

GLOBAL  
EDITION



# Comparative Politics Today

## *A World View*

ELEVENTH EDITION

G. Bingham Powell, Jr. • Russell J. Dalton • Kaare W. Strøm



ALWAYS LEARNING

PEARSON

Merkel declared that past policies of multiculturalism had been “a total failure.” Addressing the issues associated with permanent racial/ethnic minorities (roughly 6 percent of the population) is a continuing concern.

## Regionalism

Regionalism is a potential social and political division. Germany is divided into sixteen states (*Länder*), ten states in the West and six new states created in the East, including the city-state of Berlin. Many of the *Länder* have their own distinct historical traditions and social structure. The language and idioms of speech differentiate residents from the eastern and western halves of the nation.

Unification greatly increased the cultural, economic, and political variations among the states because of differences between West and East. It is common to hear of “a wall in the mind” that separates *Wessies* (Westerners) and *Ossies* (Easterners). Easterners still draw on their separate traditions and experiences when making political decisions, just as Westerners have their own traditions. Regional considerations thus are an important factor in society and politics.

The decentralized nature of society and the economy reinforces these regional differences. Economic and cultural centers are dispersed throughout the country, rather than being concentrated in a single national center. There are more than a dozen regional economic centers, such as Frankfurt, Cologne, Dresden, Düsseldorf, Munich, Leipzig, and Hamburg. The mass media are organized around regional markets, and there are even several competing “national” theaters.

These various social characteristics—economic, religious, gender, ethnicity, and regionalism—are politically relevant for many reasons. They define differing social interests, such as the economic needs of the working class versus those of the middle class, that are often expressed in policy debates. Social groups also are a source of political and social identity that links individuals to interest groups and political parties. Voting patterns, for instance, typically show group differences in party support. Thus, identifying the important group differences in German society provides a foundation for understanding the political process.

## The Institutions and Structure of Government

**10.5** Describe the structure of Germany's federal government.

When the Parliamentary Council met in Bonn in 1948 through 1949, its members faced a daunting task. They were supposed to design a political structure for a new democratic Germany that would avoid the problems that led to the collapse of the Weimar Republic.<sup>8</sup> If they failed, the consequences might be as dire as the last collapse of German democracy.

The Basic Law is an exceptional example of political engineering—the construction of a political system to achieve specific goals:

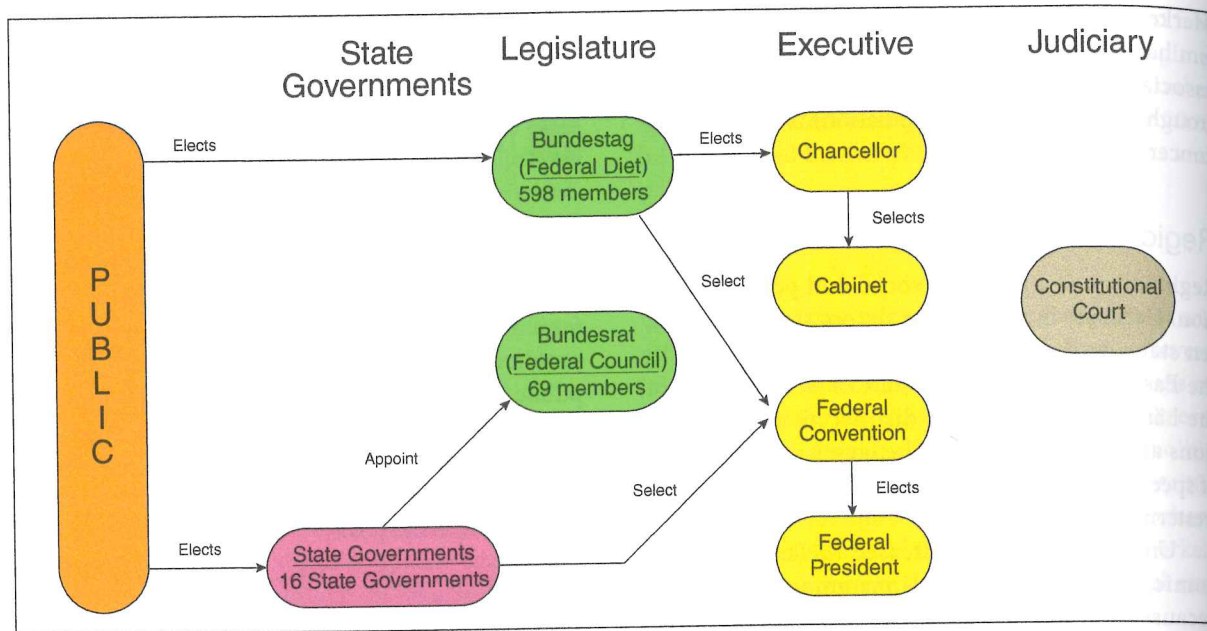
- Develop a stable and democratic political system.
- Maintain some historical continuity in political institutions (which, for Germany, meant a parliamentary system of government).
- Re-create a federal structure of government.
- Avoid the institutional weaknesses that contributed to the collapse of Weimar democracy.
- Establish institutional limits on extremist and antisystem forces.

The framers created a parliamentary democracy that involves the public, encourages elite political responsibility, disperses political power, and limits the influence of extremists.

The Basic Law was supposedly temporary until both halves of Germany were united. In actuality, the GDR's collapse in 1990 led to its incorporation into the constitutional and economic systems of the Federal Republic. In September 1990, the FRG and the GDR signed a treaty to unify their two nations, and the government amended the Basic Law to include the states in the East. Thus, the government of unified Germany functions according to the Basic Law. This section describes the key institutions and procedures of this democratic system.

## A Federal System

One way to distribute political power and to build checks and balances into a political system is through a federal system of government. The Basic Law created one of the few federal political systems in Europe (see Figure 10.2). Germany is organized into sixteen states



**FIGURE 10.2**  
The Structure of Germany's Federal Government

Germany merges federalism with a parliamentary system and a Constitutional Court.

(Länder). Political power is divided between the federal government (*Bund*) and the state governments. The federal government has primary policy responsibility in most policy areas. The states, however, have jurisdiction in education, culture, law enforcement, and regional planning. In several other policy areas, the federal government and the states share responsibility, although federal law takes priority. Furthermore, the states can legislate in areas that the Basic Law does not explicitly assign to the federal government.

The state governments have a unicameral legislature, normally called a *Landtag*, that is directly elected by popular vote. The party or coalition that controls the legislature selects a minister president to head the state government. One significant feature of federalism is that party coalitions can vary widely across the states, including combinations that cut across the normal lines of national politics. This opens the door to experiments in party cooperation that sometimes have national implications.

The federal government is the major source of policy legislation. The states are primarily responsible for policy administration, enforcing most of the domestic legislation enacted by the federal government, as well as their own laws. The state governments

also oversee the operation of the local governments. Next to the federal chancellor, the minister presidents are among the most powerful political officials in the Federal Republic.

One house of the bicameral federal legislature, the Bundesrat, is composed solely of representatives appointed by the state governments. State government officials also participate in selecting the federal president and the justices of the major federal courts. This federal system thus decentralizes political power by balancing the power of the state governments against the power of the federal government.

### Parliamentary Government

The federal government has a bicameral parliament: The popularly elected Bundestag is the primary legislative body; the Bundesrat represents the state governments at the federal level.

**The Bundestag** The Bundestag (Federal Diet) consists of at least 598 deputies who are the only national government officials directly elected by the German public.<sup>9</sup> Elections to select deputies normally occur every four years.

The Bundestag's major function is to enact legislation; all federal laws must receive its approval. Most legislation, however, is initially proposed by the executive branch. Like other modern parliaments, the Bundestag primarily evaluates and amends the government's legislative program. Another important function of the Bundestag is to elect the federal chancellor, who heads the executive branch.

The Bundestag is a forum for public debate in several different ways. Its plenary sessions discuss the legislation before the chamber. Debating time is given to all party groupings according to their size; both party leaders and backbenchers normally participate. The Bundestag televises its sessions, including broadcasts on the Internet, to expand the audience for its policy debates.<sup>10</sup>

The Bundestag also scrutinizes the actions of the government. The most common method of oversight is the "question hour" adopted from the British House of Commons. An individual deputy can submit a written question to a government minister; questions range from broad policy issues to the specific needs of one constituent. Government representatives answer the queries during the question hour, and deputies can raise follow-up questions at that time. Bundestag deputies posed more than 15,000 oral and written questions during the 2005–2009 term of the Bundestag. The opposition parties normally make greatest use of these oversight opportunities. Rank-and-file members of the governing parties also use these questions to make their own views known.

The Bundestag has a strong set of committees that strengthen its legislative and oversight roles. These committees have expertise to balance the policy knowledge of the federal agencies; the committees also conduct hearings in their area of specialization. Their oversight function is further strengthened because opposition parties chair a proportionate share of these committees, an unusual pattern for democratic legislatures.

Overall, the Bundestag has considerable oversight powers, especially for a legislature in a parliamentary system. Legislative committees can collect the information needed to understand and question government policymakers. Bundestag members can use the question hour and other methods to bring attention to political issues and challenge the government. And through its legislative process, the Bundestag often prompts the government to revise its proposals to gain passage.

**The Bundesrat** The second chamber of the parliament, the Bundesrat (Federal Council), reflects Germany's federal system. The state governments appoint its sixty-nine members to represent their interests. The states normally appoint members of the state cabinet to serve jointly in the Bundesrat; the chamber thus acts as a permanent conference of state officials. Each state receives seats in numbers roughly proportionate to the state's population, from three for the smallest states to six seats for the largest. Each state delegation casts its votes in a bloc, according to the instructions of the state government.

The Bundesrat's role is to represent state interests. It does this in evaluating legislation, debating government policy, and sharing information between federal and state governments. It must approve the subset of legislation that directly affects state interests. Thus, the Bundesrat is an essential part of the German federal system.

In comparison to other European parliamentary systems, the German parliament has more political influence than most. The Bundestag exercises more autonomy than the typical parliament. Especially if one includes the Bundesrat, the German parliament has considerable independence and opportunity to revise government proposals and to exercise oversight on the government. By strengthening the power of the parliament, the Basic Law sought to create a check on executive power. Experience shows that the political system has met this goal.

### The Federal Chancellor and Cabinet

The Federal Republic has a dual executive, but the Basic Law gives substantially greater formal powers to the federal chancellor (**Bundestkanzler**) as the chief executive. Moreover, chancellors have dominated the political process and symbolized the federal government by their personalization of power. The chancellor plays such a central role in the political system that some observers describe the German system as a "chancellor democracy."

The Bundestag elects the chancellor, who directs the federal government. The chancellor thus represents a majority of the Bundestag and normally can count on their support for the government's legislative proposals. Chancellors usually have led their own party, directing party strategy and heading the party slate at elections. Each chancellor also brings a distinct

personality to the office. Schröder was a doer who governed with a strong personality; Merkel prefers a more consultative and cooperative decision-making style, while still shaping the course of her government.

Another source of the chancellor's authority is control over the Cabinet. The federal government consists of fourteen departments, each headed by a minister. The Cabinet ministers are formally appointed, or dismissed, by the federal president on the recommendation of the chancellor (Bundestag approval is not necessary). The Basic Law grants the chancellor the power to decide the number of Cabinet ministers and their duties.

The federal government functions in terms of three principles described in the Basic Law. First, the *chancellor principle* says that the chancellor defines



### A New Nation

Chancellor Helmut Kohl addresses the first meeting of the all-German parliament (Bundestag) held in the Berlin Reichstag building in October 1990.

government policy. The chancellor's formal policy directives are legally binding on the Cabinet and the ministries. Thus, in contrast to the British system of shared Cabinet responsibility, the German Cabinet is subordinate to the chancellor in policymaking.

The second principle, *ministerial autonomy*, gives each minister the authority to direct the ministry's internal workings without Cabinet intervention as long as the policies conform to the government's guidelines. Ministers are responsible for supervising the activities of their departments, guiding their policy planning, and overseeing policy administration within their jurisdiction.

The *cabinet principle* holds that when conflicts arise between departments over jurisdictional or budgetary matters, the Cabinet will resolve them.

The actual working of the government is more fluid than the formal rules in the Basic Law. The allocation of ministries is a major issue in building a multiparty coalition after each election. Cabinet members also display great independence on policy despite the formal restrictions of the Basic Law. Ministers are appointed because of their expertise in a policy area. In practice, ministers often identify more with their role as department head than with their role as agent of the chancellor; their political success is judged by their representation of department interests.

The Cabinet thus serves as a clearinghouse for the business of the federal government. Specific ministers present policy proposals originating in their departments in the hope of gaining government endorsement. The chancellor defines a government program that reflects a consensus of the Cabinet and relies on negotiations and compromise within the Cabinet to maintain this consensus.

### The Federal President

The Basic Law defines the office of **federal president (Bundespräsident)** as a mostly ceremonial post. The president's official duties involve greeting visiting heads of state, attending official government functions, visiting foreign nations, and similar tasks.<sup>11</sup> To insulate the office from electoral politics, the president is selected by a Federal Convention composed of all Bundestag deputies and an equal number of representatives chosen by the state legislatures. The president is supposed to remain above partisan politics once elected.

The president's limited political role does not mean that an incumbent is uninvolved in the policy process. The president appoints government and military officials, signs treaties and laws, and has the power of pardon. In these instances, however, the chancellor must countersign the actions. The president also nominates a chancellor to the Bundestag and can dissolve parliament if a government bill loses a no-confidence vote. In both instances, the Basic Law limits the president's ability to act independently.

Potentially more significant is the constitutional ambiguity over whether the president must honor certain government requests. The legal precedent is unclear on whether the president has the constitutional right to veto legislation, to refuse the chancellor's recommendation for Cabinet appointments, or even to reject a request to dissolve the Bundestag. Analysts see these ambiguities as a safety valve built into the Basic Law's elaborate system of checks and balances.

The office of the federal president has political importance that goes beyond the articles of the Basic Law. An active, dynamic president can influence the political climate through speeches and public activities. The president is the one political figure who can rightly claim to be above politics and who can work to extend the vision of the nation beyond its everyday concerns. Joachim Gauck was elected president in 2012 after a scandal prompted the former president to leave office. Gauck marks a break with the past; he is a former Lutheran pastor and was an outspoken critic of the GDR regime before its collapse. He is concerned with human rights issues and is willing to speak to the conscience of the nation.

### The Judicial System

The ordinary courts, which hear criminal cases and most legal disputes, are integrated into a unitary system. The states administer the courts at the local and state levels. The highest ordinary court, the Federal Court of Justice, is at the national level. All courts apply the same national legal codes.

A second set of administrative courts hears cases in specialized areas. One court deals with administrative complaints against government agencies, one handles tax matters, another resolves claims involving social programs, and one deals with labor-management disputes. Like the rest of the judicial

system, these specialized courts exist at both the state and the federal levels.

The Basic Law created a third element of the judiciary: the independent **Constitutional Court**. This court reviews the constitutionality of legislation, mediates disputes between levels of government, and protects the constitutional and democratic order.<sup>12</sup> This is an innovation for the German legal system because it places one law, the Basic Law, above all others. This also implies limits on the decision-making power of the parliament and the judicial interpretations of lower court judges. Because of the importance of the Constitutional Court, its sixteen members are selected for twelve-year terms in equal numbers by the Bundestag and Bundesrat. The Constitutional Court provides another check on the potential excesses of government and gives citizens additional protection for their rights. It is the third pillar of German democracy.

### The Separation of Powers

One of the Basic Law's goals was to avoid a concentration of power in the hands of any one actor or institution. The framers wanted to disperse political power so that extremists or antidemocrats could not overturn the system; democracy would require a consensus-building process. Each institution of government has strong powers within its own domain but a limited ability to force its will on other institutions.

For instance, the chancellor lacks the authority to dissolve the legislature and call for new elections, something that normally exists in parliamentary systems. Equally important, the Basic Law limits the legislature's control over the chancellor. In a parliamentary system, the legislature typically can remove a chief executive from office by a simple majority vote. During the Weimar Republic, however, extremist parties wanted to destabilize the democratic system by opposing incumbent chancellors. To address situations where parliament might desire to remove the chancellor, the Basic Law created a **constructive no-confidence vote**.<sup>13</sup> In order for the Bundestag to remove a chancellor, it simultaneously must agree on a successor. This ensures continuity in government and an initial majority in support of a new chancellor. It also makes it more difficult to remove an incumbent. Opponents cannot simply disagree with the government; a majority must agree on an alternative.

The constructive no-confidence vote has been attempted only twice—and has succeeded only once. In 1982, a majority replaced Chancellor Schmidt with a new chancellor, Helmut Kohl.

The Constitutional Court is another check on government actions, and it has assumed an important role as the guarantor of citizen rights and the protector of the constitution. The distribution of power and policy responsibilities between the federal and state governments is another moderating force in the political process. Even the strong bicameral legislature ensures that multiple interests must agree before making public policy.

The federal system is another way to disperse power so that no one political institution can dominate the political process.

This complex structure complicates the governing process compared with a unified system, such as that in Britain, the Netherlands, or Sweden. However, democracy is often a complicated process. This system of shared powers and of checks and balances has enabled German democracy to grow and flourish.

## Remaking Political Cultures

**10.6** Discuss the differences between the political culture in East and West following unification.

Consider what the average German must have thought about politics as World War II was ending. Germany's history was hardly conducive to good democratic citizenship. Under the Kaiser, the government expected people to be subjects, not active participants in the political process; this style nurtured feelings of political intolerance. The interlude of the Weimar Republic did little to change these values. The polarization, fragmentation, and outright violence of the Weimar Republic taught people to avoid politics, not to be active participants. Moreover, democracy eventually failed, and national socialism arose in its place. The Third Reich then raised another generation under an intolerant, authoritarian system.

Because of this historical legacy, there were widespread fears that West Germany lacked a democratic political culture, thereby making it vulnerable to the same problems that undermined the Weimar Republic. Postwar opinion polls in the West presented a negative image of public opinion that was

probably equally applicable to the East.<sup>14</sup> West Germans were politically detached, accepting of authority, and intolerant in their political views. A significant minority was unrepentant Nazis, sympathy for many elements of the Nazi ideology was widespread, and anti-Semitic feelings remained commonplace.

Perhaps even more amazing than the Economic Miracle was the transformation of West Germany's political culture in little more than a generation. The government undertook a massive political reeducation program. The schools, the media, and political organizations were mobilized behind the effort. The citizenry itself also was changing—older generations raised under authoritarian regimes were gradually being replaced by younger generations socialized during the postwar democratic era. The successes of a growing economy and a relatively smoothly functioning political system also changed the public's perceptions of politics. These efforts created a new political culture more consistent with the democratic institutions and processes of the Federal Republic.

With unification in 1990, Germany confronted another serious cultural question. The Communists had tried to create a rival culture in the GDR that would support their state and its socialist economic system. Indeed, the GDR's efforts at political education were intense and extensive; they aimed at creating a broad "socialist personality."<sup>15</sup> Young people were taught a collective identity with their peers, a love for the GDR and its socialist brethren, acceptance of the Socialist Unity Party, and a Marxist-Leninist understanding of history and society.

German unification meant the blending of these two different political cultures, and at first, the consequences of this mixture were uncertain. Without scientific social science research in the GDR, it was unclear if Easterners had internalized the government's propaganda. At the same time, the revolutionary political events leading to German unification may have reshaped even long-held political beliefs. What does a Communist think after attending communism's funeral?

Unification thus created a new question: Could the FRG assimilate 16 million new citizens with potentially different beliefs about how politics and society should function? The following sections discuss the key elements of German political culture and how they have changed over time.

