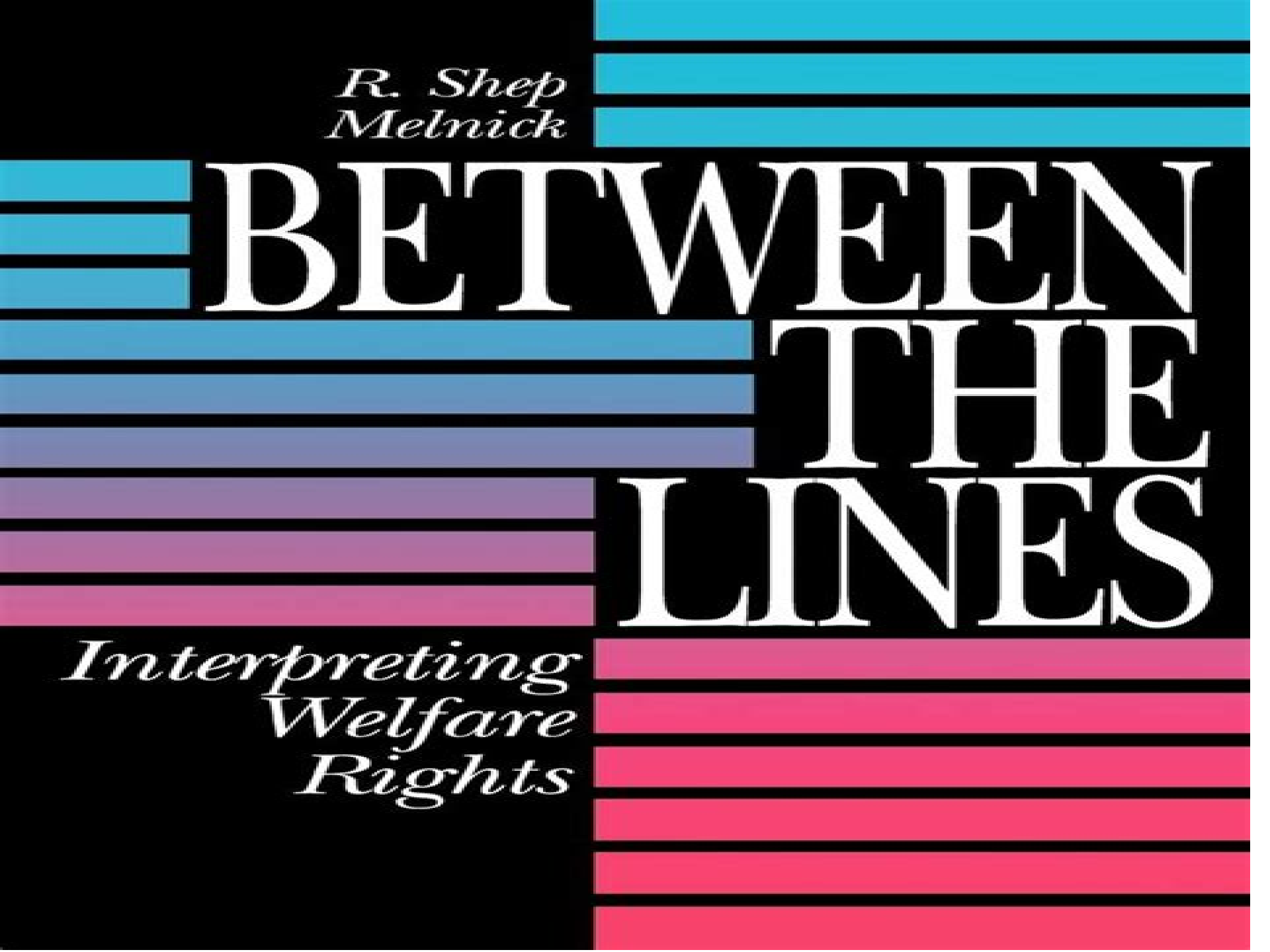




*R. Shep
Melnick*

BETWEEN THE LINES

*Interpreting
Welfare
Rights*

Between The Lines Interpreting Welfare Rights

Jyl J. Josephson



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Between the Lines R. Shep Melnick, 2010-12-01 Judicial interpretation of federal statutes has often been at the center of political controversy in recent years. In fact, it would be difficult to find a major domestic policy area in which statutory interpretation by the federal courts has not played a significant role in shaping the activities of government. In most important cases, judges base their interpretation not on the letter of the law but on their reading of its history, purpose, and spirit. What judges discover between the lines of statutes often has major policy consequences. This book examines how statutory interpretation has affected the development of three programs: Aid to Families with Dependent Children, education for the handicapped, and food stamps. It explores how these decisions have changed state and national policies and how other institutions, especially Congress, have reacted to them. Although these three programs differ in several important ways, in each instance, court action has expanded program benefits and increased federal control over state and local governments. R. Shep Melnick ties trends in statutory interpretation to broader policy developments, including the expansion of the agenda of national government, the persistence of divided government, and the resurgence and decentralization of Congress. He demonstrates that Congress frequently modifies or overturns court rulings, and he explains why statutory interpretation became so controversial in the 1980s. *Between the Lines* also explores the understanding of welfare rights that has guided the development of welfare policy over the past fifty years. What basic beliefs about the welfare state underlie court decisions interpreting these statutes? To what extent do members of Congress share these views? How have the assumptions of judges and members of Congress changed over time? These are some of the questions addressed in this detailed study of American welfare policy.

Disentitlement? Timothy S. Jost, 2003 This book is about health care entitlements in the US and about the threat of disentitlement. It describes the history and legal character of our Medicare and Medicaid programs and of the tax subsidies that have brought health insurance to most working Americans. It examines the threat that our entitlements face from privatization, individualism, and devolution. It considers the models that other countries have developed for health care entitlements and what we can learn from them. The book concludes by proposing a redesigned entitlement-based health care system for the future.

