

Achieving Intra-Party Cohesion during Committee Negotiations - The Room for Manoeuvre of Individual Legislators in the Bundestag and the Tweede Kamer

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ABSTRACT Objective: *The study of party cohesion is often limited to 'visible' voting behavior during plenary sessions. In this paper, I analyze how parliamentary party groups (PPGs) in the Tweede Kamer and the Bundestag achieve internal cohesion by focusing on a less visible, but crucial element of parliamentary decision-making: the working procedures of parliamentary committees. Committees are, together with PPGs, the basis for the internal organization of parliaments and the prime organizational structure to prepare plenary sessions and documents. Committees are privileged decision-making arenas: Its members have a claim to work on issues within their jurisdiction once they are assigned. Earlier research has indicated that committees comprise legislators with more or less divergent views from the PPG median. This begs the question how much autonomy is granted to individual legislators and what mechanisms exist to deal with internal conflicts and maintain a level of cohesiveness within committees and the wider PPG. Method:* *The analysis focuses on the post-assignment procedure in the Bundestag and the Tweede Kamer in specialized, jurisdiction-specific committees. The theoretical framework distinguishes several broad rationales on how committee work is organized. The evidence relies on data gathered from 79 interviews with legislators I conducted in the two parliaments. It specifically covers a legislator's relation to other 'rank-and-file' legislators on the same committee, 'rank-and-file' legislators not on the same committee and the PPG leadership. Results:* *The interviews in the legislatures uncover distinct working procedures that are established. These perform a constant check on the developed position and allow for the aggregation of divergent views. Individual legislators are able to develop the initial work groups with relative autonomy but are subsequently placed in a system of scrutiny through the internal work groups established in the parliamentary party groups. The analysis also highlights informal relationships between legislators outside of the institutionalized patterns.*

Key words: *Legislative organization, Committees, Bundestag, Tweede Kamer, Dáil Éireann.*

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Introduction: The Significance of Committees in Parliaments

Modern parliaments work through various other venues in which decisions are prepared or even taken. One of the main institutions in this regard are *partisan groups* within the legislature which comprise all members of the representative body who are “elected either under the same party label or under the label of different parties that do not compete against each other in elections, and who do not explicitly create a group for technical reasons only” (Heidar & Koole, 2000, p. 249). Depending on their level of unity, “[parliamentary party groups] promote decisional efficiency in the chamber and allow legislators to influence policy” (Saalfeld & Strøm, 2014, p. 372). Strong parliamentary party groups, like the ones found in most European legislatures, are heavily involved in agenda setting, building majority coalitions, examining and processing legislation.

When votes are cast in the plenum, the members of each parliamentary party group show a high level of cohesion. Sieberer (2006) finds average PPG unity of 97 per cent in his cases in a comparative study of PPG unity in the 1990s with Finland being a comparatively ‘extreme’ outlier with only 88.63 per cent voting cohesion. Yet, although parliamentary party groups generally pool legislators with similar ideological views they are still relatively heterogeneous organisations. Instead of being monolithic structures, parliamentary party groups are composed of individual legislators who may have *similar but non-identical preferences* (Ceron, 2015). Achieving cohesion among a group of legislators is, therefore, a challenge. The question arises how parliamentary party groups achieve this internal cohesion in the first place and what mechanisms exist to deal with internal conflicts and maintain a level of cohesiveness within the parliamentary party group?

To answer this question we need to analyse how parliamentary party groups organise their internal working procedures. An important aspect to study in this regard are the working mechanisms of *parliamentary committees*. After all, committees are privileged institutions which subdivide policy areas and, at least in principle, offer “property rights”: Once assigned, committee members have the right and duty to work on issues within their jurisdiction.

The question arises, how is the work in committees communicated and coordinated within parliamentary party groups? Unfortunately, we know very little about how much autonomy is granted to individual legislators in committees. Research on parliamentary committees is primarily restricted to the selection criteria of committee members. A considerable body of literature is available on this issue in the U.S. Congress and U.S. state legislatures (Overby et al., 2004; Krehbiel, 1990; Hamm et al., 2011; Adler & Lapinski, 1997; Cox & McCubbins, 1993), the European Parliament (Bowler & Farrell, 1995; Whitaker, 2005; McElroy, 2006; Yordanova, 2009), and national legislatures outside of the U.S. (Stratmann & Baur, 2002; Ciftci et al., 2008; Hansen, 2010, 2011; Battle, 2011; Fujimura, 2012; Mickler, 2013; Raymond & Holt, 2014). These studies have shown great variation in assignment patterns across and within systems but have, overall, disregarded what happens once committee members are appointed.

