

Comparative Administrative Law Scholarship Corner

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The Drafters of a Key 1940s Law Feared an American Dictator. Trump Is Blowing That Law Up

Slate website; published: May 12, 2025.

Ackerman, Bruce; Rose-Ackerman, Susan

This text describes former President Donald Trump's actions during the initial period of his potential second term, categorizing them as a three-part challenge to established governmental principles. The authors focus on Trump's purported disregard for the Administrative Procedure Act (APA), which governs executive branch rulemaking, and his efforts to erode the autonomy of independent agencies. Finally, the analysis highlights his creation of a "Department of Government Efficiency" through executive order and subsequent unilateral budget cuts, presenting these actions as undermining the constitutional system of checks and balances established by the Framers. The text argues these combined efforts represent a significant threat to American democratic foundations.

Administrative Adjudication in the United States

Santa Clara Univ. Legal Studies Research Paper No. 5140157, Written July 01, 2023; Posted in SSRN 24 Feb 2025

Asimow, Michael

This is a chapter from the book "Administrative Tribunals in the Common Law World," edited by Stephen Thomson, Matthew Groves, and Greg Meeks (Hart Publishing 2024). Most English-speaking countries rely on tribunals to conduct administrative adjudication. A tribunal is a body independent of the government agency that makes the initial decision in disputes between private parties and government that involve administrative regulation or benefit distribution. The US does not rely primarily on tribunals to provide administrative hearings. Instead, the default system for both federal and state governments is a combined-function design. Under that model, a government agency adopts regulations and distributes benefits or prosecutes violations of the governing statute and regulations. That agency then adjudicates the resulting disputes. Although the US default is the combined-function agency, its administrative adjudication system is quite varied and includes numerous tribunals. This chapter provides a general overview of that system. It also sets out a theoretical approach to agency adjudication to assist the reader in distinguishing between the many design variations found in adjudicatory systems throughout the world, including both the combined-function and tribunal models as well as the administrative court system used in numerous countries.

The chapter then discusses the combined-function agency model. It sets out a typology of three different types of US combined-function administrative adjudication and discusses the US Administrative Procedure Act and the history of combined-function agencies. Finally, it discusses US tribunals. The volume of decisions arising out of administrative adjudication is vastly greater than those resolved by courts. The outcome of most administrative disputes (such as disputes over benefit claims or minor penalties) is not very important to the government, but every one of them is vitally important to the private party who has challenged the government. For these reasons, administrative adjudication is deserving of scholarly attention. Comparative law helps scholars and policymakers to better understand their own administrative adjudicatory systems and furnishes them with ideas for transplanted procedures that might improve those systems.

 Administrative Rulemaking and Planning in European Laws

Oxford University Press; ISBN: 9780198867616

**Cananea, Giacinto della
Zumbini, Angela Ferrari**

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Administrative rulemaking and planning is an under-studied and under-theorized area of public law. To better understand how administrative functions and powers are discharged by public authorities and private bodies, this seventh volume in the Common Core of European Administrative Law series argues that we must consider all forms of administrative action, not just formal procedures and judicial review. As such, greater attention needs to be paid to administrative rulemaking and planning, which have a significant impact on economics and society.

Through extensive comparative research, this book examines this increasingly important field of administrative law. It focuses mainly on Europe, analyzing ten national systems including eight European Union member states, Norway, and the UK, but it also explores the legal systems of the United States and China, as well as that of a non-state entity - the European Union itself.

The questions investigated across these systems include whether administrative agencies may fetter their discretion through policy and rules, whether their rules must be published, and what remedies are available when plans adversely impact individual rights. These questions are examined through a factual analysis based on a set of ten hypothetical cases, which are discussed by national experts.

This comparative approach identifies commonalities and differences between legal systems, such as in consultation and transparency, in the rights of public service users, and in legal remedies to address rules and plans. As in other volumes in the series, both similarity and difference are essential to understanding how a 'common core' is shaped and evolves.

 Candour in Judicial Review Proceedings in Canada

Canadian Bar Review (forthcoming), Written March 31, 2025; Posted in SSRN 5 May, 2025.

