

**The socio-cultural foundation of opposition strategies in parliament  
(K. Steinack, PSA 2008)**

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Conference Paper for PSA 2008:

**The socio-cultural foundation of opposition strategies in parliament**

Abstract: *Parliamentary opposition plays a central role within a functioning representative democracy. However, research on it seems to lack theoretical progression and outlook. Attempts to develop Dahl's (1966) initial theoretical work further are scarce; most recent works by Blondel (1997), and Helms (2004) share Dahl's approach of referring exclusively to constitutional and institutional aspects of opposition, determined by a countries political, party and electoral system.*

*I will argue on the basis of own research that there is need to add another dimension which considers individual parties' ideology, history, the party group members' socio-economic background, their informal rules of engagement etc., as well as more recent theories on agenda-setting (Döring 2005) and veto-player rights (Tsebelis 1995). My research on opposition parties in the Bavarian State parliament (Steinack 2006, 2007) shows contrasting behaviour patterns of the different party groups: While the Social Democrats focused on a strategy of matter-of-fact cooperation and in some controversial legislative cases sought to intermeditate, the Green party group chose confrontational power politics which had their main effect outside of parliament. Those significant differences raise the question to what extent party identities and policies coincide with the preference of one opposition strategy over another.*

Keywords: *Parliamentary Opposition, Parliamentary Party Groups, Opposition Behaviour*

## **1. Theoretical background**

Parliamentary opposition plays a central role within a functioning representative democracy. However, ever since Dahl's (1966) initial work on this topic his complaint that "the analysis of the characteristics of opposition (...) has advanced rather less than other aspects of comparative politics" is still true.

Research on opposition seems to lack theoretical progression and outlook. The discourse is dominated by non-comparative empirical studies on opposition in parliament with focus on new democracies (e.g. Barber 1997; Spence 1997; Racz 1993, 2000) and analyses on the representation of minority interests in the European Union (e.g. Mair 1997; Neunreither 1998). Theoretical work on opposition normally either tends to focus on patterns of opposition within the political system as such (Dahl 1966, Blondel 1997, Helms 2004) or (especially in the German discourse) to look at specific opposition strategies detached from specific political systems (Sternberger 1956, Kirchheimer 1980, Oberreuter 1975, Steffani 1987). The latter approach in general would assume that – in order to take over power from government – opposition parties would have to behave somewhere along the three aspects of *fundamental opposition*, *competition* with the majority and *cooperation* with the majority.<sup>1</sup>

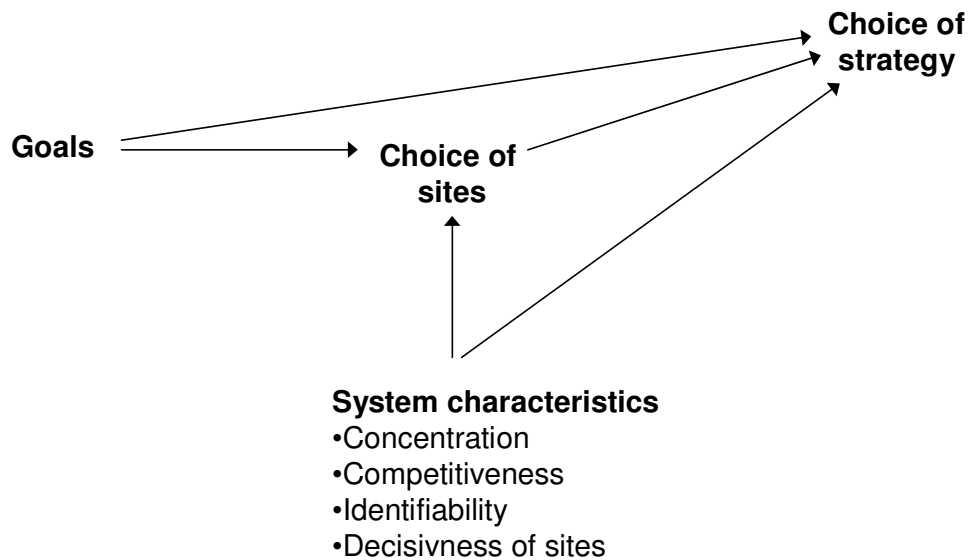
In defining opposition's appearance, characteristics, goals and strategies Dahl (1966) follows a rather static approach. He identifies four important system characteristics (organizational cohesion, competitiveness, site for the encounter between opposition and governing majority, the opposition's distinctiveness) and looks at how the opposition's goals and choice of sites combined with those characteristics will produce a specific choice of strategy (1966, 332-247)). In doing so, he focuses on the political system as such,

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<sup>1</sup> Kirchheimer (1980, 410) differs between parliamentary opposition, opposition as principle and a decaying of opposition as a consequence of classical parliamentary cartel agreements. Oberreuter (1975, 20) differs between issue-oriented ad-hoc opposition, cooperative opposition and competitive opposition. Steffani (1987, 428) separates out: loyal vs. fundamental opposition, parliamentary opposition vs. opposition outside of parliament without an explicit mandate of voters, and systematically vs. situation-orientated opposition which seems comparable to Oberreuter's Ad-Hoc-Opposition.

