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On the Non-Deliberative Nature of Parliamentary Debates

Introduction

In the words of Jürgen Habermas (1996: 296), "the central element of the democratic process resides in the procedure of deliberative politics." Democratic theory clearly has taken a deliberative turn the last two decades, and the central theoretical principles underlying deliberative democratic theory have been extensively analyzed (e.g. Dryzek 2010; Fishkin 2009; Goodin 2000). Democratic theories contain many empirical assumptions and assertions, not all of which are well documented and well understood, and some of which are contested. The empirical literature is growing fast, for example, experimental studies of the effects of deliberation in small- and medium-sized groups or empirical investigations of jury deliberations and behavior (Chambers 2003). An important question in this respect concerns the epistemic value of deliberative arrangements. Is deliberation a tool by which citizens and their representatives in legislative assemblies can track the truth and make right decisions? Is it a way to avoid the perils of preference aggregation without raising similar or even worse problems?[31]

Modern representative democracy can be seen as deliberative, that is, one "that combines accountability to the people with reflection and reason giving" (Sunstein 2006: 49).[32] A recent comparative analysis by Steiner et al. (2004) pioneers the study of deliberative politics in legislatures. The authors take normative theories of deliberative democracy as a point of departure, and then measure and evaluate the quality of parliamentary discourse. In the opening paragraph, it is stated:

> 'Our main argument will be that talk matters: the nature of speech acts inside legislatures is a function of institutional rules and mechanisms, and bears an influence on political outcomes that transcends those rules and mechanisms. Our main vehicle of analysis is a Discourse Quality Index (DQI), which measures the quality of deliberation.' (Steiner et al. 2004: 1)

[31] Examples are the doctrinal paradox (Kornhauser and Sager 1993) and the discursive dilemma (Pettit 2001). These are problems of judgment aggregation. Undisclosed information, information cascades, amplification of cognitive errors, group think, and group polarization may represent even more serious challenges to deliberative decision making in practice (Sunstein & Hastie 2008; Sunstein 2006).

[32] See Bessette (1994) for an elaboration of the deliberative interpretation of the U.S. institutional setup.

I fully agree that the functioning of parliamentary debates must be understood on the background of institutions and (formal and informal) rules, but these institutions and rules tend to destroy the potential for true deliberation in the plenary of legislative assemblies. Legislatures typically devote a tremendous amount of time to debates. The mechanism of voting is nevertheless the central act of legislative decision-making, and it is impossible to understand parliamentary debates independent of the pertinent voting institutions. This claim will be substantiated in this paper by pointing to the likely effects of agenda-setting rules, amendment rules, time constraints, voting-order rules, etc. for parliamentary debates.

I begin by sketching the concept of deliberation and discuss some basic features of parliamentary debates (section 2), discuss the implications of agenda-setting rules for parliamentary debates (section 3), discuss the possibility of strategic amendments and strategic voting (section 4), and conclude (section 5).

Deliberation and parliamentary debates

Deliberation

Many authors today do not see a political process as democratic unless deliberation is an integral part of it. But what is meant by deliberation? A wide variety of definitions exists. Most at their core seem to have the Aristotelian view (in *Rhetoric*) of deliberation as an exchange of arguments; participants provide information and give reasons for or against. A deliberative democracy "facilitates free discussion among equal citizens" (Cohen 1997: 412). It is a system that "includes decision making by means of arguments offered *by* and *to* participants" who, furthermore, as Habermas, Rawls, and many others emphasize, are "committed to the values of rationality and impartiality" (Elster 1998: 8; emphasis in original). Decisions—or a kind of consensus—are eventually reached by "processes of judgment and preference formation and transformation within informed, respectful, and competent dialogue" among participants (Dryzek 2010: 3). Deliberation is a "form of discussion intended to change the preferences on the bases of which people decide how to act" (Przeworski 1998: 140). Stokes (1998: 123) similarly speaks of deliberation as "the endogenous change of preferences resulting from communication"; it is a type of discussion in which "individuals are amenable to scrutinizing and changing their preferences in the light of persuasion (but not manipulation, deception or coercion) from other participants" (Dryzek & List 2003: 1).

Despite disagreement on the finer characteristics, most of its supporters see the ideal of deliberative democracy as inclusive, judgmental, and dialogical (Pettit 2001: 269–271). It is inclusive rather than elitist because everyone is entitled to participate on equal footing. Institutionally, therefore, decision-making processes must be concluded by voting. The judgmental constraint requires members to deliberate on common concerns before voting. To be dialogical, this deliberation should be open and unforced.

Steiner et al. (2004: 19-24) discuss six central aspects of the ideal type of deliberation in their analysis of parliamentary discourse. The first concerns *participation*: all citizens should be able to participate on equal footing. The next three aspects are related to the discussion's (or deliberation's) form and content. All participants should express their views *truthfully*. Assertions and validity claims should comply with requirements of logical justification and sound reasoning. The merits of arguments in deliberative processes should be articulated in terms of the *common good*. Next are two aspects that primarily deal with how participants relate to others: They should be willing to *listen*, and, thus, show genuine respect, and they should be willing to *yield to the better argument*. The latter, of course, refers to Habermas' "unforced force of the better argument." In the deliberative setting, persuasion by truthful and sound arguments vested in concerns for the common good is the vehicle of preference formation and change.

