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The principles that guided the of amending the Constitution of Greece in 1975 in the light of available classifications

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Abstract: *Of all the procedures regulated by legal acts recognized as full constitutions, the provisions regulating the changes to the constitution play a particular role in the system. Their design determines the possibility or impossibility of adapting the basic law to the changing social, economic and political realities, which may reflect the constitutional stability, but it also stabilizes the constitution of a state into a certain shape.*

The proposed divisions, as well as the precise instruments of constitutional classification based thereon, can facilitate academic discourse and enrich didactics.

The subject of the article is an analysis of the Greek constitution in the context of a system of classification, which differentiate this type of legislation into rigid and flexible.

Introduction

The commonly used distinction between fundamental laws due to the mode of modification of their provisions presupposes that there are two types of constitutions:

- 1) flexible, modified by legislative procedure;
- 2) rigid, modified in a manner that is different to legislative procedure.

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This is of course a great simplification, especially since the concepts relate mainly to the quantifiable requirements of the enactment of changes, i.e. quorum and majority, often excluding other procedural requirements.

The concept of a flexible or rigid constitution was introduced in 1884 by James B. Bryce in the book entitled *Constitutions*¹, although the idea of stabilizing the constitutional content by hindering the amendment of the Basic Law had been initially formulated earlier. J.B. Bryce suggested that the characteristic feature of a flexible constitution is the way of changing its provisions, identical to the changing of laws. In the case of a rigid constitution, its superiority is indicated by a different, more rigorous mode of change².

This binary classification has been challenged repeatedly, and its critics have pointed to its erroneous assumptions that translate into the low utility of this scale. K.C. Wheare believed that adopting only the criterion-change mode of the constitution led to the result that almost all constitutions would be classified as being rigid, with only a few being classified as flexible, thus making such a classification system dysfunctional³. L. Wolf-Philips emphasizes that this binary classification does not take into account the fact that, apart from the written sources of constitutional law, the existence of other unspecified sources⁴. The flexible-rigid dichotomy is observed differently by E.F. Bowman, who in his 1921 study entitled *An Introduction to Political Science* largely shared the views of J.B. Bryce, by identifying unwritten constitutions with flexible ones, and the written with rigid ones⁵. In contrast contemporary researchers have identified completely different factors that are important for the implementation of constitutional changes⁶.

The analysis of the procedures for amending the constitutions of contemporary European countries has led to the conclusion that most of the acts should be classified as belonging to the rigid category. This group includes 43 countries: Albania, Andorra, Austria, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Montenegro, Czech Republic, Denmark, Estonia, Finland,

¹ J.B. Bryce, *Constitutions*, Reprinted, 2010, Memphis, Tennessee, USA.

² *Ibidem*, p. 1.

³ K.C. Wheare, *Modern Constitutions*, Oxford University Press 1966, p. 16.

⁴ L. Wolf-Philips, *Constitutions of Modern States*, London 1968, p. VIII.

⁵ "But the constitution of the United States or of Germany, or Belgium or France, is written down in a single document (plus of course amendments which may be added to it later). Generally speaking, the fact that the constitution is so written down will mean that its authors will endeavour to make it rigid as well: but there is no necessity for a written constitution to be rigid or for an unwritten one to be flexible." E.F. Bowman, *An Introduction to Political Science*, London 1927, p. 36.

⁶ X. Contiades, *Constitutional change engineering*, [in:] X. Contiades (ed.), *Engineering Constitutional Change. A Comparative Perspective on Europe, Canada and the USA*, Routledge 2013, p. 1–5; X. Contiades, A. Fotiadou, *Models of constitutional change*, [in:] X. Contiades (ed.), *Engineering Constitutional Change...*, p. 417–468.

France, Greece, Spain, Netherlands, Ireland, Iceland, Lithuania, Luxembourg, Latvia, Macedonia, Malta, Moldova, Monaco, Germany, Norway, Poland, Portugal, Russia, Romania, San Marino, Serbia, Slovakia, Slovenia, Switzerland, Sweden, Ukraine, Hungary and Italy. The basic laws of these countries have introduced a mode of constitutional change distinctly different from that used in the legislative process. In spite of the similarities with regard to the mode of the modification of basic acts, these countries are characterized by a clear differentiation in terms of the specific arrangements applied⁷. Of the 45 contemporary European states, only two have flexible constitutions: the Vatican and Great Britain.

