THE RELEVANCE OF AMERICAN CONSTITUTIONALISM TO OTHER NATIONS

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Constitutions are relatively recent innovations in human statecraft. Not until the end of the eighteenth century do we witness the appearance of written constitutions or extensive debate on the very idea. Does this mean that constitutions did not exist before this time? Depending on the meaning we attach to the term, the answer may be yes or no. This brings us directly to the question: what are constitutions?

Blondel has identified three distinct ways in which the term constitution has been employed. When utilized as in the word "constitutional", it refers to a government restrained by rules in its exercise of power with emphasis on the presence of extensive liberties for members of the polity. Often "constitution" is used to denote written documents or conventions which describe how governmental structures are organized, how they relate to each other and to citizens. And finally, "constitution" may refer to the actual organization of the polity (Blondel, 1969: 266). In this third sense, it may be argued that all societies have some kind of constitution, written or not.

Contemporary constitutions are "codes of rules which aspire to regulate the allocations of functions, powers, and duties among the various agencies and officers of government, and define the relationships between these and the public." (Finer, 1979: 15). A corollary of this division of labor and responsibilities is that constitutions contain rules for making decisions and settling disputes between the institutions of government and between a government and its citizens (Powell, 1982: 54; and Prewitt and Verba, 1979: 22).

Constitutions, then, deal with institutions and procedures. They may, and often do contain basic statements on societal values. Constitutionalism, on the other hand, is concerned with limiting the powers of government, and containing the arbitrary effect of popular will on governmental action (Smith, 1972: 127). The distinction between constitutions and constitutionalism is important for the explication of our problem, that

of the relevance of the American constitution and constitutionalism for contemporary nations. In the following discussion, we will deal with three questions: What, if any, have the effects of the U.S. Constitution been on the constitutions of other societies as regards the rules, the procedures, and the institutions it contains? Second, we shall try to see if and to what extent American constitutionalism has been an input in the making of other constitutions and the practice of constitutionalism. Finally, we shall turn to the question of why the American constitution and constitutionalism has been of greater relevance in the constitutional experience of some societies and not others. Expressed differently, we will examine the limits of the relevance of the American constitutional system as a model for other societies to emulate in whole or in part, or as one from which to receive inspiration.

AMERICAN CONSTITUTION AND AMERICAN CONSTITUTIONALISM

In studying the effects of the American Constitution and constitutionalism on other systems we may begin by identifying some of the basic characteristics of the U.S. Constitution. The document is the product of a specific period and of a specific environment. Some of its features and limitations do not deviate significantly, however, from other constitutions of the period.

A. Historical Stages of Constitution-Making

Constitution making in the world appears to have come in waves. The first wave started in the late eighteenth century and continued into the early nineteenth century. Some of the early examples of written constitutions include those of the thirteen states on the North American Continent, later the Articles of Confederation and the U.S. Constitution as well as the earlier French constitutions. The writers of these constitutions were, on the whole, educated men who were well acquainted with political philosophies of their time, often they believed in "natural law and... the applications of the law of nature to social dynamics." (Loewenstein in Eckstein and Apter, 1963: 150). They were addressing themselves to two major problems which had plagued both Western societies and the American colonies for some time. The first and the more important problem at the time as "was to bring absolute government under legal control." (Smith, 1973: 124). The second, that of bringing government under popular control **(ibid)** initially constituted a formula by which those who argued for governments subject to laws could legitimize their demands.

Roughly beginning at the second half of the nineteenth century, a second wave of constitution making commenced. By this time, kingship had already become clearly established as a public office subject to laws which had little to do with the attributes of the incumbent (See also Merkl, 1972: 154). Kings who were resisting the imposition of limitations on royal power were being deposed, and republican governments were being tried. Therefore, these constitutions, in addition to allocating powers to government institutions and establishing procedures for the operation of government, and resolving governmental conflicts, devoted much attention to the participatory goals such as the extension of suffrage, elections and electoral procedures (Blondel, 1969: 268).

The third stage began after the First World War. Owing to the breakdown of multi-national empires and the crumbling of imperial regimes which were drained of their resources for survival because of the War, new states were in the making, and hence much opportunity for constitution making The new constitutions contained the basic features which constitutions had acquired during the two earlier waves, but in addition, they included broad economic and social goals for which the state would be responsible.

