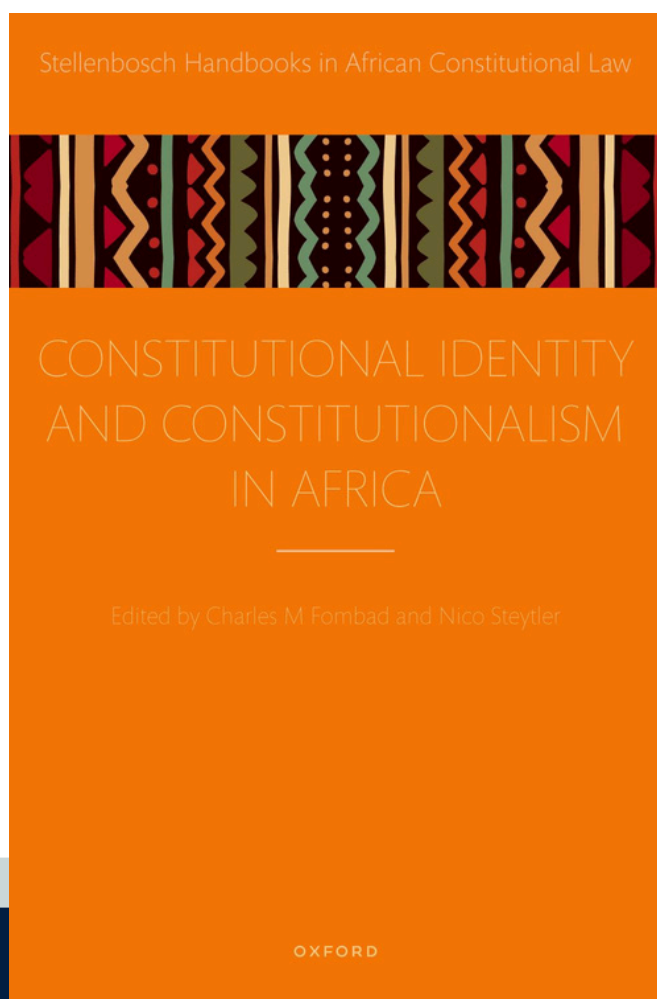


# Constitutional Identity and Constitutionalism in Africa



The book examines a number of important research questions. First, whether the concept of constitutional identity provides a useful optic with which to look at and appreciate African constitutions. Is it something more than the main characteristics of a constitution (unitary or federal, presidential or parliamentary)? Is it about the relevance and aspiration of the constitution? Is it nominal or effective, descriptive or transformative? Is it about the way the constitution relates to a country's culture(s) and history? The second question concerns the role of path dependency in forming constitutional identities. To what extent have colonial heritages shaped the constitutional identities that surfaced in independence and post-independence constitutional ordering? A third issue relates to the widening gap between most African constitutions – which in many cases incorporate fundamental principles of modern constitutionalism – and the actuality of practice. Does this gap exist because these constitutions lack an authentic constitutional identity? Do African constitutions need to be 'decolonised' to give them an African identity? If so, how would they be decolonised in form and content? A fourth question is whether African traditional authorities and institutions are part of national constitutional identity-building or merely a sentimental cultural relic of the past with little relevance today? Closely related to this is the question of whether constitutionalism, embodying limited government, should form part of an African constitutional identity.

## THE AUTHOR:

Edited by **Charles M. Fombad** and **Nico Steytler**



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