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# RESTRICTIVE LEGISLATIVE PROCEDURES IN FRANCE AND THE UNITED STATES

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**I** develop a framework for applying existing formal models of restrictive amendment procedures in Congress to the study of the French government's use of two restrictive legislative procedures, the package vote and the "guillotine". I test six hypotheses derived from existing formal models and from existing research on the French National Assembly. The analysis shows that the French government invokes the two procedures on the same types of distributive and jurisdictionally complex bills that frequently receive closed rules in Congress. The analysis also shows that the decision to use the restrictive procedures is strongly linked to the majority status of the government, suggesting they are used to preserve agreements between parties in the same way that restrictive amendment procedures are used to preserve agreements between individual members of Congress. Thus, existing formal models of legislative institutions can help us study how procedural structures shape strategic bargaining between political parties in parliamentary systems, especially during coalition and minority government.

**S**cholars widely recognize the fundamental role of formal institutional arrangements in democratic processes (Dahl 1989, pt. 4; Mayhew 1974; Riker 1980, 1986); and formal models of legislative choice have carefully explored how specific institutional structures shape legislative strategies and policy outcomes in the U.S. Congress. These models provide important insights into a wide variety of topics, including how institutional arrangements affect the distribution of benefits to congressional districts (Baron and Ferejohn 1989a, 1989b; Ferejohn, Fiorina, and McKelvey 1987; Shepsle and Weingast 1981; Weingast 1979); how institutional arrangements affect opportunities for congressional committees to exercise power against Congress (Denzau and MacKay 1983; Shepsle and Weingast 1987; Weingast and Marshall 1989); how institutional arrangements affect the efficient allocation of public resources (Baron 1990; Shepsle and Weingast 1984a; Weingast, Shepsle, and Johnson 1981); and how institutional arrangements encourage members of Congress to become policy experts (Gilligan and Krehbiel 1987, 1989). But although these formal studies make key contributions to our understanding of congressional politics, they have not been used to study how institutional arrangements shape legislative processes in parliamentary systems.<sup>1</sup>

The parochial application of existing formal models to Congress is unfortunate. On the one hand, comparative studies of parliamentary democracy suffer because they neglect the insights that emerge from the formal literature. On the other hand, formal studies of legislative institutions suffer because the failure to test existing models outside of Congress makes it difficult to determine if existing formal models in fact produce *general propositions* about institutional arrangements and choice processes. Consequently, claims about the comparative properties of institutional structures are difficult to defend; and

theories about the choice between competing institutional arrangements are difficult to develop.

This research extends the application of formal models of legislative choice to the study of parliamentary politics. It focuses specifically on two procedures—the package vote and the "guillotine"—that sharply restrict the legislative role of the French National Assembly. I argue that existing models of congressional committees and closed amendment rules can be used to make predictions about the conditions that lead the French government (i.e., the prime minister and his cabinet) to invoke these two restrictive procedures. I then demonstrate that the French government's use of the package vote and the guillotine to resolve "distributive" problems is similar to the Congress members' use of closed rules to preserve distributive agreements. Since the logic underlying existing formal models of Congress can be used to explain the French government's use of restrictive procedures, the analysis suggests that future studies of parliamentary politics should look beyond the traditional focus on how institutional arrangements structure the hierarchical relationship between the executive and the parliament to a more general focus on how institutional arrangements constrain strategic interactions *between* parties.

## THE PACKAGE VOTE AND THE GUILLOTINE IN FRENCH POLITICS

As part of an effort to redress the problems of cabinet instability and legislative paralysis that were endemic to the French Fourth Republic, the authors of the Fifth Republic Constitution created a variety of institutions intended to enable the government to restrict the legislative role played by the National Assembly. The constitutional assault on the National Assembly

focused to a large extent on the right of deputies to amend legislation. Under the rules of the Fifth Republic, deputy amendments cannot have the net effect of increasing spending or decreasing revenue (Article 40); deputy amendments can be declared inadmissible if they have not been submitted to the relevant standing committee for consideration (Article 44); and deputy amendments must be in the "domain of law" rather than the "domain of regulation" (Articles 34 and 41). In addition, the Fifth Republic Constitution established two constitutional procedures, the package vote and the "guillotine," that permit the government to exclude otherwise admissible amendments. The package vote, found in Article 44.3 of the Constitution, permits the government to group articles and amendments selectively, excluding the amendments to which it is opposed. Under this procedure, the parliament must vote either to accept or to reject the government's policy. The *guillotine*, found in Article 49.3 of the Constitution, permits the government to "engage its responsibility,"<sup>2</sup> that is, to attach the fate of a bill to a censure vote in the National Assembly. Under this procedure, there is no vote on the bill itself. Instead, all debate ceases immediately; and if a motion of censure is not introduced and voted within a specified time limit, the bill is considered as adopted in the form designated by the government.<sup>3</sup> The package vote and guillotine, then, are both institutions that force the National Assembly to make an "up or down" choice on a policy package determined by the government.

Existing general studies of French politics treat both the package vote and the guillotine as part of the government's large procedural arsenal that renders the French parliament impotent (Andrews 1982; Ehrmann 1983, chap. 10; Williams 1968; Wright 1989, chap. 7). The only studies that focus *specifically* on the package vote and the guillotine are in French, and the most common theme in these studies relates to the "antidemocratic" effects of both institutions. The French studies criticize the institutions because they permit the government to protect its bills from changes by deputies in the National Assembly. Hence, the procedures move final policy outcomes away from the preferences of the directly elected deputies toward the preferences of the government. This usage incites complaints typified by that of Senator Guille, protesting in Senate debate the use of the package vote in 1962: "[The government] leaves us with a frustrating obligation, either to consent to what we judge bad and dangerous for France, or to reject what we estimate necessary and urgent for the French" (quoted in Avril 1965, 441).

The guillotine is generally perceived to be more antidemocratic than the package vote because, in addition to limiting parliamentary amendment activity, the guillotine permits laws to be adopted without the parliament's voting on them. Deputy Paul Reynaud's 11 January 1961 letter to Prime Minister Michel Debré sums up this criticism: "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>4</sup>

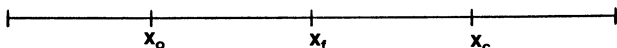
Reynaud was protesting the government's use of Article 49.3 to pass a bill relating to the *force de frappe*, which established France's nuclear weapons capability. Many deputies were hostile to the bill, and the government invoked the guillotine during the debate on a motion to send the bill back to committee before the bill was publicly debated in first reading. The government later invoked Article 49.3 during the second and third readings, so the *force de frappe* became the first bill ever to be adopted without a vote in the National Assembly (Lascombe 1981). In general, the procedure has been used on a wide variety of important bills, including bills related to the budget, social security, changes in French electoral law, the nationalization and denationalization of French industry, and private education.

