The Rights Revolution Lawyers Activists And Supreme Courts In Comparative Perspective

The right to a healthy environment has been the subject of extensive philosophical debates that revolve around the question: Should rights to clean air, water, and soil be entrenched in law? David Boyd answers this by moving beyond theoretical debates to measure the practical effects of enshrining the right in constitutions. His pioneering analysis of 193 constitutions and the laws and court decisions of more than 100 nations in Europe, Latin America, Asia, and Africa reveals a positive correlation between constitutional protection and stronger environmental laws, smaller ecological footprints, superior environmental performance, and improved quality of life.

The first book-length study of civil rights litigation from the late 1960s through the early 1980s, Race Relations Litigation in an Age of Complexity fills a void in the scholarly literature on American courts and poltics in the post Brown versus Board of Education era.

In sheer numbers, no form of government control comes close to the police stop. Each year, twelve percent of drivers in the United States are stopped by the police, and the figure is almost double among racial minorities. Police stops are among the most recognizable and frequently criticized incidences of racial profiling, but, while numerous studies have shown that minorities are pulled over at higher rates, none have examined how police stops have come to be both encouraged and institutionalized. Pulled Over deftly traces the strange history of the investigatory police stop, from its discredited beginning as “aggressive patrolling” to its current status as accepted institutional practice. Drawing on the richest study of police stops to date, the authors show that who is stopped and how they are treated convey powerful messages about citizenship and racial disparity in the United States. For African Americans, for instance, the experience of investigatory stops erodes the perceived legitimacy of police stops and of the police generally, leading to decreased trust in the police and less willingness to solicit police assistance or to self-censor in terms of clothing or where they drive. This holds true even when police are courteous and respectful throughout the encounters and follow seemingly colorblind institutional protocols. With a growing push in recent years to use local police in immigration efforts, Hispanics stand poised to share African Americans’ long experience of investigative stops. In a country that celebrates democracy and racial equality, investigatory stops have a profound and deleterious effect on African American and other minority communities that merits serious reconsideration. Pulled Over offers practical recommendations on how reforms can protect the rights of citizens and still effectively combat crime.

The Oxford Handbook of the U.S. Constitution offers a comprehensive overview and introduction to the U.S. Constitution from the perspectives of history, political science, law, rights, and constitutional themes, while focusing on its

development, structures, rights, and role in the U.S. political system and culture. This Handbook enables readers within and beyond the U.S. to develop a critical comprehension of the literature on the Constitution, along with accessible and up-to-date analysis. The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present. Essays on political science detail how contemporary citizens in the United States rely extensively on political parties, interest groups, and bureaucrats to operate a constitution designed to prevent the rise of parties, interest-group politics and an entrenched bureaucracy. The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court, whose members are increasingly disconnected from the world of practical politics. Essays on rights discuss how contemporary citizens living in a diverse multi-racial society seek guidance on the meaning of liberty and equality, from a Constitution designed for a society in which all politically relevant persons shared the same race, gender, religion and ethnicity. Lastly, the essays on themes explain how in a "globalized" world, people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the "civilized world." Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U.S. constitutionalism today.

This comprehensive book compares the intersection of political forces and legal practices in five industrial nations--the United States, England, France, Germany, and Japan. The authors, eminent political scientists and legal scholars, investigate how constitutional courts function in each country, how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics, and how both ordinary citizens and large corporations use the courts. For each of the five countries, the authors discuss the structure of courts and access to them, the manner in which politics and law are differentiated or amalgamated, whether judicial posts are political prizes or bureaucratic positions, the ways in which courts are perceived as legitimate forms for addressing political conflicts, the degree of legal consciousness among citizens, the kinds of work lawyers do, and the manner in which law and courts are used as social control mechanisms. The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country, judicial responsiveness to perceived public problems is not a uniquely American phenomenon.

