Agenda Setting in the German Bundestag: a Weak Government in a Consensus Democracy

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Abstract

This paper discusses various aspects of agenda setting and their theoretical relevance in the context of a case study of the German Bundestag. It is argued that the concept of ‘agenda setting’ is applied to a number of different instruments that have to be distinguished because they relate to at least two different theoretical questions: direct policy effects in the context of spatial models and the broader pattern of executive-legislative relations. In addition, it is fundamental to keep separate agenda setting between veto players and agenda setting between veto players and non-veto players. The first speaks to the theoretical problem of predicting the policy alternative chosen from the winset of the status quo; the latter is particularly relevant as an indicator of executive dominance.

The case study of agenda setting in the German Bundestag finds an extremely weak position of the executive branch and severe limits placed on the ability of parliamentary majorities to control parliamentary business. The weak position of the government is explained by historic factors such as the institutional legacy of 19th century rules of procedure, the fear of a very strong executive after 1945, and the prevalent self-perception of parliamentarians, and by analytic factors such as party system characteristics, government format, and the existence of an additional veto player outside of parliament. Agenda setting in the Bundestag thus points to a relatively balanced relationship between government and parliament and between governing parties and the opposition which is in line with the overall characterization of Germany as a consensus democracy.
1. Introduction

The study of parliaments as lawmaking bodies has received increased attention with the growth of the neoinstitutionalist paradigm in comparative politics. In line with the claim that institutions have important consequences for both processes and outcomes of political decision-making, the literature has focused on a variety of institutional structures and rules governing parliamentary decision-making. In this context, agenda-setting rules are considered highly important in theoretical terms and have received increased empirical attention as well.

From the theoretical perspective, agenda setting was first discussed as a stabilizing force in processes governed by majority rule and thus theoretically prone to the well-known cycling problems (McKelvey 1976; Schofield 1978). More recently, George Tsebelis (2002) used agenda setting as a major component of his veto player theory. Within this theory, agenda setting plays at least two distinct roles: allowing more precise predictions of policy outputs and serving as an indicator for executive dominance more broadly. This distinction parallels another one implicit in the book: agenda setting can take place between veto players or between veto players and non-veto players. While agenda setting between veto players speaks directly to the first theoretical perspective, the second speaks to the relationship between governing majority and opposition within the broader context of political competition. Section 2 discusses these two theoretical perspectives on agenda setting in more detail.

The empirical study of agenda setting in parliaments originated in the context of the U.S. Congress. Since the 1990s, both case studies and comparative research have increasingly focused on the institutional means that allow the executive (‘governments’ in European parlance) in parliamentary systems to shape the parliamentary agenda. Among European countries, France has gained particular attention because of the extraordinarily strong position

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1 Tsebelis (2002: 82-5) argues that one main difference between parliamentary and presidential systems of government can be framed in terms of who controls the agenda in the legislative process. In contrast to what the names of these regime types would suggest, agenda control is exercised mainly by the executive in parliamentary systems and mainly by parliament in presidential systems.
of the government vis-à-vis the national assembly (Huber 1996a). In many other countries, though, agenda setting rights of the government have not been studied intensively.

Given the theoretical importance of the topic it seems worthwhile to take a closer look at agenda setting in these countries as well. In this paper, I deal with agenda setting in Germany, focusing for the most part on the German parliament, the Bundestag. Despite the extensive (by European standards) literature on the Bundestag as institution, few studies have focused on agenda setting rules in detail (but see Döring 2005 [forthcoming]; Loewenberg 2003). In comparative perspective, the German government on first glance seems neither particularly strong nor excessively weak. The only broad comparative study of one aspect of agenda setting prerogatives, namely control of the parliamentary timetable, discovered considerable variation between Western European countries (Döring 1995; see Tsebelis 2002: 104, table 4.1). In Döring’s sample, Germany ranks somewhat below average with regard to government agenda control.

As Döring’s study only looks at one aspect of agenda setting, it is worthwhile to offer a more comprehensive descriptive account of agenda setting rules in Germany (section 3). As it turns out, the institutional position of the German government is extremely weak in this respect; the legislative process is almost entirely controlled from within the Bundestag. The second question addressed in section 4 is thus how this weak position can be explained. I offer an explanation based on both historical and analytical arguments. In historical perspective, German parliamentary procedures are highly path dependent and still exhibit characteristics from the time when the main line of confrontation ran between the government and the parliament as a whole. This old view of separation of powers as well as the fear of a dominant executive were important in the perception of political actors when designing the position of the Bundestag in the constitutional framework in 1948/49 and when working out its first permanent rules of procedure in 1951. From an analytical point of view, the weak institutional

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2 While government is dominant in the United Kingdom, Ireland, France, and Greece, government prerogatives are much smaller in Sweden, Belgium, and the Netherlands.
position of the executive can be explained by party system characteristics which led to stable majority coalitions able to control legislative business from within the Bundestag and by the decreased value of agenda control in a system with an additional institutional veto player, the Bundesrat. In section 5 I return to the conceptual distinction introduced in section 2 and discuss which additional agenda setting instruments beyond the Bundestag would have to be taken into account when trying to determine the power of the government to implement its policy priorities. In this context, I briefly discuss the relevant arenas for agenda setting between veto players: the cabinet and the Mediation Committee of the Bundestag and Bundesrat. While little evidence is available on the processes of intra-cabinet agenda setting, the rules in the Mediation Committee reinforce the weak institutional position of the government and the need of governing majorities to compromise with other actors. Overall, the findings on agenda setting thus underscore the characterization of Germany as a consensus democracy.

2. Theoretical and Empirical Perspectives on Agenda Setting

2.1. Theoretical Perspectives on Agenda Setting

As indicated in the introduction, the term ‘agenda setting’ is relevant in several theoretical contexts. Here I focus on two theoretical perspectives derived from Tsebelis’ veto player theory. The first theoretical perspective derives from the context of spatial models and considers agenda setting as solution to the problem of the indeterminacy of policy outcomes under majority rule. In the context of veto player theory, it implies that a veto player able to set the agenda can exercise stronger influence on outputs by proposing her preferred option from within the winset of the status quo. The advantage of an agenda setter increases with the size of the winset which itself depends on the number of veto players, their ideological distances, and the position of the status quo. The theoretical focus is thus on direct policy

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3 This argument extends the classic agenda-setter model developed by Romer and Rosenthal (1978).
effects of agenda control which should be measurable in empirical research (Tsebelis 2002: 33-7).

The second theoretical perspective goes beyond direct policy effects and focuses more generally on the distribution of power between the executive and legislative branches. Governments that have strong agenda setting prerogatives at their disposal can be seen as dominant vis-à-vis their parliaments (Tsebelis 2002: 109-14, 219-20). Therefore, agenda setting rights of the executive can be used beyond the context of veto player theory as indicators for executive dominance. This is particularly relevant because the literature has so far failed to develop satisfactory institutional indicators for this concept and has instead relied on behavioral measures such as the average duration of a government (Lijphart 1999). While many commentators criticize this indicator as a rather imperfect proxy, no superior alternative has so far been suggested (see e.g. Taagepera 2003). A systematic comparative analysis of government agenda setting rights may in the long run offer such an alternative.

In addition to these two theoretical perspectives, I suggest distinguishing agenda setting between veto players from agenda setting between veto players and non-veto players. This distinction is not stated explicitly in Tsebelis’ work but its necessity results directly from the two theoretical perspectives discussed above. As by definition only veto players participate in determining policy outputs in the veto player framework, only agenda setting between these players can have direct policy consequences. Discussions of the theoretical problem of executive-legislative relations, on the other hand, are vitally concerned with the relationship between veto players, i.e. governing parties, and non-veto players, i.e. opposition parties. Combining these two distinctions leads to Table 1. Each of the four combinations can be discussed under a general question as stated at the top of each cell.

Cell I represents the role of agenda setting in determining policy outputs. It includes classic theoretical work such as McKelvey’s (1976) and Schofield’s (1978) arguments on the stabilizing force of agenda setting and the agenda-setter model of Romer and Rosenthal
(1978). Cell II only becomes relevant when government ministers and MPs of the same party are allowed to differ in their preferences. This cell is the realm of principal-agent theory as applied to the study of parliaments. Cell III deals with indirect policy effects that result from veto players compromising with non-veto players. As will be discussed below, this cell becomes relevant only when goals other than policy are introduced into the motives of political actors or when policy stability is analyzed over an extended period of time stretching beyond the next election. Finally, cell IV deals with the relationship between governing parties and the opposition in the broader context of electoral competition.

Tsebelis himself focuses mainly on cells I and IV. His theoretical treatment in chapter I uses the perspective of cell I – a veto player with agenda setting power can determine which policy alternative is chosen from the winset. When discussing the problem of executive dominance in relation to Lijphart’s (1999) argument in Patterns of Democracy, Tsebelis’ argument falls into cell IV. He focuses on agenda setting rights of veto players (the government and its parliamentary parties) against non-veto players, and his argument is not limited to predicting distinct policy outputs but deals with political competition in a broader context (Tsebelis 2002: 109-14, 219-20).

