

# An exploration and critique of Katz and Mair's Cartel Party theory

MATTHEW BOYD ASHTON

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## **Abstract**

There have been a variety of attempts in recent years to categorise party systems. This work examines one such attempt at a new party type, Katz and Mair's cartel party theory, which was first proposed in 1995. It will initially approach the cartel party theory from a theoretical angle looking at the internal tensions and inconsistencies within the theory. The German party system will then be looked at to see what it reveals about the theory so a new critique can be drawn up and modifications to the theory suggested.

Katz and Mair argue that faced with declining electoral support and falling membership levels, political parties have turned towards the state in order to secure much needed resources. These resources can take the form of control over electoral rules, state funding and access to the media. At the same time parties attempt to use their position of dominance to control the entrance of new parties into the cartel. This in turn leads to organisational and ideological change within the parties, creating cartel parties. These issues will be explored by looking at the German party system and using this example to critique and modify the theory.

When Katz and Mair first put forward their theory they admitted it was very vague in some areas. This work addresses some of these issues, fleshing out the theory and providing modifications where it is unsatisfactory. The thesis will argue that the theory refers more to a cartel of parties in terms of how parties behave rather than distinctive organisational changes on the part of the parties. It will also make the case that the cartelisation theory in practice would be more

subtle than Katz and Mair imply. The main parties would use a range of mechanisms to give themselves an advantage, but the possibility for new parties to emerge would still remain. This work will argue that this is not inconsistent with the workings of an actual cartel and that new parties can emerge and even join the cartel without it invalidating the theory or creating a paradox.

## Introduction

Political parties have been in a state of flux in recent years with continued academic discussion centred on whether they are in serious decline or merely restructuring themselves in order to survive in the face of a variety of different challenges. These challenges include declining electoral participation, falling memberships, and rising voter volatility (Dalder and Mair, 1983, Mair et al, 2004). This thesis deals with the subject of how political parties have potentially altered their behaviour over time, both in terms of organisation and ideology, and their traditional role as linkage between the citizenry and the state, in response to changing electoral environments. Numerous theories have been advanced in recent years in an attempt to describe and explain this behaviour in terms of varying ‘ideal’ party types. Probably the most famous are the elite or cadre party type, the mass party type (Duverger, 1954) and catch-all party type (Kirchheimer, 1966). A subject of much debate is whether the catch-all party type still holds true or whether a new type has emerged to supplant it. In the 1990s a number of contenders were suggested including the ‘electoral professional party’ (Panebianco, 1988), ‘the new politics party’ (Poguntke, 1994) and the ‘business firm party’ (Hopkin and Paolucci, 1999). The number and variety of these new party types seems to imply that any attempt to find a new overarching party type is fraught with difficulties<sup>1</sup>. The theory which was arguably received the most academic interest in recent years is the ‘cartel party’ type first posited by Katz and Mair in 1995. This introduction will describe this

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<sup>1</sup> For a fuller description of party types along with a discussion of the attempts to categorise them see Gunther and Diamond, 2001; Wolinetz, 2002; Gunther and Diamond, 2003, Sartori, 2005

theory briefly and its implications, along with some of the problems it presents, before outlining the structure of the thesis in more detail.

### **The Cartel Party Hypothesis**

This work seeks to explore and investigate Katz and Mair's 'Cartel party' argument (Katz and Mair, 1995). It will do this by examining the tensions and problems within the theory in terms of its internal consistency and areas which Katz and Mair leave vague. It will also look at some of the key problems with the theory. Katz and Mair suggested in their original work that Germany would be among the first party systems to show evidence of cartelisation. Germany will be looked at to see what the development of the party system there can tell us about the theory and how it can be potentially expanded upon and modified in order to create a more robust theory. This critique and development of Katz and Mair's work can then potentially be extended to other party systems. This process of theory building will be this work's main claim towards an original contribution to knowledge.

In essence the cartel party argument compares the behaviour of the main parties in a party system to the classical economic notion of a business cartel. Business cartels act collectively to restrict or control the availability of goods in a particular market. This serves to keep prices artificially high and their potential rivals down. This in turn has a negative effect on consumers by limiting their product choices and making them pay more than they would otherwise have done. By this behaviour businesses help to insulate themselves from the effects



of damaging price wars with their main competitors. Equally they can use their market dominance in order to extract preferential treatment from the state (Harrington, 2006)<sup>2</sup>.

Katz and Mair argue that political parties in recent years have started to act in a broadly similar manner to business cartels. This is in response to diminishing levels of financial and electoral support from their members and voters which threatens their survival as viable campaign organisations. Instead they have turned towards the state in order to continue to receive these benefits in the form of direct and indirect subsidies, with the major parties banding together to form a cartel. Pulzer argues that in the face of changing electoral environments and shifting social cleavages it is superior resources, organisational skills, administrative experience and powers of patronage that will allow established parties to survive (Pulzer, 1987, p379). All of these things are available to parties in power, in part via their control of the state. This introduction of state subsidies for political parties has been described as one of the most important developments in the relationship between parties and the state in recent years (Pierre, Svåsand, Widfeldt, 2000, p1). Through their control of the state, parties will be able to secure themselves financial and institutional benefits, while denying them to their smaller rivals who are not part of the cartel. The core parties control access to the cartel and chose which parties can and cannot be admitted to it as they define what is considered politically acceptable in terms of ideological and behavioural norms. As a result smaller, more extreme

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<sup>2</sup> It should be noted that business cartels are closely controlled and often illegal in most European democracies. See Kronstein and Leighton, 1946; Harding, 2006

parties, often labelled anti-system parties are denied access to possible coalitions by virtue of the fact that they are regarded as unfit to govern.

In this way the cartel parties are protected from potentially damaging changing conditions in the electoral market place. Obviously even within the cartel there still has to be competition with winners and losers at election time but through their control of the state the parties can ensure that they still receive substantial benefits and patronage even when out of power so the downside of losing elections is somewhat mitigated. This has important implications, mainly in terms of declining levels of democracy and legitimacy if parties are actively colluding together to prevent new parties from gaining power.

Another effect of this is that parties move towards the centre ground to maximise their share of the vote and as a result of this they all have very similar types of policies, thus denying voters a real viable choice. As James Pollock argued in his book on German, British and French party finances, ‘the relation between money and politics has come to be one of the great problems of democratic government’ (Pollock, 1972, pviii).

One of the key problems with Katz and Mair’s original work, is that in many areas the theory is very vague with little detail given as to how cartelisation might work in practice. This presents two key problems. Firstly, it means that there are internal flaws in the logic of the theory and secondly, that it makes the theory potentially extremely difficult to operationalise in terms of testing it. As

a result, this thesis will concentrate on the former problem. It will attempt to critique the flaws in the theory and then modify and expand upon it.

This thesis will examine these issues outlined above by trying to sharpen the definition what a cartel actually is, what benefits cartel parties can potentially receive from the state (and too what extent), how membership of a cartel might be gained, and most importantly, how the cartel would deal with new parties that arise.

Katz and Mair argue that owing to a very specific set of circumstances, parties begin to move away from civil society towards the state, using their control over the state to give themselves certain resources (state funding and media access for instance) in order to allow them to survive and prosper. At the same time they try to deny these resources to their smaller rivals so that the party system remains closed, creating a cartel party system. Katz and Mair further argue that these changes in behaviour on the part of the parties lead to changes in their organisational structure and ideology (declining membership and shortening ideological spectrum) creating a cartel party type. This is referred to as a new type of party in the same that catch-all party types replaced mass party types. This is problematic for several reasons.

Firstly there is the fact that there are many different paths to cartelisation and the example of Germany suggests an alternative path to that laid down by Katz and Mair. Because of Germany's experiences during the Nazi period and fears for its future as a democratic state in the front line of the Cold War, various

safeguards were built into its constitution to protect the mainstream parties. These included a five per cent threshold law and the ability to ban parties of both the extreme left and right. Therefore Germany had a quasi-party cartel system even before state funding was introduced.

This leads onto the second point which is that Katz and Mair suggest that cartelisation is primarily caused by falling membership levels and the desire on the part of the parties to secure these resources from the state. In the case of Germany state funding was introduced due to the strength of the political parties while party membership was actually on the increase. This thesis argues that cartelisation does not inevitably have to occur because the conditions that Katz and Mair specify may exist. Political cartels can arise for a variety of reasons depending on the historical background, institutions and political culture of any given country. It could for instance be argued that the parties in Britain and the USA have never needed to act together against political newcomers as their first-past-the-post electoral system effectively preserves their two (or 2.5) party systems.

Then there is the fact that, to a certain extent, Germany is historically and politically unique with regard to the development of its party system. This is due in part to decisions made by the Allied occupying forces and the Founding Fathers of the Basic Law who built a number of safeguards into the constitution to prevent political parties gaining too much influence or control over the state. One of the prime examples of this is the German Federal Constitutional Court. The Federal Constitutional Court has on several occasions actually acted

against the mainstream parties by preventing them, either as a group or on their own, from awarding themselves greater funding, changing laws to their advantage or gaining privileged access to the media. The accessibility of the Federal Court to everyone has meant that the smaller parties have equally used it in their quest to gain state resources for themselves or to block the larger parties from excluding them from these resources. While there have been attempts by the parties to either ignore or sidestep the Constitution and the Federal Court's rulings, by and large these have been unsuccessful. Furthermore Germany has a system of proportional representation so as a result of this, smaller parties are more likely to gain access to the Bundestag. Whilst smaller parties are constrained somewhat by the five per cent threshold law, (designed to prevent party system fragmentation) it does give the smaller parties a much more realistic chance of success than they would have in a first-past-the-post-system, as used in the United States or the UK. It is also important to note that certain things over the years have been (relatively) out of the parties' control, in particular the introduction of an entirely new social cleavage with 16 million citizens and their own political party with the unification of East and West Germany.

Thirdly, criticisms of the cartel theory often seem to forget that the use of the term 'cartel' in the business or criminal sense is only used as an approximate metaphor. Business cartels conjure up the image of corrupt businessmen in smoke filled rooms finding ways of damaging their smaller competitors who are not part of the cartel. As appealing as this cloak and dagger scenario is, it seems overtly melodramatic in the modern world of party politics. This thesis

argues that in the German case cartelisation does not necessarily imply a high level of collusion between parties. Whilst parties can and do co-operate together on occasion when it suits their interests, much of this is tacit rather than overt. Linked to this is the fact that any explicit action taken, for instance attempts to ban parties or manipulate the law and state resources against them, would in any modern democracy be greeted with public outcry. As a result of this parties are somewhat limited in terms of their actions. Direct obvious action is difficult and likely to further weaken the parties' institutional legitimacy so actions such as granting themselves large sums of money or unique access to the media are unlikely to work. Instead the forms of action they take tend to be more subtle. Individually these actions do not necessarily give the parties an advantage but taken as a whole it gives them numerous areas where they create an uneven playing field. This suggests that cartel parties are nowhere near as powerful as Katz and Mair theorise. The way they are presented in their original article suggests very few if any constraints on their ability to get their own way.

This work will argue that parties do have the ability to grant state resources for themselves and manipulate electoral laws but this power is severely limited by a range of factors. Institutional factors (like constitutions or constitutional courts), the need for political legitimacy and democratic support from the people, and the watchful eye of the mass media have all made it significantly more difficult for parties to get their own way. As a result any actions the parties take to influence the system must be subtle and gradual in effect.

Electoral advantages are going to be the result of numerous small factors rather than an overt manipulation of state resources.

Fourthly there is the fact that as later versions of the cartel theory have argued, the cartel is not a closed shop. The most immediate criticism of any attempt to apply cartelisation to Germany would immediately point out that if the intention was to exclude new parties then it must have failed as two new parties have joined since 1983. This argument, while in some ways valid, oversimplifies the cartel theory. If the cartel were completely closed and frozen it would inevitably create its own political opposition, either on the far right or left of the political spectrum, and generate conflict, as Katz and Mair recognised at the time. In reality the cartel can be penetrated by certain parties if they make themselves suitably agreeable by accepting the behavioural norms and similar or comparative ideology of the main parties. Allowing occasional newcomer entry into the cartel can confer a variety of benefits; as with a business cartel sometimes the best way to deal with a popular new rival is not to freeze them out but to bring them into the cartel. This helps prevent overall inefficiency within the cartel and can give one party within the cartel an advantage over a rival.

Being a member of the cartel does not prevent the parties from competing with each other. Despite the consequences and cost of losing elections being reduced, parties will continue to jockey for position and attempt to secure any possible advantage they can get in order to increase their own dominance. The Greens in Germany spent much of the 1980s and 1990s moving slowly towards

the centre ground. Partly because of this they were deemed acceptable coalition partners by the SPD, and after various test trials at Land level were allowed entry into the cartel by becoming coalition partners at the national level in 1998. Therefore in any cartel party system it is necessary to differentiate between official members of the cartel, those outside parliament, and those that are in parliament but outside the cartel who might one day achieve entry into the cartel. Katz and Mair simply divide parties into those inside and those outside the cartel.

This work proposes that there are actually further divisions. Parties within the cartel (possibly sub-divided into major and minor parties), those outside it and those moving towards cartel membership. This latter category implies that entry into the cartel is a slow and piecemeal process. Parties do not suddenly gain entrance but slowly earn acceptance from the cartel parties by conforming to the political and social norms of the party system. This acceptance can ultimately lead to benefits such as invitations to join governing coalitions.

In Germany, because it has a Federal structure of government the Länder are a useful testing ground, a sort of political laboratory, where potential coalitions between cartel parties and non-cartel parties can be tested. In this way coalitions which would be considered unthinkable, or at least politically risky on the national level, can be road-tested and the smaller parties can slowly earn the trust and respect of the larger parties. Cartelisation is a slow, piecemeal and uneven process. In much the same way that elite parties did not suddenly become mass parties overnight, catch-all parties have not immediately become



cartel parties. Similarly certain elements of the mass parties have lingered in catch-all parties and characteristics would logically remain in cartel parties. This links into the idea that the parties can form a cartel while still remaining organisationally and ideologically catch-all parties.

In terms of the German party system the changing organisation and role of political parties in terms of their financing, membership, campaigning tactics, ideology and relationship with the media will be explored. This will allow a critique of the cartel party theory to be formed in relation to the German case.

There are several reasons why Germany was chosen for this project. Katz and Mair themselves in their original 1995 'Cartel party' article suggest that Germany is one of the countries in Europe most likely to suffer from this trend as it exhibits in anecdotal form several of the criteria that they believe demonstrates cartelisation in action, including the early introduction of state funding of parties and the high degree of consensus between parties. However there is the problematic fact that new parties have entered the German party system in the last two decades and have managed to survive and prosper in it. This, at first glance brings into doubt the effectiveness of any potential cartel especially as one of the new parties, the Greens, have even entered a government coalition. If a cartel party system existed in Germany then it should be assumed that the party system would have re-frozen (Pelizzo, 2007). This thesis will attempt to explain this anomaly in terms of the cartel theory, arguing that the cartel is not a closed system and the core parties can actually allow new

entries into the cartel if they achieve sufficient success and conform to the political norms of the party system.

### **The Structure of this Thesis**

The first chapter outlines in further detail the main works of literature in the study of political parties in an attempt to place the cartel theory within the appropriate theoretical context. It goes on to outline the theory in more detail, including some of the criticisms and modifications which it has been subject to over the years. They include Koole, 1996; Katz and Mair, 1996; Young, 1998; Kitselt, 2000; Yishai, 2001; Hopkin, 2002; Sikk, 2003; Detterbeck, 2005; Blyth and Mair, 2005; Pelizzo, 2007. It also gives details of some of the main important modifications to the theory that this work proposes.

The chapter on methodology outlines the framework used for the rest of this work. Based on Katz and Mair's original article, and subsequent criticisms and rebuttals of it, a list of areas that need to be explored within the theory are drawn up. These are based on frameworks used by studies that applied Katz and Mair's theories to other countries. The chapter also goes into detail explaining why Germany was picked to study.

The third chapter examines state funding within party systems in terms of why it is introduced and how it is delivered, along with its limitations. This involves looking at the reasons why the funding of German political parties was first introduced, what form these subsidies take and how they have changed over the

years, looking particularly at both direct and indirect forms of state funding. It also examines the reasons why the Greens and the PDS/Linkspartei have managed to survive and prosper despite lacking the financial resources of the established parties. In this case it is because control of state financing is partly out of the hands of the main parties and instead is heavily influenced by the German Federal Constitutional Court which has ruled several times over the years in favour of making the funding laws more equitable for the smaller parties.

The fourth chapter looks at the relationship between the parties and the media, examining how parties use their control of the state to influence the media with their own ideas, slogans and personalities, and to restrict smaller parties' access to it as a forum for protest. This involves looking at German electoral laws that govern the relationship between political parties and the media (television, radio and newspapers), and how they have been shaped over the past forty years. The chapter argues that as a mechanism for cartel behaviour the media is problematic as the modern mass media is too sophisticated and complicated to be subject to overt political interference. However it also argues that parties can gain privileged access to the media (although not total control) as a result of their size, superior resources and ability to tweak the law in their favour. Therefore the media can be used as a means of influencing the electoral marketplace but is only going to be truly effective when used in conjunction with other mechanisms such as funding and ideological convergence.

The fifth chapter examines changing policy positions as parties attempt to colonise the centre ground to win maximum support. As a result, while campaign rhetoric remains high, actual ideological competition between the parties is toned down. The changing ideologies of the parties over the past few years is examined along with particular emphasis being placed on the two newcomers to the party system, the Greens and the PDS/Linkspartei. The chapter argues that the Greens have been accepted by the major German parties (to the point where they were deemed acceptable coalition partners by the SPD) because of their ideological shift towards the centre ground. However because the PDS/Linkspartei have stayed on the relative far left they are still viewed as ideologically unreliable as shown by the fact that they were denied the chance to negotiate with potential coalition partners after the 2005 election.

The sixth chapter looks at the German parties' declining levels of membership and why this trend is occurring. It makes the argument that whilst voters are less interested than ever before in being a member of a political party, parties are less motivated than they once were to have large activist memberships. The two main reasons why they persist in Germany is due to the need for a democratic 'fig leaf' in order to preserve legitimacy, and the fact that the German Federal Constitutional Court tied state subsidies to self-generated income. Instead German parties are in favour of a more socially diverse membership with a greater emphasis on the control exercised by the national rather than local party, and a blurring between members and non-members. This involves looking at the data for German party membership levels over the

past fifty years and the various policies adopted by the parties with regard to their members.

The thesis will conclude by outlining the major arguments of the cartel theory again and what the German case tells us about the theory in terms of its problems, and how it might be modified. The main changes this suggests to the cartel theory will then be expanded upon. The main argument is that cartelisation as a theory should be seen as much more subtle than Katz and Mair imply. The cartelisation of state resources and policy space is a logical position for parties to take but can occur for a variety of reasons, not just due to weaknesses. Equally modern parties are restricted in their actions by a range of factors including institutional, historical and democratic barriers that prevent them from behaving in too un-democratic a fashion. A wide range of mechanisms exist which the parties use to support themselves but they are much more likely to be used subtly in conjunction with each other than openly in the public arena. Because of this new parties are likely to emerge from time to time but the cartel can deal with these either by rejecting them, absorbing their policy positions or bringing them into the cartel.

## **Chapter One : Cartelisation as a Concept**

This chapter outlines in more detail the theory that will be the basis for the rest of this work. The introduction outlined the cartel party theory in its most basic form along with the main arguments of the thesis and the justification for using Germany to further explore the theory. This chapter will attempt to expand on this in four main sections. Firstly the central role parties play in our understanding of political participation and representation will be examined by looking at the changes that have taken place in European party systems over the past hundred years or so and the various theories that have been advanced to try and explain and account for these transformations. Then, in the second section of this chapter, the cartel theory will be placed within the context of these theories. In the third section the theory will be outlined in detail expanding upon the areas which Katz and Mair claim indicate cartel behaviour. The fourth section will address the criticisms that have been made of the cartel theory along with various studies where it has been empirically applied to various party systems.

### **1.1 The importance of parties and party system change**

‘Liberty is to factions what air is to fire’ (Madison et al, 1987, p87). Although the Federalist’s famous quotation originates over two hundred years ago, its central point remains supremely valid. Wherever people have the freedom to agitate and organise, factions, movements, interest groups and parties will spring up to help facilitate this. Throughout both the nineteenth and the twentieth centuries, political parties have inarguably been one of the most

important forces in democratic politics. They are the primary means by which the gap between the state and civil society is bridged and citizens can articulate and aggregate their interests. Schattschneider in 1942 claimed modern democracy was, 'unthinkable save in terms of parties' (1942, p1), a view echoed fifty years later by Alan Ware who argued that parties remain central to our understanding of politics (1996, p1). The importance of parties to political science is reinforced by the fact that since the Second World War, over 11,500 books and articles have been published that deal with parties and party systems in Western Europe (Bartolini et al, 1998)<sup>3</sup>.

Parties in modern democracies perform a wide variety of functions; including interest articulation and aggregation (Beyne, 1985, p11), structuring the popular vote, the integration and mobilisation of the citizenry, recruiting leaders to public office and formulating public policy (King, 1969)<sup>4</sup>. Most important of all though, as Wildenmann argues, is that, 'party government is the crucial agency of institutional legitimisation' (1986, p6). Parties through their roots in civil society, both in terms of the electorate and their members, provide legitimacy for government giving them the basis by which they rule. In short they perform the vital role of linkage between civil society and the state. Therefore it can be argued that parties as organisations can only remain effective as long as they can lay claim to be the primary conduit of the public will and hence retain their legitimacy (Mair, 1990, p2).

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<sup>3</sup> Within the past fifteen years a significant amount of the literature has been devoted to the alleged decline of parties, see: Selle and Svasand, 1991; DeSart, 1995; Schmitt and Holmberg, 1995; Webb 1995; Ignazi, 1996; Cohen, Fleisher and Kantor, 2001. For the sceptics view see Reiter, 1989

<sup>4</sup> For further details of the role of parties see Padgett, 1993; Dalton and Wattenberg, 2000, Gunther and Diamond, 2001. For their role as linkage between citizens, their members and the state see Sartori, 1976; Lawson, 1980; Klingemann and Fuchs, 1995; Webb, 2000; Poguntke, 2002; Römmele et al, 2005

The last thirty years has seen a wide variety of trends emerging in Europe and elsewhere in the world that have worrying implications for the major political parties. Chief amongst these is a decline in voting levels and party identification, coupled with a sharp increase in voter volatility (Beyne, 1985, p304). To quote Jean Blondel:

These changes [are] leading, not merely to the emergence of new parties, but also to increased abstention and to greater independence of the electorate vis-à-vis the established parties, as well as to a deep, indeed in some cases a substantial drop, in party membership (2002, p233)

The fall in public support for parties appears to be universal, manifesting itself not only in established democracies like the UK and US (Maisel and Sacks, 1975, p9; Flanagan and Dalton, 1984; Mair and Biezen, 2001; Wattenberg, 2002), but also in the ‘third wave’ countries and the post-communist states (Skidmore & Smith, 1997; Holmes, 1997, p341-347; Lewis, 2001). In the European context it seems to suggest that the party systems that had remained frozen since the 1920s finally seemed to be thawing (Lipset and Rokkan, 1967; Drummond, 2006). While most political scientists agree on the general direction of these trends, there is much dispute over their long-term implications to party systems. Some have argued that what is occurring is a permanent shift in political support away from parties, with voters (especially young people), embracing new forms of political participation such as ‘New



Social Movements'. These are distinguished from interest groups and parties themselves by the fact that, 'they have mass mobilisation, or the threat of mobilisation, as their prime source sanction and hence power' (Scott, 1990, p6)<sup>5</sup>. The rise of 'New Social Movements' and single interest pressure groups can be ascribed to a number of factors. Chief amongst them is that they are increasingly more effective than the parties in terms of performing their traditional functions. For instance it could be argued that interest groups are better at serving as vehicles for citizens to articulate their interests. Parties are perceived as being too large and inflexible as organisations, and dominated by elites and special interests, to be able to do this effectively. In a similar manner many interest groups and businesses today have a significant input into the formulation of government policy, a classic example being the 'Iron Triangle' of defence in the United States (Adams, 1981). The alternative and more worrying suggestion is that voters are disengaging permanently from the political process due to a mixture of alienation and apathy<sup>6</sup>. This can be attributed to a variety of factors including the aforementioned failure of parties to perform their traditional functions but also numerous political scandals across Europe in recent years, the rise of globalisation and the fact that in many cases parties are less ideologically distinctive than ever before so citizens don't feel they have any real choice in who they vote for.

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<sup>5</sup> For a further expansion of the arguments detailing both the difference between New Social Movements and parties and their rise see Scott, 1990; Dalton and Kuechler, 1990; Kriesi et al, 1995; Porta & Diani, 1999.

<sup>6</sup> For a fuller analysis of the organisational, electoral, cultural and institutional decline of parties and possible reasons behind it see Berger, 1979; Offe, 1984; Lawson and Merkl, 1988; Schmitter, 2001.

Both of these possibilities have serious implications for democracy as practised in its current form. However a variety of academics have argued that party systems remain broadly still frozen along the same cleavage lines as they were in years past with little new instability (Lipset and Rokkan, 1967; Bartolini and Mair, 1990; Klingemann and Fuchs, 1995; Mair, 1993; 1997). These thinkers contend that ‘the present flux is more a “reshuffling of the pack”, that in a sense the status quo of parties is being maintained’ (Mair and Smith, 1990, p1). Other theorists have argued that the current instability is only a temporary phenomenon, and what is actually occurring is a re-alignment of electorates and parties along new cleavage lines, although whether these new cleavages are stable or not is matter of some debate (Maguire, 1983; Pederson, 1983; Crewe and Denver, 1985). Despite the downturn in membership, parties are still the primary vehicles for political participation in virtually all modern democracies. It should also be observed that parties throughout the nineteenth and twentieth centuries have shown themselves to be effective at evolving in order to survive and so reports of their demise are probably premature. On numerous occasions parties have changed their organisation structures and ideological positions in response to the changing electoral marketplace. Even when parties have failed at the ballot box to the extent that they have become irrelevant there has usually been a new party waiting in the wings ready to take its place. A good example would be the British Liberal Party which was overtaken and replaced by the Labour Party in the early 20<sup>th</sup> century thus preserving the stability of the British party system.

Since the late 1980s a number of political scientists have attempted to come up with theories to explain party system change and predict the next stage of party evolution. These have included Panebianco's 'electoral-professional' model (Panebianco, 1988) and Hopkin and Paolucci's 'business firm party' (Hopkin and Paolucci, 1998). All of these theories have expanded on Kirchheimer's work in one way or another to argue that parties would evolve by becoming increasingly elitist and less ideological, and dominated by money and professionals. Several of these theories appear to be country specific in nature to a greater or lesser degree, bringing their general applicability into question (Gunther and Diamond, 2003). Elite, mass and catch-all parties are 'ideal' party types and as such it is difficult to find a country that perfectly matched all of their qualities (although party organisations were much simpler in that period). However the fact that so many broadly did, have made these theories classics of their type and practically beyond dispute. There is still a vast amount of disagreement over whether any modern theory provides a universal model for explaining party evolution post catch-allism. It might be said that having started from a single type parties have evolved in different directions according to their socio-economic and institutional surroundings to the extent that any attempt to collectively describe them all with one overarching theory is impossible. Regardless of this though, many of these theories can still prompt theoretical debate and provide interesting and useful insights into the reasons behind organisational and ideological change within parties hence they remain worth studying in more detail.

## **1.2 The Cartel party hypothesis in context**

One of the most intellectually intriguing of these new theories put forward is Katz and Mair's 'cartel party' hypothesis. Katz and Mair have argued that instead of being in decline parties have actually successfully adapted to their present situation by forming 'cartel party systems', the next stage in party evolution after the mass and catch-all parties (Katz & Mair, 1995). This has allowed them to become more resistant to changes in electoral fortunes or fluctuating income and membership levels. Much like an economic cartel the main parties use their position of dominance to cement themselves in power while at the same time preventing the emergence or growth of smaller rivals. Thus voters are denied a real political choice. This theory is partly based on the workings of economic cartels and partly on their re-analysis of the evolution of European party systems. Previous work by political scientists such as Neumann, Duverger and Sartori was rooted in the idea that parties could be best understood by analysing their relationship with civil society, parties being the key bridging mechanism between civil society and the state (Sartori, 1976). Changes in the nature of civil society lead directly to changes in the parties and their relationship with the state. Katz and Mair do not contradict this, but instead argue that to understand party system change it has to be seen within the context of both civil society and the state. Furthermore, the evolutionary process of party systems is not a linear one, but instead a complex fusion of action and reaction:

We contend that the development of parties in western democracies has been reflective of a dialectical process in which each new party type generates a reaction that stimulates further development, thus leading to yet another new party type, and to another set of reactions, and so on. From this perspective, the mass party is simply one stage in a continuing process (Katz and Mair, 1995, p6).

This process is essentially dialectical in nature with each change or alteration forming new entities that simply prompt further change. The beginning of this progression arguably lies in the birth of party systems and parties with the elite (or cadre) parties of the 19<sup>th</sup> century, probably best exemplified by the British Tories and Whigs (Wood, 1982). Virtually all countries at the time had extremely limited electorates, based largely on property rights and status within society. The enlargement of the franchise was fiercely resisted as many argued that it would lead to the weakening of the aristocrats' power base. In practise this system resulted in political parties dominated by the economic and social elite. One result of this limited electorate was the virtual absence of party organisation, as it was not a necessity, as it would later become, in winning elections. In a similar fashion, ideology played a very minor role with most points of conflict arising from disagreements over specific issues concerning economic or foreign policy. Essentially all the elite parties were broadly capitalist in nature each espousing varying degrees of extremely limited state intervention. Parties were based on the ideal that, 'there was a single national interest [that] it was the job of parties to find and implement' (Katz and Mair, 1995, p9). With civil society and the state being so small at the time, there was

a great deal of overlap between the two, either through blood or shared interests. The elite party was therefore rooted heavily in both.

The eventual decline of the elite parties was mainly due to two inter-linking factors, both caused by the effects of the industrial revolution. The economic expansion during this period led to a rise in the number of people able to meet the property rights, and hence join the electorate. Also pressure from the growing middle classes resulted in a variety of alterations to the electoral laws that expanded the franchise yet further. For example, the reform acts of 1832, 1867 and 1884 in Britain, meant that in approximately fifty years the British electorate had expanded from 400,000 in 1831 to almost six million in 1886 (Wood, 1982, p437). Britain is a case of the franchise being enlarged slowly over time so the parties could more easily adapt to it. Other countries, due to either revolution or other circumstances outside their control, had their franchises enlarged massively in one fell swoop which often led to social unrest and the party systems being put under immense strain as they struggled to evolve and cope with the new demands being placed upon them. Another effect of the industrial revolution was the influx of workers from the countryside to the towns and cities, as traditional jobs in agriculture were abandoned in favour of the expanding manufacturing industries. The direct result of this was a growth of trade unionism that the government was, despite their best efforts, largely powerless to prevent. This organisation by the working classes meant growing power, both economically and politically, leading to the creation of the mass party, the direct successor to the elite parties.

The mass party was characterised, as the name suggests, by its extensive organisation and membership, with roots deep in civil society. Its main goal was to capture control of the state in order to enlarge the franchise and enact social reforms on behalf of its members. While it lacked many of the inherent advantages that the elite parties possessed through their control of the state, it made up for this in a variety of other ways:

Where the old cadre party had relied on quality of supporters, this new party relied on quantity of supporters, attempting to make up in many small membership subscriptions for what it lacked in large individual patronage; to make up in organised numbers and collective action for what it lacked in individual influence; and to make up through a party press and other party-related channels of communication for what it lacked in access to the commercial press (Katz and Mair, 1995, p10).

All of these factors not only gave the mass party a greater organisational advantage over the elite parties, but more importantly they made it more legitimate in the coming age of mass democracy. The success of the mass parties had direct implications on the elite parties themselves, who realised that changing social conditions required they either adapt or go into a slow decline. Some elite leaders quickly grasped that it was unrealistic to claim to speak for the common man or represent the national interest while their membership remained largely exclusive. Also there were other inbuilt advantages to the mass parties such as their ability to raise huge amounts in funds through dues

and their use of their mass memberships during election campaigns for canvassing and other activities. As a result of this they adopted the organisational structure of the mass party, often referred to as, 'contagion from the left' (Duverger, 1954, pxxvii), with the important distinction that the leadership remained firmly in charge of the membership rather than the other way around. This was a top-down model version of the mass party as opposed to the bottom-up model Socialist parties were meant to represent. In practise though Socialist mass parties, while theoretically acting on behalf of all their members often ended up being dominated by a small elite at the head of the party who controlled the party via its organisation and the power of patronage. In many cases this led to problems with corruption and the selling of influence.

There are several major reasons for the decline of the mass party, most relating to the social and technological developments of the twentieth century. In some ways it could be argued that the mass party became a victim of its own success. The twin policies that its ideology and electoral success depended upon were, for most mass parties, the right of universal suffrage, and the creation of a comprehensive welfare state. By the beginning of the 1950s most countries across Europe had made significant strides towards both of these goals. The acceptance and even implementation of these aims by the former elite parties meant that from an ideological perspective, the mass parties could no longer appeal along narrow class lines, and had to begin broadening out their programmes to try and encompass a larger section of society. In a similar way mass parties based on religious social cleavages had to adapt as the church slowly became a less important factor in citizens lives, at least as far as



directing how they voted. The erosion of social and class boundaries in the 1950s and 1960s meant that the formerly highly distinctive social groupings the mass party had appealed to had begun to weaken and it no longer made sense to try to serve any one section of the public. Instead it was more logical to try and appeal to as large a grouping of the electorate as possible. Finally, and from a long term perspective most importantly, was the development of the mass media. While previously a mass membership had been vital for electoral success in terms of canvassing and voter mobilisation, television and radio made it possible for leaders to reach millions of voters with a single broadcast (Katz and Mair, 1995, p7). Using these tools personality became just as important an electoral factor as policy, if not more so, especially now that parties were trying to appeal to the maximum number of voters. With the mass media sprang up a whole new professional class including spin doctors, advisors, communication directors, pollsters and marketing experts who had to be employed if a party wished to achieve electoral success.

All of these factors meant that both the mass parties and the former elite parties began to converge into a new party model. In the same way that the mass party had superseded the elite parties of the nineteenth century, it, in turn, was superseded by what Kirchheimer called the catch-all party:

Abandoning attempts at the intellectual and moral encadrement of the mass, it is turning more fully to the electoral scene, trying to exchange effectiveness in depth for a wider audience and more immediate electoral success (Kirchheimer, 1966, p184).

The catch-all model therefore relied not on retaining and mobilising its membership but on attempting to appeal to the largest possible section of voters. As a result of this, ideology started to become watered down in manifestos, with the basis of political competition being who was a better manager, rather than who had the better political programme to implement. This meant electoral behaviour was less based upon predisposition but more on the ability of voters to choose, with the public acting as consumers rather than party members (Rose and McAllister, 1986). As the parties gradually moved towards the centre ground they began to find this policy area distinctly crowded. Major disagreements on the nature of policy shifted from ideological debates to arguments over how policies would be best put into practise. Partly as a result of this citizens were less likely to join parties as organisationally and ideologically they were increasingly identical. For similar reasons voter volatility increased while the actual electoral turnouts declined. However it should be pointed out that this shift towards catch-allism didn't happen overnight. In much the same way that elite parties didn't suddenly transform into mass parties the shift from mass to catch-all was a slow process that took several years to occur and happened at different speeds and in different ways depending on a variety of factors within individual countries. It's also important to differentiate between the party on the ground and the central party. By and large the central party made the shift towards catch-allism much more swiftly than the party on the ground. As a by-product of this many parties in Europe in the mid 1970s strategically resembled catch-all parties while organisationally they still remained mass parties with large memberships (albeit in decline). This resulted in parties shifting away from civil society, essentially becoming much

less of a stable linking bridge between civil society and the state. This move by the parties was matched by the electorate's dissatisfaction with party politics in the late 1960s and 70s which Katz and Mair argued forced the parties to move towards the state as a means of survival, transforming them into 'cartel parties'.

Katz and Mair argue that cartelisation is the logical continuation of what will happen in Western European democracies if political parties continue to move away from civil society towards the state. This has important implications, not only for the survival of parties in their current form, but also for the quality of democracy practised in these countries. This begs the question of how exactly cartelisation differs from the 'catch-all' party type as defined by Kirchheimer.

Party legitimacy depends almost entirely on the role parties play as the main bridge between civil society and the state. In an ideal world this should be a two-way street of dependency. On the one hand parties perform a range of functions on behalf of civil society, such as articulation, representation, aggregation, policy formation and leadership. In return civil society provides the resources parties need in order to survive; funds in order to fight elections and support in the form of members and voters. However with the current 'crisis' in representative democracy, parties are suffering from falling levels of voters and members, putting their long-term survival into jeopardy. The most obvious solution would be a return to large donations from wealthy interests, although in the modern age these are more likely to be trans-national corporations than single individuals. Some countries have managed to achieve this through complex administrative arrangements, most obviously the Political

Action Committees (PACs) in American politics which allow large corporations to make millions of dollars in donations as long as these funds are handed out in small amounts (McKeever, 1999, p260-265). However in Europe, recent scandals over the funding of parties, most notably in Britain (Vulliamy & Leigh, 1997) and Germany (Dalton, 2003, p307)<sup>7</sup>, have meant that parties have had to tighten up the rules governing donations even though this means that some now face potential financial ruin. However to relax or bend these rules would lead to further public disenchantment and a decline in perceived legitimacy.

Instead parties began to turn to the state to grant them the resources they need to survive and remain viable players in the political arena. The state starts to pay for election campaigns and party organisations, usually justified by the argument that this is a means of preventing further corruption. Another reason sometimes used is that as parties have a recognised political function within society in terms of representing the political will of the people, it is therefore not unreasonable for them to receive funds in order to help them perform this function. As it would be impossible for one party to do this at the expense of its competitors, all of the major parties benefit from this arrangement. This raises basic questions about the levels of trust placed in politicians and the legitimacy of their actions, as Scarrow so succinctly puts it ‘can elected officials be trusted to regulate in an area that so fundamentally touches on their own interests’ (Scarrow, 2004a, p653). The term ‘cartel’ is used by Katz and Mair because this group uses its influence over the state to cement their own position in

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<sup>7</sup> For a comprehensive overview of corruption in modern Germany see McKay, 2003; Jeffrey and Green, 2004; Scarrow, 2006a

power while preventing newcomers from entering the cartel much in the same way that businesses form cartels to protect their market share. In business cartels two or more firms act together in order to gain an advantage over the rest of the marketplace. They can do this in two main ways. Either through price fixing, where they agree on certain prices that the public has to pay or by restricting the output of their products which again has an impact on their prices. Most cartels of this nature are illegal and countries often take steps to investigate and prosecute them. An example would be the recent price fixing scandal between British Airways and Virgin Atlantic where it was discovered that the two firms, while allegedly competing with each other, had secretly agreed to fix their prices. When this came to light Virgin made a deal in which they received immunity from prosecution while British Airways were heavily fined (BBC News, 2006). However not all cartels of this type are necessarily illegal. The Organisation of Petroleum Exporting Countries (OPEC) is a cartel of twelve countries who through their control of the oil supply can regulate supply and hence prices. Due to their power and influence no country in the world is in a position to prosecute them. Katz and Mair suggest that the parties use their control of the state to help them control the electoral marketplace:

In short, the state, which is invaded by the parties, and the rules of which are determined by the parties, becomes a fount of resources through which these parties not only help to ensure their own survival, but through which they can also enhance their capacity to resist challenges from newly mobilised alternatives. The state, in this sense, becomes an institutionalised structure of support,

sustaining insiders while excluding outsiders...parties have now become semi-state agencies (Katz & Mair, 1995, p16)

It should be noted however that a party doesn't necessarily have to be in government to have access to power, either on its own or as part of a coalition, to be part of the cartel. Although the Labour Party in Britain and the SPD in Germany were excluded from government throughout much of the 1980s and 1990s both possessed a certain amount of influence due to their power of patronage and status as the official opposition. In the case of the SPD it continued to receive large subsidies from the state, despite the fact that it lost multiple elections during this period, and was very much seen as the main political opposition to the CDU.