The study of actual decision making and conflict resolution in committees has attracted little scholarly attention. On a theoretical level, Damgaard (1995) provides insight into the question how parliamentary party groups may control or constrain the behaviour of their committee members, focusing on three dimensions. Andeweg and Thomassen (2011) view differentiation into policy experts (which then cluster in committees) as an important pathway to party unity. They argue that legislators frequently take their cue from party specialists in areas outside of their own portfolio when it comes to a vote on an issue. Via this division of labour committees allows for a form of negative coordination and to deal with heterogeneous preferences within a parliamentary party group (Andeweg & Thomassen, 2011, p. 657).

The main empirical micro-level analyses concerning the actual decision making and conflict resolution in committees stem from the European Parliament (for a discussion on the Tweede Kamer see Andeweg & Thomassen, 2011). In his study on the European Parliament, Ringe (2010) argues that committees serve parliamentary party groups' needs for expertise. The other members rely on the expertise of their colleagues in a division-of-labour arrangement. Within parliamentary party groups in the European Parliament Ringe (2010) argues that non-experts and experts form a strong bond: The

non-experts get “digestible information [from the experts] that allows them to make informed choices that match their outcome preferences while providing a justification for the decisions they make” (Ringe, 2010, p. 99), while the experts are able to influence policy outcomes.

Apart from these studies, we have scarce knowledge about how the work in legislative committees is coordinated in national parliaments and what the relationship is between members in the committees and other groups in the legislature. This analysis seeks to contribute to the understanding of intra-party cohesion in two national legislatures with strong parliamentary party groups, the Dutch Tweede Kamer and the German Bundestag. Both are characterised by the existence of strong committees and strong parliamentary party groups and, therefore, are good cases to investigate this issue. In order to tackle the research question, a coherent theoretical model needs to be set up which allows for the formulation of distinctive strategies on how parliamentary party groups organise their work in committees. To analyse committees, scholars usually turn to theories on legislative organisation which are mainly restricted to those developed on the U.S. Congress (commonly labelled distributive, informational and partisan theories). These three congressional perspectives have largely structured the scientific debate on committees. Each of these will be shortly discussed hereafter.

Theories to Analyse Committee Assignments: A congressional bias

The distributive theory of legislative organisation (Shepsle, 1978; Shepsle & Weingast, 1982) views legislatures as decentralised institutions which are dominated by geographical concerns. Legislators are primarily motivated to secure their own re-election. To accomplish this they distribute particularistic benefits to their constituents. The distributive theory argues that committees facilitate this by dividing policy areas and allowing legislators who have a ‘stake’ in the committee’s jurisdiction to join them (‘self-selection’). It views committees as autonomous power centres with an exceptional status and gate-keeping power.

The informational theory of legislative organisation views committees as agents

of the chamber and instrumental to increasing the efficiency of the legislative process. It highlights the uncertainty that legislators face about the consequences of policies (Gilligan & Krehbiel, 1990, p. 533). Committees are means to reduce this uncertainty by specialising and to obtain superior information about the outcomes of bills. Rather than being 'outlying', committees are ideological 'microcosms' of the legislature without an advantageous position vis á vis the legislature.

Both of these theories view parliamentary party groups in the legislature as weak and non-constraining. The partisan theory of legislative organisation (Cox & McCubbins, 1993) contradicts this and views committees as the agents of the majority parliamentary party group leadership. Committees are part of the reward system of the parliamentary party group. Loyalty to the parliamentary party group leadership is a substantive determinant of committee assignment. Parliamentary party groups are assumed to watch the assignment carefully and decide whether the outcome is contradictory to their seat-maximizing strategy. The main task of the leadership is to 'protect' the parliamentary party group from undesirable outcomes which might harm it in the long run.

The only exception to this congressional bias is a more recent perspective proposed by Martin and Vanberg (2011) who address the issue of legislative organisation from the angle of a central puzzle of multi-party government (coalition) situations: the tension between the coalition partners which are forced to govern jointly and make compromises, but are held accountable *separately* at the next ballot box. It is argued that the legislative committee system is the "single most important institution" (Martin & Vanberg, 2011, p. 34) to control for ministerial drift of the coalition partners. Committees are involved in the legislative process by scrutinizing, and potentially amending, drafting legislation and, therefore, solve delegation and intra-coalition problems.

