

Law And Legitimacy In The Supreme Court

[#Supreme Court](#) [#Law](#) [#Legitimacy](#) [#Judicial Review](#) [#Constitutional Law](#)

Explore the intricate relationship between law and legitimacy within the Supreme Court. This analysis delves into how legal principles and procedures contribute to, or detract from, the public's perception of the court's authority and fairness. We examine key factors influencing the Supreme Court's legitimacy, including its interpretation of the law, its composition, and its impact on society, ultimately considering the balance between legal authority and public trust.

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Law and Legitimacy in the Supreme Court

Legitimacy and judicial authority -- Constitutional meaning : original public meaning -- Constitutional meaning : varieties of history that matter -- Law in the Supreme Court : jurisprudential foundations -- Constitutional constraints -- Constitutional theory and its relation to constitutional practice -- Sociological, legal, and moral legitimacy : today and tomorrow

Law and Legitimacy in the Supreme Court

Why do self-proclaimed constitutional "originalists" so regularly reach decisions with a politically conservative valence? Do "living constitutionalists" claim a license to reach whatever results they prefer, without regard to the Constitution's language and history? In confronting these questions, Richard H. Fallon reframes and ultimately transcends familiar debates about constitutional law, constitutional theory, and judicial legitimacy. Drawing from ideas in legal scholarship, philosophy, and political science, Fallon presents a theory of judicial legitimacy based on an ideal of good faith in constitutional argumentation. Good faith demands that the Justices base their decisions only on legal arguments that they genuinely believe to be valid and are prepared to apply to similar future cases. Originalists are correct about this much. But good faith does not forbid the Justices to refine and adjust their interpretive theories in response to the novel challenges that new cases present. Fallon argues that theories of constitutional interpretation should be works in progress, not rigid formulas laid down in advance of the unforeseeable challenges that life and experience generate. *Law and Legitimacy in the Supreme Court* offers theories of constitutional law and judicial legitimacy that accept many tenets of legal realism but reject its corrosive cynicism. Fallon's account both illuminates current practice and prescribes urgently needed responses to a legitimacy crisis in which the Supreme Court is increasingly enmeshed.

The Rights Paradox

What happens to the legitimacy of the Supreme Court when it protects 'equal justice under law'?

Legitimacy, Legal Development and Change

This book addresses critical questions about how legal development works in practice. Can law be employed to shape behavior as a form of social engineering, or must social behavior change first, relegating legal change to follow as ratification or reinforcement? And what is legal development's source of legitimacy if not modernization? But by the same token, whose version of modernization will predominate absent a Western monopoly on change? There are now legal development alternatives, especially from Asia, so we need a better way to ask the right questions of different approaches primarily in (non-Western) Asia, Africa, the Islamic world, plus South America. Incoming waves of

change like the 'Arab spring' lie on the horizon. Meanwhile, debates are sharpening about law's role in economic development versus democracy and governance under the rubric of the rule of law. More than a general survey of law and modernization theory and practice, this work is a timely reference for practitioners of institutional reform, and a thought-provoking interdisciplinary collection of essays in an area of renewed practical and scholarly interest. The contributors are a distinguished international group of scholars and practitioners of law, development, social sciences, and religion with extensive experience in the developing world.

Judicial Deliberations

Judicial Deliberations compares how and why the European Court of Justice, the French Cour de cassation and the US Supreme Court offer different approaches for generating judicial accountability and control, judicial debate and deliberation, and ultimately judicial legitimacy. Examining the judicial argumentation of the United States Supreme Court and of the French Cour de cassation, the book first reorders the traditional comparative understanding of the difference between French civil law and American common law judicial decision-making. It then uses this analysis to offer the first detailed comparative examination of the interpretive practice of the European Court of Justice. Lasser demonstrates that the French judicial system rests on a particularly unified institutional and ideological framework founded on explicitly republican notions of meritocracy and managerial expertise. Law-making per se may be limited to the legislature; but significant judicial normative administration is entrusted to State selected, trained, and sanctioned elites who are policed internally through hierarchical institutional structures. The American judicial system, by contrast, deploys a more participatory and democratic approach that reflects a more populist vision. Shunning the unifying, controlling, and hierarchical French structures, the American judicial system instead generates its legitimacy primarily by argumentative means. American judges engage in extensive debates that subject them to public scrutiny and control. The ECJ hovers delicately between the institutional/argumentative and republican/democratic extremes. On the one hand, the ECJ reproduces the hierarchical French discursive structure on which it was originally patterned. On the other, it transposes this structure into a transnational context of fractured political and legal assumptions. This drives the ECJ towards generating legitimacy by adopting a somewhat more transparent argumentative approach.

Judicial Deliberations

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The Nature of Constitutional Rights

Explains constitutional rights, how courts must identify them, and why their protections are more limited than most people think.

The Limits of Legitimacy

When the U.S. Supreme Court announces a decision, reporters simplify and dramatize the complex legal issues by highlighting dissenting opinions and thus emphasizing conflict among the justices themselves. This often sensationalistic coverage fosters public controversy over specific rulings despite polls which show that Americans strongly believe in the Court's legitimacy as an institution. In *The Limits of Legitimacy*, Michael A. Zilis illuminates this link between case law and public opinion. Drawing on a diverse array of sources and methods, he employs case studies of eminent domain decisions, analysis of media reporting, an experiment to test how volunteers respond to media messages, and finally the natural experiment of the controversy over the Affordable Care Act, popularly known as Obamacare. Zilis finds that the media tends not to quote from majority opinions. However, the greater the division over a particular ruling among the justices themselves, the greater the likelihood that the media will criticize that ruling, characterize it as "activist," and employ inflammatory rhetoric. Hethen demonstrates that the media's portrayal of a decision, as much as the substance of the decision itself, influences citizens' reactions to and acceptance of it. This meticulously constructed study and its persuasively argued conclusion advance the understanding of the media, judicial politics, political institutions, and political behavior.

These Estimable Courts

In *These Estimable Courts*, Damon M. Cann and Jeff Yates explore how citizens feel about the government institutions at the front lines of jurisprudential policy-making in America - our nation's state and local courts. The book's central focus concerns a primary question of governance: why do people support and find legitimate the institutions that govern their lives? Cann and Yates evaluate the factors that drive citizens' support for their state and local courts and that influence peoples' perceptions of the proper role of these courts in our society, as well as how judicial policy-making should be made. A viable democracy depends upon citizen belief in the legitimacy of government institutions. Nowhere is this more evident than in judicial institutions. Courts depend heavily on a reservoir of public good will and institutional legitimacy to get their decrees obeyed by the public and implemented by other policy actors. It enables courts to weather the storm of counter-majoritarian decisions and remain effective governing bodies whose edicts are respected and followed. *These Estimable Courts* takes advantage of new original survey data to evaluate citizens' beliefs about the legitimacy of state courts as well as a number of important related concerns. These include peoples' views concerning how judges decide cases, the role of judges and courts in policy-making, the manner in which we select judges, and finally, the dynamics of citizens' views regarding compliance with the law and legal institutions.

Bush v. Gore

The Supreme Court's intervention in the 2000 election will shape American law and democracy long after George W. Bush has left the White House. This vitally important book brings together a broad range of preeminent legal scholars who address the larger questions raised by the Supreme Court's actions. Did the Court's decision violate the rule of law? Did it inaugurate an era of super-politicized jurisprudence? How should *Bush v. Gore* change the terms of debate over the next round of Supreme Court appointments? The contributors—Bruce Ackerman, Jack Balkin, Guido Calabresi, Steven Calabresi, Owen Fiss, Charles Fried, Robert Post, Margaret Jane Radin, Jeffrey Rosen, Jed Rubenfeld, Cass Sunstein, Laurence Tribe, and Mark Tushnet—represent a broad political spectrum. Their reactions to the case are varied and surprising, filled with sparkling argument and spirited debate. This is a must-read book for thoughtful Americans everywhere. /DIV/DIV

Legacy and Legitimacy

Thoroughly grounded in the latest scholarly literature, theoretical sources, and experimental results, *Legacy and Legitimacy* substantially advances understanding of Black Americans' attitudes toward the Supreme Court, the Court's ability to influence Blacks' opinions about the legitimacy of public institutions and policies, and the role of media in shaping Blacks' judgments. Drawing on legitimacy theory—which explains the acceptance of or tolerance for controversial policies—the authors begin by reexamining the significance of “diffuse support” in establishing legitimacy. They provide a useful overview of the literature on legitimacy and a concise history of the special relationship between Blacks and the Court. They investigate the influences of group attitudes and media “framing.” And they employ data from large-scale surveys to show that Blacks with greater levels of diffuse support for the Court are more likely to adopt positions consistent with Court rulings. With its broad scope and inclusion of new experimental findings, *Legacy and Legitimacy* will interest students and scholars of judicial politics, racial politics, media and politics, black studies and public opinion.

