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The Constitution

The Revolutionary Roots
of the Constitution

From Revolution to Confederation

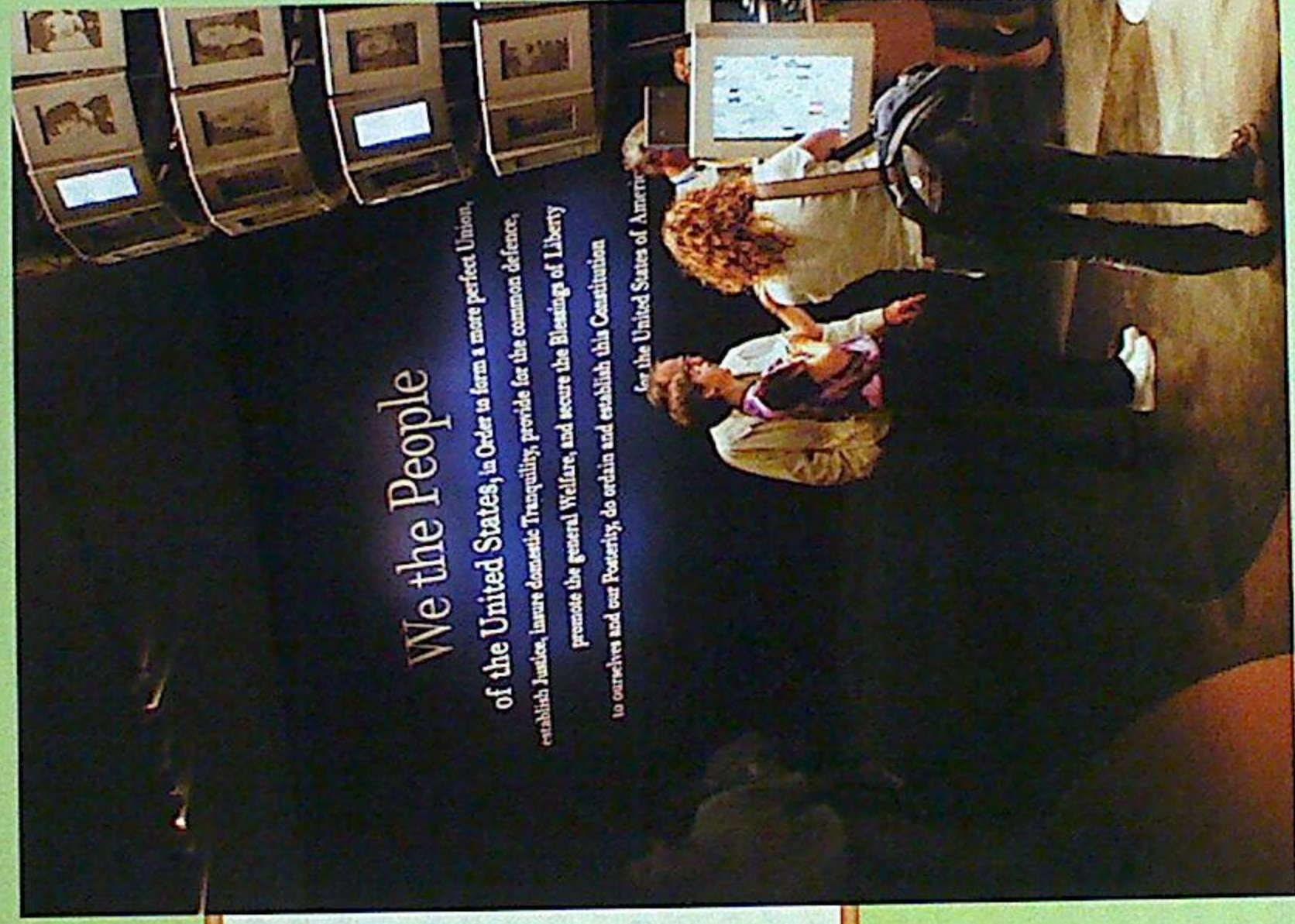
From Confederation to Constitution

The Final Product

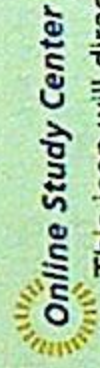
Selling the Constitution

Constitutional Change

An Evaluation of the Constitution



(William Thomas Cain/Getty Images)



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"You are the 'Conventionists' of Europe. You therefore have the power vested in any political body: to succeed or to fail,"

claimed Chairman Valéry Giscard d'Estaing in his introductory speech on February, 26, 2002, to the members of the Convention on the Future of Europe. The purpose of the convention, according to Giscard d'Estaing, was for the members to "agree to propose a concept of the European Union which matches our continental dimension and the requirements of the 21st century, a concept which can bring unity to our continent and respect for its diversity." If the members succeeded, he reassured them, no doubt they would in essence write "a new chapter in the history of Europe."¹ Integrating and governing twenty-five nation-states with a total population of 500 million is, to say the least, a daunting task, especially considering that many of those nation-states at one time or another were bitter enemies.

Over two centuries earlier, on March 31, 1787, from his home at Mount Vernon, George Washington penned a letter to James Madison. "I am glad to find," Washington wrote, "that Congress have recommended to the States to appear in the Convention proposed to be holden in Philadelphia in May. I think the reasons in favor, have the preponderancy of those against the measure."² Roughly two months later, in May, Washington would be selected by a unanimous vote to preside over the Constitutional Convention, known then as the Federal Convention, which was charged with revising the Articles of Confederation. Acting beyond its mandate, the body produced instead a new document altogether, which remains the oldest operating constitution in the world.

The delegates to the Convention on the Future of Europe produced a constitution that met

the high expectations of Chairman Giscard d'Estaing. On July 18, 2003, after toiling for over a year, members of the convention submitted to the European Council the fruits of their labors: a draft treaty to establish a constitution for Europe. The process that produced the document differed significantly from the behind-closed-doors work in Philadelphia that Washington, Madison, and the other founders toiled to complete in their day. The European convention's meetings were open to the public; its official documents were posted to a website, which received thousands of hits per month; and it solicited and received feedback from hundreds of nongovernmental organizations, leaders in business and academia, and religious groups.³

The hope for a European constitution collapsed in May 2005. Many substantial hurdles stood in the path of a final version. Would nations forgo their own tax, foreign, and defense policies in favor of a single European voice? Would the current unanimity voting principle be replaced with a less restrictive rule, which would have to be adopted unanimously? In a single week, France and the Netherlands, two of the European Union's founding nations, rejected the scheme by large majorities. Fifty-five percent of French voters and 62 percent of Dutch voters turned the constitution down.

The opponents, who ranged across the ideological spectrum, rallied young and old to attack the constitution.⁴ The French version weighed in at nearly two hundred pages and contained more details than voters could grasp. These factors, combined with current economic and political issues, probably made the constitution an easy target.

Although the process in 1787 on one side of the Atlantic may have differed from that on the other side in 2002, the political passions that these efforts spawned were equally intense and

