

PhD course 17-26 August 2017: Effects of Lawfare

READINGS

- Brinks, Daniel M, and Varun Gauri. "The law's majestic equality? The distributive impact of judicializing social and economic rights." *Perspectives on Politics* 12.02 (2014): 375-393.
- Comaroff, Jean & John (2007) "Law & Disorder in the Postcolony" *Social Anthropology* 15, 2 pp.133-157
- Epp, Charles R. *The rights revolution: Lawyers, activists, and supreme courts in comparative perspective*. Chicago: University of Chicago Press, 1998 (Chapters 1,2,11).
- García-Villegas, Mauricio "A Comparison of Sociopolitical Legal Studies" *Annual Review of Law and Social Science*, Vol. 12: 25 -44 (2016)
- Gloppen, Siri (2017): "Conceptualizing Lawfare" (Draft article, made available on mitt.uib)
- Gloppen, Siri. "Litigation as a strategy to hold governments accountable for implementing the right to health." *Health and Human Rights* 10(2) (2008): 21-36.
- Hirschl, Ran (2004) "Juristocracy – Political not Juridical" *The Good Society*, 2004, Vol.13(3), pp.6-11
- Langford, Malcolm, César Rodríguez-Garavito, and Julieta Rossi, eds. *Social Rights Judgments and the Politics of Compliance: Making It Stick*. Cambridge University Press, 2017. Chapters 1,14
- 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
- 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
- Merry, Sally Engle. "Anthropology and Law." In *The SAGE Handbook of Social Anthropology* (2012): 105.
- Rodríguez Garavito, C. (2011). "Beyond the Courtroom: The Impact of Judicial. Activism on Socioeconomic Rights in Latin America." *Texas Law Review* 89: 1669-1698.
- 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, "Introduction" in Sieder and McNeish, eds. *Gender, Justice and Legal Pluralities: Latin American and African Perspectives*. Routledge, 2013.
- 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)
- Skivenes, Marit, et al., eds. *Child Welfare Systems and Migrant Children: A Cross Country Study of Policies and Practice*. Oxford University Press, 2014. (Chapters 1, 3 and 13)
- 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
- Van der Sluijs, Jeroen P., et al. "Exploring the quality of evidence for complex and contested policy decisions." *Environmental research letters* 3.2 (2008): 024008
- Van der Sluijs, Jeroen P. (2016). "Numbers running wild. The Rightful Place of Science: Science in the Verge". A. Benessia, S. Funtowicz, M. Giampetro et al. Tempe, AZ, *Consortium for Science, Policy & Outcomes*: 151-187.
- Wilson, Bruce M., and Juan Carlos Rodríguez Cordero. "Legal Opportunity Structures and Social Movements The Effects of Institutional Change on Costa Rican Politics." *Comparative Political Studies* 39.3 (2006): 325-351.

General track readings:

- Budlender, Steven, G. Marcus & N. Ferreira (2014) *Public interest litigation and social change in South Africa: Strategies, tactics and lessons* (Atlantic Philanthropies)
www.atlanticphilanthropies.org/app/uploads/2015/12/Public-interest-litigation-and-social-change-in-South-Africa.pdf
- 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.
- Epp, Charles "Litigating Coal: Systematic Study of Group-Based Legal Mobilization" (Draft paper 2016, will be made available on mitt.uib)
- Marshall, Anna-Maria and Daniel Crocker Hale 'Cause Lawyering' *Annual Review of Law and Social Science*, Vol. 10: 301 -320 (2014)
- Price, Richard S., and Thomas M. Keck. "Movement Litigation and Unilateral Disarmament: Abortion and the Right to Die." *Law & Social Inquiry* (2015).
- Wilson, Bruce M. and Olman A. Rodríguez L Costa Rica: understanding variations in compliance. Chapter 4 in Langford et al eds. *Social Rights Judgments and the Politics of Compliance: Making It Stick*. Cambridge University Press, 2017

