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PARLIAMENTARY PARTIES
IN THE GERMAN
BUNDESTAG

SUZANNE S. SCHÜTTEMAYER

GERMAN ISSUES ■ 24

American Institute for Contemporary German Studies
The Johns Hopkins University

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F O R E W O R D

With this study, the sixth in the Institute's series on key institutions of Germany's democracy, Professor Schüttemeyer takes a searching look at that backstage machinery which makes the *Bundestag*, the lower house of the country's bicameral federal legislature, run. How this machinery, a parliamentary party (*Fraktion*)—a caucus of Democrats or Republicans in the U.S. Congress is the approximate, but only approximate, American equivalent—really works is so poorly understood, even in Germany, as to justify the title originally contemplated for this series, little-known institutions of German democracy. The parliamentary parties are tightly organized, strictly hierarchical groupings of parliamentarians of those political parties that present candidates to the voters at all levels of government. These parties have become so powerful nationally that Germany is widely known as a "Party State" (*Parteienstaat*). Their parliamentary parties are no less powerful on their home turf, the *Bundestag*, and indeed Germany has also been called a "*Fraktionenstaat*."

Professor Schüttemeyer trains her analytical spotlight on the *Fraktionen*, which operate mainly behind closed doors and with a good deal of secrecy. She traces the growth of functional specialization among their members and of a powerful hierarchy headed by an executive committee. Individual members of the *Bundestag* dispose of few inherent rights. They derive their authority mainly from their work within and under the aegis of their parliamentary party. Professor Schüttemeyer explains that the high value attached in German political culture to efficiency and solidarity accounts for a remarkable discipline and cohesion in the parliamentary parties. She points out as well that they have performed perhaps the most important function in the German parliamentary system, selection of their party's candidate for the federal chancellorship. That alone is testimony enough to their key role in Germany's democracy.

American readers, aware of the filibusterers and mavericks and of the diverse forms of dissent and the general lack of party discipline which are so characteristic of the U.S. Congress, may marvel at Schüttemeyer's description of efficiency in the conduct of legislative business that results from specialization, hierarchy, and discipline in the parliamentary parties. In the concluding section of her study, she assails myths that attribute such discipline to a reward-and-punish system administered by the parliamentary parties' leaders over their

members. Rather, she stoutly maintains, it results from a commonality of interest within a *Fraktion*, a mutual trust and a willingness to accept colleagues' expertise which has been developed during long years of parliamentary apprenticeship and ascent up the career ladder by *Bundestag* members with a high degree of professionalism in legislating.

The Institute is grateful to Professor Schüttemeyer for her good work and especially for her ability to draw comparisons with American congressional practices, with which she is fully familiar. Assistance in preparing the text was received from professors Clayton Clemens of the College of William and Mary, David P. Conradt of East Carolina University, and Alice H. Cooper of the University of Mississippi. Thanks is due them all for their extensive help. Professor Conradt deserves an extra word of thanks for his editorial advice.

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INTRODUCTION

Between 1949 and 1990, parliamentary democracy became firmly rooted in West Germany. Political institutions in the Federal Republic during those four decades performed their functions in a way that gradually gave birth to a political culture in which democratic norms became unquestioned. General support for the system also held up in times of poor policy performance. These supportive attitudes were not, of course, automatically shared by East Germans after unification in 1990. Citizens of the former German Democratic Republic had been politically socialized in an entirely different, communist environment. They had to adapt to western democratic values, structures, and procedures. This process is still far from complete, and it will probably take a generation or more before we can speak of one political culture in Germany.

Although the general public in a united Germany still seems to harbor some hope that politics can be conducted by well-meaning amateurs, issues on the political agenda have become infinitely more complicated compared to the nineteenth century and the first half of the twentieth. The state has taken over many more responsibilities, and society reflects an ever-growing diversity of interests among citizens. Political decisions now require a high degree of expertise, coordination, responsiveness and leadership. Institutional structures are required that train and select politicians who are able to meet such demands on them. Politicians in turn must shape these structures to make responsible decision-making possible.

Parliaments are central to this process. In the case of Germany's parliament, the *Bundestag*,¹ it is the political parties in parliament that have developed into the most important bodies for parliamentary functions. They provide the framework for the parliament's professional performance.

Need for a substructure within parliament was already felt at the first all-German National Assembly, which convened in the St. Paul's Church in Frankfurt in 1848-1849 (known to history as the St. Paul's Church Assembly). Contrary to the general belief that this parliament was fragmented, composed only of mavericks and of independently minded intellectuals and property-owning notables, its members soon saw the

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need to form groups. They discovered immediately that the volume and nature of their work required a division of labor and that most questions could not simply be decided on the floor of the Assembly. Smaller units were needed for screening issues, collecting information, and preparing positions. Mutual trust was required in order to divide responsibilities effectively. The best basis for that trust became mutual agreement on political positions. As a result, the groups formed in the early parliament of 1848-1849 were the nuclei from which political parties came to be created in the decades that followed.

By the time German unification was achieved and the first all German constitution was adopted in 1871, a political landscape dominated by ideologically oriented parties had emerged. Liberals, Conservatives, Catholics, and Socialists (who in 1875 merged into one party, which, in 1891, they named the Social Democratic Party of Germany SPD) represented clearly separate segments of society such as the working class (as compared to big industry and landowners) or the catholic population (compared to protestants or secularists, who insisted on the separation of religion and politics). These parties emphasized theories and principles. They resisted compromise as a way to pragmatic problem solving. The political structure of Prussia, the political predecessor of the German Empire established in 1871, had not favored the development of a democratic political culture in which conflict and compromise over issues were regarded as natural and necessary.

The *Reichstag*, the parliament of the German Empire between 1871 and 1918, had no influence on the composition of the government. The chancellor (*Reichskanzler*), who headed that government, was responsible only to the emperor. Neither he nor the ministers were elected by parliament. Hence, parties in the *Reichstag* could afford to cling tightly to their ideologically pure positions, unaffected by the pressures of keeping a government in office or finding majorities for practical solutions to salient problems. Their most important objective was maintaining the loyalty of their voters, and this goal was best achieved by acting as the unflinching advocate in parliament of their class or clientele.

In the cases of the socialists and catholics, this cohesiveness was reinforced by laws banning the party (*Sozialistengesetze*, 1878) and restricting religious rights and church privileges (*Kulturkampf*, 1872-

1873). Indeed, after their party was banned, the only political stage left for the Socialists until 1890 was the *Reichstag*. Party organization outside it was prohibited; members could not meet nor be politically active in public. Other parties, such as the Liberals and Conservatives, were centered in the parliamentary party with little organizational structure in the villages and towns. Thus, albeit for different reasons, these parties of notables (*Honoratorienparteien*) as well as the well-organized mass parties of the Social Democrats and Catholics all contributed to the dominance and coherence of the parties in parliament during the German Empire of 1871-1918. When the constitution of the Weimar Republic (1919-1933) introduced cabinet responsibility, which linked the chancellor's and his ministers' political offices to support of a parliamentary majority, parliamentary parties in the *Reichstag* (as the parliament continued to be called) were strengthened further, as it now depended on their cohesion whether the government could act effectively.

While imperial Germany had resembled a presidential system in that parliament had no influence on who held executive power or for how long, the Weimar Republic fully parliamentarized the system. Cohesive parties in the *Reichstag* were needed either to keep a government in office by supporting its legislative proposals or to provide an alternate set of policies and political leaders, a new government to take over if the incumbents faltered.

Thus we see that at the beginning of modern parliamentarism in nineteenth century Germany, like-minded members of parliament formed groups to facilitate their work and increase their chances of achieving their common goals. It was from these groups, called *Fraktionen*² (parliamentary parties) that most parties developed as organizations outside parliament that articulated interests and transformed them into political decisions in competition with each other. The *Fraktionen* became indispensable units within parliament when the parliamentary system of government became fully adopted in Germany.

I. PRESIDENTIAL AND PARLIAMENTARY SYSTEMS

A presidential system—the best example of which is the United States—is characterized by distinctly separate institutions or branches of government. Both legislature and presidency are directly legitimized by the people through elections and are independent of each other. Congress cannot oust a president because of disagreement with his policies.³ The president, on the other hand, cannot dissolve the legislature before its fixed term is over. In other words, they have to put up with each other for the length of their terms and must try to reach a consensus and to compromise if legislation is to be passed.

Legitimacy through direct election of both branches by the voters creates the potential for gridlock in a presidential system. Rigidities are introduced that sometimes produce dramatic showdowns—in 1999, for example, when the Clinton Administration and Congress failed to agree on the budget. Presidentialism, which creates a dualism that pits the executive against the legislative branch, is fundamentally different from parliamentary systems, where the executive and its supporting base in parliament, usually the majority of parliamentary deputies, face the opposition. Party cohesion in Congress is not a necessary condition for a president to stay in power, because his term does not depend on the support of a majority in the legislature. Of course there are shared political convictions and positions among Democrats or Republicans in Congress. However, they are not generated from within the parliamentary party to the extent that the logic of parliamentary government requires. Members of the legislature in presidential systems act—and vote—much more as individual political entrepreneurs and maximizers of their district's or their state's interests precisely because they do not have direct responsibility for keeping a president in office as legislators in a parliamentary system do.

Quite different from parliamentary systems, members of Congress can become powerful by chairing important committees or subcommittees, giving them opportunities to block the legislative agenda of the executive. That a chairman's inclination to do so might be stronger if the president is not of the same party does not contradict the logic of presidentialism.

The logic of the parliamentary system of government is quite different. Here the executive exists only as long as the parliament permits. In some countries such as Germany, there is a formal vote of investiture, in others, tacit support may suffice—a majority’s inability or unwillingness to express lack of confidence in an incumbent government. If the majority withdraws support from the government over its legislative proposals too often or on important matters, however, a government cannot function any longer. It will cease to exist either by calling for new elections, a right that governments in parliamentary systems generally have, by resigning after defeats of its proposals in the parliament, or by losing a formal vote of no-confidence.

It is not sufficient that a parliamentary majority be available at the start of a new legislative term in order to bring a government into office. A majority must extend its support for the entire term in order to keep a government capable of action, indeed, to keep a government in office at all. A prime minister, the federal chancellor (*Bundeskanzler*) in Germany, and his cabinet are part and parcel of the parliamentary majority. Cabinet members have usually undergone a parliamentary “apprenticeship,” given evidence of political skills and leadership in the *Bundestag*, and have been socialized and selected by their parliamentary party.

Hence, incompatibility between a seat in parliament and a place in the cabinet is alien to this kind of system. In practice it is the rare exception among parliamentary systems of Western Europe: only Holland and Norway (and semi-presidential France) have adopted an incompatibility rule. This is, of course, a necessary feature of presidentialism. The idea of checks and balances as adopted in this system led to Article 1(6) of the U.S. Constitution, which spells out the incompatibility between the federal office and a seat in Congress.⁴

In these circumstances, strict cohesion is necessary on the part of the parliamentary party (or parliamentary parties in cases of coalition governments) that support a prime minister and his cabinet. In daily political business it must be maintained by constant communication and consultation in order to ensure common stands on policy issues. Ministers and their respective parliamentary party are linked in a relationship of mutual dependency.

