Dragnet-Controls and Government Ideology

Niklas Potrafke

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Abstract

In many European countries established leftwing and rightwing parties have been threatened by policy convergence and, in turn, new populist parties that offer more polarized platforms. I investigate whether government ideology influences dragnet-controls - controls of persons conducted by the police without having any suspicion that the controlled person committed a crime. They took effect after the Schengen Agreement in 1995. I propose dragnet-controls to be a prime example of ideology-induced policies implemented by established parties. Dragnet-controls confine citizens' liberties, but may help to detect criminals. Using data from the 16 German states over the period 1995-2017, I show that rightwing governments have been active in implementing dragnet-controls and leftwing governments have denied dragnet-controls since the mid 1990s. When evaluating how government/party ideology influences individual policies, previous econometric studies ignored initiatives in parliament. My study also considers initiatives in parliament. I conjecture that, since 2015, the rightwing CDU has used initiatives to introduce/extend dragnet-controls to also deal with the upcoming threat of rightwing populism. Future research should examine policy-differences between the established parties regarding more fine-grained policy measures also in other European countries.

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1. Introduction

The Euro crisis starting in 2008 and, in particular, the refugee crisis starting in 2015 have threatened the established political parties in many European countries. Party platforms of the established leftwing and rightwing parties seem to have converged to the views of the median voter (Downs 1957, see Grofman 2004 for a survey). Voters were disenchanted by the converging platforms and policies of established leftwing and rightwing parties.[1] As a consequence, new extremist and populist parties have been enjoying electoral success in countries such as France, Greece, the Netherlands, Austria and Germany.[2]

The immigration policies in European countries were controversial. Many national governments have implemented liberal immigration policies in 2015 and 2016, and in turn, many voters were concerned about these liberal immigration policies and law-and-order issues. Terrorist attacks have occurred in France, for example, and for the first time in Germany in 2016 and in Sweden in 2017. Many citizens associate the rise of terrorist attacks with liberal immigration policies.[3]

On 11 April 2017, the bus of Germany's soccer team *Borussia Dortmund* was attacked (not by a terrorist, as it later emerged). The perpetrator went on the run and was caught by the police ten days after the attack. Germany's chancellor Angela Merkel used this event pointing to differences in law-and-order polices across the German states. Dortmund is a city in Germany's state North Rhine-Westphalia that did not use dragnet-controls. Dragnet-controls are controls of persons conducted by the police without having any suspicion that the controlled

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[1] On policy convergence in Germany see, for example, De Haan and Zelhorst (1993), Zohlnhöfer (2003), Debus (2008), Potrafke (2012) and Kauder and Potrafke (2016). On ideology-induced policies in EU and OECD countries, see Schmidt (1996), Jäger (2017), Potrafke (2017 and 2018), Schmitt and Zohlnhöfer (2018), and Zohlnhöfer et al. (2018).

[2] In September 2017, German economics professors believed that increasing similarities of the established leftwing and rightwing party have contributed to the electoral success of the new populist rightwing party in Germany: http://www.cesifo-group.de/ifoHome/research/Departments/Public-Finance/Oekonomenpanel/Archiv/2017/201709.html

[3] Terrorist attacks influence citizens' political preferences and tend to induce citizens to become more rightwing (e.g., Economou and Kollias 2015 and 2018).

person committed a crime. They were introduced after the Schengen Agreement took effect in 1995. I elaborate on dragnet-controls in greater detail in section 3. The leftwing state government in North Rhine-Westphalia did not implement dragnet-controls on purpose because it did not wish to confine citizens' liberties. In particular, the leftwing state government was afraid that dragnet-controls would be focused in particular on foreigners and refugees. Dragnet-controls are likely to be a prime example for ideology-induced policies, meaning policies that differ between leftwing and rightwing governments and that are intended to gratify the preferences of the parties' constituencies. On the one hand, dragnet-controls restrict citizens' liberties. On the other hand, dragnet-controls may help to detect criminals, especially in view of the rising number of terrorist attacks in many countries. Law-and-order policies have been shown to be ideology-induced (e.g., Jacobs and Jackson 2010, Wenzelburger 2015 and 2016). The hypothesis to be tested empirically is that rightwing governments have been active in introducing dragnet-controls, and leftwing governments have hesitated to do so and declined initiatives of the rightwing opposition party to introduce or extend dragnet-controls. Empirical evidence showing that the established parties have implemented different dragnet-control policies may help disenchanted voters in European countries to evaluate the performance of established parties.

I discuss idiosyncratic ways in which government ideology influenced dragnet-controls in each individual state (section 5) and conditional correlations between government ideology and dragnet-control policies (section 6). My approach in examining how government ideology influenced dragnet-controls has an advantage compared to previous econometric studies: when evaluating how government/party ideology influences individual policies, previous econometric studies ignored initiatives in parliament. I show that there have been initiatives on dragnet-controls in state parliaments that (a) have been turned down by majorities of leftwing and socially liberal parties against the rightwing parties or (b) have been passed in parliament by the majorities of the leftwing governing parties and leftwing and socially liberal opposition

3

parties. Voting on initiatives in state parliament was ideology-induced in many cases and I consider voting on initiatives in state parliament in my econometric model. Table 1 shows details for individual states.

Insert Table 1 about here

2. Theoretical background and related empirical studies

The partisan theories hold that leftwing and rightwing governments implement different policies to gratify the needs of their constituencies (Hibbs 1977, Chappell and Keech 1986, Alesina 1987). Leftwing governments have been described to appeal more to the labor base and implement more expansionary economic policies than their rightwing counterparts. The partisan theories have been translated to many policy fields that do not encompass economic policies. Experts therefore often use the term "parties-do-matter-hypothesis" when examining whether leftwing and rightwing governments pursue different policies (for surveys see, for example, Schmidt 1996 and Potrafke 2017 and 2018). Laboratories include single countries and tests for ideology-induced effects at the national level (univariate and multivariate time series analyses), panel data studies for OECD countries and federal states such as Canada, the United States and Germany. My study exploits variance within and across the German states.

