

Book Review – Arthur B. Gunlicks’ *The States and German Federalism*

Arthur B. Gunlicks, *The States (Länder) and German Federalism*, Manchester University Press, Manchester/New York 2003, 340 p.

By Bernhard Grossfeld

Federalism is a characteristic feature of Germany. It is deeply rooted in German history as one of the strongest factors in Germany’s path dependency. Notwithstanding this importance, it has never caught the foreigners’ eyes in a comprehensive way; there has been very little focus on the *Länder* (plural form). Certainly, we have some edited books on the subject, but they generally deal with selected current issues or with general aspects. The historical foundations, the constitutional or administrative framework is barely touched. Thus, Gunlicks’ book is a pioneering work. The author is well prepared for the task: For many years he has been in constant contact with Germany via the University of Göttingen and the *Verwaltungshochschule* (Higher School of Administration) in Speyer. He started his research bottom up with a prior book *Local Government in the German Federal System*.¹ From there he now proceeds to the larger national scheme.

Before entering his subject, the author introduces a short note on terminology, which puts the story into the proper comparative perspective. The problem is that American and European usage of certain political concepts and terms varies considerably. That starts already with the term *Staat*, the American equivalent of which is not “state” but “government”. The matter is further complicated when describing the sub-national regional units. What Americans call “states” the Germans call *Länder*. Similar problems occur with the head of government at the *Land* level (singular form): the *Ministerpräsident*. Translating this term as “governor” is inappropriate because this suggests direct election by the people, not selection by the majority party or a coalition of parties of a parliament. Instead, Gunlicks chooses “prime minister”. He also clarifies the word “liberal”. In Europe this refers to classical liberalism, i. e., the European tradition of individualism and *laissez faire* in civil liberties and economics. Quite differently, the United States usage of “liberal” points to a commitment to civil liberties and a stronger hand of government in the

¹ ARTHUR B. GUNLICKS, *Local Government in the German Federal System*, Duke University Press 1986.

social arenas. While in Germany the to be liberal describes center-right political views, in the United States it indicates center-left views.

The book is divided into twelve chapters, starting with the origins of the *Länder*. The story begins with the Holy Roman Empire, leads us through the French Revolution and the Napoleonic Wars and arrive at the present structure after reunification. The constitutional framework and the administrative structure are the next topic, bringing together a clear perspective with a reasonable amount of details. The overall power structure of Germany is presented under the headings "Financing", "Legislative Process", "European and Foreign Policy". The last chapters are devoted to the parliamentary system in the *Länder*. There exists no comparable study on Germany's political dynamics.

This is a book not only for political scientists but also for comparative lawyers – not just for specialists in foreign constitutions. The book repeatedly raises the question of the appropriate measure and yardstick of comparison. No surprisingly, the problem starts already with "federalism", proceeds to "presidential v. parliamentary system" and from there to "individualism v. community values". There are about 500 adjectives used to describe federalism. Gunlicks tells us, that each federal state is different in some important respects. Direct comparisons are difficult and we must be careful to draw general conclusions. Coming to any real understanding is not easily achieved. But this book is of great help when trying to get a well-balanced picture.