



Reshaping the British Constitution

Essays in Political Interpretation

Nevil Johnson

Reshaping The British Constitution Essays In Political Interpretation

Léo Pomar



Reshaping The British Constitution Essays In Political Interpretation:

Reshaping the British Constitution N. Johnson, 2004-07-02 Reshaping the British Constitution provides a vigorous critique of the deformations of Britain's customary constitution and why it could not effectively stem the growth of a centralized political authority. On this foundation it provides a critical description and assessment of recent constitutional changes including devolution, House of Lords reform, human rights and the encroachment of the European Union. Nevil Johnson suggests that since the reform programme has rested on pragmatic political expediency rather than on coherent thinking about constitutional principles it is likely to strengthen the familiar deformations of the customary constitution.

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and the Politics of Counter-Terrorism Andrew W. Neal, 2009-10-16 This book is an analysis and critique of the concepts of exception and exceptionalism in the context of the politics of liberty and security in the so-called War on Terror. Since the destruction of the World Trade Centre on September 11th 2001 a notable transformation has occurred in political discourse and practice. Politicians and commentators have frequently made the argument that the rules of the game have changed, that this is a new kind of war and that exceptional times require exceptional measures. Under this discourse of exceptionalism an array of measures have been put into practice such as detention without trial, extraordinary rendition, derogations from human rights law, sanction or connivance in torture, the curtailment of civil liberties and aggressive war against international law. Situating exceptionalism within the post 9/11 controversy about the relationship between liberty and security, this book argues that the problem of exceptionalism emerges from the limits and paradoxes of liberal democracy itself. It is a commentary and critique of both contemporary practices of exceptionalism and the critical debate that has formed in response. Through a detailed assessment of the key theoretical contributions to the debate, this book develops exceptionalism

as a critical tool It also engages with the problem of exceptionalism as a discursive claim as a strategy as a concept as a theoretical problem and as a practice This is the first book to capture the importance of the exceptionalism debate in a single volume and will be of much interest to students of critical security studies political philosophy IR theory and sociology

The politics of Englishness Arthur Aughey, 2013-07-19 The politics of Englishness provides a digest of the debates about England and Englishness and a unique perspective on those debates Not only does the book provide readers with ready access to and interpretation of the significant literature on the English Question it also enables them to make sense of the political historical and cultural factors which constitute that question The book addresses the condition of England in three interrelated parts The first looks at traditional narratives of the English polity and reads them as variations of a legend of political Englishness of England as the exemplary exception exceptional in its constitutional tradition and exemplary in its political stability The second considers how the decay of that legend has encouraged anxieties about English political identity and about how English identity can be recognised within the new complexity of British governance The third revisits these narratives and anxieties examining them in terms of actual and metaphorical locations of Englishness the regional the European and the British

The Passing of Protestant England S. J. D. Green, 2011 An important account of the causes courses and consequences of the secularisation of modern English society

Comparing Westminster R. A. W. Rhodes, John Wanna, Patrick Weller, 2009-08-27 This book explores how the governmental elites in Australia Britain Canada New Zealand and South Africa understand their Westminster system It examines in detail four interrelated features of Westminster systems Firstly the increasing centralisation in collective responsible cabinet government Second the constitutional convention of ministerial and collective responsibility Third the role of a professional non partisan public service And finally parliament's relationship to the executive The authors explain the changes that have occurred in the Westminster model by analysing four traditions royal prerogative responsible government constitutional bureaucracy and representative government They suggest that each tradition has a recurring dilemma between centralisation and decentralisation party government and ministerial responsibility professionalisation and politicisation and finally elitism and participation They go on to argue that these dilemmas recur in four present day debates the growth of prime ministerial power the decline in individual and collective ministerial accountability politicisation of the public service and executive dominance of the legislature They conclude by identifying five meanings of or narratives about Westminster Firstly Westminster as heritage elite actors shared governmental narrative understood as both precedents and nostalgia Second Westminster as political tool the expedient cloak worn by governments and politicians to defend themselves and criticise opponents Third Westminster as legitimising tradition providing legitimacy and a context for elite actions serving as a point of reference to navigate this uncertain world Fourth Westminster as institutional category it remains a useful descriptor of a loose family of governments with shared origins and characteristics Finally Westminster as an effective political system it is a more effective and efficient

political system than consensual parliamentary governments Westminster is a flexible family of ideas that is useful for many purposes and survives even thrives because of its meaning in use to like actors

