

***Territory and Party:  
Explaining public policy variation in the German Länder***

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Paper presented to the American Political Science Association Annual Conference  
1<sup>st</sup> – 4<sup>th</sup> September 2011, Seattle

*Abstract: This paper discusses in way in which partisan influence upon public policy, and wider historical, political and institutional pressures, can operate on a regional level and can lead to divergent policies existing within a nation-state. It offers an empirical discussion of two policy areas (education and childcare) at the regional Level (the level of the Länder) in Germany, confirming that both the partisan composition of regional government, and also wider institutional and historical pressures, exert a clear influence upon policy, lead to sharply variations in policy within the nation state. Two conclusions can be drawn: that the region can be an important unit of analysis in Political Science and Public Policy, and that scholars of policy change may find the regional level fertile ground in analysing wider political phenomena.*

## **1. Introduction**

As Jeffery has persuasively argued, German political science needs to take the regional level seriously, with this particularly applying to federalism research (Jeffery 2011). As a starting point, this paper agrees with Jeffery's claim but contends that the potential impact of political decentralisation has been neglected more widely in scholarship in Political Science and Public Policy. It also argues that, akin to the neglect of territorial dimensions in public policy, the importance more generally of political parties at the sub-national level has not had the attention that it should. For federal states with democratic elections, these represent substantial 'blind spots'. The remainder of this introduction sets out these claims, which the rest of the paper illustrates with reference to the German Länder.

Jeffery contends that a 'methodological nationalism' (*ibid.*) in Political Science has not been fully overcome (and that in this respect, politics contrasts with more promising directions being pursued in human geography and regional economics); there was, he claims, a perception, particularly within accounts of modernisation, that in western Europe the nation state was inexorably growing in importance (Jeffery / Wincott 2010, p. 167). Moreover, recent challenges to this 'methodological nationalism' have tended to focus upon the supranational level, with 'oceans of ink [being] spilt on the challenges that globalization and European integration pose to Europe's nation states' (*ibid.* p. 167). Neither claims of the importance of the nation state, nor a focus on the supranational level, is incorrect *per se*, but both can lead to a neglect of politics below the level of the nation state (what Jeffery and Wincott call 'sub-state territorial politics').

In particular, according to Jeffery, the literature on German federalism has often focused upon the level of the nation state, rather than the level of the individual Länder (Jeffery 2011, p.8). Such an analysis has brought important insights – for

instance, on the role and function of political parties within the federal system (Lehmbruch 2000) or on the difficulty of achieving changes to institutional rules (Scharpf 1988), but it has delivered an incomplete and rather misleading picture, which suggests a greater degree of territorial cohesion than in fact exists in modern-day, post-reunification Germany.

This point about Germany can certainly be applied more broadly within Political Science. For instance, Jeffery and Wincott (2010, pp. 178-86) suggest that the sub-national level could usefully be integrated more fully into work on regional elections and on welfare states, although this process has already begun (and indeed has some tradition within scholarship focused upon the United States).

Elsewhere, this author has argued that the substantial literature about the level of partisan influence upon public policy – the *do-parties-matter?* debate – has substantially neglected the sub-national level (Turner 2011). Seminal contributions to this debate (Hibbs 1977, Castles and McKinlay 1979, Castles 1982, Garrett and Lange 1986, 1991, Hicks and Swank 1992) all focused, in various ways, on the nation state level. This was in part the product of a particular assumption that the most important manifestation of partisan difference in public policy was in the area of socio-economic policy, and in particular in levels of taxation and state expenditure, with higher levels of taxing and spending associated with governments of the left than with governments of the right. Even in states with a high level of decentralisation, decisions on macro-economic policy are likely to be focused at the national level, and so such a stance is appropriate. Later important contributions to the debate (Garrett 1998, Boix 1998) returned to the question within a slightly different conceptual framework, questioning the extent to which partisan distinctiveness in national-level macroeconomic policy remained viable, particularly, in circumstances of increased interdependence.

Alongside the assumption that the key area of partisan difference is that of fiscal policy, there is a methodological assumption that the impact of political parties upon public policy is best assessed deploying quantitative analysis of large, cross-national datasets covering a significant time-period. However, both assumptions might be challenged. For instance, as sections 2 and 4 of this paper will go on to discuss, the areas of education and childcare policy have been the subject of disagreement between political parties in the German context (and there is no reason to believe Germany to be unique in this regard); the same could equally be said of, for instance, policy on internal security and civil liberties, the environment, the relationship between states and organised religion, or on such questions of ‘morality’ as abortion, assisted dying, or rules around organ transplants. This, in turn, could lead to a challenge to the dominant method of analysis: although quantitative studies of such questions are possible (for instance, by coding policy positions), data is less readily available, and differences between standpoints are perhaps less easily captured: they will, in any event, have little to do with levels of government expenditure. Governments might also engage in *market-shaping behaviour*: this can lead to reduced levels of government expenditure while enhancing the financial position (for instance in the case of welfare payments) of individuals.

