Restrictive Legislative Procedures and Coalition Support in France.

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Abstract:

This study identifies the determinants of government support in the French National Assembly during the Fifth Republic. The paper has two objectives: First, to estimate how frequently members of the governing coalition vote with the majority of their parliamentary party groups; second, to evaluate whether restrictive legislatives procedures—i.e., the package vote and confidence vote (*guillotine*)—are effective tools used by the government to promote party unity. We analyze a dataset containing all of the roll call votes (*scrutins publics solennels*) from the Ist to the XIIIth Legislature (1958-2012) and find that government supporters are less likely to vote with their party group when they are members of an oversized coalition. This finding is confirmed only for smaller government coalition partners. We also find that the confidence vote procedure is most effective when government support is marginal in the legislature. However, our results indicate that the usage of the package vote is generally associated with lower levels of party unity. We explain this last finding by the shifting composition of government majorities over time.

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Introduction

The French Fifth Republic is known for adopting a system of 'rationalized' parliamentarism. This institutional innovation was largely a consequence of the failures of the previous 'Assembly regime' of the Fourth Republic, which was characterized by government instability and legislative paralysis (Huber, 1992: 675; Thiébault, 2003: 225). The main architects of the 1958 changes, Michel Debré and Charles De Gaulle, proceeded under the assumption that future cabinets would not be able to rely on disciplined parliamentary majorities to govern (Hayward, 2004: 80). To avoid this situation, the framers envisioned a series of constitutional reforms to promote the stability of parties in the legislature. However, when De Gaulle rejected the idea of adopting a plurality electoral system—which would have increased the frequency of manufactured majorities in the Assembly—Debré proposed to reduce the influence of members in the legislative process (Hayward, 2004: 80, Elgie & Griggs, 2008: 27).

The goal here was to introduce several different restrictive procedures to invert the balance of power between the government and the Assembly (Lazardeux, 2009: 289). This was to be done through constitutional means and in accordance with the principle of 'rationalized' parliamentarism. For example, the 1958 Constitution contains two provisions to ensure that the government can legislate without the consent of Parliament (Hayward, 2004: 80): Article 34 on the domain of law and the jurisdiction of Parliament; and Article 37 on the ability for the cabinet to govern by decree (for a detailed review see Elgie & Griggs, 2008: 27-28). The constitution also includes two additional dispositions that were intended to neutralize the effects of unreliable majorities in the National Assembly (Andrews, 1978: 466). The first one is found in Article 44, which gives the cabinet the power to use the 'vote bloqué' or package vote (44.3), a procedure that allows the government to remove any undesirable amendments from a bill and forces the Assembly to vote on the government's proposed version of the legislation (Lazardeux, 2009:

289). The second one is found in Article 49, a provision that permits the usage of the 'guillotine' (49.3), in which case the government can adopt a bill without a vote, unless an absolute majority of the Assembly support a motion of censure. The framers believed that these last two procedures could be used to maintain government unity in the legislature, even if members remained highly independent from their party (Döring, 2003: 150). Indeed, the guillotine could force legislators to choose between the government's proposal and a confidence vote, while the package vote allowed the cabinet to remove any unacceptable amendments from the legislative agenda, so as to avoid potentially embarrassing debates or to preserve any bargains between coalition partners in the Assembly (Hayward, 2004: 83-84).

For many scholars of French politics, these last two constitutional restrictions represent the most important weapons in the executive's arsenal to weaken the influence of the legislative branch in the political process (Huber 1996a: 2-3; Huber, 1992: 676; Keeler, 1993: 525). Given the central importance of the guillotine and the package vote as tools to promote coalition stability, it not surprising to find that numerous studies have attempted to gauge their effectiveness in the National Assembly. From the work of Huber (1992;1996a), Döring (2003), Keeler (1993), Andrew (1978), and Avril (1971), we know the conditions under which both of these procedures are most likely to be used by the government. For example, Huber (1992: 684) has shown empirically that both the confidence vote (i.e., guillotine) and the package vote were invoked more frequently when a bill was associated with distributive benefits, or when a bill was highly controversial. Huber also confirmed that the package vote was used at a greater rate during minority governments, or when the majority coalition was ideologically heterogeneous (1996a: 108).

Likewise, in a comparative analysis of more than 17 different legislatures (including France), Döring (2003: 160-161) has also confirmed that the package vote (what he labels

amendment control) was more likely to be used under minority governments, or when a legislative proposal was complex. An additional study has also demonstrated that that the package vote and the guillotine have been used by the cabinet to prevent the legislature from blocking the government's agenda (Lazardeux, 2009: 289). But what about their effectiveness in maintaining the cohesiveness of the majority coalition? After all, the original intent of these procedures was to *increase* the influence of the government in the legislative process, not simply to end legislative obstruction in parliament.

There appears to be a consensus in the literature that both the guillotine and the package vote have so far been used to conceal divisions within the governing majorities of the Fifth Republic (Huber, 1992: 684; Keeler, 1993: 528). However, none of the previous studies have directly attempted to measure their effectiveness in the legislative arena. In fact, scholars have yet to evaluate how both of these mechanisms can contribute to reinforce the integrity of the governing coalition during parliamentary votes. This is surprising, especially if we consider that the *raison d'être* of these constitutional procedures was first and foremost to strengthen party voting unity.

In this study, we aim to address this shortcoming by analyzing the determinants of government support in the French National Assembly during the Fifth Republic. The paper has two primary objectives: First, to establish whether party voting unity is indeed more unstable during the Fifth Republic; and second, to determine if restrictive legislatives procedures—mainly the package vote and the guillotine—were effective tools used by the government to increase coalition stability in the Assembly.

In order to achieve these goals, we analyze the outcome of every single roll call votes (*scrutins publics solennels*) recorded between the Ist and the XIIIth Legislatures (1959-2013) of the French Fifth Republic. We identify all of the instances where the guillotine (Article 49.3) and

package votes (Article 44.3) were used, and estimate their effects on the probability of supporting the government in the Assembly.

Overall, we find that members of the government are less likely to support their parliamentary party group when they are in a coalition. However, this finding is confirmed only for smaller coalition partners. We also find that the guillotine increases the likelihood of supporting the government, but only when the majority is relatively small. Perhaps more surprisingly, our analysis demonstrates that the usage of the package vote is generally associated with lower levels of party unity. We explain this last finding by the shifting composition of government majorities over time.

The paper proceeds as follow. In the first section, we explain the usage of the package vote and the guillotine in the National Assembly. In the next section, we review the theoretical literature on the organization of parliamentary party groups and develop three hypotheses on the effects of restrictive legislative procedures. In the third section, we introduce our data and our models. In the fourth section, we review the results of our analysis of legislative voting. In the final two sections, we discuss the significance of our findings and conclude.

