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OPPOSITION STRATEGIES AND PATTERNS OF CONSENSUS IN THE SPANISH PARLIAMENT¹

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Summary: I. INTRODUCTION. II. THEORETICAL FRAMEWORK. III. DATA AND MEASUREMENT. IV. VOTING AND AMENDING ACTIVITY IN THE SPANISH PARLIAMENT. V. THE IMPACT OF AGENDA CAPACITY ON PARLIAMENTARY PARTY BEHAVIOUR. VI. THE ROLE OF INSTITUTIONAL AND CONTEXTUAL FACTORS. VII. CONCLUSIONS

RESUMEN: Este trabajo analiza el comportamiento de los partidos políticos en la arena parlamentaria, llevando a cabo un análisis de la votación final de las leyes y de las enmiendas presentadas por los grupos parlamentarios en el Parlamento español. Los resultados ilustran que los factores institucionales, como el tipo de gobierno y las asimetrías en la información y recursos de los grupos, influyen de manera significativa las estrategias de oposición y la dinámica de consenso parlamentario. El conflicto es siempre más elevado durante los gobiernos de mayoría absoluta, independientemente de la estrategia de oposición que se considere. La actividad de los grupos de tamaño más reducido, y en especial de aquellos sin experiencia parlamentaria previa, rara vez se centran en iniciativas de oposición asociadas con una elevada fricción institucional, como la presentación de enmiendas con texto alternativo. Su agenda está mucho más concentrada, con la atención centrada en menos asuntos que los grandes grupos.

PALABRAS CLAVE: estrategias parlamentarias de la oposición, actividad de enmiendas, votación, España

RESUM: Aquest treball analitza el comportament dels partits polítics en l'àmbit parlamentari, portant a terme una anàlisi de la votació final de les lleis i de les esmenes presentades pels grups parlamentaris al Parlament espanyol. Els resultats il·lustren que els factors institucionals, com el tipus de govern i les asimetries en la informació i recursos dels grups, influeixen de manera significativa les estratègies d'oposició i la dinàmica de consens parlamentari. El conflicte és sempre més elevat durant els governs de majoria absoluta, independentment de l'estratègia d'oposició que es consideri. L'activitat dels grups de mida més reduïda, i especialment d'aquells sense experiència parlamentària prèvia, poques vegades se centren en iniciatives d'oposició associades amb una elevada fricció institucional, com la presentació d'esmenes amb text alternatiu. La seva agenda està molt més concentrada, amb l'atenció centrada en menys assumptes que els grups grans.

PARAULES CLAU: estratègies parlamentàries de l'oposició, activitat d'esmenes, votació, Espanya

ABSTRACT: This paper analyzes party behavior in the parliamentary arena by undertaking an analysis of the final vote for legislation and the amending activity of parliamentary groups in the Spanish parliament. Results illustrate that institutional factors, like the type of government and asymmetries in the resources and information of groups, significantly affect opposition strategies and patterns of parliamentary consensus. Conflict is always higher during absolute majority governments, regardless of the opposition strategy considered. The activity of small groups, and especially those without previous parliamentary experience, is rarely focused on opposition initiatives associated with high institutional friction, like amendments with alternative text proposal. Its agenda is much more concentrated, with attention focused on few topics, than that of big groups.

KEY WORDS: parliamentary opposition strategies, amending activity, voting, Spain

I. INTRODUCTION

Even though parliamentary opposition is a fundamental feature of democracy, most contemporary political systems are characterized by strong pattern of executive predominance. In the case of Spain, the executive has always included one of the two main parties, the PSOE (*Partido Socialista Obrero Español*) and the PP (*Partido Popular*), and has governed forming single party cabinets supported by relative or absolute majority. The superiority of the executive and the governing party in Spain resulted, for a long time, on a quite stable parliamentary dynamic based on strong opposition support for the executives' legislation and on the use of ordinary procedures to pass legislation (Capo, 1994, Mújica and Sánchez Cuenca, 2006, Ajengo and Molina 2011). However, Spain has experienced in the last decade a significant transformation in the policy style of governing (Chaqués-Bonafont, Palau and Baumgartner 2015). The use of decree-laws has increased significantly over time, especially since the outbreak of the economic crisis and the arrival into power of the conservatives in 2011, which are governing with absolute majority of seats. This hierarchical and unilateral style of policy making has been accompanied by increasing opposition in the parliamentary arena (Palau, Muñoz and Chaqués-Bonafont 2015). The mean percentage of negative vote for legislation during the legislature of Rajoy reaches 25%, when during the previous socialist and conservative government, from 2001 to 2011, never surpassed 10%. The consensus sought and obtained on important pieces of legislation during years in the Spanish Parliament seems now to be gone.

The goal of this paper is to contribute to the on-going discussion about what factors explain variations in the patterns of parliamentary consensus over time. Rational choice approaches and game theory have emphasized individual actors and their preferences, especially to explain voting behavior in the US Congress. The role of ideological divide on specific issues and institutional factors, like control of the legislative agenda and variations in the type of government, have also been considered as explanatory variables in the literature (e.g. Christiansen and Damgaard, 2008, Gallagher et al 1992, Norton, 2008, Helms 2008, Strom, 2008). Recent research has explored also to what extent contextual factors, like variations in the popularity of the government, affect party behavior in the parliamentary arena (e.g. De Giorgi and Moury 2015, Palau, Muñoz and Chaqués 2015). Our goal is to analyze government opposition dynamics following this research by considering the output sphere, namely the final vote for legislation, but also the input sphere.

Party behavior has been subjected to important empirical investigation but we know less about the amending activity of opposition groups, especially regarding Western European parliaments. Social choice theorists and legislative scholars have studied how legislative outcomes can be manipulated using strategic amendments (e.g. Wilkerson 1999). However, most of this literature refers to the well researched U.S. House of Representatives. For Western European parliaments, from the University of Potsdam-based comparative project on parliaments (Döring 1995), we have extensive knowledge on the rules and procedures that govern the pass of legislation in the chamber in different European countries. We also know rather well the impact of individual members' right of initiating and amending legislation on the legislative output (see Mattson 1995). Existing literature explains why and under what circumstances amendments survive through the legislative process, but we know little about the use of amendments as opposition devices. An amendment can be oriented to reformulate a specific aspect of

legislation, ask for better accuracy or technical improvements, but certain types of amendments, like return amendments, represent a clear opposition to the executive's initiatives.

