



German Elections on 22 September 2013: the Primacy of Domestic Policy

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On 22 September 2013, the Germans will be called to the ballot boxes to elect a new parliament, and by extension, a new federal government. At the moment, polls see current Chancellor Angela Merkel's Christian Democrats (CDU) ahead of the major opposition party, the Social Democrats (SPD) led in the campaign by former finance minister Peer Steinbrück.ⁱ The current coalition of Liberals (FDP) and CDU would have a miniscule majority of 1 per cent of the seats over the opposition parties. In theory, the current government could continue its work for another term of four years if the polls turn out to be correct on Election Day. But the voters are always good for a surprise. To understand the significance of the elections, this paper will give a short overview of the political system in Germany, the election procedures, and then turn towards addressing the dominant issues in the campaigns (and the country) and the major parties' stances on them.

The German Political System: the Chancellor Democracy

Germany's constitution, the *Grundgesetz* – or Basic Law – was adopted in 1949 and created a political system designed to avoid the pitfalls of the feeble Weimar Republic and the reign of Nazi terror. The fathers (and few mothers) of the Basic Law, influenced by American advisers, developed a system that would balance the powers to the best possible extent and avoid a situation where one political force could *de facto* suspend all other branches of the government. A strong president with far-reaching emergency powers, as existed in Weimar, was to be avoided. Consequently, the Basic Law created a government, led by a chancellor, who would act as *primus inter pares* and was responsible for the general direction of the government's policies (the so-called *Richtlinienkompetenz*), and a president, whose role was mainly symbolic and ceremonial. The chancellor is not directly elected by the people but instead, the Germans elect parties and it would be, in theory, up to the parties to nominate someone from their midst to stand elections for chancellorship in the Bundestag. In practice, however, parties designate their candidate for chancellor long before elections and these candidates have a significant influence on the outcome of the elections, occasionally more than the parties' political programmes. A candidate needs a simple majority of votes to be elected. Due to the



fragmented nature of the German political system, however, one party rarely has the majority of votes in the Bundestagⁱⁱ and hence the party with the most votes initiates coalition talks with other parties represented in parliament to form a government that could rely on a majority of votes necessary to pass legislation. A coalition government is hence the rule, not the exception, in German political history after World War II. Because of the influential role played by the chancellor, governments are nevertheless mostly associated with him (or recently, her): people still remember Konrad Adenauer, Willy Brandt, Helmut Schmidt, or Helmut Kohl, without necessarily knowing which party was in power or what coalition he presided over. The prominent role of the chancellor led to the term “Chancellor Democracy” to designate the political system in Germany. The chancellor would then present a cabinet to the federal president who will officially appoint them to their posts. To allow for political stability, it is also quite difficult to remove a chancellor. Other than resigning voluntarily or being voted out of office during elections, only a “constructive vote of non-confidence” would force an incumbent to leave his office. This means that the parliament would have to elect a new chancellor with a majority of votes. The idea behind this concept is that even in times of crisis the government would always be capable of acting; and that there would be no interregnum with a lame-duck chancellor in office who would not have a majority in parliament at his/her disposal. The only time that a constructive vote of non-confidence was put into practice was in 1982 when the Bundestag elected Helmut Kohl to succeed Helmut Schmidt due to a shift of majorities in parliament as the Liberal Party had shifted sides. Consequently, and despite the words of the constitution, a general election in Germany is at least as much about individuals as it is about parties.

The *Bundestag* and the Election Procedure

When faced with their ballot, the German voter has two votes to give. Half of the seats in parliament are allocated according to the first vote (based on majority), and the other half according to the second one (based on proportionality). This is the German mixed member proportional system. Consequently, one votes for a candidate to directly represent the constituency in parliament and one also votes for a party on the level of the *Länder*, and therefore, for a list of people to enter parliament via this track. Consequently, one could, for instance elect one member of the SPD as direct candidate via the first vote and vote for the CDU with the second vote. Problems can occur where one party gains more direct seats than it would be allowed to have due to the percentage of votes it has received on the second vote. In order to compensate for that, the notion of *Überhangmandate* – or overhang seats – was introduced. How does this work? For example, if a party wins four constituencies in a federal state but is entitled to eight because it gained a corresponding percentage on the second vote, the remaining four seats are filled through a party list, bringing the number of Members of Parliament (MPs) up to the eight necessary. On the other hand, if a party wins more constituencies and thus seats (say ten) than it would deserve according to the second vote (say it only gained enough votes for 5 seats here) all the directly elected MPs would enter parliament through these overhang seats, thus increasing the number of MPs in the Bundestag. It is therefore impossible to say how many seats the new Bundestag would have



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before elections have taken place. Normally the Bundestag has 598 regular members to which the overhang seats are added.

Moreover, the Bundestag is a quite fragmented house compared to other parliaments, for instance the US House of Representatives, which only knows two parties. Currently, there are five parties represented in the Bundestag. To avoid an overly fragmented parliament that could easily disable itself, as happened in the Weimar Republic, and to allow for stable coalitions, the parties have to reach a five per cent threshold in order to enter parliament. That means that a party needs to win at least five percent of the total votes to be represented in the Bundestag. This can be of far-reaching consequences. The FDP, for instance, is currently estimated at 5 per cent of the votes, which would allow it to be in the new Bundestag. However, if the actual vote for the party were at 4.9 per cent, it would not enter parliament, and Angela Merkel could not continue her coalition – unless the FDP gained three direct seats and would then still be able to enter the Bundestag.

