cable to requests for federal declaratory relief: "a federal district court has the duty to decide the appropriateness and the merits of the declaratory request irrespective of its conclusion as to the propriety of the issuance of the injunction."[536] This language was qualified subsequently, so that declaratory and injunctive relief were equated in cases in which a criminal prosecution is pending in state court at the time the federal action is filed[537] or is begun in state court after the filing of the federal action but before any proceedings of substance have taken place in federal court,[538] and federal courts were instructed not to issue declaratory judgments in the absence of the factors permitting issuance of injunctions under the same circumstances. But in the absence of a pending state action or the subsequent and timely filing of one, a request for a declaratory judgment that a statute or ordinance is unconstitutional does not have to meet the stricter requirements justifying the issuance of an injunction.[539]

Ripeness.—Just as standing historically has concerned *who* may bring an action in federal court, the ripeness doctrine concerns *when* it may be brought. Formerly, it was a wholly constitutional principle requiring a determination that the events bearing on the substantive issue have happened or are sufficiently certain to occur so as to make adjudication necessary and so as to assure that the issues are sufficiently defined to permit intelligent resolution. The focus was on the harm to the rights claimed rather than on the harm to the plaintiff that gave him standing to bring the action,[540] although, to be sure, in most cases the harm is the same. But in liberalizing the doctrine of ripeness in recent years the Court subdi-

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[536] Zwickler v. Koota, 389 U.S. 241, 254 (1967).

[537] Samuels v. Mackell, 401 U.S. 66 (1971). The case and its companion, Younger v. Harris, 401 U.S. 37 (1971), substantially undercut much of the *Dombrowski* language and much of *Zwickler* was downgraded.

[538] Hicks v. Miranda, 422 U.S. 332, 349 (1975).

[539] Steffel v. Thompson, 415 U.S. 452 (1974). In cases covered by *Steffel*, the federal court may issue preliminary or permanent injunctions to protect its judgments, without satisfying the *Younger* tests. Doran v. Salem Inn, 422 U.S. 922, 930–931 (1975); Wooley v. Maynard, 430 U.S. 705, 712 (1977).

[540] United Public Workers v. Mitchell, 330 U.S. 75 (1947); International Longshoremen's Union v. Boyd, 347 U.S. 222 (1954). For recent examples of lack of ripeness, *see* Ohio Forestry Ass'n v. Sierra Club, 523 U.S. 726 (1998); Texas v. United States, 523 U.S. 296 (1998).