“The Determinants of Legislative Productivity: Parties, Coalitions, and ‘Divided Government’ in the US, France, and Ireland”*

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ABSTRACT

This research juxtaposes the parameters of the production of “landmark” or “significant” legislation in the United States (1947-2002) with the semi-presidential system in Fifth Republic France (1959-2000) and the parliamentary regime of the Irish Dáil Éireann (1949-2001). The analysis focuses on significant domestic policy legislation using methodologies similar to Mayhew’s (1991) “sweeps” to construct legislative time-series data for France and Ireland. Using the “veto players” framework developed by Tsebelis (1995) the study emphasizes how the interaction between party control, inter-chamber politics, and the presidential veto power impact legislative productivity in the US. The American case is compared to the French and Irish examples to assess how coalition size, ideology, electoral variables, and government longevity affect legislative productivity when single-, multi-party, and/or presidential majority government prevails. The results accentuate the import of veto politics in the US in times of divided government as a major factor in decreased legislative productivity. The analysis of the French and Irish cases suggests the limitations of the veto players framework when landmark bills are contrasted with other types of legislation.
I. INTRODUCTION

In the American political science literature the debate persists as to whether “divided government”—split party control of the presidency and Congress—makes a difference to lawmaking and presidential politics, and if so, why. A plethora of studies, taking David Mayhew’s (1991) pathbreaking work as a point of departure, has both refined his analysis and challenged his findings. The lingering questions, which are much a product of methodological approaches as congressional or presidential perspectives on legislative politics are of paramount importance for the “new institutionalism” literature. To what degree is the legislative productivity of the US Congress, and the potential for presidential success in guiding the agenda on Capitol Hill, more or less constrained by institutional structures, rules, and norms when they intersect with the forces of partisan politics? And most importantly, how unique is the American system of “separated institutions sharing powers” (Neustadt 1960) from a broader comparative perspective on lawmaking?

Lamentably, little effort has been expended by American political scientists to examine the impact of divided or unified government in comparative settings. The lack of cross-national empirical analysis of legislative productivity is particularly unfortunate when one considers Laver and Shepsle’s (1991) elegant theoretical model that underscores similarities between the US case of divided government and its analogies elsewhere. Too often the American system of constitutionally-separated powers between branches of the national government has been perceived as “exceptional”—if not simply incomparable.

Yet parallels do exist—though not always in Westminster-style systems in which two party politics tend to prevail. Scholars have shown a peculiar penchant for attempts to compare the US with Australia, Canada, and the United Kingdom where the fusion of the executive within the legislature complicates comparisons of executive-legislative relations in the US (see Campbell 1998; Foley 2001; Sykes 2000). Among western industrialized democracies better analogies relative to institutional structure include countries such as France—a semi-presidential system with
constitutional division of powers between the executive and legislature—and “pure parliamentary”
systems, such as Ireland, that are notable for frequent coalition governments.

The context of power sharing between the legislature and the executive as well as within the
legislature in the French and Irish cases has implications for executive leadership and lawmaking
potential in ways that parallel the US condition of divided government. The French Fifth Republic
(1958-) has had three experiences of cohabitation (1986-88, 1993-95, and 1997-2002) when the President
lost a majority in the National Assembly and was forced to appoint a prime minister from the
opposition party, or coalition of opposition parties. Moreover, in several instances the President’s
party was a “junior partner” in a larger majority coalition (e.g., Giscard d’Estaing, 1974-81), raising
the question of the relative importance of presidential majorities for lawmaking. Finally, since
adoption of the 1949 Republic of Ireland Act voters in the Emerald Isle have elected a majority
government in only three of thirteen elections through 2002. The rest have been two or three party
coalitions, one minority government (1987), and a Fianna Fáil-Labour coalition of 1992 that collapsed
two years later, enabling a “Rainbow Coalition” of the left to assume control of Leinster House
without precipitating an election. The effects of these circumstances on lawmaking have not been
adequately assessed, let alone compared to the US case of divided or unified government.

This research seeks to fill part of the lacuna in the American literature by juxtaposing the
parameters of the production of “landmark” or “significant” legislation in the United States (1947-
2002) with the semi-presidential system in Fifth Republic France (1959-2000) and the parliamentary
regime of the Irish Dáil Éireann (1949-2001). The analysis focuses on significant domestic policy
legislation using methodologies similar to Mayhew’s (1991) “sweeps” to construct legislative time-
series data for France and Ireland. The study moves beyond prior analyses and re-analyses of
Mayhew’s data for the US by arraying economic, bicameral, and inter-institutional features in an
empirical model aimed at understanding how the interaction between party control, inter-chamber
politics, and the presidential veto power impact legislative productivity. But most importantly, the
re-analysis of significant domestic lawmaking in the US is weighed against the French and Irish examples in which multiple “veto players” (Tsebelis 1995) also exist. The comparative models use variables appropriate to each system, such as coalition size, ideology, electoral variables, and government longevity to emphasize common and dissimilar influences on legislative productivity when single-, multi-party, and presidential majority government (France) prevails.

The study casts light on several dynamics that each country has in common. First, the data on significant lawmaking for all countries are non-stationary. At one level this fact necessitates the use of time-series or Poisson regression to model legislative productivity and correct for heteroskedasticity. The substantive point is that the distribution of laws underscores that each country has experienced periods of considerable “catching up” in domestic policymaking. The mid-1960s through the early 1970s represented a “bulge” in the middle of the post-War era for the US (Mayhew 1991). Similar patterns are visible for France and Ireland in the mid-1970s. And in these latter cases, “grand coalitions” of the variety Mayhew identifies for the US are similarly responsible for spurts of legislative output. In France there is a considerable linkage to presidential policy leadership.

But in contrast to a number of studies in the comparative literature this research finds little evidence that coalition governments are less productive than majority governments on organic (non-budgetary) legislation. Second, there is little evidence that economic conditions play a consistent role across the countries. Structural unemployment lowers productivity in France, while soaring inflation in Ireland in the 1980s significantly depressed lawmaking. Finally, there are lag effects of annual productivity that accentuate the “startup costs” of legislating. In the US the “continuing agenda” of Congress operates in the context of regularly scheduled elections, which transcend the presidential election calendar and ensure some level of continuity in legislative output (Jones). A similar dynamic is visible in France, albeit with longer periods (usually five years) between legislative elections, notwithstanding Presidents’ early dissolution of the National Assembly following their victories (e.g.,
1981, 1988). In Ireland government duration is among the most salient predictors of increased legislative productivity, a finding that solidifies the importance of prior studies’ modeling of the determinants of government/coalition termination. Finally, in the US and France several unique periods of divided government or cohabitation, respectively, have resulted in significantly higher numbers of domestic laws, primarily for electoral reasons that the study details.

The study also provides more subtle apercus into differences in executive politics in each system. In the US it is not so much divided government, per se, that affects legislative productivity but rather the frequency of veto politics in which presidents engage almost exclusively during recent periods of split-party control. Bicameralism also has a strong effect. Productivity declines as the relative ideological distance between party leaders in the House of Representatives and Senate increases. And productivity diminishes as the Senate majority’s seat margin decreases from 60 votes—the number required to halt filibusters (unlimited debate). These are the sources of occasional gridlock in the American context, some of which do have a strong connection to the condition of divided government. In France legislative productivity is aided by a presidential majority in the National Assembly—particularly one that is to the left of center. In Ireland coalitions or majorities on the center-left or center-right tend to legislate at equivalent levels—provided that they can avoid early termination.

