



Feeling Political in Parliament: Rules, Regulations, and the Rostrum, Germany 1849–1951

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Berlin, 18 November 2020: right-wing activists, cameras in hand, accosted German parliamentarians in the hallways of the Reichstag. They had entered the building as guests of the far-right Alternative for Germany (AfD) faction, the largest opposition party in parliament). The activists' behaviour fits into the AfD's strategy of calculated provocation. In an interview following the incident, Britta Haßelmann, chief whip of the Green Party, described how 'hate and abrasiveness' had increased ever since the AfD had entered parliament in 2017. She expressed her unwillingness to accept the 'hate and defamation' and the 'laughter from the rows of the [AfD's] delegates, when women get up to the rostrum'.¹ Haßelmann spoke not only as a representative of the Green Party, but also as a member of the Council of Elders and the Committee for the Scrutiny of Elections, Immunity, and the Rules of Procedure. These two long-standing institutions of German parliamentary self-governance are explicitly designed to deal with infractions of parliamentary protocol. Within this remit, the Council of Elders launched an investigation into the incident on 18 November.²

¹ Pfeifer, 'AfD im Bundestag'.

² *Ibid.*; Thureau, 'Wie sicher'.

Several aspects of this incident are noteworthy and instructive. First, the German parliament, like other parliaments, has its own institutions to regulate the behaviour of its members. Second, this behaviour includes appropriate emotional displays, which have to follow an established and accepted template. According to Haßelmann, this template in 2020 entailed neither ‘hate and abrasiveness’ nor misogynist ‘laughter’—the qualifier misogynist is important here, as laughter itself has a long history in parliamentary politics.³ Third, breaking with the template can be a calculated political strategy. Fourth and last, this strategy can be directed not only towards fellow members of parliament but also to an external audience. Parliamentarians rarely address only their colleagues. Their speeches and behaviour are influenced, and regulated, with an eye to the wider public: the electorate.

This chapter focuses on four moments in German parliamentary history in which parliamentarians debated the regulation of speech and behaviour and established an emotional template for it: the first German national parliament, the National Assembly of 1848, the founding of the North German parliament in 1867, the reformulation of procedural rules at the beginning of the Weimar Republic in 1921–1922, and their further revision upon the founding of the Federal Republic of Germany between 1949 and 1951. The overall parameters proved surprisingly enduring. The opening example refers to delimitations of acceptable and unacceptable behaviour that were discussed in these moments of emergence. They speak to the inherent logic of the institution of parliament: enabling the ‘orderly conduct’ of politics and guaranteeing the ‘dignity’ of the chamber, yet allowing, and channeling, spontaneous expression of emotions such as (specific kinds of) laughter, cheering, angry interjections, and the noise produced by, and used for, objections and ultimately unrest. That these were spontaneous rather than strategic expressions frequently delineated the acceptable from the unacceptable. Though much like in the larger debate on the authenticity of emotions, into which category these expressions fell often, remained elusive. Emotional expressions could be directed at the speaker or at the public in or beyond the room. Depending on the situation, this conduct was met with various sanctions, as it challenged the order or the dignity of parliament in different ways. The template navigated between emotions and rules, negotiated their tensions, and made them, and thus parliament, work together.

The example above not only demonstrates the staying power of the template but also the ferocity of attacks on it. Haßelmann’s own party, the

³Olschewski, ‘Verschriftung’, 348; Mergel, *Parlamentarische Kultur*, 306; for a non-German context see, for example, Meisel, ‘Humour and Insult’.

Greens, had themselves been viewed as a threat to the existing emotional regime upon their entry into the Bundestag in 1983. Yet as opposed to the AfD thirty-four years later, the Greens' symbolic acts, which sometimes involved and sometimes provoked emotions—knitting in parliament, casual dress, bringing in objects such as a dead laurel wreath to make a point, unfurling banners in the plenary chamber—while intentional, did not have as their goal the delegitimization of parliament, but its reformation.⁴ The Greens' actions were not limited to the symbolic level, but were combined with considerable legislative activity and ample use of the interpellation rights given to opposition parties and of the 'question hour', imbuing it again with some of the spontaneity of debate that its drafters had hoped for.⁵ The AfD instead has mostly restricted its parliamentary activities to causing disruption and has demonstrated little investment in parliamentary work. In German parliamentary history, the Greens represent a reformist strand of procedural challengers, who have generally accepted the emotional template of the parliament, despite some reservations (together with the Social Democrats, SPD, and the Post-Socialists/Left, PDS/Linke). The AfD, in contrast, is part of an obstructionist lineage (together with the German Communist Party, KPD). The chapter will attempt to explain the reasons for each strategy and their success and thus the relative strength of the emotional template of parliament over the course of German parliamentary history.

The chapter concentrates on those parliaments in which debate influenced legislative outcomes. For that reason, the People's Chamber of the German Democratic Republic, even if it did develop its own emotional template, is not included in the discussion because its deliberations had little bearing on the policy making of the East German state. The chapter begins with a brief discussion of the rules established for the German National Assembly of 1848/1849. It then delves into the rules of the parliament of the North German Confederation of 1867. These remained in force and mostly unchanged for the German Empire of 1871. A moment of conflict over emotional comportment and disciplinary measures in 1895 tells us much about their strength and evolution. The Weimar Republic established in the wake of the First World War had to adapt these rules to the changed circumstances of a fully democratic regime, while operating amid an atmosphere of defeat and revolution. Here the debates

⁴ Frankland, 'Role of the Greens', 109.

⁵ *Ibid.*, 111–12.

of 1921 and 1922 about the limits of legitimate expression and their challenges are particularly insightful. Lastly, the debates between 1949 and 1951 describe the reestablishment of an emotional template for parliament following twelve years of dictatorial rule and a purely acclamatory Reichstag.

The evolution of German parliamentary history did not occur in isolation but was and is bound up with the wider history of participatory politics. From the very beginning, parliamentarians and observers alike compared the comportment in parliament to other countries. In his 1848 ‘sketches’ from Frankfurt’s National Assembly, Friedrich Hart, who attended the sessions as a visitor, registered his outrage over the chamber’s president, Heinrich von Gagern, by comparing his behaviour with what was considered permissible in other countries. According to Hart, Gagern had lost his temper and abused his office for an unjustified call to order. ‘Never did such a case occur in the English parliament, in the Congress of the United States.’⁶ Moreover, Gagern had violated both the emotional template of his office as president and the emotional template of bourgeois virtue: his calm had been artificial—beneath it, a volcano was ready to erupt.⁷

Germany appears to be a particularly promising test case for an inquiry into the evolution of parliamentary procedures and their emotional templates over the nineteenth and twentieth centuries.⁸ The country’s constitutions, parliamentary regulations, and parliamentary locations changed multiple times, but not necessarily all at once. This makes it possible to compare the connection between regulations, spaces, and emotions without, at least too easily, mistaking correlation for causation.

A UNITED GERMANY: SETTING A TEMPLATE

In 1848, the first democratically elected German parliament convened in Frankfurt amid the revolutionary wave rolling through Europe at the time.⁹ The freshly minted parliamentarians immediately had to realize that in addition to the lofty ideals of free parliamentary debate, such debate in

⁶ Hart, *Tag in der Paulskirche*, 14; unless otherwise noted, all translations are my own.