How Rights of Nature laws are transforming governance to address environmental crises through more ecologically sustainable approaches to development. With the window of opportunity to take meaningful action on climate change and mass extinction closing, a growing number of communities, organizations, and governments around the world are calling for Rights of Nature (RoN) to be legally recognized. RoN advocates are creating new laws that

recognize natural ecosystems as subjects with inherent rights, and appealing to courts to protect those rights. Going beyond theory and philosophy, in this book Craig Kauffman and Pamela Martin analyze the politics behind the creation and implementation of these laws, as well as the effects of the laws on the politics of sustainable development. Kauffman and Martin tell how community activists, lawyers, judges, scientists, government leaders, and ordinary citizens have formed a global movement to advance RoN as a solution to the environmental crises facing the planet. They compare successful and failed attempts to implement RoN at various levels of government in six countries--Bolivia, Colombia, Ecuador, India, New Zealand, and the United States--asking why these laws emerged and proliferated in the mid-2000s, why they construct RoN differently, and why some efforts at implementation are more successful than others. As they analyze efforts to use RoN as a tool for constructing more ecocentric sustainable development, capable of achieving the 2030 Agenda for Sustainable Development goal of living "in harmony with Nature," Kauffman and Martin show how RoN jurisprudence evolves through experimentation and reshapes the debates surrounding sustainable development.

Examines the implementation of the rights revolution, bringing together a distinguished group of political scientists and legal scholars who study the roles of agencies and courts in shaping the enforcement of civil rights statutes.

Comparative Judicial Politics provides insights into and raises critical questions about how courts at all levels and in divergent settings around the world intersect with politics and charts the implications of what can occur when law, courts, and politics meet.

The Rights RevolutionLawyers, Activists, and Supreme Courts in Comparative PerspectiveUniversity of Chicago Press

In the wake of the black civil rights movement, other disadvantaged groups of Americans began to make headway--Latinos, women, Asian Americans, and the disabled found themselves the beneficiaries of new laws and policies--and by the early 1970s a minority rights revolution was well underway. In the first book to take a broad perspective on this wide-ranging and far-reaching phenomenon, John D. Skrentny exposes the connections between the diverse actions and circumstances that contributed to this revolution--and that forever changed the face of American politics. Though protest and lobbying played a role in bringing about new laws and regulations--touching everything from wheelchair access to women's athletics to bilingual education--what Skrentny describes was not primarily a bottom-up story of radical confrontation. Rather, elites often led the way, and some of the most prominent advocates for expanding civil rights were the conservative Republicans who later emerged as these policies' most vociferous opponents. This book traces the minority rights revolution back to its roots not only in the black civil rights movement but in the aftermath of World War II, in which a world consensus on equal rights emerged from the Allies' triumph over the oppressive regimes of Nazi Germany and Imperial Japan, and then the Soviet Union. It also contrasts failed minority rights development for white ethnics and gays/lesbians with groups the government successfully categorized with

African Americans. Investigating these links, Skrentny is able to present the world as America's leaders saw it; and so, to show how and why familiar figures--such as Lyndon Johnson, Richard Nixon, and, remarkably enough, conservatives like Senator Barry Goldwater and Robert Bork--created and advanced policies that have made the country more egalitarian but left it perhaps as divided as ever.

In follow-up studies, dozens of reviews, and even a book of essays evaluating his conclusions, Gerald Rosenberg's critics—not to mention his supporters—have spent nearly two decades debating the arguments he first put forward in The Hollow Hope. With this substantially expanded second edition of his landmark work, Rosenberg himself steps back into the fray, responding to criticism and adding chapters on the same-sex marriage battle that ask anew whether courts can spur political and social reform. Finding that the answer is still a resounding no, Rosenberg reaffirms his powerful contention that it's nearly impossible to generate significant reforms through litigation. The reason? American courts are ineffective and relatively weak—far from the uniquely powerful sources for change they're often portrayed as. Rosenberg supports this claim by documenting the direct and secondary effects of key court decisions—particularly Brown v. Board of Education and Roe v. Wade. He reveals, for example, that Congress, the White House, and a determined civil rights movement did far more than Brown to advance desegregation, while pro-choice activists invested too much in Roe at the expense of political mobilization. Further illuminating these cases, as well as the ongoing fight for same-sex marriage rights, Rosenberg also marshals impressive evidence to overturn the common assumption that even unsuccessful litigation can advance a cause by raising its profile. Directly addressing its critics in a new conclusion, The Hollow Hope, Second Edition promises to reignite for a new generation the national debate it sparked seventeen years ago.