In any event, though, if analysis of the impact of political parties upon public policy is extended beyond core questions of macro-economic policy, then, in circumstances

when more and more power is devolved to sub-national governments (Marks et al 2008) and jurisdiction over important areas of public policy is passed to the sub-national level, a shift in the unit of analysis away from that of the nation state becomes essential. To illustrate this point: in carefully researched study into determinants of levels of childcare (which concludes that the partisan composition of government, as well as levels of female employment and descriptive representation in legislatures, are important factors), Bonoli and Reber (2010) look at the national level, measuring participation of children in state childcare from ages 0-3. Within Germany, this proportion varies from 14% in North-Rhine Westphalia to 55.9% in Saxony-Anhalt; the west German average, excluding Berlin, is 17.3%, while the eastern average, again excluding Berlin, is 48% (Statistische Ämter 2011, p. 6). This is not to suggest that Bonoli and Reber's conclusions are wrong, but it suggests that digging deeper than the national level might well strengthen the findings.

Of course, the partisan composition of a government, whether at the national or sub-national level, is by no means the only determinant of public policy. Amongst a multitude of other factors, the history of a polity (e.g. Skocpol 1992), the nature of political institutions (Lijphardt 1999), the nature of the society (Castles 1998) or of the economy (Hall / Soskice 2001) as well as the factors associated with political leadership or ideology (Schmidt 2002) can all exert an important influence upon the development of public policies. In circumstances of decentralised policy-making, and indeed in nation-states which encompass a diversity of regions, these factors can apply just as well to the sub-national as to the national level. Moreover, as behavioural economists (Arthur 1989) and subsequently political scientists (Pierson 2000) have argued, 'path dependence' may well lead to the lock-in of particular trajectories of policy development: regional differences in public policies might, then, become entrenched, either because of resistance to change at the level of political institutions, or within public opinion.

In addition to these broader determinants of public policy operating at the sub-national level, the very fact that policy-making is decentralised may, in some cases, have a substantive impact upon policies. Such a prospect has been outlined in the case of welfare policy, albeit with mixed results: If Hicks and Swank (1992) found that the existence of federalism tempered welfare state development, more recent work (Obinger et al 2005) find the evidence rather more mixed, pointing to the ways in which federalism can hinder welfare retrenchment (both by creating additional veto-points which may block potential cuts, and in leading to more elections, making politicians more fearful of the electoral price of cut-backs). In the North American context, the possibility of federalism leading to a 'race to the bottom' (Peterson 1995, Harrison 2006) has been highlighted, with regions gaining a competitive advantage through reducing levels of state expenditure and taxation; while with reference to the UK, Keating (2010) finds support for the view that electoral pressures resulting from decentralisation may actually lead to upward increases in the levels of welfare provision.

The remainder of this paper is devoted to the consideration of two questions: first, the impact of political parties upon public policy at the regional level in Germany. With some important exceptions (Schmidt 1980; Wolf / Hildebrandt 2008; Payk 2009) there has been a surprising paucity of attention to the interplay between political parties and public policy at the sub-national level. Secondly, the paper considers the

existence of specific territorial effects at the regional level, such that policies differ within the nation state, as factors shaping public policy are played out at the regional level. To this end, two areas of policy are analysed: policy towards schools, and childcare policy. In the case of education, policy is predominantly the preserve of the Land governments (notwithstanding some voluntary horizontal co-ordination through the conference of education ministers, the KMK). In the case of childcare policy, responsibility is shared between the federal, Land and local tiers of government (Hill et al 2010).

Using these cases, the paper attempts to assess and develop two claims: firstly, that political parties matter on a regional level, and so an exclusive focus upon the national level is mistaken; secondly, that a diversity of policies at a regional level can have its roots at that level, and that such diversity can be cemented at that level. The main body of research upon which this paper is founded was carried out by the author as part of a wider project examining changes of government in three Länder (cf. Turner 2011).

## 2. Education Policy: Partisan variation

There can be little doubt that political parties in Germany have widely different views of education policy (here, in respect of schools, although the same could also be said of higher education). As Payk, in the introduction to an impressive study of partisan influence following the publication of the PISA study into educational attainment notes, 'Previous research into schools policy demonstrates strong party political influence' (Payk 2009, p. 3).

