



Preamble:

The German people, united in all their racial elements, and inspired by the will to renew and strengthen their Reich in liberty and justice, to preserve peace at home and abroad and to foster social progress, have established the following constitution:

## **CHAPTER I: STRUCTURE AND FUNCTIONS OF THE REICH**

### **Section I: Reich and States**

#### **ARTICLE 1**

The German Reich is a Republic. Political authority emanates from the people.

#### **ARTICLE 2**

The territory of the Reich consists of the territories of the German member states. [ . . . ]

#### **ARTICLE 3**

The Reich colors are black, red, and gold. The merchant flag is black, white, and red, with the Reich colors in the upper inside corner

#### **ARTICLE 4**

The generally accepted rules of international law are to be considered as binding integral parts of the German Reich.

#### **ARTICLE 5**

Political authority is exercised in national affairs by the national government in accordance with the Constitution of the Reich, and in state affairs by the state governments in accordance with the constitutions.

[ . . . ]

**ARTICLE 12**

Insofar as the Reich does not exercise its jurisdiction, such jurisdiction remains with the states with the exception of cases in which the Reich possesses exclusive jurisdiction. [ . . . ]

**ARTICLE 17**

Every state must have a republican constitution. The representatives of the people must be elected by universal, equal, direct, and secret suffrage of all German citizens, both men and women, in accordance with the principles of proportional representation. [ . . . ]

**Section II: The Reichstag****ARTICLE 20**

The Reichstag is composed of the delegates of the German people.

**ARTICLE 21**

The delegates are representatives of the whole people. They are subject only to their own conscience and are not bound by any instructions.

**ARTICLE 22**

The delegates are elected by universal, equal, direct, and secret suffrage by men and women over twenty years of age, according to the principle of proportional representation. Election day must be a Sunday or a public holiday. [ . . . ]

**ARTICLE 23**

The Reichstag is elected for four years. New elections must take place at the latest on the sixtieth day after this term has run its course. [ . . . ]

**ARTICLE 32**

For decisions of the Reichstag a simple majority vote is necessary, unless the Constitution prescribes another proportion of votes. [ . . . ]

**ARTICLE 33**

The Reichstag and its committees may require the presence of the Reich Chancellor and every Reich Minister. [ . . . ]

### **Section III: The Reich President and the Reich Cabinet**

#### **ARTICLE 41**

The Reich President is elected by the whole German people. Every German who has completed his thirty-fifth year is eligible for election. [ . . . ]

#### **ARTICLE 42**

On assuming office, the Reich President shall take the following oath before the Reichstag:

I swear to devote my energies to the well-being of the German people, to further their interests, to guard them from injury, to maintain the Constitution and the laws of the Reich, to fulfill my duties conscientiously, and to administer justice for all.

It is permissible to add religious affirmation.

#### **ARTICLE 43**

The term of office of the Reich President is seven years. Re-election is permissible.

Before the expiration of his term, the Reich President, upon motion of the Reichstag, may be recalled by a popular vote. The decision of the Reichstag shall be by a two-thirds majority. Through such decision the Reich President is denied any further exercise of his office. The rejection of the recall motion by the popular referendum counts as a new election and results in the dissolution of the Reichstag. [ . . . ]

#### **ARTICLE 48**

If any state does not fulfill the duties imposed upon it by the Constitution or the laws of the Reich, the Reich President may enforce such duties with the aid of the armed forces.

In the event that the public order and security are seriously disturbed or endangered, the Reich President may take the measures necessary for their restoration, intervening, if necessary, with the aid of the armed forces. For this purpose he may temporarily abrogate, wholly or in part, the fundamental principles laid down in Articles 114, 115, 117, 118, 123, 124, and 153.

The Reich President must, without delay, inform the Reichstag of all measures taken under Paragraph 1 or Paragraph 2 of this Article. The Reichstag may vote to annul these measures. [ . . . ]

#### **ARTICLE 50**

All orders and decrees of the Reich President, including those relating to the armed forces, must, in order to be valid, be countersigned by the Reich Chancellor or

by the appropriate Reich Minister. Responsibility is assumed through the countersignature.

[ . . . ]

#### **ARTICLE 52**

The Reich Cabinet consists of the Reich Chancellor and the Reich Ministers.

#### **ARTICLE 53**

The Reich Chancellor and, on his recommendation, the Reich Ministers, are appointed and dismissed by the Reich President.

#### **ARTICLE 54**

The Reich Chancellor and the Reich Ministers require for the exercise of their office the confidence of the Reichstag. Any one of them must resign if the Reichstag by formal resolution withdraws its confidence.

#### **ARTICLE 55**

The Reich Chancellor presides over the government of the Reich and conducts its affairs according to the rules of procedure laid down by the government of the Reich and approved by the Reich President.

#### **ARTICLE 56**

The Reich Chancellor determines the political program of the Reich and assumes responsibility to the Reichstag. Within this general policy each Reich Minister conducts independently the office entrusted to him and is held individually responsible to the Reichstag.

[ . . . ]

### **Section IV: The Reichsrat**

#### **ARTICLE 60**

A Reichsrat is formed to give the German states representation in the law-making and administration of the Reich.

#### **ARTICLE 61**

Each state has at least one vote in the Reichsrat. In the case of the larger states one votes shall be assigned for every million inhabitants.\* [ . . . ] No single state shall have more than two fifths of the total number of votes. [ . . . ]

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\* Amended by law of March 24, 1921, to "every 700,000 inhabitants."

