Weimar Constitution (excerpts)

Description:
The Weimar Constitution attempted to create a federal republic, which tried to combine aspects of presidential and parliamentary systems with a commitment to social justice. Articles 20-22 describe the nature of the Reichstag and the new voting system and those eligible to vote. Articles 6, 7, and 12 indicate the federal nature of the republic and articles 3-15 indicate the dominance of the central power. Articles 46-49 delineate the powers of the president. Article 48 outlines the critical emergency powers of the president. Article 73 adds the concept of a referendum to the constitution. Articles 119-123 make marriage, motherhood and child welfare into keystones of the new republic. Articles 109-137 of the Weimar Constitution provided Germans with their basic rights.

The following are excerpts from the Weimar Constitution:

**Article 6**
The Reich shall have exclusive legislative competence for:
1. foreign affairs
2. colonial matters
3. questions relating to nationality, freedom of travel and residence, immigration, emigration, and extradition
4. the organization of defense forces
5. coinage
6. customs, as well as the unity of customs and trade areas and freedom of commerce
7. postal and telegraph service including the telephone

**Article 7**
The Reich shall have exclusive legislative competence for:
1. civil law
2. penal law
3. judicial procedure, including the execution of penalties and legal aid between authorities
4. matters relating to passports and police supervision of aliens
5. poor relief and the care of vagrants
6. matters relating to the press, associations, and assemblies
7. policies relating to population, maternity relief, welfare of infants, children and youth
8. public health, veterinary matters, and the protection of plants against disease and pests
9. labour laws, insurance and protection of workers and employees, employment bureaus
10. the establishment of Reich organs of vocational representation
11. provision for war veterans and the surviving dependents of deceased soldiers
12. laws relating to expropriation
13. the socialization of natural resources and economic enterprises, and also the production, manufacture, distribution and price regulation of economic wares for the benefit of the general economy.
14. trade and commerce, weights and measures, the issue of paper money, banks and banking and the stock exchanges

**Article 12**
As far and as much as the Reich does not make use of its right to legislate, the states are entitled to legislate. This does not apply to the areas in which the Reich has the exclusive right to legislate. When it comes to state laws pertaining to Article 7 Number 13, the Reich government, insofar as the welfare of the Reich is concerned, has the right to object.

**Article 13**
Reich law breaks state law.
If there are doubts or opposing opinions regarding if a state regulation harmonizes with Reich law, the
respective Reich or central state authority may request, according to the specifications of Reich law, the Reich
supreme court to decide in the matter.

**Article 14**
Reich laws are executed by state authorities, insofar Reich laws do not specify otherwise.

**Article 15**
Reich government exercises supervision in those matters in which it is responsible for legislation.
If Reich laws have to be executed by state authorities, the Reich government may establish general directions. It
is entitled to send inspectors to the central state authorities, and with their approval, to their subaltern authorities,
for the purpose of supervision.
The state governments are obliged, at the request of the Reich government, to eliminate problems which have
occurred when Reich laws were executed. In case of conflicting opinions both Reich government as well as
state government may request the decision of the supreme court, insofar Reich law does not specify another
court as responsible.

**The Reichstag**

**Article 20**
The Reichstag is composed by the representatives elected by the German people.

**Article 21**
Members of parliament represent the entire nation. They have to follow nothing but their conscience and they
are not bound to instructions.

**Article 22**
Members of parliament are elected in a general, equal, immediate and secret election; voters are men and
women older than 20 years; the election is held according to the principles of representative election. Elections
must be held on a sunday or public holiday.
Further details are determined by the Reich election law.

**Article 46**
The Reich President appoints and discharges Reich Beamte and officers, unless specified otherwise by Reich
law. He may have other administrations take charge of

**Article 47**
The Reich President has the supreme command over the armed forces, in their entirety.

**Article 48**
If a state (8) does not fulfill the obligations laid upon it by the Reich constitution or the Reich laws, the Reich
President may use armed force to cause it to oblige.
In case public safety is seriously threatened or disturbed, the Reich President may take the measures necessary
to reestablish law and order, if necessary using armed force. In the pursuit of this aim he may suspend the civil
rights described in articles 114, 115, 117, 118, 123, 124 and 154, partially or entirely.
The Reich President has to inform Reichstag immediately about all measures undertaken which are based on
paragraphs 1 and 2 of this article. The measures have to be suspended immediately if Reichstag demands so.
If danger is imminent, the state government may, for their specific territory, implement steps as described in
paragraph 2. These steps have to be suspended if so demanded by the Reich President or the Reichstag. Further
details are provided by Reich law.

