

## ABSTRACTS\*

### ***Winkler, Jürgen R.: The election of the Saarland state parliament on March 25th, 2012: from a “Jamaica Coalition” to a Grand Coalition.***

Structural circumstances as well as political traditions in the Saarland have favored the election of the Christian Democrats since the 1950s. Due to the governing parties' bad appearance, regional political issues determined the election campaigns in 2012. Aiming at forming a grand coalition, both Social Democrats and CDU strove for becoming the strongest party. The governing CDU sustained its position and *Ansgret Kramp-Karrenbauer* therefore is still the prime minister of the Saarland. But the SPD was also able to enhance its result distinctly and joined the Saarland's first grand coalition. While the increase of the Left Party was stopped and the Green Party barely managed the five-percent-hurdle, the Liberal Democratic Party was thrown out of parliament by the voters. Many unsatisfied young citizens finally made the Pirate Party Germany the biggest winner of the election. [ZParl, vol. 43, no. 3, pp. 507 – 524]

### ***Horst, Patrick: The election of the Schleswig-Holstein state parliament on May 6th, 2012: Social Democrats, Greens and the Danish minority party form a coalition of a new type.***

After only two-and-a-half years in power, Schleswig-Holstein voters ousted the coalition of Christian Democrats and Liberals. The early election was ordered by the state supreme court which ruled the old election law unconstitutional. Being unsatisfied with the former government's performance, most voters desired a change. *Thorsten Albig*, the Social Democratic candidate for prime minister, was far more popular than his opponent, so he avoided any negative campaigning. Nevertheless, Social Democrats and Greens came short of a majority and therefore formed a coalition with the Danish minority party which assumed power in Schleswig-Holstein for the first time. The coalition formed within 38 days – a rather short time for a formerly untested alliance of three partners. After the coalition agreement was signed the new prime minister was elected with the votes of the coalition and two members of the newly elected Pirate Party which had won its third state election in a row. [ZParl, vol. 43, No. 3, pp. 524 – 543]

### ***Bajohr, Stefan: The state election of North Rhine-Westphalia on May 13th, 2012: from minority to majority.***

With the state election of North Rhine-Westphalia the red-green minority government won a comfortable parliamentary majority. After an election campaign that focused on political protagonists rather than political issues, the SPD managed to exploit its electoral reservoir and achieved results above average among employees and unionists. Other winners of the election were the Pirate Party and the Free Democratic Party. The latter surprisingly managed

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the five-percent-hurdle and entered parliament again. The CDU achieved the worst election result ever in the state while the Greens also lost votes. The Left Party failed to clear the five-percent-hurdle. The SPD and the Greens proved to be most successful in major cities while the CDU achieved higher results than state average among Catholics as well as in municipalities with fewer than 100.000 inhabitants. The result of the election has brought new influences into the coalition government and the state parliament: Not only is the government now even more social democratic but with the Pirate Party a completely new actor entered the political stage. [ZParl, vol. 43, no. 3, pp. 543 – 563]

***Fürnberg, Ossip: State elections in the “shadow” of federal election campaigns: How does the election date influence the outcome?***

If state elections take place, analyses of the outcome normally take the federal level into account. After the German unification state elections are more frequently held at the time of federal election campaigns. And this will happen more often in the future. This circumstance of parallel elections results in three major effects: First, for these elections the influence of the federal level was comparatively stronger for the individual voting behavior. Second, the effect is stronger when it comes to small parties. Third, the analysis also shows that the governing parties of state governments are less strongly affected by the federal election campaign. [ZParl, vol. 43, no. 3, pp. 564 – 579]

***Linhart, Eric and Jana Windwehr: The importance of specific ministries, portfolios and policy fields for the parties of the German federal states.***

Based on a questionnaire which was sent to all party and parliamentary group leaders in the German Länder, the questions was asked how relevant the single parties consider specific ministries, portfolios and policy fields. As expected, state prime ministers were judged to be most important. Furthermore, the Ministers of Finance are believed to hold a key position. On the level of portfolios, finance, education as well as energy are judged very important. On the contrary, portfolios such as sports, federal and European affairs and forestry, but also classical portfolios such as justice are evaluated as being less relevant. Combining similar portfolios into broader policy fields leads to non-surprising results: Social Democrats and Socialists value “Labor and Social Affairs” as highly important, while Christian Democrats as well as Liberals emphasize “Finance” as the most important policy field. “Environment” plays an outstanding role for the Greens. But there are also some unexpected results such as the high value of “Agriculture” given by Greens and the low importance of “Education” by Christian Democrats. [ZParl, vol. 43, no.3, pp. 579 – 597]

***Hoffmann, Josef and Michael Wisser: Expert legislation on federal level: committees of the German Bundesrat.***

The public, and also the media often regard the Bundesrat as a political counterweight to parliament and government only. This view ignores that it contributes substantially to expert legislation on the federal level. As a consequence of German history, the Bundesrat is composed of members of the executives of the Länder. In practice, their contribution lies in participating in the legislation and administration of the Federation in all cases provided for

by the Basic Law. In a highly formalized but nevertheless very efficient procedure, the federal states bring to bear their own expertise and administrative experience. The decisions of the Bundesrat as a result of previous deliberations on committee and plenary level contribute significantly to practicable federal legislation and, in addition, to an equivalent development of law within the European Union. [ZParl, vol. 43, no. 3, pp. 598 – 608]

