PHILIP MANOW
SIMONE BURKHART
Max-Planck Institute for the Study of Societies

Legislative Self-Restraint Under Divided Government In Germany, 1976–2002

Using the Vanberg (1998) model of legislative autolimitation from the judicial review literature, we investigated the impact of divided government on the strategic choices of government and opposition. The main prediction of the model is that a strong opposition dominance in the second chamber (Bundesrat) usually does not lead to open party-political conflict, but rather to a government's legislative self-restraint. We tested the hypotheses following from the model on a detailed dataset comprising all legislative bills in Germany between 1976 and 2002. The results show that the main effects of divided government are, in fact, indirect and anticipatory. We conclude that when majorities in the Bundestag and Bundesrat diverge, the impact on legislation is substantial.

Introduction

Divided government tends to be associated with gridlock and antagonistic party conflict. And this association seems perfectly straightforward. In its simplest version, the political game might be thought of as consisting of a right and a left party and a status quo point in between. If one party has a majority in parliament while the other controls the second chamber (or, say, holds the presidency), then *stalemate* would be the expected outcome for all policies that require the assent of both, whether it be the first and second chambers or parliament and president (Tsebelis 2002; Tsebelis and Money 1997).

Yet when we try to empirically identify the legislative consequences of divided government, we have a hard time finding much evidence to support these expectations. Take, for example, Germany, which might be supposed ideally suited for study of the consequences

of divided government. Between 1970 and 2005, German governing parties having a majority in the first chamber of Parliament, the Bundestag, enjoyed a majority in the Bundesrat, Germany's strong second chamber, for only 9 out of 35 years. The German Bundesrat is a powerful veto player with strong co-legislation rights: it has an absolute veto (see Article 77 of the German Basic Law) over more than half of all federal legislation. Moreover, party discipline tends to be high in Germany, with the effect that diverging majorities in Bundestag and Bundesrat regularly lead to confrontation along partisan-political lines in both chambers (Lehmbruch 2000). But statistics on German legislation do not contain much evidence in support of the blockage or stalemate thesis. Contrary to expectations, government bills usually do not fall prey to an opposition veto if majorities in the Bundestag (BT) and second chamber (Bundesrat–BR) diverge. Regularly less than 3% (N < 10 per term) of all bills that require BR consent fail because of a second-chamber veto. The opposition almost never vetoes the big, important government reform projects in the second chamber, even if the opposition controls enough votes to do so (Schindler 1999, Section 11.8, 2433–37). This paradoxical finding of a strong veto-potential and a lack of clear evidence of its frequent use has led to contradictory assessments of the consequences of divided government (Benz 1985; Lehmbruch 2000; Sachs 1999; Scharpf 1988, 2005). A similar controversy, fueled by the very same problems to pin down the legislative effects of divided government empirically, has arisen in the United States political science literature (Binder 1999; Coleman 1999; Cox and Kernell 1991; Edwards, Barrett, and Peake 1997; Fiorina 1996; Howell et al. 2000; Jones 1994; Kelly 1993; Krehbiel 1996; Mayhew 1991; Quirk and Nesmith 2000; Sundquist 1988).

In our view, to more accurately assess the legislative effects of divided government, we require both better theory and better data. *Theoretically*, we have to go beyond simple predictions of legislative failure or delay. As has been often emphasized in contributions to the debate, the main theoretical point of departure must be that political agents, as rational actors, anticipate the veto-potential of their adversaries (Fiorina 1996, 103). Veto power is effective whenever the threat of veto is credible. If credible, then the veto itself does not need to be actually carried out. *Empirically*, this anticipatory effect means that we cannot measure veto power directly but have to follow an indirect research strategy. To detect the effects of divided government, if there are any, we must seek empirical regularities in the "anticipation of veto."

Taking our inspiration from the literature about the legislative effects of judicial review (Stone Sweet 1992; Vanberg 1998), we

examined the government's legislative self-restraint and propensity to compromise in anticipation of an opposition veto rather than the opposition veto itself. In less-abstract terms, we hypothesized that the probability with which government bills find opposition support in the first chamber indicates to what extent the government anticipates the opposition's veto-power in the second chamber (for more-specific hypotheses, see section 1 below). Analyzing a rich dataset containing detailed information on each and every bill introduced into the German parliament between 1976 and 2002 (N = 5,038), we discovered that the number of bills that find opposition support in the first chamber indeed increases with the strength of the opposition in the second chamber. We thus find ourselves in broad agreement with the basic finding of the judicial review literature: the importance of divided government, like that of judicial review, "lies in its indirect, anticipatory effects" (Vanberg 1998, 300).

The present article is structured as follows. In Section 1, we present a model first formulated by Georg Vanberg in his analysis of the legislative effects of judicial review. We used a simplified version of his model to capture the basic logic of strategic interaction between government and opposition in a bicameral system under divided government. From the model, we derived a number of hypotheses open to empirical testing. In Section 2, we discuss tests of these hypotheses on a dataset containing detailed information on German federal legislation of almost 30 years. Section 3 concludes.

1. Legislative Self-restraint and Compromise under Divided Government

In a situation of divided government, the government has no majority in the second chamber, and the opposition can threaten to veto a bill in order to extract policy concessions. The government's response will depend on the threat's credibility. If the opposition enjoys a strong position in the second chamber, then the government will be willing to compromise in order to secure safe passage of its bill. Governments usually have an interest in avoiding complete legislative failure, because, apart from anything else, failure "looks bad" in front of the electorate, giving the impression that the government is unable either to get its preferred policies through or to correctly assess what kinds of policy it can get through (Heller 2001; Huber 1996). In other words, the government looks either powerless or inept. We assume that legislative failure can have—at times very significant—electoral costs.[1] By implication, if a government needs to sacrifice too much of

its policy position in order to avoid legislative failure, then it might prefer to refrain from introducing the bill in the first place. The opposition's threat itself is not costless, however. If an opposition threatens to exercise its veto, but, when it comes to the crunch, fails to deliver a majority in the second chamber, then the opposition may itself pay a significant electoral price. In this case, it would be the opposition that looks weak, incompetent, or both.

When a government decides to introduce a bill, therefore, it must take the following considerations into account. With a moderate bill, the probability of an oppositional veto is low, but the resulting policy is further from the government's ideal point. Whenever the opposition is not in a particularly strong position to exercise its veto, the government might be tempted to weigh the risk of legislative failure against the probability of getting a less-moderate bill through, *plus* striking a blow at the opposition's credibility. The opposition, in turn, needs to make the following calculation: A veto threat might motivate the government to compromise and introduce a more-moderate bill. If the government continues with a more-robust bill, then a successful veto would both prevent this policy from being enacted (save the status quo point) and, at the same time, damage the government's political reputation. An unsuccessful veto, however, would leave the opposition with a policy less to its liking, plus a significant political loss of face.

