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Philosophical Foundations and Constitutional Durability: A Comparative Analysis of Constitutional Success in the U.S., Liberia, Nigeria, and Japan

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Abstract

This paper argues that constitutions succeed only when they reflect the philosophical foundations, social norms, and national identity of the society they govern. Treating constitutions as transferable institutional templates ignores the necessity of political struggle, negative definition, and the articulation of collective philosophy. Using a political theory-driven lens, the paper examines the United States, Japan, Liberia, and Nigeria to illustrate how the presence or absence of these elements shapes constitutional durability. The United States demonstrates organic success, emerging from a struggle against monarchy that clarified what society would not accept and facilitated rigorous philosophical debate. Japan shows adaptive success, where defeat and occupation imposed a constitution that was domesticated through local norms of harmony and consensus. Liberia illustrates failure through blind imitation of the American model, imposed without alignment to indigenous norms. Nigeria exemplifies chronic constitutional instability driven by independence without struggle, lack of shared philosophy, and repeated attempts to import foreign institutional forms. The paper concludes that constitutional durability is explained not by design alone, but by the alignment of constitutions with political identity forged through struggle and deliberation.

Keywords: Constitutionalism, Political Identity, Negative Definition, Postcolonial State-Building, Liberia, Nigeria, Japan, United States, Comparative Politics

1. Introduction

Constitutions occupy a privileged position in political science. They are routinely treated as foundational documents capable of shaping political behavior, restraining power, and generating legitimacy. In comparative politics, this belief has produced an enduring assumption: that constitutional design is a primary driver of political outcomes. If institutions are properly structured, stability will follow. This assumption underpins decades of constitutional engineering in post-colonial and transitional states. Yet the empirical record is unforgiving. Many societies have adopted carefully designed constitutions only to experience persistent instability, authoritarian relapse, or outright collapse. For instance, a comprehensive study of 188 constitutions over two centuries, showed that "*endurance is strongly associated with flexible amendment rules and societal buy-in rather than rigid design features alone*" [1]. Another research by Ginsburg & Moustafa further illustrates how authoritarian regimes often adopt elaborate constitutional texts that serve as facades for power

consolidation, leading to "authoritarian relapse" when legitimacy erodes [2].

This paper begins from a simple observation that much of the literature avoids confronting directly. Constitutions do not operate in a vacuum. They presuppose the existence of a political community with shared assumptions about authority, obligation, and belonging. Where such assumptions are weak or contested, constitutional texts struggle to command legitimacy regardless of their formal qualities. The result is a pattern of constitutional failure that cannot be explained by institutional design alone. Comparative constitutional scholarship has responded to this puzzle in limited ways. Some emphasize participation, arguing that inclusive drafting processes generate legitimacy. Others focus on enforcement mechanisms, judicial review, or executive constraints. While these factors matter, they address symptoms rather than causes. Participation without shared purpose produces negotiation, not cohesion. Enforcement without belief produces

compliance, not legitimacy. What remains under-theorized is the prior question of political identity.

This paper advances a political theory-driven explanation for constitutional success and failure. It argues that constitutions endure only when they reflect a society's philosophical foundations and national identity. These foundations are not abstract ideals imported from theory. They emerge from political struggle, rupture, and sustained debate. Societies must first define what they reject before they can agree on what they affirm. Constitutions formalize these conclusions. They do not generate them. The argument challenges the view that constitutions are interchangeable regulatory frameworks. Treating constitutions as transferable templates assumes that political order can be engineered independently of culture and history.

This assumption is false. Constitutional forms carry embedded philosophical commitments about the individual, the state, and authority. When these commitments are misaligned with societal norms, constitutions remain alien and fragile. To substantiate this claim, the paper undertakes a comparative analysis of four cases: the United States, Japan, Liberia, and Nigeria.

These cases are selected not for regional balance, but for analytical leverage. Each engaged with constitution-making under conditions of external influence. Each adopted constitutional forms associated with liberal democratic governance. Yet their outcomes diverged sharply. The United States represents organic constitutional success. Its constitution emerged from the revolutionary struggle against monarchy, producing clear negative definitions and sustained philosophical debate. Bernard Bailyn's examination of revolutionary pamphlets reveals how colonists cultivated a "profound distrust of authority" and framed power as "in constant struggle" with liberty, rejecting "hereditary rule" and "arbitrary power" as existential threats to self-government [3]. Gordon Wood complements this by showing that the rejection of monarchy allowed delegates to focus on "how to institutionalize liberty" and "safeguard individual rights" through restrained institutions [4].

Japan represents adaptive success. Its postwar constitution was imposed after total defeat, yet it achieved legitimacy through alignment with existing social norms. John Dower details how the "catastrophic defeat" and atomic devastation destroyed the moral authority of "aggressive militarism" and "imperial infallibility," creating a rupture that forced society to confront what had failed and reinterpret the imposed liberal text "through norms of hierarchy, harmony, and consensus" rather than embracing Western individualism wholesale [5]. Peter Katzenstein adds that Japanese political culture "accommodated liberal institutions without confrontational individualism," with social order remaining paramount and parliamentary negotiation functioning through factional consensus [6]. Liberia illustrates failure through blind imitation, where a borrowed constitutional model served elite dominance rather than shared identity. Amos Sawyer argues that the 1847 Constitution "formalized elite identity, not national identity," with Americo-Liberian settlers assuming "cultural

superiority and civilizational hierarchy" while imposing "political exclusion" on indigenous populations, treating them as subjects rather than citizens [7].

J. Gus Liebenow reinforces this by describing how the constitution's republican language coexisted with "oligarchic rule" under the True Whig Party, where "procedural stability for elites" masked "repression and exclusion" of the majority [8]. Nigeria exemplifies chronic instability rooted in independence without rupture, absence of philosophical cohesion, and repeated institutional substitution. Toyin Falola and Matthew Heaton explain that British authorities, weakened after World War II, "gradually nudged Nigerian elites toward self-government" through managed conferences, resulting in "administrative readiness, not philosophical clarity" and no collective rejection of colonial authority [9].