What about the other two cells? Cell II is not relevant for Tsebelis because he assumes parties to be unitary actor, no matter whether members of a party hold government office or a seat in parliament. Tsebelis touches on cell III in his argument about the importance of agenda setting for the viability of minority governments. Because he does not consider non-government parties under minority governments to be veto players, agenda setting takes place between veto players and non-veto players. For majority governments, on the other hand, cell III is irrelevant under a strict reading of veto player theory. As the temporal element is missing from the theory and sincere voting is assumed, non-veto players know that their consent is not required for passing bills and thus – as rational actors only interested in policy – should simply back down. The theory can be extended, though, by introducing time and future...
electoral success as relevant resources. Then, controlling the timetable becomes relevant because non-veto players may chose to obstruct parliamentary business expecting future electoral rewards from creating policy blockades that are allegedly charged to the government (see Ganghof 2003). Under these circumstances, governing parties may be willing to make policy concessions even to non-veto players in order to speed up business and present results to the public. If this extension of the theory is accepted, controlling the agenda may indeed strengthen the government’s position with regard to policy outputs because it can avoid such policy concessions to non-veto players.

Before discussing different instruments of agenda setting in detail, a few general points have to be made with regard to the distinctions introduced above. First, the theoretical perspectives are not mutually exclusive. Accordingly, particular agenda setting instruments may be relevant in more than one of the cells discussed above. Second, distinguishing between the theoretical focus on policy effects and executive-legislative relations does not imply that executive dominance does not have policy effects. Obviously we expect such dominance to have some relevance for policy outputs – an assumption that is vital to the entire distinction of ‘majoritarian’ versus ‘consensus’ democracy (Lijphart 1999) or the ‘majoritarian’ versus ‘proportional’ visions of democracy (Powell 2000). Effects on individual policy outputs are not the main focus of the perspective on executive-legislative relations though. Instead, the main interest lies in patterns of political competition and questions of the representation of interests. Finally, the very term ‘executive-legislative relations’ is ambiguous. Taken literally it relies on the ‘old’ dualist view of government and parliament as distinct and generally opposed institutions. This perspective is not very useful for understanding parliamentary systems of government today (King 1976), even though some agenda setting instruments such as combining the vote on a bill with a vote of

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4 Döring (1995, 2004) mainly builds his argument on the scarcity of time and finds the negative relationship between agenda setting powers of the government and legislative inflation expected by his theory. Tsebelis (2002: Ch. 7) also discusses agenda setting in the context of the number of laws passed, not with regard to the content of these laws, even though this is where agenda setting should be most relevant according to his theory.
confidence are designed as means for disciplining government parties in parliament and thus fall into cell II. In general, though, parliamentary systems of government are characterized by the ‘new dualism’ between the government and its parliamentary parties on the one hand and opposition parties on the other hand. Under this perspective, agenda setting rights of the executive and of parliamentary majorities have to be analyzed together in the case of majority governments. These rights are assumed to be controlled by a collective party leadership consisting of government members, leaders of the government parties in parliament and the leadership of the extra-parliamentary party organizations in which government members play an important role.\(^5\)

It is not always clear which of these two perspectives is chosen when discussing executive dominance in parliamentary systems. Lijphart’s (1999) argument for example seems to rely on the old dualism, not only with regard to terminology but also with regard to his operationalization. His indicator, the average duration of a government in office, depends at least for majority governments mainly on the ability of the government to retain support from its own rank and file. The overall concept of majoritarian versus consensus democracy, on the other hand, implies a new dualist view because the overall question is whether interests other than those of the governing parties are relevant for policy-making. Herbert Döring (1995) tries to include both perspectives in his operationalization of government control of the parliamentary agenda. In his index, control by the executive branch scores highest followed by situations in which parliamentary majorities control the agenda and constellations which give parliamentary minorities relevant influence. Hence control by the governing parties in

\(^5\) This party leadership group can be understood in terms of the concept of party government developed by Cox and McCubbins (1993) for the U.S. House. This leadership internalizes the costs for coordinating members’ behavior in parliament and other arenas and induces cohesive voting behavior of individual members by means of positive incentives and (at least the threat of) negative sanctions. Members of the party leadership are rewarded for their services both through office benefits (within parliament and, for governing parties, in the cabinet) and in policy terms because they exercise disproportionately strong influence on the policy position taken by their party (see Sieberer 2003).
parliament is considered government control, but to a lesser degree than control by the executive itself.

2.2 Empirical Perspectives: Instruments of Agenda Control

Agenda setting is not only relevant under differing theoretical perspectives but also empirically comprises a variety of different instruments. Before describing these instruments in the German case, they have to be ordered systematically. For this purpose, Döring (2005 [forthcoming]) proposes to distinguish three aspects: Setting the topical agenda, i.e. determining the content of public debate, setting the voting agenda, i.e. controlling what bills and amendments come to be voted on, and setting the timetable agenda, i.e. determining the length of parliamentary debate and the timing of voting. In pluralist democracies, the topical agenda is largely out of reach of political actors as interest groups and the media play a major role alongside and in interaction with political parties and elected officials. Therefore, this aspect of agenda setting is not dealt with here. In addition to Döring’s remaining two categories I discuss regulations on voting procedures, i.e. the question of voting order and vote counting rules, as a third class of agenda setting rights.6

2.1.1 Setting the Voting Agenda

Agenda setting with regard to the voting agenda speaks most directly to the theoretical question of policy effects. In theory, the actor controlling the voting agenda can propose her most preferred alternative from within the winset and thus exert strong influence on policy outcomes, especially if the winset over the status quo is large.

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6 I focus on agenda setting in the plenary. Therefore setting the agenda of parliamentary committees is not dealt with here. Relevant aspects discussed in the literature are the degree to which basic principles of a bill are determined by the plenary prior to the committee stage, the rights of committees to rewrite government bills, control of the timetable of committees (all Döring 1995), the right of committees to initiate legislation, their rights to acquire information and expertise from the government and outside experts (all Mattson/Strøm 1995) and the ability of committees to kill bills, usually opposition or private member bills, by not reporting them to the plenary (Mattson 1995).
Agenda setting with regard to the voting agenda deals with the general scope of legislative vs. executive lawmaking authority, general gatekeeping rules, the right to initiate bills and to offer amendments, rules concerning the content of bills and the admissibility of amendments (such as germaneness and closed rules), and the link between policy decision and votes of confidence in the government. I discuss these points in turn.

In general, parliaments make generally binding rules in the form of laws with regard to all areas of public policy. This rule, derived from traditional notions of the separation of powers doctrine, is restricted in some countries where governments are directly authorized to issue decrees that have equal effects as laws. Among parliamentary systems, France\textsuperscript{7} serves as the main example.\textsuperscript{8} The constitution of the Fifth Republic explicitly states which policy areas are governed by parliamentary laws, all other fields are to be governed through executive decree (Art. 34, 37 of the French Constitution of 1958).

General gatekeeping rules may allow governments to prevent parliament from dealing with certain topics. Such negative government control of the voting agenda was possible in France under the constitutions of the Third and Forth Republic but has been very rare otherwise (Döring 2005 [forthcoming]).

The right to initiate bills and to offer amendments is basic to determining what is voted on in parliament. Government prerogatives comprise the right to initiate legislation itself and the exclusive right to introduce certain bills, in particular money bills (Döring 1995; Mattson 1995). Governments may also enjoy advantages with regard to the amendment process of bills, in particular by being granted the right to offer the last amendment prior to the final vote on the bill. As Weingast (1992) argued with regard to committees in the U.S. House, the right to make the last offer enables an actor to “fight fire with fire”, i.e. use own

\textsuperscript{7} I treat France as a parliamentary democracy because it fulfils the decisive defining feature of parliamentary government, i.e. the accountability of the prime minister and his or her cabinet to parliament which can vote the government out of office for political reasons (for this minimal definition of parliamentary government see Müller/Bergman/Strøm 2003 and Steffani 1983).

\textsuperscript{8} Executive decrees are important instruments of policy making in many presidential systems, especially in Latin America (see Shugart/Carey 1992 and the country studies in Carey/Shugart 1998).
amendments to defend her proposal against amendments from the larger legislative body. With regard to parliamentary democracies, William Heller (2001) argued that last-offer authority enables ministers to protect ‘their’ bills against amendments by both opposition parties and coalition partners and thus contributes to cabinet stability by ruling out policy gains from defection by government parties.

A more indirect control by the government with regard to initiatives and amendments can result from limitations placed on the rights of individual MPs. Individual rights can be limited in various ways, e.g. through numerical requirements, limits with regard to the time when they may be introduced, technical requirements such as the obligation to explain the motives behind a bill, and the requirement that bills must be formulated as definite laws already for introduction in parliament (Mattson 1995). In addition, the content of admissible amendments from parliament may be restricted. The most common restriction applies to bills and amendment that have financial implications by increasing expenses or decreasing revenues (Mattson 1995).

Another limitation on amendments can derive from germaneness rules that have been widely discussed in the context of the U.S. Congress (e.g. Shepsle 1979; Shepsle/Weingast 1995). The requirement that amendments must be relevant to the bill under discussion also exists in many European parliaments (Mattson 1995: 476).

