

## 8 Content and Dynamics of Legislative Agendas in Germany

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THE CONVENTIONAL WISDOM ON GERMAN POLITICS IS THAT IN response to the political volatility of the Weimar Republic, the architects of the post-World War II political system valued stability above all other concerns.<sup>1</sup> As a consequence of this preference, the Basic Law introduces numerous veto points in the political process and counterbalances a strong executive branch, headed by the chancellor and a powerful upper chamber (Bundestag). Federalism and a corporatist socioeconomic structure provide additional sources of stability. Given this configuration, political conflicts are typically managed by cooperation and agreement among political elites. Therefore, scholarship on cross-national comparisons of democracy has categorized Germany as a consensus democracy (Lijphart 1999) or a semi-sovereign state (Katzenstein 1987).

These categorizations of German politics are not shared by all scholars. Authors working within a rational-choice institutionalist framework, especially those who examine the role of the upper chamber in lawmaking (Bräuninger and König 1999; Manow and Burkhart 2007), characterize the political process as more competitive. They argue that majoritarian and power-sharing components are simultaneously at play: Germany is generally governed by a fairly narrow majority coalition of two or three parties who rarely control the upper chamber at the same time. As Lehbruch (2000) has pointed out, this setup is delicate. It pits competition among parties against the need for federal cooperation.

Given the ambivalent role of political institutions, scholarly accounts commonly waver between admiration and exasperation when assessing public policy making. On the one hand, the German political system delivers a stable environment for incremental and deliberative policy making that allows for long-term policy commitments among political actors. On the other hand, consensus-type politics relies too heavily on small-scale policy change (von Beyme 1985, 21), lacks new policy initiatives (Katzenstein 1987, 4), and is slow to respond to crises. In contrast to majoritarian systems such as that in the

United Kingdom, only hard-won consensus among the major institutional and parainstitutional actors delivers the rare legislative ruptures of political reform and innovation. The resulting public policy-making style is labeled “policy of the middle way” (Schmidt 1987), sitting between a Social Democratic welfare state and North American capitalism.

In this chapter I explore these two features of German politics: the multifarious influence of institutions and centrist public policies. I ask whether the suggested outcomes—stable and consensual public policies—occur across all policy domains and travel across different institutional settings. I address this question by relying on more than three thousand laws enacted between 1978 and 2005, classifying them according to the issue areas specified in the Comparative Agendas Project (CAP) coding scheme. I show that public policy-making in Germany is dynamic—that is, policy issues change substantively over time. I then explore how large-scale transformations (particularly reunification and Europeanization) and different institutional settings (such as government partisanship and upper-chamber control) influence the content of legislative agendas.

The analysis of legislative content and its dynamics delivers two payoffs. First, it provides an alternative conception of legislative politics. Building on theories of public policy, the chapter concentrates on the content and not the mechanisms of legislation. While it is important to understand how legislation comes about, which problems are addressed by government and which ones are neglected is a central interest of a polity. Policy makers, bureaucrats, and the affected public at large are concerned not only with how policies emerge and are enacted, but also with what types of issues are addressed and what types of tools government employs to meet the public’s demands and remedy their worries (i.e., “who gets what?”). In order to provide even a preliminary answer to these matters, it is insufficient to examine just some policy areas. Instead, this chapter considers all laws and all policy areas in order to elucidate what German governments do. In short, it shows what overall policy change looks like (Schattschneider 1960, v).

A second, related payoff centers on the study of policy dynamics. By studying policy dynamics, I am able to formulate some new expectations regarding the nature of policy outcomes in Germany. Scholarly works on American policy making and increasingly on comparative public policy (as this volume attests) examine some general properties of policy dynamics across all political issues and across the policy cycle. The guiding research question for students of policy dynamics is why government prioritizes some policy

problems over others. Jones, Baumgartner, and their coauthors (Jones and Baumgartner 2005; Jones, Baumgartner, et al. 2009; Baumgartner, Breunig, et al. 2009) contend that, owing to their penchant for the status quo, legislative organizations process information disproportionately. Consequently, government is forced to catch up sequentially to the changing reality. Different institutional settings exacerbate this processing ability (Breunig 2011). In studying the dynamics of German legislative agendas, I probe into whether large-scale changes of the polity and different institutional configurations ease or hinder policy making in particular domains.

I proceed as follows in order to scrutinize the content and dynamics of legislative agendas in Germany. First, I introduce data on German legislation and discuss the topic coding of all laws. Using these data, I then illustrate which issues the German Parliament legislates over time. Briefly, although legislative activity fluctuates over the years, economic issues dominate the legislative agenda. In addition, issue areas differ substantially in their size and volatility; some creep onto the agenda slowly and stay put, such as law and order, while others, such as environmental concerns, suddenly peak and then fall back. Third, I explore whether two large-scale transformations of German politics—reunification and Europeanization—led to shifts in legislative agendas. The short answer is: postreunification legislation covers more law-and-order as well as environmental issues at the expense of economic and welfare topics; a European impulse is most prevalent in the environmental and economic areas, much less so for issues related to welfare and, unsurprisingly, governmental operations. I then examine and discuss how different institutional features—namely the party of government, upper-chamber control, and ministerial portfolios—shape the agenda dynamics.

