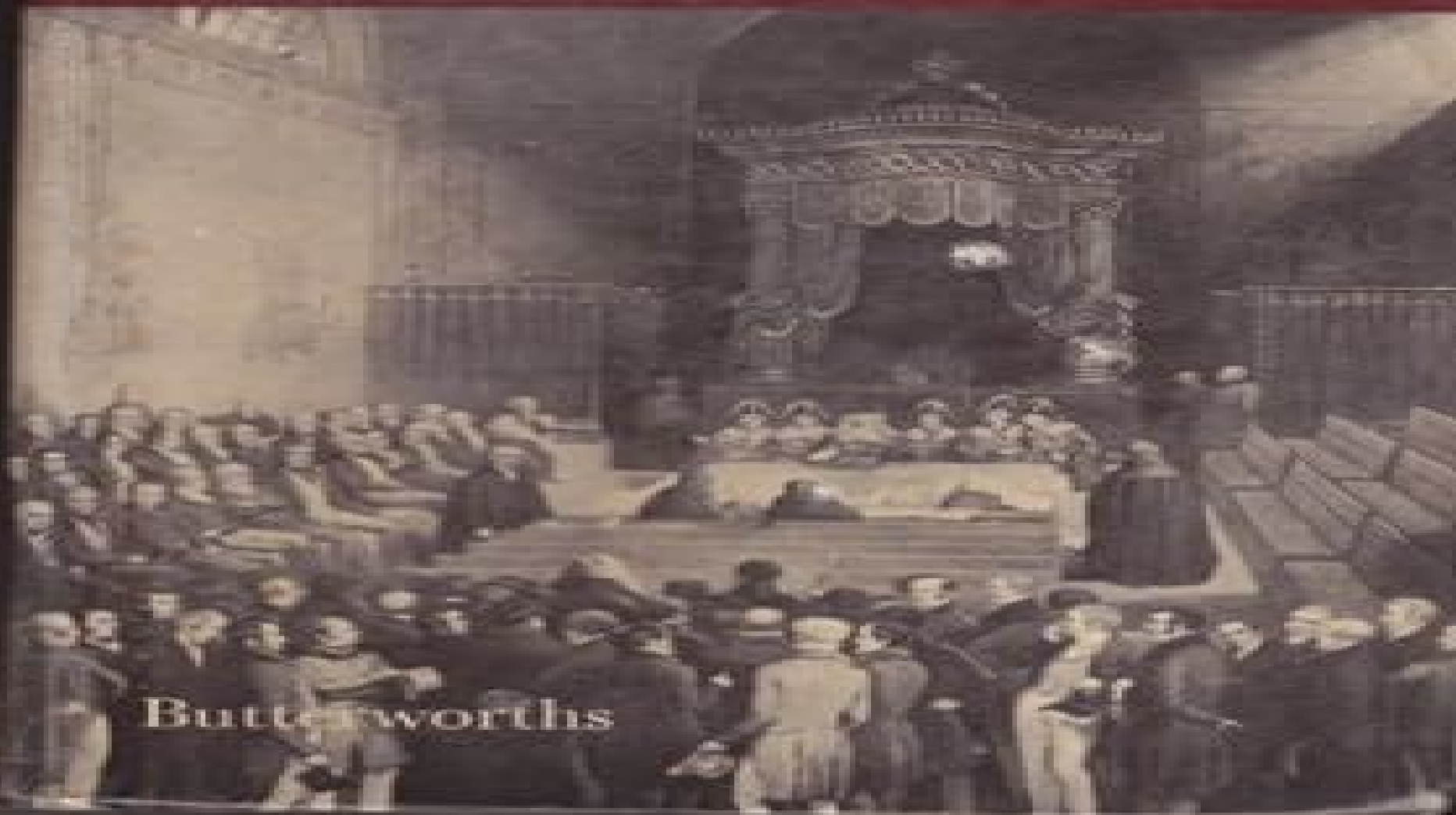


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ought to be served by judicial review and from analysis of empirical social facts about judicial review primarily as experienced in the Administrative Court Based on ground up case law analysis it constructs a new taxonomy on the grounds of judicial 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 The Gothic Bequest R. J. Smith, 2002-06-20 This book examines the use of medieval precedent in political and ecclesiastical debate during the period between the Revolution of 1688 and the mid nineteenth century reforms that ultimately made the tradition of historical apologetic obsolete The book will appeal to those concerned with historiography and political theory and to those interested in the intellectual history secular and religious of those years *Morality and the Market in Victorian Britain* Geoffrey Russell Searle, 1998 In this lively and interesting study G R Searle tackles the conundrum at the heart of Victorian life how could capitalist values be harmonized with Christian beliefs and with concepts of public morality and social duty Middle class Victorians who broadly welcomed industrial growth and embraced the doctrines of political economy were sensitive to the charge that theirs was a selfish and materialistic creed Consequently if public morality was to be reconciled with the market wage labour had to be distinguished from slavery investment from speculation and entrepreneurial acumen from dishonesty and fraud These ideas about citizenship and public virtue offered a greater challenge to rampant capitalism than any pressing need to alleviate poverty Through its exploration of Victorian values this book provides lessons for all those engaged in the present day debate about the moral and social consequences of unleashing free market forces *Lawyers' Medicine* Imogen Goold, Catherine Kelly, 2009-09-16 This book investigates how the requirements limitations and intellectual structure of the British legal process have shaped medicine and medical practice The story of this inter relationship is greatly under researched which is particularly concerning given that the legal system remains a significant and pervasive influence on medicine and its practice to this day The question which unifies the series of historical studies presented here is whether legal consideration of medical practice and concepts has played a part in the construction of medical concepts and affected

developments in medical practice in other words how the external legal gaze has shaped the way medicine itself conceptualises some of its practices and classifications The majority of the chapters consider this question in the context of the development and application of legislation but the influence of court processes is also considered Other themes which emerge from the book include the nature and exclusivity of medical expertise the impact of public opinion on the development of medical legislation and the difficulty the legal system has faced in dealing with new medical developments The chapters are arranged chronologically with an introduction drawing out themes that emerge from the chapters as a whole

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Studies in the History of Tax Law, Volume 10 Peter Harris, Dominic de Cogan, 2021-08-26 These are papers from the 10th Cambridge Tax Law History Conference which took place in July 2020 The papers fall within the following basic themes UK tax administration issues UK tax reforms in the 20th century History of tax in the UK The UK's first double tax treaty The 1982 Australia US tax treaty The legacy of colonial influence Reform of Dutch excises and Canadian tax avoidance

