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# The Myth and the Paradox of 'Uniform Living Conditions' in the German Federal System

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## ABSTRACT

A paradox exists within the context of the German federal system. On one side stands a strong view that pervades society and academia that the German system strives for and produces uniform policy outcomes across the heterogeneous Länder, which is at odds with what one is conditioned to expect from a federal state. On the other side sits research and findings, though less common, that Germany does and has historically had diverse policy outcomes. This article starts to unwind the puzzle on how two views that appear to be diametrically opposed to one another co-exist in Germany.

## INTRODUCTION

There are sixteen German Länder, and they have significant autonomous legislative and executive powers across a wide range of public policy fields. A visiting Martian might expect that a federal system with sixteen separately constituted political units would produce significant territorial diversity in public policy outcomes. Yet if the Martian were to read the great bulk of academic writing on German federalism it would be led to believe that the Länder are, in fact, restricted in the use of their policy-making powers by two things: an integrated multi-level policy process in which the federal and Länder governments cooperate with one another to ensure citizens have 'uniform living conditions' (as the German constitution puts it<sup>1</sup>); and strong normative expectations in public opinion that 'living conditions' should, indeed, be uniform.

So the Martian might well imagine that there is, in consequence, little variation in the public policy outcomes experienced by citizens across different Länder. However, the reality is a little more complicated. There is a dominant tradition of research on German federalism which focuses on the undoubted and manifold institutional interlinkages which connect the Länder with one another and to the Federal Government in making and applying public policy. Fritz Scharpf's term *Politikverflechtung*<sup>2</sup> – policy 'entanglement' – has enduringly captured these dense networks. But the dominance of this tradition has diverted attention from other work which reveals a different 'face'<sup>3</sup> of German federalism, one which recognises the diversity that logic suggests surely must exist in a political system made up of sixteen discrete units.

The other face of German federalism was revealed in the same era as Scharpf's own pioneering work, most prominently in the work of Manfred Schmidt. One of the enduring themes in Schmidt's work, which had a powerful influence on comparative political analysis in western Europe, has been the question of whether political parties 'matter', that is whether governments formed by parties of the left or the right actually do different things when in power.<sup>4</sup> The foundation for that comparative work across states was laid in his 1980 book on German federalism 'The CDU and the SPD in Government: A Comparison of Their Policies in the Länder'. In that book – as in his international comparisons – he found that what governments did was influenced both by things largely beyond their direct control (like economic climate and demography) *but also* by their own partisan preferences. So among the Länder in Germany, just as among states internationally, the policy outcomes experienced by

citizens varied because of the political choices made by those governments – which of course reflect the different electoral choices made by citizens – as well as the fiscal constraints faced by governments.

Since this time, there have been periodic echoes of Schmidt's early work on German federalism, with a particular acceleration in the last decade,<sup>5</sup> not least as the debate about the reform of – and decentralisation of competences in – German federalism intensified. That in turn motivated us to revisit Schmidt's work in a more systematic way, revealing a picture of perhaps unexpectedly high degree of policy variation across the Länder, as we have discussed in detail elsewhere<sup>6</sup> and report in summary in the next section. This high degree of policy variation challenges the 'myth' of uniform living conditions in Germany signalled in the title of this article.

The 'paradox' of uniform living conditions also referred to in the title has to do with the second of the factors widely held to limit the scope for policy variation in the Länder: the strong normative expectations of uniformity thought to be held by the general public in Germany. If, of course, there is in fact a high degree of policy variation, then any such expectations are not being fulfilled. Such a mismatch between expectations and what actually happens could be problematic. Yet it is difficult to know if this is the case or not because surprisingly little work has ever been done in exploring public expectations and assessments of the federal system in Germany, and some of what has been done has been of poor quality. So the third section of this article reviews what we know about what citizens think and expect of federalism in Germany. It finds a 'federalism paradox' in which citizens appear to simultaneously want *both* more powerful Länder *and* uniformity of policy outcomes. The final section draws together insights from these analyses of policy variation and of public attitudes to reflect further on the different 'faces' the German federal system appears to present.

## POLICY VARIATION

Policy variation can be measured in a number of ways. We focus here on how public spending by Land governments is allocated across a range of standard categories, along with data on policy outcomes.<sup>7</sup> We benefit in this from the extraordinary scrupulousness of the German Federal Statistical Office which collates enormous amounts of data, disaggregated by Land, generally in highly accessible ways. To examine spending decisions we used the Statistical Office's annual Finances and Taxes reports,<sup>8</sup> condensing seventy expenditure categories into a simplified set of eight policy domains, echoing as far as possible the Classification of the Functions of Government (COFOG) coding scheme used by the defined by the United Nations Statistics Division<sup>9</sup> and used by the OECD to compare spending across states. We then establish the proportion of the total Land budgets spent in these eight domains.<sup>10</sup> Table 1 sets out spending patterns for the period 1995-2010, with in total 256 cases for each category (16 years, 16 Länder). The first column sets out the mean proportion of Land budgets allocated to the different spending categories. The others show the extent of variation around that mean, which is significant. The minimum and maximum proportions vary widely.

