

Does the UK have a 'constitution'? Does it Matter?

There are two meanings to the word constitution the first is that

It will contain all of the rules for the organisation of the state. and secondly

It will usually be 'entrenched' which means that it is hard to change.

The constitution of a country is a set of rules regulating the powers of its government and the rights and duties of its citizens. In all but a few democracies in the world, the nation's constitution can be found in a single document. The exceptions are Israel, New Zealand and the United Kingdom. As a result, people sometimes say that we in Britain do not have a constitution. On the other hand people say the United Kingdom does have a constitution; it is just a little hard to track down. People also frequently say we have an 'unwritten constitution' in the United Kingdom.

As you can see from all these views it makes it a little confusing to whether or not UK has a written constitution or not.

There are historical reasons why we have no written constitution; Britain has not been conquered since 1066, despite the two World Wars, Britain has been stable and has had a responsible government for hundreds of years. Our unwritten constitution is traditional, and if a written one is incorporated into British law, then people who believe the monarchy and the democratic system is old fashioned will demand abolishment or amendment. There are many problems that would pose threat to the country if a written constitution were introduced.

A written constitution does have impact of changing the nature of a country. While the change can be for better or worse, One view is of Lord Woolf, the lord chief justice, who has expressed the need for a written constitution, he said that it would help to protect the country from major changes being made without having to go through legal process.

The continual use of the word "constituion" in the English parliament shows there is none and there is merely a government without a constitution.

British writers define the constituiton in a way which appears to give us one, even though there is no documents to prove that there actually is one. Constitutions have certain essential characteristics, none of them found in Britain in what in our own opinion might call a consiitution.

The British constitution has evolved over many centuries. Unlike the constitutions of America, France and many Commonwealth countries, the British constitution has not been assembled at any time into a single, consolidated document. Instead it is made up of common law, statute law and convention. Of all the democratic countries in the world, only Israel is comparable to Britain in having no single document codifying the way its political institutions function and setting out the basic rights and duties of its citizens.

Britain does, however, have certain important constitutional documents, including the:

- Magna Carta (1215) which protects the rights of the community against the Crown; the
- Bill of Rights (1689)

Our unwritten constitution is old fashioned, and there is not even an agreement about what it actually contains as it is made up of various conventions, statute laws and ancient documents. Constitutions are supposed to be the fundamental social compacts by which authority and order are maintained, and so a British written constitution would not only provide a rigid means of protecting the people from the power of the executive, but prevent the power of the Government from being too centralised, which is presently a major criticism of the Government.

Even when, Margaret Thatcher was Prime Minister she agreed that the Government power was too centralised, and needed some sort of restraint. A written constitution would set out the relationship between individuals and the Government; it would define the power of the state and its agencies, and say who can do what and where the limits of power were.

Recently, the Government has been accused of decreasing its accountability through various agencies by allowing them to carry out Government policies without the agency directors being held accountable for their mistakes; a written constitution could prevent this and make Parliament and democracy more accountable to themselves and the public.

Parliamentary sovereignty is slowly diminishing in Britain, and a written constitution would not only decrease Government sovereignty but also increase sovereignty of the electorate and the judicial system.

At the moment, if the Government wanted to modify or add to the unwritten constitution, they can do it simply by passing an Act; this may suggest that we have an elective dictatorship in theory where the Government exercises a kind of dominant influence over Britain. An inflexible, written constitution would evolve more power into the people and the courts. This would be especially beneficial with Europe in mind; Britain is the only member in the EU without a written constitution, and a written constitution may increase our sovereignty within Europe.

Before we decide if UK should have a constitution we should see the main functions of any well worked constitution they are:

- To distribute power within the political system
- To limit the power of the Government
- To establish the rights of the citizens
- To define the nature of citizenship
- To define the territory governed by the constitution
- To define relationships with external bodies
- To establish how the constitution itself can be amended

Typical constitutional features are

- Breadness: The rules in a constitution have to be broad to allow the system to develop over time; otherwise it will break and not be flexible as circumstances in the country change
- Entrenchment: There should be special arrangements in place for amending a constitution, and this should be more difficult than passing normal laws.

- Codification: The constitution is written down in a single document, and so is organised into a clear set of principles and rules. We should learn from the US Constitution of 1787.

There are many advantages of adopting a written constitution in Britain, as there are many pressure groups, political figures and ordinary people who believe that Britain should have one. In conjunction with this there are a few disadvantages.

Advantages to having a written constitution in the United Kingdom

A written constitution would allow the British people to appeal to the courts with a written document to back up their claims; a codified document is a point of reference and the public will be able to read and understand our constitution a considerable amount more than they do presently. The written constitution could be taught in schools; this would not only increase their insight into politics but also encourage them to respect the laws included in the constitution.

A written constitution would be safer for long term peace as individual's and Parliament's rights would be codified to prevent possible rebellions and outbreaks; however a written document may be hard to adapt to as it would be such a radical contrast between the UK without and with a written constitution, and the public may not consent to it.

Disadvantages to having a written constitution in the United Kingdom

The main argument which would prevent a written constitution from being introduced into Britain is the fact that it is simply unachievable; it would be difficult to gain. Parliament would first have to pass many bills to declare that statute laws and Acts are no longer valid, which would be time consuming, they will also have to make sure that all citizens want a written constitution.

The final disadvantage of introducing a written constitution into Britain is that the supposed inflexible and rigid nature of written constitutions of other countries. Unless our constitution declared that the constitution could not be amended similar to in Italy, there is danger that laws may need to be changed and it would not be possible. If we adopted a written constitution and amended it whenever necessary, there would hardly be any difference to the present constitutional system.

In conclusion

Altogether, a written constitution would bring many economical, social and political benefits, and be a worthwhile move for the future of Britain.

I also think that a written constitution would provide our country with greater accountability and democracy.

I believe that in order for a written constitution to work in the United Kingdom the written constitution needs to be enforced. That enforcement would come through the court system with interpretations being made most frequently by the highest court in the country.

is a written Constitution a wise choice for the UK ? Obviously, implementation of laws such as the European Human Rights declaration can be considered a form of a written Constitution. However, the experience of other common law jurisdictions should be weighed in the debate. I do not believe there is a simple answer regarding the choice of a written or unwritten constitution, but any changes should be weighed against the advantages and disadvantages of the countries that have a written constitution.