

BOOK REVIEW by Prof. P. Pararas in: Annuaire International des Droits de l'Homme, Volume VII 2012-2013, 2014, σελ. 890-892.

Xenophon Contiades (ed.), Engineering Constitutional Change. A Comparative Perspective on Europe, Canada and the USA, (Routledge 2013), 478 p.

A new book published by Routledge as part of the series Routledge Research in Constitutional Law addresses through a comparative perspective the question how constitutional change is brought about.

The volume attempts a holistic presentation of the reality of constitutional change in 18 countries, that despite their important differentiations also share profound commonalities (keeping in mind that the 15 old member states of the EU along with the USA, Canada and Switzerland are the core of what is traditionally referred to as the West). This common background facilitates evading misconceptions which may occur when juxtaposing constitutions that resemble in form or content but are applied in totally different cultural, sociopolitical, and legal contexts.

The 18 contributions offer analysis regarding how constitutional amendment takes place in different legal orders, by addressing the multi-faceted issues set out by an outline designed to bring forth the overall picture of the parallel paths constitutional change follows in each country, in correlation to what the constitution means and how constitutional law works. Variations themselves are interesting: some contributions begin with a discussion on what the constitution is, finding it necessary before approaching constitutional change to talk about the constitution per se; in others the weight is placed on history in order to explain constitutional evolution; while several focus on the particularities of the political system or on the tension between the legislator and the judiciary. This renders the volume more than a compilation of national contributions: what it

does is to host different theories and comprehensions through a common spectrum.

This common spectrum was achieved through the use of a common outline put together by the editor in order to guide the comparative analysis through a series of questions that attempt to grasp the essence of the way in which constitutional change is engineered. The main questions employed to facilitate the comparative exploration are:

- Do stringent and complex amending procedures cause devaluation of the constitution or lead to its mystification, and to what extent is this determined by the features of informal change?
- Do demanding amending processes nurture the living constitution or are they lethal for it?
- Is it possible that unamendable provisions are furnished with the charm of the forbidden, becoming unspeakably desirable, symbolizing reversal?
- Is it possible for amending formulas to be irrational, and what are the criteria for assessing amending formulas?
- Does the formula achieve the goal it is designed to serve, i.e. stability, consent, consistency, continuity, adaptability, etc.?
- Do differences between civil law and common law traditions affect modes of constitutional change?
- Is there a tendency towards less complex amending processes?
- Can the enhancement of the role of the people counterbalance the role of political elites and judges in constitutional change?
- Is the role of experts in constitutional amendment related to the dominant constitutional ethos, and how does their involvement impact the "level of rigidity"?
- Are experts necessarily allies to political elites, or can they be allies of the people?

- How does the relationship between lawmaker and judge influence the route of constitutional change?
- Who has the final word in the dialogue between constitutional legislator and courts, and what are the limits of the judicial review of amendments?
- How does the formation of a common European legal culture influence constitutional change?
- How did participation in the EU and seceding sovereignty affect formal and informal change?
- What triggers the debate on future amendments?

The final chapter of the book authored by Prof. Xenophon Contiades and Dr. Alkmene Fotiadou attempts to connect the material from the preceding chapters under a comparative rationale to grasp the essence of the way in which constitutional change happens. Multifarious responses to the issues set by the above questions are explained on the basis of models of constitutional change. The range of diversity is linked to the existence of very distinct models. The modelization of constitutional change is based on the correlation of mechanisms and the role of actors within different political systems and constitutional orders. This addition to the comparative constitutional law toolkit provides an alternative way to approach amendment, but also to understand diverse constitutional cultures through the way in which change is effected. Once models are built the authors analyse the profile of constitutional change in each polity, and reexamined the traditional notion of rigidity asserting that multiple rigidities very different from one another exist. Based on holistic approaches of constitutional narratives, the modelization of constitutional change proposed relies on the comparative analysis of multiple parameters and factors.

Thus the analysis explores the role of the players that determine the route of constitutional development, focus put separately on the judiciary, the political

elites, and the people, the function of amending formulas, which are assessed as to their capacity to capture the dynamics of constitutional change by setting up revision mechanisms that discipline change through constitutional rules focusing on the relationship between amendment ratios and their consequences. Based on the above the interconnection between all actors, parameters and factors involved in constitutional change is traced, revealing the variety of mechanisms employed and the existence of five distinct models of change: the elastic model, the evolutionary model, the pragmatic model, the distrust model, and the direct-democratic model, within which countries are classified. What is perhaps more provocative sure to trigger debate is that the very concept of rigidity is re-approached and alternative ways of comprehending it are explored. Premised on the discussion held at the moment in the countries under examination on what constitutional reforms should take place, current tendencies are traced pinning down divergences and convergences.

The book is a very important contribution to the current dialogue on constitutional amendment, a dialogue which has become central to constitutional law scholarship in recent years. The final comparative chapter is very rich in new perceptions and ideas and it is explicable why it has already started to provoke striking academic reactions.

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