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Party discipline does not—as is often believed—result from coercion by party leaders but from a clear weighing of priorities by the parliamentarians of a party. First, they basically agree on issue positions. Second, they are usually convinced that they have better political solutions than their opponents from the opposition. Third, it is politically and personally more rewarding to have the majority power to make decisions and fill positions than to be in the opposition’s role of having to choose between criticism or cooperation. Strong reasons must exist before members of a parliamentary party will turn against “their own folks,” leave the solidarity with their parliamentary party colleagues, and thus risk bringing about a defeat of their government.

Hence, party cohesion is the rule in parliamentary systems, and it is the rational and functional decision of the members. It does not run counter to the guarantee of their “free mandate,” which, in Germany, is guaranteed by Article 38 of the constitution (the Basic Law or *Grundgesetz*). That article states that the members of the *Bundestag* “shall not be bound by any instructions, only by their conscience.” Situations may, of course, occur when it is not easy for an individual member to strike a balance between his own particular policy preferences and the requirement for solidarity with his party colleagues. The pressure then exerted on a member⁵ is that of generalized social and political norms and only on rare occasions that of his or her parliamentary leaders.

The classic conflict between the executive and the legislative branches, as we find it in presidential systems, is conceptually alien to parliamentary systems. In the latter, it is structurally intended (and usually also constitutionally fixed) that the parliamentary majority must produce and support a cabinet for a full term. This implies the described congruence of interest and the special relationship between the majority and “its” government, including the imperative of strict cohesion. Basically the same holds true for the opposition party or parties: it is their aim to present convincing alternatives to the incumbent government in persons and in policy options. German political parties believe that to win the support of voters, they cannot afford divisiveness, which they feel would suggest incapability and indecision. *Geschlossenheit* (cohesion), is the magic formula for parliamentary parties in the parliamentary system of government, especially in Germany.

In comparison to presidentialism, the individual member plays a lesser role in the legislature, the parliamentary party a greater one. This is the case in almost all European democracies, including the Federal Republic of Germany.

II. WHAT IS A PARLIAMENTARY PARTY?

The *Bundestag* rules of procedures define a parliamentary party (*Fraktion*) as a body of at least five percent of the members of parliament (thirty-four in the present parliament of 669 members) who belong to a single party.⁶ This size requirement follows from the German electoral law which prescribes a 5 percent threshold. Only those parties that win either (a) at least five percent of the popular vote on the “second” ballot, which voters cast for a party list, or (b) three districts on the “first” ballot, which voters cast directly for a specific candidate in their district gain seats in the *Bundestag*.⁷

That a parliamentary party may consist only of members of one party is the logical consequence of the historical emergence and systemic requirements of parliamentary parties as described above. With extremely rare exceptions, therefore, all *Bundestag* members who belong to the Social Democratic Party (SPD) will join and remain in the SPD *Fraktion*, all Christian Democratic (CDU) and all members of the Bavarian sister party of the CDU, the Christian Social Union (CSU), the CDU/CSU *Fraktion* and so forth.⁸

Membership in a political party is highly formalized in Germany. A citizen who wants to join applies for membership in the local or county party organization, pays monthly or annual membership fees, and is then entitled to take part in all activities of the party, such as receiving information, participating in social events, helping in campaigns, organizing discussions, becoming a member in a party working group on specific policy issues, or running in local and regional elections. If he or she chooses, the individual may try gradually working his or her way up to be a party’s nominated candidate in state, national, or European elections.⁹

The typical career of a person who eventually makes it into the *Bundestag* has been to join the youth organization of a party as a high school or college student, learn political skills in the party organization on local and regional levels, become socialized in the party's ideological goals and policy positions, and prove his or her talents, usually by displaying expertise in a certain field through voluntary or unpaid work at lower levels. The candidate nomination process lies in the hands of these party members running local and state (*Land*) party organizations as chairpersons or contributing to party management in other honorary positions. Those who strive for a professional political career are well advised to first seek such jobs.¹⁰

The party career ladder usually takes a member of the *Bundestag*¹¹ between ten and twenty years to climb before he reaches that position. Often he will retain his local party chairmanship along with his parliamentary seat because that helps him secure renomination, providing him a power base and assisting him in attaining authority within the parliamentary party. A survey has found that less than 10 percent of MdBs hold no functions at all in their party organization while almost 75 percent are chairpersons or members of the executive boards on at least one of the territorial levels (local, county, state, and federal) of the party. Party leadership positions on the federal level are almost always attained only after service as a member of the *Bundestag* or state parliament¹² for many years.

Under these conditions, it becomes obvious that the often-heard notion that the party outside Parliament dominates the parliamentary party is in error. Quite the contrary is true—legislators who deal with politics professionally are the masters of rank and file party members who are political amateurs and pursue politics as a hobby. Only very rarely do the latter exert influence on the political agenda, in particular when the party's platform has to be adopted.

Party platforms in Germany include programmatic stands in far greater detail than in the case of the Democratic and Republican parties in the United States. Of course, German party platforms are still too broad to be useful in determining daily political decisions in parliament. They serve more as guidelines. Occasionally, the party may feel inclined to formulate a precise position on some highly polarized issue, for example,

the phasing out of nuclear power or German military involvement in the Balkans. Then, party conventions amend programs or pass resolutions that bind the legislators to a high degree. Such cases are exceptional, and the legislators themselves usually play a leading role at such conventions as well as in discussions preceding them.

Generally, party members who become MdBs (*Bundestag* members) are the political leaders at all levels of their party. Their democratic accountability is upheld by putting the power of candidate nomination and renomination in the hands of rank and file members who hold honorary posts in the party organization at the local and state level. Hence, parliamentary parties in the *Bundestag* lead an independent life in everyday political business. Their members are professionals who at one point in their lives decided which political course to follow and have in turn been shaped by the party of their choice. As members of parliament, they now shape this party themselves by linking the party outside parliament with the parliamentary party, by maintaining constant communication, and by holding positions on both levels.

In effect this applies—paradoxically enough—even more to the Green Party, which entered the *Bundestag* in 1983. The Greens' early attempts to establish what they termed “basis democracy,” an effort to firmly tie the parliamentary party to the political will of the party as a whole, led them to adopt a principle of incompatibility between management positions in the party and membership in parliament. “In fact the Greens became the freest deputies in the whole *Bundestag*,” and as a consequence the parliamentary party “structured the party,” as Joachim Raschke, an authority on the Greens, states.¹³ Green legislators were concerned exclusively with politics on a daily basis and were also much more visible in the media so that they increasingly defined the Green Party, determined its positions and defended them in public.

Turning to the functions of parliamentary parties, it can be stated that they are comprehensive. They, of course, elect the parliamentary leaders such as committee chairpersons, the Speaker of the *Bundestag* and his presidium (five members since 1961, six in the current *Bundestag*), and the Council of Elders (*Ältestenrat*), composed of the presidium and twenty-three further members. The parliamentary parties of the governing coalition not only elect the chancellor and his cabinet, they also exercise

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oversight in that they keep an internal check on the government to make sure it is addressing political problems that will satisfy voters. The parliamentary parties of the opposition also exercise oversight by open criticism in parliamentary debate and otherwise by providing an alternative to the governing majority.

All parliamentary parties take part in the legislative process. They break down individual and group interests to manageable dimensions by selecting issues to be addressed, balancing interests and fitting both the issues and interests into generalized political concepts and goals. They provide the expertise needed for initiation of legislation, as they enable division of labor among individual members of parliament. This principle of organization can work only if the members of the parliamentary party know that their basic political beliefs are in agreement and their positions on issues are mutually calculable. Clearly, the parliamentary parties as they function in the *Bundestag* are ideal for this purpose.

In the *Bundestag* virtually all meaningful procedural rights rest with the parliamentary parties. Bills may not be brought in by a single member—quite unlike the U.S. Congress—but must have the prior approval of the parliamentary party. An MdB must thus reach agreement with his party colleagues before his legislative hopes can find their way to the floor. Parliament in this way avoids becoming overloaded with particular interests. Only those ideas that fit into the general political goals of a party, are compatible with its related issue positions, and are balanced to some degree with the party’s notion of the common good can become bills.

Major and minor questions from the floor (*grosse Anfragen* and *kleine Anfragen*), interpellations that address larger subject areas, may not be introduced by an individual member but only by a parliamentary party or at least as many deputies as make up the minimum size of a parliamentary party (thirty-four at present). The same applies to a floor debate on a matter of topical interest (the *Aktuelle Stunde*). It goes without saying that a motion of no confidence also needs the approval of a whole parliamentary party. As a result only a small number of parliamentary rights rest with the individual member. The following table lists them:

Table 1: Parliamentary Rights of Bundestag Members	
	Legal Basis (Rules of Procedure)
1. Right to form or join a parliamentary party (<i>Fraktion</i>)	§ 10
2. Right to become a member of a parliamentary committee.	§ 57 I
3. Right of access to sessions of the parliamentary committees.	§ 69
4. Right to inspect documents kept by the <i>Bundestag</i> .	§ 16
5. Right to address short single questions to the federal government for oral or written answer (<i>Einzelfragen</i>).	§ 105 (in conjunction with §§ 27, 100, 104) Appendix 4 to the Rules of Procedure
6. Right to speak.	§§ 25, 27, 33, 35, 71
7. Right to make statements.	§§ 31, 32
8. Right to introduce motions for an amendment to a bill in the second reading.	§§ 20, 29, 46 III, 47, 71 I, 82
9. Right of objection.	§§ 39, 116ff
10. Right to obtain assistance from the parliamentary research service.	

This small reservoir of rights is the result of several amendments to the *Bundestag's* rules of procedure in the past decades. It is noteworthy that almost all members agreed to limitations on their rights because they regarded them as a reduction of their workload. By making it difficult for individual members to serve particular interests that might disregard broader political goals and by putting the responsibility for policy coordination on the shoulders of the parliamentary parties as a whole, the parliament's work can be accomplished much more efficiently.

Clearly, this is an understanding of parliamentary representation that differs greatly from politics in the U.S. Congress. It emphasizes the role of parties as agencies that organize a multitude of societal and individual interests and increase the chances of balancing these more systematically instead of negotiating *ad hoc* trade-offs, as is the practice on Capitol Hill.

III. ORGANIZATION

The first election to the *Bundestag* took place on August 14, 1949. Sixteen parties and electoral groups were registered. Until West Germany was fully established under a democratic constitution that year, after four years of an occupation regime, the western Allies (Americans, British and French) had reserved the right to license political parties so as to prevent the emergence of fascist groups. Some of the parties founded between 1945 and 1949 could build on older roots, especially the Social Democrats and Communists. Some small center-right parties tried to link up to predecessors in the Weimar Republic or even the Empire of 1871-1918. Although in most respects there was a new political beginning under drastically altered circumstances, it was by no means clear in 1949 whether or not a multitude of parties would again develop in the new Federal Republic—a fragmentation of the political system that had handicapped the first German democracy, the Weimar Republic of 1919-1933.

