



Deutscher Bundestag

The German Bundestag in the Reichstag Building





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“We all know, of course, that a German Parliament will probably never sit there again”. When historian Arnulf Baring made that statement about the Berlin Reichstag Building at the start of 1987, such sittings did indeed seem inconceivable to most people. Had the edifice, steeped in history but now standing in the shadow of the Berlin Wall, become a mere symbol in the “fairy-tale forest of the German mind”? Less than three years later the Wall came down, and on 20 December 1990 the first Bundestag for the whole of Germany held its constituent sitting – in the Reichstag Building in Berlin!

Foreword by the President of the German Bundestag,
Wolfgang Schäuble

There is surely no other place in which the highs and lows of Germany's more recent history are so strikingly visible, so forcefully and dramatically present. Yet it is first and foremost a place of work, for since 1999 it has been the beating heart of our parliamentary democracy. Here, in the most important forum of the nation, is where the struggle is waged to find the best solutions to the complex issues of the day; it is where the pivotal choices are made for the future of our country.

It is a place of representation of the people as well as a place of encounter for the people, the Reichstag being one of the most-visited parliament buildings in the world. Sir Norman Foster's glass dome has now achieved cult status among visitors to Berlin. Those who visit the building discover a unique ensemble of an old edifice, modern interior design and celebrated works of contemporary art, a place full of symbolism that surprises, occasionally irritates and always inspires reflection.

This book traces the chequered history of German democracy and parliamentarianism. It invites you to watch the Members of the Bundestag at work, to take a look behind the scenes and so to gain insight into the everyday life of Parliament. You will obtain valuable information on the bodies of the Bundestag and the complex parliamentary decision-making processes but also on the highly charged relationship between art and politics.

I wish you a very enlightening read, and I shall be delighted if it encourages you to visit the Reichstag Building and Parliament.





“Here beats the heart of democracy”
Structure and function of the Bundestag

The Bundestag possesses a characteristic that distinguishes it from all of the other constitutional organs of the Federal Republic of Germany, for it is the only organ whose legitimacy is directly conferred by a democratic vote. As Article 20 of the Basic Law succinctly states, “All state authority is derived from the people”, and it is those same people who choose the Members of Parliament in “general, direct, free, equal and secret elections”. From this democratic legitimisation of the Bundestag stem its four main functions, namely election (of the Federal Chancellor, for example), legislation, scrutiny of the government and communication.

The electoral function of the Bundestag is visible at the start of a legislative term, when it elects the Federal Chancellor. In the parliamentary system of government, a parliamentary group (*Fraktion*) or a coalition of two or more parliamentary groups commanding a majority in the Bundestag forms the Federal Govern-

The ‘forum of the nation’: the Bundestag at the heart of the German Constitution

ment. The President of the Federal Republic proposes a candidate for the office of Chancellor to the Bundestag. As a rule, the election takes place at the second sitting of the Bundestag, which follows the constituent first sitting; it is conducted without a debate and by secret ballot. The candidate who obtains the votes of a majority of the Members of the Bundestag, known as a *Kanzlermehrheit*, or 'chancellor majority', is duly elected. Thereafter, the government is maintained by the confidence and support of the groups forming the majority coalition in Parliament. In principle, coalition members may withdraw this support and so deprive the coalition of its majority, whereupon the House may elect another head of government by means of a constructive vote of no confidence.

Legislation is the parliamentary function with the highest public profile. Although the Bundesrat and the Federal Government also participate in federal legislation, the ultimate decision rests with the Bundestag, since no federal law can be passed and enter into force without the consent of the Bundestag.

Within the legislative process, crucial importance attaches to budgetary powers. Under Article 110 of the Basic Law, budgetary powers lie with the Bundestag. It adopts the budget, in which all items of federal expenditure must be disclosed. Parliamentary deliberation on the budget, the annual enshrinement in law of the adopted federal budget and continuous scrutiny by the Budget Committee of the execution of the budget serve to ensure the sovereignty of Parliament over government revenue and expenditure.

Another function is scrutiny of the government – a task which is chiefly performed by the opposition in a parliamentary system of government. Numerous instruments are available for this scrutiny, committees of inquiry and major interpellations being but two of these. To enable the opposition to use these instruments, the Bundestag Rules of Procedure and parliamentary practice provide for various minority rights. These procedural rights enable a parliamentary minority to take certain procedural decisions even against the wishes of the majority.



Pages 8/9:
Inside the plenary chamber

left:
Election of the Head of Government: Wolfgang Schäuble (CDU/CSU), President of the Bundestag, administers the oath of office to Federal Chancellor Angela Merkel (CDU/CSU).

Importance also attaches to the communicative function of Parliament, which is why it is sometimes referred to as the ‘forum of the nation’. Time and again, the Bundestag discusses issues of great public interest. Particularly in its major debates, the subjects under discussion have implications that extend far beyond the current electoral term. In these public debates, various potential solutions and future scenarios are presented and provoke lively discussions. To enable itself to accomplish the tasks associated with these main functions, the Bundestag has adopted Rules of Procedure. These rules lay down, for example, the procedures to which the Bundestag must adhere in order to arrive at appropriate and legally unimpeachable decisions on matters under discussion. What are the rules governing the conduct of plenary sittings? How are legislative bills and other proposals dealt with? What is to be done with petitions? Who is entitled to demand that a study commission be appointed or that a debate be held on a matter of topical interest?

In addition, the Rules of Procedure define the duties, rights and obligations of Members of Parliament and of parliamentary bodies. The latter include the governing bodies, headed by the President (Speaker) of the Bundestag, who is the representative of Parliament. The President of the Bundestag, his or her Vice-Presidents and the Rules of Procedure are enshrined in the Constitution. They are guaranteed by Article 40 of the Basic Law and are instruments and symbols of the autonomy of Parliament, of its independence from the executive.

These bodies also include the parliamentary groups and committees. It is here that the bulk of the detailed work of Parliament is performed. The parliamentary groups are the political divisions of the Bundestag. Each group comprises the Members who have stood and been elected as candidates of a particular party. The committees are thematic divisions of Parliament. Each is entrusted with the performance of thematically defined tasks, which generally match the portfolio of a government ministry.

Constitutional status: the position of the President of the Bundestag and his deputies is guaranteed by the Basic Law.

One effect of this parallelism with government ministries was the relatively late formation of the permanent committees in the 19th electoral term. Coalition talks between the CDU/CSU, the FDP and Alliance 90/The Greens collapsed, and subsequent negotiations between the CDU/CSU and the SPD also took a considerable time, so that the formation of the government was not completed until the election of Angela Merkel (CDU/CSU) as Federal Chancellor on 14 March 2018. To fill the vacuum, a Main Committee was appointed for only the second time in the history of the Bundestag. It consisted of 47 members drawn from all six parliamentary groups in proportion to their respective numbers of seats in Parliament and was chaired by the non-voting President of the Bundestag or one of the Vice-Presidents. The task of this body was to discuss legislative bills and parliamentary motions in place of the specialised committees until a government was formed. With the constitution of the committees of the 19th Bundestag on 31 January 2018, the Main Committee was dissolved.

The Bundestag is a working parliament, in whose bodies specialised Members deal with what are often complex details of proposals, primarily legislative bills, to enable the House to take a decision at a plenary sitting. But the Bundestag is also a debating parliament, which discusses and assesses political problems in public speeches in the plenary chamber. These speeches are intended for the public domain and serve to inform the general public of competing political programmes and ideas in Parliament.

The Bundestag is the hub of democracy in the Federal Republic of Germany. As former President of the Bundestag Norbert Lammert observed following his election at the constituent sitting of the 16th Bundestag on 18 October 2005, "The heart of democracy beats here, or it does not beat at all".



“Members of the German Bundestag shall be elected in general, direct, free, equal and secret elections”. This is what the Basic Law prescribes in Article 38, and it is the basis of electoral law in the Federal Republic of Germany. The law governing the election of Members of the Bundestag prescribes a combination of first-past-the-post and proportional representation. Half of the Members of the Bundestag, who number 598 under the Federal Electoral Act, subject to certain special provisions, are elected on a first-past-the-post basis in 299 constituencies. The candidate who wins the largest number of first votes in a constituency obtains a seat as the Member for that constituency. The other half are elected on the basis of a second vote, which voters cast for a party, not an individual. For this purpose, the parties draw up lists of candidates in each federal state (*Land*). The percentage share of the vote that a party obtains in a *Land* determines the number of Members from that *Land* who will represent the party in the Bundestag. The seats that a party wins in addition to its constituency seats are allocated in the order in which the candidates’ names appear on that party’s list in the relevant *Land*.

“Representatives of the whole people”:
the Members of Parliament

If the number of constituency seats won by a party in a particular *Land* is higher than the number of seats to which its share of the second votes entitles it, these extra seats are known as overhang mandates. In this case the newly elected Bundestag will have more than 598 Members. Under the electoral law amendment adopted in 2013, these overhang mandates are offset by balancing mandates awarded to the other parties, so that the number of seats held by each party ultimately corresponds to its share of the second votes. The 19th Bundestag thus has 46 overhang mandates and 65 balancing mandates, giving it a total of 709 Members. To ensure that a large number of fairly and very small parties cannot seriously impede or even block parliamentary decision-making processes, there is a cut-off clause, known as the five-per-cent barrier, whereby parties polling less than five per cent of the national total of second votes are disregarded in the distribution of seats. If a candidate belonging to such a party wins a constituency seat, he or she may, of course, exercise this mandate. If three or more of that party's candidates win constituency seats, the second votes cast for that party are taken into account in the allocation of seats, even if the party has not obtained five per cent of the national second votes.

The prerequisite for the right to vote and stand for election are the age of majority and German citizenship. People who are at least 18 years old and possess German citizenship may not only vote in elections to the Bundestag but may also stand as candidates for a parliamentary seat without having to belong to a political party. All they need are the signatures of 200 enfranchised residents of the constituency in which they intend to stand. In practice, however, such candidates play a negligible role. As a rule, candidates belong to a political party and are placed on the appropriate *Land* list by the local and regional party organisations. Most candidates have been active members of party bodies, often for many years, and have gathered parliamentary experience as members of municipal councils, county assemblies or *Land* parliaments. The *Land* associations of the political parties vote to determine the order of precedence in which their candidates are listed. This *de facto* affiliation of candidates and Members of Parliament to political parties reflects the provision set out in Article 21 of the Basic Law that "Political parties shall participate in the formation of the political will of the people".



Shaping democracy: by taking part in parliamentary elections, voters decide which Members and parties should represent their interests in the Bundestag.

Membership of a party does not alter the fact that Members of the Bundestag are “not bound by orders or instructions”, as Article 38 of the Basic Law stipulates. As a member of a political party and of the corresponding parliamentary group, a Member of Parliament makes it clearly visible to everyone that he or she stands, along with others, for a particular political programme. Members will take their decision in each individual case in consensus with the other party and group members in the framework of a common political programme. They will not, however, accept orders from special interests, businesses or individuals that seek to commit them to a particular decision favouring those bodies or individuals. Although it is natural that Members are especially mindful of their own constituents’ interests, this does not mean that they serve only particular interests; on the contrary, they must look after the interests of the whole population of their constituency and not only of their own voters. They remain, to quote Article 38 of the Basic Law, “representatives of the whole people”.

Needless to say, this does not mean that the composition of the Bundestag must mirror the social and occupational structure of the population of the Federal Republic of Germany. The social structure of the Bundestag diverges widely from that of the Federal Republic. While the average age of the German population is about 44, the average Member of the Bundestag is almost 50 years of age. The majority of Bundestag Members have a university degree, whereas less than a fifth of the general population are university graduates. Representatives of many occupations are to be found in Parliament, including tradesmen, journalists, housewives and winemaker. A disproportionately high percentage – almost 25% – are civil servants, while self-employed persons or freelance professionals account for just under 29.5%, compared with a federal average of only about two per cent of the population.

In view of the great complexity of the legal regulation of all aspects of life, knowledge of the rudiments and intricacies of the justice system as well as a grasp of the economic and social context of many fields of action and activity in government and society are almost indispensable for anyone who wishes to exercise a parliamentary mandate successfully. It is therefore logical that Members’ degrees are mostly in law, economics and/or social sciences. These political professionals, however, who do not re-

present the interests of individual associations, of course, but are committed to the common good, are expected to have an open ear for the detailed knowledge of the relevant specialists and listen to expert advice.

In one key area, however, there is a considerable imbalance. Although the percentage of women Members has grown almost constantly in recent decades and had increased again at the previous election, it fell in 2017 from 37.3% to 30.9%. This is well below the female part of the German population, which exceeds 50%.

More than a ‘full-time job’: between the constituency and Berlin

In a much-cited judgment dating from 1975, the Federal Constitutional Court held that the exercise of a Bundestag mandate was a ‘full-time job’. It is undoubtedly more than that, for various surveys and estimates put a Member’s working week in his or her constituency at 60 hours and a working week in Berlin at 70 hours. Members of the Bundestag essentially have two places of work: during the 20 to 22 sitting weeks each year they work in Berlin, and for the rest of the working year they are active in their respective constituencies.

The fundamental purpose of a Member’s constituency work is to connect with the electorate. Members have to and want to justify the trust of the voters to whom they owe their seat in Parliament and on whom they depend for their potential re-election. Public authorities and businesses, societies and other associations, the churches, citizens’ initiatives and the local press wish to keep in touch with their local Member of Parliament; conversely, it goes without saying that the latter has an interest in nurturing contacts so as to become familiar with constituents’ proposals and wishes but also to inform them about his or her activity in Berlin.

Nurturing contacts and exchanging views and ideas require a great deal of time and personal commitment. Attendance at information events and ceremonial gatherings, where the Member is expected to deliver at least a brief introductory speech, factory visits and various cultural events all feature in a Member’s diary, as do discussions with individuals and constituency surgeries in the constituency office, where incoming requests and letters also have to be answered. It would scarcely be possible to accomplish all of these tasks if staff of the constituency office did not perform the requisite preparatory and support work.



In the constituency: about half of a Member’s time is devoted to constituency work; this photograph shows Sven-Christian Kindler (Alliance 90 / The Greens) bringing in the cake for a gathering with people from his constituency.

Members will naturally attend meetings of the local and regional party bodies and of the executive committees of the local and county associations, to which they will generally have belonged long before being nominated as a candidate and winning their seat and which would like to be briefed at first hand on developments in Berlin and in federal politics. Conversely, Members also want to take account, as far as possible, of the wishes and suggestions of their local and regional party colleagues in their parliamentary work in Berlin.

Work in Berlin begins with a journey from the constituency on Sunday evening or Monday morning. On Monday afternoon there are meetings of the group executives and of party working groups of various kinds; in the evening the group members from individual *Länder* often meet. On Tuesday morning, the various working groups meet again, and in the afternoon the assembly of the whole parliamentary group takes place. Wednesday morning is devoted to meetings of the parliamentary committees, and a plenary sitting of Parliament then begins on Wednesday afternoon. The whole of Thursday is given over to another plenary sitting, which begins at nine in the morning and often contin-

ues into the late evening. A sitting is also held on Friday until the early afternoon. During gaps in this schedule, informal talks are held, interviews are given to journalists, the views of representatives of associations are heard on request, visitors from the constituency are received and, finally, replies are given to the requests that have been received during non-sitting weeks. In preparation for meetings of working groups, the parliamentary group and the committees and for plenary sittings, of course, it is necessary to study Bundestag printed papers, draw up reports and write plenary speeches. This can only be accomplished because in Berlin, too, Members have office staff who perform preparatory and support work. "The Members of the Bundestag", says Rule 13(2) of the Rules of Procedure, "shall be obliged to take part in the work of the Bundestag". On each day of the sitting week, an attendance register is laid out, in which Members must enter their names. Any Member who does not enter his or her name and has not been granted leave of absence forfeits €100 of the expense allowance or €200 if a plenary sitting is scheduled for that day. This penalty is prescribed by section 14 of the Members of the Bundestag Act (*Abgeordnetengesetz*). Members who enter their name in the register but miss a recorded vote also have their expense allowance reduced accordingly.

In Berlin: a Member's working day is marked by sittings, meetings, hearings and press appointments, as is the case here on the fringes of a meeting of the SPD parliamentary group.

**“Payment for work performed in Parliament”:
reimbursement of expenses, Members’
allowances and secondary activities**

The monthly remuneration that Members receive is “payment for work performed in Parliament”, as the Federal Constitutional Court ruled in its 1975 judgment on Members’ remuneration. This payment is “made to Members of Parliament from the public treasury to ensure their independence as well as their own and their family’s economic subsistence for the duration of their membership of Parliament”. This ruling fleshes out the stipulation contained in Article 48 of the Basic Law that “Members shall be entitled to remuneration adequate to ensure their independence”. The Federal Constitutional Court felt the need to make this clear pronouncement in order to spell out that the exercise of a parliamentary mandate had long ceased to be a ‘secondary activity’. “The activity of a Member of Parliament in the Federal Republic”, the Court had already declared in a previous judgment, “has become a profession requiring the full application of a person’s skills and effort”.

The amount paid to Members of the Bundestag, said the Court, must naturally reflect not only the “responsibility and workload” which the profession of a Member of Parliament entailed but also the significance of that office in the constitutional structure of the Federal Republic of Germany. In other words, anyone who works for 60 to 70 hours a week as a democratically elected representative of the people must be appropriately paid. These stipulations made by the Federal Constitutional Court are the basis of a provision enshrined in the Members of the Bundestag Act when it was adopted in 1977, whereby the amount of Members’ remuneration is set on the basis of the emoluments payable to judges of federal courts and to mayors of large towns with 50,000 to 100,000 inhabitants. Since Members’ remuneration had been frozen on several occasions since 1977, it had fallen below these reference amounts and had remained below them for a long time. Following a few adjustments since 2007, they were set at about €9,780 a month with effect from 1 July 2018; this is a gross amount which, like any other income, is taxable.



Anyone who takes a seat in the Bundestag and so practises a full-time profession must give up his or her own previous occupation for a number of years. Members who return to their old occupation after one, two or three electoral terms will often find that they can only resume their trade or profession in stages or even that they have to familiarise themselves with a new occupation. For this reason, Members who leave the Bundestag receive transitional emoluments to support them in their occupational rehabilitation. For each year of Bundestag membership, they receive the current monthly amount of Members' remuneration, which means that they would receive four monthly payments if they had served for one full electoral term; the maximum period for receipt of transitional emoluments is 18 months. From the second month, the former Member's income from all sources is set off against the transitional emoluments.

Members are also entitled to superannuation benefits. These benefits are intended to fill the gap that occurs if Members cease to pursue their occupation for the duration of their mandate and so cannot amass pension credits. The entitlement to superannuation benefits begins after only one year's membership of Parliament; it amounts to 2.5% of the monthly Member's

remuneration at the time of receipt and is increased by a further 2.5% for each additional year of membership. The maximum rate, which is reached after 27 years' service, amounts to 67.5%; the entitlement to draw superannuation benefits begins on the Member's 66th birthday. Besides these personal emoluments and pension benefits, Members receive Members' allowances, comprising monetary allowances and benefits in kind. One of the allowances is a flat-rate expense allowance designed to cover additional mandate-related costs as well as the cost of establishing and maintaining a constituency office, rent for a second residence in Berlin and other associated expenditure, travel costs in the constituency, official entertainment expenses and other mandate-related expenses. The expense allowance is adjusted annually to reflect rises in the general cost of living; on 1 January 2018 it was increased to €4,300 a month.

Members' allowances also include fully equipped offices for the Member and his or her staff in Berlin, a railcard providing free rail travel throughout Germany, the use of official Bundestag vehicles in Berlin and reimbursement of the cost of domestic flights. In addition, numerous information services are available, ranging from use of the common information and communication system to the advisory assistance of the Research Services.

Members can employ staff in their constituency office and in their office in the Bundestag; their staff are paid from a staff expense allowance. A monthly budget of around €21,500 is available to each Member for this purpose. Payment of salaries and other staff costs is carried out by the Bundestag Administration.

These benefits, of course, also bring obligations. Bundestag Members must notify the President of the Bundestag of all activities and functions that they perform in addition to the exercise of their mandate. This is prescribed by the Members of the Bundestag Act, and full details of this obligation are laid down in the Code of Conduct for Members of the German Bundestag, which is part of the Rules of Procedure. These notifications are published and continuously updated in the Official Handbook of the Bundestag and on the Bundestag website together with the Members' biographies. All occupational activities are notifiable, as are positions held in enterprises or in public corporations or institutions and in associations and foundations as well as shareholdings in joint-stock companies or partnerships. Income obtained from these activities, positions and shareholdings must be indicated in each individual case if they exceed €1,000 per month or €10,000 per year.

The publication requirement also extends to all activities and positions for which no income is received, many of which, especially positions in associations and foundations, are honorary. The crucial point is that voters should be able to form a picture of Members' interests and of potential conflicts of interest between the exercise of a mandate and a Member's extraparliamentary activities and positions. If a Member breaches his or her duty of notification by failing to disclose activities or making false statements, the Presidium of the Bundestag, after careful examination, may impose a fine equaling up to half of the annual rate of Members' remuneration.

"Activities of a professional or other nature alongside the exercise of the mandate are permissible in principle", as the Members of the Bundestag Act puts it. They can also make very good sense, particularly if they facilitate Members' return to their occupation following the end of their parliamentary service, especially in the case of self-employed persons and freelance professionals. The decisive point, however, is formulated as follows in the Members of the Bundestag Act: "The exercise of the mandate of a Member of the Bundestag shall be central to his or her activity".



54 square metres of democracy: Members' benefits include furnished and equipped offices for themselves and their staff.

At the beginning of each electoral term, at its first, constituent meeting, the Bundestag elects its President. For the election, which is conducted by the President by seniority, that is to say the longest-serving Member of Parliament, provisional Rules of Procedure are required. The Rules of Procedure for the previous electoral term are normally approved for this purpose and are then adopted in the course of the sitting as the definitive Rules of Procedure for the new electoral term. The President by seniority is assisted by two Members whom he or she appoints to act as provisional secretaries. The last official act of the President by seniority is to ask the newly elected President of the Bundestag whether he or she accepts that office; the President of the Bundestag then takes the chair and conducts the election of the Vice-Presidents.

The election of the President and the Vice-Presidents is conducted with ballot papers placed in envelopes, in other words by secret ballot. As the Rules of Procedure stipulate, “The person receiving the votes of the majority of the Members of the Bundestag shall be elected”.

“The President shall represent the Bundestag”:
the President of the Bundestag, the Presidium
and the Council of Elders

The fact that the election of the President of the Bundestag is almost always free of complications is down to the unwritten rule that only the largest parliamentary group proposes a candidate. This parliamentary custom was introduced in the Reichstag of the Weimar Republic. The parliamentary groups reach agreement ahead of the constituent sitting in inter-group talks on the procedural details; these agreements also cover the procedures for the election of the Vice-Presidents. Since 1994, each parliamentary group has been entitled to at least one Vice-President as its representative on the Presidium; this also applies to the largest parliamentary group which provided the President. One of the Vice-Presidents from the second-largest parliamentary group deputises for the President if the latter is unavailable for an official engagement.

The President and the Vice-Presidents are elected for the entire electoral term and cannot be voted out of office. This immunity contributes to the impartiality of the President in the conduct of sittings and the exercise of his or her office. There is no danger that parliamentary groups affected by regulatory measures, such as a direction to discontinue speaking, suspension

from a sitting or other irksome measures, could put the President under pressure by calling for a vote to remove him or her from office. This is particularly important when the President asserts the rights of a minority against those of the majority or the rights of the whole Bundestag against those of the Government.

The President of the Bundestag is the representative of the whole of Parliament. “The President”, say the Rules of Procedure, “shall represent the Bundestag”. This representation has both constitutional and political implications. Constitutionally, the President acts on behalf of Parliament when administering the oath of office to the President of the Federal Republic, the Federal Chancellor and federal ministers but also when he or she represents the Bundestag in legal disputes. As the representative of Parliament, the President of the Bundestag is the addressee and the sender of all written correspondence with other supreme federal authorities. He or she signs and forwards the formal decisions of the Bundestag.



Number two in Germany: the office of President of the Bundestag, held in the 19th electoral term by Wolfgang Schäuble (CDU/CSU), is second only to that of the Federal President in order of precedence.

“Fair and impartial”: the President in the Chair

Politically, the President of the Bundestag is the representative of the only supreme organ of the Constitution that is directly legitimised by democratic means. He or she, as the Federal Constitutional Court observed in a judgment, is the “symbolic and official personification of Parliament” in its entirety. It is only logical, therefore, that the President of the Bundestag ranks second only to the President of the Federal Republic in order of precedence. The office of President of the Bundestag, as Vice-President Carlo Schmid (SPD) said in 1954 at the inauguration of Eugen Gerstenmeier, comes “second in the hierarchy of public offices in the Federal Republic”. It befits this high ceremonial status and the mission of the President of the Bundestag to maintain the “dignity of the House” that everyone in the plenary chamber rises when the President enters and remains standing until the President is seated.

One of the key tasks of the President, and the task with the highest public profile, is that of chairing the plenary sittings of Parliament. The President shares the performance of this task with the Vice-Presidents. The President and Vice-Presidents, who constitute the Presidium, succeed each other in the chair at two-hourly intervals as a rule. The person chairing the session is referred to as the President in the Chair; when a Vice-President is in the chair, he or she has the same powers as the President.

The President in the Chair is assisted by two Members acting as secretaries; together they form the Chamber Presiding Committee. The secretaries, who likewise officiate in rotation during the sitting, sit on either side of the President; one of them belongs to a group in the governing coalition, while the other is from the opposition. They register requests to speak, maintain lists of speakers and ascertain the outcome of votes. At the start of the electoral term, the parliamentary groups nominate Members from within their ranks as prospective secretaries, the number of nominees being proportionate to the relative size of the group; the secretaries are elected by the House at one of the first plenary sittings of the electoral term. In the 19th electoral term, 62 Members were elected to share these secretarial duties.



The presiding team: the President in the Chair and the two Members acting as secretaries form the Chamber Presiding Committee; shown here (left to right) are Ulla Ihnen (FDP), Bundestag Vice-President Petra Pau (The Left Party) and Gülistan Yüksel (SPD); Nicole Gohlke (The Left Party) is at the lectern, in front of which is the shorthand writers' bench.

The President in the Chair opens and closes the sitting, announces the agenda items and grants leave to speak. He or she conducts elections and votes and ascertains the outcome together with the secretaries. Presidents in the Chair must keep a particular lookout for requests to speak from Members wishing to raise points of order, make a statement on the current debate, deliver an explanation of vote or intervene with a question or comment to the speaker. The President in the Chair also oversees adherence to allotted speaking times, signalling to the speaker when the time allocation is about to run out; in extreme cases, the President in the Chair may instruct the speaker to stop speaking.

Real chairmanship skills, however, are needed when the severity of the verbal onslaughts increases during a debate. The President in the Chair must then decide whether he or she is prepared, for the sake of a fruitful political showdown, not to take every word at face value, as desisting from objectively warranted calls to order may help to defuse a volatile situation. The President may “choose not to hear” heckling, as President of the Bundestag Hermann Ehlers put it – to applause from the House – in February 1954, when he refrained from calling Members to order on several occa-

sions for the sake of the debate. Presidents in the Chair may also, of course, take action of various kinds within the scope of their regulatory powers. Before doing so, however, they will take the opportunity to remind the speaker tactfully of the fine line between impassioned statements and offensive or even insulting language.

The President in the Chair “may call upon speakers who digress to keep to the subject under debate” and may name and call to order any Members who commit a breach of order or compromise the dignity of the House. These offences mostly involve the use of expressions that are likely to belittle, offend or insult one or more Members of Parliament or government representatives. If a speaker is called to keep to the subject of the debate or called to order three times in the course of a speech, the President, having warned the speaker on the second occasion of the consequences of a third reminder to keep to the subject or of a third call to order, must direct him or her to stop speaking and must not grant that Member leave to speak during the remainder of the debate.

A disciplinary fine of €1,000 may be imposed for a 'non-minor' breach of order or affront to the dignity of the House. Finally, in the event of a 'serious breach of order', the President may order a Member to leave the sitting and suspend him or her from the Chamber. The President may reserve the right to prolong this suspension for up to 30 sitting days. The main reason for prolonging a suspension would be a Member's failure to obey immediately the President's order to leave the Chamber. If disturbances occur in the Bundestag, the President may suspend the sitting; if the President cannot make himself or herself heard, he or she is to vacate the Chair as a signal that proceedings have been suspended.

In the history of the Bundestag there have only ever been 18 suspensions of Members; the last suspension was in the 17th electoral term, while no fewer than eleven occurred in the first electoral term; sittings have been suspended because of disturbances on five occasions, the most recent being in the 14th term. The Member concerned may lodge a reasoned objection in writing to the suspension by the next plenary sitting date; the Chamber decides without debate whether to uphold or overrule the objection. Objections have been lodged to almost all suspensions of Members, but the objection has been overruled in every case.

Particular sensitivity is required on the part of the President in the Chair when disciplinary measures are needed against "persons who are not Members of the Bundestag". This wording in the Rules of Procedure covers members of the Bundesrat and of the Federal Government as well as persons in the galleries. As a rule, members of the Federal Government hold a parliamentary mandate; when they sit on the government bench or speak on behalf of the Government, however, they are not deemed to be part of Parliament. Although the Rules of Procedure place those groups of persons under the regulatory authority of the President, the exercise of that authority is subject to narrow limits in their case. On the one hand, the Rules of Procedure apply only to those who take part in a sitting in their capacity as Members of the Bundestag; even more important, however, is the fact that members of both the Federal Government and the Bundesrat can invoke their constitutionally enshrined right to "attend all sittings of the Bundestag and meetings of its committees" and to "be heard at any time". This means that calls to keep to the subject of the debate, directions to stop speaking and expulsions from the Chamber are not possible.



Tumult im the Bundestag: on 13 June 1950, after President by age Paul Löbe (SPD) had read out a joint declaration by all parties except the Communist KPD concerning the eastern border, KPD chairman Max Reimann tried to force a debate by refusing to leave the lectern, whereupon Reimann was suspended from the Chamber for 30 sitting days.

The President, however, exercising his or her presidential right to ensure that the sitting is conducted in an orderly manner, may interrupt a government representative at any time to respond to unparliamentary language with an indirect reprimand along the following lines: “Minister, had you made that remark as a Member of Parliament, I would have called you to order”.

If visitors following plenary proceedings from the galleries compromise the dignity of Parliament through their conduct, the President may take action on the basis of the proprietary powers vested in him or her by the Basic Law in all Bundestag buildings. The President may order the expulsion of visitors and, in serious cases of disruptive disorder, may order the galleries to be cleared. In an extreme case, he or she may have recourse to the police powers which are likewise enshrined in the Basic Law. The President of the Bundestag is the ‘chief of police in the Bundestag police district’. To enable the President to perform this task of upholding public safety and order, the Bundestag Police and Security Service is at his or her disposal. The President may, if necessary, request additional forces from the Berlin Police, which are

then under his or her command within the Bundestag police district; conversely, police forces and the Office of the Public Prosecutor, for their part, may not act within the premises of the Bundestag without the consent of its President. This role of the President of the Bundestag as a chief of police might seem disturbing at first sight, but it is a useful measure that serves to protect the people’s representative assembly and their representatives from abuses of executive powers.

Another means of affording this protection is the immunity of Bundestag Members, in other words the constitutionally guaranteed protection of Members of Parliament from prosecution without the consent of the Bundestag. The Bundestag grants a general approval for the conduct of preliminary investigations which covers the whole electoral term, but the Office of the Public Prosecutor must notify the President of the Bundestag of its intentions at least 48 hours before beginning its investigations. If Bundestag premises have to be searched as part of the investigations or if an arrest is to be made or charges brought, a parliamentary decision has to be obtained at a plenary sitting.

Representing Parliament: Wolfgang Schäuble (CDU/CSU), President of the Bundestag, welcomes an Italian delegation in the Reichstag Building.

A distinction should be made between immunity and indemnity. Indemnity means that Members cannot be called to account through disciplinary action or court proceedings for what they say at a meeting of a committee or parliamentary group or in the Chamber; the same applies to their voting behaviour. And indeed, how could parliamentary business be properly conducted without straight talking and free decision-making? It goes without saying, of course, that this is no licence to engage in insults and slander.

**“He shall conduct its business”:
the President of the Bundestag as head
of a public authority**

The President of the Bundestag is the head of the Bundestag Administration, a supreme federal authority. He or she appoints the civil servants of the Bundestag, engages them, promotes them and superannuates them; the President possesses corresponding powers, of course, over the staff who are not civil servants. He or she bears responsibility for the drafting and execution of the annual budget of the Bundestag and the Bundestag Administration, which, as befits its precedence, is labelled departmental

budget 02 in the annual federal budget, being second only to that of the Federal President and ranking above those of the Federal Chancellery and the federal ministries. The Secretary-General of the Bundestag directs the Administration on behalf of the President. The delegation of this duty, however, does not alter the fact that the President of the Bundestag is ultimately responsible for the activity of the Administration.

When staffing decisions are taken which affect civil servants belonging to the administrative grades (*höherer Dienst*), the Rules of Procedure require the President to act “in consultation” with the Vice-Presidents. In the case of the most senior grades, the consent of the Presidium is required. Consultation with the Vice-Presidents is also required for the conclusion of contracts that are of considerable importance to the Bundestag. In these cases the Presidium functions as the supreme cross-party consensus panel.



The importance of the Presidium goes far beyond these and some other participatory rights, which relate to Members' adherence to the Code of Conduct and the use of unlawfully acquired party donations. The members of the Presidium regularly meet on the Wednesday morning of sitting weeks to reach agreement on all major items of parliamentary business and matters concerning the management of the House. Their agenda is by no means limited to the coordination and organisation of their presidial duties in plenary sittings. They also deal with points of order and disciplinary measures, the approval of visits abroad by parliamentary delegations and the reception of foreign delegations but also with public relations and cultivation of the public image of the Bundestag.

**“Agreement among the parliamentary groups”:
the Council of Elders as a coordinating and
steering body**

The central coordinating and steering body of the Bundestag is the Council of Elders. It comprises the Presidium plus 23 other Members of the Bundestag, principally the Parliamentary Secretaries (Whips) of the political groups. Members of the Council of Elders are not the

oldest or longest-serving Members of the Bundestag but those who are conversant with executive responsibilities in the Bundestag and its parliamentary groups. At the beginning of each electoral term, agreement is reached on the chairmanship of the parliamentary committees either in the Council of Elders or at inter-group meetings.

The main task of the Council of Elders is to ensure “that agreement is reached among the parliamentary groups on (...) the Bundestag’s work programme”. This means drawing up the long-term plans for the sitting weeks of the coming year but also comprises the week-to-week drafting of the agendas of plenary sittings and the structuring of debates. In the Council of Elders, the Presidium and the parliamentary groups reach agreement on whether and when a subject is to be debated and how long such a debate will last. That is a planning and coordination task of considerable political importance. Have all parliamentary groups had sufficient time to prepare for a debate on a particular motion, or should the motion not be placed on the agenda until the following week? Should the debate on a particular issue be held at peak viewing time or in the late evening? These and similar questions are discussed behind the scenes at meetings of the parliamentary groups’ First Parliamentary Secretaries (Chief Whips)

Planning and coordination body:
the Council of Elders assists the
President in discharging his duties
and ensures that the business of the
Bundestag is coordinated and runs
as smoothly as possible.

on Wednesday afternoons in preparation for the Thursday afternoon meetings of the Council of Elders. Cross-party agreements are reached at these preparatory meetings and are then proposed the next day to the Council of Elders, which normally notes them with approval. The President in the Chair then presents this agreement in the plenary sitting as a proposal from the Council of Elders and almost never meets with opposition from the Chamber, with which the actual power of decision rests.

It is certainly possible, though it rarely happens, that a Member will move an amendment to the agenda before the first item is taken, and the Chamber must then vote on that amendment. The President must have received any such amendment by 6 p.m. on the previous day.

The President is bound by these agreements when conducting a sitting. As chair of the Council of Elders with the stature of the presidential office and with the support of the Presidium, however, the President certainly has scope to influence the agenda by mediating and proposing compromises.

The Council of Elders not only has a planning function but also plays an advisory role. Points of order are regularly discussed at its meetings, particularly when procedural issues have arisen in the current sitting week; although the President in the Chair will have resolved the issue in that individual instance, there may be

a wider point of principle that necessitates a longer-term solution. In addition, retrospective comments are made on disciplinary measures taken by the President in the Chair during the plenary sitting, and in some cases these measures are even criticised. If a parliamentary group believes that only the Council of Elders can resolve a particular issue which has arisen during a plenary sitting, it can request immediate convocation of the Council of Elders. The President must then adjourn the plenary sitting.

The tasks of the Council of Elders are not by any means confined to coordinating and providing advice. The Council of Elders also has duties relating to the internal management of Parliament, controlling the main material resources that are available to the Bundestag. These duties include budgetary planning, allocating meeting rooms and offices, arranging and overseeing building work, assigning responsibilities within the Bundestag Administration and overseeing the library and the car pool, to name but a few. In these matters, the Council of Elders is not only an advisory body but also has decision-making powers. So that it is properly prepared to take these decisions, the Council of Elders, as well as having a budgetary body, regularly appoints commissions.



At the start of an electoral term, the Members of the Bundestag form themselves into parliamentary groups. In principle, the members of a parliamentary group must belong to the same political party. The Rules of Procedure permit one exception, although it is subject to a condition: Members from two or more parties may form a single parliamentary group if the parties for which they were elected to the Bundestag, “on account of similar aims, do not compete with each other in any *Land*”. This exception is the basis of the joint parliamentary group formed by the CDU and CSU.

Political parties, then, are represented in the Bundestag through the parliamentary groups. These groups are not in any way parts or subdivisions of the parties. They are legally autonomous associations of Members of the Bundestag who were nominated as election candidates by their respective parties and who won a seat.

“Permanent subdivisions of the Bundestag”:
the parliamentary groups

The parliamentary groups are effective instruments which are used collectively by a party's Members of Parliament to translate the positions and political goals set out in their party's manifesto into the objectives of their parliamentary activity. Since these Members have been elected because they represent the manifesto, positions and goals of their party, they may be described as interfaces between the will of the electorate and the parliamentary decision-making process.

The parliamentary groups, to quote a judgment of the Federal Constitutional Court, are "permanent subdivisions of the Bundestag". They are not, however, organs of Parliament in the same way as the Presidium, the Council of Elders and the committees but political subdivisions which, as the Court went on to state, participate "in the performance of the tasks of the German Bundestag". But how do they do that? The best way to answer this question is to imagine that there were no parliamentary groups. The Bundestag would then have to reckon with more than 700 different opinions and positions on every item under discussion, whether it were a legislative bill, a major interpellation, a government policy statement or a matter of topical interest. In other words, only a fraction of its workload could be accomplished.

**"Key factors in forming the political will":
the Bundestag as a 'group-driven parliament'.**

It follows that the vast majority of substantive debates are conducted in the parliamentary groups. This is where differences of opinion, which naturally exist even within a group whose members agree on a set of political principles and goals, are aired, sometimes in heated discussions, and reconciled on the basis of those shared convictions. On completion of this often complex quest for consensus, the parliamentary groups are able to speak with one voice in committee and in the Chamber; this facilitates and accelerates decision-making processes in Parliament. "In the parliamentary groups", as the Federal Constitutional Court put it in a judgment, "a considerable part of the formation of Members' opinions and will, and hence of the opinions and will of Parliament as a whole, takes place". The parliamentary groups, as the Court said, are "key factors in forming the political will".



The hub of parliamentary activity: the parliamentary groups' level in the Reichstag Building houses the assembly rooms and executive offices of the groups.

This is why they play the leading role in the parliamentary decision-making process. Almost all of the parliamentary rights that the Bundestag offers its Members are group rights. Parliamentary groups can table bills and move adjournments, request the summoning of a member of the Federal Government, submit major and minor interpellations and request recorded votes and debates on matters of topical interest. As an alternative, the Bundestag Rules of Procedure also give these rights to what seems at first sight like rather a vague grouping, namely “five per cent of the Members of the Bundestag”. This gives Members from two or more parliamentary groups the opportunity to launch a joint initiative, which occasionally happens in practice. The fact that five per cent of the Members of the Bundestag are required brings the parliamentary groups into play once again, as parliamentary groups can only be formed if they comprise at least five per cent of the Members of Parliament. This internal five-per-cent threshold does not pose any problems in principle, since it corresponds to the five-per-cent threshold in the Federal Electoral Act whereby a party cannot enter the Bundestag unless it polls at least five per cent of the second votes and so obtains at least five per cent of the seats in Parliament.

If a party does not reach the five-per-cent threshold but its candidates win at least three constituency seats, it is also represented in the Bundestag, though it cannot form a parliamentary group. The Members from that party can be recognised as a grouping, which may, by virtue of a separate decision, be accorded many but not all of the rights accruing to a parliamentary group. These rights include representation on the Council of Elders and the parliamentary committees but not on the Presidium; they also include an entitlement to speaking time in plenary debates, which, like seats on the Council of Elders and the committees, is distributed proportionately on the basis of the relative sizes of the parliamentary groups and groupings in terms of their number of members.

In view of the pre-eminent role of the parliamentary groups in the preparation, conduct and organisation of the decision-making process in Parliament, the statement that the Bundestag is a ‘group-driven parliament’ needs no further explanation. What must be explained, however, is the role played by the Members of Parliament, who have been elected, according to Article 38 of the Basic Law, as “representatives of the whole people”. Members can only fulfil the obligations arising from this mandate if they organise themselves into parliamentary groups, not only because the voice of an organised group carries more weight than that of an individual but also because integration into a political group eases Members’ workloads,

thereby actually enabling them to take decisions. If there were no parliamentary groups, all Members would, for example, have to study the subject matter of every bill introduced in the Bundestag thoroughly enough to be safe in the knowledge that they knew what they were voting about. Since 800 or so legislative proposals are introduced in every electoral term, it would be impossible to deal with the sheer volume of material to be regulated by law, let alone master the diversity and complexity of its subject matter.

Accordingly, there would be very few bills in respect of which an individual Member could accomplish the mission entrusted to him or her by Article 38 of the Basic Law.

The only way to resolve this problem is through specialisation, division of labour and cooperation within the organisational and political framework of a parliamentary group. If each Member of Parliament concentrates on a specialised field, he or she can acquire sufficient in-depth knowledge of the subject not only to take well-founded decisions but also to be able to recommend those decisions to his or her fellow group members; conversely, each Member depends on others in the group having familiarised themselves thoroughly with areas of which he or she does not possess detailed knowledge and on which his or her decisions can only be based on the recommendations of specialised colleagues. The prerequisite for

such mutual dependence is trust in the expertise and in the political convictions and positions of fellow Members of Parliament. This trust may be taken for granted in a parliamentary group, whose members belong to the same political party.

In connection with the decision-making process within the parliamentary groups, we hear a great deal about group discipline or indeed the party whip. It goes without saying that it will not always be easy for Members to set aside their own divergent positions from time to time for the sake of a group decision. Group members who believe that they cannot go on indefinitely endorsing their group's decisions may withdraw from the parliamentary group. Conversely, the group may expel a member if, for example, he or she has been expelled from the party. Under section 10 of the Political Parties Act (*Parteiengesetz*), a member may be expelled from a party if he or she "deliberately violates the party statutes or commits a major violation of the party's principles or agreed rules, thereby inflicting serious damage on the party". Members of Parliament who withdraw or are expelled from a parliamentary group do not by any means forfeit their seat but can remain in the Bundestag as non-attached Members until the end of the electoral term. Membership of a parliamentary group is absolutely voluntary.



Non-attached: in the 15th electoral term, the Party of Democratic Socialism (PDS) was represented by only Petra Pau (left) and Gesine Löttsch, who were not accorded the status of a parliamentary group or grouping.

However, since non-attached Members of Parliament enjoy far fewer rights than group members in the group-driven Bundestag, every Member is well advised to sign up to a parliamentary group, not only out of political conviction, for it is through membership of a group that an individual Member can have a political impact.

**“Labour-intensive building blocks”:
the working parties of the
parliamentary groups**

The system of specialisation and division of labour within the parliamentary groups is based on the formation of working parties (*Arbeitsgruppen*). These working parties correspond to the permanent Bundestag committees and comprise the Members who represent the parliamentary group on a particular Bundestag committee. Since there are more than 20 permanent committees, smaller parliamentary groups, simply for want of sufficient members, create *Arbeitskreise*, working parties that cover the portfolio of two or more permanent committees. Both types of working party focus their activities on preparing for the next committee meeting and formulating positions on proposals from the Federal Government or from other

parliamentary groups. Meetings of working parties of the groups in the governing coalition are regularly attended by the Parliamentary State Secretaries of the corresponding ministries. Those meetings primarily discuss government plans and proposals, which the working parties help to shape. The working parties of the opposition groups, by contrast, focus on analysing and criticising government proposals and on drafting their own bills.

Within the working parties, Members specialise in particular policy areas, for which they generally take special responsibility as the group’s rapporteur on the relevant Bundestag committee. In committee, they put the case for their group’s position on the proposal under discussion, while at group meetings they keep their parliamentary group updated on the course of the committee’s deliberations. The chairpersons of the respective working parties also serve as group spokespersons on the policy area or areas covered by their working party. The working parties are also rightly referred to as the “labour-intensive building blocks” of the parliamentary groups. This is where the Members of Parliament work on the details of the tasks assigned to them as Members of Parliament within their sphere of specialisation, and this is where, as experts in that field, they can most strongly influence the political decision-making process within their parliamentary group. It is in the working parties that the first



Preparing the work of the committees: monitors in the main hall of the Paul Löbe Building display the meeting schedules for the groups' working parties.

steps are taken in addressing political problems and that the specialised discussions take place; the groups' decision-making processes are occasionally completed there too. This may sound like a slight overstatement, but it should not be forgotten that the general meeting of a parliamentary group must be able to rely on the recommendations of the working parties when deciding how the group is to vote collectively on a given motion in plenary. The final decision, however, lies with the general meeting of the group, which takes place as a rule on the Tuesday afternoon of each sitting week.

**“Spokespersons” and “conductors of parliamentary processes”:
executive bodies and structures of the
parliamentary groups**

So that these briefing, communication and decision-making processes can actually materialise, parliamentary groups require structuring and organisation. Each parliamentary group has rules of procedure which regulate its business processes; these processes are guided and overseen by the group's executive bodies, whose members are elected by a general meeting of

the group. These bodies are headed by the group chairpersons, who are responsible for exercising the political and organisational leadership of the group, presiding over group meetings and acting as chief spokespersons of the group. In addition, deputy chairpersons are elected, each of whom is responsible for coordinating the activities of two or more working parties.

Responsibility for ensuring the smooth discharge of parliamentary duties within the group lies with the First Parliamentary Secretary (the ‘Chief Whip’), who is assisted by a number of other parliamentary secretaries. They are described not only as ‘group managers’ but also as the ‘managers of Parliament’, because their activities transcend the bounds of their respective parliamentary groups. They assemble regularly before meetings of the Council of Elders, to which they belong, to form a consensus on all matters concerning the agenda and the conduct of plenary sittings. The recommendations made to the House by the Council of Elders generally equate to the agreements reached by the parliamentary secretaries at their own meeting. Former President of the Bundestag Rita Süßmuth (CDU/CSU) once referred to the parliamentary secretaries of the groups as “the all-important conductors of parliamentary processes”.

The chairperson and the parliamentary secretaries form the core and the top level of the senior executive body of every parliamentary group. There are a number of differences between groups, the two most significant being that the CDU/CSU group has a First Deputy Group Chairperson who is always the head of the group of CSU parliamentarians within the parliamentary group and that the groups of the AfD, The Left Party and Alliance 90/The Greens each have co-chairpersons with equal powers.

In all of the parliamentary groups that are represented in the Bundestag, the members elected from each of the *Länder* form groups, although in the case of the small parliamentary groups these are neither large nor very formalised. This federal element is most significant in the CDU/CSU group, where a special status attaches to the group of CSU parliamentarians, as the CSU is a purely Bavarian party. The CDU/CSU group also has firmly institutionalised 'sociological groups', such as the SME Circle in the German Bundestag and the group representing employees' interests, which are only two of six bodies devoted to the interests of specific sections of the population. The SPD group has a

number of working parties devoted to cross-cutting issues such as right-wing extremism and equality policy, to name but two. All of the parliamentary groups also have temporary working parties, sub-groups and commissions relating to the work of committees of inquiry and of study commissions.

The diversity and abundance of tasks performed by the parliamentary groups in the Bundestag would make for an unmanageable workload, were it not for the assistance of suitably qualified staff. Every group, in fact, has its own offices, in which 100 to 300 employees work, depending on the size of the group. These employees comprise subject specialists, desk officers and secretarial and technical staff. The personnel expenses of the parliamentary groups are met by grants from the federal budget for the very simple reason that, as political subdivisions of the Bundestag, the groups provide services that benefit the entire Parliament. To quote the Members of the Bundestag Act, they "assist in the performance of the duties of the German Bundestag".



Parliamentary group chairpersons in discussion: Dietmar Bartsch (The Left Party) and Katrin Göring-Eckardt (Alliance 90/The Greens) on the margins of a plenary sitting.

At the start of each electoral term, the Bundestag appoints permanent committees. The number of these is not prescribed. For the 19th electoral term, for example, 24 permanent committees were appointed. The Bundestag is not entirely free to choose which committees it should appoint, as four committees are specifically prescribed by the Basic Law and numerous other committees owe their existence to the practical necessities of parliamentary business. The Foreign Affairs Committee, the Defence Committee, the Petitions Committee and the Committee on European Union Affairs are prescribed by the Basic Law. A practical need arises for committees whose remits reflect the respective portfolios of government ministries for the purposes of legislation and scrutiny of the Government. Besides creating these committees, the Bundestag also makes its own statements by appointing committees on particular matters, such as sport, cultural affairs and tourism, that do not equate to the portfolio of any federal ministry. The Federal Ministry of the Interior, for instance, is shadowed not only by the Committee on Internal Affairs but also by the Sports Committee, because sport is part of the portfolio of the Interior Ministry. Since the establishment of the office of a Federal Govern-

“Microcosms of the Chamber”: the committees

ment Commissioner for Culture and the Media in 1998, which is held by a state minister in the Federal Chancellery, there has been a Committee on Cultural and Media Affairs. The Committee on Tourism, first created in 1991, shadows the Ministry for Economic Affairs, and the Committee on Human Rights and Humanitarian Aid, dating from 1998, shadows the Federal Foreign Office.

The Budget Committee, the EU Affairs Committee and the Committee on the Digital Agenda cut across departmental portfolios. Although the Budget Committee, like the Finance Committee, shadows the Ministry of Finance, it also plays a key role in the drafting of the annual budget and in overseeing the execution of the budget, which means that it deals with the financial planning of every federal ministry. The Budget Committee must also be consulted on all legislative bills and other proposals that are expected to have significant implications for the public finances of the Federal Republic or any of its constituent *Länder*. In view of the great importance of the Budget Committee, it is scarcely surprising that it generally has more members than almost any other committee; in the 19th electoral term, it convened with 45 members, a figure surpassed only by the Committee on Internal Affairs and the Committee on Labour and Social Affairs, each of which had 46 members, and by the 49-member Committee on Economic Affairs and Energy.

The Committee on European Union Affairs has a special status in various respects. It cuts across departmental portfolios, scrutinising all the planning of EU legislation in order to safeguard the powers of participation and oversight that are vested in the Bundestag. It examines the information and reports received from the Federal Government on proposals made by the European Union and is consulted on the German response to planned legislative acts of the EU, the role of the lead committee being assigned in such cases to the committee covering the subject of the draft legislation. As a result of these deliberations the Bundestag can make proposals for statements of its position, which, under Article 23 of the Basic Law, the Federal Government must take into account during negotiations in EU bodies. In particular exceptional cases, the committee may even exercise the rights of the Bundestag on its behalf vis-à-vis the Federal Government or EU institutions.



Parliamentary prerogative: the Budget Committee discusses how much money the federal treasury can spend and on what.

The committee, moreover, is also an integration committee, since it deals with all items of business relating to the development of European integration. These include, for example, institutional reforms of the European Union and enlargement processes. The special status of this committee is also reflected in the fact that, besides its 39 voting members from the Bundestag, it also has 16 German Members of the European Parliament who serve on the committee in an advisory capacity.

The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure deals with internal affairs of the Bundestag. This committee, known as the First Committee, also has a special status in various respects. It comprises two committees, since a Committee for the Scrutiny of Elections is closely linked with it but meets separately, and the members of the latter committee do not necessarily belong to the First Committee. The First Committee examines all objections to Bundestag and European Parliament elections in Germany, which any elector may lodge within a period of two months following the date of the election. On completion of the examination, the Committee for the Scrutiny of Elections presents the House with a recommendation for a decision.

The second task of the Committee is to examine all cases relating to waivers of the immunity of Bundestag Members. If searches, arrests or indictments are planned in the framework of criminal investigations, the Committee must draw up a proposal for a decision for submission to the House, which has the final say.

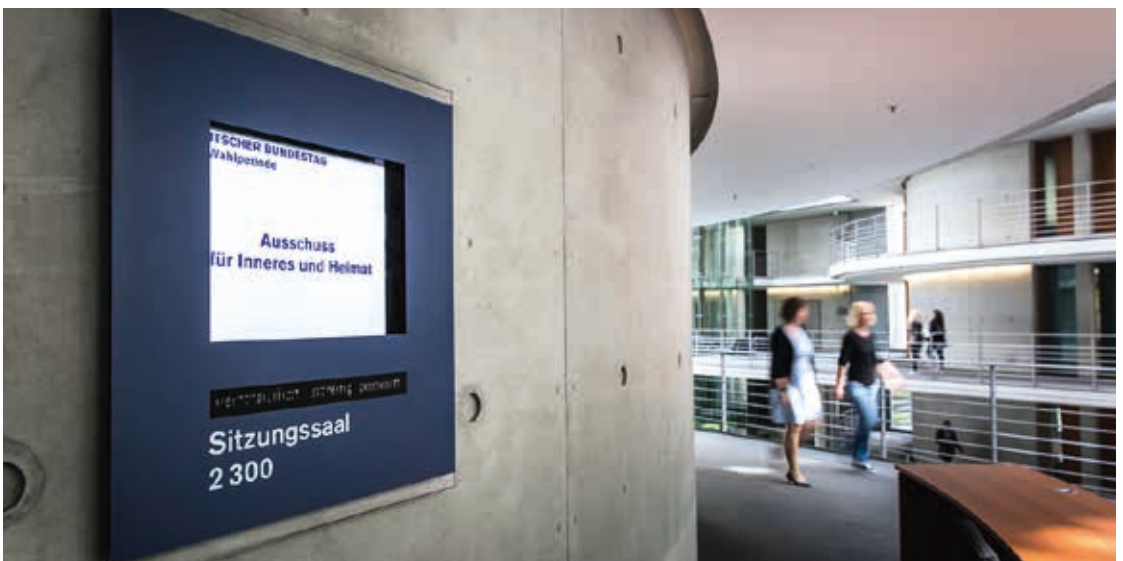
The third and perhaps most important task of the Committee is to interpret and, potentially, to amend the Rules of Procedure of the Bundestag. The Rules of Procedure govern procedures for the conduct of plenary and committee business; they also define the rights and obligations of the Members and bodies of the Bundestag. In the day-to-day work of Parliament, of course, opinions differ time and again as to which rule should apply in a specific situation and how it should be interpreted. If such an issue arises at a plenary sitting, the President in the Chair makes a decision. If the issue is not confined to the specific case that has been raised, the First Committee is consulted and decides how the rule should be interpreted so as to pave the way for a subsequent binding solution to the

Where the specialised work of parliament is done: every committee convenes in a meeting room in the Paul Löbe Building.

problem. The Committee is also responsible for deliberating on motions to amend the Rules of Procedure and on legislative bills relating to the status, rights and obligations of the Bundestag, its Members and its bodies. As far as amendments to the Rules of Procedure are concerned, the First Committee, unlike other committees, can even take the initiative itself and present proposals to the House without having been requested to do so.

The Petitions Committee examines all requests and complaints which, under Article 17 of the Basic Law, “every person” has the right to address to the legislature. These submissions must be made in writing; since 2005 there has been the option of submitting petitions online. Requests normally consist in proposals for amendments to laws and regulations or for new laws and regulations, while complaints focus on alleged malpractice on the part of various administrative authorities. Every petitioner is entitled to a written reply; anonymous submissions are disregarded. When examining petitions, the Committee may request opinions from specialised committees to whose sphere of responsibility the petition relates. It may require the Federal Government and its subor-

dinate authorities to provide oral or written information, to permit perusal of files and to grant access to offices and facilities. It may hear the petitioners themselves as well as experts. Since the Petitions Committee has received around 16,000 submissions a year on average in recent years, it needs the assistance of a sizeable staff; this is provided by the Petitions and Submissions Directorate of the Bundestag Administration, which has about 80 employees. On completion of its examinations, the Committee presents the Bundestag with a summary list of cases accompanied by recommended decisions, which are confirmed without debate. In individual cases, however, a plenary debate may be held on a particular petition on the motion of a parliamentary group. Such a situation provides a crystal-clear illustration of the two-way relationship between voters and their elected representatives, the underlying principle of representative parliamentary democracy.



“Bodies responsible for preparing the decisions of the Bundestag”: committees in a working parliament

In a working parliament such as the Bundestag, the permanent committees that are appointed for the entire electoral term are the lifeblood of parliamentary activity. It is in committee that all proposals to be presented to the House for a decision are examined, discussed and assessed on the basis of technical and political criteria and, in most cases, amended. The Chamber can then deal with the result of this work. The Rules of Procedure summarise this arrangement succinctly in the following words: “The Bundestag shall set up permanent committees for the preparation of its deliberations”. The role of the committees, however, goes beyond this preparatory work, for, as the Rules of Procedure also state, “as bodies responsible for preparing the decisions of the Bundestag, they shall be under a duty to recommend to the Bundestag definite decisions (...)” In practice, the committees’ recommendations for decisions generally pre-empt the decision of the Bundestag, which is down to the fact that this is the only way in which the committees can accomplish their mission of easing the workload of Parliament through division of labour. A judgment of the Federal Constitutional Court sums it up as follows: “These [the committees] are in principle restricted to preparing the debates and resolu-

tions of the plenary session, that is, they work towards a final decision by the plenary session. In this way they relieve the Bundestag by dealing with part of the decision process in advance”. Accordingly, the Court states, the committees “are involved in Parliament’s representation of the people”, and “every committee must therefore be a microcosm of the plenary session and its composition must mirror the composition of the plenary session”. The principle set out by the Court explains why all parliamentary groups are represented on the permanent committees in proportion to their respective shares of the seats in the Bundestag.

The members of committees are nominated by their parliamentary groups. Each group has a spokesperson for its committee members. Before the nomination of committee members, the Bundestag must adopt a decision on the number, the appointment and the sizes of the committees. The size of a committee, varying between 14 and 49 in the 19th electoral term, depends partly on the expected workload and partly on the principle that each Member of the Bundestag should be a member of at least one committee and a substitute member of another. Members of the Federal Government are exempted from this rule, as are members of group executives, at least those of the large parliamentary groups.



Concentrated expertise: as a rule, committee meetings are not held in public.

Prior to the nomination of committee members, negotiations have to take place within the parliamentary groups on the distribution of committee seats. Although every Member can state his or her preference, not all wishes can be granted in practice, because they will overlap. Who gets which post will then depend on length of service, membership of a particular *Land* association and status within the group as well as on the relative appeal of the various committees.

The distribution of committee chairmanships also depends on the relative size of the groups. The chairperson is appointed at the constituent meeting of the committee, which is chaired by the President or a Vice-President of the Bundestag. The appointment is determined by the agreements reached in the Council of Elders, which bases its decision on the inter-group deals struck by the parliamentary secretaries. In accordance with an unwritten parliamentary custom, a member of the largest opposition group is appointed to chair the Budget Committee. As a rule, the vice-chair of a committee belongs to a different parliamentary group from that of the chairperson.

The chairperson convenes the meetings and sets the agenda; he or she is advised by the group spokespersons and the committee secretariat, which comprises several employees of the Bundestag Administration. The chairperson presides over the committee meetings, which normally take place on Wednesdays of sitting weeks; if the committee has a large volume of work to complete, additional sittings may be scheduled during the sitting week. Meetings that coincide with plenary sittings require the President's approval. Chairpersons are expected to conduct meetings in a fair and business-like manner.

Every committee has the right to appoint subcommittees to deal with part of the committee's portfolio for the duration of the electoral term. In principle, committee meetings are not held in public. Although committees have the option of allowing public access to their deliberations on certain items, public sittings tend to be rather rare. Since 1995, the Rules of Procedure have provided for what are known as extended public committee deliberations as a means of relieving pressure on the plenary agenda.

Sharing their thoughts: the Petitions Committee regularly meets, often in public, to discuss petitioners' submissions.

An important instrument of public participation are public hearings, which every committee may hold on any subject within its remit. These hearings are addressed by invited experts and representatives of special interests. They serve not only to satisfy Members' need for information and advice but also to make the work of Parliament more transparent, since they provide the public, either at first hand or, in most cases, through media reports, with deeper insight into the complex and competing interests that underlie political programmes and projects.

Public hearings are conducted not only in connection with legislative bills but also in the exercise of a committee's right to take up an issue on its own initiative. Besides dealing with proposals referred to them by the House, committees are also authorised by the Rules of Procedure to deal with other matters within their own purview. This gives committees the opportunity to take action of their own by obtaining additional information from the Ministry they shadow and by exploring other matters within its sphere of competence. They are not entitled, however, to develop proposals, let alone recommendations for decisions, for submission to the

plenary chamber. If a committee takes up an issue on its own initiative, any public hearings relating to that issue must be authorised by a majority of the committee.

Committees may ask government ministries for regular oral and written progress reports on topical issues and on longer-term planning matters. They even have the same right as the Chamber, enshrined in Article 43 of the Basic Law, to "require the presence of any member of the Federal Government". In practice, however, this right plays a minor role, since representatives of the Federal Government, particularly parliamentary state secretaries or permanent state secretaries as well as other departmental officials, and Bundesrat members can be questioned at committee meetings, in which they regularly take part by virtue of the reciprocal provision of Article 43 whereby "The members of the Bundesrat and of the Federal Government as well as their representatives" may attend all Bundestag committee meetings and "shall have the right to be heard at any time".



Besides the permanent specialised committees, the Bundestag appoints special committees, commissions and other bodies as required, giving them temporally and substantively limited mandates. These include study commissions and committees of inquiry, which must be appointed if at least one fourth of the Members of the Bundestag so request.

**Acquiring knowledge for the future:
the role of study commissions**

Study commissions have a mandate to examine broad and complex circumstances and trends in economic affairs, technology and society so that legislative choices can be made on a broad and reliable information basis. As a rule, these commissions are appointed to analyse and interpret momentous long-term developments that are likely to require legal regulation and control. Foremost among these are new techno-

Strategy and scrutiny:
study commissions, committees of inquiry,
the Parliamentary Oversight Panel and the
Parliamentary Commissioner for the Armed Forces

logical developments and their economic, social and environmental implications; these have been addressed, for example by the Study Commission on the Opportunities and Risks of Genetic Engineering in the 10th electoral term (1983–1987) and the Study Commission on Growth, Well-being and Quality of Life in the 17th electoral term (2009–2013). Attention has also been focused on long-term structural transitions such as demographic change and its impact on society and politics, to which study commissions devoted themselves in three successive electoral terms.

Unlike Bundestag committees, study commissions comprise Members of Parliament and external experts in equal numbers. The parliamentary members of the commissions are nominated by the parliamentary groups; each group should be represented by at least one of its members on the commission. The experts are also nominated by the groups, the number of each group's nominees likewise reflecting the relative size of its contingent in the Chamber.

A number of instruments are available to study commissions for the fulfilment of their mandate. These include specialised reports and studies commissioned from other experts and research institutes, public hearings and fact-finding trips in Germany and abroad. As the scope of their mandate is often very broad, study commissions generally form working groups to examine particular aspects of their subject matter. The commissions are assisted by secretariats.

Study commissions conclude their work by presenting a report, which not only describes the current situation but also provides an outline of potential future developments, which should be accompanied by proposals and recommendations addressed to the legislature. The commissions are required to present their reports in good time so that they can be the subject of a plenary debate before the end of the electoral term.



Members of Parliament, academic experts and specialised practitioners: a meeting of the Study Commission on Growth, Well-being and Quality of Life in the 17th electoral term.

Investigating failings: committees of inquiry at work

The task of committees of inquiry is to investigate possible failings and wrongdoings within the sphere of responsibility of the Federal Government and federal administration but also of the Bundestag itself. Since committees of inquiry are a high-profile means of scrutinising and criticising the Government, the vast majority of motions for the appointment of committees of inquiry are tabled by the opposition. Most of these motions cannot be voted down by the groups of the governing majority, because one of the constitutionally enshrined safeguards for parliamentary minorities, in this case under Article 44 of the Basic Law, prescribes that a committee of inquiry must be appointed on the motion of one quarter of the Members of the Bundestag.

In the 19th electoral term, for example, a committee of inquiry was appointed to investigate the terrorist attack that took place on Breitscheidplatz in Berlin on 19 December 2016 and its background and to piece together a picture of the action taken by the the competent authorities.

Like all Bundestag committees, committees of inquiry comprise representatives of all parliamentary groups in proportion to their respective strengths in the Chamber.

The work of these committees is regulated by the Committees of Inquiry Act of 2001, which primarily lays down detailed procedural rules. In inquiry proceedings, witnesses are questioned and experts heard in public sessions; false testimony is punishable. Members of the Federal Government may be summoned as witnesses; the Federal Government is bound to give clearance to testify to civil servants and other public employees in government ministries who are summoned to appear before a committee of inquiry. In addition, the committee must have the opportunity to request the release of files that are relevant to the subject of the inquiry or to peruse them *in situ*.

Investigating possible failings and wrongdoings: the constituent meeting of the first committee of inquiry of the 19th electoral term into the terrorist attack on Breitscheidplatz in Berlin.

Intelligence services under the microscope: the Parliamentary Oversight Panel

Committees of inquiry conclude their work with a report to the House. As the Committees of Inquiry Act stipulates, “The report shall indicate the course of the proceedings, the established facts and the findings of the inquiry. If the report drawn up by the committee of inquiry is not adopted unanimously, dissenting opinions shall be included in the report”. Since committees of inquiry are important instruments for criticism of the government by the opposition, most reports do contain such dissenting opinions, because the majority groups and the opposition groups on the committee draw different conclusions from the facts of the case. Sometimes the final report makes proposals as to how defects that led or contributed to the incident or circumstances under inquiry can be remedied in future; occasionally, such proposals are explicitly requested in the inquiry mandate.

The task of the Parliamentary Oversight Panel (*Parlamentarisches Kontrollgremium*) is to oversee the activities of the three intelligence services – the Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*), the Federal Intelligence Service (*Bundesnachrichtendienst*) and the Military Counterintelligence Service (*Militärischer Abschirmdienst*). The Panel, which acquired constitutional status in 2009 through the insertion of Article 45d into the Basic Law, currently comprises nine Members of Parliament. The members of the Panel are elected at the start of each electoral term by an absolute majority of the Bundestag. In order to broaden the structural scrutiny of the federal intelligence services by the Parliamentary Oversight Panel, the office of a Permanent Commissioner to the Parliamentary Oversight Panel was created, and its first incumbent was appointed in 2017. He has a five-year term of office, which can be extended once for another five years.

Under the Parliamentary Oversight Panel Act, the Federal Government is required to inform the Panel comprehensively about the general activity of the intelligence services and about occurrences of particular importance. The Panel can require the Federal Government and in-



**Forces' advocate and auxiliary agency
of Parliament:
the Parliamentary Commissioner for
the Armed Forces**

telligence services to release files and stored data; its members have access to all offices of the intelligence services and can question their staff. In individual cases, the Panel, after consulting the Federal Government, may decide by a two-thirds majority of its members to commission an expert to conduct special investigations. The Parliamentary Oversight Panel also participates in the annual deliberations on the budgets of the intelligence services.

The Oversight Panel, which is required to hold quarterly meetings but actually meets more frequently, presents a report to the Bundestag in the middle and at the end of each electoral term. It appoints a commission to oversee restrictions on the privacy of correspondence, posts and telecommunications, which is known as the G10 Commission, after Article 10 of the Basic Law (*Grundgesetz*). Article 10 not only guarantees the privacy of correspondence and telecommunications but also stipulates that restrictions are to be reviewed by an agency or auxiliary agency appointed by the legislature. The G10 Commission has four members, not all of whom belong to Parliament, and all planned surveillance measures must be submitted to it for scrutiny and authorisation.

The Parliamentary Commissioner for the Armed Forces (*Wehrbeauftragter*) is the "forces' advocate" with a mandate to investigate possible violations of the fundamental rights of military personnel or infringements of the principles of leadership development and civic education within the Bundeswehr. The Commissioner has the discretion to independently on learning of such incidents. The information channels which the Commissioner can use include unannounced visits to military units, which include talks with members of the armed forces. The Commissioner may also require to be given information and access to files held by the Federal Ministry of Defence and any of its subordinated bodies and staff. At the heart of the Commissioner's work, however, are submissions from military personnel, who are permitted "to approach the Parliamentary Commissioner for the Armed Forces individually and directly, without going through official channels". Every year the Commissioner and the Commissioner's office, which is part of the Bundestag Administration and has about 50 employees, receive between 5,000 and 6,000 complaints. On the basis of such submissions the Commissioner has the right to question witnesses and experts.

The forces' advocate: the Parliamentary Commissioner for the Armed Forces, Hans-Peter Bartels (SPD), looks after the interests of military personnel.

The Parliamentary Commissioner, of course, is neither a committee nor a commission, but discharges all duties in close liaison with the Defence Committee and has the same powers as the Petitions Committee with regard to the submissions received from military personnel. The Commissioner supports the Bundestag in exercising oversight over the Bundeswehr. The office was constitutionally enshrined in 1956 through Article 45b of the Basic Law. The Parliamentary Commissioner for the Armed Forces is elected by secret ballot by an absolute majority of the Bundestag. All holders of the office to date, except for the first incumbent, were Members of the Bundestag at the time of their election; they gave up their seat on being elected, as the Commissioner for the Armed Forces must not hold any other office.

The Commissioner also acts, when asked by the Bundestag or the Defence Committee to examine matters that fall within the Commissioner's remit. The Commissioner is not responsible for such matters if they are the subject of deliberations within the Defence Committee, for the Defence Committee, unlike any other parliamentary committee, has a constitutionally guaranteed right and, on the motion of one fourth of its members, a duty to constitute itself as a committee of inquiry to investigate any matters within its purview.

In the event of serious incidents, the Commissioner for the Armed Forces may present the Bundestag or the Defence Committee with a report at any time. The annual report on the Commissioner's activity on behalf of Parliament is forwarded by the President of the Bundestag to the Defence Committee, which discusses it and reports on it to the House. As a rule, this report is followed by a plenary debate, in which the Chamber is addressed by both the Federal Minister of Defence and the Parliamentary Commissioner for the Armed Forces.



In a working parliament like the Bundestag, the bulk of parliamentary work takes place in the parliamentary groups and committees. But when that work is done, there are decisions to be made – and these are made in the plenary chamber, the general assembly of the Members of the Bundestag. Whether a particular Federal Chancellor is elected, whether a motion of no confidence is carried or rejected, whether a bill is adopted or not: these decisions are always taken by the Bundestag in plenary session. The plenary chamber is, in the words of former President of the Bundestag Philipp Jenninger, “the visible hub of parliamentary business”. Plenary sittings take place in the 20 to 23 sitting weeks of a year, which are planned in the preceding year and agreed by the Council of Elders. The ideal is that two sitting weeks should be followed by two non-sitting weeks, but public holidays, the school holiday calendar and even major political events contribute to repeated deviations from this routine in the course of a year. In sitting weeks, Members work from Monday to Wednesday in the parliamentary groups and committees; plenary sittings are held from 1 p.m. on Wednesdays, all day on Thursdays and until early afternoon on

“The visible hub of parliamentary business”:
the plenary chamber

Fridays. There are up to 250 plenary sittings in an electoral term, lasting an average of seven and a half hours each; it must also be borne in mind, however, that Thursday sittings often last more than twelve hours and go on into the late evening.

In view of the host of subjects to be discussed at every sitting, debates cannot continue indefinitely. The Council of Elders, when planning the agenda, therefore agrees on an allocation of debating time for every agenda item that includes a debate. The time allocation is then divided among the parliamentary groups in proportion to their relative sizes.

Who will speak for each parliamentary group and for how long is communicated to the President by the Parliamentary Secretaries of the groups. Speeches made by members of the Federal Government and the Bundesrat are added on to the time quota of their respective parliamentary groups. It is up to the President in the Chair to determine the sequence of speakers within the framework of the agreements reached by the Council of Elders.

