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LEGITIMATE LEGAL
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CONSTITUTIONAL
INTERPRETATION

Richard S. Markovits

Matters Of Principle Legal Argument And Constitutional Interpretation

Andrew D. Weiner, Leonard V. Kaplan



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non arbitrarily a firm's economic power could not be predicted from its market share 10 articulates a definition of oligopolistic conduct that some economists have implicitly used conduct whose perpetrator perceived ex ante profitability depended critically on the perpetrator's belief that its rivals responses would be affected by their belief that it could react to their responses distinguishes two types of such conduct contrived and natural by whether it entails anticompetitive threats and or offers explains why this distinction is critical under U S but not E U antitrust law analyzes the profitability of each kind of oligopolistic conduct examines these analyses implications for each's antitrust legality and criticizes related U S and E U case law and doctrine and scholarly positions e g on the evidence that establishes the illegal oligopolistic character of pricing and 11 executes parallel analyses of predatory conduct e g criticizes various arguments for the inevitable unprofitability of predatory pricing the various tests that economists U S courts advocate using use to determine whether pricing is predatory and two analyses by economists of the conditions under which QV investment and systems rivalry are predatory and examines the conditions under which production process research plant modernization and long term full requirements contracts are predatory

Select Essays on Governance and Accountability Issues in Public Law Hennie Strydom, Joanna Botha, 2020-10-27 The essays in this book authored by academics from the Faculties of Law at the University of Johannesburg and Nelson Mandela University respectively emanate from a joint research project and conference arranged by the Faculties in 2018 The essays focus on public law issues impacting on governance and accountability in South African law and in international and regional law but with a specific focus on problems afflicting the African continent

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A Matter of Principle Ronald Dworkin, 1985 This is a book about fundamental theoretical issues of political philosophy and jurisprudence In his familiar forceful and incisive style Professor Dworkin guides the reader through a re examination of some perennial moral philosophical and legal dilemmas

Research Handbook on Legal Pluralism and EU Law Gareth Davies, Matej Avbelj, The Research Handbook on Legal Pluralism and EU Law explores the diversity of phenomenon of overlapping legal systems within the European Union the

nature of their interactions and how they deal with the difficult question of the legal hierarchy between them The contributors reflect on the history sociology and legal scholarship on constitutional and legal pluralism and develop this further in the light of the challenges currently facing the EU Reconstructing Judicial Review Sarah Nason,2016-12-01 This book offers a new interpretation of judicial review in England and Wales as being concerned with the advancement of justice and good governance as opposed to being concerned primarily with ultra vires or common law constitutionalism It is developed both from examining the functions and values that ought to be served by judicial review and from analysis of empirical social facts about judicial review primarily as experienced in the Administrative Court Based on ground up case law analysis it constructs a new taxonomy on the grounds of judicial review mistake procedural impropriety ordinary common law statutory interpretation discretionary impropriety relevant irrelevant considerations breach of an ECHR protected right or equality duty and constitutional allocation of powers constitutional rights or other complex constitutional principles It explains each of these grounds what academic and judicial support there might be for them outside case law analysis and their similarities and differences when viewed against popular existing taxonomies It concludes that Administrative Court judges are engaged in ordinary common law statutory interpretation in approximately half of all cases and that where discretionary judgement is involved on the part of the initial decision maker judges do indeed consider their task to be one of determining whether the challenged decision was justified by reasoning of adequate quality It finds that judges apply ordinary common law principles of statutory interpretation with historical pedigrees including assessing the initial decision maker's reasoning with reference to statutory purpose and sifting relevant from irrelevant considerations including moral considerations The result is a ground breaking reassessment of the grounds of judicial review in England and Wales and the practice of the Administrative Court *Wittgenstein and Law* Dennis Michael Patterson,2004 The papers collected in this volume reflect a focus on the continuing relevance and importance of Wittgenstein's work for philosophy in general and legal theory in particular

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