German state governments have limited scope for maneuver and thus limited opportunities to implement ideology-induced policies. The German federal government formulates, for example, foreign policies and many economic policies. Examining ideology-induced policies in the German states involves focusing on policies that the state governments are responsible for. Empirical studies show that rightwing governments spent more on universities and general education and were more active in introducing tuition fees than leftwing governments (Oberndorfer and Steiner 2007, Schniewind et al. 2009, Potrafke 2011,

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Kauder and Potrafke 2013). Expenditure on cultural affairs was higher under rightwing governments than under leftwing governments in western German states, and lower under rightwing governments than under leftwing governments in eastern German states (Potrafke 2011, Tepe and Vanhuysse 2014). Leftwing governments imposed higher property transfer tax rates and granted less economic freedom than rightwing governments (Krause and Potrafke 2017, Potrafke 2013).[4] Productivity growth in West German hospitals was higher under rightwing than leftwing health ministers (Karmann and Roesel 2017). Budget deficits and public debt, however, were hardly correlated with government ideology (Jochimsen and Nuscheler 2010, Jochimsen and Thomasius 2014, Potrafke et al. 2016). Rightwing governments invested more in police protection than leftwing governments (Tepe and Vanhuysse 2013).

The constituencies of rightwing parties appreciate strict law-and-order policies to a larger extent than the constituencies of leftwing and socially liberal parties. Manifold reasons suggest why. First, constituencies of rightwing parties favor public expenditure spend on public goods rather than social transfers. Public good provision includes a well-functioning judiciary, police and military. Increasing shares of public budgets spend on the judiciary, police and military translates into increasing personnel and equipment which, in turn, are prerequisites for the judiciary, police and military to respond quickly to crimes and also terrorist attacks. Second, constituencies of rightwing parties tend to be richer than constituencies of leftwing parties and may favor strict law-and-order policies to have their own property protected. Third, they endorse discipline and hierarchies that are associated with the armed forces and police. On ideology-induced military spending see, for example, Whitten and Williams (2011), Kauder and Potrafke (2016), Bove et al. (2017), and Nordvang (2018).[5] Fourth, micro data evidence shows that individuals inclined with rightwing political parties are less in favor of immigration

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[4] Herwartz and Theilen (2014) describe how state government ideology predicted efforts to collect tax revenues.
[5] Blum and Potrafke (2019) examine how changes of government influence compliance with the NATO two percent target. On government ideology and US troop deployments see Stravers (2019).

than individuals inclined with leftwing political parties. See, for example, Facchini and Mayda (2009) and Iturbe-Ormaetxe and Romero (2016).

In line with polarized views of leftwing and rightwing voters, government ideology has been shown to influence law-and-order policies. In OECD countries, imprisonment rates were higher under rightwing than leftwing governments (Sutton 2004). In a similar vein, law-and-order policies as measured by an encompassing indicator including imprisonment rates, the number of police officers and law and order expenditure were stricter under governments with conservative law and order platforms (Wenzelburger 2016). In the 1990s and early 2000s, however, leftwing governments also pursued quite conservative law and order policies (e.g., Tham 2001, Medina-Ariza 2006). Naturalization policies seem to be influenced by government ideology. Applications of asylum seekers were lower under rightwing than leftwing governments (Burmann et al. 2017).

Dragnet-controls are a law-and-order policy tool. Clearly, dragnet-controls restrict citizens' liberties because the police may well stop and frisk citizens at any time when dragnet-controls are present. That said, dragnet-controls may help to detect criminals and prevent crimes and provide the police with power. It is therefore conceivable that government ideology also predicts dragnet-controls: I expect rightwing governments to implement dragnet-controls more often and to grant the police more rigorous measures than leftwing governments.[6]

3. Dragnet-controls

The purpose of dragnet-controls ("Schleierfahndung") was to compensate for the absence of internal border checks in the course of the Schengen Agreement signed on 14 June 1985. The European countries of the Schengen Area (initially Belgium, France, Germany, Luxembourg and the Netherlands) agreed to abolish internal border checks. The Schengen Agreement took

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[6] On law-and-order legislation at the German national level see Staff and Wenzelburger (2016) and Wenzelburger and Staff (2019).

effect on 26 March 1995. To deal with cross-border crime, the government of Germany's largest state, Bavaria, introduced dragnet-controls as of 1 May 1995. When operating dragnet-controls, police officers are allowed to control persons without having any suspicion that those persons have committed a crime. The dragnet-controls were designed to be effective in an area up to 30 kilometers away from the national border. The term "Schleierfahndung" is not used in every German state. Some states that do not wish to use the term "Schleierfahndung," but clearly use controls of persons without any occasion to prevent crimes. The major issue is that these controls are not designed for transport policies when, for example, the police asks car drivers to show their drivers' license. The lack of a clear definition of dragnet-controls notwithstanding, it is straightforward to identify controls of persons across and within the German states that have been introduced/extended or abolished/limited. I relate them to government ideology.

