

Why Has the U.S. Constitution Worked, While Others Have Failed?

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A man walked into a library and asked the librarian, "Excuse me, sir, I'm looking for the French Constitution." The librarian replied, "Oh I'm sorry, we don't stock periodicals."

This joke is humorous but it is unfortunately almost true. Americans today are unaware of the fact that most countries have been through several constitutions since ours was written. What makes a constitution successful? More pages? The United States Constitution is the shortest constitution ever written and the longest living, too. America is one of the newest countries but we have the oldest constitution. How can this be? The oldest constitution is not from Italy, Germany, England or Greece.

Ireland wrote two Constitutions in 1780. They both failed. Italy has been through over sixty governments in sixty-nine years. France is now on their fifteenth constitution and it already has twenty-five amendments in only fifty-seven years! Two years and two hundred and fifty pages later, the European Union still doesn't have a Constitution.

According to the University of Chicago, the constitutions of the world have lasted an average of seventeen years since 1789.

Why has our Constitution lasted two hundred and twenty-eight years, unlike the piles of failed constitutions from other countries?

Many say that the United States' Constitution was a miracle. It truly was.

1. First of all, the timing was perfect. They could start from scratch, unlike most countries. There were no politicians begging for their old positions, citizens complaining about change, or national formalities and customs to sweat about. They were able to start from square one. Of course I am not saying that it was a piece of cake or that there weren't hurdles to cross. It took those dedicated men 116 days from start to finish, and they had to deal with many stubborn Americans. However, they had such a golden opportunity to plow the land free of past roots.

Excitement filled the hearts of the Burmese people when the new constitution of Myanmar was enacted in 2008, marking the end of the reign of the military regime. However, despite the fanfare, this new constitution was a bit rigged by their former military rulers. One out of four parliament seats are reserved for military nominees and surprisingly, more than three-quarters vote is required to change the constitution. Not only that, the conservative presidential hopeful had a British husband and the constitution has a special provision that no president can

have a foreign spouse or children. That seems quite coincidental. It is obvious that Myanmar's past rulers will not let go of their powerful hold on that nation.

Unlike the new constitution of Myanmar, our Framers were able to enact a constitution without past leaders and politicians claiming entitlements and privileges. It is easy to take this for granted, but when countries are not starting from scratch the chance of their new constitution succeeding is very low.

2. Not only was the timing perfect, the very writers of our Constitution were able to lead the nation as Presidents for the first twenty-one years of America's history! And more importantly, they were not greedy for fame or power but humbly followed the document which was a collaboration of many thoughts and ideas.

The Soviet Union enacted a constitution in 1936 that seemed incredibly well-written and democratic, but Stalin acted as a monarch. Just because a constitution is better written than Beowulf does not necessarily mean that it will be successful. Those leading the nation must be willing to follow the constitution as their personal guidebook for that constitution to succeed and that is exactly what happened in the United States of America. The first presidents of this nation led not as dictators, not as power-hungry men but as humble leaders who held all of the states together. The very name of this nation, the United States of America shows how it was founded.

3. Our constitution excelled above its contemporaries because the timing was perfect and because the Founders humbly held it together without seeking fame and power. In addition to these miracles, the Framers of the U.S. Constitution were so wise. The thought, discussion, research, and more discussion that went into each phrase is amazing.

The main reason their philosophy of government worked was because they believed in the total depravity of man. This is evident by their emphasis on separation of powers, small government and detailed election process. Even though they had great faith in the American people, they also believed the principles in the Bible. A running theme throughout the scripture is that no man is capable of being perfect.

Just as Deuteronomy 17 and II Chronicles 26 place limitations on kings, so the founders placed limitations on each branch of government.

In the Federalist Papers James Madison said, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." Madison is called the Father of our Constitution and drafted the actual document.

It is without a doubt that law in America was founded upon Biblical principles. For nearly two hundred years Harvard's motto was Christo et Ecclesiae, or "For Christ and Church". For two hundred years!

Americans' first law textbooks written by Blackstone said, "man, considered as a creature, must necessarily be subject to the laws of his creator, for he is entirely a dependent being... As man depends absolutely upon his Maker for everything, it is necessary that he should, in all points, conform to his Maker's will." What an incredible quote found in America's most popular law textbooks of that time!

The extent to which the Framers' detailed the doctrine of separation of powers is further evidence that they did not believe men were angels. The government is divided into three branches, and none of those branches are in one person's complete control.

