

Don't look back in anger! A comparative review of how MPs can be expelled from their parliamentary party groups

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In the run-up to the 2024 European Parliament elections, the Identity and Democracy group expelled all members of the German far-right AfD (Alternative for Germany). While this was a publicly noticed spectacular incident, expulsions from Parliamentary Party Groups (PPGs) occur regularly and across different countries. Against this background, and drawing on our SOPiP project (Standing Orders of Parties in Parliament), this Blickpunkt sheds light on the formal rules for excluding MPs from their groups in parliament. Investigating 95 documents which span 15 countries plus the European Parliament, we found that almost two-thirds of the rulebooks include pertinent provisions. However, the rules greatly vary as to who takes the decision, on what grounds, and whether procedural safeguards exist. Sometimes, super majority requirements go together with several other protections for individual MPs. In rare cases, the leadership decides on expulsions with lower material and procedural hurdles. The relevance of such rules should not be overlooked since the sheer option to remove MPs from the group can influence the members' behaviour.

Parliamentary party groups (PPGs) can be found in almost all legislative assemblies even though they carry different names (like *Fraktionen* in Germany, *fracties* in the Netherlands, *clubs* in Austria, *groupes politique* in France, *partigrupperna* in Sweden or *just parliamentary parties* in the United Kingdom). Generally speaking, the groups serve as link between parties as extra-parliamentary organisations and parliaments as directly elected state institutions. More specifically, they help MPs to coordinate their activities to get better individual and collective results.¹ Hence, PPGs are de jure and/or de facto crucial actors in policy making (e.g. by tabling bills) and government oversight (e.g. by setting up committees of inquiry). They also shape the legislative business in most presidential systems, e.g. when it comes to forming floor coalitions or appointments to committees.²

While such party-based groups of representatives are in general stable entities, their membership sometimes changes via mainly two interrelated paths. First, MPs can leave their group to join another PPG or to become independents.³ Second, members can be expelled from the PPG. Both paths are entangled if MPs, threatened by removal, move out of the group as an anticipated reaction. This Blickpunkt sheds light on the second path as we take a comparative look at the rules for expelling MPs.

In general, permanent expulsion from the group (or temporary suspension as a precursor) can be considered a rare phenomenon. In the German Bundestag, for instance, there are four empirical cases since 1990.⁴ However, it occurs regularly and across very different countries. To name some recent examples: The *Finns Party (Perussuomalaiset)* in May 2024 expelled Timo Vornanen who was involved in a violent incident at a night club in Helsinki. Four months earlier, Emanuele Pozzolo was suspended from the *Fratelli d'Italia* group in the Chamber of Deputies because a shot fired from his gun during a New Year's Eve party seriously injured another guest. These are rather extreme cases, though. Expulsions from the group are not only caused by the involvement in violent behaviour that attracts media attention. In the state parliament of Hamburg, Olga Petersen recently was removed from the *Alternative für Deutschland* parliamentary group due to her dubious role as election observer in the 2024 Russian presidential election.⁵

The relevance of expulsion rules is only partly revealed by such empirical cases. On the one hand, their effects are sometimes hidden by MPs who jump ship shortly before the group intends to act. Such step appears as voluntary and thus face-saving move. On the other hand, and more generally, the sheer option to remove MPs can already influence the group members' behaviour.

¹ See Suzanne S. Schüttemeyer, *Fraktionen im Deutschen Bundestag 1949 – 1997*, Wiesbaden 1998, p. 293; Gerhard Loewenberg, *On legislatures. The puzzle of representation*, Boulder, CO 2011, p. 76.

² See Gary W. Cox / Matthew D. McCubbins, *Legislative Leviathan. Party government in the house*, Berkeley, CA 1993.

³ For party switching in Europe see the INSTAPARTY project led by Raimondas Ibenskas, Sona Golder, Allan Sikk, <https://instapartyproject.com/>. For the German case: Oliver Kannenberg / Sarah Ketteni3 / Lorenz Schleyer, *Fraktionswechsel – ein unterschätztes Phänomen?*, in: IParl-Blickpunkt No. 11 (2023); Sven Leunig, *Rechtliche Regelungen des Fraktionsausschlusses im Bundestag und in den Landesparlamenten. Versuch einer Bestandsaufnahme*, in: *Zeitschrift für Parlamentsfragen*, vol. 50 (2019), no. 2, pp. 276 – 298.

⁴ See Oliver Kannenberg / Sarah Ketteni3 / Lorenz Schleyer, loc. cit. (fn. 3), p. 9.

