



**Essex
Constitutional and
Administrative
Justice Initiative**

**Annual Report
2022-2023**

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Co-directors' message

2022-2023 has been an important year for the Constitutional and Administrative Justice Initiative. We will discuss below its origins, various activities, collaborations, and how it relates to the School's focus on public law.

In October 2022, the Essex Law School launched the Constitutional and Administrative Justice Initiative (Essex CAJI). This builds on and extends the work of the UK Administrative Justice Institute (UKAJI). UKAJI was originally founded in 2014 with funding from the Nuffield Foundation to kickstart the expansion of empirical research on administrative justice across the UK. Since 2018, it has been supported by Essex Law School, which has helped propel the initiatives outlined in its Research Roadmap. UKAJI's work has been influential in shaping both academic discourse and policy development, evidenced by its provision of written evidence to parliamentary committees, its prolific output of publications and blogs, and the organisation of numerous workshops. In March 2021, its research was acknowledged in the Independent Review of Administrative Law that was submitted to Parliament by the Lord Chancellor.

As expertise in public law grew steadily at Essex Law School, Maurice Sunkin and Theodore Konstadinides saw an opportunity to broaden the scope of this virtual centre. They aimed to encompass constitutional justice as well, leading to the rebranding of the institute as CAJI. The creation of CAJI signifies a strategic alignment of research and scholarship on administrative justice with the wider public law expertise at Essex Law School, integrating studies on constitutional justice, judicial review, comparative public law, constitutional theory, social justice, and human rights. The initiative is ambitious in its reach, aiming to cover not only domestic law but also extending to encompass regional and international legal frameworks.

This year, the Essex CAJI has been a hub of dynamic activity, marked by an array of engaging events, workshops, and new strategic partnerships. We conducted both in-person and online workshops that covered a range of public law subjects. These subjects touched on constitutional questions pertaining to everyday administrative justice, the UK's approach to foreign affairs, the notion of solidarity in European constitutional law, and the emphasis on impartiality and independence in Canadian immigration decisions.

We forged collaborations with esteemed research centres both in the UK and internationally. Notably, we entered into a research partnership with the Universities of Lisbon and Sorbonne to create a network focusing on Constitutional Theory. Additionally, our outreach efforts extended to visiting our partner public law and government research groups at the Universities of Antwerp and Lisbon, exchanging inter alia insights on research methodologies. We also had fruitful discussions with the Public Law Centre of the University of Ottawa as well as the UK Ministry of Justice, the Law Society and Cornerstone Chambers about future collaboration. Furthermore, we had the pleasure of hosting distinguished and early career speakers and enhanced our digital presence through website enhancements of essexcaji.org that feature podcasts and promote scholarship opportunities for postgraduate students. We wrapped up the year with our annual lecture delivered by Professor Michael Gordon from the University of Liverpool and attended by both staff and doctoral students.

Essex CAJI benefits from its position within a Law School renowned as a critical centre for both research and education in public law and social justice. Pioneers among our ranks like Maurice Sunkin and Andrew Le Sueur have authored one of the most authoritative textbooks in Public Law used as compulsory text in Universities across the UK. Our colleagues have further enriched the field with significant contributions through monographs and edited volumes on constitutional theory, European public law, and global constitutionalism. The School continues to affirm its leading role in this sphere, exemplified by the appointment of an Academic Lead in public law and the expansion of a dedicated Public Law Cluster as well as new appointments in the field of administrative law (Dr Eugenie Duval); digital constitutionalism (Dr Giulia Gentile) and constitutional theory (Prof. Joel Colon-Rios).

Currently, Theodore Konstadinides holds the newly established position of Academic Lead, a role created to drive the Law School's commitment to achieving excellence in the field of public law. This role intersects with educational initiatives like developing the curriculum and attracting doctoral candidates; research activities that involve staff development and securing external funding; as well as fostering research collaborations, thereby establishing vital links with key stakeholders in policy-making and legal practice.

The School's Public Law Cluster (PLC), which has been active for nearly a decade and is currently coordinated by Dr. Eugenie Duval, operates as a dynamic platform showcasing the significant research contributions of our esteemed colleagues. But it is more than just a showcase; it is an interactive hub. Here, draft papers are critically discussed, nurturing an environment of continuous learning and refinement. Additionally, the PLC facilitates a rich exchange of knowledge, skills, and resources among colleagues with a shared passion for public law. It has also provided a platform for our PhD students to network, present their work and engage in constructive discussion and feedback.

Here at CAJl we are always looking for ways to include our undergraduate and postgraduate students into our work through engaging with our research activities, and we have a growing community of PhD students researching in novelty areas related to public law fields. To learn more about our team, explore their academic work, recent projects, and other endeavours, please see the subsequent sections provided below. We extend our deepest gratitude to the Essex Law School team, with special thanks to Onyeka Osuji as our Head of School, Stavroula Karapapa as our Director of Research, Alexandros Antoniou and the visibility team, our members, and partners for making this year unforgettable. Dive in to discover more, and we wish you a delightful read!

Theodore Konstadinides and Maurice Sunkin

Our Team

Co-directors	
Theodore Konstadinides	Professor of Law
Maurice Sunkin	Professor of Public Law and Socio-Legal Studies

Research Officer	
Lee Marsons	2021-2023
Rebecca Amor	November 2023 -

Executive Members	
Joel Colon-Rios	Professor of Law (from January 2024 onwards)
Dimitrios Kyritsis	Reader in Constitutional Law and Legal Theory
Andrew Le Sueur	Professor of Constitutional Justice
Yseult Marique	Professor of Law

Members	
Dr Alexandros Antoniou	Senior Lecturer, the role of the media and public bodies
Dr Koldo Casla	Senior Lecturer, international constitutional justice, social justice/human rights
Dr Tom Cornford	Senior Lecturer, constitutional law
Dr Richard Cornes	Senior Lecturer, constitutional & administrative law
Dr Etienne Durand	Lecturer, French & European comparative public law
Dr Sophie Duroy	Lecturer, International constitutional law
Dr Eugenie Duval	Lecturer, French & comparative administrative law
Dr Tom Flynn	Lecturer, European constitutional law
Dr Giulia Gentile	Lecturer, European constitutional and administrative law, digital justice
Dr Konstantinos Kalliris	Lecturer, legal theory & political philosophy, access to justice
Dr Anastasia Karatzia	Senior Lecturer, European constitutional law
Dr Esin Küçük	Lecturer, European constitutional law
Dr Jessica Lawrence	Senior Lecturer, European constitutional law
Dr Edward Mitchell	Lecturer, compulsory purchase law & town planning law
Dr Harry Nikolaidis	(Senior Lecturer, constitutional justice, Council of Europe
Dr Nikos Vogiatzis	Senior Lecturer, administrative law, ombuds, Council of Europe

Our Graduate Students

Rebecca Amor is a non-practising solicitor who is studying the role of multistakeholder initiatives (MSIs) as organisations that bring together various stakeholders with a view to regulating corporate behaviour. Such voluntary programmes often address corporate behaviour in spaces where regulation is missing. Rebecca is re-examining the assumption that the output of MSIs is either soft law, or not law at all. Exploring how these concepts do not adequately reflect the practical implications of MSI regulation, Rebecca is seeking to establish MSI outputs within a new space which is not yet provided for in current discourses. Using this as a foundation upon which to build and expand, Rebecca is exploring the application of deliberative democracy and public law principles embodied in the rule of law to create a framework for analysing the democratic quality of MSI decision-making. (supervisors: Theodore Konstadinides, Jessica Lawrence).