Restrictive Legislative Procedures

We begin this section by offering a brief overview of the two most important restrictive procedures found in the French Constitution explicitly designed to promote political stability in the legislative assembly: Articles 44.3 and 49.3 (Huber, 1996a: 3). As we mentioned earlier, we already find several studies that either explain in great details the characteristics of the guillotine and the package vote (e.g., Hayward, 2004; Andrews, 1978, Avril, 1971), or show under which circumstances these procedures are most likely to be used in the legislature (e.g., Huber, 1992;

1996a). Our goal here is not to review this work, but rather to provide a brief summary of these procedures and to show how often they have been used in the National Assembly over time.

The first restrictive legislative procedure is the 'vote bloqué' or package vote (Article 44.3). This provision allows the government to remove any objectionable amendments made to a bill. Article 44.3 of the Constitutions states that:

> "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 (from Huber, 1996a: 3)."

As Huber explains (1996), the implication of this article is that the Assembly must either decide to support or reject a government's policy proposal. In this context, the cabinet has complete agenda control over the legislative process. This would be the equivalent of using a 'closed rule' in the American Congress, where a bill has to be voted up or down, with no possibility of amendments.

The second procedure is the confidence vote, or the 'guillotine' (Article 49.3). Here, the government can actually prevent the Assembly from voting on a bill altogether. Article 49.3 from the Constitution states that:

> "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 (from Huber, 1996a: 3)."

As we can see, this procedure will immediately end any debate in the Assembly, and unless the opposition can adopt a motion of censure within the next 24 hours, the bill is considered to be adopted in the form proposed by the government (Huber 1996a: 3). Note that under this confidence vote procedure, abstentions count as a vote in favor of the government (and against the motion of censure). This last constitutional provision is the more controversial of the two, because it gives the cabinet the ability to introduce laws without the consent of parliament.

As we mentioned earlier, both of these procedures were explicitly designed to strength the cohesion of members in the governing coalition. Empirically, it appears that they did in fact contribute to increase the voting unity of the majority in the legislature. Indeed, the government has only lost a confidence vote once in 1962, and party cohesion has remained relative high throughout most legislative sessions of the Fifth Republic (Godbout & Foucault, 2014: 324; Sauger, 2009: 323). The plots presented in Figure 1 confirms this trend by reporting the level of voting unity (i.e., Rice index) among members of the government and opposition coalitions in each term after 1958 (part of this analysis is from Godbout & Foucault, 2014: 319-321)

<Insert Figure 1>

In these four plots, the Rice index is calculated for all the members of the official government party coalition (they are treated as one large parliamentary party group), while the remaining Members of the National Assembly (MNAs), who are affiliated with the other parliamentary party groups (PPGs), are pooled together to constitute the opposition. The top rows include all of the official recorded votes, while the bottom rows calculate this index for confidence votes only. These motions fall under three categories in the Constitution: the general policy of the government (49.1), motions of censure introduced by MNAs (49.2), and the guillotine (49.3).

The plots confirm that unity is much higher among members of the governing coalition, and this is even truer for confidence vote motions. There is a clear trend toward an increase in the cohesion of the governing majority as we move forward in time, especially after parties on the right united towards the end of the 1970s (Bornschier & Lachat, 2009: 362). Of course, the unity of opposition party members is much weaker, but it also increases towards the end of the period, as the party system polarizes (Lazardeux, 2009: 294). We also note that although the cohesion of the governing coalition rose sharply in the first decades of the Fifth Republic, this trend does not

remain constant. For example, it drops significantly between the Vth and the VIth Legislature

when President Valéry Giscard d'Estaing (center-right) was in conflict with Prime Minister

Jacques Chirac (Gaullist-right), who founded the RPR in December 1976 a few months after he

resigned as Prime Minister. Consequently, the composition of the VIth Legislature was highly

unusual in that it had a very small number of MNAs belonging to the President's party (UDF),

while the remaining members of the right-wing majority were associated with the newly formed

RPR (Appendix A offers a description of all of the party name acronyms used in this paper).

But despite these few odd exceptions, we still find strong evidence that party voting unity

is extremely high in the Assembly among members of the governing coalition. The question

remains, however, can we attribute any of this stability to the usage of Articles 44.3 and 49.3 of

the Constitution?

The framers of the Fifth Republic certainly did not anticipate the development of a 'fait

majoritaire', where a disciplined majority would rule the Assembly and share power with a very

powerful president. Although, French MNAs have historically retained a high degree of

independence from the parties in the National Assembly (Siegfried, 1930 in Wilson & Wiste,

1976: 467), this more or less ended with the 1958 Constitution. Examples of maverick MNAs,

like the 'apparentés' of the Socialist party who remained highly independent from their caucus

are the exception rather than the rule.

In fact, after the unification of the right-wing factions in the 1970s—and the general

polarization of members afterwards (Thiébault, 2009: 327)—parties have become highly

cohesive in the legislature. This should have lowered the incentives to use restrictive legislative

procedures to maintain caucus unity in the Assembly, especially since the use of the guillotine

and the package vote both carry important political costs for the government (Huber, 1992: 685).

A quick glance at Figure 2 shows that this is not what we observe. Both plots reports the number

of times the guillotine and the package vote were used by the government in the National Assembly during the Fifth Republic—a total of 382 occasions for Article 44.3, and 43 occasions for Article 49.3.

<Insert Figure 2>

The Figure does confirm that the package vote is used more frequently than the vote of confidence procedure. It also shows that there is a notable decline in the usage of both of these constitutional provisions in the first years following the establishment of the Fifth Republic. Although, the 'fait majoritaire' appears to have been associated with a reduction in the government's use of the package vote and the guillotine in the early 1970s, we find that these procedures are employed more frequently towards the end of this decade; most notably after the appointment of Raymond Barre as Prime Minister by President Valéry Giscard d'Estaing, and the first cohabitation period of 1986-1988. In fact, Figure 2 confirms that the usage of Articles 44.3 and 49.3 is not always lower during unified governments, even when the cabinet could rely on a strong majority of supporters within the Assembly.

This apparent contradiction for using restrictive legislative procedures to muzzle the opposition when there is an oversize majority in the legislature has been for many the most anti-democratic consequence of 'rationalizing' the French Parliament. It was precisely to counter this trend that a constitutional reform committee was formed in 2008. This committee, led by Édouard Baladur, proposed to reduce the government's unlimited ability to use the guillotine, which was perceived as the most controversial provision of the Constitution. The reform, adopted since then, stipulates that the guillotine would be automatically attached to all government bills related to finance or social security. However, for any other legislation, this procedure could only now be used once per session. The intended goal of this reform was to achieve a better balance between the legislative and executive powers in the Assembly.

