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Constitutions around the World:

A View from Latin America

Jose Luis CORDEIRO*

This paper gives a global summary of the number of constitutions and the number of articles in each constitution for many representative countries around the world. Several works have already been written comparing different legal systems and different constitutional traditions around the world; the purpose of this paper is just to compare the numbers of constitutions and articles in the diverse regions of the world, namely: North America, Latin America, Europe, Oceania, Middle East, Asia and Africa.

Around the world, on average, Latin America has had the most convoluted constitutional history. The Dominican Republic has had a total of 32 constitutions, the largest number of constitutions of any country, since its independence in 1844. Three other countries have also had 20 or more constitutions throughout their history, all of them in Latin America: Venezuela (26), Haiti (24) and Ecuador (20). On the other hand, there are economies and societies that do not even have codified constitutions, like the United Kingdom in Europe, Hong Kong in Asia and New Zealand in Oceania. The United States has had only one constitution, even if it has been amended several times. There is also the special case of Israel and Saudi Arabia, both in the Middle East, that do not have official written constitutions for historical and religious reasons. Comparative constitutional numbers and history help to explain several things about the stability of political systems, but not necessarily their quality.

Keywords: constitutions, law and economics, Latin America

JEL classification: K00, K10, K40

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Constitutions around the World: A View from Latin America

José Luis Cordeiro *

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Abstract

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Life is really simple, but we insist on making it complicated.

Confucius (孔夫子), Chinese philosopher

Man perfected by society is the best of all animals; he is the most terrible of all when he lives without law, and without justice.

Aristotle, Greek philosopher

Our new Constitution is now established, and has an appearance that promises permanency; but in this world nothing can be said to be certain, except death and taxes.

Benjamin Franklin, US polymath and one of the US Founding Fathers

A Constitution should be short and obscure.

Napoleon Bonaparte, French revolutionary leader

As Constituições são como as mulheres, elas são mais férteis, enquanto elas são mais violadas.

Getulio Vargas, Brazilian president

Para mis amigos todo, para mis enemigos la ley.

Spanish saying

Why hire a lawyer, when you can buy a judge?

African saying

The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God's Book (Quran) and the Sunnah of His Prophet (Muhammad), God's prayers and peace be upon him, are its constitution…

Article 1 of the Basic Law of Saudi Arabia

*Even if the **constitution** includes the **Ten Commandments**, we will oppose it.*

Aryeh Deri, Israeli politician

I. INTRODUCTION

The first written legal codes in the history of humanity are very ancient, almost as old as the invention of writing itself, beginning with the codified laws in several kingdoms in Mesopotamia after 2300 BC (Before Christ or Before Common Era). Ancient Babylonia, Persia and Greece all had written laws and the start of constitutions.

Aristotle was one of the first people in recorded history to make a formal distinction between ordinary law and constitutional law, establishing ideas of constitution and constitutionalism, and attempting to classify different forms of constitutional government. In his works *Constitution of Athens*, *Politics*, and *Nicomachean Ethics* he explored different constitutions of his day, including those of Athens, Sparta, and Carthage. He classified both what he regarded as good and bad constitutions, and he came to the conclusion that the best constitution was a mixed system, including monarchic, aristocratic, and democratic elements (see, for example, Barnes 1995).

The Romans first codified their constitution in 449 BC as the *Twelve Tables*, but they operated under a series of laws that were only finally reorganized into a single code in the *Codex Theodosianus* of Roman law in 438 AD (Anno Domini of the Common Era). The current term *constitution* comes from Latin (*constituere* means to establish together: *cum-statuo*), referring to issuing any important law, usually by the Roman emperor. The term was later widely used in canon law to indicate certain relevant decisions, mainly from the Pope in Rome.

In India, Emperor Ashoka drafted its famous ruling edicts in the 3rd century BC, while East Asia was also influenced by Buddhist and Confucian traditions, including Japan and its first *Seventeen-article constitution* written in 604. The Islamic prophet Muhammad drafted the *Constitution of Medina*, also known as the *Charter of Medina*, in 622. Medieval England saw the *Magna Carta* in 1215, followed eventually by other European laws in France, German, Italy and Sweden. The first English colony in the Americas to establish its own constitution was Connecticut (and that is why Connecticut is known as the Constitution State) in the 17th century, and Massachusetts, Maryland and others followed later.

Modern national constitutional history is usually considered to begin with the United States of America in 1787, when its constitution was written, and ratified in 1789. Poland and France followed with their first modern constitutions, both in 1791, and most of the other European countries continued with this trend from the end of the 18th century onwards. Most of Latin America became independent in the first half of the 19th century and the new Spanish and Portuguese countries soon started writing their own constitutions. Finally, the end of colonialism after World War II produced a sudden outburst in the number of constitutions throughout Africa, Asia and Oceania in the second half of the 20th century.

II. COMPARATIVE CONSTITUTIONAL HISTORY

Even though some current constitutions are one or two centuries old, comparative constitutional law is relatively new. Amos J. Peaslee, an American lawyer in the US Embassy in Australia, wrote about his book *Constitutions of Nations* (1950):

> *This is the first compilation ever published in the English language of all of the national constitutions of the world.*
> *The British Foreign Office in 1938 announced the publication of such a work, but the war and many constitutional changes intervened, and only one volume of that project ever appeared.*

The introduction to the first edition in 1950 was written by the Assistant Secretary-General of the United Nations, Ivan Kerno, who stated that such compilation was "a project that which might have been undertaken by the United Nations itself" but was not done by the nascent UN. Therefore, he praised:

> *Publications such as Mr. Peaslee's* Constitutions of Nations *are a great contribution to the important task of encouraging the development of international law, and it is hoped that other projects undertaken by lawyers and scholars of every country may be of equal service in advancing the task which lies ahead.*

Even though there had been partial and regional compilations of some constitutions in English, French, German, Italian and Spanish, *Constitutions of Nations* was the first complete worldwide compilation, in any language, which also coincided with the end of colonialism and the creation of many new independent countries. In the second edition in 1956, Peaslee wrote:

Since the publication of the first edition in 1950 major changes have occurred in the texts or status of the constitutions of 35 of the total 89 nations -approximately 40 percent of them. Five new countries have become recognized sovereign nations.

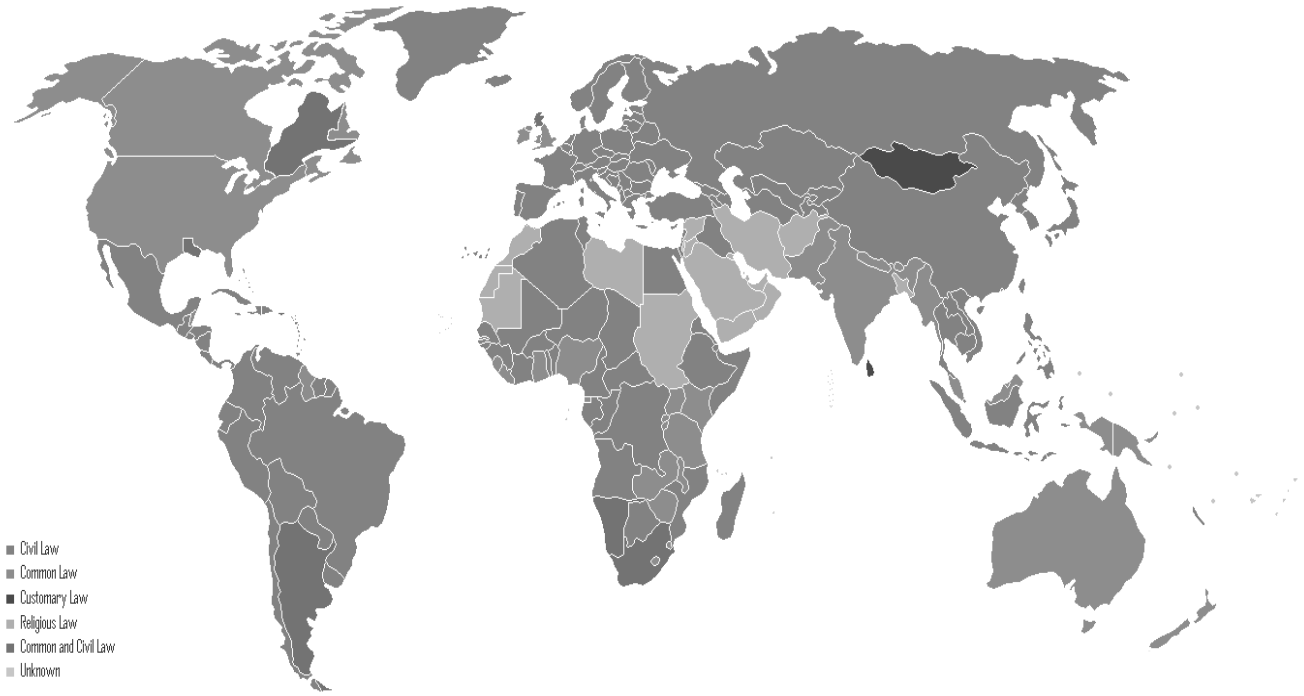
Other changes in the second edition include improvements in translations and summaries, revisions of tables, and additions to bibliographies.