Eno Ekpo is actively involved in policy implementation and impact in higher education institutions to end campus sexual assault in environments of learning in Nigeria. Between 2020 and 2023, she worked as Programs Manager of Gender Mobile Initiative, a non-governmental organisation in the global south and was a Research Consultant for the study on Addressing Sexual Harassment Prevalence in Tertiary Education Institutions across Nigeria as part of the Campus Safety Initiative Project. The transitional approach to implementing the Campus Safety Initiative from data to action aimed at making educational access safe and equitable, especially for women and girls in Nigeria was presented at a parallel session during the NGO CSW67 Forum 2023. The project research findings and policy objectives formed basis for the ongoing CSO/Government collaborative effort for system-wide policy adoption to end campus sexual assault in environments of learning in Nigeria.

Eno's research work is at the intersection of human rights and social justice, with focus on socio-economic rights in advancing the rights of women, girls, and minority groups. She is also interested in research and strategic advocacy around gender responsive budgeting and the realisation of inclusive development. Her paper Realising the Right to Basic Education in Nigeria: A Rights-Based Budgeting Perspective was presented at the joint convening of the 2023 Social Practice of Human Rights Conference and 6th International Conference on the Right to Development held at the Human Rights Center, University of Dayton, Ohio. The paper explored the adoption of rights-based budgeting practice to enhance equitable access to basic education in Nigeria and address existing educational inequalities hindering inclusive development within the African region. (supervisors: Judith Bueno de Mesquita, Gus Waschefort)

Our Graduate Students

Amélie Godfrey is working on the constitutional protection of derivative rights of citizens at the EU and UK level. (supervisors: Theodore Konstadinides, Anastasia Karatzia (on leave), Niall O'Connor).

Abdullah Almajed is an administrative court judge from Saudi Arabia who came to Essex with a scholarship from the Saudi Ministry of Justice. His work focused on the reform of the Board of Grievances and administrative justice in Saudi Arabia. (supervisors: Theodore Konstadinides, Dimitrios Kyritsis). Abdullah passed his viva in November 2023.

Our Partners

Public Law Project (Senior Researcher: Lee Marsons)	University of Lisbon (Lisbon Public Law Research Centre - Academic leads: Professor Carlos Blanco de Morais, Dr Luis Pereira Coutinho)
University of Paris I – Panthéon Sorbonne (Institute Juridique de law Sorbonne – Academic lead: Professor Pierre Brunet)	Antwerp University (Government and Law Research Group – Academic lead: Professor Patricia Popelier)
Lund University (Faculty of Law, <i>Nordic Journal of European Law</i> – Academic lead: Professor Xavier Groussot)	Maastricht University (Faculty of Law, <i>REALaw</i> - Academic Lead: Professor Mariolina Eliantonio)
University of Speyer (Academic Lead: Professor Ulrich Stelkens)	Lyon 3
Nice	

Our Visiting Fellows

Margaret Doyle

Margaret Doyle is a Visiting Research Fellow at the University of Essex School of Law. Her research interests include rights-based mediation and redress mechanisms, particularly for complaints about public services; the relationship between different redress mechanisms such as mediation, ombuds, and courts and tribunals; and policy development in dispute resolution. Specific areas of interest are education, disabilities, equalities and discrimination, and intergenerational dispute and complaints.

Previously, Margaret was Senior Research Officer with the UK Administrative Justice Institute (UKAJI). As part of her work on administrative justice with the UKAJI project, Margaret conducted a knowledge exchange project on young people's participation in resolving disputes about their special educational needs and disabilities support. This work was funded by an ESRC IAA Fund grant and the Garden Court Chambers Special Fund.

Margaret is also a consultant in appropriate dispute resolution (ADR) and an independent mediator. She is accredited to mediate in disputes involving special educational needs and disabilities and disputes involving older people. Her mediation website is at www.domarmediation.co.uk. She is an Associate with Garden Court Chambers and a member of the College of Mediators and the Elder Mediation International Network.

Arabella Lang

Arabella Lang is a highly experienced senior practitioner in constitutional law and foreign affairs who joined Essex Law School as an executive fellow in October 2023. Ms. Lang's involvement will significantly enhance the research environment, supported by her ongoing collaboration with the Essex CAJI. This collaboration has raised awareness of access to justice in the context of foreign affairs and has established a nationwide network comprising academics, practitioners, and policy makers. The network not only contributes to the University's Research Excellence Framework (REF) submission but also strengthens the School's ties with the Public Law Project, where Ms. Lang previously held the position of Head of Research. The Public Law Project is a charitable organisation that promotes access to justice, upholds the rule of law, and ensures fair systems, and Essex has a longstanding relationship with it.

Ms. Lang's extensive experience as a senior research analyst and former Head of the Parliament and Treaties hub in the House of Commons makes her an invaluable resource for students and colleagues. Her career advice presentations to postgraduate students will provide unique insights into working in Parliament and navigating the intersection of law and policy. Moreover, her mentorship will empower colleagues in the Essex Law School who aspire to make a policy impact and influence parliamentary work.

During her tenure, Ms. Lang will play an active role in compiling and disseminating jointly authored publications that promote the findings of the research collaboration. Such publications will significantly contribute to the body of Essex scholarship and serve as a foundation for prospective funding bids. Ms. Lang's esteemed reputation, wealth of experience, mentorship, and strategic guidance will undoubtedly enrich our research environment, enhance the potential policy impact of the School, and contribute to the advancement of constitutional law and foreign affairs scholarship and practice. Ms. Lang is starting a new role this month as Head of Public Law at the Law Society.

The importance of constitutional and administrative justice

By Theodore Konstadinides and Maurice Sunkin

As this is the inaugural edition of our annual report, we thought it fitting to shed light on the significance of our chosen name - 'Constitutional and Administrative Justice' Initiative.

Constitutional justice concerns matters critical to the relationship between the citizen and the state, including adherence to the principles of supremacy of law, accountability before the law and fairness in its application. At its core, it concerns state protection of our constitutional rights such as liberty, equal protection under the law and procedural due process. This requires decision-makers to respect their constitutional responsibilities: that the legislature legislates, and the executive governs according to established constitutional principles and that both branches are held to a high standard of political and legal accountability. Hence, constitutional justice is often discussed in the context of constitutionalism meaning that in serving the people the legislature and the executive are themselves governed by fundamental rules rooted in the consent of the people.