The rules for amending the Constitution of Greece

An analysis of the provisions governing the amendment of the Greek Constitution of June 9th 1975 leads to the conclusion that this was not a modified legislative procedure but a completely separate procedure⁸. Only a group of 50 deputies (Art. 110 of the Constitution) was entitled to initiate the amendment of the Greek Basic Law. The number of seats in the Greek parliaments is variable and according to art. 51 sec. 1 of the Constitution, with it ranging from 200 to 300 deputies. According to the Constitution, only the Chamber of Deputies (Rule 73) have the right to initiate legislation.

Granting the right to initiate a constitutional change to a group of 50 deputies seems less stringent than in the case of legislative procedure. However, the rules of the parliament among the rights of the deputies include the right to submit bills, supplements and amendments to proposals and laws⁹, which means that the constitutional change procedure is not only more restrictive than legislative but introduces dissimilar solutions.

Greece belongs to a small group of European states, whose constitution does not grant the right to any executive authority to initiate constitutional changes, excluding them from the initial phase of the process of the amending the Basic Law. Apart from Greece, this group includes Albania, Ireland, Lithuania, Portugal

⁷ For a comprehensive analysis of procedures for changing the constitution of contemporary European countries in Polish see: R. Grabowski, *Zróźnicowanie trybu zmiany jako kryterium klasyfikacji konstytucji współczesnych państw europejskich*, Rzeszów 2013.

⁸ The Constitution of Greece as revised by a parliamentary resolution of May 27th 2008 of the VIIIth Revisionary Parliament It was translated into Polish and published in the collection of the constitutions of the European Union countries: *Konstytucja Grecji z dnia 9 czerwca 1975 r.*, trans. G. Ulicka, W. Ulicki, B. Zdaniuk, N. Ciesielczyk, [in:] W. Staśkiewicz (ed.), *Konstytucje państw Unii Europejskiej*, Warszawa 2011.

⁹ The functioning of the Greek Parliament was presented in a Polish publication: L. Akritidis, P. Akritidis, *Parlament Grecji*, Warszawa 1998.

and the United Kingdom. This solution seems logical because the involvement of the executive in the current policy is not the best recommendation for initiating changes to the constitution.

Another interesting solution applied in the procedure of amending the Greek Constitution concerns the slowing down of the work on the project. Art. 110 sec. 2 requires two votes on a draft of a constitutional amendment, one month apart. This applies only to a resolution passed by the parliament that started the work on the project. In Greece – as in Denmark, Finland, the Netherlands, Iceland, Sweden, and sometimes also in Estonia and Spain – the Parliament initiates the constitutional change process, examines the draft and approves it, but the approval of the constitutional amendment is performed by the next parliament. Art. 110 sec. 2 of the Greek Constitution requires the adoption of a constitutional amendment by a 3/5 majority of the general number of chamber members. In the next parliamentary term, only an absolute majority of the members of the chamber (Art. 110 sec. 3 of the Greek Constitution) are required to vote for the constitutional amendment¹⁰.

The participation of the parliament of two successive mandates in the constitutional amendment allows the people to decide on the amendment of the Basic Law. Parliamentary elections, held between the adoption of a constitutional amendment and its re-enactment by the next parliamentary term, grant voters the opportunity to support political groups that push for change in the constitution or oppose changes – which may result in a failure of the constitutional reform.

The 1975 Constitution of Greece limits the right of parliament to modify the constitution. The Parliament is elected for four years (Art. 53 of the Constitution), and constitutional amendments are allowed five years after the previous amendment (Art. 110 art. 6 of the Constitution). In addition, there is no possibility for Greece to use an extraordinary procedure to amend the constitution before the expiry of the five-year grace period, as is the case of Portugal¹¹.

However, an amendment to the Greek Constitution facilitates an alternative procedure that can be likened to a rescue procedure, which allows for a modification to take place despite the amendment lacking the required support¹². Art. 110 sec. 4 of the Constitution introduced the possibility of adopting an amendment to

¹⁰ The principles of amending the Greek Constitution in the Polish language are presented in a study on the principles of the change of basic acts in European countries: A. Surówka, *Zasady zmiany Konstytucji Republiki Grecji*, [in:] R. Grabowski, S. Grabowska (eds.), *Zasady zmiany konstytucji w państwach europejskich*, Warszawa 2008.