The post-World War II constitutions resembled in many ways those of the inter-war period. In this instance, however, it was the authoritarian states of Europe that had crumbled, losing out to parliamentary democracies, and the breakdown of continental empires had been replaced by the disintegration of colonial empires.

This brief discussion has pointed to a tendency in the evolution of constitutions to expand in content. Those constitutions of the first wave were mainly concerned with allocation of power between governmental institutions, and rules and procedures. They also contained a definition of liberties, that is, limitations on the exercise of governmental power as it related to the individual citizen. These constitutions have sometimes been referred to as "frame" constitutions. To the extent that many of the constitutions made during the second wave codified participatory aims in terms of a right to vote and electoral procedures, they may also be pooled in this category.

The constitutions of the third wave which assigned positive social and economic functions to the state, on the other hand, may be referred to as "program" constitutions because they direct governments toward the achievement of specific goals which properly fall in the domain of policy making.

The U.S. Constitution is a frame constitution which was made at the beginning of the first wave and possesses characteristics of the period during which it was designed. It also has some unique features.

B. Basic Features of the U.S. Constitution

The United States, it has been noted, was the first **nation** to have a written constitution (Patterson **et.al.** 1982: 24). As such, it constituted a model or an example which has been followed by other nations in producing a written document.

A similar observation may be made about the way the American constitution was prepared: by the assembling of a constitutional convention. The idea of the meeting of a special body of representatives to draw up a constitution have proven, in later experience, to be the most common way of preparing constitutions.

But similarities may stop here. The American Revolution had already taken place by the time the Constitutional Convention came together. There existed Thirteen independent states, each with its own established government, cooperating under the Articles of Confederation. Although organized into separate political units, the political leadership shared similar understandings of government and politics. Their respective societies were relatively homogeneous. And the relations between the states were relatively free of strong antagonisms. While those who came to the Constitutional Convention felt an urgent need to form a union, both because functioning political systems existed in the states (i.e. legitimate authority was present), and because there was no immediate and imminent external dangers, constitution making was a relatively slow, deliberate and secret negotiating process. In this peaceful environment, ratification also proceeded slowly.

In the experience of most other nations, a constitutional convention has been replaced by a constituent assembly the members of which are elected or appointed in highly different ways. The assembly usually excludes the representatives of the old order against which a new constitution is to be designed. This group was largely absent in the American experience. The constitution makers are in a hurry to create a basis of legitimacy for the emerging new political arrangement. They have to fight against the weight of a past which has failed, but the exponents of which still linger around as a political force. Rather than building a gradual consensus among the political elites, securing mass support and approval is the order of the day.

A written national constitution and the holding of a constitutional convention, then, have been unique features of the U.S. Constitution which have influenced the way constitutions have been made in other societies. But, what about the content of the American Constitution both in terms of the ideas and the institutions contained therein.

We may begin by noting that the writers of the American Constitution did not see themselves as men who were responsible for building a model constitution which would be of relevance to other societies. Rather, they were interested in arriving at political solutions acceptable to the political leadership in the thirteen states. They took care that their own interests would not be harmed (see e.g. Beard, 1913). They were deliberately imprecise because insisting on being specific would have made agreement impossible. In this way, an element of extensive flexibility in the meaning of the document was introduced. As Dolbeare and Edelman have observed with moderate exaggeration:

> "...There is simply no mechanical inevitability in American politics inherent in the constitution. Nothing necessarily follows because of the wording of the document, and everything depends to a greater or lesser degree on the preferences and priorities of the more powerful political activists of the period..... Whoever manages to interpret the constitution acquires an aura of legitimacy and traditionalism the Constitution evokes from others in government and the general public." (1981: 284)

We may conclude then that many ideas prevalent at the time of the writing of the Constitution have been interpreted, reinterpreted, given new meaning. A set of ideas which have changed over time and according to circumstances and needs, may not constitue a sufficiently stable basis from which other societies might draw. It is possible, however, to identify some of the overarching ideas and their institutional manifestations, all rather innovative at the time of their conception, which have influenced the constitution making in other societies

The U.S. Constitution was pioneering in the way it institutionalized the three functions of government into the three branches of government under the doctrine of the **separation of powers.** This was an elaboration of the British doctrine of mixed government. The British had a king and an aristocracy, the rest being summarily referred to as the commons. They had tried to develop a formula whereby each group, through various institutional arrangments —mainly the government, the parliament and the courts— could impose significant constraints on the action of others.