⁵ See for those examples: *Perussuomalaiset MP expelled from parliamentary group over night club shooting*, in: *Daily Finland*, May 2, 2024, <https://www.dailyfinland.fi/national/37528/Perussuomalaiset-MP-expelled-from-parliamentary-group-over-night-club-shooting>; *Hamburger AfD-Fraktion schließt Petersen aus*, in: *FAZ*, May 8, 2024, p. 5; *Elena Giordano, Meloni's party suspends MP for New Year's gunplay*, in: *Politico*, January 9, 2024, <https://www.politico.eu/article/giorgia-meloni-emanuele-pozzolo-party-suspends-mp-involved-in-new-year-shooting-incident/>

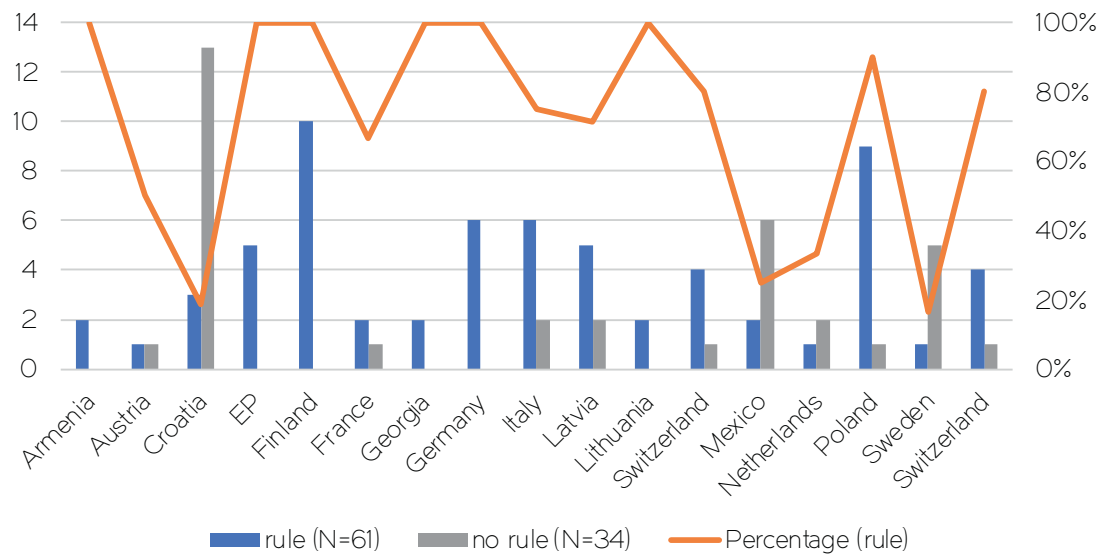
In the following, we draw on our SOPiP project (Standing Orders of Parties in Parliament)⁶ to investigate the existence and design of rules to expel MPs from the PPG. We rely on 95 documents (from the years 2018 to 2023) which span 15 countries plus the European Parliament (see figure 1 below for the countries). For Finland, Germany, Italy, Latvia, Mexico and Switzerland, we can draw on full country samples, i.e. on documents from all PPGs within the national level parliament. The focus on the groups' standing orders is also justified by the absence of relevant provisions in other legal sources. Analyzing the constitutions, the assemblies' rules of procedure and (where available) ordinary laws on Parliaments, we found that only the parliamentary rules of procedure in Armenia and Georgia address the expulsion topic among our sample countries. However, both documents merely stipulate that the parliamentary groups have the right to exclude individual members from their ranks.

Main findings

Looking at the various standing orders in our sample, we arrive at three main conclusions. First, almost two-thirds of the rulebooks (61 standing orders, i.e., 64 percent) include provisions on the expulsion of group members. There are countries in which every (available) document includes this topic. This holds for our full-sample cases Germany and Finland, for instance. This is particularly remarkable for Finland, as there are one-person PPGs in the Riksdagen. Accordingly, even these groups have an expulsion provision in their rule book. In another group of countries, expulsion rules are not comprehensively enshrined. For example, three out of 16 Croatia documents (19 percent) and six out of eight Italian PPG rulebooks (80 percent) refer to this topic (see figure 1). For the party groups lacking any regulation (36 percent), we may assume that expulsions are not empirically relevant to such an extent that the group feels compelled to formalize the matter. Alternatively, cases could by default either be simply handled through unwritten conventions or by falling back on (formal) general provisions that group matters require majority decision-making.

Second, the set of rules (in case the exclusion is explicitly regulated) often includes the same core elements: The key provision refers to who takes the decision by which majority. Even the most basic regulations contain this information. Moreover, some documents stipulate on what grounds MPs can be expelled from the group. Finally, more elaborated rulebooks include procedural safeguards that most commonly contain a hearing of the member to be expelled. In general, there is much variation in how different rules in those areas are combined.