Ironically, it seems that the new limitations have produced a renewed interest in the usage of the package vote, as seen in Figure 2. Indeed, recent changes in the composition of the National Assembly have called into question the existence of the 'fait majoritaire', which was supposed to give the government almost unlimited power over the legislative process. A group of rebel Socialist MNAs called 'les Frondeurs' has repeatedly threatened the unity of the government of Manuel Valls in the Assembly, most recently by abstaining to support the government's 2015 budget. Not surprisingly, Valls had to use the confidence vote procedure on three occasions for the first time in ten years to maintain caucus unity, but also to force the adoption of the government's economic program in the legislature (Loi Macron).

From this brief review of the recent developments in the organization of the French legislature, two findings emerge. First, although party voting unity appears to be relatively high in the National Assembly today, the majority supporting the government is not always cohesive. Second, the government seems to be using restrictive legislative procedures—mainly the guillotine and the package vote—to stabilize its support within the Assembly. But beyond this anecdotal evidence, what can we learn about the logic behind these rules? Can we find empirical data or theoretical arguments to confirm that both the package vote and the guillotine really stabilize majority support in the legislature? Or is it more likely that the high level of party unity observed is attributable to other factors, such as the two-round electoral system, or the influence of the President? In the next section, we present a brief theoretical discussion and introduce some hypotheses to improve our understanding of the impact of restrictive legislative procedures on majority party support.

Theories of Legislative Organization

Conventional theories of party organizations predict that members of governing coalitions will support their leaders more in the legislature. This is most likely to be true in parliamentary systems, where the cabinet is required to maintain the confidence of the majority to govern. However, the same relationship can also be found in presidential systems, especially if the executive has the ability to control the content of the legislative agenda (Cheibub, 2007: 124). As Cox and McCubbins (2005: 30) explain, the absence of confidence vote in presidential systems puts a premium on agenda control, which allows party leaders to use legislative procedures to maintain cohesiveness within their ranks. By using this strategy, the majority can expunge the agenda of any controversial issues that have the potential to divide their supporters in the Assembly.

In the context of the French semi-presidential system, the government can rely on both of these institutional tools—the confidence vote procedure (Article 49.3) and agenda control (Article 44.3)—to increase its dominance over the legislative process. This 'double whammy' of restrictive rules should theoretically guarantee a very high level of party unity among the members of the governing coalition, especially if the government in the legislature regularly employs these provisions.

This expectation is in line with the theoretical work of Diermeier & Feddersen (1998: 617) and Huber (1996b: 269) who show that the confidence convention creates an incentive for the ruling coalition to vote together in the Assembly. In the context of France, we also expect this to be true for members of the governing coalitions, regardless of whether they are associated with the party of the Prime Minister, the President, or from any other party group that is officially supporting the government. Indeed, we only find one instance of a minority government during the Fifth Republic (the Socialists in the IXth Legislature). For all the other cases, the government was formed by a coalition of parliamentary party groups, even if one member of the coalition

already controlled a majority of the seats in the Assembly, such as the Gaullists in the IVth Legislature, or the Socialists in the VIIth Legislatures (Hayward 2004: 81).

Similarly, the expectation that the government can use the content of the legislative agenda to indirectly promote party unity in the legislature is also confirmed theoretically. Starting with the work of Shepsle and Weingast (1981), and later with the studies of Huber (1996b), Baron (1998), and Diermeier & Feddersen (1998), scholars have demonstrated formally that institutional rules can be used to increase the stability of different voting coalitions in a legislative assembly. For example, by controlling the amending procedure, the government has the ability to impose take-it-or-leave-it offers to the legislature, and thus avoid any counterproposals from the floor median that could potentially weaken their unity (Döring, 2003: 150). In France, the package vote can be conceived as such a mechanism since it gives the cabinet the ability to choose between the most advantageous policy proposal from the agenda, and force the Assembly to either to accept or reject the government's choice (Huber, 1992: 676-678). This procedure can also be used to avoid potential intra-party conflicts in the legislature, mainly by preserving agreements between coalition partners in a multiparty government or by protecting the government majority from undesirable amendments or debates (Huber, 1992: 680; Hayward, 2004: 83).

It follows that the likelihood of using both of these restrictive procedures will be highly influenced by the composition of the governing coalition in the legislature. Previous studies have shown that the guillotine and the package vote are more frequently used when the government has the support of a weak majority. This situation can occur in several ways. First, when one party in the government controls a bare (or marginal) majority of members in the Assembly (Keeler, 1993: 526), such as with the right government of the VIth Legislature (1978-1981), or with the left government of the IXth Legislature (1988-1993). Second, when the government is

composed of several different parliamentary party groups, but no party controls an absolute majority of seats in the Assembly, such as in the XIth Legislature (1997-2002). The logic here is that parties in the government will be forced to make concessions to other coalition partners, and the greater the concession, the more strain will be placed on party unity (Strøm & Müeller, 2009: 39). In France, we find examples of this situation in the first three Legislatures of the Fifth Republic (1959-1968). Although we expect the government to use restrictive legislative procedures more frequently during the three periods of cohabitation (VIIIth, Xth and XIth Legislatures), we remain agnostic as to whether they will have a positive impact the cohesiveness of government supporters when the President and the Prime Minister share the same party. This is explained by the fact that amendments are sometimes used by the opposition to attack government policies during cohabitation (Kerouche, 2007: 351). But also because, in this case, members of the majority have an incentive to support the government which faces opposition from the President (Lazardeux, 2009: 293).

From this theoretical discussion, we can draw three hypotheses about the influence of restrictive legislative procedures on party voting unity in the French National Assembly. First, we should expect that the package vote and the guillotine will be associated with higher levels of party support for members of the governing coalition, when compared to other types of votes in the legislature (Hypothesis 1). Second, we should expect this relationship to be stronger under the guillotine (Hypothesis 2), because this procedure forces an explicit vote of confidence against the government. And third, we should expect restrictive legislative procedures to have the most effect when the governing majority coalition is weak (Hypothesis 3).

Data and Models.

In order to test the validity of our hypotheses, we analyze the effectiveness of the guillotine and the package vote in promoting party unity during legislative votes. Our focus is on the individual voting decision of members from the governing coalition. In the empirical analysis that follows, we use logistic regression models to estimate the likelihood that legislators will vote with the majority of their parliamentary party group, depending on the type of bill under consideration. This measure is repeated throughout a representative's career, whenever a vote is observed in the legislature.

