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Nota di contenuto	Baker : the unity of public law? / David Dyzenhaus -- Deference from Baker to Suresh and beyond - interpreting the conflicting signals / David Mullan -- The Baker effect : a new interface between the Canadian Charter of Rights and Freedoms and administrative law - the case of discretion / Genevieve Cartier -- The rule of policy : Baker and the impact of judicial review on administrative discretion / Lorne Sossin -- 'Alert, alive and sensitive' : Baker, the duty to give reasons, and the ethos of justification in Canadian public law / Mary Liston -- The internal morality of administration : the form and structure of reasonableness / Evan Fox-Decent -- The state of law's borders and the law of states' borders / Audrey Macklin -- Refugees, asylum seekers, the rule of law and human rights / Colin Harvey -- Judicial review of expulsion decisions : reflections on the UK experience / Nicholas Blake QC -- Rights in the balance : non-citizens and state sovereignty under the Charter / Ninette Kelley -- Common law reason and the limits of judicial deference / Trevor Allan -- Of cocoons and small 'c' constitutionalism : the principle of legality and an Australian perspective on Baker / Margaret Allars -- Judicial review, intensity and deference in EU law / Paul Craig -- A hesitant embrace : Baker and the application of international law by Canadian courts / Jutta Brunnee &

Stephen J. Toope -- Authority, influence and persuasion : Baker, Charter values and the puzzle of method / Mayo Moran -- The common law constitution and legal cosmopolitanism/ Mark D. Walters -- The tub of public law / Michael Taggart

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6. The Internal Morality of Administration: The Form and Structure of Reasonableness -- Evan Fox-Decent --
7. The State of Law's Borders and the Law of States' Borders -- Audrey Macklin --
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Sommario/riassunto

This book tackles the important topic of the relationship between three parts of the public law regime in a common law jurisdiction: the common law of judicial review or the unwritten constitution, the written constitution and public international law. Thematic coherence is ensured by the fact that the papers were presented at a conference in early 2003 and then extensively revised and by a general focus on a path-breaking decision of Canada's Supreme Court (Baker). The book thus contains a highly productive exchange between an international group of scholars on such themes as the rule of law, judicial deference, the separation of powers, the role of human rights in common law reasoning on immigration and security matters, and the nature of legal authority