A good example of a deliberative process is captured in the film classic *Twelve Angry Men*,[33] in which jurors meet to decide in a murder case (see Landemore 2008). The jury's discussion opens with a show of hands. The vote indicates that 11 of the 12 jurors favor a guilty verdict. Deliberation brings in new information and new perspectives to help jurors interpret the available evidence and testimonies. Gradually, as demonstrated in a series of votes (some open, some secret) taken throughout the film, jurors shift from "guilty" to "not guilty" one after the other and eventually acquit the accused; changes in preferences are mainly generated by changes in beliefs as the discussion proceeds and the quality of information increases. The decision-making situation is, however, very simple in the sense that only *two alternatives* exist: Jurors vote either guilty or not guilty, and the decision rule is *unanimity* for conviction as well as for acquittal ("remember that this is twelve to nothing either way," the jury foreman emphasizes in his introduction).[34] Although one easily gets the impression from the film that discussion is everything, the decision rule is essential in shaping what happens *before* final voting takes place.[35] It is not difficult to imagine that the discussion would have taken a different path if the jury had operated under qualified majority rule.

It is worth noting that discussion, talk, conversation, and debate are not necessarily the same as deliberation. For a discussion to be "deliberative" in the proper sense of the word, a potential dynamism of the type described above needs to be present. "Deliberation" refers to a process by which reasoning is used to form preferences and to reach a collective decision. A real exchange of arguments must take place and participants must be willing to adjust their opinions—what they believe and desire—during the debate, until the debate ends by a collective decision of some kind (Mercier & Landemore 2012: 246). If none of these happens during a debate, it of course still can be called a discussion, or even a form of arguing, but it cannot be characterized

[33] United Artists, 1957. The film was directed by Sidney Lumet and starred Henry Fonda. Fonda was also co-producer.

[34] The quoted sentence can be heard at 0:11:18 in the following link: http://www.youtube.com/watch?v=gE5QZvXeB0U&feature=related

[35] Concerning how different voting rules affect jury decision making see, for example, Schwartz and Schwartz (1992, 1995) and Gerardi and Yariv (2007).

as deliberation (Przeworski 1998; Austen-Smith & Feddersen 2005). The fact that some people talk in sequence on some matters from the same rostrum is not sufficient to make a process a deliberative one. Nor is a process deliberative if participants in a discussion do nothing more than state the reasons for their own views or opinions, without exercising some degree of interdependence or reciprocity in exchanging arguments. Figure 1 illustrates a central difference between debate and deliberation. Note, however, that in the literature, less demanding concepts of deliberation might be used.

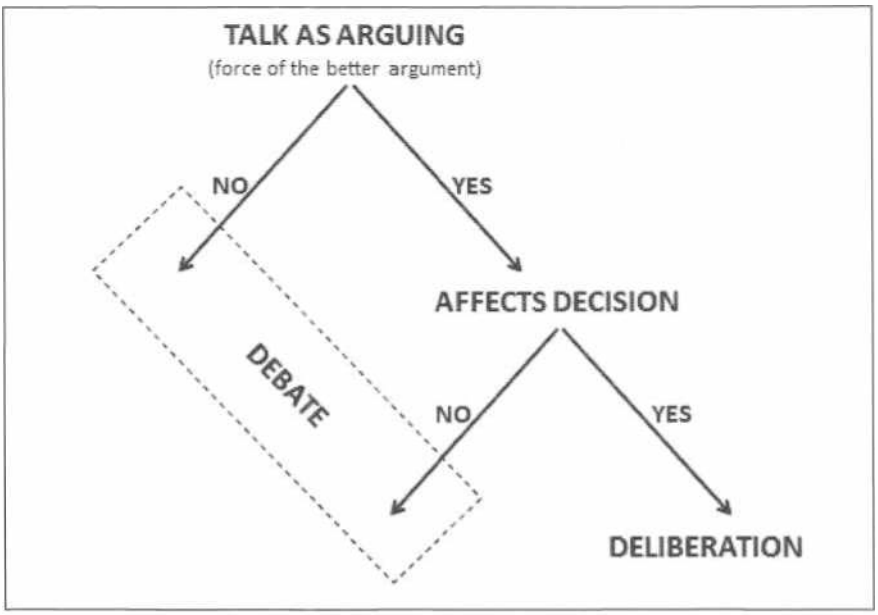


FIGURE 1. *Deliberation versus debate.*

Parliamentary debates

Are debates in real-world legislatures deliberative? Are legislative decisions reached by argumentative processes in the plenary before final voting? Research on parliamentary debates is sparse. Of course, real deliberation does occur on the floor of assemblies, that is, instances where at least some legislators are prepared to change their views and voting after listening to others' arguments. Still, these instances are exceptions to the rule. Nevertheless, it is important to emphasize that we do not deal with a simple dichotomy, but rather with a continuum: It seems reasonable to imagine varying levels of deliberation—or of discursive quality—in parliamentary debates (cf. Steiner et al. 2004). However, for several reasons *the level of deliberation in general will be low in parliamentary debates* on legislation (although a relatively long time may be used for plenary talk).

