step down. Since any prime minister must receive the confidence of parliament, the president cannot avoid naming a prime minister who commands the support of a majority

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in parliament. As I will discuss more fully, in 1986 and 1993, Socialist President Mitterrand was forced to name a conservative prime minister because right-wing parties had won legislative majorities in elections to the National Assembly. The power to name the prime minister, while potentially useful in resolving internal party struggles, permits little influence over policy outcomes when a majority in parliament does not support the president.

The president's right to invoke emergency powers or to call a referendum are "exceptional." Article 16 states that an emergency can be declared only when "the institutions of the Republic, the independence of the nation, the integrity of its territory, or the fulfillment of its international agreements are threatened in a grave and immediate manner, and when the regular functioning of the constitutional public authority is interrupted." If an emergency is declared, the measures taken by the president "must be inspired by the purpose of securing for the constitutional public authorities, in the shortest time, the means of carrying out their mission." And parliament can impeach a president that attempts to abuse emergency powers. Not surprisingly, emergency powers have been invoked only once, in 1961 by de Gaulle to crush an attempted military coup over the Algerian question.<sup>7</sup>

Presidential authority over referenda is also limited by the Constitution. In particular, the president can submit a referendum to the voters only "on the proposal of the Government during parliamentary sessions, or on the joint proposal of the two assemblies." For most of the Fifth Republic, the president was further limited by the inability to call for referenda on policy issues. Instead, referenda initiated by the president had to be related to French institutional arrangements. On July 31, 1995, however, the Constitution was amended so that the president, on the proposal of the government or both houses of parliament, could call for referenda on general policy issues.

The president's two "minor" powers are:

1. When a majority in parliament delegates legislative authority to the government (under Article 38 of the Constitution), governmental decrees made under the enabling act must be signed by the president (Article 13).
2. The president signs decrees opening special sessions of parliament (Article 30).

The two minor powers enable the president to delay governmental initiatives. Article 38 authorizes parliament to pass an enabling act that delegates legislative authority to the government on certain specific topics. If the government passes a legislative decree under such an enabling act, the president is not obliged to sign the decree. During the 1986–8 period of

## *Parliamentary government in the Fifth Republic*

cohabitation, Mitterrand refused to sign governmental decrees on three occasions, forcing the conservative government to adopt the legislation through the normal parliamentary channels. (See Colliard 1989: 1593–6 and Troper 1987.)

With respect to convoking extraordinary sessions, Article 29 states: “Parliament shall convene in extraordinary session at the request of the prime minister, or of the majority of members of the National Assembly, to consider a specific agenda.” Hence, it is unclear whether Article 30 implies the president “may” or “must” sign decrees opening extraordinary sessions. In a confrontation with parliament in 1960, President de Gaulle invoked Article 30 in refusing to convoke a special session. Similarly, during the 1986–8 cohabitation period, Mitterrand used the threat of not convoking an extraordinary session to prevent the government from pursuing reforms in a labor bill following the fall session of 1987. (See Colliard 1989: 1597–601.) The Constitution therefore enables the president to delay legislation, but only under circumscribed situations that the members of the National Assembly can usually avoid.

How do the institutional prerogatives of the prime minister compare to those of the president? The Constitution treats the prime minister less extensively than the president, summarizing the powers of the office in a handful of articles.

1. The prime minister nominates the members of the government (Article 8).
2. The prime minister directs the action of the government (Article 21).
3. The government shall determine and direct the policy of the nation (Article 20).

But the Constitution, in defining the relationship between the government and parliament, gives the prime minister a host of procedural opportunities to influence legislative outcomes. I review these provisions later in this chapter and so only briefly (and incompletely) summarize them here:

1. The government can initiate legislation (Article 39).
2. The government determines the parliamentary agenda (Article 48).
3. The government can engage its responsibility, forcing a majority in the National Assembly to censure the government in order to defeat a bill (Article 49).
4. The government can demand a package vote on all or part of any bill (Article 44).
5. The government can offer amendments to bills in parliament (Article 44)
6. Matters not falling within the domain of law are subject to rulemaking by the government (Articles 34, 37, and 41).
7. The government can ask parliament to authorize it to take by ordi-

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nances measures that are traditionally in the domain of law (Article 38).

The most important limit on the prime minister's power is found in Article 20, which states that the government is responsible to parliament. Under the conditions outlined in Articles 49 and 50, the government can demand a vote of confidence, and the deputies can submit and vote a motion of censure. Thus, as in any parliamentary system, the prime minister must maintain the support of a majority in the assembly.

In sum, French institutional arrangements have a decidedly parliamentary logic. The president cannot introduce, amend, or veto legislation. The president can name the prime minister but must name a prime minister that receives majority support in the legislature. And the president cannot remove the prime minister from office. The prime minister, on the other hand, has institutional prerogatives that permit the government to influence policy proposals and voting. As in any parliamentary system, the prime minister can only exercise these prerogatives by maintaining the support of a majority in parliament.

The parliamentary character of France's *institutional arrangements* was clarified during the 1986–8 period of *cohabitation*. When the two conservative parties – the Gaullists and the UDF – gained a narrow legislative victory in 1986, Socialist President François Mitterrand was left with no alternative but to name a Gaullist prime minister, Jacques Chirac.<sup>8</sup> Except for some issues concerning foreign relations and defense (on which Mitterrand and the conservatives largely agreed), Mitterrand stood on the legislative sidelines while Chirac functioned as France's political executive. The conservative coalition implemented important policy reforms opposed by Mitterrand, such as the denationalization of many French industries, the reinstitution of a two-round, single-member district electoral law, and changes in labor law. In 1993, five years after the first experience with cohabitation, the situation repeated itself. This time, following legislative elections that returned a huge conservative majority, President Mitterrand named Gaullist Edouard Balladur as prime minister. Throughout his term, Balladur and his conservative majority dominated the policymaking process.

As the first period of cohabitation drew to a close, Chirac assessed the broader lessons that cohabitation taught about the importance of limits on the president's role in French politics:

*Cohabitation will probably have the merit of marking the limits there should be in the excessive presidentialization of our regime. France must not have president-monarch, a president-emperor . . . nor a president who is exclusively an arbiter, but rather a president who assumes at once certain essential responsibilities: foreign relations, defense, and giving grand impetus for change, but who leaves the government to govern.* *(Le Monde, December 22, 1987)*

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### *Political explanations of executive power*

Cohabitation demonstrates that absent a coherent majority in support of the president, the president is relatively powerless to influence even the direction of policy change. It is for this reason that some scholars argue that executive power is determined by political outcomes rather than institutional arrangements. The “political” arguments for presidentialism take several forms. One focuses on the personalities of the president (e.g., Andrews 1981; Williams and Harrison 1960: 130). Another focuses on the emergence of stable, coherent majorities supporting the president (Andrews 1981; Duverger 1980; Lijphart 1984a). The third focuses on the prestige and legitimacy associated with being directly elected by the voters (Lovecy 1992; essays in Wahl and Quermonne 1995).

Each of these arguments about political factors and executive power is flawed. Arguments about personalities are impossible to assess systematically because no one has identified what might constitute clear evidence in favor of the hypothesis. It is important to note, however, that impressionistic evidence (the only type offered by such claims) suggests that France’s strongest presidential personality, de Gaulle’s, seemed decisive only on a handful of issues related primarily to foreign policy. De Gaulle was forced to make numerous concessions to the divided coalition in the early 1960s, and ultimately he resigned because the French did not follow his wishes on the question of constitutional reform.

Arguments that France has produced stable coherent majorities responsible to the president are wrong empirically. Unless one adopts an unusually broad notion of stable, coherent majorities, such majorities have been exceptionally rare in the Fifth Republic. For only ten years since 1958 has a single party in France enjoyed a majority of seats, and because of the electoral alliances necessary to fight elections, for only two of those ten years has France seen a single-party majority government. The rest of the periods have often been marked by acrimonious coalition government. Moreover, from 1988 through 1993, France had no majority at all – instead, there was a Socialist minority government. Although this was the first minority government in the Fifth Republic, minority government was narrowly avoided in two of the eight previous elections. In 1967, the Gaullists and the Independent Republicans used one *non-inscrit* deputy (a deputy who belongs to no parliamentary group) and one deputy from French Somaliland to form a government with a majority of one. In 1986, fourteen unaffiliated deputies of the right joined the Gaullists and the UDF to form a government with a majority of two. In short, the notion that the president is powerful because he almost always commands a coherent stable majority is without basis.

What about the argument that presidential power stems from the legit-

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imacy conferred by direct election? To make such an argument is really to put a new spin on the “coherent majorities” argument. If direct election of the president confers special power on the office, it is because by virtue of being directly elected, the president is an electorally powerful figure – an electoral trump – for the majority. Members of the legislature will not cross the president because the president is the most valuable vote getter that political parties possess.

The problem with the argument about abdication for electoral reasons, like the problem with arguments about coherent majorities, is that it can rarely be applied empirically. Abdication by a majority in parliament to the president clearly does not occur during periods of cohabitation, and it rarely occurs in other situations. Charles de Gaulle probably represents the strongest case one could make for the idea that political agents defer to the president for electoral reasons, but the 1965 presidential election (where de Gaulle unexpectedly found himself in a hotly contested runoff with Mitterrand) shattered any illusions of de Gaulle’s electoral invulnerability (see Converse and Pierce 1986: ch. 1). Pompidou was never in a position to unify the parties on the right. The Gaullists rarely abdicated to Giscard during the 1970s. And Mitterrand’s control over the fractious Socialist Party began to unravel before his reelection in 1988. In my view, then, that the three political arguments about presidential power are hardly more compelling than the institutional arguments of the previous section.

## LEGISLATIVE IMPOTENCE IN THE FIFTH REPUBLIC

Like scholars of presidential power, scholars who focus on the legislature typically offer two arguments for why the National Assembly plays no important role in policymaking. For many, the institutional arrangements are sufficient to ensure a weak parliament.<sup>9</sup> For others, political factors, and in particular the presence of stable, coherent majorities, are an essential part of the story.<sup>10</sup> I have already noted that arguments based on the presence of stable, coherent majorities are flawed given the rarity of such majorities in France. So if the parliament is impotent, then it is because of institutional arrangements.

Scholars who argue that institutional arrangements ensure a weak parliament typically offer a long laundry list of constitutional provisions that are said to permit the government to control policymaking processes.<sup>11</sup> But rather than examining how each of the procedures on the list actually influences legislative processes, such arguments generally treat the length of the list as empirical evidence for the claim of parliamentary impotence. When one examines how particular procedures influence behavior, it

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becomes clear that many of these constitutional provisions do not significantly limit the legislature prerogatives of deputies in parliament.

A comprehensive list of procedures in the Constitution that are said to limit parliamentary prerogatives would include the following provisions:

1. The Constitution distinguishes between the “domain of law” and the “domain of regulation.” Only the “domain of law” is fair game for bills and amendments by parliament. The “domain of regulation” is reserved for the government (see Articles 34, 37, and 41).
2. Article 28 restricts how often the National Assembly can meet.
3. Article 43 limits the number of standing committees to six.
4. Article 44 states that government can oppose consideration of any amendments that have not been previously debated in committee.
5. Article 48 grants the government control of the legislative agenda.
6. Article 47 limits parliament’s right to consider the government’s budget to seventy days – forty for the National Assembly, twenty for the Senate, and ten for resolution of differences. If the National Assembly and the Senate do not vote the budget by the end of the seventy mandated days, the government can implement its budget by decree.
7. Article 40 precludes private members from proposing bills or amendments that have the effect of increasing spending or decreasing revenues.
8. Article 42 states that the government’s original bill serves as the basis of discussion on the floor of the National Assembly.
9. Article 44 establishes the package vote, and Article 49 establishes the confidence vote procedure.

Many of these provisions have had little impact on the opportunities for deputies to influence legislative outcomes. Scholars who examine the “laws” versus “regulation” dichotomy (item 1), for example, widely accept that Articles 34, 37, and 41 have not had the effect intended by the framers (Avril 1981; Debbasch et al. 1988: 413–1; Maus 1988a: 326–7; and Pezant 1984). There are two reasons that these provisions do not restrict parliamentary activity. First, the Constitution (in Article 34) defines the domain of law so widely as to include all important legislative topics. Second, the Constitutional Council decided in 1959 that only the organization that votes the law can decide what is within the domain of law. It has also ruled that the National Assembly can pass laws that permit it to influence regulatory activities (Pezant 1984). Not surprisingly, the Constitutional Council rarely declares a law inadmissible on the grounds that it violates Article 41, and in fact has not done so since 1966 (Maus 1988b: 155).

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The limitation on meeting time for the National Assembly (item 2) also has not restricted legislative opportunities of deputies because members of the National Assembly have found numerous ways around the time restrictions imposed by the Constitution.<sup>12</sup> During the fall session, for example, normal legislation is considered in addition to the budget. The National Assembly has also increased the number of hours it meets in a day by adding extra sessions. At the same time, it has created rules for the organization of debate that have enabled the assembly to consider more bills in a given amount of time. Finally, the National Assembly has simply extended the number of months it meets. Since 1959, every legislature except the Third has made use of special sessions – a total of forty-two such sessions were called from 1959 through 1988, of which twenty-seven simply extended the regular session.

When one compares the number of sitting days by the National Assembly with that of other countries, it becomes clear that time constraints do not limit the role of parliament. The National Assembly sits 149 days per year on average. By contrast, parliament sits on average 106 days per year in Denmark, 70 days per year in Belgium, 43 days per year in Japan, and 30 days per year in Ireland. Even the U.S. Congress, at 144 days per year, meets less frequently than the French National Assembly (see Inter-Parliamentary Union 1986: Table 8.1b). It should be noted, however, that on July 31, 1995, Article 28 of the Constitution was amended so that each year there would be only one parliamentary session of 120 (meeting) days. Special sessions are still allowed, however, so it is unclear how the change in the Constitution will affect the actual number of days parliament meets.

Members of the legislature have also found ways to overcome the problems associated with having only six standing committees (item 3). During the Fourth Republic, there were nineteen standing committees, and these committees were held by the framers of the Fifth Republic to be too active. The intention of Article 4 was to prevent standing committees from becoming too specialized (Debré 1959: 13), and the framers expected that “special committees” (see Article 43) would form to consider most bills. In fact most bills are considered by standing committees – from 1959 through 1987 only eighty-six special committees were formed to consider roughly three thousand bills voted by the National Assembly. And members of the National Assembly have found a variety of means to fight any informational disadvantages associated with large standing committees. Small study groups (*missions de travail*) and subcommittees frequently form to examine particular problems. For example, there exists a subcommittee that considers all legislation related to local finance, and in 1988, at the request of several deputies a group was formed to study legislation relating to small business. Deputies also gain informa-

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tion through the more than seventy-five extraparliamentary organizations to which they can be assigned (Carcassonne 1988: 331). And the computerization of data banks has increased the information accessible to deputies (Carcassonne 1988: 336).

Like the procedures already discussed, the rule that the government can oppose consideration of any amendments that have not previously been debated in committee (item 4) does not preclude a majority from voting any policy they wish. Article 99.5 of the Rules of the National Assembly states that either the committee (generally the *rappiteur*) or the government can waive the restriction that amendments must be considered in committee. In practice, such a waiver is almost always granted, for if it were not and a majority wanted to vote an amendment, they could simply vote a motion that the bill be sent back to committee for further review.

Does the government's control of the legislative agenda (item 5) substantially limit the legislative prerogatives of deputies? Article 48 decreases parliamentary incentives to submit legislation in the form of private member bills, but its impact on policy outcomes is negligible because deputies have adopted several means for circumventing the government's control of the agenda. First, Article 89.4 of the Rules of the National Assembly permits deputies to appeal to the Conference of Presidents in the National Assembly to have their bills put on a daily agenda through the process called an "*ordre du jour complémentaire*." Second, deputies express their opinions orally on subjects left off the agenda by using a *rappel au règlement*. Article 58 of the Rules of the National Assembly states that a deputy can speak at any time on the subject of the application of the Rules to the debate. Chazelle and Laflandre (1987) show that in fact the *rappel au règlement* permits deputies to make points publicly on any subject the government refuses to put on the daily agenda because the presiding officers of the National Assembly rarely enforce the rule that interventions must be on the subject of parliamentary procedure. Third, deputies can use the normal amendment process to propose substitute bills for the one proposed by the government (Brouillet 1973). Fourth, and most importantly, leaders in the National Assembly can negate the government's agenda control by refusing to report a bill out of committee or by refusing to enter the chamber for debate (Carcassonne 1988: 335). There exist, then, many tactics deputies can use – if necessary – to circumvent the government's constitutional control over the agenda. Such tactics are seldom necessary because the government typically works with the Conference of Presidents of the National Assembly to set an agenda on which all can agree.<sup>13</sup>

Consider Article 47, which limits parliament's right to consider the government's budget to seventy days – forty for the National Assembly,

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twenty for the Senate, and ten for the resolution of differences (item 6). If the National Assembly and the Senate do not vote the budget by the end of the seventy mandated days, the government can implement its budget by decree. In practice, parliament has found itself able to work within these time constraints – the time limit mandated by the Constitution has never expired before completion of the budget debates. From 1978 through 1988, the National Assembly spent two hundred hours a year debating the budget, which is 24 percent of the total time spent in session. Deputies seldom complain that time is inadequate.

The provision stating that the government's original bill serves as the basis of discussion on the floor of the National Assembly (item 7) is difficult to assess.<sup>14</sup> In the Fourth Republic, the committee bill was the basis for discussion on the floor. In order to prevent committees from dramatically revising government bills, the framers included Article 42. Although it is difficult to measure the effect of this provision on committee power, it is clear that if committees propose changes that are preferred by a majority of deputies, then committees can significantly alter government bills using amendments. From 1967 through 1973, for example, 60 percent of all amendments adopted were from committees (Andrews 1982: 184). More generally, the numerous provisions in the Constitution that affect amendment prerogatives have not had the effect of substantially limiting parliamentary amendment activity; deputies in the National Assembly make more than twenty amendments to each bill that passes through parliament. If we could take into account that many bills are unamended adoptions of international agreements, the average number of amendments per bill would be considerably higher. And scholars who have explored the substance of amendments often conclude that these amendments are not just large in number, they are large in substantive significance. Carcassonne (1988: 337), for example, argues that "the bills adopted are considerably different from the bills introduced [and] the will of the executive encounters more and more difficulties in imposing its will." Ashford (1982: 62) cites numerous examples where parliament made important changes to government legislation during the mid-seventies.<sup>15</sup>

The remaining two items on the list have a more significant impact on opportunities for deputies to influence legislative outcomes. The rule that precludes private members from proposing bills or amendments that increase spending or decrease revenues (item 8) limits the control of deputies over the size of the state budget. But it is important to note that the provision only affects the amount that can be collected and spent, not the distribution of benefits and burdens. Deputies can make drastic changes in the distribution of taxes (raising the taxes on one group while lowering

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them on another, for example) and spending (increasing benefits for one group at the expense of another).

And it is not clear that Article 40 really handicaps a determined majority that wishes to raise spending or taxes. If a majority wants to propose an increase in spending for a particular bill, then the text of an amendment to this end generally contains a *gage* specifying how the revenues will be raised. Sometimes the *gage* carries political content that can form the basis for rejecting a proposal. The Communists, for example, often propose that the extra cost of a measure be compensated by increases in taxes upon stock market activities, while the right parties often propose that the extra cost of a measure be compensated by selling state-owned industries. At other times, however, the *gage* can be specified such that it is relatively apolitical and does not become a central element of the debate. An increase in the tax on tobacco is an example of such an apolitical *gage*. If a majority in the National Assembly decides to adopt the substance of such a measure, it is incumbent on the government to accept, remove or amend the *gage* by offering a *sous-amendement* (or amendment to an amendment). Government amendments frequently represent government ratification of changes that the National Assembly has made to the level of spending in government bills.

The final items on the list are the package vote and the confidence vote procedure. It is quite difficult to find arguments that these two procedures do not handcuff the National Assembly in policymaking matters. Previous research asserts that the package vote was included in the Fifth Republic Constitution for one reason – to protect government bills from changes by the National Assembly. Emeri and Hamon (1964) contend that under the Fourth Republic, amendment prerogatives of deputies permitted “marginal” voices to modify a bill such that the sense of the bill was completely changed, leading to its defeat. Hence, the government frequently was forced to shut its eyes to “demagogic” amendments simply to survive. As noted in the Introduction, since that time, scholars and politicians alike have decried the “antidemocratic” nature of the procedures, arguing that both are used by the government either to have its way when there exists policy conflict with the National Assembly or to suppress votes and debates on politically controversial issues. Both procedures are said to play a central role in reducing the impact of deputies on policymaking.

Why have members of parliament been able to escape the effects of many procedures but not of the package vote and the confidence vote? There are many reasons for the ineffectiveness of the constitutional provisions. The court has taken the sting out of the distinction between laws and regulations. The rule that amendments must be considered by com-

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mittees must be enforced by members of the National Assembly, who have refused to do so, primarily because bills can be sent back to committees by majority vote. In attempts to specialize, members have found alternatives to standing committees. They have also established alternative means for accomplishing tasks precluded by specific rules, such as using amendments or the *rappels au règlement* to discuss items excluded from the agenda.

Each rule that has been circumvented, however, has one thing in common: it concerns legislative activities that occur *before* the vote on a bill. The package vote and the vote of confidence, on the other hand, can occur at any time during consideration of a bill, up to and including at the very end. The procedures give the government the opportunity to shape the last formulation of any bill that parliament debates, and there is nothing that parliament can do to change the government's formulation. The extent to which the package vote and the confidence vote procedure curtail parliamentary activity therefore depends on the effect of this "last-move advantage."

## CONCLUSION

The purpose of this chapter has neither been to deny that the French president is important nor to suggest that the National Assembly is a center of political decision making. To make either argument would be incorrect and naive. Instead, the purpose has been to point out that except in a loose sense, the stylized facts about presidential supremacy and parliamentary impotence are not very useful.

There are several shortcomings associated with the arguments about the president and parliament. First, to the extent that such arguments rely on descriptions of institutional arrangements, they are incorrect. The procedural prerogatives for influencing policy outcomes are much greater for the prime minister than for the president, and many of the institutional arrangements intended to limit the legislative role of parliament are often ineffective in actual practice. Consequently, one cannot rely on institutional arguments to support these stylized facts.

Second, given that arguments about institutional arrangements are deficient, if the notions of presidential primacy and parliamentary impotence are correct, then the reason must be related to "political" factors. But "political" explanations are also suspect empirically. France has rarely experienced coherent majorities. Instead there is a history of coalition governments, often with narrow majorities and generally composed of parties that not only disagree on policy but that also must compete with each other in the electoral arena. Moreover, it is empirically wrong to argue that majorities in France often coalesce behind electorally powerful

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presidential figures. On the contrary, since each major party fields its own presidential candidate, the direct election of the president probably does as much to generate conflict among coalition partners as it does to unify and stabilize these political parties.

Finally, political arguments about power are analytically flawed. Presumably, the policymaking powers of the president, the prime minister, and the members of parliament are important because the relative powers of these actors will influence the nature of policy choices. If there is a coherent majority in parliament that supports the president, then for any distribution of power among these various agents, the political choices will be the same. Only when the preferences of these agents differ does the notion of power or influence take on meaning.

What does it mean for the “preferences” of these agents to “differ”? There are two possibilities. Preferences can differ when the president does not share the policy objectives of the majority. France’s experiences with cohabitation demonstrate that the president must sit on the policymaking sidelines in such situations. The other way preferences can “differ” occurs when majorities are not cohesive. This is the normal state of affairs in France. In such cases, the prime minister (whether acting as a perfect agent of the president or not) must find a way to reach and preserve policy agreements with all parties and party factions in the government coalition, a crucial aspect of the political process that previous studies largely ignore. The remainder of this book attempts to fill this gap in the literature by demonstrating how institutional arrangements in the National Assembly shape opportunities for competing political parties and party factions to coalesce into majorities that can publicly support specific policies on the floor of parliament.

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## *Choosing institutions*

Institutional arrangements in democratic systems do not magically materialize from an ethereal haze. Instead, they generally emerge from hotly contested debates among individuals who often will play a part in choosing future public policies. But why do political decisionmakers often exhibit such a deep interest in what often seem like trivial details of political rules and procedures? How do individuals who choose decision rules develop beliefs about the impact of specific rules on behavior? Are there systematic elements that underlie explanations of the choice of rules, or must any such “explanation” be idiosyncratic and historically contingent?

This chapter addresses these questions by examining the choice of institutional arrangements through two quite different lenses. The first fixes on formal models of majority rule, and in particular on the contributions these models make toward establishing a general framework for thinking about the adoption of democratic institutions. The second lens fixes on the historical events in France in 1958 that led to the inclusion of the package vote and the confidence vote procedure in the Fifth Republic Constitution.

My goal is to create a dialog in two directions. On one hand, examining the specific events in France aims, not only to provide new historical details about the process that led to the choice of particular procedures in 1958, but also to highlight issues that are relevant to building general theories of endogenous institutions. On the other hand, discussing the theoretical framework provided by formal models aims, not only to contribute to a new understanding of the specific events in France, but also to put these events in a light that permits scholars to see connections between some of the different choices that were made in 1958.

## *Choosing institutions*

### FORMAL MODELS OF MAJORITY RULE

There is a long history in the formal theory literature of using spatial models to study democratic processes. These models provide insights into *why* politicians care about the choice of rules and into where beliefs might come from about how rules shape behavior. The models also clarify some of the thorny problems associated with theorizing about the choice of rules.

To understand how formal models shape thinking about the choice of rules, it is useful to consider early research that examined abstract properties of majority rule outcomes. These spatial models typically assume that voters have a most-preferred policy, or *ideal point*, which anchors their *preferences* over all policies in one or more *issue dimensions*. If confronted by the choice between any two alternative policies, voters pick the one they like most (they would choose *sincerely*). A *stable policy outcome* (an equilibrium policy, or a policy in the core) is one that cannot be defeated by any other policy using majority rule voting. The objective of these models is to establish the circumstances under which stable policy outcomes exist.

One well-known stable policy outcome can occur if policy alternatives are available only on a single issue dimension. In this case, the *median voter result* demonstrates that if voters' preferences are single peaked,<sup>1</sup> then the policy corresponding to the ideal point of the median voter is preferred by a majority to all other policies. Since no alternative policy can defeat it, the median voter's preferred policy is a stable outcome using majority rule.<sup>2</sup>

Majority-rule decision making often occurs, of course, on more than one policy dimension at the same time. If the issue space is multidimensional, then early formal models demonstrate conclusively that stable policy outcomes are extremely rare and for all practical purposes nonexistent. Put differently, in multidimensional policy spaces, it is virtually always the case that for any existing policy outcome, there exists some other policy that is preferred by a majority.<sup>3</sup>

The logic of these results can be appreciated by considering a simple problem: a legislature containing three members must decide by majority rule how to divide a dollar. To begin, one of the legislators proposes some division of the dollar, which is then put to a vote. At this stage, any proposal can defeat the status quo, which gives each legislator nothing. After the first member's proposal is voted, the outcome is the new status quo and some other member is selected to make a proposal, which is then voted. This process continues, perhaps *ad infinitum*, with the legislators taking turns making proposals.

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It is simple to see that if each legislator seeks to maximize his or her share of the dollar, there is no division of the dollar that is preferred by a majority to all other divisions. If one legislator, for example, proposes that the dollar be split three ways, then another legislator can propose to split the dollar fifty-fifty with a second member. But then the legislator receiving nothing can propose to give one of the other legislators fifty-one cents, keeping forty-nine cents. Of course, the legislator who receives nothing from this offer can propose to split the dollar fifty-fifty with the member who has proposed to keep only forty-nine cents, and so on. The general point is that without rules establishing proposal power, or agenda control, one could never predict the outcome of this game.

To see the logic slightly differently, consider the same problem in the context of the two-dimensional spatial model depicted in Figure 2.1. To give the picture a substantive interpretation, assume that one of these dimensions concerns spending on defense and that the other dimension concerns spending on social programs. Again, there are three members of the legislature, A, B, and C – with ideal points labeled  $x_A$ ,  $x_B$ , and  $x_C$ .

Consider the point  $x_1$ , and for convenience, assume that the voters value both dimensions equally so that their “indifference curves” are circles. The set of all policies that gives Legislator A the same utility as  $x_1$  is found on the solid circle that is centered at A’s ideal point and that passes through  $x_1$ . Legislator A prefers  $x_1$  to all policies that are outside this circle, and prefers all policies inside this circle to  $x_1$ . Figure 2.1 also depicts the indifference curves of the other legislators through  $x_1$ .

Which policies are preferred by a majority to  $x_1$ ? The answer is any policy that lies inside two of these indifference contours. In the language of formal theory, these points are called the “win set of  $x_1$ ” because these are the policies that win in a vote against  $x_1$ . The win set of  $x_1$  is contained in the petals that have horizontal lines. If a policy in this area is proposed, then that policy will defeat  $x_1$ . Suppose, for example, that  $x_2$  is proposed. Then Legislators B and C will support  $x_2$  and it will replace  $x_1$ . In drawing the indifference curves of the legislators through  $x_2$  (the dashed indifference contours), however, it is clear that there exist policies that are preferred by a majority to  $x_2$ . But if, for example,  $x_3$  is chosen to defeat  $x_2$ , then there is some policy that is preferred by two members to  $x_3$ . In fact, for any policy that can be drawn on these two dimensions, there is always some other policy that is preferred by at least two of the legislators. As in the “divide the dollar” example, there is no policy that cannot be defeated by a majority supporting some other policy. That is, there exist no stable policy outcomes.

It is important to emphasize that these results about the nonexistence of stable policy outcomes *do not* lead to predictions about individual behavior in actual choice processes. The models use cooperative game

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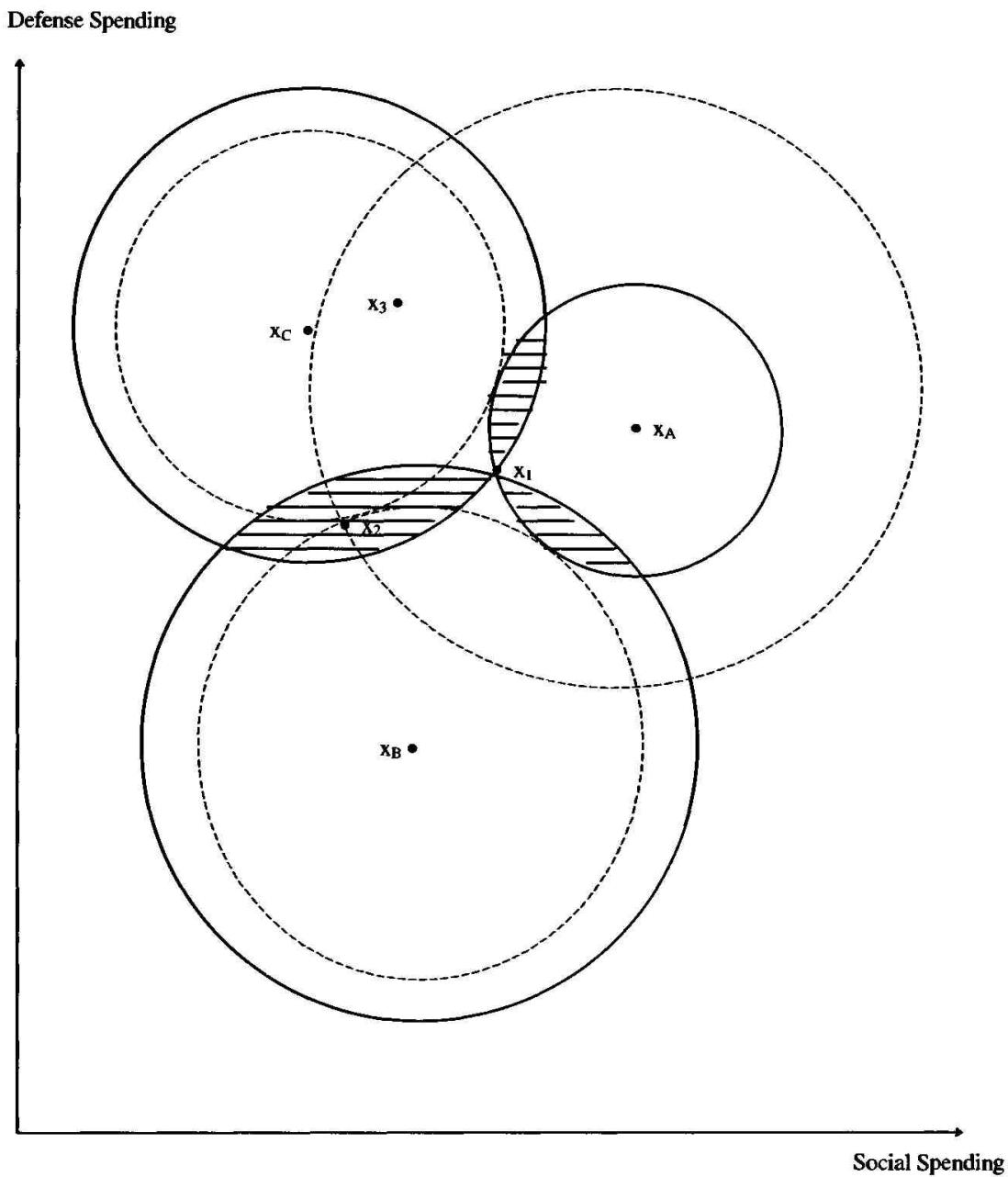


Figure 2.1. The Instability Results from Cooperative Models of Majority Rule.

theory and thus do not explicitly identify individual strategies and choices. And the models do not posit the existence of agenda institutions that establish opportunities to propose and vote on policy alternatives. Since these models make no assumptions about agenda institutions or the strategic opportunities for individual voters, the models can make no predictions about choice processes in any “real” setting. But the objective is quite different. The models simply seek to characterize the circumstances under which it is possible for there to exist policies that could never be defeated by any other policies using majority-rule voting.

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If the models are too abstract to make predictions about actual behavior, why are they important? There are two reasons. The first concerns normative claims one might wish to make about the outcomes from democratic processes. A common justification for democracy in traditional democratic theory is that majority rule provides the fairest method for discovering “what the voters want.”<sup>4</sup> One approach to defining a policy that represents “what the voters want” would be to say that such a policy is preferred by a majority to all other policies. Put slightly differently, the majority’s preferred policy could reasonably be defined as the policy that cannot be defeated by any other policy using majority rule. But this is precisely the definition of a stable policy outcome in the formal models I have described, and these models demonstrate convincingly that such policies almost never exist. These abstract models are therefore important because they raise serious doubts about one of the most common justifications of democracy and majority rule.

This normative implication of the early models is directly relevant to evaluations of the package vote and the confidence vote procedure. As noted in the Introduction, a major criticism of the procedures is that they are *antidemocratic*. If in making this critique, scholars and politicians are referring to the impact of the procedure on *policy outcomes* (rather than on deliberation and participation), then abstract models of majority rule demonstrate fundamental flaws in the critique. That is, the models demonstrate the problems associated with claims that the two procedures result in antimajoritarian outcomes.

The second reason the abstract models of majority rule are important is that they set an intellectual agenda for the study of institutional arrangements. The early multidimensional models revealed that when the preferences of decision makers are heterogeneous, one can almost never rely exclusively on knowledge of these preferences to explain the outcome from any majority-rule decision process. One cannot, for example, rely exclusively on arguments about political culture or societal values to explain the political decisions that are made in any democratic polity.

What else is necessary? In response to results from the early multidimensional models, scholars using formal theory turned their attention to the impact of institutional arrangements on the proposal and voting opportunities of individual decision makers. This research suggests that individual preferences interact with institutional arrangements in systematic ways to shape the outcomes of choice processes. This brand of “new institutionalist” research has focused the attention of scholars on the subtle but often profound impact that innocuous-seeming rules and procedures can have on policy choices. In so doing, the formal models of institutions provide a clear framework for thinking about the choice of institutional arrangements.

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### INSTITUTIONAL ARRANGEMENTS AND DEMOCRATIC CHOICE

Much of the formal literature on institutional arrangements has been influenced by Shepsle's (1979) analysis of "structure induced equilibrium."<sup>5</sup> Shepsle's paper demonstrates how stable policy outcomes in multi-dimensional policy spaces can be understood as a function of three aspects of institutional organization: (1) a committee system that produces a division of labor; (2) a jurisdictional arrangement that produces specialization; and (3) amendment rules that give parent organizations control over the proposal power of subunits. Since 1979, scholars have developed a wide variety of models. Some models, like Shepsle's, seek only to identify the existence of stable outcomes, while others posit explicit game forms and analyze the strategies of particular agents. Some models assume that policymaking occurs on a single dimension, while others assume multiple dimensions. Some models assume that there exists complete information, while others assume there exists uncertainty. But what all of these models have in common is that they seek to explain how formal institutional arrangements influence legislative processes. In the context of the U.S. Congress, the models have influenced theory construction, empirical tests, and research agendas.

To see how such models are used to study decision-making rules, consider Figure 2.2, which, like Figure 2.1, provides a two-dimensional example with three voters. Suppose there is a *germaneness rule* in a legislature that stipulates that the issues, or dimensions, must be voted separately. Under such a rule, a member cannot offer an amendment on social policy when a bill concerning defense policy is under consideration or vice versa. If the rules of the legislature permit any member to propose any germane amendment, the median voter result suggests that the most preferred policy of the median member on each dimension will be the outcome from the choice process. Consequently, the policy labeled  $x_M$  in Figure 2.2, which is called the *issue-by-issue median*, is a policy that could never be defeated by a majority.

Note that the indifference curves of the members through  $x_M$  clearly indicate that the win set of  $x_M$  is nonempty. But although there are policies that a majority prefers to  $x_M$ , the germaneness rule makes it impossible for any of these policies to be proposed and adopted. The policy  $x_M$  is therefore a stable outcome under the structure of the germaneness rule.

Powerful legislative "subunits" – such as committees – can also lend stability to legislative choice in multidimensional policy spaces. Return to Figure 2.2 and assume that voter C is a committee that "controls the gates" on the social spending dimension and that voter B is a committee that "controls the gates" on the defense dimension. That is, assume there

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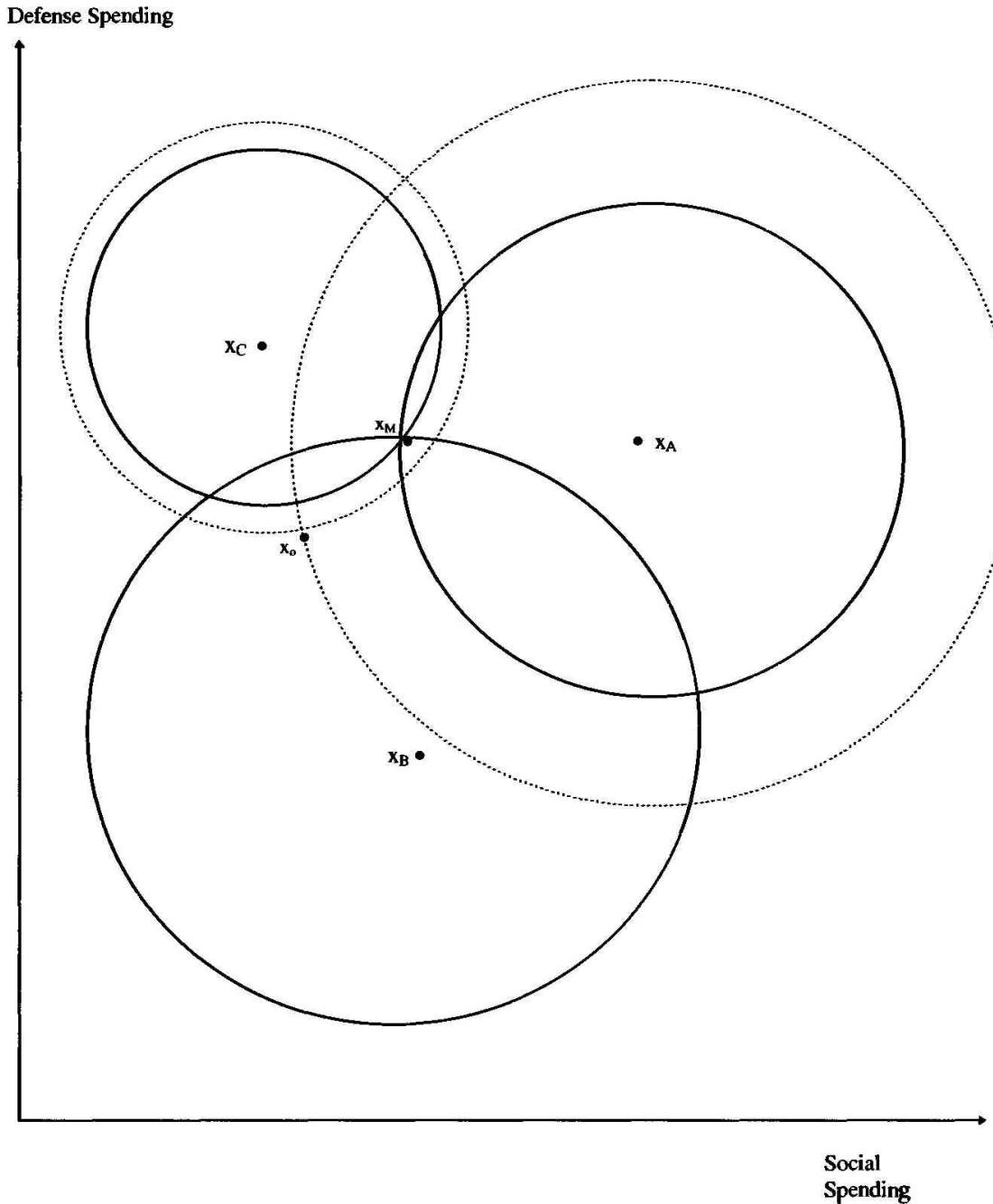


Figure 2.2. Germaneness Rules and Committee Gatekeeping.

exists a legislative rule permitting C to preclude consideration of any proposals on social spending (and similarly for B). If either committee “opens the gates,” allowing policy proposals on the dimensions they police, then assume that a germaneness rule is in effect. Note that the status quo,  $x_0$ , is a stable policy outcome under these rules. Should C open the gates on the social policy dimension, the outcome will be the position of  $x_B$ , the median on social policy. Since C prefers  $x_0$  to  $x_B$  on the social policy dimension, C will close the gates, refusing to make a pro-

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posal. For similar reasons, B will close the gates on the defense dimension. Although the win set of  $x_0$  is not empty, the policy  $x_0$  is an equilibrium because it cannot be replaced by any other policy under the rules of game.

Formal models of the type just described contribute to theorizing about *the choice of institutional arrangements* in two respects. First, the models demonstrate *why* politicians should care deeply about what may often seem like minor details of policymaking processes. Majority-rule decision making is inherently unpredictable when preferences are heterogeneous. Agenda institutions – broadly defined to include rules that establish who can make proposals, what types of proposals are permissible, and when proposals will be put forward and voted – interact with individual preferences to lend predictability to political decision making. Politicians therefore care about rules because rules can dramatically influence who wins and loses the battle to shape public policy.

Second, formal models of institutional arrangements shed light on the expectations that political decision makers can reasonably be expected to hold about the impact of particular rules on policy outcomes. The example in Figure 2.2, for instance, indicates that policy outcomes should differ under two alternative institutional arrangements: a vanilla germaneness rule (which yields  $x_M$ ) and a germaneness rule with committee gatekeeping (which yields  $x_0$ ). If it is possible, as in this example, to develop realistic models of the expectations that rational individuals should have about the effect of specific rules on policy choices, then it is possible to gain insight into why politicians select the rules that they do.

Formal models therefore provide a useful framework for the study of endogenous institutions. This research tradition assumes that decision makers care about the details of agenda institutions – not because these details confer abstract system properties such as legitimacy or stability – but rather because these details shape *policy outcomes*. Procedural details influence behavior and choice in systematic ways, making it possible to understand the expectations that decision makers might have when choosing between particular sets of rules.

The formal literature on democratic processes also raises an important question about the choice of rules. Return to Figure 2.2 and assume that there is a germaneness rule and committee gatekeeping power. As explained above, the predicted outcome is maintenance of the status quo. Clearly, the issue-by-issue median ( $x_M$ ) is preferred by a majority (A and C) to  $x_0$ , but the voters cannot adopt  $x_M$  because the rules of the game do not permit this to occur. But then we should expect the voters to change the rules of the game so that  $x_M$  can be proposed and adopted. If, for example, A and C teamed up to retain the germaneness rule but eliminate gatekeeping power,  $x_M$  could be proposed and could defeat  $x_0$ . Of course,

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if the rules are changed and  $x_M$  is adopted, then the win set of  $x_M$  is nonempty and we may expect some majority of voters to change the rules in another way so that a policy that is majority preferred to  $x_0$  can be adopted.

