COUNTER-SECESSIONISM AND AUTONOMY IN THE FEDERAL SYSTEM OF GERMANY: THE CASE OF BAVARIA

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Bavaria is a special case in German politics. The state has developed a strong regional identity. And this regional identity finds its political expression not only on the state level, but also on the federal level. It would not be surprising if one found a strong political movement for Bavarian autonomy or statehood. But the opposite is the case. Bavaria sees itself as a paragon of cultural, educational and economic success in a federal state. Why is this the case? Why did the strong sense of Bavarian exceptionalism not transmute into secessionism? One obvious answer is that there are incentives for political actors to play the counter-secessionist card or at least to give preference to strategies of political access that provide greater gains than outright secessionism. To explain the paradox of efficient regional identity politics in a non-secessionist environment this contribution first discusses the fate of the Bavarian separatist party, the Bavaria Party (BP). It then moves on to an analysis of the politics of the Christian Social Union (CSU), the regional party that dominates Bavarian political life and has successfully accommodated the conflict between regional autonomy and a federal role for Bavaria. Here we find an explanation for the CSU's internal mechanisms of counter-secessionism.

The separatism that never was

In the post-war years, two Bavarian regional parties competed, the BP and the CSU. The BP was and to the present day still is a party that advocates a separate statehood for Bavaria (Mintzel, 1983). The CSU is an autonomist party fully integrated into the federal framework of German politics. The CSU always had a very small separatist fringe that did not dare to openly challenge the integrationist mainstream. For example, in 2012, the former editor of the party's newspaper *Bayernkurier*, Winfried Scharnagl, published a book entitled *Bavaria can stand alone*, in which he argued in favour of Bavarian independence. To secure internal peace in the party he and a few other former leading CSU figures were recruited by the party leadership for a federalism reform committee that came to nothing. It is unknown whether it ever met. Early supporters of Bavarian secessionism in the

CSU were turncoats from the BP with no influence on party politics. Some of the CSU separatists combined their secessionism with the idea of bringing back the Bavarian monarchy – a thought that only found some resonance in the Bavarian south, the old Bavaria, consisting of the Bavarian districts Upper Bavaria, Lower Bavaria and Upper Palatinate.

The BP's narrative is that Bavaria was tricked into the German Reich of 1871 and ever since Bavaria has been dominated by Prussians. Prussian militarism caused two World Wars and made the Bavarians suffer. For example, they lost their province of Palatinate. The problem for the BP was, however, that their image of Bavaria was not shared by all Bavarian districts. The electorate in the districts outside old Bavaria – Swabia and Franconia – had only to a limited extent the Catholic and agricultural background of the BP's electorate. These districts were also latecomers to the state of Bavaria with their own dialects and history. For them the BP's animosity towards large companies and Germany as the big centraliser was less attractive.

In the post-war years autonomists had a real choice between two parties that were both exclusive to Bavaria: one was the CSU, which also played a role in the national government, and the other was the BP, which fought an uphill struggle against Bavarian integration into Germany. The BP was disadvantaged in this struggle because it got its license as a political party from the Allied forces only after the CSU had received its own. In early 1946, while the CSU was allowed to function as a political party, the BP did not receive permission until March 1948. All post-war Bavarian parties had stressed the need for a federal order in Germany that gave maximum autonomy to Bavaria. The idea of a separate Bavarian presidency was only narrowly defeated (Baer, 1971: 57). In the Bavarian constitution of 1946 a two-chamber parliament with a senate organised along the lines of Catholic social thought was guaranteed. No other German state had a second chamber.

The BP's separatism remained, however, outside the political mainstream, and it came too late. As the BP did not exist in 1946, it could not influence the debates on the Bavarian constitution. The same is true for the German constitution, the Basic Law, because the BP was not part of the Bavarian government. Bavaria abstained in the vote on the German constitution because it was argued that this constitution did not give sufficient autonomy to the states. But at the same time Bavaria accepted that in future it would work under the new constitution and would not challenge its legitimacy. As Hans Ehard said in 1945 "Bavaria was always a part of Germany. It was inconceivable to think of a Germany without Bavaria. Bavaria will always remain a part of Germany" (Gallwas, 1999: 89).[1] In the negotiations on the future German constitution Bavaria was represented by the first elected Bavarian government of 1946. The CSU had formed a coalition with the Social Democrats (SPD) and the Economic Reconstruction Association (WAV). Hans Ehard became the CSU's first Bavarian head of government.

