

# The Weimar Constitution: Empire or Republic? (1919)

## Abstract

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After the January 19, 1919, election, the German National Assembly convened in Weimar to form a government, establish the separation of powers and draft a constitution for the new German state. During the debates on the new constitution, the delegates disagreed on several issues, including whether the new German state should be called the “German Reich” [Empire] or the “Republic.” During the session of the National Assembly on March 5, 1919, the minutes of which are excerpted here, delegates debated the issue. Those in favor of the name “Republic” (mainly the USPD and SPD) argued that it would allow Germany to demonstrate its new democratic and parliamentary character, as well as its renunciation of imperialism, both to its own citizens and to the world. Proponents of the term “Reich,” on the other hand, saw the need to honor Germany’s historical and political legacy. While the first article of the Weimar Constitution established the form of government as a republic, the designation “German Reich,” as it appeared in the draft constitution, was ultimately retained.

## Source

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### 2nd session.

Weimar, March 5, 1919.

[...]

### Heading of Section 1.

Deputy Dr. Kahl as rapporteur:

[...]

Whether this new country that we are calling into being will be considered the legal successor to the former German Reich is a special question, but one we cannot completely ignore given the possible practical consequences in future. Strong lines of connection of a legal nature doubtless exist between the previous Reich and the one newly created, or about to be created, perhaps less in the constitution itself than in the authority of the Reich president and a whole series of other legal norms. Even leaving the constitution itself aside, however, a plethora of legal matters will be transferred to the new state and adopted, so that one can safely say that complete legal continuity exists from this perspective. I remind you of the entire body of civil, procedural and commercial law. On the other hand, the events of the revolution have helped to create such a conscious break with the past that we can perhaps scarcely speak of legal continuity in the sense of considering the new, third, Reich to be the legal successor to the second. It is of a different nature from the previous state. This completely different type of new federal state is typified by two elements in particular: its origins and its legal construction. The federal state, too, by virtue of its very name, points to its emergence through pacts and coalitions. But there is a major difference between the events of 1867 or 1870 and 1871 and the current ones. Now, a sovereign legislative assembly is deciding on the constitution. No more acts of regional state legislation will be needed now to enact the new constitution. A federal state is a collection of states in whose central power all of the allied governments somehow participate. This is how it has been defined thus far, but now the power of the central state decides without the organic involvement of the member states. Moreover, the relationship between the sovereignty of the Reich and that of the member states will be discussed later

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on during the debate on Article 2. Under constitutional law, the current federal state is sui generis. The question of whether this is unitarism or federalism will be addressed in the context of the limitation of competences.

[...]

As to the **name “German Reich,”** there is doubtless much reason to retain it. But I would not like to avoid mentioning certain international difficulties. The word Reich is translated as empire in French and English. The Entente will doubtless understand the choice of this term, or at least use it in their argumentation, to say that the new state differs not at all from the former German Reich.

Among other possibilities, we might consider the term “German Republic.” I would like to suggest the additional term “German Bund” which in French (much as in English) is translated as union (a shout: Fédération). I am not making a particular motion but would like to offer this suggestion.

[...]

Dep. Dr. **Ablaß**[1]: The Reich developed historically, which is why we must retain its **name**. We cannot, however, conclude from this that the Reich is now a federation of the new republican individual states. Through the revolution, the German people established the Reich upon the sovereignty of the entire German people. Only that which the German people delegates to the individual states is reserved for their state authority. For the rest, I have reservations about the choice of the term “member states.” Why not “free states”?

[...]

Dep. Dr. **Cohn**[2]: I support the suggestion by Deputy Naumann. The **name** must already announce Germany’s character as a free state. Foreign policy misgivings present an obstacle to continuing with the old name. In doing so, the new state would take on the odium of the old one, with its fateful significance. There is also a very great difference between the old and new constitutions. The old one was enacted by a coalition of princes, the new by a free people. The wholly transformed character of the state demands a new signature. I remind you of Schulze-Delitsch’s remarks about the use of the words “by the grace of God” during the consultations on the Prussian constitution in 1849. He said at the time that it was not advisable to adopt the name of a bankrupt company. In 1848 people spoke of the “German state,” “free state” or “republic.” We do not need to eliminate the word Reich from the entire constitution, only the heading matters. I move that we choose the word republic there.

[...]

Dep. **Katzenstein**[3]: I support replacing the term “Reich” with “republic.” The National Assembly is meeting because of the revolution. The masses who made it have been inspired for decades by the republican idea. We must take this into account. I believe it is less important to consider the reaction of foreign countries. I suggest that we say “Reich and state” in the text.

[...]

Dep. Dr. **v. Delbrück**[4]:

[...]

On the question of whether or not the German state shall bear the **name “German Reich”** in future, I would like to declare the following: Under no circumstances should we interfere with the traditional name “Reich.” Some people nowadays are of the opinion that, in comparison to the future, everything

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associated with the old German Reich is miserable and pathetic. This view will disappear. The day is coming soon when you will recall past times with pride, and when the world, which today still harbors certain concerns about the power of the old Reich, will recognize its achievements. We wish to take what was valuable to us in the past into the future, not as the signature of a bankrupt state, but as the mark of a polity that perished in heroic struggle. I do not share the fear that the term “Reich” in its translation as empire might prove alarming in our relations with the world’s other states. At most, the term will recall only the strengths that have characterized the German people thus far. Is it likely that the English or the French, if they wished to give their states a new name, would ever worry how it might be viewed abroad? If foreign countries learn that we changed our good old name for this reason, it will only inspire a sense of extreme contempt for us.

I thus can only urge that we retain the term “Reich.”

[...]

Source of original German text: *Verhandlungen der verfassunggebenden deutschen Nationalversammlung*. Vol. 336, no. 391, *Bericht des Verfassungsausschusses*, Berlin 1920, pp. 22–8.

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#### NOTES

- [1] Bruno Ablaß, DDP
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