

## ABSTRACTS\*

### ***Töller, Annette Elisabeth: On myths and methods. Measuring the Europeanization of German federal legislation beyond the 80 per cent-myth.***

Since democracy requires knowing who is governed by whom, citizens and political decision makers should know to what extent collectively binding decisions applicable in Germany originate in either “Brussels” or in “Berlin”. In this field, myths, such as the 80 per cent-prophecy made by *Jacques Delors*, are extremely influential because research on Europeanization has so far mainly been restricted to qualitative analyzes whereas few authors have tried to measure how much national policy making is influenced by European policies. The paper discusses different studies that aim at measuring Europeanization of national legislation in several countries before presenting a method for measuring the Europeanization of German federal legislation. With the help of this method, it can be demonstrated that the overall share of Europeanized legislation has grown over the last 22 years. Whereas there is great variance between policy sectors, today the overall share of German federal legislation that is influenced by a so-called European impulse is almost 40 per cent – a decent share, yet far away from 80 per cent. The method presented leaves room for further improvement, in particular with regard to measuring and comparing the Europeanization of national legislation across time, sectors and countries. [ZParl, vol. 39, no. 1, pp. 3 ff.]

### ***Lovens, Sebastian: The German Bundestag between electing and delegating its Vice Presidents the Bisky case.***

In September 2006, the 16th Bundestag modified the rules of election to its Bundestags-präsidium (President and Vice Presidents of the Bundestag) and for the first time instituted a rule of procedure should a single candidate fail to obtain the required majority in the first two ballots. This modification was a reaction to the repeated failed elections of the first candidate from the parliamentary party group The Left Party, *Lothar Bisky*. Up to that point, the standing orders of the Bundestag had solely provided for the presence of all parliamentary groups in the committee and that the election should be held without fixed results. Applying the standing orders of the Bundestag, this conflict could be solved by employing the right to delegate a candidate through parliamentary party groups. However, this solution contradicts the Basic Law which requires an election. The Bundestag decided that the simple majority would suffice in the third ballot. Should this ballot still fail, the Council of Elders is required to reach an agreement. But this procedure is not the only possible one. This paper, however, suggests that the parliamentary party group with an unsuccessful candidate must nominate an alternative candidate for the decisive ballot. Should the parliamentary party group in question not comply, it should lose its right of being present in the Bundestagspräsidium. This suggestion is backed by both the objective of having all

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parliamentary groups in the Bundestagspräsidium and the pre-eminence of the electoral process. [ZParl, vol. 39, no. 1, pp. 18 ff.]

***Hermesdorf, Fred:* Composition of committees within parliament. A comparison of apportionment methods.**

A number of methods has been developed to apportion the votes of an election to the different parties. The sheer number of these methods shows that it is rather difficult to convert the requirements into a mathematical algorithm. To determine the composition of committees of parliaments, the same methods are employed which are used for calculating the composition of the parliament according to the election result. However, there are requirements in the case of committees that are different, so that it is important to direct the attention to this special case with its particular demands on apportionment methods. [ZParl, vol. 39, no. 1, pp. 30 ff.]

***Feldkamp, Michael F:* The “mutton jump” and parliamentary symbolism in the Reichstag building of the German Empire. Addenda to *Kai Zährle’s* article in ZParl issue 2/2007.**

Since 1874, there has been a special procedure for counting votes in German parliaments. For a “mutton jump” all members of parliament leave the plenary assembly hall and re-enter through doors signifying yes, no and abstention. The expression “mutton jump” was first used in 1879 and in 1894 inspired the architect *Paul Wallot* to decorate the „yes“-door to the Reichstag’s plenary hall with a picture of Polyphem from Homer’s odyssey. It is because of that picture, that it was soon mistakenly assumed that the expression mutton jump originated from it. Actually, the word “mutton jump” is a play on words in German and can be seen connected to terms like bellwether (*Leithammel*), inertia voters (*Stimmvieh*) etc. However, thanks to the inlaid work above the entrance door of the Reichstag the word could soon lose the negative connotation it has in German. [ZParl, vol. 39, no. 1, pp. 35 ff.]