The strictest limitation is placed on parliament by closed rules that forbid any amendment to a bill. While the relevance of closed rules is obvious in the U.S. context, they are of minor importance in Europe where legislative procedures are mainly determined by parliamentary standing orders and are not set individually for each bill. As amendments by parliamentarians or parliamentary party groups are generally possible for bills (under the restrictions mentioned above), closed rules are only relevant for nonlegislative votes, most
commonly for the ratification of treaties, and for votes on inter-chamber compromise solutions in bicameral systems. 9

Finally, governments can gain leverage on the final vote on a bill by making its passage a matter of confidence. As John Huber (1996b) argues, connecting the vote on a bill with a vote of confidence strengthens the government’s, more precisely the prime minister’s, position vis-à-vis the governing parties in parliament by increasing the stakes. In this case, members of parliament no longer decide solely on policy terms but also have to take the losses connected to government resignation and a potential dissolution of parliament into account. The vote of confidence procedure is thus mainly a disciplining device towards governing parties (see also Diermeier/Federsen 1998). As Heller (2001: 782-3) points out, though, using the vote of confidence is not without risks for the government, so that it is not an instrument to be used on a regular basis.

2.2.2 Setting the Timetable Agenda

Döring’s second group of agenda setting powers refers to the control of the legislative timetable. The question is which topics are discussed in the plenary and how long debates take. As time is generally scarce in parliaments (Döring 1995), governments enjoying strong powers with respect to timetable control are in a better position to push their priorities by streamlining parliamentary business and preventing minority obstruction. In addition, timetable control may be a valuable resource in electoral terms because opposition parties loose one important public forum for campaigning.

It is important to ask how setting the timetable agenda fits into the different theoretical perspectives in section 2. Because of its influence on what topics get parliamentary attention, setting the timetable agenda speaks to the distribution of power between governments and

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9 Ingvar Mattson (1995: 473) mentions only the second chambers in Austria and the Netherlands (where it is actually called the first chamber, ‘Eerste Kamer’) as examples of parliamentary chambers not possessing the right to amend bills.
parliaments and more directly governing parties and opposition parties, i.e. particularly cell IV. With regard to policy outputs, the effect is less clear because control of the timetable does not influence the content of bills and is therefore not directly valuable in policy terms. It only gains relevance when negotiations in parliaments are conceptualized as a game in which opposition parties can extract policy concessions from the government in exchange for foregoing obstruction (cell III).\textsuperscript{10} Therefore, it is problematic to use control of the timetable as a proxy for agenda setting powers with regard to the voting agenda within a temporarily static theory (cell I), as Tsebelis (2002: Ch. 4) does in his veto player framework.

The most obvious question with regard to timetable control is by whom the plenary agenda of parliament is set. The timetable can be controlled by the government alone (as in Ireland and the UK with the exception of ‘Opposition Days’) or by various actors in parliament which can be ordered according to the influence exercised by government parties (Döring 1995). Rules for curtailing debate such as the guillotine procedure in the UK offer another means of government control over time allocation in parliament. In the House of Commons, the time spent on debating a bill can be restricted in advance by majority decision thus setting a fixed date and time for the final vote regardless of whether all articles of the bill have been debated. The guillotine procedure also exists in France, Greece, and Ireland (Mattson 1995: 476; Döring 1995). A similar procedure is cloture which can equally be invoked by a majority but ends debate only on a particular clause of a bill. Cloture procedures exist in the UK, Ireland, Austria, Denmark, Germany, and Norway (Mattson 1995: 476).

2.2.3 Agenda Setting Aspects of Voting Procedures

Finally, rules on voting procedure can give governments advantages beyond the limitation of admissible amendments and time restrictions. As social choice theory has shown,\textsuperscript{13}

\textsuperscript{10} The bargaining power of opposition parties will probably increase towards the end of an electoral period. Prior to elections obstruction by opposition parties is especially likely to harm government parties in the electoral arena, and may even block policy change completely if bills lapse at the end of an electoral period.
the order in which alternatives are voted on can influence the outcome in the absence of a Condorcet winner (e.g. Riker 1982). The degree to which outcomes depend on the order of voting varies between voting procedures; it is smaller under the amendment procedure used e.g. in the U.S. Congress and the House of Commons than under the successive procedure used in most continental European countries (Rasch 2002). Determining the order of voting can therefore be an important asset. Most commonly, the order of voting is proposed by the Speaker or president of the assembly and can be overturned by a majority vote (Rasch 2002). In these cases, majority governments can control the voting order via their parliamentary party groups.

Some parliamentary standing orders provide formal rules on the order in which alternative proposals and amendments are voted on (Rasch 1995: table 15.5). Besides these formal rules, most parliaments develop informal norms governing the order of voting such as voting on the most far-reaching proposals first and on the status quo last, sometimes in direct confrontation with the government bill (Rasch 1995, 2002). In these situations, governments occupying a central position in policy terms enjoy additional privileges with respect to the voting order.\textsuperscript{11}

3. The Situation in the Bundestag: Still Procedural Dualism between Government and Parliament

3.1. General Characteristics of the German Bundestag

Dealing with Germany it is important to keep in mind that – in addition to the Bundestag – the Bundesrat, a chamber consisting of delegates from the state governments, is involved in lawmaking (see Bräuninger/König 1999; König 2001). The degree of involvement differs depending on the kind of law under discussion. For one category of laws, the so-called

\textsuperscript{11} This may be an additional factor besides policy centrality and government prerogatives with regard to the voting agenda in explaining the success of centrally located minority government in passing their legislative programs.
Einspruchsgesetze, the Bundesrat’s objection can be overruled by the Bundestag with an absolute majority of its members.\textsuperscript{12} For Zustimmungsgesetze the consent of the Bundesrat is necessary for the bill to become law. Determining the category to which a particular bill belongs is sometimes difficult (Rudzio 2003: 323-6). In general, though, most important bills today need the explicit consent of the Bundesrat which means that the Bundesrat or rather a majority coalition within it becomes an additional veto player for the most important policy decisions.\textsuperscript{13}

The Bundestag currently consists of 603 members elected through the mixed member proportional variant of a PR electoral system (Klingemann/Weßels 2001). The number of parliamentary parties has ranged from nine in 1949 to only three parties between 1961 and 1983 (Saalfeld 2002).\textsuperscript{14} Since 2002, the Bundestag consists of four parties and two individual MPs from the PDS who do not constitute a parliamentary party group (PPG; Fraktion in German) because PPGs have to comprise at least 5 percent of the members of the Bundestag. Since 1949, the Christian Democrats (CDU/CSU) and the Social Democrats (SPD) have been the largest parties, at times combining for over 90 percent of the seats. Therefore the effective number of parties (Laakso/Taagepera 1979) has consistently been lower with values between 3.99 in 1949 and 2.31 in 1976. Since 1953, the index has always been below 3.0 (Saalfeld 2002: 113). Accordingly, the prevalent pattern of government is minimal winning coalitions of two parties, usually either the CDU/CSU or the SPD in coalition with one small party, usually the liberal FDP (Saalfeld 2000).\textsuperscript{15}

\textsuperscript{12} If the Bundesrat was to object by qualified majority of two thirds of its members, the Bundestag would need the same qualified majority to overrule the objection.

\textsuperscript{13} Since 1969 more than half of the enacted laws required the consent of the Bundesrat. The highest percentage was recorded in the legislative period 1983-87 when 60.6\% of all laws fell in this category (see Schindler 1999: 2430-2). Reducing the number of laws with regard to which the Bundesrat has effective veto power was one of the main reasons for the recent (temporarily failed) attempt to reform legislative competences in the German federal system.

\textsuperscript{14} Throughout this paper, the Christian Democratic Union (CDU) and its Bavarian sister party, the Christian Social Union (CSU), are counted as one party. The CDU and CSU do not compete with each other in the electoral arena and have always formed a joint parliamentary party group.

\textsuperscript{15} The first coalitions in the 1950s comprised more parties as the CDU/CSU included several small parties of the bourgeois camp, even forming an oversized coalition despite a one-party absolute majority after the 1953
With regard to its organization, two features of the Bundestag are particularly relevant. First, the most important arenas for substantive legislative work are the Bundestag’s standing committees (Saalfeld 1998; Dach 1989; Zeh 1989). The Bundestag is usually considered a working legislature where public debate plays only a minor role.16

Second, procedures in the Bundestag are mainly structured by party groups (Loewenberg 2003; Schüttemeyer 1994, 1998). The dominance of PPGs is directly reflected in formal rules granting party groups particular rights not given to individual MPs. As Suzanne Schüttemeyer (1994) shows, the balance between individual MPs and party groups has shifted in favor of the latter. While the strengthening of party groups could be seen as relevant only to the relationship between individual MPs and their parties (and is in fact often discussed in this context), I argued above that it is also relevant for the control the government can exercise towards its party groups because control by party groups in practice means control by the PPG leadership. The PPG leadership in turn is part of a collective party leadership in which government members play an important role. Under the ‘new dualist’ view of government in parliamentary democracies, agenda setting powers of the executive and of majority PPGs have to be discussed together. Therefore, the German government may profit from the strong position of parliamentary parties in the Bundestag.

3.2. The Relevant Legal Regulations: Basic Law and Rules of Procedures

The relationship between the Bundestag and the federal government is for the most part regulated in Germany’s 1949 constitution (the Basic Law or Grundgesetz, in the following GG) and in the Rules of Procedure of the Bundestag (Geschäftsordnung des Deutschen Bundestages, in the following GOBT). I focus mainly on the Rules of Procedure as they contain more detailed rules on agenda setting. There has been some change in the GOBT elections. Many of these smaller parties were ultimately absorbed into the CDU or lost support. Starting from 1957, all coalitions consisted of two parties.