The Limits of Legitimacy

When the U.S. Supreme Court announces a decision, reporters simplify and dramatize the complex legal issues by highlighting dissenting opinions and thus emphasizing conflict among the justices themselves. This often sensationalistic coverage fosters public controversy over specific rulings despite polls which show that Americans strongly believe in the Court's legitimacy as an institution. In *The Limits of Legitimacy*, Michael A. Zilis illuminates this link between case law and public opinion. Drawing on a diverse array of sources and methods, he employs case studies of eminent domain decisions, analysis of media reporting, an experiment to test how volunteers respond to media messages, and finally the natural experiment of the controversy over the Affordable Care Act, popularly known as Obamacare. Zilis finds that the media tends not to quote from majority opinions. However, the greater the division over a particular ruling among the justices themselves, the greater the likelihood that the media will criticize that ruling, characterize it as “activist,” and employ inflammatory rhetoric. Hethen demonstrates that the media's portrayal of a decision, as much as the substance of the decision itself, influences citizens' reactions to and acceptance of it. This meticulously constructed study and its persuasively

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Citizens, Courts, and Confirmations

In recent years the American public has witnessed several hard-fought battles over nominees to the U.S. Supreme Court. In these heated confirmation fights, candidates' legal and political philosophies have been subject to intense scrutiny and debate. *Citizens, Courts, and Confirmations* examines one such fight--over the nomination of Samuel Alito--to discover how and why people formed opinions about the nominee, and to determine how the confirmation process shaped perceptions of the Supreme Court's legitimacy. Drawing on a nationally representative survey, James Gibson and Gregory Caldeira use the Alito confirmation fight as a window into public attitudes about the nation's highest court. They find that Americans know far more about the Supreme Court than many realize, that the Court enjoys a great deal of legitimacy among the American people, that attitudes toward the Court as an institution generally do not suffer from partisan or ideological polarization, and that public knowledge enhances the legitimacy accorded the Court. Yet the authors demonstrate that partisan and ideological infighting that treats the Court as just another political institution undermines the considerable public support the institution currently enjoys, and that politicized confirmation battles pose a grave threat to the basic legitimacy of the Supreme Court.

Law and Politics in the Supreme Court

This book, the result of a major international conference held at Yale Law School, contains contributions from leading scholars in public law who engage critically with Bruce Ackerman's path-breaking book, *Revolutionary Constitutions: Charismatic Leadership and the Rule of Law*. The book also features a rebuttal chapter by Ackerman in which he responds directly to the contributors' essays. Some advance Ackerman's theory, others attack it, and still others refine it – but all agree that the ideas in his book reset the terms of debate on the most important subjects in constitutionalism today: from the promise and perils of populism to the causes and consequences of democratic backsliding, from the optimal models of constitutional design to the forms and limits of constitutional amendment, and from the role of courts in politics to how we identify when the mythical 'people' have spoken. A must-read for all interested in the current state of constitutionalism.

Revolutionary Constitutionalism

This volume critically discusses the relationship between democracy and constitutionalism. It does so with a view to respond to objections raised by legal and political philosophers who are sceptical of judicial review based on the assumption that judicial review is an undemocratic institution. The book builds on earlier literature on the moral justification of the authority of constitutional courts, and on the current attempts to develop a system on “weak judicial review”. Although different in their approach, the chapters all focus on devising institutions, procedures and, in a more abstract way, normative conceptions to democratize constitutional law. These democratizing strategies may vary from a radical objection to the institution of judicial review, to a more modest proposal to justify the authority of constitutional courts in their “deliberative performance” or to create constitutional juries that may be more aware of a community's constitutional morality than constitutional courts are. The book connects abstract theoretical discussions about the moral justification of constitutionalism with concrete problems, such as the relation between constitutional adjudication and deliberative democracy, the legitimacy of judicial review in international institutions, the need to create new institutions to democratize constitutionalism, the connections between philosophical conceptions and constitutional practices, the judicial review of constitutional amendments, and the criticism on strong judicial review.

Democratizing Constitutional Law

Constitutional courts around the world play an increasingly central role in day-to-day democratic governance. Yet scholars have only recently begun to develop the interdisciplinary analysis needed to understand this shift in the relationship of constitutional law to politics. This edited volume brings together the leading scholars of constitutional law and politics to provide a comprehensive overview of judicial review, covering theories of its creation, mechanisms of its constraint, and its comparative applications, including theories of interpretation and doctrinal developments. This book serves as a single point of entry for legal scholars and practitioners interested in understanding the field of comparative judicial review in its broader political and social context.

Comparative Judicial Review

"In *Electing Judges*, James L. Gibson responds to the growing chorus of critics who fear that the politics of running for office undermine judicial independence. While many people have opinions on the topic, few have supported them with empirical evidence. Gibson rectifies this situation, offering the most systematic study to date of the impact of campaigns on public perceptions of fairness, impartiality, and the legitimacy of elected state courts--and his findings are both counterintuitive and controversial"--Page [four] of cover.

Electing Judges

Here, Philip Bobbitt studies the basis for the legitimacy of judicial review by examining six types of constitutional argument--historical, textual, structural, prudential doctrinal, and ethical--through the unusual method of contrasting sketches of prominent legal figures responding to the constitutional crises of their day.

Constitutional Fate

In *Lord Sumption and the Limits of the Law*, leading public law scholars reflect on the nature and limits of the judicial role and its implications for human rights protection and democracy. The starting point for this reflection is Lord Sumption's lecture, 'The Limits of the Law', which grounds a wide-ranging discussion of questions including the scope and legitimacy of judicial law-making, the interpretation of the European Convention on Human Rights, and the continuing significance and legitimacy, or otherwise, of the European Court of Human Rights. Lord Sumption ends the volume with a substantial commentary on the responses to his lecture.

Lord Sumption and the Limits of the Law

In recent years the American public has witnessed several hard-fought battles over nominees to the U.S. Supreme Court. In these heated confirmation fights, candidates' legal and political philosophies have been subject to intense scrutiny and debate. *Citizens, Courts, and Confirmations* examines one such fight--over the nomination of Samuel Alito--to discover how and why people formed opinions about the nominee, and to determine how the confirmation process shaped perceptions of the Supreme Court's legitimacy. Drawing on a nationally representative survey, James Gibson and Gregory Caldeira use the Alito confirmation fight as a window into public attitudes about the nation's highest court. They find that Americans know far more about the Supreme Court than many realize, that the Court enjoys a great deal of legitimacy among the American people, that attitudes toward the Court as an institution generally do not suffer from partisan or ideological polarization, and that public knowledge enhances the legitimacy accorded the Court. Yet the authors demonstrate that partisan and ideological infighting that treats the Court as just another political institution undermines the considerable public support the institution currently enjoys, and that politicized confirmation battles pose a grave threat to the basic legitimacy of the Supreme Court.

Citizens, Courts, and Confirmations

The Supreme Court is frequently portrayed as an isolated entity void of politics that reaches judgments by some unseen and unknowable logic. At the same time, Congress is cast as a singularly political enterprise with little regard for nuanced lawmaking. This volume of original essays by leading scholars shows both branches in a new light. It explores the impact of sustained partisan politics, the recent

reassertion of legislative power at the expense of judicial review, and the sometimes stormy relationship between Congress and the Court.