Modern legislatures operate under severe time constraints, and therefore they have strictly regulated their activities in constitutions, laws, and internal bodies of rules (Döring 1995). Cox (2006) has used the metaphor of a "legislative state of nature" in analyzing why legislatures are organized as they are. Imagine that all an assembly's business were conducted without any rules, which in practice would mean decisions by an unrestricted and unregulated plenary. In this situation, it would be easy to delay or block any decision, and the assembly would not get anything done. To produce legislation at all, some form of organization and some procedural rules are necessary. Thus, it seems to be a universal pattern that legislative decisions are taken by majorities (rather than by broad consensus or unanimity on the floor), that offices endowed with agenda-setting powers are created (presiding officers, committees, cabinets), and that access to plenary time is restricted in legislative processes (although the plenary everywhere plays a role in passing legislation). According to Cox (2006: 144), "(a)ll busy legislatures will evolve rules that create inequalities in members' access to plenary time and diminish ordinary members' ability to delay." It could equally be said: Such rules diminish ordinary members' ability to deliberate freely on the floor; open access to the plenary does not exist in today's working legislative assemblies.[36]

Access to the plenary can be more or less severely restricted. Restrictions concern two types of activities that are relevant in our context. First, rules may regulate who can talk and when they can talk. Time constraints make it necessary to allocate speaking time between parties and then between legislators belonging to the same party. Some legislatures allocate speaking time by using proportionality formulae (e.g. Hare's largest remainders), but often smaller parties are systematically overrepresented in debates. Secondly, rules may regulate who can formulate proposals and when they can do so. With less and less time for plenary activity in modern legislatures, it has become increasingly difficult to place spontaneous proposals—born out of the heat of a parliamentary debate—on the agenda for final voting. In many cases, floor motions are not even allowed, or the majority is given the authority to allow or reject such motions.

Time constraints and access regulations give parliamentary debates a ritualized and rigid character. Committees typically appoint one or more rapporteurs—and perhaps opposition parties appoint "shadows"—and they talk first in the debate. The cabinet minister dealing with the issue area also may be among the first speakers. Some debates are confined mainly to representatives from the committee that has prepared a report and formal motions on the issue, while others include a broader set of representatives. In many parliamentary debates, speakers have prepared written notes or have written an entire speech in advance (but there are important differences between parliaments in this respect) and the debates therefore lack spontaneity. In some cases, a speech is the

[36] This is essentially Proposition 1 in Cox and McCubbins (2006). Their expression "busy assemblies" describes legislatures with a crowded agenda. On classification of legislatures, see the contributions in Norton (1990) and Copeland and Patterson (1994). In a statistical analysis of two types of parliamentary questioning in the Norwegian parliament, Rasch (2011) discusses the importance of access rules for legislative behavior. The two procedures differ in their access rules. Restricted access makes the party leadership more active as coordinators behind the scene and in asking questions themselves. Relatively open access not surprisingly activated backbenchers, and made individual, electoral considerations and self-promotion more salient.

result of coordinated and cooperative efforts of several representatives and even outside actors. Representatives from the same party may emphasize different arguments or aspects of the issue at hand (because of some form of coordination), but it is not surprising to observe that these representatives repeatedly state the same arguments or counter-arguments during the debate. And they often do it, as many have remarked, before almost empty chambers—the chair and perhaps a few of the next speakers. For speakers it will seldom be feasible to conclude their speech with a new motion from the floor, reflecting, for example, new solutions or a new consensus generated by the debate. In this sense, parliamentary debates are rigid (but of course, a debate-generated new consensus is highly unlikely in the first place). It should also be noted that outcomes of legislative processes almost never take the participants or observers by surprise; when the parliamentary debates begin, everyone typically knows what the outcome of final voting on the issue will be. Surprising results occur sometimes, but not because MPs have changed their views (first preferences) or because new proposals have emerged during the debate. Rather, they are caused by factors related to the final voting stage (revelation of second preferences, order of voting effects, strategic maneuvers, etc.).

There are of course different types of legislative debates. My interest is in debates ending in an immediate legislative decision, not general policy debates, debates on white papers, debates on the queen's or king's speech, and the like, which do not typically result in immediate voting on available proposals.[37] It is mainly in situations resulting in immediate voting that deliberation is a relevant process, that is, in situations in which reasoning potentially affects a decision's content (cf. Figure 1). Are parliamentary debates, therefore, deliberation or something else? Deliberation presupposes relatively open access to the rostrum, a willingness to engage in reasoning, readiness to listen to other participants and to yield to the better argument as the debate proceeds. It follows that relatively open proposal rights also are required for parliamentary debates to be truly deliberative.[38] Open proposal rights are not what we typically observe. The institutional setting is not of a type that encourages deliberative decision-making.

