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Constitutional Amendment Methods in Twenty One Small Island Democracies

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Abstract: States differ in the extent to which they give their constitutions rigidity. Exploring constitutional amendment methods in 21 small island democracies with plurality elections, this study aims at explaining such rigidity differences. The leading expectation is that rigid amendment dominates in countries which have experienced in their political life disproportionate dominance in terms of party politics or excessive social fragmentation. These countries, namely, have probably internalized a need to ward off by means of high amendment thresholds sudden constitutional replacement, which is one possible consequence of the plurality election method. A main empirical finding is that a pattern of positive co-variance certainly exists. Whenever the triggering factors (dominance/fragmentation) are at hand, rigid amendment follows; whenever the factors are not at hand, moderate amendment follows. The finding strongly supports an image of small islands as thoughtful and purposeful political actors that design their political institutions to reflect their particular needs.

Keywords: constitutional amendment; constitutional rigidity; democracies; island states; party dominance; small states; social fragmentation

Introduction

The point of departure of this investigation is an observation made by Arend Lijphart in 1999 in his well-known treatise on *Patterns of Democracy*. In this book Lijphart examines political institutions from the perspective of how majoritarian or how consensual their rules and practices are; one of the several institutions that are incorporated in his classification concerns constitutional amendment. While Lijphart finds that "democracies use a bewildering array of devices to give their constitutions different degree of rigidity" (1999: 218), he still argues that the great variety of provisions can in fact be reduced to a few basic types, namely flexible amendment by ordinary majority; or rigid amendment by two-thirds majorities, by less than two-thirds majority but more than an ordinary majority, and by more than a two-thirds majority, such as the three-fourths majority (1999: 219). As evident from comparative investigations into the general patterns in the world of amendment, flexible amendment is rare and the exception, whereas rigid amendment is the rule (*e.g.* Anckar & Karvonen, 2002). The interesting variation, therefore, appears to be between different rigid forms of amendment, and the observation by Lijphart that is of interest here pertains to exactly this division.

Discussing specifically the case of Barbados, Lijphart emphasizes the decisive role for amendment choice of the electoral system. In parliaments elected by plurality, so the argument goes, large majorities often represent much smaller popular majorities and sometimes even merely a popular majority. Moreover, these large parliamentary majorities are often single-party majorities. It follows, then, that majorities that are large enough to force through constitutional change in fact represent rather narrow population segments or political interests. Lijphart notes that while two-thirds majorities are required for amending the constitution of Barbados, in three of seven elections since 1966 such large one-party majorities were in fact manufactured from between 50 and 60 percent of the popular votes (1999: 219-220). Indeed, in a number of cases in the English speaking Caribbean ruling parties have possessed the capacity to change or replace the constitution unilaterally without opposition votes – according to a fairly recent count, on at least thirteen occasions since independence, the first placed party has won 100 per cent of the seats in the parliament (Griner, 2005 *quoted in* Elkins & Ginsburg, 2011: 16). This shows how supermajorities in plurality systems are clearly much less constraining than the same supermajorities in proportional systems, and Lijphart (1999: 220-221) suggests that this has been recognized in at least some plurality countries that require three-fourths parliamentary majorities for constitutional amendment.

Lijphart's proposal is rationalistic in nature, as it looks upon institutions as 'problem-solvers', to make use of a term from an exposition by Jean Laponce and Bernard Saint-Jacques (1997). The proposal adheres to the view that constitutions and institutions are designed to serve the particular needs of the societies over which they have legal and political authority; in the cases at hand, these particular needs emanate from electoral mechanisms and the political power structure. The problem which needs to be solved is about domination; this study sets out to clarify whether or not it is true that plurality entities really employ amendment thresholds to counteract threats and challenges that follow from disproportionate dominance. However, several rather tricky methodological problems must be solved before the investigation may be effected. First, a set of countries must be identified which satisfy proper criteria for case selection; second, the factor or factors that are regarded as independent variables and are accordingly taken to trigger a rational choice between rigid and very rigid amendment must be identified and operationalized; third, the technique for empirically establishing amendment thresholds as dependent variables must be decided. Finally, the co-variation between independent and dependent factors must be established and commented upon. The remainder of this article has four separate sections which follow in terms of ambition and presentation the above division.

