Livre Droit Administratif Bertrand Seiller

La question de l'interprétation constitutionnelle est aujourd'hui centrale. Mais qui est le plus légitime pour affirmer une interprétation définitive du droit ? Au coeur de cette interrogation se trouve le juge constitutionnel, dont l'activité interprétative est parfois mal acceptée. Cela participe à l'affaiblissement de son autorité dans un système juridique concurrentiel marqué par le pluralisme, aux stades de la production et de l'application du droit. Si le juge a le privilège de juger, il doit être aussi jugé. En ce sens, les méthodes du juge deviennent centrales. Parmi elles se trouve l'usage des travaux préparatoires en tant que supports de l'interprétation.

Includes, 1982-1995: Les Livres du mois, also published separately.

This book traces the emergence and contestation of State responsibility for rebels during the nineteenth and early-twentieth centuries. In the context of decolonisation and capitalist expansion in Latin America, it argues that the mixed claims commissions-and the practices of intervention associated with them-served to insulate economic order against revolution, by taking the question of who assumed the risk of harm by rebels out of the scope of national authority. The jurisprudence of the commissions was contradictory and ambiguous. It took a lot of interpretive work by later scholars and codifiers to rationalise rules of responsibility out of these shaky foundations, as they battled for the meaning and authority of the arbitral practice. The legal debates were structured around whether the standard of protection against rebels owed to aliens was nationally or internationally determined and whether it was domestic or international authority that adjudicated such standard-a struggle over the internationalisation of protection against rebels.

Un cours complet en Contentieux administratifs et des sujets corrigés pour réussir aux examens et concours. Niveau Licence et Master Droit, CRFPA et ENM, IEP et Concours administratifs.

Poder de Polícia é uma obra que resultou de estudo desenvolvido em nível de mestrado na Universidade de São Paulo acerca da delegação do exercício de tal competência a entes privados. Para chegar à questão de alta indagação foi necessário fazer uma análise crítica sobre o que corresponde hoje à tarefa estatal de disciplinar condutas com o propósito de preservar e promover o bem comum. No texto o leitor encontra o posicionamento do autor sobre diversos aspectos polêmicos envolvendo o Poder de Polícia. Discute-se, por exemplo, a possibilidade de seu manejo de forma consensual; qual critério deve prevalecer caso mais de um ente da Federação fiscalize o cumprimento de normas preservando bens jurídicos de interesse comum; e a própria finalidade do desempenho de tal função, do que redunda o dever de um agir proporcional por parte da Administração e, sobretudo, a rejeição de seu uso com objetivo arrecadatório. A compreensão defendida para o instituto repercute no resultado da investigação. Além de resposta ao problema que motivou a pesquisa, o autor sugere novos estudos, fazendo referência a lições fundamentais sobre o tema. Em alguns momentos o leitor vai se deparar com verdadeiros desabafos de um estudioso do Direito, inconformado com o descompromisso ainda existente em no Estado brasileiro com a racionalidade e o respeito ao cidadão. Assuntos, aliás, que continuam merecendo sua atenção.

The practice of regulatory impact assessment has long needed a critical evaluation. This volume, which is interdisciplinary and international, and combines academic and practitioner insights, hits the spot to great effect. Colin Scott, UCD College of Business and Law and UCD School of Law, Ireland Better state regulation is a key component of economic reform. This is the first book to comprehensively explore international experience in the use of Regulatory Impact Assessment (RIA), which involves assessing the potential benefits and costs of any regulatory change. The contributors reveal that RIA is being adopted by an increasing number of countries as a route to better regulation with varying degrees of success. The book includes contributions from leading experts on regulatory reform and introduces a range of case studies from developed, developing and transitional economies. Comprehensive in its approach, this book contributes to the literature on evidence-based decision making as part of the new public management. By rigorously examining the principles of better regulation and focusing on the problem of applicability and adoption of RIA practices around the world, it will greatly aid understanding of regulatory policy design and implementation. The book will be invaluable for academics and researchers of public policy and management in developed, developing and transitional countries. It will also be of great practical relevance to government administrators and policymakers challenged by the need to understand the scope and limitations of RIA.