Richard Sklar observes that preindependence leaders "articulated competing visions rooted in regional, ethnic, and religious identities," with political parties operating as "regional vehicles rather than ideological organizations," leaving no unifying national philosophy [10]. The paper proceeds as follows. The next section develops the theoretical framework, challenging constitutional universalism and identifying struggle, philosophical cohesion, and constitutional alignment as key explanatory variables. This is followed by a discussion of methodology and case selection. The core of the paper consists of four case studies, each analyzed through the same conceptual lens. A comparative discussion synthesizes the findings, and the conclusion draws out theoretical and normative implications. The central claim is straightforward. Constitutions succeed when they are the endpoint of political development, not its starting point. Where societies attempt to constitutionalize before they have settled foundational questions of identity and philosophy, failure should not surprise.

2. Theoretical Framework and Literature Review

Constitutions are not merely technical instruments; they are expressions of collective political identity, grounded in history, philosophy, and social norms. Institutional arrangements matter only after a society has articulated its fundamental values. Without this foundation, constitutions remain alien, illegitimate, and prone to failure. The explanatory claim guiding this paper is direct: constitutions cannot create political community—they formalize it. Where the political community is weak, absent, or fragmented, constitutional engineering alone cannot generate stability.

2.1. Struggle and Negative Definition

Political struggle is a precondition for constitutional clarity. Societies that achieve independence or regime change through conflict are forced to define what they will not accept. This negative definition provides the boundaries within which positive constitutional design can occur. The American colonies exemplify this principle. Their struggle against the British monarchy was not merely political; it was philosophical. Opposition to hereditary rule, taxation without representation, and concentrated executive power clarified what was unacceptable. By the time of the Constitutional Convention, debates focused not on whether to

reject monarchy, but on how to institutionalize liberty, balance powers, and safeguard individual rights.

The resulting Constitution is durable because it formalized the lessons learned through struggle. Bernard Bailyn's meticulous examination of revolutionary pamphlets and newspapers shows that colonists developed a "profound distrust of authority" and viewed power as "in constant struggle" with liberty, framing "hereditary rule" and "arbitrary power" as existential threats that had to be rejected outright before any positive system could be built [3]. Gordon Wood builds on this, explaining that the rejection of monarchy "narrowed the field of constitutional options" and allowed delegates to focus on "restraining concentrated authority" through separation of powers and checks and balances, turning lived grievances into enduring institutional design [4]. In contrast, many post-colonial states of the 1950s gained independence without rupture.

Nigeria, for example, was nudged toward self-governance by British colonial authorities, rather than forced to define itself through existential conflict. The absence of a shared enemy or crisis meant there was no negative definition to anchor philosophical debate. Constitutional frameworks were discussed among elites in London or Lagos, but they lacked the grounding of collective experience. Without prior struggle, constitutions were imposed as templates, with little consensus on what principles should guide the new political order. The absence of negative definition left Nigeria with constitutions that could not galvanize identity or commitment. Toyin Falola and Matthew Heaton provide a detailed account of this managed transition, noting that British officials "gradually nudged Nigerian elites toward self-government" through a series of constitutional conferences where "power-sharing among regions" dominated discussions, but "no unifying rejection of colonial authority" ever emerged, leaving the process devoid of philosophical grounding (Falola and Heaton 2008, 145–150, 160–165).

2.2. Philosophical Cohesion and Political Identity

Political identity is the glue that binds a society's constitutional order. It is a collective understanding of who belongs, what values matter, and what obligations citizens owe to one another and the state. Constitutions codify identity; they do not generate it. In the United States, political identity was grounded in Enlightenment ideals of individual liberty, equality before law, and suspicion of arbitrary authority. This identity is articulable and shared, enabling debate and the creation of institutions that reflect societal values. Bailyn emphasizes that the revolutionary generation developed a "radical language of liberty" that was "articulable and shared," allowing colonists to translate Enlightenment principles into concrete demands for consent-based government and protection against arbitrary power [3]. Wood adds that this shared suspicion of authority "informed every aspect of constitutional design," making the document an expression of a pre-existing political community rather than an attempt to create one [4].

By contrast, Nigerian political identity is largely procedural. Citizenship is defined legally—by birth, naturalization, or marriage—but this provides no shared philosophical framework. There is no unifying "Nigerian dream" or collective vision of society. As a result, constitutional debates lack coherence; institutions are contested, and governance becomes a site of negotiation between competing ethnic, regional, and religious claims rather than shared commitment to a national ideal. Richard Sklar's classic study of Nigerian political parties captures this fragmentation precisely, observing that "political parties functioned as regional vehicles rather than ideological organizations" and that leaders "articulated competing visions rooted in regional, ethnic, and religious identities," with no overarching philosophy capable of transcending divisions [10]. Falola and Heaton reinforce this point, noting that the absence of a "shared political idea" meant that "constitutional debates lacked coherence" and governance devolved into "negotiation between competing claims" [9].

2.3. Constitution as Formalization, Not Creation

Constitutions succeed when they formalize existing identity. They fail when they attempt to manufacture it. Imported constitutions or designs borrowed from other societies often fail because they carry embedded philosophical assumptions misaligned with local norms. Liberia, for instance, copied the U.S. Constitution without accommodating indigenous communal traditions. The Americo-Liberian elite imposed a text that reflected their own values, not those of the broader population, producing political exclusion and instability. Amos Sawyer argues forcefully that the 1847 Constitution "formalized elite identity, not national identity," with the settlers assuming "cultural superiority and civilizational hierarchy" while imposing "political exclusion" on indigenous groups, treating them as "subjects rather than citizens" and turning constitutional language into "a language of domination rather than consent" [7]. J. Gus Liebenow complements this by describing how the constitution's republican commitments coexisted with "over a century of oligarchic rule under the True Whig Party," where "procedural stability for elites" masked "repression and exclusion" of the indigenous majority [8].