¹¹ The constitutional system of Greece was presented in Polish in the elaboration: J. Kamiński, *System konstytucyjny Grecji*, Warszawa 2004.

¹² This solution is used by five modern European countries: Bulgaria, Greece, Spain, Liechtenstein and San Marino.

the Basic Law if it did not obtain a majority of 3/5 of the total number of deputies, but was ‘voted’ for by the majority of the total number of deputies. In such a case, the next Chamber of Deputies may (at the first session) decide by a majority of 3/5 of the total number of deputies to adopt the draft of the constitutional amendment¹³. The application of such a solution in the case of Greece deserves approval, given the fact that constitutional amendments may be introduced with a five-year tenure.

Article 110 of the Greek Constitution prohibits the change of provisions, “which define the basis and form of the system as a parliamentary republic”, and includes the protection of the principles of human dignity, the equality of citizens, equal access to public services, the tripartite power rule, the freedom of conscience, and the abolition of noble titles¹⁴. The establishment of relatively unchanged norms does not exclude a constitutional change, but limits the scope of change. They cannot transgress into the area described by unchanged norms, as the legislator considered it important to secure the indicated systemic principles¹⁵.

The introduction to the constitution of immutable norms does not lead to automatic control of acts amending the constitution. This can be demonstrated by reference to the constitutional systems of Greece, Liechtenstein and the Russian Federation. Conducting a constitutional review of the amendment of the Basic Law in Greece is not possible due to the lack of an organ of constitutional control competence. Moreover, the exclusion of the President from the final stage of the procedure of amending the Basic Law prevents the performance of an inspection before announcing the law amending the Constitution.

The entry into force of the enacted law amending the Constitution of Greece requires a special resolution of the Chamber of Deputies. The law is published in the Official Journal, “within 10 days of voting” (Art. 110 sec. 6 of the Constitution)¹⁶. This is a clear derogation from the rules for the publication of statutes, regulated in art. 42 of the Basic Law. In cases where the President performs, “promulgation and publication” within one month of the resolution of the parliament. The exclusion of the President of Greece from the final stage of

¹³ The political system of Greece in Polish was presented in: M. Lorencka, *Grecja*, [in:] M. Myśliwiec, K. Krysiński (eds.), *Systemy polityczne wybranych państw basenu Morza Śródziemnego*, Poznań–Chorzów 2011.

¹⁴ These are: art. 2 sec. 1, art. 4 sec. 1, 4 and 7, art. 5 sec. 1 & 3, art. 13 sec. 1 and Art. 26th Constitution of Greece.

¹⁵ This solution was implemented by thirteen European countries: Bosnia and Herzegovina, Cyprus, Czech Republic, France, Greece, Liechtenstein, Germany, Norway, Portugal, Russian Federation, Romania, Ukraine and Italy.

¹⁶ X. Contiades, I. Tassopoulos, *Constitutional change in Greece*, [in:] X. Contiades (ed.), *Engineering Constitutional Change...*, p. 160.

the constitutional amendment may be astonishing, as, in accordance with Art. 26 sec. 1 of the Constitution – the presidency holds legislative power along with the House of Representatives¹⁷.

The degree of complexity of these regulations places the principles of the revision of the Greek Constitution of 1975 as being amongst the most difficult contemporary procedures of this type¹⁸. The modest possibilities of Bryce's anachronistic classification make it impossible, however, to precisely describe the legal act examined, apart from declaring its membership of the elite constitutional group that can only be changed in a statutory or rigid manner – altered in another, more difficult mode. The application of the criteria proposed by J.B. Bryce only allows us to state that the Constitution of Greece is one of the 43 most rigid constitutions in Europe.

A universal classification for constitutions

The departure from Bryce's widely used scale, and the creation of a three-tiered classification allows for a more precise definition of the type of constitution, because the addition of a third step to the classification that includes information on instruments to safeguard immunity, variability, and the guaranteeing of a nation's participation in the constitutional change process leads to a more sophisticated classification. This is because it allows not only the type, but also the subtype of the constitution to apply to the constitutional acts of contemporary and historical states, both European and other states located in other parts of the world. Thus, due to these characteristics, it could be regarded as a system of universal classification¹⁹, which takes into account the contemporary constitutional realities. It is based on the following gradation:

- 1) flexible constitutions, changed by legislative procedure,
- 2) semi-rigid constitutions, altered in modified legislative mode,
- 3) rigid constitutions, altered in a different constitutional modification of constitution.