From the bestselling authors of The Right Nation, a visionary argument that our current crisis in government is nothing less than the fourth radical transition in the history of the nation-state Dysfunctional government: It’s become a cliché, and most of us are resigned to the fact that nothing is ever going to change. As John Micklethwait and Adrian Wooldridge show us, that is a seriously limited view of things. In fact, there have been three great revolutions in government in the history of the modern world. The West has led these revolutions, but now we are in the midst of a fourth revolution, and it is Western government that is in danger of being left behind. Now, things really are different. The West’s debt load is unsustainable. The developing world has harvested the low-hanging fruits. Industrialization has transformed all the peasant economies it had left to transform, and the toxic side effects of rapid developing world growth are adding to the bill. From Washington to Detroit, from Brasilia to New Delhi, there is a dual crisis of political legitimacy and political effectiveness. The Fourth Revolution crystallizes the scope of the crisis and points forward to our future. The authors enjoy extraordinary access to influential figures and forces the world over, and the book is a global tour of the innovators in how power is to be wielded. The age of big government is over; the age of smart government has begun. Many of the ideas the authors discuss seem outlandish now, but the center of gravity is moving quickly. This tour drives home a powerful argument: that countries’ success depends overwhelmingly on their ability to reinvent the state. And that much of the West—and particularly the United States—is failing badly in its task. China is making rapid progress with government reform at the same time as America is falling badly behind. Washington is gridlocked, and America is in danger of

squandering its huge advantages from its powerful economy because of failing government. And flailing democracies like India look enviously at China’s state-of-the-art airports and expanding universities. The race to get government right is not just a race of efficiency. It is a race to see which political values will triumph in the twenty-first century—the liberal values of democracy and liberty or the authoritarian values of command and control. The stakes could not be higher.
Premier ouvrage conçu par un membre du Conseil d'Etat et un universitaire, ce manuel, à vocation pédagogique, présente d'une manière renouvelée les lignes de force qui structurent depuis deux siècles le modèle français de contrôle juridictionnel de l'administration. Le contentieux administratif a profondément évolué au cours du dernier quart de siècle. Par l'effet conjoint de réformes textuelles et d'avancées jurisprudentielles, le juge administratif dispose désormais de tous les moyens nécessaires pour assurer le contrôle de l'action administrative. Aux développements classiques consacrés à l'histoire et à l'organisation de l'ordre administratif, à la distinction de ses contentieux et aux procédures qui sont applicables, s'ajoute une présentation des règles et des pratiques contentieuses sous un angle plus original : analyse des principes directeurs du procès, description de la chaîne contentieuse, place du dialogue des juges dans l'exercice des pouvoirs juridictionnels. Selon le principe de la collection, le cours est suivi de compléments pédagogiques pour vérifier ses acquis théoriques et se préparer aux examens.
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En pleine congruence avec l’ambition du Groupe Européen pour l’Administration Publique d’encourager les échanges interculturels, ce livre constitue une entreprise originale, mi-anglophone mi-francophone. Cet ouvrage issu du Congrès du GEAP 2010 a pour objet de combler un déplorable fossé et de donner une visibilité internationale au « cas français ». Dès lors ce livre, en 18 chapitres rédigés en français par une équipe interdisciplinaire (politistes, sociologues, historiens, socio-historiens, juristes) avec plus de 150 pages en anglais et une vaste bibliographie unifiée, entend offrir à tous les spécialistes de l’administration publique de par le monde un point d’accès unique au plus récent état des savoirs sur l’administration en France – ce pays où le mot État s’écrit avec un E majuscule.
========== In full compliance with the ambition of the European Group for Public Administration to encourage cross-cultural exchanges, this book is a genuinely original undertaking. It is a hybrid Anglophone-Francophone product. This book from EGPA 2010 Conference purpose to bridge a regrettable gap and to give international visibility to the “French case”. Thus, this book, in 18 chapters written in French by an interdisciplinary team (political scientists, sociologists, historians, sociohistorians, jurists) with more than 150 pages in English and a vast unified bibliography, offers to all students of public administration in the world a unique entry gate to the latest state of the art of administrative studies in France – this country where the State is to be spelled with a capital S.
An important read for academics and policy-makers alike, Hard Choices, Soft Law asserts that voluntary standards, or 'soft' law, are an important supplement to international law in a number of areas. This key work firstly outlines the approach taken to combining soft and hard law and trade, environment and labour values in the WTO and NAFTA, and in the prospective Millennium Round. Then, using the forestry sector - a realm where formal international law remains largely absent - the book provides a detailed examination of the role of soft law in action. It demonstrates how soft and hard law can be combined to promote trade, environmental and social cohesion, in ways that also permit sustainable development. The book presents a wealth of knowledge from a range of contributors familiar with the work of the G7/G8, the OECD, the Biodiversity Convention and the Codex Alimentarius.
La liste exhaustive des ouvrages disponibles publiés en langue française dans le monde. La liste des éditeurs et la liste des collections de langue française.
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Classic account of basic methodology and psychology of scientific discovery explains how scientists analyze and choose their working facts and explores the nature of experimentation, theory, and the mind. 1914 edition.
So commonplace has the term rule of law become that few recognize its source as Dicey's Introduction to the Study of the Law of the Constitution. Cosgrove examines the life and career of Dicey, the most influential constitutional authority of late Victorian and Edwardian Britain, showing how his critical and intellectual powers were accompanied by a simplicity of character and wit. Dicey's contribution to the history of law is described as is his place in Victorian society. Originally published 1980. A UNC Press Enduring Edition -- UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print. These editions are published unaltered from the original, and are presented in affordable paperback formats, bringing readers both historical and cultural value.
A comprehensive overview of the field of comparative administrative law that builds on the first edition with many new and revised chapters, additional topics and extended geographical coverage. This Research Handbook’s broad, multi-

