

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 untrammelled 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:

*The Idea of Public Law* (Oxford University Press, 2003). This book outlines the conceptual building blocks of public law – governing, politics, representation, sovereignty, constituent power, and rights – and explains its distinctive method.

*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.