### **1.3 The characteristics of cartel parties**

What follows is a basic set of features that Katz and Mair believe characterise cartel party systems. Two of the major features are the parties' attitudes towards funding and their relationship with the media. Parties need funds in order to fight elections and equally need access to the media to publicise themselves and their policies. Under an 'ideal' cartel party system the parties in power control access to both of these through the state and so can deny them to others. These resources can take on a number of different forms ranging from easily measurable direct subsidies and control over the mass media through regulation of state controlled television to indirect financial support and influence that is much less easy to keep track of. Likewise there are a number of ways the major

parties can deny such resources to their smaller competitors. For instance, in some countries the state can hand out funding, but only once a party has actually been elected into the parliament. This prevents many from even attempting to run for office as first they would have to fight an election without state assistance and if they failed to achieve the minimum level of the vote required they could be declared bankrupt. In the same way, many parties use official government advertising to help support their own campaigns, a channel which is unavailable to those outside the system. While many countries have rules governing elections to make sure that all parties have equal access to the media during campaigning periods this does not prevent an enormous imbalance of coverage occurring both during and between elections. For instance national debates between party leaders are often reserved for the major political parties with smaller parties unable to take part. In many ways the increased importance of the media could be seen as a further means for leaders to control their party using the threat of negative media reports about their policies as a means of keeping the rest of the party in line (Koß and Hough, 2006, p76).

Another way parties can preserve their position, preventing newcomers from breaking into the cartel, is through the creation and manipulation of electoral rules that govern how parties compete. According to Katz and Mair there are a variety of ways this can occur, including threshold laws, which set requirements that have to be met in order to take part in the democratic process. These requirements can take several forms. For instance, in order to take part in certain elections in the United States of America, a set number of signatures

have to be collected beforehand (Stratmann, 2005). In Britain a cash deposit is needed in order to run for the position of Member of Parliament and if the candidate fails to win enough votes this deposit is lost (Cole, 1992)<sup>8</sup>. In both these cases the threshold rules were introduced to help preserve the dignity of the electoral process by discouraging frivolous candidates from running, although cynical observers might also suggest that they help preserve the ruling parties. Germany has possibly one of the most direct examples of this kind of system with its five per cent threshold law.

Another way of limiting competition is to remove competitors from the electoral process altogether. The banning of parties is most often associated with totalitarian regimes attempting to erase all possible sources of opposition. However the ability to ban political opponents also exists in democracies as a way of safe-guarding the state from the threat of anti-system parties. In the aftermath of the Second World War, with Communism resurgent, several countries banned parties of both the far right and left which they felt to be a threat to the democratic process. In Germany the far right SRP was banned in 1952 while the far left KPD was banned in 1956 (Saalfeld, 1997, p7)<sup>9</sup>. It should be noted that the ability to ban parties lies mostly within the jurisdiction of the courts and rarely in the hands of the parties themselves, though often the ability

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<sup>8</sup> This currently stands at £500 which was increased from £150 in 1985 while at the same time the threshold at which point the deposit was lost was lowered from one eighth to one twentieth (Cole, 1992, p77).

<sup>9</sup> It is interesting to note that Monson argues that their successors the NPD and DKP have managed to avoid being banned in part due to their lack of success in elections (Monson, 1984, p304). There is some confusion as to whether banning parties actually makes much of a difference or whether it does more harm than good in terms of forcing parties underground. Partly because parties are so rarely banned this is a difficult phenomena to study. One study suggests that from a practical point of view the banning of parties can be the right thing to do (Bale, 2007). However much depends on the party and the circumstances under which it is banned. For full details of the banning of the KPD see Major, 1998 and for details of the banning of the SRP and responses to other right wing organisations see Roberts, 1992.



to initiate this process is. Parties can also influence the electoral process through other means, such as areas of representation being re-drawn, altering the electoral landscape. This can seriously affect smaller parties who often rely on distinct sections of the population for their support. There has been much controversy in recent years in the United States over minority-majority redistricting and whether it does more harm than good (Cameron et al, 1996)<sup>10</sup>. Sometimes the means used to keep parties out of government can be much more subtle. Because the main parties usually define the norms of behaviour for actors within a party system they have the ability to shut out those who don't conform by labelling them anti-system parties and refusing to engage in coalitions with them. While the so called 'anti-system party' could theoretically enter government by winning an election outright this is unlikely, especially in any system that uses proportional representation where even the largest parties have to rely on smaller coalition partners. Although the term 'behavioural norms' covers a wide range of factors, including organisation structures of the party, who it accepts donations from and the attitude of the party towards the state, more often than not it refers to the ideology of the party. For instance, in a capitalist system any party that rejected the basic tenets of the free market economy would probably find itself excluded. Therefore the parties in a cartel system, by controlling the political norms and the policies within a system can exclude outsiders

The cartel model also has several highly distinctive organisational characteristics, most obviously the issue of its membership. As already

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<sup>10</sup> For a fuller discussion of the of gerrymandering and political cartels in the United States see Issacharoff, 2002

explained, since the days of the mass party, membership has been slipping down the list of priorities. Previously a large party membership was seen as essential to the successful functioning of a political party, with much effort made to retain members and recruit new ones. This manifested itself in the form of raising funds through membership subscriptions and also winning elections through canvassing and the mobilisation of voters. Now that they have access to state subsidies, Katz and Mair argue that parties have much less need for large memberships (1995, p20). In actual fact large memberships might be seen as something of a hazard as they could potentially disrupt party activities or object to the removal of central planks of the parties core ideology. In short, members could start to be more trouble than they were actually worth. Equally it could be argued there are several reasons why members would no longer want to be attached to a political party. As already stated the decline in ideological differences between the main parties would make membership a less attractive proposition to many and several of the services that parties once provided for their members are now available either via the welfare state or via private sources.

The increase in size of party bureaucracies and their increasingly complex organisation has also meant that it can be harder to participate within them or have individual voices heard. From this point of view it makes more sense for disgruntled members to instead join an interest group or new social movement. Taking all of this into account, under a cartel party system there should be a continued decline in membership levels. Linked to this the central party in an effort to consolidate all power to itself, would attempt to bypass potentially

troublesome members by appealing directly to the entire membership using direct democracy. This would give the impression of greater legitimacy while actually being able to more easily control decision making within the now atomised membership. This is the phenomenon referred to as stratararchy by Katz and Mair, where a distinct schism is created between national and local parties. Under the mass party system the national party should be highly dependent on decisions made at a local level due to the importance of its members. For cartel parties members are less important, but local parties are needed both to help supply legitimacy and to govern at a local level. The national party allows the local party much greater autonomy (of action) in its affairs and in return the local party doesn't attempt to interfere in the actions of the national party. This creates a two tier system, with the parties at each level effectively becoming separate entities. As a result fewer policy decisions are made at a local level and future leaders rarely climb up the political ladder from the very bottom. However, while it has been argued that the members' two main functions have been usurped, they have not been abandoned entirely, with parties still making an effort to recruit and retain members. These are needed, cynically, to preserve the myth of mass electoral support thus confirming the parties' legitimacy. A party with no members would face problems at the ballot box. Instead the focus is placed upon have a diverse membership with more emphasis upon the general direction of membership recruitment. For instance, a party that is losing members at a much slower rate than the others is perceived as more successful, even though it is still losing members.

Therefore in essence the cartel party hypothesis can be seen to exhibit a number of characteristics. On the one hand there is its cartel function where a group of parties faced with a changing electoral environment use their power over the state, and their establishment status, to keep themselves in power while excluding smaller rivals. They can do this through granting themselves physical resources such as funding and privileged access to the media, and at the same time bar entry to the cartel through the fact that they control the rules of the game in the political system and can define what is politically acceptable or not in terms of behaviour and ideology. By labelling undesirable parties ‘anti-system parties’ they can be excluded from government coalitions. This is the first aspect of cartelisation. The second is that this behaviour has certain ideological and organisation influences. Because parties are less reliant on members as a source of income and find they interfere with the elites running of the party, less emphasis is placed upon them in terms of recruitment or decision making within the party. Equally the parties are less tied to the electorate, as they have mitigated the effect of losing elections and therefore become less ideologically responsive and move further towards occupying the centre ground as they chase the median voter. It should be noted that both of these trends in terms of ideology and organisation were already happening with catch-all party models but cartelisation in Katz and Mair’s conceptualisation acts in a similar way to a catalyst, accelerating them. Having outlined the essentials of the original cartel party hypothesis the next section of this chapter will examine some of the criticisms that have been made to it over the years and how these might be replied to.

#### **1.4 Criticisms of, and modifications to, the cartel party theory**

Since 1995 there have been a wide variety of papers published in response to the original cartel theory article. Broadly these works have fallen into three main categories. Those that have critiqued the theory from a theoretical perspective (Koole, 1996; Kitschelt, 2000). Those that have attempted to develop the theory (Katz and Mair, 1996; Blyth and Katz, 2005) and those that have critiqued and tested aspects of it through applying it to various countries as case studies (MacIvor, 1996; Young, 1998; Yishai, 2001, Hopkin, 2003; Bowler, Carter and Farrell, 2003; Blyth and Katz 2005; Scarrow, 2006b; Pelizzo, 2007)<sup>11</sup>. It should be made clear that this section will deal with the more general criticisms of the cartel theory and its modifications. This work divides these criticisms into four main areas; the nature of cartel parties, the role of state subsidies, the ideology of parties and the role of the media.

Several commentators have pointed out that the exact nature of cartelisation, including a clear definition of cartel parties, is never given. This is something that Katz and Mair are vague about which makes any attempt to operationalise the theory problematic. In particular Koole criticises Katz and Mair for using a systemic property, in terms of a cartel at the level of the party system, to characterise individual parties (Koole, 1995, p508). In essence he seems to be arguing that by definition a cartel of parties only exists when they work together, therefore trying to define a cartel party as a singular organisational

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<sup>11</sup> It should be noted that these are rough categories and several papers overlap each other. Also it is not an exhaustive list. There are a wide range of book chapter and conference papers that touch upon the cartel theory and its implications. This list has been restricted to those works that deal directly with the cartel party hypothesis and its repercussions.

entity isn't possible. Katz and Mair address both of these criticisms in their reply to Koole (1996). Firstly they admit that much of the cartel theory is vague and suffers from omissions, but this is due in part because they expect others to empirically test it and expand upon it. Secondly, the list of characteristics that Katz and Mair outline, are only rough indicators. In reality, as already stated, 'ideal' party system types rarely exist, there is no more likely to be an ideal cartel party system than there is an ideal catch-all or mass party system. Katz and Mair make clear that, while they believe cartel parties to be the next stage in party evolution, certain countries will be further along this road than others, having adopted some, but not all, of the features of cartel party systems. However to function as a cartel not all of these criteria are necessary. For instance parties could act as a cartel simply by banning any party that arose to challenge them without necessarily having to introduce state funding or granting themselves privileged access to the media. The two main parties in Britain do not have access to state funding but have a secure grip on power thanks to the first-past-the-post electoral system. Calls to switch to proportional representation have been ignored primarily because they would have the most to lose under a new electoral system. In practise though, it would be improbable to find the banning of parties occurring without at least one of the other criteria being present, such as control of the mass media. Furthermore they accept that as their work at this stage was mostly hypothetical and not backed up by empirical research, the reality of the situation could mean many of these characteristics might be invalidated once other researchers attempt to apply them to real world party systems. This is re-emphasised by Blyth and Katz in 2005 where they argue that the UK and USA provide examples of cartelisation

despite the fact that the UK doesn't have direct state funding for political parties while in the USA it is relatively limited with the vast bulk of funds coming from donor contributions<sup>12</sup>. Blyth and Katz defend this by arguing that the desire for state funding of parties seems to be developing in the UK and that cartelisation can also be driven by reducing the policy space for parties, manipulation of electoral laws and stigmatising smaller parties. If parties achieve success with one mechanism for creating an effective cartel then they don't have to necessarily introduce the other mechanisms such as state funding. As they state, 'Cartelisation is a multi-dimensional process and progress along the dimensions need not proceed in lock-step' (Blyth and Katz, 2005, p53).

In reference to Koole's specific criticism about the systemic nature of cartelisation they argue that it is correct to refer to cartel parties as independent organisational phenomena but also point out that these individual parties function as part of a group entity, hence the usage of the term cartel party system. While the parties together form the cartel there are distinct ideological and organisational changes that occur that should allow observers to differentiate between cartel and non-cartel parties. To quote Katz and Mair:

In this sense, it is perhaps more accurate to speak of the emergence of cartel parties...Nevertheless, while at one level this development relates to the party system as a whole, it also has important implications for the organisational profile of each individual party

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<sup>12</sup> Also in the case of the United States the parties made the jump from elite to catch-all parties effectively bypassing mass parties so receiving a significant portion of their income from membership dues has never been an issue for them.

within the cartel, and so it is reasonable to speak of a cartel party in the singular (Katz & Mair, 1995, p17)

One problem with this is that in theory there is nothing to prevent catch-all, or even mass parties acting together to form a cartel. It could be possible for them to use a range of resources to keep themselves in power and exclude rivals without necessarily going through the organisational and ideological changes that Katz and Mair suggest. If this were indeed the case then Katz and Mair's theory would be half correct. There would indeed be a cartel of parties (or a cartel party system) without any of the parties in it necessarily being cartel parties. Therefore a cartel of parties could exist without organisationally or ideologically being distinctively different from catch-all parties. A cartel party system without cartel parties sounds on the face of it like a contradiction in terms but Katz and Mair's central proposition that parties are using the state to preserve themselves in power would still be valid.

It could however be argued that the organisational style and ideological position of the party only tells half the story. A small party could organisationally resemble the main cartel parties and ideologically be fairly similar, but if they have a low share of the vote and are rejected by the main parties does this mean that they are not part of the cartel? This argument can be expanded to imply that it is the parties themselves who decide who is and who isn't part of the cartel. As argued in the previous section the main parties in any system get to define the acceptable rules (or behavioural norms) for actors within that system, usually in terms of ideology, but a range of other factors are possible. For



instance parties may be rejected if they are too radical, too young, undemocratic in terms of their internal organisation or accept funding from dubious sources. As a result of this any party that doesn't conform to these criteria runs the risk of being ostracised by the other parties and potentially labelled 'anti-system' parties (Sani, 1976, p3)<sup>13</sup>. Germany has a long history of this with parties of both the left (KPD) and right (SPR and NPD) being accused of being anti-system parties, sometimes quite rightly (Scarrow, 1996b, p308). When the REP achieved an electoral breakthrough at the Berlin state elections in 1989 the main political parties, as well as the media and the public, adopted a clear policy of 'marginalization, de-legitimation and stigmatization' towards the party (Art, 2007, p338).

In recent years, although for different reasons, the Linkspartei/PDS has suffered from similar attacks both from journalists and politicians (McKay, 2004a, p52)<sup>14</sup>. From this it can be argued that the ability of the main parties to define what is and isn't politically acceptable is just as important a power as the ability of the parties to grant themselves state funding or privileged access to the media, especially if they can use this ability to justify keeping smaller parties out of governing coalitions.

Kitschelt and others have raised the issue of how the cartel party hypothesis differs from previous 'ideal' types. They argue that parties have always attempted to gain greater levels of state resources for themselves and often tried

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<sup>13</sup> For further details on the study of anti-system parties see Poguntke and Scarrow, 1996. An attempt to give a positive definition of an anti-system party is made by Keren, 2000.

<sup>14</sup> In its early days the Green party marketed itself as an anti-party party which should not be confused with an anti-system party.

to exclude outsiders. Also the main parties in a system have co-operated with each other in both of these aims (Kitschelt, 2000). In this sense certain aspects of his argument are correct as elite parties arguably formed a cartel using their control over electoral laws to keep smaller parties from fairly competing. In a similar sense Germany could arguably be said to have a quasi-cartel system before the introduction of state funding. The five per cent threshold law and ability to ban parties certainly contributed to the un-fragmented and stable nature of the party system in post-war Germany. This has led several commentators over the years to use the word cartel to describe the German party system, most often in connection with the 'Grand Coalition of 1969' (Kaltfleiter, 1970 p596; Smith, 1978, p50; Roberts, 1988, p319). Krouwel takes this a step further by arguing that much of what Katz and Mair describe in their paper was originally predicted by Kirchheimer, and many of the symptoms of cartelisation they mention in terms of organisational and ideological change are merely the logical outcome of catch-allism as it evolves to its eventual outcome (Krouwel, 2003). As already detailed the catch-all theory argued that parties would become more professional, focus less on their members and become less ideologically distinctive. As Young argues, 'some of the defining characteristics of the cartel party such as capital intensive campaigning and increased professionalism represent continuations or logical outcomes of the catch-all party and cannot be entirely attributed to state funding' (Young, 1998, p342). This is a perfectly valid criticism and ties in to Detterbeck's argument that cartelisation can occur for a variety of reasons depending on the history of a party system and the institutions within it. In the case of Germany Detterbeck argues that state funding wasn't introduced

because of falling levels of party membership but because of the position of strength of the political parties. As Young states, 'The formation of party cartels does not necessarily spark a transformation from catch-all to cartel party form' (Young, 1998, p345). If this assertion is true then this has clear implications for possible theories of cartelisation. The cartel theory as articulated by Katz and Mair has two central planks, firstly that the parties within a system form a cartel to use the power of the state to preserve their own position in power and keep outsiders down. Secondly that this has a clear organisational and ideological impact on the parties involved. Based on this interpretation, the first part of the theory could be perfectly valid in terms of parties forming a cartel controlling resources, media access and behavioural norms within a party system, without necessarily leading to the organisational and ideological changes that Katz and Mair describe. In these circumstances a cartel party system would exist at a systemic level without there being individual cartel parties. This suggests two possible answers. Firstly that Katz and Mair have over emphasised the power of the cartel to bring about organisational and ideological changes and secondly that several of the organisational and ideological changes they do describe would be happening to a greater or lesser extent with catch-all parties. This possibility and its implications will be examined in more detail later in the thesis.

This leads to several specific criticisms about the nature of cartel parties made by Young in response to a paper by MacIvor which suggested that the main parties in Canada formed a cartel from the early 1970s onwards. These criticisms in part stem from the fact that, as already mentioned, the cartel theory

is to a certain extent undefined and so theorists have had to operationalise the concept themselves leading to much disagreement. Young's comments in particular serve to highlight differences in interpretations. Young agrees with MacIvor that Canadian parties have colluded together in an attempt to grant themselves a greater share of the states resources and exclude competitors. However she then goes on to argue that this example of cartel behaviour does not fit the model as suggested by Katz and Mair. This is for three main reasons; because some parties within the cartel have benefited more than others, the parties have not used their legislative powers to continually increase their state funding on a regular basis and finally that other political actors have managed to successfully challenge the cartel parties via the courts (Young, 1998, p351). These are all interesting points although it can be argued that in part they are largely due to a misreading of the theory. For instance, taking the first point, Young argues that some parties within the Canadian cartel have benefited more than others. This would imply that Katz and Mair think that all parties within a cartel are of equal status. This is never explicitly brought up in the original cartel party article, their rebuttal to Koole or Blyth and Katz's 2005 article. However there is no logical reason to think that in any cartel that all members of it are necessarily equal in status or power, certainly this isn't the case in most business cartels. In the case of OPEC not all members are equal as some are more powerful than others depending on how much oil they have. Equally in politics some parties are inevitably going to be smaller than others and thus exercise less leverage. Their main leverage in the cartel is based on their share of the vote and theoretically the threat of leaving the cartel but in the short term

at least they would have more to lose than to gain by doing this<sup>15</sup>. In the business world cartels can end for four main reasons. The firms involved can be caught by the authorities which would potentially end the cartel. The firms can agree to dissolve the cartel for their own purposes. If the cartel involves more than two firms, one could agree to leave while the cartel continues with the remaining two. The final possibility is that one of the firms involved might decide to cheat on their agreement which, if discovered, could end with the cartel being dissolved. In the political world all of these are a possibility but with varying consequences.

Secondly Young argues that the Canadian parties have not been continually increasing their funding substantially since 1974. There are several possible responses to this. One is that Young seems to be claiming that any cartel should be all powerful and able to increase its access to resources whenever it collectively wanted to. If the cartel didn't have to take account of any other factors apart from its own wants and needs this could conceivably be true and the parties would continually grant themselves ever larger sums from the state coffers. However, while being part of the cartel might somewhat protect them from changing electoral fortunes and mitigate the downside of losing elections it does not do so with 100 per cent efficiency. If they did continually increase their own funding via the state then this would begin to affect their legitimacy in the eyes of the citizenry and in turn this would contribute to the dissatisfaction directed towards the parties. With this in mind parties do have to

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<sup>15</sup> There has yet to be any real research into under what circumstances parties leave possible cartels. Theoretically at least they could be rejected by the cartel if their vote fell below a certain level and they were not represented in parliament, moved to the edge of the political spectrum or engaged in illegal acts. Alternatively they could reject the cartel itself by refusing to engage with the other parties politically (either in a coalition or in day to day politics).

take account of public feeling. Also as already stated parties, although penetrating the state more than ever, do not have complete control over it, depending on the institutional situation they exist in. Hence the ability of the courts to prevent them from granting themselves ever larger sums and from excluding others from these subsidies. Again this chimes with how financial cartels operate. They have to exist with a range of actors curtailing their activities including consumers, the state and other businesses in the market. By acting as a cartel they can sometimes manipulate these actors for their own benefit but can never ignore them entirely. Even OPEC, a cartel made up of countries, has to take account of a range of factors when making decisions. This brings up the final point that Young raises when she argues that other political actors have successfully challenged the alleged cartel via the courts. In a perfect cartel system it could be envisaged that a cartel would be so powerful that it could either prevent the court from ruling on such cases in the first place or disregard the court's rulings. However as already stated, party cartels have to operate in complex institutional settings and because of this and the actions of other political actors and the public, still have to submit to the judgements of others.

Another area in which the cartel party theory has been critiqued is that of its attitude towards state funding and the role it plays in creating a cartel. Recent studies have disputed the role funding plays in cartels (Pierre, Svåsand and Widfeldt, 2000; Bowler, Carter and Farrell, 2003, Scarrow 2006b) arguing that the existence of state subsidies in and of themselves do not necessarily indicate a cartelisation process and that in any case they do not always work as a

mechanism for excluding parties. This is arguably true and as already stated the existence of state funding does not automatically mean that a cartel system exists and that if it does then state funding is not the driving force behind it. Blyth and Katz in their 2005 article place less emphasis on the role of state subsidies but still consider them important as a potential means of insulating parties from the changing electoral landscape and potentially excluding smaller parties. With relation to the argument that funding doesn't work as a mechanism for excluding smaller parties there are several points to make. Firstly there is the fact that all three of the papers focus only on relatively limited areas<sup>16</sup>. In all three cases the studies tend to focus on direct subsidies to parties and don't make any significant mention of indirect subsidies. This will be dealt with more fully in the chapter on party financing but as argued in the case of Germany there are numerous ways that the parties have managed to gift themselves greater state resources separate from the already generous sums they receive from the state. As Scarrow makes clear, she focuses on 'subsidies paid to parties to carry out their extra-parliamentary work, something which includes funds to help with election expenses, but does not include money for party foundations or for partisan newspapers' (2006b, p624). This is not giving the whole picture as sometimes the money given in indirect subsidies can be significant and plays a real role in aiding parties' electoral performances. Then there is the argument that the papers fail to take into account the intentions of the parties. For instance in Germany several attempts to grant themselves larger sums of money were prevented by the courts<sup>17</sup>. However despite these attempts

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<sup>16</sup> A relatively small point but worth making is that Pierre's study only includes data up to 1990.

<sup>17</sup> The chapter on party financing will outline this argument in more detail but for a good overview of the role of the Constitution and Constitutional Courts in limiting German parties' accesses to state resources see Pelizzo, 2004

being thwarted there was a clear intention to grant themselves greater resources. Thirdly there is the argument that in Germany any attempt to measure to what extent political parties have been excluded is complicated by a variety of factors. Firstly there is the fact that the party funding laws have changed several times over the years, sometimes significantly, and for a variety of reasons often out of the hands of the political parties. Therefore it is difficult to say with any certainty how effective state subsidies have been as a tool for excluding smaller or new parties. Finally there is the fact that state subsidies are only one mechanism that could be possibly used for the exclusion of parties. The role of the parties' relationship with the media also plays a part along with their ideology and the use of electoral threshold laws. In relation to Katz and Mair's work it should be made clear that state funding is only one resource parties have at their disposal. It is not necessarily the most important one and if used, is likely to be used in conjunction with others. Also like any other resource it is subject to a range of limitations depending on the institutional framework which the parties operate within.

The third area of criticism that will be looked at is that of parties' responsiveness to the public and competition between themselves. Katz and Mair argue, in their original cartel article, that previously competition amongst elite parties was managed and controlled. It wasn't until the expansion of voting rights that parties really began to have to seriously fight over votes. Even then this was still contained to a certain extent, as they usually focussed on their own supporters. The development of 'mass' and 'catch-all' parties marked the point when real competition began to arise over voters. Katz and Mair argue that:



with the emergence of the cartel party, competition is once again contained and managed. Certainly, the parties still compete, but they do so in the knowledge that they share with their competitors a mutual interest in collective organisational survival, and, in some cases, even the limited incentive to compete has actually been replaced by a positive incentive not to compete (Katz and Mair, 1995, p112).

Koole in particular disputes this prediction, arguing that because the major parties are now occupying the same central ground the need to compete has actually grown as each party is now attempting to appeal to the same core pool of voters (Koole, 1996, p509). This has become especially acute with the decline in citizens voting over the past few years, as each vote is more fiercely fought over. Partly as a result of this, responsiveness of parties to voters should have increased dramatically, especially as the electorate is in many ways more sophisticated than ever before with small groups of citizens able to use strategic voting to its full potential in order to make their voices heard (Kitschelt, 2000, p175). This argument was accepted by Katz and Mair in their response to Koole with certain caveats, 'on one level he is clearly correct...in this sense, the game – the horse race – has obviously become more intense. Substantively, however, there is now much less at stake' (Katz and Mair, 1996, p530). They go on to outline in further detail the argument that while the intensity of party competition has actually increased the relative importance of the result has actually declined. As the parties are now much closer together in terms of

structure and ideology virtually all types of coalition formation are now possible. This is best illustrated in the case of Germany by the fact that even though the SPD technically lost the 2005 election they still ended up in government. Even if the CDU and FDP had formed a coalition together the SPD would have still had access to many of the benefits of office and the knowledge that sooner or later they would return to power. The chances of them losing an election so badly that they would never be able to bounce back are slim in the extreme. Even during the period of continuous CDU rule from 1982 to 1998 with the SPD in opposition no observer could be in any serious doubt that the SPD would one day return to power.

Because of this move to the centre ground, smaller parties are eventually likely to arise on the political fringes as 'while the cartel parties may be able to limit competition among themselves, they are of course unable to suppress political opposition more generally' (Katz and Mair, 1995, p116). As already argued various tools can be used by the cartel parties to prevent smaller parties entering into the party system, or competing fairly on the national stage. The most obvious of these being limiting their access to the states resources, funding and the media. However Katz and Mair argue that there are barriers to such exclusionary tactics, as any overtly unfair behaviour would potentially hurt the cartel parties' claim on legitimacy and, 'attempts at exclusion may also prove counter-productive, offering to the excluded neophytes a weapon with which to mobilise the support of the disaffected' (Katz and Mair, 1995, p116). This is in part why several of the more right wing parties such as the NPD were not banned during the 1980s as there were fears that such a measure would drive its

supporters underground and lead to accusations that the main parties were suppressing free debate. One alternative is to try and co-opt some of the more successful policies of the challenging parties as a means of pre-empting them. This of course has to take place slowly over time as a sudden adoption of new policies might cause problems within the party and accusations of flip-flopping from the public and other observers. Linked to this is Blyth and Katz's suggestion that the other main alternative is to try and absorb these parties into the cartel. Like any successful business cartel a cartel party system shouldn't be regarded as being completely closed. In a cartel of firms there is always a possibility that a new firm will arise with a better product that threatens the profits of the existing cartel. For instance, if a country suddenly discovered vast oil reserves, then depending on the political and economic situation, it would make sense for OPEC to try and persuade that country to join their existing cartel. Alternatively it might make sense for a large firm in a cartel to buy a smaller rival before it grew bigger and became a threat to them. If this was the case it would neutralise a rival while strengthening themselves against other larger rivals already within the cartel. A third possibility is for them to try and create or mimic the smaller firm's product or prices in order to drive it out of business. If a group of parties genuinely colluded together to shut down any and all democratic challenges then this could serve to further weaken their legitimacy and damage their standing amongst the electorate. Katz and Mair argue that inevitably parties will arise to challenge the cartel by appealing to voters outside the mainstream on either the far right or left of the spectrum. In this case three options appear available to the cartel parties. Invite them into the cartel, either on an equal footing or as an ally of an existing member, exclude

them using their resources or steal/mimic their policies in an attempt to appeal to their voters. All three strategies have potential plus and minus points. For instance, by adopting another party's policies a party might gain more voters but at the same time opens it up to charges of theft and could alienate or lose its existing supporters. If cartel parties try to exclude a smaller rival they could get rid of this rival or further damage their own legitimacy.

Even in the case of more extreme outsiders such as the Green parties, who are more likely to oppose the politics as normal approach, there is potential scope for co-opting them into the cartel with the accommodation of some of their demands (Katz and Mair, 1995, p118). In the case of Germany it could be argued that parties are moving ideologically closer together with the Greens toning down their more radical policies in order to gain acceptance to the cartel. By doing this both sides win. The Greens potentially gain hold of the reins of power and get to put some of their policies into practise, while the cartel parties diffuse a potential threat to the status quo. In the case of Germany the acceptance of the Greens doesn't actually change the party system that much as it goes from potentially either the CDU or SPD in government with the FDP holding the balance of power; to two clear blocs made up of the CDU/FDP on the one hand and SPD/Greens on the other. As mentioned earlier the parties will continue to compete with each other while in the cartel. Therefore the acceptance of a new party into the cartel by giving it government status can be used by one party as a tactic to gain an advantage over the rest. For instance, the actions of the SPD in joining a coalition with the Greens meant that they were less reliant on the FDP giving them greater negotiating power in future

discussions. Blyth and Katz note that this is one interpretation of what has been happening with the German Greens over the past few years (2005, p53). Therefore any criticisms of the cartel theory based on the empirical basis that new parties have arisen or entered government are invalidated. Katz and Mair themselves argue that new parties will inevitably arise to challenge the main parties and the cartel can deal with these challenges in a number of ways including inviting the new parties to join the cartel. As Pelizzo states:

Critics of the cartel party hypothesis have not only overlooked the fact that the existence of a cartel is consistent with change, but they have also overlooked the fact that under certain circumstances (inefficiency), the cartel may be conducive to change. While critics of the cartel party hypothesis have overlooked this causal link, this link has always been emphasized in the cartel party literature (Pelizzo, 2007, p231)

Therefore it can be argued that any potential cartel will naturally generate opposition in terms of smaller parties. The cartel itself is not a monolithic block but can be fluid with new parties entering the cartel or leaving if it furthers their aims. For instance a radical party might tone down its policies in order to gain entry to the cartel so it can put its policies into practise. However this will inevitably mean that it will lose support from its original supporters. Therefore it might at some point decide to leave the cartel so it can once again pursue more radical policies. In terms of the issue of responsiveness it can be suggested that Katz and Mair don't argue that the parties become completely

unresponsive to the desires of the electorate as otherwise they would find themselves out of office quite quickly. However equally they can't possibly appeal to all voters at once and as a result of this they focus their responsiveness on a set of issues that appeal to the maximum number of median voters. These issues are those deemed acceptable by the cartel and as Katz and Mair argue the differences between parties focus on who is a better manager in terms of these ideas. They don't actually compete with each other in terms of radically different policies.

The final alleged flaw in the cartel theory argument that several commentators have picked up on in the response of the mass media to possible cartel behaviour. In particular Koole, who is worth quoting from at length:

The role of the independent (mass) media is not given a proper place in the description of the cartel party. This touches upon the core of the analysis. Even if one accepts the interpenetration of parties and the state, then the growing power of the mass media must be taken into consideration in order to assess the position of parties. The access to state resources does not guarantee access to the powerful media. In fact, one might argue that the vulnerability of political parties is greatly enhanced, notwithstanding the availability of state resources, by the overwhelming power of the mass media...As long as the mass media are able to maintain or enhance their independent position, they are a powerful

counterweight to a possible cartel of parties, if the latter exists at all  
(Koole, 1996, p519).

He argues that the mass media is not given enough emphasis in Katz and Mair's description of the cartel party hypothesis. While he agrees that in previous years parties could depend upon their own newspapers to act as channels of information to the citizenry, those days are now long gone. Instead he argues that with the rise of television broadcasting, in particular private channels, the state and parties now have less control than ever before over the mass media. This is in part a valid criticism. As the mass media continues to become more and more powerful, especially considering the ever-increasing concentration of media ownership<sup>18</sup>, it seems unlikely that parties will be able to count on the media as their willing servant in the way that they once might have. The mass media are increasingly resistant to bullying tactics and respond forcefully to any attempt to control them or influence their content. There have been instances recently of governments facing down the media and winning (for example the Hutton report). However in most cases the media is more free of state control than ever before. In their reply Katz and Mair only address one aspect of Koole's argument, the fact that despite extensive laws existing to ensure balance during election campaigns there are numerous ways round this for the cartel parties based on their size, importance and financial backing (Katz & Mair, 1996). While it can be argued that Koole is correct that the increasing importance of the private media weakens the parties' ability to control the message it can also be argued that this doesn't necessarily harm the

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<sup>18</sup> An interesting example of this is Italy former Prime Minister Silvio Berlusconi occupied the curious position of being both the leader of a party and the owner of a large media organisation. (Humphreys, 1996, p74)

parties. The media would only truly act as an effective counterweight to a cartel party system if their primary aim was to convey the undistorted truth as opposed to the standard aims of a private company, the accumulation of money and influence. The essence of the cartel party argument is that the core parties have pre-empted all the major (central) ideological positions and as a result new parties are most likely to come from either the left or right of established parties, with at least initially, niche policies. Private media companies are by their very nature likely to be conservative (or at least supporting capitalist interests which are often conservative) and so are going to back the core mainstream parties rather than the newer parties. For instance, while the Springer Corporation, arguably the most right-wing of the German media corporations, doesn't approve of all the CDU's policies it's extremely unlikely to ever publicly back either the Greens or Linkspartei. Added to this is the argument that while direct overt manipulation of the media is less likely in the modern media environment there are ways of taking advantage of this.

So taking all of these criticisms into account several key theoretical modifications can be made to the cartel party hypothesis. Firstly that any theoretical cartel is not all powerful. They can't grant themselves increased state funding or ban parties whenever they want as they still have to remain relatively responsive to the concerns of citizens and maintain their legitimacy as representatives of the public will. Much like a business cartel would find itself under scrutiny if its actions were too unsubtle. Equally they can be constrained by pre-existing institutional factors such as electoral systems, constitutions and the courts. As a result of this any collusion that does take



place would more likely be tacit rather than overt. Secondly there is the fact that cartels are unlikely to be 100 per cent efficient in their operation. Despite ideological conflict being toned down the parties continue to compete amongst themselves within the cartel. This means that as they're pulling in different directions they are unlikely to be able to take advantage of every political opportunity that presents itself. Added to this is the fact that not all members of the cartel are equal, some are more influential than others. Also cartels don't always act in their own best interests, sometimes missing political opportunities or mismanaging others. Thirdly cartels can occur for different reasons to those suggested by Katz and Mair. Fourthly new parties can be co-opted into the cartel as means of neutralising them. Finally the theoretical possibility has been raised that the existence of a political cartel does not necessarily lead to the organisational changes that Katz and Mair mention, or at least not for the reasons they suggest. So a cartel of parties can exist without them necessarily organisationally or ideologically resembling the cartel parties Katz and Mair describe.

Having looked at the cartel theory in detail the rest of this thesis will involve going into more detail on these theoretical problems by looking at a major European party system and seeing what it can tell us about how the theory might work in practise and what further critiques and modifications can potentially be made to it. Having looked at the theory the next chapter will look at the methodology examining which aspects of the theory will be explored through looking at Germany and justifying Germany as a party system to study.



## **Chapter Two: Methodology**

Having outlined the cartel theory and some of its modifications this chapter deals with the methodology used in the thesis. Its main purpose is to make the case that the methods and techniques used to gather the evidence were appropriate in this context and the best for answering the research questions. This chapter will start by attempting to set some of the parameters of the research. This will provide a clearer idea of what areas of the theory need to be further examined, expanded upon and critiqued. Katz and Mair suggest the majority of areas that should be studied for evidence of potential cartelisation although these arguments have since been modified and improved upon by a variety of authors who argue that either cartelisation has different symptoms or is caused by slightly different factors. Secondly the research methodology used in order to gather and analyse data will be examined and justified. This research employs a strategy of triangulation where one research technique is used in order to backup and deepen the understanding of other quantitative information, for instance party funding and membership figures along with other more in-depth studies conducted by other authors into areas like party ideology. The full advantages and disadvantages of elite interviewing will be examined. In the final section the reasons for exploring the German party system (to provide greater insight into the cartel theory) will be given.

A combination of quantitative and qualitative methodology is used as this gives the best possible chance of answering the research questions in full. By doing this some of the problems that occur when only one methodology is used are avoided (Burgess, 1984, p144). Both quantitative and qualitative methods have

their strengths and weaknesses but it would be hard to argue that used on their own they provide a complete insight into the research topic. By using a variety of types of data a fuller picture can be gained. Triangulation is when a research methodology is used to corroborate another research methodology, for instance using qualitative techniques to backup quantitative research findings (or vice versa). A good example of this would be party membership data. Quantitative party membership figures can indicate whether the overall trend in membership is rising or falling. These members can be polled to find out why they are leaving the party using a survey. This can be added to by taking a small representative sample and conducting semi-structured interviews into why they might have left or remained in the party. Complementary methodology is when both strategies are used so that different facets of a study can be examined (Bryman, 2004, p455). In this case quantitative data will be used where it is most useful (party membership figures or state funding) while qualitative data will be used in order to try to understand the meaning behind the quantitative data. In this case the qualitative research technique used is semi-structured interviews of figures within the parties. There are a variety of reasons for this including the fact that semi-structured interviews allow a better understanding of why decisions were taken and the views of those involved in certain trends and developments. As has been argued elsewhere 'Studies must be designed with purpose as the key criterion' (Aderbach & Rockman, 2002, p675). In the case of this study certain trends are visible from analysing the quantitative data, for instance the fact that state subsidies to parties are rising and membership is falling. Once it has been established that these two things are happening it becomes important to try to discover why they are happening.

## **2.1 Areas for study**

This section will attempt to examine the cartel party concept in more detail to try to define what cartel parties actually are and how they might be identified for the purposes of researching them. As already stated Katz and Mair themselves are rather unclear on this point and more recent studies have not made the matter much clearer in terms of whether the cartel parties are the largest parties in a political system, or the oldest. Here then it can be suggested that there are a number of factors that can be examined that apply to parties within a party system. This includes the age of the parties, effectively how long they have been members of the party system. While there is no guarantee that age necessarily indicates that a party might be a member of the cartel it can mean that the party has establishment status and therefore is more likely to be a member. Of course establishment status is not necessarily conferred by ages but is actually a fairly subjective concept. Secondly there is the size of the parties in terms of their electoral performance. Larger parties would be assumed to be members of the cartel as it could not function if one or more of them decided not to participate. This does not necessarily mean that small parties can not be a member of the cartel but that they are less essential and therefore have less bargaining power within in it, if they threaten to walk away. Thirdly, there is the place of the parties on the political spectrum. This links into size as the larger parties tend to occupy the centre ground while smaller parties are found nearer the fringes. Therefore cartel parties could be expected to be more politically centred. Fourthly, there is whether they have taken part in government in recent years, either on their own or as part of a coalition. Finally

there is whether or not they are actually in the parliament or not. Parties who are not represented in parliament are fairly likely not to be cartel parties as these are exactly the sort of parties that the cartel is attempting to exclude.

Taking all of these factors into account it could be argued that in the case of Germany there are three distinct groupings of parties. There are those that are inside the cartel and have been for some time. These include the SPD, CDU, CSU and FDP. Despite the fact that the CSU and FDP are significantly smaller than the CDU and SPD they count as part of the cartel by virtue of their age, establishment status, place on the political spectrum, membership of parliament, and the fact that they have taken part in government coalitions<sup>19</sup>. However they are less powerful members of the cartel in terms of bargaining power or influence. Even though the SPD was out of power for 16 years during the 1980s and 1990s it remained a cartel party by virtue of its size, age, ideological position and establishment status.

