
CONTENTS

1.	Introduction: Reconstructing Judicial Review	1
	I. The Reformation of Administrative Law and Judicial Review	1
	II. Interpretations of Judicial Review.....	3
	III. The Dual Nature of Law and The Methodology of This Study: Constructive Interpretation.....	5
	IV. The History of Judicial Review and Manifest Interpretations.....	7
	V. Judicial Review and Values	16
	VI. An Operative Interpretation of Judicial Review.....	18
	VII. A New Taxonomy of Grounds of Review	24
	VIII. A Target Interpretation of Judicial Review and Judicial Rationality	28
	IX. Judicial Review For The Advancement of Justice and Good Governance.....	30
2.	The Dual Nature of Law and the Methodology of this Study: Constructive Interpretation	32
	I. Legal Theory and Empirical Analysis: The Argument For Separation.....	33
	II. Rationality and Empiricism	35
	III. Positivism	36
	IV. Constructive Interpretation	37
	V. Sociolegal Research: Social Scientific Positivism, Interpretivism and Constructivism	43
	VI. The Methodology of This Study	48
	A. Specific Methodology	50
	i. Administrative Court Data Analysis.....	50
	ii. Surveys	51
	iii. Interviews and Workshop	52
3.	Judicial Review and Values	53
	I. The Triptych of Constitutional Values.....	53
	II. The Rule of Law and The Value of Legality	55
	III. Democracy, Equality and Liberty.....	60
	IV. Authority and Expertise	66
	V. Legal Justice and Legal Rationality V's Administrative Justice and Administrative Rationality	70

VI.	Public Interest and Common Good	74
VII.	The Advancement of Justice and Good Governance	77
4.	An Operative Interpretation of Judicial Review:	
	Social Practice and the Administrative Court's Caseload	79
I.	The (In)Significance of The Administrative Court's Caseload?	80
II.	No Longer An 'Asylum and Immigration Court with Knobs On'	84
III.	Types of Administrative Court Claim.....	88
IV.	The Tribunalisation of Judicial Review.....	93
V.	Administrative Court AJRs and Individual Grievances: Specific Topics.....	103
VI.	The Permission Lottery	105
VII.	An Operative Interpretation of Administrative Court Judicial Review	110
5.	An Operative Interpretation of Judicial Review: Community Justice.....	114
I.	Common Law Community Justice and 'Regionalisation'	115
II.	Community-Based Public Law	116
A.	Total Outside London Receipts	117
B.	Ordinary Civil Judicial Review.....	117
C.	The Scale of Judicial Review and Population	119
D.	Key Topics of AJR Claims	122
E.	Asylum and Immigration	124
III.	Legal Specialisation and The Purposes of Judicial Review	127
A.	Solicitors	130
B.	Counsel.....	134
IV.	Claimants In AJRs: Judicial Review as Community Justice?.....	135
V.	Litigants in Person	135
VI.	Defendants	139
VII.	An Operative Interpretation of Judicial Review as Community Justice	140
VIII.	The Advancement of Justice and Good Governance	142
6.	An Operative Taxonomy of Grounds of Review: Part One	144
I.	Methodology	146
II.	The 'Grammar' of Judicial Review	148
III.	Ground One: Procedural Impropriety.....	148
IV.	Ground Two: Mistake	152
V.	Ground Three: Ordinary Common Law Statutory Interpretation	157
7.	An Operative Taxonomy of Grounds of Review: Part Two	168
I.	Ground Four: Discretionary Impropriety (Relevant/Irrelevant Considerations, Lack of Justification)	168

II.	Ground Five: Breach of ECHR Protected Rights and Equality Duties	178
III.	Ground Six: Significant Claims (Common Law Constitutional Values, Rights or Allocation of Powers, and Public Interest Claims).....	183
8.	A Target Interpretation of Judicial Review and Judicial Rationality.....	193
	I. Individualised Justice and Contextualism.....	193
	II. The 'Rainbow of Review'	194
	III. Variable Intensity Factors	198
	IV. A Different Order of Factors, Bifurcated or Trifurcated Review	199
	V. Uncertainty	203
	VI. Balance	207
	VII. An 'Organic' Approach To Rationality.....	209
9.	Judicial Review for the Advancement of Justice and Good Governance	212
	I. Organic Rationality	212
	II. Organic Rationality, 'Counterpoint' and Case Law.....	216
	III. Judicial Review For The Advancement of Justice and Good Governance.....	222
	<i>Bibliography</i>	229
	<i>Index</i>	243