

COMPARATIVE CONSTITUTION 101
Constitutions on Paper, People in Reality

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Introduction

Constitutions often appear as the ultimate guarantees of freedom, justice, and equality. They are read with reverence, analyzed line by line, and taught as the foundation of modern statehood. Yet, history shows that the words written on parchment or printed in books do not by themselves ensure liberty or prosperity. What truly matters is the people, institutions, and culture that bring those words to life—or suppress them. A comparison between the 1936 Stalin Constitution of the USSR, the U.S. Constitution with its Bill of Rights, and Israel’s Basic Laws makes this point strikingly clear.

Human Rights “On Paper”

Both the Soviet and U.S. constitutions claimed to guarantee fundamental rights. The Soviet text, however, went further, granting sweeping social and economic rights absent from the U.S. version. Israel, despite lacking a formal constitution, has developed a functioning democracy with Basic Laws and judicial practice. A side-by-side comparison highlights how similar—or even superior—the Soviet promises look on paper, and how fragile paper is without people to make it real.

Comparative Table: Human Rights on Paper

Right / Freedom	USSR 1936 Constitution	U.S. Constitution & Bill of Rights	Israel (Basic Laws & practice)
Work & Social Security	Guaranteed employment, rest/vacation, social security (Arts. 118–120).	Silent on work, welfare, or social security.	No explicit right to work; welfare & health rights by statute, not constitution.
Education	Free universal education; higher education for qualified (Art. 121).	Silent on education; left to states.	Compulsory Education Law (1949); statutory not constitutional.
Equality	Equal rights for women (Art. 122); ban on racial/national discrimination (Art. 123).	14th Amendment: equal protection; Bill of Rights applies to all persons.	Basic Law: Human Dignity (1992) interpreted for equality; reinforced by courts.
Speech, Press, Assembly	Guaranteed but limited to “interests of working people” and socialism (Art. 125).	1st Amendment: absolute bar on Congress restricting these freedoms.	Not explicit in Basic Laws; protected by Supreme Court and democratic practice.
Religion	Freedom of worship and anti-religious propaganda (Art. 124). State atheist stance.	1st Amendment: free exercise + no establishment.	Freedom of worship broadly respected; no formal separation of religion/state.

Right / Freedom	USSR 1936 Constitution	U.S. Constitution & Bill of Rights	Israel (Basic Laws & practice)
Property & Privacy	Personal property protected; no private ownership of means of production (Art. 10). Arrest only by court/procurator order (Art. 127).	4th–5th Amendments: privacy, property rights, due process.	Basic Law: Human Dignity protects property & privacy; enforced by courts.
Due Process & Justice	Presumption of innocence, defense rights, court trials (Arts. 127–133).	5th–8th Amendments: due process, jury trial, counsel, no cruel punishment.	Due process inferred from “dignity”; strong judicial review by Supreme Court.
Political Participation	Universal suffrage at 18+, regardless of sex, race, religion (Arts. 134–141). One-party dominance in practice.	Suffrage expanded by amendments: 15th, 19th, 26th. Multi-party elections.	Universal suffrage since 1948; proportional representation, multi-party system.
Amendment Process	2/3 of Supreme Soviet; centralized, party-controlled.	2/3 Congress + 3/4 states; deliberately difficult.	Basic Laws amended by Knesset majority; flexible but constrained by courts.

The Reality Gap

If one read only the texts, a Soviet citizen in 1936 seemed to enjoy greater rights: guaranteed work, equality, education, health, rest, and security. By contrast, the U.S. Constitution said nothing about jobs, schools, or vacations. Yet the Soviet Constitution’s rights were bound to ideology, filtered through the Communist Party, and stripped of independent enforcement. In America, fewer promises were made, but independent institutions and civil society ensured that what was promised could be pursued, defended, and expanded. Israel demonstrates yet another model: no single constitutional document, but living institutions and traditions that safeguard liberties through practice, precedent, and law.

The Lesson

The comparison reveals an essential truth: **the words on paper matter less than the people and institutions who interpret, enforce, and live by them.** Constitutions can act as shields of freedom, or masks concealing tyranny. They can promise everything and deliver nothing, or promise little and deliver much.

With or Without a Constitution?

Israel proves that a country can prosper without a single written constitution. The USSR, by contrast, had one of the most progressive-looking constitutions ever drafted in 1936, but lived under repression.

So here is the challenge:

Would you prefer to live in Israel, a country with no constitution, or in the USSR with the 1936 Stalin Constitution?