Figure 1: Share of PPGs with expulsion rules in their rulebook



Source: SOPiP.

Third, we can infer from the data that rules on expulsion are subject to diffusion effects. When comparing standing orders from one country, they often contain similar or even identical provisions. Hence, sets of rules spread by national learning and copying. Rule-makers might modify or extend their rules over time to adapt to new conditions while other groups profit from such accumulated organisational knowledge by using it as role model. In some countries, however, such "contagion" does not take effect since only few groups seek to regulate the matter.

Deciding on expulsions

The most crucial provisions within the set of expulsion rules determine how the decision to expel a member is made. In general, three different bodies can be identified: the leader (as a single person), the leadership board or the PPG's general assembly. The former, however, is a rare empirical case: The group leader in the Italian group *Italia Viva* for instance can decide on expulsion. An example for a decision by the collective leadership (executive board) is the group of *Les Républicains* in the French National Assembly. In most of the cases in our sample, however, it is the PPG as a whole that decides during an internal plenary meeting.

A second differentiation concerns the majority required in cases where the whole group decides. In general, a higher hurdle offers more protection and, hence, strengthens individual members. The examined standing orders fall in mainly three groups: First, some documents refer to the ordinary decision-making procedure that is regulated elsewhere in the respective standing orders. It usually requires a majority of votes with a 50 percent quorum of group members present. In a second group, the rulebooks demand that the decision is taken by a majority of all members. This is a slightly higher hurdle than the need to reach a majority of votes. Most cases belong to our third category which makes expulsions subject to super majority decisions. Usually a 2/3-majority of all members is needed. Divergent cases are for instance the PPG of the *Greens* in Germany who have formalized a 3/4-majority, or the group of the Polish party *Porozumienie* demanding a 3/5-majority.

There are further and rather special decision-making provisions within a few groups: In one Latvian PPG, the leader of the group has to be among the parliamentarians who vote for the expulsion of a member. This makes him or her what political scientists have termed a veto player, i.e. an individual or collective actor whose agreement is required to change the status quo.⁷ The *Identity and Democracy* group in the European Parliament (ID) established an additional barrier for expulsions which can be explained by its multi-national character. A member is excluded from the group only if there is double majority among all group members and among the members of the MP's national delegation. A very specific rule can be found for Italian's *Movimento 5 Stelle* party/movement: While the PPG rulebook states that the group leader takes the decision, this decision has to be approved through an online vote among all party members unless it is about "exceptional cases" or the party's "political leader" decides not to do so.⁸

Procedural safeguards

Since expulsions are a serious matter for both the group and the individual member involved, the set of rules often contains some procedural safeguards derived from the general rule of law. Among the varieties of procedural rights, the most important as well as most common one is a hearing requirement. The concerned MP thus has to be given an opportunity to explain and defend himself or herself. Such an exchange of arguments might de facto take place even if it is not formalized. However, informal practices cannot be taken for granted after all. The formalized requirement primarily protects MPs that find themselves in opposition to the rest of the PPG. Some standing orders of groups within the European Parliament again include additional provisions given their multinational nature: In the case of the ID (*Identity and Democracy*) and the EPP (*European People's Party*), the members of the same nationality as the member in question have to be heard.

Another procedural safeguard is established among two Polish groups. They created the office of a representative responsible for disciplinary and ethical matters who, among other duties, is also involved in the expulsion procedure. In the case of *Koalicja Polska*, the so called disciplinary advocate runs an investigation into the member's behaviour before an expulsion decision is taken. As a result, the incumbent can either recommend to terminate the expulsion procedure or to sanction the MP (through exclusion from the group or other measures). The standing order of the *Koalicja Obywatelska* provides for a similar position. Yet, the attorney-like representative here is one of the deputy PPG leaders. It is questionable whether the interests of the member concerned are best protected through this mechanism.

While the mentioned procedural rights aim at what happens before an expulsion decision is taken, a few rulebooks also contain provisions on the possibility to file an appeal against the decision. This is crucial in those PPGs that give the leadership an exclusive say in expelling members. For instance, the group *Les Républicains* in France empowers the leadership to exclude members who, however, can file an appeal with the group's general assembly. In those cases, hence, group leaders might not have the final say.

⁷ See George Tsebelis, Decision making in political systems. Veto players in presidentialism, parliamentarism, multi-cameralism and multipartyism, in: *British Journal of Political Science*, vol. 25 (1995), no. 3, pp. 289 – 325.

