

Abstract

Since the foundation of the Federal Republic of Germany in 1949 there has been a continuous process toward centralization, thus undermining the power structures of the federal system. The German constitutional frame itself - the Basic Law - has played a complex part in this. On the one hand the Basic Law stipulates a strong federal system, giving the Länder¹ the main responsibility of the state functions. On the other hand, the Basic Law calls for extensive exceptions from the main rule, shrinking the legislative domains of the Länder parliaments to such an extent as to lead to serious concerns about the future of German federalism.

In connection with the German reunification, a reform process was started in order to adapt the Basic Law to the new circumstances. An all-party commission overhauled the entire Basic Law, at which articles regulating the relationship between central and Länder legislatures were subject of several controversies. In 1994, a range of changes to the Basic Law came into force. A number of changes concerning the distribution of powers were made. Several of the adjustments aimed at strengthening the legislative powers of the Länder.

The aim of the thesis is to determine, first, whether the reform of the Basic Law in 1994 gives more legislative powers to the Länder parliaments; second, whether the Länder parliaments have actually acquired more power since the reform; and third, whether Germany is more federal now than prior to the reform. In order to answer these questions, the author sums up theoretical discussions on federalism, then gives a law-oriented explanation of how the German federal system works. Further on, the author analyzes specific articles of the Basic Law, including reform proposals, supported by results from field research.

The result of the study shows that the legislative powers of the Länder seem to have been extended only in a very limited way. However, practical experience of the modified and the brand-new articles, respectively, is still scarce. If the federal legislators decide to be guided by the intentions stipulated in the reform, then the Länder might regain important legislative powers. The outcome, however, seems to rest entirely in the hands of the federal parliament. Thus, the Germany of today is only to a small extent more federal than it was before the reform of the Basic Law.

¹ The approximate equivalent of the U.S. states.