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# Mixed Rules, Different Roles? An Analysis of the Typical Pathways into the *Bundestag* and of MPs' Parliamentary Behaviour

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*Does the German mixed electoral system produce two types of representatives – MPs elected in the district who aim primarily to represent the interests of their constituencies and list MPs who are primarily loyal to their party or seek to serve 'functional' interest groups? The paper addresses this controversial question in two steps. It first uses sequence analysis in order to discover empirically just how prominent the exclusive 'path into the Bundestag' actually was by way of either the party list or the electoral district. The empirical basis is a data set covering all 3581 members of parliament from 1949 to 2009. Secondly, after having identified MPs with clear district or list careers, the paper replicates a study on committee membership asking whether district MPs sat more often in committees that are of relevance for their districts while list MPs more often sit in so-called 'policy' committees. The paper finds no evidence for a clear 'mandate divide' between MPs elected in a district and those numerous MPs entering parliament via the party list but also contesting a district.*

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Keywords: Germany; political careers; sequence analysis; mixed-member electoral system; legislative behaviour.

## Introduction

Every introductory text on the political system of the Federal Republic of Germany describes two kinds of representative sitting in the *Bundestag*: those who are directly elected from their district with the relative majority of constituency votes and those who win a parliamentary seat via the party list of their federal state (*Land*). The assumption is often made that these two formal ways of gaining a seat also correspond to two specific *types* of representative, each exhibiting distinctive behaviour. As is argued in this article, proponents of this so-called 'mandate divide' thesis have often neither provided us with sufficient empirical support for their thesis nor been precise enough about the incentive structure with which candidates are confronted in the different tiers of Germany's mixed-member electoral system.

In the empirical validation of the mandate divide thesis, relevant studies regularly classify the MP's *type* according to his or her current *status*. This seems problematic for two reasons. On the one hand, such a classification disregards the mode of candidacy. On the other, it ignores the course of the representative's

career (possibly) before and then after the election. Should the mode of candidacy be neglected, this would imply assuming that, for instance, a 'pure' list representative is confronted with just the same electoral incentives as a list representative who also ran for a mandate in an electoral district. When we neglect to consider the *course* of a political career (including *both* candidate and MP episodes) then we imply that the past and the future are thoroughly irrelevant for the current political and parliamentary behaviour of a representative. Yet if the main interest of a representative is re-election, then it is plausible to assume that his/her current parliamentary behaviour is also dependent on the mode of election that this person seeks in the future. At the same time, we can plausibly assume that past experience has an impact on present behaviour. Therefore, testing for the effect of electoral rules on parliamentary behaviour renders it necessary to look both at the mode of candidacy as well as at previous and subsequent career episodes of a representative. This is what this article does. In so doing, the article contributes to the growing literature on mixed electoral systems (Cox & Schoppa, 2002; Ferrara, Herron, & Nishikawa, 2005; Shugart, 2001a, 2001b; Shugart & Wattenberg, 2001a, 2001b), on whether these rules lead to role differentiation or role consolidation among parliamentarians (Bawn & Thies, 2003; Shugart & Wattenberg, 2001b; Sieberer, 2010; Stratmann, 2006; Stratmann & Baur 2002), as well as on the new debate on contamination effects in mixed electoral systems (Ferrara et al., 2005; Hainmüller & Kern, 2008; Herron and Nishikawa, 2001; Manow, 2011).

The first question is whether typical career patterns can be discerned that would clearly justify referring to them as either district or list representatives. To answer this question we use a sequence analysis (Brüderl & Scherer, 2006; Scherer & Brüderl, 2010, among others) through which we can identify career patterns of *Bundestag* members. Once the sequence analysis of the typical paths into the *Bundestag* has given us a clearer classification of the various types of representatives, we then ask whether we can detect possible differences in parliamentary behaviour. For this purpose, we have replicated a study investigating the strategic calculations of committee membership: do district MPs sit more often in committees relevant to the interests of their constitutive districts and do list MPs sit disproportionately often in committees that enhance their individual party-political profile (Geschwend, Shugart, & Zittel, 2009; Heinz, 2010; Stratmann & Baur, 2002)? In replicating the study by Stratmann and Baur, albeit with a significantly larger dataset, we test whether this pattern can also be verified when taking into account previous episodes in a legislator's career and his or her mode of election. Furthermore, the committee membership is studied of those representatives who entered the *Bundestag* via the party list but who had also campaigned in an electoral district. Are there indications that such legislators focus their energies on serving the interests of 'their' district as well? The next two sections offer a brief summary of the positions both for and against in the debate over the 'mandate divide' among German parliamentarians and the importance of modes of election for the behaviour of legislators.

## List vs. District

With respect to the impact of different electoral rules on German MPs' parliamentary strategies the literature offers diametrically opposed judgements. On the one hand, Stratmann and Baur (2002) state: 'In the German electoral system ... some legislators are elected through PR and others are elected through FPTP. Thus, two legislator types exist simultaneously in Germany' (pp. 506 – 507, italics added; see also Bawn, 1999, p. 490; Bawn & Thies, 2003). On the other hand, this is flatly denied by Burkett and Padgett (1987): 'Contrary to widespread opinion, it is of absolutely no importance whether a mandate is obtained through the constituency or the Landesliste' (p. 130; cf. Jesse, 1988, p. 120). Who is right?