“Constitutional justice [...] concerns state protection of our constitutional rights such as liberty, equal protection under the law and procedural due process.”

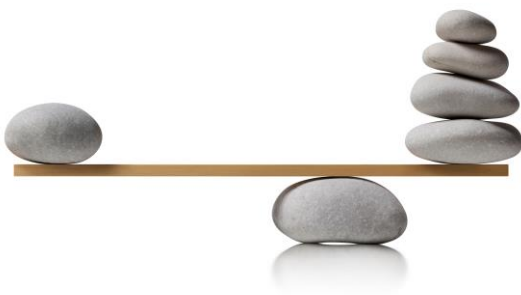
A commitment to the rule of law and avoidance of arbitrary exercise of power by the executive and those acting on its behalf are vital pillars of constitutional justice and good government. The decisions of independent courts demand respect and play a vital role in providing redress to those adversely affected by state action, constraining the unlawful exercise of state powers, and safeguarding fundamental constitutional values.

The impact of the European Union and the Council of Europe and its advisory bodies such as the Venice Commission have become key in the globalisation of constitutional justice. This development entails the consolidation of constitutional principles common to their signatories and the maintenance of coherent standards of constitutional rights protection. Recent threats to the independence of the judiciary in several European countries show that we cannot assume that robust constitutional standards are easily enforced.

“matters of everyday importance that affect most of us at some point”

Fundamentally, administrative justice is about ensuring that those delivering public services act justly and make correct decisions and about what can be done when things go wrong. It encompasses matters of everyday importance that affect most of us at some point, such as education, health care, housing, immigration, land use planning, social security and taxation.

We are interested in how public services are designed and delivered, how legislation is drafted, how people are consulted about laws and policies, how people can challenge decisions by public bodies, how redress bodies consider those challenges, and how learning from such challenges is used to improve delivery and decision-making in the first place. These matters are of vital importance to society.



Selected Projects

CAJI and its [members](#) are at the [forefront](#) of many [major research projects](#) on a variety of topics related to [constitutional and administrative justice](#), varying from [domestic](#) to [European](#) and [international](#) aspects of [public law](#).

In the following pages are some indicative projects that demonstrate the variety of research and include:

The Economic Constitution: An Immanent Critique of UK Constitutional Law	Tom Cornford
Parity of Esteem, official rhetoric and constitutional change	Tom Flynn
Human Realities of Administrative Justice/Injustice	Maurice Sunkin, Margaret Doyle, Nick O'Brien, Koldo Casla, Theodore Konstadinides and Yseult Marique
Records and Responsible Government	Alix Green, Theodore Konstadinides and Yseult Marique
Foreign Affairs and the Constitution	Theodore Konstadinides and Arabella Lang
Solidarity as a constitutional principle (Sol Lex Net)	Esin Küçük, Koldo Casla, Theodore Konstadinides, Yseult Marique, Anastasia Karatzia and Dimitrios Kyritsis
Mapping & Evaluating Existing tools of Civic Participation in Europe	Anastasia Karatzia and Niall O'Connor
Constitutional Theory Network	Dimitrios Kyritsis and Konstantinos Kalliris
Parish pump constitutionalism	Andrew Le Sueur
Urban Planning	Edward Mitchell

Tom Cornford

“a new kind of constitution, one containing rules to ensure liberty and democracy in the economic as well as in the political sphere.”

What is the relationship between private and public law? How do property, commercial, banking, and labour laws shape power relations and affect government behaviour in a given period? Do we need a set of fundamental (constitutional?) laws that define the essential features of a country or system's economy? This project advances an argument for the democratisation of our economy by showing how economic practices and institutions contradict and undermine the values we think of as characterising our political system. It does so by way of an examination of our economic constitution, the set of laws - private as well as public - that underpin the most fundamental features of our economy.

In his research, Tom Cornford is combining tools of legal analysis, sociology, economics and political theory in order to better illustrate the relationship between the UK's constitution and its economy. He proposes a new kind of constitution, one containing rules to ensure liberty and democracy in the economic as well as in the political sphere. In the UK, he asserts, it is possible to discern a structure of private-power particular features of which have persisted throughout the period during which the country has been a capitalist one. These features, which are constituted by private law, should be thought of as making up part of our unwritten constitution as much as the more explicitly recognised public features, the two forming the halves of a whole.

Tom has presented his ideas on the constitution's distribution of power in the private as well as in the public sphere at various prestigious events including the Society of Legal Scholars and the Political Studies Association. He is the author of *Towards a Public Law of Tort* (Aldershot: Ashgate, 2008) and is currently working on a new monograph which carries the title *The Economic Constitution: An Immanent Critique of UK Constitutional Law*.

Parity of Esteem, Official Rhetoric and Constitutional Change

Tom Flynn

The Good Friday/Belfast Agreement is explicit that the principles of 'parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities in Northern Ireland are fundamental features of the British and Irish governments' approach to the constitutional governance of NI. However, contemporary political discourse sometimes strays from this important rule.

The 'Parity of Esteem' project seeks to improve dialogue between Essex, other universities, and policymakers on how this principle imposes significant limits on the permissible rhetoric of British and Irish politicians and officials on the issue of NI's constitutional future.

There is currently a significant gap between the legal and moral requirements of how elected officials should articulate their arguments regarding the constitutional governance of NI, and the actual political and rhetorical reality. This project will bridge this gap by engaging with and developing links with policymakers and academics in England, Northern Ireland, and Ireland to raise the profile of the principle of parity of esteem and emphasise the importance of calibrating political discourse to the requirements of the Good Friday/Belfast agreement and the specific nature of NI as a post-conflict space of structural social division.

The general audience is politicians, both government and opposition, in Britain and Ireland. More specific targets are those involved in issues of NI's constitutional future, in particular the SoS for NI and the NI Office at Westminster; the Irish DFA; the NI Affairs Committee of the UK Parliament; and the Committee on the Implementation of the GFA of the Irish Parliament.

In the first strand, Tom Flynn organised a one-day workshop at Essex, with invited academic guests from Universities across Britain and Ireland, including NI. At this event, he explored with colleagues the concept of parity of esteem and its potential to act as a 'moderating requirement' on the way in which government and opposition elected representatives make their case for the constitutional future of NI (regardless of on which 'side' this case falls). In the second strand, he proposes to present the outcome of this research to policymakers in London, Belfast, and Dublin by means of written and oral submissions to relevant parliamentary committees, direct engagement with ministers and departments, and liaison with political parties of all persuasions, including in-person or virtual presentations.