Although the antidemocratic aspects of both procedures are widely discussed, scholars also recognize that the package vote and the guillotine can benefit deputies in parliament. This occurs when the government uses the procedures to protect its majority from potentially embarrassing votes on amendments posed by the opposition. Such usage has important stabilizing effects when the government's majority is divided or numerically weak (see Duverger 1987, 98–99; Parodi 1972, 26, 190–93; see also Avril 1965, 447). The procedures can also be useful in limiting or reversing changes made to a bill by the Senate or by a conference committee (*commission mixte paritaire*; see Avril 1971; Duverger 1987, chap. 4; Lascombe 1981).

In short, existing research argues that the guillotine and the package vote are used to protect the government's draft of bills from changes in parliament, to protect deputies in the majority from undesirable votes or debate, and to stabilize fragile government coalitions. These studies fail, however, to explain the conditions that actually lead the government to use the two restrictive procedures. For instance, although the studies suggest that the government uses the procedures to curtail parliamentary changes to government bills, they do not explain what types of bills are most likely to be subjected to the procedures. Similarly, although existing studies state that the procedures can be used to stabilize fragile coalitions, they do not predict how the government will use the procedures when it lacks majority support. We might expect, for example, that use of the guillotine declines during minority government because the government fears censure. We might also expect, however, that use of the guillotine increases during minority government because it may provide the only means for the government to enact bills opposed by parlia-

FIGURE 1

## Strategic Committee Proposals under a Closed Rule



Note:  $x_o$  is the status quo,  $x_f$  is the ideal point of the floor, and  $x_c$  is the ideal point of the committee. If  $|x - x_o| \leq |x_c - x_f|$ , then a strategic closed-rule proposal by the committee is  $x_f + |x_f - x_o|$ .

ment. To fill such gaps in our understanding of the two procedures, we can turn to existing formal models of choice processes.

## FORMAL MODELS OF RESTRICTIVE AMENDMENT PROCEDURES AND THE CASE OF FRANCE

Formal models have carefully examined the effects of restrictive amendment procedures on choice processes in the U.S. Congress. Much of this research follows Shepsle's pathbreaking (1979) analysis of structure-induced equilibrium, which demonstrates how policy choices can be understood as a function of the organization of committee systems and of the rules constraining the amendment process. Subsequent models have focused in particular on the importance of committee "gate keeping" power (the power of committees to refuse to report a bill to the floor), "open rules" (where the floor can offer amendments to a committee proposal), and "closed rules" (where the floor must vote either to accept or reject a committee's proposal without the opportunity to amend it).<sup>5</sup>

These models demonstrate that substantial insights into the role of restrictive procedures can be gained from considering strategic behavior by legislative actors.<sup>6</sup> Denzau and Mackay (1981), for instance, show that structure-induced equilibria may not exist when a legislator's preferences on one dimension are linked to preferences on other dimensions. Other models show that legislative rules placing restrictions on the parent body enable strategic committees to bring about outcomes that are not the most preferred policy of the floor (Baron and Ferejohn 1989a; Denzau and Mackay 1983). Under an open rule, a strategic committee will "close the gates" whenever the status quo is more desirable to the committee than is the floor median. Under a closed rule, if the floor's ideal point is between the committee's ideal point and the status quo, a strategic committee can exercise more influence over final policy than would be possible under an open rule. In Figure 1, for example, if preferences are symmetric and single-peaked, then a strategic committee can exercise influence under a closed rule that would be impossible under an open rule whenever the status quo lies in the interval stretching from  $x_o$  to  $x_f$  (where  $|x_o - x_f| \leq |x_f - x_c|$ ). When the status quo is in this interval, the committee can make a proposal in the interval between  $x_f$  and  $x_c$

that is the same distance from the floor as was the status quo (so that the proposal by the committee is  $x_f + |x_f - x_o|$ ), and this proposal will be adopted (see Denzau and Mackay 1983).

Existing models, then, demonstrate that in the pursuit of optimal policy outcomes, there are incentives for legislators to cut strategic deals, for the composition of majorities to change, and for actors to attempt to alter the dimensions on which tough legislative decisions are made. It is therefore important to understand not only the costs and benefits of strategic behavior, but also how legislators use legislative procedures to limit these costs and to enforce agreements.

Existing formal models of restrictive amendment procedures also shed light on the effects of uncertainty on procedural choice. We are particularly concerned in this study with uncertainty by the legislators about the preferences of the floor. Denzau and Mackay (1983) show that in a unidimensional world where committee members seek to maximize utility (given the committee's probabilistic beliefs about the floor's preferences), regardless of whether the amendment rule is open or closed, sincere behavior is optimal only if the committee believes with certainty that its ideal point coincides with the ideal point of the floor. Therefore, uncertainty introduces inertia into the system because it induces strategic committees to "close the gates" under an open rule. Similarly, uncertainty increases the likelihood that strategic committees will exploit the benefits of a closed rule.

### The Case of France

Three differences between congressional and French politics must be considered before existing models of legislative choice can make sense in the French context. The first difference is the "unit of analysis." In Congress, the political actor is the individual legislator, whereas in parliamentary systems the most interesting and important unit of analysis is the political party (see, e.g., Powell 1989; Strom 1990a). In the French case, Converse and Pierce (1986) demonstrate the central role played by political parties in the representation process. The unified nature of party activity is evident in roll call voting analysis, where defections from party discipline are very rare (see Converse and Pierce 1986, 552–62; Wilson and Wiste 1976). Of course, political parties cannot be the only unit of analysis, because the discussion suggests that differences between the government and its parliamentary party (or parties) are sometimes resolved by the government's utilization of the package vote or the guillotine. Hence, the units of analysis in France are parties and the government.

