The Austrian Parliament –
Consensus, cartel, competition

Author: Christoph Clar

The Austrian Parliament under reconstruction   © Parlamentsdirektion / Bernhard Zofall

Historical introduction

Compared to other European countries, the introduction of a parliament in Austria happened relatively late. After a first unsuccessful attempt to install a parliament in 1848, the development of today's parliamentarianism actually began in 1861. At first, following the model of the *Constitutionalism*, both the government and the parliament remained dependent on, and could easily be dismissed by, the emperor (Konrath 2020b, 203). Only with the foundation of Austria's First Republic in 1918 was the **parliament placed at the centre of the new political system**. This new system was very much in reference to Hans Kelsen's ideas of a constitutional democracy, in which he "tried to disassociate democracy from its ideological and religious appropriations by stressing the formal and procedural aspects of representative democracy" (Urbinati 2011, 39).

The **role of the parliament**, especially its relationship to the federal government, can be described in **four phases** (Konrath 2020b). The first phase is characterized by a particularly strong position of the first chamber of the parliament, the National Council (*Nationalrat*). The thinking behind this phase was that all major decisions should be made in parliament and all state authorities should depend on the parliament because the separation of powers was associated with the monarchy. Accordingly, the original version of the federal constitutional law (1920) conferred the whole state power, including the election of the government, to the National Council. The second phase started in 1929, when the position of the Federal President was strengthened. From now on s/he was directly elected by the people, had the right to appoint and dismiss the government, and, together with the government, to dismiss the National Council. However, the National Council still had the power to dismiss the government by a vote of no confidence and end the legislative period at any time. After 1945, in phase three, the constitutional framework of the parliamentary government system remained more or less the same. However, in practice, the parliamentary aspect of the Austrian political system was gradually pushed into the background and the parliament was very much reduced to its formal functions (Konrath 2020b). Due to Austria's strong and highly polarized party system, political conflicts took place and were mostly solved outside of parliament – mainly among political parties, but also through the integration of the so-called social partners (*Sozialpartner*), namely the Austrian Economic Chambers, the Austrian Chamber of Agriculture, the Austrian Trade Union Federation, and the Chamber of Labour (Hinterseer 2020). To some extent this changed in 1986, when the oppositional parties gained more weight, which can be described as the fourth phase, as outlined in more detail below.

The dominance of political parties

From its very beginning, political parties played an exceptionally important role in Austrian

parliamentarianism. The underlying political landscape was not characterized by a unifying national patriotism, such as in various other European countries at that time, but by a **strong polarization** between the social democratic working class and the predominantly catholic bourgeoisie (Heinisch & Wintersteiger 2020, 50). The associated parties, the Social Democratic Party of Austria SPÖ (formerly: Socialist Party) and the Austrian People's Party ÖVP, managed to dominate most state institutions. Accordingly, scholars describe the party system as system of **cartel parties**, "in which colluding parties become agents of the state and employ the resources of the state (the party state) to ensure their own collective survival" (Katz & Mair 1995, 5), and the system in which they act as **proportional democracy** (*Proporzdemokratie*; Andeweg et al. 2008) or **consensual democracy** (*Konkordanzdemokratie*; Heinisch & Wintersteiger 2020). After 1945, for more than 20 years both parties were part of all governments. Even after the 1966 election, when the ÖVP took the chance to form a government on its own, the consensual system lived on – mainly through the strong role of the social partners, which were closely connected either to the SPÖ or to the ÖVP.

In 1986, the third largest party, the Austrian Freedom Party FPÖ, increased its share of votes significantly (Heinisch 2016). In addition, for the first time since 1956, a fourth party, the Green Party, gained seats in the National Council. As both **oppositional parties** were not represented in main state institutions and were not at all part of major political decision making processes, the National Council became their main stage. This did not only change the public perception of the parliament, but also led to a number of modifications concerning the position and rights of the parliament and its members (MPs). In the 1994 election, the coalition government of SPÖ and ÖVP lost its two-third majority in the National Council. This gave additional weight to the oppositional parties because a two-thirds consensus in both chambers of the Austrian parliament is required to enact constitutional acts. Until then, this option was used by the governing parties to give particular articles or provisions in ordinary acts constitutional status, which makes it harder to change them later on (Eberhard & Lachmayer 2008, 114). From 2000 to 2006, the SPÖ was not part of the government. After a short period of another coalition government of SPÖ and ÖVP with a two-thirds majority (2007-2008), the renewed loss of their two-thirds majority led to a significant expansion of the rights of the parliamentarian minority (above all concerning their integration/participation in EU legislation, control of the European Stability Mechanism, or investigating committees).