Our analysis focuses on roll call vote data, or *scrutins publics solennels*, collected directly from the archives of the French National Assembly. All of these votes are recorded after a request has been initiated by the Board of Party Presidents in application of the Assembly rules.

<Insert Table 1>

Table 1, taken from Godbout & Foucault (2014: 313), reports the total number of publicly recorded votes in each legislative term between 1959 and 2012. As we can see, the amount of roll call votes is relatively low, a total of 1,140 for the whole period. This is explained by the fact that *scrutins publics solennels* are usually associated with very important issues (such as confidence motions), and that they take up a lot of time in the proceedings, so the government tries to limit their frequency.

We limit our analysis to members of parliamentary party groups who have been included in the governing coalition during a legislative term (see Appendix B for a list of these parties for each term). By focusing only on these legislators, we are able to evaluate the impact of restrictive parliamentary procedures on party support in the Assembly (hypotheses 1-2), while controlling for the coalition status of members of the government (hypothesis 3).

We develop two distinct models to measure the likelihood that each member of the governing coalition will support the majority position of their party during a vote. Our dependent variable is coded 1 if a legislator votes with their party, 0 otherwise. Note that this measure does not tell us if a legislator voted with the majority of the governing coalition, but rather if they voted with the majority of their own parliamentary party group—who are members of the coalition.

The first regression model of our analysis focuses on government coalition support. Here, we are interested in determining if there is a difference in the likelihood of voting with the majority of a party, depending on whether a member is associated with the principal parliamentary party group of the government (i.e., the party of the Prime Minister), or if a member is sitting with a different party group in the coalition (coded 1 if a member is *not* the principal partner, 0 otherwise). Since this measure is repeated for every vote in the legislature, we also include fixed effects for each of the 2,973 members of the governing coalition in the data. This is done in order to control for any unobservable but constant characteristics that could influence a member's likelihood to support their party in the Assembly. Furthermore, because the model analyzes individual vote choices, we also include vote specific fixed effects for each of the 1,140 recorded votes in the data. For both of these variables, we use a contrast coding scheme to compare each vote/member fixed effect with the overall average effect of the remaining categories on the dependent variable (Cohen, 1968).

The second model focuses more directly on the relative effectiveness of restrictive legislative procedures on party support. The dependent variable here is the same as before. However, in this case we identify all of the legislative votes where either the guillotine or the package vote procedures were used by the government. Note that in this version of the paper, we only have information about the package vote for the first three Legislatures (we are currently

collecting the data for the missing terms). Once again, we control for member characteristics by introducing individual member fixed effects (one for each of the 2,973 government supporters). However, since we are interested in measuring the impact of the guillotine and package votes on the likelihood of supporting the party in the legislature, we do not include a dummy variable for each vote in the data. This was done to avoid redundancy in the statistical analysis, since the guillotine was often used only once during a legislative term. Nevertheless, to avoid an omitted-variable bias in the analysis, we still control for the type of motion under consideration, by grouping each individual recorded vote into seven different categories. These categories are related to the economy, foreign policy, welfare, the environment, political institutions, law and human rights, as well as a residual group (for a detailed summary of the coding, see Godbout & Foucault, 2014: 321). We also use in this model a contrasting coding scheme for the fixed effects variables.

Overall, the structure of the data leaves us with more than 372,583 individual voting decisions. Because analyzing such a large group of cases is computationally intensive, we adopt two different empirical strategies to alleviate the calculation problem. First, we analyze our data separately, in each of the thirteen legislative terms. Second, we use a default prior model on all logistic regression coefficients, centered at 0 and with scale parameter 10 for the constant term and 2.5 for all other coefficients (from Gelman's et al., 2008: 1380). This is done because the voting data contains many perfectly predicted outcomes (i.e., a member always vote with the majority of their party). The results of these analyses are presented in the next section.

Analysis

Tables 2 and 3 report the results of our primary analysis (one for each model). Both tables contain thirteen logistic regressions (one for each term), where the dependent variable indicates if

an individual member of the governing coalition supported the majority of his/her parliamentary party group during a legislative vote. This measure is repeated for every *scrutins solennels* during a term. So for example, in the XIIIth Legislature, we have 60,212 individual voting decisions, which are obtained from the records of 388 members who participated in 204 public votes. The same logic applies for the remaining twelve legislatures.

Both models are relatively parsimonious, with only the *coalition partner* variable included in the baseline model, and the *guillotine* (Article 49.3) and *package vote* (Article 44.3) variables added to the specification in the second model. Since the data include many repeated observations for each unique member, we also include in both models fixed effects to control for the constant, unmeasured specific characteristics of every single legislators that might bias cross-sectional estimates (these coefficients are not reported in the tables). We also added in the first model a fixed effect for every single legislative vote recorded in the data (the second model uses seven vote categories instead of vote fixed effects). Thus, if we look at the XIIIth Legislature in table 2, we have 387 member fixed effects and 203 vote fixed effects. The same coding scheme is repeated for the other terms.

<Insert Table 2>

Looking now at the results of the first analysis in table 2, we find that members of the governing coalition are systematically less likely to support the majority of their party in the legislature. However, this finding is confirmed only for members of the parliamentary support coalition—those who do not share the same party as the Prime Minister (what we label coalition member in table 2). The coalition variable is negative in all of the thirteen Legislative terms. It is, however, significant in only eight of these: Ist (1959-1962), IIth (1962-1967), IVth (1968-1973), VIIth (1981-1986), IXth (1988-1993), XIth (1997-2002), XIIth (2002-2007) and XIIIth (2007-2012).

Overall, the evidence presented in table 2 suggests that the French government has on average been governed by relatively unstable government coalitions. We are not the first to recognize this. Huber (1996a: 29) has previously noted that "unless one adopt an unusually broad notion of stable, coherent majorities, such majorities have been exceptionally rare in the Fifth Republic." If anything, our findings appear to confirm De Gaulle and Debré's worries that the governments of the Fifth Republic would not be able to rely on unified party groups in the Assembly. This instability puts an even greater premium on restrictive legislative procedures (Thiébault & Dolez, 2000: 63). In the next analysis, we attempt to measure more directly their effectiveness on party voting unity.

<Insert Table 3>

The results of the second model are presented in table 3. Here we look at the influence of the guillotine and the package vote on the likelihood to support the party in the legislature. Unfortunately, we only have the relevant data for the package votes in the first three Legislative terms. Nevertheless, the results of this partial analysis are noteworthy. In the first three Legislatures, the usage of the package vote has a significant, but *negative* influence, on the probability of supporting the party in the Assembly. This result is counter to our theoretical expectations, which led us to hypothesize that the package vote would be associated with higher degrees of party unity. We return to this finding in the next section.