The second difference is the dependence in parliamentary systems of the government on the confidence of parliament. The link between government survival and parliamentary confidence produces two dimensions of preference for each political party: (1) support or opposition for policy and (2) support

or opposition for the government.<sup>7</sup> For parties of the opposition, a proposed bill or amendment may represent an improvement over the status quo but nonetheless be rejected to keep clear for voters the distinction between government and opposition. Conversely, government parties in parliament may find a proposal worse than the status quo but nonetheless accept it to remain loyal to the government. The first dimension of choice clearly is tied to the (often Euclidean) spatial assumptions of most existing formal models. The second dimension of choice, however, implies an assumption of dichotomous preference—a party is either for or against the government.

The two dimensions of party utility in parliamentary systems may lead us to different expectations about the use of the guillotine, as opposed to the package vote. When the guillotine is invoked, there is no vote on the actual bill before parliament. Hence, the procedure does not require deputies to take an explicit policy position but, rather, a position regarding support for, or opposition to, the government. The package vote, on the other hand, requires that the deputies take an explicit policy position, because a vote on the bill itself occurs. There is not, however, a need to take a stand for or against the government. The two procedures therefore require choices on different dimensions of party preferences, one dimension related to policy and the other related to support for, or opposition to, the government. If different factors affect the two dimensions of choice, then the conditions leading the government to use the two procedures should not be the same.

The third difference between congressional and parliamentary politics relates to committees and amendment rules. The powers of standing committees in France are not at all similar to those of committees modeled in the existing formal literature. French committees cannot exercise gatekeeping power and are never granted a closed rule, because the government controls the parliamentary agenda (Article 42 of the Constitution). But existing formal models of committee power are applicable to France if we assume that the government is the “committee.” Since the government controls the parliamentary agenda, it is endowed with both proposal and gatekeeping powers. In addition, when a government puts its own bill on the agenda, it is the text of the government’s bill that serves as the basis for discussion (Article 48 of the Constitution), not the text of the committee’s report of the bill.

If we assume that the government fills the role of committees modeled in the existing formal literature, then the “closed rule” in the French context is imposed when the government invokes either of the two “take it or leave it” procedures: the package vote or the guillotine. Of course, it is important to note an inconsistency between the closed rule modeled in the existing literature and the “closed rules” examined in France. The guillotine, unlike a closed rule,

requires the National Assembly to choose not between accepting and rejecting a policy, but, rather, between accepting and rejecting the government. And unlike committees in the existing formal literature, the French government selects its own amendment rule.

In short, although there are differences between French legislative institutions and the institutions examined in existing models of legislative choice, the case of France provides an important opportunity to test existing models outside the U.S. Congress.

## HYPOTHESES ABOUT THE USE OF RESTRICTIVE PROCEDURES IN FRANCE

I draw on this discussion to develop six specific hypotheses about the conditions that lead the government to invoke the two restrictive procedures. The first three derive from existing formal research on restrictive amendment procedures; the fourth derives from both the formal literature and existing French politics research; the last two derive from existing research on French political institutions.

**HYPOTHESIS 1. JURISDICTIONAL COMPLEXITY.** *The probability that the government will use restrictive procedures on a bill increases as the number of issue dimensions pertaining to the bill increases.*

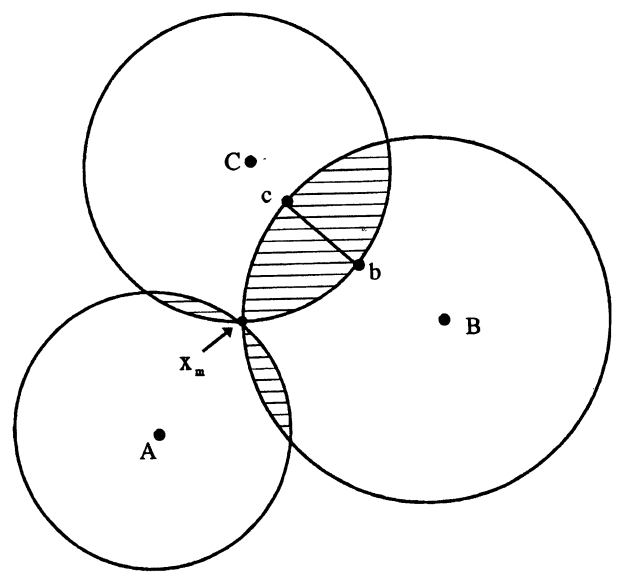
**HYPOTHESIS 2. DISTRIBUTIVE BILLS.** *The probability that the government will use restrictive procedures on a bill increases when the bill is distributive in nature.*

Hypotheses 1 and 2, discussed in detail by Krehbiel (1991; see also Denzau, Riker, and Shepsle 1985; Shepsle and Weingast 1984b), recognize that closed rules preserve “gains from trade” on dimensionally complex issues. Together, these two hypotheses represent a central result from existing formal models. An example of the logic underlying these hypotheses is given in Figure 2. Here, parties A, B, and C must choose a policy on two dimensions. If the two dimensions are voted one at a time under an open rule, the outcome will be  $x_m$ , the issue-by-issue median. However, any proposal in the shaded area (the win set of  $x_m$ ) will defeat  $x_m$ . Hence, any two parties could benefit from gains engineered under a closed rule. For example, parties B and C could make a closed-rule proposal on the BC contract curve between the points b and c. Any point on the line between b and c is not only preferred by both B and C to  $x_m$  but is also Pareto-optimal in the sense that neither B nor C could be made better off without making the other party worse off. Both the package vote and the guillotine have the institutional structure necessary to preserve gains from trade in the manner suggested by this example.

Although the logic behind Hypotheses 1 and 2 is the same, jurisdictionally complex bills and distributive bills need to be kept conceptually distinct. A jurisdictionally complex bill touches on more than

FIGURE 2

## Jurisdictional Complexity and Closed Rules



Note:  $x_m$  is the issue-by-issue median. The shaded area is the win + set of  $x_m$ .

one dimension of individual (or party) preference. For example, a bill concerning both the amount of money the state transfers to local communities for education and the total number of public education jobs paid by the state might touch on one dimension of choice related to the decentralization of political decision making and another dimension of choice regarding the amount of state money spent on education. A distributive bill, on the other hand, is one where the benefits are concentrated and the costs are spread out. Following the previous example, a distributive bill might be one where parliament must decide how geographically to distribute a fixed amount of state funds earmarked for education.