Congress Confronts the Court

A sitting justice reflects upon the authority of the Supreme Court—how that authority was gained and how measures to restructure the Court could undermine both the Court and the constitutional system of checks and balances that depends on it. A growing chorus of officials and commentators argues that the Supreme Court has become too political. On this view the confirmation process is just an exercise in partisan agenda-setting, and the jurists are no more than “politicians in robes”—their ostensibly neutral judicial philosophies mere camouflage for conservative or liberal convictions. Stephen Breyer, drawing upon his experience as a Supreme Court justice, sounds a cautionary note. Mindful of the Court’s history, he suggests that the judiciary’s hard-won authority could be marred by reforms premised on the assumption of ideological bias. Having, as Hamilton observed, “no influence over either the sword or the purse,” the Court earned its authority by making decisions that have, over time, increased the public’s trust. If public trust is now in decline, one part of the solution is to promote better understandings of how the judiciary actually works: how judges adhere to their oaths and how they try to avoid considerations of politics and popularity. Breyer warns that political intervention could itself further erode public trust. Without the public’s trust, the Court would no longer be able to act as a check on the other branches of government or as a guarantor of the rule of law, risking serious harm to our constitutional system.

The Authority of the Court and the Peril of Politics

The recognition and enforcement of legitimate expectations by courts has been a striking feature of English law since *R v North and East Devon Health Authority; ex parte Coughlan* [2001] 3 QB 213. Although the substantive form of legitimate expectation adopted in *Coughlan* was quickly accepted by English courts and received a generally favourable response from public law scholars, the doctrine of that case has largely been rejected in other common law jurisdictions. The central principles of *Coughlan* have been rejected by courts in common law jurisdictions outside the UK for a range of reasons, such as incompatibility with local constitutional doctrine, or because they mark an undesirable drift towards merits review. The sceptical and critical reception to *Coughlan* outside England is a striking contrast to the reception the case received within the UK. This book provides a detailed scholarly analysis of these issues and considers the doctrine of legitimate expectations both in England and elsewhere in the common law world.

Legitimate Expectations in the Common Law World

This book analyzes the theoretical nuances and practical implications of how judges use precedent.

Settled Versus Right

The American legal system is experiencing a period of extreme stress, if not crisis, as it seems to be losing its legitimacy with at least some segments of its constituency. Nowhere is this legitimacy deficit more apparent than in a portion of the African American community in the U.S., as incidents of police killing black suspects - whether legally justified or not - have become almost routine. However, this legitimacy deficit has largely been documented through anecdotal evidence and a steady drumbeat of journalistic reports, not rigorous scientific research. This book offers an all-inclusive account of how and why African Americans differ in their willingness to ascribe legitimacy to legal institutions, as well as in their willingness to accept the policy decisions those institutions promulgate. Based on two nationally-representative samples of African Americans, this book ties together four dominant theories of public opinion: Legitimacy Theory, Social Identity Theory, theories of adulthood political socialization and learning through experience, and information processing theories. The findings reveal a gaping chasm in legal legitimacy between black and white Americans. More importantly, black people themselves differ in their perceptions of legal legitimacy. Group identities and experiences with legal authorities play a crucial role in shaping whether and how black people extend legitimacy to the legal institutions that so much affect them. This book is one of the most comprehensive analyses produced to date of legal legitimacy within the American black community, with many surprising and counter-intuitive results.

Black and Blue

The US Supreme Court's legitimacy-its diminishing integrity and contribution to the good of society-is being questioned today like no other time in recent memory. Criticisms reflect the perspectives of both 'insiders' (straight white males) and 'outsiders' (mainly people of color, women, and the LGBTQ community). Neither perspective digs deep enough to get at the root of the Court's legitimacy problem, which is one of process. The Court's process of decision-making is antiquated and out of sync with a society that looks and thinks nothing like the America of the eighteenth century, when the process was first implemented. The current process marginalizes many Americans who have a right to feel disenfranchised. Leading scholar of jurisprudence Roy L. Brooks demonstrates how the Court can modernize and democratize its deliberative process, to be more inclusive of the values and life experiences of Americans who are not straight white males.

Diversity Judgments

After more than seventy years of uninterrupted authoritarian government headed by the Partido Revolucionario Institucional (PRI), Mexico formally began the transition to democracy in 2000. Unlike most other new democracies in Latin America, no special Constitutional Court was set up, nor was there any designated bench of the Supreme Court for constitutional adjudication. Instead, the judiciary saw its powers expand incrementally. Under this new context inevitable questions emerged: How have the justices interpreted the constitution? What is the relation of the court with the other political institutions? How much autonomy do justices display in their decisions? Has the court considered the necessary adjustments to face the challenges of democracy? It has become essential in studying the new role of the Supreme Court to obtain a more accurate and detailed diagnosis of the performances of its justices in this new political environment. Through critical review of relevant debates and using original data sets to empirically analyze the way justices voted on the three main means of constitutional control from 2000 through 2011, leading legal scholars provide a thoughtful and much needed new interpretation of the role the judiciary plays in a country's transition to democracy. This book is designed for graduate courses in law and courts, judicial politics, comparative judicial politics, Latin American institutions, and transitions to democracy. This book will equip scholars and students with the knowledge required to understand the importance of the independence of the judiciary in the transition to democracy.

Judicial Politics in Mexico

Dissent in courts has always existed. It is natural and healthy that judges disagree on legal issues of a certain importance and difficulty. The question is if it is reasonable to conceal dissent. Not every legal system allows judges to explain their disagreement to the public in a separate opinion attached to the judgment of the court. Most constitutional courts do. This book presents a comparative analysis of the practice of judicial dissent in constitutional courts from the perspective of the civil law tradition. It discusses the theoretical background, presents the history of the institution and today's practice, thus laying down the basis for an accurate consideration of the phenomenon from a legal perspective.

Judicial Dissent in European Constitutional Courts

This collection brings together well-established scholars to examine the limits of law, a topic that has been of broad interest since the events of 9/11 and the responses of U.S. law and policy to those events. The limiting conditions explored in this volume include marking law's relationship to acts of terror, states of emergency, gestures of surrender, payments of reparations, offers of amnesty, and invocations of retroactivity. These essays explore how law is challenged, frayed, and constituted out of contact with conditions that lie at the farthest reaches of its empirical and normative force.

The Limits of Law

In this study, a general model is developed for judicial assessment of equal treatment cases. The model is based on theoretical research after the standards that should be used in assessing cases against the general principle of equal treatment, supplemented by an elaborate comparative analysis of the equal treatment case law in various legal systems. The result of this approach is an assessment model that is both theoretically sound and workable in practice. The use of the model by the courts will improve judicial reasoning and enhance the legitimacy of equal treatment case law.

Judicial Review in Equal Treatment Cases

An interdisciplinary volume exploring the concept of legitimacy in relation to international courts and what can drive and weaken it.

Legitimacy and International Courts

Awarded the 2013 Birks Book Prize by the Society of Legal Scholars, *Women, Judging and the Judiciary* expertly examines debates about gender representation in the judiciary and the importance of judicial diversity. It offers a fresh look at the role of the (woman) judge and the process of judging and provides a new analysis of the assumptions which underpin and constrain debates about why we might want a more diverse judiciary, and how we might get one. Through a theoretical engagement with the concepts of diversity and difference in adjudication, *Women, Judging and the Judiciary* contends that prevailing images of the judge are enmeshed in notions of sameness and uniformity: images which are so familiar that their grip on our understandings of the judicial role are routinely overlooked. Failing to confront these instinctive images of the judge and of judging, however, comes at a price. They exclude those who do not fit this mould, setting them up as challengers to the judicial norm. Such has been the fate of the woman judge. But while this goes some way to explaining why, despite repeated efforts, our attempts to secure greater diversity in our judiciary have fallen short, it also points a way forward. For, by getting a clearer sense of what our judges really do and how they do it, we can see that women judges and judicial diversity more broadly do not threaten but rather enrich the judiciary and judicial decision-making. As such, the standard opponent to measures to increase judicial diversity - the necessity of appointment on merit - is in fact its greatest ally: a judiciary is stronger and the justice it dispenses better the greater the diversity of its members, so if we want the best judiciary we can get, we should want one which is fully diverse. *Women, Judging and the Judiciary* will be of interest to legal academics, lawyers and policy makers working in the fields of judicial diversity, gender and adjudication and, more broadly, to anyone interested in who our judges are and what they do.

Women, Judging and the Judiciary

Introduction 1: Conditions Jurisdiction Validity of International Law Standing Independence 2: Techniques Direct Application Interpretation Review of Administrative Discretion Procedural Law 3: Remedies Prevention or Determination of International Wrongs? Determination of International Wrongs Key Features of the Implementation of International Responsibility Remedies 4: Dilemmas Finality Legitimacy Effectiveness Fragmentation.

