

Is the constitution a living document

[Law](#), [Constitution](#)



“ Is the Constitution a living document? ” Well the meaning of the living document is the provisions by which it may be altered in order to remain current, address unforeseen circumstances and make legal provisions for those accordingly. By being a " living" document, the Constitution has grown and expanded, and now ensures women and minorities the right to vote among many other things. Most justices agree that the writers of the Constitution prudently chose to write this document in general terms so that modern-day justices can still apply its precepts to a world with changing laws, attitudes, and conditions through successive generations.

Justice Oliver Wendell Holmes first advanced the concept of a living Constitution in 1920 in his opinion on the case, Missouri VS Holland. A second, and more controversial, view of a living Constitution contends that when the elected legislative and administrative agents of the government fail to redress a wrong or solve a particular social problem, then the courts may act to remedy the situation through the process of judicial review. Our written Constitution, the document under glass in the National Archives, was adopted 220 years ago. It can be amended, but the amendment process is very difficult.

The most important amendments were added to the Constitution almost a century and a half ago, in the wake of the Civil War, and since that time many of the amendments have dealt with relatively minor matters. The American Constitution is long-lived, has enduring qualities, and was intended for many decades. The living document was founded on enduring principles, and was based on the authority of a people who are sovereign has been attested to by many of its leaders. That it can be changed when, and if, the people

ordain such change is a part of its own provisions. For these reasons, it can be said to be a " Living Constitution".