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**Parliamentary Institution Building by using Blueprints:  
The Case of former East Germany and its present State Parliaments**

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- first draft; do not quote -*

**I. The Phenomenon under Study**

In the German Democratic Republic – shattered by the Peaceful Revolution,<sup>1</sup> but still alive – there existed a national parliament (the People’s Chamber), 14 district assemblies, and many local assemblies in the spring of 1990. In the fall of the same year, after East Germany’s re-unification with West Germany, there still existed many local assemblies, deeply reformed, and five new state legislatures on the same territory.<sup>2</sup> The district assemblies had gone, and so had the People’s Chamber. On national level, East Germans were represented in the German Bundestag, just as all national institutions were of West German origin from that time on. Brand-new institutions were the five new states parliaments and five new the state governments depending on them.

It is not surprising that tried and tested West German institutions like the Bundestag (Federal Parliament), the Bundesrat (Federal Council), the Federal Government, the Federal Constitutional Court, and the Federal President continued to work after re-unification as they did before. Bundestag and Bundesrat, as representative institutions, had only to cope with more members and with additional problems; but for all practical purposes they could function as hitherto. It was much more surprising that the five new state parliaments, along with the state governments supported by them, were established rapidly and started to work effectively, without any threat for institutional existence, and even without fatal policy errors. After their first legislative term they were hardly different from their well-established West German counterparts. Today, they have a good record of fulfilling their functions: For nearly

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<sup>1</sup> There is no full consensus on how to call what happened in East Germany in 1989/90. Some talk of a ‘collapse of state-socialism’; others use the term of ‘revolution’ very cautiously because physical violence, typical of so many revolutions, was close to absent in 1989/90. A majority now agrees on speaking of a ‘peaceful revolution’, sometimes even written as a proper name in capital letters.

<sup>2</sup> The German Democratic Republic joined West Germany in the form of those five states that had been established in the Soviet Occupation Zone after World War II, had been abolished in the 1950ies and legally re-established in July 1990. These five East German states are Saxony, Saxony-Anhalt, Thuringia, Brandenburg, and Mecklenburg-Western Pomerania.

two decades they never failed to create and support effective governments (even though there were some forced changes of Prime Ministers during legislative terms), to control government, to provide legislation, and – not so well in the beginning, quite fine at present – to link the political system to civil society.

It is true that the whole process of East German legislative institution building now looks like a ‘natural process’ that occurred ‘without alternative’. But what is a well-known fact now, has been a – not too strongly – disputed project yet to be realized in the early 1990ies. First, more than only a few among East German ‘first-hour politicians’ dreamed of quite a different political system, being a mixture of ‘sound socialist ideas’ and ‘forms of direct democracy’ as experienced during the Peaceful Revolution. Both was meant to be put into such parts of the West German institutional framework for which no better alternatives seemed available out of the ‘progressive’ heritage of either a reformed GDR or the Peaceful Revolution. Second, building state parliaments and state governments where nothing of such kind had been in existence since more than three decades seemed to resemble a *creatio ex nihilo* with insecure chances of success. Third, a full-fledged dictatorial regime with lasting impact on society and political culture was to be transformed rapidly, and under very difficult economic circumstances, into the Eastern part of a country with so far stable democracy.

Building (legislative) institutions on sub-national level has certainly less degrees of freedom than building (legislative) institutions on national level. In addition it can benefit from the overall institutional framework on national level, in particular if this framework is sound and stable. Both were the case in Germany. Nevertheless it is striking how smoothly parliamentary institution-building worked in the five East German states, and how sustainable its results were. Any comparison with Europe’s other formerly socialist countries shows that the East Germany success story is rather the exception than the rule. Even greater differences of institutionalization patterns and institutional developments, of desirable preconditions and deplorable hindrances for the establishment of viable parliamentarianism come to mind if we look at the many French, British, and American attempts to build up legislative institutions in their former colonies or areas of influence. In such a broad view, the case of former East Germany is a very specific exception. Here, many prerequisites of successful (parliamentary) institution building have apparently been present that have been, or still are, lacking in so many other instances. This invites us to look at East German parliamentary institutionalization not only because this case is interesting in itself, but especially in the comparative perspective of ‘extreme case analysis’.

A systematic account of current institutionalization theory is beyond the scope of this paper. But the author’s favorite theory can be sketched out (‘evolutionary institutionalism’). And although no real ‘test’ of this theory, and not even a rigorous test of some of its propositions, is possible here, the analytical approach of Evolutionary Institutionalism can be illustrated by some important facts and developments in the process of East German parliamentary institutionalization. For such purposes, the following paper is neither descriptive nor

idiographic, but theory-driven and meant as a single-case-study contribution to comparative legislative research.

## II. Data Base

Although interested more in theory-demonstration than in an account of German contemporary history, this paper has a broad empirical base. Its author has been a close academic and political observer of the East German processes of parliamentary institutionalization since the early 1990ies, and he has carried out several research projects on (East) German parliamentarianism in comparative perspective. Of particular value is, in hindsight, a two-wave research project in which, based on a combined interview and questionnaire survey, the social and biographic background of all East German members of parliament, their ways of ‘learning how to be an MP’, their role orientations, their actual parliamentary and constituency work, and their social networks have been studied both at the beginning and at the end of their first legislative term. Doing so, the East German legislative institutionalization process could be observed and analyzed in detail from its very beginning. Although most publications from this research are in German, some are available in English as well.<sup>3</sup> Interested more in the emergence of party cohesion than in legislative institutionalization at large, Louise Davidson-Schmich has done similar work on East German legislatures.<sup>4</sup> In addition, there are some highly relevant collective volumes on East German parliamentarianism<sup>5</sup> and state parliaments.<sup>6</sup>

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<sup>3</sup> Werner J. Patzelt, Legislators of new parliaments: The case of East Germany, in: Agh, Attila, ed., *The Emergence of East Central European Parliaments: The First Steps*, Budapest 1994, S. 108-121; Werner J. Patzelt, Members of Parliament and Interest Groups. Findings from East Germany, in: Agh, Attila / Ilonski, Gabriella, eds., *Parliament and Organized Interests: The Second Steps*, Budapest 1996, S. 414-429. Basic publications in German are Werner J. Patzelt / Roland Schirmer, *Parlamentarismusgründung in den neuen Bundesländern*, in: *Aus Politik und Zeitgeschichte*, B 26, 1996, S. 3-11; and Werner J. Patzelt, *Ostdeutsche Parlamentarier in ihrer ersten Wahlperiode: Wandel und Angleichung*, in: *Historical Social Research* 22, 1997, S. 160-180 (= Sonderheft 20 Jahre, Teil 2).

