

## 5.4 COMPARATIVE STUDY OF THE POLITICAL SYSTEMS IN THE UNITED STATES AND GERMANY

### ? FOCUS QUESTIONS:

- What are the purposes and functions of government?
- Under what circumstances is the exercise of political power legitimate? What are the proper scope and limits of authority?
- How are individual rights protected and challenged within the context of majority rule?
- What conflicts exist among fundamental principles and values of constitutional democracy?
- What are the rights and responsibilities of citizens in a constitutional democracy?

### STANDARD #6 POWER, AUTHORITY AND GOVERNANCE.

#### LESSON OVERVIEW:

This lesson presupposes the students will be familiar with the structure of the American political system and the US Constitution. Using primary-source documents and charts, students will have the opportunity to compare and contrast two federal systems: the United States and Germany. Students will illustrate their findings in the form of Venn diagrams, charts, and PowerPoint presentations. By the end of this lesson, students will understand that different countries develop different forms of government and that the functions of government and principles of democracy are often expressed in and protected by a constitution and/or Basic Law.

#### TEACHER BACKGROUND INFORMATION:

All societies need governance. As a society develops, it organizes itself into a polity to meet its needs for governance. Those needs include not only self-preservation but also the protection of freedom and the promotion of a better life. Government is the societal institution that has the authority to make and enforce collective decisions binding for all members of society. In theoretical terms, the “legal constitution” of a polity is the framework of its governmental institutions and fundamental laws. These include constitutions, bills of rights, legal codes and important judicial decisions.

Although the idea of representative democracy was experienced briefly by the German people during the period of the Revolutions of 1848 (the Frankfurt Assembly or Parliament), the first real attempt at the establishment of a democratic system of government was the ill-fated Weimar Republic (1919-1933). A combination of German acceptance of responsibility for WWI (article 231 of the Treaty of Versailles), the lack of true experience with parliamentary government, and a fractioned multiparty parliament resulted in the infant Republic being virtually doomed for failure from the outset. Thus, Germany’s first success with a republican form of government began with the establishment of the Federal Republic of Germany and its founding document—the Basic Law (*Grundgesetz*) on May 23, 1949. The reunification of Germany on October 3, 1990 was an expansion of the political system that existed for 40 years prior. This lesson presupposes the students’ familiarity with the American political system; there should be copies of the US Constitution available for students when completing these activities. For



a concise, but somewhat comprehensive, summary of the German political system, the teacher can refer to lesson 5.3 of this text and access information from *Facts About Germany* (see chapter 3 of this book), also available at <http://www.tatsachen-ueber-deutschland.de/en/political-system.html>. This chapter is written by Jürgen Hartmann, professor of political science at the Helmut Schmidt University in Hamburg.



## TIME:



(4) 45 minute class periods

## INSTRUCTIONAL RESOURCES:

- Copies of the US Constitution
- Laws of Government Comparison (**Handout 5.4.1 on Instructional Resource Disc**)

## PROCEDURE:



### DAY 1:

**Anticipatory Set:** The teacher should ask the students to explain the purpose of government and review the different types of governments: autocracy, theocracy, absolute and constitutional monarchy, republic, democracy, dictatorships, oligarchy, etc. The students should speculate about life without governments. Then, the teacher might introduce/review some basic theories postulated by political thinkers Thomas Hobbes, John Locke and Montesquieu.

The teacher should make sure that students have a solid understanding of different levels of government (national, state, local) and of terms such as *federal* and *confederal*. They will compare Article VI of the United States Constitution and the Tenth Amendment of the Bill of Rights to Articles 28 and 31 in the German “Basic Law” to conclude that both the United States and Germany have federal systems. The teacher should write the key terms and their definitions on the board (adapted from the Center for Civic Education <http://www.civiced.org/>):

- *Confederal System:* An alliance of independent states which creates a national government of very limited power; the member states have supreme authority over all matters except those few which have been expressly delegated to the national government (e.g., mutual defense against foreign enemies).
- *Federal System:* A system in which a national government shares powers with state governments, but the national government may act directly on individuals within the states (e.g. national governments may require individuals to pay income taxes).

