

ABSTRACTS*

Sieffken, Sven T.: Parliamentary Questions – Symbolic Politics or an Effective Instrument of Control?

Next to legislation, controlling the government is a very important parliamentary function. In the German Bundestag, its exercise becomes particularly visible with interpellation procedures such as big and small queries (“Große Anfragen”, “Kleine Anfragen”) as well as written and oral questions (“Schriftliche Fragen”, “Mündliche Fragen”). Parliamentary statistics show that there have been significant shifts in their use during the last few decades, with a clear development from oral to written procedures and a stronger domination of their utilization by opposition parties. Bringing together a detailed description of the accompanying processes and considerations of the public impact of questions and answers is the basis for recommendations for parliamentary practice. Question procedures should not be judged from a narrow concept of control but they also need to be understood as playing an important role in the transparency function of parliaments. [ZParl, vol. 41, no. 1, pp. 18 ff.]

Fischer, Jörn and André Kaiser: The Bundestag: Springboard or Safe Haven? Ministerial Careers between Federal Parliament and Cabinet.

Analyzing the role of the Bundestag in the professional lives of Federal Ministers at three different time points – before, during, and after their ministerial career – reveals: More than 70 percent were members of parliament before their first cabinet appointment. This share increases to about 90 percent during their term in office. After their resignation from the cabinet 75 percent choose a smooth transition to parliamentary membership. The dominant pattern in the careers of Federal Ministers is a “sandwich” constellation: Most ministers not only use the Bundestag as a springboard in their careers but also strengthen their cabinet positions by serving as Members of Parliament. Furthermore, parliamentary membership serves as a safe haven for former cabinet ministers, either to bring their political career to an end or as a transitional solution to finding new options for a political career at other levels. Membership in the Federal Parliament is an inherent part of nearly all ministerial careers in Germany. [ZParl, vol. 41, no. 1, pp. 36 ff.]

Bußjäger, Peter: Leave of Absence for Members of Parliament for Care-Taking Purposes. Timely Innovation or Questionable Version of Time-Limited Mandates?

How and to what extent do the standing orders of the parliaments in Germany, Switzerland and Austria permit a leave of absence for members of parliament for the purpose of care-taking (for instance of children or sick relatives)? Unlike labor laws, the provisions for political work commonly do not feature explicit regulations on this matter. The members of parliament confronted with such choices must decide between leaving the duty of care-

* Diese sind in deutscher Sprache zu finden auf www.zparl.de beziehungsweise www.politik.uni-halle.de/zparl.

taking to someone else, or taking a sabbatical, which of course has a negative effect on the parliamentary party to which the member belongs. Some of the Austrian Länder (Vorarlberg and Salzburg) have broken new ground by adopting regulations on this issue. Members of parliament are permitted to take a leave of absence for a certain period of time for the purpose of care-taking and will be replaced by an alternative member during this time. The Austrian Constitution frowns upon the idea of a time-limited mandate but the new laws seem to be compatible with it. While it is still unclear whether and when these regulations will become relevant in practice, they certainly represent an innovation that intends to improve the compatibility of political as well as family duties. [ZParl, vol. 41, no. 1, pp. 42 ff.]

Linden, Marcus and Winfried Thaa: The Independent Commission on Migration and Parliamentary Representation of Migrants' Interests: Exclusion by Deliberative Rationalization?

Theories of deliberative democracy, which played an important role in justifying expert committees during the governments of *Gerhard Schröder* in Germany, understand the inclusion of everybody affected by a decision as the most important criterion of its legitimacy. However, deficits of political representation can be identified in discourse theory as the theoretical foundation of deliberative democracy. The immanent tendency of informalizing and rationalizing the process of political decision-making not only favors depoliticization but also leads to a systematic discrimination of requests which cannot be coupled to a common good, primarily understood in economic terms. This theoretical criticism of deliberative democracy can be affirmed empirically by comparing the representation of interests of migrants between parliament and party politics on the one hand, and the deliberative "Süssmuth Commission" on migration during the *Schröder*-era, on the other hand. When it comes to the inclusion of weak interests, which can not easily be coupled to a presumable common good, the traditional political institutions prove to be superior. [ZParl, vol. 41, no. 1, pp. 50 ff.]

Meinel, Florian: Equal Opportunities or Cooptation? The Approval Procedure of Small Parties in German General Elections.

