3

Restrictive procedures and policy conflict

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

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

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

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

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

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

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

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

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

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

THE POLICY CONFLICT MODEL

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

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

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

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

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

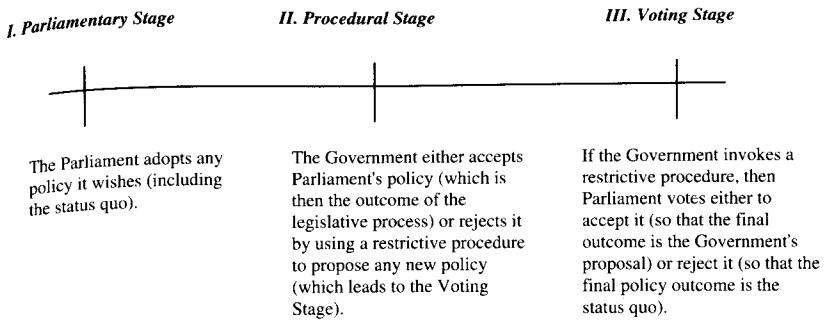

Figure 3.1. The Sequence of Interactions in the Policy Conflict Model.

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

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

THE IRRELEVANCE OF POLICY CONFLICT

The Policy Conflict Model indicates that the Government's decision to use a restrictive procedure will be completely unrelated to the level of divergence between the policy preferences of the Government and Parliament. To see why, consider the two-dimensional example in Figure 3.2.[8] Assume for simplicity that the ideal point of the Government is located at x_G, the ideal point of the Parliament is located at x_P, and the status quo policy is located at x_0. The indifference curves of the agents are elliptical and are drawn in this example to indicate that both the Government and Parliament value movement on the social policy dimension more than movement on the defense dimension. The set of policies that Parliament prefers to the status quo, which I call the Government's "set of obtainable policies," includes all policies that lie inside the Parliament's indifference curve through x_0. If the Government ever uses a restrictive procedure to propose any policy in this set, then Parliament will accept the Government's proposal because it prefers this policy to the outcome obtained from rejecting the proposal (x_0). If the Government uses a restrictive procedure to propose any policy not in this set, the Parliament will defeat the proposal, retaining the status quo.

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

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

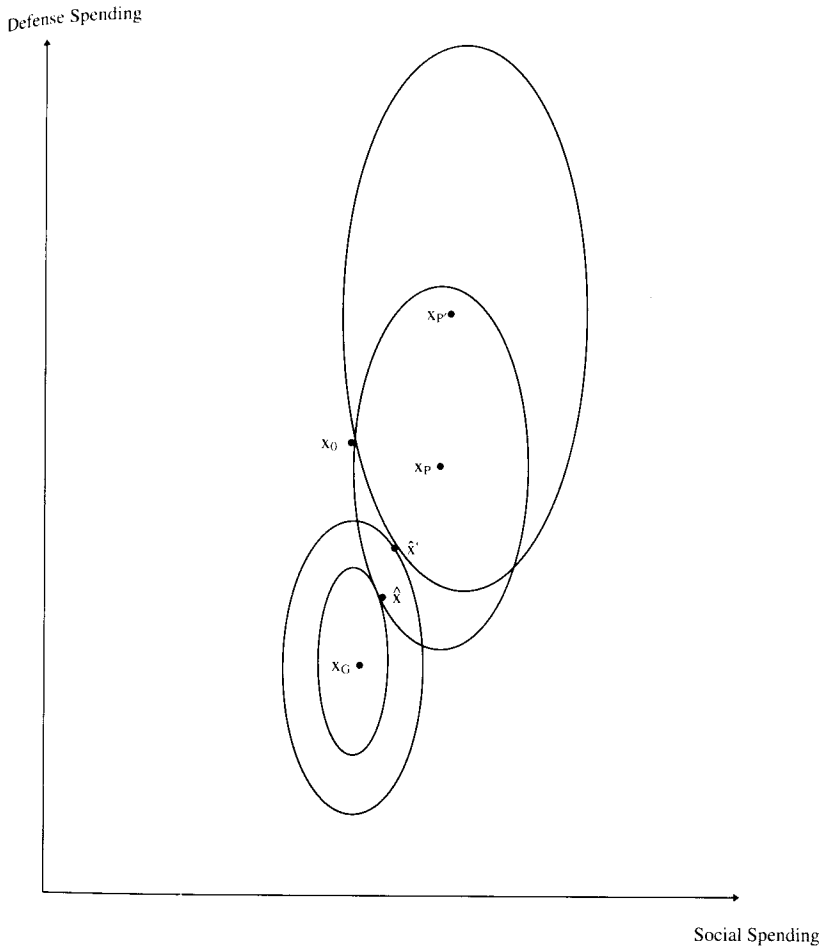

Figure 3.2. Policy Conflict and the Best Obtainable Policy.

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

Parliament's decision to provoke a restrictive procedure must therefore

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

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

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

EMPIRICAL TESTS

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

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

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

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

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

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

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

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

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

Table 3.1 *Aggregate amendment activity under different restrictive rules*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 3.3 presents several logistic regressions in which the dependent

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

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

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

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

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

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

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

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

Next consider the results when we control for the "political cover" variables. Columns 2 and 5 include both Controversy and Days until Next Election. For both the package vote and the confidence vote procedure, the approach of elections does not seem to influence the government's procedural choice. In fact, for the confidence vote procedure, this variable has the wrong sign, although the coefficient is not statistically significant. The level of controversy, on the other hand, has a substantively large and statistically significant effect on the use of both procedures. For the package vote, when assuming an initial probability of .07, as the Controversy scale goes from zero to four, the probability of the package vote increases by 74 percent. For the confidence vote procedure, the probability increases by 57 percent (assuming an initial probability of .05).

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

CONCLUSION

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

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

Although the Policy Conflict Model suggests that the level of policy

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

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

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

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

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