

Constructive and Destructive Legislative Review: The Government-Opposition Divide in Parliamentary Oversight^{*†}

Lion Behrens
University of Mannheim
behrens@uni-mannheim.de

Dominic Nyhuis
University of North Carolina at Chapel Hill
nyhuis@unc.edu

Thomas Gschwend
University of Mannheim
gschwend@uni-mannheim.de

There is growing interest in the policy impact of legislatures in parliamentary systems. While scholars have shown that coalition parties rely on legislative amendments to police deviations from the coalition compromise, there are notable gaps in our understanding of legislative review, most importantly, regarding the substance of amendments. Introducing the concepts constructive and destructive legislative review, we identify distinct patterns of legislative review by government and opposition parties. Based on the notion of collective cabinet responsibility, we argue that coalition parties are bound by informal rules that limit them to the labor-intensive redrafting of bills (constructive review). Conversely, opposition parties take a low-cost approach by proposing to strike out bill sections (destructive review). We provide empirical support for our hypotheses by analyzing an original dataset of counterfactual bills from a German state legislature. The results improve our understanding of opposition strategies in legislative review and control mechanisms within coalition governments.

Keywords: *Legislative review, coalition politics, government-opposition interactions, opposition strategies, automated text analysis, Germany.*

*This research was supported by the German Research Foundation (DFG) via the SFB 884 on “The Political Economy of Reforms” (Project C7) and the University of Mannheim’s Graduate School of Economic and Social Sciences (GESS).

†Replication files are available in the *JOP* Dataverse (<https://dataverse.harvard.edu/dataverse/jop>). The empirical analysis has been successfully replicated by the *JOP* replication analyst. Supplementary material for this article is available in the appendix in the online edition.

How do coalition and opposition parties in parliamentary systems control government policy? Policymaking by coalition governments is characterized by a variety of mechanisms aimed at ensuring that individual ministers do not stray from the coalition compromise. Among the most important of these mechanisms are the parliamentary groups of the coalition parties who serve as watchdogs over the coalition compromise to rein in possible deviations from the coalition agreement by introducing legislative amendments to government legislation (Martin and Vanberg 2004, 2005; Pedrazzani and Zucchini 2013).

Building on Tsebelis' (2002) conception of coalition politics, *collective cabinet responsibility* has emerged as one of the most powerful accounts for describing decision-making in cabinets. In Tsebelis' model of 'cabinet government' (Strøm 1994), the cabinet acts as an arena for mutual control where ministers monitor each other's policy initiatives. Ultimately, government legislation is the product of significant intra-cabinet deliberation and, formally, the cabinet is responsible for the proposals that are introduced into parliament. The collective cabinet responsibility comes with important implications for parliamentary oversight. For instance, coalition parties are generally expected not to vote against the proposals originating in the ministries held by their coalition partners or to publicly voice criticisms of government proposals upon their adoption (Fortunato 2019, p. 243).

This article outlines new implications of collective cabinet responsibility, which shed light on an aspect of parliamentary oversight that has so far been disregarded: the substance of legislative review. To this end, we introduce the concepts *constructive* and *destructive* review. Constructive review implies adding new sections or rewriting existing passages of a bill proposal while destructive review aims at striking out bill passages. Whereas (re-)drafting legislation takes considerable time and effort, destructive amendments are significantly cheaper, as they do not require drafting legislative text to express substantive policy ideas.

From the notion of collective cabinet responsibility, we derive that members of the coalition are expected to constructively engage with government policy. Therefore, to prevent ministerial drift, government parties need to rely on resource- and labor-intensive forms of legislative control by either reworking bill sections that stray from the coalition compromise or by adding passages which introduce conditions to limit the scope of a bill.

The distinction between constructive and destructive review also sheds light on opposition behaviors in legislative review. Opposition parties often submit the majority of amendments to

government bills despite dismal success rates. As submitting amendments is typically considered a costly exercise, this begs the question why opposition parties are willing to spend their scarce resources on doomed amendments. We argue that whereas coalition parties are expected to constructively engage with government policy, opposition parties are not constrained by any 'rules of the coalition game' and will often submit low-cost destructive amendments that simply propose to delete unfavored passages. Thus, the distinction between constructive and destructive review also speaks to the puzzle of extensive legislative review by opposition parties by recognizing that opposition amendments are significantly less costly than amendments from the majority ranks.

The state of the art in the study of legislative review is to compare different bill versions (e.g. Martin and Vanberg 2004, 2005; Dixon and Jones 2019; Fortunato, Martin and Vanberg 2019; Pedrazzani and Zucchini 2013). While this strategy has proven useful for analyzing efforts to police the coalition compromises, it falls short when our aim is to arrive at a comprehensive picture of legislative bargaining that incorporates opposition efforts. As amendment proposals by the opposition are hardly ever successful, they cannot be observed in successive bill versions.

To overcome this empirical challenge, we compare the initial bill version with *counterfactual bills* that would have resulted if an amendment had passed. This enables us to analyze legislative scrutiny independent of the success of amendments. We generate the counterfactual bills by building a rules-based, semi-automated text analysis system that constructs the counterfactual bill versions based on the highly structured language of legislative text. Applying this text analysis system to legislative review in the German state parliament of *Baden-Württemberg*, we find substantial differences between government and opposition efforts. As expected, opposition parties are significantly more destructive in reviewing government bills than members of the coalition.

Conceiving of constructive and destructive review as two distinct modes of parliamentary scrutiny suggests a new perspective for research on legislative review. By focusing on the substance of legislative bargaining, we can better understand opposition strategies in legislative review and explain the puzzle of high-frequency, low-success amendments with a low-cost approach to government oversight. We also generate new insights into legislative review as a control mechanism within coalition governments by showing how government parties are largely limited to the constructive engagement with bills. Spelling out the norm of constructive engagement with the proposals of coalition partners also furthers our understanding of the strength of individual ministers in coalition governments. If a

minister manages to get a particular passage through cabinet, it is difficult for the coalition partner to veto it in parliament. Instead, members of the governing majority have to resort to adding conditions and attenuation.

Government Bills and Legislative Review

Virtually all parliamentary systems are characterized by some kind of power-sharing. The feature that is most relevant for the study of parliamentary scrutiny is the 'rewriting authority' of committees. In the plurality of European legislatures, standing committees have the right to re-draft legislation (Martin 2014). In their comparative study on the structure and powers of European parliamentary committees, Mattson and Strøm (1995) find that in sixteen out of eighteen surveyed legislatures, committees have the right to propose changes to legislation. Either committees are free to rewrite bill texts and circulate a new bill version for the plenary vote or the floor considers the original bill version along with the amendments proposed in committee.

For coalition parties, the rewriting authority of committees paves the way for extending intra-cabinet control mechanisms into the legislative arena. In contrast to Tsebelis' (2002) stylized account of veto powers within coalition governments, the ability of ministers to veto parts of a bill are considerably restricted in real world politics. First, coalition parties may have agreed to majority rule rather than unanimity decision-making in cabinet. Second, it is doubtful whether ministers from smaller parties that are not central to ensuring parliamentary majorities can act as effective veto players (c.f. Strøm, Müller and Smith 2010). In addition, proposing ministers may possess significant informational advantages over other cabinet members, severely limiting the possibility of mutual control.

As a consequence, the research on coalition bargaining has suggested a variety of mechanisms with which coalition partners keep tabs on each other in the parliamentary arena (Thies 2001). Among them are the appointment of committee chairs to 'shadow' ministries held by coalition partners (Carroll and Cox 2012; Kim and Loewenberg 2005), filing parliamentary questions (Hömann and Sieberer 2019), as well as legislative review. Essentially, when ministers have some degree of freedom to circumvent intra-cabinet control due to ineffective horizontal checks or informational advantages, proposed policies are likely to be located closer to the minister's or their party's ideal

point than what was agreed to in the coalition contract. As a consequence, MPs with policy expertise act as 'watchdogs' over the coalition compromise, with the power to rein in ministerial deviations in standing committees (Martin and Vanberg 2004, 2005; Pedrazzani and Zucchini 2013).

For opposition groups, the parameters that characterize their behavior in legislative review are different. While the opposition is free to propose changes to government bills, amendments from opposition parties are almost always voted down during the committee and plenary deliberations. This pattern is pronounced in the majoritarian Westminster systems where power is typically concentrated in the hands of a single party (Shugart 2009) and the legislative process is non-consensual. For example, based on twelve major bills in the UK between 2005 to 2012, Russell and Gover (2017) show that only 7 percent of all opposition amendments were ultimately successful. Thompson (2015) demonstrates that in the history of British law, opposition amendments in bill committees have a success rate of 0.6%. Notably, the low success rates for opposition amendments can also be observed in proportional systems. For the Scottish parliament, Shephard and Cairney (2005) show that more than 90% of opposition amendments to government bills passed between 1999-2003 were unsuccessful. In Sweden, the share of committee reports with fully or partly accepted changes proposed by the opposition has continuously decreased throughout the last decades and dropped to 'almost zero' in the 1990s, with more than 92% of the proposed opposition changes being rejected in recent legislative terms (Loxbo and Sjölin 2017). Even in the most consensual systems like the Dutch *Tweede Kamer*, where lawmaking has been described as a 'non-partisan marketplace' (Andeweg, De Winter and Müller 2008), empirical contributions find that 93% of opposition amendments are not adopted by the governing majority (Visscher 1994; Andeweg 2013).

Although opposition amendments rarely succeed in impacting policy, members of the opposition actively engage in the review of government bills. In their Westminster study, Russell and Gover (2017) show that an average of about 170 amendments were proposed by members of the opposition for each of the twelve bills they investigate. In the Netherlands, the average number of amendments went up from less than 150 before 1966 to more than 1,000 per year (Andeweg, De Winter and Müller 2008), and Loxbo and Sjölin (2017) show that the total number of Swedish bills for which the opposition filed committee proposals increased from about 33% in the 1970-73 cabinet to about 54% in 2010-2014.

To shed light on the incentives and behaviors of government and opposition parties, the next section introduces a conceptual distinction for the substance of legislative review, where parties either incur a high cost (constructive legislative review) or a low cost (destructive legislative review) for introducing amendments.

The Substance of Legislative Review

Constructive and Destructive Review

Categorizing the policy impact of amendment proposals is challenging. An ideal measure would capture the substantive impact and issue-specific severity of the proposed bill modifications. As legislation is highly technical and requires extensive domain knowledge in a variety of issue areas, considerable human expertise would be needed to classify each proposed bill change (Martin and Vanberg 2005) — an effort that is nearly impossible in anything but select case studies (Thomson et al. 2006). Therefore, all studies interested in a more comprehensive perspective on legislative review have adopted the strategy of counting the number of changed articles, bill lines, or words (Martin and Vanberg 2004, 2005; Dixon and Jones 2019; Fortunato, Martin and Vanberg 2019; Fortunato 2019; Pedrazzani and Zucchini 2013).

Despite these challenges, a more nuanced operationalization of the substance of bill scrutiny is possible. Compare a party group that works through the details of a piece of legislation and proposes amendments to add or re-draft portions of a bill with a party group that proposes to strike out several paragraphs of the same piece of legislation. While both kinds of scrutiny constitute amendatory action, they differ conceptually. We can group legislative amendments into three distinct categories. First, amendments can *add* to a proposed piece of legislation by extending the initial bill with new sections or paragraphs. Second, amendments can *alter* parts of the legislation and rewrite the initial bill. Third, amendments can *delete* words, sentences, or whole articles in order to shape policy.