Daly, Paul

To date, Canada knows no 'duty of candour' in judicial review proceedings. Such a duty, requiring individuals and government alike to make full and timely disclosure of relevant material, has long existed in other jurisdictions. In this paper, I discuss the potential recognition of a duty of candour in Canadian administrative law. Indeed, I will argue that a principle of candour is already immanent in the Canadian law of judicial review of administrative action. This principle has various manifestations, which I will describe. Building on these manifestations, I will conclude by suggesting that the principle should be recognized by the courts, who should feel comfortable imposing disclosure requirements on administrative decision-makers in judicial review proceedings. In Part I, I introduce the duty of candour. In Part II, I explain why candour matters by describing how judicial review operates on the basis of a limited record. In Part III, I outline some barriers to the production of a complete record (ie a record that would permit a reviewing court to determine whether the decision in question satisfies the standards of administrative law) before, in Part IV describing why the resultant situation is problematic. In Part V, however, I outline the ways in which Canadian courts have managed or circumvented these barriers. These judicial strategies lead me to consider that a principle of candour is already immanent in Canadian law and I conclude by suggesting that this be made explicit.

 EU Administrative Law

Elgar European Law series; Publication Date: 2024; ISBN: 9781800375741

**Galetta, Diana-Urania
Ziller, Jacques**

This insightful book analyses the theory and practice of administrative law in the European Union and its member states. Adopting a functional approach, Diana-Urania Galetta and Jacques Ziller provide a detailed overview of the law as it applies to EU institutions, bodies, offices, agencies, and member state authorities.

Judicial Discretion, Hard Cases and Administrative Justice in Georgia

Collection of Scientific Papers of the Comparative Research Platform 2023, Written February 03, 2025; Posted in SSRN 03 May, 2025

Gegenava, Dmitry

Judicial discretion is always a relevant issue as it pertains both to the interpretation of legal norms and to the assessment of specific facts by the court. This takes on particular importance when considering and resolving Dworkinian "hard cases," where the complexity of interpretation is compounded by the specifics of administrative disputes and the necessity of taking public interest into account.

This paper examines the Georgian experience of hard cases in Georgian administrative justice where the idea of the Judge Hercules was implemented in practice through various forms of judicial activism.

Argument zdravog razuma u upravnom sporu u Hrvatskoj

"The common sense argument in administrative dispute in Croatia"

Hrvatska i komparativna javna uprava, vol. 25, no. 1, 2025, pp. 149-172

Held, Mateja Dominić, Karen

Zakonite i pravične odluke sudova podrazumijevaju pravilno i potpuno utvrđeno činjenično stanje te tumačenje i pravilnu primjenu materijalnog prava na konkretan društveni odnos. Argument zdravog razuma zaživio je u ustavnosudskoj praksi prema kojoj se pravna pravila ne smiju mehanički primjenjivati na konkretne životne situacije i potrebno je zasebno razmotriti svaki pojedini slučaj. Rad je posvećen argumentu zdravog razuma u upravnosudskoj i ustavnosudskoj praksi na temelju kojeg Ustavni sud Republike Hrvatske stavlja izvan snage presude i rješenja upravnih sudova radi zaštite vladavine prava i ustavnih prava pojedinaca. U radu je predstavljena zaštita pojedinačnih prava i pravnih interesa pred upravnim sudovima, Ustavnim sudom Republike Hrvatske i Europskim sudom za ljudska prava. Cilj je ovog rada uočiti manjkavosti upravne i upravnosudske prakse zbog neuvažavanja argumenta zdravog razuma. U radu su iznesena i određena zapažanja koja bi mogla pridonijeti češćem pozivanju na argument zdravog razuma u upravnoj i upravnosudskoj praksi.

Abstract (translated to English by IA):

Lawful and fair court decisions require a correctly and fully established factual background, as well as the interpretation and proper application of substantive law to a specific social relationship. The *common-sense argument* has emerged in constitutional court practice, according to which legal rules must not be applied mechanically to real-life situations, and each individual case must be considered separately. This paper is dedicated to the *common-sense argument* in administrative and constitutional court practice, based on which the Constitutional Court of the Republic of Croatia annuls judgments and decisions of administrative courts in order to protect the rule of law and the constitutional rights of individuals. The paper presents the protection of individual rights and legal interests before administrative courts, the Constitutional Court of the Republic of Croatia, and the European Court of Human Rights. The aim of this paper is to identify the shortcomings of administrative and administrative judicial practice due to the disregard of the *common-sense argument*. The paper also presents certain observations that could contribute to the more frequent invocation of the *common-sense argument* in administrative and administrative judicial practice.