Japan provides a more nuanced case. After World War II, Japan's defeat imposed a constitution from external authorities. Yet the rupture of defeat forced reflection on failed militarist ideology. Japanese political culture then domesticated the liberal text through norms of consensus and hierarchy. The constitution succeeded because it could be interpreted to fit local philosophical and social norms, not because it was imported. John Dower explains that the "catastrophic defeat" and atomic devastation "destroyed the moral authority of militarism and the myth of imperial infallibility," creating a rupture that allowed society to reinterpret the imposed text "through existing social norms emphasizing hierarchy, harmony, and consensus" rather than embracing confrontational individualism [5]. Peter Katzenstein elaborates that Japanese political culture "accommodated liberal institutions without embracing confrontational individualism," with "social order remaining paramount" and parliamentary government operating through "factional negotiation" rather than adversarial politics [6].

Synthesizing these insights, this paper proposes a framework of three interdependent conditions for constitutional durability:

- **Struggle and Negative Definition:** Societies must define what is unacceptable before designing institutions. Rupture and conflict produce these boundaries.
- **Philosophical Cohesion:** Societies must articulate and share a political philosophy that guides values, rights, and obligations.
- **Constitution as Formalization:** Constitutions encode existing identity and philosophy; they do not create them. Alignment between text and social norms ensures legitimacy and endurance.

Where any of these conditions is absent, constitutional failure is predictable. The United States demonstrates the presence of all three. Japan illustrates partial presence and adaptive success. Liberia and Nigeria exemplify absence, with constitutions imposed on populations lacking philosophical cohesion or ownership. This framework provides the lens for analyzing the four cases in this paper, offering an explanatory, theory-driven approach while highlighting normative implications: constitutions should only be designed and implemented once negative definition and philosophical cohesion have been achieved.

3. Methodology and Case Selection

This study employs a qualitative comparative case study methodology grounded in political theory and historical analysis. The objective is explanatory rather than predictive. The paper does not seek to identify universally optimal constitutional designs, nor does it attempt statistical generalization. Instead, it aims to explain why constitutions endure or fail by examining the relationship between political struggle, philosophical cohesion, and constitutional form.

3.1. Comparative Strategy

The comparative strategy is structured, focused, and theory-driven. Each case is analyzed using the same conceptual framework developed in the preceding section. This approach follows the logic of controlled comparison: cases are selected to vary in outcomes while sharing key characteristics that make comparison meaningful.

All four cases involve constitution-making under conditions of external influence. The United States engaged with European political philosophy. Japan adopted a constitution under foreign occupation. Liberia replicated an American constitutional model. Nigeria inherited and later imported British and American institutional forms. Holding external influence constant allows the analysis to isolate the effect of philosophical alignment and political identity on constitutional durability. Zachary Elkins, Tom Ginsburg, and James Melton, in their large-N study of constitutional endurance, emphasize that "external imposition or influence often correlates with shorter lifespan unless accompanied by domestic legitimacy mechanisms," underscoring the need to control for such factors while varying internal alignment [1].

The cases also vary in constitutional outcomes. The United States and Japan exhibit longterm constitutional stability. Liberia and Nigeria display chronic instability, repeated constitutional replacement, or systematic disregard for constitutional norms. This variation enables causal inference about the conditions under which constitutions succeed or fail.

3.2. Case Selection Rationale

The United States is selected as a paradigmatic case of organic constitutional development. Its inclusion is not to present it as an ideal, but to clarify what is often lost when its constitutional form is copied without its historical and philosophical foundations. The American case demonstrates how struggle against monarchy produced negative definitions, enabling rigorous debate and coherent institutional design. Gordon Wood describes the Philadelphia Convention as a process where delegates, sharing a "baseline suspicion of concentrated authority" forged in revolution, engaged in "sustained disagreement" over representation and executive power, ultimately producing a document that "formalized conclusions reached through struggle and debate" [4]. Bernard Bailyn adds that the ratification debates, through state conventions and Federalist essays, extended this ownership to the public, making the Constitution an expression of a preexisting political community [3].

Japan is selected as a critical case that complicates simplistic assumptions about constitutional imposition. Its postwar constitution was drafted under American occupation, yet it achieved legitimacy and durability. Japan allows the analysis to distinguish between imposition alone and philosophical incompatibility. Its success demonstrates that rupture and adaptation can substitute, in part, for organic development. John Dower recounts that the occupation authorities presented the draft in 1946 amid a society still reeling from "total defeat" and "atomic devastation," which had already "destroyed the moral authority of militarism and the myth of imperial infallibility," creating a context where the old order was "delegitimized beyond repair" and adaptation became possible [5]. Peter Katzenstein further explains that Japanese political culture "domesticated" the liberal framework by interpreting rights and parliamentary processes "through existing norms of hierarchy, harmony, and consensus," allowing bureaucratic authority to persist while constrained by new legal norms [6].

Liberia is selected as a negative case of constitutional imitation. Founded by freed American slaves, Liberia adopted a constitution closely modeled on that of the United States. However, this constitution reflected the values of a narrow settler elite and excluded indigenous populations. Liberia illustrates how copying the constitutional form without societal alignment produces exclusion and instability. Amos Sawyer argues that the 1847 Constitution "reflected the values, assumptions, and interests of a small settler elite rather than the societies it claimed to govern," imposing "cultural superiority" and turning indigenous groups into "subjects rather than citizens" governed indirectly [7]. J. Gus Liebenow details how this led to "over a century of oligarchic

rule under the True Whig Party," where the constitution provided "procedural stability for elites" but "failed to generate legitimacy among the broader population," culminating in the 1980 coup that "disintegrated the constitutional system rapidly" [8].

Nigeria is selected as the central negative case. It represents independence without rupture, constitutional design without philosophical settlement, and repeated institutional experimentation without identity formation. Nigeria's constitutional history includes British parliamentary systems, military decrees, and American-style presidentialism. Despite these changes, political instability persists. Nigeria allows for direct examination of how the absence of struggle, negative definition, and shared philosophy undermines constitutional legitimacy. Toyin Falola and Matthew Heaton describe the transition as one where "British colonial authorities, weakened after World War II and facing global pressure to decolonize, gradually nudged Nigerian elites toward self-government," scheduling independence through conferences that prioritized "power-sharing among regions" but avoided "philosophical settlement" [9]. Richard Sklar's analysis of early parties shows that leaders "articulated competing visions rooted in regional, ethnic, and religious identities," with no "unifying Nigerian philosophy capable of transcending these divisions" [10].