¹⁷ The President does not participate in the final phase of the procedure to amend the Basic Law in 7 European Republics: Bulgaria, Croatia, Greece, Macedonia, Serbia, Slovakia and Slovenia.

¹⁸ X. Contiades, I. Tassopoulos, *Constitutional change in Greece...*, p. 173.

¹⁹ The issue of universal constitutional classification due to the mode of their modification: R. Grabowski, *Only the flexible and rigid? The problem of differentiation of procedures for amending the constitution of modern European states*, «Przegląd Prawa Konstytucyjnego» 2015, No. 6 (28), DOI 10.15804/ppk.2015.06.15, p. 247–260.

The modification of the legislative procedure is a change in the elements of the procedure used by the legislature, whereas a procedure different from the legislative must characterize the introduction of new elements, that are not part of the legislative procedure. The three steps of the classification scale (flexible – semi-rigid – rigid) makes it possible to make quality progress when it comes to precisely classifying the Constitution because of the mode of change. It does not disregard the additional hedging instruments in the procedures of modifying the modern constitution as it must take into account both the difficulty of amending the Basic Law (type of constitution) and the additional security provided by the legislator.

In almost every process of constitutional change there are different elements. Some of them are integral components of the modification mode, that contribute to qualifying the constitution as flexible (type 1), semi-rigid (type 2) or rigid (type 3). Other elements should be considered as special types of instruments, not related to the type of the statutory law, but which are an additional guarantee introduced by the legislator.

Elements that form an integral part of the constitutional amendment procedure include: modifications to the catalog of initiating entities; the formal requirements accompanying the implementation of the initiative; the limitations on the right of the legislature to make changes; slowing thresholds; maximum time limits; modifications to quantitative requirements; the modifications to the reciprocal position of chambers in a bicameral parliament; the requirement for the parliament to enact two consecutive terms of office; optional forms of civic participation; the constitutional control of various phases of the proceedings; and the modification of the powers of the authorities to approve and announce a change.

The additional elements of the constitutional change procedure are: the withdrawal from the requirement to formulate an initiative for change; the establishment of relatively unchanging standards; the introduction of revision clauses for modifying selected standards; the national allocation of the right to adopt a referendum with limited parliamentary participation; obligatory forms of civic participation. The Establishment of alternative procedures including reservations; the establishment of special procedures (i.e., temporary, emergency and urgent); and the requirement of these to be ratified by federation entities. Additional elements can be introduced by the legislator into the constitution to achieve specific goals. One can distinguish:

- 1) the factors securing the constitutive nature of the constitution,
- 2) the factors securing the changeability of the constitution,
- 3) the factors guaranteeing citizens' participation in the decision to modify the constitution.

Immutable norms²⁰, review clauses²¹, the requirement of the ratification of a modification by entities of the federation²² are considered as factors securing the immutability, so rigidifying the constitution. The application of security factors corresponds to the doctrine of constitutional law, which perceives the rigidity of the Basic Law as desirable.

The constitutional susceptibility to change – corresponding to the historical, civilizational or social processes taking place – seems no less important than its durability. Progress in the ‘improvement’ of constitutional modalities usually leads to an increased rigidity. However it seems that the optimal solution is to strike a balance between the stability of the domestic law, and its variability, by justifying the use of the elements facilitating change. The constitutions that prevent constitutional variability include: deviation from the formal requirements

²⁰ Relatively unchanging norms are constitutional provisions that are not subject to change unless we adopt a new constitution. Due to its limited ability to act by the future constitutional legislator, this method should be regarded as not very sophisticated. Paradoxically, establishing such standards can make the adoption of a new constitution easier than a change to such a secure provision. Introducing this kind of material change boundary allows to completely over-block or prevent a thorough change of secured standards. The legislator must, however, take precautionary measures and introduce measures to counteract the modification thereof, consisting in the specific ‘hollowing out’ of the content of key systemic norms under the guise of changing other norms of the statutory law.