The presumption that list and district MPs assume different roles is often countered by citing the fact that over 80 per cent of all MPs run as double candidates. Studies have pointed out that a candidature in an electoral district is by now usually the prerequisite for a promising spot on the respective party list. As a rule, the chance to land a place on the party list is only given to a person 'who was also nominated as a direct candidate by the party base and is willing to perform "grunt work" in the electoral district' (Ismayr, 2000, p. 86, own translation<sup>1</sup>; see also Schüttemeyer & Sturm, 2005). This is reflected in the chronological order of the electoral district nominations and the delegate convention, which decides on the lists for that particular Land. That the 'selection of the direct candidates almost always precedes the delegate convention in the Land' – deciding on the party list – 'supports the assumption ... that the district candidature is a key, if not even a mandatory, prerequisite for a promising place on the list. Only the person who is willing to toil at the electoral base will apparently gain the trust and approval of the delegates' (Schüttemeyer & Sturm, 2005, p. 548). The parties expect their constituency candidates to campaign actively and work on behalf of the electoral district 'regardless of which tier they are elected from' (Klingemann & Wessels, 2001, p. 291; see also Lundberg, 2007; Patzelt, 2007, p. 83). As early as the 1970s, Schweitzer detected that in 'most of the state parties, it has become the rule that somewhat promising list candidates are put up as direct candidates in unsafe electoral districts not the least because, without a direct mandate, they ... as list representatives, should also serve an electoral district for their party as an *MdB*' (Schweitzer, 1979, p. 12). Therefore, the district MPs almost always compete against one or more shadow representatives (Lundberg, 2007, pp. 46 – 49). Consequently, district MPs do not hold a monopoly on representing the interests of their respective electoral districts in parliament (Patzelt, 2007; Saalfeld, 2005; Schweitzer, 1979). In the literature on the German electoral system, it was assessed fairly early that the system ensures 'that many electoral districts are represented both by a representative from the CDU/CSU as well as by a representative from the SPD' (Hermens & Unkelbach, 1967, p. 16).<sup>2</sup> From time to time, the list representative even becomes the preferred contact for matters concerning the electoral district,

especially when the shadow representative belongs to a government party and is considered better able to get things done for the district (Schweitzer, 1979, p. 185).

It is worth highlighting that the argument levelled against the mandate divide-hypothesis is not that district MPs do not feel committed to the interests of their electoral district, but that list MPs who also ran for the district mandate in many regards should behave like district representatives. Therefore, it is not enough to produce proof that district MPs actually represent the interests of their constituency. Instead, the decisive question is whether this is not also true for list MPs who held a double candidature. To answer this question, it becomes necessary to examine simultaneously the type of mandate *and* the mode of election.

The commitment to serve the electoral district does not just pertain to the two major parties, but also to the small parties, even though district candidates from these parties almost never have a realistic chance of actually winning the seat (with the exception of the PDS/Die Linke in the new eastern states). Small parties themselves have a strong interest in being represented in an electoral district by their own, locally active candidate, although they harbour no illusions about their chances of winning at the district level, because the constituency candidature has a positive effect on the results of the second-vote tallies (Cox & Schoppa, 2002; Ferrara et al., 2005; Hainmüller, Kern, & Bechtel, 2006; Hainmüller & Kern, 2008; Manow, 2009). With regard to first and second votes, the electoral district performance of the previous election often becomes the criterion for placing candidates in favourable spots on the party lists for the next election (Zittel & Gschwend, 2008). Against the backdrop of such possible incentives and sanctions, it is not surprising that studies on the time schedules of elected representatives can find no more than slight differences between district and list MPs when it comes to the hours that both types of legislator invest in work for their electoral districts (Patzelt, 2007, p. 55, Table 3).

While several observers emphasise the loyalty also of the (double candidate) list representative to 'their' electoral districts, others depict a contrasting scenario that stresses the selection effect of different electoral rules on different types of candidates. Schreiber (1994), for example, maintains that different types of politicians arrive in the *Bundestag* by way of two alternative paths:

parties have the option to use the party-list mode of election to bring individuals into parliament who are less popular or less skilled at winning the voters' favour but whose presence is wanted for other reasons pertaining to parliamentary work (for example, experts, representatives from certain geographical regions in which experience has proved that the opposing party usually wins all of the electoral districts). On the other hand, the plurality vote enables those candidates who are very familiar with the matters of their respective electoral district and have particularly close contact with the electorate to be elected. (1994, pp. 144 – 145)

Here the main concept is not that a legislator plays a double role and exhibits a twofold loyalty, but that two distinct types of legislators exist, each with a specific role (see also Bawn & Thies, 2003), even though Schreiber does acknowledge the possibility of the election of a list candidate who, as a legislator, represents regional interests.

Advocates of the mandate divide thesis, when presenting empirical evidence to support their position, apply a distinction between district and list representatives that seems too crude to be fully convincing (Lancaster & Patterson, 1990; Stratmann & Baur, 2002). The question to be clarified empirically in the following, based on the analysis of career paths of German members of parliament, is therefore whether a closer examination of the mode of election and the entire course of a person's political career enables us to confirm the assumption that the different paths to a *Bundestag* seat determine different legislative behaviour.

### Roads into the *Bundestag*

Of course it is indisputable that two kinds of MPs sit in the *Bundestag* in every legislative period: those who received their mandate through a successful candidature on the party list and those who won their mandate in the district. In this strictly formal sense, it is certainly unproblematic to speak of list and district MPs. Yet with regard to the behaviour of legislators this terminology does seem imprecise because it diverts attention from the fact that assertions about behaviour, parliamentary strategies, role differentiations, and so on, are not based on mandates but on the mandate holders, meaning individuals. And here, as can easily be demonstrated, things are more complicated.

Let us take two hypothetical cases: a legislator who had been elected by his district constituency to the *Bundestag* for the first time loses his district mandate in a close race during the next election. Since he was a candidate for both a district mandate and a party-list mandate – that is, a double candidate like more than 80 per cent of his colleagues – he does win a *Bundestag* seat via his list ranking. In the following election, he also campaigns again in 'his' electoral district. In view of the closeness of the race in the previous election, he is justifiably hopeful of winning back the district mandate. So, does it make sense to classify this legislator as a list MP and, if so, which behavioural hypothesis should be linked with such a classification? Patzelt (2007, p. 53) labels this representative a 'defeated direct list member' and emphasises that this type of legislator has a strong incentive to work on behalf of his electoral district. The second case is that of a legislator who has won a district mandate in the *Bundestag* in the last four consecutive elections. Yet each time the race has been extremely close. Since the electoral district is not safe, the legislator is also secured a promising ranking on the party list. Is it plausible to classify this legislator as a district MP? Should we assume that she would act exclusively or at least primarily in the interests of her electoral district and perhaps even against her own party in order to enhance her own local reputation and standing – even if she could

depend on a good list position should the very close district race not happen to be in her favour?