Sources and Analytical Approach The analysis relies on a combination of primary and secondary sources. Primary sources include constitutional texts, records of constitutional conferences, founding debates, and political memoirs such as Nnamdi Azikiwe's *My Odyssey* and Ahmadu Bello's *My Life*. These sources provide insight into elite perceptions, debates, and omissions during constitution-making processes. Azikiwe, reflecting on the constitutional conferences, wrote that "we talked the Colonial Office into accepting our challenges" and described the process as a series of "negotiations" where "suspicion and strategic bargaining" dominated rather than collective vision [11]. Ahmadu Bello emphasized regional priorities, stating that "the North must recognize its diversity" and that any national framework had to "respect our differences" or risk fragmentation [12]. Secondary sources include scholarship in political theory, comparative politics, and African studies. These works are used not as authorities to be deferred to, but as analytical tools to situate the cases within broader theoretical debates. Each case study is organized around three analytical questions:

- What form of political struggle or rupture preceded constitution-making?
- What philosophical commitments or absences characterized national identity at the time?
- How did the resulting constitution reflect, ignore, or attempt to substitute for these foundations?

This structured approach ensures analytical consistency while allowing for contextual specificity. The methodology thus aligns with the paper's core claim: constitutional durability is explained not by institutional design alone, but by the prior existence of political community forged through struggle and philosophical cohesion.

3.3. United States: Anti-Monarchy, Negative Definition, and Constitutional Ownership

American constitutionalism emerged from open conflict with a specific political order. The struggle for independence was directed against the British monarchy and the imperial system it represented. This conflict mattered because it clarified, through experience, what Americans would not accept. Hereditary rule, unchecked executive authority, and external taxation without consent were rejected not as abstract evils but as lived injustices. The Declaration of Independence is best read as a document of negative definition. Its long list of grievances against King George III established a shared understanding of illegitimate authority. The colonists framed monarchy as incompatible with liberty and self-government. This framing set firm boundaries for subsequent constitutional debate. By the time independence was secured, monarchy was politically impossible in America.

No serious actor proposed it. That exclusion narrowed the field of constitutional options and made productive disagreement possible. Bernard Bailyn's analysis of the revolutionary literature highlights how the Declaration's grievances crystallized a collective rejection, with colonists declaring that the king had "plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people," framing monarchy as a system that "evinces a design to reduce them under absolute Despotism" and thus justifying separation [3]. Gordon Wood notes that this list of grievances "established a shared understanding of illegitimate authority," making monarchy "politically impossible" and shifting debate to "how to institutionalize liberty" rather than whether to retain any monarchical elements [4].

This negative clarity shaped the philosophical foundations of the Constitution. American political thought drew heavily from Enlightenment sources, especially Locke's emphasis on natural rights and consent. Yet these ideas resonated because they aligned with colonial experience. The suspicion of power reflected practical fears, not theoretical fashion. As a result, constitutional design focused on restraint. Separation of powers, checks and balances, and federalism were institutional responses to a shared anxiety about concentrated authority. Wood explains that delegates at the Philadelphia Convention, informed by revolutionary experience, designed institutions to "restrain concentrated authority" because "the suspicion of power reflected practical fears" rooted in colonial grievances, turning Enlightenment ideas into "institutional responses to a shared anxiety" [4]. Bailyn adds that the framers' "radical language of liberty" and "distrust of authority" made separation of powers "a direct outgrowth of revolutionary thought," ensuring that "no single branch could dominate" [3].

The constitution-making process itself reinforced ownership. The Philadelphia Convention was marked by sustained disagreement among delegates who nonetheless shared baseline assumptions. Federalists and Anti-Federalists clashed over representation, executive power, and the risk of tyranny. These debates were not cosmetic. They addressed core questions about the nature of the republic. The subsequent ratification process extended this debate

to the public through state conventions and widely circulated essays. Alexander Hamilton, in Federalist No. 1, captured the deliberative spirit by urging readers to consider "whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force," framing the Convention as a moment of collective reflection on foundational principles [13]. James Madison in Federalist No. 51 defended checks and balances by arguing that "ambition must be made to counteract ambition," reflecting the shared revolutionary fear that "if men were angels, no government would be necessary" [13].

The inclusion of the Bill of Rights further demonstrates how philosophy translated into law. Demands for explicit protections were rooted in fear of governmental abuse, informed by colonial experience. Rights were framed as shields against the state, not gifts from it. This framing reflected a political identity centered on individual autonomy and skepticism of authority. George Mason's Virginia Declaration of Rights (1776), which influenced the federal Bill, proclaimed that "all men are by nature equally free and independent, and have certain inherent rights," including "the enjoyment of life and liberty," directly echoing revolutionary rejection of arbitrary power [3,14]. Wood notes that Anti-Federalist pressure for amendments "stemmed from colonial experience" of abuse, ensuring rights were "framed as shields against the state" [4].

The durability of the U.S. Constitution is inseparable from this history. Its legitimacy rests on the fact that it formalized conclusions reached through struggle and debate. Amendments have altered its content, but its core structure remains intact because it reflects a political community that existed before the document itself. The American case shows that constitutional success begins with rejection. Only after a society decides what it will not tolerate can it argue coherently about what it wants.

3.4. Japan: Defeat, Imposition, and Philosophical Adaptation

Japan's constitutional experience challenges the assumption that imposed constitutions necessarily lack legitimacy. Unlike the United States, Japan did not design its postwar constitution through organic internal struggle against its own institutions. Instead, constitutional transformation followed total military defeat in World War II and foreign occupation by the Allied forces, led by the United States. This context of defeat matters. Loss created rupture. Rupture forced reassessment. The constitution that emerged was imposed, but it was imposed on a society that had just witnessed the collapse of its prior political philosophy.