4. The political party landscape

Two major political parties have dominated the political landscape in Germany since the 1950s: the leftwing Social Democratic Party (SPD) and the conservative Christian Democratic Union (CDU). In Bavaria, Germany's largest federal state by area, the conservatives are not represented by the CDU, but by their sister party, the Christian Social Union (CSU). No party competition emerges between the CDU and the CSU and they form one fraction in the federal parliament (Bundestag). All federal chancellors and state prime ministers – except the green prime minister of Baden-Wuerttemberg elected in 2011 and the leftwing Prime Minister in Thuringia elected in 2014 – were members of one of these two major blocs: the SPD and the CDU. Compared to the leftwing SPD, the CDU holds more conservative views, especially on law-and-order issues. Dragnet-controls are thus more likely to be implemented when the CDU leads a state government than when the SPD does. The market-oriented and socially liberal Free Democratic Party (FDP) and the Green Party have formed coalitions with the CDU and SPD in

German states. Coalition governments consisting of the CDU and FDP have been labelled as rightwing. The views of the CDU and the FDP are, however, somewhat different regarding dragnet-controls: because the FDP holds socially liberal views and advocates civil liberties (often more so than law-and-order issues), the FDP is likely to promote less strict dragnet-controls than the CDU (e.g. not frisking persons and items). In 2007, the leftwing party PDS, the successor to East Germany's communist party, joined forces with another leftwing West German party and formed the leftwing party DIE LINKE. The leftwing party DIE LINKE has formed coalitions with the leftwing SPD (alone and also together with the Greens). DIE LINKE does not advocate dragnet-controls.

In 2015 and 2016, the new populist rightwing party Alternative for Germany (AfD) entered the political arena and was fairly successful in state elections (e.g. Berning 2017, Backes 2018). In 2017, the AfD was represented in 13 state parliaments, but has not been elected in any state government.

In the next section, I show that dragnet-controls were a controversial policy tool between leftwing and rightwing governments and that the ideology-induced effects are based on within variation.

5. Idiosyncrasies in the individual states

5.1 Bavaria

In *Bavaria*, the rightwing CSU-government introduced dragnet-controls – for the first time in Germany. Brosdorff (2008) describes how and when the state governments introduced dragnet-controls – not elaborating on government ideology.[7] The dragnet-controls were strict: the police was allowed to frisk persons and items. The dragnet-controls in Bavaria were clearly ideology-induced. The conservative CSU has been in power in Bavaria since the Second World War from

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[7] § 13 para. I Nr. 5 Bayerisches Polizeiaufgabengesetz (BayPAG), § 21 para . I Nr. 3 BayPAG, § 22 para. I Nr. 4 BayPAG

1966 to 2008 with absolute majorities of the votes and seats in parliament and is known for placing an emphasis on law-and-order issues. The CSU has been active in promoting dragnet-controls ever since. At the annual conference of the German secretaries of the Interior in 2015, the Bavarian CSU-Secretary of the Interior, Joachim Herrmann, initiated the introduction of far-reaching dragnet-controls nationwide. The CSU-initiative was rejected by those states led by the leftwing SPD.[8]

5.2 Baden-Wuerttemberg

Baden-Wuerttemberg was the second German state to introduce dragnet-controls, which took effect on 1 October 1996.[9] The law has not been changed since. The conservative CDU has been in government since the Second World War and formed a grand coalition with the leftwing SPD from June 1992 until June 1996. After the 1996 state election, the CDU formed a coalition government with the market-oriented and socially liberal FDP – one of the first policies adopted by the new government was to implement dragnet-controls. In contrast to the rightwing Bavarian government, however, the new CDU/FDP government in Baden-Wurttemberg did not allow the police to frisk persons and items. The law has not been changed since – the Green/SPD government (2011-2016) did not abolish dragnet-controls (on law-and-order policies under the Green/SPD government see Staff and Wenzelburger 2017).

5.3 Berlin

In the city state of *Berlin*, controls took effect in 1999, when the conservative CDU led the state government in a coalition with the leftwing SPD. The CDU-Secretary of the Interior, Eckart Werthebach, and the member of parliament (MP) Roland Gewalt were active in promoting law-and-order policies. They stood up to the SPD, and particularly convinced conservative members

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[8] http://www.abendblatt.de/politik/article205422751/Keine-Einigung-auf-umfassende-Schleierfahndung.html
[9] § 26 I Nr. 6 Polizeigesetz (PolG)

of the SPD to introduce controls. The law passed through parliament with the support of the CDU, but only parts of the SPD. Some leftwing SPD MPs did not support the law. The term "Schleierfahndung" was not used. Berlin was the only state that ever abolished dragnet-controls because a new state government had different political preferences than the previous state government: in 2004, when the leftwing coalition of the SPD and the leftwing DIE LINKE took office. The Greens (at this time in the opposition) actually initiated the abolition of the controls – and the leftwing SPD/DIE LINKE government was happy to follow the Greens' initiative.[10] The FDP also supported the abolition of dragnet-controls. In 2017, the CDU proposed the re-introduction of dragnet-controls, but the leftwing SPD/DIE LINKE/Green government parties and the FDP being in the opposition denied the proposal.[11]

5.4 Brandenburg

In *Brandenburg*, the police law does not include the term "Schleierfahndung". In any event, controls of persons to prevent crime were introduced on 20 May 1999 under a leftwing SPD-government.[12] In April 2017, the conservative CDU being the largest opposition party in the state parliament, proposed to introduce dragnet-controls of track rustlers. The controls were also to be extended and take effect in the entire state, and not just in the area up to 30 kilometers away from the national border. The leftwing coalition of the SPD and the leftwing DIE LINKE, and the Green party in the state parliament rejected the proposal.

