

ABSTRACTS*

Kolkmann, Michael: The 2012 Congressional election: Nothing new on Capitol Hill?

The 2012 Congressional election has basically confirmed the power distribution on Capitol Hill. Although the Republicans lost several seats in the House of Representatives, they still own a decisive majority. In the Senate, Democrats could not only hold on to their majority, but they even won two additional seats from the Republicans. Due to continued partisan polarization on Capitol Hill, the next two years will again be influenced by a conflict-oriented and slow political process between Congress and the White House. The heated discussions between President *Barack Obama* and the Republicans in Congress about the debt ceiling (2011) and the fiscal cliff (2012) might serve as examples in this regard. Due to “gerrymandering”, the electoral landscape in the coming years will be very advantageous to Republicans. President *Obama* will need to intensify his dealings with Congress on an institutional as well as a personal level, if he intends to have Congress pass the most important projects on the president’s political agenda for his second term. [ZParl, vol. 44, no. 1, pp. 3 – 21]

Matschoß, Robert and Torben Lütjen: The party establishment strikes back? The US-Republicans’ presidential primaries in 2012.

The question of who would run against President *Barack Obama* in 2012 was also a question about the future ideological direction of the Republican Party. Since the Tea Party movement had proven in the 2010 midterm elections that it was capable of moving the party’s center of gravity to the right, the roles in the nomination race seemed to be clearly defined: *Mitt Romney*, the comparatively moderate candidate of the party establishment, faced a number of contenders who vied for the party base’s support by casting themselves as the conservative alternative. In the end, *Romney* prevailed: He had the best campaign operation, disposed of superior financial resources, and enjoyed the most persistent support of other prominent Republicans. In addition, *Romney*’s rivals never succeeded in uniting the opposition against him behind one candidate. Nevertheless, he had to move even closer to the conservative base in order to clinch the nomination. [ZParl, vol. 44, no. 1, pp. 22 – 38]

Horst, Patrick: The U.S. presidential election of November 6, 2012: Obama’s re-election due to enhanced economic expectations, hurricane Sandy and an effective campaign.

Obama’s re-election was anything but sure up until election day: Although the President enjoyed an incumbency advantage and benefitted from an unopposed re-nomination, he was confronted with a high unemployment rate and a worrying budget deficit. Whereas *Romney* had to fight for his party’s nomination until April, *Obama* was able to replenish his campaign chest and wage an effective negative campaign against *Romney* during the pri-

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mary period which laid the groundwork for his victory in the general election. But a lack-lustre performance in the first television debate almost changed the dynamics of the race. In the end, *Obama's* presidency was rescued by voters' enhanced economic expectations which could lean on a modest drop in unemployment, *Obama's* successful disaster management of hurricane Sandy and his forceful presidential campaign which was able to beat back the attacks of the Republican super PACs. *Obama's* second term will be confronted with difficult challenges of a divided government: Should his aspired gun control legislation go too far, he could endanger possible compromises with Republicans when it comes to immigration reform and deficit reduction. [ZParl, vol. 44, no. 1, pp. 38 – 58]

Böcker, Julian and Oliver Schwarz: The double democracy deficit of European security and defence policy: Paradox of a counterfactual legitimacy model of parliamentary control?

Is the Common Security and Defence Policy of the EU (CSDP) suffering from a democratic deficit? This normative discussion is approached through an exemplary analysis of the German, British and European Parliament as well as a categorization of the EU-27 that aims to provide a comprehensive answer to this central question. A single generally accepted model of parliamentary control of European security and defence policy does not exist. General conclusions about a democratic deficit of the CSDP are based on a counterfactual legitimacy model of parliamentary control, which falls short of taking into account the variety of historically grown perceptions and traditions of security and defence policy in the 27 Member States. Therefore, the democratic legitimacy of CSDP remains sufficiently guaranteed as long as the existing national procedures for parliamentary control are fully complied with. [ZParl, vol. 44, no. 1, pp. 59 – 76]

Plöhn, Jürgen: 40 years after the first vote of no confidence in the German Bundestag: Problems of a minority government exemplified by Willy Brandt's first cabinet.