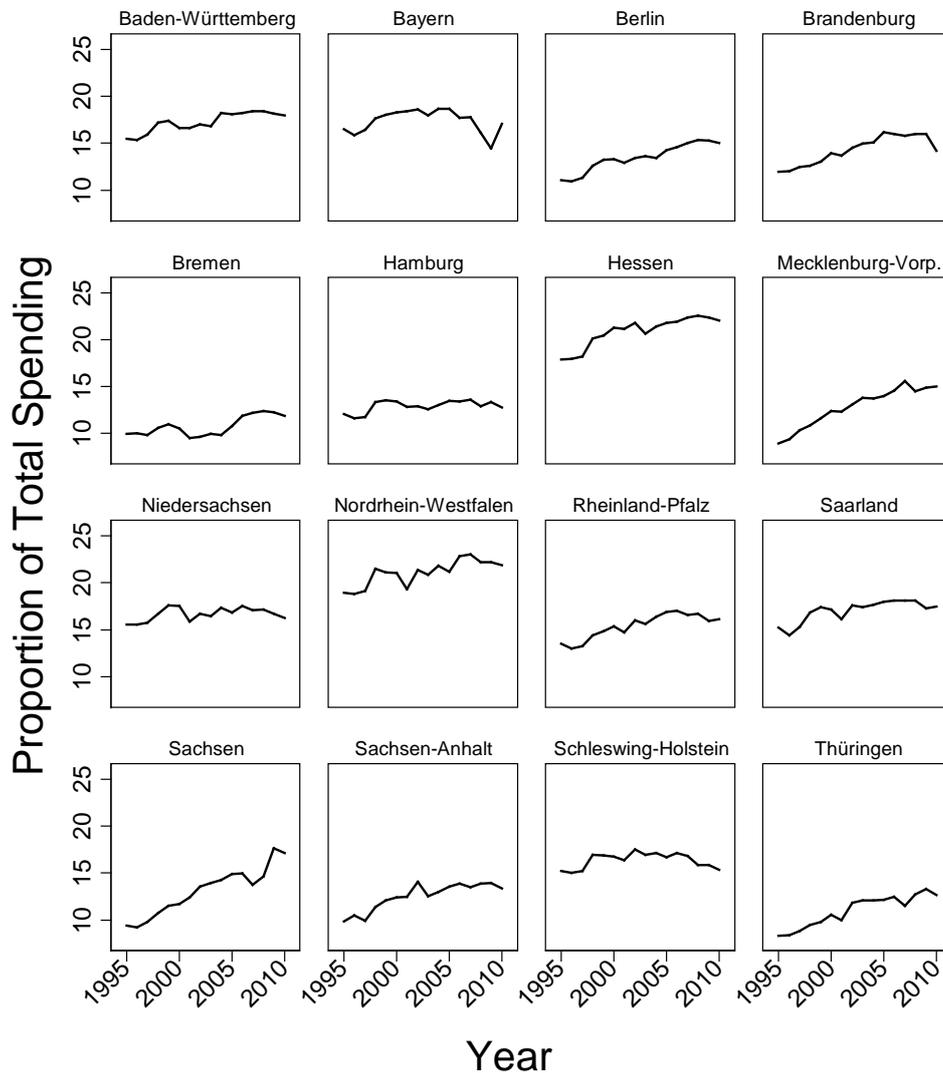
**Table 1: Public Spending in the *Länder* by Category, 1995-2010**

	Mean	Standard Deviation	Minimum	Maximum
Government Operations	9.18	2.20	5.67	19.06
Education and Research	23.86	6.44	13.95	41.31
Social Protection	24.64	10.15	6.15	47.02
Economic Development	10.06	5.68	2.19	24.94
Public Order and Safety	15.18	3.33	8.33	23.02
Transportation	11.73	3.43	3.40	18.34
Community Development	2.99	1.82	0.71	11.91
Culture and Recreation	2.36	0.93	0.71	5.21

Source: Statistisches Bundesamt, own calculations.

Figure 1 then takes one of these areas – public order and safety, reflecting Land responsibilities in policing and criminal justice – and sets out the proportion of spending on that area by Land over the fifteen year period. It shows both year-to-year variations by Land, with spending in the category remaining largely flat in some and rising or falling on others, and differences between *Länder*, with some consistently committing a higher proportion of spending to public order, others a consistently lower proportion, and others walking a middle ground. Similar patterns can be observed in the other seven spending domains. Based on Figure 1, we can begin to see that different *Länder* prioritise different things.

**Figure 1: Variation by Land in Spending on Public Order and Safety 1995-2010**



Source: Statistisches Bundesamt, own calculations.

Spending data do not of course tell the whole story. Spending decisions do not necessarily translate into differences in policy outcomes. And spending decisions do not cover the full range of government activity, including regulatory activity. So it is also important to look at outcomes. Figure Two gives an illustration in the field of public order and safety, setting out variation in prison occupancy rates by Land, measured as the number of prisoners relative to prison capacity. Of course, prison occupancy rates are influenced by longer term factors including the building of prisons and patterns of sentencing. However Figure 2 reveals substantial short-term variation in occupancy that would appear not just to reflect longer term infrastructure decisions or sentencing cultures. The first graph shows the extent of variation by Land in each year of the twelve year period 1999-2010; the second looks at variation over the twelve year period in each Land. Variation is substantial by both measures, ranging from a lowest occupancy rate across the period of 46.30 per cent in Bremen in 2000 and a highest of 119 per cent in Thuringia in 2005.