Since the early 1990s, Presidents in the Chair have been able to grant Members leave to make a brief intervention. These interventions, which are limited to three minutes, are normally made from one of the auditorium microphones. The speaker to whose contribution the intervention relates has the opportunity to respond and also has three minutes available for this purpose. These brief interventions may also take the form of intervening remarks during a speech; these, however, may only be made with the speaker's consent.

With a view to stimulating more public interest in plenary debates on major issues, a plenary core time was introduced in 1995. During this core time, which generally begins at 9 a.m. on Thursdays and can last until 1 or 2 p.m., key issues that arouse particular public interest are dealt with. These include government policy statements and foreign deployments of the Bundeswehr but also items such as the concluding reports of study commissions or the annual report of the German Council of Economic Experts (the 'Wise Men's Report'). During core-time debates, which are transmitted by the Phoenix news channel and other broadcasters, no meetings of any other bodies take place.



Cut and thrust of parliamentary debate: the speaking times allocated to the parliamentary groups in a debate are precisely measured; this photograph shows Katrin Göring-Eckardt, co-chair of the parliamentary group of Alliance 90/ The Greens, addressing the House.

Communicative function of the Chamber: debates

The main task of the Bundestag is undoubtedly to legislate. It would be wrong, however, to interpret the term 'legislature' as reducing the Bundestag to that one task. It is indeed the legislative, or lawmaking, institution, but it is more than that. The Bundestag, and especially the plenary chamber, is the place where the parliamentary groups, the government and opposition, present the public with their political aims and plans. Contributions to debates are targeted less at the other Members of the House than at the members of a democratic society, the voters, to enable them to form a clearer and more accurate picture of the political intentions and goals of the parties that represent them in the Bundestag. These contributions are part of what is described as the communicative function of Parliament.

Special importance attaches to the items classed as major debates. This is not a formally defined category of debates but a term that is most frequently used to denote the debates that follow government policy statements, especially those of newly elected governments. These debates which take place after the formation of a government and often extend over several days offer the government, the groups of the governing coalition and the opposition an opportunity to argue fiercely for their respective fundamental strategic visions of the future. Major debates, however, also encompass the budget deliberations, which also last for several days, since the allocation of budgetary resources is not only financially important but also possesses great political significance. Strategies for the future that underlie cuts or increases in the education budget, for example, differ from those that determine the welfare budget or the Bundeswehr budget. Even the debates on second reading of legislative proposals occasionally develop into major debates, especially when bills generate numerous significant amendments and fierce political controversy.



Public and transparent: visitors and media representatives watching the Bundestag debates from the galleries in the plenary chamber.

Oversight function of the plenary chamber: question time, debates on matters of topical interest and major interpellations

The Bundestag in plenary session also has an oversight function. The government is subjected to a great deal of scrutiny in committee, of course, where members of the government are questioned on the proposals under examination and where oral or written situation reports can be demanded from government departments. The oversight exercised at plenary sittings, however, amounts to public scrutiny.

In the Chamber, representatives of the opposition can ask critical questions about government plans and measures, which are answered by members of the government or of the groups in the governing coalition. In this way, the important role played by coalition and opposition in a democratic society is made clear to the electorate.

The significance of the oversight function of the plenary chamber is evident from the fact that questions to the Federal Government mark the start of the plenary session in sitting weeks. At the start of the Wednesday slot from 1.00 to 1.35 p.m., a member of the Federal Government reports briefly on an item from the agenda of that morning's cabinet meeting; thereafter, Members may ask questions about the report, other items from the cabinet agenda or even other matters.

Debates in which the parliamentary groups give their members a free vote have always been unquestionably classifiable as major debates too. The contributions to these debates are not only addressed to the public but also to fellow Members, many of whom have not decided how to vote until during the debate, when they are persuaded by one or other of the speakers. As examples, let it suffice to cite only the 1965 debate on extending the statute of limitations for National Socialist crimes and the debate in 1991 on whether the seat of parliament and government of the Federal Government should be moved from Bonn to Berlin. In such debates the distribution key for the allocation of speaking time on the basis of group size has hitherto been applied only for a short time; thereafter Members have been able to request leave to speak, regardless of group affiliation, each speaker being granted five minutes. The order in which these brief contributions are made has been based on the principle of alternating speeches for and against the motion.

Lively debate: one of the rights of scrutiny in parliamentary deliberation is the right to intervene during a speech, which was introduced in 1953 and is modelled on British practice; Alexander Müller (FDP) is seen here exercising this right.

From 1.35 to 3.35 p.m. there follows Question Time. Every Member has the right to ask two questions during a Question Time session, which must be answered orally. In order to give government representatives time to prepare their replies, the questions must be submitted to the Bundestag Secretariat by 10 a.m. on the Friday preceding the sitting week. Following the reply during Question Time, which is normally given by a Parliamentary State Secretary, the questioner may ask two supplementary questions, and each other Member may ask one question. In addition, each Member may submit up to four written questions each month, which are answered in writing only; all questions and answers, however, are published weekly in a Bundestag printed paper. Since 1965 it has been possible to request a debate on a matter of topical interest if a reply from the Federal Government during Question Time has fallen too far short of the questioner's expectations. The request, however, must be made by a parliamentary group or by five per cent of the Members of the Bundestag and must be made immediately after Question Time at the latest. The format of this debate has two unique features: the duration of the debate is limited to one hour, and only five minutes' speaking time is available to each contributor. Since 1980, there has been the much more frequently exercised option of holding a debate on a matter of topical interest quite independently

of Question Time, either when it has been agreed in the Council of Elders or when it has been demanded by a parliamentary group or by five per cent of the Members of the Bundestag. The spectrum of subjects is wide. Most of the debates focus on the latest incidents or critical developments at home or abroad that have evoked wide public interest. Such debates have been held, for example, on the plan to introduce road tolls for cars, on the abuse of subcontracted labour, on the planned intelligence-sharing agreement with the United States and on the current situation in trouble spots such as Mali.

Next to a Committee of Inquiry, the main instrument of public scrutiny of the government is the major interpellation, which can be addressed to the Federal Government by a parliamentary group. The interpellation must be answered in writing within three weeks. If the Federal Government refuses to reply at all or within the three-week time limit, the interpellating parliamentary group is entitled to have its question placed on the plenary agenda. Major interpellations generally relate to politically significant issues and entire policy areas such as the environment, education and the econo-

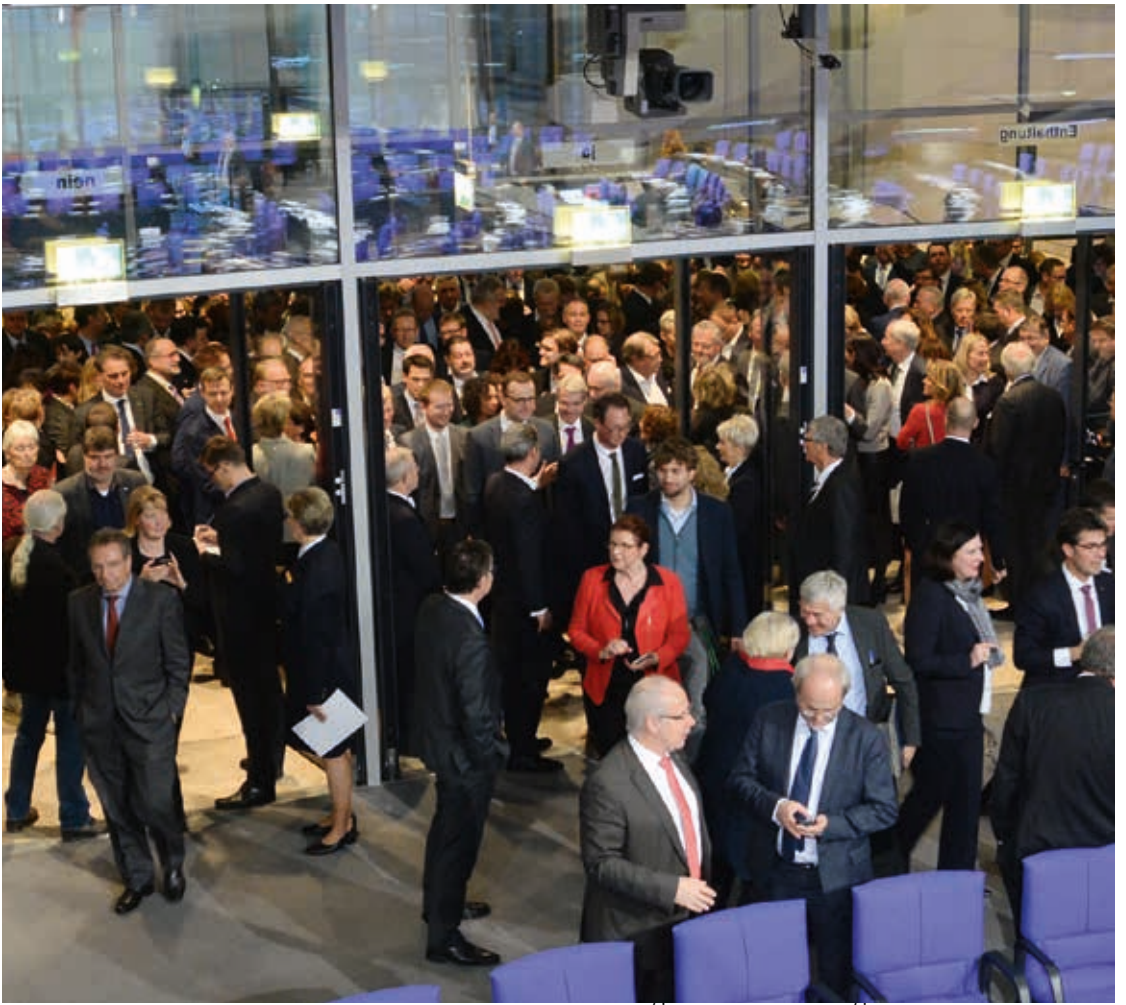


my. Some 80% of interpellations come from opposition groups, which must seek to elicit from the government the most detailed information possible about its overall plans and political objectives so that these can be criticised during the debate in a way that resonates with the general public. Such major interpellations, of which a total of 15 – all from opposition groups – were presented during the 18th electoral term, occasionally give rise to major debates.

The concluding vote

Many items on the plenary agenda culminate in a vote. The President in the Chair formulates the decision that is to be put to the vote and asks for a show of hands. For the final vote on legislative bills after third reading, Members vote by rising or remaining seated. If the presiding panel of the President in the Chair and the two Members acting as secretaries are in agreement as to the outcome, the President immediately announces the result. If, however, one of the secretaries objects that he or she cannot determine a clear result and a cross-check does not decide the matter either, the votes must be counted.

In this case, the count is carried out by means of a division known as the *Hammelsprung*. All Members leave the Chamber. On a signal from the President, they re-enter the Chamber through one of three doors. The Members who wish to vote in favour of the decision enter by the door marked '*Ja*', those who wish to vote against it enter by the door marked '*Nein*', and those who wish to abstain enter through the abstention door. Two secretaries stand at each door to count the Members as they come in. If a parliamentary group so requests, a recorded vote must be conducted. In this case, each Member inserts one of three differently coloured voting cards bearing his or her name and parliamentary group into a cylindrical ballot box in front of the shorthand writers' table. The voting cards are counted by the secretaries; the list of names is printed in the record of proceedings and on the Bundestag website. Recorded votes are normally requested for politically important votes; they number more than 100 in the course of an electoral term. Votes by secret ballot occur only when persons are elected to office, such as the Parliamentary Commissioner for the Armed Forces, the President of the Bundestag, the Vice-Presidents and the Federal Chancellor.



Ayes, Noes and Abstentions:
re-entering the Chamber through
division doors, a practice known
as the *Hammelsprung*, is a special
form of voting.

In the first sentence of Article 77, the Basic Law states that “Federal laws shall be adopted by the Bundestag”. Before the Bundestag can adopt a law, however, a bill must be referred to it for deliberation.

The right to introduce a bill in the Bundestag is also clearly regulated in the Basic Law. “Bills”, according to Article 76, “may be introduced in the Bundestag by the Federal Government, by the Bundesrat or from the floor of the Bundestag”.

The Federal Government plays the leading role in the introduction of bills and is the source of more than half of all bills that are introduced in the Bundestag. This may be part of the reason why we sometimes read or hear in news reports that the Federal Government has adopted a law. What is meant, of course, is that the Government has introduced a bill in the Bundestag, which the latter will then deal with, for it is the Bundestag that adopts federal laws.

Nevertheless, the *Länder*, through the Bundesrat, also participate in the legislative process. There is a good reason for this right of participation. Under the division of responsibilities between the Federation and the *Länder* that is enshrined in the Basic Law, administrative competence lies almost exclusively with the

“Federal laws shall be adopted by the Bundestag”:
legislation and legislative processes

Länder, whose authorities implement the vast majority of federal laws. With this competence come obligations and burdens, which make it logical that the *Länder* should have a say in federal legislation. For this reason the Bundestag must forward all laws after their adoption to the Bundesrat for its consent, but the Bundesrat also has a power of veto which it can exercise. So as to reduce as far as possible the risk of friction and delays from the outset, the representative missions of the *Länder* are involved in the legislative initiative of the Federal Government, which must refer all bills to the Bundesrat before introducing them in the Bundestag. Following their examination by the Bundesrat committees and the adoption of a decision by the plenary assembly of the Bundesrat, a bill will normally be forwarded to the Federal Government together with the opinion of the Bundesrat within a period of six weeks; the Federal Government then forwards the bill with the opinion and possibly its own response to that opinion. The Bundesrat makes very frequent use of its right to propose amendments to Federal Government bills. Conversely, the Bundesrat, when exercising its right to initiate legislation, must first refer the bill to the Federal Government, which examines it and presents it to the Bundestag, usually with a statement of opinion.

If a bill is introduced from the floor of the Bundestag, the Bundestag begins by dealing with the proposal itself without involving the Federal Government or the Bundesrat. This distinctive right of the Bundestag in connection with legislative initiatives re-emphasises that, despite the powerful position of the Federal Government and the participatory rights of the Bundesrat, the Bundestag is the final arbiter in legislative matters. Although a law adopted by the Bundestag does not enter into force without the cooperation of other supreme organs of the Constitution, none of those organs can exercise legislative powers without the Bundestag.

The genesis of a bill

Federal Government bills are drafted in the federal ministries; the drafting is the responsibility of the ministry whose sphere of competence covers the area of government and society that requires regulation by law. The structuring of each ministry into directorates-general, directorates and divisions provides for a distribution of responsibilities which ensures that each aspect of the ministerial portfolio is dealt with optimally by staff with appropriate professional competence and the requisite detailed know-



From bill to law: bills can be introduced by the Federal Government, the Bundesrat, one or more parliamentary groups or a collection of Members equivalent in number to a parliamentary group.

ledge. The groundwork on draft bills is performed by desk officers, the staff of the divisions whom political scientists describe as “specialised basic cells”.

There are a wide range of occasions and reasons for deciding to draft a bill. Foremost among these are political grounds, such as the implementation of objectives set out in the programme of government. Suggestions and recommendations, wishes, proposals and demands may also come from third parties – from business federations and trade unions, churches, charities, non-profit associations, citizens’ initiatives, the media and academic circles. Judgments delivered by supreme courts such as the Federal Constitutional Court may also prompt the Government to initiate legislation, as may prescripts of the European Union. Furthermore, developments in business, technology and society necessitate continuous adaptation of existing legal provisions to changing circumstances.

The departmental desk officer begins work on the drafting of a bill when he or she receives instructions or authorisation from the senior management of the Ministry, who are required to notify the Federal Chancellery of the project and to keep it informed. As a rule, the senior

political management will stipulate what are known as key points, which define the framework within which the desk officer has to operate when drafting the bill. In the course of this work, there will be a great need for exchanges of information, consultation and coordination with other divisions and directorates-general within the Ministry as well as with other ministries whose areas of responsibility would be affected by the planned legislation. There will also be numerous exchanges of information with the corresponding *Land* ministries. Following the completion of a preliminary draft, if not before, specialised circles and associations representing the interests of particular sections of the population who will be affected by the planned legislation are briefed on the bill. The associations will try to influence subsequent work on the bill in favour of the groups they represent; that is legitimate, but it may work to the detriment of other interest groups which will also be affected by the bill. It may be assumed, however, that the politicians and administrators involved in the legislative process will weigh up the interests of all stakeholders and take them into account in a balanced manner. The participation of these lobbying organisations is indispensable, because the specialised knowledge of their representatives can provide important and valuable information for the drafting process.

The government bench: more than half of all legislative proposals on the Bundestag agenda are introduced by the Federal Government.

The draft bill is always forwarded to the *Länder*, the national associations of local authorities and the representative missions of the *Länder* to the Federation. On the one hand, this serves to ensure that the reservations and proposals of the *Länder* can be taken into account when the departmental draft is being finalised; on the other hand, the *Länder* – and hence, of course, the Bundesrat – have ample time to begin their examination of the proposal before the Federal Government presents it to Parliament.

This opportunity is also given to the parliamentary groups in the Bundestag, because the drafts are made available to the offices of the groups and, on request, even to individual Members of the Bundestag. The group working parties dealing with the policy area to which the draft relates are therefore able to prepare themselves in good time for the introduction of the bill and, if necessary, to express their reservations through the committees and formulate amendment proposals. This applies especially to the groups of the governing coalition, whose working-party meetings are attended by the competent parliamentary state secretaries, generally by several departmental civil servants and occasionally even by the Minister, all of whom can provide information on the drafting of the bill. This also enables the government to inform itself in good time of any reservations and objections within the group; it binds the pro-government majority in Parliament into the preparation of legislation at an early stage and assures the government of its support.

Regardless of this communication and consultation process, of this quest for compromise and consensus, a few compulsory checks have to be carried out before the completion of the departmental draft. The Federal Ministry of Justice scrutinises the draft for compliance with formal legal requirements and, together with the Federal Ministry of the Interior, verifies its consistency with the legal order of the Federal Republic of Germany and with the Basic Law. The Federal Ministry of Finance is consulted if the proposed provisions impact on the revenue or expenditure of federal, *Länder* or local authorities; since 2006, the National Regulatory Control Council (*Nationaler Normenkontrollrat*), a body with ten honorary members from the academic world, business, politics and administration, has been examining the red tape and compliance costs to which the planned law will expose citizens, business and the administration. There is also continuous involvement on the part of the editing team from the Society for the German Language which is based in the Bundestag and which makes recommendations regarding the linguistic correctness and comprehensibility of the draft.



The lead ministry sends the coordinated and reviewed departmental draft to the Head of the Federal Chancellery for submission to the Cabinet. Once the draft has undergone all of the coordination and review processes, it can be placed on the agenda of the next Cabinet meeting for a decision. Since no more coordination and reviewing is likely to be required and any interministerial differences of opinion will have been resolved during the planning process, the draft submitted to the Cabinet will be adopted by consensus as a government bill and then forwarded by the Federal Chancellery to the Bundesrat for examination and comment. In the case of bills originating “from the floor of the House”, the Bundestag Rules of Procedure prescribe that the bill must be signed by a parliamentary group or by five per cent of the Members of the Bundestag, in other words by a number of sponsors corresponding to the minimum size of a parliamentary group. Who drafts the bill will depend on whether the initiative stems from the groups in the governing coalition or from the opposition. Following consultation with the government, the coalition groups are assisted in the drafting of the bill by specialists in the federal ministries. It is perfectly normal for the Federal Government to suggest that the coalition groups introduce one

of its own legislative projects from the floor of the House. This is always a practical option if there is a need to bypass the time-consuming process of referring the bill to the Bundesrat for examination. Conversely, it happens time and again that the Federal Government is asked by the coalition groups to draft particular bills and present them to Parliament. This practice is in no way contrary to the principle of a division of labour but is consistent with the parliamentary system of government. In contrast to the situation in the German Empire, for example, in which the relationship between the Reichstag and the Imperial Government was confrontational, the government in a parliamentary system is tethered to the democratically legitimised legislature through the parliamentary majority that keeps it in office. The dividing line does not run between parliament and government, as it still does to some extent today in presidential systems of government, but between the government and the parliamentary pro-government majority on the one side and the parliamentary opposition on the other. In order to present itself as an alternative to the incumbent government, the opposition will also introduce bills in the Bundestag. In fact, just over half of all bills from the floor of the House have been initiated by the opposition. Although these proposals rarely attract majority support, they serve to introduce the public to

Bill, motion or budget: all proposals examined in the Bundestag appear in the form of printed papers; since the 18th electoral term, however, the bulk of them have been distributed electronically.

opposition plans and aims that diverge from those of the government. The working parties of the opposition groups, needless to say, cannot avail themselves of the expertise of departmental civil servants and therefore have to rely, when formulating their proposals, on the assistance of ministerial officials in the *Länder* in which their own party is in government. Lastly, the *Land* ministries are also where bills introduced by the Bundesrat are drafted. These are bills which are presented by one *Land* or jointly by two or more *Länder* to the plenary assembly of the Bundesrat. They are then introduced in the Bundestag through the Federal Government, but only if they have been approved by an absolute majority of the Bundesrat. The number of bills initiated by the Bundesrat always increases when parties that are in opposition in the Bundestag are in government in a sufficient number of *Länder* to command a majority in the Bundesrat.

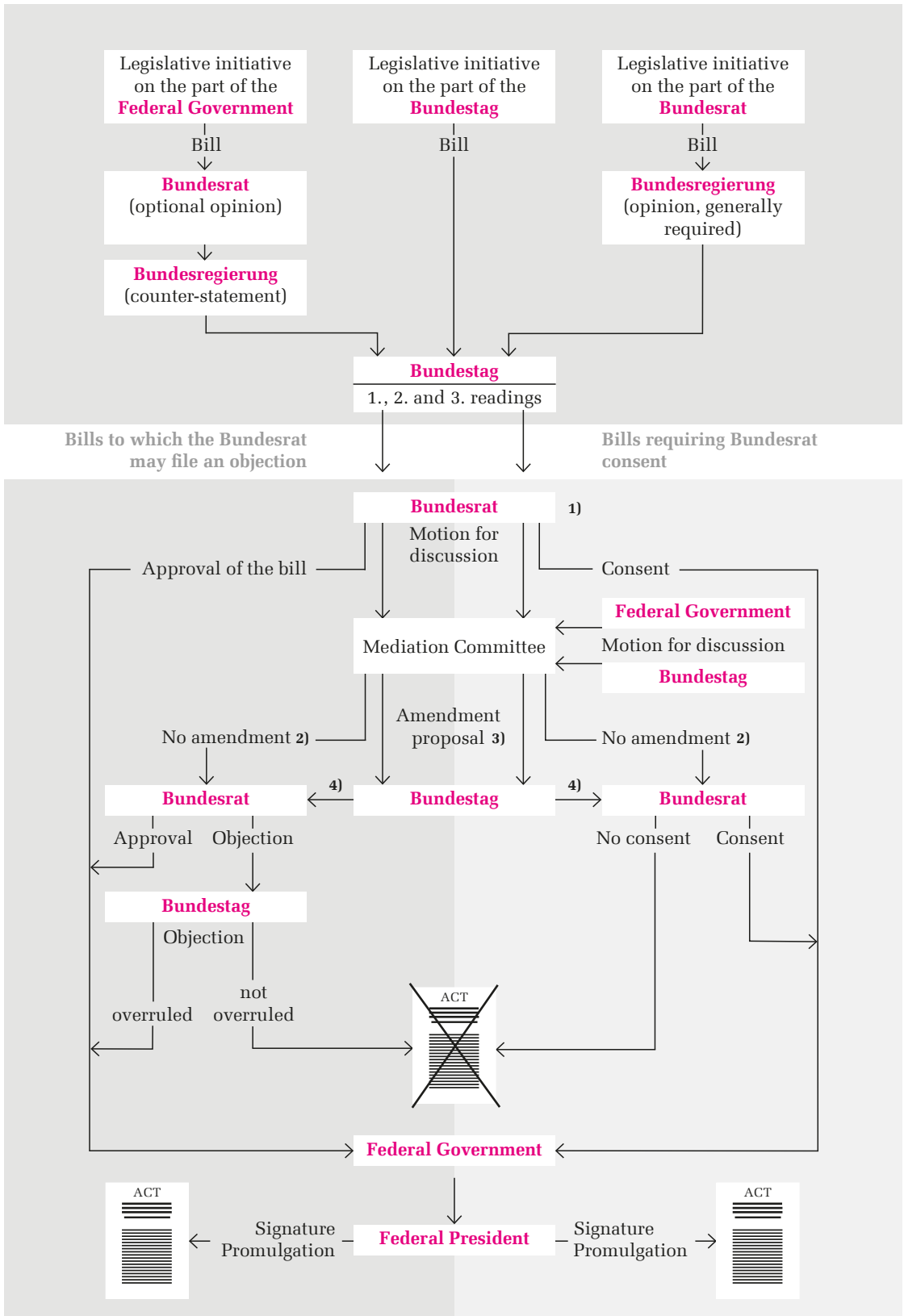
The path of a bill through Parliament

The Bundestag deals with all bills that are referred to it by following the provisions of the Rules of Procedure, which prescribe three sets of deliberations, known as readings; between first and second reading the bill is referred to the lead committee for deliberation.

Once the President of the Bundestag has received the bill, it is examined by the Parliamentary Secretariat and then distributed in electronic form as a Bundestag printed paper to the Members of the Bundestag and Bundesrat and to the federal ministries. An agreement is reached in the Council of Elders on the date on which the presentation of the bill will feature on the plenary agenda. Unless otherwise agreed, deliberations on bills begin no earlier than the third day following the date of distribution of the relevant printed paper.

In this very short minimum time span, the parliamentary groups can certainly form an opinion, because their working parties, and particularly the specialists on those working parties, have long been familiar with the departmental draft and have analysed and discussed it. Conversely, when bills are initiated from the floor of the House, an additional rule prescribes that the bill must be placed on the agenda for the next plenary sitting no more than three weeks after the distribution of the printed paper if the sponsors of the bill so demand. This minority safeguard is designed to ensure that the majority groups do not hold up opposition motions for excessive lengths of time.





First reading and deliberation in committee

No plenary debate takes place at first reading unless the legislative proposal is of particular political importance and has possibly been the subject of intense public controversy. Contributions to such a debate are normally confined to a discussion of the principles underlying the proposal, but the bill is not examined in detail, because that is the task of the competent committees. A debate takes place at first reading if the Council of Elders so agrees or if a parliamentary group requests a debate. In the last few electoral terms, an average of 30 to 40% of all first readings involved a plenary debate.

All legislative proposals are referred at the end of first reading to a lead committee for deliberation; as a rule, this is the committee whose remit corresponds to the portfolio of the lead ministry in which the bill was drafted. In the same way as other ministries are involved during the drafting of the bill, other committees whose areas of responsibility will be affected by the legislation also examine the proposal. These committees have a consultative role; they draw up a written opinion, which they transmit to the lead committee. An exceptional function is performed by the Budget Committee, which not only deliberates on the annual Budget Act but must also deal with all bills that

are expected to have significant implications for federal public finances or those of the *Länder*. In these cases, the plenary chamber receives a report directly from the Budget Committee in addition to the report from the lead committee.

The brunt of the work on the report in committee is borne by the rapporteurs, who are proposed by the parliamentary groups and appointed by the chair of the committee; in the case of major bills and those that are liable to be politically controversial, each parliamentary group that is represented on the committee designates a rapporteur. The rapporteurs are committee members who are particularly familiar with the details and intricacies of the bill under examination, with the comments received from business representatives and the general public, with the expectations of the relevant stakeholders and with the positions of everyone involved in the legislative process. The rapporteurs are the experts in their respective parliamentary groups, whose position they uphold in committee and which they continuously brief on the progress of the committee's deliberations.

The legislative process

- 1) immediate rejection: referral by the Bundestag or Bundesrat is possible
- 2) confirmation of the legislative decision or no motion for amendment
- 3) if amendment motion is rejected, original legislative decision prevails
- 4) if withdrawal is proposed and the Bundestag gives its consent, the bill is defeated, otherwise it is referred to the Bundesrat

If information and advice is needed on fundamental issues relating to the bill, the lead committee has the option of arranging public hearings, to which experts and representatives of special interests are invited. These hearings serve as another minority safeguard, because they must be held if one fourth of the committee members so request; the opposition members of the committee make use of this opportunity to give a platform to experts who are critical of the planned legislation or even opposed to it. At the same time, however, the hearings serve to make the work of Parliament more transparent, since they are also addressed by experts and representatives of associations who have already been consulted during the treatment of the bill and whose possible influence on the spirit and letter of the proposed law is made clear to the public through the hearing. These hearings are also attended by representatives of the press and the other mass media, who naturally report on them; hearings, moreover, are streamed live online.

In all other respects, the committees do not deliberate in public. This is not by any means a secretive approach but rather a form of discretion that helps to preserve trust. Without having to consider the public impact, Members can suggest various options and alternatives and discuss compromise proposals in a way that might be perceived by the public as indecisiveness and uncertainty but actually lends objectivity to the deliberations. Representatives of the Federal Government, departmental civil servants and Members of the Bundesrat can answer Members' questions about the bill and explain the positions of the Government and the Bundesrat.

Bills are gone over point by point at the committee meetings. On each point, members of the committee can propose amendments and table motions for amendments; for the wording of these amendments, Members are assisted by the departmental specialists who attend these meetings and who are familiar with the subtleties of legal terminology. Motions for amendments relating to a particular point are put to the vote at the end of the discussions on that point. If any of these amendments are adopted, a new draft is produced, incorporating the adopted amendments into the bill introduced in Parliament.

Recorded vote: Members vote on bills in plenary using voting cards.

On completion of the deliberations, the rapporteurs produce a written report for the House. This report describes the course of the deliberations in the lead committee and sets out the opinions adopted by the consulted committees. If amendments to the bill have been adopted in committee, which happens in 90% of cases, these amendments must be substantiated. The report not only indicates the composition of the majority by which the amended bill was adopted in committee but also the reasons why the minority voted against it.

Since the committees not only prepare the ground for the plenary proceedings but are also “bodies responsible for preparing the decisions of the Bundestag”, they are “under a duty to recommend to the Bundestag definite decisions...”, as the Rules of Procedure state. For this reason, a recommendation for a decision is prefixed to the report, which generally recommends to the House that it adopt the bill as amended in committee, the text of which follows the recommendation for a decision. It is customary to present the original and the committee versions side by side. The recommendation for a decision and the report are distributed to the Members of the Bundestag. This new Bundestag printed paper forms the basis for the second reading of the bill.

Second reading, third reading and final vote

In the Council of Elders, the parliamentary groups jointly determine not only on which date the second reading of the bill is to feature on the plenary agenda but also whether there is to be a debate on the bill. As a rule, about 60% of second readings involve a general debate. Such debates can naturally be waived in the case of amendment bills which merely update existing legislative acts.

It is not in any way the purpose of the general debate to sway undecided Members, since the positions of the various parliamentary groups will have been discussed at length at meetings of the group bodies. The debate gives the Federal Government and the parliamentary groups in the Bundestag another opportunity to present their respective arguments for and against the bill. The contributions to this debate are not so much addressed to fellow Members as to the democratic public, the voters, enabling them to form a clearer and more accurate picture of the political intentions and goals of the parties that represent them in the Bundestag. These contributions are part of what is described as the communicative function of Parliament.



Following the general debate, the Bundestag embarks on the decision-making process on the bill. As a rule, there is only one vote on the bill in its entirety. It is also possible, however, for separate votes to be taken on individual parts of the bill. The same applies to amendment motions. Not only parliamentary groups and collections of Members equivalent in size to a parliamentary group but also individual Members can move amendments; amendments tabled by individuals will normally have been cleared by their groups, of course. The opposition in particular uses amendment motions, most of which will have been tabled in committee and voted down, to record their divergent opinions again, this time in the public forum.

If the version of the bill recommended by the committee is adopted at second reading, the third reading can follow immediately. Even if amendments have been made at second reading, an immediate third reading is possible with the consent of two thirds of the Members in attendance. In the absence of such consent, the bill as amended at second reading must be distributed; in this case, the third reading cannot take place any earlier than the second day after the date of distribution. In cases where amendments were made to bills at second read-

ing, amendments may also be moved at third reading, but only on condition that amendments were adopted at second reading and that the new amendments are tabled by at least one parliamentary group or an equivalent number of Members.

Almost without exception, third readings follow on immediately from second readings; since virtually no further amendments are moved, third reading largely consists in the final vote on the bill. However, about 25% of bills introduced in the Bundestag do not reach a third reading, because they are rejected at second reading. Most of these rejected bills have been introduced by the opposition from the floor of the House or from the Bundesrat. A comparison between the ratio of bills introduced and the ratio of bills adopted shows that, when it comes to the adopted bills, the balance swings in favour of the Federal Government. In the 18th electoral term, the Federal Government generated about 70% of the bills introduced in the Bundestag but almost 88% of those that were adopted. Conversely, only about a third of the bills introduced from the

Seeking compromise: a Mediation
Committee meeting.

floor of the House or the Bundesrat were adopted. It speaks for the conscientious performance of the task of parliamentary scrutiny that up to ten per cent of bills introduced by the Federal Government in any electoral term are not adopted. Be that as it may, the adage coined by former Federal Minister of Defence Peter Struck and known as Struck's Law still applies: scarcely any bill ever exits Parliament in the same form as it entered.

Bills in the Bundesrat and the Mediation Committee

After the adoption of bills by a majority of the Bundestag, says the Basic Law, "the President of the Bundestag shall forward them to the Bundesrat without delay". From then on, the fate of the bill depends to a great extent on whether it is one to which the Bundesrat may lodge an objection or whether it requires the consent of the Bundesrat.

A bill requires the consent of the Bundesrat if it affects the interests of the *Länder* in any way, such bills being defined in detail in provisions of the Basic Law. They include proposed fiscal legislation as well as bills with provisions impinging on the administrative sovereignty of the *Länder*. Given the close intertwining of federal and *Länder* rights and obligations with regard to public revenue and expenditure and in

view of the fact that the division of responsibilities in the Federal Republic known as 'functional federalism' makes it almost exclusively incumbent on the *Länder* to implement federal laws through their own administrations, it is hardly surprising that, until the reform of the federal system in 2006, more than 50% of bills required the consent of the Bundesrat; today this ratio is about 40%. Bills involving constitutional amendments also require the consent of the Bundesrat, although in this case they must be adopted by a two-thirds majority in both the Bundestag and the Bundesrat.

In the case of bills to which the Bundesrat may object, its objection amounts only to a suspensory veto. While it may decide by an absolute majority to lodge an objection to such a bill that has been adopted by the Bundestag, the bill is then referred back to the Bundestag for a decision, and if the Bundestag votes by an absolute majority to uphold its original decision, the law is deemed to have been adopted. If the Bundesrat's decision to lodge an objection is carried by two thirds of its members, however, any decision on the part of the Bundestag to overrule the objection must also be taken by a two-thirds majority or at least by a majority of all its Members. Where bills require the consent of the Bundesrat, however, the decision of the Bundesrat cannot be overruled by the Bundestag.



If the Bundesrat wishes to lodge an objection to a bill that has been referred to it, or if it is not prepared to approve a bill requiring its consent but does not want the bill to fall, the Mediation Committee is convened. The Mediation Committee is not a Bundestag committee but a joint committee of the Bundestag and Bundesrat; it has 32 members, half of whom are appointed by each legislative body. While the Bundesrat contingent comprises one representative from each federal state, the Bundestag contingent reflects the political composition of the Bundestag.

The Mediation Committee has its own Rules of Procedure, adopted jointly by the Bundestag and Bundesrat. Its members elect as chairpersons a Bundestag and a Bundesrat representative, who preside alternately for three-month periods and can deputise for each other. Members of the Federal Government are entitled or, if the Committee so decides, required to attend the committee meetings. The Mediation Committee takes its decisions by a majority of its members in attendance.

If the Bundesrat is entitled to lodge an objection to a bill, before doing so it must refer the matter to the Mediation Committee, which then has two options. It may confirm the bill as adopted by the Bundestag, in which case it refers the bill back to the Bundesrat, which can either let it pass or lodge an objection. If the Mediation Committee exercises the other option of proposing an amendment or amendments to the bill, it must first address its proposal to the Bundestag, which may accept or reject it. The Bundestag then forwards its decision to the Bundesrat, which may adopt the amended bill or, if the proposed amendments do not meet its wishes, reject it. If the Bundestag has already rejected a proposal from the Mediation Committee, the Bundesrat will most likely lodge an objection to the bill which is now referred to it and which is still in the form that it was not prepared to accept. Following the objection by the Bundesrat, it is the turn of the Bundestag again. If it supports the bill by an absolute or two-thirds majority, depending on the majority by which the Bundesrat voted to lodge its objection, the bill will become law.

If the Bundesrat does not agree to the submitted version of a bill which is subject to its consent, it may refer the bill within three weeks to the Mediation Committee, to which it makes substantiated proposals. The mediation procedure follows the same pattern as the procedure for bills to which the Bundestag may lodge an objection. If the Bundesrat still wishes to withhold its consent on completion of the mediation procedure, the Bundestag does not have the option of overturning the Bundesrat decision as would be the case if the Bundesrat only had the right of objection.

The Bundestag, like the Federal Government, however, still has the right to convene the Mediation Committee if the Bundesrat rejects a bill that requires its consent, even if the Bundesrat itself has opted against mediation when withholding its consent. This means that a bill requiring the consent of the Bundesrat may, at least in theory, be referred twice or even three times to a Mediation Committee.

Since the *Länder* have already been consulted during the drafting of a bill and are in constant liaison with both the competent federal ministries and the parliamentary groups in the Bundestag during the subsequent deliberations, some 95% of bills referred by the Bundestag to the Bundesrat are approved by the latter in practice. In the other cases the two Houses normally manage to reach agreement after mediation.

Signature and promulgation

When a bill has been approved by a majority of the Bundesrat or when the mediation procedure has been successfully concluded, the bill is countersigned by the Federal Chancellor and one or more of the competent government ministers. The bill is then forwarded to the President of the Federal Republic, who affixes his signature. The Office of the Federal President then forwards the signed legislative act to the Federal Ministry of Justice with an instruction to publish it in the Federal Law Gazette (*Bundesgesetzblatt*). On publication, the act is promulgated and enters into force 14 days after the date of publication unless otherwise provided in the act itself.



Promulgation: a law enters into force once it has been published in the Federal Law Gazette.

With the advance of the European integration process have come new responsibilities for the Bundestag. Parliament is, as the Basic Law explicitly states, involved in “establishing a united Europe”. But what is the nature of that involvement?

European legislation is playing an increasingly important role in the lives of EU citizens. Many of the laws that apply in Germany are determined by legislative acts of the European Union. This applies to EU regulations, which have the force of law in Member States of the Union, and to EU directives, which define the European framework within which national parliaments are to take legislative action. On the one hand, the influence of European law on EU Member States is indicative of the long way that Europe has already come on the path of unification; on the other hand, this influence impacts on the legislative powers of national parliaments, including the Bundestag.

The Bundestag has considerably developed its participatory powers by means of the 2013 Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union and the 2009 Act on the Exercise by the Bundestag and by the Bundesrat of their Responsibility for Integration in Matters Concerning the European Union (Parliamentary Responsibility for EU

“Establishing a united Europe”: Bundestag participation in the process of European integration

Integration Act). And even if the Bundestag does not participate directly in the creation of EU legislation, it can still exert a great deal of influence on European lawmaking through the Federal Government.

Governments play a pivotal role in the legislative process of the European Union. They are represented through the Council of the European Union, without whose consent no legislation can be enacted. Depending on the policy area to which its deliberation and decision-making relate, the Council meets in a particular configuration, comprising the relevant specialised ministers of the Member States; each Member State is represented by one member of its government.

The right of initiative, in other words the right to introduce draft legislation, lies with the European Commission. It is the supreme administrative institution of the European Union, that is to say the executive branch. The members and President of the Commission are appointed for five years by the Council, following their approval by the European Parliament. The five-year term of office of the Commission coincides with the electoral term of the European Parliament.

Along with the Council and the Commission, the European Parliament is the third institution that is involved in EU legislation. Although neither the European Parliament nor the Council have the right to initiate legislation, they can call on the Commission to have a legisla-

tive act drafted that relates to a particular policy area. Since 1979 the European Parliament has been elected for five-year terms by the enfranchised citizens of the EU Member States. As a rule, a European legislative act cannot be adopted unless the proposal has received majority approval at first reading in the European Parliament. If the Parliament has approved a proposal from the Commission, it is forwarded to the Council, which must also give its consent if the act is to enter into force. If the European Parliament or the Council wishes to propose amendments, a second reading may take place.

If the Parliament and the Council cannot agree on an amended version, the Conciliation Committee is convened, comprising the members of the Council and an equal number of MEPs. The Commission also takes part in the work of the Conciliation Committee. Within six weeks following its appointment, the Conciliation Committee, having conducted what is known as a formal trialogue, is to reach an agreement based on the positions of the European Parliament and of the Council. This agreement requires a qualified majority of the members of the Council and a majority of the committee members representing the European Parliament. If the Conciliation Committee approves the draft within the six weeks following its appointment



Berlin and Brussels: the Bundestag cooperates with the European Parliament.

date, the European Parliament and the Council can enact the legislation at a third reading. If no agreement is reached, the proposed legislative act is deemed to have been rejected.

The Council and the European Parliament often try to complete the legislative procedure at first reading. To this end, they hold informal tria-logue talks involving the Commission at which they agree on a common position, which is then formally adopted by both institutions. Unlike the formal trialogue procedure, informal trialogues are not regulated in the European treaties and take place between the first and second readings of legislative proposals.

Before the Federal Government participates in lawmaking in the Council of the European Union, it must give the Bundestag an opportunity to influence the political position that the Government is to adopt in the Council. "Before participating in legislative acts of the European Union," says the Basic Law, "the Federal Government shall provide the Bundestag with an opportunity to state its position. The Federal Government shall take the position of the Bundestag into account during the negotiations." In order to be able to state its position, the Bundestag must, of course, have all relevant information at its disposal in good time. The Federal Government must therefore notify the Bundestag of such matters "comprehensively and as early as possible". That is how it is phrased in the Basic Law and in the Act on Cooperation

between the Federal Government and the German Bundestag in Matters concerning the European Union; the Act also lays down details of the Federal Government's notification obligations in EU matters and of the way in which the Bundestag is to participate in EU legislation by stating its position to the Federal Government. The Federal Government is required to forward all relevant documents and reports to the Bundestag, which must be informed in advance and in sufficiently good time to form an opinion on the subject of meetings and on the position of the Federal Government and to be able to influence the negotiating line and voting decisions of the Federal Government.

If the Bundestag delivers an opinion based on this information, the Federal Government is to use it as a basis for its negotiation in the Council. If the Government cannot assert one of the main interests expressed in the decision of the Bundestag, it must invoke the requirement of prior parliamentary approval in the negotiations. This means that the Federal Government must reach agreement with the Bundestag before the final decision in the Council. The Federal Government may, however, diverge from the position of the Bundestag for good reasons of foreign or integration policy.

The basis of the opinion of the Bundestag on EU proposals is either a resolution adopted in the lead committee on a proposal that has been referred to it or a separate motion tabled by a parliamentary group; the formulation of the

Visit to Brussels by the EU Affairs Committee of the 18th Bundestag: the Committee on the Affairs of the European Union is an important player in Germany's European-affairs policy.

opinion culminates in a recommendation for a decision, which is then put to the vote in plenary. The motion, however, may also be tabled in the Chamber itself and be discussed there, which saves considerable time in urgent cases. For every recommendation for a decision, documents must be perused and examined. Since the Bundestag receives about 25,000 EU documents from the Federal Government and from EU institutions every year, a high degree of expertise is required for this task. This expertise is concentrated in the European Affairs Directorate of the Bundestag Administration. The Directorate assists the committees and parliamentary groups of the Bundestag in the parliamentary discussion of EU affairs, for example in documentation searches and in matters concerning referrals to committees and subsidiarity checks. Particular importance attaches to EU proposals that are subject to the participatory rights of the Bundestag. The first step on receipt of these proposals is to determine which of them require deliberation in committee. Prioritisation and referral recommendations are made for the identified proposals. A brief summary is produced, explaining what the proposal is about, how important it is, what its aim is and which committees should be involved in the deliberations.

If the committees agree with these recommendations, the referral proposal is signed by the chair of the EU Affairs Committee and forwarded along with the suggestions regarding priori-

tisation to the President of the Bundestag, who refers the EU proposals to the recommended committees in consultation with the parliamentary groups. If the deliberations in committee culminate in a recommendation for a decision, this recommendation is presented to the House, which uses it as a basis for the opinion in which the Bundestag states its position to the Federal Government. In individual cases this opinion of the Bundestag may be delivered to the Federal Government by the EU Affairs Committee, which is also entitled to move amendments to the lead committee's recommendation for a decision when it is discussed in plenary.

The participatory right of the Bundestag not only applies to secondary legislation of the EU, in other words the legal provisions that govern various aspects of life in the Member States, but also to primary legislation. The latter mainly comprises the treaties on which the European Union is founded but also includes the Parliamentary Responsibility for EU Integration Act. This Act enshrines the participatory right of the Bundestag in the event of amendments to European primary legislation which are not subject to the normal ratification procedures and in those cases in which the Treaty of Lisbon provides for an extension of the powers of the Union. If amendments to the EU treaties are planned, if further sovereign rights are to be transferred to the European Union or if the



Union's sphere of competence is to be widened, the Bundestag must take a decision to that effect and enact a law. If the Basic Law would be affected by the proposed amendment of EU primary legislation, a decision carried by a two-thirds majority of the Bundestag is required. The Bundestag exercises further rights of participation and oversight on the basis of the Act concerning the Granting of Guarantees in the Framework of a European Stability Mechanism (Stability Mechanism Act) and of the Act concerning Financial Participation in the European Stability Mechanism (ESM Financing Act). The triggers for these statutes were the creation in 2010 of the European Financial Stability Facility (EFSF) and the establishment in 2012 of the European Stability Mechanism (ESM); these instruments were created during the European financial crisis and serve to safeguard the overall financial stability of the euro area by providing financial assistance for the Member States that have adopted the euro. Since the granting of loans and guarantees by Germany under the EFSF and the ESM affects the general responsibility of the Bundestag in budgetary matters, decisions on such measures require the consent of either the Chamber or the Budget Committee of the Bundestag.

An important instrument of parliamentary oversight of the policies of EU institutions is the right to conduct subsidiarity checks. The parliaments of Member States can object to a

planned legislative act of the European Union if they are convinced that the adoption of the proposed legislation would infringe the subsidiarity principle. Subsidiarity means that, in areas in which the European Union shares legislative powers with the national parliaments, the Union may not legislate unless the objectives of the planned act cannot be adequately achieved in the Member State by national, regional or local means.

If Member States' parliaments conclude that the objectives of a legislative act planned by the European Union can be achieved equally well or even better by national, regional or local bodies, they can lodge a subsidiarity objection with the EU institutions. As a rule, when the specialists from the European Affairs Directorate formulate their prioritisation and referral proposals, they also highlight possible breaches of the subsidiarity principle and recommend points for examination in committee. If the participating committees conclude that a subsidiarity objection is advisable, the EU Affairs Committee is informed accordingly. If it has no objections, the lead committee submits a recommendation for a decision to the House. The Chamber then reaches a decision, which the President of the Bundestag communicates to the Presidents of the European Parliament, the Council and the Commission.

The Bundestag and Europe: under the Basic Law, the German Parliament is required to participate in matters concerning the European Union.

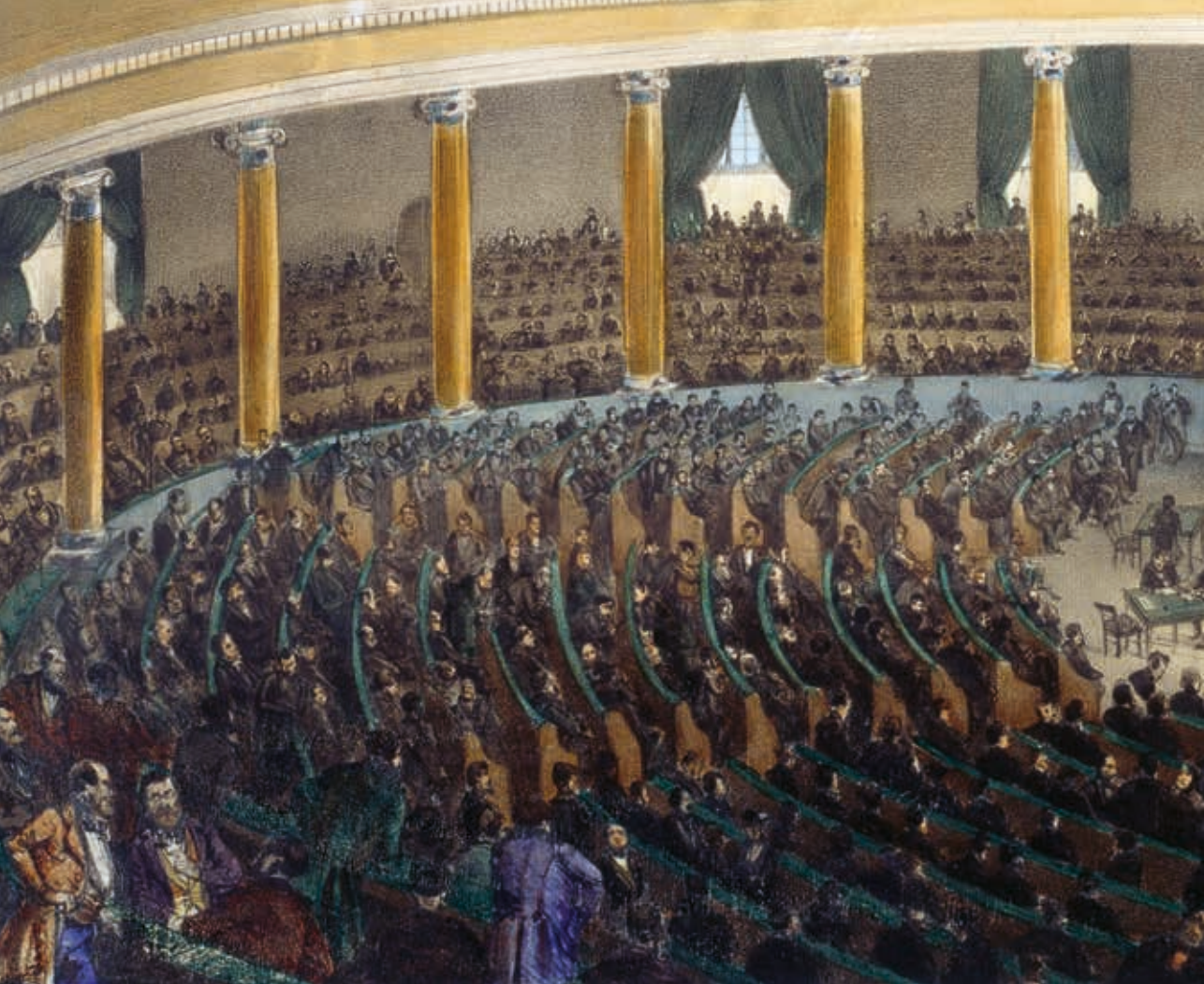
If at least a third of the Member States' parliaments express reservations, the Commission must review the draft. It may discard it, amend it or leave it unchanged, but it must provide a reasoned explanation of its decision. If more than half of the national parliaments lodge a subsidiarity objection and the Commission does not amend its draft, it must explain precisely why it is convinced that the proposal does not infringe the subsidiarity principle. If either of the two legislative institutions – the European Parliament by an absolute majority or the Council by a majority of 55% - decides that the subsidiarity principle is being breached, the legislative proposal receives no further consideration.

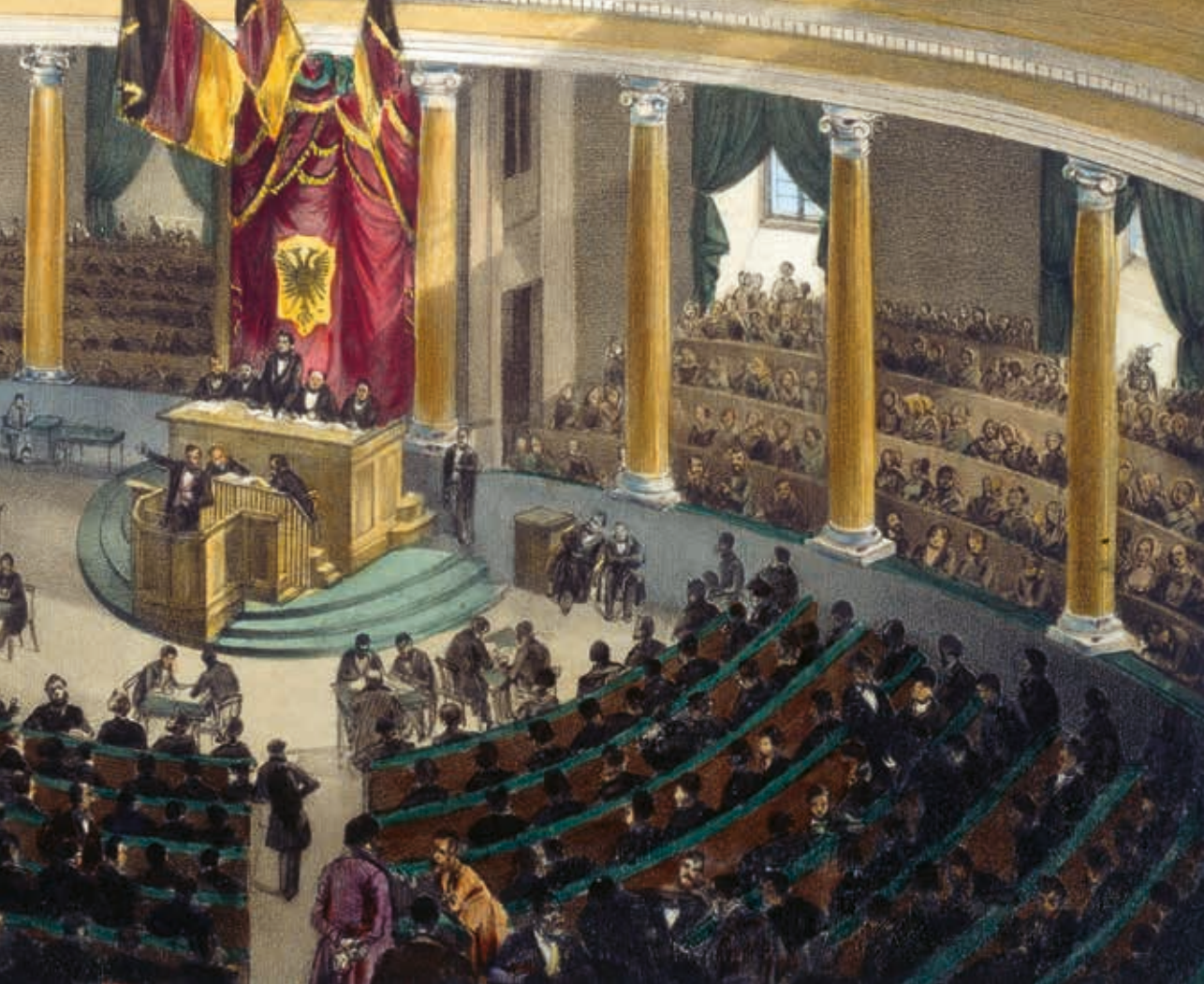
The Bundestag can also establish direct contact with the EU institutions. For this reason it has maintained a liaison office in Brussels since 2007. This branch office of the Bundestag is staffed by members of the Bundestag Administration and employees of the parliamentary groups. Thanks to a wide range of local contacts, the staff of the liaison office can gather information on current political developments which is made available to Bundestag Members, committees and groups, for example in the form of the *Bericht aus Brüssel* ('Report from Brussels'), which appears in sitting weeks. Staff of the office are also involved in the preparation and implementation of numerous interparliamentary activities.

Contacts between parliaments and with the European Parliament play an important role in promoting the democratic dimension of the European integration process. For many years, meetings have been taking place in Brussels between representatives of the parliaments of the EU Member States and Members of the European Parliament. An Interparliamentary Conference meets twice a year, primarily to discuss issues relating to the common foreign and security policy of the European Union. Time and again, moreover, specialised parliamentary committees come together in Brussels to discuss particular issues and legislative proposals. One such gathering that has been especially formalised is the half-yearly meeting of the European Affairs Committees of the EU Member States' parliaments. Once a year the speakers or presidents of the parliaments of the EU Member States meet for a conference which may be described as a forum for exchanges on European topics.

In addition, there are twice-yearly meetings of the Joint Parliamentary Scrutiny Group for Europol, an interparliamentary body that not only acts in an advisory capacity but also performs oversight duties.







The long road to democracy Milestones in Germany's parliamentary history

Germany's parliamentary history began 200 years ago, when three medium-sized states of southern Germany – Baden, Bavaria and Württemberg – were granted constitutions in 1818 and 1819. Under these constitutions parliaments were established, giving the subjects of the Grand Duke of Baden, the King of Bavaria and the King of Württemberg a limited say in governmental decisions. The fact that those assemblies were still far removed from what we understand by a parliament today is evident not only from the electoral law of that time but also from the powers and composition of these parliaments, known as *Ständeversammlungen*, or assemblies of the estates.

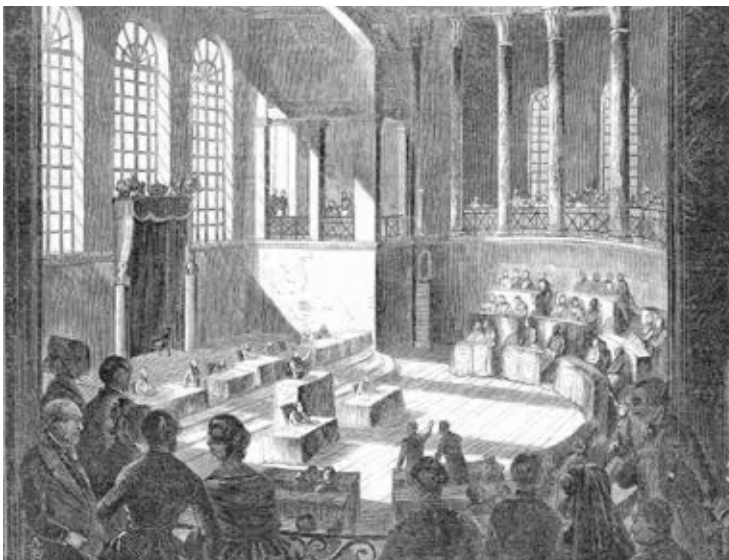
Suffrage was far from general. The right to vote was granted only to men who had reached their 25th birthday and could furnish evidence of not inconsiderable assets or of high earnings. The bar was set even higher for those who wished to stand for election. In Baden, although no fewer than 17 % of the population were entitled to vote, only some 6,000 residents of the

“... the real school of *Vormärz* liberalism”:
parliaments in Germany before 1848

Grand Duchy, corresponding to 0.7 % of the population, were qualified to stand for election to a parliamentary seat. Such restrictions were in the interests not only of the monarchical governments, which sought to limit as far as possible the circle of those who would exercise their right to a political say in future, but also of members of the liberal movement, for whom the establishment and development of a state based on the rule of law and a constitution was a means of turning subjects into citizens who would play a role in guiding the destiny of the state as representatives of society and enjoy guaranteed rights against the state. While governments were convinced that wealthy subjects owed their prosperity to the status quo and therefore had little interest in change, the liberals considered that this same prosperity would be put at risk if the unpropertied classes were enfranchised.

Parliaments generally comprised a First and Second Chamber. The First Chamber was a kind of Upper House or House of Lords, while the Second Chamber was the Lower House or House of Representatives. Only members of privileged groups belonged to the First Chamber. The core was formed by princes of the ruling dynasty and representatives of the high nobility, whose seats were hereditary and who were just as unelected as the lords whom the

ruling monarch could appoint at his discretion. The Second Chamber, by contrast, was an elected chamber, whose members were returned under a first-past-the-post system. This description, however, is fully applicable only to the Second Chamber in Baden. Bavaria and Württemberg were certainly divided into electoral constituencies too, each of which elected one member. The Second Chambers of those kingdoms, however, also contained representatives of the landowning aristocracy, the churches and the universities, all of which were represented in the First Chamber in Baden. Those were members of parliament who either had an *ex officio* seat, like the ten representatives of the churches in Württemberg, or members who, though elected, represented only a restricted and very small social group. The modern principle of parliamentary representation, in which seats are neither allocated on an *ex officio* basis nor reserved for particular groups, was systematically applied to the Second Chamber in Baden alone.



Pages 82/83:
Sitting of the Constituent National
Assembly in St Paul's Church,
Frankfurt, in 1848.
Lithograph based on a drawing by
Fritz Bamberger, 1848

left:
The Second Chamber of the Grand
Duchy of Baden met here in the
House of Estates in Karlsruhe. This
view is from the visitors' gallery.
On the left is the niche containing
the throne, located behind the
Speaker's and Deputy Speakers'
table. The Grand Duke's throne
was placed with its back to the
assembly when the Grand Duke
was not in attendance.
Steel engraving, 1847

The powers of the southern German parliaments were narrowly restricted. Although laws could only be enacted with the consent of both Chambers, they also required the approval of the ruling monarch. If he rejected a bill that had obtained majority support in both Chambers, it could not become law. The monarch was thus a full member of the legislature and, as head of state, also presided over the executive. He appointed and dismissed the members of the government, the composition of which could not be influenced by Parliament. At the heart of the legislative activity of the parliaments was consent to the raising of taxes and of government loans; expenditure, on the other hand, was determined by the royal government and was not subject in any way to approval by the Chambers, which meant that the latter did not possess full budgetary powers. The right to initiate legislation was reserved for the government; members of parliament could only make proposals by means of a legislative petition.

In spite of all these restrictions, the history of these three parliaments in the *Vormärz* – the decades leading up to the revolution of March 1848 – was a success story. In constant new initiatives and through what were often fierce struggles with the monarchical governments, the liberal members, many of whom were repeatedly subjected to heavy pressure and harassment by the authorities, ranging from imprisonment to loss of livelihood, managed little by little to advance the establishment of states rooted in the rule of law and a constitution without ever fully achieving that goal.

Their activity outside and inside parliaments provided the liberals with a training ground for political practice. The Second Chamber in Baden, the unique composition of which already set it apart, is still regarded today as “the real school of *Vormärz* liberalism”, as historian Franz Schnabel put it. It is no wonder, then, that the 1848 revolution in Germany, though inspired by the revolutionary occurrences in Paris, had its origins in Baden.



The 'half-moon chamber', where the Württemberg Parliament met from 1819 to 1933. The chamber, created by architect Gottlob Georg Barth in the spring of 1819 within an 18th-century building, was the first plenary chamber in Germany. Lithograph by Jakob Heinrich Renz, 1833

When the news came through that Louis-Philippe I had abdicated as King of France following two days of street fighting and barricade battles, Friedrich Hecker, a member of the Baden Parliament, was at dinner with party colleagues in the *Pariser Hof*, a tavern in Karlsruhe. An actor from the Karlsruhe theatre, Hecker recalled, ‘burst’ into the premises and announced to the gathering of prominent politicians the exciting news from Paris, which he claimed to have received from a messenger. The politicians responded enthusiastically, said Hacker, jumping to their feet and instantly agreeing that the time had come to act. With one voice they pledged to set about working for the liberation of Germany.

On the very next day, 27 February 1848, a Sunday, a mass gathering took place in Mannheim, which several thousand people are said to have attended and which was addressed by almost all of the leading opposition figures in Baden. This assembly adopted a petition addressed to the Second Chamber setting out four demands and calling for their immediate fulfilment.

“We will create a constitution for Germany”:
the German National Assembly in St Paul’s Church,
Frankfurt am Main

These were: “1. Arming of the people with free election of officers; 2. Unconditional freedom of the press; 3. Trial by jury after the English model; 4. Immediate establishment of a German Parliament”. These four demands, which soon came to be known as the Mannheim Demands, were rapidly and widely disseminated in other German towns and cities over the next few days, especially in the capitals of the other Member States of the German Confederation, where they were supplemented and expanded and ultimately referred to collectively as the ‘March Demands’.

These catalogues of demands were recited at numerous assemblies and demonstrations, where they were adopted by acclamation before being presented in the form of a petition to governments and parliamentary bodies. The delegations entrusted with the presentation were accompanied by large crowds of demonstrators processing to royal residences, government buildings or seats of parliament, and the conspicuous presence of these demonstrators, often numbering several thousand, added extra emphasis to the demands. Only in very rare cases were there tumults or outbreaks of spontaneous rioting. In Vienna and Berlin, however, the capital cities of the two major German powers, the protests did escalate into violence from mid-March, with street fighting and the erection of improvised barricades, deployment of troops and numerous dead and wounded.

Almost everywhere else, however, events unfolded as peacefully as in Karlsruhe on 1 March 1848 at the first mass demonstration of the March revolution; like the Mannheim Demands, which were to be officially presented on that day to the President (Speaker) of the Second Chamber of the Baden Parliament, the demonstration became a model for other towns and cities. Thousand rallied to the call of the Mannheim assembly, travelling to Karlsruhe, the capital of Baden, by train from all parts of the Grand Duchy, many of them in formal dress with black, red and gold cockades in their hats, to join the procession to the House of Estates, thereby underlining the urgency of their demands.

Even before the petition was presented, the government had agreed to meet three of its four demands. At a parliamentary sitting the previous day, Johann Baptist Bekk, Baden’s Minister of the Interior, had informed the House on behalf of the government that a bill for the establishment of citizens’ defence forces was being drafted, thereby meeting the demand for arming of the people, as was a bill for the introduction of trial by jury; he also stated that the very liberal Press Act of 28 December 1831, which had effectively abolished censorship but had been quashed shortly afterwards, was to be reinstated with immediate effect. Seeing the government so willing to make concessions,



Procession of participants in the Hambach Festival, held at Hambach Castle near Neustadt in the Rhine Palatinate. The Hambach Festival, which took place from 27 May to 1 June 1832 and is said to have drawn 30,000 participants, was a gathering of prominent liberal and democratic opposition figures, particularly from southern Germany. Planned as a celebration marking the anniversary of the Bavarian Constitution on 26 May, the festival was banned, whereupon it became the scene of an impressive demonstration against persecution and repression by monarchical governments. The Palatinate on the left bank of the Rhine, which belonged to Bavaria, had already emerged in the preceding years as a hotbed of liberal opposition. Painting by Joseph Weber, c. 1840

the liberal opposition took the opportunity to table a motion containing six more demands. These included equal legal status for all religious communities and the abolition of privileges that were still enjoyed by particular groups within society, the removal of all feudal burdens and the introduction of a fair system of taxation with a progressive income tax.

At the following day's sitting, the commission discussing the motion tabled a proposal for a resolution in which the catalogue of demands was fleshed out and extended. A new demand was that the Cabinet should "consist solely of men who enjoy the general confidence of the people". To put it more precisely, all ministers whose political beliefs and actions were contrary to the programme of the liberal majority in Parliament were to be replaced immediately by members of that majority group or by men with similar political views. This demand, like the whole of the commission's draft resolution, was adopted almost unanimously. Only two days later, on 4 March 1848, government representatives, speaking on behalf of the Grand Duke, were able to promise fulfilment of all the demands; on 7 March, the ministers targeted by the resolution were replaced in office by liberals. The Grand Duchy of Baden thus had a 'March cabinet' that depended on the confidence of the parliamentary majority, which meant that it had, albeit *de facto* rather than *de jure*, a parliamentary government.

Notwithstanding numerous local and regional peculiarities, developments in most of the other states of the German Confederation in the following weeks of March 1848 were comparable in terms of outcome to those in the Grand Duchy of Baden. In Württemberg and Bavaria, in Hesse-Darmstadt and Hesse-Kassel, in Hanover and Saxony and in a number of smaller states in central and northern Germany, liberal politicians were appointed to ministerial office in March cabinets; on 29 March, the same even happened in Prussia. Everywhere the 'March Demands' were being met more or less rapidly.

The call for the "immediate establishment of a German Parliament, however, could not be answered by the government of any individual state. The first step towards that objective was therefore taken by a gathering of 51 prominent liberal politicians who met in the *Badischer Hof* tavern in Heidelberg. Following lively debates, the participants published a manifesto, at the heart of which was the election of a constituent national assembly.

To pave the way for this national assembly, a “gathering of delegates from all peoples of the German nation” was to convene as soon as possible. The task of issuing invitations to this gathering was entrusted to a committee of seven participants in the Heidelberg meeting, who were also commissioned to draft the rudiments of a ‘German parliamentary constitution’ under the chairmanship of Carl Theodor Welcker. When this framework was completed, the ‘Committee of Seven’ invited the delegates on 12 March 1848 through a newspaper advertisement and personal letters to gather in Frankfurt on 30 March.

**“Gathering of delegates from all peoples of the German nation”:
the preliminary parliament in Frankfurt**

At half past nine in the morning of 31 March 1848, all the bells rang out in the city, which had been awash with tricoloured flags and banners in black, red and gold since the previous day. Triumphal arches made of fir branches were erected, gun salutes were fired, and a guard of honour formed by the citizens’ militias and the *Turnvereine*, the nationalist gymnastics associations, lined the route taken by the delegates from the Römer building to St Paul’s Church. The original plan was to hold the assembly in the Imperial Hall of the Römer itself,

but it would have been too small. The fact that the Imperial Hall, in which the Holy Roman Emperors had traditionally been crowned, was nevertheless used for the inaugural sitting of the National Assembly was intended to send a clear signal that a process of establishing a German Empire was taking place and was to be seen as creating continuity, however that might be interpreted, from the medieval empire. The negotiations, in which 574 active and former members of assemblies of estates in individual states took part, including influential extraparlimentary liberal politicians such as Robert Blum from Leipzig and Gustav von Struve from Mannheim, began with a thunderbolt. On behalf of the Left, Struve tabled a motion that was described as ‘cumulative’, because it would “affect the entire future life of the state”, as the President commented. Struve’s motion contained a list of demands which had been made repeatedly over the years and many of which would subsequently be enshrined in the Bill of Rights of the constitution drafted by the National Assembly. The motion



Processional entry into St Paul’s Church, Frankfurt, by members of the preliminary parliament on 30 March 1848. Members of the gymnastics associations (*Turnvereine*) provide a guard of honour. The *Turnvereine*, along with the choral societies (*Gesangsvereine*) were regarded as the main driving forces of the constitutional unification movement.
Lithography by Jean Nicolas Ventadour, 1848

culminated in demands for “abolition of the hereditary monarchy”, establishment of “freely elected parliaments” and the creation of a federation headed by a president, modelled on the United States of America. Struve also proposed that the preliminary parliament should not be dissolved until the National Assembly had been elected and convened; indeed, in the meantime it was to adopt legislative measures for the establishment of the new state and have them implemented by an executive committee.

This motion clearly revealed how far the split in the liberal movement had already gone. The differences between a democratic and increasingly republican Left and those known as the constitutional liberals, who were committed to a constitutional monarchy, had been set aside for years for the sake of forming a common front against monarchical governments. The mass mobilisation of the population in pursuit of political objectives in recent weeks had made it clear to the liberals how far that pursuit could be taken. Whereas the liberal Left sought to harness that momentum to achieve new republi-

can, democratic and even social goals, the constitutional liberals tried to apply the brakes. Particularly since the largely peaceful mass movement had managed within a matter of weeks to achieve objectives for which members of parliaments had been vainly striving over many years, the fear of being overtaken and threatened by this movement grew. Accordingly, the main concern of the constitutional liberals was to guide the revolution through legal and governmental channels – a project that seemed realistic in view of the developments of recent weeks, when governments had been willing to accept the March Demands. Only a very few of those liberals were prepared to recognise that these were illusory hopes, since the governments had largely made their concessions for the sole purpose of gaining time for the counter-revolution.

Given the political balance of the preliminary parliament, Struve’s motion stood no chance of adoption. It was not even discussed. The preliminary parliament also denied itself the opportunity to debate the proposal from the ‘Committee of Seven’ by deciding not to tie the hands of the constituent National Assembly by adopting pre-emptive decisions and therefore to confine itself to adopting the provisions governing the election of the National Assembly.

Central to the debates on the electoral law was the question whether the assembly should be directly or indirectly elected. Representatives on the Left of the House in particular argued passionately for direct election, as the will of the people could not be adequately expressed by an indirectly elected assembly. On 1 April 1848, the preliminary parliament opted for direct election. The principle of universal and equal manhood suffrage seems to have been uncontested. The belief that the franchise should not be restricted in any way was clearly reflected in the large majority behind the decision that “every citizen having attained his majority shall be entitled to vote”. In the list of decisions adopted by the preliminary parliament, however, which was published on 4 April 1848, the day after its final sitting, the adjective ‘independent’ was added, although it had not featured in the debate or the vote. How this retrospective restriction, which had not been authorised by the preliminary parliament, found its way into the published and hence binding guidelines remains a mystery today.

