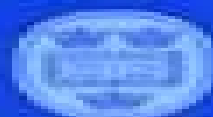


A SPECIAL RELATIONSHIP?

American Influences on Public Law in the UK

Edited by
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Special Relationship American Influences On Public Law In The Uk

**Peter Cane, Herwig Hofmann, Eric C.
Ip, Eric Chi Yeung Ip, Peter L. Lindseth**

Special Relationship American Influences On Public Law In The Uk:

UK Public Law and European Law Gordon Anthony, 2002-05-11 Academic attention has in recent years increasingly focused upon the Europeanization of national legal orders The interaction of domestic and supranational standards while often presented as problematic enables national courts to use European law as a reference point against which to develop domestic principle and practice The effects of such borrowing can be far reaching Courts may assume an enhanced institutional role relative to other branches of the State and individuals may benefit from the introduction of new remedies and principles of judicial review This book examines the dynamics of the process whereby UK courts borrow principle and practice from European law It argues that recent internal developments in UK law notably the passage of the Human Rights Act present new possibilities for legal integration Although UK courts have already demonstrated a willingness to use European law creatively the book suggests that integration has been unduly constrained by the previously unincorporated status of the ECHR and by the courts justification for the reception of EU law Focusing in particular on the principles of administrative law applied by courts in judicial review proceedings the book highlights how the emergence of new principles of review has been frustrated by the courts inability to view EU law and the ECHR as part of an interlocking whole The book's central argument therefore is that the Human Rights Act coupled with the more general programme of constitutional reform introduced by New Labour now offers the courts the opportunity to reassess the nature of the interactive relationship that domestic law has with European law UK Public Law and European Law The Dynamics of Legal Integration will be of interest to public lawyers European lawyers and political scientists alike It offers a comprehensive overview of existing jurisprudence dealing with the reception of European law into the domestic order More significantly it places that jurisprudence within the wider context of legal and political change ongoing within and without the United Kingdom

The Unity of Public Law David Dyzenhaus, 2004-03 This book tackles the relationship between the common law of judicial review the written constitution and public international law

American Legal Education Abroad Susan Bartie, David Sandomierski, 2021-07-06 A critical history of the Americanization of legal education in fourteen countries The second half of the twentieth century witnessed the export of American power both hard and soft throughout the world What role did US cultural and economic imperialism play in legal education American Legal Education Abroad offers an unprecedented and surprising picture of the history of legal education in fourteen countries beyond the United States Each study in this book represents a critical history of the Americanization of legal education reexamining prevailing narratives of exportation transplantation and imperialism Collectively these studies challenge the conventional wisdom that American ideas and practices have dominated globally Editors Susan Bartie and David Sandomierski and their contributors suggest that to understand legal education and to respond thoughtfully to the mounting present day challenges it is essential to look beyond a particular region and consider not only the ideas behind legal education but also the broader historical political and

cultural factors that have shaped them American Legal Education Abroad begins with an important foundational history by leading Harvard Law School historian Bruce Kimball who explains the factors that created a transportable American legal model and the book concludes with reflections from two prominent American law professors Susan Carle and Bob Gordon whose observations on recent disruptions within US law schools suggest that their influence within the global order of legal education may soon fall into further decline This book should be considered an invaluable resource for anyone in the field of law

The Oxford Handbook of Comparative Administrative Law Peter Cane, Herwig Hofmann, Eric C. Ip, Eric Chi Yeung Ip, Peter L. Lindseth, 2021 In this Handbook distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective The book covers the historical beginnings of comparative administrative law scholarship and discusses important methodological issues and basic concepts such as administrative power and accountability

Judicial Review and Bureaucratic Impact M. L. M. Hertogh, Simon Halliday, 2004-08-19 International scholars from political science and law socio legal studies present new research which focuses on the relationship between judicial review and bureaucratic behaviour Individual chapters consider fundamental conceptual and methodological issues in addition to presenting empirical case studies from various parts of the world the United States Canada Australia Israel and the United Kingdom This is a landmark text offering an international interdisciplinary and empirical perspective on judicial review s impact on bureaucracies It will significantly advance the research agenda concerning judicial review and its relationship to social change

American Exceptionalism and Human Rights Michael Ignatieff, 2009-01-10 With the 2003 invasion and subsequent occupation of Iraq the most controversial question in world politics fast became whether the United States stands within the order of international law or outside it Does America still play by the rules it helped create American Exceptionalism and Human Rights addresses this question as it applies to U S behavior in relation to international human rights With essays by eleven leading experts in such fields as international relations and international law it seeks to show and explain how America s approach to human rights differs from that of most other Western nations In his introduction Michael Ignatieff identifies three main types of exceptionalism exemptionalism supporting treaties as long as Americans are exempt from them double standards criticizing others for not heeding the findings of international human rights bodies but ignoring what these bodies say of the United States and legal isolationism the tendency of American judges to ignore other jurisdictions The contributors use Ignatieff s essay as a jumping off point to discuss specific types of exceptionalism America s approach to capital punishment and to free speech for example or to explore the social cultural and institutional roots of exceptionalism These essays most of which appear in print here for the first time and all of which have been revised or updated since being presented in a year long lecture series on American exceptionalism at Harvard University s John F Kennedy School of Government are by Stanley Hoffmann Paul Kahn Harold Koh Frank Michelman Andrew Moravcsik John Ruggie Frederick Schauer Anne Marie Slaughter Carol Steiker and Cass Sunstein

