



# The Rights Revolution

Charles R. Epp

Lawyers,  
Activists,  
and Supreme  
Courts in  
Comparative  
Perspective

# The Rights Revolution Lawyers Activists And Supreme Courts In Comparative Perspective

**Jason Louis Pierce**



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

The Rights Revolution Charles R. Epp, 1998-10-15 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 The Migration of Constitutional Ideas Sujit Choudhry, 2007-01-18 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 The Oxford Handbook of Political Executives Rudy B. Andeweg, Robert Elgie, Ludger Helms, Juliet Kaarbo, Ferdinand Müller-Rommel, 2020-07-30 Political executives have been at the centre of public and scholarly attention long before the inception of modern political science In the contemporary world political executives have come to dominate the political stage in many democratic and autocratic regimes The Oxford Handbook of Political Executives marks the definitive reference work in this field Edited and written by a team of world class scholars it combines substantive stocktaking with setting new agendas for the next generation of political executive research *Research Handbook on Judicial Politics* Michael P. Fix, Matthew D. Montgomery, 2024-09-06 This timely Research Handbook offers a comprehensive examination of judicial politics both in the US and across the globe Taking a broad view of the judiciary in all levels of the court it examines the present state of the field and raises new questions for future scholarly exploration Complete Public Law Lisa Webley, Harriet Samuels, 2012-05-17 Complete Public Law combines extracts from key primary and secondary materials with jargon free text to provide a resource for the student new to the study of constitutional and administrative law **No Day in**

**Court** Sarah L. Staszak, 2015 While the majority of the landmark laws and legal precedents expanding access to justice in the United States remain intact less than 2 percent of civil cases are decided by a trial today What explains this phenomenon and why it is so difficult to get one's day in court This book examines the sustained efforts of political and legal actors to scale back access to the courts in the decades since it was expanded largely in the service of the rights revolution of the 1950s and 60s

**The Supreme Court Law Review**, 2003 American Constitutional Law: Civil rights and liberties Gregg Ivers, 2001 This book explores the political and social aspects of the litigation process and judicial decision making The author goes beyond a simple description of legal rules to investigate the dynamic relationship between law and politics The book emphasizes the real world influence of Supreme Court's opinions on the operation of American political institutions

Back cover **The Charter Revolution and the Court Party** F.L. Morton, Rainer Knopff, 2000-04 Here finally is a book that unveils the politics that infuse Canadian courts and their decisions and warns us of the effects of a judicialized politics on our democratic traditions Leslie A. Pal Carleton University

**Arizona Journal of International and Comparative Law**, 2005 *Working Paper*, 2005 *Judicial Politics in New Democracies* Peter VonDoepp, 2009 That judicial institutions are important for emerging democracies leaves little if any room for debate But to what extent do judiciaries in these new democracies maintain their autonomy And what accounts for varying levels of autonomy across states Drawing on the cases of Malawi, Zambia and Namibia and offering a novel analytical framework Peter VonDoepp illuminates why power holders behave as they do toward the courts VonDoepp considers whether and why political leaders have respected or undermined judicial autonomy in each of the three cases He also addresses how the courts themselves have shaped executive-judicial relations His findings present unexpected challenges for existing frameworks as well as important lessons about the factors and conditions affecting judicial development in transitional states

BOOK JACKET *Growing Constitutions* Tom Ginsburg, 1999 *Inside the Mason Court Revolution* Jason Louis Pierce, 2006 This book examines the Australian High Court's enormously controversial and politically explosive transformation during the 1990s Led by Chief Justice Anthony Mason the Court embarked on a concerted effort to recast its role within Australia's legal and political systems The Court moved to the storm center of Australian politics as it became a catalyst for reforms that appeared unobtainable through parliamentary means including rights for Australia's indigenous population and free speech protections Securing unprecedented access to Australia's High Court and senior appellate judges Pierce describes how the transformation unfolded identifies the conditions that encouraged it and explores how the Mason Court reforms have attenuated in recent years in the face of a hostile conservative government and in the absence of formal support structures such as a bill of rights The book situates the High Court's transformation in the wider context of similar changes that occurred in other common law judicial systems during recent decades including the United States Great Britain and Canada *Inside the Mason Court Revolution* is the go-to book for a solid accessible analysis of recent jurisprudential changes on Australia's High Court an informative explanation of why

these changes occurred and thoughtful commentary on how permanent they may be Law Politics Book Review Pierce intelligently analyses the reasons for the Court's activism during this period such as the passage of the Australia Act 1986 and Australia's growing legal independence the introduction of compulsory retirement for High Court judges and the requirement for leave to appeal in virtually all cases This excellent work cogently analyses the criticisms made of the Court during this period that it was too activist and political for an unelected body Law Institute Journal The book is based on more than eighty in depth interviews with the senior judiciary in Australia in the late 1990s Pierce quotes at length from the interviews and it is extremely valuable to hear these judges in their own words the quotes are enormous fun and can be very thought provoking Oxford University Commonwealth Law Journal Herein lies the book's great importance Pierce so convincingly argues utilising the remarks of the very echelon of the Australian profession as support that how courts function is dependent upon a complex interplay of legal individual institutional and political variables that neither camp lawyer or political scientist can remain happily in their comfort zone Federal Law Review Against what sorts of political standards do we assess claims of the use and abuse of judicial powers The relevance of Pierce's fascinating book is that it provides a fresh answer to this quite fundamental question Pierce deserves many non Australian readers The American Review of Politics Pierce has thoroughly researched his subject and for that reason this book is a worthwhile addition to any library Precedent Magazine The judicial comments recorded in this book are in many cases both thoughtful and thought provoking They provide great insight into the judicial role and method from those who practise it Both the divergences and similarities in views are instructive and this material could well prove useful for future studies on the judiciary Melbourne University Law Review Current Law Index, 2007 Taking Stock of Human Rights Situation in Africa Sifuni Ernest Mchome, 2002

**Making Property Rights Accessible** Jennifer Conroy Franco, 2005 **Theoretical and Empirical Studies of Rights** Laura Beth Nielsen, 2007 The essays in this volume are based on the premise that the most basic functions of rights requires the empirical study of rights consciousness and claiming behavior The volume is organized around the social movements and political processes which give rise to rights the processes by which people come to understand they enjoy a right the decision to invoke the right either formally or informally and the organizational and institutional constraints and opportunities for exercising rights The essays are contributed by political scientists historians lawyers and sociologists Leveraging Accountability Jonathan David Marshall, 2003 *Sanctions for Whom?* Peter Bartholomew Brownell, 2009

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