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General Elections in Germany on 27 September 2009

Bernhard Blumenau*

On 27 September 2009, German voters will be called to the polls to elect the 17th German parliament, the Bundestag. This paper intends to introduce readers to an analysis of the main issues in the current electoral campaign by setting them against the background of the German parliamentary system and its evolution.

As with the West German post-war state, the Bundestag will celebrate its 60th anniversary this year. In accordance with the proclamation of West Germany's *de facto* constitution, the *Grundgesetz* (Basic Law) on 23 May 1949, elections for the first Bundestag were held on 14 August 1949 leading to the inauguration of the first Federal Government headed by Chancellor Konrad Adenauer. Over the following sixty years, the parliament has managed to establish itself as a strong pillar of German democracy. Does this system still work today and how did it - or did it not - adapt to the changing national and international environment?

In Germany's political system, the Bundestag is the only organ directly elected by the people. It consists of 598 members. However, due to the phenomenon of *Überhangmandate* (overhang seats) the number of parliamentarians can exceed 598. The seats in the Bundestag are distributed according to the mixed member proportional system. Therefore, each voter has two votes. The first vote goes to a direct candidate from the voter's constituency. The candidate with the highest number of votes is elected and assumes this constituency's seat in the Bundestag. 299 seats are distributed on this basis. The remainder depends on voters' second vote. This second vote goes to a party on a proportionality basis. The parties have established lists of candidates for the different *Länder* and depending on how many votes they receive they can send a certain number of candidates to the parliament. The *Überhangmandate* are a consequence of this system and emerge if a party can send more direct candidates to the Bundestag than it would actually deserve to according to the second vote. In that case, the



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additional seats are added to the 598 regular seats. Hence, the German system combines two different electoral systems, the direct and the proportional representation. Since 1953 parties could only enter the Bundestag if they received more than 5 percent of the votes under the proportional system. This threshold was introduced to avoid a heavy fragmentation of the parliament, as it could possibly lead to unstable governments, as had been the case during the Weimar Republic between 1919 and 1933. This threshold also makes it difficult for extremist parties to enter the German parliament as they normally only represent a small fraction of the German population and do not get the first vote. However, if a candidate is elected by the majority of the first votes in his constituency, he or she can of course resume the seat in the Bundestag. The Bundestag is presided over by the President of the Bundestag who is unofficially - Germany not having an official protocolic hierarchy - number two in the protocol after the federal president.

There are three parties that have been traditionally represented in the Bundestag and two parties which have entered it rather recently.

The parliamentary group with - for the most part - the plurality of the seats in the Bundestag is the Christlich-Demokratische Union, CDU. It is allied with its Bavarian counterpart, the Christlich-Soziale Union, CSU. It is rather conservative and has its traditional electorate in the middle classes. As the name indicates, it is rooted in a religious tradition. The CDU has led the governments between 1949 until 1969 led by Chancellors Adenauer, Erhard and Kiesinger, 1982 until 1998 - the chancellorship of Helmut Kohl, and again since 2005 in a grand coalition with the SPD under Chancellor Angela Merkel.

The second largest party, and the oldest one, is the Sozialdemokratische Partei Deutschlands, SPD. The SPD is a centre-left party and considers the workers to be its traditional clientele. It led coalition governments from 1969-1982 (Willy Brandt's and Helmut Schmidt's governments) and from 1998-2005 (Chancellor Gerhard Schröder).

The third traditional party is the Freie Demokratische Partei (FDP), a liberal party with its traditional electorate in the entrepreneurial middle classes and upper classes. Until 1998, they were the traditional "king-makers" that is the party that formed a coalition government with either the conservatives or the Social Democrats.

In 1983, a new party entered the Bundestag, Die Grünen, a party that has its roots in the peace and anti-nuclear power movement of the late 1970s, early 1980s. In 1993, it merged with the East German Bündnis 90 and formed the party Bündnis 90/ Die Grünen. It was part of a coalition government with the SPD from 1998 until 2005 under the leadership of Chancellor Gerhard Schröder.

