

The British Constitution?

Evidence Against

1. there is no single **codified document** entitled 'The British Constitution'. Not only that, but where constitutional statutes do exist, they appear to be different from any other statute.
2. it is not possible to entrench constitutional laws and principles in the UK. This is simply on account of the doctrine of parliamentary sovereignty. In this context, the doctrine means that Parliament cannot be limited in its actions by any past statute or agreement. Parliament is free to repeal or amend them by a simple majority vote.

A clear example of this is the 1994 Criminal Justice Act. Before this Act, it was an accepted principle that accused persons had the right to remain silent under questioning and in court, without any assumptions made that this might indicate guilt. Such a 'right to silence' is certainly a common element in written constitutions elsewhere. Since the passage of the Act, however, such silence can be used as prosecuting evidence. However much lawyers and campaigners argued that this abused basic individual rights, Parliament had its way.

By the same principle, lack of entrenchment allows Parliament to add to individual rights without excessive difficulty. Thus, race relations and sexual equality have been established through simple, speedy procedures.

3. as indicated, there are constitutional statutes in the UK, but these are not superior to any other laws. Where there is a conflict between two statutes, Parliament is completely free to determine which shall prevail.

Evidence for

1. there is a general sense in which we understand that there are principles by which the political system operates. When such principles are being threatened, there might be stronger opposition from inside and outside Parliament than would normally be the case.
2. tradition is a powerful influence in the UK. Those constitutional rules that are traditional, such as the maintenance of freedom of expression, primacy of the Cabinet, the weakness of the House of Lords and the independence of the judiciary, are challenged rarely and with great reluctance by governments.
3. governments must face the judgement of the electorate at regular intervals. Those who have challenged such traditional principles must consider whether they can maintain popular approval. Thus, the people themselves act as the guardians of some sort of conception of the 'constitution'.
4. many constitutional scholars argue that there is such a thing as the British Constitution even though there is no codified document as such. Instead, it exists in a variety of forms that may be flexible and constantly developing, but, which, nevertheless, have enough substance to replace the more formal constitutions that other states possess.

Summarise each reason in no more than 10 words.

The Constitution Of The United Kingdom

Edward Creasy



The Constitution Of The United Kingdom:

The Constitution of the United Kingdom of Great Britain and Ireland, Civil and Ecclesiastical, Etc Francis PLOWDEN (LL.D.),1802 The Constitution of the United Kingdom Peter Leyland,2016-06-02 This acclaimed book provides a topical and contextual outline of the principles doctrines and institutions that underpin the United Kingdom constitution The third edition of The Constitution of the United Kingdom has been comprehensively revised and updated to take account of recent constitutional developments and debates This includes the revised framework for devolution following the 2014 referendum in Scotland the constitutional ramifications of the realignment of UK politics reflected in the result of the 2015 general election and the debate over the possible replacement of the Human Rights Act 1998 with a British Bill of Rights The chapters are written in sufficient detail for anyone coming to the subject for the first time to develop a clear and informed view of how the constitution is arranged and how it operates The main themes include discussion of the history sources and conventions of the constitution later chapters deal with constitutional principles the role of the Crown Parliament and the electoral system government and the executive the constitutional role of courts including the protection of human rights the territorial distribution of power between central devolved and local government and the European Union dimension In addition the book offers analysis of the evolution of the uncoded UK constitution its strengths and perceived weaknesses and of reforms aimed at its modernisation

Sceptical Perspectives on the Changing Constitution of the United Kingdom Richard Johnson,Yuan Yi Zhu,2023-04-20 This book examines the far reaching changes made to the constitution in the United Kingdom in recent decades It considers the way these reforms have fragmented power once held centrally through the Crown in Parliament by means of devolution referendums and judicial reform It examines the reshaping of the balance of power between the executive legislature and the way that prerogative powers have been curtailed by statute and judicial ruling It focuses on the Human Rights Act and the creation of the UK Supreme Court which emboldened the judiciary to limit executive action and even to challenge Parliament and argues that many of these symbolised an attempt to shift the political constitution to a legal one Many virtues have been ascribed to these reforms To the extent that criticism exists it is often to argue that these reforms do not go far enough An elected upper chamber regional English parliaments further electoral reform and a codified constitution are common tonics prescribed by commentators from this point of view This volume adopts a different approach It provides a critical evaluation of these far reaching reforms drawing from the expertise of highly respected academics and experienced political figures from both the left and right The book is an invaluable source of academic expertise and practical insights for the interested public students policymakers and journalists who too often are only exposed to the further reform position