16 There have been recurrent debates on reforms designed to make Bundestag debates more lively and interesting for the public (see Thaysen 1972; Marschall 1999; Saalfeld 1998: 68-9).
in the history of Federal Republic whereas the relevant constitutional rules have been constant. Before turning to the content of these rules, a short overview on the development and historic predecessors of the Rules of Procedure is necessary because the historic roots of the GOBT are fundamental to understanding agenda setting powers of the German government.

According to Art. 40 GG, the Bundestag adopts rules of procedure.\(^{17}\) Formally these rules are only valid for the Bundestag that passed them and expire with the first sitting of a newly elected parliament. In practice though, they are usually adopted unchanged by the new Bundestag (Zeh 1986; Roll 2001: 15). The development of parliamentary rules of procedure in Germany displays a surprising pattern of continuity since the middle of the 19\(^{th}\) century despite the fundamentally different character of the regimes in which the various parliaments acted (Loewenberg 2003; Zeh 1986; Lammert 1986; Roll 2001). The present GOBT can be traced back to the rules of the Prussian Chamber of Deputies from 1849 which was later on modified to serve the Reichstag of the North German Federation in 1867 and the Reichstag of the German Empire in 1871. The Reichstag used the same rules after the transition to the Weimar Republic in 1918 and adopted a revised version as its final rules in 1922. This version, changed in some respects due to clauses in the Basic Law (such as the election of the Federal Chancellor), was adopted almost unanimously as the provisional rules of procedure by the new Bundestag in 1949 (PlPr/1.WP/5./20.9.1949/19-20)\(^{18}\). In 1951 the Bundestag enacted its permanent rules of procedure which became operative in 1952.\(^{19}\) Despite some 30 changes, the structure of the rules clearly remained in the tradition of its Weimar predecessor.

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\(^{17}\) The rules of procedure are passed by a simple majority vote. In practice, though, the parties have tried to change the rules with large majorities, often unanimously.

\(^{18}\) The stenographic protocol of the Bundestag is cited in accordance with the format used in Roll 2001. PlPr stands for “Plenarprotokoll” (protocol of the plenary). The first number indicates the legislative period of the Bundestag (here the 1\(^{st}\) period 1949-1953) followed by the number of the plenary sitting, the date of the sitting, and the pages in the published stenographic protocol.

\(^{19}\) The new rules were adopted against only a few votes, probably from the communist party. The Social Democrats abstained from voting despite agreement with most parts of the GOBT because they considered unconstitutional one particular clause (§ 96 GOBT) which required members initiating money bills to provide a proposal to balance new expenses. In 1952 the Constitutional Court confirmed the position taken by the SPD and declared parts of this paragraph unconstitutional (decision from April 6, 1952, BVerfGE 1, 144).
Since 1952, there have been a major reform in 1969/1970, a reform and a consolidation of the text (including a new numbering of the paragraphs) in 1980, as well as some 40 minor changes and additions (see Schindler 1999: 3094-3122). The major changes in 1969/70 and 1980 were enacted consensually indicating that these modifications were cases of efficient instead of redistributive institutional reform (for the distinction between efficient and redistributive institutions see Tsebelis 1990: 104-15). Overall, commentators of German parliamentary law describe these reforms as cautious modifications rather than thoroughgoing changes in parliamentary procedures (Achterberg 1984: 65; Roll 1981).

Before I discuss agenda setting rights of the government in detail, some more general points should be mentioned with regard to the GOBT. First and hardly surprising in the light of the historic continuities of German parliamentary law, the rules of procedure are in many respects built on the traditional notion of separation of powers that conceptualizes parliament and government as two distinct and generally opposed institutions. Second, the reforms in 1969/70 and 1980 have further strengthened the rights given to parliamentary party groups (Schüttemeyer 1994; Schäfer 1982; Roll 1981). Third, the 1969/70 reform rationalized the legislative process. Since then, plenary debates are only held if agreed on in the Council of Elders or demanded by a party group or at least 5% of all MPs. In addition, debate in the third

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20 A few examples shall suffice here: Members of the government have the right to be heard at any time in the Bundestag and its committees (Art. 43 GG, § 43 GOBT). A majority in the Bundestag can at any time require the attendance of government members (Art. 43 GG, § 42 GOBT). The opposition is not mentioned explicitly in the GOBT. Instead, rights of parliamentary groups are mentioned regardless of their position towards the government. Only with respect to the allocation of speaking time the ‘new dualism’ between governing majority and opposition is implicitly acknowledged. According to § 28 GOBT, an MP expressing a “differing opinion” should speak directly after a member of the government (introduced in 1969), and according to § 35 GOBT a party expressing a “differing opinion” can demand extra time if a member of the government speaks for over 20 minutes. This rule was only introduced in 1980 even though the practice of including speeches by government members in the proportional assignment of time was operative since 1972 (Schindler 1999: 1724). According to the same logic, speaking time by members of the Bundesrat is included in the time allotted to the party to which the speaker belongs.

21 As a reaction, a nonpartisan initiative of mainly backbench MPs advocated a strengthening of the rights of individual MPs in the 1980s (Hamm-Brücher 1989). These proposals were discussed at length in the Bundestag but did not lead to major revisions of the GOBT (Schindler 1999: 2921-38).
reading of a bill is only allowed on clauses that have been amended or introduced during the
second reading (Rudzio 2003: 268).

Fourth, the Council of Elders (Ältestenrat, § 6 GOBT) has to be mentioned
(Loewenberg 2003; Ismayr 2000: 159-67; Roll 1989). The Council consists of the president of
the assembly, his or her deputies, and 23 MPs delegated by the party groups in proportion to
their size. The Council acts as the main coordinating body of the Bundestag. As the Council
is (with few exceptions on administrative matters) not a formal decision-making body,
agreement can only be reached unanimously. If no agreement is reached, majority decision in
the plenary usually constitutes the fallback option. The Council of Elders proposes the agenda
for plenary meetings, proposes whether debates should take place on bills, and, if yes, how
long it should take and how the time should be assigned between the parties. In addition, the
Council proposes which committees bills should be referred to. The Council also participates
in the interpretation of the GOBT, even though general decisions on their interpretation are to
be made by a specialized Rules Committee (§ 127 GOBT; Schulte/Zeh 1989). Interpretations and precedents agreed on in the Council of Elders practically have a strong
impact on future decisions, though (Roll 1989: 821-2).

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22 As Loewenberg (2003) points out, the Council of Elders stands in a direct tradition of the parliamentary
coordinating body (Seniorenkonvent) that developed during the Empire towards the end of the 19th century, i.e.
prior to the parliamentarization of the German political system. Accordingly, no member of the government was
originally present in the Seniorenkonvent. In the Bundestag, a junior member is present at Council meetings in
order to communicate government wishes with regard to the parliamentary agenda but is not a formal member of
the Council.

23 The connection between the Council and the Rules Committee is close in practice as many Committee
members are members of the Council as well.

24 In addition to these functions with regard to everyday parliamentary business, the Council of Elders plays a
major role after the election of a new Bundestag. The Council is the place where negotiations take place on the
number of committees to be constituted, on their size, and on the distribution of committee chairs to the different
parties. If no agreement can be reached on this distribution, the parties get to pick one chair at a time in the order
determined by the quotients calculated under the proportional allocation procedure used (d'Hondt before 1980,
St. Lague/Schepers since then). This only occurred once in 1961, in all other instances agreement could be
reached in the Council of Elders (Schäfer 1982: 105-7; Roll 1989: 817-8).
3.3. **Instruments of Agenda Control**

Which of the agenda setting prerogatives of governments discussed above can be found in the *Bundestag* (Table 2)? Let us consider the voting agenda first. In general, the *Bundestag* is responsible for making general rules in all policy areas; the German government does not possess the kind of exclusive decree authority of its French counterpart. The Bundestag may delegate decree authority to the executive, but “the content, purpose, and scope of the authority conferred shall be specified in the law” (Art. 80 I GG). As the Federal Constitutional Court stated, the reason for this rule is to keep the Parliament from discharging its duties as lawmaker (BVerfGE 78, 249/272 cited from Jarass/Pieroth 2002: 899). This norm and the general principle of the *Rechtsstaat* lead to the principle that all ‘essential’ decisions, especially those that impinge on individual basic rights, have to be made by the Bundestag itself and may not be delegated to the executive (Jaras/Pieroth 2002: 516-20; Schindler 1999: 2354-73). General gatekeeping rules are not available to the German government.

According to the Basic Law (Art. 76 I GG), the government has the right to initiate legislation in the *Bundestag*. In addition, bills can be introduced by a majority of the *Bundesrat* and “from the floor of the *Bundestag*”. The rules of procedure (§ 76 I GOBT) specify this rule by restricting initiative to party groups or groups of at least 5 percent of the members of the *Bundestag*. As an exception, the right to initiate the budget law is solely reserved to the government (Art. 110 III GG; Jarass/Pieroth 2002: 1151). Besides this exception, government control of the legislative process is not formalized even though most initiatives in practice come from the executive (Bryde 1989: 862-3).

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25 This alternative of a PPG or 5 percent of the members of the Bundestag is frequently found in the GOBT. From hereon I will use “PPG/5%” as shorthand.

