

Bringing the World's Constitutions to the Classroom

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Almost every country in the world has a constitution, but not all constitutions are the same. Some set up monarchies, while others provide for elected presidents. Some provide for rights to health care, while (a small handful of) others include a right to bear arms. Some have long, elaborate preambles that recount the country's glories and struggles, while others plunge right into legalistic text.

All this variation provides leverage for social studies students to grapple with different forms of government, and to learn about different countries. But it also helps students to better understand our own constitution. The United States Constitution is the world's oldest national constitution currently in force, and is considered by many to be the first modern document of its type. Many Americans revere it as the source of our civic identity and national prosperity. It is also a repository of our national values.

Viewed from the vantage point of the rest of the world, the U.S. Constitution has some unusual features. It contains institutions like the Electoral College, which have (perhaps for good reason) not found a home in other countries. The text of the Constitution is relatively spare, and it leaves many questions of constitutional law unanswered. At a little over 7,000 words, it pales in comparison with the constitutions of other continent-sized federal countries like India (105,000 words), Brazil (73,000 words) or Russia (14,000 words).

It is also very difficult to change. Article V of the Constitution sets forth two methods, both requiring approval of three-fourths of the states; one of the methods, a constitutional convention, has never been used (although there is

a political movement to push for one at the moment). Some scholars have said the U.S. Constitution is the most difficult to amend in the world. Despite that rigidity, we have managed to get 27 different amendments through the process, though of course the first 10 of them came in one fell swoop in 1791.

The great virtue of having such an old constitution is that it doesn't change much with the times. The great danger of having such an old constitution is also that it doesn't change much with the times. Our courts have stepped in to interpret and reinterpret the document and to put meaning onto the bare bones of the text. But this has led to a distortion in the political system, in which Supreme Court seats have become a major political battleground. Norms of reciprocity between the two major political parties have broken down, and the Supreme Court became a major issue in the 2016 presidential election. Because Supreme Court justices sit for life, there is increasing pressure to select younger and more partisan candidates, contributing to a perception that the interpretation of the Constitution is political.

A typical national constitution written today would have many more rights than our document does. It might also have new bodies like a counter-corruption

commission, a special court just to interpret the constitution, and perhaps an ombudsman.¹ It might refer to environmental issues, which were not on the minds of the Framers when they gathered in Philadelphia in 1787.² And it might list numerous bases of equality, including gender, disability, and age.³

Exploring the contents and form of other constitutions can stimulate students' imaginations. The texts are full of different ways of doing things. Ecuador's constitution, for example, grants rights to mother nature herself, allowing any person to bring a claim on her behalf.⁴ Egypt's provides for a right to organ transplants.⁵ China's preamble is an ideological history of that country for the past century.⁶ And Bolivia's prohibits discrimination on a long list of bases, including sexual orientation, culture and political philosophy, along with more standard ideas of race, class and gender.⁷

The Comparative Constitutions Project (CCP) is an academic research project, based at the Universities of Texas and Chicago, which has been exploring these and other themes for over a decade. The CCP has identified over 900 constitutional texts, along with thousands of amendments, from more than 200 independent nation-states, dating to 1789. We have produced a large database of the contents of these texts, with an eye to understanding how words and ideas develop and spread across time and space, and to understand what it is that makes constitutions work. Ours has been primarily



A Comparative Constitutions Project human rights workshop at Dejusticia/Universidad Los Andes in Bogotá, Colombia, on crafting a constitutional provision for building a new constitution.

an academic research program, but we also recognize that wider audiences are interested in the world's constitutions. To meet that interest, we have recently tried to make constitutional texts available to students and teachers in what we hope is an innovative way.

Constitute: A Tool for Constitution-Makers and Everyone Else

In 2013, the CCP partnered with Google Ideas (now Jigsaw) to build Constitute, a web application that facilitates the search, discovery, and analysis of constitutional text. The site contains the full text for nearly every active national constitution in the world. All of the constitutions have been tagged by subject area, allowing users to discover relevant constitutional provisions on particular subjects, no matter the wording. In addition to browsing the 300+ topics tagged by CCP, users can also execute their own searches, sort their results by region or time period,

and pin content for further analysis.

Our primary target audience has been groups engaged in drafting national constitutions in other countries. Most people drafting such constitutions lack experience and information about the practices of other countries. So, a tool that provides easy access to texts has been valuable to drafters from Nepal to Zimbabwe. But we have found that the site has plenty of other uses. Researchers, students, scholars, civic activists and national publics all over the world have turned to Constitute, sometimes but not always during an episode of constitution making.