Our goal in this paper is to provide a comprehensive explanation of party behavior in the parliamentary arena by considering the final vote for legislation and the amending activity of opposition groups. We want to know what explains variations in the patterns of parliamentary consensus over time but also why parliamentary groups use different types of opposition initiatives. Do institutional factors like asymmetries in the size and resources of groups affect their opposition strategies? Can the combination of both institutional and contextual factors explain also variations in the amending activity of opposition groups? To answer these questions we rely on two comprehensive database containing information about the final vote for legislation and the amendments introduced by opposition groups to legislation in the initiation phase, namely before bills are examined in legislative committees, from 2001 to 2014. These databases were created by the Spanish Policy Agendas Project (www.ub.edu/spanihpolicyagendas).

The paper is organized as following. First, we develop our theoretical framework and hypotheses. Next we explain the data and methodology used for the analysis. Then we briefly describe the evolution of voting and amending activity of opposition groups in the Spanish parliament. We conclude by testing our hypothesis and summarizing the main conclusions of the analysis.

II. THEORETICAL FRAMEWORK

Opposition groups have a menu of options to oppose the legislative initiatives introduced by the executive in the Chamber. Depending on the type of initiative, they can cast a negative vote for legislation or introduce return amendments, amendments with alternative text proposals or alternative bills to those introduced by the incumbent. However, individuals and also groups have limited resources and capacity to process information and to be involved simultaneously in different activities (Simon 1947, Hall 1993, Talbert and Potoski 2002, Baumgartner and Jones, 1993, Jones and Baumgartner 2005). As an extensive literature has already illustrate, there are intrinsic limits on the capacity of the agenda of opposition groups, so they must decide where to invest their limited attention and resources. Therefore, the decision about what is the best opposition strategy will depend on the institutional friction (Jones and Baumgartner 2005) associated to different type of parliamentary initiatives, namely on the costs imposed by the particular rules and procedures that regulate these initiatives.

Departing from the analysis of parliamentary rules, Table 1 illustrates the institutional friction associated with different types of parliamentary opposition in Spain. On the output sphere, a final vote on legislation only exists in Spain for decree laws and organic laws. Voting is associated with very low friction because parliamentary groups do not need to argue why they oppose legislation neither has to present an alternative proposal to the regulation introduced by the executive. On the input sphere, on the contrary, opposition initiatives are much more subjected to friction. In the case of amendments, the level of friction depends on the type of amendment, ranking from very low to high institutional constraints. Once the Bureau of the Congress publishes an executive bill, it sets a date for the opening of the period during which amendments can be proposed. Parliamentary groups and individual MP's with the signature of the parliamentary group spokesman are allowed within the period of

fifteen days to propose amendments that can be of different kind¹. Amendments can be related to the whole text of the bill (*enmiendas a la totalidad*) or to certain sections (*enmiendas al articulado*). Amendments to the whole text can be of two types: 1) return amendments (*de devolución*): these are amendments calling for the return of the bill to the executive, questioning the opportunity or the main principles of the bill; 2) amendments with alternative text proposals (*con texto alternativo*): these propose a complete alternative text to the bill introduced by the executive and can be submitted only by parliamentary groups. Amendments to the whole text are discussed and voted in the chamber's plenary.

Overall, the analysis of the institutional costs associated with different opposition strategies illustrates that, for an opposition group, it is costly to work on the input than on the output sphere. For introducing an amendment with alternative text proposal, it is necessary to have worked on a text and having a clear idea about how to regulate an issue, which requires time, expertise and resources. Big groups, having more parliamentary seats, have more resources than small groups that may find negative voting and return amendments the least burdensome way to oppose executive initiatives, given their size and hence limited capacity for legislative initiative (Di Palma 1977). The group's size matter but also does their previous parliamentary experience. Those parties which have obtained parliamentary representation during more legislatures are more likely to have knowledge on parliamentary procedures, having a comparative advantage in relation to newcomers. They have had also more time to develop alternative proposals on their preferred issues, and on those they know are likely to be regulated by the incumbent. Similarly, parliamentary groups composed of two or more parties, especially if they are ideologically related, are likely to have more resources at their disposal than small single-party groups. Overall, because resources are asymmetrically distributed among parliamentary groups, we expect that: *H1: small parliamentary groups, and especially those without previous parliamentary experience, will focus their opposition strategies on initiatives associated with low institutional friction.*

Limitations in agenda capacity affect the type of opposition strategy used by parliamentary groups but also the issue content of the initiatives. Because groups have limited resources, they are likely to focus on those where they have a competitive advantage (Budge & Farlie, 1983; Petrocik, 1996; Vavreck, 2009, Meyer and Wagner 2013). According to the issue competition perspective, parties differ in the emphasis they place on the various topics on the political agenda, focusing on those that can provide them more electoral rewards. This perspective, developed to explain electoral competition, should also hold true in the parliamentary arena, so that we should find important differences in the issues emphasized by different parties in their opposition strategies. Because big groups have more resources than small or challenger groups, and because they are oriented to satisfy the preferences of a broad political spectrum of the electorate, they are more likely to have a fragmented agenda, focusing their opposition activities on a broader set of issues. Small groups by the contrary, with fewer resources and with a more defined electorate, especially regional parties, are more likely to have a "niche" profile, focusing their opposition activities on different and less number of issues (Meguid, 2005, 2008). Because limitations in agenda capacity, we expect these differences to be especially important regarding initiatives associated with high institutional friction, like the introduction of amendments with alternative text proposal.

