

ABSTRACTS*

Petersen, Anne Sophie and Viktoria Kaina: “I pull the strings”: the working group chairpersons of the SPD and CDU/CSU parliamentary parties in the Bundestag.

In general, the working group chairpersons of the parliamentary parties in the German Bundestag are unknown to the broad public. However, this selective perception does not correspond with their real influence. The working group chairpersons have diverse formal and informal power resources at their disposal in order to influence political decision-making both frequently and substantially. Due to their essential role in parliament, they are rightly seen as part of Germany’s political elite. However, despite their influential political position, most of them lack public reputation. Therefore, it is doubtful that we can reliably identify elite members by picking out public figures. The findings nonetheless confirm that political actors may use their personality as well as their prominent status as “personal capital” both for climbing up the career ladder and strengthening their ability to act. [ZParl, vol. 38, no. 2, pp. 243 ff.]

Kreiner, Maria: Temporary Office. An explorative study on the professional and political whereabouts of former members of the Bundestag.

Where do members of parliament end up after leaving office? This question is the starting point of a study based on interviews with 38 former members of the Bundestag who left parliament in 1994 and 1998. Few of them returned to the jobs they had held before being elected to parliament; most of them switched to new occupations. Generalized prejudices against former politicians can be refuted: (1) the political parties do not have any fallback positions for failed candidates at their disposal; (2) bridging benefits mostly do not serve their actual purpose, and the amount is so meagre that some former members of parliament suffer social decline. Most of them, however, continue their political activity at a lower level after leaving the Bundestag. Re-entry into either the Bundestag or a higher political position is hardly ever achieved. [ZParl, vol. 38, no. 2, pp. 261 ff.]

Zähle, Kai: The “mutton jump” in the German Bundestag.

According to German parliamentary tradition, a special case among different kinds of voting procedures is called “mutton jump”. It is a vote by division whereby all members leave the plenary assembly hall and are counted as they re-enter through the doors marked with “yes”, “no” and “abstention”. This kind of voting gives information both on voting behaviour and on the number of members of parliament participating in a vote. In the Bundes-

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tag, this method is used, for example, (1) when there is doubt whether the necessary quorum of the Bundestag is fulfilled, (2) when the members chairing a plenary session cannot agree on the result of a vote after calling both sides or (3) when members vote on a motion rejecting an objection lodged by the Bundesrat to a bill passed by the Bundestag. The “mutton jump” is the correlate to the voting procedure using voting cards bearing members’ names. Elec-tronic voting could displace it; however, the current rules of procedure of the Bundestag do not provide for such means of voting. [ZParl, vol. 38, no. 2, pp. 276 ff.]

Pieper, Stefan Ulrich: The right of self-dissolution of the Bundestag as correction of Article 68 of the Basic Law? Annotations on the decision of the German Federal Constitutional Court of August 25, 2005 – 2 BvE 4/05 and 2 BvE 7/05.

As soon as Germany’s Federal Constitutional Court declared the dissolution of the Bundestag as constitutional in 2005, some called for the introduction of a parliamentary right of self-dissolution. It is supposed to counteract an alleged invigoration of the Chancellor’s position within the constitutional system between parliament and government. It is assumed that the current regulations would pave the way for manipulation. In contrast to this position, the Constitutional Court emphasized the decisive role of the members of the Bundestag. Against their majority vote, dissolution under the terms of Article 68 of the Basic Law is impossible. The introduction of a parliamentary right of self-dissolution requires a new conception of the present pretentious balance of Bundestag, Chancellor and Bundespräsident, which is oriented towards maintaining the highest possible stability of government. It is argued that a right of self-dissolution does not strengthen the position of the Bundestag. Compared with the dissolution procedure as marked out by Article 68 of the Basic Law, the right of self-dissolution is no less susceptible to manipulation. [ZParl, vol. 38, no. 2, pp. 287 ff.]

Reutter, Werner: Structure and duration of legislative procedures at the federal level in Germany.

For many, cooperative federalism and intertwined policy-making are the major causes for the lengthiness of legislative procedures in Germany. Following this view, the federalism reform of 2006 was guided by the assumption that bills requiring the consent of the Bundesrat prolonged parliamentary decision-making processes in general. However, there has been little scientific evidence to support this claim. As a matter of fact, there are at best only a few studies examining the temporal structure and the causes for the duration of legislative procedures. Here, these issues are addressed by analyzing the duration of parliamentary decision-making in the last legislative period (2002 to 2005) as well as in the case of “key decisions” between 1972 and 2005. Overall, the share of consent legislation is not the primary cause for delays in legislative procedures. In consequence, the restructuring of the legislative competencies between the Länder and the central state and the restriction of the role of the Bundesrat will not accelerate parliamentary decision-making. Hence, the federal reform of 2006 will fail to accomplish one of its goals. [ZParl, vol. 38, no. 2, pp. 299 ff.]

Krumm, Thomas: Private bills in Anglo-Saxon systems of government: legitimacy resource or reversal of separation of powers?