Human Realities of Administrative Justice/Injustice

Maurice Sunkin, Margaret Doyle, Nick O'Brien, Koldo Casla, Theodore Konstadinides, Yseult Marique

Drawing on the legacy of the United Kingdom Administrative Justice Institute (UKAJI) and the insights of Doyle and O'Brien's *Reimagining Administrative Justice: Human Rights in Small Places*, this project examines the daily encounters between ordinary citizens and public authorities. It assesses the provision and adjudication of essential services such as education, healthcare, housing, and social benefits, recognising that while some citizens are content with the outcomes, others are compelled to confront and contest the decisions made, sometimes escalating their disputes to higher authorities.



The focus of this project is on the commonplace, rather than the exceptional, bringing to light the everyday challenges people face with administrative justice. By delving into routine matters that could be brought before MPs or local councillors, the project seeks to demystify the concept of administrative justice and emphasise its role in citizens' pursuit of redress and fairness within the government's established mechanisms.

“bringing to light the everyday challenges people face with administrative justice”

A key aspect of the project is its collection of case studies and firsthand narratives, designed to provide an intimate understanding of administrative justice's impact. These stories are drawn from a diverse group of individuals, from those questioning the actions of public entities to those working within the system itself, ensuring a rich tapestry of viewpoints that highlight the need for systemic enhancements.

The narrative journey of the project traverses the terrain of social security and welfare, organising the exploration around life-stage experiences with administrative justice. It will dissect the experiences of a broad demographic, including children dealing with school issues, young adults from the care system, asylum seekers, parents navigating tax credits, young adults in need of social care, individuals confronting homelessness, and seniors requiring residential care.



The project will feature a mosaic of case studies provided by professionals such as advisors, officials, local councillors, MPs, tribunal members, and ombuds, alongside authentic accounts from those who have personally navigated the administrative justice system. Together, these stories will be contextualised with analytical commentaries that not only draw conclusions and lessons but also identify gaps necessitating further inquiry and advocate for substantive reforms.

“identify gaps necessitating further inquiry and advocate for substantive reforms”

Records and Responsible Government

Alix Green, Theodore Konstadinides, Yseult Marique

The "Records and Responsible Government" is an interdisciplinary project that the History Department spearheaded in 2022, receiving contributions from the fields of Law, Sociology, and Business. During the summer of 2023, a sequence of workshops was held. This is an ongoing project with more exciting activities to take place in 2024.

The workshops held in 2023 explored the insights that archives provide about local politics in the early 20th century and examined the impact of parliamentary reporting on the development of concepts surrounding responsible government. Acknowledging that records are crucial for understanding history and for critical reflection on current practises, the project facilitated a captivating dialogue between public lawyers and parliamentary historians.

The project focused on delineating the role of public accountability and responsible government as pillars of a just and equitable democracy, one that upholds the rule of law and fundamental rights, fostering trust between citizens and the state.

One of the notable workshops delved into how archives shed light on the power dynamics within the government and the difficulties faced in presenting parliament with a coherent policy overview for examination. This session featured a dynamic discussion between public law academics from the School and a team from the House of Commons library, focusing on the themes of archives, transparency, and scrutiny.

As part of the project at the University of Essex, the workshops aimed to trace the links between record-keeping and responsible governance from various academic viewpoints. Essex scholars and external experts converged in these events, seeking to pinpoint intersections in their research sources and methodologies.

**“public
accountability
and responsible
government as
pillars of a just
and equitable
democracy”**



Image - Destruction of the Four Courts (then housing the Irish Public Record Office) in Dublin during the Irish Civil War

Foreign Affairs and the Constitution

Theodore Konstadinides and Arabella Lang

The Essex Law School's Constitutional and Administrative Justice Initiative (CAJI) and the Public Law Project (PLP) have collaborated on a project that delves into the constitutional aspects of foreign affairs. This project examines the theoretical and tangible interplay between constitutional law and foreign affairs, targeting prevailing issues in the UK. It also highlights emerging themes, pinpointing potential areas for further academic and policy exploration.

Topics of this research project include: foreign affairs exceptionalism; the relationship between foreign affairs and constitutional law; treaty scrutiny, implementation and amendment and challenges for the UK's parliaments; parliamentary engagement with treaty monitoring bodies; the role and work of parliamentary assemblies established by treaties; the place of soft law in foreign affairs and the publication and scrutiny of Memoranda of Understanding; and the role of judicial review in foreign affairs.



This initiative was inaugurated through a workshop that took place at the Wivenhoe House on 23 January 2023 sponsored by the University of Essex's ESRC Impact Acceleration Account. Its main goal was to commence a dialogue between scholars and professionals, fostering a shared research agenda that fills existing knowledge voids and promotes collaborative efforts. In the wake of this successful workshop, a follow-up project between Theodore Konstadinides and Arabella Lang is focusing on international treaties' scrutiny and implementation in the UK in more detail, emphasising the enhancement of transparency and user-friendliness. In this project, Theodore and Arabella are working closely with the Indexing and Data Management Section, Research and Information of the UK House of Commons Library as well as a number of civil society organisations such as the Public Law Project.

Solidarity as a constitutional principle (Sol Lex Net)

Esin Küçük, Koldo Casla, Theodore Konstadinides, Yseult Marique, Anastasia Karatzia, Dimitrios Kyritsis

CAJI members have initiated the development of a research network (Sol|Lex|Net) on European solidarity, which is of a common interest to a number of CAJI members including Koldo Casla, Yseult Marique, Theodore Konstadinides, Dimitrios Kyritsis, Anastasia Karatzia, and Esin Küçük. This innovative network, with the contribution of the University of Lund Law School, seeks to close the knowledge gap on the topic of European solidarity, critically examining its underpinnings, scope, extensive implications for state responsibilities, and impacts on human rights. Sol|Lex|Net is committed to fostering an environment where researchers from Europe and beyond can collaboratively exchange and cultivate ideas related to solidarity. In particular, it aims to enhance opportunities for lateral thinking and academic exchange, and to offer incentives for more creative and collaborative research methods.

The scope of Sol|Lex|Net's research is comprehensive, encompassing various EU policy domains such as constitutional, social, labour, environmental law, Monetary Union, energy, security, and migration law. The network also seeks to integrate perspectives from related fields like political science, international relations, public policy, political theory, economics, and philosophy, aiming to accelerate research, enrich academic offerings, and shape policy decisions.

The first step in the network's inception was marked by an initial workshop in May 2022, in collaboration with Lund University Law School, which also hosted a subsequent workshop in November 2022, supported by the Swedish Research Council. The scholarly work presented at these workshops gained recognition in the Nordic Journal of European Law, Volume 6(2), published in 2023. The event series progressed with a notable meeting on July 14, 2023, organised by the Essex Law School, attended by the Department of Government, and financed by the University of Essex Faculty of Arts and Humanities' Strategic Fund. A proposal to publish the workshop proceedings into an edited volume is currently under editorial review.

