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## **Parliamentary committees in a party-centred context : structure, composition, functioning**

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## Chapter 6

# **Analysing Committee Workings: The Relationship between Committee Members and their Parliamentary Party Group**

## **Individual Committee Members and their Parliamentary Party Group**

**T**HE prior analysis has provided insight into the question ‘who gets what and why?’. This chapter will give more insight into the room for manoeuvre that legislators have and what their relationship is with other actors in the parliament after committee members are assigned. In the first part of the book four other actors / groups of actors were identified who structure this part of the analysis. Within the legislator’s own parliamentary group, these are (1) ‘rank-and-file’ legislators from the same parliamentary party group who sit on the same committee, (2) ‘rank-and-file’ legislators from the same parliamentary party group who do not sit on the same committee and (3) the leadership of the same parliamentary party group. Outside of their own parliamentary party group, the analysis focuses on (4) ‘rank-and-file’ legislators from other parliamentary party groups who sit on the same committee. This includes the interaction with coalition, as well as opposition legislators. The ‘keeping tabs’ perspective is a valuable addition to the theoretical framework because it draws attention to these relationships. Although there are of course other actors, these four are deemed to be the most important ones for the purpose of this study.

Using the theoretical framework several broad approaches were sketched

which capture the relationship between individual legislators in committees and these four other actors / groups of actors. To recap, all of those sketch several strategies on how parliamentary party groups organise their work in committees. As was elaborated on in greater detail in the respective chapter (p. 39), the theoretical framework utilises the congressional theories but re-defined the role of parliamentary party groups. While their involvement and role in their 'original' form (which discusses the working procedure of the U.S. Congress) is disputed by the informational and distributive perspective, the 'adapted' framework of this study places them central: parliamentary party groups are major gatekeepers in the analysed legislatures. The goal of this analysis is to understand how committee work is coordinated within parliamentary party groups. The new framework distinguishes several broad rationales of this relationship between individual legislators in committees and other actors.

According to an informational logic of committee workings, legislators in committee are closely monitored by other rank-and-file members and the leadership of the parliamentary party group. Even though a spokesperson may develop the initial position autonomously, afterwards clear reporting requirements prevent that important issues slip away from the parliamentary party group. The parliamentary party group always remains the main principal of committee workings. This is applicable to all issues. Although the parliamentary party group leadership may be granted a veto right in areas and can take over issues it deems to be of major importance, even in these instances the parliamentary party group is an important factor to consider.

At the other 'extreme', a distributive rationale sketches the workings of committees as being characterised by a high degree of autonomy of the committee members vis á vis the other members of the parliamentary party group, including the parliamentary party group leadership. Committee membership means having 'property rights', and subsequently, there is very little interference from the parliamentary party group. Committee members are able to develop the positions taken in committees autonomously and have very little reporting requirements. They determine the position that is taken in committee with great autonomy and there is little to no possibility for other legislators outside of the committee to veto a position. The parliamentary party group leadership grants high levels of autonomy to committee members.

The 'keeping tabs' perspective, as well as the partisan theory, are interpreted as a "medium" way which highlights the conditional nature of monitoring and actions of the parliamentary party group leadership. The partisan rationale argues that those committees are monitored which deal with issues of major importance for the parliamentary party group at the next elections. The 'keeping tabs' perspective highlights that a governing party will monitor those committees which deal with issues with a high degree of policy disagreement between coalition partners (these two may, of course, be the same issues) and are led by a minister from another party. The role of the parliamentary party group leadership is strengthened compared to the distributive and informational rationale. High-importance issues are frequently taken over by

the parliamentary party group leadership which has a major say on these issues. Decisions taken in committee and positions which are developed need to be communicated and coordinated with the parliamentary party group leadership, rather than the other legislators from the parliamentary party group. The main task of the leadership is to ‘protect’ the parliamentary party group as a whole from undesirable outcomes which might harm its electoral success in the long run.

The evidence for this chapter relies on the interviews conducted in the three legislatures. The chapter first discusses the process of parliamentary party groups in the Tweede Kamer and the Bundestag. Their approach is similar and therefore depicted in the same section. In both of these legislatures, distinctive mechanisms and procedures are established which follow a more or less clear line. The process of parliamentary party groups in the Dáil is much looser (with the exception of the Fine Gael parliamentary party group) and is therefore discussed in the following section (p. 217).

## **The Individual Legislator in the Policy-Making Process of the Tweede Kamer and the Bundestag**

### **The ‘Standard Protocol’ in PPGs of the Bundestag and the Tweede Kamer: The Development of Positions**

After positions as spokespersons are assigned in the Bundestag and the Tweede Kamer legislators possess a “property right” in this area (see also Andeweg & Thomassen, 2011; Wehner, 2006). Spokespersons are responsible for the content of the portfolio and mandated to speak *on behalf of* the parliamentary party group in this area *outside* of the legislature (towards the media, the general public) and *inside* the legislature, i.e. in case a plenary debate takes place. Apart from the plenary sessions in which they would have the first ‘pick’ on a topic within their own portfolio, committees are the other central venue in which they can fulfil that role.

In the Bundestag and in the Tweede Kamer, this sectorisation via the distribution of functional responsibilities is taken very seriously. When asked whether it would be possible that a legislator would hand in a motion in another legislators’ portfolio without first consulting the ‘holder’ of the portfolio, one respondent in the Bundestag argued:

*“Unimaginable. No, this is not possible at all, would not happen. This is why we distribute responsibilities. If everybody could become active outside of his hobby horse (German: Steckenpferd) then total chaos would break loose”* (Interview Bundestag, 150123B)

Despite a clear distinction between portfolios, at times ‘collisions’ occur. This happens especially when topics are so close that there is confusion about which legislator is responsible (Interview Tweede Kamer, 150422D; also Interview Bundestag, 150115C). These collisions are usually resolved in a

collegial manner, but can also be decided by the chair of the within-PPG work group.<sup>191</sup> The role of the within-PPG work groups is further discussed below.

An exception to this ‘property right’ is when the parliamentary party group leadership decides to take over. The parliamentary party group leadership is privileged in this regard and may always decide to do so. The issues taken over are often referred to as being declared as ‘matter for the boss’ (German: *Chefsache*). Since recently, this is also used as a loanword in the Netherlands, e.g. Interview Bundestag, 151919B; Interview Tweede Kamer, 150520A). Apart from the parliamentary party group leadership, the chairs of the within-PPG work group (German: *Arbeitsgruppen* in the SPD and CDU/CSU and *Arbeitskreise* in the case of the Green Party and The Left) in the Bundestag are also allowed to take over an issue (Interview Bundestag, 150119A). Such takeovers mostly occur if a matter is seen as politically very sensitive or touches the very core of coalition agreements in case of government parliamentary party groups.

Apart from these exceptions, the ‘standard protocol’ in parliamentary party groups of the Bundestag and the Tweede Kamer dictates that spokespersons have the right and duty to work on an issue first if it fits into their portfolio. Legislators would usually approach a topic and the position they develop in a relatively ordered manner. In the initial phase, after an issue has been referred to a committee, legislators are able to develop the position with great autonomy from the input of *other legislators* of the parliamentary party group. The room for manoeuvre of the spokesperson is, however, constrained by several factors. For government parliamentary party groups the most restrictive determinant refers to issues which are clearly regulated in the coalition agreement (Dutch: *regeerakkoord*; German: *Koalitionsvertrag*) (e.g. Interview Bundestag, 151201B; 151401C; 152901F; Interview Tweede Kamer, 150423A). In case a matter is regulated in the coalition agreement (see for a more extensive discussion of coalition agreements Timmermans, 2006), this agreement prescribes the room for manoeuvre that legislators of government parliamentary party groups have (Interview Tweede Kamer, 150423A).

*“Based on the manifesto we have reached a compromise in the coalition agreement and we have to apply this. We all have said ‘yes’ to it and now we have to defend it. Now, it is possible to have nuanced differences but I cannot go against the coalition agreement. Sometimes I want to, but I cannot. Because this is what we have agreed with [the coalition partner]. And they got 50 per cent and we got 50 per cent and this is our trade-off”* (Interview Tweede Kamer 150519A; see also 150520B)

*“There is mandatory duty and freestyle (German: Pflicht und Kür) in what we do. The mandatory part is in the coalition agreement. These things are prescribed, the goals we want to achieve as a coalition.”*

<sup>191</sup> A within-PPG work group is a group of legislators within a parliamentary party group who work on the same topics / same committees. This is a generic term to describe several similar groups in all legislatures.

(Interview Bundestag, 150130D)

However, legislators frequently indicated that the coalition agreement is not explicitly detailed with regard to many things. Either it is neutral in its language (i.e. a certain policy or situation ‘will be reviewed or dealt with’, without specifying more closely what will be done) or it does not say anything. Also, recent developments may change a matter which was evaluated in a specific way during the drafting of the coalition agreement. This can induce a revision and change the position (Interview Bundestag, 150520B). Even if an issue is relatively explicitly regulated in the coalition agreements, legislators argued that some room is available, as “the devil is in the detail” (Interview Bundestag, 150114D).

The next orientation mark (which is applicable for all parliamentary party groups) is the electoral manifesto of the party as well as the party’s declaration of principles. Especially Dutch legislators argued that the declaration of principles (Dutch: *beginselfprogramma*; German: *Parteiprogramm*) is an important source to check the own position against (e.g. Interview Tweede Kamer, 150414A; 150422E; 150520B). Similar to the coalition agreement, however, these documents do not always prescribe the position in detail:

*“[The declaration of principles and the election manifesto] are the sources for the assessment of the things I do. But they are not the source of the technical solution. [...] It is my job to transfer what is described in general terms in the election manifesto and in even more general terms in the party manifesto into concrete laws.”* (Interview Bundestag, 150126B)

Another source for the development of a legislator’s position is the party policy taken on an issue in the past. More concrete prescriptions on what needs to be included in the position can occur in the Bundestag if a resolution has been adopted by the parliamentary party group (German: *Fraktionsbeschluss*). Spokespersons are expected to follow the content of this resolution meticulously (Interview Bundestag, 150119A). When these sources do not provide any point of reference, then the legislator’s judgement is the last step (Interview Tweede Kamer, 150429; also Interview Bundestag, 150119A).

Despite this relatively detailed list of documents, this does not mean that legislators simply follow prescribed positions. On the contrary, respondents frequently indicated that they constantly cross-check the information in these documents with the actual situation and whether what is mentioned in them is still applicable. This ‘working through a list’ of the coalition agreement and manifestos is also a mechanism of self-protection. Legislators of a parliamentary party group have committed themselves to the content of the declaration of principles, the election manifesto as well as resolutions adopted by a parliamentary party group. It follows that when a spokesperson bases his position on them, other legislators cannot dismiss it so easily (Interview Tweede Kamer, 150521A). The process described here therefore slightly differs from the

processes in the European Parliament. Ringe (2010) argues that, in the European Parliament, “rather than acting as representatives of an existing party line, those handling a dossier in committee are its architects”, thus ascribing a very heavy weight to individual policy experts. Although this is true for some instances in the Tweede Kamer and the Bundestag, the interviews highlight the influence of the existing party line, making spokespersons much more confined in their room for manoeuvre. The reason for this heavy reliance on the experts in the political groups of the European Parliament may be explained by the special nature of them (consisting of ideological groups comprising representatives across member states). Parliamentary party groups in the Bundestag and the Tweede Kamer may be more consolidated in that sense. This allows legislators to draw back on a number of clear positions they stand for.

In the first phase of determining the parliamentary party group position legislators are also assisted by their staff. In the Bundestag either by their personal employees or the policy advisers of the parliamentary party group (German: *Fraktionsreferenten*). In the Tweede Kamer, they are assisted by the policy advisers of the parliamentary party group (Dutch: *beleidsmedewerker*). In both legislatures, their role was emphasised and was described as an invaluable help (Interview Bundestag, 150114A; 150112B; 150126A; Interview Tweede Kamer 150520A, 150521A). These impressions fit in nicely with observations by other scholars in the Bundestag (see Stender, 2016; Püschner, 2009). The policy advisers are able to provide internal cohesion of the developed position which continues earlier policies of the parliamentary party group because most of them have worked on a topic longer than the legislator (Interview Tweede Kamer, 150521A). This range of factors contradicts the prediction of the distributive theory. Legislators may be tasked to develop the position, but they cannot simply determine it. Rather, the task of developing a position is delegated to them but needs to fulfil certain criteria and it needs to have majority appeal. The development of the position, therefore, is best captured by an informational rationale.

