

German Democracy: How is it different?

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Outline

- The historical origin of the German Basic Law
- Main principles and aims of the Basic Law
- From principles to institutions
 - Vertical power-sharing: Federalism
 - Horizontal power-sharing: Proportional Representation
- The actual working of institutions and current political dynamics

Germany from total destruction to global economic power

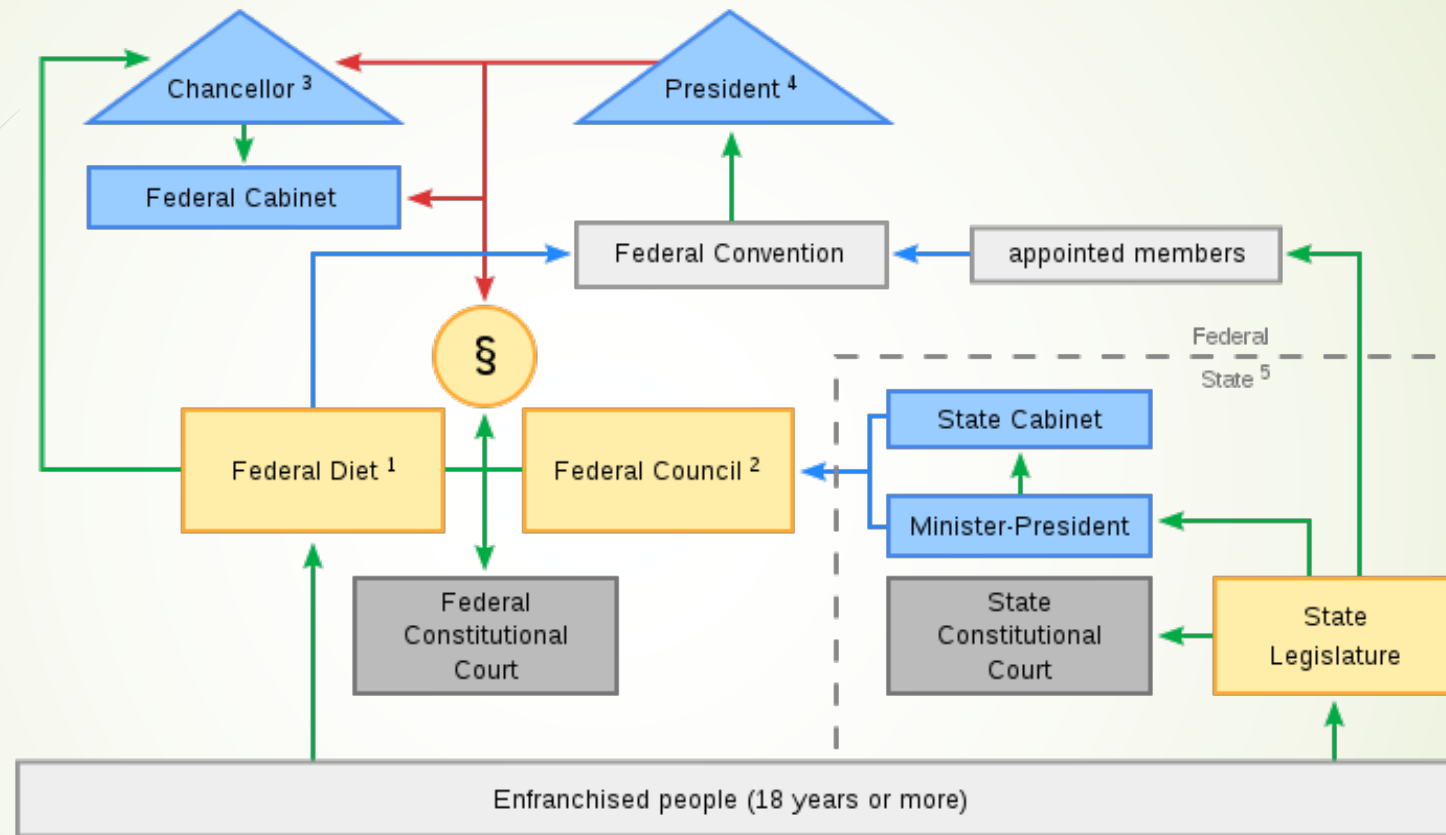




Protecting (liberal) democracy

- ▶ Basic principles (Art. 1 to 20)
 - ▶ Natural rights and basic freedoms
 - ▶ Republican Democracy, Rule of Law and Federalism
- ▶ Constitutional rigidity (Art. 79)
 - ▶ Basic principles are not amendable
 - ▶ All constitutional revisions require a 2/3 majority

