

Patterns of Parliamentary Opposition: Empirical Evidence from the Deliberations in the German Bundestag's Committee on European Union Affairs

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This article examines patterns of oppositional behaviour in the German Bundestag's Committee on European Union Affairs (EAC) for two separate legislative periods (2005–2009 and 2009–2013). The study makes two contributions to previous research. It, first, shed some much-needed empirical light on political opposition in the Bundestag by examining how much and what kind of opposition exists in the German EAC. Secondly, the article examines the differences in oppositional behaviour of the Members of Parliament between the two legislative periods following an institutional reform in 2009 that afforded the Bundestag with increased opportunity structures in European Union affairs.

Keywords: European Affairs Committees, European Union, German Bundestag, National parliaments, Parliamentary opposition

Former chairman of the Social Democratic Party (SPD) Franz Müntefering was famously quoted as saying that 'opposition is rubbish' ([Die Welt, 21 March 2004](#)). The intention behind Müntefering's dictum was to remind party members that politics is essentially about governing, but his statement could also be seen as a general reminder of the limited role he thought opposition played in the German Bundestag. Taken at face value, Müntefering's proclamation is provocative as it flies in the face of deep-seated normative beliefs, according to which opposition is to be regarded as 'very nearly the most distinctive characteristic of democracy itself' ([Dahl, 1966](#), p. XVIII). Furthermore, the declaration that opposition is rubbish also draws our attention to the empirical side of the coin and

how much knowledge we have about oppositional behaviour in national parliaments.

This article aims to increase our understanding of existing patterns of parliamentary opposition in the German Bundestag and, more specifically, in European Union (EU) affairs. The current state of knowledge of opposition in German EU affairs gives a contradictory picture. On the one hand, previous research indicates that the German parliament's Committee on European Union Affairs (EAC), which is a key forum for the Bundestag's participation in EU affairs, has had limited impact on the direction of the German EU policy (Fuchs, 2004; Beichelt, 2009). Additionally, the EAC has been steered by the government majority, and its deliberations have mainly been characterised by cooperative trends (Beichelt, 2009, 2012). Research covering the Bundestag's plenary debates reinforces the picture of opposition as largely lacking in EU affairs (Rauh and De Wilde, 2018). It is, on the other hand, the case that the role of the German parliament in EU affairs has been strengthened in recent years (Beichelt, 2012; Höing, 2015), and it has been shown to act as both a policy shaper and a watchdog over the government (Abels, 2016; Winzen, 2017). Furthermore, from a comparative EU affairs perspective, the Bundestag stands out as one of the most active parliaments with one of the more powerful EACs (Auel *et al.*, 2015). The discrepancy between these competing pictures calls for further investigation of the patterns of parliamentary opposition in German EU affairs. As a first research task, we thus ask how much and what kind of opposition exists in German EU affairs?

Our focus on the Bundestag is warranted not only because Germany is a core Member State of the EU and as such an important case to study if we want to learn about existing patterns of opposition in EU affairs. There is yet another reason why Germany is an especially interesting case in point for students of parliamentary opposition. As previous research has shown that there is great variation between EU Member States when it comes to existing parliamentary *opportunity structures*, that is, the institutional means afforded to parliaments to engage in oppositional behaviour (Garritzmann, 2017). In practice, such opportunity structures include things like access to information, a scrutiny infrastructure, as well as oversight and influence rights. In a study focused exclusively on the opportunity structures for oppositional behaviour in EU affairs, Auel *et al.* (2015) has reported significant differences between EU Member States when it comes to the strength of their EACs, and the Bundestag is considered as one of the strongest in terms of its opportunity structure. These studies certainly contribute to our understanding of existing preconditions for parliamentary opposition, but they are also limited as they tell us very little about the connection between opportunity structures and actual behaviour. Since we are not content with simply describing existing patterns of opposition but also want to examine if stronger opportunity structures co-vary with more frequent oppositional behaviour, German EU

affairs is an excellent case to study. This is so because in 2009, the German Constitutional Court (BVerfG, 2009) criticised the erosion of parliamentary control and demanded a strengthening of the Bundestag's influence over EU affairs. The verdict led to legal changes that significantly strengthened the parliament's general participatory rights in EU affairs as well as the government's obligation to inform the parliament about ongoing policy matters (Beichelt, 2012; Höing, 2015). The strengthening of the Bundestag's participatory rights in EU affairs is by no means restricted to the EAC but rather affects all committees that deal with EU issues. However, as the EAC is the lead committee for all key issues relating to European integration and afforded the right to 'give opinions on all incoming EU documents' (Höing, 2015, p. 195), it stands to reason that any possible effect of the institutional reform on oppositional behaviour would be visible here. As a consequence of the 2009 reform, we are thus able to compare if and how variation in the parliamentary opportunity structures from one legislative period (2005–2009) to another (2009–2013) affect oppositional behaviour. As a second research task, we thus ask: Do stronger opportunity structures in EU affairs covary with more frequent oppositional behaviour?

From the literature, we know that the answer to the second research question is far from obvious. Previous parliamentary research has, in fact, found that parliaments sometimes do not make full use of their formal powers (e.g. Pollack and Słominski, 2003; Auel, 2007). Furthermore, in the German case, previous studies have identified a reluctance of Members of Parliament (MPs) to take full advantage of the tools they have been formally granted and a tendency of the opposition to bow to the government majority (Hölscheidt *et al.*, 2009; Beichelt, 2012). Still, based on previous research (Kaiser, 2008; Garritzmann, 2017), our theoretical expectation in connection to the second research question is that the stronger the opportunity structures are, the more oppositional behaviour we will find. We will refer to this as *the opportunity structure hypothesis*.