***Gast, Henrik:* Chancellor and party leader – two roles in conflict? Party democracy, party chairmanship, and political leadership.**

In parliamentary regimes, parties serve as central sources of legitimacy for the heads of government. The question addressed here is under which circumstances a chancellor is well advised to either assume party chairmanship himself or leave it to somebody else (‘dual leadership’) in order to ensure goal attainment and integration in the respective action system. The central thesis is: If a chancellor is permanently able to live up to different role expectations, the cumulating of roles is an appropriate solution. If major conflicts arise between the two different roles (‘chancellor’ and ‘party leader’), and if such conflicts are worsened because the personality of the office holder does not match external role expectations, a disjunction of the two offices is to the best advantage of every chancellor. On the basis of the chancellorships of *Ludwig Erhard*, *Helmut Schmidt*, and *Gerhard Schröder*, it is revealed that on the one hand all these three chancellors benefited (greatly) from working with a party leader, but on the other hand also faced difficulties. ‘Dual leadership’ therefore only succeeds under certain circumstances. [ZParl, vol. 39, no. 1, pp. 42 ff.]

**Winkelmann, Helmut: The parliamentary privilege of the members of the German federal convention ('Bundesversammlung').**

The German federal convention, the Bundesversammlung, elects the federal president. It consists of all members of the Bundestag and an equal number of members elected by the 16 state parliaments. The Basic Law approves parliamentary privilege (inviolability) to all members of the Bundestag. A federal law, passed in 1959, extended this privilege onto all members of the federal convention. Since then, permission is necessary to prosecute a member of the federal convention or to restrict his or her freedom of the person in any other way. When applied for the first time in the year 2004, this law showed some gaps. In particular, it was not determined which body was responsible to grant permission. At that time, the Bundestag claimed responsibility since the federal convention had not yet convened and was therefore unable to deal with the question. Afterwards, the law was revised. The competency of the Bundestag was asserted and several other issues were resolved. [ZParl, vol. 39, no. 1, pp. 61 ff.]

**Mackenrodt, Christian: How important is the person? On the importance of personal factors of constituency candidates running for Bundestag office.**

The German electoral system, a mixed-member proportional representation, with its first and second vote offers the possibility to vote for an individual to represent the local constituency. The federal elections of 1998, 2002 and 2005 are analyzed here under the question whether voters cast their ballots for constituency candidates because of the candidates' personal qualities. It is assumed that competence and social representativeness increase the probability of receiving the first vote and that voters use information shortcuts to inform themselves about the candidates. Part of the voters use the first vote indeed according to its original function as personality vote. Overall, there is an advantage for incumbents and candidates who are well-known on the national level. [ZParl, vol. 39, no. 1, pp. 69 ff.]

**Tausendpfund, Markus and Daniela Braun: The difficult search for results of elections to the European Parliament: A new data set for the elections 1979 to 2004.**

Since 1979, European citizens have been electing members of the European Parliament (EP). Therefore, the European Parliament is the only EU institution with direct political legitimacy. Both the academic community and the public might be interested in reliable – meaning officially confirmed – results of these European elections. Astonishingly, there is no central institution for gathering, preparing and publishing official election results within the EU. Those seeking this information can either contact national election authorities or consult secondary sources accounting for the official results. Unfortunately, these secondary sources quite often differ from the published results. Moreover, the specific sources for these results are rarely cited. The Mannheim documentation of the results of the European elections 1979 to 2004 now offers a dependable alternative to these problematic sources, reporting almost exclusively the official results from the responsible institutions as well as citing additionally used sources. [ZParl, vol. 39, no. 1, pp. 84 ff.]

