

ABSTRACTS*

Kintz, Melanie: The Occupational Profiles of the Members of the 17th German Bundestag.

The national election in Germany in September 2009 resulted in large shifts in the party composition of the German Bundestag, which affected the occupational pattern of parliament. Using the categories developed by *Adalbert Hess*, these patterns are presented, in particular the differences between East German and West German members of parliament, as well as insights into recruitment trends among younger parliamentarians. The group of civil servants in the Bundestag has decreased in importance, while parties, especially the Greens and the Left Party, seem to recruit their candidates more often from among their own personnel. 20 years after unification there are still significant differences in the occupational profiles of East and West German members of parliament. East German members remain less likely to be found among the groups of civil servants, freelance professionals and business owners – the occupational sectors which dominate among West German parliamentarians. This structural difference is also to be found among the younger generation of parliamentarians. [ZParl, vol. 41, no. 3, pp. 491 – 503]

Tenscher, Jens and Laura Will: Delegates Online? Internet Activities and Evaluations of the Members of the German Bundestag.

In recent years, there has been both an increase in and differentiation among “new” digital media products. Along with this growth has come an increased usage by citizens of digital media products. These developments have stimulated speculation about readjustments in the communications relationship between political representatives and the people. The debate about the “electronic democracy” has so far predominantly focused on the technical potential on the one hand and citizens’ exposure to interactive political communication channels on the other hand. In contrast, the “supply side”, i.e. internet activities of political actors and their motives, has only rarely been investigated. Against the backdrop, this representative survey among the Members of the German Bundestag is looking at their internet activities and internet evaluations. The results demonstrate differences in internet competences, expectations and fears regarding digital ways of communicating with citizens. At the moment, there is a kind of digital divide crossing the ranks of parliamentarians and reflecting age and socialization backgrounds. [ZParl, vol. 41, no. 3, pp. 504 – 518]

* Diese sind in deutscher Sprache zu finden auf www.zparl.de beziehungsweise www.politik.uni-halle.de/zparl.

Heinz, Dominic: Types of Mandates and Committee Membership of the Members of the German Bundestag – An Empirical Analysis from 1949 to 2005.

Anecdotal evidence of public media coverage and academic journal contributions in the field of political science give reason for examine more closely the relationship between the type of electoral mandate and committee membership. In general, the type of mandate and committee membership of German Bundestag members between 1949 and 2005 prove to be stable. Hardly any changes have occurred between the direct- and the list-track patterns of the German two-vote electoral system. Moreover, Bundestag members hardly change the type of committee on which they are members. This has led to more directly elected members of the Bundestag serving on the committees for agriculture, traffic and construction (called constituency committees in the political science literature) and to more list members of the Bundestag serving on the committees for health, defense, family and development, classified as party committees. [ZParl, vol. 41, no. 3, pp. 518 – 527]

Austermann, Philipp: Donations to Members of Parliament.

Allowances for political parties and politicians are always especially noticed in public. The legal conditions, however, are often unknown by the public. Therefore, the legal conditions and consequences of allowances for Members of the German Bundestag need explaining. Donations to Members are generally permitted by law (with certain exceptions), but are subject to rules of transparency. Permitted donations to Members have to be distinguished from inadmissible allowances mentioned in section 44a, paragraph 2 of the Act on the Legal Status of Members of the German Bundestag, whereas the individual circumstances are decisive in determining violations. Inadmissible allowances are payable to the federal budget. [ZParl, vol. 41, no. 3, pp. 527 – 534]

Pieroth, Bodo and Andreas Meßmann: Staff Representation for Employees of Members of the German Bundestag.

The legal right of employees of a Member of the Bundestag (MdB) to codetermination (to participate through representatives in the management decisions of the organization) varies at the present time depending upon the parliamentary group for which the employees work: some employees enjoy civil service rights of staff representation; others have the rights of codetermination enjoyed by employees in the private sector; and still others have no right of codetermination whatsoever. In a law suit brought by employees of the federal parliamentary groups, the Administrative Court in Berlin held that the Federal Law on Employee Representation applies. This law violates neither the prohibition contained in Art. 48 Abs. 2 GG against hindering a MdB in the free exercise of his legislative mandate, nor does the law constitute an unconstitutional “order [or] instruction” pursuant to Art. 38. Abs. 1 S. 2 GG: The participation of the staff council in the hiring, the firing, and the working hours of the employee, while it does from a factual standpoint represent an indirect influence on the free exercise of the MdB’s legislative mandate, cannot from any conceivable vantage point (effectiveness of the exercise of his mandate, the MP’s freedom of decision making, right to adequate infrastructure) be considered a violation of the constitutional guarantee of a free legislative mandate. [ZParl, vol. 41, no. 3, pp. 535 – 542]

Hölscheidt, Sven and Tilman Hoppe: The Myth of the „European Impulse“ in German Legislative Statistics.

