

Cambridge University Press

978-1-107-05361-8 - Critical Debates on Counter-Terrorism Judicial Review

Edited by Fergal F. Davis and Fiona De Londras

Table of Contents

[More information](#)

CONTENTS

List of contributors vii*Acknowledgements* ix**Introduction: Counter-terrorism judicial review:
beyond dichotomies** 1

FERGAL F. DAVIS AND FIONA DE LONDRAS

PART I Judging counter-terrorism judicial review 33**1 Counter-terrorism judicial review as regulatory
constitutionalism** 35

FIONA DE LONDRAS

**2 Counter-terrorism judicial review by a traditionally
weak judiciary** 56

JENS ELO RYTTER

**3 When good cases go bad: unintended consequences of
rights-friendly judgments** 75

DAVID JENKINS

**4 The rhetoric and reality of judicial review of
counter-terrorism actions: the United States experience** 97

JULES LOBEL

**PART II Beyond counter-terrorism judicial
review** 119**5 Emergency law as administrative law** 121

MARK TUSHNET

**6 The politics of counter-terrorism judicial review:
creating effective parliamentary scrutiny** 142

FERGAL F. DAVIS

Cambridge University Press

978-1-107-05361-8 - Critical Debates on Counter-Terrorism Judicial Review

Edited by Fergal F. Davis and Fiona De Londras

Table of Contents

[More information](#)

vi

CONTENTS

- 7 **Independent reviewers as alternative: an empirical study from Australia and the United Kingdom** 161
JESSIE BLACKBOURN
- 8 **Public inquiries as an attempt to fill accountability gaps left by judicial and legislative review** 183
KENT ROACH
- PART III **Counter-terrorism judicial review in the political constitution** 207
- 9 **Rebalancing the unbalanced constitution: juridification and national security in the United Kingdom** 209
ROGER MASTERMAN
- 10 **Business as usual: deference in counter-terrorism judicial review** 228
CORA CHAN
- 11 **Deference and dialogue in the real-world counter-terrorism context** 251
GAVIN PHILLIPSON
- PART IV: **Internationalised counter-terrorism judicial review** 281
- 12 **Counter-terrorism law and judicial review: the challenge for the Court of Justice of the European Union** 283
CIAN C. MURPHY
- 13 **Post 9/11 UK counter-terrorism cases in the European Court of Human Rights: a ‘dialogic’ approach to rights protection or appeasement of national authorities?** 302
HELEN FENWICK
- 14 **Accountability for counter-terrorism: challenges and potential in the role of the courts** 324
HELEN DUFFY
- Index** 365