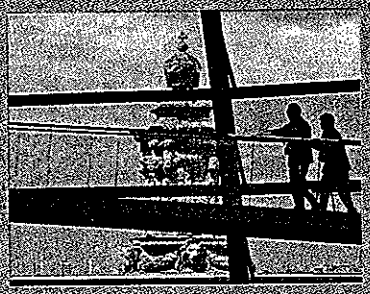
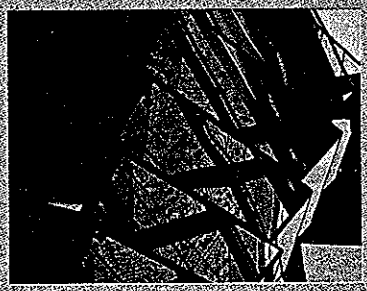
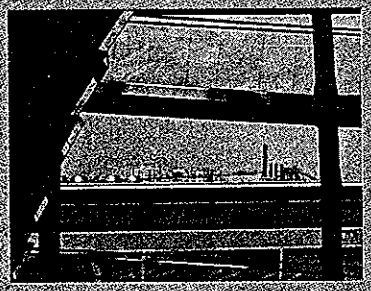
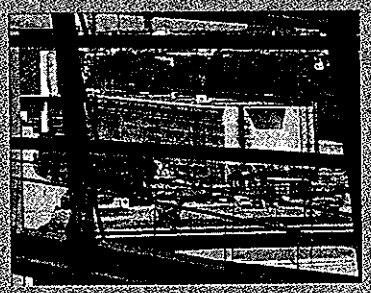
Chapter 13

Germany: The Key Institutions





QUESTIONS TO CONSIDER

1. How was the debate over Berlin as Germany's capital a question of core areas?
2. Is federalism the best route for Germany? Why?
3. How do the French and German presidencies differ?
4. How do the British and German prime ministries differ?
5. How does Germany's constitutional court differ from the U.S. Supreme Court?
6. What is the German lower house? How does it differ from the upper?
7. What are Germany's main parties?
8. How does the German electoral system work?

In 1949, the founders of the **Federal Republic of Germany** were hopeful that the east and west sections of their country would reunify. Accordingly, in drafting their founding document—based in part on the 1848–1849 Frankfurt and 1919 Weimar constitutions—they called it the **Grundgesetz** (Basic Law) rather than *Verfassung* (constitution), which was to come only when Germany reunified. They meant to indicate that the Federal Republic was temporary and operating under temporary rules. Sixty years later, the question is a legal quibble; the Basic Law continues as unified Germany's constitution, and an excellent one at that.

The new West Germany revived an old pattern in German history, **federalism**. Germany's **Länder** have at least as much power as American states, maybe more. Education, medical care, police, and many other functions are run by Land governments. Part of the reason for this strong federalism was to repudiate Nazi centralization and to make sure it could never happen again.

Berlin was a strange situation. Located 110 miles (180 kilometers) inside East Germany, Berlin was nominally governed by the four occupying powers. The Soviets, however, in 1949 turned East Berlin into the capital of East Germany, and the American, British, and French sectors became, to all intents and purposes, a part of West Germany. Bonn counted West Berlin as its eleventh Land, but the wartime Allies did not recognize it as such. So officially West Berlin was not part of the Federal Republic, but in practice it was. West German currency, laws, and passports applied in West Berlin, but the city sent only nonvoting representatives to the Bonn parliament. The anomaly was solved in 1990 with the unification of the two Germanys. With the Berlin Wall down, Greater Berlin became a Land and in 1999 the official capital of united Germany, although six ministries (including defense) remained in Bonn.

East Germany, set up by the Communists in 1949, continued the Nazi pattern of centralized rule with fourteen administrative districts, each named after its leading city, without autonomy. Unification in 1990 brought back to life East Germany's five Länder, so now the Federal Republic has sixteen Länder, ten from West Germany, five from East Germany, plus Greater Berlin.

THE PRESIDENT

Germany's federal president (*Bundespräsident*) is the classic European president, a figurehead with few political but many symbolic duties. Like the monarchs of Britain and Scandinavia, the German president is an official greeter and ambassador of good will rather than a working executive. The French president of the Third and Fourth Republics and today's Israeli president are other examples of weak presidencies. De Gaulle, of course, greatly strengthened the French presidency.

Federal Republic of Germany Previously West Germany, now all of Germany. (See page 179.)

Grundgesetz Basic Law; Germany's constitution. (See page 179.)

federalism System in which component areas have considerable autonomy. (See page 179.)

Land Germany's first-order civil division, equivalent to U.S. state; plural *Länder.* (See page 179.)

Bundestag Lower house of German parliament.

Mitteleuropa Central Europe.

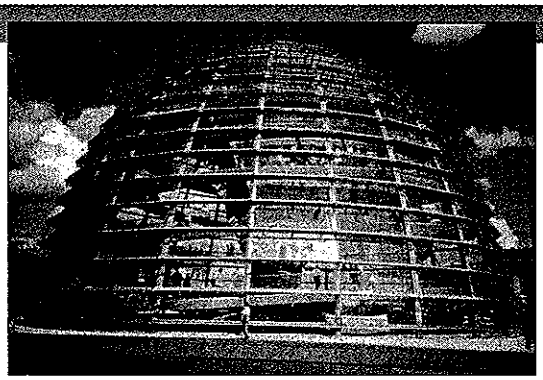
The president is the "head of state" rather than "chief of government" (for the distinction, see pages 33–34), and as such receives new foreign ambassadors who present their credentials to him rather than to the people they will actually be working with, the chancellor and foreign minister. The president proclaims laws (after they have been passed by parliament), dissolves the Bundestag (upon the chancellor's request), and appoints and dismisses the chancellor (after the leading party has told him to). In short, the German president is, to use Bagehot's terms, a "dignified" rather than "efficient" part of government.