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linking the different characteristics to typical countries where such an opposition type might occur.



Dahl acknowledges that opposition strategies and citizen's attitude to opposing government policies are heavily linked to a country's political culture and influenced by societal cleavages (1966, 352f., 357f.). However, he does not attribute them to specific parties within a system. His static approach is shared by Blondel who both simplifies Dahl's theoretical concept and extends it beyond western democracies, but who remains to see opposition as "a 'dependent' concept" that is "tied to the character of the government" (1997, 463).

Even though Helms' (2004, 24) explicitly points out "theoretical and analytical shortcomings of the comparative opposition literature" his contribution on this topic which focuses on the constitutional level and describes five different types and forms of legitimate opposition to the government, again refers to specific countries (UK, Germany, Fifth French Republic, USA and Switzerland), instead of choosing a broader approach.

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By referring exclusively to constitutional and institutional aspects of opposition, determined by a country's political, party and electoral system, these authors elude the question whether different kinds of parliamentary opposition, displayed by competing parties, might be visible within one political system.

In the following I am going to refer to results of empirical research I conducted on opposition in the Bavarian State Parliament. Those findings show that in contrast to the theoretical models discussed above there are great variations as to how opposition party groups behave within one political system. It will become evident that it is necessary to extend the institutional focus shown above by another dimension which will take into account individual parties' ideology, history, the party group members' socio-economic background, their informal rules of engagement etc. Looking at those characteristics will enable me to discuss to what extent differences in parliamentary parties' identities coincide with the preference of one opposition strategy over another and – even more important – what determines them.

## **2. Empirical Findings – the case of Bavaria**

Amongst Germany's sixteen federal states Bavaria has been and still is playing a special role in German history and politics. Its main elements are whether there is a specific Bavarian political culture (Falter 1982,1988; Gebhard 1986; Mintzel 1987a, b), the unquestioned hegemony of the 'Bavarian State Party' CSU which heavily influences party competition within the state (Mintzel 1998) and specific features of Bavarian electoral law which favours mass parties over smaller ones (Hübner 1979; Aulehner 1991; Ender & Schultze 1991). Finally, the outstanding position of the Bavarian First Minister who – as opposed to his colleagues in the other German Länder – may not be forced out of office by a motion of no-confidence has to be mentioned (Mielke 1971, 15; Rausch 1977, 396ff., Ender & Schultze 1991, 154).

In no other German State Parliament majorities seem to be as clear and persistent as in Bavaria (Schindler 1999 I, 1439ff). Since 1957 the Social Democratic Party (SPD) has been continuously in opposition which is a

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Europe wide record of parliamentary defeats. The hegemony of the conservative Christian Social Union (CSU) seems to remain unquestioned after the party managed to win a 2/3 majority in the 2003 state elections (Rieger 2003). The predominant role of the CSU which has been governing for more than half of a century questions common findings on parliamentary opposition. As most of them have been developed in the face of coalition governments in the Bundestag and in several state parliaments, it was uncertain to what extent the results are applicable for the Bavarian State Parliament.

It is common opinion that parliamentary opposition actions within a frame which is defined by a triad of the opposition tasks: *critique*, *control* and *alternative* (Sternberger 1956, 134) Research in parliamentarianism as well as the international comparison of party politics and research in elites is dominated by theses supporting the cooperation of opposition members of parliament with those of the governing party or parties (Helms 1997, 45 f.). Quite often, joint resolution of problems is achieved both through the opposition's constructive cooperative behaviour towards legislative drafts of the government and society's pressure to solve complex issues consensually. Taking into consideration that several of those resolutions clearly reflect oppositional ideas some researchers even pronounce a co-governing of opposition (von Beyme 1997, 264, Sebaldt 1992a,b). This oppositional trend to cooperate is equally evident in parliaments which – like the British House of Commons – are governed by one party only (Helms 1997, 200).