Not surprisingly, the usage of the confidence vote procedure—the guillotine—has a positive effect on the probability of supporting the party in the legislature. Although this procedure is only used sporadically, it always has a very strong influence on the dependent variable, and it is significant in six of the eight terms when it is used by the government.

It would appear then, that the usage of the guillotine is more effective during certain legislative terms. The same logic applies for the stability of governing coalitions. In some

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Legislatures, government supporters seem to respond more to restrictive legislative procedures, while in others, coalition partners seem more loyal to their parliamentary party groups. In both cases, these differences are linked to variations in the composition of governing coalition.

We suspect that these discrepancies arise because the voting unity of smaller coalition partners is lower when the party of the Prime Minister controls a majority of the seats in the Assembly. Similarly, we think that the usage of the guillotine is more effective when the government relies on the support of a marginal majority, precisely because every coalition partner will be necessary to maintain the cabinet in office during a confidence vote. In the next section of the paper, we consider these different scenarios and offer a short analytical narrative to explain the variations observed in our results.

Discussion

We begin this section by evaluating the validity of our three research hypotheses. Recall that the first hypothesis stipulated that the usage of the package vote and the guillotine would be associated with higher levels of party support during legislative votes. Our analysis confirmed this positive relationship for the guillotine only. In the case of the package vote, we found a negative association between this procedure and the likelihood to support the party in the legislature. At a first glance, this last result may appear strange; especially since the package vote was designed explicitly to increase cohesion within the majority coalition. In order to better understand this puzzle, it may be useful to consider the counterfactual scenario in which the government does not take advantage of the package vote to promote the unity of its coalition partners. In this context, we would probably have observed an even lower level of cohesion among government supporters. Unfortunately at this time, we are unable to directly estimate this counterfactual with our data. Nevertheless, we can provide factual evidence to support the idea

that this procedure was used to protect the majority during particularly difficult or conflictual roll call votes in the Assembly.

As Andrews (1978: 490) explains, the package vote was one of the most frequently and effective constitutional device used by the Gaullists during the first three Legislative terms to protect the integrity of their majority in the legislature. This procedure was attached to several different bills, like the budget, agricultural reforms, or other financial measures. In fact, members of the governing coalition complained regularly about its usage (more than 125 times through 1973), and "[...] rebelled against it on one occasion by refusing to vote for a government bill they favored (Andrews, 1978: 491)." The Gaullists were even defeated five times on the package vote during the first three terms, so the usage of this procedure was not a guarantee of legislative success (the success rate of this procedure was 96%, 100%, 67% in the first three Legislatures). It would appear then that the package vote was not as effective as the confidence vote in promoting majority stability in the legislature. Therefore, we can only partially confirm the validity of the first hypothesis.

We explain this finding by the fact that under the package vote procedure, the consequences of not supporting the government are not as dire as with the guillotine, which ultimately involves a censure motion. Clearly, the idea that the package vote could be used to protect the agreements between coalition partners in a multiparty government is not confirmed by our analysis (see Huber, 1992: 684). If this were true, we would have found that this procedure had a positive impact on the likelihood to support parties in the government, when compared to other types of votes. It appears then that there is a price to pay for using the package vote, and that this can ultimately weaken party unity, at least in the first three Legislative terms. It is our objective in the next version of this paper to validate this claim by identifying the remaining package votes for the missing terms in the data.

Turning now to the second hypothesis, we can confirm that the relationship between the guillotine and party support is indeed stronger among members of the governing coalition. Given that the data on the package vote are incomplete, we can only speculate about the comparative strength of this variable after the IIIrd Legislature. However, as we can see from the results in table 2, the guillotine procedure has a significant impact on the dependent variable in more than 60% of the Legislative terms (8/13). The fact that this relationship is not always confirmed suggests that the confidence vote might be more effective under certain circumstances, such as when the government can only rely on the marginal support of the Assembly. This last point relates to our third hypothesis, to which we now turn.

Scholars agree that the usage of restrictive legislative procedures have remained necessary throughout the history of the Fifth Republic "because of the composite nature of most Assembly majority support and the desire to mask the discussions between the parties and factions within that majority (Hayward, 2004: 80)." Now, if we look more closely at the results presented in tables 2-3, we can see that the coalition partners in the government were systematically less likely to support their party whenever they were associated with an oversized majority (Legislatures II, IV, VII, XII, XIII). In all of these cases, the coalition partner variable in the model is negative and significant. In other words, when we compare members of the party of the Prime Minister with other members of the governing coalition, we find that the latter are always less likely to support their party during legislative votes, but only when they are in an oversized coalition.

The same pattern is somewhat confirmed with the usage of the guillotine. We can see from the results presented in table 3 that this procedure is more effective when the government relies on the support of a coalition partner to secure majority support in the Assembly. This is indeed the case in the Ist (1959-62), IVth (1968-1973), IXth (1988-1993), and Xth (1993-1997) Legislatures. These represent five out of the six terms in which no single party controlled a

majority of the seats in the legislative arena. On the other hand, the guillotine was only used twice by an oversized majority: the VIIth (1981-1986) and XIIth (2002-2007) Legislatures. And in both of these terms, the confidence vote had a significant and positive influence on the likelihood of supporting the party.

In these last two cases, the government's choice to use the confidence vote is somewhat puzzling, especially if we consider that it could rely on a strong majority of supporters at the beginning of each term. In the case of the VIIth Legislature, this is partially explained by Mitterrand's midterm economic and social u-turn (Elgie & Griggs, 2000: 31), after which point the governing left-wing coalition experienced internal dissensions and had difficulties finding the support necessary to pass controversial bills in the Assembly (i.e., the control of prices, the concentration of the media, and private schools, see Lascombe, 2007). As for the XIIth Legislature, the procedure was invoked only twice by the UMP, primarily to hasten the adoption of two bills and to end the obstruction of the opposition in the Assembly (Dolez and Thiébault, 2000: 67). In both cases, the government opted to use the guillotine to avoid debating more than 4,600 and 13,200 amendments proposed by the opposition (Le Figaro, 2009; Raffarin, 2004; see the bill on the reform of the European and regional electoral system of 2003 and the bill on the decentralization process of 2004).

