

Global Constitutionalism. An introduction to the comparative study of Constitutional preambles: Europe

Constitucionalismo global. Uma introdução ao estudo comparativo dos preâmbulos constitucionais: Europa

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Abstract

The paper approaches European constitutional preambles with the aim of unveiling several resemblances and dissemblances among them. It upholds the argument that Constitutional preambles are legal texts that exist irrespective of actual political and economic conditions on a particular state. In the main, there are some common places in the context of its language structures, primarily as for the use of the Enlightenment legacy, as well as History and an imbibed form of patriotism.

Keywords: global constitutionalism, constitutional preambles, Europe.

Resumo

O ensaio trata dos preâmbulos das constituições europeias com o objetivo de descortinar semelhanças e dissemelhanças entre os vários textos. Sustenta o argumento de que preâmbulos constitucionais são textos jurídicos que existem não obstante a realidade política e econômica dos respectivos Estados. No núcleo, há nos preâmbulos alguns lugares comuns, no contexto de suas estruturas linguísticas, especialmente quanto ao legado do iluminismo, bem como quanto ao uso da História, a par de uma intrínseca forma de patriotismo.

Palavras-chave: constitucionalismo global, preâmbulos constitucionais, Europa.

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ATHENIAN: I think that you are right, Cleinias, in affirming that all laws have preambles, and that throughout the whole of this work of legislation every single law should have a suitable preamble at the beginning; for that which is to follow is most important, and it makes all the difference whether we clearly remember the preambles or not. (Plato, *Laws*, Book IV).

Introductory remarks: The Constitutional preamble

Constitutional preambles uphold the assumption that law is a realm of politics in its historical context, that is, a relation of power entwined with cultural values. Even though in most countries the constitutional preamble is not a constitutional rule by itself, for it is not abiding, it is irrefutable that a message contained in the preamble is preferably a guide for constitutional interpretation. There is a widespread assumption that the preamble is not an enforceable law as well as it does not have any legal value (Voermans et al., 2017, p. 2). Against this assumption, there is a tendency that regards constitutional preambles as instruments of constitutional adjudication and design (Orgad, 2010, p. 714-738). A preamble is an introductory text, generally short, that precedes the full text of a Constitution, clarifying its reasons and goals².

Aside of an affluent document of historical and cultural background, the preamble, in general, is an archetype of constitutional standards within a particular political organization. Accordingly, one can admit a two-fold function of a preamble: it contains History, and it heightens constitutional goals. As an active fragment of History, the preamble has a role of uniting a political community. As a beacon for constitutional interpretation, the preamble has a mission of integrating a specific law system within the context of permanent values. The preamble enhances constitutional patriotism in a sense it captures the ordinary expectations of a political community (Sternberger, 2001). According to a German constitutionalist (Schmitt, 1992, p. 49), the preamble permits a formulation of a political decision on a bright and penetrating way.

On the one hand, the outlook of some preambles develop the conception of an apparatus fitted to reach a “*common law of mankind*,” as Edward Lambert and Raymond Saleilles conceived Comparative Law in the Paris Conference of 1900 (Zweigert and Kötz, 1998, p. 2)³. Many preambles have nearly the same structure,

that is, there is a formal declaration concerning several main topics, like human rights or sovereignty.

On the other hand, a critical approach of some preambles does suggest some emptiness imbibed in formulas of standard practice. Preambles, in general, are a common ground for well-behaved constitutional rhetoric. A careful evaluation of some actual instances may confirm this assertion. Still, there is some pivotal variation, with allusion to religious references, especially in the case of Muslim countries constitutions. In this case, there is space to validate the conception of law families, precisely as settled by Comparative Law traditional literature (David and Brierley, 1978).

As for the effectiveness of the preamble, some cases can illustrate its relative strength. In 1904, the United States Supreme Court (*Jacobson v. Commonwealth of Massachusetts*) ruled that, “although that preamble indicates the general purposes of which the people ordained and established the Constitution, it has never been regarded as the source of any substantive power conferred on the government of the United States or any of its departments. Such powers embrace only those expressly granted in the body of the Constitution, and such as may be implied from those so granted”. The discussion refers to a refusal of mandatory vaccination. The defendant claimed that a Massachusetts statute violated the preamble of the Constitution of the United States. The questioned statute made mandatory the vaccination against smallpox. According to the defendant, the preamble of the Constitution granted him the “*blessings of liberty*.” The Court recognized his right of refusal, albeit also acknowledged the police power of the State, thus imposing a fine on the defendant.

Another example. In Brazil, there was a discussion concerning the obligation of phrasing “*in the name of God*” in the preamble of the various states constitutions. In the preamble of the Brazilian Constitution, as well as in the preambles of the Brazilian states constitutions, there is a mention of the “*name of God*”, except in the state of Acre, in northern Brazil. The issue was if the phrasing “*in the name of God*” was mandatory for the states constitutional preambles. The Brazilian Supreme Court (ADI n. 2076-Acre, 2002) ruled that the states have to follow the Federal Constitution, excepting the preamble, which is not a central norm. Consequently, in the context of Brazilian constitutional tradition, the preamble is not binding, for it does not belong to the core of the Constitution.

² For the definition see Tajadura Tejada (1997, p. 17).

³ Edward Lambert presented a report in the Congress; he argued that Comparative Law was superior form of legal art and kraft. See Otetelisanu (1938, p. 39).

Concerning the role of the preambles, if one compares the United States Supreme Court opinion with its Brazilian counterpart the outcome is the same: the preamble does not belong to the core of the Constitution. However, the constitutional preludes are rhetorical pieces that inform some basic principles that characterize a particular political organization and sometimes features historical or religious background. Likewise, in Argentina, where the Supreme Court grants to the preamble a mere explanatory value, the preamble is not binding (Zarini, 2009, p. 48).

This is not the case of Colombia, in which its Supreme Court ruled that the Constitutional preamble embodies much more than a simple, specific rule; it clarifies the ends of a national legal system, the principles that inspired the authors of the Constitution, the political motivation behind the various constitutional provisions (Flórez Ruiz, 2011, p. 18-35; Ortega Montero, 2012, p. 49). According to the Colombian Supreme Court (C 479/92; C 477/2005), the preamble transcends the plain meaning of the Constitution.

In France, as well, is a common assumption that the preamble has a full constitutional value, as ruled by the French Constitutional Council (Cohendet, 2011, p. 63-70). In French constitutional theory and practice, the preamble is contained on a *constitutional block*. It is as a norm of reference regarding judicial review (Drago, 1998, p. 250). France has recently rebuilt its arrangements of constitutional review, through a model of judicial intervention (Rousseau, 2010; Disant, 2011; Maugüé and Stahl, 2011). It is somehow a constitutional revolution, for until recently the constitutional control in France was a matter of a non-judicial panel. Due to its new model, it might be an increase in the constitutional debate, which is an opportunity for further discussions regarding the strength of the dispositions fixed in the preamble.

