8
Parties and politics in the Ländere

Introduction

In every federal system there is a national party system which, in spite of certain commonalities, is likely to be somewhat different from the regional and/or local party systems. In the United States there are two dominating, loosely organized, personality- and candidate-oriented, generally weakly disciplined parties with no single universally recognized national party leader except perhaps the president. They are financed by various private interest groups and individuals, including many supporters who are not members in any formal sense and pay no dues. In part because of these general characteristics, some differences can and do exist between the national and state parties and between various state parties and regions.1 Thus the national party leadership may be more in conformity with the ideological or policy foci of the leading party personalities in one certain region or state than in another, for example, New England versus the South or Southwest.

The American party system stands in sharp contrast to the German parties, which, in spite of regional party organizations of varying strength, are hierarchically organized and member-based, programmatic, disciplined, and led by leaders, usually the Chancellor, certain prime ministers of the Ländere, or other well-known office holders, who are elected by party organs for that purpose.2 The parties are financed by a mixture of private and public funds, the latter of which are very generous by international standards.3 Much of the private funding comes from the large dues-paying membership or supporters who, also in contrast to the United States, receive significant tax benefits for their contributions. While there is considerable evidence that German parties are changing, e.g., through declining membership and weakening ideology, and that
there are some significant differences between parties in east and west Germany, it is still the case that German and American parties represent rather starkly contrasting models.

Given the nature of the German party system, many questions arise about the relationship between federal and Land politics, including voting behavior in national and regional elections.

### Relationships between federal and Land politics

As in the United States, the subnational political systems in Germany are basically the same. All of the Länder have parliamentary systems with a government supported by a single party parliamentary majority (but in Saxony-Anhalt, the SPD governed alone as a minority party from April 1998 to April 2002) or, in a majority of cases, by a coalition of two and on rare occasions three parties, with one or more opposition parties. Each Land has one popularly elected chamber, called the Landtag in the thirteen territorial states, the Bürgerschaft in Bremen and Hamburg, and the Abgeordnetenhaus in Berlin. The legislative bodies vary in size from fifty-one in the Saarland to 231 in North-Rhine Westphalia. The party systems are also basically the same, although this is less true now than before unification, and the “establishment” Land parties are very similar to the national parties. Of course each Land has a somewhat different history, tradition, culture, geography, and economy, but state politics are shaped to a large extent by the party political positions at the national level.

The nature of the German party system, together with the penetration by the parties of much of the bureaucracy and public institutions and enterprises, explains in part the close relationship between the national and state parties. But constitutional provisions calling for the creation of uniform or equivalent living conditions; close interrelationships between the national, state, and local office holders and civil servants in the German federal system, often referred to as Politikverflechtung; the relatively small physical size of the country (about the size of Montana); the density of the population (over 80 million); the extensive German welfare state; and popular attitudes that favor equality over regional autonomy or diversity, have all contributed to strong centralizing tendencies, to what has been referred to as the “unitary federal state.” The question, then, is whether Land elections are just another form of federal elections, reflecting current public views of the government policy, personalities, or events at the national level. This question is raised in different ways, e.g.,
whether Land elections are a kind of mid-term election, i.e., whether they are “barometer elections”; whether they are in effect Bundesrat elections, the results of which can and often do determine whether this Länder chamber will generally support or oppose the federal government and its majority in the popularly elected Bundestag; whether they serve as protest elections that have no direct effect on the national government but send a message; or whether they have much relevance to Land or regional politics at all. We will return to this subject in Chapter 9.

Parties and elections in the Länder

Parties in the Länder

The major German parties today are the Social Democratic Party of Germany (SPD); the Christian Democratic Union (CDU) and its Bavarian sister party, the Christian Social Union (CSU), together often referred to as the Christian Democrats or the Union parties; the Free Democratic Party (FDP); the Bündnis 90 (Alliance 90)/Greens; and the Party of Democratic Socialism (PDS). Smaller parties that sometimes appear on the scene and even win a few seats, depending on the time and place, include the three radical right parties: the Republicans (Reps), the German People’s Union (DVU), and the National Democratic Party of Germany (NPD). Numerous other smaller parties – sometimes more than twenty – take part in state elections, but they rarely receive more than 1 or 2 percent of the vote, if that much, and almost never win any seats. On the other hand, certain “flash parties” that form around personalities or movements expressing sentiments of protest have been quite successful in Bremen and Hamburg in recent years, the latest and best example being the law and order PRO party in Hamburg elections led by Judge Schill in the fall of 2001.