The Research Population

Concerning the choice of countries to be studied, two demarcations are obvious. The countries must be democracies, and they must have plurality-based electoral systems. The second requirement is of course self-evident, as it follows from the very design of the study; the first requirement is no less obvious. Non-democracies must be disregarded because the functions of constitutions and, in consequence, the motives for introducing amendments may be assumed to be somewhat different in non-democratic than in democratic contexts (Derbyshire & Derbyshire, 1999: 16). Above all, the very tension between majority will and minority protection that is embedded in the democratic way of structuring government and is the target for the choice of amendment methods is not at issue to the same extent in non-democratic

entities, which maintain a weaker commitment to popular sovereignty. In short: only in democratic settings may disproportionalities of electoral systems produce real power changes and new power positions; therefore, the focus must in this investigation be on democratic countries.

Furthermore, it is desirable that the investigation focus on small island states. This is for one main reason. The critical combination of democratic status and plural elections is frequent in the small island states family (*e.g.* Anckar, 2011; Lundell, 2005), and the population to be studied here must therefore in any case include a majority of such entities. This being the case, and since it is a major goal in research design to decrease or control as much as possible the influence of extraneous or nuisance variables (Peters, 1998: 8-9), it follows that the research population shall preferably be kept constant in terms of size and size-related factors as well as islandness and islandness-related factors. If this is not done, the risk is that variations in these factors may unduly influence the mental and other mechanisms that form the relation between what is to explain (dominance) and what is to be explained (amendment). For instance, Stephen Royle argues in his impressive *A Geography of Islands* that isolation and boundedness are two factors that make islands special (2001: 11). When and if the argument is valid, and it certainly makes sense to postulate that island communities are characterized by boundedness, any inclusion of non-island units serves to introduce elements of non-boundedness into the analytical framework. This is unfortunate, as boundedness, obviously, may be regarded as an intervening factor that moulds mental orientations and thereby affects ways of perceiving dominance threats as well as the necessity to develop methods to ward of such threats.

Still one consideration must be introduced which affects the composition of the research population. For any given state, definition issues of democracy and size as well as explanatory issues must be decided on the basis of the situation that prevailed approximately at the time of the adoption of the relevant constitution or shortly before the adoption. This is for obvious methodological reasons: the choice of an institutional arrangement being the dependent variable, measurements of independent variables, to satisfy the requirements of causal reasoning, must precede or coincide with the choice in question in terms of time. This carries two kinds of consequences. First, since the provisions that are studied here are included in the constitutions that are valid presently, and since these constitutions are from different points of time, time-dependent consequences for the research design will follow. For example, Jamaica, Mauritius and Trinidad and Tobago must be included in the population – these states are no longer today microstates, but were in that category when they adopted their independence constitutions by means of which they are still governed and the contents of which in terms of amendment is scrutinized here. Second, other states have since independence introduced new constitutions, and as this in some instances imply that conditions for an admission into the research population are now satisfied, time-dependent consequences again follow. Transitions from authoritarian to democratic rule have made it possible to include Fiji (1997 constitution) and Sao Tomé and Príncipe (2003 constitution) in the population – admittedly, the return in Fiji to democratic rule in the late 1990s was regrettably of short duration (*e.g.* Lal, 2007).