These cases demonstrate that the seemingly self-evident and unproblematic difference drawn between list and district MPs does indeed require some clarification. Whom do we want to classify as what? Is a list representative a person who *always* enters the *Bundestag* via the party list and *always only* ran as a list candidate? This would be the most restrictive but also the most unequivocal definition. Or should we – a bit more generously – also count all those double candidates who so far *always* won their seats via the lists and those who were *always* voted directly into the *Bundestag* as being list and district MPs, respectively. Or do we only want to be so generous for those double candidates who either always had a *secure* spot on the party list or always had a *safe* electoral district (Manow & Nistor, 2009)? How often do we even find people who only held seats as either a district or list representative? How often does a change of status occur within a legislator's career? Do the categories of district and list mandates actually define a type of legislator or rather an episode in a longer sequence of a legislator's career?

Whichever definition might be used, a first inference becomes clear: if studies that seek to prove differences in the behaviour of district and list representatives code the representative type as an independent, explanatory variable based solely on the MP's respective official status at the time, and, in doing so, neglect the respective mode of election, then these studies only translate unsatisfactorily the latent theoretical construct – election rules as incentive structures for legislative behaviour – into a measurement concept. Therefore, it is a question not only of creating more exact definitions and distinctions, but also of finding a more transparent clarification of what is to be expected theoretically.

The danger of comparing list and district representatives and their legislative behaviour is that the actual core of the mandate divide controversy will be missed – even if we study legislators who are always elected to the *Bundestag* exclusively in their electoral district or exclusively via the party list. The core of the controversy can be summarised as follows: on the one side, advocates of the mandate divide thesis assume that the legislative behaviour of district representatives is determined primarily by their aim for re-election in their electoral district, whereas list representatives work chiefly towards a promising spot on their party list and therefore orient themselves first and foremost on their party and not on an electoral district (so argue, for example, Bawn & Thies, 2003). The expectation here is that the mode of election leads to clearly distinctive legislative behaviour. On the other side, critics do *not* maintain that such calculations play no role, but do argue that the legislative behaviour of the majority of list representatives, namely all those who also contested a district, resembles in essential aspects the behaviour of district candidates, in that their legislative behaviour is also geared towards the interests and issues of the electoral district. They therefore do *not* expect to observe significant differences in legislative behaviour.



In order to test these two theses, it is imperative also to take the mode of election into consideration. The proof that the legislative behaviour of district representatives and list representatives differs (Stratmann & Baur, 2002) *does not, in itself, provide sufficient evidence* to affirm the mandate divide thesis. For example, should district candidates belong disproportionately often to *Bundestag* committees that are highly relevant to their electoral districts, this fact itself does not tell us anything about the presumed mandate divide. Instead, it should be asked whether those list representatives who belong to such committees (and also ran for a district mandate) also perhaps represent the issues and concerns of their home district, meaning that they also select these *Bundestag* committees because of the specific interests of their electoral districts.

In yet another way, the simple coding of district and list representatives according to their current status as legislators appears deficient. If we assert that re-election is the chief motive behind the actions of a legislator, then not only should the past mode of election be reflected in MPs' behaviour but especially the mode of election *targeted for the future*. A rational legislator should anticipate in her current behaviour the future retrospective judgement of her selectorate/electorate concerning her past parliamentary performance. As we know, a double candidature increases re-election chances (Manow, 2007). Therefore, rational MPs should find this mode of election particularly attractive. But then list- or district-only candidatures could often be evaluated as transitory episodes. Again a sequence analysis would help confirm or refute such a presumption by observing the relative frequency of certain episodic sequences during longer parliamentary careers.

The following will thus examine complete sequences of membership in the *Bundestag* for all legislators from 1949 to 2009. Once we have thereby clearly identified the (pure) list and district representatives, we ask whether we can confirm the finding in the literature that the membership in various types of *Bundestag* committees (district versus party committees) differs systematically between the two types of representatives.<sup>3</sup> In a second step, we then ask whether there are any indications that list representatives with double candidatures also gear their legislative activity towards the interests of the electoral district in which they – unsuccessfully – ran for office. First, let us reconstruct in the following section the political incentive structure that represents the district, list or double candidature for the individual representative.

## A Sequence Analysis of Parliamentary Careers: Members of the Bundestag, 1949–2009

### *Methods and the Operationalisation of Variables*

The tool that lends itself to answering the question about the influence of the various political career paths on the behaviour of elected legislators is an analysis of career *sequences*. Unlike in survival or event history analysis, the focus of



interest in sequence analysis is not the length of time until the event occurs, but the pattern in which individual episodes or elements occur within a longer sequence. A sequence is an orderly succession of individual episodes or elements (Brzinsky-Fay, Kohler, & Luniak, 2006; Scherer & Brüderl, 2010). The case presented here involves a certain candidature (list candidate, district candidate, double candidate) and the subsequent status of the legislator (list representative, district representative). Together, the three modes of candidacy and two types of mandates create four possible combinations of episodes: first, when a person runs as a list candidate and subsequently becomes a list representative; second, as a district candidate and subsequently as a district representative; third, as a double candidate who wins a *Bundestag* mandate via the party list ranking; fourth, as a double candidate who wins a district mandate. The observation is expanded to also codify the episode 'no mandate', whereby the data base does not permit us to determine whether the person ran for office and was not elected, or did not run. The status variable therefore can take on five different values (see Table 1).