Students of parliamentary politics may be skeptical of Hypotheses 1 and 2 since parliaments clearly do not practice distributive politics like that in Congress. Although I do not want to suggest that French parliamentary politics is "distributive" in the U.S. congressional sense, it is important to recognize that parliaments must vote publicly on the distribution of limited public resources. Hence, although individual deputies may not frequently fight successfully on the floor of parliament for particularistic benefits, intuitions underlying Hypotheses 1 and 2 are relevant to parliamentary systems because they can help us to understand how governments use restrictive procedures to address problems between factions within a government party, between parties who are partners in a government coalition, and between the government and opposition parties during minority government.

**HYPOTHESIS 3: GOVERNMENT STATUS.** *As the government's status becomes weaker or more heterogeneous, the probability that restrictive procedures will be invoked on a bill increases.*

Hypothesis 3 is the only hypothesis strictly related to systemic rather than bill-specific factors. As I have noted, research on French institutions suggests that use of restrictive procedures is related to the government's status but does not provide a satisfying theoretical explanation of the relationship between systemic factors and the use of restrictive procedures. Existing formal research can help fill this theoretical void. In particular, formal research on the effects of uncertainty, strategic behavior, and dimensional complexity all lead to the development of Hypothesis 3.

Existing models show that as uncertainty about the preferences of the floor increases, the benefits to the proposer under a closed rule also increase. Hence, if we assume that a government is more uncertain about the preferences of the majority when the government coalition becomes more heterogeneous or loses its majority status, then closed rules should be used in such situations to combat uncertainty. Existing models also show that strategic amendment activity permits political actors to achieve more desirable policy outcomes than does sincere behavior. In parliamentary democracies, strategic behavior should increase during minority government because a wider variety of strategic coalitions are possible than is the case during majority government, when the roles of government and opposition parties are clearly delineated. Hence, restrictive procedures should be used by minority governments to combat strategic behavior by the opposition.

We can be more confident that the logic underlying formal models leads to Hypothesis 3 if there exists evidence of an increase in strategic voting behavior during minority government. Measuring strategic behavior is problematic, since it requires information about party preferences; but one possible approach in France is to assume that it is rarely sincere for the preferences of the Communists, a left-wing party, at once to differ from the Socialists and be the same as those of the conservative parties on the Right. This assumption, which is consistent with studies of the ideology of French parties and French party supporters (Converse and Pierce 1986), enables us to make inferences about strategic behavior from the voting records of the parties. Evidence of strategic behavior by the opposition parties exists if the Communists and the parties on the Right vote together to defeat the Socialists on motions, articles, or amendments during minority government (i.e., on votes that precede the final vote on a bill) but fail to defeat the Socialists in final votes on bills. Table 1 shows that the Socialists were defeated on motions, articles, and amendments 6% of the time in the first two years of minority government. As a point of reference, the first row of the table shows that this is substantially more often than was true during the Socialist major-

TABLE 1

Strategic Voting during Minority Government

TYPE OF GOVERNMENT	PERCENTAGE OF VOTES WON BY SOCIALISTS:	
	AMENDMENTS, MOTIONS, ARTICLES	FINAL BILLS
Majority	99.2	100
Minority	94.0	99.5

Note:

Data in the table are from over 500 votes randomly selected by me. The first row of the table covers the 1981–86 Socialist majority government. The second row of the table covers the 1988–June 1990 period of Socialist minority government.

ity government of 1981–86, which lost similar votes less than 1% of the time. However, in final votes on bills, the Communists and the parties on the Right joined together to defeat only one Socialist bill in over two hundred. Hence, the Communists and the conservative parties voted together only in votes that preceded the final decision on bills. The data in Table 1, then, suggest that minority government encourages strategic behavior by opposition parties; and we might expect the government to use restrictive procedures to combat this strategic behavior.

A final link between formal models and Hypothesis 3 derives from Budge and Fairlie’s argument that parties in parliamentary systems are often linked to particular issues; that is, parties frequently “stress particular issues because they almost always work in their favor—they do, in a real sense ‘own’ them” (1983, 271; see also Budge, Robertson, and Hearl 1987). Parties on the Right, for example, can never hope to appear more committed to social reforms than parties on the Left; and parties on the Left can never hope to appear more committed to military defense than parties on the Right. If individual parties are primarily concerned with different dimensions of policy, then jurisdictional complexity increases with the number of parties in a government coalition. Hence, following Hypothesis 1, restrictive procedures can be used to preserve agreements between coalition parties during multiparty government.

**HYPOTHESIS 4: URGENCY.** *Restrictive procedures are used to hasten action on the floor of the National Assembly.*

This hypothesis derives from Baron and Ferejohn’s (1989a, also 1989b) “divide the dollar” model, which shows that the benefits to all legislators of a closed rule increase as the costs of delay increase. In addition, French politics scholars argue that the procedures can be used to expedite the legislative process (Avril 1965; Duverger 1987, chap. 4). The package vote enables the National Assembly to avoid voting all of the amendments that are introduced by the opposition, while the guillotine immediately stops all debate on a bill.

**HYPOTHESIS 5: AVOID POLITICAL EMBARRASSMENT.** *The government will invoke restrictive procedures on bills to protect its majority from embarrassing votes and debates.*

This hypothesis cannot be derived from existing formal models because such models assume that voters or parties care only about final policy outcomes. Instead, the hypothesis derives strictly from the research on French politics I have discussed. The arguments presented above dovetail nicely with those of Baumgartner (1987, 1989), who argues that opposition deputies can use the French National Assembly as a tool for turning public opinion against government policies. The hypothesis predicts that as the controversy of an issue increases, pressures by parliament (and specifically the opposition) will increase in forms permitting the maximum focus of public attention on the issue. The government can react to limit the pressure by invoking the restrictive procedures. We should therefore expect the government to use the procedures on the bills that are most vigorously attacked by the opposition and during time periods when public debate on bills is most costly.

Since the logic behind Hypothesis 5 relates to protecting the government majority from undesirable votes or debate, it is difficult to generate different predictions for the two restrictive procedures. The package vote does not protect the majority from opposition attacks because under the procedure, authors can defend their amendments. It does, however, protect the majority from voting these amendments. The guillotine protects the majority not only from voting amendments but also from voting a bill itself. In addition, it protects the majority from protracted debate since all debate ceases immediately when the procedure is invoked. Under the guillotine, however, the opposition has wide latitude to criticize the majority during the debate on the censure motion that generally follows the use of the procedure.

