

# Excerpts from the Basic Law

## Article 20 (**Basic principles of the Constitution – Right to resist**)

- (1) The Federal Republic of Germany is a democratic and social federal state.
- (2) All state authority emanates from the people. It shall be exercised by the people by means of elections and voting and by specific legislative, executive, and judicial organs.
- (3) Legislation shall be subject to the constitutional order; the executive and the judiciary shall be bound by law and justice.
- (4) All Germans shall have the right to resist any person or persons seeking to abolish that constitutional order, should no other remedy be possible.

## Article 21 (**Political parties**)

- (1) The political parties shall participate in the forming 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 the sources of their funds.
- (2) Parties which, by reason of their aims or the behavior of their adherents, seek to impair 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 decide on the question of unconstitutionality.
- (3) Details shall be regulated by federal laws.

## Article 26 (**Ban on war of aggression**)

- (1) Acts tending to and undertaken with the intent to disturb the peaceful relations between nations, especially to prepare for aggressive war, shall be unconstitutional. They shall be made a punishable offense.
- (2) Weapons designed for warfare may not be manufactured, transported or marketed except with the permission of the Federal Government. Details shall be regulated by a federal law.

## Article 28 (**Federal guarantee of Länder constitutions**)

- (1) The constitutional order in the Länder must conform to the principles of republican, democratic and social government based on the rule of law, within the meaning of this Basic Law. In each of the Länder, counties (Kreise), and communities (Gemeinden), the people must be represented by a body chosen in general, direct, free, equal, and secret elections. In the communities the assembly of the community may take the place of an elected body.
- (2) The communities must be guaranteed the right to regulate on their own responsibility all the affairs of the local community within the limits set by law. The associations of communities (Gemeindeverbände) shall also have the right of self-government in accordance with the law and within the limits of the functions assigned to them by law.
- (3) The Federation shall ensure that the constitutional order of the Länder conforms to the basic rights and to the provisions of paragraphs (1) and (2) of this Article.

## Article 31 (**Priority of federal law**)

Federal law shall override Land law.

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**Article 33 (All Germans have equal political status)**

- (1) Every German shall have in every Land the same civil (staatsbürgerlich) rights and duties.
- (2) Every German shall be equally eligible for any public office according to his aptitude, qualifications, and professional achievements.
- (3) Enjoyment of civil and political rights, eligibility for public office, and rights acquired in the public service shall be independent of religious denomination. No one may suffer any disadvantage by reason of his adherence or nonadherence to a denomination or ideology.

**Article 38 (Elections)**

- (1) The deputies to 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 subject only to their conscience.
- (2) Anyone who has attained the age of eighteen years shall be entitled to vote; anyone who has attained full legal age shall be eligible for election.
- (3) Details shall be regulated by a federal law.

**Article 50 (Function)**

The Länder shall participate through the Bundesrat in the legislation and administration of the federation.

**Article 51 (Composition)**

- (1) The Bundesrat shall consist of members of the Land governments which appoint and recall them. Other members of such governments may act as substitutes.
- (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 votes.
- (3) Each Land may delegate as many members as it has votes. The votes of each Land may be cast only as a block vote and only by members present or their substitutes.

**Article 146 (Duration of validity of the Basic Law)**

This Basic Law shall cease to be in force on the day on which a constitution adopted by a free decision of the German people comes into force.