



Volume 8. Occupation and the Emergence of Two States, 1945-1961 Constitution of the German Democratic Republic (October 7, 1949)

The drafting of a constitutional document in the German Democratic Republic (GDR) was virtually contemporaneous with the promulgation of the Basic Law in the Federal Republic. Like its West German counterpart, the GDR constitution also established the political structure and basic operations of the country's constitutional organs. One must distinguish, however, between the written constitution reproduced below and the "real constitution" under which East Germans lived. Stalinization had begun in the Soviet Occupation Zone under the leadership of Walter Ulbricht's Socialist Unity Party in 1946, and, as it progressed, the principles of liberty, democracy, and equality enumerated in the constitution became a façade behind which party organs, censors, and police authorities maintained a dictatorship. In this regard, it is telling that the GDR constitution begins with "fundamentals of state authority," and not with guarantees of universal human rights.

Preamble

The German People, imbued with the desire to safeguard human liberty and rights, to reshape collective and economic life in accordance with the principles of social justice, to serve social progress, and to promote a secure peace and amity with all peoples, have adopted this constitution.

A. Fundamentals of State Authority

Article 1

Germany is an indivisible democratic republic, the foundations of which are the German *Länder*. The (German Democratic) Republic decides on all issues which are essential to the existence and development of the German people as a whole, all other issues being decided upon by independent action of the *Länder* (states).

As a rule, decisions of the Republic are carried out by the *Länder*.

There is only one German nationality.

Article 2

The colors of the German Democratic Republic are black, red and gold.

The capital of the republic is Berlin.

Article 3

All state authority emanates from the people.

Every citizen has the right and the duty to take part in the formation of the political life of his *Gemeinde* (community), *Kreis* (county), *Land* (state) and of the German Democratic Republic. The right of co-determination takes the form of: voting in popular initiative and referendums; exercising the right to vote and standing for election; entering upon public offices in general administration and in the administration of justice.

Every citizen has the right to submit petitions to the popular representative body.

State authority must serve the welfare of the people, liberty, peace and the progress of democracy.

Those active in public service are servants of the community as a whole and not of any one party. Their activity is supervised by the popular representative body.

Article 4

All measures taken by state authority must be compatible with the principles which the Constitution has declared to be contained in state authority. Pursuant to Article 66 of this Constitution, the popular representative body is to decide on the constitutionality of such measures. Everyone has the right and the duty to resist measures contradicting enactments of the popular representative body.

Every citizen is in duty bound to act in accordance with the Constitution and to defend it against all enemies.

Article 5

The generally recognized rules of international law are binding upon state authority and every citizen.

It is the duty of state authority to maintain and cultivate amicable relations with all peoples.

No citizen may participate in belligerent actions designed to oppress any people.

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Source: Constitution of the German Democratic Republic (October 7, 1949), reprinted in Louis L. Snyder, ed., *Documents in German History*. New Brunswick: Rutgers University Press 1958, pp. 540-41.