

SUING GOVERN- MENT

**CITIZEN REMEDIES
FOR OFFICIAL WRONGS**

PETER H. SCHUCK

Suing Government Citizen Remedies For Official Wrongs

Marco Cappelletti



Suing Government Citizen Remedies For Official Wrongs:

Suing Government Peter H. Schuck, 1983-01-01 *Handbook of Citizenship Studies* Engin F Isin, Bryan S Turner, 2002

The contributions of Woodiwiss Lister and Sassen are outstanding but not unrepresentative of the many merits of this excellent collection. The British Journal of Sociology. From women's rights, civil rights and sexual rights for gays and lesbians to disability rights and language rights we have experienced in the past few decades a major trend in Western nation states towards new claims for inclusion. This trend has echoed around the world from the Zapatistas to Chechen and Kurdish nationalists. Social and political movements are framing their struggles in the languages of rights and recognition and hence of citizenship. Citizenship has thus become an increasingly important axis in the social sciences. Social scientists have been rethinking the role of political agent or subject. Not only are the rights and obligations of citizens being redefined but also what it means to be a citizen has become an issue of central concern. As the process of globalization produces multiple diasporas we can expect increasingly complex relationships between homeland and host societies that will make the traditional idea of national citizenship problematic. As societies are forced to manage cultural difference and associated tensions and conflict there will be changes in the processes by which states allocate citizenship and a differentiation of the category of citizen. This book constitutes the most authoritative and comprehensive guide to the terrain. Drawing on a wealth of interdisciplinary knowledge and including some of the leading commentators of the day it is an essential guide to understanding modern citizenship. About the editors: Engin F Isin is Associate Professor of Social Science at York University. His recent works include *Being Political: Genealogies of Citizenship* (Minnesota, 2002) and with P K Wood *Citizenship and Identity* (Sage, 1999). He is the Managing Editor of *Citizenship Studies*. Bryan S Turner is Professor of Sociology at the University of Cambridge. He has written widely on the sociology of citizenship in *Citizenship and Capitalism* (Unwin Hyman, 1986) and *Citizenship and Social Theory* (Sage, 1993). He is also the author of *The Body and Society* (Sage, 1996) and *Classical Sociology* (Sage, 1999) and has been editor of *Citizenship Studies* since 1997. Remedies for Human Rights Violations Kent Roach, 2021-04-08. Justifies a two track approach that includes individual and systemic remedies in both domestic and international human rights law. Litigating Socio-economic Rights in South Africa Christopher Mbazira, 2009. Litigating Socio Economic Rights in South Africa: A choice between corrective and distributive justice by Christopher Mbazira, 2009. ISBN 978 0 9814124 7 4. Pages viii + 273. Print version Available. Electronic version Free PDF available. **A Vision for a New IRS** Bob Kerrey, Rob Portman, 1998-04. It has been over 40 years since Congress and the President have considered significant reforms to the IRS. With this report once again there is an opportunity to overhaul the IRS and transform it into an efficient, modern and responsive agency. Presents an integrated approach to changes geared toward making the IRS more user friendly by addressing congressional oversight, executive branch governance, IRS management and budget, workforce and culture, IRS strategic objectives, customer service, compliance and efficiency, gains, modernization, electronic filing, tax law.

simplification taxpayer rights and financial accountability A Vision for a New IRS National Commission on Restructuring the Internal Revenue Service (U.S.),1997 **Making Policy, Making Law** Mark Carlton Miller,Jeb Barnes,2004 This volume proposes a new way of understanding the policymaking process in the United States by examining the complex interactions among the three branches of government executive legislative and judicial Collectively across the chapters a central theme emerges that the U S Constitution has created a policymaking process characterized by ongoing interaction among competing institutions with overlapping responsibilities and different constituencies one in which no branch plays a single static part At different times and under various conditions all governing institutions have a distinct role in making policy as well as in enforcing and legitimizing it This concept overthrows the classic theories of the separation of powers and of policymaking and implementation specifically the principal agent theory in which Congress and the presidency are the principals who create laws and the bureaucracy and the courts are the agents who implement the laws if they are constitutional The book opens by introducing the concept of adversarial legalism which proposes that the American mindset of frequent legal challenges to legislation by political opponents and special interests creates a policymaking process different from and more complicated than other parliamentary democracies The chapters then examine in depth the dynamics among the branches primarily at the national level but also considering state and local policymaking Originally conceived of as a textbook because no book exists that looks at the interplay of all three branches it should also have significant impact on scholarship about national lawmaking national politics and constitutional law Intro conclusion and Dodd s review all give good summaries *Violence And Police Culture* Tony Coady,Steven James,2013-05-24 Violence and policing are inevitably associated Criminals use violence not only against innocent members of the public but also against the police themselves For our own protection and theirs we have given police a licence to use force sometimes with lethal consequences But the exercise of this licence is fraught with risk to the community The disturbing record of police shootings in Victoria and irresponsible police violence elsewhere in recent years vividly illustrate this risk The public outcry against such events is understandable To find a solution we need to analyse the contexts and the cultural background of the use of police violence and to think hard about its causes and proper limits In *Violence and Police Culture* eminent contributors offer valuable insights and experience to the growing debate While Australian in origin and emphasis the book addresses a public issue that resonates as far afield as London New York Tokyo and Belfast *Violence and Police Culture* argues that there are features of police culture which foster abuse of the right to use violence The book makes positive suggestions about institutional changes that might alleviate the problems bedevilling what the philosopher Thomas Hobbes called the right of the sword *Manitoba Law Journal: Criminal Law Edition (Robson Crim) 2020 Volume 43(3)* , Robson Crim is housed in Robson Hall one of Canada s oldest law schools Robson Crim has transformed into a Canada wide research hub in criminal law with blog contributions from coast to coast and from outside of this nation s borders With over 30 academic peer

