1. Taking Stock

1.1. Eastern Europe

Since the beginning of the 1960s, lively activities of constitution-making have started all over the communist world. Generally, they have been characterized by a growing differentiation according to national particularities as the binding force of the Soviet model, the Stalin Constitution of 1936, began withering away. In this article, it is my intent to analyze recent constitutional developments in communist countries under two aspects: first—after a short stock-taking—the characteristic features of recent communist constitution-making will be set forth; secondly, the question will then be investigated as to what functions communist constitutions really perform.

In Eastern Europe the making of new constitutions has by and large come to an end. In detail, according to the chronological sequence of the presently valid constitutions, the situation is as follows:

—Czechoslovakia: The constitutional situation is difficult to survey. Though Czechoslovakia was the first country within the sphere of Soviet hegemony to adopt a "modern" constitution on 11 July 1960 (Sbírka Zákonů No. 100/1960), thus replacing the Stalinist Constitution of 1948, only a few parts of the Constitution proper are still valid today. These parts include the chapters on the Social Order, the Rights and Duties of Citizens, the National Committees, and the Judiciary. Since the occupation of Czechoslovakia in August 1968, twelve Constitutional Laws have been passed, at first realizing and then undoing the constitutional ideas of the Prague reformers. The most important of them is the Constitutional Law of 27 October 1968, "On the Czechoslovak Federation" (Sbírka Zákonů No. 143/1968), which mainly contains provisions on state structure. Out of the remaining eleven Constitutional Laws, three contain provisional regulations and are no longer of any interest; five have...
explicitly altered the text of the Constitution as contained in the two basic laws of 1960 and 1968 (Sbírka Zákonů No. 57/1969; No. 155/1969; No. 125/1970; No. 43/1971; No. 14/1975); and three Constitutional Laws have brought about significant additions to the two basic laws which make up the Constitution (Sbírka Zákonů No. 144/1968; No. 10/1969; No. 126/1970).

—Rumania: 2 After the Constitutions of 1948 and 1952, a third Constitution was adopted on 20 August 1965. It is still valid, but it was altered fundamentally and published in a new version on 8 April 1974 (Buletinal Oficial 1974, Part I, No. 56). Since then it has been amended by Law No. 66/1974 of 20 December 1974 (Buletinal Oficial 1974, Part I, No. 161).

—East Germany: 4 The Constitution of 1949 was replaced by a new one on 6 April 1968. The new Constitution was revised and published in a new version on 7 October 1974 (Gesetzblatt 1974, Part I, 432).

—Bulgaria: 5 The Dimitrov Constitution of 1947 has been replaced by the Constitution of 16 May 1971 (Dârzhaven Vestnik 1971 No. 39).

—Hungary: 8 Differing from the countries mentioned above, Hungary did not adopt a new constitution in the formal sense, but rather contented herself with a total revision of the Constitution of 1949 by Law No. I/1972 on 19 April 1972 (Magyar Közlöny 1972 No. 32). The revised Constitution has been slightly amended by Law No. I/1975 (Magyar Közlöny 1972 No. 23).

—Yugoslavia: 8 This country can be proud of a most eventful constitutional development. The greater part of the first Constitution of 1946 was replaced by the Constitutional Law of 1953. In 1963 a third Constitution was passed, to which a total of 42 Amendments effectuating substantive changes were added in the years 1967, 1968, and 1971. Eventually, the presently valid fourth Constitution was adopted on 21 February 1974 (Službeni list SFRJ 9-153/1974).

—Poland: 8 The Polish leaders followed the Hungarian solution. The old Constitution of 1952, which had replaced the "Little Constitution" of 1947, was totally revised and published anew on 16 February 1976 (Dziennik Ustaw 1976 No. 7 Poz. 36).

—Albania: 9 The most recent socialist constitution was adopted in this country on 28 December 1976 (Gazeta Zyrriate 1976 No. 5; English translation in Rev. Soc. Law 1977 No. 2, 227-249) thus replacing the old Constitution of 1946 revised in 1950.