The president is elected by a special Federal Assembly composed of all Bundestag members plus an equal number from the state legislatures. The president serves five years and may be reelected once. A sort of semi-retirement job, it is usually given as a reward to distinguished

GEOGRAPHY

FROM BONN TO BERLIN

The 1991 debate that led to restoring Berlin as the capital of united Germany was essentially a conflict over core areas. Bonn, a small town in the Catholic Rhine area well to the west, had served as West Germany's capital since 1949. It shifted Germans' attention westward in values, economics, and alliances. Berlin, a major city near the eastern border of Germany, had earlier been the capital of Protestant Prussia but served as Germany's capital from 1871 to 1945. Moving back to Berlin shifted Germans' attention to the problems of the poorer, former-Communist, eastern part of their country. Some critics feared that in the long run it would turn Germany from the West and toward the old concept of a German-dominated **Mitteleuropa.**



The Reichstag Dome, the work of British architect Lord Norman Foster, has become Berlin's top tourist attraction. Inside the redone building below the dome, the Bundestag meets.

Billions in subsidies poured in to reconstruct ministries, parliamentary offices, embassies, museums, and hotels. Even the old Reichstag building, now housing the Bundestag, was redone with a new glass dome that visitors can climb via spiral ramps. Berlin's economic base, however, is weak. Little industry grows while unemployment and poverty are high. In 2006 the Constitutional Court rejected Berlin's claim for funds to bail out its $79 billion debt. Germans got tired of vast subsidies for Berlin. Some fear that Berlin will be a city of government and museums.

senior politicians. In 2005, economist Horst Köhler, former head of the International Monetary Fund, was elected president with the support of the CDU and FDP. Urging the parties to stop feuding and pass reforms needed to cut Germany's high unemployment, he quickly became the most popular political figure in the country. Unfortunately, the president is not in charge of economic policy or much else.

chancellor German prime minister.

center In federal systems, the powers of the nation's capital.

THE CHANCELLOR

Germany has a weak president but a strong **chancellor**. Unlike the changing chancellors of the Weimar Republic, the FRG chancellorship has been stable and durable. Part of the reason for this is that the Basic Law requires the Bundestag to simultaneously vote in a new chancellor if it wants

GEOGRAPHY

FEDERATIONS

Diversity is the advantage of federalism, a system that yields major autonomy to the components, be they U.S., Indian, Mexican, or Nigerian states, German Länder, or Canadian provinces. The components cannot be legally erased or split or have their boundaries easily changed; such matters are grave constitutional questions. Typically, certain powers are reserved for the federal government (defense, money supply, interstate commerce, and so on) while other powers are reserved for the components (education, police, highways, and so on). Large countries or those with particularistic languages or traditions lend themselves to federalism.

The advantages of a federal system are its flexibility and accommodation to particularism. Texans feel Texas is different and special; Bavarians feel Bavaria is different and special; Québécois feel Quebec is different and special; and so on. If one state or province wishes to try a new formula for funding health care, it may do so without upsetting the state-federal balance. If the new way works, it may be gradually copied. If it fails, little harm is done before it is phased out. U.S. states in this regard have been called "laboratories of democracy": You can try something in one state without committing the entire nation to it. Governments at the Land or state level also serve as training grounds for politicians before they try the national level. Examples: Texas Governor George Bush, Lower Saxony Premier Gerhard Schröder, and Guanajuato (Mexico) Governor Vicente Fox.

The disadvantage is inconsistent and sometimes sloppy administration among components. Many federal systems cannot achieve nationwide standards in education, environment, welfare, or health care. One state wants something and can afford it; another state cannot. One state says certain types of persons are eligible for a program; another says they are not. Federal systems are less coherent than unitary systems. To correct such problems, many federal systems have granted more power to the **center** at the expense of the states. The United States is a prime example of this; compare the relative powers of the states and of Washington over the course of a century.

One might say that in unitary systems there is a tugging in the direction of federalism, whereas in federal systems there is a tugging in the direction of unitary systems. This does not necessarily mean that the two will eventually meet in some middle ground; it merely means that neither unitary nor federal systems are finished products and that both are still evolving.

A federal system may also achieve a stable balance between local and national loyalties, leading gradually to a psychologically integrated country, like the United States, Germany, and Switzerland. But this does not always work. Soviet, Yugoslav, and Czechoslovak federalism actually fostered resentments of the republics against the center. When their Communist parties weakened, local nationalists took over and declared independence.

constructive no-confidence
Parliament must vote in new cabinet when it ousts current one.

to vote out the present one. This reform ended one of the worst problems of parliamentary (as opposed to presidential) governments, namely, their dependence on an often-fickle legislative majority.

The German reform is called **constructive no-confidence** because Bundestag has to offer something constructive—a new cabinet—rather than a mere negative majority to get rid of the old one. This has happened only once, in 1982, when the small Free Democratic party abandoned its coalition with the Social Democrats in midterm and

PERSONALITIES

ANGELA MERKEL: A GERMAN THATCHER?

Angela Merkel

Her supporters hoped that Angela Merkel, who became chancellor in 2005 at age fifty-one, would be a German Margaret Thatcher and give a free-market jolt to the German economy. But the 2005 election that brought Merkel to office produced a *grand coalition* (see page 187) that hamstrung Merkel's ability to push through needed reforms. The German MMP (see page 192) electoral system did not give Merkel a majority in parliament the way the British FPTP system gave Thatcher a Tory majority.