²¹ A review clause is a norm or set of norms, introducing a special mode of changing selected appointments. The revision clause is a norm or group of norms, introducing a particular mode of change of chosen provisions. This method allows for simultaneous enhancement of the protection of selected laws or values and the internal hierarchy of constitutional norms, with the reservation of their equal legal force. The basic law with the review clause is characterized by a number of modes of change. This instrument needs to be considered sophisticated, due to the need to create a mode of change that is different from the baseline but still feasible. This makes few constitutions introduce more than one particular mode. Each of them serves to change the different norms or their groups within the same constitution. Designing the requirements accompanying the review clause requires some diligence and sophistication. Securing selected norms by ordering them to change in a manner that is intended to pass a new constitution, which is sometimes practiced, may have the opposite effect. The congregating of a sufficient majority to perform this aim may not only lead to much change in the standard (or norm) but to the adoption of a new constitution. Thus, excessive rigidity may result in cancellation of the act.

²² Adopting a constitutional amendment of ratification by federations is a solution that correlates with the constitutional principles of the federal state, although contributing to a substantial prolongation of the procedure for amending the Basic Law. It is also a solution that can be described as classic due to the fact that it has a long tradition. This makes the ratification procedure involving the federations subject to consideration in each of these types. In this context, it is surprising that the institution’s popularity is low. The decisive factor for attributing the essential role to this factor – and not, for example, the special body’s ratification as in France – is to endorse constitutional amendments to different entities, not parliament or citizens.

accompanying the change initiative²³, alternative and reserve procedures²⁴, special procedures (temporary, exceptional and urgent change)²⁵.

The factors guaranteeing the participation of the people in the process of constitutional change allow citizens to co-decide on constitutional matters. The inclusion of such factors in the procedure of amending the Basic Law is in line with the tendency to require the use of participatory democratic institutions. The factors that guarantee the participation of citizens are: the obligation to mandate constitutional change by the nation²⁶ and the possibility of passing a constitutional amendment by the people²⁷.

²³ Increasing the requirements accompanying the implementation of the right of the legislative initiative – which can be said by analyzing the provisions in force in Poland, for example – also concerns the initiative on amending the constitution. This can hinder and, in extreme cases, prevent some operators from exercising their powers. Withdrawal from formal requirements is a great facilitator in this context, especially for those without a professional assistance apparatus such as a group of citizens. This is also a way to avoid the procedure for low-quality projects – in the case of an unstructured initiative, the obligation to prepare the project lies with the parliament.

²⁴ Alternative procedures should be considered as facilitating the amendment of the Basic Law, which explains why they are part of a rigid constitution. In today's European countries, there are two types of procedures that can be defined by this term. The first possibility is to leave to the body considering the project the choice of the method of its adoption, usually the so-called parliamentary or referendum path. The second option is the introduction of reduced quantitative requirements applicable to the inability to achieve the majority required for the adoption of the amendment to the Basic Law.

²⁵ There are some other special procedures that apply to the derogation from the constitution (temporary change), as well as an extraordinary or urgent modification of the constitution. A temporary derogation allows for one-off operations without permanently modifying the basic act. Urgent procedures are usually applied in emergency situations requiring a quick change of constitution. Special procedures are controversial, but they should be treated as expressions of the pragmatism of the legislator, the conscious impossibility of regulating all possible states of facts.

²⁶ The introduction of compulsory civic participation refers to the most widespread institution of participatory democracy accompanying the constitutional change process, i.e. the constitutional referendum on the enacted amendment. The constitutional referendum seems to be the optimum ground for congregating the will of citizens with the will of their representatives in the parliament. Noting the constant popularization of institutions of civic participation, it has to be stated that it is relatively rare to apply in mandatory cases. The effectiveness of the introduction of the optional referendum to the constitutional amendment process seems to be less, as its effect depends on the activity of the subjects, often without a group of citizens. Therefore, among the factors securing the participation of citizens in the procedure of amending the Constitution, only compulsory participation of citizens has been included in the approval of the amendment of the Basic Law.

²⁷ Entrusting to the nation the competence to pass a constitution in a referendum means limiting the participation of the parliament in the adoption of the constitution and sometimes also considering it. This method raises controversy, generates numerous technical problems, and raises concerns about the quality of the law. At times, the high vulnerability of citizens

Taking into account the above assumptions, the Constitution of Greece in 1975 is a rigid constitution, modified by constitutional amendment (type 3), its immutability is further secured by the introduction of unchanged norms (Art. 110 sec. 1), and its variability guarantees the establishment of an alternative procedure for change (Art. 110 sec. 4). Using single classifications of the constitution presented by the descriptive method is problematic, and it hinders the making of a simple comparison between modern constitutions. It is more practical to use a short description, indicating the type of constitution, and then apply the additional instruments used. In table 1 three distinct constitutional types were identified by assigning them successive digits.