**HYPOTHESIS 6: POLICY DISTANCE.** *The government will use restrictive procedures to prevent changes by the National Assembly to the government’s draft of a bill; or, the probability that the government will invoke restrictive procedures on a bill increases as the preferences of the government and the National Assembly diverge.*

Hypothesis 6 emerges directly from the literature on French legislative politics, which argues that both types of restrictive procedures are used to protect the government’s own bill from changes by a hostile National Assembly. This hypothesis is related to the frequent claim that both procedures (especially the guillotine) are antidemocratic.

THE RESULTS

Tables 2 and 3 give the results of multivariate analyses of Hypotheses 1–6 using data that I collected at the archives of the National Assembly in Paris. The



TABLE 2

## Logit Analysis of the Package Vote

EXPLANATORY VARIABLES	(1)	(2)	(3)	(4)
Constant	-5.18 (1.12)	-4.38 (.98)	-5.31 (1.12)	-4.45 (.98)
Multiple referrals ( <i>jurisdiction</i> )	.56 (.78) <i>.046</i>	2.38 (.60)	—	1.33 (.72)
Finance Committee ( <i>distributive</i> )	2.73 (.84) <i>.46</i>	—	3.10 (.67)	2.20 (.76)
Coalition government	1.92 (.82) <i>.27</i>	2.07 (.79)	1.95 (.82)	1.65 (.78)
Minority government	5.75 (1.48) <i>.89</i>	5.39 (1.39)	5.80 (1.47)	5.42 (1.48)
Days until end of session	.002 (.006) <i>.00013</i>	.004 (.006)	.002 (.006)	.004 (.006)
Opposition activity ( <i>controversy</i> )	1.25 (.29) <i>.14</i>	1.01 (.26)	1.29 (.28)	1.30 (.28)
Days until next election	-.003 (.001) <i>-.00023</i>	-.003 (.001)	-.003 (.001)	-.003 (.001)
Number of adopted amendments	.017 (.007) <i>.0011</i>	.011 (.006)	.018 (.006)	—
Report lag	-.01 (.01) <i>-.00073</i>	-.01 (.01)	-.01 (.01)	-.01 (.01)
Log likelihood	-43.61	-49.53	-43.87	-46.60
Number of cases	356	356	356	356

Note: The dependent variable takes the value 1 if the package vote is used, 0 otherwise. Standard errors are given in parentheses. The italicized number in column 1 gives the change in the probability of observing the package vote given a one-unit increase in the independent variable when the prior probability of observing a package vote is .07 (7% of the bills in the sample are subjected to the package vote).

TABLE 3

## Logit Analysis of the Guillotine

EXPLANATORY VARIABLES	(1)	(2)	(3)	(4)
Constant	-4.00 (1.05)	-3.66 (1.00)	-3.88 (1.03)	-4.14 (1.05)
Multiple referrals ( <i>jurisdiction</i> )	-.64 (.77) <i>-.023</i>	.65 (.61)	—	-.77 (.73)
Finance Committee ( <i>distributive</i> )	1.97 (.68) <i>.22</i>	—	1.63 (.55)	2.02 (.67)
Coalition government	.56 (.76) <i>.034</i>	.77 (.73)	.54 (.75)	.64 (.76)
Minority government	1.93 (.86) <i>.22</i>	1.67 (.84)	1.89 (.86)	2.01 (.84)
Days until end of session	-.017 (.010) <i>-.00078</i>	-.015 (.010)	-.017 (.010)	-.017 (.010)
Opposition activity ( <i>controversy</i> )	.76 (.29) <i>.051</i>	.62 (.25)	.69 (.25)	.74 (.27)
Days until next election	.0001 (.0008) <i>.0000033</i>	.0003 (.0008)	.00008 (.0008)	.0001 (.0008)
Number of adopted amendments	-.005 (.008) <i>-.00023</i>	-.008 (.008)	-.007 (.008)	—
Report lag	-.007 (1.06) <i>-.00032</i>	-.005 (.006)	-.006 (.006)	-.007 (.006)
Log likelihood	-53.17	-57.26	-53.52	-53.36
Number of cases	356	356	356	356

Note: The dependent variable takes the value 1 if the guillotine is used, 0 otherwise. Standard errors are given in parentheses. The italicized number in column 1 gives the change in the probability of observing the guillotine given a one-unit increase in the independent variable when the prior probability of observing a guillotine is .05 (5% of the bills in the sample are subjected to the guillotine).

data set includes information about amendment and procedural activity for 356 *projets de loi* (government bills) that were voted in first reading between the 21 March 1978 elections and the end of the legislative session in December 1989.<sup>8</sup> The bill is the unit of analysis, and the dependent variable takes the value one if the restrictive procedure is used and zero if it is not. The dichotomous nature of the dependent variable makes logit an appropriate model. Of the 356 bills, 37 (just over 10%) were subjected to one or both of the restrictive procedures. The frequency of French restrictive procedures is therefore greater in the restricted sample than the frequency of closed rules in Congress (1975–86), although a larger percentage of

bills in Congress are subjected to modified restrictive rules (Bach and Smith 1988, 57).

I test Hypothesis 1 (that use of the guillotine should increase with a bill's jurisdictional complexity) by assuming that bills considered by more than one committee are jurisdictionally complex. Hence, *jurisdiction* is a dummy variable that takes the value one if the bill is referred to more than one committee, zero otherwise. I test Hypothesis 2 by assuming that Finance Committee bills are distributive, because they involve the levying of taxes and the distribution of money. *Distributive*, then, is a dummy variable that takes the value one if the bill's original jurisdiction is the Finance Committee, zero otherwise. The Finance Committee had original jurisdiction for 79 of the 356



bills in the sample, of which 12 were annual budget bills. Both *jurisdiction* and *distributive* should have positive coefficients if Hypotheses 1 and 2 are true.

The effects of government status (Hypothesis 3) are measured using two dummy variables. The first, *coalition*, takes the value one if the government is a coalition majority, zero otherwise. The second, *minority*, takes the value one if the government is a minority government, zero otherwise. The coefficients for each of these two variables are used to estimate the difference between the probability that a coalition or minority government will invoke a restrictive procedure and the probability that a single-party majority government will invoke a restrictive procedure.

