Judicial Control Over Administration And Protect The

A Comparative Study of Judicial Review in the People's Republic of China and in Certain Other Jurisdictions

Matters of Justice

Judicial Fortitude

Risk Regulation and Administrative Constitutionalism: Chief Justice John Marshall argued that a constitution "requires that only its great outlines should be marked [and] its important objects designated." Ours is "intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." In recent years, Marshall's great truths have been challenged by proponents of originalism and strict construction. Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it. In keeping faith with the Constitution, three legal authorities make the case for Marshall's vision. They describe their approach as "constitutional fidelity"—not to how the Framers would have applied the Constitution, but to the text and principles of the Constitution itself. The original understanding of the text is one source of interpretation, but not the only one; to preserve the meaning and authority of the document, to keep it vital, applications of the Constitution must be shaped by historical experience, practical consequence, and societal change. The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances, from Brown v. Board of Education to the New Deal, from the Miranda decision to the expansion of women's rights. They delve into the complexities of voting rights, the malapportionment of legislative districts, speech freedoms, civil liberties and the War on Terror, and the evolution of checks and balances. The Constitution's framers could never have imagined DNA, global warming, or even women's equality. Yet these and many more realities shape our lives and outlook. Our Constitution will remain vital into our changing future, the authors write, if judges remain true to this rich tradition of adaptation and fidelity.

Courting Peril

A Comparative Study of Judicial Review in the People's Republic of China and in Certain Other Jurisdictions

The aim of this thesis is to challenge China's administrative law both in its practice and in its theory and to propose further reform by a comparative study of other models. — The key point of judicial review is that it is an independent judicial check over administrative actions. This is both for the purpose of protecting the individual's rights and for the promotion of good administration. Based on this concept, this thesis begins with a discussion of whether judicial review existed or exists in China by examining China's legal history and certain contemporary issues. I conclude that the idea of judicial review was introduced into China around 1914, a separate Administrative Court was set up in 1923 and abolished in 1949. The concept of judicial review was re-introduced in China in 1982, but only partly so since the People's Court has no power to invalidate delegated legislation. Review through an historical study of Chinese law, it can be seen that judicial review did not have any chance of survival in imperial China. This is because there was no recognition of a separation of powers, little independence of the judiciary and an ignorance of the concept of the rule of law. These principles are the essence of the necessary, pre-conditions for a successful system of judicial review. -- How to solve the problem? Learning from the experience of other countries will be a great benefit to China. In particular, after 1997, Hong Kong will be a special administrative region of the PRC, but will retain the common law. There will be possibilities of conflict between the two different legal systems, and Hong Kong has therefore been chosen as the first English model on which it is based and then the US model is discussed. There is a brief study of pre-conditions for judicial review in France, as well as some socialist countries, such as Poland and the USSR.

Matters of Justice

Administrative Law in Veneuza

The last decade the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity. Much of that debate has been understood as a conflict between those promoting "scientific" approaches to risk evaluation and those promoting "democratic" approaches. This characterization of disputes has ignored the central roles of public administration and law in technological risk evaluation. This is problematic because, as shown in this book, legal disputes over risk evaluation are disputes over administrative constitutionalism that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators. This is shown by five case studies taken from five different legal cultures: an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis; the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s; the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia; the interpretation of the WTO Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process; and the interpretation of the precautionary principle in the EU context. A strong argument is thus mad for re-orienting the analysis of scholarship in this area.

The Choices Justices Make A Administrative Law: Cases and Materials is the product of a longstanding collaboration by a distinguished group of authors, each with extensive experience in the teaching, scholarship, and practice of administrative law. The Eighth Edition preserves the book's distinctive features of functional organization and extensive use of case studies, with no sacrifice in doctrinal comprehensiveness or currency. By organizing over half of the book under the general administrative functions of policymaking, adjudication, enforcement, and licensing, the book illuminates the common features of diverse administrative practices and the interconnectedness of otherwise disparate doctrines. Scattered throughout the book, case studies present leading judicial decisions in their political, legal, institutional, and technical context, thereby providing the reader with a much fuller sense of the reality of administrative practice and the important policy implications of seemingly technical legal doctrines. At the same time,
the Eighth Edition fully captures the headline-grabbing nature of federal administrative practice in today’s politically divided world. New to the Eighth Edition: New insights into the thinking of the Supreme Court’s newest justices on crucial separation-of-powers questions (especially in excerpts from the Gundy, Kisor, and PHH cases). Multiple excerpts from the controversial citizenship-question Census case. Excerpts of judicial responses to Trump’s administration initiatives in immigration and environmental law. Multiple excerpts from the DAPA case (Texas v. US), as a platform for considering the fate of the DACA program and other immigration controversies. Comprehensive updates of materials on Chevron deference, arbitrary-capricious review, substantial evidence review, reviewability of agency action, the appointment and supervision of ALJs, and presidential oversight of rulemaking. Professors and students will benefit from: The “case study” approach that illuminates the background policy and organizational context of many leading cases. The functional organization of materials in Part Two which enable instructors to show how doctrinal issues are shaped by functional context. Theoretical materials presented at the beginning of the book that provide a useful template for exploring issues throughout the course. A text that is designed to be easily adaptable for use as an advanced course and in schools that have a first-year Legislation and Regulation requirement. Units that are so organized that many class sessions can focus on a single leading case, reducing the problem of “actual overload” that characterizes many administrative law courses. The case study approach that helps students understand the context within which doctrinal issues arise and the way in which those issues affect important matters of public policy. Reorganization of Part Two to convey a deeper understanding of the characteristics functions performed by administrative agencies.