In our view, this stylized account quite accurately captures the basic strategic calculations of government and opposition within the German political system. Germany's second chamber, the Bundesrat, is composed of representatives of 16 state governments. These state governments have between three and six seats, depending on population size. Votes cannot be split but have to be cast *en bloc*. The Bundesrat enjoys rights of co-legislation on almost all major policy issues. In contrast to the "separation of jurisdiction" federalism of the United States or Switzerland, German federalism is characterized by federal responsibilities in all major fields of legislation, coupled with far-reaching rights of co-legislation for states.

How does this system of joint decision making (Germany's so-called cooperative federalism) interact with the party system? With minor exceptions, the parties that compete against each other at the national level are also pitted against each other at the state level. Moreover, because all major legislative responsibilities are federal, voters usually do not distinguish between national and regional parties and politics (Chhibber and Kollman 2004). Therefore, state elections are often "national barometer" elections (Anderson and Ward 1996) in which national issues and debates strongly influence election outcomes.

Federal government parties regularly suffer losses in the state elections in almost the same manner as the party of the U.S. president loses votes in the midterm elections to Congress (Burkhart 2005). This "midterm loss" gives rise to the frequent divided government situations that have characterized German politics for the last three decades. Given Germany's integrated party system, with its high degree of party discipline, the voting behavior of state governments in the second chamber has a very strong party-political flavor (Lehmbruch 2000; Scharpf 1988), but party conflict in parliament is not simply mirrored in the second chamber. At least two important factors intervene.

First, state governments may deviate from the party line because of special state interests, and federal governments frequently appeal to the specific interests of pivotal states in order to form a majority in the Bundesrat. Second, because of the proportional-representation electoral system, coalitions usually govern at both the federal and the state level. But the voting behavior of the so-called incongruent coalitions in the second chamber—that is, state coalitions formed of parties that at the federal level confront each other as government and opposition—is often hard to predict. These two factors leave government and opposition in considerable uncertainty about the vote cast in the second chamber, uncertainty that is crucial for the strategic choices of both players. We shall now describe these strategic choices more formally.

The compromise-or-confrontation game that we apply here is a simplified variant of the abstract judicial review game proposed by Georg Vanberg (1998). Vanberg wanted to know under which circumstances the opposition's threat to challenge a law before the constitutional court would help to extract policy concessions from the government. Our analogous interest was to investigate under what circumstances an opposition's threat to veto a bill in the second chamber can motivate a government to compromise on its policy position. Here, we restate the basic features of Vanberg's game (1998, 303–11) as it applies to our context. We also largely follow his notation.

Two actors, a government and an opposition, have Euclidian preferences within a one-dimensional policy space (a policy line). The model assumes, for the sake of simplicity, that the government's ideal point is located at 0 and the opposition's ideal point is located at 1, with the status quo point in between ($0 < SQ < 1$), the scenario most favorable to the well-known gridlock or stalemate thesis.[2] The government makes a proposal, p, that will leave it better off than the status quo and that is not Pareto-dominated ($0 \leq p \leq SQ$). The opposition can either consent to p or threaten to exercise its veto. If the opposition consents, then the game is over and the utility of the proposal, p, for
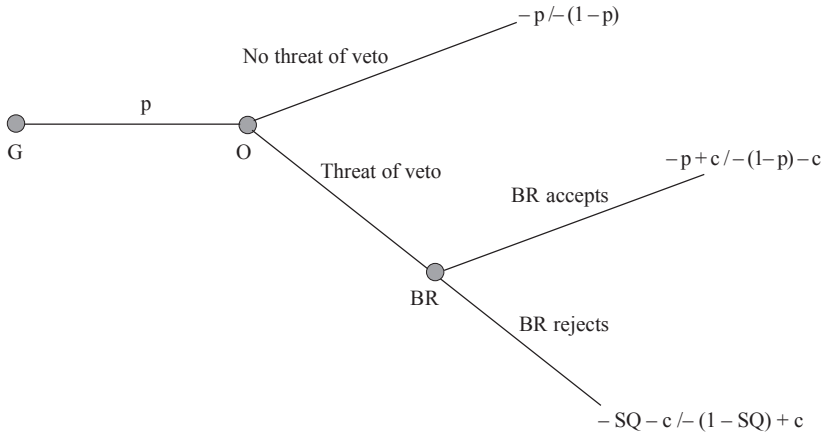
government and opposition corresponds to Euclidean distances; thus the outcome is $\{-(p); -(1-p)\}$. If the opposition threatens with its veto in the second chamber, then the probability of a *successful* veto is determined by two parameters: first, by the distance between p and SQ, which captures the idea that a veto becomes more likely the more sharply the proposal deviates from the status quo (Stone Sweet 1992), and, second, by the "unfriendliness" of the second chamber, captured by the variable b (with $b > 0$). b can mean many things, but primarily— and empirically—it refers to the strength of the opposition in the second chamber, in our case, the Bundesrat.

These model assumptions have the following implications. First, the further p is from SQ, the less likely an agreement in the second chamber will be.[3] Second, the greater b is, the more likely it is that a legislative bill will be vetoed. Mathematically, the probability of a positive vote in the second chamber is a function of its unfriendliness (measured in b) and of the positions of the proposal, p, and the status quo point (SQ) in policy space. The likelihood of passage through the BR is expressed by the probability function $f('acceptance' | p) = max[1- b(s - p);0]$.

The game also captures the *politics* of compromise and confrontation. Failure, either of a legislative bill or of a veto, usually comes with electoral costs. We therefore followed Vanberg's model of judicial review, introducing a factor of electoral punishment, c ($0 \leq c \leq 1$). Since electoral competition between government and opposition can be described as a zero-sum game, the electoral costs of the one are the electoral gains of the other. Now we may draw the extensive game form of the compromise-or-confrontation game (see Figure 1; Vanberg 1998, 307).

What is the subgame perfect solution to this game?[4] First, backward induction requires identifying the point in policy space at which the opposition is indifferent between accepting and rejecting the government's policy proposal. For the opposition, rejection incurs the risk of a failed veto, whereas acceptance means that the opposition will have to live with a policy further away from its own ideal position (see Appendix, part 1). Let us label this point of indifference $\hat{p}$ (again, we follow here the notation of the original model). One implication of $\hat{p}$ is that at a point close to SQ, the costs attached to the risk of a failed veto outweigh the opposition's policy sacrifices. In other words, the opposition always allows the government some room to maneuver— exactly how much room depends on b and c. The more likely a veto is in the BR (the larger b is) or the smaller the electoral costs of a failed veto are (the smaller c is), the closer $\hat{p}$ must be to the status quo point.