Riker was probably the first to point out this problem. He argues:

One can expect that losers on a series of decisions under a particular set of rules will attempt (often successfully) to change institutions and hence the kind of decisions produced under them. In that sense rules or institutions are just more alternatives in the policy space and the status quo of one set of rules can be supplanted with another set of rules. Thus the only difference between values and institutions is that the revelation of institutional disequilibria is probably a longer process than the revelation of disequilibria of taste. (1980: 445)

Is understanding the choice of institutional arrangements as difficult as predicting policy outcomes simply from knowledge of preferences? Should we suspect instability in rules themselves? Why do institutional arrangements often appear quite stable? What leads to the decision to adopt new institutional arrangements? The events in France in 1958 suggest possible answers to these questions.

### THE HISTORICAL ORIGINS OF FRANCE'S RESTRICTIVE PROCEDURES

In the spring of 1958, France was in crisis. On May 13, French settlers and portions of the army revolted in Algeria, leading to a creeping and ominous sense throughout France that civil order was disintegrating. The government did little to respond to the crisis and in fact seemed clearly unable to control the army or the police. Some feared a military coup in Paris or, even worse, the outbreak of civil war.

At that time, French elites concurred that the institutional arrangements of the Fourth Republic were largely responsible for the government's inability to respond effectively to the crisis in Algeria. This inability to respond to problems in the French colonies was not new. Since 1954, the ineffectiveness of the French government had been blamed for ignominious setbacks in Indochina, Tunisia, and Morocco. The lack of decisive action in response to the May 1958 revolt in Algeria was simply the dramatic culmination of these failures. Scholars typically argue that in deciding to dispatch with the Fourth Republic, French politicians were reacting to a *crisis of legitimacy*. The events associated with the Algerian crisis were said to have discredited the existing regime, necessitating a new one (see, for example, Avril 1964; Berger 1974; Wahl 1959; and Wright 1989).

With the government seemingly paralyzed in May 1958, the members of the French parliament decided that the only way to solve the crisis in

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Algeria was to change the rules for political decision making.<sup>6</sup> To this end, however, France's elected officials did not draft a new constitution. Instead, they abdicated control over writing the new constitution to the leader of the resistance during World War II, General Charles de Gaulle. To account for this abdication, scholars have typically adopted cultural explanations that focus on the French habit of turning to heroic leaders in times of crisis. Hoffmann (1974: ch. 4) nicely summarizes this argument, which states that when faced with difficult events, the French people develop a "cataclysmic sense of urgency" that leads them to seek immediate solutions from strong leaders who share particular personality traits. Twentieth-century examples of such heroic leaders include Marshal Philippe Pétain (during World War II), Pierre Mendès-France (during the crisis in Indochina), and, of course, Charles de Gaulle (during the Algerian crisis).

The constitutional procedure followed by members of the French parliament in order to abdicate their responsibility is rather interesting. Had they preferred, deputies could have written their own new constitution simply by revising the old one. The legal procedure for changing the Fourth Republic Constitution, outlined in Article 90, gave the deputies in the National Assembly extraordinary control over the revision process. Article 90 states that to change the Constitution, the National Assembly must first pass a resolution clarifying which parts of the Constitution are to be amended. Then, in a second stage, the National Assembly must write a constitutional law that elaborates the precise revisions to the Constitution. Once a constitutional bill is passed by the normal legislative procedure, it becomes an amendment to the Constitution in one of three ways: (1) by a two-thirds vote in the National Assembly, (2) by a three-fifths vote in both the National Assembly and the Council of the Republic (Senate), or (3) if both (1) and (2) fail, by a national referendum.

Instead of following this procedure to craft the Fifth Republic Constitution, the members of the National Assembly agreed only to amend Article 90. That is, rather than changing the institutional arrangements themselves, members of parliament changed the rules for changing the institutional arrangements. The process of revising Article 90 actually began in 1955, when the National Assembly adopted a resolution stating the intention to amend the article. Three years later, action was taken. On June 1, 1958, Charles de Gaulle was installed as prime minister, and his cabinet received a vote of confidence. The next day, the National Assembly passed (by a three-fifths vote) a bill that revised Article 90 of the Constitution. On June 3, the bill was also adopted by a three-fifths vote in the Council of the Republic.

The bill adopted by the French parliament is significant, not only because it surrendered parliament's role in the revision process, but also

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because it grants de Gaulle's government the right to draft the new constitution in secret. All six previous French constitutions<sup>7</sup> were written by special assemblies chosen precisely for this purpose, and the proceedings of these assemblies had been public.

The bill revising the Constitution contains the following substantive provisions:<sup>8</sup>

- The government of Charles de Gaulle will write the new Constitution;
- The Constitution will specify
  - that universal suffrage will be the source of power;
  - that executive and legislative power will be separated in a manner that permits both the government and the parliament to function effectively;
  - that the government will be responsible to the parliament;
  - that the judiciary will be independent;
- In writing the Constitution, the government will seek the nonbinding opinion of representatives of parliament (the Consultative Constitutional Committee, or CCC) and the Council of State.
- The Constitution will be submitted to the people by referendum.

Action on the Constitution proceeded quickly. The first draft was written by a small working group composed of a handful of members of the cabinet. The working group was headed by Minister of Justice Michel Debré, who is widely regarded as the chief architect of the Fifth Republic. In early July,<sup>9</sup> the working group submitted a first draft of the new Constitution to the Interministerial Committee, a group headed by de Gaulle that included several of the most prominent politicians of the Fourth Republic.<sup>10</sup> From July 23 through 26, the draft Constitution was examined by de Gaulle's entire cabinet. It was then turned over to the CCC, which discussed the cabinet's draft until August 14. After a quick look by the cabinet, the Council of State evaluated the document from August 21 through 28. The cabinet then reconvened, and on September 3, only three months after the National Assembly had passed the law amending the Constitution, the work was done. On September 4, de Gaulle and André Malraux presented the Constitution to the French people from the Place de la République. The new institutions were adopted on September 28 with 80 percent of the French vote.

## ELECTORAL LAW AND THE FIFTH REPUBLIC CONSTITUTION

In abdicating their responsibility for crafting new political institutions to de Gaulle's government, the members of the National Assembly acknowl-

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edged that institutional arrangements in the Fourth Republic were responsible for the inability of the executive to take decisive action in Algeria (and in the African colonies more generally).<sup>11</sup> Given the requirement that the government be responsible to parliament under the new Constitution, there were two strategies that the framers of the Fifth Republic could have adopted to ensure decisive executive authority. The first involved the electoral law. By placing single-member district plurality rule into the Constitution, the framers knew they could sharply increase the likelihood that election would produce stable, coherent majorities, and that cabinet stability and decisiveness would follow. In fact, this was the strategy that the architect of the Constitution, Michel Debré, had long favored. As early as 1946, he wrote: “On one point, it is necessary to be quite firm: no second round of voting! It’s the worm in the apple” (quoted in Duverger 1960: 221). In 1957, Debré wrote that in a parliamentary system without a British-style electoral law, one “condemns politics to instability, paralysis, and incoherence, two flaws that limit government power” (1957: 92).

The second strategy would be to develop constitutional procedures – like the package vote and the confidence vote procedure – that would stabilize choice processes after elections are held and government formation is complete. Although the two strategies are not mutually exclusive, we now know that Debré lost out.<sup>12</sup> The second strategy was adopted while the first was not. Why was this the case? If the problem plaguing the Fourth Republic was the absence of a stable, coherent majority, why didn’t the de Gaulle government enshrine single-member district plurality rule within the Constitution?

There are two quite different answers to this question. First, leading experts on French electoral history argue that France has a cultural tradition, not only of treating the electoral laws as organic laws that can be changed at any time by a majority vote, but also of using the electoral law as a strategic weapon to fight political battles. Cole and Campbell argue that the “contestants for power in France have often wanted not merely to hold office to make or resist moderate changes in the political and social system, but to use all the resources of the state to transform society according to their own principles, or to preserve society from changes inspired by other principles. Constitutions and electoral systems have historically been weapons in a struggle in which no victor could be trusted to show magnanimity or moderation” (Cole and Campbell 1989: 3).

The second answer points to purely tactical reasons for avoiding a formal specification of the electoral law when the Fifth Republic Constitution was being written. During the summer of 1958, there were fundamental disagreements both across parties and among the Gaullists about

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what would be the best electoral law. The centrist MRP, participants in de Gaulle's government, wanted proportional representation. This was also the electoral law some scholars believe was secretly preferred by a majority of members of parliament (e.g., Duverger 1960: 222). Debré and René Capitant, influenced by their experience in Britain during the resistance, strongly favored single-member district plurality rule, which they believed would reduce the number of parties to two.<sup>13</sup> Many Gaullists and Conservatives supported a two-round list system that would allocate entire blocs of seats to winning parties in each district. They believed such a system would benefit parties that could make clear alliances during the second round, hurting not only the Communists but also the Socialists (Duverger 1960: 225).

The key player, de Gaulle himself, never revealed which electoral law he favored. He made clear quite early that he opposed single-member district plurality rule. Since so many parties had always existed in France, de Gaulle thought it would be impossible to predict the effects of this method of voting. Duverger (1960: 223–4) argues that “the risk of seeing the Communists win a majority of seats (with a minority of votes) was decisive in leading General de Gaulle to refuse the British system.” It was less clear how de Gaulle felt about other electoral laws. Cole and Campbell argue that many observers felt de Gaulle would choose proportional representation because he feared that two-ballot systems would advantage the center parties to the detriment of the Gaullists (1989: 25–6). But Duverger (1960) contends that de Gaulle opposed proportional representation because he feared the large number of seats that would be won by the Communists under that rule. (Duverger also states that the French public and “intellectuals” also opposed PR.)

Disagreements over the nature of the electoral law created an incentive to keep the choice of an electoral law separate from the choice of a constitution. Debré believed that de Gaulle wanted to avoid a decision on the electoral law because he “did not want to jeopardize his legitimacy in quarrels he viewed as secondary” (1981: 14). Consequently, during the summer of 1958, Debré argued before the special task force that constitutions must be brief and unencumbered by organic laws – such as those necessary to establish the rules of elections. In addition, he contended that items such as electoral laws must be easily changed.

Divorcing the choice of a new constitution from the choice of an electoral law created a practical problem. If the new constitution was accepted in a referendum, how would the electoral law be established, given that the National Assembly had been dissolved? Debré recommended that the constitution include a provision permitting the government to promulgate by decree organic laws necessary to commence political life

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under the institutions of the Fifth Republic while the parliament was not in session.<sup>14</sup> This would enable the government to hold the referendum on the constitution without specifying the electoral law. It would also keep the deputies and senators out of the decision on the electoral law (Comité National 1987, Vol. I: 349; see also André Charnier's comments, *ibid.*: 380).

Debré's recommendation was ultimately accepted, and a decision on the electoral law was not made until after the results of the referendum were known. At this time, de Gaulle made public his opposition to both proportional representation and a British-style, first-past-the-post system. This led political leaders and parties to rally around two different electoral laws: a two-ballot list system and a two-ballot, single-member district system. Since the list system was expected to create large and stable majorities, those who had favored single-member district plurality rule supported the list system, and those who had favored proportional representation supported the two-ballot, single-member district system.

Many believed that de Gaulle would follow his closest advisors and choose the two-ballot list system. Instead, he surprised everyone, going against his closest advisors and his own party by choosing the two-ballot system with single-member districts. Analysts have suggested two reasons for de Gaulle's decision. First, public opinion strongly favored single-member districts (Duverger 1960: 226). Second, and more importantly, de Gaulle wanted to choose an electoral law that would help the parties supporting de Gaulle's policy on the most significant issue facing France – the future of Algeria. Ironically, this meant that de Gaulle wanted to help the centrist parties, who supported Algerian independence, over the Conservatives and the Gaullist UNR, both of which wanted to keep Algeria under the French flag (Cole and Campbell 1989: 26, 92; and Duverger 1960). Even more ironically, in the 1958 legislative elections, the Gaullists were perceived as a centrist party and they ended up winning 40 percent of the seats with only eighteen percent of the first-round vote (Duverger 1960).

Immediate political outcomes aside, what is important for this study is that during the framing of the Fifth Republic, participants in the process did not know what the electoral law would look like. They suspected, however, that they could not depend on the electoral law to solve the problems of cabinet instability that had plagued the Fourth Republic. In crafting the Fifth Republic Constitution, they believed it essential to ensure that legislative procedures could ensure executive authority if electoral ones failed. This belief led directly to the inclusion of the package vote and the confidence vote procedure in the Fifth Republic Constitution.

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### *Origins of the package vote*

The package vote had no analog in the Fourth Republic Constitution, nor did it appear in the writings of Debré or de Gaulle before the Fifth Republic Constitution was written. It appears that the original idea for the procedure came from Debré and Jerome Solal-Céliney. Solal-Céliney, who had been the minister in charge of governmental relations with parliament during much of the Fourth Republic, believed that during the 1950s, votes of confidence were much abused for procedural purposes. Prime Minister Edgar Faure, for example, once asked for twenty votes of confidence in a single day.<sup>15</sup> It seems that the main intent of the package vote procedure was to maintain the authority of the government without abusing confidence votes.

Debré clearly approved of the package vote, and the procedure was included in the initial draft of the Constitution. Article 22 of that draft stated:

During legislative debate, the government can at any moment demand a single vote on all or part of a bill under discussion, retaining only those amendments which the government proposes or accepts.

One interesting aspect of this initial draft is that it clearly implied that the government could use the procedure *to stop debate on bills at any time*, in a manner that is similar to the *British guillotine* procedure.<sup>16</sup> Two task force members made private notes about this procedure, which state that this was precisely the intent of the task force with respect to this procedure. François Luchaire's notes state:

It's the guillotine. The government can stop the debate, halt any discussion of articles or amendments, and demand a final vote. It's a severe procedure, but the experience of the previous regime demonstrates its utility. (Comité National 1987, Vol. I: 348)

Similarly, André Chandernagor's notes state that the package vote "is the guillotine. It permits the government to stop all debate and demand an immediate vote" (*ibid.*: 380).<sup>17</sup>

Although the task force clearly intended that the procedure be used by the government to break obstruction, a change in wording enacted by the Interministerial Council changed the role that the procedure could play. The redrafted package vote procedure read as follows:

The Government can demand a single vote on all or part of a bill under discussion, retaining only the amendments which it proposes or accepts.

(*Article 37 of the Avant-Projet de Constitution du 15 juillet 1958, ibid.: 435*)<sup>18</sup>

The most significant aspect of the change was the deletion of the words "During the course of the debate," as well as the words "at any moment."

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Under the new wording, it was doubtful that the procedure could be used to break obstruction precipitated by the cascade of amendments.

Not surprisingly, the package vote ran into severe opposition in the CCC (which was dominated by members of parliament). In fact, the members of the CCC voted to delete the procedure from the Constitution altogether. Although debate on the package vote was rather short (only six members of parliament and one representative of the government spoke), all but one representative argued that the procedure was bad because it basically *eliminated the right of elected members to amend bills*.<sup>19</sup>

The government's most common defense of the package vote during debate in the CCC (at which the government had a representative) was that the procedure would help ensure the authority of the government by permitting it to avoid the many confidence votes demanded strictly for *procedural reasons* during the Fourth Republic. This defense appeared in several places. In his *exposé des motifs* before the CCC on July 29, Debré argued that the package vote was one of the procedures that would be necessary to ensure consideration of policies that the government viewed as essential. He further stated that the package vote "would have the notable effect of making it possible to avoid the numerous confidence votes that were used in the past" (*ibid.*: 524). In the CCC, Raymond Triboulet, the only deputy to argue in favor of the procedure, stated:

It is deplorable that the government uses confidence votes, in the constitutional form, at every turn. That has been one of the principal causes of the decline of the government's authority, and I think that the procedure proposed at the end of article 39 can, fortunately, replace the question of confidence, which has been terribly abused in recent years. *(ibid. Vol. II: 295)*

In a related vein, Raymond Janot, the government's representative at the CCC, defended the package vote by arguing that the procedure would not suppress the right of amendment: "In fact, amendments can be offered and discussed, and after the government demands a package vote, the assembly will decide by a single vote, taking into consideration the explanations that have been given on all the amendments" (*ibid.*: 295–6). Janot specifically argued that the procedure would not be like the British guillotine because it would not limit the proposal of amendments or their debate. He further noted that by precluding devious amendment tactics, the procedure would enable governments to preserve on the floor of parliament agreements that were made before parliamentary consideration (*ibid.*: 296).

After the CCC completed consideration of the Constitution, the Inter-ministerial Council once again took up the project. They chose to ignore the recommendation of the CCC, inserting the package vote back into the constitution without any debate (*ibid.*: 629, 649). During subsequent

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consideration by the Council of State (both in the Council's Special Committee and the General Assembly), the government's *rappiteur* on this part of the Constitution, Solal-Céliney, explained that the package vote was included to replace the frequent use of confidence votes for procedural reasons. He argued that during the Fourth Republic, "half of the questions of confidence were used uniquely for procedural – and not political – reasons. That is, the confidence votes were used to demand a single vote where it would otherwise be necessary to have dozens of votes on various amendments" (*ibid.* Vol. III: 140). When Julien Reinach, the only person to speak out against the procedure in the Council of State, called it "perhaps the most disagreeable aspect of the constitution" (*ibid.*: 345), Solal-Céliney responded by repeating his argument that during the Fourth Republic, over half the confidence votes demanded by the government were used strictly for procedural and not political reasons. The package vote, he stated, would preserve government authority without the need of a confidence vote (*ibid.*: 345).

In sum, the package vote was widely supported by the participants in the drafting processes, with the exception of members of parliament, who criticized the procedure as a dangerous assault on the right of amendment and who voted to delete the procedure from the Constitution. The primary justification of the procedure rested in part on form, in part on substance. With respect to substance, the participants in the drafting processes recognized that the government needed a formal procedure that would permit the government to protect its bills from amendments on the floor. With respect to form, the participants in the drafting process believed that this procedure should assure governmental authority over policymaking without resorting to an embarrassing cascade of confidence votes.

### *Origins of the confidence vote procedure*

The activity during the summer of 1958 was quite different for the confidence vote procedure than for the package vote. The package vote was first created by Debré's task force, and it met little resistance or raised little controversy, except in the CCC. The confidence vote procedure did not appear in the initial draft of the Constitution. Instead, it was created by the Interministerial Council. Although at no stage in the process did efforts to remove the procedure succeed, it proved to be one of the most controversial aspects of the Constitution.

Perhaps surprisingly, the leading advocate of *parlementarisme rationalisé*, Michel Debré, did not approve of the confidence vote procedure. The draft Constitution proposed by Debré's task force included no such procedure, and during heated debate on the procedure by the CCC,

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Debré proposed that the procedure be revised so it could only be used on major legislation. He further argued:

Since many other procedures exist in the Constitution to resolve conflict, one must view [the confidence vote procedure] as a last resort. . . . It is a difficult and troublesome last resort, one that will have no value unless it is rarely used. (*ibid.* Vol. II: 506)

Debré expressed his opposition to this procedure most explicitly in a private letter to de Gaulle on August 11, 1958. In this letter, which was devoted exclusively to the new confidence vote procedure, Debré called the procedure a “stain on the constitution” and proposed a different system to maintain government authority. Under his proposal, a single vote of confidence would be held each year on the government’s budget. If the government received the confidence of parliament, then the government’s existence could not be subjected to a vote unless (1) the government requested the confidence of parliament on the government’s *general policy program*, (2) the government was forced to ask for an increase in taxes for reasons that could not be foreseen, or (3) the opposition demanded a motion of censure (under strict rules laid out by the Constitution). Debré contended that this procedure of a single vote each year, together with the constitutional distinction between laws and regulations, would achieve the goal of a strong government that some believed could only be achieved by the new confidence vote procedure. Moreover, it would do so without the “shocking” character of the proposed confidence procedure (*ibid.*: 699–700).

If Debré was so clearly opposed to the procedure, where did it come from and how did it survive the various stages of constitutional debate during the summer of 1958? The procedure was originally placed in the Constitution in the July 19 *avant-projet* by the Interministerial Council, immediately following the initial report by Debré’s task force. It seems to be the brainchild of Pierre Pflimlin (*ibid.*: 709). The article was not controversial in the discussions by the Cabinet Council, and the confidence vote procedure was included in Article 45.3 of the draft submitted to the CCC.

In the meetings of the CCC, the debate on the confidence vote procedure was long and heated. Paul Reynaud, president of the CCC, led the opposition to the procedure by making a vitriolic speech portraying France as embarrassed in the eyes of the world when it became apparent that laws could be passed without a vote in the parliament (*ibid.*: 494–5):

I don’t believe that there’s a single assembly in the world that does not vote the laws. I don’t believe there is even a single country (not even the Soviets, who vote only by raising hands, but who nevertheless vote) where the law is not voted. . . . I assure you that I would not dare attend a meeting of representatives of assemblies around the world if I represented the only assembly in the world that did not have the right to vote on bills, of an assembly that has inspired so little confidence in

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the framers of the constitution – and in ourselves [in the CCC], given our obligation to give our opinion on the constitution – that this assembly could be considered unique in the world – as incapable, as impotent, as not being able to state: “I discussed this law, I approved it, or I rejected it.”

Numerous other individuals in the CCC spoke out against the bill, including Raymond Triboulet, who proposed an amendment that would remove the procedure from the constitution (*ibid.*: 495), Robert Bruyneel, who felt that the procedure would be ineffective if the government did not have majority support (*ibid.*: 501), and Jean-Paul David, who felt that the procedure would be effective at permitting the government to get its way, which would result in bad laws (*ibid.*: 501).

But many members of the CCC were in favor of the procedure, and the reasons they gave all related to ensuring a strong and stable executive. Edmond Barrachin (*ibid.*: 499–500) agreed with Reynaud that the procedure was shocking in the sense that it precluded parliament from voting on laws, but he insisted that the procedure was essential for ensuring cabinet stability. Paul Coste-Floret argued that the procedure would force discipline on the members of the assembly and thus was essential for government stability (*ibid.*: 502–3). Marcel Waline (*ibid.*: 507), making implicit reference to the situation in the Fourth Republic in which the National Assembly defeated laws but not governments on confidence issues stated that if a majority did not “have the courage” to vote the government out of office, then the government’s program should be adopted.<sup>20</sup>

Four aspects of the debate in the CCC are of particular interest. First, there seemed to be a general agreement that the procedure would enhance government authority by increasing cabinet stability. Second, those who opposed the procedure were concerned primarily with protecting the legitimacy of the parliament as an institution in the law-making process. Third, there was disagreement on the types of situations in which the procedure should be used: Debré and Raymond Triboulet, for example, promoted the procedure as a last resort on important bills, whereas Albert de Bailliencourt and Marcel Waline seemed to believe that the procedure would only be used to prevent the government from falling on secondary questions. Fourth, several deputies explicitly recognized the link between the nature of the electoral law and the importance of the confidence vote procedure. Waline, for example, contended that the real problem was the lack of a coherent majority and that this could be solved most efficiently by an electoral law like that of Great Britain, which produced a majority party. André Gayrard also claimed that the procedure was necessary given uncertainty about the electoral law and that if a majoritarian electoral law were adopted, use of the confidence vote would rarely be necessary. Debré and Robert Bruyneel also linked cabinet

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stability and the need for the confidence vote procedure to the nature of the electoral law.

Ultimately, after rejecting an amendment that would limit the use of the procedure only to bills related to the government's "general program" (apparently because such bills were basically impossible to define), the CCC accepted the confidence vote procedure in the form proposed by the Interministerial Council. In subsequent stages of the discussion, the procedure provoked no major controversy – arguments in the Special Committee of the Council of State and in the General Assembly of the Council of State always focused on the importance of the procedure for cabinet stability (*ibid.* Vol. III: 153-54, 360).

### CHOOSING THE RULES

There is an interesting parallel between the intellectual development of formal models of majority rule and the events in France in 1958. In the formal theory literature, early research established that when the preferences of voters are heterogeneous and the policy space is multidimensional, then for any existing policy, there almost always exists some other policy that is preferred by a majority of voters. Scholars responded to these theoretical results by explicitly modeling individual behavior, and in particular by modeling this behavior under alternative assumptions about agenda institutions. These "institutional" models demonstrate precisely how particular types of rules and procedures, taken as exogenous, produce decisiveness and predictability in choice processes. They therefore show why politicians care about agenda institutions and how politicians can develop systematic expectations about the impact of particular rules on behavior and outcomes.

In crafting the Fifth Republic, the framers seemed keenly aware that an unconstrained, heterogeneous assembly contributed to unpredictability and indecisiveness in the Fourth Republic. In attempting to alleviate these problems, the framers of the Fifth Republic devised agenda institutions that were intended to limit the proposal and voting prerogatives of deputies in parliament. Central among these agenda institutions were the package vote and the confidence vote, procedures that were intended to enhance government authority by permitting the government to limit the amendment prerogatives of deputies. Since the implementation of the new Constitution, cabinet stability and executive authority have clearly increased.

One obviously cannot conclude that the formal models of majority rule generated insights that were useful to the framers of the Fifth Republic. In fact, one might argue that the formal theories of institutions lagged behind the times. After all, the framers of the Fifth Republic seemed to

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understand in 1958 the “insights” that would “emerge” from formal models that would be published some twenty years later. What, then, is the value of the formal models for understanding the specific events in France?

To answer this question, it is useful to note that the formation of the Fifth Republic raises a variety of interesting questions. Why did the members of parliament decide in May 1958 that it was time for new institutional arrangements? Why did they abdicate to de Gaulle’s government the responsibility for crafting the new Constitution? Why did the framers of the Fifth Republic fail to specify the electoral law in the Constitution, and why did they see a link between the choice of the electoral law and the choice of restrictive agenda institutions?

To the extent that scholars of French politics have addressed these questions, they have typically advanced explanations that rely heavily on idiosyncrasies in French culture. As noted above, for example, scholars have asserted that a major reason the French adopted a new constitution in 1958 was French pride – the French elites wanted to bring legitimacy to the regime, and to avoid the ignominy associated with indecisiveness in international affairs. The French are said to have turned to de Gaulle because France’s “cataclysmic” political culture<sup>21</sup> leads the French to turn to heroic leaders in times of crisis. And some claimed that the French left the electoral law out of the Constitution because the French elite has historically insisted on using all weapons of the state, including electoral rules, to transform society.

There are three drawbacks associated with these answers. First, an argument about the impact of culture on political decision making, like any other empirical argument, is impossible to assess without variation on the key explanatory variable (in this case culture). It is therefore impossible to know whether particular aspects of French values and attitudes are responsible for the decisions taken in 1958. Second, by focusing on idiosyncrasies in French society, these arguments make it difficult to draw connections between the important constitution-building events in France in 1958 and many other instances of constitution, or institution, building. The arguments, in essence, isolate the study of France from the comparative study of institutions. Finally, the arguments in the French politics literature focus on different aspects of culture – or different aspects of preferences – to answer different questions about events in 1958. The decision to abandon the Fourth Republic, and to “rationalize” parliament in the Fifth, is explained by preferences for legitimacy and stability. The decision to rely on de Gaulle is explained by preferences for heroic leaders in times of crisis. The decision to leave the electoral law out of the Constitution is explained by elite preferences to use the state to shape society. Since different aspects of French culture are invoked to

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answer the various questions about decisions in 1958, it is difficult to draw connections between these events, and thus to show how they are related.

The formal models of majority rule do not assume that French masses or elites have an “apocalyptic rationality,” a “cataclysmic” sense of urgency, or preferences regarding legitimacy, political heroes, or political stability. Instead, these models simply assume that strategic decisions are made exclusively for *policy reasons*. This narrow assumption, while it ignores potentially important contextual elements, makes it possible, not only to understand the choices made in 1958, but also to see connections between the answers to the various questions posed above.

The policy assumption underlying the institutional models, for example, could lead to the following interpretation of the decision to adopt a new constitution in 1958: An effective response to the Algerian crisis required the government to propose a policy that (1) would respond to the problem and (2) was preferred by a majority to the existing status quo. Since no such proposal occurred, the existing policy was a stable policy outcome under the Fourth Republic institutional arrangements (much like  $x_0$  is a stable policy outcome in Figure 2.2). But the equilibrium policy was one that was almost universally disliked. Thus, to respond to the particular policy problem, it was necessary to change the rules for proposing and voting policies.

This “policy-based” argument about the change in constitutions is neither novel nor deep, but it clearly differs from the many explanations that focus on preferences for legitimacy or executive authority. The policy interpretation reminds us that the problem in France was not the political institutions *per se* but rather the outcomes from the institutions. That is, the French elites did not object in principle to the particular institutional arrangements of the Fourth Republic, but rather they objected to the outcomes that resulted from these rules. It is highly doubtful, then, that the French would have changed the rules in 1958 had the government proposed and implemented an effective response to the Algerian problem.

The formal models also offer a different perspective on the abdication of parliamentary responsibility for constitutional revision to de Gaulle, one that focuses neither on the idiosyncrasies of de Gaulle’s personality nor on the propensity of the French to turn to heroic leaders. Given the many different issues – or dimensions – associated with writing a new constitution, the formal models indicate that choosing new rules under open amendment processes on the floor of the legislature would have invited the substantial indecisiveness and unpredictability inherent to majority rule. Given the open amendment procedures of the Fourth Republic (see MacRae 1967), the final constitution might have been any set of rules that some (arbitrary) majority preferred to the status quo, assum-

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ing, of course, that the final, amended policy proposal was preferred by some majority to the status quo (Shepsle and Weingast 1984b). To avoid indecisiveness, the deputies supporting de Gaulle's government created an agenda institution that permitted a particular group – led by de Gaulle – to make a take-it-or-leave-it proposal to the French people for an up-or-down vote. This structure ensured a decisive final outcome. To avoid unpredictability, the deputies established fundamental guidelines in the June 3 enabling bill, and they abdicated proposal power to an individual who had repeatedly made known his preferences over various types of constitutional arrangements. In fact, de Gaulle's 1946 Bayeux speech was a virtual blueprint for the constitution that emerged from the drafting process in 1958. The formal theories of institutions would lead to the argument that these institutional preferences, rather than de Gaulle's war hero status, were fundamental to the decision to grant de Gaulle proposal power. Put differently, if de Gaulle had been a war hero, but one who advocated fascism, it is doubtful he would have been trusted to write a new constitution.

Another contribution of the formal models is to highlight why the framers of the Fifth Republic would see a linkage between the choice of electoral law and the choice of restrictive agenda institutions. When preferences are heterogeneous and proposal opportunities relatively unrestrained, majority-rule decision making will be unpredictable and indecisive. One institutional response would be to use the electoral law to eliminate heterogeneity in the preferences of deputies elected to the National Assembly. If there existed a homogenous majority, for example, then there would be no unpredictability or indecisiveness in majority-rule decision making. In practice, a homogenous majority would be likely under a single-member district plurality rule electoral law. The second strategy identified by the formal models would be to develop agenda institutions that lend decisiveness and predictability to choice processes given heterogeneous preferences in the legislature. Since de Gaulle was uncertain about which party would win under a first-past-the-post electoral contest, the restrictive agenda institutions were placed in the constitution.

In sum, the formal models of majority rule provide a specific framework for thinking about the choice of rules and procedures in France in 1958. That framework assumes that political decision makers care exclusively about policy outcomes, and it demonstrates certain problems that legislators face when choosing policies in multidimensional policy spaces. When the events in France are viewed through this framework, one can see an intellectual thread running through a variety of issues that previously seemed unrelated. The framework also makes it possible to step away from idiosyncratic descriptions of French culture and personalities

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and instead to view the French experience in 1958 as part of a larger framework susceptible to comparative analysis.

Formal models provide a framework for interpreting some of the specific events in France in 1958. But does the historical discussion of these events in France offer food for thought to those who theorize about how institutional arrangements are chosen? The most important point highlighted by the French events in 1958 is that any theory of endogenous institutions should be embedded in a theory that specifies the relevant exogenous institutions. Institutions are rarely – perhaps never – chosen by majority rule in an institutional vacuum. Even if majority rule of some sort is used in the choice of the institutional arrangements, it is always the case that institutional arrangements constrain who can make proposals, when proposals can be made, what types of proposals are permissible, and how they will be ultimately selected.

In the French Fourth Republic, efforts to change the Constitution began with majority rule in parliament. But the rules the National Assembly devised for creating a constitution effectively eliminated majority rule in the drafting process (because de Gaulle's government was given the power to create the constitution) and eliminated proposals at the stage of adoption (because a *fait accompli* was to be submitted to the voters in a referendum). If the Fifth Republic had been crafted under the rules originally specified in Article 90, it is highly unlikely that either the package vote or the confidence vote procedure would have been included in the Constitution. After all, previous efforts to amend Article 49 (the Fourth Republic's confidence vote procedure) had always failed in parliament (see Lascombe 1981), and the deputies in the CCC had voted to delete the package vote from the Constitution. Thus, it is impossible to understand the choice of rules in the Fifth Republic without focusing on the institutional arrangements that constrained this choice.

One implication of this observation is that the “endogenous institutions” puzzle posed by Riker about the instability of institutions is really no puzzle at all (Riker 1980). Just as the early instability results are not intended as behavioral models of policymaking process, they also are not intended as behavioral models of institutional choice – institutional arrangements constrain the choice of institutional arrangements in the same way that they constrain the choice of policy. In my view, then, the study of “exogenous” institutions should assume a primary position on the research agenda because any purported explanation of the choice of rules is incomplete without an argument about how exogenous institutional constraints shape these choices.

The second point raised by the events leading to the inclusion of the package vote and the confidence vote procedure in the French Constitu-

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tion is that that institutional arrangements chosen for one arena – such as the legislature – are often dependent on choices made in another. For the framers of the Fifth Republic, the decision not to specify an electoral law was intimately linked to the decision to include the confidence vote procedure, and to a lesser extent, the package vote, in the Constitution. Had de Gaulle been willing to go along with Debré on the inclusion of single-member districts, it is likely that these procedures would not have been viewed as necessary.

In developing any theory of endogenous institutions, it will frequently be important to consider the broader institutional context in which the rules will operate. Scholars have recently begun to consider this important issue. Carey and Shugart (1995), for example, hypothesize that the drafters of constitutions should be most likely to institutionalize presidential decree authority in bicameral systems and when the rules for changing the constitution are reasonably permissive. Similarly, Diermeier and Myerson (1995) use a formal model to argue that the circumstances under which legislative assemblies may wish to create veto points (such as strong committee chairs) are related to the number of external agents (such as presidents or other assemblies) that must also agree to bills. In the United States, for example, the House cannot change the fact that the Senate must also approve bills and that the president must sign bills. This factor may influence the decision by the House to create strong committee chairs or gatekeeping power by committees. In general, however, scholars know very little about how institutional choices in one arena are related to institutional choices in other arenas.

A third point raised by the French experience is that rules often change in response to exogenous shocks that create new dimensions of policy conflict that (temporarily) dominate all other dimensions. Despite its difficulties, the Fourth Republic was in many respects quite effective (see Williams 1964). But the institutional arrangements did not permit the French government to respond effectively to the crisis in Algeria. It was this crisis that precipitated the creation of the Fifth Republic; the Fifth Republic was designed to create an executive that could deal with the problem in Algeria; yet the institutions of the Fifth Republic have shaped French politics for many years since the resolution of the particular crisis. France is not alone in this respect. The British parliament, for example, created the guillotine procedure in the 1880s in response to the behavior of Irish deputies demanding Irish home rule. In Italy and Japan in the early 1990s, crises of corruption led to important constitutional amendments, including a change in the electoral law. The U.S. Senate adopted its cloture rule in March 1917 after a two-day filibuster by eleven noninterventionist senators had prevented the Senate from adopting a bill that would have allowed the arming of merchant ships (following Germany's

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sinking of the U.S.S. *Housatonic*). Of course, some exogenous shocks lead to institutional change, while others do not. By using historical studies in conjunction with formal models, it may be possible to learn more about the specific circumstances under which exogenous changes to the status quo will lead to innovations in institutional rules and procedures.

Finally, the French case underlines the fact that many rules that we may wish to understand really are exogenously given because they are designed by individuals other than those who must abide by them and because the rules can only be changed by following procedures that are rather onerous. The package vote and the confidence vote procedure were placed in the French Constitution by de Gaulle's government, which was adopted in a popular referendum. The deputies in the French National Assembly must abide by these rules unless they can orchestrate a constitutional amendment, which is quite difficult. This situation, of course, is not unique to France. Many important institutions are exogenously given by constitutions, and it is important to develop theories about how such institutions shape behavior and performance.

# 3

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## *Restrictive procedures and policy conflict*

The primary justification offered for the package vote and the confidence vote procedure by the drafters of the Fifth Republic Constitution was the need to stabilize the government by firmly entrenching executive authority over policymaking processes. As noted in the Introduction, research since 1958 has concluded that these two procedures have been successful to this end. The package vote and the confidence vote procedure are said to have effectively abolished the parliament's right of amendment, thereby ensuring that the government can implement its policy wishes when faced with a recalcitrant parliament. France's two restrictive procedures are thus viewed as institutional arrangements that influence the *vertical relationship* between the executive and legislature, giving the executive the upper hand when *policy conflict* with the National Assembly is severe.<sup>1</sup>

There are two problems with the argument that the package vote and the confidence vote procedure are used by the government against the National Assembly for policy purposes. One problem is empirical. There is no reliable empirical evidence demonstrating that restrictive procedures are indeed used by the government in response to policy conflict with parliament. Instead, claims about policy conflict between the government and the National Assembly seem to be based on impressionistic evidence – on observation of the rhetoric in parliament that inevitably surrounds the utilization of the restrictive procedures.

The second problem with the prevailing view is that there exists no logical argument explaining why policy conflict between the government and the National Assembly should lead to the use of restrictive procedures. Not surprisingly, then, the existing literature provides no specific hypotheses about the circumstances under which policy conflict between government and parliament will be sufficiently severe to warrant use of the restrictive procedures.

Establishing such a “policy conflict” hypothesis is difficult. Consider the following possibility:

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*The government will use restrictive procedures to prevent or to reverse substantive changes by parliament to the government's policy.*

This hypothesis is clearly incorrect: since a majority in parliament substantively amends almost every bill, the hypothesis leads to the implausible expectation that the government should use a restrictive procedure on virtually every bill.

The problem, of course, may not lie in the literature's claim about policy conflict. It may simply be that I have stated the hypothesis too baldly and interpreted existing claims in the literature too narrowly. A probabilistic statement of the claim about policy conflict is perhaps more reasonable:

*Other things equal, the likelihood of the government invoking a restrictive procedure on a bill should increase as policy conflict between the government and parliament increases.*

But this hypothesis has its own problem. How do we know what level of policy conflict will lead to the use of a restrictive procedure? Is there some threshold of conflict that triggers the package vote or the confidence vote procedure? If so, where does this threshold come from? Answers to these questions require a more precise argument about why and under what circumstances policy conflict should lead to the use of restrictive procedures.

This chapter has two objectives. The first is to uncover the causal logic behind claims that the French government uses the package vote and the confidence vote procedure against the National Assembly for policy purposes. To this end, I draw on the existing literature to guide the development of a formal model (which for obvious reasons I call the "Policy Conflict Model"). The second objective is to test empirically whether there is a relationship between the level of policy conflict and the actual use of restrictive procedures. Together, the two prongs of analysis leave strong doubts about whether in fact the two procedures are used by the government to prevail in policy disputes with the National Assembly.

### THE POLICY CONFLICT MODEL

As noted in the Introduction, the methodology of formal modeling can be used for different purposes. In this chapter, I use a model, not to develop a new theory about how the package vote and confidence vote procedure influence French politics, but rather to *check the intuition* underlying the policy conflict argument in the previous literature.<sup>2</sup> Consequently, this

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literature will guide the choice of assumptions in the formal model about the identities of the agents, the preferences of these agents, and the structure of their interactions in parliament.

Although previous research is not explicit about the assumptions underlying claims about policy conflict, there are three general features of the literature that should be incorporated into the Policy Conflict Model. First, existing studies emphasize that the two restrictive procedures influence the vertical relationship between “the government,” on one hand, and “the parliament” or “the majority in parliament,” on the other.<sup>3</sup> The Policy Conflict Model therefore makes the simplifying assumption that there are only two agents interacting in the legislature, the “Government” and the “Parliament.”

Treating these two agents as unitary actors will understandably make some readers uncomfortable. It is important to note, however, that this discomfort should lie with the existing literature, which generally speaks about the “Government” and the “Parliament” as if they are unitary actors. Perhaps this language has been used simply for ease of exposition, but if this is the case, the literature does not say so. It is therefore worth exploring how and under what circumstances policy conflict between government and parliament should lead to the use of restrictive procedures. In subsequent chapters, however, I will relax the unitary actor assumption.

A second assumption implicit in the previous literature is that the level of policy conflict between the government and parliament is central to the government’s decision to use a restrictive procedure.<sup>4</sup> To focus attention on how policy conflict shapes procedural choice, the Policy Conflict assumptions about preferences and utility that are standard in spatial models. The Government and the Parliament have distinct ideal points in a policy space that has one or more dimensions. These two ideal points are assumed to be distinct because it is highly improbable that the Government and Parliament will ever share *exactly* the same policy preferences. The model also assumes that a status quo policy already exists. The Government and Parliament each want to change this status quo to obtain its best possible final policy outcome. If there is more than one policy dimension, the two agents may value policy change on each dimension differently; that is, the agents may feel more intensely about some issue dimensions than others (so that they have weighted Euclidean preferences). Thus, a comparison of any two policy outcomes will depend on the relative weights the agents place on the different policy dimensions. With this “pure policy” assumption, it is possible to explore the extent to which divergence in the ideal points of the two agents should affect the use of restrictive procedures.

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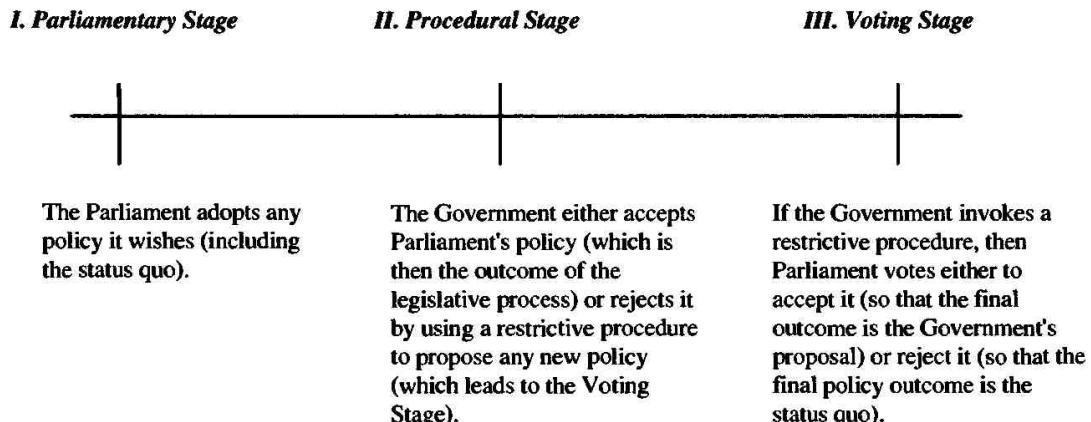


Figure 3.1. The Sequence of Interactions in the Policy Conflict Model.

A third important theme in the literature is that the two procedures are basically interchangeable – that the structure of both procedures is said to permit the government to propose and obtain the final policy outcome it desires in situations of policy conflict. The confidence vote procedure is simply considered a stronger version of the package vote.<sup>5</sup> The Policy Conflict Model therefore assumes that for both the package vote and the confidence vote procedure, strategic interactions occur in three successive stages, depicted in Figure 3.1. These interactions begin with the Parliamentary Stage, when the Parliament acts either to adopt a new policy or to retain the status quo. We can think of Parliament's policy as the amended version of a bill (which in all likelihood was originally submitted by the Government) that is adopted by a majority in the National Assembly, or as the parliamentary defeat of a bill on the floor.<sup>6</sup> The game then moves to the Procedural Stage. If the Government accepts Parliament's policy, the game ends and Parliament's proposal is the final policy outcome. If the Government prefers instead to invoke a restrictive procedure, then the Government can propose any new policy.<sup>7</sup> In this case, the game moves to the Voting Stage, where the Parliament may accept the Government's proposal, ending the game with a final policy outcome corresponding to the Government's proposal. Alternatively, the Parliament may reject the Government's proposal by voting it down if the package vote is used or by censuring the Government if the confidence vote procedure is used. Either type of negative response retains the status quo as the final policy outcome. In subsequent chapters, I will consider the additional consequences for the members of parliament of censuring the government when the confidence vote procedure is used. For the purposes of this chapter, I simply assume that policy preferences underlie all strategies and choices.

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To summarize, the Policy Conflict Model assumes that two agents, the Government and the Parliament, are involved in the legislative process. The two agents have distinct policy preferences, and each is concerned exclusively about obtaining the best possible policy outcome. If the Government does not like the policy adopted by the Parliament, the Government can use either the package vote or the confidence vote procedure to propose some alternative policy. If the Government adopts this strategy, the Parliament must decide whether to accept the Government's policy or reject it, retaining the status quo.

