

Assess the strengths of the UK constitution (25 marks)

A constitution is a set of similar principles and values that outlines the role of the government and its boundaries whilst protecting the rights and civil liberties of a country's citizens. The UK constitution is taken from a number of different sources which makes it uncodified. Although there are some weaknesses, there are much greater strengths to how the UK constitution is used.

Firstly, the UK constitution enables much greater flexibility to introducing and amending legislation. As it is uncodified, it can easily be adapted to changes in the social, economic and political environment, therefore keeping it modern and up-to-date. As there is no entrenchment of our constitution, there are no higher laws that prevent current governments from updating or amending parts of the UK constitution and a simple act of Parliament is the only requirement to make amendments. However, the flexibility does lead to a degree of uncertainty as any government has the potential to introduce constitutional change that may be against the country's interests or take away civil liberties such as Section 44 of the Terrorism Act 2000 that allowed the police to use stop and search powers without suspicion.

The UK constitution ensures democratic rule by maintaining parliamentary sovereignty. It places political authority into the hands of parliament which means that elected representatives make legislation on behalf of their constituents. Statute law has equal importance to constitutional laws which prevents the unelected judiciary from overturning the decisions made under representative government at Westminster. This is because Statute Law is one of the most significant sources of the constitution is established through parliament. On the other hand, Hailsham (1976) claims that 'elective dictatorships' could lead governments to legally make changes to the constitution without the support of the electorate and therefore the political ambitions of a political party could undo civil liberties and rights.

Tradition and historical rituals in relation to the UK constitution expresses part of the British culture. Conservative thinkers strongly believe in the respect of traditional institutions such as the Church of England and the monarchy. Currently, the UK constitution maintains the link between these organisations and British politics through practises such as the Royal Assent which is given by the monarchy to mark their approval to the government's legislation. This historical tradition links different generations together and therefore provides a dignified method of ensuring the constitution is abided by.

Finally, the UK constitution allows government to act effectively. The main source of the constitution is Statute Law which is implemented through parliament and is not subjected to the judiciary. Therefore the government are able to take decisive action quicker than that of codified constitutions. For example, constitutional changes in the USA take much more time and are less likely to be accepted in comparison to constitutional changes that would be made in the UK. Necessary changes can therefore be implemented when needed. But this does mean that constitutional changes could be passed too quickly to have been effectively scrutinised.

In conclusion, the UK constitution works effectively despite some flaws. As one of the only uncodified constitutions in the world, it allows governments to be held accountable and to work effectively and democratically. It upholds parliamentary sovereignty that is the basis of British politics whilst maintaining traditional and historical practises that respect important conservative institutions like the monarchy. As it is not entrenched, elected representatives can make important constitutional changes without interference from the unelected judiciary. Overall, the UK constitution works very well.