The sections that follow sketch the theory and methodology that inform the study. The next section places the analysis within the larger framework of scholarship on divided government in the US and presidential/ minority/ majority government in the comparative realm, using Tsebelis’s (1995) veto players theory as a foundation. The third section traces the methodology used to derive and analyze the data on lawmaking in the three countries. The fourth section presents the results of the empirical analysis, followed by a reprise of the significance of the findings for comparative research on the conceptualization of divided government, legislative productivity, and executive-legislative relations.
II. INSTITUTIONS, VETO PLAYERS AND PARTISANSHIP: COMPARATIVE APPROACHES

David Mayhew (1991) argues that divided government in the US matters little for legislative productivity in the post-World War II era. He shows that some of the most productive periods have occurred during split-party control of the White House and Capitol Hill. The unexpectedly high levels of lawmaking are most notable for Republican Presidents Nixon and Ford (1969-76), who squared off with large Democratic majorities. Counts of “significant” legislation during this eight year window resemble the extraordinary output of the 89th Congress with Democratic President Lyndon Johnson in the White House and large Democratic majorities on Capitol Hill, not the gridlock predicted by critics of divided government. Other periods, Mayhew contends, demonstrate greater variability in the output of landmark bills, but divided or unified government is not salient. William Clinton’s brief period of unified Democratic control from 1993-94 is a case in point according to Mayhew (1995). The number of landmark bills did not differ significantly compared to George H.W. Bush (1989-92), who faced an opposition majority for the entirety of his term. The relative consensus on policy activism (the “public mood”) in the electorate and in Congress is, instead, the paramount factor for legislative productivity according to Mayhew.

The United States: Party Control of National Institutions and the Enduring Debate

Scholars have challenged Mayhew’s conclusions on several fronts. At the heart of the debate is the categorization of “significant” or landmark laws and the methods used to analyze productivity. Kelly (1993) argues that Mayhew’s list should be shortened and uses a smaller sample of significant bills to argue that divided government negatively affects output. Howell et al. (2000) take Mayhew to task for comparing the means of legislative productivity in periods of unified and divided government when his longitudinal data are clearly shown to lack stationarity in the variance around the mean. In other words, productivity is highly volatile across the aggregate time series he compiles. Mayhew’s conclusion of no effect in party control is a reflection of heteroskedasticity in the data for which he does not correct. Howell et al. construct a new measure of productivity that includes
contemporary rather than historical accounts of what constitutes a significant bill. Using an econometric model that removes the problem of non-stationarity they conclude that split-party control depresses output by approximately one-third over unified government.

Additionally, several other recent studies dispute Mayhew’s findings. Coleman (1999) reassesses legislative productivity using a host of different measures and finds a strong negative effect across the board. Binder (1999) assess the production of major laws against the total agenda that could have passed and also find a negative effect of divided government. Binder correctly accentuates the import of bicameralism on legislative productivity, a point that is elaborated momentarily. Thorson (1998) shows that divided government entails more partisan legislation rather than the sort of consensual votes that Mayhew originally emphasized. Edwards, Peake and Barrett (1997) array data on potentially significant legislation in the post-War era that failed to pass. They find that the failure rate of significant laws increases considerably during periods of split-party control of American national institutions.

Allusions to presidential politics as a source of decreased productivity are found throughout these studies. Yet strikingly missing in Mayhew’s analysis, and many of the studies that have followed has been any direct connection between lower productivity and the president’s role in the legislative process. Mayhew (1991, 35) explicitly dismisses the relevance of presidential politics for lawmaking. “System production,” he writes, “should be the final test, not whether presidents happen to get what they wanted.” Yet as James Pfiffner (1991, 49) notes, Mayhew’s “important contention that divided government does not matter very much in the long run offers very little comfort to presidents or to opposing congressional majorities.”

Many scholars lament the condition of divided government as a detrimental blow for presidential legislative leadership. The problem is that the complaints of James Sundquist (1988) and Lloyd Cutler (1988), most notably, are normative in nature and lack empirical evidence. Other scholars have made a better empirical case. Whatever the “marginal” role of the president to
influence Congress in terms of what does get passed (Edwards 1989), his success is definitively shaped by the partisan composition on the Hill (Bond and Fleisher 1990; 1996).

The context of increased partisanship in Congress in recent decades has forced presidents to resort to the veto power much more frequently in the negotiation of significant laws during split-party control compared to the “bipartisan conservative” era of the 1950s. Conley (2002) argues that the inter-branch discord that characterized George H.W. Bush’s and Bill Clinton’s relations with opposition majorities in Congress contrasts sharply with the relatively infrequent conflict between Dwight Eisenhower and the Democratic majorities he faced in the last six years of his presidency (1955-60), at least in terms of veto politics. This line of analysis is consistent with Cameron’s (2000) conclusion that “significant” legislation is most likely to attract presidential attention and come under the threat of vetoes during periods of divided government. Presidents “go public” (Kernell 1997) and make irreversible commitments to veto legislation as a means of enhancing the credibility of threats and winning policy concessions from Congress (see also Matthews). In some cases, as for President Ford, the central task is keeping a relatively small congressional minority unified to enhance the credibility of threatened and applied veto threats. In others, including President Clinton’s experience from 1995-2000, the objective is facilitated by strong cohesion in the opposition minority that all but guarantees defeat should the congressional leadership bring override votes to the floor.

Presidents’ increased recourse to the veto—either applied or implied through veto threats—is one potential explanation for the negative impact of divided government on significant lawmaking. Another is bicameralism in the US context. The Senate, as Krehbiel (1998) aptly points out, is a supermajoritarian institution that routinely locks in a form of divided government no matter which party nominally controls the upper chamber. Krehbiel makes a strong case that a working majority is constituted with 60 votes—the number needed to invoke cloture and halt filibusters—not a simple majority as in the House of Representatives. In addition, the relative ideological distance (e.g., chamber means measured along a single dimension) between rank-and-file members and leaders in
each chamber may significantly affect the degree to which leaders can cooperate to achieve
lawmaking, not only when the upper and lower chambers have been controlled by different parties
(i.e., 1981-86).

The US Case in Comparative Perspective: Veto Players and the French and Irish Examples

Such a brief sketch cannot capture the richness of the American system of checks and balances.
Indeed, it is not meant to. However, the summary portrait does clarify the relevant “veto players”
determinant to lawmaking: The president with his veto power, the minority party in the Senate that
may employ the filibuster to halt or alter legislation, and bicameral leadership dynamics.

The US is not unique in terms of multiple veto players. Simply put, “a veto player is an
individual or collective actor whose agreement is required for a policy decision” (Tsebelis 1995, 293).
Tsebelis (1995) makes a robust and intuitive case for a theoretical framework that enables
comparisons across presidential, semi-presidential, and parliamentary systems. In hybrid semi-
presidential or “premier-presidential” (such as France) and “pure” parliamentary systems (such as
Ireland or the United Kingdom) the number of veto players increases according to several factors,
such as a president’s veto powers (if applicable), bicameralism, and most importantly, the number of
coalition partners in government and their ideological diversity.

How does the veto players framework apply to the two cases in this study against which the
US is compared? France is widely regarded as a semi-presidential system (Elgie 1996). The French
president is a veto player only under circumscribed conditions. He does not possess a veto power of
the sort US presidents enjoy. In the case of a single-party, presidential majority in the National
Assembly the president and the prime minister are the most relevant veto players inasmuch as they
are able to keep certain items off the legislative. The President can achieve his objectives through his
leadership in cabinet council meetings, over which his agenda dominates. Under cohabitation,
however, he may exercise his right to refuse the government to legislate by decree (ordonnance), as
Mitterrand did in 1986, and force the prime minister to resort to appropriate parliamentary
procedures to pass legislation. By consequence, the relevant veto players then become the coalition partners that constitute the majority in the National Assembly if no single party holds an absolute majority (e.g., the UDF and RPR majorities under Prime Minister Chirac from 1986-88).\(^2\)

The French Senate is a veto player only on matters of constitutional reform, where it can block change—as it did on several occasions when, as President, Jacques Chirac faced a coalition of parties on the Left from 1997-2002 (Verdier 1998). In other matters, such as the budget, the Constitution of the Fifth Republic enables the lower chamber to trump the Senate in cases of disagreement in conference committees. When coalition governments prevail, then, in most matters of legislation the number of coalition partners in the National Assembly represents the number of veto players.