Payk (ibid pp. 93-7, cf. also Stern 2000, pp. 124-8; Turner 2011, p. 62) notes several core areas where there have been particular party political differences in this area of policy. The CDU is more supportive of selective education than is the SPD, and this is by far the strongest dividing line between the parties, with the CDU looking for selection to occur earlier in children's education careers, according to criteria measured by teachers and tests, and the SPD resisting early selection, keen to promote flexibility between different educational pathways, and often being supportive of comprehensive schools. But there are further areas of difference: for instance, the CDU has been more supportive of centralised examinations and the use of grading from an early age to signify performance, and has been keen on compulsory religious education. The SPD has traditionally been keener on school support for all-day education, whereas the CDU has been resistant to challenges this might pose to the traditional family model and the parental role. The different partisan approaches are summarised in the table below:

**Table 1: Partisan variations in views of education policy**

Social democratic paradigm	Christian democratic paradigm
Comprehensive education (or if unacceptable, late and flexible selection)	Early and rigid selection, with limited movement between types of school

Any selection based on parental choice	Selection based on tests / teacher assessment
High level of individual teacher discretion over curriculum content and testing	Centralised tests and examinations
<i>Abitur</i> (university-qualifying examination for school leaders) after 13 years	<i>Abitur</i> after 12 years
Extensive pupil choice of subject	Limiting of pupil choice
Compulsory, integrated all-day education	Half-day education with possibility of extension
Teachers provide education all-day	Some supervision undertaken by volunteers / unqualified helpers
Limited reliance on grading	High reliance on grading
Grading only in secondary school	Grading from year 1
No grading of behaviour and teamwork	Grading of behaviour and teamwork
Limited repetition of years in event of poor performance	High level of repetition of years in event of poor performance
Free provision of school books	Parental contribution towards school books
Opposition to Länder having exclusive control over policy	Support for Länder having complete control over policy
Partnership with trade unions	Limited involvement with unions

Source: Adapted from Turner (2011)

In some cases, partisan difference has eroded over time. For instance, Rudloff (2008, p. 355) notes that all Länder have now introduced centralised *Abitur* after 12 rather than 13 years, with only Rhineland-Palatinate holding against this trend, allowing schools to set their own examinations, and continuing with *Abitur* after 12.5 years (see also Wolf 2008, p. 32). There have also been, post-PISA, instruments to secure quality and the introduction of some 'New Public Management' tools, albeit with variations in the way they have been deployed (Rudloff 2008, pp. 341-2).

However, there remain substantial differences which can be attributed to the partisan composition of the government. Following Germany's poor results in the PISA study, there was a renewed debate between the parties over attitudes towards selection, running along partisan lines, with Social Democrats noting that countries with comprehensive schools performed better on average, while Christian Democrats noted the reverse was true within Germany (Wolf 2008, p. 25). Payk's

comprehensive study of reactions to PISA finds that the area of selection confirms the paramount importance of partisan influence: ‘... On the dimension of selection it can be held that as before there are significant differences in the evaluation of integrated forms of education. In particular, comprehensive schools continue to be rejected by the CDU’ (2009, p. 171).

Numerous examples could be drawn upon to illustrate the way partisan actors put their policies into practice. In Hesse, the scene of highly polarised views between the different parties on education policy, a CDU-led government under Roland Koch was elected in 1999, and re-elected in 2003 (winning an overall majority). Over these two legislative terms, there were substantial shifts in education policy: curricula were centralised, Land-wide tests were introduced, a greater emphasis was placed upon grading and it was introduced from the second half of year 2 (i.e. for 7-year-olds), the role of teachers in selection was strengthened, at the expense of parents, and compulsory elements of all-day education at primary level were swiftly rescinded (for a full discussion, cf. Turner 2011, pp. 90-107). However, there are some caveats around the issue of selection as indicating strong partisan difference, which will be outlined in section 4.

Looking at a different Bundesland, Saxony-Anhalt, where a CDU/FDP coalition replaced an SPD-led government (tolerated by the PDS) in 2002, a broadly comparable picture emerges. In the ensuing four years, a range of reforms were introduced which were entirely consistent with expectations of a CDU government: selection became more rigid and was brought forward two years, the role of teachers in selection was strengthened, grading was introduced from the very first year of schooling, and parental contributions for schoolbooks were introduced (amongst other changes; cf. Turner 2011, pp. 178-91).