26 From 1949 to 1994, 59.0% of all bills were initiated by the government, 34.4% by groups of the *Bundestag* and 6.6% by the *Bundesrat*. The relatively high number of initiatives from parliament and their reasonably high chances to become laws does not necessarily indicate a strong independent role of parliament as initiator of legislation. Instead, many of these parliamentary initiatives are introduced by the governing parties as a means to circumvent the delay faced by government initiatives which have to be dealt with in the *Bundesrat* prior to the first reading in the *Bundestag* (Ismayr 2000: 240, 245).
With regard to amendments, the formal weakness of the government is even more obvious: The government is not allowed to offer amendments in the Bundestag at all; amendments can only be proposed by individual MPs or PPGs (§§ 82 I, 85 I GOBT; Kabel 1989: 902-3). Accordingly, a special last-offer authority of the government cannot exist either. Once a bill is introduced, the government has to rely exclusively on its party groups to guide it through the legislative process. The position of the government is additionally weakened by the fact that Bundestag committees are free to rewrite bills during the committee phase. If the Bundestag accepts a bill rewritten by a committee in the second reading, the government has no means to force a vote between the new proposal and its original bill.

I argued above that restrictions on the rights of individual MPs can indirectly strengthen the position of the government because it is more likely to have common interests with the PPG leadership than with backbenchers from its own party group(s). The ability of individual MPs to influence what is voted on in the Bundestag is mainly limited by numerical requirements. Both initiating bills and proposing changes during the third reading is restricted to PPGs/5%. Individual MPs can only propose amendments during the second reading and in their function as committee members during committee deliberations. Other restrictions such as those discussed by Mattson (1995) are either absent in the Bundestag or do no amount to a serious hindrance on MPs (as with the requirement to give reasons for an initiative in § 76 II GOBT, see Roll 2001: 105; Jarass/Pieroth 2002: 880-1).

There are two limitations on the admissible content of bills and amendments: First, amendments have to be connected to the original reasons or aims of the proposed bill. This germaneness rule is not formalized in the GOBT but goes back to a decision in the Rules Committee. When the connection to the original bill is disputed, the decision on whether an

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27 In the third reading, amendments can only be proposed by PPGs/5% and may only refer to clauses that have been amended during the second reading (§ 85 I GOBT).

28 From 1980 to 1990, 63.3% of all bills were indeed changed during the committee stage (Rudzio 2003: 277).
amendment is admissible is made by the plenary via majority rule (Kabel 1989: 901; Dach 1989: 1125).

Secondly, the government has the right to veto bills that would increase spending beyond the funds appropriated in the budget law or would decrease revenue (Art. 113 GG, § 87 GOBT; see Jarass/Pieroth 2002: 1157-60). This rule has only been introduced in 1969 after the opposition and parts of the government parties had united to pass laws that increased spending (Rudzio 2003: 280). In practice, this rule is rarely used today but may well be influential by ways of anticipation. § 96 GOBT contains detailed rules for dealing with bills that would have considerable effects on public finances. In these cases, the Budget Committee is charged with proposing ways to balance new expenses. If no such balancing solution is found by the committee, the plenary only decides on whether a balance in spending can be found. If not, the bill is considered to have failed and is not pursued further. One reason for this extended procedure on financial bills is to offer an alternative way within the Bundestag to avoid excessive spending without having to rely on the government prerogatives of Art. 113 GG (Roll 2001: 135-7).

Amendments are generally forbidden on the ratification of international treaties, on executive decrees that require consent by the Bundestag, on proposals of the Mediation Committee of the Bundestag and the Bundesrat, and on some special economic bills (Kabel 1989: 901-2).

Finally, the Federal Chancellor can combine the vote on a bill with a question of confidence in his government (Art. 68, 81 GG). This strongest weapon of the government has only been used once since 1949, when Chancellor Schröder combined the decision on sending military troops to Afghanistan with the question of confidence in November 2001. Schröder succeeded in gaining the necessary absolute majority of all members of the Bundestag to win
the vote of confidence. There are several reasons why the confidence procedure is not a particularly attractive instrument for the German government (Döring 2005 [forthcoming] and the paper by Döring and Hönnige for this workshop). The same is true for the procedures for legislative emergencies (“Gesetzgebungsnotstand”) in Art. 81 GG which have never been used.

I now turn to government control of the legislative timetable. According to the procedures in § 20 GOBT, the agenda is usually set by (unanimous) agreement in the Council of Elders or, for details, through inter-partisan agreements by the floor leaders (parlamentarische Geschäftsführer) of all parties. The Council cannot decide formally but only proposes an agenda to the plenary. This proposal lists the points to be dealt with in a parliamentary sitting, their order, whether a debate should be held on each point, and, if yes, its length, the number of speakers, and the time allotted to the different PPGs. If no objection is raised, the agenda is considered approved. Alternatively, individual MPs can propose changes to the agenda which are discussed and voted on under majority rule before the start of the sitting. Once the sitting started, any PPG/5% can prevent the addition of new items to the agenda.

Because the agenda can be amended by majority vote, the majority parties can in theory exercise considerable control over the timing of business in the Bundestag. On the other hand, any PPG/5% can demand that their motion is set on the agenda when at least 3

29 For the passage of the bill (or in this case resolution), the simple majority of votes is sufficient. Thus it could happen that a government succeeds in passing a bill but still loses the confidence vote combined with it!
30 After losing a vote of confidence, the government could ask the Federal President to declare a legislative emergency in which a bill can become law solely with the consent of the Bundesrat. While this procedure allows a government without majority in the Bundestag to legislate, the government is still limited by the Federal President’s willingness to declare a legislative emergency and by the necessary consent of the Bundesrat. As Döring (2005 [forthcoming]) argues, the emergency procedure is therefore no substitute for the missing last-offer authority of the government.
31 Today, the floor leaders usually reach agreement on the agenda through informal discussions already prior to the Council meetings. Within the PPGs, working groups play an important role in setting party priorities, formulating the party’s position on issues, and scheduling speakers for plenary debates. The results of such decision making processes within the parliamentary parties form the background for the negotiations between the floor leaders and in the Council of Elders (Loewenberg 2003: 23-4; on the importance of the floor leaders see Schüttemeyer 1997).
32 In order to avoid surprise proposals, motions to amend (but not to shorten) the agenda have to be filed with the president of the Bundestag on the day before the sitting.
weeks have passed since the motion was distributed in print. In addition, any PPG/5% can demand a one-hour topical debate on a current issue (§ 106 I and Appendix 5 GOBT). 33

In general, setting the plenary agenda in the Bundestag takes place in a rather cooperative style. Nevertheless, the formal rules, i.e. the majority’s ability to change the agenda unilaterally and the minority’s ability to force items on the agenda are well-known by the actors and influence their behavior (Kabel 1982; Roll 1989: 816-8). Motions to change the agenda are rare, indicating that the compromises reached in the Council of Elders are usually either acceptable to all parties or that minority parties know that attempts to change the agenda will most likely fail (Loewenberg 2003). 34

The government proper only plays a very limited role in setting the plenary agenda. Usually, a junior minister from the Chancellor’s office takes part in the meetings of the Council of Elders, but government bills only get on the agenda if unanimous agreement is reached in the Council or if the government parties pass a corresponding motion on changing the agenda in the plenary. The only prerogative of the government derives from Art. 43 II GG according to which government members have the right to be heard at any time. This right does not include the right to introduce bills or amendments, though. In line with the weak position with regard to the voting agenda, the government can only exercise timetable control indirectly via its PPGs.

The second element of timetable control deals with means for ending the debate on a bill in order to prevent obstructive actions such as filibusters by minority parties. This problem rarely arises in the Bundestag because the amount of time for a debate is decided consensually in the Council of Elders. As a fallback option, a PPG/5% can move to end the

33 Other minority rights with regard to the parliamentary timetable include the right to demand a committee report on the progress on a bill after 10 weeks and debate the report (§ 62 II GOBT) and the right to demand a debate on an interpellation (Große Anfrage, § 102 GOBT) (see also Loewenberg 2003).

34 The number of motions to change the agenda was constantly below ten per four-year legislative period prior to 1983. Between 1983 and 1998, there have been between 20 and 33 motions per legislative period. It is interesting to note that both the Greens and the PDS introduced disproportionately many such motions during their first sessions in the Bundestag, but that at least the Greens have adjusted to the level of the older PPGs since 1990 (Loewenberg 2003: table 1 and 2).
debate on a particular clause. The motion is voted on under majority rule in the plenary.

According to § 25 II GOBT cloture can only be invoked after at least one speaker of each PPG had the opportunity to speak. Thus even a majority is not able to prevent debate a topic completely. In practice, cloture has not played an important role in the Bundestag (Kabel 1982: 40).

Finally, a few words must be added on voting procedures. Like most West European parliaments, the Bundestag uses a successive procedure of voting under which the order of voting can have important consequences for the outcome (Rasch 2002). In the Bundestag the order of voting is proposed by the President of the Assembly but can be overturned by the plenary via majority decision (§ 46 GOBT). If several incompatible motions exist, it is customary to vote on the more far-reaching proposal first. If it is controversial, which motion is most far-reaching, the Bundestag decides by majority vote. If an order cannot be determined using criteria such as the extent of the motion, motions are either voted on in the order in which they were submitted or according to the size of the PPGs introducing them (Roll 2001: 60-1).