The preliminary set of countries to be considered here, then, consists of the democratic small island states of the world with plural elections, democratic status being defined in terms of Freedom House classifications (Anckar, 2011: 54-57), small size being defined in terms of populations of less than one million, and both definitions applying to the situation when the

actual constitution was installed. Several small island states, like Bahrain, Maldives or Tonga, do not satisfy the democracy criterion; others, like Cyprus, Iceland or Malta, do not satisfy the plurality election criterion. Upon weeding-out, there remain in the population a total of 21 states. They are listed in Table 2, and their regional domicile certainly validates the saying that islands are distributed across the globe but this distribution is far from even (Royle, 2001: 25-41). Whereas eleven cases are in the Caribbean family of islands and eight in the Pacific Ocean family of islands, the two remaining cases are in the African region.

The Independent Variables

Given the point of departure for this essay, dominance is to be evaluated here on the basis of the nature of the party system, and the expectation is, to repeat, that countries with dominant party systems have as a rule opted for a powerful constraint in the form of the three quarters threshold. Concerning the extent of dominance, as Giovanni Sartori has pointed out, the general idea is clear enough: whenever one finds in a polity a party that outdistances all the others, this party is dominant in that it is significantly stronger than the others (1976: 193). The expression "significantly stronger" may of course be operationalized in a variety of ways; for instance, Sartori himself assumes that about 10 percentage points of difference between the stronger and the other parties suffices to qualify a party as dominant (1976: 193-194). Here, a somewhat more demanding conception of dominance is applied: for a party to be dominant, the classification basis is a repeated two-thirds or a close to two-thirds parliamentary majority, i.e. a majority position from which may follow a capability for the dominant party to initiate and force constitutional change.

When this reasoning is applied to the cases at hand, four Caribbean countries evidently appear as representatives for the domination category. The Bahamas gained independence in 1973, and the Progressive Liberal Party won the 1968 elections with 29 seats in a 38-seat Assembly, the main rival, the United Bahamian party subsequently collapsing, and the Progressive Liberal Party receiving another firm vote of confidence at the 1972 general election. Bahamas is clearly a dominance case. The same is true of St Lucia, independent in 1979 and dominated up to that date by the United Workers Party, which won the election in 1964 and governed until 1979. Dominica became independent in 1978, and was since 1961 ruled by the Dominica Labour Party, which after elections in 1975 held a total of 16 out of 21 elected seats in the House of Assembly. Furthermore, Trinidad and Tobago, independent in 1962, is in the dominance camp. The politics of that country, divided along ethnicity lines, was up to independence and after clearly dominated by The People's National Movement under the leadership of Eric Williams, which gained 20 out of 30 seats in the 1961 election and 24 out of 36 seats in the 1966 elections (Catón, 2005: 642). Concerning other countries with political parties and party systems, no similar dominance patterns emerge. Jamaica, for instance, experienced before independence power-sharing between the Jamaica Labour Party and the People's National Party (Wüst, 2005: 423), and in St Kitts-Nevis, independent in 1983, the 1980 elections brought about the first change in government since 1952 (Hillebrands & Schwehm, 2005: 570). Because of oscillation between leading parties (Baukhage & Hillebrands, 2005: 309-310), the Caribbean case of Grenada, independent in 1974, is somewhat difficult to decide. With some hesitation, Grenada is here assigned to the non-dominance group.

Measures of party strength and party competition, however, cannot be applied in all small island cases: not all cases have experienced political party systems and party government since independence. Democracies without parties at independence are Belau, Kiribati, Marshall Islands, Micronesia, Nauru and Tuvalu (Anckar & Anckar, 2000). For the purposes of this study Samoa is in the same group, as the first political party appeared only in 1979 (Lewis & Sagar, 1992: 345), long after the country gained its independence in 1962 and adopted its first constitution. Still in the first times after independence a large proportion of MP's in Samoa were elected unopposed in their constituencies or by the traditional way of village discussions (So'o, 2001: 781). Furthermore, the Solomon Islands are a similar case, as the party system was still very rudimentary and undeveloped when the country became independent in 1978 (Alasia, 1989). For these eight countries, then, an alternative operationalization is needed, the implication of which is that these countries may be expected to require because of other and different structural or situational circumstances a particular uneasiness or even aversion to the origin of a dominance situation.