In the classic Anglo-Saxon style of government, legislation may be initiated by single representatives favouring certain private actors. The parliamentary “godfathers” of such a procedure act on behalf of private interests or individual persons. This widespread legislative procedure has so far eluded the attention of German political science. The major questions asked here are whether private bills are a legitimizing resource or if they signify an increasing lack of differentiation in the separation of powers. After looking at the characteristics of the procedure in Britain, Scotland, the USA and Canada, it is compared with the – in contrast to the former – very restricted type of lawmaking procedure in Germany, the so-called laws relating to particular cases and measures (Einzelfall- and Maßnahmengesetze). The private bills procedure is still a typical element of the Westminster model of government, even if its relevance has been decreasing. [ZParl, vol. 38, no. 2, pp. 315 ff.]

Steinack, Katrin: Fighting a losing battle? A study on the opposition’s influence in the Bavarian Landtag.

The opposition role of Social Democrats (SPD) and the Green Party in the Bavarian state parliament is defined by the hegemony of the Christian Social Union (CSU) which has been governing the state for many decades. Both opposition parties use several strategies, situated at different levels of publicity, in order to influence the CSU parliamentary party and the Bavarian state government. The analysis focuses on the 13th legislative period of Bavaria’s state parliament (1994 to 1998) and is based both on 21 expert interviews with members of all parliamentary parties and on a detailed examination of nine (out of 181) legislative procedures. Distinctive features in the parliamentary appearance of the opposition and the strategies they choose in order to gain influence(s) reflect significant profiles of party politics. While Social Democrats focused on a strategy of matter-of-fact cooperation in general, they sought to take a facilitator role in some controversial legislative cases. In contrast, the parliamentary party of the Greens chose confrontational power politics that had their main effect outside of parliament. [ZParl, vol. 38, no. 2, pp. 327 ff.]

Brandstetter, Marc: The Saxon NPD: political structure and social rootedness.

The shadowy existence of the NPD as a meaningless party on the right margin of the German party system lasted almost four decades until it achieved a surprising comeback at the election to the Saxony state parliament on September 22, 2004. With 9.2 percent of the vote, the rightist extremist party sent twelve members into the state parliament. It is no coincidence that this breakthrough occurred in Saxony. The NPD laid the basis for its success there through political work. It thrived to construct the image of a party for and close to ordinary people with a political style more in touch with real life. At the same time, it avoided ideological-aggressive, xenophobic rhetoric. The NPD did not disclose its true radical face. However, since entering parliament successes have been rare. The parliamentary party has shrunk from twelve to eight members and has been affected by several scandals. Overall, the NPD’s success in Saxony 2004 does not appear to be easily repeatable because at the time several favourable circumstances (like the general mood rejecting Hartz IV legislation) helped the party at the state election. [ZParl, vol. 38, no. 2, pp. 349 ff.]

Feldkamp, Michael F.: Reichstag and Bundestag. Edition of a rediscovered speech of Paul Löbe delivered in 1951.

In 1951, the president by age of the German Bundestag 1949, *Paul Löbe* (1875 to 1967), held a speech in front of members of the “German Parliamentary Society”. In it, he compared the developments of the then young Bundestag with his experience as longstanding Speaker of the Reichstag in the Weimar Republic (1920 to 1924 and 1925 to 1932). The speech is printed and annotated here for the first time. The main topics are: procedural provisions for the order of events of plenary meetings, the code of conduct for members of parliament and issues concerning an adequate parliamentary culture. *Löbe* gives an unvarnished atmospheric description worth reading of the first years of the Bundestag that gave itself the so-called “Final Rules of Procedure” (Endgültige Geschäftsordnung) only half a year after this speech. The posthumous publication of *Löbe*’s contribution completes his works since his memoirs of 1949 are appropriately complemented by this personal appraisal of the work of the Bundestag in its second year of existence. [ZParl, vol. 38, no. 2, pp. 376 ff.]

ThaySEN, Uwe and Jürgen W. Falter: Fraenkel versus Agnoli? Or: What is to be learnt of the disenchantment with parliaments of the 1960s for today’s debate on post-parliamentarism?

Supplementing the article by *Wolfgang Kraushaar* in the last issue of this journal, further light is thrown on the illiberalism of the student opposition and *Johannes Agnoli*’s antiparliamentarism in the late 1960s. A particular student political science-journal published in Berlin at the time stands in focus because both authors of this article and *Agnoli* himself were involved in it. It is possible to draw a line from that journal and *Agnoli*’s antiparliamentarism to the foundation of the Zeitschrift für Parlamentsfragen. Looking at *Agnoli*’s view of democracy and parliamentarism the question is considered as to why and to what extent *Ernst Fraenkel* backed and even supported him in the debates of the late 1960s within the Free University Berlin. Furthermore, parallels and differences between *Fraenkel*’s notion of disappointment with parliament (Parlamentsverdrossenheit) and today’s debate on post-parliamentarism are discussed. The authors question the political and scientific validity of the concept of post-democracy and post-parliamentarian government. [ZParl, vol. 38, no. 2, pp. 401 ff.]