The first *Bundestag* convened in September 1949. It had 410 members, who split into eight parliamentary parties, varying considerably in size from ten (the minimum required by the standing orders at that time) to 131 (SPD) and 140 (CDU/CSU). Hierarchical structures were immediately created. The party groups in the *Bundestag* elected presiding boards (*Fraktionsvorstände*) and entrusted them with internal management functions as well as external representation of the group. It was largely previous parliamentary experience that made this self-organization a natural step. After all, one out of six members of that first *Bundestag* had held seats in earlier German parliaments, mostly in the pre-1933 *Reichstag* of the Weimar Republic.¹⁴ While these first moves towards hierarchy came more or less automatically, a second feature of the parliamentary system of this second German democracy, division of labor among members of a parliamentary party, was not yet evident.

The prevailing concept at this initial stage was not that of a full-time assembly made up of professional politicians. Observers as well as the political actors themselves expected that it might take two years to cope with the extraordinary postwar backlog of legislative business but that thereafter members would be able to manage their parliamentary duties

during half of each year and pursue their professions during the other half. Then too, the parliamentary parties in the first *Bundestag* consisted of members who still had to get to know each other. Local party organizations outside parliament in the immediate postwar years were not well developed; and personal and issue-related networks had not yet formed because communication and transportation infrastructure had been destroyed by the war. Three factors combined to change this initial situation drastically in the course of the 1950s: development of committees in the *Bundestag* and the number and size of parliamentary parties.

1. *Bundestag* Committees

The *Bundestag*—much like the U.S. Congress—is known to political scientists as a “working parliament” or a “transformative legislature” (in contrast to those like the British House of Commons, which places the major emphasis on debate and on being the central political forum of the nation).

The major work of the *Bundestag* is conducted in committees that generally correspond to the ministries of the federal government; for instance, the Ministry of Environment is mirror-imaged in the Committee of Environment, the Defense Ministry in the Defense Committee, etc. The current *Bundestag* has twenty-three committees with fifteen to forty-two members. They must report on every bill referred to them and send it back to the floor with amendments and a recommendation to pass or reject it.

The road to this kind of working parliament was laid out right from the start in 1949. The huge amount, scope, and complexity of legislation needed to deal with the postwar problems required that the first *Bundestag* introduce a differentiated system of specialized legislative committees. The necessity of this becomes clear when looking at the figures: forty committees held more than 5,100 meetings in the first four-year term (1949-1953). The committees found they could prepare decision-making for the floor faster and more efficiently if the parliamentary parties had already selected from among the many policy alternatives. Pressures that emanated from the acute problems faced by the postwar Federal Republic

did not allow for long-lasting plenary deliberations by generalists—the nineteenth century liberal ideal of a parliament—but called for quick, informed, and issue-oriented decision-making. What was needed in the committees were members who voiced policy stands that had previously been debated and agreed upon in their parliamentary parties, thus making outcomes of final votes on the floor of the *Bundestag* calculable. This in turn demanded cohesive, well-organized parliamentary parties with internal structures of division of labor and leadership.

2. Number of Parliamentary Parties

By 1960 only three parliamentary parties remained of the initial eight: the CDU/CSU, the SPD, and the FDP (*Freie Demokratische Partei*, Free Democrats or Liberals)—a pattern that was to prevail for the next twenty-three years, until the three parties were joined in the *Bundestag* by the Greens. This stable situation was caused by developments in the party system that, in turn, resulted from parliamentary politics themselves.

Konrad Adenauer, the first West German Chancellor, led his conservative CDU, in alliance in parliament with its small Bavarian sister party, the CSU, from one electoral success to another during the 1950s and early 1960s, firmly integrating the Federal Republic into the West—economically, politically, militarily, and culturally. This enabled the West Germans to learn that democratic structures and procedures could bring about peace, prosperity, and progress for most citizens. Adenauer and his party became identified with this happy development.

The small parties of the center-right, which had been established in the late 1940s to safeguard the interests of groups such as catholics, expellees or refugees from territories in the east previously populated by Germans, had no chance to survive. Justification for their existence vanished with the growing success of Adenauer's government in integrating their constituent groups into society and into the new state. Some members of these parties switched to the CDU in the *Bundestag*. Some of the parties were swallowed by the CDU in elections. The 5 percent threshold was introduced by electoral law in 1953, so that only parties winning at least 5 percent of the popular vote nationwide could enter the *Bundestag*. This hurdle spelled death for very small parties.

Parties on the far right and far left (the *Sozialistische Reichspartei* or SRP and the Communist Party or KPD) were banned in the mid-1950s by the Constitutional Court (*Bundesverfassungsgericht*). This all helped the three surviving parliamentary parties, the SPD, FDP and CDU/CSU.

These were the major reasons that only four parties were returned to the *Bundestag* in 1961: the CDU, the SPD, the FDP, and the CSU in Bavaria. Already in 1949, the CDU and the CSU had constituted one parliamentary party in the *Bundestag*, the so-called *Unionsfraktion*. Although both parties are christian democratic in ideology, the Bavarians decided after World War II, when a new party system was emerging in West Germany, to stay independent and underline their strong regional identification by establishing their own party, the Christian Social Union (CSU). The CDU was formed from party organizations in the other states of the Federal Republic.¹⁵ It rallied not only Catholics but also Protestants in its ranks, and Christians from all parts of society.

The CDU could in the Federal Republic's early years attract a much wider range of voters than the Social Democrats, who since the nineteenth century had been the political organization of the working class and remained that until the end of 1950s. As a consequence, the internal structure of the CDU/CSU parliamentary party was much more heterogeneous. Members from different states with different socio-economic backgrounds and with a broad variety of political and religious beliefs were integrated under the umbrella of one parliamentary party, while the CSU emphasized its organizational and its political independence within that *Fraktion* whenever the Bavarians thought it opportune. The fragmentation of the parliamentary party of the CDU/CSU is increased by the existence of groups within it, most of which had been informally created in the 1950s and formally acknowledged in 1980, for example, the expellees and refugees, women, workers and employees etc.

The CSU continues to form a state group (*Landesgruppe*), which CDU deputies from other than Bavaria formally do as well. The informal influence that these groups exercise inside the parliamentary party must not be underrated, but certainly the CSU group plays a special role. Its position is highlighted by the fact that the first vice-chairman of the joint CDU/CSU parliamentary party is always the leader of the CSU

Landesgruppe and that it elects its own floor manager, who is automatically the second floor manager of the joint parliamentary party. Political links between the party in Bavaria and its group in the *Bundestag* are very strong.

By the late 1950s, it had become clear that the SPD had to open up to other parts of society beyond the working class if it ever wanted to take over the federal government. The Social Democrats then changed many of their older programmatic stands and developed from a dogmatic socialist into a catch-all or people's party, which, like the CDU/CSU, could integrate a wide spectrum of voters and group interests. This paid off in the 1960s and eventually led to the SPD taking over the national government in 1969. The original homogeneous organizational structure of the parliamentary party largely remained, however.

Between the two dominant parties that remained after the 1950s, the center-left (SPD) and center-right (CDU/CSU), there was room for a small third party, the FDP. Although its size—it hardly ever won more than fifty seats in the *Bundestag*—did not permit much fragmentation, the FDP, too, had to integrate interests. It successfully brought together what before 1955 had been the left and right wings of the German liberal movement.

Reduction of the parliamentary parties to three in 1961 broadened the spectrum of interests that had to be represented by each parliamentary party in the *Bundestag*. The need for a division of labor was reinforced. At the same time, interest integration within the parliamentary parties necessitated greater coordination, hence stronger leadership. A three-party system in parliament gave each parliamentary party a realistic chance to hold or share governmental power. Given the logic of parliamentary systems of government and the premium placed on efficiency in German political culture, the main precondition for a party to get vested with governmental power came to be internal discipline and unity.

3. Size of Parliamentary Parties

In the course of the 1950s, the *Bundestag* was enlarged to 499 MdBs plus twenty-two from West Berlin who were not directly elected but delegated by the state legislature. By 1961 the CDU/CSU *Fraktion* had

grown to 242 members (plus nine from West Berlin), the SPD *Fraktion* to 190 (plus thirteen from West Berlin). As a consequence, both parliamentary parties had to end the previous practice of making their decisions at plenary meetings of all members of the *Fraktion* (*Fraktionsvollversammlung*).

Such big plenary meetings were no longer suitable for working out details of legislation. Had the parliamentary parties continued this procedure, time and resources would have been wasted. Such large bodies tend to be dominated by a few leaders, provide little opportunity for a productive input of ideas by individual MdBs and make internal coordination of issue positions difficult.

The two big parties in the *Bundestag* had already decided in 1953 to establish working groups. These *Arbeitskreise* covered broad subject areas such as foreign policy, security policy, domestic affairs, economics, social policy, budget and finance, expellees and refugees and legal affairs. The SPD installed seven, the CDU/CSU five working groups; and in 1957, the small FDP followed with five. In the two major parliamentary parties, these groups consisted of several dozen deputies who also prepared parliamentary debate on the floor and decisions in the committees. As the working groups took over the function of coordinating policies that fell within their jurisdiction, the parliamentary parties as a whole were unburdened. *Arbeitskreise* also created a level on which ordinary members could participate, whereas previously they had had an opportunity to articulate their views and interests only in the plenary assembly of the parliamentary party. In the working groups they could make more productive use of their abilities and expertise; there they could prove and intensify their knowledge and skills for the benefit of their own careers and that of their party. From then on, division of labor became the second guiding principle of party organization in the *Bundestag*.

4. Organizational Structures

When developments in modern European society such as the increased role of the state, the growing complexity of issues, and, later, the globalization of problems succeeded the war-related issues in creating a large parliamentary workload, the organizational structures of the

parliamentary parties with their features of hierarchization and division of labor gained a renewed justification.

In the following paragraphs, the internal organization of the two major parliamentary parties will be covered and, where necessary, the smaller parties will be taken into account. With regard to the Greens, generalizations are still difficult to make as the party experienced fierce internal conflict in the 1980s and lost almost all seats in the 1990 *Bundestag* election. Only in 1994 was it returned as a full parliamentary party. It is, however, still in search of an appropriate structure. The same applies to the PDS (*Partei des Demokratischen Sozialismus*, Party of Democratic Socialism), the successor to the East German Socialist Unity Party (SED). In 1998, the PDS won a sufficient number of seats to qualify as a parliamentary party. Therefore it, too, will not be specifically included in the analysis, although the general findings on small parliamentary parties also apply to it.

It soon became clear that the *Arbeitskreise* could not bring the necessary level of expertise to bear in the preparation of legislation. This led the two big parties to set up working subgroups (*Arbeitsgruppen*); the small parliamentary parties, which rarely have more than fifty members can do—or have to do—without these. The subject areas of these working subgroups correspond almost completely to the jurisdiction of *Bundestag* committees. Their number varies and is usually around twenty, with six to sixteen members. Members of the subgroups, which meet every Tuesday morning during the sessions of the *Bundestag*, are identical with the members of the parliamentary party who sit on the corresponding committee of the *Bundestag*. They are responsible for preparing their parliamentary party's committee work, for “prestructuring” the decisions of the party on specific issues and generally for linking their parliamentary party with the business of the *Bundestag*'s committees.