Merkel is unusual in several ways. She is Germany's first woman chancellor and the first from East Germany. Her English and Russian are nearly perfect. A Protestant, she heads a heavily Catholic party. She wants free-market economics; much of the CDU/CSU still seeks "social justice" and opposes her on some measures. She is now in her second marriage and has no children. Merkel was born in West Germany but went as a baby to East Germany, where her pastor father was assigned a church. She grew up entirely in East Germany but kept her critical views of the Communist regime to herself. Instead of the usual law studies, she took a doctorate in physics at Leipzig University and did research in quantum chemistry. (Thatcher graduated Oxford in chemistry.)

When the Berlin Wall fell in late 1989, Merkel helped organize a conservative party that merged with the Christian Democratic Union. Elected to the Bundestag, she still represents a constituency in the northern *Land* of Mecklenburg-Pomerania. Chancellor Helmut Kohl appointed Merkel to his cabinet, first as minister of women and youth and then environment. After Kohl's defeat in 1998, Merkel became CDU chair in 2000. After the CSU's Edmund Stoiber lost to SPD Chancellor Gerhard Schröder in 2002, Merkel became the leading opposition figure.

By this time, Schröder was stalled and losing popularity. He proposed reforming Germany's slow-growth and high-unemployment economy but got little support from his own SPD, which fights any reforms that cut welfare benefits. Unable to govern, a frustrated Schröder arranged a Bundestag defeat to call elections a year early. Schröder, an outgoing personality and good speaker, was more popular than his party. "Angie," as her supporters call her, was a bland and poor speaker, less popular than her party. Personality matters in German politics, and the CDU saw its early 20-point lead over the SPD narrow to a maddening tie (see box on page 190). After two months of negotiations, the CDU and SPD agreed to a grand coalition with Merkel as chancellor. Merkel wanted go farther with reforms to free the economy and trim the welfare state, but the SPD half of her cabinet limited her to what she calls "small steps," such as a watered-down reform of Germany's creaky health-care system. Merkel could not even get reform of Germany's rigid labor market on the agenda. Merkel, thanks to Germany's very different political structure, could not remotely become a Thatcher.

WHO WAS WHEN: GERMANY'S CHANCELLORS		
Konrad Adenauer	CDU	1949–1963
Ludwig Erhard	CDU	1963–1966
Kurt Georg Kiesinger	CDU	1966–1969
Willy Brandt	SPD	1969–1974
Helmut Schmidt	SPD	1974–1982
Helmut Kohl	CDU	1982–1998
Gerhard Schröder	SPD	1998–2005
Angela Merkel	CDU	2005–

voted in a new Christian Democratic chancellor. Constructive no-confidence makes ousting a chancellor between elections a rarity.

Another reason the chancellor is strong stems from the first occupant of that office: Konrad Adenauer, a tough, shrewd politician who helped found the Federal Republic and served as chancellor during its first fourteen years. First occupants, such as Washington in the American presidency, can put a stamp on the position, defining its powers and setting its style for generations. Adenauer—who was seventy-three when he first became chancellor—showed strong leadership and made numerous decisions without bothering parliament or his cabinet too much. A Catholic Rhinelander, he formed the CDU, set up a "two-plus" party system, pointed Germany decisively westward into NATO and the EU, and established a special relationship with France. Chancellors ever since Adenauer have been measured against him. His successor, for example, the amiable and intelligent Ludwig Erhard, was found wanting because he could not exercise firm leadership.

Partly thanks to the style Adenauer set, the German chancellor is approximately as powerful as the British prime minister, which is to say quite powerful. The chancellor picks his or her own cabinet—with political considerations in mind—like the British PM. He or she is responsible for the main lines of government policy and has to defend them before the Bundestag and the public. As such, he or she is implicitly held responsible for what ministers say and do.

THE CABINET

The typical German cabinet is usually smaller than its British counterpart and is now even smaller than the fifteen-department U.S. cabinet. In 2005, Chancellor Merkel, after extensive negotiations between the two coalition parties, named a cabinet with fourteen ministries, eight headed by Social Democrats and six by Christian Democrats:

- Foreign Affairs
- Interior
- Justice
- Finance
- Economy and Technology
- Defense
- Agriculture
- Health
- Families
- Labor
- Education
- Development (foreign aid)
- Environment
- Transport

As usual in Europe, ministries are added, deleted, combined, split, and reshuffled from one cabinet to another. For example, Schröder combined the economy and labor ministries into a "superministry" to fight unemployment (it didn't work). Merkel's cabinet separated them again. Redefinitions of ministries are no big deal in Europe; what prime ministers want, they get. The chief job of the interior ministry is protection of the constitution (*Verfassungsschutz*), which includes monitoring extremist parties and movements. Unlike the French unitary system, though, the only police they have at their disposal are the Federal Border Police; all other police are at the *Land* or municipal level.

As in Britain (but not in France), practically all German cabinet ministers are also working politicians with seats in the Bundestag. Like their British counterparts, they are rarely specialists in their assigned portfolio. Most are trained as lawyers and have served in a variety of party and legislative positions. The job of parliamentary state secretary serves as a training ground for potential cabinet ministers. Below cabinet rank, a parliamentary state secretary is assigned to each minister to assist in relations with the Bundestag, in effect a bridge between executive and legislative branches, as in Britain.