If parliamentary debates are not deliberative, what kind of process are they? Debates cannot reasonably be described as bargaining, either, for the same reasons that make debates non-deliberative in nature.[39] Debates take place *before* voting and *after* bargaining and deliberation in preparatory stages of the legislative processes.[40] In

[37] Debates on constitutional questions in constituent assemblies, as analyzed by Elster (e.g., 1998a) are, for example, something very different.

[38] This is because legislative processes tend to be much more complex than the jury example discussed earlier. In the film Twelve Angry Men there were two predefined, fixed alternatives to consider – "guilty" or "not guilty." As preferences changed and consensus emerged, new decision-making alternatives were unnecessary. In a parliamentary debate, a more realistic scenario would be one in which a new solution or a compromise were to emerge because of preference change, rather than one in which one side of the assembly gets others to support its position (e.g., as if opposition MPs simply changed to the government position).

[39] Elster (1998: 5) writes: "When a group of equal individuals are to make a decision on a matter that concerns them all and the initial distribution of opinion falls short of consensus, they can go about it in three different ways: arguing, bargaining, and voting. I believe that for modern societies this is an exhaustive list."

[40] This is of course a simplification. Some parliaments conduct plenary debates before committee deliberations, for example, Denmark, Ireland, and the United Kingdom according to Mattson and Strøm (1995), and there may be several readings of – and debates on –the same bill. Bicameralism further complicates the matter.

most cases, they take place after committees have acted and clarified support for the various solutions suggested. Rather than being an arena for reasoning, parliamentary debates become an arena for explaining one's views on a bill. MPs publicly state their reasons—beliefs and preferences. They argue in favor of their preferred proposal and try to undermine alternatives. In short, they clarify why they act (or vote) as they do. In a sense, then, parliamentary debates become a first, integral stage of the voting process. In parliamentary debates, information on policy positions is provided and made public, but the debates are not autonomous mechanisms for information aggregation.

This understanding of the character of parliamentary debates seems to be in line with findings in numerous case studies. It is an understanding consistent with electoral considerations few legislators can afford to ignore. Calvert (1998: 3) notes that speakers often refer to general principles in their speeches, and emphasizes that "voters will be more favorably disposed toward a result that was reached, or votes that were cast, if they have been connected with arguments rather than merely with bargains." Caulfield and Bubela (2007: 8) describe how nuances and subtleties are lost because in parliamentary debates "one is expected to take sides." The plenary of legislative assemblies can be used as an arena for electorally oriented activities such as advertising, credit claiming and position taking (Mayhew 1974). In the words of Slapin and Proksch (2010: 335):

> 'Legislative speeches give the government a chance to advertise and defend its policy positions not only before the parliament, but before the media and voters as well. Opposition parties take the opportunity to criticize the government and to highlight programmatic differences.'

Amendments are seldom formulated on the floor during legislative debates, reflecting that these debates not are truly deliberative. Note that the nature of this process does not mean that legislatures must be passive and marginal. On the contrary, many legislatures are both very active in initiating and formulating proposals and highly influential in law making. This process's nature does, however, mean that influence is mainly exercised at the (parliamentary) committee stage of the process or earlier (i.e., in a parliamentary system, even before a bill is sent to the parliament). Some numbers can be illustrative, but first a bit more on the institutional framework.

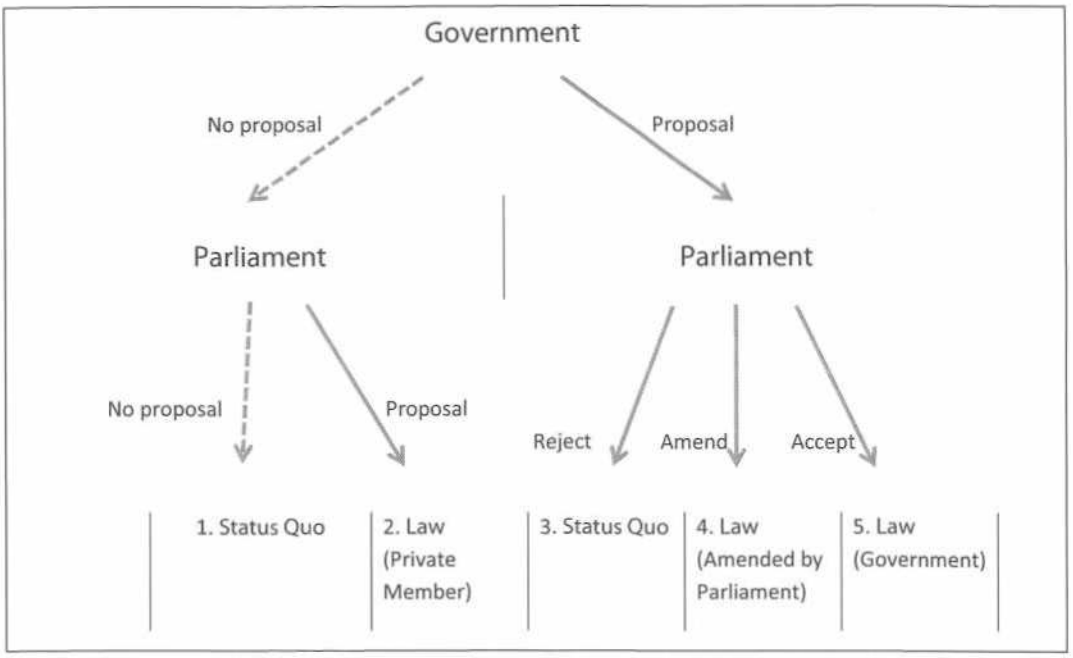


FIGURE 2. *Sketch of the lawmaking process in a parliamentary system of government.*

