German Political System Today

I. Basic Law of 1949
   A. Creation of Federal Republic of Germany in 1949
   B. Role of Basic Law in reunification in 1990
   C. Role of occupation authority and constitutional engineering

II. Federalism
   A. Constitutional engineering and German tradition
   B. The 16 Länder
   C. Division of authority
      1. Bundesrat check on federal legislation
      2. Independent taxation authority
   D. Guarantees of Länder powers
   E. Close links between federal and Länder governments
      1. Implementation of federal policy by Länder
      2. Participation of Länder governments in federal government
         —e.g. Bundesrat

III. Parliamentary System
   A. Parliamentary versus presidential systems
      1. Division/unification of executive: chief of state and head of government
      2. Fusion/independence of executive and legislative branches
   B. The German parliamentary system
      1. Bundestag popularly elected
         —Elected at least once every 4 years
      2. Chancellor appointed by President from leader of largest party or coalition
         —Chancellor forms the Government
      3. Responsibility of Government to Bundestag
         —The classic “vote of no confidence”
         —The FRG’s “constructive vote of no confidence”
      4. Chancellor may advise President to dissolve Bundestag and call elections
   C. Dominance of Government over parliament
      1. “Chancellor democracy”
         —Parliament majority plus party discipline
      2. Legislative initiative in the Government
      3. Role of Chancellor (Bundeskanzler) within the Government
         —Federal Chancellery
   D. Is it important whether a polity is parliamentary or presidential? The debate
      1. The case for parliamentarism
         a. More democratic because it responds more quickly to public opinion
         b. More democratic because Government has power to implement program
         c. More stable because avoids excessive concentration of power in executive
         d. More stable because avoids executive-legislative deadlock and breakdown
      2. The case for presidentialism
         a. More democratic because Head of Government is popularly elected
         b. More democratic because legislature can play representative role
c. More stable because guarantees Government a term of office
d. More stable because it provides checks and balances against every branch

IV. The Federal President (*Bundespräsident*)
   A. Election to a 5-year term—Limit of two terms—by the Federal Convention
      —Delegates from the Bundestag and each Landtag
   B. Limits on the powers of the Federal President
      1. Promulgation of laws
      2. Dissolution of Bundestag
      3. Appointment of Chancellor
      4. Transfer of emergency powers to Chancellor
         —Exercised with committee from both chambers of parliament

V. Hybrid Electoral System
   A. Electoral laws = Rules to translate citizens votes into allocation of posts (such as seats in the legislature)
   B. Plurality vs. proportional electoral systems
      1. District magnitude
         —Single member district (SMD) versus multi-member district (MMD)
      2. Electoral formula
         —SMD: plurality versus majority
         —MMD: proportional representation (PR)
         —(e.g.) closed list PR
   C. Is the type of electoral system important?
      1. The case for proportionality
         a. More democratic because it is more representative of diversity
         b. More stable because it includes minorities
      2. The case for plurality
         a. More democratic because it gives largest party a mandate to govern
         b. More stable because it discourages fragmentation and extremism
   D. Germany’s hybrid system
      1. Two-track voting system
         —Allocation on proportionality
         —299 single-member districts
      2. Threshold clause (at least 5% or 3 SMD)
         —Overhang mandates

VI. Constitutional Court
   A. Defense of constitutional order: Governmental overreaching
   B. Defense of constitutional order: Extremist parties

VII. German Political Party System (Two-Plus)
   Spectrum From far right to far left:
   A. Republikaner/ National Democratic Party
   B. CDU/CSU: Christian Democratic Union / Christian Social Union
   C. FDP: Free Democratic Party
   D. SPD: Social Democratic Party of Germany
   E. The Greens
   F. PDS: Democratic Socialists
### 22 SEPTEMBER 2002 ELECTIONS

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VIII. Neocorporatism
   A. Compulsory associations
   B. Monopolistic organizations
   C. Hierarchical organization and peak associations
   D. Cooptation of peak associations into policymaking

IX. Overview
   (1) Citizens elect representatives to a Landtag and the Bundestag
   (2) President invites leader of largest party in Bundestag to become Chancellor
   (3) Each Landtag elects its own Government
   (4) Government of each Land sends a Delegation to constitute the Bundesrat
   (5) The Bundestag and each Landtag sends a delegation to constitute Federal Convention
       in order to elect the Federal President
Development of the German State