Today there are more than 200 independent nations, including some that are not even recognized as sovereign states but, nonetheless, have their own constitutions. After the pioneering compilation by Peaslee, there have been many new publications compiling and comparing some aspects of the different constitutions. Oceana Publications has been publishing their *Constitutions of the Countries of the World* for over three decades, under the guidance of lawyers Albert P. Blaustein and Gisbert H. Flanz, including very important historical material. Some of the conclusions of this paper are based on analyses of such previous work.

Besides national constitutions, there are also state or provincial constitutions in larger or federal countries. The separate state constitutions in the USA are an example of this; some of the US state constitutions are even older than the US constitution, and some have been changed and amended many times more than the federal US constitution. Quebec in Canada and Wallonia in Belgium are also well known examples of special sub-national level constitutions. On the other hand, the proposed European Union constitution is an example of a supra-national constitution being considered. The European Union constitution proposal of 2004 was not approved by the Netherlands and France in 2005. Among the causes for the defeat, it was mentioned that it was too long: it had 448 articles and 160, 000 words compared to the 7 articles and about 4,500 words of the US constitution. The Lisbon Treaty, supposed to reactivate the EU constitution, was also defeated by an Irish referendum in June 2008. Thus, the hope for such a large and complicated European constitution has been delayed once again.

Historically, there is a rich tradition about constitutional law, as started by Aristotle and other early philosophers (see, for example, Sartori 1997 and Lutz 2006). The works of Locke in England and Montesquieu in France, together with many thinkers of the European Enlightenment, helped establish Western constitutional ideas such as the division of power and accountability of the rulers. However, European legal systems are normally divided among two major groups: common law (old English and Saxon traditions) versus civil law (Roman and later Napoleonic codes). Additionally, there are other major legal traditions, like those based on religion (for example, Sharia in many Muslim countries) and socialist legal systems as applied in some former communist and Soviet countries. Some of these major legal traditions can be combined, like the mixed common law and civil law of the Canadian province of Quebec, the US state of Louisiana, Argentina, Scotland and South Africa. A simplified world map of the major current legal systems can be seen in Figure 1.

Figure 1: Major current legal systems around the world



Source: Wikipedia, Legal Systems of the World (September 4, 2008)

The differences between major legal traditions have been studied by several scholars from different points of views. A theoretical basis centered on classical liberal ideas was proposed by Friedrich Hayek in his works *The Constitution of Liberty* (1960) and the three volumes of *Law, Legislation and Liberty* (1973-1979). Additional qualitative work was pursued by Douglass North in *Institutions, Institutional Change and Economic Performance* (1990) and later together with William W. Summerhill and Barry R. Weingast in *Order, Disorder, and Economic Change: Latin America versus North America* (2000). There is now a strong tradition in this field known today as Law and Economics, together with the New Institutional Economics, summarized in the recent *Handbook of New Institutional Economics* published in 2005.

A more quantitative analysis has been done by Torsten Persson and Guido Tabellini in *The Economic Effects of Constitutions* (2002), evaluating several political and economic aspects of the constitutions. One major drawback of such studies, however, is that the constitutions change frequently in many of the countries considered. Another analysis performed by Rafael La Porta et al. (1998) find that the French civil-law system seems to be slightly more favorable to growth than the British common-law system in some cases considered. Paul Mahoney (2001) has found yet different results criticizing the previous study emphasis on finance.

The relationship between legal systems and economic growth has been studied in several econometric analyses. For example, Edward L. Glaeser at al. (2004) asked “Do Institutions Cause Growth?” and Hiroshi Matsuo (2005) considered “The Rule of Law and Economic Development: A Cause or a Result.” The answers from both academic studies are not definite, and the “chicken-or-egg” problem continues. This paper will try to ponder a very

simple factor not yet considered in the literature: do the number of constitutions and the number of articles matter? Table 1 gives a quick overview of the findings.

Table 1: Constitutions of the World

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
NORTH AMERICA	–	–	–	–
Canada	1867	1982	2	61
United States of America	1776	1789	1	7
LATIN AMERICA	–	–	–	–
Argentina	1816	1853	6	107
Bolivia	1825	1967	16	235
Brazil	1822	1988	7	250
Chile	1818	1980	10	120
Colombia	1810	1991	10	380
Costa Rica	1821	1949	9	197
Cuba	1868, 1898	1976	5	141
Dominican Republic	1844, 1865	1994	32	120
Ecuador	1822	2008	20	444
El Salvador	1821	1983	14	274
Guatemala	1821	1986	9	280
Haiti	1804	1987	24	298
Honduras	1821	1982	14	375
Mexico	1810	1917	7	136
Nicaragua	1821	1987	14	202
Panama	1903	1972	4	311
Paraguay	1811	1992	6	291
Peru	1821	1993	12	206
Puerto Rico	1898	1952	2	9
Uruguay	1828	1997	7	332
Venezuela	1811	1999	26	351
EUROPE	–	–	–	–
Austria	–	1920	2	152
Belgium	1831	1831	1	198
Denmark	1945	1849	1	89
Finland	1917	2000	2	131
France	–	1958	16	89
Germany	–	1949	3	146
Greece	1821	1975	13	120
Ireland	1922	1937	2	50
Italy	–	1948	1	139
Netherlands	1581, 1814	1815	1	142
Norway	1814	1814	1	110
Poland	1918	1997	10	243
Portugal	1179	1976	6	296
Russia	1991	1993	5	137
Spain	–	1978	8	169

Sweden	1523	1974	2	155
Switzerland	1291	1999	3	197
Transnistria	1990	1995	1	106
Ukraine	1991	1996	2	161
United Kingdom	–	0	0	0
OCEANIA	–	–	–	–
Australia	1901, 1986	1901	1	128
New Zealand	1835, 1986	–	0	0
MIDDLE EAST	–	–	–	–
Bahrain	1971	2002	2	125
Iran	–	1979	2	177
Iraq	1919, 1932	2005	7	144
Israel	1948	0	0	0
Jordan	1946	1952	2	131
Kuwait	1961	1962	1	183
Lebanon	1941	1926	1	102
Palestine	–	2003	4	121
Qatar	1971	0	0	0
Saudi Arabia	1927	0	0	0
Turkey	1923	1982	4	177
United Arab Emirates	1971	1971	1	151
ASIA	–	–	–	–
Afghanistan	1919	2004	6	160
Bangladesh	1971	1972	1	153
China	–	1982	4	138
Hong Kong	1997	0	0	0
India	1947	1950	1	395
Indonesia	1945	1945	3	37
Japan	–	1947	2	103
Malaysia	1957	1957	1	181
Myanmar	1948	1974	2	209
North Korea	1945	1972	2	166
Pakistan	1947	1973	4	280
Philippines	1898, 1946	1987	6	306
Singapore	1963	1963	1	163
South Korea	1945	1948	1	130
Sri Lanka	1948	1978	3	172
Taiwan	1945	1947	1	175
Thailand	1776	2007	17	299
Vietnam	1945	1992	4	147
AFRICA	–	–	–	–
Algeria	1962	1976	2	182
Angola	1975	1975	1	166
Cameroon	1960	1996	5	69
Chad	1960	1996	9	239
Congo, Democratic Republic	1960	2006	6	229
Côte d'Ivoire	1960	2000	3	133

Egypt	1922	1971	5	211
Equatorial Guinea	1968	1982	2	104
Ethiopia	1941	1994	3	106
Gabon	1960	1991	2	117
Kenya	1963	1963	1	127
Libya	1947, 1951	1969	2	37
Liberia	1847	1986	4	97
Mali	1960	1992	4	122
Morocco	1956	1996	5	108
Niger	1960	1999	6	143
Nigeria	1960	1999	4	320
Sahrawi Arab Democratic Republic	1976	1999	4	120
Senegal	1960	2001	4	108
South Africa	1910	1996	5	243
Tanzania	1961	1977	3	152
Togo	1960	1992	4	159
Tunisia	1956	1959	1	78
Zambia	1964	1991	3	113
Zimbabwe	1965, 1980	1980	3	114

Source: Cordeiro based on Blaustein and Flanz (2008)

III. CONSTITUTIONS AROUND THE WORLD

This section reviews the number of constitutions, and the number of articles, for several major representative countries in six regions of the world: North America, Latin America, Europe, Oceania, Middle East, Asia and Africa. Constitution "counting" is not an easy task, since many times some constitutions were just emergency, provisional, interim or enacted in several parts of a country, but not everywhere at the same time. Different scholars also have sometimes different interpretations of history, and what counts as a constitution to one, might not be a constitution to another. Some amendments, changes, revisions, reforms, modifications and corrections can be considered so major that a new constitution is really considered. Additionally, a few constitutions have been suspended, then reinstated, and even a few times reversed to and substituted by previous older constitutions. Even article "counting" might be a polemical subject. Many times there are transitory, provisional and other additional articles that have to be considered, and their number can change according to the version of the own constitution. A few times there is also confusion in what are called articles, sections, paragraphs and even chapters. The analysis below tries to be consistent with the standard and most recognized analysis of the number of constitutions and the number of articles for major representative countries around the world.