Based on these findings it seems plausible to expect cooperative behaviour of the opposition in the Bavarian State Parliament towards the absolute majority of the CSU. The hypothesis of cooperation is furthermore underlined by the continuing hegemonic role of the CSU: In the light of permanently disillusioning election results there is hardly any hope for the opposition parties to take power.<sup>2</sup> The '*alternative function*' as one of the classical opposition tasks thus seems more or less irrelevant. In contrast, given the

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<sup>2</sup> The 2003 elections to the state parliament are symptomatic for the opposition's limited chances to win: The slogan used by the Bavarian SPD, 'Macht braucht Kontrolle' (power needs control), sent clear signals that the party did not seek to come into government but aimed to prevent a 2/3 CSU majority.

unequivocal majority the only way to influence politics in the Bavarian State Parliament seems to be *cooperation*

## **2.1 Methodological approach**

My analysis focused on the 13<sup>th</sup> electoral term (1994-1998). This period is set long enough in the past to allow some completeness for both the parliament's archive and the archives of interest groups involved.<sup>3</sup> Additionally, it made it possible to judge the interactions of the governing majority and opposition parties in the context of German national politics since the mid 1990s – a period not anymore directly influenced by the impacts of the Unification process. The analysis was restricted to the party groups represented in the 13<sup>th</sup> Bavarian State Parliament: CSU, SPD and Bündnis 90/Die Grünen (Greens).<sup>4</sup>

Studies looking at opposition in the German Bundestag show that the complex interaction of political constellations and action strategies can best be analysed by choosing a multidimensional approach and combining different qualitative and quantitative methods of research (e.g. Sebaldt 1992a). I consequently worked with a similar approach: This contained a quantitative analysis of all initiatives (legal bills, proposals etc.) the parliament handled within this period as well as a qualitative in-detail analysis of several selected legal bills. In contrast to several projects which had examined opposition in the German Bundestag however, I did not take a random sample of legal bills but focused on theoretically relevant parameters: I analysed all legal bills where both the majority (either the government or the CSU party group) and at least one of the opposition parties SPD or Greens had provided a draft. Based on those guidelines nine topics emerged which were addressed in 21 (out of 181) drafts for legal bills. Apart from all parliamentary papers linked to those drafts, additional press-releases, media-reports and comments of NGOs relating to the bill were consulted. As a second pillar of

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<sup>3</sup> Governmental files weren't made available due to the general 30 year block up period; access to internal material produced by the party groups was limited.

<sup>4</sup> Even though the merger of the former West German Green Party with the East German Civil Rights movement Bündnis 90, as formed in 1993, officially carries the name *Bündnis 90/Die Grünen* its party members in the Bavarian State Parliament kept and keep referring to themselves as 'Greens'.

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analysis I conducted qualitative interviews with 21 members of parliament and clerks. Issues explored in those interviews were - among others - the party groups image and functioning and the interviewees' judgment of the opposition parties' efforts. (FOLIE)

**2.2 Parameters of opposition influence in the Bavarian State Parliament**

Based on the MPs' statements and underlined by the quantitative and qualitative analysis of parliamentary papers I could identify several levels and strategies of opposition influence. These levels and strategies are distinguished by a specific combination of places and modes of opposition influence:

- The *strategy of power-oriented politics* focused on confrontation in the plenary and on mobilising the public outside parliament.
- The *matter-of-fact cooperation* sought to change things within parliament through cooperation in committees and by trying to influence decision making in non-public areas aside from the committees.

The analysis showed that both strategies could cause the CSU to change its position. However, the opposition parties' success was normally limited to small objective changes in the majority's legal bills and the CSU-majority refused stronger programmatic changes to its politics through SPD and Green Party.

**STRATEGIES OF OPPOSITION INFLUENCE IN THE BAVARIAN STATE PARLIAMENT**

	<b>Mode of contest</b>	<b>Place of contest</b>
<b>Content-oriented politics</b>	Cooperation	Committees and informal contacts within parliament
<b>Power-oriented politics</b>	Confrontation	Plenary, Media and public outside parliament

**2.3 Places and Instruments of opposition influence**

Analysing the nine legislative procedures showed that the opposition chose very different modes and places of contest depending on the topic. Those can

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be distinguished between *content-oriented* (or matter-of fact oriented) and *power-oriented politics* and *public* and *non-public space*.

Instruments used for power-oriented politics were entirely public and mostly used outside the parliament and the plenary. Focus of those instruments related to objective, content-oriented politics was the non-public area of decision making as well as the (public) meetings of the parliament's specialist committees.

The lack of instruments used for power-oriented politics in the non-public area of decision making can be explained by two factors: as committee sessions in the Bavarian State Parliament are open for the public the MPs' space for non-public interaction is much smaller than in other assemblies. A further obstacle is the absolute majority of the CSU government whose unity – unlike coalition-governments in other assemblies – is much harder to split over controversial topics.

Even though the interviewees didn't label the two different levels of influence (political power/objective content) explicitly as such, their comments and the analysis of the empirical material showed that different strategies are used in different places.

The interviewees thought the plenary to be a place of confrontation where MPs meet under the prefix of party-politics.<sup>5</sup> Political contents were discussed only during the second (and more rarely third) reading of legal bills. Aside from this, the opposition parties used the opportunity to scrutinise the government's politics during question time. The interviewees' perception of this is underlined by a qualitative analysis of plenary debates in the second half of 1996.