The Social Democratic Party of Germany is the oldest and traditionally largest social democratic party in Europe. It was formed and developed in the latter half of the nineteenth century as an anti-capitalist, socialist, but non-revolutionary Marxist working-class party. It was outlawed by Bismarck in 1878 but allowed to re-emerge legally in 1890. Bismarck, in spite of his strong conservatism, introduced the first far-reaching social welfare reforms in the 1880s, such as health insurance and old-age pensions, at least in part as a means of securing the loyalty of the working class to the state and to weaken the appeal of the social democratic movement.
In spite of their leading opposition role after 1890 as a democratic but leftist reform party that had numerous fundamental differences with the domestic and foreign policies of the Kaiserreich, the Social Democrats did vote for the credits to finance Germany’s entrance in the First World War. Though in part a result of the desire of the leadership to demonstrate its loyalty to the German state, this support came back to haunt the party in many forms, one of which was its breakup into three parties after the First World War. The most important and permanent offshoot of the SPD was the Communist Party of Germany (KPD). In spite of a bitter and competitive relationship with the communists, the SPD remained the key party of the left in the Weimar Republic until it and other parties were outlawed by Hitler in 1933. After 1945 it was “relicensed” by the Allies as a democratic party, and it immediately became the leading left-wing party in West Germany. In its Godesberger Program of 1959, the party rejected Marxist dogma and became more of a center-left reformist party that was more interested in promoting a progressive capitalist welfare state on the Swedish model than in traditional socialist state ownership of the major means of production. In contrast to its successful transition in West Germany to one of the two leading parties that was capable of assuming government office at all levels, it was soon undermined in East Germany after 1945 by the pro-Soviet communists and forced to merge with them to form the Socialist Unity Party (SED) in 1946.

The Christian Democratic Union (CDU) was formed after 1945 as successor to and for a few years as competitor with the old, almost entirely Catholic, Center Party (Zentrum). The Christian Democrats, while still supported mostly by Catholic voters, broadened the party’s appeal to Protestants. While essentially a moderately conservative party that appealed not only to Catholics and practicing Protestants, the middle class, and voters in small towns and villages, it also had a special section that appealed to workers. Thus the CDU became the first catch-all, or “peoples’ party” (Volkspartei) in Europe and soon forced the SPD also to broaden its appeal in its Godesberg Program of 1959.

The FDP is the classical liberal party of Germany and the successor of two liberal parties in the Weimar Republic. It combines two often competing traditions in classical liberalism, a focus on free enterprise and property rights and a focus on civil liberties, legal equality, and separation of church and state. Known as a classical liberal democracy, the United States has two major parties, the Democrats and Republicans, which are derived from the same classical liberal traditions. One might argue, therefore, that basic elements of both major American parties can
be found in the “economic liberal” right and the “social liberal” left wings of the FDP.

The FDP (it refers to itself as F.D.P.) is a “pivotal” party in the German party system that has served as a coalition partner of both the CDU and SPD over the past decades. It was the most likely coalition partner of the CDU at the national, Land, and local levels in the first decades after 1945, when the economic and national focus in the party was prevalent. In the late 1960s it joined a coalition with the SPD in North-Rhine Westphalia, and in 1969 it joined in a coalition with the SPD at the national level with the more international and civil liberties and equality wing of the party having gained the upper hand. In the fall of 1982 the economic wing of the party again became predominant, and the FDP left the national government under Chancellor Helmut Schmidt and joined the CDU/CSU in a new coalition government under Chancellor Helmut Kohl. When the SPD formed a coalition with the Bündnis 90/Greens after the federal elections of September 1998, it was the first time the FDP was not in a coalition at the federal level since 1969.16 In the meantime the party remained in coalition with the SPD in Rhineland-Palatinate and with the CDU in Baden-Württemberg and joined the CDU in a coalition government in Hesse in 1999. It was not involved in more coalitions in the states because it had failed to win seats in all of the eastern and in several western Land parliaments until 2001 and 2002, when it gained entry into the parliament of Berlin and Saxony-Anhalt, respectively.

The problem for the FDP today is that its existence depends on coalitions.17 Its focus is much less on ideology or program than on participating in government with leaders who are government office holders. Whether the party enters a coalition with the CDU or SPD at the Land level can be a signal of change at the federal level, and a change in partners at the federal level inevitably holds consequences for future partnerships at the Land level. The importance of coalitions makes changes of government and public statements during elections about coalition preferences of crucial importance for the party. By indicating preference for the CDU or SPD, the party tries to appeal to the voters of the favored party to help it with the second vote (explained below). It must exercise great caution in changing partners, because in 1969 as well as in 1982, when it did change national government partners, the FDP lost a significant proportion of its members and supporters who did not like the change in government. This means, of course, that it must pay attention to its voters, who are typically politically flexible higher-status white-collar, civil servants, urban, upper-income, well-educated, non-Catholic, and non-union.18
The Greens, who in 1993 combined with the East German Bündnis 90 (Alliance 90), are a classic postmaterialist “new politics” party which emerged in the late 1970s and early 1980s. It stresses the environment, human rights, pacifism, social justice, and gender issues. It is to the left of the SPD on the political spectrum, although it is not as radical as it was in the 1980s, when it was deeply divided between “realists” (Realos) and “fundamentalists” (Fundis). The party saw itself at first as a “movement” or at most an anti-party party, and the fundamentalist wing was adamant in its insistence that there would be no collaboration with the establishment parties. The party did join the SPD in a coalition in Hesse in 1985, but the coalition broke up in 1987 before the legislative term had ended. Later the party joined the SPD in other Land government coalitions, which were also controversial until most of the fundamentalist wing left the party. Today the party is divided between the “realists” who support coalitions with the SPD, and the left-wing elements who are less willing to compromise principles as a price for governing. Since the Greens refuse to consider coalitions with the CDU, except at the local level, it is a much less flexible coalition party than the FDP. But, then, as a strongly programmatic party, governing is not its main goal.