### **The Influence on the Initial Position: The Internal ‘Layers’ of PPGs in the Bundestag and in the Tweede Kamer**

Once these initial positions have been developed, what is then the relationship with the other legislators and the parliamentary party group? After the spokespersons have developed their position, they find themselves in a complex internal structure that parliamentary party groups in the Bundestag and the larger parliamentary party groups in the Tweede Kamer (PvdA and VVD) have set up. In the Tweede Kamer and the Bundestag, each parliamentary party group has established a ‘layered’ setup which embeds legislators who serve on particular committees, or who are assigned as spokespersons. As a general rule, nothing is presented as the parliamentary party group’s position in a committee without prior consultation in this system of within-PPG work groups so that other legislators are able to provide input. This clearly supports the



informational rationale.

SPD and CDU/CSU have set up corresponding within-PPG work groups (German: *Arbeitsgruppe*) for each committee. All parliamentary party group members who serve on the committee are a member of this group as well. Figure 6.1 (p. 194) depicts the formal structure in the larger parliamentary party groups of CDU/CSU and SPD in the Bundestag. Even though, in principle, it is possible that legislators from other committees participate in these meetings, it does not happen very often (Interview Bundestag, 150112A). As has been pointed out above, German legislators are first assigned to committees and then get allocated spokespersonships (rapporteurs).<sup>192</sup> This is largely coordinated within the within-PPG work groups (German: *Arbeitskreise* and *Arbeitsgruppen*) which distribute these relatively autonomously from the parliamentary party group. In the Bundestag, the owner of a portfolio is referred to as rapporteur (German: *Berichterstatter*) or speaker (German: *Sprecher*) (see for earlier descriptions of these internal structures Graf von Westphalen, 1996).

The two parliamentary party groups of The Left and the Green Party, due to their smaller size, do not have a corresponding work group for every committee but cluster topics together in so-called *Arbeitskreise* [usually abbreviated as *AK I*, *AK II*, etc.). As an example, the parliamentary party group of the Green Party has established five of these within-PPG work groups: *Arbeitskreis I* covers topics such as the economy, labour and social affairs, handicapped, pensions, finance, budget and municipalities. The within-PPG work group, therefore, comprises legislators who serve on the Budget Committee, the Finance Committee, the Committee for Economy and Energy, and the Committee for Labour and Social Affairs (see Bündnis 90/Die Grünen Bundestagsfraktion, 2015a). *Arbeitskreis II* covers the classical 'Green' topics (i.e. environment, nature conservation, reactor safety, animal protection, climate, energy, sustainability, building, housing and city development, traffic, agriculture and nutrition, tourism and the development of the new Bundesländer). *Arbeitskreis III* clusters all topics concerning internal affairs (migration, consumer protection, religion, sport, etc.), while *Arbeitskreis IV* contains the foreign affairs topics (defence, human rights and humanitarian aid). Finally, *Arbeitskreis V* is concerned with all topics concerning demographic groups (children, family, youth, the elderly), education and science as well as health (Bündnis 90/Die Grünen Bundestagsfraktion, 2015b). Similar within-PPG work group are set up in the parliamentary party group of The Left with some slight differences. These within-PPG work group thus do not mirror the committee structure of the parliament as a whole, but still have clearly demarcated areas. Figure 6.2 (p. 195) depicts the setup in the parliamentary party groups of the Left and the Green Party.

In the Tweede Kamer, the internal structure of the larger parliamentary party groups (PvdA and VVD) largely resembles the organisation of the smaller

<sup>192</sup> To be precise, in the parliamentary party group of the Green Party, this is almost a single step. Here legislators indicate which "committees we would like to do as spokespersons or which function as spokesperson we would like to do as a committee member" (150114I).

parliamentary party groups in the Bundestag. Both have established within-PPG work group which cover several topics (referred to as *fractiecluster* in the PvdA and *fractiecommissie* in the VVD). However, as has been mentioned above, the parliamentary party groups in the Tweede Kamer do not assign committee seats but portfolios to spokespersons (Dutch: *woordvoerders*). This determines the membership to committees. In the Tweede Kamer not all members of committees are actually spokespersons within the committees' jurisdiction (see also de Jong, 1998). These non-spokespersons are not a member of the within-PPG work group either and will not attend the meetings. Only those legislators whose area of responsibility touches a committee's jurisdiction are included in a within-PPG work group (see a depiction in Figure 6.3 on p. 196).

Across all parliamentary party groups in the two legislatures, the initial positions are usually prepared in written form for the discussion in the within-PPG work group. In the Tweede Kamer, these documents are referred to as *fractienotitie* and must include a section on what is regulated in the coalition agreement (in the case of government parties), the election manifesto and the declaration of principles. These initial proposals provide the baseline for further discussions in the within-PPG work group. In each of these within-PPG work groups, all documents are discussed. This flow across layers ensures a form of "collective intelligence and collective responsibility" (Interview Bundestag, 150119B) and a "permanent process of feedback" (Interview Bundestag, 150119A). This resembles the process which is described by the informational rationale very well. Rather than being highly autonomous, positions on all issues are constantly cross-checked by other legislators who are also experts in this area but in a broader sense.

The degree to which these within-PPG work groups influence the initial position *content-wise* is to a great extent determined by the nature of the issue and no fixed rule can be described. It became clear from the interviews that the other legislators take the control function very seriously and that conflicts occur. The spokespersons' initial position has to 'survive' this scrutiny. How 'well' the spokesperson has developed the proposal and is able to anticipate various opposing ideas is of great importance to increase the chances of passing the hurdle. However, if one has to give an estimate of the rate of conflicts based on the interviews, these are not the rule but rather the exception. When asked whether there is an extensive discussion in the within-PPG work group, these two statements of interviewed legislators are representative:

*"Well, on some issues you have discussions on a regular basis and that is a good thing. Because it keeps you on your toes as a spokesperson and prevents that you run your little office all by yourself. At the end of the day, you are the spokesperson on behalf of all other legislators of the parliamentary party group and not only for yourself. So there is a constant check-up that the positions you take are backed by your own parliamentary party group."* (Interview Tweede Kamer, 150429A)

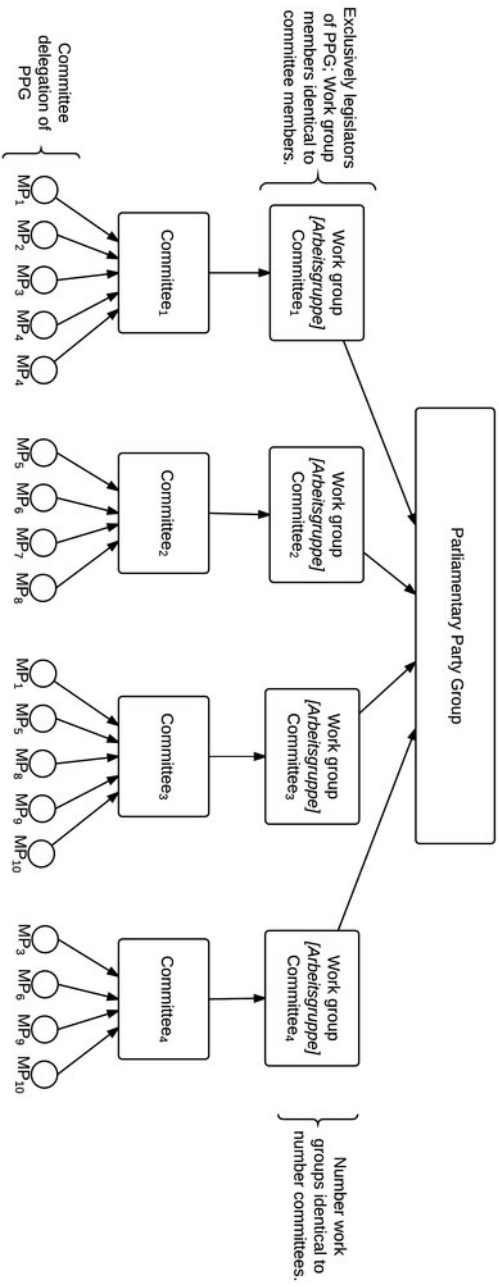
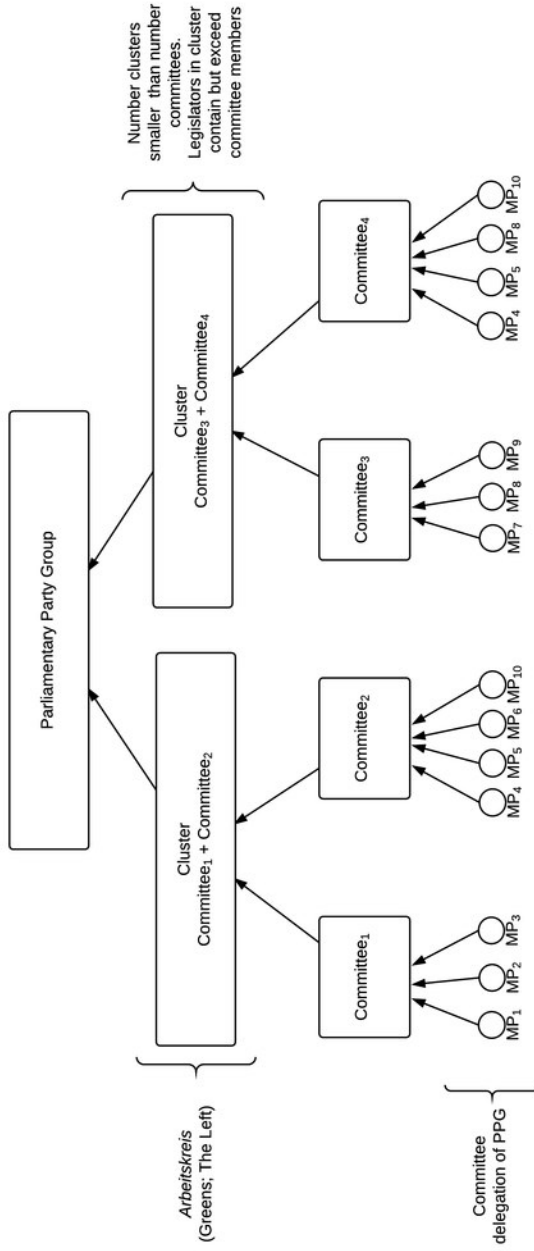


Figure 6.1: Schematic depiction organisational layers SPD and CDU/CSU in the Bundestag

Figure 6.2: Schematic depiction organisational layers The Left and Green Party (Bundestag)

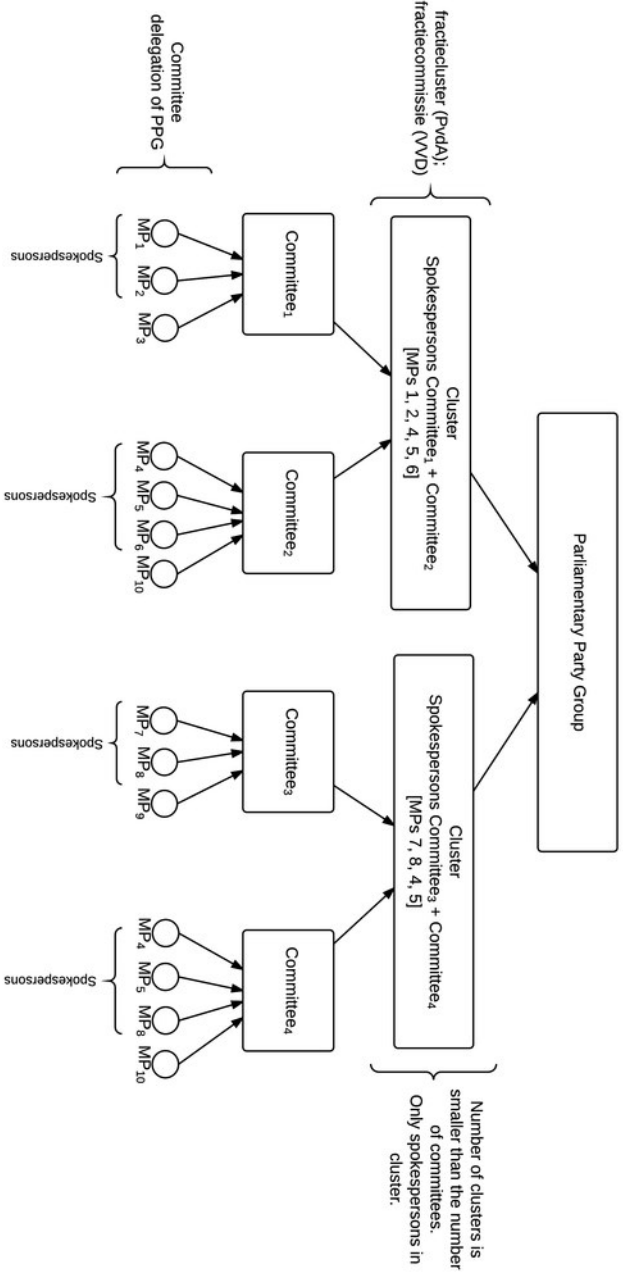


Arbeitskreis  
(Greens; The Left)

Committee  
delegation of PPG

Number clusters  
smaller than number  
committees.  
Legislators in cluster  
contain but exceed  
committee members

Figure 6.3: Schematic depiction organisational layers larger parliamentary party groups Tweede Kamer (VVD, PvdA)



*“Simple proposals or minor interpellations are in principle waved through without debate. Then there are motions for which you get one or two remarks. And then, but this is rather infrequent, you get bigger conflicts and arguments.”* (Interview Bundestag, 150123B)

In case bigger conflicts arise and the spokesperson is not able to refute the objectives to the satisfaction of his or her colleagues, a developed position can end at an impasse and not make it through the within-PPG work group (Interview Bundestag, 150127A; also 150129A, see also Andeweg and Thomassen (2011)). The task for the spokesperson is aggravated if the committee delegation is ideologically more diverse than when the legislators are more homogeneous in their view.