National Courts and the International Rule of Law

What is the effect of revolutions on legal systems? What role do constitutions play in legitimating regimes? How do constitutions and revolutions converge or clash? Taking the Arab Spring as its case study, this book explores the role of law and constitutions during societal upheavals, and critically evaluates the different trajectories they could follow in a revolutionary setting. The book urges a rethinking of major categories in political, legal, and constitutional theory in light of the Arab Spring. The book is a novel and comprehensive examination of the constitutional order that preceded and followed the Arab Spring in Egypt, Tunisia, Libya, Morocco, Jordan, Algeria, Oman, and Bahrain. It also provides the first thorough discussion of the trials of former regime officials in Egypt and Tunisia. Drawing on a wide range of primary sources, including an in-depth analysis of recent court rulings in several Arab countries, the book illustrates the contradictory roles of law and constitutions. The book also contrasts the Arab Spring with other revolutionary situations and demonstrates how the Arab Spring provides a laboratory for examining scholarly ideas about revolutions, legitimacy, legality, continuity, popular sovereignty, and constituent power.

Law and Revolution

Interest in social science and empirical analyses of law, courts and specifically the politics of judges has never been higher or more salient. Consequently, there is a strong need for theoretical work on the research that focuses on courts, judges and the judicial process. The *Routledge Handbook of Judicial Behavior* provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior, written by a combination of currently prominent scholars and the emergent next generation of researchers. Unlike almost all other volumes, this Handbook examines judicial behavior from both an American and Comparative perspective. Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior, Part 2 offers an in-depth analysis of the various current scholarly areas examining the U.S.

Supreme Court, Part 3 moves from the Supreme Court to examining other U.S. federal and state courts, and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts. Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas, along with suggestions for future research. The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic, legal and policy communities.

Routledge Handbook of Judicial Behavior

Firmly anchored in social science concepts, the second edition of *The American Legal System* demonstrates the relationships among private law, the business legal environment, and public law issues, as well as related subjects of interest. This fifteen-chapter book is divided into three parts. Part I places the legal system in a political perspective centering on the origins of the law, schools of jurisprudence, branches and functions of law, legitimacy of law, how the judiciary functions in the federal system of government, and judicial interpretation and decision making. Part II contrasts legal processes: civil suits for money damages, criminal processes, equity justice, administrative processes, and alternative dispute resolution. Part III centers on the legal norms or rules governing both civil and criminal conduct, property law, family law, contract law, and government regulation of business. Throughout, the text features edited court opinions-many new to this edition-illustrating lively and thought-provoking controversies that are certain to spark student interest. Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration's "War on Terror," and the socially explosive developments concerning same-sex marriage. In addition, each chapter includes at least three comparative notes showing how other legal cultures in different nation-states treat legal matters. A wealth of pedagogical features-chapter-opening objectives; key terms, names, and concepts; a glossary, discussion questions, and appendices-are included to aid student comprehension. The authors have prepared an Instructor's Manual and Test Bank to facilitate the book's use in the classroom.

The American Legal System

There are many challenges that national and supranational judges have to face when fulfilling their roles as guardians of constitutionalism and human rights. This book brings together academics and judges from different jurisdictions in an endeavour to uncover the intricacies of the judicial function. The contributors discuss several points that each represent contemporary challenges to judging: analysis of judicial balancing of conflicting considerations; the nature of courts' legitimacy and its alleged dependence on public support; the role of judges in upholding constitutional values in the times of transition to democracy, surveillance and the fight against terrorism; and the role of international judges in guaranteeing globally recognized fundamental rights and freedoms. This book will be of interest to human rights scholars focusing on the issues of judicial oversight, as well as constitutional law scholars interested in comparative perspectives on the role of judges in different contexts. It will also be useful to national constitutional court judges, and law clerks aiming to familiarise themselves with judicial practices within other jurisdictions.

Judges as Guardians of Constitutionalism and Human Rights

Challenging the ruling premises underlying many of the Supreme Court's positions on fundamental issues of government authority and individual rights, Tribe shows how the Court is increasingly coming to resemble a judicial Office of Management and Budget, straining constitutional discourse through a managerial sieve to defend its constitutional rulings. Tribe explains how the Court's "calculus" systematically excludes basic concerns about the distribution of wealth and power and conceals fundamental choices about the American polity. Calling for a more candid confrontation of those choices, Tribe exposes what has gone wrong and suggests how the Court can reclaim the historic role entrusted to it by the Constitution. ISBN 0-674-16538-1: \$29.95.

Constitutional Choices

The U.S. Supreme Court and Racial Minorities offers an in-depth, chronologically arranged look at the record of the U.S. Supreme Court on racial minorities over the course of its first two centuries. It does not pose the anachronistic standard, "Did the Supreme Court get it right?" but rather, "How did the Supreme Court compare to other branches of the federal government at the time?" Have these Justices, prevented against removal from office by discontented voters (in contrast to the President

and the members of Congress), done any better than the elected branches of government at protecting racial minorities in America?

The U.S. Supreme Court and Racial Minorities

Cases Argued and Decided in the Supreme Court of the United States and Others

Complete with headnotes, summaries of decisions, statements of cases, points and authorities of counsel, annotations, tables, and parallel references.

Condensed Reports of Cases in the Supreme Court of the United States

The Supreme Court has been the site of some of the great debates of American history, from child labor and prayer in the schools, to busing and abortion. The Oxford Guide to United States Supreme Court Decisions offers lively and insightful accounts of the most important cases ever argued before the Court, from *Marbury v. Madison* and *Scott v. Sandford* (the Dred Scott decision) to *Brown v. Board of Education* and *Roe v. Wade*. This new edition of the Guide contains more than 450 entries on major Supreme Court cases, including 53 new entries on the latest landmark rulings. Among the new entries are *Bush v. Gore*, *Nixon v. United States*, *Gonzales v. Planned Parenthood Federation of America*, and *Rumsfeld v. Forum for Academic and Institutional Rights*. Four decisions (*Hamdi v. Bush*, *Hamdan v. Rumsfeld*, *Rasul v. Bush*, and *Rumsfeld v. Padilla*) are considered in a single essay entitled "Enemy Combatant Cases." Arranged alphabetically and written by eminent legal scholars, each entry provides the United States Reports citation, the date the case was argued and decided, the vote of the Justices, who wrote the opinion for the Court, who concurred, and who dissented. More important, the entries feature an informative account of the particulars of the case, the legal and social background, the reasoning behind the Court's decision, and the case's impact on American society. For this edition, Ely has added an extensive Further Reading section and revised the Case Index and Topical Index. For anyone interested in the great controversies of our time, this invaluable book is a must-read primer on the epic constitutional battles that have informed American life.

The Oxford Guide to United States Supreme Court Decisions

Complete with headnotes, summaries of decisions, statements of cases, points and authorities of counsel, annotations, tables, and parallel references.

Reports of Decisions in the Supreme Court of the United States

The U.S. Supreme Court and Racial Minorities offers an in-depth, chronologically arranged look at the record of the U.S. Supreme Court on racial minorities over the course of its first two centuries. It does not pose the anachronistic standard, "Did the Supreme Court get it right?" but rather, "How did the Supreme Court compare to other branches of the federal government at the time?" Have these Justices, prevented against removal from office by discontented voters (in contrast to the President and the members of Congress), done any better than the elected branches of government at protecting racial minorities in America?

United States Reports

"Originally published in 1928, this captivating book is comprised of six lectures given by Chief Justice Charles Evan Hughes at Columbia University in which he endeavored to interpret the work of the Court in an abbreviated form. Covered are the Court's origin, the principles that govern it, its methods, and the important results of its work. This last category includes the areas of cementing the nation, the States and the nation, and liberty, property, and social justice. The aim of this compact book, achieved in a very readable fashion, is to promote a better understanding of an institution that is a mystery to many people."--Back cover.

United States Reports, Supreme Court

"Complete with head lines, head notes, statements of cases, points and authorities of counsel, footnotes, and parallel references." (varies.)