During the second reading, all independent clauses of a bill are voted on individually in the order of the clauses in the bill (§ 81 GOBT). This order can be changed by the plenary by majority decision. The Bundestag can also decide to vote on larger parts of a bill or even the entire bill at once (§ 81 IV GOBT) which is frequently done for reasons of efficiency (Roll 2001: 112-3). Nevertheless, the MP proposing an amendment can demand that his or her amendment be voted on individually (§ 47 GOBT). The rules of procedure do not provide definite rules on the order of voting when more than one amendment to a clause is offered, but again the custom is to vote on the most far-reaching proposal first (Roll 2001: 114). After the third reading, a final vote is taken on the entire bill (§ 86 GOBT) which leads to a final confrontation between the bill in its last amended version and the status quo.
What is the overall picture emerging with regard to government agenda control in the Bundestag? Table 2 summarizes the instruments discussed above. As can be seen from the third column, explicit prerogatives of the executive are extremely rare. The only such instruments with regard to the voting agenda are the monopoly on initiative of the budget law, the (very rarely used) veto on money bills, and closed rule on international treaties negotiated by the government and on executive decrees which require parliamentary consent. In addition, there are the very severe instruments of combining a vote on a bill with the confidence procedure (used only once since 1949) and declaring legislative emergency under narrow conditions (never used). Looking at the timetable agenda, the only special prerogative of the government is the right to be heard at any time. This rule dates back to the time when government and parliament were seen as opposed institutions. It was adapted to the practice of parliamentary government as speaking time of government members is counted within the time allotted to the governing parties since 1972. Finally, with regard to the voting procedures used, the government is not able to determine the order in which voting takes place and the clauses that are voted on together. Neither do government bills enjoy a privileged position in the voting order.

Even though the executive enjoys only very few direct agenda setting privileges, it could profit indirectly from strong agenda powers of the parliamentary majority. As almost all German governments after 1949 have been majority governments and parties are usually quite cohesive in voting (see Saalfeld 1995a), a strictly majoritarian organization of the Bundestag could lead to indirect government control. Therefore the fourth column in Table 1 indicates in which aspects a parliamentary majority is able to control the agenda without taking minority interests into account. With regard to the voting agenda, a parliamentary majority cannot control the agenda either. A cohesive majority can of course defeat initiatives

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35 One should keep in mind that the mere requirement of parliamentary approval for an executive decree is a limitation of government power rather than a sign of government prerogatives.

36 There were only three instances of minority governments, all of which were only transitional episodes of few weeks after a coalition government fell (Saalfeld 2000).
and amendments introduced by opposition parties in the voting process, but it cannot prevent minority parties from submitting motions and thus taking up some precious plenary time. Neither can the majority avoid taking a stand by means of agenda control but has to vote down opposition initiatives and amendments instead, even if they were to be popular. The position of the majority is somewhat stronger with regard to the timetable agenda as majority decision serves as the fallback option if no consensus can be reached on the agenda. This does not mean that the majority can dictate its will, though, because the GOBT guarantees some minority access to the agenda, both with regard to bills and with regard to topical debates. As formal procedural rules can be invoked by both the governing parties and the opposition, there are strong incentives for the parties to search for compromise in the Council of Elders or informal agreements among the floor leaders. This tendency is strengthened further by the premium the Bundestag places on committee work and the relatively minor role of plenary debate. As the most important parliamentary work is not done in plenary sittings anyways, parties are reluctant to waste time and resources on disputes over the conduct of business and instead prefer to settle such matters in a pragmatic fashion.

4. Why is the government’s position so weak?

Parliamentary rules of procedure in Germany are historically rooted in a time when the old dualist view of government and parliament as separate and generally opposed institutions was still prevalent. The Weimar Constitution of 1919 installed a parliamentary system of government with a very strong president.\(^{37}\) It was only after World War II that (West) Germany introduced an unambiguously parliamentary system of government. Thus the question emerges why this change in regime type was not accompanied by a more radical

\(^{37}\) The Weimar Republic is often classified as a ‘semi-presidential’ or ‘president-parliamentary’ system of government. I classify it as at its core parliamentary because the government could be voted out of office by the Reichstag but admit that the parliamentary logic of government did not develop fully, which at least in part may be due to the strong institutional position of the president (An additional reason certainly lies in the fragmented party system.).
rewriting of parliamentary rules of procedure which would have given the government specific institutional means for controlling the parliamentary agenda.

In order to answer this question it is useful to ask more generally why strong agenda setting powers of the government should be introduced at all. The two most prominent reasons are exemplified by the United Kingdom and France, two countries which stand out for the strong role of governments in the parliamentary process. In the UK, these government prerogatives are an expression of the historically grown complete fusion of government and parliamentary majority (see Cox 1987). In France, strong government powers were deliberately created in the 1958 constitution in order to weaken parliament which was held responsible for government instability and allegedly incoherent policy under the Fourth Republic (Huber 1996a). When we consider the situation in 1951 when the Bundestag decided on its first permanent rules of procedure, both of these motives for strengthening the government were absent.

Despite the strictly parliamentary thrust of the Basic Law, the old dualist view of the separation of powers doctrine was still popular – Montesquieu, not Bagehot served as theoretical point of reference (see Otto 1971: 95-7, 100-2). Even 40 years after the installation of a parliamentary system of government, members of the Bundestag do not seem to embrace wholeheartedly the functional fusion of government and parliamentary majority. When asked in a survey in 1989, which model of executive-legislative relations they personally preferred, 39 percent of the responding members of the Bundestag mentioned a strict separation of powers system in which parliament and government oppose each other as institutions. Only 34 percent argued in favor of a dual system in which the government and its PPGs as one entity oppose the opposition parties, while 27 percent wished for a system in which the government, governing parties, and opposition parties act as three separate entities.

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38 The constituent assembly even discussed a government elected by but not accountable to parliament (the Swiss model) as an alternative to the parliamentary system indicating that even parliamentary government itself was not completely uncontroversial (Otto 1971: 122-30; Niclauß 1998: 178-81).
These numbers resemble the results from a corresponding survey in 1968 when only 29 percent favored the dual system, 28 preferred the separation of powers model, and a relative majority of 39 percent argued in favor of a model with three independent entities. While these numbers differ between party groups with opposition members generally being more critical of the dual model, they clearly indicate that government MPs in Germany are well aware of their role as parliamentarians and do not identify easily with a role as agents of the government (Herzog et al. 1990: 101-9).

The second motive for granting governments agenda setting powers, i.e. the urge to strengthen the executive against an encroaching parliament, was even more problematic in post-war Germany. Given the horrors of the Third Reich and the experience of unlimited executive rule in a totalitarian dictatorship, it is not surprising that the fathers of the Basic Law did not even think of giving the executive particularly strong procedural powers. Instead, the Basic Law clearly states the primacy of the Bundestag as the only institution directly legitimated by the public. This primacy is expressed in such rules as the formal election of the chancellor by the Bundestag, the constitutional limits on executive decrees, and the principle that all ‘essential’ decisions on legislative issues have to be made by parliament and may not be delegated to the executive. At the same time, the question which lessons should be drawn from the failure of the Weimar Constitution figured prominently in the constituent assembly, and the weak position of the government was considered one basic defect of that system. The consequences drawn from this view are visible in the weak position of the Federal President who was reduced to a foremost representative role and the

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39 At the same time, the members of the Bundestag realize that the Bundestag functions in conformity with the dual model. In the 1989 survey, 85 percent of the respondents described the dual model as closest to reality, 14 percent mentioned the three entity model and only 1 percent mentioned the separation of powers model (Herzog u.a. 1990: 101-9).
40 Another study on the self-perception of members of the Bundestag, the state legislatures, and the European Parliament produced very similar results. In addition, it shows that only 61 percent of the public correctly identifies the German political system as parliamentary whereas 18 percent classified it as a case of presidential government (Patzelt 1996: 469-71).
41 Keep in mind that one of the decisive steps in installing the Nazi dictatorship consisted of a law delegating all legislative power to the government (the Ermächtigungsgesetz of March 23, 1933).
constructive vote of no-confidence which should bring about stable governments by preventing the defeat of a government by a majority that could not agree on an alternative (Fromme 1999). Granting specific institutional means of control over parliamentary business to an incumbent government was not considered necessary and – given the recent experience of dictatorship – desirable.

These historic details from the early 1950s explain why no clear break with earlier rules of procedures was made in 1951. It does not explain, though, why the institutional position of the government was not strengthened after the parliamentary system had taken roots and the fear of executive dictatorship had receded.\footnote{Loewenberg (2003) asks the same question though with a more limited focus on what I call control of the timetable agenda in this paper. He explains the absence of centralizing tendencies with the already strong institutionalization of the Bundestag as an independent institution and the interests of parliamentary party leaders in defending the decentralized procedures inherited from before the parliamentarization of the German political system after World War II. Note that this explanation is consistent with the historic argument presented above about the importance of the self-perception of parliamentary actors.} To explain the absence of such reforms, analytic arguments can be added to the historic arguments presented above. Given basic characteristics of the party system and the broader institutional setting of the legislative process in Germany, strengthening government agenda setting rights was neither necessary nor promising from the view of political actors.

First, as stated earlier, the German party system (after a period of consolidation in the 1950s) consists of only few parties leading to a fairly simple and straightforward bargaining situation in the Bundestag. For over two decades, including the periods of standing order reforms in 1968/69, 1975, and 1980, only three PPGs interacted in the Bundestag making the search for compromise solutions fairly easy and limiting the uncertainty governments may have to deal with in more complex settings. Second, PPGs usually behaved as unitary actors in parliamentary voting thus decreasing the desire of governments for agenda control instruments it might want to use to discipline its own supporters.\footnote{Party unity in the Bundestag is hard to measure because data on individual voting behavior is only available for a small minority of votes that are recorded. Most proposals are voted on by anonymous procedures such as voice votes, show of hands, or rising in places (see Saalfeld 1995a, b).} Third, all lasting
governments after 1949 held a parliamentary majority and thus (given high party unity) had at their disposal the means available to a parliamentary majority.