## **The Content and Dynamics of German Legislative Agendas**

### DATA

In the following, I explore the content and dynamics of German legislative agenda setting based on all enacted legislative initiatives from the eighth to the fifteenth *Legislaturperioden* (legislative sessions [LP]) of the German Parliament. The time span of the data covers the years 1977 to 2005. All data are based on the Dokumentations- und Informationssystem für Parlamentarische Vorgänge (Parliamentary Material Information System [DIP]), which is available online and includes detailed information on legislative processes in the *Stand der Gesetzgebung des Bundes* (German Bundestag

[GESTA]). The dataset employed here was compiled by Burkhart (2008) and is distributed by the Data Archive for the Social Sciences. The GESTA data are widely used for the analysis of German parliamentary activities (see, e.g., Bräuninger and König 1999; Manow and Burkhart 2007; Lehnert, Linhart, and Shikano 2008). The dataset contains 3,138 laws.

Following the Comparative Agendas Project coding scheme, the legislative data are coded into nineteen major topic areas (see appendix). For the purpose of this chapter, these nineteen major topics are aggregated into six macrosubjects: economy (macroeconomy; labor and employment; and banking, finance, and domestic commerce), welfare (social welfare; health; housing and urban development; and education), environment (the environment, energy, transportation, and agriculture), law and order (law, crime, and family; civil rights; minority issues; immigration; and civil liberties), foreign policy (international affairs and foreign aid; defense; and foreign trade), and other (space, science, technology, and communications; government operations; and public lands and water management). Unique to the German codebook is a separate category for topics related to reunification. Laws are coded under reunification if the item directly mentions unification or clearly links to the consequences of unification. Subsequent amendments of these laws are coded into the appropriate issue category. We opted for this restrictive approach as a balance between capturing this unique historical incident and recognizing the political challenges of the new Germany.

The division into seven issue categories roughly corresponds to qualitative accounts of German politics that examine several policy areas at the same time. Two of the most prominent accounts are Katzenstein (1987) and von Beyme (1998). Katzenstein examines six policy areas: economic management, industrial relations, social welfare, migrant labor, and administrative and university reform in order to cover intergovernmental, economic, and state- and society-related problems. Von Beyme's analysis of 150 key policy decisions covers foreign, legal, economic, social, environmental, housing, and education policy. In contrast to the comprehensive dataset here, there is very little explanation in either work of why these policy areas were selected or how representative they are.

#### THE GERMAN LEGISLATIVE AGENDA

As a first step for empirical generalizations about German legislative agendas, it is important to illustrate the content of policy issues over time. Figure 8.1 provides a visual summary of the content and dynamics of the

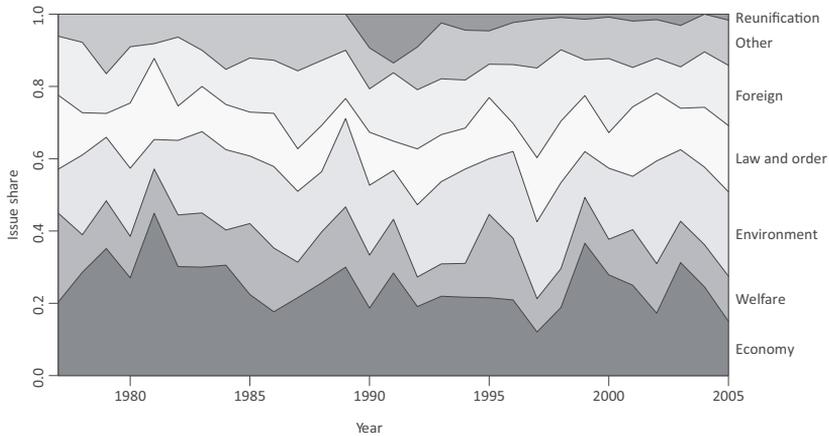


Figure 8.1. Content and dynamics of the German legislative agenda

The stacked area plot displays the composition of legislative issues by year. The issue shares are in percentages across the seven macrotopics ( $N = 3138$ ).

German legislation. It plots the percentage share of each macrotopic area over time. In the following I use shares instead of total counts because the agenda space is limited—only a limited number of topics can be addressed during a given period.

Some initial observations are in order. First, the largest macrosubject on the German agenda is the economic issue, a substantial proportion of which consists of macroeconomic concerns. Roughly 23% of all laws passed between 1978 and 2005 deal with economic issues, broadly defined. Second, and somewhat surprisingly, environmental issues receive approximately 20% of government attention, comprising 9% transportation, 5% agriculture, and 5% environment. Government operation covers 9% of all laws. On the other end of the spectrum, we identified only sixty-nine of the more than three thousand laws to be directly related to the reunification.

Second, some interesting dynamics can be seen over time. Among all issues, economic issues dominate throughout the entire time period. This category occupies 44% of the agenda space in 1981 (and is similarly high throughout the ninth LP and 37% in 1999. At both points in time Germany was in rather poor economic shape. Welfare issues were at the forefront of the legislative agendas (24%) in 1977 and in 1996. The roughly simultaneous peak of welfare and economic issues might suggest that government is responding to economic hard times with a flanking maneuver: macroeconomic steering and social-welfare restructuring. This is an interesting insight; gov-

ernmental response to unemployment is legislative activity and is not necessarily based on automatic triggers, such as fulfilling certain eligibility criteria. Figure 8.1 suggests that during crises government works on the parameters of entitlements.