The Greens have always seen themselves as a grassroots (basi-s-demokratisch) party, and their most eager founders and adherents were idealistic, relatively affluent, well-educated young people with a mission to change the world. Needless to say, their strongholds have always been university towns. They have always taken seriously internal party democracy and are known for their meetings which often feature bitter open debate and discussion. As a result the Land parties are very jealous of their position in the party organizational hierarchy, and they enjoy a high degree of autonomy legally and in fact.

The PDS (Party of Democratic Socialism) is the successor to the SED, the East German Socialist Unity Party that officially was united with the SPD in 1946 but which in fact was the Communist Party. With the collapse of the East German regime in November 1989, reform communists formed the PDS, hoping to save what they could of the old Marxist ideas and ideals. The party has done well in the five new Länder and in the former East German part of united Berlin, receiving on average about 20 percent of the vote, but like the old West German Communist Party (DKP) formed in 1963, the PDS has not been able to gain more than 1–3 percent of the votes in western Germany. The party appeals mostly to former East German officials, many of whom lost power and prestige with unification, to farmers who fear they may lose land they gained from the

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Soviet-imposed land reform of 1948, to people who have lost or fear loss of their jobs, and in general to the “losers” of unification. It has become the third party in the three-party system in eastern Germany in contrast to the four-party system in western Germany that excludes the PDS.

There are three radical right parties that sometimes compete against each other and sometimes cooperate by having one party withdraw from electoral competition to help the other. The first of these, the National Democratic Party of Germany (NPD), was formed in 1965 and flourished for a few years as a right-wing protest party during the grand coalition of CDU/CSU and SPD from 1966 to 1969. Its counterpart on the left was the extraparliamentary opposition (APO), which did not form as a party but was a significant and powerful student-led movement. It helped bring about many reforms, but it also caused considerable disruption of university life as well as general political turmoil. Extremist elements in this movement became the core of the German terrorist movement. Of course the NPD profited from APO excesses, won seats in some of the Land parliaments and barely missed reaching the 5 percent barrier in the federal elections of 1969. Since then its successes have been very modest and limited.

Though first established in 1983, the Republicans (Reps) first received widespread attention with a sensational victory (in the sense of gaining more than 5 percent of the vote, i.e., 7.5 percent) in Land elections in West Berlin in 1989 and in elections for the European Parliament later in the same year (7.1 percent). The party’s founder and leader, Franz Schönhuber, had resigned from the Bavarian CSU out of opposition to the party’s support for loans to East Germany. He had been a popular television talk show host and had volunteered to serve as an enlisted man in the SS during the Second World War. His book on his personal experiences during the War appealed to some veterans and nationalist anti-communist elements, and he appealed also to those who were concerned and upset about what they perceived to be a flood of unwanted refugees, asylum seekers, and illegal immigrants who had overwhelmed Germany’s capacity to absorb them. The Reps suffered a series of setbacks after the collapse of the Wall and unification, including a palace revolt against Schönhuber, but the party continues on occasion to win seats in local and a few Land parliaments in the south of Germany, namely Baden-Württemberg.

The German Peoples’ Union (DVU), is a party that is largely the creation of Gerhard Frey, a wealthy Hamburg publisher of right-wing newspapers and materials. The party has virtually no organization or members and exists only because of the financing and organizational input of its founder. It is arguably the most right-wing of the radical right
parties and, at the moment, the most successful. It won one seat in Bremen Land elections in June 1999, while it won sixteen seats in the 1998 elections in Saxony-Anhalt and five seats in the 1999 elections in Brandenburg. It appeals above all to disgruntled young males who are attracted by the party’s strong opposition to the influx of foreigners in Germany. These are seen as a threat to German culture, jobs, and the welfare state which they are seen to be bankrupting.

The German party system changed at the national level from a multi-party system in the late 1940s and 1950s to a “2 ½” party system of CDU/CSU, SPD, and FDP by the end of the 1950s. In 1983 the Greens gained seats for the first time in the federal parliament, thus creating a four-party system. In 1990 the PDS joined the party system, benefiting from special provisions for that year’s federal election that did not require 5 percent of the total German vote as a condition for entering the parliament. Since that time a five-party system has developed; however, not all five parties are capable of forming coalitions. The PDS is not acceptable to any of the other parties as a partner, and the differences between the Greens and the CDU are so deep that a coalition of these two parties is most unlikely. Given the potential effects of changes in the German economy and society, there are also some lingering questions about the long-term prospects of the FDP, Greens, and PDS.

The situation is quite different at the Land level. Here the FDP is represented in only eight of the Land parliaments, all in western Germany except Berlin since September 2001 and Saxony-Anhalt since April 2002. The Greens are generally comfortably above the 5 percent level and thus have seats in the western Länder, except in the Saarland, but they are not represented in any of the parliaments in the new Länder. In contrast, the PDS is the third party in the new Länder and even the second strongest party in Thuringia, Saxony, and Saxony-Anhalt, while it has no representation in any Land parliaments in western Germany. The radical right parties are represented in two Land parliaments, with five seats in Brandenburg and one in Bremen (Bremerhaven).