⁷ *Ibid.*

⁸ On the importance of procedures for parliamentary politics, see also Manow, *Nebensächlichkeiten*, 217.

⁹ See also Chap. 2 by Francesco Buscemi and Chap. 12 by Ute Frevert in this volume.

fact needed rules. The very discussion of provisional procedural rules for the National Assembly had caused veritable turmoil.¹⁰ A brief excerpt from that debate will suffice to demonstrate how the regulation of speech and emotions was intertwined with the working of parliament:

Wesendonck of Düsseldorf: Gentlemen! I am the mover of this motion and thus entitled to formulate my motion. I am thus submitting the motion that we provisionally use the regulations for the procedures of our assembly that have been shared with you in printing until our commission has drafted a new one.

Multiple voices: Yes! others No!

Arndt: One moment, gentlemen! (Call to vote!) Just one word! (Repeated calls to vote and racket!) The president is vehemently sounding the bell.

Dietsch: Gentlemen! I demand that we keep the order!

(Multiple agitated voices; the ruckus grows ever stronger.)

[...]

Schaffrath (from the rostrum in loud noise): About the motion ... (Noise and shouts: Vote!) About the motion! The president gave me the word ... (continued noise and the call: Leave [the rostrum]!) About the motion the word has to be given to me ... (The racket and shouting are increasing ever more.) This is a demonstration of power, but never justice! (multiple voices: Stay on the rostrum! Other voices: Vote! General disorder and confusion.)

One voice: One cannot further speak about this.

Another voice: I ask you, to let the gentleman leave the rostrum. (Continued great noise!)

Chairman by seniority [*Alterspräsident*] Lang (after he had sounded the bell to signal quiet for several minutes without avail): We have the motion of the Baron von Reden, with the aim ... (The tumult starts again, interrupting the president).

Wigard: Respect for the voice of the president. Where is this going to go if you do not want to listen to the president anymore!

Multiple voices: Respect for the president! (The tumult continues.)

Wigard: This is a scandal, this is terrorism! Respect for the president! (The storm gradually abates).¹¹

That a set of procedures was ultimately accepted, though not without further interruptions, is of course relevant to the chapter's narrative, but right now the scene is important for other reasons: first, because the emotional quality of debate is apparent. Making noise and shouting were signs,

¹⁰ Burkhardt, *Parlament*, 24.

¹¹ 'Erste vorberathende Versammlung', 7–8.

real or interpreted, of disrespect, frustration, and anger. The terrorism invoked by the head of the stenographic service of the assembly was the terror of the French Revolution and conjured a spectre not only of disorder but also of emotions gone wild.¹²

Second, the stenographic report deemed not only the content but also the atmosphere important for the parliamentary record. Franz Wigard here lets us get closer to his and his fellow parliamentarians' emotions than later stenographic reports would. The terms to denote non-verbal expression had not yet become standardized: 'ruckus', 'racket', 'noise', 'tumult' would soon be reduced to 'unrest' and 'noise' and qualified by a list of adjectives. This points to the way that emotional expressions became codified when they were translated into words for the purposes of the protocol. Journalists reported from parliament with greater literary flourish and variety in their description of parliamentarians' feelings.¹³ In turn, parliamentarians deliberately used newspapers to connect with the wider public.¹⁴ These 'speeches out the window', rather than to their colleagues, increasingly became a point of contention.¹⁵ Newspaper reports from parliament thus might be richer in their, sometimes partial, description of feelings.¹⁶ Yet the official protocols can be better used for tracking how emotions were regulated through procedures such as rights to speak, the use of the bell, or expulsions.¹⁷

Third, the example demonstrates the extent to which noise, and with it acoustics, shaped parliamentary debates. Neither the authority of the voice of the National Assembly's president by seniority, Friedrich Lang—even if Lang somewhat petulantly declared that 'there must be some acoustic problem, which limits the understanding; I speak very loudly and assure you, gentlemen, that my speech has been understood by thousands'¹⁸—nor that of his office's bell had been established yet.¹⁹ In order to regulate

¹² Burkhardt, *Parlament*, 25n16.

¹³ Biefang, *Andere Seite*, 78–79, 86–87.

¹⁴ *Ibid.*, 85.

¹⁵ The accusation of speaking 'out the window' to attract voters became frequent from 1883 onward. But already in 1870, the Socialist Wilhelm Liebknecht had declared that the Reichstag should merely be used as a stage to address the people; Biefang, *Andere Seite*, 215.

¹⁶ *Ibid.*, 86.

¹⁷ On the history of parliamentary stenography in Europe, see Manow, *King's Shadow*, 59; Olschewski, 'Verschriftung', 336–53.

¹⁸ 'Erste vorberethende Versammlung', 8.

¹⁹ See also Zähl, 'Klingel oder Gong?', esp. 873.

who could be noisy when, regulations of speech, from the seat or the rostrum, and of architecture became important features of parliament. The ability to speak from one's seat might inspire spontaneity and free discussion. It also provided the opportunity for angry interruptions, heckling, or 'unregulated' emotions. If one first had to walk to the rostrum, the time it took to actually get there might allow heads to cool and result in a more deliberate mode of speaking. In addition, the spatial arrangement and the position of the speaker vis-à-vis members of parliament and government mattered for constitutional arrangements and the emotional community of which the speaker was part. Was he, and later she, addressing colleagues or the government from within the ranks of parliament, or facing the parliamentarians?

The experience of 1848, and from regional and state parliaments, created widespread agreement among the newly elected members of the North German parliament in 1867 that rules of procedure to regulate speech would be necessary.²⁰ The preponderance of members of the Prussian House of Representatives among the members of the North German Reichstag meant that the Prussian rules would form the basis for a provisional order.²¹ The parliamentarians decided that, in the interest of swiftness, the rules should be adopted en bloc. One paragraph sparked a lengthy discussion, however. Paragraph 41 of the Prussian House of Representatives' rules of procedures specified how and, importantly, from where representatives were allowed to speak. In its original formulation, the paragraph stated that members of parliament could address the house both from their seats and from the rostrum. The Prussian Chamber of Lords in Berlin, where the North German Confederation convened, did not have a rostrum. Since the rules of procedure were only meant to be provisional, debating the issue seemed perfunctory. The National Liberal deputy Graf von Schwerin-Putzar, whose motion for adopting the provisional rules formed the basis for the discussion, had proposed to eliminate the reference to the (absent) rostrum altogether.²²

The responses of other parliamentarians, however, demonstrated that they hardly considered the issue irrelevant. Speaking, after all, constituted the core of the chamber's activities and established the parliamentarians' identity. It touched on their and the Reichstag's self-understanding.

²⁰ Mergel, *Parlamentarische Kultur*, 157.

²¹ *StNB 1867/70.1* (25 February 1867), 4.

²² *Ibid.*, 2.

Decency and decorum demanded that a speaker address the president. In the absence of a rostrum this meant speaking with the back to the chamber. As Georg von Vincke pointed out—to the applause of his fellow representatives—this would result in the majority of them being unable to follow the debate.²³ One wonders how the Prussian Chamber of Lords, which at 230 delegates had roughly the same number of members as the parliament of the North German Confederation, dealt with this issue or if the different nature of the chamber's proceedings rendered the question of debate and thus, acoustics, less relevant. If that was the case, it would provide an additional indicator of the specific importance of debate for an elected institution such as the Reichstag.