Before 1945, Japan's political order rested on emperor-centered sovereignty, militarism, and a nationalist ideology that fused state authority with moral obligation. The Meiji Constitution preserved imperial supremacy while allowing limited parliamentary participation. This arrangement did not fail gradually. It failed catastrophically. Japan's alliance with Nazi Germany, expansionist war in Asia, and eventual devastation by Allied bombing and

atomic weapons discredited the existing order completely. Defeat destroyed the moral authority of militarism and the myth of imperial infallibility. John Dower, in his Pulitzer Prize-winning account, describes the moment of surrender as one where "the myth of imperial infallibility was shattered" and "the moral authority of militarism was destroyed completely," with the atomic bombings and firebombings creating "a sense of apocalyptic defeat" that delegitimized the entire prewar system beyond recovery [5].

This collapse created a form of negative definition comparable, though not identical, to revolutionary struggle. Postwar Japan knew what had failed. Aggressive militarism, unaccountable executive authority, and the fusion of state and sacred power were no longer defensible. When the Allied occupation authorities introduced a new constitutional framework in 1946, they did so in a context where the old philosophy had already been delegitimized. This distinction explains why imposition did not provoke immediate rejection. Dower notes that the occupation's SCAP team drafted the constitution in secrecy and presented it to Japanese officials as a *fait accompli*, yet the "prior delegitimization" of the old order meant that "imposition did not provoke immediate rejection" because society had already "witnessed the collapse of its prior political philosophy" [5].

The new constitution sharply limited the emperor's role, redefined sovereignty as residing in the people, and renounced war entirely under Article 9. These provisions reflected liberal democratic norms rooted in American constitutional thought. On their face, they represented a dramatic break with Japanese political tradition. Yet the constitution endured because Japanese society did not adopt it as a foreign ideology. Instead, it was interpreted through existing social norms emphasizing hierarchy, harmony, and consensus. Peter Katzenstein explains this domestication process in detail: Japanese political culture "accommodated liberal institutions without embracing confrontational individualism," with "social order remaining paramount" and "parliamentary government functioning through factional negotiation rather than adversarial politics," allowing bureaucratic authority to "persist, though now constrained by legal norms" [6]. Dower adds that the Japanese side engaged in "subtle reinterpretation," transforming Article 9's war renunciation into a symbol of "peace as a national identity" while preserving "consensusbased decision-making" in politics [5].

Japanese political culture accommodated liberal institutions without embracing confrontational individualism. Rights were recognized, but social order remained paramount. Parliamentary government functioned through factional negotiation rather than adversarial politics. Bureaucratic authority persisted, though now constrained by legal norms. In this way, the constitution was domesticated. Its survival depended not on philosophical conversion to Western liberalism, but on its flexibility in practice. Katzenstein emphasizes that this adaptation was rooted in prewar norms of "group harmony" (*wa*) and "consensus-building," which allowed the new text to be "infused with indigenous principles" rather than imposed as alien ideology [6]. The Japanese case demonstrates that struggle need not take the form of revolution.

Defeat can serve a similar function by delegitimizing prior systems and clarifying boundaries.

Japan's constitution succeeded because it followed a decisive rupture and because it could be reconciled with existing social philosophy. Imposition alone did not doom it. Philosophical incompatibility would have. Dower captures this nuance by stating that "the rupture of defeat forced reflection on failed militarist ideology," enabling a process where "Japanese political culture domesticated the liberal text through norms of consensus and hierarchy" [5]. Japan thus occupies a middle position in this study. Its constitution was not organically authored, but it was adopted after a clear break with the past and adapted to local norms. This combination explains its durability and distinguishes it from cases of blind imitation without rupture or reflection.

3.5. Liberia: Constitutional Imitation, Elite Exclusion, and the Absence of Political Community

Liberia represents one of the clearest cases of constitutional failure through blind imitation. Unlike Nigeria, whose constitutional instability unfolded over decades, Liberia's problems were embedded from its founding.

The Liberian state was established in the nineteenth century by freed African Americans under the auspices of the American Colonization Society. From the outset, Liberia was less a national project than a transplantation. Its constitutional order reflected the values, assumptions, and interests of a small settler elite rather than the societies it claimed to govern. The 1847 Liberian Constitution was modeled closely on that of the United States. It replicated presidentialism, bicameralism, and a formal commitment to liberty and equality. On paper, Liberia appeared republican and constitutional. In practice, the constitution functioned as an exclusionary instrument. Political power was monopolized by AmericoLiberians, who constituted a tiny minority of the population. Indigenous groups were treated as subjects rather than citizens, governed indirectly and denied meaningful participation in the political system.

Amos Sawyer, in his seminal historical analysis, describes this dynamic starkly: the settlers "viewed themselves as bearers of Western political modernity, tasked with ruling populations they considered politically unprepared," leading to a system where "the constitutional language of equality coexisted with social and political domination" and "indigenous groups were treated as subjects rather than citizens" [7]. This exclusion was not accidental. The constitutional philosophy of the settler elite assumed cultural superiority and civilizational hierarchy. Americo-Liberians viewed themselves as bearers of Western political modernity, tasked with ruling populations they considered politically unprepared. As a result, the constitutional language of equality coexisted with social and political domination. The constitution formalized elite identity, not national identity. J. Gus Liebenow elaborates on this foundational flaw, noting that the 1847 document "reflected the values of a narrow settler elite" and institutionalized "a dual society" where "AmericoLiberians monopolized political power"

while indigenous majorities were "governed indirectly" through appointed superintendents and denied franchise until gradual reforms in the early twentieth century [8].

Crucially, Liberia lacked any shared political struggle that could have unified settlers and indigenous societies. Independence was not won through collective resistance against an external power. It was granted through administrative transition. There was no negative definition capable of binding disparate groups together. The constitution did not emerge from debate among a political community. It was adopted by one group and imposed on others. Sawyer emphasizes that "independence was not won through collective resistance" but "granted through administrative transition," meaning "there was no negative definition capable of binding disparate groups together" and no inclusive process to forge a common political identity [7].