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[10] http://pardok.parlament-berlin.de/starweb/adis/citat/VT/15/DruckSachen/d15-1818.pdf
[11] https://www.parlament-berlin.de/ados/18/IIIPlen/vorgang/d18-0093.pdf
http://www.morgenpost.de/berlin/article210263963/Nach-Merkel-Kritik-Rot-Rot-Gruen-lehnt-Schleierfahndung-ab.html
http://www.bz-berlin.de/berlin/kolumne/bei-der-suche-nach-verbrechern-sind-berlins-polizisten-die-haende-gebunden
[12] § 12 para. 1 Nr. 6 Brandenburgisches Polizeigesetz (BbgPolG), and § 11, 12, 22 and 33 BbgPolG

5.5 Bremen

The city-state of *Bremen* is one of three German states that do not have dragnet-controls in 2017. Since the Second World War, Bremen has always been governed by a leftwing SPD-Prime Minister. The SPD was ruling in single party governments and in coalitions with the Greens, FDP and the CDU. The CDU in Bremen failed to promote and implement dragnet-controls when forming a grand coalition with the SPD in Bremen. In January 2017, the CDU tabled a motion to introduce dragnet-controls.[13] The proposal was denied in September 2017 by the SPD/Green governments and individual MPs of the FDP and DIE LINKE.[14]

5.6 Hamburg

The governments in the city state of *Hamburg* have not used the term "Schleierfahndung" for their controls of persons to prevent crime. The rightwing CDU initiated the introduction of dragnet-controls in 1998, but the leftwing SPD/Green government rejected the proposal.[15] The CDU has governed with an absolute majority of seats in parliament since 2004, and introduced controls of persons without occasions in danger areas in 2005 (the state parliament passed the law on 16 June 2005). Random controls of persons in danger areas were abolished by a law on 8 December 2016 when the leftwing SPD was forming a coalition with the Greens – the Higher Administrative Court had called for a change of the law and the change in the law was also supported by the CDU.

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[13] https://www.bremische-buergerschaft.de/drs_abo/2017-01-24_Drs-19-914_6fde0.pdf
[14] https://www.weser-kurier.de/bremen/bremen-stadt_artikel,-buergerschaft-gegen-cdusicherheitspaket-_arid,1650133.html
[15] Printed matters of the state parliament 16/22 and 16/916.

5.7 Hesse

In *Hesse*, the new rightwing CDU/FDP government led by Roland Koch introduced dragnet -controls in 2000.[16] The CDU in Hesse has a reputation for being highly conservative and in favour of law-and-order issues – the change in government from a leftwing SPD/Green to a rightwing CDU/FDP government and the introduction of dragnet-controls was a prime example of ideology-induced policies.

5.8 Lower-Saxony

Lower-Saxony shares a border with the Netherlands, one of the five countries that signed the Schengen-Agreement. Dragnet-controls were discussed quite intensively in the state parliament in 1997, the CDU (the largest opposition party) proposed to introduce encompassing dragnet-controls, which the reigning SPD rejected.[17] The leftwing SPD-government introduced controls that took effect in February 1998. These controls, however, required a "purpose" not a "suspicion". In any event, the SPD-Secretary of the Interior, Gerhard Glogowsky, made crystal-clear that the competence for controls is more restrictive than proposed by the CDU.[18] The Greens rejected the law proposed by the SPD.[19] In 2003, the new rightwing CDU/FDP-government extended police competences when controlling persons to visually inspect carried items. In 2017, the leftwing SPD/Green government was active in impairing police competences.

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[16] § 18 para. 2 Nr. 6 Hessisches Gesetz über die öffentliche Sicherheit und Ordnung (HSOG). See Stephan (2004) on dragnet controls in Hesse.
[17] http://www.nilas.niedersachsen.de/starweb/NILAS/servlet.starweb?path=NILAS/lisshfl.web&id=NILASWEB DOKFL&search=(DART%3d%28D%5cKA%29+AND+WP%3d13+AND+DNR%2cKORD%3d3231+AND+N OT+%281SPER%2cSPER%3d%3f%2a%29)+AND+NOT+%281SPER%2cSPER%3d%3f%2a%29)+AND+DID %3DK-28680&format=WEBDOKFL
§ 12 Abs. 6 Niedersächsisches Gesetz über die öffentliche Sicherheit und Ordnung (SOG ND)
[18] Printed matter of the state parliament 14/38
[19] Printed matter of the state parliament 14/2020

5.9 Mecklenburg-West Pomerania

In *Mecklenburg-West Pomerania*, dragnet-controls took effect on 19 February 1998, a policy implemented by a CDU/SPD grand coalition. The state's Supreme Court declared the dragnet-controls to be ineffective on 21 October 1999.[20] The new leftwing SPD/DIE LINKE government was asked to change the law. Since 2001, the state law includes an authorization of stop and sight checks.[21]

5.10 North Rhine-Westphalia

The governments in *North Rhine-Westphalia* rejected dragnet-controls. *North Rhine-Westphalia* has been governed by the SPD for many decades. The SPD, Greens and FDP have rejected dragnet-controls, while the CDU has favored them. There was a CDU/FDP government over the period 2005-2010 that did not introduce dragnet-controls and has been described as less rightwing than CDU/FDP governments in other German states. For example, the CDU Prime Minister Jürgen Rüttgers was called the "labor leader". The FDP was in charge of the interior ministry under Secretary of the Interior Ingo Wolf. It opposed the introduction of dragnet-controls and stood up to the CDU on this matter.[22] In 2005 and 2016, CDU proposed initiatives in the state parliament to introduce dragnet-controls.[23] The proposals were rejected by the SPD, Greens and FDP. In the course of the state election campaign in 2017, the CDU supported dragnet-controls and the SPD opposed them.[24] The CDU won the state elections in May 2017 and formed a coalition government with the FDP. Dragnet-controls have been a controversial issue between the CDU (in favor) and the FDP (rejecting). CDU and FDP agreed to introduce controls that require an occasion ("Strategische Fahndung").[25]