⁸ The political leader in 2019 (when the rulebook we draw on was adopted) was Luigi di Maio who also served as Minister of Foreign Affairs at that time. See for the party's structure and the informal influence of its founder, Beppe Grillo, e.g. Davide Vittori, Which organization for which party? An organizational analysis of the Five-star Movement, in: *Contemporary Italian Politics*, vol. 13 (2021), no. 1, pp. 31 – 48.

Reasons for expelling members

Going beyond procedural requirements, many standing orders also list material reasons why a member may be excluded. In practice, these material requirements will be – next to the majority decision – the most challenging hurdle for expulsions. As is the case for most other provisions examined, the reasons mentioned in the documents are similar. Among the set of most common reasons are: repeated and unexcused abstention from group meetings, neglect of one's parliamentary duties, noncompliance with resolutions of the PPG, and infringements of the standing order rules. A few rulebooks also explicitly mention as a reason that members constantly do not care about group discipline when it comes to plenary voting. In many PPGs, however, the standing orders also refer to reasons that are very much open to interpretation. Take for instance the provision that expulsions require "an important reason" (as stipulated in the rulebook of the *Social Democrats* in the German Bundestag) or a "significant and serious violation of the policy adopted by the Group" (*Green Party* in the Bundestag). To be fair, both specifications mean a crucial constraint for expulsions. Yet, which type of (mis)behaviour they imply is unclear. As a consequence, and for lack of court decisions on the matter, the group leadership or the PPG as a whole can more easily "construe" some behaviour as form of misconduct that meets the material requirements.