### **THE IRRELEVANCE OF POLICY CONFLICT**

The Policy Conflict Model indicates that the Government's decision to use a restrictive procedure will be completely unrelated to the level of divergence between the policy preferences of the Government and Parliament. To see why, consider the two-dimensional example in Figure 3.2.<sup>8</sup>

Assume for simplicity that the ideal point of the Government is located at  $x_G$ , the ideal point of the Parliament is located at  $x_P$ , and the status quo policy is located at  $x_0$ . The indifference curves of the agents are elliptical and are drawn in this example to indicate that both the Government and Parliament value movement on the social policy dimension more than movement on the defense dimension. The set of policies that Parliament prefers to the status quo, which I call the Government's "set of obtainable policies," includes all policies that lie inside the Parliament's indifference curve through  $x_0$ . If the Government ever uses a restrictive procedure to propose any policy in this set, then Parliament will accept the Government's proposal because it prefers this policy to the outcome obtained from rejecting the proposal ( $x_0$ ). If the Government uses a restrictive procedure to propose any policy not in this set, the Parliament will defeat the proposal, retaining the status quo.

The Government can always use a restrictive procedure to propose the unique policy that it most prefers from this set of obtainable policies.<sup>9</sup> We can call this most-preferred proposal the "best obtainable policy." In Figure 3.2, the best obtainable policy is labeled  $\hat{x}$ . In the Parliamentary Stage, if Parliament adopts a policy that is not at least as good for the Government as  $\hat{x}$ , the Government will respond with a restrictive procedure, proposing the best obtainable policy.

This observation – that the Government can always use a restrictive procedure to ensure that the final policy outcome is no worse than the best obtainable policy – is central to understanding the irrelevance of policy conflict to procedural choice. Given that the Government can ensure a final outcome no worse than the best obtainable policy,  $\hat{x}$ ,

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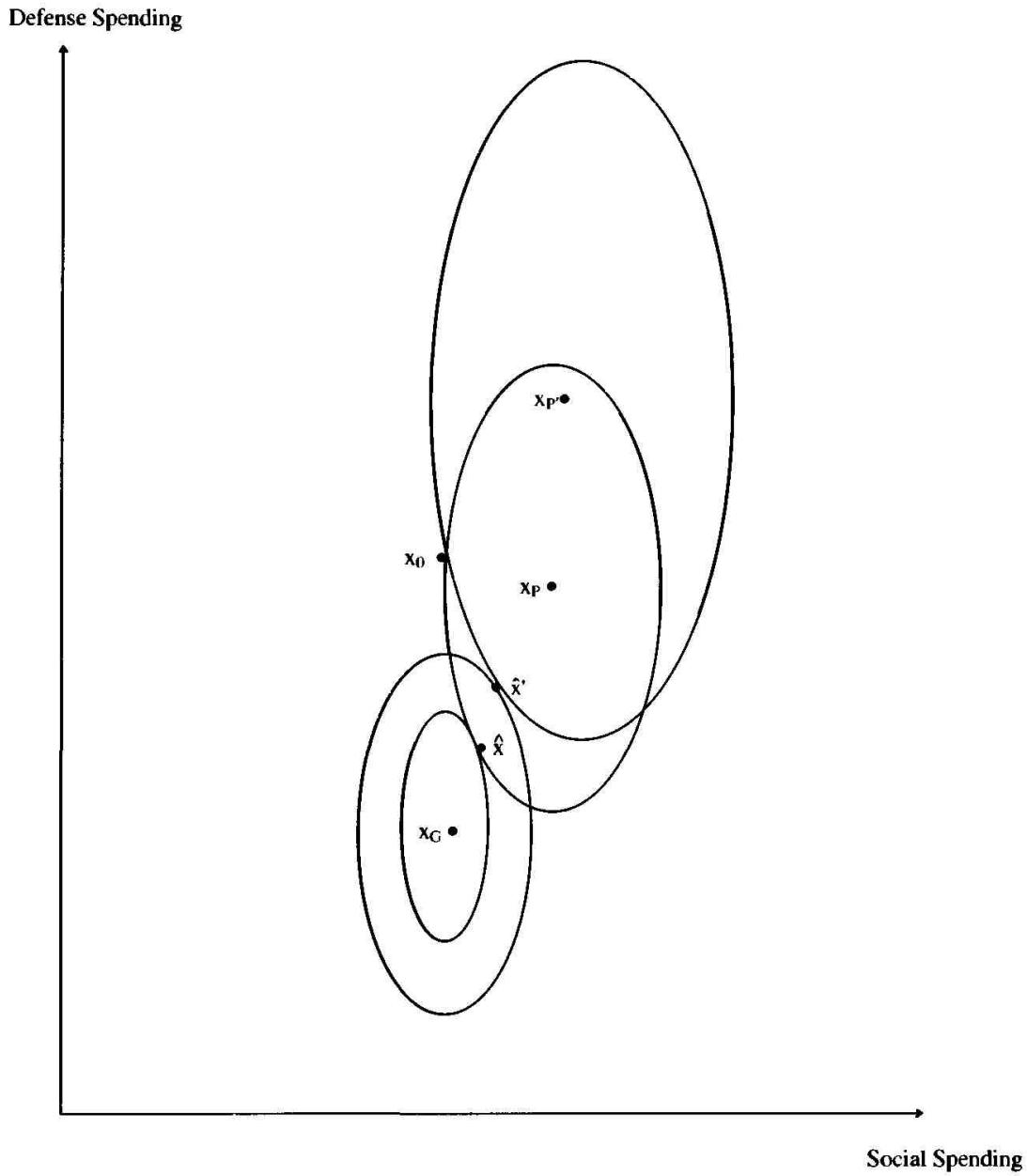


Figure 3.2. Policy Conflict and the Best Obtainable Policy.

Parliament has two choices. It can adopt a bill that corresponds to the Government's best obtainable policy, which will be accepted by the Government, ending the legislative process. Or Parliament can adopt some other bill that it prefers to the best obtainable policy, triggering a restrictive procedure by the Government and resulting in a final policy outcome of the best obtainable policy. No matter which response Parliament chooses, the final outcome will be the Government's best obtainable policy.

Parliament's decision to provoke a restrictive procedure must therefore

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depend on additional assumptions one makes about the legislative process. If, for example, one assumes some cost to Parliament (perhaps related to delay) of provoking a restrictive procedure, then Parliament should always adopt the best obtainable policy, and restrictive procedures should never occur. If there are no costs of delay, Parliament should always adopt a policy corresponding to its ideal point. In making such a proposal, Parliament forces the Government to invoke a restrictive procedure. Ordinarily, the final outcome will be the Government's best obtainable policy. But should the Government make a mistake and accept Parliament's proposal (a "tremble," in game-theoretic language), then the final policy outcome is Parliament's ideal point, which is obviously preferred by Parliament to the Government's best obtainable policy. One might therefore argue that the costs of delay might be important as an independent variable in explaining the use of restrictive procedures. This does not, however, change the fact that the level of policy conflict is irrelevant to the Government's procedural decision.

Why is policy conflict irrelevant? Consider the possibility that the Parliament is located at  $x_P'$  in Figure 3.2. This represents an increase in the level of policy conflict between Parliament and the Government (as compared to the case where Parliament is located at  $x_P$ ). Although this increase in the level of policy conflict changes the location of the Government's best obtainable policy (denoted  $\hat{x}'$  in Figure 3.2), it does not change the dynamic of strategic interactions. As in the case with the lower level of policy conflict, Parliament can either adopt the Government's best obtainable policy, ending the legislative process, or Parliament can provoke a restrictive procedure by adopting its most-preferred policy. In either case, the outcome will be the Government's best obtainable policy. Consequently, even in the case of more severe policy conflict, Parliament's legislative strategy depends exclusively on the assumptions one makes about the exogenous costs or benefits associated with provoking a restrictive procedure.

The Policy Conflict Model therefore reveals significant logical deficiencies in claims from prior research that the French government uses restrictive procedures in response to policy disagreements with parliament. The level of policy conflict between the government and parliament should never influence the use of restrictive procedures because the institutional structure of the restrictive procedures permits the government to make a take-it-or-leave-it proposal to parliament at any time in the policymaking process, including at the very end. Consequently, the structure of French institutional arrangements ensures that the final outcome is the government's unique "best obtainable policy," a policy that exists for any level of policy disagreement between the government and parliament.

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### EMPIRICAL TESTS

The contrast between the logic of the Policy Conflict Model and the claims advanced in the previous literature underlines the need for empirical tests of the idea that the government uses the restrictive procedures to prevail in policy disputes with the National Assembly. It is difficult, however, to test the hypothesis that the probability of the government using a restrictive procedure should increase as the policy preferences of the government and the majority in parliament diverge because one can never directly observe preferences. But there exists one type of legislative activity that provides a reasonable proxy for preference: amendment activity in the parliament. If one assumes that the bill originally submitted by the government to parliament fairly represents the preferred policy of the government, then particular types of amendment activity may signal policy disagreement between the government and a majority of members of the National Assembly.

Amendment activity can emanate from four different actors – the government, the committees, the majority deputies, and the opposition deputies. Adopted floor amendments from any of these actors, including government amendments, represent changes by the National Assembly to the government's bill and therefore suggest divergence between government and assembly preferences.<sup>10</sup>

Some amendments are not formally adopted but are withdrawn on the floor by their authors, often because the government has made a policy promise or an actual amendment that addresses the concerns outlined in the amendment. Similarly, some amendments are considered formally satisfied and are thus irrelevant following the adoption of government amendments. The number of withdrawn and satisfied amendments may therefore reflect initial policy disagreement between the government and the National Assembly, although these types of amendment activity are probably less clearly a proxy for policy conflict than are amendments that are actually adopted.

Finally, if the government invokes a restrictive procedure, it can reserve the vote on specific amendments. When this occurs, parliament cannot vote on the reserved amendments; they are excluded from consideration. One might therefore expect that as the number of reserved amendments increases, the level of policy conflict between the government and the majority in parliament also increases.

In sum, four types of amendment activity provide measures of policy conflict between the government and parliament: (1) adopted floor amendments, (2) adopted government amendments, (3) withdrawn and satisfied floor amendments, and (4) reserved amendments.

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The analysis of amendment data clearly has certain limitations. Amendment activity may not be a good proxy for policy conflict if large bills are subjected to more amendments of all types than are small bills. And simply counting amendments does not take into consideration the substantive content of the amendments. It may be the case, for example, that a single amendment results in greater substantive change to a government bill than does a long series of amendments. But even bearing these limitations in mind, it seems quite likely that policy conflict between government and parliament will be greatest on the most heavily amended bills. It is therefore instructive to note the differences between the amendment characteristics of bills subjected to no restrictive procedures, to the package vote procedure, and to the confidence vote procedure.

The data set includes information that I collected about amendment and procedural activity for 356 government bills (*projets de loi*) voted in first reading between March 21, 1978 and December 31, 1989. Bills originally assigned to either the Defense Committee or to the Foreign Affairs Committee were excluded because deputies in the National Assembly generally approve foreign affairs and defense legislation without amendment or debate. Bills that originated in the Senate were also excluded to eliminate the measurement of legislative activity aimed primarily at reversing decisions made in the Senate. Of the remaining bills voted between 1978 and 1986, roughly seventy-five percent were randomly selected for analysis. For the short but interesting periods of cohabitation (1986–7) and minority government (1988–9), all bills were included. In addition, all budget bills were included for the entire time period. Of the 356 bills in the data set, 37 – or just over 10 percent – were subjected to the package vote or the confidence vote procedure (or both).

Private member bills, or *propositions de loi*, are omitted from the analysis. This is not to suggest that private member bills are not important. Duhamel and Parodi (1988: 549), for example, argue that during cohabitation, the government at times used private members to submit government bills in an effort to avoid review by the Council of State. During the data collection, 50 percent of all private member bills submitted to parliament were randomly selected for inclusion in the analysis. Of these, forty-four were voted in first reading. The level of amendment and procedural activity for these bills is, however, substantially lower than for government bills, and neither Article 44.3 nor Article 49.3 was ever utilized with a private member bill.

Tables 3.1 and 3.2 provide a general description of the amendment activity on the bills in the data set. Bills subjected to the package vote are characterized by an increase in amendment activity by all actors, by an increase in the number of changes that the National Assembly makes to the government text of the bill, and by an increase in compromise amend-

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*Table 3.1 Aggregate amendment activity under different restrictive rules*

Type of rule	Amendments accepted	Amendments rejected	Amendments withdrawn	Amendments reserved
No restrictions	25.5	31.9	18.4	0.0
Package vote only	62.7	101.7	40.5	44.2
Confidence vote procedure only	19.7	50.7	19.9	1.5
Package vote and confidence vote procedure	28.5	43.2	30.5	58.3

**Note:** The numbers in each column give the mean number of amendments per bill. The Amendments Withdrawn column includes amendments that are withdrawn by their author or that are satisfied by the acceptance of another amendment. The data were collected by the author.

ment activity by the government with the floor. Thus, contrary to the finding in the Policy Conflict Model, and consistent with the French politics literature, it seems that the use of the package vote does increase with policy conflict between the government and the members of the National Assembly. Bills subjected to the confidence vote procedure, on the other hand, are not marked by the same increase in amendment activity, are marked by an actual decrease in changes that members of the National Assembly make to the government text of the bill, and are not marked by the same increases in compromise amendment activities as are bills subjected to the package vote. The data for the confidence vote procedure therefore seem supportive of the Policy Conflict Model.

Tables 3.1 and 3.2 also show the number of amendments that are reserved when the government uses the restrictive procedures. Many more amendments per bill are reserved if the package vote is used alone (44.2 amendments) than if the confidence vote procedure is used alone (1.5 amendments). That the government is more likely to use the package vote than the confidence vote procedure to suppress National Assembly efforts to amend government bills provides further evidence that the package vote is more likely to be used than the confidence vote procedure to resolve policy differences with the majority in the National Assembly.

The data in Table 3.2 also indicate that, although the government uses the restrictive procedures against committee and majority floor amendments, opposition amendments are by far the most frequent target. Table 3.2 thus provides evidence for another theme from the French politics

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**Table 3.2 Amendment activity by various parliamentary actors under different amendment rules**

Type of rule	Government amendments			
	Amendments accepted	Amendments rejected	Amendments withdrawn	Amendments reserved
No restrictions	5.6	0.1	0.5	0.0
Package vote only	28.1	0.1	1.0	0.0
Confidence vote procedure only	8.1	0.1	0.5	0.0
Package vote and confidence vote procedure	13.8	1.7	0.2	0.0
Type of rule	Committee amendments			
	Amendments accepted	Amendments rejected	Amendments withdrawn	Amendments reserved
No restrictions	15.1	1.2	1.7	0.0
Package vote only	19.4	6.0	2.7	2.7
Confidence vote procedure only	5.8	1.9	1.3	0.5
Package vote and confidence vote procedure	8.2	1.2	2.8	4.7
Type of rule	Majority amendments			
	Amendments accepted	Amendments rejected	Amendments withdrawn	Amendments reserved
No restrictions	2.7	1.4	3.1	0.0
Package vote	10.7	4.6	15.6	4.9
Confidence vote procedure	5.0	2.5	4.9	0.5
Package vote and confidence vote procedure	4.7	0.5	5.8	2.2
Type of rule	Opposition amendments			
	Amendments accepted	Amendments rejected	Amendments withdrawn	Amendments reserved
No restrictions	2.0	29.1	13.1	0.0
Package vote	4.5	91.0	21.1	36.5
Confidence vote procedure	0.7	46.0	12.9	0.5
Package vote and confidence vote procedure	1.8	40.0	21.7	52.5

*Note:* The numbers in each column give the mean number of amendments per bill. The data were collected by the author.

### *Restrictive procedures and policy conflict*

literature, which is that the restrictive procedures can be used to protect the government majority from voting on politically contentious amendments submitted by the opposition. We will pursue this further below.

The simple analysis in Tables 3.1 and 3.2 suggest that the package vote, but not the confidence vote procedure, may be used to resolve policy conflict between the government and the National Assembly. There are two shortcomings in these results, however. First, the simple cross-tabulations do not permit one to estimate the substantive impact of amendment activity on the probability that the government will use either of the restrictive procedures. Second, the cross-tabulations do not permit one to control adequately for the effects of other factors that may influence the decision to use restrictive procedures. I address these issues with a multivariate logit analysis of the government's procedural decision.

In this section, I control only for the other prominent hypothesis, discussed in the Introduction, from the French politics literature. Scholars have argued that the French restrictive procedures are "antidemocratic" for two reasons. First, the procedures are said to permit the government to impose its policy preferences against the wishes of a majority of the directly elected members of the legislature. Second, both procedures are said to permit the government parties to take cover on politically controversial issues. This "political cover" argument states that the more politically controversial an issue becomes, the more parliament – specifically the opposition – will increase pressure on the government by focusing the spotlight of public attention on the issue.<sup>11</sup> The government can try to limit the pressure by invoking a restrictive procedure. These procedures can thus protect the parliamentary majority from verbal attacks by the opposition, as well as from votes that may be politically unpleasant or divisive.

This argument points to a motivation of political actors in parliament and government that is often ignored in formal models and that is rarely made explicit in the French politics literature: agents in parliaments care, not only about the nature of legislative outcomes, but also about the actual process by which these outcomes are selected.<sup>12</sup> Situations sometimes arise that require the government to take steps that are either unpopular, such as raising taxes or freezing public salaries, or that cut across traditional lines of party support, such as, in France, questions of European integration, state decentralization, or racial integration and immigration. When such issues arise, restrictive procedures can be used to avoid the appearance of internal divisions within the governing parties. According to this argument, we should expect the government to use

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restrictive procedures on the bills that are most controversial politically. In testing the policy conflict hypothesis, we should control for factors related to the level of controversy raised by a bill.

It is important to distinguish the policy conflict hypothesis from the political cover hypothesis. The policy conflict hypothesis implies that the government uses restrictive procedures against a *majority* in the legislature that is intent on changing the government's policy. If a minority of members strongly disagree with the government's policy – but do not have the votes to change it – then this does not imply a high level of policy conflict between the government and parliament. The political cover hypothesis, on the other hand, concerns relations between the government and a minority of deputies in the opposition. If even a handful of opposition deputies take extraordinary actions to publicize government actions or to embarrass the government, then political controversy will be high, and one would expect use of the restrictive procedures to protect the members of the majority. This can occur even when there is no policy conflict between the government and its majority. Thus, the policy conflict hypothesis concerns the use of restrictive procedures to suppress the policy wishes of a majority, whereas the political cover hypothesis concerns the use of restrictive procedures to protect the majority from debates and votes on sensitive issues made prominent by a minority.

Expectations about political cover are difficult to test because of the problems associated with determining the types of issues that are likely to provoke the most politically difficult votes and debates. I consider two approaches. The first approach measures the efforts of the opposition deputies to fight a particular bill using procedural tactics. The variable, "Controversy," is an index of four obstructive activities that even a small number of members of the opposition can undertake after a bill has come to the floor for discussion. The value one is added to the index if: (1) the number of amendments posed by the opposition is more than one standard deviation above the mean number of opposition amendments in the data set; (2) the number of suspensions of debate demanded by the opposition<sup>13</sup> is more than one standard deviation above the mean number of suspensions demanded by the opposition in the data set; (3) the opposition demands a verification of the quorum; or (4) the opposition submits one (or more) of three preliminary motions – moving the previous question (*a question préalable*), moving the bill is inadmissible,<sup>14</sup> or moving the bill be returned to committee for a second consideration (see Rules, Article 91, 6-8). "Controversy," then, can range in value from zero to four, with a higher value indicating increased efforts by the opposition to draw attention to a bill. We should expect that the bills with the highest

### *Restrictive procedures and policy conflict*

controversy values should be the most likely to be subjected to restrictive procedures.

My second approach to testing the political cover argument is related to the timing of the vote on a bill in an electoral cycle. If restrictive procedures enable the government to evade politically costly votes or debate, then the use of restrictive procedures should increase as elections approach, when the government's actions on a controversial bill are freshest in the minds of the voters. The variable "Next Election" therefore is the inverse of the number of days until the next presidential or legislative election<sup>15</sup> and should have a positive coefficient to support the political cover argument.

Table 3.3 presents several logistic regressions in which the dependent

*Table 3.3 Logit analysis of the effect of amendment activity on the probability of restrictive procedures*

Independent variables	Dependent variable					
	Package vote			Confidence vote procedure		
	(1)	(2)	(3)	(4)	(5)	(6)
Number of successful amendments	0.011 (0.003) .0007	0.007 (0.004) .0004	0.006 (0.004) .0004	-0.003 (0.007) -.0001	-0.011 (0.008) -.0005	-.009 (.008) -.0004
Controversy	—	1.01 (0.20)	1.03 (0.20)	—	.86 (0.24)	.79 (.22)
		.10	.10		.06	.05
Inverse of days until next election	—	110.2 (91.1)	—	—	-179.0 (151.4)	—
		-.063*			.49*	
Constant	-2.94 (0.26)	-3.86 (0.43)	-3.59 (0.34)	-2.91 (0.30)	-2.98 (0.42)	-3.30 (.35)
Chi-square for covariates	8.69 (p = .0032)	38.0 (p = .0001)	36.6 (p = .0001)	.245 (p = .62)	12.69 (p = .0053)	10.95 (p = .0042)

*Note:* There are 356 observations in each of the regressions. Standard errors are given in parentheses, and the italicized numbers are calculations of the effect of a one-unit change in the independent variable on the probability of observing a restrictive procedure (assuming an initial probability of the sample mean for each dependent variable). The data were collected by the author. Details are provided in the text.

\* The italicized number of the Inverse of Days until Next Election is calculated by considering the difference 42 days (six weeks) prior to an election from 365 days prior to election. In column 2, for example, the probability of the package vote is .063 less one year from an election as compared to six weeks from an election.

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variable takes the value one if a package vote (or, alternatively, the confidence vote procedure) is used and zero otherwise. On the right-hand side is a constant term and several different independent variables. The variable used to test the policy conflict hypothesis is the number of successful amendments to a government bill. If the policy conflict hypothesis is correct, we should expect a positive coefficient because the probability of a restrictive procedure should increase with the number of amendments to the government's bill. The other two variables are the controversy measure and the "Next Election" variable.

First consider the model with no controls for the political cover variables. For the package vote, the coefficient for the number of successful amendments is statistically significant and in the expected direction. For the confidence vote procedure (column 4), on the other hand, the amendments coefficient has the wrong sign, is substantively trivial, and has a very large standard error relative to the size of the coefficient.

In order to interpret the logit coefficients substantively, I use a standard procedure for converting logit coefficients into changes in probabilities. The baseline is the average probability that a restrictive procedure will be used (.07 for the package vote and .05 for the confidence vote procedure). I then calculate the effect of a one-unit increase in each independent variable on the probability of observing the package vote or the confidence vote procedure, holding all other variables fixed. For example, the baseline probability of .07 for the package vote corresponds to a log-odds ratio of  $\ln \left[ \frac{.07}{.93} \right] = -2.5867$ . A one-unit increase in a variable with a coefficient of .5 would add .5 to the log-odds ratio, corresponding to a new probability of  $\frac{e^{\text{I}}}{1 + e^{-(-2.0867)}} = .11$ . The *change in probability* is therefore .04, which represents the effect of this variable on the probability of observing the package vote. The italicized numbers in Table 3.3 give the probabilities computed in this fashion.

For a variable like Amendments, it is difficult to interpret the effect of a one amendment increase on the use of a procedure. It is therefore useful to note that for the package vote, if the number of amendments on a bill is one standard deviation greater than the average number of successful amendments in the sample (sixty-eight amendments as opposed to twenty-seven amendments), the probability of the package vote being invoked on that bill increases by 3.6 percent. This is clearly a rather unspectacular effect.

Next consider the results when we control for the "political cover" variables. Columns 2 and 5 include both Controversy and Days until Next Election. For both the package vote and the confidence vote proce-

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dure, the approach of elections does not seem to influence the government's procedural choice. In fact, for the confidence vote procedure, this variable has the wrong sign, although the coefficient is not statistically significant. The level of controversy, on the other hand, has a substantively large and statistically significant effect on the use of both procedures. For the package vote, when assuming an initial probability of .07, as the Controversy scale goes from zero to four, the probability of the package vote increases by 74 percent. For the confidence vote procedure, the probability increases by 57 percent (assuming an initial probability of .05).

Controlling for the political cover variables also influences our conclusions regarding the impact of policy conflict on procedural choice. For the package vote, inclusion of both these variables decreases the magnitude of the coefficient for Amendments by 36 percent and increases its standard error so that it is no longer significant at the 10 percent level. In column 3, when we drop the Next Election variable, the coefficient for Controversy is robust, but the coefficient for Amendments is smaller with a large standard error. In the case of the confidence vote procedure, when controlling for the political cover variables, the coefficient for amendments retains the wrong sign and a very large standard error.

## CONCLUSION

The analysis in this chapter raises important questions about whether the level of policy conflict influences the government's decision to use restrictive procedures. On one hand, the Policy Conflict Model reveals a logical explanation for why the two procedures *should not* be related to the level of policy conflict. For any level of policy conflict between the National Assembly and the government, there exists a unique outcome representing the best policy the government can achieve using a restrictive procedure. The government's procedural decision turns only on the relationship between this unique policy and the proposal by the National Assembly, which is unaffected by the level of policy conflict.

On the other hand, the multivariate empirical tests confirm the absence of any substantively meaningful impact of policy conflict on the use of either restrictive procedure. For the confidence vote procedure, there is no relationship between amendment activity and procedural choice. For the package vote, in only one of the three specifications of the multivariate logit model is there a statistically significant effect of amendment activity. This effect is very modest in size, and it disappears when controlling for the political controversy variables.

Although the Policy Conflict Model suggests that the level of policy

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conflict should have no impact on the use of restrictive procedures, it does not suggest that the two procedures have no impact on policy outcomes. On the contrary, the analysis reveals that through the definition of the government's best obtainable policy, the procedures can have a profound impact on policy outcomes. In effect, members of the National Assembly must always anticipate that a restrictive procedure could be invoked at the end of the legislative process. They therefore may chafe under the impact of the package vote and confidence vote procedure regardless of whether these procedures are used.

Several observations are relevant given this point. First, it is important to underline that any “antidemocratic” impact of the procedures is unrelated to the use of these procedures. Rather, it is related to the procedures’ mere existence. Consequently, any argument about the antidemocratic nature of these procedures can shed no light on the question of why the procedures are used on some bills but not on others. This is a problem if one believes that the factors leading to the use of the procedures are an important element of any story about how the procedures shape political performance.

Second, if the procedures are deemed antidemocratic because they allow the government to define the *reversion* policy – the government’s best obtainable policy – then the institutional arrangements of almost all parliamentary democracies lead to “antidemocratic” outcomes. As noted in the Introduction, in most parliamentary systems, the government can ask for a vote of confidence on a particular policy. In making this motion, the government can always choose its “best obtainable policy,” forcing the members of the assembly to vote up or down on this policy. Any claims that the French restrictive procedures are unique in their impact on final policy outcomes must therefore be viewed with skepticism. I return to this point in Chapter 7.

Third, the fact that the procedural structure of the package vote and the vote of confidence defines a “best obtainable policy” for the government suggests that the most important opportunity for members of the legislature to mitigate the impact of these procedures occurs at the time of government investiture. If the government has roughly the same preferences as the preferences of the majority in the National Assembly, then the procedures will obviously lead to outcomes that do not sharply diverge from the preferences of the majority. The problem for the majority, however, occurs when it is fractionalized, as will always be true when the majority is composed of a coalition of parties. In such cases, any minister or prime minister in the cabinet will have preferences that diverge from those of the members of the majority. This observation, together with the importance of the “political cover” variables in the empirical analysis,



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suggests that more attention needs to be paid to understanding how the restrictive procedures are used to shape “horizontal” bargaining processes among members of the majority party or parties, rather than simply to how the procedures shape the resolution of “vertical” conflict between government and parliament.

# 4

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## *Restrictive procedures and bargaining among parties*

This chapter steps back from the idea that France's restrictive procedures are used to structure bargaining processes between the legislature and executive. Instead, it examines how the two procedures can facilitate bargaining processes among the members of the governmental majority. The theoretical underpinning for the analysis is two themes that emerge from models developed by scholars who study the use of closed amendment rules in the U.S. Congress. The first theme is that institutional arrangements in general, and restrictive legislative procedures in particular, play a central role in preserving gains from trade between parties and party factions when policies are chosen on more than one policy dimension at a time. The second theme is that restrictive procedures are important tools for hastening the legislative process when the government faces important time constraints and policies are chosen on more than one dimension.

The chapter has three parts. The first part discusses how one can apply insights from the "gains from trade" models to the French context. It then tests these insights empirically. The second part discusses how one can apply the "time constraints" models to the French context. It then tests these insights empirically. The third part undertakes multivariate tests of the hypotheses developed in this chapter and Chapter 3.

### DIMENSIONAL COMPLEXITY AND RESTRICTIVE PROCEDURES

When applied to the case of France, three hypotheses emerge from the "American" models that link the use of closed rules in the House to the problems inherent to choosing policies by majority rules in multidimensional policy spaces:

*Hypothesis 1: The probability of the government using the restrictive procedures should increase on "distributive bills" that disburse fixed state resources.*

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*Hypothesis 2: The probability of the government using the restrictive procedures should increase on bills that are “jurisdictionally complex” rather than “jurisdictionally simple.”*

*Hypothesis 3: The probability of the government using the restrictive procedures should decline when a single party controls a majority of the seats in the legislature.*

Scholars who have developed multidimensional models to study Congress may be skeptical that the first two hypotheses are distinct. They might argue instead that distributive bills and jurisdictionally complex bills are really the same thing. On the one hand, I would agree that in certain respects the distinction is artificial. In fact, the logic underlying each of the *three* hypotheses is identical. On the other hand, by distinguishing between “jurisdictionally complex” bills and “distributive” bills, it is possible to highlight a parochial and empirical aspect of interpretations of existing models by scholars of the U.S. Congress.

### *Models from studies of the U.S. Congress*

To develop this argument, it is necessary first to review the standard interpretation of the models from which these hypotheses are derived.<sup>1</sup> These models focus on a distributional problem that the institutional arrangements of Congress can help its members (MCs) to solve. Empirical research on MCs indicates that they have particularistic, or “pork barrel” policy preferences. That is, some legislators have high demands in certain policy areas (which other legislators often care little about) and low demands in other areas (which other legislators often care intensely about). Members from dairy states, for example, might care most intensely about milk price supports, and members from the inner city might care most intensely about welfare policy or empowerment zones. All members, however, prefer to see money from Washington flow into their own districts rather than into other districts.

These “pork barrel” preferences create *zero-sum conflict* among legislators. Government money spent on cheese cannot, after all, be spent on a factory in the city, too. And a new bridge or a dam cannot easily be built in several districts at once. A central challenge facing legislators is to solve the problem of distributing the government pie among the members of Congress.

Institutional arrangements play a central role in shaping policy outcomes given the distributional problem. Rules and procedures that on their face seem to limit the prerogatives of members are in fact designed to promote stable vote trades. This “institutional solution” to the distributional problem has two important components. First, the delegation of proposal rights to committees, combined with the committee assignment

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process, give legislators proposal power on the issues about which they feel most intensely. Members of Congress from Iowa, for example, can join the Agriculture Committee to promote laws advantageous to farmers, and members of Congress from northern California can join the Commerce Committee to promote laws advantageous to computer software makers.

But a committee system by itself cannot solve the distributional problems in a legislature. All legislation cannot be considered simultaneously, and thus there are incentives for bargains to become unglued. After all, if a legislator receives his piece of the government pie in the vote on one bill, what incentive does he have to support the disbursement of the rest of the pie to other legislators? Since there are precious few such incentives, rules must be devised to protect proposals after bills come to the floor for debate. These rules are the second aspect of the solution to the distributional problem. As discussed in Chapter 2, they include germaneness restrictions on the types of amendments that can be made. They also include procedures such as closed amendment rules (which permit no amendments) that protect proposals from being amended on the floor. Obviously, if a closed amendment rule is used to vote a bill, then members on the floor will never even have the opportunity to propose amendments that could destroy the policy bargain.

To summarize, models that focus on the distributional problem suggest that the organization of Congress permits each legislator to gain proposal powers (through the committee system) on issues that are most important to that legislator and then ensures (through restrictive amendment procedures like closed rules) that proposals emerging from committees are not “rolled” on the floor. Restrictive institutional arrangements therefore permit legislators to realize gains on issues that are important (those related to the jurisdiction of one’s committee) and force legislators to make concessions on issues that are unimportant (those championed by other committees).

The logic of this theory is depicted in Figure 4.1, which is borrowed from Krehbiel (1991: 35).<sup>2</sup> In this figure, there are three dimensions – or issues – and there are three legislators. Assume that committees determine legislative proposals and that each of the legislators is the sole representative of a “committee” that controls proposals on its issue. Legislator 1 is the committee that controls proposals on Issue 1, Legislator 2 controls proposals on Issue 2, and Legislator 3 controls proposals on Issue 3. Each “committee” is a “high demander” on one of the three issues, in the sense that each committee would prefer that all resources be devoted to one issue and that no resources be devoted to the other issues. Of course, no legislator can ensure that a particular policy distributing

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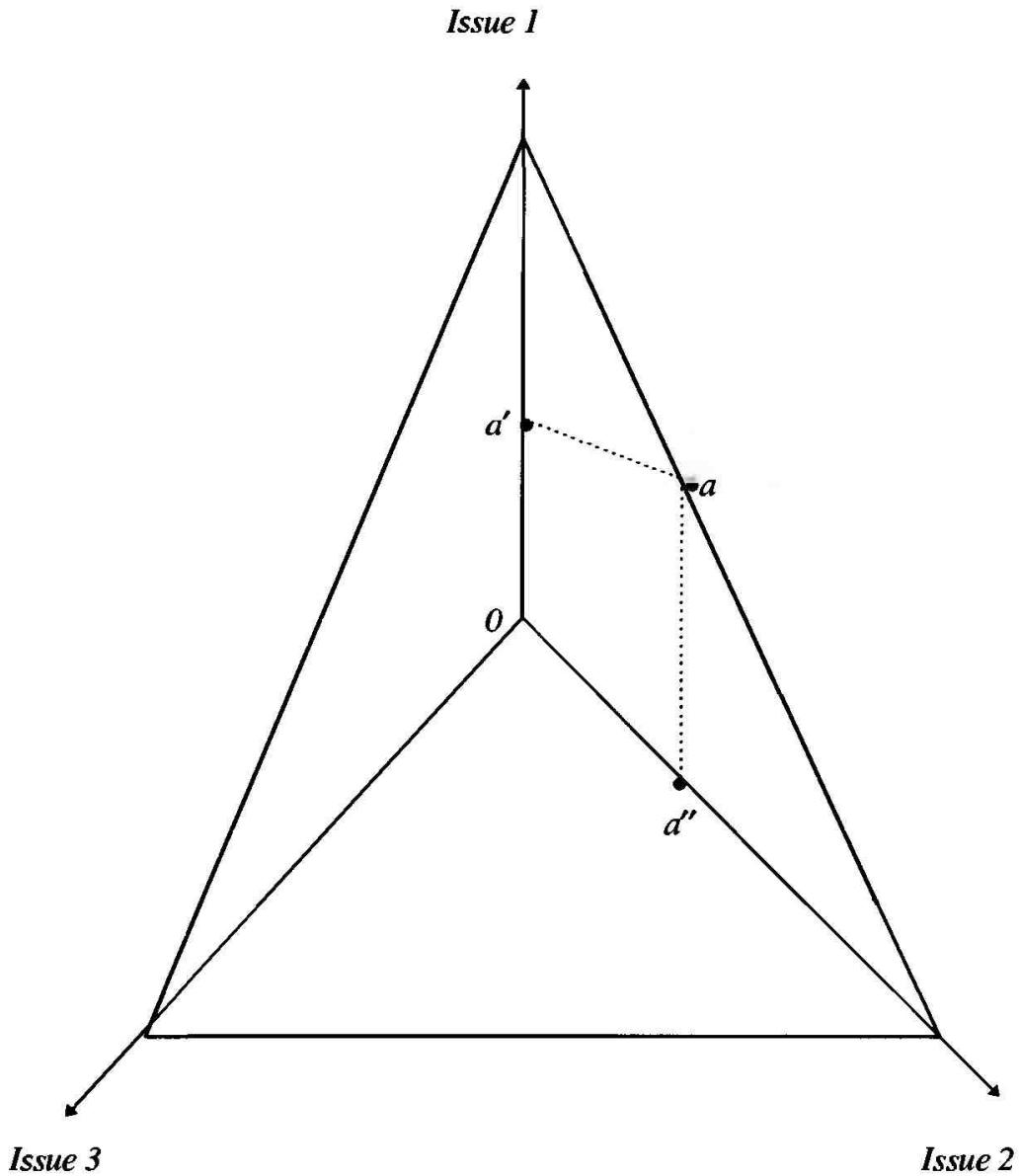


Figure 4.1. Distributive Politics and Restrictive Amendment Rules.

benefits on its issue will be adopted unless it obtains the support of another legislator. However, a majority of two legislators can propose to trade votes across (two) issues. Legislators 1 and 2, for example, could agree to propose policy  $a$ , which makes both legislators better off than the status quo (of no benefits to anyone). Unfortunately for both legislators, if  $a$  is proposed, it risks being amended on the floor: Legislators 1 and 3 would prefer  $a'$ , for example, and Legislators 2 and 3 would prefer  $a''$ . But if the proposal of  $a$  is considered under a restrictive amendment procedure, the vote trade between these “high-demanding” legislators cannot come unstuck, and  $a$  will be the policy outcome. Thus, through the

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assignment of proposal powers to committees and the use of restrictive rules to preserve policy agreements, members of the legislature can overcome the problems inherent to distributional conflict.

The models that underlie the intuition described in the previous example are often called “distributive models.” This is because scholars use the models to demonstrate how restrictive procedures enable committee members to achieve gains from trade on bills that distribute government pork. Central to the argument is the empirical observation that members of any given congressional committee are generally “preference outliers” on the policy issues that are within the jurisdiction of that committee (Shepsle 1978; Hall and Grofman 1990; and Londregan and Snyder 1992; for a dissenting opinion, see Krehbiel 1990). As depicted in Figure 4.1, since members of different committees have different policy interests, restrictive procedures form a necessary part of congressional organization because they facilitate vote trading. The traditional spin put on distributive theory, then, is decidedly “pork barrel” in its tenor.

Even if we set aside the controversy about whether congressional committees are composed of individuals with extreme preferences, a major problem with the distributive interpretation of restrictive amendment rules is that only a small percentage of bills actually considered by Congress are “distributive” in the narrow sense of “pork barrel projects.” Many of these are voted under open rules, and many issues that are not “distributive” are voted using closed or restrictive amendment rules. These observations have led some scholar to criticize the “distributive theory.”

The difficulty, however, lies less in the models than in the empirical spin put on the models by scholars who are mesmerized by the policy preferences of committee members in Congress. In fact, a majority of members in a legislature can benefit from the stability and predictability that restrictive amendment procedures impose on choice processes regardless of whether legislators have “pork barrel” preferences, are “high demanders,” or are “preference outliers.” All that is necessary is that decisions on particular bills affect multiple dimensions of public policy.

Since the assumption of “high demanding” legislators is unnecessary for the applications of multidimensional models, it is useful and appropriate to distinguish between “distributive” and “jurisdictionally complex” bills. An example of this distinction is given by comparing Figure 4.1 with Figure 4.2. Recall that in Figure 4.1, the ideal points of the Legislators are not presented because the example assumes that each Legislator is a “high demander” on a particular issue. That is, each Legislator prefers to maximize the resources devoted to one issue and to minimize the resources devoted to the other dimensions. This is the classic portrayal of “distributive” politics, and the most important aspect of

## *Restrictive procedures and bargaining among parties*

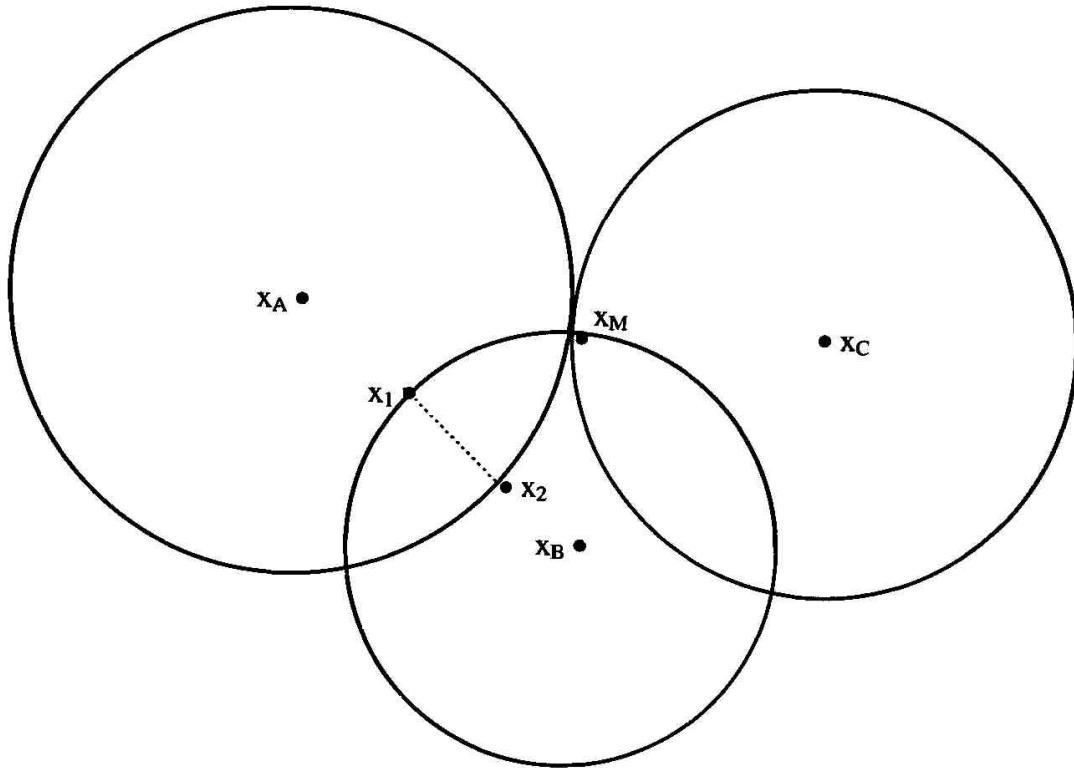


Figure 4.2. Jurisdictional Complexity and Restrictive Rules.

this portrayal is that policymaking is zero sum. Any movement in the policy space will create winners and losers, taking resources from one individual and transferring them to another.

Now consider Figure 4.2, which portrays simple “jurisdictional complexity.” In Figure 4.2 there are three Legislators, each with an ideal point on two dimensions. It does not really make sense in this example to talk about the Legislators as having particularistic, or “pork barrel” preferences, just as it is not clear what we might mean by saying that one Legislator or another is a “preference outlier.” In fact, we could draw the ideal points of A, B, and C very close together or very far apart. The important point is not the relative intensity of the demands on particular dimensions of policy or the distance between the ideal points of the legislative actors, but rather simply that each Legislator has a most preferred policy that is distinct from the policy preferences of the other actors. Clearly, politics in this scenario is not zero sum. In fact, for status quo points that are distant from the ideal points of all Legislators, it would be easy for policy change to occur that makes all Legislators better off (i.e., pareto improvements are possible).

In Figure 4.2, if the two dimensions are voted one at a time (or a germaneness rule applies under an open rule) and Legislators have convex preferences, we know that the outcome will be the issue-by-issue median,

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$x_M$ . Note, however, that any proposal in the win set of  $x_M$  will defeat  $x_M$ . Hence, any two Legislators can benefit from gains engineered under a restrictive amendment rule. If Legislators A and B could cooperate, for example, then they could make a closed-rule proposal on the contract curve between the points  $x_1$  and  $x_2$ . Any point on the line between  $x_1$  and  $x_2$  is not only preferred by A and B to  $x_M$  but is also optimal for A and B in the sense that neither Legislator could be made better off without making the other party worse off. We can therefore expect restrictive procedures to be useful in preserving bargains between legislative agents whenever a policy issue has more than one salient dimension. This is true whether issues are “distributive” or whether they are “jurisdictionally complex.”

Another way to think about the distinction between “distributive bills” and “jurisdictionally complex” bills is to consider several hypothetical examples. If a bill is “distributive,” then the benefits from the bill are concentrated (generally geographically) while the costs typically are not. An example from France might be a bill that determines how to distribute geographically a fixed amount of money for higher education. Universities in some areas may receive a large percentage of the funds, universities in other areas might receive a small percentage, and areas with no universities would receive no money. Another example might be a spending bill that determines the percentage of the state budget that will go to different types of agricultural production. In France, conflict often arises between wine and dairy regions. The main idea is that the bills require the distribution of finite resources and the members in the legislature (or governing coalition) disagree about what the spending priorities should be.

If a bill is jurisdictionally complex, then it affects more than one policy dimension. There need not be zero-sum conflict over the distribution of resources, nor must the legislative agents be in any sense “preference outliers.” All that is necessary is that the legislative agents have distinct policy preferences. A single education bill, for example, might legislate how the content of the national exam for the baccalaureate should be determined, as well as define the rights and responsibilities of unions that represent state school teachers and administrators. The same bill then touches one dimension of policy related to educational curriculum and another dimension of policy related to labor unions and labor organization (albeit in the field of education). Although it may make little sense to characterize legislative agents as being “preference outliers” on these two dimensions, if these agents have distinct preferences, then the jurisdictional complexity of the bill may make it difficult to achieve a stable policy outcome.

