



# The Rights Revolution

Charles R. Epp

Lawyers,  
Activists,  
and Supreme  
Courts in  
Comparative  
Perspective

# Rights Revolution Lawyers Activists And Supreme Courts In Comparative Perspective

**Donald E. Abelson, Patrick  
James, Michael Lusztig**



## **Rights Revolution Lawyers Activists And Supreme Courts In Comparative Perspective:**

The Rights Revolution Charles R. Epp, 2020-05-14 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. **Courts in** 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.

**Latin America** Gretchen Helmke, Julio Rios-Figueroa, 2011-01-17 To what extent do courts in Latin America protect individual rights and limit governments? This volume answers these fundamental questions by bringing together today's leading scholars of judicial politics. Drawing on examples from Argentina, Brazil, Chile, Mexico, Colombia, Costa Rica, and Bolivia, the authors demonstrate that there is widespread variation in the performance of Latin America's constitutional courts. In accounting for this variation, the contributors push forward ongoing debates about what motivates judges: whether institutions, partisan politics, and public support shape inter-branch relations and the importance of judicial attitudes and legal culture. The authors deploy a range of methods, including qualitative case studies, paired country comparisons, statistical analysis, and game theory. Foundations of Public Law Martin Loughlin, 2010-06-03 This text develops Martin Loughlin's distinctive and provocative theory of public law. Tracing the historical evolution of the concept of public law, the book rethinks the foundational concepts of state constitution and government, arguing that public power is created, not controlled, by law.

**Partisan Supremacy** Terri Jennings Peretti, 2020-11-20 I have no agenda. US Supreme Court Chief Justice John Roberts proclaimed at his Senate confirmation hearing. My job is to call balls and strikes and not to pitch or bat. This declaration was in keeping with the avowed independence of the judiciary. It also, when viewed through the lens of Roberts's election law decisions, appears to be false. With a scrupulous reading of judicial decisions and a careful assessment of partisan causes and consequences, Terri Jennings Peretti tells the story of the GOP's largely successful campaign to enlist judicial aid for its self-interested election reform agenda. **Partisan Supremacy** explores four contemporary election law issues: voter identification, gerrymandering, campaign finance, and the preclearance regime of the Voting Rights Act, to uncover whether Republican politicians and Republican judges have collaborated to tilt America's election rules in the GOP's favor. Considering cases from *Shelby County v. Holder*, which enfeebled the Voting Rights Act, to *Crawford v. Marion County Election Board*, which upheld restrictive voter identification laws, to *Citizens United* and *McCutcheon*, which loosened campaign finance restrictions, Peretti

lays bare the reality of friendly judicial review and partisan supremacy when it comes to election law. She nonetheless finds a mixed verdict in the redistricting area that reveals the limits of partisan control over judicial decisions. Peretti's book helpfully places the current GOP's voter suppression campaign in historical context by acknowledging similar efforts by the post-Civil War Democratic Party. While the modern Democratic Party seeks electoral advantage by expanding voting by America's minorities and youth arguably hewing closer to democratic principles, neither party is immune to the powerful incentive to bend election rules in its favor. In view of the evidence that Partisan Supremacy brings to light, we are left with a critical and pressing question: Can democracy survive in the face of partisan collaboration across the branches of government on critical election issues?

*Under the Starry Flag* Lucy E. Salyer, 2018-10-15 Winner of the Myrna F. Bernath Book Award. A stunning accomplishment. As the Trump administration works to expatriate naturalized U.S. citizens, understanding the history of individual rights and state power at the heart of *Under the Starry Flag* could not be more important. Passport: A brilliant piece of historical writing as well as a real page-turner. Salyer seamlessly integrates analysis of big, complicated historical questions: allegiance, naturalization, citizenship, politics, diplomacy, race, and gender into a gripping narrative. Kevin Kenny, author of *The American Irish*. In 1867, forty Irish American freedom fighters, outfitted with guns and ammunition, sailed to Ireland to join the effort to end British rule. They were arrested for treason as soon as they landed. The Fenians, as they were called, claimed to be American citizens, but British authorities insisted that they remained British subjects. Following the Civil War, the Fenian crisis dramatized the question of whether citizenship should be considered an inalienable right. This gripping legal saga, a prelude to today's immigration battles, raises important questions about immigration, citizenship, and who deserves to be protected by the law.