Mapping & Evaluating Existing tools of Civic Participation in Europe

Anastasia Karatzia and Niall O'Connor

Born from a successful collaborative 3 million Euros Horizon 2023 'Stand Up for Democracy Call', this Essex leg of the project takes on a pivotal role in scrutinising the efficacy and boundaries of selected EU participatory frameworks. It is an initiative that transcends the mere mapping of citizen engagement channels in Europe; it aims to forge innovative and inclusive ways for the EU to connect with its citizens, with a particular emphasis on integrating marginalised and vulnerable groups into the political dialogue.

The project involves an exhaustive critical analysis of participatory avenues such as the European Citizens' Initiative (ECI), petitions to the European Parliament, and the Conference for the Future of Europe. The objective is to gauge how effective and inclusive these mechanisms are in fostering civic involvement. The findings are expected to be a catalyst for the continuous refinement of these mechanisms, enhancing how the EU interacts with its citizens.

A distinguishing feature of this project is its linguistic assessment. It intends to explore the impact of regional and minority languages in how they facilitate or hinder citizen participation and their readiness to contribute to the policymaking process. This aspect of the project promises to provide valuable insights into how linguistic, administrative, and legal variables influence public policy creation at the EU level, promoting a more active and representative European polity.

The project is centred on a doctrinal examination of EU-level citizen participation mechanisms. It also includes a strong empirical element with insights from interviews with officials from the European Commission and the European Parliament who oversee the creation, implementation, and assessment of the European Citizens' Initiative, Petitions to the European Parliament, and the European Citizens' Panels held during the Conference on the Future of Europe. Additionally, the project involves interviews with citizens who have actively engaged with these mechanisms. Some of the outcomes of this research include: comprehensive policy reports evaluating the efficacy of the existing EU participatory frameworks; a series of academic publications and interdisciplinary workshops.

Constitutional Theory Network

Dimitrios Kyritsis, Konstantinos Kalliris

The Constitutional Theory Network brings together constitutional scholars from across Europe with a philosophical interest in constitutional law. By bringing philosophical analysis to bear on the study of constitutions, it aims to further our understanding of fundamental principles of constitutionalism and at the same time help bridge the rich national constitutional traditions of its members. It also aims to sharpen our conceptual tools for tackling the many challenges facing our constitutional systems such as democratic backsliding, populism and executive dominance. The network will meet once a year for an annual conference with the venue rotating among the institutions of its members, and will organise other activities e.g. book symposiums and workshops. Its inaugural conference will take place in Lisbon in spring 2024 on 'Description and justification in constitutional theory'.

Edward Mitchell on Urban Planning

My research interests are in urban planning. My specific focus in recent work has been on the legal regime in England for securing developer contributions to the local infrastructure needs arising from development projects. I'm particularly interested in the role of contract in these processes and in planning more generally.

My two most recent research projects, which have led to publications, are as follows:

1. An empirical examination of the contractual arrangements between local authorities and developers that can arise relating to the provision of 'affordable housing' (i.e., subsidised housing provided at below market rates).
2. A wider look at the role of contractual arrangements between local authorities and developers designed to secure a broader range of community benefits.

A summary of my recent work is available in an interview I gave to Essex Law School's research blog, [available here](#). My next urban planning related project will consider the monitoring and enforcement of developer obligations in the contractual arrangements deployed in planning processes.

While my primary research interests relate to the contractualisation of urban planning processes, I am interested in discussing a wide range of urban planning topics.

Parish pump constitutionalism

Andrew Le Sueur

Andrew Le Sueur's new project (working title: *This Effete Old Kingdom: contested pasts, imagined futures*) is exploring how the British constitutional system has evolved, where we are today, and where we're heading. It looks back 200 years and forward 200 years using methods from microhistory and future studies.

Andrew writes: "I'm not the only constitutional expert who's feeling lost. How can we make sense of the constitutional weather – or more fundamentally constitutional climate change – we're experiencing? I'm drawing on three complementary navigational tactics. When anxious about being lost: a) stay close to home, b) retrace steps, and c) peer ahead to anticipate what's around the corner".

Academic work on the British constitution has typically focused on the macro level (how the whole system operates) or meso level (looking at an institution such as Parliament or the courts); the micro level, with its focus on ordinary people in particular communities, has been neglected. As a result, few university law degree courses do more than mention local government in passing (it is seen as a quaint backwater) and there are few stories about humans.

The major institutions of the British constitution system are known by metonyms: Westminster, Whitehall, Downing Street, 'the Palace' along with Strasbourg and (perhaps less so now) Brussels. We can develop our understanding of the constitution by moving our gaze from the elite constitutional actors in these urban institutions. 'Parish pump' is a pejorative term, suggesting something (often politics) that is narrow, of only local interest, of little significance. Through his work Andrew Le Sueur is taking seriously the operation of the constitutional system at very local levels and its impact on the lives of individuals and small communities and the agency they have.

A human-centred approach gives access to emotional worlds. Our present-day experiences of the Brexit campaign and its aftermath, or on Scottish independence, dispel any lingering idea that emotion is not relevant to understanding how the constitution operates and changes.

**“A
human-
centred
approach
gives
access
to
emotional
worlds”**

Upcoming events: 2024

Month	Event
February	Research visit by Professor Kensuke Ueda, Professor of Constitutional Law, Faculty of Law, Sophia University, Tokyo, Japan
June	Research methodologies in public law and constitutional theory with Drs. D. Kyritsis, S. Lakin and Professors J. Tomlinson and P. Daly, Workshop
Summer/Autumn	Essex Law School, CAJI and University of Antwerp Research Group of Government & Law joint workshop in Essex, followed by a special issue on the topic: <i>Reimagining public law through the lens of 'sustainable cities'</i>
TBC	Joint policy impact event with Benjamin Hepworth from the Ministry of Justice
TBC	Online seminar with Arabella Lang on policy engagement, Executive Fellow of CAJI
TBC	Diverse Voices in Public Law Edited by Se-shauna Wheatle and Elizabeth O'Loughlin
TBC	Joint Event with East Anglia on PhD Proposals Writing in Public Law to take place alongside the Colloquium
TBC	Discussion on UK-Rwanda Treaty and the UK Safety Bill
TBC	Online Event – The Legitimacy of International Law
TBC	Online Event – Judicial Dialogue between the European Court of Human Rights and States

Upcoming Projects

Professor Theodore Konstadinides and Dr Nikos Vogiatzis are currently working on a project on 'Provincial Ombuds Offices in Canada and Key Constitutional Principles'. Funded by the Forum of Canadian Ombudsmen (FCO), this project seeks to delve into the *constitutional* role of Ombuds, thereby going beyond their role as dispute resolution centres. Engaging larger constitutional principles of the rule of law, separation of powers and independence, this project seeks to examine the role of the Ombuds in relation to both legal and practical developments within Canada.

Koldo Casla is currently working on a new book on the relationship between property rights and social rights, which will include a chapter on comparative constitutionalism, focusing on three case studies: Chile, Spain and South Africa.

