

OUR CONSTITUTIONS

The intent of these jottings is:

- ✓ *To realize that though most of the Constitutions of our Democratic countries are in theory very good, in reality they are inefficient to safeguard the rights of the poor, the uneducated and the down trodden.*
- ✓ *Unawares, may be, the ruling minority – mostly educated, economically well-to-do and influential - will primarily defend their class interests.*
- ✓ *The ruling elite to maintain themselves in power are likely to side with or give in to power groups- the wealthy, the multinationals, the intellectuals, the military, the Mass media, the political opposition, etc. and thus disfavor the weak and the voiceless sections of society.*

A STORY.

At the end of the Sessions, the President of the National Constituent Assembly, triumphantly, stood up and delivered the closing address.

“Honorable members of this august assembly, frankly, I am proud of our nation for having incorporated “in toto” into our Constitution the U.N. Universal Declaration of Human Rights: namely, that all citizens – men and women – belonging to our great and ancient nation are equal before the state, and that all should be treated equally without discrimination on grounds of race, class, community, caste, creed or sex!

Namely, we uphold the following rights:

Respect for the dignity of human life and the human person.

Freedom from hunger and want.

Freedom of thought, freedom of conscience and movement..

Equality of protection by the state of personal integrity and private property.

Equality of opportunities of education, health, housing and public services.”

When the President finished his speech there was a thunderous applause.

Then, The Assembly dissolved and the delegates left the hall very proud of themselves and of their great nation.

Days, months, years rolled by from the day the Constitution was framed.

By and large, everything seemed to be peaceful and calm. There had been law and order. The country was prosperous.

One day, however, a self-appointed committee of honest and God-fearing citizens spent long hours of fact-finding research studying the actual implementation of their Constitution.

At the end of their study, they prepared a summary report which they sent to the press. It goes without saying that it was never published. The summary of their report read thus:

Extracts of a Report on Our Constitution as practiced by a -powerful, well-organized, peace-loving, educated, class-conscious, numerically small but politically influential minority of our beloved country:

We, the law-abiding and God-fearing citizens of our country, constituting approximately a 25 % of the total population, in a fervent spirit of patriotism, do hereby decree and enact the rules and regulations as set out herewith for the good governance, peace and tranquility of the realm. We do further enjoin that the said rules and regulations be strictly complied with, in letter and spirit, by the 75 % of the citizens of our nation under our benign care and tutelage:

- Thou shalt till a land thou shalt never own.
- Thou shalt build houses thou shalt never live in..
- Thou shalt grow crops thou shalt never reap.
- Thou shalt build roads thou shalt never use.
- Thou shalt print books thou shalt never read.
- Thou shalt manufacture luxury goods thou shalt never enjoy.
- If thou art born poor, thou shalt live poor and die poor.

- Thou shalt obey us and respect us, the “law-givers” of this our “Mother-land”.
- Thou shalt be always ruled by us;
- If thou defaultest, thou shalt be tried, acquitted or condemned by us.
- Thou shalt always shut thy mouth.
- And to all we say or do, thou shalt say! Amen! Amen!.

Questions For Reflection

1. Are the Constitutions of modern democratic societies as framed by the Constituent Assemblies just or unjust? Explain.
2. Are, however, the prevalent social realities obtaining in the same democracies just or unjust? Explain.
3. What is meant in our story by an “unwritten constitution”?
4. How is it that there are such glaring discrepancies between what is written in most Democratic constitutions and what obtains in reality?
5. Is it possible for a small class powerful minority to safeguard the rights of a powerless majority, when by doing that they are likely to lose privilege, wealth and power? Explain
6. Can the beautiful existing constitutions be implemented? How?
7. Would a change of the existing socio-economical and political structures automatically suffice to make our democracies just and fair? Why? What else is needed
8. What do we mean by a “change of heart and attitudes”?
9. How could a change of heart take place among our citizens? How could they be conscientized to their duties towards their fellow citizens?
10. Explain the following sentences:
 - The obtaining social realities in most democracies today is nothing but “legalized injustice”.
 - Peace without justice in any democratic society is an utopia.
 - Justice to others without genuine love for them is delusion

Ideas helpful for Teaching and Discussion

- Modern democratic societies have beautiful Constitutions. They incorporated in them, ‘in toto’ the U.N. charter of human rights.
- However, we could question: In our democracies, are everybody’s rights really protected and safeguarded?
- The problem with all democratic governments is that mostly, a minority – *mainly a powerful economical class minority* – holds the reins of political power.
- Unconsciously, even without realizing it, those in power are inclined to defend their class interests.
- In reality, Governments, to stay in power, need to secure the backing and power – not of the masses who elected them, but of those who hold the economy, the finance, the industry, the means of production and of the mass-media.
- The existing socio-political and economical structures tend to perpetuate the “status quo” which in fact, favors the higher-ups and which often enough is an unjust one,
- The “power and the cultural apparatus” of our democratic societies, are always in the hands of a powerful minority who – consciously or unconsciously – yields them to their advantage
- We could safely say, that in every democracy there are two parallel constitutions; namely, the “written one” which is just, but not practiced, and the “unwritten one”, an unjust one; this, however, is the one that is practiced. “The unwritten constitutions” rule the world.
- The equality of rights and opportunities for all the citizens of the country without distinctions of caste, economical class, religion, sex, education, etc. as enshrined in democratic constitutions, remained unfortunately, sort of “unreachable” ideals.
- It is a fact of every day’s experience that the poor, the illiterate, the down-trodden are voiceless. They are unable to claim their legal rights, much less to have them respected. .
- In our democratic societies in all likelihood, the children of the rich will be rich, and those of the poor and uneducated will remain poor and uneducated.

