

SUBJECT CONSTITUTIONS CHAPTER \_\_\_\_\_

CONCEPT: WHAT IS A CONSTITUTION?

Transparency#

Instructor's Comments

Text Page

# 1  
A constitution is a BODY OF RULES GOVERNING THE AFFAIRS OF AN ORGANIZED GROUP.

- A Parliament
- A Nation
- A Church Congregation
- A Social Club
- A Trade Union

# 2  
These rules may be written or UNWRITTEN.

The U.S. has a written constitution.

Great Britain does not.

The rules spelled out in a Constitution are basic and supreme.

This means that all other rules and laws must conform to the provisions of the Constitution.

This body of rules may be COMPLEX or SIMPLE.

They may provide for ANY KIND OF GOVERNMENTAL FORM--even if the only rule is that there is an absolute dictatorship.

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CONCEPT: WHAT IS CONSTITUTIONAL LAW?

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Modern constitutional law is an offspring of  
NATIONALISM.

GOVERN THE OPERATION OF A NATION.

It is the body of INTERPRETATIONS of how the  
Constitution is applied to the variety of

-- institutions

-- functions

-- problems

of the nation.

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CONCEPT: WHAT ABOUT CONSTITUTIONS AND NATIONS?

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All states or nations may be said to have constitutions whether they are written or unwritten.

-- at least in the sense that it operates its important institutions according to some fundamental body of rules.

Most national governments now have written constitutions.

It could be said that the idea of constitutionalism -- government operating under a constitution-- is UNIVERSAL. . . .

EVEN THOUGH the content and effectiveness of constitutional governments varies a great deal from nation to nation.

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SUBJECT CONSTITUTIONS CHAPTER

CONCEPT: WHERE DID THE IDEA OF CONSTITUTIONS COME FROM?

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1787--The "Articles" proved inadequate, and a committee was formed to draft a NEW CONSTITUTION.

1789--The Constitution of the United States of America ratified--

OLDEST SURVIVING WRITTEN NATIONAL CONSTITUTION TODAY.

SUBJECT CONSTITUTIONS CHAPTER \_\_\_\_\_

CONCEPT: WHAT ARE CONSTITUTIONS LIKE? WHAT DO THEY CONTAIN?

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#5	<p>We have said that some are WRITTEN, some are UNWRITTEN, some are SINGLE DOCUMENTS, some incorporate MANY DOCUMENTS, some are SIMPLE AND SHORT, some are COMPLEX AND LONG.</p>	
#6	<p>The ADVANTAGES of the SINGLE DOCUMENT are: Greater precision Simplicity Consistency</p>	
#6.1	<p>HOWEVER. . . in newly developing nations (like Israel)</p>	
#7	<p>THE ADVANTAGE HAS BEEN FOUND to lie with an UNCODIFIED CONSTITUTION. . . One which evolves through the growth of custom and statutes. EXPERIENCE has shown that many constitutions are: --too long --too detailed This invites disputes and litigation. Average citizens cannot understand it. It also must be amended often. TOO MANY DETAILS MAKE IT TOO RIGID--FLEXIBILITY IS OFTEN PREFERABLE.</p>	
	<p>One can see by looking at this chart, that U.S. Constitution is comparably shorter than that of many other nations. It has also lasted the longest.</p>	

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CONCEPT: WHY ARE CONSTITUTIONS CHANGED OR AMENDED?

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The factors contributing to the decision to change or amend a nation's constitution include the following:

- Generality v. detail of the document
- Tempo of the Times (social & economic change)
- The class structure within the nation.
- Power struggles.

These are all quite unrelated to the formal processes of amending a constitution.

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