In Vagrant Nation, Risa Goluboff has found a way to explain how the interaction between 1960s social movements and the courts fundamentally changed both American law and society writ large.

It is well known that the scope of individual rights has expanded dramatically in the United States over the last half-century. Less well known is that other countries have experienced "rights revolutions" as well. Charles R. Epp argues that, far from being the fruit of an activist judiciary, the ascendancy of civil rights and liberties has rested on the democratization of access to the courts—the influence of advocacy groups, the establishment of governmental enforcement agencies, the growth of financial and legal resources for ordinary citizens, and the strategic planning of grass roots organizations. In other words, the shift in the rights of individuals is best understood as a "bottom up," rather than a "top down," phenomenon. The Rights Revolution is the first comprehensive and comparative analysis of the growth of civil rights, examining the high courts of the United States, Britain, Canada, and India within their specific constitutional and cultural contexts. It brilliantly revises our understanding of the relationship between courts and social change.

From the national legal director of the ACLU, an essential guidebook for anyone seeking to stand up for fundamental civil liberties and rights One of Washington Post's Notable Nonfiction Books of 2016 In an age of executive overreach, what role do American citizens have in safeguarding our Constitution and defending liberty? Must we rely on the federal courts, and the Supreme Court above all, to protect our rights? In

Engines of Liberty, the esteemed legal scholar David Cole argues that we all have a part to play in the grand civic dramas of our era--and in a revised introduction and conclusion, he proposes specific tactics for fighting Donald Trump's policies. Examining the most successful rights movements of the last thirty years, Cole reveals how groups of ordinary Americans confronting long odds have managed, time and time again, to convince the courts to grant new rights and protect existing ones. Engines of Liberty is a fundamentally new explanation of how our Constitution works and the part citizens play in it.

Amanda Hollis-Brusky shows how the Federalist Society serves as the hub of a complex circulatory system and how the ideas it generates have become the lifeblood of the conservative movement

The migration of constitutional ideas across jurisdictions is one of the central features of contemporary constitutional practice. The increasing use of comparative jurisprudence in interpreting constitutions is one example of this. In this 2007 book, leading figures in the study of comparative constitutionalism and comparative constitutional politics from North America, Europe and Australia discuss the dynamic processes whereby constitutional systems influence each other. They explore basic methodological questions which have thus far received little attention, and examine the complex relationship between national and supranational constitutionalism - an issue of considerable contemporary interest in Europe. The migration of constitutional ideas is discussed from a variety of methodological perspectives - comparative law, comparative politics, and cultural studies of law - and contributors draw on case-studies from a wide variety of jurisdictions: Australia, Hungary, India, South Africa, the United Kingdom, the United States, and Canada.

"Burke drills deep into America's unique culture of litigation and is rewarded with a powerful insight: it is not the public or even lawyers that are so darn litigious, but American law itself. This meticulous, dispassionate book stands not only to advance the debate but—I hope—to reshape it."—Jonathan Rauch, author of Government's End: Why Washington Stopped Working "Lawyers, Lawsuits, and Legal Rights is a fascinating study of the American penchant for public policies that rely on lawsuits to get things done. Burke's analysis is insightful and original. This book compellingly shows that litigious policies have deep roots in our Constitution, culture, and politics."—Charles Epp, author of The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective "Burke's authoritative book demonstrates that the highly litigious American system is not an isolated anomaly but in fact fits in with deeply-rooted elements of American political culture. Where citizens of other countries rely on expert or bureaucratic judgment to resolve disputes, Americans turn to the courts. Equally novel and compelling, Lawyers, Lawsuits, and Legal Rights marshals an impressive set of evidence and delivers a refreshingly well-written look at the state of American litigation."—Frank R. Baumgartner, co-author of Agendas and Instability in American Politics