At least since the parliamentary election in 1999, when the FPÖ gained the same percentage of votes as the ÖVP and became part of an ÖVP-FPÖ-government, the Austrian party landscape is much more fragmented and no longer dominated by two oversized parties. Since

then, a total of eight parties have been represented in the National Council. Five of them (SPÖ, ÖVP, FPÖ, BZÖ, and the Green Party) were part of at least one coalition government at the federal level. At the time of writing (late 2021), there are five parties represented in the National Council, with the ÖVP having 71 seats, the SPÖ 40 seats, the FPÖ 30 seats, the Green Party 26 seats, the liberal party NEOS 15 seats, and one independent MP.

Political system

De jure, Austria can be described as a **semi-presidential system** while *de facto* "the role of the president is very limited and Austria is commonly described in the scholarly literature as a **parliamentary system**." (Miklin 2015, 390) The parliament has **two chambers**, the National Council (*Nationalrat*) and the Federal Council (*Bundesrat*). The organisation of both chambers refers to three principles: (i) Free mandate of the MPs; (ii) Self-organisation of the parliament; and (iii) Legal and factual dominance of the parliamentary groups (Konrath 2020b).

The Austrian Parliament is often perceived as relatively weak in comparison to other more independent and pro-active parliaments, such as the German Bundestag. While the second chamber, the Federal Council, actually has very few competencies (see below), the National Council's powers are limited due to an electoral system, which is dominated by party lists, and limited resources, both in terms of parliamentary administration and the resources directly available to parliamentarians (Konrath et al. 2022). Accordingly, the Austrian political system is based on close cooperation between the executive (the federal government and the Federal President) and the legislator (the parliament).

The **National Council** is the dominant chamber and has the decisive role concerning the legislative process and the control of the executive (Konrath 2017). It has 183 members who are elected at least every five years. Each eligible voter has one vote, which she/he can cast for one party. In addition, she/he can express her/his preference for up to three candidates of the same party (one on the regional, the provincial, and the federal level each). But, to get prioritized for a seat in the National Council, a candidate has to get a very high share of her/his own party's votes. This is not very often the case, which is why preferential votes usually do not change much in the composition of the National Council and it is actually the party leaders who have the greatest impact on who gets a good position on the party list and, consequently, becomes an MP. The Green Party and the NEOS are exceptions to this rule: their candidates are nominated through internal democratic procedures.

The free mandate guarantees freedom of speech and freedom of vote for MPs. Nonetheless, it is the **parliamentary groups** which dominate parliamentary processes. Five MPs who were

candidates of the same party in the election campaign can found a parliamentary group. This can only happen within the first month following the first meeting of the National Council after an election, while each MP is allowed to change to another group or just leave her/his group at any time. Parliamentary groups receive financial resources and their members can become members of committees, which go alongside a number of other major participatory rights in the parliamentary process (above all, committees have the right to propose bills and resolutions to the National Council). In addition, parliamentary groups can make use of a number of minority and procedural rights, which single MPs do not qualify for (for instance, parliamentary groups are allowed a particular number of urgent questions, may demand extraordinary meetings, etc.)

The MPs' scope of actions is heavily determined by those groups. The MPs are usually integrated into parliamentary processes and thus socialized through their parliamentary groups. In cooperation with the three Presidents of the National Council (within the so-called President's Conference/*Präsidialkonferenz*), the chairpersons of the parliamentary groups decide on most major organisational and procedural issues in parliament. These dynamics heavily limit the legally given space for MPs (Konrath 2020b, 221). Without being a member of a parliamentary group, the resources of MPs are limited to their own parliamentary assistants and the infrastructural and information services of the parliamentary administration. The only chance for single MPs to actually participate are their (relatively short) speeches in plenary sessions and their right to vote. As Austrian MPs are heavily dependent on their (membership in) groups, they are known to be exceptionally disciplined and, in most cases, stick to the strategy and voting behaviour of their groups. Overall, this again emphasizes the major role of the political parties.