Adapting the Theories: A New Framework with Parliamentary Party Groups as Main Actors

We can use these four theories to build a framework for the analysis. Although the congressional theories were originally developed against the backdrop of a particular legislature, I argue that their predictions are not specific to the United States but can be incorporated into a parliamentary party group-centred context. However, certain adjustments need to be made when transferring them. The most fundamental adaptation is a redefinition of the role of parliamentary party groups. The assumption of non-restrictiveness of these groups advocated by the informational and distributive theory needs to be relaxed for the analysis. The central concepts can then be used to derive several strategies of how committees are used to achieve cohesion within a parliamentary party groups.

On the one ‘extreme’, a parliamentary party group may give a high degree of autonomy to the committee members in their work (*distributive rationale of committee workings*). Committee members have real ‘property rights’ and are relatively independent in their work from the parliamentary party group. They are able to develop the positions taken in committee with a high degree of autonomy from their parliamentary party group colleagues on the same committee and other legislators who are not on the same committee. There are very few reporting requirements and limited possibilities for other legislators from the same parliamentary party group who are not on the committee to veto a position taken by committee members. Committees develop into relatively closed networks, in which only those who are actually on the committee have a say. The relationship with legislators from other parliamentary party groups on the same committee is closer than those with legislators from the same committee who are not on the committee. The parliamentary party group leadership grants high levels of autonomy to committee members as well.

According to an *informational logic of committee workings*, unintended changes at the committee stage are undesirable and a major concern to other legislators from the same parliamentary party group. Subsequently, the rank-and-file members and the

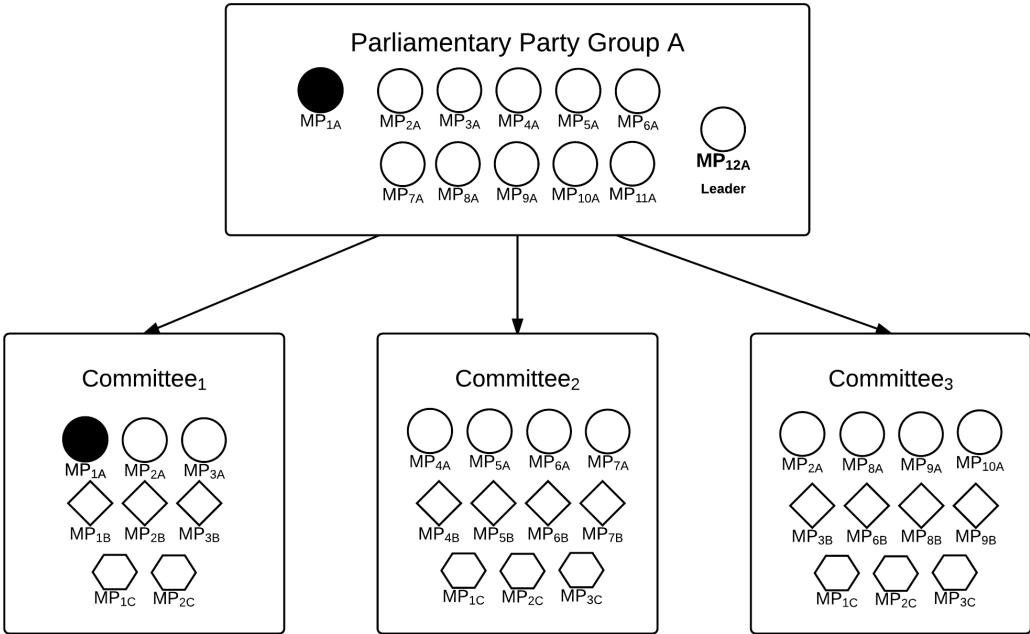
leadership of the parliamentary party group are expected to keep a close eye on everything that happens in committee. Very little autonomy is granted to committee members. Even though they are assigned to the committee and may develop the initial position autonomously, they have clear reporting requirements. The positions that are taken in committees can be vetoed by the majority of the parliamentary party group who 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, similar proceedings are maintained. Legislators are not autonomous in their decisions but need to coordinate and communicate their positions with other legislators from the same parliamentary party group.

In terms of committee workings, the 'keeping tabs' perspective and the partisan theory have similar predictions and are interpreted as a "medium" way which highlights the conditional nature of monitoring: some committees are more closely monitored, while others are not. They differ, however, in the reason on the committees. The partisan theory highlights the importance of certain issues which are of major importance for the parliamentary party group at the next elections. The committees dealing with these issues are, therefore, assumed to be more closely monitored. The 'keeping tabs' perspective highlights policy disagreement between the parliamentary party group of a minister and ministers of the coalition partners to explain actions of the parliamentary party group. Committee members on these 'high importance' committees have to follow the parliamentary party groups' preferences closely. Those committees whose subject matter is not of interest to the majority of the parliamentary party group are relatively autonomous. The role of the leadership is strengthened compared to the informational and the distributive theory. Decisions taken in committee and positions which are developed need to be communicated and coordinated with the leadership rather than the 'rank-and-file' legislators from the parliamentary party group.

