

ABSTRACTS*

Wiefelspütz, Dieter: The ‘binding parliamentary decision’ on issues concerning military action.

By creating a new kind of parliamentary decision called the ‘binding parliamentary decision’, Germany’s Federal Constitutional Court has expanded parliament’s means of taking action and legitimising government actions. Alongside the ‘simple’ parliamentary decision, the ‘genuine’ parliamentary decisions and laws, the Bundestag now also has at its disposal the binding parliamentary decision as a subcategory of the ‘genuine’ parliamentary decision. Binding parliamentary decisions enable parliament to participate autonomously, far more simply and more rapidly than parliamentary participation in the form of a law, enshrined in Article 59 (2) of the Basic Law. This is, for example, important in relation to decisions of the Bundestag concerning the deployment of Germany’s army, the Bundeswehr, in other countries. [ZParl, vol. 38, no. 1, pp. 3 ff.]

Gabriel, Oscar W. and Kerstin Völkl: The election of the Baden-Württemberg state parliament on March 26, 2006: “Black” country adorned with colourful spots.

The state parliament election in 2006 in Baden-Württemberg did not bring about great surprises. The CDU nearly reached an absolute majority of seats while the SPD suffered severe losses compared to the last election in 2001. The two small parties, the Greens and the FDP, achieved good results. Which factors account for the bad result of the SPD and the success of the CDU? One factor helping the latter was the replacement of their long-standing Prime Minister *Erwin Teufel* by the leader of the CDU’s parliamentary party group in the Baden-Württemberg state parliament, *Günther Oettinger*. Although that process was not free of conflicts, the renewal was welcomed by the larger part of the electorate. The election campaign was perceived as relatively tedious. Among other things, this was due to the formation of a grand coalition government by CDU and SPD in Berlin which contributed to a lack of major controversies about federal issues. Moreover, the labour market situation began to improve and economic stagnation seemed to be coming to an end. After all, the success of the governmental coalition of CDU and FDP was mainly the result of long-standing party loyalties and the positive assessment of its performance by the electorate. [ZParl, vol. 38, no. 1, pp. 16 ff.]

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

Gothe, Heiko: The election of the Rhineland-Palatinate state parliament on March 26, 2006: “King Kurt” wins absolute majority.

Due to the lack of confrontation between CDU and SPD (both participating in the federal government), the election campaign in Rhineland-Palatinate focused on aspects of federal state politics rather than on big emotionalizing issues typical for other campaigns. Neither on the partisan nor on the personal level could the CDU counter the governing SPD’s performance. The image of Prime Minister *Kurt Beck* as a down-to-earth sovereign being popular with the people made it difficult for his Christian Democratic challenger to develop a public profile for himself. Additionally, the Social Democrats had established a good position regarding their program and contents. The outcome of the election can be seen as one of historic dimensions: With front man *Beck*, the SPD achieved the absolute majority of seats in the state parliament while the CDU had to accept the most definite defeat in its history in this Land. After about 20 years of coalition, the Liberals were no longer needed to form a government in Rhineland-Palatinate. The Greens could not win any seats in the parliament this time. And above all, the turnout of voters fell to a historic low. Thus, the Social Democrats’ absolute majority is based on only a fourth of the overall electorate. [ZParl, vol. 38, no. 1, pp. 34 ff.]

Holtmann, Everhard: The election of the Saxony-Anhalt state parliament on March 26, 2006: Magdeburg takes over the Berlin format of a “half changeover of power”.

Despite promising poll data the SPD was not able to substantially improve its disastrous result of the last state parliament election in 2002 in Saxony-Anhalt. Once again the CDU gained most votes. Its coalition partner FDP, however, lost half of its vote share and could not gain enough seats to continue the former coalition. The Linkspartei.PDS remained second. The Greens and the right-extremist DVU did not manage to overcome the five percent hurdle. Why did the SPD fail again in Saxony-Anhalt – even though the party was so successful on the very same day in the Rhineland-Palatinate state parliament election? Federal and regional motivations of voters’ decisions mutually intensified to the disadvantage of SPD: The voters’ confidence in the SPD’s ability to successfully tackle problems in economy, labor market and future was very low in Saxony-Anhalt as well as on the national level. Even the rather good personal reputation of the SPD challenger to the CDU Prime Minister *Wolfgang Böhmer* could not compensate this double gap of lack of confidence in the SPD’s competence. In the end, CDU and SPD formed a grand coalition. [ZParl, vol. 38, no. 1, pp. 51 ff.]