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### *The hypotheses and the case of France*

Some readers may doubt that the three hypotheses from the multidimensional models, especially the first two hypotheses relating to “distributive bills” and “jurisdictionally complex” bills, can be applied to a parliamentary setting. Traditionally, studies of parliamentary politics focus on the “debate” and “control” functions of legislatures, not on the process of forming and maintaining policy bargains, especially in the sense of the pork barrel bills in Congress.

On one hand, I do not want to imply that French parliamentary politics is “pork barrel politics” in the American sense. Indeed, this is one reason that I attempt to distinguish between distributive and jurisdictionally complex bills. On the other hand, it is important to acknowledge that parliaments – like Congress – must resolve disputes over the allocation of limited public resources. When bills distribute limited resources, tax particular constituents, or move policy on multiple dimensions, restrictive procedures can facilitate legislative bargaining processes.

I would also emphasize the importance of not underestimating the strategic incentives that bargaining complexity creates in parliamentary systems. At times, in France as in the United States, it is the link between deputies and their constituencies that creates bargaining complexity. Like members of Congress, deputies in France are linked both to geographic constituencies and to constituents for particular policies. Deputies’ ties to their geographic constituencies may be stronger in France than in other parliamentary systems because French politicians can hold more than one elected office (the *cumul des mandats*). The vast majority of deputies are also mayors or regional councilors. Among the deputies elected in 1988, for instance, 47 percent were also mayors, while 56 percent were in regional or departmental government (see Secrétariat général de l’Assemblée nationale 1988: 54). In my interviews, many deputies emphasized that their national mandate was instrumental to meeting goals related to their local mandate. One deputy said:

My conception is that one can only be a good deputy if he is at the same time a good mayor. That is, if he listens to the people in the cities and tries to transfer what he hears to national policy. . . . When I’m at the National Assembly, I’m there to defend the interests of the people in my constituency. My position as deputy permits me to give more voice to local preoccupations.

Another deputy remarked, “Whenever there is a question in parliament that touches on money to local governments, the first thing we do is reach for our calculators and figure out how much its going to cost our cities, to see if it’s good or bad for our budgets.” The French deputies are also often closely tied to special interests. In my interviews for the budget debates,

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for example, some deputies described other deputies as being strictly interested in protecting particular industries. One deputy was called “the petrochemical industry deputy,” another was called “the pharmaceutical industry deputy,” and a third claimed he was the legislative voice of accountants and small businessmen.

Given these strategic incentives, the government must at times use the restrictive procedures to enforce agreements in the same manner described by the distributive models. As an example of how this might work in actual practice, consider an incident that occurred during the 1989 budget debate. In this case, the government used the *package vote* to enforce agreements when the “particularistic concerns” led a majority of deputies to attempt to roll an agreement on the floor. A central part of the 1989 budget was the ISF (*impôt de solidarité sur la fortune*). This progressive tax on personal wealth, which was supported by the Communists, was a key element of the budget and had been important in the Socialist minority government’s achieving Communist support on the budget the year before. In 1989, several Center deputies from the north of France, a region where many households use coal for heat, submitted amendments attempting to lower the value-added tax (VAT) on coal, a measure that would benefit a limited geographical region of France, but that would cost the government 500 to 700 million French francs. The government and the Socialist party in parliament opposed the amendments, and the government pointed out that “it is not by chance that the two amendments were prepared and signed by the representatives of the departments of the North, principally” (Budget Minister Michel Charasse, *Journal Officiel de l’Assemblée Nationale* [JOAN] 1989: 3778). The amendments were, among other things, inconsistent with the Center’s goal of harmonizing the French fiscal system with that of the European Community. However, the Center, with their partners on the right, formed a coalition with the Communists, who claimed that adoption of the coal amendments would improve the purchasing power of low-income individuals.

The government did not allow the amendments to be voted but rather reserved them using the package vote. The fate of the amendments was attached to a vote on the article concerning the ISF. The Communists and the Socialists agreed on the principle of the ISF, a tax that the parties on the right opposed. The package vote forced the Communists to make a single choice on two policy dimensions: the ISF (a progressive wealth tax) and the coal amendments (a subsidy for the poor in a particular geographic area). The Communists chose to support the ISF, and the coal amendments were defeated. This example illustrates, not only how the government can use the package vote to preserve policy agreements reached outside of parliament, but also how the ties of French deputies to

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particular constituencies can influence the behavior of French deputies in ways that would not be unfamiliar to scholars of the U.S. Congress.

The 1989 budget debates also provides an example of how the package vote is used to preserve policy agreements between the government and its own deputies. Prior to the opening of the budget debate in the National Assembly, the Socialist government and the parliamentary leaders of the Socialist Party met to resolve several areas of disagreement. One of the principal bones of contention was the ISF. Many Socialist deputies wanted to sharply increase the amount of the wealth tax on the richest individuals in society, both by increasing the tax rate on wealthy individuals and by ending the exemption of art objects from the tax. The government opposed these taxes on the rich, fearing such taxes would encourage an exodus of wealth from France because capital would be able to move freely within the European Community after July 1, 1990. In the meeting, a deal was struck between the Socialist Party's parliamentary leaders and the members of the government. The agreement raised the rate paid by the richest individuals but maintained the exemption of art objects. During floor debate, the government decided to use the package vote to exclude a Communist amendment calling for an end to the exemption of art objects. In a private interview, a leader of the Socialist parliamentary party who participated in the predebate negotiations with the government explained that the package vote was used in this case because the government feared many Socialist deputies would support the Communist amendment. Hence, the Socialist deputies were forced to choose between defeating the article, which included the increase in the rate on the richest individuals, or accepting the article offered by the government while maintaining the art objects exemption. The article passed under the package vote in the form designated by the government, preserving the agreement reached between the government and the Socialist parliamentary leaders.

It seems clear, then, that the strategic incentives of deputies in France create the complex bargaining problems that restrictive procedures can help resolve. The multidimensional models should therefore have relatively good predictive power in France. In fact, it may actually turn out that these models provide insights into the French context that are as good as (or even better than) the insights that they provide into congressional politics. This is due to a difficult problem with the development of the distributive theories in the context of the U.S. Congress. In the House of Representatives, restrictive rules are proposed by a special committee, the House Committee on Rules, *after* a substantive committee reports a bill. None of the existing models provide any rationale for why it is in the interest of the Rules Committee, which is generally dominated by the majority party leadership, to preserve an agreement among "preference

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“outliers” on substantive committees (see Dion and Huber 1996). In France, on the other hand, it is clear why we should expect bargains between party leaders in the government to be held together by restrictive rules. Unlike in Congress, since the agent assigning the rule in the National Assembly is the same agent who makes the proposal, it is clear that this agent has an incentive to use institutional mechanisms to preserve its proposals.<sup>3</sup>

### *Testing the three hypotheses*

We can use the data described in Chapter 3 to test the three hypotheses from the American models. This section focuses on simple bivariate tests of the individual hypotheses, while a later section describes multivariate tests.

The three hypotheses from the multidimensional model direct our attention away from the vertical relationship between “the government” and “the National Assembly” and toward the conditions under which members of the government would use restrictive procedures to preserve policy agreements. Two of the three hypotheses focus on specific characteristics of bills. The first hypothesis is that distributive bills are more likely to be subjected to restrictive procedures than other bills. As a proxy for whether a bill distributes limited resources, I use the original committee jurisdiction of bills. Since bills considered by the Finance Committee involve the levying of taxes and the distribution of money, I classify bills that were originally submitted to the Finance Committee as distributive. The Finance Committee had original jurisdiction for 79 of the 365 bills in the sample. Twelve of these were annual budget bills, and the others related to myriad topics, including bills making adjustments to budgets previously voted, bills related to long-range planning, bills related to development initiatives, bills related to state-owned industries, and bills with the catch-all title of “various economic measures.”

Table 4.1 shows the types of rules invoked on bills in each of the four standing committees, as well as in special committees.<sup>4</sup> Fifteen percent of the bills sent to the Finance Committee are subjected to the package vote, more than double the percentage of bills subjected to the package vote in other committees. Finance Committee bills are also subjected to the confidence vote procedure more frequently than are bills from other standing committees, but the increased percentage is quite a bit smaller than that observed for the package vote. In fact, special committee bills are subjected to the confidence vote procedure the highest percentage of the time (although only two bills in special committees were subjected to this procedure). Data for the package vote therefore support the hypothesis regarding the relationship between distributive bills and restrictive rules.

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Table 4.1 *Original jurisdiction of committees for bills voted under different rules*

Type of rule	Committee				
	Culture	Laws	Finance	Production	Special
No restrictions	82 (89)	139 (98)	58 (73)	33 (97)	7 (78)
Package vote only	6 (7)	1 (1)	12 (15)	1 (3)	0 (0)
Confidence vote procedure only	3 (3)	2 (1)	4 (5)	0 (0)	2 (22)
Package vote and confidence vote procedure	1 (1)	0 (0)	5 (6)	0 (0)	0 (0)
Total	92	142	79	34	9

*Note:* The figure in each cell gives the number of bills. The parentheticals give percentages. “Culture” is the Committee of Cultural, Family, and Social Affairs. “Laws” is the Committee of Constitutional Laws, of Legislation, and of the General Administration of the Republic. “Finance” is the Committee of Finance, of the General Economy, and of the Plan. “Production” is the Committee of Production and Exchange. The jurisdiction of the each of the standing committees is defined in Article 36 of the Rules of the National Assembly. “Special” is a special committee formed to examine a particular bill. The data were collected by the author.

The same is true for the confidence vote procedure, albeit in a manner that is considerably less convincing than for the package vote.

Next consider the second hypothesis: that jurisdictionally complex bills are more likely to be voted under restrictive procedures than are jurisdictionally simple bills. I use the number of committees that examine a bill as a proxy for the jurisdictional complexity. Since France has only six standing committees, each with rather broad and nonoverlapping issue jurisdictions, it is reasonable to assume that bills referred to only a single committee are much more likely to be jurisdictionally simple than are bills referred to more than one committee. Thus, if a bill has been referred to multiple committees, I classify it as jurisdictionally complex.

Table 4.2 shows that bills referred to more than one committee are subjected to the package vote a higher percentage of time than bills referred to only a single committee. The relationship holds for bills subjected to both the package vote and the confidence vote procedure. The same relationship does not hold, however, for the confidence vote procedure alone – there is no apparent relationship between the jurisdictional complexity of the bill and the government’s resort to Article 49.3. Table 4.2 therefore indicates that with respect to jurisdictional complexity, use of the package vote is consistent with expectations from existing formal models, but use of the confidence vote procedure is not.

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*Table 4.2 Jurisdictional complexity of bills under different amendment rules*

Type of rule	Bills referred to one committee	Bills referred to multiple committees
No restrictions	267 (94)	52 (73)
Package vote only	7 (2)	13 (18)
Confidence vote procedure only	9 (3)	2 (3)
Package vote and confidence vote procedure	2 (1)	4 (6)
Total	285	71

*Note:* The figure in each cell is the number of bills. Parentheticals give percentages. The data were collected by the author.

Finally, consider hypothesis 3, which applies the intuition from the models, not to the characteristics of bills, but rather to the characteristics of the governing coalition. The hypothesis states that we should expect coalition governments (where bargaining must occur between the parties in the government) and minority governments (where bargaining must occur between the government and opposition parties) to be most likely to use the restrictive procedures. The logic behind the hypothesis is much like the logic that scholars use to tell the story of distributive politics in Congress. In the case of Congress, individual members are said to be preference outliers on particular issues. The same logic applies in parliamentary systems but not to the preferences of specific individuals. Instead, it applies to particular parties. That is, in parliamentary systems, parties often depend on their stances toward particular issues for electoral support. Budge and Farlie (1983: 271), for example, argue “[p]arties stress particular issues because they almost always work in their favor – they do, in a real sense ‘own’ them. In Britain, for example, the Conservatives can never hope to appear more committed to social reforms than the Labour Party.” This claim has received support from the analysis of party election manifestos in nineteen advanced industrial democracies (Budge, Robertson, and Hearl 1987) and from the analysis of portfolio allocations in coalition governments (Budge and Keman 1990: ch. 4). In France, we see the same phenomena. The Center states that its *raison d'être* is to pursue policies regarding the European Community. The National Front receives support from individuals motivated by questions of immigration and race. The Communists are closely associated with questions affecting



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Table 4.3 *Restrictive rules and government status (1978–90)*

Type of rule	Government status		
	Single-party majority	Coalition majority	Minority
No restrictions	166 (97)	111 (83)	42 (84)
Package vote only	2 (1)	15 (11)	3 (6)
Confidence vote procedure only	3 (2)	6 (5)	2 (4)
Package vote and confidence vote procedure	1 (1)	2 (2)	3 (6)
Total	172	134	50

Note: The figure in each cell is the number of bills. Parentheticals give percentages. The data were collected by the author.

members of the CGT (*Confédération Générale du Travail*, a large trade union affiliated with the Communists). The Gaullists stress issues that affect practicing Catholics and farmers. If political parties are primarily concerned with different aspects of specific bills, then in multiparty governments or minority governments, the restrictive procedures should be used to preserve policy compromises between parties.

Tables 4.3 and 4.4 classify bills by the type of government under which the bills were voted. Table 4.3 presents the bill-specific dataset from the 1978–90 period discussed above. Table 4.4 draws on Maus (1988b) and Secrétariat général de l'Assemblée nationale (1988–92) to present annual data from 1959 through 1992. In Table 4.3, a strong relationship between the type of government and the resort to restrictive procedures is evident. Single-party majorities use restrictive procedures of one type or another on only three percent of all bills. During coalition governments, restrictive procedures are used on 17 percent of all bills, and during minority government, 16 percent of the bills in the sample are subjected to at least one type of restrictive procedure.

Table 4.3 also reveals an interesting difference between the package vote and the confidence vote procedure. During coalition majority government, the package vote is used on 13 percent of the bills in the sample, which is significantly larger than the 2 percent of the bills subjected to the package vote during single-party majority government. The increase in the use of the confidence vote procedure, however, is not nearly as impressive: the procedure is used on 3 percent of bills in the sample during

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Table 4.4 *Restrictive procedures and government status (1959–92)*

Type of rule	Government status		
	Single-party majority	Coalition majority	Minority
Package vote procedures per bill adopted	.009	.076	.135
Confidence vote procedures per bill adopted	.027	.012	.064

Note: Data are from Maus (1988b) and Secrétariat général de l'Assemblée Nationale (1988-92).

single-party government and 7 percent of bills in the sample during coalition government. The data therefore suggest that while there is support for the hypothesis regarding coalition government, the support is considerably stronger for the package vote than for the confidence vote procedure. During minority government, on the other hand, there is a smaller distinction between the increase in the use of the two procedures. Both are used more than three times as frequently during minority as compared to single-party majority government.

Table 4.4 presents a similar story. The figures in the table give the number of times a restrictive procedure is used in a year divided by the total number of bills passed that year for each type of government. The data differ from the data in the 1978–90 period. First, the 1959–92 data include all bills (including the large number of minor, unamended bills on foreign and defense policy). Thus, the percentages are smaller than those in Table 4.3. Second, the 1959–92 data do not permit us to sort out how many times a restrictive procedure is used on the same bill. The confidence vote procedure, for example, might be used on several readings of the same bill (as in the *force de frappe* example described in the Introduction). Despite these differences, the data for the longer time period have the same basic patterns found in the 1978–90 data. The package vote is used more often by coalition and minority governments than by single-party majority governments. For the confidence vote procedure, there is a sharp rise in usage during minority government, but not during coalition government.

The bivariate tests of the three hypotheses provide quite a different picture of the package vote and the confidence vote procedure. All of the tests support the hypotheses for the package vote. For the confidence vote procedure, however, several of the tests are not supportive, and one of the supportive tests – distributive bills sent to the Finance Committee –

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demonstrates a much less impressive relationship than we find in the case of the package vote. Only the existence of minority government seems to substantially increase the likelihood of the confidence vote procedure. I further explore these differences later in the chapter.

### DISTRIBUTIONAL PROBLEMS AND URGENCY

Some models focusing on the distributional problem facing members of Congress assume that these members care not simply about achieving stable vote trades but also about avoiding unnecessary delays in the process. These models, originally proposed by Baron and Ferejohn (1989a),<sup>5</sup> assume that the value of any bargaining agreement among a majority of legislators may decline with time. This seems quite reasonable. If a particular party, for example, prefers to nationalize (or privatize) particular industries, it more than likely would prefer to do so as soon as possible. This section explores how the relative “sense of urgency” of legislators (or parties) may influence the role played by restrictive procedures.

The bargaining models analyzed by Baron and Ferejohn involve a sequential game where legislators have opportunities to make offers and counteroffers about the distribution of a fixed prize (or sum of money). The models therefore fall squarely within the class of distributional models considered previously in this chapter. The twist in the bargaining models, however, is that the players have time preferences. The models assume that if a proposal is accepted by a majority, then the fixed prize is distributed according to the terms of the proposal and the legislative process ends. Conversely, if the proposal is rejected, the legislative process continues with the recognition of a legislator who makes a new proposal, and the process repeats itself. Each time an offer is rejected, prolonging the legislative process, the value of the prize may decline for the players according to some discount factor (to account for notion that a dollar today is more valuable than a dollar tomorrow). Baron and Ferejohn analyze this general process under the assumptions of both closed and open amendment rules.

Two different insights emerge from these models. First, restrictive amendment rules increase the probability of rapid agreement by a majority, benefiting all members of the majority by avoiding wasted time. Second, restrictive rules confer disproportionate benefits on the agent who has the opportunity to make a proposal. Applying this second insight to the role of committees in the House of Representatives, the models suggest that an important source of committee power – the right to make proposals – is influenced by how impatient legislators on the floor

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are to pass a bill. As impatience increases, proposal power, and hence committee power, also increases.

The logic of these models, and the value of restrictive procedures when issues are urgent, is easy to appreciate if we consider the example provided in proposition 1 of Baron and Ferejohn (1989a). In this example, legislators must decide by majority vote how to divide a dollar. The legislative session only lasts long enough to consider two proposals.<sup>6</sup> If the first proposal is accepted, then the dollar is distributed in the manner called for by the proposal, the legislature adjourns, and everyone goes home. If it is rejected, then another proposal is considered. If the second proposal is also rejected, then the legislature adjourns and all the members return home empty handed. The legislator who has the right to make a proposal at each stage is chosen randomly. If the proposal in the first stage is rejected, then the value of the dollar is discounted according to some discount value,  $\delta$ , between zero and one. Although technically unnecessary, for simplicity in conveying intuition, we assume that if legislators are indifferent between accepting and rejecting a proposal, they will accept it.

Baron and Ferejohn show that under any amendment rule (open or closed), the optimal proposal strategy is to calculate the “continuation value” of the other members, to offer this continuation value to some optimal number of other legislators – a minimal winning majority under a closed rule – and to keep the rest of the resources to be distributed. A continuation value is simply the expected value to a player of rejecting a proposal and continuing to the next stage. In the two-stage game, the continuation value of rejecting a proposal in the second stage is zero because no money can be distributed in a nonexistent third stage. The clock, in effect, has run out. Thus, if the proposal in the first stage is rejected, then the player recognized in the second stage can propose to keep the entire dollar because all other legislators will receive nothing whether they accept or reject such a proposal. One can use this knowledge to calculate the continuation value of the players in the first stage. If a majority of legislators rejects the proposal in the first stage, and if there are  $n$  legislators (where  $n$  is odd), each with a discount factor of  $\delta$ , then the value to all legislators of proceeding to the second stage is  $\delta/n$  (because there is a  $1/n$  probability of being chosen at random to make a proposal in stage 2, and the proposer in stage 2 can keep the whole dollar, which will have a value of  $\delta(1)$ ).

The member who is chosen to make a proposal in the first stage can therefore calculate what division of the dollar will receive majority support. In particular, the proposer in the first stage knows that he can give  $\delta/n$  to any  $(n-1)/2$  legislators and keep the rest for himself. Those

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$(n-1)/2$  legislators will accept the proposed division because they expect to do no better if they reject the proposal and proceed to the next stage.

If the same game is played with an open rule, the value of being the proposer decreases, and the intuition is straightforward. In the legislative bargaining game under an open rule, after a proposal is made in each session, a member other than the proposer is randomly recognized to either make an amendment or move the previous question. If an amendment is made, the value of the game is reduced according to the relevant discount factor. If the previous question is moved, the initial proposal is voted against the status quo. Since each member who is not recognized to make a proposal in the first round knows that there is a chance she will be recognized to make an amendment, it is more difficult for the initial proposer to make a proposal that will be supported by a majority. In essence, what the proposer has to do is spread the dollar around to more members than a minimal majority. By proposing that more than a minimal majority receive their continuation value, the proposer increases the chances that whoever is recognized to make an amendment will move the previous question rather than changing the proposal.

There are obviously important advantages to being a proposer. Even if the other legislators are perfectly patient ( $\delta = 1$ ), the proposer in the first stage is privileged. For example, if  $\delta = 1$  and there are eleven legislators, then the proposer keeps fifty cents and gives a dime to five other legislators. Under either a closed or open rule, the value of being recognized to make the initial proposal increases as impatience increases. But as the discount factor decreases (and legislators become less patient), the value of proposing under a closed rule increases at a much faster rate than does the value of making a proposal under an open rule.

More importantly, however, for all discount values, *ex ante*, the players strictly prefer a closed rule to an open rule. The reason is that since it is more difficult to ensure majority support for a proposal under an open rule, it is more likely that the game will continue beyond the first stage, which discounts the value of the prize. Thus, as the discount factor decreases (reflecting a more urgent legislative game), the relative value of the closed rule increases.

The bargaining models advanced by Baron and Ferejohn give a straightforward logic for why legislators with time preferences would prefer that restrictive amendment procedures be used to consider legislation. What is unique about their theory, however, is that the logic does not focus on how restrictive procedures expedite processes by limiting dilatory tactics on the floor. Instead, the logic focuses on how restrictive procedures facilitate *proposals* that are acceptable to a majority in situa-

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tions that are susceptible to the generic instability of majority rule. Under an open rule, any member could make a proposal that makes this member better off than the proposal on the table and that would be accepted by a majority. This fact implies that in dimensionally complex situations, an open-ended amendment process will never lead to a consensus policy and thus can lead to long – in fact interminable – amendment processes. Under a restrictive rule, where members of the legislature have more limited proposal prerogatives, the delays associated with these destabilizing amendments can be avoided. Thus, restrictive rules can eliminate the time wasted by amendment processes.

Applied to the case of France, the bargaining models yield the hypothesis that the package vote and the confidence vote procedure should be used on bills that are considered particularly urgent by the parties in government. One possibility for testing this hypothesis is to examine the relationship between the use of restrictive procedures and declarations of urgency. The declaration of urgency, a procedure found in Article 45 of the Constitution, permits the government to call for a conference committee on a bill after one reading by both the National Assembly and the Senate (as opposed to the customary three-round *navette* normally preceding the convocation of a conference committee). If urgent bills are most likely to be subjected to restrictive procedures, then a larger percentage of bills declared “urgent” should be subjected to restrictive procedures than is the case for the bills not declared urgent.<sup>7</sup>

The data do not support the prediction. Table 4.5 shows that on bills where no urgency is declared, a larger percentage of bills are in fact exposed to the package vote than are bills where urgency is declared. The table also shows that there is no relationship between the use of the confidence vote procedure and the declaration of urgency. One conclusion might be to reject the hypothesis, but given that the government declares bills urgent in 163 of 356 cases (46 percent), it is probably better to conclude that the declaration of urgency is not a good proxy for the true urgency of the bill. Instead, it is probably a device used to avoid roadblocks in the Senate.

Another proxy for testing the hypothesis that restrictive procedures are used to hasten decision making relates to the timing of consideration of bills during the legislative session. The legislative calendar frequently fills up at the end of each session. If bills are not voted at this busy time, a long delay ensues as members wait until the next session begins to have their policies adopted. This typically entails a delay of about four months (unless a special session is called, which by itself would suggest urgency). Rather than risk this delay, members of the government and the majority in parliament should prefer the use of re-

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Table 4.5 *Restrictive rules and the declaration of urgency*

Type of rule	No urgency invoked	Urgency invoked
No restrictions	170 (88)	149 (91)
Package vote only	13 (7)	7 (4)
Confidence vote procedure only	6 (3)	5 (3)
Package vote and confidence vote procedure	4 (2)	2 (1)
Total	193	163

*Note:* The figure in each cell is the number of bills. Parentheticals give percentages.  
Data were collected by the author.

strictive procedures to expedite the legislative process and ensure a final vote in the current session.

The data in Table 4.6 support this expectation for the confidence vote procedure but not for the package vote. Of the 119 bills voted with more than fifty days remaining in the legislative session, only 2 were subjected to the confidence vote procedure, whereas of the 71 bills considered with less than ten days remaining in the session, 5 were subjected to this procedure. The chi-squared statistic for independence of the data in these two columns is 3.52 (d.f. = 2), which means we can reject the null-hypothesis of no relationship at the 10 percent level (and very nearly the 5 percent level). The utilization of the package vote, on the other hand, is statistically unrelated to the proximity of the end of the session. Hence, there is some evidence that the confidence vote procedure is used to expedite legislation, but that same evidence does not exist for the package vote.

This makes sense. Contrary to the initial expectations of the framers of the Constitution (in Debré's working group), the use of the package vote does not preclude members of the legislature from using their full five minutes allotted for the oral defense of their amendments. Although the procedure does save time on actual voting, it cannot be used to break obstruction caused by a cascade of amendments. In this respect, the bargaining models are inappropriate for the package vote because although the package vote is a "closed rule," even when it is invoked, members must pay the cost of delay as amendments are defended. When the confidence vote procedure is invoked, on the other hand, there is the delay associated with the submission and debate of a censure motion. But this delay is limited and known in advance. Moreover, during the delay

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*Table 4.6 Restrictive rules and the proximity of the end of the legislative session*

Type of rule	Days until the end of session		
	<10	10 to 50	>50
No restrictions	63 (89)	137 (85)	115 (97)
Package vote only	3 (4)	15 (9)	2 (2)
Confidence vote procedure only	4 (6)	6 (4)	1 (1)
Package vote and confidence vote procedure	1 (1)	3 (2)	1 (1)
Total	71	161	119

*Note:* The figure in each cell is the number of bills. Parentheticals give percentages. Data were collected by the author.

between the time the procedure is invoked and the time the debate on the censure motion occurs, the members in the National Assembly can take up other matters.

### MULTIVARIATE TESTS OF THE HYPOTHESES

Tables 4.7 and 4.8 give the results of multivariate analyses of the hypotheses. As in Chapter 3, a bill is the unit of analysis. The dependent variable takes the value one if a restrictive procedure is adopted and zero otherwise. A logit model is used to estimate the results. The independent variables for the hypotheses in this chapter are the same as those discussed in the bivariate tests. “Multiple Referrals” (which takes the value one if the bill is referred to more than one committee and zero otherwise) and “Finance Committee” (which takes the value one if the bill’s original jurisdiction is the finance committee and zero otherwise) should have positive coefficients if the hypotheses from the multidimensional models are true. The hypothesis concerning the number of parties in government is tested with two variables. “Coalition” takes the value one if the government is a coalition majority and zero otherwise. “Minority” takes the value one if the government is a minority government and zero otherwise. Finally, the number of days until the end of the legislative session should have a nonlinear impact on the use of the restrictive procedures (with a change from three days to two days remaining in the session being more important, for example, than a change from ninety days to eighty-nine days remaining). “Inverse of Days until End of Session” should therefore have a positive coefficient to support the hypothesis about urgency.

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Table 4.7 *Logit analysis of the package vote decision*

Independent variables	Dependent variable: Use of package vote				
	(1)	(2)	(3)	(4)	(5)
Multiple referrals	0.77 (0.73) .07	2.37 (0.58) .37	—	0.65 (0.71) .06	2.27 (0.56) .35
Finance committee	2.47 (0.81) .40	— (0.65) .53	2.99 (0.80) .43	2.59 (0.84)	—
Coalition government	2.62 (0.85) .44	2.68 (0.82) .45	2.68 (0.86) .45	2.54 (0.84) .42	2.67 (0.83) .45
Minority government	3.65 (1.12) .73	3.71 (1.05) .68	4.06 (1.11) .74	3.97 (1.10) .73	3.78 (1.04) .70
Inverse of days until end of session	−1.34 (0.98) .034*	−1.83 (1.02) .050*	−1.20 (0.94) .030*	—	—
Controversy	1.31 (0.29) .15	1.15 (0.27) .12	1.35 (0.28) .16	1.23 (0.28) .13	.99 (0.24) .10
Amendments	0.016 (0.006) .0011	0.011 (0.005) .0008	0.018 (0.006) .0012	0.015 (0.006) .0010	0.010 (0.006) .0007
Inverse of days until next election	332.3 (123.7) −.070**	326.8 (120.2) −.070**	329.0 (124.7) −.070**	321.5 (118.9) −.070**	303.7 (113.7) −.070**
Constant	−8.52 (1.33)	−7.67 (1.16)	−8.67 (1.34)	−8.57 (1.31)	−7.63 (1.14)
Chi-square	93.94	83.58	92.8	91.8	79.83
N	356	356	356	356	356

*Note:* Standard errors are given in parentheses. Data were collected by the author.

\* The italicized number of the Inverse of Days until End of Session is calculated by considering the difference ninety days prior to the end of the session from three days prior to the end of the session.

\*\* The italicized number of the Inverse of Days until Next Election is calculated by considering the difference six weeks prior to an election from one year prior to election.

Table 4.7 gives the results for the package vote. Column 1 includes all the independent variables. The first four variables test the three hypotheses about the use of the package vote to preserve policy bargains on dimensionally complex issues. All four of these variables have the expected sign, and

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all but Multiple Referrals are statistically significant. The coefficients are also substantively significant. If we assume that the baseline probability of observing a package vote on a bill is 7 percent (because 7 percent of the bills in the sample are subjected to the package vote), then other things being equal, distributive bills (bills referred to the Finance Committee) are 40 percent more likely to be subjected to a package vote than are non-distributive bills. Similarly, a bill considered during coalition government is 44 percent more likely to be subjected to a package vote than is a bill during single-party majority government, and a bill that is considered during minority government is 73 percent more likely to be subjected to a package vote.

The multivariate analysis of the urgency hypothesis confirms what was found in the bivariate tests. The variable measuring the number of days until the end of the legislative session has the wrong sign, the coefficient is small, the standard error quite large, and the parameter estimate nowhere near statistically significant. Thus, as expected given our discussion in the previous section, there is little support from the regression presented in column 1 for the urgency hypothesis.

If we look at the parameter estimate for the variables discussed in Chapter 3, little changes in the empirical analysis. One thing that does change is that the number of days until the next election is statistically significant in column 1 (whereas it was not statistically significant in Chapter 3). However, the coefficient is not large. The probability that the government will use the package vote one year before an election is only 7 percent less than the probability of using the package vote six weeks before the election. Column 1 also shows that the coefficient for controversy is statistically significant with a slightly larger substantive impact than was found in Chapter 3. Finally, in column 1 the amendments variable is statistically significant and somewhat substantively larger than in Chapter 3. If the number of successful amendments is one standard deviation greater than the average number of successful amendments on a bill, then the probability of the package vote increases by 5.7 percent over the probability when the average number of amendments are offered. It is important to note, however, that the magnitude of this effect is substantially smaller than the effect of distributive bills, coalition government, minority government, or controversy. Although policy conflict is not irrelevant, it seems to be not nearly as important as other factors in understanding the use of the package vote.

Columns 2 through 5 present alternative specifications of the statistical model that will aid in assessing the robustness of the results. Although the statistical tests support the multidimensional formal models for three out of the four variables, it is disappointing that the data do not support the

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multiple referrals argument. It turns out, however, that the multiple referrals variable is highly correlated with the Finance Committee variable ( $r = .41$ ). To assess the problem of multicollinearity, in column 2, the Finance Committee variable is omitted. The results show the parameter estimates for all the variables to be relatively stable – except for Multiple Referrals, which is now substantively large and statistically significant. In column 3, I suppress only the Multiple Referrals variable and find, again, relative stability in all the coefficients except for that of Finance Committee. Thus, although it is impossible to sort out the independent effects of multiple referrals and Finance Committee bills, there is evidence that the argument about multiple referrals is correct.

I have asserted that the package vote cannot be easily used to break obstruction, and previous evidence indicates that the use of the package vote is unrelated to the approach of the end of the legislative session. Thus, there are theoretical and empirical reasons to estimate the model without the urgency proxy. In columns 4 and 5, Days until End of Session is omitted. Compared to column 1, we find quite stable coefficients and standard errors in the remaining variables. Again, Multiple Referrals has a small coefficient and a large standard error, but when we omit Finance Committee in column 5, we find that Multiple Referrals has a statistically and substantively significant impact on the use of the package vote.

In sum, there is little evidence that the package vote is used to expedite the legislative process. There is, however, ample evidence that the procedure is used to hold together policy bargains, both when the bills themselves are dimensionally complex or distributive and when policy bargaining must occur across parties. This is true when we control for the level of urgency, the level of policy conflict, and the level of controversy. We have also found, as in Chapter 3, that although policy conflict does influence the use of the package vote, the magnitude of this influence is quite small in comparison to bill-specific and systematic factors related to dimensional complexity.

Next consider Table 4.8, where the dependent variable is the use of the confidence vote procedure. In column 1, support for the dimensionality hypotheses is quite mixed. With respect to the bill-specific factors, legislation sent to the Finance Committee is more likely to be subjected to the confidence vote procedure than are bills sent to other committees. If we assume that the baseline probability of observing the confidence vote procedure on a bill is .05 (because the percentage of bills in the sample that are subjected to the procedure is .05), then the probability of observing the confidence vote procedure is 15 percent greater on bills sent to the Finance Committee than on bills sent to other committees when controlling for the other variables. The magnitude of this effect is about .38

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*Table 4.8 Logit analysis of the confidence vote procedure*

Independent variables	Dependent variable: Use of the confidence vote procedure				
	(1)	(2)	(3)	(4)	(5)
Multiple referrals	-0.41 (0.76) -.04	0.68 (0.63) .02	—	-0.58 (0.70) -.04	0.46 (0.58) .01
Finance committee	1.69 (0.65) .15	— (0.54) .12	1.49 (0.62) .18	1.86	—
Coalition government	0.47 (0.68) .01	0.64 (0.67) .02	0.46 (0.67) .01	—	—
Minority government	1.64 (0.77) .14	1.56 (0.77) .13	1.63 (0.76) .14	1.51 (0.62) .12	1.36 (0.60) .10
Inverse of days until end of session	0.96 (0.69) -.033*	0.98 (0.68) -.033*	0.99 (0.69) -.033*	1.00 (0.67) -.033*	0.88 (0.67) -.032*
Controversy	0.85 (0.28) .04	0.70 (0.26) .03	0.79 (0.25) .03	0.84 (0.26) .04	0.66 (0.24) .02
Amendments	-0.005 (0.008) -.020	-0.007 (0.008) -.020	-0.007 (0.008) -.020	—	—
Inverse days until next election	-49.5 (154.7) 0.060**	-61.4 (151.4) 0.091**	-39.8 (152.0) 0.049**	—	—
Constant	-4.63 (0.77)	-4.11 (0.71)	-4.60 (0.76)	-4.67 (0.57)	-4.05 (0.45)
Chi-square	25.4	18.8	25.1	24.1	15.3
N	356	356	356	356	356

*Note:* Standard errors are given in parentheses. Data were collected by the author.

\* The italicized number of the Inverse of Days until End of Session is calculated by considering the difference ninety days prior to the end of the session from three days prior to the end of the session.

\*\* The italicized number of the Inverse of Days until Next Election is calculated by considering the difference six weeks prior to an election from one year prior to election.

percent as large as the effect of this variable on the use of the package vote. The multidimensional hypothesis is not supported, however, by the variable tapping the jurisdictional complexity of bills, which has a small and statistically insignificant coefficient.

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The results are similarly mixed for the systemic variables related to government status. As the bivariate tests would lead us to expect, the probability of observing the confidence vote procedure on a bill is much greater during minority government than during majority government (the probability increases by 14 percent). However, the same does not hold for coalition government, which has a small coefficient (the estimated effect is a 1 percent increase in use of the confidence vote procedure) and a large standard error relative to the size of the coefficient.

Unlike in the case of the package vote, the data for the confidence vote procedure are somewhat supportive of the hypothesis about urgency. The variable measuring the number of days until the end of the legislative session has the correct sign, but is statistically significant only at the 16 percent level. And the effect of the variable is modest controlling for other factors. Using the 5 percent baseline, the probability of observing the confidence vote procedure three days before the end of the session is 3 percent higher than the probability of observing the procedure three months before the end of the session.

The other variables yield coefficients and standard errors that are consistent with the story that emerged from Chapter 3. Both the amendments variable and the number of days until the next election have the wrong sign and are not statistically significant. The level of controversy, on the other hand, has a large and statistically significant effect.

As in Table 4.7, columns 2 and 3 explore the effect of multicollinearity on the parameter estimate for Multiple Referrals. Unlike in the case of the package vote, when Finance Committee is omitted from the statistical model, the coefficient for Multiple Referrals does not become statistically or substantively significant. The sign does change to the expected direction, but the effect on the probability of observing the confidence vote procedure is quite small and the standard error quite large. It is important to note that the results for the other variables are reasonably stable and that the overall fit of the model is considerably worse when the Finance Committee variable is omitted. The same stability is found in column 3, when the multiple referrals variable is omitted.

As a further test of the robustness of the results, columns 4 and 5 estimate the model without the variables for coalition government, days until the next election, and number of amendments. The results are consistent with those from the specification presented in column 1. In column 5, the Finance Committee variable is omitted and the parameter estimate for Multiple Referrals remains small and statistically insignificant.

In short, there is little evidence that the confidence vote procedure is

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used either to preserve bargains across jurisdictions on complex bills or to preserve bargains between parties that are partners in a coalition government. Thus, while there is some support for the distributive hypotheses, this support is mixed and is far less impressive than that which we find in the case of the package vote.

## CONCLUSION

The formal models developed to explain the impact of restrictive amendment rules on behavior and choice in the U.S. Congress have also pointed to a new way of viewing the package vote, one that is much less “anti-democratic” than the previous literature suggests. The package vote is not used by the government to run roughshod over members of the National Assembly by abrogating opportunities for deputies to amend bills. Instead, the procedure is used by party leaders in government to preserve essential elements of policy bargains that are struck outside the legislature when issues are multidimensional and the types of problems discussed in the multidimensional formal models are present.

The application of the “American models” to France has also highlighted previously ignored similarities between legislative politics in the “activist” U.S. House of Representative and the “marginalized” French National Assembly. In the House of Representatives, the restrictive procedures can facilitate logrolling (or vote trades) among MCs, and in particular among members of the majority party (see Cox and McCubbins 1993; Dion and Huber 1996; and Sinclair 1993). In France, the procedures are used most often to assist bargaining processes among parties in coalition together and between the government and opposition parties during minority government. Similarly, in the U.S. House of Representatives, restrictive procedures are frequently used to advance the bargaining process on bills sent to the three “finance committees” (Ways and Means, Appropriations, and Budget; see Bach and Smith 1988) and on bills that have been referred to multiple committees (see Bach and Smith 1988 and Krehbiel 1991). The same empirical patterns are found in France for the package vote. This discovery highlights the potential for escaping, at least in part, the notion of either French or American “exceptionalism,” pointing instead to the possibilities for developing general propositions about the impact of institutional arrangements on legislative choice processes.

The results for the confidence vote procedure are another story, however. The data indicate that the use of this procedure is no more likely on jurisdictionally complex bills than on jurisdictionally simple bills, and is no more likely during coalition government than during single-party majority government. Moreover, one factor that influences the use of the confidence vote procedure a great deal – the existence of minority govern-

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ment – is puzzling because it is during minority government that the government should be most vulnerable to censure when it invokes Article 49.3. Since use of the confidence vote procedure does not increase with the jurisdictional complexity or with the existence of coalition government, it seems that the procedure is being used during minority government for reasons that are probably unrelated to the types of issues raised by previous multidimensional theories of restrictive procedures.

The analysis in Chapters 3 and 4 has therefore led to several dead ends in the search for an explanation of how the confidence vote procedure influences French politics. One dead end is the argument in the French politics literature that the procedure is used by the government when policy conflict with the National Assembly is large (see Chapter 3). A second dead end is the idea in the French politics literature that the confidence vote procedure and the package vote are procedurally interchangeable (see Chapters 3 and 4). A third dead end is the argument, abstracted from the formal modeling literature, that the confidence vote procedure should be used to stabilize choice processes on policy issues that are dimensionally complex (see Chapter 4).

In many respects it should not be surprising that the formal models do a good job of explaining the role played by the package vote in French politics but do not shed much light on the role played by the confidence vote procedure. The predictions from any model depend on the assumptions in the model about structure and motivations. One assumption of the models in Chapters 3 and 4, which is standard in formal models of legislative processes, is that legislative agents are motivated exclusively by their policy preferences. This assumption is reasonable for the package vote and is attractive for its clarity, simplicity, and intuitive appeal. But its appropriateness in the study of the confidence vote procedure is not clear.

The package vote forces the members of the National Assembly to make a straightforward policy decision – yes or no on a particular policy package. A negative vote does nothing more than retain the status quo. The confidence vote procedure, on the other hand, does not require a direct vote on a particular policy but rather (potentially) a vote on whether to throw the prime minister and the cabinet out of office. This difference has two important implications for the strategic incentives created by the two procedures. First, a legislative decision under a package vote influences only the nature of immediate policy outcomes, whereas a legislative choice under the confidence vote procedure, because it affects the composition of the government, influences both immediate and future policy outcomes. If one believes that political actors care about future policy outcomes, then the standard policy assumption is clearly more applicable to the package vote than to the confidence vote procedure.

Second, because the confidence vote procedure permits “passive enact-

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ment” – adoption of a bill with no actual vote on the bill itself – the procedure creates opportunities and incentives that are absent under the threat of a package vote. In effect, parties (or deputies) can go on record against a policy, even to the extent of voting it down on the floor, without actually defeating the bill. This occurs when the members vote against a bill on the floor, the government demands a second consideration, the government invokes the confidence vote procedure during second consideration, and a majority refuses to censure the government. In this case, the only vote that a majority ever makes is against the bill, but the bill nevertheless becomes law. The package vote does not permit such behavior, because a bill can be enacted under a package vote only if a majority votes for the bill. The confidence vote procedure, then, opens up the possibility for pure position-taking behavior on the part of the members of the majority, a possibility that may be very important for communicating information about policy positions to voters.

Another important difference between the two procedures is that when the government uses the package vote, which leads only to a simple up or down vote on a policy, it is a rather innocuous political event, something that is largely ignored by the media and by all but the closest observers of goings on in the National Assembly. In this respect, the package vote is similar to closed and restrictive rules in the U.S. House, which are rarely big news. When the prime minister invokes a confidence vote procedure, on the other hand, it is far from a benign political event. Since it invites a vote on the continued existence of the government, use of Article 49.3 receives widespread attention from the media, often on the front page. The political implications of using the procedure can therefore be significant.

Finally, for a very personal reason, the prime minister’s decision calculus when invoking a confidence vote procedure is different than a minister’s calculus when invoking a package vote. Under the package vote, all that is directly at stake is the policy outcome for a particular bill. Under the confidence vote procedure, the prime minister risks her job by inviting the majority to censure her, and if the prime minister values her job, she must think twice about when she will invoke the procedure and what policies she will propose if she invokes it. Such “career” considerations are absent under the package vote.

The strategic considerations imposed by the package vote are therefore quite different than the strategic considerations imposed by the confidence vote procedure. Given the standard policy assumption in previous Congress models, it is logical that empirical patterns observed for the package vote, a politically innocuous procedure that influences only immediate policy outcomes, will be more consistent with predictions from the models than will be empirical patterns for the confidence vote proce-

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dure, a politically visible institution that jeopardizes the prime minister's job and that influences both short-term and long-term policy outcomes.

To conclude, two things seems clear. First, neither the previous literature on French politics nor the previous formal literature on restrictive rules provides much insight into the role that the confidence vote procedure plays in French politics. Second, there are good reasons to expect that the simplicity of the pure policy assumption carries with it too great a cost – too little verisimilitude – in the study of the confidence vote procedure. Thus, a different theory is needed, one that focuses neither on policy conflict nor dimensional complexity. Developing such a theory is the objective of the next two chapters.

# 5

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## *The confidence vote procedure and electoral politics*

This chapter develops an Electoral Politics Model of the confidence vote procedure. Unlike agents in the models discussed previously, the agents in the Electoral Politics Model are not motivated exclusively by short-term policy preferences. Instead, they are also motivated by “office” considerations (related to control of the government) and electoral considerations (related to communication with voters). The analysis explores how these various motivations influence strategic behavior in policymaking after government formation is complete. The result is a theory that directs attention away from policy considerations in procedural choice and toward the role that the confidence vote procedure plays in shaping opportunities for political parties to communicate to voters information about political accountability and policy positions.