These categories help distinguish between two fundamentally different strategies for scrutinizing bills: *Constructive legislative review* and *destructive legislative review*. While constructive review implies adding to or rewriting proposals, destructive review relies on deleting passages. The two types of bill scrutiny differ in several regards. Most evidently, they differ in terms of required resources like time, expertise and labor. While actively contributing to policy proposals by substituting passages

with altered phrases or developing new bill sections requires significant time and expertise, proposing to cross out passages takes considerably less effort. This suggests that proposing amendments is not in and of itself a resource-intensive activity. Moreover, constructive and destructive review have different policy implications. Insertions and substitutions imply a new bill version that incorporates the author's policy ideas. By contrast, destructive review merely tries to prevent legislation that is perceived as unfavorable, but does not formulate a substantive alternative for the deleted sections.

It is important to note that an amendment might add words that could function as a 'killer amendment', resulting in the bill's eventual defeat in the floor vote (Gilmour 2001). There are several reasons why the idea of a killer amendment does not diminish the conceptual value of distinguishing between constructive and destructive review. First, as Finocchiaro and Jenkins (2008) note, 'killer amendments' are rare and more of a theoretical possibility than an empirical regularity (p. 263). In the aggregate, the constructive nature of text additions and insertions should therefore reliably hold. Second, while killer amendments are possible in cases such as the U.S. Congress, the notion of such amendments are less applicable in parliamentary systems which are characterized by consensual decision-making under majority rule. In parliamentary systems, amendments need majorities in the plenary and are voted side-by-side with the bill. Consequently, the conditions for a 'killer amendment', namely the successful amendment of a government bill through majority vote by the coalition and the simultaneous defeat of the bill by the same majority (c.f. Finocchiaro and Jenkins 2008) will hardly ever be observed in parliamentary democracies. Changing majorities, i.e. one majority party breaking ranks to vote with the opposition to adopt an amendment are exceptionally rare.

Our notion of constructive and destructive review does not imply that adding attenuation to bills cannot come with severe implications for the bill's policy impact. Rather, it relates to the exertion of veto powers toward individual bill sections, where we frame vetoing policy ideas as destructive and nuancing, refining or attenuating policy with own policy ideas as constructive.

Behavioral Expectations for Coalition and Opposition Groups

The distinction between constructive and destructive review has implications for the study of legislative review as a control mechanism in multi-party governments, as well as for parliamentary oversight by the opposition. While members of the governing parties serve as watchdogs over the coalition

comprise, their behavior is bound by a set of informal rules, many of which can be derived from the notion of collective cabinet responsibility. Among other things, the joint responsibility of the cabinet for legislative proposals prohibits coalition MPs from voting against their coalition partners' proposals and from speaking out against policies once they have been adopted (Fortunato 2019). We argue that it is possible to extend the 'rules of the coalition game' in light of the distinction between constructive and destructive legislative review. Specifically, we argue that these constraints also manifest in an informal rule not to torpedo coalition policy by proposing to strike parts of a bill introduced by a minister from the coalition partner. Rather, as constructive engagement is expected from all party groups that form a coalition government, legislators will need to resort to more nuanced strategies in order to modify legislation that strays from the coalition comprise: redrafting or adding conditions to limit the scope of the bill.

This argument provides nuance to previously described patterns of legislative review within coalitions. Specifically, we can identify at least two substantive implications for the parliamentary control of coalition governments. First, in light of the distinction between constructive and destructive review, we can describe the review of government legislation by coalition partners as a process of mutual normative expectations. Legislative control of government bills is bound by the *normative expectation* of constructive collaboration among all partners across the legislature and executive. While opposition parties can freely move between constructive engagement and bill obstruction, these mutual expectations restrict the possible actions of the parliamentary majority toward its ministerial agents, and limits the majority to the subset of constructive control and supervision.

This 'logic of appropriateness' which binds coalition parties to constructive engagement with cabinet legislation while placing no constraints on opposition review is accompanied by a 'logic of consequentiality'. In terms of consequences, amendments to government legislation differ sharply between members of coalition and opposition parties. For the governing majority, blocking or obstructing passages of government policy is a high-stakes affair that has the potential to break the government if the proposed change upsets the balance between coalition partners. By contrast, amendment proposals are far less consequential for the opposition, enabling opposition legislators to introduce amendment proposals of all sort.

The proposed perspective on the substance of legislative review suggests a source of strength for individual ministers in coalition policy-making. Among different models of coalition government,

Tsebelis (2002) argues that authority structures in cabinets ensure that any coalition party is a veto player regarding any policy proposal regardless of structural factors such as portfolio allocation (p. 96). In contrast, Laver and Shepsle's (1994) ideal-typical model of 'ministerial government' constitutes the opposite pole and describes ministers as having almost full autonomy over their department's policy area as there is "no mechanism by which any other party can prevent the portfolio holder from implementing its ideal point within that jurisdiction" (Strøm, Müller and Smith 2010, p. 523). Our distinction between constructive and destructive review speaks to the research on mutual control in coalition governments. If the 'rules of the coalition game' prohibit bill obstruction in the parliamentary arena, coalition partners cannot strike out and thus cannot prevent a policy once it has been introduced into parliament. If a minister succeeds in getting a bill through cabinet, it is difficult for coalition partners to remove unfavored passages outright. Instead, they need to resort to strategies such as adding conditions that limit the scope of the bill.

Opposition parties frequently find themselves in a position of wanting to delete passages from a proposed bill. If a bill proposal shifts the status quo away from the party, deleting certain passages may be a reasonable strategy for ensuring a smaller shift. As opposition parties are not bound by the rules governing collective cabinet responsibility and as their amendment proposals do not carry the risk of severe consequences like breaking the government, they can pursue a low-cost strategy of bill obstruction. Destructive bill review allows opposition parties to circumvent the cost-intensive drafting of new policy content, as removing bill sections requires less effort. Hence, only when the incentives outweigh the costs associated with constructive review, should we expect opposition parties to constructively engage with government legislation. These arguments help explain opposition parties' frequent efforts in scrutinizing government bills with low-cost destructive strategies. Overall, we propose that the distinction between constructive and destructive review constitutes a key element for understanding control mechanisms within coalition governments and opposition engagement with government bills, where governing parties are more likely to engage in constructive review and opposition parties in destructive review.

Hypothesis 1a: Government parties are more likely to engage in constructive legislative review than opposition parties.

Hypothesis 1b: Opposition parties are more likely to engage in destructive legislative review than government parties.

The Conditioning Effect of Bill Importance

So far, we have discussed the government-opposition divide in legislative review and we have outlined how amendments are of significantly lower cost for opposition parties when they circumvent the labor-intensive redrafting of existing legislative text. Yet, the notion of a cost-benefit calculus begs the question why opposition parties submit unsuccessful amendments to government legislation at all. Though many opposition amendments are cheap, they are not free of costs.

There are several possible utilities for any type of legislative review (constructive or destructive) that are unrelated to the success of an amendment. At the very least, amendments can serve as tools for electoral position-taking. In countries where government control of the legislative agenda is low, amendments can also serve as tools for causing legislative delay (Dion 1997; Henning 1995).

While these arguments can explain why opposition parties choose to file an amendment, they fall short in shedding light into variation in the substance of legislative review. Ultimately, while we do expect clear differences in the substance of legislative review between majority and minority parties, this relationship is unlikely to be deterministic. Naturally, coalition groups will occasionally exert their corrective function by vetoing individual parts of proposed legislation. By the same token, opposition parties will sometimes propose constructive changes to government legislation. In the remainder of this section we discuss one factor that affects coalition and opposition scrutiny in distinct ways and that can provide an answer to the question why opposition parties occasionally submit labor-intensive amendment proposals that have no apparent policy pay-off: *bill importance*.

Bill importance has attracted widespread attention from legislative scholars. While different operationalizations of the concept of bill importance can be found in the literature, we can identify at least two dimensions. Important bills are (i) salient to the electorate and (ii) divisive in nature. Early work on bill importance by Price (1978) and Page and Shapiro (1983) has analyzed the link between public opinion and the policy attention of legislators. Weissert (1991) studies the effect of issue salience on MP perceptions and finds that legislators who introduce bills related to salient issues are rewarded with higher perceived effectiveness than legislators working on less

popular issues. More recent work has evaluated the effect of bill importance on various aspects of agenda control, specifically regarding the organization of legislative calendars. Martin (2004) shows that policy initiatives dealing with issues that are more attractive to all partners in a coalition are likely to be given priority, whereas those dealing with relatively unattractive issues are likely to be postponed. Giannetti, Pinto and Pedrazzani (2016) investigate how parties allocate plenary speaking time for bills. Their results suggest that parties schedule longer debates on salient and divisive issues, while they move more quickly on less divisive proposals.

The bill importance comes with implications for the *timing* and *arena* of intra-coalition bargaining. For salient bills, we can expect that most changes that add policy content and are acceptable to all governing partners will take place during intra-cabinet negotiations, that is, prior to parliamentary deliberation. Conversely, policy ideas that do not find a majority within the coalition are likely to be sorted out by the time a bill enters into parliament. Hence, for salient and divisive bills, submitted amendments are likely of smaller impact and are less affected by the mutual normative expectation of constructive review.

For opposition parties, the impact of bill importance on the substance of legislative review is not constructed around norms, since opposition groups are not constrained by intra-government normative expectations in the first place. However, there is considerable evidence that parties use legislative activities as signals to the electorate (c.f. Fortunato 2019). Amendments are one possible venue for such position-taking. Amendment proposals entail formal objectives that leave no room for maneuver, such that amendments can be characterized as manifest credible commitments rather than cheap talk. The majority of bills is passed with little public attention. However, few salient and divisive bills provide opposition groups with the opportunity to take actions that are visible to the public. Salient and divisive bills thus provide opposition parties with the opportunity to signal to their voter base that they are constructively engaged in the law-making process and lets them outline their policy ideas. In light of the two modes of legislative scrutiny outlined above, *constructive* amendments can be used to signal productive work and highlight policy stances to the electorate.

A second motivation for turning constructive when bill importance is high can be derived from Mattson and Strøm (1995). When opposition proposals are rejected in parliament, constructive amendments force coalition parties to give public and at times difficult explanations for why oppo-

sition proposals are turned down. Of course, public discredit stemming from blatant non-cooperation is most severe in cases of visible and salient bills.

These dynamics lead us to expect that bill importance influences the likelihood that coalition and opposition parties engage in legislative scrutiny through constructive amendment proposals in opposite directions. When bills are important, most substantive policy changes take place during intra-cabinet negotiations. This reduces the impact of legislative amendments and lowers the normative expectation on coalition groups of formulating novel policy content. Opposition parties can use highly salient government bills to propose constructive amendments in an effort to (i) signal their constructive engagement and substantive policy ideas to the electorate and to (ii) force governing parties to reject constructive proposals.

Hypothesis 2a: Coalition parties are less likely to engage in constructive review of important bills.

Hypothesis 2b: Opposition parties are more likely to engage in constructive review of important bills.

Empirical Strategy

Case Selection and Data

Testing the arguments requires a careful empirical strategy to assess the substance of legislative review. We capitalize on data from the *Landtag Baden-Württemberg*, a large German state-level parliament, over three legislative periods between 2006 and 2018. There are two main reasons why this case holds merit and considerable comparative value for the study of parliamentary democracies.

First, the *Landtag* is similar to other European legislatures with regard to a number of institutional characteristics that are relevant for legislative review. One, *Landtag* elections are administered under proportional rules leading to a multi-party system with typically four to five parties in parliament. Coalition governments are routinely formed as 'minimal winning coalitions' (Woldendorp, Keman and Budge 2000) and ordinarily last the full legislative term. Two, a range of institutional features enhance legislators' options for engaging in policy-making. The *Landtag* can be described as a typical case for a strong committee system, where a large number of standing committees 'shadow'

ministerial jurisdictions and committees have the right to scrutinize and rewrite draft bills. The partisan composition of the committees is proportional to the plenary, while committee chairs are divided roughly equally between members of the coalition and the opposition.

