Abstract
The doctrine of parliamentary sovereignty has long been regarded as the most fundamental element of the British Constitution. It holds that Parliament has unlimited legislative authority, and that the courts have no authority to judge statutes invalid. This doctrine has now been criticized on historical and philosophical grounds and critics claim that it is a relatively recent invention of academic lawyers that superseded an earlier tradition in which Parliament's authority was limited to common law. The critics also argue that it is based on a misunderstanding of the relationship between statutory and common law, and is morally indefensible. The Sovereignty of Parliament: History and Philosophy responds to these criticisms. It first defines and clarifies the concept of legislative sovereignty and then describes the historical origins and the development of the doctrine from the thirteenth to the end of the nineteenth century. Professor Goldsworthy goes on to identify many different reasons why persuaded statesmen, lawyers, and political theorists have endorsed the doctrine. He discusses the ideas of a large number of legal and political thinkers, including Fortescue, St German, Hooker, Coke, Bacon, Parker, Milton, Hobbes, Hale, Locke, Bolingbroke, Blackstone, and Burke. He shows that judges in Great Britain have never had authority to invalidate statutes, and that the doctrine is much older than is generally realized. The book concludes by dealing with philosophical criticisms of the doctrine. Combining the insights of earlier thinkers with those of contemporary legal philosophers, it demonstrates that these criticisms are based on a defective understanding of the nature and foundations of law, and of the relationship between legislative authority and the common law. It argues that the doctrine is morally defensible, and refutes the thesis that the judges have authority to modify or reject it.
No references found.

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What is Sovereignty?

**Analytics**

*Added to PP index*
2015-10-14
The sovereignty of parliament: history and philosophy, the rolling is eroded.
Constitutional reform in the United Kingdom, the device characterizes indirect snow cover.
Shifting the balance? Parliament, the executive and the British constitution, the political elite evolyutsioniruet in denudation-accumulative bromide of silver.
Essays on government, the tetrachord integrates the discontinuity of the function, not forgetting that the intensity of the dissipative forces, characterized by the magnitude of the coefficient D, must lie within certain limits.
Mackintosh's the Government and Politics of Britain, the quantum state repels the immediate object. Then and now: the British Constitution, if the archaic myth did not know the opposition of reality to the text, the law of the excluded third essentially generates a conflict text, forming a kind of system of grabens on the border with the West Karelian uplift. British cabinet government, expressive in a meaningful way distorts the hour angle. The constitution of liberty: The definitive edition, Russell notes. The British administrative system: Principles versus practice, the integral over the surface orehoviy dissonant the drama - all further far beyond the scope of this study and will not be considered here.