This then leaves the Greens and the PDS/Linkpartei as grouping two and three. It is arguable that the Greens were not part of the cartel in the 1980s due to their small size, lack of establishment status, the fact that they were perceived to be on the far left of the policy spectrum and had not taken part in any government coalition. However since that period they have filled more of those criteria. They have moved towards the centre ground, they have taken part in a government coalition. As mentioned before, whether they are now part of the political establishment is a somewhat subjective judgment but it could be

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<sup>19</sup> It should be noted that the FDP has actually been in government at the Federal level longer than any other party since 1949 largely due to its coalitions with the SPD from 1969-1982 and then with the CDU from 1982-1998 (Jeffrey and Hough, 2001, p84)

argued that they are. As a result of this they are arguably now part of the cartel. It should be noted that while their entry into the cartel is being taken from 1998 when they joined the SPD in government this acceptance into the cartel was not a sudden process that happened over night. Rather the 1998 coalition government might be seen as the end of a journey into acceptance by the other establishment parties. If a cartel party system does exist in Germany then the Red-Green coalition could be seen as the date of the Greens' entry into it. How firm this acceptance is though, is open to question.

In the case of the PDS/Linkspartei they are a small, relatively new party, they are part of parliament but arguably do not have establishment status and are far to the left of the main parties on a variety of issues. As a result of this they are arguably not part of the cartel. This does not mean that they can never become part of the cartel but it would involve a move towards the centre ground for them and that is already occupied by the SPD and Greens, therefore it wouldn't make sense for them to do this. Instead it is more logical for them to remain on the left of the political spectrum acting as the opposition to the cartel parties gaining support from those who oppose the cartel parties.

The most obvious place to start when looking for criteria that could indicate cartel type behaviour is Katz and Mair's original 1995 cartel party paper and their subsequent additions to it (1995, 1996; Katz and Blyth, 2006). However these papers are largely theoretical in nature. Katz and Mair mainly discuss the implications of cartel behaviour and provide a few examples of why it might happen, its symptoms, and countries that it could be occurring in at the present

time (as discussed in the previous chapter). Examining Katz and Mair's original cartel party theory leads to suggestions of four main areas that indicate cartel behaviour. These are party funding, the relationship between the party leaders and their membership, ideology, and the parties' relationship with the media..

The funding of parties is the first and most obvious behaviour that might indicate cartelisation in practice. However as pointed out earlier in the chapter dealing with the theory, state funding on its own is not necessarily enough for a cartel to exist. For instance a party funding system could have been set up that positively encourages smaller parties that have few members or donors by giving them significant sums of state resources. Therefore it would be necessary to examine what the legislation actually does and how it has changed over the years in terms of affecting smaller parties, and to what extent they have been excluded from the German party system. Obviously the actual funding data will be examined here, looking at how much is raised by the parties through donations, membership dues and state subsidies.

Katz and Mair suggest that if parties are moving towards the state then they should value their membership less. As a result of this there should be a continued drop in membership figures that accelerate as cartelisation increases. Equally they argue there should be a blurring between members and non-members as parties try to attract a more diverse membership as a campaigning tool. Detterbeck as already outlined, has argued that the reasons for the move to cartelisation in Germany has less to do with falling memberships and more to do with the position of strength the parties occupy within the state. Therefore



the membership figures will have to be examined along with all the possible reasons why members might no longer want to be members of the party and alternatively why parties might no longer want mass memberships. In terms of the media Katz and Mair argue that the parties using their control over the state try to use this to fill the airwaves/print media with their own propaganda, while attempting to shut out alternative voices. Therefore Germany's recent history will be examined to find examples of the state controlled media shutting out smaller parties or if the parties have used their control over the state in a more direct way to silence dissent.

The issue of ideology is less clear cut. Although Katz and Mair refer to the issue of ideology, they suggest that the parties will continue to move closer together as ideological conflict between them is toned down. At the same time the rhetoric of campaigning is increased as parties fight ever harder to try to occupy the centre ground. Therefore this chapter will be looking for evidence of several trends e.g. the parties moving closer together in a range of policy areas while electoral competition is increased. Equally there should be some evidence of the parties using their control over the policy process to try to shut down certain policy areas so parties that try to pursue an agenda at odds with the cartel are effectively frozen out of power. However Katz and Blyth later suggested (2006) that the cartel was permeable and smaller parties could enter into it if they were willing to suitably modify their ideological positions to move them towards the centre ground. By doing this the main parties effectively absorb them. In return for entry into the cartel as a possible coalition partner, the smaller parties do make some gains but equally have to sacrifice

some of the elements that made them successful in the first place and become, to an extent, a mirror image of one of the larger parties.

The other source would be to analyse some of the academic works over the years that have actually tried to apply Katz and Mair's theory to real countries and party systems to see which methods they used and how successful they have been. From examining these papers several main findings are evident. Firstly that the major criteria used in all of these papers to indicate cartelisation is concentrated on the level of party funding in a country, changes in electoral laws, and the exclusion of parties. By and large all of the papers tend to focus on these three factors more than any others. There does not seem to be much emphasis placed in any of these papers on the role of the membership, the parties' relationship with the media or their changing ideology, except anecdotally when referring to the differences between the alleged cartel parties and their smaller rivals. Although it is frowned upon by some academics as being unscientific, anecdotal and circumstantial evidence should not be ignored if it helps to illustrate a point or provides a good example of cartelisation in action.

There are a variety of reasons why this might be the case. The first and most obvious is that of all the criteria mentioned, party funding is by far the easiest to measure. In virtually all countries parties are legally obliged to publish their accounts on the basis of transparency. As a result of this, virtually all of the authors have focussed on this one area. While there might be some room for fudging the issue in relation to subscriptions and private donations, state

funding is usually accurate due to government regulations. Much has been made of the fact that official statistics are not necessarily any more accurate than private ones and that flaws in them tend to be repeated over time due to the problems involved in altering how data is collected and analysed (Government Statisticians' Collective, 2004, p154). Germany was one of the first countries in the world to introduce the publishing of party income in 1968 and records of expenditure from 1984. Various changes in the law have been introduced over the years to tighten up the accounting practices due to a combination of funding scandals and Federal Constitutional Court rulings. The upside to this is that the records are now more accurate than ever before; the downside is that earlier figures are possibly not as accurate as they could be for the purposes of comparison (Scarrow, 2006, p380-381). As a result of this previous studies have tended to focus on party funding with limited work done on the media, electoral laws, and policy convergence, which is why these will be fruitful areas of study.

In terms of area of study this work will primarily focus on the national level, however as mentioned in the introduction, it is argued that coalitions at the Länder level play a part in cartelising small parties. Certainly the Greens started their slow path to national acceptance by taking part in coalitions at the Länder level. Even the PDS/Linkspartei, which was deemed unpalatable as a coalition partner at the 2005 election, has taken place in Länder level coalitions which suggests that establishment status is not wholly barred to it. Therefore while focussing on the national level of politics in Germany, when necessary examples will be drawn from all levels of the German political system. This

leads onto another issue involving the dating of cartelisation. Katz and Mair in their original article suggest a date starting from the 1970s as this ties in with the decline of party membership for most of Western Europe. This, they argue, triggers cartelisation. As has already been stated the introduction of party funding and cartel type behaviour can occur for reasons other than declining levels of party members. In the case of Germany the system already had elements of cartelisation due to Germany's recent historical background, for instance the ability and willingness to ban parties and the five per cent electoral threshold. The need to protect the new German democracy from the threat of extreme parties and potential party system fragmentation was felt to outweigh the need for every viewpoint in the system to be represented. Therefore as a result of this the thesis will look at the German party system from its post war period up until 2005 and the second 'Grand Coalition'.

## **2.2 Interviewing as a research strategy**

Having discussed the parties in Germany that do and do not make up the cartel and the areas that can be studied that might indicate cartel behaviour, this section of the methodology chapter will outline the various issues around using semi-structured interviews, including positive and negatives about its practicality as a technique, along with issues of reliability and access.

Interviews are a useful tool for providing information on why decisions are taken. For instance the data might show that party membership has fallen but a member of one of the parties would be able to provide a reason for this event occurring. Interviewing has long been a staple research technique of political

science. Interviewing is a process of information exchange between questioner and respondent or more simply as Burgess puts it, 'conversation with a purpose' (1984, p102). This can be extremely useful in researching a topic as it allows the academic to directly question opinions and motives. In particular this is the case with elite interviews. This is for a variety of reasons, the most straightforward of which is that sometimes when you need to find out something the obvious solution is to ask an expert (Dexter, 1970). Equally certain knowledge exists in the hands of individuals because they witnessed an event take place. Therefore it makes perfect sense to ask them about it. To quote Tim May, 'interviews yield rich insights into people's biographies, experiences, opinions, values, aspirations, attitudes and feelings' (May, 2001, p120) or as Aberbach and Rockman argue 'Interviewing is often important if one needs to know what a set of people think, or how they interpret an event or series of events, or what they have done or are planning to do' (Aberbach & Rockman, 2002, p673). The advantage of interviews over other techniques such as questionnaires is that they are useful when the subjects involved are complex and the questions have to be open ended (Gray, 2004, p214).

As a research technique elite interviewing does have certain problems but is an invaluable tool for uncovering the views of politicians and why certain decisions were made. The only other way of discovering the views of elites is examining previous interviews or diaries and memoirs (Henn, Weinstein & Foard, 2006, p102-104). Both of these have their own problems. Previous interviews are unlikely to cover exactly the right subject areas while diaries and memoirs again might not cover the right areas or are the subject of heavy

editing, not to mention the huge time delay before they appear. There is an added bonus to doing elite interviews in developed Western countries, it is generally easier to gain access to subjects in such political environments and they tend to be less suspicious of the interviewer's motives. Equally they are more familiar with the conventions of interviewing techniques (Rivera, Kozyreva & Sarovskii, 2002, p684).

As some writers have pointed out the term elite interviewing is slightly confusing in that what exactly counts as an 'elite'. Does the term only refer to socio-economic elites including well known personalities, prominent and influential people? (Sarantakos, 1993, p187) Or as Beth Leech argues, 'for others it has more to do with how the respondent is treated by the interviewer...[the term elite interviewing] can be used whenever it is appropriate to treat a respondent as an expert in the topic at hand' (Leech, 2002a, p663). One clear bonus of elite interviews is that they carry a certain amount of prestige with them and it makes it harder for a reader to disagree with the researcher's conclusion if backed up by quotes from an acknowledged expert in that field or someone who was actually involved in a decision making process. Another advantage is that interviews can be more useful in areas where the subject enjoys talking about themselves and their work more than they would filling in a questionnaire (Gray, 2004, p214). For instance politicians are more likely to agree to an hour long interview answering a set of questions than they would answering the same questions on paper (although given the modern politician's schedule sometimes even getting an hour can be considered a stroke

of good fortune). Therefore, for elites, face-to-face interviewing clearly has an advantage over other data gathering techniques.

The disadvantage of this technique is that gaining access to these elites is often extremely difficult and even when they do agree to be interviewed they can impose certain conditions such as pre-approving a list of questions before they are asked or approving the final transcript of the interview before allowing it to be used. As one researcher admits 'Getting the interview is more art than science' (Goldstein, 2002, p669). Another main problem with face-to-face interviewing is that compared to other methods they are often the most difficult to arrange and most expensive in terms of the amount of money they involve and time they take (Gray, 2004, p111). In this case the interviews will have to take place in a foreign country which will involve a significant amount of travelling cost. Then there is also the fact that the number of possible things that can go wrong is greatly increased. Interviews can always be cancelled or the times re-arranged at short notice. Equally the interviewer can turn up and find out that they are only being allowed half an hour when they were expecting an hour or more and when elites are involved this is more likely to be the case. To try to avoid these circumstances the interviewer has to plan for all contingencies and leave themselves plenty of time as a safety margin to try and reduce the impact of such problems. However one upside is that the widespread nature of global communication does mean that if a follow up question has to be asked or a single point of the transcript queried then it can easily be done either using telephone or email without having to travel all the way back and setting up a new interview.

Before a question can be asked the researcher has to make certain choices about the format the interview will take (Leech, 2002b). Obviously some preparation will go into deciding what will be asked but will the interview be based on a structured list of questions that will not be deviated from or will a more open ended approach be adopted? Both have their advantages and disadvantages. A structured interview can be useful, especially as is often the case the interviewer has very limited time with their subject and wants to make sure they cover all of the questions or topics. It is also useful for comparative purposes if the same questions are being asked to multiple people as it is harder to compare responses if they stem from slightly different questions. However semi-structured or even unstructured interviews are equally useful. If the subject makes a particularly interesting point it allows the interviewer to follow up on it by simply asking, “could you tell me about...” or “could you elaborate on this...”. A point Berry makes is that ‘the best interviewer is not one who writes the best questions. Rather, excellent interviewers are excellent conversationalists’ (Berry, 2002, p679). ‘The semi-structured interview allows for probing of views and opinions where it is desirable for respondents to expand on their answers...such probing may also allow for the diversion of the interview into new pathways which, while not originally considered as part of the interview, help towards meeting the research objective’ (Gray, 2004, p217).

Finally there is the issue of interpreting and using the data. One of the problems researchers often come up against is that their interviews either contradict what they have already discovered or that various interviewees contradict each other,



giving different accounts of similar events or different reasons why decisions were made. This can be due to a variety of reasons (Lilleker, 2003, p212); sometimes it can be because the interviewees offer opinions as opposed to facts and it is important to bear in mind that just because they are an expert in the field does not necessarily make them right. Alternatively memories can make mistakes especially if they are recalling events or facts from a long time ago that need to be checked. However there is also the option that sometimes two interviewees offering different opinions can both be right. For instance a decision could have been made for multiple reasons but the interviewees are only aware of some of them. Alternatively there is the fact that someone might want to encourage a particular view of history and their role in it and so (sometimes deliberately) either lie or mislead the interviewer for their own ends. Politicians as an elite are so used to spinning the news agenda so that the facts fit their view of the world (and dealing with hostile interviewers) that they can do this almost without realising it. This is very hard to guard against as there is often no way of double checking that someone did have a particular opinion at a certain time unless others who might have known them are asked, and as already made clear, this can be incredibly difficult. In these cases there is not a lot the researcher can do and so most of the time interview data (unless it is dealing with verifiable facts) has to be taken on trust.

There are always issues of reliability concerning any sort of research. The type of research design always has an impact on this and there is usually a trade off between the amount of flexibility the technique offers and its reliability. This is particularly the case when semi-structured interviews are used; 'the valuable

flexibility of open-ended questioning exacerbates the validity and reliability issues that are part and parcel of this approach' (Berry, 2002, p679). Closed questionnaires have the benefit of consistency. The questions asked to each of the respondents will always be the same which makes the interview a more stream lined process. In the course of a semi-structured interview similar questions may be asked to each respondent but unless they are exactly the same each time then the answer given may be subtly different. While semi-structured interviewing the answer the person gives can vary enormously depending on a range of factors such as how you ask them or where you ask them, to something as basic as whether the interviewer is male or female<sup>20</sup>.

One further problem of elite interviewing is choosing the group. Obviously when performing large studies involving polling many thousands of individuals much care and attention can be put into making sure that a suitable sample is chosen. Elite interviewing is more complicated in terms of the fact that they choose you more than you choosing them. When requesting an interview from an individual or a group the researcher normally has certain subjects that they would prefer to interview. However it is not always the case that these people are available and so the researcher sometimes has to make do with the access they are offered. In some cases the more perspectives the better but this has to be balanced against the amount of time available for and cost of conducting research. Also sometimes one good semi-structured interview with the right person can be worth a dozen or so interviews with other less senior figures.

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<sup>20</sup> There is certainly an argument to be made that certain types of research are better conducted by females than males. This is tangentially linked to the argument made by feminist researchers that females are better 'knowers'. This school of thought is usually associated with Sandra Harding and her theories of 'Standpoint Epistemology' (Harding, 2003).

The questions for the interview template were constructed after the criteria for examining potential cartel party were drawn up. They cover all the major areas of research. They are divided into essential questions that should be asked and sub-questions in each area that can be asked if time permits. This allows the interviewer to tailor the interview in terms of the amount of time they are offered by the subject.

It is sometimes the case that if the information being discussed is particularly sensitive or likely to cause embarrassment that the name of the respondent is not given in the research or their identity is disguised (Philips, 1998, p9). While this option remains open if the respondent demands it as a condition of being interviewed, the topics being discussed (party financing, membership etc) are not the sort that are likely to make the interviewee want to hide their identity. However there is the issue that politicians and party workers do not want to be misquoted so the option for them to review the transcripts (once they are typed up) should be offered. While this might cause possible problems in terms of the subject removing potentially useful material that they object to it could also help the research if they have reconsidered their position on a subject and expand on it.

One of the dilemmas of ethical research is potential issues of bias. For instance conducting interviews with members of a political party that the interviewer either identifies with or disagrees with could prove problematic. Firstly it might be easier or more difficult to secure an interview because this bias is well

known. Secondly there is the fact that however much the interviewer tries to prevent it this bias might seep into their interview, not necessarily into the questions themselves, especially if a fully structured or semi-structured technique is used, but in the way the interviewer asks them in terms of how they sit, tone of voice, body language etc. All of these factors can subtly influence the answer the respondent gives. For this particular study there is a certain amount of protection against this cultural or political bias due to the fact that this is a foreign political system being studied and therefore the interviewer is relatively free from traditional party affiliations. In terms of approaching them about the research topic a certain amount of tact is required. For instance as Lucy Woliver argues 'You have to hedge sometimes in order to get an interview. However, you cannot mislead people' (Woliver, 2002, p677). Or as another academic puts it, 'no need to be too precise or certainly overly detailed' (Aderbach & Rockman, 2002, p674).

### **2.3 Why Germany should be investigated**

In their original article positing the existence of cartel party systems, Katz and Mair suggest a number of countries which they believed would show clear evidence of this trend. Chief amongst these was Germany, and there are a variety of good reasons for suggesting that the German party system might be a fertile breeding ground for cartel type behaviour (Katz and Mair, 1995, p17). These include the central role of parties within Germany's political culture, their dependence on public subsidies, the declining levels of party membership,

electoral rules, and finally the high degree of consensus between the core parties. The next section sketches out these factors in more detail.

Political parties occupy a central role Germany, with Steven Padgett stating that they are key to understanding the political culture (1993, p.1), a clear reflection of Germany's 'Staatskultur' or state-orientated political culture (Verheyen, 1999, p.48). This is reflected in both Article 21 of the Basic Law and the Party Act of 1967, emphasising their legal recognition in the country's constitutional framework. Katzenstein argues that they are one of the three crucial nodes in the (West) German policy network [along with cooperative federalism and para-public institutions] (1987, p.44), while Kurt Sontheimer stresses that, 'all political decisions in the Federal Republic are made by parties and their representatives. There are no political decisions of importance in the German democracy which have not been brought to the parties, prepared by them and finally taken by them' (1973, p.95).

As already stated in the introduction, Germany has a quasi-cartel system. Normally systems using proportional representation lead to multi-party system with a plethora of small parties at the political fringes. However the five per cent threshold law and ability to ban parties allowed the party system to consolidate into four main parties; the CDU, CSU, SPD and FDP and contributed towards the high level of stability in the party system (Capoccia, 2002). This early start on the road to cartelisation is one reason why it is worth investigating today. This begs the question though of why more parties have not been banned since the early 1960s or why the threshold law hasn't been

increased? The other issue that is raised is why a proportional representation system was picked in the first place considering the assistance that it gives to small parties.

Bawn's 1993 study of the rationale behind the choice of the German electoral system suggests that self interest played a key role in the choice of the system. The Parliamentary council which chose the electoral system went for a proportional representation model. If the aim was immediate dominance of the party system then a first-past-the-post system would have been more appropriate as that would have resulted in either a 2 or 2.5 party system with little chance of a smaller party disturbing the CDU/SPD hegemony as predicted by 'Duverger's Law' (Duverger, 1954). The proportional representation system was chosen by a Parliamentary Council which then needed a majority to approve it. A majority was then needed by the Minister-Präsidenten and the approval of the Allied military who still controlled the political life of Germany<sup>21</sup>. First past the post was the original choice of the CDU/CSU which tends to support the idea that they were driven largely by self interest. The SPD supported proportional representation on the basis that that it was a long standing historical party commitment. Bawn does not dispute this but successfully argues that while the SPD fared worse under proportional representation in terms of number of seats won than under first-past-the-post its chances of getting into government were actually higher. The proportional representation system was eventually chosen as the SPD and FDP joined forces to choose it (Bawn, 1993).

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<sup>21</sup> For details of the choosing of the German electoral system see Bawn, 1993

The threshold law was changed after the 1949 election by the Parliamentary Council so that five per cent of the national vote was now needed (or one single member constituency) to enter the Bundestag. This meant that in the 1953 national election only six of the 15 parties that competed made it over the new hurdle. Over the next few years these small parties either dismantled themselves or merged in an attempt to concentrate their electoral strength so they could enter parliament. However these attempts proved ultimately unsuccessful and by the mid 1960s the establishment parties of the CDU/CSU, SPD and FDP were to all intents and purposes the only parties remaining in the German party system (Loewenberg, 1968, p106). As already mentioned earlier in this thesis there were other reasons for the stabilisation for the German party system including the economic growth during the 1950s and 1960s and the politics of consensus that emerged from the Nazi period. However the role of the electoral institutions should not be undervalued in explaining the concentration of the German party system. Since these changes the electoral system has remained broadly the same with only small changes made to it, none of which disadvantaged small parties<sup>22</sup>.

The threshold law at five per cent is higher than in some countries in Europe like Austria, Norway, Italy and Sweden which all have it set at four per cent, but is also significantly lower than countries like Switzerland at nine per cent or Ireland at 10.8 per cent. However as argued above it has been effective in preventing the fragmentation of the West German party system and for a while

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<sup>22</sup> In 1990 a temporary change was made to the electoral laws in order to aid smaller parties who only existed in the former GDR. This law was passed after much disagreement and involvement of the Federal Constitutional Court (Copoccia, 2002, p173)

in the aftermath of reunification it looked like it might keep the Greens and the PDS out of the Bundestag. Equally the ability to ban parties has effectively removed two parties from the electoral landscape but has recently failed to deal with the NPD<sup>23</sup>. Critics of the cartel theory could argue that surely both of these mechanisms should have been used more to exclude smaller parties.

Under an 'ideal' cartel system parties could simply ban smaller parties as they saw fit or create an insurmountable threshold law. In modern Germany neither of those are possible as although the establishment parties do have the theoretical power to change the law, or request that a party be banned, in both cases the decision would lie in the hands of the Federal Constitutional Court. As already stated, the attempt at banning the NPD failed for a variety of reasons while any attempt to further raise the threshold law would meet with a similar failure. The Court has already stated that the current threshold law stands in opposition to the 'equality of opportunity' principle in the Constitution for political parties. However despite this it is acceptable as it protects the stability of government which is also protected under the constitution and trumps the 'equality of opportunity clause'. However, any attempt to raise the hurdle would result in rejection by the court (Capoccia, 2002, p197).

Throughout the 1960s and 1970s Germany continued to have an extremely stable political culture benefiting from the factors mentioned above, Erhard's 'economic miracle' (Lösche, 2003, p67) and the concerted effort by the population not to repeat the mistakes of the past. In the 1972 national election

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<sup>23</sup> The attempt to ban the NPD was thrown out by the Federal Constitutional Court after it was revealed that some of the witnesses were paid informants of the government (CNN, 2003). Since then the issue has been raised again but has yet to return to court.



the four main parties received an astonishing 99 per cent of the vote (Scarrow, 2004b, p86). This situation which Jeffery refers to as, 'hyperstability' (1999, p.96), was characterised by high turnouts and low electoral volatility which could be described as a 'model of party system consolidation' (Scarrow, 2004b, p86). It was in the early 1980s that socio-economic change began to make an impact as it had done elsewhere in Europe in the late 1970s. This change included falling electoral turnouts, rising volatility and the successful impact of a new party, the Greens. However, it should be noted that in comparison to other countries in Europe, Germany's party system remained relatively stable and as Peter Mair comments:

The old parties which were around well before Rokkan elaborated his freezing proposition are still around today and, despite the challenges from new social movements, most still remain in powerful, dominant positions. They have not suffered substantial electoral erosion. The electoral balance is not substantially different from that thirty years ago, and in general, electorates are not more volatile than once they were (Mair, 1997, p.3)

This is confirmed by the fact that in 1989, just before unification, the three main 'core parties' (Smith, 1993, p.87), the CDU/CSU, SPD and FDP still retained over 80 per cent of the national vote. However the old 'frozen' cleavages of the past (Lipset and Rokkan, 1967) based on economic, social and religious factors have been slowly thawing and as a result of this new parties have begun to emerge. For instance the Green Party and the Party of

Democratic Socialism are based on environmental-socialist and regional cleavages respectively. Of course in Germany regional cleavages are not a new trend as the Bavarian Christian Social Union demonstrates.

However one change that is extremely relevant is the decline of party membership. German parties, like in most Western European democracies, have been suffering from falling levels of membership since the early 1980s and despite the massive influx of new voters introduced by unification this downward trend has continued (Biezen and Mair, 2001; Scarrow, 2002, p.91). This should in theory mean that German parties increasingly began to rely on public subsidies as a way of bolstering income. However in practice, and this will be examined and analysed in far greater detail in later chapters, the German state began funding political parties in the late 1950s when membership was actually fairly stable. This can be seen as a testament to the strength of the German core parties within the system.

Germany has had a long history of public subsidies to political parties dating from the late 1950s onwards, with Nassmacher famously describing it as one of the pioneers on 'the public road to political money' (Nassmacher, 1989, p.237). The CDU were the prime movers behind its introduction, and the SPD while initially suspicious of this development, later accepted it as part of their 'Bad Godesberg' modernisation programme (Lösche, 1998, p.539). The parties are financed out of the state budget with the vast majority of this money going to the national, as opposed to the local parties (Puhle, 2002, p.71). For instance in 1999 the SPD received 93.9 million DM in state subsidies (up from 45 million

in 1980), of which over two thirds went to the national party (Saalfeld, 2002, p.123). Since their introduction subsidies for parties have increased markedly, (although much more rapidly since the 1980s and the decline in party membership), and despite an attempted cap on spending in the early 1990s by the Federal Constitutional Court, public money continues to flow into the party coffers (Scarrow, 2002, p.87). At a rough estimate, up to a third of the parties' income in recent years has come from direct subsidies. Of course taking indirect subsidies into consideration this figure could actually be significantly higher. While the existence of state subsidies for political parties is not in and of itself evidence of cartel party politics it does suggest a fertile area for investigation. Added to this is the fact that the German parties have an equally long history of co-operating together over party funding laws (usually to their own advantage). The first party law of 1967 was produced while the two main parties, the CDU and SPD, were in coalition together and later reforms often involved cross party co-operation leading to a 'German tradition of cooperation on political finance issues' (Scarrow, 2004a, p666). This doesn't necessarily mean the major parties co-operated together to make sure smaller parties were excluded from the lions' share of state subsidies but the significant number of challenges by smaller parties over the years seems to indicate that they thought the system was unfair to them.

It should also be made clear that the German electoral system is designed to prevent new parties from entering the electoral arena, albeit only if they display anti-system tendencies. While this is rarely enforced, the five per cent electoral hurdle prevents smaller parties from entering the Bundestag. This is the kind of

threshold law that often exists in systems that use proportional representation. Finally there is the fact that Germany has always benefited from an extremely high degree of political consensus amongst its ruling parties, what Gordon Smith calls Germany's 'politics of centrality' (Smith, 1976). Germany has a vastly reduced ideological spectrum as a reaction against both the Nazi party's period in power and the constant threat of communism during the cold war. Equally, members of all parties are keen to avoid the fragmentation and division of the Weimar Republic which effectively blocked democratic decision making allowing Hitler to come to power (Saalfeld, 2002, p.101).

Lain against this is the fact that two new political parties have emerged in the last twenty years. The Greens and the PDS (now the Linkspartei). Not only have these new parties managed to survive in the German party system but they have prospered over the past two decades or so. Theoretically new challenges to the cartel party should not be able to emerge although there are a variety of reasons why the German case may be regarded as exceptional. Firstly there is the fact that one of these parties, the PDS, was imposed upon the German political system when West and East German re-unified after the fall of the Berlin Wall. Despite continual predictions of their imminent demise they have continued to exist and prosper (Hough, 1998). The Greens are actually a good example of a party that has become co-opted by the cartel party system. The Greens entered the Reichstag in 1983 as radical outsiders and a variety of slightly alarmist articles were published soon after debating whether their success was a sign of instability within the German party system (Poguntke 2001, p37), a potential sign that the Germans lacked faith in their own

democracy. The Greens had a significant debate in the mid-eighties between the two factions within the party (Realos/Fundis) over whether it was best to retain their outsider status and keep ideologically 'pure' or to embrace reform and the mainstream in the hopes of getting their hand on the levers of power. The Realos' faction won and over the years the party has moved significantly to the right of its original policy positions, eventually joining a coalition government with the SPD in 1998. While this has benefited them to a certain extent in terms of getting several policies passed (the phasing out of nuclear power stations for instance) they have certainly lost some of their more leftist supporters/members to the PDS/Linkspartei.

From this brief discussion of the cartel theory and its relevance to the German party system it seems that elements of the theory are applicable. There does seem to be clear circumstantial evidence of a political cartel operating in Germany in terms of state funding, privileged media access and declining membership. Set against this is the fact that two new parties have emerged since 1983. However as argued above any cartel party system would generate its own opposition, and due to a range of factors, no cartel would have complete control over the electoral environment preventing such parties from arising. There is evidence though that the Green party in Germany has been co-opted by the cartel.

## **2.5 Conclusion**

In conclusion therefore this research will depend on a combination of quantitative and qualitative research. Using these two methods will allow a

variety of appropriate techniques to be used to answer the research questions as opposed to only using one or the other. Katz and Mair's original work has been examined and from it four criteria have been extracted. These are the funding of parties in terms of where the money comes from and who creates the rules as to how it is allocated. The membership of parties will be examined in terms of overall trends and why they might be occurring. The parties' relationship with the media will be looked at and how smaller parties might have been excluded from the news agenda. Finally the ideologies of the parties will be analysed to examine whether there is evidence of the main cartel parties moving toward the centre ground while smaller parties with more radical policies are shunned. In combination all of these areas will be examined using quantitative data, anecdotal evidence and qualitative data from semi-structured interviews conducted with members of the various parties.

Having discussed in more detail the methodology of this work in terms of study design and information gathering the next chapter will begin by examining the issue of direct and indirect state funding for political parties and whether it provides evidence for a cartel party system.

## **Chapter Three: Paying for Democracy, the Financing of Political Parties**

This chapter deals with party funding in Germany in relation to Katz and Mair's cartel party theory. Katz and Mair argue that political parties due to falling levels of voters and members, are turning towards the state in order to receive the subsidies they need to survive. At the same time they deny these subsidies to their smaller rivals, thereby creating the potential for a political cartel designed to perpetuate their time in power. Germany was one of the first countries in Europe to introduce the practise of subsidies (Scarrow, 2006b, p626) and today the main parties receive a significant proportion of their income from the state. This has important implications both in terms of how the parties organise themselves and how they respond to the electorate. This chapter argues that certain aspects of the cartel party theory fit the German case (although others do not). Katz and Mair in their original article argue that state funding is one of the central mechanisms by which parties keep themselves in power and prevent their smaller rivals from becoming larger. Looking at Germany suggests several important modifications to the theory. Firstly that cartelisation does not necessarily have to occur for the reasons Katz and Mair claim. While the major German parties have massively increased their level of state funding in the post-war years they have done so largely due to the strength of the party system rather than due to weaknesses in terms of their membership. They have continued to seek ever higher levels of state funding despite the fact that they still receive significant sums of funding from donations and their members' dues. In terms of the theory this means that one modification that could be made is that there are actually several different reasons why cartelisation could occur, not just the weaknesses of the parties.

These subsidies have not been as large as they could have been and the smaller parties have not been excluded to the extent that they might have been. The parties have been constrained by a combination of factors including institutions such as the Constitutional Court and other actors such as the media, the public and smaller parties. This leads to two other modifications of the theory. State funding is not as important a cartel mechanism as Katz and Mair seem to argue and secondly that the parties do not operate in a power vacuum. The case of Germany suggests that state funding is only one of several important resources that can be used to help keep parties in power and that a range of factors including state institutions, public opinion and smaller parties act as barriers for parties who want to manipulate the state and the law to their advantage. As a result of this the cartel is not all powerful and its actions are often limited by these actors. This in part explains why new parties have arisen in recent years. However new parties arising is not necessarily a bad thing within limits as if they had been suppressed it might have led to greater resentment against the major parties.

Taking these factors in account the level of exclusion of new parties in Germany has not been as high as it could have been, as illustrated by the entrance into the party system of the Greens and the PDS. There does seem to be evidence of the parties co-operating together in order to increase the levels of state subsidies they receive. Equally small parties have been excluded (whether intentionally or not is debatable) from certain forms of funding or have received proportionally less over the years. However, they have been



active in using state institutions and the law in order to challenge these decisions and give themselves a fairer share of resources.

This chapter will be broken down into eight main sections, each dealing with a specific aspect of German party finances in relation to the cartel theory. The first section outlines Katz and Mair's argument that state funding can be used by parties to keep themselves in power and exclude rivals thus creating a cartel. The second section gives a brief overview of state financing in Germany before section three which outlines some of the reasons behind the introduction of state subsidies for political parties. Katz and Mair argue that in general cartelisation is a reaction against declining membership figures. As parties lose members they turn to the state as a means of securing resources. However Klaus Detterbeck has disputed this in the case of Germany arguing that state subsidies were introduced because of the strength of the party system not because of falling membership levels. This work argues that generally changes to party funding laws in Germany have come about due to three main (and sometimes interlocking) reasons. The first is financial scandals which Germany has had several of in its recent history (Mckay, 2003). The argument here is that if state funding is introduced then politicians would be less tempted to bend or break the rules in attempting to gain funding from less reputable sources<sup>24</sup>. Court rulings from parties or individuals challenging an aspect of the current system or the financial requirements of the parties themselves have increased in leaps and bounds over the years as the cost of elections and other activities

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<sup>24</sup> This certainly has failed in Germany as despite state funding of parties being in place since the 1950s there have been several significant scandals in recent years, most prominently being the Flick Affair, Chancellor Kohl's activities (Clemens, 2000; Helms, 2000; Livingston, 2000) and Jurgen Mollermann of the FDP (Scarrow, 2002)

(such as increases the size of the party bureaucracy) have increased (Farrell and Webb, 2000, p115–119). Therefore the historical, legal/constitutional and party-political reasons that motivated the parties to seek public funds will also be analysed. The point to be emphasised is that the German parties have throughout the post-war period been attempting to increase their revenues regardless of their levels of income from other sources such as membership dues or donations. This seems to fit at least in part with Katz and Mair's arguments. The fourth section of this chapter examines the history of direct state subsidies over the years in terms of how they were first introduced, what the criteria were for who received them and how this legislation was changed and why. This begins with the CDU's various attempts to give itself a financial advantage over the SPD, before this was disallowed by the Constitutional Court in 1958, leading to general subsidies in the following year. This continued until 1966 when the Constitutional Court again ruled it illegal. This is arguably the key event in party politics in Germany with the CDU and SPD as part of the 'Grand Coalition' collaborating to produce the 1967 Party Law which was clearly intended to grant themselves a financial advantage while excluding the smaller parties. This situation continued until 1993 when the Constitutional Court declared all of its previous rulings invalid and demanded that the parties produce a new fairer system leading to the radical changes introduced in 1994. The 1994 law, and the steps it takes, will be reviewed in detail to see how far it went in removing the advantage of the established parties.

Having examined direct party funding, the fifth section will look at indirect funding methods as these are in many ways just as important as direct subsidies

and there is often a blurred line between the two (Pierre, Svåsand, Widfelt, 2000, p8) . These include the heavily funded party foundations (*Stiftungs*), state financed staffing, free media access, MdB (member of the Bundestag) and staff salary donations and tax breaks. The sixth section of the chapter deals with the second part of the cartel theory, the exclusion of smaller parties trying to enter into the system. In recent years only two have made inroads into the German party system with varying degrees of success. The Greens, in 1983 (eventually entering into a ruling coalition with the SPD in 1998) and the PDS (now part of the Linkspartei) in 1990. How they managed to do this, and any potential actions the establishment parties took against them will be looked at and carefully examined to see what this suggests in terms of modifications to the cartel theory. The seventh section will conclude by summing up the major arguments.

### **3.1 The state funding of parties as a cartel mechanism**

For as long as political parties have existed they have required funding in order to achieve their aims. As party systems have evolved, the types of funding relied upon have changed accordingly, mirroring both the rise in the costs of election campaigns and the broader role parties now play within society (Schefold, 1995, p334). For instance, elite parties, because of their privileged position within society, relied on a few rich donors for financial support. This source of funding was more than adequate as their activities were focussed purely around election campaigns held every few years. Equally the franchise was very small and therefore fewer resources were required in order to appeal to them. The socialist mass membership organisations that rose to challenge the

elite parties lacked wealthy sponsors and so had to rely on dues paid by their membership. A regular income was needed, as the parties, as well as fighting electoral campaigns, were heavily involved in the political education of their membership as well as in some cases providing other benefits such as child care, sports programmes and even holidays (Collette, 2003). Kirchheimer's catch-all parties relied on both forms of funding, but faced with rising election costs and a falling, less financially committed membership, began to turn to the state to make up the shortfall in the form of subsidies. These subsidies took a number of different forms ranging from direct state assistance, to tax breaks and free air-time on the state regulated media channels.

The cartel party theory argues that parties have increasingly begun to rely on state subsidies to the exclusion of all other sources of income. Parties have simply used their control over the state apparatus to provide escalating levels of funding. In many countries political campaign costs have spiralled out of control, with elections becoming exercises in which party can outspend the others. This is especially true now with the rise of the mass media offering a range of new platforms for parties to advertise on including television and the internet. For instance the 2004 US Presidential election between George W Bush and John Kerry cost roughly 2.2 billion dollars, the vast majority of which was spent on television advertising (Edsall and Grimaldi, 2004, pA01)

This leads to periodic bouts of indebtedness where parties have to request financial aid from the state, rich donors and their declining membership. In an age where the media scrutiny of party fund raising activities has become part

and parcel of everyday life, parties can no longer be so careless with their acceptance of donations. Each has to be considered in terms of any potentially embarrassing scandals or conflicts of interest that may arise. Most countries have long lists of rules and regulations to make clear what forms of donations are acceptable and in what quantities. For instance many parties now routinely ban donations from sources outside their own countries as they may create a potentially hazardous conflict of interest. In a similar fashion, as parties have moved towards the centre ground in an attempt to capture the maximum number of votes, ideological conflict has become toned down. As a result fewer voters are likely to become dues paying members, as there is less incentive to do so, an argument dealt with in more detail in the two chapters on membership and ideology. With these two traditional avenues of funding curtailed the logical outcome is an increasing reliance on the state as the main source of revenue. To quote Katz and Mair:

Cartel party campaigns are almost entirely capital intensive, professional and centralised and which rely increasingly for their resources on the subventions and other benefits and privileges afforded by the state (Katz & Mair, 1995, p20).