As is common in European legislatures, bills are mostly initiated by the government. After the first plenary reading, bills are assigned to the standing committee that is responsible for a bill's jurisdiction. Amendment proposals can be submitted at two stages during the legislative process. Committee members have the right to rewrite legislation by submitting their proposals prior to or during the committee hearing (scrutinization stage). After the bill is sent back to the plenary by the committee chair, the revised bill gets a the second reading, where amendment proposals can be submitted before the final vote.¹

Similar to other European parliamentary democracies, parliamentary behavior is characterized by high levels of party discipline and behavior is structured around party groups rather than individual legislators. Amendment proposals are subject to internal discussions within the party group and thus represent the majority opinion of the group. The importance of the party group for parliamentary behavior is underlined by qualitative interviews that were conducted with members of all party groups in the *Landtag*. One member from the Social Democratic Party (SPD) highlights the importance of the party platform for joint position-taking.

“Because all members of our party agree on a joint platform which we campaigned on as our common denominator, there is little room for conflict when drafting amendments. If there is an amendment proposal by our group, it is fair to assume that it represents our party line. We also vote on our amendment proposals before we submit them.”

A member of leadership from the Liberal Party (FDP) further highlights the internal deliberations that precede amendments.

“In our case, every amendment proposal is agreed upon by our party group. In almost every case, we have evaluated and discussed its content in our group meeting, and there are frequent discussions. Not every amendment proposal leaves these meetings in the same form as it was circulated. But in the end, its content represents the line shared by the majority of our group.”

Empirically, the scrutiny of cabinet bills is common. While coalition parties filed amendment proposals to over 17% of government bills, opposition groups have submitted amendments to more

¹The legislative procedures differ for budget bills and constitutional revisions, which have three readings and a second committee stage.

than 28% of pieces of government legislation in the period under investigation, with the two most active groups submitting over 180 proposals. Notably, none of the opposition amendment proposals were adopted during the period of analysis. Since the *Landtag* aligns well with the plurality of Western European parliaments on all dimensions noted above, we are confident that insights from this case translate to other legislatures with similar institutional settings. Indeed, idiosyncrasies that are unique to the *Landtag* and which set it apart from the plurality of Western European legislatures could not be identified.

Some studies have focused on the possibility that opposition parties try to delay government policymaking through legislative institutions, as efficiency is thought to be a priority for government legislation (Dion 1997). Possible venues for delay are manifold and can occur over the course of the parliamentary deliberation on a bill. There are at least two reasons why amendments in Western European democracies in general, and in our empirical case in particular, can be expected not to be obstructionist.

First, possibilities for delay vary across institutional settings. As Henning (1995) notes, “the higher the agenda control of the government, the lower c.p. the ability of any non-governmental agent to delay the final adoption of a bill” (p. 604). In his comparative study of Western democracies, Döring (1995) finds that in 11 out of 18 cases, either the government or the majority in the lower house sets the committee’s agenda. In three more cases (just as in the *Landtag* that we study here), committees determine their agenda themselves, but are allocated in a way that committee composition mirrors legislative majorities in the second chamber. These institutional settings limit the possibilities for opposition to use legislative amendments as tools for delay. Secondly, it is worth noting that even in the countries with the strongest committee systems, norms typically prohibit opposition agents from obstructing government policies through legislative delay. Even for the case of Sweden, Bucker (1989) outlines that tactical obstruction is ‘non-existent’ (p. 234) and members of parliaments do ‘not seriously hamper the conduct of parliamentary business’ (p. 263).

The second reason why our case holds comparative value is that in the period of study, we observe substantial *within-case* variation on key dimensions that are likely to influence the dynamics of executive-legislative bargaining. One, we observe a party system change, as the Alternative für Deutschland (AfD), a right-wing populist party, entered the parliament in 2016 with a seat share of 16%. Two, our period of study is characterized by diverse coalition and opposition constellations.

In the three legislative terms, there were three different coalition governments between CDU and FDP (2006-2011), Greens and SPD (2011-2016), as well as between Greens and CDU (2016-2018). Hence, all party groups, except for the Alternative für Deutschland, have served in government and in opposition at least once in our study frame.

Our data provide a more comprehensive description of legislative policy-making than is common in the study of legislative review (Martin and Vanberg 2004, 2005, 2014; Pedrazzani and Zucchini 2013). We include all *proposed* bill changes, whereas previous studies were limited to a comparison between consecutive bill versions, i.e. the sum of all *accepted* changes. Notably, Fortunato (2019) compiled a data set that comprises the number of submitted rather than accepted article changes. We move beyond this effort in two ways. First, instead of counting article changes, we construct the bill versions that would have resulted from each amendment proposal, enabling a study of the substance of the amendment proposals. Second, rather than focusing on intra-coalition interactions, we explicitly incorporate opposition amendments.

To construct the data set, we collected all bills and their associated amendment proposals from the official *Landtag* database. Following Martin and Vanberg (2004), we excluded all amendments on budget and constitutional bills, as the procedural rules associated with those bills differ from those used for substantive legislation. Our data set is constructed at the bill \times party level where one observation is defined as the *hypothetical bill* that would have resulted if all amendment proposals by a party regarding a bill had been successful.²

Recovering Counterfactual Bill Versions

In the research on legislative review, scholars have conceived of parliamentary scrutiny as a mechanism for intra-coalition oversight where coalition partners keep tabs on each other by amending bill proposals that deviate from the coalition compromise (Martin 2004; Martin and Vanberg 2005). These scholars typically quantify parliamentary scrutiny by counting the number of observed article changes between the initial bill version and final bill. We move beyond the conception of legislative review as an intra-coalition control mechanism in response to a delegation problem to shed light on government-opposition differences in legislative oversight. Contrasting intra-coalition and opposition scrutiny poses the challenge that bill mutations which would result from opposition

²Multi-party amendment proposals count toward all respective bill \times party observations.

Table 1: Constructive legislative review and the resulting hypothetical bill section.

Initial Bill Section.	Amendment Proposal.	Hypothetical Bill Section.
(7) A measure in agreement with Sections 1 and 2 can be directed by the head of the regional police department or by the state's criminal police office in case of imminent danger. This measure requires approval of the responsible court mentioned in Section 4. The case must be brought immediately.	Section 7 sentences 2 and 3 are rewritten as follows: “In this case, approval of the responsible court mentioned in Section 4 must be brought immediately. If the direction is not approved by the court within three days, it becomes inoperative.”	(7) A measure in agreement with Sections 1 and 2 can be directed by the head of the regional police department or of the state's criminal police office in case of imminent danger. In this case, approval of the responsible court mentioned in Section 4 must be brought about immediately. If the direction is not approved by the court within three days, it becomes inoperative.

Note: 'Bill to change police legislation' ID 16/2741, government bill submitted on 2017-09-26. Amendment ID 16/2997-1 from coalition parties CDU and Greens submitted on 2017-11-15. Amendment accepted.

amendments are rarely observed. Hence, comparing two empirical bill versions is not feasible when studying opposition scrutiny, requiring a novel analytical strategy.

Our approach is more nuanced as it incorporates all proposed policy changes independent of their parliamentary success. We constructed all counterfactual bill versions, along with the bill versions that result from successful amendments. Tables 1 and 2 depict examples of bill portions and their hypothetical versions based on a constructive (Table 1) and a destructive amendment proposal (Table 2).³

To construct the hypothetical bill versions, we built a semi-automated, rules-based text analysis system that takes advantage of the highly structured language of legislative text. Legislative proposals have a hierarchical structure where articles are nested in paragraphs, which are nested in sections. Amendment proposals refer to the specific location where a proposed bill is to be modified and indicate a text portion to be deleted, substituted or added. Hence, amendments can

³The supplementary material to this article presents a wider selection of counterfactual bills, along with the quantitative measure of constructiveness that we discuss in the next section.

Table 2: Destructive legislative review and the resulting hypothetical bill section.

Initial Bill Section.

14. Par. 49 Section 3 is formulated as follows: “(3) In agreement with the responsible authority, the licensing authority can refrain from involving a nature conversation organization if only marginal impacts for nature and landscape are expected.”

15. Par. 53 Section 2 is formulated as follows: “(2) Extending the enumerated exclusion criteria, the purchase right does not apply to lands that comprise agricultural, forestry or fishery enterprises.”

Amendment Proposal.

Number 15 will be deleted.

Hypothetical Bill Section.

14. Par. 49 Section 3 is formulated as follows: “(3) In agreement with the responsible authority, the licensing authority can refrain from involving a nature conversation organization if only marginal impacts for nature and landscape are expected.”

Note: ‘Bill to change the nature conservation act’ ID 16/2742, government bill submitted on 2017-09-26. Amendment ID 16/2957-2 from opposition party FDP submitted on 2017-11-07. Amendment rejected.

be interpreted as text manipulations within the common structure of the bills. First, we download all bill-related documents from the official server of the *Landtag*⁴ and extract all relevant information. Next, the system identifies the nested structure of the bills and labels articles, paragraphs and sections accordingly. Subsequently, the system screens all amendment proposals for additions, insertions and deletions and executes the necessary text manipulations. In irregular cases, human coders assist in the creation of the hypothetical bill versions.

⁴Documentation of all parliamentary proceedings is published at <https://parlis.landtag-bw.de/parlis>.

Variables, Measurements, Models

Dependent Variable

To trace the use of constructive and destructive review, we measure the constructiveness of legislative review using automated text analysis. We construct a continuous dependent variable operationalized as a 'change index' based on Levenshtein's edit distance at the word level. The Levenshtein metric was developed in natural language processing and computational linguistics (Sørensen 2007) but has enjoyed an increasing popularity among scholars of political text (e.g., Baerg and Hallerberg 2016). Conventionally, the Levenshtein distance sums the minimum number of word deletions, insertions and substitutions that need to be performed in order to transform one text into another.

If the distance metric was computed for the difference between the original bill and the hypothetical bill that results from an amendment, the change index would indicate how extensively a party tried to amend a proposal, where each addition, substitution and deletion contributes with a value of +1. However, we are not only interested in the extent of the review but in the level of *constructiveness* and *destructiveness*. Therefore, instead of simply counting the necessary transformations, we adapt the metric to assign all word deletions a value of -1, while all additions and substitutions are counted with a value of +1. For example, the value of the modified Levenshtein distance for the following two texts is 2, since transforming the first text into the second requires four word deletions and six word additions:

"This measure requires approval of the responsible court mentioned in Section 4."

"This measure requires approval of the responsible court. The case must be brought immediately."

Our dependent variable can be thought of as a change index that acts as a *penalized* version of the Levenshtein distance with a penalty for deletions. It is an indicator for the level of constructiveness with which party groups engage with a bill. Positive values of the change index indicate constructiveness, while negative values indicate destructiveness. For each bill×party observation, we construct this metric for the difference between the bill as introduced into parliament and the hypothetical bill version that would have resulted if all amendments by a particular party had

passed. Table 3 provides descriptive statistics of the dependent variable and our key independent measures.