Table 2: Constitutions of North America

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
NORTH AMERICA	–	–	–	–
Canada	1867, 1982	1982	2	61
United States of America	1776	1789	1	7

Source: Cordeiro based on Blaustein and Flanz (2008)

The constitution of the United States of America is the oldest federal constitution of any existing country in the world today. It was written in 1787 by the Constitutional Convention in Philadelphia, Pennsylvania, adopted in 1788 by conventions in the name of "the People" in each of the original 13 states of the union, and took effect in 1789. It replaced the Articles of Confederation, which was the first governing document of the United States, but its 13 articles are not considered a real constitution. After the declaration of independence in 1776, the Continental Congress wrote the Articles of Confederation in 1777, and they were ratified in 1781.

The original text of the constitution has 7 articles, about 4,500 words, and, after more than two centuries, it remains the basic law of the federal government of the United States. Since 1787, the Congress of the United States has written 33 amendments to change the constitution, but the states have ratified only 27 of them. The first ten amendments are called the Bill of Rights. They were made in 1791. All of these changes limited the power of the federal government.

The constitution of the United States has had a fundamental impact in many countries around the world, most of which became independent or modern nation states during the 19th and 20th centuries. Its original clarity and simplicity has been an inspiration to many nations, some of whom have copied the presidential system, the bicameral congress, the separation of powers (executive, legislative and judicial) and the republican ideals. The famous preamble of the constitution states:

> *We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

Canada, the other large country in North America, was mostly colonized by the French and later by the English. The Constitution Act, 1867, originally called the British North America Act, was the document by which the federal Dominion of Canada, and the Canadian Confederation, was formed beginning in 1867 from the provinces, colonies and territories of the then existing British North America. The constitution of Canada is an amalgam of codified acts and uncodified traditions and conventions.

The Constitution Act, 1982, was introduced as part of Canada's process of "patriating" the constitution, introducing several amendments to the British North America Act, 1867, and changing the latter's name to Canada in the Constitution Act, 1867. To the present day, the provincial government of Quebec has never formally approved the enactment of the Act, though formal consent was never necessary.

The current composition of the constitution of Canada is defined by the Constitution Act, 1982, as consisting of the Canada Act 1982, all acts and orders referred to in the schedule (including the Constitution Act, 1867, formerly the British North America Act), and any amendments to these documents. There are 147 articles in the Constitution Act, 1867, and 61 new articles in the Constitution Act, 1982.

Canada is a parliamentary democracy and constitutional monarchy, headed by a Prime Minister and a Governor General. The Monarch is called the Queen of Canada, who corresponds to the Queen of England, Queen of the Commonwealth realms, Head of the Commonwealth and Supreme Governor of the Church of England.

Table 3: Constitutions of Latin America

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
LATIN AMERICA	–	–	–	–
Argentina	1816	1853	6	107
Bolivia	1825	1967	16	235
Brazil	1822	1988	7	250
Chile	1818	1980	10	120
Colombia	1810	1991	10	380
Costa Rica	1821	1949	9	197
Cuba	1868, 1898	1976	5	141
Dominican Republic	1844, 1865	1994	32	120
Ecuador	1822	2008	20	444
El Salvador	1821	1983	14	274
Guatemala	1821	1986	9	280
Haiti	1804	1987	24	298
Honduras	1821	1982	14	375
Mexico	1810	1917	7	136
Nicaragua	1821	1987	14	202
Panama	1903	1972	4	311
Paraguay	1811	1992	6	291
Peru	1821	1993	12	206
Puerto Rico	1898	1952	2	9
Uruguay	1828	1997	7	332
Venezuela	1811	1999	26	351

Source: Cordeiro based on Blaustein and Flanz (2008)

After the United States, Haiti was the second nation to become independent in the Americas. Its first constitution was drafted in 1801, while Haiti was still a French colony, a condition that only changed at the end of 1803. This constitution followed some revolutionary ideas and it finished with the French revolutionary calendar: “Given at Cap-Français, 14 Messidor, year 9 of the one and indivisible French Republic”. That first constitution of Haiti was drafted by three mulattoes and seven whites, had 77 articles and recommended that Toussaint Louverture became ruler for life. It is ironic that such undemocratic idea was suggested by one of the most conservative of American revolutionary figures, Alexander Hamilton. Toussaint Louverture died in 1803, and his follower, the then Governor-General of Haiti, Jean-Jacques Dessalines, created the Empire of Haiti when he proclaimed himself

Emperor Jacques I in 1804. His constitution of 1805 set out the way for the Empire in 53 main articles plus 28 general dispositions.

In over two centuries of independence, tiny Haiti has been an empire, a kingdom and a republic, with alternating, reelected and lifetime presidents as well. It has had a total of 24 constitutions, the last one with 298 articles approved in 1987.

Venezuela, one of the first countries to become independent during the Napoleonic invasions of Spain and Portugal, had the second written constitution of Latin America in 1811. It had 228 articles and was partly modeled after the European Enlightenment ideals and the North American revolution, but Francisco de Miranda, then vice president and independence hero, warned that the constitution was not "adjusted" to the population and customs of then Latin America. Indeed, since that time, Venezuela has had a total of 26 constitutions, the last one with 351 articles in 1999. The 1999 constitution of Venezuela was called by his promoter Hugo Chavez "the best constitution of the world." Additionally, Chavez tried to modify unsuccessfully his "best constitution" in 2007, which could have become the constitution number 27 of Venezuela.

The Dominican Republic was a colony of Spain until 1795, then a colony of France and later a colony of Haiti until 1844, when it became independent, but was still invaded by Haiti in several occasions (1844, 1845-49, 1849-55, and 1855-56). The first constitution of the Dominican Republic was written in 1844: it had 211 articles that defined the country as a republic following the democratic ideals of the United States constitution. From 1861 to 1865, the Dominican Republic signed a pact with the Spanish Crown which reverted the Dominican nation to a colonial status, the only Latin American country ever to do so. From the 1865 Spanish withdrawal to 1879, there were twenty-one changes of government and at least fifty military uprisings until the Second Republic was founded. The history of the Dominican Republic was characterized by many caudillos, the United States intervention and occupation, and the Rafael Leonidas Trujillo era from 1930 to 1961, who wrote and rewrote many times his own constitutions, just like previous "caudillos" in the Dominican Republic.

Due to its convoluted history, the Dominican Republic has had a grand total of 32 constitutions since its first in 1884 to its most recent one in 1994 with 120 articles (plus 2 transition articles), which has already been modified in 2002. Obviously, many Dominican constitutions are modifications of previous constitutions, mostly based on the first one in 1844, but some authors count up to a total of 37 separate documents. This makes the Dominican Republic the country with the largest number of constitutions, followed by Venezuela with 26 and Haiti with 24.

Ecuador is fourth in number of constitutions in Latin America and the world. Independent since 1822, Ecuador separated from Colombia and Venezuela in 1830, and its first constitution as a separate nation had only 75 articles. The 1998 constitution was number 19 and it had 284 articles (plus 46 transitory articles). In 2007, Rafael Correa became president with the promise of a new constitution to solve "all the problems of Ecuador". Thus constitution number 20 of Ecuador became the largest of all its constitutions with 444 articles in 2008.

The fifth country with most constitutions in Latin America is Bolivia, independent since 1825. It is sometimes confusing to formally count the Bolivian constitutions, but the

1967 constitution had 235 original articles and underwent major reforms in 1994, 1995, 2002, 2004 and 2005. A new Bolivian constitution was proposed in 2006 by Evo Morales, also to solve "all the problems of Bolivia", but it has not yet been approved.

Three Central American countries, independent from Spain since 1821, follow together with 14 constitutions each: El Salvador with 274 articles in its 1983 constitution, Honduras with 375 articles in 1982 and Nicaragua with 202 articles in 1987. (Notice also that some authors consider 16 instead of 14 constitutions for Honduras.) Two other Central American countries have had 9 constitutions since their independence in 1821: Costa Rica with 197 articles in 1949 and Guatemala with 280 articles in 1986. (Additionally, Guatemala had a national referendum for a new constitution in 1999, which was not approved.) Panama has had 4 constitutions since its more recent independence from Colombia in 1903: its fourth constitution had 311 articles in 1972 and was reformed to 322 articles in 1994.

Mexico has had a total of 7 constitutions since its declaration of independence in 1810. Its current constitution was the result of the Mexican revolution in 1917 and has 136 articles, plus 16 transitory articles. Argentina has had 6 constitutions between 1816 and 1853. The last has 107 original articles and it was based on the work of Juan Bautista Alberdi, a classical liberal thinker that wrote *Bases y puntos de partida para la organización política de la República Argentina* (1852). Since 1853, the constitution has had 6 major reforms, and the 1994 version included 129 articles.

According to different authors, Colombia has had from 6 to 10 constitutions. It partially depends on which constitutions to count, particularly from 1810 to 1830, when there were several constitutions for different parts of the country. The constitution of 1886 (following the national constitutions of 1832, 1858 and 1863, and three major reforms in 1843, 1853 and 1876) was a landmark document that, despite 8 major reforms, was valid for slightly over a century. The current constitution of 1991 is the longest in Latin America, with 380 articles, plus 61 additional transitory articles.

Peru has also had a confusing constitutional history, with a total of between 9 and 18 constitutions, depending on the views of different authors. Juan Vicente Ugarte del Pino, a very famous legal historian, considers 18 constitutions including several constitutional texts that were not officially called constitutions, like special statutes during military governments. Other historians, like Enrique Chirinos Soto, consider only 9 constitutions since they exclude short-lived constitutions like those of 1823 and 1867, and that of 1834 that was created for the Peruvian-Bolivian Confederation. On average, 12 constitutions are considered by most legal historians (like Domingo García Belaunde, the most prolific constitutionalist in Peru during the 20th century). The current constitution of 1993 had 206 original articles, plus 8 amendments until 2005.

