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IBPP Research Associates: Azerbaijan

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The following is a fragment of an English language version of the constitution of the Azerbaijan Republic--in force since November 27, 1995. The version is available at <http://www.president.az/azerbaijan/const.htm#72>.

Second Chapter: Major Rights, Freedoms, and Responsibilities. Section IV: Principal Obligations of Citizens

Article 72. Principal Obligations of Citizens.

Every Person shall bear responsibilities to the State and the society, which directly arise from his rights and freedoms. Every Person must observe the Constitution and the Laws of the Azerbaijan Republic, respect rights and freedoms of other people, execute determined by Law other responsibilities. Ignorance of the Law shall not relieve a Person of his/her responsibility.

Article 73. Taxes and other State Duties.

Every Person shall have a responsibility to pay imposed by the Law taxes and other State dues in full and without delay. A Person cannot be forced to pay taxes and other State dues over and above the determined by the Law and if there are no specified by the Law reasons.

Article 74. Loyalty to Homeland. Loyalty to Homeland shall be sacred. Persons employed via election or appointment in Legislative, Executive and Judicial bodies shall bear responsibility for proper and accurate implementation of their obligations and in cases specified by the Law take oath. A Person holding a position via election or appointment in Legislative Executive and Judicial bodies, who has taken the oath of allegiance to Constitution of the Azerbaijan Republic, shall be considered to have resigned from holding position and cannot hold this position any more, if he/she is charged with the crime against the independence of the Azerbaijan Republic, its constitutional order, mutiny against the State or overthrow of the government and if the Person is convicted on the basis of this charge.

Article 75. Respect For State Symbols.

Every citizen must respect State Symbols of the Azerbaijan Republic--its Flag, Emblem and National Anthem.

Article 76. Defense of Homeland.

Defense of Homeland shall be the duty of every citizen. Citizens shall serve in the armed forces according to the order specified by the Law. If serving in the armed forces runs counter to a Person's convictions then active military service can be replaced by an alternative one in the cases specified by the Law.

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Article 77. Protection of Historical and Cultural Monuments.

To protect historical and cultural monuments shall be the duty of every Person.

Article 78. Environmental Protection.

Protection of Environment shall be the duty of every Person.

Article 79. Prohibition to Execute Responsibilities Contradicting The Law.

A Person cannot be compelled to execute responsibilities contradicting the Constitution and the Laws of the Azerbaijan Republic.

Article 80. Answerability.

Violation of the present Constitution and the Laws of the Azerbaijan Republic as well as abuse of rights and freedoms and failure to fulfil responsibilities, specified by the present Constitution and the Laws of the Azerbaijan Republic shall entail answerability determined by the Law.

IBPP Commentary. Political constitutions entail combinations of rights and responsibilities that often exude lofty and stirring aspirations well divorced from the reality on the ground. This well-worn observation should be paired with one that is less common and often attributed to Confucius. As formal laws, regulations, rules, edicts, prescriptions, and proscriptions proliferate in quantity and flower in quality, the degree of justice, ethics, and morality decrease. A Good society is based on the people's trust of the rulers and the behavioral example of the rulers. Without the latter, the former cannot occur. Without both, constitutions only serve as devices to be wielded by political contestants concerning power. Moreover, if constitutional language is not reality-founded--i.e., does not have an ontological referent--appropriate action cannot occur and human affairs are not amenable to management through public policy. This Confucian perspective not only seems relevant to constitutions of today but to intellectual traditions as disparate as the Enlightenment and Postmodernism. (Keywords: Azerbaijan, Confucius, Enlightenment, Postmodernism.)