The individual states, which were entrusted with the task of conducting the elections, were given considerable leeway when it came to applying the election guidelines. Contrary to the recommendation received from the preliminary parliament, most states had their deputies elected indirectly. Each state applied its own definition of independence, and most definitions differed between states. This meant that particular social groups were enfranchised in one state but not in another. In spite of the divergences in the rules applied by individual states, it may be said that the law governing elections to the first German constituent National Assembly, in which some 80 % of all German adult males were entitled to vote, was extremely democratic.



Sitting of the preliminary parliament in St Paul's Church, Frankfurt am Main, on 2 April 1848. Wood engraving, 1848

***Donnersberg, Casino and Café Milani:*
the role of political groups in the
Frankfurt National Assembly**

On 18 May 1848, the city of Frankfurt am Main was once more bedecked in its festive apparel. “On the stroke of four o’clock”, says the Record of Proceedings, “the German national representatives moved off in formal procession” from the Imperial Hall of the Römer building, where the inaugural sitting with the election of the President by Age had taken place, passing through a guard of honour mounted by the Frankfurt *Stadtwehr*, the civic militia, and finally “entering St Paul’s Church with heads uncovered”.

On the following day, Heinrich von Gagern was elected President of the National Assembly. A constitutional liberal, he had been one of the leading participants in the preliminary parliament and the Heidelberg assembly. Back on the evening of 5 March, when the Heidelberg gathering concluded its deliberations, von Gagern, who had been a member of the Second Chamber in Hesse-Darmstadt since 1832, was appointed Minister President and so was most probably the first of all the ‘March ministers’. The election of the President of the National Assembly, incidentally, had to be repeated at monthly intervals, since his term of office was

limited to four weeks. This practice resulted from the fact that the Assembly had modelled its rules of procedure on those of the French *Assemblée nationale*, which had introduced this time limit for fear that the holder of the presidential office might otherwise acquire almost unbridled power. Heinrich von Gagern was re-elected by a large majority every time until he resigned on 17 December 1848. During the sitting that began with the election of the President, a member for Cologne called Franz Raveaux introduced a motion. The deliberations on that motion raised a fundamental issue of parliamentary decision-making, for five days later, when the commission to which the motion had been referred presented its report, more than 30 amendments had been received from members seeking to make alterations or additions to the original motion, and more than 90 members had registered to speak in the debate. In view of this ‘motion-mania’, the President feared that it would take a whole week to discuss the item unless a way could be found to rationalise the procedure. He proposed that each of the amendments be assigned, according to its content, to one of the four motions tabled by the commission. In this way, only four motions, rather than thirty-plus, would have to be explained and discussed. “It would set a bad example”, von Gagern submitted, “if we were unable to organise ourselves at this stage under particular leaders on the basis of particular



Constituent sitting of the constituent National Assembly in St Paul's Church, Frankfurt am Main, on 18 May 1848. In the upper background the organ is screened by an allegorical depiction of Germania, painted by Philipp Veit.

Lithography, 1848

opinions. We must do that, because if everyone sought to explain his own view, however insignificantly it differed from those of others, we should waste a great length of time". The Assembly endorsed his proposal. Four weeks later, when the problem became acute again, with only 45 of a total of 189 registered speakers having had their say by the fourth day of a debate, there was widespread support for the proposal that the House should agree to condense the 49 pending motions into nine, with two members to speak on each motion the following day. After the vote, the President asked "the parties to select the speakers this evening on the basis of these categories".

With this request, the President was alluding to a trend towards the formation of political organisations which had long been developing outside the parliamentary chamber. The deputies, in fact, had not been elected as members of parties, which did not even exist yet as organised entities, but because they were dignitaries, personalities whose position in the social and economic life of their home region, and sometimes in its political life too, suggested that they would be capable of performing the duties of a deputy. The experienced politicians among them, many of whom had held seats in state

parliaments for years, were naturally aware that political objectives could scarcely be achieved by individual campaigners but required the support of like-minded persons before they could attract a parliamentary majority. Such majorities had to be organised.

A number of deputies who had travelled to Frankfurt a few days before the opening of the National Assembly met up with political associates and began to look for 'club taverns'.

Before the opening of the constituent sitting, flyers were distributed inviting supporters of republicanism to come to the *Holländischer Hof* tavern at 9 p.m. that evening, while supporters of a constitutional monarchy were invited to gather at 8 a.m. the following day in the *Mainlust*. The morning meeting in the *Mainlust* had been organised by a circle of prominent constitutional liberal politicians to orchestrate the election of Heinrich von Gagern as President of the National Assembly and to mastermind a campaign for his election by distributing ballot papers overprinted with the name of their favourite in an attempt to sway deputies' voting decisions.

The majority of the deputies did not belong to these networking groups whose members had been in contact for many years and, in many cases, knew each other personally because they sat in the same assemblies. In the first instance,



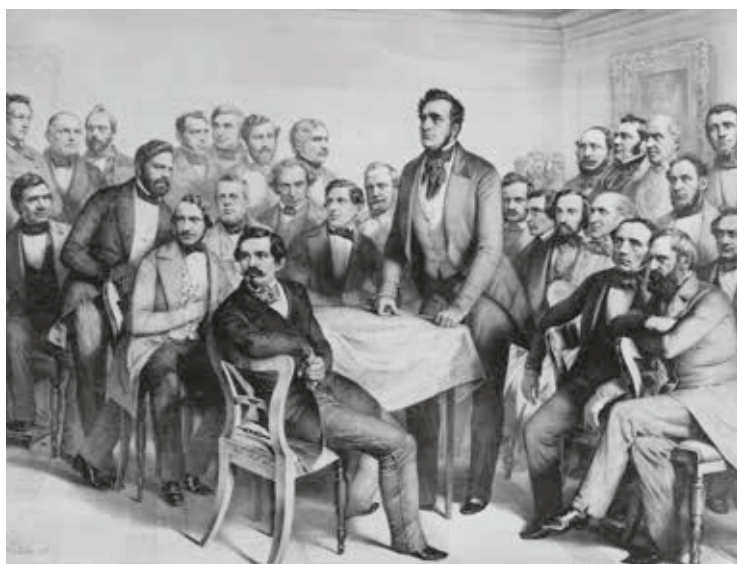
Members of the Casino group in the Frankfurt National Assembly. The parliamentary groups, or 'clubs', in the National Assembly were named after their meeting places. The club that met in the *Casino* tavern was the largest parliamentary group in the National Assembly. It drew its members from the liberal Right, which advocated a constitutional monarchy headed by a hereditary emperor. The figure sitting at the table in the centre of the picture is Carl Theodor Welcker.

Lithography by Friedrich Pecht, 1848

the members of this majority had to find out which group best reflected their own political opinions. “The newly arrived deputies”, recalled Karl Biedermann, a professor of philosophy and left-wing liberal deputy from Leipzig, “flocked from one club to another to find their feet and identify the place that corresponded to their political inclinations and opinions”. After a few weeks of great fluctuation, the processes of self-categorisation appear to have advanced to the extent that fixed groups of deputies who shared fundamental political convictions were meeting regularly in the evenings in suitable function rooms within the premises of some Frankfurt catering establishment. The political programmes of these clubs, however, were all couched in very general terms, and there were numerous overlaps on points of detail. Since it was therefore a virtually hopeless task to find a name for each club which would have served to identify its precise political direction and so distinguish it clearly from the other clubs, the convenient option was to call the clubs after the taverns in which they held their meetings.

By the late summer and autumn, a fairly stable framework of eight clubs had evolved, which may be subsumed in turn into four groups, namely the Left, which met in the *Donnersberg* and *Deutsches Haus*, the Centre Left, meeting in the *Westendhall* and the *Württembergischer Hof*, the Centre Right in the *Augsburger Hof*, *Landsberg* and *Casino* and the Right, whose meeting place was *Café Milani*. The Casino club, which sometimes numbered more than 100 members, was by far the largest; its membership included the top constitutional liberals, from Friedrich Daniel Bassermann to Carl Theodor Welcker. The Casino club was the leading group in the National Assembly, and scarcely any decisions could be taken without its support. Both of the Presidents of the National Assembly – Heinrich von Gagern and Eduard Simson, who succeeded von Gagern in December 1848 – were Casino members.

The rapidity of the process of institutionalising the clubs is clearly illustrated by the fact that each of them drew up statutes during the summer, with every member signing a binding undertaking to abide by their provisions. In the course of a few weeks, convivial evening get-togethers at which views were exchanged and agreements reached with political allies had evolved into parliamentary groups.



Members of the Casino group in the Frankfurt National Assembly. The figure standing at the table in the centre of the picture is Heinrich von Gagern. Lithography by Friedrich Pecht, 1849

This amounted to explicit recognition not only of the existence of these parliamentary groups in the National Assembly but also of their role in the process of preparing and adopting parliamentary decisions. These groups cannot, of course, be compared with political parties in the modern sense, even though the term 'party' was used, and not only in this context, to describe the parliamentary groups. The groups in the Frankfurt National Assembly, however, were never accorded any form of official recognition, such as references to them in the rules of procedure. Indeed, explicit mention of them was scrupulously avoided; if a reference was unavoidable, neutrally worded circumlocutions were chosen. This custom, which was at odds with everyday parliamentary practice, was due on the one hand to the fact that some 20 % of deputies remained unattached throughout the lifetime of the Assembly; consideration had to be given to these so-called 'robber barons'. On the other hand, the majority of deputies probably clung to the notion of the National Assembly as an assembly of dignitaries.

The fact that the National Assembly had long become a parliament of political groups, in which those groups were increasingly becoming a major factor in the parliamentary process, is indirectly perceptible from the repeated complaints that it had become impossible to convince a single deputy by speeches in the chamber. As Friedrich von Raumer, a historian and liberal deputy from Berlin, wrote in a letter in January 1849, "Since the clubs decide how everyone is to vote, all of the speech-making in St Paul's Church is really unavailing, and the ballot papers should simply be sent from the clubs". At the same time, Raumer himself was a member of the Casino club and fully recognised the benefits of belonging to such a parliamentary group.

Another indication is provided by the seating arrangement in St Paul's Church. In June 1848, deputies were still seated randomly throughout the chamber; by the beginning of July, however, political groups were starting to sit together in blocks on the basis of the left-right model originating in the French *Assemblée nationale*. Since no group held an absolute majority, deals had to be struck between the groups before votes took place. In view of the tight space within which the National Assembly operated,

Establishment of a German Parliament: the Constitution adopted in St Paul's Church

which meant that commission and committee meetings had to be held in hired private premises in various parts of the city, no rooms were available for inter-group deliberations. The groups were therefore compelled to call on each other in their respective taverns. As this cooperation developed, however, proceedings became less public. The development undoubtedly reached its climax in October with the establishment of the 'Commission of Nine', in which three representatives each from the Casino, Landsberg and Augsburger Hof clubs met regularly for preliminary discussion of all major agenda items with a view to presenting a united front in the chamber. The members of this inter-group commission, however, could only make recommendations, which were then subject to adoption at the club meetings. If this posed problems, deputations were simply sent to the allied clubs and might be spotted making their way through the streets of the old town.

In his brief acceptance speech following his first election as President of the National Assembly, Heinrich von Gagern reminded its members of their main purpose. "The great mission is ours to accomplish. We are to create a constitution for Germany, for the whole Empire." On 24 May, a Constitution Committee was appointed, comprising 30 deputies with a mandate to produce a draft. The performance of that task was dogged by a great many problems. After all, the state for which the constitution was intended did not even exist yet. Founding a constitutional state had to mean creating a nation state that was more than a confederation of sovereign states like the German *Bund*. First of all, an answer was needed to the question whether this new state should be a federation or a unitary state, a monarchy or a republic. In view of the fact that 34 of the 38 member states of the German Confederation were ruled by monarchs, who would have had to give up their sovereignty in a unitary state, a unitary state was just as inconceivable as a republican federation whose constituent states were monarchies. Since only about 30 % of the members of the National Assembly, namely those on the Left, were arguing for a unitary republic, it was almost inevitable that the House would opt for a federal monarchy.



Members of the Augsburger Hof group in the Frankfurt National Assembly. Together with the Casino and Landsberg groups, the Augsburger Hof was part of an informal centre-right coalition that commanded a majority in the National Assembly. The figures seated in the centre of the picture are Hans von Raumer (left) and Wilhelm Beseler. Lithography by Friedrich Pecht, 1849

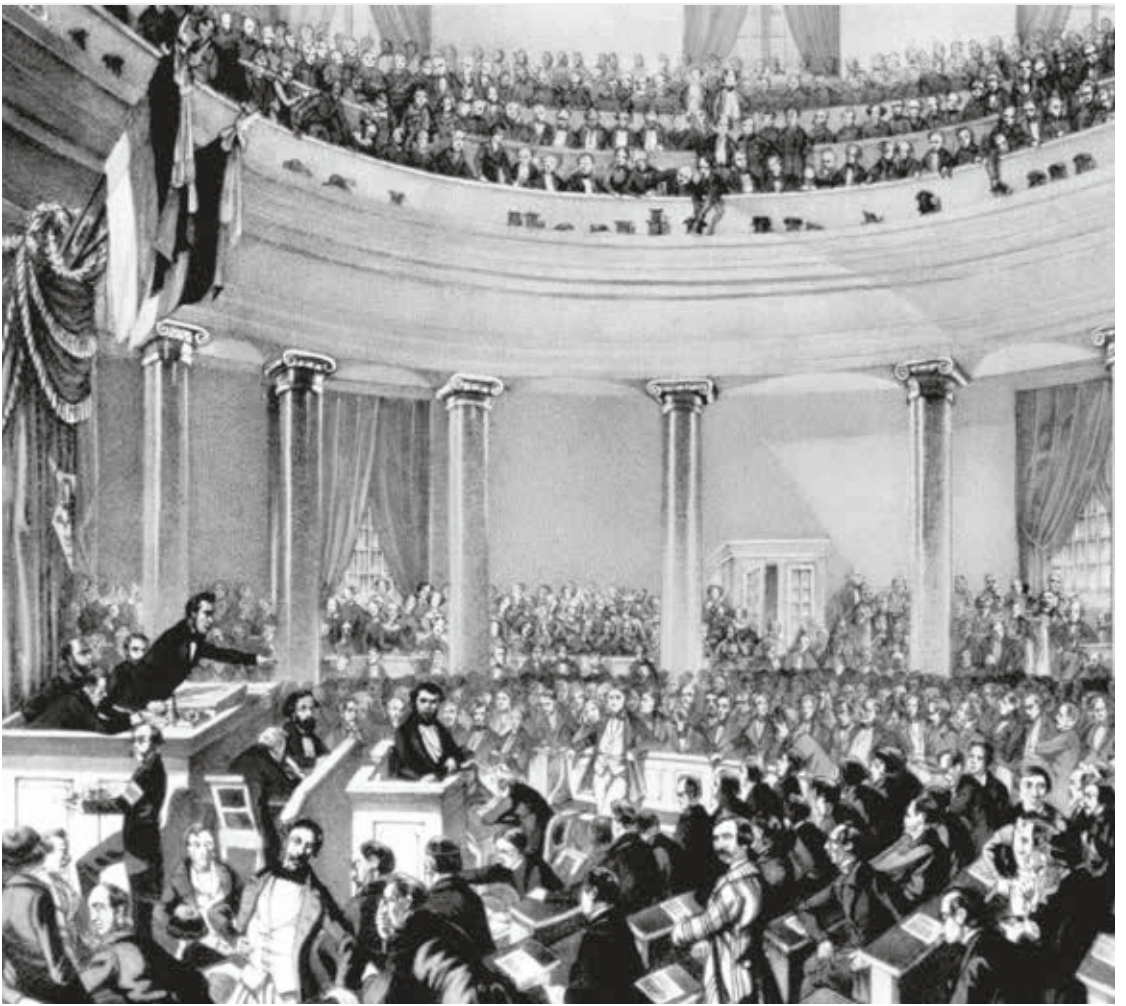
Particular difficulties arose when it came to answering the seemingly simple question regarding the borders of this Germany for which a constitution was to be adopted. The principal and overriding problem was how Austria could be integrated into a German nation state. Only the German parts of the Habsburg Empire belonged to the German Confederation. This was a practical solution for a confederation but was unsuitable for a federal nation state. The proposal from the Constitution Committee that the new federal state should have the same borders as the German Confederation gave rise to the logical demand for the dissolution of the constitutional unity of the Habsburg monarchy, whose German and non-German parts should henceforth be linked only by personal union. On 27 October 1848, this solution was adopted by an overwhelming majority in the plenary chamber of the National Assembly, but its prospects of implementation were virtually nil, as was clearly confirmed exactly one month later, on 27 November, in a statement made by Prince Felix of Schwarzenberg, Minister President of the Austrian Empire, who declared that “the preservation of Austria as a united state” was not open to negotiation. Even before the issues of the territorial limits, the form and system of government, the organisation of the state and the distribution of powers among the organs of the constitution and,

above all, the way in which the citizens of the state were to be involved in its decisions through a parliament – in other words the demand for the “establishment of a German Parliament”, which had, of course, been the starting point – were discussed in detail and often heatedly, the National Assembly devoted itself to fundamental rights.

The bill of rights formed section VI of the constitution adopted in St Paul’s Church; in 14 articles with a total of 60 paragraphs, it enshrined the equality and the personal and political liberty of the citizens of the constitutional state. The spectrum ranged from the abolition of all class distinctions and equality before the law to the independence of the courts and the public nature of judicial proceedings, from personal freedoms, inviolability of the home and privacy of correspondence to freedom of the press and freedom of expression, from freedom of faith and conscience to freedom of research and teaching. The enshrinement of these rights amounted to no less than the initiation of a transition from an estate-based society to a *societas civilis*, from an authoritarian police state to a state based on the rule of law. When the deputy presenting the report ended his report by proclaiming that the intention was “to make the law for centuries”, he could not have foreseen that this bill of rights would endure through the Constitution of the Weimar Republic and ultimately make its mark on the Basic Law of the Federal Republic of Germany.



The constituent National Assembly in St Paul’s Church, Frankfurt. Heinrich von Gagern is on the presidential podium. Steel engraving, 1848



Sitting of the constituent National
Assembly in St Paul's Church,
Frankfurt. The acting President
of the Assembly calls the House
to order.
Lithography, 1851

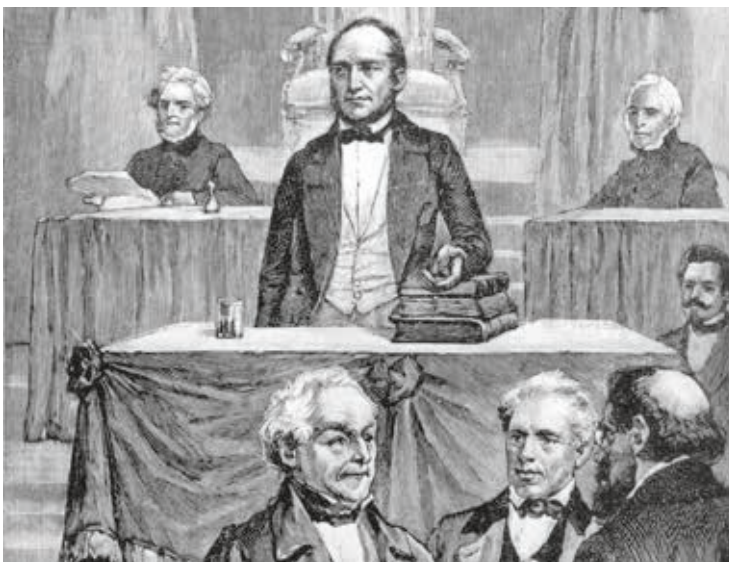
The first reading of the fundamental rights was completed on 12 October 1848; on 19 October, the National Assembly began its deliberations on the structure of the state. The new federation was to be endowed with a strong central authority. The 'imperial power' of the overarching state encompassed foreign relations and war, the economy, transport and communications, public law, criminal law and private law. Responsibility for applying imperial laws was entrusted to the administrations of the constituent states (*Länder*).

Imperial power was to be shared by the supreme institutions of the state, that is to say the imperial head of state, the imperial government, the Reichstag and the Imperial Court of Justice. The head of state, in whom governmental authority was vested, was entrusted with authority to discharge the responsibilities of the Empire. He could only exercise this authority, of course, within the bounds of the constitution and through the ministers he had appointed; to be valid, all governmental acts of the imperial head of state had to be countersigned by at least one minister, who thereby shouldered responsibility for the act in question.

The Reichstag was to comprise two chambers – the House of States and the House of the People. The House of States was to be a chamber of the *Länder*, conceived as a federal counterweight to the strong central authority. It would have 192 members, half of whom were to be appointed by the state governments, the other half being appointed by the state parliaments. Both Houses of the Reichstag, like the imperial government, were empowered to initiate legislation; bills with cost implications, however, could be introduced by the government alone. Both Houses had full budgetary powers, and both were entitled to determine their own rules of procedure and to elect their own president and vice-presidents. The rights and responsibilities of the Reichstag, therefore, went far beyond those with which the estate-based assemblies of the individual states had hitherto been entrusted. Surprisingly, however, the power to convene the Reichstag and to dissolve the House of the People was to lie with the head of state; Parliament did not have a right to convene of its own motion or to dissolve itself.

Three issues were particularly contentious. The first was the question whether the government was to be granted an absolute or delaying veto over the decisions of the Reichstag. The Assembly opted for a delaying veto, which only allowed the government to reject a Reichstag decision twice. If a majority of the Reichstag adopted the decision again following the two rejections, the imperial head of state had to sign and promulgate the decision. The second issue concerned the head of state. The answer to this question would determine whether the new state was to be a monarchy or a republic. In the end, there was a majority for the motion presented by the Constitution Committee that the dignity of imperial head of state be bestowed on a reigning German prince, who, as was decided in a separate vote, would hold the title *Kaiser der Deutschen* ('Emperor of the Germans'). The Assembly, however, left unanswered not only the question whether subsequent monarchs were to inherit the throne or be elected to it but also the question as to the identity of the prince whom it wished to choose as the imperial head of state.

The third issue, which was undoubtedly the most contentious, concerned the franchise for the election of members of the House of the People. On 15 February 1848, a debate began in the plenary chamber of the National Assembly on an Imperial Bill concerning the Election of Deputies to the House of the People, which had been presented by the Constitution Committee. The Committee had decided that the rules governing elections to the House of the People should not be included in the Constitution but be set out in a separate Electoral Act. The initial Bill provided for a highly restricted franchise. Article 1(1) was worded as follows: "A voter shall be each independent male German of good conduct who has attained his 25th birthday". Article 1(2) listed as non-independent, and therefore excluded from the franchise, "messengers, tradesmen's assistants and those who work for a daily, weekly or monthly wage", in other words groups of persons who make up quite a considerable percentage of the adult population; in Prussia, this would have excluded some 50 % of those who had been entitled to vote in the election to the National Assembly.



Deputy Friedrich Daniel Bassermann of the Casino group addressing the House from the rostrum. Carl Theodor Welcker is the middle figure of the threesome in the foreground. Wood engraving, 1848

The application of property qualifications to the franchise was at the heart of an immunisation strategy against perceived threats to bourgeois and liberal property rights, which were repeatedly invoked under the mantra of “dictatorship of the non-propertyied”. Heinrich von Gagern, in his contribution to the franchise debate in the Frankfurt chamber, had no compunction in stating that the franchise must be shaped in such a way “that proprietors feel at ease in their property too”. There could not be a clearer expression of the “egotism of the wealthy class” that Wilhelm Loewe, a deputy from the Deutscher Hof group, detected behind that line of argument.

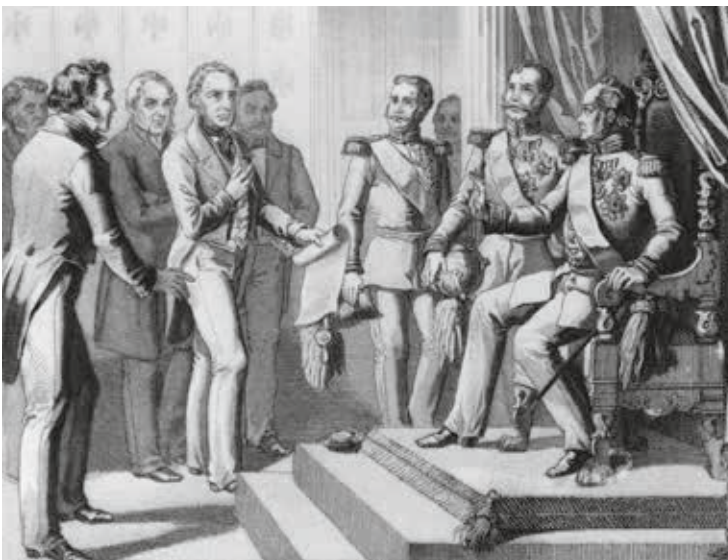
The majority of the 42 deputies who contributed to the franchise debate in the Frankfurt National Assembly spoke against the Bill, and not all of them were staunch democrats. The arguments against restriction of the franchise ranged from the question of who was truly independent and whether wealthy entrepreneurs were not actually dependent on their business partners and customers to the problem of how

to deal with educated but non-propertyied persons who, like the numerous civil servants, were dependent on their ultimate superior. It was emphasised time and again that, although an Act concerning the Fundamental Rights of the German People had been adopted and published back in December 1848 which abolished all class privileges and made all Germans equal before the law, there were now evidently plans to introduce new forms of inequality.

The arguments advanced by opponents of the committee’s proposal were so persuasive that, when Article 1(1) of the Electoral Bill was put to the vote at first reading on 20 February 1849, the wording “A voter shall be each male German who has attained his 25th birthday” was adopted by a narrow majority of 237 votes to 224. On 1 March 1849, the vote on the polling procedure produced majorities for both direct election and a secret ballot. The next day, the Electoral Act in its entirety, providing for direct election by secret ballot with universal manhood suffrage, was adopted by 256 to 194 votes; the principle of one man, one vote had never been at issue.

The fact that an Imperial Electoral Act with universal manhood suffrage, secret ballot and direct election was published on 12 April 1849 and that the King of Prussia was to be the Emperor, the hereditary head of state, was ultimately the result of a compromise. When it finally became clear that a *Kleindeutschland* solution with the Prussian King as Emperor of the Germans was the only feasible option, the groups of the centre left and centre right, which favoured that option but could mobilise only about 230 votes, were compelled to strike a bargain with the supporters of universal manhood suffrage, who were liable to fall short of a majority in the final vote, because the decision in favour of universal manhood suffrage at first reading had been extremely tight, with a margin of only 13 votes. How closely the sides were balanced, in spite of this mutual support, was evident when the National Assembly adopted the Constitution in this form on 27 March 1849 by a wafer-thin majority of 267 votes to 263.

On the following day, 290 deputies of the German National Assembly voted to elect the Prussian King as Emperor of the Germans, with the remaining 248 deputies abstaining. On 2 April, the *Kaiserdeputation*, comprising 32 members of the National Assembly headed by its President, Eduard Simson, arrived in Berlin for the purpose of offering the crown to King Frederick William IV. The Prussian King received the deputation in the Knights' Hall of the Berlin Palace at 12 noon the following day. He made it unmistakably clear to them that he had to reject an offer made "without the free consent of the crowned heads, the princes and the free cities of Germany". On 14 April 1849, the governments of 28 German states declared their intention of adopting the Constitution, but those of Austria, Bavaria, Saxony, Württemberg and Hanover rejected it. Lastly, the final rejection from Prussia came on 28 April; this was foreseeable, given the King's refusal of the crown at the start of the month. Thus ended the attempt to create a German federation as a constitutional state founded on democratic and parliamentary principles.



King Frederick William IV of Prussia receiving the *Kaiserdeputation* in the Knights' Hall of the Berlin Palace on 3 April 1849. In the left foreground is Eduard Simson, who had succeeded Heinrich von Gagern as President of the National Assembly on 18 December 1848. On the right sits the King, responding with a dismissive gesture to the proposition made by the deputation. Steel engraving, 1861

On 22 May 1848, four days after the inaugural sitting of the Parliament in St Paul's Church, the Prussian National Assembly convened for its constituent sitting in Berlin. It had the task of discussing and adopting a constitution for Prussia. Unlike most of the member states of the German Confederation, which had complied, albeit in highly diverse ways, with the requirement set out in Article 13 of the *Bundesakte*, the Act of Federation, to introduce 'landständische Verfassungen', that is to say corporative *Land* constitutions, the two large powers, Austria and Prussia, had stopped short of becoming constitutional states. Although royal proclamations were issued in 1810 and 1815 which announced that, in the near future, a "written document" would be drawn up "as the Constitution of the Prussian Kingdom" and that a "representation of the people" would be created, these pledges had not yet been honoured by 1848.

Accordingly, the fulfilment of these promises featured in the March Demands in Prussia. From 7 March 1848, mass gatherings had taken place daily in the Prussian capital. When troops were deployed to break up the gatherings, violent clashes ensued, culminating in barricade battles on 15 March. On 18 March, in the face of a mass demonstration in front of the Royal Palace, the King finally gave an undertak-

A "written document as the Constitution of the Prussian Kingdom":
the constituent National Assembly and the Prussian House of Representatives in Berlin

ing to fulfil the repeated promises regarding a constitution. The peaceful gathering in front of the palace marked the starting point of the most violent and bloodiest confrontations of the revolution in Prussia. As the crowds began to clamour for the withdrawal of the troops deployed in large numbers in and around the palace, shots were fired, followed by an armed charge by the military forces against the assembled demonstrators. Within a short time, barricades were erected throughout the city and became the scene of fierce battles between the revolutionaries and the armed forces. The fighting continued long into the night, claiming more than 230 lives.

On the morning of 19 March, the King ordered the withdrawal of the troops, all of which left Berlin in the course of the day. The symbolic climax of the revolution in Berlin came later that day, when the King was prepared to bare his head to honour the 'March victims' – those who had fallen in the previous day's battles, whose funeral procession passed in front of the palace. On 22 March, Frederick William IV issued a proclamation in which he reaffirmed his willingness to satisfy all of the March Demands. These included the preparation of a 'popular' law governing elections to the constituent National Assembly, which was to be "a representative body based on primary elections and encompassing all the interests of the people without distinction as to religious creed".

The primary elections to the Prussian National Assembly took place on 1 May; since the elections were indirect, there was a second round of polling on 8 May. Every male Prussian who had reached his 24th birthday was entitled to vote; the same eligibility conditions applied to voters as to candidates, except that the latter had to have attained their 30th birthday. A delegate was elected in each primary-election ward, an area with 500 inhabitants; the delegates in turn elected a deputy in each of the 402 constituencies, which roughly corresponded to counties and county boroughs. The franchise was unusually democratic for its time, since about 95 % of the adult male population were entitled to vote. Under almost exactly the same eligibility rules, the Prussian primary elections to the German National Assembly in Frankfurt were also held on 1 May.

At the constituent sitting of 22 May the Prussian Government was already able to present a draft constitution to the National Assembly. Following extensive deliberations in the Chamber, a Constitution Commission was appointed on 15 June to undertake a detailed revision of the draft. After a fundamental review of the proposed provisions, the Commission released a draft on 26 July which diverged from the government draft on some key points. Both drafts



Revolution in Berlin. Fighting at the Alexanderplatz barricades in the night of 18 to 19 March 1848. Lithography, 1849

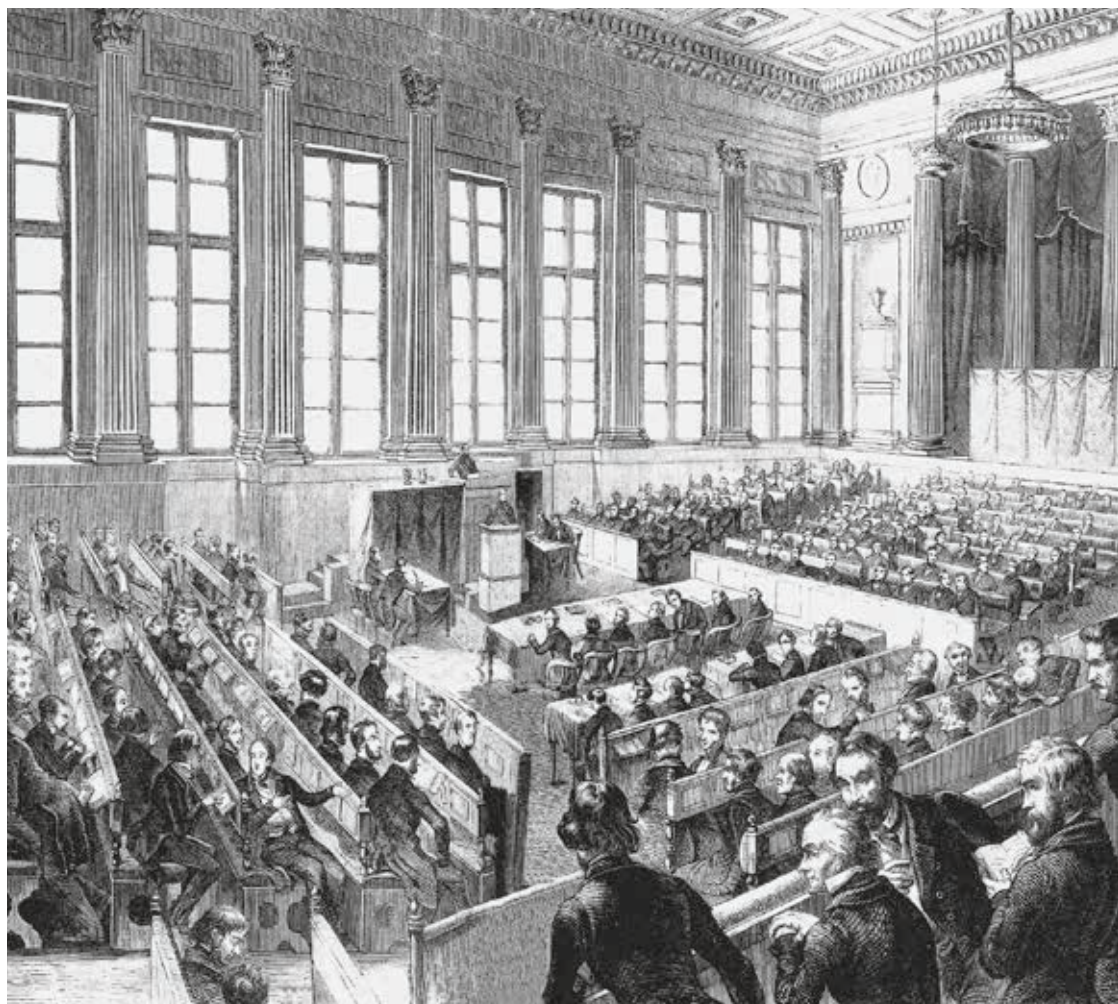
provided for a bicameral system, and both made provision for elections to the Second Chamber, the real representative body of the people, to be based initially on the very progressive Electoral Act that had governed the elections to the National Assembly. However, whereas the government draft expressly reserved the right to revise that Electoral Act, the Commission's draft envisaged further democratisation of the franchise, providing for direct election to replace the indirect system after the first two electoral terms.

The proposals for the election and composition of the First Chamber were widely divergent. In the government draft, this chamber was to be an Upper House, to which all of the princes of the royal house would belong. Other members were to be appointed at the sole discretion of the King, and their seats would be hereditary. The remaining 180 members were to be elected by the same delegates who elected the deputies to the Second Chamber; any man wishing to stand for election would have to have a minimum annual income of 2,500 thalers and be at least 40 years of age. Under the Commission's draft, on the other hand, the number of members of the First Chamber was reduced to 175, and no provision was made for seats for royal princes or for the King's appointees. The mem-

bers of the First Chamber were to be elected by the representative bodies of the wards and counties, and every male Prussian aged 40 or over was eligible to stand as a candidate, regardless of his income.

The crucial difference between the two drafts, however, lay in their conception of the King's role in the legislative process. Both drafts not only endowed the King with executive power but also made him the third legislative organ alongside the two parliamentary chambers. Whereas the government draft prescribed that laws could be enacted only if all three organs had given their consent – in other words, it accorded the King an absolute power of veto – the Commission limited the duration of the royal veto. According to the Commission, if the King had been withholding his consent to a bill, he was eventually bound to enact it if both chambers of Parliament had voted three times by a majority to adopt it without amendment.

Once the National Assembly had decided by a large majority on 12 October to delete the words “by the Grace of God” from the title of the Prussian King in the preambles to both draft constitutions and had then adopted a constitutional clause abolishing the nobility on 31 October, the King and his advisers considered that the bridges to the constituent Assembly had finally been burned. Since this



Sitting of the Prussian National Assembly at the seat of the Berlin Choral Society. The National Assembly sat from May until the end of August in the auditorium of the Choral Society building, which now houses the Maxim Gorky Theatre, the auditorium seats having been replaced in great haste with benches. Wood engraving, 1848

**“A more illogical, miserable electoral law
has never been conceived in any state”:
the Prussian three-class electoral system**

breach was compounded by outbreaks of unrest and armed confrontations in October, troops were mustered in Berlin under the command of General Friedrich von Wrangel; at the end of October, General Friedrich Wilhelm Graf Brandenburg, an arch-conservative member of the military party, was appointed Minister President; on 9 November, he informed the National Assembly that it was adjourned until 27 November and that its meeting place was to be relocated to Brandenburg on the Havel. The National Assembly, acting by a majority of its members, adopted a declaration denouncing the adjournment and relocation as illegal, since the King was exceeding his powers, and stating the intention of continuing its proceedings. When the Assembly resumed its sittings on the morning of 10 November, General von Wrangel appeared with his troops and threatened to dissolve the Assembly by force. An attempt by the conservative minority to hold a plenary sitting in Brandenburg Cathedral in the final days of November and the first few days of December was thwarted when the liberal majority refused to take part, thereby depriving the assembly of a quorum. The dissolution of the Prussian National Assembly on 5 December 1848 was the *coup d'état* from above that put an end to the attempt to give Prussia a constitution through a National Assembly.

On the same day, 5 December, on which the Prussian National Assembly was dissolved, the King enacted a unilaterally imposed constitution, which had numerous features in common with the draft presented by the Constitution Commission of the National Assembly. Needless to say, the abolition of the nobility was reversed, the appendage “by the Grace of God” to the King’s title was reinstated, and the King was granted an absolute power of veto rather than a delaying veto. The preservation of the democratic franchise for elections to the Second Chamber, which aroused great public surprise, was no more than a temporary concession designed to avoid further exacerbating widespread political discontent in the wake of the *coup* from above.

As had been the case with the National Assembly, the elections to the Second Chamber returned a leftist and liberal majority. So that it could set about creating a revised constitution, the Chamber had to begin by accepting the imposed Constitution, since it would otherwise have undermined its own constitutional legitimacy. It was not prepared, however, to approve the extensive emergency ordinances which had been enacted in the meantime on the basis of Article 105 of the imposed Constitution, which required retrospective parliamentary approval



Dissolution of the Prussian National Assembly by armed troops on 10 November 1848. The National Assembly had been meeting in the Playhouse on the Gendarmenmarkt square in Berlin since September 1848.

Lithography from *Neuruppiner Bilderbogen*, 1848

of such decrees. On 21 April 1849, the Second Chamber debated the constitution adopted in St Paul's Church and delivered a majority vote in favour of a motion recognising the legal validity of that constitution, whereupon the King dissolved the Chamber.

On 30 May 1849, new electoral rules were adopted by means of an ordinance. These rules were destined to achieve fame and notoriety as the 'three-class franchise'. The circle of eligible voters remained the same; the three-class system was therefore a system of universal manhood suffrage. The crucial innovation in the three-class franchise in Prussia was the division of voters into three classes on the basis of their respective contributions to direct tax revenue, which resulted in an extremely unequal voting system. How great this inequality was is immediately visible in the statistics from the first election under the new rules, which took place on 17 July 1849. The first class contained all of 153,000 voters, corresponding to 4.7 % of the whole electorate; the second class of voters comprised 409,000 Prussians, a total of 12.6 %, and the third class of primary voters who thronged to the polls numbered 2,691,000, or 82.7 %. The voice of a single voter in the first class, in other words, carried roughly the same weight as those of 20 third-class voters.

Unlike the old voting system, polling was not by secret ballot but by public declaration. The electorate of a primary election ward gathered in the polling place on election day. Each voter had to declare aloud to the chairman of the electoral commission, in the presence of the other voters, the prospective delegate for whom he wished to cast his vote. This arrangement, needless to say, created huge scope for the exertion of social and economic pressure to influence the outcome – the more so because the members of the third class, which generally comprised the most socially and economically dependent voters, had to announce their decision first, that is to say in the presence of the first- and second-class voters, and were required to leave the polling place immediately afterwards.

Leading representatives of the democrats and the liberal left, among whom this electoral system met with heavy criticism and opposition, declared on 14 June 1849 that they did not wish to participate in the forthcoming election. To the moderate constitutional liberals, on the other hand, the three-class franchise was more than acceptable. Rudolf von Gneist, a professor of law at Berlin University and a liberal deputy in Prussia and, from 1871, in the Reichstag, recalled that "the propertied bourgeoisie" had greeted the introduction of the three-class voting system "with a feeling of relief".



“The ‘uplifting’ of the middle classes”, cartoon by Franz Jüttner satirising the three-class franchise. Cover picture of the magazine *Lustige Blätter*, No 45, 1893

The fact that the composition of the Second Chamber elected in July had shifted sharply to the right was due not only to the change in the electoral system. The boycott of the election by the democrats and the liberal left was not insignificant, and another influential factor was the increasingly conservative orientation of some sections of the liberal electorate, since fear of the revolution was often greater than the desire to achieve the ideal of a liberal constitutional state based on the rule of law. The real conservatives on the right secured more than double the number of seats they had won in the January election; liberals of various shades, on the other hand, lost more than half of their seats.

In the following two electoral terms, the balance of the Second Chamber continued to shift to the right; in 1855, the conservatives won an absolute majority with 181 seats, while all the liberals together could only muster 48. This landslide victory, however, was primarily due to a huge electioneering effort on the part of the government, which had already been a feature of the election in July 1849, albeit to a more moderate degree. Now, however, it was pursued on an unprecedented scale and with unprecedented intensity. In a circular to the heads of the provincial administrations, the Minister of the Interior stated that it was vital “as never before” that the general election should result

in a “strong majority of truly conservative deputies”; with a view to achieving this goal, officials of the provincial and county administrations were to use “all the means of influence at their disposal”. First in the firing line were the county commissioners, to whom it was made unmistakably clear that they would “be called to account if necessary” in the event of an unfavourable electoral outcome. They had to seek suitable delegates, approach potential conservative candidates for parliamentary seats and encourage the delegates as discreetly as possible to cast their vote for those candidates.

The tide turned in the elections held in the autumn of 1858. The liberal groups achieved a cumulative total of 195 seats, while the conservatives managed to return only 45 deputies. There were two reasons for this sea change. On 9 October 1858, Prince William, later to become Emperor William I, took over the regency on behalf of his ailing brother, Frederick William IV; on the eve of the transfer of power, William moved to dismiss the Interior Minister, Ferdinand von Westphalen, in whose ministry plans for constitutional reform had been drawn up; if implemented, they would have put an end to the current system of popular representation, which, in spite of the three-class franchise, was progressively modern. On 5 November, the Prince Regent dismissed the other ministers too, replacing them with members of the *Wochenblatt* party, which had

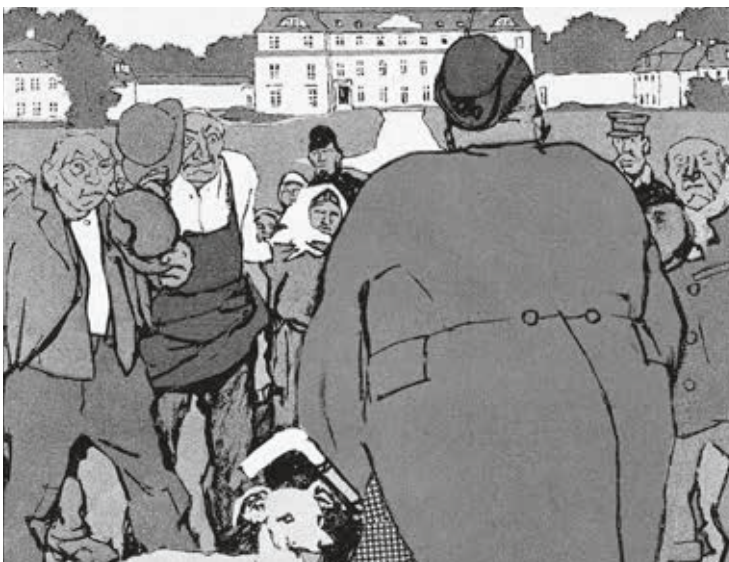
broken away from the conservatives in 1853 in protest against the plans to revise the Constitution, since when it had formed a liberal-conservative group in both Chambers.

This new moderate liberal course, which put an end to the decade of reaction in Prussia, was linked with the hope that a 'new era' had now dawned. This hope undoubtedly contributed to the decision of the democrats and the liberal left to take part in elections once again. For the next two decades the liberals were able to maintain majorities in the Prussian House of Representatives. This new name for the Second Chamber had been introduced in 1855, after the First Chamber had been rechristened *Herrenhaus* (House of Lords). The new name for the First Chamber was by no means a random choice, because it was now truly a House of Lords. In several steps, on the basis of a constitutional amendment, that chamber was transformed in October 1854 into an Upper House, whose members included the royal princes, members of families belonging to the high nobility, who had hereditary seats, and life peers appointed by the King.

The sustained electoral success of the liberals was due in no small measure to the three-class franchise. They therefore had no reason to abolish that manifestly unfair electoral system, not even after June 1861, when a group of liberals belonging to the moderate left who had seceded from their parliamentary group joined with the liberal left and the democrats, who had initially

boycotted elections in protest against the three-class franchise, to found the *Deutsche Fortschrittspartei* – the German Progress Party, Germany's first organised political party in the modern sense of the term.

The benefits that the liberals were deriving from the three-class voting system prompted the Prussian Government to consider amendments to the system which were designed to reduce the liberals' share of parliamentary seats. It focused especially on mobilising rural voters in the third class, who were held to be royalist and conservative, whether by instinct or at the behest of the local lord of the manor. Otto von Bismarck, who once said that if he "could send 100 estate labourers to the polls, they would silence any other opinion in the village with their votes", reputedly had plans for a while not only to introduce 'mobile polling stations' to reach out more effectively to those rural voters but also to replace the three-class system with universal manhood suffrage. When Bismarck, addressing the Prussian House of Representatives in March 1867, exclaimed that "a more illogical, miserable electoral law has never been conceived in any state", he was venting all his anger at this three-class voting system that had enabled his liberal adversaries to stand in his way for so long.



"One vote was cast for the Liberals. No more potatoes for the school-master as from today!"
Cartoon by Eduard Thöny satirising the three-class franchise in the magazine *Simplicissimus*, January 1912

The liberals' refusal to alter the Prussian electoral system in any way was ultimately further reinforced when it was seen that, from 1890 onwards, universal manhood suffrage was enabling the Social Democrats to win an ever-increasing share of the vote. The SPD, which had initially decided to boycott the elections to the Prussian state parliament, stood for election in Prussia for the first time in 1903. At this very first attempt, the party secured 18.8 % of the vote but not a single seat, whereas the conservatives, with a 19.5 % share of the vote, won 144 seats. At the next elections in 1908, the SPD, having obtained 23.9 % of the vote, were entitled to only seven seats, while the conservatives won 153 seats on the strength of 14.2 % of the vote. Since parliamentary initiatives for the abolition of the three-class franchise stood little chance of success with so few deputies behind them, the SPD resorted to extraparliamentary activities to amplify its calls for the introduction of the Reichstag electoral system in elections to the House of Representatives. In January 1908 and February 1910, large-scale demonstrations took place in various Prussian cities, where the crowd numbers were estimated at up to 200,000. These demonstrations were held to coincide with debates on the three-class suffrage in the House of Representatives, but the debates did not lead to any changes.

The First World War provided another opportunity, albeit in extremely traumatic circumstances, to reflect on fundamental reform of the electoral system. The fact that the Prussian citizens who were soldiers in the field were all exposed to the same danger made it appear irrefutable that the universality of conscription should be matched by an equal political voice for all men. Various reform attempts were thwarted by the intransigence of the political parties. The revolution of 9 November 1918 left the three-class franchise untouched, and attention was then focused on more pressing concerns.

**“The great questions of our day“:
the Prussian constitutional conflict**

The Prince Regent, who ascended the throne as King William I on the death of his brother in January 1861, left no doubt from the outset of his intention to reform the Prussian army and found the liberals willing to cooperate. The internal organisation of the army was still based on Military Service Acts that had been adopted between 1814 and 1819 as part of the programme of Prussian reforms. This legisla-





Above:
SPD demonstration against
the three-class franchise, held
in Treptow Park, Berlin, on
3 September 1911.

Left:
SPD demonstration for a fair
electoral system, held in front
of the Prussian House of
Representatives on
10 January 1908.

tion provided for the annual recruitment of 40,000 men, which had been based on the Prussian population of eleven million. In the meantime the population had risen to 18 million, but the number of recruits had never been adjusted, which meant that many men who were liable for conscription could not be called up. This infringement of the principle of general conscription, which had been one of the achievements of the Prussian reforms, was bound to be a sore point for the liberals too. There were, however differences of opinion between the King with his general staff and the House of Representatives over two issues. The reform plans provided for partial dissolution and regrouping of the *Landwehr* militia regiments. Although this measure was recommended by all military experts on grounds of efficiency, the liberals regarded it as an attack on the people's army, which, next to general conscription, was the main legacy of the military reforms. The plan to extend the duration of active service from two to three years also met with liberal resistance. Although the consensus among military experts was that two years' service was entirely sufficient, the monarch insisted on a three-year term because of his conviction that it was not until the third year that conscripts developed an *esprit de corps* that made them into dedicated members of the military forces.

In February 1860, the Government introduced in Parliament a bill for the reorganisation and augmentation of the army, which also contained the controversial provisions regarding the *Landwehr* and the duration of compulsory military service. In military circles, the firm belief was expressed that the whole reorganisation could be implemented under the royal power of command, in which case there would be no requirement to consult Parliament. Parliament argued that this reorganisation could only be carried out on the basis of a new law that would have to be adopted by the House of Representatives. Since the reorganisation could not be effected without considerable financial expenditure, and since budgetary sovereignty lay incontestably with Parliament, its consent could not be circumvented without breaching the Constitution.

The committee responsible for discussing the proposal drew up a draft decision recommending approval of the increase in the size of the army and of the associated funding but rejection of changes to the *Landwehr* and of the three-year period of military service. Even before the House could vote on the draft decision, the Government withdrew the bill but also pre-



“The fateful encounter”. The mounted deputy on a narrow mountain defile is reading the commission’s report on the military budget when Bismarck comes towards him holding the reorganisation plan. Cartoon from *Kladderadatsch* magazine, 1863

sented a supplementary budget for the amount of nine million thalers that was to be spent on enlarging the army. The House of Representatives was prepared to approve that request, subject to the proviso that the amount be used solely for temporary measures pending the final adoption of a new Military Service Act. It became apparent that the Government had no intention of confining itself to temporary measures, but the following January, when another Finance Bill was presented to fund the ongoing reorganisation but no Military Service Bill was forthcoming, the parliamentary majority was prepared to renew its consent on condition that the next state parliament, which was due to be elected in December 1861, would be presented immediately with a new Military Service Bill.

The state elections in December resulted a liberal landslide. With more than 240 seats, the liberals now had an absolute majority. In January 1862, the Military Service Bill that had been rejected two years previously was reintroduced. Parliament, however, was prepared neither to adopt the bill without thorough revision

nor to release any more temporary reorganisation funding. A motion tabled by deputy Adolf Hagen requesting a detailed breakdown of the army budget was rejected by the Government, as it would have revealed that permanent measures had already been implemented. When a majority of Parliament adopted the 'Hagen motion', the King dissolved the House of Representatives on 11 March before it could have approved the budget for 1862.

In the elections, which took place on 6 May, the liberals were able to increase the number of their seats once again, leaving the conservatives represented by only eleven deputies. In the following weeks and months, the House of Representatives was the scene of hard bargaining, with both sides making repeated attempts to iron out differences. In the end, the length of military service was the only unresolved issue; a compromise, however, was thwarted by opposition from the King.

The solution came with the appointment of Otto von Bismarck as Minister President of Prussia on 22 September 1862. His appointment was met with widespread public horror, since Bismarck was known from the revolutionary years as an ultra-conservative "given to the frivolous application of force", as he him-



Bismarck in the House of Representatives, 1863. Otto von Bismarck's posture and the speaker's gestures and facial expression make the tension clearly visible. Wood engraving based on a drawing by Hermann Lüders, 1863

self once put it a short time before his appointment. When the new Minister President, during his endeavours to engineer an agreement with Parliament against all the odds, stated at a meeting of the Budget Committee that “The great questions of our day cannot be solved by speeches and majority decisions but by blood and iron”, the deputies and the general public saw their fears confirmed. In fact, however, Bismarck had intended to emphasise the need for reforms to strengthen the Prussian army and its importance as an instrument in the pursuit of national unification by military means. This idea was certainly not far from the liberals’ thoughts.

When Parliament voted on 3 October to approve the general budget for 1862 only if the military expenditure were deleted, the King closed the session with a message in which he announced the intention “to administer the state budget without the basis laid down in the Constitution”. The new Minister President was prepared to commit this breach of the Constitution. So began a period of five years of government without a budget adopted by the House of Representatives as prescribed by the Constitution.

The conflict over the army had become a constitutional conflict. The Prussian Constitution made no provision for the eventuality of a dispute between the Royal Government and the House of Representatives that the two parties were unable to resolve. This problem was by no means confined to Prussia and to the conflict over the army budget and the Constitution. It was rife in all constitutional monarchies in which the king enjoyed an absolute right of veto. In contemporary interpretations of constitutional law, the *Appelltheorie* or ‘appeal theory’ was developed, which proposed an appeal to the country in the form of early elections as a solution in the event of irreconcilable differences. The early elections in 1862 and 1863 were just such appeals; in both cases the overwhelming liberal majority was a clear vote for the position of Parliament. Since the King was not prepared to accept the decision reached in this way, his Minister President used the *Lückentheorie*, or ‘gap theory’, to justify the breach of the Constitution. According to this theory, which was not new but had not gained

acceptance among legal scholars, if there was a gap in the Constitution, the final decision was to be made by the side which held *de facto* power. If a budget act could not be adopted in the form prescribed by the Constitution, the Government would have to conduct its business without such an act. To a certain extent, the application of this theory made Parliament entirely dispensable.

The confrontation finally came to an end in 1866, thanks to dramatic developments outside Parliament. The victory of Prussia and Austria over Denmark in 1864 and the Prussian victory over Austria in 1866 seemed like a resounding vindication of the Government's military policy. It seemed unavoidable that constitutional objectives had been subordinated to successful projection of power, given the indissoluble link between the Prussian defeat of Austria and a huge step towards the creation of a German nation state. In short, there were good reasons now to cooperate with Bismarck.

The peace offer lay on the table in the House of Representatives. On 3 September 1866, Parliament voted by 230 to 75 to approve the Indemnity Bill, which not only provided for retroactive approval of the expenditure which the Government had incurred since 1862 without a budget act but also waived any claim for sanctions for the unlawful conduct of the Government. Not all liberals, however, were prepared to fall into line with Bismarck. The opponents of the Indemnity Bill argued that it was merely a return to the *status quo ante* and left the Government scope to violate the Constitution again at any time. The German Progress Party, which had been the party of resistance *par excellence* during the constitutional conflict, split in October 1866 with the secession of a 'national group'. This secession subsequently led to the founding of the National Liberal Party, which was inextricably associated with the founding of the Empire and by the end of the 1870s had become the main ally of Imperial Chancellor Otto von Bismarck.



“One good turn deserves another”. Bismarck presents Parliament, trapped in a cage representing the constitutional conflict, with laurel wreaths bearing the names of crucial battles in the wars of 1864 and 1866. The caged parliament expresses its gratitude by proffering the Indemnity Bill.
Cartoon from *Kladderadatsch*, 1866

On 25 February 1867, in the plenary chamber of the Prussian House of Lords at number 3 Leipziger Strasse, the constituent North German Reichstag held its inaugural meeting. The task of this new parliamentary body was to discuss the draft constitution of the North German Confederation, the founding of which was the interim culmination of a development that had begun with the constitutional deliberations in St Paul's Church, Frankfurt, in 1848. Although that earlier project to form a nation state 'from the bottom up' by means of a democratically elected constituent National Assembly had failed, Prussia had repeatedly launched initiatives with the aim of creating a nation state based on the *Kleindeutschland* model under Prussian leadership. These efforts were crowned with success by the 'revolution from above' that resulted in the founding of the North German Confederation. Initially, however, Prussia had had no option but to consent to the re-establishment of the *Deutscher Bund*, the German Confederation. In spite of fainthearted attempts at reform, the member states soon restored the *status quo*, the confederation of states presided over by Austria. Needless to say, this state of affairs

Democracy without parliamentarianism: the Reichstag in the German Empire



Constituent sitting of the North German Reichstag, held in the meeting chamber of the Prussian House of Lords at 3 Leipziger Strasse, Berlin, on 25 February 1867. In 1904 the House of Lords moved into a new building on the same site. That new building is now the seat of the Bundesrat. Lithograph based on a painting by Carl Arnold, 1867

was incompatible with the political aspirations of Prussia, which was no longer content to play the role of a junior partner in the Confederation. Since the rivalry between Prussia and Austria within the Confederation could scarcely be resolved, it seemed to be only a question of time before a conflict between the two great German powers finally tore the Confederation asunder.

That conflict erupted in 1866. In the preceding period the tensions between Prussia and Austria had seemed to take a back seat for a while; in 1864 the two leading German powers had jointly waged war on Denmark and had divided up the conquered duchies of Schleswig and Holstein between them. In this solution, however, lay the seeds of a potential conflict, which came to fruition on 7 June 1866, when Prussian troops occupied the Austrian-administered duchy of Holstein. This development, of course, did not result from a chain of unfortunate circumstances but rather from a strategy of confrontation that was part of Prussia's foreign policy, a strategy designed to secure a free hand for Prussia to follow a new path to German unification by breaking with Austria and putting an end to the Confederation in its existing form. This strategy was undoubtedly risky, because there was no guarantee that Prussia would emerge victorious from the military conflict which had become almost inevitable since

the occupation of Holstein. Many had hoped but few had expected that the war would be over as soon as 3 July 1866, when Prussian troops defeated the Austrians at Königgrätz (Sadowa).

Only three weeks later, the decisive step was taken in the Peace of Nikolsburg (Mikulov), which was confirmed by the Treaty of Prague on 23 August. Article II of the Peace stated that "His Majesty the Emperor of Austria recognises the dissolution of the present German Confederation and gives his consent to the new creation of Germany without the participation of the Austrian Imperial State". This new creation was the subject of the North German Confederation Treaty, which Prussia concluded on 18 August, initially with 13 other German states and three Hanseatic cities, and in which the parties agreed to form a federal state within a year; this state had already been referred to in the Peace of Nikolsburg as the 'North German Confederation', and the River Main was to mark its southern boundary. In the months that followed, another five states acceded to the Confederation Treaty, the last accession being that of the Kingdom of Saxony on 21 October. Unlike the overwhelming majority of signatories of the North German Confederation Treaty, which had been allied with Prussia during the Austro-Prussian War, the Kingdom of Saxony had taken the Austrian side. It was, however, spared the fate of the Kingdom of Hanover, the

Electorate of Hesse, the Duchy of Nassau and the Free City of Frankfurt am Main, which had also been allied with Austria and were now annexed by Prussia. These annexations filled in the gaps in the map of Prussia between its core provinces and those to the east of the Elbe on the one hand and the western territories along the Rhine that had been granted to Prussia at the Congress of Vienna in 1815. It almost goes without saying that Schleswig and Holstein were also annexed by Prussia.

The parties to the Confederation Treaty of 18 August undertook in the Treaty to have the constitution of the new federal state drawn up on the basis of a draft that had been presented by the Prussian Government to the Federal Assembly of the German Confederation on 10 June 1866. Article 2 of these “rudiments of a new federal Constitution” had provided for a “national representation”, that is to say a parliament, which was to exercise legislative power together with the Federal Diet (*Bundestag*) of the German Confederation. That proposal to establish a people’s representative assembly with legislative powers was revolutionary enough in itself, in so far as it corresponded to one of the main March Demands made by the liberals of all shades in 1848. The fact that the elections to that parliament were to be conducted “in accordance with the provisions of the Imperial

Electoral Act of 12 April 1849”, that is to say the general, equal, direct and secret franchise established by the constituent National Assembly in St Paul’s Church, Frankfurt, was an absolute sensation in the eyes of the politically informed public.

Be that as it may, neither the initiative of 10 June nor the treaty provisions of 18 August came as a complete surprise. Back on 9 April, Prussia had tabled a motion in the German Confederation in which it had stated that “an assembly proceeding from direct elections and universal suffrage of the whole nation” must be involved in the reform of the Confederation. Liberal politicians and writers throughout Germany but especially in Prussia, whose Minister President, Otto von Bismarck, had been riding roughshod over the rights of Parliament for several years, were initially stunned and bewildered. “How is their proposal for a German Parliament”, asked Rudolf Heym, philosopher and parliamentary deputy, “to be reconciled with the utmost anti-parliamentarianism in their own country?”

Most observers were quick to recognise that this proposal was primarily targeted against Austria. The plan for a parliament was unacceptable to the multinational empire of the Habsburgs, since its implementation would have led to either the dissolution of the Empire as a unitary state or the withdrawal of Austria from the German Confederation. If the Prussian



Negotiations between the Prussian and Austrian delegations in Nikolsburg (Mikulov) on 16 July 1866. In the centre of the picture stands the Prussian Foreign Minister, Otto von Bismarck. The preliminary peace which was concluded on that day cleared the way for the founding of a state based on the *Kleindeutschland* option, in other words excluding Austria.

Wood engraving, undated

parliamentary project, however, had merely been a lever used by the Prussian Minister President to achieve his political objectives, it could have been removed from the agenda in August once those objectives had been achieved. Since the plan for a German Parliament nevertheless remained a topic of discussion, it can only be concluded that this was, in part, an offer to the liberal nationalist movement by Bismarck.

For decades, the establishment of a German nation state had been one of the key liberal demands. Underlying this demand was the assumption that the nation state would provide the right conditions for the development of constitutionalism and the rule of law, which had ground to a halt in the individual states when the revolution collapsed, if not earlier. Only in an overarching state, to which the individual states, which had always been and still remained the bastions of dynastic rule and aristocratic privileges, ceded their sovereignty and fundamental powers, was it conceivable that the feudal hierarchy could be replaced by a bourgeois society. To cite the question asked by deputy Ludwig Bamberger; "Is not unity itself a piece of freedom?"

To this justification was added an economic argument, namely that the nation state would be a large economic area in which the validity of the same business legislation, a common currency and the standardisation of tariffs, weights and measures would considerably accelerate the development of an industrial society. In the foreseeable future, so the argument went, bourgeois capitalist industry would therefore become the strongest force in government and society, eclipsing large-scale agriculture, the economic basis of aristocratic power. Having thus attained economic predominance, the representatives of the liberal bourgeoisie would necessarily inherit the leading political position. As Karl Twesten, legal scholar and politician, had stated back in 1861, "The socially predominant classes must inexorably become the political ruling classes too".

With this theoretical guarantee, implying an almost automatic process leading to the achievement of the liberal goals, most liberals did not find it difficult to accept Bismarck's offer of co-operation in building the nation state, despite their reservations about the person and politics of the Prussian Minister President. From the liberals' perspective, however, the offer did have one snag, for the liberals had never made a secret of their opposition to universal suffrage, and they could not fail to perceive as a downright threat the fact that universal manhood suffrage was being envisaged for elections

to the parliament of the future federal state. In the suffrage debate in the Frankfurt National Assembly it had emerged that the majority of the liberals regarded universal suffrage as an instrument which could be used by those in economic, social and, above all, political power to mobilise large sections of the dependent and politically immature population against bourgeois liberalism as well as the further development of the constitutional state and of the rule of law. There were good grounds for suspecting that this was the very reason why Bismarck had included universal manhood suffrage in his plans for the national parliament. The liberal sceptics were evidently right. Bismarck had already made it clear on numerous occasions over many years that he expected universal manhood suffrage to yield conservative majorities. In connection with the motion of 9 April 1866 for reform of the Confederation, for example, he wrote in an instruction to Ambassador Albrecht von Bernstorff, "In a country with monarchical traditions and loyal sentiments, universal suffrage, by eliminating the influences of the liberal bourgeois classes, will also lead to monarchist voting. ... In Prussia, [...] nine tenths of the population are loyal to the King ...".

On 12 February 1867, the constituent Reichstag was elected in accordance with the Electoral Act that had entered into force on 15 October 1866. The election outcome neither fulfilled Bismarck's wildest dreams nor confirmed the liberals' worst fears. The conservative and liberal groups collectively amassed the same total number of seats. In the liberal camp, the National Liberals, campaigning under that name for the first time since seceding from the German Progress Party, returned 81 deputies to emerge as the largest parliamentary group in the entire House; in the conservative camp, the Free Conservatives, who had broken away from the Conservatives in order, like the National Liberals, to support Bismarck's political aims, had to be content with 39 seats. These two groups formed the core of shifting majorities, comprising deputies who had pledged not to conclude the business of that Parliament without having established a constitutional nation state.

On the fringes of power: the place of the Reichstag in the Constitution

On 4 March 1867 the allied governments presented Parliament with the draft of a constitution for the North German Confederation. The overwhelming majority of the 61 deputies who had spoken during the general preliminary deliberations were, to varying degrees, sharply



Elections to the constituent North German Reichstag on 12 February 1867. Scene in a polling station. Wood engraving, 1867

critical of the draft. The main focus of their criticism was the “endowment of the Reichstag”, for the rights and powers assigned to it in the draft fell far short of the rights and powers enjoyed by the parliaments of most member states of the North German Confederation, particularly the Prussian House of Representatives. Accordingly, numerous additions were made in the next round of deliberations. One of these was a provision for the immunity of deputies, which had not featured in the draft and which made criminal proceedings against Members of Parliament contingent upon authorisation by the House.

The fears that the new parliament would possess only limited rights were not unfounded, as can be seen from the catalogue of powers to be vested in the future Reichstag. On the one hand, although the list of legislative tasks assigned to the Reichstag in matters for which the Confederation was to take over responsibility from the individual states was impressive, and not only at first sight, encompassing – to name only the main areas – economic matters relating to customs and trade legislation, banks and business enterprises, transport matters relating to railways, shipping, roads and waterways, postal and telegraph communications, weights,

measures and coinage, patents, copyright and criminal and civil law. On the other hand, the fact that the legislative function of Parliament was largely confined to those areas warranted the polemical comment made by Franz Leo Benedikt Waldeck, a deputy from the Progress Party on the liberal left, that the parliament envisaged in the draft constitution was a “customs, postal and telegraph parliament”. What the Reichstag was lacking in the draft constitution were full budgetary powers, the right to lay down government revenue and expenditure each year in a Budget Act. In a constitutional system of government in which ministers are appointed by the Crown and sit in parliament as a royal government, budgetary powers are the main lever with which a parliament can compel the government to make concessions and reach compromises. Budgetary powers were therefore regarded as “the first condition and necessity for any parliamentary influence”.

It was therefore a major step towards wider parliamentary powers when the majority of the constituent assembly succeeded on 9 April 1867, in its deliberations and votes on Article 65, in securing for the Reichstag the power to establish the annual revenue and expenditure of the Confederation in a Budget Act; in the draft, the Budget Act had been confined to expenditure and was to be adopted only

once for the entire electoral term. The exercise of budgetary powers was considerably restricted, however, since military expenditure, the allocation for the federal army, which accounted for 90 % of the entire budget, was exempted from parliamentary control.

For the funding of the federal army, which was under the direct command of the Prussian King, its commander-in-chief in peace and war, a fixed amount was prescribed by the Constitution, based on the effective strength of the army, in other words the number of troops on active service, which was set at one per cent of the total population; this figure was multiplied by 225 thalers per head, resulting in an amount of 69 million thalers for the first budget year of the Confederation, compared with an overall budget of 77 million. The small volume of the federal civil budget in comparison with the military budget stems from the fact that administrative costs, whether or not they related to matters which were subject to federal legislation, had to be met by the individual states, since administration was the responsibility of the *Länder*, just as it is in the Federal Republic today. Whereas the *Länder* could meet their commitments from tax revenue, the Confederation had to rely on receipts from customs duties, consumption taxes and the profits of federal enterprises, particularly the postal service. If additional funds were needed, amounts known as matricular contributions were levied; these

contributions were payable by the individual states to the Confederation, and their amount was set when each budget was adopted. In the early years they corresponded to 20 % of the entire federal budget, but they were subsequently reduced to five per cent over the course of time.

In his opening contribution to the general preliminary discussion of the draft constitution, Karl Twesten noted that, to his surprise, “no government has been defined”. In the places where the constitutions of Germany’s constitutional monarchies used the wording “by the Royal Government” or “by the Grand Duke and His Ministers”, the draft referred to the Federal Council (*Bundesrat*), a congress of envoys representing the governments of the individual states, modelled entirely on the Federal Diet (*Bundestag*) of the German Confederation. This replication extended to the detailed allocation of votes to each state and to the rules governing the casting of votes. The 43 votes were allocated among the states on the basis of the same distribution formula that was used by the German Confederation. Each state with multiple votes had to cast them *en bloc*; when casting their votes, envoys to the Federal Council were bound by the instructions of their respective governments.



“Two veterans”: deputies Hermann Schulze-Delitzsch (left) und Franz Leo Benedikt Waldeck (right), both of the liberal left, at a sitting of the constituent North German Reichstag. Schulze-Delitzsch had been a member of the National Assembly in Frankfurt, while Waldeck had belonged to the Prussian National Assembly.

Wood engraving, 1867

The Federal Council was a chamber of the *Länder*, a customary institution in federations to represent the interests of the individual states at the seat of the central government. It participated in legislation on an equal footing with the Reichstag; a law could not enter into force unless both Houses had passed it by an absolute majority. The Presidency of the Confederation was responsible for signing and promulgating laws and for ensuring that they were applied by the administrations of the individual states.

The presidency of the Confederation was vested in the Prussian King, since Prussia was the presiding power in the North German Confederation, just as Austria had been in the German Confederation. The Presidency of the North German Confederation, unlike that of the German Confederation, was entitled to exercise a number of powers on behalf of the whole Confederation. One of these related to foreign policy, where the chief prerogatives of the Crown included the right to represent the Confederation in international law and the power to conclude alliances and treaties with other states, to declare war and to conclude peace settlements as well as the right to convene, adjourn and dissolve the Federal Council and the Reichstag. The Prussian King, of course, did not exercise these powers personally but appointed a federal chancellor to discharge the operational duties of government. This Federal Chancellor,

as the voting representative of Prussia, the presiding power, chaired the Federal Council and conducted its proceedings. All orders enacted by the King in the exercise of his presidential powers were to be co-signed by the Federal Chancellor, who thereby confirmed their factual correctness.

This post of federal chancellor seemed to the deputies to offer a means of ultimately pinning down a government which, although it appeared in the draft “in various forms under various designations”, as Karl Twisten noted, remained intangible in the absence of any explicit reference to a federal government. Following the deliberations and vote on the decisive constitutional articles, an amendment tabled by Rudolf von Bennigsen was adopted “by a large majority”; the adopted motion amended the reference to co-signature to read “countersignature by the Federal Chancellor, who shall thereby assume responsibility”. This amendment to the draft made the envoy who would have received his instructions from the Prussian Foreign Minister into a federal minister who was answerable to Parliament, which meant that the post could only be filled by the Prussian Foreign Minister himself. That was Otto von Bismarck, and there are numerous indications that he had aspired to a position such as that offered by the office of Federal Chancellor, since holding that office would increase his personal power and make him more independent of his fellow Prussian ministers.

Bismarck (centre) with members of the Federal Council in the foyer of the House of Representatives on Leipziger Strasse in 1889. To the left of Bismarck is Hugo Graf von und zu Lerchenfeld-Köfering, who was a Bavarian delegate to the Federal Council from 1880 to 1918.