Method of the Study: Small-n Focused Comparison of Committee Workings

The focus of the analysis is on how the norms and informal rules which guide the internal processes allow parliamentary party groups to achieve internal cohesion. The main issue is the *room for manoeuvre* that legislators have in committee and the relationship between legislators in committee and their parliamentary party group colleagues in the parliamentary party group meeting. The ‘basic’ relationship of the relationship between individual legislators and his/her parliamentary party groups is depicted in Figure 1 below which shows several legislators from one parliamentary party group who are allocated to committees.

Figure 1: Schematic depiction of relationship between one parliamentary party group and its members in committees



Source: Own depiction. For Parliamentary Party Group B and C only the individual committee members are listed in this picture.

Altogether, four relationships are covered in the analysis. These are deemed to be the most important ones for the purpose of this study. The ‘point of departure’ is the individual legislator in a committee. The analysis focuses specifically on a legislator’s relation (denoted as MP_{1A} in the Figure above) with:

- ‘rank-and-file’ legislators from the same parliamentary party group on the same committee (here denoted as MP_{2A}, MP_{3A})

- ‘rank-and-file’ legislators from the same parliamentary party group not on the same committee (MP_{4A}, ..., MP_{11A})
- ‘rank-and-file’ legislators from other parliamentary party groups on the same committee (MP_{1B}, MP_{2B}, MP_{3B}, MP_{1C}, MP_{2C})
- the leadership of their own parliamentary party group (MP_{12A})

In order to capture these the study relies on in-depth interviews with parliamentary party group leaders and committee members. Relying on the evidence from in-depth interviews is necessary because there is no meaningful way of statistically analysing informal relationships and inter-personal connections. Qualitative methods provide a way to get a deeper understanding of how parliamentary party groups internally distribute power among their members. Similar to the interviews held by Settembri and Neuhold (2009) in the European Parliament and the insight that earlier interview rounds gave (Mickler, 2013) this qualitative strategy is worth pursuing to broaden our understanding of the processes and gain new insights.

Table 1: Number interviewed legislators per country

Bundestag					Total
SPD	CDU/CSU	Die Linke	B90/Grüne		
17	16	10	8		51
Tweede Kamer					
PvdA	VVD	SP	CDA	PVV	
12 (+1)	11	2	2	1	28 (29)

Source: Own data set.

The semi-structured interviews were conducted by the author in January 2015 (Germany, three interviews were conducted by telephone in February 2015) and in the period of April - May 2015 in the Netherlands. A total of 79 legislators were interviewed. The distribution is listed in Table 1. In the Tweede Kamer, one deputy secretary (Dutch: *ambtelijk secretaris*) of a parliamentary party group, who is involved in organisational matters, was interviewed. Appendix 1 lists the respondents in alphabetical order for each legislature.²

² In Germany, legislators from every parliamentary party group were interviewed. In the Netherlands, I

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. The 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)

There are some exceptions to this ‘property right’. First, the parliamentary party group leadership is privileged to take over an issue. 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, more on their role below) in the Bundestag are also allowed to take over an issue (Interview Bundestag, 150119A). These exceptions are discussed further below.

was unable to schedule interviews with several smaller parliamentary party groups (D66, GroenLinks, ChristenUnie, SGP and Partij voor de Dieren). In most cases, the high workload of legislators of these smaller parliamentary party groups made the participation not feasible. The insight with regard to the working procedure of opposition parliamentary party groups, therefore, rests solely on the evidence provided by legislators of the PVV, CDA and SP.

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. 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 but are 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).

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). 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: *beginselprogramma*; 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 (Interview Bundestag, 150126B). A further 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). 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 process described here 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. In the Tweede Kamer and the Bundestag spokespersons are 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.

The Influence on the Initial Position: The Internal 'Layers' of PPGs in the Bundestag and in the Tweede Kamer

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 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. Picture a) in Figure 2 (p. 14) 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).