**Figure 2: Variation in Prison Occupancy Rates 1999-2010**

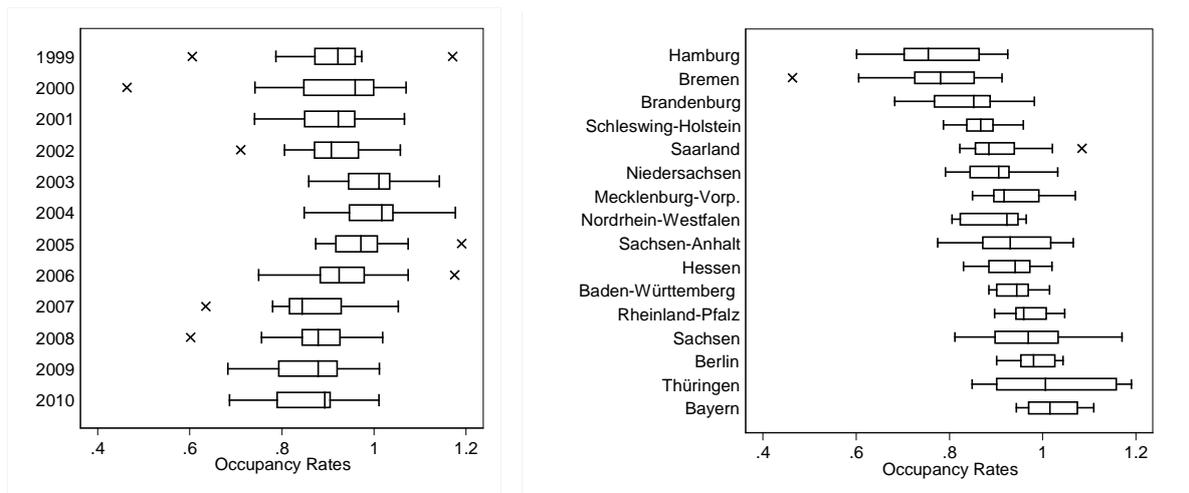
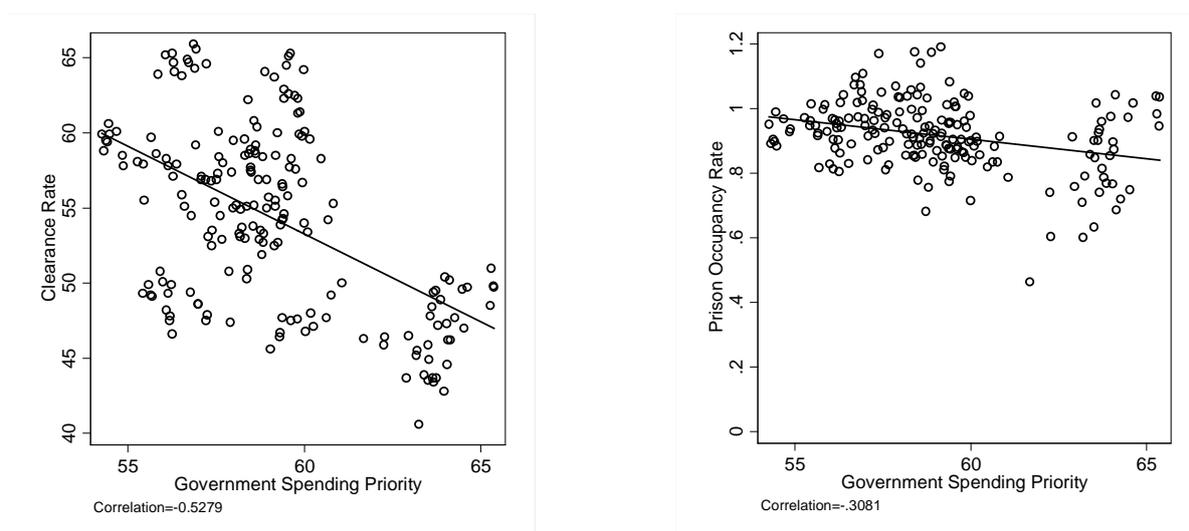


Figure Three furthermore suggests a clear relationship between the different priorities Land governments commit to spending on public order and safety, and the policy outcome indicators for public order and safety. Below government spending priorities are measured using a spatial proximity model where lower values for spending priorities are associated with greater spending on policy areas referred to as collective goods, including public order and safety.<sup>11</sup> In Figures 3a (Clearance Rates) and 3b (Prison Occupancy Rates) we see that greater spending on collective goods (associated with lower values for government spending priorities) are associated with higher rates of case clearances for reported crimes and higher prison occupancy (where clearing more cases would connect to more incarcerations). This relationship of spending and outcomes suggests that policy outcome variation is not only linked to differences in context but also to the consequences of differences in decision making from Land to Land.

**Figure 3: Spending Decisions relative to Clearance Rates and Prison Occupancy**



This is of course just one policy outcome indicator in one policy field. But our analysis of other indicators in other fields, reported elsewhere,<sup>12</sup> shows a similar pattern and does so both in policy fields where the Länder have exclusive responsibility and in others where they are responsible for putting federal law into effect. There is substantial variation across the board. Policy uniformity in German federalism is indeed a myth.

Some of that variation inevitably has to do with factors outside the direct control of governments. Our analysis showed, for example, that differences in economic conditions in the Länder impact significantly on policy outcomes, as do (less strongly) differences in the institutional structures of government across the Länder. But we also found that *politics* – which we operationalised in a measure of the strength of left-leaning parties – also impacts on the extent of policy variation by Land.<sup>13</sup> In other words, and alongside structural constraints beyond the short term control of the Länder governments, voters' preferences for different political parties in different Länder, and the impact of those different preferences on policy, also helps to drive policy variation across the Länder. Citizens' political choices are one of the factors in producing a 'non-uniformity' of living conditions.

### **The Federalism Paradox**

That conclusion resonates with findings from recent work<sup>14</sup> on voting behaviour in the Länder. This has challenged older understandings<sup>15</sup> that Länder elections simply reflect national politics by identifying conditions and extents to which voters consider Land-level factors when making their electoral choices. But such a conclusion appears inconsistent with the widespread understanding that citizens in Germany are enthusiastic advocates of uniformity of living conditions. One of the boldest statements to this effect is that of Fritz Scharpf in 2008:

The post-war German polity is a federal state with a unitary political culture ... there are no politically salient territorial cleavages ... and no popular demands for regional autonomy. Mass communication is dominated by nationwide media; political issues are defined and debated nationally; and public attention is focused on national parties even where they compete for office in the Länder. By contrast, the political salience of policy-making at the regional level is quite low, and the 16 Land elections have the character of 'second-order national elections' as parties tend to fight over national policy choices and about the performance of the national government.<sup>16</sup>

Such views, however forthrightly put, are often curiously lacking in detailed evidence. Very little survey research has been done which focuses on (and still less which also tries to explain) public attitudes to the institutions and roles of the Länder as compared to other levels of government. There are three main exceptions. First, the IfD-Allensbach survey company has carried out infrequent surveys on federalism.<sup>17</sup> One IfD survey from 1995, which was carried out for the Bundesrat (Germany's second chamber, representing the Länder Governments) appears to be the most comprehensive.<sup>18</sup> Second, a rather flawed survey with an idiosyncratic questionnaire was commissioned by the Bertelsmann Foundation, and conducted by the Infas research institute, in 2007.<sup>19</sup> And third, three German Länder – Bavaria, Lower Saxony and Thuringia – were surveyed by the Forschungsgruppe Wahlen as part of a 14-region comparative survey project, Citizenship after the Nation-State (CANS), in 2009 and led by one of the current authors.<sup>20</sup> Though only a snapshot in three out of sixteen Länder, the surveys of the three CANS Länder were of sufficient sample sizes to enable a more robust analysis of public attitudes on diversity vs uniformity, and are the main focus here.