According to this we expect: *H2: small groups will have a more concentrated opposition agenda than big groups, especially regarding those initiatives associated with high institutional friction*

Opposition strategies of parliamentary groups are affected by variations in agenda capacity, but an extensive literature has already illustrated that other institutional factors, like variations in the type of government, significantly affect patterns of parliamentary consensus (e.g. Duverger, 1951; Dahl, 1966; Sartori, 1966; Cazzola, 1974; Pasquino, 1995; Mújica and Sánchez Cuenca, 2006; Christiansen and Damgaard 2008, Hix et al. 2014, Palau, Muñoz and Chaqués 2015). Governments have higher incentives to seek agreement with opposition parties when they do not hold a majority of seats. The need for trade-offs makes parliamentary consensus more likely and also reduces the likelihood of introducing return amendments for legislation. For the period analyzed here, minority governments existed during the Zapatero's socialist government, from 2004 to 2011. During the first legislature (2004-2008), the PSOE headed a minority government with the support of the far left (*Izquierda Unida* (IU), and its catalan branch (*Iniciativa per Catalunya Verds* (ICV)) and *Esquerra Republicana de Catalunya* (ERC), while after 2008 this formal, stable support was diluted into specific and punctual alliances with left and regional political parties. Absolute majority government by the contrary, increase the incentives of opposition groups for opposing legislation and introducing return amendments, as response to a more unilateral policy making style of government. Opposition initiatives acquire a special symbolic dimension under absolute majority governments. In Spain, the *Partido Popular* (PP) was governing with absolute majority of seats from 2000 to 2004 (with José Maria Aznar as President of the Government) and from 2011 to present (under Mariano Rajoy). According to this we expect that: *H3: during minority governments the mean percentage of negative vote for legislation decreases. More return amendments and amendments with alternative text proposals are introduced when the executive is governing with the absolute majority of seats.*

Because of increasing delegation of competences upwards, towards the EU, the impact of institutional factors cannot be circumscribed to the domestic arena. Europeanization has reinforced the superior position of the executive in the legislative process in many ways. First, opposition groups are unable to assert their policy preferences on EU issues. Governmental elites are those that intervene in the agenda setting and decision-making process at the EU level, and once a decision is taken at the European arena, renegotiation at the national level is costly and risky (Moravcsik 1994). Second, because of the low politicization of European integration in Spain, the executive has high room for manoeuvre for negotiating with EU institutions, being subjected to low parliamentary scrutiny on the part of opposition parliamentary groups at domestic level (Chaqués, Palau and Baumgartner 2015).

From previous research (Palau, Muñoz and Chaqués 2015), we know that the economic crisis has increased the incentives of opposition groups, especially those from the left, to oppose EU legislation. However, given the high party support for European integration in Spain, and because in countries without Euro-sceptic parties, opposition groups have high incentives to collaborate with the incumbent in relation to EU issues (Hooghe et al., 2004; Sitter, 2001 and 2002; Szczerbiak and, Taggart, 2003) we expect that overall, on legislation with EU

content, groups will introduce less return amendments and amendments with alternative text proposals than on domestic legislation. Opposition groups may introduce amendments on EU related legislation, to highlight deficits in the implementation of EU Directives for example, but they are not likely to use more radical forms of opposition, like return amendments. According to this we expect: *H4. Parliamentary groups will introduce less return amendments (and amendments with alternative text proposal) on EU related legislation than on domestic legislation.*

Institutional factors are important but purely institutional factors do not even get close to a proper understanding of opposition behavior in the parliamentary arena (Helms 2008). Decisions taken by opposition groups in the parliamentary arena depend also on strategic considerations and contextual factors (Ström 1997). Parties, as rational actors, try to maximize the likelihood of the outcomes they favor and re-election is an important component of their motivations. The prospect for reelection is important because, as Norton (2008:244) argues, smaller opposition parties, especially policy outliers not expecting to be in a future government, are more likely to adopt a critical role and engage in non-responsible forms of opposition than mainstream parties all across the legislature.

Because parties care about reelection and future electoral results, the symbolic uses of opposition strategies may increase when elections approach. At the end of the term, parliamentary groups can engage in a more adversarial opposition in order to attract media attention, to please influential interests organizations, display results to the local party organization and or to show their voters and constituencies that they promote the electorate's interests (Mattson :482). Van Schoor (1972) for example, demonstrates that an important number of bills do not contain more than two articles and they are introduced close to the parliament's dissolution, with no chance of being examined as a result of electoral propaganda towards the legislators' constituents and clientele groups. According to this, we expect that: *H5: Regardless of the opposition initiative considered, parliamentary consensus decreases when elections approach*

III. DATA AND MEASUREMENT

To explore our hypotheses, we examine party behavior in the parliamentary arena by considering both the input and the output sphere. Our dependent variable includes different initiatives that we consider to be indicative of parliamentary opposition to executive's legislative proposals: 1) negative vote for decree-laws and organic laws; and 2) amending activity on executive bills: return amendments and amendments with alternative text proposal.

For the analysis of voting we created a dataset containing information about the final voting of all the organic lawsⁱⁱ and the validation votes for of all the decree-lawsⁱⁱⁱ passed by in the Spanish parliament between 2001 and 2014. A total of 128 organic laws and 204 decree laws (332 pieces of legislation) have been coded and analyzed. The voting database contains information about the total number of votes and the specific particular votes cast by each parliamentary group (positive, negative, abstentions and absences). Data about the total number of votes is available at the Spanish Congress webpage, while information related to the voting behavior of each

parliamentary group is only available under request for the period 2001 to 2012. At present, the Congress webpage also includes information about particular parliamentary groups' votes from 2013 to present.

To analyze the input sphere we created a second database about the amending activity of all parliamentary groups in relation to 566 bills passed from 2001 to 2014. We have coded all the amendments introduced in the initiation phase of legislation, before bills enter the Committee phase, with the exception of the General Budget Laws, which follow a specific amendment procedure. For each bill we have gather information about the total number of amendments introduced by each parliamentary group, differentiating among return amendments, amendments with alternative text proposal and amendments to the section of the bill. In the last case, we also considered whether amendments were introduced to the bill's memorandum, to the articles or to the final provisions. Because we are analyzing initiatives that manifest opposition to the executive's legislative proposals, we only considered return amendments and amendments with alternative text proposals. Amendments to bill's sections or articles may ask the government for the reformulation of a specific aspect of legislation, better accuracy or technical improvements but they are not indicator of parliamentary group's opposition to the bill.

The analysis of negative vote for legislation relies on the mean percentage of negative votes. Because the total number of return amendments (and also return amendments with alternative text proposal) cannot be compared across legislatures in absolute terms, we have calculated a return amendment rate (Rar) based on the following formula:

$$RRR = \frac{RR}{BBB} \times 100$$

where, for each legislature, Ra is the total number of return amendments (or return amendments with alternative text) introduced, B is the total number of bills passed and P the total number of parties that have the possibility, at least, of introducing one return amendment on each bill.