Werz, Nikolaus and Steffen Schoon: The election of the Mecklenburg-Western Pomerania state parliament on September 17, 2006: A half changeover of government and the end of the three-party-system.

The election of the fifth state parliament in Mecklenburg-Western Pomerania was, for the first time since 1990, a “true” state election because it did not take place on the same day as the federal election. The opportunity for thrusting this state’s own politi-

cal topics into the limelight was, however, not used by any of the parties. Both the SPD which had been part of a red-red coalition with the PDS since 1998 and the CDU left the coalition question open during the campaign. Partially because of this, there was no polarization among voters. The voter turnout was quite low; however, it was not as low as it had been predicted by political observers. In particular, the mobilization against the right-extremist NPD in the final phase of the electoral campaign allowed the SPD, despite great losses, to emerge as the strongest party. The Linkspartei.PDS made only minimal advances and the CDU dropped to a record low of less than 30 per cent of the vote. In addition to the FDP which was able to re-enter parliament for the first time since 1990, the NPD managed to overcome the five percent hurdle. Thus, the previous three party system ended. Due to the narrow majority, Prime Minister *Harald Ringstorff* (SPD) decided against a continuation of the red-red coalition and instead formed the fourth grand coalition with the CDU in the new Länder. [ZParl, vol. 38, no. 1, pp. 67 ff.]

Niedermayer, Oskar and Richard Stöss: The election of the Berlin state parliament on September 17, 2006: Leaving things the way they are despite the coalition partner's bitter losses.

The first period of the SPD/PDS-government (from 2001 to 2006) flowed smoothly. The head of government, *Klaus Wowereit*, was very popular. Therefore, the SPD had a great lead over the CDU at the beginning of the campaign. The Christian Democrats had been in a desolate state during its first period in opposition for a long time and, despite of great efforts with a new front-runner, it could not close ranks with the SPD during the campaign. The election ended with the worst result for the party since 1950 in Berlin. The Social Democrats on the other hand became the strongest party. For a number of reasons its coalition partner the Linkspartei.PDS could not repeat its exceptional success of the last election. They lost half of their voters. The Greens were the real winner of the election being the only party which could increase the absolute number of votes while the general turnout decreased. Nevertheless, after the election the SPD did not opt for a red-green coalition but decided to continue the coalition with the Linkspartei.PDS. *Klaus Wowereit* was re-elected by the state parliament as head of government, although only in the second ballot. [ZParl, vol. 38, no. 1, pp. 84 ff.]

Thomas, Sven: The Weizsäcker-Government: "Minority government" and "informal coalition" in Berlin from 1981 to 1983.

From 1981 to 1983, *Richard von Weizsäcker* (CDU) acting as Berlin's so-called Governing Mayor led a minority government tolerated by parts of the F.D.P. parliamentary party group in the Berlin state parliament. This was a pioneer experiment because one year later, in 1982, a CDU-F.D.P.-coalition was formed on the federal level following the Berlin example. It is noteworthy that *von Weizsäcker's* government (Senat) always reached the politically necessary majorities in Berlin's state parliament. This work of political art was the result of a downright pragmatic policy-management, i.e. an "infor-

mal coalition” between the government, the parliamentary party group of the CDU and several members of the parliamentary party group of the F.D.P. Informal practices were integrated into formal processes. The example shows: (1) Expectations of both political stability and capacity to act should not necessarily only be connected to so-called majority governments. (2) For the analysis of whatever coalition government it is useful to combine views on formal processes and informal practices. (3) An informal coalition can function effectively if there are tolerating MPs, a shared understanding on the policies in question, the use of formal institutions and the development of specific communication structures. [ZParl, vol. 38, no. 1, pp. 101 ff.]

Decker, Frank: Parliamentary democracy versus popular legislation. The dispute about a new electoral law in Hamburg.

In 2004, the citizens of Hamburg pushed through a radical reform of the city-state’s electoral law. It offered, among other things, the voters the opportunity to personally select candidates on the given lists. In October 2006, this electoral law was amended considerably by the CDU governing with an absolute majority. The amendments re-established an extensive control of the political parties over the process of recruiting candidates. Whether, from a constitutional law point of view, these changes were permissible remains controversial. In the context of constitutional politics, such amendments are objectionable for two reasons: Firstly, the parliamentary annulment of a law that was voted for by the people comes close to invalidating direct democracy. Secondly, it is a long-established practice in Germany that any reforms of the electoral law are addressed consensually by all democratic parties. Indeed, the CDU’s behaviour raises questions about the fundamental sense of how direct democracy is designed in the state (Länder) constitutions. All of them have opted for the supposedly most progressive model of popular legislation. As long as this continues to be the case, the efforts to incorporate elements of plebiscitary democracy into the federal constitution (the Basic Law) may not stand much of a chance. [ZParl, vol. 38, no. 1, pp. 118 ff.]