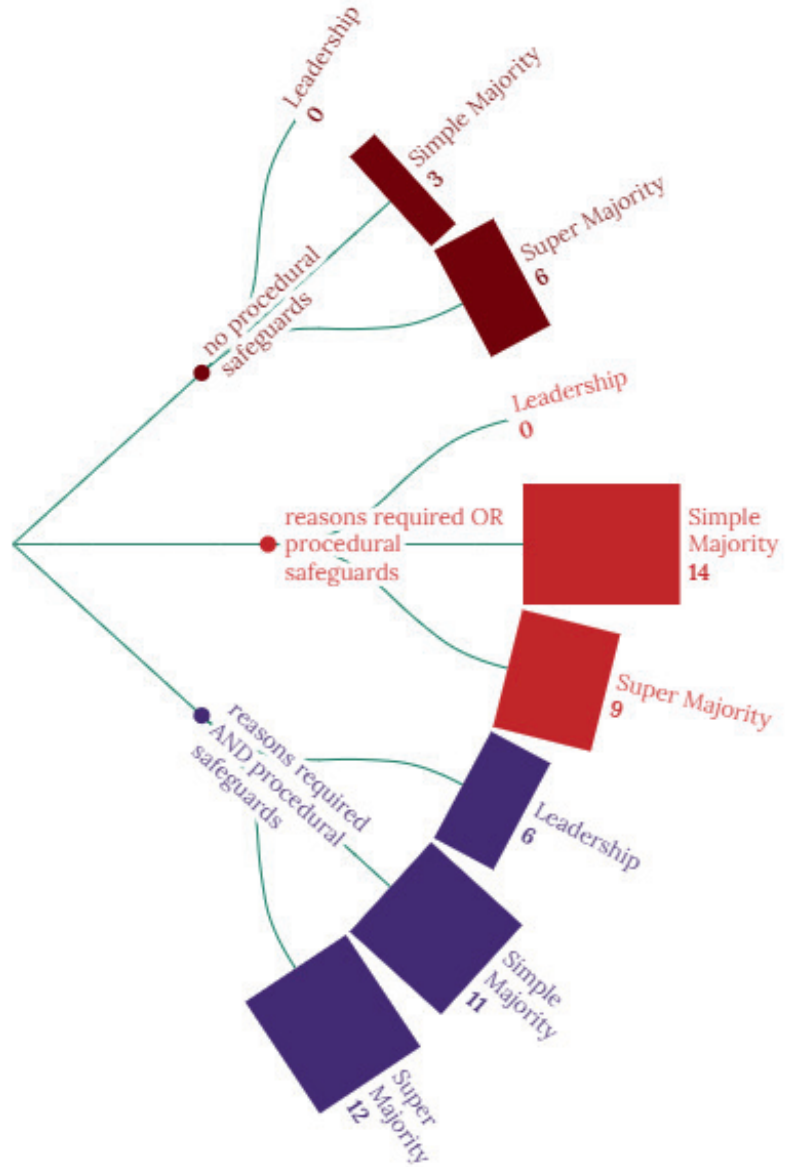
Patterns of expulsion rules

Indisputably, the studied rules interact. For example, procedural requirements like hearings in fact come to nothing, if decision-making power lies solely with the leadership board. To provide an integrated view, the figure below sheds light on the empirical patterns in our sample. It points to three different constellations with considerable intra-group variance. Starting with rulebooks that neither include procedural safeguards nor material reasons (first node), mostly supermajorities decide on expulsions. However, there are also three parliamentary groups who can expel members by simple majority among those cases with no further protection. In another constellation, PPGs either establish procedural safeguards or list material reasons to exclude team members (second node). In those cases, groups requiring a simple majority decision outnumber those in which a super majority is needed. The combination of a simple majority decision plus material reasons or procedural safeguards also is the single most frequent pattern in our sample (fourteen PPGs).

Irrespective of decision-making, the most protective situation (from the individual member's perspective) exists if both procedural and material provisions are included in the standing orders (third node). Covering 29 PPGs, they account for the most cases in our sample of groups with expulsion rules. Interestingly, this constellation is dominated by super majority requirements which means that high numerical hurdles go together with high protection in those groups. However, there are also six groups who empower the leaders to take the expulsion decision. Viewed from the individual member's angle, there is at least a double component of protection in those latter groups. Yet, we are far from considering this a full compensation for lower majority hurdles. In case of doubt, provisions on the decision-making mechanism surely carry more weight.

Figure 2: Formal paths to expel PPG members

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Source: SOPIP.

A special characteristic of the European Parliament is that several groups of national MEPs (from one party) are grouped together within one PPG resulting in an inevitably more heterogeneous membership. Within the centre-right to right-wing camp of the European Parliament, there has recently been an increase in conflicts over the affiliation of individual national parties and their respective members. Here, the exceptional case of a collective exclusion of several MPs from one party can occur. The most prominent example is the Hungarian *Fidesz* party in the European Parliament which caused quite a stir in 2021. It centered on the question whether a group of MEPs who collectively belong to the same party (*Fidesz*) can be excluded at once from the group of the *European People's Party*. *Fidesz*, led by Viktor Orbán, has been criticized for years for its ongoing dismantling of the separation of powers and the rule of law. As a result, the party's membership in the *European People's Party* was suspended in 2019. The fact that the respective MPs remained in the EPP-PPG for the time being was mainly due to the standing orders which required a 2/3-majority to exclude ordinary MEPs up until the "Fidesz case". When the tensions within the group came to a heat, revised rules were adopted which provided for the specific exclusion of party groups: If a party has already been suspended in the context of the party family at the European level, it can be expelled from the PPG by a simple majority. In line with our reasoning above, the *Fidesz* MPs pre-empted this step by leaving the group.⁹

In the run-up to the 2024 European Parliament elections, the *Identity and Democracy* group expelled all members of the German far-right *AfD*. Along with fundamental policy disagreements, historical revisionist statements by its Spitzenkandidat (lead candidate) Maximilian Krah were the main reason for the exclusion. This case suggests that exclusions can also be a symbolic act as the decision was made shortly prior to the election date, even though parliament will not meet again. Furthermore, not only the Spitzenkandidat but the entire delegation was excluded as a sign of clear demarcation.¹⁰

No one-size-fits-all approach

Based on data for almost one hundred PPGs, this Blickpunkt revealed that MP expulsion does not follow a one-size-fits-all model. Instead, rules to expel members from the parliamentary group vary in practice. There are rather simple as well as more elaborated sets of rules. Expulsions are linked to higher or lower hurdles from the group's view and to more or less protection from the individual member's view. In case of application, it makes a difference whether the MP's group follows the second category in figure 2 (majority decision with no further protection) or the last path at the bottom (super majority decision with full protection). Importantly, as argued at the outset, the relevance of rules and different rule designs should not be inferred from the frequency of actual expulsions. Rules also operate according to the law of anticipated reactions. Looking ahead, there are mainly two promising avenues for future investigations: First, research should take a more detailed approach to examine the combination of different rules. Second, cases of rule changes might help to disclose whether, why and when rules matter.

⁹ See Jon Henley, Hungary's Fidesz party to leave European parliament centre-right group, in: The Guardian, March 3, 2021, <https://www.theguardian.com/world/2021/mar/03/hungarys-fidesz-party-to-leave-european-parliament-centre-right-group>.

¹⁰ See Kjeld Neubert, German far-right AfD kicked out of ID-group, in: Euractiv, May 23, 2024, <https://www.euractiv.com/section/elections/news/german-far-right-afd-kicked-out-of-id-group/>.

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