

ABSTRACTS*

Hornig, Eike-Christian: Direct democracy and party competition in Germany – Considering an obligatory referendum to dissolve tactically motivated blockades.

Given the joint-decision trap and the consensus democracy in the German party state, the implementation of direct democracy institutionally opens a way to circumvent the tactically motivated blockades of political parties in favor of problem-solving behavior. The international comparison of constitutional reforms in complex political systems reveals that disconnected arenas of negotiation and decision contribute to the success of reform attempts by compelling parties to act in a less self-serving manner. Also, the instruments of direct democracy in Western Europe provide this effect, as the comparison of party motives in initiating a public vote shows. In particular, the obligatory referendum is less prone to tactically motivated party politics due to its institutional construction. By enlarging the procedures of constitutional amendment, an obligatory referendum could exhibit these qualities on the national level in Germany, too. [ZParl, vol. 42, no. 3, pp. 475 – 492]

Schoen, Harald, Alexander Glantz and Rebecca Teusch: Smoker or non-smoker – is that the question? Turnout and vote choice in the referendum on anti-smoking policy in Bavaria.

The successful Bavarian smoking-restriction referendum often was viewed as a conflict between smokers and non-smokers. In this paper, we investigate the role of smoking behavior on mobilization and voter choice using data from a rolling-cross-section survey conducted in the run-up to the referendum. The results indicate that smoking behavior did not affect campaign interest and factual knowledge about the proposal. At the same time, non-smokers were more inclined to participate in the referendum than smokers. What is more, vote choice in the referendum was affected strongly by smoking behavior: a large majority of non-smokers voted for the proposal, whereas a large majority of smokers voted against it. Given the polarization in vote choice and non-smokers' reluctance to vote against the anti-smoking proposal, attempts to revise the decision on anti-smoking policy are unlikely to succeed. Accordingly, the referendum appears to have settled the conflict on anti-smoking policy in Bavaria. [ZParl, vol. 42, no. 3, pp. 492 – 502]

Töller, Annette Elisabeth, Sylvia Pannowitsch, Céline Kuscheck and Christian Menrich: Direct democracy and school policy. What can we learn from a policy-analysis of the failed Hamburg reform of the school system?

Since the PISA Study in 2000, the German school system has been under constant pressure. Since party politics involving school policy tend to be clearly differentiated, the school

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reforms proposed in the different Länder after PISA vary strongly: while some focus on the quality of the school system, others see more need for change to improve equal access to education for all social groups. In Hamburg, the newly elected black-and-green Government in 2008 decided to go for a major reform that – as its most important feature – changed elementary school from four to six years and renamed them Primarschule. This reform was meant to improve significantly the equal access to education. Yet, the reform that had been accepted by all parties represented in the Hamburg Parliament (in the earlier Bürgerschaft bill) was defeated in a referendum that took place in summer 2010. The paper not only aims at explaining why the reform failed but also seeks to identify structural effects of direct democracy on school reforms that entail a redistribution of chances. This would challenge those studies which see direct democracy primarily as a means to empower minorities which have been discriminated against ("outgroups"). In conclusion – even though the Hamburg Case displays some peculiarities – the authors believe that school reforms with a redistributive focus are likely to be challenged by well-organized "Ingroups" with the help of procedures of direct democracy. [ZParl, vol. 42, no. 3, pp. 503 – 523]

Jungherr, Andreas and Pascal Jürgens: E-Petitions in Germany: Between accessible participation tool and quasi-plebiscitarian usage.

Since the introduction of the German Bundestag's e-petition platform, e-petitions repeatedly have attracted high supporter counts and thus attracted the interest of media and the German public. Using the machine-readable data structure of the e-petition platform, it is possible to identify usage patterns of the platform and analyze them quantitatively. Generally, it can be asserted that, although public attention focuses on e-petitions with high supporter counts, the overwhelming majority of all e-petitions attract only few supporters. According to the data, four user types are identified: (1) New Lobbyists, (2) Hit-and-Run Activists, (3) Activism Consumers, and (4) Stakeholders. In addition, it is apparent that e-petitions with small supporter counts systematically gain more supporters if, at the same time, e-petitions with high supporter counts are active. In this respect, we call the phenomenon Co-Signature-Overspill. [ZParl, vol. 42, no. 3, pp. 523 – 537]

Seyfried, Markus: Still a 'stepchild of the social sciences.' A plea for more political science research about supreme audit institutions.

Supreme audit institutions as a research subject are widely ignored by the social sciences. This field of research is dominated by technical-legal disputes, leading to a lack of new insights, insufficient empirical evidence and limited explanatory power. Furthermore, a huge amount of data sources and methods of data gathering are currently not used. Among these data sources are annual reports, recommendations of the finance committees, parliamentary proceedings, media reports or questionnaires and interviews, among others. The available material should be analyzed systematically, to evaluate the role of supreme audit institutions from an empirical point of view – i.e., in relation to the Parliament, Financial Committee or audited ministries. The political sciences are particularly suited to conduct further empirical research on these institutions. [ZParl, vol. 42, no. 3, pp. 537 – 549]

Hausen, Marcus: The criminal protection of internal elections of political parties.

So far, there has not been any in-depth legal consideration of the question whether, and if so, which behavior during an election within a political party constitutes a criminal law violation. However, elections within a political party are not a criminally unregulated sphere, but not all elections are equal under the law. The actual application of the penal code is done on a case-by-case basis. Articles 107 *et seq.* of the German criminal code are only applicable for the nomination of candidates for official elections, no matter which parliament. Criminal codes against falsification of documents are applicable to all internal elections of a political party (for example, for the elections of the board of directors or delegates). This difference between those two elections is acceptable because the legally protected interest of candidates to parliamentary elections is higher than an election of the board members of a political party. Democratic and fair elections of candidates represent a “*conditio sine qua non*” for a democratic election. [ZParl, vol. 42, no. 3, pp. 550 – 567]

Baethge, Christopher: National political status of political parties and outcome in regional elections – an analysis of state elections in Germany between 1949 and 2010.