Independent Variables

To assess the government-opposition divide in legislative review, we include a binary indicator whether the hypothetical bill version is due to amendments by a coalition or an opposition party.⁵ The second hypothesis concerns the importance of a specific bill. To measure bill importance, we rely on the implicit ranking of importance that parties express in the order with which bills are discussed during the plenary session. The organization of the plenary timetable is commonly related to the importance of individual bills. For instance, Giannetti, Pinto and Pedrazzani (2016) focus on the allocation of plenary floor time. As floor time is scarce, parties make explicit trade-offs between bills and schedule longer debates for salient and divisive issues. In the same vein, parties are not only incentivized to allocate more time to important bills, but to place important bills on the legislative agenda early in the day, so these issues are discussed when public attention is highest (Schöne 2010), resulting in the quip that ‘there is no greater secret than the spoken word in parliament after 2pm’ Hohl (2018). The placement of important items early in the day holds true for our case, as plenary debates in the *Landtag* are frequently televised by the *Südwestrundfunk* during morning hours. Parties are aware of the presence of TV and print journalists who attend the plenary sessions in greater numbers in the morning. In order to increase media coverage for salient debates, they are scheduled first, while low-stakes and procedural bills are discussed later in the day.

⁵Few amendment proposals, mostly on procedural issues, were jointly submitted by government and opposition parties. They were excluded from the analysis.

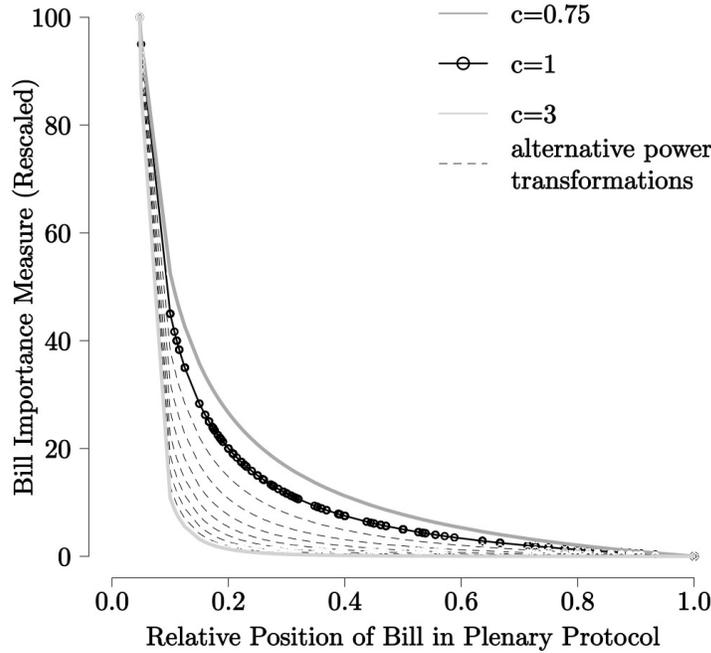


Figure 1: Visual representation of the bill importance measure as a function of a bill’s relative position on the agenda. Lines describe the relation across the scale, dots represent empirical observations. The applied transformation rule is described by $y = x^{-c}$. The bill importance measure resulting from the different transformations is rescaled onto a common metric using $y^{res} = (y - y_{min}) / (y_{max} - y_{min}) * 100$.

The relationship between bill importance and agenda order is clearly non-linear and only the first few items on the agenda are without a doubt of high importance. To turn this intuition into numerical values, we rely on a non-linear process and apply a transformation to the relative position of the agenda item. Specifically, we use power transformations and model our variable of interest, *bill importance*, as a function of

$$y = x^{-c},$$

where y denotes the bill importance and x denotes each bill’s relative position on the agenda. Figure 1 visualizes this transformation rule for different choices of c ranging from 0.75 to 3. While the specific choice of c is arbitrary, all reasonable candidate values lead to the same substantial conclusions reported in the analysis.⁶

⁶For the analysis, we use a value of $c = 1$.

Control Variables

Since some bills are more likely to be amended than others, we control for several factors that may impact both the frequency of amendments and the outcome. One, confounding at the bill level might result from some bills being long and complex. Two, certain policy fields may be more heavily scrutinized than others. We adjust for these possibilities by including control variables indicating bill length and the policy field of the proposal. Bill length is measured as the logged number of articles in the bill proposal. To classify bills into policy fields, we assign each bill to one topic based on the coding scheme of the Comparative Agendas Project (CAP, Breunig and Schnatterer 2020). In addition, we include controls for party resources. Party resources are measured by the number of seats that a party won in the previous *Landtag* election, as more MPs and more associated staff mean more resources for working on amendment proposals. Since an upcoming election will bind MPs' resources away from their parliamentary work and towards their campaign efforts, we further operationalize resources by the proximity to the next election. For each bill×party observation, the time to the next election is calculated as the logged number of months between the introduction of a bill and the next election.⁷

Since past research has shown that government bills are more heavily scrutinized in committees chaired by opposition parties (Fortunato, Martin and Vanberg 2019), we include a binary indicator for bills that are reviewed in opposition-led committees. As coalition and opposition parties can hardly be conceived as two homogeneous blocs and differences in redrafting behavior might well be driven by parties' ideological differences rather than their coalition or opposition role, we include a measure for ideological distance based on the data by Bräuninger et al. (2020) regarding the policy positions of parties in all German *Länder* parliaments. We use party positions on the left-right dimension and for each bill×party observation. Specifically, we calculate the absolute ideological distance between the mean position of all authoring parties and the amending party.

⁷The duration of a legislative period is five years. No early elections were called in the time period of our analysis. We use the logged number of months as the relationship between time to the next election and available resources is expected to be non-linear, such that there are fewer differences in available resources between 33 months and 31 months to the next election, as there are between three months and one month to the next election.

Table 3: Descriptive statistics of key variables.

<i>a) Dependent Variable: Change Index</i>				
Percentile	Opposition	Government	Overall	
Min	-3,832	-774	-3,832	
25	-36	-6	-20	
50	33	32	33	
75	150	162	158	
Max	2,670	7,178	7,178	

<i>b) Independent Variables</i>				
Variable	Min	Max	Mean	SD
Opposition	0	1	0.55	-
Bill Importance	0	100	11.04	13.32
Party Group Size	7	69	33.01	16.76
Date Distance	1.80	56.63	27.54	14.12
Ideological Distance	0.05	7.68	2.40	1.91
Opposition Chair Committee	0	1	0.53	-
Bill Length	1	76	8	12.38

Statistical Model

As the dependent variable is continuous, we employ linear regression. Our data set has a nested structure where observations from several parties are nested within specific bills. The nested structure likely violates the assumptions of traditional regression techniques which treat units of analysis as independent, resulting in underestimated standard errors (Hox 2010). Therefore, we use multi-level models in our empirical analysis. We begin with intercept-only regressions, allowing for random intercepts at the bill level. We observe a substantial intra-class correlation of 0.44 at the bill level that is only partially accounted for by the bill-specific control variables. In the analysis, we present linear mixed models which allow intercepts to vary between bills while holding all regression slopes constant over the group-level indicator.

Empirical Evidence on Constructive and Destructive Review

Descriptive Analysis

Because of the novel data, we begin by presenting some basic explorations on how the two types of legislative oversight vary between common factors such as policy field and party group. As there have been no prior attempts to model the substance of legislative review in this way, we deem it

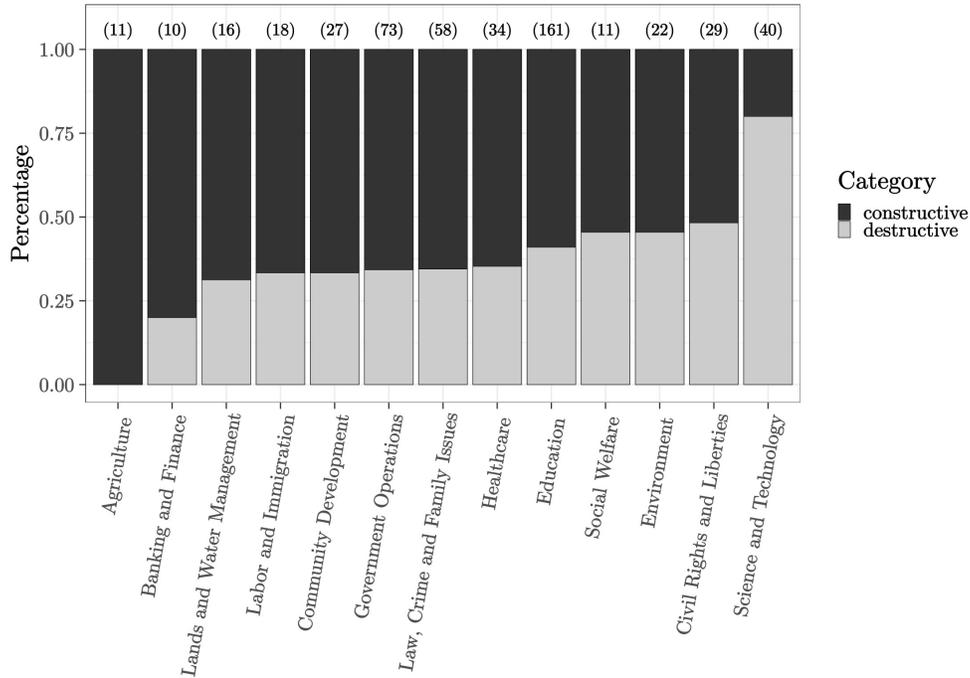


Figure 2: Constructive and destructive review across policy fields. Absolute numbers reported in parentheses. Policy fields with fewer than ten observations are not displayed.

important to provide some basic intuition on the proposed theoretical concept. For Figures 2 and 3, we define constructive review as any value on the outcome measure that is larger than zero. This means that more words were added to the bill than deleted from it.

Figure 2 plots the two modes of review against the policy fields. We find that almost all policy fields are characterized by some level of constructive and destructive review. Despite some variation between the policy fields, we do not observe patterns or clusters in the values which would support the view that constructiveness might be a function of the issue area or the relevant committee.

As elaborated in previous research, parties selectively focus their attention on certain policy issues in order to generate a track record of “attention, initiative and innovation” (Petrocik 1996, 826) and to develop a steady and enduring ‘ownership’ of specific issues (Walgrave and Swert 2007, Green-Pedersen 2007). Through continuous engagement of legislators with owned issues, party groups develop a reputation for competence in certain areas. Hence, one can expect parties to engage more constructively with legislation if the bill relates to owned issues.

We turn to the German Internet Panel (GIP; Blom, Gathmann and Krieger 2015) to measure parties' perceived issue competence. In the time period of the study, the GIP asked respondents to rate the competence of political parties on several issues at five time points.⁸ We match the two policy fields for which the perceived party competence was highest to our CAP codings of the bills. In Figure 3, we plot the two modes of parliamentary oversight against parties and a binary indicator of issue ownership. First, we observe constructive as well as destructive review for each party group. Nevertheless, we find that the constructive engagement is higher if the addressed policy falls into a party's 'owned' issue area. Overall, the measure for the substance of legislative review behaves in line with expectations and has the potential to provide new insights for the study of parliamentary scrutiny.

Predicting Constructive and Destructive Review

Turning to the statistical models, we first examine our claim that opposition parties' amendment strategies are more destructive than the legislative oversight of coalition parties. We then consider opposition (coalition) incentives to review more constructively (destructively) on salient bills. Our analyses reported in Table 4 show robust support for our propositions about the substance of legislative review.

The results from the linear mixed model 1 suggest that opposition parties exhibit drastically more negative values on the constructiveness indicator than coalition parties. Specifically, controlling for bill length, policy field and other factors, opposition parties are expected to delete an additional 366 words from proposed legislation compared to government parties. The difference is statistically significant and more than twice as large as the expected value under a true null hypothesis. This effect provides evidence in line with Hypotheses 1a and 1b.

Figure 4 visualizes this effect. To account for the estimation uncertainty and to take advantage of the framework of simulation-based inference, we follow the protocol described in King, Tomz and Wittenberg (2000) and simulate 10,000 draws from a multivariate normal distribution defined by the vector of parameter estimates and their covariance matrix. The quantity of interest on the y-axis is the cumulative share of expected values on the constructiveness indicator that is smaller

⁸The data was collected between November 2012 and March 2015 and can be accessed from GESIS under identification numbers ZA5867, ZA5871, ZA5873, ZA5921 and ZA5982.

