

Acknowledgments

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Introduction

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.¹ 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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1958.² 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.³ 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*.⁴ 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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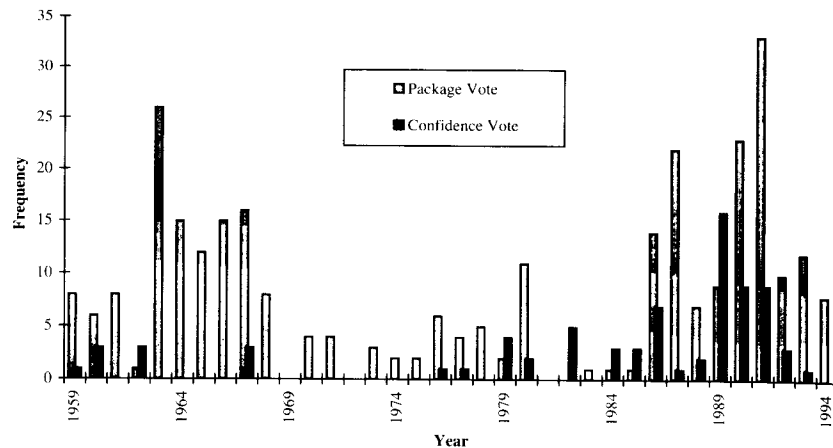


Figure 1. Annual Utilization of the Package Vote and the Confidence Vote Procedure 1959–1994.

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.⁵ 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*.⁶ 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.⁶

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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,⁷ 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.⁸ 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

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.⁹ 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.¹⁰ 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)¹¹ or, more commonly, cannot be exercised (because parties are organized to ensure deference by members of parliament to expert leaders on policy questions).¹² 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, Packerham 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).

More recent research delineates new functions played by assemblies. Central among these is “legitimation.” Scholars argue that 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 legitimation function is held to be crucial – without parliament fulfilling this role, the survival of democracy is held to be next to impossible. The legitimation 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.¹³

The concern with the legitimation function of parliaments has led to an interest in the process of *institutionalization*.¹⁴ 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

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.¹⁵ 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.¹⁶ 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.¹⁷ 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

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."¹⁸

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

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.¹⁹

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*.

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)

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.²⁰ 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.²¹ 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.

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,

I draw on recently published archival data on the debates over the drafting of the Constitution in 1958.²²

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.

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-

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

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.

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,²³ 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

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.¹

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.²

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.³ 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.⁴ 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