Consider the simplified model (in Figure 2) of the legislative process's final stages in parliamentary systems. If the government drafts a bill and sends it to parliament, legislators have three options. They can accept, amend, or reject it. If the government does not want new legislation and is inactive, the parliament may either remain silent or draft a bill itself (private member bill). The government, then, cannot close the gates and avoid proposals through inaction. In this setting, five types of legislative outcomes are possible. Status quo might be retained because neither the government nor the parliament wants new legislation or because the parliament rejects the government's bill. New legislation might be produced in three ways. The parliament might accept the government's bill without any changes, or they might redraft it. In addition, legislation might be passed without any contribution from the government.

In parliamentary systems, the executive (the government) introduces most legislation. Situations vary significantly, but typically the government proposes more than 90 % of bills (Tsebelis 2002: 93). Few are rejected; in some countries the rejection rate is almost zero (e.g., Austria, Finland, and Norway). Cheibub et al. (2004: 578) report that on average, 20 % of government bills are rejected in parliamentary systems. Successful government bills will be of either type 5 (unamended) or type 4 (amended) in Figure 2, and available data from a handful of countries seem to suggest that the former type is more frequent than the latter. Although data show that opposition parties' bills are everywhere less successful than government bills, opposition legislators (fully aware of such data) nevertheless continue to put forward their bills, and thus in some countries, opposition parties' bills make up a substantial share of all bills (Bräuninger & Debus 2009; Bräuninger et al. 2008; Olson 1994). Table 1 illustrates some combinations.

TABLE 1. *Success rates for (non-financial) bills.*

Success Rate of Private Member Bills	Success Rate of Government Bills	
	High	Relatively Low (Well Below Average)
Substantial	Austria, Germany	(Belgium)
Very Low	Nordic Countries	France, Portugal

Sources: Bräuninger and Debus (2009); Andeweg and Nijzink (1995); Rasch and Tsebelis (2011).

Variation in success rates, for both government bills and private member bills, reflects institutional differences as well as parliamentary capacity and resources. Döring (1995, 2001) and Mattson (1995), for example, point out that not every parliament has authority to rewrite government bills during the review process; few parliaments have authority to relatively freely formulate alternative proposals late in the legislative processes. Table 2 gives an overview for selected European countries. Similarly, many parliaments lack expertise and other resources necessary for formulation of laws, and therefore must rely on the government apparatus; scarce resources may make formal proposal rights illusory:

> 'If the government has a tight grip on the parliamentary timetable and a near-monopoly of both the information and the drafting skills needed to prepare legislation, then it may be very difficult for opposition parties to get significant draft statutes onto the legislative agenda. This will effectively prevent the legislature from imposing specific policies on an unwilling cabinet.' (Laver & Shepsle 1994: 295).

TABLE 2. *Institutional regulation of amending activity in selected countries (lower houses only in bicameral systems).*

Country	Amendments on the Floor by Individual Members without Advance Notice	Authority of Parliamentary Committees to Rewrite Government Bills
Austria	No	3
Belgium	Restricted	4
Denmark	No	1[1)]
Finland	*(Yes)*	4
France	Restricted	1
Germany	No	4
Greece	Yes	2
Iceland	Restricted	4
Ireland	Yes	1[1)]
Italy	No	4
Luxembourg	Yes	3
Netherlands	Yes	1
Norway	No	4
Portugal	Yes	3
Spain	No	4[1)]
Sweden	No	4
United Kingdom	Restricted	1[1)]

Sources: Mattson (1995: 475) on floor amendments and Döring (1995: 236) on rewriting authority. Some entries have been updated.

Key (from more to less government control):

1. House considers original government bill with amendments added.
2. If redrafted text is not accepted by the relevant minister, chamber considers the original bill.
3. Committees may present substitute texts, which are then considered against the original text.
4. Committees are free to rewrite government text.

[1)] Plenary may decide on principles/main lines in plenary before the bill is sent to committee, and may in some cases leave little room for substantial changes. See Döring (1995: 234).

Note: All countries with "yes" in the second column, except Portugal, have higher success rates for government bills than the average for parliamentary countries (as reported in Cheibub et al. (2004)).

Agenda setting and legislative debates in parliamentary systems

"Agenda setting" and "agenda control" are ambiguous concepts. Often the terms are used in a rather loose sense, meaning simply an ability to initiate or raise political issues for consideration. For instance, Sinclair (1986: 35), in a study of congressional committees, defines agenda setting as "the process through which issues attain the status of being seriously debated by politically relevant actors." A vast literature similarly deals with how mass media focus attention on certain issues (e.g. McCombs & Shaw 1972).

