

# Structure of Government in the Federal Republic of Germany

According to The Basic Law, the Federal Republic of Germany is a “democratic and social federal state.” The governmental system is a parliamentary democracy in which all power emanates from the people and where the powers of administration, legislature, and judiciary are mutually checked and balanced.

## Executive Power

The Chief Executive in the German Federal Government is the Federal Chancellor (Bundeskanzler). The Federal President (Bundespräsident) is the head of state. Neither of the two positions is comparable to that of the U.S. President. If one takes the British system as an example, the Bundespräsident’s position can roughly be compared to that of the Queen, the Federal Chancellor’s to that of the Prime Minister.

The Federal Chancellor leads the federal government (Bundesregierung). He chooses the Federal Ministers (Bundesminister) and sets the guidelines of government policy. The Federal Ministers direct their departments within these guidelines, independently and under their own responsibility. The Federal Chancellor is responsible to the Bundestag (House of Representatives).

The **Federal Chancellor** is elected by the Bundestag, upon nomination by the President.

The Federal President will nominate only a candidate who has prospects of being elected.

The tasks of the **Federal President** are mainly of a ceremonial nature. He can advise, warn and encourage, but his powers are merely titular ones.

The Federal President is elected by the Federal Assembly (Bundesversammlung), a constitutional body which convenes only for this purpose. It consists of the Bundestag deputies and an equal number of members elected by the assemblies of the Länder. The Federal President’s term of office is five years. He can be reelected once.

## Legislative Power

The **Bundestag** is the German “House of Representatives.” Its main tasks and rights are:

1. legislation
2. the election of the Federal Chancellor
3. the control of the government

The **Bundestag** is elected for four years in general, direct, free, equal and secret elections by a system of “personalized proportional representation”. This election system is a combination of majority rule and proportional representation of all parties gaining more than 5% of the total vote or three constituencies.

The **Bundesrat** (Federal Council) is a kind of Second House of the German parliamentary system. It plays a part in passing the Federal laws, and can even completely block all laws that affect the states’ authority of administration or revenue or which are exceptionally important, such as changes in the constitution.

This is important because the 69 members of the Bundesrat are delegated by the governments of the 16 federal states (Länder) and represent their state governments’ political stand. Each Land has at least three votes in the Bundesrat. A Land’s votes can be cast only as a block.

Every state sends at least 3 representatives to the council states with more than 6 million: 5 representatives, states with more than 7 million: 6 representatives. At this time, the states send the following number of representatives:  
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Baden-Württemberg	6	twelve years. Reelection is not possible.
Bavaria	6	
Berlin	4	
Brandenburg	4	
Bremen	3	
Hamburg	3	
Hesse	5	
Lower Saxony	6	
Mecklenburg-W. Pomerania	3	
North Rhine-Westphalia	6	
Rhineland-Palatinate	4	
Saarland	3	
Saxony	4	
Saxony-Anhalt	4	
Schleswig-Holstein	4	
Thuringia	4	
Total	69	

Baden-Württemberg, for example, sends 6 representatives to the council: in a vote all 6 must vote the same way. It is therefore not possible that 3 representatives vote for a law and three vote against it. This is true even for states in which a coalition of more than one political party is in power.

### Judicial Power

The highest judicial body in the Federal Republic of Germany is the **Federal Constitutional Court** (Bundesverfassungsgericht). It is the guardian of the Basic Law. It interprets the provisions of the Basic Law and decides whether laws are constitutional. Citizens can demand an examination of their cases before this court if they believe their constitutional rights have been encroached upon by the government or any other public authority.

The Federal Constitution Court consists of two senates, each with eight judges. The Bundestag and the Bundesrat elect half each. The term of office is