FIGURE 1
Extensive Form of the Compromise-or-Confrontation Game
between Government and Opposition

$-p/-(1-p)$

No threat of veto

p

G

O

Threat of veto

$-p+c/-(1-p)-c$

BR accepts

BR

BR rejects

$-SQ-c/-(1-SQ)+c$

If the government proposes $\hat{p}$, then the opposition accepts and the
game ends. $\hat{p}$ is always located between 0 and the status quo point.
Whether or not the government proposes $\hat{p}$ depends on the uncer-
tainty about the voting outcome in the second chamber. If b falls below
a critical value, then a government might prefer to propose a less-
moderate policy, $\tilde{p}$, thereby risking a conflict with the opposition in
the second chamber (Vanberg 1998, 309). The proposal $\tilde{p}$ maximizes
the expected utility of the government in case of a confrontation with
the opposition (see Appendix, part 2). This strategy is attractive only
as long as b, the unfriendliness of the second chamber, remains below
a certain threshold (see Appendix, part 3). Facing a very adversarial
Bundesrat, a government will prefer to avoid confrontation and to use
the small, policy leeway granted by the opposition.

The central empirical implication of the formal argument is
obvious. It is not in situations in which the opposition enjoys a strong
position that we expect gridlock and intense interparty conflict.[5] On
the contrary, if a second chamber is dominated by the opposition, then
the government either refrains from introducing a controversial bill in
order to avoid the cost of legislative failure or substantially withdraws
from its own ideal position and compromises with the opposition. We
still expect party-political conflict under divided government, but more
so if majorities are narrow and both government and opposition hope

to assert their uncompromising policy positions and, at the same time, try to inflict damage on the reputation of their political antagonist. But the argument has consequences for unified government as well. Under unified government, the opposition cannot credibly threaten a veto. Thus the opposition does not need to worry that it might be punished by the electorate for not getting together enough votes to block a bill in the second chamber. Consequently, the opposition will reject all bills in parliament that do not make it better off. Nevertheless, even with its own majority in the Bundesrat, a government will not simply propose its own ideal point as long as there remains some degree of uncertainty concerning the states' voting behavior in the BR. So, even under unified government, legislative proposals tend to deviate from the government's ideal point and acknowledge the necessity of political compromise with pivotal states.

Before we more concretely derive hypotheses resulting from the model, we would like to say a few words about the status of the applied model. Obviously, this model substantially abstracts from "real" legislative procedures in the German political system. This is the very nature of models, however: "Models are to be used, not believed" (Przeworski 1991, 30). A model becomes problematic only if it severely distorts the strategic context in which the central political actors act. But our simplified version of Vanberg's model quite accurately captures the very basic calculations of government and opposition in the German political system. Nevertheless, three critical points must be addressed.

First, the model does not and is not intended to capture the *process* of mutual compromise. In the "real world," the government has different ways of achieving a compromise with the opposition. One strategy, which also follows directly from the model presented here, is to modify a policy proposal right away and to accommodate the oppositional position into the policy proposal. We call this strategy "legislative self-restraint" or "front-loaded compromise"—what Vanberg had dubbed "autolimitation" in his analysis of the legislative effects of judicial review. Using the parliamentary institution of the conference committee *(Vermittlungsausschuss)* is another (and final) way to arrive at a "back-loaded compromise" after a proposal has passed the first chamber.[6] In the committee, members of the first and the second chamber look for a final compromise between the conflicting positions. The proposal of the conference committee is then sent back to each chamber for a final vote—and both chambers have to vote on the proposal as is; neither can modify the committee's proposal to the slightest degree. A government might prefer a back-loaded compromise if it has only poor information about the opposition's true preferences or if government

and opposition first want to lay out their maximalist positions publicly for their own constituencies. Numerous other reasons to choose one or another strategy can be imagined, but we are not interested in modeling the process of mutual adjustment and achieving compromise. Rather, we want to know when government and opposition are likely to pursue confrontational strategies and when they instead act cooperatively— and what policy results we can expect from their choice of strategy.

Second, we assume that legislative failure (or veto failure) has non-negative electoral costs for the initiating party. In other words, we do not consider constellations of the "blame game" type (Groseclose and McCarty 2001), in which a government may value the mobilizing effect of an oppositional veto for its own electoral constituency. Given the very small number of government bills that actually fail because of a veto in the second chamber, we think it safe to assume that a government actually wants to get its bills through parliament most of the time. Third, we also assume that a successful oppositional veto has electoral benefits for the opposition and electoral costs for the government; we therefore disregard obstruction charges against the opposition. This is not to say that these constellations never occur in the German political system. We assume, however, that an opposition obstructs a policy only when it can expect to have considerable backing of the public, their constituency, or both.

What concrete hypotheses can we derive from this model? Under unified government, the government can propose a bill close to its ideal point and the opposition will reject any bill in parliament that does not make it better off. As soon as the government loses its majority in the second chamber, the opposition has the potential to veto a bill but might fail to actually do so. As long as the probability of a successful veto is not particularly high, the government is tempted to propose a non-accommodating bill, hoping to win over the majority of the state governments in the second chamber. As the opposition becomes stronger and therewith the probability of a successful veto increases, the government is more likely to seek a compromise with the opposition. Empirically, this relationship entails that the number of bills on which the first chamber produces a confrontational vote should be *comparatively small* if the opposition enjoys a strong position in the second chamber. In short, we do not assume that open party-political conflict (measured by confrontational votes in parliament) increases with the strength of the opposition in the second chamber but rather *decreases* the stronger the opposition gets. This tendency should prove stable if we control for other variables that influence the oppositional voting behavior in parliament, such as policy sector, the timing within

a legislation period, or the "European impulse" of a piece of legislation.

So far, we have formulated expectations concerning consent bills (*Zustimmungsgesetze*), which require a majority in the second chamber to be enacted as law. It is for this type of bill only that the BR holds an absolute veto. Over time, somewhat more than 50% of all federal bills are consent bills. For the other half, "objection bills" (*Einspruchsgesetze*), the Bundesrat can exercise only a suspensive veto.[7] Therefore, such bills are *not* subject to the self-restraint thesis presented here, and they provide us with a perfect control group: when we compare consent bills with objection bills, we should be able to observe considerable differences between the two types of bills, since our argument predicts that the majority complexion in the second chamber matters for the former, but not for the latter type of bills.[8] Put differently, while in the case of consent bills the probability of a controversial vote in the Bundestag should *decrease* with *increasing* opposition strength in the second chamber, no such effect should appear in the case of objection bills, since here the government has no need to accommodate the opposition.