Third, three issue areas that have received increasing attention since the 1990s are the environment, foreign affairs, and law and order. By 2002, 28% of the issue space was covered by environmental issues. Across time, environmental issues are the most volatile. The 1990s and early 2000s also saw a surge in foreign policy issue, peaking in 1997. Many legislative activities during this time were a response to the Balkan crisis and then to international terrorism, commencing with the 11 September attacks in New York. Foreign policy was a central topic of the thirteenth LP. Issues pertaining to law and order steadily grew beginning in the mid-1990s and reached close to 20% of all laws by 2001. While legislation on individual rights and liberties, especially in the area of immigration, were substantively important, the bulk of law-and-order legislation concentrated on the organizations of courts and changes in the criminal and civil codes.

Finally, it is astonishing how little German reunification changed the composition of major legislative issues. Reunification-related legislation peaked in 1991, when it occupied 13% of the issue space. The increase in reunification issues came largely at the expense of environmental and law-and-order concerns. After 2000 only 1–2% of all laws dealt with reunification-related issues. One is tempted to conclude that by 2005 the unification of the once-divided Germany had been largely accomplished, at least in the legislative arena.

This introductory inspection of the German legislative agenda points toward two intuitions. First, a limited number of issues, most prominently the economy, continuously occupy a substantial amount of space on the issue agenda. These issues, which include budgeting and macroeconomic management, are central to lawmaking and to our understanding of what government does for its citizens. Second, the content of the German legislative agenda is animated. The agenda space is peppered with sudden spikes in a particular issue at the expense of a fourfold drop in some other areas. At the same time, some issues, such as law and order, creep onto the legislative agenda and rarely vanish. In short, stark differences in both the size and the volatility of the legislative topics addressed by the German Parliament exist. Minimally, this initial description hints that some issues receive a steady stream of legislative attention, while others burst onto the agenda and quickly disappear. So far we know relatively little about why these differ-

ent dynamics prevail across issues in general and in the German Bundestag specifically.

This chapter next develops a tentative inquiry into the sources of variation in the legislative agenda and examines two forces: large-scale transformations and legislative institutions. Agenda-setting theory (Baumgartner, Breunig, et al. 2009) holds that both political attention to a particular issue and institutions influence agenda dynamics. Since selecting issues is a precondition for legislative action, I expect that large-scale changes, such as reunification and Europeanization, serve as powerful focusing events that grab legislators' attention and shift the legislative agenda temporarily. At the same time, certain institutional configurations enable or thwart legislators' ability to legislate on those issues. For the purpose of this paper, I examine whether three legislative venues—partisanship in the Bundestag, opposition control of the Bundesrat, and ministerial portfolios—change the content of the legislative agenda. I examine each source in turn.

### **The Role of Large-Scale Transformations**

Politics in Germany have witnessed two large-scale transformations since the 1970s: Europeanization and reunification. Although scholarly literature on the influence of both forces on specific public policies is enormous, in this section I will examine whether and how Europeanization and reunification change the German legislative agenda—in other words, whether different issues are legislated (1) in the absence or presence of a European impulse for legislation and (2) in the period before or after reunification. In order to address both questions, I rely on simple contingency tables and display their results in figure 8.2.

#### REUNIFICATION

In 1990, reunification profoundly altered the shape and character of the German polity. The union of the former communist German Democratic Republic and the German Federal Republic was largely accomplished by transferring West German legal, political, and economic institutions to the Eastern states. This accession established the most populous country in Western Europe and, in a very short period of time, created a culturally and economically more fragmented polity. Among the most important political modifications of the new Germany are (1) an important shift in Germany's federal system, with the addition of five new *Länder*, and (2) the inclusion and rise of a new

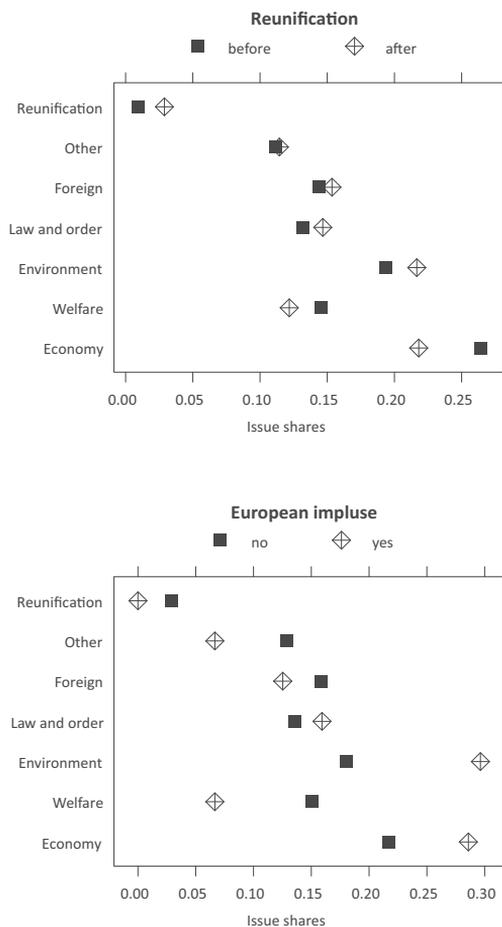


Figure 8.2. The German legislative agenda and two historical transformations

Note: The left-hand plot displays the shares of legislative issues before and after reunification. The right-hand plot shows the shares of legislative issues with or without a European impulse. Issue shares are in percentages across the seven macrotopics ( $N = 3138$ ).