Chile has had between 7 and 11 constitutions, but most of them were before 1833, when Chile became remarkably stable compared to other Latin American countries. Most scholars consider the constitutional texts of 1811 with 19 articles, 1812 with 27 articles, 1814 with 13 articles, 1818 with 143 articles, 1822 with 248 articles, 1823 with 277 articles and 1828 with 134 articles. The constitution of 1833, with 168 articles and considered the eighth by many authors, lasted until a new one was written in 1925 with 110 articles (which was later substituted by the constitution of 1980, with 120 original articles and 29 transitory

provisions). The current constitution of Chile is formally that of 1980, which after several amendments in 11 years, now has 129 articles and 21 transitory provisions.

Brazil and Uruguay have had a simpler constitutional history, and each country counts 7 constitutions. In both countries, each constitution is now clearly defined as the first, second, third, fourth, fifth, sixth and seventh constitutions, which eliminates any ambiguities about the previous historical constitutions. The seventh constitution of Brazil was written in 1988 and contains 250 articles, while the seventh constitution of Uruguay was enacted in 1997 with 332 articles (as a comparison, the first constitution of Uruguay had only 159 articles). Nearby neighbor Paraguay has had 6 constitutions since its independence in 1811, and the current 1992 constitution has 291 articles (the previous 1967 constitution had 239 articles).

Cuba has had a total of 5 constitutions since it declared its independence from Spain in 1868. The current constitution of Cuba in 1976 has 141 articles. Puerto Rico has had only two constitutions since it became independent, the smallest number of constitutions in Latin America. Its current basic law of 1952 is also the shortest in the region with only 9 articles.

Table 4: Constitutions of Europe

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
EUROPE	–	–	–	–
Austria	–	1920	2	152
Belgium	1831	1831	1	198
Denmark	1945	1849	1	89
Finland	1917	2000	2	131
France	–	1958	16	89
Germany	–	1949	3	146
Greece	1821	1975	13	120
Ireland	1922	1937	2	50
Italy	–	1948	1	139
Netherlands	1581, 1814	1815	1	142
Norway	1814	1814	1	110
Poland	1918	1997	10	243
Portugal	1179	1976	6	296
Russia	1991	1993	5	137
Spain	–	1978	8	169
Sweden	1523	1974	2	155
Switzerland	1291	1999	3	197
Transnistria	1990	1995	1	106
Ukraine	1991	1996	2	161
United Kingdom	–	0	0	0

Source: Cordeiro based on Blaustein and Flanz (2008)

Europe had a long history of constitutions, from the times of the Greeks and the Romans; in fact, the word constitution comes from Latin. Many centuries later, during the Middle Ages, the English barons forced King John of England to sign the *Magna Carta* in

1215. The "*habeas corpus*" in the Magna Carta, perhaps its most famous article, provided that the king was not permitted to imprison, outlaw, exile or kill anyone at a whim — there must be due process of law first. Article 39 of the *Magna Carta* reads:

> *No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgment of his peers, or by the law of the land.*

This provision became the cornerstone of English liberty after that point. The social contract in the original case was between the king and the nobility, but was gradually extended to all of the people. It led to the system of Constitutional Monarchy, with further reforms shifting the balance of power from the monarchy and nobility to the House of Commons. However, England has never had a formal constitution as such. And the system of common law developed in England was later transported to its colonies, some of which never adopted constitutions, like New Zealand or Hong Kong.

The oldest written constitution still governing a sovereign nation today is that of tiny San Marino, written in Latin and divided in six books. It was enacted in 1600, based upon the *Statuti Comunali* (Town Statute) of 1300, itself influenced by the *Codex Justinianus*, and it remains in force today. Over one century later, after the European Enlightenment, the Corsican constitution of 1755 and the Swedish Constitution of 1772 were very brief constitutional documents.

The 1791 constitution of Poland is generally recognized as Europe's first and the world's second modern codified national constitution, after the ratification of the constitution of the United States in 1790. That 1791 constitution was in effect for only a year, and it heralded a tumultuous constitutional process in Poland. Since that time, Poland has had a total of 10 constitutions, some of them very brief in both time and content. There were 11 articles in the 1791 constitution, 89 in the 1871 Napoleon constitution for the Duchy of Warsaw, 165 in the 1815 constitution of the Kingdom of Poland, only 2 articles in the 1919 interim constitution, 126 in the 1921 constitution, 81 in the 1935 constitution, 32 in the 1947 constitution, 106 in the 1952 constitution, 78 in the 1992 interim constitution and 243 in the current 1997 constitution. (Additionally, there was the 1818 constitution of the Free City of Krakow plus three other small and one interim constitutions.)

France was the second country with a modern constitution in Europe, and the third in the world. Since then, France has had a very prolific constitutional history with a total of 16 constitutions, according to many legal historians. That is the largest number in Europe since the fall of the *ancien régime*, which was an absolute monarchy and lacked a formal constitution (the *ancien régime* relied essentially on custom). The French revolution brought the 1791 constitution that established a limited monarchy and the Legislative Assembly.

The 1791 constitution was substituted by the 1973 constitution, or the constitution of the Year I according to the new revolutionary calendar, which established the First French Republic. That constitution was ratified, but it was never applied due to the suspension of all ordinary legality. The Year III brought the 1795 constitution that established the Directory, followed by the Year VIII and the 1799 constitution which created the Consulate, and the Year X and the 1802 constitution with Napoleon Bonaparte as the first Consul for Life. The Year XII saw the 1804 constitution and the establishment of the First French Empire under

Napoleon, followed 10 years later by the restoration of the monarchy in 1814 under Louis XVIII and the Charter of 1814, after abolishing the revolutionary calendar. The Additional Act of 1815 saw the brief return of Napoleon under the Hundred Days. Later, the Charter of 1830 founded the July Monarchy with more liberty and a parliament. The 1848 constitution established the Second Republic, followed by the 1852 constitution and the Second Empire and the 1875 constitutional laws and the Third Republic. The 1940 constitutional law created Vichy France, under Marshal Philippe Pétain collaborating with Nazi Germany in World War II. The 1945 constitutional law established the post-WWII provisional government, followed by the 1946 constitution and the Fourth Republic, and finally the 1958 constitution and the Fifth Republic. The 1958 constitution of France has 86 articles and 18 revisions from 1958 to 2008.

Table 5: Constitutions of France

Constitution	Political system
Constitution of 1791	Constitutional monarchy
Constitution of Year I - 1793	First Republic
Constitution of Year III - 1795	Directory
Constitution of Year VIII - 1799	Consulate
Constitution of Year X - 1802	Consulate for life
Constitution of Year XII - 1804	First Empire
Charter of 1814	Restored monarchy
Additional Act of 1815	Hundred Days
Charter of 1830	July monarchy
Constitution of 1848	Second Republic
Constitution of 1852	Second Empire
Constitutional laws of 1875	Third Republic
Constitutional law of 1940	Vichy France
Constitutional law of 1945	Provisional government
Constitution of 1946	Fourth Republic
Constitution of 1958	Fifth Republic

Source: Cordeiro based on Blaustein and Flanz (2008)

In Southern Europe, three other countries have had several constitutions: Greece, Spain and Portugal. Since its independence from the Ottoman Empire in 1821, Greece has had 13 constitutions, the last one in 1975 with 120 articles. The current constitution of Greece established the Third Republic in 1975 and it was revised in 1986 and 2001. Spain, after its invasion by Napoleon, has had a total of 8 constitutions according to many legal historians. Its first constitution in 1808 had 146 articles, followed by the 1812 constitution with 384 articles, a record for that time. The current 1978 constitution has only 169 articles and has already become the longest in use of all the historic Spanish constitutions. Portugal, since its first constitution in 1822, has had 6 constitutions. The current one was approved in 1976 and established the Third Republic. It has 296 articles and has been amended in 7 years.

Italy has had only one modern constitution, valid since 1948, after the monarchy was abolished in 1946 and the Italian Republic was born. The House of Savoy had ruled parts or all of Italy from 1003 to 1946 without a formal constitution. The 1948 constitution contains 139 original articles, and it has been amended many times, including during the creation of the Second Republic of Italy in 1992.

Several European constitutional monarchies have only had one constitution: Belgium in 1831 with 198 articles (and many amendments like the one changing from a central to a federal state), Denmark in 1849 with 89 articles (based on old royal laws and updated when the King dies), the Netherlands in 1815 with 142 articles (not including old unwritten laws and a through revision in 1983) and Norway in 1814 with 110 original articles (at the time of its separation from Sweden, but now with 117 articles). Sweden is ruled by four fundamental laws known together as the constitution of Sweden. The oldest instrument is the 1810 Act of Succession (*Successionsordningen*) and the main one is the current 1974 Instrument of Government (*Regeringsformen*) with 155 articles. Depending on how they are counted, the fundamental laws of Sweden can be 2 or 4, or maybe more, if all the basic laws are counted since the 1634 instrument of government and the 1772 constitution.

