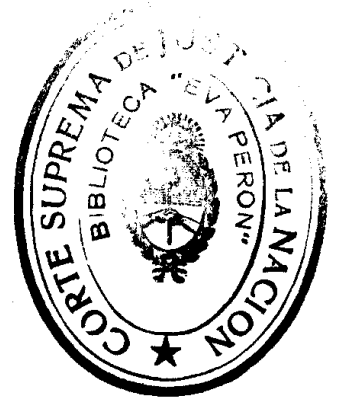


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THE GERMAN (BONN) CONSTITUTION WITH COMPARATIVE GLANCES AT THE FRENCH AND ITALIAN CONSTITUTIONS*

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When Germany, Italy, and France emerged from World War II, their political-constitutional structures had collapsed. Changes from authoritarian systems to parliamentary democracy have been effectuated in France and Italy, not yet in Germany. The four victorious powers, Great Britain, France, the Soviet Union, and the United States have exercised the sovereign power since May 8, 1945, the date of surrender of Hitler's successor, Doenitz.

The events which brought about the break-up of Germany into a Western and an Eastern economically, administratively, and politically separated part, are too well known to require more than a reference. Under these conditions Germany has not yet regained political unity. But the "Basic Law," which for the "Federal Republic of Germany" was adopted on the fourth anniversary of that surrender, May 8, 1949, in *Bonn*, contemplates, as the name indicates, the end of the division of Germany by "accession of the other part of Germany." The members of the Constituent Assembly or, as it was called later, of the "Parliamentary Council" were chosen by the *Landtage* (parliaments of the "*Länder*"). The number of representatives of each party was dependent on the votes cast for it at the election of the respective *Landtag*.¹

*The text uses at times only the words Weimar and Bonn for the designation of the constitutions enacted at these places. It was not possible for the author to obtain the piles of records on the conferences of the Parliamentary Council because only a very few copies exist which as the author was told were not distributable at the time of this writing.

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¹The conferences began in Bonn on September 1, 1948, as the Western Powers suggested. On July 26, 1948 the eleven Minister Presidents representing eleven Western governments in Germany had agreed upon the taking of steps for the creation of a central government for one German federal Republic. For details, see Almond, *The Struggle for Democracy in Germany*, (1949) 271-276.

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