From 2001, Berlin has been governed by a coalition of the SPD and the Left Party (previously PDS). Although education policy has not exclusively shifted in the direction that table 1 might suggest (for instance, charges were introduced for school books in 2003; cf. Miller 2003), several important aspects testify to the profound influence of political parties. In early 2010, the Land’s legislature agreed to a fusion of selective strands apart from the grammar schools into ‘integrated secondary schools’; these would decide the extent of ‘streaming’ according to ability, and at the end of year 10, all these integrated secondary schools would offer pupils the opportunity to do the *Abitur*, which would qualify them for university (Senatsverwaltung Berlin 2009). Two further proposals were included and are worth mentioning here: a pilot project of the *Gemeinschaftsschule* (a fully-integrated comprehensive) was agreed in coalition negotiations in 2006, and introduced in the 2008/9 school year; there are currently 17 such schools in the city. Secondly, and even more controversially, in the case that a grammar school was over-subscribed, 60% of pupils would be chosen by the school, 10% would be allocated to children who had pressing social reasons to be there (for instance, due to siblings at the school), and 30% would be decided by lottery out of all those who met the qualifying criteria (ibid.). In this way, it was intended to achieve a mix of pupils from different backgrounds at grammar schools; this provision was the subject of hefty criticism from the opposition (Menke 2010).

Although Berlin's plans are strikingly radical, a similar direction of policy change can be discerned in other Länder which have experienced a shift in government from right to left. In Baden-Württemberg, the newly-elected Green-Red government has proposed merging the two lower tiers of school where there is public support, and also intends to end binding decisions on admission to grammar school by teachers, instead strengthening the role of parents (Burchard 2011). In North-Rhine Westphalia, the government initially had similar intentions, albeit with a greater amount of local flexibility within the Land (Geiges / Leffers 2010); in the end, as will be outlined in section 3, even these quite modest plans came unstuck.

In summary, then, scholarship looking at a wide range of cases (Wolf 2008, Payk 2009), as well as detailed case-study research (Turner 2011) suggests that partisan influence upon education policy remains profound. Reforms going in opposing directions can be found, leading to growing diversity in some aspects of Germany's educational landscape, and some of these important differences are quite clearly attributable to the partisan colour of the Land government.

One point that needs to be made at this juncture is that, with the growing complexity of Germany post-reunification, and (at least) six parties credibly able to compete for government office at the Land level (CDU, CSU, SPD, FDP, and the Green and Left Parties), the direction of partisan influence upon policy may well become more complex (Jeffery 2005). If coalitions occur across traditional left-right boundaries (such as grand coalitions, or those involving both CDU and Greens), then it is not obvious in which direction there will be partisan pressure for change (and indeed whether overall vote shares, or portfolio allocation in particular policy areas, will be decisive – for example, if the SPD holds the education ministry in a grand coalition in which it is very much the junior partner, it is not clear what might be expected).

### **3. Education Policy: Territorially-founded variation**

Notwithstanding the differences in education policy that are clear from the previous section, there are also territorially-founded variations which can be discerned. This section will demonstrate that flow in different ways from the context of the Land, be it in terms of the legal context, history, or the nature of the Land's demography. As a result, variations can become entrenched. This section attempts to illustrate this with reference to a number of cases of education policy. As section 2 discussed, the preferences of political parties in this area are both quite clearly defined and quite polarised, so if it can be shown that there are occasions when *territory* trumps *party* as a determinant of policy, even when the forces of party might be expected to be strong, this could be a significant finding.

One feature of regional governance in Germany is the presence of a state constitution (*Landesverfassung*; cf. Freitag / Vatter 2008, pp. 221-36). Although precise rules governing constitutional amendment vary, these always require some sort of 'super-majority' (typically a two-thirds majority of all MPs) in the legislature to secure agreement (ibid, p. 233). Such rules can, therefore, entrench particular policies unless a 'grand coalition' in support of amendment is secured (given polarisation in the field of education policy between the CDU and SPD, it can safely

be assumed that the need for such a grand coalition would seriously temper partisan influence upon policy).

One concrete example of this is that of the Saarland, led by the (then) SPD politician Oskar Lafontaine between 1985 and 1998, after the CDU had governed for the remainder of the post-war period. It might have been expected that the Lafontaine governments would have pursued extensive reforms to the package of school structures: the SPD's new party programme declared in 1989 (having been developed by a commission led by Lafontaine) in 1989 that 'The comprehensive school is best suited to realise our education policy aims' (SPD 1989). Yet only one school reform took place during this period, with the two lower tiers of the traditional three-tier education system in the Saarland being merged, in the so-called 'education compromise' of 1996. Lafontaine was only able to get CDU support for the constitutional amendment necessary to allow the merger of the two lower tiers of school if the existence of grammar schools was constitutionally guaranteed (cf. Turner 2011, pp. 133-4). At the same time, the CDU government elected in 1999 (and re-elected in 2004) would not have been able to abolish comprehensive schools, due to their constitutional anchorage.