Different New Politics groups have distinct issue interests and their own organizations, but they are also part of a common movement unified by their shared interest in the quality of the environment, the protection of human rights, and international peace. They draw their members from the same social base: young, better-educated, middle-class citizens. These groups also are more likely to use unconventional political tactics, such as protests and demonstrations.

New Politics groups do not wield the influence of established interest groups, although their combined membership now exceeds the formal membership in the political parties. These groups are important and contentious actors in the political process.

### Party Government

**10.11** Explain the factors that strengthen the role of political parties in the German system.

Political parties in Germany deserve special emphasis because they are such important actors in the political process, as much as or more than in other European democracies. Some observers describe the political system as government for the parties, by the parties, and of the parties.

The Basic Law is unusual because it specifically refers to political parties (the U.S. Constitution does not). Because the German Empire and the Third Reich suppressed political parties, the Basic Law guarantees their legitimacy and their right to exist if they accept the principles of democratic government. Parties are also designated as the primary institutions of representative democracy. They act as intermediaries between the public and the government and are a means for citizen policy input. The Basic Law further assigns an educational function to the parties, directing them to “take part in forming the political will of the people.” In other words, the parties should take the lead and not just respond to public opinion.

The parties’ centrality in the political process appears in several ways. There are no direct primaries that would allow the public to select party representatives in Bundestag elections. Instead, a small group of official party members or a committee appointed by the membership nominates the district candidates. State party conventions select the party-list candidates. Thus, the leadership can select list candidates and order them on the list. This power can be used to

reward faithful party supporters and discipline party mavericks; placement near the top of a party list virtually ensures election, and low placement carries little chance of a Bundestag seat.

Political parties also dominate the election process. Most voters view the candidates merely as party representatives rather than as autonomous political figures. Even the district candidates are elected primarily because of their party ties. Bundestag, state, and European election campaigns are financed by the government; the parties receive public funds for each vote they get. The government provides free television time for a limited number of campaign advertisements, and these are allocated to the parties, not to the individual candidates. Government funding for the parties also continues between elections to help them perform their informational and educational functions as prescribed in the Basic Law.

Once an election is completed, the parties then shift to forming a government. Since no party has a majority, a group of parties with a majority of the votes must agree to form a coalition government. Often, such agreements are made before the election, but they sometimes wait until the votes are counted.

Within the Bundestag, the parties are also central actors. The Bundestag is organized around party groups (*Fraktionen*), rather than individual deputies. The important legislative posts and committee assignments are restricted to members of a party *Fraktion*. The size of a *Fraktion* determines its representation on legislative committees, its share of committee chairs, and its participation in the executive bodies of the legislature. Government funds for legislative and administrative support are distributed to the *Fraktion*, not to the deputies.

Because of these factors, the cohesion of parties within the Bundestag is exceptionally high. Parties caucus before major legislation to decide the party position, and most legislative votes follow strict party lines. This is partially a consequence of a parliamentary system and partially a sign of the parties’ pervasive influence throughout the process.

As a result of these many factors, political parties play a large role in structuring the political process in Germany. Parties are more distinctive in their policy positions, more unified in their views, and more decisive in their actions. Representative democracy works largely through and by political parties as the means to connect voters to the decisions of government.

### The Party System

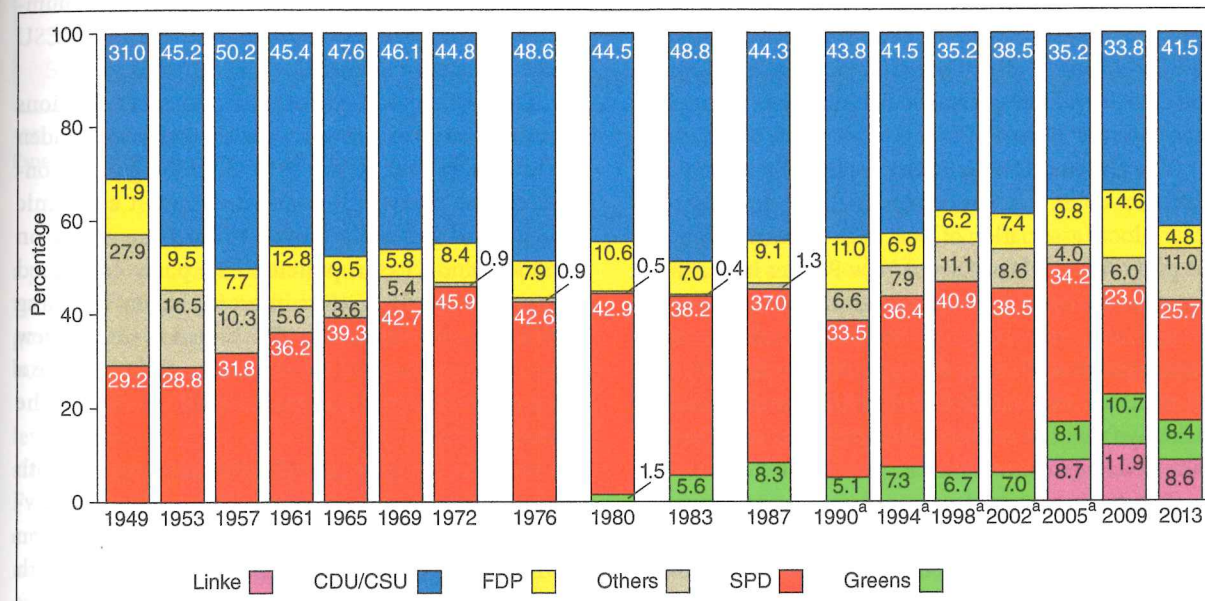
**10.12** List the benefits and limitations of having many parties represented in the Bundestag.

Following World War II, the Western Allies created a new democratic, competitive party system in the West. The Allies licensed a diverse set of parties that were free of Nazi ties and committed to democratic procedures. The Basic Law requires that parties support the constitutional order and democratic system of the FRG. Because of these provisions, the FRG developed a strong system of competitive party politics that is a mainstay of the democratic order. Early elections focused on the competition between the conservative Christian Democrats and the leftist Social Democrats, with the smaller parties typically holding the balance of power. From a two-and-a-half party system in the 1970s, the number of parties has grown as new political issues arose and unification reshaped the electoral landscape. Now Germany has a robust multiparty system competing for the voters’ support.

### The Political Parties

The creation of the **Christian Democratic Union (CDU)** in postwar West Germany signified a sharp break with the tradition of German political parties. The CDU was founded by a mixed group of Catholics and Protestants, businesspeople and trade unionists, conservatives and liberals. Rather than representing narrow special interests, the party wanted to appeal to a broad segment of society in order to gain government power. The party sought to reconstruct West Germany along Christian and humanitarian lines. Konrad Adenauer, the first party leader, developed the CDU into a conservative-oriented catchall party (*Volkspartei*)—a sharp contrast to the fragmented ideological parties of Weimar. This strategy succeeded; within a single decade, the CDU emerged as the largest party, capturing 40 to 50 percent of the popular vote and continues to be the major conservative party in Germany (see Figure 10.5).

The CDU operates in all states except Bavaria, where it allies itself with the Bavarian **Christian Social Union (CSU)**, whose political philosophy is somewhat



**FIGURE 10.5**  
Shares of the Party Vote

The multiparty system has the CDU/CSU and SPD as the two largest parties, joined by a changing set of smaller parties.

<sup>a</sup>1990–2013 percentages combine results from Western and Eastern Germany.

more conservative. These two parties generally function as one (CDU/CSU) in national politics, forming a single parliamentary group in the Bundestag and campaigning together in national elections.

The postwar **Social Democratic Party (SPD)** in West Germany was constructed along the lines of the SPD in the Weimar Republic—a socialist party primarily representing the interests of unions and the working class. The SPD's initial image of the nation's future was radically different from that of the Christian Democrats. The Social Democrats initially espoused strict Marxist doctrine and consistently opposed Adenauer's western-oriented foreign policy. Over time the party moderated its position on both domestic and foreign policies. This new orientation allowed it to gain new voter support from moderates and the middle class—and eventually participate in the national government.

Among the many smaller parties at the formation of the German party system, the **Free Democratic Party (FDP)** was the most significant. The FDP was initially a strong advocate of private enterprise and drew its support from the Protestant middle class and farmers. It has often held enough Bundestag seats to have a pivotal role in forming a government coalition. This has given the FDP a larger political role than its small size would suggest. Its economic policies make the FDP a natural ally of the CDU/CSU in economic terms. Its liberal foreign and social programs often position it closer to the SPD.

**The Greens (Die Grünen)** are literally a party of a different color.<sup>36</sup> It was created in 1980, drawing together a loose association of local environmental groups. The party raised a broad set of New Politics issues that the established parties were not addressing: opposing nuclear energy, reshaping military policies, ensuring environmental protection, and supporting women's rights and multiculturalism. The Greens initially differed so markedly from the established parties that one Green leader described them as the “antiparty party.”

The party system further changed as a consequence of German unification in 1990. When the GDR collapsed, the ruling communist party (Socialist Unity Party, SED) collapsed along with the East German regime. SED membership plummeted, and local party units abolished themselves. The omnipotent party suddenly seemed impotent. To save the party from complete dissolution and to compete in the upcoming democratic elections, the party changed its name to the **Party of Democratic Socialism (PDS)**.

The party became a representative for citizens in the East, especially those who suffered economically or socially as a consequence of unification. In 2005, the party joined forces with leftists in the West and, in 2007, rebranded itself as **Die Linke** (The Left).

Finally, in 2013, a new party appeared on the electoral stage. The **Alternative for Germany (AfD)** is critical of Germany's relationship with the European Union and many of the policies implemented by the EU. Its anti-EU rhetoric resonated among many voters, and it almost won the 5 percent of the vote that would have given it seats in parliament. Even without winning seats, its vote share probably cost the CDU/CSU-FDP government its reelection. If it endures, the AfD may provide a rallying point for those critical of the government and its European policies.

### Electoral History

The CDU/CSU's voting strength in the 1950s allowed the party to control the government, first under the chancellorship of Adenauer and then under Ludwig Erhard, as shown in Table 10.1. The Federal Republic thus took shape under the policy direction of the Christian Democrats, who shaped its domestic policies and international ties. In each election, the number of smaller parties declined, and the CDU/CSU seemed to gain in strength.

The SPD's poor performance in early elections generated internal pressures for the party to broaden its electoral appeal. At the 1959 Godesberg party conference, the party renounced its Marxist economic policies and generally moved toward the center on domestic and foreign policies. The party continued to represent working-class interests, but by shedding its ideological banner, the SPD hoped to attract new support from the middle class. The SPD became a progressive catchall party that competed with the Christian Democrats.

An SPD breakthrough finally came in 1966 with the formation of the Grand Coalition when the governing CDU/CSU lost the support of its coalition partner, the FDP. By sharing government control with the CDU/CSU, the SPD decreased public uneasiness about the party's integrity and ability to govern. Political support for the party also grew as the SPD played an active part in resolving the nation's problems. Following the 1969 election, a new SPD-FDP government formed with Willy Brandt (SPD) as chancellor. After enacting an ambitious range of new policies,

**TABLE 10.1**  
**Composition of Coalition Governments**

A listing of government parties and chancellors of the Federal Republic.

Date Formed	Source of Change	Coalition Partners <sup>a</sup>	Chancellor
September 1949	Election	CDU/CSU, FDP, DP	Adenauer (CDU)
October 1953	Election	CDU/CSU, FDP, DP, G	Adenauer (CDU)
October 1957	Election	CDU/CSU, DP	Adenauer (CDU)
November 1961	Election	CDU/CSU, FDP	Adenauer (CDU)
October 1963	Chancellor retirement	CDU/CSU, FDP	Erhard (CDU)
October 1965	Election	CDU/CSU, FDP	Erhard (CDU)
December 1966	Coalition change	CDU/CSU, SPD	Kiesinger (CDU)
October 1969	Election	SPD, FDP	Brandt (SPD)
December 1972	Election	SPD, FDP	Brandt (SPD)
May 1974	Chancellor retirement	SPD, FDP	Schmidt (SPD)
December 1976	Election	SPD, FDP	Schmidt (SPD)
November 1980	Election	SPD, FDP	Schmidt (SPD)
October 1982	Constructive no-confidence vote	CDU/CSU, FDP	Kohl (CDU)
March 1983	Election	CDU/CSU, FDP	Kohl (CDU)
January 1987	Election	CDU/CSU, FDP	Kohl (CDU)
December 1990	Election	CDU/CSU, FDP	Kohl (CDU)
October 1994	Election	CDU/CSU, FDP	Kohl (CDU)
September 1998	Election	SPD, Greens	Schröder (SPD)
September 2002	Election	SPD, Greens	Schröder (SPD)
September 2005	Election	CDU/CSU, SPD	Merkel (CDU/CSU)
September 2009	Election	CDU/CSU, FDP	Merkel (CDU/CSU)
September 2013	Election	CDU/CSU, SPD	Merkel (CDU/CSU)

<sup>a</sup>CDU: Christian Democratic Union; CSU: Christian Social Union; DP: German Party; FDP: Free Democratic Party; G: All-German Bloc Federation of Expellees and Displaced Persons; SPD: Social Democratic Party.

a period of economic recession led to Brandt's replacement by Helmut Schmidt in 1974. The SPD retained government control in the 1976 and 1980 elections, but these were trying times for the party.

The early 1980s were tough times for the SPD-level government because of a weakening economic situation. In 1982, the Christian Democrats and the Free Democrats formed a new conservative government through the first successful constructive no-confidence vote, which elected Helmut Kohl as chancellor. Public support for Kohl's policies returned the governing coalition to power following the 1983 and 1987 elections.

Once again in opposition, the SPD faced an identity crisis. It tried to appeal in one election to centrist voters and in the next election to leftist voters—but neither strategy succeeded. The party sensed the need

to change and modernize, but it could not decide which direction of change was better. Moreover, a new party challenger entered the arena.

The Green Party won its first Bundestag seats in 1983, becoming the first new party to enter parliament since the 1950s. The Greens campaigned for an alternative view of politics, while adding a bit of color and spontaneity to the normally staid procedures of the political system. The typical dress for Green deputies was jeans and a sweater, rather than the traditional business attire of the established politicians. The party's loose and open internal structure stood in sharp contrast to the hierarchic and bureaucratized structure of the other parties. Despite initial concerns about the Greens' impact on the political system, most analysts now agree that the party brought necessary attention to political viewpoints that previously were overlooked.

The collapse of the GDR in 1989 provided a historic opportunity for the nation, and redirected attention away from the mounting shortfalls of the Kohl administration. While others looked on the events with wonder or uncertainty, Kohl embraced the idea of closer ties between the two Germanies. Thus, when the March 1990 GDR election became a referendum in support of German unification, the Christian Democrats were assured of victory because of their early commitment to unification. Kohl was victorious in the 1990 Bundestag elections.

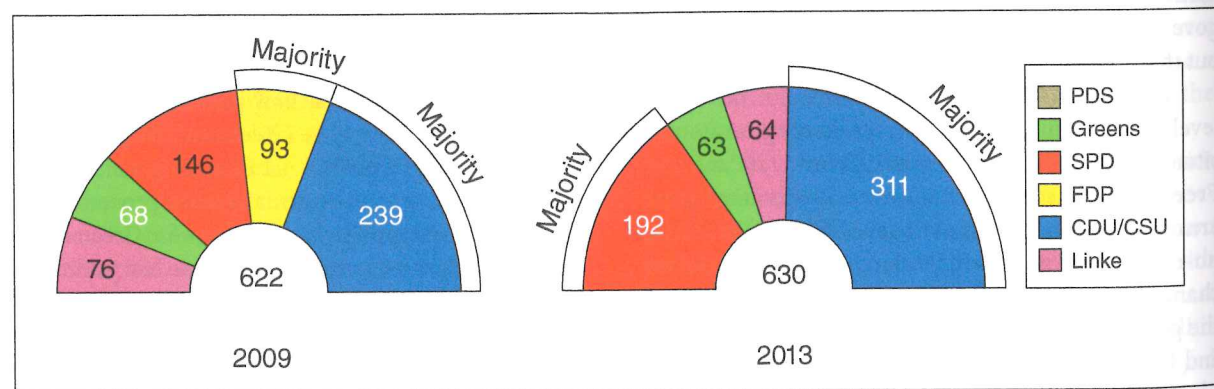
Perhaps no one (except maybe the Communists) was more surprised than the SPD by the course of events in the GDR in 1989 and 1990. The SPD had been normalizing relations with the SED, only to see the SED ousted by the citizenry. The SPD and its chancellor candidate, Oscar Lafontaine, stood by quietly as Kohl spoke of a single German *Vaterland* to crowds of applauding East Germans. The SPD's poor performance in the 1990 elections reflected its inability either to lead or to follow the course of the unification. Similarly, to stress their opposition to western dominance of the East, the western Greens rejected an electoral alliance with the Eastern Greens in 1990. The eastern Greens won enough votes to enter the new Bundestag, but the western Greens failed to win any seats and dropped out of the Bundestag.

The Party of Democratic Socialism campaigned in these postunification elections as the representative of those who opposed the economic and social course of German unity. In the 1990 Bundestag elections, the PDS won 11 percent of the eastern vote but only 2 percent of the national vote. The PDS won Bundestag seats in the 1994 and 1998 elections, but failed to surmount the electoral threshold in 2002.

Meanwhile, Kohl's government struggled with the policy problems produced by unification. Germany made real gains in improving conditions in the East and building a stable new society. However, the reality fell far short of Kohl's optimistic election pronouncements. Taxes increased, social service budgets were drained, and the East improved slowly. The governing CDU/CSU-FDP coalition lost seats in the 1994 elections, but Kohl retained a slim majority in alliance with the Free Democrats.

By the 1998 elections, the accumulation of sixteen years of governing and the challenges of unification had taken their toll on the party and Helmut Kohl. The Social Democrats selected the moderate Gerhard Schröder as their chancellor candidate to challenge Kohl. The SPD vote share increased, and the party formed a coalition government with the Green Party. Kohl and the CDU/CSU fared poorly in the election, especially in the eastern Länder. The CDU/CSU loss was a rebuke to Kohl, and he resigned the party leadership.

Schröder's government pursued a middle course, balancing the centrist and leftist views existing within the coalition. For instance, the government allowed German troops to play an active role in Kosovo and Afghanistan, while mandating the phasing out of nuclear power. During the 2002 election, Schröder opposed U.S. policy toward Iraq to win support from leftist voters. The CDU/CSU chose Edmund Stoiber, the head of the CSU, as its chancellor candidate in 2002. The CDU/CSU gained the same vote share as the Social Democrats and nearly as many seats in the Bundestag (see Figure 10.6). However, an SPD-led coalition retained control of the government.



**FIGURE 10.6**  
The Distribution of Bundestag Seats in 2009 and 2013

The 2013 election produced a stalemate between left and right, producing a new grand coalition.

In government, the Green Party struggled to balance its unconventional policies with the new responsibilities of governing—and steadily gave up its unconventional style. For instance, the party supported military intervention in Kosovo, despite its pacifist traditions, and it supported tax reform that lowered the highest rates in exchange for a new environmental tax.

In the mid-2000s, the economy was struggling under the SPD-Green administration, partly because of systemic problems and partly because of the accumulated costs of German unification. The government was criticized by some for doing too much to reform the economy and by others for not doing enough. As the economy stagnated and public dissatisfaction mounted, Schröder gambled and called for early elections in 2005. The CDU/CSU selected **Angela Merkel** as its chancellor candidate (see Box 10.3). The election ended as a dead heat between the CDU/CSU and the SPD.

After weeks of negotiation, the CDU/CSU agreed to form a Grand Coalition with its major rival, the Social Democrats (minus Gerhard Schröder). This was similar to the U.S. Democrats and Republicans sharing control of the government—a very odd set of political bedfellows. Government positions and Cabinet posts were split between the two parties. The differences in political philosophies between the two parties led to limited policy change.