The chapter has three sections. The first section describes and defends the assumptions of the Electoral Politics Model. I then sketch the results, and the logic underlying these results, in the second section. The third section concludes with a discussion of the empirical implications from the model.

### **THE MODEL: PARTY MOTIVATIONS AND CONFIDENCE VOTES**

The basic structure of the Electoral Politics Model is quite similar to that of the Policy Conflict Model described in Chapter 3. But the Electoral Politics Model contains assumptions about the identity of the agents, their motivations (or utility functions), and their possible strategies (or actions) that are quite different than those found in the Policy Conflict Model. I review these differences in this section.<sup>1</sup>

#### *The identity of the agents*

Recall that the Policy Conflict Model assumes that there are only two agents who take actions: the “Government” and the “Parliament.” The

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Electoral Politics Model differs in two ways. Analytically, the first difference is purely cosmetic. Rather than naming one player the “Government,” the Electoral Politics Model names this player the “Prime Minister.” This change in terminology reminds us of an important difference between the package vote and the confidence vote procedure. Whereas any minister in France can invoke the package vote on the floor of the parliament, only the prime minister (and not an individual minister) can decide to invoke a confidence vote procedure. Since prime ministers can invoke the confidence vote procedure at the end of the legislative process, if a renegade minister were to use a package vote (or any other procedure) to propose policies that were not agreed to by party leaders in government, then the prime minister could use a confidence vote procedure to reverse the undesirable policy changes obtained by the cabinet minister. A prime minister’s prerogative vis-à-vis the confidence vote procedure therefore constrains the strategies that ministers can adopt using alternative procedural weapons. The precise identity of the player who actually invokes the confidence vote procedure therefore matters a great deal.

The second difference in the identity of the agents is substantive. Recall that the Policy Conflict Model, drawing on certain functionalist assumptions in the French politics literature, assumes the Government faces a unitary actor in parliament. In the Electoral Politics Model, rather than assuming away the interesting incentives that shape interactions among deputies and parties in the governing coalition, I assume there exists a finite number of members who together compose the Majority in the Parliament. The members of the Majority must agree before any policy change can occur, and any member of the Majority can ensure that the government will fall in a vote of confidence.

The Electoral Politics Model assumes that there exists an *ex ante* identifiable Majority to capture the constraints that coalition formation decisions impose on subsequent bargaining processes. In parliamentary systems, rarely is it the case that the prime minister can negotiate with different majorities on different bills because the prime minister is generally constrained to find backing from the parties that agree to support the prime minister at the time of government formation. If Conservatives and Liberals form a majority coalition with a Conservative prime minister, for example, then the prime minister will much more often than not trigger the fall of the government by attempting to pass a piece of legislation with the Socialists and against the will of the Liberals.

One should therefore think about the Majority in the Electoral Politics Model as the pivotal parties and party factions in the government. The Majority can manifest itself in many ways. During periods of coalition government, we might think of the Majority as including the various parties (and factions within parties) that are in the government. During

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surplus majority government, passing a bill against the wishes of a surplus member can trigger the fall of the government, even if the government does not fall in a censure vote (because the surplus member may quit). In such cases, we can think of the Majority as including all members of the coalition. If the threat by certain members to quit the government is not credible, then during surplus majority coalitions, we can think of the Majority as a subset of pivotal parties forming a minimal majority. During minority government, the “Majority” will necessarily include deputies or parties that are outside the government. During single party government, if the party is very unified, there may be only one “member of the Majority.” If the party is factionalized, the various factions might represent different members of the Majority.

Two points should be expressed regarding this assumption about the Majority. First, it is made in order to focus specifically on the problems that prime ministers face in attempting to achieve support among parties and party factions with diverse interests or preferences. Second, if one does not believe that coalition processes impose exogenous constraints on legislative bargaining, one should not dismiss the model. As will become clear below, the logic of all the results will obtain when the prime minister can form a majority with any set of deputies or parties in the legislature.<sup>2</sup>

### *The motivations of the agents*

André Tardieu argued more than fifty years ago that the behavior of French deputies can be explained by focusing on only two goals that are shared by all elected representatives (Tardieu 1937). The first, the goal of “conservation,” is to be reelected. The second, the goal of “development,” is to gain power by becoming a minister. Consciously or unconsciously, contemporary research has often followed Tardieu, arguing that the goals of maximizing electoral success and controlling the government underlie strategic decision making by party leaders in parliamentary systems.

Comparative scholars have focused on other goals as well. Strom (1990a, 1990b), for example, contends that the members of political parties are motivated by office, electoral, and policy goals. Harmel and Janda (1994) add to these the goal of implementing party democracy (something that seems especially important among emerging green parties). Of course, the existence of multiple motivations would not be a problem if political strategies and actions led to simultaneously achieving different goals. If, for example, all parties had to do was promise particular policies to achieve electoral success, and if achieving electoral success ensured entrance into government coalitions, and if entry into coalitions ensured control over policy outcomes, then the distinction between the

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office, policy and electoral motivations of parties and their members might not be very useful at all.

The problem facing elected members of political parties, however, is that pursuit of one goal is often possible only at the expense of achieving another. Strom (1985), for example, shows that the decision by parties to enter government coalitions often results in an electoral penalty unrelated to final policy outcomes (see also Powell and Whitten 1993). If parties are motivated significantly by the goal of vote maximization, in certain situations these parties will trade the policy influence that joining governments provides for the electoral benefits of staying in opposition (Strom 1990a, 1990b). Indeed, on several occasions parties have publicly committed to remaining in opposition in order to build electoral support (Strom, Budge, and Laver 1994). In a related vein, Tsebelis (1990) argues that parliamentary leaders are involved in two simultaneous strategic interactions – policy bargaining with other leaders and electoral politics with the voters. In many situations, these leaders will be constrained in one arena by incentives in the other (see also Laver 1989).

The challenge for scholars of parliamentary government is to craft theories of how, and under what circumstances, the multiple motivations of political agents will influence the actions that these agents take. One might expect, for example, the office-seeking motivations of politicians to affect the use of the confidence vote procedure (because it invites a majority in parliament to censure the government). But how and under what circumstances do office motivations influence strategies and outcomes? And how do office motivations interact with electoral motivations or policy objectives to shape political behavior? The Electoral Politics Model provides a methodology for answering such questions.

The utility functions of the agents include parameters reflecting the policy, office, and electoral motivations of the members of the Majority and the Prime Minister. First, as in standard spatial models (and as in the Policy Conflict Model), the Electoral Politics Model assumes all agents have ideal points in a policy space with one or more issue dimensions and that they prefer to obtain final policy outcomes that maximize their utility, given the weight they place on the different dimensions. The Policy Model therefore makes standard assumptions about policy motivations.

Second, the Electoral Politics Model takes into consideration the “office” motivations of the agents by examining preferences over “induced outcomes” from censure following the use of a confidence vote procedure. If a member of the Majority decides to censure the Prime Minister for invoking a confidence vote procedure, the member does not care simply about the immediate policy outcome from this decision. He also cares about what happens next, be it the formation of a new government or the call for new elections. Of course, the same is true for the Prime

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Minister. If using a confidence vote procedure results in censure of the Prime Minister, then the utility to the Prime Minister will be a function of far more than the policy utility from the status quo.

To account for these “office” considerations, the Electoral Politics Model assumes that both the Prime Minister and the members of the Majority may pay a positive censure cost if the Prime Minister falls after invoking the confidence vote procedure. For the Prime Minister, these costs are obvious – a prime minister loses her job, her control over future policy outcomes, and her access to the perks and privileges of power. Thus, other things being equal, the prime minister should prefer that she not be fired and should be willing to make policy concessions in order to avoid this eventuality.

For the members of the Majority, the justification for assuming positive censure costs may seem less straightforward. Clearly, the costs or benefits to members of censuring the Prime Minister should be a key variable in explaining a prime minister’s use of the confidence vote procedure, as well as the relative influence of the prime minister and the members of the majority on final policy outcomes. One Socialist deputy contended in an interview:

Article 49.3 is only an instrument of dissuasion. When the Prime Minister is not supported by a majority in the Assembly, it is an effective instrument if the different political formations who are in competition with the government, or who are in opposition to it, think it is negative vis-à-vis public opinion – that is, vis-à-vis the voters – to hinder the government. On the other hand, if they think the Prime Minister is sufficiently weak, sufficiently discredited at that moment – vis-à-vis their own electorate and the voters who are undecided – then they have no more reason to be discrete with the Prime Minister, and 49.3 is no longer dissuasive. . . . That is to say, 49.3 can only work if the parties of the opposition are dissuaded from the idea of a dissolution. If they think they are going to win, then dissolution won’t bother them at all.

At first blush, then, one might expect that the way to incorporate these considerations into the Electoral Politics Model is to assume that the members of the Majority might *either* pay a cost or receive a benefit from censuring the Prime Minister. But in fact it should never be the case that the members of the Majority receive an exogenous benefit from censuring the Prime Minister for using the confidence vote procedure on a specific policy. The reason is simple.

A majority in parliament can always remove the prime minister from office by voting a motion of censure or no-confidence. If a member of the majority does not like the government, or if a member would prefer the outcome from censuring the government to the outcome from keeping the government in place, then that member should simply submit and vote a motion of censure with the other opposition parties. Put differently,

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since a majority in parliament can use a censure vote at any time to remove the government from office, the presence of any government in office indicates that there exists a majority (call it “the Majority”) that places a nonnegative value on retaining the present government.

Of course, even if the members of the majority seek “professional development,” to use Tardieu’s terms, there are substantive reasons to believe that the members of the majority will generally pay a cost for bringing down the government. If the government is censured, a legislative election might ensue, the existing government might be replaced by one that is even worse, or there might be a political crisis of paralysis that leads the voters to punish the parties when elections are eventually held. We might therefore expect the members of the majority – who agreed to the investiture of the government in the first place – to make policy concessions to the prime minister in order to keep that government in place. Indeed, scholars often posit that the members of the majority in the legislature generally prefer making policy concessions to the prime minister rather than voting the government out of office. Goguel (1971: 85) claims, for example, that in France, the threat of dissolution during a debate on a motion of censure is often sufficient to induce a certain number of deputies to make policy sacrifices in order to avoid facing the voters. And King (1981: 88, see also Jennings 1957: 136) argues: “Above all, members of the governing party in parliamentary systems typically vote with the government because they fear that, if they do not, the government will fall and either the opposition will take power or an election will be called.”

Next consider the electoral implications associated with legislative strategies. Scholars who use spatial models to study political processes often assume that a legislator’s ideal point is influenced by electoral considerations – legislators will be rewarded at election time for *obtaining* the policy outcome that is as close as possible to the legislator’s ideal point. Voters, then, are held to reward and sanction legislative agents based on the nature of the outcomes that emerge from the legislative process.

This argument about the connection between policy positions and electoral success, while certainly not unreasonable, imposes rather large informational requirements on voters. The assumption is particularly problematic in multiparty parliamentary systems, where there is a high incidence of coalition or minority government. In such situations, parties in parliament must cooperate in the legislature to pass bills and must then compete with their legislative partners at election time. This is a common problem in France, where the several parties on the left and on the right typically contest an election in the first round of voting. If the Gaullists and the UDF form a majority coalition, for example, the members of the

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legislature must work together while keeping an eye on upcoming elections, at which time they become electoral foes.

Juggling legislative cooperation and electoral competition creates problems for voters and parties. Voters must be able to determine, not only which parties are responsible for which policy outcomes, but also what positions the various parties espouse on different issues. Political parties must be able to communicate this information to voters. Legislative processes in parliaments are therefore important, not simply because they influence policy outcomes, but also because they provide valuable information to voters about where parties stand on particular issues.<sup>3</sup>

To get at the strategic considerations raised by the need for parties to communicate with voters, I follow the interpretation of ideal points typical of pure policy models by assuming that these ideal points have electoral content. But I depart from the standard assumption of spatial models by assuming that the agents' utility from any final policy outcome may be influenced by the legislative strategies adopted to obtain the outcome.

For each member of the Majority, the electoral goal is to communicate information to supporters about the member's position on the policy issue under debate. Thus, I assume that for each member of the Majority, there may exist some electoral penalty for making policy proposals that diverge significantly from the member's most preferred policy. The magnitude of the electoral penalty can vary. On some issues, voters might be disinterested and communication thus unimportant. But on the many other issues which concern voters, we should expect the voters to use the positions parties advocate during the legislative process to influence voters' choices in future elections. In such cases, the members of the Majority must weigh the electoral costs of pursuing policies that are distant from their most preferred policies against the potential policy gains from such strategies.

The Electoral Politics Model therefore includes a "voter sensitivity" parameter that taps the degree to which members of the Majority believe they will pay an electoral penalty from proposals diverging from their ideal points. The total electoral penalty from proposals for any member of the Majority is a function of voter sensitivity (or attentiveness) and the distance of the proposal from the agent's ideal point. An agent pays no electoral penalty if he proposes his ideal point or if voter sensitivity is zero. But if voter sensitivity is positive, then the electoral penalty for making any proposal increases as the proposal diverges from an agent's ideal point. Put differently, the motivation for a member of the Majority to make a "position-taking" proposal that communicates information about the member's ideal point on an issue increases as the voters become more attentive to this issue.

The Prime Minister's electoral implications from making proposals

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differ from those faced by members of the Majority. Like members of the Majority, the Prime Minister may be sanctioned by voters for using the confidence vote procedure to make policy proposals distant from the Prime Minister's ideal point. But since the confidence vote represents an extraordinary method for making policy proposals, the electoral implications of merely using the procedure may matter even if the Prime Minister uses the procedure to propose the policy her constituents most prefer.

Since a confidence vote procedure invites the most highly politicized event during the life of a government –the debate and vote on a motion of censure – its use is generally given front-page coverage by the media. The debate on the motion of censure guarantees the opposition a moment in the political spotlight, which it can use to criticize the Prime Minister, the Prime Minister's policy, and the Prime Minister's willingness to use procedural force against the directly elected representatives of the people. The visibility of the confidence vote procedure, therefore, sharply distinguishes it from the package vote, the usage of which often passes unnoticed by the media, much less by the average citizen.

In my interviews, the deputies stressed the *electoral costs* associated with using the procedure. One Communist deputy asserted that “49.3 embarrasses the government because it gives the impression that there is not a majority in the country – that there is no direction and that the Prime Minister has become authoritarian. . . . For political reasons, the government wants to avoid 49.3.” Similarly, a Center deputy stated that “the utilization of 49.3 repeatedly by the government is a sign of political weakness. There is a political cost.” An assistant to the prime minister linked the political costs to the possibility that the use of a confidence vote procedure can be interpreted as a sign of executive weakness or incapacity:

It's always possible to use 49.3, but to do so is brutal. The first idiot to pass by could do that. [Article] 49.3 is not a sign of force, but rather an admission of failure. If we're obligated to use 49.3, it's not a serious failure, but it still shows that our bill is not sufficiently good to pass on its own merits. It's important to show that you can do your job without it.

Use of the confidence vote procedure can send a negative signal of another type to voters. Scholars have often recognized the importance of maintaining an appearance of party unity in order to achieve electoral success. If parliamentary strategies give the appearance of disunity, the electoral implications are generally believed to be negative (Cox 1987; King 1976; King 1981; Jennings 1961: 496; and Ramseyer and Rosenbluth 1993).

Using the confidence vote procedure can affect the display of unity in two ways. On one hand, if the government uses the procedure against its own party, the procedure might exacerbate the appearance of divisions within the party. On the other hand, if a party is deeply divided on an

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issue, then prime ministers may use the procedure to suppress debate on the issue or to enable the deputies to avoid casting votes on particular aspects of bills. This was the strategy used by the Socialist government during a controversial debate on state funding for private education in the early 1980s (Baumgartner 1989). And Duverger (1987: ch. 4) argues that during the 1986–8 period of cohabitation, Article 49.3 was frequently used to cover up differences between the various parties in the conservative government coalition.

It is therefore important to consider the possibility that there are exogenous political implications associated with simply invoking the confidence vote procedure. Because there are many factors (in addition to the precise nature of the Prime Minister's proposal) that may influence the electoral implications of making a proposal under the confidence vote procedure, rather than focusing exclusively on the electoral implications of proposals, I simply assume the Prime Minister may pay some exogenous "electoral cost" from invoking the procedure. These costs may be positive, implying that the Prime Minister would be willing to make policy concessions to avoid use of the confidence vote procedure. The "costs" might also be zero, or even negative, implying that the Prime Minister receives some benefit from using the confidence vote procedure (such as the suppression of divisive debate).

In sum, the Prime Minister and the members of the Majority all have ideal points and policy preferences in a policy space with one or more dimensions. In addition, the Prime Minister and the members of the Majority may pay a cost – and will never receive a benefit – if the Prime Minister falls in a censure vote. Finally, the need to impart information to voters about issue positions and political responsibility may create an electoral penalty for members of the Majority if they propose policies diverging from their ideal points. And the need to communicate information to voters about policy preferences, to avoid internal disunity, and to demonstrate political capacity may create for the Prime Minister electoral costs or benefits from using the confidence vote procedure.

### *The strategies of the agents*

The Electoral Politics Model includes the same three stages as the Policy Conflict Model. In the Parliamentary Stage, it is necessary to specify, not only the strategies of the members of the Majority, but also how these individual strategies translate into a collective decision. To this end, I assume that each member of the Majority can go on record for any specific policy during the legislative process. "Going on record" might entail voting for the adoption of a bill to change the status quo. Or it might involve voting for a specific policy through, for example, the vote

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on an amendment, and then voting to defeat the final version of the bill (assuming the amendment does not carry). I call this opportunity to go on record a “proposal” by a member of the Majority. A member can propose any policy he wishes, including his own most-preferred policy.

The collective decision by the Majority depends on the individual proposals. Since each member of the Majority is pivotal, all members must go on record for the same bill (i.e., propose the same bill) before any policy change can occur. The Electoral Politics Model therefore assumes that if all members make the same proposal, then this common proposal is the bill adopted in the Parliamentary Stage. If any two members of the Majority make different proposals, then because all members of the Majority must agree on any policy change, the Majority in parliament can be said to have defeated an effort to change the status quo. In this case, the bill emerging from the Parliamentary Stage is the status quo.

The Procedural Stage follows the Parliamentary Stage. In the Parliamentary Stage, the members of the Majority either will have adopted a bill changing the status quo or will have voted to retain the status quo. For either type of collective proposal, the Prime Minister can do one of two things. She can accept the Majority’s bill, in which case interactions are complete and the final outcome is the policy adopted in the Parliamentary Stage. Or the Prime Minister can invoke the confidence vote procedure to propose any other policy, in which case the game proceeds to the Voting Stage.

In the Voting Stage, each member of the Majority must make a choice, either to accept the Prime Minister’s proposal under the confidence vote procedure or to censure the Prime Minister. Since each member of the Majority is pivotal, the decision by any member to censure the Prime Minister results in the fall of the government. Thus, if any member censures the Prime Minister, the final policy outcome is the status quo (and all players pay any censure costs that exist). If no member votes to censure the Prime Minister, the final policy outcome is the Prime Minister’s policy proposal.

### ANALYSIS OF THE MODEL

There are many different factors that one might imagine will influence the behavior of the prime minister and the members of the majority in the legislative arena. These include policy preferences, the nature of the existing policy, the costs of censure, the electoral costs to the prime minister of using the confidence vote procedure, the position-taking incentives of the members of the majority, the composition of the majority, and the dimensionality of the policy space. The Electoral Politics Model provides a tool for understanding whether and how these various factors actually influ-

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ence legislative strategies, and therefore for understanding the impact of the confidence vote procedure on French politics.

There are three important results from the analysis. First, the model generates an impressive list of *negative results*, that is, a list of factors that one might at first expect to influence the use of the confidence vote procedure but which in fact logically should not. Second, the model suggests that the prime minister's electoral costs of using a procedure – not her concern about being censured – explain the ability of members of the legislature to obtain policy concessions from the prime minister, as well as the infrequency with which we observe the confidence vote procedure. Third, the analysis indicates that the role of the confidence vote procedure in French politics is largely an electoral one. The confidence vote procedure provides an institutionalized means for government parties to communicate information about issue positions and political responsibility to voters, and to do so without destabilizing the government coalition. The opportunities the procedure creates for position taking are therefore central to understanding how the confidence vote procedure can stabilize the cabinet.

To understand the logic of these claims, it is necessary to examine the strategies of the agents in the various stages of the model.<sup>4</sup> As in the Policy Conflict Model, we do this by beginning at the end, with the strategies of the members of the Majority during the Voting Stage. Suppose the Prime Minister invokes the confidence vote procedure to propose some specific policy during the Procedural Stage. Under what conditions will a member of the Majority vote to censure the government? For the answer, consider Figure 5.1, which depicts a situation in which there are two members of the Majority (with ideal points at  $x_A$  and  $x_B$ ). The status quo policy,  $x_0$ , will be the policy outcome if the Prime Minister falls in a censure vote. If a member of the Majority bears no costs of censuring the government, then the indifference curve of the member though  $x_0$  defines the set of all policies that the member would accept rather than censuring the government. If on the other hand, a member pays a cost of censuring the Prime Minister, then the set of policies that the member would prefer to accept rather than censuring the government is a function of the location of the status quo and the costs of censure. For some arbitrary cost, the bold circle surrounding the indifference curves of A and B through  $x_0$  depicts the set of polices that these members would prefer to accept rather than censure the government.

The intersection of each member's set of acceptable policies in the Voting Stage defines the best policy that a Prime Minister could propose using the confidence vote procedure. The Prime Minister can propose any policy in the set of policies that all members of the Majority prefer to the induced outcome from censure. In Figure 5.1, if the Prime Minister

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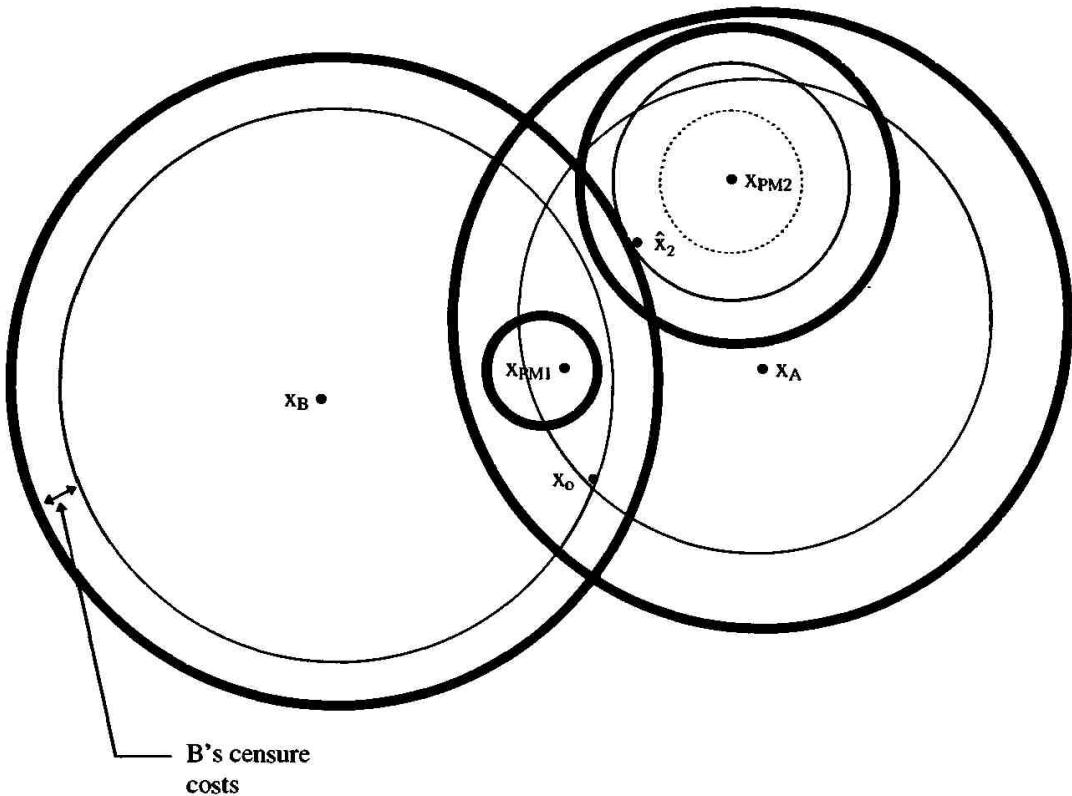


Figure 5.1. The Prime Minister's Best Obtainable Policy.

invokes the confidence vote procedure, each of these two members will vote to censure if the Prime Minister's proposal is not within each respective member's bold indifference curve (surrounding each member's thin indifference curve through  $x_0$ ). The Prime Minister could, however, propose any policy in the set circumscribed by the intersection of the two bold indifference curves without fear of censure. One could call this set (the large region the shape of a football) the "set of obtainable policies" for the Prime Minister.

During the Procedural Stage, the Prime Minister can always use the confidence vote procedure to propose the policy she most prefers from the set of obtainable policies. As in the Policy Conflict Model, we could call this policy the Prime Minister's "best obtainable policy." For any location of the Prime Minister's ideal point, the best obtainable policy always exists and is unique. In Figure 5.1, for example, if the Prime Minister's ideal point were at  $x_{PM1}$ , then the best obtainable policy would be the Prime Minister's ideal point, which is within the set of obtainable policies. If the Prime Minister's ideal point were at  $x_{PM2}$ , the best obtainable policy would be at  $\hat{x}_2$ . One can see that for any location of the Prime Minister's ideal point in Figure 5.1, the best obtainable policy is the policy that is in the set of obtainable policies and that is closest to the

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Prime Minister's ideal point.<sup>5</sup> This leads to the first result of the Electoral Politics Model.

*Result 1. The preferences of the members of the Majority about the induced outcome from censure define a unique policy that represents the best outcome that the Prime Minister can achieve if she uses the confidence vote procedure to make a policy proposal.*

The logic of the Electoral Politics Model is in this respect identical to the logic of the Policy Conflict Model. The introduction of censure costs does not change the fact that there always exists a unique policy representing the best outcome that the Prime Minister (or Government) can achieve using the confidence vote procedure. These censure costs obviously can influence the location of this “best outcome,” but not its existence. In the Policy Conflict Model, however, the Government’s procedural decision is based simply on whether the Government prefers the Parliament’s policy proposal to the best outcome. In the Electoral Politics Model, the Prime Minister’s decision is more complex because of the potential electoral costs of using the confidence vote procedure.

Consider the Prime Minister’s strategy in the Procedural Stage. Under what circumstances should the Prime Minister accept the Majority’s proposal, and under what circumstances should the Prime Minister invoke the confidence vote procedure to propose some other policy? If the Prime Minister invokes the confidence vote procedure, she will obviously propose the unique best obtainable policy. She can do no better. But the utility the Prime Minister receives from making this proposal depends on the electoral implications of using the confidence vote procedure. When there are no electoral implications, the Prime Minister simply receives the policy utility associated with the best obtainable policy. In this case, the Prime Minister’s procedural decision is simple. If she prefers the Majority’s proposal to the best obtainable policy, she will accept the Majority’s proposal. Otherwise she will use the confidence vote procedure to propose the best obtainable policy. In Figure 5.1, if the Prime Minister is at  $x_{PM1}$ , she will invoke the confidence vote procedure if the members of the Majority propose any policy other than the Prime Minister’s ideal point. And if the Prime Minister is at  $x_{PM2}$ , she will invoke the confidence vote procedure if the Majority proposes any policy that is not inside the Prime Minister’s indifference curve through  $\hat{x}_2$ .

When the Prime Minister receives a benefit from using the confidence vote procedure, then the members of the Majority, if they wish to avoid the confidence vote procedure, must adopt a policy that the Prime Minister actually prefers to the best obtainable policy. In Figure 5.1, when the Prime Minister’s ideal point is at  $x_{PM2}$ , if the Prime Minister receives

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some benefit from simply invoking the confidence vote procedure, the dashed indifference curve may define the set of policies that the Prime Minister would prefer to accept rather than using the confidence vote procedure to propose the best obtainable policy. If there are electoral benefits associated with using the confidence vote procedure, it might be the case that no policies that the members of the Majority could propose that would be accepted by the Prime Minister. This would occur, for example, if the Prime Minister were located at  $x_{PM1}$  in Figure 5.1 (because, given the electoral benefits, the Prime Minister would prefer to propose her ideal point using the confidence vote procedure to accepting this policy were it adopted by the Majority in the Parliamentary Stage).

The more interesting and plausible scenario occurs when the Prime Minister pays an electoral cost for using the confidence vote procedure. When electoral costs of using the procedure are positive, there exist policies that if proposed by the Majority, the Prime Minister would prefer to accept rather than invoke the confidence vote procedure to propose the best obtainable policy. The logic is exactly parallel to the concern that the members of the Majority have about the induced outcome from censure, but instead of being concerned about censure, the Prime Minister is concerned about the induced (electoral) implications from using procedural force to get the best possible policy outcome. Returning to Figure 5.1, the bold indifference curve around the Prime Minister's indifference curve through  $\hat{x}_2$  defines the Prime Minister's set of acceptable policies (when the Prime Minister's ideal point is at  $x_{PM2}$ ). For  $x_{PM1}$ , this set is defined by the bold circle around the Prime Minister's ideal point. More generally, the location of the best obtainable policy and the Prime Minister's electoral costs (or benefits) of using the confidence vote procedure determine the *Prime Minister's set of acceptable policies* – that is, the set of policies that the Prime Minister would prefer to accept rather than propose the best obtainable policy using the confidence vote procedure.

**Result 2.** *The Prime Minister will invoke the confidence vote procedure to propose the best obtainable policy whenever the Majority's proposal is not in the Prime Minister's set of acceptable policies, which is defined by the location of the best obtainable policy and the Prime Minister's electoral costs (or benefits) of using the confidence vote procedure.*

The Prime Minister can always guarantee a final outcome of the best obtainable policy. The members of the Majority can therefore never obtain a policy that differs from this best obtainable policy *unless* the Prime Minister bears an electoral cost of using the confidence vote procedure.

Of course, whether members of the Majority can make an acceptable policy proposal that extracts policy concessions from the Prime Minister

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depends not only on the Prime Minister's electoral costs, but also on the position-taking incentives present during the Parliamentary Stage. If a proposal by the Majority is accepted by the Prime Minister, then each member receives the policy utility associated with the proposal (because the proposal will be the outcome), and each member will pay an electoral penalty, which is a function of voter attentiveness and the distance from a member's ideal point to the proposal. If the proposal provokes the confidence vote procedure, then each member receives the policy utility associated with the Prime Minister's best obtainable outcome (which is what the Prime Minister will propose using a confidence vote procedure), and each member will pay an electoral penalty, which again depends on the level of voter attentiveness and the location of the proposal relative to a member's ideal point. Of all proposals that provoke the confidence vote procedure, the one that gives a member the greatest utility is the member's ideal point, which results in no electoral penalty, regardless of the level of voter attentiveness.

The magnitude of the electoral penalty associated with particular proposals, along with the Prime Minister's electoral costs of using the confidence vote procedure, jointly determine the circumstances under which the members of the Majority will make a proposal acceptable to the Prime Minister. A member of the Majority must determine which policies, if proposed by the Majority and accepted by the Prime Minister, would yield a higher utility for the member than proposing his ideal point and receiving the best obtainable policy following use of the confidence vote procedure. In Figure 5.2, the dashed indifference curves (which lie inside the indifference curves of each member that would pass through  $\hat{x}$ ) define these policies for some arbitrary level of electoral sanctions.<sup>6</sup> That is, if a proposal inside these dashed indifference curves is accepted by the Prime Minister, then the proposal is sufficiently close to the member's ideal for the member to prefer (1) propose this policy, paying a (small) penalty for making a proposal that is away from his ideal point, and (2) receive the policy utility associated with the policy. He does this instead of (1) proposing his ideal point, paying no electoral penalty, and (2) receiving the policy utility associated with an outcome of the (more distant) best obtainable policy. As the benefits of position-taking increase, these dashed indifference curves will become smaller and smaller. Of course, the converse is also true: as the electoral penalties associated with policy proposals decrease, the dashed indifference curves will grow larger.

The intersection of the dashed indifference curves of the two members defines the set of policies giving both members a higher utility if proposed and accepted than would proposing the members' (respective) ideal points (and obtaining an outcome of  $\hat{x}$ ). We can call the area inside the intersection of these dashed curves the *Majority's feasible set*. The opti-

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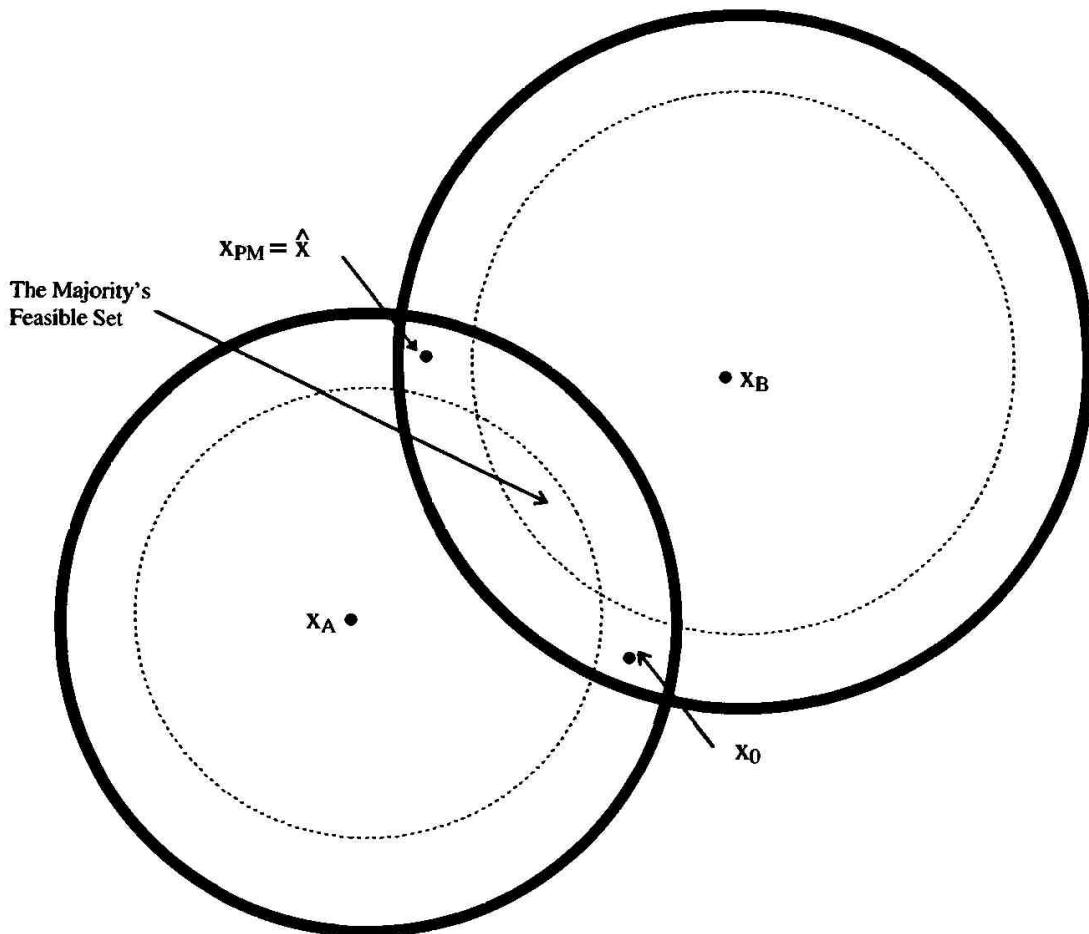


Figure 5.2. The Majority's Feasible Set.

mal strategy of the members of the Majority depends on the relationship between the Majority's feasible set (which is determined by the electoral implications of proposals) and the Prime Minister's set of acceptable policies (which is determined by the electoral costs associated with using the confidence vote procedure). The Majority will only make acceptable proposals from the feasible set. Proposals from the feasible set will provoke a vote of confidence if they are not in the set of acceptable policies. The Majority will be unable to avoid a confidence vote procedure only if there are no policies that are at once in the feasible set and the set of acceptable policies.

**Result 3.** *The Prime Minister will use the confidence vote procedure whenever there are no policies that are at once in the Majority's feasible set and the Prime Minister's set of acceptable policies.*

The logic at work is really quite simple. A member of the Majority knows that the final policy outcome will be the Prime Minister's best obtainable policy if the member provokes the confidence vote procedure. If the Prime

Minister bears some electoral cost for using the confidence vote procedure, then the member of the Majority might be able to propose a policy that he prefers to this reversion outcome under the confidence vote procedure. But if position-taking incentives are important, the member must think twice about making an acceptable proposal. When the amount of policy concessions a member can earn are small, obtaining these concessions may not be worth the electoral penalty associated with making a proposal that is distant from the member's electorally optimal policy. Consequently, the two most important factors in determining whether the members will force a confidence vote are the electoral costs to the Prime Minister of using a confidence vote procedure (which make policy concessions to members of the Majority possible), and the position-taking incentives of the members of the Majority (which determine the extent to which obtaining policy concessions offsets position-taking incentives).

The interaction of the Prime Minister's electoral costs with the position-taking incentives of the members of the Majority are depicted in Figure 5.3. Assume first that there are only two members of the Majority, with ideal points at  $x_A$  and  $x_B$ . The feasible set for these two members (the intersection of their dashed indifference curves) intersects the Prime Minister's set of acceptable policies (the area inside the bold indifference curve around  $\hat{x}$ ). The members of the Majority can therefore make a proposal from the intersection of these two sets. Such a proposal will be accepted by the Prime Minister, giving each member of the Majority a greater utility than they could ever receive from making position-taking proposals and obtaining a final policy outcome of  $\hat{x}$ .

But as position-taking incentives increase, the dashed circles will decrease in diameter, at some point growing so small that there will be no acceptable policies that the Majority can propose, and that would give each member of the Majority a higher utility than proposing their ideal points (the optimal position-taking proposals), receiving a final policy outcome of  $\hat{x}$  (following the use of the confidence vote procedure by the Prime Minister). Similarly, as the Prime Minister's electoral costs of using the confidence vote procedure decline, the bold indifference curve defining the set of acceptable policies will shrink in size. At some point, there will be no intersection between the Majority's feasible set and the Prime Minister's set of acceptable policies. When this occurs, the members of the Majority will make position-taking proposals, the Prime Minister will invoke the confidence vote procedure, and the final policy outcome will be  $\hat{x}$ . It is easy to see, then, that position-taking incentives among members of the Majority, as well as the Prime Minister's electoral costs, will be central to understanding the use of the confidence vote procedure.

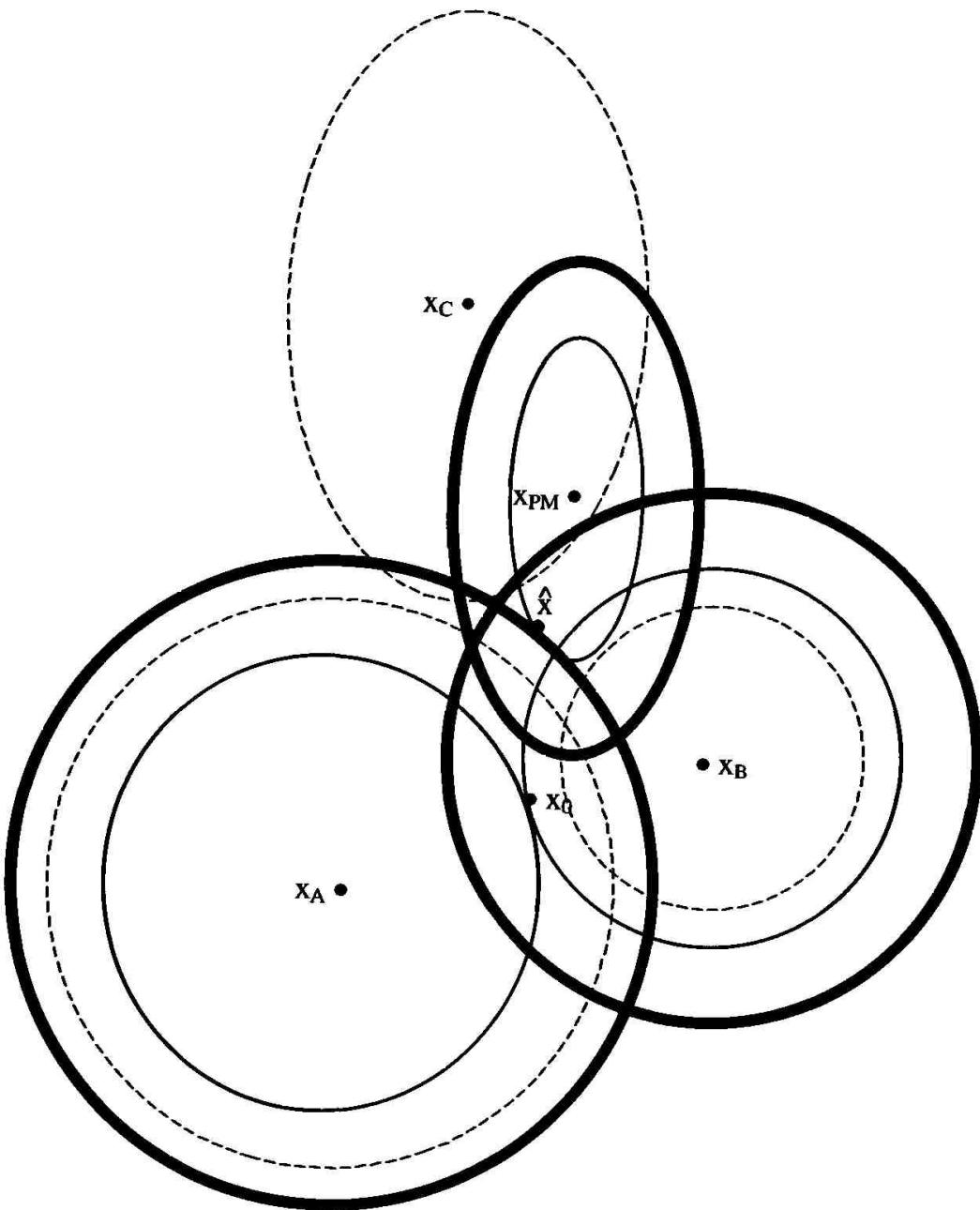


Figure 5.3. Electoral Incentives and Confidence Votes.

#### SOME NULL RESULTS

The chief insight from the analysis is that exogenous electoral factors, rather than policy considerations, shape the strategies of agents in the French parliament vis-à-vis the confidence vote procedure. But before discussing the more general implications of this result, it is important to recognize that the Electoral Politics Model also highlights the irrelevance of other factors one might expect to influence political behavior. The model predicts, for example, that the prime minister's censure costs, the

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number of members of the majority, and the dimensional complexity of the policy space should have *no impact* on strategies or outcomes. Additionally, the model predicts that the heterogeneity of the majority, the censure costs of the members of the majority, and the level of policy conflict between the prime minister and the members of the majority can only *indirectly affect* strategies and outcomes. Furthermore, the indirect effect is intimately linked to the position-taking incentives of the members of the majority.

Consider the variables the model predicts will have *no effect* on procedural choice, beginning with the Prime Minister's censure costs. As a prime minister's cost of losing her job increases, one might expect the prime minister to be more inclined to avoid the confidence vote procedure (because she has more to lose if members of parliament fire her). One might also expect members of parliament to be able to extract more policy concessions from the prime minister (because the prime minister will pay more in policy concessions to keep her job). The Electoral Politics Model, however, demonstrates why both expectations should be wrong.

A prime minister's cost of losing her job should not affect her procedural decision because a prime minister can always propose a policy that will *not* lead to her censure. She therefore never need fear paying her censure costs.<sup>7</sup> And the members of parliament cannot extract the prime minister's censure costs in policy currency because they do not have the institutional means necessary to do so. The members of parliament cannot, for example, credibly use the threat of censure to obtain policy concessions because censure motions trigger only a vote on the government, not the proposal of a specific policy by members of parliament. If the censure motion succeeds, the government falls, but the ultimate change in policy depends on subsequent events regarding the formation of a new government, which may not occur until after elections are held. A prime minister, on the other hand, can always use Article 49.3 to make a final, take-it-or-leave-it policy proposal.

Another irrelevant variable in the Electoral Politics Model is the jurisdictional complexity of the issue space. Recall that the arguments in Chapter 4, which were not supported by the data, led us to expect the confidence vote procedure to be used to preserve policy bargains when the policy space has more than one dimension. The Electoral Politics Model, however, shows that whether the policy space has one dimension or many, there always exists a unique best obtainable policy that the Prime Minister will propose if the majority does not pass a bill that is in the Prime Minister's acceptable set. Consequently, although the procedure clearly permits a prime minister to preserve policy bargains in multi-dimensional policy spaces, the prime minister's incentives are identical

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regardless of whether policies are chosen on multiple dimensions or on one dimension. The dimensionality of the policy space therefore should not directly influence the use of the confidence vote procedure.

Finally, the Electoral Politics Model suggests that the number of members in the government coalition should have no effect on procedural choice. Whether the members of the Majority can adopt a bill that is acceptable to the Prime Minister depends largely on the size of the Majority's feasible set. Adding members to the Majority will not alter the size of this set if the members have similar preferences. The simple number of members in the Majority will not, therefore, influence the use of the vote of confidence.