The alternative operationalization that is tried out here is about excessive fragmentation. The expectation is that countries which are divided into competing and perhaps even hostile ethnic, language and religious segments will display an inclination to maintain a three-fourths amendment threshold. This is because these countries face, due to the particularities of the electoral system, the unpleasant eventuality that some of the segments may reach a power position which makes it possible to force a moderate constitutional amendment threshold. If particular animosities prevail between the segments, the dread of power alterations will increase, as will the inclination to establish and preserve rigid amendment. The presidential election method in the Federated States of Micronesia and the motives for adopting this particular method serves as a good illustration of the mental dispositions, doubts and caution that are at play here. Although the political system of Micronesia is presidential in nature, the President is not popularly elected as in other presidential democracies, but is elected by Congress among the members that represent the state level. This deviation from a common pattern was introduced to lessen the possibility that a President will be elected solely because the single largest state has overwhelming electoral power (Burdick, 1988: 266-267; Hanlon & Eperiam, 1988: 93-94).

To decide empirically the level of fragmentation in the respective countries, use is made of an available listing, which reports for every country in the world three indices of fragmentation (Anckar *et al.,* 2002). These indices are about ethnic, linguistic and religious fragmentation, and the list also combines these measures into an index of total fragmentation, which adds to the value for religious fragmentation the dimension of ethnicity or language, which ever returns the higher value (*ibid*.: 6). For the purposes of this study, the ethnic fragmentation index and the total fragmentation index come to use; since the separate indices run on a scale from 0 to 1, it follows that the maximum value in regards to ethnicity is 1.00, while the maximum total fragmentation value is 2.00. The respective fragmentation values for the eight before-mentioned countries are given in Table 1; for the sake of comparison average values for all 21 countries are also inserted in the Table. Findings are that Micronesia, Nauru, and Palau stand out as evident fragmentation cases. Concerning fragmentation in Micronesia, it should be added that secession was a major issue during the Convention that contemplated the constitution of the country and that secessionist sentiments were still frequent in the time immediately preceding independence (Burdick, 1988: 261-263). Concerning Palau, an

animosity between parts of the country is likewise in the picture: "Belauan politics is characterized by a long and rich tradition of clan, village and regional rivalry", it is said in one characterization from the late 1980s of the country (Quimby, 1988: 111). The very high total fragmentation value of Solomon Islands places this country also in the fragmentation camp. In contrast, the remaining cases of Kiribati, Marshall Islands, Samoa and Tuvalu are below average and are therefore classified as non-fragmented.

Table 1: Ethnic and Total Fragmentation in 21 Democratic Small Island States (mean value), and in a Corresponding Set of Eight States with Undeveloped Party Systems.

	Ethnic Fragmentation	*Total Fragmentation*
Mean Value for 21 States	*0.29*	*0.76*
Kiribati	0.05	0.58
Marshall Islands	0.07	0.25
Micronesia	0.75	0.76
Nauru	0.58	1.17
Palau	0.41	1.13
Samoa	0.22	0.65
Solomon Islands	0.11	1.34
Tuvalu	0.16	0.20

In total, then, in terms of the independent variables Bahamas, Dominica, Micronesia, Nauru, Palau, St Lucia, Sao Tomé and Príncipe, Solomon Islands, and Trinidad & Tobago stand out as cases of domination/fragmentation, and are therefore expected to manoeuvre rigid amendment, i.e. three-quarters majorities. Other countries are expected to have less rigid amendment forms.