The political system of Germany

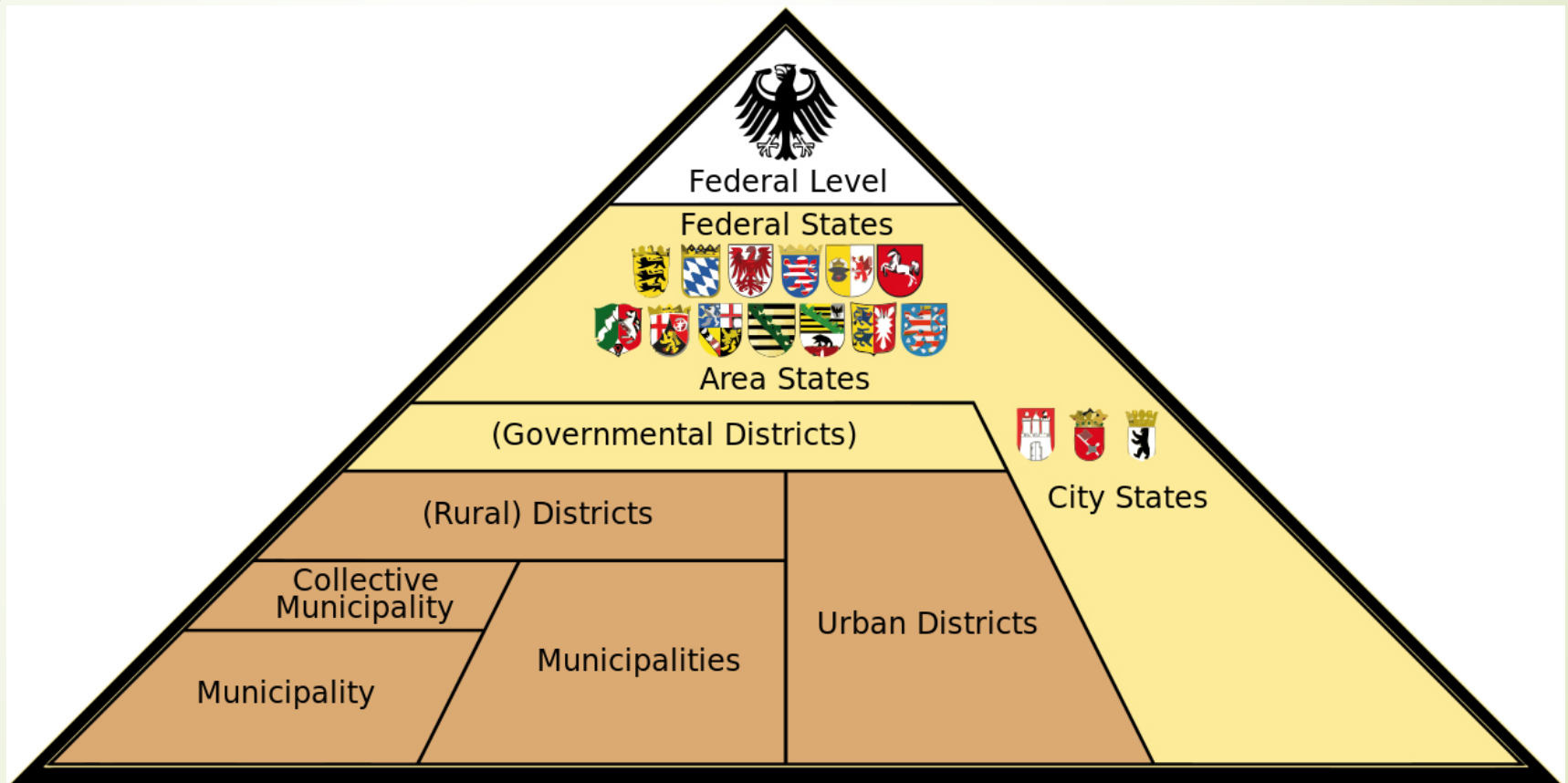


- Legislative branch
- Executive branch
- Judicial branch
- elects / appoints
- sends / member of
- formally appoints / veto-power