Agenda setting is interesting because it relates to influence. By forming agendas, actors affect decision-making processes. Often it is assumed that those who initiate proposals also "will tailor the policy content to have a chance to win" (Mouw & Mackuen 1992: 87). Agenda setting does not necessarily imply agenda control in the sense of strict control over the outcome of a decision-making process (see e.g. Feld et al. 1989; Miller 1995).

The potential power of the agenda setter is illustrated in Romer and Rosenthal (1978), who formulate a "setter model" with two players—a proposer and a veto player—and two stages of decision making. In the first stage, a committee—or a cabinet in a parliamentary system—sets the agenda by introducing a proposal to the parliament. Then, in the second stage, the parliament votes on whether to accept the proposal. If the parliament uses its veto and rejects the proposal, status quo prevails. In the model, the parliament as a second-stage actor is not allowed to amend the government (or first-stage) proposal. Thus, the parliament's decision-making power is severely restricted; parliament is in effect reduced to making a take-it-or-leave-it choice. If the ideal points of the government and the legislative assembly (median legislator) deviate, the agenda control described above allows the government to move the status quo towards its own ideal point.

The agenda setter in Romer and Rosenthal's (1978) model has both positive and negative agenda power (cf. Cox 2006). Positive agenda power is the authority to propose changes to the status quo and to ensure that these proposals are brought onto the legislative agenda. Negative agenda power is the ability to prevent proposals from entering the legislative agenda (gatekeeping power), the ability to delay considerations of proposals (a weak form of gatekeeping), or the ability to block changes of the status quo (veto power). In the Romer and Rosenthal setter model, the first mover has proposal and gatekeeping power. The second mover can neither introduce proposals nor make amendments. In the vetoing parliament, proposals are considered under a closed rule rather than an open rule, meaning that no amendments are allowed. Obviously, the agenda setter controls the agenda in an absolute sense. Any proposal or amendment that the agenda setter deems unacceptable is kept off the legislative agenda. Thereby, the agenda setter also controls policy changes; "no proposal should be forthcoming unless the proposer prefers the vetoer's ideal point to the status quo" (Heller 2001: 785).

Formally, at least, the government in a parliamentary system can hardly be described as a gatekeeping proposer interacting with a parliament that lacks positive agenda power (as also is the case in the scheme of Figure 2). If the government does not have other means to obtain control, such as the right to propose amendments to parliamentary amendments, which Heller (2001) calls *last offer authority*, we certainly must conclude that the government does not really have institutional control over the legislative agenda.[41]

[41] According to Heller (2001: 780), "the authority to make 'last offer' amendments protects the government from losing control of legislative content and being forced to watch bills it dislikes become law." This probably indicates that governments without last offer authority are easily rolled, because they do not fully control the legislative agenda. In Heller's sample of 15 Western European countries, 40 % of them have some form of last offer authority. Several of the last offer instruments are, however, rather weak, and hardly sufficient to move the outcome away from that of the median legislator.

Thus, governments in parliamentary systems do not actually possess institutional instruments that are sufficiently strong to control the legislative agenda, even though most bills considered by parliament are drafted by the government (cf. Rasch 2011a).

TABLE 3. *Overview of agenda-setting mechanisms.*

	SETTER MODEL	STANDARD PARLIAMENTARY SYSTEM
GOVERNMENT	Proposal Power Gate-keeping Power	Proposal Power ADDITIONAL INSTRUMENTS: Threat of Resignation (Confidence Vote) Dissolution Power Last Offer Authority
PARLIAMENT	Veto Power (Closed Rule)	Proposal Power Amendment Power (Open Rule) ADDITIONAL INSTRUMENTS: Threat of Removal (No-Confidence Vote)
Implications:	Government-Monopolized Agenda Power (Agenda Control)	Government Agenda Power Significantly Constrained

Legislative decision making is both intricate and complex. Nevertheless, two simple types of processes dominate the picture when it comes to handling government bills in parliament, provided the government cannot just dictate the legislature in a form of unitary action (cf. the outline of legislative processes in Froman (1967)). The first type is *anticipated reactions*, a kind of implicit bargaining where the parties' offers and counteroffers are unknown or remain vague. The government must anticipate the parliament's preferences (majority preferences) and draft and introduce bills accordingly. If this mechanism works successfully, every government bill will be adopted without changes, and all private member bills will be rejected. A government that lacks agenda control or similar means will have to lean heavily on anticipated reactions in its day-to-day proceedings. This means that a government bill does not necessarily reflect the government's ideal point or first preference, but rather the best possible bill as seen from the government's perspective, given that the bill must attract a majority on the floor.

The second type of process is a more traditional kind of *bargaining*, or explicit coalition building. Its purpose is to establish a majority coalition in the committee and on the floor by such mechanisms as persuasion, problem solving, compromise, side payments, and logrolling. In this process, the government introduces a bill, and negotiations and deliberation of some sort take place in corridors and behind closed doors in committees. Eventually, the bill is adopted on the floor in its original or redrafted form.