Precisely what was meant by this responsibility, however, remained unclear. A distinction was made between legal and parliamentary responsibility. If it had been a matter of legal responsibility, in other words of the Minister's liability to criminal prosecution in the event of any violations of the constitution or statutory laws, a law to that effect would have been required. Although there were plans to draft such a law, they were never implemented. Parliamentary responsibility, on the other hand, would have meant that the Chancellor depended on the confidence of Parliament and would have to resign if he lost that confidence. That, however, was out of the question, since the appointment and dismissal of the Chancellor was the sole prerogative of the holder of the presidency of the Confederation, on whose confidence alone the Chancellor was dependent. The Bennigsen amendment, therefore, did not make a huge improvement. Even without the amendment, the Chancellor would still have been answerable to Parliament whenever he needed a majority for a legislative bill. The initial version of the Bennigsen motion had gone further and had also called for accountable "heads of administrative branches", in other words federal ministers for the various specialised departments defined by the spheres of competence of the Confederation. Bismarck, speaking as the president of the delegates from the individual governments, who took part in the parliamentary deliberations on the constitu-

tion as a kind of proto-Federal Council, had vehemently opposed that motion. There was no need, he said, for federal ministers who formed a government, since the Federal Council itself was "to an extent a communal ministry". The specialised committees of the Federal Council, he added, would perform the tasks of ministers. This governmental function of the Federal Council, according to Bismarck, stemmed from the fact that the princely governments of the individual states had not ceded any part of their sovereignty to the Confederation but would actually exercise the sovereignty of the Confederation jointly through the Federal Council. The latter, as Bismarck explained in a conversation with the Saxon envoy almost 20 years later, long after the North German Confederation had been expanded to form the German Empire, was the "unaccountable government of the Empire"; precisely because of that lack of accountability, it was immune to parliamentary scrutiny.

The deputies were greatly astonished on hearing these comments from the Chancellor designate, since the draft constitution contained not a single word about government by the Federal Council. There were only a few articles scattered about the draft from which indirect references could be gleaned. Legislative proposals from the Federal Council, for instance, were to



be explained to the Reichstag "by members of the Federal Council"; like the right of members of the Federal Council "to appear in the Reichstag" and "to be heard there at any time upon request", this task was and is a customary part of the rights and duties of government members. The right of the Federal Council to enter and address the Reichstag, however, was not balanced by a parliamentary right to summon members of the Federal Council, who were under no obligation to make themselves available for questioning in Parliament. This immunity of the government to parliamentary demands was the purpose of the entire constitutional construct. The refusal to introduce specialised ministers preserved a gulf that permanently separated the Reichstag from the government and so insulated the state administration against parliamentary influence.

The task of legal regulation of the economy and society was assigned to the Reichstag. This sphere of responsibility was certainly broad enough for the authors of the draft constitution to see the need to insert safeguards designed to help ensure that the composition of Parliament would be controlled to suit the government. It was no secret that Bismarck had favoured universal manhood suffrage for years because he expected a system based on such suffrage to yield conservative pro-government majorities. Accordingly, he argued its case vigorously once more during the debate on the article in the

draft constitution devoted to the electoral system, which provided for general and direct election; his assertion that he "knew of no better electoral law" was echoed approvingly in the contributions made to that debate by several conservative deputies who otherwise tended to regard universal suffrage as an archetypal revolutionary demand and to fear it like the plague.

Although almost all of the liberals who spoke in that debate let it be known that they would not withhold their consent to the article in question, scarcely any of them refrained from voicing objections to universal suffrage and expressing their fears about its consequences. "Gentlemen," declared National Liberal deputy Adolf Weber from Stade, "universal direct suffrage has never been my fancy, for it brings and places civic rights into the hands of a host of socially and intellectually dependent characters". These "characters", he said, were manipulated politically by "those classes and those persons who have influence on them" in order to "exert counter-pressure against the middle classes, against the bourgeoisie", in other words the section of society which was represented by the liberals and which was "the true upholder of liberal ideas".

In order to reduce this influence as far as possible, elections should at least be carried out by secret ballot; the article of the draft constitution devoted to the electoral system provided only for universal manhood suffrage and direct elec-

tion but not for a secret ballot. It was true that recourse to a secret ballot in the elections of 12 February 1867 had yielded an entirely satisfactory outcome for the government, but evidently the authors of the constitution were not entirely convinced that universal suffrage would always deliver pro-government majorities. Accordingly, it seemed quite logical that the potential for influence associated with the public casting of votes under the Prussian three-class franchise should be used as an extra safeguard. On 28 March, however, an amendment inserting the wording “by secret ballot” into the relevant article was adopted by a large majority.

Two other articles in the draft were designed to reduce considerably the circle of individuals who were eligible to sit in Parliament. The failure of an attempt to bar civil servants from standing for election was hardly surprising, given that, on average, almost half of the deputies in all of the individual state parliaments as well as in the Frankfurt National Assembly and even the constituent Reichstag itself were civil servants. That such an attempt was made at all was due to the fact that legal experts employed in the public service as judges, prosecutors and professors had been among the most outspoken critics of governments. A parliament without civil servants would certainly have been less critical of the government.

An article was, however, inserted into the final version of the Constitution which denied deputies any entitlement to remuneration. This meant that a parliamentary mandate could only be sought by candidates who had sufficient financial means to live in Berlin at their own expense for several months a year. This indirect property qualification was intended as a safeguard against the incalculable consequences of universal suffrage. Although the Reichstag voted by a slim majority on 30 March 1867 for the payment of travel expenses and remuneration, in the final vote the majority of deputies were prepared to uphold the ban on remuneration; it was not until 1905 that remuneration was introduced for Members of the German Reichstag. In exchange for their consent to the remuneration ban, the confederated governments were prepared to reduce the term covered by the fixed military budget from ten to four years. On 16 April 1867, the final vote on the Constitution took place in the constituent Reichstag of the North German Confederation. The extensions and improvements of the rights and powers of Parliament that had been inserted into the draft constitution during the deliberations of March and April 1867 were considerable; nevertheless, their impact remained severely restricted by other constitutional provisions. Shielded by the Constitution, the bastions of state power operated in an extraconstitutional space to which Parliament was denied access.

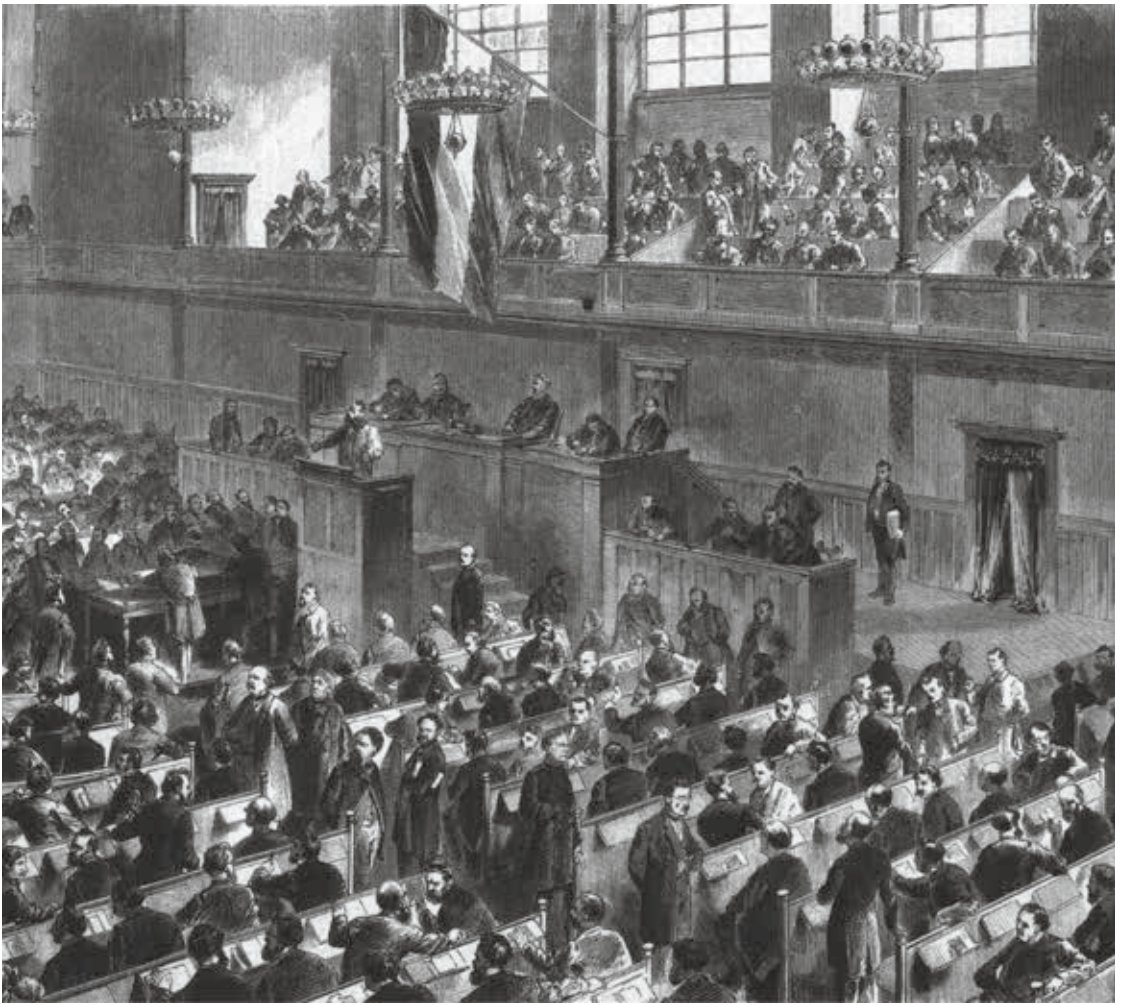


Eduard Simson, President (Speaker) of the Reichstag, opens a sitting of the North German Reichstag in the meeting chamber of the Prussian House of Lords.
Wood engraving, 1867

Completing the founding of the nation state: from the North German Confederation to the German Empire

On 16 April 1871, four years to the day after the final vote on the Constitution of the North German Confederation, the Prussian King signed the Act establishing the Constitution of the German Empire. This completed a process that had begun the previous November, when the states of southern Germany acceded to the North German Confederation by means of treaties. This expansion of the North German Confederation lasted somewhat longer than had been initially foreseen, and in the end it took the war against France to act as a catalyst. The Constitution of this new German confederation was largely identical to the Constitution that had been adopted in April 1867 by the constituent Reichstag of the North German Confederation. The new confederation was given the name *Deutsches Reich* (German Empire), the Prussian King, who held the presidency of the confederation, now had the title *Deutscher Kaiser* (German Emperor), and the Federal Chancellor became the *Reichskanzler* (Imperial Chancellor). The Federal Council, or *Bundesrat*, being a federal institution, kept its name, the number of its members being increased to 58. The Parliament, which had already been given the designation *Reichstag* in the North German Confederation, now had 382 deputies, compared with the previous figure of 297.

The first Reichstag, which was elected on 3 March 1871 and almost unanimously adopted the updated Constitution on 14 April, continued to hold systematically to the course of liberal reforms upon which the Reichstag of the North German Confederation had embarked in 1867. The reformist majority formed in the 1867 Parliament by the liberal groups and the Free Conservatives was able to maintain the focused pursuit of its policies in the Reichstag of 1871 because the liberal groups alone had edged an absolute majority; the National Liberals, by far the largest group with 125 seats, accounted for almost a third of the deputies. The main purpose of the reform legislation was to standardise and liberalise the economic system and to pursue the closely associated aim of establishing the rule of law. Its objectives were freedom of trade, freedom of establishment, the creation of legal rules governing joint-stock companies and the enactment of an Imperial Patent Act, the introduction of the mark as a single imperial currency and the founding of a *Reichsbank*; the reform plans also focused on procedural law and the court system, including the establishment of an Imperial Court of Justice.



Inaugural sitting of the first German Reichstag in the meeting chamber at the temporary seat of the Prussian House of Representatives on 21 March 1871. The benches were, for the most part, set at right angles to the presidential podium and the speakers' lectern, compelling deputies whose seats were in the corners to stand near the lectern so that they could follow the speeches. By this time the benches were, however, equipped with a small writing shelf for each deputy. Wood engraving, 1871

A considerable proportion of the bills were initiated from the floor of the House. The Federal Council, on the other hand, never really developed legislative initiatives of its own. The bills that were presented on behalf of the Federal Council came from the Prussian government ministries and were often forwarded to the Federal Council so late that it had no time to discuss them. Government by the Federal Council was a fiction that served not only as a barrier against parliamentary scrutiny of and access to the government but also formed a federalist front behind which Prussian hegemony was concealed.

The importance of the individual state governments waned as a separate imperial administration developed. At the heart of that administration was the Chancellery, which was created in 1867 to assist the Chancellor in the performance of his tasks as chairman and executive head of the Federal Council and which initially comprised just over a dozen members of staff. Rudolph von Delbrück was appointed president of this new body; for many years he had been responsible for Prussia's liberal economic and trade policies as the senior official in the Prussian Ministry of Commerce. Under Delbrück's leadership, an increasing number of bills were drafted in consultation and close

cooperation with the reformist majority in the Reichstag, which was not actually permissible under the Constitution, and forwarded to the Federal Council in the guise of proposals from the presiding monarch.

It goes without saying that this close cooperation between the Chancellery and the National Liberal and Free Conservative groups in Parliament would not have been possible without Bismarck's knowledge and consent. He shared the modernisation aims of the reformist majority. While the liberals expected the reforms to lead to the eventual emergence of bourgeois rule, however, Bismarck had trained his sights on consolidating the primacy of the old ruling elite, whose bastions therefore had to be sealed all the more tightly against parliamentary ingress. In the 1870s, directorates in the Chancellery evolved into separate imperial departments, and so *de facto* ministries with specialised portfolios came into being; these were headed, however, by state secretaries who took their instructions from the Chancellor and who had to be appointed as Prussian commissioners to the Federal Council so that they could present bills from their respective departments in the Reichstag. The anti-parliamentarian fiction of the Federal Council as an unaccountable government was rigorously maintained. It remained the practical and symbolic monarchical counterweight to the democratically elected Reichstag.



Elections to the German Reichstag on 12 January 1912: scene in a Berlin polling station. The SPD obtained 34.8 % of the vote at that election, its best result up to that date. However, because of the variations in constituency sizes, which favoured sparsely populated rural areas at the expense of the rapidly expanding industrial towns and cities, the party's share of the seats in Parliament amounted to only 27.7 %. Nevertheless, with 110 deputies it formed the largest parliamentary group.

The same purpose was served by setting a multiannual military budget, which minimised the extent to which the prying eyes of bourgeois parliamentarians could see into the world of the armed military forces. The four-year period on which agreement was reached in exchange for acquiescence to the non-remuneration of deputies was extended by a further three years in 1870 against the backdrop of the Franco-Prussian War without a great deal of fuss, which meant that the inevitable conflicts did not flare up until 1874. While the military leaders called for an *Aeternat*, a budget fixed for an unlimited period, the deputies insisted on their right to approve the budget annually. The compromise that was ultimately reached was the *Septennat*, a budget fixed for a period of seven years, which was repeatedly renewed until the 1890s and then replaced with a five-year budget.

In the long term, universal suffrage benefited neither the liberals nor the conservatives but rather, because of its effect in mobilising the masses, the Social Democrats, who regularly received the largest percentage share of the vote from 1890 onwards and by 1912 had left the other parties far behind, winning 34.8 % of the vote while the second-placed Centre Party polled only 16.8 %. These successes, however,

were not by any means reflected in the number of seats. SPD voters were concentrated in densely populated conurbations, which were particularly disadvantaged because the constituency boundaries had not been redrawn in spite of rapid industrialisation, the associated internal migration and the increasing population density in urban settlements. Since the sparsely populated constituencies lay in the agricultural areas in the eastern part of Prussia, the main beneficiaries of the unequal constituency sizes were the conservatives, who needed only 17,700 votes to secure a seat in the 1907 election, while the SPD needed 75,800 votes per seat.

The Reichstag of the German Empire was a modern and influential institution, and its political importance and power steadily grew. On the other hand, hampered by the Constitution and also, no doubt, by an excessively conservative and overcautious majority, the Reichstag remained on the fringes of power.



Allegorical representation of universal suffrage: Liberty presents the workers with the victors' laurel wreath. Karl Marx is seated on the left edge of the image. Wood engraving, c. 1870

On 19 January 1919, elections to the constituent National Assembly took place; for the first time ever in Germany, not only men but women too were eligible to vote and stand for election. This ground-breaking innovation was enshrined in the Ordinance of 30 November 1918 on the Elections to the Constituent German National Assembly; moreover, in no less revolutionary provisions, the ordinance replaced the existing first-past-the-post system with proportional representation and lowered the minimum voting age to 20 for everyone.

This ordinance was enacted by the Council of People's Commissars, which had been appointed on 10 November 1918 as the revolutionaries' transitional government. The assumption of office by the people's commissars put a temporary end to the first phase of the revolution, which had begun in Wilhelmshaven on 29 October, when the sailors of the high-seas fleet mutinied and committed acts of sabotage to frustrate the plans of the Naval High Command to put to sea for a final battle against the

“The German Empire is a republic”:
the National Assembly and
the Weimar Constitution

British fleet. On 3 November, soldiers and sailors in barracks and on board ships began to elect soldiers' councils, whose rebellion was joined on that same day by workers' councils in the factories of Kiel. From 5 November, power in Kiel was in the hands of the workers' and soldiers' councils. In the days that followed, the movement spread, initially to the towns on the North Sea and Baltic coasts and then to Brunswick, Cologne, Frankfurt, Munich and other towns and cities in western, central and southern Germany.

On 9 November 1918, the revolution reached Berlin. With mass protest marches heading towards the city centre from early morning, the SPD leaders saw that the time had come for action. They had to put themselves at the head of this revolutionary movement if they did not want to be overrun by it. The SPD group in the Reichstag unanimously adopted the proposal made by the party executive to demand the transfer of power from the government led by Prince Max of Baden, to which social democrats Philipp Scheidemann and Gustav Bauer had belonged until their resignation on that morning of 9 November.

The SPD delegation that arrived in the Imperial Chancellery at 12.35 p.m. was headed by party chairman Friedrich Ebert, who called on the Prince to hand over the reins of government now to men who possessed "the full confidence of the people". The Imperial Chancellor, who one hour before had announced the abdication of Emperor William II to the press, although the Emperor had not yet abdicated at all, proposed that "deputy Ebert accept the post of Imperial Chancellor". After some brief hesitation, the SPD chairman agreed.

Ebert's tenure of the imperial chancellorship lasted but one day. The party executive of the SPD had already begun talks on the morning of 9 November with the leaders of the Independent Social Democratic Party of Germany (USPD) on the formation of a joint government. These talks, which were resumed after the visit to the Imperial Chancellery, reached a successful conclusion in the early afternoon of the following



Elections to the constituent National Assembly on 19 January 1919. Voters queue at a Berlin polling station.

day. The two antagonistic sister parties agreed on the appointment of a Council of People's Commissars, comprising Friedrich Ebert, Philipp Scheidemann and Otto Landsberg from the SPD and Hugo Haase, Wilhelm Dittmann and Emil Barth from the Independent Social Democrats. The six People's Commissars formed a 'political cabinet', which was responsible for establishing government policy guidelines; the imperial departments remained under the leadership of the existing state secretaries, who were the specialists, as had already been agreed when the office of Imperial Chancellor was conferred on Ebert. Although Friedrich Ebert and Hugo Haase were on an equal footing as co-chairmen of the Council, the *de facto* leader was the SPD party chairman, whose one-day chancellorship gave him the decisive primacy, not only in the eyes of government officials but also in the public mind.

The appointment of the Council of People's Commissars by the executives of the two parties obtained its revolutionary legitimacy when it was ratified by the General Assembly of the Berlin Workers' and Soldiers' Councils, held in the Circus Busch building in the late afternoon of 10 November and attended by 3,000 participants. "Political power", as the SPD and USPD so aptly stated in their agreement establishing

the Council of People's Commissars, "lies in the hands of the Workers' and Soldiers' Councils, a general assembly of which shall be convoked forthwith from the entire *Reich*." This general assembly, by analogy with the local and regional councils, was to take over the role of a revolutionary parliament, which had to be performed temporarily by the local assembly of the Berlin Workers' and Soldiers' Councils on the evening of 10 November, when it approved Council of People's Commissars, thereby performing what is known today as the creative function of Parliament.

From 16 to 21 December 1918, that 'general assembly from the entire *Reich*', officially known as the First General Congress of the Workers' and Soldiers' Councils, met in Berlin, in the plenary chamber of the Prussian House of Representatives. Of the 518 delegates, 288 belonged to the SPD and 98 to the USPD; all the others were either from the liberal left or unattached. The Congress took two momentous decisions. In the first of these, it rejected by 344 votes to 98 the motion that the system of councils be made the basis of the constitution of a socialist German Republic; in the second, it agreed by an overwhelming majority of about 400 to 50 to set 19 January 1919 as the date for elections to a constituent National Assembly.





Above:

The First General Congress of Workers' and Soldiers' Councils of Germany met in the plenary chamber of the Prussian House of Representatives from 16 to 21 December 1918.

Left:

The Council of People's Commissioners. The USPD members are Emil Barth (bottom right), Hugo Haase (top left) and Wilhelm Dittmann (bottom left), and the SPD members are Friedrich Ebert (top right), Otto Landsberg (middle left) and Philipp Scheidemann (middle right).

As the results of the votes taken at the Congress of Workers' and Soldiers' Councils plainly show, the councils did not regard themselves in any way as proponents of a constitution based on Soviet-style councils. The councils had come into being at the beginning of November 1918 as spontaneous self-help groups to fill temporarily the institutional vacuum created by the collapse of the old regime. Under their political supervision and with their support, the authorities explicitly entrusted by the councils locally, regionally and nationally with the tasks of maintaining law and order, organising demobilisation and providing the population with food supplies were able to perform these duties. The great majority of the members of these councils had previously been active in trade unions and in social democratic parties. The decision in favour of a constituent National Assembly, then, was not by any means a victory for parliamentary democracy over 'Bolshevism', because the introduction of the system of Soviet-style councils was championed by only a small minority on the left

fringes of the USPD, known as the Spartacus Group and led by Rosa Luxemburg and Karl Liebknecht, which had seceded from the party at the end of December to form the Communist Party of Germany (KPD); that group was represented by only ten delegates in the Congress of Workers' and Soldiers' Councils.

The SPD emerged as the largest parliamentary group by far in the elections to the National Assembly, with 37.9 % of the vote and 165 seats. However impressive this result, it was not sufficient to secure a socialist majority, since the USPD obtained only 7.6 % of the vote and 22 seats. The collective winners of the election were the parties favoured by the middle classes, that is to say the German Democratic Party (DDP), with 18.5 % of the vote and 75 seats, the Centre Party with 19.7 % and 91 seats, the German People's Party (DVP) with 4.4 % and 19 seats and, last but not least, the German National People's Party (DNVP), which polled 10.3 % of the vote and obtained 44 seats. The DVP and DNVP, as monarchist parties, were opposed to a republic and parliamentary democracy. The SPD, the DDP and the Centre may be regarded as the constitutionalist parties that could be relied on to uphold the Republic.

Inaugural sitting of the constituent National Assembly in Weimar on 6 February 1919. Friedrich Ebert, Chairman of the Council of People's Commissars, delivers the opening address.

**“... to embed a strong democracy in Germany”:
the constituent National Assembly in Weimar**

The decision to conduct the elections to the National Assembly in January, rather than later, put an end to a fundamental difference of opinion in the Council of People's Commissars. The people's commissars from both parties agreed that a constituent assembly would have to decide on Germany's political future. Whereas the SPD representatives sought an early date for the election in order to end the revolutionary transitional phase as quickly as possible, the immediate priority for the representatives of the USPD was to initiate democratisation processes in the political, social and economic life of the nation. The fact that these processes were not initiated, that the system of authoritarian rule was not dismantled and that the old elites were able to maintain their positions of power in government, society and business was due only in very small measure, however, to the early election date.

On the stroke of 3.15 p.m. on 6 February 1919, People's Commissar Friedrich Ebert opened the constituent National Assembly in the National Theatre, Weimar, with an address. At the end of his brief speech, he expressed the wish that “the spirit of Weimar, the spirit of the great philosophers and poets” would inspire the Assembly to accomplish its mission of “embedding a strong democracy in Germany”.

The decision to convene the constituent National Assembly in Weimar rather than Berlin was made for a number of reasons. In early January the revolutionary disturbances that became known as the Spartacist Uprising were brutally crushed; further disturbances, which might have impacted on the work of the National Assembly too, were on the cards. In addition, there were strong misgivings in southern Germany about Berlin, mainly because it was regarded as the main seat of Prussian militarism; as early as December 1918, the governments of the southern German states intimated to the Council of People's Commissars that they would prefer a different meeting place. The choice of Weimar had to do with the rationale to which Friedrich Ebert referred in his opening address.



The first task of the National Assembly was to constitute a governmental authority whose mandate reflected the will of the majority of German voters. The requisite Provisional *Reich* Authority Act (*Gesetz über die vorläufige Reichsgewalt*) was adopted by a large majority on 10 February. This ‘transitional constitution’ provided for four supreme state institutions, namely the National Assembly, which was to be the Parliament and would not only discuss and adopt the Constitution but would also be able to adopt ‘urgent laws of the *Reich*’, the President of the *Reich*, the *Reichsministerium*, in other words the Cabinet, and the Committee of the States, which would be the collective representative body of the *Länder*. On the following day, the National Assembly elected Friedrich Ebert President of the *Reich*; Ebert then appointed Philipp Scheidemann to the post of Minister President to head a coalition government of SPD, DDP and Centre Party. This government was accountable to Parliament.

On 24 February deliberations began on the draft of the *Reich* Constitution, which had been drawn up by Hugo Preuss, a professor of constitutional law from Berlin, who was a member of the National Assembly for the DDP on the liberal left and a member of the Scheidemann Cabinet as Minister of the Interior. Following a gen-

eral debate in the plenary chamber, the draft was referred to a Constitution Committee for discussion. On 2 July, the Committee presented the full National Assembly with a thoroughly revised draft for the first constitution of a democratic republic in German history. Article 1 of the Constitution makes this point crystal-clear: “The German *Reich* shall be a republic. The authority of the state is derived from the people.” The main instrument through which the people were to exercise their sovereignty was Parliament, the Reichstag, which the Constitution expressly names first, before the other institutions of the *Reich* – the President, the Government and the Reichsrat.

The Reichstag was elected on the basis of the same electoral law under which the National Assembly had already been elected. Article 22 of the Constitution stipulates that “Members of the Reichstag shall be elected in general, equal, direct and secret elections in accordance with the principles of proportional representation by the men and women who have attained the age of twenty”. The replacement of the first-past-the-post system by proportional representation was not contested by any of the political parties. Under the Electoral Act of 27 April 1920, which added flesh to the bones of the constitutional provisions, each parliamentary mandate was to be based on an electorate of 60,000 persons.



Members of the constituent National Assembly in the foyer of the National Theatre on 20 March 1919. In the foreground is Gustav Stresemann, chairman of the DVP group.



Inaugural sitting of the constituent National Assembly in Weimar on 6 February 1919. The seating in the theatre stalls had been removed and replaced with rows of seats from the Reichstag building.

The relationship between the Reichstag and the *Reich* Government was governed by the parliamentary principle, whereby the Government owed its existence to Parliament. The parties represented in the Reichstag therefore had the right and the opportunity to form governing coalitions, to occupy a proportionate number of ministerial positions and to agree on a programme of government, which the deputies from the coalition parties could be relied upon to support in Parliament. Article 54 of the Constitution formulated the principle underlying the parliamentary form of government as follows: "The Chancellor and Ministers of the *Reich* shall require the confidence of the Reichstag for the exercise of their office. Each of them must resign if the Reichstag withdraws its confidence in him by means of an explicit decision."

In legislative matters, the Reichstag had the final say. Although the Reichsrat, as the representative body of the *Länder*, participated in the legislative process, it possessed only a right of objection to laws that the Reichstag had adopted. Laws to which the Reichsrat had lodged an objection could still become law if they were subsequently adopted by a two-thirds majority of the Reichstag. The *Länder* were represented in the Reichsrat by their respective governments.

The *Reich* Government comprised the Chancellor and the Ministers of the *Reich*. Unlike the Empire under the Kaiser, Germany now had government ministries which were autonomously led by ministers accountable to Parliament for the exercise of their office. On the other hand, they were required to operate within the framework prescribed by the Chancellor, who was empowered to lay down general policy guidelines.

The Weimar Constitution conferred a particularly eminent status on the President of the *Reich*, the head of state, who was to be directly elected by the people for a seven-year term of office. Among the ample powers vested in him were the right to represent the *Reich* in international law, the power to appoint civil servants and military officers and supreme command of the *Wehrmacht*, the national armed forces. His legislative role was limited to signing and promulgating new laws; Presidents also had, but never used, the right to refrain from promulgating a bill adopted by the Reichstag and put it to a referendum instead. The President, however, had two powers in relation to Parliament which were laden with potential for conflict,

The constituent National Assembly in Weimar in 1919. The parliamentary group of the Majority Socialists (SPD).

namely the power to dissolve the Reichstag and the power to appoint the Chancellor. It seems to have been an unwritten law that the President always accepted proposals from coalitions intending to form a government.

One of the key powers of the President of the *Reich* was the right to issue emergency decrees which was enshrined in Article 48 of the Constitution. The crucial second paragraph of that article states that, "If public security and order are seriously disturbed or endangered within the German *Reich*, the President of the *Reich* may take measures necessary for their restoration". To this end, he could avail himself of "the assistance of the armed forces" and had the option of suspending some fundamental rights, such as personal freedoms, inviolability of the home, freedom of expression and freedom of assembly. The President of the *Reich*, however, was bound to revoke those measures if a decision to that effect was taken by the Reichstag, which was to be informed without delay of any such measures.

In the plenary debates on the proposed Constitution in the National Assembly, the scope of the rights and powers to be vested in the President of the *Reich* met with deep reservations. SPD deputy Richard Fischer drew attention to the need, when defining the rights and powers of a particular office, to consider how holders of that office might use them. Indicating the current incumbent, Friedrich Ebert, Fischer warned that "We must reckon with the fact that one day another man from another party will be standing there, perhaps from a reactionary party yearning for a *coup d'état*".

In spite of these reservations, the provisions of the draft constitution granting these unusually copious powers to the President of the *Reich* were carried. All of the amendments tabled by the Social Democrats in both the Constitution Committee and the plenary chamber met with concerted opposition from the bourgeois parties, regardless of the fact that two of them – the DDP and the Centre Party – were in the governing coalition with the SPD, while the others – the DVP and DNVP – were not only in opposition but regarded the Republic as an unavoidable evil and were against it as a matter of prin-



ciple. There were various closely connected motives behind this united front. The circle of liberal advisers associated with Hugo Preuss were united in rejecting excessive parliamentary powers. Fears that such powers could give rise to something they called ‘parliamentary absolutism’ prompted them to reflect on a combination of a parliamentary system on the British model and a US-style presidential system, which would enable two democratically elected authorities to keep each other in check. The shroud of mystery over the question why theorists and politicians of the liberal left, of all people, were arguing for the power of parliament to be curbed is lifted when we consider that the concerns about parliamentary absolutism were driven by the fear that the future parliament would be dominated by socialist majorities.

The same parties were also reflecting on the vacuum left by the end of monarchical rule. They believed that there was still a need for the roles of the governing princes, and especially of the Kaiser, to be performed. It is plain to see that the role of the President of the *Reich* as a ‘Kaiser substitute’ or ‘elected monarch’ would appeal to the monarchist parties, which regarded the presidential powers as a starting point

from which they could refashion the Constitution itself in their own image. Although the dreaded socialist majority never came to pass in the end, a military general did become President of the *Reich*.

On 31 July 1919, the National Assembly adopted the new Constitution by 262 votes cast by the parties of the governing coalition to 75 from the USPD, the DVP and the DNVP. The President of the *Reich* signed the Constitution on 11 August, and it entered into force upon promulgation on 14 August 1919.

The National Assembly sat in Weimar for the last time on 21 August for the inauguration of the President of the *Reich*, who swore his oath on the Constitution. Since a new President could not, of course, be elected immediately after the adoption of the Constitution, the concluding and transitional provisions laid down that “Until the first President of the *Reich* takes office, his office shall be exercised by the President of the *Reich* elected pursuant to the Provisional *Reich* Authority Act”.



The constituent National Assembly in Weimar in 1919. The women members of the Majority Socialists (SPD) group.

**“Rooted in the existing republican form of government”:
the birth pangs of parliamentarianism
in the Weimar Republic**

Following the adoption of the Constitution, the National Assembly assumed responsibility for the tasks assigned to the Reichstag in the new Constitution until the first regular Reichstag election on 6 June 1920. The parties of the Weimar Coalition enjoyed a comfortable majority in that interim Parliament. In the Reichstag election of June 1920, however, they were unable to repeat the resounding success they had achieved in the elections to the National Assembly. Each of the three parties lost ground, mustering a total of only 47 % of the vote. The number of Centrist deputies fell from 91 to 64, the DDP representation plummeted from 75 to 39, and the SPD group in the new Reichstag now had 102 members instead of 165. The main winners were the parties that had voted against the Constitution. On the right were the DNVP and the DVP, which doubled their joint share of the vote; the DVP, indeed, trebled its share and edged past the Centre to become, with 65 seats, the fourth-largest group in the Reichstag after the SPD, the USPD and the DNVP. Middle-class voters had clearly been

shifting from the liberal centre ground towards the anti-republican parties on the right. The USPD was able to increase the number of its seats from 22 to 84, which made it the second-largest group after the SPD, whose share of the vote now exceeded that of its left-wing rival by only 3.8 percentage points. Numerous social democratic voters whose hopes of root-and-branch political, social and economic democratisation had been dashed and who saw that the old elites had managed to defend their positions of power now gave their votes to the USPD, which had committed itself to a continuation of the revolution and to the introduction of a ‘socialist democracy’.

The continuation of the Weimar Coalition, which no longer had a parliamentary majority, was arithmetically possible only if it reached out to the USPD on the left or to the DVP on the right. The incumbent Chancellor and SPD party chairman, who, as the representative of the largest parliamentary group, was initially invited to form a government, made overtures to the USPD, but the latter flatly rejected the idea of entering a coalition with any bourgeois parties.



The constituent National Assembly in Weimar in 1919. Members of the DDP group at lunch.

A coalition with the DVP, on the other hand, was unacceptable to the SPD, which was not prepared to cooperate with a party that stood “on openly monarchist and anti-democratic foundations”, as *Vorwärts*, the national organ of the SPD, commented in its edition of 10 May 1920. It was only logical that the Social Democrats should renounce participation in government in order to staunch the haemorrhage of voters and of party members too.

Three weeks after the election, a minority coalition of middle-class parties – the DDP, the Centre and the DVP – was formed. At the request of the DDP, the DVP had declared in writing that it was “rooted in the existing republican form of government”, though it did not disown its fundamental monarchist convictions. The SPD had declared itself willing to tolerate the Cabinet headed by Chancellor Konstantin Fehrenbach of the Centre Party. The Fehrenbach Cabinet was the first in a series of minority governments, which became the norm in the years that followed. From May 1921 to November 1922, the Weimar Coalition was back in office, but as a minority government. All other

minority coalitions were new versions of the DDP, Centre and DVP combination, whose governments had to seek shifting majorities in Parliament but which could always rely on the support of the SPD, particularly for major decisions in the realm of foreign policy. Accordingly, the SPD was sometimes called a governing party in opposition, which was an accurate description.

A total of eight minority cabinets were formed in the period from 1920 until the parliamentary formation of governments ended in 1930, compared with five majority governments. In principle, there were two ways to form a parliamentary majority coalition – either by expanding the minority cabinet of the middle-class parties to include the DNVP and form a so-called *Bürgerblock* or by forming a Grand Coalition comprising the Weimar Coalition plus the DVP. The willingness of the DNVP to be part of the two *Bürgerblock* governments of 1925 and 1927/28 within the parliamentary system of government stemmed from the tactical consideration that the aims, and especially the economic aims, of the interest groups behind the party, particularly large agricultural landowners, could be better achieved in government than in opposition. The extent of the qualms about the DNVP, even among the middle-class parties, is illustrated by the refusal of the DDP

The constituent National Assembly in Weimar in 1919. The parliamentary group of the DNVP.

to join the coalitions supporting the *Bürgerblock* governments; the fact that the Democrats nevertheless had a minister, Otto Gessler, in both governments sheds a revealing light on the complex relationships maintained by parties and parliamentary groups, Parliament and governments in the Weimar Republic.

Ever since the Reichstag election of June 1920, the formation of a Grand Coalition had featured repeatedly on the agenda. Its accomplishment, however, was hampered by a thorny economic and social problem. This revolved around the question of responsibility for the burdens resulting from the reparation payments, the hyperinflation of 1923 and the economic crisis that had begun to surface in 1928. The German People's Party, the DVP, which was backed by the organisations representing large industries, particularly heavy industry, supported the employers' call for a reversal of the social progress that had been part of the founding consensus in the early days of the Republic, with the eight-hour day at its core, as a precondition for shouldering part of the financial burden. When initiatives were launched in October 1922 to turn the minority Weimar Coalition cabinet under Chancellor Joseph Wirth into a Grand Coalition, the country's wealthiest and most influential magnate, Hugo Stinnes, who sat as a DVP

deputy in the Reichstag, publicly demanded a two-hour extension of working hours without additional pay for a period of ten to fifteen years. There is no need to explain why the SPD, and especially the trade unions that were closely allied with it, saw no point in pursuing any cooperation with what *Vorwärts* polemically dubbed the 'Stinnes party'.

That a Grand Coalition did come about after all in August 1923 was due primarily to the fact that the Republic was faced with problems that could only be solved by a very broadly based Parliament. French and Belgian troops had occupied the Ruhr area in January, because Germany had fallen into arrears with the deliveries of goods, particularly coal, that were due as part of the reparations prescribed by the Treaty of Versailles and more precisely defined in subsequent agreements. The occupation met with unanimous outrage right across the party-political spectrum. The Government called for 'passive resistance', which meant in essence that the workforces of institutions and industrial facilities in the occupied area reduced their output to a minimum and that the reparation deliveries almost stopped altogether. When the occupying powers began to close down facilities, the Government had no option but to pay the locked-out workforces from the state treasury. The money needed for this purpose could only be obtained by means of a further increase in the production of banknotes, which fuelled



the inflationary devaluation of the German currency that had persisted since 1914, driving the inflation rate to a record high. By the beginning of August 1923, a few days before the Grand Coalition Government took up its duties, the exchange rate had rocketed to almost five million reichsmarks to one dollar. It was clear that passive resistance would have to be abandoned sooner or later, as was the fact that currency reform would be needed to stabilise the nation's finances following that abandonment.

What made the Grand Coalition possible was that both parties to the left and right of centre, the SPD and the DVP, had an interest, albeit for different motives, in the end of passive resistance and were therefore prepared to set aside their deep differences for a short time. The architect of that coalition, Gustav Stresemann, chairman of the DVP and its parliamentary group, was appointed Chancellor of the *Reich*. The new Chancellor had never made any bones about his belief that monarchy was the best form of government; at the same time, he was prepared to recognise the Republic, not only as a necessary evil but as the *de facto* framework for his political activity which therefore had to be accepted. In a telegram he had sent to a fellow party member in February 1919, he wrote

that "The party certainly adheres to the monarchist ideal, ... but deals in practice with the situation as it is". Like his party colleagues but also the German National People's Party, Stresemann was dedicated to the aim of restoring a German totalitarian state; unlike the DNVP and other right-wing groups, however, he was convinced that cooperation rather than confrontation could lead to the achievement of that aim and that it was essential to pursue a policy of reconciliation between former warring nations. It was therefore logical that Stresemann should also take over the stewardship of the Foreign Ministry, and he was to continue serving as Minister for Foreign Affairs in all subsequent cabinets until his death in October 1929.

After passive resistance had officially ended on 26 September 1923, it became clear that Stresemann's conciliatory approach to both foreign and domestic policy was not supported by everyone in his own party. At a meeting of party leaders on 2 October, Ernst Scholz, Stresemann's successor as leader of the DVP group, called for the unconditional abolition of the eight-hour day and an expansion of the governing coalition to include the DNVP. Both calls were made in earnest but were also intended as a lever to prise the SPD, which naturally could not entertain either of the proposals, out of the coalition so as to obtain, as it



Sitting of the German Reichstag on 3 July 1928. Chancellor Hermann Müller (SPD) delivers a government policy statement.

was expressed at a DVP group meeting a few days later, a “socialist-free cabinet”. In such a *Bürgerblock* cabinet, it would be possible to abolish the eight-hour day and to meet other demands being made by employers. The *Kölnische Volkszeitung*, which was close to the Centre Party, published a report of the episode three days later under the headline “Politicians in the heavy-industry and Rural League lobby wanted a ‘dictatorship of the Right’”. The provocation from the DVP group, which also targeted its own party chairman in his capacity as Chancellor, was at least partly successful. The Stresemann Cabinet resigned on the day after this rumpus, since all proposals for a compromise on the issue of working hours that had been made in the two intervening cabinet meetings had been rejected by the parties on either wing.

The next Grand Coalition came five years later, and once again it was Gustav Stresemann who brought it about. When the SPD won about 30 % of the seats in the Reichstag election of May 1928 and emerged as the largest parliamentary group by far, with 151 deputies, it was

clear that a social democratic politician would be invited to form a government and that only a Grand Coalition could muster an arithmetical majority. The SPD chairman, Hermann Müller, who was asked to form a government, realised after lengthy negotiations that a Grand Coalition was not achievable because the DVP refused to be part of it. Stresemann, without consulting his party and parliamentary group, proposed the formation of a cabinet comprising “personalities from the parliamentary groups” without the groups being bound by coalition discipline. The DVP group issued a written statement to the effect that, if a motion of no confidence were to be tabled, it would not feel bound to support the Government, which included two of its own members – Gustav Stresemann and Julius Curtius. Although this ‘cabinet of personalities’, which attained the longest term of office – almost 21 months – of any government in the Weimar Republic, was bolstered by a formal coalition agreement in April 1929, Gustav Stolper, a political economist who served from 1930 as a member of the Reichstag for the DDP of the liberal left, was still able to write in December 1929, “What we have today is a coalition of ministers, not a coalition of parties. There are no governing parties at all, only opposition parties”.



Sitting of the German Reichstag on 19 November 1928. Foreign Minister Gustav Stresemann (DVP) addresses the House from the rostrum.

This observation not only applies to the Müller cabinet but could have been made in the same or similar terms with regard to any of the governments of recent years. In fact, a succession of 20 cabinets came and went, spending an average of about eight months in office, and almost all of them came to grief because one or more coalition partners withdrew their cooperation. In most cases, the minimal stability of the coalition government was already visible during the difficult and lengthy negotiations on the formation of a coalition. Since essential compromises did not meet with the approval of all wings of all participating parties, cabinets had to reckon with the possibility that support from within their own ranks might not materialise in plenary debates and votes.

The difficulties involved in forming stable governments supported by the parliamentary groups of the governing coalition has much to do with the nature of the five parties which, in shifting constellations, formed these coalition governments. All of the parties could look back on a history of several decades, though some had changed their name, and during that time each of them had developed a firm political programme. It was these programmes that attracted members, supporters and voters to the respective parties; every deviation, be it only temporary or tactical, from a party programme,

which is unavoidable when compromises are being sought with a view to forming a coalition government, was quickly interpreted as betrayal of the cause and punished by withdrawal of support. This fundamentalism, which went right to the top of the party structures, was made all the easier to maintain by the fact that, although the parties had been represented in Parliament for decades, in the absence of parliamentary government they had never been compelled to practise the art of compromise. Following the introduction of the parliamentary system of government, the dividing line now ran right through Parliament, separating the groups of the governing coalition from those of the opposition, whereas in the previous constitutionalist system it had run between the government and Parliament, which was more or less entirely in opposition. The parties had long been blind to the implications of this change. Their members remained in at least latent opposition mode, even when the government contained members of their own party. The reticence of the parties when it came to forming coalitions was exacerbated by the dwindling scope for coalitions. The liberal parties' share of the vote was steadily draining away. The DDP, which had had 75 seats in the



Paul Löbe (SPD), President (Speaker) of the Reichstag, chairs the Reichstag sitting of 6 December 1930. While Vice-President Thomas Esser speaks on behalf of the Centre Party, Löbe stands with this hand on the bell, ready to quell the first signs of disorder in the chamber.



Sitting of the German Reichstag on 11 February 1930. At the lectern is Alfred Hugenberg, chairman of the DNVP group.

National Assembly, was down to 25 seats after the 1928 election; following the election of September 1930, only 20 parliamentary seats were occupied by the DDP, which now called itself the German State Party. The DVP, which had achieved its best result in 1920, in the first Reichstag election, when it won 65 seats, still had 45 in 1928, but in 1930 only 30 DVP deputies were left. Initially, the main beneficiary of these losses was the DNVP, which had been represented in the National Assembly by 44 deputies and had increased its parliamentary representation until it occupied 107 seats in the Reichstag after the 1930 election. The same period, however, saw the rise of a new rival on the far right – the National Socialist German Workers' Party (NSDAP); having managed to win 12 seats in 1928, the NSDAP saw its parliamentary representation soar to 107 deputies after the election of 1930. Following the 1928 election, the formation of a Grand Coalition was politically difficult, but it was within the realms of possibility, and a Grand Coalition was duly formed. After the 1930 election, however, it was not even arithmetically possible, because the SPD, on the other side of the political spectrum, had lost votes, and the rise of the Communist KPD had begun; the latter increased the number of its seats to 77, and so it became the third-largest parliamentary group.

By now, moreover, a Grand Coalition had become politically impossible. Following the resignation of the Müller Government on 27 March 1930, the President of the *Reich* invited Heinrich Brüning, of the Centre Party, to form a government without negotiation with the parliamentary groups and parties and without regard to the political composition of Parliament. On 30 March, Brüning presented a minority cabinet drawn from the middle-class parties; although the SPD was by far the largest group in the Reichstag, it was not represented in the new cabinet. This rapid appointment of a cabinet was possible only because preparations had been made for the formation of the Brüning Government over a period of several months in talks between Brüning and persons close to the President of the *Reich*. Otto Meißner, State Secretary to the President, had explained to Brüning in conversations held in December 1929 and January 1930 that the President intended to replace the Grand Coalition cabinet as soon as possible with a government that would be “anti-parliamentarian” and “anti-Marxist”.

What made it possible to pursue this policy directed against Parliament was the fact that, since 1925, the office of President of the *Reich* had been held by the retired Imperial Field Marshal Paul von Hindenburg. Hindenburg had initially dashed the hopes of the people, parties



Constituent sitting of the Reichstag on 30 August 1932. In the top right of the photograph is Clara Zetkin (KPD), who is chairing the sitting as president by age.

and associations that had supported his election and had hoped for a rapid rewriting of the Constitution, because in the early years of his presidency he operated more or less strictly within the limits set by the Constitution on the exercise of his office. No later than 1929, however, Hindenburg had become the central figure in the systematic and single-minded pursuit of a political strategy which, as historian Eberhard Kolb put it, “by disempowering Parliament and excluding the social democrats from political co-responsibility and policy-making”, was designed “to transform the parliamentary democracy of the Weimar Republic into an authoritarian state dominated by the forces of the political Right”. This strategy was ultimately more successful than the war which the extremists on the Left and Right were waging on parliamentary democracy and which was spilling over into the streets.

Prior to his appointment, Heinrich Brüning had obtained assurances from President Hindenburg that the presidential right to enact emergency decrees under Article 48 of the Constitution would be available to him to push through his policies. Although that article related to executive measures taken to deal with a state of emergency “if public security and order are seriously disturbed or endangered”, even in the early days under President Friedrich Ebert it was being used for legislative measures in place of parliamentary lawmaking. From 1922 to 1925, dozens of emergency decrees were enacted; most of them were used to take measures in the field of fiscal or economic policy, but they were also used to initiate fundamental judicial reforms. The acquiescence of Parliament to these encroachments on its legislative powers, which were generally requested by the Government and granted by the President, is evident from the fact that only one request was ever made for the revocation of an emergency decree. The fact that this means of easing the workload of Parliament was also disempowering it and could not fail to have long-term consequences for the parliamentary system was all the more easily overlooked under Friedrich Ebert’s Presidency because it was never his intention to use his powers as President of the *Reich* to overthrow parliamentary democracy.

From the outset, Heinrich Brüning confronted the Reichstag with a threat – a veiled threat, but one which was clearly understood by all observers – to rely, in the event of parliamentary defeats, not only on President Hindenburg's power to enact emergency decrees but also on the President's right to dissolve the Reichstag. The new Chancellor was initially able to refrain from resorting to these two presidential weapons, as a vote of no confidence tabled by the SPD did not obtain majority support, and in the next two sittings the Government's tax laws and agricultural programme were carried by a narrow majority because the bulk of the DNVP group voted for the government proposals. The crunch came in July with the presentation of a proposal to raise additional revenue for the purpose of consolidating the public finances. The Government felt certain that it could secure the support of the DNVP once again; the SPD had signalled that it was prepared to compromise, but Brüning, true to his 'anti-Marxist' mission, did not negotiate with the Social Democrats. The proposal was rejected by 256 votes to 193. The President of the *Reich* immediately enacted the rejected bill in the form of an emergency decree. When the Reichstag exercised its constitutional right on 18 July 1930 and demanded the revocation of the emergency decree, the Reichstag was dissolved.

That dissolution of Parliament marked the end of the first stage in a process in which the Constitution, parliamentary democracy and the Republic were gradually undermined and finally eliminated. The President's right to appoint the Chancellor, to invoke Article 48 and to dissolve the Reichstag, when exercised in combination, was a constitutional means of invalidating the Constitution. The election that took place after the dissolution of the Reichstag in September 1930 brought the NSDAP 107 seats, raising it from the status of a splinter party to the second-biggest parliamentary group after the SPD. After the election, Hindenburg once more invited Heinrich Brüning to form a government, again without regard to the political balance in the Reichstag. After four presidential cabinets, which were no longer formed in accordance with the rules of parliamentary democracy, Adolf Hitler, head of the National Socialist German Workers' Party, which had emerged from the elections of December 1932 as the largest group, with 196 seats, was asked by President Hindenburg on 30 January 1933 to form a presidential cabinet.



"On 30 August 1932". This photo-montage by John Heartfield visualises the fact that the Reichstag which held its constituent sitting that day was disempowered from the very beginning by the presidential regime based on Article 48 of the Weimar Constitution. *Arbeiter-Illustrierte-Zeitung*, 4 September 1932

Besides Adolf Hitler himself, the Hitler Cabinet comprised two other National Socialists and eight ministers who belonged to or were politically close to the German National People's Party. On the very day of his appointment, the new Chancellor of the *Reich* moved successfully that fresh elections be called, in spite of initial resistance from his coalition partners. The Reichstag which had only just been elected in November 1932, was thus dissolved by the President of the *Reich* on 2 February 1933, and the elections were scheduled for 5 March. The NSDAP leader's chief concern, of course, was not that he should be able to govern on the basis of a parliamentary majority, since, like his coalition partners, he was fundamentally opposed to the parliamentary system of government. There were two reasons for the fresh elections: the first was to secure broad popular approval for the new government and so act as a plebiscite for the National Socialists and their leader, Adolf Hitler, and the second was to sideline and eclipse the parties of the left – the SPD and the KPD.

The temporary end of parliamentary democracy:
the Reichstag and the *Land* parliaments in the
National Socialist dictatorship

The conditions for the desired electoral triumph could not have been better. Buoyed by the advantage of incumbency of the chancellorship and by adequate financial resources, stemming primarily from donations made by large industrial undertakings, the National Socialists were able to wage a costly and spectacular election campaign, focused on Adolf Hitler, who was portrayed as the great rescuer and liberator. At the same time, the instruments of state power were deployed on a massive scale to hinder and threaten political opponents. On 4 February, the President of the *Reich* enacted an emergency decree 'for the Protection of the German People', which took a communist call for a general strike as a flimsy pretext to impose massive restrictions on freedom of the press and freedom of assembly. Numerous confiscations of newspapers and prohibitions of public gatherings were compounded by a wave of violence as groups of National Socialist thugs descended on SPD and KPD campaign events.

The next stage in the escalation process was reached in the aftermath of the fire that gutted the Reichstag Building on 27 February 1933, which was immediately presented by those in power as having been intended as the signal for a communist uprising, although no evidence for this assertion could ever be produced. The alleged communist uprising provided the opportunity for another emergency decree the fol-

lowing day; subtitled 'for the Protection of the People and the State', this decree suspended the constitutional bill of rights. On the basis of this Reichstag Fire Decree, as it became known, several thousand members and office-bearers of the KPD, and even of the SPD, were arrested in the few remaining days before the election.

In these circumstances, it is astonishing that, in the elections of 5 March, the SPD managed to obtain 18.3 % of the vote and the KPD 12.3 %. Although the National Socialists' share of the vote, at 43.9 %, was more than ten percentage points better than their electoral performance the previous November, they fell far short of the expected absolute majority.

The ceremonial opening of the new Reichstag term took place in Potsdam on 21 March. That opening ceremony, which the propaganda of the National Socialists and their conservative allies marketed as the Day of Potsdam, sent out the message that the young National Socialist movement was rooted in the tradition of Prussian greatness, as illustrated not only by the handshake between Hitler and Hindenburg but also by the visit to the tomb of Frederick the Great in the crypt of the Garrison Church, which was the centrepiece of the stage-managed festivities.



'The Reichstag hands over control to Adolf Hitler'. Leading article in the *Völkischer Beobachter* on the adoption of the Enabling Act in the Reichstag on 23 March 1933.

Two days later, the Reichstag assembled for a sitting in the Kroll Opera House, where it was presented with an Enabling Act. This Enabling Act was fundamentally different from all previous enabling legislation, in that it conferred full legislative powers on the Government, to be exercised independently of Parliament. Since the Government would also be authorised to sign and promulgate its own laws, which could even deviate from the Constitution, the President of the *Reich* would be excluded from the legislative process, and there would henceforth be no need for his emergency decrees. Since the Weimar Constitution, which was still in force and had never been officially abolished, required a two-thirds majority for laws containing constitutional amendments, there were problems in the run-up to the sitting. Although the 81 mandates won by the KPD had been annulled shortly after the election and 29 SPD deputies were unable to attend the sitting, the NSDAP, which, together with the Black, White and Red Battle Front, an alliance with the German National People's Party at its core, did command an absolute majority but not a two-thirds majority, could only pass the Act with the support of the bourgeois parties. The fact that the 73 deputies from the Centre Party,

the 19 from the Bavarian People's Party and 12 deputies from various splinter parties, to which the seven remaining liberals now belonged, gave their consent was due to the conviction of the majority of their respective parliamentary groups that this Enabling Act was the way forward and that subscribing to it was the only way to avert disaster. The minorities in these groups who had intended to vote against the Act caved in under enormous pressure from National Socialist activists and bowed to the wishes of their group whips. The 94 members of the SPD group who were present voted against the Act for reasons set out in a courageous speech by their party chairman, Otto Wels, but that was not enough to turn the tide, and Parliament completed its own disempowerment by a large majority of 350 votes (444 to 94).

Parallel to the manipulated self-incapacitation of the Reichstag, the parliaments of the individual states were also being disempowered. A National Socialist motion that the Prussian State Parliament, the Landtag, dissolve itself was on the agenda of that parliament on



Hermann Göring, Minister President of Prussia, addresses the Landtag prior to the adoption of the Prussian Enabling Act on 18 May 1933.

4 February 1933. Although the NSDAP had been the largest group there since the election of April 1932, with 162 deputies, the motion did not obtain majority support. After various machinations, in which an emergency decree enacted by the President of the *Reich* proved helpful once again, the party succeeded in engineering the dissolution of the Landtag. In the fresh elections, held simultaneously with the Reichstag elections on 5 March, the NSDAP won 211 seats; the 61 mandates secured by the KPD were annulled. The newly elected Landtag convened only twice – once on 22 March to approve the unlawful deposition of the Government and on 18 May to adopt an Enabling Act, which the SPD voted against in this case too, and so to disempower itself as the Reichstag had previously done.

In the other states, the Provisional (First) Act for the Assimilation (*Gleichschaltung*) of the *Länder* of 31 March 1933 put an end to the state parliaments. That Act not only empowered the governments of the *Länder* to legislate

but also dissolved the state parliaments, reconstituting them on the basis of the Reichstag election result of 5 March, excluding the seats won by the KPD. In some of these parliaments – in Bavaria, Saxony, Württemberg and Baden – separate Enabling Acts were adopted in the following weeks, with the SPD voting against their adoption in each case.

On 14 October 1933, all parliaments, including the Reichstag that had been elected on 5 March, were dissolved by means of a presidential emergency decree. Fresh elections to the Reichstag were called for 12 November, but these bore no relation to democratic elections. Since the summer had seen the prohibition or self-dissolution of all political parties and the formation of new parties was banned in any case, there were only single lists with NSDAP candidates. The fact that the election served at the same time as a plebiscite on the withdrawal of the German *Reich* from the League of Nations, which had long been a *fait accompli*, is sufficient evidence that it was all about effective public propaganda now. The Reichstag was twice more elected in a similar way. By the end of the war in 1945 it had held a total of 19 sittings, mostly to applaud Hitler's speeches and twice to extend the Enabling Act.



Sitting of the Reichstag in the Kroll Opera House on 19 July 1940. Adolf Hitler delivers a speech on the victory over France.

In Frankfurt am Main on 1 July 1948, the US, the British and the French military governor presented the eleven Minister Presidents of the *Länder* belonging to their respective zones of occupation with three documents containing recommendations on the future political unity of Germany. The first of these 'Frankfurt Documents', which were the fruit of a conference in London in the summer of 1948 between the three victorious Western powers and representatives of the three Benelux countries, set a decisive marker for the establishment of the Federal Republic of Germany. It authorised the Minister Presidents to convoke a constituent assembly, which was to convene no later than 1 September 1948. This constitutional convention was to "draft a democratic constitution which will establish for the participating states a governmental structure of federal type which is best adapted to the eventual re-establishment of German unity at present disrupted, and which will protect the rights of the participating states".

“All state authority is derived from the people”:
milestones in the Bundestag success story since 1949

By that time some progress had already been made towards establishing a parliamentary democracy for the parts of post-war Germany occupied by the three Western powers. The two Anglo-Saxon allies in particular had begun at an early stage to set up self-governing entities in the *Länder* within their respective zones. This policy reflected the principle formulated in the Potsdam Agreement of 2 August 1945 that the allies' purpose was "to prepare for the eventual reconstruction of German political life on a democratic basis"; the institutions required for this purpose were to be established "on democratic principles and in particular through elective councils". These preparations were not confined to local and regional self-government and were extended as early as 1946 to the election of the first state parliaments (Landtage).

A start was made in the American zone of occupation, where, in the state of Bavaria, a *Beratender Landesausschuss* (Land Advisory Committee) convened as a preliminary parliament in the main auditorium of the University of Munich on 26 February 1946. On 30 June 1946, a constituent *Land* Assembly was elected in a general, free, equal, direct and secret ballot. The electorate voted on the Bavarian Constitution on 1 December 1946; this referendum was held simultaneously with the election of the first Landtag.

It did not take long, however, for this development to extend beyond the bounds of the *Länder*. Since it soon became apparent that the strict demarcation lines between occupation zones were posing economic problems, a plan was developed in the course of the summer of 1946 to merge the zones of occupation into a Combined Economic Area. On 1 January 1947, the area known as the Bizone came into being, comprising the American and British zones; from the summer of 1948, the French also began to take part, and so the Bizone became a Trizone. The central administration of the Combined Economic Area was an Administrative Council, comprising five and later six Executive Directors, and the Area had a parliament called the Economic Council. This Economic Council continued in existence until the first German Bundestag was constituted on 1 September 1949. Its first and only President (Speaker) was Erich Köhler (CDU), who was subsequently elected as the first President of the Bundestag.

Having received the Frankfurt Documents, the Minister Presidents set to work without delay. On that same day they met in Frankfurt and met again in Koblenz and Rüdesheim in the course of the month to discuss details of the implementation of the plan. To make it clear that this creation of a state would only be a provisional arrangement as long as the five *Länder* of the Soviet zone of occupation were not part



The Conference of Minister Presidents of the *Länder* in the three western zones of occupation with the US, British and French Military Governors in Frankfurt am Main on 1 July 1948 for the handover of the Frankfurt Documents. The figures seen in the photograph are (right to left): Hans Ehard, Wilhelm Kaisen, Max Brauer, Christian Stock, Karl Arnold, Hinrich Wilhelm Kopf, Peter Altmeier, Hermann Lüdemann, Reinhold Maier and Lorenz Bock.

of it, a proposal was made that its constitution be called the *Grundgesetz*, or Basic Law, and that the constituent assembly be given the name *Parlamentarischer Rat* (Parliamentary Council). After some hesitation, the military governors accepted this proposal; it was common ground among all the participants, in view of the abuses of centralised power by the National Socialists, that the new state would be a federation.

For the drafting of a constitution, the Minister Presidents appointed a 'committee of experts on constitutional matters', which met from 10 to 23 August at the Old Palace of Herrenchiemsee for what has come to be known as the Constitutional Convention. Each *Land* was represented on the committee by a plenipotentiary. Consensus was achieved on most of the issues requiring resolution. The convention concluded with the presentation of a report for the Parliamentary Council, in which all points, including the controversial ones, were addressed in detail and alternative options that had been discussed at the convention were offered. The 65 voting members of the Parliamentary Council – plus the five non-voting members representing Berlin – had been elected in August by the Landtage on the basis of an Electoral Act which had been drafted on the instructions of the Minister Presidents and

adopted by the Landtage. As had been proposed in Frankfurt Document No 1, it provided that each *Land* could nominate one representative to the constituent assembly per 750,000 inhabitants; it was agreed that the distribution of seats among the representatives of each *Land* should mirror the relative sizes of the political groups in its parliament.

The Council met in Museum König in Bonn for its constituent sitting on 1 September 1948. All subsequent sittings took place in the *Pädagogische Akademie*, the Bonn College of Education, which later became the Bundeshaus, seat of the Bundestag. It elected as its President Konrad Adenauer (CDU), who could probably look back on the longest political career of any of the participants. As well as Adenauer, the Council also included Paul Löbe (SPD), who had been President of the Reichstag for many years in the Weimar Republic; the liberal group was headed by Theodor Heuss (FDP), who later became President of the Federal Republic. After lengthy deliberations and hard bargaining, marked throughout by great willingness to compromise on the part of the 61 fathers and four mothers of the constitution, the Parliamentary Council was able to adopt the Basic Law on 8 May 1949. The military governors gave their approval, and then the original of the Basic Law was opened for signature and signed by the members of the Parliamentary Council together with the Minister Presidents of the *Länder* and the Presidents of the Landtage.



Left:
Concluding meeting of the Constitutional Convention at Herrenchiemsee on 23 August 1948. The speaker is Anton Pfeiffer (CSU), Head of the Bavarian State Chancellery and Chairman of the Convention.

Right:
Ceremonial opening of the Parliamentary Council in Museum König, Bonn, on 1 September 1948. At the lectern is Christian Stock (SPD), Minister President of Hesse from 1946 to 1950.

**“Bonn is not Weimar”:
Parliament at the heart of the Constitution**

The theory behind the Constitution of the first German Republic and the constitutional reality of the Weimar era were the background to both the deliberations at Herrenchiemsee and those of the Parliamentary Council in Bonn. The discussions not only examined favourable experiences but also focused very sharply on the design flaws in the Weimar Constitution which had led to its downfall, the recognition and avoidance of those flaws being a dictate of political prudence. The ultimate success of that political prudence was already clearly visible by 1956, when Swiss journalist Fritz René Allemann published his book entitled *Bonn ist nicht Weimar*.

The fathers and mothers of the Basic Law systematically put Parliament at the heart of the Constitution. The Bundestag is the only directly democratically legitimised organ of the Constitution and is not in competition with any other directly democratically legitimised organ of the Constitution as it was with the President of the *Reich* in Weimar. Unlike the President of the *Reich*, who was directly elected by the people, the President of the Federal Republic acquires his democratic legitimacy through Parliament.

For the same reason, the Bundestag was also given three rights which were vested in the President of the *Reich* in the Weimar Republic and which, when used in combination by the President in the final years of that Republic, did much to undermine parliamentary democracy, establish authoritarian presidential regimes and transform Germany into a dictatorship. The President of the *Reich* appointed and dismissed the Chancellor without any need to take account of parliamentary majorities; he could dissolve Parliament at any time. The President of the Federal Republic, by contrast, cannot appoint a Chancellor unless the latter has been elected to that office beforehand by an absolute majority of the Bundestag; the Federal President cannot dismiss the Chancellor unless the Bundestag has passed a vote of no confidence in the Chancellor. He cannot dissolve the Bundestag unless the majority of Parliament so wishes.



The right to decide whether a Federal Chancellor is to be dismissed lies with the Bundestag. Parliament can unseat the incumbent Chancellor by passing a vote of no confidence. In order to ensure that random hostile majorities with no desire or ability to form a governing coalition themselves cannot bring down a government without replacing it with one that enjoys parliamentary support, the vote of no confidence was designed as a constructive motion. To depose the incumbent Chancellor, the House must therefore elect another candidate to the office of Chancellor by an absolute majority. The Federal President is then required to dismiss the incumbent Chancellor and appoint his or her elected successor.

The Federal President cannot dissolve the Bundestag except in two precisely defined circumstances, which are closely connected with the Federal Chancellor's dependence on the confidence of the majority of Parliament. The first is when the Chancellor proposes dissolution after having requested and lost a parliamentary vote of confidence in his or her stewardship. This dissolution may be avoided if Parliament elects another candidate to the office of Federal Chancellor by an absolute majority within 21 days.

The second situation in which the Federal President may dissolve the Bundestag is if the House has been unable to elect a Federal Chancellor by an absolute majority after three rounds of voting.

The conferral of these powers and rights on the Bundestag was due to the consistent application of the principle of parliamentary democracy by the Parliamentary Council, which was equally consistent in applying the principle of representative democracy. The Parliamentary Council faithfully followed a recommendation made by the Constitutional Convention in Herrenchiemsee that all forms of plebiscitary democracy should be renounced. Experience of the implications of the right to petition for a referendum enshrined in the Weimar Constitution made it seem advisable to rule out the co-existence of such an instrument of direct democracy with a system of representative democracy.

The fiercest controversy that arose in the Parliamentary Council revolved around the question of the electoral system to be used to determine the allocation of seats in the Bundestag. The supporters of first-past-the-post and the supporters of proportional representation were locked in almost implacable opposition for a long time. The advocates of the first-past-the-post system – chiefly the CDU group – in which only the candidate who polls most votes wins a



Left:

Sitting of the Parliamentary Council on 10 May 1949. This is the sitting at which Bonn was chosen to be the provisional capital of the Federal Republic. In the front row (left to right) are the SPD politicians Walter Menzel, Carlo Schmid and Paul Löbe, Theodor Heuss of the FDP and Hans-Christoph Seebohm of the DP.

Right:

The College of Education (*Pädagogische Akademie*) in Bonn on 23 May 1949, the founding date of the Federal Republic. On the right of the picture is the shell of the future plenary chamber of the Bundestag.

seat in each constituency argued that clear parliamentary majorities could be achieved with that system. Since large parties had better electoral prospects, first-past-the-post had an inherent propensity to create a two-party system, such as that in the British House of Commons, in which a clearly defined Government and Opposition confronted each other. Proportional representation offered small and tiny parties the opportunity to win seats, which was why so many parties had been represented in the Parliament of the Weimar Republic, elected by a system of pure proportional representation. This fragmentation of the party-political landscape, however, had made it so very difficult to form a government, thereby contributing significantly to the instability of the Republic. The supporters of proportional representation – primarily the SPD and the small parties – drew attention, on the other hand, to the fact that votes cast for losing candidates were wasted in a first-past-the-post system. The system thus distorted the will of the electorate and was therefore far less representative than the proportional system. Besides, the election by relative majority of deputies to the Imperial Reichstag had not prevented the presence of almost as many parties as there were in the Reichstag of the Weimar Republic. It was not the splinter parties that had thwarted the formation of governments but the large parties' reluctance to enter into coalitions.

Literally at the last minute, after a whole series of proposals had been discussed and discarded, a compromise was achieved in the Electoral Affairs Committee of the Parliamentary Council, though in the plenary chamber it was supported by a simple majority and not the required two-thirds majority. It also emerged immediately, however, that the Parliamentary Council had exceeded its powers by introducing an Electoral Bill. The military governors of the occupying powers, to whom both the Basic Law and the Electoral Act had to be submitted for approval, pointed out that the only task entrusted to the Parliamentary Council had been to draft and adopt a constitution. Although that constitution stated that Members of the German Bundestag were to be “elected in general, direct, free, equal and secret elections”, it also specified that details were to be regulated by a federal law, and the Conference of Minister Presidents was expected to enact that electoral law.



The Minister Presidents, who would willingly have left this delicate matter to the Parliamentary Council, endorsed the compromise but also extended it further. Their Electoral Act, which entered into force on 15 June 1949 and was to apply only to the first Bundestag election, already contained the core of the Electoral Act that still applies in the Federal Republic today, providing for a combination of first-past-the-post and proportional representation known as the Additional Member System. The number of Members of the Bundestag was set at 400, and the Federal Republic was divided into 242 constituencies, in each of which a seat was awarded to the candidate with the largest number of votes. The other 158 seats were allocated on the basis of the percentage share of the vote that the parties obtained within the relevant federal state. Each voter had only one vote, which he or she cast for both a candidate and that candidate's party. The Minister Presidents had also inserted a cut-off clause whereby a party could not enter the Bundestag unless it had obtained at least five per cent of the vote in any federal state or had won a constituency seat. For the next Bundestag election, which was held in 1953, the Bundestag adopted an amended Electoral Act. By increasing the number of Members to 484, the Act altered the ratio of

constituency seats to list seats to 50:50. The 5 % cut-off clause was extended to the whole federal territory. If a party obtained more than five per cent of the vote in one or more federal states but less than five per cent across the entire federal territory, it was not entitled to any seats; until then, parties had been able to send Members to the Bundestag from each of the *Länder* in which they had obtained more than five per cent of the vote. Perhaps the most important amendment was the introduction of the second vote, which meant that people could now vote for the party of their choice, their votes no longer being automatically credited to the party of their preferred constituency candidate.

Another important amendment was enacted in 1956, when the number of constituency mandates required for a party to enter Parliament if its overall federal vote was below five per cent was increased to three – known as the *Grundmandate* or basic mandates. Since then there have been many more amendments to the Federal Electoral Act, but there has been no fundamental change to the basic framework constructed after lengthy wrangling by the Parliamentary Council and then by the Conference of Minister Presidents. The Additional Member System of proportional representation, which combines the benefits of both electoral systems, has proved a resounding success.

One final issue that had already been a bone of contention in Herrenchiemsee and for which the Constitutional Convention of the Parliamentary Council presented alternative options was the question of the relationship between the Parliament of the whole country, that is to say the Bundestag, and the body representing the interests of the federal states. Two models were discussed, namely a senate and a federal council. The senate model, largely based on the US template, involved a representative body of the individual states, whose members would be either elected by the parliaments of the *Länder* or directly elected by the people. The model of the federal council or Bundesrat, on the other hand, is derived from a German tradition going back to the Federal Diet (Bundestag) of the German Confederation and the Bundesrat of the German Empire. The Bundesrat model was finally chosen, because it seemed a more effective way to represent the interests of the *Länder*.

The Bundesrat of the Federal Republic is certainly comparable with the Bundesrat of the German Empire. Both were or are representative bodies of the governments of the individual states, in which each government casts a block vote. Unlike the Imperial Bundesrat, however, in which the representatives of monarchical governments sat, the governments represented in the Bundesrat of the Federal Republic possess the democratic legitimacy that stems from election by the people. Another

difference from the Imperial Bundesrat, which had an absolute right of veto in all legislative matters, is that the Bundesrat can effectively exercise its right to veto Bundestag decisions only in the case of legislation which is subject to the consent of the Bundesrat; where the Bundesrat only has a right of objection, its power of intervention is far more limited.

In exercising the power vested in it by the sovereign people for a limited time through the ballot box, the Bundestag is therefore partially restricted only in the realm of legislation. Since the Bundesrat also possesses democratic legitimacy, albeit indirectly, its intervention does not prejudice the democratic legitimacy of the supreme constitutional organ of the Federal Republic.

Parliamentary democracy in practice

On 14 August 1949, the first German Bundestag was elected. The Christian Democratic Union/Christian Social Union (CDU/CSU) emerged victorious with 31 % of the vote and 139 seats, closely followed by the Social Democratic Party of Germany (SPD), which obtained 29.2 % and 131 seats; the Free Democratic Party (FDP), with 11.9 % of the vote, won 52 seats. Of a total of 16 political parties that had stood for election,



The four women members of the Parliamentary Council (left to right): Helene Wessel (Centre Party), Helene Weber (CDU), Friederike Nadig (SPD) and Elisabeth Selbert (SPD).

ten managed to enter the Bundestag; of the 70 candidates who stood as independents, three actually succeeded in entering Parliament by winning their constituency seats. This extraordinary multiplicity of parties was no barrier, however, to the rapid formation of a government. On 15 September, only a week after the constituent sitting, Konrad Adenauer (CDU/CSU) was elected to serve as the first Federal Chancellor, supported by a coalition of his parliamentary group with the FDP and the German Party (DP), a conservative nationalist party whose electoral successes had mainly been achieved in Lower Saxony, where it had won five constituency seats.