The Dependent Variable

The distribution of countries on amendment categories is based on a consultation of relevant passages in the constitutions of the countries concerned. However, the classifications involve more than simply reading documents. A particular difficulty in amendment studies follows from the fact that several countries apply parallel but different methods, the amendment threshold being higher for certain constitutional provisions than for certain other provisions (Anckar & Karvonen, 2002: 12-13). Since the difference is usually between degrees of rigidity, and since this research is precisely about the choice of rigidity thresholds, this multiple choice problem needs to be solved. Following a suggestion by Lijphart (1999: 221), the classification of these elusive cases is guided here by a simple but certainly reasonable principle, which states that the most rigorous requirement counts, except when evident that the requirement is valid for some very specific article or purpose only. For instance, in Bahamas, amendment of several constitutional provisions requires the support of two-thirds of the members of the House. For several other items, however, which include regulations of citizenship, the protection of fundamental rights and freedoms, the composition and powers of Parliament, restrictions on the powers of the Senate, the summoning, prorogation and dissolution of Parliament, and the Supreme Court and the Court of Appeal, the requirement is for a three-fourths majority and a majority of votes in a following referendum (Constitution, Article 54). The above list is impressive enough in terms of quantity as well as quality to justify the classification of Bahamas in the three-quarters category. On the basis of similar considerations

the three Caribbean cases of Dominica, St Lucia and Trinidad and Tobago are likewise included in this same category: they all apply methods that much resemble the Bahamas pattern. In Trinidad and Tobago amendment requires a three-quarters majority in the House of Representatives and a two-thirds majority in the Senate.

Among states with rigid methods are also the two Pacific cases of Micronesia and Palau, both of which operate constitutional change on a referendum basis, which involves a three-quarters requirement. Diminutive size notwithstanding, the two countries are federal in structure (Anckar, 2003), and the requirements therefore naturally involve a state level. In Palau the amendment requirement is for a majority of the votes cast and for a majority of the votes cast in each of three quarters of the states (Constitution, Article XIV:2); in Micronesia the requirement is for three-quarters of the votes cast in each of three quarters of the states (Constitution, Article XIV). Of the other Pacific countries, Solomon Islands likewise qualifies, as the three-quarters threshold is applied to amendments of a large set of important provisions, dealing, for instance, with constitutional alteration, legislation and procedure in Parliament, electoral constituencies, establishment, composition and membership of Parliament, and others (Constitution, section 62). Finally, there are in the rigidity group two African cases, Mauritius and Sao Tomé and Príncipe. In Mauritius, all constitutional amendments require the approval of three-quarters of the deputies; the threshold was, by the way, high enough to impede the introduction in 1990 of legislation to make Mauritius a republic (Bowman, 1991: 98-99). In Sao Tomé, the rigidity requirement is rather unique in form, as the National Assembly may amend the constitution with a three-quarters vote to propose and a two-thirds vote to approve (Lee, 1999: 959).

In terms of the dependent variable, then, Bahamas, Dominica, Mauritius, Micronesia, Palau, St Lucia, Sao Tomé and Príncipe, Solomon Islands, and Trinidad and Tobago stand out as cases which apply a three-quarters threshold, whereas the twelve other countries have less rigid amendment forms. In fact, these twelve countries all apply the two-thirds threshold requirement, which is, in some cases like Grenada, Marshall Islands, Nauru, St Kitts-Nevis, and St Vincent and the Grenadines linked for some specific provisions to a referendum stage.

Findings and Comments

For the guiding assumptions of this study to be verified, a pattern of co-variation must emerge. The implication of this co-variation is that countries that have experienced a dominant party system or have otherwise experienced a dominance-sensitive political or social context may be expected to introduce a rigid three-fourths amendment threshold, whereas countries with less dominant party systems or a smaller extent of fragmentation may be expected to make use of less rigid amendment arrangements. Table 2 investigates for each of the 21 states in this research if the expectation is true or false, and Table 3 reports the same data in a comprised and more accessible form, i.e. in the form of a four-fold table.

Table 2: Dominance/Fragmentation and Amendment Rigidity in 21 Small Island States.