If it turns out, however, that the size of the Majority is correlated with heterogeneity in the preferences of the Majority's members, then there may be an indirect effect of majority size on the use of the confidence vote procedure. But this indirect effect can exist only when members of the Majority have position-taking incentives. With positive position-taking incentives, as the heterogeneity of ideal points among members of the Majority increases, the likelihood that the Majority's set of feasible policies will be empty also increases. The logic is depicted in Figure 5.3. If there are only two members of the Majority, with ideal points at  $x_A$  and  $x_B$ , then the Majority's set of feasible proposals is nonempty. But if the Majority contains a third member with an ideal point at  $x_C$ , then the feasible set will be empty for positive position-taking incentives. Thus, when the third member is added, all members of the Majority will make position-taking proposals, triggering the confidence vote procedure.

Note two things. First, if there are no position-taking incentives, the members of the Majority, regardless of the heterogeneity in their preferences, can simply propose the Prime Minister's best obtainable policy and avoid a confidence vote procedure. Position-taking incentives therefore interact with the heterogeneity of the majority in a fundamental way. Without such incentives, the heterogeneity of the majority is irrelevant to understanding procedural choice. Second, the location of the third member in Figure 5.3 is critical. If the third member's ideal point was near the ideal point of one of the other members, then the Majority's set of feasible policies could be nonempty. Consequently, when position-taking incentives exist, the heterogeneity of the members' ideal points rather than the size of the Majority should influence the behavior of agents in the legislature.

Another variable that can only indirectly affect behavior is the censure costs of the members of the Majority. One might expect these costs to the Majority to have a direct effect on use of the confidence vote procedure: as the costs of bringing down the Prime Minister decrease, the Prime Minister should be increasingly inclined to avoid the use of the confidence

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vote procedure (for fear of censure). Although the Electoral Costs Model suggest that this association between censure costs and the use of the confidence vote procedure *may* exist, the association is not a direct effect of censure costs but rather an indirect effect due to the interaction of these costs with position-taking incentives.

For any level of censure costs for the members of the Majority, the Prime Minister's best obtainable policy exists and is unique. Since the Prime Minister can invoke the vote of confidence at the end of the legislative process – even after a bill has been defeated – the Prime Minister can always ensure a final policy outcome of the best obtainable policy without fear of censure. The Prime Minister's decision to use the confidence vote procedure therefore turns exclusively on the location of the Majority's proposal relative to the best obtainable policy. The censure costs of the members of the Majority will therefore influence the Prime Minister's procedural decision only if they influence the probability of an acceptable proposal by the members of the majority.

The magnitude of the censure costs for a member of the Majority can only influence the probability of observing a confidence vote procedure when two conditions are met. First, it must be the case that the censure costs for the member change the location of the Prime Minister's best obtainable policy, making it further from the member's ideal point. Second, position-taking incentives must exist. The logic of the interaction between censure costs and position-taking incentives is straightforward. As the best obtainable policy moves away from a member's ideal point (which *might* occur when censure costs increase), the Prime Minister's set of acceptable policies may move away from the member's ideal point (depending on the Prime Minister's ideal point and assuming fixed electoral costs of using the procedure). With positive position-taking incentives, as the distance between the ideal point of a member and the best acceptable policy increases, so does the electoral penalty for making an acceptable proposal (because this penalty depends on the distance between the member's ideal point and his policy proposal). Thus, when an increase in censure costs increases the distance between a member's ideal point and the best acceptable proposal the member can make, then the increase in censure costs can trigger a position-taking proposal when position-taking incentives are sufficiently strong. One therefore cannot understand how censure costs influence behavior without considering position-taking incentives on the floor of parliament.

A similar argument exists for the level of policy conflict. Policy conflict between a member and the Prime Minister (i.e., the distance between the two agents' ideal points) has no direct effect on procedural choice in the Electoral Politics Model, but it may have an indirect effect. That is, an increase in policy conflict can increase the distance between a member's

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electorally induced ideal point and the best acceptable policy the member could propose. When position-taking incentives are positive, this increase in policy conflict may therefore trigger position-taking behavior (and hence the confidence vote procedure). As with censure costs, then, policy conflict becomes relevant to understanding legislative strategies only when position-taking incentives are explicitly considered, and even when position-taking incentives exist, policy conflict influences behavior only when it affects the nature of the Prime Minister's proposal using a confidence vote procedure.

Empirical support for several of these "null results" emerges from the regression analysis at the end of the previous chapter. We found, for example, that prime ministers were no more likely to use the confidence vote procedure during coalition governments than during single-party governments and were no more likely to use the procedure on bills referred to more than one committee than on bills sent to only one committee, providing support for claims about the irrelevance of dimensional complexity. And if one assumes that the costs of censure for members of the majority are smallest during minority government, the regression results strongly indicate that prime ministers are not inclined to avoid the confidence vote procedure as the censure costs of members of the majority decline (supporting the hypothesis that censure costs have no direct effect on behavior). The fact that use of the confidence vote procedure was not found to increase during coalition government also provides support for the Electoral Politics Model's claim about the irrelevance of the number of members of the majority. Further support for this prediction is found in Table 5.1, which shows the percentage of bills subjected to

Table 5.1 *The relationship between the number of parties in government and the use of confidence vote procedures*

	Number of parties in government (minority government treated as one party)				Number of parties in government (minority government treated as two parties)			
	1	2	3	4	1	2	3	4
Percent of bills subjected to the confidence vote procedure	5.4	1.7	0.03	1.9	2.7	3.3	0.03	1.9

Note: Data are from Maus (1988b) and Secrétariat général de l'Assemblée Nationale (1988—92).

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Article 49.3 from 1959 through 1992, with the number of parties in government as the independent variable. The data are presented two ways. In the first four columns, the Socialist minority government is treated as one-party government (because the Socialists were the only party in government). In the second four columns, the Socialist minority government is treated as a two-party government (because given their minority status, the Socialists depended on support from one opposition party). For either classification of the minority government, we see no trend in the relationship between the number of parties and the use of the confidence vote procedure. Thus, there exists evidence supporting the Electoral Politics Model's negative predictions. Further evidence will be presented in Chapter 6.

### ELECTORAL INCENTIVES AND LEGISLATIVE STRATEGIES

The main positive result from the Electoral Politics Model is that the prime minister's electoral costs of using the confidence vote procedure, on the one hand, and the position-taking incentives of the agents in parliament, on the other, interact to determine whether a prime minister will use a confidence vote procedure on a particular piece of legislation. This result leads to four more general insights regarding the impact of the confidence vote procedure on French politics.

The first and most important insight concerns the impact of the confidence vote procedure on shaping the ways in which political parties and party factions in the legislature communicate information to voters about issue positions and political accountability. The confidence vote procedure can affect communication with voters by influencing the types of "proposals" made by the members of the majority make during parliamentary deliberations. In the model, there are only two types of proposals that the members of the Majority ever make in the Parliamentary Stage. Under certain conditions, the members of the Majority can propose a bill that is in the Prime Minister's set of acceptable policies (and that therefore is accepted by the Prime Minister). These bills can be called "negotiable proposals" because they form the basis of agreement between the prime minister and the members of the parliament. But if there are no acceptable policies in the feasible set, then each member of the Majority does not simply propose any policy that will lead to a confidence vote procedure. Instead, each member proposes his most preferred policy, thereby maximizing the electoral utility from the Parliamentary Stage of the game. For obvious reasons, these can be called "position-taking" proposals. Such proposals can never form the basis of agreement between the Prime Minister and all members of the government's Majority, but they

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do permit these members to signal electorally optimal policy positions to voters.

The Electoral Politics Model specifically predicts that whenever the confidence vote procedure is used, members of parliament should not make just any proposal but rather should make *position-taking proposals* – proposals that are purely ideological in the sense that they clearly distinguish a member's most preferred policy from the prime minister's policy. Such proposals never have a chance to form the basis of a policy compromise between a member of the majority and the prime minister. Whether such position-taking proposals are indeed made depends, of course, not only on the intrinsic value of making such proposals, but also on the prime minister's electoral costs of using a confidence vote procedure.

The nature of proposals by members of the government's majority should influence which parties or party factions will be held accountable for policy outcomes at election time. If the members of the Majority make position-taking proposals, then the Prime Minister and her party – and not other members of the government's Majority – should be viewed as responsible for policy outcomes because other members of the Majority (or at least one such member) will have clearly expressed a preference for a policy differing from the policy ultimately adopted. When "negotiable policies" are proposed, on the other hand, political accountability is blurred because the final policy outcomes should be perceived as the result of negotiation and compromise between the Prime Minister and the members of the majority.

Some casual empirical evidence supports this implication about political accountability. In parliamentary systems there is generally a large electoral penalty associated with incumbency: parties that join majority governments commonly lose support in subsequent elections (Paldam 1986 and Rose and Mackie 1983). However, for parties that form minority governments, the electoral loss is smaller or even translates into an electoral gain. That is, parties in minority governments often gain seats in subsequent elections (Powell and Whitten 1993; Strom 1990b: 124). One explanation for this is that during minority government, opportunities for obstruction by the opposition make it unclear to voters which parties are responsible for policy outcomes (Powell and Whitten 1993).

In France, during minority government from 1988 through 1993, the confidence vote procedure was used frequently and on major pieces of legislation. If the opposition was forcing this procedural pathway by making position-taking proposals, then we should expect the voters to hold the prime minister's party primarily, if not completely, responsible for policy outcomes. Thus, in the election following the Socialist minority government, we should expect the Socialists to suffer the same general

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electoral fate as that of most incumbent majority parties. This is precisely what happened: in the March 1993 legislative elections, the Socialist Party was badly defeated and the conservative parties won a huge majority. There exists, then, at least circumstantial evidence that the confidence vote procedure in France clarifies responsibility for policy outcomes during minority government.

The second general insight from the model concerns the types of legislation that should be subjected to the confidence vote procedure. If there are no position-taking incentives during the Parliamentary Stage, then the model suggests that the Prime Minister should never use the confidence vote procedure. Instead, the members of the majority can simply adopt an acceptable policy. Because the confidence vote procedure should only be employed when position-taking incentives exist, it should be used only on major, politicized pieces of legislation – legislation to which the voters are significantly attentive. One should not expect the prime minister to use the confidence vote procedure on bills that are routine, apolitical, and largely noncontroversial.

Again, evidence from the statistical analysis in Chapter 4 supports this argument. If members of opposition parties are most likely to utilize obstructionist tactics on issues that are electorally salient, then the controversy variable in the regressions of Chapters 3 and 4 could be interpreted not as a proxy for the types of issues on which members of the Majority want to hide debate but rather as a proxy for the types of significant, politicized issues that raise position-taking considerations. In some respects, this is a more appropriate interpretation of the controversy variable than the one given in Chapter 3 because, although the confidence vote procedure permits the majority to avoid discussing and voting specific aspects of bills, it does not permit these members to evade criticism during the debate on the censure motion. Moreover, the confidence vote procedure only permits the government to evade debate on specific issues if it is invoked early in the legislative process, something that not only rarely occurs but that also never occurs when the controversy variable takes a high value (because it only takes a high value if considerable legislative activity in the form of motions and amendments has occurred). Thus, if “Controversy” is viewed as a reasonable proxy for bills on which electoral salience is high, the significant impact of this variable on the probability of observing a confidence vote procedure is consistent with the theory emerging from the Electoral Politics Model.

The third implication from the model concerns the impact of the confidence vote procedure on the opportunities for different agents to influence final policy outcomes. The analysis demonstrates that the prime minister can use the confidence vote procedure to ensure that the final policy outcome corresponds to the best obtainable policy. Consequently,

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a measure of policy influence by members of the majority should focus on the relationship between the final policy outcome and the prime minister's best obtainable policy. Importantly, the extent to which the members are able to obtain policy concessions depends neither on the prime minister's censure costs nor on the censure costs of the members of the majority. Instead, the policy concessions that can be gained by members of parliament depend solely on the prime minister's electoral costs of using a confidence vote procedure. As these costs grow, the opportunity for members in parliament to obtain policy concessions should also grow.

The final implication from the Electoral Politics Model concerns the role that the confidence vote procedure can play in stabilizing bargaining processes among members of the government's majority. The model demonstrates how the confidence vote procedure can facilitate bargaining processes among heterogeneous coalitions, especially those most prone to position-taking, by permitting members of the coalition to implement specific policy outcomes while at the same time indulging in position-taking on the floor of parliament. That is, the possibility of a confidence vote procedure enables parties to explicitly tell their supporters that a specific policy of the prime minister is repugnant but that censure of the government on this particular issue is not justified. The procedure therefore lets some members of the government coalition off the hook electorally. In so doing, certain policy bargains become feasible that otherwise would not be feasible, thereby stabilizing the cabinet.

In conclusion, the Electoral Politics Model offers rich empirical implications regarding those factors that should influence legislative behavior and those factors that should not. The analysis focuses attention in particular on the position-taking incentives of parties in parliament, revealing how these incentives influence the types of policies that agents in the legislature support, the prime minister's decision to invoke a confidence vote procedure, and the extent to which the prime minister's party can be held accountable for policy outcomes.

Nevertheless, despite the evidence in this chapter that supports implications from the model, many questions about its usefulness and appropriateness remain. Does the model accurately specify the motivations underlying the strategies of the agents? Is the distinction between a "position-taking proposal" and a "negotiable proposal" relevant or important? What influences the nature of electoral costs or the incentives to make position-taking proposals? I turn to such questions in the next chapter.

# 6

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## *Electoral politics, procedural choice, and the French budget*

This chapter uses qualitative case studies to analyze the argument from the Electoral Politics Model. The case studies focus on the budget debates that occurred in 1988 and 1989, the first two years of Michel Rocard's Socialist minority government. As described in the Introduction, during the 1988 budget debate, Prime Minister Rocard's government made significant policy concessions to the opposition parties, and the budget was adopted without recourse to Article 49.3. Observers and politicians alike proclaimed the renaissance of parliament. One year later, however, Rocard's government made virtually no policy concessions to deputies in the National Assembly, and, following a rancorous parliamentary debate, the budget was adopted under the confidence vote procedure. The central focus of this chapter is to analyze the cause of these changes across the two years, and the usefulness of the Electoral Politics Model in explaining them.

The chapter has six sections. The first contains an argument about methodology and focuses on the role that qualitative case studies can play in the attempt to understand how the confidence vote procedure shapes political behavior in France. The second section describes in detail the legislative behavior and policy choices during the 1988 and 1989 budget debates. The third section draws on interviews with key participants in the budget debates to evaluate the circumstances leading to the adoption of Rocard's budget in 1988 without use of the confidence vote procedure. The fourth section discusses the circumstances leading to the use of the confidence vote procedure in 1989. The fifth section focuses on alternative explanations for the change in behavior across the two years. The final section assesses the contribution of the case study analysis to our understanding of French legislative behavior.

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### FORMAL MODELS AND CASE STORIES

Discussions of *small-n* qualitative research often view such studies as playing the same role in political science as that played by *large-n* empirical research. Both qualitative and quantitative methods, according to this view, are empirical. Both methods therefore can and should be used to make valid empirical inferences.

The most comprehensive and sophisticated discussion of the relationship between qualitative and quantitative methods is found in King, Keohane, and Verba (1994). The basic thrust of their argument is that qualitative research can and should adopt rules of inquiry that mirror as closely as possible the rules of inquiry used in *large-n* statistical studies. If successful to this end, “*small-n*” qualitative studies can be used to make valid descriptive or causal inference.<sup>1</sup>

King et al. argue that narrowing the divide between qualitative and quantitative research designs requires a distinction between the number of “cases” and the number of “observations” in a study. The term “case” is used to define the object of a particular study, such as poverty policy in an Indian province, a single election in Great Britain, or activities in an Israeli kibbutz. An “observation” refers “to measures of one or more variables on exactly one unit” (*ibid.*: 53). The activities of a particular politician responsible for implementing a particular aspect of poverty policy in a particular province of India, for example, might be an observation. Since there may be a large number of politicians who work on poverty in various Indian provinces, there may be many observations in a “single case study” of poverty policy.

King et al. recommend that a qualitative study begin by developing a large number of “observable implications” from a theory and then proceed by treating each observable implication as an “observation.” Even a single case can provide rich data and a sufficiently large number of observations for valid scientific inference. That is, within the study of a single case, one can conduct a *large-n* study.

Applying this logic to the current study, one could argue that the number of observations in my analysis of the two budget debates depends on my creativity in deducing a large number of observable implications from the Electoral Politics Model (i.e., of the richness of the theory) and linking these implications to as many actions or events as possible in these two budget debates. If successful, I could use the study of the budget debates as a valid test of the Electoral Politics Model.

The problem with this approach is that it never ultimately escapes the *small-n* problem inherent to almost all qualitative case studies. Assume, for example, that one can generate a long list of observable implications from a theory. If these implications concern different dependent variables

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– rather than different observations on the same dependent variable – then even if one finds, through intensive immersion in the particular case, that a large number of the observable implications are supported by the data, one cannot make valid causal or descriptive inferences. Instead, one has simply backed up the problem of inference to the level of observable implication. One cannot draw valid causal or descriptive inferences unless there are a sufficient number of observations on each “observable implication” (or dependent variable).

The Electoral Politics Model, for example, generates observable implications about factors that should and should not influence the use of the confidence vote procedure. Other implications relate to the possibilities for parliamentary influence over final policy outcomes. And yet others relate to the impact of the confidence vote procedure on proposal strategies and clarity of responsibility for policy outcomes. However, even if all the implications were supported by the case studies (and the problem of interdependent implications were ignored), it would be unwise to argue that any particular prediction from the Electoral Politics Model is correct unless it is possible to generate a sufficient number of observations for valid inference regarding that prediction.

In order to use a *small-n* qualitative research to make valid descriptive or causal inferences, it is necessary to have sufficient data on each causal hypothesis, something that will be generally impossible if the study is genuinely *small-n*. To see the problem, consider predictions from the Electoral Politics Model about *use* of the confidence vote procedure. The analysis suggests that the prime minister’s electoral costs and the electoral value of position-taking should interact in specific ways to influence procedural choice. The two case studies of the budget debates in 1988 and 1989 yield four observations on the confidence vote decision because, as will be explained below, each budget bill is really two bills: revenues and expenditures. But one cannot make reliable causal inferences about the impact of two variables on any phenomena when one has only four observations. The only solution is to add more observations on *the use of the confidence vote procedure* – that is, to add bills. But to add bills is to abandon the intensive immersion central to *small-n* qualitative research and to enter the realm of *large-n* statistical research (like that in Chapter 4). More generally, the moment a *small-n* qualitative research design makes valid causal or descriptive inference possible, the research design has almost certainly moved from a *small-n* qualitative study to a *large-n* quantitative study.

Does this imply that *small-n* qualitative research is hopelessly flawed by definition? Only if one insists that qualitative research play the same role as *large-n* statistical research. Empirical measurement of variables and of the relationship between variables is obviously an essential compo-

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ment of scientific inquiry. But establishing such relationships is meaningless without arguments about *why* particular relationships are interesting or why particular relationships should exist. *Small-n* qualitative research, and in particular the use of case studies, can be a valuable methodology for generating such explanations – for providing *causal arguments* about why individuals make the choices that they do. Exploring the myriad, qualitative details of a small number of particular events will seldom make possible valid empirical inferences about the relationship between any two variables. But careful study of these details can bring into sharp relief the fundamental motivations and constraints on actions that guide the choices of individuals in particular classes of events. It is the logic of the argument rather than validity of its empirical claims that makes a qualitative case study compelling.

To take an example, consider Peter Katzenstein's (1985) well-known argument about the circumstances leading to the development of corporatist bargaining arrangements in small states. Katzenstein's historical research details how feudal structures, the adoption of proportional representation, economic openness, the alignment of nation builders with urban interests, and the depression resulted in the adoption of corporatism in six small European states. He also argues that the timing of industrialization, war avoidance, and cultural homogeneity explain why leaders in some countries developed liberal as opposed to social corporatism. Katzenstein thus uses quite a large number of variables to explain a single choice in six different states, and he ignores many small states, particularly those that never adopted corporatist bargaining arrangements. As a result, his argument clearly fails to satisfy standard criteria for causal inference. But even if Katzenstein does not establish in the statistical sense that particular variables are empirically related to others, his careful historical arguments yield a story about *why* these variables should be related to each other. In my view, it is the plausibility of this story – not Katzenstein's success at establishing empirical relationships between variables – that makes this work important and influential.

If one views *small-n* qualitative research as a methodology for generating causal arguments about political behavior, then *small-n* qualitative research has much more in common with formal modeling than it does with *large-n* statistical research. Neither methodology is intended to generate valid empirical inferences (causal or descriptive). Instead, both methodologies are used to generate causal arguments – or stories – about the underlying causes of political behavior.

Of course, the nature of stories emerging from these two methodologies differ greatly. The story from a formal model is influenced in deterministic ways by assumptions the analyst makes about individual motivations, information, the rules structuring interactions, and the type of equilibrium

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itself. Clear and explicit assumptions have obvious advantages: they enable the analyst to isolate the aspects of behavior and choice that are of particular interest and to explore how changing assumptions will influence changes in the story itself. The methodology also ensures that the causal argument is logically correct: although it is possible for the modeler to make a mistake, the common standards for using the tools of formal models permit others to identify such mistakes. Consequently, once the definitions and assumptions have been established, the underlying logic of the argument is transparent to all.

The story from a qualitative study of a small number of events has quite a different character. The analyst need not – indeed should not – take the motivations of individuals as exogenously specified but can treat these preferences as elements of the story that need to be described and explained. Similarly, the analyst need not limit attention to prespecified structures that constrain behavior. Instead, it is possible to explore formal and informal constraints on behavior that may be quite subtle, *ex ante*. Indeed, in not formally defining the constraints on behavior, the qualitative researcher can at times treat the choice of constraints as endogenous, as part of the story itself.

The two methodologies therefore have different strengths, which imply different weaknesses. Although formal models can generate simple stories that are always logically consistent and transparent, one can never learn simply by reading a model whether the assumptions about motivations and constraints are reasonable. Likewise, the methodology, by itself, can never reveal if important constraints on behavior or elements of structure have been omitted or misspecified. Qualitative case studies have the advantage of treating structures and motivations as endogenous, but without a tool for formally specifying assumptions about behavior and strategic interaction, it is difficult to base one's evaluation of the logical correctness of the story on more than intuition and informed judgment of the author's selection and arrangement of qualitative detail. And without theoretical guidance of some sort, the qualitative researcher will never know which details to latch onto and bring to the fore in his or her story.

Ideally, one addresses the shortcomings of both types of research by subjecting the stories that emerge from either methodology to *large-n* statistical tests – to tests that satisfy standards of empirical inference. Although statistical tests provide an essential mechanism for evaluating the plausibility of stories that emerge from both game theoretic models and *small-n* qualitative research, not every story will be easily amenable to statistical tests. One problem may be that specific variables are difficult to measure reliably. Examples of such variables might include the preferences of a large number of individuals, the information available to individuals, or the location of status quo policies in a multidimensional policy

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space. The stories from both methodologies might also suggest new variables for which adequate proxies have never been developed in the literature (such as the “electoral” costs of using a legislative procedure). And the stories might be about phenomena for which the entire population of events (or observations of dependent variables) is so small that reliable statistical inferences could never be established (such as the occurrence of social revolutions or the use of nuclear weapons). They might even involve stories about things that in principle could occur frequently but in practice (perhaps due to anticipated reaction) never occur (such as votes of no confidence in majority governments in Great Britain or the use of nuclear weapons by NATO).

One response to such thorny empirical problems is to avoid research questions that do not lead to easily testable propositions. A more positive course of action, however, is to attack such problems by linking the research methodologies of qualitative research and formal modeling. Wedding the methodology of formal modeling to the methodology of *small-n* qualitative research has obvious advantages. The formal model can ensure transparency and logical consistency. It also highlights particular issues that should be of interest in qualitative research. The qualitative case study can reveal which assumptions in a model are appropriate, focusing in particular on the motivations of the agents and the relevant constraints on behavior. The qualitative case study can also identify factors that influence variation in parameters of the formal model, perhaps paving the way for future quantitative tests. Finally, the qualitative approach can generate a story about the actions of agents involved in actual political events. If the story emerging from the qualitative case studies parallel the story from the abstract model, then one can have greater confidence that both methodologies point in the right direction.

This discussion suggests several specific roles case studies should play in this project. The first is to explore the appropriateness of assumptions in the Electoral Politics Model. Do the prime minister’s perceived electoral costs or benefits of using the confidence vote procedure influence procedural choice? Do position-taking incentives influence strategies in the National Assembly? Is the concept of censure costs relevant or appropriate?

The second is to determine which factors might be related to variations in key parameters of the Electoral Politics Model. Although the Electoral Politics Model provides insights into how changes in electoral costs or position-taking incentives may influence changes in behavior, the model sheds no light on how one might identify such changes.

The third role is to investigate how members of the National Assembly make a proposal. In the Electoral Politics Model, there are often a large number of policies that the Majority in the National Assembly could

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propose and that could be accepted by the Prime Minister. But where does a specific proposal come from and how is it communicated to the government? This question is especially interesting in the context of minority government, when the prime minister must negotiate with opposition parties. Although comparative scholars widely accept that policy concessions must be made to opposition parties during periods of minority government, there is little knowledge as to how this process occurs.

Finally, and most importantly, the case studies yield a causal argument about the factors influencing the change in behavior of French politicians across the two years. This argument can then be compared to the causal argument emerging from the Electoral Politics Model. Is the logic compatible with the abstract Electoral Politics Model? If not, what seems to be missing from the formal model?

I do not, then, view these case studies as a test of the Electoral Politics Model. Although I can (and do) generate a laundry list of observable implications consistent with the theory, the case study cannot satisfy the standard of causal inference. I do, however, hope that the story emerging from these case studies will make the story from the Electoral Politics Model more compelling and will illuminate avenues for future empirical research on party behavior and legislative institutions.

### THE 1988 AND 1989 BUDGET DEBATES IN FRANCE

There are several reasons why the puzzle posed by the 1988 and the 1989 budget debates presents a useful opportunity for evaluating the Electoral Politics Model. First, the two budget debates have variation on the dependent variable: in 1988, the confidence vote procedure was avoided, and in 1989 it was not. Second, the two cases have a great deal in common, making it possible to control for the effects of several variables across the two years. Both cases, for example, concern national budgets, and both budgets address the same basic policy issues (which I discuss in greater detail below). The major actors, including the prime minister, the finance minister, the budget minister, the chairs of the relevant committees, and the composition of the parties in the National Assembly stayed the same across the two years. For both budgets, the Finance Committee had original jurisdiction, and both budgets were referred to multiple committees. Finally, both budgets were debated under identical time pressures, with both bills considered in the fall session under the constraints imposed by Article 37.

This section describes in detail the dramatic differences in behavior and outcomes that occurred in the 1988 and 1989 budget debates. Before discussing these details, however, a bit of background about the French budgetary process is useful. The national budget is considered each au-

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tumn. According to the Constitution (Article 37), the budget must be submitted first to the National Assembly, which has forty days to consider the bill. Then the amended budget is sent to the Senate, which has fifteen days to debate the bill. This is generally followed by a conference committee, which attempts to iron out differences between the two chambers. If the National Assembly and Senate cannot agree on a bill in seventy days, then Article 37 authorizes the government to promulgate its budget by decree. The members of the National Assembly therefore work under a rather strict time constraint in budget debates. As noted in Chapter 1, however, the National Assembly has always completed its work under the conditions specified in the Constitution, and the government has never promulgated its budget by decree.

Each French budget is really two bills. The first concerns revenues (i.e., taxes) and the second concerns expenditures (i.e., the individual budgets for each ministry). By law, the second part cannot be considered until the first part is adopted. Therefore, in practice the budget debate is a debate on two bills, and the confidence vote procedure can be used on either or both. Since the first part of the budget contains the “Article of Equilibrium,” an article setting the level of deficit permitted by the budget, activity on the second part of the budget is sharply circumscribed after the first part of the budget is voted.

### *The 1988 budget debate: The “renaissance” of parliament*

At the time of the vote on the first part of the budget in 1988,<sup>2</sup> the major actors speaking in parliament generally agreed that the deputies in the National Assembly had played a central role in shaping the budget. Among the Socialists, Alain Richard, *rappiteur général* of the budget, said: “The level of the discussion, the tone and the subjects treated are, for many deputies who have sat here for a long time, a comfort as far as the methods of parliamentary work are concerned. . . . All the most important subjects were debated. Several major modifications . . . were made to the budget. All those who have participated in the debates this morning . . . have given, it seems to me, a good image of parliament” (JOAN 1988: 1297). These sentiments were echoed by Richard’s Socialist colleague, Raymond Douyere, “We must congratulate ourselves for the spirit of cooperation that was present during this debate. . . . Substantial modifications were made to the budget. It is true that this is a first. I’ve sat in the Assembly for several years, and normally there is much less change in one sense or another [to the budget] and the changes only concern several hundred million francs. The reinforcement of the role of Parliament is therefore evident” (*ibid.*: 1297).

The parties in opposition also found the budget debates to be quite

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constructive. Philippe Auberger, spokesman for the Gaullist RPR, stated at the close of the first part of the budget that “this debate was really quite interesting, fair play, very complete and instructive” (*ibid.*: 1299). And Edmond Alphandery, leader of the Center, claimed that the modifications made by the opposition to the budget were “historic.” He said “We see for the first time during the Fifth Republic that the Article of Equilibrium presented by the government was modified. The government has satisfied several of our demands, which are integrated in the Article of Equilibrium, and therefore modified the scope of the budget. . . . We have been listened to on the points we consider as non-negligible” (*ibid.*: 1299–300).

The Center and the Communists expressed their satisfaction with the policy concessions they received by means of their votes, as well as by their speeches. On the first part of the budget, the Communists and the Center both abstained rather than voting in opposition. The Communists cited several government policy concessions in defending their abstention: a decrease in the *taxe d'habitation* (a per-habitant tax on living dwellings for low-income individuals); a decrease in interest rates that would aid the services of the *HLM* (*habitation à loyer modéré*, or low-income housing); an increase in academic scholarships for students; and an increase in the expenditures for newspapers that are of weak advertising capacity (i.e., the Communist newspaper, *L'Humanité*). The Center also cited policy concessions: a decrease in the value-added tax (VAT) on luxury items from 33 to 28 percent; a decrease in the *taxe professionnelle* (a tax paid by business and industry to fund local governments); an increase in academic scholarships, an increase in benefits for renters who enjoy *APL* (*aide personnalisée de logement*, or individual housing assistance); and promises regarding future examinations of the tax system for farmland, as well as the tax system on construction projects.

During the second part of the budget, the Communists abstained on ten of twenty ministry budget votes, while the Center also abstained on ten and voted for one. Table 6.1 shows that the aid of the Communists was necessary for the passage of four ministry budgets (when the parties of the right voted against the expenditures), that the aid of the Center (sometimes with concurrent abstention of the UDF) was necessary on six (when the Communists voted against the expenditures), and that six different budgets for various ministries passed with the abstention of the opposition parties on both the left and the right. In the vote on the final budget, the Communists abstained and all of the parties on the right voted against the budget.

Table 6.1 also shows that five ministry budgets were reserved. For each of these, no party in the opposition agreed to abstain during the course of the budget debates. As a result, the government reserved the vote on the

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Table 6.1 Opposition votes on ministry budgets in 1988

Ministry budget	Vote				
	Communists	Center	UDF	Gaullists	Reserve
Agriculture and forestry	abstain	against	against	against	
Foreign affairs	abstain	abstain	against	against	
Justice					yes
Industry and regional development					yes
War veterans					yes
Defense	against	for	abstain	abstain	
Jobs and professional training	against	abstain	abstain	against	
Post office, telecommunications and space					yes
Culture and communication	abstain	against	against	against	
National education	abstain	against	against	against	
Youth and sports					yes
Transportation	against	abstain	against	against	
Housing and equipment	against	abstain	abstain	against	
Overseas territories	abstain	abstain	abstain	against	
Health and social protection	against	abstain	against	against	
Research and technology	abstain	abstain	abstain	against	
Interior	abstain	against	against	against	
Environment	abstain	abstain	abstain	against	
Public services	abstain	abstain	against	against	
Economy, finances and the budget	abstain	abstain	against	against	

Note: Data were collected by the author.

expenditures until the end of the debates, at which time an amendment by the government was introduced with the purpose of achieving the abstention of at least one of the parties. Generally, the government increased the budget of the relevant ministry. For example, the government introduced an amendment increasing the Ministry of Justice's budget by 107.7 mil-

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lion francs and the Communists and the Center abstained. The war veterans ministry received an additional 75 million francs, as well as a promise to analyze a new method for indexing veterans' pensions in the 1990 budget and the Communists refused to participate in the vote (permitting the budget for that ministry to pass). The budget for youth and sports received an increase of 6.2 million francs, which was enough for the Communists to abstain. And the budget for the post and telecommunications was passed with the abstention of the Communists when the government promised to decrease a planned reduction in the number of public employees. Hence, during the budget debate in 1988, the government was able to deliver the concessions necessary to obtain the abstention of at least one party on the budget for each ministry.

Throughout the 1988 budget debates, the government's use of restrictive procedures was minimal. The confidence vote procedure was not necessary due to the abstention of the Communists and Center on the first part and the abstention of the Communists on the second part. The package vote was used three times. It was first used to freeze out a Communist amendment that proposed to change the name of a newly instituted wealth tax from "*Impôt de solidarité sur la fortune*" to "*Impôt sur la fortune*." The Communists believed the new tax did not go far enough to redistribute wealth, and the parties on the right did not oppose the amendment, presumably because it provided an opportunity to embarrass the government. The package vote was next used during the second deliberation of the first part of the budget to improve the editing of various changes adopted by the National Assembly or to suppress the *gage* that was obligatory on several adopted amendments. The only substantive change was to "freeze out" an amendment by the RPR that had been adopted earlier. This amendment proposed the institution of a five-franc surcharge on airline tickets to aid the development of regional airports. The third use of the package vote took place during the second deliberation on the second part of the budget in order to make the adjustments necessary to implement various promises made by the government.

The overall amendment activity by the various actors in 1988 appears in Table 6.2. A total of 145 amendments were adopted, and only 2 were reserved by a restrictive procedure. The vast majority of the adopted amendments – eighty-nine – were submitted by the government, and most of these amendments adjusted the budgets of various ministries in order to implement changes agreed to during the course of the budget debates. After the government, most of the successful amendments came from committees.

In sum, parties in parliament publicly professed to be pleased with the

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Table 6.2 *Amendments in 1988 and 1989 budget debates*

Party	Amendments accepted		Amendments rejected		Amendments reserved	
	1988	1989	1988	1989	1988	1989
Communists	5	0	54	49	1	15
Socialists	2	2	6	22	0	4
Center	1	3	34	43	0	3
UDF	1	5	53	19	0	0
Gaullists	5	2	61	53	1	4
Committee	28	33	6	5	0	4
Government	89	62	0	9	0	0

Note: Data were collected by the author.

unfolded of the 1988 budget debates. The government made significant concessions to both the Communists and the Center, and the budget was passed without resort to Article 49.3. The 1988 budget debate therefore developed as students of minority government would predict, with the government in a weaker position, and thus unable to avoid making concessions to opposition parties.

Political observers declared the renaissance of parliament, a view that was shared by at least one political scientist, Françoise Dreyfus, who concluded:

The examination of the Budget for 1989 [voted in the fall of 1988] shows this: Rocard's Government accepted numerous amendments which modified the Bill substantially in order to obtain a favorable vote from the Centrists and the Communists, or at least their abstention. The comparative vulnerability of the minority government appointed in June 1988 forced it to compromise with the National Assembly. The Assembly has thereby regained a means of acting of which it had been deprived in practice throughout the Fifth Republic. (1990: 137)

### *The 1989 budget debate: Parliament's "enterrement"*

The "renaissance" of parliament turned out to be quite short lived. In the autumn of 1989, the first and second parts of the budget were never voted<sup>3</sup> but were passed using the confidence vote procedure (with the Communists abstaining on motions of censure submitted and voted by the three parties of the right). The fact that the prime minister resorted to Article 49.3 illustrates a sharp deterioration in the negotiating climate between the government and opposition parties, as well as between the

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government and its own group in parliament. Charles Millon, a UDF deputy speaking in the debate on a motion to censure the government, summed up the apparent frustration and dissatisfaction of the opposition parties:

It is clear that this motion of censure could have been avoided: all the government had to do was avoid using Article 49.3. Not that we contest the right to use it: the Constitution authorizes it and you have already announced a year ago that you would have resort to the "means of institutional violence" if it became necessary. But the use of 49.3 simply demonstrates that our democratic values have not evolved. . . . Why have you chosen this path of debate? Why have you not agreed to negotiate, in the noble sense of the term, with the opposition in order to define the possible limits as a function of the desires of each? (JOAN 1989: 5391–2)

Center spokesman Alphandery (*ibid.*: 3985) also expressed dissatisfaction with the government's unwillingness to compromise: "[We are going to censure you because] your finance bill . . . was not, during the debates, modified in a significant matter that conforms to our idea of the general interest." And RPR spokesman Auberger proclaimed:

The RPR intends not only to register its opposition to the proposals that (the government) has presented us, to the absence of ambition and to the lack of justice in the budget, but also to emphasize the net deterioration of the social and political climate that lead you to not govern by persuasion and reason, but to resort more and more often to force and dissuasion. (*ibid.*: 3995)

In the debate on the Article of Equilibrium, it is clear that the government faced a difficult task in attempting to pass its budget without recourse to Article 49.3. For the Communists, the budget favored big business too much and therefore missed a chance to address social inequalities. For the Center, the budget was not liberal enough (in the European sense of the word): spending would grow too fast and the tax system would not create the incentives necessary to prepare France for the 1992 European deadline. Both the Communists and the Center linked their refusal to vote the budget to the government's failure to make important policy concessions over the course of debate. The Communists claimed dissatisfaction with (among other things): (1) changes made by the budget to the way that the state dispenses money to the local collectivities (the "*dotation globale de fonctionnement*"); (2) the refusal of the government to index the *taxe d'habitation* according to individual income; (3) the refusal of the government to increase significantly the "*impôt sur le revenu*" (income tax) on the very rich; and (4) the refusal of the government to increase significantly the scope of the "*revenu minimum d'insertion*" (the minimum income guaranteed by the state) (see Thiémé, in JOAN 1989: 3943). The Center claimed that the budget contained good ele-

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ments: a reduction in the budget deficit, a decrease in the *impôt sur les sociétés* (a tax on business), a decrease in the taxes on savings, a decrease in the *taxe professionnelle*, and a decrease in the major VAT rate. It nevertheless had to be rejected because “the measures which made the budget better and the measures which made the budget worse practically annulled each other” (Alphandery, in JOAN 1989: 3944). Specifically, public spending increased too fast; the increase in the wealth tax on rich individuals was unacceptably high; and the increase in the tax on capital gains was too large. Because the original budget had not been improved, the Center had to reject it (*ibid.*: 3943–4).

Table 6.3 shows that on the second part of the budget, the government relied on the abstentions of the Communists for five ministry budgets and the Center to pass four of the ministry budgets. Three ministry budgets were passed with the abstention of both the Center and the Communists. But in the 1989 budget, there were ten different ministry budgets (compared to five in 1988) for which the government could achieve the abstention of neither the Communists nor the Center and that therefore had to be reserved. Of these ten, six were never voted but were included as part of a package vote that was rejected. Hence, six of these articles were never voted but were passed by use of Article 49.3.

Further evidence of the worsening climate of negotiation is found in Table 6.2, which also presents amendment activity from the 1989 budget. Three differences from 1988 budget are worth noting. First, the total number of amendments proposed by Socialist deputies increased sharply. Second, the number of government amendments to its own bill decreased significantly. Third, and most important, the number of amendments that were reserved, including amendments by the government’s own parliamentary group, increased tremendously. The increase in the number of reserved amendments, together with the decrease in the number of government amendments, indicates that the 1989 budget debate found Prime Minister Rocard more inclined to use restrictive procedures to limit parliamentary changes to the government’s bill than he had been in 1988.

In 1989, the influence of deputies in parliament on the final policy outcome appears to be very small. Ultimately, the budget was never voted by parliament. Rather, it was adopted by use of Article 49.3. The remainder of this chapter examines the factors contributing to this about-face.

### PARTY MOTIVATIONS AND POLICY CONCESSIONS IN 1988

This section draws on interviews with the central participants in the budget debates to describe what I believe underlies the strategic decisions

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Table 6.3 Opposition votes on ministry budgets in 1989

Ministry budget	Vote				
	Communists	Center	UDF	Gaullists	Reserve
Agriculture and forestry	abstain	against	against	against	
Foreign affairs	against	abstain	abstain	against	
Justice					yes
Industry and regional development	against	abstain	against	against	
War veterans					yes
Defense					yes
Jobs and professional training	against	abstain	against	against	
Post office, telecommunications and space	against	abstain	against	against	
Culture	abstain	against	against	against	
Communication	abstain	against	against	against	
National education	abstain	against	against	against	yes
Youth and sports					yes
Transportation					yes
Housing and equipment					yes
Overseas territories	abstain	for	abstain	against	
Health and social protection					yes
Research and technology	abstain	abstain	against	against	
Interior					yes
Cooperation and development	abstain	for	abstain	against	
Environment	abstain	against	against	against	
Public Services	abstain	against	against	against	
Economy, finances and the budget					yes

*Note:* Data were collected by the author.

of Prime Minister Michel Rocard and the members of the Communist, Socialist, and Center parties in 1988. Why did Prime Minister Rocard make large policy concessions to the various groups in parliament and thus avoid the confidence vote procedure in 1988? What explains the decision by the Center to abstain on the first part of the budget (revenues)

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but not the second? The answers to these questions reveal the important role played by electoral considerations in shaping the legislative strategies of both the government and the members of parliament.

My interviews suggest an important reason the Socialists made policy concessions in 1988 (and thus avoided the use of the confidence vote procedure) was Rocard's determination to demonstrate his "political capacity" and "political independence" to French voters. In particular, he wanted to prove that he had the skill to deal with a new and difficult political situation – minority government – without relying on the confidence vote procedure and without allying himself with any particular opposition party. One Socialist deputy explained: "We wanted to show – and this was psychologically very strong – that the minority situation would not block us or force us to make political compromises. Rocard wanted to show that he could take control of the situation and was not weakened by the fact that he did not have a majority." The Socialists argued the government could prove its strength by governing effectively without "resort to institutional force." A leading Socialist participant in the budgetary process said: "[Prime Minister Michel] Rocard wanted to show he could take control of the situation and that he was not weakened by the minority status of the Socialists. He wanted to avoid Article 49.3 in the first year (1988) to show his political skills in dealing with a difficult situation in the National Assembly."

The Socialist government also believed it was important to demonstrate to voters that the Socialists were not dependent exclusively on either the Communists or the Center. Traditionally, the Socialists and the Communists had cooperated closely during legislative elections under France's two-round electoral law, and the two parties formed a coalition government in 1981, despite the fact that the Socialists had won a majority of the seats in the National Assembly. In 1988, President Mitterrand's presidential campaign stressed a new "openness" of the Socialists toward the political center, and during the legislative elections, the Socialists made it clear to voters that they did not intend to form a coalition with the Communists. The electoral outcome of a minority government, however, made it difficult for the Socialists to demonstrate that they were, in fact, not dependent on the Communists. The assistant to the prime minister who was responsible for negotiating concessions with the opposition explained that the government wanted to use the 1988 budget debates to show its ability to do its work without the "failure" of the confidence vote procedure and without allying itself with the Communists. The Socialists calculated that to avoid appearing dependent exclusively on the Communists or the Center, it would be necessary to obtain the public support – through abstentions – of both the Center and the Communists on the budget.

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The “stereo abstention,” explained the government negotiator, was a crucial part of the government’s strategy:

It was very important for us to demonstrate that we weren’t dependent on anyone. It was very important. It was our first budget, and it was the first vote that was at once politically difficult and important. We could have used Article 49.3, but we wanted to show that we could do our work without it – to show in the clearest manner possible that the survival of the government and the adoption of its bills won’t depend solely on the good will of either the Communists or the Center. We wanted to show that the Socialists were not prisoners to either the Communists or the Center.

The Rocard government, then, made significant policy concessions to both the Communists and the Center in order to avoid the perceived electoral costs of failing to do so (and invoking the confidence vote procedure to pass the budget).

The Socialists, however, were not able to evade the confidence vote procedure simply because Rocard perceived there to be an electoral penalty associated with using the procedure. It is also the case that in 1988, the two key opposition parties had little incentive to make position-taking proposals and did have an incentive to bargain and compromise on policy with the Socialists.

For the Communists the incentives to negotiate were linked to the important municipal elections scheduled for the spring of 1989. Since most Communist deputies in the National Assembly also hold mandates at the local level, and since the Communists had done very poorly in the 1988 National Assembly elections, the Communist deputies were anxious about these municipal elections. Historically, a key to Communist success at the local level had been their electoral alliance with the Socialists. During the 1988 National Assembly elections, however, there were signs of erosion in the alliance. To avoid further erosion, the Communists did not want to alienate the Socialists by making position-taking proposals that would distinguish the two parties.