Von Vincke's intervention was greeted with immediate applause and support from the benches behind him. The next two speakers confirmed that they had not been able to understand anything of the previous speech. If the issue had been solely about acoustics, the fact that the majority was literally behind von Vincke's plea to permit speaking from the rostrum should have quickly ended the debate. But even von Vincke himself admitted that there was more to the matter. Under different circumstances, he conceded, speaking from the seat was actually preferable as it would 'facilitate and shorten' the debate.²⁴ And on this principled point, Ludwig Windthorst, later head of the Catholic Centre Party's faction in the Reichstag, opposed the erection of a rostrum as 'it would provide the debates of our house with an entirely different character'.²⁵ Windthorst did not elaborate on that different character and failed to win over the majority with his principled stance. Two days later, on 27 February 1867, the chamber had gained a rostrum.²⁶

The question of seat versus rostrum clearly animated the delegates. Interestingly, and as opposed to 1848, the new members of the North German parliament were less concerned about dealing with those among them who overstepped the bounds of acceptable behaviour. Except for two brief moments of 'unrest' that the stenographic protocols reported, the opening sessions of the Reichstag did not feature any of the turmoil seen in Frankfurt. As a result, the disciplinary rules of the Prussian

²³ *Ibid.*, 4.

²⁴ *Ibid.*, 4.

²⁵ *Ibid.*, 9.

²⁶ See president calling the speaker to the rostrum, *StNB 1867/70.1* (27 February 1867), 22.

chamber were adopted unchanged and without discussion. The president of the parliament had the right to call to order a member who disrupted the order. The rules did not include the right to expel a member from the chamber. If a speaker had to be called to order three times, the assembly could deny him the right to speak. And if the unrest in general became excessive, the president could interrupt the proceedings for an hour. If the president failed to make himself heard in such cases, he would cover his head to indicate the interruption.²⁷

These relatively weak disciplinary measures demonstrated a general agreement about acceptable behaviour, and the extent to which departures from 'rational debate' through expressions of individual or collective emotions were permissible. This agreement may have been helped by the relative sociodemographic homogeneity of the Reichstag's members over the first two decades of its existence. While roughly reflecting the religious make-up of the North German Confederation, and from 1870 the Empire, as well as representing national minorities like Poles and Danes, the professional and educational background of parliamentarians was quite uniform: the vast majority shared an academic background (80 per cent in the first decade of its existence) and over half were lawyers.²⁸ Some informal measures that might not be considered appropriate decorum for a parliament were sanctioned in practice however. In fact, members of parliament heckled speakers or created unrest in order to provoke a desired behaviour in them. Those, for example, who continued to speak from their seat even after the construction of a rostrum were continuously heckled by their colleagues with calls of 'on to the rostrum' and 'louder'.²⁹ Throughout the first session of the Reichstag in the spring of 1867, complaints about the inability to hear the speaker were among the most frequent reasons for 'unrest' in the plenum. The 'unrest' only compounded the challenging acoustics of the chamber. The acoustics of the space then also undermined principled opposition, such as that of Windthorst, who opined on the detrimental effect of not speaking from one's seat surrounded by fellow delegates rather than removed from them on the rostrum. With better acoustics the latter practice may have created a stronger challenge to the

²⁷ See 'Provisorische Geschäfts-Ordnung für das Deutsche Zollparlament', §§ 41, 59, 60. The same rules remained in the procedural orders the German Reichstag adopted in 1871; see 'Geschäftsordnung für den Reichstag des Deutschen Reiches', §§ 43, 57, 58.

²⁸ Biefang, *Andere Seite*, 164–65.

²⁹ *StNB 1867/70.1* (11 March 1867), 128.

idea of the rostrum as the site of legitimate intervention in parliamentary proceedings.

This practice of speaking from the rostrum created a different spatial experience and, together with the rules of non-interruption, influenced the emotional template that emerged regarding the relationship between the speaker and the audience. He, and later she, had to face fellow representatives. Any verbal interruption was not to be sanctioned by the procedural rules. Depending on aptitude and rhetorical prowess, speakers would more or less eloquently respond to such interruptions and did not leave it to the president of the chamber to sanction bad behaviour. When speech, either from the rostrum or directed towards it, did cross the boundaries of acceptability—often delineated by the dignity of the house or the dignity of its members—a call to order could be deployed by the Reichstag’s president.³⁰ These boundaries were mostly tested, or perceived to be tested, by members belonging to the minority, either in terms of political ideology or nationality: by Socialists or Polish nationalists. Their challenges were, at least in part, tactical in nature, as parliamentarians from these groups were otherwise not included in, and had no influence over, legislative debates.³¹ The perception of their behaviour as out of bounds was in turn particularly guided by the deep animosity felt by the non-Socialist parties towards the Socialists.³²

The first retroactive threat of call to order occurred on 16 April 1867 in the thirty-fourth session. The Polish-Prussian delegate Kasimir Kantak had spoken against the ‘act of violence’ that the incorporation of the Polish-Prussian provinces into the North German Confederation represented. Amid ‘[g]eneral great unrest. Lively opposition’ Kantak announced that he would resign from his mandate. In response, Eduard von Simson, the National Liberal president of the Reichstag who had held the same office in the parliament of 1848, declared that with this announcement Kantak had pre-empted his call to order, which ‘without fail would have hit [Kantak] for his act of branding a decision of this High House as an “act of violence”’. Simson’s indignant response was met with ‘lively approval all around’.³³ Questioning the virtue and honour of the Reichstag

³⁰ ‘Geschäfts-Ordnung für den Reichstag des Norddeutschen Bundes’, 5 (§§ 58–59). On the notion of dignity in a non-German context, see Meisel, ‘Humour and Insult’, 231.

³¹ See Biefang, *Andere Seite*, 215, 221.

³² *Ibid.*, 221.

³³ *StNB 1867/70.1* (16 April 1867), 730.

or its members aroused the indignation of the majority in this instance and at other moments; such comments were perceived as an attack on the dignity of the house. Another example occurred in May 1870 during the discussion of a new criminal code, when the Socialist leader Wilhelm Liebknecht declared that ‘the Reichstag admittedly does not have much respect to lose anymore in the eyes of the nation’.³⁴ In response, and amid great noise, Simson called Liebknecht to order for questioning the honour, and thus running afoul of the order, of the parliament.³⁵ In November 1871, the Socialist August Bebel even lost his right to speak for calling the constitution only ‘seemingly so’ and thus again questioning the integrity of the house in the eyes of the majority.³⁶ However, this would be the only time the measure was used in the Imperial Reichstag.

In contrast to real or alleged verbal slander, laughter emerged as an acceptable form of support or dissent. Building on established distinctions between different kinds of laughter, parliament developed an emotional template for expressing non-verbal sympathy and dislike.³⁷ The stenographic protocols recorded ‘*Heiterkeit*’ or merriment as ‘laughing with’ and ‘*Lachen*’ or laughter as ‘laughing at’.³⁸ Whether the laughter actually differed is hard to say, but the stenographic reports suggest that each of these expressions had a distinct emotional valence: merriment created emotional bonds spanning the entire chamber, while laughter united political factions in their opposition to the speaker. Skilled speakers could use humour to deliver insults in ways parliamentary decorum would otherwise prohibit.³⁹ In addition to templating the behaviour of parliamentarians, humour also templated the conduct of the chamber’s president. Its effective use to diffuse strife became a recognized hallmark of authority.⁴⁰

Stenographers had to interpret representatives’ expressed emotions based on context. Considering the practice of parliamentarians checking the protocol before its release, the coding of their expressions in print gave representatives the opportunity to see if their intentions had been

³⁴ *StNB 1867/70.11* (21 May 1870), 1095: ‘Der Reichstag hat freilich in der Achtung der Nation nicht viel zu verlieren’.