Gender & Sexuality track readings

- Albarracín, Mauricio. (2011). "Social Movements and the Constitutional Court: Legal Recognition of the Rights of Same Sex Couples in Colombia." *Sur. International Journal* 8(14) (2011): 7-31.
- Bergallo, Paola. "The Struggle against Informal Rules on Abortion in Argentina." in Cook, Rebecca J., Joanna N. Erdman, and Bernard M. Dickens, eds. *Abortion law in transnational perspective: cases and controversies*. University of Pennsylvania Press, 2014.
- Cabal, Luisa and Suzannah Phillips "Reproductive Rights Litigation: From Recognition to Transformation in Langford et al eds. *Social Rights Judgments and the Politics of Compliance: Making It Stick*. Cambridge University Press, 2017 p 399-435
- Greenhouse, Linda, and Reva B. Siegel. "Before (and After) Roe v. Wade: New Questions About Backlash." *The Yale Law Journal* (2011): 2028-2087.
- Henderson, J. T., M. Puri, M. Blum, C. C. Harper, A. Rana, G. Gurung, N. Pradhan, K. Regmi, K. Malla, S. Sharma, D. Grossman, L. Bajracharya, I. Satyal, S. Acharya, P. Lamichhane and P. D. Darney (2013). "Effects of Abortion Legalization in Nepal, 2001–2010." [PLoS ONE](https://doi.org/10.1371/journal.pone.0180000).
- Keck, Thomas M. "Beyond backlash: Assessing the impact of judicial decisions on LGBT rights." *Law & Society Review* 43.1 (2009): 151-186.
- Mir-Hosseini, Ziba. "Criminalizing sexuality: zina laws as violence against women in Muslim contexts." *SUR-Int'l J. on Hum Rts.* 15 (2011): 7.
- Rubio-Marín, Ruth, and Wen-Chen Chang. "Sites of constitutional struggle for women's equality." *Routledge Handbook of Constitutional Law* (2013): 301.
- Tønnessen, Liv, and Samia al-Nagar. "The women's quota in conflict ridden Sudan: Ideological battles for and against gender equality." *Women's Studies International Forum*. Vol. 41. Pergamon, 2013.

Elective Readings

- Ahmed, Aziza, et al. "Criminalising consensual sexual behaviour in the context of HIV: consequences, evidence, and leadership." *Global public health* 6.sup3 (2011): S357-S369.
- Anagnostou, Dia, ed. *Rights and Courts in Pursuit of Social Change: Legal Mobilisation in the Multi-level European System*. Bloomsbury Publishing, 2014.
- Bergallo, Paola. "Courts and the Right to Health: Achieving Fairness Despite 'Routinization' in Individual Coverage Cases?." Yamin, Alicia Ely y Siri Gloppen (comps.), *Litigating Health Rights: Can Courts Bring More Justice to Health* (2011).
- Bishin, Benjamin G., et al. "Opinion Backlash and Public Attitudes: Are Political Advances in Gay Rights Counterproductive?." *American Journal of Political Science* (2015).
- Bob, Clifford. *The global right wing and the clash of world politics*. Cambridge University Press, 2012. (Chapters 1, 3., 4 and 7)
- Brinks, Daniel M. "The Judiciary and the Rule of Law in Latin America." *Routledge Handbook of Latin American Politics* (2014): 61.
- Brinks, Daniel M., and William Forbath. "Social and Economic Rights in Latin America: Constitutional Courts and the Prospects for Pro-Poor Interventions." *Tex. L. Rev.* 89 (2010): 1943.
- Cepeda-Espinosa, M. J. (2011). "Transcript: Social and Economic Rights and the Colombian Constitutional Court." *Texas Law Review* 89: 1699-1705.
- Charles Ngwenya & Ebenezer Durojaye "Strengthening the protection of sexual and reproductive health and rights in the African region through human rights: An introduction" in Charles Cook, Rebecca J., Joanna N. Erdman, and Bernard M. Dickens, eds. *Abortion law in transnational perspective: cases and controversies*. University of Pennsylvania Press, 2014
- Domingo, Pilar. "Judicialization of politics or politicization of the judiciary? Recent trends in Latin America", *Democratization*, 11/1. (2004): 104-126.
- Dyevre, Arthur (2010) "Unifying the Field of Comparative Judicial Politics: Towards a General Theory of Judicial Behaviour," *European Political Science Review* 2, 297-327
- Ferraz, Octavio Luiz Motta. "Harming the poor through social rights litigation: lessons from Brazil." *Tex. L. Rev.* 89 (2010): 1643.
- 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.
- Gloppen, Siri. "Studying Courts in Context" Ch. 13. in Haglund and Stryker, eds. *Closing the Rights Gap: From Human Rights to Social Transformation*. Univ of California Press, 2015.
- 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).
- Hilson, Chris (2002), "New social movements: the role of legal opportunity" *Journal of European Public Policy* 9:2 238-255
- ieder, Rachel, and John Andrew McNeish eds. *Gender, Justice and Legal Pluralities: Latin American and African Perspectives*. Routledge, 2013.
- Keck, Thomas M. *Judicial Politics in Polarized Times*. University of Chicago Press, 2014.