The 2005 elections also produced a change in party alignments. Lafontaine, a former SPD chancellor candidate, orchestrated a coalition of leftist interests in the West and the PDS in the East. This new party drew the support of western leftists who were disenchanted by Schröder's government and PDS voters from the East. They nearly doubled the PDS vote over the previous election and gained more than fifty Bundestag seats. In 2007, the two parties formally merged under the label *Die Linke*.<sup>37</sup>

The 2008 recession strongly influenced voters' perceptions of the governing parties. Many leftists criticized the party for its economic reforms under Schröder and its collaboration with the CDU/CSU. In contrast, Merkel's skill as a political leader appeared when the global recession impacted Germany. She cautiously developed stimulus packages that stabilized the economy and protected jobs. She also successfully deflected much of the economic blame to international forces and her coalition partner, the SPD. The SPD lacked a clear message as to why voters should support it in the 2009 elections, and consequently experienced

the lowest vote total in the history of the FRG. Many of these liberal votes went to Die Linke or the Greens. The conservative mood in 2009 propelled the FDP to its best showing in the history of the FRG and a share of the governing coalition with the CDU/CSU, and Merkel continued as chancellor for this new coalition.

The continuing economic challenges of Europe and an unstable international environment provided the context for the 2013 elections. The party's chancellor candidate, Peer Steinbrück, ran an ineffectual campaign that did not convince voters that the SPD offered a viable alternative to Merkel. By a two-to-one margin, the public wanted Merkel to continue as chancellor, but they were divided on which party to support to achieve this aim.

Merkel and the CDU/CSU emerged from the election as the largest party, with 41.5 percent of the vote and nearly half the seats in parliament. This was the second highest seat share in party history. However, when the FDP failed to win any Bundestag seats, this ended the incumbent governing coalition and created complex choices for an alternative coalition government. What followed was a protracted period of coalition negotiations under threats of a new election if the situation was not resolved. Eventually the CDU/CSU and SPD agreed to renew their earlier grand coalition. In a sense, the election did not decide Germany's future policy course because the two main rival parties are both part of the government. Merkel's challenge as the chancellor of the grand coalition will be to find common programs to address the nation's needs that both parties will accept, which will be even more difficult than the 2005-09 grand coalition because contemporary policy problems are greater.

## The Role of Elections

When German parties compete in elections, they work within an unusual electoral system. The Federal Republic had two goals in mind when it designed the electoral system. One was to create a **proportional representation (PR)** system that allocates legislative seats based on a party's percentage of the popular vote. If a party receives 10 percent of the popular vote, it should receive 10 percent of the Bundestag seats. Another goal was to create a system of single-member districts as in Britain and the United States. It was thought that district elections would avoid the fragmentation of the Weimar party system and ensure some accountability between a district and its representative.



To satisfy both objectives, the FRG created a mixed electoral system. On one part of the ballot, citizens vote for a candidate to represent their district. The candidate with the most votes in each district is elected to parliament.

On a second part of the ballot, voters select a party. These second votes are added nationwide to determine each party's share of the popular vote, which determines its total representation in the Bundestag. Each party receives additional seats so that its percentage of the combined candidate and party seats equals its percentage of the second votes. These seats are distributed to candidates according to lists prepared by the state parties. Half of the Bundestag members are elected as district representatives and half as party representatives.<sup>38</sup>

An exception to this PR system is the 5 percent clause, which requires that a party win at least 5 percent of the national vote (or three district seats) to share in the distribution of party-list seats.<sup>39</sup> The law aims to withhold representation from the type of small extremist parties that plagued the Weimar Republic. In practice,

however, the 5 percent clause restricts all minor parties and lessens the number of parties in the Bundestag.

This mixed system has several political consequences. The party-list system gives party leaders substantial influence on who will be elected to parliament by the placement of people on the list. The PR system also ensures fair representation for the smaller parties. The Greens, for example, won only one direct candidate mandate in 2013, yet it received sixty-two additional Bundestag seats based on its national share of the vote. In contrast, Britain's district-only system discriminates against small parties; in 2010, the British Liberal Democrats won 23 percent of the national vote but less than 9 percent of the parliamentary seats. The German two-vote system also affects campaign strategies. Although most voters cast both their ballots for the same party, the smaller parties encourage supporters of the larger parties to "lend" their second votes to the smaller party. Because of its mixed features, the German system is sometimes described as the ideal compromise in building an electoral system.<sup>40</sup>



**The New Partners**  
Sigmar Gabriel (SPD), Angela Merkel (CDU), and Horst Seehofer (CSU) lead the governing parties in 2013.

### The Electoral Connection

Democratic elections are about making policy choices regarding a future government, and Germans have a rich set of parties and policy programs from which to choose. Think of how the United States would be different if there were some communists and environmentalists as well as members of the two major parties elected to the House of Representatives. One of the

essential functions of political parties in a democracy is interest representation, and this is especially clear in the case of German elections.

The voting patterns of social groups reflect the ideological and policy differences among parties. Although social differences in voting have gradually narrowed, voting patterns in 2013 reflect the traditional social divisions in German society and politics (see Table 10.2).<sup>41</sup>

**TABLE 10.2**  
**Electoral Coalitions in 2013**

Voting patterns show the conservative social base of the CDU/CSU and the liberal base of the SPD, Greens, and Die Linke.

	CDU/CSU	SPD	Greens	Linke	FDP	AfD	Other
<b>Election Result</b>	41.5	25.7	8.4	8.6	4.8	4.7	6.1
<b>Region</b>							
West	42	27	9	6	5	4	6
East	39	17	5	23	3	6	7
<b>Employment status</b>							
Employed	40	26	10	8	5	5	7
Unemployed	22	25	10	21	2	7	13
Retired	48	29	5	9	4	4	1
<b>Occupation</b>							
Self-employed	48	15	10	7	10	6	4
Salaried employees	41	26	10	8	5	5	5
Civil servants	44	25	13	5	6	5	2
Blue-collar worker	38	30	5	11	3	5	8
<b>Education</b>							
Primary education	46	30	4	7	3	3	7
Secondary schooling	43	25	6	10	4	6	6
Abitur	39	24	12	8	5	5	7
University degree	37	23	15	9	7	5	4
<b>Age</b>							
Under 30	34	24	11	8	5	6	12
30–44 years	41	22	10	8	5	5	9
45–59 years	39	27	10	9	5	5	5
60 and older	49	28	5	8	5	4	1
<b>Gender</b>							
Men	39	27	8	8	4	6	7
Women	44	24	10	8	5	4	6

Note: Some percentages may not total 100 because of rounding.

Source: Regional data are from election statistics; social group information is from 2013 Bundestagswahl exit poll, Forschungsgruppe Wahlen.

The CDU/CSU primarily draw their voters from the conservative sectors of society, with greater support from older people, retirees, and the middle class, especially the self-employed. Other studies show that Catholics and those who attend church give disproportionate support to the party.

The SPD's voter base contrasts with that of the CDU/CSU: A disproportionate share of SPD votes comes from blue-collar workers, although middle-class citizens provide most of the party's voters. In some ways, the SPD has suffered because its traditional voter base—blue-collar workers—has declined in size and it has not established a new political identity that draws a distinct voter clientele.

The Greens' electorate is heavily drawn from groups that support New Politics movements: the middle class, the better educated, and urban voters. Despite the party turning thirty years old in 2010, it still appeals to the young, especially university-educated youth.

Die Linke also has a distinct voter base. This is first an East-oriented party, with a majority of its total vote in 2013 coming from the East. The party's leftist roots also appear in its appeal to the blue-collar workers and the unemployed. It is a party for those frustrated with the economic and political path Germany has followed since unification.

The FDP voters include a high percentage of the middle class, both white-collar employees and the self-employed. While the Greens attract liberal, educated youth, the FDP attracts a disproportionate share of young, better-educated conservatives. But squeezed on the left and right by other parties, the FDP's lack of a clear identity contributed to their failings in 2013.

The new contender in 2013 was the Alternative for Democracy (AfD). The party's criticism of the European Union's policies and the costs of Germany's contribution to the EU were the basis of its appeal to voters. This position resonated among retirees on fixed income, Easterners, and some youth. The AfD voter base suggests it drew support away from parties on both the left and right.

The social group differences between the larger parties have generally narrowed over time, as fewer voters make their decisions based on class, religious, or other cues. Instead, more voters are deciding based on their issue opinions or candidate evaluations. Yet the ideology and clientele networks of the parties still reflect these traditional group bases, so they have a persisting influence on the parties.

## The Policymaking Process

**10.13** Describe the primary actors in the federal policymaking process.

The policymaking process may begin with any part of society—an interest group, a political leader, an individual person, or a government official. These actors interact in creating public policy, making it difficult to trace the true origin of any policy idea. Moreover, once a new policy is proposed, other interest groups and political actors become active in amending, supporting, or opposing the policy.

The pattern of interaction among policy actors varies across policy issues. One set of groups is most active on labor issues, and these groups use the methods of influence that are most successful for their cause. A very different set of groups may try to affect defense policy and use far different methods of influence. This variety makes it difficult to describe policymaking as a single process, although the institutional framework for enacting policy is relatively uniform in all policy areas.

The growing importance of the EU also changes the policymaking process for its member states.<sup>42</sup> Now policies made in Brussels often take precedence over German legislation. Laws passed by the German government must conform to EU standards in many areas. The European Court of Justice has the power to overturn laws passed by the German government. Thus, policymaking is no longer a solely national process.

This section describes the various stages of the policy process and clarifies the balance of power among the institutions of the German government.

### Policy Initiation

Most issues reach the policy agenda through the executive branch. One reason for this is that the Cabinet and the ministries manage the affairs of government. They are responsible for preparing the budget, formulating revenue proposals, administering existing policies, and conducting the other routine activities of government. The nature of a parliamentary democracy further strengthens the policymaking influence of the chancellor and the Cabinet. The chancellor is the primary policy spokesperson for the government and for a majority of the Bundestag deputies. In speeches, interviews, and formal policy declarations, the chancellor sets the policy agenda for the government.

It is the responsibility of the chancellor and Cabinet to propose new legislation to implement the government's policy promises. Interest groups realize the importance of the executive branch, and they generally work with the federal ministries—rather than Bundestag deputies—when they seek new legislation.

The executive branch's predominance means that the Cabinet proposes about two-thirds of the legislation considered by the Bundestag. Thirty members of the Bundestag may jointly introduce a bill, but only about 20 percent of legislative proposals begin in this manner. Most of the Bundestag's own proposals involve private-member bills or minor issues. State governments also can propose legislation in the Bundesrat, but they do so infrequently.

The Cabinet generally follows consensual decision making in setting the government's policy program. Ministers seldom propose legislation that is not expected to receive Cabinet support. The chancellor has a crucial role in ensuring this consensus. The chancellor's office coordinates the legislative proposals drafted by the various ministries. If the chancellor feels that a bill conflicts with the government's stated objectives, he or she may ask that the proposal be withdrawn or returned to the ministry for restudy and redrafting. If a conflict on policy arises between two ministries, the chancellor may mediate the dispute. Alternatively, interministerial negotiations may resolve the differences. Only in extreme cases is the chancellor unable to resolve such problems; when such stalemates occur, policy conflicts are referred to the full Cabinet.

The chancellor also plays a major role in Cabinet deliberations. The chancellor is a fulcrum, balancing conflicting interests to reach a compromise that the government as a whole can support. This leadership position gives the chancellor substantial influence in negotiations with Cabinet members. Very seldom does a majority of the Cabinet oppose the chancellor. When the chancellor and Cabinet agree on a legislative proposal, they have a dominant position in the legislative process. Because the Cabinet also represents the majority in the Bundestag, most of its initiatives are eventually enacted into law. In the fifteenth Bundestag (2002–2005), almost 90 percent of the government's proposals became law; in contrast, about 40 percent of the proposals introduced by Bundestag members became law. The government's legislative position is further strengthened by Basic Law's fiscal limit on the Bundestag's authority. The parliament can revise or

amend most legislative proposals. However, it cannot alter the spending or taxation levels of legislation proposed by the Cabinet. Parliament cannot even reallocate expenditures in the budget without the approval of the finance minister and the Cabinet.

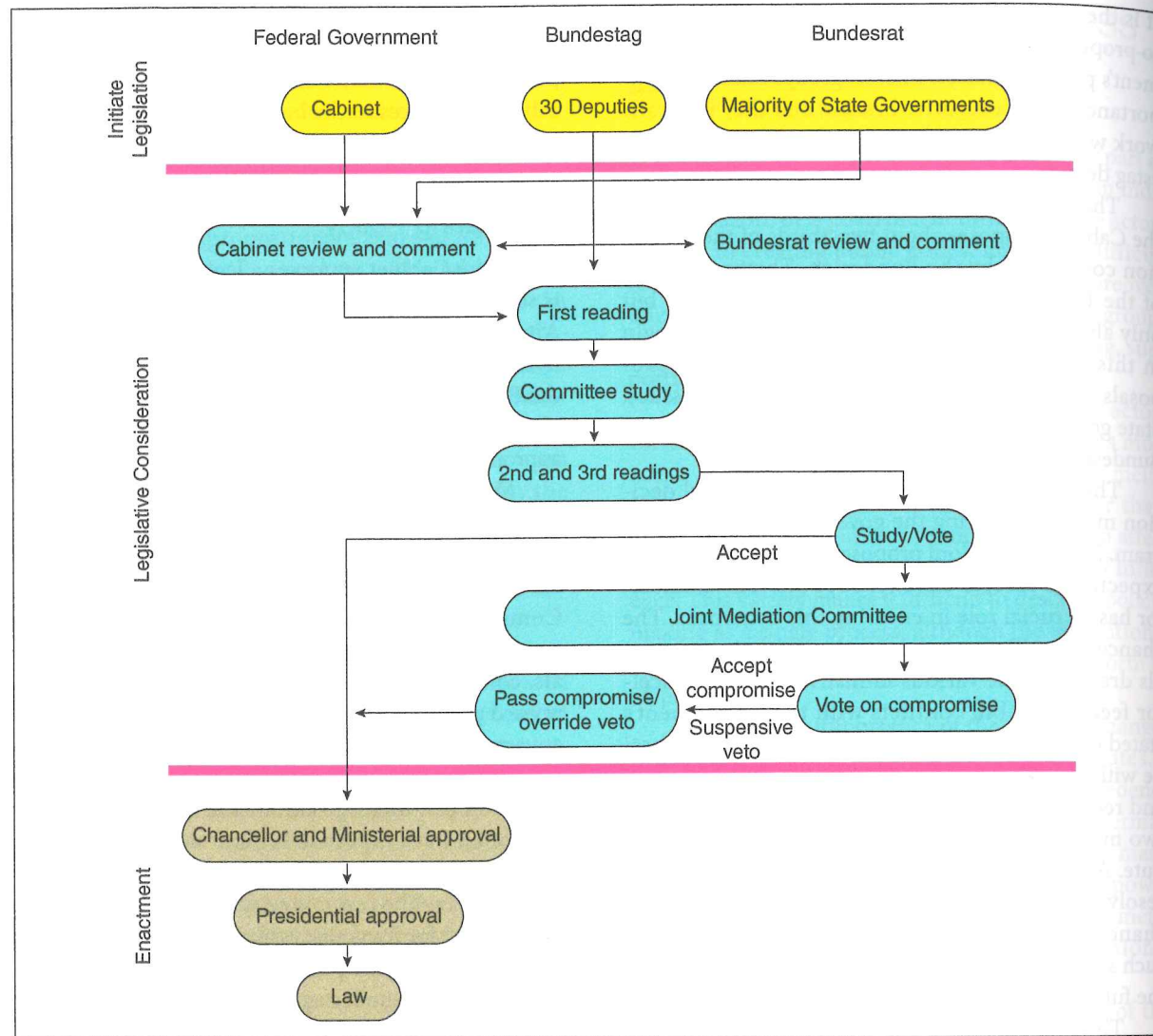
### Legislating Policy

When the Cabinet approves a legislative proposal, it is sent to the Bundesrat for review (see Figure 10.7). After receiving the Bundesrat's comments, the Cabinet formally transmits the government's proposal to the Bundestag. The bill receives a first reading, which places it on the chamber's agenda and assigns it to the appropriate committee.

Much of the Bundestag's work takes place in these specialized committees. The list of committees generally follows the organization of the federal ministries, such as transportation, defense, labor, or agriculture. Committees have real potential for reviewing and amending their content. Committees evaluate proposals, consult with interest groups, and then submit a revised proposal to the full Bundestag. Research staffs are small, but committees also use investigative hearings. Government and interest group representatives testify on pending legislation, and committee members often have expertise in their designated policy area. Most committees hold their meetings behind closed doors. The committee system thus provides an opportunity for frank discussions of proposals and negotiations among the parties before legislation reaches the floor of the Bundestag.

When a committee reports a bill, the full Bundestag examines it and discusses any proposed revisions. At this point in the process, however, political positions already are well established. Leaders in the governing parties have taken part in developing the legislation. The parties have caucused to decide their official position. Major revisions during the second and third readings are infrequent; the government generally gets passage of its proposals as reported out of committee.

Bundestag debate on the merits of government proposals is thus mostly symbolic. The successful parties explain the merits of the new legislation and advertise their efforts to their supporters. The opposition parties place their objections in the public record. Although these debates seldom influence the outcome of a vote, they are still an important part of the Bundestag's information function.



**FIGURE 10.7**  
The Legislative Process

This figure describes the steps from the initiation to the passage of new laws.

A bill that passes the Bundestag is transmitted to the Bundesrat, which represents the state governments in the policy process. Much of the Bundesrat's work is also done in specialized committees where bills are scrutinized for both their policy content and their administrative implications for the states. The legislative authority of the Bundesrat equals that of the Bundestag in areas where the states share concurrent powers with the federal government or administer federal policies. In these areas, the Bundesrat's approval is

necessary for a bill to become law. In the policy areas that do not involve the states directly, such as defense or foreign affairs, Bundesrat approval of legislation is not essential. Historically, about two-thirds of legislative proposals required Bundesrat approval, but a recent reform means only about 30 to 40 percent of legislation will now require Bundesrat approval.<sup>43</sup>

The Bundesrat's voting procedures give disproportionate weight to the smaller states; states representing only a third of the population control half the

votes in the Bundesrat. Thus, the Bundesrat cannot claim the same popular legitimacy as the proportionally represented and directly elected Bundestag. The Bundesrat voting system also may encourage parochialism by the states. The states vote as a bloc; therefore, they view policy from the perspective of the state rather than the national interest or party positions. The different electoral bases of the Bundestag and Bundesrat make such tensions over policy an inevitable part of the legislative process.

Frequently, different party coalitions control the Bundestag and the Bundesrat. In one sense, this division strengthens the power of the legislature because the federal government has to negotiate with the opposition in the Bundesrat. However, divided government also prevents necessary new legislation in a variety of areas.

If the Bundesrat approves a bill, it transmits the measure to the chancellor to sign. If the Bundesrat objects to the Bundestag's bill, the representatives of both bodies meet in a joint mediation committee and attempt to resolve their differences.

The mediation committee submits its recommendation to both legislative bodies for their approval. If the proposal involves the state governments, the Bundesrat may cast an absolute veto and prevent the bill from becoming a law. In the remaining policy areas, the Bundesrat can cast only a suspensive veto. If the Bundestag approves of a measure, it may override a suspensive veto and forward the proposal to the chancellor. The final policy step is the promulgation of the law by the federal president.

