

1. Record Nr.	UNINA9910777856503321
Autore	Sandler Ross
Titolo	Democracy by decree [[electronic resource]] : what happens when courts run government // Ross Sandler and David Schoenbrod
Pubbl/distr/stampa	New Haven, : Yale University Press, c2003
ISBN	1-281-72946-9 9786611729462 0-300-12913-0
Descrizione fisica	1 online resource (286 p.)
Altri autori (Persone)	SchoenbrodDavid
Disciplina	347.73/1
Soggetti	Judge-made law - United States Judicial power - United States Courts - United States Democracy - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	How courts came to govern -- How Congress creates rights -- How courts enforce rights -- Something new is going on in court -- How court management works -- A good thing gone wrong -- Why the wrong thing continues -- Road to reform -- New principles.
Sommario/riassunto	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.
