

BOOK REVIEWS

Judicial Review of Administrative Action. Third edition. By S. A. DE SMITH, F.B.A., Downing Professor of the Laws of England in the University of Cambridge. [London: Stevens & Sons Ltd. 1973. xlix, 529 and (Index) 19 pp. £7.25 net.]

THIS is the third—and sadly Professor de Smith's last—edition of *Judicial Review of Administrative Action*. The previous editions appeared in 1959 and 1968. The organisation of the book has remained substantially unchanged through all three editions, but the economics of book publishing led the author to make certain excisions and rearrangements in 1973. The chapter on Classification of Functions, for instance, has been considerably shortened, and the former chapter on the History of Prerogative Writs has been relegated to an Appendix. A further change, which will be understood though at the same time regretted by many readers, is a less extensive coverage of case-law in jurisdictions in Commonwealth countries. With characteristic optimism, however, Professor de Smith felt that a reduced emphasis on the Commonwealth was tolerable for two reasons: first, because of the growth of academic and professional literature on administrative law in the Commonwealth, and secondly, the fact that the most creative developments in the judicial sector of administrative law of late have taken place in this country. Professor de Smith would of course have been the first to concede that in such countries as New Zealand, Canada and Australia there has been far greater progress than here in seeking reform through legislation of many aspects of administrative law; others would recognise that the encouraging developments which he noted in recent judicial decisions in this country, and which have taken place in varying degrees throughout the Commonwealth over the past 10 or 15 years, have been to a considerable extent influenced by the immense contribution which he made in the three editions of *Judicial Review of Administrative Action* to the exposition, clarification and analysis of the principles of administrative law.

The difficulties of defining the scope or isolating the content of administrative law are well known. This is recognised frequently by Professor de Smith. He accepts that judicial review is "inevitably sporadic and peripheral," though he rightly reminds his readers that some of the untidiness in English case-law is attributable to the untidiness of the British administrative system. Indeed, given the enormous complexity of our administrative system and the innumerable constitutional and political principles or presumptions that have to be borne in mind, it is remarkable that Professor de Smith succeeded from the start in presenting his subject with the right balance of general background and specific discussion. In his chapter on "Review of Discretionary Powers," he recognises that his survey has to be conducted at a fairly high level of generality, but the case-law is brought together skilfully and coherently despite the vast range of statutory provisions which form the basis for the individual decisions. It is a feature of the book as a whole that there is relatively little discussion of particular cases in the text itself, but it is this which enables the author to bring together his principles, his observations and

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Yoram Dinstein



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Handbook of Public Administration, Third Edition W. Bartley Hildreth, Gerald J. Miller, Jack Rabin, 2006-11-14 Since the publication of the previous edition the best selling Handbook of Public Administration enters its third edition with substantially revised updated and expanded coverage of public administration history theory and practice Edited by preeminent authorities in the field this work is unparalleled in its thorough coverage and comprehensive references This handbook examines the major areas in public administration including public budgeting and financial management human resource management decision making public law and regulation and political economy Providing a strong platform for further research and advancement in the field this book is a necessity for anyone involved in public administration policy and management This edition includes entirely new chapters on information technology and conduct of inquiry In each area of public administration there are two bibliographic treatises written from different perspectives The first examines the developments in the field The second analyzes theories concepts or ideas in the field s literature

Administrative Law in a Changing State Linda Pearson, Carol Harlow Harlow KC, Michael Taggart, 2008-11-24 This book of essays celebrates Mark Aronson s contribution to administrative law As joint author of the leading Australian text on judicial review of administrative action Aronson s work is well known to public lawyers throughout the common law world and this is reflected in the list of contributors from the US Canada Australia New Zealand and the UK The introduction comes from Justice Michael Kirby of the High Court of Australia The essays reflect Aronson s interests in judicial review non judicial grievance mechanisms problems of proof and evidence and the boundaries of public and private law Amongst the contributors Peter Cane Elizabeth Fisher and Linda Pearson write on administrative adjudication and decision making Anita Stuhmcke writes on Ombudsmen and Robin Creyke and John McMillan the Commonwealth Ombudsman write on charters codes and soft law There are evaluations of the profound influence of human rights law on judicial review from the UK by Sir Jack Beatson and Thomas Poole and from Canada by David Mullan Matthew Groves and Chief Justice James Spigelman address developing themes in judicial review while Carol Harlow Richard Rawlings Michael Taggart and Janet McLean follow Aronson s interests into the private side of public law An American perspective is added by Alfred Aman and Jack Beermann