To fulfil its aim, the study compares oppositional behaviour during two legislative terms: 2005–2009 (Merkel I) and 2009–2013 (Merkel II). Utilising a unique data set that charts the actual behaviour of MPs during EAC deliberations, this study examines patterns of parliamentary opposition in German EU affairs and to what extent any changes has come from the 2009 institutional reform. We, hereby, hope to contribute both to a better knowledge of the actual existence of opposition in German EU affairs and of the connection between opportunity structures of the EAC and the actual behaviour of MPs. It should be recognised at the outset that additional factors such as extraordinary political events may also lead to changing patterns of oppositional behaviour. During the time period examined one such dramatic event was the eurozone crisis, which erupted at the end of 2009 and intensified in the following years. Studies have shown that the crisis did affect parliamentary scrutiny patterns and raised the level of conflict in

the German Bundestag (e.g. De Giorgi and Moury, 2015; Wonka and Göbel, 2016). While our design does not allow us in a rigid way to isolate the effect of the institutional reform from other potential variables, the selection of legislative terms does make it possible to control for the effect of the eurozone crisis by comparing changed patterns of opposition in policy areas directly linked to the crisis with changed patterns of opposition across the board.

The remainder of this article is organised as follows: In the next section, we examine previous research on political opposition. This is followed by a conceptual discussion that leads up to a presentation of the study's analytical framework. We then move on to a section that deals with research design, data and coding. In the penultimate section, we analyse oppositional behaviour in German EU affairs, whereas the final section offers our main conclusions.

1. Political opposition in practice—survey of the field

Dahl's *Political Opposition in Western Democracies* (1966) broke new ground by offering the first major comparative study of political opposition. A number of important studies on opposition have indeed been published since (e.g. Helms, 2004, 2009; Kaiser, 2008; Norton, 2008; Andeweg, 2013; De Giorgi and Ilonszki, 2018). Of special importance for this study is the recent contribution by Garritzmann (2017), which builds on previous research efforts (e.g. Kaiser, 2008) by focusing on the 'institutional opportunity structures' (Garritzmann, 2017, p. 2) of parliamentary oppositions in 21 democracies. This study is no doubt an important contribution to the research field, but at the same time, it only reveals what actors *can do* rather than what they *de facto do* (Garritzmann, 2017, p. 2). The present examination seeks to take things one step further by examining how oppositional *behaviour* co-vary with opportunity structures in the Bundestag, before and after the 2009 institutional reform.

Path-breaking research has also been presented with a focus on how the EU political system affects opportunities for opposition. Mair (2013) and others (e.g. Neunreither, 1998) have argued that EU politics is characterised by a striking absence of opposition to the policies decided in Brussels. The EU, thus, contributes to a 'depoliticisation' that by no means is restricted to the EU level but also 'limits the scope for classical opposition at the national level' (Mair, 2013, p. 139). There is, nevertheless, a relative shortage of theoretically informed empirical work that deals explicitly with political opposition in EU affairs (for notable exceptions, see Helms, 2009; Mair, 2013; De Giorgi and Moury, 2015; Hoerner, 2017; Senninger, 2017; Karlsson and Persson, 2018; Rauh and De Wilde, 2018). In some recent contributions, however, we find evidence of the way national parliaments engage in debates, questions and resolutions on EU affairs (e.g. Auel and Raunio, 2014; Auel *et al.*, 2015). Some studies have even tackled oppositional behaviour head-

on by examining the *content* of such activity. In a study from Denmark, [Senninger \(2017\)](#) shows that Eurosceptic parties in their parliamentary questions highlight general polity-related aspects, whereas mainstream parties tend to focus on specific policy-related issues. [Hoerner \(2017\)](#) examines to what extent political parties provide support for the government's position on EU policies and find that Eurosceptic parties are more prone than mainstream parties to criticise the government. [Rauh and De Wilde \(2018\)](#), on their part, demonstrate the existence of an 'opposition deficit' in EU accountability by examining plenary debates in four Member States. In different ways, these recent studies on opposition contribute to our understanding of the national parliaments' key functions in EU politics, that is, on the one hand, *controlling* the government's actions and, on the other hand, *communicating* EU affairs to the public (cf. [Auel et al., 2016](#)).

In terms of studies that deal explicitly with the German case, we find different views when it comes to the role that the Bundestag plays in EU affairs. Some scholars emphasise its formally strong position and high activity in EU affairs ([Neuhold and Smith, 2015](#); [Abels, 2016](#); [Winzen, 2017](#)), whereas others report that the EAC, in particular, is not a strong player despite the formal rights it has at its disposal ([Beichelt, 2009, 2012](#); [Brosius-Linke, 2009](#); [Dhungel and Linhart, 2014](#)). If we look specifically at studies that have been engaging with opposition, we again encounter results that point in opposite directions. [Rauh and De Wilde \(2018\)](#) find opposition in EU affairs in the Bundestag to be fairly uncommon, while research that has zeroed in on specific, important policy issues, such as the Euro-crisis, have identified a significant presence of opposition ([Wimmel, 2012, 2015](#); [Wendler, 2014](#)).

In summation, as noted by Wendler, there is an apparent shortage of 'empirically grounded research evaluating the actual extent and quality' of 'political contestation' (2011, p. 501) in German EU affairs. Furthermore, the fact that the main bulk of previous research on opposition in the Bundestag studies the plenary debates makes it all the more urgent to open up the black box of committee deliberations to improve our understanding of parliamentary opposition in German EU affairs.

2. Opposition—from concept to analytical framework

We find, in the scholarly literature, a number of slightly diverging conceptualisations of opposition ([Brack and Weinblum, 2011](#)). Still, most scholarly contributions seem to be in agreement that the basic meaning of opposition has to do with disagreement or resistance being expressed in argument or by action. This, of course, is a fairly general definition and a few clarifying remarks may be useful to increase conceptual precision.

First, it is useful to distinguish *political* opposition as expressed by organised actors within the political system—for example, governments, parliaments, courts and political parties—from disagreement voiced by civil society actors or individuals. This is not to say that the latter is not an important form of disagreement that may indeed have fundamental political consequences. This is simply to say that it is useful to distinguish between political opposition and other forms of spontaneous and organised forms of disagreement in society.