A group of preambles shares a common ground regarding humane values, such as human dignity and human rights. Some preambles address liberal values, like justice, liberty, equality, and fraternity. There is another group of preambles, which is heavily centered in History, chiefly in the memoirs of fighting against colonialism.

Some preambles enhance religious beliefs, both in the Christian and in the Islamic context. The intersection between western constitutional tradition and the Islamic tradition has some peculiarities. In the Islamic context, especially within the boundaries of a classical Islamic theory, the law is the will of God, a perfect sys-

tem that precedes the Muslim State and that control the Islamic society instead of controlled by the community (Coulson, 1995, p. 1). The study of the preambles permits some reflections related to universalism and relativism, and its reproduction of the confront between “the self and the other”.⁴ Preambles can be managed as a device for political propaganda, especially in the context of totalitarian regimes (Tajadura Tejada, 1997, p. 13).

Some constitutions do not have any preamble at all. That is the case of Uruguay, Australia, Austria, Belgium, Botswana, Chile, Cyprus, Denmark, Finland, Iceland, Italy, Lesotho, Luxembourg, Malaysia, Malta, Maldives, Mauritius, Mexico, Monaco, The Netherlands, Norway, Oman, Qatar, Romania, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sweden and Yemen. Regarding the real importance of a preamble as for democracy or social welfare, the mentioned examples do confirm some idea of insignificance.

A country does not need a constitutional preamble to be a democracy or a welfare state. Still, some countries count on unwritten constitutions, based on several fundamental laws, concerning legal principles, that being the case of the United Kingdom and, most recently, Israel. In those cases, the United Kingdom and Israel, the concept seems to be totally irrelevant. In the example of the United Kingdom, there is a body of traditions, customs, and practices, divided into two extents, a distinguished part, which is the reverence of the British people, as well as an efficient part, that effectively works and which is composed by rules (Bagehot, 2001, p. 7).

Irrespective of political or economic strength, the paper opts for a geographical reference to classify and explore the various European constitutional preambles. With this aim, the elected criteria is the United Nations geoscheme, as formulated by the United Nations Statistics Division (2018). From a list of regions and sub-regions, the paper lists the various European countries and try to collect some relevant information on the constitutional preambles, to reach some semblances and dissemblances.

The preambles explored in the paper are available on the website of the Constitute Project (n.d.). The online constitutions are part of the Comparative Constitutions Project, developed by scholars at the University of Texas at Austin, with support from several institutions, as the National Science Foundation, Cline Center for Advanced Social Research, the United States Institute of Peace, the University of Texas, the University

⁴ The conflict between universalism and relativism, in the context of the reproduction of the dichotomy amongst the self and the other is mentioned on Jackson and Tushnet (1999, p. 151).

of Chicago, as well as the Constitution Unit at University College London (Constitute Project, n.d.). Europe is the political space in which the paper tries to address the extent of the Constitutional preambles.

Western Europe

The Constitution of Austria, promulgated in 1920 – in which scholars like Hans Kelsen contributed in its draft and rightly considered as his creator (Jablonek, 2002, p. 67; Sosa Wagner, 2005, p. 379-420) –, reinstated in 1945 (just after the fascism debacle) and reviewed in 2013, does not have any preamble at all. This constitution has an opening article that proclaims that Austria is a democratic republic, whose law emanates from the people (Austria, 1920). Likewise, the Constitution of Belgium (1831, amended in 2014). Its text starts with an opening article asserting that Belgium is a federal State composed of communities and regions (Belgium, 1831).

Equally, the Constitution of Luxembourg (1868, rev. 2009) with no preamble and with a first article stating that the Grand Duchy of Luxembourg is a democratic, free, independent and indivisible State (Luxembourg, 1868). Similarly, the Constitution of Monaco (1962, rev. 2002) with a first article proclaiming that the Principality of Monaco is a sovereign and independent State within the framework of the general principles of international law and of the particular conventions with France (Monaco, 1962).

France has a long constitutional tradition (Go-dechot, 2006), especially in a sense that the constitutional and the legal system do indeed represent the general spirit, the customs and the way of being of a nation (Montesquieu, 1995, p. 564). In the French constitutional tradition, the law is the result of an imaginary general will, a concept formulated by Rousseau (1966, p. 145-181), as a keystone for democracy (Vedel, 2002, p. 21). The present France Constitution (1958, rev. 2008) has an eloquent preamble towards which the French people first proclaim their attachment to the rights of man. There is also a connection to the principles of national sovereignty, as defined by the Declaration of 1789.

The mentioned declaration is the “Declaration of the Rights of Man and Citizen Approved by the National Assembly of France, August 26, 1789”. A foundational document in Western history, the French declaration gave political expression to naturalness, equality,

and universality of human rights, asserting its inalienability (Hunt, 2007, p. 21). Its dispositions are also directed to both legislative and executive power, whose action ought to be framed by the liberal agenda.

Fundamentally, the declaration states that men are born and remain free. Likewise, men are equal in rights. It admits social distinctions when founded upon the general good. According to the declaration, the aim of all political association is the preservation of the natural and imprescriptible rights of man. Mostly, these rights are liberty, property, security, and resistance to oppression. The declaration has even a disposition regarding taxation. It affirms that a common contribution is essential for the maintenance of the public forces and for the cost of administration⁵. The rule of law is the only instrument capable of determining the limits of liberty. This concept is of paramount importance in the context of liberal constitutionalism.

The present French preamble, aside of the Declaration of 1789, consists also of the dispositions of the preamble of the 1948 Constitution. A post-war document that encompasses the ideology of the winners, this preamble mentions the outcome of the conflict. Explicitly, as follows: “In the morrow of the victory achieved by the free peoples over the regimes that had sought to enslave and degrade humanity, the people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights” (Conseil Constitutionnel, 2002). There is the reaffirmation of the rights disposed of in 1789, that is, “They solemnly reaffirm the rights and freedoms of man, the citizen enshrined in the Declaration of Rights of 1789, and the fundamental principles acknowledged in the laws of the Republic”.

It stands for equality of rights between men and women, “The law guarantees women equal rights to those of men in all spheres.” It declares the right to seek sanctuary, “Any man persecuted in virtue of his actions in favor of liberty may claim the right of asylum upon the territories of the Republic”. It recognizes the duty to duty to work and the right to employment. In the same context, it affirms, “No person may suffer prejudice in his work or employment under his origins, opinions or beliefs”. It guarantees the right to strike, which has to be exercised within the applicable laws.