THE BUNDESTAG

Konrad Adenauer, the authoritarian democrat, did not place great faith in the Bundestag. Germany never had a strong parliamentary tradition. Bismarck all but ignored the Reichstag (whose building the Bundestag now occupies). During the Weimar Republic, the Reichstag, unprepared for the governing responsibilities thrust upon it, could not exercise power. Then in 1949 came Adenauer who, like most Germans, had never seen an efficient, stable, responsible parliament, and so tended to disdain the new one. Since Adenauer's time, the Bundestag has been trying to establish itself as a pillar of democracy and as an important branch of government. Success has been gradual and incomplete. Many Germans still do not respect the Bundestag very much.

DEMOCRACY

PREFIX TO DEMOCRACY

In Germany today almost everything associated with the federal government bears the prefix *Bundes-*, meaning "federal." Thus:

- *Bundesrepublik Deutschland* is the Federal Republic of German, FRG.
- *Bundestag* is the lower house of the federal parliament.
- *Bundesrat* is the upper house.
- *Bundeskanzler* is the federal chancellor (prime minister).
- *Bundeswehr* is the army.
- *Bundesministerium* is a federal ministry.
- *Bundesregierung* is the federal government.

The prefix *Bundes-* is relatively new, stemming only from the founding of West Germany in 1949, and as such it has a modern, democratic ring to it. The old prefix of many of the same words, *Reichs-* (imperial), has a slightly sinister, discarded connotation. In Germany, "federal" has become synonymous with "democratic."

The Bundestag has at least 598 members but usually gets additional deputies and now totals 614. Deputies are elected for four years, but elections can be called early, as they were in 2005. Under a parliamentary (as opposed to presidential) system, the legislature can never be a severe critic of the administration in the manner of the U.S. Congress. After all, the Bundestag's majority parties produce the government; they cannot very well criticize it too harshly. Neither is the Bundestag the tumultuous assembly of the French Third and Fourth Republics; the FRG legislature can unmake a government only when it makes a new one. Nor is the Bundestag the docile rubber stamp that de Gaulle made of the French National Assembly. Still less is it the colorful debating chamber of the House of Commons, where clever orators try to sway the public for the next election. On balance, the Bundestag has less independent power than the U.S. Congress but more than the French National Assembly and possibly even the British House of Commons.

One interesting point about the Bundestag is its many women members, close to a third, typical of North European systems that use proportional representation, which allows parties to place women candidates on party lists. Over 40 percent of Sweden's Riksdag are women. The number of women in most parliaments has grown in recent years: 18 percent of British, 16 percent of Mexican, 14 percent of U.S., and 11 percent of French national legislators. These lower numbers are partly the result of single-member electoral districts. PR is fairer to women. Japan has only 7 percent female legislators.

The Bundestag's strong point is its committee work. Here, behind closed doors (most sessions are secret), Bundestag deputies, including opposition members, can make their voices heard. German legislative committees are more important and more specialized than their British counterparts. German party discipline is not as tight as the British so that deputies from the ruling party can criticize a government bill while opposition deputies sometimes agree with it. In the give and take of committee work, the opposition is often able to get changes made in legislation. Once back on the Bundestag floor—and all bills must be reported out; they cannot be killed in committee—voting is on party lines with occasional defections on matters of conscience.

The Bundestag standing committees generally correspond to the cabinet ministries listed earlier in this chapter. The system is designed that way: Each cabinet minister can deal directly with a parallel, relevant Bundestag committee. The ministers, themselves Bundestag members, sometimes come over from their executive offices to explain to committee sessions a proposed piece of legislation.

In a parallel with French deputies, Bundestag membership is heavy with civil servants. German law permits bureaucrats to take leaves of absence to run

A symbol of reunified Germany is the refurbished Brandenburg Gate at the heart of Berlin near the Federal parliament, the Bundestag.

for and serve in the Bundestag. Another important category is people from interest groups: business associations and labor unions. Together, these two groups usually form a majority of the Bundestag membership, contributing to a public feeling that parliament is dominated by powerful interests. Making this worse, a series of scandals revealed that many Bundestag members get "secret money" from private firms for no work, a parallel with British MPs' "sleaze factor."

THE CONSTITUTIONAL COURT

Very few countries have a judiciary equal in power to the legislative or executive branches. The United States and Germany are two; both allow the highest court in the land to review the constitutionality of laws. The **Federal Constitutional Court** (*Bundesverfassungsgericht*, BVerfG), located in Karlsruhe, was set up in 1951 partly on American insistence. The American occupiers reasoned that something like the Supreme Court would help prevent another Hitler, and many Germans agreed with what was for Germany (and indeed all of Europe) a new concept.

Federal Constitutional Court Germany's top court, equivalent to U.S. Supreme Court.

extreme multipartism Too many parties in parliament.

"two-plus" party system Two big parties and several small ones.

monocolor In parliamentary systems, cabinet composed of just one party.

The Karlsruhe court is composed of sixteen judges, eight elected by each house of parliament, who serve for nonrenewable, twelve-year terms. The BVerfG operates as two courts, or "senates," of eight judges each to speed up the work. Completely independent of other branches of German government, the court decides cases between Länder, protects civil liberties, outlaws dangerous political parties, and otherwise makes sure that statutes conform to the Basic Law.

The Constitutional Court's decisions have been important. It has declared illegal some right and left extremist parties on the grounds that they sought to overthrow the constitutional order. It found that abortion bills collided with the strong right-to-life provisions of the Basic Law and thus ruled them unconstitutional. (In 1993, however, it decided not to prosecute women who had first-trimester abortions.) In 1979 it ruled that "worker codetermination" in the running of factories was constitutional. In 1983 and 2005 it found that chancellors had acted within the constitution when they arranged to lose a Bundestag vote of confidence in order to hold elections early. In 1994 it ruled Germany can send troops overseas for peacekeeping operations. In 1995 it overrode a Bavarian law requiring a crucifix in every classroom. Judicial review has worked well in Germany, although the Constitutional Court, because it operates in the context of the more rigid code law, does not have the impact of the U.S. Supreme Court, whose decisions serve as precedents within the U.S. Common Law system.