Paper under review: Solidarity as Foundation for Economic, Social and Cultural Rights - Koldo Casla & Marion Sandner

This paper decodes the meaning and significance of solidarity for economic, social and cultural rights (ESCR). Different sources lead to a range of possible interpretations of the role and weight of solidarity in International Human Rights Law (IHRL): treaties and foundational documents, the Universal Periodic Review, voting patterns at the UN Human Rights Council, national constitutions and case law. These sources suggest a distinction between international solidarity (between states or societies) and internal solidarity (within a given state or society). While the international dimension of solidarity is routinely highlighted and referenced in international law and global politics, its normative and empirical foundation is questionable. At the same time, the potential of the principle of solidarity as an interpretative guide for the realisation of ESCR domestically has to date been largely overlooked. Solidarity mediates between the individual and the community, and it has a collective dimension in relation to both burden- and benefit-sharing. The recognition of ESCR creates positive legal obligations on the state, but also civic responsibilities on individuals to contribute meaningfully, within their means, to the progressive realisation of ESCR.

Past Events 2022-2023 Online Discussions

1st November 2022	Paul Daly 'Impartiality and independence in immigration decision-making in Canada'
10 November 2022	Rosalind Dixon, <i>Responsive Judicial Review</i> Professor Rosalind Dixon launched her newly published book titled <i>Responsive Judicial Review: Democracy and Dysfunction in the Modern Age</i> . Publication: a book review on Professor Dixon's seminal work was published in the <i>Public Law</i> journal: T. Konstadinides, <i>Responsive Judicial Review: Democracy and Dysfunction in the Modern Age</i> , by Rosalind Dixon (Oxford, Oxford University Press, 2023), (2023) <i>Public Law</i> 679
22 November 2022	Conference on Belgian public finances, UC Louvain Yseult Marique chaired the afternoon session and penned a review of the book currently under publication for <i>Administration Publique Trimestrielle</i>
25 November 2022	Solidarity in Europe, Lund-Essex partnership Presentations by Esin Küçük and Yseult Marique Publication: Esin's ideas are discussed in more detail in her paper exploring the constitutional principle of solidarity in the EU. The paper is now published in the Nordic Journal of European Law .
16 March 2023	John Bell and Francois Lichère, <i>French Contemporary Administrative Law</i> Publication: Comments made by the speakers have been published on the British Association Comparative Law Blog and are available by clicking here .
24 May 2023	Jasper Krommendijk, <i>National Courts and Preliminary References to the Court of Justice</i> - with comments offered by Professor A. Turk Organised by the EU law cluster and supported by CAJI.

Past Events 2022-2023 Online workshops

22 November 2022	Workshop on qualitative research methods: interviews, with Antwerp
	Records and Responsible Government
Friday 2 June 2022	Workshop 1 Kathryn Rix (History of Parliament) - Parliament, the public and the press: reporting the proceedings of the 19th-century House of Commons Andrew Le Sueur (Essex) - Parish pump constitutionalism: the Essex parish of Borley, past, present, and future
16 June 2022	Workshop 2 Donal Coffey (Maynooth) - Archives and the Art of Forgetting Jayne Bosworth, Anya Somerville, Michael Smethurst (House of Commons Library) - Teaching Parliament to Machines
15 December 2023	Constitutional Theory Network book launch event Virtual symposium on Frank Michelman's latest book <i>Constitutional Essentials</i> .

Past In-person Events 2022-2023

Parity of Esteem and constitutional change in the UK and Ireland, 28 March 2023

Tom Flynn organised a workshop at Essex on 'Parity of esteem and constitutional change in the UK and Ireland', with excellent participants from Universities across England, Scotland, and Northern Ireland, giving perspectives from NI, India, Switzerland, and elsewhere. Speakers included: Anurag Deb (QUB), Prof Colm Ó Cinnéide (UCL), Prof Devyani Prabhat (Bristol), Dr Ewan Smith (UCL), Dr Lea Raible (Glasgow), and Prof Colin Harvey (QUB).

Joint Antwerp-Essex workshop, 9 March 2023

Follow up discussions to organised a return workshop in Essex in Spring 2024 with the view of a closer cooperation in terms of PGRs and funding applications

Pan-european principles of good administration, 20-21 April 2023

Cooperation with the University of Speyer, funded by the School RSF and the DFG
Book proposal submitted to publisher in September 2023

Foreign Affairs & the UK Constitution, 23 January 2023

Publication: An extensive report has been produced and is finalised for publication.

Constitutional Theory Network and Lisbon-Sorbonne-Essex public law partnership, 26 May 2023

On 26 May 2023 CAJI, the Institut de Recherche de la Sorbonne and the Lisbon Public Law Research Centre of the University Lisbon – School of Law, represented by Theodore Konstadinides and Dimitrios Kyritsis (University of Essex, Essex Law School); Pierre Brunet (Universite de Paris 1) and Carlos Blanco de Morais and Luis Pedro Dias Pereira Coutinho (University of Lisbon) signed a research partnership agreement. The initial objective of this agreement is to launch a research network dedicated to Constitutional Theory, the first of its kind internationally.



Constitutional Theory Network and Lisbon-Sorbonne-Essex public law partnership, 26 May 2023

Photo courtesy of the University of Lisbon: Standing: Luis Pedro Dias Pereira Coutinho (University of Lisbon); Dimitrios Kyritsis (Essex Law School); Seating: Theodore Konstadinides (Essex Law School); Pierre Brunet (Universite de Paris 1) and Carlos Blanco de Morais (University of Lisbon)

Past In-person Events 2022-2023

Solidarity in Europe, 14 July 2023

On July 14, 2023, the Essex Law School, led by Dr. Esin Küçük, coordinator of the European Law Cluster and with the support of Theodore Konstadinides and Yseult Marique from Essex CAJI, organised a timely hybrid workshop. The event was titled *Understanding and Mapping European Solidarity in the aftermath of Crises* and was financed by the Faculty of Arts and Humanities Strategic Research Fund. This gathering of legal scholars and practitioners at the Wivenhoe House provided a comprehensive exploration of solidarity as a driving force and a constitutional concept within the European Union.

Professor Yseult Marique set the stage with an insightful opening talk, laying the groundwork for the day. The keynote by Pavlos Eleftheriadis from Oxford University on measuring moral progress within the EU sparked thoughtful discussions on the ethical dimensions of European integration.

A series of sessions chaired by Essex CAJI members Theodore Konstadinides and Dimitrios Kyritsis delved into the construction of solidarity in EU law, its challenges, and future prospects. Academic experts such as Professor Sacha Garben analysed the 'solidarity deficit' and its slow redress, especially in the shadow of the war in Ukraine. Discussions led by Dr. Martin Steinfeld and Dr. Paivi Neuvonen offered innovative perspectives on judicial reconstruction of solidarity and its communal importance.