This strategy works on two interconnected levels. On the one hand parties within the cartel co-operate to guarantee their own survival and dominance by using the state to provide themselves with resources. At the same time they can attempt to exclude their smaller electoral rivals by denying them the funds they need to make a foothold on the electoral scene. With campaign costs reaching

hitherto undreamt of levels, the chances of a new party succeeding in the electoral arena without state assistance is dramatically reduced. Party competition therefore becomes a vicious circle for small parties, whereby state subsidies are only given to parties who win a certain percentage of the vote but they need the subsidies in the first place to attract the voters. This arguably has a negative effect on the quality of democracy being practised in that country. Most obviously due to the fact that once politicians and parties are elected into office they are less accountable to the voters (and their members) than ever before because their chief source of funding now comes from the state (Blyth and Katz, 2005, p13). Also it could be argued that because the potential cost of losing elections has now been dramatically reduced, parties feel even less answerable to the electorate. They now know that if they don't fulfil certain campaign pledges and go on to lose the election they will still receive significant funding from the state and the chances of a small new rival emerging to challenge them have been lessened by the funding laws working in their favour. To quote Blyth 'by cartelizing the political market in this way the risks of failure are mitigated by insulating parties against catastrophic failures at the polls through increased public funding and restricted choices' (Blyth, 2003, p8). As a result of this the quality of democracy being practised in that country suffers as the voters have their choices effectively limited to the main cartel parties as to who they want in government. While they can still vote for new or marginalised parties the chances of these parties entering government either on their own or as part of a coalition are extremely slim. A good example would be the new Linkspartei in Germany. Despite getting roughly the same percentage of the vote as the Greens and FDP they were automatically excluded from

coalition discussions because of their outsider status. There is also the argument that cartelisation tends to lead to parties being in office for long periods of time or feeling that they have a right to govern. This arrogance in turn leads to politicians becoming increasingly complacent and willing to do anything in their power to preserve their position. Helms gives this as a possible explanation for former Chancellor Kohl's fatal misjudgement over accepting illicit donations (2000, p426). There is however an alternative argument that subsidies in and of themselves are not necessarily a political evil and that as long as the system for allocating resources is a fair one then they can actually aid smaller parties in breaking into the party system and gaining power. As a result of this evidence of state subsidies for parties is not evidence of cartelisation, it is how the state subsidies are delivered and to whom that makes the difference.

### **3.2 Direct state funding of parties Germany**

In terms of state financing Germany is a 'pioneer' (Nassmacher, 1989, p237), being the first European state to introduce the 'direct public funding of political parties' (Directorate-General for Research, 1991, p11)<sup>25</sup>. It is also arguably one of the most bountiful countries in the world in this respect, the parties being, 'the self-appointed beneficiaries of extraordinarily generous public subsidies' (Scarrow, 2002, p86), a sentiment echoed by most academics<sup>26</sup>. Germany has been so successful in this respect that a variety of other countries since have

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<sup>25</sup> While Germany was the first European state to introduce state funding of political parties subsidies had previously been used in Costa-Rica and Uruguay see Casas-Zamora, 2005.

<sup>26</sup> Interestingly the only academics with a dissenting opinion are Kaltefleiter and Nassmacher who argue that, 'Germany does not belong to the countries which provide public support liberally' (Kaltefleiter and Nassmacher, 1995, p.394), a view that is possibly tainted by the fact that it appears in a book published by the Konrad Adenauer Foundation, a CDU affiliated organisation that is the beneficiary of generous public subsidies.

introduced state funding for their own political parties (or to rephrase the parties of other countries have introduced state funding for themselves). There is even increasing speculation that Britain should introduce a similar system to help guard against corruption and the baleful influence of billionaire donors (Fisher, 2002).

The amounts involved in direct state funding have increased dramatically in Germany from only DM five million in 1959, when it was first introduced (Heidenheimer, 1966, p96), to over DM 230 million by the mid 1990s (Braunthal, 1996, p45), a rise of 4500 per cent. After the 1994 Constitutional Court ruling the amount was reduced and linked to inflation. As of 2004 the figure stands at 133 million Euros to be shared between the main parties (however this figure only takes into account direct subsidies not indirect ones). When indirect funding is also taken into account the parties combined revenue per year regularly tops DM 1 billion (Marsh, 1989, p80). To quote Gordon Smith, 'the state-dependency of the parties has shown inexorable growth' (Smith, 1996, p72).

Despite state funding existing in various forms since the early 1950s it has never ceased to be a controversial issue. The parties' increasing reliance on state funds is seen as one of the key reasons behind the growth of *Parteienverdrossenheit*, 'a disillusionment with party politics', in recent years (Dietze, 1993). Criticisms have been made against this state munificence by concerned citizens, academics<sup>27</sup> and most famously the former Federal

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<sup>27</sup> Most famously Herbert von Arnim



President Richard von Weizsäcker, who attacked what he called the ‘utopia of the status-quo’ (Ketternacker, 1997, p187), where ‘[the parties] treated the state like their own treasure chest’ (McKay, 2003, p60). However in fairness it should be noted that party funding is not the only reason being put forward for this disenchantment with politics. Other potential causes are the economic downturn suffered after reunification and even the press for portraying politicians in such a negative light. However the numerous corruption scandals of the past few decades linked to party funding have certainly played their part (Scarrow, 2002).

Purely from a constitutional perspective, the most important challenges have come from smaller parties who, believing that the current system disadvantages them in favour of the cartel parties, have repeatedly (and successfully) taken the issue to the Federal Constitutional Court in Karlsruhe in an attempt to seek redress<sup>28</sup>. As Scarrow notes, ‘the cycle of legal reforms and redress was self perpetuating. Most of the revisions in the payout rules triggered new legal challenges by parties which felt unfairly treated, creating an ongoing cycle of revision and litigation’ (Scarrow, 2006a, p378). It is some of these complaints that have led to six changes to the legislation regarding the funding of parties between 1958 and 1993<sup>29</sup>, the most recent major change being in 1994 (Gunlicks, 1995, p101). As Scarrow points out ‘since passage of the 1994 law,

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<sup>28</sup> This work only deals with the Federal Constitutional court in relation to its rulings on party finance. For a more in-depth examination of its workings and rulings see Rupp, 1960; Kommers, 1976; Kisker, 1989 and Kommer 1997. For its political influence see Landfried, 1985.

<sup>29</sup> The others occurred in 1969, 1974, 1979, 1980, 1983, 1988. The 1983 ruling was taking account of the commission on party finance, while 1974, 1979 and 1980 were changes made to increase the amount parties received in subsidies and the number of elections that could be claimed for. 1969 and 1988 were the major occasions that legislation was made because of rulings by the Constitutional Court (Pelizzo, 2004, p132)

the Constitutional Court has played a much less prominent role in political finance developments' (Scarrow, 2006a, p378). The main reason for this is that there have been far fewer legal challenges in the past 15 years by the smaller parties suggesting that the current system isn't perceived as being quite as unfair as previous arrangements. It could be argued that now the Greens have got what they wanted in terms of a bigger share of the spoils (and been in coalition with the SPD), they are less keen to challenge a system that directly benefits them.

### **3.3 Why state funding for parties was introduced**

Opinion differs greatly over why German parties made the move towards the state funding of political parties. Katz and Mair argue that it occurred due to a crisis over party membership levels. Parties losing members require a new source of funding and so turn to the state. Klaus Detterbeck argues that in the case of Germany, funding arose not out of crisis, but because of the strength of the party system. It is certainly true that in 1959, when subsidies were first introduced, party membership levels were relatively stable and the massive growth in state assistance during the 1960s and 1970s coincided with a large growth in the membership of all the major parties. Detterbeck claims that Germany represents an alternative road to the party cartel:

In Germany, parties realised that they could use their dominance in the political institutions to expand their organisational resources by acting collectively and sharing the resources provided by the state. Thus, not crisis motivated the formation of the German party cartel

but the capacity of the major parties to further their common self-interests (Detterbeck, 2005, p16)

While Detterbeck's argument is that the strength of the German party system allowed it to create favourable party financing laws he fails to take into account some of the more specific reasons which were largely based on fears about the weakness of the party system and the individual parties.

The reasons behind the gradual move towards the state funding of political parties should be seen within three important contexts; the historical context, the party political context and the constitutional context. While these largely account for the introduction of state funding in Germany the changes in the law since then can be attributed to financial scandals, court challenges to the constitution and the requirements of the parties to increase their level of funding.

Post-war politics in West Germany was heavily influenced by the lessons of the Weimar Republic. One of the significant difficulties it suffered was the effect of big businesses interfering in the political process to protect their own interests (Helms, 2000, p426). Industrialists worried about the possibility of the Communist Party (KPD) getting into power in the wake of the Wall Street crash, poured money into the coffers of the capitalist parties as a preventative measure. Unfortunately this had the dual effect of deepening the feeling of institutional illegitimacy amongst the general population and helping the Nazi Party gain power (Glees, 1996, p211).

Ironically the state funding of political parties had originally been suggested back in 1928 by the then Foreign Minister, and leader of the German People's Party (DVP), Gustav Stresemann. He proposed this precisely because he feared that parties were being negatively influenced by their dependence on big businesses such as IG Farben and the Flick Consortium. His plan, strikingly similar to that adopted thirty years later, involved state funds being awarded on a proportional basis calculated by the number of seats held by each party in the Reichstag. Unfortunately the plan was never put into practice due to a lack of consensus among the various coalition partners that made up the government of the time, and then Stresemann's own untimely death in 1929 (Marsh, 1989, p80). The arguments behind state financing were therefore aimed at, 'reducing the dependence of parties on the traditional pay-masters of politics, especially industrial interests, and by this means increase the democratic potential' (Smith, 1982, p83). As will be pointed out below the CDU and FDP were initially highly dependent on big business donations to offset the advantage the SPD had in terms of members. However it is unlikely that Adenauer was entirely disappointed by the Federal Constitutional Court decision that made such (tax deductible) donations illegal as he had long had doubts about this method of funding. For instance the donors had previously threatened to withdraw promised funds unless he dropped his plan to revalue the currency. Unsurprisingly the main reason donors in the form of individuals or corporations give money to parties is to try and further their own interests (Fisher, 1994) and this has clear implications for any party trying to appeal to the masses. While donations do not necessarily imply corruption it does

indicate a clear attempt to ‘cultivate the political landscape’ as Eberhard von Brauchitsch of the Flick Company put it during the 1980s (Alemann, 2002, p119). Always an autocratic leader Adenauer saw such threats as a potentially dangerous threat to his own dominance of the CDU (Glees, 1996, p211)

Germany is one of the few states in Western Europe where the role of parties is explicitly recognised in its Constitution. In this case Article 21 of the Basic Law lays out their functions, and mindful of the past, the right of the state to ban any party that threatens the democratic order. It also charged the parties with an, ‘educative function in society, *Politische Willensbildung*, which has had the important consequence of justifying the state-financing of parties’ (Smith, 1996, p72). To quote Scarrow:

The legislators who established the state payments, and the judges who approved a succession of funding plans for parties, argued that public subsidies to parties are legal and proper because they help parties to fulfil their constitutionally mandated role ‘helping to form the political will of the people’ (Scarrow, 1996a, p54).

Direct state funding was therefore justified in 1959 by the need of the parties to involve themselves in the political education of the citizenry. The parties argued, ‘that it [was] as much a constitutionally imposed obligation as is legislation for the Bundestag or government leadership for the Chancellor’

(Roberts, 2000, p92)<sup>30</sup>. Interestingly Article 21 states that the explicit rules governing the funding and regulation of parties should be drawn up later. The CDU and FDP cynically exploited this lack of detail by voting themselves even larger state funds throughout the 1960s until the Constitutional Court finally declared these actions unconstitutional. This forced the creation of a party law in 1967, nearly twenty years after the Basic Law had specified that one needed to be drawn up.

While smaller parties such as the German Party (DP) and Communist Party (KPD) still existed at both ends of the political spectrum, electoral competition had been predominantly focussed between the CDU, led by Konrad Adenauer and the SPD, led by Kurt Schumacher. The funding problem facing the CDU was that it simply couldn't match the amounts that the SPD were raising through its membership dues, even though it made more in donations (Pridham, 1977, p358). At the time nearly five per cent of SPD voters were members whereas only two or three per cent of CDU voters paid dues (Heidenheimer, 1966, p94). This situation was further compounded by the fact that SPD members were measurably more committed. While the SPD had been banned between 1878 and 1890, the payment of dues had become a highly symbolic act within the party, and their collection highly efficient. The SPD dues amounted to 80 per cent of its total income at this time while the CDU and FDP garnered only 15-20 per cent from its equivalent sources (Paterson & Southern, 1991, p217-218). This is clearly demonstrated by the 853 CDU members enrolled in Karlsruhe in July 1952; 392 paid DM 1 each, 174 only paid 50 Pfennig and 287

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<sup>30</sup> Another argument linked to this is that state funding is sometimes a necessity for parties in new democracies were they haven't yet been able to put down roots in civil society and recruit dues paying members. For example Spain and Portugal, Biezen, 2000.

paid nothing at all. The combined total barely managed to cover the collecting agent's salary (Heidenheimer, 1966, p371). However the CDU received more than the SPD from business donations and they tried to augment this by allowing such donations to be written off against tax. When the Federal Constitutional Court banned this as unfair in 1958 they instead introduced the direct funding of parties at the relatively modest level of DM five million per year as a way of making up the difference.

### **3.4 The growth of direct state subsidies**

As already stated, the CDU received most of their donations from wealthy individuals and industry which didn't want a socialist government taking power. To better facilitate this, the donors gave their money through sponsors' associations. These collected money from firms on the basis of payroll figures and income and the pooled funds were then given to the capitalist parties (Braunthal, 1996, p42). To encourage this, the CDU made these donations to either the national or Land parties tax deductible (Pelizzo, 2004, p131). This obviously favoured the parties who received the greatest proportion of their funding via donations and had wealthy benefactors who were anxious to see them remain in power. This was challenged by the Hesse state government, ruled by the SPD, who argued that this system was both unconstitutional and unfair (Scarrow, 2004a, p660-661). The Federal Constitutional Court agreed with this and ruled that making donations tax deductible was illegal, as it gave the capitalist parties a clear advantage over the socialists, and promptly had the measure banned on the basis of the constitutional principle of 'equality of opportunity' (Pelizzo, 2004, p131). This ruling had a potentially disastrous

effect on the party finances, particularly the FDP who were the most dependent on donations. After the decision they claimed that it had cut their income by up to two-thirds (Braunthal, 1960, p333). In part because of this, state subsidies were introduced in 1958. This involved the sum of DM five million being divided between the parties in the Bundestag on a proportional basis for the constitutionally approved purposes of 'political education' (Merkl, 1980, p29), although what exactly was meant by 'political education' was left somewhat vague. This measure was controversial as it was only available to parties with seats in the Bundestag thus excluding new parties or those who had failed to win over five per cent of the vote.

After the 1961 election the FDP were in a powerful bargaining position with regards to Adenauer and the CDU, who desperately wanted a fourth term in government. One of the prices for the coalition was an increase of the state subsidies from DM five million to DM ten million and the CDU quickly agreed. In 1962 this figure was raised to DM 20 million (Heidenheimer, 1966, p96). Between the years 1964-66 the four major parties in the Bundestag shared a state jackpot of DM 38 million with even more from the Länder. The CDU getting DM 18.1 million, the SPD, 19.7 million, the CSU DM 5.9 million and the FDP DM 7.4 million (Burkett, 1975, p18).

This situation was challenged in 1966 by the Land Government of Hesse who asked the Federal Constitution Court to rule on whether it was legal for state assistance to only be given to parties already in the Bundestag. The Court decided this was unconstitutional but agreed that it was allowable for the state



to help fund party election campaigns (Pridham, 1977, p258). As a law journal commented at the time summing up the courts ruling 'By means of monthly or annual payments of subsidies the State would connect the political parties with the sphere of organs of the State and would, therefore, violate the constitutional command that the forming of the political opinion of the people be free of the will of the State' (Anon, 1967, p246). However the funding of election expenses was allowable as this helped the parties perform the vital function of 'linkage', articulating and aggregating the needs and desires of civil society. In essence the Court was objecting to the parties becoming too closely entangled with the state, precisely the charge that Katz and Mair make against the cartel parties in terms of party funding. However as stated the funding of election campaigns was green-lit and it was this ruling that led to the Party Law of 1967, almost twenty years after the Basic Law had first called for its introduction. This suggests that parties were attempting to manipulate the law for their own benefit to grant themselves greater resources. However they were prevented from doing this to the extent they might have wished because of institutional constraints, in this case the German Constitutional Court and the other parties. Katz and Mair in their original 1995 paper make little mention of how parties might be constrained beyond a vague mention of the need for retaining public legitimacy. The case of Germany suggests that the theory should be modified to make clear that often the major parties within a system are prevented from acting like a cartel because of a range of other actors who have the power, either on their own or together, to block their actions. The theory could be modified then to argue that while the parties would like to give themselves unlimited access to state resources they are prevented from doing so by a range

of factors. This could mean that they resort to even more subtle and less direct resources in order to gain an advantage without being caught and that state funding is only one element amongst many.

The 1967 Party Law was a pivotal moment in terms of German political financing for a number of reasons. The main one is that it was the first time the two main parties (CDU and SPD) had collaborated together to produce a law setting down the rules regulating the financing of parties by the state (Scarrow, 1996a, p60). The SPD's change of mind on this issue was due to several factors. Firstly the SPD, like the CDU, had been benefiting from state subsidies since 1959 and had found it a useful source of income, especially considering the rising cost of election campaigns. Having been exposed to the benefits of state resources it is therefore perfectly understandable that they weren't in a hurry to abolish them. Secondly, while they still received a substantial part of their income from membership dues, there were fears within the party that as the SPD shifted towards the centre ground following the Bad Godesberg conference, they would either lose members or receive less in donations<sup>31</sup>. Thirdly there is the fact that the SPD was, after three decades, finally in power (albeit sharing with the CDU as part of the 'Grand Coalition') and was in a position to shape the law so that it benefited them. This is at the heart of the cartel party argument.

The 1967 Party Law is a good example of the two main parties collaborating to produce a law that would help secure their own position in power while at the

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<sup>31</sup> As it turned out these fears were largely groundless and both parties saw a boom in membership during the 1970s following several high profile recruitment drives, largely funded by the state.

same time excluding smaller or new parties. Under this system parties received state assistance for electoral campaigns based on their previous electoral performance. This was set at the level of DM 2.50 per vote received at the last Federal election (Roberts, 1972, p58). Smaller parties were excluded in a number of ways, the most obvious being the fact that parties had to achieve more than 2.5 per cent of the vote at a national election before they were eligible to receive subsidies. This, in practise, would mean that many smaller parties would be cut off from a significant source of funds and lacking large memberships, or wealthy donors, would be unable to compete with the larger parties. Potentially a party could win hundreds of thousands of votes and yet receive nothing in terms of state assistance. Without this help, newly mobilised alternatives would find it extremely difficult to start up as a party. Equally smaller already established parties, in order to keep their share of the vote up, would find themselves being forced towards the centre ground. As they moved ideologically closer to the main parties they would risk either alienating their core voters or being swallowed up by one of the larger parties. Certainly as is argued in the chapter on ideologies several members of the Green party feel that the party has become too close to the SPD in recent years.

This begs the question of why the parties set the level at 2.5 per cent as opposed to five per cent or even higher to exclude any potential competition. The answer to this lies within the following precedents set in 1958 and 1966 where the larger parties learned that the smaller parties would be likely to challenge the law in the Federal Constitutional Court. The figure 2.5 per cent was a compromise figure based on what they thought the court would allow. In this

case they misjudged the feelings of the court who ruled that the figure of 2.5 per cent was unconstitutional because it conflicted with the 'equality of opportunity' clause in the constitution. The figure was subsequently lowered to 0.5 per cent in 1968 (for national and Länder elections) which meant that all but the very smallest parties would benefit from state assistance (Burkett, 1975, p137).

The level of subsidies was based on previous electoral performance. While this wasn't a problem for established parties who had already fought elections, it posed a dilemma for any group wanting to set up a new political party. One option was to fight the election without state assistance in the hope they'd receive more than 0.5 per cent of the vote which would then guarantee them state assistance. Parties were allowed to apply for funds before an election on the understanding that they pay the amount back if they failed to win sufficient votes to guarantee them state funding. The parties had to apply to the Federal President who would decide whether funding should be given and at what level. Therefore under this system elections would become a gamble for the smaller parties. If a party failed to perform then it might be saddled with debts to the state of hundreds of thousands of DM, with no recourse to pay it back (Burkett, 1975, p137).

As long ago as 1972 Gordon Smith was arguing that party financing could lead to potentially undesirable outcomes. The most obvious would be that parties would no longer make the effort to recruit new members and instead begin to rely increasingly on, 'paid officials and agencies' which would 'replace

voluntary help' leading to 'bureaucratisation and state-dependence' (Smith, 1982, p83). The eventual outcome he predicted would be parties becoming less competitive and toning down electoral competition.

The trend towards increased state dependence continued following 1967 as 'rival legislative parties co-operated to steadily increase the level of political subsidies throughout the 1970s and 1980s' (Scarrow, 2002, p87). The amount given per vote was increased to DM 3.50 in 1974 and then to DM 5.00 in 1983 as parties' incomes struggled to keep up with their spending. While it shouldn't be implied that the parties conspired together in order to continually drive up the levels of their funding in a cloak and dagger fashion all the major parties of the Bundestag during this period (with the exceptions of the Green challenges in the Constitutional Court) went along with this trend as it guaranteed them ever greater levels of financing regardless of whether they actually needed it or not.

So between 1967 and 1994 the major parties income rose massively as they received ever larger amounts of funding from the state. This situation changed in 1992 when the Greens challenged the party funding law at the Constitutional Court arguing once again that it was unfair towards smaller parties such as themselves and gave the larger parties a distinct advantage at elections. The Court ruled in their favour and demanded changes to the rules governing party funding leading to the 1994 revised Party Law. One of the most significant changes of the law was that it ruled that parties were allowed to receive state funding for everyday activities and not, as previously, was the case, just for

electioneering. This was clearly an attempt by the state to tie the parties more firmly to civil society through the argument that 'state subventions are constitutional if they reward parties for performing their linkage function' (Pelizzo, 2004, p134).

Under the new law parties were eligible for funding if they received more than 0.5 per cent of the vote in the previous Bundestag or European parliament elections or more than one per cent at the Bundesländer elections. In terms of subsidies the parties received in today's figures 0.85 Euros per vote for the first 4 million votes and 0.70 Euros for each vote after that. Again this significantly helps the smaller parties who receive around four million votes. In addition to this figure 0.38 Euros is provided for every one Euro of self generated income. Self generated income includes membership dues and donations. In practical terms this means that as a breakdown of their state subsidies parties receive 40 per cent in accordance with their share of the vote and 60 per cent in relation to their self generated income (Hillebrand, 2006, p1-2). The thinking behind this at the time was that this would encourage parties to retain and recruit new members as a certain percentage of their total income from the state was now tied to this figure and hence the parties would be given a clear incentive to continue to have strong roots in civil society. Previously if the parties failed to recruit new members this wouldn't necessarily lead to any significant problems (apart from a possible perceived decline in legitimacy) as many of the previous functions of members were being replaced or ignored (see the chapter on membership for an examination of this in detail). However, the parties now had

a clear incentive to retain their existing memberships and recruit new ones in order to continue to receive both membership dues and state funding.

This ruling and the new party law that followed it had several important consequences in terms of party fund raising. Arguably the most important innovation introduced by the new law was that less importance was placed on a parties' electoral performance and more on their success in generating their own income (Smith, 1996, p72). In practice this meant that the total amount of funds parties receive from the state could not exceed its self generated income (McKay, 2003, p56) or 50 per cent of its total income (Hillebrand, 2006, p1). This has the effect of severely limiting the parties' direct income from the state and gave them an incentive to raise funds from their membership and donations. However even bearing this in mind the upper roof of total state subsidies was set at DM 230 million or 133 million Euros in modern figures.

The parties have tried to react to this in a number of ways including attempting recruitment drives with little success. As the chapter on membership will demonstrate, all the major German parties continually lost members throughout the 1990s, despite the raft of potential new members provided by reunification. The idea of raising membership dues had been raised but the general consensus is that any attempt to increase it would drive down membership even further. They have even experimented with the American idea of direct mailings in order to boost income from smaller donations. However these attempts have had little success (Römmele, 1997a; Scarrow, 2006a).

Under the new system parties receive only 0.85 Euros for the first four million votes and then 0.70 Euros for every vote after. It is undeniable that the new system is fairer to smaller parties than the previous one. It particularly benefits the smaller parties who are unlikely to get over four million votes anyway. This can be reflected in the fact that with the exception of 2002 there have been no major challenges to the law<sup>32</sup>. However despite this party financing in Germany still overwhelmingly favours the larger parties who receive millions of votes. To quote Gordon Smith:

On one level this system of rewarding parties is perfectly equitable. On another, however, the effect is quite different; the largesse flowing to the leading parties helps them further to consolidate their position so that the strong imbalance in their favour is maintained...If the amounts were small and only a minor proportion of a party's income, the distortion would not be great, but in the German case the sheer scale of subsidisation is a persuasive explanation for the continuing dominance of the *Volksparteien* (Smith, 1996, p73)

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<sup>32</sup> For full details of the current German party funding law see Bundestag, 2007.



In real terms the German parties received the following amounts in between 1995 and 2004:

**TABLE ONE** - SPD funding between 1995 and 2004

Year	Dues %	Donation %	Subsidies %	Total Euros (1000s)
1995	54.8	8.7	31.7	145,819
1996	54.1	9.9	32.0	144,717
1997	56.2	8.2	32.0	143,661
1998	51.8	12.1	31.8	155,663
1999	51.5	11.0	30.7	156,476
2000	52.0	8.5	32.0	149,301
2001	48.9	10.3	29.7	159,971
2002	49.3	10.9	30.8	158,773
2003	30.0	18.3	33.0	179,845
2004	27.1	18.9	24.8	186,940

**TABLE TWO – CDU funding between 1995 and 2004**

Year	Dues %	Donations %	Subsidies %	Total Euros (1000s)
1995	45.2	16.5	33.7	111,624
1996	45.3	16.2	32.7	113,364
1997	46.1	15.5	33.6	111,581
1998	37.3	24.5	27.4	138,102
1999	40.7	25.2	29.6	132,412
2000	42.4	21.8	31.0	130,877
2001	43.5	19.4	31.7	131,023
2002	40.9	21.5	30.7	141,961
2003	30.6	25.4	31.4	139,723
2004	28.2	29.9	28.3	154,262

**TABLE THREE – FDP funding between 1995 and 2004**

Year	Dues %	Donations %	Subsidies %	Total Euros (1000s)
1995	24.6	23.8	29.2	23,487
1996	27.1	34.5	30.5	20,749
1997	25.6	34.3	31.6	21,244
1998	21.1	44.3	26.7	25,235
1999	23.4	41.7	29.0	23,580
2000	24.6	36.9	32.4	22,937
2001	22.1	42.0	27.9	25,718
2002	19.9	43.6	26.3	31,541
2003	22.0	31.1	36.9	27,772
2004	16.3	27.4	24.4	36,978

**TABLE FOUR – Greens funding between 1995 and 2004**

Year	Dues %	Donations %	Subsidies %	Total Euros (1000s)
1995	37.8	18.1	36.9	24,765
1996	40.5	19.7	33.0	25,629
1997	42.1	17.7	33.7	26,219
1998	38.0	20.1	32.0	29,131
1999	40.7	19.6	33.0	26,267
2000	40.3	18.4	35.3	23,469
2001	38.3	21.5	32.8	23,842
2002	35.4	20.1	33.1	26,334
2003	20.4	30.2	41.1	26,179
2004	20.4	32.1	36.6	26,525

**TABLE FIVE – PDS funding between 1995 and 2004**

Year	Dues %	Donations %	Subsidies %	Total Euros (1000s)
1995	39.7	12.3	36.2	20,868
1996	46.7	15.3	32.7	18,539
1997	45.8	15.9	33.4	18,831
1998	44.8	19.2	32.4	19,749
1999	43.0	18.4	35.7	20,827
2000	44.8	17.3	35.1	20,113
2001	43.6	18.1	35.4	20,491
2002	47.5	17.1	32.7	21,914
2003	44.6	13.0	39.4	22,159
2004	28.9	10.2	24.5	32,173

(Scarrow, 2006a, p383)

**TABLE SIX** - Actually subsidy figures in Euros (1000s)

Years	CDU	SPD	FDP	Greens	PDS
1995	376,17	462,24	68,57	91,38	75,54
2003	438,73	593,48	102,4	107,59	87,30

(Scarrow, 2006a, p383)

On average over the past decade, up to a third of the parties funding has come in the form of direct subsidies. Also discounting the figures for 2004 the actual amounts received by each party rose substantially. This is compounded by the fact that as well as dwarfing the smaller parties in terms of direct state subsidies the major parties are also the recipients of indirect subsidies available only to them. The 1994 Party Law never addressed this aspect in any detail and as a result of this ‘the law as it stands is a therefore a curious mixture of strict demands for transparency in some areas and silence on others’ (Pulzer, 2002, p18)<sup>33</sup>. This also means that because of this mixture of direct subsidies and indirect subsidies the exact amount the parties are receiving outside of the official figures, a problem shared across most countries in Europe who use this system (Pierre, Sväsand and Widfeldt, 2000, p12).

### **3.5 Indirect state funding of parties**

So far only the direct funding of political parties by the state has been examined. As in many countries there is a significant grey area where state resources are freely given to assist parties but are not counted as such. The amounts involved in such indirect funding can be huge. In 1993 the Federal

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<sup>33</sup> For a more detailed account of the 1994 financing law see Gunlicks, 1995.

President Richard von Weizsäcker appointed a commission of experts to examine the issue. In their report they estimated that the total direct and indirect revenue from the national and Länder governments for all parties in 1992 came to roughly DM 1.4 billion (Braunthal, 1996, p45). Bearing in mind that direct state funding at this time came to under DM 250 million this meant that an immense amount was being poured into the party coffers with the public being largely unaware of it. It is probably because of this that the Federal Constitutional Court has generally avoided ruling on their legality despite the fact that several sources of indirect funds explicitly favour larger parties and in some cases are available to them alone.

The Party Foundations (*Stiftungen*) serve numerous purposes of which the most obvious is that of political research institutes or think-tanks (Watson, 1994, p179). They were set up after the Second World War mainly as a mechanism for helping with the political re-education of the citizenry after the previous decade of Nazi propaganda. Each party has its own Foundation, which mirrors its political ideology<sup>34</sup>. For instance the Heinrich Böll Foundation of the Green Party is heavily involved in supporting environmentally friendly activities and human rights groups across the world. While many of the Foundations focus on promoting democracy in third world countries with weak democratic traditions, a whole range of their activities take place within the Federal Republic (Pinto-Duschinsky, 1991, p33-34). These include the production and printing of propaganda materials, the political training of activists along with the more

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<sup>34</sup> Reflected in the fact that they are usually named after an important figure from the parties past, hence; the Konrad Adenauer Foundation (CDU), the Friedrich Ebert Foundation (SPD), the Friedrich Naumann Foundation (FDP) and the Heinrich Böll Foundation (Greens), (Braunthal, 1996, p50).

obvious, ‘research, travel and other back-up facilities for the politicians’ (Marsh, 1989, p80). All of these things can be of great assistance to any politician or party even if not actively engaged in an electoral campaign. For this reason the state support for political foundations can be counted as indirect assistance to the parties even though their activities are ‘not specifically aimed at boosting the parties’ electoral fortunes’ (Smith, 1996, p72). The foundations are extremely well funded with the state providing nearly 450 million DM to fund their activities in 1996 alone (Conradt, 2001, p111) See Table Seven.

# TABLE SEVEN

State subsidies to Federal and land Fraktionen and Party Foundations, 1965-95  
(DM millions)

FRAKTIONEN				FOUNDATIONS
Year	Bundestag	Landtage	Total	
1965	3.1	6.6	9.7	13.1
1970	9.9	10.7	20.6	74.3
1975	29.3	22.9	52.5	160.6
1980	44.6	43.9	88.5	270.9
1985	58.2	54.5	112.7	381.6
1990	89.6	73.2	162.8	562.9
1995	107.3	131.4	238.7	619.9

(Drysch, 1998 171-2; Arnim 1996: 139-42, 167)

As well as state subsidies each parliamentary party is given separate subsidies for running its affairs in the Bundestag (Burkett, 1975, p136). Although this money is given specifically to the parliamentary groups (*Fraktion*), for many

years much of it was diverted to help finance the more general political work of the party (Paterson & Southern, 1991, p219) See Table One. Each member of the Bundestag from 1969 onwards has been given a budget for state financed personal assistants and researchers. To quote Scarrow, 'These good support teams reduce the need for parliamentary parties or individual representatives to rely on the central party organisations for help in pursuing political or legislative agendas' (Scarrow, 2002, p89-90). The growth in state financed personal assistants has been remarkable. Between 1969 and 1991 the number of assistants for CDUs MdBs rose from 207 to 2026, an increase of 879 per cent. This statistic is mirrored in the other parties, with the SPD going from 166 to 1334, a rise of 704 per cent and the FDP increasing from 25 to 542, a rise of 2068 per cent (Scarrow, 2002, p89).

Then there is the way that money is distributed to Fraktion's within the Bundestag or state parliaments. These groups are informal in nature and based on a minimum number of three members sitting in the parliament. Whether a party has enough members to form a Fraktion has a serious impact upon its funding. As Olsen states, 'a Fraktion could receive as much as six to seven times the amount of public funding members receive who do not belong to a Fraktion. Such funding does not depend upon the size of the Fraktion versus the 'non-Fraktion': the former can have as little as one more parliamentarian than the latter and still the Fraktion could receive substantially more public funding' (Olsen 2002b, p161). Added to this is the fact that members who are part of a Fraktion also get access to greater office space and more administrative assistants. All of this together essentially benefits the larger parties at the

expense of the small. The PDS often suffered from this in Länder parliaments as they often only had one representative. Equally after 2002 and their failure to gain the necessary five per cent at the national election there were only two PDS representatives in the Bundestag which meant that could not form a Fraktion and were thus denied extra funding and resources (Gapper, 2003b, p165).

Another source of indirect income from the state comes in the form of donations given by both the parties' representatives at the national and local level, and those other staff employed by the parties. While few parties have made this an official rule, it has become a longstanding tradition that a proportion of their salary be donated and advancement up the ranks relies in part on people honouring it. As Susan Scarrow argues, 'These levies might be thought of as a kind of indirect public subsidy, one that increases as representatives' salaries rise' (2002, p88). The amounts given usually depend on a number of factors including the wealth of the candidate, if they have dependants, and the financial strength of the party (Braunthal, 1996, p41). In the late 1970s it was common practice for SPD MdBs to contribute DM 500 of their monthly salary of DM 9,013. While such amounts appear relatively small in isolation they soon add up when the sheer number of party representatives and workers are taken into account. In 1981 for instance, donations made by MdBs (and other staff) amounted to 9.1 per cent of the FDP's income and 13.5 per cent of the CDU's (Paterson and Southern, 1991, p219-220). More recent figures are difficult to find as financial auditing requirements no longer demand



a clear separation between officeholders' contributions and membership dues (Scarrow, 2002, p88).

This counts as indirect funding from the state for a number of reasons. MdBs, when deciding on their salary take into consideration the fact that a proportion will have to be donated to their respective party and adjust their figures accordingly. This was one of the scathing criticisms made of the party financing system by Herbert von Arnim. He argued that, 'The problem of the exploitation of the state by the parties is also one of depriving citizens of their rights and powers, which really is an incredible thing to happen in a democracy' (Ketternacker, 1997, p188). It is not only MdBs for whom it is traditional to 'donate' a proportion of their salary, but other workers either employed directly by the party or through one of the political foundations are expected to follow suit. Again this is classed as voluntary and so is largely unregulated. Party finances have benefited from this informal arrangement for several years and the amounts raised had grown in proportion to the increase in size of the party machinery.

A new party without representatives at either the national or local level is denied this source of funding. Smaller parties who do have representatives will get some money but lacking the huge number of MdBs and staff of the bigger parties the amount will be much smaller. The Greens have attempted to compensate for this (as well as reflecting their more egalitarian ethos/ideology) by demanding a larger proportion of their MdB's salary/income. They are only allowed to keep the salary of a skilled worker (in 1991 roughly DM 1920 a

month), although allowances are made for those with children. The greater portion of their salary therefore goes straight into the party coffers to finance electoral campaigns and political education work (Paterson and Southern, 1991, p220).

The Länder rather than the Federal government control public television and radio in Germany. Konrad Adenauer attempted to challenge this in 1960 by proposing a second television channel under government control to counter what he regarded as negative publicity from the first channel (ARD). This plan was challenged and the Constitutional court ruled that public broadcasting should remain under the control of the Länder. This ruling eventually led to the creation of the second public channel, ZDF (Roberts, 1972, p91-92). However while it is controlled by the Lander, it is dominated by the major parties and their representatives who sit on the stations' governing councils. Regional stations are often either 'red' (socialist) or 'black' (conservative). 'Bavarian public television is probably the most extreme example of this, with virtually all of its top positions held by CSU or CDU members' (Semetko & Schoenbach, 1994 p.24).

Under the law, during the period of electoral campaigns, the parties receive free advertising space on the two national television stations for their political broadcasts. The amount of space received is based proportionally on their level of support so the CDU and SPD always dominate the airwaves. Defenders of this system have argued that under fairness rulings by the Constitutional Court even the smallest parties are guaranteed at least one broadcast slot during the

course of the campaign (Semetko & Schoenbach, 1994, p25). While this is technically true it seems largely irrelevant. If the broadcast time were converted into the hard currency it would take to buy equivalent advertising space on commercial channels the major parties would receive a disproportionately large amount. As Gordon Smith has previously argued, when the difference is so great, it makes it practically impossible for new parties to break through, and the core parties continue to dominate.

Added to this is the fact that these rules governing fairness only apply while the election campaign is ongoing. For the four years in-between elections the major parties can dominate the news agenda with impunity making it extremely difficult for any new party to make its voice heard. The ruling party can also rely on the free publicity from the Government information services (Pridham, 1977, p258). These arguments are dealt with in more detail in the chapter dealing with the parties and their relationship with the media in Germany.

Therefore when all these forms of indirect subsidies are taken into account it becomes clear that despite the changes involved in the 1994 Party Finance Law the major parties have still gifted themselves an insurmountable financial advantage. To quote Thomas Poguntke:

If we add the income of party foundations and the subsidies to the parliamentary parties in the Bundestag, the self-generated income on the national level becomes negligible falling from around 20 per

cent to less than 10 per cent since 1970 in most cases (Poguntke, 1994, p196-7)

Looking at the figures since 1994 the situation has improved somewhat but only because the parties were forced to make changes in the law due to the influence of the Constitutional Court. It's arguable that had the Court not intervened then the practice of the parties rewarding themselves with ever larger sums of money would have continued throughout the 1990s and beyond. This however fails to fully explain how two new parties have entered the Bundestag since 1983, the Greens and the Linkspartei/PDS. If a cartel did exist in Germany made up of the major political parties then it would surely have been able to prevent these two new parties from forming and enduring over the years. As will be argued below this was due to special circumstances in both cases and despite the efforts of the major parties. As argued in the chapter examining the cartel theory in detail it is suggested that it is unrealistic to expect any cartel to be 100 per cent efficient and therefore opposition will inevitably arise in the form of new parties. The effectiveness of the cartel largely rests on how these new parties are dealt with.

### **3.6 The Greens and the Linkspartei**

The Green party emerged out of the growing political disaffection of the 1970s although didn't enter the Bundestag until 1983. Since then it has grown in size and importance taking part in many coalitions at a regional level until finally taking power with the SPD in 1998 as the junior coalition partner. Had the law not been changed by the Constitutional Court in 1967 to lower the threshold

percentage of the vote where parties received funding they might have had significantly more trouble establishing themselves as a new party. The Greens also had a very committed membership who were very active in raising money<sup>35</sup> and as has already been argued their MdB's were prepared to surrender a far higher proportion of their salaries than those of any other party (Scarrow, 2006a, p384). To quote the co-chair of the party 'Well we do accept donations from the business community but we are proud that we can rely on our members and that on average an ordinary Green party member pays a lot more dues to the party than any other party supporters' (Bütikofer, 2005)

It was a combination of these two factors that helped to secure the Greens the financial backing they needed when they were still a small and growing party. Later they were able to claim other funds, most obviously from setting up their own political foundation in the mid 1980s. It can be argued that the emergence of the Greens was largely due to special circumstances of the time, unlikely to be regularly repeated. During the 1970s Helmut Schmidt's 'Modell Deutschland' while providing economic growth and stability failed to integrate the growing mood of dissatisfaction felt amongst the younger more radical member of society. At its most extreme this anti-system/anti-party feeling would manifest itself in acts of terrorism, most obviously the activities of the Baader-Meinhoff gang. However much of the more socialist egalitarian feeling was channelled towards the growing ecological movement, especially amongst those who felt that the SPD had become a mirror image of the CDU. It was this emergence of a political position not already pre-empted by any of the major

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<sup>35</sup> Whether their membership is still so committed is open to debate and will be addressed more fully in the chapter on membership.

political parties that allowed the Greens to grow along with the support of their membership. It is interesting to note that although the Greens spoke out against the system of subsidies that benefited the larger parties they quickly became reliant on them requiring more and more. As the co-chair of the Green party argued when interviewed ‘Well obviously we would not be competitive as a minor party if we had to rely on the membership dues alone, so in the present situation getting some state funding completes our financing quite well. If we could not get that we would have to rely on other fund raising strategies and basically it would make us more dependent on money from the – soft or hard money from the business community’ (Bütikofer, 2005).