In Ireland the veto players framework is simplified and straightforward in the context of a powerful lower chamber, the largely “advisory” role of the upper chamber, and a president who is symbolic as head of state in the Republic. Of the fourteen governments in the Republic of Ireland (Éire) between 1949 and 2002 three have been comprised of a single majority (all Fianna Fáil, 1957, 1969, and 1977), two have been composed of three party coalitions (1982, 1994), and the rest were constituted of coalitions of two political parties (typically Fine Gael/Labour) or Fianna Fáil and independent legislators (1951, 1961, 1965). As Cohan (1979, 322) contends, the electoral strength of the party of Eamon de Valera—Fianna Fáil—has served as the frequent “anchor” for coalition governments, many of which have been able to overcome policy differences to produce relatively long-lasting cabinets. The impact of independent Teachtaí Dála (TDs, or deputies) on government formation and maintenance is variable. Their election is the product of intense constituency competition created by the Single Transferable Vote (STV) system. In some cases independent TDs are highly significant veto players who hold a pivotal balance over legislative outcomes and the “making or breaking” of governments, to borrow from the lexicon of Laver and Shepsle (1996).

Tsebelis (1995) contends that as the number of veto players increases, policy stability—the inability to adapt to changing circumstances—is a likely result. Extant empirical evidence provides
some confirmation of the theory’s utility but with the caveat that most studies emphasize the totality of laws passed, budget legislation, or a narrow definition of “significant” legislation on some subset of national policy. Kreppel (1997) analyzes Italian legislative productivity and distinguishes between all laws and leggine, or bills with particularistic components. She finds strong evidence that as the number of parties in the legislature increases—in other words, as the number of veto players mounts—legislative productivity declines proportionately. Consistent with such findings is Bawn’s examination of coalition politics in Germany. Government spending did not change significantly when the FDP, a left-leaning party, entered coalition governments in the Bundestag in the 1960s, 1970s, and 1980s. As Bawn notes (1999, 732), “coalition governments are less likely than single party majority governments to change the status quo” because of the struggle to find common ground on policy outcomes and maintain the coalition. Bawn’s work parallels earlier cross-national studies by Blais, Blake and Dion (1993; 1996) that show spending moderately increases under majority governments. The logic follows Martin’s (2004) study of agenda-setting in European parliaments. “Accommodative” legislation that appeals to coalition partners is more likely to be adopted in the early term of the government, whereas controversial policy matters that may engender dissensus are put off to avoid premature government termination. Finally, Tsebelis’s (1999) multi-country study of the adoption of “significant” national labor legislation confirms that as veto players increase, lawmaking on such issues subsides. He emphasizes the ideological distance between members on the extreme poles of coalitions as a key factor in halting such legislation.

The Critical Task: Deriving Comparable Measures of Productivity

The crux of the problem is that none of the contemporary studies on general lawmaking productivity, budget politics and deficits, or “significant” lawmaking is comparable to Mayhew’s (1991) study. Implicit in Mayhew’s data set is organic legislation on broad and diverse issues, with few laws included that are budgetary. Moreover, Mayhew’s framework challenges the veto players theory inasmuch as he argues that policy consensus in Congress is the fundamental characteristic of
much landmark legislation, evidenced by passage coalitions that are frequently “supermajorities” capable of surmounting the inherent institutional sources of gridlock in the American system. The contemporary empirical literature lacks a means of weighing Mayhew’s theory against the veto players framework from a comparative perspective. What is needed is a comparable set of landmark bills passed in other countries. As the next section elucidates, this study rectifies this problématique by compiling lawmaking data for France and Ireland using approaches close to Mayhew’s original methodology. The findings clarify the depressing impact of presidential veto politics on legislative productivity in the US during recent periods of divided government. In France presidential majorities on the Left are most important significant lawmaking in France. Some of the findings are inconsistent with Tsebelis’s (1995) predictions and empirical analysis (1999). Coalition governments in France and Ireland are generally no less productive than majority governments. And ideological distance among coalition partners is conditional. Overall the analysis suggests the degree to which landmark legislation shares unique characteristics across multi-country settings.

III. DATA AND METHOD

The study begins by constructing an empirical model of lawmaking in the US. The dependent variable is Mayhew’s set of significant laws (annual number). To keep a focus on domestic policymaking that is comparable across countries, laws concerning foreign policy were deleted in the annual count. Domestic and foreign policy matters are significantly dissimilar to warrant separate analysis (Wildavsky 1975). The number of significant laws varies from a low of 1 per annum to a maximum of 16.

The construction of the data set of annual significant laws in France and Ireland follows Mayhew’s methodology as close as possible. Considerable challenges are evident, however. Legislative histories and retrospective policy assessments of the type Mayhew utilizes for the US are far less common in France, and non-existent for Ireland. The construction of significant French laws began with Yanne Cavanna’s (2001) categorization of landmark laws in Qui a voté quoi ? L’histoire des
grandes lois du XXe siècle. Those laws—the bulk of which are organic and non-budgetary—were compared to press reports on the passage of legislation using the dossiers de presse for prime ministers and their legislatures compiled by the Fondation nationale des sciences politiques and housed at the Institut d’Études Politiques (IEP) in Paris, France. Laws that received the attention of at least three different national newspapers in the dossiers were included in the data set. Referenda and decrees were excluded from the list to insure comparability of laws with the US, where the Constitution provides for neither possibility. The range of significant laws varies from 0 to 9.

Constructing the data set for Ireland required a more creative approach in the absence of any longitudinal and comparable studies of lawmaking. All laws passed in Ireland from 1949-2000, as listed in the Irish Statute Book 1922-2001: Acts of the Oireachtas, Statutory Instruments, and Chronological Tables (2002), were arrayed chronologically.\footnote{Laws that expired were first purged from the data set. Minor amendments, second readings, and routine and recurring bills (such as annual pension payments, Shannon Airport redevelopment) were deleted. Referenda were purged from the data set. The remainder of the laws was then carefully compared to party platforms of single-party majorities (e.g., Fianna Fáil) and coalition governments (either in separate platforms or as part of a platform that marked a multi-party agreement prior to the election). Bill subjects that received the attention of party platforms—however tangential—were consequently retained, as were the remainder of bills that clearly had national impacts.\footnote{Significant laws ranged from 4 to 19 per year for Ireland, figures quite comparable to the US and France.}} The landmark bills reflect legislation with broad impacts on society, the economy, and regulatory efforts in each country. In the United States Mayhew (1991) includes such landmark legislation in domestic policy as the Voting Rights Act (1964), Open Housing Act (1968), Consumer Product Safety Act (1972), and the Tax Reform Act of 1986. In France significant legislation includes laws with lasting social and economic impacts, such as social security (health cost reimbursements, 1960), anti-racism legislation (1972), divorce (1975), the tax on large estates (1981), and the 35 hour
work week (1998). Irish laws include bills such as Irish Citizenship and Nationality (1956), coastal protection (1963), worker participation in state enterprises (1988), and maternity protection (1994). A complete list of the French and Irish bills is available from the authors upon request, as is the modified list of Mayhew’s significant domestic laws for the US.