Despite international conventions and human rights declarations, millions of people have suffered and continue to suffer torture, slavery, or violent deaths, with no remedy or recourse. They have fallen, in essence, "below the law," outside of law's protection. Often violated by their own governments, sometimes with support from transnational corporations, or nations benefiting from human rights violations, how can these victims find justice? Lawyers Beyond Borders reveals the inner workings of the advances and retreats in the quest for redress and restoration of human rights for those whom international legal-political systems have failed. The process of justice begins in the US, with a handful of human rights lawyers steeped in the American tradition of advancing civil rights through civil litigation. As the civil rights movement

gained traction and an ample supply of lawyers, this small cadre turned their attention toward advancing international human rights, via the US legal system. They sought to build another piece of the rights revolution, this time for survivors of egregious human rights violations in faraway lands. These cases were among the most unlikely to be slated for victory: The abuses occurred abroad; the victims are aliens, usually with few, if any, resources; the perpetrators are politically powerful, resourced, and well connected, often members of governments, militaries, or multinational corporations. The legal and political systems' structures are mostly stacked against these survivors, many who bear the scars of trauma and terror. Lawyers Beyond Borders is about agency. It is about how, in the face of powerful interests and seemingly insurmountable obstacles--political, psychological, economic, geographical, and physical--a small group of lawyers and survivors navigated a terrain of daunting barriers to begin building, case-by-case, new pathways to justice for those who otherwise would have none.

The National Council for Civil Liberties (NCCL) was formed in the 1930s against a backdrop of fascism and 'popular front' movements. In this volatile political atmosphere, the aim of the NCCL was to ensure that civil liberties were a central component of political discourse. Chris Moores's new study shows how the NCCL - now Liberty - had to balance the interests of extremist allies with the desire to become a respectable force campaigning for human rights and civil liberties. From new social movements of the 1960s and 1970s to the formation of the Human Rights Act in 1998, this study traces the NCCL's development over the last eighty years. It enables us to observe shifts and continuities in forms of political mobilisation throughout the twentieth century, changes in discourse about extensions and retreats of freedoms, as well as the theoretical conceptualisation and practical protection of rights and liberties.

Revision of author's disseration (doctoral - Brandeis University, 2010), issued under title: The politics of judicial retrenchment.

The age of human rights has been kindest to the rich. Even as state violations of political rights garnered unprecedented attention due to human rights campaigns, a commitment to material equality disappeared. In its place, market fundamentalism has emerged as the dominant force in national and global economies. In this provocative book, Samuel Moyn analyzes how and why we chose to make human rights our highest ideals while simultaneously neglecting the demands of a broader social and economic justice. In a pioneering history of rights stretching back to the Bible, Not Enough charts how twentieth-century welfare states, concerned about both abject poverty and soaring wealth, resolved to fulfill their citizens’ most basic needs without forgetting to contain how much the rich could tower over the rest. In the wake of two world wars and the collapse of empires, new states tried to take welfare beyond its original European and American homelands and went so far as to challenge inequality on a global scale. But their plans were foiled as a neoliberal faith in markets triumphed instead. Moyn places the career of the human rights movement in relation to this disturbing shift from the egalitarian politics of yesterday to the neoliberal globalization of today. Exploring why the rise of human rights has occurred alongside enduring and exploding inequality, and why activists came to seek remedies for indigence without challenging wealth, Not Enough calls for more ambitious ideals and movements to achieve a humane and equitable world.

In 1973, a group of California lawyers formed a non-profit, public-interest legal foundation dedicated to defending conservative principles in court. Calling themselves the Pacific Legal Foundation, they declared war on the U.S. regulatory state--the sets of rules, legal precedents, and bureaucratic processes that govern the way Americans do business. Believing that the growing size and complexity of government regulations threatened U.S. economy and infringed on property rights, Pacific Legal Foundation began to file a series of lawsuits challenging the government's power to plan the use of private land or protect environmental qualities. By the end of the decade, they had been joined in this effort by spin-off legal foundations across the

country. The Other Rights Revolution explains how a little-known collection of lawyers and politicians--with some help from angry property owners and bulldozer-driving Sagebrush Rebels--tried to bring liberal government to heel in the final decades of the twentieth century. Decker demonstrates how legal and constitutional battles over property rights, preservation, and the environment helped to shape the political ideas and policy agendas of modern conservatism. By uncovering the history--including the regionally distinctive experiences of the American West--behind the conservative mobilization in the courts, Decker offers a new interpretation of the Reagan-era right.

