

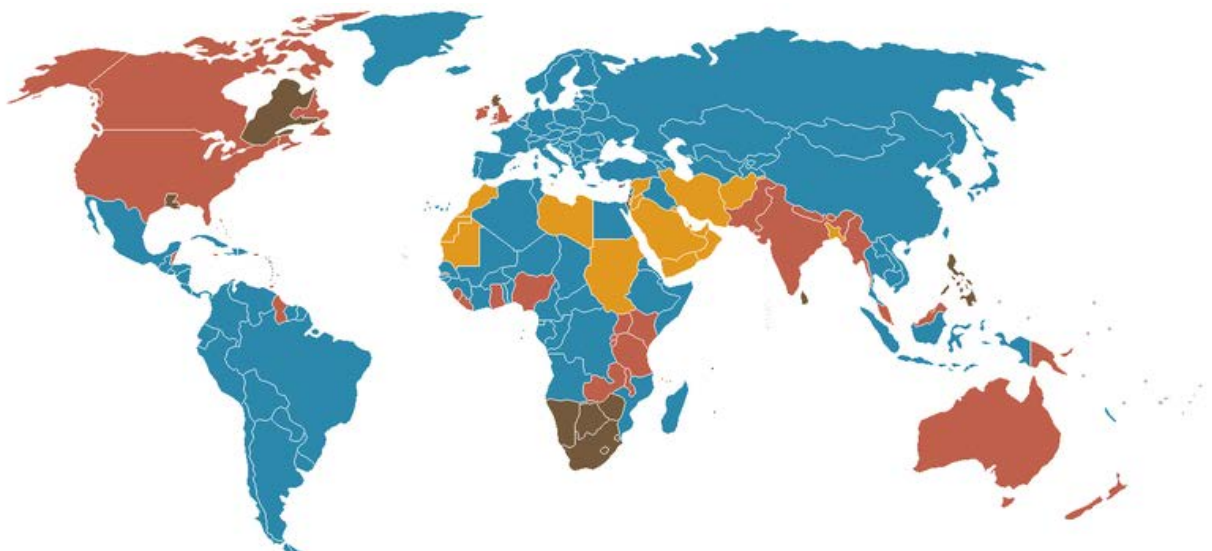
## Observations on Constitutions around the World and Thailand

Nantapol Khaimuk

January 21, 2013

The oldest written representations of legal codes in the history of mankind date back to around 2300 BC in Mesopotamia. Even before Christ, Greek philosophers such as Aristotle already wrote about government and came to the conclusion that the best constitution was a mixed system, including monarchic, aristocratic, and democratic elements. Today there exist more than 200 nations (comprising both recognized and not recognized sovereign states) that have their own constitutions. In addition to the numbers of constitutions around the world, these numbers vary greatly in each country ranging from 1 (United States of America) to 32 (Dominican Republic). The purpose of this paper is to point out interesting observations that relate to the different number of constitutions and number of articles in each country. In particular, what do the 18 constitutions and 39 original articles compare Thailand with the rest of the world? (Source: Cordeiro based on Blaustein and Flanz 2008)

Legal systems can be observed to be generally divided into the following legal systems: 1) common law (old English and Saxon traditions) 2) Civil law (Roman and later Napoleonic codes) 3) Religion based (Sharia in Muslim countries) and 4) Socialist legal systems (former communist and Soviet countries). If one were to refer to a geo-political map of the world (source: Wikipedia, Legal Systems of the World), countries with common law traditions are former British colonies such as The United States, India, Malaysia, and Australia. Civil law traditions include former Spanish colonies and much of the remaining sovereign states that are not in the Middle East which have religion based laws.



English (en): Map of the main legal systems of the world

-  [Civil Law](#)
-  [Common Law](#)
-  [Bijuridical](#)
-  [Customary law](#)
-  [Fiqh](#)

In North America, the constitution of the United States of America written in 1787 can be considered the oldest federal constitution of any existing country in the world today. Its original text of the constitution has 7 articles of about 4,500 words and remains the basic law of the federal government of the United States. The constitution of the United States has had a profound impact in many countries which became independent because of the clarity and simplicity of the codes and text. Perhaps this explains why there has been only one constitution with 33 amendments.

Most of the countries in South America have had at least more than 10 constitutions. The Dominican Republic holds the record number in Latin America and in the world with 32 constitutions and 120 original articles with Venezuela right behind with 26 constitutions and 351 original articles. The Dominican Republic was a colony of Spain, became a colony of France and Haiti, went through 21 changes of government, at least 50 military uprisings, caudillos (militia leaders), and United States intervention and occupation. On the other hand, Venezuela, which became independent in 1811 modeled its constitution after the European Enlightenment ideals and the North American revolution. However, its leaders saw that the constitution was not tuned to the population and customs of Latin America.

Europe has a long history related with constitutions because of its Greek and Roman philosophers. In England, the “habeas corpus” in the Magna Carta, is a famous article exemplifying the provision of rights and liberties to its people. The provision led to the system of Constitutional Monarchy with power shifting from the monarchy to the House of Commons. Article 39 of the Magna Carta says:

*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.*

Although France was the second country (after Poland) to enshrine a modern constitution in Europe in 1791, the 16 constitutions that were written until today were marked by from a constitutional monarchy to a republic, rule under Napoleon Bonaparte and the French Empire, rule under Nazi Germany, and several post World War II constitutions.

The Middle East wrote the first ancient constitutions of the world to allow rights to citizens. The earliest code of justice issued by the Sumerian king Urukagina of Lagash in 2300 BC relieved tax for widows and orphans and protected the poor from the exorbitant interest rates from the rich. The Middle East also saw many religious laws like those of Abraham in the Old Testament to establish the kingdoms of Israel while Muslim prophet Muhammad with the Quran and Sharia laws for the establishment of the Islamic people. Because of these religious aspects, the modern state of Israel has no written constitution as Jews opposed the idea of their nation having a document which the government would regard as higher than religious texts such the Torah. Similarly in Saudi Arabia, its absolute monarchy do not allow “a constitution, a regulation, or a law that runs counter to the Islamic Sharia”.

Thailand has had 18 constitutions- the most compared to its Asian neighbors. The first constitution was created due to the change to constitutional monarchy in 1932. The post absolute monarchy times were characterized by a high degree in political stability and military coups. All of the charters and constitutions have allowed a constitutional monarchy for the country but with widely differing balances of power between the branches of government. Among these constitutions, most have

asked for parliamentary systems although some have asked for dictatorships such as the 1957 charter. The most recent constitution approved by referendum in 2007 contains 309 articles.

In light of the many constitutions that exist in the world, the above discussion has pointed out some interesting points associated with the number of constitutions a country has adopted. The United States has had only 1 constitution with very few articles to follow but enjoys a prosperous economic status. A direct association between a country's economic status may not directly be reasoned here but a politically stable country is found to have fewer constitutions. In Latin America and the case of Thailand, there have been many changes in regimes and therefore, many changes in governments trying to improve the constitution to their beliefs. In the Middle East, religious focus has allowed the governments to adopt few constitutions because it's high regards to religious texts.