

DT030 - The dangers of a 'short' constitution

Chris Sherwood, writing from Brussels, argues for a 'short' written constitution for the EU (Letters, 28 August 2002). As a legislative drafter over many years I have drafted several such 'short' constitutions. Their proponents thought that because they were 'short' they would be plain and simple. The contrary proved to be the case, and many years of difficulty resulted.

This was because short constitutions cannot say much. They leave many practical questions unanswered. Answers come gradually, as the courts decide when cases on the constitution are brought before them. Not only are there lengthy delays, but the courts are thereby given great power. Even if a 'short' constitution is made by a democratic body its true detailed effect is worked out over years not by that body but by appointed judges who should not possess such power.