<sup>4</sup> See, with further references, Louise Davidson-Schmich, *The Development of Party Discipline in New Parliaments: East German State Legislatures 1990-2000*, in: *The Journal of Legislative Studies*, Vol. 9. No. 4, Winter 2003, 88-101; Louise Davidson-Schmich, *Becoming Party Politicians: Eastern German State Legislators in the Decade Following Democratization*, Notre Dame, IN: University of Notre Dame Press, 2006; Louise Davidson-Schmich, *The Origins of Party Discipline: Evidence from Eastern Germany*, in: *German Politics and Society*, Issue 79, Volume 24, Number 2 (Summer 2006): 23-43.

<sup>5</sup> See in particular Christine Lieberknecht / Heinrich Oberreuter, eds., *Aufbau und Leistung des Parlamentarismus in den neuen Bundesländern*, Rheinbreitbach (NDV Neue Darmstädter Verlagsanstalt) 2001.

<sup>6</sup> For instance Suzanne S. Schuettmeyer et al., *Die Abgeordneten des Brandenburgischen Landtags. Alltag für die Bürger*, Potsdam 1999.

### III. Institutionalization Theory

#### 1. Should we go beyond Polsby?

When thinking about institutionalization, Nelson Polsby's attempt to grasp this phenomenon is still a starting point for all research.<sup>7</sup> Concerned with the development of the US House of Representatives, he developed three criteria along which (growing) institutionalization can be detected and even measured. First element is the establishment of institutional boundaries: Membership becomes less open, and intra-institutional leadership begins to be reserved to incumbents. Both certainly reflects the stabilization of a set of roles and rules. Among the possible results thereof is a growing internal complexity of an institution, which is Polsby's second element of institutionalization. Functions become regularized and specialized; social structures emerge, and infrastructure is built up, both allowing fulfillment of such functions reliably; and leadership systems are put in place in order to co-ordinate institutional (sub-) structures and functioning. Third, rules and decision criteria become less and less *ad hoc*, that is, more and more impersonal and universal. This makes an institution independent of purely personal characteristics of its members and leaders, and provides *institutional* stability proper. As a reaction to all of that, professionalization may occur, namely explicit attempts on part of institutional members to really understand the rules of the institutional game and to use them, along with institutional infrastructure, in a success-oriented manner.

Among the many merits of Polsby's definition of institutionalization is that it can be operationalized without major problems. His definition is bottom-up and driven by a sincere interest in those concrete phenomena grasped by the definition, that is in the developmental patterns of positional boundedness, of internal complexity, and of really used rules. Not so much interested, if at all, is this approach to institutionalization (1) in those *cultural patterns* that trigger the whole process of rule-and-role formation, (2) in the processes that give shape to '*institutional generations*', and (3) in the internal and external factors that influence the process of institutional *evolution*.

And applied to the first and formative years of East German state parliamentarianism in particular, Polsby's indicators of institutionalization seem to miss even important things. It is trivial that incumbents had more chances to get re-elected into parliament, or to intra-parliamentary positions, at the beginning of the second legislative term than at the founding elections in 1990, when there were no incumbents at all. But the crucial element of East German parliamentary institutionalization was nothing else but, between 1991 and 1994, that process of institution-building which *subsequently* made the concept of 'incumbent' meaningful. When it comes to internal complexity, then we find that East German parliaments had their full range of committees and internal working groups of parliamentary parties already in the early 1990ies, that is, shortly after the founding elections. Certainly there were

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<sup>7</sup> Nelson W. Polsby, The Institutionalization of the U. S. House of Representatives, in: American Political Science Review 62(1), 1968, 144 - 168.

not all desirable elements of parliamentary infrastructure (from office space to personal staff) available after the founding elections; but such shortcomings were due to lack of buildings, laws, and money, and they were in no way caused by absence of the idea that these things *ought* to be available. In fact, most of them were available within no more than a couple of months. As to Polsby's third indicator of institutionalization, the availability of impersonal, universal intra-institution decision criteria, we find the same picture: Standing orders were adopted from West German state parliaments, and impersonal criteria for assigning parliamentary positions were 'imported' from West German parliaments as well.

Therefore, Polsby's approach to legislative institutionalization will not be sufficient for understanding and explaining the East German case, nor for putting it into a broad comparative perspective. As a consequence, we developed an alternative approach to processes of (legislative) institutionalization and institutional development. Inspired by contemporary intellectual currents like 'historical institutionalism', 'path dependency analysis' and 'social evolution theory', we gave it the name of 'Evolutionary Institutionalism'.<sup>8</sup>

## 2. 'Evolutionary Institutionalism': A brief Introduction

Evolutionary Institutionalisms can easily be connected with classical political science work, like such by Samuel Huntington and Shmuel N. Eisenstadt. Huntington suggested using the notion of institutionalization for explaining change in levels of political stability. In describing how varying levels of institutionalization differentiated political systems including components thereof, Huntington noted:

*"Institutions are stable, valued, recurring patterns of behavior. Organizations and procedures vary in their degree of institutionalization. . . . Institutionalization is the process by which organizations and procedures acquire value and stability. The level of institutionalization of any political system can be identified by the adaptability, complexity, autonomy and coherence of its organizations and procedures. So also, the level of institutionalization of any particular organization or procedure can be measured by its adaptability, complexity, autonomy and coherence. If these criteria can be identified and measured, political systems can be compared in terms of their levels of institutionalization".<sup>9</sup>*

Another quite traditional road towards Evolutionary Institutionalism can be taken via the work of Eisenstadt. Writing in 1964 about the process of change and evolution on societal and political structures and organizations, he noted:

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<sup>8</sup> The central texts are collected in Werner J. Patzelt, ed., *Evolutionärer Institutionalismus. Theorie und empirische Studien zu Evolution, Institutionalität und Geschichtlichkeit*, Würzburg 2007. See also Ronald D. Hedlund / Werner J. Patzelt / David M. Olson, *Capacity Building in Parliaments and Legislatures: Institutionalization, Professionalization and Evolutionary Institutionalism*. Paper presented in the Levels of Governance and Public Policies panel at the International Political Science Association Conference "International Political Science: New Theoretical and Regional Perspectives," April 30- May 2, 2008, Montreal (Quebec), Canada (available by the author).