The Americans did not have a king. Neither their pre-revolutionary experience with the British King nor the philosophical orientations of the American political leadership, disposed them favorably toward the reincarnation of that institution on the American continent. Although the political leaders came mainly from the upper classes of American society, they were only educated men of sufficient means, not an aristocracy who could base their claim to higher political and social status in society on tradition. Furthermore, American society was organized into states which were already independent and not willing to forego totally their recently acquired independence. Thus, the political questions to be settled by the Constitutional Convention were threefold.

First, there was the creation of the institution of a ruler, an executive, who would not usurp his powers like some of the British and continental kings. Second, there were fears that without countervailing institutional forces, a tyranny of the masses might well be inevitable. "The evils we experience... from the excess of democracy," and "the turbulence and follies of democracy," (Dye and Zeigler, 1975: 49) are expressions that reflect the mood of the constitution makers who probably perceived themselves more as trustees of the citizens than as their delegates. Finally, there was the question of reconciling the desires of the states to retain much of their independence and the feeling of a majority of the political leadership to establish a stronger central government.

The separation of powers and the devising of a system of checks and balances to insure that no branch of government would come to dominate the others and thereby the political system, was the answer to the first two questions. Federalism produced a response to the third question.

The separation of powers was already a familiar concept in political theory, but the institutional arrangements through which it was out into practice, and the system of checks and balances which were intoruced in America were innovative. Two major innovations are particularly worth noting: presidential government and the creation of the Supreme Court.

The basic features of the American presidential system are too well known to discuss in detail here. Let us simply emphasize that the American president is elected independently of the legislature, and his staying in office is not a function of the support of a majority in the legislature. He has to rely on the legislature, however, to pass laws and obtain financial resources for the realization of his policy goals. In this way, the Congress and the President depend on each other to discharge their respective duties; but having separate constituencies, they are protected against having one dominate the other.

The idea that some judicial body ought to serve as the guardian of a constitution have also existed in political theory prior to the U.S. Constitution, (Cole in Lijphart **a**, 1969: 254). The U.S. Supreme Court, however, is its first institutional manifestation. Although the founding of a federal system necessitated the existence of a judicial organ to settle disputes between states, and between the states and the federal government, the Supreme Court was also perceived as a check against both the legislature and the executive. Any doubts on this point were shattered by the Court itself in its famous **Marbury vs. Madison** decision in which the principle of **judicial review,** that is the right of the Court to declare legislation unconstitutional, was made explicit.

Both a presidential system and a constitutional court have had their appeals in some societies which have adventured into constitution making. In Europe where initially the American constitutional experience was better known than in other parts of the world, presidential systems did not become the order of the day for understandable reasons. Many of these societies had kings. The struggle was to strip them of their political power both in the executive and the legislative arena. The basis of their claim to represent the nation which would give direction to both branches of government. They were not in search of institutional balances. The result was the fusion of powers, and parliamentary government.

The European constitutions were often seen as manifestations of the national will, and legislative assemblies as institutions where the representatives of the nation put national will into laws. That a court should declare the acts of a legislature unconstitutional did not find initial appeal. It is at a much later date that political innovations of the U.S. Constitutional system were found to be of relevance when needs, previously unfelt, arose.

The solution to the third problem came about, as noted earlier, in the form of federalism. Systems like federal systems had existed before, but the American federal system with its state powers, federal powers, concurrent powers, with a two - chamber national legislature blending the equality of status with the inequalities in size population of the states was more elaborate and explicit than anything which had preceded it.

It took a long process for the American federal system to acquire its contemporary characteristics. The ratification of the U.S. Constitution was not sufficient to legitimate the Federal Government and its authority. As Lipset has noted, there were many attempts to thwart its powers, "there were many threats to secede in the first decade of national existence," and as late as the 1850's, some states passed "laws to prevent the

enforcement of federal legislation." (Lipset, 1963: 34-35). Only a bloody and painful civil war settled the question of whether secession was an option open to member states.

Nevertheless, societies with different types of cleavages have adopted the federal formula to meet their specific needs. They have also received inspiration from federal ideas and institutions such as a two-chamber legislature, the supreme court, and the methods of sharing political power. But both because other systems have often been exposed to more intensive divisive tendencies and because they have beeen less free from the constraints of the international political environment than the United States with its splendid isolation from other continents by oceans, the central units of other systems have developed powers over their constituent units, which, from an American perspective, would look excessive.