"While the Christian Right has long voiced grave concerns about the Supreme Court and cases such as Roe v Wade, until recently its cultivation of the resources needed to effectively enter the courtroom had paled in comparison to its efforts in more traditional political arenas. A small constellation of high-profile leaders within the Christian Right began to address this imbalance in earnest in the pivot from the 20th to the 21st century, investing in an array of institutions aimed at radically transforming American law and legal culture. Separate but Faithful is the first in-depth examination of these efforts - their causes, contours and consequences. Drawing on an impressive amount of original data from a variety of sources, the book examines the conditions that gave rise to a set of distinctly "Christian Worldview" law schools and legal institutions. Further, the book analyses their institutional missions and cultural makeup and evaluates their transformative impacts on law and legal culture to date. Separate But Faithful finds that this movement, while struggling to influence the legal and political mainstream, has succeeded in establishing a resilient Christian conservative beacon of resistance; a separate but faithful space from which to incrementally challenge the dominant legal culture by training and credentialing, in the words of Jerry Falwell, "a generation of Christian attorneys who could...infiltrate the legal profession with a strong commitment to the Judeo-Christian ethic.""--

Starting in the 1970s, conservatives learned that electoral victory did not easily convert into a reversal of important liberal accomplishments, especially in the law. As a result, conservatives' mobilizing efforts increasingly turned to law schools, professional networks, public interest groups, and the judiciary--areas traditionally controlled by liberals. Drawing from internal documents, as well as interviews with key conservative figures, The Rise of the Conservative Legal Movement examines this sometimes fitful, and still only partially successful, conservative challenge to liberal domination of the law and American legal institutions. Unlike accounts that depict the conservatives as fiendishly skilled, The Rise of the Conservative Legal Movement reveals the formidable challenges that conservatives faced in competing with legal liberalism. Steven Teles explores how conservative mobilization was shaped by the legal profession, the legacy of the liberal movement, and the difficulties in matching strategic opportunities with effective organizational responses. He explains how foundations and groups promoting conservative ideas built a network designed to dislodge legal liberalism from American elite institutions. And he portrays the reality, not of a grand strategy masterfully pursued, but of individuals and political entrepreneurs learning from trial and error. Using previously unavailable materials from the Olin Foundation, Federalist Society, Center for Individual Rights, Institute for Justice, and Law and Economics Center, The Rise of the Conservative Legal Movement provides an unprecedented look at the inner life of the conservative movement. Lawyers, historians, sociologists, political scientists, and activists seeking to learn from the conservative experience in the law will find it compelling reading.

This book offers a unique insight into the role of human rights lawyers in Chinese law and politics. In her extensive account, Eva Pils shows how these practitioners are important as legal advocates for victims of injustice and how bureaucratic systems of control operate to subdue and marginalise them. The book also discusses how human rights lawyers and the social forces they work for and with challenge the system. In conditions where organised political opposition is prohibited, rights lawyers have begun to articulate and coordinate

demands for legal and political change. Drawing on hundreds of anonymised conversations, the book analyses in detail human rights lawyers' legal advocacy in the face of severe institutional limitations and their experiences of repression at the hands of the police and state security apparatus, along with the intellectual, political and moral resources lawyers draw upon to survive and resist. Key concerns include the interaction between the lawyers and their bureaucratic, professional and social environments and the forms and long term political impact of resistance. In addressing these issues, Pils offers a rare evaluative perspective on China's legal and political system, and proposes new ways to assess domestic advocacy's relationship with international human rights and rule of law promotion. This book will be of great interest and use to students and scholars of law, Chinese studies, socio-legal studies, political studies, international relations, and sociology. It is also of direct value to people working in the fields of human rights advocacy, law, politics, international relations, and journalism.

