

# The Law, the Church, and the Constitution

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LA14 – Lecture 2



# The Pillars of Tradition

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## The Constitution

*Magna Carta*  
The Bill of Rights  
Principles

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## The Monarchy

Powers and Duties  
Public Opinion  
Republicanism

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## The Church of England

History and Doctrine  
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## The Law

The Judiciary  
Law Enforcement  
Issues

# 1

## The Constitution

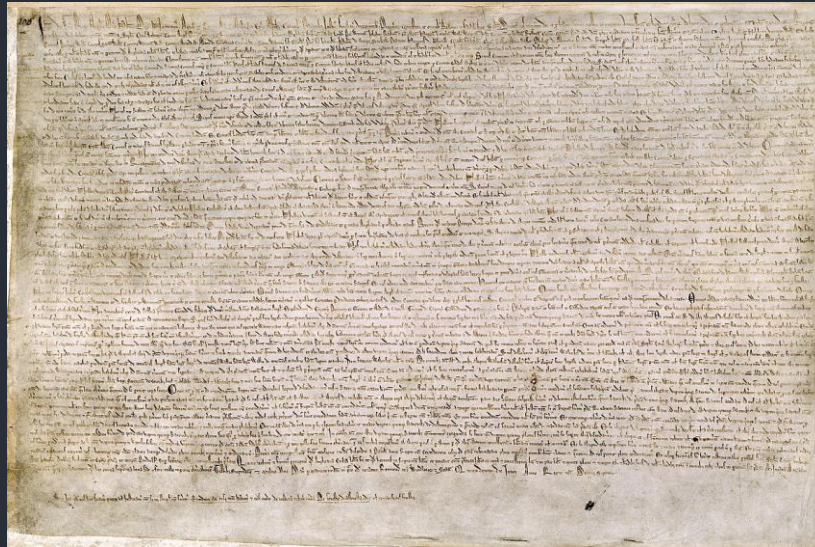
*Magna Carta*  
The Bill of Rights  
Principles

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Earliest representation of  
the House of Commons (1624)

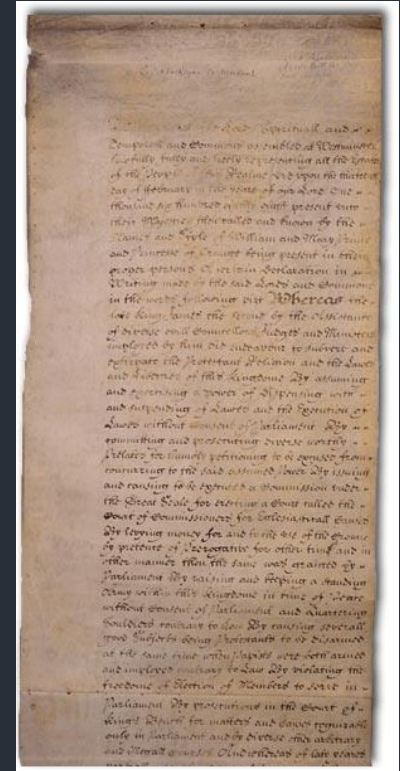
# Magna Carta and the Bill of Rights



Magna Carta (1215)

‘No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgment of his peers and the law of the land.’

The Bill of Rights  
(1689)



# The Constitution

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There is no Constitution ...

... at least not a written constitution

# Main Components

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A partly unwritten / un-codified constitution



Statute Law (written law → laws passed by Parliament)



European Law from 1973... until 2020?



Common Law (based on precedent)



Conventions (unwritten rules)

# Principles

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## Supremacy of Parliament

- Parliament is sovereign: it cannot act illegally, nor anti-constitutionally
- Parliament determines the law of the land
  - A bill passed by Parliament and signed by the monarch is by definition constitutional



## Legitimacy of Parliament

The only legitimate government is one that has the consent of the people  
(Bill of Rights, based on John Locke's political ideas)



## Rule of Law (since 1689)

All citizens are accountable to the same laws → Independent judiciary



# Some absurd British laws...



It is illegal to carry a plank along a pavement.



It is illegal to be drunk in charge of a horse.



It is illegal to handle salmon in suspicious circumstances.



It is illegal to enter the Houses of Parliament in a suit of armour.



It is illegal to sing profane or obscene songs or ballads in the street.



All whales and sturgeons found on the coast are the property of the Crown.