The **Federal Council** represents the nine Austrian provinces (*Bundesländer*). Its members are elected by the provincial parliaments. It has an absolute veto right concerning constitutional laws and provisions that limit the provinces' competences, legal provisions that affect the Federal Council itself, state treaties that regulate the provinces' autonomous jurisdiction, and state treaties that change the contractual basis of the European Union. In other matters, it can only delay the process by rejecting a draft bill. If the National Council nonetheless sticks to the bill (*Beharrungsbeschluss*), the Federal Council is not able to intervene again.

The role of the Parliament in European Union decision-making

In terms of **parliamentary scrutiny of EU decision-making**, several studies regard Austria's parliament as relatively strong compared to other EU-member states. However, reality does not live up to formal provisions. A closer look reveals that the Austrian Parliament is rather a

"good example of the discrepancy between legal provisions and practical implications" (Blümel & Neuhold, 2001, 336; see also Miklin 2015). When Austria was in the process of becoming a member of the European Union, the then Federal Government did not have the two-thirds majority in parliament that was necessary to pass the Constitutional Acts on Austria's accession to the EU. As part of a compromise, two opposition parties agreed to vote in favour of the changes in return for the government agreeing to strengthen the parliament's position with regard to EU matters (Blümel & Neuhold 2007, 143).

The instruments available to the parliament include two votes in the European Union's **subsidiarity control mechanism** (one vote each for the National Council and the Federal Council), as well as the possibility to **directly address any of the European Union** bodies within the so-called political dialogue by issuing an opinion on Commission documents or policy areas where the Commission has the power to act.

However, an Austrian particularity – and supposedly the most powerful instrument – is the parliament's right to formulate "**opinions that legally bind the government** in all negotiations on EU projects that need to be passed into federal law or which bear on the issue of a directly applicable juridical act concerning matters which would need to be settled by federal legislation" (Miklin 2015, 391). However, while in theory the Parliament can impose its standpoint on the Federal Government, scholars emphasize that in practice it only scarcely makes use of this strong instrument (e.g. Blümel & Neuhold 2007; Miklin 2015). On the one hand, this might be a consequence of the governing political parties' strong position and dominance regarding all processes in the National Council. On the other hand, this might also result from a lack of resources to respond adequately to the information overload the government is often "showering" the parliament with, usually at a late stage of the decision-making process at the national level (Blümel & Neuhold 2007, 157). Although this situation does not necessarily mean that parliament has no impact on the government's position at the EU level, "it means that the main route of influence for the parliamentary majority remains through the respective parties in government" (Miklin 2015, 395). Overall, when it comes to European Union decision-making, both the lack of autonomy from government and the way information is shared by the government adds to the argument that it is the political parties and/or the party leaders, rather than Parliament, that play the major role.

Recent developments and challenges
The reconstruction of the main building is not the only challenge the Austrian parliament and its administration are facing. The main issues include, *inter alia*: (i) the provision of information and data, which is already continuously expanding and improving; (ii) the

transparency, public accessibility and digitalisation of parliamentarian procedures; (iii) the adaptation of a system that has long been dominated by two parties to a more pluralized and competitive spectrum of parties (which often results in debates about minorities' rights, such as the design of investigating committees); (iv) an increasing turn-over-rate among MPs; and (v) female representation.[1]

Conclusion

This overview describes the comparatively late introduction of a parliament in Austria and the development of parliamentarianism – from a particularly strong first chamber, via a slight shift in the balance of power towards the Federal President and the government, to a push back of parliamentary aspects in favour of political parties and their representatives. It outlines the evolution of how political parties dominated Austrian parliamentarianism, from consensus and cartels to competition, and provides a brief overview of how the party landscape has changed. Finally, it identifies major characteristics of the Austrian political system, including the European Union framework, and names a few challenges the Austrian parliament is facing right now and in the near future.

---

[1] Until 2002, the share of women in the National Council has more or less steadily increased – up to 33.88%. After a decrease following the elections in 2006 and 2008, it increased again. However, with a share of 39.34% the current representation is still far below 50%.).

Bibliography and further reading

- **Andeweg, Rudy B.; Lieven De Winter And & Wolfgang C. Müller** (2008): Parliamentary opposition in post-consociational democracies: Austria, Belgium and the Netherlands. The Journal of Legislative Studies, 14:1-2: 77-112.

