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SECOND EDITION



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FOUNDATIONS OF ADMINISTRATIVE LAW

SECOND EDITION

Peter H. Schuck
*Simeon E. Baldwin Professor of Law
Yale Law School*

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PREFACE TO THE SECOND EDITION

In the decade since the publication of *Foundations of Administrative Law*, the institutions and doctrine of administrative law have continued to evolve, and academic commentary on these developments has proliferated. The rapid globalization of the economy has generated novel international regulatory schemes and bureaucracies, enlarging administrative law's domain. Successive presidents have sought to exercise greater control over the increasingly complex administrative state through new institutions, techniques, and ideological claims. Congress has hardly stood by during these assertions of executive power; instead, it has advanced its own. One effect of these political struggles has been to complexify the informal rulemaking process, which in turn has prompted a search for ways to make it more attractive to agencies. Use of the Internet, negotiated rulemaking, decentralized administration, and privatization of previously public activities have grown in significance. Ongoing psychological research on cognitive theory and practice—and on the important and interesting gap between them—has introduced insights about government decisionmaking that are already influencing the discourse, and perhaps in time the doctrine, of administrative law. Courts and agencies, for their part, continue to grapple with the perennial issues of interpretation, delegation, discretion, authority, participation, rationality, expertise, legitimacy, and politics. I have endeavored to reflect all of these developments, and more, in this new edition.

I wish to acknowledge the outstanding research assistance of Brianne Gorod, Yale Law School class of 2005.

Peter H. Schuck
September 2003

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