The number of parties represented in the Bundestag fell sharply in the next two elections. While six out of 16 contending parties won seats in the 1953 election, in 1957 the figure was down to four out of 14. Throughout the period from 1961 to 1983, in other words from the fourth to the ninth Bundestag, only the sister parties CDU and CSU, the SPD and the FDP – the parties that formed the basic framework of the party system in the Federal Republic of Germany – were represented in the Bundestag. The number of parties that stood for election varied between eight and 17. In the election to the tenth Bundestag in 1983, the Greens, which had been founded in 1980, won 5.6 % of the

vote and entered the Bundestag as the fourth party, with a seat allocation of 27. Since the election to the twelfth Bundestag in 1990, the first Bundestag for the whole of Germany, the Party of Democratic Socialism (PDS), which changed its name to *Die Linke* (The Left Party) in 2007, has been continuously represented in the Bundestag. In 2013, the number of parliamentary groups in the Bundestag fell to four again, as the FDP failed to achieve the threshold for representation in Parliament. However, it returned to the Bundestag in the election to the 19th Bundestag in 2017; in addition, Alternative for Germany (AfD) was elected to Parliament for the first time, with the result that a total of six parliamentary groups are represented in the 19th German Bundestag.

This concentration on a small number of parties and the stability of the composition of the Bundestag over the course of decades is made all the more remarkable by the fact that the number of parties vying for seats in Bundestag elections since 1987 has regularly been well in excess of 20. The fragmentation of the party-political landscape in Parliament is curbed, of course, by the cut-off clause, which also has a psychological effect on the electorate. Voters who want their votes to count will tend to opt for parties that are very likely to be represented in Parliament. For this reason, the overwhelming majority of the unsuccessful parties generally poll far less than five per cent of the vote. This continuity of the party system is reflected



President by Age Paul Löbe (SPD) opens the constituent sitting of the first German Bundestag on 7 September 1949.

in the stability of governing coalitions. Only twice in the history of the Bundestag have coalitions been dissolved before the end of the electoral term. In October 1966, the FDP ended its coalition with the CDU/CSU because the coalition partners could not reach agreement on the question whether budget shortfalls should be made up by means of tax increases; by December, a deal had been struck to form a Grand Coalition of CDU/CSU and SPD, which elected Kurt Georg Kiesinger (CDU/CSU) to serve as Federal Chancellor. On 1 October 1982, the chairman of the CDU/CSU parliamentary group, Helmut Kohl, was elected Federal Chancellor by means of a successful constructive motion of no confidence; the incumbent Chancellor, Helmut Schmidt (SPD), was thus voted out of office.

In both cases the change of government – the switch to opposition for the main governing party and to government for the opposition – was a smooth transition. This applies not only to those changes of coalition and government that occurred in the midst of an electoral term but to all Bundestag elections and formations of governments in the history of the Federal Republic of Germany. In every general election, the public vote has enabled the parties to form coalitions and governments. The success story of parliamentary democracy in the Federal Republic of Germany has been due in great measure to the political maturity of voters.

Western integration and the economic miracle: the Bundestag from 1949 to 1969

The first German Bundestag convened for its constituent sitting on 7 September 1949 in the former College of Education (*Pädagogische Akademie*) in Bonn, which had already served as the meeting place for the Parliamentary Council, an extension having been built that summer for the plenary chamber. In the chair was the president by age, Paul Löbe (SPD), who had been President of the Reichstag in the Weimar Republic from 1920 to 1932 except for a brief interruption in 1924. In his speech, Löbe thanked the Allies for having made this new beginning possible, honoured the victims of the crimes committed by the National Socialist regime, expressed the hope that “the development process of German democracy will not be halted again” and voiced his delight that, “for the first time, freely elected Members of Parliament from a considerable part of the whole of Germany are gathered once more to appoint a German government and to inaugurate a new legislature”.

Paul Löbe identified the priorities of that legislature when he asked the question “What do the German people hope for from the work of the Bundestag?” and immediately answered it



Erich Köhler (CDU/CSU) after his election as President of the first German Bundestag on 7 September 1949.

himself in the following words: “That we establish a stable government, a healthy economy and a new social order in which private life is safeguarded and lead our Fatherland towards a new peak and new prosperity”. This was the outline of a huge programme that the Bundestag set out to implement in the electoral terms that followed.

The first German Bundestag was confronted by immense challenges. New governmental, economic and social institutions and structures had to be established and developed in the young Federal Republic; at the same time, it was essential to provide assistance as quickly as possible for many millions of people who had suffered distress because of the Nazi regime and the war. The latter aim was achieved by means of the pension and compensation legislation for repatriated prisoners of war, war victims, the severely disabled, displaced persons and refugees that was initiated between 1950 and 1953. In order to meet the urgent need for housing quickly and affordably, the First Housing Act (*Erstes Wohnungsbaugesetz*) was adopted in March 1950, paving the way for the construction of social housing by means of government grants for housing construction programmes. The Equalisation of Burdens Act (*Lastenausgleichsgesetz*) 1952 granted compensation and business start-up assistance to those who had sustained particularly great losses; this assistance was funded from property duties which were levied chiefly on real estate.

The establishment of democratic economic structures was the purpose of the Works Constitution Act (*Betriebsverfassungsgesetz*), which ensured that representatives of employees’ interests were involved in corporate decisions through elected works councils within companies. In April 1951, a year before the Works Constitution Act, the Coal, Iron and Steel Industries (Co-Determination) Act had been adopted, introducing equal representation of employees and employers on the supervisory boards of companies in the mining sector and the iron and steel industry.

In his address, Paul Löbe had repeatedly stressed that one of the tasks of the Bundestag was to contribute to Germany becoming a “member of a united Europe”. The Bundestag took a major step in that direction on 5 July 1957, when it ratified the Treaties of Rome establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom), which had been concluded on 25 March 1957 by Italy, France, the Benelux countries and the Federal Republic and which were the foundation stones of the European Union (EU). The ratification motion, incidentally, was carried by the votes of the main government group, the CDU/CSU and the opposition SPD, while the smaller group in the governing coalition, the FDP, voted against ratification.



Konrad Adenauer (CDU/CSU) after his election as Federal Chancellor on 15 September 1949.

As part of this political alignment with the West, which was advocated and pursued with particular vigour and success by Federal Chancellor Konrad Adenauer, the Federal Republic had already acceded to NATO two years earlier, signing the Paris Agreements, which were ratified by the Bundestag on 27 February 1955 and entered into force on 5 May. One of the main elements of those agreements, moreover, was the Bonn Convention on Relations between the Three Powers and the Federal Republic of Germany, with which the three victorious Western powers ended their occupation regime in Germany, subject to a few reserved rights. Membership of NATO made it necessary to establish German armed forces, which Adenauer had been planning for years but which was vehemently rejected by the opposition. Following the ratification of the Paris Agreements, which was carried against the votes of the SPD, deliberations began on legislation concerning the armed forces, which took a considerable length of time, since the opposition, and even members of the government groups, demanded stringent parliamentary oversight of the federal armed forces, the Bundeswehr. The Bundestag provided for this oversight by creating the office of the Parliamentary Commissioner for the Armed Forces (*Wehrbeauftragter des Deutschen Bundestages*) and enshrining the Defence Committee in the Basic Law. On 22 May 1956, the

key constitutional amendments relating to the armed forces, having been adopted by a large majority, entered into force as Articles 87 a and 87 b of the Basic Law.

The first stage in the pursuit of this policy of Western integration and reconciliation with former wartime adversaries was the Franco-German Treaty of Friendship that was signed by Charles de Gaulle, President of the French Republic, and Federal Chancellor Konrad Adenauer on 22 January 1963 and ratified by a large majority in the Bundestag on 16 May. That treaty formed the basis for an entirely new relationship between the two European neighbours, whose relations had been marred by distrust and enmity for centuries.

The Élysée Treaty was also a crowning culmination of the long chancellorship of Konrad Adenauer, who relinquished his office a few months later, in October 1963, at the age of 87. Minister of Economics and Vice-Chancellor Ludwig Erhard (CDU/CSU) was elected to succeed him. During Erhard's time in office, in the second half of the fourth electoral term, which lasted until September 1965, the Bundestag held one of its most momentous debates.

What triggered this debate was the issue of the extinctive prescription of the right to prosecute for murders committed in the name of the National Socialist regime by its members or on their behalf. The question was whether it should be possible for mass murderers to escape scot-free 20 years after the end of the war,



First reading of the Paris Agreements in the Bundestag on 16 September 1954. The speaker is Erich Ollenhauer (SPD).

because murder was subject to statutory limitation after 20 years under the law of the Federal Republic, and the limitation period had begun on 8 May 1945, the day on which the war had ended.

This now became a burning issue in 1965.

In a long and powerful debate on the motion that the statute of limitations be scrapped for genocide, the basic positions were staked out. Against abolition, it was argued that such an amendment would upset the legal order, because it would entail retroactive alteration of the penal conditions governing acts that had already been committed. Most of the crimes, moreover, had already been investigated, and the culprits, if they could be apprehended, had been tried and convicted. Accordingly, such an extension would scarcely yield much benefit in terms of criminal prosecutions. The counter-argument from the advocates of extension was that the murders in question had assumed dimensions that could not be addressed by mere judicial examination. Law and order would not be jeopardised by an extension – which would, moreover, be judicially unobjectionable – but rather by the impossibility of prosecuting crimes committed on behalf of the state, whose task is actually to defend the legal order.

At the end of the debate, a compromise was agreed whereby the limitation period would not start to run from 1945 but from the date on which the Federal Republic of Germany was

founded. The problem therefore flared up again in 1969. The arguments for and against had not undergone any fundamental change, and once again proponents and opponents of extension were to be found in all parliamentary groups. Agreement was reached on a ten-year extension. In the debate that therefore had to take place in 1979, CDU Member Johann Baptist Gradl put it to the opponents of a further extension that the aim was to “investigate, expose and speak out about the individual occurrences for as long as that is still possible”. Gradl found support among representatives of all the other political groups, and at the end of the debate the statute of limitations for murder was totally abolished.

The Bundestag had thus emphasised that the confrontation with the unlawful acts perpetrated in the name of Germany under the Nazi regime must be a central focus of attention for a democratic German Parliament. The fact that reparations, where they can still be made, must be pursued in a very open manner on the initiative of Parliament had already become clearly evident on 18 March 1953, when the Bundestag unanimously ratified the Reparations Agreement. This agreement, which had been concluded in Luxembourg on 10 September 1952 between the State of Israel and the Federal Republic of Germany, provided for a total of three billion deutschmarks to be paid to the State of



Bundestag sitting on 10 February 1965. Fritz Erler, chairman of the SPD parliamentary group, participates in the first debate on a matter of topical interest. Each contributor has five minutes' speaking time and must deliver his or her speech without notes. Intervening questions to the speaker are not permitted.



Bundestag sitting on 10 March 1965.
Debate on the abolition of the
prescription period for murders
committed by order and on behalf
of the Nazi regime.

Israel to assist Jewish refugees from the territories that had been occupied by Germany during the war and for a further amount of 450 million marks to be paid to the Jewish Claims Conference.

The start of the fifth electoral term in October 1965 was overshadowed by a global recession; falling tax revenue led to a budgetary crisis, which culminated in the resignation of Chancellor Ludwig Erhard in November 1966, after the four cabinet ministers from the FDP had resigned in October and a compromise between the coalition partners had proved unachievable. On 1 December, Kurt Georg Kiesinger (CDU/CSU) was elected Chancellor, heading a Grand Coalition of the CDU/CSU and the SPD; Willy Brandt (SPD) became Vice-Chancellor and Minister for Foreign Affairs.

Among the priorities on the agenda of the Grand Coalition was the attempt to develop instruments of economic control in view of the current economic slump. The Economic Stability and Growth Promotion Act 1967 (*Gesetz zur Förderung der Stabilität und des Wachstums der Wirtschaft*) was designed to achieve a combination of price stability, full employment, external equilibrium and steady economic growth.

The spectacular climax of the activity of Parliament and Government in the period of the Grand Coalition was undoubtedly the adoption of the emergency laws on 30 May 1968. In the event of a civil emergency, these laws would make it possible to restrict some fundamental rights, such as privacy of posts and telecommunications and freedom of movement; they would also provide for the deployment of the Bundeswehr in the event of a natural disaster. In a state of emergency, oversight of the government was to be exercised and legislative duties performed by a Joint Committee, a type of emergency parliament, two thirds of which would comprise Members of the Bundestag and one third Members of the Bundesrat.

Before and during the deliberations, a broad protest movement against the emergency laws had formed, ranging from the unions through the churches to student organisations. These protests were driven by concern for democracy in the Federal Republic, since it was precisely the emergency provisions of the Weimar Constitution that had been one of the key instruments with which democracy and the Republic had been destroyed in Weimar. The Bundestag certainly took this 'extraparlimentary opposition' seriously. This is reflected not only in the fact that the final version of the bills took account of various points that had been made by the critics of the proposed legislation, concerning principles such as workers' freedom of assembly and association and their right to strike,

but also in the fact that the Bundestag discussed the protests and the underlying motives in several debates. On 30 April 1968, only a few weeks before the adoption of the emergency laws, Parliament was convened for an extraordinary sitting because of the demonstrations, often accompanied by violent clashes, that had occurred in the wake of the attempt to assassinate student leader Rudi Dutschke. At that sitting, Ernst Benda (CDU/CSU), Federal Minister of the Interior, stated that “A passionate extraparlimentary opposition may also indicate that Parliament is not dealing sufficiently with urgent issues”.

**“We want to risk more democracy”:
the social democratic-liberal era, 1969 to 1982**

The start of the sixth electoral term in 1969 ushered in a new era in the history of the Federal Republic. After 20 years of CDU/CSU-led governments, Willy Brandt became the first Social Democrat to be elected Federal Chancellor. Although the CDU/CSU still had the largest share of the vote, at 46.1 %, the SPD, close behind with 42.7 %, was able to form a coalition with the FDP that commanded a majority of twelve seats.

The leitmotif of the social democratic-liberal coalition programme was formulated in Willy Brandt’s first government policy statement, when he said “We want to risk more democracy”.

In the course of the following years a number of legislative projects were implemented which served to create more democracy in the economy and society, to advance equal opportunities, to develop the welfare state and to liberalise criminal and civil law. These projects included laws of 1971 and 1976 extending workers’ rights of co-determination, the Federal Training Assistance Act (*Bundesausbildungsförderungsgesetz*) 1971, which enabled more young people from poorer social backgrounds to enter higher education, and the removal in 1973 of archaic penal provisions from the law governing sexual offences.

The measure that attracted the greatest public attention, however, was the reform of section 218 of the German Penal Code; the new version of that section, adopted on 26 April 1974, permitted the termination of pregnancies within the first three months of gestation; following a ruling from the Federal Constitutional Court that this time-based solution was unconstitutional, the law was amended in February 1976, and the indication solution applied henceforth, permitting the termination of pregnancies in the first three months only in certain situations of hardship.

In the realm of foreign policy, Willy Brandt and his coalition blazed entirely new trails with the aim of helping to safeguard peace and contributing to mutual understanding through contractual agreements with the states of the Warsaw



Bundestag sitting of 28 October 1969. Federal Chancellor Willy Brandt (SPD) delivers the new government’s policy statement.

Pact. These efforts climaxed in the conclusion of the Treaty of Moscow with the USSR on 10 August 1970 and the Treaty of Warsaw with Poland on 7 December 1970, at the core of which were mutual renunciations of the use of force and recognition of the inviolability of existing borders. Both treaties were ratified by the Bundestag on 17 May 1972 after heated debates, with the CDU/CSU opposition abstaining in the final vote.

Without that abstention, to which the opposition consented once all parliamentary groups had declared in a joint resolution that they remained committed to the aim of reunification and that this aim was not affected by the treaties, ratification might have been thwarted. In the preceding months, some members of the FDP group and two members of the SPD group had defected to the CDU/CSU in protest against the treaties, and so the governing coalition had lost its already slim majority. The opposition therefore tabled a motion of no confidence in Federal Chancellor Willy Brandt on 24 April 1972 with a view to electing Rainer Barzel from the CDU/CSU group as his successor. When the motion of no confidence was put to the vote three days later, it failed by two votes. Since the governing coalition and the opposition were still locked in this stalemate, the Federal Chancellor saw a request for a vote of confidence as his only option. In that vote, held on 22 September 1972, the Noes won narrowly,

which meant that Parliament declined to express its confidence in the Chancellor. Federal President Gustav Heinemann acceded to Chancellor Brandt's request to dissolve the Bundestag before the end of the electoral term and called fresh elections for 19 November 1972. These elections turned out to be a triumph for Willy Brandt and a resounding endorsement of his policy. Turnout reached an all-time high of 91.1 %; for the first time, the SPD, with 45.8 % of the vote, became the largest group in the Bundestag ahead of the CDU/CSU, which obtained 44.9 %. The FDP increased its share of the vote from 5.8 % to 8.4 %, and so the continuation of the social democratic-liberal coalition was assured. The high turnout is made all the more remarkable by the fact that the voting age had been lowered from 25 to 21 during the preceding sixth legislative term, which greatly increased the size of the electorate for the 1972 election. There was also a twofold first in the seventh Bundestag, when Annemarie Renger became both the first woman and the first SPD member to occupy the chair of the President of Parliament.

The reformist policy of the Social Democratic-Liberal coalition was also continued under the chancellorship of Helmut Schmidt (SPD). In May 1974, Schmidt had replaced Willy Brandt, who resigned from the office of Federal Chancellor after it emerged that one of his close aides, Günter Guillaume, was working as an agent for the GDR State Security Service (*Stasi*).



Bundestag sitting on 27 April 1972. Rainer Barzel, Chairman of the CDU/CSU parliamentary group (left), congratulates Willy Brandt on having survived an attempt to unseat him by means of a vote of no confidence.

In October 1974, the Bundestag adopted the Second Tenancy Termination Restriction Act (*Zweites Wohnraumkündigungsschutzgesetz*), which improved the legal provision for protection against the termination of housing tenancies and incorporated elements of tenancy law into the Civil Code (*Bürgerliches Gesetzbuch*). In the second half of 1975, the introduction of the Social Code (*Sozialgesetzbuch*) harmonised German social legislation. Particular importance attached to the First Matrimonial and Family Law Reform Act (*Erstes Gesetz zur Reform des Ehe- und Familienrechts*) of 1975/1976. That Act reformed German divorce law by abolishing the culpability principle and amending the law governing maintenance in favour of the socially weaker spouse, thereby taking a major step towards equal rights for women.

The SPD and FDP coalition was also continued after the next two elections of 1976 and 1980 with Helmut Schmidt as Federal Chancellor. Parliament and the Government were confronted in those years with a number of serious challenges in the fields of home, foreign and economic affairs. Assassinations and hostage-taking by members of the group known as the Red Army Faction (RAF) strained the rule of law almost to breaking point. The dual-track

decision that had been taken by the foreign and defence ministers of the NATO member states in December 1979 also had a considerable impact on domestic policy and on the coalition. In order to redress the imbalance created by new Soviet intermediate-range missiles armed with nuclear warheads and aimed at Central and Western Europe, disarmament negotiations were to be held in the first instance; if these negotiations proved fruitless, additional US intermediate-range missiles and cruise missiles were to be deployed in Europe from 1983. When the failure of the negotiations became evident in the second half of 1982, a broad front of opposition developed to the planned deployment of the additional US missiles, extending even into the Chancellor's own party. From the perspective of the minor coalition partner, it therefore seemed impossible that the intermediate-range nuclear force (INF) modernisation decision could be implemented under the current governing coalition. When the situation was exacerbated by the emerging impact of a global economic crisis in the form of rising unemployment, a high budget deficit and negative economic growth in the Federal Republic, the coalition partners became embroiled in arguments over fundamental principles of economic and fiscal policy, which culminated in the collapse of the SPD-FDP coalition in October 1982, when the FDP switched sides, entering into a new coalition with the CDU/CSU.



Constituent meeting of the seventh German Bundestag on 13 December 1972. Annemarie Renger (SPD) after becoming the first woman in the history of the Federal Republic of Germany to be elected President of the Bundestag.

**“This is the hour of Parliaments”:
the Bundestag on the path to German
unification**

On 1 October 1982, the chairman of the CDU/CSU group in the Bundestag, Helmut Kohl, was elected Federal Chancellor by means of a constructive vote of no confidence which deposed the incumbent Chancellor, Helmut Schmidt. Chancellor Kohl sought early elections in order to obtain popular endorsement of the new coalition of the CDU/CSU and the FDP; to this end, he requested a vote of confidence on 13 December. In the vote, held on 17 December, the opposition voted against the new Chancellor, as expected, while the vast majority of Members from the governing coalition abstained in order to pave the way for fresh elections. President Karl Carstens therefore dissolved the Bundestag on 6 January 1983, before the electoral term had run its course, and called an election for 6 March.

The CDU/CSU emerged as the clear winner of that election, polling 48.8 % of the vote, while the SPD obtained 38.2 %. Although the FDP vote fell to 7 %, that was still enough to secure its representation in the Bundestag. The new coalition therefore commanded an absolute majority of seats, which they successfully defended at the next election in 1987. In that election the party of The Greens obtained 5.8 % of the vote, and so for the first time in more than 20 years a fourth party was once more represented in the Bundestag.

In the 10th electoral term the work of Parliament and the Government was chiefly focused on economic policy. Statutory measures to boost economic growth by means of tax breaks for employers and to reduce the incipient mass unemployment by making the labour market more flexible did lead to a rise in Germany's gross domestic product, but at the same time the unemployment figures continued to rise. New ground was broken with the appointment of a permanent Bundestag Committee on the Environment, Nature Conservation and Nuclear Safety and the creation of a federal ministry with the same name in June 1986. Although the Chernobyl reactor disaster that had occurred a few weeks previously was the direct trigger for these measures, it is certainly true that they also reflected the sharp increase in public awareness of environmental issues that had been discernible from the Greens' electoral success.



Constructive vote of no confidence and Bundestag sitting of 1 October 1982. The incumbent Federal Chancellor, Helmut Schmidt (SPD, right), congratulates Helmut Kohl, chairman of the CDU/CSU parliamentary group, on his election as the new Federal Chancellor.



Following successes in Landtag elections in 1981 and 1982, the Greens also managed to make the breakthrough to the Bundestag in the general election of 1983. This photograph shows three Bundestag Members representing the Greens: Petra Kelly (left), Marieluise Beck-Oberdorf and, behind them, Otto Schily.

Since the first parliamentary election in the GDR on 15 October 1950, the People's Chamber (*Volkskammer*) had been elected every five years. According to the GDR Constitution, sovereign power lay with the People's Chamber; in practice, however, it was an instrument through which the Socialist Unity Party of Germany (*Sozialistische Einheitspartei Deutschlands* – SED) exercised its authority. The fact that there were only three to four plenary sittings a year, at which a small number of laws were all adopted unanimously, makes it plain that it was a purely a rubber stamp without any real power. Voting was based on single lists containing the names of the parties that were united in what was known as the Democratic Bloc; besides the SED, which had been formed in 1949 through the forcible amalgamation of the KPD and the SPD, the list included candidate parties such as the Christian Democratic Union (CDU) and the Liberal Democratic Party of Germany (LDPD) which had been specially founded to create an appearance of democratic pluralism. In addition, some mass organisations that were directly dependent on the SED stood for election, such as the Free German Youth (*Freie Deutsche Jugend* – FDJ); these were united with the Democratic Bloc in the National Front. The election results were fixed in advance; each of the groups standing for election received its same quota of seats every time.

In the early evening of 9 November 1989, the Members of the Bundestag were taken by surprise at a plenary sitting by a message stating that the Government of the GDR had opened its borders to people who wished to leave East Germany; in brief statements, the chairs of the four parliamentary groups were united in the expectation that, “in particular, the demands for free elections in the GDR will soon be met”, as Hans-Jochen Vogel (SPD) phrased it. At the end of that sitting, the Members of the Bundestag spontaneously sang the national anthem. On that ninth of November, a development was unleashed which rapidly gathered speed in the following months and culminated in the unification of Germany on 3 October 1990. The Bundestag played a decisive role in that development; in cooperation with the People's Chamber of the GDR, which had been freely elected for the first time on 18 March 1990, it monitored and supported every major step in the unification process.





Above:
Sitting of the GDR People's Chamber on 23 August 1990. Vote on the accession of the GDR to the area of application of the Basic Law for the Federal Republic of Germany.

Left:
Bundestag sitting on 28 November 1989 in the Old Waterworks in Bonn, used from 1986 to 1992 as a temporary venue for the plenary sittings of the Bundestag. During the second reading of the Budget Act for 1990, Federal Chancellor Helmut Kohl (CDU/CSU) presents the ten-point plan for overcoming the division of Germany and Europe.

In the first and only free election to the People's Chamber in 1990, the CDU emerged as the clear winner with 40.8 % of the vote; the SPD obtained 21.9 %. The first democratic parliament of the GDR faced a gigantic workload that had to be dealt with at a total of 38 sittings, the last of which took place on 2 October 1990, the eve of German unification. It not only had to deliberate on the Treaty with the Federal Republic establishing a Monetary, Economic and Social Union, the Unification Treaty and the acts of assent pertaining to each but it also had to adopt amendments to the Constitution of the German Democratic Republic in order to permit the adaptations of GDR law that were required for the establishment of monetary, economic and social union; these adaptations had to be made in the form of individual statutes. In the space of six months, the Chamber discussed and adopted 164 legislative bills and 93 formal decisions.

The Presidents of the two Parliaments, Rita Süßmuth of the Bundestag and Sabine Bergmann-Pohl of the People's Chamber, agreed at a meeting on 30 April to engage in "intensive co-operation". As an instrument to guide this co-operation, each House established a 39-member Committee on German Unity. The importance of these two committees is evident from the fact that each was chaired by the President of its respective Parliament and that its members included not only the Vice-Presidents of Parliament but also the heads of the parliamentary groups. Both committees met more than 20 times in the period from mid-May to mid-September; three of these were joint meetings in Bonn and Berlin. At these meetings the treaties required for the unification process were discussed in great detail and amended on numerous important points. At the first plenary discussion of the Unification Treaty in the Bundestag on 5 September 1990, Wolfgang Schäuble (CDU/CSU), Federal Minister of the Interior at that time and chief negotiator of the Federal Government at the



Sitting of the GDR People's Chamber on 20 September 1990. The Members of the People's Chamber applaud following the announcement of the result of the vote on the Act of Assent to the Reunification Treaty.



Bundestag sitting on 20 September 1990. Following the announcement of the result of the vote on the Act of Assent to the Reunification Treaty by Rita Süssmuth (CDU/CSU), President of the Bundestag, the Members rose, applauded and sang the national anthem.

treaty negotiations, said, "I believe that never in the history of the Federal Republic of Germany was Parliament involved to such an extent in treaty negotiations as the Committee on German Unity has been". At the end of the third and final reading, which took place in both Parliaments on 20 September and which lasted eight hours in the Bundestag, because the divergent positions were aired once again on the issue of the appropriate way to achieve unification and on the expected consequences of unification, the act of assent to the Treaty obtained a two-thirds majority in both Parliaments; this majority was necessary because the Treaty entailed amendments to the Constitution.

On 23 August 1990, the People's Chamber had cleared the way when, at the end of a turbulent late-night sitting, it decided by 294 votes to 62, with six abstentions, in favour of "the accession of the German Democratic Republic to the area of application of the Basic Law of the Federal Republic of Germany pursuant to Article 23 of the Basic Law on 3 October 1990".

The establishment of unity on the basis of that article, which provided the "other parts of Germany" that had been outside the area of application of the Basic Law when the Federal Republic was founded with the opportunity to accede to that territory, did not go unchallenged. It did, however, offer a way to accelerate the unification process and so probably fulfilled the wishes of the overwhelming majority of the people of both German states.

On 4 October 1990, the first Bundestag representing the whole of Germany convened in the Reichstag Building. It comprised the 519 Members of the Bundestag who had been elected for the 11th electoral term and 144 Members of the former People's Chamber of the GDR, nominees of their respective parliamentary groups who had been elected to the Bundestag on 28 September by the People's Chamber as representatives of the new *Länder*, the number elected from each group being based on the percentage of seats held by that group in the People's Chamber. On 5 October, at its first working sitting in Bonn, this Bundestag approved the Two-Plus-Four Treaty with which the new Federal Republic received its full sovereignty.



Bundestag sitting on 4 October 1990
in the Reichstag Building in Berlin.

Reconstruction of Eastern Germany and European integration: the Bundestag from 1990 to 1998

On 2 December 1990, Bundestag elections were held in the whole of Germany for the first time. The CDU/CSU emerged victorious and continued its coalition with the FDP, which was also maintained after the next Bundestag election of 1994. The Party of Democratic Socialism (PDS), the successor party to the SED, entered the Bundestag, which thus had five parties for the first time since 1953. The PDS, however, obtained just 17 seats; like Alliance 90/The Greens, which only stood in that configuration in the new *Länder* and obtained eight seats, its contingent was not large enough to constitute a *Fraktion*, or parliamentary group, and could only form a *Gruppe* (grouping). The Greens in the older *Länder* were unable to reach the 5 % threshold. By the time of the next election, the Greens in Eastern and Western Germany had merged, and they stood nationwide as Alliance 90/The Greens, obtaining a 7.3 % share of the vote and entering the Bundestag as the third-largest parliamentary group ahead of the FDP. Although the PDS polled only 4.4 % of the vote, it kept its place in Parliament by winning four constituency seats; with 30 seats altogether, its representatives again formed a grouping in the Bundestag.

At the core of the work of Parliament and the Government in both of those electoral terms were post-unification problems, particularly the financial and economic problems. How best to manage the reconstruction of Eastern Europe was a bone of contention, not only between government and opposition but also between the Federation and the *Länder*. Initially, a solidarity supplement was levied for a one-year period from 1 July 1991 as an addition to the applicable form of income tax. From 1995, this supplement became part of the Solidarity Pact, which provided for huge wealth transfers for a limited period, ending in 2004, to fund reconstruction in the new *Länder*. As it became clear that this reconstruction would not be completed by 2004 and would take considerably longer, negotiations were launched in 2001 on a new Solidarity Pact, which was to expire in 2019. As part of the process of adapting the legal framework in a united Germany, section 218 of the Penal Code, dealing with criminal liability for termination of pregnancy, was back on the Bundestag agenda in 1992. Since a time-based solution had applied in the GDR since 1972 but an indication-based solution now applied in the Federal Republic, the Unification Treaty required the legislature to find a common formula by the end of 1992. The new rules adopted



Campaigning in December 1990 for election to the December 1990: campaign posters for the election to the first Bundestag representing the whole of Germany.

by the Bundestag on 25 June 1992 were rejected by the Federal Constitutional Court. On 29 June 1995, the Bundestag adopted a new version of the Pregnant Women and Families Assistance (Amendment) Act (*Schwangeren- und Familienhilfeänderungsgesetz*), which introduced a time-based solution with compulsory counselling. Parallel to the development of German unity, the process of European integration was also advancing. On 2 December 1992, the Bundestag ratified the Treaty of Maastricht, which, in establishing the European Union, consolidated all previous Community integration measures and so placed the united Europe on entirely new foundations. At the heart of the Treaty was European economic and monetary union, with a declaration of intent to introduce a common currency by 1 January 2002 at the latest. On 23 April 1998, following a stormy seven-hour debate, the Bundestag approved the introduction of the euro by an overwhelming majority.

In the 13th electoral term, it became increasingly clear that the reconstruction of Eastern Germany would require even greater efforts than hitherto assumed. These efforts put strains on the public treasury, which were exacerbated by rising unemployment, resulting primarily from the relocation of jobs to low-wage countries. The governing coalition therefore decided on welfare and health cuts, which included restricting protection from dismissal and entitlement to sick pay. These cuts, which provoked sharp criticism, not only from the opposition but also among the general public, were reversed by Parliament and the Government in the next electoral term.

On 20 June 1991, the Bundestag took its decision on the question whether the seat of parliament and government in the united Germany would be Bonn or Berlin. Those who advocated remaining in Bonn argued that the name of that city was inextricably associated with the successful development of democracy after the Second World War. Choosing Bonn as the seat of parliament and government would send a clear signal to Germany's neighbours and allies that the new enlarged Federal Republic would continue to steer that basic political course.



Bundestag sitting on 23 April 1998. Members from the PDS grouping protest against the agreements that have been concluded on the introduction of the euro in eleven Member States of the European Union.

Environmental protection and Agenda 2010: the SPD-Greens coalition in Parliament, 1998 to 2005

The proponents of Berlin recalled that the Bundestag in particular had been emphasising ever since the creation of the Federal Republic that Berlin was the capital of a united Germany. They stressed the continuing validity of the decision adopted on 3 November 1949, which stated that “The principal federal institutions shall move their seat to the capital city, Berlin, as soon as general, free, equal, secret and direct elections have been held in the whole of Berlin and in the Soviet zone of occupation. The Bundestag shall then convene in Berlin”. The opening of the Wall on 9 November 1989, they said, had made Berlin a byword for German unity. Similarly, moving Parliament and the Government from the Rhine to the Spree would also serve the inhabitants of the new *Länder* as a signal of full commitment to that unity. In the end, following a debate lasting almost ten hours, the motion tabled by the Berlin supporters entitled ‘Completing German unity’ was adopted by 338 votes to 320.

When the votes were counted after the Bundestag election of 1998, the SPD emerged as the largest parliamentary group for the first time since 1972, having captured 40.9% of the vote, while the CDU/CSU saw its share slump heavily to 35.1%. This was the first time in the history of the Federal Republic that a party in opposition had been elected to form a government, which the SPD did in a coalition with Alliance 90/The Greens; Gerhard Schröder (SPD) was elected to the office of Federal Chancellor. The PDS obtained more than five per cent of the vote for the 14th electoral term and therefore had the status of a parliamentary group for the first time. Despite losing votes at the next election, the ‘red and green’ coalition was able to continue in government in the 15th electoral term. The new Bundestag now had only 598 Members instead of 656, because a parliamentary reform package back in 1996 had reduced the number of constituencies from 328 to 299.

At the very start of the 14th electoral term, Parliament had to make decisions on Bundeswehr deployments in Kosovo, Serbia and East Timor. The fact that such deployments abroad were not possible without the consent of the Bundestag stemmed from a ruling delivered by the



Bundestag sitting on 15 April 1998. Karl A. Lamers, representing the CDU/CSU group, addresses the House during the debate on the war in Kosovo.



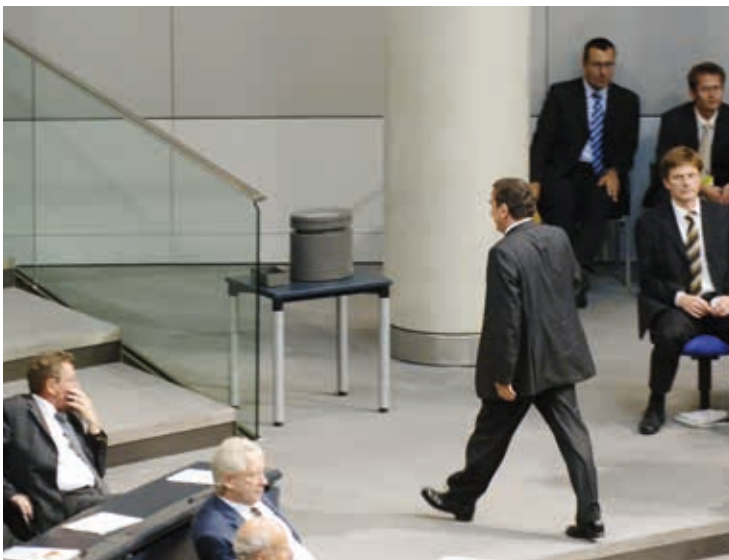
Bundestag sitting on 17 October 2003.
Cards bearing Members' names are
used to cast votes on the Hartz III and
Hartz IV Labour Market Reform Acts.

Federal Constitutional Court in 1994 that had further cemented the status of the Bundeswehr as a parliamentary force. When the decision on supporting US troops in the war in Afghanistan in 2001 hung in the balance, the Federal Chancellor coupled the deployment motion with a request for a vote of confidence, since he could not be sure whether the pacifist wing of the minor partner in the coalition would support him. He won the vote of confidence against the votes of the opposition. It is, incidentally, entirely constitutional to link a substantive decision with a vote of confidence.

One of the key objectives of the SPD-Greens coalition was better protection of the environment. One contribution to its pursuit was environmental tax reform, which began with the taxation of electricity consumption and reform of the excise duty on mineral oil. It also extended to the abandonment of nuclear power; this process began with an agreement between the Federal Government and the energy companies in June 2000 and was enshrined in the Atomic Energy (Revision) Act 2002. At the heart of the Act was the goal of completing the abandonment of nuclear power by 2021 by shortening the lifespan of Germany's nuclear plants.

The period of the SPD-Greens coalition is closely associated with Agenda 2010, a programme of root-and-branch reforms of welfare schemes and the labour market in Germany, which was implemented in stages from 2003 to 2005. The reforms included the relaxation of restrictions on dismissal, the reduction of non-wage labour costs, the abolition of some benefits that had been available under the statutory health-insurance scheme and the introduction of a medical consultation fee; above all, they also included the new rules, commonly known as the Hartz IV package, governing the receipt of unemployment benefit, the eligibility period for which was reduced, and of unemployment and welfare assistance, which were merged, as well as investment programmes for education and for local authorities.

Agenda 2010 aroused serious reservations, not only among the public but also within the Chancellor's own party, and so he sensed a danger that, in view of the slim majority enjoyed by his governing coalition, he could no longer be sure of its support in future votes. As Willy Brandt had done in 1972 and Helmut Kohl in 1982, he therefore sought to engineer early elections by losing a vote of confidence. The vote on 1 July 2005 went against him, as planned, and he therefore asked the President of the Federal Republic to dissolve Parliament. President Horst Köhler acceded to his request and set 18 September 2005 as the date for fresh elections.



Left:
Bundestag sitting on 1 July 2005.
Federal Chancellor Gerhard Schröder (SPD), who tabled a motion requesting a vote of confidence on that day, leaves the plenary chamber.

Right:
Bundestag sitting on 1 July 2005.

Reforms and globalisation: CDU/CSU-led governments under Chancellor Angela Merkel since 2005

In the election of 18 September 2005, the two main parties were neck-and-neck, the CDU/CSU, with 35.2 % of the vote, edging the SPD, with 34.2 %, into second place. Although the FDP obtained 9.8 %, the PDS 8.7 % and Alliance 90/The Greens 8.1 %, which enabled them all to form parliamentary groups, neither of the big parties was able to form a government with a small coalition partner; the decision was therefore taken to form a Grand Coalition. On 22 November, Angela Merkel (CDU/CSU) was elected Federal Chancellor by 397 votes to 202 with twelve abstentions.

With the comfortable majority that grand coalitions typically enjoy in Parliament, some important and quite contentious reforms could be tackled. These included reform of the federal system, which had long been on the drawing board and which reduced the complexity of the interwoven responsibilities of the Federation and the *Länder* and, in particular, reduced the number of laws requiring the consent of the Bundesrat. Part of the second stage of the reform package was the mechanism known as the *Schuldenbremse*, or debt brake, which required the federal and *Länder* authorities to fulfil very particular precisely defined conditions before they could borrow any new funds to finance their budgetary expenditure.

One measure in particular generated public discussion and furore: as part of its reform of the pension system, the coalition decided in 2007 to raise the pensionable age in stages in the period from 2012 to 2029 from 65 to 67 so as to ensure the future fundability of the pay-as-you-go pension scheme.

Among the major challenges in that period was undoubtedly the international financial crisis, which, at its peak in October 2008, even threatened to drag down German banks and insurers. With broad approval that reached deep into the ranks of the opposition too, the Financial Market Stabilisation Act (*Finanzmarktstabilisierungsgesetz*) was adopted in record time in October 2008. The Act enables financial institutions to continue operating by granting them guarantees. In extreme individual cases, this rescue mechanism for banks even provides for the option of nationalising companies in the financial sector.

Following the 2009 election, the 17th Bundestag saw the formation of a coalition of CDU/CSU and FDP, as in the early days of the Federal Republic, even though the CDU/CSU vote had fallen by 1.4 percentage points. The SPD vote, however, had plummeted dramatically by more than ten percentage points, while the FDP managed to achieve a very good result, polling 14.6 % of the vote, which sufficed for a coalition with the CDU/CSU.



The new coalition immediately ran into difficulties when it reduced the VAT rate for hotels and restaurants from nineteen to seven per cent and accusations of clientelism did the rounds. The Bundestag and the Government remained occupied by the international financial crisis, which, from 2010, became a sovereign debt crisis for some EU Member States and so was set to become a euro crisis sooner or later. Once again, rescue mechanisms were needed, this time in the EU framework with German participation. This highly complex subject matter occupied the attention of Members of the Bundestag to a disproportionate degree, and the adopted approach certainly did not meet with universal approval, even within the ranks of the governing coalition.

A particularly sharp U-turn was made by the Christian Democratic-Liberal coalition in the realm of energy policy. The abandonment of nuclear energy which the SPD-Greens Government had initiated was initially subjected to a review. The Atomic Energy Act, which had been revised in 2002, was amended in October 2010, extending the lifespan of nuclear plants by eight and fourteen years. Only a few days after the outbreak of the Fukushima nuclear disaster in March 2011, the Government changed its stance on nuclear energy. On 30 June, the

Atomic Energy Act was amended again, providing for the permanent decommissioning of plants that had already been closed down and for the abandonment of nuclear power generation by 2022. The bill to amend the Act was carried by a cross-party majority.

After the elections to the 18th Bundestag in 2013, a new Grand Coalition was formed. Although the CDU/CSU polled 41.5 % of the vote, adding 7.7 percentage points to the share it had obtained in 2009, it lost its coalition partner, for the FDP vote had plummeted by 9.9 percentage points to below the 5 % threshold, which meant that it was no longer represented in the Bundestag. The Left Party and Alliance 90/The Greens both suffered minor losses but remained in Parliament with shares of 8.6 % and 8.4 % respectively.

In 2014, its first year of government, the Grand Coalition initiated numerous legislative measures. On 3 July, the Bundestag voted by 535 votes to 5 with 61 abstentions to introduce a national minimum wage in Germany from 1 January 2015. This decision affected almost four million employees. Although Parliament rejected motions from the opposition parties for the removal of all exemptions for which the bill provided and for the amount of the proposed minimum wage to be raised from € 8.50 to € 10, the fact that members of the opposition also voted for the bill makes it plainly clear that



the Minimum Wage Act was, to quote Andrea Nahles (SPD), Federal Minister of Labour and Social Affairs, “a milestone in the labour and social policy of the Federal Republic”.

On 28 November 2014, the Bundestag adopted the Budget Act for 2015, which provided for expenditure amounting to 299.1 billion euros, an increase of 2.6 billion euros on the budget for 2014. Nevertheless, the budget for the 2015 financial year did not include any increase in net borrowing. For the first time in 45 years, the federal budget was thus entirely covered by revenue, and the bottom line was a big black zero.

The Bundestag took a decision of crucial importance to the status and effectiveness of parliamentary democracy in Germany on 3 April 2014 when, on the motion of both governing parties, it adopted an amendment to its Rules of Procedure concerning the rights of the parliamentary minority. This amendment was needed because the two opposition parties together held only 127 seats, which corresponded to a share of only about 20 % of the total of 631 seats in the 18th Bundestag. Numerous rights of the parliamentary minority which, prior to the amendment, could only be exercised by at least 25% of the Members of the Bundestag were made available for the duration of the 18th electoral term under the new Rule 126a of the Rules of Procedure of the German Bundestag if they were invoked by 120 Members.

This willingness of the governing majority to protect the rights of the opposition marks the present peak of a trend in which several parliamentary reforms over the period since 1969 have gradually developed and extended the rights of the parliamentary minority.

The 2017 Bundestag election resulted in substantial changes to Parliament’s composition. While the Grand Coalition was, after lengthy negotiations, re-established under Federal Chancellor Angela Merkel (CDU/CSU), the CDU/CSU and SPD saw their share of the vote decline significantly compared to the 2013 election, reaching 33 (-8.6) per cent and 20.5 (-5.2) per cent respectively. A new party, the AfD, entered Parliament as the third-largest parliamentary group, with 12.6 per cent of the vote. The FDP returned to the Bundestag with 10.7 per cent of the vote. With 9.2 per cent and 8.9 per cent respectively, the Left Party and Alliance 90/The Greens are also represented in Parliament again. In total, the 19th German Bundestag has 709 Members. With a relatively large number of overhang and balancing mandates over and above the minimum number of 598 seats, it is the largest Bundestag in history.



Page 196:
Bundestag sitting on 7 October 2008.
Federal Chancellor Angela Merkel (CDU/CSU) delivers a government policy statement on the financial market crisis.

Page 197:
Bundestag sitting of 3 July 2014.
Andrea Nahles (SPD), Federal Minister of Labour and Social Affairs, addresses the House.





Architecture and politics
The Reichstag Building then and now

On 19 April 1871, “the very great majority” of the deputies in the German Reichstag adopted a resolution in which they stated that “The construction of a Reichstag building which is commensurate with the tasks of the German Reichstag and a representation worthy of the German people is an urgent requirement”. This resolution was the first step on a long journey that was to reach its temporary culmination after 23 years, when the Reichstag held its first sitting in the new building on 6 December 1894. Of the 382 deputies who had belonged to the Reichstag which adopted the resolution in 1871, twenty-one were still Members when the new edifice was occupied; these included parliamentary institutions such as Eugen Richter of the Liberal Left, Rudolf von Bennigsen of the National Liberals, Ernst Lieber of the Centre Party and Social Democrat August Bebel. The parliamentary majority, in identifying the urgent requirement, had also requested the Imperial Chancellor to appoint a commission to draw up a programme for the construction of a new building and to find a suitable site in anticipation of an architectural competition. Since it was foreseeable that, even in ideal conditions, this new building would not be ready for occupation for several years, the House also wanted the “deficiencies of the present temporary arrangement” to be eliminated.

“The keystone of German unification”:
the planning, construction and significance
of the Reichstag Building, 1871 to 1918

**“A place of torment”:
the provisional parliament building**

The commission, which took up its duties at the start of June, began by attempting to accomplish the last-named task. During the debate on 19 April 1871, several deputies had bemoaned the substandard working conditions offered by the plenary chamber of the Prussian House of Representatives, which the new Parliament had had permission to use since its first sitting on 23 March. The verdict of National Liberal deputy August Braun, who said that the “whole disposition, as far as it concerns the chamber”, was “utterly inadequate”, was certainly accurate. Some of the deputies had to make do with seats that were located more or less behind the presidential podium, where they “can neither hear nor see”. Such were the acoustics, the ventilation, the heating and the lighting of the

chamber that Conservative deputy Moritz von Blanckenburg expressed the view that Members’ health would be endangered “if we spend any more time here than is absolutely necessary”. Finally, Imperial Chancellor Otto von Bismarck, who took the floor after Blanckenburg, put it in a nutshell when he called the chamber of the Prussian House of Representatives a “place of torment”.

These criticisms came as no surprise to a large number of deputies. More than half of the total of 236 Prussian Members of the Reichstag also had a seat in the Prussian House of Representatives, many having already belonged to that Parliament for one or more electoral terms. The veterans included Moritz von Blanckenburg himself, who had had uninterrupted first-hand experience of the deficiencies of that plenary chamber since 1852. The Imperial Chancellor himself had waged his battles in that chamber with the liberal majority in the Prussian Parliament as Minister President of Prussia since 1862, and he had also belonged to that Parliament in its first two electoral terms, beginning in 1849. Both of them, in short, knew what they were talking about.



Pages 198/199:
Aerial photograph of the Reichstag
Building from the east, 1919.

Left:
Palais Hardenberg, at number 75
Leipziger Strasse in Berlin, was the
meeting place of the Prussian House
of Representatives from 1849 to
1898.

The building that housed the plenary chamber had been built in the space of little more than two months in the winter on 1848/49 in the garden of Palais Hardenberg at number 75 Leipziger Strasse in Berlin, roughly on the site where the Spittel colonnades stand today. Although a great deal of heat was applied during the construction, since it was a very cold winter, it seems that the mortar did not dry in time; at least National Liberal deputy Hans Victor von Unruh recalls the walls of the plenary chamber having been damp for years afterwards; the Members of Parliament could thus be likened to *Trockenwohner*, poor families who were allowed to live rent-free or at a reduced rent in new buildings so that their body heat and breath would help to dry the lime mortar. In view of these conditions, the repeated assertions that the Prussian deputies “fell victim to illnesses one after another” and were “condemned to an early grave” do seem to have been slightly more than mere parliamentary folklore.

At the heart of all the complaints that were voiced time and again from 1859, and perhaps even earlier, was the fact that the building had been too small from the very beginning. There were few rooms for meetings of parliamentary groups, committees and commissions; only the Budget Commission, which used the former banqueting hall in the Palais, benefited from

sufficient space as well as meeting in an ambience, featuring an opulent Baroque stucco ceiling and mahogany double doors, that reflected the importance of that Commission.

Part of the administration was accommodated in the cellar-like area within the plinth, where staff depended entirely on artificial light; in the plenary chamber, each deputy had a space of about half a square metre, which meant that there was no room for writing desks at the Members’ seats.

Although the inadequacies of the building were plain for all to see, the commission, in its deliberations, had considered the option of optimising the House of Representatives building by developing and reconstructing it so that it could accommodate both parliaments, at least for a few years, the assumption being that it would take five to eight years to complete the new building.

These considerations, however, were quite quickly shelved. Instead, the Commission proposed the construction of a new building, which would be located on land belonging to the Royal Porcelain Manufactory (KPM) at number 4 Leipziger Strasse, next door to the Prussian House of Lords. Some years before, the Royal Porcelain Manufactory site had been mooted as a location for a new building for the Prussian House of Representatives with a view to putting an end to the working conditions in number 75 Leipziger Strasse which had come in for such strong criticism. The site had also

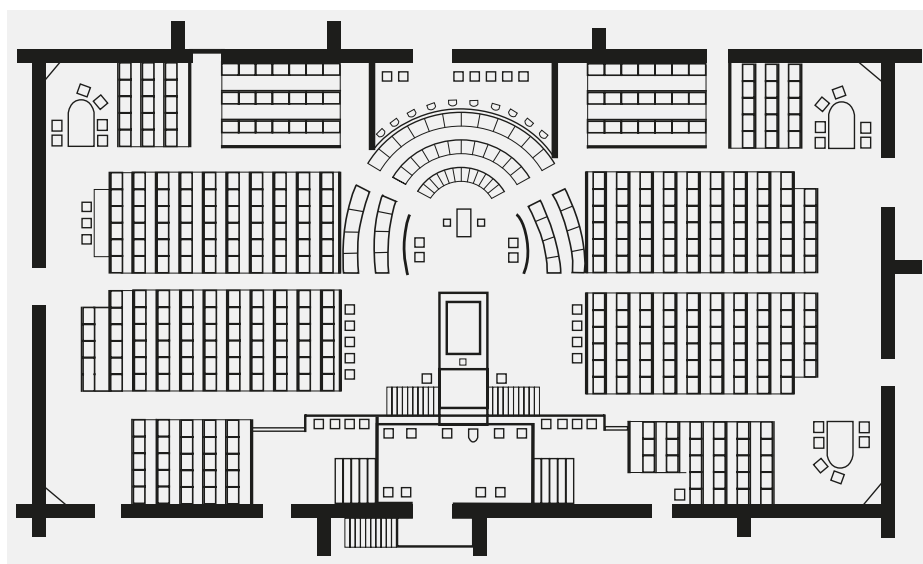
The seating plan in the debating chamber of the Prussian House of Representatives following the reconstruction of 1867. This reconstruction was needed because Prussia’s annexation of various previously independent states following its victory over Austria in the war of 1866 had not only increased the size of its national territory but had also raised the number of deputies in the Prussian House of Representatives from 352 to 432.

been mentioned repeatedly during the Reichstag debate on 19 April 1871, sometimes as the proposed location for a new permanent Reichstag building and sometimes as a temporary home, as in the proposal adopted by the Commission and presented to the Reichstag for a plenary decision on 15 June. The site was available, since the fumes, smells and noise created by porcelain production no longer fitted into an urban environment that would be described today as an upmarket residential district. The Royal Porcelain Manufactory was therefore moving to Charlottenburg, on the fringes of the Tiergarten.

The Commission had originally envisaged a building in the gardens behind the courtyard building. According to the two specialist members of the Commission, however, that building would not have been ready for occupation until the summer of the following year at the earliest and so would not have been available in time for the start of the Reichstag session in October, as was generally hoped and expected. No less a personage than the Imperial Chancellor rescued the Commission from its dilemma. He appeared in person at one of its meetings and stated forcefully that the plan it was considering was unacceptable; the Reichstag had to have a new chamber by October, and so the only feasible option was to put a roof over the courtyard area bounded by the building facing the front street,

the side wing and the rear building. The four-month summer recess, he said, would provide ample time for the construction work. After all, in 1861, a temporary wooden parliament building in Vienna had been erected within six weeks. Bismarck, a master in the use of threats and subtle blackmail as legitimate political weapons, told the architects on the Commission that he would hire foreign architects if necessary. Needless to say, not a moment was lost in drawing up the requisite plans. The building work would have to be started as quickly as possible if the handover were to take place in four months' time, but there was still an obstacle in the way. Although the porcelain manufactory was already in the process of relocating, the removal was scheduled to take a few more weeks. Bismarck is said to have seized the initiative again, threatening the management of the manufactory that, unless the buildings were cleared within three days, he would have all the remaining porcelain pieces thrown onto the street.

After this bold move – in Bismarck's case, the term 'cavalry charge' might be more appropriate, and indeed the press spread the story that he had actually turned up at the KPM headquarters on horseback – the building work was begun on 26 June 1871. For the next three and a half months, albeit with repeated interruptions caused by strikes in the construction industry, which meant that the building work was suspended for about a third of that period, work



went on around the clock. At night the building site was bathed in the gleaming light of torch flames and gas lamps but especially in the glare of the entirely new electric arc lamps, which made it an attraction for the inquisitive.

The front building on Leipziger Strasse, the parallel rear building and the wing adjoining the War Ministry, which was the neighbouring building to the east, were preserved, and their interiors were reconstructed for parliamentary business. The front building contained the Reichstag restaurant on the ground floor and the library with reading and writing rooms on the upper floor; these facilities were primarily at the deputies' disposal. The rear building, on the other hand, was reserved for the President of the Reichstag and the Bundesrat; the parliamentary shorthand writers and the administration were housed in the side wing and in some rooms in the front building.

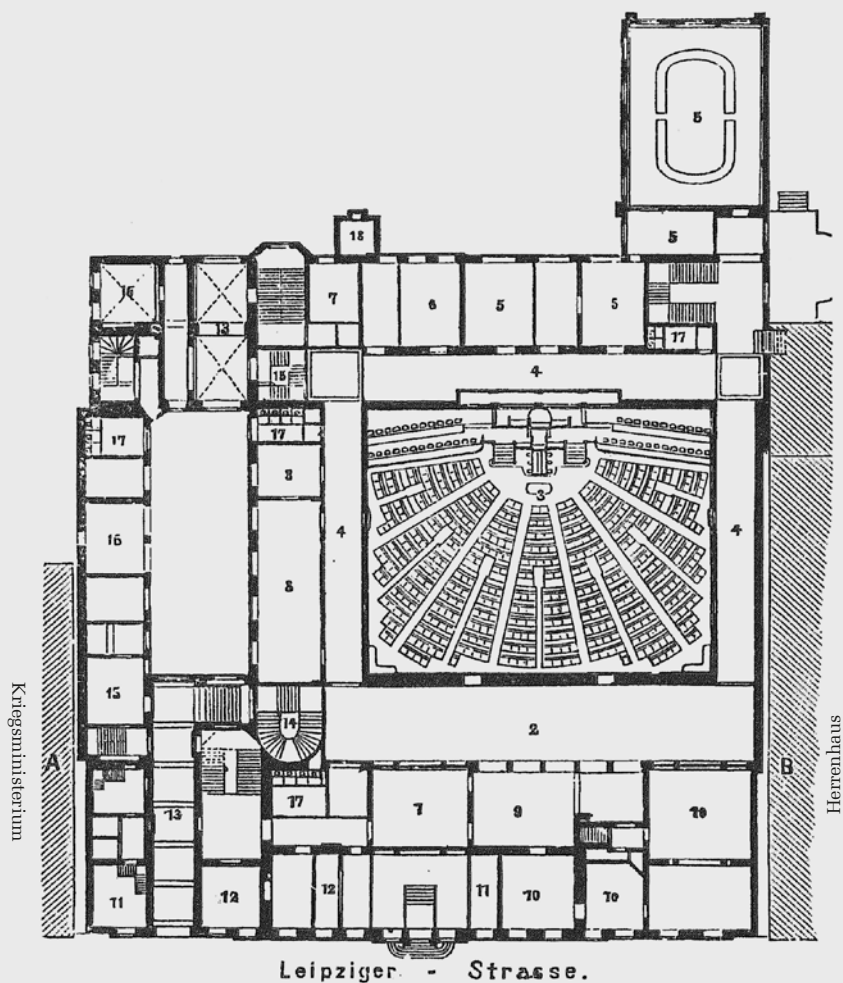
The plenary chamber was built within the courtyard enclosed by these three buildings. Rather than use the external courtyard walls of these three buildings, it was decided to build a separate half-timbered architectural structure in the courtyard – a 'building within a building', as it were. No doubt the experience of the dampness problem in the Prussian House of

Representatives played a part in the decision to avoid the use of mortar and plaster to a great extent and rely on dry mortarless construction techniques. The architectural journal *Deutsche Bauzeitung*, in a report that also covered the considerably smaller chamber for the Bundesrat, for which an extension was added to the rear building, stated that, "For this reason, the ceiling and walls in both of the chambers were partly covered with wooden panelling; wooden frames were also affixed to the bare walls and covered with stretched canvas, which was wallpapered or adorned with paintings; though easily susceptible to the creation of somewhat transitory and disadvantageous effects, it was the only possible construction in this case".

The Members' seats, numbering 400, were arranged as in an amphitheatre, forming a gently tiered semicircle. This seating arrangement was unprecedented in German parliamentary history and was presumably suggested by the layout of the French National Assembly in the Palais Bourbon. Radial passages sliced the semicircle into segments in such a way that there were no more than four seats in any row. The semicircular seating layout faced a longitudinal wall, in the middle of which stood the podium where the Presidium – the President and his assistants – sat and the lectern from which Members addressed the House. To each side of these, lower than the Presidium but on a higher level than



The temporary Reichstag building at number 4 Leipziger Strasse with its new facade following the reconstruction work of 1874. The German Reichstag held its sittings here from 16 October 1871 to 5 December 1894. On the right of the picture is the Prussian House of Lords. On the left edge is part of the facade of the Prussian Ministry of War.



Floor plan of the first floor of the temporary Reichstag building at number 4 Leipziger Strasse; this was the main floor of the building.

1. Vestibule
2. Foyer
3. Debating chamber
4. Corridors
5. Bundesrat and Imperial Chancellor
6. President of the Reichstag
7. Secretaries
8. Shorthand writers
9. Cloakroom
10. Catering facilities
11. Doorman
12. Postal and telegraph service
13. Carriageways
14. Stairway to the imperial box
15. Ticket desk and stairway to the public gallery
16. Stables, etc..
17. Toilets
18. Ventilation shaft

the front tiers of the Members' seats, were two rows of seats for the Bundesrat. The seating was upholstered with light-brown leather, and each Member had a writing desk at his disposal. No deputies sat behind the presidential podium and the speakers' lectern any more. When the President of Parliament opened the first sitting in the new plenary chamber on 16 October 1871, the people's deputies therefore encountered conditions that were indeed quite different from those in the Prussian House of Representatives. Not until the opening of the sitting of 20 October, however, did Eduard von Simson, President of the Reichstag, express the "satisfaction that, through the creation of a temporary Reichstag building, we have been enabled to pursue our business in these new, noble, serviceable premises, freed from the manifold inadequacies of the previous situation". At the same time he expressed his thanks to the architects and asked the Members of the House to rise from their seats as a sign of agreement with his words of satisfaction and gratitude; as the Record of Proceedings testifies, "The House rose".

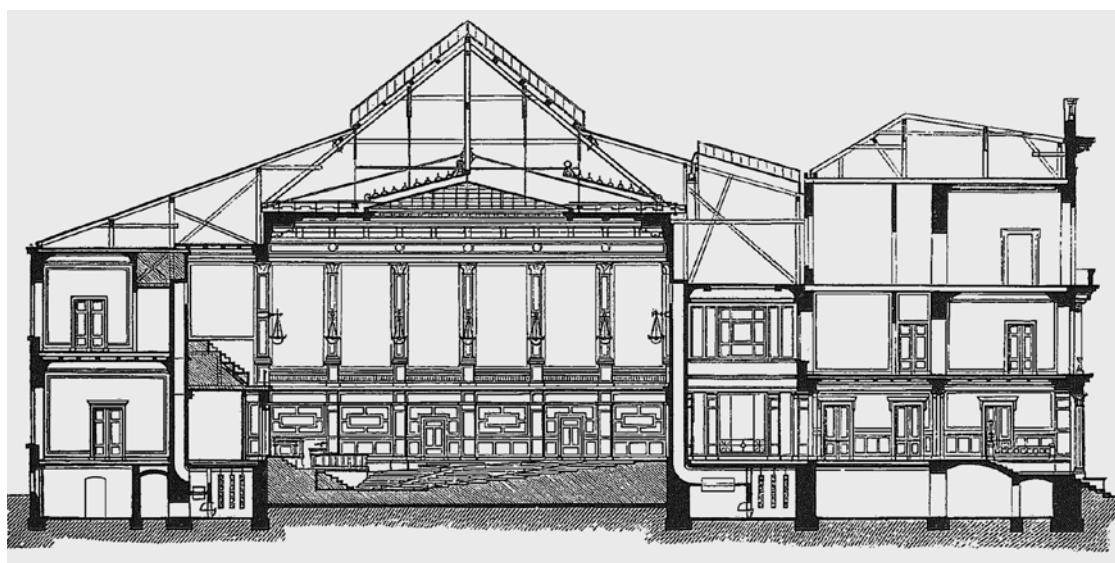
The deputies' satisfaction with their new home, however, was soon somewhat tarnished, as the reference to the transitory nature of the construction contained in the *Deutsche Bauzeitung* article proved to be prescient. On 27 January 1875, the following episode was reported in the Record of Proceedings: "A piece of the ceiling ornamentation in the Chamber fell with a great clatter upon the little table of one of the Members. General turmoil and sustained uproar". That this incident was by no means unique but merely one of the highlights in an irregular series of occurrences that had begun before then and was to continue in the years that followed is evident from an ironic comment made by one of the deputies, Hermann Römer. Speaking in a debate about the new building on 19 March 1873, he observed that the building to which the Members were so pleased to have moved a year and a half before "is providing, on an almost daily basis, little signs that it is already in the process of dissolving itself". Besides these signs of premature ageing of the chamber building, Parliament was also faced with space problems. In particular, it fairly soon became clear that too few meeting rooms were available for parliamentary groups, com-

Longitudinal section of the temporary Reichstag building at number 4 Leipziger Strasse.

missions and committees. To remedy this defect, another storey was added to the front building in the summer of 1874. As part of the reconstruction project, the front building was given a new facade, modelled on Florentine architecture of the early Renaissance. The choice of design probably had less to do with a desire to draw attention to the importance of the building as the seat of Parliament than with the wish to harmonise it with the facade of the neighbouring Ministry of War, which had been given a facade in the 'Florentine style' 30 years before as part of a refurbishment and extension programme, that particular style having been deemed suitable for buildings intended for a military purpose. The facade was surmounted with a group of sculpted figures, of which neither an illustration nor a description has survived. From the few photographs of the building, which was the architectural embodiment of the German Reichstag throughout the Bismarck era and beyond, an imperial crown is recognisable. It seems reasonable to suppose that it rested on the head of a Germania figure, because the commissioned sculptor, Rudolf Siemering, may be regarded as a Germania specialist. This Germania would have formed a link with the final Reichstag building, the facade of which was also surmounted with a Germania figure.

“The building is to be constructed on the east side of Königsplatz”: location as a political issue

The plans for the new building had not in any way been forgotten in the meantime. On 24 November 1871, only five weeks after the Reichstag had first met in the new plenary chamber, the Commission presented Parliament with a draft programme for the organisation of an architectural competition. After a lengthy discussion, which focused chiefly on the questions whether the competition should be international and who should be on the judging panel, the programme was adopted by a majority vote and published in the week before Christmas. By the deadline for entries on 15 April 1872, designs had been received from 101 architects' offices, more than 30 of which were from abroad, the House having decided in favour of an international competition. The designs were put on public display in the premises of the Academy of the Arts on Unter den Linden from the beginning to the end of May. In the first week of June, the jury assembled; needless to say, its members, like numerous Members of the Reichstag, had visited the exhibition to obtain an impression of the range of designs in order to form their final verdict.

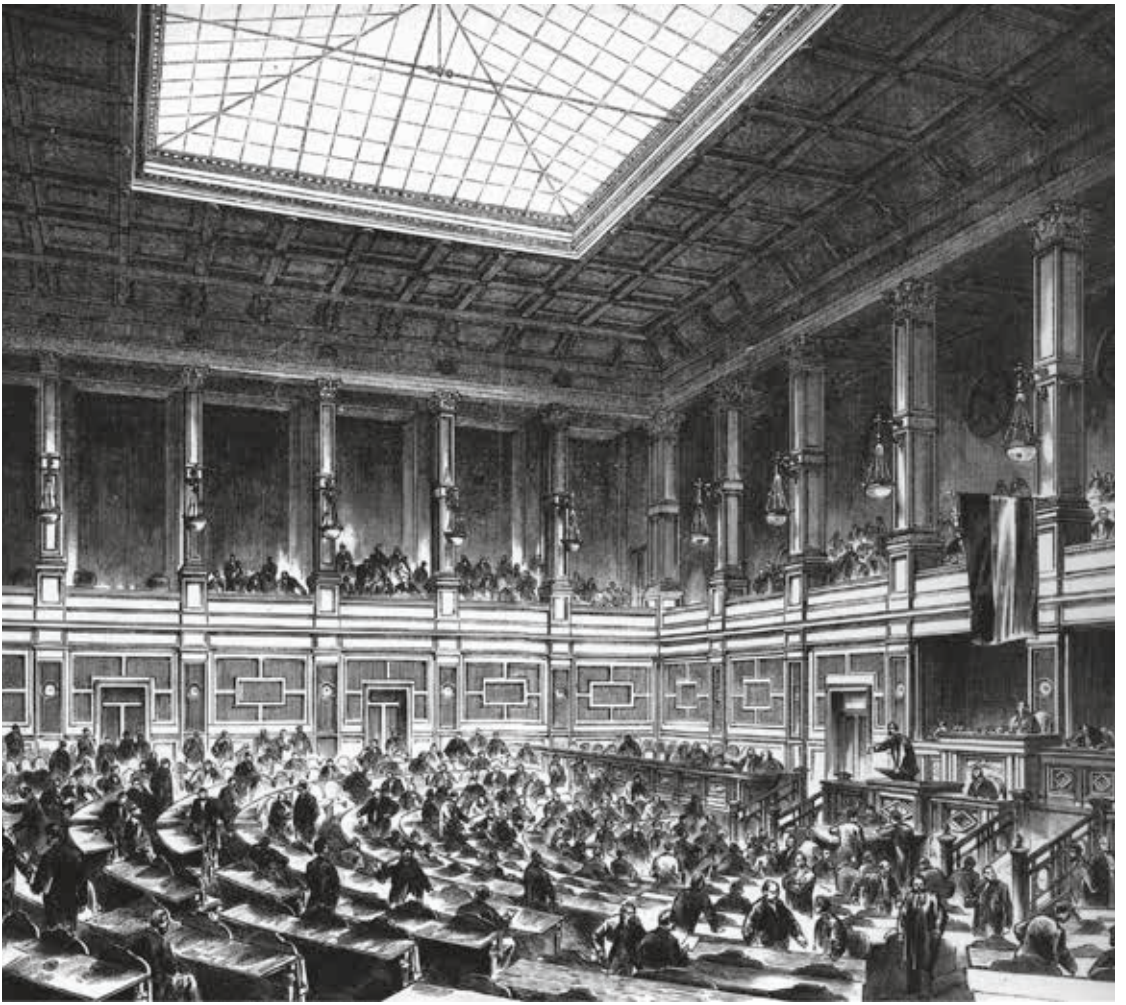


The first prize went to Ludwig Bohnstedt from Gotha, and four architects' offices, including Scott & Scott from England, were placed second equal. The decision-making process was complex and time-consuming; evidently, none of the entries had met with unbounded enthusiasm on the part of the jury. Although Reichstag Member Franz Duncker, who was on the jury, stated in his report to the House on 12 June that there was reason to be pleased with the outcome of the competition, since "results have been obtained for some of the dispositions in the final building", he conceded that the competition had not led "for the moment to a definitive result", because none of the designs "would lend themselves to unamended implementation". That even applied, he said, to Bohnstedt's winning design. Duncker asked his colleagues to extend the mandate of the Reichstag deputies on the Commission, which had actually expired at the end of the competition, so that the necessary additional preparations could be initiated for the construction of a Reichstag building. Those preparations included the production of "a definitive construction plan", to which end a second competition was envisaged, among other things. The participants in that competition were to be the five

prizewinners from the completed competition plus several specially invited architects. The plan, said Duncker, also entailed establishing clarity with regard to "the site required for this purpose and its acquisition", because "before we can arrive at a definitive construction plan, we must have complete certainty regarding the site itself". The House approved this proposal by acclamation.

This complete certainty, however, was extremely difficult to obtain, since the question of the location was not so much a technical and financial matter as a political issue. The various answers given to the location question by the parties and groups represented in the Reichstag as well as by the Government were closely linked with their respective expectations regarding the status and importance of Parliament within the institutional structure of the new state. And these expectations differed widely.

These differences had emerged very clearly at the sitting of 19 April 1871 which had ended with the resolution for the construction a new building. The discussion was based on a motion tabled by August Braun, which stated "that, if a new House of Parliament is built", it should "not merely be makeshift accommodation for the Reichstag but should rather be executed in a grand monumental style, so as to constitute, as it were, the keystone of German unification".



Sitting of the German Reichstag
in the chamber of the temporary
Reichstag building at number 4
Leipziger Strasse. Wood engraving,
1872.

Brown's demand was by no means unusual but chimed with contemporary architectural theories and public expectations. "A building is monumental", according to Oscar Mothes' dictionary of architecture (*Baulexikon*) of 1866, "if its exterior expresses that it has not been erected ... for private use but is intended for public life ...". To make this clearer, here is a passage from the chapter on administrative buildings from the standard work *Berlin und seine Bauten* ('Berlin and its Buildings'), which dates from 1877. According to that chapter, in recent years buildings had been constructed for institutions of the German Empire "in monumental styles", because importance was now attached to "to representing, through the building, the dignity and importance of the authorities seated therein".

What was true of public authorities was all the more applicable to a parliamentary assembly which, through its legislative function, shared in the exercise of governmental power. The majority of Parliament wanted to have a monumental edifice built which was designed to portray the "dignity and importance" of the Reichstag to the general public. For those Members, nothing but the very best would do. The Government, by contrast, was not interested in such demonstrative parliamentary posturing, because it aimed to ensure that precedence was not given to the role of the Reichstag.

The matter was more complex than it appears at first sight. In point of fact, the powers enjoyed by the Reichstag were so limited that a monumental edifice could be regarded less as an architectural embodiment of the existing balance of power and more as a demand for a future increase in the powers of Parliament. For that precise reason, the Government, which sought to prevent such an extension, had to endeavour to sideline the Reichstag in architectural terms.

This strategy was clearly reflected in a statement made by the President of the Imperial Chancellery, Rudolph von Delbrück, on 29 March 1871 in response to a question submitted by a National Liberal Member, Johannes von Miquel. The Government, said Delbrück, had been reflecting on an appropriate location for Parliament ever since 1867. It had now adopted a plan to erect a debating chamber behind the building at number 74 Wilhelmstrasse, which had been purchased the previous year to provide offices for the Federal Chancellery of the North German Confederation; the entrance would be in Königgrätzer Strasse, to which the site extended. It was planned to construct a building there in which a parliamentary restaurant could be sited on the ground floor, while the first floor would have space for the official residence of the President of the Reichstag.