The shortest sequence consists of one episode – a candidate who runs for a *Bundestag* seat just once and is elected just once. Since we are not observing candidates but representatives, a sequence cannot occur that consists only of 0 episodes. As mentioned, a 0 episode cannot be interpreted.<sup>4</sup>

Longer sequences are combinations of these individual episodes. Each of the 17 legislative periods from 1949 to 2009 that we observe is an episode featuring five possible variations, so that the number of possible different sequences equals  $(5^{17} - 1; - 1$  because a sequence of only 0s is not possible). Depicted are the courses of individual political careers of each legislator over time. A list representative in the narrower sense would be a legislator whose career sequence consists solely of a series of 1s, that is, of episodes as a (pure) list candidate (except for the time in which this person was not a member of the *Bundestag*). Likewise, the classification of a politician whose sequence only consists of 2s, that is district episodes, would undoubtedly be that of district representative. As was shown in the previous section, the interpretation of sequences consisting either only of 3s (double candidacy, elected via the list) or only of 4s (double candidacy, elected in district) is already much more controversial. Sequences in which the various episodes change are characteristic of legislators who could be grouped as neither district nor list representatives.

Table 1: The Sequence Elements for Analysing Political Careers

Status	Coding
No candidature <i>or</i> no mandate	0
List candidate/representative	1
District candidate/representative	2
Double candidate with list mandate	3
Double candidate with district mandate	4

Table 2: Three Examples of Political Career Sequences

Legislative Period					
1.	2.	3.	4.	5.	6.
No candidature 0	List candidate/list mandate 1	1	1	No candidature 0	0
No candidature 0	District candidate/district mandate 2	2	2	2	No candidature 0
No candidature 0	Double candidate/list mandate/ district mandate 3	3	4	4	No candidature 0

To demonstrate this point, Table 2 shows three different career sequences for three legislators over the time span of six legislative periods. The first case is that of a legislator who does not run in the first legislative period, but is elected in the second, third, and fourth periods as a list candidate (1) after which this person leaves the *Bundestag*. The second case is that of a legislator who runs as a constituency candidate exclusively, starting in the second electoral period and holds a *Bundestag* seat for four legislative periods (2). The third case represents a legislator who also does not have a seat in the first legislative period, but then runs four times as a double candidate for a *Bundestag* mandate and wins a seat the first two times via the party list, followed by two times by district election (4). This legislator also does not run for a seat in the sixth electoral period.

For the following analysis, data are used from the biographical reference book on members of the German *Bundestag* from 1949 to 2002 (Vierhaus & Herbst, 2003) as well as this author’s own compilation of data up to 2009. Included are all legislators from 1949 to 2009, a total of 3581 persons, with 60,877 observations (17 terms 3581 persons 60,877 observations). If we only consider the times when these people were actually members of the *Bundestag* (that is, ignoring the 0 episodes), the dataset still consists of 10,125 observations. This corresponds roughly to an average length of membership in the *Bundestag* per legislator of 2.8 legislative periods (10,125/3581) and confirms earlier findings for the average re-election chances or length of membership of German MPs (see Manow, 2008).

In the following the sequence analysis module for Stata is applied (Brzinsky-Fay et al., 2006; Kohler, Luniak & Brzinsky-Fay, 2011). It offers considerable opportunities to prepare, analyse, and graphically present the various courses of event sequences – in our case, the careers of elected representatives. Not the least, it enables us to generate variables that indicate specific patterns of sequences. This is a prerequisite for testing the idea that different types of representatives exhibit different types of legislative behaviour. In the following section, the data are evaluated on the basis of sequence analysis.

Table 3: Frequency of Sequences with Identical Elements, All Parties

Sequence	No. of Observations	%	Cumulative %
3 (double list)	1.239	36.6	36.6
4 (double district)	492	14.5	51.1
1 (list)	399	11.8	62.9
3/4	394	11.6	74.5
2 (district)	364	10.8	85.3
2/4	221	6.5	91.8
1/3	130	3.8	95.6
1/4	56	1.7	97.3
1/2	50	1.5	98.8
1/3/4	42	1.2	100.0
Total	3.387 <sup>a</sup>	100.0	

<sup>a</sup>The lower number of cases is due to an analysis limited to only the ten most frequent sequences.

### *Empirical Findings*

When the purpose is to identify distinct types of representatives, then one strictly descriptive finding is initially of interest: how often do career sequences occur in which the (exclusively) district candidature is always linked to the district mandate and the (exclusively) list candidature with the list mandate? The frequency table (Table 3) shows the frequency of sequences *with identical elements*. For the question of interest here, the third line (list only representatives) and the fourth line (district only representatives) and their corresponding sequences 1 or 2 are particularly interesting. These lines combine all representatives who exhibit such a candidature/mandate sequence, be it once, twice, or many times. As is evident in Table 3, we have among the population of all legislators, 485 that we can classify as list-only representatives and 384 as district-only representatives. Together, they represent about 23 per cent, nearly a quarter, of all legislators. Thus, we arrive at the first important intermediary result in the sequence analysis of the careers of German *Bundestag* legislators: *in an indisputable (restrictive) sense*, our differentiation between district and list representatives only holds for a quarter of all *Bundestag* legislators, if we do not apply this distinction in the strictly formal and time-limited sense that classifies the representatives of a certain legislative period according to the way they entered the *Bundestag*.

By far the most frequent sequence is the one that contains as its only element 3 (double candidature with list mandate; see Table 3). More than a third of all *Bundestag* legislators enter the parliament in this manner. In particular, legislators from the smaller parties run as double candidates and enter the *Bundestag* via the state party list. As we saw in section three, the classification of these legislators as list representatives is not unproblematic since there are obvious incentives for them also to represent the interests of their constituency in their legislative and general political behaviour. This is even more relevant for the group of double candidates who win a mandate in their electoral district

(sequence with 4s as its only element). In this category we also have to include those legislators who ran sometimes only as a district candidate and sometimes as a double candidate, but always won a district mandate (sequence elements 2 or 4). Finally, those double candidates who sometimes entered the *Bundestag* via the party list and sometimes through district election in an electoral district (sequence elements 3 and 4) are also to be included in this group. Nearly three-quarters of all legislators never undergo a change of status during their career.

When we limit our observation to the large parties, whose members of parliament have a realistic chance of entering the *Bundestag* in both ways – that is, for the legislators of the CDU/CSU and the SPD (see Table 4) – we observe shifts in the frequency of sequences that were to be expected. The number of double candidates winning a list mandate drops noticeably, while the number of double candidates who successfully win a district mandate increases, as does the number of those who enter parliament sometimes via the party list and other times via an electoral district (line 3, sequence 3/4). However, the relative number of list-only or district-only representatives remains almost unchanged. Moreover, for the legislators of these two major parties, the overwhelming number of whom have a chance to win an electoral district, the number of legislators who can be classified as clearly list or district members of parliament does not increase.