**ARTICLE 63**

The states shall be represented in the Reichsrat by members of their governments. [ . . . ]

**Section V: Reich Legislation****ARTICLE 68**

Bills are introduced by the Reich cabinet, with the concurrence of the Reichsrat, or by members of the Reichstag.

Reich laws shall be enacted by the Reichstag.

[ . . . ]

**ARTICLE 73**

A law of the Reichstag must be submitted to popular referendum before its proclamation, if the Reich President, within one month of its passage, so decides. [ . . . ]

**ARTICLE 74**

The Reichsrat may protest against laws passed by the Reichstag. [ . . . ] In case of such protest [ . . . ], the law is returned to the Reichstag, which may override the objection by a two-thirds majority. The Reich President must either promulgate the law within three months or call for a referendum.

[ . . . ]

**ARTICLE 76**

The Constitution may be amended by law, but acts amending the Constitution can only take effect if two thirds of the legal number of members are present and at least two thirds of those present consent.

[ . . . ]

## **CHAPTER II: FUNDAMENTAL RIGHTS AND DUTIES OF THE GERMANS**

### **Section I: The Individual**

#### **ARTICLE 109**

All Germans are equal before the law.

Men and women have the same fundamental civil rights and duties.

Public legal privileges or disadvantages of birth or of rank are abolished. Titles of nobility [ . . . ] may be bestowed no longer. [ . . . ] Orders and decorations shall not be conferred by the state.

No German shall accept titles or orders from a foreign government.

#### **ARTICLE 110**

Citizenship of the Reich and the states is acquired in accordance with the provisions of a Reich law. [ . . . ]

#### **ARTICLE 111**

All Germans shall enjoy liberty of travel and residence throughout the whole Reich. [ . . . ]

#### **ARTICLE 112**

Every German is permitted to emigrate to a foreign country. [ . . . ]

#### **ARTICLE 114**

Personal liberty is inviolable. Curtailment or deprivation of personal liberty by a public authority is permissible only by authority of law.

Persons who have been deprived of their liberty must be informed at the latest on the following day by whose authority and for what reasons they have been held. They shall receive the opportunity without delay of submitting objections to their deprivation of liberty.

#### **ARTICLE 115**

The house of every German is his sanctuary and is inviolable. Exceptions are permitted only by authority of law.

[ . . . ]

**ARTICLE 117**

The secrecy of letters and all postal, telegraph, and telephone communications is inviolable. Exceptions are inadmissible except by national law.

**ARTICLE 118**

Every German has the right, within the limits of the general laws, to express his opinion freely by word, in writing, in print, in picture form, or in any other way. [ . . . ]

Censorship is forbidden. [ . . . ]

**Section II: The General Welfare**

**ARTICLE 123**

All Germans have the right to assembly peacefully and unarmed without giving notice and without special permission. [ . . . ]

**ARTICLE 124**

All Germans have the right to form associations and societies for purposes not contrary to the criminal law. [ . . . ]

**ARTICLE 126**

Every German has the right to petition. [ . . . ]

**Section III: Religion and Religious Societies**

**ARTICLE 135**

All inhabitants of the Reich enjoy full religious freedom and freedom of conscience. The free exercise of religion is guaranteed by the Constitution and is under public protection. [ . . . ]

**ARTICLE 137**

There is no state church. [ . . . ]

## **Section IV: Education and the Schools**

### **ARTICLE 142**

Art, science, and the teaching thereof are free. [ . . . ]

### **ARTICLE 143**

The education of the young is to be provided for by means of public institutions. [ . . . ]

### **ARTICLE 144**

The entire school system is under the supervision of the state. [ . . . ]

### **ARTICLE 145**

Attendance at school is compulsory. [ . . . ]

## **Section V: Economic Life**

### **ARTICLE 151**

The regulation of economic life must be compatible with the principles of justice, with the aim of attaining human conditions of existence for all. Within these limits the economic liberty of the individual is assured. [ . . . ]

### **ARTICLE 152**

Freedom of contract prevails in accordance with the laws. [ . . . ]

### **ARTICLE 153**

The right of private property is guaranteed by the Constitution. Expropriation of property may only take place [ . . . ] by due process of law. [ . . . ]

### **ARTICLE 159**

Freedom of association for the preservation and promotion of labor and economic conditions is guaranteed to everyone and to all vocations. All agreements and measures attempting to restrict or restrain this freedom are unlawful.

[ . . . ]



**ARTICLE 161**

[ . . . ] The Reich shall organize a comprehensive system of [social] insurance.

[ . . . ]

**ARTICLE 165**

Workers and employees are called upon to cooperate, on an equal footing, with employers in the regulation of wages and of the conditions of labor, as well as in the general development of the productive forces. [ . . . ]

**Concluding Provisions**

[ . . . ]

**ARTICLE 181**

The German people have passed and adopted this Constitution through their National Assembly. It comes into force with the date of its proclamation.

Schwarzburg, August 11, 1919.

*The Reich President*

EBERT

*The Reich Cabinet*

BAUER

ERZBERGER HERMANN MÜLLER DR. DAVID

NOSKE SCHMIDT

SCHLICKE GIESBERTS DR. BAYER

DR. BELL

Source of English translation: Louis L. Snyder, ed., *Documents of German History*. New Brunswick, New Jersey: Rutgers University Press, 1958, pp. 385-92.