In 2009 the Bundeswahlausschuss, a government committee responsible for approving the inclusion of small parties in the election process, decided to exclude several small parties from the poll. It was argued that they lacked importance and "seriousness". Whereas it is not true that this decision was the reason for the Organization of Security and Cooperation in Europe (OSCE) to send a team to monitor the elections to the Bundestag in September 2009, it does give cause, together with the explanatory statement, for serious concern about the role of the Bundeswahlausschuss in the democratic process. This a fortiori holds true since the decision cannot be challenged before the German Constitutional Court. The structure of the commission, its competences, and its lack of democratic responsibility have to be reassessed according to the principles of constitutional law, especially the equality principle for political parties as laid down in Art. 21 (1) of the Grundgesetz. In this light, the German electoral law (Bundeswahlgesetz) fails to meet the democratic standards set up by the constitution. [ZParl, vol. 41, no. 1, pp. 67 ff.]

Schmedes, Hans-Jörg: Voting in Europe's Sight. The OSCE's Observation of the 2009 German Bundestag Election.

The 2009 Bundestag election was the first poll in Germany to be monitored by the Organization for Security and Cooperation in Europe (OSCE). Given the high level of public trust in the integrity of the process in the country, the decision to deploy such a mission was frequently noted with surprise. Contrary to what has been implied by reports in the media, no special occasion caused the decision in favor of observing the elections. Rather, the international election experts' deployment has to be understood in the context of the OSCE's efforts to expand its structured and standardized election observation methodology also to established democracies among its participating states. The OSCE mission assessed the German election process positively. Nevertheless, its international experts suggested a revision of the election law in order to enable a judicial appeal of decisions by the Federal Election Committee already before an election. In addition, appealing decisions of the Election Scrutiny Board of the Bundestag should not depend upon signatures by 100 supporters. It was also proposed to make the eligibility of contesting the elections subject to a set of precise, objective, and measurable criteria. Furthermore, speeding up the publication of donations for political parties was recommended. [ZParl, vol. 41, no. 1, pp. 77 ff.]

Jesse, Eckhard: The 2009 German Bundestag Election Reflected in the Representative Electoral Statistics.

“Official Representative Electoral Statistics” have been compiled for German federal elections since 1953 (except in 1994 and in 1998), in Germany. These statistical compilations do not exist anywhere else in the world and are impressive for their exactness. The vote is registered by gender and by five age-groups. At the 2009 election of the Bundestag the Union (CDU/CSU) lost 3.8 percentage points among the male voters, but gained 0.9 points from women. Accordingly, the Union can be classified as a “women's party” (women 36.4 percent; men 31 percent), just as Bündnis 90/Grüne (women 12.0 percent; men 9.4 percent). Analyzing voting behavior by age-groups reveals more significant differences than by gender. CDU/CSU, SPD and Die Linke are rather “old” parties, Grüne and FDP “young” ones. The SPD lost more than each second vote in the age-group 18 to 24 years, from voters over 60 “only” each fourth vote. There are considerable differences between the old and the new German states. Whereas the Christian Democrats in the West lost 5.2 percentage points caused by the men's vote, they won 7.3 points in the East due to women's vote. [ZParl, vol. 41, no. 1, pp. 91 ff.]

Goerres, Achim: The Electoral Behavior of Older People: Findings From Established Democracies.

The German electorate is constantly aging. Hence, knowing about age-related effects on voting behavior becomes more important. Empirical findings on this issue differentiate between generational effects, grounded in political and socio-economic socialization, and age effects, derived from the dynamics of aging, experience and life cycle. On the whole, the results from established democracies paint a complex picture of differences between younger and older voters, both in turnout and voting choice. Thus, any discussion about these differences and their implications for aging democratic societies ought to be led without simplifications. [ZParl, vol. 41, no. 1, pp. 102 ff.]

Kranenpohl, Uwe: When the People's Chamber (almost) Became a Parliament ... “Socialist Parliamentarism” in the German Democratic Republic (GDR) 1989/90.

After the regime of the SED (Sozialistische Einheitspartei Deutschlands) collapsed in autumn 1989, the socialist “representative assembly”, the GDR's “Volkskammer” (people's chamber) for the first time was able to carry out the parliamentary functions it had formally been granted by the constitution. During the few sessions before its premature termination, the chamber developed a considerable number of parliamentary activities. These occurred in most of the chamber's functional areas (election, control, legislation, communication as well as representation). However, a lack of democratic legitimacy was a major obstacle. The representatives had won their seats in parliament as candidates on a single list in the 1986 GDR “elections”. Due to the establishment of the “Zentraler Runder Tisch” (Central Round Table), the “Volkskammer” became less important, since at the Round Table all the GDR's social strata – although not through democratic procedures – were represented. The case of the “Volkskammer” shows that in times of political crises undemocratic representative bodies can become important political opportunity structures for the liberalization and democratization of autocratic systems. [ZParl, vol. 41, no. 1, pp. 121 ff.]