In contrast, discussions in committees showed a much higher influence by representatives of SPD and Green party. Apart from legislative bills which, in their majority were introduced by the government, more than 70% of all parliamentary initiatives discussed during this election period (most prominently. amendments to legal bills) were initiated by the opposition. In line with this MPs highlighted that opposition influence could most easily be

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<sup>5</sup> See interview 01-290101-B90/Grüne, line 80ff.



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achieved in committee meetings.<sup>6</sup> However, the committees' recommendations are non-binding; the final decision whether an initiative will be adopted or not is taken by the plenary.

**PLACES AND INSTRUMENTS OF OPPOSITION INFLUENCE IN THE BAVARIAN STATE PARLIAMENT**

	<b>Content-oriented Politics</b>	<b>Power-oriented Politics</b>
<b>Non-public Space</b>	Discussions of experts from all parliamentary party groups aside from committee and plenary sessions Lobbying of stakeholders to convince the political majority Discussion of proposals in committee meetings*	
<b>Public Space</b>	Proposals to amend the majority's draft bills Hearing of experts and lobbyists Plenary discussions	Launch of press-releases in order to alert the media and the public Use of the media by lobbyists to support party positions Petitions for referendums (sometimes jointly with lobbyists) Initiative to discuss current topics in parliament in order to confront the government with the opposition's point of view

\* Though committee sessions formally are public visitors and journalists quite often do not attend.

The third pillar of opposition influence was to appeal to and integrate the public even prior to initiating a legal bill. The interviewees rated the informal influence that could be gained outside parliament as the most important factor for influencing governmental decisions.<sup>7</sup> Most relevant are contacts to professional bodies and associations prior to the preparation of legal bills. Once the legislative process has formally started, MPs try to influence voters by launching press-releases and media-reports. In exceptional cases this can be exploited to an extent that parts of the public will support the opposition

<sup>6</sup> See interview 08-150201-SPD, line 93ff.

<sup>7</sup> See for example interviews 05-050201-SPD, line 354ff., 20-140301-CSU, line 508ff., 01-290101-B90/Grüne, line 11ff., 17-190301-B90/Grüne, line 200ff.

party's position by launching a petition for a referendum which – if successful – might alter the majority's decision.

### **3 Opposition Strategies to enforce political interests**

The public-oriented discussion of political topics in the plenary and outside parliament on the one hand and the matter-of-fact discussion with colleagues in or prior to committee meetings on the other hand are two contrasting benchmarks of opposition strategies. Analysing legislative procedures showed that opposition MPs used both paths equally. Out of the nine procedures examined four each could be identified clearly as dominated by power-oriented politics or content-orientated politics, the remaining procedure, a revision of Bavaria's nature conservation law, was discussed on both levels. In this context certain topics or interests inevitably entailed certain political action strategies:

The MPs chose the strategy of discussing an issue more objectively if the topic was relatively complex and could not be communicated easily to the media. This applied for example to a legislative procedure which aimed to reduce wrongfully granted subsidies in housing or a procedure intending to change the existing law on pollution control. It was also used for an initiative to make the promotion of sport for the masses compulsory for local governments where parliamentary majority and opposition parties tacitly cooperated. The main base for this party-comprehensive cooperation was that the legislative matter in question was an issue that was of general interest, that it wasn't programmatically covered by any of the parties and that the topic could not be attributed to a specific electorate.

In contrast, the strategy of power-oriented politics was used for topics with a high relevance for society and strong links to at least one of the involved party's programme. The analysed legislative procedures linked to this strategy mostly dealt with topics which were linked to a party's Weltanschauung on this matter, such as gender equality, the integration of migrants, or the use of genetic engineering. Furthermore discussions on those topics could be reduced to clear statements and a few key-words.

### 3.1 Party related differences in the opposition's appearance

When comparing the two opposition party groups particular party-specific strategies became evident: The interviewees mentioned several characteristics in the party groups' way of presenting themselves. In particular CSU MPs thought their Green colleagues to be far more undaunted, agile and committed than the members of the SPD. Several of them claimed that it had been the Green party group which had confronted the government as parliamentary opposition. In contrast the SPD members were described as inhibited and less dynamic but more eager to co-operate. At the same time, the evaluation of the nine legislative procedures shows that SPD and Greens pursued their political goals with different strategies. This indicates that the opposition parties are driven by different political cultures which persist beyond the 13th legislative term.

#### ***3.1.1 The opposition party groups' image and (self) perception***

The interviewees described the Green MPs quite vividly - in contrast to SPD and CSU parliamentarians they were perceived as 'very intense personalities'<sup>8</sup>, who left both an individual and colourful imprint. Several MPs thought this feature linked indirectly proportionally to a party group's size as in their opinion the Green MPs' exposed position in committees was the main reason why their appearance gained profile and seemed more disputatious.<sup>9</sup> A social democrat explained that a Green committee member's request to already put that person into an exposed counter-position to the other party group's speakers in this committee.<sup>10</sup> Especially CSU-members were impressed how the single Green representative in each committee managed to cover the various issues discussed:

'The Green MPs have to plug away enormously, they can't afford failures, and they are always alone, especially in the committees. Regarding work in the committees they will pick special items to deal with, that's the only way to survive, otherwise they would drown in the flood of issues discussed. Well, the Greens certainly are perceived

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<sup>8</sup> Interview 05-050201 SPD, line 274ff.