Again, the difference between our approach and those used in previous studies is that we propose to test empirically the impact of divided government on the legislative process via the study of voting behavior in the first chamber instead of the study of legislative delay and failure. Moreover, in contrast to previous studies, we have a theoretical argument explaining why we expect legislation to become *less* controversial the stronger the opposition becomes in the second chamber. In the next section, we present a short description of our dataset, followed by a discussion of the empirical tests of our hypotheses.

2. Empirical Evidence

Data

To test our hypotheses, we constructed an extensive dataset containing all German legislative proposals between 1976 and 2002, a total of 5,038 federal bills.[9] The dataset contains comprehensive information on every legislative proposal, including the initiating party, the approval requirements in the second chamber, the ministries and committees involved, and—of major importance—the various steps in the passage of the legislation. We have information on all major BT and BR votes, in particular on the voting behavior of government and opposition parties in the Bundestag. Combining these data with information on the party composition of the second chamber allows us

to closely trace the consequences of divided and unified government for the legislative process.

Not all 5,038 bills in the sample are relevant to our question. We had to omit all proposals that did not attain a majority in the Bundestag and, as a result, were not passed on to the Bundesrat. These proposals were almost exclusively bills that the opposition introduced into parliament. Since we are interested in the strategic adjustment of the government once it has lost its majority in the second chamber, the exclusion of these failed legislative proposals does not bias our analysis. Also, a significant share of legislation (18% of all proposals between 1976 and 2002) consists of uncontroversial "ratification" bills, most prominent among them the ratification of international (bi- or multi-lateral) treaties. Such bills are routinely accepted unanimously in parliament. To prevent these bills from biasing our results, we excluded them from further analysis. We also had to exclude constitutional amendments, which require a two-thirds majority in the parliament, as well as the few bills on which party leaderships declared a free vote, mainly on moral issues such as abortion. This winnowing still leaves us with a comfortable 1,935 cases (1,036 consent bills and 899 objection bills) on which to base our analysis.

To test our hypotheses, we also needed to specify what we mean by "uncertain majorities." We can observe only a limited time period—a limited number of federal states with a limited incidence of actual coalition changes both at the federal and the state level—so we cannot code the party-political composition of the Bundesrat as a continuous variable. Following an established distinction in the literature on German federalism (Schindler 1999, chap. 11.8), we differentiated between three strategic scenarios.

The first scenario corresponds to a classic unified-government situation, in which the government parties hold the majority of seats in the BR. The second scenario is the reverse situation of divided government, in which the opposition holds at least 50% of BR seats. Germany's multiparty system and the frequency of coalition governments on the federal and state level lead to a third scenario, in which neither the government nor the opposition has a majority. Here, the pivotal BR actors are the incongruent coalitions composed of parties that find themselves in both government and opposition at the federal level. Usually, coalition agreements foresee that a state shall abstain from voting in the second chamber if coalition partners are in disagreement about a specific issue. Coalition agreements are not legally binding, however, and numerous breaches of this rule show that contractual agreements alone are not enough to predict state voting

behavior. It is therefore in these situations that uncertainty about a BR vote is highest, whereas in the first and second scenario, uncertainty about the BR vote is comparatively low.

In light of our argument, we had to slightly modify these three scenarios. Our model treats both the government and the opposition as unitary actors. Yet, empirically, most of the time more than one opposition party is represented in the Bundestag. In our empirical test, we focused on the voting behavior of the main opposition party only (for example, on either Social Democrats or Christian Democrats, because there was no grand coalition during the time span of our investigation). This focus suggests counting only those state governments in which this main opposition party is actually present as either opposition or in an incongruent coalition. We therefore counted coalitions like the ones in Berlin and in Mecklenburg-Western Pomerania between Social Democrats (SPD) and the former communist party PDS among those contributing to a government majority in the Bundesrat during the period in which the Social Democrats themselves were in power at the federal level (during the Red-Green coalition of 1998 to 2002). Had we followed Schindler, we would have needed to classify these coalitions as incongruent, leading to an uncertain BR-majority. The same recoding applies to the coalition between Social and Liberal Democrats in Rhineland-Palatinate during the same period. Being confined to these three coalitions, our slight modification of the Schindler coding rules does not substantially alter our results, yet it provides us with a more-accurate delineation between our three strategic scenarios.

Empirically, these three scenarios occur at different points of time and under various political constellations over the period of our investigation, which renders it very unlikely that our findings are period- or party-specific. The first term covered in our dataset (the 8th term, from 1976 to 1980) started with an uncertain BR-majority which then turned into an Opposition-BR that lasted until the Christian-Liberal coalition came into power in 1982. The following eight-year spell of unified government ended in June 1990 with the opposition enjoying a majority in the second chamber. Uncertain majorities prevailed throughout the entire 13th term, from the end of 1990 to the end of 1994, being only briefly interrupted by a short period in which the government enjoyed a majority in the second chamber. In the next term, the government was confronted with a hostile Bundesrat. This constellation changed once the new Red-Green coalition came into power in September 1998. The new government commanded a majority in the second chamber only for a short period of time, however. In April 1999, it lost its majority. Since May 2002, the opposition has had the upper hand in

the Bundesrat. Over the entire 26-year period of our investigation, the opposition held a majority of seats in the Bundesrat about half of the time (51%), the government for one fifth of this period (20%), and unclear majorities prevailed during almost a third of the time (29%).

We now turn to our empirical evidence.

Results

According to our argument, we should be able to observe a connection between voting behavior in the Bundestag and the composition of the majority in the Bundesrat for all bills for which the Bundesrat holds an absolute veto. More specifically, we expected that under divided government, the proportion of controversial consent bills adopted in the Bundestag would *decrease* with the strength of the opposition in the second chamber. If our argument holds, then this effect should appear for consent bills only. The percentage of confrontational adopted objection bills should not be affected by the majority situation in the Bundesrat. Our prediction contradicts common views about divided government, which often assume that political conflict intensity is a positive function of opposition strength. With respect to voting behavior in the Bundestag, we differentiated between a consensual vote (adopted by unanimous vote, few dissenting votes, or opposition abstention) and a contentious vote (adopted against the votes of the major opposition party).

We first focus our attention on the voting behavior in parliament after the third reading of a bill, before a bill is transferred to the Bundesrat and, possibly, modified in the conference committee (Table 1). At this stage, we expected to observe legislative self-restraint or front-loaded compromise effects of divided government. We analyzed all bills that were accepted once by the Bundestag and therefore did not exclude any bill that later failed to become law for whatever reasons. For only 9 legislative proposals accepted by the Bundestag (less than 1% of our data), we were unable to establish the precise voting behavior of the opposition in the Bundestag because neither the bibliographical documentation of the Bundestag nor the parliamentary protocols had recorded this information. We had to exclude these cases from our analysis, which is therefore restricted to 1,926 proposals.