Alexander Hamilton, also in the Federalist Papers, said, "Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice without constraint."

There is an incredible process of checks and balances, ensuring that none of those branches becomes out of control. Congress has power to impeach the President, the judiciary branch can overrule Congress, and Congress can overrule the judiciary branch. What wisdom! The Framers were such amazing men.

They also set many areas as off-limits to the federal government and delegated them to each state or to the people.

Compare this to the constitution of the Russian Federation. Although the Russian constitution seems to have an extremely generous section on rights, section seventy-two seems to contradict these promised rights to their citizens, giving joint authority to the government and people over this list.

So the Russian government has authority over "issues of the possession, use and management of the land... general questions of upbringing, education, science, culture, physical culture and sports; coordination of health issues, protection of family, motherhood, fatherhood and childhood; social protection including social security... labor, family, housing, land, water and forestry legislation; legislation on the sub-surface and environmental protection..." And the list goes on! Coordination of health issues? Childhood? General questions of upbringing? Housing? Use of land? These things should definitely not be a part of the states' role, much less the federal government's!

Even though the the Russian constitution is double the length of the ours, it fails to even explain in detail the governmental processes. The process and restrictions for government are the key elements of the our Constitution. That is the most important part!

Without the wisdom of the Framers and their understanding of the depravity of man applied to small government, checks and balances, and separation of powers this nation would be in a sorry state!

Another feature of the U.S. Constitution is that the election process is eloquently spelled out to prevent government takeover. Not only may all people vote on equal grounds, the founders developed intricate plans for Congress through staggered elections and delegate distribution.

To have so many wise, humble and dedicated men is a gift that no other nation has seen. This amazing document we call our Constitution had so many threads that held it together. Imagine if just one element -- the timing, leadership or writers -- was faulty. America was blessed with a miracle.

Despite all of these complicated and well-thought-out plans, our Constitution was broad enough that it is still relevant. To only need seventeen amendments in two hundred and twenty four years is quite incredible. It is the perfect balance of being both specific and broad, unlike Bolivia's most recent constitution. This constitution marks number fourteen since its birth in 1825. Despite all of the fanfare, this constitution is vague and will probably not stand the test. Bolivia has already had around two hundred coups and countercoups, so it is a rough ground for even the strongest constitution. Bolivia's timing and writing were both shaky, most likely leading to failed constitution number fourteen. And it's the same way all over the world!

This incredible miracle of a document has withstood so much. Two world wars, a civil war within it's own country, numerous other wars, a major depression and many other financial crises, epidemics, riots, and power-seeking politicians.

Our Constitution is being taken advantage of today. Congress interprets its power over states' commerce to self-pronounced power over many areas which should be left to the states, and eighty percent of the population says that they are dissatisfied with Congress.

State courts have delegated regulation of the Bill of Rights to themselves because of the Due Process Clause which says, "no state shall . . . deprive any person of life, liberty, or property, without due process of law." The President has broadly interpreted the "Necessary and Proper Clause" to make "Executive Orders,". The words "executive order" are not even in the Constitution. In fact, the framers never mentioned even the possibility of Presidents having any such power. The "Necessary and Proper Clause" is about Congress, not the President!

Half of Americans think that the government controls too much of their daily lives.

What is the answer? To throw out the Constitution as it is today and start from square one? Most definitely not. How tragic it would be to leave this precious document that has gotten us so far.

America as a nation must go back to the Framers' original intentions, and follow the Constitution as a rulebook and not treat it as a relic or decoration.

The reasons that the United States Constitution was successful were the timing, the ability to start from scratch, the wisdom of the Framers' and their belief in the depravity of mankind, resulting in a detailed, concise and perpetually relevant document, and the ability of the Framers to humbly rule the nation using the Constitution despite differences of opinion.

The Constitution of the United States of America was a miracle.

What are we doing to protect it? Are we going to allow politicians to trample our Constitution only to become like every other nation, cycling through constitutions like license plate tags? Our Founders thought of the future generations. They sacrificed for our lives today. Are we going to do the same for our children?

Know the Constitution. Stand up for it and be proud of this priceless treasure we call our Constitution.

Bibliography

Ansary, Mir Tamim. "Why Constitutions Succeed -- and Fail." Mir Tamim Ansary Afghan American Author and Lecturer, 14 Mar. 2011. Web. 19 Aug. 2015. <<http://mirtamimansary.com/constitution/>>.