As we can see from the previous discussion, the emergence of a stable majority coalition on the right during the 1960s (Thiébault, 2003: 327) did not reduce the incentives for using restrictive parliamentary procedures in the Assembly. The shift toward a Socialist majority during the 1980s also did not reduce the usage of what was then considered by the left to be an *abus de droit* (Keeler, 1993: 526). Nor did it completely disappear during the three subsequent periods of cohabitation and after the more recent return to an era of party fragmentation (Thiébault, 2003: 327). Our result show, however, a constant pattern in their effect on party unity

during legislative votes. It seems that the effectiveness of the guillotine—and to a lesser extent the package vote—is conditional on the size and the reliability of the governing majority in the Assembly. This last finding supports our third hypothesis, which stated that restrictive legislative procedures would be most effective when the governing coalition was weak.

Conclusion

This paper had two primary objectives. First, to estimate the legislative stability of the governing coalition during the Fifth Republic, and second to evaluate whether restrictive legislatives procedures—i.e. the package vote and confidence vote (guillotine)—were effective in promoting government stability in the Assembly. Our analysis has confirmed that majority party support has not always been strong between 1959 and 2012. More precisely, we found that smaller coalition partners were less likely to support their party, and that this was especially true when the government could rely on a large majority in the National Assembly.

Not surprisingly, we also confirmed that the usage of the confidence vote procedure (or the guillotine) increased the likelihood that government supporters would vote with their party in the legislature. On the other hand, we found that the usage of the package vote was associated with lower levels of party unity. This last result is counter to our theoretical expectations, which predicted that both the package vote and the guillotine would be used by the government to enforce discipline within the majority.

Perhaps Huber (1996a: 20) is right in that both of these procedures are not interchangeable. They each have different theoretical, and ultimately, empirical implications. One can be used explicitly to enforce discipline and our results show that it is very effective in this regard. The other can be thought of as a device to protect coalition agreements, and to prevent obstruction within the legislature (Huber, 1996a: 108). Ultimately, the evidence provided in this

study failed to confirm that the package vote—one of the two principal tools for rationalizing the French Parliament—increased the stability of the governing coalition during the Fifth Republic (at least in the first three terms). The limited evidence we have so far indicates that the *fait majoritaire* cannot entirely be attributed to institutional mechanisms in the French National Assembly, but more work is required before we can reach such a conclusion.

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Table 1: Distribution of Public Votes in the French National Assembly.

	Number of Votes	Average Turnout	No. of Days	No. of MNA	Govern- ment	Parties in Gov.	MNA in Gov.
I (1958-62)	40	.92	1400	576	Right	5	387
II (1962-67)	58	.95	1578	482	Right	2	268
III (1967-68)	18	.99	423	487	Right	3	244
IV (1968-73)	80	.97	1725	487	Right	2	354
V (1973-78)	88	.97	1826	490	Right	6	302
VI (1978-81)	87	.97	1145	491	Right	2	277
VII (1981-86)	114	.94	1734	491	Left	2	333
VIII (1986-88)	85	.98	773	577	Right	2	290
IX (1988-93)	162	.96	1743	577	Left	2*	316
X (1993-97)	53	.72	1480	577	Right	2	492
XI (1997-02)	67	.93	1832	577	Left	3	319
XII (2002-07)	84	.88	1826	577	Right	2	398
XIII (2007-12)	204	.85	1826	577	Right	2	343

Source: French Ministry of Interior and CDSP (Centre de Données Socio-Politiques, Sciences Po Paris) and the authors' own data. * Minority government with temporary allies.

Table 2: The Determinants of Government Coalition Support.

|	Estimate	Std. Error	z value	Pr(>|z|)
Legislature I				
Intercept	5.864	0.540	10.868	0.000
Coalition member	-3.914	1.226	-3.192	0.001
N	11,669			
Legislature II				
Intercept	7.456	0.492	15.165	0.000
Coalition member	-3.123	1.332	-2.344	0.019
N	17,436			
Legislature III				
Intercept	8.085	0.880	9.187	0.000
Coalition member	-0.580	1.347	-0.430	0.667
N	6,359			
Legislature IV				
Intercept	5.987	0.441	13.583	0.000
Coalition member	-2.242	1.197	-1.873	0.061
N	30,748			
Legislature V				
Intercept	6.448	0.731	8.817	0.000
Coalition member	-0.413	1.281	-0.322	0.747
N	25,124			
Legislature VI				
Intercept	7.055	0.803	8.788	0.000
Coalition member	-0.786	1.127	-0.698	0.485
N	30,016			
Legislature VII				
Intercept	12.444	0.748	16.641	0.000
Coalition member	-5.991	1.800	-3.329	0.001
N	36,587			
Legislature VIII				
Intercept	11.124	1.176	9.460	0.000
Coalition member	-0.288	1.388	-0.208	0.835
N	25,502			
Legislature IX				
Intercept	9.110	0.391	23.298	0.000
Coalition member	-5.655	1.534	-3.686	0.000
N	52,429			
Legislature X				
Intercept	8.938	0.671	13.312	0.000
Coalition member	-0.155	1.107	-0.140	0.889
N	18,797			
Legislature XI				
Intercept	9.655	0.543	17.774	0.000
Coalition member	-5.814	1.005	-5.786	0.000
N	20,212			
Legislature XII				
Intercept	9.298	0.450	20.682	0.000
Coalition member	-5.465	1.256	-4.350	0.000
N	31,725			
Legislature XIII				
Intercept	6.342	0.218	29.066	0.000
Coalition member	-2.438	0.838	-2.909	0.004
N	60,212			
MPs fixed effects	✓			
Vote fixed effects	✓			

Note: Logistic regressions. The dependent variable indicates whether a member vote with a majority of his/her parliamentary party group. The sample is limited to members of the governing coalition.

Table 3: The Influence of Restrictive Legislative Procedures on Party Voting Unity.

