

Modern Law: The Law Transmission System and Equal Employment Opportunity

Blumrosen, Alfred W.

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Modern Law The Law Transmission System And Equal Employment Opportunity

Christopher McCrudden



Modern Law The Law Transmission System And Equal Employment Opportunity:

Modern Law Alfred W. Blumrosen, 1993 In the past 25 years settlement of nearly 25 000 complaints of employment discrimination has vastly advanced opportunities for minorities and women In Modern Law Alfred W Blumrosen traces the operation of the law transmission system the process by which the general principles of equal opportunity written into the 1964 Civil Rights Act were translated into improved conditions for minority and female workers today This route takes the reader through the passage of the law the responses of workers employers and the government the interplay between courts agencies and the legislature and finally the enactment of the 1991 Civil Rights Act perhaps hastened by the Anita Hill Clarence Thomas controversy The interactions between the law and the social and economic forces it seeks to influence make up the components of the law transmission system Blumrosen argues however that the equal employment laws are no longer sufficient for improving the lot of many Americans National demographic changes and shifts in global economic patterns have limited the laws effects Blumrosen asserts that employment discrimination law has become increasingly more technical and less influential while activists lawmakers and others concerned with equal opportunity have not adequately focused their energies on the larger issues of urban problems economic organisation and international transfer of employment Modern Law should be valuable for those who study law those who practice it and for those working to develop and implement various kinds of legislation *Legislative Intent and Other Essays on Law, Politics, and Morality* Gerald Cushing MacCallum, 1993 In the last years of his life Gerald C MacCallum Jr defied illness to continue his work on the philosophy of law This book is a monument to MacCallum s effort containing fourteen of his essays five of them published here for the first time Two of those previously published are widely admired and reprinted Legislative Intent certainly one of the best papers published on its topic and Negative and Positive Freedom which offered a new way of looking at a distinction that had been canonical for the last two centuries To complete MacCallum s unfinished pieces Marcus G Singer and Rex Martin painstakingly consulted MacCallum s notes for planned revisions MacCallum discusses legal reasoning the application of rules the interpretation of statutes and constitutional provisions and the relation of these matters to morality and justice In the last decade of his working life he became greatly concerned with the interrelated themes of integrity autonomy conscience and violence He became interested in the relations between competition and morality and between justice and adversarial systems of law These themes are woven together in Legislative Intent and constitute the main subject of some of the essays MacCallum was engaged in a constant search for truth and understanding and in his life and work lived up to Emerson s vision of the American Scholar as Man Thinking These essays are informed by the author s deep curiosity penetrating intelligence wide knowledge and outstanding character They will be treasured wherever these characteristics and true philosophy are treasured **The Crusade for Equality in the Workplace** Robert Belton, 2014-04-14 On March 8 1971 the Supreme Court of the United States decided a case Griggs v Duke Power Co brought by thirteen African American

employees who worked as common laborers and janitors at one of Duke Power's facilities. The decision in plaintiffs' favor marked a profound and enduring challenge to the dominance of white males in the workplace. In this book Robert Belton, who represented the plaintiffs for the NAACP Legal Defense Fund and argued the case in the lower courts, gives a firsthand account of legal history in the making and a behind-the-scenes look at the highly complex process of putting civil rights law to work. Title VII of the Civil Rights Act of 1964 eliminated much blatant discrimination, but after its enactment and before Griggs, businesses held the view that a commitment to equality required only eliminating policies and practices that were intentionally discriminatory. The disparate treatment test. In *Griggs v. Duke Power Co.*, the Supreme Court ruled that a disparate impact test could also apply: that the 1964 Civil Rights Act extended to practices with a discriminatory effect. In tracing the impact of the Griggs ruling on employment practices, this book documents the birth, maturation, death, and rebirth of the disparate impact theory, including its erosion by later Supreme Court decisions and its restoration by congressional action in the Civil Rights Act of 1991. Belton conducts us through this historic case from the original lawsuit to the Supreme Court decision in Griggs and beyond, as he traces the post-Griggs developments in the lower courts, the Supreme Court, and Congress. He provides informed insights into both litigators' and judges' perspectives and decision making. His work situates the case in its legal, social, and historical contexts and explores the relationship between public and private enforcement of the law, with a focus on the Legal Defense Fund's litigation campaign against employment discrimination. A detailed examination of the development of legal principles under Title VII, this book tells the story of this seminal decision on equal employment law and offers an unprecedented close-up view of personal conviction, legal strategy, and historical forces combining to effect dramatic social change.

The Blackwell Companion to Law and Society Austin Sarat, 2008-04-15

The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction. Thirty-two original essays by an international group of expert scholars examine a wide range of critical questions. Authors represent various theoretical, methodological, and political commitments, creating the first truly global overview of the field. Examines the relationship between law and social interactions in thirty-three original essays by international experts in the field. Reflects the world-wide significance of North American law and society scholarship. Addresses classical areas and new themes in law and society research, including the gap between law on the books and law in action, the complexity of institutional processes, the significance of new media, and the intersections of law and identity. Engages the exciting work now being done in England, Europe, Australia, and New Zealand, South Africa, Israel, as well as Third World scholarship.