*The Pioneers of Judicial Behavior* Nancy L. Maveety, 2009-11-16 Examines the contributions of the pioneers of research into judicial behavior.

**The Most Activist Supreme Court in History** Thomas M. Keck, 2010-02-15 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 Myth of the Sacred* Donald E. Abelson, Patrick James, Michael Lusztig, 2002 In this collection, the authors challenge the myth of the sacred, the idea that certain aspects of

the constitutional process judicial political behaviour interest group politics and centralization of power are untouchable politically They suggest that certain actors and institutions have contributed to a myth about the normative basis of Canadian constitutional politics a myth perpetuated through the popular media as well as much of the scholarly literature Such actors often disguise their overtly political behavior with a cloak of impartiality presenting their actions as furthering the public good and therefore immune to challenge The Myth of the Sacred seeks to challenge this ideal At its core this myth embodies the Trudeauian ideal of Canadian society one that features a constitution that empowers impartial judges at the expense of politically motivated legislators one that allows each individual to enjoy a uniform range of rights freedoms and means of belonging to the larger Canadian society and one that seeks to ensure the primacy of the national government rather than the provincial Trudeau called his vision the Just Society But justice is an illusive and amorphous concept Defining it much less institutionalizing it is fraught with risk In modern liberal democracies justice is typically understood as the product of some mix of liberty and equality process and substance with the amount of each component varying according to taste It is not unusual for political actors to seek to institutionalize their own formulas for justice but it is also not reasonable to expect these formulas to go unchallenged Such a challenge represents the dominant theme of this volume Contributors include Donald E Abelson Tom Flanagan University of Calgary Patrick James James B Kelly Brock University Michael Lusztig Christopher P Manfredi McGill University Hudson Meadwell McGill University Anthony A Peacock Utah State University Mark Rush Washington and Lee University and Shannon I Smithey Kent State University

*Constitutional Deliberation in Congress* J. Mitchell Pickerill, 2004-05-17 Analyzes the impact of the Supreme Court's constitutional decisions and its judicial review of statutes on lawmaking in Congress

**Queer Alliances** Erin Mayo-Adam, 2020-07-14 A unique investigation into how alliances form in highly polarized times among LGBTQ immigrant and labor rights activists revealing the impacts within each rights movement Queer Alliances investigates coalition formation among LGBTQ immigrant and labor rights activists in the United States revealing how these new alliances impact political movement formation In the early 2000s the LGBTQ and immigrant rights movements operated separately from and sometimes in a hostile manner towards each other Since 2008 by contrast major alliances have formed at the national and state level across these communities Yet this new coalition formation came at a cost Today coalitions across these communities have been largely reluctant to address issues of police brutality mass incarceration economic inequality and the ruthless immigrant regulatory complex Queer Alliances examines the extent to which grassroots groups bridged historic divisions based on race gender class and immigration status through the development of coalitions looking specifically at coalition building around expanding LGBTQ rights in Washington State and immigrant and migrant rights in Arizona Erin Mayo Adam traces the evolution of political movement formation in each state and shows that while the movements expanded they simultaneously ossified around goals that matter to the most advantaged segments of their respective communities Through a detailed multi method study that involves archival research

and in depth interviews with organization leaders and advocates Queer Alliances centers local coalition based mobilization across and within multiple movements rather than national campaigns and court cases that often occur at the end of movement formation Mayo Adam argues that the construction of common political movement narratives and a shared core of opponents can help to explain the paradoxical effects of coalition formation On the one hand the development of shared political movement narratives and common opponents can expand movements in some contexts On the other hand the episodic nature of rights based campaigns can simultaneously contain and undermine movement expansion reinforcing movement divisions Mayo Adam reveals the extent to which inter and intra movement coalitions formed to win rights or thwart rights losses represent and serve intersectionally marginalized communities who are often absent from contemporary accounts of social movement formation