*With regard to agricultural policy [the legislators in the within-PPG work group] were not homogeneous. [...] There were always conflicts in the work group. There were some from large farms who were pro intensive livestock farming and some are more in favour of biological agriculture. And these worlds collide. And as a spokesperson you need to moderate a lot and try to take out the potential for conflict and strike a balance.”* (Interview Bundestag, 150128C)

Discussions in the within-PPG work group were described as much more open compared to the more structured committee meetings, but also in the parliamentary party group meetings. The within-PPG work groups also allow for an extensive discussion and formulation of opinions which is usually not done in parliamentary party group meetings and in committees. They present an interesting ‘third’ arena. In the parliamentary party group meetings, a clear structure is followed with regard to the order of speakers. In the meetings of the within-PPG work group it is possible to interrupt other legislators (Interview Tweede Kamer, 150521A) or be more blunt in the discussion (Interview Bundestag, 150128E). This is not to be confused with a disrespectful interaction, though, but best described as ‘hard but fair’. There are hardly any formal votes at the end of the discussions in the within-PPG work group but rather a conclusion based on the content of the discussion. Formal votes are possible but they are an exception (Interview Bundestag, 150127B).

The immediate corresponding within-PPG work group is the *formal* hurdle which needs to be passed before the parliamentary party group meeting. In addition to this, legislators need to anticipate which other portfolios outside of the within-PPG work group are affected. In order to prevent any conflicts at the level of the parliamentary party group meetings they are “well-advised” (Interview Bundestag, 150130E) to talk to other legislators or other within-PPG work groups within the parliamentary party group which might feel overlooked apart from the institutionalised channels of the within-PPG work group and the parliamentary party group meeting. These colleagues are usually taken on board and informed at an early stage in order not to surprise them. Such discussions take place at office-level and can also be done by the personal staff

of the legislators (e.g. Interview Bundestag, 150116A). This involvement of other legislators outside of the formal structures further underlines the informational logic of committee workings in the Tweede Kamer and the Bundestag.

*“If I know I want to start working on a possibly conflictual topic which might become difficult, I would also maybe talk to the chairman of my within-PPG work group first to check how he sees it, but also maybe with colleagues and especially with those who might look at this negatively. Always talk with them first, before setting yourself to work which is eventually for the garbage can”* (Interview Bundestag, 150114E)

Figure 6.4 pictures the hierarchy in a stylised fashion. This image is applicable to the larger parliamentary party groups in the Tweede Kamer and to the parliamentary party groups in the Bundestag. Opportunities for possible conflicts with colleagues in a neighbouring policy area are manifold, e.g. energy and economy (Interview Bundestag, 150119B) social policy and family policy (Interview Bundestag, 150113A) or in general with budgetary issues (Interview Bundestag, 150128G). The members of the Budget Committee in the Bundestag (usually referred to as *Haushälter*, i.e. housekeeper), or the financial spokespersons in the Tweede Kamer, are often the last hurdles to be taken as they are able to give the ultimate negative verdict that ‘there is no money available’. This is usually the doom of proposals or positions which is why they would always be considered at some point if money is involved (e.g. Interview Bundestag, 150128G; 150115C; see also Interview Tweede Kamer 150518A). This sectorisation of clustered interests within the parliamentary party group indicates that, although one within-PPG work group is formally responsible, other work groups try to secure that their views are heard and the best outcome is secured without being ignored.

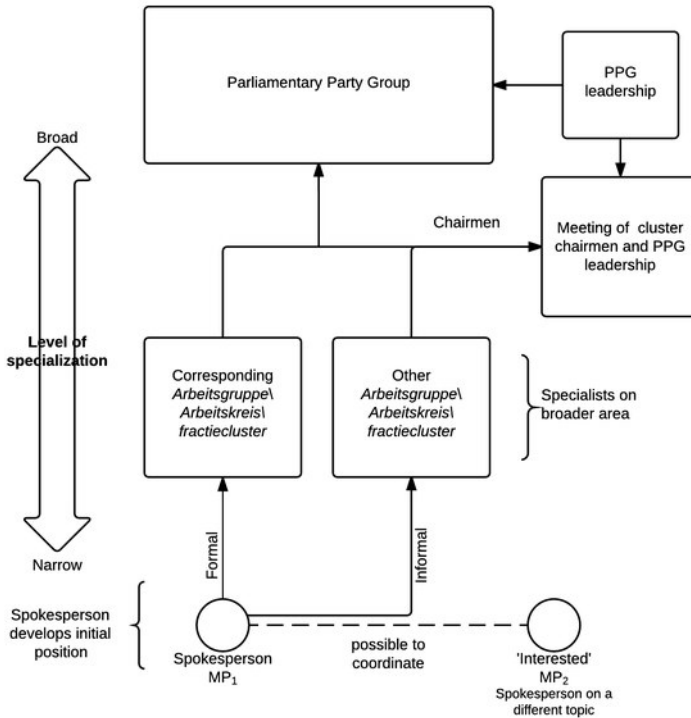
Although it is primarily seen as the spokespersons duty to detect and diffuse possible conflicts, it is, to a certain extent, a two-way street. A legislator, who is not a spokesperson in a particular field, but is highly interested in a topic, might approach the spokesperson at an early stage in order to ‘smooth down’ differences. This, however, is also a matter of personal style.

*[...] If you think a topic is really important to you then you will read through all the memos which are published on that topic and then you are well-prepared. Then you can approach a colleague beforehand and say to him ‘I have a problem with this’. Because it is not nice to surprise your colleague, to me this is a polite way of interacting. Some people do not think so, though, but this is politics.* (Interview Tweede Kamer, 150506A)

*“[...] We just had a motion, it was not conflictual in our within-PPG work group, but someone from the Internal Affairs within-PPG work group stuck his oar in because he opposed it. [...] Now we have talked to him and solved it but there was a moment of ‘Oh god, we have*

*already written the motion' and an earlier version was already passed by our within-PPG work group. Something like this can happen if you overlook someone in this process. [...] Now, you can always still submit it to the parliamentary party group meeting for a vote but a vote always has the risk of being defeated."* (Interview Bundestag, 150114E)

Figure 6.4: Schematic depiction relation spokesperson to work group and parliamentary party group meeting



Source: Own depiction.

Outside of their own within-PPG work group legislators frequently indicated that the decision-making process works on mutual trust (Interview Bundestag, 150129C; 150130B; Interviews Tweede Kamer, 150415A; 150416A). There is simply not enough time to acquire expert knowledge in the areas as well and closely monitor the process. Some legislators even highlighted that they were 'glad' that someone took over an important or difficult portfolio (Interview Bundestag, 150130B). Due to the layered structure in each of the parliamentary party groups, the information passes the legislators eventually in the parliamentary party group meetings, if the topic is seen as important enough. There is a non-intervention agreement that only the spokesperson is solely



responsible for the content of his or her topic (Interview Tweede Kamer, 150506A, see also Andeweg and Thomassen (2011)). This was also mentioned in the earlier statement of a German legislature who argued that “total chaos would break loose” (Interview Bundestag, 150123B) if these clear separations would not be taken seriously. An exception of this non-intervention agreement are the cases mentioned earlier (sensitive, or very controversial issues).

This particular structure is also helpful if a committee delegation (and subsequently, the within-PPG work group) of a parliamentary party group is viewed as being ideologically outlying by the other legislators of the parliamentary party group. As has been indicated above, such within-PPG work groups exist (see p. 161). The parliamentary party group leadership is largely non-restrictive in the Bundestag and the Tweede Kamer. When asked why a parliamentary party group would allow for the clustering of ‘ideologically outlying’ legislators in a committee the legislators indicated that, via the internal steps, the “will of the parliamentary group [is considered], you can always set things straight again” (Interview Bundestag, 150130E). This is exactly what the informational rationale describes and predicts.

Apart from the obvious positive aspects of the clear assignment of responsibilities and the division of labour, there were some notable negative remarks about ‘going too far’. One legislator argued that in a wide array of topics a high degree of specialism (German: *Spezialistentum*) is developed. Outsiders then find it increasingly difficult to thoroughly and critically assess the views (see for similar considerations Graf von Westphalen, 1996, p.237).

*“This division of labour which is necessary through the range of topics leads to a situation in which fundamental policy decisions are enriched with aspects which actually fall within the responsibility of the administration. But because of them, they become so complex that they really are only being discussed by experts.”* (Interview Bundestag, 150129C)

### **The Discussion in the Parliamentary Party Group Meeting**

At the end of this ‘ideal-typical’ process (which is applicable in most cases), everything converges in the plenary meeting of the parliamentary party group. The meetings of the various groups within a parliamentary party group until then follow a logical sequence. In the Bundestag, the *Arbeitskreise* from the Green Party and The Left meet on Monday while the *Arbeitsgruppen* from the CDU/CSU and the SPD meet one day later on Tuesday morning (Interview Bundestag, 150116A; 150114B). The meetings of each parliamentary party group take place Tuesday afternoon. In the time between the meetings of the within-PPG work group and the parliamentary party group, a short meeting of the chairmen of the within-PPG work groups with the parliamentary party group leadership takes place in which the final agenda for the parliamentary party group meeting is determined (Interview Bundestag, 150128E). Wednesday,

Thursday and Friday are usually plenary sessions of the Bundestag.<sup>193</sup> Apart from this formal line of within-PPG work groups, there is also another level which is not formally part of this internal structure: the meetings of the regional factions (German: *Landesgruppen*). In the parliamentary party groups of the CDU/CSU and the SPD, these are regular meetings in which the most important issues are discussed (Interview Bundestag, 150127A). In the parliamentary party group of the Green Party, the regional factions do not have a similar meeting. However, legislators indicated that the political wings of the parliamentary party group would at times meet and have similar discussions (German: *Flügeltreffen*), either weekly or biweekly during weeks of plenary sessions (Interview Bundestag, 150116A; 150120A).

Similarly, the meetings of Dutch parliamentary party groups (Dutch: *fractievergaderingen*) are scheduled on Tuesday, Wednesday and Thursday. The memos need to be submitted by Friday afternoon (referred to as the Friday letter) (Interview Tweede Kamer, 150429A) or by Monday. Before this, the within-PPG work groups have met and given input to the proposed position of the spokesperson. The day of these meetings of the within-PPG work groups differs per parliamentary party group, the interviews indicated that they usually take place on Tuesday or on Wednesday the week before (Interview Tweede Kamer, 150520D; 150521D).

Not everything is actually discussed in-depth in the parliamentary party group meeting. The parliamentary party group meeting is seen as a last resort to discuss something. The discussion of a topic in-depth is “preferably avoided” (Interview Bundestag, 150130E) because there is simply not much time. The position presented by the within-PPG work group has weight (Interview Bundestag, 150129D). Several legislators in the Bundestag argued that they have *never* experienced that a position, which was proposed by a spokesperson and backed by the within-PPG work group, was changed so fundamentally that the parliamentary party group wanted to go in a completely different way (Interview Bundestag, 150202; 150119A). An interviewed legislator estimated that around 90 per cent of topics in the Bundestag is non-controversial and does not raise to the attention of the parliamentary party group leadership (Interview Bundestag, 150130E). Equally, in the Tweede Kamer, an interviewed legislator estimated that 90 per cent is decided in the within-PPG work group (Interview Tweede Kamer, 150422E). This is very reminiscent of the process in political groups of the European Parliament described by Ringe (2010). The individual experts serve as ‘focal points’ whose advice on how to vote is usually followed.

Although these numbers are rough estimates and should be treated with caution it became apparent that once an issue reaches the parliamentary party group meeting, the vast majority has been discussed to such an extent that conflicts are overcome (Interview Bundestag, 150129D; 150120A). If a legislator has done his or her job ‘well’ the developed proposal has already anticipated opposing ideas and possible conflicts are pre-empted (Interview Tweede Kamer, 150516A). The sorting out and clarification has already taken place in the

<sup>193</sup> Sessions on Monday and Tuesday are also possible.

within-PPG work groups. Another reason to not discuss an issue is when the issues were not controversial in the first place and were universally seen as a minor issue. Such cases are usually entrusted to the specialists (Interview Bundestag, 150129C).