Rather recently, the socialist party Die Linke (the result of a merger between the Partei des Demokratischen Sozialismus, PDS, the successor of the ruling party of the former East Germany and a West German leftist movement) joined the Bundestag in 2007. The PDS had already entered it in 1990 but only with direct candidates as it had received less than the required 5 percent of second votes. Since 1998, however, it is represented as a faction in parliament when it passed the threshold of five percent.



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The most prominent politicians of this party are the former SPD member - and in the early 1990s candidate for the chancellorship - Oskar Lafontaine and the East German former PDS leader Gregor Gysi, both of which are very eloquent speakers and are one of the reasons for the increased support the party has enjoyed over the past years.

Once the new Bundestag has been elected and constituted itself, it elects the chancellor. Consequently, in the German system, the voter does not directly elect the chancellor, but only a certain party. It is then up to the parliament to choose the chancellor. In order to elect a new chancellor, the candidate has to receive at least 50 percent of the votes of all members of parliament. He or she is then officially appointed by the federal president. Through a constructive vote of no-confidence, the parliament can force the chancellor to resign but only if it elects a new chancellor at the same time. This is another lesson learnt from the Weimar Republic. Between 1919 and 1933, the parliament could dismiss the chancellor without electing a new one. Consequently, the governments were prone to instability and often did not last a whole term.

The chancellor also has the possibility to call for a vote of confidence. If he or she fails to assemble the necessary 50 percent and if the Bundestag is incapable of electing a new chancellor, he or she can ask the federal president to dissolve the Bundestag and to call for new elections. Since the Second World War, there have been three cases where the chancellor (willingly) failed to reach the necessary votes and the Bundestag was dissolved. This happened last in 2005 when Chancellor Schröder purposely failed to receive these 50 percent. Before that, in 1972 during the chancellorship of Willy Brandt and then again in 1982 during Helmut Kohl's government, the Bundestag was also dissolved.

Beside the Bundestag, in the German legislative branch, there is also the Bundesrat, the assembly representing the *Länder*. This assembly is not directly elected but its members are appointed by the *Länder* governments. All bills that affect the *Länder*, also have to be approved by the Bundesrat.

Over the past years, the major parties have had problems differentiating themselves from each other. Especially the SPD has found it difficult to profile itself vis-à-vis the CDU and lost significant support among voters over the past six years. However, the latter also experienced a drop in party memberships and support. While in the 1970s, SPD and CDU/CSU together received more than 90 percent of the votes, this dropped to about 80 percent in the 1980s and about 70 percent in the 1990s. In the last election in 2005, both parties together received less than 70 percent. If this trend continues - and according to all polls it will - they might be at roughly 60 percent in the new Bundestag. This might pose a problem as neither major party may be able to form a coalition government itself and might be forced to renew the grand coalition. It might indeed appear that due to the change in traditional voters' behaviour as well as in the orientation of the parties, grand coalitions could become increasingly more likely in the future. The next elections will demonstrate whether



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this hypothesis is indeed true. At the moment, the FDP and CDU/CSU have a slight majority. The only chance for the SPD to form a government would be a "traffic light" coalition of SPD, FDP and the Green party. At least officially, the SPD leadership denies any intention to ally with Die Linke. However, the FDP clearly prefers to form a government with the Christian Democrats. Whether this will be possible, only the election results will tell. In recent elections, the votes for the CDU melted away as the election day approached. If the same holds true this time, the only possible government may indeed be a grand coalition again, if neither FDP nor SPD change their attitudes as to who they would ally with.