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[20] http://www.landesverfassungsgericht-mv.de/presse/aktuelle/download/LVFG2-98EndU.pdf
[21] § 27a Sicherheits- und Ordnungsgesetz des Landes Mecklenburg-Vorpommern (SOG M-V)
[22] https://www.wp.de/wp-info/online-durchsuchung-polizisten-bleiben-aussen-vor-id872397.html
[23] Printed matters of the state parliament 13/6587 and 13/6871; http://www.cdu-nrw-fraktion.de/sites/default/files/media/doc/antrag_drucksache_16-11307.pdf
[24] http://www1.wdr.de/nachrichten/landespolitik/landtagswahl/ltw-tv-duell-vorbericht-100.html
[25] https://www.cdu-nrw.de/sites/default/files/media/docs/vertrag_nrw-koalition_2017.pdf

5.11 Rhineland-Palatinate

In *Rhineland-Palatinate*, the SPD has been leading the government since 1991. The CDU has not formed coalitions with the SPD since 1991. The leftwing governments did not want to introduce dragnet-controls without there being any suspicion of the person having committed a crime. The CDU proposed dragnet-controls in 2001 and 2002, but failed to garner support for the initiatives in the state parliament.[26] In 2004, a SPD/FDP government allowed the police to temporarily stop and check persons – a solution described as "middle course" (Scholzen 2004). The proposal was supported by the CDU and rejected by the Greens.

5.12 Saarland

In the *Saarland*, the implementation of dragnet-controls was clearly ideology-induced: the leftwing single-party SPD governments in power over the period 1985-1999 rejected dragnet-controls. The conservative CDU won the absolute majority in the state elections 1999, and the new rightwing single-party CDU government implemented dragnet-controls in 2000.[27]

5.13 Saxony

In *Saxony*, an eastern German state with fairly conservative majorities, the CDU-government introduced random controls of persons to fight cross-border crime in 1999.[28] The law has not been changed since.

5.14 Saxony-Anhalt

In *Saxony-Anhalt*, the leftwing SPD-government introduced dragnet-controls in July 2000. The SPD had previously formed a coalition government with the Green party that opposed dragnet-

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[26] http://www.landtag.rlp.de/landtag/drucksachen/317-14.pdf and printed matters of the state parliament 14/1439
[27] § 9a Saarländisches Polizeigesetzes (SPolG)
[28] § 19 para. 1 Nr. 5 Polizeigesetz des Freistaates Sachsen

controls.[29] In 2001, the CDU tabled an initiative in the state parliament to introduce dragnet-controls. The proposals were rejected.[30] On 10 July 2003, the rightwing CDU/FDP government extended authorizations for dragnet-controls.[31]

5.15 Schleswig-Holstein

In *Schleswig-Holstein*, leftwing governments did not want to implement dragnet-controls. In 2001, the CDU proposed an initiative in the state parliament to introduce dragnet-controls that was rejected by the SPD, the Greens, the FDP and the Danish minority party.[32] The CDU won the state elections on 20 February 2005 and formed a grand coalition with the leftwing SPD. Dragnet-controls were introduced and took effect as of 13 April 2007.[33] The leftwing PIRATE party (represented in the state parliament) initiated a move to abolish dragnet-controls in June 2014. Parts of the leftwing state government (SPD/Greens/Danish minority party) supported the PIRATE party's initiative, but failed to gain majorities within their parties. In any event, the law was adjusted in the course of the PIRATE party's initiative and dragnet-controls became more moderate. For example, controls are no longer allowed in border regions, the controls have to be authorized by the directors of individual public authorities and not by policemen, and dragnet-controls need to be announced in advance.[34] The state parliament passed this law on 16 December 2016 with the support of the SPD, the Greens, the Danish minority party and the PIRATE party. The CDU opposed this law, while the FDP abstained.[35] The CDU won the state elections in May 2017 and formed a coalition with the FDP and Greens. Because the CDU,

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[29] Gesetz über die öffentliche Ordnung und Sicherheit des Landes Sachsen-Anhalt (SOG LSA) (GVBl. 2000, p. 444)
[30] Printed matter of the state parliament 3/4958
[31] SOG 10.07.2003 (GVBl. LSA p. 150)
[32] Printed matter of the state parliament 15/1257
[33] § 180 para. 3 Landesverwaltungsgesetz Schleswig-Holstein (LVwG SH)
[34] § 180 para. 3 LVwG SH, § 181 Abs. 1 S 2 LVwG and § 202 Abs. 1 N 3 LVwG
[35] http://www.landtag.ltsh.de/export/sites/landtagsh/infothek/wahl18/plenum/plenprot/2016/18-137_12-16.pdf#page=59

FDP and Greens do not agree regarding dragnet-controls, they did not relate to this issue in the coalition agreement.

5.16 Thuringia

In *Thuringia*, a center CDU/SPD government introduced dragnet-controls in 1998 – the law has not been changed since.[36]

6. Empirical analysis

6.1 Descriptive statistics

Over the period 1995-2017, random controls of persons to prevent crimes have been introduced in 14 states: four times by leftwing, four times by center and six times by rightwing governments. The controls introduced by the rightwing governments were stricter and provided the police more power than controls introduced by leftwing and center governments. Controls were extended two times by rightwing governments and once by a leftwing government. Controls were abolished once for political reasons and also limited two times by a leftwing government (Table 2).

Insert Table 2 about here

Previous econometric studies on partisan politics did not consider failed initiatives for policy changes that are clearly ideology-induced because the econometric studies consider only actual policy changes that are measurable. Initiatives for introducing or extending dragnet-controls by the CDU being in the opposition and the leftwing incumbent governments rejecting the proposals portray the large extent to which dragnet-controls are an ideology-induced issue:

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[36] § 14 para. 1 Nr. 5 Thüringer Gesetz über die Aufgaben und Befugnisse der Polizei (Polizeiaufgabengesetz - PAG)

this happened ten times. In one state, a law for introducing or extending dragnet-controls by the CDU was pending in 2017.