Public Administration and Law, Third Edition David H. Rosenbloom, Rosemary O'Leary, Joshua Chanin, 1996-09-12 A Practical Handbook for Public Administrators Despite the sizeable literature on administrative law and the courts few books adequately demonstrate how judicial decisions have transformed American public administration thought and practice Public Administration and Law is the first book of its kind to comprehensively examine the impact of judicial decisions on the enterprise of public administration A practical guide for practitioners this book goes beyond a theoretical framework and provides concrete advice for real world situations Rather than abstractly and generally discuss doctrines such as procedural and substantive due process the book analyzes their application to specific contexts in which administrators engage individuals Written in a

non technical fashion the volume discusses contemporary federal administrative law and judicial review of agency action or inaction It clearly explains the general framework that controls agency rule making adjudication release of information and related issues In addition a section is included on the burgeoning and litigious field of environmental law and advice is presented as to what public administrators need to know about environmental regulations and what can happen to those who fail to head them Now in its second edition this handbook is a must for public administrators who want to successfully avoid judicial scrutiny and challenge of their official actions Leading Works in Public Law Patrick O'Brien, Ben Yong, 2024-10-08 This book brings together a group of leading scholars working in public law and constitutional theory It examines accepted leading works of public law while also exploring those that deserve greater attention Over 13 chapters a group of leading public law experts each examine one leading work from the UK public law canon Each chapter critically reflects on the context of a work in public law taking into account not just the work and its context but also how it shapes and contributes to the broader discipline The final chapter offers an international overview of the chapters themselves reflecting critically on the scholarly canon of UK public law from the perspective of American constitutional scholarship The book will be of interest to scholars and students of constitutional law **Judicial Review of Administrative Action** Swati Jhaveri, Michael Ramsden, 2021-03-18 Explores the English origins of the principles of judicial review in common law jurisdictions and autochthonous pressures for their adaptation *Cases, Materials and Commentary on Administrative Law* S. H. Bailey, Brian L. Jones, Alastair R. Mowbray, 2005 Provides a set of commentaries on a contractual history of an oil or gas field from the initial formation of a consortium to bid on concessions to the abandonment of the facilities The book is accompanied by a disk containing precedents to accompany and illustrate the principles described **De Smith's Judicial Review of Administrative Action** Stanley A. De Smith, John Maxwell Evans, 1980 **Administrative Law and Judicial Deference** Matthew Lewans, 2016-01-28 In recent years the question whether judges should defer to administrative decisions has attracted considerable interest amongst public lawyers throughout the common law world This book examines how the common law of judicial review has responded to the development of the administrative state in three different common law jurisdictions the United Kingdom the United States of America and Canada over the past 100 years This comparison demonstrates that the idea of judicial deference is a valuable feature of modern administrative law because it gives lawyers and judges practical guidance on how to negotiate the constitutional tension between the democratic legitimacy of the administrative state and the judicial role in maintaining the rule of law *Administrative Law: Cases and Materials* Collins Parker, 2019-08-23 *Administrative Law Cases and Materials* is an important and comprehensive contribution to the legal literature on Namibian law It will contribute to the development of Namibia's jurisprudence Experienced author and judge of the Namibian High Court Dr Collins Parker discusses key principles of administrative law applicable to Namibia under the common law as developed and broadened by article 18 of the Namibian Constitution To support propositions of law discussed

in the text he presents carefully selected extracts of judgments delivered in important cases The book offers a rich source of judicial pronouncements as precedent that are not readily available to many students and teachers of law The selected cases are from the superior courts in Namibia South Africa England and Canada all common law countries There are also footnote references to cases from other common law countries like India Zambia and Zimbabwe Practitioners of law at the Bar or on the Bench law researchers and other professionals in public authorities including parastatals private companies and other ord this book useful in the performance of their professional tasks

Indirect Judicial Review in Administrative Law
Mariolina Eliantonio, Dacian Dragos, 2022-11-11 This book provides a comparative analysis of the concept and concrete application of the system of indirect review of administrative action The indirect review of administrative action is a judicial review mechanism that permits re visiting already settled administrative measures As an indirect way of challenging the validity of a measure or act by attacking the legal basis on which it is founded it can regard either general acts or individual acts and measures This book explores whether the system of indirect review is a suitable remedy for modern administrative justice assessing whether it fairly balances the legality and the legal certainty principles It examines the tension between the two principles and seeks to establish what the standards of review are and whether a common European trend can be discerned by analysing the theory and practice from jurisdictions in Western and Eastern Europe as well as the EU legal system The book will be a valuable resource for academics researchers and policy makers working in the areas of Administrative Law EU law and Public Administration