The teacher should put the following information on the board:

### U.S. Constitution

- **Article VI** — “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.”
- **Tenth Amendment of the Bill of Rights** — “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

### Germany Basic Law

- **Article 28** — “The constitutional order in the *Länder* must conform to the principles of republican, democratic, and social state governed by the rule of law, within the meaning of this Basic Law” (Section 1).
- **Article 31** — “Federal law shall take precedence over *Land* law.”

After discussion of the passages from the two “constitutions,” the teacher should ask the students: What is federalism, and how does it differ from a confederal system? Can a state in the United States or a *Land* in Germany adopt a law that contradicts federal law?



**DAYS 2-3:**

The teacher should begin the lesson by explaining the purpose of a constitution to students. Most countries have a constitution in which the basic rules for citizens living together are written down. (One major exception is the United Kingdom.) Technically, the Federal Republic of Germany has had no constitution since 1949, but rather a “Basic Law” (*Grundgesetz*). The “Basic Law” was not ratified by a vote of the people, but rather by a vote of representatives in the parliaments of the federal states that had been formed in the Western occupation zones and the Parliamentary Council elected by the state parliaments. It took effect on May 23, 1949. In the forty years that followed, the “Basic Law” proved to be a solid foundation for democracy. After the reunification of Germany on October 3, 1990, this “Basic Law” has also been valid for the five new federal states and eastern Berlin. Germany is a republic with a federal structure in which the federal states share power and responsibilities with the central government. The relationship between the federal government and the state government is spelled out in the “Basic Law.”

After the teacher discusses with the students the purpose of the preamble of a constitution, she/he should distribute the Laws of Government Comparison Handout (**Handout 5.4.1 on Instructional Resource Disc**) and then have the students complete the following chart individually or as a class exercise.

- *“We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”*  
Preamble, Constitution of the United States (1789)
- *“Conscious of their responsibility before God and man, Inspired by the determination to promote world peace as an equal partner of a united Europe, the German people, in the exercise of their constituent power, have adopted, this Basic Law. The Germans in the Länder of Baden-Wurttemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia have achieved the unity and freedom of Germany in free self-determination. The Basic Law thus applies to the entire German nation.”*  
Preamble, Basic Law of the Federal Republic of Germany (updated 1994) Social Services

What Is Stated About	USA	Germany
Purpose or objective of government		
Role of the people		
Role of individual states in the federal union		
Source of power to create the government		

Next, the teacher should continue with the Laws of Government Comparison Handout (**Handout 5.4.1 on Instructional Resource Disc**) and point out that German “Basic Law” contains several provisions that are not found in the United States Constitution. The students should identify the key differences in the German “Basic Law” compared to the U.S. Constitution by analyzing Articles 20, 21 and 26 and why these provisions might have been included. The teacher should ask students to summarize each article and to speculate why it was included in the “Basic Law”.

**Article 20**  
(4) All Germans shall have the right to resist any person or persons seeking to abolish this constitutional order, if no other remedy is available.

**Article 21**

(1) Political parties shall participate in the formation of the political will of the people. They may be freely established. Their internal organization must conform to democratic principles. They must publicly account for their assets and for the sources and uses of their funds.

(2) Parties that, by reason of their aims or the behavior of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional. The Federal Constitutional Court shall rule on the question of unconstitutionality.

(3) Details shall be regulated by federal laws.

**Article 26**

(1) Acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression, shall be unconstitutional. They shall be made a criminal offence.

(2) Weapons designed for warfare may be manufactured, transported or marketed only with the permission of the Federal Government. Details shall be regulated by a federal law.