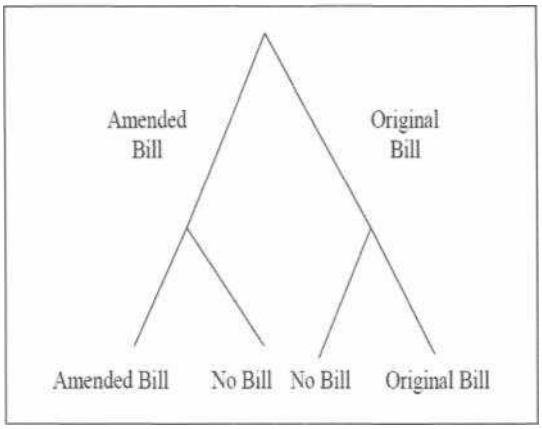
The institutional details regulating executive-legislative relations and the making of legislative proposals also affect the character of debates. Those who formulate proposals will—if they want to effectively further their interests—have to consider what likely will happen at the floor-voting stage. Proposals are designed such that the outcomes will be as good as possible. Given that legislative debates primarily are an arena for stating reasons and for legitimizing and explaining one's views on existing proposals, proposal making virtually also determines debates' content and development. Thus, imagine two situations in which opposing actors have identical preferences. In one situation, the government drafts a bill under a closed rule, and in the other, it operates under an open rule. In the latter case, the government will be challenged by an amendment if it does not fine-tune the bill to realities on the floor. As there is (almost) always a cost associated with losing a vote, the government will most likely try to adjust to the floor median. In the case of a closed rule, the government can safely stick closer to its own preferences without being challenged. But whatever proposal the government settles for, it must treat it as its first preference in the parliamentary debate—and state the reasons for its proposal (and perhaps the arguments against other solutions or proposals, too).

Strategic amendments, strategic voting, and legislative debates

In open rule situations, legislators formulate different types of amendments to government bills, although far from all such amendments are meant for adoption. According to Heller (2001: 786), three kinds of amendments exist. *Friendly amendments* are intended to correct flaws and omissions in government proposals. Correcting technical errors and editing minor language problems may be typical examples. Such amendments, which will receive government support, are not of much interest here. The second kind is *credit-claiming* and *advertising* amendments (see also Mayhew 1974). They help parties to signal their policy commitments and legislative efforts to voters and party members. Typically, such amendments are not designed for adoption, and those who introduce them expect them to fail on the floor. Most amendments probably fall into this category. The third kind is *opposition amendments*. They are intended to change or replace the government bill; they are policy oriented in a much stronger sense than advertising amendments are.

In many assemblies, the immense volume of legislative amendments that are not meant for adoption amounts to a challenge to the idea that parliamentary debates are deliberative. These amendments have no decision-making role in the legislative process; voters and the public are the addressees, not a backer's fellow legislators on the floor. But even more policy-oriented amendments may undermine prospects for genuine deliberation. Nevertheless, as long as legislative debates primarily serve as an arena for stating reasons and explaining one's positions and votes, the debates also form a barrier against strategic amendments and insincere, or strategic, voting (i.e. voting that is not directly in accord with one's preferences at each stage of multi-stage voting processes).

I will mention two examples that might shed further light on the relationship between legislative proposals and legislative speech. The first is so-called killer amendments in the context of the amendment procedure for legislative voting. The second is strategic voting in the context of the successive procedure for legislative voting. In European parliamentary systems, the amendment procedure and the successive procedure completely dominate floor-voting (Rasch 1995, 2000, 2013).



A. Situation before amendment	I	II	III
First preference	Bill (weak support)	Bill (strong support)	Status Quo
Second preference	Status Quo	Status Quo	Bill

B. Situation after amendment	I	II	III
First preference	Amended Bill	Bill	Status Quo
Second preference	Bill	Status Quo	Amended Bill
Third preference	Status Quo	Amended Bill	Bill

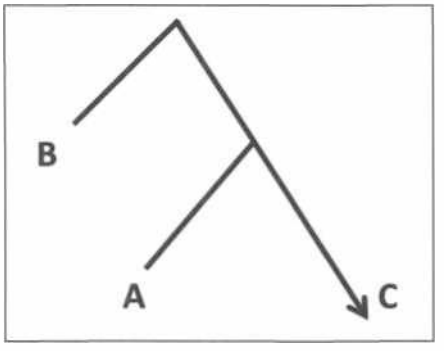
FIGURE 3. *The amendment (or elimination) procedure of parliamentary voting and an example of the introduction of a killer amendment.*

Killer amendments

A killer amendment causes a bill to fail that otherwise would pass (Enelow & Kohler 1980). The saving amendment (one designed to save a losing bill) is a related phenomenon that also could be dealt with here. Such amendments are not intended for adoption, but if successful, they nevertheless play a decisive role in the legislative process. Figure 3 shows what could happen after introduction of a new amendment to an existing bill. There are three actors or groups (I, II, and III), each of which separately controls less than half the votes. Assume that any combination of two actors makes up a majority. At the outset in situation A, therefore, the proposed bill has

majority support. Actor III, who supports the status quo, stands to lose. This actor also understands that the intensity of support for the bill varies, and exploits the fact that actor I is not strongly committed to the original bill and therefore could support an amended version of it. The amendment might be seen as a kind of compromise, although it is not a true compromise in the situation at hand.

