Constitutional scholars have long debated whether courts or legislatures should have the last word on rights. In this book, Aileen Kavanagh offers a new collaborative vision of how to protect rights in a democracy. Rejecting the false dichotomy between courts and legislatures, Kavanagh argues that protecting rights is a collaborative enterprise where all three branches of government play distinct but complementary roles, whilst working together in a spirit of comity, civility, and mutual respect. Connecting constitutional theory to the practice of protecting rights in a working democracy, this book offers an innovative understanding of the separation of powers, grounded in the values and virtues of collaborative constitutionalism.

Aileen Kavanagh is Professor of Constitutional Governance, Trinity College Dublin and Director of TriCON – the Trinity Centre for Constitutional Governance. Formerly Professor of Constitutional Law at the University of Oxford, Kavanagh has written widely on comparative constitutional law, human rights, and constitutional theory.
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THE COLLABORATIVE
CONSTITUTION

AILEEN KAVANAGH

Trinity College Dublin
BRIEF CONTENTS

Introduction: The Call for Collaboration  page 1

PART I  INSTITUTIONS AND INTERACTIONS
1 Constitutionalism beyond Manicheanism  31
2 The Promise and Perils of Dialogue  58
3 The Case for Collaboration  86

PART II  RIGHTS IN POLITICS
4 Governing with Rights  121
5 Legislating for Rights  150
6 Legislated Rights: From Domination to Collaboration  170

PART III  JUDGE AS PARTNER
7 Judge as Partner  205
8 The HRA as Partnership in Progress  230
9 Calibrated Constitutional Review  266
10 Courting Collaborative Constitutionalism  297

PART IV  RESPONSIVE LEGISLATURES
11 Underuse of the Override  333
12 Declarations, Obligations, Collaborations  363
Conclusion: The Currency of Collaboration  403
CONTENTS

Acknowledgements  page xi
List of Abbreviations  xvi

Introduction: The Call for Collaboration  1
1 Collaboration Calling  1
2 The Collaborative Constitution as Practice and Principle  13
3 Constitutions, Comparison, Context  18
4 Outline and Overview  23

PART I  INSTITUTIONS AND INTERACTIONS

1 Constitutionalism beyond Manicheanism  31
1 Introduction  31
2 Clash of the Titans  32
3 The Terror of the Twin Tyrannies  42
4 Political versus Legal Constitutionalism  50
5 Conclusion: A Farewell to Arms  55

2 The Promise and Perils of Dialogue  58
1 Introduction  58
2 Divining Dialogue  60
3 The Canadian Conversation: From Metaphor to Model  64
4 The UK Debate about Dialogue  70
5 Promises  73
6 Perils  76
7 Dialogue, Disagreement, Distortion  80
8 Conclusion  85

3 The Case for Collaboration  86
1 Introduction  86
2 Dividing Constitutional Labour  87
3 Curbing and Counteracting  94
## CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Comity and Collaboration</td>
<td>97</td>
</tr>
<tr>
<td>5</td>
<td>Conflict within Constraints: From Showdown to Slowdown</td>
<td>106</td>
</tr>
<tr>
<td>6</td>
<td>Conclusion</td>
<td>116</td>
</tr>
<tr>
<td><strong>PART II</strong></td>
<td><strong>RIGHTS IN POLITICS</strong></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Governing with Rights</td>
<td>121</td>
</tr>
<tr>
<td>1</td>
<td>Introduction: A Shared Responsibility</td>
<td>121</td>
</tr>
<tr>
<td>2</td>
<td>The Executive and the Constitution</td>
<td>123</td>
</tr>
<tr>
<td>3</td>
<td>Executive Engagement with Rights</td>
<td>128</td>
</tr>
<tr>
<td>a</td>
<td>Cabinet, Civil Servants, and Bill Teams</td>
<td>130</td>
</tr>
<tr>
<td>b</td>
<td>The Office of Parliamentary Counsel</td>
<td>132</td>
</tr>
<tr>
<td>c</td>
<td>The Attorney General and the Law Officers</td>
<td>134</td>
</tr>
<tr>
<td>d</td>
<td>The Minister: Claiming Compatibility between Law and Politics</td>
<td>137</td>
</tr>
<tr>
<td>e</td>
<td>The Joint Committee on Human Rights</td>
<td>138</td>
</tr>
<tr>
<td>4</td>
<td>Raising Rights-Consciousness</td>
<td>139</td>
</tr>
<tr>
<td>5</td>
<td>Envisioning Executive Constitutionalism</td>
<td>142</td>
</tr>
<tr>
<td>6</td>
<td>Conclusion</td>
<td>147</td>
</tr>
<tr>
<td>5</td>
<td>Legislat ing for Rights</td>
<td>150</td>
</tr>
<tr>
<td>1</td>
<td>Introduction</td>
<td>150</td>
</tr>
<tr>
<td>2</td>
<td>Unpacking Parliament</td>
<td>151</td>
</tr>
<tr>
<td>3</td>
<td>The JCHR as a Hybrid Constitutional Watchdog</td>
<td>156</td>
</tr>
<tr>
<td>4</td>
<td>Raising Rights-Consciousness in Parliament</td>
<td>163</td>
</tr>
<tr>
<td>5</td>
<td>Conclusion</td>
<td>168</td>
</tr>
<tr>
<td>6</td>
<td>Legislated Rights: From Domination to Collaboration</td>
<td>170</td>
</tr>
<tr>
<td>1</td>
<td>Introduction</td>
<td>170</td>
</tr>
<tr>
<td>2</td>
<td>Deconstructing Executive Dominance</td>
<td>172</td>
</tr>
<tr>
<td>3</td>
<td>Legislat ing for Terror</td>
<td>179</td>
</tr>
<tr>
<td>4</td>
<td>Legislative Decision, Judicial Distortion, Democratic Debilitation</td>
<td>184</td>
</tr>
<tr>
<td>5</td>
<td>Detecting Debilitation</td>
<td>186</td>
</tr>
<tr>
<td>6</td>
<td>Discerning Distortion</td>
<td>189</td>
</tr>
<tr>
<td>7</td>
<td>Claiming Compatibility: A Case Study of Money in Politics</td>
<td>195</td>
</tr>
<tr>
<td>8</td>
<td>Conclusion</td>
<td>201</td>
</tr>
<tr>
<td><strong>PART III</strong></td>
<td><strong>JUDGE AS PARTNER</strong></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Judge as Partner</td>
<td>205</td>
</tr>
<tr>
<td>1</td>
<td>Introduction: Between Supremacy and Subordination</td>
<td>205</td>
</tr>
<tr>
<td>2</td>
<td>The Contribution Courts Make</td>
<td>206</td>
</tr>
<tr>
<td>3</td>
<td>Janus-Faced Judging in a Joint Enterprise</td>
<td>208</td>
</tr>
<tr>
<td>4</td>
<td>From Faithful Agent to Constitutional Partner</td>
<td>212</td>
</tr>
</tbody>
</table>
CONTENTS ix

