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Question:

Explore the foundational concept differences between UK's evolving legal framework and the U.S. Constitution, impacting governance and rights.

Answer:

A constitution means established precedents or fundamental principles which are followed to govern a country. Every independent state has a constitution which is its fundamental law according to which the domestic laws are framed. It is the supreme law. The Constitution of the USA and UK are the most popular constitutions in the world. They are based on entirely different political systems. They have served as epitomes of a perfect fundamental law for decades and have been followed by many countries in framing their constitutions.

The key differences between US Constitution and British Constitution are as follows:

① Difference in nature:

The US constitution operates under a single legal document ratified in 1787 that establishes

the framework for its federal government. This document including its 27 amendments, serves as the highest law of the land. In contrast, UK possesses an uncodified constitution. Instead, it is a dynamic collection of statutes, common law, conventions, and authoritative works.

Example: The U.S. Supreme Court can strike down laws as ^{un}constitutional. In the UK, courts can only issue a "declaration of incompatibility" under the Human Rights Act 1998.

② Concept of Sovereignty:

In United States, concept of sovereignty rests on constitutional supremacy. The Supremacy Clause (Article VI, Clause 2) states that all governmental actions whether federal or state must conform to the Constitution's provisions. Conversely, UK's parliament is sovereign and can make or unmake any law.

Example: U.S. Supreme Court blocks laws violating constitutional rights such as *Shelby County v. Holder* (2013). On the other hand, UK parliament passed the EU (withdrawal) Act 2018 despite legal challenges.

③ Federalism vs. Unitary State:

The U.S. is a federal republic with constitutionally protected state powers. The U.K. is a unitary state with devolved powers that Parliament can legally override.

Example: U.S. can legalize Marijuana despite federal restrictions; UK Parliament suspended parts of Scotland's devolved authority via UK Internal Market Act 2020.

④ Amendability:

U.S. Constitution is extremely difficult to amend, requiring $\frac{2}{3}^{\text{rd}}$ Senate majority and House of Representatives then $\frac{3}{4}$ majority of states have to pass the bill. UK's constitution evolves through ordinary Acts of Parliament.

Example: The U.S. has only 27 amendments in 237 years. The UK fundamentally changed governance through quick Acts like the Devolution Act 1998, Human Rights Act 1998, and Brexit legislation.

⑤ Judicial Review Power:

The differing concepts of sovereignty directly influence the judiciary's role. In U.S., courts

exercise judicial review established by the Supreme Court in *Marbury v. Madison* (1803), asserting its role as an ultimate interpreter of the Constitution.

In UK, courts primarily interpret and apply laws passed by Parliament. UK courts do not possess the power to strike down Acts of Parliament.

Example: U.S. courts struck down parts of the Affordable Care Act but UK courts cannot strike down Act of Parliament.

⑥ Separation of Powers:

U.S. has a clear separation: President, Congress, and Supreme Court. The UK blends executive and legislature as the Prime Minister sits in Parliament.

Example: U.S. Congress can block presidential appointments; in the UK, PM can often pass legislation if holding a majority.

⑦ Flexibility vs. Rigidity:

The UK system is adaptive, evolving through political practice, while US system tends toward rigidity—because it is not easy to amend U.S. constitution.

Example: UK adapted quickly during COVID-19,

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via the Coronavirus Act 2019; the U.S. faced federal state conflicts over emergency powers.

⑧ Protection of Human Rights:

Individual rights in United States are primarily protected through entrenched rights, most notably the Bill of Rights (first ten amendments). In the United Kingdom, rights have historically been protected through common law principles and specific statutes. Parliament, being sovereign, can alter or repeal those statutory protections through ordinary legislation.

Example: U.S. first amendment ensures near-absolute speech rights. The UK allows more restrictions, such as Public Order Act 1986 and Online Safety Act 2023.

⑨ Differences in Houses:

The US political (house) system is based on two houses: (i) The House of Representatives
(ii) The Senate.

On the other hand, the British political system also has two houses which are: (i) House of Lords and (ii) House of Commons

⑩ Elections and Accountability

Mechanism:

In the U.S., elections take place every four years where the President is elected by electoral College. The members of the senate elected every 6 years and the House of Representatives every 2 years. Contrary to the above, parliamentary elections in UK takes place every five years.

Example: Trump elected as President after 4 years of Joe Biden presidency. While in 2024, UK Parliamentary elections held as per Fixed Term Parliament Act 2011.

⑪ Executive Head of the State:

Under the US Constitution, the President is established as the Head of the state who is the executive head whereas the British Queen/king is the head of the state too but not the executive head because the Queen/king reigns but does not rule.

Example: The current U.S. Head of the state is President Donald Trump and King Charles III is the head of UK.

⑫ Nature of Government:

The United States political landscape is dominated by two major parties - the Democratic Party and the Republican Party.

The UK has a multi-party system - Conservative Party, Labour Party, Liberal Democrats, and Plaid Cymru.

Example: In U.S., millions of voters for minor parties gain almost zero representation while UK parties gain seats appropriate to their geographic support.

Critical Analysis:

The constitutional arrangements of the United Kingdom and the United States represent two contrasting models of governance. One rooted in evolutionary legal development, the other in codified constitutional supremacy.

A critical analysis reveals that the differences between these systems not only shape their legal operations but also influence the quality of democratic governance, rights protection, and institutional stability. Neither UK system nor U.S. constitution creates supremacy over the other, instead, each system embodies trade-offs shaped by historical context. The U.S.

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constitution offers strong rights protection and clear separation of powers, but at the cost of rigidity, judicial politicization, and potential gridlock. Whereas, the UK framework provides adaptability and parliamentary democracy but at the risk of inconsistent rights enforcement and majoritarian tyranny. Ultimately, the foundational conceptual differences not only shape governance but also influence how power is regulated, and how democratic resilience is tested in times of crisis.

Conclusion:

To sum up, the constitutions of UK and US are the most widely accepted constitutions in the world. If we assume that (other) rest of the world's constitutions are the derivatives of UK and USA constitution, then it would be true. Both constitutions are based on entirely different political and government system and both are the ancient constitutions of their time.