The Party's Over Keith Sutherland, 2013-12-09 Consider the following paradox As the leaders of both of the main British political parties subscribed to the neoconservative doctrine on Iraq everybody else in the birthplace of parliamentary democracy was effectively disenfranchised Yet one of the rationales supporting the deployment of UK forces in Iraq was the wish to export democracy to the Middle East The Emperor would appear to have mislaid his clothes see Gordon Graham's Case Against the Democratic State Judging from the lack of ministerial resignations in the wake of the Butler enquiry Britain is no longer a parliamentary democracy The classical doctrine of joint and several ministerial responsibility is revealed to be a fiction and Lord Hailsham's verdict of elective dictatorship is a better assessment of the British constitution By contrast unelected bodies like the BBC are now far more accountable for their actions The reason of this paradox is the monopoly power of the ruling party controlled by the Prime Minister The UK political party started off as a loose association of like minded MPs However in recent years the tail has been wagging the dog politicians now have no alternative but to choose and then fall in line behind a strong leader with the charisma to win elections This book examines the historical forces that gave rise to the modern political party and questions its role in the post ideological age If we all now share the liberal market consensus then what is the function of the party Parties in America are a lot weaker so the book considers Graham Allen's argument to emulate the US system of checks and balances but concludes that we would be better off reinterpreting our own constitution more literally When the Chancellor really was a minister of the crown every line of the budget was meticulously scrutinized The key to the changes advocated in the book is the replacement of the Victorian ballot box with a modern system of representation based on the jury selection principle

Key Ideas in Law: The Rule of Law and the Separation of Powers Jack Beatson, 2021-07-29 Prompted by the events following the 2016 referendum on EU membership and written during the COVID 19 pandemic by one of the leading public lawyers of our day this book considers two key constitutional principles the rule of law and separation of powers by examining the generality certainty and predictability of law relations between the different branches of the state and the mechanisms of accountability within our democracy Since the referendum and in the light of the restrictions imposed to deal with the pandemic and the use of guidelines presented as rules to do so attention has refocused on the relationship and respective powers and competences of the three branches of the state the legislature the executive and the judiciary They have also placed strains on our unwritten constitution that have been unknown in modern times The role of the courts and of the rule of law has been dramatically illustrated by recent litigation most notably the decisions on whether legislation was needed to serve notice of the UK's intention to leave the EU and whether the prorogation of the Westminster Parliament in 2019 was a matter for the courts as opposed to a political question for government Set against this backdrop the book answers the following questions How accessible is the law and

how does it avoid arbitrariness How is access to justice protected How does our constitution reflect the separation of powers and the balance of responsibilities between law and politics How does our democracy enable majorities and protect minorities

Federal Dynamics Arthur Benz,Jörg Broschek,2013-01-31 Federal systems are praised for creating political stability but they are also blamed for causing rigidity They are said to balance powers but apparently they are also threatened by instability due to drifts in power Federalism should support democratization but it can also constrain the power of the demos and strengthen the executive In short there is widespread agreement that federal systems are dynamic The forces mechanisms and consequences of federal dynamics however are not sufficiently understood so far This book brings together leading experts in the field of comparative federalism to highlight how the interplay of continuity and change systematically generates and reinforces varieties of federalism and varieties of federal dynamics **Federal Dynamics** Continuity Change and Varieties of Federalism investigates mechanisms and resulting patterns of federal development It offers new analytical concepts and discusses different theoretical propositions to systematically compare convergent and divergent trends in federal systems Acknowledging the theoretical pluralism that dominates the field the book is organized around four sections Models Varieties and Dimensions of Federalism Timing Sequencing and Historical Evolution Social Change and Political Structuring and Actors Institutions and Internal Dynamics The contributions to this volume are variously concerned with three guiding questions What changes within federal systems how and why The focus provided by these three guiding questions allows for a dialogue between strands of the literature that have not talked to each other in a sufficient manner In this way the book makes a significant contribution to the growing literature on continuity and change in federal systems Ultimately it represents a substantive effort in advancing research on comparative federalism

Democracy in Canada Donald J. Savoie,2019-09-02 Canada s representative democracy is confronting important challenges At the top of the list is the growing inability of the national government to perform its most important roles namely mapping out collective actions that resonate in all regions as well as enforcing these measures Others include Parliament s failure to carry out important responsibilities an activist judiciary incessant calls for greater transparency the media s rapidly changing role and a federal government bureaucracy that has lost both its way and its standing Arguing that Canadians must reconsider the origins of their country in order to understand why change is difficult and why they continue to embrace regional identities **Democracy in Canada** explains how Canada s national institutions were shaped by British historical experiences and why there was little effort to bring Canadian realities into the mix As a result the scope and size of government and Canadian federalism have taken on new forms largely outside the Constitution Parliament and now even Cabinet have been pushed aside so that policy makers can design and manage the modern state This also accounts for the average citizen s belief that national institutions cater to economic elites to these institutions own members and to interest groups at citizens own expense A masterwork analysis **Democracy in Canada** investigates the forces shaping the workings of Canadian federalism

and the country's national political and bureaucratic institutions **Reason and Fairness** Ulrike Müßig, 2019-07-08