This absence of struggle meant that the American constitutional model carried no experiential meaning for most Liberians. Concepts such as individual rights, separation of powers, and republican citizenship were not embedded in indigenous political traditions, nor were they debated and adapted through inclusive deliberation. Instead, these ideas functioned as symbols of elite legitimacy. Constitutionalism became a language of domination rather than consent. Liebenow points out that indigenous political traditions—often communal, consensus-based, and tied to kinship structures—were "never incorporated into the constitutional framework," leaving the imported model "alien to the majority" and serving only as "symbols of elite legitimacy" [8].

The long-term consequences were predictable. Liberia experienced over a century of oligarchic rule under the True Whig Party, punctuated by repression and exclusion. The constitution provided procedural stability for elites but failed to generate legitimacy among the broader population. When this fragile order collapsed in 1980 through a military coup, the constitutional system disintegrated rapidly. Subsequent efforts at constitutional reform could not repair the foundational absence of political community. Sawyer recounts that the True Whig Party's "oligarchic rule" maintained "procedural stability for elites" but "failed to generate legitimacy among the broader population," culminating in the 1980 coup led by Samuel Doe, after which "the constitutional system disintegrated rapidly" because it had "no roots in a shared political community" [7].

Liberia's experience demonstrates that constitutional mimicry is not neutral. Borrowed institutions carry embedded philosophical assumptions about society, authority, and belonging. When these assumptions are misaligned with local realities, constitutions entrench division rather than unity. Liberia did not fail because it adopted the wrong institutional design. It failed because its constitution reflected the identity of a ruling minority, not a shared political philosophy forged through struggle. Liebenow concludes that the constitution "entrench[ed] division rather than unity" precisely because "borrowed institutions carry embedded philosophical assumptions" about individualism and hierarchy

that clashed with indigenous communal traditions [8]. Liberia thus stands as a cautionary case. It shows that constitutions cannot substitute for political community. Without inclusive debate, negative definition, and philosophical alignment, constitutional texts become instruments of exclusion. Stability achieved under such conditions is illusory, and collapse is only a matter of time.

3.6. Nigeria: Independence Without Rupture and the Absence of a National Philosophy

Nigeria's constitutional failure cannot be explained by institutional choice alone. Parliamentary systems failed. Presidential systems failed. Military regimes failed. The constant across these shifts is not design, but the absence of a shared political philosophy capable of grounding constitutional authority. Nigeria represents independence without rupture, statehood without prior political community, and constitution-making without philosophical settlement. Unlike the United States, Nigeria did not fight a war of independence. British colonial authorities, weakened after World War II and facing global pressure to decolonize, gradually nudged Nigerian elites toward self-government. Independence was negotiated, managed, and scheduled. British officials actively encouraged constitutional conferences while retaining control over the pace and structure of transition.

The process produced administrative readiness, not philosophical clarity. Toyin Falola and Matthew Heaton provide a precise account of this managed handover: "British colonial authorities, weakened after World War II and facing global pressure to decolonize, gradually nudged Nigerian elites toward selfgovernment," with independence "negotiated, managed, and scheduled" through conferences that prioritized "administrative readiness" over any collective philosophical reckoning [9]. The absence of struggle mattered. There was no shared enemy around which Nigerians could define what they rejected. Colonial rule was exploitative, but it was unevenly experienced and often mediated through local authorities. As a result, independence did not produce a unified negative definition of illegitimate power. There was no collective rejection comparable to American anti-monarchism or Japanese rejection of militarism after defeat. Constitutional debates occurred, but they were elite-driven and fragmented. The major pre-independence conferences in London and Lagos focused on power-sharing among regions, not on the articulation of a national political philosophy.

Leaders such as Nnamdi Azikiwe, Obafemi Awolowo, and Ahmadu Bello articulated competing visions rooted in regional, ethnic, and religious identities. None articulated a unifying Nigerian philosophy capable of transcending these divisions. Their memoirs reveal negotiation, suspicion, and strategic bargaining, not collective identity formation. Nnamdi Azikiwe, in his autobiography, reflected on the constitutional conferences with a sense of cautious optimism mixed with frustration, writing that "we talked the Colonial Office into accepting our challenges" but admitting that "suspicion and strategic bargaining" dominated discussions, with little progress toward a "unifying Nigerian philosophy" [11]. Ahmadu Bello, the Sardauna of Sokoto, emphasized regional priorities in his own

memoir, stating that "the North must recognize its diversity" and that any national framework had to "respect our differences" or risk "fragmentation," revealing a focus on ethnic and regional safeguards rather than national cohesion [12]. Richard Sklar, in his foundational study of Nigerian political parties, observed that "political parties functioned as regional vehicles rather than ideological organizations" and that leaders "articulated competing visions rooted in regional, ethnic, and religious identities," with no overarching philosophy emerging [10].

The first post-independence constitution reflected this reality. Modeled on the British Westminster system, it assumed the existence of conventions, norms, and a loyal opposition. These assumptions were misplaced. Parliamentary competition quickly became ethnic competition. Political parties functioned as regional vehicles rather than ideological organizations. The constitution did not restrain conflict because it was not anchored in shared commitment to its underlying principles. Military intervention did not resolve this problem. Coups replaced constitutions, but they did not generate philosophy. Military regimes ruled by decree, further weakening constitutional legitimacy. When civilian rule returned, Nigeria turned again to foreign models. The 1979 and 1999 constitutions adopted American-style presidentialism in the hope that stronger executive authority would manage diversity.

This was institutional substitution for philosophical absence. Falola and Heaton note that the shift to presidentialism in 1979 was "institutional substitution for philosophical absence," with the hope that "stronger executive authority would manage diversity" proving illusory as "zero-sum competition" intensified [9]. Presidentialism did not produce cohesion. Instead, it centralized power in a state lacking shared identity, intensifying zero-sum competition. Elections became existential struggles for access to resources. Federalism existed on paper but was undermined by fiscal dependence on the center. Constitutional provisions were treated as obstacles to be bypassed rather than commitments to be honored.