Continuity and Disruption The recent Iran-Contra experience brought to light how intricately the political process revolves around who knows what and who decides what should be secret. In this provocative new book, David Sadosky offers a comprehensive examination of the relationship between the structure of American government and the treatment of information. With an emphasis on Watergate, the Vietnam War, and Iran-Contra, the book reveals a structural dynamic in U.S. government that replicates deep conflict over the control of information. The conflict often takes on the dimensions of a Constitutional confrontation. Knowledge as Power explores the dynamics that lead to such confrontations as well as the resulting resolutions and information policies. Knowledge as Power concludes that the presidency and general government bureaucracy project a conservative model for the control of information. The book broadly gathers information, uses it as desired and limits its disclosure. Sadosky demonstrates how this conservative model blocks Congress and the American people from valuable information and violates constitutional rights. Written from the premise that the key to understanding modern government is understanding its information policies, this book will be of great value to both students and scholars of American government, civil liberties, constitutional government, and public administration.

The Lebanese Bureau of Accounts as Central Control Agency This book focuses on the essentials that public managers should know about administrative law—why we have administrative law, the constitutional constraints on public administration, and administrative law’s frameworks for ruling on regulations, adjudication, enforcement, transparency, and judicial and legislative review. Rosenblum views administrative law from the perspectives of administrative practice, rather than as a field of inquiry. An emphasis on how various administrative law provisions promote their underlying goal of improving the fit between public administration and U.S. democratic-constitutionalism. Organized around federal administrative law, the book explains the essentials of administrative law clearly and accurately, in non-technical terms, and with sufficient depth to provide readers with a sophisticated, lasting understanding of the subject matter.

The Magna Carta The book shows the impact of judicial decisions on the discretionary power of public administration. This issue is analyzed in relation to the process of decision-making by the administration, which have a dominant influence on the sphere of rights and freedoms of man. Judicial influence on public administration discretion is shown in the context of various models of judicial control of public administration.

The New Problem of Administration Empowering that administrative law must be understood within the context of the political system, this core text combines a descriptive systems approach with a social science focus. A new, K enneth F. Warren explains the role of administrative law in shaping, guiding, and restricting the actions of administrative agencies. Providing comprehensive coverage, he examines the field not only from state and federal angles, but also from the varying perspectives of legislators, administrators, and the public. Substantially revised, the sixth edition emphasizes current trends in administrative law, recent court decisions, and the impact the Trump administration has had on public administration and administrative law. Special attention is given to the way the neo-conservative revival, strengthened by Trump appointments to the federal judiciary, have influenced the direction of administrative law and impacted the administrative state. Administrative Law in the Political System: Law, Politics, and Regulatory Policy, Sixth Edition is a comprehensive administrative law textbook written by a social scientist for social science students, especially upper division undergraduate and graduate students in political science, public administration, public management, and public policy and administration programs.

Constitutional Origins of the Federal Judiciary The rule of law paradigm has long operated on the premise that independent judges disregard extra-legislative influences and impartially uphold the law. A political transformation several generations in the making, however, has imperiled this premise. Social science learning, the lessons of which have been widely internalized by court critics and the general public, has shown that judicial decision-making is subject to ideological and other extra-legislative influences. In recent decades, challenges to the assumptions underlying the rule of law paradigm have proliferated across a growing array of venues, as critics agitate for greater political control of courts and judges. With the future of the rule of law paradigm in jeopardy, this book proposes a new way of looking at how the role of the American judiciary should be conceptualized and regulated. This new, “legal culture paradigm” defends the need for an independent judiciary that is acculturated to take law seriously but is subject to political and other extra-legislative influences. The book argues that these extra-legislative influences cannot be eliminated but can be managed, by balancing the needs for judicial independence and accountability across competing perspectives, to the end of enabling judges to follow the “law” (less rigidly conceived), respect established legal process, and administer justice.