The experience of reading provisions from other national constitutions encourages collaborative engagement with important materials and promotes a deeper understanding of global societies and their systems of governance. Furthermore, built-in drafting tools that allow users to export selected content directly to Google Docs and immediately begin drafting their own content

encourage adaptation and innovation. To our (pleasant) surprise, there are a lot of constitutional junkies out there: Constitute receives over 10,000 visitors a day, which clearly goes well beyond the constitutional drafting teams around the world.

Using Constitute in the Classroom

Constitute was built for those drafting real constitutions, but it might be even more useful in the classroom or in other educational settings. Below are three exercises that we have developed and employed with a variety of student and non-student groups. The exercises vary in their constitutional scope and “intensity.” Let’s start with the most focused.

28th Amendment Exercise

In this 90-minute exercise, we ask participants to modernize the U.S. Constitution with one small change, any change. The background, of course, is that it has been over 25 years since the

27th (and last) amendment to the U.S. Constitution, which dealt with changes in the pay of members of Congress, was ratified in 1992. Even that amendment, which had been proposed some 200 years earlier, came only after a letter-writing campaign initiated by an undergraduate at the University of Texas, but that's another story, albeit a good one.⁸ What (and when(!)) will the 28th amendment be? We ask our participants to (1) draw from the world's constitutions on *Constitute* to identify their favorite addition, (2) propose it to the group, (3) discuss, and (4) vote on their favorites. In short, all the stages of constitutional design squeezed into an hour and a half. We've used this exercise with groups numbering from 5 to 50 and with all kinds of people—middle and high school students, senior citizens, international constitutional drafting experts, virulent partisans and the politically apathetic—you name it. We spent a memorable summer enticing

visitors for such sessions to the Drafting Lab at the National Constitution Center (NCC) in Philadelphia, which we established with the NCC and Google. "It's never too late to propose" read our suggestive recruitment poster.

We have tried this exercise internationally as well. On several occasions we conducted the exercise as part of our teaching at a unique human rights workshop at *Dejusticia/Universidad Los Andes* in Bogotá, Colombia, and again at a similar program in Cairo, Egypt. In those settings, of course, a 28th amendment to the U.S. text wouldn't make much sense as a reference point. Rather, we framed the task as the choice of one constitutional provision upon which to build a new constitution—a "cornerstone provision," we called it. Whether an addition to a more than 230-year-old document or the foundation of a new one, the exercise seems to work. The participants' ideas are, of course, all over the map (literally). And

it's fascinating to see which topics are of interest to citizens, from which constitutions they draw inspiration, and how they defend their choices. Still, one may yearn for deeper conversation on any of these topics.

A Deeper Dive and Committee Work
Committee work allows participants to focus on one topic, perhaps one ripped from the headlines, or one that perennially challenges democratic governance. These might be topics on which the U.S. text is silent (of which there are many, compared to other constitutions). So, what about a committee on the environment, in which members might grapple with the Ecuadorian Constitution's concept of *pachamama*, which grants nature its own rights.⁹ Or a committee on the media?¹⁰ Surely, constitutional drafters have much to learn from modern law. In our work, we have been looking closely at the topic of campaign finance, in part because of the chronically difficult balance of money and politics in the United States. Participants in that exercise can sift through the 43 constitutions that say something about campaign finance. They may happen upon some inspired legal solutions. More importantly, what happens in these sessions is that participants develop a deeper understanding of a particular problem. There are a variety of ways to address campaign finance, solutions that may not have occurred to the participants. Some countries regulate parties, others the media, and others develop a method of public funding. Looking at options for a problem helps the observer think about exactly what the problem is, which may be the more interesting educational challenge.

Writing Your Own Constitution
Who doesn't want to write their own constitution? Surely that aspiration is one reason that some countries replace their documents so frequently. We have developed a simple way to satisfy this

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urge. Would-be drafters can now submit their draft to us for inclusion on Constitute, as a private document accessible only with a login. Drafters can thus use Constitute to draft their own constitution to build their utopia, or for whatever “real” place they choose, and then read, search, and compare it to the world’s drafts. It’s an empowering and personal approach. We are just getting started, but the drafts on the site show some real promise and creativity. One comes out of Somalia, where one of CCP co-director Zachary Elkins’s former students now teaches high schoolers. That group has drafted a new text for an independent and separate Somaliland, which is a region of Somalia that has a distinct identity and history. Another is from a remarkable group of elementary school students in Austin, Texas, who have created a draft constitution for the fictional paradise of Keecklah Island (see sidebar on page 132). Another of our favorites is

the constitution for Mars by science fiction great Kim Stanley Robinson (see same sidebar). Drawing up visionary plans for new or existing polities or societies is an inventive and exhilarating activity, it seems, especially when your product can be posted alongside those from throughout the world. Where is your constitution?