Cases Argued and Decided in the Supreme Court of the United States (varies Slightly)

This comprehensive collection of Supreme Court cases is an essential resource for legal scholars and practitioners. Covering cases from 1790 to the present day, this book offers insight into some of the most important legal decisions in American history. Ideal for law students, historians, and anyone interested in the workings of the American justice system. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Cases Argued and Decided in the Supreme Court of the United States

"The U.S. Supreme Court: A Very Short Introduction draws on the Court's history and its written and unwritten rules to show how it operates in the twenty-first century. Today's Supreme Court, housed in a majestic building on Capitol Hill, bears little resemblance to the institution launched by the Framers of the Constitution and was originally seen as the weakest of the three branches of government. Over the next 200 years, the Court put the independence the Framers gave it to use and now largely defines itself, exercising so much power over how Americans live that some have begun to question whether the Court has gone too far. How do cases reach the Supreme Court? What features have other courts around the world taken from the Supreme Court, and what have they left?"--

Reports of Decisions in the Supreme Court of the United States : [1790-1854]

This legal text provides a comprehensive guide to the rules and practices of the United States judicial system. The rules and procedures outlined in this book are essential for understanding the functioning of the Supreme Court, the circuit courts, and the district courts in the United States. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

The U.S. Supreme Court and Racial Minorities

This volume provides a comprehensive guide to the procedures and rules governing the United States judicial system in the late 19th century. It includes rules for both the Supreme Court and the lower district and circuit courts, as well as orders related to appeals and claims. Law students, practitioners, and scholars will find this book an invaluable reference. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Reports of Decisions in the Supreme Court of the United States

Precedent is an important tool of judicial decision making and reasoning in common law systems such as the United States. Instead of having each court decide cases anew, the rule of precedent or *stare decisis* dictates that similar cases should be decided similarly. Adherence to precedent promotes several values, including stability, reliability, and uniformity, and it also serves to constrain judicial discretion. While adherence to precedent is important, there are some cases where the United States Supreme Court does not follow it when it comes to constitutional reasoning. Over time the US Supreme Court under its different Chief Justices has approached rejection of its own precedent in different ways

and at varying rates of reversal. This book examines the role of constitutional precedent in US Supreme Court reasoning.

The Supreme Court of the United States

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Rules of the Supreme Court of the United States

This volume presents a variety of both normative and descriptive perspectives on the use of precedent by the United States Supreme Court. It brings together a diverse group of American legal scholars, some of whom have been influenced by the Segal/Spaeth "attitudinal" model and some of whom have not. The group of contributors includes legal theorists and empiricists, constitutional lawyers and legal generalists, leading authorities and up-and-coming scholars. The book addresses questions such as how the Court establishes durable precedent, how the Court decides to overrule precedent, the effects of precedent on case selection, the scope of constitutional precedent, the influence of concurrences and dissents, and the normative foundations of constitutional precedent. Most of these questions have been addressed by the Court itself only obliquely, if at all. The volume will be valuable to readers both in the United States and abroad, particularly in light of ongoing debates over the role of precedent in civil-law nations and emerging legal systems.

United States Reports, Supreme Court

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Rules of the Supreme Court of the United States and Rules of Practice for the Circuit and District Courts of the United States in Equity and Admiralty Cases, and Orders in Reference to Appeals from Court of Claims

This book examines whether and how the Office of the Solicitor General influences the United States Supreme Court. Combining archival data with recent innovations in the areas of matching and causal inference, the book finds that the Solicitor General influences every aspect of the Court's decision making process.

Constitutional Precedent in US Supreme Court Reasoning

This authoritative collection of case law from the United States Supreme Court provides a comprehensive overview of the legal principles governing America's highest court. Featuring detailed analyses of landmark cases, this book is an essential resource for lawyers, judges, and anyone interested in understanding the legal framework of the United States. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

RULES OF THE SUPREME COURT OF

The Supreme Court cannot be both efficient and consistent, and thus fails in its Constitutional mandate

United States Reports, Supreme Court: Cases Argued and Adjudged in the Supreme Court of the United States; Volume 16

Reports of Decisions in the Supreme Court of the United States

[The Supreme Court And Unconstitutional Legislation](#)

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The Making of Law

Despite Porfirio Díaz's authoritarian rule (1877-1911) and the fifteen years of violent conflict typifying much of Mexican politics after 1917, law and judicial decision-making were important for the country's political and economic organization. Influenced by French theories of jurisprudence in addition to domestic events, progressive Mexican legal thinkers concluded that the liberal view of law—as existing primarily to guarantee the rights of individuals and of private property—was inadequate for solving the "social question"; the aim of the legal regime should instead be one of harmoniously regulating relations between interdependent groups of social actors. This book argues that the federal judiciary's adjudication of labor disputes and its elaboration of new legal principles played a significant part in the evolution of Mexican labor law and the nation's political and social compact. Indeed, this conclusion might seem paradoxical in a country with a civil law tradition, weak judiciary, authoritarian government, and endemic corruption. Suarez-Potts shows how and why judge-made law mattered, and why contemporaries paid close attention to the rulings of Supreme Court justices in labor cases as the nation's system of industrial relations was established.

Principled Labor Law

The gig economy, precarious work, and nonstandard employment have forced labor law scholars to rethink their discipline. Classical remedies for unequal power, capabilities approaches, "third way" market regulation, and laissez-faire all now vie for attention - at least in English. Despite a deep history of labor activism, Latin American scholarship has had scant presence in these debates. This book introduces to an English-language audience another approach: principled labor law, based on Latin American perspectives, using a jurisprudential method focused on worker protection. The authors apply this methodology to the least likely case of labor-protective jurisprudence in the industrialized world: the United States. In doing so, Gamonal and Rosado focus on the Thirteenth Amendment as a labor-protective constitutional provision, the National Labor Relations Act, and the Fair Labor Standards Act. This book shows how principled labor law can provide a clear and simple method for consistent, labor-protective jurisprudence in the United States and beyond.

Research Handbook on International Food Law

With contributions from over 30 international legal scholars, this topical Research Handbook on International Food Law provides a crucial and reflective examination of the rules, power dynamics, legal doctrines, societal norms, and frameworks that govern the modern global food system. The Research Handbook analyses the interlinkages between producers and consumers of food, as well as the environmental effects of the global food network and the repercussions on human health.

Movements After Revolution

Movements After Revolution is a history of the people's movements in the aftermath of the Mexican Revolution of 1910-20 that brought together industrial workers and rural communities to fight for a vast array of demands and diverse forms of justice.

Redeeming the Revolution

A tale of sin and redemption, Joseph U. Lenti's *Redeeming the Revolution* demonstrates how the killing of hundreds of student protestors in Mexico City's Tlatelolco district on October 2–3, 1968, sparked a crisis of legitimacy that moved Mexican political leaders to reestablish their revolutionary credentials with the working class, a sector only tangentially connected to the bloodbath. State-allied labor groups hence became darlings of public policy in the post-Tlatelolco period, and with the implementation of the New Federal Labor Law of 1970, the historical symbiotic relationship of the government and organized labor was restored. Renewing old bonds with trusted allies such as the Confederation of Mexican Workers bore fruit for the regime, yet the road to redemption was fraught with peril during this era of Cold War and class contestation. While Luis Echeverría, Fidel Velázquez, and other officials appeased union brass with discourses of revolutionary populism and policies that challenged business leaders,

conflicts emerged, and repression ensued when rank-and-file workers criticized the chasm between rhetoric and reality and tested their leaders' limits of toleration.

Latin American Constitutionalism

Latin American Constitutions provides a comprehensive historical study of constitutionalism in Latin America from the independence period to the present, focusing on the Constitution of Cádiz, a foundational document in Latin American constitutionalism. Although drafted in Spain, it was applied in many regions of Latin America, and deputies from America formed a significant part of the drafting body. The politicization of constitutionalism reflected in Latin America's first moments proved to be a lasting legacy evident in the legal and constitutional world of the region today: many of Latin America's present challenges to establishing effective constitutionalism can be traced to the debates, ideas, structures, and assumptions of this text. This book explores the region's attempts to create effective constitutional texts and regimes in light of an established practice of linking constitutions to political goals and places important constitutional thinkers and regional constitutions, such as the Mexican Constitution of 1917, into their legal and historical context.