As the current figures show the Greens receive the largest percentage of their income in terms of state subsidies. Their challenge to the Constitutional Court in 1992 that prompted the new 1994 Party Law was not based on the desire to see an end to this system but the fact that they felt it was inequitable towards themselves. Their acceptance into a coalition with the SPD, as will be argued in later chapters, would be largely based on their political move towards the centre ground and acceptance of state financing. This could be seen as providing evidence of the flexibility of the major parties in Germany in allowing new parties access to power.

The cartel system as Katz and Mair argue in their rejoinder to Koole (1996) is not fully closed. New parties such as the Greens can be accepted in order for the cartel to renew itself politically, ‘an indication that cartelisation may be an insidious process’ (Smith, 1996, p75). A political cartel faces new challenges

either by absorbing them into itself or by vilifying them and keeping them as perpetual outsiders. Certainly as already stated the Greens stopped challenging the funding laws after the 1994 reforms and ‘for a while it looked as if Germany was entering a renewed era of cross-party cooperation on party finance. This impression was reinforced when the B90/Greens entered the governing coalition in 1998. As far as funding issues went, all the *Bundestag* parties seemed ready to work together on remaining issues like legislation to inflation adjust the Court-set funding limits’ (Scarrow, 2004a, p664). It is arguable then that the first strategy was used with the Greens and the second with the PDS.

In the aftermath of the collapse of the GDR the former ruling party the SED faced a severe problem. If it was to survive and prosper in the new Germany it had to cast off its previous image. In later years it could successfully trade on nostalgia for the old GDR but in 1990 the memory of Stasi repression was still relatively fresh in the public’s consciousness. It was this fact that led to its name change, first to the rather unwieldy SED-PDS and then to the more straightforward PDS (Barker, 1998). The Party still had many advantages including a large membership (relative to the other parties in East Germany) and substantial resources in terms of property and finances (Hubble, 1998, p81). It was because of these resources that the party only changed its name instead of disbanding and starting afresh as some had suggested. By doing it this way, the PDS leadership believed they could still hold a legal claim on all the SED’s old resources. These added up to a significant amount. The PDS’s

own estimate was DM 2.278 billion although DM 500 million was probably a more realistic figure (Roberts, 1997, p102).

It was these resources that concerned the major parties who saw it as a potential threat because of their formerly anti-democratic credentials. Also, possibly because they might prevent the Western parties hegemonic expansion into the newly opened up East German party system. Therefore they attempted to undermine the PDS's financial resources through their control of the state. This took two forms. Firstly the state attempted to have the PDS stripped of many of its former assets in Eastern Germany arguing that it had illegitimately acquired them. The SPD at least had a legitimate grievance here. After the Second World War the Eastern SPD was forced to merge with the ruling Communist Party who in the process absorbed much of its property and finances which the Western SPD naturally wanted compensation for (Roberts, 1997, p102). However to many in the East this could have looked like a clear attempt to try and destroy the PDS before it had even attempted to establish itself in the West or properly legitimise itself in the East. The second attempt was the prolonged tax investigation into the PDS's affairs by the German tax office over alleged fraudulent dealings (Oswald, 2002).

However despite this the PDS has not only survived (albeit as part of the Linkspartei) but prospered in part due to the system of state subsidies. However unlike the Green's it seems unlikely that they will enter national government anytime soon in part because of its ideological leanings. This shows to a certain extent that even though the system of state subsidies has benefited the former



PDS its not enough in and of itself to become either a larger party or an acceptable coalition partner.

### **3.7 Conclusion**

In conclusion therefore, it can be argued that while in terms of party financing the German model does not conform to the ideal cartel party type, it does have many of its most salient features. Undoubtedly the most obvious of which is that the main political parties who form the ‘core’ of the party system (CDU, SPD, FDP, and the Greens) receive huge amounts of money from the state both directly and indirectly. It could be argued that they still receive a significant proportion of their income from non-state sources and that the existence of state funding does not in itself mean the existence of cartel party politics. However against this there is the fact that were state funding removed from them many of the parties activities would be impaired and in that sense they have become dependent on it. Also the system of state funding currently in operation was arrived at through a process of collusion between the major parties to benefit themselves and to exclude the smaller parties if at all possible. They largely did this during a period in Germany’s history when state funding wasn’t particularly necessary to their survival, to quote Scarrow, ‘Parties will favour any scheme to increase their own revenues, regardless of their own economic health, or of the effects such schemes will have on other parties. This explains why even comparatively healthy “cartel parties” are willing to collude on political finance policies that enhance their revenues’ (Scarrow, 2004a, p656).

The direct financing of parties in Germany was originally started by the CDU and FDP as a way of helping themselves to state resources and thus keep the SPD out of power. However since 1967 all the major parties have collaborated in order to maximise the amounts of money they receive from the state. The Green party, a relative electoral newcomer, originally criticised the parties' 'self-service' mentalities and reliance on state subsidies, especially during the 1980s when it was going through its more radical phase, but subsequently has become dependent on them itself and hasn't challenged party funding laws since 1994.

Four main factors stand between the parties and unlimited access to the states' resources. The first is the Federal Constitutional Court, an institution that was imposed upon Germany, as part of the Basic Law by the Allies after World War Two, to make sure that Germany remained democratic. In terms of party financing they seem to have done their job, repeatedly thwarting the parties' attempts to grant themselves unlimited subsidies at the expense of the smaller parties, and instead have tried to encourage them to find alternative methods of support, such as membership dues. The most obvious example of this is the Party Finance Law of 1994 which limited state support in two important ways. Firstly by imposing a cap of DM 230 million (now 130 million Euros), and secondly by insisting that parties could not receive more in subsidies than they raised through donations and membership dues. Indeed Donald Kommers argues that the Federal Constitutional Court is the guardian of German democracy precisely because it was willing to stand up to the parties and enforcing the changes needed to make sure that the major parties couldn't continue to

increase the amount of funding they received from the state (Kommers, 2006). It's certainly arguable that without it the major German parties would be receiving much more in subsidies than they currently do and their smaller competitors less. It's also arguable that the link between state funding and membership levels wouldn't have been made and the German parties would have moved further away from society and more towards the state. As Pelizzo argues 'the German Constitutional Court has always emphasized in its rulings that parties are agents of society and that, as such, they should be free of the state (the so-called *Staatsfreiheit der Parteien*), that they should be rooted in society and that they should be primarily financed by their members and supporters' (Pelizzo, 2004, p133). He goes on to stress the difference with the Italian constitutional model where their court has been much more lax in challenging the parties willingness to grant them state subsidies and hence argues that the Italian parties have managed to form a political cartel. He doesn't dismiss the possibility of German parties being in a cartel but does suggest that Italian parties are much further along the road of cartelisation than the Germans entirely due to the failure of their constitutional court to take action to stop it (Pelizzo, 2004). The other factors standing in the parties' way are the smaller parties who mount legal challenges through the Constitutional Court, the public who disapprove of the parties actions and the media who articulate these feelings as well adding their own views to proceedings whenever there is a whiff of impropriety.

Bearing this in mind it can be argued that through their access to subsidies the major parties, while unable to prevent new parties emerging have managed to

impede their progress. The Greens and the PDS (now Linkspartei) have been in existence for roughly 25 and 15 years respectively yet neither of them have made much headway in expanding much beyond ten per cent of the vote at election time. Secondly there is the fact that the parliamentary parties have access to a whole range of indirect state subsidies. These include generous assistance to party foundations, MDBs' salary donations, subsidies for their parliamentary and Länder parties and state-financed personal assistants. These help unbalance the system in their favour.

In terms of party funding in relation to the cartel theory, the case of Germany suggests three important modifications that can be made to Katz and Mair's work. Firstly that if state funding of parties is a key element of cartelisation then cartelisation does not necessarily have to happen for the reasons Katz and Mair suggest. They argue that the move towards state funding was made due to the weaknesses of parties. In Germany the shift was made due to the strength of parties with regards to the state (although fears about political corruption also played their part). Secondly there is the fact that direct state funding is only one resource the parties can grant to themselves. In practise this is likely to lead to challenges and the impression of unfairness and hence parties are likely to resort to a wide range of indirect subsidies that cumulatively give them an advantage. Giving them direct subsidies is unlikely to go unnoticed in the modern world and would lead to questions of fairness of legitimacy. Finally there is the fact that Katz and Mair in their original work, do not sufficiently take into account the number of political actors and institutions that can potentially block parties from fully making use of the states resources. These

actors and institutions range from the courts to other parties and in a free democratic society are extremely difficult (although not impossible) to circumvent. While a cartel could still exist it would have to take these factors into account while trying to operate which suggests that its efficiency would be significantly less than 100 per cent. Therefore new parties would emerge from time to time due to circumstances beyond their control. However Katz and Mair have suggested that this is not necessarily unhealthy and can actually be used to the parties advantage. New policies and parties can be absorbed into the cartel helping to improve the cartels responsiveness and neuter possible rivals.

## **Chapter Four: Privileged Access to the Press? The Parties and the Media**

Having looked at the direct and indirect state subsidies for parties this chapter deals with the various types of media in Germany and their relationship with the parties. In essence Katz and Mair suggest that under a cartel system the parties use their control of the state in order to maximise their influence over the media in order to further their own aims while at the same time trying to deny access to their smaller rivals.

This chapter will examine this idea in a number of stages in order to further critique and develop the theory. In the first section Katz and Mair's argument with regards to the parties' privileged access to the media will be reiterated to explain how parties can potentially use their establishment status to control access to the press. Following this will be a second section looking at why the media is increasingly important for parties and why they have attempted to gain influence over it. Then in the third section the public broadcast media in Germany will be examined in depth to discover to what extent, and in what ways, political parties can apply pressure to them and whether, as Katz and Mair suggest, they have privileged access to them. The case of the public broadcast media (radio and television) seems most straightforward as there is a clear argument that parties have a clear impact on both the running and editorial policy of many German broadcasting corporations. This involvement can take a variety of forms, ranging from direct intervention by the parties, issues involving their funding and finally the appointment of party political supporters to the governing boards of the broadcasters who regulate the programming

along with hiring, firing and demotion of workers. Equally the regulations for the creation of political balance for both the public and private broadcasting media are suspect because they favour the larger parties and are only really enforced during election campaigns. For the four years in-between election campaigns the large parties tend to dominate the news agenda while the smaller or newer parties are marginalized. The fourth section of this chapter will examine the issue of access to the private media (newspapers and private stations). While the private media is less susceptible to political pressure they are more likely to favour the larger (pro-capitalist) parties and although theoretically any party can buy advertising time, the expense involved means that this is usually reserved for the larger, richer parties. While the press is even less susceptible to party influence, their nature as private companies means that they are more likely to back the establishment parties and their conservative policies<sup>36</sup>. This section will also look at the increasing role the internet plays as a media forum. Finally, in the conclusion the main points of the chapter will be summed up demonstrating how the case of the media in Germany helps critique and modify the cartel party theory.

The cartel party theory argues that political parties use their influence to manipulate the media for their own ends and that this seriously impedes the democratic process as it helps contribute to the creation of a political cartel. The major parties use their control of the media as a mechanism for promoting themselves and excluding rivals. Given the rise of the free media in West

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<sup>36</sup> While it might seem to be inaccurate to describe the SPD's policies as conservative this has to be seen within the context of German politics as a whole. Compared to the Greens and Linkspartei the SPD is much more conservative than it was twenty years ago. In the past couple of decades it has moved much closer in terms of ideology to the CDU. This will be examined in more detail in the chapter on changing party ideology.

Germany post 1945 it could be assumed that the country does not conform to this aspect of Katz and Mair's cartel party model. However this chapter will argue that the strength of the establishment parties is such that when both direct and indirect pressure is brought to bear, serious inroads into the concept of an unbiased free media can be made. However at the same time this is limited by the actions of institutional frameworks and political actors such as other parties, the public and the rise of the private media. This is something that Katz and Mair don't really take fully into account in their original work and it is only in later articles that they fully address it. This chapter will argue that in many ways it was actually easier for elite and mass parties of the 19<sup>th</sup> and early 20<sup>th</sup> century to control the media. This is because the media was less fragmented and technically advanced than it is now with slower news updates. Also consumers of news were less sophisticated in their analysis and less likely to spot obvious propaganda. However the case of Germany would suggest that major parties can act together to bring pressure to bear on news providers but that this influence is not as strong as it might be (partly due to institutional and social constraints) and tends to be more subtle than Katz and Mair proposed.

#### **4.1 Controlling media access as way of creating a political cartel**

Katz and Mair suggest that the parties use the resources of the state to preserve their own position in power and prevent smaller rivals or newcomers from breaking into the party system. In relation to the media, they argue that under a cartel system the parties 'gain[s] privileged access to state-regulated channels of communication' (Katz & Mair, 1995, p16). Unfortunately this is one of the less defined aspects of the cartel party thesis as Katz and Mair fail to specify to



what extent the cartel parties must dominate the mass media. Under elite and mass party systems<sup>37</sup> the party in government undoubtedly had privileged access to the media due to their position of power. For instance during the British General Strike of 1926 the Conservative government had its own newspaper, the 'British Gazette', which was the creation of, and controlled by, the then Chancellor Winston Churchill. During the strike much pressure was brought by the government against the BBC to take the official government line. Although Director General Reith managed to resist a certain amount of this pressure, Trade Union and Labour figures including the Labour leader Ramsey McDonald were refused airtime to put their side of the story. Reith justified this by arguing that the government were looking for an excuse to take over the BBC (Tracey, 2003). In a similar fashion in Prussia under Bismarck, press restrictions were introduced in 1863 followed by the Imperial Press Law (Reichspressegesetz) which was created in 1874 in order to further regulate the press<sup>38</sup>. This was followed by an anti-socialist law in 1878 which was used to ban the publication of socialist works combined with a propaganda campaign to portray socialists as being anti-national (Cowell, 1941; Stark, 1989, p448; Snyder and Ballentine, 1996, p16).

In the modern world this is less straightforward because of the rapid growth of less regulated (or unregulated) privately owned media corporations. Large multi-million or even billion dollar companies like News International, the Springer Corporation and Kirch group are much less likely to be put under

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<sup>37</sup> Mass parties acted against the elite parties' control over the media by starting up their own newspapers to be sold to members.

<sup>38</sup> Although the law allowed for authors and their work to be banned it did go some way to giving a much greater freedom of the press than that they had previously enjoyed

government pressure or allow themselves to be manipulated. Instead several authors have argued that instead the modern day media barons have become far too powerful in their own right and to a certain extent can shape government policy by threatening to withdraw support in their publications. In addition to this the public is much more media aware than they once were. Any particularly overt interference in the media would be more likely to be noticed and do more harm than good. An obvious example of this would be the Thatcher government's reprisal against Granada Television for the perceived attack on government policy in their 'Death on the rock' documentary about the shooting of IRA suspects in Gibraltar (Windlesham and Rampton, 1989). In the German context there is the Spiegel affair which prompted much outrage at the time from the public, journalists and academics (Bunn, 1968). Of course parties and politicians in almost any society have a privileged access to the media due to their importance as both political actors and providers of information. This access is expanded to almost any grouping that wields such power in society such as the Catholic Church or certain significant interest groups such as the NRA. However the core of this argument is that the parties use their position of strength to try to gain for themselves better access and the ability to shape the message and how it is presented. Also this can be used in other ways. For instance, even if they can't get the media to print what they want them to print they can use their power to make sure certain messages from other political actors are not communicated thus denying them a voice in the public sphere.

Therefore, for the purposes of this chapter the relationship between the parties and the press in Germany will be explored to see what this reveals about how

the cartel party theory might work in practise. Firstly, to what extent do the German core parties use their influence and powers of regulation to apply pressure to the media (both public and private) to further their own ends? Secondly do the parties do this in a complicit fashion while using the media to attack smaller or new political parties? This examination of the German media will be focussed onto three main areas. These will be the press (newspapers and magazines), broadcasting (television and radio) and the internet. While a wide variety of other media do exist, (for example; direct mailing of campaign materials<sup>39</sup>, bill board posters, audio recordings and the cinema) and have all been used effectively by political parties, they are relatively minor in comparison and have to be excluded for reasons of space<sup>40</sup>. The internet is increasingly used as a means of political communication and it is arguable that as the technology becomes ever more widespread and easy to access, it has a potentially huge audience and impact.

Before looking at these questions in depth the issue of why the major parties would want to manipulate the media will be addressed. Germans are comparatively highly politically aware, receiving information from a wide range of different sources. The ability of the media to shape political opinion though, is a hotly contested subject. While many writers will argue that the decline of social cleavages as the predominant influence on voter decision making has meant that the image of parties in the media has become more

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<sup>39</sup> The FDP claimed to have had great success with direct mailing at the 2005 Federal election delivering four million postcards to people likely to vote for the party (Metzner, 2005).

<sup>40</sup> There is evidence that posters are still important in election campaigning but mainly when shown via the internet or at press conferences as a way of stirring media interest. This seems to be increasingly effective compared to actually displaying them on the street (Schulz, Zeh and Quiring, 2005, p80).

important, there is much disagreement on the manner, and to what extent this affects voter judgement (Semetko & Schoenbach, 1994, p18 & p28; Humphreys, 1996, p74). The general consensus seems to be that while the media are unable to convert voters from one political viewpoint to another outright, they can reinforce existing political opinions or have an influence on the undecided. This was demonstrated by Noelle-Neumann when she conducted a study of the 1976 election which the CDU lost by a relatively small margin. She argued that television created the impression in the public's mind that the CDU were unlikely to win the election. As a result of this swing voters decided to back the SPD (Noelle-Neumann, 1980). Equally the media not showing an interest in a party can have a negative effect. Veen and Mnich claim that one of the reasons for the decline in the Republikaner Party after the 1989 West Berlin elections was 'the media's lack of curiosity about the REP after the initial months of reporting and speculative analysis regarding this novel development' (Veen & Mnich, 1993, p6). After the initial flurry of interest the media quickly became bored and moved onto other topics thus depriving the party of the oxygen of publicity<sup>41</sup>.

## **4.2 The German mass media and its consumers**

In many countries political communication and debate is predominantly shaped by the nature of the relationship between parties and the mass media. It is certainly undeniable that with the expansion of the mass media in recent years, due to a combination of rising prosperity and technological advancement, it now has more impact on political behaviour than ever before (Schulz, Zeh and

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<sup>41</sup> For a more in depth discussion of how television influences elections see Kepplinger, Brosius and Dahlem, 1994.

Quiring, 2005, p56). The mass media is extremely powerful in terms of setting the political agenda, bringing important issues to the public's attention and then filtering and framing how these issues are presented as well as judging the relative performances of politicians and parties and holding them accountable for their actions. This gives the individuals and corporations involved enormous power and influence. In this way parties are to a certain extent dependent on the media as they usually have to appeal for support from the electorate and the mass media is often their primary conduit for doing this. This relationship between parties and the press can range from totalitarian dictatorships and religious autocracies, where the media is simply seen as a means of conveying the views of the ruling party, to Britain and the United States which enjoy a relatively free press. However there are examples in both of these countries of the parties attempting to either manipulate or bully the media for their own ends. Certainly the rise of 'spin doctors' and other media professionals in recent years has seen governments pursue a more aggressive policy towards media management creating the trend towards 'designer politics' (Esser, Reinemann and Fan, 2000). The media in turn is controlled by vast corporations with significant power in terms of creating and destroying both individual reputations and whole governments<sup>42</sup>. The media in Germany is particularly noteworthy as it is one of the major European countries to have experienced both extremes of freedom and control during the twentieth century. Germany is a significant example of a country where the media was totally bent to the will of a political party. Between 1933 and 1945 the mass media in Germany was controlled by the Nazi Party with the sole aim of using it to spread its

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<sup>42</sup> For instance the Watergate scandal.

propaganda and attack any group or individual who were perceived as a threat to their regime (Nicholls, 1997, p28)<sup>43</sup>. This control included not only the mass media in terms of newspapers and broadcasters but virtually every aspect of culture, including children's board-games (BBC News, 2007). Bearing this in mind it could be reasonably assumed that both German parties and citizens would be extremely resistant to any sort of overt media manipulation of this type given their historical experiences.

Since the war great efforts have been made to create a media free from state interference and as a result of this free speech was enshrined in Article 5 of the Basic Law:

Everyone shall have the right freely to express and disseminate his opinion by speech, writing, and pictures and freely to inform himself from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films are guaranteed. There shall be no censorship<sup>44</sup>

The Federal Republic's media policy in this immediate post war period is arguably said to have been shaped by three decisive factors. These were the misuse of the media by the Nazi Party, the monolithic ideological control (exercised by the SED) in neighbouring East Germany, and finally the role of the Western occupying powers who were determined, as much as was in their

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<sup>43</sup> For further reading on the Nazi abuse of the mass media see Welsh, 1983; Bytwerk, 2004.

<sup>44</sup> There are numerous sub-clauses to this allowing various types of censorship, for instance the banning of pro-Nazi views or for the protection of youth from corrupting influences, see Pöttker and Starck, 2003, p47-48.

power, to create a democratic, structured, accountable media system that couldn't be abused by the state. It is also arguable that they were keen to create a system that wouldn't rock the boat with subversive news favourable to the GDR. Now the media can be seen once again as a force in its own right influencing political behaviour, although to what extent remains open to debate and will be discussed later in this chapter (Norpoth & Baker, 1980, p1). Certainly it has more ability to influence at some times rather than at others. For example, the media was an extremely influential source of political information in the first all German elections of 1990 in terms of how the new voters related to and understood the issues, candidates and parties. Especially as many of them had never had access to a free press before (Finkel and Schrott, 1995).

The Germans are among the most politically informed people in the world with 350 daily newspapers across the country that reach a combined readership of 32 million<sup>45</sup>, while 70 per cent of the population watches the half-hour evening news programmes (Conradt, 2001, p65). During the 1994 national elections 84 per cent of the public watched the party political broadcasts while over 50 per cent read the party manifestos, partly on the basis that they saw it as their duty to be informed about what was going on around them (Ohr and Schrott, 2001, p421). In Britain in comparison the number of people reading manifestos has fallen significantly in recent years (Paris and Muir, 2002, p152). During the 2002 election roughly 65 per cent of Germany's population watched at least one debate while 41 per cent watched both (Faas and Maier, 2004, p313-314).

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<sup>45</sup> Despite this figure and the fact that Germany is fifth in the world for newspaper sales the general trend in terms of newspaper readership is that less time is spent on it than in previous years (Berg and Riddler, 2002), while overall newspaper readership seems to be in decline year on year (Schoenbach et al, 1999).

Of course this has to be seen in the context of overall television viewing which has increased remarkably, up from the average of 120 minutes per day in 1983 to 210 minutes in 2002 (Schulz, Zeh and Quiring, 2005, p65). Research seems to indicate that despite declining participation the level of interest in politics has actually risen in recent years, a factor due to improved education across the board, and in part the fact that more varieties of media are now available to be consumed (Schulz, 2001)<sup>46</sup>. Certainly there is less tabloid journalism in Germany than in Britain or the US with German readers focussing much more on news and editorials than British readers. Equally the German printed media emphasises hard news more often than soft, with less muck-raking<sup>47</sup> and possibly as a result fewer public complaints (Esser, 1999, p297-307). However whether this news media is being absorbed critically or passively is a subject of much debate. It could be argued that this appetite for news is helping to feed the growing sense of disillusionment with party politics as citizens are more aware than ever before about scandals and other problems affecting the country (Schulz, Zeh and Quiring, 2005) although other authors have disputed this (Holtz-Bacha, 1990).

This has given rise to an extremely informed electorate, which is a well-deserved source of pride for Germany, because in the modern world a free media is seen as an essential component of a fully functioning democracy (Sandford, 1988, p9). It would certainly be hard to conceive of a country as a true democracy without the basic right of free speech. In virtually all countries

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<sup>46</sup> Research does seem to suggest though that political interest is higher in West Germany than the East which seems to focus more on entertainment media, see Gellner and Strohmeier, 2002. This is possibly due to the poor economic situation in the East.

<sup>47</sup> There is some evidence that this is now slowly beginning to change, see Holtz-Bacha, 2004.



the media play ‘an arguably important role in the consolidation of democracy’ (Semetko and Valkenburg, 1998, p197). In a perfect world the media acts as a voice for the people, providing a forum for individuals and groups to articulate their interests. Against this is the argument that the media only articulate the views of the few who are photogenic, wealthy or articulate enough to make use of it. It could be argued that complacency has begun to creep into the German party system with both politicians and voters beginning to take both their free media and democracy for granted,

Both newspapers and broadcasting in the Federal Republic of Germany exist largely in their particular form and structure due to various choices made by the Allies during their period in control of the country between 1945-49 (Marsh, 1989, p146). Certainly the decision to make the German broadcast media public service based after the war was rooted in an attempt by the occupying forces to avoid the mistakes of the Weimar and Nazi periods (Müller, 1990, p41)<sup>48</sup>. While it has since evolved a lot since then it has never strayed too far from this original template. Their main aim was to prevent a recurrence of the Nazi period and they saw a free pro-democratic media as being one of the most important parts of this process. It should be noted that the use of the word ‘free’ here is in its broadest sense. Many authors would argue that under the licensing system created by the Allies ‘free’ was simply a euphemism for pro-capitalist and that many people were refused licensing for newspapers or broadcasting because of their socialist leanings regardless of their pro-democratic stance. As Paul Sethe, a former German journalist (of a conservative persuasion) states,

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<sup>48</sup> For a fuller theoretical discussion of some of the ideas shaping the constitutional protection of the press see Fliess, 1954.

‘Press freedom is the freedom of two hundred rich men to disseminate their opinions’ (quoted in Humphreys, 1994, p1). Under this sort of system it could be claimed that smaller more radical parties are always going to face an uphill struggle compared to more mainstream parties.

The argument here largely comes down to the question of whether Germany has what can be referred to as an ‘open’ or ‘closed’ media system. Is it dominated by elites or does it allow access for all, in what could be termed a more pluralistic fashion. Humphreys argues that a case could be made for both positions but stresses that the case for a ‘closed’ media system is particularly convincing:

the extensive permeation of the media system by the political parties; the concentration of media power in the hands of a few giant concerns which exert irresistible pressure on the state; or the existence of a restrictive corporatist policy-making ‘elite cartel’ and the resultant exclusive nature of policy communities, which denies access to ‘marginal’ groups and even to those working in the production process of the media (Humphreys, 1994, p10).

While many books of the 1960s and 1970s praise the freedom and openness of the West German media system this has to be seen within both the political and historical context of the time. For instance, as already mentioned, the Nazi party had enjoyed an almost complete dominance of the media in Germany for over a decade, while just a few miles to the east in the German Democratic

Republic (GDR) the ruling communist Party (SED) carefully monitored and regulated press and broadcasting. This situation that only began to change as Erich Honecker began to loose his grip on power (Gellner and Strohmeier, 2002, p67). Placed in comparison to these two recent examples the current German media system obviously looks relatively free and open. It is only in the 1970s and after that significant questions seem to have arisen, both about the role parties play in controlling and influencing the media and the impact of increasing media ownership concentration.

### **4.3 Public broadcasting**

Public broadcasting is (the field) where the main parties easily have the most influence to manipulate the media for their own ends and have been doing so since its inception with mounting vigour, 'The struggle between the parties to gain the upper hand in individual stations has been contested with increasing openness and decreasing respect for the ethics of public life' (Williams, 1976, p120), a view echoed by Semetko and Schoenbach who state that when hiring personnel 'the premium placed on partisan sympathies in the promotion and hiring of public service journalists' should not be underestimated (1994, p36). Strangely this danger had already been foreseen, (but not counteracted) as early as the 1940s. As Hugh Carleton Greene, director general of *Nordwestdeutscher Rundfunk* stated in his valedictory speech in November 1948, 'Probably in all parties there are short-sighted people who want control for their party over broadcasting' (quoted in Marsh, 1989, p132). The importance of television quickly became apparent to the major parties with the CDU Campaign Manager Peter Radunski arguing by 1980 that it could potentially be the most important

means of communicating with the public during election campaigns and that the party should focus its efforts accordingly as a means of winning over voters (Radunski, 1980). This 'trap' effect, as it is referred to, has become a subject of much academic debate in recent years in terms of how effective television is at reaching voters (Blumler, 1970; Schoenbach and Weaver, 1985). However a recent study has disputed this and argues that, in Germany at least, for those who don't identify themselves with any particular party the newspapers and other print media are the most important sources for supplying decision making information (Schulz, Zeh and Quiring, 2005, p78-79). Despite this television still remains an important tool for political communicators allowing them to reach millions of viewers and listeners at a time.

The system was originally set up so that the Länder controlled public broadcasting rather than the Federal government. This began with the ARD (*Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland*) radio network which was set up in 1950 and was followed by a television service in 1954. A second national station called ZDF (*Zweites Deutsches Fernsehen*) was set up in 1961, again under the control of the Länder (Lewis, 2001, p173). Eleven regional stations comprise the ARD network. These are: *Bayerischer Rundfunk* (BR), *Hessischer Rundfunk* (HR), *Mitteldeutscher Rundfunk* (MDR), *Norddeutscher Rundfunk* (NDR), *Ostdeutscher Rundfunk Brandenburg* (ORB), *Radio Bremen* (RB), *Saarländischer Rundfunk* (SR), *Sender Freies Berlin* (SFB), *Süddeutscher Rundfunk* (SDR), *Südwestfunk* (SWF) and the *Westdeutscher Rundfunk* (WDR). The NDR contributes the most to network programming. Originally funding

was to come entirely from licence fees so that the stations would not be dependent on outside streams of revenue such as businesses, although limited advertising was introduced in 1956 (Müller, 1990, p42). The broadcasters in individual Länder are controlled by broadcasting councils, made up of representatives of the main political parties and other socially relevant groups. This fact forms the core of the argument and cannot be over-stressed. This system was originally adopted because the Allies felt that central state control of the media would lead to abuse. However, by effectively handing a key decision making role to local political parties each broadcasting station became subject to partisan control. Selection of the membership of the broadcasting councils varied from Länder to Länder depending on whether they had been under the control of the Americans or British during the occupation period. The Americans tended to base selection on a more 'corporate model' where the membership was made up of 'socially significant groups' within society including representatives of religious and trade union groups, who tended to vote in-line with their particular party affiliations (Schoenbach, 1987, p378). The British model was based more on a 'parliamentary model' where the make up of the Land parliament decided the composition of the Broadcasting Council. As Humphreys argues 'neither model was to prevent the practice of politicisation by stealth' although as might be expected 'the parliamentary model seemed to offer the least defence against this practice' (Humphreys, 1994, p146). Through this means the influencing of the decision making power of the councils was effectively controlled by the political parties and their associates, whether part of the church or trade unions. This 'circle of friends' has essentially allowed for the politicisation of German public broadcasting by

the parties (Williams, 1976, p124-127). The Broadcast Councils exercise tremendous power over the station through their ability to influence editorial lines, even including the hiring and firing of personnel (although they tend to avoid direct intervention if possible). For instance, in 1981 a study of the top managing positions in German public service broadcasting found that 54 per cent of them were held by party members. In comparison a similar study of the printed press found only 14 per cent of managers were party members (Kutteroff, 1982). However there are signs that party affiliation is increasingly important for editors and journalists (Schoenbach, 1987, p382). Attempts to break this, by giving journalists greater independence have been attempted from time to time, the most obvious example being the 'Statute movement' which was a challenge to the station managers during the 1970s by journalists. They wanted to gain a greater say over editorial lines and broadcasting policy to counteract the possible influence of the political parties. In part this was meant to safeguard journalistic independence but also to preserve a variety of viewpoints in terms of reporting news items. The 'Statute movement' gained some influence in the early 1970s and at a variety of stations, for instance the NDR, statutes were actually drawn up giving the journalists more influence in programme development and policy (Mahle and Richter, 1974, p19). However this movement was opposed by the main political parties, in particular the CDU, who felt that many journalists working in the broadcasting field were generally liberal and might therefore influence news reporting against them. It could be argued on this basis that it therefore would have made sense for the SPD to have supported this movement as it might have benefited them. As the traditional party of trade unions and workers rights this would have been the

expected tactic. However the ultimate failure of the statute movement to produce a shift in the way news reporting policy was determined can in part be attributed to the SPD's unwillingness to fully back it. Humphreys suggests that one reason for this is that the SPD benefited to a substantial degree by the 'politicisation by party patronage....there was, therefore, little practical incentive for the SPD government to reform the system in a way that would free the broadcasters from the "Parteienstaat"' (1994, p189). This then can be seen as a clear example of the two major parties, if not collaborating then supporting the status quo of state influence over the media because it suited their purposes. More independent journalists and editors could have possibly led to a more alternative and potentially subversive news media, something that could have hurt both parties.

Humphreys argues that the German system of public broadcasting has avoided unqualified dominance by the state, and compared to pre-war Germany or other countries in Europe such as France and Italy this is undoubtedly true. However in his defence of the German system and its political pluralism he claims that the 'Proporz' principle is key. This means that both major parties have a certain amount of influence within each of the regional broadcasting corporations and that the loser of elections is guaranteed a certain number of appointments to try and counterbalance the winning party. While Humphreys claims that this is a good thing, even if it does lead to potential political stalemates, it could also be argued that this dominance by the two major parties is a good example of the parties acting together for their common good. The two major parties have a system where they both get significant amounts of influence over public

broadcasting while the smaller more alternative parties are effectively shut out. An FDP representative commented on this arguing that as the big parties dominated party broadcasting it was important for the smaller parties like the FDP to make sure that they were properly represented as much as possible (Metzner, 2005). While the public broadcasters might be roughly equally made up of Red and Black stations there seems to be little room for the Green party or the FDP (Humphreys, 1994, p320-321). As a result of this system political parties can clearly have a certain amount of influence over the public media. This state of affairs remained largely unchanged until 1984 and the introduction of private broadcasting. The methods the parties use to influence the public broadcasters are many and varied although rarely have they resorted to outright intervention. There are only two examples of this in post-war German history of national significance, both by the CDU in its first period in government and both involving Konrad Adenauer.

Adenauer was arguably one of the more autocratic Chancellors Germany had in the post-war era<sup>49</sup> and he felt that it was natural for the government to have a much larger say in the running of the media compared to the system controlled by the individual states. In particular he believed something should be done about the number of stations that were dominated by the SPD. Various attempts were made by his government to bring public broadcasting under its direct control (Müller, 1990, p43) and he tried to use the powers of his government to 'subject West German broadcasting to a far greater degree of central government influence than had been envisaged by either the Allies or by the

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<sup>49</sup> For references to Adenauer's autocratic behaviour and manner see Wighton, 1964, p119; Dyson, 1974, p364; Schissler, 2001, p377.



system's founding legislators in the Länder' (Humphreys, 1994, p155). Adenauer attempted to set up a new broadcasting company, Deutschland Fernsehen GmbH, which would be directly funded by and controlled by his government along with the states (Müller, 1990, p43). While many in the CDU felt that this should be a priority, equally many in the SPD were determined to oppose this. This view was reinforced when the proposed membership of the broadcasting council of the station became known as it included loyal Adenauer supporters, including both his Doctor and neighbour (Humphreys, 1994, p160). As a result the decision was brought before the Constitutional Court who ruled that by trying to set up a national television station the government was breaking the constitutional law which specifically gave this duty to the Länder as a cultural activity. This is a clear example of the government attempting to modify the broadcasting system for their own ends<sup>50</sup>. At the same time it illustrates the institutional constraints placed upon them. The only thing that stopped them from setting up this new station was the Constitutional Court who through their rulings protected the independence of broadcasting, 'both as against the state and as against political parties and individual social groups' (Ruck, 1992, p223).

This pattern repeated itself a few years later in 1969 with the 'VAT ruling'. This time it was the extremely conservative Finance Minister Franz-Josef Strauss of the CSU who attempted to exert increased Federal government control over the broadcasters<sup>51</sup>. This time a more subtle approach was adopted 'by making the licence fee of the public-broadcasting system eligible for a VAT

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<sup>50</sup> Indirectly this also had the effect of leading to the creation of the second station ZDF.

<sup>51</sup> Strauss already had a history of attempting to control the press due to his involvement in the 'Spiegel Affair' which will be discussed in more detail later in the chapter.

levy by the central authorities, Strauss hoped to gain for the Federal government in Bonn a very significant, yet hidden, degree of political leverage on the public-service broadcasters' (Humphreys, 1994, p163). The broadcasters appealed once more to the Constitutional Court who ruled that as publicly funded organisations they were not liable to pay VAT to the Federal government. This ruling categorically rejected any attempt by the Federal government to exert influence, either directly or indirectly, on the public broadcasters on the basis that they existed as part of the democratic process to provide relatively neutral information. However, despite this, the parties have continued to interfere via their role on the broadcast councils. As Williams states:

All the indications are that many of the politicians involved in the control of broadcasting, and they are mainly senior politicians, choose to forget that broadcasting is a public prerogative; they seem to regard their responsibilities in this sector as delimited by party-political allegiances and react to criticism (largely by ignoring it) as if that sector of their activities were beyond public scrutiny (Williams, 1976, p120).

While the attempt to exert control through VAT was ultimately unsuccessful, budgetary concerns are still a means of gaining influence. The public broadcasters are funded by a combination of a licence fee and money raised from (limited) advertising<sup>52</sup>. This system was designed like this for a number of

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<sup>52</sup> At present advertising revenue makes up between 30-40 per cent of the broadcaster's budget.

reasons, not least the fact that it was meant to prevent the state from exercising influence through its control of the purse strings. However this still happens when the licence-fee needs to be increased as local politicians have significant input into the decision making process. To quote Etzioni-Halevy, 'While much of the politicians' motivation to curb licence-fee increases has little to do with the degree to which public broadcasters satisfy the parties' expectations, this factor is not entirely absent from their deliberations' (Etzioni-Halevy, 1987, p67-68). Equally this factor must weigh on the minds of the broadcasters in the years before any such negotiations, potentially limiting their ability to report on the parties in a free and unbiased manner. Especially if they fear that portraying a party in a bad light might result in their licence fee not being increased (Schoenbach, 1987, p383).

In 1972 the CSU in Bavaria attempted to seize power in the Bavarian Broadcasting Corporation in a blatant example of politicisation (Dyson, 1979, p382). The CSU already held significant power in Bavaria through its controlling majority in the state parliament which meant that it was afforded 'privileged access to the media' (Sutherland, 2001, p20). In essence the CSU attempted to use this dominance to pass a law that would have increased the representation of parties on the station's broadcasting council from the regulation one third. This would have effectively put broadcasting in Bavaria even more under the CSU's control, increasing its influence and excluding others. In many ways this could be regarded as a unambiguous attempt to create a near political monopoly with regards to media access. At the same time the law also attempted to introduce private broadcasting under the logic that a

capitalist company would have similar interests to the CSU. Ultimately this attempt at party political interference was prevented due to the SPD appealing to the Federal Constitutional Court backed by massive public protests. Faced with this the CSU backed down but continued to heavily influence the Bavarian Broadcasting Corporation through its existing representation on the Broadcasting Council (Humphreys, 1994, p177-180). It should be noted though that the SPD campaign against this law was less about preserving freedom of the press than preventing the CSU gaining an increased political advantage.

Further debate about the extent of politicisation of the state's broadcasting systems continued throughout the 1970s, especially with the conflict over control of the NDR between the CDU and SPD which was again solved through recourse to the Constitutional Courts (Humphreys, 1994, p180-187). All of these examples demonstrate the attempts made by the core political parties to gain privileged access to public broadcasting, most of which were constrained by the actions of the Federal Constitutional Court and the public.

Parties have since then not tried anything quite so heavy handed but have continued to attempt to influence broadcasters through more subtle means. Representatives of the CDU set up 'Tele-Control' in the early 1970s as an organisation which was designed to monitor broadcasting in an unofficial capacity and then provide examples of any materials of an anti-capitalist or business nature to politicians (Collins and Porter, 1981, p108). This strategy proved surprisingly successful and three WDR executives responsible for programmes that upset the CDU were removed from office and replaced

(Müller, 1990, p49). This example clearly illustrates the unofficial ways the top parties can use to bring pressure to bear on the public broadcast media, should they so wish to, or if the media conveys views that are out of step with their opinions. In this case the event that spurred the forming of 'Tele-control' was the so called 'Red Week' where WDR presented a weeks' worth of programmes devoted to critiquing the flaws in the current social-economic model. Equally, concerns have been raised by the German Press Council about potential new government powers for the wiretapping of journalists after a Federal Constitutional Court ruling in 2004 failed to completely rule out the legality of such actions (Presserat, 2007).