The empirical model developed to test the factors that influence legislative productivity corrects for non-stationarity of the data. Dickey-Fuller unit root tests show the probability of non-stationarity at highly significant levels ($p = .003$) for the data in each country. Visual examination of correlograms in STATA also shows significant autocorrelation. Additional tests after ordinary least squares (OLS) regression with the full model for each country (discussed below) underscored the presence of autocorrelation in each of the models, and the inappropriateness of OLS.$^5$

At this juncture, either a count (Poisson) or autoregressive moving average (ARMA) model is appropriate. Because there is no general consensus on which model is more desirable (Cameron and Trivedi 1998, 360), we follow Howell et al. (2000) and choose the Poisson technique with lag terms. Including lag terms for lawmaking, rather than choosing ARMA, affords a better understanding of the “startup” costs of legislating and the cyclical electoral effects that have theoretical value for the study. Whether it is a new Congress in the US elected every two years or a new French or Irish legislature, the legislative process demands time—from negotiating the agenda within the majority, or with coalition partners, to the committee process, hearings, markups, and the various procedures to bring votes to the floor. The ARMA approach, by its very nature, “embeds” such effects in the model output. Residuals from an AR(1) model for the US and AR(2) models for France and Ireland correlate with residuals from the Poisson regression at $r = .97$. The Poisson estimation, however, offers slightly higher stability in predictive capacity.

Independent variables common to all countries include annualized measures for unemployment and inflation (yearly change). One hypothesis is that governments may not wish to pursue costly social programs—or reduce others—when inflation rises. On the other hand,
governments may wish to intervene with public works projects and associated programs to combat unemployment. Data on unemployment and inflation for the US are from the Bureau of Labor Statistics and are seasonally adjusted. Data on unemployment (taux de chômage) and inflation for France for the period 1966-90 are from the US Department of Labor, Bureau of Labor Statistics (French labor force statistics), the Annuaire rétrospectif de la France, 1948-88 (1990), and the Institut National de la Statistique et des Études Économiques (INSEE) web site. For the period 1960-1965 data were calculated by the author from figures on unemployed workers provided in the monthly Statistiques du Travail et de la Sécurité Sociale, published by the Ministère des Affaires Sociales. The data are housed at the INSEE Paris headquarters. Data on inflation are seasonally adjusted and taken from the Annuaire rétrospectif de la France, Séries longues, 1948-88, and from INSEE for 1989-2003. For Ireland unemployment figures for the 1950s and 1960s were calculated by the authors using the number of workers reported on monthly “Live Registers” by the Central Statistics Office (CSO) divided by Census data on the number of eligible workers. For the 1970s, data are those annual percentages reported by the CSO. Time series data for inflation are not available from the CSO prior to 1971. Data on inflation were taken from Penn World Tables and are measured as the purchasing power parity over gross domestic product divided by the US exchange rate.

In each country dummy variables are utilized to gauge the year in which legislative elections occur, and in the United States and France, presidential elections. It is reasonable that in each country incumbent legislatures may be expected to ratchet up lawmaking before they have to face a regularly scheduled election (2 years in the US, 5 years in France, notwithstanding an early dissolution, and a maximum of 5 years in Ireland). The impact of early dissolutions on productivity in France and Ireland is an open question.

Country-specific variables control for the particularities of veto players in each country. For the US the presidential veto power and bicameralism are included. The measure for veto politics is the percent of significant legislation in the biennial period that was subject to a veto threat, a veto cast
(and/or veto override). As veto politics increases, productivity should decline. The theoretical rationale is straightforward: The more Congress has to engage in protracted negotiations with the president, the less time it can devote to other matters. Veto politics should have the most pronounced impact on legislative productivity during recent periods of divided government. The 1980s and 1990s were remarkable for escalating partisan conflict between the president and Congress (Bond and Fleisher 1996).

Gauging the effect of bicameralism on aggregate, annual productivity in the US requires some creativity. Two measures are included. First, bicameralism is measured as the average ideological distance (absolute value) between leaders of the House (Speaker, majority leader) and the majority leader of the Senate, using Poole and Rosenthal’s NOMINATE data. As the there is less concordance in the ideological positions of leaders in each chamber, productivity should decline. To measure the impact of anti-majoritarian features of the Senate, the filibuster pivot is included in the model. The filibuster pivot is simply the number of seats the majority party has below or above 60 votes. Decreased productivity in recent decades should be a result of closer Senate seat margins that have prompted the minority party to employ the filibuster more frequently on conflictual issues. No party has enjoyed more than 60 seats since 1978—a fact which, alongside the near permanence of divided government since the 1980s, suggests the basis for the hypothesis of less productivity for the last two decades compared to the 1960s and 1970s.

Dummy variables for select historical periods are also included in the US model as a proxy for ideology. It is not possible to derive an acceptable aggregate measure of congressional ideology because of bicameralism. Yet certain periods are notable for the ideological leanings of Congress as a whole. The early post-War era from 1947-1964 is described by Davidson (1996) as a “bipartisan conservative era” during which the “conservative coalition” of Republicans and southern Democrats often allied to block progressive legislation. Lyndon Johnson’s veto proof majority in both chambers from 1965-66 is also measured via a dummy variable for those two years. The two brief periods of
unified Democratic control under Carter (1977-80) and Clinton (1993-94) are also indicated to test whether, as Mayhew (1991) argues, unified government made no difference when other factors are controlled. Finally, the “Republican Revolution” of 1995-96 is gauged via a dummy variable. The GOP’s “Contract with America” was unique inasmuch as it resembled a party platform of the European variety that is rare in the context of US elections. The variable gauges, holding other factors constant, whether the “Contract” produced higher levels of productivity. Speaker Gingrich went so far as to arrogate a symbol of presidential politics by promising key agenda items would be passed within 100 days (see Gimpel, 1996).

For France and Ireland the common variable for veto players includes aggregate measures of ideology, seat margin, and coalition/majority status. Interaction terms for ideology and coalition/majority seat margin were generated using Budge et al.’s (2001) ideological positions derived from party platforms. The data are arrayed along a left-right single dimension similar to NOMINATE scores, with scores below 0 indicating positions to the left and scores above 0 indicating positions to the right. Coalition ideology is “weighted” by the percent of seats each party holds within the government. For France separate interaction terms are included for presidential majorities and coalition majorities. For Ireland majority and coalition governments are distinguished.

Several unique variables are included in the French case. Dummy variables for all three cohabitations are included (1986-88, 1993-95, 1997-2000) to test whether, ceteris paribus, divided government in the French context hindered lawmaking. The first cohabitation under Prime Minister Chirac is of most interest, as he engaged in a large scale effort to undo many of the reforms undertaken by President Mitterrand from 1981-83, particularly privatization of previously nationalized industries. Given Chirac’s desire to win the presidency in the 1988 election, he had a very narrow window of opportunity to demonstrate that the Right could govern effectively and establish a policy record for his electoral bid. From this perspective, the first French cohabitation
shares a contextual commonality with the Republicans’ Contract with America in advance of the 1996 presidential election in the US.

Finally, the number of annual strikes and major demonstrations in France is included in the model. France’s formidable unions (syndicats) frequently view attempts to reform state functions as fundamental attacks on acquis sociaux (entitlements) attained over time. Moreover student unrest is a common phenomenon in France, whether in terms of the events of May 1968, demonstrations against university reform in 1980, or government efforts to reform public education in 1992 and 1994 that provoked major public protests. Strike and demonstration activity is often capable of shutting down the entire country, and public sentiment generally sides with the protestors (Kravetz 1968)—which is why they often compel governments to pull unpopular measures. One may reasonably expect that strikes and demonstrations have a depressing effect on legislative output as governments become paralyzed on key issues. Data were obtained from Annuaire rétrospectif de la France, series longues 1948-1988 and from Lenormand Céline (2003), Chronologie indicative de l’histoire du mouvement ouvrier français de la Révolution française à la fin des années 2000. A listing of all strike activity is available from the authors upon request.

