

ABSTRACTS*

Niedermayer, Oskar: The Election of the European Parliament on June 7, 2009 in Germany: A Debacle for the SPD in the Run up to the Federal Election.

For all German parties, the European election strategically was a whistle stop leading up to the Federal election a few months later. During the campaign European issues were barely discussed. The SPD tried to mobilize her own clientele by a neo-liberal enemy image and presented herself as the rescue helper for those threatened by the loss of their jobs. The CDU organized a relatively low-substance campaign which in the end focussed mainly on chancellor *Angela Merkel*, while the CSU emphasized Bavarian interests. The FDP-campaign was streamlined around the top candidate and concentrated on presenting itself as a market-liberal party and the Greens tried to combine their core-competence in the field of environmental policy with economic and social competence. The campaign of the Links-partei centred on anti-militarism and social justice but was clouded by internal disputes. The election, characterized by a very low turnout, was a debacle for the SPD, whereas the CDU/CSU could confirm her dominant position. The three small parties came off well and the Greens were able to keep their top position by a narrow margin. In the EU as a whole, the Christian Democrats and the Conservatives, which formed two separate parliamentary groups after the election, as well as the Greens gained seats, the Liberals and the Leftist group suffered minor losses. The Social Democrats too lost seats. However, this outcome most likely will not change the "informal grand coalition" in the European Parliament. [ZParl, vol. 40, no. 4, pp. 711 ff.]

Brosius-Linke, René: The Committee on European Affairs of the 16th Bundestag: Strong Internal Structure, Lacking Ambition in Own Rights.

The Lisbon decision of the Federal Constitutional Court conveys deep skepticism whether the Bundestag is exercising its participatory potential in the European Union on a large enough scale. Case studies reveal that such skepticism was not completely unwarranted. Neither in the secondary sector nor on the subject of changes of the treaties itself, did the Committee on European Affairs prove capable of enforcing rights of the Bundestag as a whole. The Constitutional Court solved this problem by ordering partial obligatory referrals, especially in cases where acts involving sovereignty transfers are concerned. This tool should be used in other policy areas, too. [ZParl, vol. 40, no. 4, pp. 731 ff.]

Wimmel, Andreas: New (Old) Conflicts in European Policy: The Parliamentary Debate on the Lisbon Treaty in the Bundestag.

Ideas and positions of German parties towards European integration have long been characterised by the model of an economically and politically integrated state community. This

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general principle has been supported by a clear majority of deputies from all government and opposition parties since the Treaties of Rome until today (with the recent exception of the socialist left) so that conflicts on fundamental EU decisions between the two large people's parties have been avoided so far. Comparing the parliamentary debate on the ratification of the Treaty of Lisbon with those on the Treaties of Maastricht and Nice reveals that this pro-EU consensus persists in principle. However, in the wake of Eastern enlargement and with the new Left Party being part of the Bundestag it has weakened. Responding to this, the Social Democrats (SPD) have realigned their position on European integration towards a "social Europe", for the first time distinguishing their position from that of the Christian Democrats. [ZParl, vol. 40, no. 4, pp. 746 ff.]

Hölscheidt, Sven, Steffi Menzenbach and Birgit Schröder: The Responsibility for Integration Act (IntVG) – Short Annotations.

On June 30, 2009, the Federal Constitutional Court ruled that the Act Approving the Treaty of Lisbon (Zustimmungsgesetz zum Vertrag von Lissabon) is compatible with the German Constitution. However, the court called for more participatory rights for both Bundestag and Bundesrat in European Union lawmaking and treaty amendment procedures, other than provided for so far by laws accompanying the ratification of the Treaty of Lisbon. Through the Responsibility for Integration Act (IntVG) the Bundestag has implemented the decision of the Federal Constitutional Court. The IntVG contains 25 treaty amendment procedures not requiring ratification. In practice, § 8 IntVG should be the most relevant provision concerning participation of both Bundestag and Bundesrat when the flexibility clause (Art. 352) of the Treaty on the Functioning of the European Union is applied. [ZParl, vol. 40, no. 4, pp. 758 ff.]

Schmidt-Radefeldt, Roman: The Parliamentary Dimension of the European Security and Defence Policy – Plurality of Democratic Legitimacy in a European Multi-Level Democracy.

Today, the democratic legitimacy of the intergovernmental European Security and Defence Policy (ESDP) is largely imparted through national parliaments. However, neither the national parliaments nor the European Parliament have sufficient control and legitimacy options in the area of the ESDP: The European Parliament does not have real participatory or sanctioning powers since it cannot hold the security actors, i.e. the national governments united in the Council of Ministers, politically accountable. National parliaments, on the other hand, lack informational proximity to the EU's military integration process. Furthermore, the effective means of parliamentary control open to national governments are successively being curtailed in the course of the European integration process. Legitimacy deficits at national parliamentary level must thus be identified and compensated for on the European level. The existing means of parliamentary control should be purposefully networked at both legislative levels. In this context, the decisive structural advantage of the EU Parliament over a national parliament is its proximity to the military integration process and its closer access to classified military information. [ZParl, vol. 40, no. 4, pp. 773 ff.]

Vetter, Angelika: What about Timing? First-Order Elections, European Elections and Local Turnout in Germany.

Turnout at elections is affected by individual and contextual factors at the same time. While political interests or party identification are important individual components, contextual effects refer to the socio-structural, institutional, and political environment in which elections take place. Referring to the existing knowledge on the relationship between first- and second-order elections two questions arise: Does local turnout in Germany vary depending on its position in the first-order electoral cycle for the Bundestag elections? And is there a higher mobilization in local elections when European elections are held the same day? The analysis of data for 114 local elections in Germany from 1951 to 2008 shows that turnout is slightly higher when local and European elections are held on the same day. Additionally, a short time period between local and national elections also mobilizes citizens to cast their ballots in local elections. This effect is most prominent in states with traditionally low turnout. [ZParl, vol. 40, no. 4, pp. 788 ff.]