There are several important characteristics of this process. On the one hand, the executive branch is omnipresent throughout the legislative process. After transmitting the government's proposal to the Bundestag, the federal ministers work in support of the bill. Ministry representatives testify before Bundestag and Bundesrat committees to present their position. Cabinet ministers lobby committee members and influential members of parliament. Ministers may propose amendments or negotiate policy compromises to resolve issues that arise during parliamentary deliberations. Government representatives may also attend meetings of the joint mediation committee between the Bundestag and Bundesrat; no other nonparliamentary participants are allowed. The importance of the executive branch is common to most parliamentary systems.

On the other hand, despite this large role played by the executive, the German parliament has greater autonomy than most parliamentary legislatures. By some accounts, it is one of the most powerful parliaments among contemporary democracies. The government frequently makes compromises and accepts amendments proposed in the legislature. The two houses of parliament often reflect different party coalitions and different political interests, so the government must take these into account.

The sharing of legislative power between the Bundestag and Bundesrat also has mixed consequences. State leaders can adapt legislation to local and regional needs through their influence on policymaking. This division of power also provides another check in the system of checks and balances. With strong state governments, it is less likely that one leader or group could control the political process by usurping the national government.

Thus, the process reflects the autonomy of both branches and the checks and balances that the framers sought in designing the Federal Republic's institutions. Compared to other parliamentary systems in Europe, the German system gives more voice to competing interests and is more likely to require compromise to enact new legislation.

### Policy Administration

In another attempt to diffuse political power, the Basic Law assigns the administrative responsibility for most domestic policies to the state governments. As evidence of the states' administrative role, the states employ more civil servants than the federal and local governments combined.

Because of the delegation of administrative duties, federal legislation normally is fairly detailed to ensure that the actual application of a law matches the government's intent. Federal agencies may also supervise state agencies, and in cases of dispute, they may apply sanctions or seek judicial review.

Despite this oversight by the federal government, the states have some discretion in applying federal legislation. This is partially because the federal government lacks the resources to follow state actions closely. Federal control of the states also requires Bundesrat support, where claims for states' rights receive a sympathetic hearing. This decentralization of political authority provides additional flexibility for the political system.

## Judicial Review

As in the United States, legislation in Germany is subject to judicial review. The Constitutional Court can evaluate the constitutionality of legislation and void laws that violate the Basic Law.<sup>44</sup>

Constitutional issues are brought before the court in one of three ways. First, individual citizens may appeal directly to the court when they feel that a government action violates their constitutional rights. More than 90 percent of the cases presented to the court arise from citizens' complaints. Moreover, people can file cases without paying court costs and without a lawyer. The court is thus like an ombudsman, assuring the average citizen that his or her fundamental rights are protected by the Basic Law and the court.

In addition, the Court hears cases based on "concrete" and "abstract" principles of judicial review. Concrete review involves an actual court case that raises constitutional issues and is referred by a lower court to the Constitutional Court. In an abstract review, the court rules on legislation as a legal principle, without reference to an actual case. The federal government, a state government, or one-third of the Bundestag deputies can request review of a law. Groups that fail to block a bill from becoming a law sometimes use this procedure. Over the last two decades, the court received an average of two or three such referrals a year.<sup>45</sup> Judicial review in the abstract expands the constitutional protection of the Basic Law. This directly involves the court in the policy process and may politicize the court as another agent of policymaking.

In recent years, the judicial review by the European Court of Justice (ECJ) has added a new dimension to policymaking in Germany and the other EU states.<sup>46</sup> Petitioners can challenge German legislation that they believe violates EU policies. Hundreds of German laws are reviewed each year, and anticipation of ECJ review influences the legislative process of the parliament.

in the 1950s and early 1960s were truly phenomenal, and the progress in the GDR was nearly as remarkable. By the 1980s, the FRG had one of the strongest economies in the world, and other policies improved the education system, increased workers' participation in industrial management, extended social services, and improved environmental quality. The GDR had its own impressive record of policy accomplishments, even though it lagged behind the West. The GDR was the economic miracle of the Eastern Bloc, and it supported an extensive network of social programs.

The integration of two different social and political systems created strains that are still one of Germany's major policy challenges. In addition, the nation faces many of the same policy issues as other European democracies: dealing with the current recession and its political fallout, competing in a global economic system, addressing the issues of multiculturalism, and charting a foreign policy course in a changing world. This section describes Germany's present policy programs, and then we discuss the policy challenges currently facing the nation.

## The Federal Republic's Policy Record

For Americans who hear politicians rail against "big government" in the United States, the size of the German government gives greater meaning to this term. Over the past half century, the scope of German government has increased both in total public spending and in new policy responsibilities. Today, government spending accounts for almost half of the total economy, and government regulations touch many areas of the economy and society. Germans are much more likely than Americans to consider the state responsible for addressing social needs and to support government policy activity. Total public expenditures—federal, state, local, and the social security system—have increased from less than €15 billion in 1950 to €269 billion in 1975 and over €1.182 trillion for a united Germany in 2012, which is over 40 percent of the total GDP. That is big government.

Public spending in Germany flows from many different sources. Social security programs are the largest part of public expenditures; however, they are managed in insurance programs that are separate from the government's normal budget.

In addition, the Basic Law distributes policy responsibilities among the three levels of government.

## Policy Performance

**10.14** Identify major policy outputs of government and the major sources of government funding.

By most standards, both of the Germanies could boast of their positive records of government performance since their formation. The FRG's economic advances

government subsidies or “bailouts” for unsuccessful businesses.

Yet even aside from Congress authorizing a \$700 billion bailout of financial institutions and other large corporations in the fall of 2008, American governments subsidize American businesses in many ways. They conduct research that businesses can use to develop new products and pay to market American products in other countries. State, local, and federal governments work together to provide public goods, such as education and a transportation infrastructure. Congress imposes tariffs and import quotas on certain foreign manufactured goods to prevent them from undercutting American manufacturers. Federal laws guarantee that all workers will be paid a certain minimum wage regardless of what they would get in a truly free market, and this wage has been raised repeatedly in recent decades. Quasi-public enterprises like Fannie Mae and Freddie Mac, put under full federal conservatorship in 2008, make it easier for homebuyers to obtain loans. Federal tax law subsidizes the pensions and health plans that businesses offer to their employees, creating a hybrid public–private safety net that works something like a European welfare state, though only for those who get jobs with good benefits.<sup>9</sup> As the effects of the health care reform bill passed in 2010 begin to phase in, America will look even more like a European nation by mandating and subsidizing universal coverage. Most of these policies have come from political pressure by business associations, labor unions, and other pressure groups. Thus, it seems fair

to say that, while most Americans say they believe in free enterprise, they prefer to practice safe enterprise. The recent economic disaster and the massive bailout of private enterprise that it spurred serve as reminders that free market ideologies can yield quickly in a time of crisis and that the public treasury assumes the risks of private corporations deemed “too big to fail.”

## The Constitutional System

**19.4** List the three distinctive features of the U.S. constitutional system and describe the interrelated nature of their powers.

As in most modern nations (Great Britain and Israel are two notable exceptions), the basic structure of the American system of government is set forth in a written constitution—the Constitution of the United States, a document drawn up in 1787, ratified in 1788, and inaugurated in 1789. It is the world’s oldest written constitution still in force.

Of course, the Constitution of today differs from that of 1789 in a number of important ways. It has been formally amended twenty-seven times, the most recent being the 1992 amendment that provided that no law changing the compensation for members of Congress shall take effect until an election of members of the House has been held.<sup>10</sup> The first ten amendments, known collectively as the **Bill of Rights**, list the rights of individuals that the national government is forbidden to abridge (see Box 19.1).

### BOX 19.1

#### The U.S. Bill of Rights

1. Freedom of religion, speech, press.
2. Right to bear arms.
3. Freedom from quartering soldiers without owner’s consent.
4. No unreasonable searches and seizures.
5. Trial of civilians only after indictment by a grand jury; no double jeopardy; prohibition against compelled self-incrimination; no deprivation of life, liberty, or property without due process of law; no taking of private property for public use without just compensation.
6. In criminal prosecutions, right to speedy and public trial by an impartial jury; defendant must be informed of the nature and cause of accusations; defendant has power to compel testimony by witnesses in his or her favor; right to assistance of counsel.
7. Guarantee of trial by jury where the amount in controversy is over twenty dollars.
8. No excessive bail, no excessive fines, no cruel and unusual punishments.
9. Enumeration of certain rights in the Constitution shall not be construed to deny or diminish others retained by the people.
10. Powers not delegated to the national government nor prohibited to the states are reserved to the states or to the people.

One of the most important amendments is the Fourteenth Amendment, ratified just after the Civil War. It makes national citizenship legally superior to state citizenship, and prohibits the states from violating the “privileges and immunities” of U.S. citizens—which, by judicial interpretation, has come to mean nearly all the rights guaranteed against the national government by the first ten amendments. Other major amendments have outlawed slavery (the Thirteenth), guaranteed the right to vote to former slaves (the Fifteenth) and women (the Nineteenth), limited presidents to two elective terms (the Twenty-Second), and spelled out the conditions under which an incapacitated president can be replaced (the Twenty-Fifth). Even with these amendments, most of the basic elements of the 1789 Constitution have remained in force, whereas the written constitutions in many other countries and in most of the American states have been replaced altogether several times. Thus, if durability is a mark of constitutional strength, the Constitution of the United States is one of the strongest in history.

Yet the words in the Constitution do not tell all there is to be told about the basic structure of the American constitutional system. A number of customs, usages, and judicial decisions have significantly altered our way of governing without changing a word in the Constitution. Examples are the addition of judicial review, the development of political parties, and the conversion of the presidential selection process from a closed process by small cliques of insiders to popular elections open to all citizens.

Taken together, the provisions of the written Constitution of the United States and their associated customs and usages add up to a constitutional system that has three distinctive features: federalism, separation of powers, and judicial review.

## Federalism

**Federalism** is a system in which governmental power is divided between a national government and several subnational governments, each of which is legally supreme in its assigned sphere. This system has some ancient precursors, notably the Achaean League of Greek city-states in the third century BCE and the Swiss Confederation founded in the sixteenth century CE. But the men who wrote the American Constitution established the first modern form of federalism. They

did so because they had to. The 1787 convention in Philadelphia was called because its members felt that the new nation needed a much stronger national government than the Articles of Confederation provided, but the representatives from the small states refused to join any national government that did not preserve most of their established powers. The framers broke the resulting stalemate by dividing power between the national and the state governments and gave each state equal representation in the national Senate. Only thus could the large and small states agree on a new constitution.

Even so, some of the framers regarded federalism as more than a political expedient. James Madison, for example, believed that the greatest threat to human rights in a popular government is the tyranny of popular majorities that results when one faction seizes control of the entire power of government and uses it to advance its own special interests at the expense of all other interests. He saw a division of power between the national and state governments, combined with separation of powers, as the best way to prevent such a disaster.

Federalism has been widely praised as one of the greatest American contributions to the art of government. A number of nations have adopted it as a way of enabling different regions with sharply different cultures and interests to join together as one nation. The clearest examples of such nations today are Australia, Canada, Germany, Nigeria, Russia, and Switzerland, but significant elements of federalism are also found in systems as disparate as those of Brazil, India, and Mexico.

The American federal system divides government power in the following principal ways:

- Powers specifically assigned to the federal government, such as the power to declare war, make treaties with foreign nations, coin money, and regulate commerce between the states.
- Powers reserved to the states by the Tenth Amendment. The main powers in this category are those over education, marriage and divorce, intrastate commerce, and regulation of motor vehicles. However, the federal government often grants money to the states to help them build and operate schools, construct and repair highways, make welfare payments to the poor and the sick, and so on. The states do not have to accept the

money, but if they do, they also have to accept federal standards governing how the money is to be spent and federal monitoring to make sure it is spent that way.

- Powers that can be exercised by both the federal government and the states, such as imposing taxes and defining and punishing crimes.
- Powers forbidden to the federal government, mainly those in the first eight amendments, such as abridging freedom of speech, press, and religion, and various guarantees of fair trials for persons accused of crimes.
- Powers forbidden to the state governments. Some of these are in the body of the Constitution, but the main ones are the Fourteenth Amendment's requirements that no state shall “abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor Deny to any person within its jurisdiction the equal protection of the laws.” A number of U.S. Supreme Court decisions have interpreted these phrases to mean that almost all the specific liberties guaranteed against the federal government in the first eight amendments are also guaranteed against the state governments by the Fourteenth Amendment.

When all is said and done, however, perhaps the most important single point to note about the nature of American federalism is made in Article VI of the Constitution:

This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

In short, while the federal government cannot constitutionally interfere with the powers assigned exclusively to the states, whenever a state constitution or law is inconsistent with a law or treaty the federal government has adopted in accordance with its proper powers, the conflicting state constitution and law must yield. Moreover, it is the Supreme Court of the United States, an organ of the federal government and not of the state governments, that decides which acts of the federal government and the state governments are

within their respective powers. Thus, to the extent that the American federal system is a competition between the national government and the states, the chief umpire is a member of one of the two competing teams.

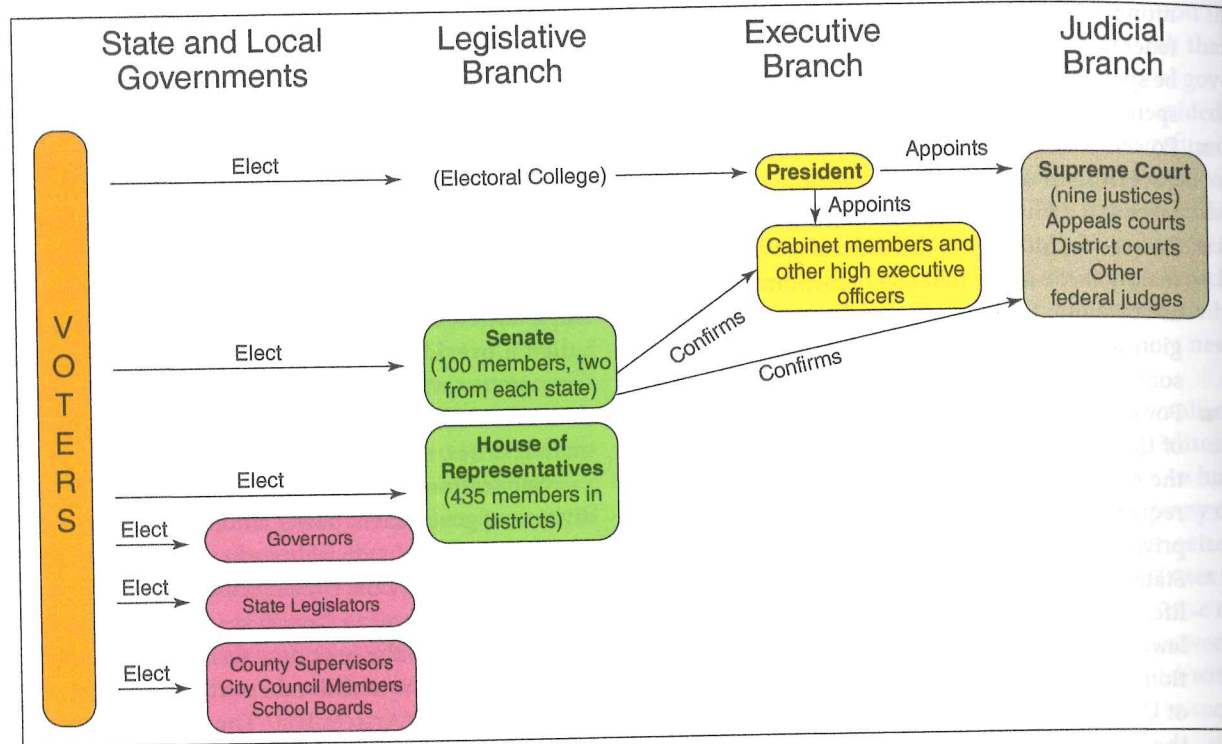
## Separation of Powers

Since most analysts of the American system maintain that separation of powers is the most important single difference between the U.S. system (which is called a **presidential democracy**) and most other democratic systems (which are called **parliamentary democracies**), let us be clear on the institution's main features.

**Separation of powers** denotes the constitutional division of government power among separate legislative, executive, and judicial branches (see Figure 19.2). The Constitution of the United States specifically vests the legislative power in Congress (Article I), the executive power in the president (Article II), and the judicial power in the federal courts, headed by the Supreme Court (Article III). The constitutions of many other nations, including most of Latin America's democracies, are presidential systems modeled after America's system of separated powers.

The three branches are separated in several ways, the most important of which is the requirement in Article I, Section 6: “No Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.” This provision means that each branch is operated by persons entirely distinct from those operating the other two branches. Thus, for example, when Senator John Kerry was appointed secretary of state in 2013, he had to resign his seat in the Senate before he could take up his new post. This, of course, is the direct opposite of the fusion-of-powers rule in many parliamentary democracies, such as Great Britain, which require the head of the executive branch to be a member of Parliament.

The persons heading each branch of the U.S. government are selected by different procedures for different terms. Members of the House of Representatives are elected directly by the voters for two-year terms, with no limit on the number of terms they can serve. Members of the Senate are elected directly by the voters for six-year terms, without term limits, and their terms are staggered so that one-third of the Senate comes up for election or reelection every two years.<sup>11</sup>



**FIGURE 19.2**  
The Government of the United States

Source: *The United States Government Manual 2005/2006* (Washington, DC: U.S. Government Printing Office, 2005), 21.

The president is elected indirectly by the **electoral college** (which is selected by direct popular election) for a four-year term and is limited to two full elected terms. All federal judges, including the members of the Supreme Court, are appointed by the president with the approval of a majority of the Senate, and they hold office until death, resignation, or removal by Congress.

The other main devices ensuring the separation of powers are the **checks and balances** by which each branch can keep the other two branches from invading its constitutional powers. For example, the Senate can disapprove top-level presidential appointments and refuse to ratify treaties. The two chambers of Congress acting together can impeach, convict, and remove the president or federal judges from office. They can (and often do) deny the president the legislation, appropriations, and taxes he requests. The president, in turn, can veto any act of Congress, and the Constitution requires a two-thirds vote of both chambers to override the veto. The president also makes the initial

appointments of all federal judges. Presidents have normally nominated judges who are likely to agree with their political philosophies and policy preferences, but once appointed and confirmed, judges rule without political supervision.

Some scholars believe that the American system is more accurately described as a system of “separated branches exercising shared powers,” since getting government action usually requires some kind of joint action by Congress and the president, with the acquiescence of the Supreme Court. *Separation of powers* is what most political scientists have called this feature of the system since the time of the *Federalist Papers*. Whatever it is called, this constitutional feature, more than any other, makes the American system different from most other democratic systems.<sup>12</sup>

### Judicial Review

**Judicial review** can be defined as the power of a court to render a legislative or executive act null and void

on the ground of unconstitutionality. All American courts, including the lower federal courts and all levels of the state courts, exercise this power on occasion. But the final word on all issues involving an interpretation of the national Constitution (which, as we have seen, is “the supreme law of the land”) belongs to the U.S. Supreme Court. The Supreme Court can declare any act of the president or Congress null and void on the ground that it violates the Constitution. Such a decision can be overturned only by a constitutional amendment or by the Court, usually with new members, changing its mind.

Although every democracy has to determine who has the final word on what its constitution allows and prohibits, the United States is one of the few democracies in which that power is given to the top appellate court of the regular court system. Some countries, such as Italy, give the final word to special tribunals rather than to bodies in their regular court systems, while in others (such as Mexico and Switzerland), the power includes only the “federal umpire” power, and not the power to override decisions of the national executive and legislature. Thus, judicial review is a prominent but not exclusive feature of the American constitutional system.