- 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 and Anna F.S. Russell (eds) *The Human Right to Water: Theory, Practice and Prospects* Cambridge University Press, 2017
- Langford, Malcolm, César Rodríguez-Garavito, and Julieta Rossi, eds. *Social Rights Judgments and the Politics of Compliance: Making It Stick*. Cambridge University Press, 2017
- Langford, Malcolm. *Social rights jurisprudence: Emerging trends in international and comparative law*. Cambridge University Press, 2008.
- Levine Kornfield, S. and P. A. Geller (2010). "Mental health outcomes of abortion and its alternatives. Implications for Future Policy." *Women's Health Issues*(20): 92-95.
- Mir-Hosseini, Ziba. "Muslim women's quest for equality: Between Islamic law and feminism." *Critical inquiry* 32.4 (2006): 629-645.
- Motta, Sara C., and Alf Gunvald Nilsen (eds) *Social movements in the global south: Dispossession, development and resistance*. Palgrave Macmillan, 2011
- Narrain, Arvind. "Brazil, India, South Africa: Transformative Constitutions and Their Role in LGBT Struggles." *SUR-International Journal On Human Rights* 11.20 (2014).
- Ngwena & Ebenezer Durojaye (eds) *Strengthening the protection of sexual and reproductive health and rights in the African region through human rights*. Pretoria: PULP (2014) Chapter 1.
- Peel, J and H.M Osofsky *Climate Change Litigation* (Cambridge University Press 2015)
- Poteat, T., D. Diouf, F. M. Drame, M. Ndaw, C. Traore, M. Dhaliwal, C. Beyrer and S. D. Baral (2011). "HIV Risk among MSM in Senegal: A Qualitative Rapid Assessment of the Impact of Enforcing Laws That Criminalize Same Sex Practices." *PLoS ONE*.
- Rodríguez-Garavito, César. "Beyond the courtroom: The impact of judicial activism on socioeconomic rights in Latin America." *Tex. L. Rev.* 89 (2010): 1669.
- Sieder, Rachel, and John Andrew McNeish eds. *Gender, Justice and Legal Pluralities: Latin American and African Perspectives*. Routledge, 2013.
- Vanberg, Georg. "Constitutional Courts in Comparative Perspective: A Theoretical Assessment." *Annual Review of Political Science* (2015).
- Wardekker, J. Arjan, et al. "Uncertainty communication in environmental assessments: views from the Dutch science-policy interface." *Environmental science & policy* 11.7 (2008): 627-641.
- 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)