

which stand behind it. The best instances of flexible Constitutions are those which grew up in nations of a conservative temper (like England) nations which valued precedents. The fact that a nation has the legal right to make extensive changes in its Constitution disposes it to be cautious in the use of that right. Moreover a Constitution in the form of a mass of customs and precedents presents an element of mystery, while a documentary Constitution is not in the least mysterious.

It would therefore be an error to pronounce flexible Constitutions unstable. Their distinctive merit is their elasticity. They can be bent or stretched to meet every emergency, without losing their prestige. The old Roman Constitution illustrates these phenomena admirably. The change from consuls to military tribunes, the appointment of dictators, the creation of new magistracies, the adaptation of its old machinery to the new task of governing conquered provinces, did not during several years seriously shake its main principles.

The elasticity of the British Constitution appears in somewhat different features less striking but not the less useful than those which mark the Constitution of Rome. A wide and vague prerogative is kept in reserve, and the normal powers of the Executive may be immensely increased. The merit of the elasticity of flexible Constitutions is that it affords a means of preventing revolutions by meeting them half way. When flexible Constitutions come to an end they do so in one of two ways. A Constitution of this type may pass into an autocracy or into a rigid Constitution. For the salvation of a flexible Constitution, three things are necessary in a nation, legal mindedness, conservatism, and keen practical intelligence.

Let us now pass to the other type of Constitution for which the name rigid has been suggested. It marks an advanced stage in political development, when the idea of separating fundamental laws from others has found favor. Rigid Constitutions exist in every constitutional country except the United Kingdom, Hungary and Italy. The Republic of the United States presents the most remarkable instance of this type in the modern world. Rigid Constitutions arise in one of four possible ways: (1) they may be given by a monarch to his subjects in order to pledge himself and his