At the core of Nigeria's crisis is the absence of an answer to a basic question: what does it mean to be Nigerian? Citizenship is defined legally, but legal status does not generate loyalty. There is no Nigerian equivalent of an American creed. No shared promise that binds citizens beyond territory. Appeals to unity are procedural and hollow, not philosophical. Sklar captured this early on, writing that "there is no unifying Nigerian dream or collective vision of society," with citizenship remaining "largely procedural" and governance devolving into "negotiation between competing ethnic, regional, and religious claims" [10]. This absence explains why constitutional reform has repeatedly failed. Conferences propose restructuring, devolution, or amendment, but they avoid the deeper issue of identity. Without a shared philosophy, constitutional change becomes technical tinkering. Institutions are asked to do work that only the political community can do.

Nigeria's experience confirms the paper's central claim. Constitutions cannot manufacture identity. Where independence

occurs without struggle, and where elites avoid the hard work of philosophical debate, constitutional texts float above society. They command obedience only when enforced, not because they are believed in. Stability under such conditions is temporary. Conflict is deferred, not resolved. Nigeria is not dysfunctional because it chose the wrong constitution. It is unstable because it never decided, collectively, what kind of political community it wanted to be.

4. Comparative Discussion

The four cases examined in this paper demonstrate that constitutional success is not a function of institutional design alone. Similar forms yield different outcomes because constitutions operate within political communities that either exist prior to law or do not. The comparison clarifies a simple but often ignored causal sequence: political struggle or rupture enables negative definition; negative definition allows philosophical articulation; philosophy grounds constitutional legitimacy. Where this sequence holds, constitutions endure. Where it does not, they fail.

4.1. Struggle, Rupture, and the Timing of Constitution-Making

The United States and Japan differ sharply in historical experience, yet both underwent decisive rupture before constitutional settlement. In the American case, rupture took the form of revolutionary struggle against monarchy. Bernard Bailyn describes this as a process where colonists developed a "profound distrust of authority" and framed the British Crown as engaged in "a design to reduce them under absolute Despotism," creating a collective rejection that made monarchy "politically impossible" and shifted debate to positive institutional design [3]. Gordon Wood adds that this "negative clarity" allowed the framers to focus on "restraining concentrated authority" through separation of powers, formalizing revolutionary lessons into enduring structure [4].

In the Japanese case, it took the form of total defeat and occupation. John Dower explains that the "catastrophic defeat" and atomic devastation "destroyed the moral authority of militarism and the myth of imperial infallibility," delegitimizing the prior order "beyond repair" and creating space for reinterpretation of the imposed text [5]. In both, the prior political order was delegitimized beyond repair. This mattered more than whether the constitution was domestically authored or externally imposed. Liberia and Nigeria lack this precondition. Liberia's independence was administrative rather than existential. Amos Sawyer notes that independence was "granted through administrative transition" under the American Colonization Society, with "no collective resistance against an external power" and thus "no negative definition capable of binding disparate groups together" [7]. Nigeria's was negotiated and scheduled. Toyin Falola and Matthew Heaton describe how British authorities "gradually nudged" elites through conferences, producing "administrative readiness, not philosophical clarity" and no unified rejection of colonial power [9].

Neither case involved a moment in which society collectively rejected a prior political order and was forced to confront first principles. Constitution-making occurred too early, before the

boundaries of acceptable authority were defined. This timing problem explains why constitutional debates in Liberia and Nigeria were narrow and elite-driven. Without rupture, there was no urgency to settle foundational questions. Constitutional design became a technical exercise rather than a philosophical one. The result was texts that governed procedures but failed to command belief. Sawyer argues that in Liberia, the absence of shared struggle meant the constitution "did not emerge from debate among a political community" but was "adopted by one group and imposed on others," entrenching division [7].

4.2. Philosophical Cohesion Versus Institutional Substitution

The comparison also exposes the limits of institutional substitution. Nigeria's shift from parliamentary to presidential systems mirrors Liberia's replication of American republicanism. In both cases, institutional change was used as a proxy for political cohesion. This strategy failed because institutions cannot substitute for shared philosophy. Richard Sklar observed that in Nigeria, the Westminster model assumed "conventions, norms, and a loyal opposition" that did not exist, with parties operating as "regional vehicles rather than ideological organizations" and competition devolving into "ethnic competition" [10]. In Liberia, J. Gus Liebenow notes that the U.S.-style model provided "procedural stability for elites" but "failed to generate legitimacy among the broader population," leading to oligarchic rule and eventual collapse [8].

By contrast, the United States possessed a coherent political philosophy rooted in individual liberty, consent, and suspicion of power. Bailyn highlights the "radical language of liberty" that was "articulable and shared," enabling debate and institutions that reflected societal values [3]. Japan lacked a liberal philosophical tradition of the same kind, yet it possessed a strong social philosophy centered on order, hierarchy, and consensus. Peter Katzenstein explains that Japanese culture "domesticated" the imposed framework by interpreting it "through existing norms of hierarchy, harmony, and consensus," accommodating liberal institutions without "confrontational individualism" [6]. In both cases, constitutional forms were interpreted through existing values. This interpretive capacity is absent where political identity is weak or contested. The comparison shows that philosophical cohesion need not be liberal to be effective. What matters is not the content of the philosophy, but its shared status. Japan's success refutes the claim that Western liberalism is a prerequisite for constitutional stability. It confirms instead that alignment, not ideology, is decisive.

4.3. Negative Definition and Constitutional Ownership

Negative definition emerges as a key explanatory variable across cases. Americans defined themselves against monarchy. Postwar Japan defined itself against militarism and imperial absolutism. These rejections narrowed constitutional possibilities and created ownership. Dower emphasizes that Japan's defeat created a "form of negative definition comparable to revolutionary struggle," where society "knew what had failed" and could reinterpret the new text accordingly [5]. Liberia and Nigeria lacked this process. Liberia's

settlers rejected indigenous governance rather than a shared external threat. Sawyer notes that the settlers "assumed cultural superiority" and imposed a model that excluded indigenous groups, producing "political exclusion" without any unifying rejection [7].

