

CONSTITUTIONAL REFORMS IN EUROPE IN THE 20TH CENTURY AS A REPOSITORY OF LEGAL IDEAS

There is no doubt that the final decades of the 20th century have changed the world significantly. For instance, for Eastern European researchers have new possibilities opened to move freely throughout the world in order to improve their studies. Also the increasingly globalizing world has given us new technical possibilities to communicate faster which, for instance, has given encouragement to cooperate in the fields of sciences, where previously there was no cooperation at all or it was rare. It is worth remembering that the 20th century began with high expectations for comparative law, and till the world wars we can see a sort of “triumph” of comparative law – first in Europe and then after the Second World War in the whole world. For me personally, the French historian Jacques Le Goff (1924-2014) has been a great example in my scientific work. He emphasized the knowledge of European history as one of the ways for the development of a new situation, where we (including the younger generation) are trying to move simultaneously in the past and on geographical maps. I have already been applying this method to my research work now for two decades, and have to say that this has opened the opportunity not only to examine the constitutional development in Europe, but also to move around in different countries, communicating with local colleagues, which for me has increased the opportunities to understand the peculiarities in different constitutional developments, at the same time discovering many similarities in these processes. If we would take a look at the research of constitutional law made by scientists in Europe in the 20th century and the first decade of the 21st century, then we would notice a certain respect for the old traditions, which at the same time in some sense ignores one part of the ideas which influenced constitutional law to a rather great extent. Legal scientists have been characterized studying mostly so-called “doctrines of the winning ideologies” and casting aside the ideas which were developed by talented jurists in different periods, which remain for the majority of researchers into so-called “grey zone”, for instance “in the final phase of the disappearing ages and which often due to the twists and turns of the history did not find its way in the constitutional practice.” For instance, there is the most fascinating “sediment” of the ideas by the legal scientists who were working in different universities of the Russian Empire before the outbreak of the First World War and whose ideas, due to the subsequent regime changes, were meant never to be realized. Also for most researchers this has left a side to the discussion of the constitutional law from the period of disintegration of the Soviet Union (1985-1990), which actually gave output to the development of the national constitutions of independent states. For instance, the Constitution of the Russian Federation (1993) did not come from nothing, but it was the work of the legal scientists who were inspired by the “fruits” of the legal discussions of Perestroika. If nowadays European legal historians are preparing studies representing the history of the last one hundred years of the European state

system, then the years 1991-1992 are analogous to a new beginning, which for today has already provided a long constitutional trial practice, which is waiting for the different legal scientists to look at this interesting material afresh and to use the methods of comparative law. When the post-World War I upheavals are sometimes referred as a group of countries, ranging from Finland to Turkey (from Helsinki to Istanbul)¹, then in this case if we are focusing in the last decades of the 20th century and the first decades of the 21st century, we could also speak about a certain group of countries ranging from Finland to Mongolia² (from Helsinki³ to Ulan-Bator). In scientific research the collaboration between scientists could have a varying intensity, but the best results can always be achieved in the case if between colleagues from different countries there exists a really close and practical tie. It must be acknowledged that in recent years a very good working relationship among colleagues, who are focused on researching the constitutional law has developed between Tallinn University and Tyumen State University. This collaboration has led to this collection of articles, which hopefully gives colleagues from other countries an opportunity to think along with us about the developments of the constitutional law in our countries. Of course, we cannot turn back to a wider (more global) analysis of this topic, which should provide us with a good framework for our research so the following generations of researchers could better understand the times which were given to our generation for professional and personal fulfillment. Historians have long come to an understanding that no generation has ever been able to choose their time for living. But with our own actions, we can definitely make some contributions to this world for it to be a little better and therefore make it a better place to live.

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¹ **Brauneder, Wilhelm.** Staatsgründungen 1918. - Frankfurt am Main, Berlin, Bern, Bruxelles, New York, Wien: Lang, 1999.

² The Constitution of Mongolia was adopted in January 1992, with use of the examples of the constitutions of Europe, already in force, and considering the contemporary discussions, which at that time were taking place in Europe.

³ A new constitution of Finland was adopted in 1999 although it entered into force in 2000. In this context it is important that the discussion about the new Finnish Constitution reached a new level after the adoption of the Estonian Constitution in 1992. The Finnish constitution (in Finnish Suomen perustuslaki; Swedish Finlands grundlag) combines four constitutional laws – the Constitution Act of Finland (2000); the Parliament Act (1995); the Procedure of Parliament (2000) and the Act on the High Court of Impeachment (1995). The Constitution declares that Finland is a parliamentary republic. The official text of the constitution consists of 131 Sections, divided into 13 Chapters.