Table 1. The designation of constitutional types

Constitutional Type	Designation	Procedure of change
Flexible	1	Legislative
Semi-rigid	2	Modified legislative
Rigid	3	Different than legislative (constitution amendment mode)

Source: own elaboration.

Each of the additional instruments has been marked with a letter, which allows it to be used to supplement the type of constitutional information by indicating whether it was additionally secured and what security has been applied. Due to the fact that several constitutions are not equipped with additional security measures, the symbol should also be set for the absence of security, i.e. neutrality in this respect. As can be seen in table 2 the following symbols correspond to the type of protection can be used.

The greatest benefit of the universal classification presented here is that it allows for the simple designation of individual constitutions and their classification. The Greek Constitution is considered to be a rigid one (**type 3**), its constitution guarantees the introduction of unchanged standards (**security factor "i"**), and the variability guarantees an alternative change procedure (**security factor "a"**). This allows you to label this constitution as type **3-ia**. The solutions on the modification of the constitution that have been introduced by the Portuguese legislator, that has introduced a separate constitutional amendment, the setting of unchanged norms, and also issuing an extraordinary change, i.e. carried out without considering the five-year grace period since the previous change. Thus the constitutions of both Greece and Portugal are classified as type **3-ia**.

to political manipulation is also raised but one must accept that every lawmaking process is strongly politicized.

Table 2. Protection factor symbols

Protection factor	Symbol	English	French
Neutrality (lack of protection)	n	<i>Neutral</i>	<i>Neutra</i>
Unchanged norms	i	<i>Immutable</i>	<i>Immuable</i>
Review clause	c	<i>Clause</i>	<i>Clause</i>
Ratification	r	<i>Ratification</i>	<i>Ratification</i>
Not articulated initiative	f	<i>Unformulated</i>	<i>Informulé</i>
Alternative procedure	a	<i>Alternative</i>	<i>Autre</i>
Special procedure	e	<i>Extraordinary</i>	<i>Extraordinaire</i>
Mandatory citizen participation	o	<i>Obligatory</i>	<i>Obligatoire</i>
Adoption by the nation through referendum	p	<i>People</i>	<i>Peuple</i>

Source: own elaboration.

Interesting results are given by the application of this new method of constitutional classification to contemporary European countries. The constitutional nature of the United Kingdom makes its constitution classified as type **1-n**, as the constitution of the UK consists of numerous constitutional acts, and the rules of their creation are varied and additional protections do not exist. For the sake of equality, the constitution of Cyprus is changed in a modified legislative procedure and its immutability secures norms that do not change, allowing it to be classified as type **2-i**. On the other hand, the constitution of Poland, which is undoubtedly rigid, is classified as type **3-c**, because in addition to a separate mode of constitutional change, it introduces a special mode of modification of selected constitutional norms (review clause). The semi-rigid Basic Law of Switzerland waives formal requirements in the case of the citizens' initiative to amend the constitution and introduces numerous guarantees for their participation in the change procedure, which allows it to be considered a **2-fop** type.

Conclusion

Of all the procedures regulated by legal acts recognized as full constitutions, the provisions regulating the changes of the constitution play a particular role in the system. Their design determines the possibility or impossibility of adapting the basic law to the changing social, economic and political realities, which may have an effect on constitutional stability, but it also stabilizes the constitution of the state into a certain shape. The Constitution is not only a legal act, but also a manifesto, so in addition to functionality, other values should be sought therein.

It is impossible to establish a gradation that determines the degree of rigidity of a constitution by the use of individual additional protective factors. Whether they facilitate or hinder change results from the establishment of additional requirements that largely depend on the specifics of a particular constitutional system and the political realities. On the other hand, it may be assumed that the use of more than one type of security in a single constitution (i.e. immutability, variability or participation of the nation), or increasing the complication of the procedure, would lead to an increasing rigid constitution.

The proposed divisions, as well as the precise instruments of constitutional classification based thereon, can facilitate academic discourse and enrich didactics. They should also serve to rationalize the work to introduce changes in the constitutions and to facilitate the creation of new basic laws. The model presented in this paper allow us to define the type of constitution desired in a given state – and allow us to develop an awareness of the consequences of choosing specific solutions – and thus to choose the factors that help to ensure its stability, variability or participation in major decision-making.

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