Let us first look at the share of confrontational votes for both kinds of legislation when the government enjoys a majority in the second chamber. Maybe because consent bills are generally of higher importance, almost one-third (32%) of all consent bills are contentious between government and opposition, compared to roughly one-fourth (22%) of other bills. Under opposition majorities, this

TABLE 1
Percent of Bills Passed against the Opposition's Vote
After the Third Reading, 1976–2002

	Majority of the Government	Uncertain Majority	Majority of the Opposition
Percent of Objection Bills	22 (55/227)	32 (115/359)	31 (96/309)
Percent of Consent Bills	32 (96/301)	29 (115/395)	23 (78/335)

N = 1,031 (objection bills); N = 895 (consent bills).

share increases for objection bills but decreases significantly for consent bills (from 32% to 23%). Contrary to common perceptions but in line with our argument, strong party-political conflict erupts particularly at times when the opposition does not enjoy a strong position in the Bundesrat.

To assess the overall veto potential (front- *and* back-loaded compromise) of the opposition in times of divided government, we must determine what percentage of bills fails to find the opposition's *final* approval, after all opportunities to compromise on a common position have been exhausted.[10] In Table 2, we report the voting patterns of the opposition for consent and objection bills, depending on the party-political composition of the federal chamber. This analysis is restricted to 1,902 proposals, since information on the final voting behavior was missing in 33 cases (less than 2% of the data).

If we compare the results displayed in Tables 1 and 2, we clearly see the growing pressure to achieve consensus under divided government. The further the legislative process proceeds, the stronger the self-limitation effect on the part of the government: after the third reading, still one-fourth of all consent bills pass parliament with a controversial vote; this percentage shrinks at the end of the legislative process to only 12%. If we consider further that under clear opposition majorities in the Bundesrat, one-third of the final controversial consent bills do not become law because the Bundesrat declines acceptance or because the conciliation procedure does not find an acceptable compromise, then the main opposition party approves 91% of all adopted consent bills under a clear divided-government constellation! This effect decreases but persists under uncertain majorities: still 20% of all final parliamentary votes (9% less than after the third

TABLE 2
Final Votes of the Opposition for All Bills
that Passed Parliament, 1976–2002

	Majority of the Government	Uncertain Majority	Majority of the Opposition
Percent of Objection Bills	24 (53/225)	30 (105/355)	29 (89/308)
Percent of Consent Bills	31 (91/296)	20 (76/381)	12 (42/337)

N = 1,014 (objection bills); N = 888 (consent bills).

reading) are contested between government and opposition. As the model predicts, first and final parliamentary votes for consent bills do not differ when the government has a majority in the second chamber, nor do they differ for objection bills, irrespective of the majority situation in the Bundesrat.

To corroborate and broaden our empirical evidence, we compared parliamentary voting behavior for consent and objection bills separately in a multivariate analysis. Besides the majority status of the opposition in the Bundesrat, we controlled for different policy sectors and for whether or not the bill merely translated a European directive into national law (European Impulse).[11] Dummy variables for each of the six legislative terms since 1980 (the legislative term from 1976 to 1980 being the reference group) control for different levels of confrontation over time. In light of growing unemployment and increasing public debt since the mid-1970s and the fiscal stress caused by German unification, we think it plausible that the intensity of distributive conflicts has steadily increased. It also seems reasonable to expect growing party-political conflict within a legislative period: the closer the next election looms, the more intense the party-political conflict should become. The variable "Time," measured in squared months beginning from the start of the legislative period, the point of time at which the vote on the bill is taken, captures this idea. Table 3 reports the results of our logistic regressions in which the confrontational vote in parliament is the dependent variable. The theoretical reference group is composed of bills accepted by the Bundestag during government majorities and within the 8th legislative term (1976–1980). The coefficients are reported as odd ratios. Thus all coefficients below 0 reduce the likelihood of a confrontational vote in parliament; all coefficients above 0 increase the probability of conflict.

TABLE 3
Logistic Regression Predicting a
Confrontational Vote in Parliament

Variables	First Parliamentary Vote		Final Parliamentary Vote	
	Consent Bills	Objection Bills	Consent Bills	Objection Bills
Opposition BR	0.385	1.618	0.204	1.446
	(2.31)**	(1.15)	(3.32)***	(0.86)
Uncertain BR	0.559	1.169	0.344	1.101
	(1.64)	(0.39)	(2.75)***	(0.23)
European Impulse	0.632	0.408	0.553	0.375
	(2.63)***	(4.18)***	(2.90)***	(4.34)***
9th term (1980–83)	1.611	1.275	2.693	1.031
	(0.93)	(0.55)	(1.35)	(0.07)
10th term (1983–87)	1.231	1.646	2.570	1.537
	(0.42)	(0.97)	(1.37)	(0.81)
11th term (1987–90)	1.325	0.955	2.596	0.883
	(0.59)	(0.10)	(1.42)	(0.27)
12th term (1990–94)	1.659	1.321	3.035	1.080
	(1.23)	(0.74)	(1.77)*	(0.20)
13th term (1994–98)	3.203	1.774	6.074	1.794
	(3.43)***	(1.78)*	(3.21)***	(1.77)*
14th term (1998–2002)	3.600	4.182	8.522	3.973
	(3.43)***	(4.30)***	(3.67)***	(4.06)***
Time	1.0001	0.9998	1.0001	0.9998
	(0.40)	(1.49)	(0.42)	(1.54)
Finance	1.148	2.605	0.943	3.181
	(0.68)	(3.66)***	(0.25)	(4.35)***
Social Policy	1.278	2.006	1.295	2.215
	(1.02)	(2.63)***	(0.97)	(2.95)***
Interior	0.654	0.273	0.737	0.307
	(1.86)*	(4.16)***	(1.20)	(3.68)***
Justice	0.416	0.436	0.420	0.404
	(3.14)***	(3.53)***	(2.66)***	(3.63)***
Transport	1.035	0.754	1.216	0.909
	(0.11)	(0.72)	(0.57)	(0.24)
Economy	0.785	0.316	0.966	0.377
	(0.71)	(3.30)***	(0.09)	(2.76)***
Observations	1,031	895	1,014	888
Percent of correctly predicted observations	72.7	73.9	79.8	75.6
Pseudo-R² (McFadden)	5.0	14.0	8.7	15.2
χ² (degrees of freedom)	61.4 (16)***	152.9 (16)***	90.1 (16)***	159.9 (16)***

Note: Coefficients reported as odd ratios; Wald-Test (absolute value of z statistics) in parentheses.
* significant at .10; ** significant at .05; *** significant at .01.