In its “Lisbon Decision”, the Federal Constitutional Court touched upon the question as to what extent legislation of Member States is “influenced, preformed or determined by Europe.” Political science tries to measure this Europeanization by counting the number of laws from past legislative periods that originate in a “European Impulse” (“Impulse Method”). This method obtains its data primarily from the legislative documentation of the Bundestag. However, this documentation does not comprise all legislation based on European law. Furthermore, no statement is possible as to whether legislation that had been enacted in the past and which is based on a “European Impulse” is still in force today. Therefore, it is only possible to measure the influence of European law on current German law by comparing the number of current European legislative acts with the number of current German laws (“Competence Method”). [ZParl, vol. 41, no. 3, pp. 543 – 551]

Herz, Hans: The Parliamentary ”Bureau” and the Administrative Staff of Parliaments – The Successful Development of Internal Parliamentary Services Since 1815.

German Parliaments are equipped with their own administrative staff. At present, one cannot find any systematic research and there is no comprehensive presentation about this topic available. Historically, the relationship between the administrative staff and the legislative authorities was, on one hand, conditioned by the change from monarchic to democratic conditions of power; on the other hand, that change was also influenced by executive control over the parliament’s administration in the different venues of the political systems. Finally after World War II, internal parliamentary services and functions could be installed without executive control and German parliaments received their own legislative administrative services. [ZParl, vol. 41, no. 3, pp. 551 – 563]

Decker, Frank: Between Placebo and Model for Success. Direct Democracy on Federal State Level.

Since the mid-1990s, the introduction and expansion of direct-democratic procedures has made steady progress in the German Länder. However, in real everyday politics, direct democracy does not play any significant role due to high obstacles and many exclusions. These restrictions point to the difficult integration of direct democracy into a parliamentary system which is based on the dualism of majority versus opposition. The problem could be eliminated by the introduction of a presidential system of government in the Länder via establishing the direct election of the minister presidents. [ZParl, vol. 41, no. 3, pp. 564 – 579]

Meerkamp, Frank: The Importance of Registration Deadlines for Popular Initiatives in the German Federal States.

People’s legislation is entrenched in the constitutions of all federal states in Germany. The strategies associated with executing these initiatives have, in recent history, shown a rising trend toward change. The procedural requirements for the collection of signatures play an important role in the modernization of the people’s legislation design. Consideration has to

be paid to conflicting interests between the organizers, interested people who are entitled to vote, administrative authorities, and legislature. Time limits for the collection of signatures need to do justice to the tension between the need for a procedure that is clear and legally compliant, but at the same time practically relevant and participation-friendly, and they may not unduly complicate the popular initiative. In particular, the 14-day deadlines, which are the relics of the Weimar and early Federal Republics, are no longer just. In contrast, a six-months period is long enough for public discussion to support the democratic articulation and integration function of direct democracy and yet remains manageable without weakening the intensity and relevance test of the qualification quorum, the minimum threshold of signatures. The time span creates a fair playing field (not just for the established lobby groups) and provides to all interested citizens the option of registration for the initiative without affecting the capability of the local authorities and the parliamentary legislature disproportionately. [ZParl, vol. 41, no. 3, pp. 579 – 598]

David, Klaus: Vicissitudes of Electoral Law in Hamburg. Or: The Prevention of Another Referendum.

During five years, from 2004 to 2009, the two legislators the State Constitution of Hamburg provides for, Parliament and the People through referenda, carried out a remarkable controversy on State election law. The issue was not only which law finally should be enacted by one of two legislators but also its binding force for one another. In 2004 the people of Hamburg enacted by referendum a law on election which introduced considerable changes. Two years later, in 2006, the Hamburg State Parliament overruled various parts of the law of 2004, which the initiators of the referendum considered indispensable. The initiators of the 2004 referendum renewed their efforts to re-enact that law with only few alterations by starting a new referendum in 2008. Parliament had to react for reasons of self-respect since it was not willing to get another imposed election law as the essential basis of its legitimacy. Both legislators entered into negotiations which ended in a compromise: In 2009 Parliament enacted the binding force rules which the initiators were not able to introduce, and the election law which was more or less identical with that of 2004. Parliament appeared as the formal legislator, the initiators reached their goal without a new referendum. [ZParl, vol. 41, no. 3, pp. 598 – 622]

Sieveking, Klaus: On the Political Participation Rights for Non-EU National Immigrants in Germany.