Demonstrating that the state of civil liberties and human rights in the United Kingdom are quite perilous, this case study looks at the role of rights vis-à-vis social change and culture. Empirically examining the Human Rights Act (HRA), with asylum serving as the main case study, the book focuses on law in action, based on extensive fieldwork and framed against current events. It also discusses the role of Section 55—a law enacted at the same time as the HRA that was an antithesis of what the HRA promised and which forced thousands of asylum-seekers into destitution. Though Section 55 was eventually defeated, asylum-seekers in the UK are still powerless and marginalized. The book argues that the HRA has proven to be ineffective against illiberal policies and that the development of a culture of rights, as far as asylum is concerned, has stalled. This thoughtful analysis of the use of rights laws to advance social causes presents both potential and pitfalls, making it useful for sociologists, activists, and nongovernmental organizations.

When conservatives took control of the federal judiciary in the 1980s, it was widely assumed that they would reverse the landmark rights-protecting precedents set by the Warren Court and replace them with a broad commitment to judicial restraint. Instead, the Supreme Court under Chief Justice William Rehnquist has reaffirmed most of those liberal decisions while creating its own brand of conservative judicial activism. Ranging from 1937 to the present, The Most Activist Supreme Court in History traces the legal and political forces that have shaped the modern Court. Thomas M. Keck argues that the tensions within modern conservatism have produced a court that exercises its own power quite actively, on behalf of both liberal and conservative ends. Despite the long-standing conservative commitment to restraint, the justices of the Rehnquist Court have stepped in to settle divisive political conflicts over abortion, affirmative action, gay rights, presidential elections, and much more. Keck focuses in particular on the role of Justices O'Connor and Kennedy, whose deciding votes have shaped this uncharacteristically activist Court.

The work of both socio-legal scholars and specialists working in social movements research continues to contribute to our understanding of how law relates to and informs the politics of social movements. In the 1990s, an important line of new research, most of it initiated by those working in the law and society tradition, began to bridge the gaps between these two areas of scholarship. This work includes new approaches to group ?legal mobilization? politics; analysis of the judicial impact on social reform struggles; studies of individual legal mobilization in civil disputing and an almost entirely new area of research in ?cause lawyering?. It brings together the best of this research introduced by a detailed essay by the editor.

This book will appeal to are range of constitutional and public legal scholars and practitioners, and will appeal to both audiences of human rights practice, and those following legal theory. First, the book presents a breakthrough in constitutional argument about economic and social rights, long debated in constitutional rights scholarship and public law. It provides an important

collection of comparative developments, new analytical constructs, and contemporarydevelopments in rights theory. Second, the book draws on comparative constitutional law to inform and develop debates in international human rights law. This audience will learn how new approaches to interpretation, enforcement, adjudication, justiciability, and deliberation, may advanceinternational and transnational human rights advocacy, argument and reasoning. Third, the book informs the interdisciplinary debates of food, health care, housing, education and water law.

Stuart A. Scheingold's landmark work introduced a new understanding of the contribution of rights to progressive social movements, and thirty years later it still stands as a pioneering and provocative work, bridging political science and sociolegal studies. In the preface to this new edition, the author provides a cogent analysis of the burgeoning scholarship that has been built on the foundations laid in his original volume. A new foreword from Malcolm Feeley of Berkeley's Boalt Hall School of Law traces the intellectual roots of The Politics of Rights to the classic texts of social theory and sociolegal studies. "Scheingold presents a clear, thoughtful discussion of the ways in which rights can both empower and constrain those seeking change in American society. While much of the writing on rights is abstract and obscure, The Politics of Rights stands out as an accessible and engaging discussion." -Gerald N. Rosenberg, University of Chicago "This book has already exerted an enormous influence on two generations of scholars. It has had an enormous influence on political scientists, sociologists, and anthropologists, as well as historians and legal scholars. With this new edition, this influence is likely to continue for still more generations. The Politics of Rights has, I believe, become an American classic." -Malcolm Feeley, Boalt Hall School of Law, University of California, Berkeley, from the foreword Stuart A. Scheingold is Professor Emeritus of Political Science at the University of Washington.