Because of the important authorities granted to the Supreme Court by the American Constitution, the Court plays an active role in shaping policies that affect the everyday lives of Americans. Abortion rights are an issue of utmost importance both to right-to-life and to pro-choice activists, and ever since the Court’s 1973 *Roe v. Wade* decision created federal protections for basic abortion rights, the drive to overturn or uphold this decision has motivated much political participation. The landmark decision applied a constitutional right to privacy to abortion rights, while those advocating a right to life have won some restrictions through Congress and the Supreme Court on late-term abortion practices. This has not been the only major debate decided by the Supreme Court in recent years. In the 2010 session alone, the Court issued landmark opinions granting corporations the right to spend unlimited amounts of money on elections, broadening Second Amendment protections by casting the constitutionality of state and local gun control laws into doubt, and narrowing the rights of criminal defendants. It was only by a narrow majority that the Supreme Court in 2012 upheld the Affordable Care

Act (President Obama’s universal health care law), and the decision that upheld it also set great constraints on the power of Congress and presidents to regulate interstate commerce in the future. With the Court’s impact looming so large, and with presidents able to reshape the Court when they nominate new members to replace departing justices, the direction of the judicial branch becomes an important part of presidential elections in America.

## Political Culture and Socialization

**19.5** Identify and discuss the two theories of cultural blending in the United States.

**19.6** Discuss the role of mass communications media in U.S. politics, along with the government’s ability to regulate the media.

The American constitutional system, though important to how Americans make political decisions, is not the whole story. To a considerable degree, the American political system functions as it does because it is operated by Americans rather than by Britons, Italians, Mexicans, or Iraqis, and it does what it does because Americans have a distinctive **political culture** that underlies, animates, and shapes all of the formal institutions we have reviewed.

Chapter 3 of this book discusses political culture and socialization in a comparative perspective, and America’s unique political culture deserves close attention here.

### Melting Pot or Patchwork Quilt?

Most Americans are immigrants or descendants of immigrants who came from many different cultures in Africa, Asia, Western and Eastern Europe, and Latin America. In this sense, globalization has always played a role in shaping America. Throughout most of its history, the United States has had to deal with how best to fit the immigrants and their different cultures into American economic, social, and political life.

Throughout our history, two visions of how immigrants should become incorporated into society

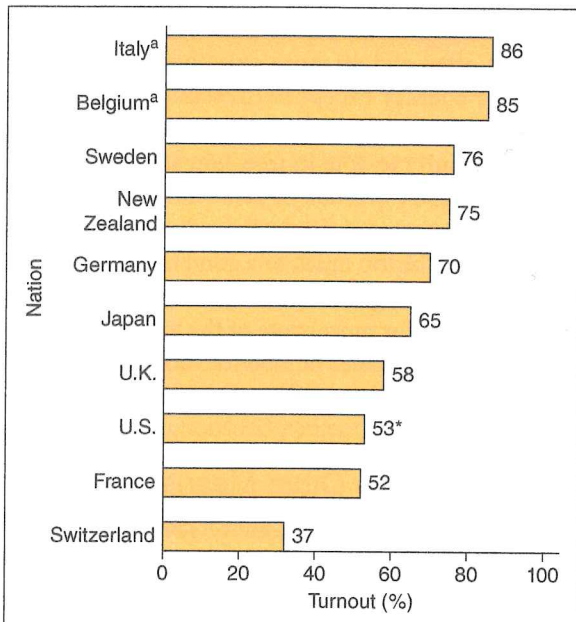
## Political Participation and Recruitment

**19.7** Compare and contrast U.S. nominating and voting processes and turnout with those in other countries, and describe alternative forms of political participation.

### Participation by Voting

Since voting in elections is the main way in which ordinary citizens in all democracies actually participate in their nations' governing processes, most political scientists believe that **voting turnout**—the percentage of all the people eligible to vote who actually do so—is one of the most important indicators of any democratic system's health. Studies of voting turnout in the world's democracies, like that in Figure 19.3, usually find that the turnout is lower in the United States than in most other democracies.

Many commentators in America have also pointed to figures suggesting that U.S. voter turnout has declined dramatically over the past few decades as a sign



**FIGURE 19.3**  
Levels of Turnout, 2000s\*

\*Presidential election turnout in the United States, parliamentary elections in other countries

<sup>a</sup>Compulsory voting law

Source: Based on Russell J. Dalton, *Citizen Politics in Western Democracies*, 5th ed. (Washington, DC: CQ Press, 2008), 37.

of a deep sickness in U.S. politics. They have claimed, variously, that it is a symptom of too much negative campaigning, too few good candidates, the rising role of money in campaigns, the diminishing role of parties in grassroots politics, and many other ills. However, recent research shows that these are false diagnoses of what turns out to be a healthy patient; turnout has remained fairly stable in America over the past thirty years.

The conventional wisdom that turnout had dropped was wrong because it relied on a misleading approximation of turnout, which calculated the percentage of those old enough to vote who actually did so. The problem with this measure is that many people who are old enough to vote in the United States are not eligible to cast a ballot, some because they are not citizens and some because they are convicted felons living in states that bar them from voting. As the percentage of Americans who are noncitizens (including both legal and illegal immigrants) or felons has grown in recent decades, a smaller portion of the voting-aged population has been eligible to vote. Scholars who counted up these groups and correctly calculated the percentage of eligible voters who participate found that turnout in presidential elections has remained steady at 55 to 60 percent since 1972 (after the Twenty-Sixth Amendment gave eighteen-year-olds the right to vote, and turnout in fact dropped).<sup>18</sup>

Further scrutinizing what goes into these turnout figures makes America look better compared to the rest of the world and points out a key obstacle to voter participation. When voting turnout is counted in exactly the same way in the United States as it is in other democracies—as a percentage of registered voters—the American record looks much better. In America, as in most of the world's other democracies, citizens' names must appear on voting registers before they can legally vote. But the United States differs from other nations in one important respect: In most other countries, getting on the register requires no effort by the voter. Public authorities take the initiative to get all eligible citizens enrolled, a job often made easier in countries that have a national list of residents. As a result, almost every citizen of voting age is registered to vote.

In the United States, by contrast, there is no list of residents, and each state regulates **voting registration**. In most states, would-be voters must make an effort to get on the register; no public official will do it for them. Moreover, in most democratic countries, when voters move from one part of the country to another, they are automatically struck off the register in the



place they leave and are added to the register in the place to which they move, all with no effort on their part. In contrast, when people move from one U.S. state to another, they are not automatically added to the register in their new state.<sup>19</sup> One study that compared turnout of registered voters in the United States, which averages 86.8 percent, with turnout of registered voters in twenty-four other democracies found that the United States ranks eleventh-highest on this measure.<sup>20</sup>

This ranking is still lower than many might expect from the world's self-described citadel of democracy. Another explanation for America's low voting turnout arises from the fact that American voters are called on to cast far more votes than the citizens of any other country (only Switzerland comes close). In the parliamentary democracies, the only national elections are those for the national parliament, in which voters normally vote for one candidate or for one party. They also vote periodically for a candidate or a party in the elections for the city or rural district in which they live. In the federal systems, they also vote for a member of their state or provincial parliament. Hence, in most democracies other than the United States and Switzerland, the typical voter makes a total of only four or five voting decisions over a period of four or five years.<sup>21</sup> In some, such as Sweden, the typical voter would make only one voting decision over a four-year period, since all national and local elections take place at the same time.

In the United States, the combination of separation of powers, federalism, the direct primary, and, at the state and local levels, the initiative and referendum means that citizens may be faced with several *hundred* electoral decisions in a period of four years. At the national level, voters are called on to vote in the presidential primaries of their parties, and in the general election to decide (mostly) between the Democratic and Republican candidates. They are also expected to vote in primary elections and general elections every two years for members of the House of Representatives and twice in every six years for members of the Senate. At the state and local levels, not only are the leading executive officials (governors and mayors) and members of the legislatures nominated in primary elections and elected in general elections, but in most states and localities, a considerable number of other offices that are appointed positions in most other democracies—for

example, state secretaries of state, attorneys general, treasurers, superintendents of education, judges, school superintendents, and members of local school boards, sanitary commissions, park commissions, and so on—are selected by much the same primary-plus-general-election procedures.

Direct democracy processes, such as the **direct initiative** (a proposal for a new law that goes before voters if enough of them sign a petition) and the **popular referendum** (a vote on whether to keep an existing law), give many Americans even more choices to make at the ballot box. Although the U.S. federal government has never held a direct democracy election, twenty-four states and many local governments make the initiative process available, meaning that about 70 percent of Americans live in a city or state with the initiative.<sup>22</sup> This sometimes adds as many as thirty complex policy choices to a ballot. Voters in states with recall provisions face more elections still, as sitting lawmakers must fight for their political lives in special contests called when enough voters sign petitions for their ouster, as happened recently in Colorado, Wisconsin, and California.

Thus, American citizens are called on to vote far more often and on more questions than those of any other country except Switzerland (where voters in many cantons also have direct democracy). Surely the opportunity to vote in free, fair, and competitive elections is a *sine qua non* of democratic government, and therefore a good thing. Yet a familiar saying is that there can be too much of a good thing, and many Americans leaving their polling places after casting their ninetieth (or more) vote of the year are likely to conclude that the sheer number of voting decisions in America is a case in point.<sup>23</sup>

### Participation by Other Means

Voting, of course, is only one of several ways citizens can participate in politics. They can also serve in office; work in political parties; donate money to candidates, parties, and causes; attend rallies; take part in street demonstrations; send letters, telegrams, faxes, and e-mail messages to their elected representatives; write letters and op-ed pieces to newspapers; call radio and television talk shows; try to persuade families and friends; file lawsuits against public officials; and so on. These other forms of participation have not been studied as extensively

TABLE 19.1

Nonvoting Forms of Political Participation in Four Democracies (in percentages)

Activity	United States	Great Britain	France	Germany
<b>Campaign Activity</b>				
Attempted to convince others how to vote	44	44	28	29
Participated in campaign	30	25	7	7
Contacted by party/candidate	47	26	13	7
<b>Communal Activity</b>				
Worked with others in community in the past five years	35	23	20	26
<b>Protest Activity</b>				
Signed a petition in past year	35	34	21	35
Boycotted a product in past year	24	23	29	34
Attended protest in past five years	6	12	24	12

Sources: All figures are from Russell J. Dalton, *Citizen Politics in Western Democracies*, 5th ed. (Washington, DC: CQ Press, 2008). Campaign activity figures are taken from pp. 44–46, communal activity from p. 49 and p. 68, and protest activity from p. 68.

as voting, but Russell Dalton has collected some interesting comparative data on conventional and unconventional forms of participation in the United States and some Western European countries (see Table 19.1).

The responses in Table 19.1 show that citizens of France are more likely than citizens of the United States, Great Britain, or Germany to participate in demonstrations and political strikes, whereas Americans are more likely to persuade other people how to vote, attend a campaign meeting and/or rally, work with citizen groups, sign a petition, and/or join in a boycott.

Several other studies have found that the form of participation most frequently claimed by Americans is voting in elections (53 percent), followed by stating their political opinions to others (32 percent), contributing money to campaigns (12 percent), displaying political bumper stickers and signs (9 percent), and attending political meetings or rallies (8 percent). Only 4 percent report belonging to a political club or working for a political party.<sup>24</sup>

In short, Americans participate in politics in ways other than voting in elections as much, or more, than the citizens of the other Western democracies for whom we have reliable information. These data certainly do not support the conclusion that Americans are in any way more alienated or lazier than the citizens of other democracies.

## Recruitment of Leaders

Recruitment is the process whereby, out of the millions of a nation's citizens, a few hundred or thousand emerge who hold elective and appointive public office, play leading roles in parties and pressure groups, decide how the mass communications media will portray politics, and, within the limits permitted by the general public, make public policy.

Many scholars have studied leadership recruitment in many countries and have found certain general tendencies that are also evident in American politics. For instance, American leaders, like leaders in other countries, are drawn disproportionately from the middle and upper ranges of wealth and status. The reason lies not in the existence of any conspiracy to oppress the lower classes but rather in the kinds of knowledge and skills a person must have to win the support needed for selection as a leader. These skills are more likely to be acquired and developed by well-educated rather than poorly educated people. For example, people's chances to climb in a political party or a pressure group, to be selected for public office, or to be appointed to higher administrative offices are considerably enhanced if they have the ability to speak well in public, and, for elected officials increasingly, to look and sound good on television.

The federal and state governments choose most of their administrative employees by procedures and

standards other than the unabashed political patronage that prevailed until the late nineteenth century. In today's system, initial selection is made according to the applicants' abilities to score well on standardized examinations or possession of other abilities and experience desired by their employers, and salary increases and promotions depend on job performance rather than on party connections. Since the merit system was established in 1883, an increasing number of federal positions have been placed under it or under the "general schedule" category, and today, only about 1 percent are available for purely political appointments.

Accordingly, in most respects, elite recruitment in the United States differs very little from its counterparts in other advanced industrialized democracies. But in one aspect of that process—the nomination of candidates for elective office—the United States is unlike any other nation in the world.

### The Unique Direct Primary

We can divide the process of electing public officials into three parts: (1) *candidate selection*, the process by which political parties decide which people to name as their standard-bearers and campaign for; (2) *nomination*, the process by which public authorities decide which people's names will be printed on the official ballots; and (3) *election*, the process by which the voters register their choices among the nominees.

Many political scientists believe that candidate selection is the most important of the three processes. After all, the recruitment of public officials is essentially one of narrowing the choices from many to one. For example, in 2010, about 176 million Americans satisfied all the constitutional requirements for being elected president. Theoretically, all 176 million names could have been printed on the ballot, and each voter could have had an absolutely free choice among them. But, of course, no voter can possibly make a meaningful choice among 176 million alternatives, and so a practical democratic election requires that the choices be narrowed down to a manageable number. The same is true for elections to office in all democratic countries.

In the United States, as in every other democracy, the narrowing process is accomplished mainly by the political parties. Each party chooses its candidates and gives their names to the election authorities, and those names appear on the ballot.<sup>25</sup> Accordingly,

in 2012, the Republicans chose Mitt Romney to be their presidential candidate over Ron Paul, Newt Gingrich, Rick Santorum, Buddy Roemer, Rick Perry, Jon Huntsman, Jr., Michelle Bachmann, Gary Johnson, Herman Cain, Thaddeus McCotter, and Tim Pawlenty, while President Obama went unchallenged in his party's primary. By narrowing the field from thirteen candidates to two, these nominations made it relatively easy for the voters to make the final choice between Romney and Obama.

Given the crucial role of candidate selection in democratic elections, it is important to recognize that the United States is the only nation in the world that makes most of its nominations by direct primaries. In nearly all the parliamentary democracies, the parties' candidates for parliament are chosen by the parties' leaders or by small groups of card-carrying, dues-paying party members. A few countries, such as Germany and Finland, require the parties to choose their candidates by secret votes of local party members in procedures that resemble, but strictly speaking are not, direct primaries. Consequently, in every nation except the United States, the candidates are selected by only a few hundred, or at most a few thousand, party insiders.<sup>26</sup>

In the United States, nominations for almost all major elective public offices are made by **direct primaries**, in which candidates are selected directly by the voters in government-conducted elections rather than indirectly by party leaders in caucuses and conventions. Direct primaries make candidate selection in the United States by far the most open and participatory in the world. Moreover—and this is the key difference between America's direct primaries and the primary-like procedures in other countries mentioned earlier—public laws, not party rules, determine who is qualified to vote in a particular party's primary. In 2012, twenty-one states held **closed primaries** for both parties' presidential contests, in which only persons preregistered as members of a particular party could vote in that party's primary. Seventeen states held **open primaries**, in which there is no party registration of any kind, and voters can vote in whichever party primary they choose (they can, however, vote in only one party's primary in any particular election) with no public disclosure of their choice. The remaining states either used different systems for each party or held some form of crossover primaries, which are the same as closed primaries

except that voters do not have to make a public choice of the party primary in which they will vote until Election Day. In its 2000 *California Democratic Party v. Jones* decision, the U.S. Supreme Court prohibited California's **blanket primary** (which allowed voters to switch back and forth between the parties in voting for nominees for particular offices) on the grounds that it violated a party's First Amendment right to free association. This decision, which also caused Alaska and Washington to alter their primary systems, makes clear the extent to which nomination procedures are formal, regulated by the government, and structured by the Constitution.

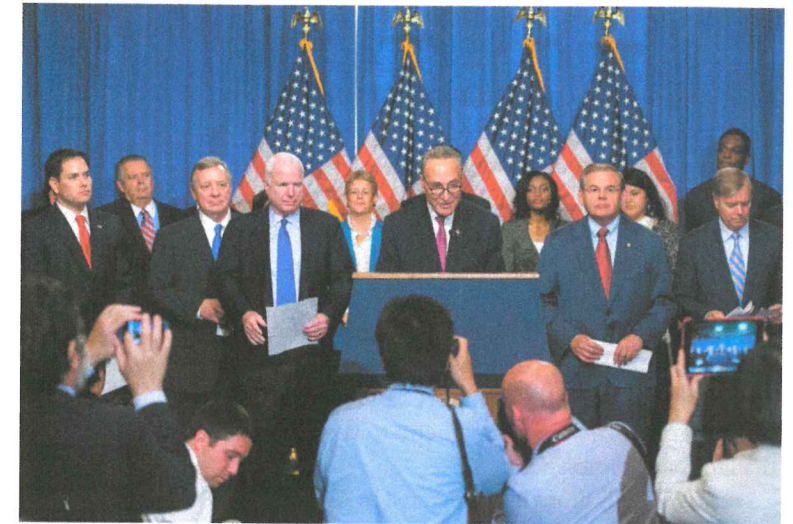
Direct primaries make candidate selection in the United States by far the most open and participatory in the world. As noted earlier, in all other countries, only a few thousand dues-paying party members at most participate in choosing candidates; in the United States, they are chosen by any registered voter who wants to participate, and millions do in every election cycle. To give just one example, although American presidential candidates are formally selected by national nominating conventions, a great majority of the delegates to both conventions are chosen by direct primaries. In 2008, a grand total of 58,140,064 votes were cast in the Democratic and Republican presidential primaries.<sup>27</sup>

The American system for choosing its presidents may be wiser or more foolish than the ways other democracies select their top political leaders, but it is far more participatory.

## Interest Articulation: PACs and Pressure Groups

**19.8** Describe PACs and interest groups and contrast their methods in the United States with those of similar groups in other countries.

As we have seen throughout this book, every society has a number of different and conflicting political interests, and the more advanced the economy and the



### Gang of Eight

In 2013, a bipartisan group of senators came together to negotiate a compromise immigration policy. Here, New York Democrat Chuck Schumer is joined by Arizona Republican John McCain and other members of the group.

more heterogeneous the society, the more individuals and groups there are with interests that to some degree conflict with other interests. The inevitable clash of these interests generates the political process, which consists of two main parts: (1) interest articulation, by which the persons and groups make known their desires for government action or inaction, and (2) interest aggregation, by which various demands are mobilized and combined to press for favorable government policies.

In most democracies, interests are articulated mainly by pressure groups and political parties, and the governing parties also aggregate interests in formulating and implementing their programs. In the United States, however, the political parties are much weaker and less cohesive than those in most other democratic systems. Consequently, pressure groups play a major role in both interest articulation and aggregation in the United States.

Many foreign observers of America's peculiar politics have been especially struck by the great variety and power of our organized political groups.<sup>28</sup> Today, they are even more numerous and important than in the past. They take two main forms, each of which specializes in a particular technique for influencing government: (1) political action committees and campaign contributions and (2) pressure groups and lobbying.