# 2

## The Monarchy

Powers and Duties  
Public Opinion  
Republicanism

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# Elizabeth II

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Born 21 April 1926



House of Windsor



Queen Victoria's great-great-granddaughter



Accession to the throne: 1952



Longest-reigning British monarch: 1952-2022



A symbol of longevity, stability, and duty

# Charles III

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## The Monarch



Eldest child (since 2013)



Anglican



Governor of the Church of England



Head of State

→ 'His Majesty's Government'

**But...**



# Very Limited Power

In practice:



‘The queen reigns but she does not rule.’  
(Walter Bagehot, about Queen Victoria)



Politically neutral



Symbol of

- Unity
- National identity
- Permanence and stability



# Duties



- Various appointments
- State visits
- Royal Assent
- Ceremonial duties
  - State Opening of Parliament



- Weekly audience with the Prime Minister
  - The 'right to be informed, to advise and to warn'



# The State Opening of Parliament

Before the arrival of the Sovereign

# The Monarchy and Public Opinion



Loss of credibility and popularity in the 1990s



# Regained Popularity



Efforts to modernise the institution



Reduced expenses



The Monarch now pays taxes



Royal family involved in charity work



Royal weddings and 'fairy tales'...



The Prince's Trust

(helps young people who are struggling: unemployed, homeless, with health issues, in trouble with the law...)

# The Monarchy, a Popular Institution...

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<b>YEARS</b>	<b>1994</b>	<b>2016</b>	<b>May 2022 (Platinum Jubilee)</b>
<b>In favour:</b>	<b>33%</b>	<b>76%</b>	<b>62%</b>
<b>Indifferent:</b>	<b>39%</b>	<b>7%</b>	<b>16%</b>
<b>Abolition (Republicans):</b>	<b>28%</b>	<b>17%</b>	<b>22%</b>

## ... or a Popular Queen?

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‘Leaving aside your views on the monarchy as a whole, do you think the Queen personally has done a good or bad job during her time on the throne?’

**Good job: 85%**

Bad job: 10%

Undecided: 5%

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‘Do you think Britain should continue to have a monarchy in the future, or should it be replaced with an elected head of state?’

**Monarchy: 62%**

Elected Head of State: 22%

Undecided: 16%

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# What Now?

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King Charles's 1<sup>st</sup> Christmas broadcast = most watched Christmas TV address by a monarch on record



'Traitors' or a modern couple?



The future of the monarchy or symbols of an outdated system?

A vocal minority of republicans



# The Monarchy Questioned

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## Monarchists

A positive role:

Charity work

Good for the tourism industry

Symbol of British identity

National cohesion

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## Republicans

An outdated institution:

Expensive

Anachronistic

Not meritocratic  
(Figurehead of the Establishment)

Not egalitarian  
(Inherited privileges and birthright)

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# 3

## The Church of England

History and Doctrine  
Organisation and Tolerance  
Issues

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# The Church of England

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Established (state) Church since 1534

- Monarch = Supreme Governor of the Church
- 26 bishops sit in the House of Lords
- In theory, the UK is not a secular state – but a secular society!



Anglicanism = Compromise between Protestantism and Catholicism



Great tolerance in ethical and doctrinal matters

# Organisation

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Democratic institution governed by  
Church assembly (the Synod)



Archbishop of Canterbury

- Only a spiritual guide
- Vacant position since January 2025



Monarch's role nowadays theoretical



Measures require parliamentary approval



Justin Welby  
(2013-2025)



# An Open-Minded Church

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Female priests (1993) and bishops (2014)



Married clergy



Contraception accepted



Abortion, divorce, homosexuality tolerated



Great tolerance of other faiths and religions

→ Right to be married in one's parish church

# The Church of England Questioned

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Established church in England, but its Governor is the British head of state



Other Protestant churches not established:

- Church of Scotland (Calvinist)
- Church of Ireland (Anglican)
- Church in Wales (Anglican)



Sharp decline in church attendance ( $\approx 1.5\%$  of the population in 2022)



Friction within the Anglican Communion over doctrine: inclusion of LGBTQ+ people, etc.