Over the past 40 years, countries throughout the world have similarly adopted human rights related to environmental governance and protection in national constitutions. Interestingly, these countries vary widely in terms of geography, politics, history, resources, and wealth. This raises the question: why do some countries have constitutional environmental rights while others do not? Bringing together theory from law, political science, and sociology, a global statistical analysis, and a comparative study of constitutional design in South Asia, Gellers presents a comprehensive response to this important question. Moving beyond normative debates and anecdotal developments in case law, as well as efforts to describe and categorize such rights around the world, this book provides a systematic analysis of the expansion of environmental rights using social science methods and theory. The resulting theoretical framework and empirical evidence offer new insights into how domestic and international factors interact during the constitution drafting process to produce new law that is both locally relevant and globally resonant. Scholars, practitioners, and students of law, political science, and sociology interested in understanding how institutions cope with complex problems like environmental degradation and human rights violations will find this book to be essential reading.

The rights revolution in the United States consisted of both sweeping changes in constitutional doctrines and landmark legislative reform, followed by decades of innovative implementation in every branch of the federal government - Congress, agencies, and the courts. In recent years, a growing number of political scientists have sought to integrate studies of the rights revolution into accounts of the contemporary American state. In The Rights Revolution Revisited, a distinguished group of political scientists and legal scholars explore the institutional dynamics, scope, and durability of the rights revolution. By offering an inter-branch analysis of the development of civil rights laws and policies that features the role of private enforcement, this volume enriches our understanding of the rise of the 'civil rights state' and its fate in the current era.

It's a common complaint: the United States is overrun by rules and procedures that shackle professional judgment, have no valid purpose, and serve only to appease courts and lawyers. Charles R. Epp argues, however, that few Americans would want to return to an era without these legalistic policies, which in the 1970s helped bring recalcitrant bureaucracies into line with a growing national commitment to civil rights and individual dignity. Focusing on three disparate policy areas—workplace sexual harassment, playground safety, and police brutality in both the United States and the United Kingdom—Epp explains how activists and professionals used legal liability, lawsuit-generated publicity, and innovative managerial ideas to pursue the implementation of new rights. Together, these strategies resulted in frameworks designed to make institutions accountable through intricate rules, employee training, and managerial oversight. Explaining how these practices became ubiquitous across bureaucratic organizations, Epp casts today's legalistic state in an entirely new light.
Over the last 20 years the world's most advanced militaries have invited a small number of military legal professionals into the heart of their targeting operations, spaces which had previously been exclusively for generals and commanders. These professionals, trained and hired to give legal advice on an array of military operations, have become known as war lawyers. The War Lawyers examines the laws of war as applied by military lawyers to aerial targeting operations carried out by the US military in Iraq and Afghanistan, and the Israel military in Gaza. Drawing on interviews with military lawyers and others, this book explains why some lawyers became integrated in the chain of command whereby military targets are identified and attacked, whether by manned aircraft, drones, and/or ground forces, and with what results. This book shows just how important law and military lawyers have become in the conduct of contemporary warfare, and how it is understood. Jones argues that circulations of law and policy between the US and Israel have bolstered targeting practices considered legally questionable, contending that the involvement of war lawyers in targeting operations enables, legitimises, and sometimes even extends military violence.
Of all the issues presented by China's ongoing economic and sociopolitical transformation, none may ultimately prove as consequential as the development of the Chinese legal system. Even as public demand for the rule of law grows, the Chinese Communist Party still interferes in legal affairs and continues in its harsh treatment of human rights lawyers and activists. Both the frequent occurrences of social unrest in recent years and the growing tension between China's various interest groups underline the urgency of developing a sound and sustainable legal system. As one of China's most influential law professors, He Weifang has been at the forefront of the country's treacherous path toward justice and judicial independence for over a decade. Among his many remarkable endeavors was a successful petition in 2003 that abolished China's controversial regulations permitting the internment and deportation of urban "vagrants," bringing to an end two decades of legal discrimination against migrant workers. His bold remarks at the famous New Western Hills Symposium in 2006, including his assertion that "China's party-state structure violates the PRC Constitution," are considered a watershed moment in the century-long movement for a constitutional China. With In the Name of Justice, He presents his critical assessment of the state of Chinese legal reform. In addition to a selection of his academic writings, this unique book also includes many of He Weifang's public speeches, media