Legal Doctrine and Judicial Review of Eminent Domain in China

Law & Social Inquiry. 2021;46(3):826-859

Mao, Wenzheng
Qiao, Shitong

Which of the three legal doctrines of public use, just compensation, and due process is the most effective in constraining abuses of eminent domain power? This article addresses this question for the first time and presents the first-ever systematic investigation of the judicial review of eminent domain in China. Our empirical study reveals that Chinese courts focus on eminent domain procedures while rarely supporting claims based on public interest or just compensation. Procedural rules are determinate and therefore easier to enforce than substantial standards of public interest and just compensation. Chinese courts also choose to focus on eminent domain procedures to confine their own judicial review power for the purpose of self-preservation in an authoritarian state that empowers the courts to monitor and control local governments but does not want them to become too powerful. The study calls for a “due process revolution” in eminent domain law and introduces the “judicial politics of legal doctrine” approach to the study of Chinese law, an approach that takes both political institutions and legal doctrines seriously.

Trust in Authorities in the Republic of Kazakhstan

Written 09 March, 2025; Posted in SSRN 06 May, 2025

Nassyrov, Ganiyat

The interest in trust in power is acquiring special proportions in modern society, since trust plays a huge role in our lives. It determines how successful business cooperation will be in all spheres of life in society. This means that it is very important to understand its significance and to protect it with all our might. Therefore, the negative processes and trends described in this work do not aim to call into question the work of the entire system of public administration, but rather encourage governance institutions to take all possible measures to eliminate them. Which, undoubtedly, is in the interests of not only the population, but also the state authorities themselves.

Learning from Australia: Strengthening Congressional Scrutiny of Federal Agency Rulemaking

Georgetown Journal of International Affairs; 08 January, 2025.

Neudorf, Lorne

This article considers insights from the Australian Parliament's Senate standing committee that systematically scrutinizes new agency rules under established scrutiny principles. This model offers important lessons for strengthening Congressional oversight in the United States, where the lack of Congressional scrutiny and the high volume of agency rulemaking are the most pressing issues. Drawing on the Australian model, this article emphasizes the advantages of a systematic, bipartisan, and principles-based approach over the current ad hoc, partisan, and policy-driven approach in the United States.

Administrative Reforms in Bosnia and Herzegovina in Comparative Perspective: A Distinctive Case of Context in Motion

Hrvatska i komparativna javna uprava, 25 (1), 9-48.

**Ongaro; Edoardo
Komarica, Lejla**

This paper illustrates and critically analyses administrative and public management reforms in Bosnia and Herzegovina (BiH) over the period from 1995 to 2020, thereby filling a gap in the literature on post-socialist transition in Europe, which has largely missed this important case. Reforms in both the field of personnel management and the field of financial management are considered. Specifically, the features of the civil service system and management, the use of HRM databases, recruitment, training and development, and remuneration are analysed in relation to personnel management, and budgeting, accounting, and auditing processes are examined in relation to financial management. The BiH case of reform is investigated through the analytical-theoretical lens of the "Pollitt and Bouckaert model", a prominent and widely employed framework developed by the late C. Pollitt and by G. Bouckaert. The P&B model provides a lens through which to investigate the BiH case and make it amenable to comparative analyses and discussion. At the same time, the uneasy way with which the BiH case can be accommodated into the P&B model enables us to revisit certain features of this very model, thus contributing also theoretically to knowledge generation in the field

International Cooperation When Mistrust Deepens: Britain and the First International Regulatory Regime

Oxford University Press; Online ISBN: 9780191991363; Published online 15 January 2025;
Published in print: 6 February 2025

**Perri 6;
Heims, Eva**

Why do states commit so resiliently to cooperating in multilateral regimes with other states, even while mistrust deepens and even while they may be preparing for war with those states? This puzzle is as urgent today, as international organizations struggle amid resurgent tensions among great powers, as it has been since international regulatory regimes first emerged. This book presents a novel explanation which draws upon neo-Durkheimian institutional theory. It shows that specific forms of social organization in government can cultivate particular types of institutional buffering between aspects of external policy which can sustain commitment despite deepening conflict. To study the puzzle over a long period, and in a case when there was no long-established practice of cooperation in global bodies during rising tensions, this study examines Britain's relations with the first global regulatory regime, which was for international telegraphy, submarine telegraph cables, and radiotelegraphy from the 1860s to the outbreak of war in 1914. The regime was created in a period of European wars, yet cooperation, not least between Britain and Germany, deepened in telegraphy even as the Great War neared. Despite growing imperial conflicts and despite seriously contemplating leaving the International Telegraph Union in 1901–1902, Britain became ever more closely involved with the three limbs of the regime. Drawing on extensive archival sources, the study shows that the neo-Durkheimian approach can provide a more satisfying and powerful explanation for deepening cooperation even as mistrust rises than many better-known theories, and that it has significant implications for understanding state formation.