The history of the BP and the CSU is one of fierce competition, of politicians moving from one party to the other, of attacks on the reputation of political representatives, of abuse of administrative powers to exclude the political competitors and of a perjury trial in 1959 that

1. Author's own translation.

efficiently "decapitated" the BP leadership (Mintzel, 1983: 406). The BP's charismatic leaders Joseph Baumgartner and August Geislhöringer were sent to jail. The CSU had surreptitiously orchestrated the "casino scandal" that was behind the court's decision. The party then successfully monopolised the interpretation of Bavarian identity, and merged its presence in government with an exclusive grip on Bavarian politics (Hepburn, 2008). Table 1 illustrates the electoral consequences of the struggle for the crown of the true Bavarian party. The BP started as a serious rival to the CSU. In the 1950 election the BP reduced the CSU's share of the vote by almost 50%. This was, however, the best ever result for the party. What followed was a steady decline in electoral fortunes. Since 1966 the BP has no longer been represented in the Bavarian Parliament (Landtag). It is now less than a minor party, although it "represents" Bavarian secessionism. This demonstrates in other words that secessionism was never a real political force in Bavaria. It was, for a short time, a contested topic. Today there is a not even a discourse of any relevance on Bavarian separatism.

Table 1: Election results: BP and CSU votes in %. Elections to the Bavarian parliament

Year	CSU	BP
1946	52.3 (absolute majority of seats)	Not yet licensed
1950	27.4	17.9
1954	38.0	13.2
1958	45.6	8.1
1962	47.5 (absolute majority of seats)	4.8
1966	48.1 (absolute majority of seats)	3.4
1970	56.4 (absolute majority of seats)	1.3
1974	62.1 (absolute majority of seats)	0.8
1978	59.1 (absolute majority of seats)	0.4
1982	58.3 (absolute majority of seats)	0.5
1986	55.8 (absolute majority of seats)	0.6
1990	54.9 (absolute majority of seats)	0.8
1994	52.8 (absolute majority of seats)	1.0
1998	52.9 (absolute majority of seats)	0.7
2003	60.7 (absolute majority of seats)	0.8
2008	43.4	1.1
2013	47.7 (absolute majority of seats)	2.1

Source: Bayerisches Landesamt für Statistik and Hirscher, 2012.

The CSU: Counter-secessionism via the political integration strategies of autonomists

There is a widespread misunderstanding that what the CSU wants is more autonomy for Bavaria or a greater decentralisation of state powers in Germany (Hepburn and Hough, 2011: 79). This misunderstanding is nurtured by the party itself and its self-styled role as champion of federalism. The CSU is, indeed, a separate political entity, but its purpose is a role in national politics. To secure such a role it uses its regional base. Here it needs to be successful. No matter what the CSU's allies in the CDU – its conservative sister party outside Bavaria – want, the CSU will always have only one priority: an absolute majority of seats in the Bavarian parliament. This makes

the CSU an awkward partner for the conservatives in the rest of Germany at least as long as the Bavarian electorate has preferences different from the ones of Germany as a whole. Symbolic gestures of anti-Berlin politics may help to close the regional ranks but should not be misunderstood as an expression of autonomist politics. The overarching aim of the CSU is not to strengthen the separate political existence of a Bavarian polity. On the contrary, over the years German federalism has become more centralised and unitary in character with the help and support of the Bavarian government (Sturm, 2013a; Sturm, 2015).