I examine whether there is an increase in the utilization of restrictive procedures as legislative sessions approach their end to test Hypothesis 4 (that restrictive procedures are used to hasten decision making). *End session* therefore simply measures the number of days until the end of the parliamentary session and should have a negative coefficient if Hypothesis 4 is true.

Hypothesis 5 is difficult to test because of the problems inherent in determining the types of issues potentially subjecting the government to embarrassing debate or amendments. I consider two plausible approaches. The first measures the level of controversy raised by a bill as a function of the types of efforts made by the opposition to oppose the bill's adoption. *Controversy* measures four activities that the opposition can undertake to oppose a bill after the bill has come to the floor for discussion. The variable is constructed as follows: (1) If 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, the value one is added to the index; (2) if the number of suspensions of debate demanded by the opposition is more than one standard deviation above the mean number of suspensions demanded by the opposition in the data set, then the value one is added to the index;<sup>9</sup> (3) if the opposition demands a verification of the quorum, the value one is added to the index; and (4) if the opposition submits one (or more) of three preliminary motions (moving the previous question, moving the bill inadmissible, moving it be returned to committee for reconsideration) the value one is added to the index.<sup>10</sup> *Controversy* can take values of zero to four, with a higher value indicating a larger degree of controversy. If potential government embarrassment increases with the controversy of the measure, then *controversy* should have a positive coefficient.

Another measure of the potential embarrassment that a bill might cause the government relates to the timing of the bill with respect to the next election. If the government invokes restrictive procedures to avoid electorally difficult votes or debate, then the payoff of invoking the restrictive procedures should increase as elections approach. *Next election* measures the number of days from the time a bill is voted to the next parliamentary or presidential election and hence

should have a negative coefficient to support Hypothesis 5.

I test Hypothesis 6 (that restrictive procedures are used by the government to protect its bill from change) by assuming that successful amendment activity is a proxy for differences between government and floor preferences. As the changes to the government's text of a bill increase, policy divergence increases. *Amendments* is simply the sum of all accepted amendments on a bill.

The final variable in the model, *report*, is a control variable not directly related to any of the six hypotheses. This variable measures the number of days between the submission of the bill by the government and the report by the relevant committee. It is a proxy for the importance of the bill to the government, because the government determines when bills are reported and debated in the National Assembly (and hence can call for its most important bills quickly while leaving less important ones buried in committee). *Report* should have a negative coefficient if the probability of restrictive procedures increases with the importance of the bill to the government.

Tables 2 and 3 give four specifications of the statistical model analyzing the government's decision to invoke the package vote and the guillotine, respectively. Column 1 in both tables includes all the independent variables, and the italicized number in column 1 gives the expected increase or decrease in the probability of observing the package vote or the guillotine, given a one-unit increase in each independent variable. The italicized number is calculated based on the assumption that the prior probability of observing the package vote is .07 (since 7% of the bills in the sample are subjected to the package vote) and that the prior probability of observing the guillotine is .05 (since 5% of the bills in the sample are subjected to the guillotine).

First consider Hypotheses 1 and 2. For the package vote, all specifications in Table 2 support Hypothesis 2. Column 1 shows that if a bill is submitted to the Finance Committee, the probability that the bill will be subjected to the package vote increases by 46%. Hypothesis 1 also receives some support in the model, with *jurisdiction* having the expected sign, albeit with a coefficient substantially smaller than that of *distributive* and with a standard error that leaves doubt about its statistical significance. However, an examination of columns 2 and 3 shows that the poor performance of *jurisdiction* in column 1 is probably due to multicollinearity between *jurisdiction* and *distributive*. In column 2, *distributive* is suppressed and *jurisdiction* is highly statistically significant with a coefficient substantially larger than is the case when *distributive* is included. In column 3, *jurisdiction* is suppressed and the coefficient of *distributive* is even larger than is the case in column 1. Although the data do not permit us to sort out the independent effects of jurisdictional complexity and distributive consequences, the specifications in columns 2 and 3 do give us reason to believe that both variables are important to the government's package vote decision. This

interpretation is supported by simply noting that 24% of jurisdictionally complex bills in the sample are subjected to the package vote, whereas only 3% of bills that are not jurisdictionally complex are subjected to the package vote.

The guillotine data do not support Hypotheses 1 and 2 to the extent that is true in the case of the package vote. Table 3 shows that *distributive* is statistically significant with the expected sign, supporting Hypothesis 2 but that the effect is much smaller in magnitude than is the case for the package vote. The data for the guillotine, on the other hand, do not support Hypothesis 1. The parameter estimate for *jurisdiction* is not statistically significant (and has the wrong sign) in all specifications of the model, including columns 2 and 3, which attempt to examine the effect of multicollinearity between *jurisdiction* and *distributive* on the parameter estimates for these two variables. In sum, two key hypotheses from existing formal models of closed rules (Hypothesis 1 regarding jurisdictional complexity and Hypothesis 2 regarding the distributive characteristics of bills) are supported by the tests for the package vote. The same is not true for the guillotine.

Next consider Hypothesis 3. The parameter estimates for the variables related to the status of the government support the hypothesis in the case of the package vote. The effect of minority government on the probability of the package vote is very large: if the prior probability of observing a package vote is .07 under a single-party majority government, the probability is .96 under a minority government. The existence of a coalition government also increases the probability of the package vote, but to a lesser extent than is the case with minority government. The existence of minority government also has a large and statistically significant effect on the government's decision to use the guillotine; but Table 3 shows that the existence of coalition government does not have a significant impact on the government's decision calculus.

The results pertaining to minority government deserve special comment because they are significant to our understanding of French politics in two respects. First, Wright (1989), Andrews (1982), and Frears (1981) each argue that parliamentary impotence in the Fifth Republic is due largely to the existence of a progovernmental majority; and they predict that this impotence may disappear in the absence of such a majority. The data presented indicate that this might not be true, because during minority government, the government's widespread use of restrictive procedures can limit the legislative role of parliamentary parties. Second, the government's frequent resort to the guillotine during minority government may have positive implications for cabinet stability. The guillotine enables opposition parties to oppose bills and then abstain on Article 49.3 censure motions. Hence, opposition parties can avoid both bringing down the government and paralyzing the legislative process without supporting either the government or its policies. The fact that French institutional arrange-

ments create this strategy for opposition parties should make minority government in France more stable than might otherwise be possible.

