

# Should Britain introduce a codified constitution?

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Should Britain introduce a codified constitution? The British constitution is unwritten, although it may be less misleading to call it uncodified as various aspects of the constitution are written down. The term uncodified means the constitution is not all kept in a single document, but is spread about in various pieces of legislature. It also means British laws, policies and codes are developed through statutes, common law, convention, and recently European Union law. Although the British constitution does not have a clear set of rules in one single document, it does clearly state in various documents where political power is held, and how it is allocated. With the constitution being uncodified it makes it very flexible and easy to alter or change. This means if a new situation has to be dealt with by policies or laws, they can quickly be changed to do so with minimal implications. All that is needed for a policy to be changed is a 'simple act of parliament' (essentially parliament must agree on it). Unlike written constitutions, old policies and other constitutional practices don't make it difficult to deal with new situations because new ones can be developed when the need arises. Another argument for maintaining an uncodified constitution is that it could be said that it has served Britain well up until now, and there is no need for it to be changed. The USA is an example of how complex the process of altering a written constitution is, they have made a mere 27 amendments to their constitution since the 18th century. It may be difficult in cases like these to find laws that fit with modern day crimes and other situations that need to be dealt with by laws and policies. As our country is used to being able to change laws and policies as easily as we can, we must consider how we would deal with a codified constitution which makes it so much harder to

get legislature changed. Most codified constitutions are written to mark a new beginning in history. Many took place after a revolution or a war, and Britain is considered to have been stable for a long time (which would suggest no need for change). Unlike many countries with codified constitutions Great Britain has made a gradual reform rather than one in a great leap. For countries such as the USA and Australia, they developed their written constitution as a sign of independence and freedom for their citizens. The completion of writing a constitution may even make Britain's stance in politics appear more modern, people have said that Britain's lack of a written constitution makes Britain seem as though it has not entered the modern world. Relations with the European Union are difficult due to the lack of a codified constitution, as the EU is a modern concept how can Britain claim modernity if it cannot maintain a relationship at ease due to this issue? Since Britain joined the European Union in 1973 it could be said that the Parliament no longer has complete power. Parliament used to overwrite things regarding human rights, but having joined the EU written policies have been put into place to protect some rights. It could, therefore, be said that the constitution is moving closer to being codified without anyone meaning it to do so. If we are already this close to developing a codified constitution why should we not complete the action by writing a full written constitution? It would certainly make EU relations less difficult. There have been concerns voiced that British Politics is in a state of crisis. The liberal democrats have already called out for the public to help to draw up a written constitution, which they believe may be able to tackle problems in the Government, as it will set new and clear limits on the powers of the

executive. It is argued that parliament needs to have more codified powers to enable it to control government on behalf of the people. Doing this will create a better overall feeling of democracy as the ultimate decisions are in the people's best interest. Having the people involved in the creation of a written constitution will help this too; it may produce a feeling of unity as a country. I believe our country is not in need of a reform therefore we do not need to change our constitution to a written one. Although it can be argued we may become a more democratic country with a written constitution, I do not feel there is a need for this to happen. I feel it is better for us to be able to change laws, policies and codes as they arise. This makes it easier when referring to specific cases. It would be made a lot harder with a codified constitution, as they are rules set in stone. I also think that a codified constitution would be extremely time consuming and expensive I do not believe we currently have the time or the money to complete such an action without re-precaution or backlog. I think that the modernity argument holds little relevance as we can adapt freely the policies in place due to the lack of a written constitution. Policies can be adapted to apply to modern issues without a written set of rules needed.