A second major reason why pushing for government prerogatives in the Bundestag was not considered rewarding is the existence of the Bundesrat as additional veto player for most relevant bills. The Bundesrat is an institutional veto player only for laws on which its consent is necessary. When its partisan composition is taken into account, the Bundesrat may be absorbed when government parties control a majority in the Bundesrat as well. As König (2002) shows though, state governments may hold more extreme policy positions than their parties in the federal government and may thus not be absorbed. In additions, state governments do at times decide according to state priorities which run counter to the position of their party on the federal level, especially when questions of financial resources are concerned. In this setting, the value of agenda control in the Bundestag decreases. Even if the government was able to overplay the opposition there, either with regard to the contents of a bill (voting agenda) or by pushing proposals through parliament without much debate (timetable agenda), opposition parties would still be able to veto such bills in the Bundesrat leading to an activation of the inter-chamber Mediation Committee where a compromise must be found. Any benefits the government could have drawn from using agenda control instruments in the Bundestag are likely to be reversed in the Mediation Committee. Because proposals from this committee can only be accepted or refused under closed rule in both chambers, there is no way to reclaim such benefits after the mediation process. Therefore the institutionally required compromise between Bundestag and Bundesrat obliterates the advantages the government could derive from increased agenda control in the Bundestag providing the second major reason besides party system characteristics why no

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44 The Bundesrat is an institutional veto player only for laws on which its consent is necessary. When its partisan composition is taken into account, the Bundesrat may be absorbed when government parties control a majority in the Bundesrat as well. As König (2002) shows though, state governments may hold more extreme policy positions than their parties in the federal government and may thus not be absorbed. In additions, state governments do at times decide according to state priorities which run counter to the position of their party on the federal level, especially when questions of financial resources are concerned.


46 Even in the case of laws that do not require the consent of the second chamber, the Bundesrat can refuse the bill and require a meeting of the Mediation Committee. After an attempt to find a compromise there, the Bundestag is able to overrule a Bundesrat veto by an absolute majority of all Bundestag members. Therefore the Bundesrat is not a veto player with respect to this category of laws but can nevertheless delay the decision-making process.
government has pushed for increased agenda control in the Bundestag (see also Döring 2005 [forthcoming]).

5. Agenda Setting in Germany in View of Different Theoretical Perspectives

Sections 3 and 4 discussed the empirical pattern of agenda setting rules in the German Bundestag and sought to explain the weak position of the executive branch. In this section, I return to the different theoretical perspectives introduced in section 2 and emphasize the kind of empirical regulations that would have to be looked at when trying to answer questions derived from these perspectives.

5.1 Policy Effects of Agenda Setting in Germany

Let us consider direct effects of agenda setting on policy outputs first. Under veto player theory in its present form (cell I), only agenda setting between veto players is relevant. In the German context this requires looking at agenda setting within the executive and in the context of resolving conflicts between the government majority and an opposing majority in the Bundesrat.47

As far as agenda setting within coalitions is concerned, the basic propositions in the literature are control by each minister of the policy dimensions in his or her portfolio (e.g. Laver/Shepsle 1996) and agenda setting by a prime minister (e.g. Huber 1996b). Tsebelis (2002: 106-9) discusses and largely dismisses these alternatives and instead argues for a rather strong form of collective cabinet decision-making. He does not analyze agenda setting between governing parties empirically even though those usually make up all or at least the large majority of the veto players in parliamentary systems. In order to specify particular policy outcomes from within the winset, additional theoretical and empirical study of intra-

47 I remain within the context of purely representative democracies and therefore do not consider agenda setting with regard to referendums (see Tsebelis 2002: Ch. 5).
cabinet agenda setting would be necessary (for empirical attempts see Laver/Shepsle 1994; Müller/Strøm 2000).

When discussing the distribution of power within the executive, Germany is often characterized as a “chancellor democracy” (Niclaus 2004). This concept was to a large extent derived from the personal style of the first chancellor of the Federal Republic, Konrad Adenauer, and has been modified afterwards (Rudzio 2003: 284-90; Korte/Fröhlich 2004: 79-101). Its value for describing executive decision making in Germany is debatable. Indeed the chancellor holds a strong position under the basic law as he is the only government member elected by the Bundestag and has the right to “determine […] the general guidelines of policy” (Art. 65 GG). At the same time, his role in determining policy is seriously limited by the fact that governments are always coalition governments with rather elaborate written coalition agreements and by the need to take groups within his own party into account (Saalfeld 2000: 51-63, 2003: 364-7). When asked in a survey, 62 percent of the responding cabinet ministers from the mid 1960s to the mid 1980s stated that the chancellor did not have an important impact on overall government business. The same is true for the policy fields investigated with the exception of foreign policy where 79 percent saw a major influence of the chancellor (Müller-Rommel 1994). In this view, ‘chancellor democracy’ seems to be more a bold phrase than an accurate description of executive decision-making in Germany. I do not dare to submit a final judgement on the distribution of power within the German executive here, but this is the main arena to be analyzed when the theoretical interest is detecting direct policy effects of agenda setting between veto players.

The second relevant aspect for agenda setting between veto players are the mechanisms for resolving conflict between governing parties and a second chamber controlled by opposition parties. One frequently used method for resolving such conflicts, also employed in Germany, is a joint conference committee of both chambers (see Tsebelis/Money 1997).
The conference committee of Bundestag and Bundesrat, called the Mediation Committee (Vermittlungsausschuss) consists of 16 Bundesrat members (one representative per state, often the minister presidents themselves) and an equal number of Bundestag members selected by the parliamentary parties according to the proportion of seats there. When compared to other conference committees in Western democracies, the Mediation Committee holds a very strong position because its parent chambers place very few restrictions on both the topics to be addressed by the committee and substantive features of a potential compromise (Tsebelis/Money 1997: Ch. 8).\textsuperscript{48} The only restriction derives from the need to have committee proposals approved by majority rule in both the Bundestag and the Bundesrat. As this vote is taken under closed rule, though, the committee enjoys some discretion with regard to the contents of the compromise, as long as the final package proposed is within the winset over the status quo.

Unfortunately, it is often difficult to answer the question of who exercises agenda control within conference committees because these committees usually meet and decide behind closed doors and because their procedures are often highly flexible and determined by informal conventions rather than formal rules. In the German case, the rules of procedure for the Mediation Committee (GO-VermA) do not address agenda setting rights at all.\textsuperscript{49} There are no rules on who may offer amendments and in which order alternatives are voted on. According to convention, every member can offer amendments, and the voting order is determined in analogy to the procedures used in the Bundestag and the Bundesrat (Dietlein 1989: 1574-5).\textsuperscript{50}

\textsuperscript{48} In fact, the committee has even succeeded in including new issues into a package deal that had not been decided upon by the Bundestag (Tsebelis/Money 1997: 181-5).
\textsuperscript{49} All that is regulated is the quorum for decision (12 of the 32 members need to be present) and the decision rule (majority of the members present) (§§ 7, 8 GO-VermA).
\textsuperscript{50} Therefore procedural motions are voted on first. Among substantive alternatives, the most far-reaching is voted on first. The bill passed by the Bundestag serves as reference for determining which motion is most far-reaching.
What is of particular interest in the context of this paper is the fact that, again, the government does not play a formal role in the Mediation Committee. The only privilege is the right of government members to be present during the sittings (§ 5 GO-VermA). Government members do not have the right to propose amendments and do not take part in voting either. Institutionally, therefore, the government cannot influence the process of finding inter-chamber compromise. As with government initiatives in the Bundestag, the government has to rely completely on ‘its’ parliamentarians, in this case ‘its’ members of the Mediation Committee to pursue government interests. It is clear that members of the Mediation Committee are handpicked by the party leadership and thus are more likely to serve as faithful agents of the party. The argument of collective interests of the party leadership presented in section 2 implies that government members can exercise some indirect influence via their party members in the committee. This does not eliminate the need to find compromise with opposition parties when the Bundesrat is not controlled by government parties, though.

As outlined above, veto player theory can be adapted to include other motives which make timetable control a relevant resource of veto players even in interacting with non-veto players (cell III). In this context, setting the timetable agenda in the Bundestag is indeed important. As I demonstrated above, the executive does not have special prerogatives and even the ability of the parliamentary majority to control what is talked about in the Bundestag is limited. In addition, the Bundesrat’s power to veto bills (in the case of Zustimmungsgesetze) or at least slow down the passage of bills (Einspruchsgesetze) frequently gives opposition parties controlling the Bundesrat the chance to extract policy concessions from the government.

5.2 Agenda Setting and Executive-Legislative Relations in Germany

The second theoretical perspective we identified analyzes agenda setting as a relevant aspect of executive-legislative relations in the broader context of political competition. In this
context, agenda setting between veto players takes place between the executive and ‘its’ parliamentary parties (cell II). Relevant institutional mechanisms include the combination of the vote on a bill with a vote of confidence and the limitations on individual members’ rights in the Bundestag. While the first mechanism has only been used once, the second places some restrictions on the ability of minorities within a PPG to hurt their party by introducing bills and offering controversial amendments. Overall, these mechanisms do not seem to play a major role due to the high cohesion displayed by parliamentary parties in Germany. All this should not be taken as evidence for streamlined PPGs, though. It is clear from qualitative research that parliamentary parties, specialized policy groups within those, and party representatives in parliamentary committees do influence the positions taken by the government (Beyme 1997; Rudzio 2003: 276-8; Schüttemeyer 1998: 285-310).

