

What are the advantages and disadvantages of an unwritten constitution in the UK?

The UK has an unwritten constitution unlike the U.S.A. Instead Britain's laws, policies and codes are developed through statutes, common law, convention and more recently E.U law. It is misleading to call the British constitution unwritten; a more precise form of classification would be un-codified. This means that the British constitution has no single document, which states principles and rules of a state. However, The British constitution clearly sets out how political power is allocated and where it is legally located. The British constitution is still visible and it defines composition and powers of the main offices and institutions of the state. Fundamentally it 'regulates the relationships between the state and the citizen.' (Bill Coxhall, 1998)

Britain can be distinguished between those countries which incorporate their major constitutional rules into a single document. Britain is one of few countries which do not have a codified constitution.

The advantage of not having written or codified is that laws and policies are evolutionary and can be easily amended. An example of this is the in-corporation of E.U laws into UK laws. Since parliament passed the European communities Act in 1972 Britain has accepted the superiority of European law. The House of Lords has judged certain English laws to be unlawful in light of EU legislation.

Another advantage of an unwritten or un codified constitution is that it is evolutionary because it develops with historical changes. An example of this is when parliament in

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the UK took total sovereignty away from the monarchy in 1867. Changes to the British constitution reflect a changing balance of power. The constitution is important even though it is not written form because it formed the basis of the separation of power that we now have, for example between the Lords and the Commons. This also shows the flexibility of the constitution.

An advantage of the UK constitution is that it takes into account of changing views. For example, in 1997 the changing of the hereditary peer system and also further reforms to change the structure of parliament. It is good that the British constitution will always takes into account these changes.

However, there are disadvantages to an un-written constitution. A written constitution is considered the highest form of law and is respected because of this. There is no such principle in the British constitution because sovereignty lies with Parliament. The British constitution cannot be referred to in a legal sense like the US constitution, which has a Bill of Rights.

A further disadvantage of the British constitution is that it is considered old fashioned, some people believe that even though our unwritten constitution is supposed to be traditional, the running of the country at present does not coincide with the laws that were made hundreds of years ago, as they are simply out of date and not applicable to today's society. There is not even an agreement about what it actually contains as it is made up of various conventions, statute laws and ancient documents. The British can be confusing and there is no clear guideline of where certain powers rest, it can be seen as undemocratic in some ways because it does not set out individual freedoms

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and rights of British citizens, in a written constitution the public are clear about what their rights are and they can hold the government accountable if they appear undemocratic.

However, an unwritten constitution is still more advantageous than a written one, mainly because a written one is too inflexible and rigid. Written constitutions of other countries have become out dated because it is not easy to change and amend.

In conclusion, the British constitution seems to be old fashioned and much of it symbolic. However, an un- written constitution such as the UK's is positive as it provides fluidity and adaptability as laws and policies can be changed to reflect the opinions of a changing society. The British constitution can be seen as reflective and flexible.