

BRIEF 1 cont.

which in turn was examined in detail by a 97 member Systematization Commission. The Commission's report was then reviewed article by article and substantially modified in a full plenary session which lasted from February until June 1988. After a re-editing job by Cabral in July, the plenary went through the text again in August and finally finished their work on September 1st. The final version of the text was approved on September 22nd by an overwhelming majority of Congress members and was promulgated in a final session of the Assembly in Brasilia on October 5th, 1988.

In the tradition of Latin American constitutions, the new Brazilian constitution covers far more topics than the distribution of powers between levels and branches of government and the rights of the individual vis-a-vis society and the state - which is the essence of the 1982 Canadian constitution, and others designed within an Anglo-American political tradition. In its 245 articles and 76 "transitional clauses" (one-time provisions, largely dealing the implementation of the new document), the Brazilian constitution covers such diverse subjects as family law, communications policy, indian land claims, interest rates, and environmental protection. The new Brazilian constitution is better thought of as a constitution in the classic Anglo-American sense, combined with a package of omnibus social and economic legislation.

There are two reasons for the length and complexity of the document. First, as Brazilians will readily admit, the historic instability of legislative and judicial institutions in Brazil prompts Brazilians desire to entrench any and every important social and economic principle in the fundamental law of the land. Second, as a result of twenty-one years of military rule the Constituent Assembly was populated by democrats in a hurry, who were not prepared to wait to pass ordinary legislation to carry out the social changes they believed had been suppressed under the military regime. Furthermore, since every political faction from the extreme left to the extreme right had reforms they wished to introduce, no-one was prepared to let their opponents dictate the constitutional principles that would set the context for ordinary legislation. As a result every major social, economic and political problem confronting the New Republic was at least debated, if not resolved, by the Constituent Assembly.

This lengthy drafting process taxed the patience of professional politicians, and exceeded the patience of the general public - but it did serve the essential purpose of ensuring that every political tendency was given ample