<sup>9</sup> See Samuel P. Huntington, *Political Development and Political Decay*, *World Politics* 17(3), 386 – 430, here 394.

*“The process of institutionalization is the organization of a societally prescribed system of differentiated behavior [associated with the institution] oriented to the solution of certain problems inherent in a major area of social life . . . The organization of such systems of behavior involves the creation and definition of norms to regulate the major units of social behavior and organization, criteria according to which the flow of resources is regulated between such units, and sanctions to ensure that such norms are upheld. All these involve the maintenance of the specific boundaries of the system, i.e., the maintenance of the units that constitute it, of its relations with outside systems, and of the norms that delineate its specific characteristics.”<sup>10</sup>*

In Evolutionary Institutionalism, an institution is defined as a set of formal and informal rules that are expectably followed and, thereby, give shape to stable interactions. These create and reproduce a set of roles and positions, usually ordered in a hierarchical way. The emerging set of rules and roles is called the ‘institutional form’. It can be practiced with diverse skills and priorities, and this is why the ‘practiced’ institutional form uses to be a time-, member-, and resources-specific concretization of the institutional form ‘proper’, as may be laid down in laws or ethnographic analyses of ‘informal institutions’. At the core of that set of rules, out of which a set of roles and finally the (practiced) institutional form emerges, lies a ‘guiding idea’, or a set of (possibly even competing) guiding ideas.<sup>11</sup> Seen in this way, institutional rules and roles are the means to realize in stable social practice what should be achieved, or be avoided respectively, according to an institution’s guiding idea(s).

*Institutionalization*, therefore, is the process of . . .

- (1) making a (set of) guiding idea(s) attractive for followers, and attracting members or supporters of the emerging institution;
- (2) finding out which rules and roles will be helpful for serving the goals defined by the guiding ideas, and implementing these rules and roles, such that ‘competent’ members of the institution, abiding by the rules and respecting the roles, can be distinguished from ‘outsiders’ or ‘intruders’;
- (3) stabilizing this whole arrangement with means like (a) giving symbolic, emotionally inviting and obliging expression to the guiding idea(s), (b) setting up collective mind maps in which the guiding idea(s), the rules and roles of the emerging institution appear – at least for ‘competent members’ of this institution – as ‘natural facts’, and (c) making sure by using different forms of power that such collective mind maps are not put into doubt, that established rules are followed, established roles respected, and that those who feel and even act differently are marginalized as outsiders or even excluded as adversaries;<sup>12</sup>

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<sup>10</sup> 1964: 235–6.

<sup>11</sup> This concept stems from the 19<sup>th</sup> century French law professor Maurice Hauriou and reads in French the ‘idée directrice’ or ‘idée de l’oeuvre’. It is analytically equivalent to have in the center of an institutional set of rule/roles ‘guiding differences’ instead of guiding ideas.

<sup>12</sup> An introduction into the theory of ‘politics of reality’, relevant in this context, is given in Werner J. Patzelt, *Reality Construction under Totalitarianism: An Ethnomethodological Elaboration of Martin Draht's Concept of Totalitarianism*, in: Achim Siegel, ed., *The Totalitarian Paradigm After the End of Communism. Towards a Theoretical Reassessment*,

(4) developing and implementing measures that help to transmit compliance with institutional rules and roles, and with the guiding idea(s) around which they are centered, from one generation of competent institutional members to a following one.

Exactly *this* understanding of ‘institutional generation’ is crucial for Evolutionary Institutionalism. Never this concept refers to different ‘phases’ or ‘stages’ in the history of an institution. Always ‘institutional generation’ means a cohort of institutional freshmen that enter the institution (like a parliament or a party, a religious order or an army), receive institutional socialization, become (possibly) competent institutional members, will contribute (more or less) to the maintenance of their institution’s (practiced) form, and will convey the cultural patterns that are used for the institution’s function and reproduction hitherto to a new cohort of institutional freshmen. There will usually co-operate in an institution *many* cohorts of already experienced institutional members, of already more or less completely socialized successors, and of freshmen proper. All of them, if they do not irregularly drop out for whatever reason, make their way through the institution. So individual members come and go, but the institution remains<sup>13</sup> – dependent on a certain number of active competent members, but independent of any single individual.

With this concept of generation, the whole theoretical apparatus of evolution theory is available for institutional research. Of course no genes, or genetic blueprints, are transmitted from one institutional generation to the next one. But we can use a similarly sounding concept to refer in a very abstract way to all the ‘blueprints’ that need to be transmitted from one institutional generation to the next one if an institution is meant to survive the continuous replacement of its members: blueprints for rules to be followed, for roles to be respected, and for guiding ideas to be at least emotionally embraced. The formerly missing concept to refer to all of that has been coined, more than two decades ago, by Richard Dawkins, and has been subsequently popularized by authors like Susan Blackmore.<sup>14</sup> It reads ‘memes’ in the plural, and ‘meme’ in the singular.<sup>15</sup> Single memes (like specific rules, particular patterns of behavior or the elements of a guiding idea) may be combined, or may have ‘grown together’ in the past, to a (more) complex memetic structure, i.e. to a ‘complex of co-adjusted memes’, which is shortly called a ‘mempex’.<sup>16</sup>

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Amsterdam/Atlanta: Editions Rodopi 1998, (=Poznan Studies in the Philosophy of the Sciences and the Humanities, Bd. 65), 239-271.

<sup>13</sup> The medieval formula for the same observation is *universitas non moritur*.

<sup>14</sup> Richard Dawkins, *The selfish gene*. New edition, Oxford University Press 1989; Susan Blackmore, *The Meme Machine*. Reprint, Oxford University Press 1999.

<sup>15</sup> Memes are carried and distributed by ‘vehicles’, that is, by texts, scores, pictures, persons, rituals, or institutions.