left-wing party, the Left Party of Democratic Socialism (PDS/Linke), emerging out of the former East German Communist Party. These two political changes are linked: the upper chamber (Bundesrat) incorporated the resulting new states and redistributed its seats among the *Länder*, a reshuffling that tipped the political balance toward poorer and more leftist states.

Along with political changes came a gamut of pressing policy problems. Given the desolate state of the East German economy, the government of Helmut Kohl promised to respond with immediate macroeconomic and labor

policies aimed at boosting the economic well-being of East German citizens (*blühende Landschaften*). Derelict industrial and military constructions called for an environmental policy that repaired the ecological legacy of the collapsed socialist state. In addition, unification forced German policy makers to rethink its foreign policy by addressing how a unified Germany should and would assert itself within Europe and on a global scale. Given the large-scale regime change and pressing policy needs, how did the legislative agenda respond?

A simple comparison of the legislative agenda for the time period before and after the official date of reunification provides some answers. As the top-right plot of figure 8.2 shows, when comparing legislative outputs for the period between 1977 and 1990 with those for the period between 1990 and 2005, no stark differences exist. Economic (-5 percentage points) and welfare (-2 percentage points) issues receive a bit less attention, while law and order, reunification, and environment gain between 1 and 2 percentage points. The plot indicates that legislative output and public policy did not alter dramatically after reunification.

At least for the legislative agenda space, reunification, in pure numbers, never occupied a central role for an extended period of time. Only 69 of 3,138 enacted laws directly dealt with reunification. Going back to figure 8.1, the reunification issue surged on the legislative agenda in 1990. From then until 1992, reunification occupied between 9% and 13% of the total legislative agenda. Within this topic area, macroeconomic and property-rights issues were a major concern immediately after reunification, while legislation on civil rights and liberties (including affairs related to Stasi, the East German state security service) became more prominent thereafter. Admittedly, it might be charged that the relatively meager share of reunification issues is due to the coding protocol. But even if we had continued to code all amendments and revisions as reunification-specific issues, our recoding revealed that the topic of reunification hardly ever surpassed a 5% share of the total agenda space.

The historical consequences of reunification are profound. In the early 1990s some legislative decisions, such as the unification treaty, not only were fundamental legislative accomplishments in the post-World War II era but also generated life-changing experiences for large parts of the citizenry. However, these substantively important policy shifts did not, by and large, alter the legislative agenda. The postreunification legislative era started with a modest increase in legislation related to reunification and marginally moved

the composition of legislated issues away from welfare and the economy toward environmental concerns and law and order. In addition, it is hard to sustain the argument that this small shift in the composition of issues should be attributed solely to the reunification process.

Instead of major discontinuity, the German Parliament responded with legislative continuity. Thus, the significance of reunification was not just an institutional transfer (*Institutionentransfer* [Lehmbruch 1990]) but also a thematic transfer (*Thementransfer*). There was no transformation of the issue space; instead, the German Parliament legislated on similar issues before and after reunification. This observation suggests that the inclusion of new states and a leftist party did not dramatically alter the composition of legislative issues. Instead, new problems and issues, such as law and order, intruded onto the legislative agenda after the brief surge of reunification issues in the early 1990s.

#### EUROPEANIZATION

Although reunification rapidly transformed German politics, the foundations of European integration had been laid in the 1950s. Since then national governments had adapted to this creeping, gradual process by coordinating public policy at the domestic as well as the European level. With regard to public policy, Europeanization is generally understood as a cross-national convergence of policy styles and outcomes. The vast literature on this topic (e.g., Hix and Goetz 2000; Risse, Cowles, and Caporaso 2001) highlights three broad mechanisms for convergence: national-level adaptation of European Union decisions and regulation, common interests and values of political elites across countries and within the EU institutions, and strategic exploitation of different policy levels by domestic actors in order to achieve their preferred policy outcomes. All of these mechanisms suggest that attention to various policy issues becomes increasingly homogenous and coherent across European politics and that Europeanization crowds out domestically instigated policy change.

From European institutions' earliest inception, policy making, particularly market regulation, was a primary motivating factor in the integration process. Without doubt, by the beginning of the twenty-first century the influence of Europeanization had been documented across several policy fields, most notably for agricultural, environmental, human-rights, and immigration issues. The obvious question is whether a European impulse has a uniform effect across all topic areas or some policy issues are more receptive

than others. In order to address this, I rely on the parliamentary records that specifically mention European involvement. A European impulse comes in a myriad of ways, such as responses to EU directives and recommendations, decisions by EU institutions (Parliament, council, court of justice), agreements, conventions, and treaties.