A administrative Law in the Political System An updated edition of Rossiter’s 1951 assessment of the quality and extent of the Supreme Court’s interpretation of and control over the President’s wartime powers, with new sections on important events and issues of the past twenty-five years.

A administrative Law The Magna Carta, Latin for “Great Charter” (literally “Great Paper”), also known as Magna Carta Libertatum, is an English 1215 charter which limited the power of English monarchs, specifically King John, from absolute rule. The Magna Carta was the result of disagreements between the Pope and King John and his barons over the rights of the king. Magna Carta required the king to accept that the will of the king could be bound by law. The Code of Hammurabi was an ancient Babylonian legal code that laid a foundation for later Hebrew and European law. The Magna Carta is widely considered to be the first step in a long historical process leading to the rule of constitutional law and is one of the most famous documents in the world. Originally issued by King John of England (r. 1199-1216) as a practical solution to the political crisis he faced in 1215, Magna Carta established for the first time the principle that everybody, including the king, was subject to the law. Although nearly a third of the text was deleted or substantially rewritten within ten years, and almost all the clauses have been repealed in modern times, Magna Carta remains a
cornerstone of the British constitution. Most of the 63 clauses granted by King John dealt with specific grievances relating to his rule. However, buried within them were a number of fundamental values that both challenged the autonomy of the king and paved the way for future centuries. The 39th clause gave all "free men" the right to justice and a fair trial. Some of Magna Carta's core principles are echoed in the United States Bill of Rights (1789) and in many other constitutional documents around the world, as well as in the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950). This translation is considered to be the best and an excellence for your library. This is book 10 in the series of 150 books entitled "The Trail to Liberty."

The following is a partial list (20 of 150) of books in this series on the development of constitutional law.

1. Laws of the town of Eshmunia (ca. 1800 BC), the laws of King Lipit-ishtar of Isin (ca. 1930 BC), and Old Babylonian copies (ca. 1900-1700 BC) of the Ur-Nammu law code 2. Laws of Hammurabi (1760 BCE) - Early Mesopotamian legal code 3. Ancient Greek and Latin Library - Selected works on ancient history, customs and laws 4. The Civil Law, tr. & ed. Samuel P. Crompton (1832) 5. "Constitution" of Medina (Dustur al-Madinah), M. al-Fahmi (622) 6. Pelagius, John of Salisbur (1159), various translations - Argued that citizens have the right to dispose and kill tyrannical rulers 7. Constitutions of Clarendon (1140) - Established rights of laymen and the church in England. 8. August of Clarendon (1165) - Defined rights and duties of lords in criminal cases. 9. A charter of Arms (1181) - Defined rights and duties of people and militiamen. 10. Magna Carta (1215) - Established the principle that no one, not even the king or a lawmaker, is above the law.


Public Administration in Germany After the fall of the Porfirio Díaz regime, pueblo representatives sent hundreds of petitions to Pres. Francisco I. Madero, demanding that the executive branch of government assume the judiciary's control over their unresolved lawsuits against landowners, local bosses, and other villages. The Madero administration tried to use existing laws to understandable short of invading judicial authority. In contrast, the two main agrarian reform programs undertaken in revolutionary Mexico — implemented by Emiliano Zapata and Venustiano Carranza — subordinated the judiciary to the executive branch and thereby reshaped the postrevolutionary state with the support of villagers, who actively sided with one branch of government over another. In matters of justice Helga Batalia identified the account of Zapata and Carranza's agrarian reform programs as they were implemented in practice at the local level and then reconfigured in response to unanticipated inter- and intravillage conflicts. Ultimately, the Zapata land reform, which sought to redistribute land throughout the country, remained an unfulfilled utopia. In contrast, Carrancista laws, intended to resolve quickly an urgent problem in a time of war, had lasting effects on the legal rights of millions of land beneficiaries and accidentally became the pillar of a program that redistributed about half the national territory.