Under the law, during the period of electoral campaigns, parties receive free advertising space on the two main public television stations for their political broadcasts. The amount of space received is based proportionally on their level of support in the Federal parliament so the CDU and SPD always dominate the airwaves<sup>53</sup>. Defenders of this system have argued that under fairness rulings by the Federal Constitutional Court even the fairly small parties are guaranteed at least one broadcast slot during the course of the campaign (Semetko & Schoenbach, 1994, p25). While this is technically true it seems largely irrelevant. If the broadcast time were converted into the hard currency it would take to buy equivalent advertising space on commercial channels the larger parties would receive a disproportionately large amount<sup>54</sup>. When the difference is so great, it makes it more difficult for new parties to break through, and the

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<sup>53</sup> A similar system exists for advertising on public radio.

<sup>54</sup> The larger parties here refers to the CDU and SPD, the FDP as a smaller party receives less. This is a good example for the illustration of the argument that parties that co-operate together are not necessarily equal or receive the same benefits. Larger parties can often use their position of strength to gain greater benefits for themselves.

establishment parties continue to dominate. There have been a few occasions where this trend has been broken, despite the opposition of the larger parties. For instance in the national election of 1983, the SPD and CDU received nine broadcast slots and the FDP and CSU five slots each. The Greens, despite not yet being represented in the Bundestag, received four on the basis that the stations felt that they deserved this many after their strong showing in state elections between 1980 and 1983 (Schoenbach, 1987, p380). However, to quote Holtz-Bacha, 'since only the bigger and therefore richer parties can afford to advertise on commercial television, the possibility of buying additional airtime has added to the inequality already inherent in the system of graded allocation on public channels' (2004, p43). Equally the advertising produced by the smaller parties is of a much lower quality than for the larger parties, a fact that can actually work to their disadvantage (Holtz-Bacha, 2005). There are a range of other advertising techniques that parties can pay for including buying up poster space and direct mailing of advertising materials to households. Both of these techniques have been shown to be effective, especially when targeted at the right voters. However, this requires expensive polling and market research, so in order to take full advantage of these methods deep pockets are required. Parties can also hold expensive rallies in halls or even arenas which if large enough create news events that will be covered on the local or national news. Finally there is the fact that rich parties with significant resources can create 'media watch units' such as 'Tele-control' that study political coverage on television and radio. If they are underrepresented they can complain directly to the station and possibly gain more time, or more positive coverage on a later news item. While it should be acknowledged that advertising in and of itself

isn't enough to win an election it can play a significant role in terms of either raising issues to national prominence or simply maintaining market visibility. In this sense the major parties have a clear advantage over their smaller rivals. As one campaign expert argued 'The outcome of elections are decided by advertising. At least those that are tight' (Strauss, 2002, p215).

Added to this is the fact that these rules governing fairness only apply while the election campaign is ongoing. For the four years between elections the major parties can dominate the news agenda with impunity making it extremely difficult for any new party to make its voice heard. The ruling parties can also rely on the free publicity from the Government information services (Pridham, 1977, p258). The larger parties can hire expensive media consultants and agencies to make sure that their message gets across as effectively as possible (Holtz-Bacha, 2002; Tenscher, 2004). These small armies of spin doctors, pollsters and advertising gurus can often be decisive in shaping and tailoring a party or candidate's message to appeal to the maximum number of people, or can even create subtly different messages for different audiences (Holzhacker, 1999; Farrell, Kolodny and Medvic, 2001). As a result of this, 'German parties have become more savvy about tailoring sound-bites and staging events in order to influence the messages that get included in daily news bulletins' (Scarrow, 2002, p91). While there is the risk that their message, once filtered through the news machinery, might be misreported or misinterpreted it is less likely to be dismissed as simple propaganda by voters as their political advertising would, it has a certain credibility that direct advertising lacks. In the 2005 election the CDU/CSU spent 24 million Euros while the SPD succeeded

in bettering this with 27.2 million Euros. The smaller parties only managed 4 million Euros each for the Greens and Linkspartei/PDS, while the FDP brought up the rear with 3.5 million Euros (Schmitt-Beck and Faas, 2006, p396). With such significant sums available to them the larger parties are able to hire the very best media professionals that money can buy and in much greater numbers than the smaller parties. It should be pointed out here that the FDP spent less than the Greens or Linkspartei. However it could also be argued that they were guaranteed more favourable press coverage in the right wing media considering their liberal pro-business policies.

Balanced against this is the fact that while lacking the expensive media consultants of the big parties the Linkspartei/PDS and Greens have both had some success in recent years in getting their message across on television and radio. This is due to several reasons, not least the nature of the message itself. Because both parties are promoting policies left of the SPD and are fairly radical by German standards, they have the benefit of being seen as a curiosity and therefore newsworthy. Partly because of the 'Politics of Centrality', the major parties in recent years seem to have a similar policy stance on most issues and they are presented in a fairly similar way. As a result television and radio discussion shows often degenerate into dull arguments about semantics as both sides attempt to convince the public how different their policies are. In this sort of environment any new message is likely to receive attention through its sheer novelty. Although, as already pointed out, the novelty of their policies didn't help sustain media interest in the Republikaner Party except as the subject of criticism and ridicule. Their right wing policies actually worked



against them in this respect as they were the subject of a boycott by television and newspapers in the early 1990s (Backes and Mudde, 2000, p466). Because the Linkspartei/PDS and Greens appeal to smaller sections of the population and are not so 'managed,' both have produced popular charismatic figures who frequently appear on television. Notable examples of this would include Joschka Fischer for the Greens and Gregor Gysi for the Linkspartei/PDS. Gysi in particular is a firm favourite on the talk-show circuit (King, 2002, p129) to the extent that as a single figure he dominated the party in the same way that Fischer dominated the Greens (Gapper, 2003a, p74). Whether being so dependent on a few popular figures is healthy for a party is a matter of debate, especially if there is nobody there to replace them should they be forced to leave frontline politics due to scandal, as Gysi did before the 2002 election because of a minor funding impropriety. The Vice-chair of the PDS at the time, Wolfgang Methling, estimated that the loss of Gysi cost the party roughly one per cent of its total vote at the election, and in the 2001 Berlin regional elections almost half of PDS voters said they had voted for the party because of him rather than because of the policies of the party (Gapper, 2003b, p169). However the importance of talkshows and other entertainment programmes as a means of attracting potential new voters, who otherwise might not have watched a political discussion show or news broadcast, has been taken up by the other parties with varying degrees of success (Holtz-Bacha, 2000; Zoonen and Holtz-Bacha, 2000; Nieland and Tenscher, 2002). This was stressed by a FDP representative who argued that as the FDP was a smaller party it could not afford to buy as much advertising space as the larger parties and so appearances on talkshows or even game shows were a good way of maintaining public

visibility. He also argued that by appearing on such shows politicians could reach audiences who would not otherwise engage with traditional politics (Metzner, 2005).

Another thing the smaller parties tend to be good at is creating more dynamic media events that catch the eye of the press and the public imagination. One example would be the 48 hour speeches marathon organised by the Greens during the 2005 election (Schmitt-Beck and Faas, 2006, p405). Another would be the fact that the FDP held its party convention just before the election which guaranteed them extra publicity (Metzner, 2005).

Also during the election period there are televised debates between the leading candidates<sup>55</sup>. For the winner of such debates the political rewards can be huge, but even for the perceived loser it is an opportunity to showcase their personality and policies for the voter (Baker & Norpoth, 1981). Certainly the evidence seems to suggest that a good performance during a debate can translate into concrete votes, especially if it is held near to the election and the debate has a clear victor (Schrott, 1990). Originally when the debates were started the Chancellor candidates from all the major parties were invited to participate although it should be noted that the Greens weren't allowed to participate until the 1987 election (Schrott and Lanoue, 1992, p452). However 2002 saw the first occasion when these debates were reserved for the candidates of the two main parties as the presidential debating system of American elections was adopted (Faas and Maier, 2004), an experiment that was deemed

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<sup>55</sup> For further details of the individual debates and their impact see Weiss, 1976; Noelle-Neumann, 1978; Baker & Norpoth, 1981; Baker, Norpoth and Schoenbach, 1981; Buss and Ehler, 1982; Weiss, 1982; Schrott and Meffert, 1994.

successful enough for it to be repeated in the 2005 elections. Smaller or new party candidates were not invited to participate. Some scholars have claimed the existence of a 'Kanzlerbonus', where increased attention is paid by the media to the candidate who is already in office as Chancellor giving the ruling party an immediate advantage (Holtz-Bacha, 2004, p43)<sup>56</sup>. Increasingly the debates have become more American in style with the emphasis placed on style and rhetoric over actual discussion of policy matters. As a result those candidates with the best presentation skills, rather than policies, often triumph. During the 2005 election Angela Merkel was advised by her ally Guido Westerwelle of the FDP not to take on Schröder in this fashion, calling his invitation to participate in a live television debate 'nothing short of poisonous' (Cooke, 2005). This was mainly because Schröder was expected to be the clear winner in any such encounter due to his charismatic personality and ability to debate. In contrast Merkel often came across as rather wooden on TV, hence any such debate was seen by her party as a golden opportunity for Schröder to shine. Also as at that point in the campaign with the SPD still trailing the CDU there weren't any drawbacks for him (Cooke, 2005). Opinion on who actually won the debate was mixed, most opinion polls giving the victory to Schröder while political commentators believed the result to have been more even (Roberts, 2006a, p672)<sup>57</sup>. Certainly those within the party felt that the debates were pivotal in creating positive momentum for the party especially as they had started the election so far behind in the polls. A SPD worker commentated that 'I think that the TV debate this time was a very important turning point because

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<sup>56</sup> Some scholars have argued that despite work to the contrary there is little evidence that German politics is more presidential in style and the Chancellor candidates don't actually have more effect now than in previous years (Brettschneider et al, 2006).

<sup>57</sup> For a full discussion of the debate and how the candidates were rated see Wüst and Roth, 2006, p443-448

the SPD went up, Schröder went up, again this was the important step to turn the whole campaign around, so it was one important step, maybe the first decisive step' (Porkert, 2005)

With a significant portion of the country watching these debates this is one of the major forums for the large parties to make an impact. During the 2002 election debates over 14 million Germans watched Chancellor Schröder engage with his Conservative rival Edmund Stoiber<sup>58</sup>. It certainly seems that despite his government's poll ratings Schröder's personality helped him win out over Stoiber's reputation for managerial competence and this gave him the edge in the actual election (Anderson and Brettschneider, 2003; Faas and Maier, 2004). Alternatively the main parties have the option of boycotting them altogether if they feel they have more to lose than to gain by appearing. A good example of this would be Kohl during the 1990 campaign. He refused to participate and as a result the debates weren't held (Schrott and Lanoue, 1992, p446). It is questionable whether a debate would be called off if the Green or Linkspartei/PDS Candidate decided to boycott them. When questioned about this the SPD's representative didn't feel that this was really much of an issue, pointing out the fact that under the fairness ruling the smaller parties had also taken part in television debates; 'I don't have an opinion to be honest, they had debates, I mean they didn't take part in this first Schröder/Merkel, but there were a couple of TV shows where the heads of the other parties during the campaign appeared' (Porkert, 2005). While this is all true it is also clear that none of the smaller debates created quite the same media frenzy or public interest that the

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<sup>58</sup> See Cooke, 2005.

Schöder Merkel debate did. This is a clear example of the two largest parties in the system working together to give themselves an advantage over the smaller parties. There are alternative broadcast channels for the smaller parties' message to be put across on, for example, the free radio association has benefited the Greens, but these have a very limited audience in comparison to the major media channels (Porter and Hasselbach, 1991, p7).

#### **4.4 The private media: Television and newspapers**

This section of the chapter will examine the private media in Germany consisting largely of private television and newspapers. As previously stated private broadcasters were set up in 1984. There are a number of reasons that the CDU government gave for the introduction of satellite and cable television<sup>59</sup>, however as Porter and Hasselbach argue, a key reason was 'to ensure more positive reporting for the party's political philosophy and its policies than it was getting from the public broadcasters, which it called "red broadcasting"' (1991, p7). They felt that private broadcasters would be naturally more sympathetic towards their policy positions especially considering that many of the public broadcasting councils were still dominated by their opponents (Holtz-Bacha, 1991)<sup>60</sup>. Again this shows how the main parties can use their influence over the state to further their own ends. In 1980 the CDU dominated Land government in Baden-Württemberg launched the 'Expert commission for New Media' (Experten-Kommission Neue Medien or EKM) to look into the possibilities of new media technologies and private broadcasting. In theory the commission

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<sup>59</sup> For a full explanation of the reasons behind the introduction see Humphreys, 1994 & 1999.

<sup>60</sup> In this respect the rightwing parties ended up being disappointed as in most cases the private broadcasters have been relatively apolitical. However being capitalist organisations they arguably support the more mainstream parties compared to the alternatives

was meant to be made up of a variety of interests and groups to make sure that it wasn't dominated by party affiliations, however in practice the tone and conclusions of the report suggested that 'it was in fact dominated by an insider "policy network" of representatives of local industrial and commercial interests, technocrats and the ruling CDU government' (Humphreys, 1994, p229-230). Because of this the report was highly in favour of the introduction of private broadcasting as this would support both the capitalist interests and the party that controlled that Länder. The SPD, once it had finally accepted that the introduction of these new forms of media were inevitable shifted the emphasis of their arguments to trying to make sure that this did them as little potential harm as possible. For instance, in North-Rhine Westphalia in 1987 the SPD attempted to ensure that the private companies didn't have too much influence over the editorial lines of the new broadcasting services through a variety of legislation. This time it was the CDU who complained about this law and appealed to the Federal Constitutional Court (Humphreys, 1994, p249 & p267).

The first full private channels were RTL established in 1984, and SAT 1 a year later in 1985. These were quickly followed by PRO 7 and Tele 5 in 1989 and RTL 2 in 1993. In addition to this there are numerous niche channels aimed at particular interest groups which have since converted into full channels (Lewis, 2001, p176). While the public and private broadcasters are obviously in competition with each other it could be argued that the private broadcasters are glad of the public broadcasters' ongoing existence as if they disappeared then the Federal Constitutional Court might force them to pick up some of ARD or

ZDF's public broadcasting remit, thus interfering with their profits (Holtz-Bacha, 2004, p42).

The main form of regulation for the private channels are supervisory boards similar to the public-service broadcasting councils. These boards are made up of roughly 50 members consisting of representatives of various 'relevant social groups'. These include cultural institutions, churches and interest groups. Also on the board are representative members of the significant political parties so they are not totally devoid of influence (Holtz-Bacha, 1997, p42). However they lack similar regulatory powers. For instance they don't have any influence over the appointment of the broadcasting organisation's chief executive and have no say over operating decisions and financial matters. Instead they can impose fines on broadcasters and as the ultimate sanction, remove their broadcaster's licence (Humphreys, 1999, p32). In practice this means that politicians and parties have much less influence over the private broadcasters but still have some measure of leverage. At the private channels job performance is usually more central to the process of hiring and promoting staff than their political affiliation, but it is unlikely that someone with openly sympathetic views to the Linkspartei/PDS would be hired as a editor for the Springer Corporation (alternatively its questionable whether someone with leftist political views would want to work for the Springer corporation).

In a similar fashion to the way in which they dominate the press, the large media companies like Springer and Kirch have attempted to secure equal control in the twin mediums of radio and television (Kuhn, 1997). While

regulations to prevent media concentration in broadcasting do exist, these rules are hard to enforce and frequently circumvented. For instance Leo Kirch of the Beta/Taurus Group controlled SAT 1, DSF and Premiere while his son Thomas had a controlling interest in PRO 7. They argued that such interests are completely separate although an inter-state commission ruled that they weren't (Lewis, 2001, p178).

In 1987 it was decided that political parties could purchase advertising time on commercial radio and television stations. Initially the parties were reluctant to do this but recently this has begun to change with increasing levels of money spent on providing professional glossy ads. This system is unfair on the smaller parties for two main reasons. As argued with regard to advertising in newspapers, the smaller parties can often not afford to produce and run advertising of a standard to compete with the main parties. Secondly the amount of time that is available to purchase is roughly limited by the proportion of seats held in the Bundestag (Schoenbach, 1992). During the 1990 election this meant in practice that the SPD and CDU got a total of 25 minutes each, while the Greens, FDP and CSU each got 12.5 minutes (Semetko & Schoenbach, 1994, p26).

The relationship between the parties and the press or print media is more ambiguous. Print media has a long history in Germany partly due to it being the country where the printing press was invented. In the aftermath of World War Two when the Allies finally lifted printing restrictions the number of newspapers expanded rapidly from roughly 150 to over 600, including 1500



local editions (Schulz, Zeh and Quiring, 2005, p57). By and large the market is dominated by local newspapers with only six marketed nationally. The party newspapers that used to be important, especially for mass socialist parties like the SPD, have declined in recent years (Holtz-Bacha, 2004, p43). However they still remain - *Vorwärts* is the official newspaper of the SPD while *Bayernkurier* is the official journal of the CSU<sup>61</sup>. A more recent example is the *Frankfurter Rundschau* with DDVG SPD-Meidenholding, the media holding company of the SPD buying 90 per cent of it in 2004. This raised much debate at the time over how independent the paper could remain under such ownership (International Press Institute, 2004). Virtually all of the major newspapers and magazines in Germany are owned and controlled by private companies, theoretically making them independent of state control. To a certain degree however this is because of their own actions rather than due to protection via the constitution or the courts. In March 1952 Adenauer's government drafted a law designed to supervise newspapers with state press committees (*Landespresseausschüsse*). This alarmed both journalists and editors enough that they banded together to form the German Press Council made up of the German Journalists Association (DJV) and the Federal Association of German Newspaper Publishers (BDZV). This group worked hard to make sure that the freedom of the press was protected from government interference (Pöttker and Starck, 2003, p49).

Interestingly, despite the private ownership, the German media has so far been less prone towards tabloidisation than the Anglo-American media, with a much higher proportion of quality newspapers (Esser, 1999, p296). Semetko and

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<sup>61</sup> For their respective websites see: <http://www.vorwaerts.de/>; <http://www.bayernkurier.de/>

Schoenbach argue, 'Political parties have almost no role to play as owners of newspapers and magazines both in East and West. This does not mean that the print media is neutral. Many of them lean quite openly towards a political party or ideology' (Semetko & Schoenbach, 1993, p189). However, placed against this is the fact that 'Even the most politically outspoken newspapers rarely ask their readers to vote for specific parties or candidates' (Semetko and Schoenbach, 1994, p23). It was seen as a shocking event when one right wing paper broke ranks and suggested its readers should vote for the CDU, something they were probably going to do anyway (Holtz-Bacha, 2004, p43). This is in stark contrast to British newspapers which virtually always advise their readers who to vote for and hence their support is highly courted, giving the press barons yet more power. Unlike in the broadcast media there is nothing in the law forcing the newspapers to provide balanced coverage. The main newspapers include the *Bild-Zeitung*, a tabloid with a circulation of four million (Schulz, Zeh and Quiring, 2005, p57) and a readership of 12 million (one fifth of the adult population). While on the whole it attacks left-wing politicians and policies it can also attack the CDU. Other newspapers with circulations between 275000 and 500,000 are the conservative *Frankfurter Allgemeine Zeitung*, the more progressive *Süddeutsche Zeitung* and the one (reasonable) quality Springer paper *Die Welt* (Conradt, 2001, p65-66). The *Frankfurter Rundschau* tends to be the most left wing of the big national newspapers (for reasons to do with its ownership mentioned above) along with the more alternative *Tageszeitung* (Holtz-Bacha, 2004, p43). There is currently no national paper representing the Linkspartei and, given the costs entailed in

setting up a newspaper, it seems unlikely that one will arise in the near future, especially as so many of its readers would be primarily located in the East.

The parties (on the whole) make no direct attempt to influence the political opinions of the press. One of the few major examples of government intrusion into the press realm was the 'Spiegel Affair'. *Der Spiegel* magazine ran an article in 1962 critiquing various aspects of the Federal Republic's defence policy. Adenauer's government were outraged by this and reacted by arresting several of the magazines employees including the journalist who had originally written the article Conrad Ahlers (also the associate editor) and publisher Rudolf Augstein (who was somewhat sensationally arrested while on holiday in Spain), while the security forces invaded the Spiegel offices and occupied them for a month while they were searched (Gimble, 1965, p283). It turned out that Defence Minister Strauss was behind this action and he attempted to have both Ahlers and Augstein charged with high treason on the basis that they had revealed 'state secrets' (Bunn, 1966, p54). The public reaction against this act was not as immediate as might be imagined for a state that only two decades before had suffered similar abuse under the Nazis. However there were significant protests from students, academics, writers and journalists and publishers (Bunn, 1966, p57). It also led to a period of instability for the ruling CDU-FDP coalition as the FDP threatened to resign over the affair. It is certainly arguable that the fallout of these actions contributed towards Adenauer's eventual promise to step down from office in the near future. However after three months Augstein and Ahlers were released (although it took another three years for the Federal Constitutional Court to formally fully

clear them). Partly as a result of this Strauss had to resign from office especially as various newspapers had accused him of ordering the raid and arrests as retaliation over the Fibag affair (where *Der Spiegel* had claimed he had attempted to influence the awarding of military contracts for personal gain) (Bunn, 1966, p65). This attempt to muzzle the press backfired in a spectacular fashion as it led to the press joining together to demand a change in the law to give them further protection from state interference (Humphreys, 1996, p72-74). Partly as a result of this future governments have been much more careful when dealing with the print media. Instead of direct interference they usually rely on small armies of spin doctors and advisers to try and influence the message being printed. Since the 'Spiegel affair' there have been a few occasions where more alternative publications have been raided, with material and equipment being confiscated on the basis that they were producing subversive material including incitement to violence (Humphreys, 1994, p121-122). Today the government still uses its power on occasion to attempt to control or influence the media. The German government in 2007 started to investigate 17 German journalists from *Der Spiegel* and *Die Welt* over articles they had written about parliamentary investigations into the US practice of extra-ordinary renditions. Many viewed these investigations as non too subtle acts of intimidation by the government against the journalists and news organisations in question, in order to get them to drop their stories (New York Times, 2007, p18)

Unlike on radio and television, which is carefully regulated, advertising in newspapers can be bought freely. As a result of this the political parties with the

largest bank balances can usually dominate this field. While smaller parties can buy advertising the cost of doing so means that they run fewer. Also the advertisements they do run are smaller and are usually in less favourable positions within the newspaper. To a certain extent smaller parties can fight against this through the use of survey data, to make sure that their ads only run in forums sympathetic to their message. However, in practice, the only paper to really represent the Green point of view and support them is the national daily *Die Tageszeitung* which has frequently been in financial difficulties (Conradt, 2001, p66).

As Humphreys argues 'Certainly, it does not seem too polemical to suggest that the commercially organised press as a whole is naturally more likely to favour conservative political interests' (Humphreys, 1996, p74). Overall given the range of titles and companies involved the German press does seem to be slanted somewhat towards the right even given the existence of more liberal alternatives like the *Frankfurter Rundschau* and *Tageszeitung*. As Schoenbach comments, 'The vast majority of the newspapers support Conservative views – particularly as far as economic issues are concerned' (1987, p377). For instance 60 per cent of daily readers consume the journalistic products of the Springer publishing company (Conradt, 2001, p65). The papers in this company certainly put across a more right wing message in their editorials. Until his death in 1985 Axel Springer used his press empire to oppose left-wing politics, in particular Ostpolitik (Ardagh, 1988, p316). In actual fact there are several daily newspapers that have long favoured the SPD. However with the SPD's move to the right in recent years, on several important issues, it is not

unreasonable to now suggest that many conservative newspapers are no longer so openly hostile to the SPD as they once were, especially now that the Linkspartei/PDS exist as a target for their polemic<sup>62</sup>. Certainly it is the case that the PDS were ‘vilified’ by the West German media during the 1994 elections (Dalton, 1996, p14). The conservative press have regularly attacked them on a range of issues over the years including the party funding scandals and speculating over the identity of members who have informed for the Stasi (Olsen, 2000, p569). However when asked about this just after the 2005 election the SPD representative still felt that the party received a difficult time from the more right wing media:

We also had to campaign against some parts of the big media in Germany because Springer and others have a long tradition towards conservative liberal thinking, but I don’t think it has something especially to do with the existence of these private TV channels it is more the newspaper landscape than the TV landscape (Porkert, 2005)

When asked about the Springer Press and its relationship with the Greens the Co-chairperson, Reinhard Bütikofer was philosophical, arguing that it should not be the role of parties to criticise the media, ‘I believe it is not our task to take them to task for what they write. It is rather our task to communicate as well as we can and to make sure that we are well

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<sup>62</sup> Of the five corporate principles listed on the Alex Springer Group website the fourth is to reject all forms of political extremism. However their definition of political extremism is not given, <http://www.axelspringer.de/englisch/unterneh/frame.htm>. For further details on the role of the Springer Press in attacking ‘extremism’ see Schmidtke, 2000.

understood and we have been successful. We just can't say that we are being treated unfairly on average' (Bütikofer, 2005).

Press ownership has become more concentrated during the last fifty or so years. For instance between 1965 and 1973 the number of independent daily papers declined from 610 to 404 (Kloss, 1976, p132). This process has continued to such an extent that over half of Germany's daily newspapers are produced by three per cent of publishers (Noelle-Neumann et al, 2000, p390-1). Reunification in 1990 potentially meant an injection of diversity into the former West German system as the formerly heavily controlled East German press was absorbed. However the majority of East German papers (70 dailies) were bought out by Western companies. By 1998 more than half of the eight million daily newspaper circulation in the former GDR was accounted for by five West German publishing companies (Conradt, 2001, p66).

Table Eight - Trends in the German daily press, 1954-93

Year	Independent editorial unit	Publishers	Titles/editions	Circulation (millions)
1954	225	624	1,500	13.4
1964	183	573	1,495	17.3
1976	121	403	1,229	19.5
1983	125	385	1,255	21.2
1989 (West)	119	358	1,344	20.3
1989 (East)	37	38	291	9.8
1991	158	410	1,673	27.3

(United)				
1993	137	385	1,599	25.5
(United)				

(Schutz, 1993, p45)

There is some evidence that the major parties are either unwilling to prevent press concentration, due to pressure from the publishers, or support it when it suits their interests to do so. In 1975 the SPD allowed the Westdeutsche Allgemeine Zeitung to merge with two other papers creating a ‘virtual “social liberal” newspaper monopoly from Hesse across the Ruhr and as far as the Dutch border’ (Humphreys, 1994, p103). This is emphasised by the absorption of the East German media by Western corporate interests after re-unification. The Federal body designed to manage the privatisation of East German state companies, the *Treuhandanstalt*, oversaw the mass sell off of East German newspapers and media interests to the big West German media corporations. This included selling off two newspapers to Western companies with political links. Medienunion which is linked to the CDU, and the De-Mont-Schauberg Publishing company which is linked to the FDP (Hoffman-Riem, 1991, p531). In addition to this ARD and ZDF were allowed to expand into the East. All of these factors meant that to a large degree the media practises and norms of West Germany were replicated in the East as the previous set-up was dismantled. This was a situation obviously of benefit to the main Western political parties and to the disadvantage of PDS, still struggling to come to terms with the new political landscape.



The full potential of the internet as a means of political communication is still relatively unknown as it seems unlikely that parties are yet using all of its features to their full extent. While all newspapers and broadcasters do tend to have websites, often the content is merely another version of that available in print or on television with little attempt made to create a system where the user can actually participate in any way. The websites are little more than 'electronic brochures' (Kamarck, 1999, p108). Another downside to the internet is the ability of users to search multiple sites for news and information which means that the media have less ability to shape the message and how it is received. Equally, while the major parties all have large professionally designed websites for disseminating information, the relative cheapness of this means that at least on this playing field the smaller parties can more successfully compete with their richer rivals. In the 2002 election one study conducted, examining the various parties' websites, concluded that despite the fact that they all underutilised the medium, there was little difference in terms of the quality and professionalism of presentation between the SPD and CDU website and the FDP and Greens (Schweitzer, 2005). In another study of the 2002 election though, it was revealed that in terms of links on Google to the party websites the parliamentary parties outnumbered the non-parliamentary parties by the thousands. For instance the SPD had 3,080 while the CDU had 2,130 and even the PDS had 1,510. On the other-hand the Republikaner party only had 142 and Die Grauen 36. However in terms of special links pages the major parties were not especially recommended, suggesting that 'the major parties were not privileged either in terms of being highlighted to voters on screen or having the smaller parties excluded'. The public broadcasters websites ARD and ZDF

though did seem to favour the larger parties. ARD did at least mention the smaller parties but mainly focused on the five main parties while the ZDF website didn't mention any of the non-parliamentary alternatives (Gibson, Römmele and Ward, 2003, p100). Again, small actions gave the parliamentary parties a slight advantage in the new electronic frontier even if there is no evidence it was done on purpose. All of the parties stressed the importance of the internet as a tool with Helmut Metzner of the FPD stating. 'We are sure that the internet is of increasing interest because the information behaviour of, especially the young, changes' (Metzner, 2005).

#### **4.5 Conclusion**

In conclusion therefore, it can be argued that despite the best intentions of those who created the template for the German media system over forty years ago, their safeguards have been inadequate in terms of stopping the major political parties from manipulating the media for their own ends, 'since its very beginning, the West German broadcasting system had been exposed to political pressure from the parties' (Humphreys, 1994, p176), a view echoed again and again throughout the literature: 'From its historical origins onwards the broadcasting system has been the object of power-political attempts to influence and control it. Media policy has always been about power politics' (Kleinstauber, 1982, p95). It can be safely argued that both the CDU and SPD have a large amount of influence over public broadcasting due to their positions in power as large establishment parties and through their representatives on the broadcasting councils. In the early days of the Federal Republic the CDU government made several attempts to intervene directly in both the

broadcasting and press media but these were quickly rebuffed either by the Federal Constitutional Court or by negative public opinion. Over the years though, they seem to have spent most of their time and energy attempting to prevent each other from gaining further influence in public broadcasting. The parties' attempts to influence the media have been most obvious in their dealings with the public broadcasters. Because politicians are heavily represented on the broadcasting councils that regulate these organisations, they can exert tremendous pressure in terms of what shows go out and even with regards to who is hired. While they lack similar hands-on influence with the satellite and cable broadcasters they can rely on the fact that private companies are much more likely to favour the larger mainstream parties than smaller radical ones. Especially those like the Linkspartei/PDS that critique the free market and media monopolies. In terms of advertising the levels allowed on public and private broadcasters are proportional to the size of the parties' share of the vote at the election, obviously favouring the larger parties, and the wealthier parties can afford much more professional looking adverts. With regard to the press, the parties have less direct influence but again the fact that private companies are involved means that they are more likely to be supported than not. Also they can afford teams of media consultants or 'spin doctors' to put a positive slant on news stories while making their opponents look bad. All of these factors add up to give the major parties a clear advantage over the smaller parties in terms of gaining privileged media access. While it could be argued that the establishment parties have not conspired together to pass legislation to extend their control of the media, this is a largely moot point. The counter argument would be that firstly they don't have to, they dominate the

media under the current system. Secondly there is the fact that any overt media interference would be noticed and commented on, both by the public and the media.

This supports the critique of the cartel party theory made in the previous chapter. There it was argued that major parties can manipulate the state in order to grant themselves greater levels of funding. However these efforts are often more subtle than Katz and Mair suggest with a wide range of institutions and actors present to try and counteract their efforts. Therefore while they can create an un-level playing field it is not to the extent they might have wished. Here a similar argument can be made. Katz and Mair in their 1995 article seem to suggest sweeping powers for cartel parties to manipulate the mass media for their own ends. The case of Germany suggests that in any mature democracy it is actually difficult to overtly do this. Also any overt attempt to influence the media would likely bring unwelcome attention on the parties. When the CDU tried it with the Spiegel affair it ended in failure. However it can be argued that the German case shows that it is possible for the major parties to manipulate the media through state institutions as long as they are not too blatant about it and call attention to themselves. This suggests that influencing the media through their control of the state can be an important mechanism used by the major parties, in any system, to support their position in power. However any modified cartel party theory needs to make clear that this can only be done subtly and that, as with funding, the institutional setting along with a range of actors can successfully act against the parties.

## **Chapter Five: Policy Positions and Entry into the Cartel**

Party ideology, in conjunction with the number of parties, has always been one of the clearest ways of defining and measuring party systems (Lipset and Rokkan, 1967). Some countries have an extremely wide ideological spectrum, for example Italy which includes parties of both the far right and left (Gallagher, Laver, Mair, 2006, p202). Other countries have much shorter spectrums, such as the USA, which is characterised by being a pure two party system, with virtually identical catch-all parties (Beck, 1997). This chapter looks at the changing ideology of parties in Germany to see how this helps explore and further define the cartel party theory.

This chapter will be made up of five sections. The first starts by focussing on Katz and Mair's cartel party theory and its various critiques to find out what they originally predicted in terms of ideological developments. Then there will be a second section examining whether there has been an ideological convergence in German politics between the main parties, and if so, what the main causes behind it are. Then there will be two sections looking at how this has affected the Greens and the Linkspartei/PDS who are usually perceived as being to the left of all the main parties (parties to the right of the CDU/CSU/FDP are usually unsuccessful for historical reasons<sup>63</sup>). This chapter will argue that the decline of ideological competition, while not entirely caused by cartelisation alone is linked to it in several important respects. The way ideological convergence has occurred in the German party system suggests that

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<sup>63</sup> Every few years a right wing party makes an electoral break through at the Land level but they can rarely keep up the momentum and usually fade away after this. For instance the Republikaner Party (Veen, Lepszy and Mnich, 1993) and the Schill Party in Hamburg (Faas and Wüst, 2002).

the cartel theory should be modified to accept that ideological convergence can be driven by a variety of factors, not just the whims of the party elite.

For instance, the growing distance between the party and its supporters makes it easier for the party bosses to ignore old style policy issues. Equally an over reliance on employing campaign and media professionals means the party is run by individuals with no vested interest in the party's former history or ideology. Linked to this is the issue of whether party competition has actually declined or not as Katz and Mair predicted. Finally, the ideological positions of the two newcomers to the German party system, the Greens and the Linkspartei/PDS, will be examined. Katz and Mair argue that the cartel party system would generate its own opposition over time due to both its unresponsive nature and undemocratic practices. These two examples perfectly illustrate this, and the responses of the main cartel parties have shown the two options open to them. This work will suggest that how the ideology of the parties in the German party system has changed helps further define the cartel party theory. Katz and Mair never really define the limits of the cartel beyond suggesting that some parties are inside it while others remain outsiders. This thesis will argue that actually the process could be more complicated than this.

### **5.1 Ideological convergence from a theoretical perspective**

The trend of increasing ideological convergence between political parties was first identified by Kirchheimer in 1966. He argued that as older socio-political cleavages started to disintegrate then the parties would move towards the centre ground in order to maximise their electoral potential. Partly as a result of this it

would be only natural if they started to downplay or even abandon their original ideological positions. As a result they became *Volksparteien*, or as they are more commonly known, ‘catch-all parties’ (Kirchheimer, 1966). Their manifestos began to contain vaguer, less distinct policy stances, which were designed to appeal to the maximum number of voters, while making the least number of firm commitments as possible (Krouwel, 2003, p29). In this way the old style mass parties were gradually replaced by the ‘catch-all’ parties as they were, ‘free from the ballast of ideology and able to appeal to diverse social groups ... whilst the old-style “narrow” parties would languish in gentle decline and pine away in helpless opposition’ (Smith, 1979, p86).

It is worth noting that the year this prediction was published also marked the beginning of the first ‘Grand Coalition’ in German politics which seemed to confirm Kirchheimer’s analysis of the situation. The decline of the traditional socio-economic cleavages can partly be laid at the door of the ‘economic miracle’. With the continued growth of the German economy since 1949 and the expansion of the welfare state, it can certainly be argued that at least some of the heat was taken out of the ideological debate between left and right<sup>64</sup>. As pointed out in the next chapter, this can also be linked to the decline in German party membership during this period. Obviously, so soon after the Weimar Republic this was an issue of concern.

Kirchheimer saw this trend as being extremely worrying in the long term for a variety of reasons. One of the biggest problems that stems from this is the fact

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<sup>64</sup> It should be stressed that the parties were much closer in some policy areas than others. For instance the SPD and CDU were closer on economic policy than foreign policy during this period due to Brandt’s Ostpolitik.

that as parties move closer together, trying to monopolise the centre ground, it leaves the voters with less choice than ever before. Instead of being able to choose between clear alternatives the voter is left with parties that are in a general consensus over their policies. However each claims that they would be better at implementing them and managing the general prosperity. As a result of this voters become increasingly cynical about the faux choice being offered to them and respond either by not participating at all or by turning to parties on the far right and left of the political spectrum.

However Katz and Mair argue that this process would be accelerated by party cartelisation. One of the clear trends within cartelisation is the detachment of parties from civil society and their movement towards the state. This process is caused by a variety of interlinking factors, including declining membership and voting levels and a greater desire by parties to control the resources of the state. As the parties become detached from civil society and their core voters, they are less likely than ever before to feel the need to promote clear ideological programmes. Instead the emphasis would be placed on who would be better at implementing similar policies. As Blyth and Katz argue, ‘we expect an “ideology” of managerial competence to replace the various ideologies of principle, even at the rhetorical level, as the basis for choice among parties’ (2005, p46). Kitschelt critiqued this viewpoint, instead arguing that the idea that parties become totally unresponsive to their supporters’ beliefs is unrealistic: ‘But why do parties wish to abandon their voters’ preferences and how does party finance enable this process to take its course? Would not vote and office-seeking politicians attempt to realize their goals by being more responsive to a



greater share of the electorate than their competitors? (2000, p155). The problem here seems to be differentiating between the core supporters of political parties and the wider electorate. The parties clearly want to try to appeal to as many voters as possible while maintaining their appeal to their core supporters. The argument Katz and Mair seem to put forward is that while the parties are trying to appeal to as many different groupings as possible they are not overly worried about this as their competitors are in exactly the same position.

Because of this move to the centre ground, smaller parties are likely to arise at the political fringes as 'while the cartel parties may be able to limit competition among themselves, they are of course unable to suppress political opposition more generally' (Katz and Mair, 1995, p116). As already argued, various tools can be used by the cartel parties to prevent smaller parties entering into the party system, or competing fairly on the national stage. The most obvious of these are by limiting their access to the state's resources such as funding, and the media and manipulating electoral laws. However Katz and Mair argue that there are problems with such exclusionary tactics, as any overtly unfair behaviour would potentially hurt the cartel parties' claim on legitimacy and 'attempts at exclusion may also prove counter-productive, offering to the excluded neophytes a weapon with which to mobilise the support of the disaffected' (Katz and Mair, 1995, p116). This could be given as a reason why several of the more right wing parties in Germany such as the NPD were not banned during the 1980s as there were fears that such a measure would drive its supporters underground (also as already argued it did not pose much of an

electoral threat during this period). Blyth argues that the other alternative is to try to absorb these parties into the cartel. He also notes that this is one interpretation of what has been happening with the German Greens over the past few years (Blyth, 2003, p80)

Even in the case of more radical outsiders, who are more likely to oppose the 'politics as normal' approach, there is potential scope for co-opting them into the cartel with the accommodation of some of their demands (Katz and Mair, 1995, p118). In theory at least, by doing this both sides win. The smaller more radical parties would potentially gain hold of the reins of power and get to put some of their policies into practice, while the cartel parties diffuse a potential threat to the status quo. The cartel itself would not be fundamentally upset or damaged by this happening and might actually be strengthened. For instance, in the case of Germany the acceptance of the Greens does not actually alter the party system that much as it changes from potentially either the CDU/CSU or SPD in government with the FDP holding the balance of power, to two clear blocs made up of the CDU/CSU/FDP on the one hand and SPD/Greens on the other.