The chairpersons of these *Arbeitsgruppen* are “speakers” of their parliamentary party for a policy area. In the SPD they are simultaneously the spokespersons (*Obleute*) in committees of the *Bundestag*. In the CDU/CSU *Fraktion*, the subgroup's deputy speaker has this function. To guarantee a constant flow of information among the subgroups, the parliamentary committees, and the parliamentary party's executive

committee, the speakers are usually members of its presiding board. With such close links of coordination, it is not surprising that the subgroups usually have the final decision over routine legislation. The plenary meeting of the parliamentary party—held every Tuesday afternoon during sessions—hardly ever concerns itself with details of specialized bills.

The key purpose of division of labor among members within a parliamentary party is to unburden each other in routine legislative matters. They put their trust in the parliamentary party's experts. The scope of this trust varies with the degree of political importance and polarization on an issue. By and large, the two big parliamentary parties can be viewed as miniature versions of the *Bundestag* itself, divided into specialized sub-units where member experts on a subject act fairly independently within political guidelines set by the parliamentary party and by its leaders. The parliamentary party as a whole can, however, narrow the discretion of a subgroup and question its proposals and decisions, rejecting them or even taking them back into its own hands and subjecting them to decision by the plenary meeting of the parliamentary party. This rarely happens—only in cases when the member experts and the leaders of the *Fraktion* do not agree over an issue and the policy response proposed by the *Arbeitsgruppe*. Discussion of reports by the chairperson, the floor manager, and the speaker in charge of important bills and political strategies is more intensive.

At plenary meetings of the parliamentary parties of the governing coalition, the minister responsible for the issue under discussion is often present and, if necessary, the chancellor as well. These plenary meetings not only serve the practical purpose of preparing debate on the floor of the *Bundestag* but also are key instruments for creating unity on issues and the resultant cohesive voting on the floor. At these meetings, members have a chance to make their voices heard and to get a feeling of active participation in the formulation of policies and the preparation of legislation to implement them. Plenary meetings create a corporate identity and put into practice the principle of division of labor. This would probably not work under public observation. Therefore, plenary meetings, as well as other internal group meetings of the parliamentary parties, take place behind closed doors. Scholars are occasionally admitted; they can also gain access to the minutes, which are sometimes

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published years later (often by historians or political scientists), and sometimes not at all.

The Greens, in their desire to be more “democratic,” opened up their plenary meetings to the public during their first two terms in the *Bundestag* (1983-1987, 1987-1990). They were praised briefly for this transparency. But observers soon grew tired of what they considered to be aimless argumentation among Green MDBs at the meetings instead of attempts to let the public participate. On reentering the *Bundestag* in 1994, the Greens also closed the doors of their meetings to the public.

The specialization of the parliamentary parties makes greater coordination necessary. The parliamentary parties want to assure that their political positions are transformed adequately into specific policies and effectively into legislation. They also have to maintain close links with the party outside parliament. They try to assure congruence between their policies and positions adopted at party conventions and in party programs. It is important here to recall that German political parties, unlike American ones, take detailed stands frequently and formally on many political issues. They expect their legislators generally to follow these positions. This expectation is reinforced to some extent by the party’s power of candidate nomination. On the other hand, the legislators themselves are important actors in formulating a party’s resolutions and its programmatic stands.

As a consequence of these tendencies, the presiding board (*Fraktionsvorstand*) of the parliamentary party has gained in power and importance. The more coordination and internal integration are necessary, the stronger the hierarchical structures of the parliamentary parties have become. Moreover, it turned out that during the years of West German parliamentarism before 1990, leadership positions in the parliamentary parties became highly promising steps on a political career ladder (see section IV).

External factors also added to the growth and strength of hierarchy. Postwar West German governments have developed as coalition governments. Neither of the big parties has been able to win absolute majorities (except for Adenauer and his union of the CDU and CSU in 1957); hence, a coalition partner was required in order to form the government, keep it in office for an entire term and carry through its

legislative program. Between 1949 and 1998 the partner of the CDU/CSU and, at times, the SPD, was the small FDP—with the exception of five years during the CDU's dominance in the 1950s and three years (1966-1969) of the Grand Coalition between the two big parties. As Table 2 shows, power changes were infrequent. A change of government resulting from the voters' verdict at the ballot boxes occurred only once, in 1998, when the Christian-Liberal coalition (CDU/CSU and FDP) lost to the Red-Green alliance of Social Democrats and Greens (SPD and *Bündnis '90/Die Grünen*). The two previous changes had resulted from an FDP decision to give up its coalition with one of the two main parties. Governments in Germany have been highly stable, with the FDP usually functioning as a durable and flexible centrist political link between the SPD and the CDU (see Table 2). Expectations that the Greens might fill this role in the future do not seem realistic at this point given their distance from the Christian Democrats as well as the problems they are still having in adapting to the requirements of a party in government.

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Table 2: Chancellors and Government Coalitions 1949-1998

	Chancellors	Government Majorities, Cabinet Seats (shaded)					
		CDU	CSU	FDP	SPD	Greens	Others
1.	Adenauer (First cabinet (1949-1953))	6	3	3			2
2.	Adenauer Second Cabinet (1953-1957) ¹	8	2	4			5
3.	Adenauer Third Cabinet (1957-1961)	12	4				2
4.	Adenauer Fourth Cabinet (1961-1962)	12	4	5			
5.	Adenauer Fifth Cabinet (1962-1963)	12	4	5			
6.	Erhard (CDU) First Cabinet (1963-1965)	12	4	5			
7.	Erhard Second Cabinet (1965-1966) ²	13	5	4			
8.	Kurt Georg Kiesinger (CDU) First cabinet (1966-1969)	9	3		9		
9.	Willy Brandt (SPD) First Cabinet (1969-1972)			3	13		
10.	Brandt Second Cabinet (1972-1974)			5	13		
11.	Helmut Schmidt (SPD) First cabinet (1974-1976)			4	12		
12.	Schmidt Second Cabinet (1976-1980)			4	12		
13.	Schmidt Third Cabinet (1980-1982) ³			4	13		
14.	Helmut Kohl (CDU) First Cabinet (1982-1983)	9	4	4			
15.	Kohl Second Cabinet (1983-1987)	9	5	3			
16.	Kohl Third Cabinet (1987-1990)	10	5	4			
17.	Kohl Fourth Cabinet (1990-1994)	11	4	5			
18.	Kohl Fifth Cabinet (1994-1998)	10	4	3			
19.	Gerhard Schröder (SPD) First Cabinet (1998-)				12	3	

¹ In 1956 four FDP ministers left their party but retained their cabinet positions under a new party named FVP. The FDP left the coalition.

² From October 28 to November 30, 1966 a CDU/CSU minority government existed after the FDP ministers resigned.

³ From September 17 to October 1, 1982 an SPD minority government existed after the FDP ministers resigned.

Such strong and stable coalitions are based on formal, written agreements, which result from negotiations between the coalition partners that spell out in great detail the common political stands, compromises, and sometimes also agreements to disagree. This is the stuff that calls for and makes for strong leadership. The heads of the parliamentary parties supporting the government must, in turn, make sure that their troops follow their leaders and the coalition agreements they have struck. They must bring about consensus within the parliamentary party for decisions agreed upon between the coalition partners, so that the government will be comprehensively supported in its legislative program. For this reason, it is clear that the leadership of the *Fraktion* must play an important role in the actual conduct of coalition negotiations. They are not, as is often stated publicly in Germany, the job of the party. These all-important negotiations are conducted by a small circle of leading politicians who hold functions simultaneously both in the party organization outside parliament and in the parliamentary party.

Another factor promoting hierarchization of parliamentary parties is the general tendency in all modern democracies, including Germany, toward a personalization of politics. The electronic media demand politicians—preferably ones with telegenic features—who can sell and simplify political messages on television. Voters seem to want a personalized identification with political stands. This tendency can promote an organizational structure that is clearly hierarchical, led by one person who is highly visible, communicative and, if possible, charismatic.

This is a problem with which the Greens are currently wrestling. The party is divided over whether to retain or discard its previous cooperative, non-hierarchical structure. A federal party convention recently decided by a small majority to keep two “speakers” (one man, one woman) instead of a single chairperson and did not abolish the previous principle of incompatibility between a seat in the *Bundestag* and a position on the

board of the party. These are virtually the only features remaining that still indicate the Greens' former devotion to "basis democracy" and that distinguish them from the other parties.

Whereas the two big parliamentary parties differentiated their leadership levels, in the small FDP *Fraktion* changes in procedures and style reflect these trends. The presiding board of the FDP *Fraktion* has remained virtually the same size for fifty years. It includes the chairman, his deputies and the whips (parliamentary managers). The major reason why it can be kept so small is the size of the parliamentary party. At present (in the Fourteenth *Bundestag*) it includes forty-three members compared to the CDU/CSU with 245 and the SPD with 298. Although the general functions of leadership are independent of the size of a group, it is obviously easier to organize and coordinate a smaller number. Moreover, informal methods of decision-making can be applied more frequently; thus, internal procedures of the FDP do not require complex hierarchical structures.

The same tendency can be observed in the parliamentary party of the Greens, which is about the same size as that of the FDP (forty-seven MdBs). They spent their first two terms in the *Bundestag* (1983-1990) grappling with the parliamentary environment, designing appropriate structures, and settling in-fights between their fundamentalists with dogmatic ecological and partly even anti-systemic positions and their pragmatist wing, which was willing to compromise and cooperate with the established parties. In the first of reunified Germany's elections in 1990, only an East German alliance between the civic rights movement there (*Bündnis '90*) and a few East German ecologists (*Grüne*) were able to take advantage of special electoral law provisions applying to the eastern part of the country to win eight seats in the *Bundestag*. This was not enough to gain status as a full parliamentary party with all rights and privileges but only as a "*Gruppe*" (Endnote 7). The Greens in the western part failed to win enough votes to clear the 5 percent threshold and therefore to claim any *Bundestag* seats.

Only in the 1994 elections—after the western and eastern Greens had fully merged—did the Green Party manage to clear the 5 percent threshold nationwide and thus reenter parliament in sufficient numbers to establish a parliamentary party. It is still too early to judge whether the Green

parliamentary party will follow the same lines of organization as the others. They have, however, put in place various structures associated with a parliamentary division of labor, thus suggesting that even the Greens have accepted the inevitability of specialization. With respect to hierarchy, the Greens have tried to limit the type of hierarchy put in place by the major parties. But this, too, is probably destined to change, now that the Greens share national governmental responsibility with the SPD.

Organizational structures of the big parliamentary parties have been changed often and sometimes drastically over the years. As mentioned above, each parliamentary party elects a presiding board (*Fraktionsvorstand*) after a new *Bundestag* convenes and usually repeats this election after two years, i.e. at mid-term. The presiding boards of CDU/CSU and SPD are composed of the chairman, his deputies, the parliamentary floor managers (*Parlamentarische Geschäftsführer*), a number of members of the parliamentary party and/or the chairpersons of the working groups. Especially remarkable is the growth of these bodies since 1949.