Between 1971 and 2010, attitudes in Germany against political rights for long-term immigrants have changed very little. The first attempt to implement political rights for non-EU nationals was stopped by the Federal Constitutional Court, which emphasized in its decision of 1990 that the right to political participation on all levels is tied to German citizenship. Recent developments in European and international law tend towards a different perception. In 1994, EU legislation gave Union citizens living in other member countries the right to vote in local elections in their country of residence. The German naturalization law was altered: in addition to the principle of descent (“*ius sanguinis*”), the principle of residence (“*ius soli*”) was implemented under certain conditions. However, the new law and the accompanying naturalization campaigns were not really effective in raising political

participation among immigrants. In the meantime, most member states have extended political participation rights to immigrants. Non-EU nationals in Germany are still being discriminated against in comparison with EU nationals. In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and Art. 3 GG, Germany should allow local political rights for non-EU nationals. [ZParl, vol. 41, no. 3, pp. 623 – 637]

Lee, Eun-Jeung: When Citizens Not Only Want to be Voters: E-Democracy in South Korea – A Test Case.

During the past ten years in South Korea, the internet has come to play an essential role in public debate and political mobilization. But the online public does not take an interest in each and every political issue. It is highly selective, as the elections 2007 and 2008 have shown. If some issue becomes a hot issue of online public debate, this is known only *ex post facto*. Prognoses are highly speculative. NGOs, which normally focus on only a few issues, have difficulty adapting to these dynamics to find support among the internet public. Governments tend to be too rigidly organized and too busy to participate meaningfully in this new public sphere. When governments try to control it, they are outsmarted by the “netizens”. In fact, within their respective online communities, the netizens have been able to exercise self-control and to filter extreme and offensive content. Through this, citizens have stopped being mere voters and have become political actors. Their online public questioning of the actions of government and state thus take on a measure of supervision and control over both. Thus the online public has become a significant challenge to the traditional political elites, as well as a fruitful vein for the strengthening of representative democracy, which in South Korea suffers from a decreasing willingness of citizens to participate in elections. [ZParl, vol. 41, no. 3, pp. 638 – 653]

Kropp, Sabine and Matthias Ruschke: MPs and Civil Servants as Role Partners. A Plea for Interlinking Parliamentary Research and Administrative Studies.

Parliamentary research and administrative studies share a considerable number of research interests; both research communities, however, have largely worked on their topics separately. These are good reasons for interlinking both strands of research more tightly. Hence, the focus here is on role perceptions of Members of the Bundestag and civil servants which are consulted as a significant predictor to explain individual behavior. Empirical results on mutual perceptions are rare; scientists have even less knowledge on how self-perceptions correspond with “mirror images”. This aspect, however, is essential for assessing the stability of trust between political elites, being a necessary precondition for effective governance. This paper presents the state of the art, identifies shortcomings, and develops hypotheses on (mutual) role perceptions of parliament and ministerial bureaucracy. As a result, a particular focus is laid on the Europeanization of policy-making and the presumed strong impact on role perceptions. [ZParl, vol. 41, no. 3, pp. 654 – 676]

Zimmer, Christina: Policy Coordination in German Federalism: Changes in the Structure of Working Committees?

In the German federal state, the Länder extensively rely on voluntary coordination of public policy and administration, often involving the federal government. Conferences of departmental ministers and their working committees are central to voluntary coordination processes. Following a resolution of Länder prime ministers in 2004, the committee structure has been subject to reform. In some policy areas, the number of committees has been reduced or limited in time; elsewhere, there have been hardly any changes. A case study demonstrates that the effects of committee reduction also vary. There is, in fact, a basic tendency to increase politicization that can result in shifts of content, greater time exposure, as well as “friction losses” in federal coordination. Apart from that, actors gain opportunities to apply evasive strategies, so that for the most part no comprehensive and permanent changes are to be expected. [ZParl, vol. 41, no. 3, pp. 677 – 692]