I. Period of Migration and Settlement—Prior to c. 800
   A. German migrations and contact with Roman Empire—c. 50 B.C.
   B. Pressure from the East and the Germanic move into the Roman Empire—c. 376 A.D.
      —476. Odoacer deposes Romulus Augustulus (formally end of Roman Empire)

II. Period of the Holy Roman Empire (the First Reich)—c. 800 to c. 1866
   A. Charlemagne and the Carolingian Empire
      —800 Charlemagne crowned Emperor
   B. Division of Carolingian Empire and the beginnings of Holy Roman Empire
      —911. Saxon and Franconian leaders elect German king
   C. Major Political Actors in the Holy Roman Empire
      1. The German King / Holy Roman Emperor
      2. Regional dukes
      3. Territorial princes
      4. Church hierarchy
   D. Characteristics of the Holy Roman Empire
      1. The Holy Roman Empire was not a sovereign state
      2. The Holy Roman Empire was not a German nation-state
      3. Absence of a sovereign authority led to “domestic” political instability
      4. Absence of sovereignty and instability led to vulnerability to “intervention”
      5. Absence of sovereign, instability, and intervention exacted high economic price
   E. Napoleon’s intervention and the formal end of the Holy Roman Empire
      —1803. Napoleonic Reorganization/Consolidation of Germanic States
      —1806. Confederation of the Rhine / End of the Holy Roman Empire
      —1815. Congress of Vienna and semi-restoration (German Confederation)
   F. Competing conceptions of Germany
      —grobeutsch nation-state project vs. kleindeutsch nation-state project vs. kingdoms

III. Period of German Empire (Second Reich)—1871 to 1918
   A. Background: Emergence of Prussia as a Great Power
      1. Frederick William (the Great Elector) reacts to 30-Years War
         —Frederick I, Frederick William I, Frederick the Great, Frederick William II
         —1701. Elector of Brandenburg elevated to King of Prussia
      2. Role of the Prussian military
      3. Conflict with Austria
         —1740-1748. Silesian Wars
      4. Humiliation in the Napoleonic Wars
   B. Confrontation with Austria after 1815
      —1862. Otto von Bismarck to Chancellor of Prussia
      —1864. German-Danish War (Schleswig-Holstein)
      —1866. 7-Weeks War (Prussia versus Austria)
         —North German Confederation
      —1870-1. Franco-Prussian War
         —January 18, 1871. Wilhelm I proclaimed German Emperor at Versailles
C. Organization of the German Empire
   1. German Reichstag and Bundesrat
   2. The Kaiser and the German Chancellor
   3. Prussia and the Empire
The Weimar Republic and the Failure of Germany’s First Democratic Experiment

I. End of the Empire and Creation of the Weimar Republic
—November 9, 1918. Declaration of Republic
—February 1919. Constitutional Assembly meets in Weimar

II. Post-War Turmoil (1919-23)
A. Threat from the Left and Right
   —Spartacists’ Revolt
   —Bavarian Soviet Republic
   —Freikorps
   —Kapp Putsch
B. Economic crisis and the hyperinflation

III. The Stabilization of the Weimar Republic (1924-9)

IV. The Global Economic Crisis and End of German Democracy (1930-4)
A. Paralysis in the Reichstag
   1. Cycle of dissolution, elections, and deepening deadlock
   2. Decline of democratic parties and rise of extremist parties
B. President von Hindenburg and the executive dictatorship
   1. Rule by presidential decree
   2. Presidential discretion in selecting the Chancellors
      —Franz von Papen (May 1932)
      —Adolf Hitler (January 1933)
C. Chancellor Hitler dismantles democratic institutions
   1. First moves against civil liberties
      —February 1933. Reichstag fire and the ban on the Communist Party
      —March 1933. Hitler calls new elections
   2. Consolidation of dictatorship under the Nazi-Nationalist coalition
      —March 24, 1933. Enabling Act
      —Chancellor given power to rule by decree
      a. Elimination of competing political parties
      —Hitler bans Social Democratic Party and formation of new parties
      b. Consolidation of control over the bureaucracy
      c. Subordination of the state governments
      d. Control over judiciary
      e. Subordination of independent associations in civil society to Nazi control
D. August 2, 1934. von Hindenburg dies
   —Hitler named Führer
Explaining the Late Development, Initial Failure, but Subsequent Success of Democracy