## PACs and Campaign Contributions

Strictly speaking, a **political action committee (PAC)** is any organization that is not formally affiliated with a particular party or candidate and spends money to influence the outcome of elections. PACs differ from political parties in two main respects. First, unlike parties, they do not nominate candidates and put them on ballots with PAC labels; rather, they support or oppose candidates nominated by the parties. Second, PACs are interested mainly in the policies that public officials make, not in the party labels those officials bear. Hence, a PAC will often support candidates of both major parties who are sympathetic to the PAC's particular policy preferences.

Such organizations have operated in American politics at least since the Civil War, and some of them have had considerable success. For example, the Anti-Saloon League, which was founded in 1893 to support both Democratic and Republican candidates for Congress, pledged to support a constitutional amendment outlawing the manufacture and sale of alcoholic beverages. Most historians believe that it deserves much of the credit (or blame) for the adoption of the Eighteenth Amendment (Prohibition) in 1919. One of the most powerful organizations in the second half of the twentieth century was the Committee on Political Education (COPE) of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), which has supplied millions of dollars and thousands of election workers for candidates (mostly but not entirely Democrats) sympathetic to organized labor.

The greatest increase in the number and activity of PACs in American history has come since 1974, as an unanticipated (and, by many, unwanted) consequence of that year's amendments to the Federal Election Campaign Act. The amendments set low limits on the amount of money individuals could contribute to a candidate or a party but considerably higher limits on what organizations could contribute. They also stipulated that although labor unions and business corporations could not directly contribute money to election campaigns, they could sponsor PACs, and their PACs could make campaign contributions as long as the funds came from voluntary contributions by sympathetic individuals rather than by direct levies on union and corporate funds.

In ruling on the constitutionality of these amendments, the Supreme Court upheld the limits on direct

contributions, but said that limiting the amounts of money that an individual or an organization can spend on behalf of a candidate (that is, by broadcasting or publishing ads *not* controlled by candidates or parties) was a violation of the First Amendment's guarantee of free speech.<sup>29</sup>

These changes in the substance and interpretation of the campaign finance laws led most politically active interests to conclude that forming a PAC was the best way to influence election outcomes, and that is just what they have done. In 1974, only 608 PACs operated in national elections; by 2009, the number had exploded to 4,611 (see Box 19.2 for a list of some of the biggest PACs operating today).

At present, each PAC must register with the Federal Election Commission and periodically report its receipts (who contributed and how much) and its expenditures (to what candidates it gave contributions and how much, and how much it spent on its own independent campaigning). A PAC can contribute \$5,000 to a particular candidate in a primary election and another \$5,000 in the general election. Yet there is no limit on the total amount it can contribute to all candidates and party committees. There is also no limit on the amount it can spend on behalf of a particular candidate or party as long as its beneficiaries have no say in how the money is spent. The enactment in 2002 of the McCain-Feingold bill prohibited all "soft money" contributions—formerly unlimited contributions that were made to federal, state, and local political parties. However, a perceived loophole in this law has allowed "527 Committees" (a name that comes from their categorization in the tax code) to play the role that parties formerly played by collecting the same sorts of unlimited contributions and spending them independently to influence campaigns.

Although many PACs take some part in presidential election campaigns, the federal government finances most of the costs of those campaigns. Thus, most PACs make most of their contributions to House and Senate campaigns. It is estimated that they now contribute about 34 percent of all the funds for those campaigns.<sup>30</sup>

The most important PACs can be classified in one of three main categories:

1. **Narrow material interest PACs.** These are PACs concerned mainly with backing candidates who will support legislation that favors a particular

### BOX 19.2

#### Top Ten PACs in Overall Spending, 2013

Rank	PAC Name	Overall Spending
1	Emily's List	\$8,678,355
2	SEIU COPE (Service Employees International Union Committee on Political Education)	\$6,133,599
3	D.R.I.V.E. — Democrat, Republican, Independent Voter Education (The PAC of the International Brotherhood of Teamsters)	\$3,491,883
4	International Longshoremen's Association AFL-CIO Committee on Political Education ILA-Cope	\$2,551,768
5	American Federation of State County & Municipal Employees People	\$2,434,131
6	Voice of Teachers for EDUC/CMTE on POL EDUC of NY State UNTD Teachers (Vote/Cope) of NYSUT	\$2,247,751
7	Our Country Deserves Better PAC—Teapartyexpress.org	\$2,153,559
8	International Brotherhood of Electrical Workers Political Action Committee	\$2,135,759
9	International Union of Painters and Allied Trades Political Action Together Political Comm	\$1,993,210
10	Honeywell International Political Action Committee	\$1,902,535

Source: Federal Elections Commission, "Top 50 PACs by Disbursements, January 1, 2013–June 30, 2013," accessed at [http://www.fec.gov/press/summaries/2014/ElectionCycle/6m\\_PAC.shtml](http://www.fec.gov/press/summaries/2014/ElectionCycle/6m_PAC.shtml), January 16, 2014.

business or type of business (for example, Chrysler, Coca Cola, General Electric, General Motors, Texaco), and many corporations have their own PACs, as do many labor unions, including the Air Line Pilots Association, the American Federation of State, County, and Municipal Employees, and the American Federation of Teachers. In addition, a number of PACs represent the interests of whole industries, such as the Dallas Energy Political Action Committee (oil), the Edison Electric Institute (electric power), and the National Association of Broadcasters (radio and television).

2. **Single, nonmaterial interest PACs.** These PACs promote candidates who favor their positions on a particular nonmaterial issue. For example, the National Abortion Rights Action League (pro-choice) and the National Right to Life Committee (anti-abortion) are concerned with the abortion issue, and the National Rifle Association (anti-gun control) and Handgun Control, Inc. (pro-gun control) focus on the gun control issue.
3. **Ideological PACs.** Finally, a number of PACs support candidates committed to strong liberal or

conservative ideologies and issues. Liberal PACs include MoveOn, the National Committee for an Effective Congress, and the Hollywood Women's Political Committee. Conservative PACs include the Republican Issues Campaign and the Conservative Victory Committee.

## Pressure Groups and Lobbying

Another tactic that PACs use to advance their interests is **lobbying** through their Washington representatives. This stratagem concentrates on inducing public officials already in office to support government actions (including administrative and judicial rulings as well as legislative acts) the groups favor and to block those the groups oppose.

In the "bad old days," pressure groups often used straight bribes in the form of cash payments or guarantees of well-paid jobs after retirement. Sadly, bribes are still occasionally offered and accepted, but the laws against them are strict, and the mass media's investigative reporters love to expose bribe taking. In a recent example, the San Diego *Union-Tribune's*

2005 investigation of Congressman Randall “Duke” Cunningham for accepting over \$2 million in bribes in exchange for influencing defense contracts led to an eight-year prison term for Cunningham, as well as a Pulitzer Prize for the newspaper. Congress reacted to the Cunningham scandal and the investigations that forced the resignation of House Majority Leader Tom DeLay and sent lobbyist Jack Abramoff to jail by considering new ethics legislation. These scandals played a major role in the Democratic surge in the 2006 congressional elections. Ethics investigations of prominent Democratic Representatives Charlie Rangel and Maxine Waters, though less serious than Cunningham’s, hurt their party on the eve of the 2010 congressional contests (see Box 19.3). Calls for reform are likely to fade, though, as the scandals pass. Such was the case with the “Teapot Dome” influence-peddling scandal of the 1920s, which caused huge outrage at the time but is now a quaint historical footnote. Bribery is quite rare in everyday American

politics, since most interest groups and public officials have decided that giving or taking bribes is either too immoral, too risky, or both.

The main tactic of lobbyists is now *persuasion*—convincing members of Congress (and their staffs, who play key roles in making most members’ decisions) that the legislation the lobbyist seeks is in the best interests of the nation and of the member’s particular district or state. After all, almost all members of Congress feel that their job is to do the best they can for the interests of their particular constituents. Since it is those constituents rather than the rest of the nation who determine whether the members will be reelected, their likely reactions must be the members’ first concern.

Accordingly, lobbyists for all interests use the most persuasive evidence and arguments they can to convince a particular member that the actions their groups want will be in everyone’s best interest—the voters in the particular district or state, the member’s,

and the nation’s. Lobbyists who work for interest groups that also have PACs may sometimes hint that the PAC will be contributing to the campaigns of legislators who see the light on their issues. Surprisingly, however, most lobbyists and PACs work quite independently of one another, and a great volume of studies by political scientists have failed to provide any clear evidence that campaign contributions influence the votes cast by legislators. Contributions may ensure access to politicians, scholars have found, but they do not buy votes.

Although American interest groups most frequently employ electioneering and lobbying, they sometimes use tactics that are more widely used in other countries, such as mass political propaganda, demonstrations, strikes and boycotts, nonviolent civil disobedience, and sometimes even violence. There is one tactic, however, in which the United States leads the world: the use of **litigation** for political purposes. In their book, *Politics by Other Means: The Declining Importance of Elections in America*, political scientists Benjamin Ginsberg and Martin Shefter note that from 1955 to 1985, the number of civil cases brought in federal district courts increased from 50,000 a year to over 250,000 a year. One of several reasons for that enormous increase, they say, is the fact that a growing number of interest groups that have done poorly in both elections and lobbying have filed suits in the courts to reverse their losses in other arenas:

Civil rights groups, through federal court suits, launched successful assaults on Southern school systems, state and local governments, and legislative districting schemes. . . . Environmental groups used the courts to block the construction of highways, dams, and other public projects that not only threatened to damage the environment but also provided money and other resources to their political rivals. Women’s groups were able to overturn state laws restricting abortion as well as statutes discriminating against women in the labor market.

Conservative groups have countered by trying to ensure that **conservatives** rather than liberals or feminists are appointed to the Supreme Court and other federal judgeships. Liberal groups have also organized campaigns to influence appointments and confirmation battles in order to populate the judicial branch with those who are sympathetic to their goals. Ever since Democrats in the Senate failed to confirm President Ronald Reagan’s nomination of Robert

Bork to the U.S. Supreme Court in 1987, nearly every appointment to the nation’s highest court has been fought with intense lobbying, with public pressure, and even with avalanches of television ads. The fact that interest groups are involved in judicial battles far more in America than in any other democracy should not surprise us, because the popularity of pursuing one’s individual rights through litigation is one way in which the political culture of America differs significantly from the political cultures of most other countries.

The most important special trait of interest articulation and aggregation in the United States, however, is the very different party environment in which they take place. In most of the democracies discussed in this book, most interests operate closely within political parties. (Indeed, in several instances, particular interest groups are formally associated with particular parties, such as the trade unions with the British Labour Party.) Their main tactic is to persuade the parties with which they are associated to give their demands prominent places in the parties’ programs and actions in government.

In contrast, American political parties are so much weaker and so much less important in the policymaking process that the interest groups operate largely outside the parties and are little concerned about whether they are helping or hurting the parties. In 1980, for example, the National Organization for Women (NOW) fought for a rule in the Democratic Party to prevent the party from helping to elect any Democratic candidate who opposed the Equal Rights Amendment. In 1984, NOW said that it would refuse to support the party’s national ticket unless a woman was nominated for the vice presidency (and, indeed, Geraldine Ferraro was nominated). In the 2009–2010 election cycle, Emily’s List, a PAC supporting women candidates, spent almost \$23 million to help female campaigns, the fourth-largest amount spent by any PAC.<sup>31</sup>

The same observation applies to the Republican Party. For some time before 1994, many business PACs contributed much more campaign money to incumbent Democrats than to their Republican challengers, even though the Republican political philosophy is much closer to that of business. The national leaders of the Republican Party complained bitterly about what they regarded as treason to the party and to conservatism, but Doug Thompson, the leader of the National Association of Realtors, rejected the

### BOX 19.3 The Congressional Elections of 2010

For the second time in a short four-year period, voters shifted control of the House of Representatives during the 2010 midterm elections. Democrats led by Nancy Pelosi had capitalized on voter dissatisfaction with President George W. Bush’s handling of the Iraq War and with the Republican congressional leaders’ handling of a multitude of scandals to pick up thirty-one seats and claim control of the House in the 2006 elections. Four years later, the political pendulum swung sharply back. With voters in the political middle unhappy with President Barack Obama’s handling of the economy and with the leftward turn that Congress had taken in policy areas such as health care and deficit spending, Republicans led by John Boehner captured sixty-three seats to gain a comfortable 242–192 majority in the House.

Democrats also lost six seats in the Senate but, after the election, still clung to a 53–47 edge in the upper house. One factor that may have prevented the Republicans from gaining total victory in both houses was the role played by the “Tea Party,” a loosely organized faction of Republican voters and activists who were focused primarily on fiscal conservatism (but who gave voice to many other strands of political conservatism in areas

such as social issues, immigration, and race relations). Tea Party activists worked within the Republican Party to nominate House and Senate candidates with staunchly conservative views and often little electoral experience. In some cases, these candidates energized the Republican base and drove home the party’s anti-incumbent message. Florida’s Marco Rubio and Kentucky’s Rand Paul were Senate candidates strongly linked to the Tea Party who won convincing victories in competitive states and rocketed to national prominence. In several key Senate races, however, nominating conservatives appeared to cost Republicans the opportunity to gain seats. Christine O’Donnell, lampooned on *The Daily Show* for her views on sex education and for dabbling in witchcraft, lost badly in Delaware, and her fellow Tea Party favorite Sharron Angle lost a winnable race in Nevada. Although the 2010 elections brought a clear landslide victory for the Republican Party, political observers debated whether the Tea Party movement helped or hindered the cause. Regardless, the movement remained strong in 2012, an election in which Republicans maintained strong control in the House even during a decisive Obama victory.

Republicans' complaints and has spelled out his PAC's political priorities:

We are a special interest group. Our interest is real estate and housing issues; it is not Contra aid, it is not abortion, it is not the minimum wage. . . . Our members are demanding a lot more accountability. Gone are our free-spending days when we poured money into a black hole called "challenger candidates." Our marching orders on PAC contributions are very clear: Stop wasting money on losers.<sup>32</sup>

In short, interest articulation and aggregation are in many respects different in the United States because its political parties are in most respects very different from those in any other democracy.

## The Special Characteristics of American Political Parties

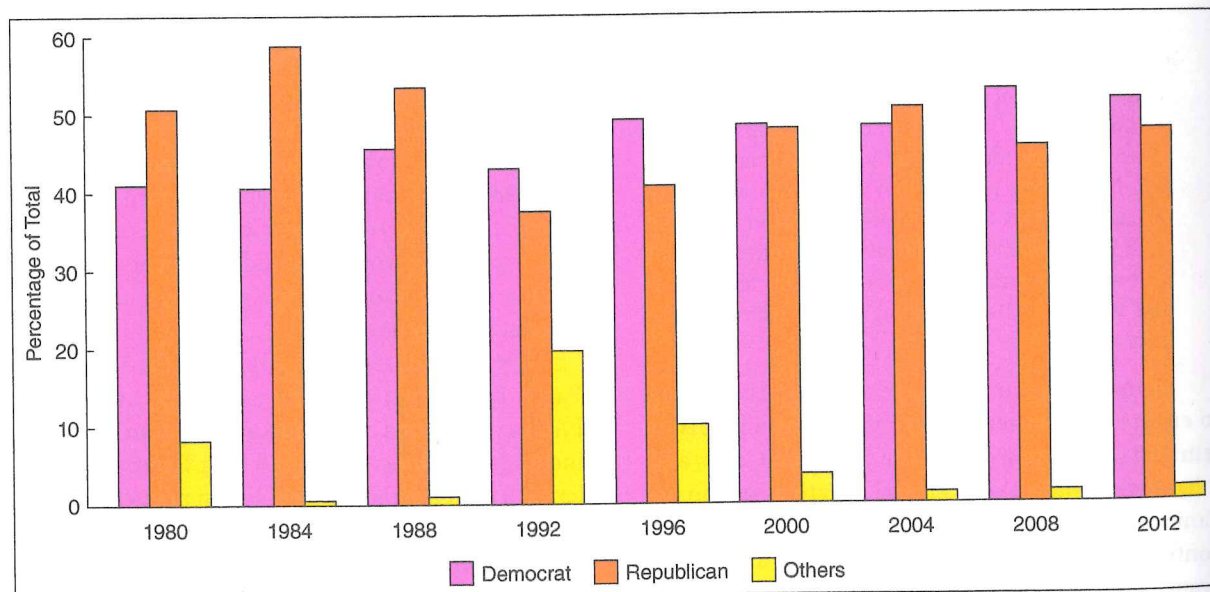
**19.9** Discuss the level of polarization between the major U.S. political parties and its impact upon policymaking.

### A Two-Party System

The American party system is usually a nearly pure two-party system—that is, one in which two major parties are

highly competitive with one another and, taken together, win almost all the votes and offices in elections.<sup>33</sup> The most notable exception since the 1930s came in 1992, as Figure 19.4 shows, when independent H. Ross Perot won 19 percent of the popular vote for president (Democrat Bill Clinton won 43 percent and Republican incumbent George H. W. Bush won 38 percent). After the election, Perot founded the Reform Party and ran as its presidential candidate in 1996, but, as the figure shows, his vote share fell to 8.6 percent. He did not run in 2000, but his party's presidential candidate, Pat Buchanan, received less than 1 percent of the vote.<sup>34</sup>

In 2012, in addition to Republican Mitt Romney and Democrat Barack Obama (see Box 19.4), there were presidential candidates from nine other parties (including the Socialist, Socialist Workers, Socialist Equality, Prohibition, and NSA Did 9/11 parties) on the ballot in at least one state. However, all these other parties polled a combined 1.7 percent of the popular vote. In addition, nearly all the members of the House and Senate for the past several decades have been affiliated with one of the two major parties. Although the 2010 elections were marked by the emergence of the "Tea Party," this group was in fact not a party but a faction of energetic voters and organizers who worked almost exclusively within the Republican



**FIGURE 19.4**  
Party Shares of Presidential Votes, 1980–2012

Sources: *Statistical Abstract of the United States: 2010* (Washington, DC: Bureau of the Census, 2010), Table 385; and Federal Elections Commission for 2012.

## BOX 19.4

### The Presidential Election of 2012

After the groundbreaking presidential election of 2008 led to the election of the nation's first African American president and a shift from eight years of Republican control of the White House, the 2012 campaign marked a return to the more prosaic and conventional themes of American politics. Voters in the two major parties were polarized in their views of incumbent Barack Obama, further cementing the divide between blue states and red states. Vast sums of money poured into both President Obama's campaign and the coffers of his challenger, former Massachusetts governor Mitt Romney. Much of the record-setting spending in this campaign went into attack ads aired in the nine battleground states whose electoral college votes would decide the contest. By defending his policy achievements and convincing voters that the shrinking economy he had inherited at the beginning of his administration was turning around, Obama won reelection by a margin that was convincing, though much closer than his 2008 triumph.

As the sitting president, Obama went unchallenged in his party's primary. The Republican primary field, by contrast, was crowded with candidates eager to unseat a president whose approval ratings dipped below 40 percent in 2011. Romney, a businessman whose much-lauded management of the 2002 Winter Olympics in Salt Lake City had catapulted him to the governorship of Massachusetts later that year, was the GOP's presumptive frontrunner from the start. But as a relatively moderate Republican who had failed to inspire much passion from the party's base in his failed 2008 candidacy, Romney had to overcome a series of challenges by more conservative rivals. These candidates drew support from the "Tea Party" activists who had galvanized the 2010 congressional elections, while sometimes shifting the party too far to the right to find electoral success (see Box 19.3). Texas Governor Rick Perry, former Godfather's Pizza CEO Herman Cain, former House Speaker Newt Gingrich, and former senator Rick

Santorum each took a turn pulling ahead of Romney before their campaigns faded. As each proved too conservative or too inexperienced to serve as credible challengers to the president, GOP primary voters returned to the solid, if unexciting, Romney. After a bruising series of primaries, Romney secured his party's nomination in the spring just as the economy—and, as a result, President Obama's approval ratings—began to recover.