method approach combines history and social science with more strictly legal analyses. This new edition demonstrates the growth and dynamism of recent efforts – spearheaded by the first edition – to stimulate comparative research in administrative law and public law more generally, reaching across different countries and scholarly disciplines.
Chronicles the end of the Cold War and argues that there now exists an explosive world political situation without historical precedent--economic globalization accompanied by the quest for ethnic identity.
Acclaim for the first edition: ïThis is a very important and immense book. . . The Elgar Encyclopedia of Comparative Law is a treasure-trove of honed knowledge of the laws of many countries. It is a reference book for dipping into, time and time again. It is worth every penny and there is not another as comprehensive in its coverage as ElgarÍs. I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers. This is a very important book that should be sitting in every university law school library.Í _ Sally Ramage, The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries, this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present-day comparative law scholarship. Written by leading authorities in their respective fields, the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law, but also specific areas of law (such as administrative law and criminal law) and specific topics (such as accident compensation and consideration). In addition, the Encyclopedia contains reports on a selected set of countriesÍ legal systems and, as a whole, presents an overview of the current state of affairs. Providing its readers with a unique point of reference, as well as stimulus for further research, this volume is an indispensable tool for anyone interested in comparative law, especially academics, students and practitioners.
It also extends the analysis to the international stage, arguing that international institutions, such as the OECD, the UN, the IMF and the World Bank, have for decades used soft law as a means, indeed their only means, of regulating international agreements. Comparisons between the two arenas are then drawn and indicate very different roles for soft law." "This book will appeal to scholars of European law and politics as well as those involved with or interested in the policy implications of this mode of governance."--Jacket.
Droit administratifTome 1, Les sources et le jugeDroit administratifTome 2, L'action administrativeDroit administratifContentieux administratif
Two series of letters that have been described as "the wellsprings of nearly all ensuing debate on the limits of governmental power in the United States" are collected in this volume. The writings include Letters from a Farmer in Pennsylvania—the "farmer" being the gifted and courageous statesman John Dickinson and Letters from the Federal Farmer—he being the redoubtable Richard Henry Lee of Virginia. Together, Dickinson and Lee addressed the whole remarkable range of issues provoked by the crisis of British policies in North America, a crisis from which a new nation emerged from an overreaching empire. Dickinson wrote his Letters in opposition to the Townshend Acts by which the British Parliament in 1767 proposed to reorganize colonial customs. The publication of the Letters was, as Philip Davidson believes, "the most brilliant literary event of the entire Revolution." Forrest McDonald adds, "Their impact and their circulation were unapproached by any publication of the revolutionary period except Thomas Paine's Common Sense." Lee wrote in 1787 as an Anti-Federalist, and his Letters gained, as Charles Warren has noted, "much more widespread circulation and influence" than even the heralded Federalist Papers. Both sets of Letters deal, McDonald points out, "with the same question: the never-ending problem of the distribution of power in a broad and complex federal system." The Liberty Fund second edition includes a new preface by the editor in which he responds to research since the original edition of 1962. Forrest McDonald is Professor of History at the University of Alabama and author also of E Pluribus Unum, among other works.
Abstract: Over the last two decades the punitiveness of the juvenile justice system has declined" substantially relative to the adult courts. During that same time period juvenile violent crime" rates have grown almost twice as quickly as adult crime rates. This paper examines the degree to" which those two empirical observations are related, finding that changes in relative punishments" can account for 60 percent of the differential growth rates in juvenile and adult violent crime" between 1978 and 1993. Juvenile offenders appear to be at least as responsive to criminal" sanctions as adults. Moreover, sharp changes in criminal involvement with the transition from" the juvenile to the adult court suggest that deterrence, rather than simply incapacitation important role. There does not, however, appear to be a strong relationship between the" punitiveness of the juvenile justice system that a cohort faces and the extent of criminal" involvement for that cohort later in life.
In contrast to the widespread focus on ethnicity in relation to engagement in offending, the question of whether or not processes associated with desistance - that is the cessation and curtailment of offending behaviour - vary by ethnicity has received less attention. This is despite known ethnic differences in factors identified as affecting disengagement from offending, such as employment, place of residence, religious affiliation and family structure, providing good reasons for believing differences would exist. This book seeks to address this oversight. Using data obtained from in-depth qualitative interviews it investigates the processes associated with desistance from crime among offenders drawn from some of the principal minority ethnic groups in the United Kingdom. Cultures of Desistance explores how structural (families, friends, peer groups, employment, social capital) and cultural (religion, values, recognition) ethnic differences affected the environment in which their desistance took place. For Indians and Bangladeshis, desistance was characterised as a collective experience involving their families actively intervening in their lives. In contrast, Black and dual heritage offenders' desistance was a much more individualistic endeavour. The book suggests a need for a research agenda and justice policy that are sensitive to desisters' structural location, and for a wider culture which promotes and supports desisters' efforts.
This book offers the first systematic investigation of the phenomenon of soft law within the framework of the EC (the first pillar of the EU),and its use by the European Commission and Council of Ministers. It focusses upon how soft law fits into the Community legal system, and how it is used, and, in particular, how it relates to Community legislation. Differentiation of the Community instruments, including the instruments of soft law, is often thought to enhance the effectiveness, legitimacy and transparency of the Community. This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and, if so, in what cases and under what conditions. Furthermore, the author asks to what extent the use of soft law implies good governance, and throws fresh light on this very heterogenous phenomenon, by looking at frequently used instruments in many