The board of the SPD parliamentary party grew continuously from twenty-one in the first *Bundestag* to forty in the 1980s. A similar development can be observed in the CDU/CSU *Fraktion*: following the growth of the parliamentary party by over 75 percent in the election of 1953, the board was enlarged from twenty-five to eventually thirty-seven members. When the *Bundestag* grew by 160 seats to accommodate East German constituencies following unification in 1990, the boards grew accordingly. The two big parliamentary parties applied the principle of proportional representation to the whole *Fraktion*; the more deputies, the more board members.

The need for functional differentiation was displayed when, for instance, the CDU/CSU incorporated the chairpersons of its working groups into its board or when the number of its floor managers was increased. The first measure was taken to improve policy coordination and control over experts in the parliamentary party, the second to improve internal management.

The increase in size of both boards that occurred when a party passed into opposition has been striking. After the election of 1969, when the CDU/CSU left government, the chairman of the CDU/CSU *Fraktion*

enlarged the board from forty to fifty-four members; the SPD's parliamentary party chairman did likewise in 1983 (thirty-one to forty), when the SPD gave up federal power. In both cases, former cabinet members had to be integrated into the leadership of the *Fraktion*. It was feared that they would—in the words of the chairman of the CDU/CSU *Fraktion* Rainer Barzel in 1969—"interfere from the margins" if they had been relegated to the role of an ordinary MdB member. So to accommodate these former ministers, the *Fraktion* boards were simply enlarged.

Accommodating several dozen members now, these boards discovered that they required internal differentiation to become effective. Being themselves expressions of the division of labor inside the *Fraktion*, they developed further sub-units to accomplish their functions of either supporting their government's legislative program or, if in opposition, presenting a convincing alternative. Both major parties thus established (the SPD in 1975, the CDU/CSU in 1980) Executive Committees of the parliamentary party's presiding boards (*Geschäftsführende Fraktionsvorstände*) of twelve to sixteen members with far-reaching authority. Professionalization was further enhanced in this way. Already existing informal circles within the parliamentary party's leadership now became formally legitimized.

Initially, the presiding boards were intended as governing bodies of the parliamentary parties. In the meantime, they have come to give representation to state, confessional, gender, and ideological groupings within the parliamentary party. For instance, women in the *Fraktion* demand a certain proportion of seats on the board; so do the different political wings of left and right, northerners, southerners and easterners, as well as catholics and protestants. The presiding boards have now become mediators between the leadership and the parliamentary party as a whole, with management functions passing to the smaller executive committees.

The executive committees grew more important when they took over the business of coordinating the detailed legislative work of the working subgroups (*Arbeitsgruppen*). In 1980 the CDU/CSU abolished the larger units, the *Arbeitskreise*, which had originally done this work; the SPD followed in 1991. This *Arbeitskreis* level had previously been the

framework within which much policy coordination had taken place. This meant that member experts in their field of competence had had considerable power to coordinate positions on issues themselves before a matter reached the board or executive committee of the parliamentary party.

Parliamentary leaders in both major parties increasingly feared that this encouraged individual MDBs to follow their own interests without adjusting their positions sufficiently to those of their parliamentary party as a whole. This threatened cohesion, which is almost equally hazardous for the governmental majority and the opposition. To counter such tendencies, both the CDU/CSU and the SPD have developed an internal structure that keeps policy coordination firmly in the hands of the executive committee. They accomplish this by assigning subject areas to vice-chairpersons of the *Fraktion*, who are executive committee members. Their responsibility is to make sure that the specialized members in the working subgroups adhere to the guidelines initiated by the leadership and agreed upon by the parliamentary party as a whole. They also ensure that the parliamentary party speaks with one voice in public.

This assessment of responsibilities within the parliamentary parties can be illustrated by the example of the SPD in the current *Bundestag* (elected in 1998). According to its official plan of organization, the nine vice-chairpersons, all of whom are members of the executive committee, share the duties of policy coordination as follows:

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Table 3: Subject Areas of the vice-chairpersons in the SPD *Fraktion*

Gudrun Schaich-Walch	Health, Medical and Home-care, Insurance Systems, Petitions
Gernot Erler	Foreign Affairs, Defense, Foreign Aid, Human Rights
Iris Gleicke	Building and Urban Development, Transport, Youth
Sabine Kaspereit	New States (East Germany)
Joachim Poß	Finance, Budget, European Union
Michael Müller	Environment, Education, Science
Ulla Schmidt	Labor and Social Affairs, Women, Family, Senior Citizens
Dr. Norbert Wieczorek	Commerce, Agriculture, Tourism
Ludwig Stiegler	Interior and Legal Affairs, Sports, Culture, Rules of Procedure

Both big parties have developed nearly identical patterns of organization. On the level of the whole parliamentary party, highly specialized working subgroups (*Arbeitsgruppen*) serve to provide the necessary expertise for the legislative activities of the party. Mirror images of the committees of the *Bundestag*, they perform the detailed legislative work, and through them the parliamentary party is continuously and functionally linked to the parliament as a whole. In this setting, the executive committee is the watchdog. It has to ensure that a multitude of different issues and positions are turned into a coherent concept and expression of the party's political will. The executive committee functions as a filter between the experts of the parliamentary party and the parliamentary party as a whole. It also tries to ensure that the positions of the party organization outside parliament are taken into sufficient account in legislation and floor debate.

In this process the parliamentary floor managers (five in the larger parliamentary parties, three in the small ones), who are also members of the executive committee, play an important role. Similar to whips in the British House of Commons, they manage daily life in parliament. Geared to organizational efficiency and smooth parliamentary business, they guide procedures for preparing and debating bills. As cohesion is so important in the German parliamentary system, the performance of the floor managers matters far more in the *Bundestag* than does that of their

colleagues in the U.S. Congress, who cannot bring about the downfall of a government. German floor managers strengthen their positions as they participate in framing and coordinating specific policies by virtue of their membership on the executive committee of their parliamentary party.

The executive committee holds most of the strings in its hands. The chairman of the parliamentary party, his deputies, and the floor managers set the agenda and determine the general guidelines—in the case of parties of the majority working closely with the government. If they agree with the member experts of the parliamentary party in the *Arbeitsgruppen*, there is hardly anything that can be done against their position.

They also decide which member is assigned to which committee in the *Bundestag*. Members may express preferences at the beginning of a term, and the executive committee will try to accommodate them. Of course, this is not possible when too many members wish to join the same committee or when political priorities or seniority come into play. There are, for example, committee members of long and excellent standing in their *Fraktion* who enjoy the privilege that they will not be replaced against their will. There is, however, no formalized rule of seniority as in the U.S. Congress. Members have to accept the executive committee's committee assignments. Although parliamentary committees play a lesser role in the *Bundestag* than in the U.S. Congress, this instrument is a powerful tool in the hands of the executive committee since members need committee assignments in order to prove their expertise, which will improve their standing within the parliamentary party and possibly their chances for ministerial posts one day.

The executive committee also nominates a speaker for each floor debate upon recommendation of the working subgroups and allocates speaking time to MdBs (through the *Bundestag*'s Council of Elders to which all floor managers belong). A member's intention to express a different opinion on the floor must be reported ahead of time to members of the executive board, usually to a floor manager.

The chairperson represents the *Fraktion* inside and outside parliament. Clearly, he holds the most important position on the executive committee. Next to the chancellor, some cabinet members, and the federal party chairperson, he is the parliamentary politician most requested for interviews by the media. Elected by the plenary assembly of the *Fraktion*,

it must be a person who enjoys the trust of (ideally) all members, knows the internal mechanisms of the *Fraktion*, the idiosyncrasies of its members, and first and foremost their political positions and preferences. In case of the governing coalition, parliamentary party chairpersons usually take part in cabinet meetings so as to ensure the readiness of their parliamentary parties to follow policies and decisions with the required majority support. In the case of the big government party the chairperson also has to be the “chancellor’s man,” as he must guarantee his position in the *Fraktion*. The powers of a *Fraktionsvorsitzender* are not codified; no statute of a parliamentary party specifies or enumerates his or her competencies. How he or she fulfills the general function of “leading” the *Fraktion*—as stated in the standing orders of the CDU/CSU—depends entirely on his personality, talents, and leadership style.

Some chairpersons in the history of the *Bundestag* have acted more like managers, others more like true politicians. The managers have understood their position as honest brokers, not initiating policy themselves but serving primarily as the effective link between a government and its parliamentary party. Herbert Wehner is probably the best example of this type. In 1969 at the age of sixty-three, he became chairman of the SPD *Fraktion* and remained at his post until 1983. He displayed no ambition to compete with the incumbent chancellor (first Willy Brandt, then Helmut Schmidt). His years as a former communist clearly precluded this, and Wehner was well aware of it. He was proud that his strategy to bring the Social Democrats into federal power in 1969 had been successful. His aim, thereafter, was to keep his party in power as long as possible and at almost any cost. Wehner ruled the SPD’s parliamentary party with an iron hand, and in later years this authoritarian leadership style contributed to the growing unwillingness of the party’s left wing MDBs to follow his leadership. Wehner was a powerful *Fraktion* chairman on whom Brandt and Schmidt could count under all conditions to produce cohesion. He could tame his parliamentary party like nobody else because of the great respect that members had for his political career and personality and for his unbending loyalty to social democracy.

For the opposition during the mid-1970s, the Christian Democrat Karl Carstens played the role of a caretaker administrator during his tenure as chairman of the parliamentary party. He came into office in 1973 after

a fierce battle for the party chairmanship between the incumbent, Rainer Barzel, and a new contender, Helmut Kohl. After defeating Barzel, Kohl, not yet member of the *Bundestag* but Minister-President in the state of Rhineland-Palatinate, needed someone in charge of the parliamentary party who would not challenge him for the party chairmanship and chancellorship. Carstens proved to be the right choice, acting faithfully as Kohl's representative in managing the CDU/CSU *Fraktion* and never seeking to outdo him in public, let alone to compete with his candidacy for the chancellorship.

True politicians among the chairmen of the parliamentary parties have been either leaders of the opposition—British style—who aimed at the chancellorship for themselves or who were rivals or prospective successors of an incumbent chancellor. Helmut Kohl was such a chairman for the CDU/CSU *Fraktion* after 1976. He led the parliamentary party with the declared aim of obtaining the highest political office in the republic. He acted as a challenger to Helmut Schmidt, the Social Democrats' chancellor in the second half of the 1970s, defying him on the floor of the *Bundestag* and in the media in an effort to demonstrate that he would be a competent and credible chancellor, which he did, in fact, become in 1982. In the early years of the Federal Republic, Kurt Schumacher, chairman of the SPD *Fraktion* (1949-1952), acted as true leader of the opposition and challenger of Adenauer. Hans-Jochen Vogel represented this type of chairman in the Tenth Bundestag (1983-1987) and Rudolf Scharping in 1994-1995.

On the one hand, Wolfgang Schäuble, CDU/CSU parliamentary party chairman from 1991-2000, faithfully covered the back of his chancellor, Helmut Kohl, and secured his majority in parliament. On the other, he strove to win sufficient political profile and standing himself with the hope of succeeding Kohl once the time was ripe. Schäuble was too loyal, however, to force this succession; consequently, his time never came. It may be said that he was an effective manager who lacked the tenacity of the true politician. The structures of the parliamentary parties allow their chairmen to explore a full range of these roles. How a chairman will develop his position depends on his personality, aspirations, political and institutional conditions, and many imponderables, including luck.