³⁵ *Ibid.*

³⁶ Biefang, *Andere Seite*, 221.

³⁷ Cheauré and Nohejl, introduction, 9; see also Lessing, *Hamburgische Dramaturgie*, 217–32 (essay 28 and 29), first published 1767.

³⁸ Olschewski, ‘Verschriftung’, 348; Mergel, *Parlamentarische Kultur*, 306.

³⁹ Mergel, *Parlamentarische Kultur*, 308–9; see also Meisel, ‘Humour and Insult’, 229.

⁴⁰ Mergel, *Parlamentarische Kultur*, 172.

adequately communicated: ideally they had expressed their laughter in such a way that it followed the emotional template understood by the stenographers too, and had accordingly been transcribed as ‘laughter’ or ‘merriment’.

The tenth session of the North German Reichstag was the first that recorded laughter and merriment, and the first that seemed to move towards the templating of these emotional expressions by the stenographers. The first speech of that session, by the Conservative parliamentarian Hans Köster in favour of the draft of the federation’s constitution, elicited ‘scattered laughter on the left’ with its references to piety as a precondition for good statesmen.⁴¹ Note here the spatial allocation of the laughter on the left of the chamber, where the left-leaning politicians sat. In the response by Left-Liberal representative Alfred Groote against the proposed prerogatives of the government and thus Bismarck, his more nimble rhetoric and use of emotions in contrast resulted in a record by the stenographers that noted merriment without a specific spatial allocation, but also—and occasionally at the same time—unrest:

Groote: ‘Of other members of Nationalverein I have always heard the claim that, despite their serious and heavy efforts, they did not succeed in eliciting in the south of Germany the nicest sympathies for the creation of German unity, and precisely for this creation under Prussian leadership. But why their efforts failed then was the fault of the Prussian government that did not assist them. And indeed, gentlemen, that was the case. If this daring statesman, who has just taken his seat there

(seeing now the president of the federation’s commissaries, Count Bismarck)

Or to my great delight is still sitting there

(considerable and continued merriment)

If this daring statesman, I say, had been better at winning the sympathies of the south of the German people for himself, and if he then would have revealed the daring plan that he revealed only before the Austrian war—I am convinced he would have succeeded, without this war against our fraternal tribes, to win over all of Germany and render the Austrian government powerless.’⁴²

Dripping with irony, Groote’s speech managed nonetheless to unite the entire house with its humour. When, however, he unironically criticized Bismarck, the noise directed at him was sufficient to interrupt his speech.

⁴¹ *StNB 1867/70.1* (11 March 1867), 124.

⁴² *Ibid.*, 132.

In response, Groote declared either he would have the quiet attention of his fellow parliamentarians or he would stop speaking, though he required the authority of the president to back him up. Soon after, a ‘great unrest’ erupted again, requiring once more the president’s bell to re-establish order.⁴³ Once Groote began speaking more humorously about Bismarck’s yet-to-be-written biography, his fellow parliamentarians responded with such merriment that some asked Groote to speak louder and the president had to ask for quiet.⁴⁴ Throughout Grote’s speech, the reports noted unrest and merriment simultaneously, causing the president to intervene on multiple occasions and finally to admonish the members of parliament after a verbal interjection from the benches that ‘no one has the right to contradict [the speaker] except from the rostrum’⁴⁵—a reminder to the delegates of another regulation regarding the expression of parliamentary emotions.

If laughing and merriment had been novel protocollary remarks, by the twentieth session laughing had become fully established as one way to show disagreement without running afoul of the procedural rules of debate. Protocol conventions were aligned with the perceptions of the speaker when the Progressive Liberal Benedikt Waldeck responded to ‘laughter, on the right’ with ‘Gentlemen, you can laugh about this! I will, if you want, explain this to you further’.⁴⁶

The above example of Kasimir Kantak, however, demonstrates the limits of the emotional template in parliament: ultimately it could only structure the behaviour of those willing to be included (and in turn deemed acceptable by the majority). In the Empire, Polish and Socialist members of parliament to varying degrees opposed the constitutional order. They were more frequently the recipients of calls to order. Yet over time, the Social Democrats in particular adopted the patterns of expected behaviour. Growing success at the ballot box, as well as the apparent durability of the constitutional order, convinced the Social Democrats that their chances of gaining power were greater if they used its levers rather than obstructed them.⁴⁷ The non-Socialist parties did not always respond in kind to these more programmatic advances and in turn disrupted the

⁴³ *StNB 1867/70.1* (11 March 1867), 133.

⁴⁴ *Ibid.*, 134.

⁴⁵ *Ibid.*, 135.

⁴⁶ *StNB 1867/70.1* (27 March 1867), 389.

⁴⁷ Biefang, *Andere Seite*, 218.

Social Democrats' speeches by making noise or laughing.⁴⁸ The one notable and consistent failure to conform to parliament's emotional template on the part of the Social Democrats involved their refusal to stand during the semi-annual Hail to the Emperor. Yet even here, rather than openly showing defiance in the chamber, Social Democratic representatives increasingly left the chamber in advance of the rite.

The place of Social Democrats within the body politic animated the discussion of procedural order on two more occasions during the Empire. In the aftermath of an assassination attempt on the German Emperor Wilhelm I in May 1878, and in the context of the so-called Socialist laws, the Reichstag once more debated the limits of acceptable behaviour and emotions within its chambers following the Socialist Wilhelm Liebknecht's refusal to stand for the Emperor. On the heels of the anti-Socialist laws, the German government introduced legislation to sharpen the disciplinary powers over the members of parliament in the spring of 1879, including the right to expel parliamentarians from the chamber. In his support for the legislation, the conservative delegate Hans Hugo von Kleist-Retzow accused the leader of the Socialists in parliament in general and Liebknecht in particular of having undermined the Reichstag's 'productive and peaceful development of [...] debates'.⁴⁹

While the Reichstag's majority rejected the law, this should not be seen as an expression of support for the content or even the emotions expressed by Liebknecht and the Social Democrats. The majority defended the autonomy of the parliament and its right to free speech from interference by the imperial government and judiciary, but immediately instructed the chamber's president to revise the procedural laws to enable the expulsion of a member of parliament for disrespectful behaviour.⁵⁰ The way the Reichstag president, National Liberal Max von Forckenbeck, handled Liebknecht's attempt to defend his actions in a subsequent session ten days later further demonstrated the majority's opposition to the behaviour of the Social Democrats because it did not fit the desired template. Liebknecht explained that his refusal to stand had not been a personal attack on the Emperor but merely an expression of the party's general policy. During his explanation, Forckenbeck issued two calls to order against Liebknecht and eventually instructed him to leave the rostrum,

⁴⁸ *Ibid.*, 222.

⁴⁹ Cited in Fischer, 'Majestätsbeleidigung', 577.

