

## **“Reflections on Constitutional Reforms” by Justo P. Torres Jr.**

*“The end of the institution, maintenance and administration of government is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquility, their natural rights and the blessings of life; and whenever these great objects are not obtained the people have a right to alter the government and to take the measures necessary for their safety, happiness and prosperity.” – John Adams*

*My role in this symposium on Constitutional Reforms is to give brief remarks and to provide direction for a vibrant discussion after we have listened to our speakers on the subject of reforms. It may be asked why a symposium on the constitution, being conducted under the auspices of the Cavite Historical Society and not by an organization of lawyers? There are more questions than answers to this query and it is not my duty to answer them. Be that as it may, present events merely mirror the past and the past is history, which serves as a guide to the present. Thus, it has been written by a great jurist that:*

**“When I want to understand what is happening today or try to decide what will happen tomorrow, I look back.”**

*We have invited outstanding national leaders of our time to read their respective papers and discuss with us new vistas of constitutionalism with an eye to reforms necessary for a progressive and relevant society. Historically, we have traveled a long way on the road to constitutionalism only to discover more “sails than anchor.” Although the Malolos Constitution of November 29, 1898 drafted by Felipe G. Calderon from Sta. Cruz de Malabon (now Tanza), Cavite was a good one, it was nipped – in – the bud by fortunes or should I say misfortunes of the Philippine American war. We have had four constitutions since then. The first was the constitution during the Commonwealth period in 1935, the second was the 1973 constitution during the Marcos regime, the third was the Freedom Constitution after Edsa I and the fourth was the Constitution prepared by a Constitutional Commission ratified in a plebiscite on February 2, 1987. There was one too many other constitutions in our history.*

*I agree with the notion that it is perhaps necessary to remind us on occasion that every social, political or economic system at present is the result of rebellion to antiquated array of discredited systems. “When a new form of organization triumphs, it can be only because the old lacked the ability to adapt itself to conditions that demand change.” This, to my mind, is but logical because experience had shown that blind adherence to precedents merely as precedents is not the rule. Its acceptance in the “marketplace of ideas” may be a better norm. If we come down to it, many systems have had their day – but were found wanting.*

*We are now in serious search for a better one expecting for light at the end of the tunnel.*

*It has been said, “the people made the constitution, and the people can unmake it. It is the creature of its own will, and lives only by their will.”<sup>1</sup> It is an axiom long recognized by constitutionalists that “a government is a trust, and the officials are the trustees, and both trust and trustees are created for the benefit of the people.”*

# Constitutional Reflections

**Institut des hautes études  
européennes de Strasbourg, Université  
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## **Constitutional Reflections:**

**Constitutional Reflections on the Present Aspects of Parliamentary Government** Augustus John Smith, 1866

**Constitutional Reflections** Albert Venn Dicey, Arthur Berriedale Keith, 1996 This edition of the correspondence between A V Dicey and A B Keith is of interest to scholars of imperial history and the law especially the field of conflict of laws It presents the exchange of views between Dicey the older professor and Keith the young man at the the Colonial Office on a multitude of topics of contemporary importance It provides an insight into the books and revisions of earlier editions written by both men The period 1905 1919 was filled with political and constitutional issues that drew the attention of public minded individuals Such specific discussions of constitutional matters over time was rare in Edwardian Britain so this collection of letters presents an important addition to the stock of private materials by which public policy must be judged Transition

to a New Model of Economy and Its Constitutional Reflections European Commission for Democracy through Law, Russia (Federation). Verkhovnyi Sovet, 1993-01-01 Reflections on the Constitutionalisation of International Economic Law

, 2013-12-09 This book collects a large number of essays written in honour of Professor Ernst Ulrich Petersmann by his friends colleagues and former students The respective contributions cover the fields of international economic law international constitutional law transnational constitutionalism EU law and human rights The broad thematic scope of this book mirrors the extremely large field of interests of the jubilarian Paying tribute to a particular trait of Professor Petersmann s character who was always both a dogmatic thinker and a curious researcher the authors try to cover both structural issues of law as well as most recent developments in particular in the field of international economic law Construing the constitution of international economic law in both senses of this activity was an aim throughout Professor Petersmann s academic career and this goal stands also at the heart of this book **Reflections on the Constitution**

Richard A. Maidment, John Zvesper, 1989 **Reflections on Life, Death, and the Constitution** George Anastaplo, 2009-07-17 The role of law in government has been increasingly scrutinized as courts struggle with controversial topics such as assisted suicide euthanasia abortion capital punishment and torture Reflections on Life Death and the Constitution explores such issues by using classical standards of morality as a starting point for understanding them Drawing on works of literature and philosophy and on U S Supreme Court decisions George Anastaplo examines the intimate relationship between human nature and constitutional law Critical Reflections on Constitutional Democracy in the

European Union Sacha Garben, Inge Govaere, Paul Nemitz, 2019-11-14 This book takes a wide ranging approach to tackle the complex question of the current state of constitutional democracy in the EU It brings together a broad set of academics and practitioners with legal and political perspectives to focus on both topical and perennial issues concerning constitutional democracy including safeguarding the rule of law and respect for fundamental rights in theory and practice primarily at EU level but also with due regard to national and global developments This approach underlines that rather than a single probl

matique to be analysed and resolved we are presently facing a kaleidoscopic spectrum of related challenges that influence each other in elusive multifaceted ways Critical Reflections on Constitutional Democracy in the European Union offers a rich analysis of the issues as well as concrete policy recommendations which will appeal to scholars and practitioners students and interested citizens alike It provides a meaningful contribution to the array of existing scholarship and debate by proposing original elements of analysis challenging often made assumptions destabilising settled understandings and proposing fundamental reforms Overall the collection injects a set of fresh critical perspectives on this fundamental issue that is as contemporary as it is eternal      Reflections on Global Law Shavana Musa,Eefje de Volder,2013-11-21 Reflections on Global Law provides an interesting and vital look into the newly emerging field of global law It allows the possibility for readers to discover global law from the perspective of various academic experts who stem from a whole range of different legal disciplines In a globalised world it is important that one is able to look beyond the local given that there are now a whole host of different types of jurisdictions at work This book touches upon the interdisciplinary character and complexities of global law and demonstrates the further need within academia to delve into this newly emerging field of law