**The Oxford Handbook of Law and Politics** Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-11 The study of law and politics is one of the foundation stones of the discipline of political science and it has been one of the most productive areas of cross fertilization between the various subfields of political science and between political science and other cognate disciplines This Handbook provides a comprehensive survey of the field of law and politics in all its diversity ranging from such traditional subjects as theories of jurisprudence constitutionalism judicial politics and law and society to such re emerging subjects as comparative judicial politics international law and democratization The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead Courts and Social Transformation in New Democracies Roberto Gargarella, Theunis Roux, 2017-03-02 Using case studies drawn from Latin America Africa India and Eastern Europe this volume examines the role of courts as a channel for social transformation for excluded sectors of society in contemporary democracies With a focus on social rights litigation in post authoritarian regimes or in the context of fragile state control the authors assess the role of judicial processes in altering or perpetuating social and economic inequalities and power relations in society Drawing on interdisciplinary expertise in the fields of law political theory and political science the chapters address theoretical debates and present empirical case studies to examine recent trends in social rights litigation

**Research Handbook on Law and Courts** Susan M. Sterett, Lee Demetrius Walker, 2019 The Research Handbook on Law and Courts provides a systematic analysis of new work on courts as governing institutions Authors consider how courts have taken on regulating fundamental categories of inclusion and exclusion including citizenship rights Courts centrality to governance is addressed in sections on judicial processes sub national courts and political accountability all analyzed in multiple legal political systems Other chapters turn to analyzing the worldwide push for diversity in staffing courts Finally the digitization of records changes both court processes and studying courts Authors included in the Handbook discuss theoretical empirical and methodological approaches to studying courts as governing institutions They also identify promising areas of future research Special Issue Austin Sarat, 2012-10-02 This

special issue is dedicated to the life and work of beloved legal scholar Stuart Scheingold. The articles brought together in this volume articulate the inspiring contribution Scheingold has made to the field of political science. The final chapter on Rights, Community, and Democracy is a work authored by Stuart Scheingold which has been complete.

**International Encyclopedia of Political Science** Bertrand Badie, Dirk Berg-Schlosser, Leonardo Morlino, 2011-09-07. With entries from leading international scholars from around the world, this eight-volume encyclopedia offers the widest possible coverage of key areas both regionally and globally. The International Encyclopedia of Political Science provides a definitive comprehensive picture of all aspects of political life, recognizing the theoretical and cultural pluralism of our approaches and including findings from the far corners of the world. The eight volumes cover every field of politics, from political theory and methodology to political sociology, comparative politics, public policies, and international relations. Entries are arranged in alphabetical order, and a list of entries by subject area appears in the front of each volume for ease of use. The encyclopedia contains a detailed index as well as extensive bibliographical references. Filling the need for an exhaustive overview of the empirical findings and reflections on politics, this reference resource is suited for undergraduate or graduate students who wish to be informed effectively and quickly on their field of study, for scholars seeking information on relevant research findings in their area of specialization or in related fields, and for lay readers who may lack a formal background in political science but have an interest in the field. Nonetheless, the International Encyclopedia of Political Science provides an essential authoritative guide to the state of political science at the start of the 21st century and for decades to come, making it an invaluable resource for a global readership including researchers, students, citizens, and policy makers. The encyclopedia was developed in partnership with the International Political Science Association.

**Key Themes:** Case and Area Studies, Comparative Politics, Theory and Methods, Democracy and Democratization, Economics, Epistemological Foundations, Equality and Inequality, Gender and Race, Ethnicity, International Relations, Local Government, Peace, War and Conflict, Resolution, People and Organizations, Political Economy, Political Parties, Political Sociology, Public Policy and Administration, Qualitative Methods, Quantitative Methods, Religion.

**Judging Russia** Alexei Trochev, 2008-04-28. This is a study of the actual role that the Russian Constitutional Court played in protecting fundamental rights and resolving legislative, executive, struggles, and federalism disputes in both Yeltsin's and Putin's Russia. Trochev argues that judicial empowerment is a non-linear process with unintended consequences, and that courts that depend on their reputation flourish only if an effective and capable state is there to support them. This is because judges can rely only on the authoritativeness of their judgments, unlike politicians and bureaucrats who have the material resources necessary to respond to judicial decisions. Drawing upon systematic analysis of all decisions of the Russian Court, published and unpublished, and previously unavailable materials on their non-implementation and resting on a combination of the approaches from comparative politics, law, and public administration, this book shows how and why judges attempted to reform Russia's governance and fought to ensure compliance with their judgments.