⁵⁰ *StBR 1879.2* (7 March 1879), 310, 326.

though not before stating that ‘staying seated during the hail, which was extended here to our revered emperor, indeed hurts the monarchical feelings of the Reichstag, of the entire people, in such a severe fashion that cannot be imagined in any more severe way’.⁵¹ The statement garnered ‘lively shouts of bravo’. Once more, the feelings—and with them, the dignity—of the parliamentarians were conflated with those of the nation. Despite the insistence on the procedural autonomy of the Reichstag from the Imperial government, the majority in this instance saw no distinction between the dignity of the two bodies.

The debate repeated itself following the opening of the Reichstag’s new building in 1894, when the Emperor was present and the chamber rose to hail him. The Social Democrats remained seated and an emotional outcry ensued, with shouts of ‘Shame on you’ from the right as well as from Social Democrats. And once more, the president of the chamber, by then the Conservative Albert von Levetzow, accused the Social Democrats of ‘insulting the feelings of the members of the Reichstag’ and expressed regret that he did not have the power to prohibit and punish such behaviour.⁵² In 1879, the parliament had not passed a proposal to strengthen the disciplinary powers of the president after all. Yet by the 1890s, the political climate had shifted: once the anti-Socialist laws had lapsed in 1888, over the two subsequent Reichstag elections the Social Democrats had emerged as the largest party by votes, if not by seats. As a result, the conservative majority in the Reichstag grew more concerned about the Socialists’ influence in parliament and proved more willing than in 1879 to support a government initiative to sanction their behaviour.

First, in December 1894, the Reichstag debated Liebknecht’s conduct and a request by the German government to lift his immunity in order to prosecute him for *lèse-majesté*. All factions but the Social Democrats agreed that feelings were at stake. What should follow from this was less clear, however. The delegate of the Catholic Centre Party, Hermann Roeren, rejected any measure of force: hailing the Emperor was an act of loyalty and thus had to be an expression of ‘voluntary, of monarchical feeling’ and not a forced act.⁵³ Nonetheless, Roeren co-sponsored a motion to allow the president of the Reichstag to expel a member from the chamber, since further measures to maintain the order of the house needed to

⁵¹ See for context and quote Fischer, ‘Majestätsbeleidigung’, 578.

⁵² *Ibid.*, 579.

⁵³ *Ibid.*, 581–82.

be taken.⁵⁴ August Bebel for the Social Democrats condemned the entire debate. The conduct of the Social Democrats had not changed. For years members had remained seated or left the chambers during the hail to the Emperor and no one had considered this an attack on the dignity of the house. That the majority were now attacking a representative who had only followed his own inner convictions, ‘*whose honest expression can be expected as natural for every honest man*’, with shouts of ‘pfui’ and ‘out’ constituted the real damage to the dignity of the house.⁵⁵ Bebel’s defence netted him his own call to order for ‘insulting the nation’.⁵⁶

The Reichstag declined to strip Liebknecht of his immunity and thus rejected the government’s interference in its own affairs. But it took up the stricter disciplinary rules once more in February the following year.⁵⁷ Here too, Bebel spoke last and disputed the necessity of the change, since the strongest mechanism of the procedural order—to stop someone from speaking—had only been used once, incidentally against himself, almost twenty-five years prior. Moreover, contrary to the assertions of those in favour of the motion, the level of debate and decorum in the Reichstag had not deteriorated over time. Citing the protocol of a debate in the Prussian parliament of 1866, Bebel sought to demonstrate that the rhetoric and attacks against the government back then had been much harsher. Offering additional examples of insults hurled in the Belgian chamber, Bebel proclaimed that ‘in no parliament of the world the discussions on average are conducted so calmly and rationally—and that also means: respectably—as in this house’. According to him, this partly resulted from the fact that freedom of speech in the Reichstag was already constrained more than in any other parliament.⁵⁸ Even though the historical quotes Bebel cited elicited the considerable amusement of his colleagues, a majority of them voted in favour of allowing the expulsion of a member in cases of ‘willful disruption of order’, against the objection of the Social Democrats, the Polish parties, some members of the Centre Party, and the two left-liberal parties.⁵⁹

Bebel had been correct in questioning the necessity of these expanded powers. Neither the behaviour of parliamentarians nor the sanctioning of

⁵⁴ *Ibid.*, 582, 585.

⁵⁵ *StBR 1894/95.1* (15 December 1894), 164, emphasis in original.

⁵⁶ *Ibid.*, 167.

⁵⁷ See Fischer, ‘Majestätsbeleidigung’, 586–87.

⁵⁸ *StBR 1894/95.2* (16 February 1895), 943–44.

⁵⁹ See Fischer, ‘Majestätsbeleidigung’, 586–87.

it changed significantly thereafter. The Social Democrats continued to sit or be absent during the hail to the Emperor without further sanction.⁶⁰ The debates over the ‘hail’ demonstrate the limits of, and tensions between, procedural rules and emotional templates. At times of political re-orientation, such as the turmoil in the aftermath of the assassination attempt of 1878, or the shift to the right in the wake of Wilhelm II’s greater influence in governmental affairs,⁶¹ emotions from without parliament could also influence and challenge the established procedural norms and emotional templates within. During the Empire these external challenges were ultimately not strong enough to change norms and procedures in the Reichstag, however. The extent to which they had become established across party lines would be demonstrated by the fact that they remained a reference point in the Weimar Republic.

WEIMAR: TEMPLATING DEMOCRACY

Following the revolution of 1918, the old procedural orders for the Reichstag remained in place for the constitutional assembly. But its members agreed that a democratic parliament to which the government was now responsible needed new procedural rules. On 21 January 1921, the Reichstag asked a commission to go about drafting them.⁶² Political and economic turmoil, including the assassination of several republican politicians, disrupted the drafters’ progress. As a result, the revised regulations were not presented to the house until November 1922. There, the three articles that received the most attention related to the regulation of the conduct of members of parliament: the duration of their speeches, the ability of members of the opposition to question the government, and the sanctioning of unruly behaviour. ‘Speaking out the window’ and to the nation rather than to fellow delegates re-emerged as a concern and led to a debate about limiting the maximum time allotted to a speaker. While the Communist parliamentarians, who used the rostrum precisely for such purposes, objected, the more intensive debate arose over the disciplinary powers of the Reichstag president.⁶³ The issue had become a focus of the

⁶⁰ Pollmann, ‘Parlamentarische Kultur’, 109.

⁶¹ See Fischer, ‘Majestätsbeleidigung’, 588.

⁶² *StB 1920/24.3* (21 January 1921), 1968.

