

ROLE OF OPPOSITION IN CONTEMPORARY PARLIAMENTARY DEMOCRACIES – THE CASE OF SLOVENIA

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While the role of institutionalized parliamentary opposition in legislative and wider political processes is most important for the quality of parliamentary democracy, opposition has been inadequately researched and the actual behaviour of opposition in a particular country or a set of countries has not been properly explained. Traditional functions of parliamentary opposition – to propose, oppose, expose and depose have been in highly politicized circumstances in post-Socialist countries frequently intended to block the government's proposals and to delegitimize coalitional government. The paper presents the particular model of government-opposition relation in Slovenia where opposition was using constitutionally designed means of control, being at the same time over equipped with possibility to demand a referendum on matters which have been decided in the parliament what made the legislative process controversial and futile. After the change of constitution in 2013 the opposition has had to change its strategies and adopt a more cooperative attitude.

Key words: opposition; traditional functions; parliamentary means of control; extra-parliamentary means of direct democracy; model of government-opposition relations.

1 INTRODUCTION

Political opposition is an essential feature of modern democracy and of contemporary parliamentary systems. According to Robert Dahl political opposition with legally existing political parties is not only modern, but also one of the greatest social discoveries (Dahl 1969, 17). As von Beyme noted in 1973 opposition can develop only in a constitutional state where decisions are taken on the basis of majority vote and certain rights are granted to the members of representative bodies (Beyme 1973, 157). Without a working opposition, there is neither political democracy nor rational management in a modern state. Though there are only few studies of the repositioning of the opposition and

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there is no systematic analysis of the powers of opposition in advanced democracies (Helms 2004, 25).

The concept of opposition has been particularly useful for the explanation of the dramatic changes, which have taken place in a number of countries in East Central and Eastern Europe at the beginning of democratization and transition. While the events in 1989 and 1990 in East Central European countries have been interpreted in various and often contradicting ways, the basic explanation lays actually in the fundamental repositioning of the opposition – the critical and dissident elements of social forces transformed themselves into important political players changing positions from outside or periphery of political system to the centre of political decision making (Lewis 1997, 614). It proved that opposition couldn't be connected with hate and destruction but considered as means for peaceful solving of political conflicts including the conflicts with the replacement of political elites. The repositioning of opposition means also alternation between government and opposition.

2 CAPACITY OF NEW OPPOSITIONS IN THE ECE COUNTRIES

The new post-socialist oppositions in ECE countries found themselves in a political situation characterized by institutional fluidity, relatively weak parliaments with dominant executives, and unstable party systems (Kopecky and Spirova 2008, 136). Though inexperienced, the new post-socialist oppositions in ECE countries had to adapt to the new standards of effective parliamentary oppositions and to take over particular traditional functions (Bibič 1993, 67). By performing these functions they helped to consolidate and deepen democracy. The first function of opposition has been from the very beginning to criticize the government by pointing to its weaknesses and failings and to present sound arguments contributing to the rationality of political debate. Performing this function altogether with the second - providing alternatives to government's plans and proposals is considered to be in the best interest of the citizens. The third important function of the new oppositions has been transforming hidden and marginalized issues into foci of political interest taking in account that the gate-keepers of political system do not allow all the interests to be equally represented (Offe 1985, 99). Even more important function of an opposition is to control the executive whether it is operating within the legal and legitimate limits. In the modern parliamentary systems there are several means of control, which have to be cautiously used like parliamentary questions, interpellations and (no)confidence motions. By performing these functions strategically every opposition increases its visibility and legitimation in the public, proving at the same time its operational capacity to take over the government's responsibility during the electoral term or on new parliamentary elections. Winning the next elections is the primary goal of every opposition (Glazer 2007, 2), while minimizing the incumbents chances to be re-elected. However, opposition does not necessarily adopt a negative stance towards the government and may develop also a constructive approach (Norton 2008, 240).

Performing these traditional functions has been a difficult job for new post-socialist oppositions, which were frequently weak, fragmented and unstable in comparison with most of the oppositions in Western countries (Bibič 1993, 72). Various deficiencies in the realization of their functions have strongly influenced their practical and strategic behaviour. Political parties in opposition have frequently felt to be undesired, brought into discredit (Lukšič 1990, 23) or

unjustly deprived of the means of real influence. They considered themselves to be marginalized in the sense of being left without due information about government's intentions and excluded from the decision-making since the government's majority in the parliament could easily outvote the opposition. Sometimes they considered themselves to be manipulated by the strong parties in coalition or by the networks of the 'old boys' of the former system limiting their chances to compete on the next elections. Their behaviour was frequently inconsistent and varied from cooperation and passive resistance to active obstruction of the government. While previous research in Western European countries shows surprisingly high level of cooperation between the government and opposition and the dominant pattern of behaviour is consensus seeking (Mujica and Sanchez-Cuenca 2006, 86), the consensus and cooperation between opposition and government in ECE countries seem to be almost exceptional, while the model of competitiveness prevail. These are the countries where basic disagreements exist over some ideological issues and even over some basic rules of political game.

Taking in consideration great challenges in front of the new parliaments, overburdened with the issues and problems and dealt by inexperienced political actors in the parliamentary arena - coalition and opposition, one might suppose that cooperative style of behaviour and consensus voting cannot be achieved easily and might be influenced by particular internal and external factors.