Thus there are two party systems at the Land level: a four-party system in the old Länder, consisting of the larger CDU (CSU in Bavaria) and SPD and the smaller Bündnis 90/Greens and FDP; and, at least until the recent successes by the FDP, a three-party system in the new Länder, consisting of the CDU, SPD, and PDS. Given the strength of the PDS (usually 20 percent or more) in Land elections, one can speak of three large parties in the new Länder and Berlin.28 As at the national level, the CDU and Greens are unlikely coalition partners in the western Länder, and the PDS is not
generally acceptable as a coalition partner for the CDU and SPD in the eastern Ländere. This has changed recently, however, in that the SPD agreed in 1994 and 1998 to form a minority government in Saxony-Anhalt with the toleration of the PDS in parliament, and in the summer of 2001 the SPD formed a minority government in Berlin also with PDS toleration. In 1998 the SPD and PDS formed a regular government coalition in Mecklenburg-Vorpommern, and they formed a regular coalition in January 2002 after the new Land elections in October 2001. These concessions by the SPD have aroused considerable controversy, not only between SPD and CDU/CSU, but also within the SPD. But these and other coalition arrangements do demonstrate the limited influence of the national parties on Landparty coalition formation as well as the view that the Land parties should have more flexibility in forming coalitions than would be acceptable at the federal level.

At the end of the 1990s it was clear that the SPD had more opportunities than the CDU to form coalition governments in the Ländere. It could form a grand coalition with the CDU in both the old and new Ländere, a coalition with the Greens or the FDP in the former and a coalition with the PDS in the latter, at least in Mecklenburg-Vorpommern and Saxony-Anhalt. The CDU, in effect, was limited to forming a grand coalition or, in the West only, a small coalition with the FDP (however, in the fall of 2001 it formed a coalition with the FDP and the law and order “flash party,” PRO).

The occasional success of a party outside the respective party systems, e.g., by one of the radical right parties, does not justify adding them to the two different party systems described above. Their success is too unpredictable even in those Ländere in which they have shown the greatest strength. In any case the radical right parties are not acceptable coalition partners for any of the established parties, and as a result they have never held any government responsibility in any of the Ländere. On the other hand, a middle class populist “flash party” in Hamburg (STATT-Partei) did join a coalition with the SPD from 1993 to 1997. A disgruntled working class voter group (AFB) was also able to gain temporary representation in Bremen from 1995 to 1999. And, as indicated above, the PRO party, led by Judge Schill, achieved success with almost 20 percent of the vote in Hamburg in the fall of 2001. This was the largest vote ever received by a “flash party” in Germany.
German electoral systems are known for their complexity. Though less known, the electoral systems at the local level are especially complicated by American or British standards. At the Land level, Bremen, Hamburg, and the Saarland have a simple proportional representation (PR) system, according to which voters cast one vote for a party list. Any party that receives at least 5 percent of the vote receives seats approximately in proportion to the proportion of votes it received, i.e., percent of votes = percent of seats, as determined by a particular mathematical scheme for calculation. Seven Länder use the d’Hondt method of calculation, nine use the Hare/Niemeyer method which is also used to calculate seats in the federal parliament.

All other Länder have a personalized PR system (which British authors often call the “additional member system”). In North-Rhine Westphalia and Baden-Württemberg, voters have one vote that they cast for a direct candidate. The votes cast for all direct seat candidates are then totaled in order to determine the proportional distribution of total seats. In the other eleven Länder, voters have two votes, one for a direct candidate on the left side of the ballot, and one for a party list on the right side. The direct candidate represents a single-member district, and the candidate with the most votes (not necessarily an absolute majority) wins the seat, just as in the United States or Great Britain. But the system is basically a PR system, because the parties receive seats in proportion to the second votes cast. This means that small parties that receive 5 percent of the vote but not enough votes in any single district to win a direct seat still gain seats based on their proportion of the vote. On the other hand, the larger parties that did win direct seats have these deducted from the total they received based on their proportion of the vote. If they win more direct seats than they “deserve” based on their proportion of the vote, they get to keep these surplus seats (Überhangsmandate). This is why parliaments sometimes contain more members than the law would normally provide.

In order to qualify for the distribution of seats based on the proportion of votes received, a party must normally have a minimum of 5 percent of the vote (an exception is made in Schleswig-Holstein for the Danish minority party). At the federal level a second means of qualifying for this distribution is to win at least three direct seats. Thus the PDS won only 4.4 percent of the total German vote in 1994, but it won four direct seats and therefore entered the federal parliament with a total of 30 seats. If it had not won at least three direct seats, it would not have received any seats.
over its party list. If it had won only one or two direct seats, it would have entered parliament with that number. In Bremen, Hamburg, or the Saarland, the PDS would not have entered parliament, because there are no direct seats to contest in those Länder.

In Bavaria the voters select a direct candidate with the first vote, but with the second vote they may vote for the party list in their election district or select a particular candidate on the list ("personalized PR with open lists"). Both the first and the second votes count in determining the total distribution of seats for a party. Bavaria is divided into seven districts, which are the same as the government districts (Regierungsbezirke), with an equal or an almost equal number of direct and list seats per district, e.g., upper Bavaria has 33 district seats and 32 list seats, Lower Bavaria has ten of each.