Case studies focused on the economic crisis and asylum/immigration challenges brought real-world context to the notion of solidarity. Presentations by Dr. Ana Bobić (Référéndaire at the Court of Justice of the EU) and Professor Iris Goldner Lang, Professor Emek Ucarer among others, provided an in-depth look at how principles of solidarity and equality have been tested and manifested in recent years.

The workshop culminated in a roundtable discussion with Theodore Konstadinides, bringing together the day's findings and thanking Dr Küçük for charting a path forward for the conceptualisation and application of solidarity within the EU framework.

A proposal for turning the proceedings of the workshop into an edited volume is under way led by Dr Esin Küçük and supported by Theodore Konstadinides and Yseult Marique.

Past In-person Events 2022-2023

CAJI Annual Lecture, 8 November 2023

In an era rife with political intrigue and policy challenges, Professor Michael Gordon from the University of Liverpool brought his constitutional law expertise to the CAJI annual lecture, spotlighting the pivotal issue of ministerial responsibility in the UK.

Titled *Ministerial Irresponsibility: Constitutional Accountability after May and Johnson*, Professor Gordon's lecture was an intellectual treat and a timely foray into the heart of UK governance. He presented a critical evaluation of five emergent trends in the application - or notable absence thereof - of constitutional rules concerning ministerial responsibility within the administrations of Theresa May and Boris Johnson.

As a scholar with an extensive body of work on parliamentary sovereignty and UK constitutional reform, Professor Gordon's lecture was informed by an intimate understanding of the UK's constitutional fabric. His examination came at a crucial juncture, with the UK grappling with the implications of the government's contested Rwanda policy, the Covid-19 inquiry, and the forthcoming general election.

In his lecture, Professor Gordon delved into the practical application of constitutional norms during two of the most turbulent prime ministerial tenures in recent history. From high-profile cabinet resignations to allegations of misconduct stretching across core conventions of collective and individual ministerial responsibility, the lecture dissected the state of British political accountability.

Professor Gordon's analysis did not aim to merely chronicle instances of ministerial failings but to identify systematic trends that challenge the historical underpinnings of British constitutionalism. These trends, brought to the fore in his lecture, raise probing questions about the current effectiveness and future of ministerial responsibility as a constitutional norm.

With a dynamic mix of recent political history and scholarly insight, Professor Gordon explored whether these trends signal the weakening of ministerial responsibility or suggest a transformation in the way it is enforced. His message was a call for thoughtful engagement with the norms that govern those at the zenith of political power.

For those absorbed in the evolving narrative of British governance, Professor Gordon's CAJI lecture offered a crucial analysis of the changing landscape of constitutional accountability. It served as a barometer for the health of democratic practices in the UK, as it navigates through challenging times.



Photo of some of the CAJI team and Professor Gordon at this year's Annual Lecture. Photo courtesy of Tom Flynn.

Members' Participation

2022-2023

Jean Monnet Centre, University of Zagreb, 25-26 April 2023, Jean Monnet Seminar; 'The challenges of Solidarity Resurfacing in the EU'

Guest lecture by Esin Küçük on Solidarity in EU law

Law and the Philosophy of Community, Edinburgh Law School 27-28 April 2023, Workshop on the ties that bind

Presentation by Esin Küçük titled 'Solidarity: Bridging the Gap between Law and Society?'

Society of Legal Scholars, public law stream, 30 June 2023

Presentation by Tom Cornford of his paper entitled "How the UK's true constitution includes its economic constitution and what this entails."
Presentation by Yseult Marique and Eugenio Vaccari of their paper on UK territorial constitution and local government in financial distress.

Follow up under the form of a book proposal being prepared for Bristol University Press

ICON.S Annual Conference, 3–5 July 2023

Presentation by Tom Flynn on the principle of primacy of EU law.

ESIL, September 2023

Presentation by Sophie Duroy: Perverse Effets: How the Legalization of Intelligence Enables its De-legalization.

ICON.S Italy, 13-14 October 2023

Presentation by Esin Küçük on solidarity as a constitutional principle of EU law

British Institute of International and Comparative Law – Homelessness and Human Rights, October 2023

Koldo Casla attended this event as a Speaker. The event sought to address the relationship between homelessness and human rights and, in so doing, identify the challenges and opportunities presented by international human rights law in practice. A recording of the event can be accessed by clicking [here](#).

Proportionality, Bergen June 2023

Dimitrios Kyritsis was invited to attend a closed workshop on 'Proportionality beyond the courts' organised by the University of Bergen on 6 and 7 July 2023. There he presented his project (with Jaime Lindsey) on proportionality in adult social care and health decision-making (PASH), for which he submitted an AHRC Research Grant application in September 2023. The workshop inaugurated an ongoing collaboration with other European scholars working in this field.

Our Work in the Media and Wider Community

Welsh Consultation on the Right to Housing June 2023

Evidence submitted by Koldo Casla

Scottish Consultation on a Scottish Bill of Rights October 2023.

Alongside colleagues from Newcastle University, Koldo Casla submitted evidence to the Scottish consultation on a Scottish Bill of Rights, which will include economic, social, cultural and environmental rights.

House of Lords International Agreements Committee – UK Rwanda Treaty

Oral evidence submitted by Theodore Konstadinides in December 2023

España, Hungría, Polonia: una comparación insostenible, *La Vanguardia*, Barcelona December 2023

In 2023, Theodore Konstadinides was approached by Beatriz Navarro, a Brussels correspondent for the Spanish newspaper, *La Vanguardia*. Theodore provided his academic view relating to some of the rule of law issues that Spain has been recently facing. Excerpts from this were included in this newspaper article.

Here are some of the ways in which Koldo Casla has been actively engaged with the media recently in relation to economic social and cultural rights:

[Interview](#) in Deutsche Welle about social protection in Spain, September 2022.

Quoted in The Guardian ([here](#) and [here](#)) about negative impact of austerity on socio-economic rights, in November 2022

[Letter in The Guardian](#) about the need for better legal protection for socio-economic rights in the UK, December 2022.

[Letter to the Editor](#) of The Economist about comparative examples of constitutional recognition of economic, social and cultural rights, June 2023.

Co-led initiative from law and public health scholars to urge the Labour Party to take socio-economic rights seriously, covered by [The Independent](#), in August 2023.

Our Work in the Media and Wider Society

Appointment as an Expert Advisor of the European Economic and Social Committee 2022 & 2023

In 2022, Koldo Casla was appointed as an expert advisor of the European Economic and Social Committee (EESC), where he drafted an [opinion](#) on communicating fundamental rights and the rule of law effectively, including advice on strategic communications and social rights. The opinion includes two citations. Koldo was appointed an expert advisor of the EESC again for another [opinion](#) in 2023, on defence of democracy package.

Steering Committee of the Working Group on Strategic Litigation of the International Network on Economic, Social and Cultural Rights.