Secondly, we should remind ourselves that opposition is about a certain type of *behaviour* that signals disagreement either in words or in deeds. For example, while previous research efforts on institutional opportunity structures (Kaiser, 2008; Garritzmann, 2017) have been important for improving our understanding of existing conditions for opposition to materialise, they do not tell us anything about actual opposition. Institutional opportunity structures may serve as proxies for opposition, but the full picture requires that we study the actual behaviour of political actors.

Bearing these clarifying remarks in mind, it should be made clear that this study concerns itself with a specific form of political opposition, namely parliamentary opposition and more specifically the behaviour of MPs during the deliberations with the government in the German EAC. The examination starts out from the basic understanding of opposition as an *expression of disagreement with the government* (Dahl, 1966). This definition is a useful starting point, but two key distinctions need to be made before it can serve the purpose of uncovering actual oppositional behaviour.

First, we need to make a distinction between two main *types* of opposition, namely disagreement in the form of presenting *alternatives* to the positions taken by the government and disagreement in the form of *critique* directed towards the government. By distinguishing between these two types of opposition, this study speaks directly to the research on national parliaments' controlling and communicating functions in EU affairs (Auel *et al.*, 2016). Criticism works as a means for *controlling* the government (Garritzmann, 2017, p. 2). It serves as a reminder that the government may be called on, at any time, to publicly justify its actions. However, opposition is not only about launching critique. Disagreement in the form of presenting alternatives is equally if not more important. While criticism primarily is a means for controlling the government, presenting alternatives accomplishes something else, it introduces choice in politics by *communicating* alternatives to the public. This is vital for our democracies, for it is only by being presented with real choices that citizens will see elections as meaningful; opposition in terms of presenting alternatives is thus a prerequisite for democratic legitimacy.

Secondly, we need to distinguish between three *modes* of opposition. What has been labelled 'classical' opposition (Kirchheimer, 1957) is directed at the

policies proposed and implemented by the government. We shall, henceforth, refer to this as *policy* opposition. The other key mode of opposition contains expressions of disagreement directed at the political system as such; the *polity*. This has previously been labelled ‘opposition of principle’ (Kirchheimer, 1957), but we shall simply refer to it as *polity* opposition. Opposition may also be directed towards the conducting of politics, such as how the government acts rather than what policies it promotes. This mode of opposition will be referred to as *procedural*.

By combining the types and modes of opposition, we get a parsimonious analytical framework that will help us uncover patterns of oppositional behaviour in German EU affairs.

3. Research design, data and coding

The current examination draws on data on actual oppositional behaviour from the German EAC for two legislative periods 2005–2009 and 2009–2013. For each period, we have drawn a random sample of 30 protocols from approximately 90 EAC meetings, which is sufficient to ensure reliable comparisons of patterns of opposition between the two periods. In total, we have analysed 60 EAC meetings in the Bundestag and our data set consists of 1195 statements made by MPs during the deliberations with the government over EU affairs.

The examination will focus on the EAC as a key arena for interaction between the government and the political parties represented in parliament. The choice is not an obvious one. For while the Bundestag itself describes the EAC as ‘the central forum for the German Bundestag’s participation in European affairs’, other committees like the finance committee and the committee on legal affairs are also important forums for dealing with EU affairs. However, three reasons speak in favour of choosing the EAC as the focal point of this study. First, the importance of the EAC has increased in recent years in the aftermath of the ratification of the Lisbon Treaty (Höing, 2015, p. 205). Secondly, examining the EAC gives us an opportunity to compare patterns of opposition in the German case with those found in examinations of EACs in other EU Member States (e.g. Karlsson and Persson, 2018). Finally, whereas stenographic notes, on request from the parliamentary archive, are available from the meetings in the EAC, such data are not accessible from other committees in the Bundestag. The fact that detailed protocols are available from all EAC meetings provides a unique opportunity to acquire high-quality data that allow us to examine in close detail the interactions between the government and the MPs, thereby uncovering patterns of parliamentary opposition.

The meetings in the EACs are organised around presentations made by government representatives. The presentations have the form of *ex post* reports from

meetings in the Council of Ministers or the European Council and of briefs about upcoming or ongoing negotiations—including accounts of the government’s negotiation position for which it seeks political support in the EAC. In most instances, the government acts as spokesperson for a joint EU position, and in such cases, an expression of disagreement will, in practice, be directed against the government as well as the EU. However, in some instances, the national government will hold views that deviate from those represented by the EU institutions, and in such cases, an expression of disagreement is directed at either the government or the EU.

The existence of the EAC is enshrined in the German Basic Law. Following a ruling by the German Constitutional Court in 2009 that identified an erosion of parliamentary control in EU affairs (BVerfG, 2009), legal changes were undertaken that strengthened the Bundestag’s role in EU affairs and its means to engage in oppositional behaviour. The *Responsibility for Integration Act* increased the Bundestag’s formal competencies by specifying its participation in EU affairs, for example, in amendments to EU treaties that would not require national ratification or when plans for new EU competences or procedural changes in the European Council are proposed (Beichelt, 2012). This is a remarkable shift, particularly as previous reforms generally focused on softer mechanisms that had no substantial effect on the EAC’s influence (Beichelt, 2009).

The Rules of Procedure of the German Bundestag prescribe that committee meetings are organised in a way that accounts for differences between parties, enables deliberations with different opinions while also taking the size of parliamentary groups into account (Deutscher Bundestag, 2019, pp. §28 and §59). This implies that smaller parties receive less-speaking time but will be given the opportunity to make statements in all debates to uphold a balance between parties that have different seat shares in the Bundestag. In practice, all parties contribute to any deliberation held in the committee, but the statements by smaller parties are usually shorter. As the analysis focuses on the content of statements regardless of length, the distribution of speaking time does not significantly affect the results. The unit of analysis in this study is the statements made by individual MPs in response to the government’s presentations. The main variable is labelled *type of statement* and is constructed to tap the type as well as the mode of opposition in the statements. In order to get the full picture of oppositional behaviour in the EAC, we need also, besides charting the existence of critique and alternatives, to examine the presence of *support* for the government and the EU. By combining the distinction between alternative, critique and support with the three modes of opposition, that is, policy, polity and procedure, we have constructed the variable *type of statement* which is coded: (i) policy alternative, (ii) policy critique, (iii) policy support, (iv) polity alternative, (v) polity critique, (vi) polity support, (vii) procedural alternative, (viii) procedural critique and (ix) procedural

support. A final category (x) other, contains all neutral statements made by MPs that are of no theoretical value for a study on opposition, for example, questions or requests for clarifications directed at the government representative (for information on the coding procedure, see [Supplementary data](#)).