Germany has had three constitutions. First was the constitution of the German Empire, based on the constitution of the North German Confederation, which had likewise been instigated by Otto von Bismarck. Second was the 1919 constitution of the Weimer Republic, which technically remained in effect throughout the existence of the Third Reich from 1933 to 1945. Third is the 1949 constitution, officially called the Basic Law for the Federal Republic of Germany. The term *Verfassung* (constitution) was never used, as the *Grundgesetz* was a provisional document, to be replaced by the constitution of a future united Germany. After reunification in 1990, the Basic Law remained in force, having proved itself as a stable foundation, but some changes were made to the law in 1990, mostly pertaining to reunification, such as the preamble. Additional amendments to the Basic Law were made in 1994, 2002 and 2006. The constitution of 1871 had 78 articles, that of 1919 had 181 articles, and the 1949 constitution has 146 articles. (East Germany had had 2 additional constitutions: one in 1949 with 144 articles, theoretically based on the Weimer constitution, and another one in 1968, with 25 articles.)

Austria has had 2 constitutions: the first under the Habsburg Empire and the second as a Republic in 1920, with 152 articles. Finland has also had 2 constitutions: the first after independence from Russia in 1919 (with no articles but brief sections) and the second in 2000 with 131 articles. Ireland has had two constitutions as well: the first after independence from Great Britain in 1922 and the second in 1937 with 50 articles (a relatively brief constitution with about 16,000 words). Switzerland has had three constitutions: in 1848, 1874 and 1999, the last one with 197 articles.

The Russian Federation has had a total of 5 constitutions if we include the 4 constitutions of the former Soviet Union. The 1917 October revolution legally ended the Russian Empire and created its first constitution in 1918, with 90 articles. During the communist days, the Soviet Union had three additional constitutions: 1924 with 72 articles, 1936 with 146 articles and 1977 with 174 articles. The political theory underlying the Soviet constitutions differed from the political theory underlying constitutions in West Europe. Democratic constitutions are fundamentally prescriptive; they define a set of political relations to which their governments and citizens aspire. By contrast, Soviet constitutions purported to describe a set of political relationships already in existence. Thus, as changes occurred in the socioeconomic and political systems, the government adopted new constitutions that conformed to the new sets of realities. Soviet constitutions did not contain provisions guaranteeing the inalienable rights of the citizens, and they lacked the machinery to protect individual rights contained in many democratic constitutions. Thus, the population

enjoyed political rights only to the extent that these rights did not conflict with the goal of building communism. The Communist Party alone reserved the authority to determine what lay in the interests of Communism. Since the breakup of the Soviet Union, Russia has had only one constitution, written in 1993 and divided in 137 articles.

Another example of a communist constitution was the Ukrainian SSR (Ukrainian Soviet Socialist Republic) constitution of 1978 with 171 articles, within the framework of the USSR (Union of Soviet Socialist Republics). After its independence, Ukraine has had a constitution in 1996 with 161 articles.

Transnistria, which declared its independence in 1990 from Moldova, is another interesting case. Transnistria, which is also known as Trans-Dniester, Transdnistria or Pridnestrovie (full name: Pridnestrovian Moldavian Republic), is a breakaway republic within the internationally recognized borders of Moldova. It functions like a state and is independent in practice, even if not recognized by any country or international organization as it is theoretically part of Moldova. One of the major achievements of Transnistria has been to approve a constitution by referendum in 1995. That constitution declared Transnistria as independent, had 106 original articles and went through a major revision in 2000 in order to include market reforms. This is a good example of how constitutions are considered to be very important, even for states that are not recognized as independent by other nations.

Table 6: Constitutions of Oceania

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
OCEANIA	**–**	**–**	**–**	**–**
Australia	1901, 1986	1901	1	128
New Zealand	1835, 1986	–	0	0

Source: Cordeiro based on Blaustein and Flanz (2008)

In Oceania, Australia and New Zealand inherited the common law system and many legal institutions from Great Britain. However, the six original states of Australia slowly approved constitutions, and the Commonwealth of Australia eventually adopted a constitution that joined the states in a federal union. The 1901 constitution established the Commonwealth of Australia as a Dominion of the British Empire. The Constitution of Australia is the law under which the Australian Commonwealth government operates. It consists of several documents, the most important of which is the Constitution of the Commonwealth of Australia, with 128 articles. The 1901 constitution was approved in referendums held over 1898 – 1900 by the people of the Australian colonies, and the approved draft was enacted as a section of the *Commonwealth of Australia Constitution Act 1900*, which came into force on 1 January 1901. Other pieces of legislation have constitutional significance for Australia. These are the Statute of Westminster, as adopted by the Commonwealth in the *Statute of Westminster Adoption Act 1942*, and the *Australia Act 1986*, which was passed in equivalent forms by the Parliaments of every Australian state, the United Kingdom, and the Australian Federal Parliament. Together, these Acts had the effect of severing all constitutional links between Australia and the United Kingdom. Even though the same person, Queen Elizabeth II, is the head of state of both countries, she acts in a distinct capacity as head of state of each.

New Zealand has no codified constitution, even though the Constitution Act 1986 is sometimes considered an incomplete constitution. That act severed the last remaining ties of New Zealand to the British Parliament, which was a slow process started with the first declaration of independence by a loose confederation of Maori tribes in 1835. The act repealed and replaced the New Zealand Constitution Act 1852 and the Statute of Westminster, it also removed the ability for the British (Westminster) parliament to pass laws for New Zealand with the consent of New Zealand's parliament. Just like in Australia, and Canada, Queen Elizabeth II remains as the head of state.

Many island regions of Oceania that had been formerly associated to Australia, New Zealand, France, the United Kingdom and the United States of America became formally independent after the 1960s. From Fiji to Vanuatu, they all adopted constitutions immediately after their respective independences, mostly based on the Australian, French and United States models.

Table 7: Constitutions of the Middle East

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
MIDDLE EAST	–	–	–	–
Bahrain	1971	2002	2	125
Iran	–	1979	2	177
Iraq	1919, 1932	2005	7	144
Israel	1948	0	0	0
Jordan	1946	1952	2	131
Kuwait	1961	1962	1	183
Lebanon	1941	1926	1	102
Palestine	–	2003	4	121
Qatar	1971	0	0	0
Saudi Arabia	1927	0	0	0
Turkey	1923	1982	4	177
United Arab Emirates	1971	1971	1	151

Source: Cordeiro based on Blaustein and Flanz (2008)

The Middle East probably had the first written constitutions of the world if we count the earliest known code of justice, issued by the Sumerian king Urukagina of Lagash around 2300 BC. It is known that it allowed some rights to his citizens, for example, it is known that it relieved tax for widows and orphans, and protected the poor from the usury of the rich. After that, many governments ruled by special codes of written laws. The oldest such document still known to exist seems to be the Code of Ur-Nammu of Ur (2050 BC). Some of the better-known ancient law codes include the code of Lipit-Ishtar of Isin, the code of Hammurabi of Babylonia, the Hittite code, the Assyrian code, the Mosaic law, and the Cyrus cylinder by Cyrus the Great of Persia. The Middle East has also seen many religious laws like those of Abraham in the Old Testament to establish the kingdoms of Israel and Judah, the New Testament of Jesus Christ that created a kingdom “out of this world”, and Muslim prophet Muhammad with the Quran and Sharia laws for the establishment of the Islamic community or Ummah. Another explicit example is the *Constitution of Medina*, drafted by Muhammad in 622. It is said to be one of the earliest constitutions which guarantees basic

rights to religions and adherents as well as reinforcing a judiciary process regarding the rules of warfare, tax and civil disputes.

Precisely because of religious considerations, the modern state of Israel has no written constitution. Though its declaration of independence promised the constitution would be completed in 1948, the gap between religious and secular groups proved difficult to bridge, and a full, unifying document was never produced. Religious Jews at the time opposed the idea of their nation having a document which the government would regard as nominally "higher" in authority than religious texts such as the Torah, Tanakh and Talmud. One famous Israeli political leader, Aryeh Deri, has declared that even if the Ten Commandments were presented to him as Israel's draft constitution, he would refuse to sign his name to them.

While Israel has no formal constitution, neighboring Palestine has had four codified constitutions. Even though Palestine is not formally independent, it has had written constitutions in 1968 (with 130 articles and advocating the destruction of Israel), in 1994, in 1996, and most recently in 2003 (with 121 articles, including one declaring Jerusalem as its capital).

Turkey has had 4 written constitutions since its so called War of Independence between 1919 and 1923. The first one in 1921 with 23 articles, the second one in 1924 with 105 articles, the third one in 1961 with 157 articles, and the current one in 1982 with 177 articles. During the previous Ottoman Empire, Turkey had 2 additional constitutions: in 1876 and in 1909. If those 2 previous constitutions are counted, then Turkey would have a total of 6 constitutions. Iraq has had 7 constitutions since its independence from the Ottoman Empire in 1919. The first one in 1925 as a constitutional monarchy under British suzerainty, followed by the 1958 constitution and the creation a republic after a coup d'état, and the constitutions of 1963, 1964, 1968, 1970, 2005, the last one with 144 articles. Iran has had two constitutions: the first one in 1906 under the Shah of Persia, a major reform in 1963 that allowed women to vote, and the second constitution in 1979, after the Iranian revolution that created the Islamic republic under Ayatollah Ruhollah Khomeini.