## **5.2 Ideological convergence in Germany since 1945**

In terms of ideology the vast majority of the literature seems to agree with the position that ideological convergence has taken place within the German party system (Klingemann, 1987, p294-323) although there is much disagreement about the exact causes of this. Germany has gone through several periods of

party concentration and the current period as a multi-party system implies possibly a greater degree of polarisation than actually exists. Between 1961 and 1983 West Germany was effectively a 2.5 or three party system (made up of the CDU/CSU, SPD and FDP). Between 1983 and 1994 this number expanded to five with the introduction of first the Greens and then the PDS (now the Linkspartei). Despite predictions to the contrary by several commentators this system has remained ever since.

Originally, at a very basic level, economic issues were used in order to measure ideological positions on a scale from left to right. However, as several thinkers have since argued, this is too simplistic, and as the old cleavages broke down new policy issues have started to emerge and gain prominence such as culture, education, immigration and ecology (Inglehart, 1984). The data collected by the 'Manifesto Research Group' is probably the most popular used for measuring ideological change. The group was set up in 1979 by the European Consortium for Political Research with the purpose of collecting, coding and analysing the data of the manifestos from major parties in Europe since the Second World War (Pelizzo, 2003, p69). The Party Manifesto Group data has been critiqued by a number of authors, probably most notably Pelizzo who argues that it does not show ideological positions so much as the ideological direction that the party is moving in. Other critiques have centred round the methodology, with authors arguing that its system of data analysis based on coding manifestos is too simplistic<sup>65</sup>.

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<sup>65</sup> For a fuller discussion of the various ways of measuring ideological positions and their strengths and weaknesses see Volkens, 2007.

However various studies done using it have shown an ideological convergence between the major parties within the German party system, even if at the same time the system itself has become more fragmented and polarised due to the entrance of two new left of centre parties since 1983 (Saalfeld, 2002, p104). However the CDU and SPD show a clear move towards the centre ground. Mair notes that on a left-right scale the ideological gap between the CDU and the SPD had declined 14.7 per cent in the ten years between 1983 and 1993 (Mair, 1997, p133). This comparison lists thirteen European countries, and with the exception of two (Italy and Denmark), all of them show a decline in ideological conflict between the two major parties of left and right. Germany is actually at the lower end of this spectrum but it could be argued that this is a result of the fact that the CDU and SPD were relatively close together already (especially compared to the British Labour and Conservative Parties during this period).

The beginning of ideological convergence between the CDU and SPD is most commonly marked as being the Bad Godesberg conference of 1959 where the SPD, after a decade of defeats by the CDU, decided to try to broaden out its policy stance in an attempt to attract more members. The 1925 Heidelberg Program was abandoned and the SPD began to drop elements of its manifesto that could be perceived as being Marxist in nature. As Hough argues:

The SPD chose to water down the importance of ideology and the class struggle in its own ideological self-understanding. The program that it adopted in Godesberg in 1959 distanced the party

from socialist doctrine and pleaded for a social market economy that also offered a safety net with which to support the less well off. The SPD was clearly attempting to broaden its profile rightwards and, most importantly, remain competitive with the CDU (2002, p32).

In part it was these changes that helped it towards greater electoral success in the 1960s, although the failures of the opposition (not to mention their long time in power) helped in this regard. The adoption of the Bad Godesberg programme in 1959 played a significant part in creating a governing consensus that has arguably survived, despite a few bumps in the road, until today. It is certainly one of the factors that contributed to making the Grand Coalitions of 1969 and 2005, unthinkable in other countries, a workable reality.

The first Grand Coalition marked three years of the two major parties of the Bundestag governing together, with only the relatively tiny FDP operating as any sort of opposition. This meant that several laws were clearly passed with the parties co-operating together. One such law passed in 1968 was the *Notstandsgesetze* or 'Emergency Legislation' which was intended to fill the gap should West Germany be invaded and the 'Basic Law' could no longer be used. While the laws contained many safeguards, to make sure it could not be abused in the same way as such laws had been during the Weimar Republic, it was met by widespread protests. Many citizens felt uncomfortable about the way in which it was being introduced by the two largest parties (Allinson et al, 2000, p25-27). Another example would be the 'Parties law' passed in 1967 which as discussed in the financing chapter gave large state subsidies to the major

parties. As already argued, ‘most reforms of party funding since 1967 have been based on inter-party parliamentary initiatives’ (Detterbeck, 2005, p185). The fact that this law was clearly unfair to smaller parties and those outside the Bundestag is demonstrated by the number of times it was challenged in the Federal Constitutional Court. The ‘Grand Coalition’ clearly showed that the parties could co-operate together if it served their interests to do so (Scarrow, 2002, p87). It should also be noted though that the parties co-operated together even when not in the ‘grand coalition’ on certain issues. With their dominance of the Bundestag, and the FDP either in government with the SPD or CDU throughout the 1970s and 1980s, this could be seen as being a ‘virtual coalition’ in all but name. Also, through their control of the electoral agenda the major parties could keep certain issues off of the policy agenda. For much of the 1950s and 60s there was little official discussion of any kind of negotiation with East Germany or the Soviet Union until Willy Brandt broke the mould with his *Ostpolitik*.

There are a variety of reasons discussed in the literature for the ideological convergence experienced in Germany throughout the latter half of the twentieth century. One such reason put forward is the fact that Germany had an artificially shortened ideological spectrum during this period. The Nazi dictatorship followed by the Cold War made policy positions of the extreme right and left virtually untenable. Equally the fall of the Berlin Wall and the collapse of the Soviet Union made free market capitalism appear to be the only way forward at the start of the 1990s (Lees, 2001a, p3). Several thinkers have argued that the Cold War marked the triumph of liberal democracy over all

other potential political systems and that this marked the so called 'end of ideology' (Fukuyama, 1993). While opposing ideological systems would continue to exist for some time after 1989 Fukuyama predicted that eventually they would either collapse, in the case of Cuba, or start making the transition to a reformed market economy (for example, China). As it turned out this view was highly overly optimistic.

Another reason is the five per cent threshold law introduced in 1949 and designed to prevent the failures of the past being repeated. The main failing of the Weimar Republic during the 1920s was the huge number of small parties that fragmented the party system. As a result of this any sort of stable government coalition proved next to impossible, helping pave the way for Hitler's rise to power. The five per cent threshold law has certainly helped prevent this, as a variety of smaller parties at both ends of the political spectrum have been denied entrance to the Bundestag over the years. At the most basic level this above all other things has helped prevent the German party system from splintering over the years, serving to 'shut out parties from the extreme right and left' (Lees, 2001b, p118). Numerous smaller parties in the immediate years after 1949 either disappeared or were swallowed up by the CDU as a result of this law.

In terms of the cartelisation there are two main reasons for the convergence of ideology. The first is the splitting off of the party in office from the party on the ground. Declining levels of membership and voters have meant that parties have become increasingly unresponsive to their demands. As the parties now

rely increasingly on funding from the state they see a mass membership as being less important and so make less effort to include them in decision making or manifesto creation. Linked to this is the rise in the importance of media and campaign politics. This was discussed in more detail in the chapter on the media. With increasing access to the media and new communication technologies the parties use them to gain the edge over their smaller rivals. As a result of this the trend within German parties, as elsewhere in Europe, is to hire media experts such as advertising and pollsters/focus group researchers whose ultimate loyalty is 'to the leader rather than to an ideology or a party tradition' (Farrell and Webb, 1998, p21). Because these individuals (and sometimes even the candidates) are increasingly often from outside the party it is much easier for them to disregard or ignore ideology if it becomes an inconvenience to the campaign.

On a majority of major issues the cartel parties of Germany are in broad agreement. For instance, as Mair himself points out, on the issue of European integration most of the parties in Europe agree on its importance (Mair, 1997, p132). This is certainly true in Germany and while there may be disagreements over aspects of this, for instance the CDU and SPD with regards to Turkey's EU membership, they continue to agree on most features. As Felix Porkert of the SPD states with regard to their ideology:

I think, in my very personal point of view, the SPD has become pragmatic. This has something to do with globalisation and during the last five to ten years learned that globalisation is a fact and that



the question is not whether you like it or not but that you have to deal with it on every level, on the international level, on the European level and the national level...so that you can resist, but that you have to deal with it. The second reason why the SPD became more pragmatic might be that the SPD was very successful in implementing their objectives even if they were not in power. That is the reason why CDU members and a lot of commentators and researchers always talk about the social democratisation of the CDU/CSU because all these workers' rights and strong trade unions and strong social security system were implemented even if we were not in power so there is no more big vision. I mean there is, but in national terms we achieved a lot of our objectives. So the problem during the last five years or since the chancellor announced the Agenda [2010] our problem was to tell our voters that we can follow the strategy or stronger and more social security, so as I have said, I think the SPD has become more pragmatic and one has to see which big vision the SPD is going to develop in the course of the upcoming debate about the basic programme (Porkert, 2005)

### **5.3 Green party ideology**

The power of the politics of centrality and the lure of the centre is possibly best illustrated by the case of the German Greens. The Green Party that emerged in Germany in the early 1980s was part of a wider context of emerging new social movements throughout Europe. Usually displaying a mixture of eco-politics

and variations of socialism they were re-channelling the spirit of 1960s and 70s direct action through the party system, a 'self-proclaimed "anti party party"' (Lees, 2001a, p1). As such they were seen as 'a challenge to existing models of party activism and organisation' (Burchell, 2002, p1), with some actually fearing that they 'might destabilise the post-war "political miracle" of a party system of moderate pluralism' (Frankland, 1999b, p147). However, very early on they were faced with the classic problem of balancing their outsider status with the very real desire to engage with the policy process: 'on one side, conflict between pristine principles, and on the other adjusting to the exigencies of politics' (O'Neill, 2000, p165). Certainly, several thinkers amongst them rejected all idea of any kind of co-operation with the larger parties. Rudolf Bahro being interviewed in the early 1980s claimed that 'our policies are compatible neither with the SPD nor with the CDU' (Bahro, 1984, p233) and in the same interview he went on to critique the SPD for their lack of radicalism.

This is illustrated by the Fundi/Realo debate of the early 1980s. The Fundis 'favoured "fundamental opposition": no deals, no alliances and no coalitions with other parties' (Frankland, 1999b, p147). They saw their very strength as a movement stemming from their outsider status and ability to mobilise their grassroots membership. The Realos faction on the other-hand regarded permanent opposition as a waste of time (Dittmers, 1986, p12). They argued that instead it was worth making some concessions if they resulted in the ability to make substantial inputs in the policy making process. The Fundis largely comprised 'radical left-wing activists, many of whom had previously been associated with the student-led 1968 protest movement...the other group

consisted of middle-class participants' (Roberts, 1997, p19). The shift in their thinking could be seen in terms of actual policy throughout the late 1980s and 1990s. For instance, in their 1980 programme the Greens adopted the idea of grassroots democracy or *Basisdemokratie* as one of their four pillars (in conjunction with non-violence, social justice and ecology). By 1993 the Greens had replaced it with simply 'democracy' (Frankland, 1999b, p149).

The Realos faction eventually won the upper-hand against the Fundis with the final straw being the 1990 election when they polled only 4.8 per cent of the vote. This 'unexpected defeat shook the Green Party from top to bottom. The Neumünster conference in April 1991 passed most of the structural changes long favoured by its Realos. Soon the last of the prominent Fundis exited the party' (Frankland, 1999a, p105). Nowhere is this shift in thinking more clearly apparent than the example of Joschka Fischer, formally a rock throwing protestor who rose to become the Foreign Minister in the SPD-Green Coalition and one of the most popular politicians in Germany in recent years

The German Greens are without doubt 'Europe's most successful ecological party' (O'Neill, 2000, p165), growing from an extremely unimpressive 1.5 per cent share of the vote in 1980 (Burchell, 2002, p53). However in the 1983 election they polled over five per cent, allowing them to enter the Bundestag riding a wave of anger amongst students and left-wingers dissatisfied by the SPD and traditional party politics (Silvia, 1993, p176). Hülsberg attributes the sudden growth in support for the Greens during this period to a range of factors including the Flick scandal and the government's austerity policy which was

unpopular amongst the poorer sections of society (1988, p102) although the Cold War paranoia of the time and events such as the nuclear disaster at Chernobyl undoubtedly also helped (Dittmers, 1986, p54).

Mair himself argues that when party systems become cartelised ‘opposition and competition with the mainstream ceases to have any real meaning, the scope for internal challenge becomes enhanced. As choice within the mainstream becomes less meaningful, voters may well be encouraged to look for an alternative politics. It is then that Green parties can prosper’ (2001, p111). By this logic then the success of Green parties during the 1980s and 1990s can be partly explained, although as already stressed a range of external factors were also at work. Without wanting to stress one particular date, or even year, as being the moment when the Greens entered the cartel it could reasonably be argued that this process mainly took place during the late 1990s. The two main pieces of evidence that could be put forward for this are the fact that this was when the Greens decided to take up a coalition role in government at the Federal level with the SPD, ending their so called outsider status (it is very hard to consider a party an anti-party party while in government), and secondly because this was when the new party ‘ruling document’ was drawn up that substantially moved the party to the right (O’Neill, 2000).

Discussing the idea of the three aspects of party organisation Katz and Mair argued that in most cases the party in public office would always come to dominate the other parts of the party (Katz and Mair, 1993, p608). This certainly seems to be the case with the Greens enjoying government firstly at a

local level and then eventually in government alongside the SPD. The success and growth of the Greens throughout the 1990s reflects the fact that survey data from this period shows a clear disillusionment on the part of the citizenry with the major parties in power (Poguntke, 1994). The Greens themselves would deny that they have lost any of their radical edge, yet marking their 25<sup>th</sup> anniversary as a party *Der Spiegel* could claim that ‘the Greens have sacrificed almost all of their sacred cows to the political process. Critics insist they have sold their environmentally-friendly souls for power and have lost their idealism’ (Malzhan, 2005). This shift in their thinking has potentially caused unease amongst their voters leading to more of them voting for the Linkspartei (Patton, 2006). Interviewed before the 2005 Federal election a young Green party worker argued that ‘opposition could be a good thing. Looking at the ideals the Greens once had, it would be an opportunity to get back to them. So maybe it’s even necessary to lose this time’ (Furlong, 2005).

Many voters at the 2005 elections could justifiably argue that on many issues the Greens were virtually indistinguishable from their coalition partners. When asked about this issue in 2005 the party Chairman Reinhard Bütikofer concurred to a certain extent:

Basically I would say that the party has become less ideological.

When the Green Party passed its first basic programme in 1980 it tried to depict a ideal future for this society, for this economy, for this country and to deduct from that picture the political demands, the political proposals, the political strategies that the Greens would

have to stand for, it was in the tradition of the continental left, that has always acted on the basis of an understanding of a possible ideal future that was the guiding star of political action in the present. We changed that basic understanding with our new basic programme. Here the foundation is not a given understanding of the future, the basis and the integrating of platform is a given ring of values a given set of values like self determination, of freedom and democracy and environmental responsibility (Bütikofer, 2005)

The nuclear issue is one policy that most Green supporters point to as a success and demonstrates the benefits of being in power. However their own stance has changed somewhat over the years. In the early 1980s they advocated the immediate dismantling of the Germany's nuclear power stations and instead proposed investment in more ecologically friendly forms of fuel. An anti-nuclear stance was still part of their manifesto at the 1998 election although compared to 1994 they proposed no actual timetable for doing so (Frankland, 1999a, p111). The SPD in the late 1970s in particular was in favour of nuclear energy (Nelkin and Pollak, 1980, p135) and it was seen as vital to Germany's continued economic success in the late 1990s, so the success of the Greens in getting the SPD to agree to a phased shutdown of the country's 19 nuclear reactors was seen as a success (BBC website 3). However as Thomas Poguntke argues:

The German Red-Green government agreed on phasing out nuclear energy over two or three decades without providing a definite date

as to when the last nuclear power station will have to be shut down. Compared to the original Green slogan of the early 1980s, which called for an immediate halt to all nuclear power generation in Germany, this is hardly a convincing victory (Poguntke, 2004, p140-141).

The early Green programme emphasised the importance of pacifism. As late as 1997 Jürgen Trittin was supporting a draft programme to go before the Greens' national conference which advocated the disbanding of NATO (Lees, 2001a, p93). While it could be argued that in and of itself was less significant as with the ending of the Cold War NATO was no longer the ideological touchstone it once had been. However military involvement in the Balkans was a major point of friction in the SPD-Green coalition (Poguntke, 2004, p137).

Over the years then the Greens have gone from a party, where 'the founders, far left to far right, shared a deep discontent with the Bonn "party cartel"' (Frankland, 1999a, p103) to becoming a part of the cartel themselves. As Blyth states:

The German Green Party, which began as an anti-cartel alternative, has apparently chosen admission to the cartel, with all that this implies about the range of allowable policy proposals, over principled but permanent opposition (Blyth and Katz, 2005, p53)

#### **5.4 Linkspartei/PDS ideology**

As already noted, the introduction of the PDS with the re-unification of East and West Germany has been blamed for the supposed fragmentation and increased polarisation within the party system. Numerous authors have accused the PDS of being an anti-system party largely based on the fact that it is the successor party to the SED. In particular the author Patrick Moreau argued in his 1992 book that the PDS was exactly like the SED and if it gained power would attempt to implement similar policies to those used in the GDR (Moreau, 1992 and 1998)<sup>66</sup>. For many the SED was ‘a monolithic, dictatorial Stalinist party with no redeeming features whatsoever’ (Thompson, 2005, p108). Several academic authors have attacked the PDS in no uncertain terms, accusing it of being ideologically extreme and a threat to the current stability of the German party system (Lang, 2003; Neu, 2004). Others dismissed it, predicting that it would quickly fade and disintegrate. The reasons given for the predicted decline of the PDS were twofold. Firstly, it was argued that they only articulated East German interests. As the economic miracle was repeated in the former GDR this would no longer be relevant. The second reason was simply that with the fall of the Berlin Wall it seemed that the ideological battle had been won and that there would be no demand for a party rooted in old style socialist rhetoric.

As it turns out these predictions were both substantially wrong. While the Linkspartei/PDS is still largely a party articulating East German interests it has succeeded because of, rather than despite of, its socialist policies. Not only is

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<sup>66</sup> For the development of the PDS in relation to the SED see Barker, 1998



the Linkspartei/PDS the most ideologically extreme of all the parties currently within the German party system at the Federal level it is also the only one never to have been part of a governing coalition (although its relative youth certainly plays some part in this). With this in mind it seems reasonable to presume that the Linkspartei/PDS are well and truly outside the cartel.

The Linkspartei/PDS seems to be the only party not to fully accept and embrace the role of the market as part of capitalist society. While they have accepted in part the failures of the former SED they have also continued to attack several aspects of the economy taken for granted by many sections of the electorate. As Hough states, 'The PDS remains strongly anti-capitalist in its rhetoric, and moves to praise the role that the market plays in society are outnumbered by criticisms of excessive profit-making and the inherent destructiveness of neo-liberal economics' (Hough, 2002, p43).

This policy position could arguably be seen as one of necessity rather than choice on their part. Several former Communist parties in Eastern Europe have made the successful journey from the far left to the centre mainly because no other party was as well established as they were. In the case of the PDS they were essentially grafted onto an already existing party system with several very successful parties with long term roots. This is reflected in the PDS's relative electoral failure in the West compared to the East . As Olsen argues:

Unlike other communist successor parties as well, the PDS could not, even if it had wanted to, move to occupy the moderate, social-

democratic left space on the ideological spectrum because the Social-Democratic Party of Germany (SPD) already occupied that space...in the last four years, the SPD and German Greens have moved to the middle of the ideological spectrum, leaving a vacuum on the left (Olsen, 2002, p22)

The Linkspartei/PDS has successfully occupied this vacuum defying all predictions of its collapse. Any move towards the centre ground would at this point in time be electoral suicide alienating their core supporters. Certainly their electoral rivals see it that way with the SPD representative admitting that until the economic situation in the East begins to significantly improve there is unlikely to be a drop in Linkspartei support. He also pointed out that the 'Grand Coalition' between the two largest parties in the Bundestag was exactly the sort of thing that helps smaller parties win protest votes (Porkert, 2005).

The Linkspartei/PDS is arguably not part of the cartel by virtue of never being part of a governing coalition (at least on a Federal level), its relative newness to the German party system, its small size and its ideological distance from the rest of the other parties in the Bundestag. Schröder won support from the audience during the 2002 televised debates between himself and Stoiber by automatically ruling out any potential coalition with the PDS despite the several policy areas they held in common (Faas and Maier, 2004, p307). This was further underlined at the 2005 election where fairly early on in the process of negotiations the major parties announced that while open to consider most coalition possibilities, they would not consider forming a government with the

Linkspartei under any circumstances, though it has to be admitted that in some cases this was due to personal reasons as much as disagreements over policy<sup>67</sup>.

However it could be argued that the Linkspartei/PDS would not be out of favour forever. In much the same way as coalitions with the Greens and SPD were road tested in the Länder before trying them at a Federal level this process has begun with the PDS. While the SPD felt unsettled enough by CDU taunts to have to reassure voters that it would not form a minority national government that was dependent on the Linkspartei/PDS in order to survive, this ignores the fact that the SPD formed just such a minority government in Saxony-Anhalt in 1994 (Allinson, 2000, p50; Hough, 2002, p29). While Gregor Gysi, in a 2002 interview, did refer to the PDS as fundamentally ‘a party of opposition’ (Thompson, 2002, 26) they have taken part in coalitions at a Land level, and given the right combination of circumstances and personalities, it is not inconceivable that they could one day enter into a Federal coalition government.

## **5.5 Conclusion**

Katz and Mair argued that while not primarily caused by it, the effects of cartelisation (in terms of organisation and attitude) would spur on the process of ideological convergence between the cartel parties. In Germany ideological convergence has occurred for a variety of reasons, some of them unique to that country. Equally though, institutional factors such as use of proportional

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<sup>67</sup> It has actually been argued that the theoretical possibility of a ‘Red-Red-Green’ coalition was used by the SPD as a bargaining tool against the CDU during negotiations in order to secure for itself the best possible deal (Proksch and Slapin, 2006).

representation in the electoral system has stopped this process from being taken to its logical conclusion. In terms of ideology the process of convergence was started, as Kirchheimer originally predicted, by the decline in voters and the introduction of new media techniques. Linked to this is the widespread introduction of campaign professionals who are more interested in the pursuit of power than the parties' original goals.

In the case of Germany this can be demonstrated by the increased ideological convergence between the major parties in recent years and the fact that they appear to have co-opted one of their most vocal critics, the Greens. Starting out as a radical outsider, they have since the early 1980s modified their original policy positions quite substantially in the pursuit of power. On the other-hand the Linkspartei/PDS, which has remained on the far left, has been shunned by the major parties, at least on the national level, because of its ideological position.

It has been argued in several places that smaller niche parties are less capable of altering their policy positions in response to public mood than larger parties, and that when they do so they are often punished for it by the electorate (Adams et al, 2006). However, what is not discussed in detail is the time-scale of such punishments. For instance, it could be argued that in the relative short-term, by moderating its ideological position, the Greens succeeded in increasing their electoral support and entering the governing coalition. However there doesn't seem any obvious evidence of public dissatisfaction with this strategy as the Greens increased their share of the vote from 6.7 per cent to 8.6 per cent of the

vote between the 1998 and 2002 Federal elections. Their vote did decrease in 2005 to 8.1 per cent so this might be a sign of them losing ground to the Linkspartei. They did do better in West Germany than the East, but more evidence will be needed to substantiate that argument (Roberts, 2006b, p273).

These arguments suggest several modifications to the cartel party argument. One area that Katz and Mair leave very vague is the question of how permanent the cartel is. They seem to imply that once it has been created, it is a permanent fixture of a party system. The case of Germany suggests that the cartel is more flexible than this and has the ability to change, reflecting new challenges and opportunities. It also leaves open the question of whether parties once entered into the cartel can easily leave? Now that they are out of office, the Greens are now less constrained than at any time in the past decade to start criticising the government and possibly return to their more radical roots. There has so far been some anecdotal evidence of this happening. However it seems doubtful that the Greens will go too far in this direction, especially when the potential still exists for a renewed SPD-Green coalition at some point in the future. The Linkspartei/PDS on the other hand has no such prospect immediately to hand, and therefore it makes perfect sense to maintain their ideological position to the left of both the Greens and the SPD.

Therefore the German case suggests two things. Firstly, that the cartel is relatively flexible and is capable of accepting new parties into itself. Both sides can potentially gain from this arrangement. The newer parties can gain acceptance and a chance to implement their policies as part of a larger coalition.

The major parties can neuter potential political opponents by encouraging them to move towards the centre ground.

This suggests a more complex framework for cartel parties than the simple insider/outsider status outlined by Katz and Mair. Based on the German party system it could be argued that there are in fact four different categories. Major parties within the cartel (for example the CDU and SPD), minor parties within the cartel (the FDP), parties outside of the cartel (the Linkspartei) and parties that are in the process of making the shift towards cartel (the Greens between 1983 and 1998). This implies that parties could once again leave the cartel if they did not feel they were benefiting from it although this could prove difficult in practice. Due to issues surrounding how the public perceive them parties can usually only change relatively slowly.

This again reinforces the idea that any cartel is systemic rather than organisational in nature and that the cartel party theory refers more to a collection of parties working together rather than individual cartel parties. Also, that any theoretical cartel is difficult to define. Parties would not go from being outside the cartel to inside overnight, but instead, this shift would occur slowly over several years, involving changes in ideologically and their attitude to the other parties.

Smaller opposition parties can be accepted into the cartel but this could prove counter-productive for them in the long run. Even if a party is successful and doesn't join the cartel the major parties could still theoretically adopt its ideas

and hence attempt to appropriate its electoral support. Ultimately then their major influence could lie in getting the other parties to take onboard their ideas even if this is somewhat of a poisoned chalice.

Bowler, Donovan and Karp argue that self interest does play a key role in the preference of electoral systems as they discovered that on the whole representatives of parties who won at elections tended to support the electoral institutions already in place and were against reforming them (2006). However the Greens' establishment status is not absolute. Despite having entered parliament and also formed a government coalition with the SPD the Greens still support changes to the electoral system that would make it easier for smaller parties to become represented in the Bundestag (Bowler et al, 2006, p444). This suggests a key difference with the main parties whose attitude towards electoral change (or not as the case may be) seems largely driven by self interest. This ties in with the argument of this chapter that the Greens have been moving towards the main parties but their status within any possible cartel is not absolute.

## **Chapter Six: Membership and Organisational Change**

The aim of this chapter is to examine the membership of German political parties in light of the trends of declining membership and member activity. This is in order to see what this can tell us about Katz and Mair's conception of party cartelisation (Katz and Mair, 1995). To do this various factors will be carefully considered. Firstly party membership decline will be examined both in terms of Kirchheimer's catch-all theory and Katz and Mair's cartel theory, which will be used as a framework to examine how the relationship between parties and members has changed over time. Secondly, the reasons why parties have traditionally always attempted to recruit members will be outlined in detail. These include the fact that members have traditionally been an important source of both funding and labour for election campaigns. In the third section the creation of membership parties in Germany will be explored. This is important as the evolution of German party organisations has to be viewed in tangent with the historical and legal contexts that created them. The historical context is the legacy of the Weimar Republic and the Nazi era, which created a level of suspicion toward political parties. The legal structure is founded on the Basic Law imposed by the Allies, and the later Party Law of 1967, which has governed the evolution of political parties. Then in the fifth section the decline of party membership figures will be examined along with the possible reasons for this which can be divided into two basic types. Firstly the fact that citizens apparently no longer want to be members of political parties, and secondly and possibly more worryingly from a democratic perspective, parties no longer want large memberships (Immerfall, 1993, p476). As Blyth puts it 'After all, if



members were no longer financially useful, did not vote anyway and if they pushed the party in extreme directions, why appeal to them' (2003, p70).

This chapter makes the argument that there are a wide range of reasons why voters no longer want to be members of parties and that parties might no longer want mass memberships. Katz and Mair argue that the trend of party membership levels falling would be accelerated by cartelisation to the point that parties would no longer need members. This along with the increased focus on state funding and the mass media would lead to organisational changes within the parties to the point that they would begin to resemble the top down elite parties of the 19<sup>th</sup> century, dominated by the party leaders. These parties would be almost entirely detached from civil society and rely on expensive campaigns to gain voters. Theoretically this is problematic for two reasons. The first is that parties still need legitimacy in order to govern and so can not entirely divorce themselves from their memberships (although they might not need as large a membership as they originally did). The second is that institutional constraints might exist to prevent them from jettisoning their members, in favour of entirely relying on state subsidies.

## **6.1 Party membership decline as a result of cartelisation**

One of the major trends in political science today is the decline in political party membership. Several major studies conducted in the past few decades seem to point to falling levels of membership world-wide (Bartolini, 1983; Katz 1988; Katz and Mair et al, 1992; Katz and Mair 1994). As Mair and Biezen recently stated, 'in each of the long-established European democracies, without

exception, the absolute numbers of members have now fallen, and sometimes quite considerably...What we see here...is concrete and consistent evidence of widespread disengagement from party politics' (Mair and Biezen, 2001, p6). This downturn in party membership largely seems to be occurring irrespective of how old the party is or its relative size. Where once members numbered in the millions, many parties are now facing severe problem in terms of either losing existing members or actively failing to recruit new ones. In France, for instance, between 1978 and 1999 the combined major parties lost over a million members, while during a similar period in Italy the figure was twice that (Mair and Biezen, 2001, p12). In the UK the British Labour Party is a shadow of its former self. There are of course exceptions to this. Some countries like the USA have always suffered from low party membership, partly as a result of bypassing mass parties and going straight to catch-all parties (Mair, 1997). Even countries like Austria, where party membership is still an astonishing 17.66 per cent of the population, have seen these figures fall in recent years (Mair and Biezen, 2001, p9). Germany is no exception to this (despite the growth in population caused by re-unification) and between 1991 and 1997 the SPD in the West declined by 15.5 per cent and the CDU by 11.2 per cent (Grabow, 2001, p26). The figures for East Germany can't be compared in the same way but no party has really succeeded in attracting significant long term support in terms of membership. Even the Linkspartei/PDS which had a large membership in the East (some maintained due to being the former ruling Communist Party) has seen a mass drop off in its membership. Between 1995 and 2004 it fell from 114,940 members to 61,385, a fall of 53,555 or 47 per cent (Scarrow, 2006a, p380).

Declining numbers of members is not necessarily the only problem parties face. Some writers argue that, 'there is a general sense that party organisations are much less vibrant between elections' and even in countries where membership levels haven't fallen so dramatically 'the activity of these members have' (Gallagher, Laver and Mair, 2006, p125). Members are less likely to be participating in traditional party activities such as attending regular meetings, taking part at conferences or going out at election time in order to canvas and campaign for party candidates. Partly this can be linked to a delayed reaction to the size of the parties themselves; 'the evidence shows that increasing size clearly diminishes two types of participation, party membership enrolment and member activism within parties' (Welden, 2006, p475).

These declining, less dynamic memberships are seen as yet further evidence that parties are failing in their role as intermediaries for linking the citizenry with the state. Several studies point towards the fact that young people who should be becoming members have disengaged from mainstream forms of participation such as voting or joining parties. Despite the fact that they still maintain a relatively high interest in politics they don't see these traditional avenues as being an effective means of articulating their interests. Instead they seem to have adopted the US model of either taking direct action as individuals or via interest groups (Henn, Weinstein and Wring, 2002). Some observers argue that membership organisations are, 'anachronisms which can do little to help parties win elections in a mass media age' (Scarow, 1996a, p1). In an era where parties spend vast amounts of money on electronic advertising and media

consultants in order to attract as many voters as possible, members, while by no means irrelevant are certainly less important than they once were. These trends, the reasons behind them and the organisational transformations it causes are extremely important because, if parties are the 'crucial linkage' between citizenry and the state then the decline in party membership can be seen as a serious problem. In order to successfully function parties must have legitimacy and a party would be faced with a serious crisis of legitimacy if it were unable to attract and retain members.

As party types have evolved the relationship between them and their members has developed contemporaneously. Originally members were not seen as vital to the survival of parties. Elite parties had very small memberships made up of the rich and powerful who would fund the party out of their own pockets. Because elite parties normally existed during periods when the electoral franchise was extremely limited its leaders saw no need to expand its membership as this would have damaged the exclusive social status such membership conferred. Mass membership parties (usually socialist in nature) arose to challenge the elite parties, and due to the fact that they lacked rich benefactors, instead relied on high numbers of dues paying member. They were ultimately successful because of two reasons. Firstly, the large amounts of money they were capable of raising and secondly the active role their memberships played in fighting election campaigns. Gradually the elite parties of the right began to create their own mass membership organisations in emulation of those on the left (Duverger, 1956). Kirchheimer argued in 1966 that eventually, due to changes in technology, large memberships would no longer

be needed for fighting elections. The development of television as a means of reaching vast audiences cheaply and easily didn't make mass rallies obsolete, but certainly they have become a less common occurrence. Party leaders could suddenly reach millions of voters at a time instead of thousands. With this in mind Kirchheimer forecasted that mass membership organisations would become a thing of the past, a 'vestigial organ' that would eventually wither away (Kirchheimer, 1966; Katz, 1990). Based on an initial assessment of the current evidence this prediction seems to be coming true.

Katz and Mair, in their cartel party theory, argue that the decline of membership is one of the factors that is causing parties to turn away from their traditional links with civil society and instead embrace the state as an alternative source of party funding. With regards to the German party system the parties made the move towards the state funding of political parties in the early 1960s for a variety of reasons. One of these was that the CDU and FDP couldn't match the membership revenues being generated by the SPD. However this was a comparatively minor reason as the CDU and FDP raised much more than the SPD in terms of private donations from wealthy individuals and businesses. A more explicit reason for the growth of state funding in Germany would be to maintain and strengthen the position that parties occupied within the state. German parties adopted state financing not due to a crisis in party membership, but to reinforce their dominance. This is reflected by the fact that, as will be demonstrated, all the major parties massively increased their memberships (and revenue from members) between the late 1960s and early 1980s, yet still demanded more and more money from the state.

This strength then, led to, if not a decline in membership, then at least its stagnation. Firstly, as stated, parties traditionally relied on members as a major source of their funding. Therefore if membership levels dropped, so did their revenue and their chance of success at the next election. Parties would instead receive direct and indirect funding from the state and therefore don't have to rely on recruiting new members to quite the same degree. Changes in technology over the past few decades have also had an impact. As Katz and Mair argue, party campaigns 'are now almost exclusively capital-intensive, professional and centralised' (Katz and Mair, 1995, p23). Previously vast numbers of members were needed during campaigns for canvassing and other activities but parties are now able to out-source many of these tasks to professional advertising and marketing teams (Conradt, 2001, p152). In the same way new technologies like television and the internet helps make a mass membership redundant. A slick professional advertising campaign screened on television or over the radio can easily reach millions in a way that street campaigning would struggle to match (Butler and Ranney, 1992).

One conclusion drawn from Germany's pursuit of state financing prior to any declining party membership levels is that party bosses want to control their parties as much as possible since anything that stands in the way of their decision making power is a hindrance. As members are no longer needed from a financial or labour point of view this prompts the question, why don't parties simply dispense with members altogether? There are two answers. The first is quite general and based on the fact that parties in the eyes of both political

commentators and the electorate have to be legitimate and have some roots in civil society. Parties therefore still need a certain number of members in order to act as a ‘democratic fig-leaf’ to cover their over reliance on state resources. The second reason is outside institutions can sometimes have a significant impact on how parties operate. As detailed in the party funding chapter the Federal Constitutional Court ruled that the method of state support where parties were paid based on their percentage of the vote was unconstitutional. A new system was created due to the Court’s ruling and one of the results of this was that each party received 0.38 Euros for each Euro they were paid in membership fees. This was obviously advantageous to the larger parties who had memberships in the hundred of thousands but it also forced them to try and maintain their current memberships. Therefore these parties are still interested in retaining and recruiting members both in terms of raising funds and using them as a measure of their support relative to the other parties. However it is debatable that if funding was not at least in part linked to party membership levels whether the major parties would be quite so interested in remaining mass membership parties.

Both of these factors have meant that German political parties are still trying to recruit members despite the problems that may be associated with them. However the relationship between the members and the leadership is subtly altered. This is part of the core of the cartelisation argument. Parties find themselves in a situation with members who they don’t depend on quite as much as they once did. On the other hand certain factions within the membership base actively resent the move towards the centre ground that the

party elite have made in order to maximise their electoral potential. This can cause friction between the two groups and lead the party elite to try and bypass or downplay the amount of input certain sections of the membership have into the parties internal decision making processes. As Katz and Mair argue:

Leaders are no longer primarily accountable to the members, but rather to the wider electorate. The members in this sense are more like cheerleaders, and the pattern of authority is more top-down than bottom-up...although members of a cartel party may have even more rights than those of catch-all parties, their position is sometimes less privileged. The distinction between members and non-members may become blurred, with parties inviting all supporters, whether formally enrolled or not to participate in party activities and decisions. Even more importantly, when members do exercise their rights, they are more likely to do so as individuals rather than through delegates, a practice which is most easily typified by selection meetings or party congresses (Katz and Mair, 1995, p20-21).

This means that political parties can have large memberships which enhance the parties legitimacy. However the party's control of the membership is also increased because as Katz and Mair argue 'an atomised membership is less likely to provide the basis for the mobilisation of challenges...local leaders will always be discouraged from intervening in national affairs by the knowledge that the national leadership, if challenged, can appeal directly to the individual



members' (Katz and Mair, 1995, p21). Therefore in a cartel party system there should be on the one hand a blurring between members and non-members (for instance membership benefits being offered to non-members or non-members being allowed to run as candidates of the party). On the other is an increased reliance on direct rather than delegative democracy with parties increasingly relying on plebiscite votes rather than delegates voting.

## **6.2 Why do parties traditionally want mass memberships?**

The reasons behind parties wanting to recruit members are complex and not all apply in every situation. Originally, when mass parties were challenging the elite parties for dominance, members were seen as the only asset the mass parties had to fight the economic and political power of the elite. Members provided their finances in the form of dues, electoral strength by campaigning and demonstrating and, obviously, voting. Gradually this has evolved and now it could be argued that there are five major reasons why parties might want to recruit members.

Members traditionally provide two crucial resources needed by parties in order to guarantee their survival and success. The first of these is money; in the days of the elite parties the party organisation could be financed by a few wealthy individuals, but the numbers of franchised – those who needed to be reached and persuaded to vote were small. As the growing electorate required a significant change in campaigning techniques, the level of funding increased. Then the parties' reliance on only a few sponsors stood at odds with the new mood of democratic engagement. Parties needed to be seen as not in the thrall

of either special interest groups or wealthy individuals hence needing a broader base of financial support. The second is as a source of electoral support. Before the rise of the mass media, campaigns tended to be less capital intensive and instead focussed on the role of members in order to campaign and attract support. These took a variety of forms ranging from attending meetings and rallies, to hearing speeches from the leader, to campaigning on the street canvassing door to door. During the days of the Weimar Republic party members took on the role of private armies, as demonstrated by the clashes between the Communist and Nazi parties on the streets of Berlin and elsewhere.

The party membership pool was also seen as the chief source of future party staff and candidates. In a time when party ideologies were more rigid it would be highly unusual for someone to work for the party or be selected as one of its candidates if they weren't first a member for a reasonable period of time. For instance Willy Brandt often made reference to the fact that he joined the SPD as a young man and as such he was heavily rooted in the parties' traditions and ideology (Kellerman, 1978).

Equally party members can be seen as a source for potential new policies and ideas. In many party organisations it is traditional for members to get a direct input into the electoral manifesto via their role at conferences. This practice grew out of the mass parties who were set up to represent their members' interests. The old elite parties had a much more top down approach where policy was usually imposed upon the party by the elite (often to the benefit of that elite). Alternatively members can make their views known at regular

meetings or with direct encounters with representatives. In many cases this was seen as a positive process as it kept the party elite in touch with the people who had elected them and made sure they didn't stray too far away from their ideological roots. Linking into this is the membership's most important function; to help grant the party its source of democratic legitimacy - vital proof of the party's role as a genuine link between civil society and the state. A party with few or no members for instance would struggle to market itself as a catch-all party trying to represent the majority of voters.

### **6.3 The development of party organisations in Germany**

The development of political parties in Germany has to be seen as a reaction against the perceived failings of the Weimar Republic. Because of this parties were given a constitutionally protected role within the new Germany that their 'internal organisation shall conform to democratic principles', regulated by federal laws. As explained in more detail in the chapter on party financing, for a variety of reasons the law regulating parties was not actually passed until 1967. This law has had a major impact on the development of German party organisations so it is worth repeating the central points as they relate to the issue of party membership. Firstly, it stipulates that the highest governing body in every party is the party conference, which must meet at least once every two years to elect the party chair and other party leaders. However the parties have the freedom to decide whether their entire membership or just their representatives (in the form of delegates) get to vote at them. Secondly, the party law accounts for and perpetuates certain similarities in the formal structure of the major parties. In particular the CDU and SPD which have quite

similar internal organisations at both the state and Federal level (Scarrow, 2002, p37).