4. Examining patterns of parliamentary opposition in the German EAC

We start by investigating how much and what kind of opposition exists in the EAC. We then turn to examine if stronger opportunity structures co-vary with more frequent oppositional behaviour by comparing patterns of opposition between legislative terms. Finally, we control our results for differences between parties and policy areas in order to assess to what extent the observed changes in oppositional behaviour can be ascribed to the 2009 constitutional reform.

Before proceeding to a closer inspection of the patterns of parliamentary opposition, something needs to be said about the political parties' general attitudes towards EU integration. For a long time, there has been a general consensus among German political parties that European integration is a good thing and that membership in the EU is beneficial for Germany. Historically, it is only the Left Party (Die Linke) and CSU that have been voicing some scepticism against the EU ([Wendler, 2011](#)), whereas Alternative für Deutschland (AfD) more recently has promoted itself as Eurosceptical party. AfD was founded in 2013, it is not included in this study, and the results should, therefore, be viewed against the background of a largely pro-European party landscape.

4.1 How much opposition exists in German EU affairs?

The data show that the most common *type* of statement across both legislative periods is those categorised as *other*, that is, a statement containing a question, a general remark or a neutral comment that neither expresses disagreement with, nor support for, the government's position on a specific issue. In total, around 60 per cent (60.9 per cent) of all statements belong to this category. However, no less than one-third (32.0 per cent) of all statements in the German EAC contain opposition, and it is almost five times as common that a statement expresses opposition against the government's position instead of expressing support for it ([Figure 1](#)). In short, our data do not seem to support the claim that there is little opposition to be found in German EU affairs (see [Supplementary data](#), [Table S1](#)).

An important finding displayed in [Figure 1](#) concerns the different types of opposition contained in the statements. The results reveal that the second most common statement across both legislative periods is the one containing 'critique'. According to our data, one-fifth (19.9 per cent) of all statements belong to this

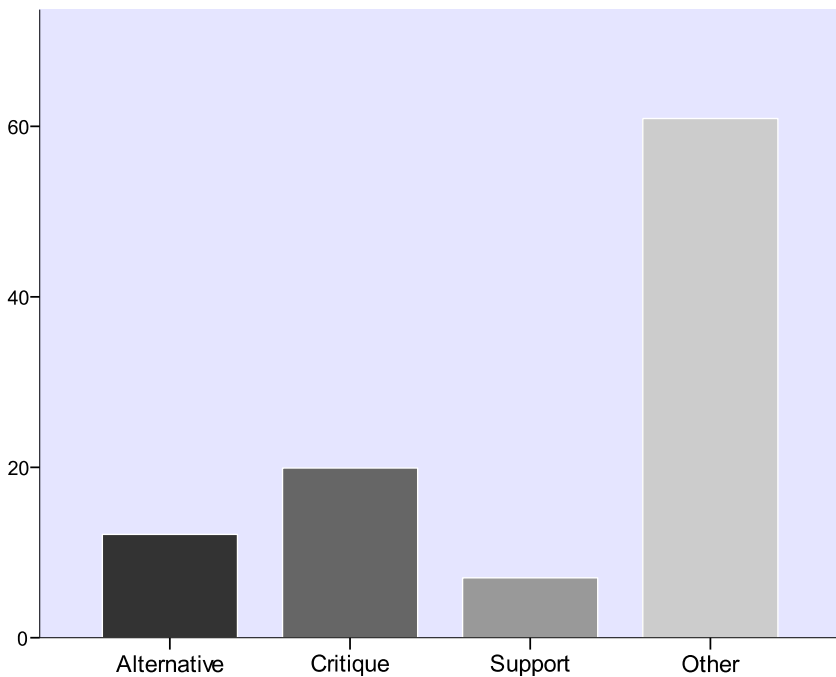


Figure 1. Share of different types of statements across two legislative periods (per cent, 2005–2013). *Note:* Total n for all EAC statements during the period 2005–2013 is 1195.

category. In comparison, we find that only 12.1 per cent of all statements contain opposition in the form of presenting ‘alternatives’. Thus, while we do find a fair amount of opposition across the two legislative periods that are examined, disagreements are predominantly expressed in the form of delivering critique rather than presenting alternatives. The German EAC thus seems to be a forum more focused on controlling the government by criticising it rather than a forum that provides the electorate with choice in EU politics by presenting alternatives.

Our findings, thus far, do not lend support to those who claim that deliberations in the EAC are mainly characterised by cooperation and that opposition is lacking in German EU affairs. However, to uncover the complete picture of opposition in German EU affairs, we need to look at the *mode* of opposition as well. Are statements voicing disagreement predominantly directed at policies or are they rather targeting the EU polity? If existing opposition statements mainly come in the form of Eurosceptical remarks directed at the EU polity, then there would still be some justification to the claim of an opposition deficit because there would still be a shortage of statements that took odds with the policies promoted in EU affairs. This, however, is not what our analysis reveals. On the