Banyan. "What Is Wrong with Myanmar's Constitution?" *The Economist*. The Economist Newspaper, 04 Mar. 2014. Web. 22 Aug. 2015. <<http://www.economist.com/blogs/economist-explains/2014/03/economist-explains-3>>.

Bialosky, Bruce. "Why Our Democracy Has Succeeded While Others Failed." Townhall, 14 July 2013. Web. 25 Aug. 2015. <<http://townhall.com/columnists/brucebialosky/2013/07/14/why-our-democracy-has-succeeded-while-others-failed-n1639387/page/full>>.

Chilton, Danielle. "Why Millennials Don't Vote." *The Daily Dot*. N.p., 27 Oct. 2014. Web. 19 Aug. 2015. <<http://www.dailydot.com/opinion/millennials-voting-midterm-elections/>>.

"Constitution of Myanmar." *Wikipedia*. N.p., n.d. Web. 22 Aug. 2015. <https://en.m.wikipedia.org/wiki/Constitution_of_Myanmar>.

"Constitution of Sweden." - *Wikipedia, the Free Encyclopedia*. N.p., n.d. Web. 22 Aug. 2015. <https://en.m.wikipedia.org/wiki/Constitution_of_Sweden>.

Constitution of the People's Republic of China. 4 Dec. 1982.

The Constitution of the Russian Federation. 1993.

"Constitutional History of Bolivia." *Constitution Net*. International IDEA, n.d. Web. 24 Aug. 2015. <<http://www.constitutionnet.org/country/constitutional-history-bolivia>>.

"Countries Compared by Government Constitution. International Statistics at NationMaster.com." *NationMaster.com*. NationMaster, 28 Mar. 2011. Web. 24 Aug. 2015. <<http://www.nationmaster.com/country-info/stats/Government/Constitution>>.

Dominguez, Gabriel. "Civil Unrest Set to Continue as Nepal Fails to Agree on Constitution | Asia | DW.COM | 23.01.2015." *DW.COM*. Deutsche Welle, 23 Jan. 2015. Web. 24 Aug. 2015. <<http://www.dw.com/en/civil-unrest-set-to-continue-as-nepal-fails-to-agree-on-constitution/a-18210698>>.

Elia, Leonardo. "Italy & U.S.A Constitution Comparison." *Prezi*. N.p., 18 Nov. 2012. Web. 22 Aug. 2015. <<https://prezi.com/1cf95kmzx4eu/italy-usa-constitution-comparison/>>.

"The Generation Gap and the 2012 Election." *Pew Research Center for the People and the Press RSS*. N.p., 03 Nov. 2011. Web. 19 Aug. 2015. <<http://www.people-press.org/2011/11/03/the-generation-gap-and-the-2012-election-3/>>.

Ginsburg, Thomas, Zachary Elkins, and James Melton. "The Lifespan of Written Constitutions." The University of Chicago Law School, Spring 2009. Web. 2015. <<http://www.law.uchicago.edu/alumni/magazine/lifespan>>.

Gore, Sophia. "Do Constitutions Fail Because They Are Both Made And Unmade By Men?" *EInternational Relations*. N.p., 28 Nov. 2012. Web. 24 Aug. 2015. <<http://www.e-ir.info/2012/11/28/do-constitutions-fail-because-they-are-both-made-and-unmade-by-men/>>.

"History of the Italian Republic." - *Wikipedia, the Free Encyclopedia*. N.p., n.d. Web. 24 Aug. 2015. <https://en.m.wikipedia.org/wiki/History_of_the_Italian_Republic>.

"How Many Constitutions?" *Agathoune!* N.p., 11 July 2009. Web. 22 Aug. 2015. <<http://www.agathoune.com/fp%3D1214>>.

Landemore, H el ene. "We, All of the People." *Slate*, 31 July 2014. Web. 25 Aug. 2015. <http://www.slate.com/articles/technology/future_tense/2014/07/five_lessons_from_iceland_s_failed_crowdsourced_constitution_experiment.html>.

"Les Constitutions De La France." *Les Constitutions De La France*. Conseil Constitutionnel, n.d. Web. 24 Aug. 2015. <<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/les-constitutions-de-la-france/les-constitutions-de-la-france.5080.html>>.

"List of National Constitutions." *Wikipedia*. N.p., n.d. Web. 24 Aug. 2015. <https://en.m.wikipedia.org/wiki/List_of_national_constitutions>.

