

Comity

An authority often needs to decide whether to go along with a decision of another authority, in order to carry out its own responsibilities. The relevant considerations vary widely among different contexts, but there are some general principles of the approach that authorities ought to take towards the decisions of others. The most important is the principle of comity: that the authority passing judgment (I call it the 'second authority') ought to act in a way that respects the capacity of the other (the 'first authority') to carry out its own role. A duty of comity is not a duty to trust the first authority. It does not require the second authority to approve of the decisions of the first. It arises not from the rights of the first authority, nor even from the first authority's success in carrying out its duties, but from the second authority's duties to those whom the second authority serves, and to those whom the first authority serves. The reasons for the principle of comity support two further principles: that the second authority has limited responsibility for justice, and that the second authority has no general duty to agree with the judgment of the first authority. © Dean Timothy Endicott