

Does the United Kingdom Have a Constitution?

The question about whether the United Kingdom has a constitution stays debatable; it is still discussed by politicians and political theorists who offer opposite opinions about the matter, but the consensus has not been found yet. The debate is born by the fact that there is no legal document in the UK which can be regarded as a systemized constitution. Not surprisingly, this brings up the question about the definition of the term “constitution” and gives certain grounds for stating that the United Kingdom has a constitution in a specific, non-traditional form. Thus, though there is no so-called *de jure* constitution in the country, there are several arguments that make it possible to claim that the British constitution exists. This paper aims at giving the evidence for this statement.

To begin the discussion of the hypothetical UK constitution, it is necessary to discuss the notion of constitution and its existing definitions. Particularly, it is reasonable to focus on the definition provided by Marshall, a political theorist. He distinguishes four possible explanations for the notion, the first of which states that the constitution is “the combination of legal and non-legal ... rules that currently provide the framework of government and regulate the behaviour of the major political actors” (Alder, p. 7). It can be concluded that, regardless of whether the constitution is codified or not, in case it is functioning, it can be classified as a constitution. A range of laws that regulate organization and functioning of the power in the country have been functioning in the United Kingdom for many centuries. Thus, despite the constitution in its traditional form does not exist in the UK, its functions are performed by other documents which are considered by many as the UK constitution.

Besides the definition of the constitution, it is necessary to touch upon classification of constitutions offered by theoreticians. In particular, according to one of the approaches, a constitution may be “written” or “unwritten” (Alder, p. 8). It is necessary to mark that the so-called pure type of constitution does not exist. Therefore, it should be taken into account that though the constitution of the United Kingdom has not been written as an integral document, there are the basic practices that exist in the form of “codes of practice” (p. 15). Consequently, the UK constitution cannot be considered a “from-mouth-to-mouth” law; it exists in the form of the mentioned “codes of practice” and traditional laws. This form does not contradict to the discussed definitions of a constitution and its types.

Thirdly, the fact of the existence of the UK constitution can not be challenged from the perspective of historical development, as the term “constitution” in its contemporary sense has been used from the seventeenth century or even earlier. Gradually, the other countries adopted a written form of a constitution. However, originally it was not an integral written document similar to those used in most European countries and many countries of the world. This makes it possible to accept the existence of the British constitution in its current form.

Thus, it can be argued that existence of the United Kingdom constitution is proved by a number of credible arguments. Firstly, one of the definitions proposed by Marshall determines the functions of a constitution, which are provision of framework for the government and regulation of political actors’ activities; these functions are performed by a range of British laws regardless of the fact that they are not united within an integral document. Secondly, the unwritten type of constitution is included to the classification of constitutions together with that written. Thirdly, the unwritten UK constitution is historically justified, as it exists since the seventeenth century or

even longer. The abovementioned arguments give grounds for stating that the constitution of the United Kingdom really exists.

Reference

Alder, J., (2007). *Constitutional and Administrative Law*. London: Palgrave Macmillan.