State governments were active in introducing/extending dragnet-controls and rejecting initiatives from 1995 to 2007 (Table 1). Over the period 1995-2007, the established leftwing and rightwing parties gratified the needs of their constituencies by introducing/rejecting dragnet-controls. The established parties were not threatened by populist parties. By contrast, state governments did not change any dragnet-control policies and opposition parties did not make any attempts to change the law over the period 2008-2014. I conjecture that law-and-order issues retired to the background because of the subprime and public debt crisis. The refugee crisis starting in 2015 have threatened the established German parties and invigorated political discourse on dragnet-controls. The CDU proposed initiatives to introduce/extend dragnet controls four times since 2015 (Table 1). It is conceivable that the CDU was looking for an answer to the upcoming threat of rightwing populism. What is more, two leftwing governments limited dragnet-controls in 2016.

My sample thus includes 368 state-year observations and 28 changes of the dependent variable. The number of changes in the dependent variable is small, but comparable with other new studies on partisan politics. For example, Wiese (2014) uses 22 reforms of de facto healthcare financing privatizations in a sample of 23 OECD countries.

6.2 Econometric model

I examine the correlation between government ideology and dragnet-control policies conditioned on other explanatory variables that are likely to be correlated with both dragnet-control policies and government ideology and fixed state and fixed year effects.[37] The baseline panel-data model using annual data has the following form:

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[37] There is no suitable econometric research design to estimate the causal effects of government ideology on introducing/designing dragnet-controls using panel data with a small sample. When estimating a linear panel

$$\textit{Dragnet-controls}_{it} = \beta \textit{ Government ideology}_{it} + \Sigma_k \gamma_k X_{ikt} + \eta_i + \tau_t + u_{it}$$

with i=1,…,16; k=1,…,3; t=1,…,23

where *Dragnet-control policy*$_{it}$ measures dragnet-control policies in state *i* and year *t*. The dependent variable assumes the value one when dragnet-controls were introduced or extended, the value minus one when dragnet-controls were abolished or limited or the government declined an initiative of the opposition to introduce or to extent dragnet controls, and zero in all other years. *Government ideology* assumes the value zero when a leftwing government was in office, the value 0.5 for a center government, and the value one for a rightwing government (the inverse measure as used, for example, by Kauder and Potrafke 2013). Leftwing governments encompass single-party SPD governments and coalition governments: SPD/DIE LINKE, SPD/Greens (Greens/SPD), SPD/DIE LINKE/Greens, SPD/Statt, SPD/FDP/Greens, SPD/Greens/Danish minority party, and SPD/FDP. Center governments include: CDU/SPD (SPD/CDU), CDU/Greens, CDU/FDP/Greens, CDU/SPD/Greens. Rightwing governments include: single-party CDU and CSU governments, CDU/FDP, CSU/FDP, and CDU/FDP/Schill governments. I assign years in which governments change to the government that was in power for at least six months. The exception is North Rhine-Westphalia in 2005: the leftwing government turned down the initiative of the rightwing opposition to introduce dragnet-controls in early 2005. A rightwing government took over on 22 June 2005. I code the government in 2005 to be leftwing to explain the ideology-induced dragnet-control policy in this year.

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data model with Ordinary Least Squares (OLS), for example, I cannot rule out that the government ideology variable would be endogenous. First, reverse causality may well be an issue: voters who do not agree with the state government's law-and-order policy are likely to vote the incumbent government out of office. Second, there may be omitted variables being correlated with government ideology and the presence of dragnet-controls. Econometric techniques to overcome the endogeneity issue are not available for my sample of the German states. Scholars have not yet proposed a suitable instrumental variable for government ideology. Exploiting close vote margins by using, for example, Regression Discontinuity Designs (RDD) is not possible either because of the small sample (there are 16 German states and dragnet-controls were introduced in 1995 for the first time). Potrafke and Roesel (2018) employ RDD to examine ideology-induced health policies in the German states; the sample includes data since the 1950s.

Σ_k X_{ikt} contains three control variables. I include the growth rates in the number of asylum seekers, in the number of crimes, and in the unemployment rate. When rightwing-governments do not pursue liberal immigration policies, asylum seekers are more likely to move to German states with leftwing than rightwing governments. Dragnet-controls are expected to be introduced when the growth in asylum seekers is high. Rightwing governments may well have lower crime rates than leftwing governments because they put emphasis on law-and-order policies. Dragnet-controls are expected to be introduced when crime rates are high. The growth rate in the unemployment rate is expected to be negatively correlated with leftwing government ideology (core hypothesis of the partisan theories) and positively with the introduction of dragnet controls (in an attempt to preempt low-skilled immigrants who might compete about jobs with low-skilled native citizens). The unemployment rate, the number of crimes, and the number of asylum seekers are available till the year 2017. Table 3 shows descriptive statistics and the sources of the individual variables. The number of asylum seekers is available since 1995 and not earlier – so including the growth rate in the number of asylum seekers reduces the sample size by 16 state-year observations. I include fixed time and fixed state effects and estimate the fixed-effects model with standard errors robust to heteroskedasticity (Huber/White/sandwich standard errors – see Huber 1967 and White 1980).

Insert Table 3 about here

6.3 Results

The results in Table 4 show that rightwing governments were more active in implementing dragnet-controls than leftwing governments. The government ideology variable (rightwing) has a positive sign and is statistically significant at the 1 % level in columns (1) to (6). The point estimate of the government ideology variable is around 0.14 indicating the dependent variable increased by 0.14 points (on a scale from -1 to 1) when the government ideology variable

increased by one point, meaning a change from a leftwing to a rightwing government. This effect represents 52% of the within-state standard deviation in the dragnet-control variable of around 0.27 points. The growth rates in the number of asylum seekers and crimes and the unemployment rate do not turn out to be statistically significant (an F-test does also not indicate that they are jointly significant). Including/excluding the three other explanatory variables and the fixed year effects does not change the inferences regarding the government ideology variable. I have also included the number of asylum seekers, crimes and the unemployment rate in levels instead of growth rates (results not shown). The three control variables also lack statistical significance in levels and inferences regarding the government ideology variables do not change. These results corroborate that changes in dragnet-control policies were quite ideology-induced.