The property must attend the social interests. The framework of a welfare state is confirmed; one reads: “The Nation shall provide the individual and the

⁵ That is, a present conception of the cost of rights, explored by Holmes and Sunstein (2000).

family with the conditions necessary to their development". In the same dominion, it is stated that "It shall guarantee to all, notably to children, mothers, and elderly workers, protection of their health, material security, rest and leisure". The welfare state model is also revealed on another preamble disposition, which asserts, "All people who, by virtue of their age, physical or mental condition, or economic situation, are incapable of working, shall have to the right to receive suitable means of existence from society".

As a secular State, France is by its preamble committed to free, public and secular education. It refuses the war aimed at conquest. As for its overseas peoples, a heritage from the colonialism, the preamble asserts, "France shall form with its overseas peoples a Union founded upon equal rights and duties, without distinction of race or religion". This perception of a colonialist Nation is still somewhat strong, in a sense that "Faithful to its traditional mission, France desires to guide the peoples under its responsibility towards the freedom to administer themselves and to manage their own affairs democratically; eschewing all systems of colonization founded upon arbitrary rule".

The French constitutional preamble has recently adopted rights and duties concerning environmental protection under 2004 Chart of Environment. The Charter, presently a part of French constitutional preamble, built upon the respect that the French people consider that the future and the very existence of humankind is inextricably linked to its natural environment, a common heritage of all humanity. It firmly affirms that everyone has the right to live in a balanced environment. In that sense, continues the Charter, everyone is under a duty to participate in preserving and enhancing the environment. The French constitutional preamble has a somehow unique feature, which is the compromise towards environmentalism.

The French constitutional preamble acknowledges the self-determination of the peoples, a subject particularly sensitive regarding the former French colonies (Yacono, 1969). Following a historical tendency, the French preamble states that the Republic expands the Constitutional protection to the overseas territories. Those territories must express the will to adhere to the new institutions founded on the universal ideal of liberty, equality, and fraternity, and conceived for their democratic development. Rather clearly a heritage that remounts to the political ideas of the French Revolution.

As for Germany, the German Constitution, accepted in 1949, has been amended several times, in particular under the reunification process, consolidated

after the fall of the Berlin Wall in 1989 (Zippelius, 2006, p. 151-169). The use of the expression *Grundgesetz* (Basic Law) instead of *Verfassung* (Constitution) stands for a formerly provisional understanding of the text approved in 1949 (Foster and Sule, 2010, p. 160). In Germany, the preamble had great importance regarding political arrangements. There was a disposition allowing the then called Fundamental Law, transitory, feature, to be later converted into a Constitution, sheltering all Germans (Biscaretti Di Rufia, 1972, p. 328).

There was a strong influence of the allied countries that occupied West Germany (Stolleis, 2012b, p. 130-168). They bet on the reunification process, as a counterweight to Soviet influence in the European geopolitical context. In London, representatives of England, France, the United States, Belgium, the Netherlands and Luxembourg (the group then called *London 6-Powers*) recommended the creation of a German State, in the western part of Germany, as opposed to the political situation in the eastern portion of Soviet occupation. Subsequently, a diplomatic meeting occurred in Frankfurt. The members of the meeting draft a document sent to the various governors of the German Länder. A recommendation for the creation of a German State becomes a valid order, another one among the directives openly placed by the winning allies.

A Constituent Assembly was to meet until September 1948. The text to be produced by this assembly should be submitted to the approval of the military rulers who then occupied Germany. The various *Länder* would later endorse it. Once the constitutional text was approved, supervening amendments would be submitted to the military allies, who would also have control of German foreign policy. The war-winning allies persisted in what they called the five-D's policy: demilitarization, denazification, democratization, disarmament, and decentralization.

A commission had been specially convened to draft an original text that would be proposed to the Assembly then considered. The meetings occurred in Bavaria, in a castle that belonged to Ludwig II in Herrenchiemsee, from which the name given to the group: *Herrenchiemsee Convention*. Carlo Schmid, a brilliant constitutionalist, social democrat, born in France, dominated these meetings. Carlo Schmid insisted that the core of a democracy consisted in the adoption of clear rules that would not allow a party that preached the end of democracy to come to power (Stolleis, 2012a, p. 211).

The text then drafted proposed a restrictive rule regarding some amendments, the so-called "the eternity clause". It prohibits the plebiscite, an institutional ar-

ramentation seen as a significant problem of the Weimar Constitution, somewhat directly responsible for the rise of Nazism to power. On May 8, 1949, the text was approved in Bonn. On May 12, the military allies signed and endorsed the Basic Law, which came into full force (though only in West Germany) on May 23, 1949.

The new constitutional order was built in the context of the reconstruction of Germany (Koch, 1984, p. 318-333). The Basic Law was also conceived as an institutional arrangement that did not obstruct a natural path that should be followed until reunification. All the organs of the Federal Republic of Germany should do everything possible to reunify Germany. The formalization of national reunification took place on October 3, 1990, a circumstance constitutionally foresaw and supported by article 23 of the German Constitution.

The preamble of the German Constitution reflects the historical context in which Germany had to struggle against the outcome of the war. Significantly, it starts stating that the German people was conscious of its responsibilities before God and man. It emphasizes an inspiration related to the determination to promote world peace as an equal partner in a united Europe. The inviolability of the human dignity is affirmed in article one, not in the preamble, as well as the duty of the State to respect and protect it.

From this core derives a State centered in the rule of law. There is a commitment to the full respect for fundamental rights and the separation of powers, as well for legitimate expectations, especially concerning the prohibition of the retroactive use of the law, with some exceptions, for reasons of the application of fairness principles (Sosa Wagner, 2013, at 56-86).

At the end of the preamble, the various German Western states (*Länder*)⁶ affirmed that they had achieved the unity and freedom of Germany in free self-determination, thus proclaiming that the Basic Law applies to the entire German people.

In the case of Liechtenstein (1921, rev. 2011) there is a simple declaration of John II. The Prince Regent of Liechtenstein, Duke of Troppau, Count of Rietberg, by the Grace of God (as written in the preamble), asserts that the Constitution of 26 September 1862 has been modified by him with the consent of the Diet the way it follows (Liechtenstein, 1921).

As for Switzerland (1999), the preambles starts with a religious affirmation: "In the name of Almighty God!". The Constitution was approved in 1999 and had

amendments through 2014. There is a mention to the Swiss People and the Cantons. It states that the authors of the Constitution are "mindful of their responsibility towards creation and that they are resolved to renew their alliance to strengthen liberty, democracy, independence and peace in a spirit of solidarity and openness towards the world".