In North-Rhine Westphalia, Land-level legal obstacles obstructed the school reform proposed by the SPD-led (minority) government in 2010; the education minister there promoted the creation of 'experimental' comprehensive schools, only to see a local court stop the process, with the justification that the minister needed primary legislation in order to allow the creation of such schools; such legislation was unlikely to find a majority (Frigelj 2011). As a response, the minister successfully sought a compromise with the CDU, which led to a constitutional amendment removing the lowest of three-tier schools and allowing their merger into comprehensives, but at the same time guaranteeing the existence of the grammar schools (taz 2011). Again, this will impose a Land-level impediment to reforms which might be favoured by both the left (shifting towards comprehensive education) and the right (with extensions of selection).

The entrenchment of a particular policy trajectory at a Land level can go beyond the constitutional. There are several examples in the field of education policy where particular policies became *politically* entrenched at the Land level. In the previous section, it was noted that the CDU-led government under Roland Koch appeared to have radically divergent views from its SPD predecessors and be extremely willing to put these into practice. However, in the first period of the CDU-led government (between 1999 and 2004), the number of comprehensive schools dropped only slightly (from 217 to 213) and the number of children at them actually rose (from 186,718 to 194,371). Although some actors attributed this to pragmatism and a concern with outputs rather than structures, others pointed to the popularity of existing comprehensive schools. This situation might be compared to welfare state retrenchment. Pierson (1996, p.145) notes that once welfare states are created, concentrated interests will emerge around them; these are more likely to engage in collective action to defend their position than diffuse interests, and are also more likely to be plugged into organisational networks which inform them about government policy and facilitate political action. The same goes for comprehensive schools in Hesse: once created, and assuming the schools have a modicum of popularity, teachers and parents will have a stake in their continuation. These actors



are also far more likely to be able to engage in action to defend the position of comprehensive schools than would ever have been able to promote their creation, and are also likely to be part of networks (such as parents' or teachers' associations) who support these policy goals. The case of Hesse's comprehensive schools appears to support the notion of *Land-level path dependence*. A similar argument could be used to account for the persistence of free school books in Hesse, in spite of the fiscal and education policy conservatism of the governing CDU there.

A similar phenomenon can be seen, in reverse, in the case of Hamburg. From 2008 until 2011, Hamburg was governed by Germany's first CDU/Green coalition. One of the points in the coalition agreement (included at the Greens' instigation but agreed to by the avowedly centrist Hamburg CDU under Ole von Beust) included the extension of non-selective education from year 4 to year 6; a suggestion which also gained the support of Hamburg's SPD and was passed unanimously by the Hamburg parliament. The government's proposal encountered stiff resistance: an energetic campaign was founded (under a lawyer, Dr. Walter Scheuerl), with the support of conservative teachers' associations and, in particular, parents of children who were at, or aspired to attend, grammar school (who were anxious that the shortened time in selective education would prove damaging to the children's prospects). The campaign garnered sufficient signatures to prompt a referendum on the proposals, and they were resoundingly defeated (Spiegel 2011). The government's defeat on the issue appeared to precipitate the resignation of the mayor of Hamburg, Ole von Beust, the collapse of the CDU/Green coalition and then new elections (when the CDU even adopted Dr. Scheuerl as a candidate, in an attempt to make good the damage the proposed reform had done to its core vote).

The Hamburg case again provides a good example of *Land-level path dependence*, illustrating the way in which Land-level public opinion and political institutions can combine to thwart policies for which there is party political support.

There are other ways in which the specific character of a Land may shape policy. Payk (2009, p. 163) notes that in the post-reunification period, the CDU in the eastern Länder was supportive of combining the two lowest tiers of education (which existed alongside grammar schools); this is attributed to the tradition of combined school forms in the GDR, which led to a scepticism in the population about the lowest tier of school, along with public support for grammar schools. Later, this amalgamation proved functionally useful, as depopulation (and falling birth-rates) in the east set in: smaller and shrinking communities might be able to support a combined secondary modern school, but would not have managed to support schools of both lower tiers.

A completely different example of this phenomenon concerns the nature of relations between teacher's trade unions (and specifically the left-wing GEW) and the CDU government. As was mentioned in section 2, warm partnership between the CDU and such unions would not normally be expected. Yet in the Saarland, throughout the period of CDU-led government from 1999-2009, the Chair of the GEW's organisation in the Land chaired the education ministry's personnel committee for comprehensive schools, taking important staffing decisions (Turner 2011, p. 140); interestingly, the individual in question later became Education Minister in the CDU/Green/FDP government. The involvement of unions in operational matters by

a CDU-led government in, for instance, Hesse, would be close to unthinkable, and it probably reflects the small size of the Saarland, with politics characterised by a dense web of personal connections and relationships (when conducting interviews with policy actors there, numerous participants referred to the Saarland as the 'Land of short paths'; cf. Turner 2011, p. 163).