The issues that determine this election stand in continuity with those at the forefront of German politics for years. Domestically, the undoubtedly necessary reforms of the welfare state are the big issue, linked to the question as to how to deal with the economic crisis. With the exception of Die Linke, the positions of the parties represented in the Bundestag only differ marginally on those issues. The same holds true for foreign policy, although German elections after reunification have rarely been dominated by foreign policy issues. Here, the war, or in official German terminology: conflict, in Afghanistan is the core issue, linked to military missions of the Bundeswehr abroad in general. Once again, Die Linke is in a rather isolated position in calling for an end to all German military engagement abroad, including the one in Afghanistan. The wish for an end of the involvement in Afghanistan is shared by two-thirds of the German population according to recent polls. The CDU, on the other hand, is probably the most direct supporter of these operations. SPD and the Greens do not oppose the engagement in principle but demand a closer focus on civilian support and clear exit strategies for Afghanistan. The FDP sees a need for major reforms in the structure and orientation of the German army to increase its capability for military operations out-of-theatre. While the FDP has a very critical stance on the German military involvement in Afghanistan as well, it still - in principle - supports the Bundeswehr's engagement there. It remains to be seen in how far the current events around the bombing of two tankers trucks ordered by the Bundeswehr will affect that. These marginal differences in the party programmes are also reflected in the election campaigns. The run-up to the elections in previous years have hardly been as silent as this one. Chancellor Merkel successfully avoids any strong argument with her challenger from the SPD, Frank-Walter Steinmeier. This may partly be the result of both candidates' rather low-profile personalities and lack of charisma, which contrast with the emotional and active election campaign run by the 2005 candidate for the chancellorship, Gerhard Schröder. However, as election campaigns in Germany are different from other states, where the heads of government are directly elected, the low profile of Mrs Merkel and Mr Steinmeier are not problems in themselves. The efficient, professional and somewhat bureaucratic aura of both might also be appealing to many people. Many chancellors thus far have held Ph.D.s - for instance Ludwig Erhard, Helmut Schmidt and Helmut Kohl - and both Mrs Merkel and Mr Steinmeier are no exception. In times of crisis, Germans in particular, seem to favour politicians that



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promise stability and only modest reforms (especially to the welfare state) and have the air of someone educated and academic. As the saying goes, Germans favour schoolmasters (*Oberlehrer*) at the top of their state, someone with some distance from the people. Certainly, two of the most popular German chancellors, Konrad Adenauer and Helmut Schmidt, fall into this category but also - to some lesser extent - Ludwig Erhard, Kurt-Georg Kiesinger and Helmut Kohl. A candidate à la Barack Obama in Germany is rather unlikely if not impossible, also due to the different political system. Moreover, regarding the current election campaigns, since majorities are uncertain, all parties are hesitant to attack other parties too openly in order to not risk possible future coalitions. Whether this slow-motion campaigning will be reflected in voter participation seems likely, but remains to be seen.

So what might be the possible outcome of the September 27th elections? Probably the worst outcome would be that everything remains as it is, a new legislative period for the grand coalition. Over the past four years, decision-making was a rather lengthy and cumbersome process. Another stagnation like this would do harm to the trust that politics enjoy among the population and certainly contribute to stronger extremist parties. Moreover, due to the *Länder* elections taking place between the general federal elections, German politics is often characterized by a constant state of campaigning. Thus, the big coalition parties can never actually address politics without being influenced by *Länder* poll results. Just some weeks ago, elections were held in the *Länder* Saarland, Saxony and Thuringia and on election day, voters in Brandenburg and Schleswig-Holstein will also elect a new *Land* parliament. The intertwining of *Land* and federal issues and campaigns is hence very close. A coalition government of a big party and a small coalition partner would certainly be preferable, it would also contribute to a greater distinction between the parties from each other. If the survey results translate into actual poll figures, the Liberal-Christian Democratic government would have a majority. Mrs Merkel would probably remain chancellor and Mr Westerwelle would become her vice-chancellor. However, if once again poll results on election day differ from the predictions, difficult times may arise for the parties in Germany. Consequently, a political standstill while Germany faces urgent problems - domestically and externally - may be the most undesirable outcome. Unfortunately, this also appears to be the most likely outcome of these elections.

Further Reading

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- Themenheft „Parlamentarismus“, *Aus Politik und Zeitgeschichte* 38, 2009.
- Bundeszentrale für politische Bildung (www.bpb.de)

*Bernhard Blumenau is a Ph.D. Candidate at the Graduate Institute of International and Development Studies and Research Associate of the Pierre du Bois Foundation



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