An index plot makes this quite evident (see Figures 1 and 2), whereby Figure 1 depicts the frequency of different sequences for all parties, and Figure 2 limits its observations to the Christian CDU/CSU and Social Democrats (SPD). The *x*-axis lists the number of episodes, that is, the number of terms; the *y*-axis shows the number of representatives with the same career sequence. Both figures depict the dominant political sequence as being the one in which the double candidature leads to either a list or district mandate; when observing all parties the most frequent sequence is the one in which a one-time double candidature is linked with a one-time list mandate.

Table 4: Frequency of Sequences with Identical Elements, CDU/CSU and SPD

Sequence	No. of Observations	%	Cumulative %
3 (double list)	562	22.2	22.2
4 (double district)	472	18.7	40.9
3/4	382	15.1	56.0
2 (district)	347	13.7	69.7
1 (list)	310	12.3	82.0
2/4	221	8.7	90.7
1/3	91	3.6	94.3
1/4	55	2.2	96.5
1/2	50	2.0	98.5
1/3/4	38	1.5	100.0
Total	2.528	100.0	

Figure 1: Index Plot, All Parties, 1949 – 2009

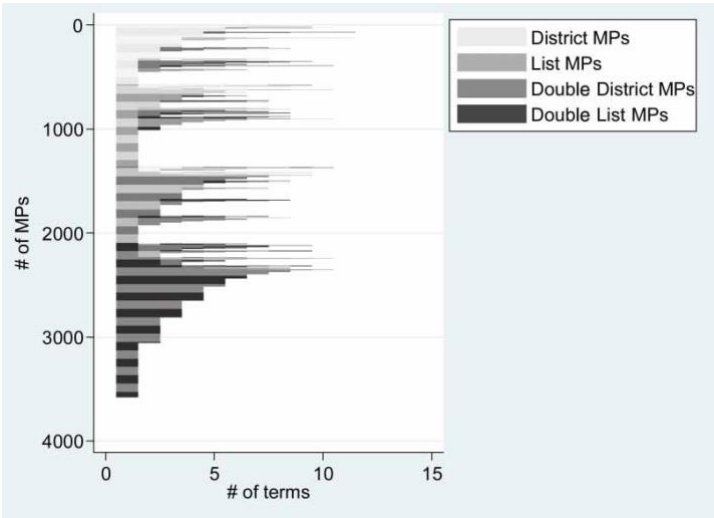
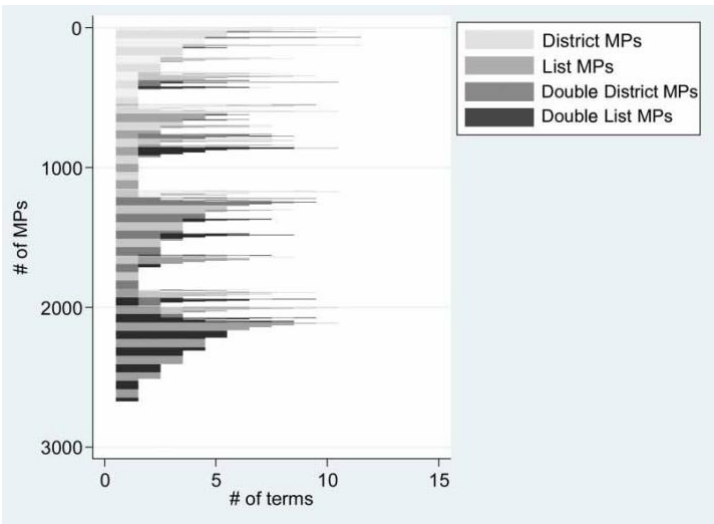


Figure 2: Index Plot, CDU/CSU and SPD, 1949 – 2009



With regard to the question about the importance of the *future* mode of candidature as opposed to the *past*, we observe that sequences in which legislators switch from a double to a single candidature (be it the party list or the electoral district) are extremely rare. Among the 30 most frequent sequences, only 85 legislators among all 3581 MdBs have followed this path, and 362 legislators

– that is, about four times as many – moved in the opposite direction (2.4 per cent from double to single as opposed to 10 per cent in the opposite direction).

Once we have generated a specific dummy variable for all representatives whom we can clearly identify as either list or district representatives, we can test the hypothesis of differing legislative behaviour for these two types of representatives. Since in the literature proponents of this differentiation thesis cite differences in committee memberships between list and district representatives as proof of their distinct orientations and strategies (see Stratmann & Baur, 2002), the next section queries, first, whether we can actually determine systematic differences once we limit the observation to those representatives whom we can classify undoubtedly as district or list representatives – in other words, those who *always* and *exclusively* ran on the party list or in an electoral district. According to the mandate divide theses, we should expect to find (exclusively) district representatives more often in committees that have district relevance to affairs affecting an electoral district (for example, Committee for Transport, Building and Urban Development or Committee for Food, Agriculture and Consumer Protection), while (exclusively) list representatives are primarily members of committees in which they can make a name for themselves in a general political sense (such as Committee for Foreign Affairs or Committee for Affairs of the European Union). In a second step, it queries whether we may find list MPs with a double candidature also deciding to join *Bundestag* committees for reasons of representing local interests. In doing so, the study expands to include the mode of election for *Bundestag* MPs.