It is worth noting, too, that the programmatic orientation of German political parties is not consistent between the Länder, although there is a common thread (cf. Müller 2009). Rather, this can reflect whether the party is in government or opposition in the Land (and indeed its chances of entering government more broadly), and also the character of the Land (Detterbeck / Jeffery 2008, p.52). To take three examples: in opposition the SPD in Hesse was a strong proponent of compulsory elements of all-day schooling, whereas, as Rüdloff (2008, p. 355) notes, the SPD education minister in Schleswig-Holstein said such schools were 'expensive and not affordable at the present time'. In the Saarland, the SPD opposition supported the Christian Democratic government's proposal to ban headscarves in schools, in contrast to the stance taken by the SPD elsewhere; this probably reflects the catholicism of the Länder (Turner 2011, p.138; for a full discussion, Von Blumenthal 2009). In Bavaria, notwithstanding the structural conservatism of the Land that had led to the CSU coming close to electoral hegemony in the post-war period, the SPD cheerfully proposed the introduction of non-selective community schools, offering all-day education, which should eventually replace existing, selective forms of school (SPD Landtagsfraktion Bayern 2010); in this case, it would seem the SPD was such a long way from power that its proposals reflected the opinion of party members and supporters rather than hard political calculations. In sum, then, partisan influences upon policy are not exogenous to the wider characters of the Land (this point can be observed in the case of childcare policy also, as discussed in section 5 below).

This section has illustrated ways in which the character of a Land can shape education policy; it has also demonstrated that Land-level political institutions, public opinion or a combination of both can entrench particular policy paths at the Land level. This lends further support to Jeffery's claim, discussed in section one, that individual Länder can be a relevant unit of analysis for political scientists seeking to understand policy.

#### **4. Childcare policy: Partisan variation**

For much of the post-war period, the partisan preferences of CDU/CSU and SPD reflected significant differences over the role and form of women and of the family in society, and the way in which children should be raised. As Hagemann (2006, p. 235) argues, 'The chief opponents of the expansion of childcare and all-day schools in West Germany were the Catholic Church, the CDU, the CSU, and conservative Christian interest groups ... [They] continued to argue that such a policy would alienate children from the family and threaten the very substance of its child-rearing potential'. Although the SPD was not always a strong proponent of expanded childcare, by the time of its Berlin programme of 1989 extensive programmatic commitments could be seen, whereas the CDU's 1994 programme contained strong commitments to the value of marriage and the equal value of family and paid work (cf. Grasnack 2007; Turner 2011, pp. 66-8).

When it comes to childcare policy, three broad tendencies can be discerned in the programmatic orientation of Christian Democrats, compared to Social Democrats (ibid. pp. 66-8):

- A preference for institutional childcare starting later in life, for instance at around age three, rather than earlier in children's lives;
- Support for more flexible provision of childcare with lighter-touch regulation;
- Equal value being attached to parents taking upon caring and professional responsibilities, with a consequent rejection, as discussed above, of education structures which would undermine this (such as compulsory all-day primary education).

Taken at face value, this would then lead the observer to expect significant diversity in terms of childcare policy between and indeed within Bundesländer (remembering, following Hill et al 2010, that local authorities as well as Länder have a significant policy role in this area), and that this diversity would be related to political parties' influence.

In fact, the picture is significantly less clear-cut. First, there has undoubtedly been a shift in the CDU's programmatic orientation in this area of policy in recent years. The most recent party programme of 2007 modernised its definition of family 'Family is everywhere where parents take lasting responsibility for children, and children for parents' (CDU 2007, p.25); it also stated that 'The decision for marriage, children and family is a personal decision which we support; but state and society should not dictate to people how they live their lives' (p. 26). On childcare policy, it stated that 'Compatibility of family and professional life is a core component of Christian Democratic politics' (p. 22). In practice, this modernisation reflected policy change at a regional and national level which had already happened.

To take a couple of examples, in the periods of Christian Democratic government in Hesse between 1999 and 2003, and in the Saarland between 1999 and 2004, there was an increase in state childcare provision. In the Saarland, moreover, the final year of pre-school education was made free of charge (cf. Turner 2011, p. 221). Interviews with relevant actors there suggested that this was the result of the exercise of political leadership, recognising the changed nature of society, and occurred in spite of some scepticism on the part of grassroots party members (ibid, p. 113). In Saxony-Anhalt, another case discussed above, although there was some retrenchment of provision, the CDU-led government left intact one of the most generous levels of provision in Germany (ibid, p.204). This change mirrors developments in the CDU's policies on a federal level, with the Federal Minister for Family Affairs, Ursula von der Leyen, achieving a modernisation of the CDU's view of the family, adopting a concept of family support derived from Sweden, and achieving a 'transformation' of policy (Schroeder / Neumann 2010, pp. 278-9); indeed, Schroeder and Neumann consider this a case of 'contagion from the left', since 'the CDU took over the programmatic orientation of a more left wing party (the SPD)' (ibid, p. 279).

