

Readings SAMPOL 328 / Spring 2017

Readings are available in the file storage at the course homepage in “Mitt UiB”, and online through the library homepage www.oria.no*

If you have any questions regarding the curriculum, please contact us at pensum@svfa.uib.no (REMEMBER to write the course code in the subject line).

In the studyguide for the course you will find the readings assigned to each lecture

**Note: you must be logged on to the UIB network to have access to the electronic articles. Are you on campus must use one of UIB computers, OR log on to UiB's WIFI network. If you are working from home you must log in UIB's network via VPN, read more about this [here](#).*

Budlender, Steven, G. Marcus & N. Ferreira (2014) [Public interest litigation and social change in South Africa: Strategies, tactics and lessons](#) (Atlantic Philanthropies)

Comaroff, Jean & John (2007) “Law & Disorder in the Postcolony” *Social Anthropology* 15, 2 pp.133-157

Epp, Charles “Litigating Coal: Systematic Study of Group-Based Legal Mobilization” (*Draft paper 2016, will be made available on mitt.uib*)

Ferraz, Octavio Luiz Motta. "Harming the poor through social rights litigation: lessons from Brazil." *Tex. L. Rev.* 89 (2010): 1643.

García-Villegas, Mauricio “A Comparison of Sociopolitical Legal Studies” *Annual Review of Law and Social Science*, Vol. 12: 25 -44 (2016)

Gardner Geyh, Charles ‘Judicial Independence as an Organizing Principle’ *Annual Review of Law and Social Science*, Vol. 10: 185 -200 (Volume publication date November 2014)

Gauri, Varun, and Daniel M. Brinks. "The Impact of Legal Strategies for Claiming Economic and Social Rights". in Haglund, L & R. Stryker. *Closing the Rights Gap: From Human Rights to Social Transformation*. (University of California Press, 2015) 87

Gloppen, Siri (2017) “Social Movements and Alternative Politics” from Rakner & Randall *Politics in the Developing world* (Oxford University Press) pp 165-180.

Gloppen, Siri (2017): “Conceptualizing Lawfare” (*Draft article, will be made available on mitt.uib*)

Glynn, Adam N., and Maya Sen. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *Am. J of Political Science* 59.1 (2015): 37-54.

Hertel, Christian “An Overview of Legal Systems” *Notarius International* 1-2/2009 pp 128-141

Hilson, Chris (2002), “New social movements: the role of legal opportunity” *Journal of European Public Policy* 9:2 238-255

Hirschl, Ran (2004) “Juristocracy – Political not Juridical” *The Good Society*, 2004, Vol.13(3), pp.6-11

Kastellec, Jonathan P. "Racial diversity and judicial influence on appellate courts." *American Journal of Political Science* 57.1 (2013): 167-183.

Klarman, Michael (2005), "Brown and Lawrence (and Goodridge)" *Michigan Law Review* 104:3 431-489

Lemaitre, Julietta and Sandvik, Kristin Bergtora (2015) "Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia" *Law & Society Review* 49:1 5-38

Marshall, Anna-Maria and Daniel Crocker Hale 'Cause Lawyering' *Annual Review of Law and Social Science*, Vol. 10: 301 -320 (2014)

McCammon, Holly J. and McGrath, Allison R. (2015), "Litigating Change? Social Movements and the Court System" *Sociology Compass* 9:2 128-139

McCann, Michael (2006), "Law and Social Movements: Contemporary Perspectives" *Annual Review of Law and Social Science* 2: 17-38

Ríos-Figueroa, Julio & J. K. Staton. "An evaluation of cross-national measures of judicial independence." *Journal of Law, Economics and Organization* 30.1 (2014): 104-137.

Rodríguez-Garavito, César. "Beyond the courtroom: The impact of judicial activism on socioeconomic rights in Latin America." *Tex. L. Rev.* 89 (2010): 1669.