collaborators at Canada's top law schools Robson Crim is bringing leading criminal law research and writing to the reader We also annually publish a special edition criminal law volume of the Manitoba Law Journal providing a chance for authors to enter the peer reviewed fray The Journal has ranked in the top 0.1 percent on Academia.edu and is widely used This issue has articles from a variety of contributing authors *Justifying Strict Liability* Marco Cappelletti, 2022-05-23 The imposition of strict liability in tort law is controversial and its theoretical foundations are the object of vigorous debate Why do or should we impose strict liability on employers for the torts committed by their employees or on a person for the harm caused by their children animals activities or things In responding to this type of questions legal actors rely on a wide variety of justifications *Justifying Strict Liability* explores in a comparative perspective the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems two common law England and the United States and two civil law France and Italy These justifications include risk accident avoidance the deep pockets argument loss spreading victim protection reduction in administrative costs and individual responsibility By looking at how these arguments are used across the four legal systems this book considers a variety of patterns which characterise the reasoning on strict liability The book also assesses the justificatory weight of the arguments showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally Overall the book seeks to improve our understanding of strict liability to shed light on the justifications for its imposition and to enhance our understanding of the different tort cultures featuring in the four legal systems studied

Privatization and Its Alternatives William T. Gormley (Jr.), 1991 Emerging from a conference Racine Wisconsin November 1987 15 papers explore controversies around privatization in a number of policy areas such as education housing and law enforcement in a number of countries and from the perspective of several disciplines Paper edition unseen for 1975 Annotation copyrighted by Book News Inc Portland OR *Democracy by Decree* Ross Sandler, David Schoenbrod, 2004-01-01 Schools welfare agencies and a wide variety of other state and local institutions of vital importance to citizens are actually controlled by attorneys and judges rather than governors and mayors In this valuable book Ross Sandler and David Schoenbrod explain how this has come to pass why it has resulted in service to the public that is worse not better and what can be done to restore control of these programs to democratically elected and accountable officials Sandler and Schoenbrod tell how the courts with the best intentions and often with the approval of elected officials came to control ordinary policy making through court decrees These court regimes they assert impose rigid and often ancient detailed plans that can founder on reality Newly elected officials who may wish to alter the plans in response to the changing wishes of voters cannot do so unless attorneys court appointed functionaries and lower echelon officials agree The result is neither judicial government nor good government say Sandler and Schoenbrod and they offer practical reforms that would set governments free from this judicial stranglehold allow courts to do their legitimate job of protecting rights and

