

## Book Review

### CONSTITUTIONAL IDENTITY\*\*

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The book titled CONSTITUTIONAL IDENTITY authored by Gary Jeffrey Jacobsohn deals with the important role of the Constitutions in the contemporary societies. The title of the book drags the reader deep into the subject and upon reading the reader will be richer in gaining knowledge on comparative Constitutional law. Author makes important contributions to Constitutional theory, comparative law, and comparative politics. These contributions could be seen as a central idea of the book, wherein he demonstrated his in-depth knowledge on comparative Constitutional law.

It is certain that the reader will enjoy the text while reading, as if whole material is before him in the form of picturisation.

Author has made an attempt to analyse the problems of Constitutional identity for that argues that a nation's Constitution is more than a written document and it also entails the fundamental norms and principles of a given society. This concern of the author about the Constitutionalism enables him to include useful discussions of the ongoing Constitutional debates in Israel, which has no a formal, integrated, written Constitution presently. According to author the core of Constitutional government is the rule of law and the administration of impartial justice.

In first Chapter the author focuses about the identity, disharmony and points out that disharmonic Constitution does not refer to the incoherence of Constitution, though that may be one of the conditions. However the dissonance with in and around the Constitution is the key to understand the Constitution.

In Chapter - II the author examines the puzzle of the unconstitutional Constitutional amendments in the context of Constitutions like Ireland, Srilanka and India and there by introduces the theme of realities and challenges of Constitutional identity. The discussion on leading cases of Israel, India, and Ireland provide in-depth analysis of challenges of Constitutional identity of respective nations

In Chapter - III he argues that a satisfactory account of Constitutional identity cannot ignore the various disharmonies that are embedded in the history of a nation's Constitution. For that he gives the

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example of Turkey and its Constitutional development in twentieth-century as the progressive entrenchment of a secular identity. Thus he suggests that there is a need to act prudently and to always be sensitive towards the customs and practices of the country.

In Chapter - IV author explains that the Constitutional change comes in many forms, one of them may be due to use of foreign sources and precedents of the one National Court by justices from another. Though he supports the foreign source for Constitutional change as every nation is supposed to learn lessons from other countries, yet he cautions to act prudently, and be sensitive to the nation's historical customs and practices. Therefore, he emphatically says that 'the Constitutional aspirations are not framed in a vacuum; they are rooted in the past and adopted to the circumstances of the movement'.

In Chapter -V author explains about two models of Constitutionalism that exhibit divergent orientation with respect to the expected impact of Constitutional presence in the life of the larger community. For this he refers the Turkish Constitution and Indian Constitution and explains how the social structure is vital to the construction of the Constitution. History, values and aspirations of society are key points to define the Constitutional identity of one nation. A nation's Constitutional identity is never a static thing. Rather, a Constitutional identity emerges from the interplay of inevitably disharmonic elements.

In Chapter - VI author discussed the family law issues in the context of Constitutional values of respective countries and how the Constitution is relevant for the nation's social fabric. Further he argues about the nature of change in Constitutional identity, how it occurs and what it look like with the example of the struggle between forces seeking fundamental changes in the nature of Constitution and others who intend on preserving the Constitution as it is.

The author with his command over the subject presented it in the form of a text with relevant case law of various Constitutions of the World. The main concern of the author about the Constitution identity is so much that he has shown the path for the future researcher to explore on this topic by recommending golden principles namely: 1) the text is a start; 2) bounded fluidity; and 3) the balance of internal and external disharmonies. This book paves the way for researchers, scholars and academicians to look at new dimensions of Constitutions from the angle of ideas of the framers of the Constitution *vis-a vis* the thinking of the judiciary at the time of interpretation.