Left:
'A sitting of the new German Reichstag'.
Drawing, 1881

Right:
Sitting of the German Reichstag in the chamber of the temporary Reichstag building at number 4 Leipziger Strasse. At the lectern is deputy Hermann Schulze-Delitzsch, and above him is Max von Forckenbeck, President of the Reichstag; on the left edge of the picture is the Imperial Chancellor, Otto von Bismarck. Numerous deputies are standing round the shorthand writers' table to be within earshot of the speaker.
Wood engraving, 1874

Several Members raised objections to this plan. The most vociferous was Hans Victor von Unruh, who emphasised that the government proposal was in no way commensurate with the importance and status of the Reichstag. "A building behind the Federal Chancellery would, to some extent, be hidden. It would be a rear building with its front facade facing the Tiergarten". While it was possible, he said, to imagine quite a fine facade on Königgrätzer Strasse, sooner or later the entrance edifice would be flanked by other buildings. "A roadside building will remain a simple facade, no more than that, however pretty or ugly the apron they tie around it". According to von Unruh, "unless a building stands as freely as possible, its monumental character cannot come to the fore".

The choice of location thus had a huge bearing on the question whether it would be at all possible to erect the sort of monumental building desired by the parliamentary majority or whether it would not be possible, as the Government believed.

It was the Chancellor himself who found words to express this antithesis between the wishes of the parliamentary majority and the views of the Government in his contribution to the debate on 19 April, but he also played it down considerably, defusing the polemics of the debate. Of course, he said, he shared the view

that "the new establishment, in accordance with the great importance it is intended to have, ... should be a dignified structure". The following question arose, however: "Should precedence be given to business or ornamental considerations?" Since Parliament was allegedly faced with this choice, in view of his own position, he naturally "had a preference for the business considerations", which meant that he favoured a Reichstag building near the Chancellery, the Foreign Office and the seats of the other supreme governmental authorities on Wilhelmstrasse. The Imperial Chancellor confessed that he was, of course, conscious of his own comfort too and simply did not wish to have to walk too far from his official residence and his offices in Wilhelmstrasse. However, when he raised the spectre of civil servants running back and forward laden with files several times a day between their offices and a Reichstag building that was located far away for "ornamental considerations", it would have been difficult to keep a straight face. It was not, in fact, about senior advisers having to walk long distances but about the fact that any building constructed near the Imperial Chancellery and the ministries in Wilhelmstrasse simply could not be a monumental structure for want of a sufficiently spacious site.



The battle lines that were drawn over this issue, however, did not only run between Parliament and the Government but also cut right through Parliament itself. The resolution in favour of a new building, in fact, had not been unanimous by any means but had been adopted by a very large majority, so there had to be a minority of Members who felt unable to support that resolution. How numerous they were and precisely who they were is not known; since the Presidium and the secretaries identified a clear majority, there was no need for a recorded vote. The opinion of the majority was, however, explicitly rejected by representatives of two parliamentary groups from opposite ends of the political spectrum in the Reichstag, namely the Old Conservatives on the extreme right and the Progress Party, further to the left than anyone except August Bebel.

The Old Conservatives, a purely Prussian party which was represented in the Reichstag by 50 deputies, were staunch monarchists who rejected both the Constitution and Parliament. This rejection, however, did not prevent them from using both to further their interests. It goes without saying that they had absolutely no wish to see the construction of an imposing building which would attract public attention and lend prestige to a Parliament which, they hoped, would prove to be no more than an *intermezzo*. Their spokesman, Moritz von

Blanckenburg, in his contribution to the debate, urged the Commission “to select the site with due regard to the administration of our affairs”; it was only logical, in his view, that the plan which the President of the Imperial Chancellery had outlined three weeks previously for the Reichstag building to be constructed in the Chancellery gardens “would be the most felicitous solution of all”.

Speaking for the parliamentary group of the German Progress Party, Franz von Hoverbeck expressed his approval of that plan in less effusive terms. That party, which belonged to the liberal left, held that the Constitution did not give a sufficiently large share of political power to Parliament. It evidently feared that an expensive and prestigious Reichstag building could conceal this relative impotence and eventually erase it from people’s memory. The fact that the final form of the resolution adopted at the end of this debate diverged considerably from the motion tabled by August Braun is due to a supplementary motion introduced by Albert Hänel of the liberal left. The words “monumental House of Parliament” were amended to read “Reichstag building befitting the representation of the German people”; any reference to the “German nation” disappeared and resurfaced only indirectly in the reference to its representatives. This meant that even Bismarck was able to subscribe to the resolution, and perhaps this compromise was the only way in which a “very large majority” could be achieved.

Photograph of Palais Raczyński on the east side of Königsplatz, taken in 1876.



The Commission, in any event, interpreted the mandate contained in this resolution so broadly that the term “a monumental House of Parliament” found its way back into favour. At the end of the specifications for the architectural competition, which the Reichstag approved on 24 November 1871, was the following formulation: “The competing projects should not only be designed to offer the most expedient solution to the pending task but should also embody the idea of a parliamentary building for Germany in a monumental manner”. If, however, a monumental building had to be as free-standing as possible, as Hans Victor von Unruh had declared in the House on 29 March, only one potential building site could fit the bill. The Commission had found that site. In the very first sentence of the programme for the architectural competition, it informed the architects – who, after all, had to know the location of the site to which their plans were to relate – that “The building is to be erected on the eastern side of Königsplatz ...”. What was not mentioned, however, was that the site earmarked for the new building was already occupied by the villa belonging to Count Athanasius Raczynski, who had been granted the use of land on the eastern edge of the Royal Tiergarten Park by King Frederick William IV in 1842 as a reward for several years’ service as

a Prussian diplomat. Built from 1844 to 1847 in the Berlin late-classical style to plans drawn by Johann Heinrich Strack, the villa housed a publicly accessible gallery where the Count’s art collection was exhibited, some artists’ studios and a dwelling used by the Count during his stays in Berlin. The whole venture therefore depended on the Count’s willingness to sell his villa.

As a member of the Prussian House of Lords and a staunch monarchist, however, the Count essentially disapproved of Parliament and so had no intention of selling. He had already made his refusal public in August 1871 in the foreword to a catalogue for an exhibition of paintings he was hosting; this foreword was read out by Ernst Lieber at a Reichstag sitting on 24 November 1871. Lieber wanted to make his fellow Members aware that the location specified in the first sentence of the competition notice presented by the Commission could well pose problems. Doubts about the possibility of constructing the Reichstag building on the east side of Königsplatz were then intensified when the head of the Imperial Chancellery informed the chamber of a letter dated 1 September addressed to William I in which Raczynski sought the protection of his King. The fact that



the Count knew of the plan to locate the Reichstag building on his land months before the Reichstag took its decision was down to the fact that on 15 June, when the question of provisional accommodation was on the agenda, Hans Victor von Unruh, reporting on behalf of the Commission, told the House that a decision had already been taken on the site for the new building. This report naturally found its way into the press and so came to the attention not only of the general public but also of the Count himself.

The Commission, of course, was not unaware of the Count's interventions, but it remained fixed on that site. Speaking as the rapporteur, von Unruh stated at the sitting of 24 November that there were, "in truth, good prospects that the site may be given to us". There was evidently a firm expectation that, should the Count refuse to sell, expropriation would be carried out. This optimism was utterly misplaced. The Commission ought to have known that, notwithstanding all the associated legal problems, Emperor William I would never reverse one of his brother's decisions. Bismarck, who had raised the question of this site at the sitting of 19 April 1871, evidently knew what he was saying when he spoke of the possibility of buying the Count's villa but made no mention at all of expropriation.

When Franz Duncker announced the result of the architectural competition in the chamber on 12 June 1872 and combined that announcement with a request for the mandate of the Reichstag Members on the Commission to be extended, there was neither a workable construction plan for the new Parliament nor a place where it could be built. All efforts made by the Imperial Chancellery at the request of the Commission in the second half of 1872 to reach a settlement with the Count were in vain; by the end of the year at the latest, it was clear that another site had to be sought.

That site was found on the same Königsplatz, opposite Palais Raczynski on the western side of the square, where Kroll's Establishment was located. That restaurant was popular among the wealthier classes as a destination for outings, offering a combination of high-class food, drink and entertainment. It had been opened by restaurateur Josef Kroll from Breslau (Wrocław) in 1844 at the invitation of King Frederick William IV.

The legal position was similar to that of Palais Raczynski, but, since the business had been struggling with financial problems for years, the owner expressed immediate willingness to sell.

Kroll's Establishment on the
west side of Königsplatz.
Lithograph, 1845

The Reichstag, however, did not want to buy. When the Commission presented its report containing this proposal to the House on 19 May 1873, it triggered a heated debate. August Reichensperger, one of the spokesmen for the Centre Party, who had already voted against the purchase of the Kroll property in the Commission, raised aesthetic, urban-planning and associated financial objections. At the heart of all the reservations expressed about the Commission's proposal for the construction of the Reichstag building on the western side of Königsplatz, however, was the fear that the walk could be too long and that those walking to and from the building could easily catch cold. One deputy, Hermann Römer, made the point that these reservations verged on absurdity when he referred to "the spirit of long distances haunting the souls of Reichstag Members". When a recorded vote was taken on the proposal at the end of the debate, 152 Members voted for the motion rejecting the site on the west side of Königsplatz and proposing other sites, including the location behind the former Royal Porcelain Manufactory; a total of 82 Members voted against the motion, thereby implicitly backing the Commission's proposal.

It may be that one or two elderly gentlemen were genuinely worried about the effect on their health. In reality, however, it was not in any way about long distances and colds, even though it has to be admitted that Königsplatz in those days was at least as inhospitable as the Platz der Republik appears to some today. Nor was it, in reality, a matter of aesthetics, urban planning or thrift at all. It was all about a political protest in the guise of a vote against a choice of building site. Among those who voted against the Commission's proposal were, of course, a good number of conservatives and left-wing liberals who remained opposed to a monumental building. Most of the votes rejecting the site, however, came from the group of the Centre Party, which may safely be assumed to have been part of the large majority only two years before.

The fact that the parliamentary group of the Centre Party voted against the plan at this time was down to the struggle known as the *Kulturkampf* which had pitted political Catholicism and its representative organisation, the Centre Party, against a united front of Bismarck and the liberals. The liberals supported a series of laws through which they sought to complete the separation of church and state and so achieve a modernisation of society in the face of opposition from a party which, in their eyes,



was battling against modernisation and obstructing that separation; the most recent of those laws, the ‘pulpit clause’, which made it a criminal offence for members of the clergy to comment on political matters in the performance of their duties, had been adopted only a few days before the debate in the Prussian House of Representatives on the Reichstag building. Bismarck, for his part, referred repeatedly to the danger to German unity emanating from the Centre Party, asserting that it was controlled from abroad, from the Vatican. Perhaps he believed in that possibility; there is a great likelihood, however, that he was more interested in marginalising the Catholic population, in creating a bogeyman against whom various political groups with quite heterogeneous interests could be mobilised to form a common front.

The Centre Party, in short, had no reason at all to support a pet project of the National Liberals, especially when the future Reichstag building was being invoked time and again, and in ever new flights of rhetoric, as the “monument to the long-awaited achievement of unity”. In the eyes of those who had been marginalised as ‘enemies of the Empire’, however, this unity was a more distant dream than ever.

The Commission had the task of reviewing the potential sites identified in the parliamentary decision as well as a total of more than 60 other locations that had been proposed from various sides. After a thorough examination, it came to the conclusion that the western side of Königsplatz was the only site that actually lent itself to the construction of a monumental building. It presented this finding to the Reichstag on 25 February 1874. The fact that the Commission was once more proposing the site which had been rejected by a substantial majority the previous year caused some consternation. At the end of the debate, another recorded vote resulted in another rejection of the Commission’s proposal and another proposal that the site behind the former porcelain works be selected. This time, however, the margin was not so wide as in 1873, with 130 Members voting against the Commission’s proposal and 120 in favour. By now only 14 Conservatives were among the opponents of the proposal; more than half of the votes against the proposal came from the group of the Centre Party, whose motives for rejecting it had not changed.

Deputies in the lobby of the temporary Reichstag building at number 4 Leipziger Strasse.
1889

The obvious fall in the number of Conservatives who rejected the proposal for the construction of the Reichstag building on the site of Kroll's Establishment was due not only to the slump in Conservative support in the Reichstag elections of January 1874 but no doubt also to the fact that Emperor William I was widely known to favour that site. The Emperor, who probably never truly understood why a Parliament was needed, became more and more firmly set on that site the more persistently the Reichstag rejected it. No wonder, then, that the site was again, for the third time, proposed to the Reichstag in February 1876 and was once more rejected. It is highly probable that the Noes in that vote, which was unrecorded, included deputies who essentially had no objection to the site but had no wish to give way in a power struggle against the Emperor that was being waged under the mantle of the search for a suitable site for the Reichstag building. The Reichstag ultimately adopted a motion from Free Conservative deputy Lucius von Ballhausen which did not propose any particular site but charged the Commission to continue its search.

No more progress was made over the next three years. On 10 July 1879, Parliament dealt with a motion that had not been tabled by the Commission but by Prussia through the Bundesrat. The new motion proposed that the land on the eastern side of Königsplatz, which had been the first choice eight years before, be designated as the site for the new Reichstag building. Following the death of Count Raczynski, repeated efforts to reach an agreement with his son and heir finally bore fruit in April 1879, when the Count indicated that he was prepared to cede the building on Königsplatz to the Prussian treasury in return for appropriate compensation. In the course of the plenary debate, however, it became apparent that a majority of Parliament could not and would not support the motion. August Reichensperger of the Centre Party was once again its most vehement opponent. He tabled a counter-motion, in which the Imperial Chancellor was asked to initiate investigations with a view to establishing whether Alsenplatz – also known as the small Königsplatz and corresponding roughly to the area between the present-day Paul Löbe Building and



Federal Chancellery – would be a suitable site for the construction of the Reichstag building. This motion was adopted by a majority of the House; most of the deputies who voted for the motion were probably aware that Emperor William I would not consent to that choice of site in any circumstances.

The fact that the rejectionist front was led once more by the Centre group on this occasion is explained by a complete reversal of the political constellation that had existed in 1873. In the spring and summer of 1879, the Government was in the process of effecting a U-turn, which it had been preparing to do for some considerable time, from a policy of free trade to the introduction of protective tariff barriers. The National Liberals, who had been cooperating continuously with Bismarck since the creation of the new Empire in his efforts to lay its legislative foundations and for whom free trade was an article of faith, were naturally unable to support this U-turn. The Imperial Chancellor nevertheless tried to secure the support of that

party in view of those many years of productive cooperation. The offer from the Prussian Government to make the site on the eastern side of Königsplatz available for the Reichstag building was an offer from Bismarck, a gift to the National Liberals, as it were, which he hoped would enable him to enlist the support of that party for his trade and tax legislation. The envoy of Brunswick and Lüneburg to the Bundesrat, at least, saw quite clearly that this plan “is now being pursued in order to do the Reichstag – perhaps not even all of its Members – a favour”.

In the summer it emerged that, although a good number of National Liberal deputies would reluctantly approve the new tax laws, there would scarcely be enough of them to secure a parliamentary majority. At the same time it became clear that the Centre Party was prepared to support the proposed legislation along with the Conservatives. This transformation of the Centre Party into a ‘party of government’ stemmed from the fact that the *Kulturkampf* had been scaled down over the preceding two years and that the measures with which it had been waged were being successively abandoned.

Aerial photograph of the Reichstag Building from the east. In the centre of the picture is Königsplatz with the Victory Column; in the background at the top edge of the photograph is the Kroll Opera House; to the right of it are the headquarters of the General Staff, which were built from 1867 to 1871 and which housed the Reich Ministry of the Interior from 1919 to 1945. The building was destroyed in the Second World War, and the Federal Chancellery stands on its former grounds today. To the right of the Reichstag Building is the residential area known as the Alsen Quarter. This is the site of the present-day Paul Löbe Building.

Regardless of whether Bismarck ever believed that the Centre Party was being controlled from Rome and posed a risk to the unity of Germany, the fact remains that the continued pursuit of the *Kulturkampf* was not politically opportune. In fact, it was achieving the opposite of its intended effect. The external pressure experienced during the *Kulturkampf* had generated greater solidarity within political Catholicism; the Centre Party was able to increase its share of the vote by almost ten percentage points in the 1874 Reichstag election and was the second-largest parliamentary group; only the National Liberals had more seats. On the other hand, it must not be forgotten that, after initial hesitation, even the representatives of agricultural interests were prepared to back the switch to protective tariffs. Since almost half of the Reichstag deputies in the Centre group belonged to the landowning nobility from the Catholic parts of the Empire, the group also had a direct interest in supporting the new laws. This meant that the generous offer, the gift, that Bismarck had made the National Liberals could now be withdrawn. Needless to say, the Government itself could not do this but sought and found welcome proxies in August Reichensperger and the new allies from the Centre Party.

On 13 December 1881, more than ten years after the first negotiations on the construction of a new Reichstag building, things finally began to happen. Following a new Bundesrat initiative, which was not Bismarck's doing – in fact he refused to sign it – but which is said to have stemmed from Emperor William, a motion to construct the Reichstag building on the eastern side of Königsplatz, on the site of the Palais Raczyński, and to take all necessary preparatory steps for that project was adopted by a large majority of the Reichstag. Even now, August Reichensperger had tried to block the decision; following dramatic appeals from some leading parliamentarians, who made it clear that this would surely be the last opportunity for a long time to obtain a new building as the permanent seat of the Reichstag, his intervention proved unsuccessful. The choice of location for the Reichstag building had ceased to be a pawn in the political game.



**“Manifold obstacles”:
the construction of the building, 1882 to 1894**

In February 1882, a second competition was advertised. Unlike the first competition, this one was restricted to applicants from German-speaking countries; the prizewinners in the first competition received special invitations to take part. By the submission deadline of 10 June, 188 entries had been received. The jury was able to announce its decision only two weeks later. The winner was not one of the participating star architects but a relatively unknown Frankfurt architect called Paul Wallot. Another difference from the first competition, incidentally, was that the designs were not exhibited publicly until after the jury had made its decision; this was done to prevent the publication of any material that might influence the judges' decision.

Winning the competition did not in any way imply the immediate award of a contract. First of all, the architect had to revise the floor plans, taking particular account of the criticisms and usage requirements formulated by the Reichstag Works Commission. Once the Prussian Academy of Public Works, which had been asked for an expert opinion at the special request of the Imperial Chancellor, had signalled its approval in principle, the Reichstag Works

Commission decided in December to present the plans to the Reichstag for adoption. In January 1883, a model and a cross-section of the building were displayed in the foyer of the temporary seat of the Reichstag in order to prepare Members for their imminent decision.

Before the item could be placed on the agenda, however, an unexpected objection was raised. The Imperial Chancellor found that the debating chamber was positioned too high. The 60 steps that had to be climbed to reach the chamber were too much for him. None of the bodies involved in examining and appraising the plans had expressed any reservations on this point; it is not unreasonable to suppose that Bismarck was less concerned about his own and other Members' shortage of breath than seeking at least to delay the apparently inevitable. This presumption is borne out by two witnesses, whose testimony is made all the more credible by the fact that neither could be described as an adversary of Bismarck. “The latest episode here that has stirred everyone's passions again”, wrote Karl Oldenburg, the representative of Mecklenburg in the Bundesrat, on 11 February in a letter to his wife, “is the newest blow that Bismarck has dealt to the construction of the Reichstag building. It is almost unbelievable: streets and buildings worth ten million have been demolished, the whole of the architectural world has contributed its efforts

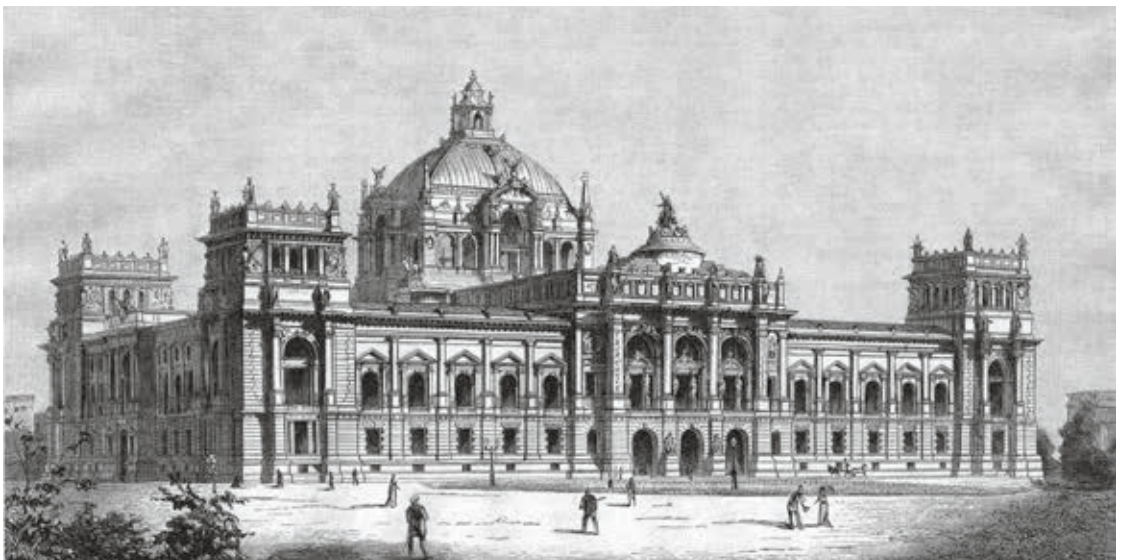


and expenditure to the plans, then suddenly it occurs to Jupiter Tonans – even though it had already been decided a year ago – that the new chambers will be 50 steps above ground level...” It may be noted that Oldenburg understated the height of the staircase by ten steps. Lucius von Ballhausen, a close ally of Bismarck who had been observing the latter’s delaying tactics on the Reichstag building issue for many years, summed it up concisely in his comments on this episode: “For ten years he has adopted a dilatory approach to the construction, and he does not seem averse to further procrastination”.

An objection from the Chancellor, which was also officially registered immediately in the Bundesrat as a Prussian motion, had to be considered, of course. Paul Wallot was compelled to undertake another complete revision of the floor plans, and the Reichstag had to put its decision on hold until the revised plans were completed and inspected. Although the Academy of Public Works held its meeting on 8 June 1883, it had not yet delivered its experts’ report when, on 9 June, even though the inspection had not yet been fully conducted, the Reichstag

resolved “almost unanimously” “to request the Imperial Chancellor, with the co-operation of the Parliamentary Works Commission, to arrange for the construction of the new Reichstag building, adhering as closely as possible to the characteristics of the plans designed by architect Wallot.”

Parliament’s patience was at an end. The fact that the Reichstag, “after thirteen years in existence, is only now proceeding to the construction of a Reichstag building” was due, as Ludwig Bamberger stated in his contribution to the debate, referring not only to the latest crisis regarding the location of the chamber, to “particularly unfavourable circumstances with which this plan has had to contend from the very outset”. These circumstances included “the disfavour with which the whole affair has been viewed from above”. “If I may say so”, Bamberger continued, “there is something symbolic in the fact that, of all things, the creation of the Reichstag building, the development of the internal representation of the German nation, has been dealt with so lukewarmly and has encountered manifold obstacles”.



The floor plans underlying this decision, on the basis of which Paul Wallot was formally contracted a few days later to execute the building work, had to be revised once again, however; the result of this revision was presented in October 1883. The principal floor of the building was undoubtedly the first floor, with the debating chamber at its heart, albeit positioned slightly to the east of the point where two central axes intersected. It had a floor area of some 600 square metres and seats for 400 Members. The layout of the seats, the presidential podium, the speakers' rostrum and the benches for Bundesrat Members were largely modelled on the chamber of the provisional Reichstag building; the press and public galleries, which lined the chamber on three sides, as they did in the temporary seat of the Reichstag, were accessed from the mezzanine floor. Three drawings showing the floor plans of the temporary Reichstag building had been enclosed with the specification documents as a guide for the architects, very few of whom had ever planned a parliament. After all, how often is that done? The Bundesrat shared the east wing of the building with the Presidium of the Reichstag and the Reichstag administration. In the south-eastern tower was the Bundesrat chamber, while the north-eastern tower accommodated the library reading room. Opposite, in the northern half of the west side, that is to say

immediately to the left of the entrance portal if you are facing the main facade, were the reading and the writing room, while the southern half housed the Reichstag restaurant. In the area between the reading room, the western portal and the restaurant on the one side and the chamber and the two internal courtyards on the other was the three-part gallery, for which the architectural specifications prescribed a minimum size of 500 square metres and which we would no doubt describe today as the foyer or, more appropriately, the lobby.

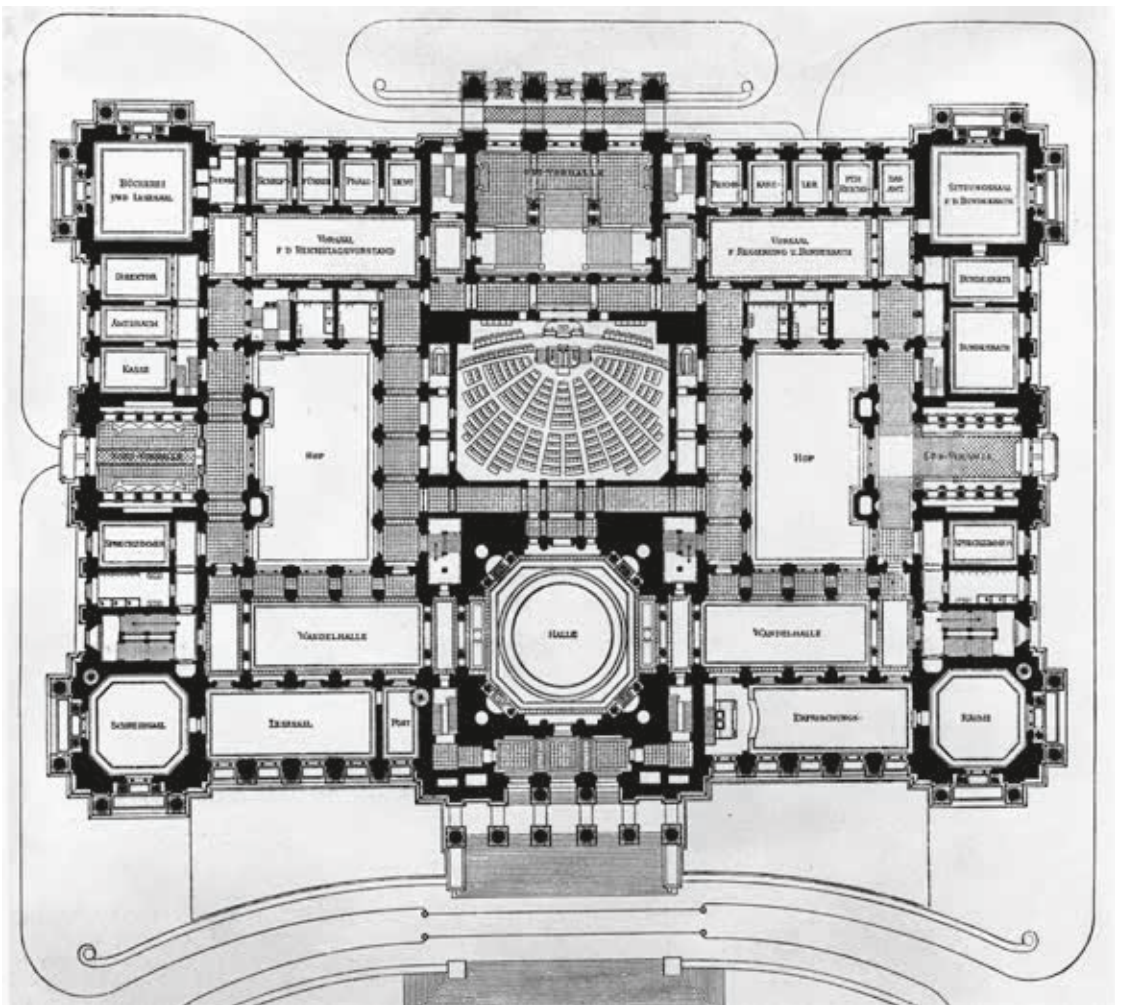
The unconventional shape of this lobby, with a rectangular space in front of each of the internal courtyards and a huge central rotunda in front of the debating chamber, stemmed from a stipulation made by the Academy of Public Works in its expert opinion on Wallot's floor plans, which formed the basis for the Reichstag's decision of 9 June 1883 and for the award of the contract. The Academy not only found that there was a "disproportion between the dimensions of the chamber on the one hand and the dome superstructure covering it, which is intended solely as an external symbol, on the other"; it also feared that the chamber might obtain insufficient light because of the dome. It therefore proposed that the building be constructed without the dome. This criticism contained in the expert opinion was nothing new, having already been expressed in the minutes that were read at the start of the Reichstag sitting on 9 June 1883. Some participants in the

Page 220:

'The German Reichstag Building in Berlin'. This is the design with which Ludwig Bohnstedt won the architectural competition in 1872. Steel engraving, 1872

Page 221:

The design for the seat of the German Reichstag with which Paul Wallot won the second competition in 1882. Wood engraving, 1882



Building for the German Reichstag.
 Floor plan of the first floor with the
 debating chamber.
 Wood engraving, 1894

debate, including August Reichensperger, who was actually opposed to domes as a matter of principle, declared emphatically that the building without the dome was unthinkable. The Reichstag Works Commission therefore took the logical decision to uphold the Academy's objection but only to the extent that it shifted the dome westward, away from the debating chamber, and repositioned it above the lobby. This meant that the planned rectangular lobby had to be redesigned and given a central rotunda.

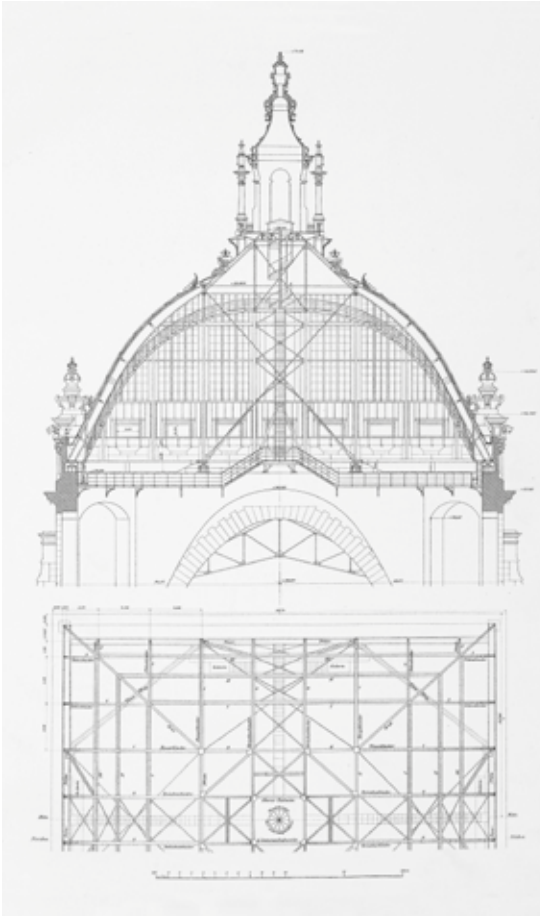
From 1886, or perhaps earlier, the architect seems to have had growing aesthetic reservations about this shift; in January 1889, he wrote to his friend Friedrich Bluntsschli that, with the dome above the lobby, the building would have "looked like a burnt-out palace". The efforts to have the dome restored to the position above the chamber were extraordinarily costly and time-consuming, generating designs, expert opinions, dissenting expert opinions and then new designs. The turning point came, however, with the approval of the Emperor, William II, who had inherited the throne on 15 June 1888, for without his approval such an intervention in the planning process would have been unthinkable. During a visit that the young Kaiser paid to Wallot in the Reichstag works office at the end of 1888, he seems to have had no reservations. The following January, however, dur-

ing an audience, the Kaiser apparently tried to do some designing of his own; the architect's fierce resistance to such interference in his plans evidently aroused lasting animosity on the part of William II.

Nevertheless, on 14 January 1890 the Reichstag Works Commission took the decision to return the dome to its original position. Kaiser William II could have vetoed that decision and prevented the change in the plans but did not do so. Rumour had it that the main problem in William's eyes was the height of the dome, since it might be higher than the dome of his palace. Various calculations and comparisons that were initiated in this context, some of them by William II himself, lend a degree of plausibility to this supposition. Which dome was actually higher seems never to have been definitively ascertained to this day.

It could be that Kaiser William II objected to the material to be used for the dome. In his plans for the repositioned dome, Wallot naturally had to take account of the objections raised by the Academy, whose members had identified what they perceived as a lighting problem. He met these objections by forming the idea of constructing the dome in steel and glass, which seems to have caused a furore both in Parliament and among the public, because it was customary for these materials to be used for railway stations and exhibition halls – purely utilitarian buildings, in other words –





Above:
The dome of the Reichstag Building
in Berlin; above: cross-section of
the central north-south axis; below:
roof-plan detail showing half of the
steel framework of the domed roof.
Wood engraving, 1897.

Left: The dome of the Reichstag
Building. Lithograph, 1897.

but certainly not for prestigious edifices. Significantly, it was an expert from the Imperial Railways Department, engineer Hermann Zimmermann, who made the requisite calculations and produced the working drawings. Domes were, naturally, symbols of authority for the traditional powers of throne and altar and featured on palaces and religious central-plan buildings. It was equally natural, however, that bourgeois institutions should emulate these signs of authority on their prestigious buildings to demonstrate their claim to a share in the exercise of power. We need not cite the Capitol in Washington or the *Palais de Justice* in Brussels; it went without saying that a building of such importance serving such a purpose would have a dome, so much so that all but a few of the entries in the two architectural competitions proposed a domed structure.

As a rule, such domes were built of curved stone segments; the Reichstag dome, on the other hand, was to be made of materials of modern civil engineering that were commonly used in commercial and transport structures, materials that were inextricably linked with the bourgeois society of the 19th century. In that respect, this dome was a demonstration of the claim to political power by the people's representative assembly against the dome of the imperial palace, neither simply because the Reichstag dome was built at all nor because it

may have been higher but because it combined a traditional architectural symbol of power with modern materials and a modern construction method. This made the dome one of the few unequivocally non-monarchic features of the Reichstag Building.

This feature would have presumably gained greater prominence if the inscription *Dem Deutschen Volke* ('To the German People') had been mounted under the tympanum of the main entrance portico by the time the building was inaugurated in 1894. Since this inscription had been clearly legible under the tympanum of the main entrance portico on numerous representations of the main facade that had been published in the last years before the completion of the building, there was widespread indignation when the public saw the blank frieze, devoid of any inscription. Deputy Friedrich Payer, of the liberal left, took the opportunity, at one of the first sittings in the new building, to denounce the absence of the inscription as a clear sign of the Government's lack of political trust in Parliament, saying that, "In the illustrated journals, in the drawings of the new building which the artists have been sending to us in Parliament and at home to keep us abreast of developments and on which the new Reichstag Building is depicted as it should appear, not as it does appear, we have seen, above the main portal, the inscription

Dem Deutschen Volke. When I came here, however, I did not find the inscription, and since then I have been racking my brains to establish what the absence of that inscription means." Payer, who suspected that the Bundesrat had blocked the inscription, made it unmistakably clear that this decision would do nothing to promote social harmony.

It was not the Bundesrat, however, nor was it the Kaiser, as propagated in the press. On the contrary, the initiative lay with the Reichstag Works Commission, which had discussed the matter on several occasions in 1893. One argument advanced against the planned inscription was that the German people, through their representative assembly, had approved the allocation of funds for the construction project and could not now dedicate the building to themselves. No doubt there were political motives behind this and numerous other petty objections.

Since no practical alternative was found, the Commission, by a majority of its Reichstag members, voted in December 1893 to dispense with the inscription altogether. When the building was inaugurated without an inscription and the press pinned the blame for this deficiency on the Kaiser rather than the Commission, the latter had no option but to put the matter back on its agenda. At a meeting in January 1895, it appears that not one member of the Commission spoke in favour of the original proposal, which had presumably come from

Paul Wallot. Instead, as a compromise, the members agreed on the formula *Dem Deutschen Reich* ('To the German Empire'). When this outcome was submitted to the Kaiser for approval, he made a handwritten counterproposal – *Der Deutschen Einigkeit* ('To German Unity') – in the margin; thereafter the whole issue simply petered out.

It later re-emerged through an article published in the *Leipziger Tageblatt*, a newspaper with National Liberal leanings, on 5 August 1915, timed to coincide exactly with the first anniversary of the outbreak of war. The assertion that the war would not last long had now clearly been disproved, and the burdens on people at the front and at home were heavier than had ever been expected. Among many of the population, this development had led to a loss of confidence in the Government and the monarchy; in these circumstances, according to the *Leipziger Tageblatt*, the inscription could be understood as a gesture of reconciliation, as a contribution to social harmony.

The Government immediately took the hint; once it was established that the Kaiser would raise no objections if the Reichstag Adornments Commission, which had succeeded the Reichstag Works Commission in 1898, were to take a decision to affix the inscription, the process took its course. In December 1916, the inscription was affixed to the building; the letters were

designed by Peter Behrens and were cast in the Loevy foundry, the bronze reputedly being taken from cannon captured in the wars of liberation in 1813. When the President of the Reichstag, Johannes Kaempf, announced the decision at the end of the sitting of 27 August 1915, the House responded, to quote the Record of Proceedings, with 'loud applause'. A few stories circulated about the Kaiser, Paul Wallot and the Reichstag Building. There can be no doubt that William II's vanity was wounded by the architect's steadfast opposition, and this was reflected in his subsequent treatment of Wallot. It is highly probable that the Kaiser liked the Reichstag Building, but he could not admit that in the company of others or even to himself – not so much on account of the architect but primarily because it had been built for the representative assembly of the people, which he essentially held in utter contempt. When, during a state visit to Italy in 1893, the Emperor called the Reichstag Building a "pinnacle of bad taste" in public in the company of artists, his supposed aesthetic verdict was surely only intended to mask a political judgement.



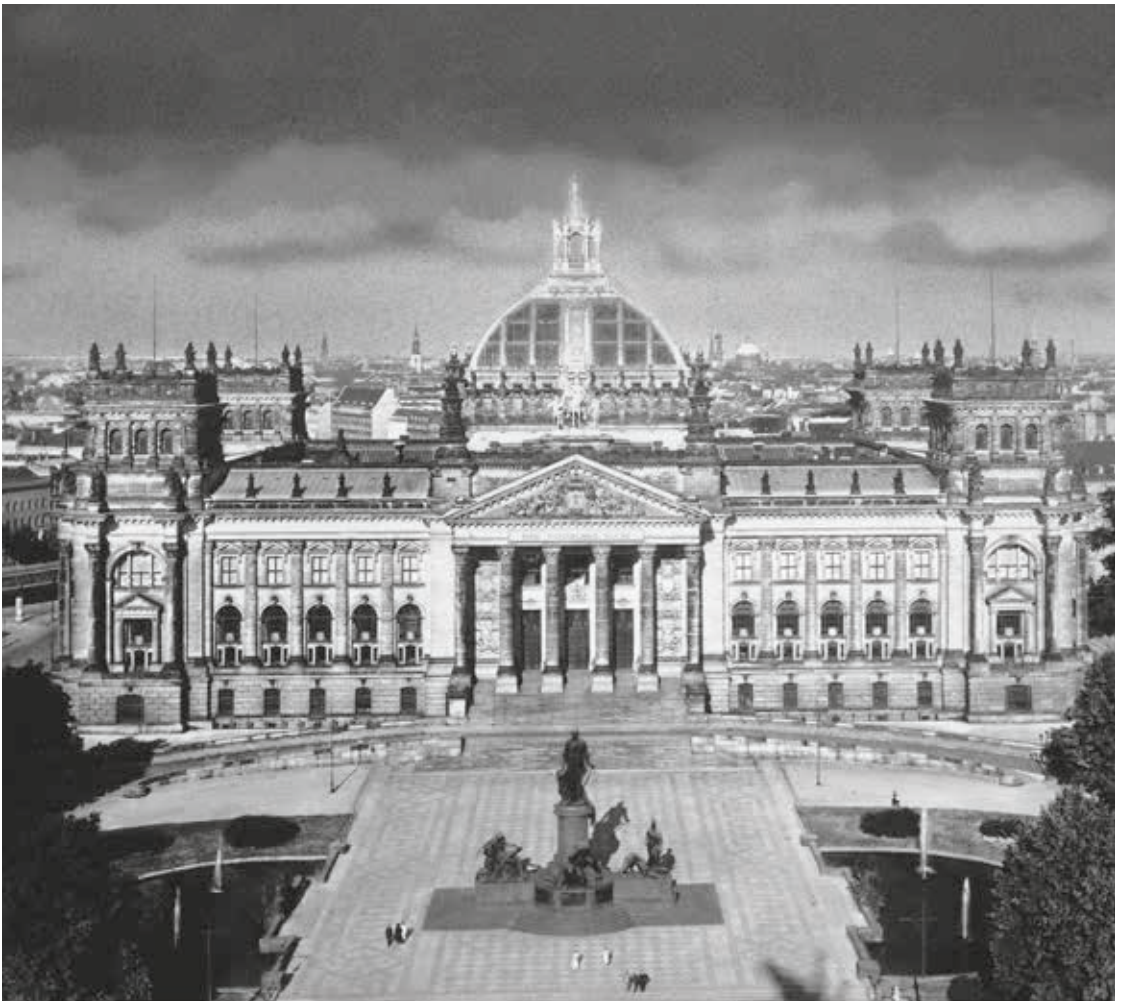
Workers mounting the inscription *Dem Deutschen Volke* ('To the German People') on the Reichstag Building.
1916

“Nothing but princely images and heraldic embellishments”: a parliament building symbolising the monarchy

When Baroness Hildegard Spitzemberg, widow of the former envoy of Württemberg to the Bundesrat, together with a group of friends, was given a guided tour of the Reichstag building by Paul Wallot on 28 May 1894, she was somewhat surprised. “The dimensions are colossal”, she wrote; “the individual rooms are beautiful, yet the overall impression is one of Babylonian extravagance rather than harmonious beauty; and then there is the downright ludicrous collection of countless coats of arms, crowns and allegorical figures, and all of this for a building in which 400 people are to meet, most of whom are liberally or social democratically minded and are annoyed by all of this heraldic decoration...”. The Baroness was somewhat inaccurate in her depiction of the current composition of the Reichstag, for liberals and social democrats held a bare 40% of the seats; nevertheless, it remains true that there was a mismatch between a building constructed for a Parliament elected by general suffrage and interior decorative motifs celebrating princes and dynasties rather than parliamentary democracy. The

opinion of the Baroness, who was actually a rather conservative figure, was echoed by journalist August Stein, writing for the liberal *Frankfurter Zeitung*, who commented laconically in 1898 that, “although it was intended for the representation of the people”, the House contained “nothing but princely images and heraldic embellishments”.

These two assessments applied not only to the external facades but also to the interior of the building. Unambiguous symbols of monarchic power, such as crowns and sceptres, were liberally distributed on each of the four outer walls and in the main internal reception areas. Repeated stone carvings were to be found bearing the names of the princes who ruled the individual states at the time when the Empire was founded along with the monograms of the three Emperors who had been on the throne since then. Then there were the “countless coats of arms” with which the whole building was so amply festooned that a contemporary critic was moved to write that “never had so many coats of arms been seen in any one spot”. These included the arms of German cities and, in particular, those of the federal states. Since those states were monarchies, their coats of arms must also be counted among the symbols of monarchic power. An additional hierarchy applied within this community of crests,



Above:
The main facade of the Reichstag Building, viewed from the Victory Column, 1929.

Page 230, left:
Statues of four medieval Holy Roman Emperors in the Members' southern entrance hall. The second figure from the right is Otto the Great, who was given the facial features of Otto von Bismarck. Lithograph, 1897

Page 230, right:
Stairway from the Members' southern entrance hall to the anterooms of the Bundesrat. View showing the Prussia Doorway. Lithograph, 1897

Page 231, left:
Stairway from the Members' southern entrance hall to the lobby leading to the debating chamber. View showing the Bavaria Doorway. Lithograph, 1897

Page 231, right:
The statue of Emperor William I in the large lobby rotunda. 1906

for the arms of the four kingdoms – Prussia, Bavaria, Saxony and Württemberg – received preferential treatment, sometimes even appearing on their own; even within that exclusive group, the arms of Prussia and Bavaria were accorded precedence over those of Saxony and Württemberg.

To convey a faint impression of the prodigious quantity of images and symbols that confronted anyone entering the Reichstag Building, the following lines describe only the main stages on a Member's route from the entrance to the debating chamber. The Members' entrance was on the south-facing facade, in other words the end nearest to the Brandenburg Gate and the city. Once he had entered the building, a deputy walked through a guard of honour provided by eight bronze statues of medieval Holy Roman Emperors, each about two and a half metres tall, ranging from Charlemagne to Maximilian I, the 'Last Knight'. August Stein surmised that these "old emperors themselves ... are no doubt wondering how they came to be in the premises of a modern democratic parliament". When he speculated that most deputies would "not know much about these old bronze gentlemen", he was no doubt right.

Stein, however, was overlooking the widespread idea that the new German Empire of 1871 was somehow linked with the medieval empire. In the absence of any constitutional continuity, mythical historical constructs had to be devised to bridge the gaps that impeded the necessary mental gymnastics. One such construct created a link between the Hohenstaufen emperors of the Middle Ages and the Hohenzollerns, the proclamation of the Prussian King as German Emperor being presented as a modern version of the awakening of the sleeping Barbarossa. Catch phrases such as "The 'Zoller is the rightful 'Stauffer" and "White Beard on Red Beard's Throne" were common currency. They were reflected in art projects for public buildings, such as the murals in the Imperial Palace in Goslar, the interior decoration of which began in 1877 and was almost completed when the Reichstag Building was inaugurated. These were high-profile public visualisations that found their way, through popular pictorial media, into what might be called the educational treasury of individuals, including Reichstag deputies. Needless to say, Frederick I, Barbarossa, was one of the eight "old gentlemen"; incidentally, another one, Otto I, known as Otto the Great, bore a striking facial resemblance to his great modern namesake, Imperial Chancellor Otto von Bismarck.



Such allusions were intended, and the main aim was not really accuracy but rather atmosphere. In a lecture delivered in 1891, the architect himself explained that his objective had been “to evoke, within the bounds of permissibility, a churchly impression and to transport those who entered the building into an elevated and solemn ambience”. The question whether that ambience proved helpful in budget debates must remain unanswered. This ambience was also created by the light that came in from the courtyard through a stained-glass window towards which Members headed after removing their coats and climbing the stairs. On that window they would see a huge imperial eagle with the arms of the federal states on its pinions. If they turned right on the landing, they would be able to see, at the top of another short staircase, the Prussia Doorway, which would lead them into the antechamber of the area reserved for the Government and the Bundesrat. They would more likely be turning left towards the debating chamber, however, and would be confronted with the Bavaria Doorway, through which they would enter the southern part of the lobby. Both of the doorways were overladen

with heraldic ornamentation; centrally positioned above the doors were the coats of arms of the respective states. If they now turned right with a view to entering the chamber from the large lobby rotunda, they would pass the statue of Emperor William I which rose to a height of several metres at the centre point of the rotunda. Clothed in a military greatcoat and holding a small book – the Constitution of the German Empire of 1871 – the sculpted figure could not have conveyed a more explicit message: the founding of the German Empire was the result of three wars waged successfully under Prussian leadership, and the Constitution was gifted by the grace of the Prussian King. At this point, when deputies finally entered the plenary chamber, a surprise lay in wait. “There is one single area in the Reichstag Palace”, said August Stein, “that does not seem imposing or even august and dignified, and it is the only area where such qualities would be appropriate, namely the debating chamber”. For reasons of acoustics, the chamber was clad with wooden panelling. Below the glass ceiling a frieze of coats of arms ran all the way along the four walls. Beneath them, on the arcade pilasters rising from the galleries, were caryatids, a total of ten figures embodying various aspects



of life and areas of activity to which the legislative work of Parliament related. Since the attributes of most of these figures were unmistakably depicted, the areas to which they alluded were easily identifiable; the female figure symbolising the realm of transport and communications, for example, held a telephone receiver in her hand. Such representations were to be found in various places on and inside the building – a weak attempt to establish at least one link with the activity of Parliament. They were not specifically parliamentary, however, for a lady holding a receiver would also have been a fitting emblem for a telephone exchange.

The focal point was, of course, the front wall above the presidential platform and the Bundesrat benches. This wall comprised three large unadorned areas, separated and flanked by four niches containing statues, though the statues were not added until 1916. The figures were allegorical representations of the virtues of courage, justice, wisdom and humility. These were probably the allegorical figures which caught Baroness Spitzemberg's attention and which she listed along with the coats of arms and crowns. On and in the building, portrayals of moderation and caution, enthusiasm and truthfulness, charity and justice were encountered

everywhere; there must have been half a dozen depictions of wisdom alone. These are all splendid qualities, and it was certainly hoped that they would guide Members of Parliament in their work. They were, however, even less specific than the lady with the telephone receiver and would not have been out of place on or inside any public building at all. No doubt one of the main contributory factors to August Stein's overall impression were the three unadorned areas of wall. Since 1891 there had been plans to cover them with a wall fresco or with canvasses depicting events from modern German history. In 1895, Paul Wallot established contact with Anton von Werner, whose Proclamation of the German Empire, depicting the proclamation of William I as German Emperor in Versailles in 1871, was one of the iconic images of the new Empire. Since early sketches that Wallot had made of the interior of the chamber featured this proclamation as the centrepiece of that wall, establishing such contact was a logical move. The proclamation was to be flanked by a painting showing the foundation stone being laid for the Reichstag Building and one showing the placing of the final stone.



The debating chamber of the German Reichstag, viewed from the press gallery. Showing on the right of the picture are two of the three blank areas of wall above the presidential podium and the Bundesrat benches. 1895

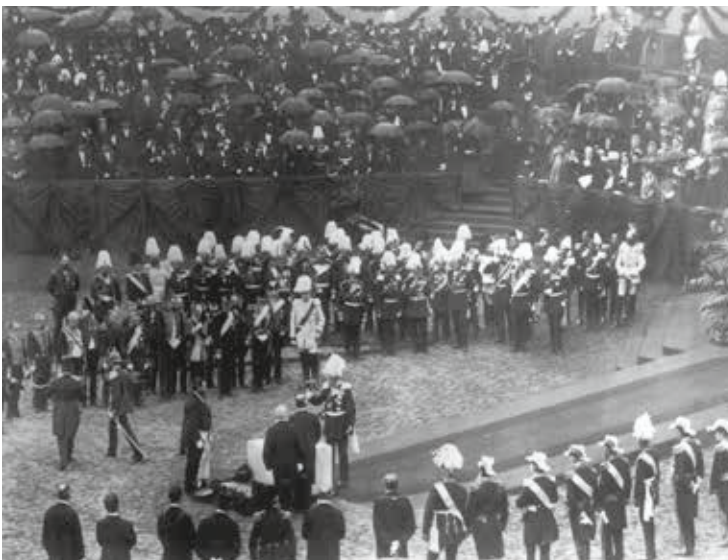
This choice of motifs was consistent with the general monarchic ethos of the Reichstag Building. The proclamation of the Empire in Versailles was not only an imperial but also a military occasion; there was talk of the ways in which the ceremony of 18 January 1871 had emphasised the Emperor's military role. This monarchic-military combination was no less evident in the laying of the foundation stone by Emperor William I in the open excavation on 9 June 1884 and in the setting of the final stone by William II on 5 December 1894 at the spot in the lobby rotunda where the large statue of William I would be erected in 1905. On both occasions, the Members of the Reichstag were in the background; when the ceremonial tapping of the foundation stone took place, the hammer was not passed to the President and Vice-Presidents of the Reichstag until the chiefs of the general staff had taken their turn. The procedure for the placing of the final stone was no different. A journalist from the *National-Zeitung* referred in his report to the 'golden shimmer' of military medals. It speaks volumes for the primacy of the military forces that Albert von Levetzow, the Conservative President of the Reichstag, appeared in the uniform of a *Landwehr* major. On the following day, the

Vossische Zeitung was not alone in criticising what it considered to be a completely inappropriate choice of apparel. "Yesterday, however, the major had no role to play ...", it wrote, "but only the President of the German Reichstag, the freely elected trustee of the representative assembly of the people, and that is why we should have wished him to allude to his tenure of this high office by wearing the garb of a free man."

For a number of reasons, the plan to commission Anton von Werner was never implemented. Not until 1903 did the matter reappear on the agenda of the Adornments Commission. How seriously such matters were taken, particularly on the Conservative side, is reflected in a comment made by Count Hugo von Lerchenfeld-Köfering, who was one of the Bavarian envoys to the Bundesrat and who served for many years in that capacity on the Reichstag Works Commission. In 1898 the Reichstag decided to dissolve the Commission and appoint in its place an Adornments Commission. The new body was to comprise only Members of the Reichstag, but for the sake of courtesy the Bundesrat was invited to take part in its deliberations. Although the Count regarded this parliamentary decision as an affront, he was willing to participate in order to exert influence, since "the choice of themes for the murals can have a certain political significance".

The Commission initiated a restricted competition in which five painters were invited to participate. Since that competition, held in 1904, seems to have proved indecisive, another competition was held the following year and was won by Angelo Jank. Since the subjects of the paintings were prescribed by the Commission, on which the three Bundesrat members together with the Conservative Reichstag deputies formed a majority, there could be no doubt that the chosen themes would live up to Conservative expectations. For the main image, the Commission requested the depiction of a historically attested scene following the Battle of Sedan, when King William, accompanied by the Crown Prince, Bismarck and Moltke, is recorded as having ridden across the battlefield. The two flanking images were to hark back to the Middle Ages: the painting on one side was to show Charlemagne receiving the envoy Harun al-Rashid at the Imperial Diet in Paderborn in 777, while the other was to depict Frederick Barbarossa receiving the homage of the envoys of the Lombard League cities at the Diet of Roncaglia in 1158, following his subjugation of Milan.

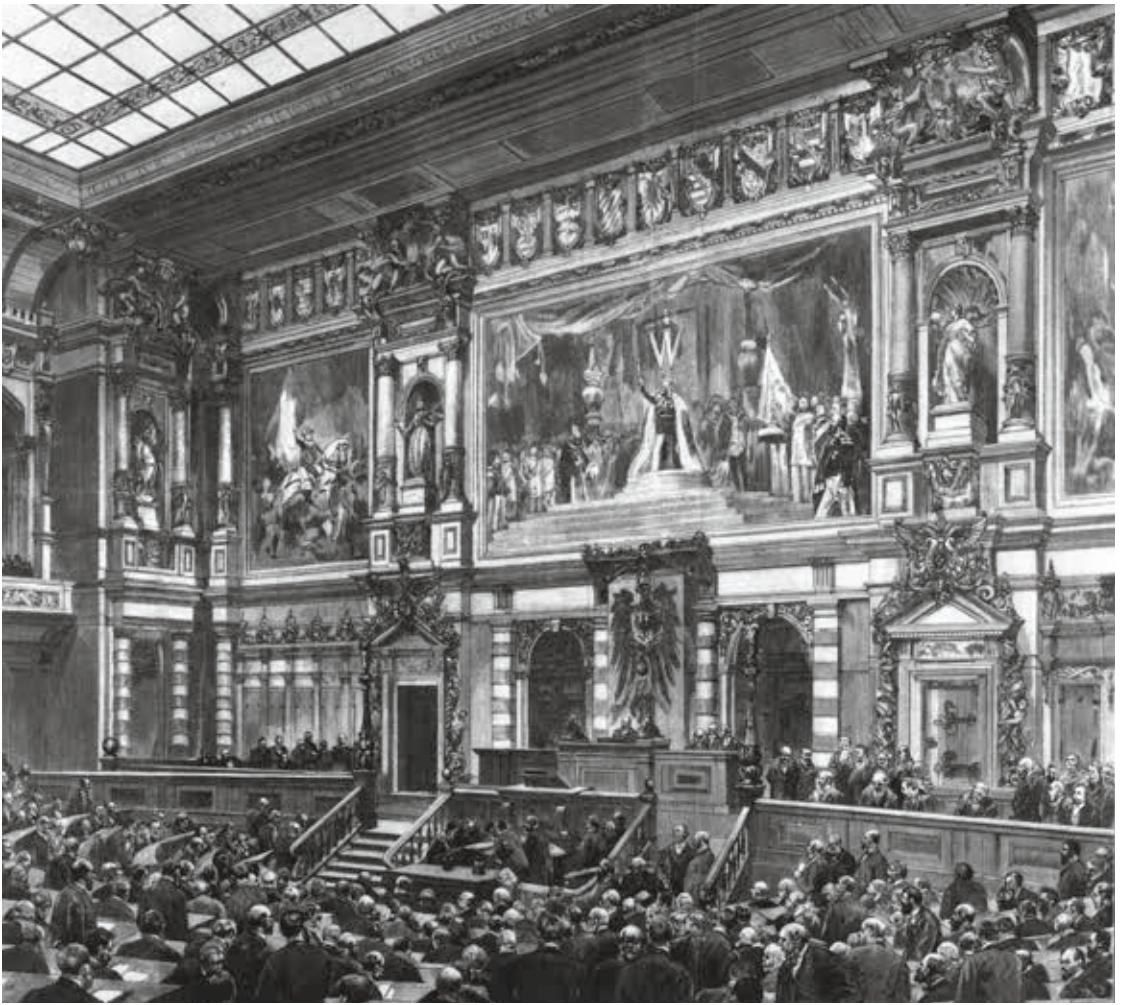
When the paintings were hung in the autumn of 1908, they provoked criticism from several quarters. To critics on the right, the central image was not sufficiently heroic. William, in their view, looked not so much like a victorious commander as a tired old man. Numerous critical observers drew attention to the fact that a French tricolour was being dragged through the mud in the picture and that the head of a slain French soldier was positioned suspiciously close to the hoof of the Emperor's horse; diplomatic repercussions were feared. Lastly, a good number of Members were unable to fathom what such a painting was doing in the plenary chamber of a Parliament; an event from the history of parliamentarianism, they believed, would be a far more fitting subject. National Liberal deputy Gustav Stresemann envisaged a scene from the National Assembly of 1848 in St Paul's Church, Frankfurt. Two years previously, when the Commission's choice of subjects for the paintings was announced, one Member – Count Waldemar von Oriola – had proposed, as an alternative, an episode from



Foundation-laying ceremony for the Reichstag Building on 9 June 1884: Emperor William I delivering the three hammer blows.

Germany's parliamentary history, namely the scene on 18 January 1871 when a deputation from the North German Reichstag conveyed to King William of Prussia the wish of Parliament that he accept the German imperial crown. That civil ceremony emphasised the role of Parliament in the creation of the Empire but had been consigned to oblivion by the military spectacle which took place on the same day and which was firmly rooted in the public memory, not only on account of Anton von Werner's paintings. In the face of the heavy criticism from many quarters, the President of the Reichstag decided to have the paintings removed from the chamber during the Christmas recess of 1908. The vast grey areas of wall then remained permanently blank.

This profusion of monarchic and military symbolism throughout the building was not entirely unwarranted, given that the creation of the German nation state had been a product of Prussian power politics. On the other hand, however, the fact that the state could not have been created without the perennial activities of the liberal nationalist movement, provoking responses and laying foundations, was totally suppressed. In the very building which, at that time, was the culmination of those activities, they were nowhere to be seen. Only a few weeks after Parliament had moved into the new building, Eugen Richter, the recognised spokesman of the left-wing liberal *Freisinnige* party, noted that "The emblems and ornamentalations that have been assembled here until now would do justice to almost any princely residence or pantheon. One seeks in vain for any place where the individual character of this House as a workshop of legislation, as a seat of Parliament, is actually brought to the fore."



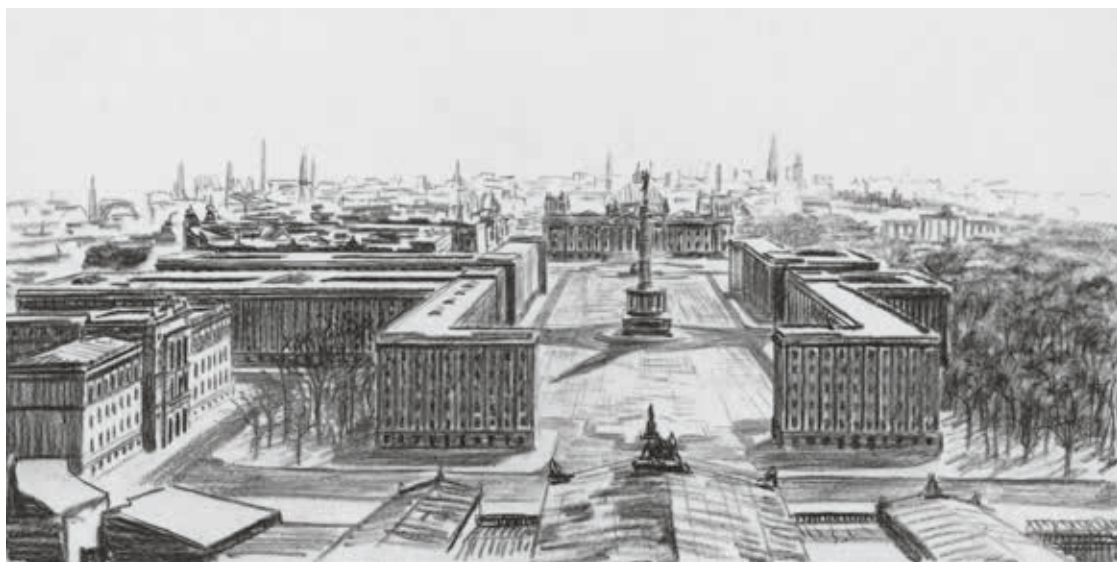
The first sitting of the German Reichstag in the new building on Königsplatz, held on 6 December 1894. The portrayal is inaccurate, as the three wall surfaces above the presidential podium and the Bundesrat benches were blank and remained so except for a few weeks in the autumn of 1908. Sculptures were not installed in the niches between these surfaces until 1916. The artist presumably based this image on sketches that Paul Wallot had drawn in the late 1880s when planning the design of the debating chamber. In the centre of the image is a painting depicting the proclamation of King William of Prussia as German Emperor in the Hall of Mirrors at the Palace of Versailles on 18 January 1871. Wood engraving, 1894

In the discussions on the question where the Reichstag Building should be located, liberal deputy Ludwig Bamberger seems to have been the only one to focus on a consideration that had nothing to do with long walks for Members, Chancellors and ministerial advisers or with the issue of whether a monumental building had to stand in its own grounds; Bamberger focused on the question whether the proximity or remoteness of an institution in relation to other centres of political power might not also be an indicator of its political importance. “In no other country in the world”, he lamented in the debate on 7 February 1876, “would it occur to anyone to place the legislative heart of the realm outside the walls of the capital city”. The Reichstag Building was banished to the periphery of the political topography. The power deficit of the people’s representative body could not have been expressed more aptly.

A Forum of the Republic: the Reichstag Building in the *Spreebogen*, 1919 to 1933

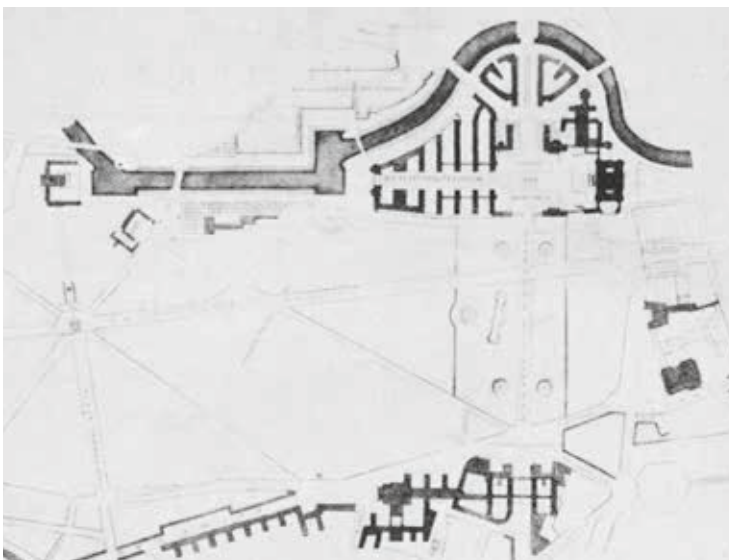
After the demise of the monarchy, however, the outlying location of the Reichstag Building in relation to the power centres of imperial Germany, the siting which Bamberger condemned, became the starting point for all subsequent plans for a political centre in the capital city. The most decisive analysis of this new situation did not come from a politician but from an architect and urban planner, Hugo Häring, who turned Bamberger's line of argument on its head. Since the Reichstag, as Häring said in a lecture in June 1927, "in the view of the Palace, was an illegitimate element in the structure of the state", the Reichstag Building "could not have been fitted into the structural plan of old imperial Berlin". It was only logical, therefore, that the building was not constructed near the Palace but that a "place outside the old Königsstadt area and beyond the Brandenburg Gate" was assigned to it. That, he said, was precisely why the Reichstag Building could now become the "core of the city's new political district", and the former Königsplatz, renamed Platz der Republik in 1926, could become a forum for the Republic, a visible embodiment of the sovereignty of the people.

Hugo Häring's lecture was part of the fringe programme for the Great Berlin Art Exhibition, which was held from May to September 1927 and which featured a small special architectural display showing the latest Berlin development projects. These included ideas for the reshaping and redesigning of the Platz der Republik presented by three architects – Peter Behrens, Hugo Häring and Hans Poelzig. Poelzig's proposal was for rows of six-storey administrative buildings for the government ministries of the *Reich* on Alsenplatz as well as on the northern and southern edges of the Platz der Republik. The height of these buildings was to be the same as that of the Reichstag Building. Architect and architectural journalist Max Berg, in an article on the exhibition, objected that, in Poelzig's design, the Reichstag, which was actually the supreme institution of the Republic, was pushed into the background, because the buildings for "the *Reich* authorities, the bureaucracy" smothered the seat of Parliament.



For Häring's proposal, on the other hand, Berg found words of praise. The design provided for an "Axis of the Republic" that stretched westward from the Reichstag Building for about two miles as far as the grounds of Bellevue Palace. There it would meet the villa of the President of the *Reich*, which was to be built at that spot. This axis was to comprise two sections. The western part was to be formed by the canalised River Spree; the eastern part, which would have begun roughly where the *Haus der Kulturen der Welt* (House of World Cultures) now stands, was to be a street with buildings for the government ministries on both sides. The Platz der Republik was to be preserved in order to provide enough free space for the Reichstag Building, since the "legislative body", as Häring explained in his presentation, was "unique" and brooked "nothing confronting it".

On the contrary, he said, this free space in front of the Reichstag Building was to be used for political events. "It will have the character of a huge assembly area, and so a terraced arrangement suggests itself, as it would provide spectator galleries". Two years later, Häring presented a more detailed proposal, which included plans for a gigantic grandstand on the east side of the square, facing the Reichstag; this structure, together with the high-rise slabs into which the ministerial buildings had now grown, would have put the Reichstag in the shade in every sense. However appealing that architect's resolute democratic *élan* might be, it is impossible to avoid some scepticism in the face of such plans. They exhibit too great a similarity with the arenas for organised political mass gatherings that characterised subsequent eras, when the people's representative assembly was no longer vying for power with other institutions, simply because it had ceased to exist in all but name.

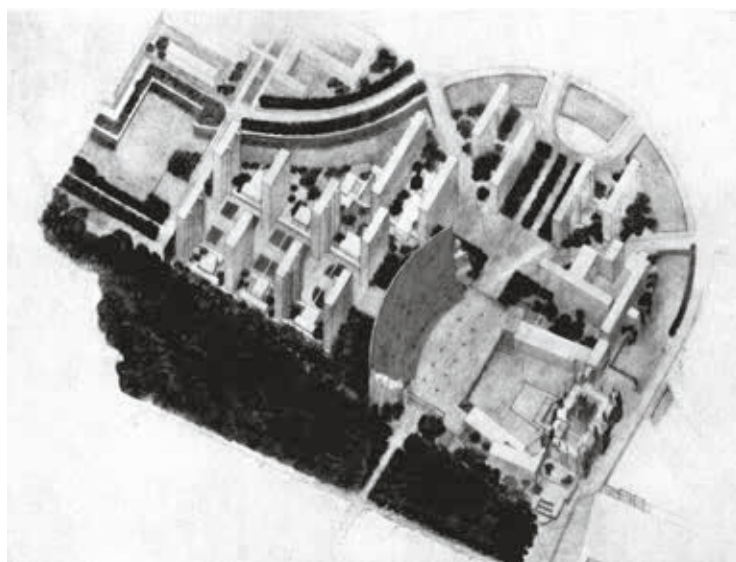


Page 239:
Hans Poelzig, visualisation of
redevelopment plans for the
Platz der Republik.
Charcoal on tracing paper, 1927

Left:
Hugo Häring, study for a Forum
of the Republic in the *Spreebogen*,
1927. On the left edge of the image
is the planned villa for the
President of the *Reich* in the
grounds of Bellevue Palace.

Almost simultaneously, but entirely separate from this exhibition, a competition was advertised in the summer of 1927 for an extension to the Reichstag Building. This had become an urgent necessity, as for many years the work of Parliament had suffered increasingly from a shortage of space. In particular, there was insufficient working space for Members, since no provision had been made for such facilities in the plans and there was nowhere in the building where they could be created. For the preparation of group, commission and committee meetings and plenary sittings, for reading printed papers, motions and bills and even for their entire, political, private and business correspondence, the deputies who had moved into the new building in 1894 were dependent on the two reading rooms and the writing room, unless they preferred to do this work at home. For the Members from the provinces, home normally meant a furnished flat rented for the duration of the parliamentary sessions in Berlin.

These sessions, in other words the periods when Parliament sat, lasted three to four months in the initial post-unification years but soon became increasingly lengthy. The session that began with the move to the new building in December 1894 ended after six months, and the next one lasted seven months; by the turn of the century a peak of nine months had been reached. The parliamentary mandate had thus completed its evolution from an ostensibly honorary part-time post to a full-time occupation. The introduction of Members' remuneration in 1906 did take belated account of this development, giving numerous Members the means to devote themselves entirely to their parliamentary tasks. This only served to trigger another considerable increase in the need for places within the Reichstag Building itself where deputies could work before, between and after sittings.



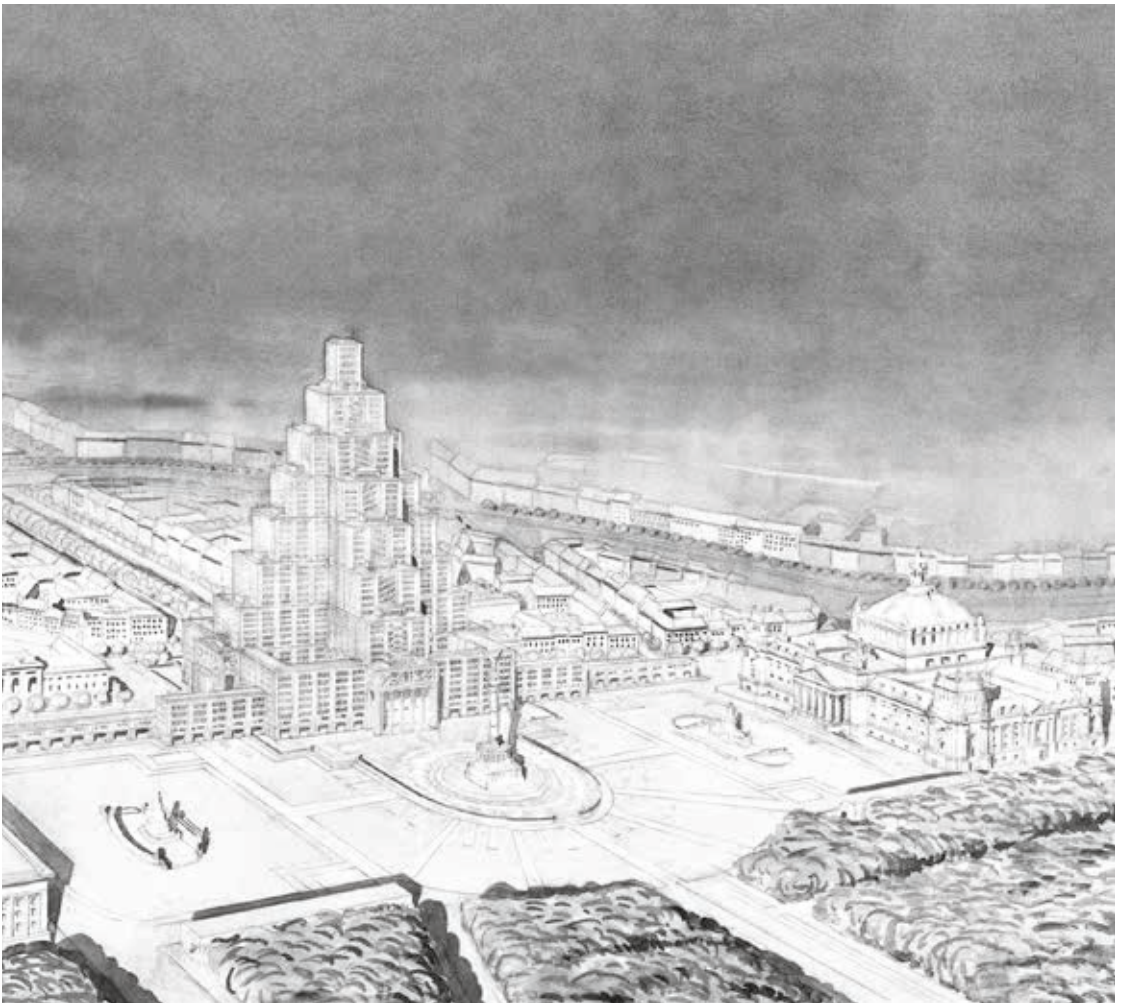
Hugo Häring, design for a Forum of the Republic in the *Spreebogen*, 1929. A huge grandstand towers up opposite the Reichstag Building.