Criminal Justice Organizations Administrative Law has been a subject on which Professor Allan R. Brewer-Carias has been working, writing and publishing during the past fifty years, since his first book published in Caracas in 1964, on "The Fundamental Institutions of Administrative Law and the Venezuelan Jurisprudence" (Las Instituciones Fundamentales del Derecho Administrativo y la Jurisprudencia Venezolana, Universidad Central de Venezuela, Caracas 1964). Since then, he has published many books and articles treating matters of Administrative Law mainly in Spanish, being this his first book in English on the subject. Since 2005, after fixing his permanent residence in New York and after accomplishing his work as Adjunct Professor of Law at Columbia Law School where he taught a seminar on "Constitutional Protection of Human Rights in Latin America," he has acted a Lawyer and Legal Counsel giving legal opinions on Venezuelan administrative Law, being this book the result of all his research for such purpose. Consequently, the reader will find in this volume a very useful analysis of administrative law in Venezuela, providing information on the country's sources of administrative law, the organization of Public Administration, the administrative action accomplished by its different organs and entities in the national (federal), state and municipal levels of government; the administrative procedures principles and the scope of the principle of legality applicable to administrative action; the use and enactment of administrative acts in order for the Administration to decide on particular matters, and the use of administrative contracts in order to associate private persons and institution to Public Administration and public activities. Through covering by a local expert this book fully describes the principal issues regarding judicial review of administrative action, in order to annul illegal administrative act and to assure the respect for the rule of law. In addition, the volume provides specific information regarding important issues of administrative law concerning the regime on restrictions of economic freedom and of property rights, with special emphasis on the constitutional means the State can use for its reservation of economic areas (nationalization) and for expropriation of private property; the regime of environment protection and land use, with particular emphasis on matters regarding the oil and mining industries; the regime of the protection and promotion of investments, with specific discussion on the consent for arbitration in public matters; and the regime referred to the legal rights of individuals, citizens and aliens. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet detailed nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practicing and academic jurists. Lawyers representing parties, with interests in Venezuela will welcome this guide, and academics and researchers will appreciate its value in the study of comparative administrative law.

"The Significance of Judicial Structure This dissertation examines the constitutional underpinnings of twentieth-century developments in the structure and function of the federal judicial system. In the half-century between 1891 and 1939, the federal judiciary underwent its first complete reorganization since the First Congress passed the Judiciary Act of 1891. The result was rapid growth in the independence, extent, and power of federal courts. Congress first furnished the federal judiciary with its own administrative apparatus, the Administrative Office of the Federal Courts, which provided the federal judiciary with nearly complete discretion over the composition of its own docket. Soon thereafter, Congress likewise turned control over federal judicial procedure to the Judicial Conference of the United States and in 1939 furnished the federal judiciary with its own administrative apparatus, the Administrative Office of the Federal Courts, to aid in the formulation and administration of judicial policy. The resulting institution looked far different than the modern judiciary that had administered federal law in the early republic. Prevailing accounts of this development find the origins of the modern judiciary in its immediate political context and deny to the Constitution any role as a determinant of its forms, claiming that the Framers never envisioned the sort of judicial institution that now pervades the Union. Looking to the framing of Article III in the Federal Convention of 1787, debates in the First Congress on the Judiciary Act of 1789, and the exercise of judicial power in the early republic, I argue to the contrary that the modern judiciary is a full development from the institutional design of the Constitution. This has important implications not only for the adjudication of interpretive controversies over the meaning and application of
A research, but also for broader debates about the complex interaction between constitutional forms and political practice. It suggests that the Constitution functions as a determinant as well as a product of American political development.

The Legal Foundations of Public Administration This book investigates judicial deference to the administration in judicial review, a concept and legal practice that can be found to a greater or lesser degree in every constitutional system. In each system, deference functions differently, because the positioning of the judiciary with regard to the separation of powers, the role of the courts as a mechanism of checks and balances, and the scope of judicial review differ. In addition, the way deference works within the constitutional system itself is complex, multi-faceted and often covert. Although judicial deference to the administration is a topical theme in comparative administrative law, a general examination of national systems is still lacking. As such, a theoretical and empirical review is called for.

Accordingly, this book presents national reports from 15 jurisdictions, ranging from Argentina, Canada and the US, to the EU. Constituting the outcome of the 20th General Congress of the International Academy of Comparative Law, held in Fukuoka, Japan in July 2018, it offers a valuable and unique resource for the study of comparative administrative law.

The Justice of Constantine For nearly three decades, methadone hydrochloride has been the primary means of treating opiate addiction. Today, about 115,000 people receive such treatment, and thousands more have benefited from it in the past. Even though methadone's effectiveness has been well established, its use remains controversial, a fact reflected by the extensive regulation of its manufacturing, labeling, distribution, and use. The Food and Drug Administration regulates the safety and effectiveness of methadone, as it does for all drugs, and the Drug Enforcement Administration regulates it as a controlled substance. However, methadone's effectiveness has been well established, especially under what circumstances it may be used to treat opiate addiction. Federal Regulation of Methadone Treatment examines current Department of Health and Human Services standards for narcotic addiction treatment and the regulation of methadone treatment programs pursuant to those standards. The book includes an evaluation of the effectiveness of federal regulations on the provision of methadone treatment services and an exploration of options for modifying the regulations to allow optimal clinical practice. The volume also includes an assessment of alternatives to the existing regulations.