Even with the change in the programmatic orientation of the CDU, however, partisan differences in this area of policy are not irrelevant. There remain differences between the parties on the optimal level of regulation and flexibility of childcare

provision (with the CDU more supportive of childminders). In Hesse between 1999 and 2003, the government introduced modest expansion of support for this group, while reducing minimum standards in institutions through a new 'Nursery Directive' (Turner 2011, p. 114). In Saxony-Anhalt between 2002 and 2006, similarly, there was an increase in the flexibility of childcare provision and a reduction in the level of regulation (ibid., pp. 199-204), with a strengthening of the role of childminders, to the concern of formal institutional childcare providers.

Moreover, the discussion here has focused on the modernisation of the CDU's childcare paradigm. The CSU retains a more conservative focus in its party programme, with strong statements about the particular importance of marriage, the priority of rights and duties of parents over action by the state, the need for high-quality childcare provision, and 'real freedom of choice' for parents whether to work or stay at home (CSU 2007, pp. 75-9). Although the CSU has, as in other Bundesländer, extended childcare provision, it has retained some Land-level payments for parents who stay at home to look after young children (*Landeserziehungsgeld*), and has remained sceptical about extending entitlement to free childcare (Henry-Huthmacher / Hoffmann 2006, pp. 95-6; Merkur 2010). The CSU has also been active in shaping policy on a federal level, in particular demanding support for parents who chose to care for their children full-time, as well as those who went out to work (Gerlach 2010, p.233).

## **5. Childcare policy: Territorial variation**

The previous section argued that there has been significant, although by no means complete, convergence in the childcare policies of the CDU and SPD (rather less so in the case of the CSU), although in the details of childcare policy, for instance around the level of regulation, there remain differences.

This is not, however, to claim that there is homogeneity in the level of childcare provision within Germany: quite the reverse is true, with radical differences within regions, and also between different local authority areas. As noted in the introductory section, there are particularly strong differences between levels of institutional childcare in eastern and western Germany: an average of 17.3% of children under 3 in western Germany were in institutional childcare in 2010, while this was true for 48% of children in the east (cf. Statistische Ämter 2011, p. 6). For children aged between 3 and 6, the figures were 91.6%, as against 95.2% (ibid, p. 7). Within the two parts of Germany, there were still significant differences: 28.5% of children aged under 3 in Hamburg had a place in childcare institutions, while the same was true for just 14% of those in North-Rhine Westphalia.

There are clear historical and structural reasons why childcare in eastern Germany should be so much more developed. In the GDR, a high proportion of women were active in the labour market, and the state extended childcare availability accordingly (Gerlach 2010).

Women's employment levels in eastern Germany are still higher than those in the west (all eastern Länder, excluding Berlin, were above the west German average in 2007). At the same time, no eastern Land had a level of women's employment over

60%, and the proportion of women with children aged under three who were active in the labour market was only slightly higher than those in the west (cf. BMFSFJ 2010, pp. 44-8), in part due to the lesser availability of work. As a result, the structure of the labour market in eastern Germany goes some way – *but only some way* – towards explaining the far greater level of institutional childcare provision there.

Additionally, it can be hypothesised that a history of more generous provision in the eastern Länder feeds into this. As was demonstrated in the case of education policy in section 3, path dependence can emerge on a regional level. This can work through public expectations: the electorate in eastern Germany would have higher expectations for the provision of institutional childcare than in the west. It would also be reflected in the political process, where cutbacks in this area (as in other areas of welfare policy; cf. Pierson 1996), could prove electorally costly. Recent research (Bauer / Dähler 2010) has displayed enduring and significant differences between east and west in public opinion on issues to do with parenting, pointing at divergent expectations of the state: for instance, 37.4% of west German women declared they would be willing to stop working for their children, whereas the same view was expressed by just 16.3% of eastern women. 91.6% of eastern women saw their preferred life path to be a profession, with 8.4% preferring to stay at home (the figures were 81.3% as against 18.7% in the west). Differences were not confined to women, either: 72.1% of eastern men agreed with the statement ‘My partner should have the same professional opportunities as me, therefore homework and childcare should be equally divided’, whereas 46.2% of western men expressed this view.