- 1: Every 4 years, election of direct mandates and parties
- 2: State chamber. Apportionment is based on each states' population
- 3: Head of government with policy-making power. Is proposed by the President
- 4: Head of state. "Neutral power" – only in state of emergency increased power
- 5: The state levels and the names of the organs vary widely from state to state

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The German multi-level governance system



Vertical power-sharing

- ▶ Federal law prevails over regional law (art. 31)
- ▶ Federal legislative powers
 - ▶ Exclusive: defence, foreign affairs, immigration, transportation
 - ▶ Shared: civil and criminal law, welfare and health, refugees, stats
- ▶ Classic regional powers
 - ▶ Education, job training, promotion of culture and arts

The changing nature of German federalism

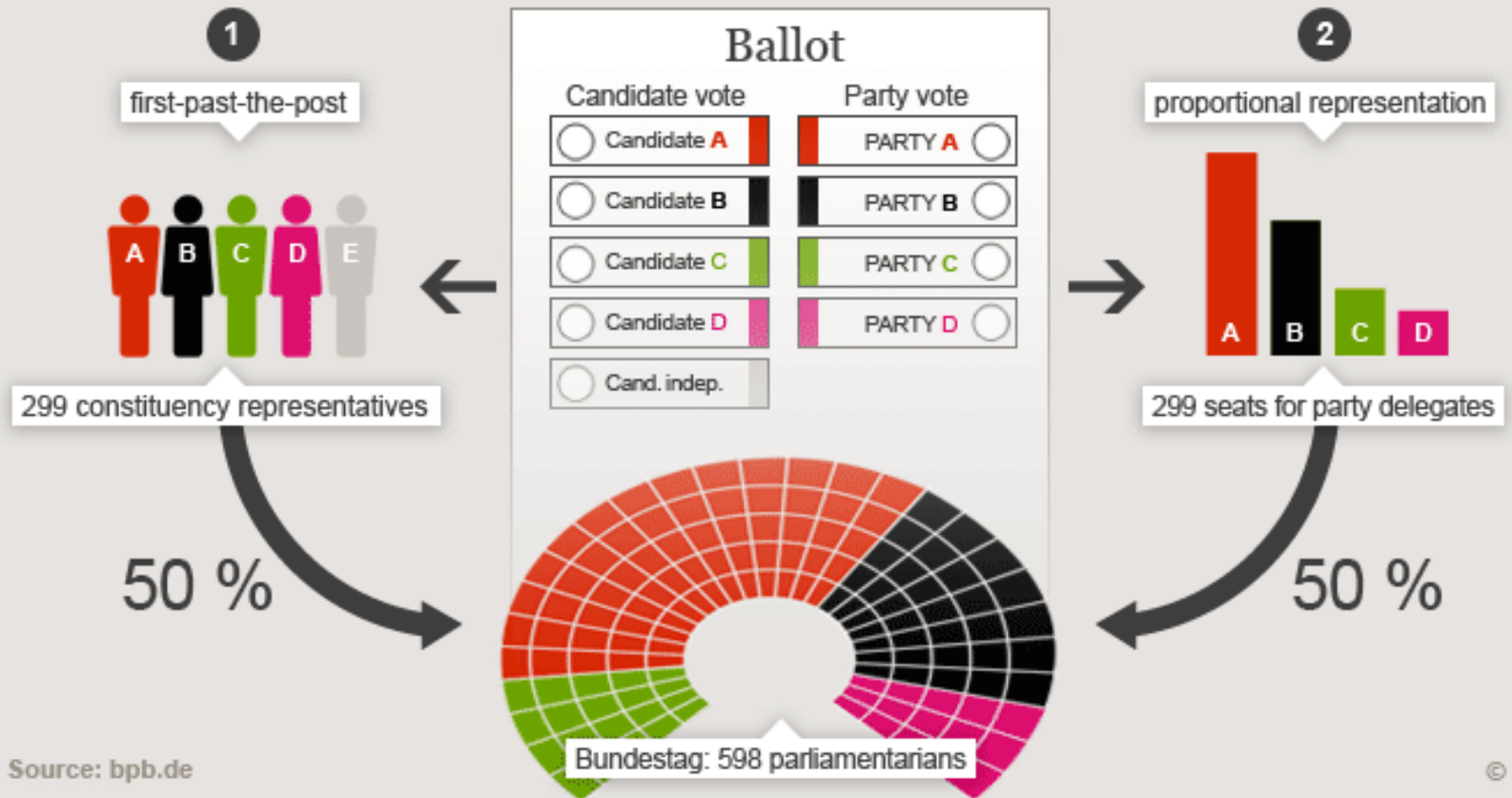
- Ideal-types of federalism
 - Co-operative vs. Competitive
- The challenge of German unity
 - 5.5% 'solidarity surcharge tax'
- German federalism: from co-operative to competitive?
 - 2009 reform: 'Solidarity Pact II' ending in 2019 and budget balance by 2020