LIMITS OF THE RELEVANCE OF THE AMERICAN CONSTITUTIONAL SYSTEM

Our brief discussion of the American constitutional experience has brought us to our central question? Is the U.S. Constitution, the ideas and the institutions embodied therein, of relevance to other societies in their efforts to make and implement constitutions and constitutionalism?

A. The Semi-Diffusion of Constitutions

Anthropologists make a distinction between so called function and structure with regard to the appearance and the adoption of innovations in society. Innovations the origins of which can be traced to **endogenous** developments have been referred to as **function** whereas those which are of **exogenous** origin as **diffusion.** (Ross and Homer, 1976: 4-5). We may view the institutions and ideas embodied in the constitution of one society as innovations. If other societies borrow them, they are then subject to diffusion. Yet, in most instances, in dealing with constitutions, it is not easy to argue that no functional basis in a society which borrows an innovation from another. With the exception of cases in which a constitution is forced on a society by coercion, most societies are thinking of their own needs when borrowing innovations from others. This, we may call semi-diffusion (see also Ross and Homer, 1976: 2-3). Our question thus becomes: what are some of the factors which have constrained the semi-diffusion of ideas and institutions embodied in the U.S. Constitution?

B. The Limits of Semi-Diffusion

Perceptively, K.C. Wheare has observed that "A constitution is indeed the resultant parallelogram of forces-political, economic and social—which operate at the time of its adoption." (Wheare, 1966: 36). Therefore, constitutions are time and system specific. The circumstances under which one constitution is written may not be replicated in other societies. What is available as models and ideas in the international environment may well and often do constitute an input into this process, but it is rare, if not impossible, that exogenous forces will account for the entire form and content of an adopted constitution, even if we leave aside questions of meaning, interpretation and implementation.

These introductory remarks lead us to our first generalization. Each society has its own historical socio-economic evolution within the context of which their constitutions are made, interpreted and implemented. A brief discussion of the history of North and South America may illustrate the point. The settlers in North America came as individuals, looking for individual fulfilment in the new world. They may have been looking for religious liberty, economic opportunity or mere adventure, but they did this on their own behalf, not for someone else. They did not enslave the Indians, they drove them further West. The colonies which were established were relatively homogeneous societies, possessing an egalitarian ethic; they had reasonable autonomy from Great Britain which gave then a freer hand in the forming of their own political institutions. It is therefore not surprising that the American Constitution placed a high value on the individual, that it contained a system of checks and balances which protected against the tyranny of the majority.

In the South where the Spanish and the Portugese settled, the conquest was carried out in the name of the crown and the church. The Indians were enslaved, and through a system called **encomienda,** they were forced to give labor and tribute to their colonial masters. The society was highly stratified, disharmonious, and could be held together more by force than by consensus. In this environment, extending cognizance to individual liberties, allowing electoral competition to determine political outcomes, limiting the powers of government appeared unlikely. For these reasons, constitutions have given greater powers in general to governments in Latin America, and these societies have often been characterized not by the rule of law but its absence; military dictatorships have been most common. Constitutions have been short-lived, constitutionalism usually non-existent.[1]

[1] This discussion has benefited from Theodore J. Lowi, **American Government: Incomplete Conquest** (Hinsdale, Ill.: Dryden Press; 1976), pp. 21-31 and **passim.**

Cultural uniqueness of societies also make for the limited relevance of the constitutional experience of other societies, including that of the United States. This second point can again best be explained by examples. Pye has suggested for example (1958: 468) that in non-western societies, the domain of politics is not sharply differentiated from the sphere of economic, social and personal relations. Others have observed that in developing societies life is perceived as an integrated whole, rather than being comprised of relatively autonomous fields of activity, one of which is politics. If this is indeed the case, it is easy to see that the idea of limited government would not be a particularly meaningful concept in these environments. With limited government, it is assumed that there are several areas of private and community life only some of which are open to the interventions of public authority. If life is seen as an integrated whole, then all its aspects may be of concern to political authority.

Differences of a cultural nature have also affected the practice of constitutionalism in the developed societies. Sometimes a distinction is made between **common law** and **civil law** societies. In the former, tradition, precedent, consensus in the political community are important elements of the constitutional order. In the latter, constitutional order is defined mainly by written documents. The United States falls in the first category. Most of the rest of the world in the second. One cannot but suspect that to many constitution makers, the U.S. Constitution may read like an outline which has to be developed into a full fledged document.

