

Constitutional Law 2020-21

Principles & Architecture I
Themes, Sources, Principles

Professor Mark Elliott

Video 1 Introduction

Introduction

1.1 A jigsaw puzzle

One of the difficult things about studying — and, for that matter, teaching — Constitutional Law is that there is no obvious place to start. As you will quickly find out, each of the areas of the subject we look at is connected somehow to some other part (and possibly many other parts) of the course. This means that, at the beginning of the course, everything we look at anticipates things that we will not have looked at. You will find this disorientating at first: it is a bit like trying to put together the pieces of a jigsaw puzzle without first having seen the whole of the picture you are trying to construct. This set of five preliminary lectures aims to address this difficulty by giving you a bird's-eye view of the subject — not by teaching you the whole thing superficially, but by introducing you preliminarily to some of the key ideas, institutions and controversies. We will also look at the three key themes around which the course is structured and to which we will return on many occasions throughout our study of Constitutional Law.

To get us started, we will consider two recent and important cases, each of which is concerned, in different ways, with this notion of the constitution as a 'jigsaw puzzle'. Each case raises critical issues about the meaning of and the relationship between the three fundamental principles that sit at the heart of the UK constitutional order, namely:

- The rule of law
- The separation of powers
- The sovereignty of Parliament

You are likely to consider these cases in your first supervision, and one of them — the *Evans* case — will form the focus of your first Legal Skills and Methodology workshop. We will return to these cases later in these introductory lectures as well as later in the course. To begin with, however, we will aim to gain a general sense of what they were about, what the major constitutional issues raised by the cases were, and how the Supreme Court went about resolving those issues.

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