Between vertical and horizontal power-sharing

- ▶ The Council of the States (regions)
 - ▶ De facto a Upper House of Parliament
 - ▶ Representing the interests/views of the regions
 - ▶ Very strong institution
 - ▶ Co-equal powers on constitutional revisions
 - ▶ Co-equal powers on legislation affecting the regions
 - ▶ 'Suspensive veto' power on all other legislation

The electoral system: Mixed-Member Proportional (MMA)

The German electoral system





Balancing proportionality with government stability

- ▶ Limits to proportionality
 - ▶ 5% national threshold
- ▶ Limits to parliamentary no-confidence votes
 - ▶ Constructive no-confidence

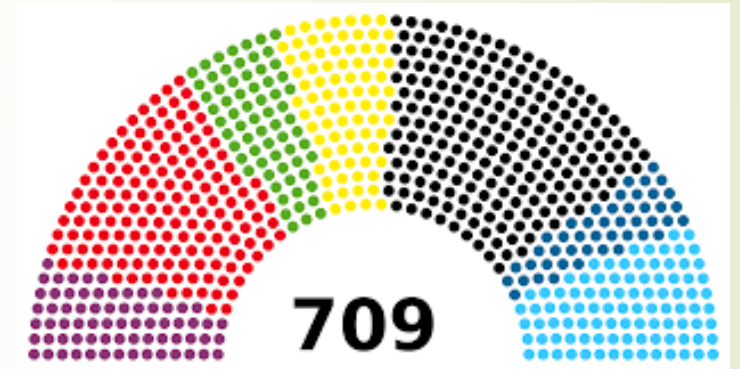


The consequences of the institutional and electoral system

- ▶ Very stable parliamentary terms
 - ▶ Only 3 snap elections in 7 decades
- ▶ Multi-party system
 - ▶ Between 3 and 6 parliamentary parties (CDU/CSU; SPD; AfD; FPD; Left; Greens)
- ▶ Mostly coalition governments
 - ▶ Only one single party government (1957-61)
- ▶ Mainly bi-polar but not confrontational dynamics
 - ▶ 3 Grand Coalitions (1966-69; 2005-09; 2013-17)

The complexity of government coalition formation

- 2017 general election (24/09/2017)
 - Biggest parliamentary party (CDU/CSU)
 - AfD and *Die Linke* out of the game
 - SPD rejected proposal for a Grand Coalition
 - Current negotiations for a 'Jamaica Coalition' (since 18/10/2017)





Final reflections

- ▶ Germany in post-WW2: a success story!!!
 - ▶ Democracy and Prosperity
- ▶ Has the break-through of the AfD in 2017 changed things?
 - ▶ Will post-2017 Germany be the same?
 - ▶ Is the AfD a threat to German democracy?