However, a number of the CANS themes were prefigured in the earlier surveys noted above, suggesting a number of enduring features in public attitudes on federalism. The 1995 IfD-Allensbach survey was based on a representative sample of 2167 Germans carried out in September 1995 and in many cases disaggregated its findings between western and eastern Länder, reflecting the recent process of German unification. It did not disaggregate findings for individual Länder. It explored citizens' trust in, and evaluated their sense of the importance of, Länder as compared to federal government, and looked in detail at attitudes to policy variation and fiscal equalisation.

The IfD survey reported directly on the question of policy variation – whether it existed, and what people thought of it – though asked it in a rather convoluted way.<sup>21</sup> Nonetheless the finding is interesting. Over half of both east and west Germans thought there were ‘big differences’ in policies across the Länder, and 85 per cent of that group in the east and 67 per cent in the west found that to be ‘not good’. Of those (21 per cent in the east, 28 per cent in the west) who thought there were ‘hardly differences at all’ less than five per cent in either part of Germany felt that ‘bigger differences’ would be ‘better’. Unsurprisingly, then, when asked whether particular policy fields should be ‘regulated in a uniform way across the federation as a whole’ or ‘a matter for the Länder’, in all fields the preference was for federation-wide regulation, and generally by a wide margin (Table 2). So a uniformity of living conditions was certainly a public preference in 1995.

**Table 2: Federal Regulation or a Matter for the Länder?**

1995 data	Federal Regulation %	Matter for the Länder %
Financing and organisation of the police	52	42
Local election franchise for foreigners	53	32
Rail transport	59	29
School leaving qualifications	69	26
Motorway speed limits	73	19
Decisions on the deportation of foreigners convicted of crimes	75	19
Higher education policy	71	18
Setting ozone pollution limits	76	17
Approvals for nuclear power stations	76	14
Policy on narcotics	78	14
Setting drink-drive limits	85	7

Source: Allensbacher Archiv, IfD-Umfrage 6019, September 1995, p. 26.

That endorsement of uniformity was, however, qualified in other ways, in part by seemingly contradictory findings. Most prominently citizens appeared to invest a significantly higher degree of trust in Länder as compared to federal governments and to favour closer proximity of decision-making. So, asked which of the federal or Länder governments ‘was more concerned about the worries and needs of the people’, the Länder were preferred in a ratio of five to one: 52 per cent picked the Land government and just ten per cent the federal government (25 per cent picked neither and another 13 per cent did not know).<sup>22</sup> And asked whether ‘seen in the round, the Länder have too much influence over politics in the Federal Republic or too little or just about the right level’, the most popular response was ‘too little’ with hardly anyone saying they had ‘too much’ influence (Table 3). Respondents in the east were significantly more likely to think the Länder had too little influence, no doubt seeing in the Länder a potential for powerful advocacy of distinctive eastern interests following German unification.

**Table 3: Too Much or Too Little Influence for the Länder?**

1995 data	Germany %	West %	East %
Too much influence	6	6	3
About right	34	38	18
Too little influence	42	38	60
Don’t know	18	18	19

Source: Allensbacher Archiv, IfD-Umfrage 6019, September 1995, p. 5.

Other questions in the IfD-Allensbach survey pointed to a more general desire for the Länder to play a strong policy role. Asked which level of government should have the ‘primary responsibility’ for a range of policy issues (mainly within, but some beyond the constitutional competence of the Länder) the Länder came out as first choice for issues which shaped the immediate ‘social environment’ (*Lebensumfeld*) of citizens, including leisure time opportunities, bus services, pre-school care and post-school training opportunities.<sup>23</sup> Especially interesting was a small survey experiment that asked about who should be responsible for particular policy issues generically, and then with a prompt to encourage respondents to think of that issue in their own immediate context. With the prompt the proportion opting for Länder responsibility rose in part sharply, especially on job creation and environmental measures (Table 4).<sup>24</sup>

**Table 4: Federal vs Länder Responsibility**

1995 data	Federal Responsibility	Länder Responsibility
	%	%
That more good jobs are created	58	32
That more good jobs are created <i>in this area</i>	16	77
That more businesses are established	19	68
That more businesses are established <i>in our area</i>	12	78
That more is done to prevent pollution in our rivers and countryside, and to ensure healthy foodstuffs	61	28
That more is done <i>here</i> to prevent pollution in our rivers and countryside, and to ensure healthy foodstuffs	46	45

Source: Allensbacher Archiv, IfD-Umfrage 6019, September 1995, p. 19.

These findings suggest that even if uniformity of policy outcomes was the general preference, there is a countervailing tendency to see the Länder as better suited, and more trustworthy, to deal with some matters. There is an implicit contradiction here. If the Länder should be doing more, then policy outcomes would logically vary more. As IfD put it, ‘the population wants the Länder to carry out many responsibilities, thinks they will be better carried out in the Länder, and at the same time argues for as much uniform regulation as possible.’<sup>25</sup> This might be called the ‘federalism paradox’;<sup>26</sup> as in other decentralised states,<sup>27</sup> there is a strong desire for the Länder to do more, but not to do things differently.