different areas of Community law, such as competition law, state aid, environment, social policy etc., in the process identifying their different characteristics, aims, functions and legal effects. What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy, effectiveness and transparency of Community action. This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law. It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution, and goes beyond the immediate problems of soft law to touch upon issues such as competence, legal protection, division of powers between the EC and the Member States, institutional balance, lawmaking by the Community Courts, the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law.

Les auteurs du présent ouvrage ont souhaité rendre compte de la dynamique qui caractérise aujourd'hui le droit public : si sa finalité demeure la satisfaction de l'intérêt général, ses sources se multiplient et les techniques mises en oeuvre par l'administration se diversifient. Partant de ce constat, le parti a été pris de suivre un même fil conducteur pour l'ensemble des chapitres : après une présentation de l'historique du thème traité, sont successivement exposés les connaissances de base s'y rapportant, le bilan de l'actualité, qui présente les évolutions les plus récentes et les interrogations qu'elles suscitent, et enfin les perspectives qui permettent d'approfondir la réflexion. Le lecteur, qu'il soit étudiant en université ou en Institut d'études politiques, candidat aux concours administratifs, praticien du droit, voire simplement curieux de découvrir le droit public, dispose ainsi d'un ouvrage dont la clarté de l'exposé et l'actualisation ont fait l'objet d'une attention particulière et qui lui offre les outils nécessaires au développement de sa réflexion.