When Courts and Congress Collide Keeping faith with the Constitution “This is quite simply the best study of judicial independence that I have ever read: It is erudite, historically aware, and politically astute.” ---Alcolm M. Feely, Claire Sanders Clements Dean's Professor of Law, University of California at Berkeley “Professor Geyh has written a wise and timely book that is informed by the author's broad and deep experience working with the judicial and legislative branches, by the insights of law, history and political science, and by an appreciation of theory and common sense.” ---Stephen B. Burbank, David Berger Professor for the Administration of Justice, University of Pennsylvania Law School With Congress threatening to “pack” judicial appointments, and lawmakers calling judges of being “arrogant, out of control, and unaccountable,” many pundits see a dim future for the autonomy of America’s courts. But do we really understand the balance between judicial independence and Congress’s desire to limit judicial reach? Charles Geyh’s When Courts and Congress Collide is the most sweeping study of this question to date, and an unprecedented analysis of the relationship between Congress and our federal courts. Efforts to check the power of the courts have come and gone throughout American history, from the Jeffersonian Congress’s struggle to undo the work of the Federalists, to FDR’s campaign to pack the Supreme Court, to the epic Senate battles over the Bork and Thomas nominations. If legislators were solely concerned with curbing the courts, Geyh suggests, they would use direct means, such as impeaching uncooperative judges, gerrymandering their jurisdictions, stripping the bench of oversight powers, or slashing judicial budgets. Yet, while Congress has long been willing to influence judicial decision-making indirectly by blocking the appointments of ideologically unacceptable nominees, it has, with only rare exceptions, resisted employing more direct methods of control. When Courts and Congress Collide is the first work to demonstrate that this balance is governed by a “dynamic equilibrium”: a constant give-and-take between Congress’s desire to control the judiciary and its respect for historical norms of judicial independence. It is this dynamic equilibrium, Geyh says, rather than what the Supreme Court or the Constitution says about the separation of powers, that defines the limits of the judiciary’s independence. When Courts and Congress Collide is a groundbreaking work, requiring all of us to consider whether we are on the verge of radically disrupting our historic balance of governance. Charles Gardner Geyh is Professor of Law and Charles L. Whistler Faculty Fellow at Indiana University at Bloomington. He has served as director of the American Judicature Society’s Center for Judicial Independence, reporter to the American Bar Association Commission on Separation of Powers and Judicial Independence, and counsel to the Judiciary Committee of the U.S. House of Representatives.

Judicial Review of Administrative Discretion A basic feature of the modern U.S. administrative state taken for granted by legal scholars but neglected by political scientists and historians is its strong judicially, Formal, or court-like, adjudication was the primary method of first-order agency policy making during the first half of the twentieth century. Even today, most U.S. administrative agencies hire administrative law judges and other adjudicatorsconducting hearings using formal procedures autonomously from the agency head. No other industrialized democracy has come close to experiencing the systematic state judicialization that took place in the United States. Why did the American administrative state become highly judicialized, rather than developing a more efficiency-oriented Weberian bureaucracy? Legal scholars argue that lawyers as a profession imposed the judicial procedures they were the most familiar with on agencies. But this explanation fails to show why the judicialization took place only in the United States at the time it did. Okayama demonstrates that the American institutional combination of common law and the presidential system favored policy implementation through formal procedures by autonomous agencies and that it induced the creation and development of independent regulatory commissions explicitly modeled after courts from the late nineteenth century. These commissions judicialized the state not only through their proliferation but also through the diffusion of their formal procedures to executive agencies over the next half century, which led to a highly fairness-oriented administrative state.

Judicializing the Administrative State The importance of studying the Lebanese Council of State lies in the fact that respect of law and legal institutions is one way to measure the development of a country and the efficiency of its institutions. The use of the Lebanese Council of State is performing its role properly, our administration will tend to work more efficiently towards public interest. The performance of the Council of State is closely tied with the working of administration as well as with citizens’ welfare and interest. Our Council of State is presently ensuring fair protection for citizens against administrative abuse. However, the need is giving it the means for enforcing the implementation of its decisions, in addition to expanding its jurisdiction to go beyond examining the legality of administrative acts, to control the course of actions of administrators, as applicable in the American system—The methodology adopted throughout this thesis consists mainly of book reviews, articles, legal documents and personal interviews.