The teacher should indicate that the United States Congress and the German Legislature are both bicameral. While this similarity exists, the differences in these legislatures are great. In the next activity (**Handout 5.4.1 on the Instructional Resource Disc**) the students should read Articles 38 and 51 from German “Basic Law,” analyze how both the *Bundestag* and *Bundesrat* operate, and conclude how the German system is different from that in the United States.

**German Basic Law****Article 38**

(1) Members of the German *Bundestag* shall be elected in general, direct, free, equal and secret elections. They shall be representatives of the whole people, not bound by orders and instructions, and shall be responsible only to their conscience.

(2) Any person who has attained the age of eighteen shall be entitled to vote; any person who has attained the age of majority may be elected.

**Article 51**

(1) The *Bundesrat* shall consist of members of the *Land* governments, which appoint and recall them. Other members of those governments may serve as alternates.

(2) Each *Land* shall have at least three votes; *Länder* with more than two million inhabitants shall have four, *Länder* with more than six million inhabitants five, and *Länder* with more than seven million inhabitants six votes.

(3) Each *Land* may appoint as many members as it has votes. The votes of each *Land* may be cast only as a unit and only by members present or their alternates.

Finally, the teacher should pair the students and ask them to discuss the following questions and then share their discussion points with the class:

- Identify at least two differences between the German *Bundestag* and the United States Congress.
- How does the *Bundesrat* guarantee the *Länder* a greater role in the federal government than is enjoyed by states in the United States government?
- Is it accurate to say that the *Bundestag* is comparable to the House of Representatives while the *Bundesrat* is comparable to the Senate? Explain using specific instances to support your position.

For homework, the teacher should ask the students to research the differences in the “executive” branch of the German and American governments. The teacher should point out to the students that Germany is governed by both a Federal President as well as a Chancellor. As the students research, they should also investigate the connection between the Chancellor and the *Bundestag*.

**WHOLE GROUP REFLECTIONS:**

- The teacher should divide the class into groups of four for the purpose of discussing the homework. As the students compare their research findings, they should answer the following questions:
  - How are powers of government divided? Is there a separation of powers in each system?
  - How does the German parliamentary system differ from the way the American system is organized?
- The teacher should ask a spokesperson for each group to report its respective findings and then facilitate a class discussion.

**MODIFICATIONS:**

- The teacher may wish to substitute the completion of Venn Diagrams and/or student generated PowerPoint presentations for the handout to demonstrate their comprehension of the similarities and differences of the American and German political systems.
- Rather than a final oral class discussion, the teacher may wish to assign the following individual essay:

As a finalist for a semester study abroad program in Germany that will be paid for by the Foreign Office of the Federal Republic of Germany, you will have to demonstrate a basic knowledge of the German government, including its “Basic Law”, as well as the structure and functions of the branches of government. The committee choosing the students to study in Germany is also very interested in your knowledge of the United States Government and how it compares/contrasts to that of Germany. As part of your application for this program, you will need to write the essay described below.

While both Germany and the United States have federal systems of government based on written guidelines (in the United States, the Constitution; in Germany, “Basic Law”), the two governments have vastly different methods of operation.

Write a two page essay, answering the following questions:

- Identify and describe three examples of Germany’s shared powers by the three branches at the national level of government.
- Analyze the role of the Länder in Germany’s national government.
- Identify and describe two distinct differences between the German government and the United States government in regards to structure, powers and/or duties of the three branches of government, or the system of shared powers seen in Germany versus separation of powers in the United States.

**EXTENSIONS:**

- The teacher may wish to add Canada (or another country) as a third governmental system for comparison and contrast purposes.
- If this lesson is to be used in an Advanced Placement Comparative Government course, then comparisons and contrasts among the following political systems might be added: France, the United Kingdom, Russia, China, India, and Brazil.

**Source:**

*This lesson has been adapted from a lesson designed by 2005 TOP Fellow Faith Vautour.*