The Center’s incentives to bargain and compromise with Rocard’s government were linked to the considerable electoral success that the Center deputies had enjoyed in the June 1988 legislative elections. In fact, the election results permitted the Center to form an autonomous group in parliament for the first time since 1978. The justification for forming this group, however, imposed a spirit of policy negotiation and compromise on the Center deputies.

From 1978 until after the 1988 legislative elections, the deputies who formed the Center, most of whom were associated with the long-established Christian Democrats (CDS), were part of the larger UDF group in parliament.<sup>4</sup> The Center deputies were elected in 1988 under an electoral alliance between the UDF and the RPR. Given the Center’s debt

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to the UDF–RPR alliance, the Center had to justify its formation as an autonomous group in parliament. Their justification was a commitment to practicing a new style of opposition, which they called a “constructive opposition.”

The traditional conception of opposition practiced by the parties on the right (and the left, for that matter) precludes any cooperation with the government. Instead, the role of the opposition deputies is just that – to criticize and oppose virtually every proposal made by the parties in government, much as is the practice in Great Britain. This rigid form of opposition is unequivocally embraced by the largest opposition party, the Gaullists. One RPR deputy said:

The attitude of the RPR, and mine in particular, is, “No compromise with the Socialists” . . . Of course, there are some subjects, which are very technical and do not have political importance on which we can find ourselves in agreement. But on political subjects, regardless of whether we agree or disagree, we must assert that we are in the opposition – the RPR is still a part of the opposition and the Socialists are in government.

In forming an autonomous group, the Center had publicly stated that the time was ripe for a different approach to parliamentary opposition. A Center deputy told me: “We knew very well that the UDF and the RPR, because of their conception of political debate – a conception that is rather brutal – intended to practice a very rigid opposition. And we thought that if we formed a group that we could practice a different style of opposition.” The Center hoped to distinguish itself from the other parties on the right – and thus justify its existence – by being less obstinate in its dealings with the government. “This was the only way to justify our existence in the eyes of the public,” explained a leader of the Center, who called the “constructive opposition” the Center’s “raison d’être.”

The Center, then, was obligated to work diligently to reach policy compromises with the government because of the reasons the Center gave for their new group in the National Assembly. A party, after all, cannot credibly claim that its *raison d'être* is to work with the government to improve policies and then nonchalantly oppose the first major piece of legislation that the government proposes. The Socialists clearly recognized this fact. As one Socialist commented, “The Center was obliged to have an original vote in 1988 because they could not say that they were going to create a new group and then act as if they were the same as the other parties on the right in all the decisive votes.”

The large electoral costs that Rocard associated with using the confidence vote procedure, coupled with the incentives that both the Communists and the Center had to work with the Socialist government, led both opposition parties to submit reasonable policy proposals that could form the basis of policy agreement between the government and opposition

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parties. They did not submit position-taking proposals that could never form the basis of such an agreement. A key Socialist member of the Finance Committee attested to the existence of a clear distinction, based largely on cost and complexity, between the two types of proposals. A negotiable policy proposal by members of the National Assembly can take one of three forms. First, the proposal might call for an increase within “acceptable dimensions” in the budget of a particular ministry. Second, the proposal might call for a fiscal reform that does not change a tax entirely. An initiative to change a tax entirely, the deputy argued, must come from the government because of the complexity of the fiscal system. Third, the proposal might demand a symbolic action that affects a particular class of citizens but that does not cost “too much.” The Socialist deputy argued that in 1988, “there were ten to fifteen such proposals that were made by different groups, and it was easy to meet six or seven or eight in a manner that was completely honorable.”

A careful examination of the actual budget negotiations process in 1988 will affirm, not only that the opposition proposals were negotiable, but also that the desire to communicate particular messages to the voters played a central role in determining the strategies that the political actors adopted during policy negotiation. Before exploring the proposal process, however, it is useful to consider what *did not* occur during the budget negotiations in 1988. Recall that one of the big concessions that the government made was on the luxury VAT. This was in fact the most important policy concession in terms of budgetary cost, more than 3.5 billion francs. The demand for the VAT reduction (from  $33\frac{1}{3}$  to  $28\frac{1}{2}$  percent on luxury items) came from a Center amendment that had been rejected by the Finance Committee.<sup>5</sup> The Center amendment was attached to Article 6 of the budget, which proposed to decrease the “minor” VAT from 7.5 to 5 percent. When Article 6 came into debate, the government reserved it along with its amendments using Article 95.4 of the Rules of the National Assembly (which permits the government to reserve articles or amendments and to later establish the precise moment and order in which they will be debated and voted). When the government called for consideration of Article 6 near the conclusion of the debates on the first part of the budget, it introduced its own amendment on the floor. This amendment also called for a reduction in the VAT on luxury items from  $33\frac{1}{3}$  percent to 28 percent. At this time, the Center voluntarily withdrew its own amendment and the government amendment was adopted, as was Article 6.

A second major concession to the Center, on the *taxe professionnelle* (a tax paid by businesses), had a similar history. The Center submitted two amendments that were not considered in the Finance Committee, both of which proposed reductions to the *taxe professionnelle*, with one amend-

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ment proposing a larger reduction than the other. When the amendments were brought to the floor for discussion, the budget minister proclaimed himself favorable to the idea of a decrease in the *taxe professionnelle* but added that he had reservations about the precise wording of the Center amendments. He reserved the vote on both amendments without debate. At the end of the debate on the first part of the budget, both amendments came up for consideration along with a new amendment by the Socialist Chairman of the Finance Committee. The Socialist amendment proposed virtually the same measure as the less expensive of the two Center amendments. When the three amendments were considered together, the Center voluntarily withdrew both its amendments, and the Socialist amendment was adopted.

It is important to note that the processes by which the Center obtained the VAT and *taxe professionnelle* concessions were remarkably similar. For both concessions, committee and floor debate were of limited importance. The Center amendments were either rejected or not considered in committee, were reserved on the floor without debate, and were withdrawn without being voted. These two major concessions to the Center, then, were made without adoption of Center "proposals," but rather by adoption of Socialist measures introduced after the debate on the budget had begun in the National Assembly.

The sequence of events leading to both concessions illustrates important institutional advantages enjoyed by the government during floor debate. The most important advantage is the possibility of demanding that the vote on an amendment be reserved until a later point in the debate. This permits the government or its parliamentary group to submit a counteramendment responding to the reserved amendment. The government's right to amend bills on the floor is a second important institutional tool, as is obvious in the case of the VAT. The VAT debate also shows how the government can benefit from not being constrained by the *gage* demanded of National Assembly amendments by Article 40: the Center amendment had to specify how the funds lost from the VAT reduction would be recovered whereas the government amendment did not.

It is extremely important to recognize that these institutional advantages did not, in these examples, limit the policy influence of the opposition. The Center received exactly what it had proposed in its own amendments. Instead, the institutional arrangements gave the government control over the distribution of credit for policy outcomes. The Center deputy who submitted both the VAT and *taxe professionnelle* amendments argued:

One reason the government reserved my amendment on the *taxe professionnelle* was purely psychological. The government wanted to give time to the Socialist group to submit the same amendment so that the amendment that comes under

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debate is not an amendment in the name of the opposition but rather in the name of the majority.

The government's use of institutional arrangements to control the distribution of credit was also evident in the other concessions to the opposition. Only the concession to the Communists on the *taxe d'habitation* resulted directly from adoption of an opposition amendment, and this amendment was approved by the Finance Committee. The rest of the concessions "emerged" after debate on the floor had begun. The committee and floor debates therefore convey absolutely no evidence of bargaining between the government and the opposition. Nevertheless, the government, using its institutional prerogatives to reserve votes, order the agenda, and amend its own bill, made large concessions to two opposition parties, both of which tacitly approved the budget by abstaining during the vote on the first part of the bill.

The discussion up to this point reveals that committee and floor debate did not provide an arena for strategic bargaining, but was used to signal policy preferences and to adopt "government" proposals. How, then, did the Communists and the Center come to agree with the government about policy concessions? The interviews reveal that the government obtained the abstentions of the Center and Communists on the first part of the budget through a series of secret bargaining sessions between the leaders of the opposition parties and representatives of the government after floor debate on the budget had begun. Since the stories for the negotiations with the Communists parallels that of the Center, the following account describes only the bargaining process between the government and the Center.

The Center's "constructive" parliamentary strategy had two components. First, the Center, through general statements in the National Assembly and the press, made known to the government the general policy concessions that they considered most important. Second, in secret meetings with the government, leaders of the Center revealed the precise policy concessions that would be necessary for the Center's abstention on the final vote. The details of this strategy came to light in an interview with one of the Center's leading participants in the budget debates:

There was, first, a – no one has written this in the press because until now I've been very discreet, but it's part of history – there was a position taken by [Center deputy Raymond] Barre in the corridor. We exited from the floor of the National Assembly and two or three Center deputies were discussing the budget with Barre. At this moment – an historic moment, which is rather funny because I was there – [Socialist Finance Minister] Pierre Bérégovoy passed, simply to go to the toilet – there is the truth – and naturally he offered handshakes all around, and when he offered his hand to Barre, Barre said "Listen, it's clear what's necessary to improve your budget – that is to lower the rate of the VAT from 33 to 28 percent." And

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Bérégovoy said, "Yes, that's a possibility, that's an idea that must be kept in mind."

After that I resumed negotiations with the government – something I've never said. I had negotiations with Bérégovoy head-to-head in the room reserved for the government at the National Assembly. And I said to Bérégovoy, "That's not enough. We want more." He asked me "What do you want?" I said we will abstain on the first part (of the budget) if we get a decrease in the *taxe professionnelle* of a half a point. Then we want a few other things, among them the student scholarships, but I can't say exactly right now. . . . Later in some new conversations with his cabinet, I said you must give – and it is here where they played their cards very poorly – 400 million for the scholarships and an increase in the APL and there was a third thing, but especially the scholarships. And the government said, "OK."

The key concessions to the Center in the 1988 budget were therefore based entirely on negotiations that occurred outside the public view. In these highly secret negotiations, which took place without the knowledge of backbenchers from either party, the leaders of the Center made clear to members of Rocard's government the precise concessions necessary to obtain their abstention. The government, using the rules of procedure to cast the concessions in the most favorable light possible, subsequently made the necessary concessions, and the Center abstained on the vote.<sup>6</sup>

Why the strategy of secrecy? The answer lies in the electoral preoccupations of the various political parties. The Center wanted secret negotiations for two reasons. First, because France's two-round electoral law divides the various parties based on their support for, or opposition to, the government, the Center was unsure how their strategy of "constructive opposition" would play for the voters. They feared cooperating with the government "would have had, psychologically, some very bad effects on public opinion." Although this fear seems at odds with the Center's public reason for forming an independent group (i.e., to work constructively with the government), it was nevertheless repeatedly expressed by the Center deputies. These deputies, however, drew a fine line between publicly offering proposals to improve bills – an activity deemed acceptable – and actually negotiating hand-in-hand with the Socialists – an activity deemed electorally dangerous. That is, they argued that making general declarations to the effect that the Center existed to pursue policy compromises was one thing, while visibly crawling into bed with the Socialists and hammering out detailed policy agreements was quite another.

A second electoral preoccupation for the Center concerned its alliance partners, the UDF and the RPR. The Center deputies were elected through cooperation with these other parties, and future electoral cooperation would most likely be necessary. The deputies emphasized that avoiding problems with the Center's alliance partners was one of the pri-

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mary reasons for adopting the strategy of secrecy in the 1988 budget negotiations.

Electoral considerations also lay behind the strategy of secrecy for the Socialists. The government wanted to maintain the public appearance of a unified Socialist party, and they feared that negotiations with the Center would alienate some Socialist deputies. One Socialist neatly summarized the problem:

It was not evident that we could make the Socialist group accept the principle of obtaining, through concessions, the vote, through abstention, of the Center group. Historically without exception, the Center deputies were allied with the right against us in virtually every district. With the elections having recently taken place, it was difficult to negotiate with the Center. Now if these talks had been in the public eye for a moment, we would have seen some incredible problems at the heart of the Socialist party related to the turn of the party toward the right.

An additional and related electoral benefit of negotiating in secret is that this strategy made it possible to obtain the simultaneous abstention of the Communists and the Center. A "stereo abstention" enabled the government to avoid the electoral cost of a divided party by calming the fears of the Socialist deputies (since the budget would not be voted only with the Center's support). In addition, the stereo abstention permitted the Socialists to establish a public image of legislative independence.

The government, then, linked its strategy of secrecy to three related electoral considerations: (1) the government wanted to give a public image of a unified Socialist party; (2) the government wanted to give a public image of independence from other political parties, and (3) the government wanted to give a public image of political capability or capacity.

The combination of secret negotiations and the government's procedural control over the granting of concessions together created a serious problem for the opposition parties: In order to obtain the "stereo abstention" of the Communists and the Center on the first part of the budget debate, the Socialist government negotiated secretly with the Communists behind the Center's back and with the Center behind the Communists' back. Each opposition party learned about the secret negotiations with the other party at the end of the budget debates when the policy concessions were announced publicly. And each party was furious because they discovered during the government's public speech that the government had negotiated some of the same concessions with both parties. The Center deputy who had held a closed door meeting with the finance minister described the situation and his reaction:

Here is where the government made the error: it announced the increase in the scholarships and the aid to low-income renters, and the Communists stood up and said "Thank you, Mr. Minister, for making that concession to us." Thus, the

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government had sold the scholarships and the renters aid to the Communists and to the Center at the same time. I was literally furious. I said in the corridor, "That doesn't satisfy us. You can't sell the same concession to two different groups."

Both the Center and the Communists argued that by bargaining at once with the Center and the Communists, the government damaged long-range opportunities for further negotiations. That is, both parties believed there would be political costs associated with sharing credit for the policy concessions with the other party. The Center deputies, in particular, were so furious that the government negotiator tried to calm them down with humor:

Both the Communists and the Center were upset when the vote occurred. Especially the Center when they saw that the Communists abstained. There was even a scene the night of the vote at the National Assembly where [some of the] Center deputies bawled me out. They cursed me, told me it was disgusting. Accused me of dealing behind their back. They were crazy with anger. When I saw how mad they were, how much they were bawling me out, I said, "Listen, I want to tell you something. Me, I'm Jewish. What have the Jews said for 2000 years? To sell something that I have to someone who wants it – that isn't commerce. Commerce, that's to sell something I don't have to someone who doesn't want to buy it. Now, to sell something I don't have to two persons at the same time who don't want to buy it – that's no longer commerce, that's art." They looked at me absolutely stupefied, and eventually they laughed, and from the moment they relaxed a bit after considering my provocative little story, I was able to explain seriously that I had simply done my job. It wasn't an insult to them.

The negotiator's humor, however, did not sufficiently soothe the ruffled feathers of the Center deputies, and their angry reaction of the opposition to the unfolding of the budget debates illustrates the emphasis French parties place on political considerations that are unrelated to the precise nature of short-term policy achievements. The Center was clearly less concerned with the policy outcomes themselves than with the political costs and benefits associated with obtaining them. In fact, the Center deputies obtained exactly the policy concessions they demanded, yet were dissatisfied because they believed that public perceptions linked to their role in obtaining these concessions would be negative. Indeed, this dissatisfaction was strongest with respect to the low-income renters aid and the scholarship aid, two concessions that were very small in budgetary cost but very large in political capital.

The preoccupation of the opposition parties with claiming credit for policy concessions, as well as with avoiding the cost of being "associated" with the wrong party, had important implications for the negotiations process on the second part of the budget. On the second part (which establishes the budget for each ministry), Rocard's chief negotiator discussed each ministry separately. As noted earlier, the government negotiator had reserved five budgets because no agreement about them could be

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reached on the floor of parliament. The negotiator asked the Communists and the Center to state their demands on each of these five budgets. When all the demands were on the table, the negotiator began his work. Sometimes it was sufficient to make a declaration or a promise, sometimes it was necessary to guarantee a report or a service, often times the budget for a ministry was simply increased. Once the negotiator reached agreement with one party on a particular ministry's budget, he quit negotiating on that budget with the other party. For example, if he knew the Center was going to abstain on Justice, he quit talking to the Communists about Justice. With this system, he obtained the abstention of one group or the other on each budget. At times, both opposition groups decided to abstain after the concessions had been announced.

This negotiations process was very fragile. Since both the Communists and the Center were upset about how political credit was distributed on the first part of the budget, they insisted that they receive recognition for concessions obtained on the second part of the budget. Therefore, for each ministry, the budget negotiator gave the finance minister a script that he read from the lectern and that outlined in precise language the demands of the opposition party who had agreed to support the budget for that ministry in exchange for concessions. At one moment, the budget negotiator thought everything would unravel because of problems on the budget for war veterans. If any of the five reserved budgets were not adopted, the government would not be able to pass its budget and would instead be forced to demand a second deliberation using Article 49.3. Three minutes before the vote on the budget for war veterans, the negotiator was sitting in the National Assembly with the prime minister when he saw his negotiating partner from the Communists enter from one side and his negotiating partner from the Center enter from the other. At the same moment, they both handed the negotiator a note stating they could not support the war veterans budget. The negotiator feared that the whole negotiating effort would fall apart because of a budget that is "symbolically important" but "financially not very big." Nothing could be done "procedurally" because the budget had already been reserved. The negotiator quickly decided to try to work with the Communists:

I went to the Communist and said, "You are against this budget?" He said, "Yes." I said, "You are really, really against this budget?" And he said, "Yes, we're really against this budget." I said, "OK, you are not going to abstain. You are going to take the floor and criticize us. You are going to say, 'This budget is so bad it's a scandal,' and that it is so scandalous that you are going to refuse to participate in the vote. We'll settle it latter." He understood right away. He signaled to the Communist deputy who was to speak on this budget, and told him, "You go up there and say that this budget is so bad that we won't participate in the vote. I'll explain later." The deputy took the floor and said, "This budget is so bad that we won't participate in the vote." And that was as good for us as an abstention. It

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passed. Later, I said to them that they could make a reasonable demand and that I would fulfill it.

The debates on the second part of the budget nicely illustrate the parties' preoccupation, not with how final policy outcomes themselves will be received by voters, but rather with how the process of obtaining these outcomes will be received. For example, the opposition deputies understandably wanted to ensure credit for concessions by dictating to the finance minister the language he was to use in announcing government decisions. Perhaps more surprisingly, the Communists were willing to accept the budget for war veterans if they refused to participate in the vote "because the budget is scandalous," but they would not accept the same budget by abstaining or voting for the measure.

Further evidence of the importance parties attach to sending the right message to the voters about party alliances is found in Table 6.4, which shows the percentage of bills and amendments, taken from a random sample of recorded votes, that passed because of abstentions in majority versus minority government since 1978. During majority government, 97 percent of all bills were voted by an absolute majority, whereas only 51 percent of all bills were voted by an absolute majority during minority government. The rest were passed due to the abstention rather than the approbation of a party. The same trend also appears in votes on amendments, although the percentage of amendments voted by an absolute majority during minority government is substantially greater than the percentage of bills voted by an absolute majority. Table 6.4 therefore depicts France's minority government as a government "by abstention." The government bargains with opposition parties, not to gain their explicit support, but to gain their silence. It seems, then, that parties use the decision to support, abstain, or refuse to participate in a vote as a tool for communicating information to supporters about policy preferences and party alliances, not to influence policy outcomes. Whether an opposition party "abstains" or "supports" or "refuses to participate" in the vote, the policy outcome is the same. However, for abstentions or refusals to participate, the opposition parties can leave all responsibility with the government, clarifying for the voters the identity of the "incumbents" during minority government.

To summarize, interviews with participants in the budget debates suggest that the confidence vote procedure was avoided in 1988 because of the interaction of two factors. On one hand, the Socialist prime minister expected an electoral cost if the government used the confidence vote procedure. These costs were anticipated because the Socialists believed that using the confidence vote procedure would signal to the voters that the government was unable to govern effectively by finding a majority for its policies and that the government depended on a particular opposition

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*Table 6.4 Voting and abstentions in majority vs. minority government*

Bills		
	Majority government	Minority government
Passed by more than 50% vote	97	51
Passed by less than 50% vote	3	49
N	124	65

Amendments		
	Majority government	Minority government
Passed by more than 50% vote	93	69
Passed by less than 50% vote	7	31
N	445	183

*Note:* Figures are percents (e.g., during majority government 97 percent of all bills passed with a majority of the vote and 3 percent passed with less than a majority due to abstentions). Data taken from a random sample collected by the author for the years 1978—90.

party for its ability to govern. On the other hand, the opposition parties both placed a low value on making position-taking proposals. For the Communists, the incentive to bargain with the Socialists was linked to the need for an alliance in the approaching municipal elections. For the Center, the incentive to bargain was linked to its need to justify its formation as an autonomous group. Given the government's large electoral costs of using the procedure, it was possible for the opposition parties to make negotiable demands for significant concessions, and for Rocard's government to grant these concessions, thereby avoiding the confidence vote procedure.

The story from the 1988 budget debate underlines the importance of electoral considerations in shaping the strategic choices of the various political agents. It also coherently illustrates why the government made policy concessions – and avoided the confidence vote procedure. Importantly, the story from the budget debates follows the same logic as the story that emerges from the Electoral Politics Model when the electoral costs of using the confidence vote procedure are large and the electoral incentives of members in parliament for position-taking are small. When these conditions are met in the model, the agents in parliament can make a negotiable proposal that demands significant concessions (*vis-à-vis* the Prime Minister's best obtainable policy), and the Prime Minister can accept the proposal, thereby avoiding the confidence vote procedure. This is what occurred in 1988.

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### THE CHANGE IN 1989

Does a similar consistency exist between the story from the Electoral Politics Model and the story from the 1989 budget debates, when the government granted few policy concessions and adopted its budget using the confidence vote procedure?

One big difference between the strategies of the opposition parties in 1989 compared to 1988 was that in 1989 both the Center and the Communists emphasized position-taking proposals aimed at distinguishing the policy positions of these parties from those of the Socialists. These policy proposals could never have formed the basis of agreement between either opposition party and the Socialists. One Socialist deputy noted that in 1989, “everyone returned to ideological generalities. The Center, for example, retook the offensive on privatizations. . . . They attacked on this point, knowing they wouldn’t get anywhere, but hoping to score points with public opinion.” The government negotiator said that before the debate on the bill even began, he was sure that the Communists and the Center would vote against the bill. One Center deputy remarked that “the government could easily see in 1989 that the Center was less open to negotiations than the year before. They could see that it was pointless to try to propose concessions.”

When the prime minister invoked the confidence vote procedure, he stated at the lectern of the National Assembly:

As could be expected, there is a negative majority in this assembly, a singular cartel in which fish and fowl are allied in pursuit of the comfort that is to be found in negative voting. That neither surprises us nor bothers us. (Rocard, *Journal Officiel de l'Assemblée Nationale* [JOAN] 1989: 3961).

The Center’s decision to adopt a position-taking strategy on the budget began before Rocard ever presented the Socialist budget to the National Assembly, when the Center, the UDF, and the RPR decided to form a parliamentary “inter-group” for the purpose of pushing the political agenda of the right. The inter-group was formed to demonstrate that the parties on the right were unified in their opposition to certain Socialist policies. To this end, the inter-group submitted a handful of amendments on behalf of each of the three rightist parties. These included an amendment to lower the midrange VAT and to pay for the lost revenues by privatizing many of France’s state-owned industries. One Gaullist called the amendment “very political because it had two objectives – one to lower the VAT, which was necessary but very expensive, and second to privatize national industries.” Privatization was known to be nonnegotiable because Socialist President François Mitterrand had established his well-known “*ni-ni*” position – neither further privatization nor further nationalization – during the presidential election of May 1988. The Cen-

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ter also proposed several “position-taking” amendments related to tax breaks for farmland, tax breaks for big business, and decreases in the capital gains tax.

The Communists also adopted a position-taking posture in 1989. They announced in advance that they would not vote the budget and made numerous ideological policy proposals. For instance, the Communists insisted on a huge increase in the *impôt de solidarité sur la fortune* (a wealth tax) paid by the richest individuals in France, they submitted sixty-four amendments attempting to link the *taxe d'habitation* to income, and they insisted that the *dotation globale de fonctionnement* (the formula for distributing federal money to local collectivities) continue to be determined by VAT revenues, even though major changes in the VAT were necessary given European unification.

Why the change in tactics from 1988? Part of the explanation lies in the reaction of the opposition parties to the unfolding of the 1988 budget debate. Although during the debate on the second part of the budget in 1988 the opposition avoided some of the problems with claiming credit they had faced during the first part, the opposition also had come to realize how difficult it was to communicate the role they had played in influencing policy outcomes. This was particularly a problem when the government negotiated at once with the Communists and the Center, as it had done in 1988. A Center deputy was quite honest about this:

Among the Center, certain individuals judged the government's *jeu de bascule* between the Communists and the Center to be very politically disadvantageous for us because we had felt that in no case when the government made concessions could they be toward the Communists. We were forced to make the choice we made. The problem for the government, the error, the choice of 49.3, or one of the most important reasons we had 49.3 on the 1989 budget, was that the government made the mistake of playing both ends [in 1988].

Another Center deputy argued:

We joined the inter-group so that we could not be accused of not being in the opposition. It's there where you'll find the change on our part. It's not a change in our behavior, but rather a change in our way of explaining things to the voters. Perhaps early on we were not sufficiently precise. Perhaps we left people to believe that we were mish-mashed between the opposition and the majority, or even that we were ready under certain circumstances to change alliances. Perhaps there were certain statements that lacked tact. But now we are clearer in our statements. We say: “Certainly we are in the opposition, but we are still predisposed to practice opposition in our own way.”

And the natural electoral cycle also played a role. Another Center deputy acknowledged:

The Center group came to understand that public opinion did not understand that we could be in the opposition and be tied in our votes to the Socialists. Since

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the next legislative elections are getting closer and closer, we do not have the margin for maneuver that we had in the first year or year and one-half. That is, the maintenance of the alliances prepares us for the next election. The closer we get to these elections, the more difficult it is for us to separate ourselves in the vote on bills from our allies, the UDF and the RPR.

The change in the Communists behavior was also linked to a need to distinguish themselves from the Socialists in 1989. The most important reason became apparent during the March 1989 municipal elections, when the Socialist candidates refused to enter systematically into electoral alliances with Communist candidates. Instead, the Socialists negotiated agreements only in selected districts, and they also entered into agreements with Center candidates in other districts. These elections served to bring the dubious value of the electoral alliance into sharp focus. One Communist deputy explained that there were good reasons to doubt the continued value of the alliance:

It's difficult to say if the alliance will continue. . . . There are more and more divisions between the Socialists and the Communists. And the voters, especially the Socialist supporters but also the Communist supporters, are voting less and less in the confines of the alliance. Why have an alliance like that? Why do it?

In 1989, both the Center and the Communists felt there would be electoral benefits associated with position-taking proposals. But these beliefs are not sufficient to explain the use of the confidence vote procedure in 1989. It is also important to consider a significant dynamic within the Socialist Party.

The Socialists were plagued by a split in 1989 between centrist factions of the Socialist party (including Prime Minister Rocard) and more leftist factions. This split was due largely to the negative reaction of many Socialist deputies to Rocard's concessions to the Center in 1988. Many Socialist deputies were unaware of the government's secret negotiations with the opposition parties. The government negotiator said that when these the Socialist deputies learned of the government's concessions to the Center, they were "furious." They accused the government of negotiating concessions with the opposition but not with its own parliamentary group. One Socialist deputy described his reaction upon learning of the government's policy concessions to the opposition in 1988:

I was not officially aware of the Government's secret negotiations. . . . One day in a meeting with the Socialist group near the end of the debate on the first part of the budget, [Finance Minister] Bérégovoy announced he had the intention of doing something regarding the VAT, for European integration, based on a request formulated by [a Center deputy] and his friends. There were about twenty of us in the meeting and we began posing questions and pretty soon we learned that this "little" concession was going to cost two billion francs. I became furious and said, "I can't agree to this. You accept a concession toward the Center for two

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billion francs and you can't make concessions that are less expensive to the Socialist group."

Leftist factions in the Socialist party associated efforts to obtain the abstention of the Center with a repositioning of the party to the right and blamed this repositioning for poor success in bi-elections. Disappointing returns in many districts in the May 1989 municipal elections lent support to militants who called for a repositioning of the party to the left. This led to widespread criticism of the government by its own deputies in the press. One Socialist explained

The Socialists as a whole – that is to say the militants and party supporters – felt that the [Rocard] government was not pursuing a sufficiently leftist policy, and they demanded that the Socialist group in parliament press for the types of programs that have been traditionally discussed in the past. . . . We were losing the bi-elections and our voters said that we had gone too far to the right. So the parliamentary party publicly demanded that the government move back to the left.

Another, more important reason for the increased internal problems in the Socialist Party was the effects of the preparation for the 1990 Party Congress in Rennes. The Socialist Party holds biennial national party congresses where delegates, elected by the local federations, meet to debate policy and to elect the *Comité Directeur*, who determines the composition of the Executive Bureau. To elect the Comité Directeur, delegates rank motions submitted by various individuals within the party. Generally the name attached to a motion rather than the policy declarations contained within the motion is the most important criterion militants use to choose among the various motions (see Bell and Criddle 1988: 213).

In 1971 a large coalition of François Mitterrand's supporters formed a core within the Socialist Party. During the 1970s, Mitterrand's support within the party grew and was consolidated by his attainment of the presidency in 1981. Consensus about Mitterrand's leadership therefore enabled the party to escape deep internal divisions for much of the 1970s and 1980s.

In 1989, however, the various groups that formerly supported Mitterrand began to oppose each other as the party searched for a new first secretary, and the congress at Rennes became a vigorous competition for leadership of the party. This competition was marked primarily by a conflict among three individuals – Lionel Jospin (minister of education), Laurent Fabius (president of the National Assembly), and Louis Mermaz (president of the Socialist parliamentary group). The conflict affected the preparation of the 1989 budget as supporters of Fabius and Jospin began to oppose each other with the objective of moving the party to the left. This competition divided the Socialist Party less with respect to policy

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objectives than with respect to identifying the individual best suited to lead the party in the post-Mitterrand era.

One Socialist participant believed these divisions, by themselves, may have been sufficient to drive the government to use the confidence vote procedure in 1989:

[T]he Socialists were very divided [in the fall of 1989] because of the approach of the Congress at Rennes. Therefore the Government reduced its willingness to negotiate the budget, to enter into a real reflection of its content with its own group. That made it even that much more difficult to negotiate with the other groups. I said at the beginning of September in 1989 to my friends in the Government that we'd have 49.3 right away because we were in such deep trouble to find a compromise with the Socialist group, that it would be almost impossible to consider discussions with the other groups.

Political considerations related to the preservation of internal party unity and the competition among party leaders for the position of first secretary had an important impact on the decision to use the confidence vote procedure in 1989. The budget negotiator assumed that the Center and the Communists would vote against the budget, so he negotiated with individual deputies rather than with the leaders of parliamentary parties. He believed he had found the votes he needed among eight Center deputies who were close to Raymond Barre. When Mermaz realized the Communists would vote against the budget no matter what policy proposals were made, he told the government, "We cannot pass the budget against the Communists and with the votes of the right." According to the government negotiator, Mermaz believed it would be electorally disastrous for the Socialists to pass the budget exclusively with deputies from the Center.

At the same time, Pierre Méhaignerie, leader of the Center, told the government official: "I have a group of 40 persons. If there are deputies in my group who give a hand to the government, who aid the government, that would say that I don't have control over my troops. That would be bad for me." Therefore, on the night of the vote, the government official was under pressure from both sides:

So on one side we had Mermaz who didn't stop saying "49.3," who kept calling the Elysée every two minutes. Mermaz was so excited, excited to such an extent, it was possible that for several Socialist deputies he would forget to turn the key (on the proxy vote). He was really vehement. [He wanted] to maximize his chance to be First Secretary, [so] he had to, on the one hand beat Rocard, and on the other hand demonstrate that he was the champion of the left. That is, Mermaz was convinced that to pass the budget with the Center would have damaged his chances to become First Secretary of the Party. On the other side we had Méhaignerie trying to control all of his deputies. All this unfolded the last evening of the first part. I was with Rocard this whole time, and I said, "Fine, if you want to pass it without 49.3 we can do it. If you want 49.3 we can of course do that too."

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Finally, there was such pressure from Mermaz, who was determined in light of the upcoming Congress to make his mark with the left, on the one side, and from Méhaignerie on the other side, I said to the Center deputies, “We’ve really thought it out and Mermaz is so against voting the budget that you should go ahead and stick with your group and we’ll use 49.3.”

Of course, we now know that this is what happened: Prime Minister Rocard invoked the confidence vote procedure on both parts of the budget, which was ultimately adopted without a vote when the Communists abstained on a censure motion submitted by the conservative parties.

The story from the participants in the 1989 budget debates is quite similar to the story that emerges from the Electoral Politics Model when there are no electoral costs to the Prime Minister of using the confidence vote procedure (or when there are electoral benefits) and when the agents in parliaments receive a benefit from making a position-taking proposal. If these conditions hold in the Electoral Politics Model, then the members in parliament can make no acceptable policy that gives the members a higher utility than making a position-taking proposal (of their most preferred policies) and receiving the (best obtainable) policy outcome that results from the Prime Minister’s use of the confidence vote procedure. The incentives to both the Communists and the Center for position-taking were large in 1989 because of the difficulties both parties had experienced in claiming credit for policy concessions in 1988. In addition, the Communists realized that preserving an electoral alliance with the Socialists was no longer possible, and the Center judged that the natural advancement of the electoral cycle made reaffirming its alliance on the right an important priority. Thus, the major opposition parties made position-taking proposals that could never have been accepted by Rocard. However, Rocard was able to find (in secret) several Center deputies who (verbally) promised to support the budget. But for Rocard, the events surrounding the 1988 budget debates, and most importantly, the competition associated with the election of a First Secretary at the Annual Party Congress, made adoption of the budget with the votes of these centrists politically costly. Thus, to demonstrate the Socialists’ independence from the center, Rocard used the confidence vote procedure to adopt the budget.

### ALTERNATIVE STORIES

Two alternative hypotheses may explain the changes across the two years, and if either is consistent with the story emerging from the budget debates, then the emphasis that I have placed on electoral communication may be exaggerated. The first alternative hypothesis concerns censure costs. One might expect the use of the confidence vote procedure to decline as the costs to a majority in the National Assembly of censuring the government

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decline. One might also expect the influence of the deputies in the National Assembly to increase as their costs of censuring the government decline. The Electoral Politics Model, however, suggests that these expectations about censure costs need not be correct. The magnitude of the Majority's censure costs never affects the ability of members in parliament to extract policy concessions (away from the Prime Minister's best obtainable policy). And censure costs never directly influence the decision to use the confidence vote procedure but only and *potentially* influence the use of the procedure by increasing position-taking incentives.

If we found the censure costs of the Communists and the Center to be lower in 1988 (when the confidence vote was avoided and large policy concessions were made) than in 1989 (when the confidence vote procedure was used and few concessions made), then the costs to these opposition parties of censuring the government, rather than electoral incentives, may explain the change in behavior across the two years. But if the censure costs of the two pivotal opposition parties were lower in 1989 than in 1988, then censure costs do not explain the change in behavior.

In fact, the costs of bringing down the government were lower for the Center and the Communists in 1989 (when virtually no policy concessions were received) than in 1988 (when large concessions were received). Before examining the relative censure costs of the Communists and the Center in 1988 and 1989, it is important to establish that in neither year were the censure costs of these parties negative. This claim should not be controversial among close observers of French politics. That no party in parliament wanted to see the government fall several months after the legislative elections seemed clear from the outset of the 1988 budget debates. This fact was also emphasized by deputies during private interviews. One Center deputy said pointedly: "The bargaining [on the budget in 1988] did not relate to whether the budget would be adopted or not. . . . It concerned whether the government would have to use 49.3. In no case did the government think it would be censured on its budget." Another deputy said that "for the moment, [the opposition parties] cannot reach an agreement to topple the government because in fact no one wants legislative elections right now."

One reason the censure costs for the Center and the Communists were lower in 1989 than in 1988 was that the Socialists were clearly weaker in 1989. One Socialist was quite frank. He said:

In 1989, public opinion towards the government was less supportive. Therefore, our feeling of psychological superiority that was there in [1988] after the severe electoral defeat of the right was weakened. . . . Between the autumn of 1988 and that of 1989 there was an undeniable degradation in the party itself and also in public opinion towards the government. Our overall vote scores at the moment of the municipal elections in March 1989 were not that great. Therefore, the right

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could risk the offensive in parliament, creating a bit of a situation of deadlock because across from them they did not have a government that was unattackable.

The central reason for the weaker position of the Socialists in 1989 was the breakdown in the unity of the party. As one Socialist explained, if “public statements by the deputies – in the press and in parliament – are very critical [of the government], then that will weaken the government because it’s immediately evident that the government is not even followed by its own party.”

There were other factors that made the Communists’ censure costs lower in 1989 than in 1988. First, in the June 1988 legislative elections, the Communists obtained only 11.9 percent of the vote on the first ballot and ended up with only twenty-five seats (yielding them their lowest percentage of seats in the National Assembly since the 1958 election). Given the Communists poor electoral showing and the Socialists’ clear and public disdain for forming a government coalition with the Communists at the national level, it was widely understood that the Communists did not believe they could run the risk of bringing down the government so quickly after the national election.

A second factor pointed to by the Communists as decreasing their costs of censuring the government was an increase in the level of social protest between 1988 and 1989. There were widespread strikes and demonstrations of social discontent in France between 1988 and 1989 and the Communists believed that this social unrest would benefit the Communists electorally. One Communist deputy explained:

The strikes at the Finance Ministry, a strong movement at the PTT, a movement among the teachers, and a strike at Peugeot – these are very strong indices showing popular discontent. In setting our position, we integrate the degree of consciousness and mobility of the social movement. We take the temperature of the social movement to know how far we can go. We have not voted a motion of censure yet, but we might.

Indeed, although the Communists did not vote to censure the Socialist government during the 1989 budget debates, their increased willingness to censure the government was displayed six months later, when they voted a motion of censure with the parties of the right on a bill related to the government’s agricultural policy. The motion of censure failed by only five votes.

The censure costs for the Center were also lower in 1989 than in 1988. One reason is that in 1988, it was widely recognized that the parties on the right were divided and weak. One Center deputy summarized the situation very clearly: “The foundation of the house was cracked and an effort had been made to paint over the crack to hide it. Now it’s becoming accepted that the house must be rebuilt.”

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The primary divisions concerned the right-wing National Front party, which was led by Jean-Marie Le Pen. Some of these divisions were purely ideological: certain deputies saw a bit of justice in the National Front's positions, while others adamantly opposed the party's ideas. There were also disagreements about electoral strategy: certain deputies thought that cooperation with the National Front could reap electoral rewards, while others were convinced that such cooperation would be stupid electorally. One Center deputy expressed deep concern about the problems posed by the rise of the extreme right:

The heart of the political problem in general is the increase of the extreme right. It's a growth that's permanent and extremely dangerous. Le Pen has established himself as a permanent fixture on the political landscape in France. The problem of the right is that many of the Centrists, including myself, fear that there is a non-negligible part of the right that can not resist the temptation to work with Le Pen. That's the number one problem. . . . For many deputies of the Center, of the UDF and even of the RPR, they feel closer to the Socialist Government than to Le Pen. If there was not an increase of the extreme right, which is a real cancer, the questions would pose themselves much differently. But as it is, the Center can in no case work with the National Front.

Another issue that divided the parties on the right, and weakened their ability to censure the government, was the European Community. One member of the Center stated that attitudes toward the EC (now the European Union) were central to these internal disagreements: "Europe is evolving considerably and the RPR is in the process of becoming even more nationalist. Now we [the Center] are fundamentally European — that's the principal characteristic of the UDC. It was evident that as far as Europe goes, we were closer to [Socialist President] Mitterrand and to [Socialist Prime Minister] Rocard than to [RPR leader] Chirac. To Chirac. I said Chirac. Not Le Pen."

In 1988, by using the notion of a constructive opposition to justify its parliamentary group, the Center found it necessary to discuss publicly its policy differences with the other parties on the right. This public discussion exacerbated the problems in the electoral alliance on the right. This point, and the more general divisions among the conservative parties, clearly did not escape the Socialists. When asked how the Socialists avoided censure, one Socialist argued: "There were huge divisions between the parties on the right. Consequently, they couldn't present a credible alternative to the Socialists. These divisions provided a sort of equilibrium for the government because the leaders on the right were not at all confident that they could win an election."

One year later, however, the Center took great pains to reaffirm its alliance with the right. One reason is related to the June 1989 elections to the European Parliament. The Center deputies described the European

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election results as a “cold shower” and as a “real disappointment.” The Center list received 8.4 percent of the vote when 12 percent was anticipated. A Center leader explained that “certain deputies thought [the electoral result] was a sanction by the voters against our autonomous attitude within the opposition and against our method of practice in the opposition. They thought it was necessary to retreat a bit.” Another Center deputy said that the failure in the European elections “was perceived by many [Center deputies] as a sanction by public opinion for the manner in which we had conducted our negotiations with the Government during the previous budget debate.”

A second reason for reaffirming the electoral alliance concerns the dynamics of the electoral cycle. The extent to which divisions in an alliance are detrimental to parties depends in part on timing. Just following a national election, the problems of the alliance weigh least heavily on parties. As elections approach, alliances become a more important consideration. The dynamic was explained aptly by a Gaullist deputy:

After the defeat of a presidential candidate, things are not good, and it took us a while to recover from that. But with time we understood that it was necessary to be united in opposition, because without a strategy of union in opposition, the opposition would not win. . . . And of course the ultimate political reality in France, like everywhere else in the world, is to regain power.

In short, when the opposition parties were weakest, these parties received substantial policy concessions and Rocard avoided use of the confidence vote procedure. When the opposition parties were strongest, they received no substantial concessions and Rocard used the confidence vote procedure. The Electoral Politics Model does not, of course, suggest an inverse relationship between censure costs and policy influence. But since this inverse relationship is present in the budget debates story, the budget debates do not contradict the argument from the Electoral Politics Model that censure costs should be irrelevant.

A second alternative hypothesis is that the confidence vote procedure was avoided in 1988 and used in 1989, not because of the electoral considerations described above, but because the level of policy conflict had increased across the two years, leaving no possibility for negotiation or compromise. The Electoral Politics Model suggests, however, that the use of the confidence vote procedure need not be associated with the level of policy conflict and that it can only be associated with policy conflict when position-taking incentives exist. Consequently, if the level of policy conflict between the Socialists and the pivotal opposition parties increased across the two years, one could not rule out the possibility that policy conflict rather than position-taking incentives led to the change in behavior. But if this level of policy conflict was un-

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changed or decreasing across the two years, then one can rule out the possibility that policy conflict rather than electoral incentives led to the change in behavior.

Assessing policy conflict is difficult because it requires information about preferences. It strongly appears, however, that the level of policy conflict was not greater in 1989 than in 1988 and may have been even greater in 1988. The major policy issues and the major Socialist priorities were basically identical across the two years because of constraints imposed by the fast-approaching Single European Market. The construction of the Single European Market, with economic and monetary union, was a major element of Socialist economic and financial policy. This commitment forced the Socialists to adopt moderate economic policies (decreased spending and taxation) in 1988 and 1989 (as evidenced by the treatment of the value-added tax and cuts in the military budget, for example). One Center deputy pointed out: "The effect of Europe has been to moderate French politics. Politics in France are vastly different today than they were before Mitterrand won in 1981. Then they were conflictual. Now they are consensual, much like in the U.S."

In addition, several Center deputies in private interviews candidly admitted that policy conflict was, if anything, less in 1989 than had been the case in 1988. One Center deputy stated outright:

The decision to be more rigid on the 1989 budget had nothing to do with the content of the budget. The vote on the budget was simply a means for affirming our position in the opposition. It's not the content of the budget because in my opinion the content of the budget was even better than the content of the budget for 1988.

Another Center deputy was equally frank:

Deputies from all parties were in agreement in the Finance Committee [in 1989]. Even often the Communists. I was struck by the debate in committee because I had nothing to say. I'm sorry, but I was in complete agreement with the Socialists. I applauded. But we voted against the bill. What we and all parties do in public has nothing to do with the facts.

And a Socialist assistant to Rocard claimed "the difference between 1988 and 1989 was exclusively political because everything that we did for the 1988 budget we were also able to do for the 1989 budget. We had the necessary policy agreements in our pockets." There exists, then, several independent claims that policy conflict did not increase from 1988 to 1989, and may in fact have decreased.

### ELECTORAL INCENTIVES AND PARTY STRATEGIES

The stories from the budget debates reveal that the strategies of members of the various political parties in 1988 and 1989 were not influenced by

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either the level of policy conflict between the government and the pivotal parties in the opposition (which was unchanged or declining across the two years) or the censure costs of the pivotal opposition parties (which declined across the two years). Moreover, given the case studies' focus on two budget debates, it is impossible to attribute the change in behavior across the two years to the change in the dimensional complexity of the policy issue. Each of these "null" findings is consistent with the Electoral Politics Model.