<sup>9</sup> See interview 01-290101 B90/Grüne, line 188f; Interview 09-150201 SPD, line 73ff.

<sup>10</sup> See interview 11-190201 SPD, line 120ff

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stronger as opposition (...) I quite admire how they cope. One must be very persistent. That's why I think they are much more snappy and hands-on.'<sup>11</sup>

In focusing on few side-aspects which they underlined by competent argument the Green representatives managed to gain a far sharper programmatic outline than their social democratic colleagues. In several interviews the Green MPs were labelled as 'real opposition' whose successes in articulating alternative positions had contributed significantly to sharpening the political profile of the party group as a whole.<sup>12</sup> They had thus managed to convert the burden of being sole-representatives of a position in the committee meetings into an advantage. In particular the reason that they did not have to go through a time-consuming and diluting co-ordination procedure in working groups mirroring the committees, like the two larger party groups, allowed the Green parliamentarians a more impertinent, agile opposition strategy.<sup>13</sup>

According to SPD interviewees the Green MPs had another big bonus: Their party group had much more efficient communication structures and better, partly more creative, contacts in the media.<sup>14</sup> In contrast the SPD – so their self-perception – was described in the media as 'rather boring'<sup>15</sup> – despite the party's ambitions and political goals. Even though the SPD had (and still has) more staff to do research and prepare political statements and despite its large media office the party group's external communications and presentations were perceived as inadequate. One Social Democrat complained: 'It is one of the biggest grievances within the party group that our public relations are too bad. If the people only would understand our good intentions they couldn't vote any other party but the SPD'<sup>16</sup> In his opinion the main reason for the lack of response his party got in public were the out-dated communication structures:

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<sup>11</sup> Interview 04-010201 CSU, line 198ff (own translation).

<sup>12</sup> See interview 04-010201 CSU, line 168ff.; Interview 07-150201 CSU, line 218ff., Interview 13-120301 CSU, line 248ff.

<sup>13</sup> Compare Interview 07-150201 CSU, line 227ff. und Interview 05-050201 SPD, line 264ff.

<sup>14</sup> Compare interviews 05-050201 SPD, line 393ff. and 18-240401 SPD, line 202ff.

<sup>15</sup> Compare interview 18-240401 SPD, line 200ff.

<sup>16</sup> Interview 05-050201-SPD, line 385ff (own translation)

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‘Similar to other mass organisations, such as churches and trade unions over a long period of time [the SPD has] successfully used communication structures which in today’s communication society are relatively unsuccessful. (...) The Green’s advantage is that they never had such communication structures. This is most evident for organisations such as Greenpeace and Amnesty International; from the very beginning their way to communicate was aimed at today’s structure of media communication. If I want to point out that the chemical industry actually causes too much pollution I don’t write a long paper and send it off to all editors; I won’t organise a conference either. Instead, I tie myself to a chimney and get the public attention that’s needed. (...) In particular the Bavarian SPD is still formed by communication structures used 50 years ago.’<sup>17</sup>

Overall the SPD parliamentarians didn’t gain much profile in the interviewees’ descriptions - keywords as ‘creative’, ‘individual’ or ‘unconventional’ weren’t used. In the interviewees’ descriptions the party group more seemed like a passive group formed by the spirit of the civil service with many MPs exhausted through long party careers and only a few actively involved in opposition work. A SPD MP mentioned that in his opinion the party group was lacking younger members and that the long opposition period would suffocate any motivation for a personnel or political renewal:

‘The SPD isn’t attractive for younger or more dynamic people (...) You have to imagine: if someone becomes a teacher at 25 and then joins the SPD he can become a member of his local party group but even if he attends regularly this will get boring at some point. For a teachers it’s financially attractive to become a member of the state parliament, even if he doesn’t develop his career there any further. But once he is in, it’s important to get re-elected. He basically needs to defend his constituency and needs to make sure that he won’t loose ground within his party, but this rarely happens: once you made it you stay there. They [the MPs] stick to one basic attitude – don’t change anything as

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<sup>17</sup> Interview 05-050201 SPD, line393ff (own translation).