They also stated that they are "determined to live together with mutual consideration and respect for their diversity". With a touch of environmental concern, it is written that the Swiss people are "conscious of their common achievements and their responsibility towards future generations". At the end of the preamble, there is a reference to freedom in a sense that they are in the "knowledge that only those who use their freedom remain free and that the strength of a people is measured by the well-being of its weakest members".

Southern Europe

Regarding Southern Europe, there are two constitutions with no preamble at all: Italy (1947, rev. 2012) and Malta (1964, rev. 2016). In Italy, following a tradition centered on the working class support, article one states that Italy is a democratic Republic founded on labor. The democratic influence of the post-war is evident in the next article that states that sovereignty belongs to the people. The people exercise this political autonomy in the forms and within the limits of the Italian Constitution. The Italian example to some extent means that a preamble is not entirely necessary as a tool for announcing constitutional archetypes, as labor and democratic values.

As for Malta, the fundamentals of the regime are also fixed on article one that expresses that "Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual". Italy and Malta in a particular way sustain the argument that a preamble can be unnecessary to frame the foundations of a constitutional regime.

Greece (1975, rev. 2008) traditionally considered as the birth of democracy, for its historical and philosophical records, has a constitution with a very short preamble, perhaps the simplest one might remark. It summons up the "Holy and Consubstantial and Indivisible Trinity" as the basis of Greek political constitution. This disposition shows the importance of the Orthodox Church in Greek political arrangements, as well as the historical religiosity of the Greek people. In that sense,

⁶ Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia.

it is illuminating to consider that a preamble, aside from its legal implications, can also be a hint to comprehend a particular society.

The Portuguese preamble consists of a robust historical document. Its primary purpose seems to be the justification of the 1974 revolution (Portugal, 1976). On 25 Abril of that year, the regime inherited from the dictatorship of Oliveira Salazar was overthrown. The Armed Forces led the upheaval, reflecting “the deepest feelings of the Portuguese people by overthrowing the fascist regime,” as written in the mentioned Portuguese constitutional preamble. Portugal then engaged in a revolutionary change against dictatorship, oppression, and colonialism. The Portuguese constitution was sworn in 1976 and last time amended in 2005.

The Portuguese constitutional preamble is long applause for the 1974 revolution and its goals. It announces the national accession to democracy. Proclaimed by a Constituent Assembly, the Portuguese constitutional preamble, in its own terms, “affirms the Portuguese people’s decision to defend national independence, guarantee fundamental citizens’ rights, establish the basic principles of democracy, ensure the primacy of a democratic state based on the rule of law and open up a path towards a socialist society, with respect for the will of the Portuguese people and with a view to the construction of a country that is freer, more just and more fraternal”.

Andorra has a constitution approved in 1993. Its preamble affirms the full liberty and independence of the Andorran people, as well as the exercise of their sovereignty. It acknowledges that the Andorran society has always respected the exercise of fundamental rights of the individual, notwithstanding the fact it has not received the protection of any general laws. As a unique characteristic, the Andorran constitutional preamble calls for a motto, affirming that is “has presided over the peaceful journey of Andorra over its more than seven hundred years of history, may continue to be a completely valid principle and may always guide the conduct of Andorrans” (Andorra, 1993).

Bosnia and Herzegovina (1995, rev. 2009) have a preamble in which its citizens determine that the Constitution be “based on respect for human dignity, liberty, and equality.” It is dedicated “to peace, justice, tolerance, and reconciliation.” It declares the desire “to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy.”

There is a mention to the guidance of the purposes and principles of the United Nations Charter. There is also a determination “to ensure full respect for the inter-

national humanitarian law”. A full commitment to human rights and the international agenda of peace is confirmed.

The authors of the Constitution declare that they are inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and linguistic minorities, as well as other human rights instruments. There is a reference to post-Balkan wars treaties. The preamble recalls the Basic Principles agreed in Geneva on September 8, 1995, and in New York on September 26, 1995.

Croatia (1991, rev. 2013) has a constitutional preamble, which is an example of the uses of the past in the construction of a romantic idea of homeland. Its starting point is a “millenary identity of the Croatia nation and the continuity of its statehood, confirmed by the course of its entire historical experience within different forms of states and by the preservation and growth of the idea of a national state, founded on the historical right of the Croatian nation to full sovereignty”.

With this aim, an extensive preamble mentions many a stage of the Croatian history. It starts with the formation of Croatian principalities in the seventh century. As for the ninth century, it mentions an independent medieval state. It goes to the tenth century, calling upon a Kingdom of Croats. It mentions its bounds with Hungary, for there was a personal union up to the sixteenth century. The Croatian history is summarized up to the beginning of the twentieth century, primarily as for the failure of the Austro-Hungarian Empire and the end of the Habsburg Monarchy.

The preamble also refers to the Croatian destiny in the twentieth century. It mentions its partaking in the Kingdom of Yugoslavia, the brutalities of World War II and subsequently the framework of the Socialist Republic of Croatia (1963-1990), “on the threshold of the historical changes, marked by the collapse of the communist system and changes in the European international order.” The so-called the Homeland War (1991-1995), “wherein the Croatian nation demonstrated its resolve and readiness to establish and preserve the Republic of Croatia as an independent and autonomous, sovereign and democratic state” is the zenith of this historical retrospective.

The preamble of the Croatian constitution is undoubtedly one of the most powerful texts that appeal for historical references, having, therefore, a function for serving ideological purposes, in the context of the reconstruction of Croatia, along with the nadir of the Soviet Union.

The same historical background is an essential feature in the Macedonia Constitution preamble (1991).

The Republic of Macedonia contends with Greece for the possibility of using its national name. Greece insists that Macedonia is a designation that is a reference to Greek historical heritage, for Macedonia also designates the northern regions of Greece, whose past refers to Alexander, the Great. More recently, Macedonia was a portion of the former Republic of Yugoslavia. In its constitutional preamble, there is a reference to a point of departure, which consists in the “historical, cultural, spiritual and statehood heritage of the Macedonian people and their struggle over centuries for national and social freedom as well as for the creation of their own state”. The Macedonian constitution was approved in 1991 and was amended in 2011.

In the second part of the Macedonian preamble, there is a reference to some central values. Among those standards, it enlists democracy, the establishment, and consolidation of the rule of law as a fundamental system of government, human rights, the guaranteeing of human rights, ethnic equality, peace, social justice, economic well-being and prosperity in the life of the individual and the community.