The logistic regressions strongly support our argument. For consent bills, a clear opposition majority in the Bundesrat significantly reduces the probability of a confrontational vote compared to the classic unified-government situation, and it does so more strongly the further the legislative process proceeds. Uncertain majorities take an in-between position: such situations are characterized by fewer confrontational votes compared to times of unified government but more than during clear opposition majorities. Even an uncertain Bundesrat still significantly promotes compromise, however, which is especially the case for the final parliamentary votes (see also Figure 2 and the following discussion). Our argument about strong party-political conflict during uncertain majorities suggested a somewhat milder effect of the corresponding variable.[12]

Still the regressions impressively confirm our expectations regarding consent and objection bills. The government is only forced to compromise when the second chamber can actually wield a veto. If situations of divided government affect objection bills at all (the coefficients remain insignificant), then they intensify political controversy. Whenever government parties do not control the second chamber, the number of objection bills that find no opposition approval in parliament grows (although mostly not significantly). Apparently, party-political conflict swaps places under divided government. Objection bills become more controversial, possibly because of the high pressure to achieve consensus on consent bills.

Most of our control variables work as expected. When a bill merely translates European regulations into national law, this status significantly reduces the overall conflict intensity. The controls for the different policy sectors show the expected signs but remain largely insignificant for consent bills. Looking at the term dummies in Table 3, we also see an increase in political conflict over time. Since the 8th term (1976–1980), the predicted probabilities of a confrontational vote have increased steadily. This tendency is especially marked after unification. Obviously, growing reform pressures in social policy together with shrinking financial resources have led to intensified party-political contestation. Contrary to our expectations, the time variable remains insignificant. Furthermore, only for consent bills does Time point in the expected direction. If we look at objection bills, then we find that the closer the next general election looms, the *less* probable it is that the opposition will cast a vote against a government bill. This pattern possibly points to delay as one of an opposition's "primary techniques" (Cox and Kernell 1991, 242–43) under divided government. Although delaying legislation might be less interesting for consent

FIGURE 2
Predicted Probability of a Confrontational Vote in the BT
(predicted probabilities for majority status and term, consent bills only)
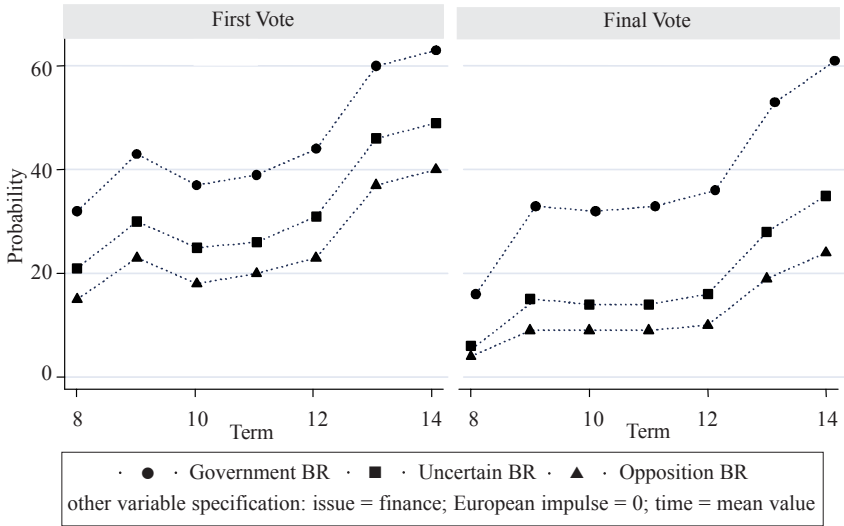
bills, since the opposition already enjoys an absolute veto for this kind of legislation, it might be used by the opposition for objection bills. It seems plausible to assume that the opposition's threat to substantially delay objection bills (for instance, by calling for the conference committee) becomes especially pertinent at the end of the legislative term. If the government foresees the risk of the opposition's delay techniques, it might flinch from introducing controversial objection bills at the end of the legislative term (Manow and Burkhart, 2007).

To better assess the impact of our key independent variables on the probability of a confrontational vote in parliament, we plotted the predicted conflict probabilities in the first chamber for different majority complexions of the second chamber (Figure 2). We calculated the probabilities for consent bills addressing financial issues (Finance = 1, all other issue areas = 0) that were not subject to European regulations (Europe = 0). We held Time at its mean.

The first plot shows the predicted probabilities for the first parliamentary vote and the second those for the final votes. The two plots clearly show that divided government forces the government to find the consent of the opposition. This effect is more pronounced for

the final votes (when both front- and back-loaded compromise strategies cumulate) than for the first votes. Even for the first votes, however, we observe a clear drop in confrontation if the opposition becomes stronger in the second chamber. For a considerable number of bills, the government apparently seeks a (front-loaded) compromise even before a bill is transferred to the second chamber.

Figure 2 shows that confrontation between government and opposition has increased over time. With the given specifications, the probability of a confrontational vote rises from the 8th to the 14th term by about 25% for all BR-majority situations. The increase is not linear, however, but becomes stronger after 1990. Compared to government majorities, an opposition-dominated BR decreases the probability of a confrontational vote by about 20%, and uncertain majorities decrease it by about 13%. If we look at the final votes, we find that the effect of forced cooperation between government and opposition in times of divided government becomes much stronger. On average and compared to unified-government situations, the probabilities of party-political confrontation in the BR decrease in the last stage by 26% for opposition majorities and by 19% for uncertain majorities.

3. Conclusion

Does divided government make a difference? Previous studies have strongly disagreed on this point. The main reason for the long-lasting controversy seems to be the lack of clear empirical evidence that documents the direct blocking potential of divided government. But looking for direct effects, such as the complete failure or substantial delay of a legislative process, might be looking for the wrong evidence. We took our inspiration from the judicial review literature and suggested that measuring anticipations of a veto is a far-more-promising (if also a more-demanding) research strategy than measuring actual vetoes. Specifically, our central expectation was that clearly diverging majorities between the first and second chamber would *not* lead to blockage and open party-political conflict, because a rational government would foresee the opposition's veto potential and either moderate its own policy proposal, making it acceptable for the opposition, or abstain from introducing a controversial bill in the first place. It is when the opposition enjoys only a narrow majority in the second chamber that antagonistic party-political conflict is likely to occur. In these situations, the government speculates on the possibility of breaking the opposition's political resistance in order both to damage

the other side's political reputation and to achieve a policy closer to its own ideal point. The opposition, in turn, hopes to veto the government's bill, thereby protecting the status quo and inflicting significant political damage on the government.

The German political system provides an ideal testing ground for these hypotheses. The available evidence strongly suggests that the consequences of divided government are indeed mainly indirect, resulting in legislative compromise rather than strong party-political conflict.