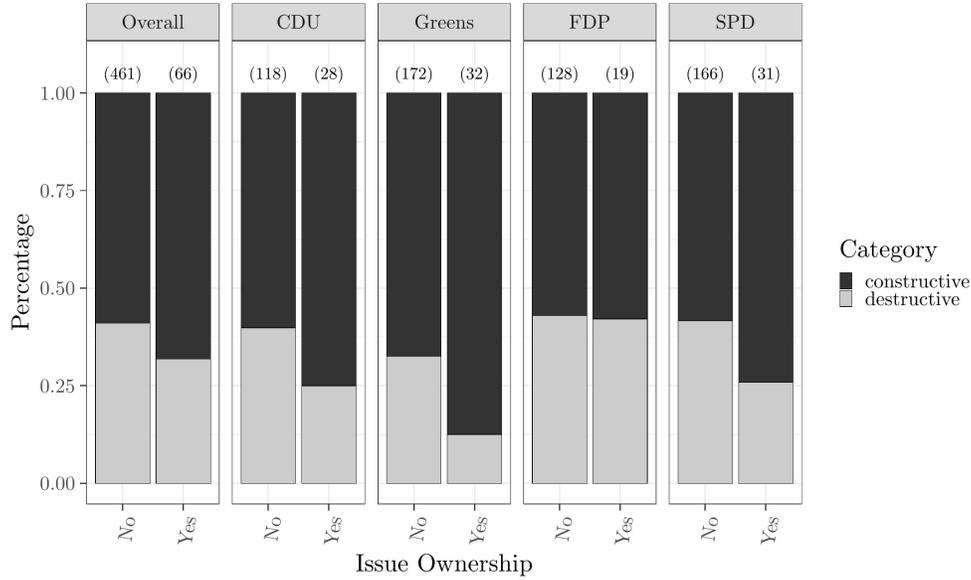


Figure 3: Constructive and destructive review for four party groups with different issue ownerships. Parties are assigned issue ownership for policy fields that match the two issue areas for which they are most frequently named as most competent. CDU: Law, Crime and Family Issues. Greens: Energy; Environment. FDP: Banking, Finance and Domestic Commerce; Macroeconomy. SPD: Labor, Employment and Immigration; Social Welfare. Absolute numbers reported in parentheses. Data for the right-wing populist ‘Alternative für Deutschland’ is not reported as the number of observations is too low due to its recent addition to the German party system.

than or equal to the value on the x-axis. For instance, when focusing on the anchor point zero which divides revisions where more words were added than deleted and vice versa, we observe that 75% of the expected values on the constructiveness indicator are smaller than or equal to zero for opposition parties. Hence, the vast majority of opposition engagement under the model lies in the destructive part of the value range. In contrast, the vast majority of government engagement is predicted to be constructive, as almost the entire share of the cumulative distribution for coalition parties lies in the constructive range.

Table 4: Results from Multilevel Linear Models.

	<i>Dependent Variable: Constructiveness Indicator</i>		
	(Model 1)	(Model 2a)	(Model 2b)
Opposition	-366.593* (180.352)	-374.288* (180.636)	-577.358** (200.315)
Bill Importance		-4.737 (5.295)	-18.732* (8.162)
Opposition × Bill Importance			17.901* (7.971)
Log (Party Group Size)	-79.846 (75.596)	-82.389 (75.683)	-75.886 (75.021)
Log (Date Distance)	-62.764 (86.270)	-41.995 (89.368)	-30.025 (89.062)
Ideological Distance	4.009 (47.808)	7.155 (47.958)	12.669 (47.587)
Opposition Chair Committee	-236.636 (144.114)	-258.332 (146.185)	-276.577 (145.696)
Log (Bill Length)	-52.471 (70.652)	-50.184 (70.719)	-43.667 (70.449)
Observations	277	277	277
Log Likelihood	-2,093.421	-2,090.435	-2,084.937
Akaike Inf. Crit.	4,234.842	4,230.870	4,221.874
ICC	0.45	0.45	0.45

Note: *p<0.05; **p<0.01; ***p<0.001

Note: All models include dummy variables for 14 policy fields. The table presents fixed effect coefficients from linear multilevel models with random intercepts at the bill level. Coefficient values for the policy dummies and intercepts are not reported. Models were fitted using maximum likelihood estimation. *p≤0.05; **p≤0.01; ***p<0.001.

Hypotheses 2a and 2b proposed distinct effects of bill importance, where coalition parties are expected to be more destructive on salient bills and opposition parties more constructive. Specifically, we argued that legislative review by coalition parties is less affected by the mutual normative

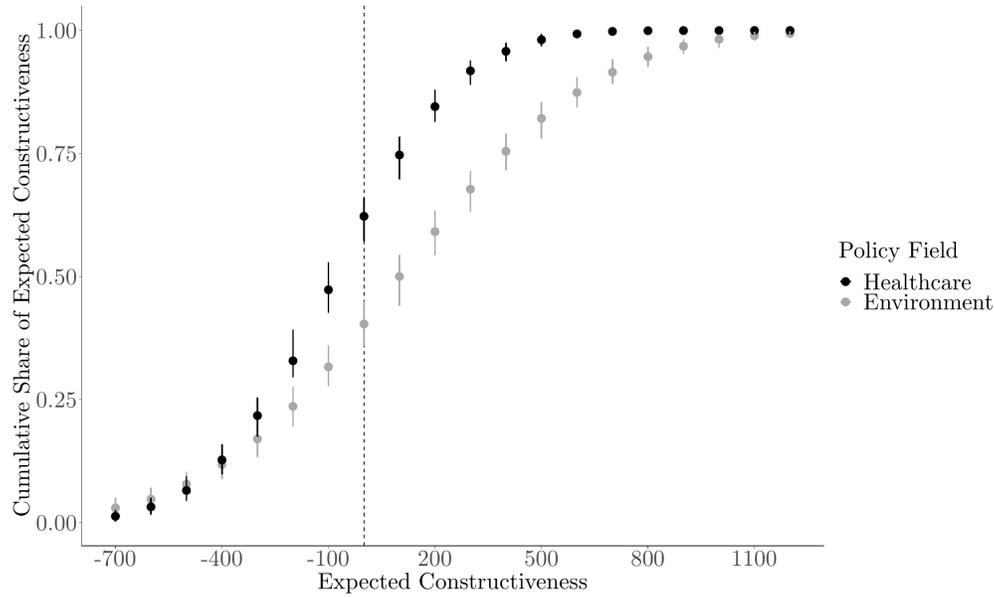


Figure 4: The government-opposition divide in constructive review, based on Model 1 in Table 4. Each point shows the cumulative share of values that are smaller than or equal to the value on the x-axis. Expected values are based on 10,000 draws from a multivariate normal distribution defined by the vector of parameter estimates and their covariance matrix. All control variables are held at their means, the policy field is set to its most frequent category ‘Education’. Error bars indicate the 1% and 99% quantiles of the expected value distributions.

expectations of constructive review since relevant changes will already be implemented prior to bill introduction into the parliament. For opposition parties, important and salient bills provide incentives to deviate from a strategy of bill obstruction and turn towards a more constructive engagement with bills.

Models 2a and 2b support these expectations. In Model 2a, we first introduce a main effect for bill importance and observe that its overall relation to the constructiveness of legislative review is negative. In Model 2b, we add an interaction between bill importance and opposition status. As expected, a differentiated picture for coalition and opposition behavior emerges. The coefficient for ‘Bill Importance’ provides the effect of importance on constructiveness for coalition parties. As importance increases, coalition members become less constructive. This pattern is reversed for members of the opposition. While the baseline review of opposition parties is negative, the values on the outcome variable rise with increasing values of bill importance. We visualize these effects in Figure 5, which reports simulated values based on Model 2b plotted against varying degrees of bill importance.

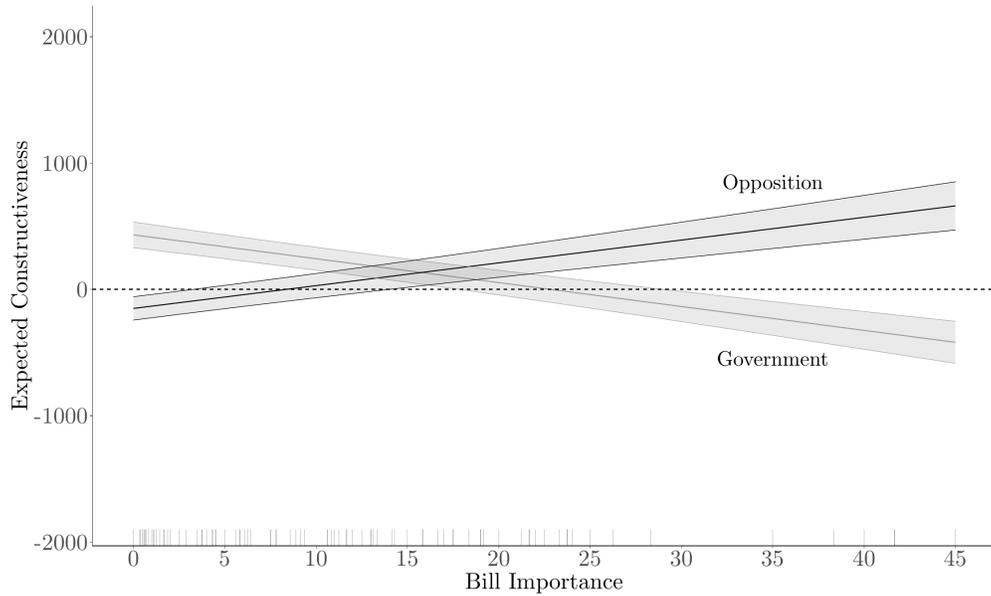


Figure 5: Simulations based on Model 2b in Table 4. The figure plots expected values simulated under the model using 10,000 draws from a multivariate normal distribution defined by the vector of parameter estimates and their covariance matrix. Expected values on the constructiveness indicator are simulated for the policy field ‘Education’. All control variables reported in Table 4 are held at their means. Shaded regions report standard deviations of expected values across all simulated draws.

Conclusion

Drafting and submitting legislative amendments is generally viewed as resource-intensive, as it requires staff and expertise. After a bill is introduced into parliament, coalition parties use legislative review to act as watchdogs over the coalition compromise and correct ministerial deviations using legislative amendments. By contrast, the vast majority of opposition amendments in adversarial and even in consensus systems is voted down in parliament.

The present study introduced the concepts of constructive and destructive review to the research on legislative bill scrutiny. From the notion of collective cabinet responsibility, we derived expectations about the substance of coalition and opposition review. We have argued in favor of a distinction between constructive and destructive amendment strategies, where constructive review implies adding to or rewriting proposed policy, whereas destructive review relies on deleting bill passages. This distinction helps explain the frequency of opposition amendments, while also illuminating mechanisms of parliamentary control within coalition governments.

Our study adds to a growing body of research that analyzes opposition strategies in parliamentary democracies (Andeweg 2013; Andeweg, De Winter and Müller 2008; De Giorgi and Marangoni 2015; Louwerse et al. 2017). Opposition groups can circumvent heavy resource investments and enable their extensive engagement with government legislation by proposing to discard parts of the coalition policy rather than adding to it. We also focused on the conditions when coalition parties turn to more destructive review and opposition parties opt for more constructive amendment strategies. We presented evidence that the level of constructive review by coalition parties decreases on important pieces of legislation, whereas opposition review turned more constructive on salient bills, as signaling policy position is more rewarding to opposition parties on salient bills.