FROM "TWO-PLUS" TO MULTIPARTY SYSTEM?

Much of the reason the FRG government worked rather well is the party system that evolved since 1949, but that may have ended in 2005. The Weimar Reichstag suffered from **extreme multipartism**; a dozen parties, some of them extremist, made it impossible to form stable coalitions. The Federal Republic seemed to have fixed that, and Germany turned into a **"two-plus" party system**, because German governments almost always consisted of one large party in coalition with one small party. Britain, with its majoritarian system, almost always gives one party a majority in parliament. Germany, with its proportional system, seldom produces **monocolor** governments. A two-plus party

system is somewhere between a two-party system and a multiparty system. Recent elections, alas, turned Germany back into a multiparty system, with all the threats to stability that implies. (For a discussion of coalition formation in Germany, see page 211.)

grand coalition A government composed of the largest parties, leaving only minor parties in opposition.

For most of the FRG's history the largest party has been the Christian Democratic Union (*Christlich Demokratische Union*, CDU). The CDU is now chaired by Angela Merkel, who became chancellor in 2005. Its Bavarian affiliate is the Christian Social Union (CSU), chaired by Edmund Stoiber, Bavaria's governor and 2002 chancellor candidate. Together, the two are designated CDU/CSU as if they are one party. The original core of the CDU was the old Catholic Center party, one of the few parties that held its own against the growth of Nazism in the early 1930s. After World War II, Center politicians like Adenauer decided to go for a broader-based center-right party, one in which Protestants would feel welcome. Like France's Gaullists, the CDU never embraced totally free-market capitalism (and still does not); instead it went for a "social market" economy (see Chapter 16). The CDU/CSU has been the largest party in every election except 1972 and 1998, when the SPD pulled ahead. In 2002 it tied the SPD with 38.5 percent of the national vote and in 2005 edged it out with 35.2 percent.

The Social Democratic party (*Sozialdemokratische Partei Deutschlands*, SPD) is the grand old party of European socialism and the only German party that antedates the Federal Republic. Starting out Marxist in the late nineteenth century, the SPD gradually revised its positions until, in 1959, it dropped Marxism altogether. It was then that its electoral fortunes grew as it expanded beyond its traditional working-class base and into the middle class, especially intellectuals. Now a center-left party, the SPD's socialism is basically support for the welfare state. The SPD's lingering problem: Its leadership is generally centrist, but it still contains many leftists who try to gain control of the party. From 1998 to 2005 the SPD governed in coalition with the Greens. In 2005 it won 34.2 percent of the vote, just behind the CDU/CSU, which it joined in a grand coalition. The SPD's current chief is a Land minister-president (governor), Kurt Beck, one of several possible SPD chancellor candidates.

KEY CONCEPTS

GRAND COALITION

In 2005 Germany revived the **grand coalition** of Christian Democrats and Social Democrats that had governed from 1966 to 1969, which functioned adequately but hurt German democracy because it left only small parties to oppose and criticize. The advantage of a grand coalition: It has such an overwhelming majority in parliament that it cannot be ousted and can pass any laws it likes. The 2005 grand coalition had to happen because no other combination of parties was able to form a coalition (see page 211), but its two parties, the CDU and SPD, were at odds on economic reform and stalemate over important policies.

The 1966–1969 grand coalition made citizens feel that no one could seriously criticize the government, that politics was a game rigged by the powerful, and that democracy was a sham. In the late 1960s a leftist "extraparliamentary opposition" grew and criticized the government in radical terms. Some of West Germany's terrorists first became active in disgust at the wall-to-wall grand coalition, which is probably useful only for emergencies; if it stays in office too long it starts undermining faith in democracy. A good democracy requires a lively interaction between "ins" and "outs" rather than collusion between the two.

Greens Environmentalist parties.

regierungsfähig Literally, "able to form a government"; a party that has matured and is able to rule.

Bundesrat Literally, federal council; upper chamber of German parliament, represents states.

Landtag German state legislature.

The small Free Democratic party (*Freie Demokratische Partei*, FDP) is a classic liberal party seeking a free society, free market, more individual responsibility, and less government. It used to be placed in the center of the political spectrum between the CDU and SPD but now is often placed to the right of the CDU, rather like U.S. Libertarians. (Note again that liberalism in Europe means about the opposite of U.S. liberalism.) The FDP had trouble defining itself and dropped to 7.4 percent of the vote in 2002 but rebounded to 9.8 percent in 2005. The FDP, now Germany's third-largest party, is an alternative for voters mistrustful of the two big parties.

In 1983, a new ecology-pacifist party, the **Greens**, made it into the Bundestag. In 2005 it won 8.1 percent and shrank from third-largest to fifth-largest party. In the 1998–2005 coalition with the SPD, the leader of the Greens, Joseph (better known as Joschka, "Little Joe") Fischer, was foreign minister, the usual portfolio for the head of the second party in a coalition. The Greens, once radical, turned pragmatic and **regierungsfähig** during the 1990s. They want to phase out Germany's nuclear power plants and to put hefty "eco-taxes" on gasoline. Fischer, a slightly impish speaker and Germany's most popular politician, stepped down as Green leader in 2005.