Courts and Congress Robert A. Katzmann, 2010-12-01 What role should the Senate play in the selection and confirmation of judges? What criteria are appropriate in evaluating nominees? What kinds of questions and answers are appropriate in confirmation hearings? How do judges interpret laws enacted by Congress, and what problems do they face? And what kinds of communications are proper between judges and legislators? These questions go to the heart of the relationship between the federal judiciary and Congress, a relationship that critically shapes the administration of justice. The judiciary needs an environment respectful of its mission, and the legislative branch seeks a judicial system that faithfully construes its laws and efficiently discharges justice. But the judicial-congressional relationship is hindered by an array of issues, including an ever-rising judicial caseload, federalization of the law, resource constraints, concerns about the

confirmation process increasing legislative scrutiny of judicial decisionmaking and the administration of justice and debates about how the courts should interpret legislation Drawing on the world of scholarship and from personal experience Robert A Katzmann examines governance in judicial congressional relations After identifying problems he offers ways to improve understanding between the two branches Copublished with the Governance Institute

The American Legal System Albert P. Melone, Allan Karnes, 2008 Firmly anchored in social science concepts the second edition of The American Legal System demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom

Rethinking Sexual Citizenship Jyl J. Josephson, 2016-05-01 Offers a more democratic way to think about families politics and public life Public policy often assumes there is one correct way to be a family Rethinking Sexual Citizenship argues that policies that enforce this idea hurt all of us and harm our democracy Jyl J Josephson uses the concept of sexual citizenship a criticism of the assumption that all families have a heterosexual at their center to show how government policies are made to punish or reward particular groups of people This analysis applies sexual citizenship not only to policies that impact LGBTQ families but also to other groups including young people affected by abstinence only public policies and single parent families affected by welfare policy The book also addresses the idea that the normal family in the United States is white It concludes with a discussion of how scholars and activists can help create a more inclusive democracy by challenging this narrow view of public life