In the federal parliament one-half of the deputies are elected directly and one-half enter based on the party lists. In the Länder the ratio of direct seats and party list seats varies. As a rule there are more direct seats, but they are equal in number in Brandenburg, Hesse, Saxony, and Thuringia.

**Frequency of elections**

As in the United States, some Land elections are held simultaneously with federal elections, while others are held sometime between federal elections, some soon afterwards, some soon before, but most at "mid-term." A major difference with the United States, however, lies in the fact that some of the Länder hold elections every four years, like the federal parliament, while others hold them every five years. An increasing number of cities are also holding council elections every five years, the basic idea being that parliaments and the governments they support must have sufficient time to develop and carry out their policies before they have to face re-election pressures. Table 8.1 shows the distribution of Länder according to their election calendar.

These are, of course, the official or normal cycles. If for some reason a government loses the support of a majority of the parliament, usually because of the collapse of a coalition, and it cannot or does not wish to form a minority government which exists only on the tolerance of one or more nongovernment parties in the parliament, then new elections will be called at a date different from the one scheduled. While this does not happen often, it has happened on numerous occasions over the past decades. Calling new elections in the Länder is made easier than at the
federal level by provisions in all of the Land constitutions which allow Land parliaments to dissolve themselves under certain circumstances.

Voter turnout

Voter turnout in Germany has always been high in comparison with the United States, which is at the bottom or close to the bottom of any list which provides voting turnout figures in democratic countries. Registration is virtually automatic in Germany, which means that almost all eligible voters may vote. Germans do not have the problem found in the United States of having to decide whether to use all eligible voters or only those that have registered to vote as a statistical base. This can make a significant difference in the United States, because only about two-thirds of all eligible voters are registered. The most common practice in the United States is to use eligible voters as a base, which depresses the voting turnout statistics but which makes the figures more comparable to German and most European data.

As in the United States, voter turnout in federal elections is higher than in Land elections, the major difference being that the turnout at all levels in Germany is considerably higher than at comparable levels in the United States. The election in Germany most comparable to turnout figures for American presidential elections is the election for the European Parliament; however, in recent years turnout in some Länder has dropped to these levels as well. As in other democracies, the voting age in Germany at all levels is eighteen. This is also the minimum age for holding office, although some Länder have made twenty-one the minimum for office

<table>
<thead>
<tr>
<th>Four-year election cycle</th>
<th>Five-year election cycle</th>
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</thead>
<tbody>
<tr>
<td>Bremen</td>
<td>Baden-Württemberg (as of 1996)</td>
</tr>
<tr>
<td>Hamburg</td>
<td>Bavaria (as of 1998)</td>
</tr>
<tr>
<td>Hesse</td>
<td>Berlin (as of 1999)</td>
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<tr>
<td>Mecklenburg-Vorpommern</td>
<td>Brandenburg</td>
</tr>
<tr>
<td>Saxony-Anhalt</td>
<td>Lower Saxony (as of 1998)</td>
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<tr>
<td></td>
<td>North-Rhine Westphalia</td>
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<tr>
<td></td>
<td>Rhineland-Palatinate</td>
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<td></td>
<td>Saarland</td>
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<td>Saxony</td>
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<tr>
<td></td>
<td>Schleswig-Holstein (as of 2000)</td>
</tr>
<tr>
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<td>Thuringia</td>
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holding. In an effort to increase the interest of young people in politics (and to increase their percentage of the total vote), some SPD and Green politicians have pushed for a further reduction of the voting age to sixteen. In 1996 Lower Saxony reduced the voting age to sixteen for local elections, and Schleswig-Holstein has made it possible for sixteen-year-olds to participate in local planning projects.32

It is clear from Tables 8.2 and 8.3 that voter turnout in most elections has been generally declining over the years.33 The decline has been dramatic at the European level and significant in most of the Länder, with the exception of Mecklenburg-Vorpommern which has seen a considerable increase in turnout since 1990 and Saxony-Anhalt, where turnout declined in 1994, surged in 1998, and declined again in 2000. The most common explanation for this decline is that there is a general alienation from politics (Politikverdrossenheit) at all levels. This is reflected not only in lower voting rates but also in declining membership in political parties, unions, and other organizations. If Politikverdrossenheit is a reason for the decline in voting participation, it certainly is not confined to Germany. Dissatisfaction with politics seems to be common to all developed democracies, so

Table 8.2 Voter turnout in European Parliament and Bundestag elections, 1984–99

<table>
<thead>
<tr>
<th>Year</th>
<th>EU Parliament</th>
<th>Bundestag</th>
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<tbody>
<tr>
<td>1984</td>
<td>56.8</td>
<td>–</td>
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<tr>
<td>1985</td>
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<td>–</td>
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<tr>
<td>1986</td>
<td>–</td>
<td>–</td>
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<tr>
<td>1987</td>
<td>–</td>
<td>84.3</td>
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<tr>
<td>1988</td>
<td>–</td>
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<td>1989</td>
<td>62.3</td>
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<td>1996</td>
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<td>1997</td>
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<td>1998</td>
<td>–</td>
<td>82.2</td>
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<tr>
<td>1999</td>
<td>45.2</td>
<td>–</td>
</tr>
<tr>
<td>2002</td>
<td>–</td>
<td>79.1</td>
</tr>
</tbody>
</table>

