

'A built-in lobby' blocking reforms

Prominent professor says parliament out of control of voters, calls for U.S.-style primaries

In his book, *Das System*, Professor Hans Herbert von Arnim argues that German parties have gained near-total control of the political system by monopolizing the nomination of candidates and the post-election formation of coalition governments. Von Arnim, who teaches public and constitutional law at the German University of Administrative Sciences in Speyer, says that voters have little real influence on who represents them because they have no say in setting the all-important party lists of candidates. He discussed his views with F.A.Z. Weekly.

Professor von Arnim, can the German parliamentary system be described as a real democracy?

The Federal Republic of Germany can only be described as a democracy to a very limited extent. Like Karl Popper, we consider it a democratic minimum that citizens can get rid of bad governments and bad representatives through elections, but this is not possible - or possible only under very limited circumstances - in Germany. Even the Bangkok flier Rezzo Schlauch (a Green member of parliament who broke parliamentary rules by using frequent flier miles from official trips for a holiday in Thailand) will be reelected on Sept. 22, even if the voters would like to get rid of him. The same is true of the fired defense minister, Rudolf Scharping. Germans can't even be sure of voting a bad government out: in Germany, voters decide only how big the respective party groups in parliament will be. The question of who will be chancellor and form the government is decided among the parties, through coalition agreements after the election. Even if the current red-green coalition government loses its majority, it could possibly still govern with the support of the PDS (Party of Democratic Socialism). (One) possibility is a 'grand coalition' (between the Social-Democratic Party (SPD), and the Christian Democratic Union), even though that would be a declaration of the bankruptcy for the democratic System.

Why do Germans have so little input into who sits in parliament?

The parties have a de facto monopoly on picking the candidates - since 1953 there hasn't been an independent in the Bundestag. Anyone nominated by a party in a stronghold of the party can be sure of election. Citizens can elect their local member of parliament in a first-past-the-post vote, but in fact the losers in the districts often have places on the state party list, so they get into parliament even if they get relatively few votes. On the ballot only the first five names from the list are given, even though in big states like North Rhine-Westphalia and Bavaria the big parties will send 30 or 40 MPs to the Bundestag.

What about the process of choosing the parliamentary candidates?

The process of choosing candidates inside German parties is not an open process, but a complete power cartel. The precondition for a reasonably promising candidacy, at least in the big parties, is years of slogging for the party, which demands a lot of time and makes it impossible to move away, something successful young people can't afford. This is one of the main reasons why about half of all MPs and members of the 16 state parliaments come out of the public sector. Teachers especially, who in Germany have to be present at school only in the mornings, enjoy a big competitive advantage. Parliament is always full of teachers. According to Article 38 (of the constitution), citizens are supposed to vote for their MPs directly. But when the vast majority of MPs are decided well before the elections, by virtue of the nomination process, then this requirement is in reality not being observed.

You say certain professions are over-represented in parliament? Could you elaborate?

Public sector employees, and, again, teachers, are greatly over-represented. So are officials from the parties and various interest group associations. This has fatal consequences: how are public sector employees supposed to bring the necessary distance in order to administer and fundamentally reform the public sector? How can a parliament of teachers be expected to renew the German school system, even though the PISA study (of comparative school performance in different countries) showed how urgent this is? Officials from the interest groups form a built-in lobby that makes urgently needed reforms almost impossible, in tax, labor and wage agreement laws, for example.

Would you like to see a U.S.-style primary system for choosing parliamentary candidates in Germany?

I favor the introduction of primaries. They would make it impossible for parties to practically dictate the local MP in their strongholds. (SPD General Secretary) Franz Müntefering made exactly this suggestion two years ago, but ran into trouble inside his own party.

Do you have any other suggestions for reform?

A first-past-the-post system based on the model used in the United States and Britain would let voters choose the government instead of it being decided in a coalition agreement later. At the very least these inflexible party lists should be abolished. Voters at all levels in Germany should be able, as they are in Switzerland, to not only choose between rigid lists but also have a chance to influence the list. This is the only way the citizen will have the power to get rid of unpopular MPs.

The interview was conducted by Michael Gavin