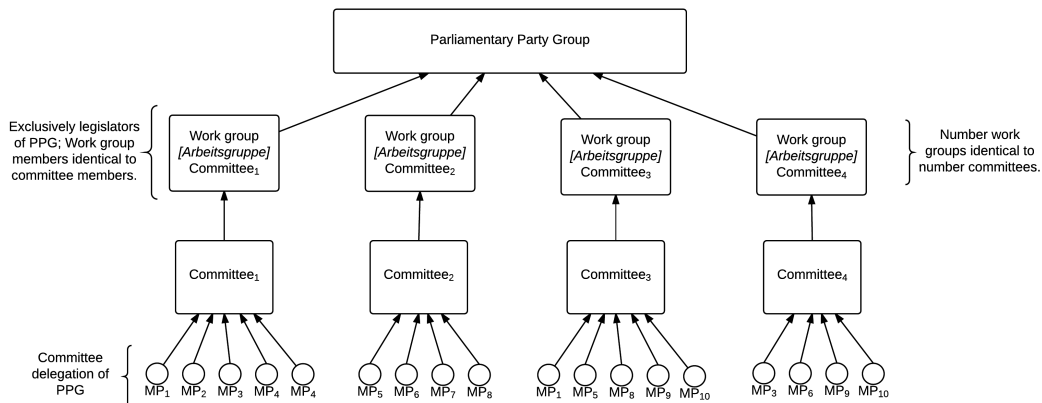
The two parliamentary party groups of The Left and the Green Party, due to their smaller size, do not have a corresponding work group for every committee but cluster topics together in so-called *Arbeitskreise* [usually abbreviated as *AK I*, *AK II*, etc.). As an example, the parliamentary party group 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 and, 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, 2015).

In the Tweede Kamer, the internal structure of the larger parliamentary party groups (PvdA and VVD) largely resembles the organisation of the smaller 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 the parliamentary party groups in the Tweede Kamer do not assign committee seats but portfolios to spokespersons (Dutch: *woordvoerders*), not all members of committees are actually spokespersons within the committees' jurisdiction (see also de Jong & 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 Picture c) in Figure 2 (p. 14).

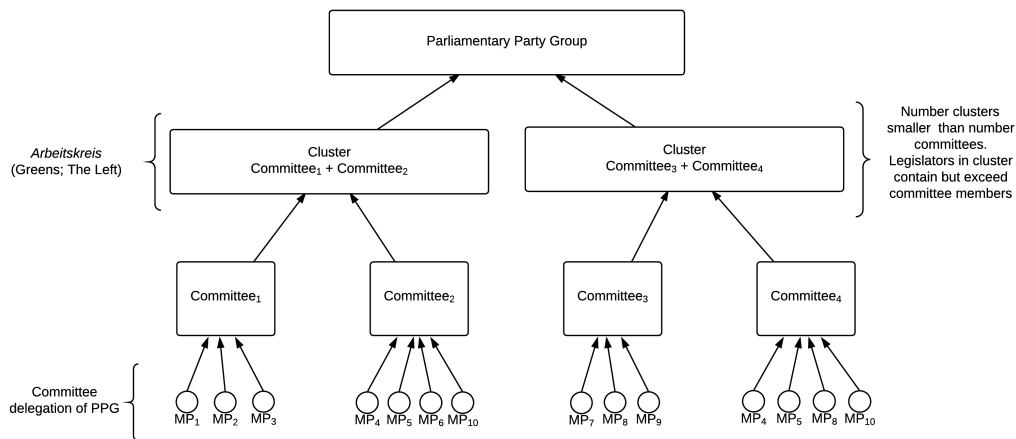
The degree to which these within-PPG work groups influence the initial position *content-wise* is to a great extent determined by the nature of the issue and no fixed rule can be described. It became clear from the interviews that the other legislators take the

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. 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)). 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 (Interview Tweede Kamer, 150429A; Interview Bundestag, 150123B).

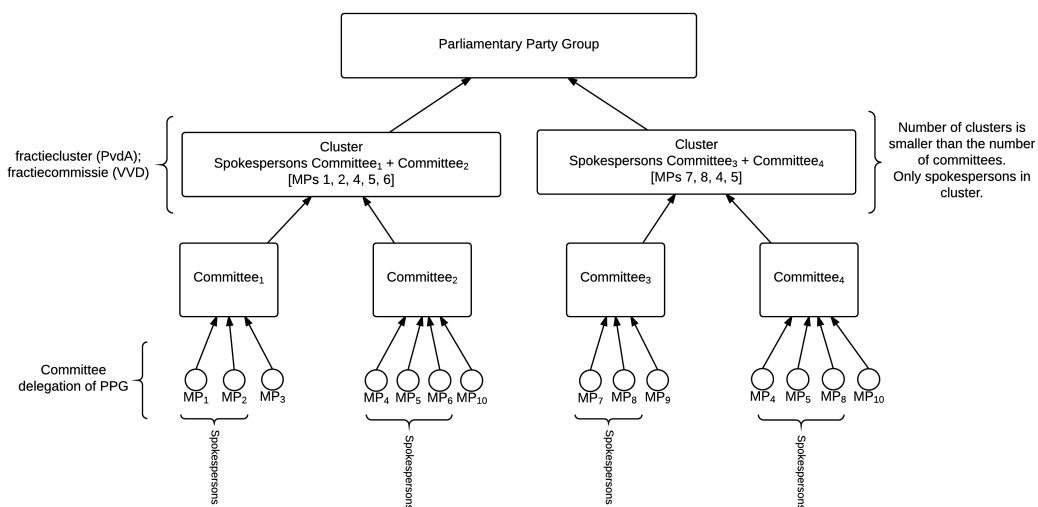
Figure 2: Schematic depiction organisational layers analysed parliamentary party groups