### List and District Representatives and their Committee Memberships

In the following, the study on committee membership of *Bundestag* MPs by Stratmann and Baur is replicated (Stratmann & Baur, 2002). In their study, the authors ask whether significant differences can be discovered between list and district representatives with regard to the *Bundestag* committees to which they belong (for a recent replication, see also Gschwend et al., 2009).<sup>5</sup> For their study, the authors distinguish three types of *Bundestag* committee: ‘district’, ‘party’ and ‘neutral’ committees. District committees are those that serve specific material interests of electoral districts, like the agriculture committee ‘where funds can be channelled to the home districts’. The expectation is that district representatives should be overly represented in this type of committee because critical decisions affecting districts are made here. So-called party committees, such as the committees for foreign affairs or for health issues, offer individual legislators either the chance to make a name for themselves politically or to serve group-specific redistributive functions. In this type of committee, the authors expect to find an disproportionate number of list representatives as members. With regard to a third class of committee, which Stratmann and Baur (2002) classify as ‘neutral’ (committees on voting rights or parliamentary immunity), no clear expectation can be expressed concerning committee membership.

Stratmann and Baur code district and list representatives according to their current status as *Bundestag* members, even though they also use a robustness test to check whether representatives with exclusively list or constituency candidatures also sit in different *Bundestag* committees (Stratmann & Baur, 2002,

p. 511). Previous episodes as a candidature or mandate holder are not taken into consideration. Likewise, they do not consider the possibility that any indication of a 'local' pattern of representing interests could be found among list representatives in district committees.

This replication of the study uses a significantly enlarged database.<sup>6</sup> First, we ask whether the findings of the Stratmann–Baur study can be substantiated when the types of representatives are more distinctly defined, as outlined above. To do this, we follow the authors' classification and consider the Committee for Food and Agriculture and the Transport Committee<sup>7</sup> as typical district committees (Stratmann & Baur, 2002, p. 508). In addition, we include the Defence Committee as a district committee – coded as a party committee by Stratmann and Baur (2002, p. 508). In the Defence Committee, many political decisions of considerable local significance are made concerning the location of military bases, military training areas and regions with an armaments industry (see Berg, 1985). It is therefore plausible that district interests drive committee membership here, too. Finally, we ask whether list representatives with double candidatures might not also belong disproportionately often to district committees like the three under investigation here: agriculture, transport and defence. The issues specific to the electoral district are surveyed here in part indirectly – by way of geographical information – and in part directly, for example, the presence of military bases in a district.

We can first observe the relative probability of committee membership according to each type of representative with a logistic regression (see Table 5). Table 5 strongly substantiates the general expectation – district (list) MPs have a greater (lesser) probability of belonging to these three constituency committees,

but this higher probability fails to meet the conventional standards of significance in the case of the defence committee. However, more important for our context is the question whether the list MPs who also ran in a district are also found in disproportionate numbers in those *Bundestag* committees

Table 5: Chances of being a Member of the Agriculture, Transport, Defence Committees, 1949–2009, Logistic Regression Odds Ratios

Odds Ratio	Agriculture	Transport	Defence
'Pure' list MPs	0.47** (0.16)	0.49** (0.16)	1.30 (0.21)
'Pure' district MPs	1.40 (0.31)	1.71*** (0.33)	1.00 (0.18)
Observations	3.437	3.430	3.581

*p*-values in parentheses.

\*Significant at the 10% level; \*\*significant at the 5% level; \*\*\*significant at the 1% level.



that are politically relevant for the districts that such legislators (indirectly) represent.

The fact that the agriculture committee tends to be made up of district representatives from the CDU/CSU and list representatives from the SPD is interpreted by Stratmann and Baur (2002) as proof that agricultural interests are represented prominently in the CDU/CSU but not in the SPD.<sup>8</sup> Yet there is an alternative and in my view more plausible explanation for this pattern. Due to the socio-economic composition of the electorate, SPD representatives rarely win district mandates in many rural regions (see Gudgin & Taylor, 1979). This, however, does not mean that the SPD has to abandon the representation of rural interests. Via list representatives the party can guarantee parliamentary representation of 'certain regions in which experience has shown that the opponent wins all of the electoral districts' (Schreiber, 1994, p. 145, see above). Therefore, the critical question is whether we do not also find evidence for representation of district interests among list representatives, especially among those who held a double candidature. Such evidence could be a specific regional pattern of recruitment, which in the case of the agriculture committee could be an over-representation of SPD list representatives with double candidatures from rural regions (like Bavaria, Baden-Wurtemberg or Lower Saxony).

As long as detailed (digitally readable) socio-economic district-level data are unavailable, we are left to answer this question primarily with approximate values and indirect evidence. A first (rough) approximation is possible simply over the district numbers, because these contain a geographic dimension (roughly: district 1 'Flensburg' in the north, Danish border, to district 242 or 243 'Kempten' or 'Kaufbeuren' in the south, Austrian border). This geographic dimension remained essentially unchanged during the observed time span despite smaller redistricting.<sup>9</sup> Should we find clear geographic patterns in the committee membership of list representatives, this has to be interpreted as an obvious indication of the strategic selection of committee membership, one that aims to represent regional and local interests. Should the assumption of the mandate divide thesis be correct that list representatives do *not* gear themselves to such interests, then the regional pattern of recruitment among list representatives should be primarily random, meaning that it corresponds with the frequency with which certain regions/electoral districts are represented by list representatives in the *Bundestag* in the first place.

Figures 3 and 4 show the regional pattern of CDU and SPD MPs, those elected in a district, those elected via the list, and finally the regional recruitment pattern of those who ran both in a district and on the list, were elected via the party list and became a member of the transport or agriculture committee, respectively. A clear regional pattern becomes apparent. The CDU fails to win districts especially in the old industrial centres of North Rhine-Westphalia and Northern Hesse (district numbers 75 to 140), therefore CDU-list MPs are over-represented in these regions, but also in the northern city-states of Bremen and Hamburg. It is here where public infrastructure is of importance (for example,

Figure 3: Regional Representation of CDU District and List MPs and of Double Candidate List MPs in the Transport Committee, 1953–2009