In the case of Montenegro (2007, rev. 2013), there is an allusion to a referendum held in 2006. According to the constitutional preamble, the citizens of Montenegro are committed to living in a state in which the underlying values are freedom, peace, tolerance, respect for human rights and liberties, multiculturalism, democracy and the rule of law. Some environmental concern fixes the accountability of the State for the preservation of nature, sound environment, and sustainable, balanced development of all its regions. In the end, it asserts “dedication to cooperation on equal footing with other nations and states and the European and Euro-Atlantic integrations”.

Serbia (2006) has a peculiar preamble, especially as far as it concerns its relations to Kosovo. The Serbian preamble mentions that the Province of Kosovo is an integral part of the territory of Serbia. It determines that Kosovo must follow constitutional obligations and that it has to protect the state interests of Serbia. In this context, the Serbian preamble has a remarkable role in defining the relations with Kosovo, which is a focus of a continuing content.

The Albanians wrote a preamble in which they declare they are proud and aware of their history. Albania (1998, rev. 2016), by its preamble, commits responsibility towards the future, declares faith in God and to other universal values. There is also a pledge to God and other deities, in the context of a spirit of religious coexistence and tolerance. Human dignity, personhood,

prosperity, peace, well-being, culture and social solidarity are values that inform the Albanian preamble. A long history of aspiration concerning national identity and unity also guides a constitutional preamble.

Eastern Europe

In the context of Eastern Europe, the Constitution of Romania (1991, rev. 2003) is the only one which has not a preamble. The Russian Federation (1993, rev. 2014) has a preamble that acknowledges the multinational feature of the people living under the Russian constitution. It asserts that a common fate, however, bounds these multinational people. The Russian preamble establishes human rights and freedoms. It declares civil peace. It pledges the preservation of a historically created State unity. Those values proceed from universally acknowledged principles of equality and self-determination of peoples. There is reverence towards the memory of ancestors. To those ancestors, says the preamble, the Russians gained the love for the fatherland, as well as faith in good and justice. Adopting the Constitution, the Russians asserted the firmness of a purportedly democratic basis, as well as a sovereign statehood. There is a commitment to striving to ensure the well-being and prosperity of Russia. Finally, there is also a pledge concerning the Fatherland’s responsibility towards present and future generations.

Ukraine, that is, the Verkhovna Rada of Ukraine (1996, rev. 2016), has a constitutional preamble that contains an asserted reverence to some common constitutional values. Among those values are human rights, freedom, democracy, and the rule of law. It solemnly expresses the sovereign will of the people. This will is historical, for it calls for centuries in which the Ukrainians have struggled for the state building and the right to self-determination. There are also mentions to suitable conditions of human life and the strengthening of civil harmony on Ukrainian soil. As for a religious constitutional background, there is the awareness of the Ukrainians responsibility before God. This accountability reaches the people’s conscience, which spreads to past, present and future generations.

The Czech Republic Constitution (1993, rev. 2013) was drafted by free-elected representatives from Bohemia, Moravia, and Silesia. The preamble embraces general constitutional values, like human rights, civil society, as well as ideas regarding a free and democratic State. There is a self-perception of being a part of a democratic family in Europe and the world. Heirs of natural, cultural and spiritual wealth, Bohemians, Moravians,

and Silesians do a commitment regarding the guard and the development of those ideals. The preamble abides the Czech Republic for “all proven principles of a state governed by the rule of law”. The preambles affirm a resolution to “build, safeguard, and develop the Czech Republic in the spirit of the sanctity of human dignity and liberty.” It declares the Czech state as a “homeland of free citizens enjoying equal rights, conscious of their duties towards others and their responsibility towards the community.”

Slovakia, whose constitution was approved in 1992, and revised in 2017, has a preamble with a robust historical reference. There is a mention to the political and cultural heritage of the predecessors. History and tradition are persuasive arguments. In that sense, there is a mention of an experience gained through centuries of struggle for national existence and statehood. There is also a mention to a spiritual bequest of Cyril and Methodius, two brothers very active in the Byzantine Church, known as the Apostles of the Slavs, who lived in the 9th Century. Aside from Cyril and Methodius, there is a reference to the historical legacy of Moravia.

There is the acknowledgment of the natural right of nations to self-determination. Members of national minorities and ethnic groups living in the Slovak Republic are protagonists of this constitutional order. Democracy is the core of the second part of the Slovakian preamble, justifying an endeavor to implement democratic forms of government and hence the assurances of freedom as well as spiritual, cultural and economic prosperity

Bulgaria (Constitution of 1991, rev. 2015) counts with a short preamble in which is expressed national pledge towards the universal human values of liberty, peace, humanism, equality, justice, and tolerance. The rule of law is the proclaimed foundation enabling the creation of a democratic and social state.

The Constitution of Hungary (2011, rev. 2016) has a long preamble by which the so-called members of the Hungarian Nation, summoning up the blessings of God, “at the beginning of the new millennium, with a sense of responsibility” do proclaim many values and commitments. As for its writing, the Hungarian constitutional preamble has exciting aspects, that worth some attention.

There are several religious references. It asserts that the Hungarian State, as built by Saint Stephen, has been a part of Cristian Europe for a thousand years. It acknowledges the role of Christianity in preserving nationhood, despite the fact that it upholds the various religious traditions of the country. Patriotism is paramount along the preamble. It asserts the proud of the

outstanding intellectual achievements of the Hungarian people. There is a commitment towards commit to promoting and safeguarding the Hungarian heritage, their language, culture, as well as the languages and cultures of nationalities living in Hungary. It registers proud to forebears and to those who fought for the survival, freedom, and independence of the country.

Concerning environmental protection, it bears responsibility for descendants; there is a pledge for protecting the “living conditions of future generations by making prudent use of our material, intellectual and natural resources.” Recent history has left many wounds in Hungary. Some dispositions encountered in the preamble are forms of healing this issue. There is, for instance, a promise to preserve the intellectual and spiritual unity of the nation “torn apart in the storms of the last century.” In the same context, there is a proclamation that reaches nationalities living in Hungary, considered as a part of the Hungarian political community and constituent parts of the State.

There is an effort to approach Hungary to the idea of Europe. It is registered in the preamble that the Hungarian people have defended “Europe in a series of struggles and enriched Europe’s common values with its talent and diligence”. There is a confidence that the Hungarian “national culture is a rich contribution to the diversity of European unity.”

The Hungarian constitutional preamble is an illustration of constitutional romanticism. There is a commitment to respect “*freedom and culture of other nations*”. Human existence is established on human dignity. Individual freedom, according to its preamble, “can only be completed in cooperation with others.” Family and nation are values that constitute the principal framework of coexistence. Fidelity, faith and love are “fundamental cohesive values”. The idea of solidarity is expressed in an excerpt of the preamble that expresses that the Hungarians “have a general duty to help the vulnerable and the poor”.