Saudi Arabia is considered an absolute monarchy, and it has no formal constitution. In the year 1992 (corresponding to the year 1412 AH in the Muslim calendar), following the Iraqi invasion of Kuwait and the First Gulf War, late King Fahd issued a royal decree that is officially referred to as the *Basic Law*, and not as a constitution, with 83 articles. The Saudi cultural and religious views stigmatize any reference to constitution other than the Quran itself and the practice of the Islamic prophet Muhammad. Article 1 of the Basic Law emphasize that "God's Book (Quran) and the Sunnah of His Prophet, God's prayers and peace be upon him, are its (Saudi Arabia) constitution". Prince Talal bin Abdul Aziz, who's referred to as the "red prince" and the "free prince" among other nicknames for his liberal views, explains that there cannot be a "a constitution, a regulation, or a law that runs counter to the Islamic Sharia" in Saudi Arabia.

Qatar is also an absolute monarchy whereby the Emir of Qatar is not only head of state, but also the head of government. The Emir enacted in 1970 the Basic Law of Qatar, officially not a constitution, which granted the Emir preeminent power. The Emir, while directly accountable to no one, cannot violate the Sharia and, in practice, must consider the opinions of leading notables and the religious establishment. Their position was institutionalized in the

Advisory Council, an appointed body that assists the Emir in formulating policy. There is no electoral system. Political parties are banned.

Kuwait wrote one constitution after its independence in 1961, with 183 articles, and the United Arab Emirates also had a constitution at independence in 1971, with 151 articles. Bahrain has had two constitutions, the first in 1973 and the current one in 2002, with 125 articles. Some of the constitutions in the Arab states have been amended or suspended, including articles concerning political participation and civil rights.

Lebanon is a republic with one constitution dating from 1926, before its independence from France. The constitution of Lebanon has 102 original articles, but it has suffered many amendments and several interruptions and suspensions. Jordan is a constitutional monarchy and has had 2 constitutions; the current one is from 1952 and has 131 articles. Nathan J. Brown has made a very interesting analysis in his book *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government* (2002), where he draws positive lessons about the growing Islamic constitutionalism.

Table 8: Constitutions of Asia

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
ASIA	–	–	–	–
Afghanistan	1919	2004	6	160
Bangladesh	1971	1972	1	153
China	–	1982	4	138
Hong Kong	1997	0	0	0
India	1947	1950	1	395
Indonesia	1945	1945	3	37
Japan	–	1947	2	103
Malaysia	1957	1957	1	181
Myanmar	1948	1974	2	209
North Korea	1945	1972	2	166
Pakistan	1947	1973	4	280
Philippines	1898, 1946	1987	6	306
Singapore	1963	1963	1	163
South Korea	1945	1948	1	130
Sri Lanka	1948	1978	3	172
Taiwan	1945	1947	1	175
Thailand	1776	2007	17	299
Vietnam	1945	1992	4	147

Source: Cordeiro based on Blaustein and Flanz (2008)

Besides the ancient constitutions from the Middle East, Asia has had other old fundamental laws. The *Seventeen-article constitution* of Japan was written, reportedly by Prince Shōtoku, in 604 and is an early example of a constitution in Asian political history. Influenced by Buddhist teachings, the document focuses more on social morality than institutions of government but remains a notable early attempt at a government constitution. It was also a Confucian text relating to the kinds of morals and virtues that were to be expected of the emperor's subjects to ensure a smooth running state where the emperor ruled

with absolute authority. It is one of the earliest moral dictatorial documents in history. In China, the Hongwu Emperor created and refined a document he called *Ancestral Injunctions*, first published in 1375. These rules served in a very real sense as a constitution for the Ming Dynasty for the next 250 years.

The first modern constitution of East Asia is considered the Meiji constitution of Japan in 1890. It was called the Imperial constitution, had 76 articles and established a constitutional monarchy based on the Prussian model. After World War II, Japan approved a second constitution partially based on the ideas of the United States model but with 103 articles. It is also called the “Pacifist” constitution for its famous renunciation of the right to wage war contained in Article 9 and, to a lesser extent, the provision for popular sovereignty in conjunction with the monarchy. Neither the first nor the second constitutions of Japan have ever been modified nor amended, and this has been an important topic of discussion because of the importance of national defense to Japan.

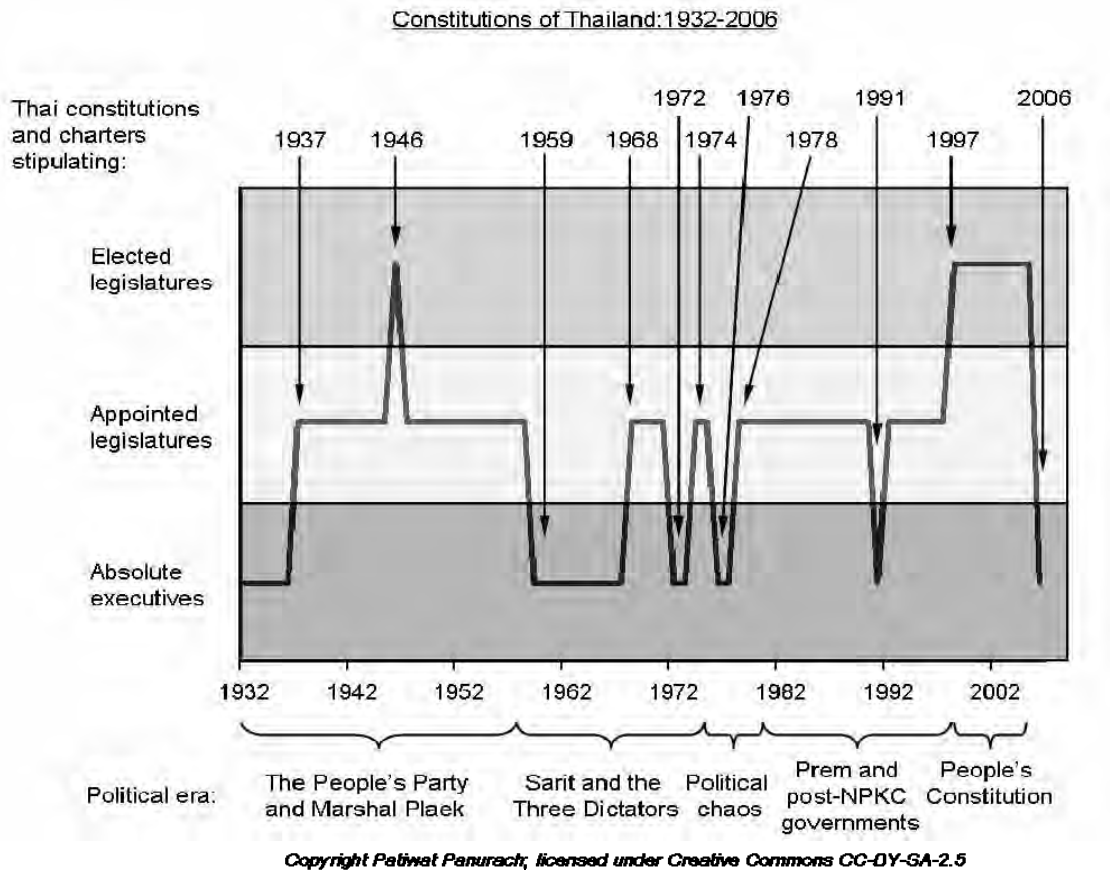
In China, after the 1911 revolution and the collapse of the Qing Dynasty (1644–1911), the Nanjing Provisional Government of the Republic of China, led by Sun Yat-sen, framed the Provisional Constitution of the Republic of China, which was an outline of basic regulations with the qualities of a formal constitution. The Provisional Constitution of the Republic of China was drawn up in March 1912 and formed the basic government document of the Republic of China until 1928. It provided a Western-style parliamentary system headed by a weak president, while China disintegrated into warlordism and the Beiyang government, which functioned under the provisional constitution, remained in the hands of various military leaders. By 1928, Chiang Kai-shek and the Kuomintang nationalists established control over much of China. From 1928 onwards, the Kuomintang functioned under an organic law that had an ambiguous relationship with a second provisional constitution that was not completely superseded. Meanwhile, the communists under Mao Zedong, who also adopted some provisional constitutional laws beginning in 1931, were advancing on most fronts, particularly after World War II ended.

In mainland China, the communists established the People’s Republic of China in 1949 and wrote its first complete constitution in 1954, modeled after the 1936 constitution of the Soviet Union. That was followed by a second constitution in 1975, a third one in 1978, and a fourth in 1982, with 138 articles and further revisions in 1988, 1993, 1999, and 2004 (including the consideration of private property). In Taiwan, the Kuomintang established the Republic of China and enacted a constitution in 1947 with 175 articles, its first constitution if the previous provisional ones for China are not included. The constitution of Taiwan was suppressed several times under martial rule, underwent 6 major revision, and a new constitution has been proposed.

India became independent in 1947 and its constitution was approved in 1949. It came into effect in 1950 and it has never been suspended. The constitution of India declares that the nation is a sovereign and democratic republic; with the words "socialist" and "secular" added to the definition in 1976 by an amendment. It is the longest written constitution in the world, with 395 articles, 12 schedules and 100 amendments by 2008. It has a total of 117,369 words in the English language version, and there is also an official Hindi translation, plus translations in the other official languages of India.