According to Franco Cazzola (1974, 17) and Mujica and Sanchez-Cuenca (2006, 96) these behavioural variations are depending on particular factors like institutional context and the electoral system with particular effects on the stability of a coalitional government. The electoral system and fragmentation of political parties might be recognized as an 'Achilles heel' of any model of political opposition. The electoral system determines the number of political parties and the way of forming the majority in the parliament while the opposition might be composed of a number of parties with similar or even different political programs. The second factor is the institutional context determining the mode of the incorporation of opposition within the system - how and where in the parliamentary structure the opposition is involved and what kind of veto powers actually has in its hands against the government. The third factor is the nature of party system and ideological positions of political parties on the left-right axis (Sartory 1976, 113). If these positions are predominantly ideological and the distances are strictly observed the parties will lack the potential of consensus building. One of the typical components of such discussion is 'personalization of conflicts' (Olson 1997, 120). The fourth factor is the predominant political culture determining the way of political participation. If political culture is tending towards authoritarian model of leadership the participation might be constrained or even replaced by populist means of direct democracy simplifying political issues and limiting real options. These factors help to explain the behaviour of opposition from 1989 on in comparison with the oppositions in the countries of East Central Europe or of their West-European counterparts (Lewis 1997, 628). The variety of these factors is determining also the capacity of opposition to function parallel or consecutively on various instances or levels - in the parliament, within the civil society, through media, etc.

In this paper we will try to answer three elementary questions - the first is how important is the development of constitutional opposition for the democratization of formerly socialist country and consolidation of democracy. The second question is which are the main factors and other conditions like

historical legacies which have been determining the relation between opposition and coalition in Slovenia and what has been the role of opposition in Slovenia in the period before and after the accession to EU. And the third question is how efficiently has the opposition used the main parliamentary means of control over the government altogether with the extra-parliamentary means.

3 PATTERNS OF OPPOSITIONAL BEHAVIOUR IN SLOVENIA 1990–2014

In our study of oppositional behavioural patterns in Slovenia we will take into consideration some already existing statistical and other research data on the transition of Slovenia revealing the legalization and institutionalization of opposition after 1989 (Jambrek 1992, 93) when an amendment to the constitution of the Socialist Republic of Slovenia of 1974 was passed by the Assembly of the Republic of Slovenia allowing for the first time after the 2nd WW free political organization. A number of newly formed political parties under the label of DEMOS were later incorporated into the structure of the new freely elected Assembly in April 1990 altogether with the renewed parties of the former system and the later for the first time after the second WW acquired its own internal opposition (Bučar 1990, 3). However, the role of opposition in this preliminary period was conceived as primarily constructive and loyal to the government what was close to the two party model, which had little relevance for the new Slovene multiparty system.²

The final institutionalization of parliamentary opposition was made by the new Constitution of Slovenia of 1991, the Law on the Deputies of 1992 and the new Standing Orders in 1992 (renewed in 2002). We will present some ways and levels of competition between the opposition and the government in six consecutive legislative terms and try to determine the factors, which explain the oppositional behaviour and its variations starting from the fact that the proportional electoral system with 4% threshold has been almost regularly allowing seven parties to enter the National Assembly.³ To the difference of other ECE countries where the number of parties has been radically declining every year, Slovenia still has a rather fragmented or dispersed party system (Olson and Ilonszki 2011, 238). The parliamentary opposition has been therefore regularly composed of several even quite different parties, while a number of parties with rather similar programs constituted the coalition government.⁴ Majority of parliamentary parties, including the Democratic Party

² Based on such concepts a 'shadow government' was formed in 1990 by the new opposition Party of Democratic Renewal (SDP), without chances to take over the government (Lukšič 1993, 155).

³ The National Assembly (Državni zbor) consisting of 90 deputies (88 elected from party lists and two representatives of national minorities) is the main chamber of two chamber national parliament established by the Constitution of 1991. The second chamber – National Council (Državni svet) is representing functional and territorial interests having no direct influence on the legislative process in the National Assembly. According to its prerogatives it may veto a bill passed in the National Assembly, propose a new bill, or demand an investigation in the matters of public importance.

⁴ Among the right-wing and centre-right wing parties are Slovene Democratic Party (SDS), Slovenian People's Party (SLS) which disappeared in 2014, the New Slovenia (NSi) and Slovene National Party (NSI) which disappeared in 2011. Among the centre-left and left parties have been Liberal Democracy (LDS) which disappeared in 2011, Zares, which disappeared in 2011, Party of Slovene Pensioners (DeSUS), Civic List (DL) which disappeared in 2014, the Social Democrats (SD), Positive Slovenia (PS), which disappeared in 2014, Alliance of A. Bratušek (ZaAB), Party of Modern Centre (SMC) and the United Left (ZL).

of the Slovene Pensioners (DeSUS), were willing to enter coalitions or to join opposition regardless of their strength. Only the right-wing Slovene Democratic Party (SDS), due to its perception of politics, has taken a strong opposition attitude if it was not able to have the leading position in the coalition government.

TABLE 1: TYPES OF COALITIONS AND OPPOSITIONS IN SLOVENIAN NATIONAL ASSEMBLY (1990–2014)

Legislative Term	Type of Government Coalition	No. of Seats	% of Seats	Type of Opposition	No. of Parties in Opposition	No. of Seats	% of Seats
1190-1992*	Demos	47	58.7	left-wing	2	31	39.7
1992-1996	'mixed'	55	61.1	right-wing	4	33	37.7
1997-2000	'mixed'	49	54.4	right-wing	3	39	44.3
2000	right-wing	46	51.1	left-wing	4	42	47.7
2000-2004	'mixed'	62	68.8	right-wing	4	26	29.5
2004-2008	right-wing	49	54.4	left-wing	4	39	44.3
2008-2011	left-wing	50	56.8	right-wing	3	38	43.2
2012-2014							
28. Jan 2012–27. Feb. 2013**	right-wing	50	40.9	left-wing	2	38	43.2
27. Feb. 2013–5. May 2014***	left-wing	50	56.8	right-wing	2	38	43.2

Source: Electoral Commission of the RS, Statistical Reports on the Elections in 1990, 1992, 1996, 2000, 2004, 2008, 2011 and 2014.