Collaboration and Deliberation

The world of national constitutions is a fascinating one. For social studies students at all levels, exploring constitutions of other countries can provide new insights into our own founding document. Some of the innovations of the American Founders have become part of the global vocabulary of governance: the right to freedom of speech, for example, and the idea of a federal political system. Other features of our founding charter have not been popular in other countries: the right to bear arms in our 2nd amendment, for example,

has fallen in popularity and today only a small number of countries outside the United States have such a right.

Not only can national constitutions of other countries provide insight into our own founding charter, they can provoke thought exercises in how real or imagined societies might be governed. Putting students in the position of a twenty-first century James Madison will leave them, we hope, with deep insights into how conceptions of society and politics have changed over time, and why and how enduring rules make government possible. Most importantly, studying the world’s constitutions enables them to grapple with fundamental issues of governance and society, about which people can and do profoundly disagree.

Perhaps the greatest legacy of our Founders was the idea of a constitutional text itself, a gift to us and to the rest of the world. The Constitution

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Constitutions

Excerpts from the Constitution of Keecklah Island

PREAMBLE

WE, THE PEOPLE OF KEECKLAH ISLAND have freely chosen to come together as one. We as a nation recognize the suffering in the past of the Keecklahly people and this constitution shall help us move forward from suffering and unite us as one nation to start anew.

Keecklah is unique and united. We are committed to working together to stay safe. We are also committed to keeping peace inside of Keecklah Island. We prohibit the violation of laws and violence and strongly believe in the protection of our society.

We believe in a united community of people who value each other and the future of our nation. We support the well being of all members of our society.

We believe in the ability of all citizens to access culture, education, science, technology, research, and innovation.

SECTION 4. GUARANTEE OF EQUALITY

Every individual, whether citizen, resident, or visitor, shall be equal before the law and enjoy all human rights irrespective of age, sex, sexual orientation, gender identity, religion, opinion, national origin, race, ethnicity, property, birth, ability, or any other status/category. This equality shall be extended within all public and private spaces, facilities, institutions, companies, and organizations, regardless of the beliefs or identities of the owners or leaders of such organizations. This equality shall be protected by the State and its legal and criminal justice systems.

Drafted by students at Long-View Micro School in Austin, Texas
For more information visit www.long-view.com/educator-resources

Excerpts from the Constitution of Mars

ARTICLE 3. JUDICIAL DEPARTMENT

SECTION 1. THE GLOBAL COURTS

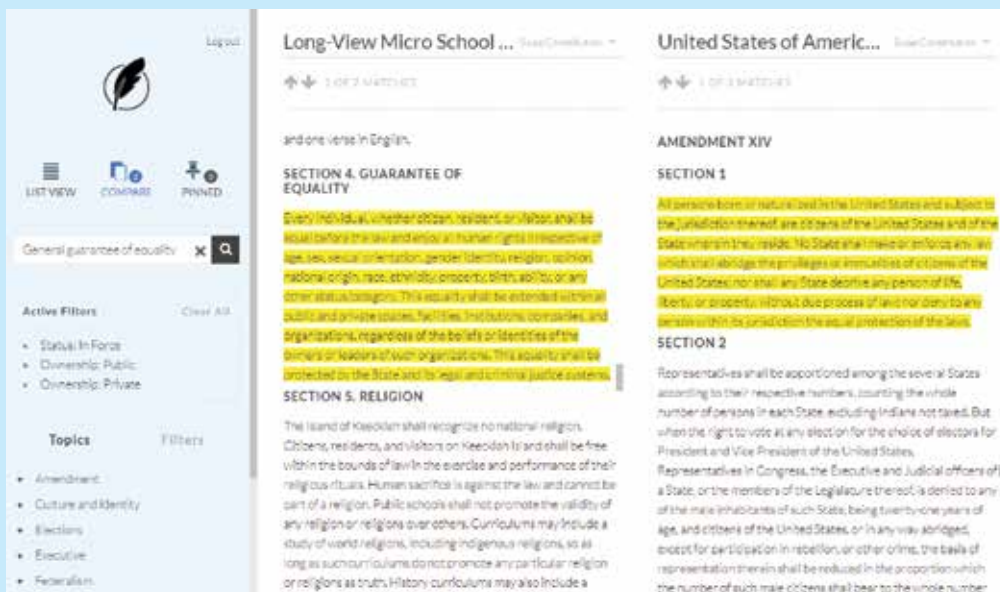
1. There shall be two global courts, the environmental court and the constitutional court.
2. The environmental court shall consist of sixty-six members, one third elected by the senate, one third elected or appointed by the executive council, and one third elected by the vote of all Martian residents over ten m-years old. Individuals elected or appointed to the court shall hold their office for ten m-years.
3. The constitutional court shall consist of twelve members, half elected by the senate, half elected or appointed by the executive council. Court members shall hold their office for ten m-years.