Similarly, recently, a distinction has been suggested between societies with a state tradition and those without (Badie and Birnbaum; 1983). In those in the first category, the institutions of the state have an autonomy from government, a personality of their own. This may be so because the state has been organized prior to the emergence of a national political community and has assumed the responsibility for building the political community and keeping it together. In societies without a state tradition, government institutions have much less autonomy and lend themselves more easily to political control. The state societies tend to emphasize the regulatory functions of government more, and they have developed more elaborate rules and regulations to manage the polity. In these societies, the state has generally exhibited a greater proclivity to intervene in many areas of public life, and hence less inclined toward the idea of limited government.

New nations in their efforts to develop constitutional systems, have been influenced more by state dominant ideas than those prevalent in

the United States, a system without a state tradition. One reason for this orientation is the cultural affinity of former colonies to the colonial country, a point which we shall take up later. But another powerful reason relates to the problems many developing societies face. Many new nations are lacking in a sense of national community, a widely shared political consensus. (Millikan and Blackmer, 1961: 76-78). The political system one element of which is a constitution, is designed, developed and used to create a national community and political consensus. Weak as they may be, the instruments of the state are viewed as the most readily available means to be employed in the achievement of national integration. Therefore, more governmental intervention, more powerful instruments of state, more elaborate or detailed legal frameworks are opted for. Separation of powers, checks and balances, limited government, federal arrangements are often seen as ways of weakening the government, or as ideas which would lead to political disintegration. By way of an example, when the Ghanaian Constitution was being debated in 1960, the government urged the voters to support a draft constitution which would make Ghana a unitary state, "to show that they believe in the unity of Ghana and reject any form of federalism." (La Palombara, 1974: 101).

The desire of the national political leaders to maximize their political powers in new societies is intensified by the nature of their aspirations. What is often wanted is a rapid social and political transformation of society to make it modern. In view of these ambitious goals, the modest role given to the government in constitutionalist systems cannot but be perceived as one other impediment on the way to modernization.

In this context, the American Constitution and constitutionalist practice is at a particular disadvantage. Being a product of the first wave of written constitutions, the American constitution has almost nothing to say on the participatory and the socio-economic aims of the polity. Little is said on elections, political parties are not even talked about and viewed with suspicion, the state is given no positive functions. Therefore, when new nations look for outside models of a constitution, longer, more detailed and elaborate constitutions are turned to.

Another disadvantage of the American Constitution is that it relies heavily on tradition for the achievement of constitutional government, Of course, much of this tradition has evolved after the U.S. Constitution went into effect, American constitution makers did not have to fight ancient traditions (Lipset, 1963: 94). In the process of becoming modern polities, many developing countries find tradition to be an anti-thesis of

modernity which they are trying to acquire. The rejection of tradition is compensated for by detailed constitutions and laws. And, it is easier to borrow written documents than common understandings shared by a large body of citizens (See also Eckstein and Apter, 1963: 102).

In searching for solutions for their own problems of constitution making, the constitution makers tend usually to turn to societies with which they are familiar and with whom they have historically had more intense interactions. As Powell has noted:

> "Clearly the fit between cultural background and constitutional type is very strong. Britain and seven of its ex-colonies are marked by majoritarian parliamentary type..... Latin American countries are all characterized by presidential executives and representational legislatures... The United States and its long time colony the Philliphines have presidential systems and single member district legislatures..." (1982: 68).

Lijphart points to the fact that the constitutions of the former Belgian and Dutch Colonies resembled closely that of the home country (Lijphart **b**, 1977: 186).

Turning to the societies one knows best does not insure that what is selected for adoption is necessarily appropriate or help produce constitutionalist or democratic government. It is just a fact. Lewis, for example, has suggested that the polarization of the polity into government and opposition in plural (read multi-ethnic) as opposed to consensual (read homogeneous) societies might exclude significant segments of society from political participation for extended periods of time. He argues for coalition governments, not majority rule (Lewis, 1965: 64). Lijphart asserts, in a similar vein, that a federal model might have served the former Dutch colonies better than the Dutch model (Lijphart **b**, 1977: 197). These examples imply that the American system of constantly shifting congressional majorities, or federalism may be of great relevance in some societies. But there is little room for them in the cognitive maps of constitution makers of the respective societies.