⁶³ *StB 1920/24.14* (14 November 1922), 8969–70; on limiting the duration of parliamentary speeches, see also Manow, *Nebensächlichkeiten*, 39–41.

commission and parliamentarians following an incident in the chamber in June 1921. A heated debate led to fisticuffs on the floor of the Reichstag between the Independent Socialists and right-wing Liberals and Nationalists.⁶⁴ This event convinced the members of the commission drafting the new procedural rules to sanction more harshly behaviour that threatened the dignity of the parliament, such as physical violence or questioning the honourable motives of parliamentarians. Some of the language of 1895 returned, though at this point the Social Democrats were on the side of those defending the chamber's dignity against the perceived attacks of the representatives to their left.⁶⁵ Over time, the Socialists had been habituated into the parliament's emotional template. The Social Democrat Paul Löbe, who had become the Reichstag's president in 1920 (since the office was awarded to the largest political faction), emerged as one of its most outspoken defenders.⁶⁶

When the commission overseeing the revision of the procedural rules reported back to the Reichstag, the Communists alluded to the Social Democrats' own parliamentary history in their attack on the proposed disciplinary powers.⁶⁷ In November 1922, the Communist Emil Eichhorn, himself a former Social Democratic member of the Imperial Reichstag, explicitly pointed to the debate of February 1895 surrounding the Social Democrats' refusal to stand for the hail to the Emperor. Like the SPD then, he argued, the KPD now was being attacked by those in power who did not want real democracy to prevail. According to Eichhorn, it was not he and his fellow comrades who threatened the dignity of parliament, but the parliamentary majority willing to introduce such strict measures to regulate acceptable behaviour.⁶⁸ By questioning the very legitimacy of the 'bourgeois parliament', Eichhorn repeated the Social Democrat rhetoric of 1871, not 1895. Though crucially, he went a step further by announcing in the Reichstag itself that a revolutionary spirit would soon obliterate the existing order and create a true democracy.⁶⁹ In response, the other speakers in the debate, from the Social Democrats on the left to the German Nationalists on the right, agreed on the need to regulate speech

⁶⁴ *StB 1920/24.7* (17 June 1921), 3950.

⁶⁵ See Mergel, *Parlamentarische Kultur*, 158–59, though I disagree with his assessment of the 'dignity discourse' as a novelty.

⁶⁶ *Ibid.*, 161.

⁶⁷ *StB 1920/24.14* (14 November 1922), 8978.

⁶⁸ *Ibid.*, 8981–82.

⁶⁹ *Ibid.*, 8982.

more strictly. To them, Eichhorn and the Communists threatened the functioning of parliament and, moreover, its dignity, with their conduct.⁷⁰ Effective parliamentary work—together with the appropriate emotional expression—would maintain or restore, depending on the perspective, the dignity of the parliament. The parties to the right of the KPD agreed on this template of ‘orderly politics’. To them, the KPD’s approach of ‘disruption’ was a sign of the Communists ‘uncontrolled passions’.⁷¹

Even the new, stricter procedural rules could not alone preserve the desired ‘orderly politics’. In order to function, they required an emotional template that negotiated between emotions and regulations, permitting certain kinds of emotional expressions, such as the right type of humour and even the appropriate form of disruption, while excluding others that were meant to undermine the edifice of rules altogether, such as the interjection of the Communist Emil Höllein during Eichhorn’s speech. Höllein declared that the ‘bourgeois parties’ should not think that they would be able to eject him or his comrades from the chambers under the new rules. If they tried, he warned, they ‘would be in for a surprise’.⁷² This statement demonstrated the difference between Höllein and Bebel, who had acknowledged the overall template of the Reichstag and indeed appealed to the rationality of his colleagues. Höllein, in contrast, was objecting not only to the very idea that this Reichstag could set rules, but also declaring his intention to disrupt the emotional template and escalate the passions of the chamber.

The acceptable emotional ebb and flow within these templates could be seen in an exchange between German Nationalists and Social Democrats during the same debate. It started with the German Nationalist delegate Walther Graef calling for stricter sanction mechanisms than the ones proposed in the draft rules. His pun about the diets of parliamentarians was answered with ‘*Heiterkeit*’ and a jocular interjection by the Social Democrats. Graef responded to this with a slightly less humorous and somewhat acerbic comment, departing from the more inclusive spirit of his earlier remark. The Social Democrats in turn reacted with a pun referencing Graef’s desire to establish a parliamentary guard modelled on the Belgian, French, and American parliaments, still balancing on the edge of laughter and merriment. But when Graef took up this interjection to

⁷⁰ *Ibid.*, 8971, 8973, 8976, 8982.

⁷¹ See for the conceptualization of these terms Mergel, *Parlamentarische Kultur*, 163.

⁷² *StB 1920/24.7* (14 November 1922), 8980.

confirm his commitment to such an idea, the Social Democratic side of the chamber erupted in unrest and noise, as the stenographic report notes. Graef continued to argue for his party's proposal as a way to defend the true dignity of the parliament against unruly delegates. With two sides committed to the Reichstag's emotional template, the debate did not spiral out of control. Instead, following another jocular interjection by a Social Democrat about the uniforms such guards might wear, Graef reacted with good humour, and the banter and '*Heiterkeit*' of the debate resumed, even though the difference in point of view remained.⁷³

The new parliamentary procedures that parliament approved in December 1922 did not include a guard. And even the stricter measures did not need to be used frequently at first. With only sixteen members in the 459-seat Reichstag, the Communists lacked the power to make good on their threat. Calls to order were no more frequent than they had been in the last Imperial Reichstag elected in 1912.⁷⁴ Instead, the general agreement on 'orderly politics' and the emotional template necessary for their preservation from the Social Democrats on the left to the German Nationalist People's Party on the right held up—at least inside the Reichstag, though not necessarily outside of it. These orderly politics necessitated a general comportment and emotional display that supported debate even across ideological lines. The Communist delegates in this first legislative period might have challenged the template but they were not strong enough to fundamentally disrupt it. Considering the tumultuous early years of the Weimar Republic, which included two coup attempts, the assassination of leading republican politicians, and hyperinflation, this relative order in parliament is all the more remarkable and speaks to the scaffolding power of the institution and its emotional template. The institutional rather than personal influence is highlighted by the fact that a minority of representatives had experienced the pre-revolutionary Reichstag and only a few had any parliamentary experience at all.⁷⁵ Among the parliamentarians who had served in the Imperial Reichstag, Eichhorn's case of revolutionary fervour overruling established behaviour seems to have been the exception.

The desire to present the parliament as a functioning constitutional organ and thus maintain or gain the respect of the German people,

⁷³ *Ibid.*, 8972–73.

⁷⁴ Mergel, *Parlamentarische Kultur*, 167.

⁷⁵ *Ibid.*, 98–99.

together with the material legacy of the procedural norms, led to the reproduction of a template for the acceptable behaviour of parliamentarians similar to that of the Imperial Reichstag. That template in 1867 had, after all, been created by parliamentarians invested in the success of the parliament. Neither the novel presence of women in parliament nor the markedly different social composition of the Weimar Reichstag as a result of revolution and new electoral laws—with fewer university graduates, more workers, and among the workers especially, a greater number of party functionaries—initially seemed to have much effect.⁷⁶

The elections of 1924, however, saw a strengthening of the radical parties on both the left and the right and especially of the Communists. With the increased presence of a party opposed to the Reichstag as an institution, the consensus came under stress. The Communists' behaviour also differed from that of the Social Democrats during the Empire, who also only obtained sufficient parliamentary might more than two decades into the Reichstag's existence. Compare the conduct and argumentative strategy of Liebknecht and Bebel in 1895 to the dispute between Communist and National Socialist delegates in a session in June 1924.⁷⁷ Rather than over a current parliamentary topic, the confrontation erupted over the murder of Eugene Leviné, the leader of the Munich Council Republic, five years earlier. Communist delegates threw paper balls and newspapers at the National Socialist speaker Christian Roth. In return, ten minutes into the session's interlude and after the Communists had left the chambers in protest, the Volkish delegates interrupted the Social Democratic delegate Kurt Rosenfeld with shouts that 'Jews had no place in the German Reichstag'.⁷⁸ The response of the Reichstag's vice president to the unrest further inflamed the proceedings. Right-Liberal Jakob Riesser failed to censure the Volkish delegates. Instead he turned to Anna Reitler, a female Communist delegate. In a demonstration of gendered ideas about emotional behaviour at the time, Riesser expressed his disappointment with Reitler for not living up to his ideal of feminine conduct. According to the stenographer's report, she had shouted continuously in an excited fashion. Shaming her for her comportment, Riesser reminded Reitler that women were supposed to improve conduct in parliament, presumably by being calmer and more demure than their

⁷⁶ *Ibid.*, 100–3.

