SOCIALIST DEMOCRACY AT
THE WORK PLACE AND
IN NEIGHBOURHOODS:
THE GDR'S SOCIAL COURTS*

The German Democratic Republic's interpretation of 'democracy' differs considerably from the Western concept with the latter's stress on free elections and the individual's basic human rights, particularly freedom of speech and freedom of movement, including the right to emigrate. The GDR's official dictionary of political terms, the Kleines Politisches Wörterbuch, has separate entries for 'Demokratie' (democracy), 'bürgerliche Demokratie' (bourgeois democracy) and 'sozialistische Demokratie' (socialist democracy). While the very detailed definition of 'socialist democracy' ascribes only a minor role to the election of the people's representatives great emphasis is placed on the following elements as essentials of a socialist democracy: (1) The leading role of the working class and their Marxist/Leninist party; (2) the public ownership of the means of production; (3) the guarantee of basic rights which are closely linked with basic duties.

It is this third element, linking rights with duties, which is of special relevance to the investigation of citizen participation in the administration of justice, particularly within the context of the social courts, as a case study of socialist democracy. While in a Western democracy basic rights are primarily understood as freedom rights, as rights which protect the individual against an over-powerful state, socialist basic rights are above all participation rights. This idea is also enshrined in the Constitution of the German Democratic Republic. Thus the section on 'Basic Rights and Basic Duties' (articles 19-40) starts with the statement: 'The German Democratic Republic guarantees to all citizens

* Where English translations from the original German are available (see notes 2 and 14), these have been used for quotations. Other translations are by the author of this article.

the exercise of their rights and their participation in the guidance of social development' (article 19) and article 21, much quoted in the GDR, stipulates in greater detail: 'Every citizen of the German Democratic Republic is entitled to participate fully in shaping the political, economic, social, and cultural life of the socialist community and the socialist state. The principle shall be applied "participate in working, in planning and in governing."' The link between rights and duties becomes apparent later on in the same article with the statement: 'The implementation of this right to co-determine and co-shaping is at the same time a high moral obligation for each citizen.'

GDR sources stress the great number of citizens who exercise their right to co-determination and often quote participation in the administration of justice as an example of socialist democracy. Frohmut Müller of the Akademie für Staats- und Rechtswissenschaft der DDR even goes as far as claiming that participation in socialist democracy as a normal way of life of GDR citizens becomes most manifest in the work of social courts 'for in this area of the judicial system the deepening of socialist democracy since the Tenth Party Congress of the SED becomes most apparent'.

The official political dictionary referred to above defines Rechtsprechung (administration of justice) inter alia as 'a form of exercise of state power in which citizens participate to a great extent' and goes on to say 'its democratic character becomes clear from the fact that citizens administer justice directly as lay judges [Schöff en] or as members of social courts...'. GDR lawyers are aware of the interest shown by Western observers in the role of social courts and try to capitalize on this politically. Thus Gustav-Adolf Lübchen, department head in the Ministry of Justice, proudly states in an English edition of Law and Legislation in the German Democratic Republic which is clearly intended for a Western readership: 'Lawyers from abroad who come to visit the German Democratic Republic usually show a keen interest in the activity of social courts which have emerged as new democratic bodies of the administration of justice and have

2. Quotations from the GDR's Constitution are taken from the authorized English translation by Intertext (Berlin [East]: Staatsverlag, 1974).