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New Book by Alumnus Examines What Makes a Constitution Work

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New Book by Alumnus Examines What Makes a Constitution Work

BLOOMINGTON, Ill. – The idea of a national constitution may bring to mind images of stately leaders inscribing the words that will steer the course of a country for centuries. That image is a myth, said Illinois Wesleyan University 2003 alumnus James Melton.

A new book co-written by Melton aims to dispel notions of a constitution as something unchanging or permanent. “We tend to look at constitutions as if they are written in stone, yet the expected lifespan of a country’s constitution is around 19 years,” said Melton, who offered his insights to the Illinois Wesleyan campus at a lecture recently in Beckman Auditorium of The Ames Library.

Melton discussed the book, The Endurance of National Constitutions (Cambridge University Press, 2009), co-written by law professors Tom Ginsburg of University of Chicago Law School and Zachary Elkins of the University of Texas at Austin Law School, and Melton. For the past five years, the three scholars, along with a team of researchers, have been collecting data on all formally written constitutions of independent nations since 1789. Their observations and findings make up the new book, which was released this month. Speaking about The Endurance of National Constitutions brought Melton back to Illinois from the ancient city of Lucca, Italy, where he now works as a postdoctoral fellow with the IMT (Institutions, Markets, Technologies) Institute for Advance Studies.

In the book, the trio explores what political conditions create an enduring constitution. Each constitution is set against an extensive 669-question survey to analyze how well it meets the book’s criteria for a lasting constitution, which includes how flexible the constitution is for future change, how ideas were included in the drafting process and throughout the life of the constitution, and how great the level of detail was in created the groundwork for the document.

The book evolved from the Comparative Constitution Project, an initiative founded by Ginsburg and Elkins five years ago. Melton was their first research assistant, beginning to work for them when he was earning his master’s degree in political science at the University of Illinois at Urbana-Champaign (U of I). He continued work for the project throughout his doctoral studies
which he completed at the U of I this year – to understand the creation and effects of formal constitutions.

Melton sees the continuing work of the project as relevant in today’s world climate. “We are usually tracking four to five new constitutions being written each year around the world,” he said. “These are countries like Afghanistan and Iraq where the United States has had a part in the shaping of the constitution.” Using their figures, the authors predict the Iraq constitution may last 59 years. They have a less optimistic prediction for the Afghan constitution, allowing only 14 years before revisions are required.

One document that does not fit the criteria well is our own, the U.S. Constitution. In the book, the United States’ Constitution is compared to a woman who lived well past a century, despite a daily regimen that included smoking and alcohol. Like the woman, “the U.S. Constitution defies explanation” of its longevity, he said.

“Our research shows that constitutions will have a long life if they are flexible, inclusive and detailed,” said Melton. “Yet the U.S. Constitution was created initially by an exclusive group of men, is extremely difficult to change, and is generally considered to be vague.” He adds that a main reason the U.S. Constitution has been able to achieve a higher level of stability is due to of judicial review, “which has quite dramatically increased its level flexibility. This is now part of many countries’ constitutions,” he said.

The book has been well received. James Robinson, professor of government at Harvard University declared the book, “hard to put down. And impossible to stop thinking about. It is an agenda-setting work which will hugely influence comparative politics.”

Melton hopes the book not only provides guidance to those studying and creating constitutions, but inspires them to go farther in creation of a strong constitution. “Understanding what factors make a successful constitution can answer a lot of questions, but we also hope it encourages questions as well,” he said.

-30-
Yet what makes Iraq difficult to interpret is that from the beginning the Americans were liberators to some while they were always oppressive occupiers to others. Similarly, like the famous 34 in South Africa, the participation in the work of drafting of two bodies is even more clear. 

Legal Continuity, the Use of Amendment Rules, and Enforcement. We now come to somewhat more contingent, but nevertheless very characteristic elements of the new model. The first is legal continuity. What makes a constitution effective? Easily add pretuned, modern search anywhere. The single most important factor that makes a constitution effective is that the real leadership of the nation has a grasp of the concept of rule of law, and is committed to the idea. Every society has its “one percent.” These are the people who make the policy for the society and create that society’s culture. Checks and balances work in many different ways, and each society has its own. Some Constitutions contain designed checks and balances. Other governments evolve checks and balances to complement the designed Constitution. See more ideas about books, alumni, this or that questions. 

ALUMNI BOOKS. George Sweeting ’48, author of “How to Finish the Christian Life: Following Jesus in the Second Half”. ALUMNI BOOKS. Dedicated to the People of Darfur. Theodore Roosevelt. With coauthor Jordan Mamorsky, Malloch examines recent failures of business virtue, prudence, and governance. Black And White Thinking, Spiritual Disciplines. About this series These constitution-building primers are intended to assist in-country constitution-building or constitutional-reform processes by: (i) helping citizens, political parties, civil society organisations, public officials, and members of constituent assemblies, to make wise constitutional choices; and (ii) helping staff of intergovernmental organizations and other external actors to give good, well-informed, context-relevant support to local decision-makers. Arranged thematically around the practical choices faced by constitution-builders, the primers aim to explain complex issues in a quick and easy way.