As soon as the Wall came down in 1989, West Germany's parties simply moved in and took over East Germany. The small, new East German parties that had spearheaded the ouster of the Communists were elbowed aside by the CDU and SPD, who had the money and organization. One regional East German party survived, the Party of Democratic Socialism (PDS), composed of ex-Communists and those who feel ignored by the new system. In 2002 it fell below 5 percent but still won two districts (in East Berlin) outright, and it was entitled to keep those two seats in the Bundestag. With East Germany still poor, the PDS scored well there in Land elections. In 2005 the PDS joined with disgruntled SPD leftists to form a new Left party (*Linkspartei*), which ran well in the east and gained 8.7 percent of votes overall, making it the Bundestag's fourth-largest party. None of the other parties, however, considered it a fit coalition partner. Some small rightist parties, including neo-Nazis, win seats in local and Land elections but have never won seats in the Bundestag.

THE BUNDESRAT

Neither Britain nor France really needs an upper house because they are unitary systems. The German federal system needs an upper house, the **Bundesrat**. Not as powerful as the U.S. Senate—an upper house that powerful is a world rarity—the Bundesrat represents the sixteen Länder and has equal power with the Bundestag on taxes, finances, and laws that effect the federal-state balance. The Bundesrat can veto bills, but the Bundestag can override it. On more serious bills, the matter goes to a mediation committee with sixteen members from each house, but compromise often eludes them. An SPD-dominated Bundesrat blocked the reform measures of CDU Chancellor Kohl in the 1990s. With things reversed in the early 2000s, a CDU-dominated Bundesrat blocked the reform measures of SPD Chancellor Schröder. When the Bundesrat is in the hands of the opposition party, Germany has the divided legislature found in the United States when one party controls the House and another the Senate. To try to remedy this, a 2006 reform trimmed the powers of the Bundesrat but gave more powers to Land governments.

The Bundesrat has sixty-eight members. Every German Land, no matter how small, gets at least three. More populous Länder get four; the most populous get six. Each Land appoints its delegates and usually sends the top officials elected to the **Landtag**, who are also cabinet members in the Land

government. They may be from different parties (if the Land government is a coalition), but each Bundesrat delegation must vote as a bloc, not as individuals or as parties. The theory here is that they represent states, not parties.

mixed-member (MM), electoral system that combines single-member districts with proportional representation.

A Split Electoral System

Britain and the United States use single-member districts with plurality win (FPTP) in their parliamentary elections. This system anchors a deputy to a district, giving representatives an abiding interest in their constituents, but it does not accurately reflect votes for parties nationwide; seats are not proportional to votes. (It also gives U.S. Representatives too much interest in looking after the folks back home and too little interest in the good of the country as a whole.)

The alternative, proportional representation (PR), makes the party's percentage of seats nearly proportional to its votes. Weimar Germany had a PR system, which was part of its undoing. PR systems are theoretically the fairest but in practice often lead to difficulties. They permit many small parties in parliament, including antidemocratic parties. They make coalitions hard to form and unstable because usually several parties must combine. Israel, with over a dozen parties in parliament, suffers these consequences of pure proportional representation.

Comparison

Germany's Electoral System: An Export Product

Germany's hybrid **mixed-member** (MM) electoral system—sometimes called a *parallel system*—was much talked about for decades. In the early 1990s, several countries paid Germany the highest compliment by adopting mixed-member systems, with national variations. The aim in all cases was to combine the simplicity of single-member districts with the fairness of PR. Some of the German-inspired hybrids:

- Russian elections from 1993 to 2003 filled half of the 450-seat lower house by single-member districts and half by PR with a 5 percent threshold. Putin returned to straight PR in 2005.
- In 1993, Italy dropped its traditional PR system for one in which 75 percent of the seats of both chambers are filled from single-member districts and 25 percent by PR.
- In 1994, Japan turned from its unique electoral system of multimember districts with plurality victors to an MM system in which more than half the members of each house are elected from single-member districts and the remainder by PR in eleven regions (see pages 271–272).
- New Zealand in 1993 turned from single-member districts to an MM system for its unicameral legislature of sixty such districts plus sixty elected by PR at the national level with a 5 percent threshold.
- The 1999 elections for Scottish and Welsh parliaments had single-member FPTP districts but "topped off" the parties' seats by PR so that they are roughly proportional to their vote share.
- Mexico in 1986 adopted an MM system in which most lower and upper house seats are filled from single-member districts and the rest by PR (see page 489).

DEMOCRACY

2005: A SPLIT ELECTORAL SYSTEM IN ACTION

Chancellor Gerhard Schröder's SPD-led government found itself blocked in 2005. It proposed reforms to trim the welfare state and reinvigorate Germany's economy, but many SPD voters protested any cuts in their benefits. Even when Schröder got a bill through the Bundestag, the CDU-controlled Bundesrat would veto it. In May of 2005 the SPD lost elections in the large, industrialized Land of North Rhine-Westphalia, where it had held sway for twenty-nine years. Schröder felt trapped in a declining situation, so he arranged to lose a Bundestag vote, allowing him to dissolve the Bundestag and hold elections a year early.