I. Political Sociology and German Political Culture
A. Authoritarian political traditions and transformation of German political culture
   —Karl Deutsch: “all-weather democrats,” non-democratic right, and “pragmatists”
   —Russell Dalton
B. Germany’s “subject” political culture
   —Gabriel Almond and Sidney Verba: *The Civic Culture*
   1. Political culture as psychological orientation to political objects
      —cognitions, evaluation, and affect
   2. Orientation to one’s own role in politics
      —parochials, subjects, and participants
   3. German political culture in the late 1950’s—a “subject” culture
      —pride in democratic institutions
      —political influence
C. Political socialization and the inter-generational transmission of a political culture
   1. Agents of socialization
   2. Process of socialization: explicit versus implicit
D. German traditions shaping German political culture (Karl Deutsch)
   1. German families
   2. German religious traditions
   3. Absence of a commercial class
   4. Political practice in the principalities and the Empire
   5. International vulnerability and the “security complex”
E. German authority patterns in families, schools, and society
   —Harry Eckstein: “congruence” between social and political authority patterns
F. Down to Basics: The Political-Sociological Approach
   1. Assumptions of political sociology
   2. Legitimacy and stability
      —Max Weber
      —Seymour Martin Lipset

II. Political Economy and the Development of Capitalism
A. Marxian tradition
   1. Class relations and the path to democracy, fascism, and communism
   2. Britain: class balance and democracy
      a. Triumph of capitalism: “No bourgeois, no democracy”
      b. Balance between crown and aristocracy prior to capitalist period
      c. Aristocratic turn to capitalism and balance with capitalists
      d. Elimination of the peasantry
   3. Germany: Crown-Junker-Industrialist alliance and fascism
      a. Absence of extensive, independent entrepreneurial class
      b. Subordination of aristocracy to the crown
c. The alliance to suppress the peasants and industrial workers

B. Why extension of the franchise didn’t bring democracy
   1. Path to liberal democracy
      a. Middle-class hegemony in the 19th century
      b. Incoherence in the labor movement and its cooptation
   2. Path to social democracy
      a. Divisions in the middle class
      b. The alliance of the working class and farmers
   3. Path to fascism
      a. Divisions in the middle class
      b. Divisions in the rural population
      c. The alliance of urban and rural laborers
      d. The fascist alliance of urban and rural middle classes

C. Why democracy finally prevailed in Germany
   —Ralf Dahrendorf. *Society and Democracy in Germany*
   1. “Industrialization without capitalism”
      a. State role in industrialization
      b. Emphasis on heavy industry
      c. Junker-industrialist alliance (the alliance of “iron and rye”)
      d. State paternalism
   2. Consequences
      a. No tradition of individual freedom or rights against the state
      b. Unequal distribution of power
      c. No tradition of political competition
   3. The Real Capitalist Transformation
      a. The irony of the Nazi revolution
      b. The “economic miracle” of the FRG—capitalism and competition

D. Down to basics: The political-economic approach
   —Assumptions of political economy

III. Political Realism and Power Relationships
   A. International constraints on domestic political development
      1. Medieval constitutionalism
      2. Insecurity and the military revolution (1500-1650)
         a. Medieval warfare
         b. Military revolution and modern warfare
         c. Alternatives—natural defenses, commerce, plunder, and do nothing
      3. Prussia and the military revolution
         a. Frederick William the Great Elector (1640-1688)
         b. Brandenburg before and after the 30-Years War
            —Decline of the estates and medieval parliamentarism
            —Rise of the General War Directory (*Generalkriegskommissariat*)
            —Mobilization of society through the Canton System (*Kantonsystem*)
—Fusion of nobility and the state bureaucracy
—Planning and managing economic expansion

B. Domestic constraints: Political institutions and the failure of Weimar

1. Extraordinary executive power
   —Clinton Rossiter. *Constitutional Dictatorship: Crisis Government in the Modern Democracies*
   a. President’s discretion in selecting Chancellor and Cabinet
   b. President’s power to dissolve the Reichstag and govern without Reichstag
   c. President’s latitude in convening Reichstag sessions
   d. President’s emergency powers under Article 48

2. The unraveling of Weimar’s democracy
   —July 1930. Chancellor Heinrich Brüning’s budget crisis
   —May 1932. President von Hindenburg forces Brüning’s resignation
   —June 1932. von Hindenburg appoints Franz von Papen as Chancellor
   —July 1932. Reichstag elections
   —August 1932. Reichstag finally convened; von Papen dissolves immediately
   —November 1932. Reichstag elections
   —January 1933. von Hindenburg appoints Hitler as Chancellor

