

## Workshop 2 Pre-reading

### Constitutions

#### Constitutions: their nature and origins

- Traditionally, constitutions have been associated with two key purposes:
  - o They were believed to provide a description of government itself
  - o They were regarded as the linchpin of liberal democracy
- Neither of these views are correct
- Constitutions AIM to lay down a framework in which government and political activity are conducted, none has been entirely successful in this respect.
- Inaccuracies, distortions and omissions can be found in all constitutions.
- The objective of constitutions is to lay down certain meta-rules for the political system.
- In effect, these are rules that govern the government itself.
- The purpose of a constitution is to bring stability, predictability and order to the actions of government.
- Constitutions are a relatively recent development – Was initiated by the enactment of the first 'written' constitutions: the US Constitution in 1787 and the French Declaration of the Rights of Man and the Citizen in 1789.
- Constitutions are a means of establishing a new political order following the rejection, collapse or failure of an old order.
- Constitutional change is about the reapportionment of both power and political authority.

#### Classifying Constitutions

- Constitutions can be classified in many different ways:
  - o The form of constitution and *status* of its rules
  - o The ease with which the constitution can be *changed*
  - o The degree to which the constitution is *observed* in practice
  - o The *content* of the constitution and the institutional structure that it establishes

#### Written and Unwritten Constitutions

- In theory, written constitutions are enshrined in laws whilst unwritten constitutions are supposedly embodied in custom and tradition.
- Only three liberal democracies (Israel, New Zealand and the UK) continue to have unwritten constitutions, together with a handful of non-democratic states such as Bhutan, Saudi Arabia and Oman.
- Classification has always been misleading
  - o no constitution is entirely written in the sense that all its rules are formally and legally enforceable.
  - o Similarly, no constitution is entirely unwritten, in the sense that none of its provisions have any legal substance, all of them being conventions, customs or traditions.
- Every constitution is a blend of written and unwritten rules, although the balance between these varies significantly.
- More helpful than the written/unwritten distinction is the contrast between codified and uncoded constitutions.
  - o Codified = based on the existence of a single authoritative document
  - o Uncodified = made up of rules drawn from a variety of sources

#### Codified

- Document itself is authoritative in the sense it constitutes 'higher' law
- Binds all political institutions – establishes a hierarchy of laws

# Constitutions For Reading Workshop

**Great Britain. HM Factory Inspectorate**



## **Constitutions For Reading Workshop:**

*Social and Political Foundations of Constitutions* Denis J. Galligan, Mila Versteeg, 2013-10-14 This volume explores the social and political forces behind constitution making from a global perspective It combines leading theoretical perspectives on the social and political foundations of constitutions with a range of in depth case studies on constitution making in nineteen countries The result is an examination of constitutions as social phenomena and their interaction with other social phenomena from various perspectives in the social sciences      **Mississippi Constitutions** George H. Ethridge, 1928

**The Post-apartheid Constitutions** Penelope Andrews, Stephen Ellmann, 2001 In a book which offers a unique range of perspectives on the development of South Africa's Interim and final Constitutions scholars practising lawyers members of the judiciary and the Human Rights Commission and political leaders illuminate the many issues of process substance and context presented by the Constitutions Essays on process make clear the challenges and the triumphs of South Africa's constitutional rebirth The authors examine such questions as the extent of popular involvement in South Africa's exercise in constitution writing the impact of political force human transformation and reasoned persuasion on the agreements that were reached and the Constitutional Court's extraordinary role in assessing the negotiators efforts Contributions on the substance of the Constitution address both its human rights provisions and issues of governmental structure and institutional context The articles on rights attest to the breadth of the new rights protections with essays on free speech socio economic rights and their application to private actors women's rights traditional authority cultural rights and the rights of non citizens Chapters on structure and context reflect how important the institutions through which a government operates are to the actual implementation of the Constitution's aspirations These wide ranging pieces look at three of the newly created structures of South African government the federal aspects of the Constitutions the Constitutional Court and the Human Rights Commission and at the process of change in the criminal justice system a particularly important institution carried over from an old order      *This Constitution*, 1983      **Factories and Workshops** Great Britain. HM Factory

Inspectorate, 1871      *Factories and Workshops. Annual Report of the Chief Inspector of Factories and Workshops* Great Britain. HM Factory Inspectorate, 1874      *The Latin American Cultural Studies Reader* Ana del Sarto, Alicia Ríos, Abril Trigo, 2004 Essays by intellectuals and specialists in Latin American cultural studies that provide a comprehensive view of the specific problems topics and methodologies of the field vis a vis British and U S cultural studies      *McMaster's Commercial Cases for the Banker, Treasurer and Credit Man*, 1920      *Congressional Record*, 1887      **Baptist Commonwealth**, 1908

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**Milestone Documents in World History** Brian Bonhomme,Cathleen Boivin,2010 Key documents from all important world cultures are included from the ancient Near East and ancient Egypt to the Greek and Roman Empires medieval Islam Renaissance Europe and modern Africa and Asia Constitutions speeches letters acts treaties and legal cases are all covered Among the documents included in the set are iconic legal and constitutional documents such as the Code of Hammurabi Magna Carta Meiji Constitution and the Constitutive Act of the African Union famous treatises such as the Plato s Allegory of the Cave the Communist Manifesto and Osama bin Laden s Declaration of Jihad against America important legislative acts from the Treaty of Guadalupe Hidalgo to the Treaty of Nanjing to the Treaty of Versailles and cultural and political declarations such as Martin Luther s 95 Theses Gandhi s Quit India Speech and Nelson Mandela s Inaugural Address From publisher description      The Public Statutes of the Commonwealth of Massachusetts Massachusetts,W. S. Ballou,1890  
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web q 1 what is heterocyclic compounds cyclic ring aromatic cyclic ring having one hetero atom all of these 2 multiple choice 30 seconds 1 pt q 2 which of following is five membered heterocyclic compounds furan pyrrol thiophene all of the above 3 multiple choice 30 seconds 1 pt q 3 which of following is six membered heterocyclic

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web examination of the delocalisation in wheland intermediates for reaction of the nitronium ion with pyridine n oxide reveal that regioselective reaction at the 2 and 4 positions is expected because these have the lowest energy that only reaction at the 4 position is observed is probably mainly for steric reasons o n n n n n n e h h e e e h h e