The British Constitution
A Very Short Introduction

By Martin Loughlin

Questions for Thought and Discussion

- What is meant by the term ‘constitution’?
- Why has Britain not adopted a modern type of constitution?
- What are the factors – economic, social, cultural, political, legal, technological – that help to explain the widespread sense of dissatisfaction that apparently exists today over the working of the British constitution?
- To what extent can the entire course of British constitutional development be reduced to that of a struggle between sovereign authority and civil liberty?
- Britain’s constitution might be said to date from the 1689 revolutionary settlement. What were its founding principles?
- Why is it a mistake to try to fit Parliament into the template of modern constitutionalism and define its role essentially as that of a legislature?
- What are ‘constitutional conventions’? What is their primary purpose? How well are they working today?
- Why might it be said that the British system has evolved into a post-parliamentary democracy?
- Is the constitution most accurately specified as the English Constitution, the British Constitution, or the Constitution of the United Kingdom of Great Britain and Northern Ireland?
- How does membership of the European Union affect the untrammeled authority of the Crown-in-Parliament?
- What is the difference between ‘the rule of the law’, ‘rule by law’ and ‘the rule of law’?
- What are the main reforms introduced by the Human Rights Act 1998? How does the structure of the Act continue to respect the sovereign authority of the Crown-in-Parliament?
- Is constitutional law now to be viewed as the source rather than the consequence of our rights?
- What future holds for the House of Lords?
- Is it still accurate to say today that the British constitution rests on a notion of separation of powers in which ‘Parliament makes the laws, the judiciary interpret them’?

Other books by Martin Loughlin

Introductory:
Sword and Scales: An Examination of the Relationship between Law and Politics (Hart, 2000). This book organizes the law-politics relationship in accordance with the ideas of law as custom, law as command, and law as right.

Public Law and Political Theory (Clarendon Press, 1992) Arguing that public law is a sophisticated form of political discourse, this book explains the evolution of British public law thought in Britain, showing that it is a bifurcated discourse with normativism and functionalism forming its polarities.
Advanced:


*Foundations of Public Law* (Oxford University Press, 2010). This is a conceptual historical inquiry which situates the concept of public law in a broad European tradition of thought and practice.

Further Reading

For further reading on the British constitution see the Further Reading section at the end of the book.