The hypothesis that restrictive procedures are used to expedite the legislative process (Hypothesis 4) is tested by *end session*. Columns 1–4 indicate that the government's propensity to utilize the package vote is not affected by the government's desire to expedite the legislative process. Similarly, Table 3 shows that the guillotine is not used with increasing frequency as the legislative session draws to an end. These results are perhaps not surprising, given uncertainty in existing research about the extent to which the procedures can actually be used to hasten the process. The package vote does not limit the right of authors either to introduce or to defend amendments (Carcassonne 1988, 336), and the guillotine entails the delays of a censure motion.

With respect to Hypothesis 5, the coefficients for *controversy* are somewhat difficult to interpret given the nature of the variables; but their effects are clearly significant for both the package vote and the guillotine. In the case of the package vote, when the value of *controversy* is four (its maximum value), the probability of the package vote is .92 (.07 + .85). Hence, the effect of full-fledged opposition efforts to draw attention to a bill on the probability of the package vote are very important. The same is true for the guillotine, although the magnitude of the effect is smaller.

The number of days until the next election is also used to test Hypothesis 5. The variable is statistically significant in the expected direction for the package vote, although the magnitude of the effect is small. In the case of the guillotine, the coefficient is not statistically significant and has the wrong sign. The direction of the effect may suggest that the government does not like to use the guillotine as elections approach since its usage may send a sign that the government is without a majority for its policies. In fact, in the sample data, if there are less than two hundred days until the next election, less than 2.5% of all bills are subjected to the guillotine, while if there are more than five hundred days until the next election, almost 7% of all bills are subjected to the guillotine.

The number of adopted amendments is used to test Hypothesis 6, which states that the use of restrictive procedures should increase as the policy preferences of the government and the National Assembly diverge. Table 2 shows that the amendment variable is statistically significant with the expected sign. To interpret the magnitude of the effect, it is useful to note that if the number of successful amendments on a bill is equal to the mean number of successful amendments in the sample (i.e., 27 amendments adopted), then the probability of the package vote increases by only .03 over the case where no amendments are adopted. However, if the number of successful amendments is exactly one standard deviation above the average number of adopted amendments (i.e., 68 amendments adopted), then the probability

of the package vote increases by .13 over the case where there are no amendments.

Hypothesis 6 does not receive support from the data in the case of the guillotine. In Table 3, the parameter estimates for *amendments* are never statistically significant and have the wrong sign. Tables 2 and 3 therefore suggest that the government's use of the package vote is linked to the policy preferences of the legislative actors, but the government's use of the guillotine is not. This interpretation is further supported by the fact that in the sample 44 amendments are reserved, on average, when the government invokes the package vote, but not the guillotine, on a bill, whereas only two amendments are reserved, on average, when the government invokes the guillotine, but not the package vote. The statistical analysis therefore highlights the fact that use of the guillotine touches dimensions of preference related both to government support and policy outcomes, while use of the package vote touches policy preferences almost exclusively.

As a measure of policy divergence between the government and the National Assembly, *amendments* may raise certain objections. Successful amendments by the National Assembly to the government text may not, for example, be a good proxy for the differences between government and National Assembly preferences, because if a bill is multidimensional, a large number of amendments may not entail a large divergence between government and floor preferences. Similarly, large bills may be subjected to more amendments of all types than are small bills. Since the effects of amendment activity may be difficult to interpret, it is desirable to estimate the model without *amendments* to determine whether the inclusion or exclusion of this variable significantly effects the estimation of the other variables. This is done in column 4 of Tables 2 and 3. It is reassuring to note that the coefficients and standard errors of all the variables remain relatively stable for both the package vote and the guillotine when the amendment variable is suppressed.

Finally, the control variable in the model, *report* is not statistically significant for either the package vote or the guillotine. Therefore, if *report* is a good proxy for the importance of the bill to the government, then the importance of the bill does not affect the government's procedural choice when we control for other factors.

## CONCLUSION

The analysis presented suggests that the government's use of the package vote and the guillotine is associated with the distributive consequences of bills, the level of controversy raised by bills, and the existence of minority government. The analysis also demonstrates that the package vote and the guillotine arise under different circumstances and are not procedurally interchangeable. The government's use of the guillotine (but not of the package vote) seems to

decline as elections approach. More importantly, the government's use of the package vote (but not of the guillotine) increases with the jurisdictional complexity of bills, divergences between the policy preferences of the government and the National Assembly, and the existence of coalition government. The package vote, then, appears to be more "antidemocratic" than the guillotine in the sense that as the policy preferences of the government and the National Assembly diverge, the government uses the package vote with increasing frequency to reserve majority and opposition amendments. We might therefore conclude that the package vote is an institution used by the government *against* its own majority in the National Assembly, whereas the guillotine is an institution used by the government to *protect* its majority in the National Assembly from undesirable votes or debate.

The examination of the conditions that lead the government to invoke the two restrictive procedures reveals a similarity between congressional politics and parliamentary politics that is previously ignored by both Congress and comparative scholars. This similarity emerges from considering two results in the empirical analysis. First, the probability of both the package vote and the guillotine increases on controversial bills and on bills sent to the Finance Committee; and the probability of the package vote increases on bills sent to more than one committee. In Congress, controversial bills, bills referred to multiple committees, and bills referred to the "prestige" committees (e.g., Budget, Ways and Means, and Appropriations) are most likely to be subjected to closed or restrictive rules (see Bach and Smith 1988). French restrictive procedures, then, are used on the same sorts of bills that are subjected to restrictive amendments rules in Congress. Second, when we control for the characteristics of bills, the majority status of the government strongly affects the probability with which the government will resort to restrictive procedures. When the government has more than one party, use of the package vote increases; and when the government has only minority support, use of both the package vote and the guillotine increases. Hence, it seems that restrictive procedures in parliamentary systems may be used to preserve agreements *between parties* in the same way that restrictive voting procedures are used to preserve agreements between individual members of Congress.