Regarding the independent variables, to analyze variations in agenda capacity we consider 1) the number of parliamentary seats, 2) the number of parties that form the parliamentary group, and 3) the number of legislatures (since 1982) in which the party has parliamentary group. Differences across issues have been calculated considering the 19 macro topics defined by the Comparative Agendas Project methodology (www.comparativeagendas.info), according to which all our databases have been coded. The analysis of agenda concentration relies on the calculation of the Shannon entropy index. This index measures the distribution of attention across the 19 CAP issue categories providing an indicator of the relative concentration or dispersion of data (Baumgartner et al. 2000, Talbert and Potoski 2002, Boydston et al. 2014). It ranges from 0 to the natural log of 19 (3). A score of 0 indicates that attention is concentrated in a single topic; by the contrary, a score of 3 indicates that attention is perfectly distributed across issues. The higher the entropy, the less concentrated the agenda^{iv}.

To analyse the impact of minority-majority governments, the difference in the number of seats between the incumbent and the main opposition party is taken into account. To control for variations across the legislature we created a variable that measure distance from election: number of days that have elapsed from the election's day

to the day the piece of legislation is voted/amended. The EU content of legislation was analyzed with a dummy variable with value 1 if the legislative piece was totally or partially defined by a binding regulatory act.

IV. VOTING AND AMENDING ACTIVITY IN THE SPANISH PARLIAMENT

The politics of consensus that characterized Spanish democracy during more than two decades has shifted towards increasing polarization and confrontation (Chaqué-Bonafont, Palau and Baumgartner 2015). One of the factors leading this change in the policy style of governing is the increasing use of initiatives and policy instruments that neglect the role of opposition groups in the legislative process. During the last decade, the increasing use of decree-laws to take decisions, even on issues that have nothing to do with urgent necessities, and the use of non-ordinary procedures to pass legislation, have reinforced the already dominant position of the executive over the legislature in Spanish politics. As figure 1 illustrates, the percentage of bills passed using ordinary procedures has decreased from 45% during the second term of Aznar to 20% during the Rajoy's. More than 50% of the laws passed from December 2011 to September 2014 are decree-laws, versus an average of 15% during the legislature of Aznar and 22% during Rodríguez Zapatero governments. Also, as Chaqués, Palau and Baumgartner (2015) illustrate, less than 9% of the decree-laws introduced by Rajoy are related to urgent needs like environmental catastrophes or unexpected events—earthquakes, droughts or fires.

This variation in the policy style of governing has resulted in increasing confrontation in the Spanish Parliament, especially since 2011, when the PP began to govern with an absolute majority and important reform measures aimed at tackling the economic crisis were passed. Growing confrontation can be observed in both the output and the input sphere. As figure 2 illustrates, the mean percentage of negative votes for legislation has increased during the legislature of Rajoy up to 25%, being significantly higher than during the absolute majority of Aznar, when the mean percentage of negative votes for legislation did not surpass 10%. In the case of decree-laws negative voting during the legislature of Rajoy reaches 22% while during the legislatures of Aznar and Zapatero it was never higher than 10%. Regarding organic laws, the mean percentage of negative vote during the government of Aznar was 10% and reached 13% during the legislature of Zapatero, when controversial policy reforms in areas such as education, immigration or the disputed reform to the Catalan Statute were passed. But during the Rajoy's legislature, the mean negative vote for organic laws reaches 28%. This is related to the policies implemented to overcome the economic crisis, especially to those passed through decree laws, but also to other controversial policy decisions taken during this term, like reform of the education law, questioning the use of regional languages as vehicular languages at school; or the criminal justice and citizen's security act, restraining civil liberties. Overall, the level of consensus has fallen dramatically after 2011, reaching during the legislature of Rajoy the lowest level of consensus since the transition to democracy^v.

In the input sphere, the rate of return amendments was already high during the legislature of Aznar, but it has further increased during the government of Rajoy. The introduction of amendments with alterative text proposals has increased during the Rajoy's legislature compared to the Zapatero's, but it is lower than during the first absolute majority of the conservatives, when Aznar was governing, especially regarding organic laws. These results illustrate that, since the conservatives reached power in 2011, confrontation and polarization has

increased in the parliamentary arena in both the input and the output sphere, and that parliamentary groups have not devoted many resources to present alternative proposals to the policies implemented by the conservatives. The economic crisis has been characterized by an adversarial model of opposition, that is, opposition groups have adopted a distinct position from the party in office following a strategy based on conflict (Rose, 1980). Opposition groups mainly react to a new style of government characterized by unilateral decision-making, which has made difficult the participation of opposition parliamentary groups in important policy decisions. The Spanish parliament has not functioned as an operational governing body oriented to solving problems following cooperative strategies, as the consensual model would suggests (Scott and Wilkerson, 2012). Next we analyse to what extent the use of different parliamentary strategies vary according to the agenda capacity of different parliamentary groups.

V. THE IMPACT OF AGENDA CAPACITY ON PARLIAMENTARY PARTY BEHAVIOUR

One of our hypotheses is that the opposition strategies of parliamentary groups are strongly related to the level of institutional friction associated to different initiatives. A correlation analysis among the number of seats and the different initiatives introduced by parliamentary groups illustrate, as expected, a positive correlation between the number of seats and the introduction of amendments with alternative text. As figure 3 illustrates, small groups in terms of seats, like regional parties (CC (*Coalición Canaria*), CIU (*Convergència i Unió*), PNV (*Partido Nacionalista Vasco*) and ERC) and UPyD (*Unión Progreso y Democracia*), introduce less amendments with alternative text proposal than big groups (the PP and the PSOE). The regional party with less parliamentary seats, CC, introduces no amendments with alternative text neither during the legislature of Aznar nor in the first of Zapatero. The Catalan regional party, CIU, the regional party with more seats, is the one introducing more amendments with alternative text proposals, especially during the legislature of Aznar. The regional Basque party, the PNV, introduces only two amendments with alternative text across the four legislatures analyzed, during the government of Aznar. This is explained because this is a small group but also because its interests depend less on the central government compared to other regional parties, like CIU. The Basque Country has its own tax system so that it high fiscal autonomy. This means that, contrary to Catalonia and other regional governments, it has the capacity of administering the resources of its own territory according to its policy preferences.