For this reason, the Budget Commission presented the House on 2 February 1913 with a plan to develop the attic floor of the Reichstag Building to provide a total of 106 offices, each of which would accommodate two to four Members. Count Kuno von Westarp, rapporteur for the Commission, conveyed its view that this development did “not remedy once and for all the existing discomforts and deficiencies affecting parliamentary business”. The Commission, he said, therefore proposed that consideration be given to a new building and asked Members to examine whether the plot of land to the north of the building which had been sold a few years previously should be repurchased for that purpose.

The development of the roof space was carried out in 1913; there were more extensive plans, but these could not be pursued during the war and in the years that followed and did not reappear on the agenda until 1925.

By that time the shortage of working space had become even more acute, because the end of the monarchy had put the Reichstag at the centre of the power structure, not only topographically and symbolically but also politically. The additional duties that devolved on Parliament as the representative body of the sovereign people following the birth of the Republic increased the workload of its Members, whose number, moreover, had risen by about a hundred. These two factors were cited by SPD deputy Paul Taubadel at the Reichstag sitting of 9 July 1925 in support of a proposal from the Budget Commission that the neighbouring plot of land be finally repurchased and that plans be drawn up for the construction of an extension building. Parliament acted on this recommendation. At the end of 1925 the plot was acquired, and more land purchases were made the following year to extend the area that was available for a new building.

As a result, when the construction project was put out to tender in the summer of 1927, the available site took the form of an irregular trapezium, which presented the competitors with some difficulties. Even greater problems, how-



Otto Kohtz, the *Reichshaus* on Königsplatz. This building was designed to house all the ministries of the *Reich*. In the following decades, Otto Kohtz developed numerous projects of this kind. Pencil and ink drawing, 1920/21

ever, were posed by the fact that the new building, as a purely utilitarian structure, should not and could not compete with the Reichstag Building in its dimensions and complexity of design. The building, moreover, was to be linked to the Reichstag Building by means of a bridge-type construction spanning the 32-metre-wide Reichstagsplatz, which is now Paul-Löbe-Allee, and so form a complex that could only be perceived as a single entity. The evident failure of all 278 participants to resolve this dilemma is reflected in the fact that the jury decided not to award a first prize and awarded only two second, two third and three fourth prizes. In its concluding report, the jury stated that “the passage over the street deemed necessary by the Reichstag Administration for the conduct of official business” was not to be created.

Before the Reichstag Administration could restart the process, critical comments began to appear in specialised literature and in the press. At the heart of these published criticisms was a demand that any future plans for an extension should be part of a general development plan for the *Spreebogen* area. The task

could not be successfully performed, architecturally or otherwise, unless it were conceived from the outset as part of a government forum, a ‘Forum of the Republic’, designs for which had already been proposed in the contributions to the Great Berlin Art Exhibition of 1927.

Berlin City Surveyor Martin Wagner communicated this wish to Paul Löbe, President of the Reichstag, in a letter dated December 1928, combining it with an appeal to Parliament to exercise its responsibility, as the contracting authority, for ensuring that the architecture was a celebration of democracy. In his reply, Löbe expressed understanding for these considerations but pointed out that developing and implementing such comprehensive plans took a very long time, which the Reichstag did not have, given the need to resolve its pressing space problems.

As a compromise, it was agreed to hold a kind of double competition, in which the plans for an extension would be the overriding objective; in the framework of what the programme for the architectural competition called a “competition for ideas for the design of the Platz der Republik”, however, entrants were “free to make proposals for the general design of the square”.

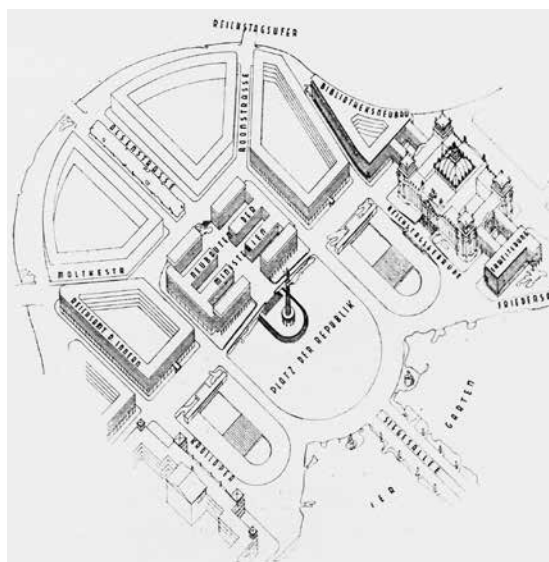
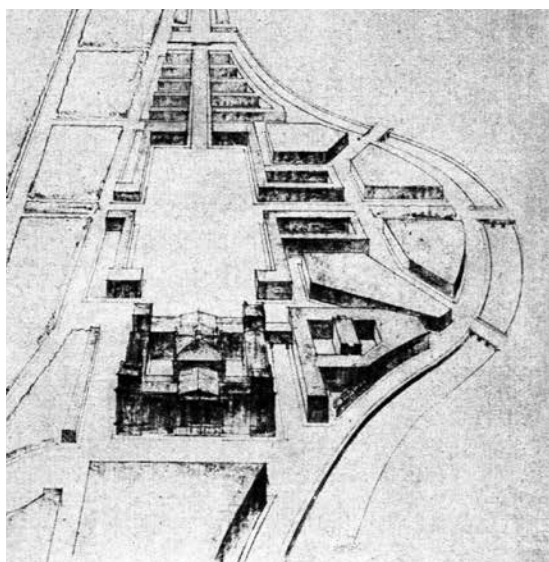


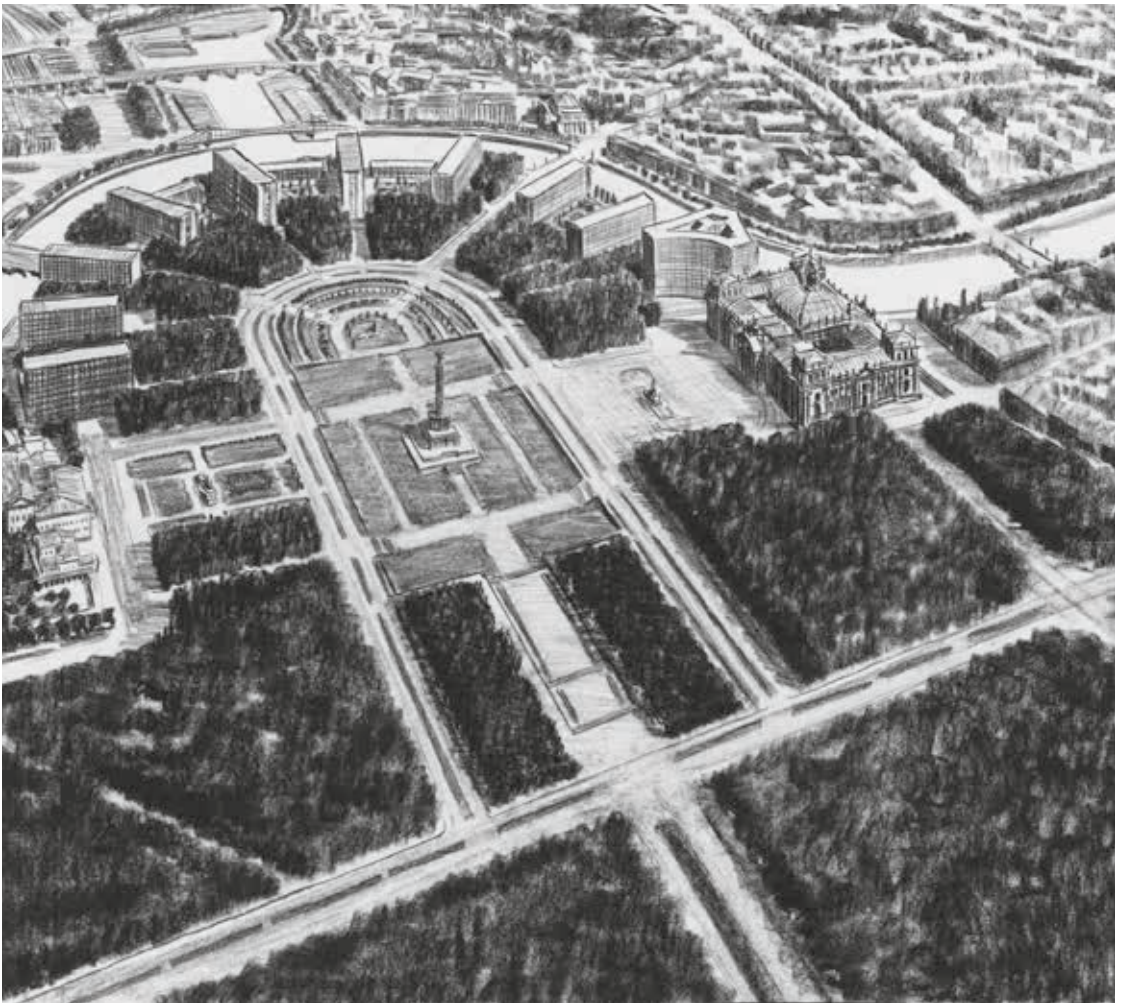
Ceremony in the plenary chamber of the Reichstag marking the Day of National Mourning in 1928. On the left of the picture, sitting in the place of honour in the gallery, is the President of the *Reich*, Paul von Hindenburg. On such occasions, the blank wall sections were used as display surfaces. In this photograph a banner with the first part of the preamble to the Weimar Constitution can be seen – presumably an attempt to add republican elements to the setting.

Most of the participants in this competition, which was not openly advertised but confined to the prizewinners from the first competition plus another eight invited architects, took full advantage of the opportunity to develop 'visions'. Among them were the Emil Fahrenkampff & H. de Fries group, which won the first prize, and the Georg Holzbauer & Franz Stamm group, which was awarded the second prize and which had evidently combined Hugo Häring's idea of an 'Axis of the Republic' from the 1927 exhibition with Hans Poelzig's designs from the same exhibition. Poelzig himself came up with the most radical proposal. Making a virtue out of necessity, he not only responded to the irregular shape of the site for the extension building but highlighted it by designing a three-sided high-rise building with its outer walls curving inward. Alongside it was the first of nine high-rise buildings for government ministries, arranged in a radial-layout around the arc of the Spree and forming a semicircle together with the Reichstag extension. Martin Wagner considered Poelzig's plan to be "the only one applying the right conceptual scale to the design of the square"; archi-

tectural critic Erwin Gutkind, writing in *Die Baugilde*, stated that Poelzig's design "is probably the only one of all the designs to convey a captivating sense of architectural necessity". At the same time, he expressed regret that this design "unfortunately was not awarded a first prize. He did, however, make the critical comment that Poelzig, "with extraordinary extravagance, intends to tear down an entire district of the city". Lastly, architect and architectural critic Gustav Lampmann, writing in the architecture and building journal *Zentralblatt der Bauverwaltung*, noted that, in this design, the Reichstag Building looked as if it had been "pushed aside".

Neither an extension to the Reichstag Building nor any of the architectural visions for a Forum of the Republic within the arc of the Spree was ever realised. In the last two years of the Republic, there was not only insufficient money but also a lack of political will for either. As a property developer, democracy had failed to pursue its quest for architectural embodiment.





Above:
Hans Poelzig, visualisation of
redevelopment plans for the Platz
der Republik; bird's eye view from
the south-west.
Charcoal drawing, 1929

Page 246, left:
Georg Holzbauer and Franz Stamm,
redevelopment proposal for the
Platz der Republik, 1929.

Page 246, right:
Emil Fahrenkamp and Heinrich
de Fries, redevelopment proposal
for the Platz der Republik, 1929.

It is apparent that none of the critics and writers who intervened in these debates on a Forum of the Republic within the *Spreebogen* and none of the architectural visionaries who had drawn up designs for such a complex had ever questioned whether the Reichstag Building, with its profusion of monarchic symbols, was even suitable to be cast as the hub and the dominant feature of such a forum. Nevertheless, there had been initiatives, albeit entirely unconnected with the debates and visions concerning the Forum, for the purpose of at least reducing this superabundance of monarchic symbolism. On 10 September 1921, two Social Democratic deputies, Otto Wells and Hermann Müller, addressed a question to the Government, asking whether it was prepared to “order, at long last, the complete removal of the insignia of the former regime within a short time limit from the official seals, official signs, offi-

cial premises and buildings of the *Reich* authorities”. In his reply of 2 March 1922, Adolf Köster, Minister of the Interior, stated that the Government was prepared in principle to proceed as requested in the question; exceptions must, however, be made “for items forming inseparable parts of the building fabric” and for embellishments whose “removal is undesirable on account of their own artistic value or because of the overall artistic impression of the building structures”. In other words, the architectural sculptures were to stay put. On 12 July 1922, a few weeks after receiving this information, the Reichstag appointed a subcommission to deal with matters concerning the removal of insignia and symbols from the Reichstag Building. This appointment coincided with the plenary debates on the Protection of the Republic Bill, which was introduced in the wake of the assassination of Walther Rathenau, Foreign Minister of the Reich, and which focused in part on the use of monarchic

State memorial ceremony in the plenary chamber of the German Reichstag on 28 June 1922 for Walther Rathenau, Foreign Minister of the *Reich*, who was assassinated by right-wing radicals.

symbols and insignia. To this end the subcommission sought an expert opinion from the National Art Curator, Edwin Redslob, which he delivered shortly afterwards and in which his arguments echoed the caveats that had already been expressed in the reply to the question from the two SPD deputies. "It would be grossly contrary to the spirit of the whole building", he wrote, "and would most seriously impair the general effect of the historic structure if these motifs were to be removed in particular places". With the exception of the crowns on the flagpoles, which were removed in December 1922, everything remained as it was. There were certainly contemporary figures who were aware of the strange contrast between the democratically elected assembly on the one hand and, on the other hand, the monarchic appearance of the building in which that representative assembly went about its task of laying the legislative foundations of a republican

state. Writer Joseph Roth, who was working as the Berlin correspondent of the liberal left-leaning *Frankfurter Zeitung*, wrote in May 1924, after attending the opening sitting of the short-lived second chamber of the Reichstag, "In December of this year, the great temple of art will be thirty years old. For decades it has been a source of annoyance to people of taste and a democratic persuasion. At its entrance is the dedication 'To the German People'. From its dome, however, seventy-five metres above street level, rises a golden crown – broad and bulky, a weight bearing no relation to the dome and disavowing that dedication. ... It is immensely difficult not to see any symbol here from the time of Kaiser William II."



On the evening of 27 February 1933, the Reichstag Building caught fire. At the scene, a 24-year-old Dutchman, Marinus van der Lubbe, was arrested and confessed to having set the building alight. The top echelons of the National Socialist regime asserted that van der Lubbe had acted on Communist orders and that the fire was meant to be the signal for a communist coup. The former chairman of the Communist (KPD) group in the Reichstag, Ernst Torgler, and three Bulgarian Communists – Georgi Dimitrov, Blagoi Popov and Vasil Tanev – were arrested as the alleged instigators. The trial of the five suspects began on 21 September 1933 before the Supreme Court in Leipzig and ended on 23 December in the acquittal of the four Communist politicians. Marinus van der Lubbe was sentenced to death for high treason in conjunction with arson and was executed on 10 January 1934.

From the Reichstag Fire to the end of the war: the Reichstag Building from 1933 to 1945



Above:
The burning Reichstag Building
on 27 February 1933.
The photograph was retouched
and colourised.

Below:
The fire-gutted debating chamber
of the Reichstag Building on
28 February 1933.

As is universally acknowledged today, there is no basis at all for the allegation that Marinus van der Lubbe acted on Communist orders. The question whether he acted alone or whether the operation was masterminded or aided and abetted by the National Socialists has long been the subject of bitter controversy and has never been resolved to this day.

Assertions that the National Socialists themselves were behind the arson attack were being made and circulated shortly after the event. It is not entirely implausible, of course, in view of the fact that the fire could scarcely have suited their leaders' purposes any better. On the very next day, 28 February 1933, supposedly in response to the alleged Communist putsch attempt, an emergency decree, the Presidential Order for the Protection of the People and the State, was signed by President Paul von Hindenburg, suspending the constitutionally enshrined fundamental rights and freedoms. This order, commonly known as the Reichstag Fire Decree, not only provided the basis for the arrest of numerous Communist and other

opposition politicians in the days and weeks following the fire but also afforded a welcome opportunity, in the longer term, to use every means to pursue critics of the regime, free from the constraints of constitutional safeguards.

This radical step on the path to dictatorship was followed on 23 March 1933 by the Enabling Act, with which Parliament, elected on 5 March, incapacitated itself by surrendering its powers to the Government of the *Reich* under the incumbent Chancellor, Adolf Hitler. The Act was adopted with the votes of almost all the parties in Parliament, only the SPD deputies having voted against it. The mandates won by the Communist KPD had been annulled immediately after the election on the basis of the Reichstag Fire Decree.

It goes without saying that this Parliament was unable to hold its sittings in the burned-out plenary chamber of the Reichstag Building. After its inaugural sitting, held on 21 March, the so-called 'Potsdam Day', in Potsdam Garrison Church, the newly elected Reichstag convened in the specially converted Kroll Opera House on the western side of the square, which reverted to its former name of Königsplatz in that same month. That building re-



Left:

Hermann Göring, Minister President of Prussia, testifies on 4 November 1933 during the Reichstag Fire trial. Göring was President of the Reichstag at the time of the fire. Exhibited behind the Bench are boards showing floor plans of the main (first) floor and the upper floor of the Reichstag Building.

Page 253, left:

Military parade in front of the Reichstag Building for the opening of the propaganda exhibition *Bolschewismus ohne Maske* ('Bolshevism unmasked') on 6 November 1937.

Page 253, right:

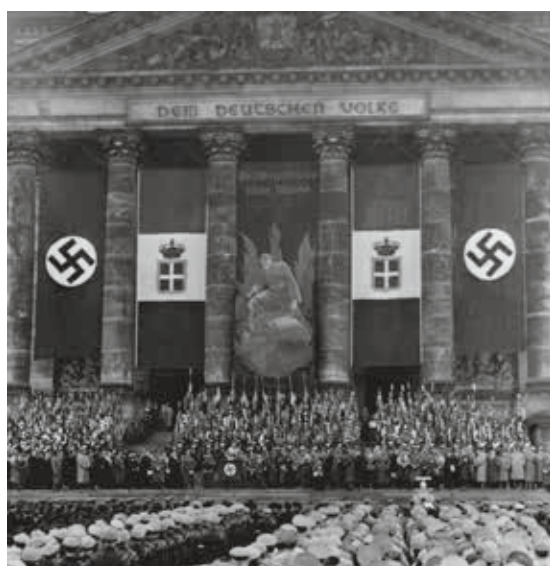
Scale models of the 'Great Hall', the Reichstag Building and the Brandenburg Gate, showing their relative sizes.

mained the venue for a total of 18 events in the period up to April 1942. Referred to as sittings of the Reichstag, these occasions could scarcely be called genuine parliamentary sittings, given that the Reichstag no longer had any real powers following the entry into force of the Enabling Act. Although elections to the Reichstag were held in December 1933, March 1936 and April 1938, these involved approving or rejecting a single list of candidates drawn up by the National Socialist NSDAP.

Although no more plenary sittings could be held in the Reichstag Building after the fire, quite a considerable percentage of the premises had emerged unscathed and could still be used. The large Reichstag Library, containing more than 300,000 volumes, remained housed in the building until 1940 and could still be used too; the same applied to the offices of the Reichstag Administration. Larger rooms that were still intact were hired out for public events. Among the most spectacular of these were two propaganda exhibitions – *Bolschewismus ohne Maske* ('Bolshevism unmasked') in the winter of 1937 and *Der ewige Jude* ('The Eternal Jew') in the winter of 1938/39, both of which drew large crowds.

The plans produced by the Inspector-General of Works for the *Reich* Capital, to which post Hitler had appointed architect Albert Speer in January 1937, made the Reichstag Building a focus of public interest for a time. Central to the plans to develop Berlin into 'Germania', a world capital, was a magnificent seven-kilometre-long, 120-metre-wide boulevard ending in the *Spreebogen*, where it would culminate in a 'Great Hall of the People' a square building 315 metres in length and breadth with a dome that was to rise to a height of 290 metres. This Hall was to dominate Königsplatz, which would be extended to form a gigantic parade ground and on the western side of which a Führer's Palace was planned, exactly opposite the Reichstag Building but many times larger than it.

In a city built on this scale, the Reichstag Building would naturally have faded into total insignificance. Nevertheless, in accordance with Hitler's wishes, plans seem to have been made initially to repair and extend the building. Although this idea never went beyond the planning stage, the building had to be cleared



by its present users so that the plans could be implemented. By the end of 1939, they had been replaced by plans to construct a new Reichstag building, which would be joined to the northern end of what would now be the old building and be linked to the Great Hall on the other side; its plenary chamber was to have a floor area of 2,000 square metres. In connection with these plans, it is said that Hitler rejected Speer's proposal for the demolition of the Reichstag on the grounds that it should be left there as a monument, because that was where the National Socialists had waged their struggle against the Republic and had ultimately triumphed. To clear the way for the implementation of these plans, extensive demolition work had been taking place in the *Spreebogen* since 1938, and this was continued until 1942; thereafter, it fell to British bombers to complete the task.

The Reichstag Building, where the nearby Charité hospital had set up a maternity ward in the basement air-raid shelters in 1943, was not spared during the bombing raids either. The last attacks, however, came from the Red Army, which subjected the Reichstag Building to heavy artillery bombardment on 29 April 1945. The most famous testimony to this 'battle for the Reichstag' is undoubtedly the image captured by Soviet photographer Yevgeny Khaldei which shows a Red Army soldier raising the Red Flag on the roof of the Reichstag Building to signal victory, although the scene was actually recreated for the camera on 2 May, when the fighting was over. The fact that this photograph was so widely disseminated, so often reprinted and even reproduced on postage stamps has to do with the Red Army regarding the Reichstag Building as the symbol *par excellence* of the Nazi dictatorship. In fact, following the elimination of parliamentary democracy by that dictatorship and the destruction caused by the Reichstag Fire and the war, the ruins of that building, whose outer walls had withstood those ravages, portrayed an almost unsurpassable image of the temporary failure of democracy.



Red Army troops raise the Red Flag
on the Reichstag Building on
2 May 1945.
Photograph by Yevgeny Khaldej

In January 1946, the Berlin press reported that Hans Scharoun, who served as head of planning and building control in one of the Berlin municipal committees appointed by the Soviet occupation authorities in May 1945, had had the ruins of the Reichstag Building entered on a list of reparable major buildings. Rehabilitation, of course, could not be considered for the time being, and there was probably no one who could name a purpose for which the building should be restored. It seems as though the politicians and administrators changed their minds in the course of the following year, for in December 1947 the *Tägliche Rundschau* reported that the Building and Housing Department was planning “to use the Reichstag structure as what it has essentially become, namely an extremely convenient and plentiful quarry”. The lines were thus drawn for the discussion on the fate of the Reichstag Building, the options being restoration or demolition.

As the confrontation between the power blocs led to the division of Germany and the split in the four-sector city of Berlin, more and more voices began to clamour for the reconstruction of the Reichstag for political reasons. Not least because of the repeated anti-blockade and anti-division demonstrations that had been taking place on the Platz der Republik since the summer of 1948, the ruin that formed a backdrop to

“A little sense of history”:
reconstruction and refurbishment after World War II



The destroyed Reichstag Building
in 1946

these events increasingly came to embody these protests and the hopes for the restoration of German unity. Jakob Kaiser, who had been Federal Minister for All-German Affairs since 1949, was one of the first to put this new-found significance into words, which he did in a speech at the demonstration on 1 May 1950, linking it with the calls for reconstruction. “Over the past few years,” he said, “the Reichstag Building before us has become a symbol of the solidarity of all Berliners. Today it is becoming clearer than ever that this home of the Germans must be quickly rebuilt and developed to host the Bundestag, the Bundesrat and the Federal Government.”

In the following year too, Jakob Kaiser repeatedly called for “the rebuilding of that House, in which our striving for the reunification of Germany could be embodied”. In a plenary debate in the Bundestag on 20 June 1951 on the motion that sittings of the Bundestag be held in Berlin, the Minister reaffirmed his call, arguing that it was a matter of creating “one more symbol of our confident belief in German unity”. In so doing, he endorsed the views of the previous speaker, Willy Brandt, one of the Bundestag Members for Berlin, who had stated that “a national obligation exists towards that building, the workplace of the Reichstag in the

Weimar Republic, which was set on fire by the National Socialists and was sorely ravaged by the effects of war and in front of which – right next to the Soviet sector – some of the marvellous demonstrations for freedom have taken place in the past few years”.

In his contribution to the debate, the Minister for All-German Affairs mentioned that “very many artistic objections” had been made to reconstruction. Although he did not deny that these objections were warranted, he also observed that, for him, “the political perspective remains decisive”. This antithesis between aesthetics and politics is not quite so clear-cut as Kaiser suggested there, and the same may be said for the impeccable democratic credentials attributed to the building by Willy Brandt.

Artistic objections, often accompanied by calls for demolition, were expressed time and again; only a few weeks before this Bundestag sitting, they had come up in talks held by the Minister with the board of the *Deutscher Werkbund*, the German Association of Craftsmen, and they were still being voiced years later by the Association of German Architects. The political basis of these aesthetic reservations lies in the fact that, while the building taken over by Parliament in 1894 had democratic substance, its form and design were overwhelmingly dominated by monarchic features. This contradiction between form and substance was now proving to be a dilemma as the decision loomed whether to demolish or rebuild.

In a bid to resolve this problem, two mutually complementary strategies were developed in numerous statements of opinion during the years that followed. On the one hand, calls for reconstruction were coupled with proposals that the building be restored with “a fairly contemporary face”, as the Building Department of the Berlin Senate expressed it in 1952. The President of the Bundestag, Eugen Gerstenmaier, spoke repeatedly in favour of reconstruction between 1956 and 1959 but made it unmistakably clear after a visit to the ruin in March 1957 that he was not for “domes and towers and old paraphernalia”. On the other hand, there was the option of reconstructing the Reichstag Building but not as a plenary chamber for the Bundestag. The question whether the Reichstag Building should be reconstructed “for the purposes of legislative bodies”, as the Berlin House of Representatives had decided in December 1956, or “regardless, in principle, of its subsequent use”, as Gerstenmaier had said two months earlier, remained unresolved as the years went on. What did seem to be clear, however, was that it would be rebuilt.

This was very clearly expressed in the following terms by Willy Brandt in a plenary debate on 26 October 1955: “When all is said and done, we should ensure that the years of wrangling and arguing about the Reichstag ruin are brought to an end by modest but practical action. It is not in any way a matter of whether the future National Assembly would be able to work in the reconstructed Reichstag Building or whether additional new buildings would be needed; it is a matter of a little sense of history and of determining how the reconstruction of the Reichstag Building for some national purpose or other can be aptly initiated at all in practice”.

The modest but practical action to which Brandt referred was the launching of an urban design competition entitled *Hauptstadt Berlin* (‘Capital City Berlin’) and of a design competition for the restoration of the Reichstag Building. The Berlin Senate had been planning both competitions for several years. The debate in which Brandt invoked this ‘sense of history’ was based on an SPD motion for the allocation



Rally in front of the Reichstag Building on 9 September 1948. At that rally, which up to 300,000 people are said to have attended, the Mayor of Berlin, Ernst Reuter, delivered the speech with those famous words, “Peoples of the world, people in America, in Britain, in France, in Italy! Look upon this city!...” Such events helped to make the ruins of the Reichstag Building a symbol of German unity.

of a budget of 350,000 deutschmarks for an urban design competition entitled *Hauptstadt Berlin* ('Capital City Berlin') and a budget of DM 60,000 to a design competition for the restoration of the Reichstag Building. After a lengthy discussion, the motion was carried by a large majority.

An international call for entries for the *Hauptstadt Berlin* competition was published in March 1957. This, of course, was partly a political gesture, designed to make it clear that the Federal Republic, even after its accession to NATO and its forging of closer links with the West, remained politically committed to the idea of reunification and was already making plans for the capital city of reunified Germany. One of the tasks for the competing architects was to envisage how the parliamentary quarter inside the arc of the Spree should look and what role the Reichstag Building should play there. After the end of the competition in February 1958, it became clear that almost all participants and every one of the prizewinners wanted the Reichstag Building to be preserved, but none of them could imagine it as the seat of Parliament. The proposed uses ranged from the Federal Constitutional Court to a library or a museum.

The competition for the restoration of the Reichstag Building had been postponed so as not to pre-empt the responses of candidates in the *Hauptstadt Berlin* competition to the question concerning the future of the Reichstag Building. Nevertheless, the Bundestag had made funds available for the continuing removal of rubble and for measures to secure the Reichstag Building and to preserve its fabric. Such work had taken place at various times in previous years, but it was stepped up in the autumn of 1957, when the *Hauptstadt Berlin* competition was not yet completed. The Federal Building Office, which was responsible for the edifice, had the southern part of the main facade restored. This restoration proved to be a partial destruction, for almost all of the architectural decoration was removed, the end result being a facade shorn of its stylistic features which was now virtually immune to any further 'artistic' objections. The dome, incidentally, had been dynamited back in 1954 for safety reasons in an operation that had taken several years to prepare.



The southern half of the main facade of the Reichstag Building in 1958 after its renovation by the Federal Building Office.

Not until 1 July 1960 could the long-planned competition be launched, but entry was by invitation only, with ten architects invited to participate; in January 1961, Paul Baumgarten emerged as the winner. Although the competition specifications had made it clear that the building was to serve parliamentary purposes after restoration, the requested design proposals were limited to the main entrance hall and lobby and the reception suites in the west wing. The fact that Paul Baumgarten was ultimately able to restructure the whole building and to design a plenary chamber for which no provision had originally been made was mainly due to his persistence in negotiations with the competent authorities.

The result of this reconstruction, which took ten years to complete, was the subject of a great deal of discussion and widely varying assessments. Baumgarten was credited with creating a great deal of transparency by using large quantities of glass; this, indeed, is also characteristic of the building today. The opening and glazing of the great western portal, for example, was Baumgarten's idea. On the other hand, the architect went so far in the direction of modernisation as to remove or at least encase almost all of the preserved historical features;

visitors who were unaware that they had entered a 19th-century edifice could easily be misled by the interior design into thinking that they were in a new building. Since part of the interior of the building had been gutted, the plenary chamber was now twice as large as the old one, but its almost spartan furnishings "made it look unfinished to the end of its days", as architectural historian Dieter Bartetzko remarked.

Even before the President of the Bundestag, Annemarie Renger, was able to take over the building officially on behalf of the Bundestag on 1 June 1973, meetings of parliamentary committees and groups had been held on numerous occasions in the reconstructed Reichstag Building, beginning in 1971. Plenary sittings, however, were no longer possible, since the occupying powers had confirmed the four-power status of Berlin in the Quadripartite Agreement of 1971. The plenary chamber was able to perform its real function only twice – on 4 October 1990, when the first Bundestag for the whole of Germany convened for its initial sitting in the Reichstag Building, and a few weeks later, on 20 December 1990, when the 12th Bundestag convened for its constituent sitting following the first free all-German election of 2 December.



The plenary chamber of the Reichstag Building, rebuilt by Paul Baumgarten's design, photographed in 1974.

From 24 June until 7 July 1995, the Reichstag Building was wrapped up, disappearing under a covering of some 100,000 square metres of silvery-grey polypropylene fabric. This was the implementation at long last of the *Wrapped Reichstag* project that Franco-Bulgarian artist couple Christo and Jeanne-Claude had been planning, often with lengthy interruptions but always with dogged perseverance, since 1971. Evidently the initial suggestion came from American journalist and gallery owner Michael S. Cullen, who has lived in Berlin since 1964. After the opening of the exhibition entitled *Fragen an die deutsche Geschichte* ('Questions on German History') in the Reichstag Building, he drew Christo's attention to the possibility of making the building the subject of one of the architecture-wrapping projects with which the Bulgarian artist had already been capturing attention for a number of years.

In numerous contacts with German politicians between 1976 and 1991, particularly with successive Presidents of the Bundestag, the two artists received kind attention but also met with opposition. Over the years, individual politicians from various parties, including Willy Brandt and Richard von Weizsäcker, did advocate the implementation of the project,

Wrapped Reichstag – the art project realised by Christo and Jeanne-Claude

which was also supported by private initiatives. Wrapping the Reichstag, however, was evidently out of the question until the division of Germany had been ended. At the heart of all the arguments raised against the project was that shrouding the Reichstag Building could compromise its elevated status as a symbol of German unity during the years of *de facto* division.

The ultimate key contributor was surely Rita Süßmuth, President of the Bundestag, whose interest in the project helped to smooth its path from 1991. Although several attempts to obtain a favourable decision from the Council of Elders ended in failure, the expert adjudicators on the jury for the competition to reconstruct the Reichstag Building for the Bundestag recommended in 1993 that the project be authorised for implementation prior to the reconstruction work. This, they said, would not devalue the building but enhance its status. “The unwrapping before its conversion into the seat of the Bundestag”, the jury explained, “will highlight the beginning of the new chapter in the history of the building”.

A cross-party initiative involving numerous Members of the Bundestag embraced this argument and tabled a parliamentary motion on 3 February 1994 headed *Wrapped Reichstag* – Project for Berlin, arguing in the explanatory statement that “The Reichstag Building is a noble symbol of German history and merits great

respect. This is made particularly clear by the artwork. Before the start of the work to convert the Reichstag into the Bundestag, the wrapping represents a great opportunity to highlight the caesura in the history of the German people.”

In contrast to the prevailing attitude of previous years, the motion now made the point that the dignity of the building would be enhanced rather than diminished by the art project.

The motion was the subject of a lively and disputatious debate in the Bundestag chamber on 25 February 1994. After the opponents and advocates had advanced their arguments, the House voted by 292 votes to 223 in favour of wrapping. Christo and Jeanne-Claude now had the green light.

The last week in June and the first week in July lived up to the proponents’ expectations. Although precise evidence would no doubt be difficult to obtain, it is estimated that five million people went to see the *wrapped Reichstag*. The global impact was overwhelming and vindicated the expert adjudicators, who had concluded their recommendation with the following sentence: “The project will gain worldwide attention and serve as the symbol of a new open Germany”.



The wrapped Reichstag Building in July 1995.

Some had serious reservations. Although the *Frankfurter Allgemeine Zeitung* reflected the view of the overwhelming majority of Members of the Bundestag when, in its edition of 18 September 1991, under the heading “The Reichstag, where else?”, it examined the question of where the Bundestag would hold its plenary sittings in Berlin, on 26 September the *Süddeutsche Zeitung* was still able to report that “the move to the Reichstag is still uncertain”.

On 30 October 1991, the uncertainty was over. On that day the Council of Elders decided to begin “the planning of the Reichstag Building, to be based on its permanent use for plenary sittings”. The deliberations on the construction of a new building for the debating chamber of the Bundestag were thus consigned to the archives.

On 19 June 1992, a design competition for the reconstruction of the Reichstag Building for the Bundestag was launched. Three entrants were placed first equal by the jury in January 1993, but their designs all went far beyond the specifications in both architectural and financial terms. In September 1991, the Council of Elders had appointed a Design Concept Commission

“A symbol of democracy”:
the Reichstag Building since 1991

to take the fundamental decisions relating to the planning and logistics of moving the Bundestag to Berlin. On 12 April 1993, this Commission asked the three prizewinners – Santiago Calatrava, Pi de Bruijn and Norman Foster – to revise their designs. On 1 July 1993, following the presentation of the revised designs, the Council of Elders commissioned Sir Norman Foster to continue the planning process.

British architect Foster had presented a convincing design concept that met the needs of a modern working parliament while seeking to combine a high degree of functionality and efficiency with sensitive preservation of the historical building fabric. Although the implementation of his plans meant sacrificing almost all of Paul Baumgarten's insertions and conversions, thereby obliterating an entire era in the architectural history of the Reichstag, this was also the only means of bringing to light the few preserved pieces of ornamentation from the original building that had survived the ravages of war and the post-war renovation as well as revealing the graffiti daubed by Soviet troops that had been concealed behind wall cladding. Between the award of the architectural contract and the start of the building work in late July 1995, however, numerous obstacles had to be overcome. During the next stages of the design planning, the question whether the Reichstag Building should once more have a dome resur-

rected many of the objections which had previously been expressed before the Council of Elders took its decision on 30 October 1991 and which had prompted the *Süddeutsche Zeitung* to suggest that the move to the Reichstag Building was still uncertain.

At meetings of parliamentary groups and the Design Concept Commission, in the chamber and the Council of Elders and in a number of press publications as well as during a colloquium hosted by the Bundestag in the temporary plenary chamber in the former Bonn waterworks on 14 and 15 February 1992, in the run-up to the publication of the competition notice, and attended by almost 400 architects, urban planners, historians, conservation experts and Members of Parliament, who discussed the architectural design and use of the Reichstag Building, the view was repeatedly expressed that the Reichstag Building was not a suitable architectural vehicle with which to portray the parliamentary democracy of the Federal Republic of Germany.

The ostentatiously imposing architecture of the edifice, it was argued, perfectly mirrored the authoritarianism of the Wilhelmine empire, for whose parliament it had been built. Although that parliament had been involved in the legislative process, it could neither form nor oversee the government, and so the building was a monument to a parliamentary power deficit.



In the course of the reconstruction of the Reichstag Building for the Bundestag, previously concealed 19th-century architectural decoration was made visible again.

The counterargument was that the ornate architecture of the building had been created precisely because the architect, Paul Wallot, like numerous Reichstag deputies, wanted it to be an unequivocal demonstration of parliamentary authority. The much-criticised power deficit had been reduced over the years, *de facto* if not *de jure*, and the people's representative assembly of the Empire, moreover, had been elected on the basis of a franchise that was extraordinarily democratic for its time. The building, so this argument ran, embodied democratic traditions with which the Bundestag could associate itself without any qualms.

These two fronts materialised once again in the dome controversy, which likewise spilled over from the parliamentary debate into the media. The anti-dome camp took the view that a dome would merely reinforce the ostentatious effect of the building, because domes were, after all, architectural signs of authority in pre-democratic political systems. For that very reason, the proponents argued, a dome had to be built, because it illustrated the fact that the former monarchic claim to authority in Germany now lay with Parliament. Unlike the stone hemispheres that had hitherto been customary,

Wallot's dome had a rectangular base and was made of steel and glass, the materials of modern bourgeois construction engineering. The dome therefore reinforced the authority of Parliament that was already made visible in the elaborate architecture; it was, as expressed succinctly by a leading dome proponent, former Federal Building Minister Oscar Schneider, "a symbol of democracy".

These arguments were surely not the only factor that shaped the decision taken by the Council of Elders on 30 June 1994 to commission the architect to design a dome. Foster, who had not envisaged a dome in either his competition entry or his revised design and tended to favour a flat glass roof or at most a cylindrical superstructure, was not greatly enthused by this commission. An equal lack of enthusiasm, of course, was felt by the anti-dome camp but even by the advocates of a dome, for their demands that Wallot's dome be reconstructed had been dismissed in favour of a high-tech dome. Foster presented numerous design variants, and one of these was eventually selected. The *Frankfurter Allgemeine Zeitung* had evidently hit the nail on the head back on 14 March 1994 when it ran an article headed *How to build what no one wants*.



The Reichstag edifice as a building site on 10 October 1996, during the reconstruction work for the Bundestag.

The irony of this story is that the dome was an enormous success and still is. Because of its quirky form, which gives rise to alternating comparisons to a *Brathaube* – a domed glass frying-pan lid with a central steam outlet – or a beehive, the ‘glass lantern’ that stands guard over central Berlin at night like a beacon has become as emblematic of Berlin as the Brandenburg Gate. It may be that the dome is a symbol “of a new openness and democratic renewal”, as Federal Chancellor Gerhard Schröder stated in his government policy statement of 10 November 1998; what is beyond doubt is that thousands of visitors queue up every day to climb through the dome of Parliament to the outlook platform. In the central axis of the dome is the light sculptor with its 360 external mirrors that catch the daylight passing through the glass of the dome and reflect it downwards into the plenary chamber, which considerably reduces lighting costs. Thanks to its conical shape, it works like a chimney, like a funnel in reverse, using the natural updraught to draw warm stale air out of the plenary chamber. Concealed inside the cone, moreover, is all the technology required for the ventilation of the chamber and for smoke extraction.

The cone in the dome is part of the innovative and environment-friendly energy strategy developed for the Reichstag Building by the experts from the office of Norman Foster, who himself expresses passionate commitment to energy efficiency and environmental compatibility. At the heart of that strategy are two central combined heating and power plants, whose generators burn biodiesel, emitting far less CO₂ than generators burning conventional fuels. Together with a 310-square-metre array of photovoltaic panels on the roof, these plants ensure that 80 % of the electricity requirements for the Reichstag Building are met from renewable sources. At the same time, the waste heat from the generators is used for heating purposes; surplus heat that is not needed in summer is discharged into an aquifer and stored 300 metres below the building, from here it can be returned to the energy cycle of the building in winter as required.

The plenary chamber is on the first floor, the main level at which visitors enter the building. As far as was possible, Norman Foster enclosed the chamber – which, at 1,230 square metres, has twice the floor area of Wallot’s chamber – in glazed walls. In so doing, he was acting on a conviction that government should be made more accessible to the public.



The dome of the Reichstag Building has become a magnet for tourists; in the centre of the picture is the light sculptor.

On the northern and southern walls of the chamber, looking out onto the two courtyards that remain from Wallot's Reichstag Building, are high arched windows with a large upper window above each. The western and eastern walls, on the other hand, are made entirely of glass. Visitors coming from the entrance foyer into the western lobby can see the whole chamber.

Straight ahead, on the eastern wall, above the presidential podium, they see the Bundestag eagle, with which millions of viewers are familiar from televised parliamentary debates. The first version of this eagle, designed by Ludwig Gies in 1953, was fixed to the front wall of the chamber, above the presidential podium, in the *Bundeshaus*, the seat of the Bundestag in Bonn. When that chamber was demolished in 1987, the eagle, which was made of plaster, was sawn into pieces, which are now kept in the *Haus der Geschichte*, the History Museum of the Federal Republic in Bonn. The eagle that now hangs over the podium is an aluminium replica of the Bonn eagle, albeit somewhat larger than the original. Back to back with it, separated only by the glazed eastern wall, hangs an eagle designed by Norman Foster that faces the eastern entrance, which is reserved for Members.

The basic colour of the chamber is pale grey. A very strong splash of colour, however, is delivered by the upholstery of the seats, a purplish blue known as 'Reichstag blue' selected by Sir Norman Foster in accordance with the colour scheme that he commissioned Danish designer Per Arnoldi to develop.

On the plenary level, accessible from the surrounding lobbies, are other areas used by Members. To the right of the main entrance are the Members' lobby for fringe discussions, the adjoining club room and, on the southern side, the reflection and prayer room; to the left of the main entrance are the restaurant, a bistro in the corner tower and a cafeteria on the northern side as well as a reference library.

The presidential level and the floor above it, the parliamentary groups' level, are not accessible by the public. The presidential level, where burgundy is the keynote colour, houses the offices of the President and the senior staff of the Bundestag Administration. On this floor are facilities such as the protocol chamber, where the President receives guests, and the Council of Elders' meeting room. The lower half of the walls of these rooms is clad in wooden panelling painted in a vibrant dark blue in accordance with Per Arnoldi's colour scheme.



Painting the Bundestag eagle for the Reichstag Building, 1998.

This use of colour as a design feature also characterises the parliamentary groups' level. The upper walls of the rooms for group meetings and for meetings of the group executive committees are generally in exposed brickwork, painted white; in the lower part, by contrast, Arnoldi has again made bold statements with strongly coloured wooden panels. All of the rooms in the corner towers and the attic storey of the Wallot building, which are under conservation orders, are lit from above through roof glazing. In the interior part of this level, around the glazed area between the plenary chamber and the dome, is the press lobby. Between the level of the plenary chamber and the presidential level is the visitors' level. Above the back rows of Members' seats, six public galleries jut down into the chamber. They contain seating for 470 visitors to plenary sittings as well as for press representatives, guests of the Bundestag and diplomats. These galleries are accessed from a mezzanine floor that was suspended at a level halfway up the walls of the chamber; information areas and lecture rooms are also located on this floor. The keynote colour on this level, which features primarily on the doors, is green.

The connecting walkways that encircle the plenary chamber have more to offer than glimpses into the plenary chamber. On the northern and southern sides of the chamber the walkways pass beneath the old sandstone barrel vaulting with its elaborate ornamental carvings and reliefs; these artistic embellishments only came to light during the removal of the plasterboard cladding that had concealed the original fabric of the building since Paul Baumgarten's reconstruction in the early 1970s.

Also visible are Cyrillic inscriptions and graffiti that were daubed on the walls with charcoal or blue wax crayons by Red Army troops following the capture of the Reichstag Building on 27 April 1945. Norman Foster was particularly keen to preserve some 200 items of this graffiti and make them, like the old ornamental stonework, accessible to visitors. In his own words, their preservation has created “a living museum of German history”.



Graffiti written by Soviet troops following the capture of the Reichstag Building at the end of April 1945.





Culture and Politics in Dialogue
Art in the Reichstag Building

When it formed its Art Council, the German Bundestag created a body that would advise the President of the German Bundestag in matters relating to the promotion of the visual arts. Apart from the President of the Bundestag, Wolfgang Schäuble, who acts as its chairperson, the Art Council consists of other Members of the Bundestag delegated to it by the parliamentary groups. Their numbers depend on the relative strengths of the parties in parliament. The Secretariat of the Art Council is responsible for organising this body's work. The Art Council has three main fields of activity. Firstly, artworks are purchased for the Art Collection of the German Bundestag each year at acquisition meetings – a task previously performed by the Bundestag's Art Commission, which was superseded by the Art Council in 1995. Secondly, it develops the art-for-architecture concept for the parliamentary buildings in Berlin – something it does in consultation with the architects concerned and the Federal Office

The Art Council

for Building and Regional Planning (when the Reichstag Building was being refurbished, consultations were held with Bundesbaugesellschaft Berlin mbH, the publicly owned company in charge of all the construction work on the Spreebogen); in doing so, it is advised as necessary by external art experts. Thirdly, the Art Council takes decisions about exhibitions of contemporary art held at the Art Room and the Wall Memorial in the Marie-Elisabeth Lüders Building, as well as the German Bundestag's Liaison Office in Brussels. These exhibitions and what is now an extensive parliamentary Art Collection – the art library and the art-for-architecture installations – are managed by the Curator of the Art Collection and head of the Art in the German Bundestag Division.

The art concept for the Reichstag Building

The Art Council obtained advice from a number of external art experts when the art-for-architecture concept for the parliamentary buildings in Berlin was being developed: Götz Adriani and Karin Stempel worked on the

Reichstag Building, Manfred Schneckenburger and Evelyn Weiss on the Jakob Kaiser Building; and Armin Zweite and Klaus Werner on the Paul Löbe Building and the Marie-Elisabeth Lüders Building. These experts formed a collegial body that put its ideas to the Art Council. The proposals they agreed on during their joint deliberations envisaged an art concept that would cover all three parliamentary buildings in the Spreebogen area. Under the umbrella of this overall concept, however, separate concepts were developed for each of the three complexes that reflected their roles in the business of parliament, their architectural language and their historical significance.



Pages 272/273:
Hans Haacke, *To the Population*,
neon light, soil, webcam,
1999/2000, north courtyard

Left:
The artist Tony Cragg presenting
the model for a planned large-scale
sculpture at an Art Council meeting
in 2018, held in the Wall Memorial
room in the Marie-Elisabeth Lüders
Building.

Development of the Art Collection in Bonn

The German Bundestag's engagement with the visual arts began with the construction of the high-rise building in Bonn known as *Langer Eugen* ('Tall Eugene'). The architect, Egon Eiermann, had the conference rooms in the new tower where Members were to work decorated by various artists, including such well-known figures as Georg Meistemann, Günther Uecker and HAP Grieshaber. The results were so impressive that Gustav Stein, a Member of the German Bundestag who taught at Düsseldorf Art Academy, suggested that works of art be bought for Members' offices as well. The purchases subsequently made for the 'Stein Collection' in 1968 and 1969 form the core of the Art Collection of the German Bundestag through to the present day. At the initiative of Annemarie Renger, who was President of the German Bundestag in the mid-1970s, a solid institutional basis was created for the continuing acquisition of artworks when the Art Commission was founded in 1976. This body's composition reflected the numbers of seats held by the different parliamentary groups at that time, with two Members from the CDU/CSU, two from the SPD and one from the FDP. The Art Collection has gone on expanding ever since, and is now also available to Members in Berlin as an art library from which they can borrow artworks to decorate their offices.

The central building in terms of its parliamentary and historical importance is the Reichstag Building, where Germany's parliament sits. Since its topping out ceremony in 1894, the Reichstag Building has witnessed the highs and lows of German history and, despite the destruction and renovations it has undergone, retains a considerable amount of its original fabric – unlike the other parliamentary buildings in the area along the Spreebogen, which are largely new designs.

In recognition of the building's outstanding political and historical status, artistic figures who had shaped the reputation of German art during the post-War period were shortlisted to carry out art-for-architecture projects in the Reichstag Building. As a gesture of respect to Berlin's former four-power status, artists from the USA, France and Russia were also commissioned to contribute works, while the building's restoration and the associated conversion work were entrusted to Norman Foster, one of the United Kingdom's most prominent architects.

Additionally, the Art Commission dealt with a variety of other ad-hoc tasks (just as the Art Council does today). In 1991/1992, for example, it ran the competition to find a design for a memorial in the Reichstag Building to the Members of the Reichstag during the Weimar Republic who were persecuted or murdered by the National Socialists. The selection of art that can be viewed in the area around the plenary chamber at Bonn (today an international congress centre) also goes back to decisions taken by the Art Council. Chaired by Rita Süßmuth, the then President of the German Bundestag, the Art Council worked with the architect Günter Behnisch and art experts to draw up a concept for the ring of artworks that surround the plenary chamber, which include Mark di Suvero's red steel sculpture *L'Allumé*, Olaf Metzel's elegant, filigree sculpture *Multivocality*, Nicola de Maria's glorious blaze of southern colour in the restaurant and Rebecca Horn's alchemical mercury installation *Moon Flow*.

Both the scale, and the political and aesthetic significance of the Bundestag's ever more wide-ranging commitment to the dialogue between art and politics in its own buildings have been unprecedented in the history of the Federal Republic of Germany. With the high esteem it shows for art, parliament had demonstrated its commitment to the principle that support for the arts is one of the fundamental obligations of any civilised state. This means parliament not only lays down the parameters for cultural policy with its legislation, but makes it possible for its Members and ordinary citizens to encounter art in the course of its daily work: in the spaces where politics takes place, art reflects the self-perception of such a civilised state at the same time as it invites people to take part in a dialogue about that state's foundations, its values and its goals.



The Art Council, chaired by Rita Süßmuth, visiting the artist Gerhard Richter in July 1998.

Gerhard Richter

Visitors to the Reichstag Building encounter two works by Gerhard Richter as soon as they step into the west entrance hall. The artist faced the tough task of creating pieces that would not be dwarfed by the thirty-metre-high walls, on one of which Gerhard Richter put up large glass panels coloured black, red and gold that together measure twenty-one metres high and three metres wide. The paints used were applied to the reverse of the panels and remind the viewer – not without deeper meaning – of the German Federal Flag. However, the attenuated vertical format and the shiny, glass surfaces, in which the real Federal Flag in front of the Reichstag Building is reflected when the work is viewed from a particular angle, make it clear this is not a depiction of a flag, but an autonomous work of art and, with his choice and combination of colours, the artist has set an intriguing perceptual trap for the viewer.

The artists and their artworks

The very simplicity of Richter's *Black, Red, Gold*, carefully accommodated as it is to the shape and size of the wall, provides an effective counterweight to the imposing architecture of the entrance hall, where it forms a focus for the eye to rest on in this busy space. Despite its monumentality, the piece is devoid of all pathos. Rather, the fragility of the glass sheets literally and metaphorically reflects the nature of democratic society, which is always vulnerable, and therefore needs to be constantly reformed and defended.

Born in 1932 in Dresden, Gerhard Richter initially studied at Dresden Art Academy in the GDR, but moved to the Federal Republic of Germany in 1961. Together with Konrad Lueg and Sigmar Polke, he first came to public notice in

1963 thanks to the happening *A Demonstration for Capitalist Realism*, the 'first exhibition of German Pop Art', in which he attacked the abstract painting that was dominant at the time. He began by painting random photographs or newspaper cuttings, reproducing them on canvas in black and white with blurred outlines. Since then, he has avoided being pigeonholed as an exponent of any particular style, and has painted portraits, abstract enlargements of paint textures, monochrome grey canvases, coloured panels, landscapes and still lifes. His work *Black, Red, Gold* points to the central themes of his oeuvre, which are articulated again and again through the diversity of his techniques and motifs: What subjects are suitable for the modern artist? On what is it possible for there to be agreement between the painter and the viewer?



Gerhard Richter began exploring the issue of remembrance and the horrors of National Socialism through his art early in his career. He returned to this theme in 2014, when he came across photographs taken clandestinely by prisoners who were members of a *Sonderkommando* for the burning of corpses in Auschwitz-Birkenau. With these photos to form the basis of a new work, Richter set out in a radically different direction: away from the figurative and towards an abstract depiction of their motif. He began by transferring the photographs onto four monumental canvases. Then he painted over them again and again, applying layer after layer of colour during several phases of work using his signature squeegee technique, which he had been perfecting for years. After initial brushwork to apply the paint, he used a home-made squeegee to spread the colour across the canvas and to rub it or scrape it off. For the Reichstag Building, Richter reproduced the four paintings as a direct print on aluminium. Prints of the original photographs are displayed alongside the paintings, “not as a piece of art but as a document and memento”, in the artist’s own words.

With this cycle of paintings, Richter comes back once again to a question which has preoccupied him at every stage of his life and work: whether and how the horrors of unspeakable crimes can and should be explored through the medium of art. To what extent can art make vis-

ible, depict and communicate themes such as these? This process of overpainting, scraping and reapplying layers of colour on what began as realistic images does not alienate the viewer from the original motifs, nor does it conceal them under layers of abstraction. On the contrary, just as the recollection of this darkest chapter of German history is burned into the collective memory, so the photographs which evoke these horrors remain ever-present and vivid beneath the layers of paint, as if beneath the surface of the lives and memories of the generations that came afterwards.

By positioning Richter’s two works – *Birkenau* and *Black, Red, Gold* – opposite each other in the Reichstag Building, the German Bundestag creates an arc of reflection which shows the historical dimension of Germany’s self-image right here at the heart of German democracy. It is a contribution to Germany’s culture of remembrance, which is all the more important as the number of survivors who are left to bear witness diminishes.

The *Birkenau* cycle is Gerhard Richter’s own personal way of creating a memorial to the prisoners and their fate through the medium of painting. He does not offer simplistic answers but trusts the viewer to respond to and explore the doubts which preoccupied Richter himself.

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Gerhard Richter, *Black, Red, Gold*,
glass coated with coloured enamel,
1999, west entrance hall

Right:

Gerhard Richter, *Birkenau* cycle
of paintings, Photo Version
Direct print on Signicolor
aluminium panels
2014/2017



Carlfriedrich Claus

Carlfriedrich Claus, an artist who was forced into inner emigration in the GDR, created his *Aurora Experimental Space* in front of the Members' lobby at the same height as the visitors' level. The artist was able to oversee the installation of this work shortly before his death in 1998.

Carlfriedrich Claus noted down trains of thought derived from mysticism, the cabbala and Marxist philosophy on both sides of pieces of parchment or glass panels. The lines of writing contract and overlap to form 'inscribed shapes', unique forms with the character of both writing and visual imagery. His 'language sheets', for example, crystallised as the outcome of philosophical thought processes: the artist would write a thesis on the obverse of a piece of parchment with his right hand, then its antithesis on the reverse with his left hand, and both would be united in a synthesis when the sheet was viewed against the light. For the Reichstag Building, Claus had the small-format works of his *Aurora* series of graphics, facsimiles of which are on display in a glass case on the plenary level, reproduced as photographic film on acrylic panels that hang

freely in space. This heightens the effect of the interactions and overlaps between his motifs even further: when the visitor passes by the acrylic panels, the visual elements on the individual sheets or panels shift across one another, forming four-or-six-layer palimpsests that create a new, inscribed space, which the artist hoped would involve spectators more intensely in his 'tense visual figures'. Born in 1930 in the Saxon town of Annaberg, Carlfriedrich Claus defined himself as a convinced communist. In contrast to dogmatic academic Marxism, however, he insisted so resolutely on the ideology's utopian character, understood in mystical terms, that he antagonised the SED regime. With the *Aurora Experimental Space*, which was intended to proclaim the dawning of utopia, he wished to give expression to his yearning for the 'overcoming of estrangement from oneself, the world and other human beings'. Transferred to acrylic panels, the symbolic characters of the 'scriptural poetry' that grew out of the artist's dreamy musings and poetic philosophising project into space. In this way, Claus forged an intensely personal synthesis of poetry, philosophy, mysticism and calligraphy that defies classification within the categories of art history.



Carlfriedrich Claus, *Aurora*
Experimental Space, photographic
film on transparent acrylic panels,
1977/1993, Members' lobby

Katharina Sieverding

The memorial to Members of the Reichstag during the Weimar Republic who were subsequently victims of persecution was designed for the Reichstag Building back in 1992 by the artist Katharina Sieverding. With its background motif of the blazing solar corona, this five-part photopainting awakens associations with both the Reichstag fire and the worldwide conflagration unleashed by the National Socialists, as well as democratic Germany's purified rebirth like a phoenix rising from the ashes.

Katharina Sieverding was born in 1944 in Prague and studied under Joseph Beuys at Düsseldorf Art Academy. She is one of the pioneers of an expansion of the expressive capacities of photography as a medium. Her photoserries, which work with superimposed images, presenting depictions of herself and role-playing scenarios, are expressive of reflections on her own identity and statements about political/societal issues.

In this photopainting, a rectangular, golden-yellow X-ray image is placed in front of the red sea of flames of the Sun's corona, conjuring up a universal conflagration before the viewer's eyes. The X-ray features a spine running down its centre with a cancer tumour to the left, and appears like a threatening door into a furnace

of flames. At the same time, the central motif of the spine establishes a positive reference to the Members of the Reichstag who literally showed backbone and refused to bow to the National Socialists' terror. Their fates are recalled in three books of remembrance laid out on wooden tables in front of the memorial. The central book commemorates each of the 120 parliamentarians who were murdered with a portrait photograph and a brief biography. The two other books keep alive the memory of Members of the Reichstag who were detained, driven into emigration or suffered other kinds of persecution. The Düsseldorf-based artist Klaus Mettig designed the books of remembrance on the basis of a research project commissioned by the German Bundestag.

With the quasi-documentary medium of photography, Sieverding links her image to the historical research embodied in the three books. Her design convinced the Art Commission because it succeeded in combining a tribute to the persecuted parliamentarians that looks back at the horrors of National Socialist terror with a freely associative evocation of Germany's present and future historical destiny. Explaining her concept for the piece, the artist said, 'Here, the antecedents of the creeping "crisis" are brought to mind and our vision sharpened for future dimensions.' The X-ray as a gate or window motif – leading both into the space of the image and also out towards the observer –



Katharina Sieverding, *In Memory of the Members of Parliament in the Weimar Republic who were Persecuted, Outlawed or Murdered between 1933 and 1945*
 Enlarged photographs, tables of remembrance, books of remembrance and copper plate, 1992
 Members' lobby

is ambivalent in offering a view into the past and a glimpse of the future. It allows the flames that engulf it to be understood, like the Biblical writing on the wall, as a warning that safeguarding the future of our democracy is to be grasped as a permanent task and challenge.

Grisha Bruskin

The triptych *Leben über alles* ('Life Above All Else') by the Russian artist Grisha Bruskin, the title of which echoes the former first line of the German national anthem, '*Deutschland über alles*' ('Germany above all else'), can be viewed in the club room and exemplifies his ironic take on ideological myths, in particular those represented by the sculptures the Soviet authorities erected in their 'sculpture mania'. 115 individual images are arranged in rows, each showing a schematic, statuesque, whitish-monochromatic figure that is only identifiable as an individual from its coloured attributes, whether it is a peasant woman from a collective farm with oversized agricultural produce or a Russian soldier with the insignia of the Federal Republic of Germany and the German Democratic Republic. Born in 1945 in Moscow, Bruskin initially studied at Moscow Textile Institute, but found his exhibitions were either not approved by the Soviet authorities or were closed immediately

after they opened. He therefore decided to emigrate to New York in 1988. His concern with the period before Perestroika when he was subjected to the ideological pressure of a totalitarian regime is reflected in his work for the club room in the Reichstag Building. The starting point for this piece was an interest in the sculptures of 'ideal heroes' that are typical of the urban visual environment in Moscow, standing at crossroads, in parks, on the walls of apartment buildings and in cemeteries. The two totalitarian ideologies of the twentieth century – communism and National Socialism – shared this use of sculpture as a means of indoctrination, which, in view of the political instrumentalisation of art in the GDR, also forms a link between Russia and Germany. To Bruskin, the topic therefore seemed a particularly suitable subject for a work created by a Russian painter in the German parliament: the mirror of Russian totalitarian myths is intended to help the German viewer discover familiar details of their country's own history.

Bruskin arranges the individual images in rows so that they all follow the same template and have been 'forced into line' without any hierarchical distinctions, development or sense of movement: by placing an identical landscape bathed in wan light from the moon in the background of each image, Bruskin comments sardonically on the supposedly timeless, heroic ideals embodied in all the sculptures. A line of text exhorting Soviet citizens to devote their



Grisha Bruskin, *Life Above All Else*
Oil on canvas, 1999
Club room

lives to the greater good of society runs across the top of each image. Only the figures' attributes, the colouring of which lends them a greater degree of realism than the people who are depicted, endow them with identity and make them nameable. In this, they are similar to the attributes depicted with the figures of saints, an allusion to the appropriation of religious language and imagery by ersatz, secular religions such as communism.

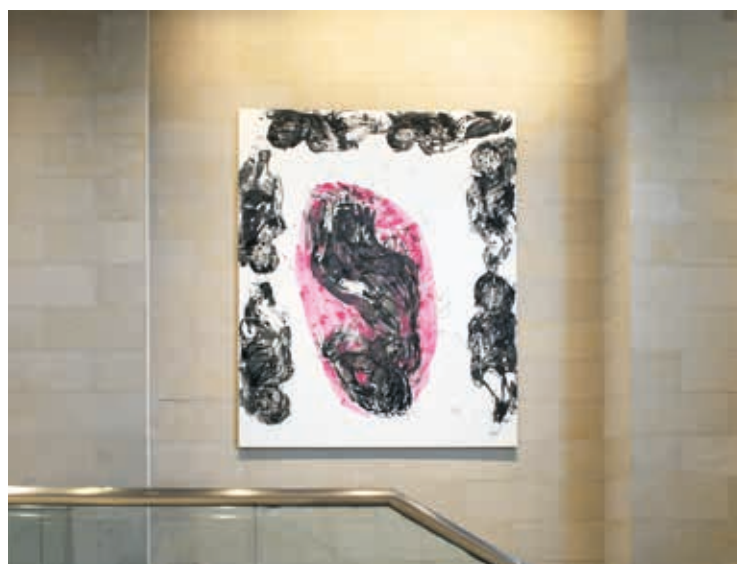
Each of the figures tells a story, some of which are ironic, some sad and some political. A Soviet border guard carries a post, condemned for all eternity to plant it in the ground at ever more distant frontiers; another border guard has an Alsatian dog – a 'German shepherd' – to protect him; a schoolmistress confronts the viewer almost threateningly with Lenin's motto 'Study, study and study again.'

Georg Baselitz

With the two large-format canvases that flank the south entrance hall, Georg Baselitz responded to motifs associated with the great German Romantic painter Caspar David Friedrich. In these images, as he has done since the end of the 1960s, Baselitz depicted his subjects upside down in order to foreground the formal aspects of his compositions. He based them on woodcuts after Caspar David Friedrich's pictures

Melancholy, The Woman at the Precipice and *Boy Sleeping on a Grave*, which he translated into his own pictorial idiom by applying the paint lightly and transparently. Large parts of the canvas are left blank and some of the colours appear to have been added as washes. The paintings thus acquire the airiness of watercolours, their transparency and feverishly expressive brushwork counterbalancing the architecture's massive, firmly interlocking blocks of stone. By echoing motifs from Friedrich in the traditional medium of painting on canvas, Baselitz bridges the gap between the present and the age of romanticism, a period that has been so important to Germans in their quest for identity. Both the subject matter and the handling of Baselitz's paintings suggest he is hinting at the dangers and inscrutability of that epoch in intellectual history.

Born in 1938 as Hans-Georg Kern in Deutschbaselitz, Saxony, Baselitz studied painting at the College of Fine and Applied Arts in East Berlin. He was a friend of Ralf Winkler (A. R. Penck), and was expelled after just two semesters for 'social-political immaturity'. He went on to continue his studies in West Berlin from 1957. In 1961, he attacked the informalism that then prevailed in West Germany



Left:
Georg Baselitz, *Friedrich's
Melancholy*
Oil on canvas, 1998
South entrance hall

Right:
Georg Baselitz, *Friedrich's
Woman at the Precipice*
Oil on canvas, 1998
South entrance hall



Ulrich Rückriem

and what were in many cases the merely decorative, repetitive formulas of abstract expressionism with his 'Pandemonium Manifesto I'. Baselitz embraced an intensely emotional style of expressive figurative painting, whose dark undertones evoked the artist's existential 'thrownness' between East and West. Baselitz and the 'pathetic realist' painters who were his associates spurned artistic conventions by choosing provocative subjects and, in Baselitz's case, turning motifs upside down so as to foreground the actual painting and its expressive gestures. His figurative motifs were reduced to triggers for the free-flowing, expressive application of paint that increasingly took on a life of its own.

Finally, the revisiting of his earlier career became significant in the works he created from the 1990s on. His 'Remix' pictures have seen him painting his own key works afresh because he says he needs a 'dialogue with himself'. His interest in painting 'as such' therefore remains the decisive characteristic of Georg Baselitz's oeuvre.

Two floor sculptures by Ulrich Rückriem lie in the south courtyard, their proportions and the ideas behind them commenting and conceptually elaborating on the architecture of the courtyard. The artist had two slabs split off a quarried block of granite from Normandy and cut each of them vertically into five pieces. All five parts were reassembled into their original form to replicate the pattern of joints in the courtyard's paving, but with the central piece mill-cut, ground and polished. As a result, it has taken on a blue-grey shade and reflects like water so that the rusty-grey slabs surrounding it appear like the sides of an ornamental pool. Rückriem contrasts the courtyard built of dressed stone with the artlessness of an undressed granite slab and, in doing so, takes the logic of the design devised by the old Reichstag Building's architect, Paul Wallot, a step further. Wallot decorated the lower storey in the courtyard with hammer-dressed stone, whose irregular, seemingly undressed surfaces are intended to at least create the impression of rustic naturalness. The undressed edges of Rückriem's granite slabs, by contrast, actually do embody such a lack of artifice. At the same time, it becomes possible for anyone who views the sculptures to trace the artistic process of preparing the natural granite. For instance, the

Ulrich Rückriem, *Double Sculpture*
– *Floor Relief*
Bleu de Vire granite from
Normandy cut into five pieces,
the central piece mill-cut and
polished, 1998
South courtyard



remains of the holes drilled to split the granite block from the quarry face can be made out on the slabs' outer edges; the juxtaposition of dressed and undressed stone reveals the material qualities of the granite.

Born in 1938 in Düsseldorf, Ulrich Rückriem initially did an apprenticeship as a stonemason, which he completed at Cologne Academy of Fine and Applied Arts under Ludwig Gies and the workshop responsible for the upkeep of Cologne Cathedral. In the 1960s and 1970s, he rapidly gained recognition as one of the leading and most rigorous German sculptors. While he made use of steel and wood in his early artistic works, since 1980 he has limited himself exclusively to stone and, in recent years, just granite. He is equally consistent in his rejection of attempts to appropriate the content of his sculptures. Rather, as a 'formalist', he expressly claims to create artworks that have no purpose, but function through their materials and the craftsmanship involved in working them: 'The material, its form, its characteristics and its dimensions influence and limit my sculptural activity. Work processes must be discernable and should not be erased by subsequent processes. The work I do on the material determines the nature of the object itself and its relationship to its new location.' With his two floor sculptures for the south courtyard of the Reichstag Building, Rückriem created one of his typical, aus-

tere, restrained works which, with deliberate reductiveness, rely purely on the sculpture's proportions, the effects created by its material and its manifestation of the artistic work process.

Günther Uecker

With his Reflection and Prayer Room, Günther Uecker undertook the most comprehensive art-for-architecture project in the Reichstag Building. Basing himself on theological traditions, he succeeded in using economical sculptural and architectural means of expression to create a space that encourages meditation and self-examination. By erecting a screen in front of the side windows with an opening through into the inner area, Uecker directs light indirectly into the room, which – in contrast to Foster's light-flooded architecture – consequently acquires the mystical aura of an early-medieval crypt. The edge of a raised section of floor points eastward, enabling the viewer or worshipper to face in the direction of Jerusalem and Mecca. The Reflection and Prayer Room is thus embedded into a system of spiritual coordinates shared with major world religions. It is conceived as a non-denominational place of worship that is open to dialogue with other faiths, but is also available to people without religious ties as a retreat where they are able to gather their thoughts and commune with



Günther Uecker, *Reflection and Prayer Room*, 1998/1999, plenary level

themselves. Liturgical implements used in various religions have been placed in an illuminated display case on the wall in the antechamber. The restraint of this space's decoration is accentuated by bold sculptural elements such as the altar of sandblasted granite, specially designed chairs and benches, and seven wooden panels that have been leant against the walls at a slight angle. The panels are not attached to the walls, as if they could be removed at any time and taken along on a journey. In consequence, they convincingly stand for the homelessness of the human on earth. On these panels, Günther Uecker created sculptural forms made up of nails, paint, sand, ashes and stones in which the elementary human experience of being is addressed and intensified into impressively suggestive images. The powerful form of the cross motif on the panels leaning against the top end of the room, with its hundreds of nails piercing the collaged cross-shape, invokes the pain inflicted on Christ by disregard for his message of love. At the same time, the nails spread upwards like a cloud, detaching themselves from the cross and hence forming a transition to the theme of the Resurrection panel, on which everything earthly seems to have been transcended by white structures of nails that thrust dynamically outwards from the surface.

Born in 1930 in Wendorf, Mecklenburg, Günther Uecker studied at the art academies in Berlin and Düsseldorf. In the early 1960s, he joined the Zero group and started exploiting his main compositional element, series of nails driven into wood, to create rigorously ordered arrangements on boards or rotating disks. Via these methods, he found his way to serial structures and optical kinetic effects characterised by the subtle play of light and shade. Increasingly, he has used his sculptures, installations and other artistic activities to analyse the existential threats to which humanity is exposed in the modern age and call for the human to be preserved.

Anselm Kiefer

Anselm Kiefer creates a visual correlate for the historical determinedness of the human being in a monumental painting dedicated to the poet Ingeborg Bachmann that hangs in one of the reception rooms. Inspired by a line from one of Bachmann's poems, 'Only with wind with time and with sound', he opens up a vista over an archaeological excavation. The viewer sees a mighty tower of clay bricks reminiscent of a ziggurat, a Babylonian stepped tower. It is already beginning to disintegrate along its edges, where it is barely distinguishable from the ground around it.