**Onken, Holger and Sebastian H. Schneider: Boarding, capsizing or running aground? On the chances of the Pirate Party in the German party system.**

Due to its recent successes in German state elections, the Pirate Party gets a lot of media attention. However, to enter the Bundestag in the federal elections in 2013 and to establish itself in the German party system, a sociodemographic and political-ideological cleavage of voters is necessary. An analysis of survey data from the state elections in 2010 and 2011, as well as a survey among first-time voters in the 2009 federal election, show that the supporters of the Pirate Party are predominantly male, young and highly interested in politics but quite dissatisfied with the current state of democracy. Ideologically, the voters are located in the center, but with proximity to the Social Democrats, the Green Party and the Left Party. First-time voters value personal freedom as being important, whereas family and environmentalism are considered less important. Regarding policies, reducing bureaucracy and withdrawing German troops from Afghanistan are preferred. The chances for the party to consolidate itself are rather good as long as the mentality of the voters is not a life-circle effect, or foreign affairs (such as the European economic crisis) again foster a preference for security and stability. [ZParl, vol. 43, no. 3, pp. 609 – 625]

**Buck, Sebastian: Liquid democracy – fulfillment of deliberative hopes? On the self-conception of the Pirate Party.**

The concept of liquid democracy is closely linked to the success of the Pirate Party. It has been perceived as a new way of organizing political decision making as well as political action, especially by the media. Nevertheless, by taking a closer look at this phenomenon, it becomes obvious that liquid democracy itself is not a new concept but rather a technically new concept of deliberative democratic theory. Placed into the wide spectrum of deliberative theory, liquid democracy turns out to be a procedural concept containing two considerable deficits: It focuses on a sheer online discourse based upon rationality and there is a clear tendency to dissolve common ground by opening new arenas for single topics. Both of these two aspects not only minimize the much needed inclusiveness of democratic systems but they also replicate the structures of labor division and a dependency on experts that the concept of liquid democracy is intending to overcome. [ZParl, vol. 43, no. 3, pp. 626 – 635]

**Borowy, Oliver: Constitutional-juridical aspects of the parliamentary fine and suspension of a Member from plenary sittings.**

In 2011 the German Bundestag has introduced a parliamentary fine as an additional instrument for protecting the parliamentary order during plenary sittings. In a case of a not minor disturbance of order or an injury of the Bundestag's dignity, the President of the Bundestag is now permitted to levy a fine of €1.000; in the case of recurrence this may rise to €2.000.

This is a sensible enlargement of instruments within the scope of the President's power since it enables him to act in a more differentiated manner and more efficiently against all kinds of ordinal disturbances. Constitutional-juridical criticism put forward against the fine, as well as the meeting exclusion, is not convincing. It postulates a general priority of the representative's right to speak and vote against the effectiveness of the plenary sitting, using an individual-juridical view. Quite the contrary is true: The representative's rights are interpreted to be primarily functional guarantees for the Bundestag as a House of Representatives. The solution of conflict in particular cases is incumbent upon the President of the Bundestag. [ZParl, vol. 43, no. 3, pp. 635 – 657]

***Haug, Volker M.: The Federal Constitutional Court as legislator in place of the legislator: A critical appraisal of the judgment on the electoral law from July 25th, 2012.***

The latest judgment of the Federal Constitutional Court (FCC) on the Electoral Law is, in respect of Constitutional Law, only partially convincing. In contrast to the Court's view, the legislator has considerably reduced the likelihood that an inverse vote will occur. Therefore, the verdict of unconstitutionality was not compelling. By defining an acceptable maximum of surplus seats ("Überhangmandate") without compensation the FCC infringed excessively on the Legislator's domain. Besides, the Court's treatment of surplus seats falls short of the Electoral Law's legislative concept of a combined system of proportional representation and majority vote. The only point of agreement with the FCC is its critique on how the newly created extra mandates are calculated, namely by only taking rounding losses into account. This leads to the fact that parties with particular fluctuations in positive leftover votes would be privileged illegitimately. Overall, it would have been perfectly arguable to leave political responsibility with the legislator and only declare those rules null and void that concern extra mandates. [ZParl, vol. 43, no. 3. pp. 658 – 674]

***Bebnke, Joachim: The proposal of a parsimonious automatic seat distribution procedure with adjustment seats, which guarantees proportionality between parties and optimizes proportionality between states.***

After the decision of the Constitutional Court on July 25th, 2012, the German Federal Republic is left without a valid electoral law. The new law, which had only recently been passed by the Bundestag with the votes of the governing parties CDU, CSU and FDP, has been declared unconstitutional in several respects. Obviously, the best designs for a new electoral law would be those that avoid entirely or at least almost completely the emergence of surplus seats, such as the introduction of multimember districts for the direct election of candidates. However, these optimal solutions would require fundamental redistricting. As the next federal election is approaching quickly, the only realistic solutions are models with adjustment seats or models that account for surplus seats with lists of party seats in other states. In considering several criteria, models with adjustment seats seem to be the most favorable. The combination of adjustment seats with an automatic procedure for distributing seats is especially suited to the elimination of problems inherent in the electoral system. [ZParl, vol. 43, no. 3, pp. 675 – 693]