Review of Administrative Acts The book is devoted to the issue of public administration discretionary power within law application processes and its control. It presents a variety of factors that may affect the range of discretion as well...
as the influence on public administration’s reasoning.

The Supreme Court and the Commander in Chief In this book, Peter J. Wallison argues that the administrative agencies of the executive branch have gradually taken over the legislative role of Congress, resulting in what many call the administrative state. The judiciary bears the major responsibility for this development because it has failed to carry out its primary constitutional responsibility: to enforce the constitutional separation of powers by ensuring that the elected branches—the legislative and the executive—remain independent and separate from one another. Since 1937, and especially with the Chevron deference adopted by the Supreme Court in 1984, the judiciary has abandoned this role. It has allowed Congress to delegate lawmaking authorities to the administrative agencies of the executive branch and given these agencies great latitude in interpreting their statutory authorities. Unselected officials of the administrative state have thus been enabled to make decisions for the American people that, in a democracy, should only be made by Congress. These agencies have been grave: unnecessary regulation has imposed major costs on the U.S. economy, the constitutional separation of powers has been compromised, and unabated agency rulemaking has created a significant threat that Americans will one day question the legitimacy of their own government. To address these concerns, Wallison argues that the courts must return to the rule the Framers expected them to fulfill.

Deference to the Administration in Judicial Review This book investigates the mechanisms of judicial control to determine an efficient methodology for independence and accountability. Using over 800 case studies from the Czech and Slovak disciplinary courts, the author creates a theoretical framework that can be applied to future case studies and decrease the frequency of accountability perversions.

Improvement of the Administration of Justice As the first Christian emperor of Rome, Constantine the Great has long interested those studying the establishment of Christianity. But Constantine is also notable for his ability to control a sprawling empire and effect major changes. The Justice of Constantine examines Constantine’s judicial and administrative legislation and his efforts to maintain control over the imperial bureaucracy, to guarantee the working of Roman justice, and to keep the will of his subjects throughout the Roman Empire. John Dillon first analyzes the record of Constantine’s legislation and its relationship to prior legislation. His initial chapters also serve as an introduction to Roman law and administration in later antiquity. Dillon then considers Constantine’s public edicts and internal communications about law, trials and procedure, corruption, and punishment for administrative abuses. How imperial officials relied on correspondence with Constantine to resolve legal questions is also considered. A study of Constantine’s expedited appellate system, to ensure provincial justice, concludes the book. Constantine’s constitutions reveal much about the Theodosian Code and the laws included in it. Constantine consistently seeks direct sources of reliable information in order to enforce his will. In official correspondence, meanwhile, Constantine strives to maintain control over his officials through punishment; trusted agents; and the cultivation of accountability, rivalry, and suspicion among them.

Judicial Control Over Public Administration in Lebanon The Choices Justices Make is a groundbreaking work that offers a strategic account of Supreme Court decision making. Justices realize that their ability to achieve their policy and other goals depends on the preferences of other actors, the choices they expect others to make, and the institutional context in which they act. All these factors hold sway over justices as they make their decisions, from cases to accept, to how to interact with their colleagues, and what policies to adopt in their opinions. Choices is a thought-provoking work that is an excellent supplement for judicial process and public law courses. In addition to offering a unique and sustained theoretical account, the authors tell a fascinating story of how the Court works. Data culled from the Court’s public records and from the private papers of justices Brennan, Douglas, Marshall, and Powell provide empirical evidence to support the central argument, while numerous examples from the justices’ papers animate the book.