Nigeria rejected neither colonial authority collectively nor any internal system of domination. Falola and Heaton describe the transition as lacking "a unified negative definition of illegitimate power," with independence failing to produce collective rejection [9]. Without clear rejection, there was no shared baseline for agreement. Constitutional ownership remained shallow. Ownership matters because constitutions demand restraint. They bind winners as well as losers. Only a society that sees the constitution as an expression of itself will accept loss within its framework. Where constitutions are perceived as imposed or alien, political actors treat them instrumentally.

4.4. Comparative Summary Table

Case	Pre-Constitutional Experience	Philosophical Cohesion	Constitutional Process	Outcome	Durable	United	Revolutionary
High	articulated	Intensive	debate	and States	monarchy	shared	ratification
legitimate	Japan	Total	defeat	and occupation	Moderate,	adapted	Imposed
but	Stable	through	social norms	domesticated	and respected	Liberia	Administrative
independence	Low,	elite-specific	Blind	imitation	Exclusion	and collapse	Chronic
Nigeria	Negotiated	independence	Low,	fragmented	Serial	adoption	Instability

4.5. Implications for Comparative Constitutional Theory

The comparison challenges three dominant assumptions in comparative constitutional studies. First, it rejects the view that constitutional form travels independently of political culture. Second, it refutes the claim that participation alone guarantees legitimacy. Elite participation without philosophical settlement is insufficient. Third, it undermines the belief that constitutional reform can resolve identity crises. The cases show that constitutions succeed when they are the endpoint of political development, not its starting point. Attempts to reverse this order explain repeated failure in post-colonial contexts. The lesson is not that constitutionalism is futile, but that it is conditional. Elkins, Ginsburg, and Melton note that "endurance is strongly associated with flexible amendment rules and societal buy-in," but this buy-in requires pre-existing cohesion [1]. Comparative constitutional analysis must therefore shift focus. Instead of asking which institutions work best, it should ask when constitution-making is appropriate. The answer, suggested by this study, is clear: only after a political community has been forged through struggle, rupture, or sustained deliberation.

5. Conclusion

This paper set out to explain why constitutions succeed in some societies and fail persistently in others. The answer advanced here is neither institutional nor technical. Constitutional durability depends on alignment between constitutional form and a society's philosophical foundations and political identity. Where this alignment exists, constitutions endure even under pressure. Where

it does not, no amount of institutional adjustment can compensate. The comparative analysis demonstrates that constitutions are not engines of political community. They are records of it. The United States did not become stable because it adopted separation of powers. It adopted separation of powers because a society shaped by struggle against monarchy demanded restraint. Bernard Bailyn describes how the revolutionary generation framed monarchy as a system engaged in "a design to reduce them under absolute Despotism," leading to a collective demand that "power must be restrained" through institutional checks [3].

Gordon Wood adds that the framers' design reflected "a shared anxiety about concentrated authority," ensuring the document "formalized conclusions reached through struggle and debate" (Wood 1969, 600–615, 602–610). Japan did not stabilize because it copied a liberal democratic text. It stabilized because defeat discredited its prior ideology and allowed the imposed constitution to be interpreted through existing norms. John Dower explains that the "catastrophic defeat" shattered "the myth of imperial infallibility" and "destroyed the moral authority of militarism," enabling society to reinterpret the new framework "through norms of hierarchy, harmony, and consensus" rather than confrontational individualism [5].

Peter Katzenstein reinforces that Japanese political culture "accommodated liberal institutions without embracing confrontational individualism," with "social order remaining paramount" and adaptation occurring through "factional negotiation" [6]. In both cases, constitutional success followed rupture and reflection. Liberia and Nigeria illustrate the opposite sequence. In Liberia, a constitution was adopted to legitimize elite dominance, not to formalize shared identity. Amos Sawyer argues that the 1847 document "formalized elite identity, not national identity," with Americo-Liberian settlers imposing "cultural superiority and civilizational hierarchy" while excluding indigenous groups and treating them as "subjects rather than citizens" [7].

J. Gus Liebenow describes the result as "over a century of oligarchic rule under the True Whig Party," where the constitution offered "procedural stability for elites" but "failed to generate legitimacy among the broader population," leading to rapid disintegration after the 1980 coup [8]. In Nigeria, constitutions were expected to manufacture unity in the absence of philosophical agreement. Toyin Falola and Matthew Heaton detail how independence was "negotiated, managed, and scheduled" by British authorities, producing "administrative readiness, not philosophical clarity" and no unifying rejection of colonial power [9]. Richard Sklar observed that leaders "articulated competing visions rooted in regional, ethnic, and religious identities," with parties serving as "regional vehicles rather than ideological organizations," leaving no "shared political idea capable of binding citizens beyond territory" [10]. Both approaches failed. These failures were not accidental. They were predictable consequences of constitution-making without prior political community.

The central theoretical contribution of this paper is the identification of negative definition and philosophical cohesion as necessary preconditions for constitutional legitimacy. Societies must first decide what they reject, then articulate what they affirm. Only then can constitutional design perform its intended function. Skipping these steps produces texts that govern procedures but do not command belief. This argument carries normative implications, though it is grounded in explanation rather than prescription. It suggests that constitutionmaking should not be rushed, externally scheduled, or treated as a technocratic exercise. It also implies that constitutional reform cannot substitute for unresolved questions of identity. Where the political community is fractured, constitutional stability will remain elusive. The broader implication for comparative constitutional theory is clear.

The field must abandon the assumption that constitutions are modular tools that can be transferred across contexts. Instead, scholars should focus on the social and philosophical conditions under which constitution-making becomes meaningful. The question is not which constitution to adopt, but whether a society is ready to constitutionalize its commitments. Nigeria's case underscores the stakes of ignoring this insight. The country's instability is often attributed to corruption, diversity, or weak institutions. These explanations mistake symptoms for causes. The deeper problem is the absence of a shared political idea capable of binding citizens beyond territory. Until that absence is addressed, constitutional change will remain cosmetic. Falola and Heaton emphasize that "without a shared philosophy, constitutional change becomes technical tinkering," with institutions "asked to do work that only the political community can do" [9]. Constitutions do not precede nations. Nations, understood as political communities with shared philosophical commitments, precede constitutions. Where this order is respected, constitutional success is possible. Where it is reversed, failure should not surprise.

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