**Article 49**
The Reich President exercises the right of amnesty. Reich amnesties require a Reich law.

**Article 73**
A law passed by Reichstag has to be presented in a plebiscite, if the Reich president decides so, within the
period of one month.
A law, the proclamation of which has been suspended because of a move supported by minimum one third of the members of Reichstag has to be presented in a plebiscite, if one twentieth of the enfranchised voters demand so.

A plebiscite also has to be held if one tenth of the enfranchised voters demand a law draft to be presented. In order for a referendum petition to be approved, a law draft must be prepared. It has to be presented to Reichstag by the government, accompanied by the latter's comment. The plebiscite will not be held, if the law draft in question has been accepted unaltered by Reichstag.

In regard to the budget, taxation laws and pay regulations, only the Reich president can request a plebiscite. Plebiscite and referendum petitions are regulated by a Reich law.

The Individual

**Article 109**
All Germans are equal in front of the law.
In principle, men and women have the same rights and obligations.
Legal privileges or disadvantages based on birth or social standing are to be abolished.
Noble titles form part of the name only; noble titles may not be granted any more.
Titles may only be granted, if they indicate an office or occupation; academic degrees are not affected by this regulation.
The state may no more bestow orders and medals.
No German may accept titles or orders from a foreign government.

**Article 110**
Nationality in the Reich and in the states is acquired and lost according to the specifications of a Reich law.
Every state national simultaneously is Reich national.
Every German, in every state, enjoys the same rights and obligations as the respective state nationals.

**Article 111**
All Germans enjoy freedom to move and settle down. Everybody is entitled to stay and settle anywhere within the Reich, to acquire property and to pursue his trade. Limitations require a Reich law.

**Article 112**
Every German is entitled to emigrate into non-German countries. Emigration can only be limited by a Reich law.
All Reich Germans are entitled to Reich protection against foreign administrations, within and outside of the Reich.
No German may be extradited to a foreign country.

**Article 113**
Reich communities speaking a foreign language may not be deprived by legislation of their national identity, especially in the use of their mother language in education, in local administration and jurisdiction.

**Article 114**
The rights of the individual are inviolable. Limitation or deprivation of individual liberty is admissible only if based on laws.
Persons deprived of their liberty have to be notified, at the next day on the latest, by which authority and based on which reasons the deprivation of their liberty has been ordered; immediately they have to be given the opportunity to protest against the deprivation of liberty.

**Article 115**
Every German's home is his sanctuary and is inviolable. Exceptions are admissible only if based on a law.

**Article 117**
Privacy of correspondence, of mail, telegraphs and telephone are inviolable. Exceptions are admissible only if based on a Reich law.
Article 118
Every German is entitled, within the bounds set by general law, to express his opinion freely in word, writing, print, image or otherwise. No job contract may obstruct him in the exercise of this right; nobody may put him at a disadvantage if he makes use of this right.
There is no censorship; in case of the cinema, other regulations may be established by law. Also in order to combat trashy and obscene literature, as well as for the protection of the youth in public exhibitions and performances legal measures are permissible.

The General Welfare

Article 119
Marriage, as the foundation of the family and the preservation and expansion of the nation, enjoys the special protection of the constitution. It is based on the equality of both genders.
It is task of both the state and the communities to strengthen and socially promote the family. Large families may claim social welfare.
Motherhood is placed under state protection and welfare.

Article 120
It is the supreme obligation and natural right of the parents to raise their offspring to bodily, spiritual and social fitness; the governmental authority supervises it.

Article 121
Legislation has to create equal preconditions for children born out of wedlock, concerning their bodily, spiritual and social development, as they are given to legitimate children.

Article 122
Youth is to be protected against exploitation as well as against moral and spiritual dissipation, bodily neglect. State and communities have to take appropriate measures.
Measures which interfere by the means of force in the parents' right to raise their children may only be taken if based on a law.

Article 123
All Germans have the right to assemble peacefully and unarmed; such assemblies do not require any prior notification or special permit.
A Reich law can require prior notification for assemblies taking place in the open, and it can, in case of imminent danger for public security, stipulate that such assemblies in the open may be prohibited.

Religion and Religious Communities

Article 135
All Reich inhabitants enjoy full freedom of liberty and conscience. Undisturbed practise of religion is guaranteed by the constitution and is placed under the protection of the state. General state laws are not affected hereby.

Article 137
There is no state church...