Peters, Gunnar: The Unwritten Official Handbook of the 10th People's Chamber of the GDR 1990.

Democratically elected on March 18, 1990, the 10th Volkskammer (people's chamber) of the GDR ceased to exist on October 2, 1990, without having published an official handbook containing personal data for each member of parliament. The rapid process of German reunification and increased costs were assumed to be the cause. However, the record of the Volkskammer reveals that the MPs themselves prevented the handbook from being published. For whatever individual reasons, a considerable number of MPs did not make their personal data available to the parliament's administration in time for the copy deadline (May 30, 1990). Despite continuing efforts to publish an official handbook, the plan was finally abandoned in late July. Meanwhile costs had risen and the book would have been completed too late. A replacement – an expanded edition of the thin MP catalogue published in May 1990 – failed for the same reasons. [ZParl, vol. 41, no. 1, pp. 142 ff.]

Hilmer, Richard: The 2009 German Bundestag Election: A Signal for Both Stability and Political Change.

The 2009 General Election was heavily influenced by the economic crisis. In the end, the voters provided the Union and the FDP with a stable majority because they trusted that this government constellation could cope with the crisis as it had in previous crisis situations (like German reunification and the reconstruction of the Federal Republic after World War II). Indeed, the 2009 election constitutes a substantial break in the structure of the German party system. It led to the highest level of electoral volatility and the biggest shifts between parties since the founding of the Federal Republic. Never before did a party suffer a record loss of 11.2 percentage points as did the Social Democrats. Since the CDU (Christlich-Demokratische Union) and especially the CSU (Christlich-Soziale Union) also experienced substantial losses, the combined vote of the two big “catch-all-parties” fell to a record low of 56.8 percent. The Union (CDU/CSU) got off lightly because it could compensate the loss of

mandates with so-called “surplus mandates” – these are constituency seats which a party obtains over and above the seats to which it is entitled on the basis of the second votes cast for its party list. Moreover, never before did so few citizens participate in a federal election. Nevertheless, the political system of the Federal Republic proved to be robust, since even in times of crisis right-wing or other small parties did not play a significant role. The dramatic changes all took place within the five-party system that exists since German reunification. Although the party system was strengthened by the election, there were simultaneously substantial changes in its political structure: What remained were two weakened catch-all-parties and three substantially strengthened opposition parties – above all the FDP (Freie Demokratische Partei) which scored a record high of 14.6 percent. The consequences of this new political structure can be observed in the new balance of power within the Christian-Liberal coalition: The first 100 days of the *Merkel-Westerwelle* government were characterized by an FDP which presented itself as very demanding, by Union parties acting rather defensively, by controversial interpretations of the coalition contract, and by boisterous disputes fulminating about the right way out of the crisis. [ZParl, vol. 41, no. 1, pp. 147 ff.]

Saalfeld, Thomas: Cabinet Formation 2009: Merkel II and a Very Incomplete Coalition Contract.

The coalition of the CDU/CSU and the FDP formed in 2009 was signaled as the preferred option by all three parties before the general election. As a result, negotiations between the parties were concluded relatively swiftly. From a game-theoretic perspective, the cabinet *Merkel II* is in equilibrium, if parties are modeled as simultaneously optimizing policy and office benefits. Yet, the first hundred days of the new government show that even under such favorable conditions coalition agreements remain “incomplete contracts” where the parties often do not agree comprehensively on all policies but use compromise formulas to postpone policy bargaining even in key areas. Hence, the new cabinet *Merkel II* will have to negotiate crucial policy decisions under the less favorable conditions of a sitting parliament with important sub-national elections and a more effective opposition. These negotiations are likely to be dominated more strongly than post-electoral coalition negotiations by actors with strong institutional resources such as the Federal Chancellor, the Finance Minister and the members of the Bundesrat. A new generation of dynamic theories of coalition governance is needed that permit modeling the “life cycle” of coalitions beyond discrete events such as cabinet formation, portfolio allocation, and cabinet termination. [ZParl, vol. 41, no. 1, pp. 181 ff.]

Helms, Ludger: The German Federal Republic: A Democratic Role Model Sailing Against the Tide?

The German Federal Republic is not only a politically stable and reasonably successful polity. Over the past decades, it has also served many different countries as a political role model and, furthermore, acquired a prominent status in international comparative politics. More than most other features of the German polity, its strongly power-sharing and consensus-inducing institutional structure has achieved an exemplary status. Whereas this feature has generated much criticism from politicians and political journalists recently, the international discipline of comparative democratic politics tends to consider consensus democracies, such as the Federal Republic of Germany, as a structurally superior and particularly promising form of government. [ZParl, vol. 41, no. 1, pp. 207 ff.]