Insert Table 4 about here

Dragnet-controls are more likely to be introduced in states with an international border (Bavaria, Baden-Wuerttemberg, Brandenburg, Mecklenburg-West Pommerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Schleswig-Holstein) than in states that do not have an international border (Berlin, Bremen, Hamburg, Hesse, Saxony-Anhalt, Thuringia). I include a dummy variable assuming the value one for states that have an international border and consider specifications excluding fixed state effects. The international border dummy variable does not turn out to be statistically significant and including it does not change the inferences regarding the government ideology variable.

I also examine the effect of government ideology on dragnet-controls on the basis of cabinet periods (Schmitt 2016). In Bavaria, for example, the cabinets of individual prime ministers were Stoiber II, Stoiber III, Stoiber IV, Beckstein etc. There were 116 full cabinet periods between 1995 and 2017. I observe 24 changes in the dependent variable. In Rhineland-

Palatinate and Saxony-Anhalt, a cabinet was both introducing dragnet-controls and rejecting a proposal by the rightwing opposition – the dependent variable assumes the value zero in these cases. I do not include the other three control variables in these specifications simply because some cabinets were in office for some months and assigning the yearly data of the numbers in asylum seekers and crimes and the unemployment rates to the individual cabinets turns out to be difficult. In any event, the results in Table 4 had shown that including/excluding these explanatory variables did not change the inferences regarding the government ideology variable. The government ideology variable (rightwing) is statistically significant at the 1 % level in columns (1) to (4) in Table 5 and the point estimates are large. The point estimate of the government ideology variable in column (4) is 0.55 indicating that the dependent variable increased by 0.55 points (on a scale from -1 to 1) when the government ideology variable increased by one point, meaning a change from a leftwing to a rightwing government. This effect represents more than 100% of the within-state standard deviation in the dragnet-control variable of around 0.43 points.

I have examined whether inferences depend on including/excluding individual states. Inferences regarding the ideology-induced effects do not change when including/excluding an individual state.

Insert Table 5 about here

7. Conclusion

Dragnet-controls were introduced in some German states to compensate for the absence of internal border checks in the course of the Schengen Agreement that took effect in 1995. Dragnet-controls have provided a prime example of ideology-induced policies implemented by established German parties since the mid-1990s. The conservative CDU/CSU introduced and

extended random controls of persons to prevent crimes in the German states (ten introductions and two extensions in cases where leftwing governments had introduced controls). The leftwing SPD and the market-oriented and socially liberal FDP favored far less intrusive controls or opposed them. The Greens and the leftwing DIE LINKE rejected controls. When in opposition, the CDU proposed to introduce dragnet-controls seven times and to extend controls twice, but these initiatives were turned down in state parliaments by the SPD, Greens, FDP and DIE LINKE. In one instance controls were abolished for clearly political reasons: namely in 2004 in Berlin by the leftwing SPD/DIE LINKE government. As far as law-and-order issues are concerned, German voters have alternatives from the conservative CDU/CSU and the other political parties (see Debus and Müller 2013 on the programmatic development of the CDU/CSU since 1990).

An important question is whether introducing dragnet-controls by the CDU/CSU was an ideological decision or rather an answer to the upcoming threat of rightwing populism. I propose that dragnet-controls have always been a policy tool to distinguish leftwing and rightwing political ideologies. In the mid of the 1990s and the beginnings of the 2000s, the CDU/CSU was not threatened by populist rightwing parties. Introducing/extending dragnet-controls was a policy measure to gratify the needs of the constituencies of the CDU/CSU. After the rise of the populist rightwing AfD in 2015, the CDU/CSU clearly needed a policy measure to attract non-leftwing voters. Dragnet-controls were very suitable to do so because they stand for law-and-order policies. In a similar vein, populist rightwing parties enjoyed electoral success in rural areas and benefitted from mergers of large local governments in Saxony (Roesel 2017). Many voters in rural areas believe that established parties disregard rural compared to urban areas, and consequently, support populist (rightwing) parties. The CDU/CSU may well use dragnet-controls to respond to the voters' concerns about disregarded rural areas. That is

why initiatives to introduce and/or extend dragnet-controls have been taken place since the year 2015 and did not occur, for example, over the period 2008-2014.

Populist parties have gained electoral success in many European countries where established parties did not offer sufficiently distinct platforms. The tools for designing policies in German states are limited, but dragnet-controls are a policy measure that separates the established parties. Future research should examine policy-differences between the established parties regarding more fine-grained policy measures also in other European countries.

When evaluating how government/party ideology influences individual policies, previous econometric studies ignored initiatives in parliament. My study also considers initiatives in parliament. I believe that considering initiatives in parliament is a worthwhile endeavor for future studies on partisan politics.

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Table 1: Type of government and dragnet-control policies. 1995-2017.