- **Blümel, Barbara & Christine Neuhold** (2001): The Parliament of Austria: A Large Potential with Little Implications. In: Maurer, Andreas & Wolfgang Wessels (eds.): National parliaments on their ways to Europe: Losers or latecomers?, Nomos, Baden-Baden: 313–336.

- **Blümel, Barbara & Christine Neuhold** (2007): The Parliament of Austria: A "Normative" Tiger?. In: Tans, Olaf; Carla Zoethout & Jit Peters (eds.): National parliaments and European democracy. A bottom-up approach to European Constitutionalism, European Law Publishing: 143-160.

- **Eberhard, Harald & Konrad Lachmayer** (2008): Constitutional Reform 2008 in Austria. Analysis and Perspectives. ICL Journal 2/2: 112-123.

- **Heinisch, Reinhard** (2016): The Austrian Freedom Party: Organizational development and leadership change. In: Heinisch, Reinhard & Oscar Mazzoleni (ed.): Understanding populist party organisation. The Radical Right in Western Europe. Palgrave Studies in European Sociology, Palgrave Macmillan, London: 19-47.

- **Heinisch, Reinhard & Mario Wintersteiger** (2020): Demokratie: Grundlagen, Probleme, Antworten. In: Heinisch, Reinhard (ed.): Kritisches Handbuch der österreichischen Demokratie. BürgerInnen, Verfassung, Institutionen, Verbände. Böhlau Verlag, Wien: 27-62.

- **Hinterseer, Tobias** (2020): Sozialpartnerschaft und Verbändestaat: Baustein oder Problem der Demokratie? In: Heinisch, Reinhard (ed.): Kritisches Handbuch der österreichischen Demokratie. BürgerInnen, Verfassung, Institutionen, Verbände. Böhlau Verlag, Wien: 293-330.

- **Högenauer, Anna-Lena & Christine Neuhold** (2015): National parliaments after Lisbon: Administrations on the Rise?. West European Politics, 38:2: 335-354.

- **Katz, Richard S. & Peter Mair** (1995): Changing models of party organization and party democracy. Party Politics 1/1: 5-28.

- **Konrath, Christoph** (2017): Parlamentarische Opposition in Österreich: Recht und Praxis in Zeiten eines fragmentierten Parteiensystems. Zeitschrift für Parlamentsfragen 3/2017: 557-574.

- **Konrath, Christoph** (2020a): Parlamentarisches Regierungssystem und Verwaltungsstaat: Grundlagen und Ansprüche. In: Heinisch, Reinhard (ed.): Kritisches Handbuch der österreichischen Demokratie. BürgerInnen, Verfassung, Institutionen, Verbände. Böhlau Verlag, Wien: 165-201.

- **Konrath, Christoph** (2020b): Regierung und Parlament: Organisation und Praxis. In: Heinisch, Reinhard (ed.): Kritisches Handbuch der österreichischen Demokratie. BürgerInnen, Verfassung, Institutionen, Verbände. Böhlau Verlag, Wien: 203-256.
- **Konrath, Christoph; Johannes Pollak & Peter Slominski** (forthcoming): The Austrian Parliamentary Administration. In: Christiansen, Thomas; Elena Griglio & Nicola Lupo (eds.): The Routledge Handbook of Parliamentary Administrations, Routledge, London.
- **Miklin, Eric** (2015): The Austrian parliament and EU affairs: Gradually living up to its legal potential. In: Hefftler, Claudia; Christine Neuhold; Olivier Rozenberg & Julie Smith (eds.): The Palgrave Handbook of national parliaments and the European Union. Palgrave Handbooks, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire: 389-405.
- **Urbinati, Nadia** (2011): Representative democracy and its critics. In: Alonso, Sonia; John Keane & Wolfgang Merkel (eds.): The future of representative democracy. Cambridge University Press, Cambridge: 23-49.

The corresponding author:

Christoph Clar (christoph.clar@parlament.gv.at) is a political scientist and an expert in the Parliamentary Administration of the Austrian Parliament. He has worked as a researcher and lecturer at the University of Natural Resources and Life Sciences, Vienna, and at the University of Vienna.