Meaningfully, there is a denial of “any statute of limitations for the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and the communist dictatorships”. The communist constitution of 1949 is not recognized, for it is considered as the basis for a tyrannical rule: its invalidity is proclaimed. The Constitution is declared the basis of the Hungarian legal order. The Constitution enhances an alliance among Hungarians of the past, present, and future.

On a fairly optimistic way, the Hungarian constitutional preamble proclaims the “trust in a jointly-shaped future and the commitment of younger genera-

tions,” believing that their “children and grandchildren will make Hungary great again with their talent, persistence and moral strength”.

The Constitution of Poland (1997, rev. 2009) also have a long preamble with references to History, Religion, and common constitutional values. As for History, there is an allusion to the upheaval of 1989 and the recovery of a sovereign and democratic determination of Poland’s fate. One of the touchstones of the preamble is the reminiscence of “bitter experiences of the times when fundamental freedoms and human rights were violated” in Poland, which is an allusion to the Soviet occupation. The bonds with History are also noted in a preamble phrase that states for the obligation to bequeath to future generations all that is valuable from over one thousand years’ heritage.

Vis-à-vis religion, there is a mention to “those who believe in God as the source of truth, justice, good and beauty”, as well as a recognition of responsibility before God and consciences. Alternatively, there is also a recognition to those who do not share the faith in God but do believe in universal values, irrespective of the sources. It asserts the Polish culture as rooted in the Christian heritage of the Nation, and in universal values.

The Polish constitutional preamble mentions the awareness of “the need for cooperation with all countries for the good of the Human Family”, pledges “diligence and efficiency in the work of public bodies”, and fixes the desire to “guarantee the rights of the citizens for all time”.

As for the Republic of Moldova (Constitution 1994, rev. 2016), the preamble reproduces orthodox constitutional supreme values as “the rule of law, civic peace, democracy, human dignity, fundamental human rights and freedoms, the free development of human personality, justice, and political pluralism.” There is also a commitment to “obligations towards the previous, present and future generations,” which encompasses respect to History and the environment. The members of the Parliament, as plenipotentiary representatives of the people of the Republic of Moldova, subscribed the preamble, in which they also affirm due account to “the continuity of the Moldavian people statehood within the historical and ethnic framework of its growing as a nation.”

Northern Europe

In Northern Europe, there is a group of countries, whose constitutions do not have a preamble. This is the case of Norway (1814, rev. 2016), Denmark (1953), Sweden (1974, rev. 2012), Finland (1999, rev. 2011), and

Iceland (1944, rev. 2013). Those nations exemplify welfare states. They are known for its high standards of life as well as for its excellent life expectancy. They are poignant examples that a constitutional preamble is not a sine-qua-non condition to a well-established and organized country. There is also the case of the United Kingdom. The fact the UK does not have a written constitution technically prevents the very existence of a written constitutional preamble.

Ireland (1937, rev. 2015), enhances the influence of Catholicism in its constitutional preamble on a quite strong way. It starts summoning the “Name of the Most Holy Trinity, from Whom is all authority and to Whom, as [the] final end, all actions both of men and States must be referred.” Then, there is a humble acknowledgment of obligations to the “Divine Lord, Jesus Christ.” Remembering Eire’s “heroic and unremitting struggle to regain the rightful independence”, there is a pledge to “promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of [the] country restored, and concord established with other nations”.

Lithuania (1992, rev. 2006), has a short preamble that refers to the strive for “an open, just, and harmonious civil society and State under the rule of law,” concerning a “reborn State of Lithuania.” There is a reference to a “Lithuanian Nation,” created “many centuries ago.” The struggled for freedom and independence, as well as a constant struggle for freedom and independence.

Latvia (1922, reformed in 1991, rev. 2014) has a lengthy preamble that upholds a long historical heritage. The proclamation of a Latvian state in 1918 is a starting point for this narrative. It asserts the right for self-determination and the resulting existence of language and culture. It celebrates victory in the recent liberation war. It disclaims and condemns the occupation of the Communist and Nazi regimes, and their crimes. It acknowledges the rule of law and the respect for human dignity and freedom, as much as it “recognizes and protects fundamental human rights and respects ethnic minorities.”

A unified European Constitution

Aside of above mentioned many European constitutional preambles, there is also an effort towards constitutional unification, a political process highlighted by many ups and downs (Manin, 2004). The United Kingdom withdraw from the European Union exemplifies some re-

cent downfalls of this ambitious project. In order to illustrate this idea of a unified Europe, and its constitutional projections, follow some remarks regarding a tentative conception for a constitution for all of Europe, in the context of the 2004 Treaty of Rome (CVCE, n.d.).

A subject of intense debate, for this idea somehow equalizes different political identities and idiosyncrasies, this idyllic constitution has a preamble that emphasizes some common values shared by European countries (Philip, 2004). It assumes a European inheritance, from which it draws inspiration, regarding cultural, religious and humanist values. It affirms the development of universal values, straight from European values, such as “the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”.

Civilization, progress, and prosperity are common grounds. It calls for the Enlightenment Project and its fundamental concept of permanent headway. There is a mention of “bitter experiences”, which is a remembrance of twentieth-century wars, as well as nondemocratic experiences, that is, Nazism, Fascism, and Communism. The European preamble registers an aspiration that Europe remains “a continent open to culture, learning and social progress”. There is also a pledge towards democracy and transparency regarding public life, as well as “the strive for peace, justice, and solidarity throughout the world”.

According to the preamble, even though Europeans remain “proud of their own national identities and history”, there is a formal determination “to transcend their former divisions and, united ever more closely, to forge a common destiny”. That leads to another key-stone of the preamble, that is, the convincement of the value that Europeans shall be “united in diversity”.

Final remarks

In general, European constitutional preambles share some common grounds, which is a conjecture valuable also to the nonexistence of any preamble at all. Nevertheless, in the main, the backbone of European constitutional preambles reflects the assumption of the Enlightenment project standards. The Enlightenment awareness of political and legal problems is European par excellence (Gay, 1996). In this sense, values as natural rights, equality, and progress are relentlessly a part of European constitutional preambles. France and Macedonia are the most telling examples.

Human rights, in a post second war standpoint is a standard value shared by Germany and several Eastern

European states, like Bosnia, Macedonia, Ukraine and the Czech Republic. The commitment towards the rule of law, in the same extension, is expressive in the preambles of Greece, Bulgaria, and Lithuania.