Thailand has had a total of 17 charters and constitutions, the record in Asia, since the overthrow of the absolute monarchy in 1932. Thailand became a constitutional monarchy in 1932, when its first constitution was written, but it has had a high degree of political instability and several military coups. After successful regime changes, military governments often abrogated existing constitutions and promulgated new ones. All of the charters and constitutions of Thailand have allowed a constitutional monarchy for the country, but with widely differing balances of power between the branches of government. Most of the constitutions have stipulated parliamentary systems, however, several of them also called for dictatorships, like the 1957 Charter. Both unicameral and bicameral parliaments have been tried, and members of parliament have been both elected and appointed. The direct powers of the monarch have also varied considerably. The 2006 interim constitution abrogated the "People's" constitution of 1997 (year 52 of the Thai Reign and 2540 of Buddha Era). The 2006 interim constitution had 39 articles and allowed the junta to appoint a Prime Minister, a legislature, and a committee for an eventual permanent constitution. The "permanent" constitution of Thailand was approved by a referendum in 2007 (year 61 of the Thai Reign and 2549 of Buddha Era) and contains 299 sections (equivalent to articles in most constitutions). Figure 2 shows some of the many changes during the convoluted constitutional history of Thailand.

Figure 2: Constitutions of Thailand



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The Philippines has also had a convoluted constitutional history, and the Philippines is sometimes referred to as a Latin American country in South East Asia, because of its Spanish background. Its first provisional constitution was written in Biac-na-Bato in 1897

and had 34 articles in the Tagalog and Spanish languages, but its formal independence document is known as the Malolos Constitution of 1899 and was written in Spanish with 102 articles. The constitution for the Commonwealth of the Philippines was written in 1935, followed by the constitution of the Second Philippine Republic under Japanese control in 1943, which was substituted back in 1946 by the 1935 constitution under the name of the Third Republic. Ferdinand Marcos promulgated the 1973 constitution under martial law and introduced a parliamentary-style government under his New Society and Fourth Republic. After the fall of Marcos, the 1986 provisional "Freedom" constitution was approved with only 6 articles, and in 1987 a new constitution was adopted with 18 articles and 306 sections (the sections actually correspond to the articles in most constitutions).

Afghanistan has had 6 constitutions since its independence in 1919: the first constitution was adopted in 1923, the second one in 1964, the third in 1976, the fourth in 1987, the fifth in 1990 and the sixth in 2004 with 160 articles. Throughout all these constitutions there was an emphasis on Islam, but the government regimes have changed drastically from monarchy, parliamentary system, communism, Taliban and now a presidential republic.

Vietnam has had 4 constitutions, each one longer than the previous: the first one in 1946 with 70 articles, the second in 1959 with 112 articles, the third in 1980 with 147 articles, and the fourth in 1992 with 147 articles as well. The latest constitution has been amended following the ideas of "doi moi" ("renovation" in Vietnamese) in order to encourage many free-market enterprises and to "de-collectivize" the industrial and agricultural operations of Vietnam, which were the previous focus of the communist authorities.

Myanmar has had 2 constitutions: the first in 1947, just before independence and declaring the country a parliamentary democracy, and the second one in 1974 establishing a nominally socialist military government that created the "Burmese Way to Socialism." The military expropriated private businesses and followed an economic policy of autarky, or economic isolation. A new army-drafted constitution was overwhelmingly approved on May 10, 2008, amid Cyclone Nargis, in the first national vote since the 1990 election. Multi-party elections scheduled for 2010 would end 5 decades of military rule, but the new charter gives the military an automatic 25% of seats in parliament.

Pakistan has had 4 constitutional documents, beginning with the local adaptations to the India Act of 1935, which was the working constitution of Pakistan from its independence in 1947 until it became an Islamic republic under the 1956 constitution. The third constitution was enacted in 1962 and the fourth in 1973, with 280 articles and 17 amendments. Following the Bangladesh Liberation War, Bangladesh became independent from Pakistan in 1971. After its independence, Bangladesh has only had one constitution in 1972 with 153 articles and 14 amendments. Sri Lanka has had 3 constitutions since its independence in 1948, the last one in 1978 with 172 articles.

Korea had a provisional constitution in 1919, when there was a revolt against the Japanese occupation. The first official constitution of South Korea was in 1948, known as Jehyeon constitution or the constitution of the First Republic, which has been revised 9 times. The first revision came in 1952, followed by another one in 1954. In 1960 the constitution was amended again and it became known as the constitution of the Second Republic. The amendment of 1962 corresponds to the 1962 constitution and the Third Republic, followed by the 1972 amendment and the Fourth Republic with the so-called Yusin "restoration"

constitution. The 1980 amendment is more commonly known as the constitution of the Fifth Republic, followed by the 1987 amendment and the constitution of the Sixth Republic. North Korea has had 2 constitutions: in 1948 and in 1972. The North Korean constitution of 1972 has 166 articles and has been revised in 1992 and 1998.

Indonesia had its first, and current, constitution in 1945, right after its independence. It was a centralist constitution that was superseded by a federalist one in 1949, and then by a provisional constitution in 1950 in order to better define the role of the central government and the provinces. Sukarno, the first president of Indonesia from 1945 to 1967, finally got tired of the deliberations and decided to return to the founding constitution of 1945. Suharto, the second president of Indonesia from 1967 to 1998, oversaw many changes to the first constitution that passed from 37 original articles to 73 in its current version. Nearby Malaysia has had only 1 constitution in 1957, after independence, with 181 articles, but it has had several amendments (like in 1988 during the Malaysian constitutional crisis). Singapore has had also just 1 constitution in 1963, after independence, with 163 articles and few amendments.

Hong Kong, under British rule, never had a codified constitution. However, a Basic Law was adopted in 1990 by the Seventh National People's Congress (NPC) of the People's Republic of China (PRC), and went into effect on July 1, 1997, when this former colony of United Kingdom was handed over to the PRC. The Basic Law is not a full constitution and it was drafted in accordance with the Sino-British Joint Declaration on the Question of Hong Kong in 1984. The Basic Law stipulates the basic policies of the PRC towards the Hong Kong Special Administrative Region (SAR). As agreed between the PRC and the United Kingdom in the Joint Declaration, in accordance with the principle of "One Country, Two Systems", the socialist system of the PRC would not be extended to Hong Kong, which would continue with its previous capitalist system and its way of life for a period until 2047.

Table 9: Constitutions of Africa

REGION / Country	Independence	Current Constitution	Number of Constitutions	Original Articles
AFRICA	–	–	–	–
Algeria	1962	1976	2	182
Angola	1975	1975	1	166
Cameroon	1960	1996	5	69
Chad	1960	1996	9	239
Congo, Democratic Republic	1960	2006	6	229
Côte d'Ivoire	1960	2000	3	133
Egypt	1922	1971	5	211
Equatorial Guinea	1968	1982	2	104
Ethiopia	1941	1994	3	106
Gabon	1960	1991	2	117
Kenya	1963	1963	1	127
Libya	1947, 1951	1969	2	37
Liberia	1847	1986	4	97
Mali	1960	1992	4	122
Morocco	1956	1996	5	108
Niger	1960	1999	6	143

Nigeria	1960	1999	4	320
Sahrawi Arab Democratic Republic	1976	1999	4	120
Senegal	1960	2001	4	108
South Africa	1910	1996	5	243
Tanzania	1961	1977	3	152
Togo	1960	1992	4	159
Tunisia	1956	1959	1	78
Zambia	1964	1991	3	113
Zimbabwe	1965, 1980	1980	3	114

Source: Cordeiro based on Blaustein and Flanz (2008)

The oldest written constitution of Africa was enacted in Liberia in 1820. It had 10 original articles following the model of the United States of America as it was written by the mostly free slaves in this new country. This constitution was replaced by a second one in 1839 with 29 articles. A third constitution was adopted in 1847, when Liberia became fully independent. The 1847 constitution had 5 articles and 59 sections (the sections actually correspond to the articles in most constitutions today), and was modified and suspended many times. The fourth and current constitution of Liberia was written in 1986 and contains 97 articles.

Egypt had some of the earliest administrative and legislative codes in history. Nevertheless, its first modern national constitution was in 1923, one year after its independence from Great Britain, when it became a constitutional monarchy. Before that, during the Ottoman period, Egypt also had 2 additional constitutions: in 1879 and 1882. There was a second monarchical constitution in 1930, which was reverted back to the 1923 constitution in 1935, until 1952 before the overthrow of King Farouk I. In 1956 a new constitution was adopted under a republican system, which was briefly superseded by the United Arab Republic (Egypt and Syria) from 1958 to 1961. In 1963 a provisional constitution was adopted, and in 1971 Anwar Sadat enacted the “Permanent” constitution of Egypt. This “permanent” constitution has 211 articles and was amended in 1980, 2005 and 2007.

Tunisia adopted its current constitution in 1959, soon after its independence from France. It has 78 articles and it appeared almost one century after the short-lived “Destour” constitution of 1861 (which was the first in the Arab world, before the French colonization of Tunisia). The constitution has been changed three times to change the time that the president can remain in power: in 1988 to limit the time period, but in 1998 to allow the president three terms and in 2002 to allow the president to rule for five terms. President Zine El Abidine Ben Ali has been in office since 1987 when he deposed Habib Bourguiba, who had been president since Tunisia's independence from France in 1956. He is currently in his fourth term, having been reelected in 2004.

