

FOREWORD



In 2021, Georgia celebrates the 100th anniversary of its First Constitution. On 21 February 1921, the Constituent Assembly of the Democratic Republic of Georgia unanimously adopted the Constitution of the Democratic Republic of Georgia - a document with great historical, political and legal significance for our country.

The 1921 Constitution was a remarkably progressive document that had fully kept pace with the European legal traditions of that time. A clear manifestation of the progressiveness of Georgia's first constitution was the fact that the 1921 Constitution guaranteed equality before the law, abolished the class distinction, ensured women's suffrage, abolished the death penalty and enshrined the principle of a secular state, as well as the rights of minorities and other fundamental civil-political and socio-economic rights. Particularly noteworthy is the drafting and adoption process of the 1921 Constitution, which was based on an in-depth, comprehensive study of the issue and the implementation of the best practices of the European traditions, and which was inclusive at the same time, bringing together all the political parties of the Constituent Assembly. The chronicle of the drafting and deliberation process of the First Constitution unequivocally shows the maturity of the Georgian political class. The historical-legal heritage of the 1921 Constitution is the basis of the state traditions of Georgia, as well as a precondition for its future development. The current Constitution of Georgia is based exactly on this heritage.

This present issue of the 'Journal of Constitutional Law' is a special edition, which is dedicated to the topic of the First Constitution of Georgia, namely, to the analysis of its normative substance and the understanding of its legacy. The publication combines ten academic papers by both Georgian and foreign authors. It is gratifying that the Journal presents the work of *Rainer Arnold*, a well-known European constitutionalist and Professor at the University of Regensburg, who analyses the normative-value foundations of the Constitution of the Democratic Republic of Georgia, its goals and objectives in the light of modern constitutionalism in his paper.

The Journal also includes the works of Georgian scholars on many issues essentially related to the First Constitution of Georgia, namely, to: understanding the values declared by the 1921 Constitution of Georgia through the prism of the United States Constitutionalism (authored by Mr *Irakli Kldiashvili*, Ph.D. candidate, University

of Connecticut), analysis of the basic principles – the national independence and individual freedom – that the 1921 Constitution was based on (authored by Professor *Malkhaz Matsaberidze*), deciphering some of the myths associated with the adoption and substance of the First Constitution (by Professor *Dimitri Gegenava*), thorough analysis of the state organisation model provided by the 1921 Constitution and its evaluation from the theoretical framework of the direct democracy (authored by Associated Professor *Vakhushti Menabde*), analysis of the factors that establish the Democratic Republic as an eternity clause and an unchangeable norm of the Constitution (by Mr *Paata Javakhishvili*, Ph.D. candidate at Tbilisi State University), analysis of the jurisprudence of the Constitutional Court of Georgia concerning social rights in the light of international tendencies established in the theory and practice of social rights (authored by Mr *Nika Arevadze*, Master in International Human Rights, Lund University), understanding the scope of the constitutional right to academic freedom in the light of the analysis of the legislation and jurisprudence of the Federal Republic of Germany, the United States and Georgia (by Dr *Revaz Khoperia*), the constitutional right to life in the context of climate change (by Ms *Ana Beridze*, Master in Environmental Law at Dundee University) and the assessment of the provision of the rights catalogue in the First Constitution – according to which the rights specified in the Constitution are not exhaustive - in the light of the current Constitution of Georgia (authored by Ms *Guliko Macharashvili* (Master of Laws) and Ms *Tamar Oniani* (Master in International Law)).

I hope that the present edition of the Journal of Constitutional Law will make a valuable contribution to raising awareness and facilitating research-based discussion about the 1921 Constitution of the Democratic Republic of Georgia, its legal and value heritage.

Professor **Merab Turava**

President of the Constitutional Court of Georgia