With regard to *what* is discussed in the parliamentary party group meetings, the parliamentary practices in the Tweede Kamer and the Bundestag differ. In the Bundestag, interviewed legislators of all parliamentary party groups highlighted that the proposal needs to pass the parliamentary party group meeting in any case, at least formally. This clearly supports the informational rationale of committee proceedings. The parliamentary party group meeting is the “actual platform for the political formation of will” (Interview Bundestag, 150127A) and it is taken very seriously:

*“Everything will be voted on in the parliamentary party group meeting, nothing is possible without it. These are fixed rules and they are written down in the Standing Orders of the parliamentary party group”* (Interview Bundestag, 150114I)

*A motion, a bill, a resolution, or a declaration of intent without being discussed in the parliamentary party group meeting will not exist in the German Bundestag. This is why this flow of information is secured.* (Interview Bundestag, 150129B)

Non-controversial issues might simply be mentioned for the legislators’ information, but are then quickly passed. The parliamentary party group meeting serves in these cases as the venue for “final legitimation and the presentation of information rather than content-related clarification” (Interview Bundestag, 150119B). Nevertheless, every proposal needs to be presented in the parliamentary party group meeting to give legislators a chance to provide input. This is also applicable in case a legislator or group of legislators has not been ‘brought into the process of formation of will’ and learns about an undertaking in this final session. An issue will also be discussed if conflicts at a lower level have not been defused. Legislators highlighted that the parliamentary party group leadership has a ‘fine instinct’ to determine what might be sensitive:

*“You have the trust in your parliamentary party group leadership that they will not pull you over the barrel and will not skip over something important which we have never discussed before. And I have never been disappointed. The parliamentary party group leadership does a good job in identifying those issues which are of importance to everyone. And they will then be discussed.”* (Interview Tweede Kamer, 150227A)

A slightly different approach is used in the parliamentary party group of The Left. The agenda of the parliamentary party group meeting only schedules the discussion on a small number of issues *in any case* and lists all other issues on a

consensus list (German: *Konsensliste*<sup>194</sup>) in case the lower within-PPG work groups have waved a proposal through without any conflict. However, this consensus list is not closed but “every legislator can raise an issue on the list and say ‘I would like to say something about this’” (Interview Bundestag, 150126B, 150130E). Although the possibility exists, as a rule, the consensus list is not opened frequently (Interview Bundestag, 150130E).

In the Tweede Kamer, everything also goes through the within-PPG work groups (if they exist). Regarding whether something is discussed in the parliamentary party group meeting, it is decisive whether an issue is dealt with in *plenary session* of the Tweede Kamer (i.e. motions, bills). This includes a debate on the minutes of a general debate (Dutch: *verslag van een algemeen overleg*) in which motions can be proposed. If this is the case, the issue is *always* placed on the agenda of the parliamentary party group meeting. Issues which remain in committee in the form of a general debate (Dutch: *algemeen overleg*) are not discussed in the parliamentary party group meeting, except if a spokesperson, the parliamentary party group leadership or another legislator specifically asks for it. In this case, a memo needs to be drawn up for this point as well. This is applicable to both of the larger parliamentary party groups in the Tweede Kamer (Interview Tweede Kamer, 150429A; 150430B; 150520A; 150520D).

However, there are slight differences in how this is handled. In the PvdA parliamentary party group, the parliamentary party group leadership decides which issues are placed on the agenda and discussed, while others are put on a ‘squeak-list’ (Dutch: *piep-lijst*<sup>195</sup>), i.e. a consensus list which can be opened by every legislator (Interview Tweede Kamer, 150527A, also 150519A). Legislators from other parliamentary party groups indicated that in principle the whole list is gone through (Interview Tweede Kamer, 150520A; 150429A), but in case no legislator raises a point it is quickly passed. Both approaches differ, however, only with regard to technicalities as their outcome is the same. The fact that, in principle, all issues can be discussed by the parliamentary party group provides support for the informational rationale. Committees are not closed networks, like the distributive rationale predicts, and there is also no clear distinction between certain policy-areas, like the partisan rationale and the ‘keeping tabs’ rationale argue.

The possibility to present an issue in the parliamentary party group meeting was largely seen as a good thing which prevents ‘tunnel vision’:

*“Sometimes you have these deadlocked issues. The parliamentary party group meeting has the great advantage that you do not only have the experts. The experts sometimes decide something as*

<sup>194</sup> Some legislators of other parliamentary party groups also hinted at the existence of a consensus list. However, legislators of the Left were the only ones which *consistently* reported the existence of a consensus list while legislators from other parliamentary party groups underlined that everything is called up, at least formally.

<sup>195</sup> The name is used because the issue is moved off the consensus list if a legislator ‘squeaks’ and wants to talk about the issue.

*blinkered specialists (German: Fachidioten). You do not always wipe away what the experts do, of course. But when you solely rely on them you get specialist solutions which may be wrong for the general public. That is why this step is good.”* (Interview Bundestag, 150126B)

*“And we had written this memo and I arrived at the parliamentary party group meeting and thought I would be backed by them and my parliamentary party group said ‘boy, what have you done there?’. [...] But that was one very important thing and I really overlooked this. The technical story was sound, but the political side had completely escaped my notice. And then a parliamentary party group meeting is incredibly important”* (Interview Tweede Kamer, 150520A).

In case something *is* controversial and the need is felt for a debate in the parliamentary party group meeting the spokesperson is usually first called on to explain the issue and the position that is proposed and “ask for agreement” (Interview Bundestag, 150127A). In these instances, everybody can raise their hand and state their objections and views on the issue. It is possible that legislators utter criticism or suggestions. These can either be taken into account *ad hoc*, i.e. the spokesperson agrees to incorporate it, or it can be postponed for a week. The latter is, however, an exception (Interview Bundestag, 150127B).

In the parliamentary party groups of the Tweede Kamer, there is a rule that legislators from the within-PPG work groups do not participate in the first round of questions in order to prevent a reiteration of the discussion in the within-PPG work group (Interview Tweede Kamer, 150520D; 150520E). Based on the number of questions and the discussion afterwards, the proposal does not need to pass a formal vote. Rather, it is concluded by the chairman of the parliamentary party group meeting (usually the parliamentary party group leader) that there is an agreement based on the discussion. However, if “after the first round of questions even more hands are raised, then this spells trouble” (Interview Tweede Kamer, 150520E). It is possible to reject a proposal altogether or to ask the spokesperson to include points so that the whole parliamentary party group can agree with it. In the Bundestag, the proposal needs to be passed by a formal vote in the parliamentary party group meeting (Interview Bundestag, 150127A; 150120A). Committee members clearly need to take the wishes and preferences of the other legislators of their own parliamentary party group into consideration.

Some of the topics which were specifically mentioned as being discussed were overseas deployment of the military (Interview Bundestag, 150129F; Interview Tweede Kamer 150518A), ethical questions (e.g. euthanasia, abortion, prostitution, see Interview Tweede Kamer, 150520A) or migration (Interview Bundestag, 150112B). Additionally, there is a number of issues of higher relevance for society. In the legislative period at the time of my field work<sup>196</sup> minimum wage or the ‘Transatlantic Trade and Investment Partnership’ [TTIP] or Greece were mentioned (Interview Bundestag, 150114A; Interview Tweede

<sup>196</sup> Beginning of 2015 for the Tweede Kamer and the Bundestag.

Kamer, 150518A). A third type are issues which are very sensitive and may risk the continuation of the coalition (Interview Bundestag, 150212A).

Interestingly, interviewed legislators argued that in every portfolio an issue can become controversial (Interview Bundestag, 150130D; 150128C). However, several topics are more prone to be discussed. Some are valid across all parliamentary party groups, e.g. finance-related matters (Interview Tweede Kamer, 150416A; Interview Bundestag, 150118A), others are more parliamentary party group specific. Those issues which are deemed to be of high importance do not necessarily have to be those which are likely to be discussed. As an example issues regarding labour and social affairs were not necessarily conflictual in the SPD (Interview Bundestag, 150130D) although it is clearly a highly salient issue for the parliamentary party group. This contradicts the expectation of the partisan theory which highlights that specific topics, which are central to the electoral success of the parliamentary party group, are closely monitored.

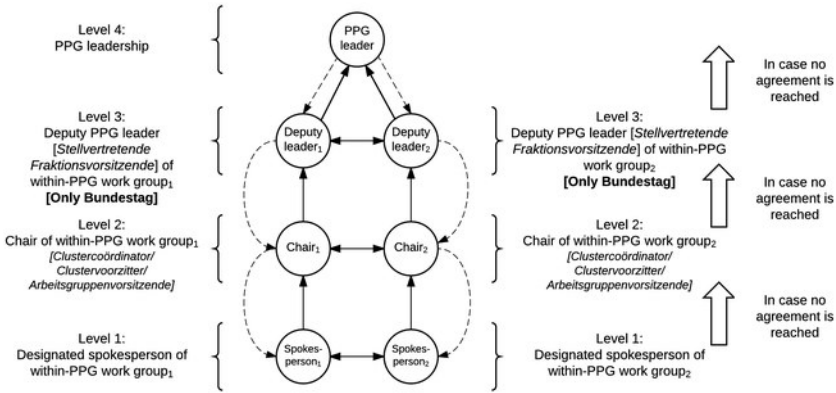
### **In Case of No Agreement: The ‘Escalation Ladder’**

The process hitherto described refers to the ‘ideal typed process’ of a spokesperson developing a position and going through the various layers. This process resembles relatively closely to what was formulated as the informational rationale of committee proceedings. In case it is not possible to reach an agreement within a parliamentary party group there is an ‘escalation ladder’ which comes into operation. A German legislator referred to it as a “settlement cascade” (Interview Bundestag, 150119B) on which the parliamentary party group leadership relies. The general lines are the same and applicable to the Tweede Kamer and the Bundestag.

They may occur in situations when, within a parliamentary party group, two (or more) spokespersons cannot reach an agreement. In such a case the issue has either a) reached a dead end or b) gets elevated to the level of the chairs of the within-PPG work groups who continue the discussion and see whether they are able to find an agreement. The chairs of the work groups have an important position in this regard. It was seen as important to “win them over” (Interview Bundestag, 150128E). In case the work groups cannot reach an agreement, the issue is lifted to the parliamentary party group leadership. If, within a parliamentary party group, no conclusion can be reached at the lower levels, then this level tries to solve the issue (Interview Bundestag, 150119B; 150129D; Interview Tweede Kamer, 150521C, 150615A). Figure 6.5 shows this escalation ladder in a parliamentary party group in case two spokespersons of different within-PPG work groups cannot reach an agreement.

With the exception of level three, this process is the same in the Bundestag and the larger parliamentary party groups in the Tweede Kamer. In the Bundestag this is a little more complex than in the Tweede Kamer due to the setup of an extended parliamentary party group leadership (German: *geschäftsführende Fraktionsvorstand*). This group comprises the parliamentary

Figure 6.5: Schematic depiction escalation ladder within parliamentary party group



Source: Own depiction. The thin broken line depicts a situation in which a decision is passed back to the lower level.

party group leader (German: *Fraktionsvorsitzende*) and his or her substitutes (German: *Stellvertretende Fraktionsvorsitzende*) as well as the whips (German: *Parlamentarische Geschäftsführer*). Each of the deputy parliamentary party group leaders is assigned a rough portfolio which comprises one or more policy areas.<sup>197</sup>

Figure 6.5 shows a depiction of this escalation ladder in a parliamentary party group in case two spokespersons of different within-PPG work groups cannot reach an agreement. With the exception of level three, this process is the same in the Bundestag and the larger parliamentary party groups in the Tweede Kamer. The last step would be the parliamentary party group leader who can make the call on how things are done. This would then still be put to a vote in the parliamentary party group meeting (Interview Bundestag, 150130D). However, it should be noted that this describes a *hypothetical situation*, in most cases such conflicts are worked out and solved on the other levels and via negotiation in the groups:

*“Such a situation [i.e. the parliamentary party group leader decides and asks the parliamentary party group for an agreement] I have not witnessed. That is then already really ‘hardcore’, then it’s neck or nothing (German: Dann geht’s ums Eingemachte).”* (Interview Bundestag, 150130D)

<sup>197</sup> As an example, in the SPD one deputy parliamentary party group leader is responsible for internal affairs, legal affairs, consumer rights, culture and media. Another substitute member is responsible for environment and agriculture, thus only covering one committee.

## The Process in the ‘Smaller’ Parliamentary Party Groups in the Tweede Kamer

In the smaller<sup>198</sup> parliamentary party groups in the Tweede Kamer (interviewed legislators came from the CDA, the PVV and the SP), the same internal sequence is followed. Due to their small sizes, they manage their business without the intermediate step of within-PPG work groups.