The general election campaign was fought over issues such as the national debt (which grew at an accelerated pace over the course of the Obama administration), health care (with Romney's critique of Obama's national insurance mandate made more difficult by the fact that it was modeled after a plan Romney had championed as governor), and jobs (with both candidates arguing over who was to blame for the recession and the nation's sluggish recovery from it). Debates had a major impact on the ebb and flow of polling, with the president stumbling badly in the first clash but performing better in later debates. The overall price tag of the campaign season set a record by surpassing \$2 billion in spending by the candidates and by outside groups. Heading into Election Day, polls showed that Republican voters were more enthusiastic than Democrats, but the Obama campaign countered this deficit by investing in a massive and cutting-edge grassroots mobilization effort. His campaign turned out enough voters to win a convincing reelection, even if his victory was not accompanied by the optimism and exultation his supporters had felt in 2008.

Candidate	Popular Votes	Electoral Votes
Barack Obama, Democrat	65,899,660 (51.1%)	332
Mitt Romney, Republican	60,932,152 (47.2%)	206
Others	2,236,079 (1.7%)	0

Party to nominate and support fiscally conservative Republican candidates. The United States is one of the most distinctive two-party systems in the world.

### The "Americanization" of Electioneering

Electioneering—what parties and candidates do in campaigns to maximize their votes in elections—has

changed considerably in most democratic nations since the 1950s, and the United States is generally credited with (or blamed for) leading the way. Before the 1950s, electioneering in democracies was conducted mainly by party leaders and workers. The party workers made direct contacts with their candidates' known and potential supporters and used the mass media mainly to publish newspaper advertisements

and to print pamphlets and flyers for the party workers to distribute.

Since the 1950s, American parties and candidates have replaced the old techniques with new, more sophisticated tactics. They now depend mainly on paid television advertisements and broadcasters' interviews and talk shows to showcase their candidates and policies to the voters. They employ experts to conduct frequent polls of the voters to test how well their strategies are working. They store and analyze information about the demographics, past electoral behavior, and vast amounts of consumer behavior of individuals in computerized "microtargeting" databases. They also have transferred control of electioneering from party politicians to paid professional campaign consultants trained in advertising agencies rather than party organizations. They have made televised debates among the candidates the most important events in campaigns.

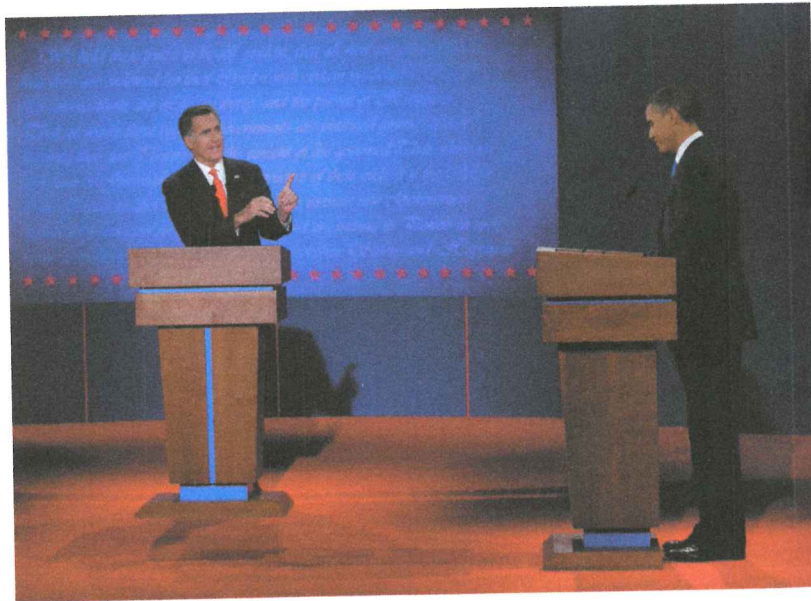
Party leaders and candidates in other democracies have watched U.S. electioneering. Many have deplored it, and some have vowed never to "Americanize" (their term) their own campaigns. Nevertheless, campaigners in most democracies have adapted some or all of the high-tech American methods for their own uses. For example, the United States held its first nationally televised debates between presidential candidates in 1960. Similar debates among leading parties and candidates are now regularly held in Brazil, Chile, Denmark, France, Germany, Mexico, Norway, Sweden, and Venezuela. Most parties in most democracies now hire professional campaign consultants, some of them American or trained in America, to plan their campaigns. They use private polls to assess the effectiveness of their campaigns, and they use the mass media, especially television, as their main device for soliciting voters' support. They have followed America's lead by increasingly using negative advertising to sharpen the contrasts between candidates or to ruin an opponent's reputation. In short, while the "Americanization" of electioneering may or may not

be a healthy development, it has happened to some degree in all democracies and to a considerable degree in many.<sup>35</sup>

### Differences between the Major Parties

Throughout the 1950s and 1960s, foreign observers (and many Americans) saw few differences between the Democratic and Republican parties. Today, however, the split between the two major parties is sharp and meaningful, and there is a vast gap between the views of Democratic and Republican voters on issues like health care reform, abortion rights, and foreign policy. In Congress, the Democratic caucus has moved further and further to the left since 1970, just as Republicans have become increasingly conservative.<sup>36</sup> Thus, the level of mass and elite **partisan polarization** in America is now quite high, as it is in most European nations.

This does not mean that there is no one left in the middle of the American political spectrum; indeed, most Americans see themselves as moderates who lean only slightly in the liberal or conservative direction. Instead, the increase in partisan polarization reflects the fact that Americans today have sorted themselves into the party that most accurately reflects their ideology.<sup>37</sup> No longer are there many conservative



#### Presidential Debate in 2012

During the first debate of the 2012 general election campaign, at the University of Denver, Republican challenger Mitt Romney (R) was widely credited with defeating Barack Obama, vaulting Romney into the lead in many polls.

Democrats in the south or liberal Republicans in New England or the Midwest. This sorting has taken place among elected officials, party activists, and ordinary voters alike. Because of it, the parties now differ significantly in both the social composition of the voters who identify with them and the policy positions taken by their elected leaders.

As is shown in Figure 19.5, by 2008, Americans were more likely to identify themselves as Democrats (51 percent) than as Republicans (38 percent) or independents (11 percent). (It should be noted also that most of these independents lean toward one party and vote for its nominees quite loyally.)<sup>38</sup> Democrats have greater support among women than men, among blacks than whites, and among people with lower incomes and educations than upper-status people. Other research shows that the link between income and party affiliation has grown in recent decades: "The relatively poor are increasingly Democratic and the rich Republican."<sup>39</sup> There are, of course, many, many rich Democrats, but the overall trend is that Americans with higher incomes are more likely to be Republicans. Thus, as income inequality has increased in America, the gap between the two parties has widened. Finally, the parties now differ more than ever in how religious their members are, with Republican presidential candidates doing better among regular churchgoers than Democrats.<sup>40</sup>

These rising differences in each party's social base help to explain why Democratic and Republican members of Congress increasingly take different policy positions. Table 19.2 explores these divisions by looking at roll call votes on some significant

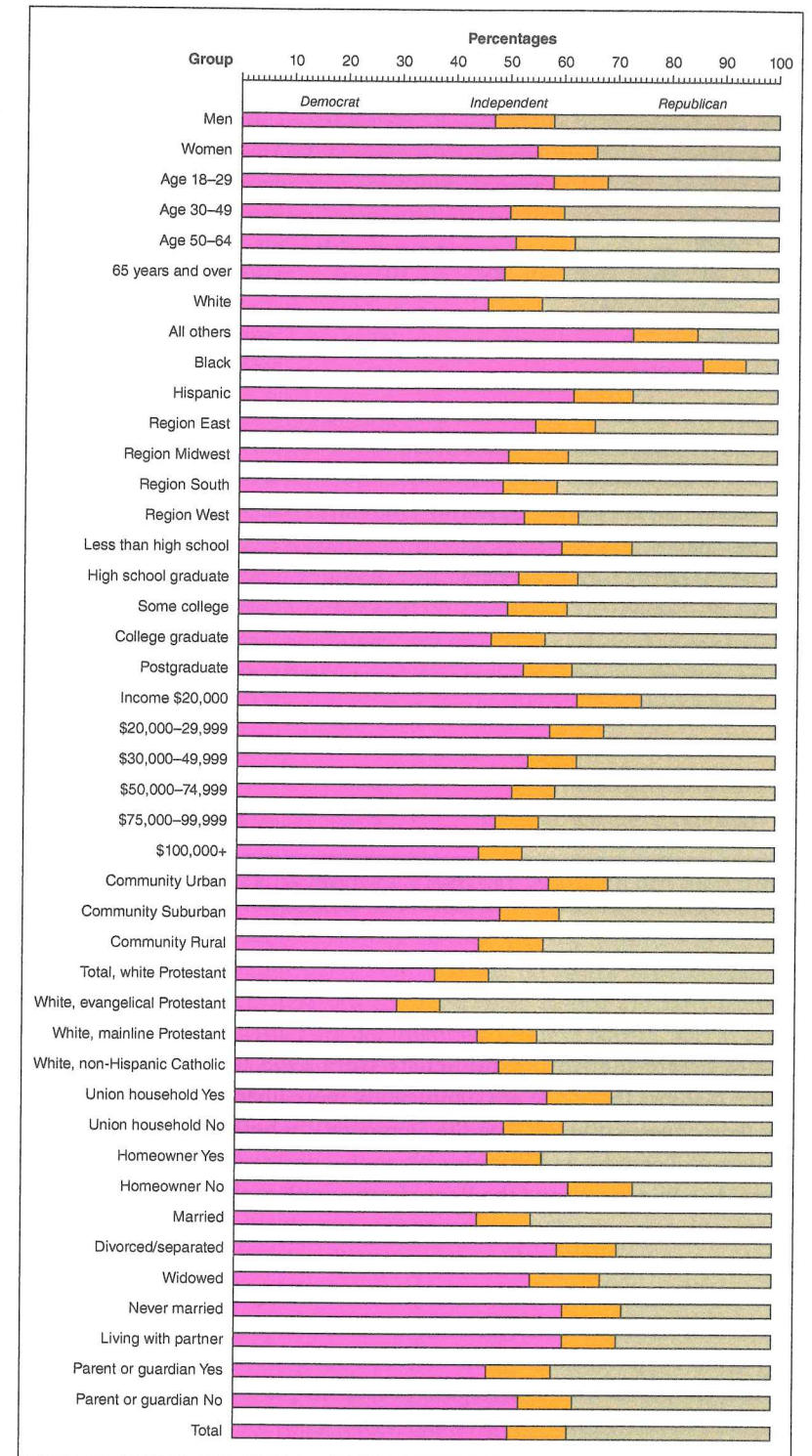


FIGURE 19.5 Social Composition of Major Party Identifiers, 2008

Source: Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics, 2009-2010* (Washington, DC: CQ Press, 2010), Table 3-2, 119.

**TABLE 19.2**  
Selected Votes in Congress, 1993–2003

House	Republicans			Democrats		
	Liberal	Conservative	Cohesion Index <sup>a</sup>	Liberal	Conservative	Cohesion Index <sup>a</sup>
Lift ban, leave gays-in-military issue to Clinton	101	157	22	163	11	88
Welfare reform	30	165	70	226	4	96
Impeach Clinton for perjury	5	223	98	200	5	98
Bush-proposed tax cut, 2001	0	219	100	197	10	91
Iraq War	6	215	95	126	81	22
Partial-birth abortion ban	4	218	96	137	63	37
Bush-proposed tax cut, 2003	1	224	99	198	7	93
<b>Senate</b>						
"Brady bill" for handgun control	8	47	70	28	16	28
Welfare reform	1	51	96	23	23	0
Bush-proposed tax cut, 2001	0	50	100	38	12	52
McCain-Feingold campaign finance reform	12	38	52	47	3	88
Iraq War	1	48	96	21	29	16
Partial-birth abortion ban	3	47	88	30	17	28
Bush-proposed tax cut, 2003	3	48	88	46	2	92

<sup>a</sup>The cohesion index is a measure of the extent to which members of a particular party in a legislature vote alike on a matter of public policy. The percentages of the members voting each way are calculated, and the smaller percentage is subtracted from the larger. If they all vote alike, the index is 100. If they split evenly, the index is 0. If they split 75 to 25, the index is 50.

Source: *Congressional Quarterly Reports, 1993–2003*.

issues before the House and Senate from 1993 to 2003. It shows that there are significantly more liberals than conservatives among the Democrats in both houses of Congress and significantly more conservatives than liberals among the Republicans—although on most issues, some Democrats vote for conservative positions and some Republicans vote for liberal positions. Although there are some issues on which legislators from both parties agree—in fact, many bills in Congress are passed by unanimous votes—a number of contentious issues reveal a split between the parties in America that is deep and growing.

### Decentralized Organization

Most political parties in most democracies are organized as hierarchies, with a national leader and

national organization at the top holding the power to supervise the activities of local and regional party organizations. In sharp contrast, the American Democratic and Republican parties are organized, in Samuel Eldersveld's apt phrase, as "stratarchies."<sup>41</sup> That is, their organizations at the national, state, and local levels have little power, legal or extralegal, over the organizations at the other levels. Moreover, within each level, most parties have an executive organization and a legislative organization, and neither has any power over the other.

At the national level, for example, the Democrats and Republicans each have a **presidential party** and a **congressional party**. For the party that holds the presidency, the presidential party consists of the president, the national committee, the national chairman, and the national nominating conventions. The party

that does not hold the presidency has no single person as its universally acknowledged leader.

Each party in each house of Congress has a caucus consisting of all the party's members in the particular chamber (and thus equivalent to what in most democracies is called the *parliamentary party*). A floor leader is selected by the caucus to serve as the main coordinator of the party's legislative strategy and tactics. A policy committee, chosen by the caucus, advises the floor leader and the caucus on matters of substantive policy and legislative tactics. The whips are chosen by the caucus to serve as channels of communication between the leaders and the ordinary members. The campaign committees are chosen by the caucus to raise money and distribute it among the campaigns of selected candidates for the particular chamber.

We should emphasize, however, that the presidential party has little formal connection with the congressional party, and that any effort by the president (to say nothing of the national committee or the national chairman) to intervene in the congressional party's selection of its leaders or the determination of its policies or strategy is resented and rejected as "outside interference." In many other nations, this would be viewed as the normal course of party politics.

At the state level, both parties usually have a gubernatorial party and a legislative party. The gubernatorial party consists of the governor (the other party has no single, acknowledged leader), the state central committee, the state chair, and the state conventions. The legislative parties, like the congressional parties, usually have caucuses, elected floor leaders, policy committees, and whips. But each state's gubernatorial and legislative parties have no power over one another, and the national parties have no power over any part of the state parties. The national and state parties are simply different strata, not higher and lower levels in a chain of command headed by the national agencies.

At the various local levels, there are congressional district committees, county committees, city committees, ward and precinct committees, and others too numerous to list here. In most states, the local party committees and conventions are, both in law and in fact, independent of the state and the national party agencies. Hence, they constitute a third stratum, which is just as independent from the state agencies as the state agencies are from the national agencies.

Far more than almost any major party in any other modern democratic nation, then, American

party organizations are agglomerations of hundreds of different leaders and committees distributed among various organizational strata, each of which has little or no power to command or obligation to obey any other agency in its own stratum, let alone any agency in any other stratum. Former Georgia governor and senator Zell Miller's speaking career exemplifies this. A moderate Democrat from a state with many such voters, he delivered the keynote address to the Democratic National Convention in 1992. After growing disenchanted with national Democrats and supportive of President Bush, Miller gave the keynote at the Republican National Convention in 2004, but remains a Democrat. Even more tellingly, Connecticut senator Joe Lieberman went from being Al Gore's vice-presidential running mate in 2000 to losing the Democratic primary for the Senate in 2006 to running (and winning) that year as a third-party candidate on the "Connecticut for Lieberman" party label. In America, candidates can use parties when they are helpful in campaigns and abandon parties when they are an electoral hindrance, the opposite of the candidate-party relationship in most nations.

### Low Cohesion

The parliamentary parties in most modern democratic nations have high **party cohesion**, a term that denotes the degree to which the members of a legislative party vote together on issues of public policy. Abstentions and even votes against the party leaders' wishes are not unknown in those parties, and in some countries, their frequency has increased, though very slowly, in recent years. But these are, at most, minor deviations from the norm, which is that all the members of parliamentary parties in other countries vote solidly together in most parliamentary votes.

By sharp contrast, the only matters in either chamber of Congress on which all Democrats regularly vote one way and all Republicans vote the other way relate to "organizing" the chamber—that is, selecting the Speaker of the House, the president pro tem of the Senate, and the chairs of the leading standing committees. On all other issues, the parties rarely vote unanimously, though most usually vote together.

On the issues shown in Table 19.2, party cohesion was generally higher among House Democrats than among Senate Democrats, and even higher among House and Senate Republicans. On some issues, one

party or the other approached the cohesion levels of most major parties in other democracies. For example, the House Democrats' opposition to President Clinton's impeachment was very high, while House Republicans had perfect cohesion for President George W. Bush's tax cut proposal in 2001. On the other hand, House Democrats split more evenly on gays in the military and Bush's tax cut.

Consequently, the congressional parties have some party cohesion. It is especially high on such issues as higher spending for social welfare measures and greater regulation of business—with the Democrats usually voting predominantly (but not unanimously) in favor and the Republicans usually voting predominantly (but not unanimously) against. On the other hand, on issues that cut sharply across party lines—especially moral issues such as abortion, capital punishment, and the regulation of pornography—both parties regularly split relatively evenly. Thus, in comparison with the major parliamentary parties in most other democratic nations, the American congressional Democrats and Republicans have low cohesion on most issues.

This situation has important consequences for the role of American parties in the policymaking process, which we will consider later. It also has several causes, the most important of which is the fact that, compared with most other democratic parties, the leaders of the Democrats and the Republicans have very weak disciplinary powers.

### Weak Discipline

The leaders of most major parties in the world's democracies have a number of tools to ensure that the legislators bearing their parties' labels support the parties' policies in the national legislatures. For one, they can make sure that no unusually visible or persistent rebel against the party's positions is given a ministerial position or preferment of any kind. If that fails to bring the fractious member into line, they can expel him or her from the parliamentary party altogether. Many parties in many countries give their leaders the ultimate weapon: the power to deny the rebel reselection as an official party candidate at the next election.

In sharp contrast, in the United States, any person who wins a party's primary for the House or Senate in any congressional district or state automatically becomes the party's legal candidate for that office, and

no national party agency has the power to veto the nomination. On one notable occasion, called by historians "the purge of 1938," Franklin D. Roosevelt, an unusually popular and powerful national party leader, tried to intervene in the primary elections of several states to prevent the renomination of Democratic senators who had opposed his New Deal policies. He failed in twelve of thirteen attempts, and most people have since concluded that any effort by a national party leader to interfere in candidate selection at the state and local levels is bound to fail.

To be sure, presidents and their parties' leaders in Congress can, and often do, plead with their fellow partisans to support the president's policies for the sake of party loyalty, or to increase the party's chances at the next election, or to keep the party from looking foolish. If persuasion does not work, leaders can (but rarely do) promise to provide future campaign funding to a reluctant member or grant a hearing to a stalled bill authored by that member. Unless they have some strong reason to do otherwise, most members of Congress go along. However, unlike the leaders of most parties in most other countries, neither the president nor his party's congressional leaders have any effective disciplinary power to compel their members in Congress to vote in ways contrary to their consciences—or to what they perceive to be the interests and wishes of their constituents.