Merten Haring: Constitutional Reforms in Great Britain under Labour – Modified Political Scope of the House of Commons.

The political system of the United Kingdom is best-known as the “Westminster-Model” where all political power is concentrated in the simple majority of the House of Commons and the only control is exercised by the voters. During his term in office (1997 until 2007) Prime Minister *Tony Blair* used his clear majority in the House to conduct extensive constitutional reforms. This involved mainly processes of devolution, local-government-reforms, reforms of the Houses of Parliament, of elections, basic rights and EU relations. As a result, the political scope of the House of Commons has changed radically. Much legislative competence has been transferred to the Scottish parliament through devolution and to the European Union. On the one hand, the Prime Minister is now confronted with alternative centres of power in his party. On the other hand, however, his position is strengthened by the reforms of the House of Lords and the use of referendums before constitutional reforms. [ZParl, vol. 40, no. 4, pp. 808 ff.]

Hein, Michael: On Dead Aunts and Exchanged Estates. The Fight Against Government Corruption in Romania and the Role of the Parliament.

From late 2006 to early 2009, Romania underwent a constitutional conflict concerning the opportunities to fight government corruption. In this conflict, the vast majority of the political elite tried to prevent former and current members of government from being prosecuted in criminal proceedings, namely in corruption cases. In particular, eight leading politicians were involved, including former Prime Minister *Adrian Năstase*. The cause of the conflict can be found in the Constitution of 1991, which entitled the parliament as well as the president with the competence to decide on prosecution attempts against government members. In the course of the conflict, many formal constitutional and legal obstacles have been removed, not least through five Constitutional Court rulings. Nevertheless, the impression prevails that the political elite mainly exploits the issue of corruption in their mutual conflicts instead of faithfully trying to solve the problem itself. As a result, so far, not a single former or current government member has been convicted by a court of ultimate

resort. Consequently, the prospects of successfully fighting grand political corruption in Romania are sceptically assessed. [ZParl, vol. 40, no. 4, pp. 824 ff.]

Parashu, Dimitrios: The Cypriot House of Representatives between Constitutional Guidelines and Divisional Difficulties: Developments since 1960.

As one of the younger members of the EU, the Republic of Cyprus remains divided – and far removed from any deeper European interest. The absence of Turkish-Cypriot office-holders since the unrest of 1963 and the occupation of the Northern part of the island in 1974, against all International Law, have naturally had an impact on the implementation of the 1960 Constitution. The requirement of double majorities which the latter stipulates very frequently concerning decisions of the House of Representatives has, for example, led to changes of the Constitution as well as to the increase of the number of parliamentary seats by the Greek-Cypriot members of Parliament, based on the *ius eminens*. Besides those difficulties, other distinctive characteristics of the House and elements of its electoral history are presented. [ZParl, vol. 40, no. 4, pp. 840 ff.]

Lhotta, Roland and Jörn Ketelhut: Integration Responsibility and Parliamentary Democracy: The German Constitutional Court as an Agent of the “Constitutionalized Political Sphere of Primary Rank”.

The Lisbon-ruling of the German Constitutional Court soon became interpreted as a serious enhancement of parliamentary democracy. The authors, however, disagree. Tracing back jurisdictional path-dependencies and locked-in argumentation styles like the “Bridge Theory” shows that the Constitutional Court from its early beginnings of European law jurisdiction constantly adhered to state centered dogmas, displaying a strong prejudice against European law taking priority over national law. In its Lisbon-ruling the Court transforms – in a genuine *Schmittian* style – the Basic Law principle of democracy into a kind of collective right to political self-determination and sovereignty. By claiming this to be the untouchable core of German constitutional identity and expanding this sphere to nearly every part of state functions the Court plays off the democratic principle against the *Rechtsstaat*. The “Integration Responsibility”, hence, becomes a safeguard against further steps of “setting free the state” by integration. The Bundestag, notwithstanding its emphasized democratic legitimacy, is only one of several players in a “separation of integration responsibility game” – while not much trusted by the judges in Karlsruhe. Therefore, the Court installs itself as the ultimate agent of “the constitutionalized political sphere of primary rank”, always anxious and ready to act against any encroachments on the state’s sovereignty, which the European and German political actors and institutions are so eager to put at risk. [ZParl, vol. 40, no. 4, pp. 864 ff.]

Landwehr, Claudia and Katharina Holzinger: Parliamentary Plenum and Citizen Conference: What is their Impact on Political Decision?

A central assumption of deliberative theory is that political preferences are transformed by communicative interaction. However, deliberative democracy lacks a theory that could explain why and how precisely communication affects preferences. We develop a concept of

preference transformation that identifies discursiveness and coordinativeness as properties of communicative interaction that affect the likelihood of preference change differently. In an empirical comparative analysis using this approach two extreme modes of interaction are examined: debate and deliberation. A case study of a parliamentary floor debate and a citizen conference on the same conflict, the import of embryonic stem cells, shows the discursiveness and coordinativeness in both forums. The key assumption of the theory of deliberative democracy is underlined that the transformation of preferences is only possible in the mode of deliberation. The floor debate of the Bundestag could not lead to a change of preferences as it lacked discursiveness. This could take place in the citizen conference which was, however, not sufficiently oriented towards the necessity of decision-making. [ZParl, vol. 40, no. 4, pp. 889 ff.]