Women Before the Bar Cornelia Hughes Dayton, 2012-12-01 Women before the Bar is the first study to investigate changing patterns of women's participation in early American courts across a broad range of legal actions including proceedings related to debt divorce illicit sex rape and slander Weaving the stories of individual women together with systematic analysis of gendered litigation patterns Cornelia Dayton argues that women's relation to the courtroom scene in early New England shifted from one of integration in the mid seventeenth century to one of marginality by the eve of the Revolution Using the court records of New Haven which originally had the most Puritan dominated legal regime of all the colonies Dayton argues that Puritanism's insistence on godly behavior and communal modes of disputing initially created unusual opportunities for women's voices to be heard within the legal system But women's presence in the courts declined significantly over time as Puritan beliefs lost their status as the organizing principles of society as legal practice began to adhere more closely to English patriarchal models as the economy became commercialized and as middle class families developed an ethic of privacy By demonstrating that the early eighteenth century was a crucial locus of change in law economy and gender ideology Dayton's findings argue for a reconceptualization of women's status in colonial New England and for a new periodization of women's history

The State and Freedom of Contract Harry N. Scheiber, 1998-09-01 The relationship of law to economic freedom has been a vital element in the history of all modern democratic societies Freedom of contract is both a technical term in law referring to

private agreements and promises and a metaphor often deployed to describe economic liberty This volume of new essays by eminent legal historians offers fresh perspectives on freedom of contract in both senses of the term and considers how economic freedom relates to such classic political freedoms as free speech and other Anglo American constitutional norms The principal focus of the essays is on broad issues of policy and law rather than on narrow considerations of legal doctrine All the contributors reject stereotypes that pervade the existing literature about the allegedly unalloyed individualism of the common law and show how active state interventions of various kinds have shaped contract law in relation to social change throughout our legal history Equally however they reject shibboleths regarding bringing the state back in and take a hard look at the claims of statist ideology regarding the norms and rules that have established the legal boundaries of liberty in the modern industrial and post industrial eras The topics covered are Blackstone s claim that property was the despotic dominion of the private owner A W B Simpson labor and contract John V Orth the influence of philosophical trends on legal innovations James Gordley contract and individualism David Lieberman the tradition of public rights Harry N Scheiber the formal concept of liberty of contract in American law Charles McCurdy the interwoven history of labor law and contract law Arthur McEvoy public policy in relation to natural resources Donald Pisani and globalization of freedom of contract Martin Shapiro

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