

Was the Weimar constitution a model of democracy or was it providing a blue print for abuse?

In January 1919 Hugo Preuss, whom was a left wing liberal set out to make a constitution, which was drawn up and submitted to the national assembly in Weimar. Historian William Carr says, "Preuss set out to combine democracy and parliamentary government with a high degree of centralisation for the left wing" which meant he was trying to give power to the left. Following extensive debates the constitution was eventually declared on 11 August 1919. This constitution contained 181 articles which was divided up into different groups called 'Rights and Duties of the German people' and also 'Structures and Functions of the Reich. The German people over 20 years of age now had the power to vote for a president who would be elected for 7 years (Article 41), the president had all the power being able to appoint and dismiss all-important officials, civilians military and also the chancellor. He also had total command of the army and was able to dissolve the Reichstag and if there was an emergency he could issue laws by decree and override constitutional rights of the German people this was Article 48 of the constitution. Historian Stephen J Lee said that the constitution was regarded as the most advanced in its time. Also another historian called A. Nicholls, says, "The Weimar Republic was not attributable to the democratic nature of the constitution". This historian is saying that the constitution was very democratic but Germany was not ready for this as it was new to them.

In January 1919 elections of the constituent assembly took place. The SPD emerged as the largest single party with a 38% share of the vote receiving 163 of the 400+ seats. It was however outnumbered by anti-socialist parties largely representing the middle and upper class. The combined strength of these parties the DVP DNVP and also DDP had a total of 249 seats, just over half of the total. Germany's socialists no longer had a lot of political power, as they would not work together this is when the threat came from the right wing as they were more organized. Ernst Troeltsch wrote in an article in 1919 said, "Overnight we have become the most radical democracy in Europe". What he meant by this is that Germany has changed so quickly without planning ahead.

The assembly-started work on 6 February 1919 but not in the capital Berlin as it was still tense and disrupted, but at the small town of Weimar. The Weimar was guarded by 7000 Freikorps troops so it would be safe from any type of rebellion. By 10 February an agreement had been reached on an interim constitution, the purpose of which was to allow Ebert's government to be replaced by one whose authority was based on the democratic vote of 19 January. The agreement provided for a government, headed by a chancellor, which would be accountable to the assembly, together with a president with

emergency powers. On 11 February the assembly elected Ebert president. At the same time an SPD Democratic Party coalition government was formed with the socialist Scheidemann as its head chancellor.

The assembly approved the Weimar constitution on 31 July 1919. It owed much to the efforts of Hugo Preuss, who was a constitutional lawyer and a member of the Liberal Democratic Party. The constitution was a complex document consisting of 181 articles. Historian K. Fischer says, "The constitution was one of the most democratic documents in the world. But however it was doubtful whether such a democratic constitution could work in the hands of people that were neither psychologically nor historically prepared for self-government" He says this as it was new to the people and he thinks that the people weren't ready for so much power as they never used too have all these rights. I agree with the historian, as the people never had any experience.

The Weimar government was based on a British style parliamentary system and partly on the United States system as it had an elected president for a democratic government. The expectation was that in normal circumstances ministers responsible to the Reichstag should govern Germany but under article 48 of the constitution the president was given powers to intervene in an emergency. Article 48 says that if a state fails to perform the duties imposed upon it by the federal constitution or by federal law, the president...may enforce performance with the aid of the armed forces. If public order and security are seriously disturbed or endangered within the Federation, the President may take all-necessary steps for their restoration, intervening, if need be, with the aid of the armed forces, and he can also dissolve the Reichstag by suspending civil liberties. This was a good article if used wisely as Article 48 emergency laws, were there to support the state through hardship and a potentially dangerous method for abusing power as this was described as a suicide clause. But this would only be a threat if the Right Wing got control of the government, which did happen when Hitler came to power. Historian John Hiden said "most Germans appeared to see the president as a sort of emperor substitute". He says this, as the German people were used to only having one person in charge of the country. Article 48, became the most famous article in the German constitution at the time as of what it could do to the country if the wrong people got power as they could dissolve everything and even start another war which did happen

The chancellor and his ministers formed the Reich. The chancellor is appointed and dismissed by the president also the ministers had to be approved by the president. The chancellor's government has to have the confidence of the Reichstag or resign and also the Reichstag government are elected for 4 years says article 23. My opinion on this is that it was fair to the German people as if they didn't like the government they could be voted out of the Reichstag on the next election.

The Reichsrat is an assembly of the representatives of the 17 states (Länder) that made up the Unified Germany. One representative from each state was a member of the Reichsrat. The Reichsrat had the right to undo or block laws passed by the Reichstag, but the latter could override the Reichsrat veto by passing a measure by a two-thirds majority. Each state had one vote in the Reichsrat for every 700,000 of its inhabitants. The states that are represented in the Reichsrat are members of their state government. Each state was responsible for its own educational and justice system and also its own police service. Each state had its own law making body or Landtag and each had its own government. But article 13 says that Federal law overrides state law. This article is good as every state has different laws so if there is a problem or a disagreement they can look at the federal law for an answer it also gives power to the states so they can be run by their own government.

The constitution also included a bill of rights intended to protect the interests of individual citizens, like Article 114: Personal liberty is guaranteed. No intrusion on or denial of, personal liberty by public authority is allowed unless supported by law. Articles 115-153 also protect the interests of the German people. The constitution also says that all German people are equal before the law individual rights article 109, and the people also the right to freedom of speech but only if it's within the limits of the general law and that there is no censorship article 118. I think that these were important articles in the constitution for the German people as it now gave them a chance to freely express their opinions without breaking the law. But also the president under article 48 of the constitution could withdraw these rights.

The ideas of the constitution were to endure for as long as the Weimar Republic could withstand the pressure and hostility of the right wing, as the government needed the army and judges even if they were sympathetic to the right wing as 354 people were killed by the right wing and only 1 got severely punished but 22 people were killed by the left wing and 10 got executed. This shows that the government were not supported and many historians wonder why the government lasted for so long.

Many Historians say that the constitution was very democratic, but it never worked, as it was too much at once for the country. Another reason why the constitution never totally worked proper is that Hugo Preuss took points from other constitutions, which mixed articles up. The people were not ready for all these rights and nothing really changed with the elites, as the army and right wing still had control but they were still not strong enough to stand up and overthrow the government. I also think that the constitution looked good on paper as it gave the people laws and produced a federal country so it was very democratic. But it was steered more to the right wing as they could abuse it, as if a right wing extremist became president he could choose his own chancellor and control all of the country by using the constitution like article 48 which he

would be able to stop anyone from intervening by getting rid of the Reichstag and using armed forces. I think that the constitution was very democratic, but the people were not used to having all this power and freedom so the constitution was there to be abused by the right wing government if they came to power.