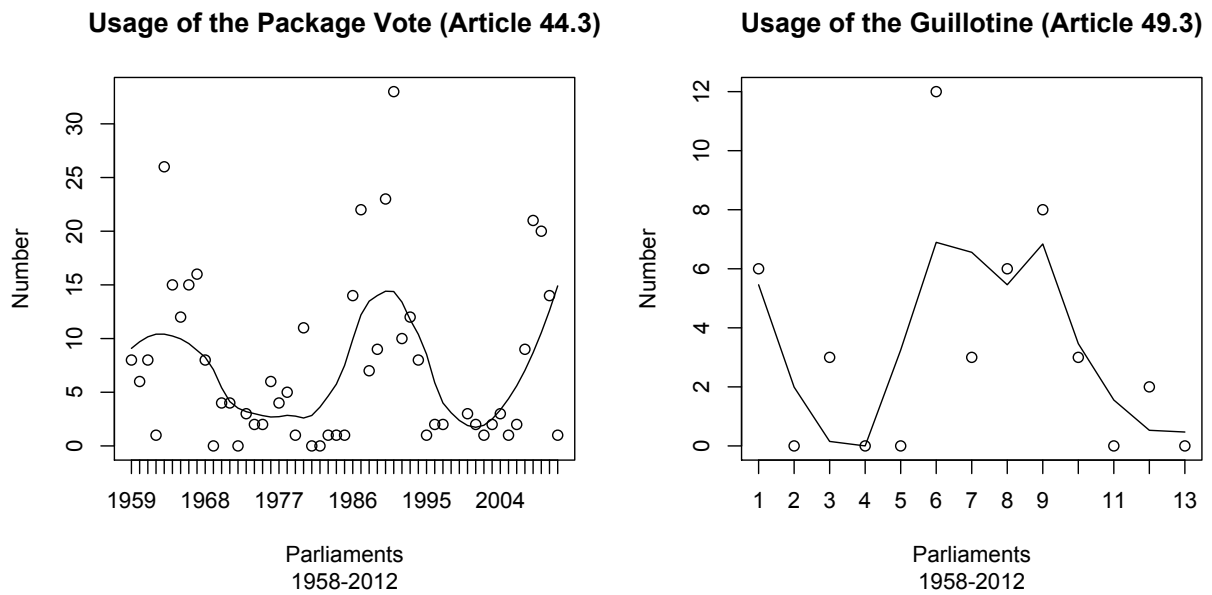|	Estimate	Std. Error	z value	Pr(>|z|)
Legislature I				
Intercept	6.128	0.638	9.602	0.000
Coalition member	-3.333	1.206	-2.764	0.006
Guillotine (49.3)	0.422	0.094	4.507	0.000
Package vote (44.3)	-0.391	0.080	-4.909	0.000
N	11,669			
Legislature II				
(Intercept)	6.281	0.473	13.269	0.000
Coalition member	-2.814	1.316	-2.139	0.032
Guillotine (49.3)	–	–	–	–
Package vote (44.3)	-0.412	0.090	-4.564	0.000
N	17,436			
Legislature III				
(Intercept)	7.752	0.880	8.806	0.000
Coalition member	-0.546	1.346	-0.406	0.685
Guillotine (49.3)	0.306	0.473	0.648	0.517
Package vote (44.3)	-1.047	0.296	-3.533	0.000
N	6,359			
Legislature IV				
(Intercept)	5.040	0.429	11.752	0.000
Coalition member	-2.094	1.189	-1.760	0.078
Guillotine (49.3)	–	–	–	–
Package vote (44.3)	–	–	–	–
N	30,748			
Legislature V				
(Intercept)	4.678	0.697	6.707	0.000
Coalition member	-0.349	1.279	-0.273	0.785
Guillotine (49.3)	–	–	–	–
Package vote (44.3)	–	–	–	–
N	25,124			
Legislature VI				
(Intercept)	5.043	0.776	6.503	0.000
Coalition member	-0.723	1.124	-0.643	0.520
Guillotine (49.3)	2.666	0.480	5.557	0.000
Package vote (44.3)	–	–	–	–
N	30,016			
Legislature VII				
(Intercept)	9.312	0.640	14.540	0.000
Coalition member	-4.799	1.746	-2.749	0.006
Guillotine (49.3)	2.084	0.809	2.576	0.010
Package vote (44.3)	–	–	–	–
N	36,587			
Legislature VIII				
(Intercept)	9.416	1.024	9.196	0.000
Coalition member	-0.997	1.375	-0.725	0.468
Guillotine (49.3)	0.870	0.650	1.339	0.181
Package vote (44.3)	–	–	–	–
N	25,502			
Legislature IX				
(Intercept)	4.823	0.301	16.023	0.000
Coalition member	-3.234	1.434	-2.255	0.024
Guillotine (49.3)	2.793	0.260	10.737	0.000
Package vote (44.3)	–	–	–	–
N	52,429			
Legislature X				
(Intercept)	5.462	0.584	9.352	0.000
Coalition member	-0.100	1.104	-0.091	0.928
Guillotine (49.3)	3.515	1.487	2.364	0.018
Package vote (44.3)	–	–	–	–
N	18,797			
Legislature XI				
(Intercept)	7.916	0.530	14.940	0.000
Coalition member	-5.009	0.900	-5.563	0.000
Guillotine (49.3)	–	–	–	–
Package vote (44.3)	–	–	–	–
N	20,212			
Legislature XII				
(Intercept)	7.191	0.398	18.084	0.000
Coalition member	-4.278	1.326	-3.228	0.001
Guillotine (49.3)	4.193	1.582	2.650	0.008
Package vote (44.3)	–	–	–	–
N	31,725			
Legislature XIII				
(Intercept)	5.105	0.176	28.980	0.000
Coalition member	-2.303	0.821	-2.805	0.005
Guillotine (49.3)	–	–	–	–
Package vote (44.3)	–	–	–	–
N	60,212			
MPs fixed effects	✓			
Issue fixed effects	✓			

Note: Logistic regressions. The dependent variable indicates whether a member vote with a majority of his/her parliamentary party group. The sample is limited to members of the governing coalition.