Throughout Europe the exercise of justice rests on judicial independence by impartiality In *Reason and Fairness* Ulrike Müßig reveals the combination of ordinary judicial competences with procedural rationality together with the complementarity of procedural and substantive justice as the foundation for the rule of law in court constitution far earlier than the advent of liberal constitutionalism The ECHR fair trial guarantee reads as the historically grown consensus of the functional judicial independence Both before historical and contemporary courts justice is done and seen to be done by means of judgements whose legal requirements combine the equation of fair and legal with that of legal and rational This legal determinability of the judge's fair attitude amounts to the specific rational European idea of justice Court Government and the Collapse of Accountability in Canada and the United Kingdom Donald J. Savoie, 2008-01-01 Donald J. Savoie argues that both Canada and the UK now operate under court government rather than cabinet government **Fractured Union** Michael Kenny, 2024-01-11 The question of the United Kingdom's survival once taken for granted now looms large in British politics This book brings to life the historical roots of a contemporary crisis revealing the assumptions underlying how politicians and bureaucrats make sense of the Union Why has the political class struggled to engage productively with devolution Has the growing disenchantment of English voters with a detached central government influenced how MPs and civil servants regard the UK's territorial integrity And how have seismic events fuelled the tensions between Westminster and the devolved administrations from the election of an SNP government and the 2014 Scottish referendum to Brexit and the pandemic Politics today is dominated by a profound sense of pessimism about the long term viability of the UK Where do we go from here *Fractured Union* offers a vivid account of the country's gradual loss of unity and illuminates the forces and pressures which will shape the future of its nations and peoples As nationalisms gain ground across Scotland Wales Northern Ireland and England this book issues a sharp challenge to those who believe in a united kingdom deliver better and more responsive government or risk seeing the UK fall apart *The Oxford Handbook of Political Institutions* R. A. W. Rhodes, Sarah A. Binder, Bert A. Rockman, 2008-06-12 The study of political institutions is among the founding pillars of political science With the rise of the new institutionalism the study of institutions has returned to its place in the sun This volume provides a comprehensive survey of where we are in the study of political institutions covering both the traditional concerns of political science with constitutions federalism and bureaucracy and more recent interest in theory and the constructed nature of institutions The *Oxford Handbook of Political Institutions* draws together a galaxy of distinguished contributors drawn from leading universities across the world Authoritative reviews of the literature and assessments of future research directions will help to set the research agenda for the next decade *The Politics of Ethnolinguistic Mobilization in Europe* Alistair Cole, Jean-Baptiste Harguindéguy, 2017-07-05 Language constitutes a very sensitive nexus between the concepts of territory and community Though a fundamental issue in contemporary societies it remains relatively unaddressed by political

scientists This book promotes a better understanding of the connection between the concepts of identity territory and language in the context of an enlarged Europe We propose a portrait of the actual place of regional languages in European politics Ethno linguistic mobilisations have occurred in very different contexts and their interpretation needs to take into account varying configurations and conditions of success that we label as situational institutional and socio political The book combines empirical case studies drawn from Spain the UK Poland France Ireland and Canada with comparative conceptual and theoretical insights into linguistic uniformity and diversity The various chapters in the book go beyond description The originality of the work is to bridge the institutionalisation of language regimes the sociological analysis of languages rights movements and the normative underpinnings that ought to underpin language claims This book was published as a special issue of *Regional and Federal Studies*

Power Donald J. Savoie, 2010-07-01 In this informative critique of contemporary leadership renowned political scientist Donald Savoie poses and answers the crucial questions where is power located and who is in charge In recent years it has become extremely difficult to pinpoint the location of political and economic power making it complicated to determine who is to blame for political and economic catastrophes and leading to increased disenchantment with Western politicians and bureaucrats Power considers how forces such as globalization the new media the changing role of the courts in parliamentary democracies the partisanship of political parties in shaping policy and collapsing boundaries between governments and within government departments have caused citizens to feel their countries are less democratic Savoie argues that power is leaving institutions and organizations and going to powerful individuals in both the public and private sectors who often push aside formal processes in order to drive change A startling and clarifying examination of changes in modern society Power unravels the tangled web of influences that have put the power to make important decisions in the hands of the few to show why our governing institutions are no longer effective