In the very first vote on a motion of no confidence tabled by the parliamentary opposition, *Willy Brandt's* first cabinet was defeated on the floor, but remained in office due to the specific provision of the German constitution. During the whole year of 1972 *Brandt's* cabinet acted without an approved budget and from April to December without a parliamentary majority. In legislative matters an overall far-reaching consensus can be recognized. But in detail, different majorities became relevant, sometimes with an advantage for the parliamentary opposition. The international treaties with East European countries, publicly in severe dispute between governmental and opposition parties, remained uncontested on the floor. In foreign policy as well as welfare policy, initiatives of the opposition successfully challenged the ruling minority. During the 1970s, the public old age pension insurances got into financial difficulties, partly due to those decisions. The federal budget of 1972 was executed in a questionable way on the base of emergency norms, one of them dating back to *Bismarck*. The budget deficit tripled. With respect to the maintenance of power, *Brandt's* strategy was clearly successful; with regard to political decisions, the vulnerability of a minority cabinet became evident. [ZParl, vol. 44, no. 1, pp. 76 – 92]

Riede, Matthias and Henrik Scheller: Parliamentary committees of inquiry of the German Bundestag – nothing more than an instrument of the opposition to scandalize?

The parliamentary committee of inquiry is very often seen as nothing more than an instrument of the opposition to scandalize the government and the majority in parliament. The relationship between political actors and the media plays a central role when it comes to scandals being utilized as instruments and mechanisms of social control since it is only via the broad public that an issue becomes a scandal. The analysis focuses on the print media coverage of all investigations by the Bundestag's committees of inquiry from 1990 to 2011. Most of these committees were indeed used as an instrument for scandalizing the government's majority. Nevertheless, there are also cases which show the course of atypical scandals, since the scandalized persons themselves tried to use the committee as a forum for reasons of self-defense. Necessary preconditions for a "successful" creation of scandals are always the prominence of the witnesses and the publicity of hearings. [ZParl, vol. 44, no. 1, pp. 93 – 114]

Reus, Andreas and Peter Mühlhausen: Legal measures for correcting an adopted budget – using the example of Hesse.

A budget which has passed the parliamentary process can be corrected by a supplementary budget or by order of the secretary of finance in his sole discretion. This authorization refers to obvious errors in the unpublished parts of the budget and is enacted annually. The correction rules and the joint rules of procedure of the ministries apply to the budget law and the "Gesamtplan" (summarized budget plan), whereas the authorization does not cover substantial changes in the material content of law. Drawing on the legal practice of the Federal Constitutional Court, it is clear that the subject and content of parliamentary deliberations provide the necessary precision to determine how far the authorization goes to correct law errors for the specific case. [ZParl, vol. 44, no. 1, pp. 115 – 125]

Igel, Ralph and Michael F. Feldkamp: Looking at the President of the German Bundestag's police from an historical perspective.

Modeled on the German Constitutions of 1871 and 1919, Article 40 GG appoints the President of the German Bundestag having householder's rights as well as police power in the building of the Bundestag. In the early days, all duties concerning order and security in the Bundeshaus in Bonn were carried out by officers from the local police departments although it was clear to everyone that those responsibilities would finally have to be assigned to special security staff. In 1950 tasks concerning order in the Bundestag were assigned to the so called "Hausinspektion", later "Hausordnungsdienst" (HOD). A year later the protection of parliament was handed over to a division of the Federal Criminal Police Office (BKA). As a result, personnel in the HOD was increased by hiring police officers but it was not until 1960 that those officers formally became part of the Federal Police civil-service law. Calling the department "Hausinspektion" or "Hausordnungsdienst" shows the reluctance to acknowledge its employees as police enforcement authorities. When Rita Süssmuth became President of the Bundestag in 1989, she renamed the department into "Polizei- und Sicherungsdienst" (police and security service). By doing so she finally acknowledged the Bundestag's police enforcement authorities and at the same time showed them her due respect. [ZParl, vol. 44, no. 1, pp. 126 – 136]

Erbentraut, Philipp: Does banning the NPD make sense? Early German theorists of political parties would be skeptical.

With the renewed debate of a possible ban of the NPD gaining steam, this article questions from the perspective of democratic theory whether party bans make sense at all in an open society. A close look at the ideas of the state philosophy of the German Vormärz reveals an astonishing finding: Unknowingly, participants in the current dispute reproduce an almost 200-year-old discourse and draw on arguments for and against the banning of parties, which were already known before 1848. The majority of the contemporary authors are extremely skeptical towards party bans and the diversity of their objections can be grouped into three main arguments: party bans achieve nothing (futility thesis), party bans are harmful (jeopardy thesis), party bans violate the spirit of democracy (perversity thesis). The contribution of these Vormärz readings to the theory of democracy is an appeal to the citizens to engage the enemies of the constitution in a fierce political dispute rather than wait for legal aid. [ZParl, vol. 44, no. 1, pp. 137 – 145]

Brandstetter, Marc: Celebrating children's parties behind barbed wire: The development of the NPD in Mecklenburg-Vorpommern after the state election 2011.