**Judicial Politics in the**

**United States** Mark C. Miller, 2018-09-03 *Judicial Politics in the United States* examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American courts and judges interact with other judiciaries around the world *Judicial Politics in the United States* balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics *The Judge in a Democracy*

Aharon Barak, 2009-01-10 Whether examining election outcomes the legal status of terrorism suspects or if or how people can be sentenced to death a judge in a modern democracy assumes a role that raises some of the most contentious political issues of our day But do judges even have a role beyond deciding the disputes before them under law What are the criteria for judging the justices who write opinions for the United States Supreme Court or constitutional courts in other democracies These are the questions that one of the world s foremost judges and legal theorists Aharon Barak poses in this book In fluent prose Barak sets forth a powerful vision of the role of the judge He argues that this role comprises two central elements beyond dispute resolution bridging the gap between the law and society and protecting the constitution and democracy The former involves balancing the need to adapt the law to social change against the need for stability the latter judges ultimate accountability not to public opinion or to politicians but to the internal morality of democracy Barak s vigorous support of purposive interpretation interpreting legal texts for example statutes and constitutions in light of their purpose contrasts sharply with the influential originalism advocated by U S Supreme Court Justice Antonin Scalia As he explores these questions Barak also traces how supreme courts in major democracies have evolved since World War II and he guides us through many of his own decisions to show how he has tried to put these principles into action even under the burden of judging on terrorism *The Oxford Handbook of U.S. Women's Social Movement Activism* Holly J. McCammon, Verta Taylor, Jo Reger, Rachel L. Einwohner, 2017-05-05 Over the course of thirty seven chapters including an editorial introduction this handbook provides a comprehensive examination of scholarly research and knowledge on a variety of aspects of women s collective activism in the United States tracing both continuities and critical changes over time Women have played pivotal and far reaching roles in bringing about significant societal change and women activists come from an array of different demographics backgrounds and perspectives including those that are radical liberal and conservative The chapters in the handbook consider women s activism in the interest of women themselves as well as actions done on behalf of other social groups The volume is organized into five sections The first looks at U S Women s Social Activism over time from the women s suffrage movement to the ERA radical feminism third wave feminism intersectional feminism and global feminism Part two



looks at issues that mobilize women including workplace discrimination reproductive rights health gender identity and sexuality violence against women welfare and employment globalization immigration and anti feminist and pro life causes Part three looks at strategies including movement emergence and resource mobilization consciousness raising and traditional and social media Part four explores targets and tactics including legislative forums electoral politics legal activism the marketplace the military and religious and educational institutions Finally part five looks at women s participation within other movements including the civil rights movement the environmental movement labor unions LGBTQ movement Latino activism conservative groups and the white supremacist movement

The Wiley Blackwell Companion to Social Movements  
David A. Snow, Sarah A. Soule, Hanspeter Kriesi, Holly J. McCammon, 2023-01-04 The most up to date and thorough compendium of scholarship on social movements This second edition of The Wiley Blackwell Companion to Social Movements features forty original essays from the field With contributions from both established and ascendant scholars the Companion seeks to present current research on social movements in all its diversity It is the most up to date comprehensive volume of social science research on social movements available today The essays address facilitative and constraining contexts and conditions social movement organizations fields and dynamics strategies and tactics micro structural and social psychological dimensions of participation consequences and outcomes and various thematic intersections including the intersection of social movements and social class gender race and ethnicity religion human rights globalization political extremism and more Offers an illuminating guide to understanding the dynamics and operation of social movements within the modern global world Covers a diverse range of topics in the field of social movement studies Offers original state of the art essays by internationally recognized scholars The Wiley Blackwell Companion to Social Movements is recommended for graduate seminars on social movement and for scholars of social movements worldwide It is also an excellent text for college and university libraries especially with graduate programs in the social sciences

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