However, an interviewed legislator from the SP indicated that, next to the parliamentary party group meeting, they meet for a ‘team meeting’ (Dutch: *teamoverleg*). This meeting comprises the parliamentary party group colleagues in their policy area as well as the policy advisor (Dutch: *beleidsmedewerker*) of the parliamentary party group. The aim of these meetings is to discuss the weekly agenda and to decide who is going to speak. This makes similar in their form and function to the within-PPG work groups of the other parliamentary party groups described above. The difference with the within-PPG work groups of the larger parliamentary party groups is that “this is all very informal and we [the participants of this team meeting] have thought of it ourselves. [...] But most committees have something similar.” (Interview Tweede Kamer, 150416A).

The logic of this internal working procedure is very close to the one in the larger parliamentary party groups but not as ‘strict’. The parliamentary party group leadership is, as in the other parliamentary party groups of the Tweede Kamer, attentive and has the right to pick a debate which is considered important to discuss (Interview Tweede Kamer, 150414A). In the smaller parliamentary party groups of the Tweede Kamer, the connection between spokesperson and parliamentary party group leadership is more direct. As the three parliamentary party groups were in opposition at the time of the interviews, the legislators are also ‘more free’ and do not have to feed every single issue back to the parliamentary party group. An interviewed legislator of a small parliamentary party group argued that with regard to many issues the parliamentary party group’s position has been established for years and there is no need to discuss it again. When the main lines are accepted in the parliamentary party group meeting, the spokespersons enjoy a large amount of autonomy and it is not necessary to consult the parliamentary party group again. In case it is not entirely clear what the position of the parliamentary party group should be this internal work group is consulted. In case something is controversial it needs to pass through the within-PPG work groups (if it exists), but the parliamentary party group meeting in any case as well.

*“Only if it is big enough to discuss it [it is discussed in the parliamentary party group meeting]. So, if something is conflictual or if it is a new issue, you have to discuss it. Or if it is an alternation of an earlier position. But in these cases, you will also already have talked about it in the team meeting.”* (Interview Tweede Kamer, 150416A; 150414A)

<sup>198</sup> ‘Small’ still refers to parliamentary party groups whose number of legislators is smaller than the number of specialised committees.



In smaller parliamentary party groups legislators usually deal with several large portfolios. This wide range of their focus makes time a scarce resource. The interviewed legislator highlighted that the parliamentary party group heavily relies on the idea that the within-PPG work groups should reach an agreement. Only in controversial cases, the parliamentary party group is consulted. The “general idea is that you make an agreement and that is okay. Because otherwise we only have meetings all day long” (Interview Tweede Kamer, 150414A).

In the PVV and the CDA, the other two smaller parliamentary party groups in the Tweede Kamer from which legislators were interviewed, the line between spokesperson and parliamentary party group meeting is direct. No within-PPG work groups are established. However, this is not a parliamentary party group-specific setup but is rather due to their small size. The CDA, which was reduced to 13 seats in the legislative period of 2012 after the election (2010: 21 seats) does not rely on within-PPG work groups. The same goes for the PVV (2012: 15 seats; 2010: 24 seats). However, both parliamentary party groups did so when their numbers were larger in the past.<sup>199</sup> In these legislative periods, their procedures would be exactly like those in the VVD and the PvdA, i.e. with regard to within-PPG work groups, items on the agenda and the role of the parliamentary party group leadership (Interview Tweede Kamer, 150520A; 150520D). Another similarity is that everything still needs to be discussed in the parliamentary party group meeting if it is controversial or dealt with in plenary session (Interview Tweede Kamer, 150521D; also 150520A). In this sense, the same logic is applied as in the larger parliamentary party groups VVD and the PvdA. Similar to the SP, small issues can be dealt with solely at the level of the spokesperson in the PVV and the CDA (Interview Tweede Kamer, 150520D, 150520A). The process of drawing up the agenda for the parliamentary party group meeting in these three smaller opposition parliamentary party groups is the same as in the VVD. The parliamentary party group leadership decides which items are talked about in the parliamentary party group meeting. This includes all items that will be dealt with in a plenary session of Parliament. General consultations in committee are only placed on the agenda only if a legislator specifically asks for it. This does not happen very often (Interview Tweede Kamer, 150520D, 150520A).

In the legislative period which started in 2012 the lack of within-PPG work groups in the CDA, PVV and SP was highlighted as allowing for a much shorter ‘processing time’. An interviewed legislator from a smaller parliamentary party group argued that this allows them to be able to react to developments on a very short notice. This is of great advantage for an opposition parliamentary party group because of the high speed of the political game.

*“Let us use a fictional example. If you have a debate on Wednesday then you have to have all the information ready a couple of weeks*

<sup>199</sup> A respondent indicated that the CDA first established this system of within-PPG work groups and that the VVD at some point copied it when their numbers increased.

*earlier [if it has to go through the within-PPG work group]. And based on experience, if we have a debate which is sensitive politically, then 2 to 3 days before the debate all information is pushed forward from interest groups and so on.”* (Interview Tweede Kamer, 150520D)

Because of the channels that have to be passed in the larger parliamentary party groups, it may sometimes occur that they cannot take these new developments into consideration. This enables the spokespersons of smaller parliamentary party groups to incorporate these recent developments in their latest form, to, in some instances, bring the government under pressure. Another legislator argued that for his work the lack of such an “institutionalised debate” (Interview Tweede Kamer, 150521D) is more rewarding as it gives him a greater reliance on his political instincts. This allows spokespersons to make the decision on when he needs to consult the parliamentary party group. This confidence in the legislator is granted as long as it is not shaken by his actions. The smaller parliamentary party groups are, in certain instances, also not present at some committee meetings (e.g. general consultations on an issue), if they feel like there is nothing to gain politically and the deal is already closed between the coalition parliamentary party groups (Interview Tweede Kamer, 150520A). These insights of the smaller parliamentary party groups are interesting but need to be interpreted with caution. Legislators from larger parliamentary party groups did not mention these factors (institutionalised debate and the shorter processing time) as problematic in their work.

### **The Role of the Parliamentary Party Group Leadership in the Tweede Kamer and the Bundestag**

The theoretical framework predicts relatively diverse strategies for the actions of the leadership. The interviews in the Tweede Kamer and the Bundestag show that the parliamentary party group leadership has an umbrella-function in the whole process. It is highly attentive with regard to the developments in all within-PPG work groups. The primary source of information for the leadership is a special group which consists of the parliamentary party group leadership and the chairmen of the work groups. Such a board is established in the larger parliamentary party groups in the Tweede Kamer as well as in all parliamentary party groups in the Bundestag<sup>200</sup> (Interviews Tweede Kamer, 150430B; Interview Bundestag, 150114C).

Next to the short-term drafting of the agenda for the next parliamentary party group meeting, this group serves the function of sharing information and for coordination. Via this group the parliamentary party group leadership gets updated constantly on the proceedings in each within-PPG work group. In all parliamentary party groups, the interviewed legislators argued that the discussion in this group does not primarily focus on the content of an issue.

<sup>200</sup> In the CDU/CSU parliamentary party group this group is informally referred to as the *Kauder*-group, named after the chairman of the CDU/CSU-parliamentary party group. Legislators in other parliamentary party groups did not specifically use an informal name.

Rather it serves to inform the parliamentary party group leadership on the general direction in which the discussions in the within-PPG work groups are going and possible problems which may arise (Interview Bundestag, 150129C). A Dutch legislator argued that this group is even cautious to not give the wrong impression of trying to deal with too many issues:

*“We try to talk as little content as possible there. The content belongs to the parliamentary party group. Otherwise, you get a small club which decides on the content for the whole parliamentary party group and that is a little weird”* (Interview Tweede Kamer, 150506A)

Additionally, the parliamentary party group leadership gets all information it deems necessary outside of this institutionalised group by approaching individual spokespersons, policy advisers of the parliamentary party group and the chairs of the within-PPG work groups.

*“It depends on the topic. So our parliamentary party group leader, when he wants to know very specifically what is the status on [a topic], then he will be intensely informed. He will get so much information as he deems sufficient and he knows that. And when he does not want to be informed then he clearly does not have an interest in the topic and lets us get on with it.”* (Interview Bundestag, 150119C)

*“The last talk I had with [my parliamentary party group leader] he said to me ‘things are going well, right?’ and I said ‘well, great that you think so but how do you know?’. And he said ‘I know everything.’ [...] He is a very smart man who gets himself very well informed and knows very well what is a sensitive issue.”* (Interview Tweede Kamer, 150423A)

As a general rule the parliamentary party group leadership always has the last word and a powerful, undeniable veto (see also earlier studies by Patzelt, 1999; Kintz, 2011). A legislator argued that “no bill passes the parliamentary party group meeting when the leadership does not agree with it. I have not witnessed that in 12 years.” (Interview Bundestag, 15013B). Similarly another legislator noted that “if the parliamentary party group leadership says that it is not okay then this will of course not make the agenda.” (Interview Bundestag, 150119A, see also Interview Tweede Kamer, 150422E). The criterion that the parliamentary party group leadership primarily applies is whether the proposal can harm the parliamentary party group (Interview Tweede Kamer, 150521C). To illustrate, one interviewed legislator referred to a situation in which a motion was drafted by the spokesperson and went through the proper channels internally. However, the parliamentary party group leadership made an assessment on how their voters might see this and eventually stopped the motion:

*“[The parliamentary party group leadership, German: geschäftsführender Vorstand] whistled us back. This group does not*

*replace the experts but there you have the all-rounders. They always ask 'is this an issue we can score with or do we score an own goal with that?'. Everything was technically correct but we know that someone would swoop down on this if they would find fault with it. And we did not push it through eventually."* (Interview Bundestag, 150129E)

As has been mentioned briefly above, the parliamentary party group leadership is privileged to take over an issue and may always decide to do so this occurs mostly if a matter is seen as politically very sensitive or touches the very core of the coalition agreement in case of government parliamentary party groups. When the leadership decides to take over an issue, it has the right to do so and to speak on it. Legislators then have to swallow this pill, although they are not always happy that something is taken out of their hands (Interview Bundestag, 150212A). However, there was no indication that this is a frequent occurrence. A legislator assessed that the parliamentary party group leadership is "friendly towards the expertise of the lower levels but also in our parliamentary party group there is 'Chefsache' and that is a good thing" (Interview Bundestag, 150119B; also 150115D). The influence of the parliamentary party group leadership is sometimes more 'subtle'. This is done by either bringing a point to the attention of the spokesperson in the period when the position is initially developed or by pointing out the cornerstone of a policy and leaving the "finishing touch" (Interview Bundestag, 150119B) to the legislators. Such advice is usually followed (Interview Bundestag, 150112A).

When the parliamentary party group leadership decides to take over an issue, though, then it is really taken to a different level and neither the work group nor the spokesperson have much say in it any more.

*"So if it is something which is relatively clear and we have bound ourselves in the coalition agreement consensually, then it goes up the ladder and the parliamentary party group leadership says 'OK go on, negotiate this with the specialists of the other party'. And in the end, there is a check sign on it. But if these are controversial topics, like [...], this construction really goes back and forth three times between the specialists, then to the level of the parliamentary party group leadership, then down, then back to the party policy advisor of the parliamentary party group (German: Fraktionsreferent) and in this case also to the leading ministry. So there are many loops which are interconnected and I only now that it goes back and forth but I am not involved personally."* (Interview Bundestag, 150123A, also 150212A)

Similarly, a Dutch MP noted:

*"We have had that with FYRA [international high-speed rail service between the Netherlands and Belgium]. And [the parliamentary party group leadership] listens to you but it is about the larger weighing of interests. So the issue is not in the within-PPG work group but it is*

*discussed and decided somewhere else [at a higher level].”* (Interview Tweede Kamer, 150422E)

In both of these legislatures, interviewed MPs pointed towards a relatively autonomous self-conception of their relationship with ministers. When asked about the impact of issues decided by the parliamentary party group on the minister, an interviewed legislator argued that if the parliamentary party group meeting decides something then it is very unlikely for a minister to oppose it afterwards. He or she would have had a chance to work on it earlier and opposing if afterwards is seen as a sign of weakness.

*“I have never witnessed that a minister would vote against an issue decided in the parliamentary party group meeting. Because then everybody would think that he should have solved this issue earlier and was not able to push through.”* (Interview Bundestag, 150119B)

Similarly, a Dutch MP noted that the parliamentary party group possesses a degree of autonomy from the executive.

*“We never have to ask for permission from the minister. We are the boss and that is how it is. So we do not surprise each other and you try to do things in good faith with negotiations. But if the minister says ‘no’ then there is a good chance that we will do it anyway. We are the parliamentary party group.”* (Interview Tweede Kamer, 150604A)

To a certain extent, these statements need to be viewed with caution, as these self-perceived roles might be overstated. However, they fit nicely with the general perception of the division of labour and the working procedure of parliamentary party groups in the two legislatures.