	Dominance/Fragmentation?	*Three-fourths Threshold?*
Antigua-Barbuda	No	No
Bahamas	Yes	Yes
Barbados	No	No
Dominica	Yes	Yes
Fiji	No	No
Grenada	No	No
Jamaica	No	No
Kiribati	No	No
Marshall Islands	No	No
Mauritius	No	Yes
Micronesia	Yes	Yes
Nauru	Yes	No
Palau	Yes	Yes
St Kitts-Nevis	No	No
St Lucia	Yes	Yes
St Vincent & Grenadines	No	No
Samoa	No	No
Sao Tomé and Príncipe	Yes	Yes
Solomon Islands	Yes	Yes
Trinidad and Tobago	Yes	Yes
Tuvalu	No	No

Table 3: Dominance/Fragmentation and Amendment Rigidity in 21 Small Island States: A Summary of Co-Variations.

		Three-fourths Threshold?	
		Yes	*No*
Dominance/ Fragmentation?	*Yes*	8	1
	No	1	11

As evident from an examination of the tables, a pattern of co-variation does indeed exist. The findings are in fact even surprisingly clear-cut and unequivocal. One expectation is that nine cases have established rigid amendment demands in the form of three-fourths thresholds; in eight cases out of nine, this expectation is verified. Or, in other words, whenever the triggering factors are at hand, rigid amendment follows. The only exception to this rule is fragmented Nauru, who has refrained from introducing a three-fourths threshold - it is certainly worth noting that the available fragmentation figures of Nauru are heavily influenced by the existence in the country before and after independence of a large amount of overseas contract officers and laborers (Reilly & Gratshew, 2001: 701). On the other hand, the expectation is that countries which have not in their constitution-building phases experienced marked dominance

or high fragmentation will opt for less rigid amendment in the form of a two-thirds threshold or less. In eleven cases out of twelve, this expectation is valid: whenever the triggering factors are not at hand, moderate amendment follows. The only exception to this rule is Mauritius, which is among the countries that maintain a three-fourths rigidity threshold – the observations that the multiparty system of the country "is in constant turmoil" and demonstrates "an ever-shifting pattern of consolidation, fragmentation and reassembly" (Meyer, 1999: 728) may provide a key to understanding why rigidity has been regarded a worthwhile constitutional tool.

From the above findings, three general reflections follow:

(1) Implicitly at least, the field of island studies embraces and cultivates the belief that island states and particularly *small* island states are different from other states and are therefore worthy of investigation. The doctrine certainly appears justified and reasonable; relevant theoretical literature suggests, for instance, that small size carries a variety of specific consequences for political life (Dahl & Tufte, 1973: 13-15), that islands are "special and different, unlike continental areas in their societal, cultural and psychological makeup" (Lowenthal, 1992: 19), and that islands do more than merely reproduce on a manageable scale the dynamics and processes that exist elsewhere (Baldacchino, 2004: 278). However, from the fact that small islands are different from others does not follow that small islands are always internally similar - Royle suggests in his review of island life and island studies that "every island is impacted in some way by the range of insular constraints, but differing in degree depending upon local circumstances" (2001: 210). Indeed, this study has detected local circumstances-based differences in degree in terms of amendment behaviour. Regional and cultural proximity notwithstanding, the differences are there: Bahamas is different from Barbados, St Lucia is different from St Vincent, Solomon Islands are different from Samoa, Micronesia is different from Marshall Islands.

And still: the differences notwithstanding, elements of similarity remain. The findings testify to the capability and inclination of small island communities to act from rationality frameworks and premises, and this is true of Barbados as well as Bahamas, St Vincent as well as St Lucia, Samoa as well as Solomon Islands, Marshall Islands as well as Micronesia. Rigid amendment springs almost by necessity from certain political and social constellations; when these constellations are absent or obviously weaker, they release moderate amendment at best - in short, rationality breeds rigidity when necessary and less-than-rigidity when less-than-necessary. The essence of this research, then, is a conceptualization that rejects any image of small islands as feeble and weak-willed entities, which drift about in landscapes of political diffusion and imitation and allow similarities in size and islandness to sweep over rational consideration. Instead, verifying the Lijphart hypothesis that inspired this research, the findings promote an image of small islands as thoughtful and purposeful political actors that design their political institutions to reflect their particular needs.