Sikkink, K. & H.J. Kim 'The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations' *Annual Review of Law & Social Science* Vol.9: 269-285 (2013)

Tsutsui, K., Whitlinger, C. and Lim, A. (2012) "International Human Rights Law and Social Movements: States' Resistance and Civil Society's Insistence" *Annual Review of Law and Social Science*, 8: 367-396

Recommended readings:

Anagnostou, Dia, ed. *Rights and Courts in Pursuit of Social Change: Legal Mobilisation in the Multi-level European System*. Bloomsbury Publishing, 2014.

Brinks, Daniel M. and Gauri, Varun (2014) 'The Law's Majestic Equality? The Distributive Impact of Litigating Social and Economic Rights' *Perspectives on Politics* 12(2): 375-393.

Deva, Surya. "Public interest litigation in India: A critical review." *Civil Justice Quarterly* 28 (2009): 19-40.

Dugard, Jackie. "Civic action and legal mobilisation: the Phiri water meters case." *Mobilising Social Justice in South Africa: Perspectives from Researchers and Practitioners* (2010): 71-99.

Flores, Andrew ; Barclay, Scott 'Backlash, Consensus, Legitimacy, or Polarization: The Effect of Same-Sex Marriage Policy on Mass Attitudes' *Political Research Quarterly*, Mar 2016, Vol.69(1), pp.43-56

García, Helena Alviar, Karl Klare, and Lucy A. Williams, eds. *Social and Economic Rights in Theory and Practice: Critical Inquiries*. Routledge, 2014. (295 pp)

Gargarella, Roberto P. Domingo & T Roux (eds) *Courts and Social Transformation* (Ashgate 2006)

Gloppen, Siri & Asun L. St Clair. "Climate Change Lawfare." *Social Research* 79.4 (2012): 899-930.

Gloppen, Siri. "Public Interest Litigation, Social Rights, and Social Policy." *Inclusive States. Social Policy and Structural Inequalities*, Washington: World Bank (2008): 343-367.

Greenhouse, Linda, and Reva B. Siegel. "Before (and After) Roe v. Wade: New Questions About Backlash." *The Yale Law Journal* (2011): 2028-20

Grewal, Sharanbir, and Erik Voeten. "The Politics of Implementing European Court of Human Rights Judgements." Available at SSRN 1988258 (2012) 41 page

Haglund, LaDawn. "Robyn Stryker, eds. 2015." *Closing the Rights Gap: From Human Rights to Social Transformation*. University of California Press (2015)

Helmke, G. & Rios-Figueroa, J. (eds.) (2011), *Courts in Latin America* (Cambridge University Press).

Keck, Thomas M. "Beyond backlash: Assessing the impact of judicial decisions on LGBT rights." *Law & Society Review* 43.1 (2009): 151-186

Langford, M., Cousins, B., Dugard, J., and Madlingozi, T. (eds.) (2014), *Socio-Economic Rights in South Africa: Symbols or Substance?* (Cambridge: Cambridge University Press)

Langford, Malcolm. *Social rights jurisprudence: Emerging trends in international and comparative law*. Cambridge University Press, 2008.

Mæstad, O., L. Rakner and O. L. M. Ferraz (2011). Assessing the Impact of Health Rights Litigation: A Comparative Analysis of Argentina, Brazil, Colombia, Costa Rica, India and South Africa. In A. Yamin and S. Gloppen. *Litigating Health Rights*, Harvard University Press: 273-303.

Mir-Hosseini, Ziba. "Muslim women's quest for equality: Between Islamic law and feminism." *Critical inquiry* 32.4 (2006): 629-645

Peel, J and H.M Osofsky *Climate Change Litigation* (Cambridge University Press 1915)

Price, Richard S., and Thomas M. Keck. "Movement Litigation and Unilateral Disarmament: Abortion and the Right to Die." *Law & Social Inquiry* (2015).

Rosenberg, Gerald N. "Courting Disaster: Looking for Change in All the Wrong Places." *Drake L. Rev.* 54 (2005): 795.

Sieder, Rachel, and John Andrew McNeish eds. *Gender, Justice and Legal Pluralities: Latin American and African Perspectives*. Routledge, 2013.

Yamin, Alicia and Siri Gloppen *Litigating Health Rights: Can Courts Bring More Justice to Health* (HLS Human Rights Programme Series with Harvard University Press 2011)