Germany’s fiscal equalisation process can be seen as a constraint on such difference. It is designed to ensure that each Land has a similar financial capacity to fulfil responsibilities which (aside from the local government responsibilities of the city-states) are uniform across all of the Länder. That constraint was strongly supported in the IfD survey. When asked whether or not it was right that richer Länder transferred funds to poorer Länder as part of the fiscal equalisation process, 88 per cent of east Germans and 76 per cent of west Germans deemed equalisation to be ‘right’.<sup>28</sup> The 2007 Bertelsmann survey adds interesting nuance to this finding a decade or so later, and following a number of controversies about the extent and impacts of equalisation. It asked whether rich-poor transfers should be maintained and provided data at the level of the individual Land, with a sample size of 250-251 in each Land. At that sample size the margins of error are quite significant at more than  $\pm$ six per cent. Nonetheless some interesting inferences can be discerned. Table 5 sets out the Bertelsmann attitudes data by Land from 2007 in rank order of support for fiscal equalisation, and ranges that alongside that year’s rank order of transfers per head by Land into/out of the equalisation process. The two rank orders bear striking similarities. This suggests a differentiation of attitudes in relation to the economic circumstances of the Land concerned. The most enthusiastic supporters of equalisation were from those Länder which benefitted most from equalisation, the least enthusiastic from those that paid into the system. The dotted line in Table Five separates those Länder in which citizens were above the Germany-wide average in their support for fiscal equalisation, from Schleswig-

Holstein upwards, from those in which support was below average. Those above the line were all recipients of equalisation transfers that year; those below it paid the transfers. It may not surprise that the least enthusiastic about equalisation were citizens in those Länder – Bavaria and Baden-Württemberg – which had been at the forefront of political and constitutional challenges to the fiscal equalisation system since German unification. There is here, at least in outline, a sense that citizens’ commitment to maintaining uniform living conditions may be qualified by a lesser inclination among the ‘rich’ to subsidise the ‘poor’.

**Table 5: Support for Fiscal Equalisation by Land<sup>29</sup>**

Land	In favour of maintaining equalisation %	Rank order Supporting Equalisation	Equalisation transfers per head in 2007 €M	Rank order Equalisation Transfers
Bremen	90	1	+710	2
Mecklenburg West Pomerania	90	2	+304	3
Berlin	87	3	+851	1
Brandenburg	87	4	+266	6
Saxony	86	5	+275	5
Saxony-Anhalt	85	6	+258	7
Thuringia	85	7	+280	4
Saarland	83	8	+120	11
Rhineland Palatinate	82	9	+85	8
Lower Saxony	81	10	+40	9
Schleswig-Holstein	80	11	+48	10
Hamburg	73	12	-209	14
Hesse	73	13	-475	16
North Rhine Westphalia	72	14	-2	12
Bavaria	65	15	-185	13
Baden-Württemberg	58	16	-216	15

Sources: Bertelsmann Stiftung, *Bürger und Föderalismus. Eine Umfrage zur Rolle der Bundesländer* (Gütersloh: Bertelsmann-Stiftung, 2008), p. 24.; <http://www.haushaltssteuerung.de/bund-laender-finanzausgleich-2007.html>.

The 1995 IfD survey also identified a further, potentially differentiating factor: identity. In another rather oddly worded question it asked whether respondents felt themselves ‘first and foremost’ to be German, West [or East] German, or ‘*Landsmann*’, a curious choice of wording but meant to offer an alternative self-identification at Land level. Only one Land stood out: Bavaria, with 41 per cent seeing themselves first and foremost as Bavarian, against a west German average of 17 per cent and an east German average of 18 per cent.<sup>30</sup> Unfortunately, though, no attempt was made to explore whether strong Land-level identification also had an impact on questions of uniformity or variation in policy outcomes, though this might have been a plausible hypothesis.

## BAVARIA, LOWER SAXONY AND THURINGIA: CITIZENSHIP AFTER THE NATION-STATE

Bavaria, alongside Lower Saxony and Thuringia, was one of the three German cases in the Citizenship after the Nation-State (CANS) project. The CANS project fielded simultaneous surveys with common questionnaires in 14 regions in Germany, Austria, France, Spain and the UK in 2009. The aim was to explore how citizens negotiated multi-level politics in differently configured decentralised states and in particular to identify and explain the expectations and evaluations citizens had of the regional level of government in those states. The findings of the

project were in one sense limited by only carrying out research on a small number of case study regions in each state, but in another enriched by the size of the sample surveyed in each region (900+<sup>31</sup>) bringing a high degree of confidence to the findings (with a margin of error close to  $\pm$  three per cent).

The CANS project sought to explore whether and how expectations of the regional relative to the state level were shaped by the importance citizens attribute to regional institutions, by regional economic performance and by strength of regional identity. The CANS case study regions in Germany, like those in other states, were selected to offer variation across these factors. This case selection was made to inform an international comparative analysis of regional public attitudes, not to be representative of the wider group of sixteen German Länder. So we should be cautious not to read out more general findings on German federalism from the three cases. That said, the three cases do provide rich data which is otherwise unavailable and which add texture to the earlier IfD and Bertelsmann surveys.

Indeed, the findings of the CANS case studies quite strikingly underline the ‘federalism paradox’ noted above. When asked whether a range of policy issues concerning unemployment benefit, university tuition fees, care for the elderly and youth crime should be ‘regulated in the same way everywhere in Germany’ (‘Uniform’ in Table 6)), ‘regulated by Bavaria/Lower Saxony/Thuringia itself’ (‘Land’) or “Do not know” (DK), respondents in all three Länder were clear. Uniform regulation was the overwhelming preference. The lowest support for uniformity on any of the issues was that recorded for unemployment benefit in Bavaria at 74.3 per cent, the highest 91.8 per cent on elderly care in Thuringia. On no issue did even one quarter of respondents favour Land-level regulation. There were differences across the three Länder, with close to nine in ten Thuringians in favour of federal regulation, taken as an average across the four policy issues, around ten per cent fewer in Bavaria, with Lower Saxony taking up a mid-point.

**Table 6: Policy Uniformity vs Variation by Land**

	Bavaria			Lower Saxony			Thuringia		
	Uniform	Land	DK	Uniform	Land	DK	Uniform	Land	DK
Unemployment	74.3	22.9	2.8	79.0	18.2	2.9	89.2	8.1	2.7
Tuition fees	75.1	21.7	3.1	82.8	14.1	3.1	84.1	12.0	3.9
Elderly care	83.7	13.8	2.5	88.9	9.2	1.9	91.8	6.4	1.8
Youth Crime	82.9	15.1	2.0	87.6	10.5	2.0	90.8	7.3	2.0

Source: Citizenship after the Nation-State (CANS) survey 2009.

