

ABSTRACTS*

Risse, Horst: On the development of federal laws requiring consent of the Bundesrat after the 2006 federal reform.

Phase I of the reform of Germany's federal system came into effect one year ago. The question is whether the most extensive amendment added to the Basic Law since 1949 has achieved its goals so far. It is too early for a detailed analysis, but one of the main goals of the reform, which is to effectively decrease the number of federal bills requiring consent of the second chamber (Bundesrat), has been reached to a considerable extent. Article 84 paragraph 1 of the Basic Law is no longer the main source for approval of the Bundesrat. Moreover, the new clause requesting approval of expense laws (article 104a paragraph 4 of the Basic Law) does not contribute significantly to the overall number of laws requiring consent of the second chamber. The revision of the laws regulating the Bundesrat approval process seems to be a success. [ZParl, vol. 38, no. 4, pp. 707 ff.]

Höreth, Marcus: On federal laws requiring Bundesrat consent: Taking critical stock one year after the 2006 federal reform.

Phase I of Germany's federal reform has been in force for one year. Primarily, it is based on introducing constitutional changes, and thereby to significantly reduce the amount of laws requiring approval of Germany's second chamber, the Bundesrat. In turn, this "disentangles" the legislative process. In order to examine the reform's impact in political practice, the "counterfactual method" is applied, although used in a manner that diverges from the previous methods practiced. It is not aimed at determining which percentage of laws in the past would have been subject to Bundesrat approval, if the 2006 federal reform had been in effect at an earlier time. Instead, by means of a quantitative and qualitative survey, it is examined which percentage of laws, since September 2006, would have been subject to approval by the second chamber, if the reform had not existed, and if the "old rules" still applied. The balance resulting from this method is altogether less positive than expected. [ZParl, vol. 38, no. 4, pp. 712 ff.]

Bauer, Michael W., Christoph Knill and Maria Ziegler: How can the coordination of Germany's EU-policies be improved? Conclusions from a performance comparison of institutional arrangements in Germany, Finland, and Great Britain.

In general, the coordination mechanisms of German EU-policies are considered inefficient and ineffective. They are particularly insufficient in regards to early and problem-adequate positioning, which is necessary to influence European policy-making. There are causes for this institutional pathology. In order to identify possible approaches to improve Germany's

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coordination, the experience of two European states, Great Britain and Finland, is considered. The aim is to formulate such reform proposals yielding the potential of being transferred and implemented from the short to mid-term basis. This implies especially low adjustment costs, with respect to redistribution of competences and resources. Therefore, “absolute” efficiency and effectiveness of the British and Finnish coordination mechanisms are not the main focus. First, it is more important to question their efficiency and effectiveness and, secondly, to examine simultaneously their transferability and implementation potential, with regard to Germany’s institutional context. [ZParl, vol. 38, no. 4, pp. 734 ff.]

Beichelt, Timm: The coordination of EU affairs in Germany: better than its reputation.

On the empirical basis of a longer period of participant observation, the findings of the present literature on Germany’s EU policy coordination is discussed. Two elements are suggested to understand the coordination process in a better way: First, the coordination actors are seen as behaving within the EU policy cycle. Within that frame, most of their actions can usually be judged as fairly efficient. Secondly, the coordination process is marked by typical conflicts. Alleged inefficiencies of Germany’s coordination of EU policies usually go back to core elements of Germany’s government system, which cannot be changed by the coordinating institutions themselves. [ZParl, vol. 38, no. 4, pp. 751 ff.]

Dieringer, Jürgen: Parliamentary scrutiny versus executive dominance: the growing importance of the Hungarian Parliament in the process of European integration.

During accession to the European Union, the Hungarian Parliament had to adapt to a changing environment. As some parliamentary competencies have been shifted to the Brussels arena, the legislature is threatened of lose influence to the executive. Parliament has to adapt its institutional structure by modifying formal and informal rules. As a rather strong institution, the Hungarian Parliament has been involved in such attempts from the beginning of the accession process. In 2004, a new law formalized parliamentary rights vis-à-vis the government. The institutional modifications are formally appropriate (if you look at the committee system, the scrutiny function, and the gathering of information) to stop the loss of parliamentary power, and perhaps, even turn the process around. However, the aforementioned law came into existence only by pressure of the parliamentary opposition (using a veto point). It remains open whether the parliament will be a unitary actor in EU affairs, or if the entanglement of powers in form of the governing majority (consisting of the executive and its supporting majority in the parliament) will constitute the dominant pattern of legislative-executive relations. [ZParl, vol. 38, no. 4, pp. 764 ff.]

Grotz, Florian: Vertical distribution of powers: guiding principle of reform or cipher of democratic theory? Comparing reforms of federal and unitary states in Western Europe.