In the case of UPyD, this group introduces a relatively high percentage of return amendments during the legislature of Rajoy, a parliamentary initiative associated with very low friction, but none of these amendments are accompanied with alternative text proposals. This can be explained because this is a small parliamentary group, with only five seats, but also because of its lack of parliamentary experience. UPyD is a party created in 2007 that entered the parliamentary arena for the first time in 2011. More seats mean more resources but also parliamentary experience matter. Those groups with more legislatures behind them accumulate knowledge on parliamentary affairs and procedures, and are more likely to have alternative text proposals to contest executive's initiatives as a result of experience accumulated in previous legislatures.

The main exceptions to the rule that small parties introduce fewer amendments with alternative text proposals than big groups are small left parties: IU-ERC and *Izquierda Plural*, which introduce more number of amendments with alternative text than other groups with higher number of seats. For example, during the legislature of Rajoy, *Izquierda Plural* introduces more amendments with alternative text than the PSOE, the main opposition party. ERC and IU are intermediate cases. These groups introduce fewer amendments with alternative text than the PP and the PSOE but more than other parties, like CIU, with more number of seats. These differences can be explained by a mix of institutional and contextual factors. First, the low percentage of amendments with alternative text introduced by ERC and IU can be explained because these groups gave support to the first government of Zapatero. The lack of absolute majority of the incumbent and the requirement of trade-offs during the minority socialists government reduce the incentives of introducing return amendments and to accompany these with alternative texts proposals.

Second, *Izquierda Plural* and ERC-IU do not support the incumbent but they are formed by different political parties that joined their *seats* to have their own parliamentary group. ERC, the Catalan left republican party and the far left (IU) formed parliamentary group during the second legislature of Zapatero. *Izquierda Plural* is a coalition of parties that went together to the 2011 general elections and that later formed their own parliamentary group in the Chamber, including IU (and its Catalan branch, ICV-EUiA) and CHA (*Chunta Aragonesista*). Finally, these parliamentary groups govern in a context characterized by high confrontation and polarization, because of the outbreak of the economic crisis in 2008 and the controversial policy measures adopted to overcome it. These policies were especially at odds with the preferences of left parties because of the right-liberal orientation of the measures implemented following recommendations by the IMF and EU institutions. Both *Izquierda Plural* and ERC-IU devote an important part of its amendments to introduce alternative proposals to the regulation of commerce and banking, economic and labour market issues (almost 60% of the total in the case of *Izquierda Plural*, and 66% in the case of ERC-IU). Left parties introduce also more return amendments during the last legislature of Zapatero and the legislature of Rajoy, than any other parliamentary group.

On the contrary, the opposition of the conservative party (PP) during the last legislature of Zapatero, following the outbreak of the crisis, was not as fierce as the one exercised by left parties. This can be explained by ideological congruence with some of the policies implemented by the socialists in line with EU recommendations, but also because of the high probabilities of this party to enter office in the 2011 elections. As Norton (2008) argues, those parties that are more likely to enter office exercise a more responsible form of opposition than outliers. This explains why the PP only introduced 32% of the total return amendments introduced during the second legislature of Zapatero, and 40% of the total amendments with alternative text proposal, 10% less than in the first legislature of the socialists.

The PP strategy is also illustrated by its voting activity. The mean percentage of PP abstentions increased from 8% during Zapatero's first legislature to 30% in his second term in office. The PP gave support to some of the measures introduced by the PSOE to tackle the crisis, for example legislation designed to facilitate credit access for businesses and families, but in other important areas of policy making, such as the labour market reform of 2010 or the package of economic measures introduced in 2008 to promote economic activity, the PP abstained.

As Palau, Muñoz and Chaqués (2015) argue, this is partly explained because the conservatives did not want to give support to the measures passed by the socialists but neither did they want to appear to be in disagreement with EU institutions, given that the majority of these policies were introduced in line with EU recommendations and it was meant to be the next party in office.

According to our expectations, the agenda capacity of groups do not only affect the type of parliamentary initiative used to oppose executive's policies, but also the type of issues on which these initiatives are introduced. Results illustrates that, as expected, small parliamentary groups concentrate their initiatives on a few issues and especially on those initiatives associated with high levels of institutional friction. Figure 4 reports entropy scores for return amendments and amendments with alternative text proposals for all parliamentary groups. We observe that fragmentation is high in the case of return amendments, but the agenda is very concentrated in the case of amendments with alternative text proposals, especially in the case of small parliamentary groups. The PP and the PSOE, and also IU, mobilize on the basis of more issues regardless of the friction associated with parliamentary initiatives.

For the interpretation of results, it is important to take into consideration that parliamentary groups can only react to the initiatives introduced by the executive, so that they assert their policy preferences in the context of those issues already introduced into the agenda by the incumbent. Among the issues prioritized by the executive, parliamentary groups have to invest their limited resources to those they consider to be a priority. Left parties (*Izquierda Plural*) focus an important part of their opposition initiatives during the last legislature on issues related to the economy, labour and commerce and banking, mainly because 40% of the total bills introduced by the government of Rajoy are oriented to overcome the economic crisis. Nonetheless, other parties like regional parties, decide not to present any amendment with alternative text proposal on these topics. Similarly, *Izquierda Plural* introduces 30% of their amendments with alternative text proposal on bills related to environmental issues, while other groups totally ignore this regulation. Similarly, IU introduces bills with alternative text proposals in relation to rights issues, during the legislature of Aznar, and more specifically on immigration, responding to the bill introduced by the conservative in order to make immigration policy more restrictive.

Regional parties also concentrate its agenda according to their preferences, and more specifically to those related to the interests of their constituencies. The Basque party, the PNV, is among the groups with a more concentrated agenda. It rarely reacts to executives' initiatives with the introduction of amendments with alternative text proposals and when it does so, it focuses on very few topics. This group only introduces two amendments with alternative text during the period under analysis. One is related to the initiative of the Aznar government to regulate professional training giving priority to the private sector and clearly encroaching upon regional competences. The bill introduced by the PNV however, is exactly the same that the one introduced by CIU on the same bill. This illustrates that small/regional groups may join resources in their opposition activities in order to defend their interests if they share preferences on a specific topic. The other amendment with alternative text proposal introduced by the PNV is related to the Criminal Procedure Act introduced by Aznar oriented, among other things, to enlarge confinement and policy custody of detainees (with more restrictive measures in the case of terrorists).