Average 56.1 80.5
Table 8.3  
Voter turnout in *Land* elections, 1984–2002

<table>
<thead>
<tr>
<th>Year</th>
<th>Baden-Württemberg</th>
<th>Bavaria</th>
<th>Berlin</th>
<th>Bremen</th>
<th>Hamburg</th>
<th>Hesse</th>
<th>Lower Saxony</th>
<th>NRW</th>
<th>Rhineland-Palatinate</th>
<th>Saarland</th>
<th>Schleswig-Holstein</th>
<th>Brandenburg</th>
<th>Mecklenburg-Vorpommern</th>
<th>Saxony</th>
<th>Saxony-Anhalt</th>
<th>Thuringia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>71.2</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
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Average  68.7   68.5   72.6    69.1   71.16  70.95   74.9    66.925   71   80.1   73.4   61.2   71.2    64.1   63.9    68.8

Source: www.wahlrecht.de/landtage.
that the alleged specific German reasons are not very persuasive by themselves. Another problem is that disappointment and dissatisfaction are highest in the East, yet Mecklenburg-Vorpommern had the highest, Brandenburg the lowest, turnout in the most recent Land elections. It seems apparent, then, that factors other than dissatisfaction with parties and politics are also at work. One of these was probably the timing of the elections, i.e., Mecklenburg-Vorpommern and Saxony-Anhalt both had elections in 1998, and these were undoubtedly affected by the federal elections that year and the increased public focus on political issues.

Voting behavior

In all advanced democracies the political parties depend on certain demographic, religious, occupational, regional, ethnic and other groups as foundations of electoral support, and the existence of such support provides stability to the party system and a certain predictability of election outcomes. A brief look at voting behavior in Land elections shows there are both similarities and differences between voting behavior in national and Land elections and between the old and the new Länder. The reader should be cautioned, however, that some generalizations are more persistent than others and that, for example, there is frequently a difference in voting patterns from one election to another in the same Land as well as changes over time.

Age has always been an important factor in voting behavior. The CDU tends to appeal more to older voters, while the SPD is generally given above-average support by younger voters. On the other hand, as suggested above, in some Länder, e.g., in the 1997 Hamburg elections, the SPD did best among voters over sixty. Also in some eastern states the CDU and SPD have done better with older groups and the FDP and PDS with middle-age groups. In some regions, though, support for the PDS increases with age. The SPD used to receive more votes from younger people than it does today, but since the 1980s many younger voters have given their votes to the Greens. Indeed, the Greens have relied heavily on younger voters; half of their voters have been under thirty-five and three-fourths under forty-five. However, in the most recent Land elections the Greens have lost support in the youngest group of eighteen–twenty-four. In the East the radical right has done especially well with the youngest voters.

Gender is not as important today as in the past, when the CDU tended to appeal more to women and the SPD more to men. In recent elections the CDU, CSU, Greens and PDS have received slightly more female than
male votes, the FDP somewhat more male votes, and the SPD about the same number of female and male votes. Combining age and gender, the CDU receives a lower proportion of votes than the SPD from women in the youngest age groups but a higher proportion than the SPD in the 35 and older groups. In the East the CDU receives more votes from women than men, but it receives its lowest percentage of votes from younger women and its highest percentage from women over 60. A disproportionate number of younger women vote for the Greens, with that vote generally declining with age. The CDU does better than the SPD among younger men, while the Greens in the West and especially the radical right parties in East and West receive a large proportion of their votes from younger men.

In both the old and the new Länder, religion is a key determinant of voter behavior. In the West there is a strong relationship between Catholics and the CDU/CSU, although there are some exceptions such as the Saarland, which has a three-fourths Catholic population but has given the SPD strong support since 1980. Church-going Catholics are especially strong CDU/CSU voters, but the proportion of those attending church regularly is declining. Protestants in the West are more likely to vote for the SPD or FDP. In the East both the Catholic and Protestant population strongly favor the CDU, although Protestants are more likely to vote SPD in Brandenburg. The Greens and the PDS are strongly favored by unaffiliated voters; indeed, the PDS has its weakest support among church-affiliated voters who are almost immune from voting PDS. However, a serious problem for the CDU in the new Länder is that the unaffiliated make up about two-thirds of the population, which tends to favor the SPD, PDS, and the radical right.