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otherwise you might get run over. If we admit a few dynamic youngsters what will happen to us?’<sup>18</sup>

Externally the SPD party group tried to leave a much more homogenous impression than the Green Party which was mainly justified by the electorate’s expectations.<sup>19</sup> As during the 13<sup>th</sup> election period the SPD was represented with more than one member in any of the committees, the party group was able to divide topics between several delegates while focusing on a more intensive preparation of the issues discussed. The expert opinions developed by the different MPs involved were then discussed in internal party working groups where extremist and outsider positions were smoothed down in favour of a binding majority opinion which was then presented externally.<sup>20</sup> The price the Social Democrats paid for their internal party unity was the abandonment of extreme positions which would have allowed them to draw clearer borders and to gain a clearer profile with respect to the CSU. According to representatives of Green Party and CSU the SPD particularly had a much weaker profile in content-related questions than the Green Party. At the same time the SPD party group showed much more readiness to co-operate with the majority and according to CSU-representatives was involved more frequently in political decision making. As one CSU politician voiced: One could – in contrast to the Greens – get along with the Social Democrats, ‘and it’s easier to get along with them. Even if there are a few extreme positions within the SPD the larger number of representatives guarantees the sum of opinions to be well-balanced.’<sup>21</sup>

Apart from the readiness to waive extreme political requests there are two reasons which contribute to the SPD party groups willingness to co-operate and compromise: According to a CSU-interviewee social democratic

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<sup>18</sup> Interview 05-050201 SPD, line 500ff (own translation).

<sup>19</sup> See interview 21-151001 SPD, line 239ff.

<sup>20</sup> Votes where single MPs can decide independently without taking the party groups guidance on a topic into account are very rare. Interviewees 21-151001 SPD (line 315) and 01-290101 B90/Grüne (line 574) pointed out that if a topic was highly controversial within the party group there would be general agreement to try and not to discuss this topic with the other party groups if possible.

<sup>21</sup> Originally ‘und mit denen kommen Sie auch leichter zu Rande. Weil die, selbst wenn es da einige Extrepositionen gibt bei der SPD, angesichts der doch größeren Zahl der Abgeordneten in der Summe wieder ausgewogener sind’, interview 10-160201 CSU, line 263f.

parliamentarians quite often take up mandates and posts on a local level. Along with exchanging views with Social Democrats who are in governing positions in other German states this nurtures a basic pragmatic approach towards the party group's political strategy. Despite their opposition role this political realism causes the SPD to demand things that can be realised.<sup>22</sup> Another reason why SPD representatives might be more eager to compromise could be that long-standing SPD members, who have given up after years of political opposition, will act along the motto 'I want to see success and not only defeats'<sup>23</sup> and are thus more ready to compromise than their Green colleagues.

### ***3.1.2 The opposition party groups' strategic preferences in legislation***

The interviewees' remarks on the appearance of Social Democrat and Green MPs are consistent with the way both parliamentary party groups handled selected legislative procedures which has been used as the second central indicator for the opposition parties' strategic preferences. In three out of four procedures that were tackled by using a content related strategy with none or very limited involvement of the media the SPD had initiated the draft-bill. The Greens had initiated only one such draft-bill and this was the only case (out of the nine topics examined) where there had been a governmental draft-bill prior to a draft provided by the opposition. This delayed initiative of the Greens indicates that the eco-party didn't give priority to content-oriented topics that were solved by cooperative discussion.

In contrast, all four legislative procedures with an element of public confrontation were initiated through a Green draft bill which was then followed by an initiative of the governmental majority. The SPD had contributed only to one of the legislative procedures of that kind with its own draft – a bill to guarantee gender equality in the public service.<sup>24</sup>

Finally the proceedings to change the bill for the Bavarian Nature Conservation Law can be seen as mixture between the content-oriented

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<sup>22</sup> Interview 04-012001 CSU, line 194ff.

<sup>23</sup> Originally 'ich will einen Erfolg sehen und nicht immer nur Niederlagen.', interview 08-150201-SPD, line 187ff.

<sup>24</sup> In a further legislative procedure relating to genetic engineering the SPD party group had decided to support the Green's initiative instead of submitting a proposal of its own.

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strategy of cooperative discussion and the strategy of influence by public confrontation: Even though the Green draft bill was discussed extensively in party publications, discussions on the planned amendments did not reach the wider public.

Analysing those legislative procedures shows that the Greens preferred a strategy of influence by public confrontation in order to implement their political ideas. In contrast, the SPD members focused on a content-oriented strategy and tried to achieve changes within parliament - in so doing they normally sought to co-operate in committee meetings. This was true even when the SPD had not submitted a draft bill for the topic in question. For example, when discussing amendments to the Nature Conservation Law SPD party-group members tried to change the CSU draft by submitting multiple proposals. SPD members further acted as intermediaries in CSU and Green MPs' conflictive and highly emotionalised debates on amending the Hunting Law. The SPD members' cooperative engagement in those matters confirms results of a quantitative analysis of all legislative proposals for the 13th legislative period which showed that significantly more amendments submitted by SPD members than by Green parliamentarians got the majority's approval (Steinack 2006, 132ff.). In contrast to the SPD politicians the Green MPs abstained from discussing topics where their party group had not submitted a legislative proposal and kept to addressing concerns they had considering the drafts on the table. In any case they did not try to act as intermediaries.