In the Netherlands, an additional way of reconciling differences with the spokesperson being present are the weekly meetings of government ministers, state secretaries (Dutch: *staatssecretarissen*), the parliamentary party group leader and party leader of one government party (Dutch: *bewindspersonenoverleg*). A similar institution was not mentioned by German legislators, most likely because of the fact that ministers frequently attend the parliamentary party group meetings which allow for discussions on such matters. The weekly meetings in the Netherlands serve to discuss the most important political issues. This institution also has an effect on the work of the spokespersons. During the meeting, a selection of topics and issues is covered which are controversial (Interview Tweede Kamer, 150521A). Usually the agreements and conclusions of the discussions would be channelled back to the chairs of the within-PPG work groups and then further to the spokespersons (Interview Tweede Kamer, 150521A). The chairs of the within-PPG work groups can also have a regular, direct link to government ministers and state secretaries:

*“I have established this channel on my own. Other within-PPG work groups do not have that. In case there are conflicts I will take the*

*spokesperson with me to the public official and we will try to solve this.” (Interview Tweede Kamer, 150521C)*

The role of the parliamentary party groups outlined by the respondents in the Tweede Kamer and the Bundestag need to be placed in the framework. Hitherto, it was argued that the proceedings in the parliamentary party groups of these two legislators are best described in terms of an informational rationale (embedded within a parliamentary party group centred context). Is the strengthening of the role of the leadership reason enough to rather frame the proceedings under what is labelled in this study as the partisan rationale? After all, respondents highlight the veto of the parliamentary party group leadership and the ability to declare issues as ‘Chefsache’. Fundamentally, the distinction between these rationales refers to the ratio of decisions in which the spokesperson can decide and decisions in which the leadership takes over. The partisan theory is viewed as a middle ground in this thesis (see section 3 on p. 40) but there is a clear and important line that the leadership has.

In most cases (the vast majority) the ‘rank and file’ members are able to ‘sort it out’ among themselves. The spokespersons have the first pick and may develop the initial position. The main principal in this regard is not the parliamentary party group leadership (which is an important element of the partisan rationale used in this study) but the parliamentary party group as a whole. Additionally, all issues can become sensitive and the leadership is not entirely autonomous in its decisions. These two arguments are used as the two building blocks for my argument on describing the procedures with an informational rationale. It is not true that there is a simple distinction between technical issues (which remain in the realm of the ‘rank and file’ members) and sensitive issues (which are sorted out and decided by the leadership). It is rather the case that technical as well as sensitive issues can be decided by the members and a small number of highly sensitive issues are taken over by the leadership. This does not qualify to capture the whole process with the partisan rationale. It is not surprising that the veto right exists for the leadership in highly organised parliamentary party groups of the Tweede Kamer and the Bundestag.

### **‘Outside of the Parliamentary Party Group’: The Relationship with Legislators of the Coalition Partner**

For coalition parliamentary party groups the coordination with the coalition partner is an additional step in the process. The coalition parliamentary party groups have committed to working together, the iron rule is “not to surprise each other in committee” (Interview Tweede Kamer, 150422B; also 150423A). This can initiate relatively complex parallel processes with the specialist of the other parliamentary party group as well as the parliamentary party group leadership of both parliamentary party groups.

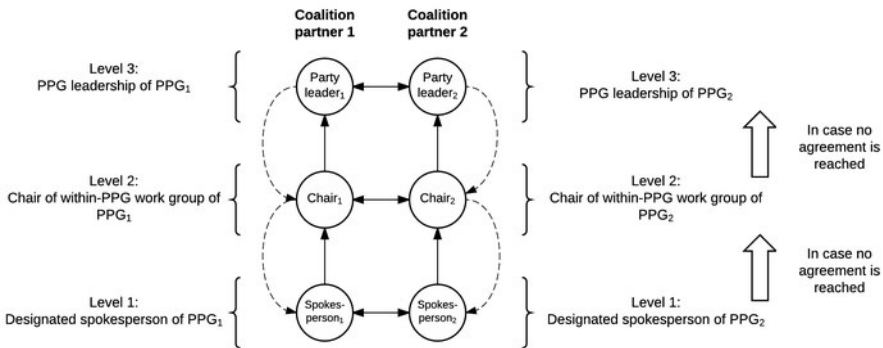
There is really no guideline on how these processes run or how complex these become. It mostly depends on the policy differences between the parties, the importance of the issue and the level of politicisation (Interview Bundestag,

150123A). As a guideline, the pattern with regard to the internal escalation ladder is applicable in the same way *between* parliamentary party groups. The first link in the chain would be the designated spokespersons in each coalition parliamentary party group. Legislators would first align with the views in their own work groups as a primary focal point and would then talk to their counterpart in the coalition partner. However, this is often very much structured by the personal interaction between spokespersons.

*“Formally, you would look at your own position and then to the other side. But this depends on the relationship. I had a really good relationship with my counterpart. And this means that we would plan ahead on how we will do things. So if you trust each other then this works out fine. However, I know spokespersons who cannot stand the sight or smell of each other. Then it becomes difficult and it initiates the escalation ladder much more often.”* (Interview Tweede Kamer, 150521C)

In case spokespersons of coalition parliamentary party groups cannot reach an agreement, an issue would again go up to the level of chairmen of the within-PPG work groups of the coalition parliamentary party groups. If the chairs of the within-PPG work group cannot solve the issue then it is placed on the level of the parliamentary party group leadership.

Figure 6.6: Schematic depiction escalation ladder between parliamentary party groups in coalition



Source: Own depiction. The thin broken line depicts a situation in which a decision is passed back to the lower level.

These (in)formal talks of parliamentary party group leaders can take place among the parliamentary party group leadership in the legislature. In Germany an additional step *outside* of the legislature is the *Koalitionsausschuss* (coalition committee). This is not a parliamentary party group organ but is an additional step on the escalation ladder to discuss the ‘heavy’ issues of the coalition. It

comprises the Chancellor as well as the parliamentary party group leadership and, depending on the issues, federal ministers as well as parliamentary party group experts (Busse & Hofmann, 2010, p. 108).<sup>201</sup>

In the Tweede Kamer, a similar institution is the ‘turret consultation’ (Dutch: *torentjes overleg*), a weekly meeting of the leaders of the parliamentary party groups, the Prime Minister and the deputy Prime Minister. This informal meeting is, however, mostly used to discuss potential threats to the survival of the coalition in the longer run, less so to actually take decisions on matters (van den Berg, 2003, p. 71).

There is very little evidence that the relationship between spokespersons of one coalition partner and another coalition partner is particularly amicable in committees. Several legislators highlighted that they had a good relationship with their counterpart, but several legislators also mentioned the relationship as a ‘partnership of convenience’. The main focus for most respondents is clearly their own parliamentary party group. Most legislators argued that they would first coordinate their decisions with their own within-PPG work groups, and then talk to the spokesperson of the coalition partner (see e.g. Interview Bundestag, 150127A; Interview Tweede Kamer, 150423A, 150423B). This is not a fixed rule, but rather established practice. The same legislators also highlighted, that in certain situations one might first talk to the spokesperson of the coalition partner. This might be necessary because the nature of a topic requires a speedy decision and the within-PPG only meets in a couple of days (Interview Tweede Kamer, 150423B).

Despite these exceptions, the predictions of the ‘keeping tabs’ perspective are supported. Legislators frequently argued that their contact with spokespersons of the coalition partner is aimed to “keep an eye” on them (Interview Tweede Kamer, 150423B).<sup>202</sup> This is also illustrated by a German legislator who kept referring to the spokesperson of the coalition partner during the interviews as his “friend from the dark side of the force” (Interview Bundestag, 150130E). This statement is of course amusing, but it highlights the close, yet distant relationship between these legislators.

### **Committees as the Optimal Decision-Making Forum? The Dynamic Between Opposition and Government Legislators**

A final issue addressed in the interviews is the dynamic between opposition and government parliamentary party groups in general. Sartori (1987) has argued that committees are consensus building institutions and an ideal arena for conflict

<sup>201</sup> It is mentioned here as its decision have importance for the work of legislators in the legislature. In one of its meetings in April 2015 parliamentary party group leaders discussed the work of the German Federal Intelligence Service *Bundesnachrichtendienst* (The meeting took place after the uncovering that the agency had assisted the American NSA), the reorganisation of the Federal/Länder-financial relations and the future of the so-called *Solidaritätszuschlag*, asylum policy (a highly sensitive topic due to an influx of asylum seekers) and two additional topics which divide for the coalition partners, i.e. minimum wages (*Mindestlohn*) and the implementation of the energy turnaround (Bannas, 2015).

<sup>202</sup> In Dutch: “En ik wil hem ook een beetje in de gaten houden.” (Interview Tweede Kamer, 150423B)



resolution which lead to the establishment of a consensus. In general, legislators highlighted a respectful interaction within committees. In the Bundestag, the huge majority of seats of the Great Coalition has led several committee chairs to adopt special rules which disproportionately benefit the smaller parliamentary party groups, e.g. with regard to speaking time (Interview Bundestag, 150128C). However, there was little evidence that parliamentary party group boundaries are blurred. Parliamentary party group alignment is not weakened during debates.

*“What I can say is that in general consultations (Dutch; algemeen overleg), the interaction between spokespersons of different parliamentary party groups is good. But then I immediately have to add that the debate is sharp and political and does not really differ when compared to the plenum. Even stronger, the hardest debate we had since [my first year in the chamber] was during a general consultation (Dutch: algemeen overleg).”* (Interview Tweede Kamer, 150521D).

There is very limited evidence from the interviews that discussions in committee do not reflect the government-opposition divide from the chamber (see also for similar observations on the Tweede Kamer Louwerse & Otjes, 2015). This is despite the fact that within a committee legislators are clustered who work on topics which are very dear to them. During the discussions of bills, the government has a built-in majority in committees and government legislators are very aware of the fact that they can vote down opposition proposals or block issues from being placed on the agenda. Opposition legislators are very aware of this, as well. During the interviews, there was no evidence that a different majority situation in the upper chambers (the Senate in the Netherlands, the Bundesrat in Germany) changes the relationship between government legislators and opposition legislators. As an example, the Dutch government had no majority in the Senate after the election of 2012. Even though the government had to make several important deals with opposition parties, neither opposition legislators nor government legislators referred to them during the interviews with regard to changing the dynamic during the committee stage of the lower chamber.

However, outside of legislative discussions, a legislator argued that an ‘esprit de corps’ (Interview Bundestag, 20150114C) is present which transcends party affiliation<sup>203</sup>, but this is limited when it comes to debating policies. Contradicting Sartori’s view on committees, the interviews confirmed to a large extent the view by Damgaard and Mattson (2004) who have argued that there is no sign of weakening parliamentary party group affiliation in committees. Party politics trumps fraternisation with legislators from other parliamentary party groups who might feel the same about the topic. One parliamentary party group in the Bundestag has the general rule to reject all proposals from the opposition:

<sup>203</sup> *“There is certainly a degree of an ‘esprit de corps’ (German: Korpsgeist): ‘We as legislators specialising in traffic policy get less and less money’ (German: Wir Verkehrspolitiker kriegen immer weniger Geld)”.*

*"It is not a surprise at all that motions from the opposition are rejected as a basic principle. They could present us the Ten Commandments, we would reject it. That is the way it is. It is a pity because sometimes they have sound things, but well. For these things we would have other routes, for example developing something together, but they know that and do not make use of it."* (Interview Bundestag, 150114C)

## **The Individual Legislator in the Policy-Making Process of the Dáil**

### **The Division of Labour in Parliamentary Party Groups of the Dáil**

The Dáil offers an interesting contrast to the other legislatures analysed so far. In the Dáil, there is no strict distribution of specific responsibilities within the parliamentary party group like in the Tweede Kamer or in the Bundestag. When asked whether a TD would consider all legislation in an area or whether somebody does certain sub-themes, the TD argued:

*"No. You are free to decide as each issue comes along because one TD may have a particular interest in the [topic], or some may have an interest in [another topic]. There is a degree of freedom."* (Interview Dáil, 141209C).

During the committee stage there is also no system of formal reporting back to the parliamentary party group (Interview Dáil, 141202C) and also no formation of within-PPG work groups which would allow TDs of one parliamentary party group to talk to each other on how to act in committee. Legislators indicated that they have great freedom in committee.