IV. RESULTS

Commencing with the analysis of the US Congress, Figure 1 shows the actual versus predicted values of annual legislative productivity from the Poisson regression results reported in Table 1. Visual examination of Figure 1 accents a strong convergence between forecast and actual counts of significant bills. Using both McFadden’s R² and the maximum likelihood R² criteria the model underscores a quite good fit, which is further accentuated by the likelihood ratio (LR) test (p < .001).8

Table 1 shows the full model. Since Poisson regression coefficients have no direct interpretation, the “mean effects” (ME) are reported alongside the range of values for each independent variable. The mean effect is calculated by taking the difference of the expected count for
the variable of interest at its minimum and maximum values while holding all other variables at their mean or “natural” values (Long and Freese 2003). This method provides a means to assess the relative impact of each independent variable compared to the others.

[Table 1]

The data accent elements of the cyclical nature of lawmaking in the US. High productivity in one year is followed by a decline in significant legislation in the subsequent year. The lag term \((t - 1)\) shows that for the periods of highest productivity in the post-War era (1965, 1970) the passage of 15 and 16 laws, respectively, resulted in a decline of about three significant laws the following year. In less productive periods, the passage of 7 laws in one year diminishes bill output by about 2 laws in the subsequent year, all other things being equal. One reason for this dynamic is that members on Capitol Hill must reassess the future agenda in light of the budget constraints and oversight of newly created programs.

The cyclical nature of lawmaking is also evident in terms of elections. Presidential elections, which draw the most media fanfare every four years, have no impact on lawmaking. But congressional mid-term elections do have a significant effect. Congress passes about 2 more landmark laws in mid-term election years. Figure 1 shows significant peaks in bills in 1954 (7), 1958 (7), 1974 (10), 1976 (8) 1982 (7), and 1990 (7). Certainly part of the dynamic may be due in some years (1954, 1982) to the president’s agenda, which takes time for Congress to sort out. But members of Congress—particularly in the House of Representatives—who, as Fenno reminds us, are interested in both public policy and reelection have an incentive to establish solid records for the biennial races they must contest.

Although there is little evidence that the state of the economy plays a significant role in declining legislative output, presidential veto politics have a considerable impact in depressing the production of landmark bills. The greater number of veto threats presidents issue, or vetoes they cast on bills to which they object, the fewer the number of significant bills that pass. Veto politics on
significant changes to public policy necessitate extended inter-branch negotiation that is costly in
terms of time—from public posturing on both sides of Pennsylvania Avenue to behind-the-scenes
brokerage politics and potential attempts by Congress to override the president.

Veto politics have the strongest impact in the model (ME=4.72). The effect is a clear
consequence of the more intensely partisan politics of the last quarter century that have accompanied
the near permanence of some form of divided government (19 of the 21 years from 1981-2002),
whether a Republican or Democrat was in the Oval Office. The height of veto politics took place from
1991-92 when George H.W. Bush threatened 60 percent of all landmark bills that eventually passed.
Ronald Reagan’s willingness to engage in veto politics against the Democratic-controlled House
mounted steadily from 22 percent in his first two years to 33 percent from 1983-84, 43 percent from
1985-86, and 50 percent when Democrats regained the Senate for the 100th Congress (1987-88).
Reagan’s increased use of the veto lowered the expected number of significant bills between two and
four per annum over the course of his two terms. Bill Clinton used vetoes implied or cast more
sparingly against the early GOP agenda in the 104th and 105th Congresses (14 and 21 percent,
respectively), dropping lawmaking by approximately one to two bills from 1994-98. He vetoed
welfare reform twice before reaching a compromise with the Republican majority.

The predecessors to Reagan, Bush and Clinton used veto politics far more sparingly on
landmark bills. The high water mark was 1947-48 when Harry Truman faced a Republican majority
in the 80th Congress that often allied with southern Democrats to trump his vetoes on such issues as
Taft-Hartley (labor legislation) and Social Security. The models suggests that the 29 percent of bills on
which Truman engaged in veto politics dropped output by approximately 3 bills for the period as the
GOP majority built supermajorities through the conservative coalition. Earlier Republican presidents
such as Eisenhower, Nixon, and even Ford never threatened more than a quarter of landmark bills.
Truman is the only Democratic president with a majority of his co-partisans on Capitol Hill to have
engaged in veto politics (one-sixth of bills in the 81st Congress from 1949-50). Not a single landmark bill was threatened or vetoed during the Kennedy and Johnson presidencies.

All told, the data accentuate why divided government matters, Mayhew’s (1991) contentions notwithstanding. In the earlier period of the post-War era when cross-party voting coalitions in Congress were greater and congressional organization and leadership were weaker presidents such as Eisenhower had more room to work out compromises on pending bills. In other cases, such as Nixon and Ford, presidents were caught up in the consolidation of Lyndon Johnson’s Great Society and did not challenge a congressionally-driven agenda that had widespread public support—a dynamic Mayhew titles as “public mood.” Instead, they sought to rationalize the programs, provide greater flexibility to state and local governments in implementation of programs, and reduce spending (see Conlan 1988; Reichley 1981). In the contemporary era of greater partisanship within Congress and between the president and Congress during periods of divided control, stronger party-unity on Capitol Hill, and party leaders who have been empowered with greater authority over the legislative process, president’s have more routinely turned to the veto—whether implied through threats or applied to actual legislation—to regain some margin of negotiating room with opposition majorities. The net effect has been a significant decrease in landmark bills, as visual inspection of Figure 1 underscores.

The wisdom of arguments by scholars such as Krehbiel and Binder about the institutional sources of gridlock in the American system is borne out in the two variables that measure the impact of bicameralism on lawmaking. The ideological difference between leaders in the two chambers has a palpable, negative effect on output (ME=2.60). The peak occurred from 1981-86 when Democrats controlled the House and Republicans the Senate. On the NOMINATE scale the absolute distance between leaders in the two chambers was between .67 and .75. But other periods are also notable, regardless of party control of Congress. In the 104th Congress (1995) Republican Senate leaders, like their conference as whole, did not sign on to Speaker Gingrich’s “Contract with America”—and were
far more moderate than their colleagues in the House (distance=.20). This detail suggests part of the reason why the “Contract” faced considerable hurdles in the upper chamber despite swift passage in the majoritarian House. Similarly, from 1987-88 Democratic leaders who controlled Congress were fairly far apart (distance=.15). In these latter cases, inter-chamber leadership differences depressed landmark bills by about one bill per annum.

The filibuster pivot has an even stronger impact in the model (ME=3.72). Expected output increases by about one significant law per year as the Senate majority’s seat ratio increases from 55 to 60. The effect must also be understood within the context of the interaction of increasing partisan politics in the last quarter century, divided government, and electoral competition in the upper chamber that has narrowed seat margins. No Senate majority has reached the filibuster pivot since 1978. Subsequent Senate majorities have averaged 4 seats from the cloture point (s = 3.4). Democrats were two seats shy from 1991-92; Republicans were 10 seats shy when the Senate was evenly split in 2001. More cohesive minority parties in the Senate have enabled opposition leaders to forestall passage of bills anathema to the majority’s agenda. The majority leadership is increasingly hard pressed to find rank-and-file members in the minority willing to break with the party line. Republicans in the 103rd Congress (1993-94) repeatedly filibustered much of President Clinton’s agenda, parts of which never passed (e.g., health care, see Skocpol 1996) and other parts that eventually passed without any minority party support (e.g., the 1993 budget, passage of which was enabled by Vice-President Gore’s tiebreaking vote).