The strong hierarchy and professionalization of the parliamentary parties have been strengthened by the fact that leadership positions are held for long periods of time. In fifty years of postwar German parliamentarism, the incumbent Peter Struck is only the eighth chairman of the SPD *Fraktion*, Wolfgang Gerhardt only the eighth chairman of the FDP *Fraktion*, as is Friedrich Merz in the case of the CDU/CSU. Wolfgang Mischnick, one time parliamentary party chairman of the FDP, served twenty-three years in his position, Herbert Wehner of the SPD fourteen years in his. One third of all chairmen of the three main parliamentary parties in the *Bundestag* have been in office longer than eight years. Parliamentary floor managers (*Parlamentarische Geschäftsführer*) of the two big parties are likewise long-termers. In the CDU/CSU their average time in office is seventy-three months, and in the SPD over eighty-six. These figures add to the picture of parliamentary parties as highly professionalized bodies.

The growth of parliamentary parties' financial resources is striking. Repeated rulings of the Constitutional Court have entitled the parliamentary parties to public support for their functions in the *Bundestag*. In 1949, this amounted to a total of 200,000 DM for all parliamentary parties. In the mid-1950s, an amount was added for them to employ research assistants. In 1963, 2.5 million DM were paid them from the federal budget to hire legislative assistants. In 1977, a bonus for opposition parliamentary parties was added with the argument that the opposition does not have access to the experts and the legislative support of the federal ministerial bureaucracy that officially are available only for the government and its majority. (On lower levels of the bureaucracy, informal channels exist between civil servants in the ministries and members of the opposition that can be tapped occasionally.¹⁶⁾

In 1991, another considerable increase in state funding was granted as a result of the enlargement of the *Bundestag* following German unification. The attempt to trim the expenses to just under 100 million DM in 1993—mainly because of growing public criticism—was doomed when the Greens reentered the *Bundestag* in 1994 as a parliamentary party entitled to full support, and the left-leaning PDS, claimed considerably more funds because of the growth of its parliamentary party after that election as well. German taxpayers today spend almost 113

million DM per year on parliamentary parties of the *Bundestag*, with a flat rate of just over six million DM for each parliamentary party and approximately 120,000 DM for each member. In case of opposition parties, the bonus of 15 percent on the flat-rate for the parliamentary party and 10 percent on the supplement for each MdB is added.

A corresponding development can be found with regard to *Fraktion* staff. The number of employees of all the parliamentary parties together has grown from virtually none forty years ago to over 800 in the 13th *Bundestag* (1994-1998). Three hundred of these are research staff. Initially intended to provide secretarial assistance, these support agencies are now full-fledged political service institutions with around 300 employees in the large parliamentary parties and from sixty to ninety in the small ones. Within the parliamentary parties, most of these resources are allocated through the executive committee and its members, thus enhancing their power position.

These payments should not be confused with the salary and allowances that individual members receive. A member's monthly income amounts to just under 13,000 DM plus a 6,500 DM tax-exempt flat rate for the office equipment in his or her district, for lodging and for travel expenses. In addition, each deputy receives 15,000 DM monthly, to hire staff. On average, members employ four to five assistants, most of them on a part-time basis. They may also use the *Bundestag*'s Research Service, which is by European standards well developed, although it cannot compare to the Congressional Research Service in Washington in terms of size and resources.

IV. CHOOSING CHANCELLORS AND CABINETS

In the German parliamentary system, recruitment of political leaders for executive office follows different rules than in the presidential system of the United States. It is the conventional wisdom of German parliamentary research that the *Bundestag* has fulfilled the function of electing chancellors since 1949 in an almost ideal manner, producing models of stable government. Party researchers hold that it is the party leaders who decide on the chancellor candidates, whereas the formal involvement of party conventions is nothing but an act of acclamation designed to gain greater intra-party and public legitimization of the candidate. A closer look reveals, however, that it has been neither the *Bundestag* nor the leaders of the parties outside parliament who have recruited and elected chancellors. We must focus on the parliamentary parties, or—more precisely—on their executive committees to discover who recruits and selects the chancellors and ministers in the Federal Republic.

1. Nomination of Chancellor Candidates

Unlike in the case of Great Britain's parliamentary government, the leader of a victorious party in Germany does not automatically become head of government, nor is the leader of the opposition automatically the challenger of an incumbent chancellor. When Adenauer became chancellor in 1949, a federal party organization of the CDU did not even exist. It was not until October 1950 that his party was founded nationwide, and he became its first federal chairman (*Bundesparteivorsitzender*). Among the next six chancellors, four were not chairmen of their party when they took over the highest office in the state: Erhard (Chancellor between 1963 and 1966) and Kiesinger (1966-1969) achieved the party chairmanship after becoming chancellor. Chancellor Schmidt (1974-1982) never made it into that position. The incumbent chancellor, Gerhard Schröder, assumed the party chairmanship only seven months after becoming chancellor, when a rival, Oskar Lafontaine, stepped down from all political offices, including that of party leader. Of the seven chancellors

since 1949, only two, Brandt (1969-1974) and Kohl (1982-1998), were party chairmen when they were elected.

The three highest positions of the major opposition party—leadership of the federal party, leadership of the parliamentary party and chancellor candidacy—have seldom been in the hands of one person during a parliamentary election. Only in 1953 and 1957 did the Social Democratic leader, Erich Ollenhauer, hold all three positions, as did Rainer Barzel for the CDU in 1972. When it comes to filling these leadership positions, the federal structure allows for competition between the party chairmen at the state level. Moreover, since the CDU/CSU in the *Bundestag* is composed of two parties, the CDU and the Bavarian CSU, the national leader of one of the two does not automatically become the chancellor candidate of the entire Union, the CDU/CSU. Only the two major parties nominate such a candidate, since only they win enough parliament seats to lead a government coalition.

It is perhaps surprising that until 1993 neither party had a formal procedure for nominating chancellor candidates. That year the SPD amended its rules with an option to elect the chancellor candidate by a vote of all party members, but the procedure has not yet been applied. The CDU/CSU has tried several times to adopt written rules for nominating chancellor candidates, but these attempts have failed. Forces in both parties in favor of maintaining the established informal patterns of leadership recruitment have been too strong.

Since 1949, sixteen chancellor candidates have been nominated. Adenauer, the first chancellor, and Kurt Schumacher, the first SPD challenger, operated in a environment where the party system was not yet in place and parliamentary democracy not yet fully established. The remaining fourteen cases can be divided into four groups according to the nature and degree of involvement of the parliamentary party.

(1) **The Parliamentary Party Alone Decided.** This applies to Erhard, who for years before his nomination in the CDU/CSU *Fraktion* in 1963 had been the unchallenged candidate to succeed Adenauer, and also to Kiesinger in 1966 and to Franz Josef Strauß, the CSU's leader, in 1980. At the time of their nomination, both Kiesinger and Strauß were *Ministerpräsidenten* (prime ministers) of a state (Baden-Württemberg

and Bavaria respectively), but before that Kiesinger had been a *Bundestag* member for ten years and Strauß for twenty-nine. They were thus skilled national parliamentarians, well known in the parliamentary party. Nonetheless, both went through contested votes in the parliamentary party.

In 1980, the parliamentary party proved to be especially powerful. Kohl, a man of the party, had established his parliamentary position on first becoming the federal party chairman. But he had not managed to rally the parliamentary party behind him. Its members were, in fact, highly dissatisfied with his leadership. Kohl knew that he would stand no chance of being nominated chancellor candidate in a formal vote of the parliamentary party. An attempt to gain that nomination might even have cost him his position as chairman of the parliamentary party, perhaps of the federal party itself.

In this situation, Kohl demonstrated his political cleverness by renouncing the candidacy and proposing to nominate Ernst Albrecht, then Prime Minister of the state of Lower Saxony. The CSU, the Bavarian party, opted for the Bavarian Strauß. When no agreement could be reached between the two sister parties, the parliamentary party had to decide. It was—and still is today—the only body in which the two parties are formally joined. The CDU/CSU parliamentary party unhesitatingly shouldered this responsibility and continued to show its independence: It did not follow the proposal of the CDU's executive committee and its resolution that “the party [i.e. the party organization outside parliament] is in charge of nominating the top candidates for all elections on the local, regional, and federal level.” Strauß won the formal vote against Albrecht in the parliamentary party and became the CDU/CSU chancellor candidate in 1980.

When he subsequently lost the *Bundestag* election that fall, Kohl became—as he had cunningly calculated—the unchallenged leader of the parliamentary party. He had learned the lesson that the party inside parliament is at least as important as the party outside parliament, if one seeks the highest political office in the state.

(2) The Parliamentary Party Recruited the Candidate and was involved in the Selection Decision. Seven cases fall into this category. The CDU chancellor candidate Barzel (nominated in 1972) and the SPD

candidates Ollenhauer (1953 and 1957), Brandt (1960, 1964 and 1969), Hans-Jochen Vogel (1982), Björn Engholm (1992),¹⁷ Schröder (1998) and especially Schmidt (1974 and 1980) had proven their abilities in the Bonn parliament. Before becoming chancellor candidates, they all had had *Bundestag* experience ranging from four to seventeen years. Three of them (Schmidt, Ollenhauer, and Barzel) had, in fact, served as leaders of their parliamentary party. The final decision in all these cases on who would run as chancellor candidate was made by a small group of leading politicians, among whom the parliamentary party was prominently represented through its leaders.

Brandt, for example, owed his first nomination to a gradual shift of power during the 1950s from the party organization outside parliament to the parliamentary party. Party reformers had managed to break a tradition of having the three top positions (federal chairman of party, chairman of the parliamentary party, and chancellor candidate) held by a single person. The so-called Committee of Seven prepared the party reform, and the SPD's executive committee, both heavily dominated by leading men of the parliamentary party (seven of the nine members of the executive committee were *Bundestag* members), proposed Brandt as the SPD's chancellor candidate in 1960. The party's presiding board then officially endorsed him, and eventually a national party convention formally nominated him.

(3) The Parliamentary Party was Involved in the Selection but Did Not Provide the Candidate. When a major party is in opposition on the federal level, the party outside parliament becomes a recruitment reservoir. The states have been the staging area for national politics. State prime ministers have managed to gain profile and increase their influence in years when their party was in opposition in Bonn. As a result, the *Bundestag* parliamentary parties lost importance in the process of recruiting candidates. Kohl, Johannes Rau (1987), and Oskar Lafontaine, Prime Minister of the Saarland and the SPD's chancellor candidate in 1990, are examples of this pattern. Before becoming chancellor candidates, they had never held a seat in the *Bundestag*. With Kohl's nomination in 1976, his first run at the chancellorship, the focus shifted for the first time in the CDU/CSU from the *Fraktion* to the party

organization outside parliament. Politicians from the states dominated the CDU's executive committee in 1975 and thus also the nomination process. Some of Kohl's subsequent difficulties and problems in Bonn can be ascribed to this lack of participation by the *Fraktion*. In the SPD, the parliamentary party managed to retain somewhat more influence. Three-quarters of the SPD's executive board members deciding on the nomination of Rau (1987) and Lafontaine (1990) were *Bundestag* members. Again, on these two occasions, the federal party convention formally ratified a decision taken by a small circle of political leaders.