Koldo Casla is a member of the steering committee of the working group on strategic litigation of the International Network on Economic, Social and Cultural Rights ([ESCR-Net](#)). The working group focuses on accountability for violations of economic, social and cultural rights. One aim to achieve such an outcome is to seek to strengthen access to effective remedies and competent adjudication within international, regional and national systems, including the provision of resources to advocates on the ground.

A workshop convened by ESCR-Net and Amnesty International was held in Johannesburg in November 2023 with a view to addressing the implementation of positive rulings in the field of economic, social and cultural rights. [Learn more](#) about that event and some of the issues discussed.

Poverty, Child Protection, and the Right to Protection and Assistance to the Family in England (June 2023)

[This report](#), authored by Dr Koldo Casla and Lyle Barker, calls for transformative change to child services.

Creating a social security system that guarantees the essentials in life, regulating for-profit children's homes, and extending peer-parent support are among a list of recommendations that can help to eradicate the toxic culture of the England's Child Protection Services. Conceived and developed in partnership with the anti-poverty human rights NGO [ATD Fourth World](#), the report is based on law and policy desk research, data analysis, and interviews and focus groups with a total of 33 people (28 of them female), including parents, social workers and young adults.

[Evidence](#) was submitted to the UN Committee on Economic, Social and Cultural Rights on the basis of this report.

Reflections on ‘The Crown’

The ‘Crown’ is a popular Netflix historical drama - a fictional dramatisation of the story of Queen Elizabeth II and the political events that shaped her reign. On 20 February Maurice Sunkin was interviewed by RAI (the Italian BBC equivalent) about the ‘Crown’ which returned on screens in November 2023 for its final season. He discussed questions related to public law, including the Crown’s impartiality and legitimacy.

Here is an extract from his interview:

What will the reign of King Charles III be like?

His mother was very widely respected and admired and even loved by many. In part because she presented the image of a kindly grandmother. In part because she had served the country for so long. In part because people recognised the troubles that she must have confronted. And in part, possibly in large part because she generally kept herself aloof and apart. She had a deep respect for the sanctity of the institution that she represented. For the most part she kept the Crown away from the trials and tribulations of daily life and politics. This has always been very important.

Charles III is a rather different person – his personal life has been much more public. He is known to have views on matters of public discussion, and has been willing to have his views expressed. In these senses he is much more likely to make the Crown a more

engaged institution. But this carries risks. The Crown’s standing depends largely on its symbolic and institutional status as above and beyond politics and normal life. There are real risks that this status could be challenged if the King becomes more active and open to personal criticism.

So there’s a very fine balance – between modernising the Crown and shaking off the dust of previous periods while retaining the symbolic status of the Crown as an institution above and beyond day to day life and politics.

We’ll have to see how well that balance is achieved.

How can he maintain his commitment to the environment while preserving impartiality as head of State?

This is one of the challenges that he and his advisers are no doubt thinking about very carefully. On the one hand he will not want to get too closely involved in political disputation or in direct campaigning. On the other he will be concerned to ensure that the Crown is seen to be aware of, and concerned, about the need for environmental protection. If he does too much he will damage the Crown by dividing opinion. If he does too little he will damage the Crown by presenting it as unaware, uncaring and out of touch.

The key will be in his and his family’s own actions. How he is seen to be managing his estates. How he is seen to be conducting his own affairs.

Careful attention to matters such as travel. Sensitive organisation of the Crown's affairs. Supporting environmentally friendly charitable activities

Considering the majority of the population declares themselves as non-Christian (Census 2021), what legitimises the role of bishops in the House of Lords and a King as both head of Anglican Church and State?

This is an important and big question. The King is the head of the Church of England. The Bishops are in the House of Lords because of the standing of the Church of England. Some will see these as out dated relics that no longer fit with a modern liberal pluralist democratic society. In these respects they represent the archaic character of the Crown itself – but they add an increasingly challenging dimension as the UK becomes more diverse and less religious.

When the King is crowned it will be a heavily religious ceremony rooted in Christian Anglicanism. It will be interesting to see if there is anything in the ceremony to reflect a non Anglican view of the world. Either way it will be interesting to see how people react.

There can be little doubt that Charles III is alive to these issues and will do everything he can to strengthen links with non-Anglicans.

Could the reform of the House of Lords, a Labour proposal, change the institutional structure of the State?

Like the Crown the House of Lords is a feature of the UK's constitutional system that is not obviously democratic. But reform has been on the agenda for years and little has been achieved. Whether reform will alter the structure of the state depends of course on the nature of the reform. In my view a second chamber is valuable not least because it diffuses the power of the executive in the HC. But it's clearly no longer appropriate to have a second chamber with no political legitimacy. So, a way needs to be found to provide political legitimacy without simply duplicating the power relationships in the HC. If this can be done it will significantly strengthen the work of Parliament.

Is it time for the UK to have a written Constitution?

This is a good exam question for first year law students. The UK constitution is a complete mystery to most people – even to those of us who have studied or worked with it for years. Every time public issues arise – such as around the power of the executive in relation to Brexit or its ability to prorogue Parliament – or about the powers of the executive to send troops abroad - we realise how little we understand about some of the basics of our constitution.

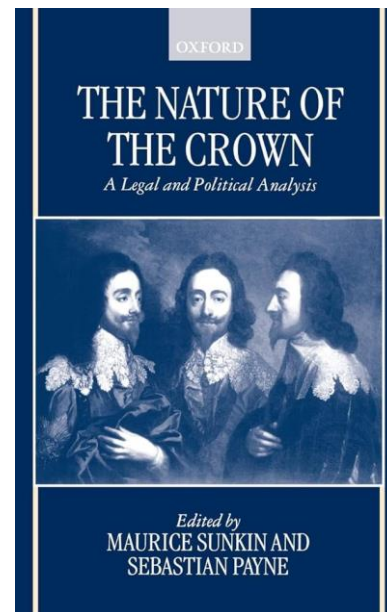
So, one of the key benefits of attempting to write our constitution down is education. We would learn more about it. Key issues – such as around matters that we've been talking about – would be more widely discussed including in schools.

Setting things in writing would also add clarity. If the key institutions and their powers and responsibilities were set out in a single clear document this would have tremendous value and add clarity and help most of us understand the system – it would in sense be a great boost to our democratic culture and to the rule of law.

That's not to say that everything could be written down. We shouldn't assume that setting out the basics would resolve all the problems or tensions. The system would still have to operate and practice and culture would still evolve. But we would have a clearer written starting point would be a great help. I'm a great enthusiast for trying to present the nature of our system as clearly as possible and at the moment too much power is in the hands of those on the inside who have the ability to determine what the constitution requires.

Human Rights is a good example. The Human Rights Act 1998 which incorporated the Convention Rights made these rights much clearer and accessible. Now there are threats to repeal the Act and replace it with more amorphous principles. Such a reform will not add clarity but will make the system less clear and possibly open the UK to greater scrutiny from the ECtHR.

Further reading:





Essex Constitutional and Administrative Justice Initiative

Annual Report
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