Yet at the same time a clear majority of respondents thought that the respective Land government currently had most influence on politics in each Land, and indeed ought to have *even more* (Table 7). On neither the ‘has’ nor ‘ought to have’ option did even one fifth of respondents identify or *prefer* the federal government as the most influential (and less than five per cent in each case the EU, which was offered here as a third option). So while respondents did not want Land-level policy regulation, they did want the respective Land governments to have yet more influence than now.

**Table 7: Which Does, Which Ought to Have Most Influence?**

	Bavaria %	Lower Saxony %	Thuringia %
<b>Has most influence</b>			
Land Government	70.1	62.3	65.1
Federal Government	12.3	16.5	15.6
EU	4.8	4.4	3.0
Don't Know	12.9	15.8	16.4
<b>Ought to have most influence</b>			
Land Government	75.4	76.4	75.7
Federal Government	14.7	15.6	14.8
EU	3.5	2.2	1.7
Don't Know	6.5	5.9	7.8

Source: Citizenship after the Nation-State (CANS) survey 2009.

## UNRAVELLING THE PARADOX

So how might we begin to explore this paradox? The 1995 IfD survey gives one prompt in its finding that Länder governments were more trusted to think about the ‘worries and needs’ of the people than the federal government. The CANS survey replicated that question and found that even more than the 52 per cent recorded across Germany in 1995 felt the Land government was more concerned with their ‘worries and needs’ (Table 8). Bavarians felt this most strongly at close to 70 per cent, Thuringians least, but still at close to 60 per cent, and Lower Saxons again in the middle. The federal government scored less than twenty per cent everywhere. So Länder governments appeared to be trusted more to engage with citizens’ concerns.

**Table 8: Which Cares about the Worries and Needs of the People?**

	Bavaria %	Lower Saxony %	Thuringia %
More the Land Government	68.4	64.9	59.2
More the Federal Government	15.4	15.2	18.4
Don't know	16.2	19.9	22.4

Source: Citizenship after the Nation-State (CANS) survey 2009.

But they might be trusted to do so because of their capacity to bring people’s concerns into statewide policy-making rather than necessarily attuning Länder policies to ‘worries and needs’ that might vary across the Länder. That would not necessarily point to a paradox, but perhaps a recognition of the interlocked functioning of both levels of government in the German federal system. Länder may be deemed influential – and to need more influence – precisely because they may be seen as effective in bringing ordinary people’s concerns into statewide policy processes. So there is a supplementary question: when respondents say their Land government ought to have more influence, or cares more about ordinary people’s concerns are they doing so while thinking in a Germany-wide frame (and looking for the Land government to secure their interests at the federal level), or a Land-specific one (and looking for Land specific actions)?

The earlier surveys discussed above pointed to two kinds of variables which might shape the frame through which citizens view the role of their Land government: distributional questions around the fiscal equalisation process; and questions to do with the strength of Land identity relative to German identity.

The CANS question on fiscal equalisation sought responses to the statement that ‘the richer Länder should transfer money to poorer Länder so that there as well everyone has equal access to public services’. As Table 9 shows, majorities in all three Länder agreed with that

statement, although responses varied significantly with only a bare majority in agreement in Bavaria, a significant minority in disagreement and very few don't know. Once again – and clearly now part of a pattern – Bavarians had the most pro-Land (or perhaps better the least pro-federal) disposition. Around twice as many Bavarians were against rich-poor transfers as respondents in the other two Länder.

**Table 9: Rich-Poor Transfers between the Länder**

	Bavaria %	Lower Saxony %	Thuringia %
Strongly Agree	18.2	33.8	33.9
Agree	35.2	38.6	38.4
<b>Total agree</b>	<b>53.4</b>	<b>72.4</b>	<b>72.3</b>
Disagree	29.3	18.4	17.8
Strongly Disagree	13.7	5.7	4.8
<b>Total disagree</b>	<b>43.0</b>	<b>24.1</b>	<b>22.6</b>
Don't know	3.6	3.5	5.1

Source: Citizenship after the Nation-State (CANS) survey 2009.

Turning to identity, Table 10 captures the relative strength of Land identity by asking how attached (*verbunden*) respondents in Bavaria, Lower Saxony and Thuringia felt to their Land. The most attached of the three were the Thuringians, with Bavarians close behind and Lower Saxons markedly less attached.

**Table 10: Attachment to the Land**

How attached to ...	Bavaria %	Lower Saxony %	Thuringia %
Not at all	2.6	5.2	2.2
Not very	11.1	16.1	7.4
Fairly	33.5	42.8	34.1
Very	52.3	35.0	56.0
Don't Know	0.4	1.0	0.3

Source: Citizenship after the Nation-State (CANS) survey 2009.

The similar strengths of attachment to the Land in Bavaria and Thuringia are worth additional exploration. Table 11 cross-tabulates strength of attachment to the Land against the 'which ought to have most influence' question in Table 7 and the rich-poor transfers question in Table 9. There is a similar pattern for each Land on which government ought to have most influence. Those most strongly attached to Bavaria and Thuringia believed most strongly that their Land government ought to have most influence in Land politics, and the federal government ought not. Those less attached to their Land in both Bavaria and Thuringia were significantly less fulsome in their endorsement of Land government influence.

**Table 11: Attachment in Bavaria and Thuringia**

How Attached	Which ought to have most influence?				Rich Länder should transfer to poor				n	
	Land Gov		Federal Gov		Agree		Disagree			
	Bav	Thu	Bav	Thu	Bav	Thu	Bav	Thu	Bav	Thu
Strongly	80.8	77.8	10.5	14.8	48.3	75.4	48.7	19.4	484	532
Fairly	74.5	75.9	16.5	13.6	55.2	70.6	40.9	24.7	310	324
Not very	59.2	67.1	26.2	15.7	69.9	61.4	27.2	34.2	103	70
Not at all	45.8	47.6	29.2	28.6	70.8	52.3	25.0	48.1	24	21
Total	75.4	75.7	14.7	14.8	53.4	72.3	43.0	22.6	925	950

Source: Citizenship after the Nation-State (CANS) survey 2009.