<sup>16</sup> One should note here that there is nothing mysterious in the concept, or existence, of memes. All the single phenomena that fall under this concept – from ‘cultural patterns’ like ideas and ‘thought figures’ via melodies and rhythms to steps in standard dances and metrical foots – are well known themselves, and so are they ways and usual practices of their transmission from one generation (e.g. of philosophers, composers, dancers and poets) to the next generation. All these cultural patterns are here simply addressed in a much more abstract form than in those life-worlds, or academic disciplines, in which they are a kind of ‘communicative currency’. Using the language of memetics is, therefore, just like using the language of systems theory: There, such things are referred to as sub- or supra-systems, input and output, outcome and feedback that use to bear quite different, and for some audiences clearly more understandable, names in everyday language or in science-specific vocabulary.

Seen in this way, institutional evolution is based on the transmission of memetic blueprints (via institutional socialization) for the reproduction of normative and behavioral patterns (that is, the institutional form) in the process of replacing one institutional generation with the next one. While we have known for many decades that biological species rely on genetic replication of their biological structure-building information, we now only start to detect, that institutions rely on memetic replication of their social structure-building information. It is true that some institutions combine both biological and memetic replication, like monarchical dynasties. But most institutions rely exclusively on memetic replication, like political parties and religious orders.

As soon as there is a process of replication or socialization, the *algorithm of evolution* is put into work. Whenever a genetic pattern is ‘copied’, whenever a memetic pattern is ‘imitated’ or finds itself ‘reconstructed from a previously learnt rule’, then some *variation* may occur. However, not all variations will have the same chance to be maintained and to become a basis for further structure building. Instead *selection* will take place. In its course, there work *internal* selection factors at first: A variation will have greater chances to be retained if it fits with the already existing structure of the institution. Therefore, contingent changes in fundamental structures will seldom be retained; but variation in hitherto – but not necessarily in the future – superficial structures will be retained quite often. In this way, new layers are put on top of an existing structure, or new links are created between existing elements of a system. Although such variation may affect only this or that detail, it will sometimes open up quite new, and in hindsight even surprising, paths of further development. Second, *external* selection factors are at work: Only such variations will be retained, that will not disconnect the ‘chain of services and returns’ between an institution and its environment or niche.<sup>17</sup> If a variation opens up new possible functions that an institution may fulfill, thereby attracting more resources for the institution and its members, or if it is ‘functionally neutral’, namely will not decrease the resources that the institution gets in turn for its services to its niche, then the variation has a chance to be retained. But if the variation cuts access to hitherto available resources, then it will be retained only if, and only as long as, there is compensation for the resources that are no longer accessible because of that variation.

The result of this two-step selection process is an asymmetrical ‘architecture’ of any given institution and a path-dependent process of institutionalization and institutional development. In terms of structure, there will always be some – comparatively old – basic structures, or underlying layers of elements, that carry other (‘higher’) institutional layers as their ‘burdens’; and in turn the ‘upper parts’ of an institution are dependent on such support from its ‘lower parts’. As a first of two consequences, variation in the higher layers of institutional architecture has greater chances to fit with the rest of the institution than would variation in its basic structure. As a second consequence, variation in the higher layers of a an institutional

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<sup>17</sup> *Environment* is everything outside an institution, whereas an institution’s *niche* comprises only such *parts* of the environment that are *important* for the institution.



form will have greater chances to pass through internal selection processes than variation in the lower, or more basic, layers of the institution. This is known as ‘structural inertia’, which is inevitably at work even if changes in the institution’s environment would call for a quick and in-depth adaptation. In terms of function, these mechanisms work as follows: In every complex institution, there are some basic functions that need to be executed if other, more dependent institutional functions shall be properly performed. Thus, any or institution can be understood as a bundle of ‘function chains’. Variation in the ‘far ends’ of such function chains have considerably greater chances of being retained than such at the ‘fixed end’ of the function chain. This leads to ‘functional inertia’, the second source, or form, of ‘institutional inertia’.

Functional requirements for a system, established by its environment or niche, use to change in very contingent, sometimes even turbulent ways. As a consequence, the asymmetry of function chains will not contribute to path-dependent development in the same extent as does the asymmetry of structural layers. But since functions are fulfilled by structures, there are important interaction effects between internal and external selection factors and between both forms of institutional asymmetry. A good case in point is the development the People’s Chamber of the German Democratic Republic. This assembly maintained many structural elements of bourgeois parliamentarianism (like parliamentary party groups and committees) even though there was no functional need for them in a socialist minimal parliament. However, the communist leadership of the People’s Chamber made sure that virtually no use could be made of the functional possibilities of that retained structure. Only the new leadership groups, arriving to power in the course of the Peaceful Revolution, ‘re-enabled’ the previously suppressed functions of those same structures as soon as the communist party’s claim for political leadership had ended and new functional requirements for the People’s Chamber had emerged between November 1989 and July 1990.<sup>18</sup> Another important effect of that double asymmetry of structural burdens and of function chains is that *not all* variations of structures and functions *can actually have* equal chances to be retained, that is, to lead to a ‘mutation’ of the institutional form. Instead, certain paths of system development are *always* more probable than others. This is why we recognize so many ‘directed processes’ when looking at institutional history. For the same reason, not all thinkable futures are really ‘open’ at a given point in time, such that even command of enormous political and economic power will not allow every desired institutional transformation, or any attractive institutionalization, at least not at any time in a sustainable way.

There is apparently evolution’s algorithm at work behind such patterns of institutionalization or institutional history. Evolution, however, implies no teleological ‘master plan’ whatsoever. Nor is there any ‘guarantee’ that future contingent changes in an institution’s environment or

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<sup>18</sup> See Roland Schirmer, *Machtzerfall und Restabilisierung der Volkskammer im Lauf der Friedlichen Revolution* [Collapse and Restabilization of the People’s Chamber in the Course of East Germany’s Peaceful Revolution], in Werner J. Patzelt, ed.: *Parlamente und ihre Macht. Kategorien und Fallbeispiele institutioneller Analyse* [Parliaments and Their Power. Concepts and Research in Institutional Analysis], Baden-Baden (Nomos) 2005, 171-215

niche will subsequently be matched by future variation in the institution's own development. It is true that institutional fitness *may* emerge or be (re-) established; but this is no 'necessary' process or effect. On the contrary, we observe quite frequently that institutions 'evolve into an impasse' (like the French National Assembly of the IV Republic) or into a 'regulative catastrophe' (like the Reichstag of the Weimar Republic). And institutionalization is, even though path-dependent, not principally 'irreversible': If memetic replication is not sufficiently effective, institutions can 'erode', that is, will suffer more and more from rule ambiguity, and will be affected by less and less clarity of those roles that competent institutional members ought to play.