Duty to serve the whole nation vs exclusion of certain groups from its full rites

# 4

## The Law

The Judiciary  
Law Enforcement  
Issues

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# Principles

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Independent judiciary



Equality before the law



No arbitrary imprisonment:

- *Magna Carta*, 1215 (King John)
- *Habeas Corpus*, 1679 (Charles II)

# Common Law Countries vs Civil Law Countries

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The inductive approach  
= a bottom-up movement

Broad principles of law are extracted from the decisions taken in previous cases heard in courts (case law)

Judge must be guided by the judgments delivered by earlier judges in similar cases

**Common law** countries: the USA, Ireland, Australia, New Zealand, etc.

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The deductive approach  
= a top-down movement

General rules are laid down in advance (in codes) and then applied to individual cases

Judge is guided by a codified system which serves as the primary source of law

**Civil law** countries: France, continental Europe, Russia, South America, etc.

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# One State, Three Legal Systems

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Three jurisdictions: England and Wales, Scotland, Northern Ireland

- England and Wales + Northern Ireland: common law
- Scotland: **Scots law** (mix of **civil law** and common law)



Choice of jurisdiction in private law but not in public law



Supreme Court of the United Kingdom

- Highest court of appeal for civil and criminal cases in England and Wales + Northern Ireland
- Highest court of appeal for civil cases in Scotland (**High Court of Justiciary** for criminal cases)



Calls for a Wales-only justice system, separate from England

# Law Enforcement



The 1829 'Peelers'

## The Police



Robert Peel (1829)



The British 'Bobby'



Serving the public



Policing = prevention and cooperation

→ 'Policing by consent'

# Victorian London at Night

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# Organisation – 45 Forces



Some territorial police forces in England



## England and Wales

- 43 decentralised, territorial police forces
- Supervised by elected citizens  
(‘police commissioners’)



## Scotland: *Police Scotland*

- National police force
- Merger of 8 regional police forces in 2013



## Northern Ireland

- *Royal Ulster Constabulary* until 2001  
(heavily armed and militarised)
- *Police Service of Northern Ireland*

# The Metropolitan Police

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## Scotland Yard



### Nicknames

- The Met, the Met Police
- The Yard



### CID (Criminal Investigation Department)

→ Elite investigators



### Complex criminal cases



### Often help other forces



# The Police and the Citizen

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Police close to the citizen (≠ France)



Positive image (on the whole) despite cases of police abuse



Serving the people vs serving the King/State



'Public servant' vs 'Fonctionnaire de l'Etat'



Unarmed (except a few specific units)

# *Crimewatch* on the BBC (1984-2017)





# A Demonstration in London

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# Current Issues

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## Cases of police abuse:

- Violence
- Racism
- Misogyny
- Increasingly repressive tactics

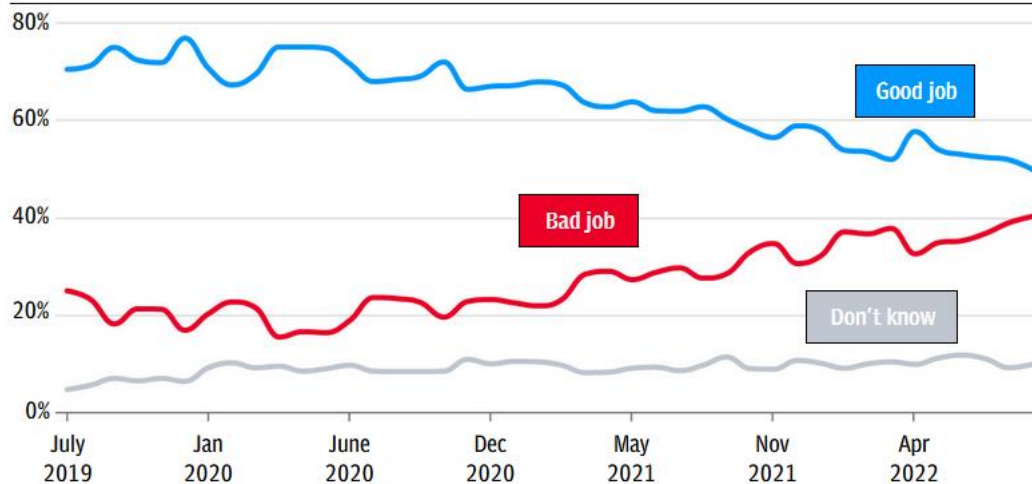


## String of scandals:

- Mark Duggan – UK Riots (August 2011)
- Sarah Everard (March 2021)
- 85 offences, incl. 24 rapes, by one officer (Jan. 2023)

# Crumbling Trust and Response

ARE THE POLICE DOING A GOOD JOB?



Source: YouGov poll, 2022

Mark Rowley, Head of the Met, has vowed to root out corruption (January 2023)

‘Two to three officers a week will face trial for crimes until 2025’

# Summary

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Un-codified Constitution



Parliament is supreme



Conventions and traditions keep  
Executive / Legislative / Judiciary  
working together



Policing by consent

# Thanks!

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Any questions?