Kösters, Jens: Direct democracy in the city hall: How do local government administrations see this practice in North-Rhine Westphalia?

In the fabric of local government administration and their real political-legal handling, the petition for a referendum and the referendum itself are winning more and more acceptance. Statistical analysis shows that instruments of direct democracy are increasingly used on a local level. Up to now, the opinions and evaluations of the responsible actors in local government and administration have not been examined in academic analysis. Therein lies need for research. After analyzing the municipal code of North-Rhine Westphalia and the opinions of the local officials on the plebiscitary elements (known through a survey of all local governments in this Land) therein instituted it becomes clear: (1) the instruments are overall welcomed and supported by the officials; (2) some elements which are not part of the code yet such as the delaying effect of a referendum are not backed altogether by the officials. In general, the officials are con-

tent with the new rules of the municipal code. Among them, there is a growing tolerance towards direct-democratic options. [ZParl, vol. 38, no. 1, pp. 134 ff.]

***Jucknat, Kim:* Heads instead of themes? Heads and themes! Personalization of campaign coverage in Germany and the U.S.A.**

The thesis of the Americanization of election campaigns assumes a convergence between the German and American campaign style. High-grade personalization and poorness of political themes are considered as being central characteristics of this convergence. They, presumably, increase within the scope of the election campaign coverage of the print media. However, the convergence between the German and American election campaign reporting is restricted due to different institutional constraints. By means of quantitative content analysis it can rather be shown that the German election campaign reporting focuses on different political actors. At the same time, political actors are related to political themes in both countries when they appear on the media agenda. Consequently, a poorness of political themes cannot be stated for the election campaign coverage of the German or the American print media. [ZParl, vol. 38, no. 1, pp. 147 ff.]

***Kraushaar, Wolfgang:* Agnoli, the APO and the constitutive illiberalism of his parliamentary criticism.**

Germany's Extra-parliamentary Opposition (Außerparlamentarische Opposition (APO)) in and after 1968 was characterized by a fundamental ambiguity between extra- and antiparliamentary opposition. A logical consequence of this attitude was the non-recognition of the state's monopoly of power by some of its factions. During this period *Johannes Agnoli's* treatise on "The Transformation of Democracy" was published. It is a radical criticism of the constitutional state and – at the same time – it is also understood to be the theoretical grounds for extra-parliamentary opposition as a whole. *Agnoli's* main point was that modern parliamentary systems were undergoing a thorough change of structure, a so-called "involution": the democratic parties, the constitution and the state are evolving back into pre- or antiparliamentary forms with an authoritarian tendency. A constitutive illiberalism is inherent in this type of criticism of parliamentarism. In its core, it goes back to Italy's pre-fascist criticism of liberalism drawn up by the elite theorist *Vilfredo Pareto* who had already written about a "trasformazione della democrazia" in 1920. By now, it has become known that *Agnoli* himself who died in 2003 had originally been a follower of *Mussolini*. [ZParl, vol. 38, no. 1, pp. 160 ff.]

***Saalfeld, Thomas:* Coalition stability in 15 European democracies from 1945 to 1999: Transaction-costs and coalition management.**

Based on a new comparative data set on coalition governance in 15 European parliamentary and semi-presidential systems (1945 to 1999), a quantitative cross-national examination of the link between institutions of coalition governance (e.g., the existence

and nature of coalition agreements and coalition committees) and the dynamics of behavioral cabinet terminations is possible. The prime interest lies in the interval between cabinet formation and termination. With the help of a transaction-cost framework and techniques of event-history analysis, hitherto unreported duration-dependent bivariate interactions between these variables can be uncovered. Estimating the effect of theoretically relevant constitutional norms on the hazard rate of behavioral coalition terminations, it can also be demonstrated in multi-variate analyses that: (1) positive parliamentarism and the power of governments to table last amendments in the legislative process reduce the risk of early cabinet terminations; (2) the head of government's unilateral power to dissolve parliament and constitutional unanimity rules in cabinet-decision making increase this risk. [ZParl, vol. 38, no. 1, pp. 180 ff.]