But institutions can certainly *learn* to improve their institutional form and to maintain institutional fitness.<sup>19</sup> In some cases this is done, or at least attempted, intentionally. In much more cases institutional learning takes on, and even against the preferences of institutional actors, one of the following forms: (1) 'institutional layering', (2) 'institutional conversion', (3) 'institutional drift', and (4) 'institutional displacement'.<sup>20</sup> Changes in a system's environment may drastically alter the odds for the retention of variations in the functional and structural elements of an institution. The reason is that a variation which might have been detrimental for the institution's resource supply yesterday can open up new paths of development tomorrow. If this comes true, then (1) new institutional structures are *built over old ones*, or (2) old structures are – under impact of changed functional requirements – *converted to new purposes*. In the same way, institutions may *preserve* much of their structural architecture, although that architecture has been modified at so many points over time that it may now *work quite differently* (3), and this in spite of the fact that this (part of the) institution looks very much like in earlier times. And if a part of an institution, or if an institution itself, has worked well for achieving certain goals in a given setting, one may try to *transfer the tested institutional solution* for a functional problem from this setting to a quite different one (4). In this case, institutional blueprints are 'exported' or 'imported', respectively, and memetic replication is not done in a 'vertical way', that is, from a predecessor generation to a successor generation, but in a 'horizontal way', i.e., from one social or cultural setting to a different one.

Here we are at the core of what is known in comparative research as *Galton's problem*. Its central question reads as follows: If institutional features in two different settings are similar – does this similarity stem from an *adaptation of different structures to similar environmental challenges* ('analogous similarity', 'functionalist explanation'), or does their similarity stem from *common 'blueprints'*, that is, from similar memes or memplexes that were used to build up those institutional structures, and even under different environmental challenges

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<sup>19</sup> Cf. Christian Demuth, Institutionelles Lernen. Der Deutsche Bundestag als Beispiel [Institutional Learning. The German Bundestag as a Case in Point], in Werner J. Patzelt, ed. Evolutorischer Institutionalismus (footnote 8), 641-687.

<sup>20</sup> These forms have been described and distinguished, but not really explained, by Kathleen Thelen, How Institutions Evolve. Insights from Comparative-Historical Analysis, in: J. Mahoney, J. / D. Rueschemeyer, eds. Comparative Historical Analysis in the Social Sciences. New York 2002, 208-240.

(‘homologous similarity’, ‘culturalist explanation’). Homologous similarity, often not directly visible, can be *detected* only by finding – or by plausibly postulating – memetic replication chains, whose (hypothesized) existence then requires an explanation. Analogous similarity, on the contrary, may be recognized easily, but can be adequately explained only after homologous similarity has been excluded and the causal chains of functional adaptation have been clarified. If two or more institutional structures are built along the same memes or memplexes *and* are, in addition, shaped by similar environmental challenges as well, morphologists use the term ‘*homoiologous* similarity’. More than only a few political institutions that spread from Western Civilization over the world (like parliaments and constitutional courts) display homoiologous similarity, which makes it sometimes difficult for comparative researchers to accept the deeper sense of clearly distinguishing homologous from analogous similarity. But if no clear concepts of analogy and homology are at hand, attempts at explaining patterns of similarity will bear no really convincing results. This, in turn, will hamper comparative research – in particular if undertaken in a broad perspective along the most-dissimilar-cases-approach.

In addition we found it helpful to access explanatory work in comparative institutional analysis with Aristotle’s four-cause-scheme.<sup>21</sup> For each natural, social or cultural phenomenon, he suggested to look at its (1) ‘matter cause’ (*causa materialis*), (2) ‘power cause’ (*causa efficiens*), (3) ‘purpose cause’ (*causa finalis*), and (4) ‘form cause’ (*causa formalis*). In the case of institutions and institutionalization processes, research along these lines would include the following topics. (1) When looking at an institution’s *matter causes*, we would study – on the one side – the personality, the biographical and social background of institutional members along with their socialization experiences. Research guiding theories and approaches would be those of ‘political personality’, social background analysis, political socialization etc. On the other side, research on institutional matter causes would include the resources of institutionalization, in particular institutional mindsets, stocks of knowledge, interpretive schemes, shared values, known or applied formal and informal rules etc. Research guiding theories would comprise those of social construction of reality, of cultural sociology, and of memetics. (2) Research of an institution’s *power causes* would equally unfold in two branches. The first encompasses motivations like (progressive) ambition for institutional position-seeking. Source theories and approaches for this research would be, for instance, theories of ambition or demand/supply-theories of institutional recruitment. The second branch comprises tactical considerations and rational choices of institutional actors. Rational choice models and delegation theory are important theoretical approaches in this field. They should, however, be mirrored by reconstructions of tactical *everyday* reasoning of institutional actors. (3) Studies of an institution’s *purpose causes* would, on the one side, address the guiding idea(s) of this institution: What purpose does the particular institution serve? On what

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<sup>21</sup> See M. Bastit, *Les quatre causes de l’être. Selon la philosophie première d’Aristote* [The Four Causes of Being according to Aristotle], Louvain 2002.

convictions and values are the operations of its actors and members based? Here, relevant approaches include policy belief analysis and the historiography of institution-specific ideas. On the other side, the concrete way in which such ‘guiding ideas’ work out in practice are analyzed. This means in particular analyzing role orientations and the role behavior of institutional actors, inspired by the both classical role analysis and by sociological theories of reality construction. (4) Research on the *form causes* of an institution would, finally, focus on the concrete social structures that make up that institution and its institutional environment, that is, the niche to which an institutional form has to correspond. Guiding theories and approaches would include traditional institutionalism as well as the information theory of institutional structures or veto-player theory.

