Constitutions and constitutional theories

1. Introduction

2. The classical typology of constitutions: Aristotle
Aristotle, Politics, Book III, Ch. 7, 8 and 9

3. The mixed constitution: Aristotle, Polybius, Machiavelli
Aristotle, Politics, Book IV, Ch. 3, 4, 9 and 11;
Polybius, Histories, Book VI, The Roman Constitution;
Machiavelli, Discourses on Livy, Book I, Ch. 2;

4. The constitution as an artifact: E. Sieyes
E. Sieyes, What is the Third Estate, Ch. 5

5. The constitution of checks and balances: James Madison
Federalist Papers, # 46-51
Montesquieu, The Spirit of Laws, The constitution of England, Book XI, Ch. 6

6. “Material” constitution: Ferdinand Lassalle
F. Lassalle, On the Essence of Constitutions, (Speech Delivered in Berlin, April 16, 1862)

7. Customary constitution: A.V. Dicey
A.V. Dicey, Introduction to the study of the law of the constitution, Ch. 4 and 14

8. Rigid constitutions: J. Bryce
J. Brice, Flexible and Rigid Constitutions, 1901 (in Studies in History and Jurisprudence, vol. I, Ch. 2, 3, 10, 12, 13

9. Constitution and hierarchy of norms: Hans Kelsen
H. Kelsen, General Theory of Law and State, 1945, Ch. XI and second section G
10. A general theory of the constitution: Carl Schmitt
C. Schmitt, *Constitutional Theory*, 1928, # 3 and 6

11. Constitution Making: Jon Elster
P. Pasquino, “ Constituent power and authorization: Anatomy and failure of a
constitution-making process”, in *Iceland's Financial Crisis: The Politics of Blame,
Protest, and Reconstruction*, Edited by Valur Ingimundarson, Philippe Urfalino, Irma
Erlingsdóttir, Routledge, 2016, pp. 230-238

12. Constitutionalism: Stephen Holmes
S. Holmes, “Constitutions and Constitutionalism”, in *The Oxford Handbook of
Comparative Constitutional Law* 189 (Michel Rosenfeld and András Sajó, eds.,
Oxford University Press, 2012)

13. The Chinese Constitution
Yile Zhang, The function of the constitution in [contemporary] China

14. Conclusion