Reflections on the Constitution, Law, and Development S. K. B. Asante,2002      **Constitutional History of France** Henry C. Lockwood,1890      **The Protection of Fundamental Rights by the Constitutional Court** European Commission for Democracy through Law,Croatia. Ustavni sud,Organization for Security and Co-operation in Europe. Office for Democratic Institutions and Human Rights,1996-01-01 Mr Nikolai V VITROUK      *Redrafting Constitutions in Democratic Regimes* Gabriel L. Negretto,2020-09-17 This book analyzes how replacing democratic constitutions may contribute to the improvement or erosion of democratic principles and practices      *The Constitutional Bind* Aziz Rana,2024-04-16 Americans today are increasingly uneasy about the democratic weaknesses of their Federal Constitution But for most of living memory that very Constitution has been idealized as near perfect How could it be that this flawed system came to enjoy such intense veneration In a striking reinterpretation of the American constitutional past Aziz Rana connects the spread of a distinctive twentieth century American relationship to its founding document to another development rarely treated alongside it the rise of the U S to global dominance In the process he highlights the role of constitutional veneration in shaping the terms of American power abroad with ultimately transformative effects at home for narratives of nation and ideas of reform In the process Rana also explores the remarkably diverse array of movement activists in Black Indigenous feminist labor and immigrant politics that struggled to imagine a very different constitutional horizon one grounded in equal and effective freedom for all and able to overcome the basic limitations of the consolidating legal political system These voices of opposition including to the Constitution itself have overwhelmingly been excised from constitutional memory And yet they offer essential insights for making sense of our present difficulties in which Americans find themselves bereft of the constitutional sureties that have long shaped collective life      The Constitution in Practice: Rights and Duties Ritu

Chaudhary, Harshita Thakur, Khushi Jain et al.,2025-09-25 The Constitution in Practice Rights and Duties covers Articles 1 51A of the Indian Constitution through student contributed chapters It simplifies complex provisions to make learning easier offering clear and practical insights into the nation s fundamental rights and duties Decolonizing Constitutionalism Boaventura de Sousa Santos,Sara Araújo,Orlando Aragón Andrade,2023-07-31 The modern state law and constitution result from a legal canon that re produces the abyssal lines dividing the world that is validated from the world whose humanity and epistemological validity are denied This book aims to contribute to a post abyssal reflection on law and constitutionalism by considering the structural axes of power that are constitutive of modern law capitalism colonialism and heteropatriarchy alongside the legal plurality of the world Is it possible to decolonize decommodify and depatriarchalize the constitution The authors speak from multiple geographies raise different questions resort to differentiated theoretical approaches and reveal varying levels of optimism about the possibilities of transforming constitutions The readers are confronted with critical perspectives on the Eurocentric legal canon as well as with the recognition of anti capitalist anti colonial and anti patriarchal legal experiences The horizon of this publication is the expansion of the possibilities of legal and political imagination

**Constitutional Development in the USSR** Aryeh L. Unger,2024-04-12 Constitutional Development in the USSR 1981 looks at the political institutions and practices of the Soviet state through the prism of its own constitutional texts It contains the texts of all four Soviet constitutions and a chapter of commentary precedes each text An overall assessment of Soviet constitutional development is offered in the concluding chapter **Redefining Comparative Constitutional Law** ,2024-11-20 Over the past two decades the field of comparative constitutional law has emerged as a major domain of scholarly inquiry It has also been a notable feature in judicial practice Many of the world s leading courts are now composed of at least some members who engage with comparative materials and thinking comparatively has developed into one of the most significant ways of engaging in constitutional analyses Redefining Comparative Constitutional Law Essays for Mark Tushnet reflects upon the field of comparative constitutional law Among the most prominent figures in the development of the field in its ongoing renaissance has been Mark Tushnet This book uses the occasion of Professor Tushnet s recent retirement from Harvard Law School to think critically about the field Each essay takes up one of Professor Tushnet s major recent themes which focuses on variations within liberal constitutionalism and the possibility of other forms of constitutionalism that find articulation under other political regimes In this book leading scholars contribute to the debate over the nature of the field including the role of empiricism and language discussions of democracy and entrenchment analyses of rights and courts consideration of constitutional design and explorations of the extent to which there are varieties of constitutionalism At a moment of renewed stress and political debate over the relationship between democracy and constitutionalism Redefining Comparative Constitutional Law Essays for Mark Tushnet offers timely insights into comparative analyses of constitutional rights Academics and students alike will benefit from the essays that range across

both methodological questions and substantive analysis in the development of constitutions throughout the globe

**Constitutional Aspects of the Transition to a Market Economy** European Commission for Democracy through Law, 1994-01-01 On cover title page Collection Constitutional Justice and Democracy by Referendum Institut des hautes études européennes de Strasbourg, Université Robert Schuman, European Commission for Democracy through Law, Council of Europe, 1996-01-01 The Role of the Constitutional Court in the Consolidation of the Rule of Law European Commission for Democracy through Law, 1994-01-01

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