Cases, Materials and Text on Judicial Review of Administrative Action Chris Backes, Mariolina Eliantonio, 2019-08-08 This casebook studies the law governing judicial review of administrative action It examines the foundations and the organisation of judicial review the types of administrative action and corresponding kinds of review and access to court Significant attention is also devoted to the conduct of the court proceedings the grounds for review and the standard of review and the remedies available in judicial review cases The relevant rules and case law of Germany England and Wales France and the Netherlands are analysed and compared The similarities and differences between the legal systems are highlighted The impact of the jurisprudence of the European Court of Human Rights is considered as well as the influence of EU legislative initiatives and the case law of the Court of Justice of the European Union in the legal systems examined Furthermore the system of judicial review of administrative action before the European courts is studied and compared to that of the national legal systems During the last decade the growing influence of EU law on national procedural law has been increasingly recognised However the way in which national systems of judicial review address the requirements imposed by EU law differs substantially The casebook compares the primary sources legislation case law etc of the legal systems covered and explores their differences and similarities this examination reveals to what extent a ius commune of judicial review of administrative action is developing

Understanding Environmental Administration and Law, 3rd Edition Susan J. Buck, 2013-03-05 Understanding Environmental Administration

and Law provides an engaging introductory overview of environmental policy Author Susan J Buck explores the process through which policy is made the political environment in which it is applied and the statutory and case laws that are critical to working within the regulatory system This revised and expanded third edition adds case studies that help bring the subject to life and includes new material on the Bush Administration and its approach to administering environmental laws the continuing evolution of environmentalism and the changing role of environmental regulation in the United States the development and implementation of environmental agreements at the international level the impacts and implications of globalization Understanding Environmental Administration and Law provides a framework for understanding the law as a managerial tool [Index of Court-martial Orders](#) United States. Navy. Office of the Judge Advocate General,1950 *Israel*

Yearbook on Human Rights, Volume 6 (1976) Yoram Dinstein,2021-10-11 **The Trial in History: Domestic and international trials, 1700-2000** Maureen Mulholland,Brian S. Pullan,2003 This book is about trials civil and criminal ecclesiastical and secular in England and Europe between the 13th and the 17th centuries It provides a rounded view of trials conducted according to different procedures within contrasting legal systems including English common law and Roman canon law It considers the judges and juries and the amateur and professional advisers involved in legal processes as well as the offenders brought before the courts with the reasons for prosecuting them and the defenses they put forward

Judicial tribunals in England and Europe, 1200-1700 Maureen Mulholland,2018-07-30 This electronic version has been made available under a Creative Commons BY NC ND open access license This book examines trials civil and criminal ecclesiastical and secular in England and Europe between the thirteenth and the seventeenth centuries Chapters consider the judges and juries and the amateur and professional advisers involved in legal processes as well as the offenders brought before the courts with the reasons for prosecuting them and the defences they put forward The cases examined range from a fourteenth century cause célèbre the attempted trial of Pope Boniface VIII for heresy to investigations of obscure people for sexual and religious offences in the city states of Geneva and Venice Technical terms have been cut to a minimum to ensure accessibility and appeal to lawyers social political and legal historians undergraduate and postgraduates as well as general readers interested in the development of the trial through time **Commonwealth Caribbean Public Law** Albert

Fiadjoe,2020-07-24 Taking a critical look at the major areas of constitutional and administrative law Commonwealth Caribbean Public Law places a firm emphasis on the protection of citizens rights and good governance The third edition of this book builds on the success of the previous two editions setting out the established legal principles through Caribbean cases along with critique and commentary of the law where appropriate Contemporary issues and changes in Caribbean public law are addressed including the refining of the rules governing judicial review recent cases dealing with the death penalty and the likely impact on CARICOM initiatives on the rights of citizens **The Palestine Yearbook of**

International Law 1984 Soar,1997-02-11 The Palestine Yearbook of International Law is a well established yearbook which

was previously published by the Al Shaybani Society of International Law and Kluwer Law International Martinus Nijhoff Publishers now publishes the Yearbook and will also manages the distribution of the previous volumes The Palestine Yearbook of International Law has become widely respected as a prime reference source of legal material relating to Palestinian issues and is an important forum for the international legal community particularly for legal practitioners researchers and scholars In addition to leading articles on topical problems and issues it contains key legislation court decisions and other relevant legal material translated from the original Arabic or Hebrew into English

Jewish and Israeli Law - An Introduction Shimon Shetreet, Walter Homolka, 2021-08-02 This book instructively introduces the reader to the basics of Jewish law It gives a detailed cutting edge analysis of contemporary public and private law in the State of Israel as well as Israel s legal culture its system of government and the roles of its democratic institutions the executive parliament and judiciary The book examines issues of Holocaust law and religion constitutionalization and equality

Holding Power to Account R. Mulgan, 2003-10-22 This book provides a general overview of accountability a key concept in modern democratic governance Richard Mulgan draws on examples and analyses from the United States and the United Kingdom as well as other Westminster countries Major topics discussed include the contrast between accountability in the public and private sectors the effects of public management reforms on accountability accountability for collective actions accountability in networks and the limits of accountability

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