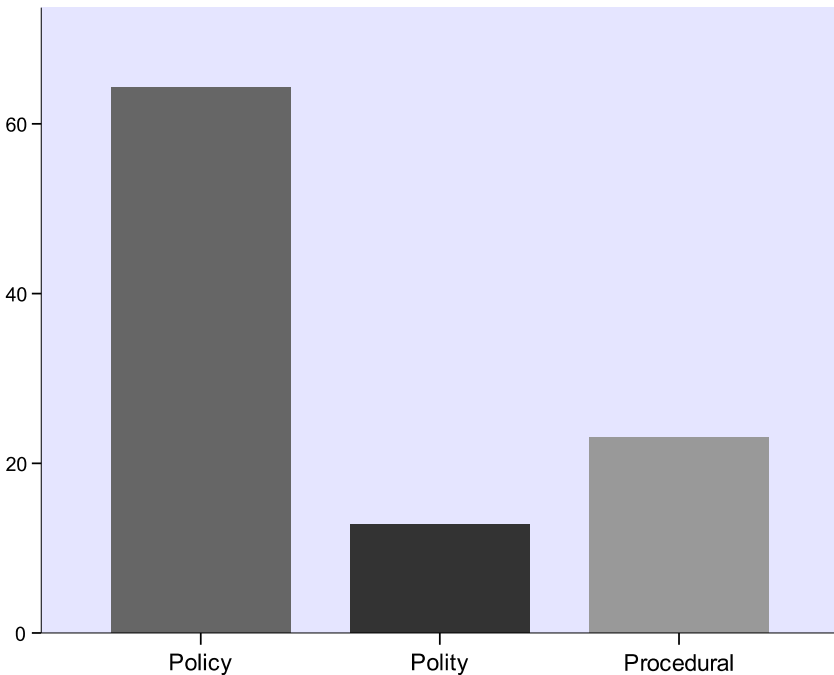


Figure 2. Share of different modes of statements across two legislative periods (per cent, 2005–2013).

Note: Total *n* for EAC statements containing opposition, that is, alternatives and critique, is 383.

contrary, our data show very clearly that policy opposition dominates over expressions of disagreements directed at the EU polity or procedures (Figure 2).

If we focus exclusively at statements containing opposition, we find that 64.2 per cent of the statements across both legislative periods are directed at policies, whereas 12.8 per cent are aimed at the EU polity, and 23.0 per cent target procedural issues (see [Supplementary data, Table S2](#)). So despite the fact that the days of the permissive consensus are long gone and we have been witnessing increasing EU-sceptical sentiments in Germany as in many other EU Member States, we find that a clear majority of all expressions of disagreement in the EAC come in the form of ‘classical opposition’, as Dahl would have put it.

We can, therefore, conclude that, according to our data, there is no shortage of opposition in German EU affairs. As one-third of all statements made during EAC meetings express opposition and since two-thirds of all opposition statements are directed at policies, it would be far-fetched to argue the case for an existing opposition deficit in German EU affairs.

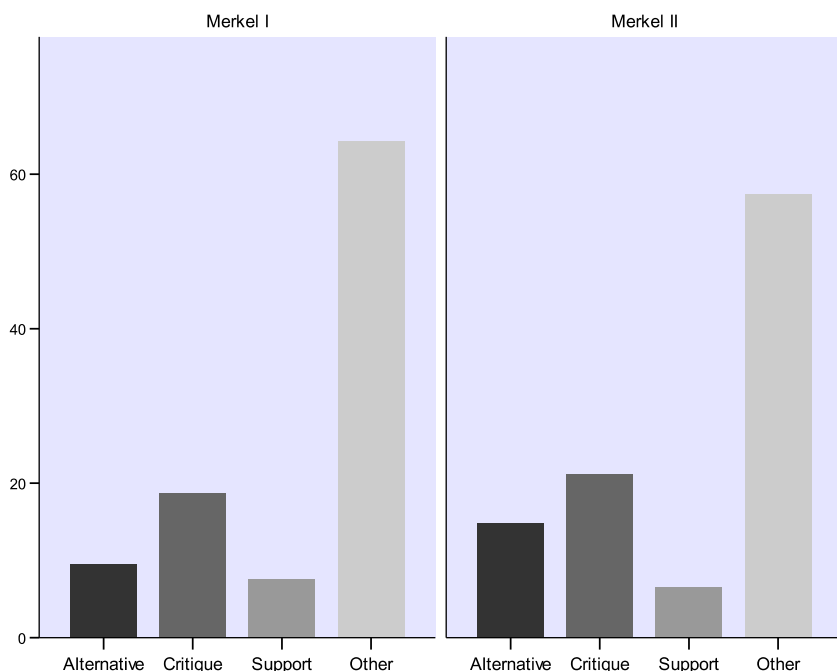


Figure 3. Share of different types of statements in two legislative periods (per cent, 2005–2013). Note: Total n for all EAC statements during the period 2005–2009 (Merkel I) is 610 and during the period 2009–2013 (Merkel II) is 585.

4.2 How do opportunity structures and oppositional behaviour co-vary?

Our next step in the analysis is to break down the data to test the validity of the opportunity structure hypothesis. Do we find more opposition in EU affairs during the legislative period that followed the constitutional reform in 2009, which presumably strengthened the German EAC, compared with the legislative period prior to the reform?

If we start by focusing on the *type* of opposition in the two legislative periods (Figure 3), we find that the share of statements containing opposition increased from the first period (28.2 per cent) to the second (36.1 per cent). This is in accordance with our hypothesis, which suggests that with increasing opportunities for parliamentary oversight in EU affairs, the EAC will engage in more oppositional behaviour. Although the difference in the share of statements containing opposition between the first and second legislatures is not particularly big, a first glance at Figure 3 still suggests that the opportunity structure hypothesis is supported by the data (see Supplementary data, Table S1).