For the period between 1977 and 2005, I find that 24% of all laws respond to a European impulse. Although large fluctuations in the percentage of laws with a European impulse occurred during the late 1970s and early 1980s, at least 30% of all laws passed by the German government after 2000 were based on European impulses. The right-hand plot in figure 8.2 displays how this effect is distributed across the different macrotopics. It is instantly apparent that a large variation of Europeanization exists across the seven policy topics. Welfare and government operations receive over 5 percentage points less agenda space from European impulses. On the other hand, Europeanization can be easily detected for economic topics (which include regulatory issues) and environmental topics (which include agricultural issues). The differences are a 7 and a 12 percentage-point increase in the issue share respectively. A simple  $\chi^2$  test indicates that there is a statistically significant difference in the composition of issue shares across topics for laws with and without European impulse ( $\chi^2 = 129$  with 6 degrees of freedom,  $p < 0.001$ ). When viewed over time, it also becomes apparent that the share of economic topics with a European impulse rose after 2000.

All in all, the comparison of legislative agendas with and without European impulses largely confirms the previous efforts of scholars of European politics. First, Europeanization of the German legislative policy agenda becomes more common. Second, distinct patterns of Europeanization prevail across policy issues. As Börzel (2006) argues, the breadth and depth of Europeanization varies across policy areas. For agricultural and environmental issues, Europeanization is most highly developed. Other policy areas, such as social welfare, labor, and education in domestic politics, operate for the most part domestically. In short, Europeanization focuses legislators' attention on a small set of policy areas for which their decision-making authority is constrained.

## **Legislative Politics and Legislative Agenda**

The institutional foundation of legislative politics in Germany conjoins majoritarian and nonmajoritarian features of democracy. The government is

headed by an institutionally powerful chancellor (*Kanzlerdemokratie*) and is represented by a minimum-winning coalition in Parliament. Consequently, the majority of legislation originates from the executive branch. At the same time, the strong executive faces multiple veto points in the legislative process. The strategically most important hurdle is the upper chamber (Bundesrat) because policy making across most policy areas is a process of joint decision making (Scharpf 1988). Opposing majorities in the Bundesrat and Bundestag paired with partisan competition among a small set of parties contribute to conflict-laden parliamentary decision making and policy making. I therefore expect that two features—partisan control of government and opposition control of the upper chamber—affect the legislative agenda.

First, literature on the role of parties in government offers two opposing logics on how government parties shape public policy-making and legislative agendas. The first strand essentially argues that partisan preference makes a difference in policy outcomes. It maintains that public-policy outcomes can be derived from ideological positions of the executive. Once in power, parties aim to implement their policy agenda. Both rational-choice accounts of partisan politics and more substantial descriptive accounts on the role of the chancellor in German lawmaking therefore hold that the policy content of the legislative agendas varies depending on which parties rule in Parliament. The second strand maintains that ideologically derived policy preferences have at best a limited influence on public policy, for two reasons. First, given the multiple veto points and the strength of parapublic institutions, the German political system encourages power sharing and consensus seeking within the governing coalition and the larger institutional environment. This logic contends that, in general, Germany is governed from the center, and policy content changes little. Second, some public-policy literature (Jones and Baumgartner 2005) argues that governing parties are not utility maximizers; instead, they serve as problem solvers. Consequently governments, regardless of their partisan stripe, are forced to attend to and address pressing policy needs. This urge stymies preference-based policy making and leads to similar (if environmental stimuli are random across governments) and dynamic legislative agendas.

The second source of changes in legislative agendas is partisan control of the upper house. Interchamber relations are typically characterized by a strong form of symmetrical bicameralism and by partisan competition between government and opposition across the two legislative institutions. Scholarly works on German bicameralism bemoan the persistence of political

immobility and legislative gridlock (Scharpf 1988; Lehbruch 2000) because the Bundesrat (1) represents a crucial veto point in the passage for a considerable share of all bills and (2) is seldom in the control of the government coalition. Two arguments for legislative delays and failure are put forward. First, given that the different partisan majorities prevail in each chamber, a typical veto game ensues that produces either legislative failure or lowest-common-denominator policies. Second, government might be able to anticipate the veto by the opposition-controlled upper chamber and therefore will not even consider introducing a bill requiring Bundesrat consent (Manow and Burkhart 2007). Both logics support the idea that the two houses operate differently depending on whether government controls the Bundesrat. Consequently, one would expect that distinct policy agendas are legislated under different types of upper-chamber control.

In addition to partisan control and bicameralism, the literature on comparative politics argues that a core function of parliamentary government is choosing a cabinet and ministers (Budge and Keman 1990; Laver and Shepsle 1996). An essential aspect of coalition bargaining and government formation is the creation and control of individual ministries. By heading a particular ministry, political parties are able to control policy outcomes on that policy dimension. The literature offers two mechanisms on how ministerial agenda control influences policy. Both understand ministers as agents of their parties. First, ministerial discretion induces stability in the multidimensional policy space and enables dimension-by-dimension policy making (Laver and Shepsle 1996). Second, individual ministers push for policies in their policy realm in order to reward constituency groups (von Hagen and Harden 1996). Both mechanisms suggest that ministerial agenda control should be concentrated on each ministry's legislative jurisdiction.