3. Why Reichstag could not stand up against President and Chancellor
   —F. A. Hermens. *Democracy or Anarchy? A Study of Proportional Representation*
   a. PR deprived the leading party of a Reichstag majority
   b. PR led to splintering of political parties in the Reichstag
   c. PR rewarded extremist parties with seats
   d. PR weakened democratic parties by breaking representative-constituent link
   e. PR led to coalition governments and stalemate in the Reichstag
Austrian Political System Today

I. Constitution of 1920
   A. Reinstatement after World War II
   B. The Austrian State Treaty of 1955
   C. Federal Constitutional Law on the Neutrality of Austria (1955)

II. Federalism
   A. The 9 Bundesländer (provinces)
   B. Centralized federalism
      1. Distribution of powers and taxation authority
      2. Federal oversight of Landtag legislation

III. Parliamentary (rather than Presidential) Institutions
   A. Nationalrat (National Council)
      —183 deputies popularly elected to 4-year terms
      1. Debates and interpolation
      2. The vote of no confidence
      3. Dissolution by presidential decree countersigned by Chancellor
   B. Bundesrat (Federal Council)
      —63 delegates elected by Landtag (provincial legislatures)
      1. Suspensive veto
   C. Bundeskanzler (Chancellor) and Government
      1. Government control of legislative agenda
   D. Bundespräsident (President)
      —popularly elected to a 6-year term; two term limit
      1. Convokes, adjourns and dissolves Nationalrat
      2. Appoints and dismisses Chancellor
      3. Promulgates laws
      4. Emergency powers (with countersignature of Chancellor)

IV. Constitutional Court
   A. Disputes: constitutionality, violations of civil rights, conflict of jurisdictions

V. Electoral System: List PR (with preferences)
   A. Voter’s choice: Party list and preference for one candidate in region and in province
   B. Assignment of seats in Regional voting districts, in Provinces, and Nationally
   C. Threshold clause: 4%

VI. Two-plus Party System
   The political spectrum (from Right to Left):
   A. Freedom Party of Austria (FPÖ)
   B. Austrian People’s Party (ÖVP)
   C. Social Democratic Party of Austria (SPÖ)
   D. The Greens
24 November 2002

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Austrian Democracy: Consociationalism and Corporatism

I. Background to Consociationalism
   A. Independence from the Austro-Hungarian Empire
      —October 21, 1918. Reichsrat deputies’ declaration of independence (German-Austria)
      —November 11, 1918. Emperor Charles (Karl) relinquishes authority
         1. Revolutionary turmoil and secessionism
         2. Constitution of October 1, 1920
   B. Deeply divided society
      1. Organizations of the Camps
         a. Leading political party
         b. Network of auxiliary associations
         c. Paramilitaries
            —Volkswehr and Republikanischer Schutzbund
            —Heimwehr and Heimatschutz (Heimatbloc)
      2. The “pillarized” society
         a. Socialist Lager
            —Social Democratic Party
         b. Catholic Lager
            —Christian Social Party
            —Ignaz Seipel
         c. German Nationalist Lager
   C. Post-war economic stabilization, but continuing political turmoil
      —1922. League of Nations bailout with strings
   D. Christian Social alienation from and rejection of democracy
      1. Christian Social coup of March 1933
         —Chancellor Engelbert Dollfuss
         a. The Catholic corporatist state
         b. The Fatherland Front (Vaterländische Front)
      2. The 4-day civil war (February 12, 1934)
         a. The one-party state
   E. Mounting Nazi Pressure
      1. The Nazi coup against Dollfuss (July 25, 1934)
         —Chancellor Kurt von Schuschnigg
      2. The alliance with Italy
      3. 1936 German-Austrian agreement
      4. Hitler-Schuschnigg accord (February 12, 1938)
         —Schuschnigg’s plebiscite plan (announced March 9 for March 13, 1938)
         —March 11. Nazi cabinet members demand Schuschnigg resignation
         —March 12. German invasion of Austria (Anschluß)

II. Post-World War II Consociationalism
   A. Reasons: Ending the Occupation and Avoiding a Return to Stalemate
   B. Consociationalism
      —Arend Lijphart
      1. Grand coalition and voting rules to protect minorities
a. The logic of a minimum winning coalition
c. Oversized coalitions versus bare majorities
d. Supermajorities to amend the constitution or change education policy

2. Proportionality
   a. The Austrian Proporz
      [1] Negotiating the coalition pact (Koalitionspakt)
      [2] Party autonomy versus party balancing within sectors
   b. Preserving Proporz when new governmental programs are created
      —The example of state broadcasting

