

GCE

LAW: Rule of Law

SUGGESTED IDEAS FOR TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
Unit:	Unit One: The Nature of law and the Welsh and English Legal Systems
Ref. to specification:	Law Making
Suggested time allocation:	3 – 5 hours

Course:	AS Level Law
Topic:	Rule of Law
Session:	

Aims & Objectives: At the end of these sessions the student will be able to:

- **Explain** what is meant by Britain having an unwritten constitution
- **Explain** separation of powers
- **Explain** the supremacy of Parliament
- **Identify** that the rule of law is a basic principle of our constitution
- **Explain** the 3 elements of the rule of law according to Dicey
- **Give examples** of breaches of the rule of law
- **Critically evaluate** the arguments for and against a written constitution

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce topic and objectives using IWB, PowerPoint or whiteboard
- Organize class in to small groups and ask them to discuss- What is a constitution? Does Britain have a written or unwritten constitution?
- Explain to students that constitutions set out broad principles – who makes law, and how, allocation of power and sometimes includes basic values. Explain the almost unique position of Britain in having an unwritten constitution – identify for students the sources of our constitution
- Students in small groups to discuss –What they think are meant by: The separation of powers; the supremacy of Parliament and the Rule of Law – facilitate group work – students to feedback answers to the class.
- Explain separation of powers - State power can be divided into 3 types -Executive – Government; Legislative – Parliament; Judicial – judges. **Question - Does our system operate according to the principle of separation of powers? If not, why not?** Students to discuss the answer in groups
- Explain -Parliamentary sovereignty - Parliament highest source of law, effect of the Human Rights Act 1998, E.U. membership and devolution on Parliamentary sovereignty
- Explain the rule of law, Dicey – 19th century - 3 elements: breaches of the rule of law and the effect if any of the Constitutional Reform Act 2005 on the rule of law
- Organize class in to small groups and using flipchart paper or IWB ask them to list the arguments for and against a written constitution
- Class discussion on the importance of the rule of law today, whether the state uses its power according to Dicey's 3 elements i.e. according to agreed rules and not arbitrarily. Students to think of / research cases where the state appears to have broken the rule of law

Student Activities:

- Small group exercise – answering questions- What is a constitution? Does Britain have a written or unwritten constitution? Identification of separation of powers, supremacy of parliament and the rule of law -feedback to class
- Small group exercise identify the advantages and disadvantages of a written constitution – feedback answers via flipchart paper or IWB - groups could be split into those arguing for a written constitution and those against)
- Whole group discussion on the rule of law

Suggested links / resources:

- PowerPoint
- Handout
- IWB
- Dicey, A. (1982) Introduction to the Study of Law of the Constitution
- www.dca.gov.uk (Constitutional Reform Act 2005)

Assessment of Learning

During the lesson	Group exercises and direct questioning illustrate how well the students have understood the rule of law
Subsequent to lesson	Homework – past paper question on the Rule of law Research cases where the state appears to have broken the rule of law

TOPIC: The Rule of Law

Questions:		Expected answers:
1.	What is the difference between a written and an unwritten constitution?	<p>Written constitutions are documents, often written after major political change, which set out the broad principles of who makes the law, how the law is made, how power is allocated and often an indication of basic values.</p> <p>An unwritten constitution does not have all of this in a specific document, but there are still rules on who holds power, what can and cannot be done with that power etc</p>
2.	What do you think is meant by the principle of separation of powers?	<ol style="list-style-type: none"> 1. Executive – Government 2. Legislative - Parliament 3. Judicial – judges <p>These 3 types of power should not be concentrated in the hands of one person or group</p>
3.	Why is this principle important?	Because if power were concentrated then this would give one person or group absolute control, with no check on how the power was being exercised
4.	Does our system operate according to the principle of separation of powers? If not, why not?	This is debatable – until recently the role of the Lord Chancellor was said to compromise the separation of powers principle
5.	What do you think is meant by the supremacy of Parliament?	Parliament is the highest source of law – laws passed by parliament must be applied by the courts
6.	Has Parliamentary sovereignty been eroded?	Effect of EU membership – in those areas that the EU makes laws then these laws take precedence over laws made by Parliament –Factortame (1990)
7.	What do you think is meant by the rule of law?	Usual student answer to this question is that no one is above the law
8.	Can you think of any examples of breaches of the rule of law?	Government treatment of suspected terrorist – e.g. A and Z and others v Secretary of State for the Home Department (2004)
9.	What advantages can you think of for a written constitution?	<p>Arguments for :</p> <ul style="list-style-type: none"> • Make things clearer • Accessible for citizens • Greater protection of rights & liberties

10.	What disadvantages can you think of for a written constitution?	<p>Arguments against:</p> <ul style="list-style-type: none">• Difficult to change• Unwritten constitution part of our heritage• Unwritten constitution allows flexibility
-----	---	---