⁷⁷ *Ibid.*, 169.

⁷⁸ *Ibid.*

male colleagues.⁷⁹ The general perception of women, who made up between 4 and 8 per cent of parliamentarians during the Weimar Republic, however, was that of the stenographer. Because of their often higher-pitched voices, and drawing on older stereotypes of women as hysteric, female parliamentarians were described by their colleagues and in the press as ‘screaming’ in a sign of their ‘womanly emotional uninhibitedness’.⁸⁰

The fairly minor presence of women in the Reichstag was admittedly not the main cause of the shifting emotional template. Nor was the ineffectual handling of debates by Riesser or by the German National president of the Reichstag at the time, Max Wallraf, primarily to blame for the shift.⁸¹ Even when Paul Löbe returned to wield the speaker’s gavel following the second elections of 1924 (not relinquishing it until 1932), his superior skills could not counter the lack of interest in orderly parliamentary procedure by the Communists and, from 1930, the growing number of National Socialists. Their disruptions were strategic rather than spontaneous and, as a result, were immune to Löbe’s humour, or any habituating effect the emotional template might have had. While the calls to order per parliamentary session from 1924 to 1928 decreased compared to the tumultuous period under Wallraf, they did not fall back to pre-1924 levels. When the Communists and National Socialists together held almost a third of the seats after 1930, calls to order increased more than threefold, to more than six per session on average. Through their behaviour, Communist and National Socialist parliamentarians established a new emotional template that was neither aligned with nor interested in procedural rules or the functioning of the institution. Following the July 1932 elections, theirs became the emotional template of the majority of German parliamentarians, presided over by a National Socialist Reichstag president.

BONN: A POST-TOTALITARIAN TEMPLATE

In June 1951, Paul Löbe gave a speech to the West German Parliamentary Society (*Parlamentarische Gesellschaft*), a club for the informal gathering of parliamentarians across party aisles that had been founded just a few months prior. Löbe, who had become the West German parliament’s president by seniority (*Alterspräsident*) upon the state’s founding in 1949,

⁷⁹ *StB* 1924.1 (24 June 1924), 248.

⁸⁰ See Mergel, *Parlamentarische Kultur*, 105–6.

⁸¹ *Ibid.*, 170.

reflected on the lessons the Bundestag could learn from the experience of the Reichstag. The discussions about procedural rules for the Bundestag formed the backdrop of this speech. While the Federal Republic did not inherit a building and had to think about the spatial arrangements of parliament anew, like the Weimar Republic it could provisionally rely on established procedural rules for running a parliament. As opposed to the former president of the Reichstag, few of the new delegates had served in the Weimar parliament, though a majority had held elected office in the occupied zones between 1945 and 1949.⁸² Löbe described the Weimar procedures in positive terms, yet agreed that they nonetheless needed revision in light of the altered constitutional arrangements. In his wide-ranging comments, Löbe touched on the presence of parliamentarians in plenary debates, his experience with the challenges to order and tolerance by radical parties, and the use of humour rather than sanctions to deal with these challenges, the nature of free versus scripted speech in parliament, as well as the spatial arrangements of the Bundeshaus, the new seat of the West German parliament in Bonn, and its influence on democratic conduct.⁸³

In contrast to the more philosophical nature of Löbe's remarks, or perhaps in recognition of his assessment of the 1922 procedural rules, the changes proposed by the relevant committee and ultimately accepted by parliament in 1951 remained mostly technical in nature. They primarily reflected the strengthened position of the chancellor and the introduction of the so-called constructive vote of non-confidence. Regarding conduct during debates, the rights of small parties were reformulated, and finally a 'question hour' was introduced, inspired by the British model. This new provision was supposed to achieve the same goal as the maximum length of a speech introduced in 1922: sparking real debate and limiting 'speeches out the window'.⁸⁴ The debate about the disciplinary powers of the president of the chamber remained confined to the Social Democrats' unsuccessful demand to include the Council of Elders in the deliberation about the number of days a member of parliament could be barred from the

⁸² Recker, *Parlamentarismus*, 170.

⁸³ Feldkamp, 'Reichstag und Bundestag'.

⁸⁴ Sieberer, 'Lehren aus Weimar?', 13–14.

chamber following his expulsion from a single session. The power to determine the punishment remained with the president alone.⁸⁵

Just as during the Weimar Republic and previously in the Empire, so too in the Federal Republic did the importance of the parliament's president in enforcing the emotional template through the skilful deployment of the office's authority become apparent. The Bundestag's first president, the Christian Democratic Erich Köhler, failed at this task. Well intentioned, and with an impeccable democratic and anti-National Socialist record, he proved nonetheless unable to adequately control the parliamentarians' emotions. Even his own party increasingly criticized him.⁸⁶ The recent German past and the present state of political affairs created frequent moments of friction that needed to be contained. Kurt Schumacher's attack on Konrad Adenauer in November 1949 provides an infamous example. In a debate about the dismantling of German industry by the British, Adenauer accused the Social Democrats of letting the British continue with their plans unabated rather than negotiating their scope. In the unrest that followed, this debate ensued:

(Delegate Dr. Schumacher: That is not true!—Hear! Hear! and countercalls from the parties of government.—Additional excited calls from the SPD and KPD.—Bell of the President.—Delegate Renner [KPD]: Where is this written?—Calls left: Are you still a German?—Are you speaking as German chancellor?—Delegate Dr. Schumacher: The Chancellor of the Allies!)

President Dr. Köhler: Delegate Schumacher,—(Tumultuous protest in the center and on the right. Loud noise and rattling with the desks' covers.—Delegates of the CDU/CSU stand up and are leading heated debates.—Continuous sounding of the bell by the president.—Persistent noise.)

Delegate Dr. Schumacher,—

(Ongoing noise.—Continuous sounding of the bell.—Persistent noise.)

Delegate Dr. Schumacher! For the characterization of the chancellor as 'chancellor of the Allies' I am calling you to order!

(Continued unrest.)

Mr. Chancellor, please proceed!

(Persistent noise.—Delegate Ollenhauer: Mr. Adenauer has provoked him and no one else!—More excited calls and personal disputes.—Bell of the presi-

⁸⁵ *PlenP 01/179*, (6 December 1951), 7427; 'Geschäftsordnung des Deutschen Bundestages', §42.

⁸⁶ Recker, *Parlamentarismus*, 189–91; Feldkamp, 'Erich Köhler', 9.

dent.—Ongoing noise.—Bell of the president.—Delegate Dr. Oellers: I am calling for the Council of Elders to be convened!—Persistent unrest and calls.) I have called the delegate Dr. Schumacher to order!

