

Is There a Way Out for Constitutionalism? --Reflections On the Construction of Constitutionalism from The Idea of Constitutionalism

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Abstract

The Idea of Constitutionalism is a profound exposition of the basic concepts of constitutionalism from the point of view of the values of liberty, equality, and fraternity, etc. The author not only theoretically expands the norms of these values, but also describes the different constitutional practices of different countries in the world, which is of sufficient revelation and constructive significance to the construction of democracy, rule of law, and constitutionalism that is in progress at the moment in various countries in the world. In the discussion of constitutional values, the author's understanding and interpretation of fraternity is dissatisfy, but the impact of his discussion is strong. Fraternity should have a higher status and value than freedom and equality, and its essence is in line with the concept of "negative freedom", that is, it should give necessary recognition and full respect to the pluralistic cultures and values of different ethnic groups. This concept is extremely necessary for the formation of a constitutional culture within a country and for the construction of an international liberal democratic order. After all, the essence of constitutionalism is not so much about pursuing the same goal as it is about following the same path.

Keywords: freedom, equality, fraternity, constitutional road, ethnic harmony