Figure 1: Support for the governing coalition (all publicly recorded votes vs. confidence motions).
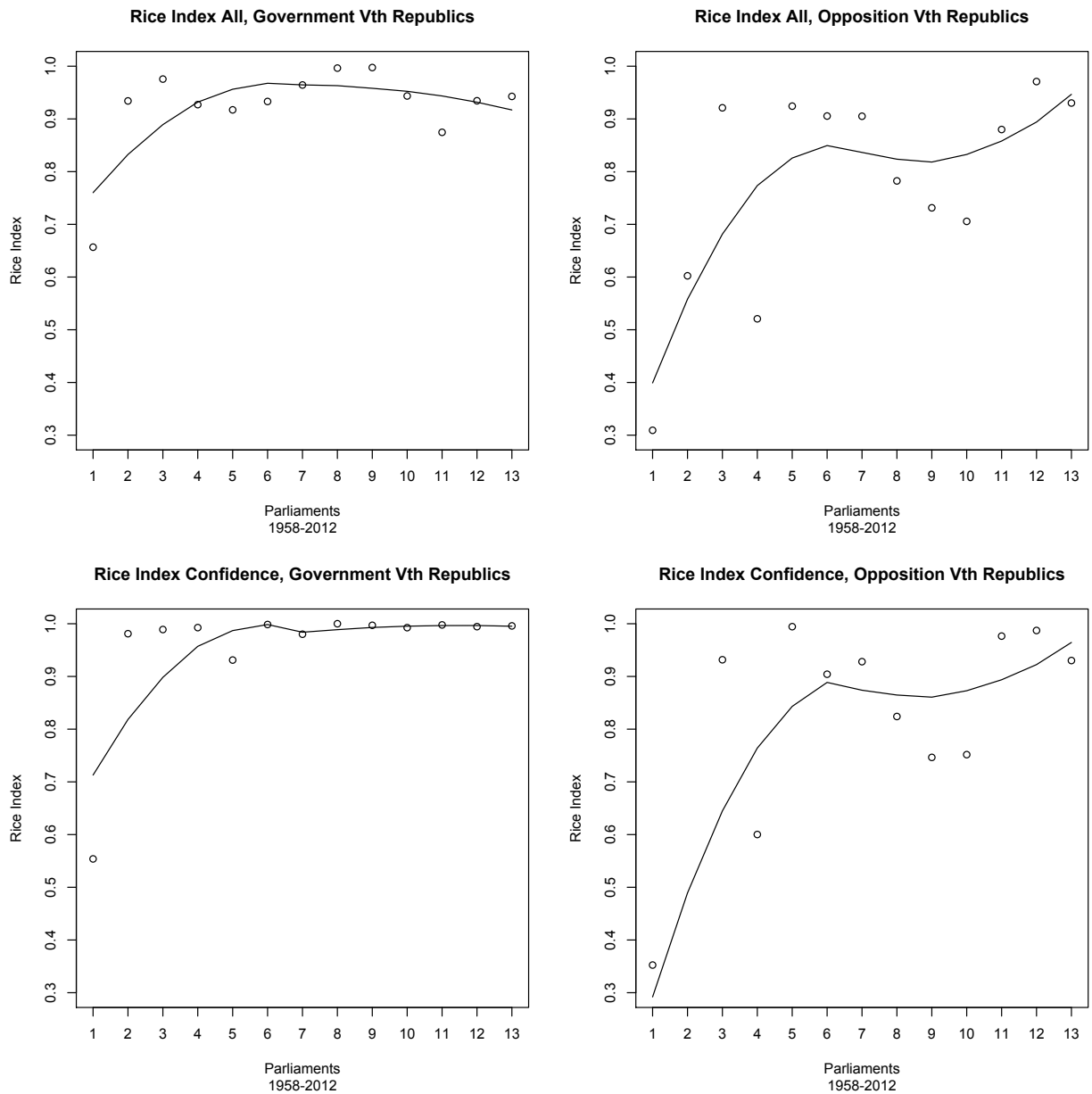
Note: The plots report the average Rice Index the government coalition members. The Rice index is obtained by averaging the absolute values of the differences between the percentage of Ayes and Nays in all the votes for a given parliamentary party group in a legislative term. The lines are loess curves fitted locally on the x axis (α = 1)

Figure 2. Usage of 44.3 and 49.3 articles

Usage of the Package Vote (Article 44.3)

Usage of the Guillotine (Article 49.3)

Parliaments
1958-2012

Parliaments
1958-2012

Note: The plots report the number of package votes (Article 44.3) and confidence votes (guillotine, Article 49.3) during the Fifth Republic. The lines are loess curves fitted locally on the x axis (α = .75)

Appendix A:

Parliamentary Party Groups

COMMUNIST	Communistes (COM) Gauche Démocrate et Républicaine (GDR)
CENTRIST (CHRISTIAN & LIBERAL DEMOCRAT)	Union du Centre (UDC) Union pour la Démocratie Française (UDF) Démocratie Libérale (DL) Union Centriste (UC) Républicains Indépendant (RI) Progrès et Démocratie Moderne (PDM) Centre Démocratique (CD) République Populaire et du Centre Démocratique (RPCD) Réformateurs, Centristes et Démocrate Sociaux (RCDS) Nouveau Centre (NC) Réformateurs Démocrates Dociaux (RDS)
SOCIALIST	Socialistes (SOC) Parti socialiste et radicaux de gauche (PSRG) Fédération de la gauche démocrate et socialiste (FGDS) Formation administrative des non-inscrits (FANI) Entente démocratique (ED) Rasssemblement Démocratique (RD) République et Liberté (REL) SRC (Socialiste, Républicain et Citoyen)
OTHER	Indépendants et Paysans d'Action Sociale (IPAS) Radical, Citoyen et Vert (RCV)
CONSERVATIVE	Rassemblement pour la République (RPR) Union pour un Mouvement Populaire (UMP) Union démocratique pour la Ve République (UD-V) Union pour la Nouvelle République (UNR) Union Démocratique du Travail (UDT) Union des Démocrates pour la République (UDR)
RADICAL	Front National (FN) Formation administrative des élus d'Algérie et du Sahara (EAS) / Unité de la République (UR)
NON REGISTERED	Non Inscrits (NI)

Parliamentary Party Groups by Legislature

Legislature	Government Parties	Opposition Parties	Not registered
I (1958-62)	IPAS (117) / **UNR (206)** EAS (66)	SOC (47) / FANI (40) / RPCD (64)	NI (36)
II (1962-67)	**UNR (233)** / RI (35)	SOC (66) / COM (41) / CD (55) / RD (39)	NI (13)
III (1967-68)	**UDR (200)** / RI (42) / PDM (41)	FGDS (121) / COM (73)	NI (9)
IV (1968-73)	**UDR (293)** / RI (61) / PDM (33)	FGDS (57) / COM (34)	NI (9)
V (1973-78)	**UDR (183)** / RI (55) / RDS (34) / UC (30)	PSRG (102) / COM (73)	NI (13)
VI (1978-81)	**UDF (123)** / RPR (154)	SOC (113) / COM (86)	NI (15)
VII (1981-86)	**SOC (285)** / COM (44)	UDF (62) / RPR (88)	NI (12)
VIII (1986-88)	UDF (131) / **RPR (155)**	SOC (212) / COM (35) FN (35)	NI (9)
IX (1988-93)	**SOC (275)** / UDC (41)	COM (25) / UDF (90) RPR (130)	NI (39)
X (1993-97)	**RPR (257)** / UDF (215)	COM (23) / SOC (57) REL (23)	NI (2)
XI (1997-02)	COM (36) / **SOC (250)** RCV (33)	RPR (140) / UDF (113)	NI (5)
XII (2002-07)	**UMP (365)** / UDF (29)	CR (21) / SOC (141)	NI (21)
XIII (2007-12)	**UMP (320)** / NC (23)	SRC (204) / GDR (24)	NI (6)

Source: French National Assembly (various years). The numbers in parentheses represent the total MNAs in each parliamentary party group. The parliamantary party groups in bold character represent the group of the Prime Minister.