*The transitional National Assembly composed of three chambers – freely elected in April 1990 and dissolved after the first elections to the new National Assembly in December 1992.

** The first part of the mandate ended by the constructive no-confidence vote.

*** Second part of the mandate ended by the resignation of the Prime Minister.

We will analyse the behaviour of parliamentary opposition as it has been demonstrated in various ways and forms - by consensual or adversarial voting and by the use of various parliamentary means of control over the government – parliamentary questions, interpellation and constructive vote of no-confidence. Finally we will investigate also the use of extra-parliamentary devices like the means of direct democracy.

3.1 Voting and voting cohesion

As much as the voting for and against the government proposed bills in the parliament is important part of the behaviour of opposition, the cohesion voting in the modern parliaments is considered to be the best indicator of the cooperative behaviour. Taking in consideration previous models of oppositional behaviour it depends to a great extent on the level of inclusiveness of opposition into the parliamentary structure and procedure (Helms 2004, 30) where members of opposition have particular rights and duties.

Opposition parties in parliamentary systems with proportional electoral systems are usually highly involved in the decision-making. Though the legislative initiative has been mostly with the government, the opposition parties in the Slovene National Assembly have certain co-governing powers since they are included in the agenda setting process taking place in the advisory body to the Speaker (Kolegij) and in the standing committees, enjoying even certain priorities (leadership of certain supervisory committees). Like in the other post-communist parliaments in the ECE countries political parties are proportionally included in the standing committees with deliberative working style and assigned a proportion of the chairmen positions in these committees (Mansfeldova 2011, 141). The distribution of these positions has been sometimes a matter of institutional conflict (Khmelko 2011, 209). The whole committee structure and composition of the committees undoubtedly favour consensual pattern of government-opposition relation rather than adversarial

style of behaviour of both actors. It is in the committees where the opposition can present its opinions and disagreements on the topical or 'ad hoc' policy choices presented by coalitional government or even negotiate with the coalition majority. By delaying the process in different stages or threatening with the use of other devices like demanding the Constitutional Court to rule over the constitutionality of the passed bill, the opposition in the National Assembly may force the government to make concessions and come to consensual solutions. It may also put pressure on the government to accept its positions by using its veto power since any change of constitution or change of particular bills on electoral system etc. and Standing Orders (renewed in 2002) requires a two-third majority. A significant number of decisions could have resulted from such negotiations and deals. Though such consensual working pattern which could promote co-operational behaviour and lead to the consensus voting has been hardly realized in practice.

The data on the voting in the Slovene National Assembly show that the consensual voting does not meet the level of consensual voting in other parliaments. Comparative data collected in the parliaments of Germany, Great Britain and Italy show surprisingly developed cooperation between opposition and government and in some parliamentary terms high level of consensual voting (Rose 1980, 80). In German Bundestag a unanimous decision-making style was even discovered and only about ten per cent of legislation was a matter of different voting (Saalfeld 1990, 77). Similar patterns of cooperative behaviour have been discovered lately in the Spanish parliament (Mujica and Sanchez 2006, 87). A similar analysis in the U. S. A. Congress on the roll-call voting on 742 most important pieces of legislation from 1967-2004 showed that the index of cohesion voting at the end of the 60s and the beginning of the 70s was around 33 per cent, while in the early 2000s it more than doubled (Theriault 2005).

In order to establish the level of cohesion voting in the Slovene National Assembly we may use the data on the roll call voting of the deputies in the period of 1994-2008.⁵ For their analysis the agreement index (AI) was applied measuring the level of agreement of the deputies between the values 0 – total disagreement or no-cohesion and 1 – total cohesion (Hix et al. 2005, 216).⁶ Our analysis of voting patterns showed some important changes in time – the cohesion was actually low before the 1997 and augmented after when Slovenia's process of joining the EU was intensified and the political parties signed 'Agreement on the Cooperation in the Process of Joining the EU' demanding high level of consensual behaviour.⁷ The deputies were voting strategically in the common interest, which did not contradict the interest of the parties (the only exception was the Slovene National Party – SNS). Cohesion voting diminished again after 2004 when the strategic goals of the country were achieved by entering the EU and NATO. At the same time we can explain the return to low level of cohesion and an increase of oppositional voting also by the fact that defeated parties of the left centre demonstrated openly their dissent with the right-wing winners leaving little room for negotiations and

⁵ The data were gathered within the first parliamentary research of cohesion voting in the Slovene National Assembly taking the record of 10.512 votings (Deželan et al. 2009, 29).

⁶ The index was calculated according to the formula taking into account Y (number of deputies inside the National Assembly voting for) and N (number of deputies voting against).