(4) **A Special Case.** This tendency is also reflected in the nomination of Scharping in 1993-1994, which otherwise constitutes a special case. He was the first and so far only party chairman elected by all SPD members in a direct nationwide party vote. Formally, this vote had the status of a consultation; it was the presiding board's task to submit an official proposal to the federal party convention, which then had to nominate the candidate. But, in fact, the board felt itself bound by the members' decision, who had had the choice among three candidates and had chosen Scharping. Thereafter he had the unrestricted option of becoming the party's chancellor candidate if he so wished, a prerogative that until previously only incumbent chancellors had enjoyed. Hardly any influence of the parliamentary party could be detected in Scharping's nomination.

While many chancellor candidates have proven their qualities in the parliamentary party, usually for several years before running, it has never in fact been the party or the parliamentary party as a whole that has decided on chancellor candidates. Rather, it has been small groups dominated by professional politicians from the *Bundestag*, the federal cabinet, and state governments. In these groups, leaders of the parliamentary party have been strongly represented—by and large the most influential among those making this crucial political decision. Only they could guarantee that the parliamentary party would stand cohesively behind the candidate when it came to electing the chancellor in the *Bundestag*. Their responsibility, too, was to secure the parliamentary majority for his legislative program. The parliamentary party has always had to be given high priority in candidate selection, even in those cases where that selection was formally made by the party outside parliament.

Leaders of the parliamentary party also must take the necessary steps when a chancellor's support within his parliamentary party begins an irreparable decline during a legislative term, managing the succession with as little damage to the governmental majority as possible. Brentano of the CDU/CSU succeeded in doing this in 1963, when Erhard replaced Adenauer, and Wehner of the SPD was equally successful in 1974, when Schmidt took Brandt's place as chancellor.

2. Selection of Ministers

Ministers in Germany are appointed by the federal president upon nomination by the chancellor. They do not need an investiture vote in the *Bundestag* and cannot be ousted individually by a majority vote. They do not have to be members of the *Bundestag*, but the logic of parliamentary government as explained above makes this the normal case. Only one out of every ten federal ministers during fifty years has not been a member.

It is a legend that a chancellor has virtually unrestricted power in choosing his cabinet—a constitutional right which theoretically he could claim on the basis of Article 64 of the constitution. In fact, no chancellor has been entirely autonomous in the selection of his cabinet. The role played by parliamentary parties has extended from preventive pressure blocking a chancellor's choice to the power to force their will upon him.

In the CDU/CSU and the SPD, appointment of ministers has always been decided by a small group composed of the chancellor and leading parliamentarians, with no formal involvement by the parliamentary parties. Nevertheless, this small group has had to take into account the many demands and interests of their *Fraktion* in order to ensure that all members of the government majority would vote for the new chancellor and maintain their loyalty to his new government. Massive pressure has often been exerted by the parliamentary party.

In the more heterogeneous CDU/CSU *Fraktion*, separate groups have been able to decide more or less independently upon “their” representative in the cabinet so long as he or she was not explicitly rejected by the chancellor. Veto positions could also be built up frequently by such groups, counterbalancing autocratic leadership styles. Clever chancellors

like Adenauer could use these veto positions to play off groups against each other and retain room to maneuver.

The more homogeneous structure of the SPD *Fraktion* gave the leaders more freedom for decisions on the composition of the cabinet. However, when in the late 1970s and early 1980s they failed to integrate growing wings of the parliamentary party into the cabinet and governmental discipline, the SPD paid a high price. Internal opposition to Schmidt's policies within the SPD parliamentary party was a major factor in the downfall of his government in 1982. His coalition partner, the Free Democrats, could not have deserted so easily if Schmidt, the skilled and experienced former chairman of the SPD *Fraktion*, had not lost touch with his parliamentary party in the later years of his chancellorship, thus enabling opponents to argue that he had become a leader without enough troops.

Both major parliamentary parties impose limits on the chancellor's supposed constitutional autonomy in building the cabinet. It is not only the chancellor's own parliamentary party that restricts him in this process, however. The small coalition partner's power in this respect is even stronger. It has become an inviolable tradition that the parliamentary party participating in the government coalition has a "prerogative of presentation." After having reached agreement in the coalition negotiations on the distribution of portfolios between the parties involved, the chancellor has then to accept those proposals for persons to take up the portfolios that are made by his coalition partner. Only in what may almost be called an emergency case may he reject a proposal. Even then he may not make a choice of his own but must await another nomination for the cabinet post from the junior partner in his government.

The FDP, which has been the junior coalition partner in almost all governments until 1998 (Table 2), developed its own practice of nominating its ministers. The influence that the whole FDP *Fraktion* exerts—directly and formally—frequently led to contested votes over prospective candidates for the cabinet. For instance, in early 1992 the executive committee of the FDP's parliamentary party and the presiding board of the party in a joint meeting decided to nominate Irmgard Adam-Schwaetzer as successor to the Foreign Minister Hans-Dietrich Genscher, who had resigned. These two bodies clearly misjudged the preference of

the parliamentary party as a whole; the next day it reversed their decision and nominated instead Klaus Kinkel—a blow to the reputation of the parliamentary party’s leaders. Chancellor Kohl had grudgingly accepted his coalition partner’s changed preference. As this and other cases show, parliamentary parties cannot be passed over in the process of cabinet building.

They also serve as central socializing agencies for cabinet ministers. Since the early 1950s, the pattern is more or less identical for all parties. Of the sixty-nine ministers during the subsequent thirty-two years of CDU/CSU-governments (1953-1969; 1982-1998) forty-six had belonged to the presiding board of their parliamentary party; twenty-six, more than one third, had even been chairman, deputy chairman or parliamentary floor manager of the CDU/CSU-*Fraktion* before moving into a cabinet position.

Between 1953 and 1969 there were only two ministers (of thirty-four in all) who had not previously sat in parliament, and in Kohl’s first cabinet (1982-1983) there were none. Indeed, eight of his nine ministers came from the presiding board of the CDU/CSU parliamentary party. However, his next two cabinets (1983-1987 and 1987-1990) showed four non-parliamentarians out of eleven new ministers. These did not come from the party organization, however; none had filled an important position in the CDU, and three had, in fact, entered the party only shortly before being named minister. Thus, the parliamentary party—for a short period—was unable to maintain its usual eminent position in forming a government. Toward the end of his chancellorship (1990-1998), Kohl learned that governmental unity is better served if the parliamentary party is satisfied. During this period, he recruited his ministers entirely from among MDBs. The power balance between chancellor and parliamentary party in assembling a cabinet was reestablished in Kohl’s final years.

Before the SPD was returned to national government in 1998, Social Democratic ministers who were not members of the *Bundestag* were the rare exception (four of thirty-eight), even more so than in the case of the CDU/CSU. Almost 60 percent of the thirty-eight SPD ministers between 1966 and 1982 came from the presiding board of the parliamentary party and nine had held positions in its executive committee. Some of Schröder’s policy difficulties in his first year of office (1998-1999) may

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be attributed to the fact that he disregarded the political advantages that come with long-term experience in a parliamentary party. Four of his eleven SPD ministers had served on the executive committee of the parliamentary party but six were not even *Bundestag* members. They therefore lacked strong links with the body on which eventually the success of the Schröder government's policies depended. This was, by the way, the highest proportion of non-parliamentarians ever in a federal cabinet. One reason for a chancellor to hire non-members is to bring in outside expertise, by that also serving the public sentiment that notables with non-political careers are to be preferred to professional politicians. Another reason lies in the growing importance of state governments from where Schröder also recruited some ministers.

Chancellor Schmidt's cabinets (1974-1982) included only one minister without membership in the *Bundestag*. This is not surprising as Schmidt was part and parcel of his parliamentary party and knew its laws and hierarchies. Twelve of the seventeen SPD ministers in his cabinets had previously belonged to the parliamentary party's leadership.

Kohl, who also served as chairman of the CDU/CSU *Fraktion* for six years before becoming chancellor, systematically used the parliamentary party as a recruiting ground. While still in opposition (1976-1982) he tested potential ministers by placing them in positions in the parliamentary party where they could show their expertise and political abilities. As a result, thirteen of the fifteen persons who had been chairs of the parliamentary party's working groups became ministers or deputy ministers in his first cabinet (1982-1983).

V. PARLIAMENTARY PARTIES AND *BUNDESTAG* MEMBERS

As we have shown, parliamentary parties display both principles of hierarchization and division of labor. The general impression held by the public, and even occasionally by MdBs themselves, is that an individual member of the *Bundestag* is tightly controlled by a dominant management of the *Fraktion*. This impression is at least partly based on an evidently persistent misunderstanding of “*Fraktionsdisziplin*,” the cohesion of parliamentary parties in almost each and every vote, as “*Fraktionszwang*,” i.e., coercion.

What is actually a perfectly rational and independent decision of an individual *Bundestag* member, who usually does not need any external pressure, has been misinterpreted as his or her inescapable submission and enforced allegiance to the line of the party in parliament. Hopefully, we have corrected this misconception in Section I.

With regard to the rights of an individual *Bundestag* member, it has already been shown (Table 1) that he or she hardly has any, at least any politically important ones. Remember that an individual parliamentarian does not have the right of initiative in the *Bundestag*. Only in the second reading of a bill may he or she make amendments. The statutes of all parliamentary parties require, however, that such amendments first be submitted to the presiding board in order to coordinate the parliamentary party’s policies and prevent maverick action. These would harm the public image of the parliamentary party and undermine its efforts to project itself as the representative of the people’s will. Most control rights can also only be exercised by a parliamentary party. Only oral or written single questions are left for the individual member, and even these must be submitted to the *Fraktion*’s parliamentary floor manager, who is in charge of coordinating them and making sure that they are in accordance with party positions. If necessary, the floor manager will ask the member to change his or her question or to withdraw it.

The right to speak and vote are, of course, inalienable privileges of a member. However, these, too, are not unregulated by the parliamentary parties. The duration of plenary debates on the floor, as well as the speaking time allotted to the parliamentary parties, are usually agreed upon by the Council of Elders, where the parliamentary floor managers of

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all parties assemble to plan daily parliamentary business. The speakers for those plenary debates, which deal with specialized questions and details of legislation, are usually determined by the working subgroups. When debates address politically salient or highly controversial issues, the executive committee of the parliamentary party decides who will take the floor. Floor speakers are more or less explicitly obliged to set forth the position of the parliamentary party. In cases where an agreement cannot be reached internally, speakers will present the position of the parliamentary party's majority. If members intend to deviate from this in their speech they are requested "to inform the parliamentary party in time and seek consultation with the presiding board," as the statute of the SPD *Fraktion* states.

This practice is similar in all parliamentary parties and functions as tacit pressure. A deputy who wants to disagree with his parliamentary party's positions must seek a discussion of his views in the plenary meeting of the parliamentary party or justify it to the executive committee. This usually leads to a calculation whether the point is important enough to allow public deviation from the line of the parliamentary party. If an MdB insists, he will be allowed to speak in the floor debate. If he insists too often, however, he will begin to ask himself whether he is in the right party, and his colleagues will start asking the same question.