Elections in Germany's regional states are considered to be influenced by the national political scene: in general, parties forming the national government seem to be at a disadvantage in regional elections. However, little is known about the extent of this disadvantage. It is also unclear whether it similarly affects different parties, and how influential it is regarding the change of power in regional states. In this investigation, all regional election results from 1949 to 2010 were analyzed for an association of a party's national status and its regional success. Before reunification (1990), among parties forming national governments, only Christian Democrats and Liberal Democrats (as opposed to Social Democrats) occasionally regained power when entering state elections as regional opposition party. After 1990, this proved to be impossible (Social Democrats and Greens) or almost impossible (Christian Democrats and Liberal Democrats). National status predicted the likelihood of power shifts in regional states. When only gains or losses in percentages were analyzed (regardless of the consequences for the regional distribution of power) the association became relatively weak due to a large variance in election results. In addition, regional status seems equally important as national status. No support was found for the length of time since last general election as predictor of regional election outcomes. [ZParl, vol. 42, no. 3, pp. 568 – 586]

Flick, Martina: The impact of the constitutional courts of the German Länder on parliamentary law.

It is well known that constitutional courts contribute strongly to the development of fundamental rights. But, how about their impact on parliamentary law? Is the extension of parliamentary minority rights, which could be observed during the last two decades in almost all German Länder, partly due to their jurisdiction? This question is examined based on the decisions of the constitutional courts in the German federal states. In the context of so-called “Organstreitverfahren,” they decide on the extent of the rights and duties of supreme state institutions which gives them the opportunity to advance parliamentary law. The analysis shows, however, that the impact of the constitutional courts on the expansion

of parliamentary minority rights is low in spite of the considerable extent of their jurisdiction. [ZParl, vol. 42, no. 3, pp. 587 – 603]

Krumm, Thomas: The Irish general election of February 2011: end of the dominant party system?

The general election in Ireland on 25th February 2011 marked a historical break in the development of the party system. In this election, the dominant Irish party, Fianna Fáil, seemed to be held responsible by the voters for the effects of the global real estate and banking crisis on the Irish economy. The party, whose share of votes so far never had fallen below 39 per cent, received in the snap elections only 17.3 per cent of first preferences, leading to only 12 per cent of the parliamentary seats. After the article reviews the governmental crisis of 2010 caused by the global economic and financial crisis, the article examines some structural effects of the election on indicators such as disproportionality, effective number of parliamentary parties and the changing role of minor parties and independents. There follows a detailed analysis of the rapid formation of the first grand coalition between Fine Gael and Labour Party. [ZParl, vol. 42, no. 3, pp. 604 – 619]

Kenneder, Martin: Beyond vocational misconceptions. The functions of the Senate in Irish parliamentarism.

As an allegedly professional chamber, the Senate of the Republic of Ireland (Seanad Éireann) seems anachronistic at first glance. In the somewhat imperfect Irish bicameral parliament, the Senate has a strongly bounded role in fulfilling general parliamentary functions. However, it is, at the same time, also not a completely ideal type of second chamber either, not fulfilling the accepted specific functions of second chambers (representation in accordance with another principle of representation than in the first chamber, reviewing bills, controlling the first chamber, specialized interest articulation and administrative or jurisdictional functions). While the Senate's electoral regulations limit true vocational representation, the Senate's capability to take burdens from the first chamber and the government is the primary reason for its resistance to reforms and abolition. These services for government and the first chamber include representing Northern Ireland symbolically or serving as a "substitutes' bench" for the political elite, for instance. [ZParl, vol. 42, no. 3, pp. 620 – 631]

Mickler, Tim: The Danish Folketing and its European affairs committee. An analysis negotiation positions.

An extension of competences of European Union institutions bears the challenge for national parliaments to continue to exert an effective control function over their governments. Parliaments have reacted with adaptative processes in order to secure their influence in EU matters. The Danish Folketing and its European affairs committee, being able to mandate the negotiation position of its government, is often seen as having the strongest system in this regard. However, an examination of the amount of accepted negotiation mandates between 2006 and end 2009 revealed that the government, despite of not having a parliamentary majority behind it, gets its position mandated in almost every case. Subsequently, the

article examines whether and when the parties in the committee exert effective influence on the proposed position and reaches the conclusion that there are hardly any interventions and discussions during the final meetings of the committee. However, agreements during the preliminary stages and cooperation among EU-friendly parties secure the influence of the parliament and the committee. [ZParl, vol. 42, no. 3, pp. 632 – 647]

Sturm, Roland: Balanced budget requirements in German federalism.

Federalism reform II of 2009 introduced into the Basic Law a balanced budget requirement for the federal and the Land budgets. The Land parliaments had to accept federal restrictions for their core competence, their control over their own budgets. Some Länder have belatedly started to revise their Land constitutions or at least their budget laws and now have constitutional deficit limits on the Land level. Balanced budget requirements on the Land level not only raise questions regarding their legitimacy they also provoke doubts about their efficiency. The major arguments here are that there are no independent controls on those who decide on the acceptable size of annual deficits, and that the deficit control instruments rely to a remarkable degree on old-fashioned Keynesianism. ZParl, vol. 42, no. 3, pp. 648 – 662]