#### **IV. East German Parliamentary Institution Building in the Light of Evolutionary Institutionalism<sup>22</sup>**

##### ***1. The Import of ‘Blueprints’: West German ‘parliamentary memes’ and their ‘vehicles’***

The founding elections to East German State Parliaments took place on October 14, 1990, less than two weeks after re-unification. At that time, it was absolutely clear to all future members of parliament which institutional form of state parliament was to be established in Germany’s five new states: a working parliament with complex internal division of labor as the corner stone of a parliamentary system of government. That there was, quite different from the situation in other post-socialist countries, no choice of parliament’s institutional form, was due to three facts. First, the free elections to the People’s Chamber, last step of the Peaceful Revolution, had made clear in March of 1990 that by far most East Germans wanted their country to become part of the Federal Republic of Germany and its institutional structure. Second, the following negotiations between the two German states demonstrated that West Germany had no intention whatsoever to change its own political system only because more than only a few members of the East German political elite, allied with some – mostly leftist – West German critics of their own political system, wanted to have some constitutional modifications that were inaccessible under ‘normal’ circumstances. These included more plebiscites, a lesser role of political parties, and direct election of the head of state. As a consequence, the blueprints of West German institutions, and West German law as well, were brought to East Germany in order to build up – slightly modified – copies of West German institutional forms in the five new states. Although East German state parliaments had any right to set up state constitutions providing for presidential systems of government, with a thereby modified own role as a state legislature, none of them seriously considered to go into

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<sup>22</sup> For the sources of the following observations, and in particular for the tables and statistical models on which the subsequent section is based, see section II.

that direction. This was, third, also due to the fact that the new political elite of East Germany relied heavily on advice by politicians from West Germany or of West German origin.

These acted as ‘vehicles’ of West German ‘cultural patterns’ (that is, memes and memplexes) in three ways. First, all East German parties – with the exception of the PDS<sup>23</sup>, under the name of SED the former ruling communist party – merged with their (more or less close) West German counterparts, thereby bringing East German policy ideas and institution-making widely under control of national party leadership groups that were dominated by West Germans. This was particularly effective because most money for party work, and many party staffers working in East Germany, came from West Germany.<sup>24</sup> Second, each East German state became assigned one or two West German ‘partner states’. From these, not only money and technical means were given to ‘their’ East German partners (administrative bodies, governmental agencies, state parliaments etc.), but they sent also many – sometimes even high ranking – public servants to their East German partner states. These continuously fed blueprints for laws, by-laws, administrative instructions, organization charts and institutional designs from their sending states into East German policy making processes. East German decision-makers, inexperienced as they were with legal and administrative issues and working under harsh time constraints, simply had to rely on these imported ‘cultural patterns’, at least during their first, and formative, months in office. Third, most of the high-ranking positions in the new East German state ministries and administrative bodies, and in the administration of East German state parliaments as well, were staffed with West German public servants. Even a considerable amount of top politicians, like ministers, prime ministers, and parliamentary party leaders, came from West Germany. So did a very active part of the ‘first generation’ of East German state parliamentarians as well. Many of them were influential ‘informal teachers’ of East German MPs, at least during their first and formative months in office. All of that made sure that not only legal blueprints for East German state parliaments were imported to East Germany without major modifications, but as well many of the informal rules and parliamentary conventions that make give structure to parliamentary practice. Detailed studies show that East German MPs could hardly avoid to be socialized as ‘West German MPs’ if they did not want to become outsiders.

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<sup>23</sup> *Party of Democratic Socialism*.

<sup>24</sup> The exception was again the PDS who managed so save a considerable part of the former SED’s possessions. This made it a rich and independent East German party that assumed the role of an ‘authentic spokesperson’ of the East German citizens within short time.

## ***2. Shortcomings in the Process of East German Parliamentary Institutionalization***

For all these reasons, the East German process of parliamentary institutionalization started in a very powerful and even *overpowering* way. Its quick success, however, entailed some long-term ‘collateral damages’. In particular it let not much space for authentic East German cultural patterns in the process of (parliamentary) institution-building.<sup>25</sup> This led to reservations of a strong minority of East German MPs against the new parliamentary regime and ended in a certain alienation of many East German citizens from their new political system.

Parliamentary party discipline in particular, as ‘voting discipline’ central element of parliamentary systems of government, was highly unwelcome for many East German MPs and citizens. After all they had struggled against the ‘party discipline’ imposed by the SED on GDR’s whole political life. In addition, many of East German MPs and citizens detested that style of ‘sterile party confrontation’ which quickly began to shape plenary sessions. Of course there had been nothing of this sort in the communist People’s Chamber. But even in the freely elected People’s Chamber between March and early October 1990, the decisive split ran not between parties, but between those who wanted quick re-unification, even under West German terms of contract, and those who desired to preserve some features of ‘reformed democratic socialism’. The imposed importance of (West German) party splits was unwelcome all the more as for many East German MPs joining the Christian Democrats, the Social Democrats, the Greens (‘Buendnis 90’), or the Liberals was a quite contingent decision and not based on very different political convictions. More often than not they had cooperated in GDR’s ‘oppositional groups’ or during the Peaceful Revolution, had established personal friendship ties, and now found them forced to take different sides. Against this background, they could not avoid to resent ‘parliamentary (over-) partization’ as a ‘damage to real democracy’ and as something both ‘unnecessary’ and ‘artificial’. Then there were many engineers and scientists among the first generation of East German MP’s, and a considerable number of (protestant) theologians and churchmen as well. The first group was used to fact-and-problem-oriented thinking and preferred an approach of ‘pragmatic political engineering’; the second group had learnt a specific form of parliamentary decision-making in the non-partisan synods of East Germany’s protestant churches. For both, parliamentary party politics was something that ‘could unfortunately not be avoided’ at best, and without which the ‘young and still unstable East German democracy’ would certainly be better off.

More than only a few among the first generation of East German MPs, therefore, even cultivated the idea that members of parliament should exert a really ‘free mandate’, meaning that an MP should assume no party leadership positions and not get involved in intra-party policy-making. Of course this latter position could not be maintained in real parliamentary

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<sup>25</sup> In the domain of politics, the main institutional impact of East Germany on West Germany was the introduction of plebiscites in all West German states according to the model of East German (and some old West German) state constitutions during the 1990ies.

and political life. It usually led to the (forced) withdrawal of those who declined to learn how the new system really worked from parliaments and parties. But such attitudes were widely cultivated during the formative years of the new political system, offered for two, three years only limited leadership to East German political parties, and are one – but by far not the only one – of the causes that led to the still visible reduced anchoring of East German parties in East German society.