On the contrary, the agenda of CIU is much more fragmented, because it is a bigger parliamentary group but also because its policy preferences are more fragmented compared to the Basques. All decisions taken by the central government, have much more impact on Catalan interests than those of the Basques, mainly because, as explained, Catalonia has not its own fiscal system. CIU introduces more amendments with alternative text proposals and on more issues, including commerce (regulation of trading hours), transports (especially the regulation of the rail sector and ports) and water (the hydrological national plan), issues that directly affected the interests of Catalan regional parties, contrary to the Basques. Overall, this illustrates that regional groups mobilize and invest their resources on those topics that affect the interests of their constituencies.

VI. THE ROLE OF INSTITUTIONAL AND CONTEXTUAL FACTORS

To test to what extent parliamentary behavior respond to institutional factors we have run different regression models. First we consider aggregated data, with one model testing whether variations in the type of government, the economic situation, distance from elections and the EU content of legislation explain changes in party behavior (negative vote for legislation, return amendments and amendments with alternative text proposals). Table 4 presents the regression results for the aggregated model. The results illustrate that negative vote for legislation increases during absolute majorities and also when the economic situation is bad (model 1). The analysis of return amendments illustrates also that this type of opposition increases when the incumbent is governing with the absolute majority of seats (in both ordinary and organic bills) but this variable is not affected by variations in the economic situation. When the economic situation is bad, there are not more return amendments on legislation. The analysis of return amendments with alternative text proposal shows that this form of opposition is also more common during absolute majority governments (in all types of bills) but it is not affected by the economic situation. The number of organic bills with alternative text proposal decreases during the Rajoy government, and it is relatively low compared to those introduced during the Aznar's. From 2000 to 2004 more return amendments were introduced on organic laws but, proportionally, these were more accompanied by alternative text proposals than those introduced during Rajoy's legislature. This can be explained because, proportionally, during this term there were more organic bills that had the support of all parliamentary groups, like the one about the King's abdication, but not even highly controversial reforms, like the education bill introduced by Minister of Education, Ignacio Wert, was accompanied by alternative text proposal on the part of any group. This bill received eleven return amendments but none of them with alternative text. This may reflect the increasing confrontation and polarization of Spanish politics and the evolution towards an opposition style characterized by a less cooperative and constructive type of opposition.

The hypothesis that parliamentary groups show higher opposition to the executives' initiatives at the end of the term when elections are coming, is not corroborated by our results. The variable distance from elections is only statistically significant in the case of voting, illustrating that conflict is higher at the beginning of the legislature than at the end of the term. This can be explained because the incumbent probably introduces the most controversial bills after entering office to avoid the electoral costs that may have the pass of controversial policy

reforms at the end of the term. In the input side, results corroborate that parliamentary groups do not introduce more return amendments neither more amendments with alternative text proposal when elections approach. Therefore, we cannot say that return amendments are used as symbolic tools, considering electoral strategies.

With regards to the EU, results illustrate that, as expected, the relation between return amendments and the EU content of legislation is negative (although not statistically significant) but contrary to our expectations, those bills with EU content have more amendments with alternative text proposal than purely domestic bills. Further research is required to explain this pattern, but it may be related to the measures adopted during the economic crisis implemented following EU recommendations. An analysis of the differences across issues illustrates that most of these amendments are related to economic, labor or commerce and banking. During the legislature of Aznar, the amendments with alternative text proposal introduced on EU bills on these topics represented 6% of the total. During the last legislature of Zapatero, when the socialists had already passed important reforms, especially since 2010, these represented 75% of the total, and during the Rajoy's legislature 50%. Regression results differentiated by parliamentary group, illustrate that the variable EU is only positive and statistically significant in the case of the far left (IU). This is consistent with the results of previous research, which have already demonstrated that the economic crisis has increased the incentives of left parties to oppose to EU related legislation (Palau, Muñoz and Chaqués 2015).

VII. CONCLUSIONS

This paper has analyzed party behavior in the parliamentary arena considering both, the input and the output sphere, in order to explain variations in the patterns of consensus and the opposition strategies of parliamentary groups. Results illustrate that institutional factors matter. Variations in agenda capacity explain why groups with small number of seats, and especially those without previous parliamentary experience, focus their opposition strategies on initiatives associated with low institutional friction, like return amendments. On the contrary, big groups, or small groups composed of two different parties, have more resources and can introduce initiatives associated with more friction, like amendments with alternative text proposals. Institutional factors are important to explain why parties choose different opposition strategies but also patterns of parliamentary consensus. The opposition of parliamentary groups to the initiatives introduced by the executive is always higher during absolute majority governments, regardless of the parliamentary initiative considered. Other contextual factors, like variations in the electoral cycle, are not related to variations in the patterns of parliamentary consensus neither on the input nor on the output sphere.

TABLES

Table 1. Institutional friction associated to different parliamentary opposition initiatives

Opposition initiative	Sphere	Strategy based on	Institutional Friction
Negative voting (decree law and organic laws)	Output	Opposing executive's initiatives	Low
Return amendments	Input	Opposing executive's initiatives	Low
Amendments with alternative proposal	Input	Challenging executive's initiatives	High

Table 2. Amending activity of parliamentary groups across legislature (2001-2014)

Legislature	Group	seats (and experience)*	Return Amendments (%)	With Alternative Text (%)	Negative Vote (Mean %)
Aznar	PSOE	125(9)	37	41	25
	PP	183(9)			
	IU	8(5)	40	27	23
	CIU	15(9)	9	23	9
	PNV	7(9)	14	9	11
	CC	4(4)			
	Total		100	100	-
Zapatero I	PSOE	164			
	PP	148	41	50	24
	IU	5	13	29	6
	CIU	10	20	7	5
	PNV	7	6		5
	CC	3	1		0.5
	ERC	8(1)	18	14	5
	Total		100	100	-
Zapatero II	PSOE	169			
	PP	154	32	40	12
	CIU	10	7		1.4
	PNV	6			17
	ERC-IU	5(1)	61	60	30
	Total		100	100	-
Rajoy	PSOE	110	25	43	50
	PP	186			

Izquierda Plural	11(1)	33	50	57
CIU	16	16	7	25
PNV	5	11		26
UPyD	5(1)	15		43
Total		100	100	-

*Experience, in brackets, shows the number of legislatures that the party has parliamentary representation and its own parliamentary group in the Chamber from 1982 to present. ERC-IU and *Izquierda Plural* are parliamentary groups composed of different parties that joined their seats during the second legislatures of Zapatero and the Rajoy's respectively to have their own parliamentary group.