From a democratic theoretical perspective, the vertical limitation of central state power is usually regarded as the main reason for establishing federal order. However, in political reality, this normative principle constitutes only one of several explanations for the processes

of decentralization or federalization. The question is, if, and to what extent, the idea of “vertical separation of powers” has guided recent state reforms in Western Europe. Both centralization and decentralization of a democratic state may be justified by different theoretical objectives. Furthermore, the political salience of relevant arguments depends on contextual preconditions (territorial cleavages, party system congruence, and federal / unitary form of state). The comparative analysis of respective reform processes in two federal (Germany, Austria), and two unitary cases (Italy, Great Britain), reveals that “vertical separation of powers” has not been present as a guiding principle, and has not played a key role in these decentralization contexts. [ZParl, vol. 38, no. 4, pp. 775 ff.]

Hornig, Eike-Christian: Forza Italia between catch-all and cartel party. An example for deficits in application rather than deficiencies in theories on political parties.

Silvio Berlusconi's party, Forza Italia, has been a challenge for political scientists for nearly fourteen years. Party theory reacted on this phenomenon with an unusually intensive output of models sui generis, all of which proved to be only partly satisfactory. So far, the analyses of Forza Italia have been deficient in application, rather than in a shortage of theory. Despite some restrictions, theories of party change open up a promising comparative perspective, even for the analysis of a special case like Forza Italia. It is focused on the changes within the triangle of the party elite, party membership, and electorate. The restructuring of the party organization in 1997 has led to a convergence of Forza Italia with the average European political party. Still, Forza Italia does not have a strong correlation to the cartel party, or catch-all party, especially with the limited role and rights of the membership. [ZParl, vol. 38, no. 4, pp. 798 ff.]

Loewenberg, Gerhard: Paradoxes of parliamentarism. Historical and current reasons for misunderstandings in the academic world and public.

Parliaments are widely misunderstood and disparaged, not only in Germany, because they are political institutions that intrinsically possess contradictory characteristics. These result from the conflict between their common origin as representative, consultative assemblies for monarchs in medieval Europe and the practical requirements they face as decision making bodies in modern democratic political systems. Although as representatives of their constituencies their members are constitutionally equal to each other, their members must accept the authority of their party leaders and committee chairs. Although they presume to act by majority rule, they accept antimajoritarian procedures. Although they are meant to act in public, many of their decisions are hidden in party and committee meetings. Although they share a common historical origin, they take substantially different forms in different countries making comparisons among them both valuable and difficult. Since parliaments are symbols of democracy, misunderstanding the institution contributes to distrust of democracy. It cannot be remedied by civic education alone but requires an appeal to citizens' experience with the challenge of collective decision-making in everyday life. [ZParl, vol. 38, no. 4, pp. 816 ff.]

Narr, Wolf-Dieter and Richard Stöss: Johannes Agnoli's "Transformation of Democracy". A contribution to a socio-critical analysis of politics.

This article deals with *Wolfgang Kraushaar's* text on *Agnoli's* critique of parliamentary democracy in issue 1/2007 of this journal. It is argued here that *Kraushaar's* intention was to disqualify radical-democratic parliamentary critique by raising suspicion of its association with fascist forerunners. Besides the fact that *Kraushaar's* claims about *Agnoli* are wrong (*Agnoli's* "Transformation of Democracy" was not based on forerunners of fascist theory, and he never tried to conceal his own fascist past), he has misunderstood the theoretical contribution of the "Transformation". Complementing the reply by *Uwe Thaysen* and *Jürgen W. Falter* in issue 2/2007 of the ZParl, the authors describe how and why the political science community in Berlin developed its Marxist-oriented critical social science approach in the second half of the 1960s. The "Transformation of Democracy" was a cornerstone of this radical-democratic and political-economic approach, which in light of the current state of representative democracy, is in need of being revived and extended. [ZParl, vol. 38, no. 4, pp. 828 ff.]

Nuscheler, Franz: Parliaments in Sub-Sahara Africa.

The history of parliamentary institutions in Sub-Sahara Africa, which have been implanted by the colonial powers and shaped along European constitutional models, is a sad story. African parliaments became marginalized actors of the political business and victims of frequent changes in governing regimes. In the so-called "African Democracy", in the shape of one-party systems, they were exploited as pools of patronage and places for democratic rituals in nothing but outward appearance. Liquidated by many military regimes, they were reactivated in the "third wave of democratization", following the end of the Cold War. However, they still were suffering from lack of efficiency and legitimacy, as they were always suspected of being involved in structures of corruption. Moreover, the international donors of foreign aid weakened their constitutional position by not submitting their subsidies to parliamentary control, and preferring the extra-parliamentary cooperation with non-governmental organizations. This practice of foreign assistance has changed recently, because the international development organizations have recognized the important role of parliaments in processes of democratization. [ZParl, vol. 38, no. 4, pp. 842 ff.]