On balance it becomes clear that in East Germany something (slightly) different was blossoming behind the so quickly built-up façade of West German-like state parliamentarianism. It is true that there was no need to find out by trial-and-error which parliamentary rules and roles would be helpful for establishing well-working parliaments; all of that was ‘imported from the West’. But the result was that ‘competent members’ and ‘outsiders’ were distinguished along what passed as ‘West German standards’, and not along well understood and mutually accepted criteria of ‘sound parliamentary practice’. This, in turn, had as consequence that even *misunderstandings* of necessary features of the parliamentary system of government now could be, and were, interpreted as ‘sound East German resistance against imposed West German institutional models’, thereby intermingling the soon popular ‘anti-Wessi-affects’ among East Germans with either institutional ignorance or even anti-parliamentary thoughts.

In addition, no emotionally moving and really obliging symbolic expression of the guiding ideas of parliamentarianism could be found.<sup>26</sup> First, there was much resentment against the parliamentary system of government and its consequences like party discipline. Such dislike is deeply rooted in German constitutional history and political thought and still vital today.<sup>27</sup> One can even claim that a collective mind map is missing in Germany in which the parliamentary system of government – different from the presidential system of government – passes as a ‘really good’ form of government. Without such a mind map, however, there is no uncontested parliamentary guiding idea that can be symbolized in an emotionally inviting and integrating way.

Second, there was even less to be stabilized by symbolically cultivated ‘habits of the heart’, because East Germans had simply not experienced the West German success story of the parliamentary system of government. They rather learnt to know their new regime in a time of enormous political, economic, and social problems, and they made their experiences while attributing ‘to the state and its institutions’ full power to solve such problems quickly and ‘at the people’s discretion’. Of course, this expectation mixed accepted claims of communist governance with great hopes for democracy and market economy. In addition, future parliamentarians and ministers had promised, in the electoral campaigns of 1990, that the new

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<sup>26</sup> On the possible forms of parliamentary self-symbolization see Werner J. Patzelt, Parliaments and their symbols. Topography of a field of research, in: Emma Crewe / Marion G. Müller, eds., *Rituals in Parliaments*, Frankfurt u.a. 2006, 159-182.

<sup>27</sup> See Werner J. Patzelt, *Germany’s Latent Constitutional Conflict*, in: Arthur B. Gunlicks, ed., *German Public Policy and Federalism. Current Debates on Political, Legal and Social Issues*, New York / Oxford 2003 (Berghahn Books), S. 110-134.

system would really be able to solve all those problems within no too long period of time. As a result, the new political institutions – and the parliaments with their practiced party competition in particular – found themselves in something like a ‘time trap’: Even if the new system could solve East Germany’s old and new problems, it could not do so right now, and apparently not in the ways earlier advocated by MPs and party leaders.

Third, a considerable part of the (post-) revolutionary elites wanted to transform the West German system as well in direction to a somehow ‘more democratic’ and ‘more social’ system of government. Because the West German side not only refused to do so, but even continued to export its own institutions to ‘colonized’ East Germany, the very working of the so rapidly established new institutional system worked like a reminder of this ‘political defeat’. Under such circumstances, no inviting, no at least satisfying symbolization of the new institutions will be possible. The consequences thereof can be measured still today: Polls show that East Germans have much lesser emotional ties than West Germans to their (new) regime, and in particular to parties, parliaments, and governments.

### ***3. Institutional Generations and Institutional Evolution***

In 2009, the fifth elections for state parliaments were held in East Germany. Since then, most still active East German state MPs had entered parliament only in the second half of the 1990ies or in the first decade of this century. Institutional generation exchange is nearly complete. Today, available data and manifold anecdotal evidence show that East German state parliaments work like West German state parliaments, and that those differences between East and West German MPs have widely vanished that were discussed in the last section. There are much less engineers, scientists and theologians in East German parliaments than were among the first generation of East German MPs, and there are much more lawyers and civil servants, because West German recruitment patterns now prevail in East Germany as well. Those who get recruited nowadays have experienced the type of political socialization that is typical of the German political class in general: much activity in civil society and in parties early in life, considerable time spent in local councils, and early self-definition as a party politician and future professional politician. With such cohorts entering East German state parliaments, sustaining them by hard personal work, transmitting own parliamentary skills to successors, and leaving parliament after two or three terms on average, these parliaments can pass as ‘fully institutionalized’: They do no longer depend on the good will of leading individuals, but have rules and roles in which new generations of MPs enter as if they were ‘natural facts’.

Certainly there have been, and will further be, even remarkable changes in East German state parliaments over the change of institutional generations. Election results impose(d) new experiences with new coalitions, thereby altering considerably the role of the former communist party; it has become the norm that MPs act as party leaders; their constituency



work as been intensified enormously, and so have their contacts with the media,<sup>28</sup> and ample availability of infrastructure and staff has led to considerable professionalization among MPs. But all of that, although in reduced scale, was present already at the outset of East German state parliamentarianism. It was in fact striking to find so *few* significant differences between East and West German MPs early in the 1990ies. So it was apparently not East German MPs that formed ‘their’ institutions, but the imported ‘institutional form’ gave shape to the habits and beliefs of institutional members, just as well established institution always do.

None of these developments led away from the institutional form established in 1990/91. Institutional evolution either fleshed out what had been an only ‘theoretical’ role model (i.e., a meme or memplex) at the beginning of this process of institutionalization, or adapted the imported institutional form better to the state’s particular political culture or power distribution. In this way, the ‘asymmetric architecture’ of an institution, of course present already in its blueprint, worked as expected and created a path-dependent process from the outset. If there was a ‘master plan’ behind this developmental pattern, then this plan was absolutely non-mysterious: It consisted in the simple, but much criticized, decision of the *Kohl* government in West Germany and the *de Maizière* government in East Germany not to risk any institutional experiments. They simply brought West German parliamentarianism to East Germany, made it work, and left the rest to the ‘power of facts’ and to the inevitable ‘play of contingency’. It is exactly in this way that evolution works.

#### ***4. Similarity and Dissimilarity: East and West German State Parliamentarianism Compared***

Of course East and West German state parliamentarianism display *homologous similarity*, because they not only stem from the same German traditions of parliamentarianism, but are even directly linked to each other by memetic replication: As has been shown, the fully-fledged institutional form of West German state parliamentarianism was brought as a blueprint to East Germany. In the first legislative term of the new parliaments, however, there was somehow *reduced analogous similarity*.