Alongside this divergent opinion, just as in the case of comprehensive schools in the politically hostile climate of Hesse, discussed in section 3, alongside public support for existing arrangements, institutions can emerge to defend these at a Land level, and they can utilise Land-level political structures in their support. The case of Saxony-Anhalt is instructive here (Turner 2011, pp. 196-200). In 2002, the CDU-led government decided that the legal entitlement to full-day childcare for all children aged 0 to 6 should be cut back. Initially, the proposal was to leave it in place for children aged between 3 and 6, while removing the entitlement for those aged under 3 except where both parents were in work, or where there was a pressing social need. After negotiation with the opposition SPD, the legal entitlement for children of all ages remained in place, but was reduced to half a day except where both parents were in work. Even though this approach left Saxony-Anhalt with the most comprehensive legal entitlement to childcare in Germany, it was fiercely resisted by Land-level interest groups (such as those representing parents and childcare workers) as well as the opposition PDS, who managed to force a referendum on the issue (which was eventually lost, not meeting the legally-required level of turnout to overturn the government’s decision). The government’s unusual strategy of seeking agreement with the opposition was not constitutionally necessary, but it brought some political advantage in trying to secure the politically-challenging, if modest, erosion of existing entitlements (ibid., pp. 200-5).

In summary, as in the case of education policy, there appears to be every reason to take the level of the region as a relevant unit of analysis for childcare policy in Germany. In particular, there are major variations in levels of provision across the country, which appear to relate to the varied regional contexts: political, but also historical, attitudinal and institutional. These divisions are strongest along the fault-

line between eastern and western Germany. We can see, too, how the phenomenon of path dependence on a regional level can manifest itself, with the history and circumstances of a Land creating institutional blockages to retrenchment, raising the cost to politicians who seek to make cutbacks, and thus cementing regional diversity.

## 6. Conclusions

Even this brief survey of developments in just two areas of policy appears to confirm two claims outlined at the start of this article. Firstly, the partisan composition of a government at the regional level in Germany can, at times, have a significant impact upon policy choices. This will vary, of course, with the degree of control a Land has over the policy area in question, but also depends on the degree of party political polarisation in the area in question: partisan influence on (polarised) education policy is greater than in childcare, where there has been some partisan convergence. The picture of partisan influence varying according to policy sectors is confirmed by Wolf and Hildebrandt (2008, p. 364), who find it significant in education policy (both in schools and universities), policy towards the police and internal affairs, environmental policy, the use of direct-democratic instruments and to some degree in social policy (whereas in the case of fiscal policy, the partisan composition of the Land government is not influential).

The suggestion that the specific character of a Land can exert a profound influence upon public policy at a regional level has also been confirmed here, and can sometimes 'trump' partisan influence, even in the field of education policy, where the latter is strong. *Regional-level path dependence* can help us explain why comprehensive schools persisted in Hesse under Roland Koch, why attempts to extend non-selective education in Hamburg catastrophically failed, and why the eastern Länder have significantly higher levels of institutional childcare provision than those in the west. Again, this confirms findings elsewhere: Wolf and Hildebrandt (ibid, p. 365) also see strong evidence for path dependency in such diverse areas as policy towards the police, local government, and economic policy. This path dependence manifests itself in formal institutional rules (once a particular policy is adopted into a Land's constitution, it requires a super-majority to overturn it; the possibility of direct democratic instruments being used to obstruct policy change also exists now in most Länder). It is also present in shaping attitudes, and in creating a concentration of interests which can then form interest groups to defend particular policy trajectories. The notion of regional path dependence has long featured in the literature on economic geography, looking at why regions' economic development trajectories vary (Martin / Sunley 2006). The findings here suggest that, in the case of Germany (or any other polity which combines some territorial diversity with political decentralisation), the notion can usefully be deployed by scholars of political science and public policy to explain different patterns of development.

Partisan and 'territorial' influences upon public policy do not exist in isolation from each other. As has been demonstrated elsewhere (Schmid 1990, Detterbeck / Jeffery 2008 / Müller 2009), different Landesverbände of the same party can have substantially different policies. Equally, the character of a Land will, to some extent, be shaped politically: for instance, the creation of comprehensive schools in Hesse

resulted not principally from the nature of the Land's economy or social structure, but rather the decisions of SPD governments, in particular in the 1960s and 1970s (cf. Hepp / Weinacht 2003).

Nothing in this article seeks to dispute the importance, and relevance of national-level studies of public policy. Undoubtedly, nation states remain an important unit of analysis for political scientists, and of course by and large nation states frame the constitutional and political context in which sub-national government operate. The claim developed here is more modest: it is that partisan influence upon public policy, alongside territorial factors which can combine into a form of 'path dependence', can be readily identified on a regional level. On the one hand, a complete picture of the development of public policy, especially in areas which are often decentralised, cannot be formed while neglecting the regional level. On the other, political scientists may find the regional level a source of rich, accessible data with which to challenge and develop long-standing claims about the nature of policy change.

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