Finally, as far as agenda setting between veto players and non-veto players is analyzed under the theoretical perspective of executive-legislative relations (cell IV), the instruments discussed in section 3 underline the extremely weak position of the executive branch and the limitations placed on agenda control by parliamentary majorities. These rules reinforce the need for compromise between the government and opposition parties in the conduct of parliamentary business.

6. Conclusion

Government agenda setting rights are an important topic both with regard to direct policy effects in the context of spatial models and more broadly in the analysis of executive-legislative relations. These theoretical perspectives, both of which can be identified in Tsebelis’ discussion of agenda setting in his veto player theory, should be analyzed separately. In addition, it is important to distinguish between agenda setting between veto

\[51\text{ It is not clear, whether the observed high levels of cohesion are induced by these and other institutional rules such as rewards and sanctions at the disposal of the PPG leadership or result from shared interests and intra-party socialization (see Saalfeld 1995a).} \]
players (discussed in the theoretical framework of veto player theory with regard to policy outputs) and agenda setting between veto players and non-veto players which speaks to the nature of executive-legislative relations. These distinctions are often missing when indicators capturing agenda setting between veto players and non-veto players are used to operationalize agenda control between veto players. This mixing-up impedes empirical tests of the theoretical arguments about the policy effects of agenda control. Instead, indicators have to be found that speak directly to the theoretically relevant agenda setting processes between veto players. Agenda setting within cabinets and mechanisms for resolving inter-chamber differences in bicameral systems are identified as relevant in this context. Mechanisms of agenda setting involving veto players and non-veto players are useful as indicators for the dominance of a government vis-à-vis parliament in general and – probably more relevant under the ‘new dualism’ – vis-à-vis opposition parties in particular. Here they may offer an interesting institutional alternative to the behavioral proxies used in the literature.

When analyzing agenda setting in the German Bundestag (a case of agenda setting between veto players and non-veto players), the most striking finding is the extremely weak institutional role of the government. The executive branch has almost no institutional prerogatives for controlling the content of bills and the conduct of parliamentary business. When powers of parliamentary majorities are subsumed under government control, the control the government can exercise increases slightly but still is still very limited because the rules of procedure grant minorities various opportunities to influence both the voting agenda and the timetable agenda in the Bundestag. In practice, the institutional weapons at the disposal of both the parliamentary majority and minorities have lead to a consensual style of organizing business in the Bundestag in which PPGs are dominant.

The weak role of the government can be explained by historic factors such as the institutional legacy of earlier rules of procedure developed under the 19th century constitutional monarchy, the fear of a very strong executive after 1945, and the prevalent self-
perception of parliamentarians, as well as by analytic factors such as party system characteristics, government format, and the existence of an additional veto player (the Bundesrat) outside of parliament. While the historical argument is crucial for understanding the first rules of procedure in 1951, the analytic arguments explain why no government since then installed stronger institutional prerogatives with regard to agenda setting.

Overall, the investigation of agenda setting in the Bundestag reinforces the general characterization of the German political system as a democracy with multiple veto players and strong consensus elements. Consensus beyond the narrow range of governing parties is required for changing policy in the “grand coalition state” (Schmidt 2002). Neither the executive branch nor the government parties in parliament are able to control business in the Bundestag unilaterally. While little can be said on the direct effects of agenda setting on policy outputs due to the problems of identifying agenda control within the cabinet and due to the lack of clear rules on agenda setting in the Mediation Committee, the study of agenda setting rules in the Bundestag clearly points at a relatively balanced relationship between the executive and legislative branches in Germany. This picture not only holds under the ‘old dualist’ view still present in some constitutional and parliamentary rules but also under the ‘new dualism’ because opposition parties have a variety of instruments for influencing different aspects of the parliamentary agenda.
Table 1: Theoretical perspectives on agenda setting

<table>
<thead>
<tr>
<th>Agenda setting between veto players</th>
<th>Policy effect</th>
<th>Broader executive-legislative relations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I</strong></td>
<td><em>Which veto player can determine which alternative is chosen from the winset of the status quo?</em></td>
<td><strong>II</strong></td>
</tr>
<tr>
<td>Tsebelis 2002: Ch.1</td>
<td>How can the government defend its priorities vis-à-vis its own MPs and ensure party cohesion?</td>
<td>P-A-literature allowing for divergent interests between ministers and government MPs, e.g. Strøm/Müller/Bergman 2003; Diermeier/Feddersen 1998</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agenda setting between veto players and non-veto players</th>
<th>Policy effect</th>
<th>Broader executive-legislative relations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>III</strong></td>
<td><em>How can veto players avoid making policy concessions in pursuit of other goals, especially future electoral success?</em></td>
<td><strong>IV</strong></td>
</tr>
<tr>
<td>Tsebelis 2002: Ch. 4 [minority governments]; Döring 1995, 2004 [time as relevant resource]</td>
<td>To what degree can the government and/or the governing parties dominate the opposition in parliamentary business?</td>
<td>Tsebelis 2002: Ch. 4 [discussing Lijphart 1999] Powell 2000</td>
</tr>
</tbody>
</table>
Table 2: Instruments of Agenda Setting in the German *Bundestag*

<table>
<thead>
<tr>
<th>Situation in the <em>Bundestag</em></th>
<th>Prerogative of the executive branch</th>
<th>Control by parliamentary majority</th>
<th>Legal source/source in the literature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda setting with regard to the voting agenda</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exclusive decree authority</td>
<td>---</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>negative agenda control</td>
<td>---</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>right to initiate bills</td>
<td>government; Bundesrat; PPG or 5% of MPs</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>exclusive right to initiate certain bills</td>
<td>government monopoly on initiating budget law</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>right to offer amendments</td>
<td>individual MPs during 2&lt;sup&gt;nd&lt;/sup&gt; reading, PPG or 5% of MPs in 3&lt;sup&gt;rd&lt;/sup&gt; reading</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>last-offer authority</td>
<td>---</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>limits on individual bills</td>
<td>limited to PPG or 5% of MPs</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>limits on individual amendments</td>
<td>only during 2&lt;sup&gt;nd&lt;/sup&gt; reading</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>germaneness rule</td>
<td>only amendments with connection to the original bill are admissible</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>government veto on money bills</td>
<td>government can veto bills that increase expenditures or decrease revenues</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>other limitations on money bills</td>
<td>bills with considerable effects on public finances that would impact on the current budget law fail if no balancing solution is found</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>closed rule</td>
<td>only on (1) international treaties, (2) proposals from the Mediation Committee, and (3) executive decrees requiring consent by the <em>Bundestag</em></td>
<td>(1) yes</td>
<td>(2) no</td>
</tr>
<tr>
<td>confidence vote</td>
<td>Federal Chancellor can combine vote on a bill with the question of confidence</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>legislative emergency</td>
<td>Federal President can declare legislative emergency;</td>
<td>yes</td>
<td>no</td>
</tr>
</tbody>
</table>
urgent bills can be passed solely with the consent of the 
*Bundesrat*

### Agenda setting with regard to the timetable agenda

<table>
<thead>
<tr>
<th>Setting plenary timetable</th>
<th>unanimously in Council of Elders; can be changed by majority decision; several guaranteed minority rights</th>
<th>no (only right to be heard)</th>
<th>only to limited extent</th>
<th>§ 20 GOBT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtailing debate</td>
<td>by majority rule after at least one speaker of each PPG could speak</td>
<td>no</td>
<td>yes (after 1 Speaker per PPG)</td>
<td>§ 25 GOBT</td>
</tr>
</tbody>
</table>

### Agenda setting via voting procedures

<table>
<thead>
<tr>
<th>Voting procedure</th>
<th>successive procedure</th>
<th>n.a.</th>
<th>n.a.</th>
<th>Rasch 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Order of voting</td>
<td>President of the Assembly; can be changed by majority decision</td>
<td>no</td>
<td>yes</td>
<td>§ 46 GOBT</td>
</tr>
<tr>
<td>Combining several items</td>
<td>generally separate votes on independent clauses of a bill; several clauses can be combined by majority decision; initiator of an amendment can insist on its being voted on separately</td>
<td>no</td>
<td>no</td>
<td>§§ 47, 81 GOBT</td>
</tr>
<tr>
<td>Order of voting on amendments</td>
<td>most far-reaching proposal voted on first; majority decision on which proposal is most far-reaching; if no order is possible the custom is to vote in order of submission or size of proposing PPGs</td>
<td>no</td>
<td>no (only on decision which is most far-reaching)</td>
<td>Roll 2001: 60-1, 114</td>
</tr>
<tr>
<td>Final vote against the status quo</td>
<td>in 3rd reading final vote on passage of the entire bill =&gt; decision between bill and status quo</td>
<td>n.a.</td>
<td>n.a.</td>
<td>§ 86 GOBT</td>
</tr>
</tbody>
</table>

n.a.: not applicable

Sources in the literature are only mentioned if they contain information beyond the content of the cited legal norms. Additional literature is mentioned in the text.
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