⁷ In this period some most important acts were adopted in the Slovene National Assembly – the Pre-accession strategy, the Constitutional Law on the change of Art. 68 of Slovene constitution allowing the foreigners to purchase land property, Government's Strategy of Joining the EU etc. The intensive process of harmonization of Slovene legislation with the EU legal system from 1999 to 2002 also demanded high level of political consensus and voting cohesion.

search for pragmatic solutions. It is evident that the influence of European integration process on the oppositional behaviour was not long lived and the patterns of political competitiveness and antagonism reappeared, diminishing again the voting cohesion. The oppositional voting increased in spite of the new agreement 'Partnership for development' signed in 2006 by some left- and right-wing political parties. The experiences with the integration did not make the qualitative change of the political norms and behaviour (Deželan et al. 2009, 35). Voting cohesion has not increased as was expected even in the 2008 when Slovenia was presiding the EU showing that the deputies in opposition considered presidency as a government's project. Though we lack exact data for the period after 2008 elections we may suppose that the behaviour of political parties in National Assembly after these elections and especially after 2011 and 2014 early elections has not changed and the cohesion voting might even be lower (a new research of cohesion voting has not yet started). Though there are also surprising examples of cohesion voting because of the impact of economic crisis on the strategies of political party groups.

3.2 The Use of the Parliamentary Means of Control over Government

Besides the active participation in the legislative process and voting the opposition in post-socialist countries can challenge the work of the government also by using different means of control. Constitutionally designed means of control like questions, interpellations and confidence votes represent special opportunities for every opposition to demonstrate its strength vis-a-vis the government and its capacity to secure its continuous responsiveness or even to take over the governmental position.

Among various means of control the *parliamentary questions* have become a regular way of communication of opposition with the government in the parliaments of democratic countries. Though they are primarily the means by which parliamentary opposition is demonstrating its legitimate existence and importance in the democratic process. Parliamentary questions which are constantly addressed to individual ministers and the government may be very differently motivated (Rasch 1992, 14). An increase of parliamentary questions in Western European Parliaments is a common reaction to the growing powers of the executive. In East Central European parliaments (Hungarian, Czech, Polish, Slovene or Croatian) it is also a demonstration of the growing critical potential of these parliaments. Parliamentary questions are not only intended to allow the criticism of opposition to be openly expressed, they may also be pointing to the issues and dilemmas which were disregarded by government in the preparatory stages of some bills or appeared during their implementation (Norton 1993, 112). They are even most appropriate means for promotion of opposition since the work of oppositional deputies in standing committees is mostly hidden from the eyes of the public. The governments in post-socialist countries seem to be even more sensitive to oppositional question and sometimes even want to overtake them (Zajc 2004, 218). As some preliminary research in Slovenia shows critical question of opposition contribute to the more responsible and accountable work of the ministers and of entire governments. If a minister cannot explain its activity or certain action in a credible and trustworthy way, his position may be endangered also from the inside of the coalitional government.

The growth of parliamentary questions in the Slovene National Assembly in the period 1992-2014 demonstrates the relative increase of the capacity of opposition in the Slovene National Assembly to establish efficient control over

the government. Opposition was strategically using questions in order to obtain information over government's activity, trying at the same time to expose some inconsistencies in the policy implementation or mistakes of responsible ministries and members of cabinet. A small number of questions were addressed to the government and responsible ministers by the deputies belonging to the majority parties in order to promote government's policies.

TABLE 2: NUMBER OF PARLIAMENTARY QUESTIONS IN THE SLOVENE NATIONAL ASSEMBLY BY LEGISLATIVE TERM

Legislative term	Number of All Parliamentary Questions	Questions asked by Opposition	%
1992-1996	1.761	*	*
1996-2000	1.586	*	*
2000-2004	2.459	1.895	77.1
2004-2008	3.144	2.691	85.7
2008-2011	3.148	2.346	77.4
2012-2014			
28. Jan 2012–27. Feb. 2013	771	562	72.9
27. Feb. 2013–5. May 2014	1.236	936	75.2

Source: National Assembly of RS, Regular Reports - 2006, 2000, 2004, 2008, 2011 and 2014.

*Data not available

A careful examination of the content of the parliamentary questions also reveals main confrontation line between the opposition and coalitional government and exposes a number of evident conflicts on particular policy fields where both sides have taken entirely adversarial and uncompromising positions. Only minority of questions put by opposition parties actually had an effect on the practical directions of the government or the activity of a minister or helped to solve some problem in a consensual manner. What we could count as an evident gain from the regular question time was an open exposure of most important political and other issues, which the coalition government disregarded have been brought to public attention and served as means of political mobilization of the voters.

To the difference of parliamentary questions, *interpellations* are determined by constitution as means of control over individual members of government or the whole government, which may lead to a sanction. Parliamentary interpellations are variously determined by constitutions, so comparisons are difficult. The real effects of interpellations in contemporary parliaments are not necessarily in the resignation of a minister or government, but in a critical debate on the particular important issues. Since the number of deputies necessary for initiating an interpellation is relatively low (the Slovene Constitution in the article 118. stipulates that at least 10 deputies may initiate an interpellation), the opposition may use it even if it is weak and small in number. As in other transitional countries the coalition governments in Slovenia have been in all cases with few exceptions unified and sufficiently strong to support the ministers and vote down the interpellation. In the past 6 terms of National Assembly there 36 interpellations were initiated against individual ministers or against the government of RS.

TABLE 3: INTERPELLATIONS IN THE SLOVENE NATIONAL ASSEMBLY BY LEGISLATIVE TERM

Legislative term or Change of Government	Number of Interpellations	Type of Opposition
1992-1996	11	right-wing
1996-2000	7	right-wing
2000-2004	4	right-wing
2004-2008	3	left-wing
2008-2011	4	right-wing
2012-2014		
28. Jan 2012–27. Feb. 2013	2	left-wing
27. Feb. 2013–5. May 2014	5	right-wing
All together	36	

Source: National Assembly of RS, Regular Reports - 2006, 2000, 2004, 2008, 2011 and 2014.