*Equal* was the function of creating a cabinet and supporting it, which entailed quite similar phenomena of – initially quite unwelcome – party discipline. Equal was also the function of government control and led to quite similar control practices. Of course these were, and still are, different between government camp and parliamentary opposition; but the *same* ‘governmental’ and ‘oppositional’ control patterns emerged in East German state parliaments as long ago in their West German counterparts.

*Different* was, however, the performance of the linkage function. East German civil society was not yet reorganized and re-invigorated; East German political parties were still in the

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<sup>28</sup> See Patzelt, Ostdeutsche Parlamentarier in ihrer ersten Wahlperiode, footnote 3.

phase of reconstruction (as in the cases of the Christian Democrats, the Liberals, and the former Communists) or in the process of building up (in the case of the Social Democrats and the Greens); and in the media system, supporters of the old regime had still leading positions which made contacting them problematic for parts of the new political elite. For all these reasons, the new parliamentary system was somehow ‘hovering’ above East German society during the first years of its existence, and East German MPs – with the notable exception of those from the former communist party – did by far not invest as much time in ‘linking activities’ as their West German colleagues. It is highly probable that this shortcoming contributed significantly to the ‘policy malaise’ in the first years after re-unification, and to the still measurable legitimacy deficit of the East German political systems.

Not more important, but much easier observable, was a second form of ‘analogous dissimilarity’ during the first legislative term of East German state parliaments. Established in October 1990, they had to shoulder heavy legislative burdens: Constitutions had to be worked out, and laws had to be given for all parts of life under state jurisdiction, including so important fields like local and urban government, police, public administration, schooling, and universities. What West German state parliaments hand handled during decades, was to be accomplished during four years by the first generation of East German state MPs. This tremendous functional challenge made them live up as really legislating bodies, whereas West German state parliaments had already used up their legislative powers. That East German MPs neglected parliament’s linkage function was, therefore, to a certain degree simply the price for such extraordinary legislative activities. But as soon as all necessary state laws were given, and as soon as the usual process of modifying existing laws had started in the second legislative term, East German state parliaments became also in this respect analogously similar to West German states parliaments. By the same token, they displayed more and more analogous similarity with respect to constituency work. Today, East and West German state parliaments equal each other in terms of both homologous and of analogous similarity. Doing so, they are good examples for ‘homoiologous similarity’, that is for that type of an institutional form which will probably *not* stray away from the once set path.

### ***5. Aristotle's Categories of Causation and East German Parliamentary Institutionalization***

Under the heading of the *'matter course'*, we have first to mention fact that it was absolutely not necessary to import quite new cultural patterns to East Germany. Parliamentarianism and representative democracy had, of course, deep roots in the five new states as well. There were some 130 years of common parliamentary history between the Final Act of the Congress of Vienna in 1815, which enforced the introduced of 'modern parliamentarianism' into the German states, and the division of Germany after 1945. Even a significant number of former supporters of socialist GDR saw the Peaceful Revolution as a chance for getting rid of communist aberrations and for going back to what democracy and parliamentarianism seemed to 'really mean'. For the supporters of the Peaceful Revolution it was clear anyway that the result of their uprising would be East Germany's return to common democratic and parliamentary traditions.

Second, the first generation of East German state MPs was not only willing to adopt West German blueprints for working parliamentarianism, but had, in considerable numbers, also the practical skills to build up those new parliaments. Quite a considerable part of the new MPs had been politically active already in GDR, although on local level and not in top positions. Many others had been part of oppositional groups or had been close to them. Others had become deeply politicized in the months before and during the Peaceful Revolution. The special 'training' of theologians and active members of protestant churches in their regular synods has already been mentioned, and it is not accidental that some of them climbed quickly to parliamentary leadership positions. So all the cognitive, attitudinal and behavioral 'material' was at hand out of which new parliamentary institutions could be built.

When it comes to the *'power cause'*, we must not underestimate the resolution and perseverance of the first generation of East German MPs to secure the benefits of the Peaceful Revolution by establishing a well-working parliamentary democracy. The dominant attitude among them was neither rent-seeking nor position-seeking, but policy-seeking or even polity-seeking. And since there was not much waste of this power by endless trial-and-error procedures, because it was quite clear that – to put it bluntly – West German ploughs had to be pulled by East German oxen, enormous institution building work could succeed in a very brief period of time. In addition, the 'engineering approach' to policy-making, so popular among the first generation of East German MPs, helped always to find, or to forge, parliamentary majorities that made the new institutions work effectively.

With respect to the *'purpose cause'* it was quite clear that the new parliaments should 'democratically represent the people', control the government, and engage in legislation. Accepted was as well that the parliaments should create the governments; after all, political life started in the five new states without governments, but with democratically elected parliaments. But – as discussed above – there was no consensus on the inevitable side effects of a parliamentary system of government: compatibility of cabinet office and parliamentary

mandate, party discipline, strong role of political parties with MPs as central party leaders. Because such reservations are part of *common* German constitutional thought, there is no reason to blame the still inexperienced first East German generation MPs for having cultivated them as well. But there can be no doubt that we find here one of the sources of East Germans' uneasiness with their new parliaments.

As to the '*form cause*', we have to state first that the East German institutionalization of new state parliaments was such an easy-going success story because a well tried-and-tested set of rules and roles, a well designed institutional form, was imported. It created subsequently no problems because of own shortcomings. Quite to the contrary, East German politicians were able to master pretty well the enormous challenges they had to face because they were given good institutional blueprints. Second, the overall setting of the German polity made sure that new East German parliaments found an institutional environment in which they could work properly. In this respect they benefitted from being only a part of a sound, and much more encompassing, institutional structure.

## **V. Tasks for Further Research**

In this paper, the exceptional case of East German parliamentary institutionalization has been presented and analyzed by using the new approach of Evolutionary Institutionalism. It seems that this approach has some advantages over Polsby's well-established approach to legislative institutionalization. It is based on a much more comprehensive theory of institutional development, is not bound to the understanding of parliamentary institutions, and promises to be helpful for comparative research on the cultural, structural and functional prerequisites for, or hindrances to, building up viable parliamentarianism. Although the focus has been exclusively on the particular East German case, it could easily be seen in which dimensions this case deviates from other cases, thereby shedding light on much more conventional cases of legislative institutionalization. This should encourage similar research on why building up well-functioning parliaments succeeded in Poland or the Czech Republic, whereas it failed in countries like Russia or Pakistan.