Rules of the parliament show how tightly planned a floor debate in the *Bundestag* is. It is aimed first and foremost at efficiency and smooth and calculable handling of parliamentary business. Indeed, the nature of the parliamentary system in Germany as discussed above helps explain why the parliamentary parties of the governing majority make such an effort to make plenary votes safe in advance. This is especially so in cases of narrow majorities. To avoid a downfall of the government and damage to its reputation with the electorate, a parliamentary party cannot risk losing a floor vote. If its leadership realizes that sufficient agreement cannot be found internally, it will often postpone the decision by withdrawing a bill and trying anew to reach agreement within the parliamentary party.

Basically the same applies to the parliamentary parties of the opposition. German political culture rewards political unity and punishes

its absence. If the opposition wants a chance to replace an incumbent government, it strives not to appear as a polyphonic choir.

Internal disagreement that becomes public can also weaken the position of a party in negotiation over legislation with other parties in parliament and also with coalition partners in government. In addition, there exist mutual expectations of the deputies in a parliamentary party regarding voting behavior that does not harm the common cause. This is why the statutes of all parliamentary parties in the *Bundestag* demand that their members inform the board or the plenary assembly beforehand if they intend to leave the party line in a floor vote. By this method, deviations can be tolerated, or the deputy can be convinced to stay away from the vote in order to prevent the dissenting opinion in the parliamentary party from becoming publicly visible.

The few parliamentary rights that an individual member formally retains in the *Bundestag* are, as explained above, restricted in practice by the parliamentary parties. It should be noted again that members themselves agreed, usually by unanimous votes, to reforms of the rules of procedure that conferred power on the parliamentary party and reduced individual members' rights. The view that restrictions on the individual member are used by the leadership as instruments to discipline or sanction members who stress their independence too often is probably overstated. Undoubtedly, parliamentary floor managers or chairpersons will occasionally bring home to a member the importance of unity and cohesion. But not even the critics of the *Fraktionen*-dominated *Bundestag* could find proof that, for instance, the power of the parliamentary party's leadership to allocate committee seats has been systematically used to punish members considered to be disobedient. This again differs from U.S. legislative practice.

The often-heard assertion that the executive board of a parliamentary party can prevent the renomination of a member in the next federal election is also incorrect. *Bundestag* nominations are not controlled by the parliamentary parties. Nominations for the so-called direct mandates (*Direktmandate*), the seats won directly by a candidate in one of the 328 districts in *Bundestag* elections, are the jealously guarded prerogative of the local and county party organizations and memberships. The party lists, for which a second ballot is cast in German federal elections, are

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drawn up at state party conventions through a formal vote usually preceded by informal agreements between the county organizations and wings of the party. No case is documented where the leaders of a *Bundestag* parliamentary party managed to prevent the renomination of a member by this network of sub-organizations, interests and groups. In fact, it is much more likely that a member can win support from his or her local base by occasionally showing a little disobedience towards “those up there.”

To be sure, this is not to deny that pressure from above exists in the *Bundestag*. But such pressure hardly ever appears as a sanction. In the daily life of parliament, it results from a structure that puts the emphasis on efficient organization and division of labor. Mutual trust is embedded in this structure; indeed, it is its key element. Members of a parliamentary party are bound together by their common conviction of having the better policy answers than the other parties, by their common interest in keeping the government in office or in replacing it, and by their belief that they can reach their political goals only together.

Seen in this light, the parliamentary party is not only a framework that restricts the parliamentarian, but it becomes an indispensable opportunity structure. The division of labor, organized mainly through the working subgroups in the parliamentary parties, is an important platform for the rank and file member. It is here where committee work, interpellations, and floor debates are prepared. And it is here where an MdB can develop and demonstrate expertise in a specific policy field, influence legislation, and become indispensable to the parliamentary party. While it is true that the general political guidelines are usually determined by the chairperson and the executive committee, these guidelines—as are all other leadership decisions—have to be shaped in a manner that is by and large acceptable for a parliamentary party and its members.

Regardless of how much governments, whether led by Christian Democrats or Social Democrats, may try to narrow the scope for change in their proposals by their parliamentary party, they are well advised to make use of the expertise of their members, for the leadership needs their consent and also their function as mediators and communicators between the party leadership, party members at the grassroots, and voters. By becoming policy experts within their parliamentary party, members

can counterbalance the effects of hierarchy. They can effectively check their leaders in cases of specialized and technical bills, which, after all, make up the bulk of legislation. Within this framework of initiative and coordination from above, members still have considerable leeway to spell out details and to correct and limit the direction the discussion of a bill is taking with the parliamentary party. As long as the member specialists in their working subgroups stay within the general policy guidelines they have considerable independence, since a meeting of the parliamentary party usually accepts the recommendations of its experts.

Admittedly, the perception that rank and file members are subordinate to their parliamentary party leaders and to the member experts is widespread. They are said to be trapped between hierarchy and specialization. This view fails to recognize, however, that virtually every *Bundestag* member becomes an expert in one or several fields. The complicated nature as well as the multitude of issues to be dealt with in legislation require this division of labor. It may be that this is the only way parliaments can cope with their task of articulating interests and representing the common good in a complex modern world. Seen in this light, the parliamentary parties, by lightening the load upon individual members, enable them to fulfill their functions more effectively and responsibly. Within a parliamentary party, there exists a commonality of interest based on the party's program. This creates mutual basic trust and the willingness to accept the other colleagues' expert advice. Specialization by the individual member provides a modicum of independence and power while at the same time integrating him or her into the larger program of the party and *Fraktion*.

The more specialization, the more hierarchy becomes necessary to ensure that the parliamentary party's work is purposefully coordinated. The more hierarchical the system, the more specialized the individual parliamentarian must be if he or she is to participate meaningfully and retain a significant political role. Thus hierarchy and the division of labor have become interdependent in *Bundestag* parliamentary parties. Neither principle must be exaggerated. If the leadership is too rigid and puts too much emphasis on efficiency, it can stifle initiative and innovation. If specialization is too dominant, it prevents integrated and balanced policy solutions. The parliamentary parties of the *Bundestag* are more often in

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danger of overdoing efficiency. Nevertheless, they constitute the chief potential for finding the right balance and shaping Germany's parliament as a professional institution in the best sense of that word. They are able to combine the demands a complex environment makes on a parliament: representation of individual interests and of the common good, goal-oriented decisions and creative discourse.

ENDNOTES

1. Its formal title is The German Federal Assembly (*Deutscher Bundestag*). It is the lower house of a bicameral legislature, the upper house being The Federal Council (*Bundesrat*). For more on this latter body, see #1 in the AICGS Key Institutions of German Democracy Series “The Bundesrat, the Länder and German Federalism,” by Uwe Thaysen; AICGS 1994. For stylistic convenience, this study will refer simply to the *Bundestag* throughout.
2. *Fraktion*, “fraction” in now outdated American political vocabulary, means part of the whole. In nineteenth century Germany the word carried negative associations, implying almost illegitimate pursuit of particularistic interests and at least discord detrimental to the unity of the state. It was well into the twentieth century before *Fraktionen* were acknowledged as indispensable units of parliament. This study will use the term alternately with the term parliamentary party (parties).
3. Impeachment is a different matter; this measure can only be taken on legal grounds of treason, bribery, or other high crimes and misdemeanors, as is stated in Article II, Section 4 of the Constitution.
4. The exception is the vice president, who is not only part of the executive but also president of the Senate. He chairs the Senate’s sessions and can cast the tie-breaking vote should this be necessary.
5. “*Namentliche Abstimmungen*” (the German equivalent of roll call votes in the U.S. Congress) are only conducted on the request of one parliamentary party or five percent of the deputies. Fewer than 1,200 have occurred in the *Bundestag* in fifty years, most of these after 1983, when the Greens made extensive use of this instrument to prove their competence as opposition party. Sometimes roll call votes are used to force unity of a *Fraktion*.
6. The current *Bundestag*, which was elected in 1998, is composed of 669 members, of which 207 are women and 462 men. When reference is made in this study in general terms to a member, a chancellor (all have been men so far) or a minister, “he” or “his” will usually but not always be used for stylistic convenience sake.
7. Under certain, very rare conditions, parties that have less than five percent of the seats can be represented in the *Bundestag*. This was the case after German unification, when in 1990 the threshold was applied separately in the western and eastern part of the country, and when in 1994 the PDS won four districts without gaining five percent of the second ballots country wide. A decision of the whole *Bundestag* is necessary to acknowledge such parties as “*Gruppen*” in the parliament and to give them some basic rights. In 1990 and 1994 the Greens and the PDS were granted one voting and one alternate member on each parliamentary

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committee, one member in commissions of inquiry and committees of investigation. Furthermore, they were entitled to bring in bills and interpellations.

8. The standing orders of the *Bundestag* permit a parliamentary party to be composed of MdBs from more than one party **provided** that these parties do not compete with each other in any one *Land*. That is the case with the CSU, which competes only in Bavaria, and the CDU, which competes only outside the state.
9. Since 1979, the European Parliament, the Assembly of the European Union, has been directly elected in all EU member states.
10. Given the dominance of parliamentary parties, *Fraktionslose*, i.e. independent members, are almost non-existent in the *Bundestag*. The last time that independents won seats was in 1949. Of the three, two joined a *Fraktion* after the election. Since 1953, there have been no members at the beginning of a new term who did not belong to a *Fraktion*. It happens occasionally that a member changes parties (one to eight cases per term since 1960, when the party system had consolidated). Even smaller are the numbers of those who leave their old parliamentary party and decide to become independent MdBs.
11. A member of the *Bundestag* (*Mitglied des Bundestages*) may use after his surname the honorific *MdB*, as members of the British House of Commons may use MP. Occasionally in the study this honorific may, for stylistic variation, be substituted for the word “member” or “*Bundestag* member.”
12. A parliament in one of Germany’s sixteen states (*Länder*) is called a *Landtag* or a *Bürgerschaft*, sometimes translated into English as Diet but in the pages that follow as “state parliament.” These legislative bodies resemble the *Bundestag* in many but not all respects. They will not be dealt with in this study.
13. Joachim Raschke, *Die Grünen: Wie sie wurden, was sie sind*. (Cologne, 1993) p. 618.
14. Not counting memberships in state legislatures. Such statistical data and much more information on almost all aspects of German parliamentarism can be found in the invaluable handbooks by Peter Schindler: *Datenhandbuch zur Geschichte des Deutschen Bundestages*, 1949 bis 1999, 3 volumes, Baden-Baden 1999.
15. After deep internal conflicts it was agreed between the CDU and CSU in 1976 that the CSU would not expand to the other states, and the CDU would refrain from competing in Bavaria.

16. Moreover, the opposition party or parties can get help from the state level. As a rule these parties hold governmental power in several states, and there they can make use of ministerial bureaucracies sympathetic to their party for information and expertise, also on questions concerning federal legislation.
17. He stepped down as chancellor candidate and party chairman before the next *Bundestag* election and was replaced with Rudolf Scharping.

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