Anxious Scrutiny in Hong Kong Administrative Law: Origins, Adaptations, and Techniques

Asian Journal of Comparative Law. 2024;19(2):348-368

Ramsden, Michael

'Anxious scrutiny' has become one of the most used terms within the lexicon of judicial review throughout the common law world, including Hong Kong, yet surprisingly remains understudied in the scholarly literature. In contrast to the considerable body of literature on substantive review of discretion in relation to proportionality and Wednesbury unreasonableness as rival standards of review, there is still much to explore in relation to the foundation, purpose, and techniques of anxious scrutiny review, including how the concept may have come to depart from its English roots in other common law jurisdictions. Using Hong Kong as a case study, this article examines how anxious scrutiny has been received in an Asian common law jurisdiction, considering both the scope of application and the techniques used by judges under this standard. Through a detailed examination of the case law, it traces the origins and evolution of the standard and its future role within the sliding scale of substantive review within Hong Kong's system of public law.

The high-profile private individual as constitutional actor

King's Law Journal, 1–42

Reynolds, Stephanie

Delivering his 1978 Chorley lecture, Griffith explained that during the inter-war period what constitutional theorists really wanted 'to know was where the reality of political and economic power lay ... who was pulling the levers, where the levers were being pulled'.Footnote1 As he reflected, '[t]hese were the questions to which we sought answers. We are still seeking them'.Footnote2

As we enter the second quarter of the twenty-first century, constitutional theorists are still grappling with these fundamental questions. Moreover, while Griffith used that same lecture to present Parliament as the primary forum for processing the inevitable conflicts of society, today's increasingly polarised political debates are accompanied by apparent public disenchantment with formal political processes. Meanwhile, among other factors, growth in the private delivery of public services, the globalised nature of many societal issues, and the arrival of social media platforms have expanded the contributors to, as well the loci and nature of, political discussion. These major societal and political changes generate foundational questions about which sites of political activity and which operators, beyond the formal institutions and actors of the state, fall within the boundaries of constitutional law.

This article makes a focused and novel contribution to this broader issue, which seems destined to occupy constitutional debates for considerable time. Specifically, it asks whether the high-profile private individual, as an increasingly frequent feature of political affairs, can operate as a constitutional actor. If so, what does this indicate about the changing content and shifting dynamics of the political constitution? In turn, what challenges does this new arrival pose to its normative underpinnings? What checks and balances exist against private individuals who operate beyond Parliament but whose constitutional actor status signifies the need for constitutional counter-weights?

Judicial Review of Rulemaking

MCGILLAW Journal; 2025, 70:1; 54-94.

Sarro, Douglas

Recently, there has been a push for courts to review rules made by the executive for substantive reasonableness. While reasonableness review may foster better-informed regulation, it also risks giving vested interests disproportionate influence over rulemaking. By flooding rulemakers with analyses emphasizing regulation's costs and uncertainties about its benefits, to which rulemakers must then respond so as to survive reasonableness review, these interests can slow down and frustrate regulation designed to benefit the public. Courts could mitigate this risk, however, by applying reasonableness review in a way that recognizes the uncertainty that attends the rulemaking process—including the limits it imposes on rulemakers' ability to refute alternative analyses of new rules' likely costs and benefits. This does not mean acquiescing in arbitrary decision-making. To the extent rules' effects are uncertain at adoption, courts can encourage rulemakers to revisit these rules post-implementation. Properly designed, reasonableness review can foster informed regulation that responds to new evidence and is less easily diverted from public-oriented objectives.

Alternativno rješavanje upravnih sporova: usporedna iskustva i mogućnosti implementacije u Bosni i Hercegovini

"Alternative Resolution of Administrative Disputes: Comparative Experiences and Possibilities for Implementation in Bosnia and Herzegovina"

Bosni i Hercegovini. Hrvatska i komparativna javna uprava, 25 (1), 173-194.

