

Constitutions.

WHETHER attempts to classify Constitutions and to note the features of the types they present will find that it is from the Constitutions of Rome and England that illustrations can be most profitably drawn. Just as the Roman Constitution worked upon the whole of the ancient, so the English Constitution has worked upon the whole of the modern world.

The old fashioned classification of Constitutions divides them into written and unwritten. These are not suitable terms because in all written Constitutions there is an element of unwritten usage while the unwritten ones always include some statutes, though they begin in customs and precedents. Constitutions of the older type may be called flexible, because they are elastic, because they can be bent and altered in form, while retaining their main features, and do not become subservient. Constitutions of the newer kind may be called rigid, because their lines are hard and fixed.

I shall begin with flexible Constitutions because they are anterior in date, being indeed the only Constitutions which the old world possessed. In the modern world they have become rare, these only existing at present in the United Kingdom, Hungary and Italy.

Strictly speaking, there was no Roman Constitution, strictly speaking there is no British Constitution. That which was called the Constitution of the Roman state, that which is now called the British Constitution, is a mass of precedents, of customs, usages, understandings and beliefs, with a certain number of statutes, the whole covered over with a parasitic growth of legal decisions and political habits. But a Constitution is not the less real because its limits cannot be sharply defined.

Flexible Constitutions are in a state of perpetual flux. Just as a man's character is modified by the acts he performs, by the emotions he cherishes, so every decade saw the Constitutions of Rome and England slightly different at the end from what they were at the beginning. Now the stability of any Constitution depends not so much on its form as on the social and economic forces