Second, we contribute to research which has focused on legislative review as a control mechanism in coalition governments (Martin and Vanberg 2004, 2005, 2014; Dixon and Jones 2019, Fortunato, Martin and Vanberg 2019; Pedrazzani and Zucchini 2013). In multiparty systems where governments are routinely formed as multiparty coalitions, collective cabinet responsibility is the norm, where all cabinet members are expected to endorse government policy (Laver and Shepsle 1994). We argued that this feature of multiparty governance restricts the options for coalition MPs to veto specific bill sections that were approved by cabinet. Rather, the engagement of MPs in legislative oversight of cabinet bills is limited to constructive amendments. On the one hand, this underlines coalition governance as a set of mutual normative expectations to constructively cooperate rather than obstruct bills by the coalition partner. On the other hand, this finding shapes our view of the role and strength of individual ministers in coalition governance. As it is hard for coalition partners to veto individual bill passages (or entire bills), once a minister has managed to include specific policy statements into legislation, they are hard to undo in parliament.

Our findings also align with past studies which have highlighted that constructive cooperation is not only relevant for policy-making, but that even coalition formation and survival is crucially dependent on parties' ability to agree on joint policy. As Greene (2017) has shown, finding policy compromises and coalition survival is facilitated if parties focus on a broad range of issues, where positions can be negotiated, while it is impeded if parties build their platforms on strong stances in a small number of highly salient and divisive issues. Our argument on the normative expectations of constructive legislative review fits nicely with these works on the factors that facilitate constructive work among coalition partners (see also Warwick 1994).

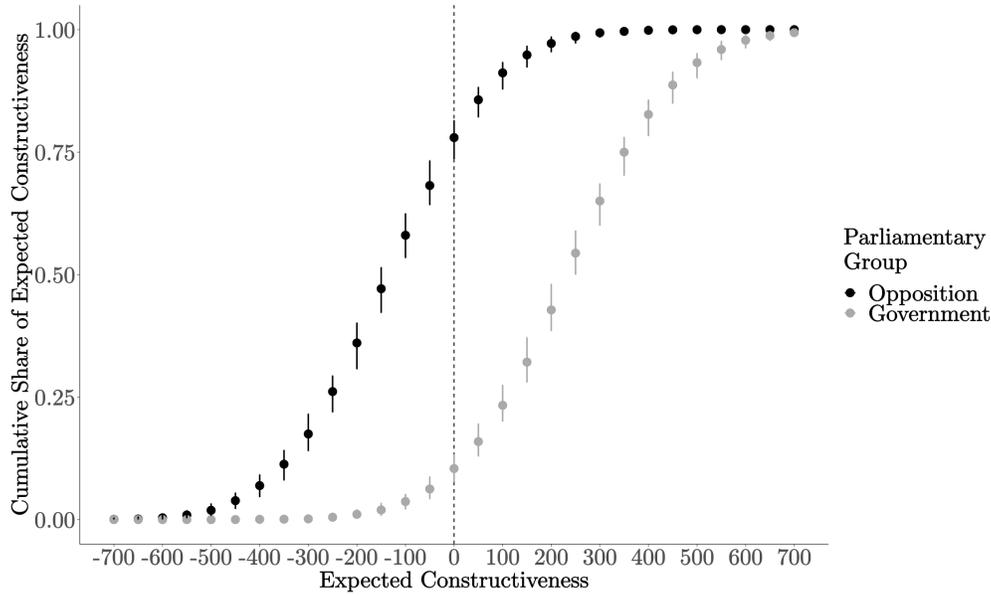


Figure 6: Differences in constructive review between policy fields for the Green party. The figure is based on a re-estimation of Model 1 from Table 4 that only includes amendments from the Green party. On the y-axis, we plot the share of expected values on the constructiveness indicator under the model that are greater than or equal to the value on the x-axis for two policy fields. All control variables are held at their means.

Our theoretical contribution is applicable beyond the particular case studied here. Future scholarship might want to further disentangle the mechanisms that determine the strategic actions of parties in legislative review. As noted, the scholarship on issue ownership (Petrocik 1996; Walgrave and Swert 2007; Green-Pedersen 2007; Greene and Haber 2015) is related to our argument, as parties can be expected to engage more constructively in policy fields where their issue competence is high. One, this might result from a different set of MP policy competences since drafting amendments is a highly technical endeavor. Two, parties might constructively review legislation as a signal to their electorate, particularly on those issues that are highly salient to their voter base.

There is some evidence for such patterns. We re-estimated Model 1 from Table 4 for different party groups and simulated quantities of interest for different policy fields. Figure 6 is based on a model for the Green party. Legislative review is more constructive in a policy field that is salient to the Green party and its supporters (Environment) in comparison to legislative review in Healthcare.

Additionally, future research might provide further insights into the concrete incentives of opposition parties to submit constructive amendments that are doomed to fail. Different logics of signaling are conceivable, as members of opposition parties might well use legislative review to

signal either to voters in their constituencies or as intra-party signals to increase their opportunities for career advancement. On the whole, we believe that this article makes a relevant contribution to the study of executive-legislative relations and will encourage future research on legislative review to systematically take the substance of amendments into account.

Acknowledgements

Previous versions of this paper were presented at the 9th Annual Conference of the European Political Science Association (EPSA) in Dublin, Ireland and at the 5th Conference of the ECPR Standing Group on Parliaments in Leiden, The Netherlands. We are grateful to Ulrich Sieberer, Helene Helboe Pedersen and Oliver Rittmann for helpful comments on prior versions of this manuscript. We are greatly indebted to the anonymous reviewers for their valuable suggestions on how to reframe the paper. We thank Felix Münchow, Morten Harmening and Marie-Lou Sohnus for excellent research assistance.

References

- Andeweg, Rudy B. 2013. Parties in Parliament: The Blurring of Opposition. In *Party Governance and Party Democracy*, ed. Wolfgang C Müller and Hanne Marthe Narud. New York: Springer New York pp. 99–114.
- Andeweg, Rudy B., Lieven De Winter and Wolfgang C. Müller. 2008. “Parliamentary Opposition in Post-Consociational Democracies: Austria, Belgium and the Netherlands.” *The Journal of Legislative Studies* 14(1-2):77–112.
- Baerg, Nicole R. and Mark Hallerberg. 2016. “Explaining Instability in the Stability and Growth Pact: The Contribution of Member State Power and Euroskepticism to the Euro Crisis.” *Comparative Political Studies* 49(7):968–1009.
- Blom, Annelies G, Christina Gathmann and Ulrich Krieger. 2015. “Setting Up an Online Panel Representative of the General Population: The German Internet Panel.” *Field Methods* 27(4):391–408.
- Bräuninger, Thomas, Marc Debus, Jochen Mueller and Christian Stecker. 2020. *Parteienwettbewerb in den Deutschen Bundesländern*. Wiesbaden: Springer VS.
- Breunig, Christian and Tinette Schnatterer. 2020. “Die politische Agenda Deutschlands.” *Politische Vierteljahresschrift* 61(1):131–149.
- Bücker, Joseph. 1989. “Report on the Obstruction of Parliamentary Proceedings.” *Constitutional and Parliamentary Information* 158:243–264.
- Carroll, Royce and Gary W. Cox. 2012. “Shadowing ministers: Monitoring partners in coalition governments.” *Comparative Political Studies* 45(2):220–236.
- De Giorgi, Elisabetta and Francesco Marangoni. 2015. “Government Laws and the Opposition Parties’ Behaviour in Parliament.” *Acta Politica* 50(1):64–81.
- Dion, Douglas. 1997. *Turning the Legislative Thumbscrew: Minority Rights and Procedural Change in Legislative Politics*. University of Michigan Press.

- Dixon, Ruth M. and Jonathan A. Jones. 2019. "Mapping mutations in legislation: A bioinformatics approach." *Parliamentary Affairs* 72(1):21–41.
- Döring, Herbert. 1995. Time as a Scarce Resource: Government Control of the Agenda. In *Parliaments and Majority Rule in Western Europe*, ed. Herbert Döring. New York: St. Martin's Press pp. 223–247.
- Finocchiaro, Charles J. and Jeffery A. Jenkins. 2008. "In Search of Killer Amendments in the Modern U. S. House." *Legislative Studies Quarterly* 33(2):263–294.
- Fortunato, David. 2019. "Legislative Review and Party Differentiation in Coalition Governments." *American Political Science Review* 113(1):242–247.
- Fortunato, David, Lanny W. Martin and Georg Vanberg. 2019. "Committee Chairs and Legislative Review in Parliamentary Democracies." *British Journal of Political Science* 49(2):785–797.
- Giannetti, Daniela, Luca Pinto and Andrea Pedrazzani. 2016. "Setting Parliamentary Calendars: How Parties Allocate Time for Plenary Debates on Bills." *Political Studies* 64(4):1016–1035.
- Gilmour, John B. 2001. "The Powell Amendment Voting Cycle: An Obituary." *Legislative Studies Quarterly* 26(2):249–262.
- Green-Pedersen, Christoffer. 2007. "The Growing Importance of Issue Competition: The Changing Nature of Party Competition in Western Europe." *Political Studies* 55(3):607–628.
- Greene, Zachary. 2017. "Working through the issues: How issue diversity and ideological disagreement influence coalition duration." *European Political Science Review* 9(4):561–585.
- Greene, Zachary David and Matthias Haber. 2015. "The Consequences of Appearing Divided: An Analysis of Party Evaluations and Vote Choice." *Electoral Studies* 37:15–27.
- Henning, Christian H. C. A. 1995. A Formel Model of Law Production by Government as a Natural Monopoly. In *Parliaments and Majority Rule in Western Europe*, ed. Holger Döring. New York: St. Martin's Press pp. 601–614.
- Hohl, Katharina. 2018. *Agenda Politics im Parlament: Das Themen- und Tagesordnungsmanagement der Opposition im Landtag von NRW*. Wiesbaden: Springer VS.

- Höhmann, Daniel and Ulrich Sieberer. 2019. "Parliamentary Questions as a Control Mechanism in Coalition Governments." *West European Politics* 43(1):225–249.
- Hox, Joop. 2010. *Multilevel Analysis - Techniques and Applications*. New York: Routledge.
- Kim, Dong H. and Gerhard Loewenberg. 2005. "The role of parliamentary committees in coalition governments: Keeping tabs on coalition partners in the German Bundestag." *Comparative Political Studies* 38(9):1104–1129.
- King, Gary, Michael Tomz and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44(2):341–355.
- Laver, Michael and Kenneth A Shepsle. 1994. *Cabinet Ministers and Parliamentary Government*. Cambridge: Cambridge University Press.
- Louwerse, Tom, Simon Otjes, David M. Willumsen and Patrik Öhberg. 2017. "Reaching across the aisle: Explaining government–opposition voting in parliament." *Party Politics* 23(6):746–759.
- Loxbo, Karl and Mats Sjölin. 2017. "Parliamentary Opposition on the Wane? The Case of Sweden, 1970–2014." *Government and Opposition* 52(4):587–613.
- Martin, Lanny W. 2004. "The Government Agenda in Parliamentary Democracies." *American Journal of Political Science* 48(3):445–461.
- Martin, Lanny W. and Georg Vanberg. 2004. "Policing the Bargain: Coalition Government and Parliamentary Scrutiny." *American Journal of Political Science* 48(1):13–27.
- Martin, Lanny W. and Georg Vanberg. 2005. "Coalition Policymaking and Legislative Review." *American Political Science Review* 99(1):93–106.
- Martin, Lanny W. and Georg Vanberg. 2014. "Parties and Policymaking in Multiparty Governments: The Legislative Median, Ministerial Autonomy, and the Coalition Compromise." *American Journal of Political Science* 58(4):979–996.
- Martin, Shane. 2014. Committees. In *The Oxford Handbook of Legislative Studies*, ed. Shane Martin, Thomas Saalfeld and Kaare Strøm. Oxford: Oxford University Press pp. 1–18.