This brief discussion introduced three institutional features—governing parties, bicameralism, and ministerial control—that should alter the legislative agendas. Large bodies of literature propose significant policy differences depending on the constellation of each of these three features. In the following, I examine each area in turn.

## **Government Parties**

Differences in the legislative agenda across government parties can be assessed by the three different coalitions during the time period examined. From 1974 to 1982 the social-liberal government was led by the Social Demo-

cratic Party (SPD) under Chancellor Helmut Schmidt, with the FDP as the junior partner. After a constructive vote of no confidence in 1982, Kohl took over the chancellorship, and his Christian Democratic Union (CDU) governed in coalition with the Christian Social Union (CSU) and FDP until 1998. After the Red-Green victory in the 1998 election, the SPD's Gerhard Schröder headed the government, with the support of the Green Party, for two legislative periods until 2005.

The left-hand plot of figure 8.3 displays the issue shares for each governing coalition. An initial visual inspection hints that the composition of the

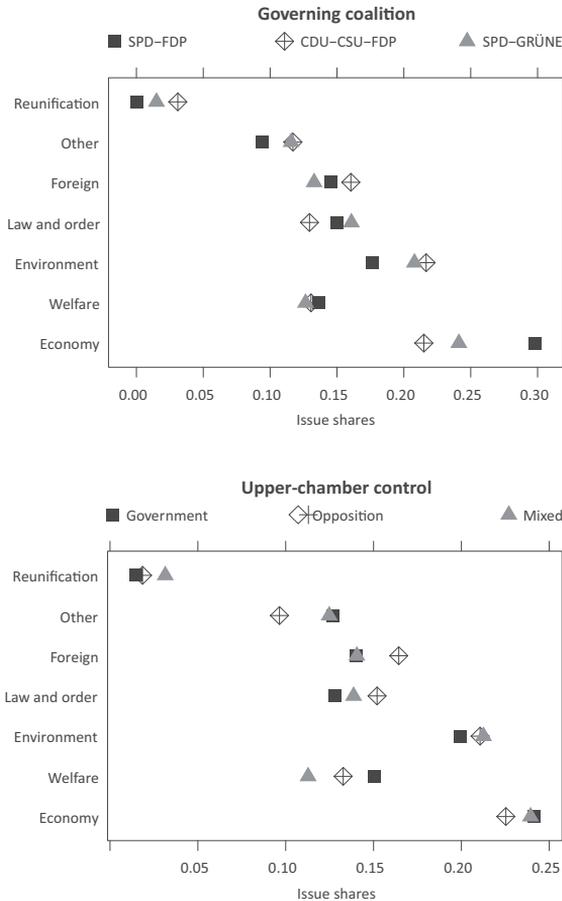


Figure 8.3. The German legislative agenda and two institutional mechanisms

The left-hand plot displays the shares of legislative issues for each of the three government coalitions.

The right-hand plot shows the shares of legislative issues depending on the three types of upper-chamber control. Issue shares are in percentages across the seven macrotopics ( $N = 3138$ ).

legislative agenda is fairly stable across the three governing coalitions. In fact, the difference in the size of the issue shares is hardly more than 2 percentage points for three policy macrotopics: foreign, economic, and other. The most stable of all macrotopics is welfare: partisan difference in government attention is less than 1 percentage point!

When comparing each government transition, some policy shifts become discernible. The switch from a social-liberal to a CDU-led coalition led to an 8 percentage point drop in economic issues, which was replaced by a 4 percentage point surge in environmental topics (split about equally between agriculture and the environment) and a 3 percentage point rise in unification-related legislation. Drilling down to the major topic level reveals that the main difference between the two governments is macroeconomic issues. Of all Germany's governments during this time, the SPD-FDP coalition was the most active in this area. It was also the government with the most exclusive focus on one area: 18% of all laws were related to macroeconomic management. This finding correlates well with the scholarly perception of the SPD-FDP government. In the mid-1970s the government was able to keep unemployment fairly low and incomes up owing to active macroeconomic and labor-market policies, including deficit spending. However, different opinions on how to respond to worsening economic conditions and rising debt ultimately broke the SPD-FDP coalition apart in 1982.

The switch from a conservative to a Red-Green coalition in 1998 produced a less pronounced shift in the legislative agenda. Foreign-policy topics dropped by nearly 3 percentage points, while legislation on the economy and law and order increased by roughly 3 percentage points. When compared to ideological placement, this small change in the legislative agenda seems surprising. Despite the SPD's move to the ideological center during the 1990s, the two major parties were ideologically distinct. This is even truer for their respective junior coalition partners. Overall, this brief inquiry indicates that the legislative agendas of the three different governing coalitions are fairly similar overall. This finding hints that governing coalitions cannot simply translate their partisan position into legislative outputs. Given that the legislative agenda is disjointed and episodic (see fig. 8.1), the lack of partisan differences might be due to which issues governments attend to and how they are addressed once they land on the legislative agenda. This suggests that although governments legislate on various policy issues in a serial manner, legislative agendas across governing coalitions are similarly composed in aggregate. The resemblance might simply be due to similar external shocks.