The case studies do not, however, simply provide an argument that is consistent with the model's negative results. The case studies reassure us that the assumptions in the Electoral Politics Model about electoral costs and position-taking incentives are reasonable and appropriate. The party leaders in these budget debates did not perceive the electoral consequences of particular strategies to be linked exclusively – or even primarily – to the nature of the ultimate policy outcomes themselves. What was most important was the nature of signals sent to voters during the process of obtaining these outcomes.

At many turns, elements of the story from the case studies underlined the importance of including "electoral assumptions" in the formal model. In 1988, Prime Minister Rocard preferred to make policy concessions in order to obtain a stereo abstention (demonstrating independence) and to avoid the confidence vote procedure (demonstrating capacity). The Center chose to form an independent and autonomous group in 1988 but formed a formal parliamentary alliance with the parties on the right in 1989. The government and opposition parties decided to negotiate policy concessions in secret in 1988, rather than engaging in open floor debate. They abandoned this strategy in 1989. The opposition parties chose to make negotiable policy proposals in 1988 but decided to make position-taking proposals 1989. The opposition parties revealed to the government precisely what concessions were necessary to obtain a positive vote in 1988 but were furious when they had to share credit for these policy outcomes. Parties distinguish between the consequences of abstaining on votes, voting yes, and refusing to participate in the vote, all of which have the same policy consequences. And the government uses legislative institutional arrangements to frame policy concessions in the most favorable light possible.

The importance of "nonpolicy" electoral considerations does not imply that policy outcomes are unimportant to the legislative agents. Clearly, the members of the political parties care a great deal about policy outcomes. But given that the prime minister in France, like prime ministers in almost all parliamentary systems, can use a confidence vote procedure to propose the policy he or she most prefers from among all policies that will not result in its censure, the range of possible final policy out-

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comes is sharply circumscribed from the outset. Consequently, if various parties in the majority cannot obtain a policy outcome that represents a significant improvement over the policy that will result from the use of a confidence vote procedure, these parties may often be better off making position-taking proposals that communicate policy preferences to voters than making negotiable policy proposals that yield only modest policy gains. By adopting the position-taking strategy, parties are likely to enhance their future electoral success and thus their control over future policy outcomes. Policy preferences, then, have hardly disappeared from the radar screen.

A second positive contribution of the case studies is to provide a causal argument about the factors leading to the significant changes in legislative behavior from 1988 to 1989. Importantly, the story emerging from the case studies is quite similar to the story emerging from the Electoral Politics Model. The model indicates that if the Prime Minister bears large electoral costs of using the confidence vote procedure, and if the members of the legislature do not have strong position-taking incentives, then these members should be able to demand and receive large concessions, and bills should be adopted without resort to procedural force. This logic is quite consistent with the story from the 1988 budget debates. The Electoral Politics Model also indicates that if the Prime Minister bears small electoral costs of using the procedure (or no electoral costs), and if the pivotal parties in the legislature perceive there to be any electoral benefits from position-taking proposals, then these pivotal parties should make position-taking proposals, receive no policy concessions, and legislation should be adopted by recourse to the confidence vote procedure. This logic is consistent with the story from the 1989 budget debates. Consequently, the case studies, used in conjunction with the formal model, increase our confidence that "nonpolicy" electoral considerations influence party strategies, thereby shaping procedural choice, policy outcomes, and clarity of responsibility for policy outcomes.

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## *Institutional arrangements, political parties, and parliamentary democracy*

There are many different types of institutional arrangements that constitutional engineers can select to influence how political parties resolve conflict. The chief architect of the Fifth Republic, Michel Debré, wanted to select institutional arrangements that would be particularly suited to ending the extraordinary cabinet instability of the Fourth Republic. To this end, he advocated a single-member district, plurality rule electoral law. This institutional arrangement, he believed, would lead to stable governments by creating homogenous, single-party majorities at election time.

French elites ultimately declined this path, however, not because they objected to using the electoral law to manufacture single-party majorities, but because General de Gaulle feared that specifying *any* electoral law could jeopardize ratification of the Constitution by the French people. The framers therefore chose an alternative institutional solution to the bargaining problems of the Fourth Republic. They placed in the Constitution legislative procedures that would ensure governmental control over policymaking and that would weaken opportunities for destabilizing electoral competition on the floor of parliament.

The package vote and the confidence vote procedure were among the most controversial of the new constitutional procedures. Since each of these institutional innovations permits a member of the government to make the final, take-it-or-leave-it policy proposal, deputies can do little to evade the effects of these provisions. Visceral rhetoric therefore often surrounds discussions of the package vote and the confidence vote procedure, both of which are frequently denounced as antidemocratic because they effectively eliminate amendment prerogatives by deputies.

This concluding chapter has three parts. First, I summarize the main findings of my research, focusing in particular on describing how the package vote and the confidence vote procedure influence French politics. Second, I consider more general implications of this study for our under-

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standing of parliamentary forms of government. Finally, I discuss how the structure of confidence vote procedures can help explain the central role played by cabinets, and the linkage of cabinets to bureaucratic agencies across parliamentary systems.

### **LEGISLATIVE INSTITUTIONS AND PARTY POLITICS IN FRANCE**

Claims that the French restrictive procedures are antidemocratic are flawed in four respects. First, the notion that the procedures lead to antidemocratic outcomes is conceptually muddled. Whenever policymaking occurs on more than one dimension, a policy that is majority preferred to all other policies almost never exists. One therefore cannot easily argue that the outcome when a restrictive procedure is used is less democratic than the outcome when with no restrictive procedure is used. Second, even if one could distinguish normatively between the outcomes from various procedural routes, the deductive argument and empirical evidence in Chapter 3 suggest that the two restrictive procedures should not be used – and are not used – by the government to prevail in policy disputes with parliament. Third, if the French procedures are anti-democratic, then almost all parliamentary systems are plagued by the same democratic deficit because in almost all systems, the government can demand a vote of confidence on a specific issue. Finally, the idea that the procedures are antidemocratic is grounded on the functionalist notion that “parliament” is an agent participating in the political process, a perspective that ignores the intimate relationship political parties create between deputies and ministers and that ignores bargaining problems among parties in government and parliament that are inherent to heterogeneous majorities.

When one views the National Assembly, not as an agent in conflict with the government, but rather as the place where representatives from political parties must cooperate in the legislature while competing for electoral success, then neither the package vote nor the confidence vote procedure seems like an antidemocratic instrument of executive dominance. Instead, the two procedures can be seen to influence how parties resolve two different types of bargaining problems.

The government uses the package vote to address difficulties inherent to choosing policies by majority rule on dimensionally complex issues. In France, as in all democratic systems, the major components of policy agreements are generally ironed out by party leaders before bills are considered in plenary debate on the floor. If these agreements concern dimensionally complex legislation, it will be easy for deputies to propose amendments that some majority would prefer to the specific policy agreement reached by party leaders away from parliament. Party leaders in the

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government can use the package vote to prevent the adoption of such amendments and thus to preserve the essential elements of deals cut outside the legislature. Cabinet ministers therefore do not invoke the package vote randomly or indiscriminately as a means to punish parliament. Instead, the procedure is used systematically on bills where the agreements across parties are most susceptible to being rolled in the floor – bills that directly distribute state resources and bills that are jurisdictionally complex. The procedure is also used most often during coalition and minority government, when the preferences of the governmental majority are most diverse. The package vote therefore can play much the same stabilizing role that closed rules are often held to play in the U.S. Congress.

The confidence vote procedure, on the other hand, is not used primarily to preserve policy bargains in dimensionally complex situations. Instead, the procedure creates an opportunity for parties in the majority to compete for votes while cooperating to pass legislation. To take advantage of this opportunity, parties adopt position-taking proposals in parliament, force the prime minister to use a confidence vote procedure, and then abstain on the subsequent censure motion (thereby allowing policies to be passively enacted). Since the position-taking proposals make clear to the voters a party's precise position on a policy, this tactic is especially important during minority government, when support parties in the opposition can actively oppose the government, without bringing the government to its knees and without obstructing legislative change. The confidence vote procedure thereby stabilizes the cabinet while allowing political parties to mold voters' perceptions of political accountability in French politics.

### **CONFIDENCE, CENSURE, AND PARLIAMENTARY GOVERNMENT**

The French confidence vote procedure is not an idiosyncratic, uniquely French concoction. Confidence vote procedures exist in almost all parliamentary democracies. Even in majoritarian systems like Great Britain, prime ministers sometimes attach the fate of specific bills to votes on the government's continuation in office. In concluding this book, it is worthwhile to explore how the analysis of the French confidence vote procedure can aid our understanding of parliamentary government more generally.

Two insights about confidence votes emerge from the study. The first concerns proposal power: on any bill, the structure of confidence vote procedures enables a prime minister to force the adoption of the policy outcome the prime minister most prefers from the set of policies members of the governmental majority would prefer to accept rather than censoring the government. The second insight concerns the use of confidence

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vote procedures. The Electoral Politics Model and the case studies suggest that whether one actually observes prime ministers using a confidence vote procedure depends primarily on exogenous electoral considerations, especially the position-taking incentives of parties in parliament.

Are both of these insights relevant to understanding other parliamentary systems? It is possible that the second insight is more applicable in France than in other systems because the French confidence vote procedure has two characteristics that make it ideally suited to encourage position-taking behavior in parliament. In France, there is no vote on the actual policy but rather an implicit vote on a censure motion that must be signed and submitted by deputies in parliament. Moreover, if a censure motion comes up for a vote, abstentions on this motion always count for the government (because to carry, the motion must have *a majority of parliament's members* voting in favor of censure). Consequently, it would be possible, hypothetically, for all parties and party factions in parliament to vote neither for the government nor its policy, and for the government to nevertheless have its legislation adopted. By contrast, in countries where there is an explicit vote on a policy after a vote of confidence,<sup>1</sup> or where abstentions may count against the government, it will often be impossible for parties or party factions in parliament to avoid formally supporting both the government and its policy. The position-taking strategy of voting for one's ideal policy and forcing a confidence vote procedure may therefore be more ambiguous in other countries than in France.

On this point, one should not exaggerate French exceptionalism. On one hand, when a French party abstains on a censure motion provoked by Article 49.3, it is clear that this abstention implicitly supports the continuation of the government in office, as well as the adoption of the government's policy. Parties certainly can mark their policy differences with the prime minister's party, but they ultimately cannot escape the fact that their voting decisions influence policy outcomes. On the other hand, voting rules in other countries do not preclude position-taking behavior. The Conservative Euro-rebels in Great Britain, for example, voted against a motion that would have permitted adoption of the Maastricht Treaty in 1993. They then voted for the government (rather than abstaining) when Prime Minister Major invoked a confidence vote procedure on the Maastricht Treaty. In this case, it was certainly clear to all voters that the Euro-rebels opposed Major's European integration policy, even though the rebels explicitly supported Major in a confidence vote. Parties and party factions can therefore adopt position-taking strategies that force confidence votes, even when they ultimately must side with the government on confidence motions.

Although the specific structure of the confidence vote procedure in France may create more unambiguous position-taking possibilities than

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we find in other countries, the first insight from the analysis, concerning the proposal powers under the confidence vote procedure, is of general relevance and importance. In all parliamentary systems with confidence vote procedures, these procedures should have a profound impact on policy outcomes, even in the vast number of instances where position-taking behavior – and thus use of confidence votes – is shunned.

The opportunity that confidence vote procedures give the government to make the final policy proposal is a crucial but neglected aspect of parliamentary government. Although there are exceptions (see in particular Cox 1987: ch. 8), scholars who discuss the “confidence relationship” in parliamentary government almost always focus on *no-confidence votes* (or censure motions). Votes of no confidence are initiated by the members of parliament, and these procedures are said to enable *members of parliaments* to “control” policymaking processes: if a majority dislikes the policies proposed by a particular government, the argument goes, the majority can simply vote a motion of no confidence (Beer 1966; Crick 1964; Laver and Shepsle 1994; Mezey 1979; Polsby 1975; Ramseyer and Rosenbluth 1993; and Wheare 1963). Little is made of the fact that the government can *invite* the parliament to throw it out of office.

Perhaps confidence vote procedures have been largely ignored because in most parliamentary systems they are rarely used. The incidence of confidence vote procedures, however, should never be used as a measure of the impact of these institutional arrangements on behavior. Nuclear warheads are rarely used, but it would be difficult to argue that the existence of such weapons does not influence strategic calculations in international relations.

In fact, if one carefully considers the structure of confidence vote procedures and no-confidence votes, it becomes clear that confidence vote procedures, even when they are not used, give greater control to the government over policy outcomes than no-confidence motions give to majorities in parliament. This is true because majorities cannot use no-confidence motions to implement new policies between the births and deaths of governments. If a no-confidence motion fails, the status quo policy remains in place. If such a motion succeeds, the status quo policy also remains in place, but a new government must form. Thus, regardless of whether a no-confidence motion passes or fails, there is no *direct* impact on policy outcomes. The impact is only indirect, through the subsequent government formation process. Confidence vote procedures, on the other hand, permit an explicit policy proposal by the government. Since refusal to defeat the government results in a predictable change in policy, confidence vote procedures can shape policy outcomes directly, during ordinary legislative debates after government formation is complete.

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Recognizing the proposal opportunities that confidence vote procedures afford the government leads to the observation of an inverse relationship between the executive and the legislature in parliamentary as opposed to presidential systems. In presidential systems, the legislature generally has the opportunity to make the last proposal, and the executive can only accept or veto this proposal. In parliamentary systems, the opportunity to attach the vote on a specific policy to a vote of confidence grants the prime minister the last proposal opportunity. If members of the legislature do not anticipate this power of the prime minister, they may find themselves with the limited procedural prerogatives of most presidents; that is, with only the opportunity to accept or reject a policy proposal.

Since confidence vote procedures give parliamentary executives significant proposal powers, the rules for cabinet decision making will be central to understanding their impact on legislative processes. In France and numerous other countries (including Australia, Canada, Denmark, Germany, Great Britain, Ireland, New Zealand, and Norway), prime ministers are institutionally unconstrained in their use of confidence vote procedures. In other countries (including Belgium, Finland, Italy, Luxembourg, Netherlands, Spain, and Sweden), prime ministers have much less dictatorial powers. Instead, cabinet ministers must collectively reach decisions to use confidence vote procedures.

The impact of confidence vote procedures on policy outcomes will clearly differ in the two types of systems. In countries where the prime minister is more or less a cabinet dictator, the confidence vote procedure should be an important weapon that permits the prime minister to choose the reversion policy – the policy outcome if a confidence vote procedure is invoked. In countries where prime ministers cannot act unilaterally, the impact of the prime minister on policy outcomes, and the collective choice by cabinets of the reversion policy under a confidence vote procedure, will be much more difficult to predict. Consequently, the policy preferences of the prime minister will be less critical to members of the majority during the government formation stage.

The preferences of the prime minister, the structures of cabinet decision making, and the proposal prerogatives under confidence vote procedures should therefore interact in a systematic way to influence political behavior and policy outcomes. This observation has two implications for the study of parliamentary government. First, it suggests the need for more refined theories of cabinet formation. In particular, new theories should take into account how institutional arrangements – such as confidence vote procedures – shape opportunities for prime ministers to influence policymaking processes after government formation is complete. The portfolio allocation models of Austen-Smith and Banks (1990) and Laver

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and Shepsle (1990a, 1996) could be logically extended, for example, to include prime ministers with proposal powers.

Second, the insight leads to a new perspective on political leadership by prime ministers. Majorities in parliaments should prefer prime ministers who advance the policy objectives of these majorities. The qualities of such “good prime ministers,” however, depends fundamentally on the institutional context. If prime ministers have few institutional prerogatives to influence behavior, then the policy preferences of prime ministers will be less important than other qualities, such as expertise, managerial competence, rhetorical skill, or personality. But if prime ministers have important institutional prerogatives, such as the possibility of unilaterally demanding a vote of confidence on a specific policy, then the most important quality of a “good prime minister” will be his or her policy preferences. Other leadership qualities that are often emphasized will matter only in choosing among the set of leaders with the desired policy preferences. Of course, recognizing the centrality of policy preferences in leadership selection is not to discount the importance of psychological or sociological explanations of political leadership. Rather, it underlines the need to appropriately situate such explanations within particular institutional settings.

### INSTITUTIONS, INFORMATION, AND DEFERENCE TO CABINETS

Finally, the analysis of the French confidence vote procedure provides a new perspective on *cabinet dominance* in parliamentary government. As discussed in the Introduction, part of the canon in the comparative politics literature is that in parliamentary democracies, the cabinet plays a more important role than the parliament in crafting the policies of the state. Scholars typically explain cabinet dominance by focusing on the importance of political parties, which are organized (particularly through candidate nomination processes and parliamentary whips) to ensure deference in parliament to party leaders in the cabinet. Cabinets therefore develop the resources to dominate policymaking processes because of political parties.

But why should the role of parties in electoral competition lead to cabinet dominance? Parties could clearly organize themselves as formidable electoral competitors without having parliaments cede so much legislative power to the executive. Is it possible that the central importance of the cabinet in parliamentary democracies does not stem from strong parties?

To my knowledge, the only research attempting to sort out the link between cabinet government and strong parties is Cox’s (1987) study of the rise of party discipline in England during the nineteenth century. One

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important element of Cox's argument is that institutional arrangements evolved towards increased cabinet dominance *before* political parties became well organized and effective. In the nineteenth century, economic development and electoral reforms led to increased participation by MPs in the House of Commons. The ultimate result was a "tragedy of the commons," an abuse of participation rights by MPs that made policy-making ineffective and inefficient. The institutional solution MPs adopted in England was to abolish the rights that MPs were abusing, which meant abdication, over time, of agenda control to the cabinet. Voters noticed the increased concentration of power in the cabinet and became more interested in influencing the cabinet's composition, which meant voting for candidates from major parties. Party labels therefore became central to the electoral success of MPs, and the pieces were in place for the entrenchment of party government, through the cabinet.

Although strong party organizations make sense given cabinet dominance, why did members of parliament respond to the crush of business in the nineteenth century by ceding authority to the cabinet rather than to strong parliamentary committee chairs, a parliamentary rules committee, a House speaker, or some other agent within the parliament itself? Cox does not attempt to fully answer this question, but he does suggest several factors that were important in the British case. First, the cabinet already existed. Second, the select committees on procedure were dominated by members (or former members) of the cabinet. Finally specific rules changes often were justified to deal with particular policy problems (1987: 64–5).

These factors, however, are suggestive only for the British case. They do not explain why cabinets have come to dominate legislative process in all parliamentary systems, including the many systems with multiparty government. In fact, the argument that cabinet dominance is natural when party-oriented voters use elections to indirectly choose the prime minister cannot explain cabinet dominance in multiparty systems. In multiparty systems, voters often do not know precisely which coalition agreements will emerge from postelection government formation process. Elections in these countries therefore serve primarily as devices for electing representative agents in postelection bargaining processes, rather than as devices for choosing a specific executive.<sup>2</sup> But even in multiparty systems, cabinets dominate policymaking. Since electoral politics cannot explain this situation, we are left without a clear account of why members of cabinets rather than parliaments have developed superior institutional and informational policymaking resources in all types of parliamentary systems.

The institutional structure of confidence vote procedures, along with existing formal models of legislative organization, can provide such an account. Underlying this account is the observation that in order to do

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their jobs well, policymakers need information about the ultimate implications of making particular policy choices. This information will exist only if there are individuals who pay the price of becoming policy specialists and who convey their expertise to members of the legislature. Gilligan and Krehbiel (1987, 1989a, 1989b; see also Krehbiel 1991) develop a deductive theory that seeks to explain both the decision to pay the costs of specialization and the decision to reveal information in the U.S. Congress. Just as the multidimensional “American models” provided important insights about the *use* of the package vote in France, the incomplete information “American models” provide a valuable perspective on the centrality of cabinets in parliamentary democracies.<sup>3</sup>

Gilligan and Krehbiel highlight a serious problem facing members of legislatures who are uncertain about which policies to adopt. If some members (say members of a committee) pay the cost of becoming specialists on particular issues, and they then reveal their expertise to members on the floor, the members who became specialists risk having their expertise used against them. Members concerned about the pharmaceutical industry, for example, might learn that implementing a specific change in how drugs are regulated will decrease the time it takes for new drugs to come on the market, but only at the cost of increased health risks from potentially dangerous drugs. Suppose that a majority in the legislature is concerned primarily about the increased health risks of potentially dangerous drugs and that the members who specialize are concerned primarily about the speed with which new drugs are approved. In this case, if the members who have paid the cost to learn about regulatory reform honestly reveal their information to the other members on the floor, it is likely that this information will be used against them. That is, we should expect amendments on the floor that ensure that health care legislation does not permit regulatory agencies to approve new drugs without substantial testing.

If the information policy specialists pay to obtain is used against them, then there will obviously be little incentive to pay the costs of becoming informed, a fact that has negative consequences for all members of the legislature. One way to avoid this problem is to ensure that procedural structures in the legislature (like restrictions on amendments) privilege the proposals of policy specialists.<sup>4</sup> If certain individuals (like committee members) know that their bills will be protected, then these members will have an incentive to pay the costs of information because their expertise cannot be used against them on the floor (in the form of hostile amendments). Members on the floor must then hope that the experts enjoying procedural protection on the floor will reveal their information honestly. Such honesty will depend largely on the preferences of these specialists. If the experts have preferences that are reasonably similar to

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those of the majority, then honesty will be advantageous to all because members of the majority will have incentives to trust the like-minded experts. If the preferences of the experts diverge from the majority, then it will often be less advantageous for specialists to reveal their information truthfully (because honesty may lead to an undesirable defeat on the floor). Thus, restrictive procedures, together with the mechanisms for choosing the individuals who enjoy procedural protection, encourage informed policymaking. The benefits redound to the policy experts and to those who abdicate their amendment rights in the legislature.

Applying this logic to parliamentary context, the informational models of restrictive rules offer an important insight into why cabinets – rather than parliaments – develop sophisticated organizational structures, including links with enormous bureaucratic agencies, to support costly policy specialization.<sup>5</sup> Since the structure of confidence vote procedures ensures that the government can make the last policy proposal, these procedures encourage specialization in cabinets by providing cabinet ministers with a guarantee that their policy expertise will not be used against them on the floor of parliament. And since the government formation process ensures that members of the cabinet have preferences that are not too dissimilar to members of the majority in parliament, members of the majority will reap benefits from the cabinet's expertise because ministers will have incentives to be honest.

Of course, the argument that cabinet dominance is beneficial for informational reasons is hardly new. Scholars have long recognized that parliaments defer to cabinets because of the expertise of ministers and bureaucrats.<sup>6</sup> What this study adds to the story, however, is the argument that the institutional structure of confidence votes provides an *institutional foundation* for explaining *why* cabinets have developed the central links to informational resources across parliamentary systems.

One might still ask why members of parliaments created restrictive rules for cabinets, rather than restrictive rules for members of their own committees (thereby encouraging specialization by committees instead of cabinet ministries). Rather than explaining why this has not occurred, it is important to recognize that this is precisely what parliaments have done. The cabinet, in fact, is the most important committee of parliament. Cabinet dominance should therefore be viewed not as abdication or submission by parliaments. Instead, it should be viewed as a smart decision about organizational structure, one that creates important benefits for the members of parliaments themselves.

Viewing the cabinet as a parliamentary committee reminds us that parliamentary democracy is characterized first and foremost by the absence of separation of powers. Political parties dominate decisions in both the private decision-making environment of the government, and the pub-

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lic decision-making environment of the parliament. And institutional arrangements influence strategic behavior in both arenas, with important consequences, not only for the nature and stability of policy choices themselves, but also for the ability of citizens to hold their representatives accountable for these policies.

## Notes

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### INTRODUCTION

- 1 The Fourth Republic was born in 1946 and buried in 1958. The most interesting analysis of politics in the Fourth Republic is Williams (1964). This book is particularly valuable because Williams, unlike the vast majority of commentators, finds positive things to say about the institutional arrangements of the Fourth Republic. Another excellent study of the Fourth Republic is MacRae (1967).
- 2 There are different ways to measure the births and deaths of cabinets. This figure is taken from Strom (1990b).
- 3 See Furet, Julliard, and Rosanvallon (1988).
- 4 Chapter 1 contains a detailed argument about the institutional prerogatives of the French president.
- 5 See Avril (1965: 495; 1971); Debbasch, Bourdon, Pontier, and Ricci (1988: 508); Duverger (1959a: 117–18); Goguel (1959: 76); and Lascombe (1981: 121).
- 6 The full text of the letter is reprinted (in French) by Maus (1988b: 183).
- 7 During cohabitation, there is a president of one *tendance* (left–right orientation) and a majority in parliament (and thus a prime minister) of the other. From 1986–8, France had a Socialist president, François Mitterrand, and a Gaullist prime minister, Jacques Chirac. From 1993–5, cohabitation existed between Mitterrand and Gaullist Prime Minister Edouard Balladur. See Chapter 1 for a discussion.
- 8 See Avril (1965: 447). Baumgartner (1989); Duverger (1987: 98–9); and Parodi (1972: 26, 190–3) also argue that the government uses the procedures to avoid politically difficult votes on specific amendments.
- 9 See Almond and Powell (1978); Bryce (1921); Chandernagor (1967); Chatenet (1990); Gallagher, Laver, and Mair (1992: 32), Loewenberg and Patterson (1979); Mezey (1979); Polsby (1975); and Rose (1984); see also the various essays in Loewenberg (1971) and Norton (1990).
- 10 See Beer (1966); Coombes (1976); Crick (1964); Mezey (1979); Polsby (1975); Ramseyer and Rosenbluth (1993); and Wheare (1963).
- 11 See Daalder and Rusk (1972) and Ramseyer and Rosenbluth (1993).
- 12 See Beer (1966); Gallagher, Laver, and Mair (1992); King (1976); Mezey (1979); Polsby (1975); and Rockman (1985).
- 13 See Beer (1966); Packenham (1970); and Wahlke (1971).

## *Notes to pages 11–23*

- 14 There are many examples, including essays in Copeland and Patterson (1994); Hechter (1990); Hibbing (1988); Polsby (1968); and Sisson (1973).
- 15 See Aberbach, Putnam and Rockman (1981); Cain, Ferejohn, and Fiorina (1987); Cayrol, Parodi, and Ysmal (1971); Jogerst (1991); Searing (1994); Tardieu (1937); and Woshinsky (1973).
- 16 On this point, see especially Mezey (1991).
- 17 A full discussion of this argument (with relevant citations) is found in Chapter 1.
- 18 Scholars are beginning to turn attention to the development of such sentences. See in particular Carey and Shugart (1995); Heller (1994); Lupia and Strom (1995); Tsebelis and Money (1995a, 1995b).
- 19 The technical details of the models presented in Chapters 3 and 5 are found in Huber (1996).
- 20 I discuss this argument more fully in Chapter 6.
- 21 See in particular Austen-Smith (1990, 1993) and Bianco (1994).
- 22 Many of these documents were sealed until 1987, at which time the French government decided to make them public by publishing them in a three-volume set; see Comité National (1987).
- 23 The interviews were with deputies from each of the five parties, as well as with the assistant to the prime minister charged with negotiating concessions with parties in parliament. The interview targets were selected using the public records of the debates to determine which deputies played key roles in the budget process. The interviews were tape recorded with the understanding the interviewees would remain anonymous.

### I. PARLIAMENTARY GOVERNMENT IN THE FIFTH REPUBLIC

- 1 For an excellent review, see Lovecy (1992). For English-language arguments about the dominance of the president in France, see Andrews (1978, 1982); Ehrmann (1983: ch. 9); Hayward (1983: 94–107); and Wright (1989: ch. 1). In French, see Avril (1987); Hauriou and Gicquel (1966); Portelli (1980); Quermonne (1987b); and essays in Wahl and Quermonne (1995).
- 2 Numerous works maintain that the National Assembly plays an insignificant role in the policymaking process. In English, these include Andrews (1982); Berger (1974: ch. 2); Ehrmann and Schain (1992: ch. 5); Frears (1981); Goguel (1971); Lalumière (1976: 129); LeLoup and Woolley (1991); Wahl (1959: 39–44); Williams (1968); and Wright (1989: ch. 7). Prominent examples in French include Chandernagor (1967); Defrasne (1990); and Masclet (1982). On the importance of legislative majorities, see Andrews (1978, 1981); Duverger (1987); Frears (1981); Quermonne (1987a: 53); and Wright (1989).
- 3 The eight studies of coalition formation that exclude France are Browne and Dreijmanis (1982); Browne and Franklin (1973); Browne and Frendreis (1980); Franklin and Mackie (1983); Franklin and Mackie (1984); Laver (1974); Schofield and Laver (1985); and Taylor and Laver (1973). The six studies focusing exclusively on the Fourth Republic are De Swaan (1973); Dodd (1976); Laver and Budge (1992); Laver and Schofield (1990); Luebbert (1986); and Strom (1990a). The five studies that include the Fifth Republic are Budge and Keman (1990); Herman and Pope (1973); Laver and Shepsle (1994); Lijphart (1981); and Powell (1982).
- 4 The six studies of cabinet stability that ignore France altogether are Browne and Dreijmanis (1982); Browne, Frendreis, and Gleiber (1984); Browne,

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Frendreis, and Gleiber (1986); Browne, Gleiber, and Mashoba (1984); Frendreis, Gleiber, and Browne (1986); and Laver (1974). The ten studies that focus exclusively on the Fourth Republic are Dodd (1976); King, Alt, Burns, and Laver (1990); Laver and Schofield (1990); Pridham (1986); Strom (1984); Strom (1985); Warwick (1979); Warwick (1992a); Warwick (1992b); and Warwick and Easton (1992). The six studies that include the Fifth Republic are Budge and Keman (1990); Lijphart (1984b); Powell (1982); Robertson (1983a); Robertson (1983b); and Taylor and Herman (1971).

- 5 Two prominent examples include Hayward (1983) and Suleiman (1974).
- 6 On France in comparative perspective, see in particular Duverger (1980), who argues that France is “semi-presidential,” and Shugart and Carey (1992: ch. 2), who define France as a “premier–presidential” system.
- 7 Michel Debré defended the president’s emergency powers as a necessary precaution against nuclear war. See Williams and Harrison (1960: 128).
- 8 Perhaps surprisingly, the question of executive authority in a situation of cohabitation was not clearly addressed by French political leaders until 1976, when Valery Giscard d’Estaing stated in the United States that the French president could not avoid appointing a prime minister representing the *tendance* chosen by French voters in a legislative election. Colliard (1989: 1566–70) reviews the thinking of French political leaders and intellectuals before 1986 about cohabitation. For analyses of the cohabitation period in France, see Balladur (1989); Duverger (1987); Morgan (1986); and especially Pierce (1991).
- 9 See, for example, Chandernagor (1967); Chatenet (1990); Goguel (1971); Lalumière (1976); and Masclet (1982).
- 10 See Andrews (1978, 1981); Duverger (1987: 91); Frears (1981); Quermonne (1987a: 53); and Wright (1989).
- 11 For examples of the “laundry list,” see Ehrmann and Schain (1992: ch. 9); Goguel (1971); Williams (1971); Williams and Harrison (1960); and Wright (1989: ch. 7).
- 12 The following discussion relies heavily on Couderc (1981).
- 13 On July 31, 1995, the Constitution was amended so that one day each month, parliament fully controls its own agenda.
- 14 Such provisions also exist in Denmark, Greece, Iceland, the Netherlands, and Portugal. See Mattson and Strom (forthcoming).
- 15 See also Avril (1981) and Wilson (1983).

## 2. CHOOSING INSTITUTIONS

- 1 Single-peakedness simply implies that a voter has a unique most preferred policy and that the voter likes a policy less and less as it moves further and further away from this most-preferred policy.
- 2 See Black (1958) and Downs (1957).
- 3 For nontechnical discussions of the circumstances under which equilibria will exist in multiple dimensions, see Mueller (1989); Riker (1980); or Gerald Strom (1990). The original models include McKelvey (1976); McKelvey and Schofield (1987); Plott (1967); and Schofield (1984).
- 4 For a discussion of this point and cites to the relevant literature, see Huber and Powell (1994).
- 5 On the robustness of the results from Shepsle’s original model, see Dion (1992).

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- 6 See the debate from the National Assembly on June 1, 1958, in Comité Nationale (1987, Vol. I).
- 7 These include the revolutionary constitutions 1791, 1793, and Year III, and the republican constitutions of 1848, 1875, and 1946.
- 8 The bill also required the Constitution to organize relationships between the Republic and “associated peoples,” which at this time included only Laos and Cambodia (see Debbasch et al. 1988: 16).
- 9 The exact date is unclear. See Comité National (1987, Vol. I: 415).
- 10 These include Félix Houphouët-Boigny, Louis Jacquinot, Guy Mollet, Pierre Pflimlin, Michel Debré, and René Cassin.
- 11 See the debate in the National Assembly on June 1, 1958, in Comité Nationale (1987, Vol. I).
- 12 Almost twenty-five years after the Fifth Republic Constitution was written, Debré affirmed: “I would have liked the principle of election of deputies by majority vote to be written into the constitution. I did not win on this point. . . . Proportional representation was abolished but, also by reason of France’s political sociology, the ordinance changing the voting method re-established the two-ballot system, under which an absolute majority was needed to win on the first ballot. The reform was not as strong as I would have wished” (1981: 18).
- 13 It is interesting that in a footnote to his 1960 essay, Duverger states that what has come to be known as Duverger’s law was based in part on the previous work of Capitant (see note 1, page 223 in Duverger 1960).
- 14 Organic laws are laws necessary to implement provisions of the Constitution.
- 15 See Solal-Célyny (1952, 1956).
- 16 The term “guillotine” is used in British politics to refer to a procedure that imposes a timetable on debate. The British guillotine puts a halt to debating and voting on amendments but does not trigger a vote of confidence in the government.
- 17 The members did not note that guillotines in Britain are timetables voted by the members whereas the proposed package vote could be imposed by the government on the members of the assemblies.
- 18 This drafting was modified slightly by the task force on July 16. The new wording stated: “If the Government demands, the assembly considering the bill will pronounce by a single vote on all or part” (Comité National 1987, Vol. I: 445). This is the version of the bill that was adopted by the Interministerial council on July 19 in Article 39.3 (*ibid.*: 464) and transmitted by the Cabinet Council to the CCC on July 29 (Article 39.3, *ibid.*: 509).
- 19 There were five individuals who spoke against the procedure were Robert Bruyneel, René Dejean, Paul Reynaud, Paul Coste-Floret, and Pierre-Henri Teitgen (*ibid.* Vol. II: 295–6).
- 20 Others who argued in favor of the procedure for reasons of cabinet stability included Albert de Bailliencourt, André Gayrard, and Jacques Chardonnet.
- 21 Similarly to Hoffmann, Almond (1960: 37) states that the French have an “apocalyptic rather than civic or pragmatic rationality.”

### **3. RESTRICTIVE PROCEDURES AND POLICY CONFLICT**

- 1 There are numerous relevant citations in the French politics literature, including Avril (1965, 1971, 1981); Chandernagor (1967); Chapsal (1981); Debbasch et al. (1988); Goguel (1971); Maus (1985); Parodi (1972); Quermonne

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(1987a); Roig (1965); Thiébault (1994); Williams (1971); and Williams and Harrison (1960).

- 2 Technical proofs of the Policy Conflict Model are in Huber (1996) [with the assumptions that (1) there is only one member of the Majority, (2) there are no censure costs for any of the agents, (3) there is no electoral cost to the Prime Minister of using a confidence vote procedure, and (4) there is no position-taking incentive for the single member of the Majority].
- 3 The relevant citations are in footnote 1 of this chapter.
- 4 See, in particular, Chapsal (1981: 128); Debbasch et al. (1988: 467, 508); Goguel (1971: 95); Maus (1985: 8); Roig (1965: 92); and Williams and Harrison (1960: ch. 7).
- 5 Generally, scholars just lump these procedures together as part of a list of procedures that minimize parliament's role (e.g., Hayward 1983; Wahl 1959; Wright 1989; and Goguel 1971). But some scholars explicitly recognize the structural similarities of the two procedures (see Avril 1965: 444; Quermonne 1987a: 330; and Maus 1985: 88).
- 6 Of course, the legislative process in parliamentary systems almost always begins with a bill presented by the executive. The Policy Conflict Model omits the "initial" proposal stage by the Government because this proposal does not influence procedural choice – regardless of the Government's "initial proposal," the Parliament can always propose whatever policy it wishes in response – even if the Government makes no initial proposal. The Government's decision to use a restrictive procedure therefore depends solely on the relationship between the Government's most preferred policy and the bill proposed by the Parliament – not on the relationship between this bill and the Government's "initial proposal" (see Huber 1996).
- 7 A decision by the Constitutional Court in 1960 affirmed that the government can use the package vote on all or part of a bill, and a decision by the Constitutional Court in 1979 affirmed the same thing for the confidence vote procedure. See Avril (1965) and Debbasch et al. (1988) for discussions.
- 8 The model uses subgame perfect equilibria.
- 9 The assumption of convex preferences is sufficient to ensure a unique best-obtainable policy.
- 10 Government amendments generally represent concessions to the National Assembly. The government and members of the majority, for example, might agree outside of parliament on policy changes to a government bill. The government will then submit an amendment reflecting these extraparliamentary agreements. See Chapter 6 for further discussion.
- 11 See, for example, Avril (1965); Baumgartner (1989); and Duverger (1987).
- 12 The closest that formal theories come to this argument is probably found in Denzau, Riker, and Shepsle (1985). In the French politics literature, Goguel (1971) raises this point indirectly.
- 13 Article 58.3 of the Rules of the National Assembly permits the president of a parliamentary group (or his designee) to demand at any time a suspension of parliamentary debate for the purpose of a parliamentary group meeting.
- 14 If a party moves the previous question or moves a bill is inadmissible (see Rules of the National Assembly, Article 91), a vote on the motion must occur before the individual articles are debated and voted (see Rules, Article 104.2). The adoption of either type of motion defeats the bill. The motions provide an opportunity for the opposition to criticize publicly a measure before any changes in the bill are made.

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15 I use the inverse of the number of days because the effect of this variable should be nonlinear: i.e., the effect of moving from 1,000 to 999 days should be smaller than the effect of moving from 10 days to 9.

### 4. RESTRICTIVE PROCEDURES AND BARGAINING AMONG PARTIES

- 1 See especially Baron and Ferejohn (1989a); Fiorina (1981); Shepsle and Weingast (1984a, 1984b); and Weingast and Marshall (1988).
- 2 My use of Krehbiel's drawing should not suggest that Krehbiel is sympathetic to the insights from distributive models. He is not. For his criticisms, see Krehbiel (1991). A discussion of the applicability of Gilligan and Krehbiel's informational theories to the parliamentary context is found in note 3 to this chapter and in Chapter 7.
- 3 Given that the "committee" (i.e., the cabinet) assigns its own restrictive amendment rule in France, the informational models of restrictive rules developed by Gilligan and Krehbiel (1987, 1989a, 1989b; see also Krehbiel 1991) cannot explain the use of French restrictive procedures. The informational models suggest that members of the floor benefit from precommitting to restrictive rules when such precommitment encourages specialization and information revelation by committees. These informational advantages only exist, however, when the preferences of committee members are sufficiently centrist or sufficiently heterogeneous. The informational models therefore predict that the use of restrictive procedures should be related to the composition of committees. Since members of cabinets assign their own amendment rules in France, the legislature can never commit to a restrictive rule. Moreover, by the logic of the informational models, members of the cabinet will have an incentive to specialize on every bill. Thus, the committee composition variables underlined by the informational models shed no light on why the French restrictive procedures are used on some bills and not others. For this reason, they are not incorporated into the analysis that follows. I return to informational issues in Chapter 7.
- 4 Recall that the data set excludes bills originally sent to the Foreign Affairs or Defense Committees.
- 5 See also Baron and Ferejohn (1989b).
- 6 The arbitrary limit on the number of possible proposals is useful for conveying intuitions but is unnecessary for the general results from the model.
- 7 For a discussion of the navette procedure in France, see Money and Tsebelis (forthcoming) and Tsebelis and Money (1995a).

### 5. THE CONFIDENCE VOTE PROCEDURE AND ELECTORAL POLITICS

- 1 The formal proofs of the model presented in this chapter are found in Huber (1996).
- 2 See also Huber (1996) for a discussion.
- 3 For arguments about position-taking in American legislative politics, see Bianco (1994), Denzau, Riker, and Shepsle (1985), and Drotning (1993).
- 4 As in the Policy Conflict Model, the solution concept is subgame perfect equilibrium.
- 5 The set of policies that any member weakly prefers to the status quo is a closed and convex set. Thus, the intersection of these sets for all members of the majority is closed and convex, which is sufficient to ensure that the Prime Minister's best obtainable policy is unique.

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- 6 The best obtainable policy in this example is the Prime Minister's ideal point.
- 7 In Huber (1992) I develop an incomplete information signaling model that examines the situation in which the Prime Minister is uncertain about which policies will lead to censure (if proposed under a confidence vote). This uncertainty rarely affects the incidence of confidence votes, and when it does, it turns out there always exist equilibria where the use of confidence votes actually *increases* with the Prime Minister's censure costs.

### **6. ELECTORAL POLITICS, PROCEDURAL CHOICE, AND THE FRENCH BUDGET**

- 1 Descriptive inference refers to measurement of a single variable, whereas causal inference refers to measurement of the impact of one variable on another.
- 2 The 1989 budget is debated in the fall of 1988. I refer to the budgets by the year they are voted rather than to the fiscal year to which they apply.
- 3 That is, the 1990 budget voted in the fall of 1989.
- 4 Parliamentary groups are the basic organizing unit in the National Assembly. Until 1988, the Rules of the National Assembly stated that a group could not form unless it had at least thirty members. This number was changed to twenty members in 1988 (so that the Communists could form a group). One UDF deputy claimed in an interview that there was a deal between the Communists and the Socialists on changing the rule. The Socialists agreed to support the change in group size if the Communists agreed to support the election of Laurent Fabius as president of the National Assembly.
- 5 Seats in committees are distributed to each group in proportion to their representation in the National Assembly. Hence, the Socialists had a plurality of less than 50 percent in each committee during 1988 and 1989. If a committee defeats an amendment, the amendment's author can still ask that it be considered on the floor.
- 6 The parallel negotiations with the Communists provide an interesting anecdote that reveals the Communists' weak position vis-à-vis the government. The government also wanted to have the support of the Communists on the VAT concession. The Communists saw considerable social justice in lowering the VAT on luxury items since such taxes hurt lower- and middle-class individuals who purchase standard items like cars, wedding rings, and televisions. The Communists, however, were hesitant to support the proposal, saying that the higher tax should be paid by the rich on "true" luxury items. To break the impasse, the Government negotiator said in private negotiations with the leader of the Communists, "Listen, among the luxury items are caviar and furs. Where do we import these from?" The Communist representative was initially shocked, but eventually he laughed and said, "You are right. We must be pro-Soviet. Therefore we must pass this amendment."

### **7. INSTITUTIONAL ARRANGEMENTS, POLITICAL PARTIES, AND PARLIAMENTARY DEMOCRACY**

- 1 In Italy, where the Standing Orders define the confidence vote procedure, a formal vote on a bill must occur after the vote of confidence. Until 1988, votes of confidence were public, whereas votes on bills were often secret. Consequently, members of the legislature, safeguarded by the secret ballot, would sometimes defeat the government's policy after supporting the government in

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- the confidence vote. To make this impossible, the Standing Orders were changed in 1988 so that votes on bills were no longer by secret ballot.
- 2 For a discussion of citizen control in such systems, see Powell (1989, n.d.).
- 3 In footnote 3 of Chapter 4, I argue that these informational models cannot explain the actual *use* of restrictive amendment rules in parliamentary systems.
- 4 In a recent paper, Daniel Diermeier (1995) presents an interesting model suggesting that while restrictive procedures can be sufficient to induce specialization, they are not always necessary. In fact, when turnover over time in the composition of an assembly meets certain requirements, then norms of deference can develop and individual members will therefore often have an incentive to pay the costs of specialization even when amendments are possible on the floor.
- 5 In fact, in certain respects, the main intuitions from informational models are even more applicable to the parliamentary context than to politics in the U.S. House. A drawback associated with arguing that restrictive procedures encourage costly specialization in Congress is that this argument relies on the assumption (in informational models with costly specialization) that members of the whole legislature can precommit to restrictive amendment rules before observing committee behavior. In Congress, rule assignment actually occurs after committees decide to specialize and report a bill. Moreover, restrictive amendment rules are not proposed by the median member on the floor of the House (as assumed by the informational models) but rather by what is an often politicized Rules Committee (for a discussion, see Dion and Huber, 1996). Thus, a precommitment to closed amendment rules is impossible under the actual structure of rule assignment in the House. In the parliamentary context, the agent that specializes – the prime minister and the cabinet – is also the agent that can assign a restrictive rule (e.g., a confidence vote procedure), and “rule assignment” can occur after debate has begun on the floor. Consequently, the “credible commitment” problem inherent to applying informational models of restrictive amendment rules to the U.S. House is absent when applied in the parliamentary context.
- 6 For a recent discussion, see Rogowski (1990).

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