Algeria has had 2 constitutions: the first in 1963, after its independence, and the second in 1976. The 1976 constitution has 182 articles and it has been modified in 1979, 1988, 1989 and 1996. Nearby Libya has had 2 constitutions since its independence from Italy in 1947: the first in 1951 with 213 articles under a king, and the second “provisional” constitution of 1969 with 37 articles under a “leader”. Muammar al-Gaddafi has been the

“leader” of the “provisional” constitution since 1969, ruling in a military dictatorship where Islamic Sharia law is considered the real constitution.

Morocco has had 5 constitutions since its independence from France and Spain in 1956. It was first an absolute monarchy, whose king belongs to the Alaouite dynasty and claims descent from Islamic prophet Muhammad through the line of Fatima Zahra, Muhammad's daughter, and Ali, the fourth successor to Muhammad. The first constitution of 1962 created a constitutional monarchy that has slowly been loosing power in some of the following constitutions in 1962, 1970, 1972, 1992 and 1996. The 1996 constitution has 108 articles and states, for the first time, that sovereignty belongs to the nation and not to the king.

The Western Sahara, corresponding to the old Spanish Sahara until 1975, is sometimes called the Sahrawi Arab Democratic Republic (SADR) and is partially controlled by the Polisario Front. The SADR government currently controls about 20% of the territory which it claims (while Morocco controls the other 80%), and it written 4 constitutions between 1976 and 1999. The Sahrawi constitution was last revised in 1999 and it now has 120 articles.

Chad has the record number of constitutions in sub-Saharan Africa with 9 constitutions since the first one with its independence in 1960 to the ninth in 1996. That is a total of 9 constitutions in only 36 years, a time in which Chad tried many forms of government from parliamentary to presidential systems. Additionally, the 1996 constitution has already been modified from its original 239 articles and 15 parts in 1996 to 16 parts and 225 articles in 2005. Neighboring Cameroon has had 5 constitutions between its independence in 1960 and 1996, the last one with 69 articles. Cameroon has also tried different government systems, including central, federal and autonomous governments. Chad and Cameroon, like many other African nations, specifically grant several "inalienable rights" to all their citizens. Among them are the Universal Declaration of Human Rights, the Charter of the United Nations, and the African Charter on Human and Peoples' Rights. Despite such explicit wording, the practice in their enforcement of such rights leaves a lot to be desired.

The Democratic Republic of Congo has had a total of 6 constitutions, even if some were short lived and not respected. Its first constitution was drafted before the end of the Belgian colonial period, in 1950, and it had 259 articles. After independence in 1960, it was followed by constitutions in 1964, 1967, 1994, 1997, 2003, 2006, the last one with 229 articles. The Democratic Republic of Congo has had a tortuous history since its independence from Belgium, including a secession (one week after independence), three major coups d'état, a 32-year-long dictatorship, and 4 flag and name changes (like Zaire). South of the Congo river, Angola has had an equally tormented history, even if only one constitution in 1975 after its independence from Portugal. Angola has also had just one president since its independence, and its 1975 constitution has been amended in 1978, 1980, 1991 and 1992, finally to tolerate a multiparty system that might allow elections in 2009.

Niger has had 6 constitutions and so-called 5 republics. The first constitution was in 1959, just before its independence. The second constitution in 1960 established the First Republic, followed by a revision in 1965 and military rule in 1974. The third constitution created the Second Republic in 1989, the fourth constitution the Third Republic in 1992, the fifth constitution the Fourth Republic in 1996, and the sixth constitution with 143 articles founded the Fifth Republic in 1999. Bordering Nigeria has had 4 constitutions between 1960

and 1999. The Nigerian independence constitution had 145 articles in 1960, the second constitution had 279 articles, the third constitution was aborted, and the fourth constitution had 320 original articles in 1999.

Mali, Senegal and Togo have all had 4 constitutions since their independence from France in 1960. The first constitutions of many French colonies in sub-Saharan Africa were inspired by the 1958 constitution that had just been approved in France. The fourth constitution of Mali was adopted in 1992 with 122 articles, the fourth constitution of Senegal was approved in 2001 with 108 articles, and the fourth constitution of Togo was enacted in 1992 with 159 articles, and revised in 2002.

Gabon became independent in 1960 and since then it has had 2 constitutions, the second one in 1991 with 117 articles. Omar Bongo has been president of Gabon since 1967, under three different names: Albert-Bernard Bongo first as a Christian, Omar Bongo when he became a Muslim, and currently El Hadj Omar Bongo Ondimba. Nearby Equatorial Guinea has had 2 constitutions and only 3 presidents since its independence from Spain in 1968. The second constitution has 104 articles and was adopted in 1982, by the then and current president of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, elected for the first time in 1979. Côte d'Ivoire (the official name of Ivory Coast) has had 3 constitutions: the first one written in 1959 just for its independence, the second one adopted in 1960 by its first and long-term president, Félix Houphouët-Boigny, and its third constitution in 2000, which officially started the Second Republic of Côte d'Ivoire and it has 133 articles.

Ethiopia has had three constitutions, the first one adopted in 1931 by Emperor Haile Selassie I and modeled after the Japanese Meiji constitution. It was greatly revised and modified in 1955, but it was abolished later by the communist government, which wrote a second socialist constitution in 1985. After the fall of the communist regime in Ethiopia, a third constitution was approved with 106 articles in 1994. Neighboring Kenya has had only one constitution since its independence in 1963, with 127 original articles. Tanzania has had 3 constitutions, the first one as Tanganyika at independence in 1961, followed by the interim constitution of 1965, which established the United Republic of Tanzania through the merger of Tanganyika and Zanzibar. The third constitution was in 1977, had 152 articles, and declared Tanzania a one-party state under a socialist system, but was amended in 1992 to allow multi-party democracy.

Zimbabwe, formerly Rhodesia, has had 3 constitutions: the first one in 1961, the second one in 1969, and the third one in 1980 with 114 articles, and now 26 amendments. Rhodesia declared unilaterally its independence in 1965, and this was only recognized in 1980 as a new country, Zimbabwe, whose head of government has been Robert Mugabe since then. Nearby Zambia has had 3 constitutions since its independence: the first one in 1964, the second one in 1973, the third one in 1991 with 113 articles, and currently a fourth constitution is being discussed.

South Africa has had 5 constitutions starting with the *South Africa Act 1909* by the British Parliament which created the Union of South Africa from the British Colonies of the Cape of Good Hope, Natal, Orange River Colony, and the Transvaal. This first constitution, with 152 sections or articles, was followed by the 1961 and 1983 constitutions, and the 1993 provisional constitution that abolished all remnants of the “apartheid” system. The fifth constitution of South Africa was approved in 1996 with 243 articles, has had 12 amendments

since then, and two more amendments are currently pending. The fifth and current constitution of South Africa has managed to survive difficult times and enabled the creation of a plural democratic system without racial prejudices. Regardless of the past and present problems in Africa, and elsewhere, African scholar Tukumbi Lumumba-Kasongo finds reasons for some optimism on his book *Who and What Govern in the World of the States? A Comparative Study of the Constitutions, Citinzery, Power, and Ideology in Contemporary Politics* (2005), where he describes the rising tide of democracy as a positive global force.

IV. CONCLUSIONS

A quick overview of the number of constitutions, and the number of articles of those constitutions around the world, shows a fascinating diversity throughout the continents. Some countries have had no written constitutions and do not seem to need one now (like the United Kingdom). A few do not have them now but might need one later. Still other countries seem to have had too many constitutions and might do better with less constitutional documents, or even going back to using their first (like Indonesia did) or some previous version (like the Philippines had done too) in their constitutional history.

The particular constitutional experience of Latin American shows that the answer to the economic and political crises is not more laws, especially if they are bad and are not even applied or applicable. It is better to have fewer laws that in turn are good and respected. Laws that are neither institutionalized nor respected are useless laws. As a result, the legal systems in Latin America have become a very expensive rhetorical game where often times the legal does not coincide with the just, and when it does coincide, is not enforced. The real constitutional problem is not based on the quantity, but rather on the quality, of the laws. Puerto Rico is the wealthiest economy in Latin America and it has had only 2 constitutions, the current one with just 9 articles. The other extreme is represented by nearby poor Dominican Republic with its 32 constitutions and current 120 articles.

Concerning the total number of constitutions, it seems that a large number of constitutions is almost always a good indicator of political instability in the country. Some countries of Latin America (e.g., the Dominican Republic, Venezuela, Haiti, Ecuador and Bolivia) are examples of political instability since their independence, just like Chad in Africa or Thailand in Asia, and even France had a complex constitutional history during its revolutionary days. On the other hand, it is also important to emphasize that a small number of constitutions is not necessarily a good indicator of political development, and it could also indicate a lasting autocracy or theocracy (like in some African and Middle Eastern countries). It can thus be argued that a few good laws are better than a few bad laws and much better than many bad laws.

Concerning the number of articles per constitution, there has been a worldwide trend to increase the size of each new national constitution. Almost all new constitutions, approved recently in any country, tend to be larger than the previous ones that were replaced. Every time that there is a new constitution, more articles are added including such diverse topics as the environment, same-sex unions, animal rights, and special considerations about indigenous groups, for example. Thus, substituting constitutions seem to be increasing in size and complexity, proving that Confucius was right about his old dictum:

Life is really simple, but we insist on making it complicated.

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