## InterChamber Relations

The right-hand plot of figure 8.3 displays the composition of issue shares among the three constellations of Bundesrat control. Three types of upper-chamber constellations are considered: Bundesrat is in the hand of the governing coalition; opposition parties control the Bundesrat; and mixed majorities of government and opposition parties prevail. For the time period examined, only 24% of laws are passed under unified control. The plot offers three insights.

First, the composition of legislative topics differs among the three types of upper-chamber control. A  $\chi^2$  test ( $\chi^2 = 24$  with 12 degrees of freedom and  $p < 0.05$ ) indicates that a statistically significant difference among chamber control and legislative agenda composition exists. The plot allows us to see that welfare topics (especially social welfare and labor policy) are more likely to be legislated when government controls the Bundesrat. The difference between government and opposition control is a reduction of nearly 2 and 4 percentage points when the upper chamber holds a mixed majority. One might speculate as to why welfare is lower under mixed than under opposition control of the Bundesrat. A potential answer might be that under mixed majorities, interchamber bargaining might be too costly and vague in terms of time and payoffs.

Second, issue shares for most topics, notably the economy, other, and foreign affairs, as well as education and energy when examined at the major topic level, hardly differ (i.e., a change of less than 1 percentage point) between government and mixed control. For a host of policy topics, whether or not the Bundestag is in government or mixed control makes no difference in terms of legislative agendas.

Third, the issue shares of some policy areas, most notably the environment (especially transportation) and law and order, increase when the Bundesrat is controlled by mixed or opposition majorities. When government is not in control in the Bundesrat, some policy topics appear to generate less resistance and to attract cross-chamber attention more easily.

Taking all this together, I find more nuanced evidence for the influence of the Bundesrat on the legislative agenda. The key insight is that different majority constellations result in distinct legislative agendas patterns across policy topics. In other words, gridlock (*Reformstau*) is conditional on policy area. Environmental as well as law-and-order topics are less affected than other policy topics by institutionally generated veto points. The previous lit-

erature overlooked this possibility because of its focus on veto-ridden policy areas. At a minimum, figure 8.3 suggests that other modes of interaction between the two chambers exist. Bräuninger and König (1999) might be a starting point for further inquiry. They show that the type of policy as well as the type of legislation (i.e., whether it is mandatory or not) determined upper-chamber approval of policy change during the late Kohl era. Since their study is restricted to a narrow time period and only two policy areas, it is an open question whether different legislative procedures or policy-specific features enable legislative activity despite substantial legislative roadblocks.

### **Ministerial Agenda Control**

One theoretical and empirical problem in the study of ministerial influence is that newly elected governments regularly change the number and purpose of ministries. They often do so in order to highlight an important policy area on the governing agenda. By abolishing or establishing a ministry, governments essentially institutionalize government attention to a particular policy area and purposely reduce attention to others. For example, three differently configured ministries were responsible for health-care issues between 1977 and 2005; others just survived one legislative period. Despite this limitation, it is worth considering (1) how much a ministry is involved in each of the seven macrotopics of the legislative agenda and (2) how dominant certain ministries are in a specific topic area.

Figure 8.4 displays the issue shares for each ministry. For comparative purposes, it also shows laws based on international agreements. In the level plot, the darker a square is, the higher the issue share on that topic. The ministries are placed on the y-axis and are ordered according to the degree of their legislative involvement. Among the most actively involved ministries are justice, finance, interior, and further back, work and social support, agriculture, and the three versions of the health ministry. At the bottom are several ministries that existed for one legislative period and were responsible for just one law, such as the developmental ministry.

A few ministries operate in one policy area; many spread across issues. As the plot indicates, ministries with a nearly exclusive focus on their designated policy area include the environment, defense, agriculture, transportation, and the two education-related ministries. The ministries for social work as well as justice are spread out across several policy areas. For example, roughly half of all legislative involvement of the justice ministry is within the