**THE OPPOSITION PARTY GROUPS' STRATEGIC PREFERENCES**

	<b>Confrontation</b>	<b>Cooperation</b>	<b>Hybrid</b>
<b>SPD</b>	Bill on the Identification of genetically non-modified edibles from Bavaria*  Bill on gender equality for women and men in public service	Change to the Bavarian Municipal Code to make promotion of sport for the masses compulsory for local governments  Change to the Bavarian Pollution Control Bill  Bill for the cut-rate sale of public land for common welfare	
<b>Bündnis 90/ Die Grünen</b>	Bill on the Identification of genetically non-modified edibles from Bavaria  Bill on gender equality for women and men in public service  Change to the Bill on elections to local governments  Change to the Bavarian Hunting Bill	Change to the Bill to Reduce Misguided Subventions in Supported Housing in Bavaria	Change to the Bavarian Nature Conservation Bill

\* The SPD had adopted the Green's draft bill

**4 Explanations for partisan differences**

The party groups' contrasting manners and corresponding party-specific strategies of opposition influence can be ascribed to different political cultures of SPD and Greens in the Bavarian State Parliament which result from specific historic and structural considerations.

There are several historic-programmatic reasons for the SPD's focus on a content-oriented strategy of cooperative discussion and the Green's preference for a strategy of influence by public confrontation: At the start of

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the 13th electoral term the Social Democrats were looking back on nearly 40 years of opposition in the Bavarian State Parliament and none of the party's MPs had ever been a member of a national or state government. Many of the SPD representatives had, however, been elected to leading positions in local governments prior to joining parliament and their experience on a local level that many problems could be solved only in cooperation with the CSU had left them more open for compromising and pragmatic decisions. This strong focus on political realism and the resulting insight that not everything can be realised that might be programmatically desirable has been stressed in interviews with several SPD representatives.<sup>25</sup>

Another reason for the SPD MPs' choice of strategy is the fact that the party stands in strong competition with the CSU when trying to win votes from the political mainstream. In order to succeed both catch-all parties have to avoid extreme positions; they mustn't rely on idealist aims but must focus on solutions that are politically realistic. As a result the political discussions of both CSU and SPD are inevitably more geared towards *Realpolitik* (real politics) than to political ideals.

In contrast to the SPD which has its roots in the labour movement of imperial Germany (1870s), the Bavarian Greens look back upon a rather short party history (Raschke 1993). The Green's origins in grassroot movements and the extra-parliamentary opposition of the late 1960s formed the first years of the party in parliament. The Green ideal to be an 'anti-party' which aims to keep a check on the political system as such has faded while the party established itself in parliament. However, at least until the Greens first became part of a coalition government on national level (in 1998), the party's electorate expected explicitly left-wing positions. This made it easy for the Bavarian Green party to distinguish themselves very clearly from the CSU in the fields of security and home affairs, as well as agricultural and environmental policy. It did not harm the party's profile that there were severe clashes within the party's more realistic and more fundamental wing as this is something that was tolerated, and even anticipated, by the party's voters.<sup>26</sup>

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<sup>25</sup> See interview 10-160201 CSU, line 263f.

<sup>26</sup> According to Raschke 1993, p 203 having several competing wings was internally seen as healthy sign for the party's plurality, heterogeneity and inner party democracy.

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Even though the Green MPs' appearance in parliament during the 13<sup>th</sup> electoral term was mostly similar to the one displayed by the CSU and SPD MPs many Green representatives still thought extra-parliamentary protest to be the right measure to gain attention and reach political change.<sup>27</sup>

Adding to this are structural reasons which explain why the opposition party groups chose different strategies. One central reason why the social democrats focused on the content-oriented strategy of cooperative discussion is the party's bigger number of MPs. As at least six of them were present in any of the parliament's committees the party was able to develop experts for many of the topics discussed and to rely on those experts' knowledge in the decision making process. At the same time the number of MPs involved in each of those decisions required complex and time-consuming coordination within the parliamentary party group and some of the interviewees stressed that balancing interests within the party group quite regularly lead to a watering down of political interests which made it harder to increase the party's profile in the public.<sup>28</sup>

In contrast, the Green party group's fourteen members did not need complex coordination as they weren't allowed to send more than one MP into each of the specialist committees who then represented the party-group's opinion. This allowed the Green MPs to argue and act more to the point than their social-democrat colleagues. The MPs' focus on a strategy of influence by public confrontation was supported by the party's and party group's specific culture of discussion. Shortly after the start of the 13<sup>th</sup> electoral term the party group members engaged in intensive internal party strife and discussed their clashing opinions on 'proper opposition politics' in the media extensively. The fact that in focus of their discussion was the question how access to the party group's press office should be handled for MPs underlines the MPs' ambition to act in the public and to discuss things publicly<sup>29</sup>

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<sup>27</sup> During the electoral term Green MPs for example protested outside parliament against final storage of radioactive waste and blockaded a slaughterhouse where cattle, potentially infected with BSE, were meant to be culled.