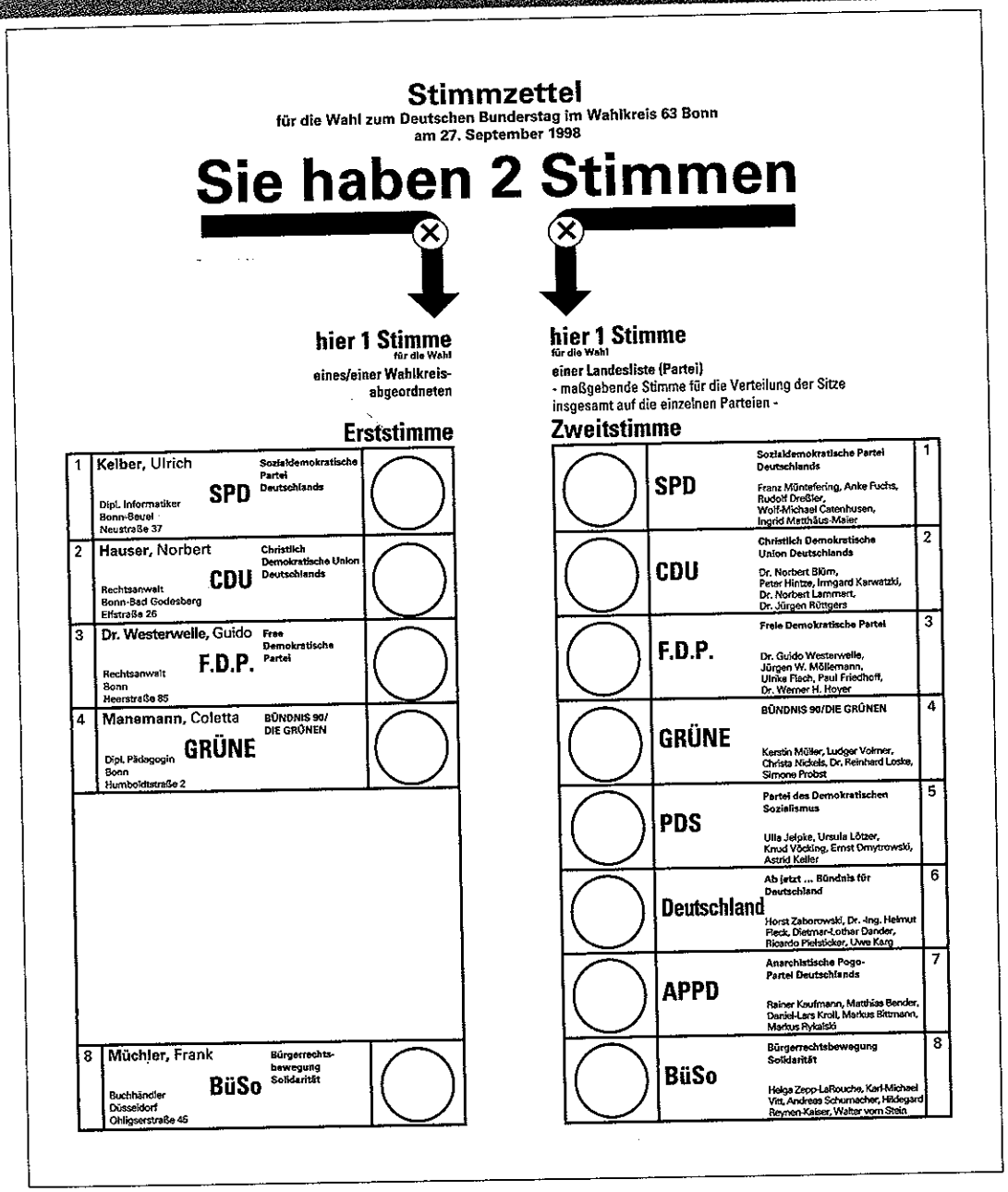
The SPD was supposed to lose big in the September 2005 elections; polls favored the CDU/CSU by as much as 20 percentage points. But personality counts in German elections. Schröder was an outgoing personality who kept his points general while CDU leader Angela Merkel was stiff and detail-oriented. The SPD warned that the CDU/CSU would dismantle the welfare state many Germans depend on. Schröder also won votes with criticism of President Bush's Iraq war. Schröder steadily narrowed the gap with Merkel. Election posters featured portraits of Schröder and Merkel, almost as if it were a presidential election.

A turnout of 78 percent barely made the CDU/CSU the largest party in the Bundestag, with 226 seats to the SPD's 222. With neither having a majority, after two weeks of negotiations, they formed a grand coalition (see box on page 187) with each other. Germany's MM electoral system (see box on page 189) is based on PR, but about half the seats are filled from single-member districts with plurality win (as in Britain). First, notice the percent of vote (on the right-hand, PR ballot) is close to the percent of Bundestag seats

But notice also that the parties got more seats than their percentage of the votes. This is partly because some small parties (the neo-Nazi National Democrats, for example) won less than 5 percent and got no seats. Further, ticket-splitting—voting, as many did in 2005, for the individual CDU candidate on the left-hand half of the ballot but for the FDP on the PR right-hand side—won the CDU more seats than did the percentage of their party votes. The Greens and FDP win seats almost entirely on the second ballot, the party list; they are rarely big enough to win a single-member district.

Those who win a single-member constituency (the left half of the ballot) keep the seat even if it exceeds the percentage that their party is entitled to from the PR (right half of the ballot) vote. These "bonus seats" (in 2005 most of them went to the CDU) make the Bundestag larger than its nominal size of 598 seats; it now has 614 members. Is the German electoral system now clear to you? Not to worry. Many Germans do not fully understand it. Basically, just remember that it is a split system: roughly half single-member districts and half PR, but PR sets the overall share of seats. It is proportional but not perfectly proportional.