Only a few months before Bundestag elections, the NPD is floundering. The political course corrections of the new party leader *Holger Apfel* led straight into a blind alley: electoral defeats, internal disputes, empty cash boxes. A new attempt to have the party banned by the Federal Constitutional Court could, furthermore, mean the end of the NPD, which wants to celebrate its 50 years of existence in 2014. In addition, the changes within the neo-Nazi scene are worrying the beleaguered flagship of the extremist right. The neo-national socialist “Freien Kameradschaften” outstripped the party in numerous areas a long time ago. But not in Mecklenburg-Vorpommern, the secret stronghold of the party. Here, “free” and party-bounded activists forged a battle alliance that bears fruit. The right-wing movement is present across the state and has a comprehensive structure at its disposal. The NPD, thus, shows two faces: although the regional association could not be more radical, the strategy of lending a helping hand in the neighbourhoods is successful. Pretended non-political activities like children's parties or evenings of gaming introduce new prospects to the party. The “NPD-grassroots (citizen)-revolution” is on the rise along the Baltic coast. [ZParl, vol. 44, no. 1, pp. 146 – 157]

Wilke, Jürgen and Melanie Leidecker: Regional – national – supranational. Electoral campaign coverage at different levels of Germany's political system.

The analysis of election campaigns has a long-standing tradition in communication science. Since the classic Erie County study (1940) many more have focused on how mass media cover parliamentary and presidential elections. But the studies have primarily dealt with elections on the national level, a growing number also on the international level (European Parliament). Considerably less often the role of the mass media in regional elections has been analysed. One field, which so far has been neglected, is to compare the press coverage on the regional, the national, and the supranational level. Our quantitative content analyses of German newspapers (2009 to 2011) show if and how much election campaigns were covered on these three levels and how they differ. Because of these differences we propose to distin-

guish between first-rate coverage (of national elections), second-rate coverage (of regional elections), and third-rate coverage (of European elections). The gap between these levels may result in different perceptions of the campaigns by the public. [ZParl, vol. 44, no. 1, pp. 158 – 176]

Hesse, Christian: The dark side of the electoral law of 2013. Or: a critical praise of the federal electoral law of 2011 rejected by the German Constitutional Court.

The electoral law, which took effect on September 29, 2011 has significant structural differences compared to its predecessor, but is minimally invasive regarding the resulting distribution of parliamentary seats. It eliminates the effect of negative weight of votes according to the definition of the Constitutional Court except in rare cases but it introduces other disruptions of monotonicity. It is hence not clean of inconsistencies and induces differentiations regarding principles of electoral law. But a model for the allocation of seats that satisfies all principles of the election law is mathematically absolutely impossible. The bills competing with the enacted law exhibit even more severe deficits regarding negative weight of votes or they lack practicability or bias in federal representation. The enacted law could easily be improved, and compared to the bills it necessitates the weakest curtailments regarding the factor bundle of fairness, conformity with the constitution and applicability in practice. Yet, the Constitutional Court declared the enacted law unconstitutional on July 25, 2012. The Court had modified its previous definition of the effect of negative weight of votes and the degree of admissibility of excess mandates in such a way that the electoral law 2011 does not fulfill the tightened demands. [ZParl, vol. 44, no. 1, pp. 177 – 200]

Dehmel, Niels and Eckhard Jesse: The new electoral law for the 2013 parliamentary elections. A reform of the reform of the reform is inevitable.

The 2013 parliamentary elections will be held under a new electoral law. On February 21, 2013 the Bundestag passed it against the votes of the parliamentary group Die Linke. The new electoral law is constitutional although it still contains weaknesses as the number of members of parliament might increase. Surplus seats – the real problem of the electoral system – continue to exist but they will be compensated. Furthermore, the rules became more complicated and are not transparent enough. The new electoral law is insofar only a temporary solution. A clear and sustainable foundation is still needed. An appropriate alternative would be the return to the single-vote-system of 1949. [ZParl, vol. 44, no. 1, pp. 201 – 213]