Occupational differences are also important factors in explaining voting behavior. Workers have always tended to support the SPD, and unionized workers have been the party’s staunchest supporters. Exceptions occur primarily when heavy cross-pressures exist, e.g., among strongly Catholic workers. In the new Länder a majority of workers voted for the CDU in the 1990 Land elections, and the CDU still receives above-average support from workers in Saxony and Thuringia, and, in 1999, in Berlin. The SPD has made strong gains among workers since 1990 in the other new Länder. In the old Länder the CDU has generally received above-average support among civil servants, but the SPD has done better among white-collar workers. The PDS has received below-average support from workers but above-average support from civil servants and white collar workers. The CDU and FDP receive significant support from
the self-employed, and especially in the West the CDU is generally supported by farmers. Unionized workers in the new Länder have given strong support to the SPD and PDS, while non-unionized workers have given above-average support to the DVU. The DVU has also received strong support from manual apprentices. Both the DVU and PDS have done well among the unemployed in the new Länder. Generally the less educated give above-average support to the SPD, the better educated to the CDU, FDP, and PDS. The Greens receive a large proportion of their support from the better-educated young people.

A good deal of attention has been paid in Germany to those voters who support the far right and far left parties, i.e., the NPD, Reps, and DVU or PDS. It was noted above that younger voters, especially younger males, are more likely to vote for the far right parties. Politikverdrossenheit is obviously one reason for the dissatisfaction of young male voters, but ideology is also important.36 Religious affiliation has been noted above as a key factor in support for the PDS, but ideological conflict in the East is also a factor. It is most clearly reflected between voters of the PDS and the CDU. CDU voters in the East reject the PDS, but they also reject the attempt on the part of the CDU in the West to isolate the PDS, as in the “red socks” campaign in the federal elections of 1994. Even more PDS voters reject the CDU. This places the SPD in the middle in the East, whereas the basic conflict in the West is between the SPD and the CDU/CSU.37

Direct democracy

As noted in Chapter 4, the Basic Law of the Federal Republic, like the United States Constitution, does not provide for direct democracy. The one exception is Article 29, which deals with the rearrangement of Länder boundaries. In contrast, all Land constitutions today provide for direct democracy. The older constitutions generally had a two-step process which involved a petition for a referendum (Volksbegehren) and the referendum (Volksentscheid). The Constitution of Schleswig-Holstein in 1990 provides for three steps: an initiative, i.e., a petition to place an item on the Land parliament’s agenda; if that fails to produce action, a petition (Volksbegehren) for a popular referendum on a specific item; and, if the parliament does not act within a set period of time, a referendum. Four of the new Länder followed the example of Schleswig-Holstein, but signature requirements for the first two petitions and percentage thresholds required for approval of the referendum vary from Land to Land in both eastern and western Germany.
The changes in the Constitution of Schleswig-Holstein not only encouraged the new Länder to follow; it also raised the interest of many political activists in the West to reconsider their constitutional arrangements and to think also about the adoption of some other aspects of direct democracy, including the direct election of mayors. In general the 1990s were a period when there was a sharp increase in the discussion of various features of “plebiscitary” democracy, including the direct election of the prime ministers of the Länder.

Initiatives, petitions for referenda, and referenda are hardly everyday occurrences in the Länder. Between 1946 and 1992 there were only twenty-three referenda, including referenda on seven Land constitutions in the American and French occupation zones in 1946–47 and in North-Rhine Westphalia in 1950. There were also three special referenda in these early years: one in Hesse on socialization of industry; one in Rhineland-Palatinate on schools; and one in Bremen regarding co-determination. There were three referenda in Bavaria dealing with voting age in 1970; with the electoral law in 1973; and with the addition of environmental protection to the Land constitution in 1984. There were four referenda in Hesse: on the election law in 1950; on the voting age in 1970; on the direct election of mayors and country managers in 1991; and on the protection of the environment as a state goal in 1991.38

There have been several legislative initiatives. In Bavaria there was a petition and a referendum on schools, in 1973 a constitutional change regarding television and radio, and in 1991 a petition and referendum on waste collection. In each case the Land parliament passed a competing proposal for the final referendum which was close to the original initiative and which then succeeded. In North-Rhine Westphalia in 1978 the CDU, the Catholic Church, and parents’ groups stopped a school reform proposed by the SPD. The SPD government dropped the legislative bill after 30 percent of the electorate signed a petition for a referendum.39

A parliamentary dissolution was attempted in Baden-Württemberg in 1971 by those opposed to the local government territorial reforms, but it failed because the 50 percent threshold of eligible voters required for passage was not reached. In 1981 unofficial petitions for the dissolution of the West Berlin city parliament were signed by more than 18 percent of the voters (20 percent were required for an official, formal petition), and in response the parliament dissolved itself.40

In the 1990s there were referenda in three of the new Länder (1992 and 1994) and in Berlin (1995) on their constitutions. Bremen held a referendum on a partial reform of its Constitution in 1994, Hesse on lowering the
age for voting in 1995, and Bavaria on introducing referenda at the local level in 1995. There were also examples of the Landparlaments taking action under the threat of popular action. In North-Rhine Westphalia the SPD-controlled Landparlament agreed to a law providing for the direct election of mayors after the CDU had collected 50,000 signatures for a petition in favor of the change. In Lower Saxony the Landparlament added a statement referring to God in the preamble of its 1993 constitution after a citizens’ initiative collected 120,000 signatures for a petition calling for this change. In the Rhineland-Palatinate the SPD/FDP government revoked its legislation on human organ transplantations after the CDU Opposition took steps to initiate a petition against the law. In Baden-Württemberg the grand coalition government dropped its intention in 1995 to eliminate Whit Monday as a holiday to help finance the new nursing home insurance program, after 30,000 signatures were collected for an initiative petition.41

