



10-27-2009

New Book by Alumnus Examines What Makes a Constitution Work

Rachel Hatch
Illinois Wesleyan University

Follow this and additional works at: <https://digitalcommons.iwu.edu/news>

Recommended Citation

Hatch, Rachel, "New Book by Alumnus Examines What Makes a Constitution Work" (2009).
News and Events. 393.

<https://digitalcommons.iwu.edu/news/393>

This Article is protected by copyright and/or related rights. It has been brought to you by Digital Commons @ IWU with permission from the rights-holder(s). You are free to use this material in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/ or on the work itself. This material has been accepted for inclusion by faculty at Illinois Wesleyan University. For more information, please contact digitalcommons@iwu.edu.

©Copyright is owned by the author of this document.

October 27, 2009

Contact: Rachel Hatch, (309) 556-3960

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.