	% of Vote	Seats
CDU/CSU	35.2	226 (36.8%)
Social Democrats	34.2	222 (36.2%)
Free Democrats	9.8	61 (9.9%)
Left	8.7	54 (8.8%)
Greens	8.1	51 (8.3%)



Stimmzettel
für die Wahl zum Deutschen Bunderstag im Wahlkreis 63 Bonn
am 27. September 1998

Sie haben 2 Stimmen

hier 1 Stimme
für die Wahl
eines/einer Wahlkreis-abgeordneten

Erststimme

1	Kelber, Ulrich Dipl. Informatiker Bonn-Beuel Neustraße 37	SPD Sozialdemokratische Partei Deutschlands	
2	Hauser, Norbert Rechtsanwalt Bonn-Bad Godesberg Elfstraße 26	CDU Christlich Demokratische Union Deutschlands	
3	Dr. Westerwelle, Guido Rechtsanwalt Bonn Heerstraße 85	F.D.P. Freie Demokratische Partei	
4	Manemann, Coletta Dipl. Pädagogin Bonn Humboldtstraße 2	GRÜNE BÜNDNIS 90/ DIE GRÜNEN	
8	Müchler, Frank Buchhändler Düsseldorf Ohligserstraße 45	BüSo Bürgerrechts-bewegung Solidarität	

hier 1 Stimme
für die Wahl
einer Landesliste (Partei)
- maßgebende Stimme für die Verteilung der Sitze insgesamt auf die einzelnen Parteien -

Zweitstimme

	SPD	Sozialdemokratische Partei Deutschlands Franz Müntefering, Anke Fuchs, Rudolf Dreßler, Wolf-Michael Catenhusen, Ingrid Matthäus-Maier	1
	CDU	Christlich Demokratische Union Deutschlands Dr. Norbert Blüm, Peter Hintze, Irmgard Karwatzki, Dr. Norbert Lammert, Dr. Jürgen Rüttgers	2
	F.D.P.	Freie Demokratische Partei Dr. Guido Westerwelle, Jürgen W. Möllemann, Ulrike Flach, Paul Friedhoff, Dr. Werner H. Hoyer	3
	GRÜNE	BÜNDNIS 90/DIE GRÜNEN Kerstin Müller, Ludger Volmer, Christa Nickels, Dr. Reinhard Loske, Simone Probst	4
	PDS	Partei des Demokratischen Sozialismus Ulla Jelpke, Ursula Lötzer, Knud Vöcking, Ernst Dmytrowski, Astrid Keller	5
	Deutschland	Ab jetzt ... Bündnis für Deutschland Horst Zaborowski, Dr. -Ing. Helmut Fleck, Dietmar-Lothar Dander, Ricardo Pietsticker, Uwe Karg	6
	APPD	Anarchistische Pogo-Partei Deutschlands Rainer Kaufmann, Matthias Bender, Daniel-Lars Kroll, Markus Bittmann, Markus Rykalski	7
	BüSo	Bürgerrechtsbewegung Solidarität Helga Zepp-LaRouche, Karl-Michael Vitt, Andreas Schumacher, Hildegard Reymen-Kaiser, Walter vom Stein	8

"You Have Two Votes": A German Ballot

party list Party's ranking of its candidates in PR elections; voters pick one list as their ballot.

threshold clause Minimum percent party must win to get any seats.

The German system combines both approaches, single-member districts and proportional representation. The voter has two votes, one for a single representative in one of 299 districts, the other for a party. The party vote is the crucial one because it determines the total number of seats a party gets in a given Land. Some of these seats are occupied by the party's district winners; additional seats are taken from the party's *Landesliste* to reach the percentage won on the second ballot. This Landesliste (the right-hand column on the sample ballot on page 191) is a list of persons whom the party proposes as deputies, starting with the names at the top of the list. The **party list** is the standard technique for a PR system. Leading party figures are assigned high positions on the list to ensure that they get elected; people at the bottom of the party list do not have a chance.

The German system works like proportional representation—percentage of votes (nearly) equals percentage of Bundestag seats—but with the advantage of single-member districts. It is technically known as *mixed-member proportional* (MMP), as it preserves overall proportionality. (The systems discussed in the box on page 189 are just *mixed-member*, as their parliaments do not have overall proportionality of parties.) As in Britain and the United States, German voters get a district representative. More than in straight PR systems, personality counts in German elections; a politician cannot be just a good party worker but has to go out and talk with voters to earn their confidence on a personal basis. It is a matter of considerable pride among FRG politicians to be elected from a single-member district with a higher percentage of votes than their party won on the second ballot. It suggests that voters split their tickets because they liked the candidate better than his or her party.

For most of the postwar years, the German system slowly cut down the number of parties compared to Weimar days until it was a two-plus system (a big CDU and SPD, plus a small FDP). One reason: A party must win at least 5 percent nationwide to get its PR share of Bundestag seats. The **threshold clause** was designed to keep out splinter and extremist parties. More recently, however, some new small parties have made it into parliament, the Greens, the PDS, and now the Left party. Even if below 5 percent, a party gets whatever single-member constituency seats it wins, the reason the PDS got two seats in the 2002 Bundestag. Variations on the German hybrid electoral system were adopted by several countries (see box on page 189).

German parties get government help for campaign funds, but after the election. Every party that makes it into the Bundestag gets several euros for each vote. Furthermore, parties' contributions and membership fees are matched 50 percent by federal funds. Typically, a German national election costs taxpayers $150 million or more (cheap by U.S. standards).

KEY TERMS

Bundesrat (p. 188)
Bundestag (p. 180)
center (p. 181)
chancellor (p. 181)
constructive no-confidence (p. 182)
extreme multipartism (p. 186)
Federal Constitutional Court (p. 186)
Federal Republic of Germany (p. 180)
federalism (p. 180)
grand coalition (p. 187)
Greens (p. 188)
Grundgesetz (p. 180)
Land (p. 180)
Landtag (p. 188)
Mitteleuropa (p. 180)
mixed-member (p. 189)
monocolor (p. 186)
party list (p. 192)
regierungsfähig (p. 188)
threshold clause (p. 192)
"two-plus" party system (p. 186)

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