### A Special Consequence: Divided Party Control of Government

In a pure parliamentary democracy, one party cannot control the legislature while another party controls the executive. If the parliament refuses a cabinet request, either the cabinet resigns and a new cabinet acceptable to the parliament takes over or the parliament is dissolved, new elections are held, and a new cabinet is formed that has the support of the new parliamentary majority. There can never be more than a short interim period in which the parliamentary majority and cabinet disagree on any major question of public policy.

In the United States, in contrast, separation of powers and the separate terms and constituencies for the president, the members of the House, and the members of the Senate make it possible for one party to win control of the presidency and the other party to win control of one or both houses of Congress.

How often does it actually happen? From the election of 1832 (when most historians say the modern electoral and party systems began) through the election of 2008, there have been a total of eighty-nine presidential and midterm elections. Each of these elections could have resulted in either divided party control or unified party control. In fact, fifty-six (63 percent) produced unified control, and thirty-three (37 percent) produced divided control.

Even more noteworthy is the fact that since the death of Franklin D. Roosevelt in 1945, **divided party control** has occurred so frequently that many observers feel it has become normal, not exceptional. In the period from 1946 through 2008, there have been thirty-two elections. Only thirteen (40 percent) have produced unified control (ten with a Democratic president and Congress, and three with a Republican president and Congress), and nineteen (60 percent) have produced divided control (see Figure 19.6).

The election of 2000 initially produced unified Republican control, with President George W. Bush joining the Republican-controlled Congress. But it did not last long; in 2001, Senator James Jeffords of Vermont announced that he was leaving the Republican Party to become an independent, and that he would vote with the Democrats. That gave the Democrats only a 50-to-49 margin, but with Jeffords' support, they regained control of the Senate and once again became part of a divided government. In 2002, the voters restored control of both houses to the Republicans, but then delivered both the Senate and the House of Representatives to Democrats in 2006 and the presidency to Democrats in 2008. In the 2010 midterm elections, voters once again switched control of the House to the Republican Party, and left Democrats clinging to a narrow majority in the Senate. This dynamic continued in 2012 (see Figure 19.6).

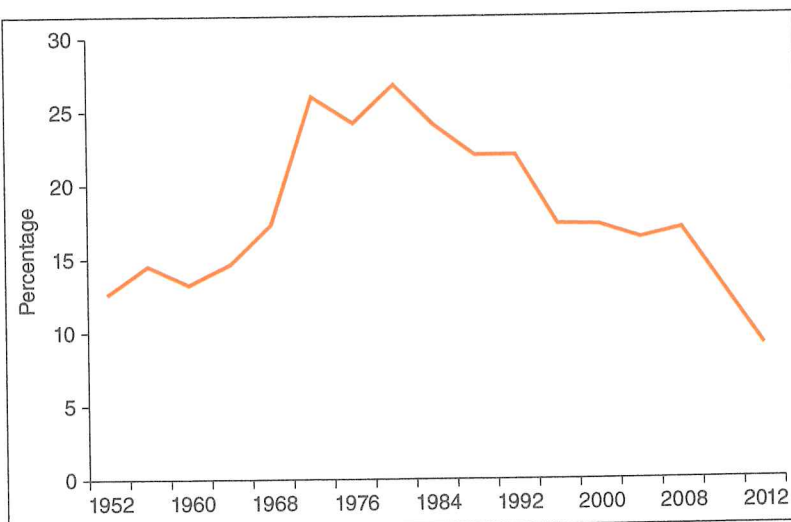
The most obvious cause for this situation (which is both unknown and impossible in parliamentary democracies) is the fact that the chief executive and the members of both houses of Congress are, as we have seen, elected separately by overlapping constituencies and with different terms. The constitutional structure thus makes it possible for American voters to do something that voters in most parliamentary democracies cannot do, namely, "split their tickets"—that is, vote for a member of one party for president and for a member of the other party for Congress.

Year	Congress	President
1946	Republicans	
1948	Democrats	Harry S. Truman, Democrat
1950	Democrats	
1952	Republicans	Dwight D. Eisenhower, Republican
1954	Democrats	
1956	Democrats	
1958	Democrats	
1960	Democrats	John F. Kennedy, Democrat
1962	Democrats	
1963	Democrats	Lyndon B. Johnson, Democrat
1964	Democrats	
1966	Democrats	
1968	Democrats	Richard M. Nixon, Republican
1970	Democrats	
1972	Democrats	
1973	Democrats	Gerald R. Ford, Republican
1974	Democrats	
1976	Democrats	James E. Carter, Democrat
1978	Democrats	
1980	S-R, H-D	Ronald W. Reagan, Republican
1982	S-R, H-D	
1984	S-R, H-D	
1986	Democrats	
1988	Democrats	George H. W. Bush, Republican
1990	Democrats	
1992	Democrats	William J. Clinton, Democrat
1994	Republicans	
1996	Republicans	
1998	Republicans	
2000	S-D, H-R	George W. Bush, Republican
2002	Republicans	
2004	Republicans	
2006	Democrats	
2008	Democrats	Barack Obama, Democrat
2010	S-D, H-R	
2012	S-D, H-R	

**FIGURE 19.6**  
United/Split Party Control of the Presidency and Congress, 1946–2012

**Ticket splitting** explains the increasing frequency of divided party control. Figure 19.7 shows the changing percentages of respondents in the National Election Studies of all presidential elections from 1952 through 2008 who reported voting for the presidential candidate of one party and a candidate of another party for the House of Representatives. This figure shows that split-ticket voting rose steadily from 1952 until 1980. It has fallen since then, as partisan polarization in the electorate has increased, but in 2008, it was still higher than it was in 1952. In 2012, split-ticket voting fell even further, to only 9 percent of voters, yet party control of Congress and the presidency remained divided.





**FIGURE 19.7**  
Trend in Split-Ticket Voting, 1952–2012

Source: American National Election Studies, Inter-University Consortium for Political and Social Research, University of Michigan, compiled by Gary Jacobson. Data points are the percentage reporting a different vote for the presidential and House of Representatives elections; third-party candidates are excluded from the calculations.

However, divided government apparently does not significantly weaken (or strengthen) the federal government's ability to make public policies. David Mayhew's careful study of the most important pieces of legislation passed from 1946 to 1990 shows that the rate of production was about the same in periods of divided party control as in periods of unified control.<sup>42</sup>

## The Policymaking Process in America

**19.10** Explain the U.S. policymaking process, as it generally occurs through Congress and as it occasionally occurs via the president.

When we consider the policymaking process in the United States, we must first understand that the constitutional framework within which the process operates was carefully designed to keep government from doing bad things, not to make it easier for it to do good things. To be sure, in writing the Constitution, the men of Philadelphia hoped to achieve a more effective national government than that provided by the Articles of Confederation. But making and implementing effective, coherent, and forceful

national policies was not their prime goal.

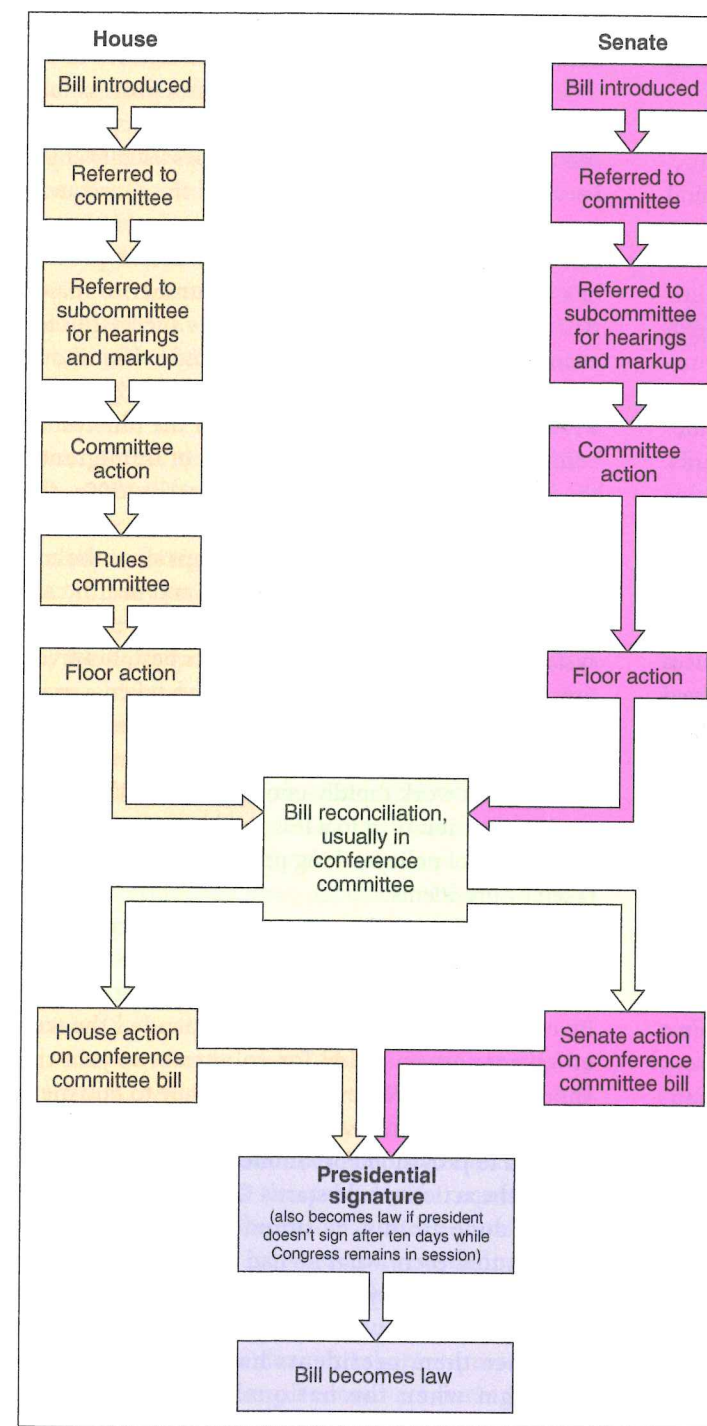
They believed that government should never be regarded as some kind of benevolent mother, doing whatever is necessary to keep all her children well fed and feeling good. We should never forget, they warned, that government is a powerful and dangerous institution created by fallible human beings. Its prime objective—indeed, its only legitimate reason for existing and being obeyed—is to secure every person's right to life, liberty, and property. Anything that government does beyond that, they believed, is not only less important but not even acceptable if it in any way abridges those basic rights.

The best way to make a government strong enough to secure the rights of its citizens without be-

coming so powerful that it overrides them, they believed, is to disperse its power among many different agencies—among the federal and state governments by federalism, and within the federal government by separation of powers. The power should be divided, they held, so that no single faction would likely ever get control of the whole power of government and promote its interests at the expense of all the others.<sup>43</sup>

Accordingly, they did not think that policy deadlocks, in which the government cannot act because one of its parts blocks action by other parts, are some kind of terrible failure that should be avoided whenever possible and unblocked as soon as possible. Rather, they regarded such deadlocks as highly preferable to any government action that rides roughshod over the interests and objections of any significant part of the community. Consequently, whenever a deadlock blocks today's government from making effective policies to deal with budget deficits, mounting national debt, crime, health care, campaign finance, the war on terror, or any other public problem, we can at least say that the policymaking process is operating as the framers intended.

The governmental apparatus they assembled to slow down policy movement to a deliberative pace is depicted in Figure 19.8. This rough schematic of



**FIGURE 19.8**  
How a Bill Becomes a Law in America

how a bill becomes a law illustrates the parallel paths that legislation must take through the two houses of Congress that represent very different constituencies. To become law, versions of a bill must first pass

both the House (where each of the 435 representatives vote on behalf of districts containing roughly 650,000 residents) and the Senate (where pairs of senators represent states that range in population from 520,000 in Wyoming to 38 million in California). In each body, legislation is assigned to a committee, making it vulnerable to the will of the committee's chair and its members, and then must pass on the floor. This is an especially difficult hurdle in the Senate, where sixty votes out of one hundred are needed to end a potential filibuster on any bill other than the annual budget resolution and the policy changes necessary to reconcile law with the new budget. (This "reconciliation" process opens the door to passing major legislation with a fiscal effect, such as President Obama's health care reform bill, with only fifty-one rather than sixty votes, but such a step is rarely taken.) Even after both houses act in tandem, they must agree on a final bill that sorts out any differences between the Senate and House versions, and pass it. Then the bill moves on to the president's desk, where the leader of the executive branch can always veto the measure and ask for legislative changes. Compared to the parliamentary systems that fuse their legislative and executive branches and often privilege one house above the other, the American system of policymaking puts in place many roadblocks where a bill can be stopped.

## Traditional Ways of Avoiding Deadlocks

From the opening of the First Congress in 1789 to the twenty-first century, Americans have found that, however dangerous to human rights it may be, the government of the United States has to make and implement at least *some* policies. It has to regulate interstate and foreign commerce, increase or decrease the supply of money, conduct relations

with foreign nations, levy taxes, make appropriations, and so on. Americans have developed ways of getting policies made despite the constitutional system's many roadblocks and general tendency toward inertia. One

set of ways has been traditionally used in ordinary times, and the other set has been called on in times of great crisis.

In ordinary times, public policies in America have been made mainly by putting together ad hoc, issue-specific coalitions of interests by bargaining and cutting deals among their representatives. The main coalition builders have included public officials of all kinds, including presidents and their chief political aides in the Cabinet and the Executive Office of the President; members of Congress and their professional staffs; political heads and permanent civil servants in the executive departments and the independent agencies; and federal judges and their clerks. At least as active and often as powerful as these inside players are the outside players, especially the lobbyists representing the major organized interest groups that feel they have large stakes in the policy outcomes. The usual result is that, while each contest over each policy produces winners and losers, it never produces total victory or total defeat for any highly involved interest. Each contestant gets something of what it wants but never all, and each manages to stave off total disaster.

Many commentators, past and present, have been highly critical of this process. They claim that it usually takes far too long to get anything done, and that what is done is usually messy, full of inconsistencies, self-defeating, and in constant need of repair. They are also struck by how difficult it is to get closure on any major policy. Typically, when a coalition loses in the presidency, it tries in Congress; when it loses in Congress, it tries in the bureaucracy; when it fails to persuade incumbent elected and appointed officials, it tries to replace them; and when it loses everywhere else, it turns to the courts to upset or water down policies made by the other agencies.

In recent years, for example, environmentalists have increasingly focused their efforts on lobbying the federal agencies that implement natural resources legislation rather than only the members of Congress who pass it. As another example, when civil rights advocates in the 1950s failed to get Congress to abolish racial segregation in the schools, they turned to the U.S. Supreme Court and won their victory in the landmark decision of *Brown v. Board of Education* (1954). Those who today advocate same-sex marriage rights have found success in several court cases, while they

have generally lost in legislative fights and in initiative battles.

Without doubt, the ordinary-times process falls far short of the neat, orderly, and swift policymaking process that parliamentary democracies usually enjoy because of their fusion of powers and the consequent impossibility of prolonged deadlock between the executive and the legislature. Yet the American process has undeniably produced a large number of major national policies, many of them quite successful: for example, the establishment of Alexander Hamilton's economic development program in the 1790s, the western expansion of the country in the nineteenth century, the absorption of millions of immigrants, the Progressive Era reforms of the early 1900s, the New Deal, the constant (though to some too slow) advance in the status of African Americans since the end of slavery, the Great Society welfare and health care programs of the 1960s, the drastic overhaul of the tax system in 1986, and so on. Even at its best, however, the ordinary-times process has always taken a great deal of time to produce results, and there have been occasions in American history when the danger that it would not work rapidly enough to meet the needs made the nation turn to a less rigid but more controversial type of policymaking process: unilateral action taken by presidents.

When the southern states started seceding in 1861, Abraham Lincoln took a number of steps that were far outside the ordinary policymaking process. By executive proclamations, he suspended the writ of *habeas corpus*; called for volunteers to join the Union Army; spent government money to buy them food, uniforms, and weapons; and made the fateful decision to provision Fort Sumter even though he expected the action would start a Civil War. Then, after having done all this, he summoned Congress into session, told them what he had done, and asked for retroactive authority—which they had no choice but to give him.

Since then, presidents have often taken the view that when the national interest requires prompt action, they either should do it on their own, as Lincoln did, or persuade Congress to rush through their radical reform measures, as Franklin D. Roosevelt did in the 1930s when it seemed clear that in the absence of extraordinary measures, the economy would collapse under the stress of the Great Depression.

Presidents usually exert these extraordinary powers in foreign rather than domestic crises, as when Truman ordered American troops into Korea in 1950; Kennedy and Johnson followed suit in Vietnam in the 1960s; George H. W. Bush ordered troops to Panama, the Persian Gulf, and Somalia in the 1980s and early 1990s; Clinton sent troops to Haiti in 1994 and to Bosnia in 1995; and George W. Bush, in 2001 and 2002, sent American soldiers and airmen to Afghanistan to overthrow the terrorist-sheltering Taliban government and, in 2003, sent the armed forces to invade Iraq and depose Saddam Hussein. The War Powers Act of 1974 was designed to limit the president's power to take this kind of action without congressional approval, but in fact it has restrained presidents very little. No one doubts that in any future crisis, especially in foreign affairs, presidents will again bypass the ordinary policymaking process and do what they feel needs to be done.

Recent experience, however, makes it clear that the presidential dictatorship escape valve does not stay open indefinitely. When a military action drags on for months and years with huge expense, many casualties, and little hope of a clean-cut final victory—Korea and Vietnam are so far the leading examples, and Iraq and Afghanistan may take their places on the list—the president eventually loses popular and then congressional support, and the nation returns to the ordinary process. In any case, a leader who is held to account for his actions in free elections every four years is no dictator.

He can also be checked by the courts and by the press, which happened to President George W. Bush with increasing frequency. The *New York Times* revealed in December 2005 that the National Security Agency, at the president's request, was conducting surveillance on domestic and international telephone calls without obtaining court warrants as proscribed by the Foreign Intelligence Surveillance Act (FISA). The Bush administration argued that the presidency's inherent powers justify bypassing this congressional act during a time of war, but the president faced tough questioning on this issue from reporters and from some members of Congress. In June 2006, the U.S. Supreme Court ruled that detainees held at Guantanamo Bay could not be put on trial before secretive military commissions, in part because the commissions were created without congressional authority. This

landmark case points out the limits of executive power, even in wartime.

## Policy Performance

**19.11** Compare U.S. tax levels and types to those of other countries.

**19.12** Discuss three problem areas regulated by the U.S. government.

## Tax Policies

When considering policy performance in the United States, it is important to remember that we are dealing with the outputs of many governments, not just the one in Washington, D.C.<sup>44</sup> In 2007, there were over 89,000 governmental units in America, including the federal government, 50 states, 3,033 counties, 19,492 municipalities, 16,519 towns and townships, 13,051 local school districts, and 37,381 special districts—each of which had some constitutional or statutory power to make policies.<sup>45</sup>

Of these 89,527 authorities, the federal government extracts the greatest share of revenues; it collects 57 percent of revenues from all sources. Its share is, of course, smaller than the shares taken by the national governments of unitary nations—such as Great Britain, Japan, and Sweden—but it is larger than those taken by the national governments in any of the federal systems except Austria.<sup>46</sup>

Table 19.3 displays the main types of taxes as percentages of total revenue in the United States and six other industrialized nations in 2008. This table shows that the United States relies more on personal income taxes than any other nation. Social Security taxes paid by employees in America are higher than average. The United States relies less on sales and other taxes on consumption than any other country. Part of the reason is that, unlike most European governments, the U.S. national government has never levied a sales tax or a value-added tax, although most American states levy sales taxes as well as income taxes. Accordingly, the tax structure in the American federal system as a whole is more progressive (in the sense of placing the heaviest burden on people with the greatest ability to pay) than that in most but not all other nations.

Americans frequently complain about the heavy tax burden they bear, and Republican presidents