Do our findings for the German case provide insights for other bicameral systems? We think they do. Thorson (1998) has found that the frequency of interparty logrolls depends on how strongly divided Congress is, with partisan conflict being more likely in situations of uncertain majorities. The effects in the context of the U.S. political system may be less clear-cut, since party discipline is much lower than in Germany, but basically the same logic should apply. We must leave it to future research, however, to investigate the logic of legislative self-restraint and compromise under divided government in a political and institutional context different from the German one.

*Philip Manow (*pm@mpifg.de*) is Senior Researcher and Simone Burkhart (*sh@mpifg.de*) is a Ph.D. candidate in political science, both at the Max-Planck Institute for the Study of Societies, Paulstr. 3, 50676 Cologne, Germany.*

APPENDIX

1. Dominant Strategy of the Opposition

The opposition can follow two possible strategies: it can threaten a government's policy proposal with a veto, or it can abstain from a veto threat. We look for the threshold value, $\hat{p}$, for which the opposition is indifferent between those two strategies. For all policy proposals, p, that lie below $\hat{p}$ (and hence closer to the ideal point of the government), the opposition tries to mobilize a veto in the second chamber. For all policy proposals, p, that lie above $\hat{p}$ (and hence closer to the ideal point of the opposition), the opposition withdraws from a veto threat.

For the threshold value, $\hat{p}$, the opposition's expected gains from the two strategies must be the same, hence:

$$\left[1-b(SQ-p)\right]\left[p-1-c\right]+\left[b(SQ-p)\right]\left[SQ-1+c\right]=p-1$$

$$\Leftrightarrow$$

$$(1-bSQ+bp)(p-1-c)+(bSQ-bp)(SQ-1+c)-p+1=0$$

$$\Leftrightarrow$$

$$bp^2-2bpc-2bpSQ+2bSQc+bSQ^2-c=0$$

$$\Leftrightarrow$$

$$p^2-(2SQ+2c)p-\frac{c}{b}+2SQc+SQ^2=0$$

with the following solutions:

$$p=SQ+c\pm\sqrt{c2+c/b}.$$

Since $p < SQ$, there is only one possible solution $\hat{p}$ for

$$p=SQ+c-\sqrt{c2+c/b}.$$

2. Utility Maximization of the Government
  in case of an Oppositional Veto Threat

In case of an oppositional veto, the expected utility of the government is:

$$EU_G=\left[1-b(SQ-p)\right]\left[-p+c\right]+\left[b(SQ-p)\right]\left[-SQ-c)\right]$$

$$\Leftrightarrow$$

$$EU_G=(1-bSQ+bp)(-p+c)+(bSQ-bp)(-SQ-c)$$

$$\Leftrightarrow$$

$$EU_G=-bp2-p+2bcp+2bSQp+c-bSQ2-2bSQc$$

Setting the first-order derivation equal to 0 yields the government's optimal proposal $\tilde{p}$:

$$\frac{\partial(EU_G)}{\partial p}=-2bp-1+2bc+2bSQ$$

$$\Leftrightarrow$$

$$-2bp-1+2bc+2bSQ=0$$

$$\Leftrightarrow$$

$$p=SQ+c-\frac{1}{2b}$$

We refer to this threshold as $\tilde{p}$. It maximizes the government's utility because

$$\frac{\partial^2(EU_G)}{\partial p^2}=-2b\le0 \ .$$

3. Dominant Strategy of the Government

The government prefers the compromise solution $\hat{p}$ if the expected gains of $\hat{p}$ exceed the expected gains of the confrontation with the opposition at $\tilde{p}$, thus:

$$-\left(SQ+c-\sqrt{c^2+c/b}\right)>\left[1-b\left(SQ-\left(SQ+c-\tfrac{1}{2b}\right)\right)\right]\left[-\left(SQ+c-\tfrac{1}{2b}\right)+c\right]+\left[b\left(SQ-\left(SQ+c-\tfrac{1}{2b}\right)\right)\right][-SQ-c]$$

$\Leftrightarrow$

$$-\left(SQ+c-\sqrt{c^2+c/b}\right)>-\left(SQ+c-\tfrac{1}{2b}\right)+2bSQ\left(SQ+c-\tfrac{1}{2b}\right)-b\left(SQ+c-\tfrac{1}{2b}\right)^2+c-2bSQc+2bc\left(SQ+c-\tfrac{1}{2b}\right)-bSQ^2$$

$\Leftrightarrow$

$$\sqrt{c^2+c/b}>\tfrac{1}{4b}+c+bc^2$$

$\Leftrightarrow$

with

$$b>\frac{-1\pm\sqrt{2}}{2c}$$

Since $b>0$, there is only one possible solution for b at

$$b>\frac{-1+\sqrt{2}}{2c}\ .$$

Thus, the dominant strategies of the opposition and the government are:

If $b>\dfrac{-1+\sqrt{2}}{2c}$, then the government proposes $\hat{p}$
and the opposition does not exercise a veto threat.

If $b<\dfrac{-1+\sqrt{2}}{2c}$, then the government proposes $\tilde{p}$
and the opposition threatens to veto this proposal.

NOTES

1. In our analysis, we do not take "blame games" (Groseclose and McCarty 2001) between government and opposition into account. For more on this point, see the discussion in the latter part of Section 1.
2. We also think that this scenario is the most plausible one in the context of the German party system with two dominating left and right parties, the Social Democrats (SPD) and the Christian Democrats (CDU/CSU).
3. Like Vanberg, we assumed that the BR (the constitutional court) always

consents to the status quo (the probability of consent equals 1). The probability that the BR will approve *p* decreases linearly with the distance from the *SQ* and equals 0 for $p = SQ - 1/b$.

4. All mathematical proofs may be found in the Appendix.

5. We later spell out in more detail what we mean empirically by a "strong" or "weak" position in the BR.

6. Depending on the type of legislation, a bill can be sent to the conference committee up to three times. After a legislative proposal has passed the parliament, the Bundesrat can call for the bill to be sent to the conference committee. If the Bundesrat rejects a bill or the conference committee fails to produce an acceptable proposal for both sides, then the government or the Bundestag is entitled to have the legislation again sent to the committee. For a more-detailed description of the German legislative process, see Schmidt 2003.

7. This suspensive veto de facto turns into an absolute veto once a two-thirds BR majority votes against a bill. The Bundestag's override would then also require a qualified majority of two-thirds of all seats (Article 77, section 4). Within Germany's proportional-representation election system, this supermajority would only be secured in the event of a "grand coalition" between Social Democrats and Christian Democrats, like the one that has been in place since November 2005 or the one that ruled between 1966 and 1969. A two-thirds veto in the BR itself, however, would then be extremely unlikely.