The Constitution of the United States of America Mark Tushnet,2008-12-18 This book provides a critical introduction to the history and current meaning of the United States Constitution It is organised around two themes Firstly the US Constitution is old short and difficult to amend These

characteristics have made constitutional interpretation especially by the US Supreme Court the primary mechanism for adapting the Constitution to ever changing reality Secondly the Constitution creates a structure of political opportunities that allows political actors including political parties to pursue the preferred policy goals even to the point of altering the very structure of politics Politics that is often gives meaning to the Constitution Deploying these themes to examine the structure of the national government federalism judicial review and individual rights the book provides basic information about and deeper insights into the way the US constitutional system has developed and what it means today *The United Kingdom and The Federal Idea* Robert Schütze, Stephen Tierney, 2018-06-28 How should political power be divided within and among national peoples Is the nineteenth century theory of the sovereign and unitary State still fit for purpose in the twenty first century If not can federalism provide a viable alternative model This collection looks at federalism from the perspective of constitutional law Taking the United Kingdom as a case study Part One tracks the historical evolution of the Union and explores the various expressions of federalism that emerged between the eighteenth and twentieth centuries Part Two then assesses the experience of sovereignty sharing with other nations in the context of international cooperation Drawing on the expertise of the foremost commentators in their field The United Kingdom and the Federal Idea provides a timely and reflective evaluation of how constitutional authority is being re ordered within and beyond the United Kingdom *The Imperial and Colonial Constitutions of the Britannic Empire* Edward Creasy, 2023-02-06 Reprint of the original **British Government and the Constitution** Colin Turpin, Adam Tomkins, 2007-06-28 The first five editions of this well established book were written by Colin Turpin This new edition has been prepared jointly by Colin Turpin and Adam Tomkins This edition sees a major restructuring of the material as well as a complete updating New developments such as the Constitutional Reform Act 2005 and recent case law concerning the sovereignty of Parliament the Human Rights Act counter terrorism and protests against the Iraq War among other matters are extracted and analysed While it includes extensive material and commentary on contemporary constitutional reform Turpin and Tomkins is a book that covers the historical traditions and the continuity of the British constitution as well as the current tide of change All the chapters contain detailed suggestions for further reading Designed principally for law students the book includes substantial extracts from parliamentary and other political sources as well as from legislation and case law As such it is essential reading also for politics and government students Much of the material has been reworked and with its fresh design the book provides a detailed yet accessible account of the British constitution at a fascinating moment in its ongoing development *Constitutions of the World* Robert L. Maddex, 2014-03-05 From Algeria to Zimbabwe Constitutions of the World is a guide to the constitutions and constitutional histories of eighty nations It will prove an invaluable resource for any teacher or student interested in politics law human rights or the political history of nations across the world Structured alphabetically each chapter profiles one country in an easy to use format For every country a wealth of information is to be found **The British Constitution in the Twentieth**

Century Vernon Bogdanor, 2004-06-10 This is the first scholarly survey of the British constitution in the twentieth century. Indeed, it fills a very real gap in the history of Britain during the last hundred years. The book is a product of interdisciplinary collaboration by a distinguished group of constitutional lawyers, historians, and political scientists and draws where possible on primary sources. Its evaluation of the recent constitutional reforms will be of particular interest. This major interpretation of the constitution will remain authoritative for many years.

The Constitution of the United Kingdom Peter Leyland, 2012-01 This revised second edition of *The Constitution of the United Kingdom* provides a topical outline of the principles and doctrines which make up the UK's Constitution. The chapters are written in sufficient detail so anyone coming to the subject for the first time can develop a clear and informed view of how the Constitution is arranged and how it works. The second edition of this acclaimed book has been extensively rewritten to take account of constitutional developments following the 2010 general election. The main themes include discussion of the history, sources, and nature of the UK's Constitution. Chapters deal with constitutional principles, the role of the Crown, Parliament, and the electoral system, government and the executive, the constitutional role of courts, including the protection of human rights, the territorial distribution of power between central, devolved, and local government, the European Union dimension. The book offers an analytical discussion of the development of the Constitution, its strengths and perceived weaknesses, and the on-going reforms aimed at modernizing the Constitution. Series: Constitutional Systems of the World.

Unveiling the Magic of Words: A Review of "**The Constitution Of The United Kingdom**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**The Constitution Of The United Kingdom**," a mesmerizing literary masterpiece penned with a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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