Rule of Law, Human Rights and Judicial Control of Power

Judicial Control of Administrative Action This thesis deals with an important subject: the Lebanese Bureau of Accounts as a central control agency of Lebanon public administration. The purpose of this study is to examine the organizational structures and functions of the Bureau from an administrative perspective with some special emphasis on its main developments and work as prescribed by Law No. 132 enacted on April 14, 1992. It discusses also the importance of financial accountability in government and the necessity of an independent auditing control agency from a comparative perspective. The Bureau of Accounts is an administrative court charged with the supervision of the administration of public funds. Its role is to control administratively the use of public funds and their conformity to the prevailing rules, laws, and regulations. The Bureau of Accounts was established in 1951. It performs both administrative and judicial functions. The administrative functions of the Bureau includes pre-audit, and post-audit control, whereas the judicial functions include control of accounts and control of public employees. The problems that the Bureau of Accounts faces are to be divided into two broad divisions: internal and external. The internal problems that the Bureau faces while it performs its duties and responsibilities are to be subdivided into three parts: legislative, administrative, and professional. The legislative problems include: 1- Deficiencies in Lebanon's Bureau of Accounts legislation specifically pertaining to its constitutional rights and privileges and its autonomy. 2- Discrepancy between what the law stipulates and what is put actually into practice. 3- No clear dichotomy between politics and administration. The administrative problems include: 1- Shortage of qualified personnel in the Bureau of Accounts. 2- More concern and emphasis on pre-audit rather than post-audit control. 3- Manual accounting methods. The professional problems include: 1- Unavailability of machines and equipments in the Bureau of Accounts. 2- Public employees lack the experience to use computers in performing their duties. In conducting its supervision and control functions, the Bureau encounters many problems with public agencies and ministries. This study concentrates on the problems the Bureau faces with three important ministries. These were chosen for the following reasons: The Ministries of Public Works and National Education and Youth and Sports, for their sizeable share of public budget estimated at around 4.8% and 4.2% respectively of the whole public budget; and the Ministry of Finance for its important role in financial control. The external problems of the Bureau of Accounts may be summarized as follows: 1- Illegality of the financial transactions. 2- Violations of the prevailing laws, rules and regulations. - vii - 3- Inefficiency in performing governmental activities. The solutions proposed by this study and by some bureaucrats may be summarized as follows: 1- To review government laws, rules and regulations of number of staff in the Bureau of Accounts; 3- To introduce new methods and techniques in the Bureau to facilitate the computation and preservation of transactions; 4- To replace the manual accounting methods by new modernized systems; 5- To raise pre-audit control from five to ten Lebanese pounds; 6- To grant the Bureau of Accounts more autonomy and independence in performing its duties and responsibilities; 7- To train and recruit new employees in the Bureau of Accounts; 8- To equip the Bureau of Accounts with documents and references pertinent to the subject matter of public employees in the Bureau of Accounts so that they will not be tempted to move to the private sector; 10- To appoint engineers, technicians and technicians in the Bureau of Accounts to estimate the values of materials and equipments; 11- To issue a special law enabling the Bureau to exercise control over the economic and development plans; 12- To determine the principles of the Bureau's control over institutions that have financial relations with the government; 13- To issue periodic bulletins explaining government policies in the public sector; 14- To avoid conflict interests between the Bureau of Accounts and the Council of Ministers; and, 15- To

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promote the principles of efficiency and effectiveness in public administration. On the whole, although the Bureau of Accounts in Lebanon faces many problems and weaknesses, it has proved to be, however, an indispensable central financial control agency, without whose existence public funds will be abused and wasted.

Knowledge as Power The third edition of this highly respected textbook introduces students of public administration to the practical issues of administrative law. It’s valuable to law school students, it is most relevant to public administration students. The presentation provides a concise foundation to the history and theory of administrative law, rule making, and judicial decisions. The most important issues in administrative law are included-meaningful issues for present and future administrators. A larger number of recent cases and other up-to-date information will be found in the book in order to make the student aware of the kinds of legal problems likely to be encountered in public agencies. One or two cases illustrate each problem at hand, rather than discussing in various arcane court decisions and the technicalities of legal procedure, in order to sketch the broad contours of the present law.

European Perspectives for Public Administration

Discretionary Power of Public Administration

The Administrative Process Through thoughtful essays linking historical concepts and practices, current issues, and modern research, Matthew Holden argues that administration is indispensable to politics. Essentially, public administration consists of making decisions about information, money, and force—the three crucial sources of power. Politics and administration cannot be separated, and no political system can be sustained when its administrative core collapses. In Holden’s view of administration, a crucial problem is turbulence: the presence of simultaneous pressures toward continuity and toward disruption. Holden examines turbulence in the intellectual history of administration as reflected in traditional political theory and in specific contemporary theories of organization, bureaucracy, and management. He also analyzes political dogmas as a form of control over turbulence, considering such concepts as executive discipline and the emergence of administrative law. He turns an unblinking eye on the practice of public administration today, buffeted by changes in technology and ethnic diversity.

Trial Court Performance Standards

Administrative Law for Public Managers

Federal Regulation of Methadone Treatment The US Constitution recognizes the president as the sole legal head of the executive branch. Despite this constitutional authority, the president’s actual control over administration varies significantly in practice from one president to the next. Presidential Control over Administration provides a new approach for studying the presidency and policymaking that centers on this critical and often overlooked historical variable. To explain the different configurations of presidential control over administration that recur throughout history—collapse, innovation, stabilization, and constraint—O’Brien develops a new theory that incorporates historical variation in a combination of key restrictions such as time, knowledge, and the structure of government as well as key incentives such as providing acceptable performance and implementing preferred policies. O’Brien then tests the argument by tracing the policymaking process in the domain of public finance across nearly a century of history, beginning with President Herbert Hoover during the Great Depression and ending with the first two years of the Trump presidency. Although the book focuses on historical variation in presidential control, especially during the New Deal era and the Reagan era, the theory and empirical analysis are highly relevant for recent incumbents. In particular, O’Brien shows that during the Great Recession and beyond the initial efforts of Presidents Barack Obama and Donald Trump to change the established course during a period of unified party control of the government were largely undercut by each president’s limited control over administration. Presidential Control over Administration is a groundbreaking contribution to our understanding of the presidency and policymaking.