8. We are grateful to Georg Vanberg for pointing this implication out to us.

9. We used the detailed bibliographical information on every federal legislative bill which is published by the German Bundestag and Bundesrat since 1972 (Deutscher Bundestag and Bundesrat, various years). Data starting from 1976 can also be found on the internet at http://dip.bundestag.de. We used the original electronical data that was stored on the parliament's mainframe computer and converted it to a format that can be processed by standard statistical software.

10. The terms *final approval* and *final vote* might be misleading. If the Bundesrat approves a bill, then these "final votes" are the votes after the third reading in parliament analyzed in Table 1. In 14% of the data, the parliament had to decide on a bill a second, third, or even fourth time, because the conference committee was called or an objection of the second chamber had to be overruled in parliament. In these cases, the "final vote" is the last decision of the parliament on a bill.

11. The substantive results of interest do not change if we take out the policy-area controls.

12. We suspect that this result is partially due to the way we coded the variable "Uncertain BR." Especially after unification, incongruent coalitions became much more common. At the end of 1994, for example, five states were governed by incongruent coalitions (Bremen, Berlin, Thuringia, Rhineland-Palatinate, and Baden-Wuerttemberg), while neither the opposition nor the government enjoyed its own majority in the BR. The government controlled only one-fourth of the BR seats, while the opposition's share totaled 44%. Under such constellations, it might be easier for the government to negotiate with the opposition instead of trying to win over five very diverse "swing states."

REFERENCES

Anderson, Christopher J., and Daniel S. Ward. 1996. "Barometer Elections in Comparative Perspective." *Electoral Studies* 15: 447–60.

Benz, Arthur. 1985. *Föderalismus als dynamisches System. Zentralisierung und Dezentralisierung im föderativen Staat.* Opladen: Westdeutscher Verlag.

Binder, Sarah A. 1999. "The Dynamics of Legislative Gridlock, 1947–96." *American Political Science Review* 93: 519–33.

Burkhart, Simone. 2005. "Parteipolitikverflechtung. Über den Einfluss der Bundespolitik auf Landtagswahlentscheidungen von 1976–2000." *Politische Vierteljahresschrift* 46: 14–38.

Chhibber, Pradeep, and Ken Kollman. 2004. "The Formation of National Party Systems: Federalism and Party Competition in Canada, Great Britain, India, and the United States." Princeton, NJ: Princeton University Press.

Coleman, John J. 1999. "Unified Government, Divided Government, and Party Responsiveness." *American Political Science Review* 93: 821–35.

Cox, Gary W., and Samuel Kernell. 1991. *The Politics of Divided Government.* Boulder, CO: Westview.

Deutscher Bundestag and Bundesrat, various years. *Stand der Gesetzgebung des Bundes. Verkündete Gesetze und anderweitig erledigte Gesetzentwürfe*. Baden-Baden: Nomos.

Edwards, George C., Andrew Barrett, and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41: 545–63.

Fiorina, Morris. 1996. *Divided Government.* 2d ed. New York: Longman.

Groseclose, Tim, and Nolan McCarty. 2001. "The Politics of Blame: Bargaining before an Audience." *American Journal of Political Science* 45: 100–19.

Heller, William B. 2001. "Political Denials: The Policy Effect of Intercameral Partisan Differences in Bicameral Parliamentary Systems." *Journal of Law, Economics, and Organization* 17: 34–61.

Howell, William, Scott Adler, Charles Cameron, and Charles Riemann. 2000. "Divided Government and the Legislative Productivity of Congress, 1945–94." *Legislative Studies Quarterly* 25: 286–312.

Huber, John D. 1996. "The Vote of Confidence in Parliamentary Democracies." *American Political Science Review* 90: 269–82.

Jones, Charles O. 1994. *The Presidency in a Separated System.* Washington, DC: Brookings Institution.

Kelly, Sean Q. 1993. "Divided We Govern? A Reassessment." *Polity* 25: 475–84.

Krehbiel, Keith. 1996. "Institutional and Partisan Sources of Gridlock: A Theory of Divided and Unified Government." *Journal of Theoretical Politics* 8: 7–40.

Lehmbruch, Gerhard. 2000. *Parteienwettbewerb im Bundesstaat.* 3d ed. Wiesbaden: Westdeutscher Verlag.

Mayhew, David R. 1991. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–1990.* New Haven, CT: Yale University Press.

Manow, Philip, and Simone Burkhart. 2007. "Die Dauer der Gesetzgebungstätigkeit und die Herrschaft über den parlamentarischen Zeitplan—eine empirische Untersuchung des Legislativprozesses in Deutschland." In Steffen Ganghof/ Christoph Hönnige, eds. (forthcoming).

Przeworski, Adam. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America.* Cambridge: Cambridge University Press.

Quirk, Paul J., and Bruce Nesmith. 2000. "Divided Government and Policy Making: Negotiating the Laws." In *The Presidency and the Political System*, ed. Michael Nelson. Washington, DC: CQ Press.

Sachs, Michael. 1999. "Bericht von Professor Dr. Michael Sachs." In *Das parlamentarische Regierungssystem und der Bundesrat—Entwicklungsstand und Reformbedarf. Veröffentlichungen der Vereinigung der Deutschen Staatsrechtslehrer*, ed. Rudolf Dolzer and Michael Sachs. Berlin: Walter de Gruyter.

Scharpf, Fritz W. 1988. "The Joint-Decision Trap: Lessons from German Federalism and European Integration." *Public Administration* 66: 239–78.

Scharpf, Fritz W. 2005. "No Exit from the Joint Decision Trap? Can German Federalism Reform Itself?" Working Paper 05/8. Köln: MPIfG.

Schindler, Peter. 1999. *Datenhandbuch zur Geschichte des Deutschen Bundestages, 1949–1999.* Baden-Baden: Nomos.

Schmidt, Manfred G. 2003. *Political Institutions in the Federal Republic of Germany.* Oxford: Oxford University Press.

Stone Sweet, Alec. 1992. *The Birth of Judicial Politics in France: The Constitutional Council in Comparative Perspective.* New York: Oxford University Press.

Sundquist, James L. 1988. "Needed: A Political Theory for the New Era of Coalition Government in the United States." *Political Science Quarterly* 103: 613–35.

Thorson, Gregory R. 1998. "Divided Government and the Passage of Partisan Legislation, 1947–1990." *Political Research Quarterly* 51: 751–64.

Tsebelis, George. 2002. *Veto Players: How Political Institutions Work.* New York: Sage Foundation.

Tsebelis, George, and Jeannette Money. 1997. *Bicameralism.* Cambridge: Cambridge University Press.

Vanberg, Georg. 1998. "Abstract Judicial Review, Legislative Bargaining, and Policy Compromise." *Journal of Theoretical Politics* 10: 299–326.