Furthermore, if we move away from the cumulative percentages of opposition and instead look at the different *types* of disagreement, we find that the

differences mainly stem from variation between the two legislative periods when it comes to the share of statements that contain ‘alternatives’. If we look at the share of statements in the category ‘critique’, we find only minor differences between the two legislatures; that is, an increase from 18.7 per cent during Merkel I to 21.2 per cent during Merkel II. This is nevertheless in accordance with what we would expect according to the opportunity structure hypothesis, that is, that more critique will be delivered when the scrutiny power of the EAC is strengthened. If we look instead exclusively at the category ‘alternative’, we find an increase from 9.5 per cent in Merkel I to 14.9 per cent in Merkel II. This is again in accordance with the hypothesis; however, the results also illustrate the importance of separating these two types of disagreement when examining patterns of oppositional behaviour. Although both types of opposition statements are increasing during the second legislative period, the increase of opposition in the form of delivering ‘critique’ is not as big as the increase in opposition in the form of presenting ‘alternatives’ (Figure 3).

Another noteworthy difference between the two legislative periods is that we find only minor changes in the ‘support’ for the government. During Merkel I, the share of statements containing support was 7.5 per cent, and during Merkel II, this share had dropped to 6.5 per cent. The observed increase in opposition statements is thus not matched by a corresponding decrease in statements containing support for the government’s EU policy. Instead, we can notice a drop in ‘other’ statements from 64.3 per cent during Merkel I to 57.4 per cent during Merkel II.

To get the complete picture of the relationship between opportunity structures and opposition behaviour, we now turn to examining variation when it comes to the *mode* of opposition. As illustrated in Figure 4, policy opposition features the strongest in both legislative periods since almost two-thirds (65.1 and 63.5, respectively) of all opposition statements in both legislative periods are directed at policies (see Supplementary data, Table S2). In addition to the small decrease in policy opposition, also polity opposition dropped from 15.1 per cent during Merkel I to 10.9 per cent during Merkel II. It seems, instead, that procedural opposition is increasing from the first period to the second (19.8 per cent to 25.6 per cent), which suggest that the constitutional reform neither increased opposition against the government’s EU policies nor opposition against the EU system as such, but instead opposition directed towards the government’s way of conducting EU politics (Figure 4).

In conclusion, we find that our data give mixed support for the opportunity structure hypothesis. Our findings show that with increasing opportunities for parliamentary oversight of EU affairs, the German EAC has engaged in more oppositional behaviour. Both types of opposition statements, ‘alternatives’ and ‘critique’, were more prominent during the second legislative term. However, once

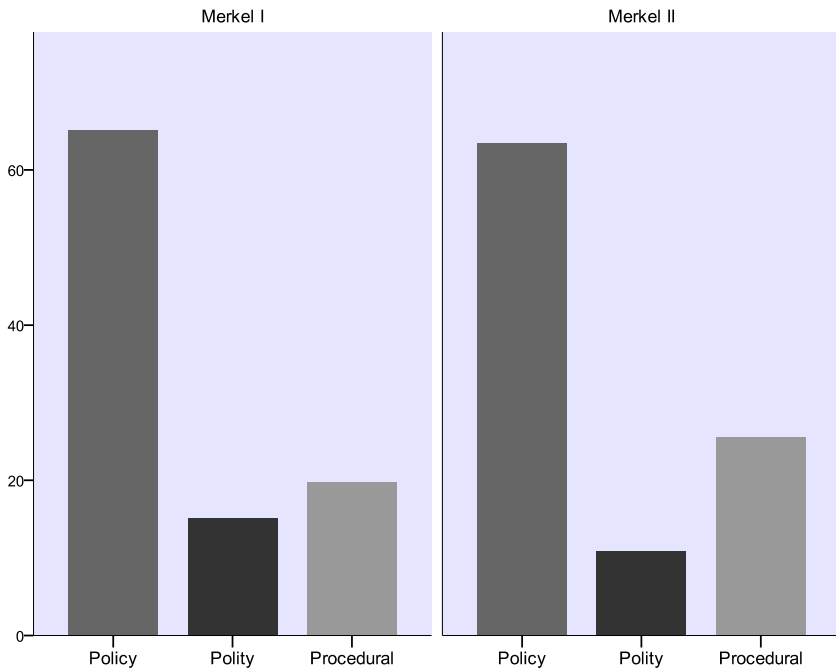


Figure 4. Share of different modes of statements in two legislative periods (per cent, 2005–2013).

Note: Total n for EAC statements containing opposition, that is, alternatives and critique, during the period 2005–2009 (Merkel I) is 172 and during the period 2009–2013 (Merkel II) is 211.

we uncover the mode of oppositional behaviour, our results suggest that the constitutional reform neither increased classical opposition (policy) nor opposition against the EU system (polity), but instead the procedural critique directed at the government.

4.3 Can changes in opposition behaviour really be attributed to the constitutional reform?

To prevent us from jumping to conclusions, we need to control our results for differences between parties and policy areas in order to make sure that what we are observing is in fact due to the constitutional reform rather than resulting from the change in government or other political circumstances. At the same time as the aforementioned new legal framework strengthened the influence of the German Bundestag over EU affairs, there was a change in government from a grand coalition between the conservatives (CDU/CSU) and the SPD in 2005–2009 to a coalition between the CDU/CSU and the liberals (FDP) in 2009–2013. Both governments were led by Bundeskanzlerin Angela Merkel. The

simultaneousness of these events makes it difficult to distinguish the effect they have on oppositional behaviour. Based on the political circumstances, we expect to find that opposition parties will deliver more opposition statements than parties in government. Based on the constitutional reform, we expect that parties belonging to the parliamentary opposition during both legislative periods (i.e. the Greens and the Left party) will provide more opposition statements during the second period, when the opportunity structures were strengthened. However, we also expect a combined effect of the change in government and the newly implemented institutional reform to increase oppositional behaviour in the EAC. So, what can the data tell us?