Interpellations in the Slovene National Assembly were initiated by oppositional party groups or various groups of oppositional deputies. Only two interpellations against individual ministers were successful and the ministers were forced to resign (Minister for foreign affairs Z. Thaler in 1996 and Minister for internal affairs M. Bandelj in 1999). Three ministers resigned after the interpellation was introduced and before the final voting. Six of the introduced interpellations were not put on the agenda because the term has expired. Initiating an interpellation has in the past years also become more demanding for opposition and it did not want to take chances and blame itself since the public opinion was reacting negatively to precipitated interpellations, which led to excessive accusations and unproductive quarrelling. It is therefore not surprising that the number of interpellations dropped after 2000 when coalitional governments became stronger and internally more cohesive. A new rise of interpellations initiated in the sixth (2012–2014) mandate may be attributed to the effects of economic crisis which opened new conflicts between the left- and right-wing parties regarding the social functions of the state etc.⁸

⁸ In the first 1992-2006 term eleven interpellations were introduced - against Minister for Justice (Miha Kozinc), Minister for finances (Mitja Gaspari), Minister for education and sport (Slavko Gaber), Minister for culture (Sergij Peljhan), Minister for environment (Pavle Gantar), Minister for defence (Jelko Kacin), Minister for Justice (Meta Zupančič), Minister for economic activities (Maks Tajnikar), Minister for foreign affairs (Zoran Thaler), Minister for health (Božidar Voljč) and against the Government of RS.

In the second 1996-2000 term there were seven interpellations introduced - against the Government of RS and against Minister for defense (Alojz Krapež), Minister for education and sport (Slavko Gaber), Minister for internal affairs (Mirko Bandelj), Minister for Agriculture (Ciril Smerkolj), Minister for finances (Mitja Gaspari) and Minister for Foreign Affairs (Alojz Peterle).

In the third 2000-2004 term there were four interpellations introduced - against Minister for environment (Janez Kopač), Minister for internal affairs (Rado Bohinc), Minister for health (Dušan Keber) and against the Government of RS.

In the fourth 2004-2008 term there were three interpellations introduced - against Minister for culture (Vasko Simoniti), Minister for public health (Andrej Bručan) and Minister for internal affairs (Dragutin Mate).

In the fifth 2008-2011 term there were four interpellations introduced - against Minister for education (Igor Lukšič), Minister for agriculture forestry and food (Milan Pogačnik) and two interpellations against Minister for internal affairs (Katarina Kresal).

The sixth 2012-2014 term may be divided on two parts – after the first early elections at the end of 2011 the right wing coalition government under the leadership of J. Janša was established, while the left-wing opposition introduced in 2012 two interpellation against the minister for Internal Affairs Vinko Gorenak and Minister for High education and Science Žiga Turk. When Alenka Bratušek was elected for new Prime Minister by constructive no-confidence motion on 27. February 2013 and new left-wing government was established, the right-wing opposition introduced five interpellations – against Minister for finances Uroš Čufer, Minister for infrastructure Samo Omerzel, Minister for public administration dr. Grega Virant (twice) and against Minister for education dr. Jernej Pikalo.

The *vote of confidence* is a particular means of opposition designed in modern constitutions for challenging the government. At the same time it may be used also by the government for testing the unity of the partner parties. In some ECE countries the opposition has excessively used this instrument but unsuccessfully (Kopecki and Spirova 2008, 149). In practice the confidence vote proved to be efficient means for strengthening the discipline among the partner parties at the time of the passing the bills which were met with objections within coalitional government. The motion of confidence has been a practical device used by governments in several countries.⁹ Though the confidence vote does not necessarily help the coalition government to continue its term since opposition may vote it down being helped by some defecting parties or groups of MPs.

The simple vote of confidence determined by the Slovene constitution (Art. 117) may actually be introduced only by the Prime Minister binding the confidence vote either to the passing of a particular proposal of the bill or to the proposal of the candidates for new ministers replacing the ministers belonging to the parties deserting coalition. Such attempts to strengthen the unity of the coalition partners were opportunities for opposition to vote against the government's proposal with intention to overthrow the government. In the period 1992–2014 the confidence vote was introduced four times. In 2000 the first confidence motion introduced by the Prime Minister dr. J. Drnovšek was voted down and the opposition turning into majority with only a few additional votes later elected new Prime Minister. The second time it was introduced in 2007 by Prime Minister J. Janša, binding it to the preparations of the Slovene Presidency of the EU. In 2011 the confidence motion introduced by Prime Minister B. Pahor was voted down, National Assembly was dissolved and new elections were called. The fourth time the confidence motion was introduced on 14th November 2013 by Prime Minister A. Bratušek, when she bound the vote to the passing of the 2014 budget and new law on taxation of property.

Opposition has only rarely used the *constructive no-confidence vote*, determined by the Slovene constitution (Art. 116) according to the German example (similar system of binding confidence vote on government to the proposal of possible successor to the Prime Minister is known also in Spain and Israel). The first constructive no-confidence motion after the independence of Slovenia was introduced in spring 1992 in the transitional National Assembly (a few months after the modern constitution was adopted in December 1991) by the liberal and mostly left-wing parties. In the third attempt the candidate for new Prime minister dr. J. Drnovšek was elected and the former government led by A. Peterle was dismissed. The constructive no-confidence motion was introduced again on 27. February 2013, when the right-wing coalition was dissolved and A. Bratušek was elected for new Prime Minister, replacing J. Janša.