**Krumpal, Ivar and Adrian Vatter: Economic Voting: Perceptions of general economic conditions and their impact on federal-level government parties' performance in German state parliament elections.**

In many democratic states, quantitative election studies report empirical evidence of a robust statistical correlation between macroeconomic indicators and electoral outcomes. In times of poor objective performance of their economies, parties in office suffer meaningful vote losses in sub-national elections. The theoretical foundation can be found in the concept of the rational voter who ascribes responsibility for the country's economic performance to the governmental parties, punishing or rewarding them at the ballot box. This proposition is stable at the macro level, as the reviewed national and international aggregate studies demonstrate. The study here presents a contrast to this common approach. For the first time for Germany, a direct empirical test is conducted for the proposition of economic voting with regard to sub-national state parliament elections, using individual-level data. The main conclusion is: The more pessimistic a voter is, facing the future economic development in Germany, the higher his or her probability to cast the vote against the federal governmental parties in sub-national elections. [ZParl, vol. 39, no. 1, pp. 93 ff.]

**Oberreuter, Heinrich: Stoiber's downfall. An example of political self-dismantling.**

The demise of *Edmund Stoiber* as Bavaria's prime minister and leader of the CSU in January 2007 was not due to a short-term crisis. It rooted in a long-term erosion of trust within party, parliamentary group and public, starting as early as 2003 when the Bavarian state parliament election had been won by the CSU with an extraordinary majority. *Stoiber's* distinct assertiveness paying no respect to the basis' moods alienated even loyal supporters from him. In this case, the risks of uncontested and long-term holding of power became apparent: overreaching self-confidence, overload, struggles between in-groups and restriction of admission to the leader by gate-keeping insiders. [ZParl, vol. 39, no. 1, pp. 112 ff.]

**Lhotta, Roland: The federal president as "extra-parliamentary opposition"? Considerations on the separation of powers and of the system type parliamentary government.**

The heavily debated decision of the German president, *Horst Köhler*, to veto two statutes in autumn 2006 and to declare heavy doubts concerning the constitutional validity of a third statute, have brought up the question of a possible sectoral presidentialisation of the parliamentary government of the Federal Republic of Germany. A president with such considerable powers as to veto statutes puts considerable stress on any parliamentary system's design. Trying to harmonize presidential veto power with essential traits of parliamentary systems, in turn, produces several inconsistencies. However, these inconsistencies are the implied consequence of a pervading anti-majoritarian bias within several attempts to legitimate the presidential veto power as a non-contradictory element of parliamentary government. This bias in division of power-schemes reflects older notions of the president as counter-majoritarian legal supervisor and becomes especially relevant not only in times of crisis but also vis-à-vis "normal" times of stable and strong majorities. It is, therefore, not justified to declare the president to being a "figurehead". By contrast, the German example of a president as legal safeguard and potential veto-player points to serious conceptual and typological

difficulties, notwithstanding the fact that German presidents have up to now performed their role restrictively in issuing vetoes. [ZParl, vol. 39, no. 1, pp. 119 ff.]

***Silberhorn, Hubert: A Lasting Majority? President Bush, the Republicans and their blueprint for political dominance.***

President *George W. Bush* had the ambitious goal to unify the United States' society. After almost eight years in office it appears clear that he has bitterly failed. He not only leaves US society even more polarized than before taking office. Through an idiosyncratic political concept he also handed down significant political and ideological burdens to his own party. Proclaiming the "Compassionate Conservatism", president *Bush* broke in multiple ways with formerly sacrosanct conservative principles of government. The Republican administration's policies led to an unprecedented governmental debt and *Bush* defined a new role of government as well as a new position towards minorities and immigration. At the same time the president, with his basically neoconservative policy, was able to break up hitherto dominant cleavages, opening the Republicans for new issues and voters. The rhetoric of "Compassionate Conservatism" proved to be an effective instrument to attract various crucial constituencies for electoral victories. Paired with an effective, highly sophisticated campaign machine, a powerful alliance with lobbyists and a social policy aimed at societal transformation, the cornerstone for a sustainable conservative political dominance was laid. [ZParl, vol. 39, no. 1, pp. 134 ff.]