Legal Culture,

Legality and the Determination of the Grounds of Judicial Review of Administrative Action in England and Australia Voraphol Malsukhum, 2021-07-01 This book presents a navigating framework of legal culture and legality to facilitate a comprehensive understanding of the English and Australian determination of the grounds of judicial review This book facilitates tangible process of how and why jurisdictional error jurisdictional fact proportionality and substantive legitimate expectations are debatable in English law while they are either completely rejected or firmly entrenched in Australian law This book argues that these differences are not just random Legality is not just a fig leaf but is profoundly rooted in legal systems legal culture hence it dictates the way in which courts empower justify constrain or limit the scope of judicial review This book presents evidence that courts differ in legal systems and apply diverse ways to determine the scope of judicial review based on their deep understanding of legality which is embedded in the legal culture of their legal system This book uses comparative methodology and develops this framework between English and Australian law Although obvious and important this book presents a kind of examination that has never been undertaken in this depth and detail before **Importing the First Amendment** Ian Loveland, 1998-07-01 These studies by a group of eminent academics and judges compare the different approaches of the British European and American courts to the questions of free speech which lie at the heart of much debate in constitutional law The authors of these studies adopt opposing views some favouring the pursuit of a US inspired approach to protecting free speech in the belief that the political culture of British society would be enhanced if our courts were to fashion our common law in accordance with many First Amendment principles Others more sceptically reject this embrace of US legal culture offering distinctly American sceptic views and arguing for a solution based on common law principles and on the jurisprudence of the European courts The Judicial Construction of Hong Kong's Basic Law Lo Pui Yin, 2014-02-13 China has granted Hong Kong a high degree of autonomy through the Basic Law under the principle of one country two systems Hong Kong's legal system under the Basic Law is based on the common law and is administered by independent courts By interpreting the Basic Law Hong Kong's courts have reviewed legislation and executive decisions and have achieved a second founding of the Basic Law as an enforceable constitution This book is the first comprehensive account of how the Hong Kong courts gained this vital power of judicial review Through an analysis of important court cases since 1997 the book also examines how the Hong Kong courts maintain their relationships with the executive and legislature and with China's Central Authorities which have been sceptical of these achievements Hong Kong's unique status as a common law jurisdiction within socialist China poses risks of integration this book concludes that the best choice lies in maintaining and developing a cosmopolitan judicial outlook This book will become the definitive account of the judicial role in Hong Kong after 1997 Writing with great flair Dr Lo provides a richly contextual story of judges making great use of a novel legal arrangement to tread new ground This thorough work of scholarship is a must read for students of Hong Kong law as well as those interested in China and comparative judicial politics more broadly Tom Ginsburg Leo Spitz Professor of

International Law University of Chicago Law School Lo Pui Yin has written a comprehensive and sophisticated introduction to the major cases and jurisprudence of the Hong Kong courts Engaging important current controversies he offers a powerful defence of the present system of constitutional review resting on Hong Kong's common law tradition Mark Tushnet William Nelson Cromwell Professor of Law Harvard Law School This is a thoughtful and scholarly account of an important topic the construction of the Basic Law by the HKSAR courts This is a question of vital importance to Hong Kong but it should also be of interest and importance to Mainland legal scholarship Moreover the comparative constitutional lawyers across the world will be intrigued by this rigorous and perceptive account of the bridge between the common law of Hong Kong and the legal system of the PRC Christopher Forsyth Professor of Public Law and Private International Law University of Cambridge Lo Pui Yin has produced a monumental book of great learning profound research and insightful reflections on the efforts of Hong Kong's judiciary in maintaining the rule of law within the framework of the Basic Law developing its jurisdiction and jurisprudence with great skill learning and now a bit of tact Lo's mastery of the case law is unrivalled and his legal and political analysis masterly Yash Ghai Emeritus Professor University of Hong Kong and author of Hong Kong's New Constitutional Order *Taking Law Seriously* James Goudkamp, Mark Lunney, Leighton McDonald, 2022-01-27 This book celebrates the scholarship of Peter Cane The significance and scale of his contributions to the discipline of law over the last half century cannot be overstated In an era of increasing specialisation Cane stands out on account of the unusually broad scope of his interests which extend to both private and public law in equal measure This substantive breadth is combined with remarkable doctrinal historical comparative and theoretical depth This book is written by admirers of Cane's work and the essays probe a wide range of issues especially in administrative law and tort law Consistently with the international prominence that Cane's research has enjoyed the contributors are drawn from across the common law world The volume will be of value to anyone who is interested in Cane's towering contributions to legal scholarship and administrative law and tort law more generally

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