interviews, and open letters, providing additional insight into his dual roles as thinker and practitioner in the Chinese legal world. Among the topics covered are judicial independence, judicial review, legal education, capital punishment, and the legal protection of free speech and human rights. The volume also offers a historical review of the evolution of Chinese traditional legal thought, enhanced by cross-country comparisons. A proponent of reform rather than revolution, He believes only true constitutionalism can guarantee social justice and enduring stability for China. "He Weifang has argued for two decades that rule of law, however inconvenient at times to some of those who govern, must be embraced because it is ultimately the most reliable protector of the interests of the country, of the average citizen, and, in fact, even of those who govern."—from the Foreword by John L. Thornton, chairman, Brookings Institution Board of Trustees and Professor and Director of Global Leadership at Tsinghua University "What struck me—and shocked me as a foreign visitor—was not only that the entire discussion was explicitly critical of the Chinese Communist Party for its resistance to any meaningful judicial reform, but also that the atmosphere was calm, reasonable, and marked by a sense of humor and sophistication in the expression of ideas."—from the Introduction by Cheng Li, director of research and senior fellow at the John L. Thornton China Center at Brookings

An eyewitness account of the revolution in women’s rights under the law. Lawyer, activist, and former Chatelaine legal columnist Linda Silver Dranoff details her own trailblazing journey from a traditional 1950s childhood to the battlegrounds of the courts of law and the halls of power where she and a generation of women lawyers, supporting a larger feminist movement, championed the rights of Canadian women and families. Through a combination of memoir and social history, Dranoff brings to life the struggles around family law, pay and employment equity, violence against women, abortion rights, childcare, pension rights, political engagement, public policy, and access to legal justice. From backroom battles to public and private protest, the stories are inspiring. Fairly Equal reminds us of the importance of remaining vigilant about our rights. Knowing what Dranoff’s generation of women lawyers and activists achieved, and how easily it can be taken away, we are encouraged in sisterhood and solidarity to ensure that the many hard-won gains of the feminist movement are maintained and expanded for the women who follow.

Featuring the first in-depth comparison of the judicial politics of five under-studied Central American countries, The Achilles Heel of Democracy offers a novel typology of 'judicial regime types' based on the political independence and societal autonomy of the judiciary. This book highlights the under-theorized influences on the justice system - criminals, activists, and other societal actors, and the ways that they intersect with more overtly political influences. Grounded in interviews with judges, lawyers, and activists, it presents the 'high politics' of constitutional conflicts in the context of national political conflicts as well as the 'low politics' of crime control and the operations of trial-level courts. The book begins in the violent and often authoritarian 1980s in Guatemala, El Salvador, Honduras, and Nicaragua, and spans through the tumultuous 2015 'Guatemalan Spring'; the evolution of Costa Rica's robust liberal judicial regime is traced from the 1950s.

Over the past few decades, European countries have witnessed a proliferation of legal norms concerning marginalised individuals and minorities who increasingly invoke them

in front of courts to assert their rights and claim protection. The present volume explores the relationship between law, rights and social mobilisation in Europe. It specifically enquires into the extent and ways in which legal processes and entitlements are mobilised by less privileged social actors to advance their rights claims and pursue social change. Most distinctly, it explores such processes in the context of the multi-level European system, characterised by the existence of multiple legal and judicial arenas at the national, subnational and supranational/transnational level. In such a complex system of law and governance in Europe, concepts like legal opportunity structures, as well as the factors shaping them need to be reconceptualised. How does the multi-level European context distinctly shape the nature and salience of rights, as well as their mobilisation by individuals and minority actors?