Table 3. Explaining party behavior: regression results

	Model 1		Model 2	
Negative Voting	B	Sig.	B	Sig.
Constant	9,840	,001	15,534	,000
Seats	,131	,000	-,045	,597
Economy	,038	,214	-,092	,157
Distance Elections	-,008	,001	-,006	,023
EU	2,044	,268	2,028	,268
R ²	,113		,126	
Return Amendments				
Constant	-,010	,976	,355	,375
Seats	,029	,000	,018	,029
Economy	,002	,435	-,006	,361
Distance Elections	,000	,563	,000	,320
EU	-,096	,605	-,114	,541
R ²	,131		,135	
With Alternative Text				
Constant	,062	,312	,065	,418
Seats	,002	,011	,002	,313
Economy	-,001	,073	-,001	,369
Distance Elections	,000	,794	,000	,817
EU	,093	,014	,093	,014
R ²	,023		,023	

Note: Cells report OLS parameter estimates. The variable seats indicate the seats difference between the incumbent and the main opposition party. Economy reports the percentage of citizens considering the economic situation is bad or very bad. Distance elections correspond to the number of days that have elapsed from the election's day to the day the piece of legislation is voted/amended. EU is a dummy variable with value 1 if the piece of legislation has EU content.

FIGURES

Figure 1. Percentage of executive bills passed using the ordinary procedure and percentage of decree-laws passed over the total legislation

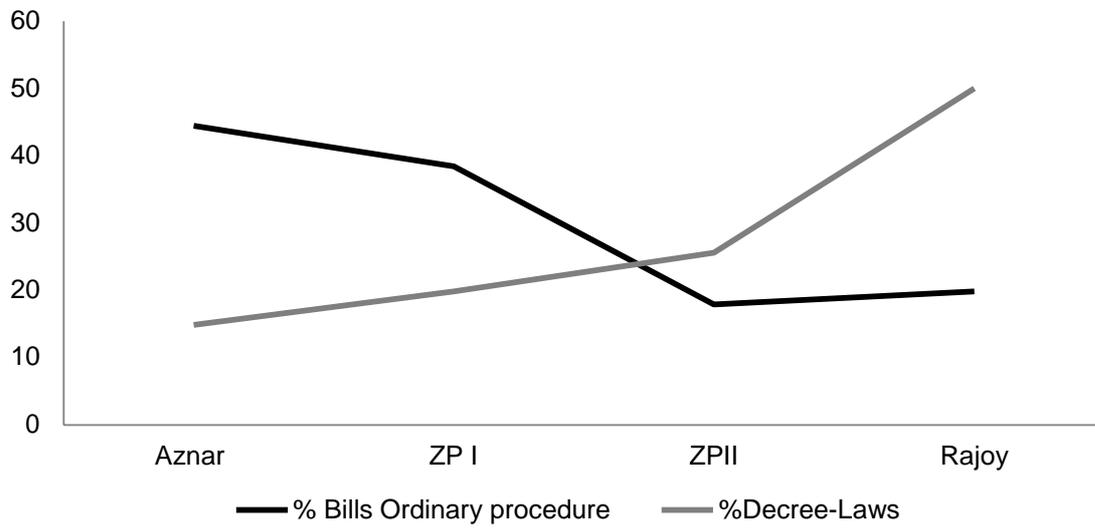
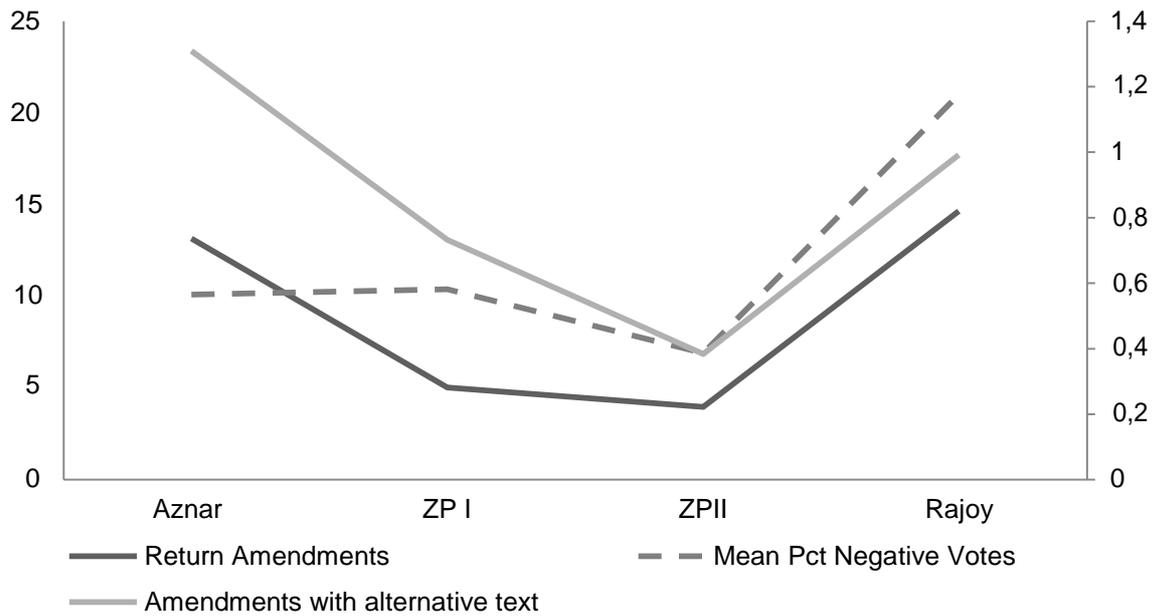
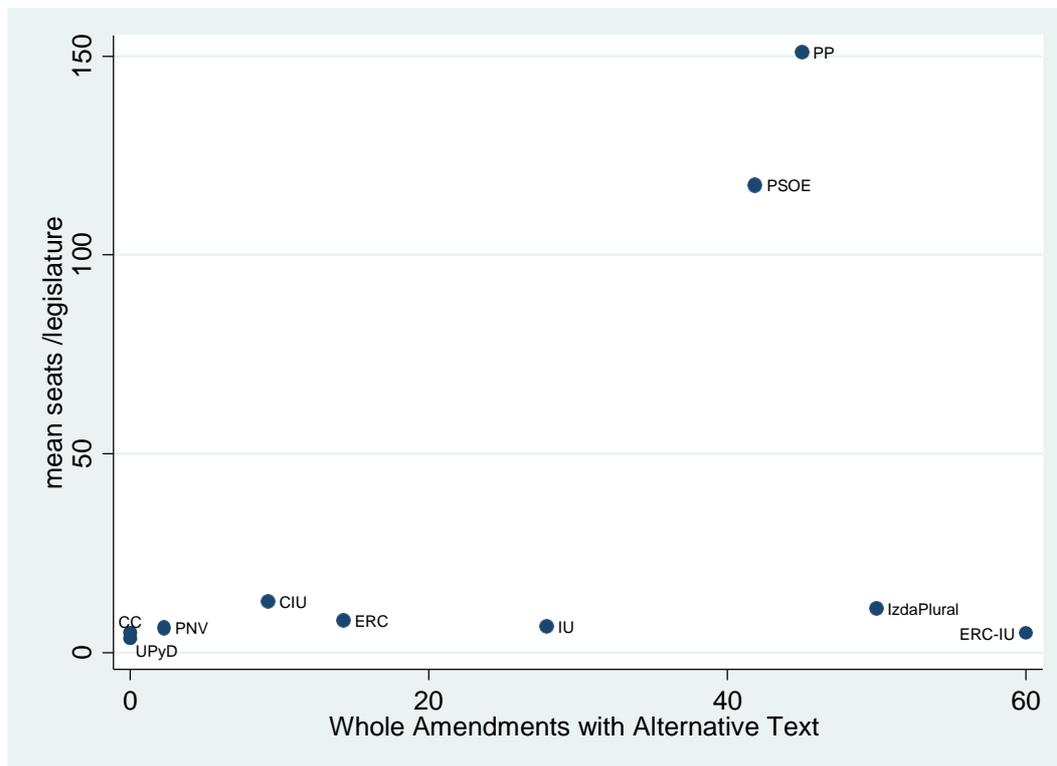


