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Nota di contenuto

Public reason and administrative legitimacy -- Jerry L. Mashaw -- Administrative law : a values-based approach -- Paul Daly -- The public interest conception of public law : its procedural origins and substantive implications -- Jason N.E. Varuhas -- Process, substance and the history of error of law review -- Philip Murray -- The growth of substantive review : the changes, their causes and their consequences -- Mark Aronson -- 'Blasphemy against basics' : doctrine, conceptual reasoning and certain decisions of the UK Supreme Court -- Christopher Forsyth -- The legitimacy of expectations about fairness : can process and substance be untangled? -- Matthew Groves and Greg Weeks -- Judicial review of delegated legislation : why favour substantive review over procedural review? -- Andrew Edgar -- Transubstantiation in Canadian public law : processing substance and instantiating process -- Mary Liston -- Is judicial review qualitative? -- Alan Robertson -- Remedies for laws that violate human rights -- Kent Roach -- 'Striking back' and 'clamping down' : an alternative perspective on judicial review -- Carol Harlow and Richard Rawlings -- The use and effects of judicial review : assumptions and the empirical evidence -- Maurice Sunkin and Varda Bondy -- Common law public law : some comparative reflections -- Cheryl Saunders -- Comparison, realism and theory in public law -- David Feldman.

Sommario/riassunto

This volume arises from the inaugural Public Law Conference hosted in September 2014 by the Centre for Public Law at the University of Cambridge, which brought together leading public lawyers from a number of common law jurisdictions. While those from such jurisdictions share background understandings, significant differences within the common law world create opportunities for valuable exchanges of ideas and debate. This collection draws upon one of the principal sub-themes that emerged during the conference - namely, the way in which relationships and distinctions between the notions of 'process' and 'substance' play out in relation to and inform adjudication in public law cases. The essays contained in this volume address those issues from a variety of perspectives. While the bulk of the chapters consider topical issues in judicial review, either on common law or human rights grounds, or both, other chapters adopt more theoretical, historical, empirical or contextual approaches. Concluding chapters reflect generally on the papers in the collection and the value of facilitating cross-jurisdictional dialogue