President’s ideology has an unexpected sign in the model. Contrary to expectations, the model suggests that lawmaking is facilitated by more conservative presidents (NOMINATE score >0). Further inspection of the data accents that the effect is period-bound and a reflection of the large number of bills passed under Presidents Nixon and Ford. Both presidents were unable or unwilling to halt the pace of legislation organized into the pipeline under President Johnson, as noted earlier. Adding an interaction term for Nixon’s and Ford’s ideology alongside the continuous variable for
presidents' ideology shows an effect for both, but the continuous term loses significance. Moreover, utilizing the absolute value of presidential ideology has no effect in the model. In sum, the finding is consistent with the earlier argument of the degree to which Nixon and Ford were caught up in the consolidation of the Great Society agenda, which formed an important component of Mayhew's "bulge in the middle" of lawmaking in the post-War period.

Three of the four variables for "eras" or presidential terms in the model attain statistical and substantive significance. Ceteris paribus, lawmaking in the bipartisan conservative era (1947-64) was about two to three laws less per annum. The effects are particularly visible in Figure 1 when one considers the presidency of John F. Kennedy (1961-63), during which five laws passed each year. While certainly not a lamentable record, the point is that the conservative coalition in Congress—indeed, Democratic leaders themselves—often precluded important elements of Kennedy's "New Frontier" agenda from reaching the floor (Sorenson 1965, 345). House Ways and Means Committee Chair Wilbur Mills' stance on Medicare, which was never reported out of committee, is a case in point. The Eisenhower period was relatively quiescent as well. Eisenhower's objective was to keep domestic spending low and keep a tight rein on federal largesse. That goal was, with periodic spurts of mid-term year output notwithstanding (e.g., 1958), largely met with the assistance of southern Democrats with whom Eisenhower found common policy ground.

Although the dummy variable for Carter's presidency does not attain statistical significance, the one for Clinton does. Contrary to Mayhew's argument (1995), lawmaking in the brief period of unified government from 1993-94 was lower by about two laws per year, holding other factors constant. Republican intransigence, as noted above, was certainly one factor. Another, though impossible to measure in the model, was Clinton's putative squandering of vital "political capital" (Light 1999) in his first six months in office when he emphasized a controversial policy of ending the ban on homosexuals in the military.
Finally, some periods of divided government are more productive than others. The dummy variable for the “Republican Revolution” is highly significant. The impact is the second highest in the model (ME=4.62). Arrogating a symbol of presidential politics with the promise to pass central elements of the “Contract with America” in the first 90 days of the 104th Congress Speaker Newt Gingrich and the GOP majority passed nine landmark laws in 1995 alone. Caught off guard, President Clinton and the Democratic minority often lent to support to issues that they had supported in the past such as health insurance portability, lobbying reform, and a curb on unfunded mandates. The central point is that while divided government need not preclude legislative output, the pivotal factor is presidents’ willingness to engage in veto politics.

**The Parameters of Legislative Productivity in France**

Figure 2 shows significantly higher peaks and lower valleys in significant lawmaking in Fifth Republic France compared to the US. The years 1975, 1982, and 1986 are prominent for large numbers of bills passed in the National Assembly—9, 7, and 5 respectively. Other periods, such as the presidency of Georges Pompidou (1969-74) and the governments of Prime Ministers Édouard Balladur (1993-95), Alain Juppé (1995-97), and Lionel Jospin (1997-2000) are notable for the relative dearth of bills passed. The model in Table 2 lends considerable insight into the dynamics of legislative cycles in France.

Table 2 includes a lag term that shows a basic cycle of legislative production across time. After a peak of 9 bills (the maximum value of the dependent variable) legislative productivity falls off by about three bills in the third year (t-2). It is important to bear in mind that legislative elections in France occur every five years, notwithstanding early presidential dissolutions, which are relatively rare in the history of the Fifth Republic (i.e., de Gaulle in 1962, Mitterrand following his reelection in 1988, and Chirac’s disastrous miscalculation in 1997 that robbed him of a majority). As for the US, presidential elections have no impact on lawmaking as the electorate focuses on the intense personal
competition among French elites vying for the Élysée. Legislative elections have only a slight effect. Ceteris paribus, the National Assembly is likely to pass an additional bill. But increased legislative activity may be either before or after elections, which are held in May. Passage of landmark bills in 1986 is instructive as to timing: four of the five bills, the most important of which were privatizations of various national industries, were between July and December after Prime Minister Chirac’s coalition majority on the Right took up its position in the legislature.

There is strong indirect evidence to suggest the importance of presidential agendas for legislative output. It is not a coincidence that peaks in activity tend to occur the second year of a president’s term. Figure 2 shows a slight effect for de Gaulle (1960, 6 laws), and considerable effect for Giscard (1975, 9 laws) and Mitterrand (1982, 7 laws). Indeed, 1975 was a year of extensive lawmaking on a progressive agenda that included issues ranging from divorce and abortion to education reform. The dummy variable for Giscard’s first three years shows a “stylized” effect of an increase of between 1-2 laws over the period. The peak of legislative activity in 1982 during Mitterrand’s first septennat witnessed a host of nationalizations, decriminalization of homosexuality, and liberalization of the rules of state control over the media. The point in these cases is that it took a year for the legislative process to gear up, and in the second year these presidents’ prime ministers—endowed with a host of tools to speed up the lawmaking process and halt delaying tactics by the opposition—moved swiftly. The relatively low output in 1989 and 1996 are exceptions. Mitterrand’s reelection in 1988 was based on a program of “neither privatization nor nationalization,” and few policy pledges were made (Mitterrand 1988). The context of Chirac’s difficulties following his election in 1995 is discussed below in terms of public reaction to unpopular policies.

As expected, demonstrations and national strikes have a depressing effect on legislative output in France (ME=-1.60). Just as veto politics entail timely negotiation between the branches in the US, strikes and demonstrations have a paralyzing effect on the Government. The Juppé Government (1995-97) is a case in point. When the Prime Minister introduced a host of reforms aimed
at cutting back pensions and government benefits in late 1995 a wave of strikes in the transportation, electricity and postal sectors gripped the nation, bringing the economy to a halt. Several more massive demonstrations occurred in late 1996 when truck drivers blocked major highways around the country. The Poisson equation predicts that these events hampered at least one major bill per year. The public reaction to Juppé’s reforms, which were part and parcel of President Chirac’s agenda, precipitated the latter’s decision to dissolve the National Assembly early to give greater legitimacy to a “renewed” majority of the Right. Voters retaliated by returning a coalition of the “plural left” (gauche plurielle) to the legislature and condemning the remaining five years of Chirac’s septennat to divided government during which the president was marginalized in domestic policymaking.