(a) Schematic depiction organisational layers SPD and CDU/CSU in the Bundestag



(b) Schematic depiction organisational layers The Left and Green Party (Bundestag)



(c) Schematic depiction organisational layers larger parliamentary party groups Tweede Kamer (VVD, PvdA)

In addition to this *formal* hurdle, 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. However, generally speaking, legislators frequently indicated that outside of their own within-PPG work group 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. 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)). An exception of this non-intervention agreement are the cases mentioned earlier (sensitive, or very controversial issues).

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. 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).

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). 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.³

In the Tweede Kamer, everything also goes through the within-PPG work groups.

³ 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*). 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).

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 (Interview Tweede Kamer, 150429A; 150430B; 150520A; 150520D).

The possibility to present an issue in the parliamentary party group meeting was largely seen as a good thing which prevents ‘tunnel vision’ (Interview Bundestag, 150126B; Interview Tweede Kamer, 150520A). 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). 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. 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. 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.

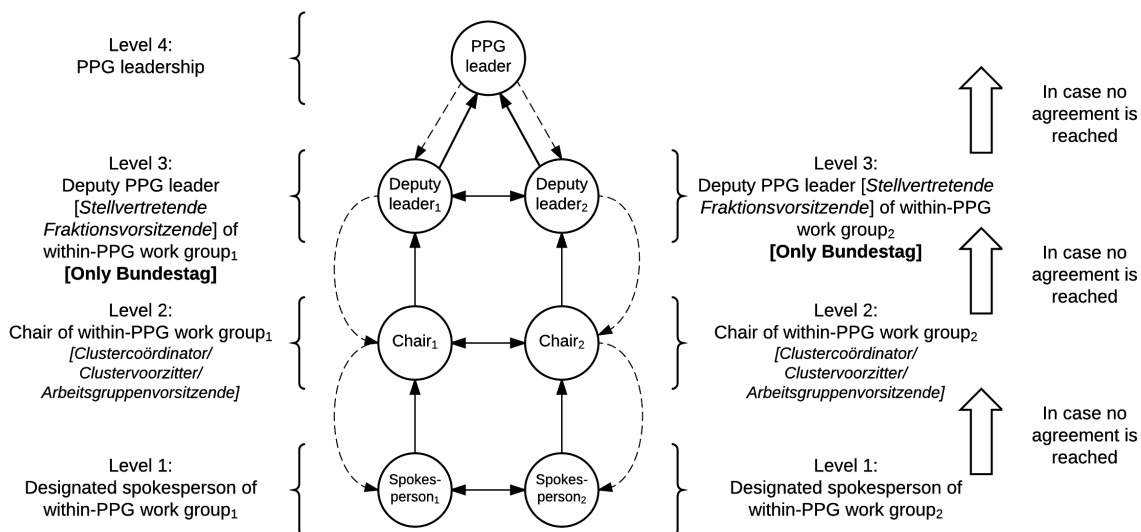
In Case of No Agreement: The ‘Escalation Ladder’

If, within a parliamentary party group, two (or more) spokespersons cannot reach an agreement 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). A German legislator referred to it as a “settlement cascade” (Interview Bundestag, 150119B) on which the parliamentary party group leadership relies.

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 due to the setup of an extended parliamentary party group leadership (German: *geschäftsführende Fraktionsvorstand*) which comprises the parliamentary party group leader (German: *Fraktionsvorsitzende*) and his or her substitutes (German: *Stellvertretende Fraktionsvorsitzende*) as well as the whips (German: *Parlamentarische Geschäftsführer*).

Figure 3 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. 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 (Interview Bundestag, 150130D).

Figure 3: 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.

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

In the smaller⁴ parliamentary party groups in the Tweede Kamer (interviewed legislators were members of 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 the existence of a ‘team meeting’ (Dutch: *teamoverleg*) which 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. 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

⁴ ‘Small’ here refers to parliamentary party groups whose number of legislators is smaller than the number of specialised committees.

