

What is a Constitution?

The United States of America and the Federal Republic of Germany are both constitutional democracies. Our constitutions guide the conduct of people and governments, and help to focus the public will. A constitution is a written document that describes the ultimate legal rules and principles that a society applies in its governance. Most modern constitutions describe principles described that take precedence over ordinary laws. That's why modern constitutions like the German Basic Law are much longer and more detailed than the US Constitution. Modern societies are far more complex and multi-faceted than the American colonies were in the 1700's. While constitutions vary from one country to another, below are some common elements of written constitutions.

- 1) Constitutions usually begin a preamble, or introduction to the country's governing principles.
- 2) Constitutions commonly include a statement of fundamental rights and freedoms held by individuals. These may include social rights as well as political ones.
- 3) Constitutions usually describe the division of powers, or a system of checks and balances within a nation's governing institutions, and between the central government and its states or Länder.
- 4) Constitutions describe the structure of the governing institutions, including constitutional obligations of the executive, legislative and judicial branches. In some cases the role of other political actors, such as the monarchy and the military, are also described.
- 5) Constitutions usually have a commitment to a political party system or some alternative system.
- 6) Constitutions outline a method for selecting government officials.
- 7) Constitutions stipulate the procedures and circumstances for amending, revising or suspending the constitution.