But there was a strikingly different pattern in the fiscal equalisation question. As Table Nine shows Bavarians were in general significantly less supportive of rich-poor transfers than Thuringians. But strength of attachment to the Land shaped responses in different ways in each Land. Stronger attachment to Bavaria boosted disagreement and reduced agreement to rich-poor transfers. Stronger attachment to Thuringia reduced disagreement and boosted agreement to rich-poor transfers. There is a suggestion here that being strongly attached to each Land was associated with a different framing of the issue of fiscal equalisation. ‘Strong’ Thuringians favoured a statewide framework for fiscal equalisation transfers (from which Thuringia drew significant financial benefit); ‘strong’ Bavarians were least supportive of that framework (into which Bavaria paid significant sums). Yet in both Länder those with a strong attachment to the Land thought their Land government ought to be more influential than now.

A tentative inference, suggested earlier in the different frames that citizens might bring to their understandings of federalism, is that Thuringians wanted a strong influence for their Land government in *statewide* decision-making, seeing this as the best means of securing policies like fiscal equalisation that benefit their Land. Bavarians by contrast were more divided, with a substantial proportion seeing disadvantage accruing from statewide policies like fiscal equalisation and looking to the Land government to work more at Land level to secure their interests. To put this into the language of comparative federalism research, Thuringians appeared to favour shared rule involving cooperation of federal and Länder governments in setting statewide policy standards, while Bavarians appeared divided between those favouring shared rule and those favouring a more autonomous form of self-rule.

## THE TWO FACES OF GERMAN FEDERALISM

This is an inference that is difficult to uphold more fully. It is not confirmed in regression analysis using the measures available in the CANS survey, but that may in part be because the CANS survey questionnaire did not anticipate the issues around shared vs. self-rule and lacked suitable indicators. But there are echoes in our wider findings from comparison across the fourteen regions surveyed in the CANS project. These findings point to a distinction between types of region: a group of ‘both-and’ regions in which citizens are content for their regional governments to pursue regional ends through statewide means; and a group of ‘either-or’ regions in which citizens are divided between those who look to the state as a whole to secure their interests and those who look in a narrower frame to the region. With one exception the individual regions clustered into national groups: UK and Spanish regions were ‘either-or’ and Austrian, French and German regions were ‘both-and’ – with the partial exception of Bavaria, which exhibited characteristics of both categories.<sup>32</sup>

The apparent differences in how Bavarians and Thuringians negotiate the structures of the German federalism are intriguing. There is certainly an agenda here for further-reaching

research to explore these patterns of public attitudes more deeply. But there are also grounds for connecting such research much more directly with what is an under-recognised pattern of territorial policy diversity in Germany. As was shown in the first half of this article the long-established imagery of a political system geared to producing uniform policy outcomes is mythical. While Germany may, in constitutional principle, be supposed to have ‘uniform living conditions’, it clearly does not in practice. Some of Germany’s policy diversity is exogenous and beyond the influence of governments but some is the intentional consequence of political choices made by Land governments, in turn enabled by the electoral choices citizens make to produce those governments. Indeed, as the discussion here of public attitudes research shows, citizens trust their Land governments more than the federal government and want them to do more and the federal government less. Yet when asked directly about policy diversity citizens appear not to want it but instead to have the policy uniformity of the German federalism myth.

So citizens can simultaneously and, it seems, paradoxically be both a driver of diversity and support uniformity of public policy outcomes. What this article tentatively suggests is that in two ways this apparent paradox may not be a paradox at all. First, citizens may see powerful Land governments as a means of achieving collective goals at a statewide scale. They may in that sense have a sophisticated understanding of the possibilities and mechanics of *Politikverflechtung*. But second, not all citizens necessarily think in this way, and those who instead favour greater Land autonomy and fewer statewide policy solutions may be clustered in particular Länder. There is some evidence that Bavaria hosts competing views, with some favouring uniformity and others applauding diversity. Here, in the competing strands of Bavarian public opinion, and more generally in the actual patterns of territorial policy diversity that exist in Germany is an echo of a wider point we have made elsewhere: there are two ‘faces’ of German federalism, ‘the one unitarist and focused on the politics of coordination, the other decentralised and focused on the politics of territorial difference. These two faces of German federalism stand in tension, but not necessarily in contradiction, with one another.’<sup>33</sup> Each face is revealed by different strands of scholarship, the dominant strand encountered by our visiting Martian and focused on the interlocked federal system and a challenger strand that takes the individual Land as the unit of analysis. These two strands of scholarship have each existed for decades, illuminating different aspects of the same federal system. It is high time they came together to produce a research agenda on German federalism capable of capturing both its faces at the same time and understanding how the tensions between them are negotiated at different points in time, in different Länder, and in different policy fields.

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<sup>1</sup> This is the terminology still used in Article 106, paragraph 3.2 of the Basic Law, which sets out which tax bases are shared between the federal level and the Länder, and how they should be apportioned (with one aim being to ‘ensure uniformity of living conditions across the federal territory’). The same terminology was used in Article 72, paragraph 2 of the Basic Law, which specified when the federal level may act in areas of legislation under the concurrent responsibility of the federal and Länder levels, amongst other things if this was necessary for the ‘establishment of uniform living conditions throughout the federal territory’. ‘Uniformity’ was replaced by a less stringent test of ‘equivalence’ in constitutional reforms in 1994 designed to modernise the constitution in the light of German unification.

<sup>2</sup> Fritz Scharpf, Bernd Reissert and Fritz Schnabel, *Politikverflechtung. Theorie und empirie des kooperativen föderalismus in der Bundesrepublik* (Kronberg: Scriptor, 1976).

<sup>3</sup> Charlie Jeffery and Carolyn Rowe, ‘The Reform of German Federalism’, in Stephen Padgett, William E. Paterson and Reimut Zohlnhofer (eds), *Developments in German Politics 4* (Basingstoke: Palgrave Macmillan, 2014), pp. 53-54.

<sup>4</sup> Manfred Schmidt, *CDU und SPD an der Regierung. Ein Vergleich ihrer Politik in den Ländern* (Frankfurt: Campus, 1980); ‘When parties matter: a review of the possibilities and limits of partisan influence on public policy’, *European Journal of Political Research*, 30/1 (1986); ‘The Parties-Do-Matter Hypothesis and the Case of the Federal Republic of Germany’, *German Politics* 4/3 (1995).