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 PVV and the CDA, no within-PPG work groups are established which is mainly due to their small size⁵

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. Therefore, the spokespersons enjoy a large amount of autonomy. In case it is not entirely clear what the position of the parliamentary party group should be or if it is considered controversial, the internal work group is consulted (if it exists) but in any case the parliamentary party group meeting (Interview Tweede Kamer, 150416A; 150414A).

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

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 and gets updated constantly on the proceedings in each within-PPG work group (mostly via a special group which consists of the parliamentary party group leadership and the chairmen of the work groups). 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. 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

⁵ Respondents from both parliamentary party groups indicated that they established within-PPG work groups when their numbers were larger in the past.

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)

However, 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). When the leadership decides to take over an issue, legislators then have to swallow this pill, although they are not always happy that something is taken out of their hands (Interview Bundestag, 150212A). In these cases, neither the work group nor the spokesperson have much say in it any more (Interview Bundestag, 150123A, also 150212A; Interview Tweede Kamer, 150422E).

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 ‘Chiefsache’ 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).

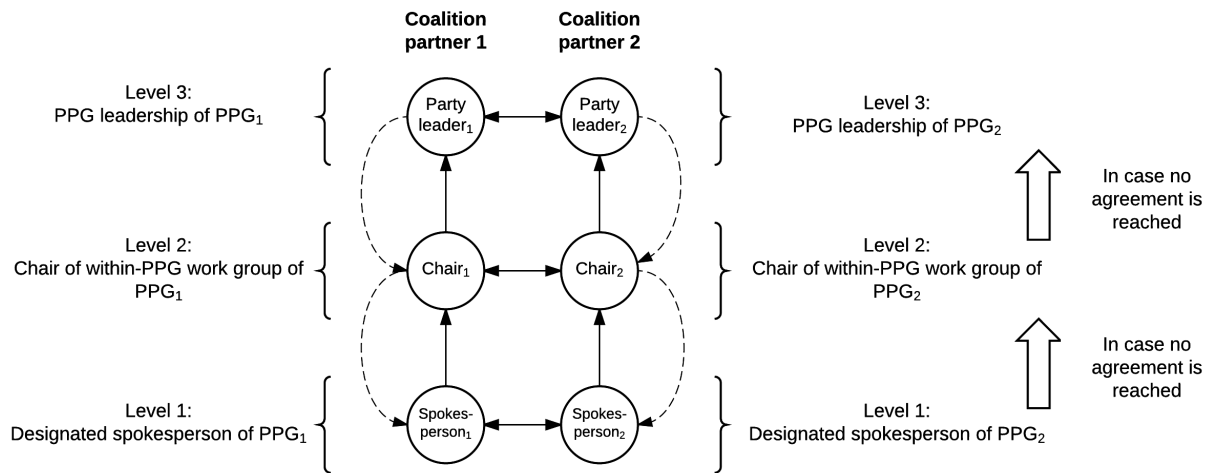
‘Outside of the Parliamentary Party Group’: The Relationship with Legislators of the Coalition Partner

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 general rule 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 (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.

There was 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

Figure 4: 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.

(see e.g. Interview Bundestag, 150127A; Interview Tweede Kamer, 150423A, 150423B). This is not a fixed rule, but rather established practice. In certain situations, a legislator might first talk to the spokesperson of the coalition partner 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).

Legislators frequently argued that their contact with spokespersons of the coalition partner is aimed to “keep an eye” on them (Interview Tweede Kamer, 150423B).⁶ 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. In general, legislators highlighted a respectful interaction within committees. In the Bundestag, the huge majority of seats

⁶ In Dutch: “En ik wil hem ook een beetje in de gaten houden.” (Interview Tweede Kamer, 150423B)

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 (e.g. 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.

However, outside of legislative discussions, a legislator argued that an ‘esprit de corps’ (Interview Bundestag, 20150114C) is present which transcends party affiliation⁷, but this is limited when it comes to debating policies. 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:

“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)

⁷ “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 Verkehrspolitikern kriegen immer weniger Geld*)”.

Conclusion: An Informational Rationale to ‘Keep the Sludge Moving’

Beyond the immediately visible plenum, parliaments are complex institutions which work through several other venues. These prepare, and sometimes even take decisions. While parliamentary party groups are crucial institutions in this regard, we know surprisingly little about the mechanisms how these group subdivide their workload and how they reach decisions that have majority appeal among their members. This analysis focused specifically on the role that committees play in this regard. The analysis was guided by a framework that was largely based on the established congressional theories of legislative organisation. Although it should be noted that the theoretical framework is to a certain extent stretched for this part (the theories were not developed to account for this type of analysis), it is possible to deduce several clear ‘strategies’ which follow the predictions of each theory.

