

THE USES OF DISCRETION

edited by

KEITH HAWKINS

CLARENDON PRESS · OXFORD
1992

Contents

CONTRIBUTORS	xi
Part I Issues in the Use of Discretion	1
1. The Use of Legal Discretion: Perspectives from Law and Social Science	11
KEITH HAWKINS	
2. Discretion and Rules: A Lawyer's View	47
CARL E. SCHNEIDER	
3. Discretionary Decision-Making: A Jurisprudential View	89
JOHN BELL	
Part II Social Processes in the Use of Legal Discretion	113
4. The Myth of Discretion	129
M. P. BAUMGARTNER	
5. Social Limits to Discretion: An Organizational Perspective	163
MARTHA FELDMAN	
6. Discretion in a Behavioral Perspective: The Case of a Public Housing Eviction Board	185
RICHARD LEMPert	
7. Organizational Horizons and Complaint-Filing	231
ROBERT M. EMERSON AND BLAIR PALEY	
8. 'Big Bang' Decisions: Notes on a Naturalistic Approach	249
PETER K. MANNING	
Part III Thinking about the Uses of Discretion	287
9. Administrative Justice: Discretion and Procedure in Social Security Decision-Making	295
ROY SAINSBURY	
10. Discretion: Power, Quiescence, and Trust	331
JOEL HANDLER	

11. The Jurisprudence of Discretion: Escaping the Legal Paradigm NICOLA LACEY	361
LIST OF CASES	389
REFERENCES	391
AUTHOR INDEX	417
SUBJECT INDEX	421