Selesković, Admir

Upravni spor u svakoj državi važan je sudski postupak kojim se nastoje ostvariti načela zakonitosti rada javne uprave i vladavine prava. Ostvarenje pravde u upravnom sporu još je uvijek izazov u mnogim pravnim sustavima, a pojedini upravnopravni instituti tek su u začetku svoga razvoja. U tom kontekstu očigledan su primjer instituti sudske medijacije i nagodbe. U bosanskohercegovačkoj pravnoj teoriji alternativno rješavanje sporova nije bilo predmet istraživanja. No, analizom dostupne literature evidentna je njihova prisutnost u usporednom pravu. Ipak, malo je empirijskih dokaza kako ih na adekvatan način primijeniti u upravnom sporu. Rezultati ovog rada, sintezom usporednopravnih rješenja, pokušat će dati odgovor na pitanje njihove implementacije u Bosni i Hercegovini, a sve u cilju uspostavljanja takvih mehanizama koji bi mogli pomiriti različite privatne interese pojedinaca i javne interese državnih entiteta moći.

Abstract (translated in English by IA):

Administrative dispute in every country is an important judicial procedure aimed at achieving the principles of legality in public administration and the rule of law. Achieving justice in administrative disputes remains a challenge in many legal systems, and certain administrative law institutions are still in the early stages of their development. In this context, judicial mediation and settlement institutions are obvious examples. In Bosnian-Herzegovinian legal theory, alternative dispute resolution has not been the subject of research. However, an analysis of the available literature shows their presence in comparative law. Still, there is little empirical evidence on how to properly apply them in administrative disputes. The results of this paper, through a synthesis of comparative legal solutions, will attempt to answer the question of their implementation in Bosnia and Herzegovina, all with the aim of establishing mechanisms that could reconcile the various private interests of individuals and the public interests of state entities of power.

Four Ways to Deconstruct Regulation and Undermine Democracy In The States

William & Mary Law Review 1215 (2025), Written May 12, 2025; Posted in SSRN 11 Oct, 2024.

Staszewski, Glen

A few years before the Supreme Court formally overruled *Chevron*, anti-administrative activists successfully prohibited judicial deference to reasonable exercises of interpretive discretion by regulatory agencies in a handful of receptive states. State governments' treatment of this issue is likely to generate even more attention in *Loper Bright*'s wake. This Article presents novel case studies of four different ways in which state governments have prohibited interpretive deference to state agencies by state courts: (1) judicial decisions in Mississippi and Ohio, (2) a constitutional amendment proposed by an appointed commission and adopted pursuant to the initiative process in Florida, (3) statutes enacted pursuant to the ordinary legislative processes in Arizona and Tennessee, and (4) codification of a state supreme court decision by the state legislature in Wisconsin.

Conventional wisdom would suggest that these reforms are legally dispositive and that eliminating *Chevron* deference through the political process is especially democratic. Yet each case study shows that these were carefully orchestrated political power plays rather than products of reasoned deliberation or meaningful reflections of the people's will. Proponents relied on the same anti-administrative rhetoric that has become popularized at the federal level, rather than anything distinctive about their states. And shifting policymaking authority from regulatory agencies that serve as the preeminent sites of multilateral deliberation and contestation within our system of government to the judiciary undermines pluralistic democracy on a more fundamental level. This Article thus contends that the resulting state laws are democratically illegitimate. It also questions the legal force of codified interpretive rules and suggests that continued judicial deference to state agencies is legally permissible, normatively desirable, and practically inevitable. This does not mean that states must uniformly adhere to the *Chevron* framework, but it does challenge the prevailing view that the proper level of judicial deference to agencies is necessarily dictated or controlled by the legislature's meta-intent or the original public meaning of framework laws. It also begs for an affirmatively democratic system of judicial review that involves both reasoned deliberation by state lawmakers and persuasive justifications by state courts. This Article explores what a democratically legitimate system of judicial review of agency exercises of interpretive discretion would entail in states with very different structural arrangements. In the process, it reconfigures the terms of the debate and draws fresh lessons for the federal system as well as the current state of federalism in the wake of *Loper Bright*.

The Lost English Roots of Notice-and-Comment Rulemaking

134 Yale L.J. 1955 (2025); May 07, 2025

Stern, Rephael G.