An additional important means by which the opposition can exercise control over the government is parliamentary investigation. Taking the opportunity to launch an investigation the opposition exercises the right of every parliament to be fully informed about any matter dealt by the executive. Though the right to initiate an investigative committee can be used also by the parties of coalition

⁹ The Czech government lost vote of confidence midway through the Czech presidency of the EU and the remaining time of presidency was administered by a caretaker government (Špicarova, Staškova and Mansfeldova, 2009: 87). In the recent time it was frequently used by Silvio Berlusconi, Prime Minister in the former Italian government in order to secure sufficient votes among coalition composed of a number of different parties for passing the government's bills in the two chamber parliament.

government it is the opposition which is mostly interested to control the actions of the government when dealing with the matters of particular importance and to investigate the political responsibility public officers.

The right of the National Assembly to launch an investigation is determined in the Slovene constitution (Art. 93) and by the law on parliamentary inquiry, adopted in 1993. There were sixteen committees of inquiry established in different mandates in the period 2000-2014, ten of them on the initiative of opposition parties or groups of MPs belonging to these parties. Six investigations were introduced by coalition parties or groups of MPs, some intended to deal with the responsibility of the former government. While the establishment of the committees of inquiry attracted great deal of parliamentary and public attention, a number of committees have not finished their work or prepared the report before the end of particular mandate for various reasons (demanding and time-consuming work, lack of specialized legal knowledge etc. The results of parliamentary inquiries introduced by opposition or coalition parties neither impacted seriously the relations of power between the coalitions and oppositions nor the prospects of particular parties on the next elections.

3.3 The use of extra-parliamentary means - calls for referendum

Besides the possibilities to participate in the parliamentary legislative process and large opportunities to use constitutionally designed means for controlling the government, opposition rarely has opportunity to challenge the policies of the government by using extra-parliamentary devices like referendum. Such instruments are not recognized as genuine devices of political opposition nor they can be found in countries where the emphasis is on the representative democracy. The use of referendum is excluded in the political systems with parliament-centred opposition with no veto and/or co-governing devices for minority parties (United Kingdom) or in the systems with strong co-governing devices and parliament-centeredness of institutional means of political opposition (Germany). The use of abrogative referendum worked in Italy as a catalyst of the regime change (Helms 2004, 54). Optional referendum is considered as an exceptional device and not as a complementary means to the legislative decision-making. Frequent calls for referendum in the cases when a decision was already taken in a parliament would contribute to the misuse of the means of direct democracy and harm the authority of the parliament. Even in the countries of ECE where such constitutional arrangements exist (Hungary, Bulgaria) they are quite restrictive and the opposition is not able to use them (Kopecky and Spirova 2008, 153). A particular exception is Switzerland where referendum is driving force of gradual co-optation of the major opposition parties into oversized coalition government (Helms 2004, 48).¹⁰

Opposition in Slovenia was one of the rare oppositions, which could with no particular restrictions resort to the instruments of direct democracy incorporated in the Slovene democratic model. Constitutional regulation of direct democracy in Slovenia was determined in the 1991 Slovene Constitution in a very broad way. According to the Constitution (Article 90) National Assembly could call a referendum on any issue, which was the subject of regulation by statute. A referendum could be called on its own initiative, but

¹⁰ According to the experiences of the country with long time practice of referenda, referendum is considered as an important strategic device to achieve certain policy goals for opposition and also coalition parties. Negotiations between the opposition and the government may be carried on until a compromise is reached or a referendum may be called.

obligatorily if it was demanded by no less than one-third of all the deputies, the National Council or by no less than 40.000 voters. Referendum was more specifically regulated by the Law on Referendum and People's Initiative adopted in 1994 (amended in 2005) determining that voters may on a referendum decide in advance on particular matter to be regulated by law or decide about the law already passed. No quotas of voters were needed for validation of referendum. If National Assembly considered that a demand for a referendum was not in compliance with constitution it could demand the Constitutional Court to decide upon.

Referendum proved to be an important and frequently used instrument of direct democracy from 1996 on when the first referendum on the electoral system took place. There were altogether 19 referendums until 2013. Their number increased after 2000 when the left-wing coalitional government won amazing majority and the right-wing opposition was reduced to one-third of the deputies. A surprising drop of referendums in the fourth legislative term (2005–2008) was a consequence of the small capacity of left-wing parties, finding themselves for the first time in opposition, to mobilize voters against the new measures of financial austerity brought by right-wing coalition government and of the growing disagreements on the strategies of opposition in the new situation.

The number of referendums increased again during the fifth legislative term (2008–2011) when the right-wing opposition took again an extremely uncooperative attitude combined with attempts to undermine by all means the legitimacy of coalition government. Opposition had several times used other actors like different civic organizations and voters to bring forward the formal demand for a referendum and supported certain issues from behind. The differences in the number of referendums between the electoral terms demonstrate that they have become an important device of right-wing opposition in the period overburdened by the economic crisis.