Madison, James. "FEDERALIST PAPER #41 – General View of the Powers Conferred by The Constitution." *The Federalist Papers*. The Federalist Papers Project, 19 Jan. 1788. Web. 4 Sept. 2015.

Manheimmer, David. "Comparing the American and Russian Constitutions." *Alaska Justice Forum*. N.p., Winter 2008. Web. 19 Aug. 2015. <http://justice.uaa.alaska.edu/forum/24/4winter2008/a_constitution.html>.

Moravcsik, Andrew. "What Can We Learn from the Collapse of the European Constitutional Project?" *Politische Vierteljahresschrift PVS* 47.2 (2006): 219-41. *Princeton*. Web. 19 Aug. 2015.

"The Norwegian Constitution Celebrates Its 200th Year Anniversary." *Official Norway Site in China*. N.p., n.d. Web. 22 Aug. 2015. <http://www.norway.cn/%2FNews_and_events%2FSociety-and-policy%2FThe-Norwegian-Constitution-celebrates-its-200th-year-anniversary%2F%23.VdvDgsRHarV>.

Romero, Simon. "Bolivians Ratify New Constitution." *The New York Times*. The New York Times, 25 Jan. 2009. Web. 24 Aug. 2015. <http://www.nytimes.com/2009/01/26/world/americas/26bolivia.html?_r=1>.

Scheppele, Kim Lane. "Perspectives on the Constitution: Constitutions Around the World." *National Constitution Center*. N.p., n.d. Web. 19 Aug. 2015. <<http://constitutioncenter.org/learn/educational-resources/historical-documents/perspectives-on-the-constitution-constitutions-around-the-world>>.

Shaick, Alex Von. "Bolivia's New Constitution." NACLA, n.d. Web. 22 Aug. 2015. <<https%3A%2F%2Fnacla.org%2Fnews%2Fbolivias-new-constitution>>.

"Suu Kyi's Dead End." *The Independent Voices*. Independent Digital News and Media, 25 June 2015. Web. 22 Aug. 2015. <<http://www.independent.co.uk/voices/editorials/suu-kyis-dead-end-after-a-failed-bid-to-amend-burmas-constitution-it-is-obvious-the-west-was-too-quick-to-embrace-the-generals-10346349.html>>.

Taylor, Matthew. "Evo Morales Hails 'new Bolivia' as New Constitution Is Approved." *The Guardian*. N.p., 26 Jan. 2009. Web. 22 Aug. 2015. <<http%3A%2F%2Fwww.theguardian.com%2Fworld%2F2009%2Fjan%2F26%2Fbolivia>>.

Thorarensen, Björg. "Why the Making of a Crowd-sourced Constitution in Iceland Failed." *Constitution Making and Constitutional Change*. N.p., 26 Feb. 2014. Web. 19 Aug. 2015. <<http://constitutional-change.com/why-the-making-of-a-crowd-sourced-constitution-in-iceland-failed/>>.

Titus, Herbert W. *God, Man, and Law: The Biblical Principles*. Oak Brook, IL: Institute in Basic Life Principles, 1994. Print.

Toops, Emily E. "Why Is There No EU Constitution? An Analysis of Institutional Constitution-Making in the European Union." *CUREJ*. University of Pennsylvania, 5 Apr. 2010. Web. 19 Aug. 2015. <<http://repository.upenn.edu/cgi/viewcontent.cgi?article=1145&context=curej>>.

Turner, Juliette. *Our Constitution Rocks*. Grand Rapids, MI: Zondervan, 2012. Print.

Ullman, Tommie. "The Swedish Constitution to Be Changed." *Stockholm News*, 17 Nov. 2015. Web. 22 Aug. 2015. <<http://www.stockholmnews.com/more.aspx?FNID%3D6283>>.

"United States (U.S.) Founding Fathers." *Constitution Facts*. N.p., n.d. Web. 25 Aug. 2015. <<https://www.constitutionfacts.com/us-founding-fathers/>>.

U.S. Constitution. Print.

Van Horpen, Marcel H. "The Failed European Constitution and US Interests." *The National Interest*. N.p., 8 July 2005. Web. 19 Aug. 2015. <<http://nationalinterest.org/article/the-failed-european-constitution-and-us-interests-2751>>.

Winerip, Michael. "Boomers, Millennials and the Ballot Box." *The New York Times*. The New York Times, 28 Oct. 2012. Web. 19 Aug. 2015. <http://www.nytimes.com/2012/10/29/booming/voter-turnout-for-boomers-and-millennials.html?_r=1>.