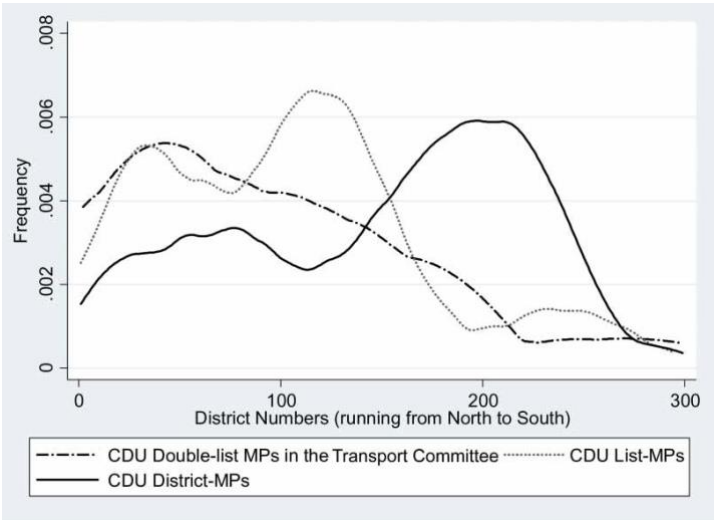
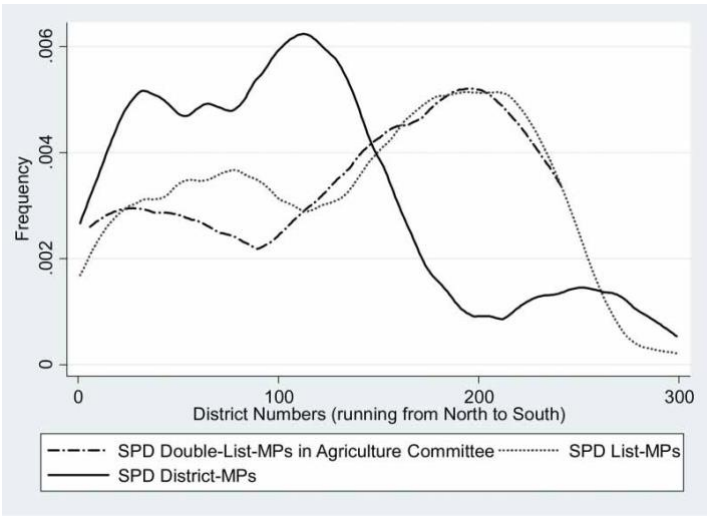


Figure 4: Regional Representation of SPD District and List MPs and of Double Candidate List MPs in the Agriculture Committee, 1953–2002



harbours) and from where CDU-list MPs who became members of the transport committee are recruited. The SPD is particularly unsuccessful in Germany’s south, in Baden-Wurttemberg, Bavaria and parts of Rhineland Palatine (district numbers 160 to 240); SPD-list MPs are therefore over-represented in these

regions. Figure 4 shows the density plot for the SPD membership in the agriculture committee for legislators with list mandates and double candidatures. As becomes clear, being unsuccessful in southern districts does not mean that the SPD has to forgo the representation of rural interests. The party can use its double candidates in regions where it is unsuccessful in winning districts and, as Figure 4 shows, this is exactly what the party does.

The picture that emerges from observing regional recruitment patterns of MPs with membership in the *Bundestag* committees for agriculture or transport can be supported by additional district-level information. Although we lack socio-economic time-series data at the district level, at least for the last two *Bundestag* elections the German election office does provide district data in digitised form.<sup>10</sup> These data allow us to check at least for these last two terms whether the committee recruitment of list MPs with a double candidacy shows regional variation that would indicate the representation of district interests by list MPs. A dummy variable is coded for those districts in which list MPs who were members of the transport or agriculture committee had run unsuccessfully.<sup>11</sup> Unfortunately, the reported indicators are not identical over time. As variables indicating a rural district we take the number of agricultural firms, the employment share of the agricultural sector (for the 2005 *Bundestag* election) or simply the area of the district (for the 2009 election) as proxies. As an indicator for the relevance of public infrastructure we take the absolute number of people commuting to and from work per district (for the 2009 election). We expect districts which are represented via list MPs in the agriculture committee to be more rural than other districts, and expect districts which are represented via list MPs in the transport committee to have a higher number of commuters.

Regressing area, agricultural employment, or the number of farms in a district on the variable indicating membership in the agriculture committee by list MPs with double candidature, leads to the following results: in 2009 a district was on average 710 km<sup>2</sup> bigger (significant at the  $p > 0.01$  level), that is, more rural, if it was represented by a list MP in the agriculture committee – with the average district having a size of 1194 km<sup>2</sup>. The net number of commuting persons per district increases by 27.5 per 1000 inhabitants (significant at the  $p > 0.05$  level) if represented in the transport committee by a list MP – the average being 62 commuters per 1000 persons in a district (see Bundeswahlleiter, 2005, 2009). For the 2005 election we have even better data, since the German election office (Bundeswahlleiter, 2005) reported the number of farms per district as well as the employment share of the agricultural sector for this election. The employment share in the district increases significantly (at the  $\beta > 0.005$  level) by 1 per cent (the average employment share for all 299 districts being 1.4 per cent), if it is a district represented by a list MP in the agriculture committee during the 16th term. The same finding turns up when looking at the number of farms, which increases by 3.3 per 1000 persons and an average of 5.5 firms in all 299 districts. Unfortunately we cannot calculate the number of commuters for the 2005 election since the German election office did not report this indicator

for this election. All in all, each variable indicating either a rural district or a district with a high importance of public infrastructure increases significantly if the district is represented by list MPs in the agriculture or transport committee, respectively.

An analogous examination of regional patterns of representation (measured on the numbering of electoral districts or state party lists) is less suitable for studying the defence committee, because military bases or military training grounds (or defence industry firms) are not clearly clustered geographically. Therefore, for each individual list representative among the members of the defence committee we looked at whether the military maintained a base in the district in which he or she was running for office. This far more demanding coding had to be limited to the period from 1972 to 2002, but it did still enable an informative finding from the observation of 120 list representatives with double candidature.