5 Of Common Law Rights and Clear Statements 215
6 The Principle of Legality as a Presumption of Partnership 220
7 Conclusion 227

8 The HRA as Partnership in Progress 230
1 Introduction 230
2 The Art of the Possible 233
3 Taking Interpretation to the Limit 238
4 Interpreting Rights, Declaring Wrongs 243
5 Declarations as Decision not Dialogue 250
6 The Hidden Strengths of Weak-Form Review 258
7 Conclusion 264

9 Calibrated Constitutional Review 266
1 Introduction: Between Abdication and Usurpation 266
2 Courts as Quality-Control 267
3 Mapping the Contours of Comity 272
4 Calibrated Constitutional Review 277
5 Courting Counter-Terrorism 281
6 Proportionality in Partnership 287
7 Conclusion 294

10 Courting Collaborative Constitutionalism 297
1 Introduction 297
2 Legislative Leeway at the End of Life 298
3 Proportionality and Political Process Review 302
4 Avoiding Pre-emption 308
5 Court as Catalyst, Judge as Nudge 311
   a Alerts, Prods, and Pleas 312
   b Judicial Advice and Soft Suggestions 314
   c Judicial Warnings 319
6 Stepping in Where Parliament Fears to Tread 322
7 From Passive Virtues to Collaborative Devices 327
8 Conclusion 329

PART IV RESPONSIVE LEGISLATURES

11 Underuse of the Override 333
1 Great Expectations 333
2 Canada in Context 337
3 Reconciling Rights and Democracy UK-Style 344
4 Underuse by Design not Demonisation 346
## CONTENTS

5 From Dialogue and Disagreement to Comity and Collaboration 353
6 The Upshot of Understanding the Override 357
7 Conclusion 360

12 Declarations, Obligations, Collaborations 363
  1 Introduction 363
  2 Uncovering Conventions 364
     a What Are Conventions? 364
     b Regular Practice 365
     c Normative Obligation 367
  3 Patterns of Political Response 368
  4 Institutionalising a Compliance-Oriented Approach 370
  5 Willing Compliance, Workaday Acceptance 372
  6 An Open and Welcoming Response 376
  7 Courting Controversy 379
     a When Life Means Life 380
     b Courting Counter-Terrorism 383
     c Rhetoric, Resistance, and Registering Sex Offenders 386
     d Political Wrangling about Prisoner Voting 391
  8 A Convention to Comply with Declarations of Incompatibility? 397
  9 Conclusion 400

Conclusion: The Currency of Collaboration 403
  1 Collaborative Leitmotivs 403
  2 Broadening the Collaborative Horizon 408
  3 Collaboration as Currency 411

Bibliography 417
Index 486
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### ABBREVIATIONS

| AG | Attorney General |
| CA | Court of Appeal |
| CLR | Commonwealth Law Reports |
| CO | Cabinet Office |
| DoI | Declaration of Incompatibility |
| DPP | Director of Public Prosecutions |
| ECHR | European Convention on Human Rights |
| ECtHR | European Court of Human Rights |
| HC | House of Commons |
| HCA | High Court of Australia |
| HL | House of Lords |
| HRA | Human Rights Act |
| JCHR | Joint Committee on Human Rights |
| MoJ | Ministry of Justice |
| NIHRC | Northern Ireland Human Rights Commission |
| SSHD | Secretary of State for the Home Department |
| UKSC | United Kingdom Supreme Court |