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Jeffrey Goldsworthy

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PARLIAMENTARY SOVEREIGNTY

This book has four main themes: (1) a criticism of ‘common law constitutionalism’, the theory that Parliament’s authority is conferred by, and therefore is or can be made subordinate to, judge-made common law; (2) an analysis of Parliament’s ability to abdicate, limit or regulate the exercise of its own authority, including a revision of Dicey’s conception of sovereignty, a repudiation of the doctrine of implied repeal and the proposal of a novel theory of ‘manner and form’ requirements for law-making; (3) an examination of the relationship between parliamentary sovereignty and statutory interpretation, defending the reality of legislative intentions and their indispensability to sensible interpretation and respect for parliamentary sovereignty; and (4) an assessment of the compatibility of parliamentary sovereignty with recent constitutional developments, including the expansion of judicial review of administrative action, the Human Rights and European Communities Acts and the growing recognition of ‘constitutional principles’ and ‘constitutional statutes’.

JEFFREY GOLDSWORTHY holds a Personal Chair in the Faculty of Law at Monash University in Melbourne, Australia, where his major interests are legal philosophy and constitutional law, theory and history.

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CAMBRIDGE UNIVERSITY PRESS
 Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,
 São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press
 The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
 Information on this title: www.cambridge.org/9780521884723

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First published 2010

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Goldsworthy, Jeffrey Denys.

Parliamentary sovereignty : contemporary debates / Jeffrey Goldsworthy.

p. cm. – (Cambridge Studies in constitutional law)

Includes bibliographical references and index.

ISBN 978-0-521-88472-3 (hardback)

1. Great Britain. Parliament. 2. Legislative power—Great Britain.

3. Legislation—Great Britain. 4. Law—Great Britain—Interpretation and
 construction. I. Title. II. Series.

KD4210.G65 2010

342.41'052—dc22

2010022336

ISBN 978-0-521-88472-3 Hardback

ISBN 978-0-521-14019-5 Paperback

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 accuracy of URLs for external or third-party internet websites referred to in
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ACKNOWLEDGMENTS

Six of the chapters in this book are revised and updated versions of essays published previously. Chapters 3, 4, 6 and 8 have been only lightly revised, while Chapters 2 and 5 have had significant new material added to them. The other chapters are new, but include some material that appeared in previously published essays. I thank the following for permission to republish the following essays, or material that appeared in them:

Cambridge University Press, for ‘The Myth of the Common Law Constitution’, in D. Edlin (ed.) *Common Law Theory* (Cambridge: Cambridge University Press, 2007), and for some material in ‘Questioning the Migration of Constitutional Ideas: Rights, Constitutionalism and the Limits of Convergence’, in Sujit Choudhry (ed.) *The Migration of Constitutional Ideas* (Cambridge: Cambridge University Press, 2006).

Oxford University Press, for ‘Legislative Sovereignty and the Rule of Law’, in Tom Campbell, Keith Ewing and Adam Tomkins (eds.) *Sceptical Essays on Human Rights* (Oxford: Oxford University Press, 2001); ‘Homogenizing Constitutions’ *Oxford Journal of Legal Studies* 23 (2003) 483–505; and ‘Judicial Review, Legislative Override, and Democracy’, in Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone (eds.) *Protecting Human Rights, Instruments and Institutions* (Oxford: Oxford University Press, 2003).

Hart Publishing, for ‘Abdicating and Limiting Parliamentary Sovereignty’ *King’s College Law Journal* 17 (2006) 255–80.

The New Zealand Journal of Public and International Law, for some material in ‘Is Parliament Sovereign? Recent Challenges to the Doctrine of Parliamentary Sovereignty’ *New Zealand Journal of Public and International Law* 3 (2005) 7–37.

LexisNexis, for some material in ‘Parliamentary Sovereignty and Statutory Interpretation’, in R. Bigwood (ed.) *The Statute, Making and Meaning* (Wellington: LexisNexis, 2004).

Federation Press, for ‘*Trethowan’s case*’, in G. Winterton (ed.) *State Constitutional Landmarks* (Sydney: Federation Press, 2006), and some material in ‘Manner and Form Revisited: Reflections on *Marquet’s Case*’, in M. Groves (ed.) *Law and Government in Australia* (Sydney: Federation Press, 2005).

Ashgate Publishing, for some material in ‘Legislative Intentions, Legislative Supremacy, and Legal Positivism’, in Jeffrey Goldsworthy and Tom Campbell (eds.) *Legal Interpretation in Democratic States* (Aldershot: Ashgate/Dartmouth, 2002), pp. 45–65.

The original versions of these essays record my indebtedness to many colleagues and friends who provided helpful comments while they were being written. I will not repeat my thanks to them here. But I do thank Richard Ekins for very helpful comments on a draft of Chapter 8. I also thank my daughter Kate Goldsworthy for her meticulous proofreading, and Juliet Smith and Emma Wildsmith for their assistance in preparing the manuscript for publication.

I dedicate the book to my wife Helen, with gratitude for all her love and support.