While the referendums called in previous legislative terms served mainly for rallying the supporters of opposition and had no particular effect on the stability of government, the referendums in the legislative term 2008–2011 had not only aggravated the problems brought by the economic problems but have destabilized the whole political system. In 2011 the right-wing opposition supported referendums on two most important bills regulating the job market and pension system. The new left wing coalitional government established after the 2008 elections attempted to cope with the crisis and to modernize part of the job market aiming to achieve greater transparency and stimulation of students to finish their studies in due time (the actual regulation allowed for the students to compete on the job market). The new Bill on the 'Small Work' was passed in the National Assembly on October 26th, 2010 with sufficient majority of the coalitional deputies while all the deputies of oppositional parties voted against. The veto introduced by the National Council was rejected on the second voting in National Assembly on November 11th. Soon after the demand for a referendum on the bill was introduced by the Union of the Free Trade Unions and student organizations supported by opposition. On the referendum taking place on 10. April 2011 almost 80 per cent of the voters voted against (the turnout was 33.9 per cent).

TABLE 4: REFERENDUMS BY LEGISLATIVE TERM AND TYPE OF OPPOSITION

Legislative term	Referendums on the ...	Type of Opposition
1992-1996	1/ electoral system (1996)	right-wing
1997-2000	1/ thermo-nuclear plant - TET 3 (1999)	right-wing
2000-2004	7/ healing of infertility of women (2001), railways (2003) and telecommunications (2003), joining the EU (2003) and NATO (2003), opening time of the shops (2003), 'technical bill' regarding 'administratively erased inhabitants' (2004)	right-wing
2004-2008	4/ the bill on RTV Slovenia (2005), insurance system (2007), establishment of counties (2006, 2008)	left-wing
2008-2011	6/ ratification of the Arbitration Agreement between Slovenia and Croatia (2010), the bill on the RTV Slovenia - 2 (2010), reform of job market (2011), the bill on state archives (2011), pension reform (2011), prevention of unregistered work (2011)	right-wing
2012-2014		
28. Jan 2012–27. Feb. 2013	1/ the bill on the family (2012)	left-wing
27. Feb. 2013–5. May 2014	1/ the bill on the state archives – 2 (2014)	right-wing

Source: National Assembly of RS, Regular Reports - 2006, 2000, 2004, 2008, 2011 and 2014.

The second Bill on the Pension Reform was bringing a complete reform of the system endangered from the demographic developments and effects of economic crisis. It was passed in the National Assembly on December 14, 2010 with the votes of most of coalitional deputies and against the votes of opposition. A week later the National Council vetoed the bill, but the National Assembly immediately rejected the veto and confirmed the bill. In the politically most delicate circumstances oppositional parties did not take the risk to call a referendum but gave again their undivided support to the initiative of the Union of Free Trade Unions to collect the 40.000 signatures of the voters. After the signatures were collected and the ruling of Constitutional Court that the referendum on the pension bill would not be unconstitutional, the referendum was finally called and the bill was rejected on 5. June 2011 (the turn-out was 40.4 per cent).

The rejection of both bills - the bill regulating the job market and the bill on pension system was in fact a popular no-confidence vote to the government. In the harsh economic circumstances the right-wing opposition took the most adversarial style of behaviour and increased its pressures on the government divided by internal conflicts. Coalition government started to disintegrate – several parties withdrew from the coalitional government in 2011 (DeSUS and the liberal Zares) turning the government into minority government. Prime Minister B. Pahor tried to replace the ministers who stepped out of the government binding his proposal of five new candidates to the vote of confidence. The negative confidence vote on September 20th was a new victory for opposition (36 MPs voted for and 56 against). President of Slovenia D. Turk for the first time in the parliamentary history of Slovenia dismissed the National Assembly and called for the preliminary elections on the 4th of December 2011. Though the new left-wing party Positive Slovenia won greatest share of the votes, the coalition government was finally composed of the right-wing parties and DeSUS under the leadership of J. Janša.

While the proposals of various initiators (individuals, groups of MPs, Trade Unions) for calling referendums augmented again only one referendum on the Law on the Family took place on 25 March 2012. On this referendum with 30,1% turnout a majority of 54,5% voted against the provisions determining equality of the same-sex partners regarding adoption of the children.

In the Slovene parliamentary system the instruments of direct democracy could not force the opposition and government to compromise but served primarily as a means for deepening the differences and undermining the stability of government. The use of these instruments has not proved to be a democratic device in most cases. By resorting to referendum the adversarial or even hostile right-wing opposition wanted not only to discredit the government but to mobilize its voters in order to block certain reforms. The use of referendums had its price also in the exceptionally high time costs of policy making or implementing structural reforms needed for consolidation of the state finances and countering the economic crisis. At the same time the organized and financially powerful interest groups and different Trade Unions managed to influence the referendum options and timing to their advantage. It was considered by more and more political parties on both sides that the incorporation of the means of direct democracy in the political system of Slovenia meant an over-equipping of the opposition and that its extra-parliamentary veto powers frequently block the urgent reforms.

The only solution in the present situation of economic crisis was limiting the possibilities for misuse of referendums by the changing the Constitution of RS (Articles 90., 97. and 99.). The change, proposed by the left-wing government, adopted on 24 May 2013 without a vote against has abolished the right of the one third of the deputies and of the State Council to demand a referendum (the same right remained only with 40.000 of the voters). It can not be called also on the laws on the taxation, customs, duties and other obligatory charges and on the law adopted for the implementation of the state budget As well it cannot be called on the laws eliminating the unconstitutionality in the field of human rights and fundamental freedoms or any other unconstitutionality. In addition a quorum for the validity of results on referendum has been introduced – the law may be rejected by majority of the voters who have cast valid votes under condition that at least one fifth of all qualified voters have voted against the law. The change of Constitution may be considered as one of the most important examples of non-conflict behaviour and consensual voting in the history of National Assembly.