Given that the assembly uses a structured version of the amendment procedure to reach a decision, as shown by the voting tree in Figure 3, the amended bill will win in the first stage (sincere voting). But it will lose in the second stage when placed against the status quo. In the second vote, then, actor III is assumed to support the status quo rather than its own amendment. In this sense, the amendment has only been a strategic or tactical tool, and has not really been intended for adoption. However, insincere voting has been discarded in the example so far: Actor I could have achieved a better result than the status quo—the original bill—by refusing to take the bait of the amended bill and could instead vote for the bill on the first ballot (i.e., vote for the second rather than for the first preference). However, this kind of strategic voting seldom seems to occur in legislatures using the amendment procedure (Denzau et al. 1985; Austen-Smith 1987). Insincerity is too difficult to justify and explain in public, as one certainly must be prepared to do. Not very surprisingly, it also turns out to be difficult to find instances of killer amendments in practice (Wilkerson 1999; Finocchiaro & Jenkins 2008). This difficulty is not very surprising. In the story of Figure 3, a successful killer amendment requires that actor III vote sincerely. But this actor also has introduced and promoted the amended bill, only to vote against it in the final vote. This behavior is hard to defend in an assembly that debates legislation publicly immediately before



"Assume that you regard alternative A as the best alternative and C as the worst, with B somewhere in the middle. It has been decided that B should be voted first. If B is defeated, A is voted against C. If B loses, it is expected that C wins. Would you vote in favor of or against B?"	%
Vote in favor of alternative B (the second preference)	55.1
Vote against alternative B (and open for a vote between A and C)	20.3
Other answers	24.6

FIGURE 4. *The successive procedure of parliamentary voting and an example of covert strategic voting. Results from a 1985 survey thought experiment in the Norwegian parliament. N = 69 MPs. Source: Survey by the author.*

votes are taken. As seen from the perspective of the debate—where actors give reasons for their policy positions—renouncing one's own proposal at the end of the legislative process would be equivalent to insincere voting.

Strategic voting under the successive procedure

Strategic voting also has been hard to find in assemblies using the successive procedure (Rasch 1987, 2014). The successive procedure works by voting alternatives one-by-one, up or down, in a specified order. If a single alternative gets a majority of votes, it is adopted and no more votes are taken. Thus, all other existing alternatives are eliminated without even being voted on. If, however, a majority decides against the first alternative, this alternative is removed and a new vote is taken. Figure 4 shows a simple voting tree of such a process with three feasible alternatives (B taken first, and then a binary choice of the two remaining alternatives A and C if B is rejected). Assume that C will be adopted under sincere voting. Given the voting order in Figure 4, an actor with preferences A > B > C has an incentive to support B (second preference) rather than A (best outcome) to avoid C (worst outcome). Strategic voting would mean to vote in favor of B, and if B wins, there will not be a vote at all on A (first preference) versus C. Successful instances of strategic voting are extremely rare. Such voting would require interrupted voting sequences (necessary condition), but they are hardly found in practice. The reason, again, is related to the fact that debates precede floor voting. Strategic voting behavior is difficult to defend in public and to explain to voters, and such behavior would have been visible to everyone if the actors in question had promoted a different alternative in the debate. With reference to Figure 4, for example, it is difficult to vote for B before A has had the chance to enter the agenda, provided one has argued for A as the best option throughout the debate.

An implicit version of strategic voting could, however, be possible. A thought experiment in a survey of Norwegian MPs is illustrative. They were asked to consider a hypothetical situation involving an incentive for strategic voting. It was emphasized to them that they (or their party) were not responsible for the introduction or formulation of any of the proposals. In this sense, they were not committed to any position at the preparatory stages of the legislative process. A clear majority answered that they would in fact vote in a "strategic" manner (this word was not used in the questionnaire), as shown in Figure 4. Presumably, then, they also would have defended alternative B in the debate before voting, in order to appear consistent. This type of strategic voting, then, would look exactly like sincere voting. And their reasoning in the debate would be strategic as well, in the sense that they would support the second-best option publicly even though the first-best option was available.

Conclusion

In general, plenary debates on legislation in assemblies of (at least) parliamentary systems tend not to be deliberative. Arguing seldom affects information and preferences in ways that become important at the final voting stage. Outcomes almost always are known in advance. Plenary debates lack the dynamic elements that are central to any deliberative process marked by conflicting preferences. Instead, it is much more common for legislators to use plenary debates as an arena for stating their reasons, revealing their preferences, and explaining their vote -primarily to outside party members, media, and the public.

In practice, legislative debates are not deliberative in modern assemblies. Should they be? This is a difficult normative question that I have avoided. It should nevertheless be noted that from an epistemic perspective, there could hardly be any positive consequences from making plenary debates more deliberative (which also, among other things, would require floor amendment rules of a more open nature). Assemblies in parliamentary systems lack the necessary expertise and capacity to legislate alone, and redrafting legislation directly from the floor—as true deliberation would have to make possible—is not a relevant option, at least given how modern legislatures operate.

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