The Issues at Stake and the Parties' Programmes

When looking at the debates about the programmes of the party, it is remarkable that there is gap between the topics that the domestic audience is most interested in and what people abroad expect the debates to be about. While Germany's neighbours would assume – probably rightfully so – that the handling of the Euro crisis or perhaps even Germany's role in Europe and the world would garner a lot of attention in the campaign, this is hardly the case. The ordinary German voter is more interested in topics he or she is directly concerned with and hence, the issues surrounding the currency crisis are only marginally treated. One of the reasons for this is that the parties do not differ too much in their views on how the crisis should be handled; a fact which is reflected in the voting behaviour in parliament where the major opposition party, the SPD, mostly supported the government's course of action. While the SPD, were it to lead a government, would certainly be (marginally) more favourable of a less rigid policy concerning deficit spending and potentially Euro bonds it is difficult to see how this would go beyond cosmetic changes. No one should expect a major U-turn in Germany's Euro policy if Merkel were not to be re-elected chancellor. This also has to do with the fact that there is simply no support for a radically different policy in the German electorate. The crisis did not hit Germany as hard as it hit the European periphery, and the country is now economically better off than before. Unemployment is at a historical low and industrial output and exports are satisfactory. To many Germans, the Euro crisis is more of a problem that should and can be solved by the countries most affected – through economic reforms à la the Agenda 2010 introduced by Chancellor Schmidt in the early 2000s – than something that would require a stronger German commitment, least of all financially. Likewise, general debates on Germany's role in Europe, as the most economically potent and arguably politically most stable country on the continent, or by extension, German national interests globally, are more or less absent. The political class carefully avoids this debate, as it would require new policies in handling regional crises, such as in Syria. The obvious consequences of this new thinking on



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foreign policy would most likely lead the country out of its military abstinence; a path the majority of Germans are not yet willing to take. Germany is still not prepared to match its economic influence with a larger political commitment globally. There are also no serious differences on foreign policy goals and security policies (with the exception of the Left Party which is opposed to almost everything related to the German armed forces (the Bundeswehr) and which never supports military operations abroad). Consequently, domestic issues dominate the debates and foreign policy only plays a marginal role due to the lack of disagreement there.

One of the hotly debated domestic issues is minimum wage. While the ruling coalition of CDU and FDP is against a legally imposed basic salary, the SPD, the Green Party, and the Left Party favour it. The SPD supports a minimum salary of 8.50 EUR/h while the CDU encourages unions and employers organisations to agree on minimum salaries specific to the industries without dictating a certain base through the law. Some differences also exist pertaining to family policies. While the conservatives continue to support their notion of the special role of the traditional family and would continue to favour married couples financially over unmarried couples, the SPD, the Green Party, and the Left Party are against the so-called *Ehegattensplitting* (a better fiscal position of married couples). At the same time, the SPD, the Green Party, and the Left Party favour the complete equalisation of gay couples and heterosexual couples before the law and to open the institution of marriage to same-sex relationships. They are also in favour of a quota for women in enterprises. Some dissent also exists as to the traditional concept of male breadwinners and female housewives, taking care of the children. While the conservatives encourage women who decide to stay at home to raise children and would support this financially, the opposition parties are more in favour of extending the kindergarten system and of having children attend it in order to grant them a common start independent of their family background. This is supposed to overcome the unfavourable conditions of children with a poorer socio-economic or migration background. Lastly some differences exist as to the amount of the guaranteed minimum pension and the retirement age.

Consequently, 22 September 2013 will be an important day for Germany, but also for Europe. Germany is called to vote on different people as political leaders but also on different political programmes. While domestically this would mean several changes, it is also important to calm expectations about a general shift in German foreign - or Euro - policy should the new chancellor not be Angela Merkel. A general consensus has informed Berlin's policy in that regard over the past year, a consensus that was shared by the vast majority in parliament so that no radical changes are to be expected here. What the election will change, and what will turn out to be of importance to Europe as well, is that the campaigning is over and it is more likely to see a more proactive policy on the Euro crisis by whatever party will turn out to win the elections. Once the dust has settled on the election campaigns, important - and probably unpleasant - questions regarding the future of the Euro(pe) will have to be addressed soon and the next federal government - because of the country's size and interest in the matter - is likely to take a prominent position in the process.



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ⁱ As of 5 September 2013, the CDU was at 41%, the SPD at 27%, the Green Party at 10%, the Liberal Party FDP at 5%, and the Left Party at 8%.

ⁱⁱ The Bundestag is the parliament that will be elected on 22 September while the Bundesrat is the assembly of *Länder* representatives that share legislation with the federal government on certain issues. Simply put, albeit not entirely accurate, one could describe the Bundestag as the lower house of parliament and the Bundesrat as the upper house.