Anselm Kiefer, *Only with wind
with time and with sound*
Mixed media on canvas, 1998
Reception room, plenary level

The clay-coloured monochrome tones of the painting and its crusty surface, with some dark areas that appear to have been burnt, almost imply it was created out of the building materials used in the tower that is depicted. The impression of an archaeological site, the representation of which alternately suggests a staged reality and an optical illusion, is intensified even more by fragments of ceramic pots and scraps of paper with writing on that are stuck into the painting. The line by Ingeborg Bachmann is inscribed in the layer of paint along the upper edge of the painting. This quotation comes from her poem 'Exile', written in 1957. In it, the poet describes someone who has been exiled and left with no spiritual refuge except the German language: 'I am a dead man who wanders / no longer registered anywhere ... long since done with/and provided with nothing/ Only with wind with time and with sound.' The immateriality of wind, time and sound is confronted with the apparently firmly founded towers. They are symbols of power and, like the Tower of Babylon, the overweening arrogance of human pride when it presumes to match itself against the divine and pursue boundless utopias. When he inscribes the words 'wind', 'time' and 'sound' – which denote momentary phenomena – in the remains of a tower that appears to have decayed over a period of many centuries, the artist shows how little

difference there is between the seemingly solid and the evanescent in the face of eternity. From this perspective, human beings on earth also live in exile, their utopian visions resembling nothing so much as a transitory breath of wind that can never be held on to.

His period as a student of Joseph Beuys at Düsseldorf Art Academy had a crucial influence on Anselm Kiefer (born 1945 in Donaueschingen), since Beuys directed his attention to the historically constrained nature of the individual. Incorporating fragments of reality, Kiefer's paintings and installations are both concrete historical events and mythological narratives. With the image of a ziggurat or pyramid, his painting in one of the Reichstag Building's corner towers depicts the historically verifiable primal ground of the Biblical mythologies. By artistically transporting this historical/mythological excavation site into the present, it urges us to recognise the fleeting character of our own actions and plans, and to accept the fate of transience.

Christian Boltanski

The French artist Christian Boltanski (born 1944 in Paris) settled on the question of how we perceive the past as the main theme of his artistic oeuvre. The site-specific piece he created in the basement beneath the east entrance

Christian Boltanski, *Archive of German Members of Parliament*
Metal boxes, 1999
Basement, east entrance



to the Reichstag Building expands on this topic. *Archive of German Members of Parliament* consists of metal boxes labelled with the names of all the democratically elected Members of the Reichstag and German Bundestag from 1919 to 1999, the year when the Reichstag Building was re-inaugurated as the seat of the national parliament. The boxes are stacked ceiling-high in two rows, forming a narrow passageway that is only dimly lit with carbon filament light bulbs. Inside this 'basement archive', one is enveloped in an atmosphere of quiet seclusion, while the backs of the rusty boxes form picturesque patterns on the outside. Boltanski thus erected a wall under the east entrance that appears to bear the whole weight of the Reichstag Building, and so constitutes a compelling symbol of Germany's democratic tradition. The idea of the equality of all before the finiteness of human existence is expressed in strong visual terms by the sequences of joined-up boxes. All the members of Germany's parliaments are remembered with the same amount of space, whether they spent just a couple of years as backbenchers or played a vital

part in guiding their country's fortunes. There are just two exceptions from this rule. Black strips mark the boxes that commemorate those killed by the National Socialists, and halfway along the passage a single black box commemorates the years from 1933 to 1945/1949, when the German people were not represented by a democratically elected parliament. Boltanski's first installations focused on preserving the traces of his own childhood and the lives of complete strangers. Later, he began using large-format, coarse-grained black-and-white photographs to 'reconstruct' fictional biographies that consist of portrait photographs, mostly of children (who remained anonymous), which were mounted on wall panels. Boltanski arranged these portrait panels with light bulbs and lamps to create commemorative altars that became symbols of transience. Juxtaposing past lives with the remembering of the present, and emphasising the average and the common-or-garden of human existence – particularly through the anonymity of the people depicted –, Boltanski makes manifest the equality of each and every one of us in the long-term scheme of things. For his installation *Archive of German Members of Parliament*, Boltanski modified this theoretical approach, tailoring it specifically to

the Reichstag Building. The name badges on the boxes record the existence of each parliamentarian as a historical person, whereas the sequences of identical boxes foreground the significance of the social fabric as a whole entity even as the generations come and go.

Strawalde

Jürgen Böttcher, who works as a painter under the name Strawalde (from Strahwalde in Upper Lusatia, the place where he spent his childhood and youth), was one of the most outstanding oppositional painters in the GDR. Born in 1931 in Frankenberg, he gathered around him a private circle of kindred spirits, including painters like Ralf Winkler, Peter Herrmann and Peter Graf who were prevented from exhibiting and harassed by the GDR authorities. Within this circle, he became an artistic mentor to Winkler, who adopted the pseudonym A. R. Penck and subsequently emigrated to the West.

In addition to this, Strawalde was unusual in being gifted in two artistic fields, breaking new ground not just as a painter, but also as a film director and documentary maker. In the GDR, however, he constantly came into conflict with the regime's ideological and aesthetic censors as a film-maker as well. Many of his films were consequently banned, some even being destroyed before their first showing. His first attempts to paint were influenced by Picasso, but Strawalde soon emancipated himself from this model and developed a style that, to this day, is highly idiosyncratic, switching between abstraction, free-flowing gestures, figurative and surreal elements, paintings executed in impasto and delicately coloured drawings. The artist wishes 'to capture the world' in 'free signs parallel to nature'. Comparison of the three items selected for the German Federal Chancellor's rooms in the Reichstag Building makes it clear that, given its breadth of thematic and stylistic variety, Strawalde's painting defies categorisation in conventional terms. The three works date from 1991, a year of political and social upheaval in the aftermath of German reunification. They certainly allude to political developments but, as in *Tropic*, a dark red painting enriched with elements of collage, they do so in a freely associative manner that



Strawalde, *Tropic*
Acrylic, oil, ink, chalk and
assemblage on paper, 1991
Federal Chancellor's rooms,
plenary level

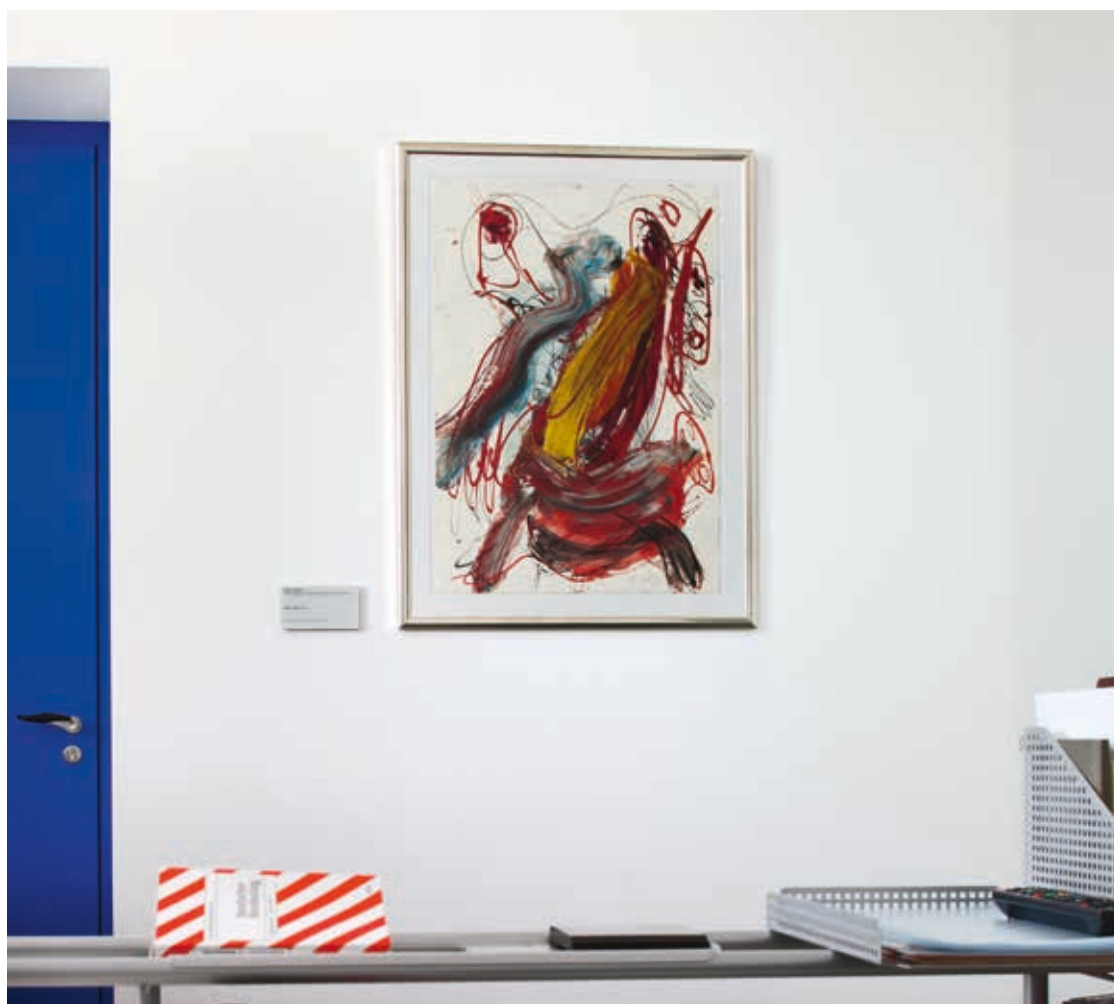
makes it difficult to reduce them to particular verbal concepts. In *Medea*, colour is handled in a diametrically opposite fashion, its muscular strokes of dark paint generating a powerful image of the sorceress of classical mythology. The grotesque procession of figurines in the third work, entitled *29.X.1991* after the date of its creation, allows the artist's sense of fun and a vein of whimsical poetry to come through. Each of these paintings possesses such a vigorous life of its own that the viewer is compelled to absorb them separately, accepting them as images drawn, in Strawwalde's words, 'right from the heart of life'.

Walter Stöhrer

Born in 1937 in Stuttgart, Walter Stöhrer was a pupil of HAP Grieshaber in Stuttgart before relocating to Berlin in 1959. It was there that he found his way to his own individual style, what he called 'intra-psychic realism'. Under this approach, the artist would start with written characters and calligraphic signs, which he would then overpaint with swathes of colour applied using dynamic gestures.

The background of the work hung in the Federal Chancellor's rooms is a blue-grey impression taken from a dry point plate. Alongside this dry point print, he first added black written characters, figures and vigorous lines. He then overlaid the print with a vibrant, red-yellow swirl full of passionate restlessness. In this manner, the artist vigorously articulates his commitment to the grand, expressive gesture while simultaneously interrogating such gestures with fine, sensitively drawn lines in the background and allowing mysterious, unfathomable depths to shine through.

Although Stöhrer remained true to the traditions of informalism until his death in 2000, the passionate emotionality embodied in his eruptions of colour prevented him from falling into the trap of repetitive decorativeness and beauty of line. At the same time, he integrated surreal elements, and echoes of the art brut created by children and the mentally ill, layering them under his swathes of colour so that unsettling signs indicative of profound inner turmoil become visible beneath the extrovert brilliance of his lively paintwork. Stöhrer's works may therefore be interpreted as acts of mental self-assertion, records of a lifelong battle against the monsters born of the sleep of reason.



Walter Stöhrer, *Untitled*
Dry point and mixed media
on paper, 1995
Federal Chancellor's rooms,
plenary level

Floris Neusüss

In the cafeteria, the photoartist Floris Neusüss installed a sequence of photograms in shades of blue to form a six-metre-long tableau, in which silhouetted busts are arranged in pairs that face each other.

Neusüss is one of the principle representatives of experimental photography in Germany. His creations are centred on the photogram in all its variants. No camera is needed to make a photogram: the object to be depicted is positioned between a light source and some photographic paper. The light source casts a silhouette on the photographic paper without any intervening mechanism, producing a negative image: The shadow comes out in white because the photographic paper is hardly exposed, if at all, in this area, by contrast to which the background is heavily exposed and consequently comes out black. The polarity of the image can also be inverted if photographic reversal paper is used. Artists like Christian Schad, Man Ray, El Lissitzky and László Moholy-Nagy experimented with and further developed this technique in the 1920s. Floris Neusüss is its most

significant exponent on the contemporary art scene: as the founder of the Photoforum Kassel, he was the driving force behind a 'second avant garde' in photography, which explored new expressive possibilities for the medium. Born in 1937 in Remscheid, Neusüss lectured on experimental photography at Kassel Art College until 2002.

Neusüss's piece for the cafeteria is a response to the sculptures on the Reichstag Building: each of the four corner towers has a parapet running round the top of its façade surmounted by four sculptures on pedestals. There are therefore sixteen figures in all that were created by different sculptors. The sculptures are allegories that personify different aspects of the state, as well as branches of industry and occupations. They are highlights of the magnificent ornamentation with which the Reichstag Building was decorated by Paul Wallot, its architect and builder.

In order to make photograms of these figures, the artist and his assistants were raised to the height of the sculptures on the Reichstag Building's parapets by two cranes late at night. Out-size sheets of photographic paper were held behind the sculptures, which were then illuminated from the front with powerful flash lights. Neusüss selected two sculptures from each

Floris Neusüss, *Shadows of Distant Times*

Photograms, digitally edited on photographic paper, 2012
Cafeteria, plenary level

tower for the frieze in the cafeteria, so that each of the sculptors involved is represented once. His images of the sculptures' busts are arranged in pairs on the rear wall of the cafeteria so they face each other as if they were absorbed in conversation. From left to right, the following allegorical figures are to be seen (listed with their sculptors):

Art (north-east tower)

by Christian Behrens,

Education (north-east tower)

by Friedrich Schierholz,

Light and Cottage Industry (north-west tower)

by Syrius Eberle,

Heavy Industry (north-west tower)

by Gustav Eberlein,

Viticulture (south-west tower)

by Robert Diez,

Arable Farming (south-west tower)

by Otto Lessing,

Justice (south-east tower)

by Hermann Volz and

Land Forces (south-east tower)

by Rudolf Maison.

The title of Neusüss's work, *Shadows of Distant Times*, alludes to Plato's allegory of the cave and makes the depictions of these sculptures fall like shadows from a past age into the living, contemporary political world of the Reichstag Building. The sculptures' artistic translation into the present, and their transposition from the roof to the level of the plenary chamber vividly illuminate how the state was understood during what is today still regarded as a defining epoch of German history, and encourage the viewer to contemplate how the values on which the state is founded are visualised and represented in the world of today.

Bernhard Heisig

Bernhard Heisig was born in Wrocław in 1925 and was one of the most significant representatives of the Leipzig School in the GDR. In *Time and Life*, a painting rooted in the German expressionist tradition that is on display in the reference library, he unfolds a disquieting panorama of German history. The motifs, almost bewildering in their abundance, circle around themes from the life of Frederick the Great, unmask the opportunistic careerism of those who claimed merely to have been following orders and awaken associations with Icarus, the hubristic figure of classical mythology who was

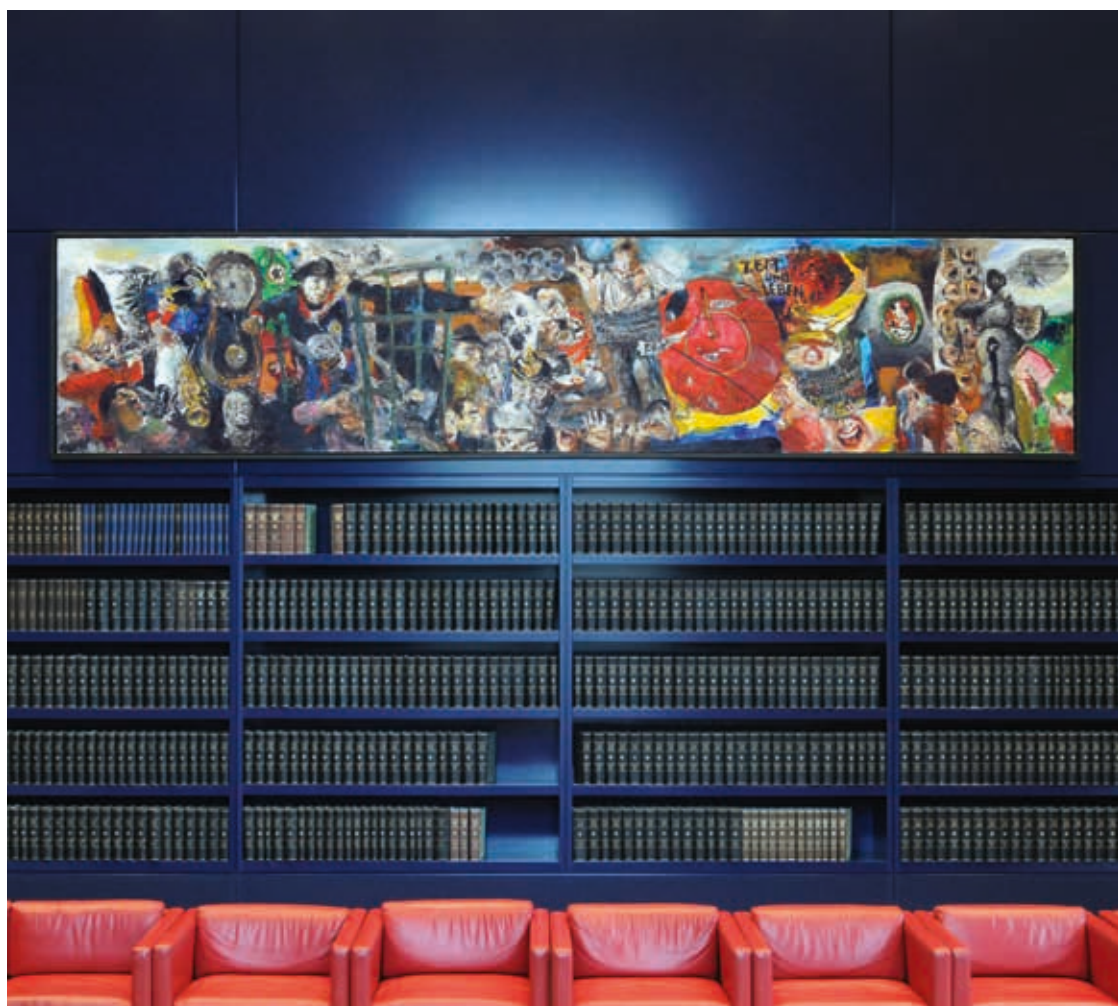


such a significant and typical metaphor for art in the GDR. Heisig's frieze impressively breathes life into perpetrators, victims and fellow travelers. In doing so, he raises the fundamental problem of how the individual can assert themselves against state violence and interference: to what extent is it possible for them to lead an ethically responsible, self-determined life?

The scenes follow one another like a series of film stills, though frequently overlapping and merging. The dramatic scenario begins on the left with the colours of the 1848 revolution – black, red and gold –, and continues with the eagle from the Prussian coat of arms visible behind a dying soldier and a large, old-fashioned pendulum clock, which strikes the hour above a stone bust of Bismarck. Further to the right, a human skeleton tries to carry off Frederick the Great. In his hand, the old king holds the skull of Katte, the friend of his youth who was beheaded at the order of Frederick's father, while the dungeon door next to Frederick hints at this traumatic experience yet again since his father forced him to watch the execution from his prison cell. The figure of an East European Jew, seen from behind in his caftan, is squeezed into the door. His stretched-out arms lead towards a portrait of Hitler with a skull beneath a battery of the public loudspeakers used by the National Socialists to broadcast their propaganda. Below this, Heisig quotes Felix Nussbaum's *Self-Portrait with Jewish Passport*, which Nussbaum

painted in 1943, shortly before he was deported and murdered. The central figure of the war invalid exposed as an opportunist who 'only followed orders' raises his forefinger in a gesture of stubborn admonishment, while a monumental, brilliant red clock next to him shows the time at five minutes to twelve.

To the right of the clock, marking the transition to the painter's home region of Brandenburg, one sees a stork framed in green taken from the coat of arms of the Cathedral Chapter of St Peter's in Bautzen (the site of a battle at which Napoleon defeated Prussia); a pair of lovers; the statue of Charlemagne's knight Roland at Stendal holding the Brandenburg coat of arms; and, on the lower edge of the painting, a self-portrait of the artist. Otto Lilienthal's flying machine – depicted in the top right-hand corner of the picture – crashed just a few kilometres from Heisig's studio. Lilienthal's fate recalls the myth of Icarus which, for many artists in the GDR, became a symbol of how the communist utopia had failed and their own longing for freedom. Nevertheless, Heisig closes his disturbing sequence of historical subjects with an image of hope. The small boy holding on to a pink kite in a green field recalls the line 'Let your kite fly' from a song by the GDR rock band Puhdys and expresses a desire to see the aberrations of German history now overcome. Bernhard Heisig died in 2011 at Strodehne, Brandenburg.



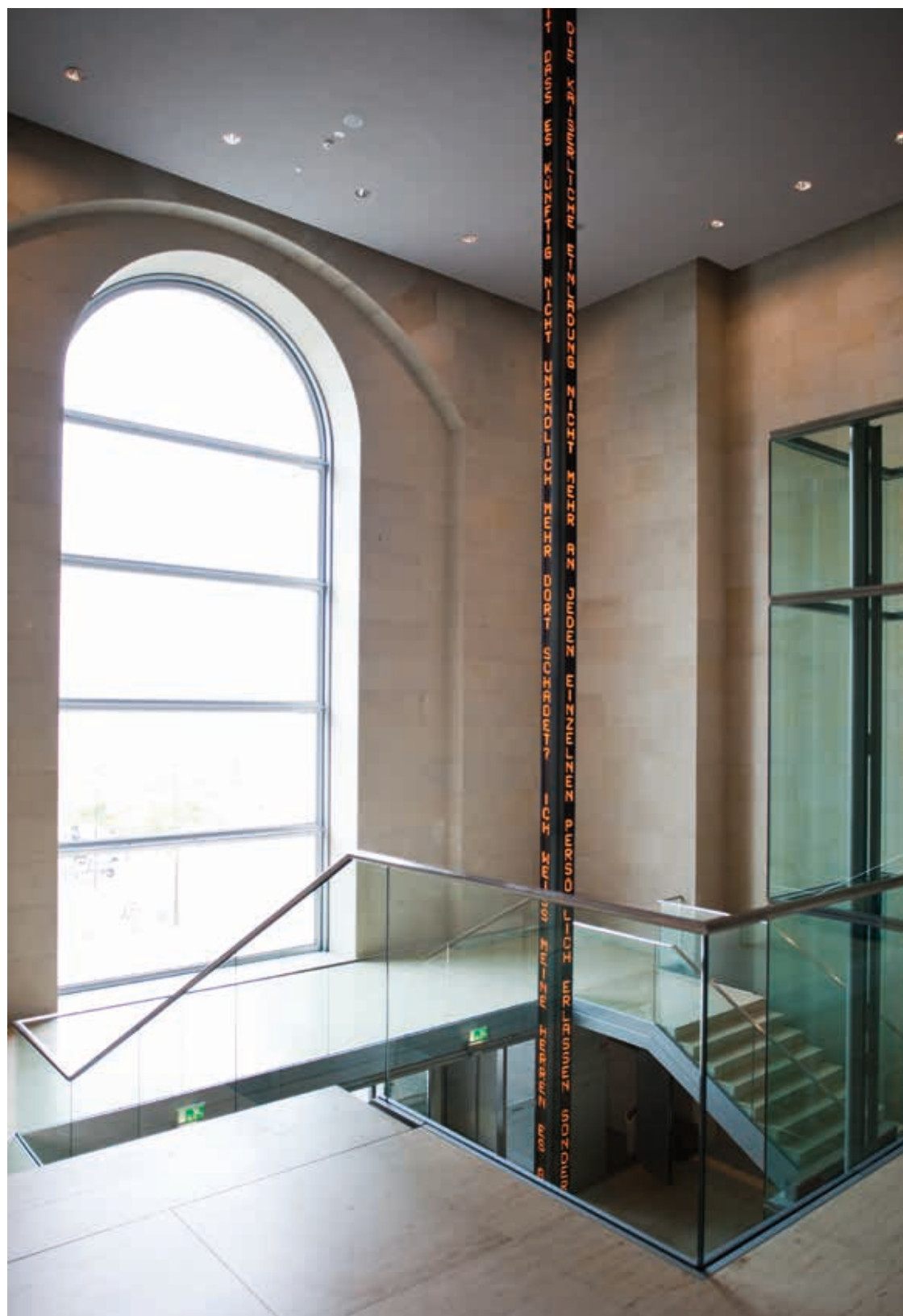
Bernhard Heisig, *Time and Life*
Oil on canvas, 1998/1999
Reference library, plenary level

Jenny Holzer

The American artist Jenny Holzer installed a stela with digital LED strips along its sides in the Reichstag Building's north entrance hall. The texts of speeches by Members of the Reichstag and the German Bundestag flow up the LED strips, with interruptions and interjections indicated by flashing letters. The speeches, which were selected by the artist and combined into thematic blocks, had originally been delivered during a period that began in 1871, the year the German Empire was established, and ended in April 1999, when the Reichstag Building was reopened following its refurbishment by the British architect Norman Foster. The artist arranged 447 speeches and interventions end to end so that they run uninterrupted for about twenty days without repetition. There are always four different speeches moving up the four sides of the pillar at any one time, all dealing with the same topic. In consequence, parliament's north entrance hall has become the scene of a never-ending discussion. Jenny Holzer's work provides a vivid demonstration of the truth that there cannot be just one side or just one standpoint in a parliamentary democracy.

The parliamentary speeches rising up to the middle of the ceiling on the stela symbolically form a pillar supporting parliament as the place of political speech (from the French *parler*, 'to speak'). The impact of the LED stela is particularly impressive at night, when the edges of the pillar are no longer visible in the darkness, and the glowing words of the speeches seem to hold up the vaulted ceiling on their own. At the same time, they are reflected many times over, fractured in the glass walls of the north entrance hall. In this piece, Jenny Holzer found a visually powerful way of deploying her distinctive artistic means of expression to reflect, both literally and metaphorically, the essence and history of parliamentarianism in Germany. Born in 1950 in Gallipolis, Ohio, the American installation artist began her artistic career with texts and essays. In 1977, she started displaying what she called 'truisms' (such as 'any surplus is immoral' or 'politics serves personal interests'), which were printed as posters, painted on house walls or erected as neon signs. In an environment dominated by advertising texts and other visual signals, these laconic statements prompt the viewer to pause and reflect. Jenny Holzer intensified this approach to create complex language-based installations, which linked together visual forms that related to specific pieces of architecture with statements about social policy, as in the American Pavilion at the Venice Biennale in 1990 or the New

Jenny Holzer, *Installation for the Reichstag Building*
Steel stela with electronically
controlled moving text, 1999
North entrance hall



National Gallery in Berlin since 2001. For other projects, she has used powerful xenon lamps to project her words onto historic monuments and buildings, such as the Battle of Nations Memorial at Leipzig or the Kaiserpfalz Imperial Palace at Goslar, literally putting these heritage sites in a new light. They become vehicles for her contemporary messages while, paradoxically, their illumination helps them regain the charismatic power they once possessed as structures symbolic and representative of their age. In all these projects, the artist responds with her texts to the specific historical and political contexts of the locations where her installations are realised. At the Reichstag Building, she engaged with the past of this historic structure in a comparable way, simultaneously lending it a new relevance through the contemporary medium of moving LED text. With this modern medium, Jenny Holzer consciously resorts to a mode of communication people are familiar with from their daily environment, from railway stations, from the stock market news, from trains and buses, from advertising. On the one hand, therefore, Jenny Holzer's work is certainly media-critical, since

it urges us not to allow the advertising messages we see every day to influence us without reflecting on them. Yet, on the other hand, she also advocates the recognition of new forms of communication, which, as an artist, she exploits to communicate her own ideas as effectively as possible.

Hans Haacke

Hans Haacke's installation *To the Population* was the last of the art-for-architecture projects to be installed at the Reichstag Building. At the invitation of the Art Council, the artist developed a design for the north courtyard that involved marking off a large area surrounded by thick planks of wood, where Members of the Bundestag were to be invited to scatter soil from their constituencies. In the middle of this wild biotope, which was to be left untended, Haacke wished to place the words '*Der Bevölkerung*' ('To the Population') lit up in neon lettering. The typeface with which he wanted to do this was the one designed by Peter Behrens that had been used in 1916 for the inscription '*Dem Deutschen Volke*' ('To the German People') over the building's main entrance.

Hans Haacke, *To the Population*
Neon light, soil and webcam,
1999/2000
North courtyard

Haacke's design was hotly debated inside and outside parliament. Controversy was sparked by the phrase 'To the Population'. Some felt it represented an attempt to 'correct' the inscription above the west portal, 'To the German People', and therefore called fundamental constitutional tenets of the Federal Republic of Germany into question. Others believed the words in the courtyard would extend the earlier inscription's meaning in a quite legitimate, thought-provoking way. Those who favoured Haacke's work won the day by a narrow majority, and it was finally presented to the Bundestag in September 2000. Since then, Members have filled it with soil from their constituencies, either on their own or together with citizens they represent who have come to visit parliament. When they do this, they talk about where the soil came from, and discuss its role in the constituency's history and economy. A webcam set up in the courtyard enables visitors to find out what has grown in 'their' patch of soil on the Internet at www.derbevoelkerung.de, which affords everyone access to the courtyard in the Reichstag Building.

Born in 1936 in Cologne, Haacke has lived since the 1960s in New York, where he taught at Cooper Union, one of the most respected art schools in the USA. Starting at the beginning of that decade, he has concentrated on the development of specific forms of 'process art' intend-

ed to visualise model physical, biological and social processes, and therefore convey a clear idea of the structures that underlie them. In consequence, Haacke's installations always relate to their concrete political, social and cultural environment, engaging the viewer in a dialogue that is a constituent part of the artwork. It does not matter whether the comments made are positive or negative: what is decisive is that the viewer states their position and engages intellectually with Haacke's projects.

With this in mind, tension is generated between the words in the courtyard and the inscription above the west portal, a tension that encourages meditation on and discussion about the role and self-perception of parliament. In addition to this, by calling on Members to fill the installation with soil, Haacke reminds those who take part of their human responsibility towards the environment. Soil is a token of human mortality and, as such, reminds us that we are all equal in the face of death. At the same time, the handling of this soil and the fact that no one can foresee what vegetation will grow out of it beforehand draws attention to the boundaries of the technologically and politically feasible. Consequently, the unbridled vegetative growth fostered by this biotope in the



courtyard of Norman Foster's high-tech building has become an attractive, living contrast to the stone of the original courtyard. Furthermore, the mixing of soil from every constituency in Germany underlines the bonds that exist between the country's regions and emphasises that the issues dealt with in parliament are of equal concern to all the country's citizens.

Hermann Glöckner

The three sheets by Hermann Glöckner in the glass case outside the plenary chamber do not depict any aspect of the world outside themselves. Rather, the depiction and what is depicted are one and the same thing. These are typical examples of concrete art: concrete in the sense that the geometrical traces of the folds in the sheets are the product of real, 'concrete', actions – the folding of the paper – that can be inferred from the works themselves. The folds are at once witnesses of what has happened and its results.

Glöckner's art is exceptionally austere and rigorous. From depictions of geometrical structures inspired by the effects of light and shade on roofs, façades, chimneys and electrical pylons, he arrived in the mid-1930s at the manner of seeing and techniques exemplified in what he called 'foldings', works of pure, self-sufficient geometry. From that point on, Glöckner devoted himself to exploring the endless diversity of folded and refracted shapes in three dimensions with sculptures, and in two dimensions on panels or sheets, while investigating the secret harmonies that govern the interplay of colour, line and materiality on surfaces. Such undemonstrative art was always at odds with the times. Neither the National Socialists nor the GDR regime were able to harness these self-sufficient aesthetic games for their ideological purposes, and Hermann Glöckner (born 1889 in Cotta near Dresden, died 1987 in Berlin) was consequently denied fitting recognition during his lifetime. However, the German Bundestag acknowledged his achievement shortly after reunification by having one of his many impressive unrealised designs fabricated posthumously and installed in Bonn.



Hermann Glöckner, *Black Rhombus* and *Black Wedge*
Works on paper, 1969/1980
Plenary level

Gerhard Altenbourg

With the watercolour drawing *Large Landscape*, Gerhard Altenbourg, who was born as Gerhard Ströch in 1926 in Rödichen-Schnepfenthal, near Gotha, Thuringia, and who passed away in Meißen in 1989, locates himself in the tradition of the sensitive, analytical style of drawing practised by Paul Klee and Alfred Kubin. In his early works, he continued and further developed their graphic art by placing networks of fine lines and delicate washes of colour over and next to one another layer by layer. In a piece like *Large Landscape*, areas that seem to be densely overgrown with lines contrast with open sections where delicate colours suggest a sense of breadth and spatial depth. These lyrical, meditative works were intended for a small circle of friends and collectors and, as such, reflected the human and artistic situation of a non-conformist in the GDR.

Altenbourg was one of the artists in the GDR who refused to accommodate themselves to state control of cultural production and were therefore forced to withdraw into 'inner emigration'. In the 1950s, when attempts were made by the Communist authorities to forcibly impose socialist realism on visual artists in the course of the 'formalism debate', Altenbourg's

delicately strange works on paper were shown at his first small exhibitions in the West. Critics in the Federal Republic of Germany soon acknowledged his outstanding achievement, hailing him as one of the most important members of the oppositional art scene in the GDR. As a consequence, the Ministry for State Security subjected him to months of interrogations and threats. Although his work was represented in the Federal Republic of Germany at the prestigious *documenta II* exhibition of 1959 in Kassel, he was practically forbidden from publicly exhibiting in the GDR, a ban broken only occasionally by a few courageous museum directors. Recognition eventually came to him in the GDR as well during the 1980s, when his public rehabilitation reached its high point with a major retrospective held in 1987 at the East Berlin National Gallery.



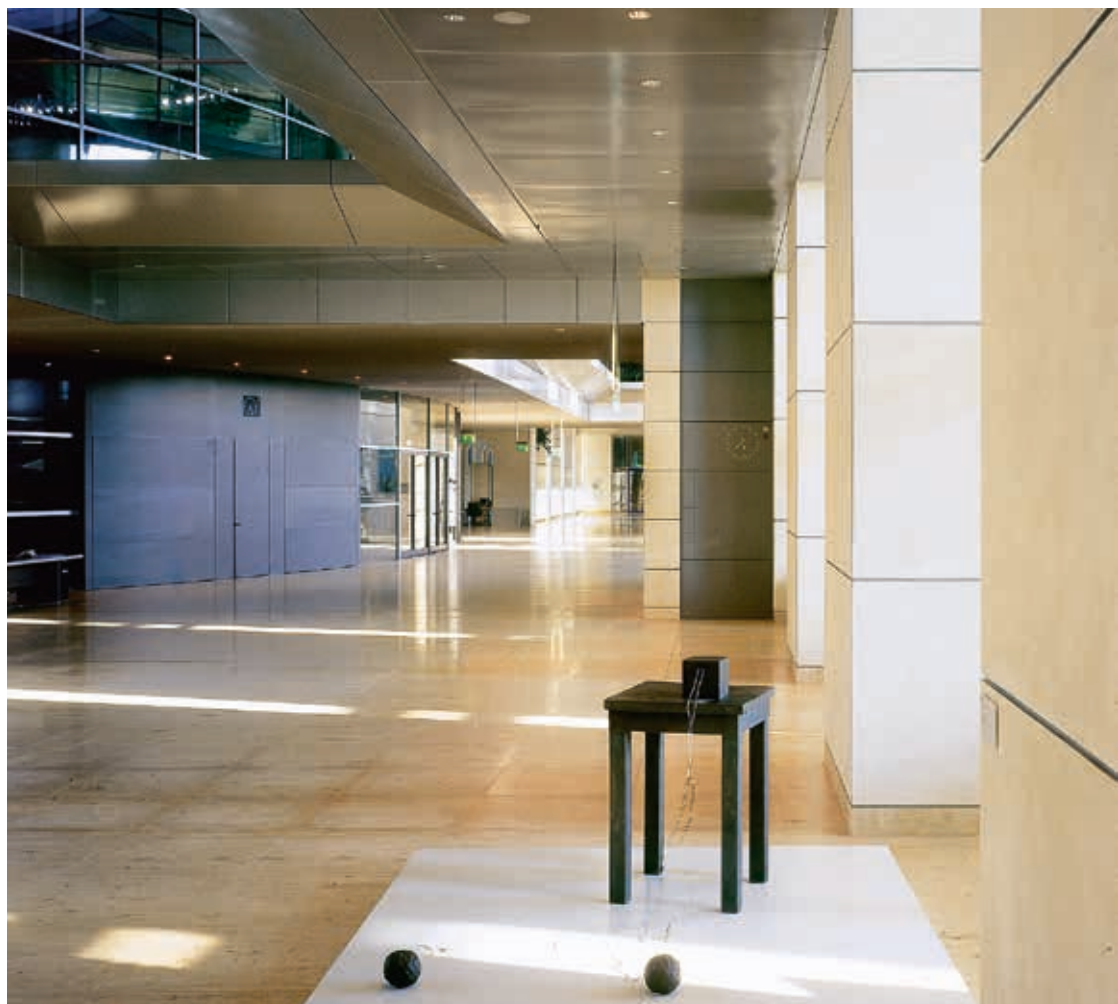
Gerhard Altenbourg, *Large Landscape*
Chinese ink and watercolour on
paper, 1953
Anteroom of the Members' lobby,
plenary level

Joseph Beuys

Joseph Beuys (born 1921 in Krefeld, died 1986 in Düsseldorf) is recognised as one of the most significant artists of our age. The uniqueness of his work and impact lies in the fact that, with the courage of the outsider, he developed a vision for a synthesis of life and art, and succeeded in making that vision a reality. It was through Beuys's training and practice as a sculptor that he arrived at his global model of 'social sculpture', which necessarily entailed the artist involving himself in politics, even if he understood this as just one component of a comprehensive notion of art. Bringing this model to life, which was his prime aim, meant setting free the creative powers to be found in every human being. Such a liberation of their creative powers would endow people with the maturity required to deal responsibly with their environment and actively shape history.

His view of the world and humanity had little to do with realpolitik, but this did not prevent Beuys from standing for the German Bundestag in 1976. The Art Council was therefore especially keen to have a work by this artist represented in the Reichstag Building, despite his well-known reservations about parliamentary democracy.

The bronze sculpture outside the plenary chamber in the Reichstag Building draws together many strands of Beuys's work. The table, battery and balls (originally made of soil) are everyday objects – 'poor' materials long considered unworthy of attention from artists and museums. Harnessing their fresh expressiveness and symbolic import, Beuys used the sculpture to intuitively illustrate his ideas about transmission and reception, as well as the flow and storage of energy. Beuys was motivated by a strong sense of mission when devising his sculptures. As he put it in 1977, 'I've found ... that material can be used to express something extraordinary, something that is decisive for the whole world ... Or, let us say, the whole world depends on the arrangement of a few clumps of material.'



Joseph Beuys, *Table with Battery*
Bronze and copper, cast 1/4,
On loan, 1958/1985
Plenary level

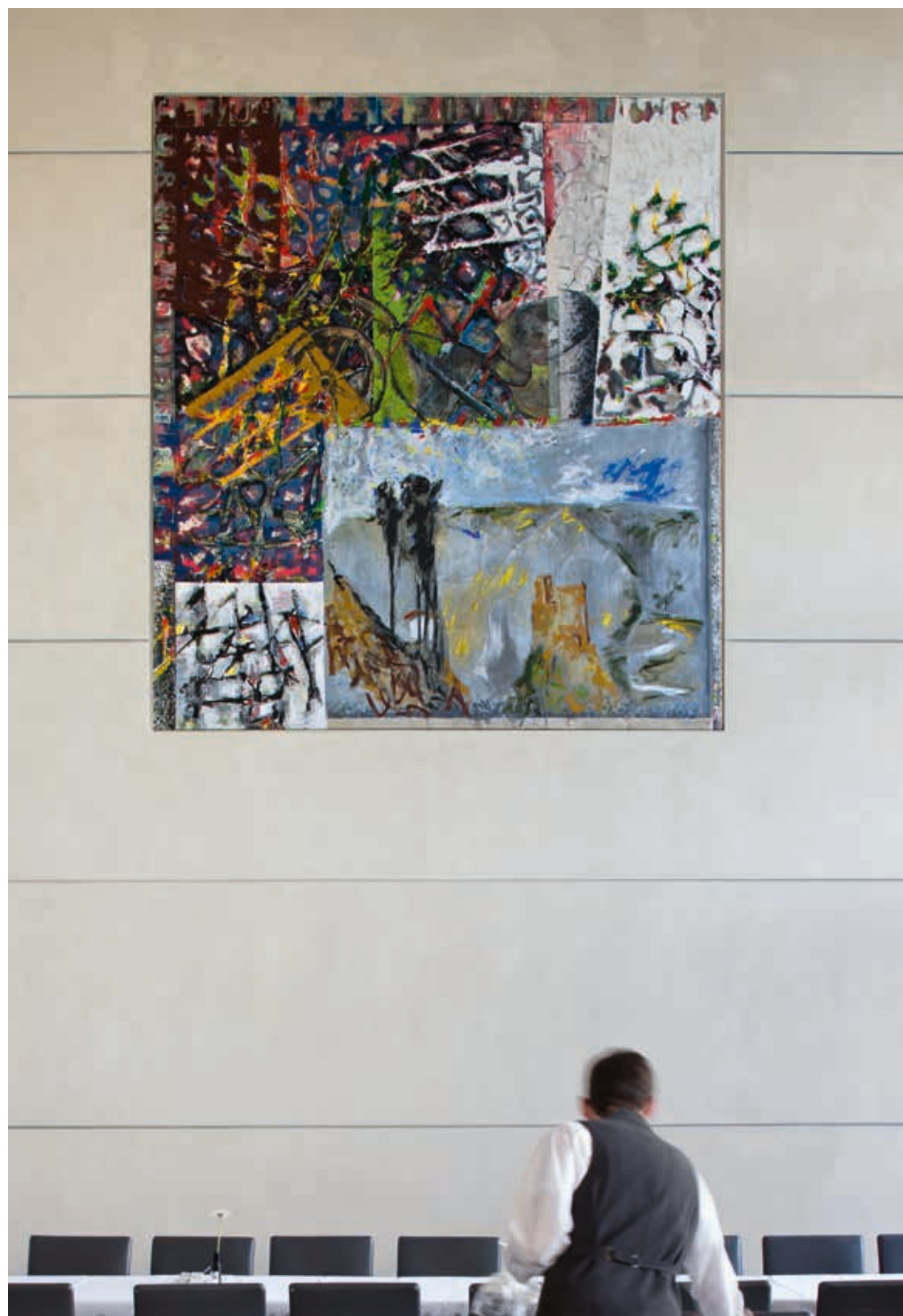
Markus Lüpertz

Another artwork on the same level as the plenary chamber was created by the painter Markus Lüpertz. He let his *1840* flush into the end wall of the Members' restaurant. In this painting, he takes his cue from the English painter J. M. W. Turner's tour of the Rhine Valley, returns to motifs from his own earlier works and playfully builds a conceptual bridge from the River Spree to the Rhine. 1840 was not only the year when Turner travelled to the Rhineland, but also a crucial stage in the establishment of Germany as a nation state when Prussia played a decisive part in the country's defence for the first time, warding off French attempts to annex German territory.

Born in 1941 in Liberec, Bohemia, Lüpertz belongs to the generation of painters who sought to go their own way at a time when the Western European art world was dominated by the abstract art that was coming out of Paris and New York. Early on, he left the Rhineland for Berlin, where opposition to abstraction was beginning to make itself felt, not least as a result of influences from Eastern Europe. In Berlin, he ar-

rived at what he called 'pathetic realism' in 1962, when he proclaimed his belief in 'dithyrambic painting'. A 'dithyramb' was a hymn associated with the cult of Dionysus, the Ancient Greek god of wine and ecstasy. The term links Lüpertz's ideas with the late poetry of Friedrich Nietzsche. Lüpertz needed this pathos to believe in the success of his own revolt against the then dominant art of abstraction, and it can scarcely be accidental that this pathos is also found in the related 'Pandemonium Manifestos' that Georg Baselitz produced in a similar spirit at this time. The two rebels held their first exhibitions at the Großgörschen 35 self-help gallery in Berlin. At this stage, Lüpertz was painting simple, everyday objects in a style notable for its vibrant, sculptural power and energetic, expressive brushwork. The painting remained dominant as an autonomous element in these works so that their content did not move to the fore. Around 1970, he turned to motifs drawn from recent German history. In the cycle of paintings entitled *Black-Red-Gold-Dithyrambic*, for instance, Lüpertz combined the image of a German army helmet dating from the National Socialist period with that of a gun carriage to form a monumental sculpture that looks like a baroque allegory of war.

Markus Lüpertz, *1840*,
oil on canvas, 1999,
Members' restaurant,
plenary level



Lüpertz incorporated various motifs and painting styles from earlier phases of his career into his picture for the Reichstag Building, overlapping them as if in a collage or placing them behind grids. He thus created a multi-layered painting that offers enlightening insights into both German history and developments in the attitudes towards that history embodied in German painting.

Wolfgang Mattheuer

Along with Bernhard Heisig and Werner Tübke, Wolfgang Mattheuer (born 1927 in Reichenbach im Vogtland, died 2004 in Leipzig) was one of the leading representatives of the Leipzig School in the GDR. His style combines elements derived from the new objectivity of the 1920s and early 1930s with surreal imagery that, despite its subtlety, could be read as a critical commentary on political reality in the GDR. Only this gentle, unprovocative obliqueness enabled Mattheuer to criticise the hollow

pathos of the state's official doctrine in the language of images in such a way that his criticism would be intelligible to GDR citizens, but not obvious to the state's apparatchiks.

The paintings by Mattheuer purchased for the Reichstag Building pick out two issues that pre-occupied people in the GDR in 1989. *The One and the Others I* deals with the isolation of individuals who, with their will to self-determination, come into conflict with the demands of the community, even when such demands are not illegitimate. In a comparable fashion, *Panic II* takes up the question of how it is possible to relate appropriately to the community. However much these motifs may be rooted in the situation in the GDR during a specific period around 1989, the questions they raise about how to balance the demands of the individual and society are of timeless relevance.

Wolfgang Mattheuer,
The One and the Others I,
oil on wood, 1989
Bundesrat President's rooms,
plenary level



Andreas Gursky

Andreas Gursky was born in 1955 in Leipzig and is one of the leading contemporary photographers to have emerged from the school of the Düsseldorf Art Academy professors Bernd and Hilla Becher. His monumental picture formats are created by digitally assembling large numbers of individual exposures, which show the same motif from different perspectives or at different times of day. These photographic jigsaw pieces are therefore not assembled into photographic depictions, but autonomous artworks, freely composed like paintings. One of his most important groups of works consists of views of people, houses or landscapes taken from a bird's-eye perspective. When he looks at gatherings of human beings – on the stock exchange, in factories or at concerts – Andreas Gursky creates symbols of social communication. People and the structures of their surroundings fit together into a mosaic-like totality in Gursky's photographic works, they form patterns and yet deviate from them discretely, they show the conforming behaviour of the many, and the individuals who diverge from it and break away from the multitude.

During the years from 1996 to 1998, Andreas Gursky took numerous photographs of the plenary chamber in Bonn – viewed through the glass sheets that framed it from the raised standpoint of an elevating platform. The crucial photographs for the work *Bundestag* were taken by the artist in April 1998. They show a vote being held with voting cards. The artist has picked out a moment when many Members have left their seats and are clustered around the voting urns. On closer inspection, the observer realises the picture is composed of a large number of individual photographs: The motifs overlay each other or are suddenly cut off, while reflections or architectural elements appear that would not have been present in reality.

Gursky's composition is therefore not a documentary photograph of a plenary sitting. Rather, the artist has created a symbol of democratic communication. He shows a moment that is typical of and decisive for any democracy. However, he consciously did not choose an outstanding ceremonial act of state, but the kind of procedure that takes place every day in parliament: after a debate Members crowd towards the urn with their voting cards, some have already taken their seats again, while others linger, standing and chatting. They mingle

Andreas Gursky, *Bundestag*
C-print behind acrylic glass,
artist's proof
On loan from the artist, 1998
President of the Bundestag's
reception room, plenary level



in a relaxed manner, unconcerned with hierarchical distinctions. Rather like a church window, the scene is structured by the gridlines of the glass panes through which the photographs were taken.

In this way, Gursky has created a historical picture out of a routine scene, doing so in a decidedly contemporary manner and, furthermore, in the medium of photography – something that is still unusual for art on historical themes. It preserves a memory of Bonn's historical significance and at the same time illuminates a significant aspect of the democratic process in a generally valid fashion. Understood in this way, Gursky's historical picture in the reception and visitors' room of the President of the German Bundestag can be grasped as an icon of democratically constituted statehood, 'a memorial in visual form', as the art historian Michael Diers calls it. The setting where this artwork has been hung is no less significant and has been selected just as thoughtfully: to the left of the picture, the viewer looks out through a window towards the Federal Chancellery, while to the right one sees the Paul Löbe Building with the conference rooms for the parliamentary committees. This historical image therefore not only constructs a bridge of recollection between Bonn and Berlin, but also highlights the continuity of a confident, unhysterical, civic/democratic identity from the 'Bonn Republic' to the 'Berlin Republic'.

Rupprecht Geiger

In producing a work for one of the protocol rooms, the painter Rupprecht Geiger was faced with the challenge of having to assert himself with no more than paint against the overwhelming blue of the room's wooden panels, which cover two-thirds of its walls. While Georg Karl Pfahler chose to let his colour objects encroach on the panels, Geiger pushed the blue of the panelling into the background with the vitality of his brilliant orange-red frieze.

Rupprecht Geiger (born 1908 in Munich, died 2009 in Munich) was another of the artists who succeeded in insisting on their artistic uniqueness in opposition to the all-pervading trend of informalism in the 1950s. He had already focused on colour as a 'basic element of painting' prior to 1945. Interestingly, it was while painting his first watercolour landscapes in Russia that he was struck by the elemental force of colour in nature: 'The sea of colour (produced there by the pure continental air), and especially the morning and evening moods, during which the tones of the sky spread upwards with incredible breadth, were perhaps the

Rupprecht Geiger,
Red 2000, 875/99
Acrylic on canvas, 1999
Protocol room, presidential level

formative, lasting experiences,' he said in 1963 in an interview about his time in Russia. Such experiences led Geiger to obsessively study colour and the power of its effects. He summarised the objective of these studies when he stated, 'I'm preoccupied with colour, with colour alone and its identifiability.' For these studies, however, he had to release colour from its descriptive function in order that its intrinsic value could be perceived.

With this in mind, Geiger systematically investigated all the possible ways of isolating colour and 'keeping it away from these external disturbances'. He experimented with 'shaped canvases', which he adapted to the image rather than forcing the image into the regularity of a rectangular canvas. He ran through various sequences of motifs, which ranged from surreal landscapes to abstract shapes, before finally settling on the three basic forms for his colour studies: the rectangle, the circle and the oval. 'The variety of abstract forms with their often bizarre outlines distracts from colour, whereas archetypal shapes such as the rectangle and the circle allow colour to emerge uninfluenced.' Furthermore, they are deprived of their identifiability as forms by the deliberate deployment of spraying techniques that blur their contours.

Rupprecht Geiger heightens the dematerialisation of all non-colour elements by using day-glow paints, which he perceives as 'abstract' colours because they do not occur in nature. Consequently, the colours are ultimately also released from the materiality of the painting's physical support. As in the frieze in the Reichstag Building, colour is now nothing but an immaterial, chromatic space radiating towards the viewer.

Gotthard Graubner

The impression of space elicited by the protocol and conference rooms on the second floor of the Reichstag Building results from the architect's wooden panelling and the colour concept for it developed by the Danish designer Per Arnoldi. The artists chosen to create works of art for these rooms were therefore figures who had focussed on colour as an autonomous means of expression. In his 'cushion picture', for instance, Gotthard Graubner plays with the various shades of colour created by the smooth gradations of light across the surface of a painted padded cushion.



In the 1950s, the art scene in Germany found itself under the dominant influence of American abstract expressionism and French informalism. Gotthard Graubner (born 1930 in Erlbach, died 2013 in Düsseldorf) was one of a group of artists in the early 1960s who responded to the multiplicity of colour favoured by these styles, which had degenerated into pure decorative-ness, by returning to the artlessness of colour and the investigation of its intrinsic qualities. At that time, Graubner did not apply paint to canvas or paper with a brush, but with a sponge in order to be better able to deposit layers of paint on top of one another. In doing so, he discovered that a sponge soaked in paint acquired a character of its own as a 'colour body' and generated spatially nuanced chromatic effects. From 1960 on, this inspired him to take something that had originally been a tool and transform it into the medium for what were works of art in their own right. He developed his 'cushion pictures' by attaching foam or, later, synthetic undercast padding to a wooden board or canvas and stretching canvas over it. Calling them 'colour-space bodies', the artist increased the size of these padded works from small beginnings to monumental formats. At Bellevue Palace, the German Federal Presi-

dent's official residence, for example, he decorated the end walls of the Grand Hall, which is used for receptions and state banquets, with two of these colour-space bodies (*Encounters*, 1988).

With his works, Graubner stands in a tradition that goes back to Monet's late paintings of the water lilies in his garden at Giverny. The 'colour-space body' that Graubner designed and created for the protocol room on the second floor of the Reichstag Building is also part of this development. The intrinsic vitality of colour, 'which it becomes possible to experience through its nuances', is Graubner's central theme. It presses into the room, the size of which seems to invite occupation by such a voluminous mass of robust colour. The painting's effects are nonetheless subtle, radiating as they do from the strata of colour that show through from the depths of the colour-space body and the complex tones generated by the gradations of light on its curved surface. This subtlety is appropriate to the lyrical title drawn from the Greek poet Homer, which evokes a festive morning mood: ... *rose-fingered Eos awakes* ...



Gotthard Graubner, ... *rose-fingered*
Eos awakes ...
Colour-space body, mixed media
on canvas over synthetic undercast
padding on canvas, 1998/1999
Protocol and conference room,
presidential level

Georg Karl Pfahler

The conference room for the Council of Elders, one of parliament's most important bodies, was decorated by the Stuttgart-based artist Georg Karl Pfahler. Continuing his series of 'Espan' paintings and making skilled use of an optical illusion, he created a sequence of coloured rectangles that appear to tumble down the wall, almost dancing away over the blue, wooden panelling. The artist thus responded confidently to the strong colour of the panels that had previously been decided on by countering it with a well-thought-through colour concept of his own that drew its vitality from the harmony and contrast of various hues, their overlapping and their further development, in this way building up its own impression of colour in space. Pfahler's specifically southern-German accent has enriched the interior of the Reichstag Building with a room whose joyful gaiety speaks for itself.

Like Gotthard Graubner, Pfahler found his way to a personal form of expression by reacting against the prevailing informalism of the 1950s. Georg Karl Pfahler (born 1926 in Emetzheim, died 2002 in Emetzheim) soon abandoned the tachism of his early career, in which the individual brushmarks were easily identifiable. By contrast, the approach that now characterised

his works was distinguished by an idiosyncratic combination of geometrical areas of pure colour and illusionistic, seemingly three-dimensional effects. The exploration of colours' spatial effects undertaken in numerous series consequently stands at the centre of his artistic oeuvre. Pfahler often generates an element of spatial tension in his graphics and paintings by placing coloured shapes so that they are cut off by the edges of the support and appear to burst out of the space intended for the picture, therefore starting to interact with their surroundings. It was only logical that, having espoused this artistic methodology, Pfahler should have progressed at an early stage from individual graphic works and paintings to whole coloured environments. In these pieces – one of which attracted international attention at the Venice Biennale in 1970 – the artist probed the interplay between colour and space in three dimensions, testing out how colours can prompt experiences of space and alter perceptions of existing spaces. In conceiving his colour spaces, Pfahler sought to escape the limitations of the art displayed in museums, producing 'public art' that would appeal to an audience beyond a small circle of connoisseurs. In 1978,



Left:
Georg Karl Pfahler,
Colour-Space Object
Acrylic on wood, 1998/1999
Conference room of the Council
of Elders, presidential level

Right:
Emil Schumacher,
Stages and Times, I-IV
Oil and acrylic on aluminium, 1999
Meeting room

he began constructing his 'pavilions', which illustrate his theories about colour and space in condensed form and eventually evolved into what he called 'palaver houses', colour-space objects conceived as places of communication. Nothing could have prepared the artist better for his task of decorating one of the most important rooms in the Reichstag Building. Pfahler met the challenge of producing something suitably symbolic with a compelling mixture of carefree levity and earnest concentration: the synthesis of these two moods shaped by the artist creates a space in which the political art of communication can flourish and be practised effectively.

Emil Schumacher

Like Georg Karl Pfahler and Rupprecht Geiger, Emil Schumacher (born 1912 in Hagen) had to contend with the dominant wall panels installed by Norman Foster. In one of the last works he completed before his death in 1999, the artist approached this challenge by applying paint to aluminium sheets in stirring, expressive gestures to produce starkly expressive lines. However, their turbulence is held in check with casual virtuosity by the transparency and cool elegance of Schumacher's forms.

Artists were selected to contribute pieces for the second floor of the Reichstag Building who had shown an interest in colour as a means of expression in its own right. Since all four – Graubner, Geiger, Pfahler and Schumacher – are exceptionally strong artistic personalities, it is possible to draw highly instructive comparisons between their radical, quite individual, unconventional explorations of the expressive power of colour. Unlike Graubner, Pfahler and Geiger, for instance, Schumacher employs colour as a medium for expressive, alienating gestures. He developed his uniquely archaic visual language while a member of Zen, an artistic group founded in Munich in 1949. This imagery unites delicately drawn lines, which break with informalism's tradition of often calligraphic gestures, and mythical written characters in a kind of graphic shorthand faintly reminiscent of cave paintings. The artist inscribed these signs in the crust of the impasto grounds of his pictures, which resemble textured reliefs and, like ur-landscapes formed by lava, seem to embody the primordial forces of nature.



Schumacher's special achievement is that, ignoring all the prevailing trends and fashions, he stayed true to this stylistic principle without ever slipping into glib repetitiveness or showing any other signs of dwindling creativity. Thanks to their aloof austerity, his works radiate such a confident vitality and have such a self-evident presence that they seem to have been created by nature rather than being human artefacts.

In his four-part work in the meeting room, *Stages and Times, I-IV*, Schumacher trusts in this charismatic power and outdoes the blue panelling. Abandoning the thick crusts of paint characteristic of many of his other pictures, he chose to paint directly on sheets of aluminium. Like paper, this support only permits light strokes of the brush, which appear particularly transparent because of the light reflected in the metal. A line ascends from the first picture then descends through to the last, tying together the four 'stages' in a single flow of images. Mysterious hieroglyphs hint at animals, human figures and landscapes. As the title suggests, the spiritualised aura generated by the lightness of their lines constitutes the summation of a rich artistic life: this four-part cycle in the style of his old age may be regarded as Schumacher's creative legacy.

Hanne Darboven

In her *12 Months, Work for Europe*, which can be seen in the lobby and press briefing room of the CDU/CSU parliamentary group on the third floor, the artist Hanne Darboven commemorates 1997 with 384 individual sheets of paper. These sheets bear a rhythmic sequence of numbers that represent each individual day of 1997, a 'European year' that was so decisive for Europe's future. Hanne Darboven dedicated one sheet to each day, following a set pattern to note the day's date as a combination of numerals. She kept to this pattern throughout the year so that, from a distance, when the specific numerals are no longer legible, the individually framed sheets take on an appearance that is at once characterised by her personal handwriting, yet largely structured by regular rhythms. She applied another rhythmic form of organisation by arranging the sheets month by month in blocks to form twelve upright, rectangular visual fields. Darboven made each of the monthly blocks up to 32 sheets with additional sheets covered in collages of photographs that feature the symbol of the European Union as it is printed on car registration plates.



Hanne Darboven, *12 Months,*
Work for Europe
Pen and collage on vellum, 1998
Lobby and press briefing room of
the CDU/CSU parliamentary group,
parliamentary groups' level

In her work, Hanne Darboven (born 1941 in Munich, died 2009 in Hamburg) speculated philosophically about time, a phenomenon that is difficult to illustrate in visual terms. Through the meditative, disciplined act of writing down the date each day, the artist appropriated this experience of time for herself and made it perceptible to the viewer in the form of a temporal grid suggestive of musical notation. 1997 was not only the European Year against Racism, but also the year in which the foreign ministers of the European Union's fifteen member states signed the Amsterdam Treaty on 2 October. As a reflection on the essence of time as a philosophical and historical concept, particularly in the context of these rooms, where political concepts with implications that go far beyond the here and now are explained to the press, Hanne Darboven's piece therefore spans the gulf between art and politics.

Lutz Dammbeck

Lutz Dammbeck's *Hercules Notes* can be seen on the third floor of the Reichstag Building, which is reserved for the parliamentary groups and the press. Consisting of a large number of collages on which the artist has drawn, the work critically examines attempts to force people into ideological conformity and mould them in accordance with supposed ideals.

The work of Lutz Dammbeck (born 1948 in Leipzig) revolves around the threats to the autonomy of the individual posed in the modern age by totalitarian structures of power and the more subtly manipulative methods deployed in open societies. In order to uncover such manipulations, he draws on Heiner Müller's text *Hercules 2 or the Hydra*, bringing together film, sculpture, performance, painting, collage, documentary reportage and artistically estranged elements in one large total artwork, the *Hercules Concept*, which he understands as a holistic artistic and life project. The *Hercules Notes* are part of this project, an ever-growing collection of several hundred works. The German Bundestag acquired a hundred sheets of the *Hercules Notes* for one of the lobbies used by the parliamentary groups in the Reichstag Building.

Like Jürgen Böttcher, Dammbeck has gained prominence with semi-artistic, semi-documentary film projects. In his documentary *Age of the Gods*, for example, he critically dissected the Third Reich's image of humanity as propagated through art by Arno Breker. The *Hercules Notes* cycle addresses similar issues. Consisting of collages of photocopies, it concentrates on the eternal conflict between the enforced conditioning and disciplining of the individual by society, on the one hand, and the courage re-



Lutz Dammbeck, *Hercules Notes*
Assemblage, photocopies, ink,
pencil and soil on paper, 1987/1990
Parliamentary groups' level

quired by the individual to resist such authoritarianism and uphold their integrity, on the other. The artist holds up the will to assert herself shown by Sophie Scholl of the White Rose resistance group as an exemplary instance of individual opposition to the kind of inhumanity inherent in the attempts made by the National Socialist and Communist regimes to shape a 'new human'. Given the work's wider implications, it is possible to detect aspects relevant to the current debates about the ethics of genetic manipulation.

Otto Freundlich

Otto Freundlich originally intended his *Architectural Sculpture* of 1934/1935 to stand twenty or thirty metres high. Although consisting of abstract geometrical elements, the piece recognisably hints at actual objects, including a column, a helmet, a torso and an archaic throne. A form made up of several elements, some rounded, some angular, some intricate, stands in front of a tall, tapering column. The compact, self-contained shape of the column conveys a feeling of repose, contrasting with the smaller form that reaches out towards the viewer, the alternation of light and shade on its surfaces spreading a sense of restlessness. Born in 1878 in Stolp in Pomerania, the painter and sculptor Otto Freundlich belonged to the

'abstract pioneer generation' and followed an independent path to abstraction, in particular in the field of sculpture. It was not just on account of his political commitment that he came into conflict with the National Socialists. His 1912 sculpture *The New Human Being* was pilloried on the cover of the programme for the 'Degenerate Art' exhibition of 1937, and he was eventually murdered in 1943 at the Lublin/Majdanek Concentration Camp in Poland. Freundlich's tragic fate, and the still insufficient recognition for his qualities as a human being and an artist may be regarded as exemplary for the sufferings of the Jews and many avant garde artists under National Socialism.

Christo

A study by Christo (born 1935 in Gabrovo, Bulgaria) for his *Wrapped Reichstag* project that dates back to 1986 is on display in the rooftop garden restaurant. The Wall that separated the East from the West is still to be seen in the foreground. Looking at the study with its muted colouring, one recalls that Christo and Jeanne-Claude spent more than two decades



Otto Freundlich,
Architectural Sculpture
Bronze, 1934/1935
Parliamentary groups' level

drumming up support for their idea among political decision makers before the Reichstag Building was finally wrapped in the summer of 1995, an event marked with magnificent public celebrations. Not until 25 February 1994, when the matter was debated and voted on in the plenary, did parliament finally give its consent for Christo and Jeanne-Claude's undertaking. The delay in taking this decision bestowed a different, but no less symbolic meaning, on the project. For, as Christo's sketch in the roof garden restaurant shows, *Wrapped Reichstag* was originally intended to send out a signal on the dividing line between the East and West. Following German unification and the decision taken by the Council of Elders to make it the seat of the Bundestag, the wrapping of the Reichstag Building transformed it into a different, visually powerful symbol before it was remodelled by Norman Foster: since the building temporarily concealed its complex structure and presented itself to the viewer as a surprisingly unified, self-contained block, it offered an opportunity to take stock and reflect on the vicissitudes of its history and Germany's past. At the same time, the wrapping strikingly expressed many people's hopeful expectations for the future politics that would be forged in Berlin, as well as the risk-laden period of uncertainty and risk-taking that was associated with this new departure.

A collection of documents about the wrapping of the Reichstag, loaned to the Bundestag in 2015, can be viewed on the presidential level. The exhibits include notes of discussions and letters documenting Christo's years of negotiations with Members and the public authorities, as well as sketches by the artist showing how the concept gradually evolved into a workable project. The large-scale model of the Wrapped Reichstag and its environs is particularly impressive. The exhibits are accompanied by large-format photos by Wolfgang Volz, which evoke the heady, almost magical atmosphere during the two weeks from 24 June to 7 July 1995, when the Wrapped Reichstag captivated Germany and the world.

Jens Liebchen

In its efforts to acquire artworks to display in the Reichstag Building and the adjoining parliamentary buildings, the German Bundestag has invited many German and international artists to draw up designs or submit competition entries. Jens Liebchen (born 1970 in Bonn) observed this process with his camera from the outset. Thanks to his efforts, an ongoing photographic project has taken shape on a second level parallel to the architecture-related art projects. Luminaries such as Gerhard Richter, Sigmar Polke, Jenny Holzer, Georg Baselitz, Grisha Bruskin, Neo Rauch, Jörg Herold and



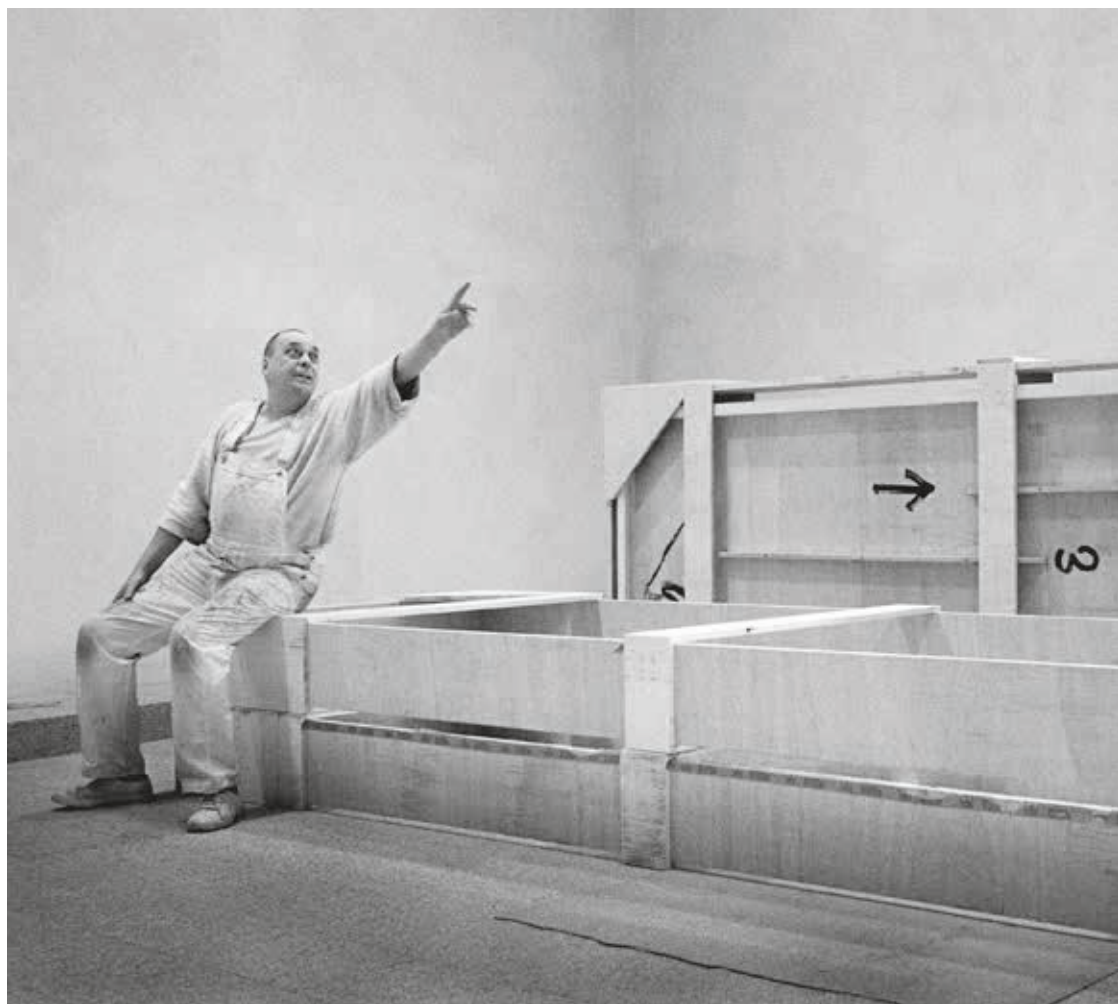
Christo, *Reichstag*
Drawing/collage, two-part, 1986
Roof garden restaurant

Franka Hörnschemeyer have all been photographed by Jens Liebchen during the conception or installation of their artworks in the parliamentary buildings. The results are unique portraits that reveal the individuality of each artistic personality and, at the same time, lay bare the tense relationship between the imposing public architecture and the artworks placed in this political environment. Taken as a whole, these portraits form a fascinating cross section of the current art scene, from its recognised international 'stars' to a younger generation of rising artists.

What gives Jens Liebchen's project its particular significance is the fact that it documents and photographically interprets an extraordinary moment in German parliamentary history: never before had Germany's parliament devoted so much attention to the presentation of art in its own buildings in a comparable way. Never before had it shown such willingness to embrace the risks involved in engagement with artistic practitioners. And this is not just a one-way street: never before had such significant artists been prepared to enter into dialogue with politics. Consequently, the planning and construction of the German Bundestag's buildings in Berlin have opened a new chapter in the anything but unproblematic history of en-

counters between these two spheres, art and politics. It is the great merit of Jens Liebchen's photographs that they visually bring alive the vibrant creative atmosphere that has developed and the highly charged relationship between the artists and the political space that surrounds them. Some appear wary and reserved, some adopt a demonstratively down-to-earth approach or evince a modest self-confidence, while some play the clown as a way of masking their own unease.

Jens Liebchen's photographs do not just offer insights into the intellectual and aesthetic attitudes of the artists, and their views of politics. His images also draw attention to the understanding of their own role subscribed to by the parliamentarians who have been, and still are, willing to take part in the dialogue with the artists: just like the expansion of parliament's own Art Collection, the art-for-architecture programme is a work in progress. Jens Liebchen's photographs, a selection of which are on display in the restaurant, document and interpret the exciting relationship that has been fostered between art and politics at the Bundestag.



Jens Liebchen photographed artists with their works in the Reichstag Building, here Günther Uecker.

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Published by: German Bundestag, Public Relations Division, Berlin

Coordination: Robert Schönbrodt, Berlin

Edited by: Georgia Rauer, Berlin

Translated by: Language Service of the German Bundestag, in cooperation with Raymond Kerr and Martin Pearce

Designed by: Regelindis Westphal Grafik-Design/Norbert Lauterbach, Berlin

Bundestag eagle: created by Prof. Ludwig Gies; revised in 2008 by büro uebele, Stuttgart

Printed by: Imprimerie Centrale, Luxembourg

As at: November 2018

© Deutscher Bundestag, Berlin

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Ever since the beginning of the period of German division, the Reichstag Building had symbolised the hope of reunification. It was therefore only logical that the Council of Elders of the German Bundestag, on 30 October 1991, took the decision to adopt the Reichstag Building to house the plenary chamber of the Bundestag. Announcing this decision, the press commented, “The Reichstag Building, where else?”