In the meantime a referendum was held in Berlin and Brandenburg in 1996 in which the merger of the two territorial units was rejected, and referenda were held in Bavaria in February 1998 on eliminating the second chamber, the Senate, and in March 2000 on schools. In 1998 Schleswig-Holstein held a referendum on the very controversial spelling reforms (Rechtsschreibreform) introduced by all of the Land governments, Austria, and Switzerland. To the consternation of the government, the reforms were rejected, and for a while it looked as though Schleswig-Holstein would be the only German-speaking region that would not introduce the reforms in its schools as the new standard German spelling. But in 1999 the parliament reversed the referendum decision, a highly controversial act that the Federal Constitutional Court refused to hear.

Conclusion

In spite of basic similarities among the American states in their political systems, there are differences among them in terms of the powers exercised by the governors, the number of state-wide officers elected directly by the voters, the party constellations in the two legislative chambers (except for the unicameral Nebraska Senate), the degree of competition for state-wide officials as opposed to state legislators, and so forth. In Germany there is also a basic similarity in the political systems of the Länder, but there are also some differences in the powers of the prime ministers of the territorial Länder and lord mayors of the city-states, in the degree
The Länder and German federalism

of competition among the parties, in the strength of certain parties (Greens and FDP in the West, PDS in the East), in the frequency of elections, and so forth. Germany’s federal system is politically more complicated in the sense that there is a multi-party system in all of the Länder (generally consisting of four parties in the West and three parties in the East), supported and encouraged by an electoral system of PR (often combined with a number of directly elected candidates), which leads to the necessity of forming coalition governments which vary in membership from Land to Land.

This means that the Länder can and do often have very interesting governments that are quite different from the federal model. For example, though the CDU and SPD are usually strongly divided on most important issues at the federal level, they may be partners in a coalition government in a Land, as they were at the turn of the twentieth century in Brandenburg, Bremen, and Berlin (until June 2001). Such coalitions can and do have considerable influence on the Bundesrat, the policy positions of which can be crucial to important legislation passed by the government-dominated Bundestag, because it is likely that these coalition governments will abstain in cases involving controversial legislation. Land governments may also be especially interesting because of coalitions that would not be acceptable at the national level, e.g., the SPD–PDS coalition in Mecklenburg-Vorpommern and Berlin or even the tolerance of the SPD–Green government by the PDS in Saxony-Anhalt. Furthermore, Land elections can serve as indications of dissatisfaction regarding certain policies or conditions owing to the success of certain protest parties, especially the parties of the far right in both West and East Germany and the PDS in East Germany.

Generalizations are often made about voting behavior in Land elections. Age is one obvious factor, with the CDU/CSU and FDP generally appealing to older voters and the SPD and, especially Greens, appealing to younger voters. The CDU used to appeal more to females, and it still does so among older women voters; however, the CDU today appeals more to older women and the Greens to younger women. The CDU tends to do better with younger male voters, but young males are especially important to the Greens in the West and to the far right parties in the East. Strong religious affiliation makes voters virtually immune from voting PDS in the East, whereas in the West the Catholic voters tend to support the Christian Democrats and the Protestants the SPD and FDP. Unionized workers are strong supporters of the SPD, while the CDU and FDP have usually received the votes of most of the self-employed. The CDU
also does well with civil servants and farmers, while the SPD has picked up support from white-collar workers. The PDS does better with white-collar workers and civil servants than with workers. But caution must be exercised in drawing generalizations from one Land, one region, one election, or only a few election cycles, because voting behavior has not been entirely consistent over the years.

Direct democracy was rejected by the German founding fathers for the national level except for changing Land boundaries, but advocates have turned it into an increasingly important topic in recent years. During the 1990s there were numerous changes at the Land and local levels expanding the opportunities for initiatives and referenda, and many examples can be cited when some form of direct democracy was put into play in a variety of Länder.

Notes

4 See, for example, Ursula Birsl and Peter Lösche, “Parteien in West- und Ostdeutschland: Der gar nicht so feine Unterschied,” Zeitschrift für Parlamentsfragen 29, no. 1 (February 1998), pp. 7–24.
6 But Phillips, cited above, notes that given the particular experiences of East Germans, the weakness of party organizations, the resentment of western influence and dominance, and other factors, there is a considerable disconnect between the national, western-dominated party organizations and the state and local parties in eastern Germany.
8 Konrad Hesse, *Der unitarische Bundesstaat* (Karlsruhe: C. F. Müller, 1962).
18 Ibid.
20 Heinrich, “Der kleine Koalitionspartner,” p. 129.
21 Ibid., p. 130.
22 The Greens were, however, far more pragmatic at the end of the 1990s than before. E. Gene Frankland, “Alliance 90/The Greens: Party of Ecological and Social Reform,” in Hampton and Soe, *Between Bonn and Berlin*, pp. 103–117;

23 Ibid., p. 134.


31 For a description and demonstration of both methods of calculation, see ibid., pp. 176–177.


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36 Ibid.


39 Ibid., pp. 9–11.

40 Ibid., p. 11.