The new constitutional arrangements on referendum have soon proved to have multiple effects. The first referendum called under new restrictive regulation was proposed by the right-wing opposition demanding to open the files of the secret police gathered in the period before democratization. The referendum-taking place on 8 June 2014 failed (the turnout was 11,68%). Though the question of the access to these files was connected with the dark side of the Slovene history the mobilization potential of the initiators of referendum in the period of harsh economic crisis turned to be weaker than expected. After a new Law on the Family was adopted by coalition majority in the new National Assembly on 3 March, 2015 (with 51 votes for and 28 against) establishing the rights of adoption of children by same sex couples, another initiative for a referendum came from the side of civil activist group 'For the sake of the children'. The group collected the required number of citizens' (40.000) signatures as required by the constitution for a demand for referendum with intention to invalidate changes. Though the coalition majority in the National Assembly again on 25 March, 2015 voted down the demand for the referendum (53 votes for and 21 against) claiming that the new constitutional provisions do not allow referendums on the laws abolishing the unconstitutionality of the matters connected with human rights.

4 CONCLUSION

In Slovenia the major principles of democratic political and economic transformation have been to a greatest degree accepted and the replacement of one ruling group of parties by an opposition has become a standard of normal everyday political life. Though Slovenia constitutes a good example of extremely competitive and adversarial type of politics where cooperation and consensus among the parliamentary parties has not yet become the normal pattern of political behaviour. In the time when the parliamentary rules have not been successfully interiorized the parties of coalition and opposition entered into fierce disputes (Zajc 2008, 75). Predominant type of the Slovenian parliamentary party behaviour still reflects strong and clear divisions between the government and opposition (Deželan and Sever 2007, 46).

Among the factors, which have influenced the opposition, parties' behaviour in Slovenia from 1990s on is on the first place the proportional electoral system with low threshold allowing a number of political parties to enter the National Assembly. The electoral rules allowing for a very fragmented party system are not only rendering difficult the building of stable majority coalitions but also affecting the forming of strongly connected and efficient oppositions. The second institutional factor seems to be less relevant since the involvement of opposition in the parliamentary structures and its co-decisional powers have not brought the expected results in the form of more negotiated solutions and consensus voting. The decisive factor is the third - political parties overburdened with ideological issues combined with unresolved dilemmas about Slovenes' history are maintaining strong perceptions of other political groups and parties as bitter adversaries, what may be considered as persistence of some clichés of the former socialist period. This adversarial pattern of behaviour is evident from the data on the cohesion voting in the National Assembly and also from the data on the use of parliamentary means of control over the government - questions and interpellations. One could also see an extremely adversarial behaviour in the introduced constructive no confidence motions and in the voting against confidence motions introduced by Prime Ministers. It is supposed that the constructive no-confidence vote protected also opposition from taking hazardous steps in overturning the governments without being sufficiently organized and prepared to take over government's responsibilities. While the opposition was successful in both attempts to replace the Prime Minister by own candidate by constructive no-confidence motion, its votes against the introduced confidence motion contributed to the dissolution of coalition government in two of the four cases.

In addition the Slovene parliamentary opposition has been quite frequently resorting to extra-parliamentary means of direct democracy, which were incorporated in the political system of Slovenia. The referendum which turned to be until 2013 one of opposition's most efficient tools intended to delegitimize the coalition governments helped to simplify some political dilemmas but did not contribute to the establishment of the more authoritarian type of democracy. However the relatively free access of to the means of direct democracy in the highly conflictual political context overburdened by the economic crisis has been limited in 2013 by the change of constitution. The opposition has from now on to reconsider its parliamentary strategies and adopt more consensual behaviour, which is more common in parliamentary democracies with longer tradition.

Taking into account these factors, we can see some differences in the behaviour between the right-wing and the left-wing oppositions, the first using the referendum as a populist means to rally supporters, while the left-wing political parties when in opposition showed smaller capacities to mobilize voters. Variations also occurred especially under the influence of foreign factors and pressures to join the EU or to harmonize the legislation with the EU legal order and later because of the impact of the economic crisis (Zajc 2015, 191). At some instances it has been possible to reach agreements between government and opposition on the issues of Slovenia's position in the EU, foreign policy or terrorism. Those bills which were ideologically free have had more chances to get full consensus than ideologically loaded or contaminated. As in the case of some other countries (Italy, Czech Republic) the dissent is still dominant in the case of the bills dealing with basic rights and liberties, evaluation of the recent history, privatization and the means intended to alleviate poverty of large population strata as a consequence of economic crisis.

The analytical approach used in the analysis of the oppositional behaviour in Slovenian National Assembly is to some extent similar to the approaches used in other parliamentary democracies. Though we could not explain entirely all the factors influencing the behaviour of opposition we can resort to the conclusion that enlarging cooperation with other European countries and engagement in the policy making process on the level of the EU will force the political actors to adopt more consensual patterns of behaviour. Further comparative research is necessary to confirm the validity of this hypothesis.

At the end one should also try to answer the question what is the job of opposition in the present circumstances globalization. Past and present trends of globalization have narrowed the capacities of national states to act autonomously and contributed to some uniformity in policy making. We may unfortunately expect that these trends will also reduce the ability of oppositions to come up with viable alternatives or to express critical stands with regard to the proposed or adopted policies. On the other side the traditional notion of parliamentary opposition seem not to be directly applicable to the EU. Perhaps modern democracies need representation of differences in the sense of innovations but may less need a strong opposition. However, we have remained curious and critical with regard to the EU institutions where the opposition has not yet taken a recognizable shape.

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