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## Who wants the bill?

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Billy Bragg's position was as follows: let them have [ID cards](#), if they really want ID cards; but in return, give us a bill of rights, printed on the back. Make these rights inalienable, that no parliament, today or in the future, may touch them. I liked this position for two reasons: one, I like [Billy Bragg](#); two, there was something graceful about it, as if two bulls had been locking horns for a long, long time and, suddenly, a nimble matador distracts them both with a buttercup.

Totally wrong, said Henry Porter. ID cards are a prima facie invasion of privacy. It's that bull again. He wasn't distracted by the buttercup, after all.

But then, [Phillipe Sands](#) arrives from a new position altogether, and this is where things really get interesting. What do you want a bill of rights for?

Since the mid-nineties noises of [Charter 88](#), I have sincerely been of the view that the only compelling argument against a written constitution was: can we really be bothered? In all that time, on a seemingly unrelated matter, it has never occurred to me to wonder why America has a supreme court, whose political composition is bitterly contested, while we don't. Am I the only person who didn't know the connection between a written constitution and the power shifting from the legislature to the judiciary? Have I just been incredibly dense, this whole time?

Well, sod it, too late to worry about that - I can hardly blog on this debate without admitting that I didn't know this incredibly core fact. First, said Sands - who, en passant, is a true charismatic - there's no such thing as a right that can be laid down by one parliament and never touched by the next. How do you bulletproof legislation like that?

"I don't know," said Billy, who is always big enough to admit things he doesn't know. Second, though, all you do with a written bill of rights (never mind who's written it) is shift power to the judges. Why trust them over parliament?

"Well, you've got to trust someone," said Billy, who is also big enough to admit when

things aren't perfect. Five more minutes and I think he might have been big enough to let go of the bill of rights altogether, because, as much as you want to be on his side, Sands is right: what do we want a supreme court for? Ultimately, it just furs the arteries of accountability, adding another layer of unelected authority between the citizenry and its governance.

Ironically, Bragg, who has campaigned against the unelected second chamber for years, with the bill of rights is effectively arguing for a beefed-up judiciary that resembles nothing so much as the House of Lords: a bunch of toffs, handpicked by the innermost circle of the governing executive. I hope he doesn't take this too badly.

Porter was a bit of a spare part, maybe, but otherwise this was a brilliant debate.

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