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Abstract

This year's November 18th sees the 180th anniversary of the Göttingen Seven's protestation. In their note to the Göttingen university's board, the professors opposed the annulation of the kingdom's constitution by King Ernst August (the Duke of Cumberland), as well as their having been exonerated from their oath on the constitution of 1833. Their resulting dismissals from office – some were even banished – were met with much sympathy at the time. Posterity's judgment has been significantly influenced by historian Heinrich von Treitschke. In his judgment, Ernst August was a "law-breaker without shame or honour", the Seven, in contrast, akin to national heroes. An in-depth inspection of the legal situation leads to a different appraisal, however. Neither was the King's behaviour clearly against the law, nor was the Seven's legal viewpoint undoubtedly correct. The root cause of this ambiguity is constitutionalism's inability to resolve the tension between the monarchic principle and the budding parliamentary democracy in the debate concerning the question who the sovereign is in a polity. (HRK / Abstract übernommen)