Notice-and-comment rulemaking is arguably the most important procedure in the modern administrative state. Influential accounts even frame it as the 1946 Administrative Procedure Act's "most important idea." But its historical origins are obscure. Scholars have variously suggested that it grew out of the constitutionally sanctioned practice of congressional petitioning, organically developed from the practices of nineteenth-century agencies, or was influenced by German conceptions of administrative rulemaking.

These histories, however, are incomplete. Using original archival research, this Article demonstrates that notice-and-comment rulemaking was the product of a series of American transplantations of English rulemaking procedures that developed in the late nineteenth and early twentieth centuries. In the New Deal Era, influential American reformers tracked important developments in English rulemaking as they grappled with the rapidly changing American legal ecosystem. Yet, as this Article emphasizes, Americans only partially adopted the English procedural framework. While they transplanted the "notice" and "comment" dimensions of English procedure, the Americans ultimately decided not to import a legislative veto, which was a critical part of rulemaking procedures in England.

By offering a revisionist account of the origins of notice-and-comment rulemaking, this Article makes two contributions. First, it takes an initial step toward recovering a largely forgotten world of Anglo-American administrative law. Second, it illuminates current debates about the legitimacy of notice-and-comment rulemaking. With many current critiques of notice-and-comment rulemaking centering on the procedure's supposed lack of democratic accountability, the history this Article traces pushes us to ask whether belatedly transplanting an English-style legislative veto would legitimate the procedure.

Administrative Tribunals in the Common Law World

Bloomsbury Publishing; Published Oct 03, 2024; ISBN 9781509966929

Thomson, Stephen
Groves, Matthew
Weeks, Greg

Administrative tribunals are a vital part of the public law frameworks of many countries. This is the 1st edited book collection to examine tribunals across the common law world. It brings together key international scholars to discuss current and future challenges. The book includes contributions from leading scholars from all major common law jurisdictions – the UK, the USA, Canada, Australia, New Zealand, Ireland, Israel, Hong Kong, Singapore, India and South Africa. This global analysis is both deep and expansive in its coverage of the operation of administrative tribunals across common law legal systems. The book has two key themes: one is the enduring question of the location and operation of tribunals within public law systems; the second is the continued mission of tribunals to provide administrative justice. The collection is an important addition to global public law scholarship, addressing common problems faced by the tribunals of common law countries, and providing solutions for how tribunals can evolve to match the changing nature of government.

Administrative Litigation in China: Assessing the Chief Officials' Appearance System

The China Quarterly. 2024;259:744-764

Tianhao, Chen
Wei Xu
Xiaohong, Yu

The Chief Officials Appearance System (COAS), introduced in 2015, requires government leaders to appear in court and explain their actions. Unlike other post-2014 legal reforms aimed at reducing political influence in administrative litigation, the COAS uniquely actively involves political officials. This approach is based on the belief that increased participation will help officials to gain a better understanding of public concerns and improve administrative litigation quality. However, few studies have examined the system's effectiveness, and existing research relies on anecdotal evidence with limited analysis. To address this gap, we conducted a systematic empirical inquiry using 1,551 administrative litigation cases filed in a Beijing local court and extensive field research in 12 other provinces. Contrary to official expectations, we found the system reproduced the administrative grievances it was tasked with resolving. Moreover, when chief officials appear in court, administrative litigation is characterized by a renewed triad of apathetic state agencies, increasingly agitated plaintiffs and strategically empowered courts.

Europeanisation of Access to Justice in Environmental Matters: The Aarhus Convention in the Balkans

Published by Hart Publishing., 29, May 2025, ISBN: 150997962X

Todorovic, Bojana
Caranta, Roberto

This book provides an in-depth analysis of how Article 9 of the Aarhus Convention facilitates environmental access to justice in the Balkans, a region significantly impacted by climate change. It combines EU law and case law from the European Court of Human Rights with the bottom-up Europeanisation driven by environmental protests and civil society activism. The book discusses the role of judicial review in ensuring compliance with environmental laws, an important topic in comparative administrative law. It also includes a rich comparative analysis of variations and similarities in administrative law practices and how international legal standards are integrated into national legal systems.