The historical argument, which stands for a rhetorical validation in a given political organization, is explored by post-dictatorial states, namely Portugal, Croatia, Serbia, Albania, Poland, and Russia. There is also some remains of a vexed German guilty (Jaspers, 2000; Schlink, 2010), in the form of a claim for historical accountability, as written in the Germany constitutional preamble. Hungary, Lithuania, and Croatia follow the same conscious pathway.

The religious argument, either by the mention of God or by some more specific feature, is persuasive evidence of Christianity influence within the borders of Europe. That is the instance of Greece (albeit under the inspiration of the Orthodox Church), Poland, Ireland, Albania, Slovakia, and Hungary.

It is worth noting that in some European constitutional preamble there is room for environmental concern. France is the startling example. The French have even introduced an Environmental Chart as a part of its preamble. Environmental apprehensions are sometimes translated in terms of concern to future generations, being that the case of Switzerland and Hungary. The latter also fits the illustration of constitutional patriotism, which consists in the heightening of civic epitomes.

In short, the preambles of European constitutions are a riveting realm in which one can apprehend the heritage of Enlightenment principles, seasoned with historical narratives and, in the same token, informed by religious values, civic digressions, patriotic remembrances and environmental anxieties.

References

- BAGEHOT, W. 2001. *The English Constitution*. New York, Oxford University Press, 256 p. <https://doi.org/10.1017/CBO9781139163835>
- BISCARETTI DI RUFIA, P. 1972. *Introduzione al Diritto Costituzionale Comparato*. Milano, Giuffrè Editore, 733 p.
- COHENDET, M.-A. 2011. *Droit Constitutionnel*. Paris, Montchrestien, 553 p.
- COULSON, N. J. 1995. *Histoire du Droit Islamique*. Paris, Presses Universitaires de France, 234 p.
- DAVID, R.; BRIERLEY, J.E.C. 1978. *Major Legal Systems in the World Today*. New York, Free Press, 624 p.
- DISANT, M. 2011. *Droit de la question prioritaire de constitutionnalité*. Rueil-Malmaison, Lamy, Kluwer, 420 p.
- DRAGO, G. 1998. *Contentieux Constitutionnel Français*. Paris, Presses Universitaires de France, 792 p.
- FLÓREZ RUIZ, J.R. 2011. *Curso de Derecho Constitucional Colombiano*. Medellín, Señal Editora, 345 p.
- FOSTER, N.; SULE, S. 2010. *German Legal System and Laws*. Oxford, Oxford University Press, 650 p.

- GAY, P. 1996. *The Enlightenment, the Science of Freedom*. New York/London, W.W. Norton & Company, 705 p.
- GODECHOT, J. (org.). 2006. *Les Constitutions de la France depuis 1789*. Paris, Flammarion, 533 p.
- HOLMES, S.; SUNSTEIN, C.R. 2000. *The Cost of Rights: why liberty depends on taxes*. New York/London, W.W. Norton & Company, 255 p.
- HUNT, L. 2007. *Inventing Human Rights: a History*. New York/London, W.W. Norton & Company, 272 p.
- JABLONER, C. Introduction to Hans Kelsen. In: A.J. JACOBSON; B. SCHLINK (ed.), *Weimar: a jurisprudence of crisis*. Berkeley/London, University of California Press.
- JACKSON, V.; TUSHNET, M. 1999. *Comparative Constitutional Law*. New York, Foundation Press, 1776 p.
- JASPERS, K. 2000. *The Question of German Guilt*. New York, Fordham University Press, 123 p.
- KOCH, H.W. 1984. *A Constitutional History of Germany in the nineteenth and twentieth centuries*. London/New York, Longman, 400 p.
- MANIN, P. 2004. *Droit Constitutionnel de L'Union Européenne*. Paris, Editions A. Pedone, 555 p.
- MAUGÜÉ, C.; STAHL, J.-H. 2011. *La Question Prioritaire de Constitutionnalité*. Paris, Dalloz, 352 p.
- MONTESQUIEU, C.L. de S. 1995. *De l'Esprit des lois, II*. Paris, Gallimard, 1627 p.
- ORGAD, L. 2010. The Preamble in Constitutional Interpretation. *International Journal of Constitutional Law*, 8(4):714-738. <https://doi.org/10.1093/icon/mor010>
- ORTEGA MONTERO, C.R. 2012. *Derecho Constitucional Colombiano*. Bogotá, Ibañez, 250 p.
- OTETELISANU, A. 1938. Les Conceptions de M.E. Lambert sur le Droit Comparé. In: P. GARRAUD (ed.), *Introduction à l'étude du Droit Comparé. Recueil d'études en l'honneur d'Edouard Lambert*. Paris, Librairie Générale de Droit & de Jurisprudence, p 39-43.
- PHILIP, C. 2004. *La Constitution Européenne*. Paris, Presses Universitaires de France, 127 p.
- ROUSSEAU, D. 2010. *La Question Prioritaire de Constitutionnalité*. Paris, Gazette du Palais, 259 p.
- ROUSSEAU, J.-J. 1966. *Du Contrat Social*. Paris, Flammarion, 187 p.
- SCHLINK, B. 2010. *Guilt about the Past*. Toronto, House of Anansi Press, 146 p.
- SCHMITT, C. 1992. *Teoría de la Constitución*. Madrid, Alianza Editorial, 494 p.
- SOSA WAGNER, F. 2005. *Maestros Alemanes del Derecho Público*. Madrid, Marcial Pons, 638 p.
- SOSA WAGNER, F. 2013. *Juristas y enseñanzas alemanas I: 1945-1975*. Madrid, Marcial Pons, 208 p.
- STERNBERGER, D. 2001. *Verfassungspatriotismus- Patriotismo Constitucional*, Bogota, Universidad Externado de Colombia.
- STOLLEIS, M. 2012a. *Geschichte des öffentlichen Rechts in Deutschland: Vieter Band- 1945-1990*. München, Verlag C.H. Beck, 439 p.
- STOLLEIS, M. 2012b. *Öffentliches Recht in Deutschland, Eine Einführung in Seine Geschichte 16. – 21. Jahrhundert*. München, Verlag C. H. Beck, 550 p.
- TAJADURA TEJADA, J. 1997. *El Preámbulo Constitucional*. Granada, Comares, 305 p.
- VEDEL, G. 2002. *Manuel Élémentaire de Droit Constitutionnel*. Paris, Dalloz, 616 p.
- VOERMANS, W.; STREMLER, M.; CLITEUR, P. 2017. *Constitutional Preambles: A Comparative Analysis*. Cheltenham/Northampton, Edward Elgar Publishing, 302 p. <https://doi.org/10.4337/9781785368158>
- YACONO, X. 1969. *Histoire de la Colonisation Française*. Paris, Presses Universitaires de France, 127 p.
- ZARINI, H. J. 2009. *Derecho Constitucional*. Buenos Aires, Astrea, 911 p.
- ZIPPELIUS, R. 2006. *Kleine Deutsche Verfassungsgeschichte: vom frühen Mittelalter bis zur Gegenwart*. München, Verlag C. H. Beck, 201 p.
- ZWEIGERT K.; KÖTZ, H. 1998. *An Introduction to Comparative Law*. Oxford, Clarendon Press, 714 p.