Our discussion is so far taking us through a pessimistic path. Is the U.S. Constitution and constitutionalism of no or very little relevance to other nations? We have so far argued that a number of significant factors limit the applicability of the American constitutional experience to other societies. We may now ask a slightly different question. What features or aspects of the U.S. Constitution have been adopted by other nations?

C. The Semi-Diffusion of Some Elements of the American Constitution

The U.S. Constitution has influenced the constitutions and the constitutional life of other countries in two major ways. The first way has already been referred to in the preceding discussion. The United States has served as a cultural center for some societies, and these societies have emulated or tried to emulate the American constitutional system. The Philliphines, some Latin American countries would be cases in point.

Borrowing the form or the basic ideas of some of the features of the American Constitution to meet specific needs of societies have constituted the second way. Let us examine the consequences of adopting ideas, institutions, and practices from the American Constitution.

Comprehensive constitutional borrowing from the United States has not produced other likes of the American political system. Why? A fundamental reason may be offered in terms of the diffusion of innovations theory: the larger or the more comprehensive the innovation adopted, the greater the likelihood that it will not have a functional basis in the adopting society. What may be some of the major differences between the United States and other societies whose constitutions have been extensively influenced by America? The question may best be answered by a book on the topic, and I do not propose to author a book. I shall confine my response to a few remarks:

1. The U.S. Constitution has assumed the existence of a national political community which often does not exist at the same level of institutionalization in adopting societies.

2. American culture places a high value on the individual and is relatively egalitarian in its outlook while in adopting societies community rather than the individual, and social hierarchy rather than human equality may be more prevalent in social and political thinking.

3. American political elites who were involved in the making of the constitution shared similar ideas and understandings of government and politics, whereas this may not be the case in the adopting societies. In fact, many countries that have looked toward the United States for a model are characterized by highly fragmented political cultures even among the political elites.

4. In America, there was awareness that only some areas of public life was open to governmental intervention while others were not. In the adopting societies, such a distinction is either unclear simply non-existent.

5. American constitutional practices developed gradually, meeting specific needs and coping with specific problems as they arose. The adopting societies have emulated the U.S. constitution or many of its features for reasons of prestige, an urgent need to have some kind of constitution, and on some occasions, externally based and possibly coercive impetus.

This list may be expanded. Let me simply point out that those societies which have borrowed extensively from the U.S. Constitution (e.g. Korea, Mexico) have encountered different problems and their political leaders have had different needs than those of American society and political leadership. Therefore, selectivity has been practiced in identifying some elements as being more salient and on how they could be reinterpreted or distorted to take on local coloring. Thus the Filipino and the Korean presidents have managed to behave like dictators, while Brazilian and Mexican federalisms have appeared to be reasonably like unitary government when compared with the federal experience of the United States. Sometimes, constitutional arguments, references to American ideals have appeared in public debate to mobilize international support for a government; at other times, oppositions have resorted to the same rhetoric either because they sincerely subscribed to it or because it is just another weapon to embarrass governments and to challenge their international reputation.

Adoption of specific ideas, principles or institutions of the American constitutional system on a selected basis and adapting them to the specific needs or requirements of a society, in contrast to wholesale or extensive borrowing, have produced more successful results. Three features of the U.S. Constitution have been rather influential in shaping the constitutional systems of other countries: the presidential system, federalism, and a constitutional court.

Presidential systems have been found attractive by some other systems for two reasons .First, presidential systems, when measured by the tenure of the chief executive, appear to be more stable (Powell, 1982: 57). Second, a presidential executive whose ability to stay in office is not based on the support of a parliamentary majority and who has an independent basis of political power, has constituted an office which can check and balance the excesses and sometimes the instability of majoritarian parliamentary government. There is no reason to doubt that the French debated the virtues of the American presidential system among others in the devising of their quasi-presidential system.

The federal idea, developed initially in the United States, Switzerland,

Canada and Australia, but among them the American system is the best known model. Federal systems have proven attractive to three types of societies. Societies the population of which is comprised of several or a multitude of ethnic groups have found in the federal formula a way to reconcile the imperatives of having a national government and simultaneously having to accommodate the aspirations of retaining ethnic identity and self government. Diverse societies such as India, Yugoslavia, and the Soviet Union have employed the federal formula to extend either symbolic or substantive recognition to various nationalities among their populations (See also Blondel, 1969: 294-295; LaPalombara, 1974: 96-97; and Melson and Wolpe, 1970: 1130).