Matters of Justice

After the fall of the Porfirio Díaz regime, pueblo representatives sent hundreds of petitions to Pres. Francisco I. Madero, demanding that the executive branch of government assume the judiciary's control over their unresolved lawsuits against landowners, local bosses, and other villagers. The Madero administration tried to use existing laws to settle land conflicts but always stopped short of invading judicial authority. In contrast, the two main agrarian reform programs undertaken in revolutionary Mexico—those implemented by Emiliano Zapata and Venustiano Carranza—subordinated the judiciary to the executive branch and thereby reshaped the postrevolutionary state with the support of villagers, who actively sided with one branch of government over another. In *Matters of Justice* Helga Baitenmann offers the first detailed account of the Zapatista and Carrancista agrarian reform programs as they were implemented in practice at the local level and then reconfigured in response to unanticipated inter- and intravillage conflicts. Ultimately, the Zapatista land reform, which sought to redistribute land throughout the country, remained an unfulfilled utopia. In contrast, Carrancista laws, intended to resolve quickly an urgent problem in a time of war, had lasting effects on the legal rights of millions of land beneficiaries and accidentally became the pillar of a program that redistributed about half the national territory.

The Pursuit of Ruins

Famous for its majestic ruins, Mexico has gone to great lengths to preserve and display the remains of its pre-Hispanic past. *The Pursuit of Ruins* argues that the government effort to take control of the ancient remains took off in the late nineteenth century during the dictatorship of Porfirio Díaz. Under Díaz Mexico acquired an official history more firmly rooted in Indian antiquity. This prestigious pedigree served to counter Mexico's image as a backward, peripheral nation. The government claimed symbolic links with the great civilizations of pre-Hispanic times as it hauled statues to the National Museum and reconstructed Teotihuacán. Christina Bueno explores the different facets of the Porfirian archaeological project and underscores the contradictory place of indigenous identity in modern Mexico. While the making of Mexico's official past was thought to bind the nation together, it was an exclusionary process, one that celebrated the civilizations of bygone times while disparaging contemporary Indians.

Vendors' Capitalism

Mexico City's public markets were integral to the country's economic development, bolstering the expansion of capitalism from the mid-nineteenth to mid-twentieth centuries. These publicly owned and operated markets supplied households with everyday necessities and generated revenue for local authorities. At the same time, they were embedded in a wider network of economic and social relations that gave market vendors an influence far beyond the running of their stalls. As they fed the capital's population, these vendors fought to protect their own livelihoods, shaping the public sphere and broadening the scope of popular politics. *Vendors' Capitalism* argues for the centrality of Mexico City's public markets to the political economy of the city from the restoration of the Republic in 1867 to the heyday of the Mexican miracle and the PRI in the 1960s. Each day vendors interacted with customers, suppliers, government officials, and politicians, and the multiple conflicts that arose repeatedly tested the institutional capacity of the state. Through a close reading of the archives and an analysis of vendors'

intersecting economic and political lives, Ingrid Bleynat explores the dynamics, as well as the limits, of capitalist development in Mexico.

Silver Veins, Dusty Lungs

In Mexico environmental struggles have been fought since the nineteenth century in such places as Zacatecas, where United States and European mining interests have come into open conflict with rural and city residents over water access, environmental health concerns, and disease compensation. In *Silver Veins, Dusty Lungs*, Rocio Gomez examines the detrimental effects of the silver mining industry on water resources and public health in the city of Zacatecas and argues that the human labor necessary to the mining industry made the worker and the mine inseparable through the land, water, and air. Tensions arose between farmers and the mining industry over water access while the city struggled with mudslides, droughts, and water source contamination. Silicosis-tuberculosis, along with accidents caused by mining technologies like jackhammers and ore-crushers, debilitated scores of miners. By emphasizing the perspective of water and public health, Gomez illustrates that the human body and the environment are not separate entities but rather in a state of constant interaction.

From Angel to Office Worker

To understand how office workers shaped middle-class identities in Mexico, *From Angel to Office Worker* examines the material conditions of women's work and analyzes how women themselves reconfigured public debates over their employment

A Third Path

How Brazil and Portugal experimented with corporatism as a “third path” between laissez-faire capitalism and communism Following the Great Depression, as the world searched for new economic models, Brazil and Portugal experimented with corporatism as a “third path” between laissez-faire capitalism and communism. In a corporatist society, the government vertically integrates economic and social groups into the state so that it can manage labor and economic production. In the 1930s, the dictatorships of Getúlio Vargas in Brazil and António de Oliveira Salazar in the Portuguese Empire seized upon corporatist ideas to jump-start state-led economic development. In *A Third Path*, Melissa Teixeira examines these pivotal but still understudied initiatives. What distinguished Portuguese and Brazilian corporatism from other countries' experiments with the mixed economy was how Vargas and Salazar dismantled liberal democratic institutions, celebrating their efforts to limit individual freedoms and property in pursuit of economic recovery and social peace. By tracing the movement of people and ideas across the South Atlantic, Teixeira vividly shows how two countries not often studied for their economic creativity became major centers for policy experimentation. Portuguese and Brazilian officials created laws and agencies to control pricing and production, which in turn generated new social frictions and economic problems, as individuals and firms tried to evade the rules. And yet, Teixeira argues, despite the failings and frustrations of Brazil's and Portugal's corporatist experiments, the ideas and institutions tested in the 1930s and 1940s constituted a new legal and technical tool kit for the rise of economic planning, shaping how governments regulate labor and market relations to the present day.

Power and Control in the Imperial Valley

Power and Control in the Imperial Valley examines the evolution of irrigated farming in the Imperial-Mexicali Valley, an arid desert straddling the California–Baja California border. Bisected by the international boundary line, the valley drew American investors determined to harness the nearby Colorado River to irrigate a million acres on both sides of the border. The “conquest” of the environment was a central theme in the history of the valley. Colonization in the valley began with the construction of a sixty-mile aqueduct from the Colorado River in California through Mexico. Initially, Mexico held authority over water delivery until settlers persuaded Congress to construct the All-American Canal. Control over land and water formed the basis of commercial agriculture and in turn enabled growers to use the state to procure inexpensive, plentiful immigrant workers.

Fighting Unemployment in Twentieth-Century Chile

In *Fighting Unemployment in Twentieth-Century Chile*, Ángela Vergara narrates the story of how industrial and mine workers, peasants and day laborers, as well as blue-collar and white-collar employees

earned a living through periods of economic, political, and social instability in twentieth-century Chile. The Great Depression transformed how Chileans viewed work and welfare rights and how they related to public institutions. Influenced by global and regional debates, the state put modern agencies in place to count and assist the poor and expand their social and economic rights. Weaving together bottom-up and transnational approaches, Vergara underscores the limits of these policies and demonstrates how the benefits and protections of wage labor became central to people's lives and culture, and how global economic recessions, political oppression, and abusive employers threatened their working-class culture. *Fighting Unemployment in Twentieth-Century Chile* contributes to understanding the profound inequality that permeates Chilean history through a detailed analysis of the relationship between welfare professionals and the unemployed, the interpretation of labor laws, and employers' everyday attitudes.

Labor Justice across the Americas

Opinions of specialized labor courts differ, but labor justice undoubtedly represented a decisive moment in worker 's history. When and how did these courts take shape? Why did their originators consider them necessary? Leon Fink and Juan Manuel Palacio present essays that address these essential questions. Ranging from Canada and the United States to Chile and Argentina, the authors search for common factors in the appearance of labor courts while recognizing the specific character of the creative process in each nation. Their transnational and comparative approach advances a global perspective on the various mechanisms for regulating industrial relations and resolving labor conflicts. The result is the first country-by-country study of its kind, one that addresses a defining shift in law in the first half of the twentieth century. Contributors: Rossana Barragán Romano, Angela de Castro Gomes, David Díaz-Arias, Leon Fink, Frank Luce, Diego Ortúzar, Germán Palacio, Juan Manuel Palacio, William Suarez-Potts, Fernando Teixeira da Silva, Víctor Uribe-Urán, Angela Vergara, and Ronny J. Viales-Hurtado.

