

Shifting Constitutionalism: An Analysis of Emerging Paradigms within the United Kingdom

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Abstract : Brexit, the relationship between devolved administrations, and Westminster, as well as recent Supreme Court judgments, all evidence that traditional paradigms in the divide between legal and political constitutionalism are changing within the United Kingdom. Whilst not mutually exclusive concepts, these latest constitutional developments suggest that the UK is about to embark upon radical constitutional reform over the course of the next decade. Such will systematically redefine the roles and relationships of each of the three arms of the State. In mapping these three latest events, this paper starts by defining constitutionalism as a jurisprudential concept, from the Age of Enlightenment, through to its present day manifestations in 2020. Such thereafter explains why the UK is seeking to move further away from political constitutionalism, and instead towards an increased reliance on newly defined laws and rules, particularly given that the UK now has a government with a stronger working majority following the general election results in 2019. In doing so, this paper concludes by commenting upon recent concerns surrounding the potential for the politicization of the judiciary within the United Kingdom, at a time when the UK Prime Minister is seeking to redefine the country's constitutional rulebook.

Keywords : United Kingdom, Brexit, constitutionalism, law, politics, constitutional reform, separation of powers

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