- Mattson, Ingvar and Kaare Strøm. 1995. Parliamentary Committees. In *Parliaments and Majority Rule in Western Europe*, ed. Holger Döring. New York: St. Martin's Press pp. 249–307.
- Page, Benjamin I. and Robert Y. Shapiro. 1983. "Effects of Public Opinion on Policy." *American Political Science Review* 77(1):175–190.
- Pedrazzani, Andrea and Francesco Zucchini. 2013. "Horses and Hippos: Why Italian Government Bills Change in the Legislative Arena, 1987-2006." *European Journal of Political Research* 52(5):687–714.
- Petrocik, John R. 1996. "Issue Ownership in Presidential Elections, with a 1980 Case Study." *American Journal of Political Science* 40(3):825–850.
- Price, David E. 1978. "Policy Making in Congressional Committees: The Impact of "Environmental" Factors." *American Political Science Review* 72(2):548–574.
- Russell, Meg and Daniel Gover. 2017. *Legislation at Westminster: Parliamentary Actors and Influence in the Making of British Law*. Oxford: Oxford University Press.
- Schöne, Helmar. 2010. *Alltag im Parlament: Parlamentskultur in Theorie und Empirie*. Vol. 15 of *Studien zum Parlamentarismus* Baden-Baden: Nomos.
- Shephard, Mark and Paul Cairney. 2005. "The Impact of the Scottish Parliament in Amending Executive Legislation." *Political Studies* 53(2):303–319.
- Shugart, Matthew Søberg. 2009. Comparative Executive-Legislative Relations. In *The Oxford Handbook of Political Institutions*, ed. Sarah A. Binder, R.A.W. Rhodes and Bert A. Rockman. Oxford: Oxford University Press pp. 1–25.
- Sörensen, Kenneth. 2007. "Distance Measures Based on the Edit Distance For Permutation-Type Representations." *Journal of Heuristics* 13(1):35–47.
- Strøm, Kaare W. 1994. The Political Role of Norwegian Cabinet Ministers. In *Cabinet Ministers1*, ed. Michael Laver and KA Shepsle. Cambridge: Cambridge University Press pp. 35–55.
- Strøm, Kaare, Wolfgang C. Müller and Daniel M. Smith. 2010. "Parliamentary Control of Coalition Governments." *Annual Review of Political Science* 13(1):517–535.

- Thies, Michael F. 2001. "Keeping Tabs on Partners: The Logic of Delegation in Coalition Governments." *American Journal of Political Science* 45(3):580–598.
- Thompson, Louise. 2015. *Making British law: Committees in Action*. Basingstoke: Palgrave Macmillan.
- Thomson, Robert, Frans N. Stokman, Christopher Achen and Thomas König. 2006. *The European Union Decides*. Cambridge: Cambridge University Press.
- Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. Princeton: Princeton University Press.
- Visscher, Gerard. 1994. *Parlementaire Involed op Wetgeving*. The Hague: SDU.
- Walgrave, Stefaan and Knut De Swert. 2007. "Where Does Issue Ownership Come From? From the Party or from the Media? Issue-party Identifications in Belgium, 1991-2005." *The International Journal of Press/Politics* 12(1):37–67.
- Warwick, Paul. 1994. *Government Survival in Parliamentary Democracies*. Cambridge: Cambridge University Press.
- Weissert, Carol S. 1991. "Issue Salience and State Legislative Effectiveness." *Legislative Studies Quarterly* 16(4):509–520.
- Woldendorp, Jaap, Hans Keman and Ian Budge. 2000. *Party Government in 48 Democracies*. Amsterdam: Kluwer.

Biographical Statements

Lion Behrens is an Associate Researcher at the Collaborative Research Center 884, University of Mannheim, Germany. Dominic Nyhuis is a Visiting Assistant Professor at the Department of Political Science and the Center for European Studies, University of North Carolina at Chapel Hill, United States. Thomas Gschwend is Professor of Quantitative Methods in the Social Sciences at the Department of Political Science, University of Mannheim, Germany

Appendix: Constructive and Destructive Legislative Review: The Government-Opposition Divide in Parliamentary Oversight

Lion Behrens
University of Mannheim
behrens@uni-mannheim.de

Dominic Nyhuis
University of North Carolina at Chapel Hill
nyhuis@unc.edu

Thomas Gschwend
University of Mannheim
gschwend@uni-mannheim.de

Contents

1	Examples of Constructive and Destructive Legislative Review	2
1.1	Constructive Legislative Review	3
1.2	Destructive Legislative Review	6
2	Construction of Counterfactual Bills	9

1 Examples of Constructive and Destructive Legislative Review

Constructive and destructive legislative review are two distinct modes of bill scrutiny through which parties can engage with government bill proposals. While it is hard to grasp the real-world policy implications of amended bill text, we can shed light on *how* parties engage with legislation by examining the proposed text operations. Constructive review implies adding to or rewriting proposals. Constructive review thus constructs new legislative content that carries the authors' substantive policy ideas and leaves its mark on the proposal. Destructive review relies on deleting bill passages, does not require the formulation of new policy content, and merely diminishes the content of a bill.

In this section, we provide further intuition of these two distinct modes of legislative review by presenting several examples of amendment proposals falling into both categories across different policy areas.

1.1 Constructive Legislative Review

Table 1: Example of constructive review, rewording.

Initial Bill Section.

1. § 2 is changed as follows:

a) In Section 1, the words "German Air Rescue Service" are replaced by the words "DRF Air Rescue".

b) After Section 2, the following Section 3 is inserted: "(3) The implementation of the emergency rescue operations and their handling must be documented for quality assurance purposes. Those involved in the rescue service are obliged to implement any measures that increase the quality of the rescue service. This also includes participation in state-level quality assurance measures. On the basis of standardized electronic data acquisition and analysis, a regular quality analysis of the structure, process and results of the rescue service is to be carried out from a central authority. The Ministry of the Interior regulates the details of quality assurance by means of a statutory ordinance."

Amendment Proposal.

Article 1 Number 1 Letter b is changed as follows: In § 2 Section 3, Sentence 3 is worded as follows:

„This also includes participation in state-level quality assurance measures and the implementation of widely recognized quality management systems.“

Hypothetical Bill Section.

1. § 2 is changed as follows:

a) In Section 1, the words "German Air Rescue Service" are replaced by the words "DRF Air Rescue".

b) After Section 2, the following Section 3 is inserted: "(3) The implementation of the emergency rescue operations and their handling must be documented for quality assurance purposes. Those involved in the rescue service are obliged to implement any measures that increase the quality of the rescue service. This also includes participation in state-level quality assurance measures and the implementation of widely recognized quality management systems. On the basis of standardized electronic data acquisition and analysis, a regular quality analysis of the structure, process and results of the rescue service is to be carried out from a central authority. The Ministry of the Interior regulates the details of quality assurance by means of a statutory ordinance."

Note: 'Bill to change the Rescue Service Act' ID 15/7612, government bill submitted on 2007-05-15. Amendment ID 15/7871 from coalition parties SPD and the Greens submitted on 2015-12-08. Amendment accepted.

Table 2: Example of constructive review, rewording.

Initial Bill Section.	Amendment Proposal.	Hypothetical Bill Section.
§ 2 Crime prevention function	§ 2 is worded as follows:	§ 2 Educational function of enforcement
The crime-preventive function of the youth detention system is to protect citizens from crimes committed by young people. The youth detention system makes a contribution to internal security in Baden Wuerttemberg, to legal peace in the state and to the integration of young people into the state and society.	“§ 2 Educational function of enforcement The enforcement of the juvenile penalties pursues the goal of enabling the youth prisoners a socially responsible life without criminal offenses. For this purpose, the development of juvenile prisoners into a self-responsible and socially competent personality is to be promoted. 2. § 21 is deleted without replacement. 3. Section 2 is deleted without replacement.”	The enforcement of the juvenile penalties pursues the goal of enabling the youth prisoners a socially responsible life without criminal offenses. For this purpose, the development of juvenile prisoners into a self-responsible and socially competent personality is to be promoted. 2. Par. 21 is deleted without replacement. 3. Section 2 is deleted without replacement.

Note: 'Bill on the enforcement of youth penalties in Baden-Württemberg' ID 14/1240, government bill submitted on 2007-05-15. Amendment ID 14/1434-1 from opposition party the Greens submitted on 2007-06-25. Amendment rejected.

Penalized Levenshtein Distance: 45

Table 3: Example of constructive review, insertion.

Initial Bill Section.

§ 5 Scholarship

(1) The funding rates are subject to the university statutes according to § 10. The university can offer different funding rates provided this being necessary regarding to the circumstances of the subject-specific job market, to extraordinary high expenses for the preparation of the dissertation or if it appears necessary with regard to the family situation to attract highly qualified applicants for a doctoral degree. The university should take into account all related material and travel costs in the assessment of the funding rate.

Amendment Proposal.

In § 5 Scholarship, the following sentence is inserted after Sentence 1:

„The minimum funding rate should be set in such a way that it does not fall significantly short of the basic salary of civil servants in the preparatory service after reaching the age of 26 for entry positions to higher service after the deduction of taxes.“

Hypothetical Bill Section.

§ 5 Scholarship

(1) The funding rates are subject to the university statutes according to § 10. The minimum funding rate should be set in such a way that it does not fall significantly short of the basic salary of civil servants in the preparatory service after reaching the age of 26 for entry positions to higher service after the deduction of taxes. The university can offer different funding rates provided this being necessary regarding to the circumstances of the subject-specific job market, to extraordinary high expenses for the preparation of the dissertation or if it appears necessary with regard to the family situation to attract highly qualified applicants for a doctoral degree. The university should take into account all related material and travel costs in the assessment of the funding rate.

Note: 'Bill for the Promotion of Young Scientists and Artists' ID 14/2840, government bill submitted on 2008-06-17. Amendment ID 14/3054-2 from opposition party SPD submitted on 2008-07-22. Amendment rejected.

Penalized Levenshtein Distance: 45

1.2 Destructive Legislative Review

Table 4: Example of destructive review, deletion.

Initial Bill Section.

§ 5 Scholarship

(1) The funding rates are subject to the university statutes according to § 10. The university can offer different funding rates provided this being necessary regarding to the circumstances of the subject-specific job market, to extraordinary high expenses for the preparation of the dissertation or if it appears necessary with regard to the family situation to attract highly qualified applicants for a doctoral degree. **The university should take into account all related material and travel costs in the assessment of the funding rate.**

Amendment Proposal.

In § 5 Scholarship, Section 1 sentence 3 is deleted.

Hypothetical Bill Section.

§ 5 Scholarship

(1) The funding rates are subject to the university statutes according to § 10. The university can offer different funding rates provided this being necessary regarding to the circumstances of the subject-specific job market, to extraordinary high expenses for the preparation of the dissertation or if it appears necessary with regard to the family situation to attract highly qualified applicants for a doctoral degree.

Note: 'Bill for the Promotion of Young Scientists and Artists' ID 14/2840, government bill submitted on 2008-06-17. Amendment ID 14/3054-3 from opposition party the Greens submitted on 2008-07-08. Amendment rejected.

Penalized Levenshtein Distance: -19

Table 5: Example of destructive review, rewording.

Initial Bill Section.

§ 3 Juvenile detention centers

(1) Juvenile sentences are carried out in juvenile detention centers of the state. Sub-institutions, departments or external facilities of a conventional detention center can be transformed into a youth detention center if special reasons are given. (2) Social therapy within the meaning of this Act is performed in external facilities of a social therapeutic institution or in separate departments of a juvenile detention center.