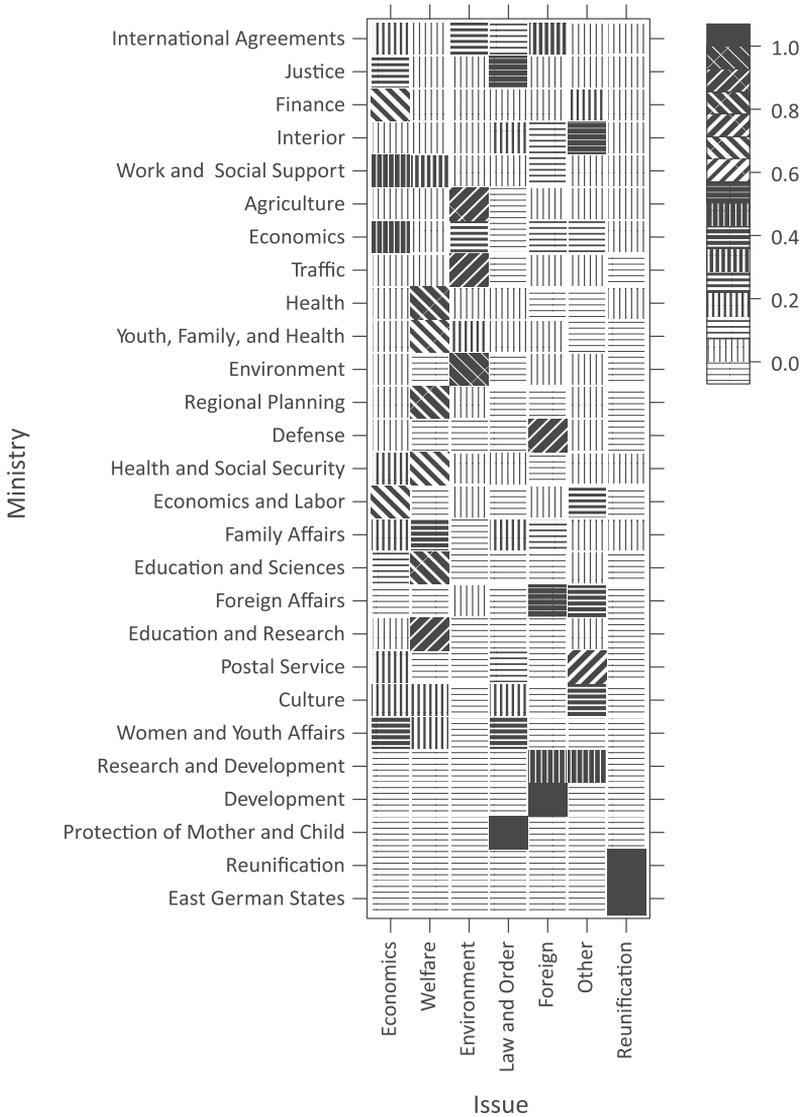


Figure 8.4. The German legislative agenda, international agreement, and ministerial responsibility

Note: The y-axis displays all German ministries ordered by the number of laws they were responsible for (top to bottom). The x-axis lists the seven macrotopics. The shape of the squares indicates the issue shares for each ministry. Darker squares indicate that a given ministry concentrates on a particular topic. Issue shares are in percentages across the seven macrotopics ( $N = 3138$ ).

law-and-order policy field, and the other half is spread across the remaining six issue areas. An inspection of each macrotopic suggests that numerous ministries participate in the areas of economic management and welfare, while law and order is more or less exclusively managed by the interior and the family affairs ministry.

This inquiry indicates that hardly any ministry has an exclusive focus on a single policy dimension; this is especially true of some of the ministries that carry out central government functions, such as the justice, foreign affairs, finance, and interior ministries. In addition, nearly the same sets of ministries continuously occupy a substantive space on the legislative agenda. All told, this suggests that ministries do not just concentrate on their jurisdiction; instead, ministerial involvement occurs across policy topics. This finding indicates that the theoretical logic for ministerial dominance does not capture how ministries actually shape the legislative agenda. Instead, ministerial involvement across policy domains hints that policy change regularly originates outside the “natural habitat” of a specific issue. Legislative agendas might be dynamic because individual ministries are able to bring an issue to the collective attention, break up existing policy subsystems, and thereby gain control over this issue. In addition, core ministries, such as justice and finance, are the prized assets of coalition bargaining exactly for this reason: they can operate across all policy issues.

## **Conclusions**

This chapter explores the content and dynamics of the legislative policy agenda in Germany. Even when the policy space is summarized by just seven large policy topics, major ebbs and flows of particular policy issues become apparent for the time period between 1977 and 2005. This is true for relative large policy areas, such as the economy, as well as small items, such as government operations. In addition, the pace of policy issues varies across topics. For example, law and order slowly emerged on the legislative agenda after the mid-1990s, while environmental concerns rapidly and sporadically burst to the forefront.

The examination of historical transformations and institutional structures in the context of legislative agendas delivers two lessons. First, institutional features and partisan control of government do not shape the legislative agenda equally across issue domains. To highlight some important findings: core ministries are involved in several policy domains, opposition control of

the Bundesrat does not stymie legislation on environmental and law-and-order issues, and partisan differences are largely confined to economic issues. Second, straightforward theoretical expectations regarding the impact of reunification, partisanship, and ministerial agenda control cannot be substantiated. Consequently, more nuanced explanatory models of legislative politics need to be developed that incorporate policy issues more clearly.

For the broader literature on German politics, this chapter delivers two insights. First, the episodic rise and fall of legislative issues contradicts the notion of incremental, deliberative policy making depicted in the classic literature on German politics. Instead of policymaking of the “middle way,” the German legislative agenda rather can be described as “policy of the many ways.” Despite opposition control of the Bundesrat and low governmental turnover, German legislators regularly and abruptly become active in different policy domains. This results in a dynamic legislative agenda. Second, the findings of the chapter suggest that the scholarly debate about whether competitive or consensual features dominate in German politics is likely to be domain specific. While the impact of institutional configurations is apparent for economic and welfare issues, the environment, law and order, and foreign affairs appear more consensus driven. At the minimum, the apparent differences in policy domains call for future examinations of policy domain-specific institutions.

## Notes

1. I would like to thank all those involved in the Comparative Policy Agendas project, especially Christoffer Green-Pedersen and Stefaan Walgrave for putting this edition together. Sarah Sophie Fleming, Joey Hawker, and Monika Wyrzykowska provided outstanding research assistance and are by now experts on the fine details of German legislative issues. More information about the German Policy Agendas Project can be found at <http://gpa.uni.kn>.