strengthen democracy *Tense Commandments* Pietro S. Nivola, 2002-08-21 Despite widespread urban revitalization and renewal Americans still prefer the suburbs to the cities While many of the underlying causes of the urban predicament are familiar there is also the less recognized possibility that regulatory policies of the federal government disadvantage the cities and ultimately burden their ability to attract residents and businesses This book encourages renewed reflection on the suitable balance between national and local domains Political Gerrymandering and the Courts Bernard Grofman, 1990 This volume is motivated by three concerns First is the belief that the issue of political gerrymander will play a significant although far from dominant role in redistricting litigation in the 1990s and thereafter In the 1980s the legislative and or congressional redistricting plans of all but a handful of states were subject to lawsuits Grofman 1985a Many of these lawsuits involved the issue of racial vote dilution Grofman Migalski and Noviello 1985 In the 1980s hundreds of local jurisdictions that used at large or multimember district elections had their electoral system challenged OCo and most of the jurisdictions under challenge were forced to change their system to a single member district plan that was not dilutive of minority voting strength see e g Brischetto and Grofman 1988 Although partisan gerrymandering is less prevalent than racial vote dilution in the 1990s we can expect to see challenges to partisan gerrymandering like those in the 1980s to racial vote dilution In particular numerous local jurisdictions that use partisan multimember district or at large elections may be subject to challenge Second in commissioning essays I sought to involve a number of the leading scholars in the field so as to put together a largely selfcontained compendium of the major points of view on how issues of partisan gerrymandering are to be litigated While the ultimate issues in constitutional interpretation are ones that the Supreme Court must resolve and these will be resolved only after an extensive series of case by case adjudications just as the actual numerical features of the one person one vote standard evolved only in the decade of litigation after *Baker v Carr* Grofman 1989a OCo there is an important role for social scientists to play Social science testimony proved important in the area of racial vote dilution by aiding courts to interpret the provisions of the Voting Rights Acts e g in defining the operational meaning of terms like racially polarized voting Grofman Migalski and Noviello 1985 Grofman 1989b In like manner I believe that research by social scientists will aid attorneys and the federal courts in specifying manageable standards to define and measure the effects of partisan gerrymandering I hope this volume will prove instrumental as the beginning of such a dialogue The third concern that motivated this volume is my view that egregious partisan gerrymandering is a violation of the Fourteenth Amendment rights of political groups and that it is both appropriate and necessary for courts to intervene when such rights are significantly impaired However I recognize that the courts must steer a careful line so as to avoid encouraging frivolous lawsuits while at the same time sending a clear message to potential gerrymanders that intentional egregious political gerrymanders which eliminate competition and are built to be resistant to electoral tides will be struck down Court intervention to end egregious partisan gerrymandering is necessary for a number of reasons **Limits Of Law** Peter

Schuck, 2018-03-08 Law is an increasingly pervasive force in our society At the same time however the obstacles to law s effectiveness are also growing In The limits of Law Yale law professor Peter H Schuck draws on law social science and history to explore this momentous clash between law s compelling promise of ordered liberty and the realistic limits of its capacity to deliver on this promise Schuck first discusses the constraints within which law must work law s own complexity the cultural chasms it must bridge and the social diversity it must accommodate and proceeds to consider the ways law uses regulatory legislative and adjudicatory processes to influence social behavior He shows how politics shapes regulation how regulation might incorporate individualized equity and how it can best be reformed Turning to legislation he justifies a strong role for special interest groups dissects purely symbolic statutes and defends broad delegations of legislative power to regulatory agencies Concerning adjudication Schuck analyzes the courts efforts to advance social justice by controlling federal agencies constitutionalizing politics managing mass toxic tort disputes and reforming public services and institutions His concluding chapter draws together some general lessons about law s limits and possibilities for improving democratic governance

Towards a Public Law of Tort Tom Cornford, 2016-02-24 Presenting a new approach to the problem of public authority liability this volume provides a theoretical foundation in the form of principles of administrative liability that are both normatively sound and consonant with other recognized legal principles These principles are used as criteria by which to judge the current law and as a guide to reform Such reform could be brought about by judicial development of the law and this volume explains how It considers both the procedural and the substantive divides between public and private law and explains the proposed solution s relation to the forms of public authority liability already present under European Community law and the Human Rights Act Focusing in particular on UK law the book is also relevant to other Commonwealth countries and will be of interest to scholars and practitioners of both tort and public law

Rights Robin West, 2017-03-02 Rights brings together the most influential essays of the last thirty years critiquing and defending the liberal rights tradition Modern rights critics have focused on the perceived conflict between liberal rights and progressive or egalitarian political objectives the preference of liberal states for negative over positive rights and also the dangers to community of the overly atomistic conception of human nature which is arguably at the heart of the liberal rights tradition

Controlling Administrative Power Peter Cane, 2016-03-31 An historical and comparative explanation of some puzzling differences between the administrative law of England the USA and Australia

Rights Talk Mary Ann Glendon, 2008-06-30 Political speech in the United States is undergoing a crisis Glendon s acclaimed book traces the evolution of the strident language of rights in America and shows how it has captured the nation s devotion to individualism and liberty but omitted the American traditions of hospitality and care for the community

Remedies in International Human Rights Law Dinah Shelton, 2000 This is the first comprehensive treatment of the topic of remedies for human rights violations and reviews the jurisprudence of international tribunals on these violations It also provides a theoretical framework and a practical guide for lawyers judges

and academics interested in human rights law

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