La libertà religiosa in Messico

A più di cento anni dalla promulgazione della costituzione di Querétaro (5 febbraio 1917), considerata una delle più anticlericali di tutto il Novecento, l'ostilità verso la libertà delle fedi religiose di agire come tali nello spazio pubblico continua a rappresentare un tratto distintivo della società messicana, nonostante le riforme costituzionali che nel 1992 e nel 2013 hanno cercato di adeguare la disciplina interna del diritto di libertà religiosa agli standard riconosciuti a livello internazionale. Ancora oggi il Messico, come ai tempi della guerra cristera del 1926-1929, è uno dei luoghi più pericolosi al mondo dove esercitare il ministero sacerdotale, in particolare nelle regioni più colpite dalla piaga del narcotraffico. A ciò si aggiunge l'ostracismo a cui tendenzialmente va incontro chi, spinto dalla propria appartenenza religiosa, sostiene pubblicamente rivendicazioni di natura sociale o civica. L'eccezionalità del caso messicano sul piano della tutela del diritto di libertà religiosa continua dunque a suscitare domande, per rispondere alle quali non si può prescindere dalla complessa (e talora drammatica) storia dei rapporti tra lo Stato e la Chiesa cattolica nel paese. Riflettere sul valore paradigmatico dell'esperienza messicana, a partire da una prospettiva al tempo stesso storica e giuridica, è l'obiettivo che si propone il presente volume.

Dissertation Abstracts International

Every year, the Bibliography catalogues the most important new publications, historiographical monographs, and journal articles throughout the world, extending from prehistory and ancient history to the most recent contemporary historical studies. Within the systematic classification according to epoch, region, and historical discipline, works are also listed according to author's name and characteristic keywords in their title.

2012

La Suprema Corte de Justicia de la Nación es una de las instituciones más antiguas e importantes del Estado mexicano. Desde la primera República Federal hasta el presente, este tribunal ha sido una pieza clave de los distintos regímenes políticos que se han ensayado en el país, funcionando a veces como un contrapeso efectivo a los demás poderes, otras tantas como instrumento legitimador del autoritarismo en turno, y siempre como un referente para dotar de uniformidad y certidumbre al derecho nacional. Este libro explica los momentos fundamentales de la historia de la Suprema Corte,

y, sobre todo, el modo como sus decisiones han contribuido a dar forma al sistema político, a las estructuras económicas y a las relaciones entre la sociedad y el Estado.

Historia mínima de la Suprema Corte de Justicia de México

Este libro estudia la relación del sistema de justicia con la sociedad desde una mirada histórica. Se parte de la idea de que ha habido un deterioro, una separación cada vez más amplia, en esta relación, proceso que parece haberse acelerado durante los siglos XIX y XX. Los autores de este libro se han interesado en seguir, en diferentes momentos y espacios, a los diferentes actores sociales involucrados, tanto los letrados como los legos, para analizar el funcionamiento en la impartición de la justicia; asimismo han explorado diversos archivos para entender cómo la evolución de la justicia y de la cultura jurídica, desde las reformas borbónicas hasta hoy, alteró esta relación. Este volumen es el resultado de un trabajo colectivo de cinco años que recibió el apoyo del programa ECOS-Norte binacional, de Francia y México.

Justicia, infrajusticia y sociedad en México

El constitucionalismo regional y la Constitución de 1917. Tomo III La historia de la Constitución de 1917 no se puede contar desde la perspectiva de la Ciudad de México ni siquiera si se embellece esta narrativa con referencias a la ciudad de Querétaro o a los ejércitos revolucionarios. Para entender los debates constituyentes hay que reconocer que se desarrollaban en relación estrecha y de codependencia política particular de los estados y sus preocupaciones institucionales.

La tradición constitucional en México (1808-1940)

First Amendment rights are hailed as the hallmark of the US constitutional system, protecting religious liberty, freedom of speech, freedom of the press, and freedom of association. But among these rights, freedom of association holds a tenuous position, as demonstrated in the 2010 Supreme Court ruling in *Christian Legal Society v. Martinez*, which upheld a public university's policy requiring groups seeking official recognition to accept all students regardless of their status or beliefs. This demotion of freedom of association has broad ramifications for the constitutional status of voluntary associations in civil society, Luke C. Sheahan suggests. His book offers a cogent explanation of how this came about, why it matters, and what might be done about it. Sheahan's argument centers upon what he calls the "First Amendment Dichotomy" in the Court's theoretical framework: an understanding of the state and the individual as the two analytically exclusive units of constitutional analysis. *Why Associations Matter* traces this dichotomy through Supreme Court jurisprudence culminating in *Martinez*, revealing a pattern of free association treated only as an individual right of expressive association derived from the Speech Clause alone. Sheahan then draws on the political sociology of Robert Nisbet to make a case for recognizing the social importance of associations and institutions that cannot be reduced to their individual members or subsumed into the state for purposes of constitutional analysis. Translating the sociological qualities of associations into jurisprudential categories, *Why Associations Matter* provides practical advice for protecting freedom of association through the judiciary and the legislature—and guaranteeing this fundamental right its proper place in American society.

El constitucionalismo regional y la Constitución de 1917

"Derecho de gentes es el nombre tradicional europeo para lo que, desde que arrancan, entre los siglos XVIII y XIX, los tiempos constitucionales, se llama el derecho internacional. Guardan en común que, siendo en origen ambos de producción europea, se pretenden el uno como el otro derecho de toda la humanidad. Son así también criatura del colonialismo, lo que hoy suele acusarse más del primero, del de gentes que, del segundo, del internacional. Y éste último es gemelo pretérito y presente del constitucionalismo, aunque el caso es que no suelen abordarse de forma conjunta. Derechos de otras gentes existieron ayer y existen hoy a horcajadas entre unos tiempos coloniales y unos tiempos constitucionales no tan fácilmente en consecuencia distinguibles entre sí. Que esos derechos de otras gentes así entonces se sitúen entre genocidio colonial y constitucionalidad global es lo que habrá de calibrarse en este libro. De este nivel de fondo es de lo que se ocupa el libro. No ofrece un tratamiento sistemático de materia tan invisibilizada por el constitucionalismo tanto profesional como político. Reúne trabajos que inciden en ella. Durante algunos años ya, vengo estudiando el colonialismo como lastre del constitucionalismo centrándome en el asunto de los derechos de los pueblos indígenas conforme al derecho tanto internacional como constitucional". Bartolomé Clavero.

Why Associations Matter

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PDF A4 A>E@0=5= 8740B5;LA:89 <0:5B.

Derecho de otras gentes

A la hora de pensar los populismos clásicos latinoamericanos, y al primer peronismo entre ellos, las ciencias sociales suelen suscribir el "paradigma de la aberración": se trataría de regímenes autoritarios y clientelistas, que tendieron a despreciar las instituciones, la división de poderes y las leyes. Desde esta perspectiva, la frase misma "justicia peronista" constituiría una suerte de oxímoron. Este libro se propone desarmar esa presunción y ofrecer una mirada original del primer peronismo, atendiendo a dos aspectos casi inexplorados: su dimensión legal, en la que Perón aparece como un "gran legislador"

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Texto inédito de Emilio Rabasa Estebanell (1856-1930), escrito en abril de 1917, que realiza una crítica jurídica del régimen de propiedad establecido en el artículo 27 de la Constitución de Querétaro. La edición es presentada por el Ministro Luis María Aguilar, cuenta con un prefacio de Tania Rabasa y dos estudios introductorios: uno del ministro José Ramón Cossío y otro de José Antonio Aguilar Rivera.

El descarrilamiento de un sueño

As head of the National Consumers' League from its founding in 1899 until her death in 1932, Florence Kelley led campaigns that reshaped the conditions under which goods were produced in the United States. She also worked to pass laws providing for an eight-hour workday, a minimum wage, the first federal health legislation for women and children, and abolition of child labor. An ally of W.E.B. DuBois, she was a founding member of the National Association for the Advancement of Colored People and served on its board for twenty years. This volume collects nearly three hundred of Kelley's letters, written over the course of more than six decades. Rendered in Kelley's vivid, often combative prose, these letters also provide an intimate view into the personal life of a dedicated reformer who balanced her career with her responsibilities as a single mother of three children.