State	Dragnet-controls	Year of (draft) law affecting dragnet-controls	Content of (draft) law	Initiated by	Law passed	Parties in government
Baden-Wuerttemberg	yes	1996	introduction	CDU	yes	CDU/FDP
Bavaria	yes	1995	introduction	CSU	yes	CSU
Berlin	no	2000	introduction	CDU	yes	CDU/SPD
		2004	abolition	Greens	yes	SPD/DIE LINKE
		2017	reintroduction	CDU	pending	SPD/Greens/ DIE LINKE
Brandenburg	yes	1999	introduction	SPD	yes	SPD
		2017	extension (to all public transport areas)	CDU	no	SPD/DIE LINKE
Bremen	no	2017	introduction	CDU	no (declined by SPD, Greens, some MPs of the FDP and DIE LINKE)	SPD/Greens
Hamburg	yes	1998	introduction	CDU	no	SPD/Greens
		2005	introduction	CDU	yes	CDU

		2016	limitations (no more checking of personal belongings)	SPD/Greens	yes	SPD/Greens
Hesse	yes	2000	introduction	CDU/FDP	yes	CDU/FDP
Mecklenburg-Western Pomerania	yes	1998	introduction	CDU	yes	CDU/SPD
		2001	reintroduction (after abolition by court)	SPD/DIE LINKE	yes	SPD/DIE LINKE
Lower Saxony	yes	1997	introduction (less strict than proposed by the CDU)	SPD	yes	SPD
		2003	extension (checking of personal belongings)	CDU	yes	CDU/FDP
North Rhine-Westphalia	no	2005	introduction	CDU	no (declined by SPD, FDP, Greens)	SPD/Greens
		2016	introduction	CDU	no (declined by SPD, FDP, Greens, Pirates)	SPD/Greens
Rhineland-Palatinate	yes	2001	introduction	CDU	no (declined by SPD, FDP, Greens)	SPD/FDP

		2002	introduction	CDU	no (declined by SPD, FDP, Greens)	SPD/FDP
		2004	introduction	?	yes	SPD/FDP
Saarland	yes	2000	introduction	CDU	yes	CDU
Saxony	yes	1999	introduction	CDU	yes	CDU
Saxony-Anhalt	yes	2000	introduction	SPD	yes	SPD
		2001	extension (controls without a specific occasion)	CDU	no	SPD
		2003	extension (to additional areas)	CDU/FDP	yes	CDU/FDP
Schleswig-Holstein	yes	2001	introduction	CDU	no (declined by SPD, FDP, Greens, SSW)	SPD/Greens
		2007	introduction	CDU/SPD	yes	CDU/SPD
		2016	limitation (on public transport areas only)	Pirates	yes	SPD/Green/Danish minority party
Thuringia	yes	1998	introduction	CDU/SPD	yes	CDU/SPD

Table 2: Rightwing governments and the CDU/CSU advocating dragnet-controls, 1995-2017.

State	Absolute number of cases under rightwing governments or CDU initiatives	In percent of all cases
Introduction	6	43%
Extension	2	67%
Abolition	0 (1 under leftwing government)	0%
Limitation	0 (2 under leftwing governments)	0%
Law for introduction (rejected)	8	100%
Law for introduction (pending)	1	100%
Law for extension (rejected)	2	100%

Note: The table shows how many times (a) rightwing state governments introduced, extended, abolished and limited dragnet-controls and (b) the CDU initiated a law to introduce
    or extend dragnet-controls which that were rejected by leftwing governments or a still pending over the period 1995-2017.
    Rightwing governments include CDU and CSU single-party governments and CDU/FDP and CSU/FDP coalitions.

Table 3: Descriptive statistics and data sources.

	Obs	Mean	Std. Dev.	Min	Max	Source
Dragnet-controls	368	0.01	0.28	-1	1	Own calculation
Government ideology (rightwing)	368	0.46	0.43	0	1	Own calculation
Number of asylum seekers	368	9001.96	16359.36	262.00	203129.00	Federal Office for Migration and Refugees (2018)
Number of crimes	368	392885.88	328246.88	60651.00	1531647.00	Bundeskriminalamt (2018)
Unemployment rate	368	11.55	4.62	3.60	22.10	Federal Employment Agency (2018)
International border	368	0.63	0.48	0	1	Own calculation

Table 4: Regression results. Annual data. Dependent variable: Dragnet-control policies. 1995-2017.

	(1)	(2)	(3)	(4)	(5)	(6)
Government ideology (rightwing)	0.128[***]	0.145[***]	0.141[***]	0.145[***]	0.144[***]	0.141[***]
	(0.033)	(0.034)	(0.034)	(0.034)	(0.034)	(0.034)
Number of asylum seekers (growth rate)			-0.085			-0.083
			(0.060)			(0.060)
Number of crimes (growth rate)				0.119		0.199
				(0.367)		(0.384)
Unemployment rate (growth rate)					0.206	0.206
					(0.291)	(0.303)
Fixed state effects	No	Yes	Yes	Yes	Yes	Yes
Fixed year effects	No	Yes	Yes	Yes	Yes	Yes
Observations	368	368	352	368	368	352
Groups	16	16	16	16	16	16
R^2 within	0.024	0.143	0.150	0.143	0.144	0.152
R^2 between	0.440	0.440	0.299	0.428	0.418	0.263
R^2 overall	0.036	0.151	0.153	0.151	0.151	0.153

Standard errors robust to heteroskedasticity (Huber/White/sandwich standard errors) in parentheses; *** $p < 0.01$

Table 5: Regression results. Cabinets. Dependent variable: Dragnet-control policies. 1995-2017.

	(1)	(2)	(3)	(4)
Government ideology (rightwing)	0.421***	0.454***	0.455***	0.550***
	(0.086)	(0.113)	(0.088)	(0.116)
Fixed state effects	No	Yes	No	Yes
Fixed year effects	No	No	Yes	Yes
Observations	116	116	116	116
Groups	16	16	16	16
R² within	0.120	0.120	0.328	0.331
R² between	0.379	0.379	0.447	0.438
R² overall	0.145	0.145	0.333	0.331

Standard errors robust to heteroskedasticity (Huber/White/sandwich standard errors) in parentheses; *** $p < 0.01$