Primary sources

- ALBANIA. 1998 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Albania_2016?lang=en Accessed on: July 23, 2018.
- ANDORRA. 1993. Available at: https://www.constituteproject.org/constitution/Andorra_1993?lang=en Accessed on: July 21, 2018.
- AUSTRIA. 1920 [rev. 2009]. https://www.constituteproject.org/constitution/Austria_2009.pdf Accessed on: July 6, 2018.
- BELGIUM. 1831 [rev. 2014]. Available at: https://www.constituteproject.org/constitution/Belgium_2014.pdf?lang=en Accessed on: July 6, 2018.
- BOSNIA AND HERZEGOVINA. 1995 [rev. 2009]. Available at: https://www.constituteproject.org/constitution/Bosnia_Herzegovina_2009?lang=en. Accessed on: July 21, 2018.
- BULGARIA. 1991 [rev. 2015]. Available at: https://www.constituteproject.org/constitution/Bulgaria_2015?lang=en Accessed on: July 31, 2018.
- CENTREVIRTUEL DE LA CONNAISSANCE DE L'EUROPE (CVCE). [n.d.]. Available at: <https://www.cvce.eu/en/collections/unit-content>. Accessed on: August 7, 2018.
- CONSEIL CONSTITUTIONNEL. 2002. Preamble to the Constitution of 27 October 1946. Available at: http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank_mm/anglais/cst3.pdf Accessed on: July 18, 2018.
- CONSTITUTE PROJECT. [n.d.]. Available at: <https://www.constituteproject.org/> Accessed on: July 3, 2018.
- CROATIA. 1991 [rev. 2013]. Available at: https://www.constituteproject.org/constitution/Croatia_2013?lang=en, Accessed on: July 22, 2018.
- CZECH REPUBLIC CONSTITUTION. 1993 [rev. 2013]. Available at: https://www.constituteproject.org/constitution/Czech_Republic_2013?lang=en Accessed on: July 31, 2018.
- DENMARK. 1953. Available at: https://www.constituteproject.org/constitution/Denmark_1953?lang=en Accessed on: August 6, 2018.
- FINLAND. 1999 [rev. 2011]. Available at: https://www.constituteproject.org/constitution/Finland_2011?lang=en Accessed on: August 6, 2018.
- GREECE. 1975 [rev. 2008]. Available at: https://www.constituteproject.org/constitution/Greece_2008?lang=en Accessed on: July 19, 2018.
- HUNGARY. 2011 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Hungary_2016?lang=en Accessed on: July 31, 2018.
- ICELAND. 1944 [rev. 2013]. Available at: https://www.constituteproject.org/constitution/Iceland_2013?lang=en Accessed on: August 6, 2018.
- IRELAND. 1937 [rev. 2015]. Available at: https://www.constituteproject.org/constitution/Ireland_2015?lang=en Accessed on: August 6, 2018.
- ITALY. 1947 [rev. 2012]. Available at: https://www.constituteproject.org/constitution/Italy_2012?lang=en Accessed on: July 19, 2018.
- LATVIA. 1922 [rev. 2014]. Available at: https://www.constituteproject.org/constitution/Latvia_2016?lang=en Accessed on: August 6, 2018.
- LIECHTENSTEIN. 1921 [rev. 2011]. Available at: https://www.constituteproject.org/constitution/Liechtenstein_2011.pdf?lang=en, Accessed on: July 16, 2018.
- LITHUANIA. 1992 [rev. 2006]. Available at: https://www.constituteproject.org/constitution/Lithuania_2006?lang=en Accessed on: August 6, 2018.
- LUXEMBOURG. 1868 [rev. 2009]. https://www.constituteproject.org/constitution/Luxembourg_2009.pdf?lang=en Accessed on: July 6, 2018.
- MACEDONIA. 1991 [rev. 2011]. Available at: https://www.constituteproject.org/constitution/Macedonia_2011?lang=en. Accessed on: July 23, 2018.
- MALTA. 1964 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Malta_2016?lang=en Accessed on: July 19, 2018.

MONACO. 1962. Available at: https://www.constituteproject.org/constitution/Monaco_2002.pdf?lang=en Accessed on: July 6, 2008.

MONTENEGRO. 2007 [rev. 2013]. Available at: https://www.constituteproject.org/constitution/Montenegro_2013?lang=en Accessed on: July 23, 2018.

NORWAY. 1814 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Norway_2016?lang=en Accessed on: August 6, 2018.

POLAND. 1997 [rev. 2009]. Available at: https://www.constituteproject.org/constitution/Poland_2009?lang=en Accessed on: August 1, 2018.

PORTUGAL. 1976 [rev. 2005]. Available at: https://www.constituteproject.org/constitution/Portugal_2005?lang=en Accessed on: July 19, 2018.

REPUBLIC OF MOLDOVA. 1994 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Moldova_2016?lang=en Accessed on: May 5, 2018.

ROMANIA. 1991 [rev. 2003]. Available at: https://www.constituteproject.org/constitution/Romania_2003?lang=en Accessed on: July 31, 2018.

SERBIA. 2006. Available at: https://www.constituteproject.org/constitution/Serbia_2006?lang=en Accessed on: July 23, 2018.

SLOVAKIA. 1992 [rev. 2017]. Available at: https://www.constituteproject.org/constitution/Slovakia_2017?lang=en Accessed on: July 31, 2018.

SWEDEN. 1974 [rev. 2012]. Available at: https://www.constituteproject.org/constitution/Sweden_2012?lang=en Accessed on: August 6, 2018.

SWITZERLAND. 1999. Available at: https://www.constituteproject.org/constitution/Switzerland_2014.pdf?lang=en Accessed on: July 16, 2018.

UKRAINE. 1996 [rev. 2016]. Available at: https://www.constituteproject.org/constitution/Ukraine_2016?lang=en Accessed on: July 31, 2018.

UNITED NATIONS STATISTICS DIVISION. 2018. Available at: <https://unstats.un.org/home/> Accessed on: July 3, 2018.

Submetido: 09/08/2018

Aceito: 10/01/2019