La justicia peronista

Augusto B. Leguía gobernó el Perú durante quince años, lo que lo ha convertido en el presidente que más tiempo ha estado en el poder. Durante el Oncenio (1919-1939), emprendió el proyecto de modernizar el país a través de un modelo autoritario que transgredió sistemática y calculadamente al orden constitucional. En *Ley y justicia en el Oncenio de Leguía* (Fondo Editorial PUCP, 2015), Carlos Ramos Núñez estudia el papel que cumplió el derecho en este proceso de modernización y brinda una visión crítica y política del sistema jurídico de la época. El libro explora el escenario histórico y económico del Perú con el que se encontró Leguía en su segundo gobierno; examina detalladamente la vasta normativa generada en el Oncenio, sobre todo las leyes o decretos que generaron tensiones sociales y fueron instrumentos tangibles del poder dictatorial; y muestra reportes detallados de casos judiciales en los que se empleó el hábeas corpus. Tal como lo afirma el magistrado Ramos en el libro: "El Oncenio de Leguía es más que un pretexto para intentar conciliar la ciencia política y la historia del derecho, además es una estupenda oportunidad para no olvidar que el derecho y el poder se explican y se juzgan mutuamente".

El derecho de propiedad y la Constitución mexicana de 1917

As the dust settles on nearly three decades of economic reform in Latin America, one of the most fundamental economic policy areas has changed far less than expected: labor regulation. To date, Latin America's labor laws remain both rigidly protective and remarkably diverse. *Continuity Despite Change* develops a new theoretical framework for understanding labor laws and their change through time, beginning by conceptualizing labor laws as comprehensive systems or "regimes." In this context, Matthew Carnes demonstrates that the reform measures introduced in the 1980s and 1990s have only marginally modified the labor laws from decades earlier. To explain this continuity, he argues that labor law development is constrained by long-term economic conditions and labor market institutions. He points specifically to two key factors—the distribution of worker skill levels and the organizational capacity of workers. Carnes presents cross-national statistical evidence from the eighteen major Latin American economies to show that the theory holds for the decades from the 1980s to the 2000s, a

period in which many countries grappled with proposed changes to their labor laws. He then offers theoretically grounded narratives to explain the different labor law configurations and reform paths of Chile, Peru, and Argentina. His findings push for a rethinking of the impact of globalization on labor regulation, as economic and political institutions governing labor have proven to be more resilient than earlier studies have suggested.

The Selected Letters of Florence Kelley, 1869-1931

Widely regarded as the key text of the Harlem Renaissance, this landmark anthology of fiction, poetry, essays, drama, music, and illustration includes contributions by Langston Hughes, Zora Neale Hurston, Claude McKay, James Weldon Johnson, and other luminaries.

Ley y justicia en el Oncenio de Leguía

Transitional Justice, Judicial Accountability and the Rule of Law addresses the importance of judicial accountability in transitional justice processes. Despite a general consensus that the judiciary plays an important role in contemporary governance, accountability for the judicial role in formerly authoritarian societies remains largely elided and under-researched. Hakeem O. Yusuf argues that the purview of transitional justice mechanisms should, as a matter of policy, be extended to scrutiny of the judicial role in the past. Through a critical comparative approach that cuts through the transitioning experiences of post-authoritarian and post-conflict polities in Latin America, Asia, Europe and Africa, the book focuses specifically on Nigeria. It demonstrates that public accountability of the judiciary through the mechanism of a truth-seeking process is a necessary component in securing comprehensive accountability for the judicial role in the past. Transitional Justice, Judicial Accountability and the Rule of Law further shows that an across-the-board transformation of state institutions – an important aspiration of transitional processes – is virtually impossible without incorporating the third branch of government, the judiciary, into the accountability process.

Congressional Record

Chief Justice John Marshall argued that a constitution "requires that only its great outlines should be marked [and] its important objects designated." Ours is "intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." In recent years, Marshall's great truths have been challenged by proponents of originalism and strict construction. Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it. In *Keeping Faith with the Constitution*, three legal authorities make the case for Marshall's vision. They describe their approach as "constitutional fidelity"--not to how the Framers would have applied the Constitution, but to the text and principles of the Constitution itself. The original understanding of the text is one source of interpretation, but not the only one; to preserve the meaning and authority of the document, to keep it vital, applications of the Constitution must be shaped by precedent, historical experience, practical consequence, and societal change. The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances, from *Brown v. Board of Education* to the New Deal, from the *Miranda* decision to the expansion of women's rights. They delve into the complexities of voting rights, the malapportionment of legislative districts, speech freedoms, civil liberties and the War on Terror, and the evolution of checks and balances. The Constitution's framers could never have imagined DNA, global warming, or even women's equality. Yet these and many more realities shape our lives and outlook. Our Constitution will remain vital into our changing future, the authors write, if judges remain true to this rich tradition of adaptation and fidelity.

Continuity Despite Change

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.

Biographical Encyclopedia of the World

New Negro: An Interpretation

In The Supreme Court Of Florida

438092; -84.283585 The Supreme Court of Florida is the highest court in the U.S. state of Florida. It consists of seven justices—one of whom serves as Chief... 30 KB (3,640 words) - 15:58, 16 November 2023

The Supreme Court of the United States (SCOTUS) is the highest court in the federal judiciary of the United States. It has ultimate appellate jurisdiction... 290 KB (29,087 words) - 19:36, 15 March 2024
are one of four types of courts created by the Florida Constitution (the other three being the Florida Supreme Court, Florida district courts of appeal... 9 KB (776 words) - 21:40, 8 March 2024

The Supreme Court of Florida is the highest judicial body in the state and sits at the apex of the Florida State Courts System. Its membership consists... 23 KB (234 words) - 20:50, 25 November 2023

The Supreme Court of the United States is the highest-ranking judicial body in the United States. Its membership, as set by the Judiciary Act of 1869,... 83 KB (1,380 words) - 17:10, 8 February 2024
courts and circuit courts) and the Florida Supreme Court. This was done, as in other parts of the United States, to relieve the state supreme court of... 12 KB (1,410 words) - 16:52, 24 October 2023

margin of 537 votes when the U.S. Supreme Court, in *Bush v. Gore*, stopped a recount that had been initiated upon a ruling by the Florida Supreme Court. *Bush's*... 97 KB (11,048 words) - 08:57, 15 March 2024

With the advice and consent of the United States Senate, the president of the United States appoints the members of the Supreme Court of the United States... 48 KB (4,068 words) - 01:55, 7 November 2023

Department of Health published regulations to allow such sales. In April 2021, the Florida Supreme Court ruled 5–2 that an initiative to legalize recreational cannabis... 24 KB (2,251 words) - 20:02, 7 February 2024

lawyer who has served as a justice of the Supreme Court of Florida since 2022. She previously served as a circuit judge in Palm Beach County from 2019 to... 12 KB (1,017 words) - 04:48, 1 February 2024

In the United States, a state supreme court (known by other names in some states) is the highest court in the state judiciary of a U.S. state. On matters... 34 KB (3,226 words) - 03:28, 13 March 2024

Court has held that Article 1, Section 23 of the Florida Constitution protects access to abortion. This means that, despite the United States Supreme... 33 KB (3,173 words) - 13:51, 29 February 2024

justice of the Supreme Court of Florida. In 2020, Lagoa was a finalist to succeed Ruth Bader Ginsburg as an associate justice of the Supreme Court of the United... 23 KB (1,990 words) - 15:42, 4 November 2023

justice of the Supreme Court of Florida. Grosshans grew up in Brookhaven, Miss., and graduated cum laude from the University of Mississippi School of Law... 7 KB (498 words) - 01:11, 6 March 2024

was a landmark decision of the United States Supreme Court on December 12, 2000, that settled a recount dispute in Florida's 2000 presidential election... 88 KB (10,898 words) - 02:03, 14 March 2024

Legislature, consisting of the Senate and House; and the judicial branch consisting of the Supreme Court of Florida and lower courts. The state also allows... 29 KB (2,964 words) - 19:23, 16 September 2023

The demographics of the Supreme Court of the United States encompass the gender, ethnicity, and religious, geographic, and economic backgrounds of the... 139 KB (14,184 words) - 08:11, 15 March 2024

as a justice of the Supreme Court of Florida since May 2023. She was previously the chief judge on the Florida Sixth District Court of Appeal. Sasso... 5 KB (313 words) - 01:22, 1 January 2024

The Florida State Courts System is the unified state court system of Florida. The Florida State Courts System consists of: The Florida State Supreme Court;... 11 KB (1,195 words) - 07:13, 4 September 2023

June 22, 1954) is an American attorney and judge serving on the Supreme Court of Florida since 2008. He previously served as Chief Justice from 2010 to... 12 KB (906 words) - 20:52, 25 November 2023