The structural unemployment that became commonplace in France in the 1970s and continued through the 1990s has hampered lawmaking to a significant degree. Successive governments on the Left (Mitterrand) and on the Right (Chirac) have struggled considerably to balance France’s high level of social benefits with the joblessness that has continued in an era of slow economic growth. Budget politics have increasingly dominated the business of the National Assembly. Unemployment jumped from just under 8 percent in 1983 to over 10 percent in 1987, a period during which Mitterrand shunned his prior stances on nationalization and adopted an economic program that has been described as more Reaganesque than socialist. Mitterrand’s volte-face foreclosed opportunities for new programs and popular government benefits (Thody 1998, 101-03). Similarly, the second cohabitation government of Édouard Balladur (1993-95) and the Juppé Government (1995-97) each dealt with unemployment topping 11 percent. Proposals to “rationalize” state functions and cut benefits, as noted earlier, met with widespread public discontent. Levels of unemployment in the 10-12 percent range lower lawmaking by nearly three bills per year. It is imperative to stress that the phenomenon is unique to the last several decades of the Fifth Republic. Unemployment remained below three percent during the de Gaulle and Pompidou presidencies and their respective prime ministers (1959-74).
The dummy variables for divided government show that only the first cohabitation from 1986-88 was remarkable for increased legislative productivity. And the trend represents a paradox for Prime Minister Chirac. Over this two year period legislative output averaged an additional 5 bills per year. Chirac was intent on proving to the electorate that he was an efficient manager of government and set his sights on the presidential election of 1988. Yet thanks to the Socialists’ adoption of proportional representation in 1986, his coalition of the Right wound up with a majority of a single vote. Moreover, the proportional election scheme enabled the extreme Right party led by Jean-Marie Le Pen, Le Front National, to gain 35 seats. Le Pen and his cacophonous deputies proved more disruptive to Chirac on many occasions than the opposition of the Left. President Mitterrand refused to allow Chirac to legislate denationalizations by decree and forced him to resort to extraordinary procedures—including “blocked votes” and votes of confidence—to obtain the backing of his thin majority and expedite lawmaking (Nguyen 1986; Le Monde 1986). Not only did Chirac’s tactics prove unpalatable to many in the electorate, but the substance of his budget-cutting efforts provoked major demonstrations by students against proposed education reforms. Mitterrand exploited Chirac’s difficulties masterfully and repositioned himself in the electorate to win reelection handily in 1988. Thus, Chirac’s Government was for a brief time among the most productive in the Fifth Republic because of Mitterrand’s limited ability to act as a veto player. But Chirac’s very success as prime minister in legislative politics arguably damaged his bid for the Élysée as he lost the public relations battle.

Finally, the analysis in Table 2 contradicts Tsebelis’ (1999) contention that coalition majorities are less productive single-party (presidential) majorities. Legislative majorities on the Left are somewhat more productive than majorities on the Right in Fifth Republic France. And coalition majorities of Left are slightly more productive than presidential majorities of the Left, (ME=-2.10 and -1.77, respectively). The data complement the earlier discussion of Mitterrand’s first and second septennats. The Socialist majority’s ideological position from 1981-86 was -27.8—the most Left of any
presidential majority in the Fifth Republic. The interaction term for that majority and its seat percent forecasts an upswing of roughly two laws per year compared to the most conservative presidential majority in the Fifth Republic, that of George Pompidou from 1969-74 (ideology=31.3). From 1988-93 the coalition of Socialists and Communists were roughly as productive given the majority’s seat margin. The model similarly forecasts almost two additional landmark bills compared to the Pompidou period, or during the first cohabitation (1986-88, ideology=26.7).

Additional tests (data not shown) were performed to weigh another element of Tsebelis’ argument in the French context—that significant ideological distance between coalition partners depresses lawmaking. The interaction term for coalition ideology x seat percentage was replaced by the absolute value of the ideological distance of the two most extreme coalition partners. The average distance partners in coalition governments in Fifth Republic France is 14 points (s=8.6)—a figure which depresses expected output by about 3 bills per year. Interestingly, it is the Right that has suffered the most from this dynamic. The distance between the RPR-UDF coalition from 1986-87 is the most extreme at 29.6 points. The variable for coalition distance forecasts lackluster productivity during the first cohabitation. But as the dummy variable showed in the model in Table 2, Chirac’s coalition was far more productive—primarily because the Prime Minister resorted to extraordinary procedures to force passage of a controversial agenda.

The distance between the RPR-UDF majority during the first three years of Giscard’s septennat was the second most extreme at 23.1 points. The equation would predict a drop in legislative activity of about four bills per year. But Giscard’s second year, in particular, was the high water mark for significant laws in the Fifth Republic. In this case, Mayhew’s wisdom has a certain appeal in the French context. Giscard’s progressive agenda was supported not only by the coalition of the Right but also earned the backing of the Left, which lent votes to claim credit for popular policies. The dynamics of this period underscore the difference in the nature between landmark bills that garner
cross-party support and budget, labor, or other more contentious proposals that are likely to divide not only coalition parties but also spur opposition parties’ resistance.

Although the coalition of the Left under Mitterrand (1988-93) was relatively homogeneous (ideological distance=6.9), the most recent coalition of the Left forced a delicate balance in lawmaking by a heterogeneous grouping of parties in the third cohabitation. The most diverse coalition on the Left was under Prime Minister Lionel Jospin (ideological distance=19.57), who led the plural Left (gauche plurielle) from 1997-2002. Early dissolution of the legislature by President Chirac in 1997 left a scattering of parties—including the Parti Socialiste, Parti Communiste, and Les Verts (Green Party)—to form a broad coalition. Early in his mandate Jospin was able to walk a fine line between the parties’ goals and forge consensus on such landmark bills such as reduction of the work week to 35 hours and civil unions (PACs), both of which won some praise and disingenuous credit-claiming from Chirac (see Elgie 2002; Willerton and Carrier 2005). Yet the Jospin Government is simultaneously the best example of a heterogeneous coalition that hampered lawmaking. The equation forecasts a drop off of approximately four laws per year—which, as Figure 2 shows, is reflected in the low number of laws in 1999 and 2000. Indeed, Jospin’s inability to marshal agreement among the coalition for new policy initiatives after 1998, the zenith of productivity for the Government, created the impression that he had “run out of steam” and arguably detracted from his 2002 presidential bid. The pre- and post-1998 periods are a case in point, as Martin stresses, about the dynamics of agenda setting amongst diverse coalition governments, which are likely to put off potentially divisive issues in favor of quickly adopting those that garner consensus.

The Irish Dáil Éireann: Coalition Governments as Standard

The cycles of legislative productivity in Ireland are nearly inverse to those uncovered for France. Part of the reason involves elections and the nature of the coalitions that have dominated the Republic since 1949. Irish governments can serve no more than five years total in office, just as in France. But Fifth Republic France has been remarkable for the stability of governments. No
government has fallen since 1959, notwithstanding early presidential dissolutions. The Irish case is different. Government duration ranges from less than one year (1981) to a maximum of five (1997). Early termination has frequently been precipitated by disagreements among coalition members. The average government duration is three years and three months (s=1.32).

As the analysis in Table 3 clarifies, government longevity is a key factor in increased lawmaking. Irish governments take longer to move forward with legislative agendas, which accelerate as time progresses. Coalition agreements and consensus-building on legislative agendas tends to occur after elections. Irish political parties, in contrast to other parliamentary systems in Western Europe, do not have a tradition of pre-election coalition pledges—though there are exceptions—most recently the Fianna Fáil-Progressive Democrat campaign in 1997. Independent TDs also have provided Fianna Fáil (FF) with vital support for a majority on three occasions (1951, 1961, 1965). Finally, the two main parties, FF and Fine Gael (FG), are distinguishable less in ideological terms than for their historical opposition or support, respectively, of the establishment of Michael Collins’ Saorstat Éireann (Irish Free State) in 1922, which led to the partition of the six counties that comprise Northern Ireland and are governed by the United Kingdom. Let us examine the data more closely.

