

Constitution and Constitutionalism

Constitution and Constitutionalism both are interrelated to each other. The higher level of legislation is the constitution. And Constitutionalism has a long and illustrious history that dates back thousands of years. King John signed the Magna Carta, which limited the powers of the British Monarch, in 1215. King William III of England endorsed the English Bill of Rights in 1689.

Liberalism sees the state as a necessary evil that can preserve and, at the same time, obtrude into individual liberty.

Constitution Definition

Many modern constitutions contain a higher law that dictates the primary purposes of the state, political structures and processes, and fundamental rights. Though there is no universal definition of a constitution, Elliot Bulmer (2007), in his book "What is a constitution?" Principles and Concepts defined a constitution as a document encompassing a set of rules that are -

1. Binding on all members of the state, including the state itself
2. Involving the structure and operation of government institutions, political principles, and fundamental rights
3. More difficult to change/amend than ordinary laws
4. Meeting the requirements of the international democratic system in terms of representation and human rights.

Constitutionalism Definition

Constitutionalism is an ideology that states that government authority is derived from the people and should be limited by a constitution specifying what the government can and cannot do. It is the idea that the state is constrained by laws that limit its authority rather than being free to do anything it wants.

Political thinker John Locke was a pivotal contributor to the development of constitutional theory. In his theory of Social Contract, he defines the state as -

- A product of a social (not divine) contract
- A body that came into existence not by a divine decree but by the consent of the people

- A body created by citizens to protect their life, liberty, and property, which he considered three natural rights.

Difference Between Constitution and Constitutionalism

The difference between constitution and constitutionalism is that the constitution acts as a document that limits the power of the state (for instance, fundamental rights in India), and constitutionalism is the concept of limiting the state's outreach.

Constitution	Constitutionalism
A document that limits the powers of the state.	The concept/ theory/ ideology behind limiting the powers of the state.
Written document.	Soul/ philosophy of the constitution- unwritten.
Deals with the structure of the government, political processes, and rights of the citizen.	Deals with limiting the powers of the state and protecting individual rights.
Set rules and standards to distribute benefits and burdens in a society.	Application of the laws in achieving those goals.
Not necessarily related to liberal democracy. For instance, China has a constitution.	The underlying basis/ principle of liberal democracy.
Can be dead when a rigid constitution fails to meet the changing nature and aspirations of society.	A living idea.