Presidential Control Over Administration Strategies and priorities for the public sector in Europe The public sector in our society has over the past two decades undergone substantial changes, as has the academic field studying Public Administration (PA). In the next twenty years major shifts are further expected to occur in the way futures are anticipated and different cultures are integrated. Practice will be handled in a relevant way, and more disciplines will be engaging in the field of Public Administration. The prominent scholars contributing to this book put forward research strategies and focus on priorities in the field of Public Administration. The volume will also give guidance on how to redesign teaching programmes in the field. This book will provide useful insights to compare and contrast European PA with PA in Europe, and with developments in other parts of the world. Contributors: Geert Bouckaert (KU Leuven), Werner Jann (University of Potsdam), Jana Bertsels (University of Potsdam), Paul Joyce (University of Birmingham), Meets Kisting (Erasmus University Rotterdam), Thurd Huszti (Hertie School of Governance, Berlin), Tiina Randma-Liiv (Tallinn University of Technology), Martin Burgi (Ludwig Maximilians University of Munich), Philippe Bézès (Science Po Paris; CNRS), Salvador Parrado (Spanish Distance Learning University (UNED), Madrid), Mark Bovens (Utrecht University; VU), Rögnvald Einarsson (Reykjavík University), Seppo Wahl (Helsinki University of Technology), Raffaella Saporito (Bocconi University, Milan), Christopher Pollitt (KU Leuven), Edoardo Ongaro (Open University UK, Milton Keynes), Raffaella Saporito (Bocconi University, Milan), Per Laegreid (University of Bergen), Marcel Karré (Erasmus University Rotterdam), Thomas Schillemans (Utrecht University), Martin Van de Steen (Nederlandse School voor Openbaar Bestuur), Zeger van de Wal (Nationale Universiteit van Limburg), Michael Bauer (University of Speyer), Stefan Becker (University of Speyer), Benoît Cattala (Centre national de la fonction publique territoriale), Filipe Teles (University of Aveiro), Dejanca Cepila (Tor Vergata University of Rome), Marco Menguzzo (Tor Vergata University of Rome), Külö Sarapuu (Tallinn University of Technology), Leno Saarniit (Tallinn University of Technology), Gyorgy Hajnal (Corvinus University of Budapest; Centre for Social Research of the Hungarian Academy of Sciences).

Judicial Control of Administrative Action Judicial control of public power ensures a guarantee of the rule of law. This book addresses the scope and limits of judicial control at the national level, i.e., the control of public authorities, and at the supranational level, i.e., the control of States. It explores the role of judicial review leading to judicial activism that can threaten the principle of the separation of powers or the legitimate exercise of state powers. It analyzes how national legal systems have embodied certain mechanisms, such as the principles of reasonableness, proportionality, deference and margin of appreciation, as well as the horizontal effects of human rights that help to determine how far a judge can go. Taking a theoretical and comparative view, the book first examines the conceptual bases of the various control systems and then studies the models, structural elements, and functions of the control instruments in selected countries and regions. It uses country and regional reports as the basis for the comparison of the convergences and divergences of the implementation of control in certain countries of Europe, Latin America, and Africa. The book’s theoretical reflections and comparative investigations provide answers to important questions, such as whether or not there are nascent universal principles concerning the control of public power, how strong the impact of particular legal traditions is, and to what extent international law concepts have had harmonizing and strengthening effects on internal public-power control.
Perils of Judicial Self-Government in Transitional Societies This open access book presents a topical, comprehensive and differentiated analysis of Germany’s public administration and reforms. It provides an overview on key elements of German public administration at the federal, Länder and local levels of government as well as on current reform activities of the public sector. It examines the key institutional features of German public administration; the changing relationships between public administration, society and the private sector; the administrative reforms at different levels of the federal system and numerous sectors; and new challenges and modernization approaches like digitalization, Open Government and Better Regulation. Each chapter offers a combination of descriptive information and problem-oriented analysis, presenting key topical issues in Germany which are relevant to an international readership.