

Constitutional System in Germany

The Indian Constitution is said to be a bag of borrowings since it adopted many ideas and principles from various constitutions from all over the world. In this article, you can get an idea about the German Constitution that is currently followed, and also a brief about the political system in modern Germany. This is a part of the [UPSC](#) international relations segment.

Germany - Introduction

Germany is a country in Western and Central Europe bordered by Denmark, Poland, Czech Republic, Austria, Switzerland, Luxembourg, Belgium and the Netherlands.

- It is a highly developed country with a strong economy.
- It is the largest economy in Europe and the fourth-largest economy by nominal GDP in the world.
- It is a technologically advanced nation and offers a high standard of living to its people.
- The Constitution of Germany is known as the Basic Law (Grundgesetz).
- Germany is a parliamentary democracy and is officially called the Federal Republic of Germany (Bundesrepublik Deutschland).

Germany - Brief Political History

Although Germany has a long history, its emergence as a unified nation-state is a relatively recent phenomenon (unlike the United Kingdom and France).

- Until the 19th century, the area of Germany comprised a collection of kingdoms, city-states, duchies and other principalities.
- These various entities were loosely held together as part of the Holy Roman Empire.
- In 1815, after the defeat of Napoleon, the German Confederation arose replacing the Roman Empire.
- This confederation consisted of 39 sovereign states and resembled a treaty community more than a political union.
- The March Revolution of 1848 saw uprisings in many Germanic states where people demanded more fundamental rights and a unified German nation.
- In 1849, the Parliament adopted the Frankfurt Constitution which became the constitution of the German Empire.
 - Under this Constitution, a bicameral parliament was created with a house of commons (Volkshaus) that was directly elected, and a house of states (Staatenhause) comprised of representatives sent by the individual confederate states.
- A year later, the union was restored to a confederation as most of the princes refused to let go of their sovereignty.
- In 1867, the North German Confederation was established under Otto von Bismarck. A new constitution was adopted.
- This constitution was maintained in 1871 when the German Empire was established. Read more on the [unification of Germany \(1871\)](#).
- This empire lasted until the German Revolution of 1918, which declared Germany a Republic.
- Under this republic, the Weimar Constitution (1919) was drawn up.
- However, a long succession of unstable governments led to the rise of the Nazi Party in power in the 1930s.
- Adolf Hitler was appointed as the Chancellor of Germany in 1933 and he remained in power until Germany was defeated in the Second World War. Read more on the [causes of World War II](#) in the linked article.

- In the aftermath of the war, Germany's administration was divided between the Allied Powers, which finally led to the division of the country into the Federal Republic of Germany in the west and the German Democratic Republic (GDR) in the east.
- In 1990, Germany officially reunited to form the present-day Federal Republic of Germany. Read more about the reunification of Germany in '[This Day in History](#)' dated October 3.
- The current constitution of Germany is a slightly amended version of West Germany's 1949 Constitution.

Political System in Germany

The German Constitution is called the Basic Law. It lays down the fundamental structural principles of the Federal Republic of Germany as:

1. Federalism
2. Democracy
3. The rule of law
4. The "social state" (government based on social justice)

Federalism

- The federal state is composed of a central government (Bund) and a number of constitutive states (Länder or Bundesländer). [Like the central government and the state governments in India].
- There are 16 constitutive states in Germany with each state enjoying a good deal of power in matters of police, law, culture and disaster control.
- For historical reasons, the cities of Berlin, Hamburg, and Bremen are also federal states.

Democracy

- Since Germany is a democracy, all power is said to be derived from the people.
- The Basic Law states *"All state authority is derived from the people. It shall be exercised by the people through elections and other votes and through specific legislative, executive, and judicial bodies."*
- Basic Law also stipulates the separation of powers.
 - The separation of powers is intended to provide constitutional limits to the exercise of power, and to ensure democratic representation and the rational discharge of functions.
 - Power is distributed between the Executive, the Legislature and the Judiciary.
 - Also read about the [separation of powers in the Indian Constitution](#).

Executive

- The executive branch is comprised of the President, the Chancellor, and the Federal Ministers.
- While the President is the Head of State, the Chancellor is the Head of the Government. [The president is similar to the Indian President whose power is largely ceremonial. The Chancellor is akin to the Prime Minister in the Indian system].
- The President appoints and removes ministers on the proposal of the Chancellor.
- The Chancellor and the ministers set the policies and guidelines for the federal government.

Legislature

- The legislature at the federal level is composed of two houses, the Bundesrat and the Bundestag.
- **Bundestag**
 - This is the lower house.

- The Bundestag consists of 598 regular seats elected under a mixed electoral system.
- One-half of the seats are **elected directly** in 299 constituencies based on a majority vote, while the other half are filled through the proportional representation system using the party list.
- The latter arrangement aims to allocate extra seats to political parties so that the make-up of the Bundestag reflects the support for these parties across the country.
- Hence, every person who is eligible to vote has two votes under this system. The first is for a specific candidate and the second is for the party list.
- Members are elected for a four-year term.
- **Bundesrat**
 - This is the upper house and is comprised of members of the Lander governments and represents state interests.
 - A bill adopted by the Bundestag may require Bundesrat consent. If the bill does not require the consent of the Bundesrat, the body may still enter an objection, but the Bundestag may override those objections.

Judiciary

- Germany has an independent judiciary consisting of the Federal Constitutional Court, Supreme Federal Courts, and other Federal Courts.
- The Federal Constitutional Court rules on issues dealing with the Basic Law, disputes between the Landers and the Federation, disputes between the Landers, etc. Hence, it is very much like the [Supreme Court of India](#).

The following image shows some of the major political parties in Germany today.

Major Political Parties in Germany



<p>Christian Democrats (CPD)</p> <ul style="list-style-type: none"> • centre-right • electorally most successful • founded in 1945 by a coalition of anti-Nazi groups and conservatives • Pro-market, socially conservative policies <p>Free Democrats (FDP)</p> <ul style="list-style-type: none"> • socially very liberal • economically, right of CPD • founded in 1948 	<p>Social Democrats (SPD)</p> <ul style="list-style-type: none"> • oldest and second-largest party • founded in 1863, once was Marxist-influenced • now, centre ground • socially liberal policies, greater environment regulation, protection of workers <p>Die Linke</p> <ul style="list-style-type: none"> • founded in 2007 by left-wing dissidents of SPD • left-wing party 	<p>Greens</p> <ul style="list-style-type: none"> • peace and pro-renewable policies <p>Alternative for Germany (AFD)</p> <ul style="list-style-type: none"> • right-wing nationalist party • considered highly controversial • anti-immigration and anti-Islam positions
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