Public Law Mark Elliott, Robert Thomas, 2011-03-17 Public Law is a high quality introductory textbook that comprehensively covers the key topics found on undergraduate public law courses Three key themes that permeate all of the content allow students to approach the content in a structured and easy to understand way and questions posed throughout the chapters give students the opportunity to provide answers that show how their knowledge has increased as the chapter progresses The key themes are The significance of executive power in the contemporary constitution and the challenge of ensuring that those who wield it are held to account The shift in recent times from a more political to a more legal constitution and the implications of this change The increasingly multi layered character of the British constitution Online Resource Centre Public Law is accompanied by a free open access Online Resource Centre www.oxfordtextbooks.co.uk/orc/elliott_thomas which offers the following resources to support students Figures from the book reproduced online A list of useful websites for students Regularly posted legal and political updates for the book A testbank of questions for tutors to assess students progress This book has been highly endorsed by lecturers for level of coverage accuracy and the manner in which the three themes provide

an excellent backdrop to the book's content I think it will be a very welcome addition to the range of text books available and I suspect that it will become my personal favourite Barbara Mauthe Lancaster University I found the book impressive and likely to be of interest and use to a great many It is written in a style that is pitched about the right level It was easy to understand and provides for me a good blend of black letter law and socio political context David Mead University of East Anglia Written by two experienced teachers of the subject Public Law is an essential new text that focuses on what students need to engage with and understand this challenging subject

The Oxford Handbook of Political Science Robert E. Goodin, 2011-07-07 Drawing on the rich resources of the ten volume series of The Oxford Handbooks of Political Science this one volume distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come

The British Constitution: A Very Short Introduction Martin Loughlin, 2013-04-25 The British constitution is regarded as unique among the constitutions of the world What are the main characteristics of Britain's peculiar constitutional arrangements How has the British constitution altered in response to the changing nature of its state from England to Britain to the United Kingdom What impact has the UK's developing relations with the European Union caused These are some of the questions that Martin Loughlin addresses in this Very Short Introduction As a constitution it is one that has grown organically in response to changes in the economic political and social environment and which is not contained in a single authoritative text By considering the nature and authority of the current British constitution and placing it in the context of others Loughlin considers how the traditional idea of a constitution came to be retained what problems have been generated as a result of adapting a traditional approach in a modern political world looking at what the future prospects for the British constitution are ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable

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Table of Contents Reshaping The British Constitution Essays In Political Interpretation

1. Understanding the eBook Reshaping The British Constitution Essays In Political Interpretation
 - The Rise of Digital Reading Reshaping The British Constitution Essays In Political Interpretation
 - Advantages of eBooks Over Traditional Books
2. Identifying Reshaping The British Constitution Essays In Political Interpretation
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Reshaping The British Constitution Essays In Political Interpretation
 - User-Friendly Interface

4. Exploring eBook Recommendations from Reshaping The British Constitution Essays In Political Interpretation
 - Personalized Recommendations
 - Reshaping The British Constitution Essays In Political Interpretation User Reviews and Ratings
 - Reshaping The British Constitution Essays In Political Interpretation and Bestseller Lists
5. Accessing Reshaping The British Constitution Essays In Political Interpretation Free and Paid eBooks
 - Reshaping The British Constitution Essays In Political Interpretation Public Domain eBooks
 - Reshaping The British Constitution Essays In Political Interpretation eBook Subscription Services
 - Reshaping The British Constitution Essays In Political Interpretation Budget-Friendly Options
6. Navigating Reshaping The British Constitution Essays In Political Interpretation eBook Formats
 - ePub, PDF, MOBI, and More
 - Reshaping The British Constitution Essays In Political Interpretation Compatibility with Devices
 - Reshaping The British Constitution Essays In Political Interpretation Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Reshaping The British Constitution Essays In Political Interpretation
 - Highlighting and Note-Taking Reshaping The British Constitution Essays In Political Interpretation
 - Interactive Elements Reshaping The British Constitution Essays In Political Interpretation
8. Staying Engaged with Reshaping The British Constitution Essays In Political Interpretation
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Reshaping The British Constitution Essays In Political Interpretation
9. Balancing eBooks and Physical Books Reshaping The British Constitution Essays In Political Interpretation
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Reshaping The British Constitution Essays In Political Interpretation
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Reshaping The British Constitution Essays In Political Interpretation
 - Setting Reading Goals Reshaping The British Constitution Essays In Political Interpretation
 - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Reshaping The British Constitution Essays In Political Interpretation
 - Fact-Checking eBook Content of Reshaping The British Constitution Essays In Political Interpretation
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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