3. Segmental autonomy
   a. Territorial autonomy through federalism
   b. Corporatism or the “social partnership system”
      [1] Parity Commission at the Government level
         —Cooptation into decisionmaking
         —Implementation of policy
         —Self-governance of sector
         —These are public organizations with compulsory membership
      [3] The voluntary private associations privileged within each Chamber
         —Austrian Trade Union Federation (ÖGB)
         —Federation of Austrian Industrialists (VÖI)
      [4] The dominant role of one party within each sector

III. The Debate over Consociationalism and Corporatism
   A. Consociationalism as the key to stable democracy in a deeply divided society
      —The success of the Second Republic where the First Austrian Republic failed
   B. Skeptics
      1. Consociationalism as a compromise of democratic accountability to voters
         —Shifting a few portfolios in a virtually unchanged Government
      2. Consociationalism as a limit on political competition that shuts out minorities
         —Exclusion of the Greens
      3. Consociationalism as a source of anti-democratic opposition
         —Rise of the Freedom Party (FPÖ)
State and Nation in Austria

I. Nationalism and Nation-State Projects
—Max Weber’s definition of a nation

II. Background: The Failure to Develop an Austrian State and Nation
A. Pre-Carolingian Period (until c. 800)
   —9 B.C. Roman incorporation of Noricum
   —488 A.D. Romans evacuate Noricum
B. The periphery of the Holy Roman Empire (800 to 1281)
   1. Carolingian incorporation of the frontier march
   2. Margraviate of Ostarrichi within Bavaria (970) under Babenbergs
      —1156 Separation of Austria from Bavaria and elevation to Duchy
      —1246 End of Babenberg line
C. Habsburg rule (1281-1919)
   1. Habsburgs’ dynastic preoccupations
      a. Habsburgs as German Kings and Holy Roman Emperors (1452-1806)
      b. The Spanish and Austrian Habsburgs
      c. Habsburgs as Kings of Bohemia, Hungary, etc.
   2. Use of the Roman Catholic Church as a source of dynastic unity
   3. Failure to establish a sovereign state within the Habsburg empire
      a. Feudal-dynastic bases of unity
      b. Continuing importance of diets in the kingdoms and provinces
   4. Limited bases for an Austrian identity
      a. Absence of an Austrian jurisdiction and of Austrian political institutions
      b. Competing potential nation-state projects to incorporate German-Austrians
D. Nationalist challenges to the Empire (1816-1919)
   1. French Revolution and the Revolutions of 1848
   2. The Compromise (Ausgleich) with Hungary (1867)
      a. The Dual Monarchy: The same king, but not a king in common
      b. Separate Governments: Hungary, the rest (“Austria”), and the Empire
   3. Competing nation-state projects for the German-Austrians
      a. großdeutsch project
      b. Germanization of the Austro-Hungarian Empire
      c. An independent Deutschösterreich
      d. Provincial secessionism
III. Consequences for the Politics of Independent Austria: The First Republic
A. Popular support for Anschluß (unification with Germany)
   1. Proclamation of German-Austria (October 21, 1918)
   2. The Christian Social Party’s reservations
B. International obstacles to Anschluß
   1. Treaty of Saint-Germain (September 10, 1919)
   2. Economic stabilization package of October 1922
   3. French reaction to the proposed Customs Union (March 1931)
   [4. Austrian State Treaty (October 1955)]
IV. Growth of Austrian National Identity in the Second Austrian Republic (1945-)
   A. Contrast between public opinion polls taken prior to 1960’s and those taken later
      —Attitudes toward the Nazi period
      —Whether Austrians are a different people than the Germans
      —Support for Anschluß
   B. Does political independence create political nationalism and does political nationalism then create cultural nationalism?
   C. Austrians and “European-ness”
      —Eurobarometer polls

V. Growth of Austrian Nationalist Extremism
   A. Growth of the Freedom Party of Austria (FPÖ)
      1. The National-Liberal coalition after 1956
      2. Jörg Haider’s rise to Party leadership at Innsbruck Conference (September 1986)
   B. Policy issues of the FPÖ
      1. Control of immigration into Austria
      2. Crime
      3. European integration
   C. Is the FPÖ a neo-Nazi party?
      1. The evidence for continuity
      2. Breaks with (or evolution of) the Nazi program
         —Abandonment of Pan-Germanism for Austrianism
         —Abandonment of anti-clericalism for defense of traditional religious values
         —Abandonment of social programs for the free market
         —Rejection of corporatism . . . or not
   D. Bases of FPÖ support
   E. The Coalition with the ÖVP (2000-)