The interviews in the legislatures uncovered distinct working procedures that have been established in the Tweede Kamer and the Bundestag that corresponds very closely to what is described by an informational rationale. Generally speaking, the opinion of the spokespersons weighs heavy in within-PPG discussions. Individual legislators are able to develop the initial positions with relative autonomy. 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). 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. With regard to the impact of the groups, they are rather selective and do not come into action in any instance. Outside of the formal structures, the possibility exists to approach a legislator on a personal 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. There was no sign that the parliamentary party group leadership often dictates positions. The parliamentary party group meeting is, in any

instance, the last hurdle that a position has to overcome. Even though *not all* issues are actually discussed in-depth, the possibility exists. This process is also applicable to the smaller opposition parliamentary party groups, although the threshold to intervene is higher.

The system has several characteristics of a bureaucracy. There is a clear hierarchy with defined responsibilities. 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. The intricate system of within-PPG work groups and the parliamentary party group meeting prevents a 'solo action' of a legislator. If a position does not satisfy the other legislators of the parliamentary party group, it needs to be changed. 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. This form of collective intelligence and collective responsibility is an important factor to explain the high level of cohesion that is visible during plenary sessions.

Appendix 1: List of respondents per country

Bundestag:

Alexander Ulrich (Die Linke)
Alois Karl (CDU/CSU)
André Hahn, Dr. (Die Linke)
Anette Hübinger (CDU/CSU)
Birgit Wöllert (Die Linke)
Christina Kampmann (SPD)
Christoph Bergner, Dr. (CDU/CSU)
Cornelia Möhring (Die Linke)
Dirk Fischer (CDU/CSU)
Eberhard Gienger (CDU/CSU)
Egon Jüttner, Prof. Dr. (CDU/CSU)
Ernst Dieter Rossmann, Dr. (SPD)
Gerold Reichenbach (SPD)
Gustav Herzog (SPD)
Jörg Hellmuth (SPD)
Jörn Wunderlich (Die Linke)
Johann Saathoff (SPD)
Josef Göppel (CDU/CSU)
Katharina Dröge (Grüne)
Kersten Steinke (Die Linke)
Klaus Barthel (SPD)
Kordula Schulz-Asche (Grüne)
Manfred Zöllmer (SPD)
Marcus Weinberg (CDU/CSU)
Markus Kurth (Grüne)
Martin Burkert (SPD)
Martin Gerster (SPD)

Matthias Gastel (Grüne)
Matthias Lietz (CDU/CSU)
Matthias Zimmer, Prof. Dr. (CDU/CSU)
Monika Lazar (Grüne)
Nicole Maisch (Grüne)
Niema Movassat (Die Linke)
Patricia Lips (CDU/CSU)
Ralf Kapschack (SPD)
Ralph Lenkert (Die Linke)
Sigrid Hupach (Die Linke)
Simone Raatz, Dr. (SPD)
Stefan Liebich (Die Linke)
Stefan Rebmann (SPD)
Stephan Kühn (Grüne)
Stephan Mayer (CDU/CSU)
Stephan Stracke (CDU/CSU)
Sven Schulz (SPD)
Thomas Dörflinger (CDU/CSU)
Tom Koenigs (Grüne)
Ute Finckh-Krämer, Dr. (SPD)
Waldemar Westermayer (CDU/CSU)
Waltraud Wolff (SPD)
Willi Brase (SPD)

Tweede Kamer:

Anne-Wil Lucas (VVD)
Attje Kuiken (PvdA)
Bart de Liefde (VVD)
Bas van 't Wout (VVD)

Brigitte van der Burg (VVD)
Duco Hoogland (PvdA)
Erik Ziegls (VVD)
Foort van Oosten (VVD)
Harm Beertema (PVV)
Henk Leenders (PvdA)
Henk Nijboer (PvdA)
Han ten Broeke (VVD)
Henk van Gerven (SP)
Jan Vos (PvdA)
Jeroen Recourt (PvdA)
Joost Taverne (VVD)
Lea Bouwmeester (PvdA)
Loes Ypma (PvdA)
Lutz Jacobi (PvdA)
Manon Fokke (PvdA)
Marit Maij (PvdA)
Mark Harbers (VVD)
Michel Rog (CDA)
Michiel Van Veen (VVD)
Michiel van Nispen (SP)
Mohammed Mohandis (PvdA)
Raymond Knops (CDA)
Ronald Vuijk (VVD)
Additionally:
Sjoerd Kuiper (ambtelijk secretaris PvdA)

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