Together, these two findings suggest a new focus in future studies of parliamentary politics. In the past, studies of legislative politics in parliamentary democracies generally examine the extent to which legislative power is concentrated in the hands of either the parliament or the executive;<sup>11</sup> and studies focusing specifically on parliamentary institutional arrangements often focus on how legislative rules affect the vertical relationship between executives and parliaments.<sup>12</sup> This study suggests that institutional arrangements play important roles in structuring not only legislative-executive relationships but also strategic interactions between parties that are

partners in coalitions and between government and opposition parties during minority government. Consequently, it is important to explore more generally how institutions shape legislative strategies and final policy outcomes when issues divide the government and parliament, parties within a government coalition, and (during minority government) the government and the opposition. This analysis suggests that such further research might clearly reveal claims about the antidemocratic nature of institutions like the package vote and the guillotine to be misguided. Instead, restrictive amendment procedures in parliamentary systems, like restrictive amendment procedures in Congress, might very well be found to enhance the efficiency of legislative bargaining processes and the stability of legislative outcomes. Further comparative research on this question is clearly feasible, since procedures like the French guillotine also exist in Germany (Dalton 1989, 59–60), Belgium, Finland, Italy, and the Netherlands (Inter-Parliamentary Union 1986, Table 40).

The analysis presented also has implications for the formal study of legislative institutions. The formal hypotheses related to jurisdictional complexity, distributive consequences, and the nature of the government coalition are all supported by the package vote data, providing new evidence that efforts to model legislative institutions are in fact producing general propositions about choice processes. At the same time, the guillotine data fail to support hypotheses related to jurisdictional complexity and coalition government, raising important questions about the circumstances under which we can apply existing models to parliamentary arenas.

It is not surprising that existing models explain the use of the package vote better than the use of the guillotine. First, the package vote procedure is directly tied to the policy content of bills, whereas the utilization of the guillotine is not; that is, use of the package vote requires the National Assembly to vote either for or against the government's package, whereas use of the guillotine does not require a vote on the bill but, rather (potentially), a vote on a censure motion. Since most existing formal models assume that party utility is strictly a function of short-term outcomes in a well-defined policy space, it seems logical that empirical results for institutions that touch directly on policy preferences (i.e., the package vote) are better explained by existing formal models than are empirical results for institutions such as the guillotine, which touch less clearly on policy preferences.

Second, use of the guillotine carries with it much higher political costs than does use of the package vote. Both procedures can give a public impression that the government lacks a majority for its policy, is internally divided, or is authoritarian against the directly elected representatives of the voters. But the costs of using Article 49.3 are higher because it invites the most "political" act in parliament—a motion of censure. Consequently, use of the procedure receives much greater attention and criticism from the media.

Evidence of the higher political costs of the guillotine comes from simply noting that the guillotine is used much less frequently. From 1959 to 1990, the package vote was used 236 times while the guillotine was used 64 times (Maus 1988, 160, 181–82; Secrétariat Général de l'Assemblée Nationale 1988, 1989, 1990). Since existing formal models do not associate costs with the actual utilization of restrictive procedures, it is not surprising that the use of an institution heavy with such costs (e.g., the guillotine) is less empirically consistent with predictions of existing formal models than is the use of an institution for which the costs of utilization are low (e.g., the package vote). The differences between the package vote results and the guillotine results therefore suggest that it might be fruitful for future formal models of parliamentary politics to explore the inclusion of officeholding preferences into the objective functions of parties, as well as to examine the potential political costs associated with using particular types of procedures.

To conclude, my effort to use existing formal models of congressional politics to study the French government's use of restrictive procedures suggests that the emphasis in previous comparative research on the differences between congressional and parliamentary politics has perhaps led us to overlook potentially important similarities in the two types of systems. Specifically, the data suggest that restrictive legislative procedures are used on the same types of issues for the same types of reasons in the French National Assembly and in Congress. Future studies of parliamentary systems could therefore reap benefits by using the intuitions from formal models to study the types of issues that divide parties, and to explore how institutional arrangements are designed to permit competing parties to make and to preserve policy agreements. At the same time, future efforts to develop formal theories about how procedural structures shape the nature and stability of policy outcomes would be enhanced if attempts were made to develop models of noncongressional institutions and conduct additional tests of existing models in noncongressional settings.

## Notes

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1. Formal models of coalition formation are an exception (see, esp. Austen-Smith and Banks 1988, 1990; Baron 1991; and Laver and Shepsle 1990). These studies do not, however, examine legislative politics after government formation is complete.

2. This is a literal translation from the French, for which I cannot suggest an appropriate English term.

3. The name *guillotine* does not come from cynical French political observers who see a parallel between the political procedure found in Article 49.3 and another political procedure commonly employed during the eighteenth-century "Reign of Terror." Instead, the name is taken from a close cousin that exists in Great Britain. The British guillotine, however, simply stops all debate on a bill. There is no formal procedure to attach the vote on the bill to a confidence vote (although the British government can state that it will resign if the bill is not adopted).

4. The full text of the letter is reprinted in Maus 1988, p. 183.

5. See Krehbiel 1989 for an excellent review of the formal literature on restrictive legislative institutions. Dion (1992) analyzes the robustness of Shepsle's structure-induced equilibrium.

6. A *sincere* legislative actor proposes, or votes for, his or her most preferred outcome at every stage in the legislative process, whereas a *strategic* legislative actor proposes or votes for alternatives (or amendments) that may not be most preferred at the intermediate stage in order to maximize utility of the final outcome.

7. See Strom 1990b for an excellent discussion of the office-seeking, vote-seeking, and policy-seeking motivations of political parties in parliamentary systems.

8. Several criteria were used to select the bills. First, since the National Assembly seldom plays a large role in foreign affairs, bills originally assigned to either the Defense Committee or to the Foreign Affairs Committee were not included. Second, to avoid the possibility that National Assembly activity reflects efforts to reverse changes made by the Senate, only bills originally submitted to the National Assembly were included. A random sample of the remaining bills were selected; but all finance bills, which dominate the legislative agenda each autumn, were included.

9. Article 58.3 of the Rules of the National Assembly permits the president of a parliamentary group (or his or her designee) to demand at any time a suspension of parliamentary debate for the purpose of a parliamentary group meeting.

10. If a party moves the previous question or moves that 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 (Article 104.2). The adoption of either type of motion defeats the bill. Parties can also move that bills be returned to committee for further consideration (Article 91.6-8). All three types of motions provide an opportunity for the opposition to criticize a measure publicly before any changes to the bill are made.

11. See, e.g., Lijphart, 1984 and Powell 1982, chap. 4.

12. See, e.g., Loewenberg and Patterson, 1979 and Mezey 1979.

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