Federal formulae have also been utilized to achieve administrative managability in countries which possess large territories. In addition to Canada and Australia whose federal systems carry the imprint of the American experience, Mexico, Brazil, and again the Soviet Union are examples of systems where the administrative convenience (or possibly necessity) has been one of the motivations for the adoption of federal systems.

Finally, federalism has been employed because of the feeling that it may help control a powerful central government against tendencies to become authoritarian. This is one of the reasons why the German Federal Constitution, under American encouragement, opted for federalism to avoid the reemergence of authoritarian government like that of Hitler's.

Constitutional courts have been created in a number of societies, particularly after the Second World War. It is worth noting that European democracies were among those who adopted this prominent institution of the American constitutional system after their experience with authoritarian regimes during the inter-war period. While American encouragement or a desire to make the U.S. authorities happy may have provided added impetus to the adoption decisions, more important were the concerns of the indigenous constitution makers that they construct systems which had a greater chance to operate as stable political democracies. Italy, Germany, Japan are known examples. Other societies have also introduced constitutional courts and the accompanying principle of judicial review with the hope of achieving a more balanced political system, protected against the less than democratic tendencies of some parliamentary majorities (See also Dragnitch and Rasmussen, 1978: 280; Cole, 1959: 963-984; Magstadt and Schotten, 1984: 249-250; Smith, 1973; 142-145; and Heidenheimer, 1971: 70).

The successful adoption of some of the institutional innovations embodied in the U.S. Constitution appears to have been affected by two conditions. First, successful adoption is contingent on the presence of a specific political problem or need for which the innovations constitutes a practicable and credible solution. Second, adoption is accompanied by adaptation. In other words, the innovation is not taken in the very specific form it may exist in the American constitutional system, but rather, its basic idea is employed to create institutions and practices which are in harmony with the logic and the traditions of the adopting political system.

CONCLUSION

Like other constitutions and constitutionalist systems, the American constitutional system has served as a model and as a source of ideas, principles, and institutional arrangements from which other societies may borrow or receive inspiration.

Most nations in the world today have written constitutions. Particularly among the developing countries, a written constitution is a symbol of statehood, independence, and a ticket of admission to the international community of nations.

To have a written constitution is not a difficult feat. To develop a constitutionalist system, on the other hand, is a formidable undertaking. The constitutionalist systems we are familiar with have taken a long time to develop. Many have faltered along the way until a widely shared consensus developed on the idea of limited government, the proper procedures for solving societal problems through a competitive political process, and identifying what kinds of problems should in fact be in the domain of politics. The sanctity with which constitutions are held in Western democracies, particularly in the United States, is the product of an historical evolution- otherwise, a written document itself possesses no sacred quality.

The observance of constitutions more in the breach in many developing countries may best be explained by the fact that the distance between the written document, what it says, and the broader political consensus of which it ought to be a reflection is too great. This gap may not be closed except through time during which these societies will search for ways to develop their own consensus on what is appropriate or acceptable government for themselves. This may lead to stable constitutions but not

necessarily to a constitutionalist system as has been defined in the United States and in other Western European democracies.

It is remarkable that many new societies have retained the belief that constitutions are important instruments of achieving governance despite not so infrequent failures. If constitutionalist systems would like to assist other societies in the latter's endeavors to develop their own constitutional (and hopefully constitutionalist) systems, it is not by imposition or pressure, but by example, explanation and discussion that such ends may best be achieved.

It is important to have an appreciation of the limited relevance a constitutional system for others because it is a product of specific needs and experiences of a particular society. Limited as that relevance may be, it is significant. Historically, many societies have learned and benefited from the experience of others. Otherwise, we would not be able to find so many commonalities between the nations of the world which differ from each other in many ways.

The American constitution and constitutionalism have served the needs of the United States for two centuries. Much wisdom has gone into the writing of the constitution, much ingenuity and creativity has made the evolution and survival of the constitutionalist system possible. Constitution makers and implementers elsewhere in the world may learn much from that experience. Let me conclude with an example: No les than six methods were proposed for electing the American president during the Constitutional Convention (Carr **et. al.**, 1974: 89). One of those might suit the needs of a constitution maker in search of a way to elect a president.

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