SECTION 2. POWERS GRANTED THE ENVIRONMENTAL COURT

1. The environmental court shall have the power to review all laws passed by the congress for their impact on the Martian environment, and have the right to veto such laws without appeal if their environmental impact is judged unconstitutional; to appoint regional land commissions to monitor the activities of all Martian towns and settlements for their environmental impact; to make judgments in disputes between towns or settlements concerning environmental matters; and to regulate all land and water stewardship and tenure rights, which are to be written in conjunction with the congress, to replace or adapt Terran concepts of property for the Martian commonality.

2. The environmental court shall rule on all cases brought before it in accordance with concepts insuring a slow, stable, gradualist terraforming process, which terraforming will have among its goals a maximum air pressure of 350 millibars at six kilometers above the datum in the equatorial latitudes, this figure to be reviewed for revision every five m-years.

© Kim Stanley Robinson



Nuclear issues demand greater attention in the classroom. We need to inspire students to explore diverse questions and problems so as to understand the past and address issues in the present. Using seminars, inquiry, and deliberation models, students can engage with a wide array of cultural texts to enhance their skills and understandings. Engaging students in them actively and thoughtfully will enrich our understanding of the vast and complex nuclear world. 🌐

Notes

1. *National Council for the Social Studies, The College, Career, and Civic Life (C3) Framework for Social Studies State Standards: Guidance for Enhancing the Rigor of K–12 Civics, Economics, Geography, and History* (Silver Spring, Md.: NCSS), www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf
2. See Bruce Larson, *Instructional Strategies for Middle and High School Social Studies: Methods, Assessment, and Classroom Management* (New

York: Routledge, 2017), 247–274; Walter Parker, *Teaching Democracy: Unity and Diversity in Public Life* (New York: Teachers College Press, 2003), 125–149.

3. Another graphic novel to use to get at the perspectives of the scientists in the Manhattan project is Jonathan Fetter-Vorm's *Trinity: A Graphic History of the First Atomic Bomb* (Macmillan, 2012), which introduces the views of scientists such as J. Robert Oppenheimer and Leo Szilard, and provides an explanation of the science used to create the world's first fission bombs.
4. Jeremy Stoddard, "Teaching Thoughtfully with and About Film," *Social Education* 78, no. 5 (2014), 220–224.
5. Larson and Keiper; Parker.

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only emerged because of their ability to overcome their own very profound differences. If Constitute can encourage deliberation in the same spirit among students, we will consider it a great success. 🌐

Notes

1. Twenty-seven constitutions around the world come up in a key word search on constituteproject.org for "counter corruption commission"; ninety-one constitutions come up with a search for "establishment of constitutional court"; eighty constitutions have ombudsmen, according to a search on constituteproject.org.
2. One hundred and fifty-six constitutions refer to protection of the environment.
3. "Equality regardless of gender" appears in 166 constitutions; "equality for persons with disabilities" appears in 42 constitutions; "equality regardless of age" is addressed in 27 constitutions.
4. Ecuador, 2008 (rev. 2015), www.constituteproject.org/constitution/Ecuador_2015?lang=en#589.
5. Egypt, 2014, www.constituteproject.org/constitution/Egypt_2014?lang=en#218.
6. China (People's Republic of), 1982 (rev. 2004), www.constituteproject.org/constitution/China_2004?lang=en#1.
7. Bolivia (Plurinational State of), 2009, www.constituteproject.org/constitution/Bolivia_2009#89.
8. Matt Largey, "He Got a Bad Grade. So, He Got the Credit He Deserves," KUT 90.5, Austin's NPR (March 21, 2017) <http://kut.org/post/he-got-bad-grade-so-he-got-constitution-amended-now-hes-getting-credit-he-deserves>.
9. Ecuador, 2008 (rev. 2015), www.constituteproject.org/constitution/Ecuador_2015?lang=en#589.
10. Media is addressed in 102 constitutions.

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