As displayed in [Figure 5](#), the highest share of statements containing ‘critique’ can be found among the representatives of the Left Party (15.6 per cent), the Greens (Die Grünen; 10.1 per cent) and the FDP (8.3 per cent), which all belong to the parliamentary opposition during the grand coalition. Similarly, the same parties also present more ‘alternatives’ than the government parties: the Greens (6.9 per cent), the FDP (6.0 per cent) and the Left Party (4.1 per cent). The parties in government, that is, the CDU/CSU and the SPD, both account for a lower share of opposition statements during the grand coalition. In the second period, when a coalition was formed between the CDU/CSU and the FDP, the SPD, the Left Party and the Greens provide the highest share of opposition statements. The Left Party accounts for 17.3 per cent of all statements delivering ‘critique’, while the SPD (13.7 per cent) and the Greens (8.4 per cent) delivered somewhat lower shares of statements containing ‘critique’. The highest share of ‘alternatives’, however, was delivered by the SPD (13.7 per cent), while the corresponding figures for the Greens were 8.4 per cent and for the Left Party 7.6 per cent. These findings support the idea of a combined effect of the change in government and the newly implemented laws to strengthen the Bundestag’s influence. Parties that belong to the parliamentary opposition deliver more opposition statements than parties in government. However, parties that were in opposition during both legislative periods delivered more opposition statements during the second legislative period, when the constitutional reform took effect, at least in terms of delivering statements containing ‘alternatives’ (see [Supplementary data, Table S3](#)).

When proceeding from the *type* of opposition to the *mode* of opposition (and while considering opposition statements only, that is, statements containing either ‘critique’ or ‘alternatives’), we find that opposition parties deliver the highest share of policy-oriented statements in both legislative periods ([Supplementary data, Table S4](#)). During the grand coalition in the first legislative period, the Left Party (18.0 per cent), the Greens (11.6 per cent) and the FDP (11.6 per cent) account for the highest shares of policy opposition. Turning to the second legislative period, we find that ‘classic’ opposition in terms of policy-oriented

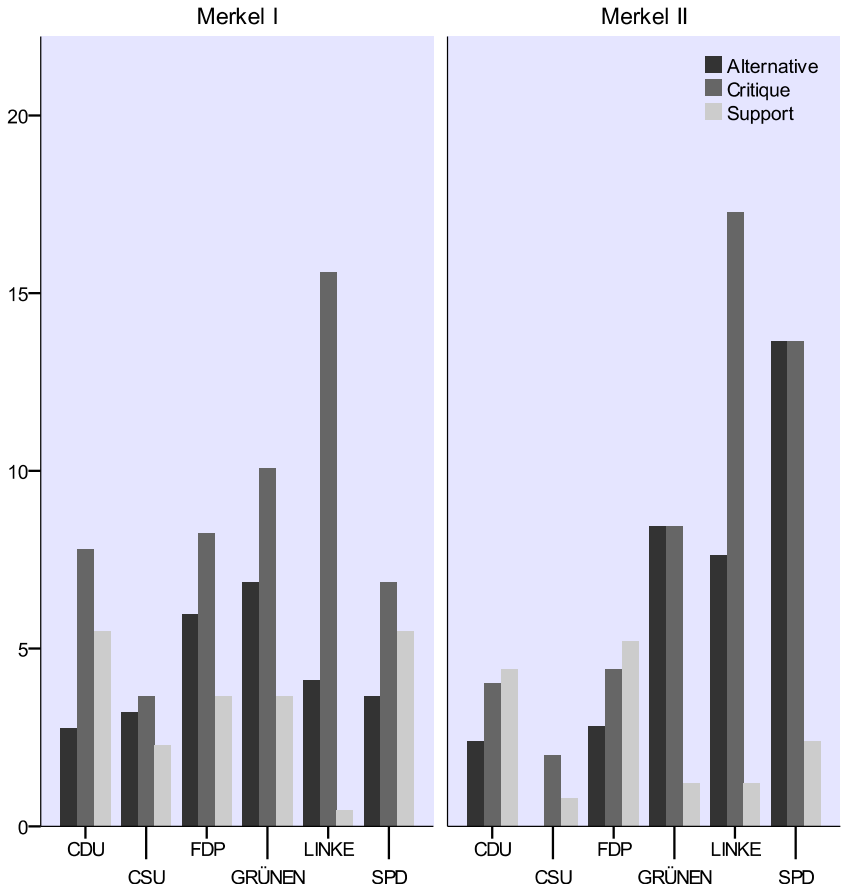


Figure 5. Share of different types of statements in two legislative periods, by party (per cent, 2005–2013).

Note: Total *n* for EAC statements containing alternatives, critique and support during the period 2005–2009 (Merkel I) is 218 and during the period 2009–2013 (Merkel II) is 249.

statements is increasing among the opposition parties. During the CDU/CSU and the FDP government, the Left Party (21.3 per cent), the SPD (20.9 per cent) and the Greens (12.3 per cent) account for the highest shares of policy opposition. This observed increase in classical opposition from the first to the second legislative period is in line with what we would expect, given the increased opportunity structures for opposition following the constitutional reform.

These findings of a surge in classical opposition, however, can also be attributed to other political circumstances such as extraordinary political events or crises. One such big event during the time period examined was the eurozone crisis,

which started at the end of 2009 and intensified in the following years. To investigate the significance of such events, we control our results for differences between policy areas. Our findings suggest that the eurozone crisis indeed had an impact on the political debate in the Bundestag. During the grand coalition in the first legislative period, only 4.1 per cent of all statements (the category 'other' not included) contained 'critique' concerning 'economic coordination', whereas 1.8 per cent of all statements contained 'alternatives' in the same policy area. In the second legislative period, the share of statements containing 'critique' had increased to 24.1 per cent and the share of statements containing 'alternatives' rose to 11.2 per cent. Among 20 different policy areas, economic coordination went from being the sixth most important policy area during the first legislative period, in terms of the number of statements in each area, to being by far the most important in the second legislative period, when almost 40 per cent of all statements concerned this area (see [Supplementary data, Table S5](#)).

