

Government and Politics: Timed Essay

What is sovereignty?

The idea of sovereignty is the idea of someone holding supreme power. For example in the United Kingdom we have parliamentary sovereignty. This means that parliament holds supreme power in the land with no constraints. However sovereignty is affected and controlled by certain things such as public opinion and outside influences including the media etc. That is why although sovereignty gives supreme power to the bearer it can sometimes be restricted by uncontrollable means.

However ultimately, if remove all other influences and theories, sovereignty is the word used to describe something that is given to someone or something to hold supreme power, and this power should technically be un-questionable, that is the idea of sovereignty.

Where is sovereignty located in the UK?

The monarch originally always held sovereignty. However in 1649 after the English civil war sovereignty in the UK was handed over to parliament after the execution of Charles I, and the running of the country became a dictatorship under Oliver Cromwell. Ever since then, although the monarch is still head of state, parliament has always held supreme power in the land. The monarch still holds theoretical powers such as the command of the army but in practice these powers belong to the executive and ultimately the Prime Minister.

Unlike the American presidential system where the President forms only one third of the three areas of power, the British system relies on a majority to form the government. This can sometimes be a problem as the majority party holds all powers because the house of commons makes legislation and the house of lords can only block legislation for so long. The only person in theory that can stop a law being passed is the queen but this would be very unpopular so in practice is not done.

Although the House of Commons and ultimately the executive hold supreme power, whilst we are a part of the European Union we must follow the laws and guidelines set by them. This was shown when we introduced the Human Rights Act after the EU had made it law. So although in theory the UK could leave the EU if it really disagreed with something, in practice this would not be economically or politically viable and so we are bound by their laws.

So although sovereignty ultimately rests with the executive, the monarch still has to agree to laws and the monarch still holds military powers but these are never used in practice. The only constraint to sovereignty is the EU that we could technically leave at anytime. So practically sovereignty in the UK is located within the government but in theory the EU can say 'no' to our legislation. This is where sovereignty is located in the UK.

Why has the UK's un-codified constitution been criticised?

Over the years the UK's un-written or un-codified constitution has been criticised. This criticism has not only come from countries with a codified constitution but also within the UK as well. Although the UK constitution is un-codified it has however been around longer than any constitution in the entire world. This says that that fact that it has never been fully written down means that it has had a chance to evolve and so last for a long period of time.

Some may argue that the American codified constitution was a necessity, as after the American war of independence the Americans needed a quick constitution straight away in order to run the country. There is no way that a country could have been set up without a codified constitution. The advantage of a codified constitution is that all of the information is there and cannot be removed unless two thirds of the government/senate agree. Acts can only be amended. This could also pose as a disadvantage as a law that needed to be passed quickly would take at least a week to go through all of the houses to be added to the constitution.

The advantage of an un-codified constitution is that not everything is in black and white. This is where we get conventions and case law. As not everything in the constitution is set in stone, if something were to be ambiguous then it could be taken to court for a ruling. Also we have conventions that are things that we do but are not written down. The advantage of having an un-codified constitution is that in an emergency and act or law can be added or removed completely within twenty-four hours as no government can bind another government.

So basically there are both advantages and disadvantages of both systems. With an un-codified constitution not everything is set in stone so things can be adjusted from case to case and also it is very quick and easy to change. The disadvantage to this is that this gives a lot of power to the executive and in theory they could run a dictatorship with no one to stop them. This is an advantage of a codified constitution because it is not very easily change and so does not give a lot of power to a few people. The disadvantage of this system is that things take a long time to change and can never be completely removed. Despite both the advantages and disadvantages of both of the systems, each system works best for the country that uses it. So all the UK's constitution has been criticised it obviously works because it has lasted for such a long period of time.