The key question for the CSU is how to organise maximum political success in Bavaria. One precondition is that it has no conservative rival in Bavaria. From start, the CDU and the CSU agreed not to compete at elections. This means in practical terms that the CDU only exists outside Bavaria and the CSU restricts itself to the territory of Bavaria. Though in the years of Franz Josef Strauss – a CSU party leader with national popularity – there were initiatives from outside Bavaria for an all-German CSU, the party leadership hesitated to support this idea. After German unification, the CSU seemed to be in a more difficult situation because, on paper, with an increase of the electorate it could become more difficult for the CSU to pass the 5% hurdle for membership in the German parliament at federal elections. The party leadership toyed with the idea of an East German partner, the DSU. The fear that the CDU would retaliate with a Bavarian branch stopped further efforts. Another threat to the dominant role of the CSU were the parties to the right of the CDU – the Republicans in the 1980s and today the Alternative für Deutschland (AfD). Today, as in the past, the CSU reacts to the challenge from the right by offering the voters a manifesto that includes the major demands of such right-wing challenger parties. This may estrange the party from the CDU, as for example with regard to the question of a maximum number of migrants Germany should welcome, but more importantly for the party such a strategy helps solidify the approval rates for the CSU.

The second problem for the party is to find an optimal solution for the management of the party in the capital and in Bavaria. The key here is the best possible allocation of power centres on the federal and the Land level (Kießling, 2004; Sturm, 2013b). The party has to make two strategic decisions. One is whether the party chairman (so far no woman has held the post) should accept a ministerial post in Berlin (before Berlin it was Bonn) or should sit in Munich. A second decision to be made is whether the chairman of the party and the head of government (Ministerpräsident) should be the same person or there should be different people for the two jobs. If the Ministerpräsident is at the same time party chairman the CSU's man or woman in the capital heads the influential CSU Landesgruppe (land faction in the conservatives' joint parliamentary party). The Landesgruppe has a right to veto the decisions of the CDU/CSU parliamentary party in the national parliament. The fact that strategic decisions, which include the federal level of German politics, are so central to the party's strategic options demonstrates again that the CSU is not a party with an exclusive regional and autonomist focus. Its fabric always combines the national and the regional outlook. Given the choices mentioned for the CSU this leaves us with the options listed in table 2.

Table 2: The strategic choices for the CSU to combine Bavarian and national politics		
Options	**Power centres**	**Examples**
1	Party chairman in federal capital (cabinet)/ Bavarian head of government	1962–1978 Franz Josef Strauss/Alfons Goppel; 1988–1993 Theo Waigel/ Max Streibl; 1994–1998 Theo Waigel/Edmund Stoiber
2	Party chairman in Munich/ Bavarian head of government	1946–1949 Josef Müller/ Hans Ehard; 2008 Erwin Huber/Günter Beckstein
3	One person in Munich is both party chairman and Bavarian head of government	1949–1954 Hans Ehard; 1957–1960 Hanns Seidel; 1978–1988 Franz Josef Strauss; 1999–2007 Edmund Stoiber; since 2008 Horst Seehofer

Source: Hanns-Seidel-Stiftung (1995) and author's own data.

What is the best strategy for a regional party with national ambitions? History does not tell us. The CSU has tried all three options. Many of the effects of the option chosen depended on personalities, and all three options have advantages and disadvantages. It is, however, obvious that none of these options led to demands for greater autonomy for Bavaria. The challenge for the CSU remained how to remain an influential force in national politics and at the same time to be authentically Bavarian and able to win absolute majorities in Bavarian elections. Option 1 seems to offer the most far-reaching degree of nationalisation for a regional party. With the party heavyweights Franz-Josef Strauss (defence minister in the cabinet of Konrad Adenauer and finance minister in the cabinet of Kurt-Georg Kiesinger) and Theo Waigel (finance minister in the cabinet of Helmut Kohl) the CSU got a lot of attention as a national party. This model could only work, however, with a father figure as head of the regional government in Bavaria. Only the combination of both guaranteed electoral success at Land elections. During Alfons Goppel's time in office as Bavarian Ministerpräsident his regional popularity worked well to secure support for the CSU even if the party chairman was restricted by cabinet discipline when he sought confrontation with the Bonn government. This successful model did not work well when Theo Waigel was chairman of the party. His first partner as Ministerpräsident in Bavaria, Max Streibl, did not succeed in developing a fatherly image as office holder. He lost office because of a corruption scandal. His successor Edmund Stoiber also tried to consolidate the CSU in Bavaria by provoking conflicts with the party chairman. Theo Waigel, as minister of finance, was responsible for the introduction of the euro (he even invented its name). As the euro was unpopular in Bavaria, Edmund Stoiber attacked its introduction and wanted Theo Waigel to resign from the party chair. This conflict illuminates the blame game that is possible if the jobs of party chairman and Ministerpräsident remain separated. The CSU can at the same time be involved in national government decisions and oppose these decisions. This blame game can, of course, also be played when options two or three are chosen.