*"We are four members. I can only think of twice in the whole four years, where we would have come together. We are pretty free."* (Interview Dáil, 1412109C)

This is a stark contrast to the processes in the Tweede Kamer and in the Bundestag. With regard to the first group of actors ('rank-and-file' legislators from the same parliamentary party group who sit on the same committee) it can be concluded that individual legislators are highly autonomous. Compared to the intricate system of division of labour and within-PPG work groups in the Bundestag and the Tweede Kamer, the internal processes in the Dáil are puzzling. There is hardly any internal division of labour as no intermediate within-PPG work groups are established. Figure 3.1 (p. 54) can, therefore, be seen as a fitting schematic depiction of the internal structure of Irish parliamentary party groups.

The only exception is a system of within-PPG work groups which the parliamentary party group of Fine Gael has set up in the 31st Dáil as an

innovation for this term.<sup>204</sup> Initially, there was not a within-PPG work group for each ministerial department. Since their first establishment after the beginning of the 2011 legislative period, the number of within-PPG work groups has been extended due to the increased workload. There are now 15 within-PPG work groups which mirror each of the 15 ministerial departments<sup>205</sup> (Email Mark O’Doherty, Policy Adviser to the Government Chief Whip, 4th March 2015). So far, other parliamentary party groups have not established similar structures.

Even though these ‘internal committees’ appear to be similar institutions to those in the Tweede Kamer and the Bundestag, they are not. Their structure, as well as their purpose, is different. There is no fixed membership to these work groups; all parliamentary party group members are free to attend depending on their interest in the issue being discussed. They are supported by the research staff and chaired by a TD. The chairs also report to the weekly parliamentary party group meeting on the content of their work group. This specific type of within-PPG work groups is used for two purposes. First, the short-term preparation of the TDs, i.e. to allow for a briefing from the minister before they would get into the public session; Second, they are used as a deliberative institution for the preparation of long-term policies or sharing of information. The process was characterised by a respondent as “ongoing policy formation and policy formulation” (Interview Dáil, 141202C).

*“[These work groups] are for information sharing whereby a minister can come in and speak to the guys: ‘You are all here because you are interested in farming issues, let me tell you what is happening with our milk subsidies in the next months.’”* (Interview Dáil, 141203C)

This usage for information sharing is their primary purpose. In this sense, these internal committees in the Fine Gael parliamentary party group clearly differ from their counterparts in the German and Dutch legislature. This can already be seen by the fact that they mirror the ministerial departments, but not the committee system of the Dáil. The internal work groups in the parliamentary party group of Fine Gael are mainly used for the deliberation of agenda items on the short-term. In the Bundestag and the Tweede Kamer, the internal ‘layers’ are preparatory organs which provide additional checks and balances for the parliamentary party group.

### **The Room for Manoeuvre of Legislators: Other Legislators and the Leadership**

The lack of internal structures within parliamentary party groups has important ramifications for the room for manoeuvre of legislators. As there are no ‘fixed’

<sup>204</sup> They were referred to as “internal committees” during the interviews. In order to have terminological consistency, the term within-PPG work groups will be used.

<sup>205</sup> Agriculture, Food and the Marine; Arts, Heritage and the Gaeltacht; Communications, Energy and Natural Resources; Education and Skills; Environment, Community and Local Government; Finance; Foreign Affairs, European Affairs, Trade; Health and Children; Jobs, Enterprise and Innovation; Justice, Equality and Defence; Public Expenditure and Reform; Social Protection; Transport, Tourism and Sport

institutionalised patterns, the relationship of individual legislators with the other groups of actors outside of their own committee<sup>206</sup> is also different. During the interviews it became apparent that a distinction needs to be made with regard to the proceedings regarding issues which fall under the right to take up on the committee's own initiative and draw a report on (discretionary workload) on the one hand and the legislation sent to the committee through the main chamber on the other. When dealing with legislation, government TDs are under a relatively tight whip and already know what the position is before a proposal enters committee stage. This can most likely be ascribed to the fact that the committee stage in the legislative process of the Dáil is later than in the other two legislatures (after the general debate). A TD argued that, when the bill reaches the committee, it is almost too late to change anything, as “[...] [a bill] will have already been debated in the Dáil and that is where you would try and put your amendment in, you would try to convince the minister to put in your amendment before it went to the stage of the committee” (Interview Dáil, 1412109C).

*“In a vast majority of the committee work in legislation the position has already been adopted at the second stage. So the members of the committee have the party line going in. If they have a difficulty and only if they have a difficulty, they will come back to the parliamentary party group meeting.”* (Interview Dáil, 141202A)

This means that the position of the parliamentary party group on a bill has been established before it reaches committee stage. In case an issue arises for the government in committee “[...] the chief whip or someone close to him would approach those members on the committee and would help them understanding what line the committee was taking or get those members to help the government in committee” (Interview Dáil, 141203C). This is strong evidence that with regard to legislation a close interlocking between executive and government TDs exists (see also B. Farrell, 1994). This is hinted at by the terminology used in the Dáil which follows from the monistic system of Ireland (No separation between the cabinet and parliament, see p. 65). Irish Ministers remain members of parliament as ‘frontbenchers’. The minister, rather than a specific legislator, is the spokesperson for a government party in a given policy area. A legislator summarised: “[...] spokesperson is for the opposition, ministry is for the government. [...]” (Interview Dáil, 141203E).

This different relationship between the executive and the legislature may account for these contrasting procedures in the Netherlands and Germany on the one hand, and the Irish case on the other hand. The Netherlands is a dualist system in which ministers and secretaries of state are not members of parliament. Although there are no rules in Germany which prescribe the incompatibility of the parliamentary mandate with the ministerial office (Vilain & Wendel, 2015, p.

<sup>206</sup> (2) ‘rank-and-file’ legislators from the same parliamentary party group who do not sit on the same committee and (3) the leadership of the own parliamentary party group.

142) and German ministers usually remain members of parliament<sup>207</sup>, German ministers do not, however, act as their parliamentary party group's spokesperson. This grants the parliamentary party group in the legislature the possibility to develop their own expertise within the parliamentary party group and act as a credible counterpart of the executive.

In committee, government TDs in the Dáil know the line the executive wants to follow. Committee members, who are government TDs, support the minister's proposal. If the minister does not support the opposition's amendments, then the legislators will also not support them (Interview Dáil, 141202B). Legislation is dealt with under a parliamentary party group whip. Such a spokesperson - minister relationship reverses the picture that was sketched by Dutch and German parliamentary party groups and resembles the partisan rationale of legislative organisation. Based on this rationale the role of the leadership is strengthened and committees are 'under the thumb' of a strong leadership.

However, this does not mean that the decision is simply dictated by the executive without any possibility to give feedback. That simply happens earlier and somewhere else. Interviewed government legislators indicated that there is a process of ongoing policy formation and policy formulation in the parliamentary party group meeting before policies are formulated (Interview Dáil, 141202C). They also highlighted the easy accessibility of ministers to legislators and Senators due to the structure that exists in the parliamentary party groups (Interview Dáil, 141208B), i.e. outside of committees. A policy would, therefore, "be formed in that sort of progressive way" (Interview Dáil, 150212C). Policy plans of ministers are discussed with external advisory committees, made up of members of the party organisation, policy advisers of the parliamentary party group in parliament, and the parliamentary party group leader. An issue is discussed on a number of occasions in the parliamentary party group meeting where all legislators and ministers of the parliamentary party group are present. In case a government legislator would like to change something, the discussions with the ministers would, therefore, take place in this meeting and not in committee. It is, of course, possible for government TDs to table an amendment "if they feel that the legislation is not strong enough" (Interview Dáil, 141211A). In most cases, however, the discussions within the parliamentary party group would be preferred to this. An interviewed government TD described the process as following:

*"What generally happens is that when the parliamentary party group meets, the minister, not in every case but in many cases, would be there so you can say openly 'I don't agree with that', or 'I think you should change it'. [...] So rather than having sort of a conflict with your own minister in committee it helps to sort of press upon the minister and indicate that I have a very strong view on this. [...] It*

<sup>207</sup> An exception of this is the practice in the Green Party which passed a resolution on a party convention in 2001. This resolution prescribes a separation of ministerial office and parliamentary mandate (SpiegelOnline, 2001).

*does not always work. Sometimes the minister comes back and says 'No we can't do that because of reasons A, B, C'. But it is another avenue for exploring differences that might be in the bill. But it does not always work.'* (Interview Dáil, 141209C).

This means that when an issue comes to the committee the members of the parliamentary party group would already have decided what they are going to do. There might be “certain tweaks and certain amendments and small changes, but the main bulk, the main drive of the policy stays as it is” (Interview Dáil, 141202B). The fact that ministers participate in the parliamentary party group meeting does not explain these differences with the Dutch and German case. Although there is a strict division in the Tweede Kamer and Dutch ministers usually do not participate in the parliamentary party group meetings in the Tweede Kamer, they do in Germany. Ministers attend these meetings on a regular basis (Patzelt, 2005, p. 257) and also participate in the discussions. It would, therefore, be too easy to conclude that this difference can be ascribed to the monistic system of the Irish political system and the dualist Dutch ‘way’, as processes in the Bundestag do not fit.

Opposition TDs in the Dáil are largely autonomous from their parliamentary party group in the positions they develop when dealing with legislation. They frequently, in some cases always (Interview Dáil, 141203E), table an amendment after the committee stage (report stage). These would, however, usually not be called for a formal vote. Rather, these amendments are given to the minister who would subsequently give reasons on why he or she disagrees (Interview Dáil, 141204B). There are instances, usually when a legislator feels very strongly about an issue, when opposition TDs call for a vote (Interview Dáil, 141205A).

*“During the committee stage of legislation, you obviously have some divisions. But generally, the opposition in committee does not call votes because the government has the majority. So what you do, is giving your amendments to the minister. And the minister will probably provide reasons why she disagrees and you accept it reluctantly.”* (Interview Dáil, 141204C).

However, there is no feedback to the parliamentary party group with regard to the amendments comparable to the parliamentary party groups in the Tweede Kamer and the Bundestag. For opposition TDs, there is a strong reliance on the spokesperson to determine the parliamentary party group policy and a general level of trust towards the spokesperson of a parliamentary party group. Even in case someone wants to be informed, this would not occur during the meetings of the parliamentary party group. The most common way of being informed about the amendments that the colleagues of the same parliamentary party group table is via the internal documentation system of the legislature. Legislators are able to access parliament’s documents electronically and read through them. In case a matter is a very important and central issue, the opposition’s parliamentary party group leadership is consulted. However, the other legislators of the parliamentary party group are not consulted.

*"I have no idea of the amendments of my colleague in the justice committee. [...] I know where we as a party are in our mindset and I am not going to do something that is not in the mindset [of my party]. [...] We know where we are in terms of left, right, center, whatever. And I draft the amendments and it will then go into report stage. But when the legislation is coming through the second stage debate before it goes to committee, there is always a vote. And we leave it to our spokesperson to say we are voting against this legislation or we are not voting against it. [...]. When it comes to the legislation we don't have a big debate at the front bench in our own parliamentary party group. We trust our colleague to know and if there is a big, big, big issue he will have talked to the leader and the leader's adviser. (Interview Dáil, 141209C).*

*"Certainly in [my parliamentary party group] committee members would make his/her own decisions at committee-level. However, if they were unsure we would communicate with the parliamentary party group organisation." (Interview Dáil, 141211D)*

These statements indicate that parliamentary party group leaders are the primary focal point of opposition TDs in case a controversial issue arises. TDs would rather seek the advice of the leadership, instead of backing up their position with their colleagues. This is a stark contrast to the institutionalised patterns of Dutch or German parliamentary party groups. When dealing with legislation, the image provided from the interviews is clear. Government TDs represent the line established by the minister (as spokesperson), while opposition TDs are relatively autonomous with regard to the positions they take and the amendments they table. The involvement of the parliamentary party group leadership is stronger compared to the Bundestag and the Tweede Kamer. In case of government TDs, the leadership weighs in heavily on the positions. The other members of the parliamentary party group do not get informed naturally.

### **The Working Procedures for Discretionary Issues**

This process is applicable to issues regarding legislation, the interviews also focused on the room for manoeuvre with regard to discretionary issues (issues the committee puts on its own agenda). Interestingly, legislators of both opposition parliamentary party groups and government parliamentary party groups indicated a level of freedom concerning these issues (Interview Dáil, 141211D). This freedom is frequently used in order to decide on the topics that a report should be made on. These reports have been used to address an issue in a constituency (Interview Dáil, 141209A) and led to a more 'rewarding' application of committee work. Legislators depicted several meetings in which outside groups would be brought in to address an issue of relevance to them. These can vary from inner-city problems such as raising the matter of on-street

begging and the impact it has on tourism (Interview Dáil, 141204C) or other local issues:

*“For instance, the rural post offices was an issue in my own constituency [...] There was no consultation with local communities in this regard. So we made a report which said there should be consultation and that the government should engage with local communities. For me, this was satisfying in the sense that there was a new model here. I felt I had influence in that and [...] the status of committees has been upgraded.”* (Interview Dáil, 141209A)

A relatively new channel of influence, in which all parliamentary party groups participate, is the introduction of the *pre-legislative scrutiny* in 2011. This process allows for the scrutiny of draft legislation by the Irish parliament through committees before the legislation is formally submitted. The draft legislation is submitted to the parliament in general schemes (the ‘heads of the bill’). After finishing their task, the committees report back to the government before a final version of the bill gets drafted. This new process was seen as a significant development in how parliament and government interact. Respondents highlighted this new possibility of input as an additional power for committees (Interview Dáil, 141209C, also 141202C).