Similarly, when looking at the mode of opposition (and while considering only statements containing either 'critique' or 'alternatives'), we find that in the area of economic coordination both policy, polity and procedural opposition surge in the second legislative period. From being an ordinary policy area during the first legislative period, almost every fourth statement (23.7 per cent) was about policy opposition in the field of economic coordination during the second term, and a vast majority of all polity opposition (7.1 per cent of a total of 10.9 per cent) as well as a large part of all procedural opposition (10.9 per cent of a total of 25.6 per cent) were related to this area (see [Supplementary data, Table S6](#)). These findings are in line with the assertion of [De Giorgi and Moury \(2015, p. 116\)](#) 'that the crisis has led to a considerable decrease in the consensual behaviour in parliament'. As the eurozone crises intensified, there was a dramatic increase in opposition in the German Bundestag's EAC.

In conclusion, we find that our results give scant support to the opportunity structure hypothesis. On the one hand, our results do show that institutional opportunity structures co-vary with oppositional behaviour in the way suggested by previous research ([Auel et al., 2015](#); [Garritzmann, 2017](#)). Our findings suggest that with increasing opportunities for parliamentary participation in EU affairs, the German EAC engaged in more oppositional behaviour. On the other hand, when controlling our result for differences between parties and policy areas, we find support for a combined effect of the change in government and of the eurozone crisis, and the institutional reforms designed to strengthen the Bundestag's influence over EU affairs. MPs from parties that belong to the parliamentary opposition deliver more opposition statements than representatives from parties that are in government. Also, parties in opposition during both legislative periods delivered more opposition statements during the second legislative period, when the constitutional reform took effect, at least in terms of delivering statements

containing ‘alternatives’. It is, therefore, hard to unambiguously conclude that what we are seeing is, in fact, an effect of the constitutional reform rather than political circumstances. More research is needed to clarify the effects of the reform in relation to the changing patterns of opposition resulting from government overhauls and extraordinary political events.

5. Conclusion

Previous research reports different results on parliamentary opposition in German EU affairs. Some studies have identified a significant presence of opposition (Wimmel, 2012, 2015; Wendler, 2014), whereas others have concluded that opposition in EU affairs in the Bundestag is fairly uncommon (Rauh and De Wilde, 2018). Against the backdrop of these diverging results, the first task of this study was to shed some much-needed empirical light on parliamentary opposition in the Bundestag by examining how much and what kind of opposition exists in the German EAC. Our analysis of 1195 statements made during the deliberations in the EAC reveals that opposition is fairly common. In fact, almost one-third of all statements made by MPs during EAC meetings contain some form of disagreement directed at the government or EU institutions. This goes to show that from an empirical perspective, opposition in the German Bundestag is far from ‘rubbish’, as former SPD Chair Müntefering provocatively argued. On the contrary, this study provides evidence that a vocal parliamentary opposition is an essential component of the debates on EU affairs in the German EAC.

A more thorough analysis of the data reveals that the German EAC is a forum more focused on controlling the government by delivering critique rather than providing the electorate with alternatives and choice in EU affairs. In fact, statements delivering critique are twice as common as statements presenting alternatives. By uncovering the actual content of the statements in the EAC, we contribute to previous research on parliamentary communication in EU affairs, which hitherto has focused primarily on charting and explaining variation in the number and length of EU debates (e.g. Auel *et al.*, 2016). On this issue, our results thus reveal that the efforts of the EAC are more geared towards controlling the government by criticising it rather than making alternatives in EU affairs visible by communicating them to the public.

As for the mode of opposition, we find that almost two-thirds of all expressions of disagreement in the EAC come in the form of ‘classical opposition’, that is, disagreement directed at policies. We furthermore find limited signs of the EAC being a forum for expressing EU scepticism as only little more than a tenth of all statements are directed at the EU polity. On this score, it should be noted that from 2013, the Eurosceptic party AfD is represented in the Bundestag. Results from previous research (e.g. Karlsson and Persson, 2018) show a strong

dominance of hard Eurosceptic parties when it comes to opposition in polity matters. The entrance of AfD into the German parliament thus highlights the need for follow-up studies of patterns of opposition in the EAC.

The second task of this study was to examine if stronger opportunity structures for opposition co-vary with more frequent oppositional behaviour as hypothesised by previous research (Auel *et al.*, 2015; Garritzmann, 2017). The results do reveal a clear increase in oppositional behaviour following the reforms in 2009, especially so when it comes to statements presenting alternatives. During Merkel I, 9.5 per cent of all statements contained disagreement in the form of presenting alternatives, a number that increased to 14.9 per cent during Merkel II. While the data show that most of this increase may be ascribed to the eruption of the eurozone crisis, the fact is that we do not know what patterns of opposition would have emerged in the absence of the institutional reform. The eurozone crisis was probably the primary driver of opposition during Merkel II, but the reform may have been an enabling factor that fuelled the upsurge in oppositional behaviour. The final verdict on the extent to which the strengthened opportunity structures did affect the increase in oppositional behaviour recorded in Merkel II can only be passed once the embargo has been lifted on EAC data for the 18th Bundestag, and we are able to uncover the opposition patterns for the period 2013–2017 when the stormy waters of the eurozone crisis had calmed.

In conclusion, we find that the current study provides limited support for the theoretically grounded expectation that stronger opportunity structures co-vary with more frequent oppositional behaviour. However, we should also recognise that it may take more than one mandate period for the full effect of institutional reform to materialise in terms of changes in MPs' behaviour. Needless to say, much more research will be required before we can hope to have a thorough understanding of the relationship between institutional opportunity structures and oppositional behaviour. As Germany is a core Member State of the EU, it is an important task in its own right to uncover patterns of parliamentary opposition in the Bundestag's deliberations on EU affairs. However, in order to improve our theoretical understanding of parliamentary opposition and the role it plays in EU affairs, we surely need to move beyond single case studies and engage in comparative research. As we move forward, engaging in cross-national comparisons will be crucial because such research will help us uncover variation in patterns of opposition between countries and reveal what factors explain these patterns, thereby taking us one step closer to a proper theory of parliamentary opposition.

Supplementary Material

[Supplementary material](#) is available at *Parliamentary Affairs* online.

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Conflict of interest

The authors have no conflicts of interest to report.

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