

Chapter – 1

Constitution and constitutionalism

1. Abstract

Idea of constitutionalism (and of the constitution) is strictly linked with the progress and spread of democracies.

In monarchic, totalitarian and dictatorial **sr.sreins** there is generally no constitution or, if it exists it is not respected. Individual and collective rights are often disregarded in dictatorial regimes, and the government cannot be held accountable as there is no legal document that defines its limits.

The concept of constitutionalism has evolved during the last few centuries thanks to political changes and the progress of democratic ideals.

2. Difference Between Constitution and Constitutionalism

The main difference between constitution and constitutionalism lies in the fact that the constitution is generally a written document, created by the government (often with the participation of the civil society), while constitutionalism is a principle and a system of governance that respects the rule of law and limits the power of the Government.

Most modern constitutions were written years ago, but laws and norms had already been evolving and mutating for centuries and continue to do so.

The constitution (and laws in general) is a living entity that should adapt to the changing features of the modern world and of modern societies. Failing to adopt the constitution without losing its core principles and values - may lead to an obsolete and not adapted governance system.

The concepts at constitution and constitutionalism are strictly linked, but the second is much more than just the respect and enforcement of the national constitution (as the term might suggest).

The creation of a constitution is the result of years of progress and evolution, but, in some cases like in Japan, the constitution can be imposed by invading or opposing forces and may not embody the key values and principles that characterize a society.

Building on the differences outlined in the previous section, we can identify, a few other aspects that differentiate the constitution and constitutionalism.

References

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