*Author: “How does pre-legislative scrutiny affect the workings of the committees from your own experience?”*

*TD: “It is great for me as a backbench TD in government. Before pre-legislative scrutiny we had absolutely no input whatsoever into the drafting of legislation other than finding a minister and telling him would you please, please, please dig into this little bit. And they could dismiss you or not dismiss you or not listen to you. Sometimes you might not even get an audience with him. Right now I have an opportunity, on the record of the national parliament, to put forward either my critique or positive suggestions for framing legislation for the particular purpose [...]. We never had that before. That’s hugely important [...] and very few people actually recognise and realise it.”* (Interview Dáil, 141209C).

Despite this added value, some legislators were critical about the pre-legislative scrutiny. They argued that in many instances there are not enough resources for the committees to scrutinise the heads of the bills (Interview Dáil, 141204C). A number of legislators pointed to more fundamental problematic elements with regard to the status of committees. The workload was seen as very high (Interview Dáil, 141204C; 141203E). Legislators face the need to balance the preparation of topics of debate but also other topics which TDs speak on, meeting different groups of people and the constituents. There is simply not enough time to really invest in committee work. Given the importance of the local sphere (see also D. M. Farrell et al., 2012), the



sometimes very technical content of committee work has little added value for a TD with regard to his or her constituents. Subsequently, it does not have a very high status and attendance is poor (Interview Dáil, 141204C; 141203E). One legislator was very blunt about this: “[...] I mean if the choice is between being at a committee meeting and your constituency, everybody would be in the constituencies” (Interview Dáil, 141204B).

### **The Dynamic Between Coalition Partners and Opposition MPs**

A final issue is the relationship of individual legislators with ‘rank-and-file’ legislators from other parliamentary party groups who sit on the same committee. With regard to the dynamic between TDs from coalition partners, Irish interviewees did not emphasize that committee membership is used to closely monitor the minister(s) of the opposition party. Rather it was argued that committees are very weak because they are controlled by the government and therefore possibilities for control are limited (Interview Dáil, 141203C). This is in stark contrast to the proceedings in parliamentary party groups of the Bundestag and the Tweede Kamer. Because positions are established before the bill reaches the committee stage, influence is exerted earlier and via other lines due to the approachability of ministers for other legislators as well. Committee members also do not get assigned a specific topic within a committee and therefore do not function as early warning mechanisms for the parliamentary party group.

With regard to the dynamic between committee members of the opposition and the government, a more nuanced picture emerged from the interviews. In negotiations concerning legislation, just like in the Bundestag and the Tweede Kamer, a clear government-opposition division is upheld. The role of the opposition in discussions in committees was described as sharp and critical of government policies with “the opposition attacking the minister and all the government backbenchers on the committee defending the minister and saying that he or she is doing a great job” (Interview Dáil, 141204B). If the minister does not support the opposition amendments then the TDs of the government also do not support them (Interview Dáil, 141202B). Legislative reports usually clearly reflect the views of the majority. It was seen as “highly, highly unusual that a committee report would be critical of a government minister or of government policy” (Interview Dáil, 141205B). The dominant role of the executive is highlighted in this regard as well. This sharp division and clear demarcation of opposition - government is also visible in the fact that, although the opposition usually drafts amendments, they do not call for votes as it is expected that they would be voted down by the government (Interview Dáil, 141201A, 141204B, 141209B).

Interestingly, the relationship of legislators outside of the committee stage of legislation is different. Instead of the clear government - opposition division, legislators of both sides argued that when it comes to pre-legislative scrutiny and to drafting of the reports, the atmosphere is much more collegial. Also,

all-party reports are more likely to emerge. One opposition TD argued that government TDs are “much freer to raise issues” (Interview Dáil, 141205B) during pre-legislative scrutiny. This statement about the group of TDs has to be interpreted with caution, of course, as it is made by an opposition TD. However, interviewed members of the government also argued that in those instances it is a “less adversarial kind of forum” (Interview Dáil, 141208B). In these instances with a consensual process, an interviewed opposition TD argued that “when it’s working, it is parliament at its best” (Interview Dáil, 141214C).

### **Conclusion: An Informational Rationale to ‘Keep the Sludge Moving’ versus Executive-Dominated Committees**

The interviews in the three legislatures uncovered clear differences in the way that committees work. Two relatively distinct working procedures have been established: the Tweede Kamer and the Bundestag on the one hand, the Dáil on the other.

In the Tweede Kamer and the Bundestag, the process corresponds very closely to what is described by an informational rationale. Individual legislators are able to develop the initial positions with relative autonomy. Generally speaking, the opinion of the spokespersons weighs heavy in within-PPG discussions. However, these positions are not developed out of the blue but cross-checked against a range of factors (e.g. the position that the parliamentary party group has taken in the past). The factors had a logical sequence. After the development of a first position, all legislators in committees are placed in a more or less intricate system of checks and balances which perform a constant check on the developed position. Once a position has been developed, the legislators have to go through a system of scrutiny via the internal work groups established in the parliamentary party groups. At least one group of legislators has to be consulted which controls the legislator’s work. With regard to the impact of the groups, they are rather selective and do not come into action in any instance. The other legislators do not frequently change the proposed position. If something is not seen as central or conflictual, spokespersons have relatively high autonomy. However, every legislator from the parliamentary party group has the right to get more information on a topic. A wish from a legislator is sufficient in order to put something on the agenda in the parliamentary party group meeting and discuss it.

Outside of the formal structures, the possibility exists to approach a legislator on a personal level. Legislators make frequent use of this. The parliamentary party group meeting is, in any instance, the last hurdle that a position has to overcome. In some smaller opposition parliamentary party groups, the threshold is very high. An intervention almost never actually occurs, but the possibility does exist. The system has several characteristics of a bureaucracy. There is a clear hierarchy with defined responsibilities. Spokespersons within a parliamentary party group execute their task within clear rules. In this sense, committees are clearly instrumental to ‘keep the

sludge' moving. The workload for the parliamentary party groups and the plenum is outsourced to committees. For many issues which are not of particular importance to the parliamentary party group, spokespersons have great autonomy. It is the legislators' responsibility to rely on his or her political instincts. When developing the parliamentary party group's position, legislators need to consider the wishes of the parliamentary party group. If it does not satisfy the other legislators of the parliamentary party group, it needs to be changed. Legislators are personally responsible for their portfolio and are accountable. Even if the issue does not eventually reach the parliamentary party group, the position needs to have majority appeal. Within-PPG work groups comprise specialists of a parliamentary party group in the wider policy area and perform a check on a technical level. Higher-level groups (the parliamentary party group as well as the parliamentary party group leadership) have the possibility to get informed about the proceedings and can intervene. The attentive leadership assesses the political impact of the issue and the perception from the outside rather than the technical solution.

This form of collective intelligence and collective responsibility is exactly what the deduced informational rationale of committee workings predicts. The incorporation into within-PPG work groups makes sure that extreme outliers are avoided. The expectations were formulated as clear reporting requirements and veto-rights by the majority of the parliamentary party group. The parliamentary party group still remains the main actor. The parliamentary party group leadership has a veto right in all areas and can take over issues it deems to be of major importance, but it is still accountable to the parliamentary party group. Within committees, legislators are not autonomous in their decisions but need to coordinate and communicate their positions with other legislators from the same parliamentary party group. The informational rationale is also applicable despite the fact that *not all* issues are actually discussed in-depth.

Such a system, although not bulletproof, ensures that the policy choices reflect the wishes of the majority of the parliamentary party group. The parliamentary party group always remains the main principal and has a chance to whistle a legislator back. Committees play a primarily instrumental role. They are entities that are ultimately responsible to the parliamentary party group and held accountable by it. Of course, they serve partisan interests, but they do not work following the formulated partisan rationale. Legislators have a positive self-perception of their input in committee. Their work has a major influence on the fact that bills come out of parliament in a different form than they have entered.<sup>208</sup> Apart from legislation, within-PPG work groups in these two legislatures also work according to an informational rationale. Legislators are able to place issues on the agenda if they deem it necessary. However, the intricate system of within-PPG work groups and the parliamentary party group meeting prevents a 'solo action' of a legislator. The parliamentary party group leadership has an umbrella function in this regard as well. Rather than dictating

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<sup>208</sup> In Germany this is a well-known saying, also known as "First Struckian Law", as it was coined by former Federal Minister of Defence, Peter Struck.

the positions, the interviewed legislators highlighted that its logic is to prevent actions by the members in committee which might harm the party electorally. Although this is, of course, reminiscent of the argument deduced from the partisan theory, it is striking that their actions are not restricted to those policy areas which are deemed as being of high importance but it is applicable to all issues (the partisan rationale predicted that issues of high importance would mainly be in the focus).

Processes in the Dáil differ from these two legislatures. They are also a bit more complicated to be described in terms of the theoretical framework. The committee stage of legislation is used by the government to get the bills through and little counter pressure is expected. The process, therefore, resembles the prediction of the partisan rationale. This rationale highlights the usage of the committee system for agenda control by the majority parliamentary party group or the majority coalition. This is, of course, to a certain extent also applicable in the Bundestag and the Tweede Kamer. The main difference is that in the Dáil committee proceedings with regard to legislation are not closely tied to the parliamentary party group. Individual legislators operate under a relatively tight whip. Instead of the parliamentary party group leadership, the committees primarily follow the lines of the executive. Positions are established before the bill reaches this stage and government legislators follow the government line. Influence is mainly possible via other lines and not formally in committee. This is not the case in the Bundestag or the Tweede Kamer.

The proceedings in the Dáil regarding issues the committees put on their own agenda follow a different logic than those regarding legislation. Legislators of all Irish parliamentary party groups, including those of the government coalition possess more autonomy in these matters. They are able to place issues on the agenda themselves and experience committee work as being much more rewarding in terms of output. The process in these issues is, therefore, best captured by a distributive rationale of committee proceedings. Without overstating the concepts: What happens in committee stays in committee. There is very little reporting back to the parliamentary party group and also much less intervention from the parliamentary party group leadership in the things that are done. This is applicable to all policy areas, not only those which are deemed to be highly important. There is, however, not much evidence that legislators in the Dáil make extensive use of putting issues on the agenda. Generally speaking, committee work is not very high on the priority list of legislators and they would rather spend time in their constituencies and do actual work there than working for their constituencies through committees. The possibilities to put own issues on the agenda and having substantial output on it are also limited. This might be put forward as a reason why the parliamentary party group leadership might simply not care to be more active in those issues the committees put on their own agenda.

Present in all parliaments is the preservation of the government-opposition division in committees. The influence the opposition has is very limited in all parliaments. In that regard, the prediction by Sartori (1987) that committees

loosen parliamentary party group boundaries cannot be confirmed. Although concessions are made to the opposition in terms of speaking time or when reports are drafted, discussions concerning draft legislation or motions are still characterised by a clear opposition versus government divide. Government legislators know very well that they can push their agenda through if it is deemed necessary. This is secured because the parliamentary party groups who form and support the government have a majority in committees.

What do these findings imply for the decision-making processes in the three analysed legislatures? The evidence of this chapter presents a relatively straightforward answer to the question how committees work in the three legislatures. In terms of decision-making processes, committees in the Dáil are not designed to exert detailed scrutiny of government plans. Rather, the dynamics within committees point towards a situation in which the government dominates the parliament. When it comes to legislation, the capability to induce changes, the committee stage is not supposed to be a major obstacle. Interviewed legislators also admitted that their work in committees, despite the fact that it is important, is subordinate to their constituency work.

Processes in the Tweede Kamer and the Bundestag hint at a more assertive legislature. These legislatures are organised to represent a credible counterpart towards the executive (although still subordinate compared to the U.S. Congress). In terms of democratic structures within the parliamentary party groups, the institutionalised patterns are reminiscent of a bureaucracy with clear rules, duties and rights. Even though the rules differ with regard to whether all issues are presented, the possibility to discuss issues with all other legislators exists. Legislators are wary of the effect that their actions might have and the attentiveness of their colleagues and the leadership. Rather than being closed networks of legislators who decide on issues autonomously, a system of collective intelligence and collective responsibility is ensured via a permanent process of feedback. This means that outcomes of the decision-making processes have, at least in principle, the protection of the will of the majority of legislators.