For 72 of the 120 list representatives who have been members of the defence committee – that is, for nearly two-thirds of them – it turns out that the military does indeed maintain a base (garrison, hospital, administrative office, and so on) in the electoral district of their (unsuccessful) district candidature. Moreover, eight of these list representatives also have a professional link to the military (usually as a career soldier), as do 14 other list representatives who were or are members of the defence committee but do not have any military facilities in their district. This analysis has not taken into consideration the location of the arms industry in each of the districts, nor does it include military training areas and bases of allied armed forces (due to the unavailability of data). However, by just considering base locations of the German military, this analysis already finds evidence of a direct connection to district interests for more than 60 per cent of all districts of those list representatives who are members of the defence committee. For district representatives, such a connection to the local interests of their districts can be derived from their prominent participation in the defence committee (see Table 5).

### Mixed Rules, Mixed Roles

Does the German mixed electoral system produce two types of representative – a type of directly elected legislator who aims primarily to represent the interests of his/her district and a type of list-elected legislator who is primarily loyal to his/her party or seeks to serve ‘functional’ interest groups? The study presented here has addressed this controversial question in two steps. The first was to use sequence analysis in order to discover empirically just how prominent the exclusive ‘path to the *Bundestag*’ actually was, by way of either the party list or the electoral district compared to the careers of all *Bundestag* members. This analysis made it possible in the second step to limit the comparative analysis of legislative behaviour (defined here as the membership of *Bundestag* committees) of list and district representatives to those legislators whose classification can be considered

indisputable because they have always run for office as either a list candidate or a district candidate only. The examination of the pattern of committee membership was then expanded to those legislators, for whom the critics of the mandate divide thesis also attribute a strategy of district interest representation in their legislative behaviour, namely for list representatives who also simultaneously run for a district mandate (usually regardless of how promising this candidature might be).

Both of these steps reinforced the scepticism of the mandate divide thesis. For one thing, if career paths leading to a *Bundestag* mandate that occur exclusively via the party list or the electoral district account for only 23 per cent of all members of parliament, this number is certainly too small to assert in any more than a formal sense that the German mixed electoral system produces two types of legislators ('two legislator *types* exist simultaneously in Germany', Stratmann & Baur, 2002, p. 506, my emphasis). Furthermore, the analysis clearly proved that legislators who unsuccessfully run for a district mandate still use their status to represent the local interests of that same district in parliament – independent of any realistic prospect of ever winning a district mandate there in the future. Evidently, the incentive structures created by the combination of plurality voting and proportional representation in the German electoral system function so that parties reward active district work with a good ranking on the state party list (Hainmüller et al., 2006). Therefore, *Bundestag* legislators who had a double candidature – which today is more than 80 per cent of them – are faced with strong incentives to direct their legislative and general political work towards benefiting both the party and their electoral district. As the empirical findings presented here indicate, the German mixed electoral system leads to role consolidation rather than to role differentiation (Shugart, 2001; Shugart & Wattenberg, 2001a).

### Note on Author

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### Notes

1. All translations are by the author unless otherwise stated.
2. CDU/CSU ¼ Christian Democrats, SPD ¼ Social Democrats.

3. Stratmann and Baur also compare the committee membership of 'pure' list and direct representatives, but only for the current legislative period. For the period under study, the number of observations is so small that the authors have to pool party and district committees (2002, p. 511).
4. This is because the status of 'no candidature' is derived from the status 'no mandate' (even without the information about whether a representative ran or not). Not until the data set is expanded to include information on candidatures – as is currently being done – will it be possible to ascertain whether certain people did not run for office and are therefore not seated in the *Bundestag* or whether they ran but were not elected.
5. With respect to committee assignment, Werner Patzelt (1999) provides a very concise description of the process: 'Committee seats are allocated among parliamentary parties according to the percentage of seats held in the parliament. Thus, all committees are to some degree politically representative "samples" of the plenary. But in no sense are they "random" samples. Rather, committee seats are sought and filled according to the individual MP's personal preferences and skills. At the beginning of a legislative session, members are asked by the management of their parliamentary parties, the whips, to apply for committee seats of their choice, or at least to declare their preferences. Then the whips transform these applications or preferences into an overall proposal for the assignment of members to committee seats. This proposal requires at least informal, sometimes even formal, consent by the plenary of the parliamentary party. Sometimes there are contested committee seats; then intra-party negotiations and compensations are required. But the parliamentary party's management usually succeeds in evolving a politically satisfactory list' (Patzelt, 1999, pp. 29 – 30). For the process of committee assignment, see also Ismayr (2000).
6. The Stratmann–Baur study (2002) features 1600 observations for three legislative periods, while this study covers the total of 3581 members of the *Bundestag* for 17 legislative periods. My unit of analysis, however, is not 'membership episode', but the single MP.
7. Labelled 'Traffic Committee' in Stratmann and Baur (2002).
8. 'In German politics, the farm population tends to support the CDU/CSU overwhelmingly, and this party has a reputation of working for farm interest. Thus we predict that CDU/CSU FPTP members, as opposed to SPD FPTP members, are on the Agriculture Committee. SPD FPTP members are elected primarily from urban areas, and they cannot dispense special benefits to urban areas if they are on the Agriculture Committee. Thus, we predict that FPTP SPD members will avoid membership on the Agriculture Committee' (Stratmann & Baur, 2002, p. 508).
9. The period under investigation is restricted to 2002, since district numbering changed only then when the new German states were integrated into the old system of district numbers.
10. See [http://www.bundeswahlleiter.de/de/bundestagswahlen/BTW\\_BUND\\_09/strukturdaten/](http://www.bundeswahlleiter.de/de/bundestagswahlen/BTW_BUND_09/strukturdaten/) and [http://www.bundeswahlleiter.de/de/bundestagswahlen/BTW\\_BUND\\_05/strukturdaten/](http://www.bundeswahlleiter.de/de/bundestagswahlen/BTW_BUND_05/strukturdaten/)
11. These are districts like Herzogtum Lauenburg – Stormarn-Süd, Unterems, Delmenhorst – Wesermarsch – Oldenburg-Land, Prignitz – Ostprignitz-Ruppin – Havelland I, Märkisch-Oderland – Barnim II, Potsdam – Potsdam-Mittelmark II – Teltow-Fläming II, Börde – Jerichower Land, Lippe I, Olpe – Märkischer Kreis I etc.

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