Option 2 is the least attractive for the CSU because it has no institutionalised role in national politics and is weakened by competing power centres. The party chairman can take part in coalition meetings in the capital if the conservatives are part of the national government, but he lacks any kind of national electoral appeal which could be added to the influence on voters that comes from the Ministerpräsident. Option 3, however, empowers the party leader, who is at the same time head of government in Munich. In this role, he can play the game of outsider to the national government and government critic in the name of Bavaria, and at the same time if the CSU is in the national coalition he can intervene in national politics. Strong Ministerpräsidenten present their Bavaria as an example of good government for the whole of Germany. Two of them, Franz Josef Strauss in 1980 and Edmund Stoiber in 2002, even became the conservative parties' candidates for the office of the Federal Chancellor. This, by the way, is further evidence of the counter-secessionist orientation of the CSU.

The international dimension

Contrary to the misunderstanding in the English language literature (Hepburn 2010: 540; Padgett and Burkett 1986: 114; etc.) the CSU cannot be identified as "separatist" or "autonomist". The CSU is a party with a regional base but national ambitions. This forces the party to give priority to the preferences of the Bavarian voter. Otherwise, the party would have no chance of winning the landslide election victories that are necessary to pass the 5% hurdle nationally for elections to the German parliament. The absolute priority of winning regional elections can lead to conflicts between the political preferences of Bavaria and the Conservatives on the national level. From outside this may look like a struggle for autonomy. It is, however, only part of the strategic necessity to put Bavaria first in order to stay involved in national politics. The CSU has to balance interests on the regional and the national levels, and it has tried several models to organise interest intermediation. It is beyond doubt, however, that among the strategies chosen we do not find a priority for Bavarian autonomy over national integration.

The party political Bavaria First logic finds its expression in foreign policies too. Germany's cooperative federalism tolerates a parallel foreign policy of the German states. In the past, Land governments mainly concentrated on efforts to help regional industries abroad. They see themselves as door openers for regional investors and offer help for foreign direct investment in their states. In recent years, the Bavarian government has given its parallel foreign policy an explicitly political dimension. In its effort to increase party political support in Bavaria the CSU has taken foreign policy initiatives that are in conflict with German foreign policy or at least tend to contradict the official position of the German government. For example, there are strong voices in the CSU's leadership that advocate a better relationship with Russia, not least for economic reasons. The Bavarian prime minister, Horst Seehofer, accompanied by the former Bavarian prime minister, Edmund Stoiber, has visited Vladimir Putin several times. He supported the end of sanctions against Russia.[2] With Victor Orbán of Hungary the Bavarian government shares a critical attitude towards

2. http://www.faz.net/aktuell/politik/bundestagswahl/parteien-und-kandidaten/die-csu-und-die-aussenpolitik-wie-horst-seehofer-die-provinzialitaet-abstreifen-will-14918807.html (21.10. 2017).

Angela Merkel's refugee policies. The Bavarian government has established a close relationship with the Visegrád countries and tends to play down democratic deficits in Poland and Hungary. In Bavaria, the foreign policy dissent with Berlin is not seen as a problem – it may not be a decisive vote-winning device. But it has the double advantage of securing regional interests (economic ones, and the interest in keeping refugees out) and of demonstrating to the Bavarian voter that the CSU defends Bavarian interests even if this means (low-level) conflict with the national government.

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