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<sup>5</sup> E.g. Achim Hildebrandt and Frieder Wolf (eds.), *Die Politik der Bundesländer: Staatstätigkeit im Vergleich* (Wiesbaden: VS Verlag, 2008); Ed Turner, *Political Parties and Public Policy in the German Länder: When Parties Matter* (Basingstoke: Palgrave Macmillan, 2011).

<sup>6</sup> Charlie Jeffery, Niccole Pamphilis, Carolyn Rowe and Ed Turner, 'Regional policy variation in Germany: the diversity of living conditions in a 'unitary federal state'', *Journal of European Public Policy*, 21/9 (2014).

<sup>7</sup> Each Land's income is a combination of tax revenue, fiscal equalisation, and subsidies from the federal government. Tax revenue includes income tax, corporate taxes, and value added taxes which are controlled by the federal government and distributed across the federal, Land, and municipal governments. After tax revenues have been collected and distributed, *Länder* deemed to possess fiscal resources above the average give in to the fiscal equalisation system, while those *Länder* below the average receive funds from the system.

<sup>8</sup> See

<https://www.destatis.de/DE/Publikationen/Qualitaetsberichte/FinanzenSteuern/FinanzenSteuern.html>.

<sup>9</sup> "Detailed Structure and Explanatory Notes: COFOG". United Nations Statistics Division. <http://unstats.un.org/unsd/cr/registry/regcst.asp?CI=4>

<sup>10</sup> The proportions are calculated relative to total spending by each Land in a given year (how much of everything that was spent went to each area), this choice was made to control for a Land's ability to spend. Whereas using a figure such as GDP for a denominator, while producing similar findings, would imply generosity (how much was spent versus what could have been spent) or necessity (larger populations require more resources across the board and would make some Land appear to spend more overall than others when distributions of total spending are similar).

<sup>11</sup> For a more detailed discussion regarding the government spending measure see Niccole Pamphilis, Sandra K. Schneider, and William G. Jacoby, 'The Policy Priorities of Democratic Political Systems, paper presented at Southern Political Science Association General Conference, 2012.

<sup>12</sup> Jeffery, Pamphilis, Rowe and Turner, 'Regional Policy Variation', pp. 1352-55.

<sup>13</sup> *Ibid.*, pp. 1360-61.

<sup>14</sup> E.g. Daniel Hough and Charlie Jeffery, 'Landtagswahlen: Bundestestwahlen oder Regionalwahlen', *Zeitschrift für Parlamentsfragen*, 33/1 (2003); Kerstin Völkl *et al.* (eds.) *Wähler und Landtagswahlen in der Bundesrepublik Deutschland* (Baden-Baden: Nomos, 2008).

<sup>15</sup> Rainer Dinkel, 'Der Zusammenhang zwischen Bundes- und Landtagswahlergebnissen', *Politische Vierteljahresschrift*, 18 (1977).

<sup>16</sup> Fritz Scharpf, 'Community, Diversity and Autonomy: The Challenges of Reforming German Federalism', *German Politics*, 17/4, (2008).

<sup>17</sup> See Norbert Grube, 'Föderalismus in der öffentlichen Meinung in der Bundesrepublik Deutschland', *Jahrbuch des Föderalismus 2001* (Baden-Baden: Nomos, 2001).

<sup>18</sup> Allensbacher Archiv, IfD-Umfrage 6019, September 1995.

<sup>19</sup> Bertelsmann Stiftung, *Bürger und Föderalismus. Eine Umfrage zur Rolle der Bundesländer* (Gütersloh: Bertelsmann-Stiftung, 2008).

<sup>20</sup> Jeffery was the coordinator of the CANS project. Findings from the German component of the project are at Roland Sturm *et al.*, 'Landesbewusstsein und Einheitlichkeit der Lebensverhältnisse: Das Föderalismus-Paradox', *Jahrbuch des Föderalismus 2010* (Baden-Baden: Nomos, 2010); and J. Oberhofer *et al.*, 'Regional Citizenship in Germany: Solidarity and Participation in a Unitary Federal State', in Ailsa Henderson, Charlie Jeffery and Daniel Wincott (eds), *Citizenship after the Nation-State. Regionalism, Nationalism and Public Attitudes in Europe* (Basingstoke: Palgrave Macmillan, 2013).

<sup>21</sup> 'A question about the Länder: if you think about schools, theatres and museums, about the authorities and the wider system of public administration, are there big differences between the individual Länder, or are there hardly differences at all?'. Allensbacher Archiv, p.28.

<sup>22</sup> *Ibid.*, p. 4.

<sup>23</sup> *Ibid.*, p. 14-18.

<sup>24</sup> *Ibid.*, p. 19.

<sup>25</sup> *Ibid.*, p. 14.

<sup>26</sup> Sturm *et al.*, 'Landesbewusstsein und Einheitlichkeit der Lebensverhältnisse'.

<sup>27</sup> Ailsa Henderson *et al.* (2013) 'Reflections on the 'Devolution paradox': a comparative examination of multi-level citizenship', *Regional Studies*, 47/3.

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<sup>28</sup> Allensbacher Archiv, p.29

<sup>29</sup> Unfortunately we are unable to reproduce this 2007 snapshot for other years and to explore whether changes in recipient/donor status are reflected in change in the public attitudes rank order, as the Bertelsmann survey has not been repeated.

<sup>30</sup> Ibid., p. 10-11

<sup>31</sup> The sample sizes were 925 in Bavaria, 909 in Lower Saxony and 950 in Thuringia. All were carried out as random telephone surveys by Forschungsgruppe Wahlen from 2-9 February 2009.

<sup>32</sup> Henderson et al, 'Reflections on the 'Devolution paradox'', pp. 316-18.

<sup>33</sup> Jeffery and Rowe, 'The Reform of German Federalism', pp. 54-55; Jeffery, Pamphilis, Rowe and Turner, 'Regional Policy Variation', p. 1361.