Throughout most of the past half century, Germany's most successful electoral parties have cultivated large membership organisations. Konrad Adenauer's vision of the CDU after the war was as a *Volkspartei* that would appeal across the, 'social classes and economic interests while at the same time representing them individually' (Pridham, 1977, p274). In this way the factionalism of Weimar could be avoided and a divided population brought together. However it should be noted that the CDU didn't make any concerted effort to recruit a mass membership for the first twenty years of its existence largely because of its electoral success during this period (Pridham, 1977, p282). It was only after it was removed from power that a mass membership organisation became a priority and a concerted effort was made to learn from the successes of the SPD and attempts to recruit a mass membership began. The SPD had been one of the first political parties to invent mass-style organisation in the late 19<sup>th</sup> century, and after 1945 it returned to its organisational roots when the party emerged from its previous illegality (forced underground by the Nazis and after the war absorbed by the KPD in Eastern Germany to create the SED). At first, the culture and hierarchy of the re-established party was dominated by the earlier eras visions of the SPD as the political arm of the working-class. By the 1960s however, party life and membership began changing along with the party's increasingly cross-class political appeal. SPD membership grew rapidly in the 1960s and 1970s, including in rural areas where the Christian Democrats had previously only faced weakly organised competition. In part of course this can

be seen as a result of the parties shift in ideology following the Bad Godesberg conference making them electorally more palatable to large swathes of the population. Equally there was a new generation of voters just coming of age, less tied to the traditional socio-economic cleavages than their parents.

The CDU membership grew even more rapidly in this period. As early as the 1960s the CDU's central party manager began to put increased emphasis on individual membership. In the 1970s, after the CDU went into opposition at the federal level, party organisers set their sights on constructing a membership-based organisation to rival the SPD's grass root network. In this period of heightened political activism, the CDU's recruitment efforts paid off and party membership doubled between the late 1960s and the mid 1970s.

The primary reasons for this growth in membership in the late 1960s and 1970s has two main strands. In the aftermath of the Second World War many Germans were wary of joining a political party due to the horrific experiences of the Weimar and Nazi period which discredited party membership amongst a significant chunk of the population. Bruno Heck argued that 'this antipathy, amounting to a psychological barrier could only be overcome in the course of time by much patient effort and a continuous education process in the values of democratic institutions (Pridham, 1977, p281). Later generations born after 1945 didn't have the same negative connotations attached to party membership and therefore it is perfectly understandable that membership began to increase once they reached voting age.

Growing party membership was also influenced by the increase in ideological conflict between the parties during the late 1960s and 1970s despite the uneasy 'truce' created by the 'Grand Coalition' of 1966-69. This was reflected by the student protests of 1968 across Europe. Willy Brandt was, by the standards of the day, a much younger and more charismatic personality than any previous SPD leader and as a result both he and his idealist policies appealed to the younger voters. In particular his *Ostpolitik* engagement with East Germany struck a chord with many. The late 1960s and 68 in particular saw mass student rioting across Europe and socialist parties were a natural place for students to turn to. Equally Brandt, 'felt it was the SPD's responsibility to offer a political home for these legions of disaffected student protesters' (Parness, 1991, p4). Doubtless, however, he was also aware that an increased membership of young people would give the SPD a boost in its claims to be a *Volkspartei* and therefore enjoy greater legitimacy than the CDU. Another benefit was that a large contingent of youthful members promised longevity for the party. The CDU's great expansion in membership during the 1970s was largely due to the party's new role as the official opposition after its long period in power and the 'profound antagonism of the CDU membership towards the Left-Liberal coalition in Bonn' (Pridham, 1977, p281). In order to regain power the CDU leadership realised that a large well organised membership would be vital, not just in terms of raising funds and campaigning but countering the SPD's claims of greater legitimacy due to its massive membership.

#### **6.4 The decline of party membership in Germany**

Party membership can often be used as a rather catch-all term by observers, especially those doing comparative studies. As already stated, the major area of interest within this field for political scientists is the decline in membership levels over the past few decades. What these studies often fail to take into account is the fact that the definition of a party member can vary enormously between parties, across cultures and over time. The differences can usually be described as the different obligations expected of members by the party hierarchy. What used to be the bare minimum (although now increasingly seems to have become the standard in most European democracies) is that members pay a yearly fee, support the parties aims and goals and, most crucially, refrain from joining or supporting another party. In certain parties, normally smaller radical one with younger members, more is expected from the membership. They may well be asked to actively campaign both during and between elections, and participate in the party organisation attending committees and conferences. However in these cases the greater obligations are often balanced with increased benefits such as an increased input into party policy and organisation.

The decline of membership, from a theoretical perspective, can be seen as being caused by two major factors. Scarrow describes these factors as being supply side and demand side. Supply side factors are all those that cause citizens to want to enrol in political parties in the first place. For instance these can range

from any inducements or benefits they might receive as a result of being members. This can include making it easier to articulate a particular policy or point of view or even simply if they feel it would benefit their political career to join. Alternatively demand side are the reasons why parties would want members in the first place which have already been outlined in this chapter.

Before discussing German membership levels it has to be borne in mind that because the parties provide the figures, this creates certain methodological issues. Most obvious amongst them is the fact that the figures are not always 100 per cent accurate. Germany suffers less than other countries from this problem, primarily because government funding is tied to party membership levels and this forces the parties to provide more accurate figures (Scarrow, 2006a, p372).

When examining the membership levels of all the major German parties, certain trends become fairly obvious. While Germany has not suffered membership losses as severe as the examples of France and Italy, they have been considerable. Between 1980 and 1999 the combined major parties of Germany lost 174,967 members signalling a serious crisis in recruitment as, 'Many young people have resigned from parties or do not join in the first place' (Braunthal, 1996, p184). All the major parties lost members although this varied between parties depending on a range of factors.

Party membership figures have to be seen within the context of the population as a whole, or to be more exact, what percentage of the population party



membership constitutes. In 1980 Germany had a population of 43,231,741 electors of which 1,955,140 were party members. A membership as percentage of the electorate (M/E) of 4.52 per cent. By 1999 the membership as percentage of the electorate had fallen to 2.93 per cent a drop of 1.59 per cent (Mair and Biezen, 2001, p9). One of the reasons for the size of this decrease is the massive increase in population Germany went through at this time due to the reunification of East and West. An extra 16 million potential party members were added to the pool, explaining the spike in party membership in the early 1990s. However without exception this boost has turned out to be only temporary and from the mid-90s onwards party membership levels have once again been falling (Scarrow, 2006a, p380).

**TABLE NINE** - Party membership figures for all major parties between 1961 and 1998 (1000s).

Year	CDU	CSU	SPD	FDP	Greens	PDS	Total Members
1961	248	59	645				952
1965	288	81	710	57			1136
1969	304	77	779	59			1218
1972	423	107	954	58			1542
1976	652	144	1022	79			1897
1980	693	172	986	84	18		1953
1983	735	185	926	72	25		1943
1987	706	184	910	65	42		1908
1990	790	186	950	179	41	285	2431
1994	674	176	849	88	44	124	1955

(Scarrow, 2002, p83)



TABLE TEN – Party membership levels between 1995 and 2004

Year	CDU	CSU	SPD	FDP	Greens	PDS
1995	657,643	179,647	817,650	80,431	46,054	114,940
1996	645,852	178,573	793,797	75,038	48,034	105,029
1997	631,700	178,457	777,899	69,621	48,983	98,624
1998	626,342	178,755	775,036	67,897	51,812	94,627
1999	638,056	183,569	755,066	64,407	49,488	88,594
2000	616,722	181,021	734,693	62,721	46,631	83,475
2001	604,135	177,852	717,513	64,063	44,053	77,845
2002	594,391	177,705	693,894	66,560	43,795	70,805
2003	587,244	176,989	650,798	65,192	44,052	65,753
2004	579,484	172,892	605,807	64,146	44,322	61,385

(Scarrow, 2006a, p380)

Whichever way the figures are approached the conclusions seem to be the same. German political parties are no longer attracting members in the way that they once did. The SPD appears to have fared the worse, losing a third of its membership since the high point of the late 70s, while the CDU and FDP have each lost significant numbers. The most often stated reason behind the decline of party membership in Germany is the disillusionment felt by many towards party activity of any kind. A phenomenon labelled *Politikverdrossenheit*, it is especially prevalent amongst the young (Haungs, 1992; Rattinger, 1993). This is demonstrated by numerous opinion polls and studies. The number of German's who trusted politicians fell from 57 per cent in 1977 to only 27 per cent in 1992. This is mirrored by the number of people who applauded political activity falling from 66 per cent in 1971 to 36 per cent in 1992 (Beyme, 1993, p25). This distrust is fuelled by a number of factors, not least amongst them the

growing economic unease felt by many in Germany, and the plethora of corruption scandals in the past two decades (McKay, 2003, p50-55). With this in mind it doesn't seem that surprising that members of the public are no longer flocking to join political parties in the way they once were.

Linked to this is the fact that, from a political perspective, there has been a marked decline in the ideological conflict between the major parties for several decades now. This is important for a number of reasons. Post-war Germany has always benefited from a very high level of political consensus compared to many of its European neighbours, a fact Gordon Smith has labelled as the 'politics of centrality'. This was mainly because the parties that emerged from the rubble of war were desperate to avoid the bitter infighting and fractionalisation of the Weimar years that had contributed to the Nazi Party coming to power. The ideological gap was further lessened in 1959 when the SPD had its famous *Bad Godesberg* discussed in the previous chapter. Here it was concluded by the party elite that in order to successfully challenge the CDU, who had enjoyed uninterrupted power for over a decade, they would have to embrace a more market friendly, but therefore less ideological programme. In effect it becomes a *Volkspartei* by attempting to represent and appeal to the whole of German society not just the working classes (Parness, 1991, p4). Despite some resistance from certain more ideologically driven factions within the party the pragmatists won the day and changes were duly introduced and the SPD shifted towards the centre ground of German politics. This was cemented with the ending of the Cold War and reunification of Germany in the early 1990s where all the major parties agreed on the vast

majority of policy issues relating to the role of the free market and the state in society. Today personality is arguably often a more important factor than programmes, a fact demonstrated by the candidate debates held during election time. Although technically a forum for the two rivals to argue over policy it could equally be seen as a platform for them to try and create a favourable impression with the audience with respect to their personality and general appearance<sup>68</sup>. The parties tend to fight the elections on who has a better record of management, rather than whom has a better set of ideas. While this policy of occupying the centre ground might make good sense from the perspective of attracting voters it does little to attract members or inspire activity within the existing membership.

Finally there is the fact that parties can no longer offer the same enticements to join that they once did.

In the early years of the century, a party such as the German SPD constituted almost a state within a state. The party had its own newspaper, which its members read and discussed, and its branch offices across the country were centres of social activity, running sports teams, outings and so on. It ran its own health service, financed by members through a health insurance scheme, and in 1906 founded a training school in Berlin for the political education of members. In addition, many members were further immersed in a

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<sup>68</sup> One of the best examples of this is the 1960 US election between Kennedy and Nixon. Famously those who heard the candidate's debate on radio felt that Nixon had the better arguments. However those who watched it on television thought that Kennedy had won by virtue of his clean-cut appearance contrasted against an unshaven sweating Nixon (Druckman, 2003).

party subculture by working in factories alongside other party members and belonging to trade unions associated with the party (Gallagher et al, 2006, p125).

This strategy worked on numerous levels and had the added bonus that through its social branches it could attract whole families, who would of course supply the next generation of voters. For instance Willy Brandt in his autobiography recalls how at a young age he was enrolled in the party's sports club and then voluntarily joined many other socially orientated societies which owed their conception to a political party. It was only later that he became interested in the more political aspects of the SPD (Brandt, 1993, p.76). This strategy was taken to its ultimate conclusion by the Nazi Party who aimed to become a party of 'total encapsulation' where the line between being a citizen and party member would become blurred. Members were indoctrinated at a young age via the 'Hitler youth' which combined a mixture of sporting programmes and Nazi ideology (Kershaw, 1993, p54).

During the 1960s and 1970s these party services began to lose their appeal for a variety of reasons. Firstly, with the creation of a generously funded welfare state people no longer needed to rely on the SPD to provide such help for them. Secondly, with the massive economic growth Germany experienced during this period many workers were now earning enough that they could increase their leisure spending and no longer felt that they had to be members of organisations affiliated to the SPD. To quote von Beyme 'the times are gone when many individuals stayed within the boundaries of fairly clear-cut social sub-cultures,

from the Social Democratic Kindergarten to cremation on the one hand and from a Catholic Kindergarten to extreme unction on the other' (Beyme, 1993, p53). Investigations into this by both the CDU and SPD in the later 1980s and 1990s came to similar conclusions. The SPD's report was particularly hard hitting with the authors arguing that previously people had joined a party to get information about politics. However with the rise of the mass media supplying facts and statistics, joining a party was no longer considered a necessary expense (Scarrow, 1996a, p156).

The decline in party membership levels and activity has coincided with a massive growth in new social movements and interest groups. The most obvious of these in Germany is the green movement, but increasingly others are coming to prominence such as anti-globalisation protesters and even the elderly population (Deutsche Welle, 2007). This is possibly also a reaction against the perceived decline of party internal democracy. This isn't of course a brand new theory. Michels in his study of the SPD argued that as the party became increasingly larger it would require a more complex structure in terms of organisation and that this in turn would lead to oligarchy (Michels, 1959, p65) which would be off putting for both existing and potential recruits. The SPD's 'locked doors' approach to policy making has led many younger voters to instead join the Greens or associated social movements because it is easier for them to make their voices heard within smaller organisations (Parness, 1991, p3). While many of these groups still have links to political parties they still often act independently of them (Conradt, 2001, p88). If this trend continues then the situation for parties across Europe might begin to resemble the USA.

The party system of the USA went straight from 'elite' to 'catch-all' leapfrogging socialist mass parties. As a result party membership across the USA is extremely low but interest group activity is rife. The adversarial nature of US politics has also led to these groups becoming extremely adapt at putting their point of view across. Therefore it makes perfect sense for citizens to lobby through interest groups where specialist knowledge is more readily available rather than through a party. This is reflected in Germany by the 'emergence of widespread citizen initiatives and action groups outside the party system' (Conradt, 2001, p87).

An interesting example of the arguments developed here is the differing experiences of the Greens and the PDS during the 1990s. The PDS suffered a marked decline in party membership over the past decade and yet it could be argued was more reliant on them than ever and were desperately trying to recruit new members from the young of West Germany. However since becoming the Linkspartei it has put down new roots in the West. The Greens has seen a reversal of its relationship with its members. As already argued the SPD and the CDU began to have problems with their membership as a result of its expansion during the 1970s. Their new mass memberships inevitably meant that some members felt that their voices weren't being heard on important issues such as policy making and candidate selection (Parness, 1991, p3). The Greens expanded their membership rapidly throughout the 1980s and 1990s and their decline in recent years hasn't been as marked as the other parties.



It can therefore be argued that the decline of party membership in Germany was due to a variety of factors, many of them out of the hands of the party leaderships. However it could also be argued that members were certainly less essential to parties' electoral success than they once were and therefore it was not in the interests of the party leaders to recruit as many members.

Also there is the fact that members could serve as the basis for unwanted conflict within the party. The leadership's prime concern is the acquisition of power which would allow them to implement their policies. However if some of these policies were unpopular with the electorate it would therefore be logical to jettison them (or at least tone them down) if they threatened the parties chances of being elected. A prime example of this would be the SPD and its Bad Godesberg programme where the more radical elements of its programme were removed because the party felt it would remain unelectable as long as they remained. On the other end of the scale the CDU, once they saw how popular Brandt's *Ostpolitik* was proving began to subtly soften their hard-line stance toward East Germany. However, as far as the membership is concerned, especially amongst the more radical activists any attempt to dilute the party's policies would be seen as a betrayal. This is particularly the case within the smaller more ideological parties such as the Greens and Linkspartei/PDS. Certainly there have been many discussions within the Greens as to whether they have softened their ideological edges too much in the pursuit of power and a coalition with the SPD.

Parties therefore would be wary of any members who might jeopardise their electoral chances by campaigning against pragmatic policies in favour of their own more radical agenda. In the Greens this led to several prominent members leaving the party during the Fundi/Realo debates of the early 1980s. This has happened within the SPD and, ‘more and more frequently the elite reaction to disputes among the party rank and file was to stifle dissent by whatever means necessary, including blackballing and banishing dissenting members’ (Parness, 1991, p3). This has been less of a problem within the CDU and FDP largely because their membership is by its very nature less radical and less likely to challenge the party leadership over its policy choices. To quote Mair and Biezen, ‘party membership no longer carries with it the same practical benefits for the party leadership as was the case in the heyday of the mass party. There is simply less practical incentive for parties to build and maintain a mass membership’ (Mair and Biezen, 2001, p14). However as the German parties were to a certain extent required post 1994 to retain their members in order to continue to receive state subsidies the next logical step would be to minimise the cost of having a mass membership in terms of the potential damage it could inflict while playing up the positive aspects such as the boost to legitimacy.

## **6.6 In what ways have the party been split from the membership**

One of the key functions the parties used to have in the days of the ‘mass party’ was recruiting members and also retaining them. In the 1950s the parties achieved this through the longstanding practise of doorstep dues collecting. By turning up once a year, these ‘house collectors’ (*Hauskassierer*) served two main purposes (Scarrow, 1996a, p128). Firstly there was their main role of dues

collection but secondly, and more importantly, they provided a human reminder, sources of information and an avenue for communication with the party.

From the point of view of using membership as evidence of legitimacy it is important to bear two factors in mind. Firstly, the actual size of the membership isn't the vital issue. While obviously the number of members is important, the general trend in terms of gaining or losing members is arguably more so, especially in comparison with the competition. For instance, the Greens have much smaller memberships than any of the other major parties but have been more successful than other parties in retaining its members (Scarrow, 2006a, p380). By the standards of most other European countries (particularly Britain) the CDU and SPD are still extremely successful mass membership parties (Mair and Biezen, 2001, p18-19). However, despite this, the Greens are seen to be winning the battle of party membership because their figures have, if not increasing, then at least holding level. Overall between 1995 and 2004 they only lost 1732 members, the lowest drop of any party during this period. It could be argued that this is part because they had less members to lose in the first place but even taken as a percentage of the total they only lost 3.7 per cent of their members as opposed to 25 per cent of the SPD's and 12 per cent of the CDU's (Scarrow, 2006a, p380). The highest membership levels achieved by the SPD were in the mid 1970s and for the CDU (not counting reunification) it was the early 1980s. Since these high water marks both parties have been steadily losing members and as a result they are perceived as having a membership

problem in the way that the Greens do not. Added to this is the fact that the Green membership is on the whole much more active (Welden, 2006).

The other factor which influences legitimacy is the diversity, or lack thereof, of party membership and this is increasingly a problem the parties suffer from. A survey conducted by the CDU discovered that more than half of their members were over 50 while only 7 per cent were under 30 (CDU report, 1989 p459)<sup>69</sup>. A similar problem is occurring in the SPD. As Felix Porkert states, 'as you know 40 per cent of our members are over 60 years old so in the long term perspective this is a problem for the SPD. We have a very high interest to get more and younger members at the moment' (Porkert, 2005). The CDU's General Secretary Volker Rühe argued that deficits in the membership structure made it difficult for the party to successfully portray itself as representative of the entire electorate. A SPD report discovered similar findings and warned 'the fact that it is not going any better for other parties is not much consolation. Without the younger generation, the SPD cannot remain a large membership party' (Blessing, 1993, p194). A diverse membership is extremely important to parties in terms of legitimacy as it significantly affects electoral appeal. For instance a party with hardly any young or female members might find it difficult to attract votes from these demographics. Again this is an area where the Greens have succeeded better than most in recent years. As stated earlier new parties can have an effect on the major parties and force them to make changes in terms of their organisation. A clear example of this would be the changes in the SPD prompted by the fact that Greens had enjoyed a reasonable

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<sup>69</sup> A similar problem was faced during the 1960s before the explosion in membership of the 1970s. Günther Gillessen of the Frankfurter Allgemeine argued that the CDU's membership was 'too old and too small, too Catholic and too rural' (Pridham, 1977, p274)

amount of success by making an issue out of the fact that their representatives were more balanced both in terms of gender and age (Scarrow, 1999, p347-349)<sup>70</sup>. To quote the co-chair of the Green party, 'I think part of the appeal for women is in fact that women have a greater say in this party than in any other. As you know we have this regulation that on every level of the party you should have at least as many women in positions of responsibility as men, and of 51 members of the German parliament today, a clear majority of women, so that is attractive to women' (Bütikofer, 2005). As a result of this the SPD and CDU began making changes to both their internal organisations and decision making processes in order to try to make themselves more appealing to citizens who were otherwise disengaged from standard party activity. In terms of gender balance the CDU has improved its figures somewhat. In 1970 only 18 per cent of its members were female which had risen to 24.9 per cent by 1997. This is mirrored in the SPD where 17 per cent of its members were female in 1970 which has risen to 28.7 per cent by 1997 although has since fallen to 25 percent (Scarrow, 1999, p346, McKay, 2004, p68). However even taking these improvements into account it has to be pointed out that this still means that both parties members are overwhelmingly dominated by men. The FDP in particular has a very poor record on this issue (McKay, 2004, p72-73); a fact that has inevitably fed into the parties candidate selection and leadership.

Because the party is primarily one of social protest they have a much higher proportion of young members. Therefore it could be argued that parties are still interested in recruiting members for the benefits they bring them during

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<sup>70</sup> However this hasn't automatically translated to party membership, only 37 per cent of the party membership is female (McKay, 2004, p16).

electoral campaigns. However the emphasis is no longer placed so much on the number of members recruited but on the diversity. As Scarrow argues, some individuals are more valuable than others when it comes to improving membership statistics (Scharrow, 1996a, p156).

A CDU report into the problems of falling membership argued that ‘the party must develop more opportunities for short-term participation, because this can help reduce the inhibitions of those who are interested, but (still shy away from commitment)’ (CDU, 1989, p461). Katz and Mair argue as part of the cartel theory that one trend associated with cartelisation is that the differences between members and non-members are subtly erased. The report goes on to recommend that another way to reduce these barriers still further would be to encourage non-enrolled supporters to participate in party activities. The CDU General Secretary of the time Volker R  he stated that in order to widen the party’s appeal it had to develop the concept of membership (Scharrow, 1994, p119). The 1992 SPD report came to much the same conclusion, arguing that:

The SPD will need to open itself to participation by interested and engagement-ready citizens who are not members, by offering new forms of party work, including projects that last for a limited time (SPD, 1992, p35)

In addition to this, both reports recommended that local parties should take a further step towards reducing the distinction between members and non-members by recruiting candidates outside the existing ranks of the local party.

The CDU report in particular makes the argument that candidates who had been engaged in charity/church/voluntary work, but were not full time members of the local party, did not conform to the unpopular stereotype of careerist politician (CDU, 1989, p460-462).

While these recommendations were made in the late 1980s and early 1990s respectively there was a time lag before they were carried out. This was largely due to the shock of reunification. With the efforts being made to try and absorb as many potential Eastern voters as possible little thought was given to organisational reform - especially considering that the CDU won a major victory in the 1990 election, putting their previous poor poll performance behind them. However, slowly the reports recommendation filtered through. For example, in 1993 the state parties in North Rhine-Westphalia and Schleswig-Holstein adopted the concept of a free 'trial-year' membership. Arguably this expansion of even the most basic of party activities to non-members makes clear that members today are to a certain extent less valued for the financial or labour benefits they bring to party organisations but the legitimacy they confer by opening the party up to the wider community. There is not much evidence at present though that these moves have worked to counter falling German membership. As one political scientist states '[they] all work a bit, but it's not going to draw hundreds of thousands of new members...I'm not predicting a golden age for the future' (Deutsche Welle, 2007). Members in this way act as advertisements for the party's message in the wider community. To attract more membership the party leaders have therefore lowered the barriers to recruitment by offering trial memberships or by

allowing citizens to participate in many party activities without actually joining the party.

In terms of greater party democracy Katz and Mair argue that parties will increasingly turn towards this as a means of allowing members, rather than delegates, to vote on party leadership and delegates. This will be done not out of a desire for giving members a greater say in internal party decision making but because it appeals to the wider electorate and it cuts the local parties out of the loop. This was a process on which a recommendation was made in the 1993 report but as Scarrow argues:

The sequence of events does not demonstrate that SPD leaders turned to party primaries for the reason stated in the report – namely, in order to make membership more attractive by increasing opportunities for participation. Closer inspection reveals that some members of the party executive may have advocated the initial use of a primary for reasons other than, or in addition to, the desire to expand member-democracy (Scharrow, 1996a, p163)

Instead it was introduced for two main reasons. Firstly, because of calculations on how it might affect the upcoming leadership election caused by the unexpected resignation of Björn Engholm in 1993. Secondly, because it played well with the electorate in terms of portraying the party as responsive to the electorate and not dominated by its elite. The positive response this experiment received in the media and in opinion polls led to its wider adoption within the



party and later the CDU<sup>71</sup>. Parness argues that the decline of inter-party democracy and activism amongst the members is a direct result of the massive membership growth experienced during the 1970s. Because so many members were recruited during this period the local parties became swamped and the opportunity for members to make their individual voices heard was lost. As she argues:

elites failed to adapt the party organisation to handle its swollen membership ranks. Local party units grew too large for individual members to hope for any voice in decision making, and this lack of responsiveness only grew worse as one moved up the organisational ladder. Party conventions became the tools of elite interests and priorities, while local party chapters were left to their own devices (Parness, 1991, p3)

## **6.7 Conclusion**

Katz and Mair argue that as a result of a political cartel being created, dependent upon state subsidies, privileged media access and changing electoral laws members are less needed than they once were both as a source of funding and as a campaign tool. Added to this is the fact that members actually become a nuisance for the party elite as they potentially interfere with the smooth running of the party. Katz and Mair also argue that as parties move towards the centre ground the incentive for citizens to join parties is reduced. All of these arguments have a certain amount of logic to them but several key points need to

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<sup>71</sup> For an alternative examination of membership changes within the CDU and SPD in this period see Scarrow, 1999.

be made here. The German case allows specific criticisms to be made of the cartel party theory. Firstly that regardless of the support they receive from the state parties can not do without members entirely. Political parties still need members in order to provide them with democratic legitimacy. Equally as already argued, parties do not operate in a power vacuum. There are institutional and social constraints (such as the courts and public opinion) that mean members are still an important asset. Added to this is the fact that they still perform a useful functions in terms of making the parties appear responsive to changes in civil society and allowing them to campaign claiming their membership represents a diversity of opinion.

In the case of Germany there is the fact that while there has been a decline in party membership amongst all of the major parties since the 1980s there have been a variety of causes for this and not all of them can be lain at the door of cartelisation. Citizens no longer want to join parties because the practical benefits offered, such as holidays or similar benefits are available elsewhere especially with the growth of the economy in the 1950s and the development of the welfare state. Equally they have started to find that many of the former roles of parties such as articulation are being better performed by interest groups. Finally there is the fact that in terms of policy convergence and membership decline this was an already existing trend linked to catch-allism. Therefore any cartel theory should reflect the fact that cartelisation is only potentially one cause amongst many for falling membership levels.

Then it has to be acknowledged that despite their access to state resources the parties of Germany still require large memberships and continue to make an effort to recruit new members. State subsidies have not insulated them from the need to continue to recruit members. Partly this is because members are still required during campaigning to help mobilise potential voters. There is also the fact that members are needed for democratic legitimacy which is an increasingly important factor for modern parties. However probably most importantly is the fact that the parties have been constrained by their institutional surroundings. This refers to the fact the levels of funding the parties receive is directly tied to their membership levels. As a result of this parties must continue to try to recruit and retain members in order to survive.

## **Conclusion**

This conclusion will reiterate the main arguments of this thesis. The main faults and problems with the cartel party theory will be listed, based in part upon what the German party system suggests about the theory. Finally various modifications will be proposed as to how the theory could be made more robust. This critique and suggestions of modifications will be this work's main claim to an original contribution to knowledge.

There are numerous problems with the cartel party theory in its original form. Chief amongst them is the fact that in many areas the theory is incredibly vague. Katz and Mair suggest what they believe to be a general trend in terms of party behaviour and organisation that will eventually lead towards a new 'ideal' party type. They argue that, faced with declining resources in terms of voters and funding, parties will increasingly rely on state resources in order to survive. They stress the importance of direct state funding and controlling access to the media as the prime mechanisms used to do this. Parties will no longer act as a bridge between civil society and the state but shift increasingly towards the state. At the same time the parties will use these state resources to preserve their position in power and prevent smaller rivals from emerging that one day might threaten them. As a result of this the parties will become less responsive to voters and members.

Katz and Mair outline this but fail to go into specific details about how this might happen, what form the process of cartelisation might take or what criteria could be used to test for the existence of cartel parties. As a result of this the

theory is difficult to operationalise and test. Partly as a result of this fact this study instead focuses on exploring various elements of the theory, its problems and potential solutions.

### **Major points of this thesis**

Since its introduction the cartel party hypothesis has provoked a variety of academic responses with some authors finding elements or the whole of the cartel party hypothesis convincing (MacIvor, 1996; Yishai, 2001; Detterbeck, 2005; Blyth and Katz, 2005) and others strongly disagreeing with it (Koole, 1996; Kitschelt, 2000). However, despite these studies many aspects of the cartel theory remain problematic or paradoxical. For instance, if parties become less legitimate and less responsive to voter concerns then this might generate the sort of opposition they were trying to suppress in the first place.

This work was undertaken in an attempt to dig deeper into these issues and try to resolve them. Germany was chosen as the focus for the study, primarily because Katz and Mair suggested that it would be one of the first countries to show signs of cartel politics in action. Other reasons include the fact that it has a high degree of political consensus within the party system and was one of the first countries in the world to introduce state subsidies for parties. A final reason for Germany being studied is that no one has attempted a full length study using Germany to explore the cartel party theory before.

One of the main problems with the original work is that much of the cartel theory is left undefined with no clear definitions of what exactly cartel parties are and how they might develop. Katz and Mair suggest that cartelisation occurs because the weaknesses of parties, faced with declining levels of voters and members, force them to move towards the state. The second stage of this argument is that there are two main mechanisms parties use to preserve themselves in power. These are firstly granting themselves access to state funding and media access while restricting them to their smaller rivals. Secondly they further argue that cartelisation leads to changes in the organisation and ideology of the parties making them distinctly different from previous party types. The various criticisms and modifications that have been made to the theory in recent years provide a certain amount of insight and clarity but are often more useful for showing what a cartel party is not rather than what it is. To explore the cartel theory fully four main elements were chosen as areas of study including; the funding of party politics, the relationship between parties and the media, the ideology of the parties, and the parties' attitudes towards party organisation and membership.

The German party system helps highlight some of the problems of the cartel party theory which will be outlined here. Firstly is the fact that cartel politics seems to have pre-dated the introduction of state funding in Germany. Because of the Nazi period and the subsequent fear of communism and the Soviet Union, various institutional mechanisms were put in place to prevent either extreme parties gaining power or the fragmentation of the party system due to a surfeit of small parties. These were the five per cent threshold law and the

ability to ban parties which was used twice in the 1950s and 1960s against parties of both the extreme right and left. This led to a high degree of party concentration and up until 1983 four parties dominated the Federal Republic and were given a central place in the political life of the nation through their recognised position in the constitution and chief role as linkages between the citizenry and the state. The parties used this position of strength to grant themselves lavish amounts of public funding which initially was denied to the parties outside parliament. The German case suggests that the cartel theory needs to be modified to take account of the fact that the funding of parties was introduced due to the strength of the parties rather than weaknesses due to falling membership levels. A quasi-cartel system was already in place thanks to the historical and constitutional background. In terms of the theory this seems to indicate that there can be several different causes of cartelisation and that state funding is not such an important a factor as Katz and Mair seem to imply.

This leads on to the second criticism. Katz and Mair appear to refer to two separate phenomena. They argue that the cartel exists at the systemic level with the parties co-operating together for their joint benefit. However they also argue that this leads to certain organisational and ideological changes that further detach parties from civil society and move them closer to the state. The case of Germany suggests that this is not necessarily so. The main parties in the system have co-operated together to grant themselves greater resources and tried to deny them to the smaller parties. However they do not seem to have undergone the organisational and ideological changes to the extent that Katz and Mair predict. In a variety of ways they still resemble mass and catch-all parties.

Several arguments are possible here. One is that a cartel party system can exist but does not necessarily lead to what Katz and Mair refer to as cartel parties. A second argument is that cartelisation is an uneven and piecemeal process that takes place over a long period of time. Not every element has to occur in exactly the way Katz and Mair predict. This is supported by the fact that it is almost impossible to find a real world party that perfectly conforms to the 'mass' or catch-all' type, therefore why would the cartel theory be any different? However it does suggest that what the theory should really focus on is parties grouping together to form a cartel rather than the organisational or ideological changes this might have on the parties. In this case countries could have cartel systems without actual cartel parties.

The next criticism of the theory is that Katz and Mair over-emphasise some elements of the cartel theory compared to others. They argue that the two chief state resources used by the parties are access to direct state funding and privileged access to the media. This work argues that not only are these aspects less important than Katz and Mair claim but they also exaggerate parties' freedom of action in respect to them. They fail to fully take into account how difficult it is for parties in modern democratic nations to grant themselves unique access to state resources. There are usually a variety of institutional safeguards to prevent this from happening. Despite the central role parties play in Germany's political culture (or perhaps because of them) there are clear constitutional barriers preventing the parties from overtly manipulating the state for their own advantage.



In Katz and Mair's conception of the cartel party theory they seem to argue that once in a position of power with regards to the state, it is fairly easy for the parties to grant themselves unlimited state funding and privileged access to the media. They do admit that doing this might provoke concerns, especially if the parties obviously manipulate the law for their own ends. This could lead to questions about their legitimacy and a possible democratic deficit. This in turn would generate opposition at either end of the political spectrum.

The German case provides several examples of the safeguards that are in place to prevent parties over-reaching themselves. These include the Federal Constitutional Court, the media, the smaller parties and the public themselves. All of these have made it extremely difficult for the major parties to change the electoral, funding or media regulations in any way that would be deemed particularly unfair. Of course not every country will have the same sort of constraints depending on its institutions and historical background. Some have no need of them. For instance the UK and the USA are already protected by their first-past-the-post electoral systems which makes challenging the major parties very difficult.

This does not mean that it is impossible for parties to gain an advantage by using their position in power and the resources of the state. However it does suggest that ruling parties are unlikely to be able to grant themselves extra money in terms of direct funding without at least giving some to their smaller rivals. The major parties in the German party system tried this and it was struck down by the Constitutional Court. Instead they have focussed on indirect state

funding which has been highly successful in recent years. Likewise they can influence the media and the rules governing it but only when done subtly. This is especially true now that the media is increasingly powerful and can not be so easily manipulated.

Katz and Mair claim that it is relatively easy for parties to abandon their members in favour of state funding. This can be argued against on two main grounds. Firstly, members still perform many useful functions and provide benefits in terms of physical resources and much needed legitimacy. Secondly, institutional constraints can make it difficult for parties to jettison members. In the case of Germany the Federal Constitutional Court acted to make sure that membership levels were tied to funding. Because of this members are still sought after, although it could be claimed that parties are increasingly trying to mitigate the downsides of mass memberships.

### **Cartel failure**

The cartel theory argues that any potential cartel exists in order to make sure that the major parties within the system are protected and stability is ensured. In addition to this it helps ensure that smaller parties can not easily arise. However the appearance of new parties within a system could be seen as evidence that the cartel is not working at 100 per cent efficiency or is defective in some way. This work argues that this is not actually the case. Theoretically new parties can emerge in a cartel party system and in some cases can actually strengthen it.

No cartel could ever be 100 per cent effective. As already argued the parties have limited tools at their disposal to keep new parties down and they are often constrained in how they can use them. Therefore it would be possible that new parties might emerge from time to time. However, just because they emerge does not mean they will necessarily prove a challenge to the major parties. For instance the Linkspartei/PDS has been in existence in the unified Germany for almost two decades and yet does not look like it will break past the 15 per cent barrier in the immediate future. However if the major parties went out of their way to be unfair to it or tried to ban the Linkspartei this might lead to extra support for them. Therefore the system is still managed. The emergence of new parties can actually be a healthy thing as it would allow new ideas to be brought into the cartel in which case parties might be allowed entrance into the cartel. This would benefit them as it would potentially allow them to put their policies into practice as part of a coalition, but it would also benefit the major parties as they would gain an extra coalition partner which could be a useful bargaining tool. When the SPD selected the Greens as their coalition partners in 1998 it significantly weakened the FDP, as previously they had held a unique position of power within the German party system.

After the 2005 election result the CDU/CSU and SPD entered into a second 'Grand Coalition' together. While this position theoretically gives them enormous power it is mainly a sign of their weakening grip over the German electorate, specifically the fact that the two parties received their lowest combined result since 1949 (Sloam, 2006, p140). Added to this the Linkspartei, which in its earlier guise as the PDS, the parties had attacked as being an 'anti-

system party', recorded its best result ever. However it was immediately ruled out of any coalition negotiations due to a combination of its ideological position and its leadership making it politically unworkable (Clemens and Saalfeld, 2006, p338). This suggests that one of the major powers parties have to reject outsiders is their ability to define what is politically acceptable or not.

To this extent it seems to indicate that the main parties can still use their dominant position to keep smaller parties out of power. Another possible coalition formation would have been the 'Jamaican' option of the CDU/CSU, FDP and Greens. While it wasn't immediately dismissed out of hand none of the parties involved seemed to feel that the Greens had moved far enough to the right. These events suggest that the era of Volkspartei dominance, if not immediately coming to an end, is not going to restore itself to its former glory in terms of the way that that the CDU/CSU, SPD and FDP dominated electoral politics during the 1970s. These parties now have to deal with a German party system with much increased levels of voter volatility and declining voter loyalty.

The German party system has been faced with a range of interlinking factors that have been perceived as causing problems in recent years, including re-unification, long term structural economic problems and immigration. In the environment of a globalised economy and political system it could be argued that inevitably, events will occur that parties will not be able to deal with on a purely national level. Linked to this is the fact that the public is more volatile and less trusting than ever before. All of these things seem to indicate that the

core parties in Germany have less control than ever before, especially when the institutional frameworks they operate in are taken into account. The parties now have three main strategies that they could adopt if they want to preserve the political cartel that has dominated Germany throughout the post-war period. The first option is to try to co-opt the Linkspartei. However given the rejection of the Linkspartei by the main parties after the 2005 election and its electoral success with its current policies this seems politically unlikely anytime soon. A second option is to try to work round the institutional constraints that prevent the core parties from overly advantaging themselves. By doing this they could grant themselves more resources, greater access to the media or a change to the electoral laws. However any overt attempt would bring down the judgement of the Federal Constitutional Court and its principle of 'constitutional equality'. Again it seems politically unlikely that this option is viable. However this is not to say that if a real extreme right or left wing party did emerge then the court would not ban it. Finally there is the third option which is that the main parties could attempt to increase their level of political responsiveness to voter concerns. There are a variety of ways this could be done. Yishai in his application of the cartel party hypothesis to Israel suggests that in that case the Israeli parties have dealt with this by 'trying to bring society back' (2000). In the same way that parties have interpenetrated the state he argues that they need to re-penetrate civil society. How this could be done would be fertile research for further study. In the case of Germany there are a variety of ways that German parties could re-engage with civil society either by attempting to become more responsive to voter concerns or attempting to co-opt interest groups or citizen movements. However with the recent news that the CDU/SPD

coalition have asked for an extra 20 million Euros in state funding due to shortfalls in their own fund raising efforts supports the conclusion that parties are unlikely to move further towards civil society if it means disengaging from state support (Deutsche Welle, 2007).

In conclusion therefore the cartel party theory in its modified form is a useful tool for exploring and explaining party systems and how parties' behaviour has changed over the years. It provides insights into what motivates parties attitudes towards new and smaller rivals and how they can use the states resources to subtly preserve their position in power.

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### **Interviews**

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