(2) However, the conclusion that the small island states have introduced rigid amendment procedures according to a rational choice pattern does not exclude other possible constitutional choices and remains therefore somewhat vague. Actually, alternative techniques would in like manner verify the theory, and it remains a pertinent question why some political systems, when confronting negative consequences of a plural electoral system, have resorted to rigid amendment clauses instead of simply opting for another electoral system. Indeed, if a plural

system can be expected to carry in its wake an unwished dominance, why not change the system rather than preserving the defective system and introducing a corrective that builds on extreme rigidity? One possible answer to this question emphasizes that electoral systems, besides having differing technical qualities, differ also in their views of political representation, political accountability and political productivity (*e.g.* Farrell, 2001; Lundell, 2005). The preservation of a particular system, its weaknesses notwithstanding, may simply be the consequence of a belief that the system embraces other and good qualities that compensate for the weaknesses. When and if this is the case, dispatching an otherwise good and functional system only because it has one questionable quality becomes tantamount to throwing the baby out with the bath-water. Or, to refer again to the vocabulary of Laponce and Saint-Jacques: not only are institutions "problem-solvers", they are also "problem-creators" (1997: 233), this meaning that the dissociation from one electoral institution may solve some problems but also creates new ones. When this is the case, a balance must be attained, and the combination of plurality and rigidity probably follows from this insight.

(3) The finding in this research is that particular circumstances have manufactured particular institutional arrangements. Therefore, a harmony appears to exist between cause and effect. However, much in the nature of things, this harmony may be to some extent infirm. The causes which produce an effect are not static, but may change; when this happens it is not a matter of course that the effects will change as well. It may be the case that the arrangements become antiquated in the sense that they prevail although they are not any longer necessary (Anckar, 1998: 376-377). For instance, and as evident from recent election outcomes, the party system of Bahamas is no longer dominant in nature; still, the three-fourths threshold arrangement prevails. Overall, there is very little evidence in the available amendment materials to suggest that amendment provisions in democracies have been mitigated or reinforced over time (Anckar & Karvonen, 2002). Various factors may in separate cases promote such immobility. For one thing, processes of law-making and constitution-building often confront mechanisms of inertia, which are difficult to avoid and to manage. Furthermore, institutions may become and act as protective means, which are difficult to remove. When and if some circumstances have motivated a high amendment threshold, and when and if these circumstances later disappear, the rigidity that is embedded in the amendment threshold becomes its own prisoner. This is indeed one of the many paradoxes of constitutional politics. Rigidity is no longer necessary, but stands in itself in the way for its removal. Or, in other words: if there is in a constitution a provision that requires a high amendment threshold, this provision may be mitigated or brought down only when and if it is honoured.

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Constitutional amendment. Quite the same Wikipedia. Just better.Â Australia and Ireland provide examples of constitutions requiring that all amendments are first passed by the legislature before being submitted to the people; in the case of Ireland, a simple majority of those voting at the electorate is all that is required, whereas a more complex set of criteria must be met in Australia (a majority of voters in a majority of states. Amendment means making relevant changes in the constitution. Constitution is regarded as a LIVING DOCUMENT which keeps on evolving over the period of time. India is a developing country.Â Constitution amendment bill in india , is of three types â€¦ According to article 368. With special majority and by the support of half of the states. 2. For some sections , it needs a special majority in both houses . But one another type of amendment power I. Continue Reading. Amendment is a process , to make any change in constitution which is not against the basic structure of constitution. The Twenty-Seventh Amendment has one of the most unusual histories of any amendment ever made to the U.S. Constitution. Congress passed the Twenty-Seventh Amendment by a two-thirds vote of both Houses, in 1789, along with eleven other proposed constitutional amendments (the last ten of which were ratified by the states in 1791, becoming the Bill of Rights). The Amendment provides that: â€œNo law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.â€Â During the Philadelphia Constitutional Convention, congressional pay was a central topic, one that took up several days of discussion.