(Call from the center: That is not enough!—Delegate Dr. Oellers: Mr. President I request the immediate convening of the Council of Elders and ask for a vote! Chancellor leaves the rostrum.—Continued great unrest.—Bell of the President.)

Ladies and Gentlemen,—

(Ongoing noise.—Delegate Strauss: You have to apologize, otherwise we leave the parliament!—Continuous ringing of the president's bell.)

Ladies and Gentleman, I ask you for a moment of quiet so that we can settle this issue! I have the request to interrupt this session and immediately call on the Council of Elders to convene in light of the severity of the description that delegate Dr. Schumacher has used.

(Lively agreement by the parties of government, objection on the left.—Renewed noise.)

I note that the majority is in favour of this interruption. I immediately interrupt the session and convene the Council of Elders.

(Lively shouts of bravo and clapping of hands from the government parties.—Continued unrest on the left.)

Following the interruption, the Social Democratic delegates did not re-enter the chamber, and only the Communists continued their objections to the procedure within. Köhler demanded that Schumacher apologize to Adenauer, and when he refused, Schumacher was excluded from parliamentary sessions for twenty days.⁸⁷ Even on an occasion in which Köhler acted decisively against the Right, he ultimately came into conflict with the Social Democrats. His actions did not produce a calmer atmosphere here either. When he ejected the former National Socialist Wolfgang Hedler from the chamber but not from the parliament building, an altercation resulted between Hedler and two Social Democratic parliamentarians who were in turn suspended.⁸⁸ These early debates exhibited little of the 'power of the better argument' and the praised 'rational debate' that is hailed as a hallmark of Bonn's political culture.⁸⁹ Köhler failed to limit

⁸⁷ *PlenP 01/18* (24–25 November 1949), 525–26.

⁸⁸ *PlenP 01/46* (10 March 1950), 1560–61; Recker, *Parlamentarismus*, 189.

⁸⁹ See Verheyen, *Diskussionslust*; Conway and Depkat, 'Discourse of Democracy', 140–43; Biess, 'Chance', 232.

the passions in parliament to the emotional expressions sanctioned by the template and thus failed to prevent feelings from disrupting proceedings.

In July 1950, Köhler suffered a nervous breakdown in parliament. When the Bundestag reconvened in October 1950, he was replaced by the Christian Democrat Hermann Ehlers. Ehlers, by all accounts, was more skilled in reacting to dissent in parliament, without reinforcing emotions intended to disrupt parliamentary sessions.⁹⁰ Like Löbe, he occasionally used humour to defuse tension. While this may have been enough to ease the clashes between the three main parties of the government and opposition (the Christian Democrats, the Liberals, and the Social Democrats), as in Weimar the Communists continued to operate outside the emotional template of parliamentary procedure, their position now even more acute due to the Cold War and the division of Germany. The Communist delegates Heinz Renner and Walter Fisch in particular followed the party's Weimar tradition of obstruction and had their limited constructive engagement in parliament accordingly obstructed or ignored by the other parties.⁹¹ In July 1950, in a session run by the parliament's vice president, the Liberal Hermann Schäfer, Fisch accused delegates of having conducted a 'dishonest investigation' with foreign spy services against the interests of German workers. Even though Fisch had started with an accusation against the Social Democrats, conservative delegates such as Franz Josef Strauß soon joined the fray as well. After a follow-up question, Fisch then widened his accusation to indict the entire house. By accusing members of the house of dishonest behaviour, he assailed the dignity of the parliament—the conception of this offence had not changed.⁹² In response, Schäfer moved to exclude him from this session. Yet because Fisch refused to leave, Schäfer increased the censure to the maximum thirty-day ban from parliamentary proceedings. To applause from all parties, the entire Communist delegation then left the chamber.⁹³

The cross-party agreement against the Communists left the Communist delegates little choice but to agitate, however. Their parliamentary weakness became even more pronounced when the Bundestag increased the

⁹⁰ Recker, *Parlamentarismus*, 192–93.

⁹¹ See also Major, *Death of the KPD*, 106, 110–11.

⁹² See also Renner, *Drucksache Nr. 1840*.

⁹³ *PlenP 01/80* (27 July 1950), 3004–5; on the different uses of applause, see Manow, *Nebensächlichkeiten*, 11–19.

minimum number of representatives one party needed to form a faction from ten to fifteen in January 1952. Quite deliberately this deprived the Communists of this status and thus of the right to propose legislation or direct questions to the government. The Communists' disruptive stance—of the 156 calls to order during the Bundestag's first legislative session, 107 were directed against one of the Communists—was thus partly of their own choosing and partly imposed by procedural rules.⁹⁴ In contrast to the Weimar Republic, in Bonn the KPD found no success at the polls. In the 1953 elections, its share of the vote dropped from 5.6 per cent to 2.2 per cent and thus below the newly introduced 5 per cent threshold for parliamentary representation. The 1956 ban on the party only cemented its outcast status. The party landscape of the Federal Republic consolidated further, so that by 1957 only five and after 1961 only three parties, the Christian Democrats, the Social Democrats, and the Liberals, were left. Successors to various Weimar parties, and after the founding of the West German state, the ones interested in the success of its parliamentary system—these three parties followed the emotional template of 'orderly politics' established in the early years of the Weimar Republic, a template that in many ways harked back, just like the procedural rules, to the German Empire.

CONCLUSION

From the Frankfurt National Assembly in 1848 onwards, each German parliament realized that it needed to regulate the interactions of its members both in order to be successful and to maintain the respect of 'the people' for the institution of parliament—the concern for the dignity of the house emerged not least from the latter desire. While procedural rules for speaking and sanctioning set the rough framework for conduct, the success of these rules hinged on the acceptance of an emotional template, a pattern of behaviour that respected the dignity of the house. The emotional template negotiated between emotions and procedures and assumed the legitimacy of opposition as part of parliamentary debate. For the public, it was supposed to create and maintain an image of representatives as constructive legislators. Thus excluded were expressions of hate, denigration, and doubts about the honesty of other parliamentarians. The

⁹⁴ Major, *Death of the KPD*, 110, 114.

template also determined how much and what kind of non-verbal dissent, such as noise or unrest, was acceptable before it became disruptive to the business of parliament. Laughter in particular emerged as a legitimate form of dissent, even if the line between laughter and mockery was sometimes fine. Laughter also served as a sign of unity among political factions and in the form of merriment as reassurance of the shared identity of the entire house. Emanating from the figure of the chamber's president, humour moreover served to soften the edges of authority and secure the functioning of parliament without disruptions caused by excessive emotions or harsh sanctions.

This template proves to be remarkably consistent in the history of German parliaments and their procedures. Yet this history also demonstrates the fragility of the template and its reliance on both skilful enforcers on the inside (parliamentary presidents versed in moderating the parliamentarians' emotions) and on the exclusion of those opposed to the governing template from the chambers. Challenges to the rules could not only arise from within, however, but also from without, be it on the streets or through the intervention of non-parliamentary governments. Ultimately then the durability of the emotional template resided in its appeal to a majority, either through the assimilation or ejection of dissenters. The debates surrounding parliamentary procedures and their emotions document the ebb and flow of these two approaches.

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