Remaking America Joe Soss, Jacob S. Hacker, Suzanne Mettler, 2007-11-08 Over the past three decades the contours of American social economic and political life have changed dramatically The post war patterns of broadly distributed economic growth have given way to stark inequalities of income and wealth the GOP and its allies have gained power and shifted U S politics rightward and the role of

government in the lives of Americans has changed fundamentally Remaking America explores how these trends are related investigating the complex interactions of economics politics and public policy Remaking America explains how the broad restructuring of government policy has both reflected and propelled major shifts in the character of inequality and democracy in the United States The contributors explore how recent political and policy changes affect not just the social standing of Americans but also the character of democratic citizenship in the United States today Lawrence Jacobs shows how partisan politics public opinion and interest groups have shaped the evolution of Medicare but also how Medicare itself restructured health politics in America Kimberly Morgan explains how highly visible tax policies created an opportunity for conservatives to lead a grassroots tax revolt that ultimately eroded of the revenues needed for social welfare programs Deborah Stone explores how new policies have redefined participation in the labor force as opposed to fulfilling family or civic obligations as the central criterion of citizenship Frances Fox Piven explains how low income women remain creative and vital political actors in an era in which welfare programs increasingly subject them to stringent behavioral requirements and monitoring Joshua Guetzkow and Bruce Western document the rise of mass incarceration in America and illuminate its unhealthy effects on state social policy efforts and the civic status of African American men For many disadvantaged Americans who used to look to government as a source of opportunity and security the state has become increasingly paternalistic and punitive Far from standing alone their experience reflects a broader set of political victories and policy revolutions that have fundamentally altered American democracy and society Empirically grounded and theoretically informed Remaking America connects the dots to provide insight into the remarkable social and political changes of the last three decades

Varieties of Legal Order Thomas F. Burke, Jeb Barnes, 2017-08-14 Across the globe law in all its variety is becoming more central to politics public policy and everyday life For over four decades Robert A Kagan has been a leading scholar of the causes and consequences of the march of law that is characteristic of late 20th and early 21st century governance In this volume top sociolegal scholars use Kagan s concepts and methods to examine the politics of litigation and regulation both in the United States and around the world Through studies of civil rights law tobacco politics Eurolegalism Russian auto accidents Australian coal mines and California prisons these scholars probe the politics of different forms of law and the complex path by which law on the books shapes social life Like Kagan s scholarship Varieties of Legal Order moves beyond stale debates about litigiousness and overregulation and invites us to think more imaginatively about how the rise of law and legalism will shape politics and social life in the 21st century

Overruled? Jeb Barnes, 2004-02-25 Since the mid 1970s Congress has passed hundreds of overrides laws that explicitly seek to reverse or modify judicial interpretations of statutes Whether front page news or not overrides serve potentially vital functions in American policy making Federal statutes and court cases interpreting them often require revision Some are ambiguous some conflict and others are obsolete Under these circumstances overrides promise Congress a means to repair flawed statutes reconcile discordant court

decisions and reverse errant judicial interpretations Overrides also allow dissatisfied litigants to revisit issues and raise concerns in Congress that courts have overlooked Of course promising is one thing and delivering is quite another Accordingly this book asks Do overrides in fact effectively clarify the law reverse objectionable judicial statutory interpretations and broaden deliberation on contested issues The answers provide new insights into the complex role of overrides in U S policy making and in the politics of contemporary court Congress relations **No Day in Court** Sarah L. Staszak, 2015 While the majority of the landmark laws and legal precedents expanding access to justice in the United States remain intact less than 2 percent of civil cases are decided by a trial today What explains this phenomenon and why it is so difficult to get one's day in court This book examines the sustained efforts of political and legal actors to scale back access to the courts in the decades since it was expanded largely in the service of the rights revolution of the 1950s and 60s

Children in Court Susan Gluck Mezey, 1996-07-03 This book examines the role of the federal courts in policymaking for children Believing that the federal courts are uniquely situated to provide relief to the less powerful in society Mezey assesses the judiciary's response to the demands for children's rights and benefits across a number of policy areas and a range of statutory and constitutional issues Through analysis of Supreme Court and lower court opinions over the last several decades she determines the extent to which federal court decisionmaking has affected the legal political economic and social status of children in the United States

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