Municipalities in Financial Distress: An Environmental, Social and Governance Critique

Published by Edward Elgar Publishing Inc., 18 Mar 2025; ISBN: 9781035319909

Vaccari, Eugenio
Coordes, Laura N.
Marique, Yseult
Quinot, Geo

This timely book argues that long-term recovery and sustainability for municipalities in financial distress requires a modularly tailored decision-making process, incorporating environmental, social, and governance (ESG) considerations.

Law and Governance in the Public Domain: A Conceptual Analysis of the Juridical Meaning of Governance and Governance-Areas

VU University Amsterdam Legal Studies Paper Series, Written: July 01, 2012; Posted: 21 May 2025

van Ommeren, Frank J.

The objective of this article is to understand the concept of governance from a juridical point of view. My particular intention is to reveal which meanings of this concept are useful to deliver a valuable contribution to the law of the public domain. What is the meaning of the concept of governance for the study of the law of the public domain? In the world of law, the field of constitutional and administrative law is the one which is primarily but not exclusively associated with the development of law in the public domain. From this perspective it is obvious to see what the 'Law and Governance-approach' means for the research questions in the field of constitutional and administrative law. This approach has, as will turn out, an agenda-setting function. Although there are several prospective essential research questions on which the 'Law and Governance-approach' will shed a new light, it should be noted that much depends on the specific policy area in the public domain – or plainly: the governance-area – for which the law is used.

The Rise of the Chinese Judiciary and Its Limits: Administrative Litigation in the Reform Period

The China Quarterly. Published online 2025:1-22.

Zhang, Yuxia
Liu, John Zhuang

This article analyses the performance of the Chinese judiciary in administrative litigation during the recent period of reform using a dataset of over 1.6 million judicial documents. Contrary to conventional wisdom, we find compelling evidence that the judiciary has become increasingly significant in checking the power of the government. Courts accepted 79 per cent more cases from 2014 to 2020, and plaintiffs' win rate against the government rose from 33.2 per cent to 42.2 per cent. This increase is even more pronounced in cases with a strong impact on local government, such as those reviewing land expropriations and police penalties. Judicial authority has improved, with chief government officials attending more than 50 per cent of trials as defendants. Our findings illustrate a judiciary that is on the rise, but there are fundamental limits to its ascent. Courts remain silent on citizens' political rights. Judges are reluctant to conduct substantive reviews of government actions beyond procedural matters. These findings support a tripartite theory for understanding the rule of law in China, where the law and the judiciary are instrumental in routine and even hard cases, but their power rapidly wanes in the face of politics.

Unshackling from Shadows of the Anisminic Orthodoxy: Reconceptualising Approaches to Ouster Clauses in Hong Kong

Asian Journal of Comparative Law. 2024;19(2):369-395.

Wan, Trevor Tw

Ouster clauses have perennially borne the mantle of a 'litigation minefield', where clashes between legislative and judicial powers unfold in open fora. Recent jurisprudential advancements in the United Kingdom and Singapore demonstrate how judicial approaches to ouster clauses can evolve in the face of constitutional developments. Hong Kong has, however, remained muted while these jurisprudential advancements bear fruit in other parts of the common law world, notwithstanding the fact that its constitutional framework, umpired by the Basic Law, has been in existence for over twenty-five years. This article argues for the need to reconceptualise approaches to ouster clauses in Hong Kong, grounded firmly in its post-1997 constitutional framework. Drawing on comparative jurisprudence, it presents a spectrum of approaches, animated by the dynamic interplay between various 'macrocontextual' and 'microcontextual' factors, ranging from a localised version of Anisminic, remedial interpretation, and invalidation of ouster clauses on the grounds that they impermissibly affront the constitutional right of access to courts, allocation of judicial power, and constitutional supremacy.

Events and Informations:

- **September 28-October 3, 2026: Berlin congress of the International Academy of Comparative Law – for more information, [click here](#).**

Professor François Lichère (Université Jean Moulin Lyon 3) will do the general report of Administrative Law on the topic: "the use of foreign law by courts dealing with administrative law matters".

- **Book-launches of "EU Administrative Law" book**

Professors Jacques Ziller (Paris 1 Panthéon Sorbonne and Università di Pavia) and Diana-Urania Galetta (Università degli Studi di Milano) have started a series of book-launches in Luxembourg, Italy and China.

For more information about the book-launches in these countries, please contact the Professor Jacques on his e-mail: jacques.ziller@jacques-ziller.com

Please contact the editor at his e-mail with your comments, informations, questions or suggestions for our Comparative Administrative Law listserv.