<sup>28</sup> See interview 21-151001 SPD, line 315.

<sup>29</sup> Having free access for all Green MPs to the party group's media office was one of the key issues which ignited a major internal and public discussion on the party group's opposition strategy in 1996. Compare Steinack 2006, 81 ff. and 'Fraktionschef und Pressesprecher

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The Green party groups' advantage in using the public for political changes coincides with the party's lower engagement in content-oriented politics. Interviews with the MPs show that the professional competence of some Green MPs (especially regarding discussions on the public budget and on social policy) significantly shaped the party group. However, the Greens lacked political success in this field as none of the legislative procedures analysed showed content-related influence of the Green party. Despite of the fact that budget policy is at the heart of any government – and thus much harder to influence than any other field of politics the main reason for the weak appearance of the Green party group in content-related cooperative politics could be the low number of MPs and the party's limitation to only one representative per committee. Among the range of topics discussed in the committees the Green MPs would pick on only a few items and in doing so they focus on subjects which were likely to meet high response in public and which would sharpen the party's profile as powerful and punchy opposition. For rather marginal topics, such as pollution control, the party group simply lacked the capacity to accumulate expert knowledge in this field.

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beziehen Prügel. Die Landtags-Grünen spucken Gift und Galle', Süddeutsche Zeitung, 4.10.1996.

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**EXPLANATIONS FOR THE PARTY GROUPS' PREFERRED CHOICE OF STRATEGY**

	<b>SPD</b>	<b>Green Party</b>
<b>Party tradition</b>	Labour Movement of Imperial Germany (1870s)	Grassroot Movement & Extra-Parliamentary Opposition (late 1960s)
<b>Political self-Image</b>	Catch All Party	'Anti-Party'
<b>Programmatic focus</b>	Moderate politics of the mainstream	Combining of fundamental and realistic positions
<b>Voters' expectations</b>	Political alternative to CSU	Controller of Government
<b>Recruiting of candidates</b>	Long path of inner-parliamentary qualification – candidates need the right kind of background and pedigree only given to those who have served in the party for longer periods.	There are multiple avenues into politics – party-membership isn't a prerequisite for MP candidates.  Low number of party-members allows short career paths.
<b>MPs' political experience</b>	Many MPs with detailed experience of working in a local government  Long standing experience in opposition has lead to disillusionment and resignation.	MPs are relatively new to the business and are slowly adjusting to the opposition's course of life.
<b>Size of the parliamentary party groups and committee memberships during the 13th electoral term</b>	70 Members – at least 6 MPs per specialist committee which allows to specialise on topics	14 Members – only one MP per specialist committee who represents the party group's opinion but can't specialise on all topics discussed
<b>Culture of discussion within the parliamentary party group</b>	Personal differences are dealt with internally.  Statements for certain topics are made by the party group's official speakers on the topic.	Personal differences within the party group are discussed widely and publicly.  Open access to the party group's media office for all MPs is a highly political issue.

## **5. Final Considerations and Outlook**

How do those findings fit in with common theories on parliamentary opposition?

- The empirical findings prove common theories regarding cooperation and confrontation being the main pillars of opposition behaviour.
- The results show that different strategies can do exist within one political system

While the results regarding opposition influence in the Bavarian State Parliament per se are consistent with existent research, the different profiles of political influence open up new questions. Further research is needed to explore whether the Green party's strategy of power-oriented confrontation is a typical feature of small opposition party groups while better staffed larger party groups are able to mirror the majority's activities (by establishing shadow-posts) with more focus on content and thus greater ability to co-operate. An important concept in this context could be Döring's theoretical work on agenda-setting agenda-setting (Döring 2005) and Tsebelis' (2002) concept of veto-players. => Outline how those two approaches are reflected in my findings.

It seems equally possible that party-specific features (such as a party's history, its earlier experiences in politics, its mission statement etc.) are relevant for the way opposition is made and perceived in public. Clarifying this question is especially relevant for the SPD, the notorious loser of elections to the Bavarian State Parliament for more than half a century. It remains unclear whether differences between the Bavarian SPD and social-democratic regional associations in other German states are responsible for its persistent failure or whether this is caused by structural disadvantages of the SPD regional association in Bavaria in contrast to the national association CSU (as repeatedly claimed by Bavarian SPD politicians).

I hope to shed light on this question by conducting further research with a comparable approach on some other territorial parliaments in the near future – this time looking at both Wales and Scotland. Looking at the behaviour of opposition party groups in those two assemblies may help to solve some of the open questions regarding driving factors behind opposition's behaviour, both in public as well as behind closed doors.

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