Buying Social Justice Christopher McCrudden, 2007-09-13

Governments spend huge amounts of money buying goods and services from the private sector. How far should their spending power be affected by social policy? Arguments against the practice are often made by economists on the grounds of inefficiency and lawyers on the grounds of free competition and international economic law. *Buying Social Justice* analyses how governments in developed and developing countries use their contracting

power in order to advance social equality and reduce discrimination and argues that this approach is an entirely legitimate and efficient means of achieving social justice The book looks at the different experiences of a range of countries including the UK the USA and South Africa It also examines the impact of international and regional regulation of the international economy and questions the extent to which the issue of procurement policy should be regulated at the national European or international levels The role of EC and WTO law in mediating the tensions between the economic function of procurement and the social uses of procurement is discussed and the outcomes of controversies concerning the legitimacy of the integration of social values into procurement are analysed Buying Social Justice argues that European and international legal regulation of procurement has become an important means of accentuating the positive and eliminating the negative in both the social and economic uses of procurement

Inventing Equal Opportunity Frank Dobbin, 2009-05-26 Equal opportunity in the workplace is thought to be the direct legacy of the civil rights and feminist movements and the landmark Civil Rights Act of 1964 Yet as Frank Dobbin demonstrates corporate personnel experts not Congress or the courts were the ones who determined what equal opportunity meant in practice designing changes in how employers hire promote and fire workers and ultimately defining what discrimination is and is not in the American imagination Dobbin shows how Congress and the courts merely endorsed programs devised by corporate personnel He traces how the first measures were adopted by military contractors worried that the Kennedy administration would cancel their contracts if they didn't take affirmative action to end discrimination These measures built on existing personnel programs many designed to prevent bias against unionists Dobbin follows the changes in the law as personnel experts invented one wave after another of equal opportunity programs He examines how corporate personnel formalized hiring and promotion practices in the 1970s to eradicate bias by managers how in the 1980s they answered Ronald Reagan's threat to end affirmative action by recasting their efforts as diversity management programs and how the growing presence of women in the newly named human resources profession has contributed to a focus on sexual harassment and work life issues Inventing Equal Opportunity reveals how the personnel profession devised and ultimately transformed our understanding of discrimination

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 **The SAGE Handbook of Organizational Institutionalism** Royston Greenwood, Christine Oliver, Thomas B. Lawrence, Renate E. Meyer, 2017-05-01 The SAGE Handbook of Organizational Institutionalism brings together extensive coverage of aspects of Institutional Theory and an array of top academic contributors Now in its Second Edition the book has been thoroughly revised and reorganised with all chapters updated to maintain a mix of theory how to conduct institutional organizational analysis and contemporary empirical work New chapters on Translation Networks and Institutional Pluralism are included to reflect new directions in the field The Second Edition has also been reorganized into six parts Part One Beginnings Foundations Part Two Organizations and their Contexts Part Three Institutional Processes Part Four Conversations Part Five Consequences Part Six Reflections Between Law and Politics Richard L. Pacelle, 2003 At the intersection of law and politics stands the U S Solicitor General Although even the informed public rarely thinks of the solicitor general in relation to the major issues that have challenged American society this office actually has considerable control over the cases the Supreme Court addresses To bring the Office of Solicitor General OSG out of the shadows and into the clear light of public attention Between Law and Politics looks at three hotly contested policy areas race gender and reproductive rights to see how the office balances the goals of the president Congress and the Supreme Court The OSG is charged with helping the Supreme Court build a coherent doctrine and imposing some stability on the law At the same time the solicitor general is a presidential appointee Deciding which cases to appeal arguing those cases before the Supreme Court and filing friendofthecourt briefs means the solicitor general plays an important role in furthering the policy objections of the current administration Therein lies the tension between law and politics that is at the heart of the calculations the solicitor general makes on a daily basis Using interviews with solicitors general and their staffs members of the Department of Justice and others and analyzing Supreme Court cases beginning with the Truman administration Richard Pacelle shows how the OSG balances the competing forces in its environment His analysis is undergirded by aggregate analysis of the data gathered This detailed and systematic study will be of great interest to those who study the Supreme Court the presidency and public policy It is unique in its close examination of a number of particular areas of law and the strength and persuasiveness of its analysis of the competing constituencies that face the Office of the Solicitor General The timeliness and controversial nature of the policy areas Pacelle examines give the book further importance to students of American politics

Black Americans and Organized Labor Paul D. Moreno, 2008 In Black Americans and Organized Labor Paul D Moreno offers a bold reinterpretation of the role of race and racial discrimination in the American labor movement Moreno applies insights of the law and economics movement to formulate a powerfully compelling labor race theorem of elegant simplicity White unionists found that race was a convenient basis on which to do what unions do control the labor supply Not racism pure and simple but the economics of discrimination explains historic black absence and under representation in unions Moreno s sweeping reexamination stretches from the antebellum period to the present integrating principal figures such as

Frederick Douglass and Samuel Gompers Isaac Myers and Booker T Washington and W E B Du Bois and A Philip Randolph He traces changing attitudes and practices during the simultaneous black migration to the North and consolidation of organized labor's power through the confusing and conflicted post World War II period during the course of the civil rights movement and into the era of affirmative action Maneuvering across a wide span of time and a broad array of issues Moreno brings remarkable clarity to the question of the importance of race in unions He impressively weaves together labor policy and African American history into a cogent persuasive revisionist study that cannot be ignored

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