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The Federal Government: Variations of Chancellor Dominance

Karlheinz Niclauss

Introduction

To the political analyst the German government looks like a three-storeyed building. Generally, the observer will first of all focus his attention on its organisation, the formal decision-making process and its juridical rules and regulations. All this is to be found at the ground floor of the government. In order to understand how the German government works in practice, a look at the first floor seems to be indispensable. Here political parties and government coalitions, largely acting on terms of informal constitutional conventions, shape the political process. On the second and upper floor the role of government in the German political system is under discussion. In this context the conduct of political parties during election campaigns and the popular legitimacy of chancellors and coalitions attract the attention of political scientists.

To describe the federal government becomes more and more difficult from floor to floor. The regulations and institutions of government may easily be understood. They will be treated in the next section of this chapter. When on the first floor the dimension of political parties has to be considered, a detailed analysis becomes more intricate. These topics will be the dominant theme in the second subsection. On the second floor, in particular, the personalising and plebiscitary elements of the German ‘chancellor democracy’ will be dealt with. These largely unresolved questions will be the subject of the last main section of this chapter.
Constitutional provisions in the central government territory

With regard to the formal organisation of the federal government, the Basic Law constitutes the most important source of reference. The relevant stipulations differ significantly from the corresponding rules of the Weimar Republic and most other democracies. According to Article 63 of the Basic Law the chancellor is elected by the Bundestag. The federal president proposes a candidate for the first ballot; but if his candidate fails to receive an absolute majority it is the turn of the parliamentary parties to present further candidates. Since 1949, however, the candidate proposed by the president has always received the required majority in the first ballot. In order to remove the chancellor from office the authors of the Basic Law found the elegant solution of the famous constructive vote of no-confidence: the Bundestag may overthrow the government only by electing a new chancellor with an overall majority.

According to empirical findings the effect of this regulation has been overestimated, since only one out of six chancellors lost his office following a constructive vote of no-confidence. This happened in 1982, when the Free Democratic Party (FDP) changed its coalition partner. Helmut Kohl was elected chancellor in order to replace Helmut Schmidt and to form a new government of Christian Democrats and Liberals (CDU/CSU and FDP). Nevertheless, the vote of no-confidence demonstrates the chancellor’s outstanding position in the cabinet. He proposes the ministers to be appointed or dismissed by the federal president. In case he falls or resigns all ministers lose their office. As far as constitutional rules are concerned, there is only one which puts the German chancellor at a disadvantage compared to the British prime minister: the right to dissolve parliament in the British manner is not at his disposal. He can manage a dissolution of the Bundestag before its term has expired only by using the vote of confidence (Article 68 of the Basic Law). During this procedure, which was applied by Willy Brandt in 1972 and by Helmut Kohl 10 years later, the parliamentary parties of the coalition have to deny confidence in their own government. When Kohl introduced his vote of confidence in December 1982, the government parties abstained and the vote was lost by 218 to eight. Therefore the premature dissolution of parliament is highly controversial both among the judiciary and the public.

One of the ministers is appointed vice-chancellor and acts as the chancellor’s deputy. According to a convention, which has resulted from political practice, this position is occupied by the foreign minister who,