

Classification of constitution.

[Law](#), [Constitution](#)



Classification of Constitution. Constitutions are widely classified into two categories, firstly written and unwritten ; and secondly, rigid and flexible.

Written and Unwritten constitutionA written constitution is one in which the fundamental principles concerning state administration are embodied and which has, as a specific document, been passed by a specific body So a written constitution can be produced and shown as a single document. The US constitution, Indian Constitution, Bangladesh Constitution provide examples of written Constitution. On The other hand, where the constitution has not been passed formally as a specific document by a specific body and the fundamental principles concerning state administration exist in political customs, Judicial decisions and in some scattered documents, the constitution is an unwritten one. The British Constitution provides the glaring example of unwritten constitution. Views, of course are expressed by different writers that this classification of Constitution (written and unwritten) is not a scientific one since no Constitution can, in practice, be fully written or unwritten, An unwritten Constitution must have some written elements. Likewise, a written constitution cannot be fully written , some elements of it exists in unwritten form. For example, British Constitution is unwritten but some important elements of it are contained in written documents like Magna Carta, Bill of Rights, Petition of Rights, Act of settlement etc. On the other hand , the US constitution is written but some important Constitutional subjects like political party organization, cabinet, committee of the Congress, working procedure of the Congress etc. are not written they are largely based on political custom or convention Likewise Bangladesh Constitution is a written one but political party organization,

appointment of Chief Justice, formation of coalition government etc. are not written ; these are based on convention. This is why it is said that the distinction between written and unwritten Constitution is one of degree rather than of form. C. F. Strong comments that a classification of Constitutions' on the basis of whether they are written or unwritten is illusory. It is, of course, sometimes necessary to distinguish between the so-called written and so-called unwritten Constitution, and whenever we needed to do so, we shall refer to the former as a documentary and to the later as a non-documentary Constitution. | THE CONSTITUTION OF THE PHILIPPINES I. The Constitution A constitution may be defined in different ways depending upon one's attitude or point of view. They may be defined as: 1.) English Point of View A constitution is " the body of those written or unwritten fundamental laws which regulate the most important rights of the higher magistrates and the most important essential privileges of the subjects." 2.) American and Filipino Point of View A constitution may be defined as " a written instrument by which the fundamental powers of the government are established, limited, and defined, and by which those powers are distributed among several branches for their more safe and useful exercise for the benefit of the body." In a more general way, a constitution may be defined as the fundamental law according to which the government of the state is organized and agreeably to which the relations of the individuals or moral persons to the community are determined." II. Concepts of Constitution At present there are two recognized concepts of the constitution namely: 1.) American or The Written Constitution a.) Generally the Americans conceive of a constitution as something that must be written, yet this does not mean

that the working or operation of the American government is based entirely on the provisions of such written constitution. b.) A constitution is the supreme law of the land which must serve as the basis of the acts of all the different branches and officials in the government. 2.) English or The Unwritten Constitution a.) This means that it is a product of the gradual political growth and development, changing slowly according to the demands of the times. b.) A constitution is a mere formal law because its provisions are not superior to the acts of the legislature or of the parliament. III.

Classification of Constitutions Depending upon their point of view, various authorities have different ways of classifying the constitutions. The constitutions may be classified as: 1.) According to the degree of popular participation or the type of government that they provide, they may be classified as democratic, aristocratic, oligarchic, or autocratic. From this point of view the Philippine Constitution may be classified as democratic. 2.) According to the procedure of amending them, they may be classified as flexible or rigid. The Philippine Constitution may be classified as rigid. 3.) According to their form, they may be classified as written or unwritten. The Philippine Constitution may be classified as largely written. 4.) According to Sir Henry Maine, constitutions may be classified into: a.) Historical and Revolutionary Those constitutions which develop gradually according to the experiences, customs, and traditions of the people. b.) A Priori Those constitutions which are founded on speculative assumptions remote from the experiences of the people . 5.) According to their origin, they may be: a.) Evolved, like the English Constitution, which is a product of growth or of a long period of development. b.) Enacted, like the constitution of the United

States, which was drafted by the deliberate act of the representatives of the people. c.) Granted, like the constitution of Japan of 1889, which the ruling prince or monarch decreed to his subjects. IV Contents and Characteristics of a Written Constitution Generally, written constitutions must consist of the following: 1.) Preamble. 2.) Provisions outlining or defining the organization, form, and distribution of the powers and limitations of the functions of the government. 3.) The Bill of Rights which enumerates the civil and political rights of the people. 4.) Provisions prescribing the procedure of amendment. A good written constitution must have the following characteristics: 1.) Broad A constitution must be broad in its scope because it outlines the organization of the government for the whole state. A statement of provisions and functions of the government, and of the relations between the governing body and the governed, requires a comprehensive document. 2.) Brief A constitution must be brief because it is not the place in which the details of organization should be set forth. Some constitutions have been marred by the inclusion of pure regulation. 3.) Definite The constitution must be definite. In a statement of principles of underlying the essential nature of a state any vagueness which may lead to opposing interpretations of essential features may cause incalculable harm. Civil war and the disruption of the state may conceivably follow from ambiguous expressions in a constitution.