

SEMINAR, 5:16

- M - Ok, well, ahm, last week as you know, I spoke a little bit about, ahm, the origins of modern constitutions in the early 19th century and ahm what I want to do today before later in the coming weeks we'll be looking at ahm some of these different constitutions in much more depth, and what I wanted to do today was, ahm, to discuss some examples of the preambles of some different German constitutions from the 20th century.

Ahm, the preamble of a constitution, if there is one at all, there isn't always, the constitution of the Weimar Republic had no preamble to speak of, but the constitutional preamble ahm often gives an indication of ahm how a state defines itself, what its general aims and objectives are, before flesh is put on those aims and objectives in the individual articles which come later on in the constitution.

So ah what we have a here, ah,ah,ah are, are several as I say from the 20th century ahm and ahm, ah I know you've had a little time to look at them. I was wondering what strikes you as most interesting. If we perhaps start with looking at the ah preamble to the basic law of the Federal Republic of Germany. This is in a slightly changed form ahm from that which was originally drafted in 1949. This is the form of the preamble from ah just after reunification in 1990. Is there anything that strikes people about that preamble? Or what... How would you ... how do you think the Federal Republic defines itself according to this preamble? Hannah Maria perhaps.

- H - Ok, well I think that it's important ahm that it mentions freedom in the first sentence as well as the importance of them working together in a united Europe, which obviously reflects the, the modern situation of Europe in the world and goes against, ahm, the previous German history. Ahm it also states that it's ahm a "gesamte deutsche Volk" so this is for a united Germany, which reflects the reunification which is obviously important 'cause it's ahm from 1990 which is just after the German reunification and it mentions all the German ahm states which constitute the whole of united Germany.

- M - If we've gone down ahm ...further down the page to the ah preamble of the GDR's constitution, ah Joanna ah, any comments you'd like to make about that? Does it seem to be a, a are there any similarities with the Federal Republic's constitutional preamble or is it entirely different?

- J - It kind of looks like it's based more on socialism than the ... because it's talking about the working classes and ahm also about the freedom ...that the people are free from fascism.

- M - The German Democratic Republic is the political organisation of the working people in the town and in the countryside under the leadership of the working class and its Marxist-Leninist party. What implications do you think that sentence has for the GDR as a political system?

- H - I think it shows the authority of ahm the Marxist-Leninist party, which in this case in the GDR was the SED.....obviously and it's just emphasizing their authority in the country. And by putting it in article 1, that's to show that they're the main leaders of the, of the state.
- N - Also that they, the party is the leadership of...well the representation of the working class as such and that the working class has priority over other societal establishments of constitutions, and this is by definition so it, it cannot be challenged by anyone 'cause it's part of the constitution.
- M - Yes. What implication does that have for the electoral system in the German Democratic Republic? For voting?
- H - I think by placing ahm and naming the party in article 1 of the constitution they've—obviously got the leading role, so they've obviously got the monopoly on ahm party politics, and therefore it would be very difficult for another political party to try and oppose them.
- M - Ahm, Caroline, we've looked at now 2 of the ahm more recent German constitutions. Ah, you're from France, what comparisons could we make between these two modern German constitutions and the French constitution. Does the French constitution have anything similar to either of these in its preamble? Just, just ahm t/ to explain what that is in English if you would.
- C - Ahm it's a declaration which was ahhhh formulated I think, put together in 1789 and which sums up all the basic rights and freedoms of citizens of France. And the first one is ahm all...ahm well human beings in this case....because they wanted ah this declaration ahm to ah apply to other countries too.... ahm all human beings are all free and equal.
- M - Hm, yes and I think that that also drew very greatly on ahm the similar declaration in the United States ahm just a few years earlier at the time of the United States' independence from ... ahm from, from the United Kingdom.