Figure 2. Variations in parliamentary consensus across legislatures (2001-2014)



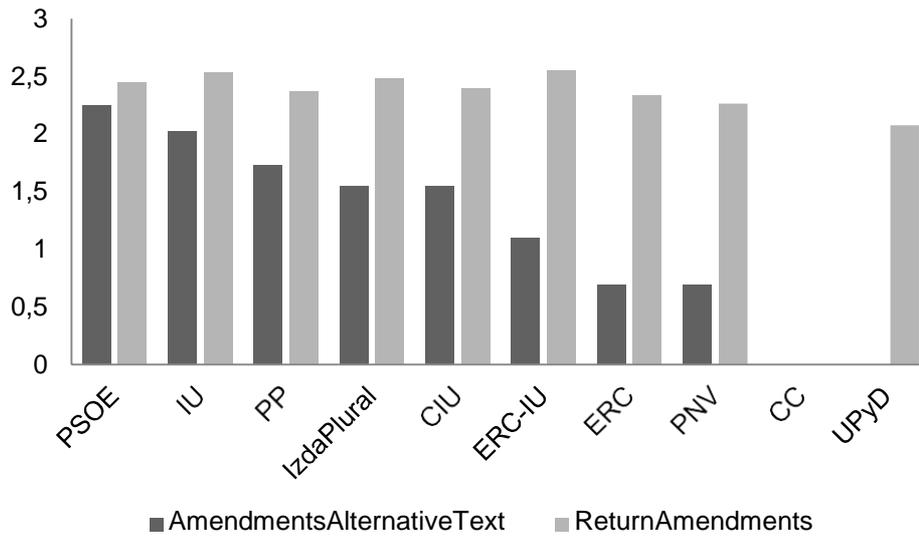
Note: the figure shows the mean percentage of negative vote for legislation (organic laws and decree laws), and the rate of return amendments and amendments with alternative text (see formula in the methodology section).

Figure 3. Return amendments with alternative text proposal by parliamentary group



Note: the figure shows on the Y axis the mean number of seats per legislature of each parliamentary group (considering the legislatures under analysis), and on the X axis the mean percentage of amendments with alternative text proposal introduced by each group. For example, in the case of IU, 28% of return amendments corresponds to the percentage of amendments introduced by this group (see table 2) in the second legislature of Aznar and the first of Zapatero (27+29) divided by two

Figure 4. Entropy scores for return amendments and amendments with alternative text proposal across parliamentary groups



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NOTES

ⁱ Amendments to a bill entailing an increase in budgetary appropriations or a reduction in budgetary revenue require the Government's authorization, that has to give a reply within fifteen days.

ⁱⁱ Organic laws require the absolute majority of Congress' votes to be passed and are limited to the regulation of specific issues, i.e., – the exercise of fundamental rights and public liberties, the general electoral system, the approval of the regional statutes (*Estatutos de Autonomías*), and other procedures considered in the Spanish Constitution including the regulation of the Constitutional Court, the Ombudsman (*Defensor del Pueblo*) and or the states of alert, emergency or siege (section 81 of the Spanish Constitution).

ⁱⁱⁱ Decree-laws are provisional regulatory acts passed by the executive in case of extraordinary or urgent necessity, or when exceptional circumstances impede following the ordinary legislative procedures. As defined in section 86 of the Spanish Constitution, decree-laws cannot deal with issues related to the regulation of basic State institutions, rights, duties, and liberties of citizens, the *Estatutos de Autonomía*, nor the general electoral system, and have a provisional character. Decree-laws have to be submitted for debate and voting by the entire Congress within thirty days of their promulgation. The Congress has to adopt a specific decision on their ratification or revocation in the same period, with the option of having the possibility to processing them as executive bills.

^{iv} Shannon's H Entropy= $-\sum p(x_i) \cdot \log_n p(x_i)$ where x_i represents a dimension, $p(x_i)$ is the proportion of total attention the dimension receives $\log_n p(x_i)$ is the log of the proportion of attention the dimension receives, using the total number of possible dimensions as the base of the log (Boydston et al 2014).

^v If we consider previous research (Mújica and Sánchez Cuenca 2006) conducted on voting behavior in Spain.