

# Constitutional Law Workbook: Description

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Introduction  
Touring the Constitution  
Analysing the Constitution  
Detecting Ambiguity  
Mini Problems  
Problem Questions  
Suggestion for Teachers

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This is an outline of the book: Christopher Enright (2015) <i>Constitutional Law Workbook</i> Sinch: Canterbury.
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## Introduction

This book has four components:

Part 1. Touring the Constitution. This has short questions and suggested answers.

Part 2. Analysing Sections of the Constitution. This has short questions and suggested answers. The idea is to break sections into their two components, namely elements and consequences.

Part 3. Minor Problem Questions. These are short problem questions with suggested answers.

The aims of Parts 1, 2 and 3 are as follows:

(a) To give students a broad and basic knowledge and understanding of the Constitution before engaging in more detailed study.

(b) To provide interested students with some preliminary reading and thinking prior to the start of a course.

Part 4. Major Problem Questions.

## Touring the Constitution

There are two files with questions and answers for touring the Constitution:

1. Touring the Constitution: Questions
2. Touring the Constitution: Answers

This is to provide students with a gentle walk through the Constitution. As they do this they are focusing on answering the set questions and this purpose should make the task lighter. As students do this, they become more and more familiar with the broad structure and content of the Constitution.

## **Analysing the Constitution**

There are three files with questions and answers for analysing the Constitution:

1. Analysing Law: Technique
2. Analysing the Constitution: Questions
3. Analysing the Constitution: Answers

These exercises rest on the notion that the fundamental skill for understanding law (and a much neglected skill) is to analyse a rule or provision by breaking it into its elements and consequences. Working with law without having done this tends to make the work clumsy. In case students have not learnt this skill, or need a refresher, one of the three chapters for this segment, Analysing Law: Technique explains how to do it.

## **Detecting Ambiguity**

There are two chapters with questions and answers for detecting ambiguity in the Constitution:

1. Detecting Ambiguity: Questions
2. Detecting Ambiguity: Answers

Interpreting law incorporates three basic tasks:

1. Identify the ambiguity in the word or phrase that has to be interpreted.
2. Formulate reasons, usually based on precedent or policy, for each meaning.
3. Determine which meaning is legally correct. A court actually decides the legally correct meaning. A lawyer advising a client or a student answering a problem question obviously do not decide the issue in this way. Instead they predict which meaning a court is likely to choose, or better, indicate the probability that each meaning may be legally correct.

While interpretation proceeds in this way, in practice the method is usually implicit rather than explicit. This has unfortunate effects. It can make interpretation harder to do. And it can make an account of interpretation in an opinion or judgment so much harder to read; I suggest that this is why some judgments have a shadowy appearance.

This is the first reason for the exercise on ambiguity. It gives student practice at this fundamental and vital skill. Another reason is that students get to know, or know a version of, the ambiguity in a range of provisions in the Constitution.

There is a pay off for this work. It can be surprising the extent to which knowing the possible meanings of an ambiguous provision makes it possible to put a

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coherent framework on areas of law not generally noted for being coherent.<sup>1</sup> Conversely, as we have noted, shadowy thinking in cases often springs from lack of clear definition of ambiguity.

### **Mini Problems**

There are two files with questions and answers for mini problems on the Constitution:

1. Mini Problems: Questions
2. Mini Problems: Answers

These are a warm up for major problems. They should give students confidence, enable them to practise their technique without being overwhelmed by complexity. They also demonstrate in a simple way how the Constitution can affect the citizen's life.

### **Problem Questions**

These are major problem questions. There are more than 80 of them. Lecturers can use these directly, or they can adapt them in a variety of ways.

### **Suggestion for Teachers**

This workbook is an aid in your task of teaching constitutional law. How you incorporate it into your teaching is, I do not need to say, your business. Each teacher brings their own special insight and their own special self to their subject and students. This may mean that you wish to adapt material in this Workbook for your own purposes.

Here is one suggestion. Ask students to do the exercises in this work book as pre-course reading before the start of the semester. I acknowledge that the concept of students doing pre-semester reading does not have great hold. Obviously I have to leave that decision to you and your law school. Let me, for my part, explain its advantages.

Absorption of knowledge is a function of time, as is the task of good writing (which is closely connected to absorption of knowledge). Already the capacity of students to make proper use of time is diminished by the practice of running most courses over one semester rather than a full year (or even longer). This means that learning is now a race, a hasty gobble rather than a leisurely digestion of knowledge. A way to offset this is to introduce a practice of setting pre-semester reading for each subject, at least on a voluntary basis.

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<sup>1</sup> Constitutional law is very much in this category. In fact the judgments in this area often read like an upmarket form of voodoo.