**Britain has no written constitution. Meet the man who drafted one.**

Washington Post

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Britain is one of only three major democracies in the world that lacks a written, codified constitution. With the 800th anniversary of Magna Carta approaching June 15, and with the country facing [profound existential questions](http://www.washingtonpost.com/world/europe/election-may-set-britain-on-a-path-to-becoming-little-england/2015/05/09/80316f94-f4fb-11e4-bca5-21b51bbdf93e_story.html), some in Britain wonder whether it’s time to change that.

At the request of Parliament’s Political and Constitutional Reform Committee, King’s College London scholar [Robert Blackburn](http://www.kcl.ac.uk/law/people/academic/rblackburn.aspx) spent four years drafting blueprints for a full-fledged constitution. The results were published last year in a parliamentary report titled [“A New Magna Carta?”](http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/463/463.pdf)

**Washington Post:** Should Britain have a written constitution? In what ways could it be useful in settling the questions at the core of the U.K.'s existential dilemmas -- devolved vs. centralized power, in Europe or out, four nations or one, etc.

**Robert Blackburn:** Britain should now move towards adopting a written constitution, which would have great benefits in providing a renewed sense of national identity, and settling the state of the Union across the four nations of the U.K. and the terms and limits of its partnership in Europe.

Within the country at large, a documentary constitution would enable ordinary people to know and see what are the principles, rules and institutions by which they are governed, to replace the present sprawling mass of common law rules in law reports, convoluted Acts of Parliament that are unreadable to most people, and unwritten conventions some of which are unclear even to politicians working at Westminster.

An initiative on enacting a written constitution would provide the opportunity for resolution of a number of constitutional problems, ones where despite cross-party agreement that something must be done, no outcome has been forthcoming, such as settling the rationale and democratic form for the parliamentary Second Chamber (House of Lords).

**WP:** What did you learn about the constitution-writing process through your experience collaborating with the Constitutional Reform committee? Is it harder or easier than it looks? Did anything surprise you?

**RB:** From a professional point of view, my work as Special Counsel to the committee for its inquiry into codifying the U.K. constitution was fascinating, enabling me to see at close quarters how the Select Committee system operates and how the cross-party nature of the composition of parliamentary committees works in practice and outcome.

The chair of the committee, Graham Allen, is a true radical on constitutional affairs and believes in thinking what might appear at first to be unthinkable as a means of pushing the constitutional modernization agenda forwards.  In politics personality matters, and his consensual style of piloting the committee enabled it to pursue many lines of investigation which a more abrasive or confrontational nature would have been unable to achieve.

Among the many things I learned were:

The enactment of a written constitution will require a personal commitment from the prime minister, and would need to be accomplished within the lifetime of a five year Parliament, which would include a referendum.

An initial decision before setting up the commission to prepare the document should be made by the prime minister in agreement with the other party leaders on certain key elements, such as relative length, status in law, and the range or limits of subject-matter.

I was pleasantly surprised by the level of support for the work I was doing, indicating that there is indeed growing momentum for the idea of a written constitution.  Overwhelmingly, ordinary people I discussed the subject with were in favor, especially as an educative tool for citizenship, opening up government in terms of public understanding and accessibility, and thereby encouraging greater engagement and participation in the political process.

A written constitution is not a right-left issue, even if some individual matters of content may be – earlier it was leading Conservatives such as Lord Hailsham, a former Conservative lord chancellor and party chairman, who powerfully advocated a written constitution;  the center ground Liberal Democrats have endorsed a written constitution as official party policy for several decades;  and many in the Labor party, including Gordon Brown, have publicly indicated their support.

**WP:** Do you sense momentum building in favor of a written constitution? Or does it remain a remote prospect?

**RB:** There is growing momentum behind a written constitution coming from different quarters, reflecting the different advantages it has to offer.  After several decades of academic debate on the arguments and issues involved at our universities and political societies, it is now a more familiar subject with many accepting it is a less radical and more “do-able” proposition compared to what they originally thought.  Certainly the main challenge is achieving cross-party co-operation in a highly adversarial system of politics, but the growing pressures and sense of crisis in our political arrangements may well provide the required motivation to party leaders to think and work positively together towards a change that would greatly enhance our democracy and the stability of the country.

The report of the committee, "A New Magna Carta?" is the first official inquiry into the subject and is itself a major step forward in the momentum towards the adoption of a written British constitution.

I believe there is a certain inevitability behind Britain adopting a written constitution at some point in the future, and the only question is when and how.  Circumstances in the U.K. over the next decade may well provide the necessary “moment” to galvanize further political action on the proposal.