§ 4 Separation principles

(1) Adolescents should be accommodated separately from adults and raised appropriately with regard to their age. (2) The accommodation of young female prisoners takes place in a separate facility within a detention center for women or within a youth detention center for juvenile male prisoners. (3) If young prisoners are accommodated in conventional detention centers out of special reasons, they should be separated from other prisoners. The execution takes place according to this law.

Amendment Proposal.

1. § 3 is worded as follows:

„§ 3 Juvenile detention centers

Juvenile sentences are carried out in juvenile detention centers of the state.“

2. § 4 Separation principles Section 3 is deleted without replacement.

3. § 4 Separation principles Section 1 is deleted without replacement.

Hypothetical Bill Section.

§ 3 Juvenile detention centers

Juvenile sentences are carried out in juvenile detention centers of the state.

§ 4 Separation principles

The accommodation of young female prisoners takes place in a separate facility within a detention center for women or within a youth detention center for juvenile male prisoners.

Note: 'Bill on the enforcement of youth penalties in Baden-Württemberg' ID 14/1240, government bill submitted on 2007-05-15. Amendment ID 14/1434-2 from opposition party the Greens submitted on 2007-06-25. Amendment rejected.

Penalized Levenshtein Distance: -94

Table 6: Example of destructive review, deletion.

Initial Bill Section.

Article 41 Amendment of the Child and Youth Welfare Act

The Child and Youth Welfare Act for Baden-Württemberg in the version of April 14, 2005 (GBl., p. 377), amended by Article 18 of the Ordinance of April 25, 2007 (GBl, p. 252), is changed as follows:

1. Par. 2 Section 1 is replaced by the following: "(1) The local public youth welfare agency decides whether the youth welfare committee is to be set up as an advisory or decision-making committee within the meaning of the district and municipal regulations."

2. Par. 4 Section 3 is amended as follows:

a) In Number 1, Letter b, the words "from the Ministry of Education and Cultural Affairs" are deleted.

b) In Number 1, Letter c, the words "from the Ministry of Labor and Social Affairs" are deleted.

c) In Number 2 Letter d, the words "by the President of the State Labor Office" are replaced by the words "by the Baden-Württemberg Regional Directorate of the Federal Agency".

3. Par. 10 is worded as follows:

"Par. 10 State Youth Plan With the submission of the State Youth Plan, the State Government reports which tasks of youth welfare it regards as urgent."

Amendment Proposal.

Article 41 is changed as follows:

1. Number 1 is deleted.

2. Number 3 is deleted.

Hypothetical Bill Section.

Article 41 Amendment of the Child and Youth Welfare Act

The Child and Youth Welfare Act for Baden-Württemberg in the version of April 14, 2005 (GBl., p. 377), amended by Article 18 of the Ordinance of April 25, 2007 (GBl, p. 252), is changed as follows:

Par. 4 Section 3 is amended as follows:

a) In Number 1, Letter b, the words "from the Ministry of Education and Cultural Affairs" are deleted.

b) In Number 1, Letter c, the words "from the Ministry of Labor and Social Affairs" are deleted.

c) In Number 2 Letter d, the words "by the President of the State Labor Office" are replaced by the words "by the Baden-Württemberg Regional Directorate of the Federal Agency".

Note: 'Bill on the enforcement of youth penalties in Baden-Württemberg' ID 14/1240, government bill submitted on 2007-05-15. Amendment ID 14/1434-2 from opposition party the Greens submitted on 2007-06-25. Amendment rejected.

Penalized Levenshtein Distance: -70

2 Construction of Counterfactual Bills

Manually generating counterfactual bills is a resource-intensive endeavor. Therefore, we rely on the highly structured language of legislative text and develop a semi-automated text analysis system which assists human coding of counterfactual bills. The pipeline takes the original bill and the party-specific amendment proposals as inputs and outputs the counterfactual bill. The procedure is summarized in Figure 1.

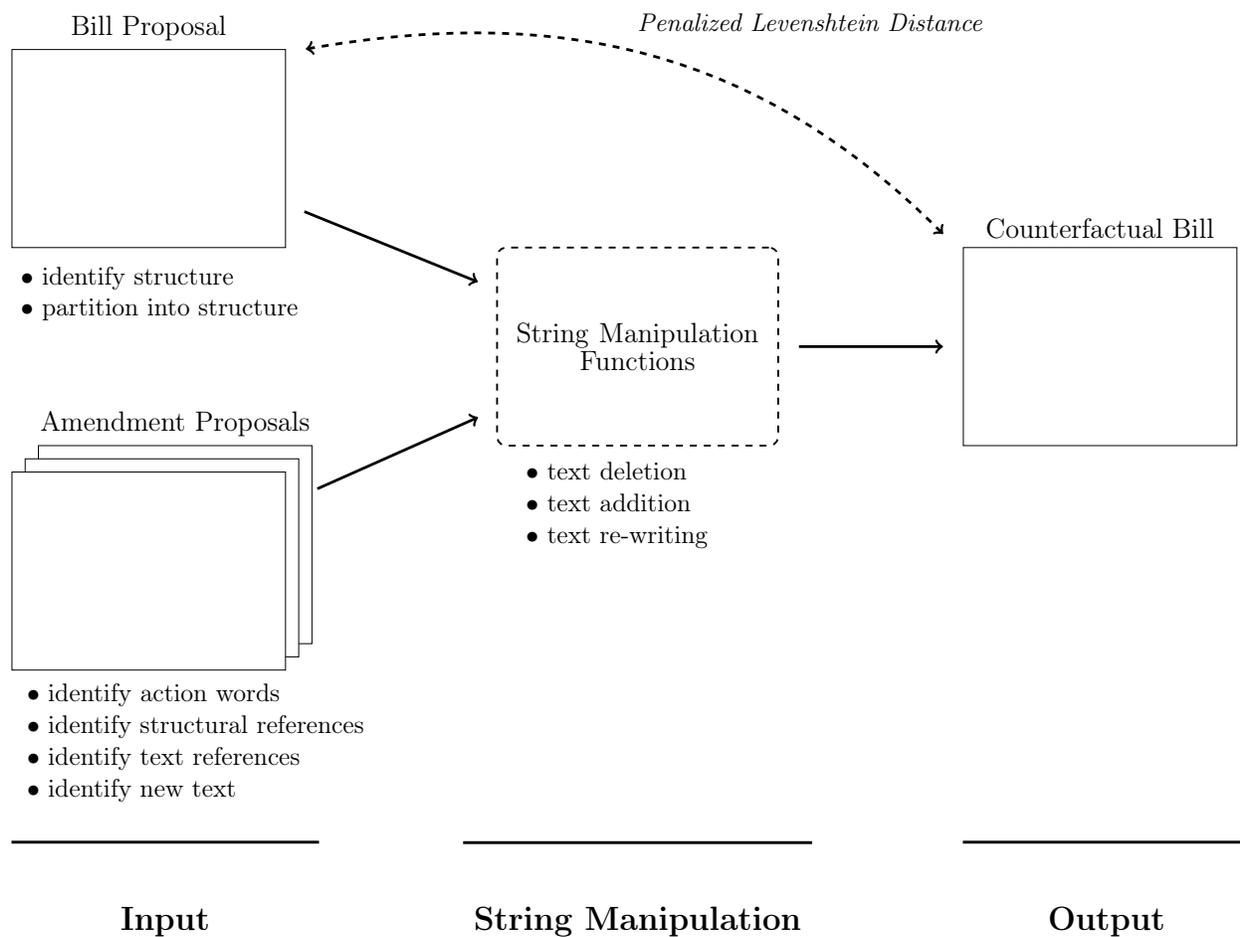


Figure 1: Automated procedure to construct counterfactual bill proposals.

Table 8 shows part of a draft bill as introduced into parliament, an example of an amendment proposal, and the hypothetical bill that would have resulted had the amendment passed. In order to construct the counterfactual bill, we proceed as follows. As bills are made up of a fixed structure,

Table 7: Action words in German.

Adding	Removing	Redrafting
anfügen, angefügt, anzufügen, hinzufügen, hinzugefügt, hinzuzufügen, ergänzen, ergänzt, erweitern, erweitert, einfügen, eingefügt, einzufügen, einschieben, eingeschoben, einzuschieben, voranstellen, vorangestellt, voranzustellen	streichen, gestrichen, aufheben, aufgehoben, aufzuheben, löschen, gelöscht, entfallen, entfällt	fassen, gefasst, neufassen, neugefasst, neuzufassen, Fassung, ersetzen, ersetzt

separated into articles, numbers, letters, paragraphs, and individual sections, the initial task is to automatically identify the structural elements underlying each bill and to partition the bills into their individual elements (colored blue). Next, each amendment proposal is structured by the various changes it proposes. The sample amendment in Table 8 aims to reword the bill sections denoted as §3 and to delete two sections from §4. While the three objectives are distinct and refer to different places in the bill, they are part of a single amendment proposal. For each objective, we first identify the *action words*. These are words that indicate the actions that should be performed on the bill, such as rewording, adding or deleting text. In the example in Table 8, the action words of the three objectives are ‘worded’, ‘deleted’ and ‘deleted’, respectively (colored gray). We define an exhaustive list of German action words (see Table 7) and first screen each structural component of the amendment proposal for their occurrence. Second, we identify the structural references (colored blue) where the amendment proposes to change the bill. Each reference refers to one subsection of the bill that it has been partitioned into. Third, we identify the strings of new legislative text that the amendments propose to incorporate into the bill (colored yellow).

We iterate over each component of the amendment proposal and feed the extracted information into *string manipulation functions* for the three possible kinds of text manipulations: adding, removing, and re-rewriting. These generalized functions define the edit operations given the inputs in the structural references, text references, action words and novel text strings as identified from the amendment. By feeding all legislative documents into the pipeline, we construct each counterfactual bill implied by all amendment proposals for each bill \times party observation. Human coders supervise the semi-automated pipeline and correct irregular cases.

Table 8: Identification of action words, structural references, and text strings.

Initial Bill Section.

§ 3 Juvenile detention centers

(1) Juvenile sentences are carried out in juvenile detention centers of the state. Sub-institutions, departments or external facilities of a conventional detention center can be transformed into a youth detention center if special reasons are given. (2) Social therapy within the meaning of this Act is performed in external facilities of a social therapeutic institution or in separate departments of a juvenile detention center.

§ 4 Separation principles

(1) Adolescents should be accommodated separately from adults and raised appropriately with regard to their age. (2) The accommodation of young female prisoners takes place in a separate facility within a detention center for women or within a youth detention center for juvenile male prisoners. (3) If young prisoners are accommodated in conventional detention centers out of special reasons, they should be separated from other prisoners. The execution takes place according to this law.

Amendment Proposal.

1. § 3 is worded as follows:
„§ 3 Juvenile detention centers
Juvenile sentences are carried out in juvenile detention centers of the state.“
2. § 4 Separation principles Section 3 is deleted without replacement.
3. § 4 Separation principles Section 1 is deleted without replacement.

Hypothetical Bill Section.

§ 3 Juvenile detention centers
Juvenile sentences are carried out in juvenile detention centers of the state.

§ 4 Separation principles
The accommodation of young female prisoners takes place in a separate facility within a detention center for women or within a youth detention center for juvenile male prisoners.

- structural references
- action words
- new text

Note: 'Bill on the enforcement of youth penalties in Baden-Württemberg' ID 14/1240, government bill submitted on 2007-05-15. Amendment ID 14/1434-2 from opposition party the Greens submitted on 2007-06-25. Amendment rejected.