Germany: Institutions

I. The Basic Law

II. Legislature
   A. Bundestag and Bundesrat

III. Executive
   A. Chancellor, Cabinet and President

IV. Länder Governments

V. Judiciary
The ‘Basic Law’ (Grundgesetz)

- Basic Rights and Civil Liberties
  - Constitutional Court & Judicial Review
- Federalism
  - Länder and division of powers
- Governmental Stability
  - Constructive Vote of No Confidence
  - Five Percent Rule
- Executive Authority
Institutions of the Federal Republic

- Federal President elects
- Federal Government (Chancellor and Cabinet)
- Bundestag elects
- Bundesrat appoints
- The General Public elects
- State Governments
I. Legislature

A. Bundestag (Federal Diet)
- Elected every four years; 614 members currently (299 directly elected)
- Two-Ballot system (with 5% hurdle and ‘overhang seats’)
- Coalition governments

B. Bundesrat (Federal Council)
- Appointed by state governments
- 69 members based on population

Legislation must go through both chambers, but Bundestag superior
## Germany’s Two-Ballot Elections

The image shows a postal voting ballot for the 2005 German federal elections. Voters have to mark two circles for their preferred candidates on the first ballot. The top candidates listed are Greiner, Heidenau, Hohlnecker, Ioener, Langanki, Obenaicher, Oberhauser, Reichenberger, Fuhrmann, and Rösner. The bottom candidates listed are Frey, Steiner, Reinelt, Rehner, Schönhuber, and Schrick. The ballot indicates the candidates for the Christian Social Union (CSU), Social Democratic Party (SPD), Green Party (GRÜNE), Free Democratic Party (FDP), Die Republikaner, Die LINKE, Alternative für Deutschland (AfD), and Unabhängige Kandidaten (UNK).
2005 Bundestag Election Results

General Election 2005

2005 Germany

Results in percent

CDU/CSU  SPD  FDP  Linke  Grüne  Sonst.
35.2    34.2  9.8  8.7    8.1   4

Seat distribution

CDU/CSU  SPD  FDP  Linke  Grüne
226    222   61   54    51

Official results

Germany
Federal states

CDU/CSU
Christian Democrats

SPD
Social Democrats

Grüne
Greens

FDP
Free Democrats

Linke / PDS
Left party
Successor to GDR communist party
Sonstige - Others

Seats
Change

226
222
61
54
51
Procedures in the Bundestag

- **Two main functions:**
  - Elect the Chancellor/provide government
  - Pass legislation

- **Level of independence between US and UK**
  - Coalitions, Organization, Legislation

- **Legislative Process**
  - (1) Pre-parliamentary Stage; (2) First Parliamentary Stage (Bundesrat); (3) Second Parliamentary Stage (Bundestag)
Executive -- Chancellor

- Leader of the majority in Bundestag
- Directs government policy
- Primary power is control over cabinet, however:
  - Need to Satisfy Party Factions
  - (“Grand”) Coalitions
  - No direct control over ministries or Länder
- “Chancellor Democracy”

Chancellor Angela Merkel
Executive -- President

- Every five years by a Federal Assembly of all Bundestag and state legislators
- Powers largely ceremonial
- Role of President:
  - Represent the “conscience” of the nation
  - Mediator during parliamentary divisions and crises

German President Horst Köhler
The *Länder* Government

- ‘Reserved Powers’ -- education, police, justice, etc (55% of spending)
- Vary greatly in size and wealth
  - North Rhine-Westphalia = 18 million; Hamburg = 1.6 million
  - Hamburg = 189.1 of EU25 average; Thuringia = 73.1
The Ländere Government

- East-West economic divide
- Constitution requires “unity of living standard”
- Coalition governments (different from national)
- Unicameral legislatures with electoral system like Bundestag
- Cabinet headed by a Minster-President (Land equivalent of Chancellor)
- Staggered elections
Judiciary

**Constitutional Court with 16 members**
- Half elected by Bundestag, half by Bundesrat
- Divided into two chambers (“Senates”)
- One deals more with civil liberties, the other with federal-intergovernmental

**Charged with defending Basic Law and protecting democracy**
- Bans on communists in 1950s
- neo-Nazi groups today