[Table 3]

The positive sign of the lag term (t-2) shows that legislative activity increases about three years after years of lower productivity (ME=7.98). Moreover, government in its fifth year in office is expected to produce approximately 8 more bills than one that terminates after a single year in office (i.e., 1981, 1982). These findings must be understood within the context of the impact of legislative election years. The Dáil is likely to pass an additional four bills in a year in which an election is contested. With some exceptions, most elections have occurred around mid-year (May or June) and the effect captures both the incumbent government’s productivity in advance of an electoral contest but also the passage of key bills by the new government upon its sitting. In other words, a new Irish
government is likely to pass several important bills quickly, followed by a lag time of several years to build the appropriate agreement between parties or independent TDs. Once that agreement is reached the pace of lawmaking increases as the government’s term progresses.

Figure 3 elucidates this dynamic more clearly. The two highest peaks of legislative activity occur in 1976 and 1996. The Fine Gael-Labour coalition—frequently referred to as “Cosgrave’s Coalition” for Taoiseach Liam Cosgrave—was elected in 1973. Among its greatest accomplishments were a series of educational reforms that took time to develop. The peak of 19 bills passed in 1996 is a unique case that makes the same essential point about startup costs of legislating in the Irish context. The 1992 election gave no party a majority in the Dáil, though FF obtained the most seats (68). A post-election coalition with the Labour Party, which had castigated FF during the campaign for a series of scandals, proved highly unpopular and led to the demise of the coalition in late 1994. Labour re-formed a “Rainbow coalition” with two smaller parties (the Democratic Left and FG). Once again, several years were necessary to move landmark legislation through Leinster House, culminating with a series of laws including, inter alia, divorce, crime, and youth employment.

While unemployment has no palpable impact on lawmaking, inflation has a significant depressing effect on legislative productivity. The effect is limited largely to the 1980s when Ireland suffered disproportionately from rising prices compared to its European analogues. Prices jumped nearly 23 percent in 1986, followed by rises of an additional eight and two percent, respectively, in 1987 and 1988 as government deficits reached record heights. At its peak in 1986, rising prices lowered lawmaking about approximately five bills. Rising prices transcended two governments—the FG-Labour coalition of Garrett FitzGerald (1982-87) and the FF minority government under Charles Haughey (1987-89), both of which focused on budget cutting rather than the passage of new social policies. Supported by FG, Haughey introduced an austerity plan that is credited with bringing
government deficits and rising prices under control by the early 1990s—factors that indubitably contributed to Ireland’s recent economic success.

The ideological composition and seat strength of Irish parties in the Dáil ostensibly have little impact on lawmaking. Governments of the Left (nominally FG) and the Right (nominally FF) have legislated at equivalent levels. Ideology and seat margin have no substantive impact, though the signs for the interaction terms for majority and coalition government variables are pointed in the expected direction. The early FF governments under Taoisigh Eamon De Valera and Séan Lemass were among the most conservative (ideology=30.3 and 34.5, respectively). The FG-Labor coalitions of 1973-77 and 1982-87 were to the left of the scale (ideology=-19.1 and -14.4, respectively). But the FF minority government of Charles Haughey (1987-89) was actually left of center (ideology=-8.0) despite the budget-cutting agenda that emerged. In sum, the data underscore the relative fluidity of policy positions of the central parties in Irish political life that undercuts predictions of legislative activity based on ideology.

As for France, Tsebelis’ (1995) thesis about the potential impact of ideological distance between members of coalitions is tested for Ireland (data not shown). The interaction term for weighted coalition ideology x seat percent was replaced with the absolute value of ideological distance between the most extreme members of the coalition. While the sign of the coefficient is negative, it does not attain statistical significance (p < .13). Regardless, calculating the mean effect shows little impact: At the most extreme case, the FG-Labour coalition from 1982-87 was 56 points apart. The predicted effect is a reduction in lawmaking is about one bill per year. Interestingly, the second most productive government since 1949, that of Liam Cosgrave from 1973-77, had a coalition distance score of 0—precisely because the FG-Labour coalition agreed to a common platform for the first time in the Republic’s history (Harvey 1978). In sum, the evidence suggests that the imperatives of coalition formation in the Irish context trump the relative ideological stances of party platforms as measured by Budge et al. (2001).
V. CONCLUSIONS

What broad lessons can be drawn from this comparative study of significant lawmaking across the presidential, semi-presidential, and parliamentary regimes in this analysis? The central contribution is to accentuate the conditional impact of the intersection of institutional arrangements and partisanship. The analysis does more to refine and contextualize the veto players framework than it does to refute it. The other contribution is to elucidate why and when divided government matters most in the US context, and how analogies to divided government in the French and Irish examples differ in substance.

The number of veto players is most salient to the US case. As the analysis makes clear it is presidents’ use of veto politics that potentially retards the production of significant lawmaking. And it is only in the context of the last quarter century during which divided government and partisan rancor between the branches have become the norm that the impact is visible. Bicameral arrangements also have a negative effect, as the veto players framework would predict. But consistent also with Mayhew’s argument, as the “GOP Revolution” from 1995-96 suggests, divided government can still lead to productive lawmaking where there is some level of consensus between (and within) the branches of national institutions—even in a more partisan era. The windows of opportunity may simply open less frequently.

In the French and Irish contexts, respectively, the limited impact or lack of impact of ideology of presidential majorities or coalition governments suggests that landmark bills are simply a different category of bills from the variety that Tsebelis and others have analyzed. Mayhew’s central contention about the greater consensus surrounding passage of landmark bills in the US finds some analogy in the French case. But governments are also able to push through controversial legislation more easily, even under divided control of national institutions. As the first cohabitation period accents the president’s ability to act as a veto player is highly circumscribed.
The frequency of coalition governments in Ireland has scarcely precluded legislative productivity. Once again, it is not so much that the veto players framework does not hold. Instead, the analysis suggests that the context of government formation and agenda setting for significant policy initiatives may require added time to overcome divergent policy preferences—but surmounting such obstacles is clearly not impossible.

Future analyses might take into consideration other variables to test additional theses about comparative legislative productivity, to the extent that comparative data are available. The potential effect of government deficits, in addition to unemployment and inflation, is one possibility. Time-series measures of government popularity, historically unavailable for the cases in this study, also suggest another intriguing possibility. Finally, arraying landmark bills for other countries and applying the veto players framework, although a labor-intensive undertaking, may well elucidate other contexts—partisan, institutional, and extra-institutional—that determine the production of landmark bills. For scholars of American politics, such an endeavor could go a long way toward distilling our understanding of how inter- and intra-institutional politics contrast with those of the US.
References


Notes

1 One instructive example is François Mitterrand’s abrupt withdrawal, in 1984, of the Projet Savary, an educational reform bill. See Thody 1998, pp. 104-05.

2 UDF is the acronym for Union des democrates français and RPR is the acronym for Rassemblement pour la République.

3 Oireachtas (or more formally Tithe an Oirechtais) is the Irish Gaelic word used to describe the houses of parliament, divided between the lower house (Dáil Éireann) and the upper house (Seanad Éireann). As in France, the Seanad has only limited powers to revised legislation.

4 For bills that were included in the data set but did not receive the attention of the parties, the authors researched the bill provisions using the text provided on the official Dáil website, which covers all laws dating to the 1920s.

5 The Durbin-Watson statistic is 2.49, 1.76, and 1.33, for the US, France, and Ireland, respectively.

6 Data are available online at www.bls.gov.

7 Data are available online at http://www.nber.org/data.

8 McFadden’s $R^2$ is a pseudo-$R^2$ measure. The maximum likelihood $R^2$ uses a “null model” of the maximum likelihood to assess goodness-of-fit and range between 0 and 1. However, as Hoffman (2004, 34) notes, there is no consensus on interpretation of these measures since neither is directly comparable to $R^2$ values in OLS regression.