# The Courts And Social Policy

A report intended to provide both a record of, and a critical response to, the joint seminar held in Aspen in July 2007 by the Aspen Institute Justice and Society Program and The Foundation for Law, Justice and Society (FLJS). The seminar brought together participants from a wide range of relevant backgrounds to discuss issues relating to the role of the courts in the public policy process, with a specific focus on the US judiciary.

In addition to examining the role of the legislative and executive branches of government, Stein covers the often-overlooked role of the judiciary, showing how social welfare practitioners should interpret (1) conflicting judicial rulings in cases where courts of equal jurisdiction rule differently on the same matter and (2) judicial rulings that signal significant changes in the law.

Social Work and the Courts is a compendium of the most recent and important legal cases in social work and social welfare. Its dissection and analysis of crucial cases makes it an excellent tool for teaching social workers to understand the legal system and its operation. The book demonstrates how courts view and deal with the performance, action, and conduct of social workers and their agencies. This second edition includes more case studies, paying particular attention to recent cases on foster care and child welfare. In addition, a new section on "References and Further Readings" has been added to the end of each chapter along with an update bibliography and Internet bibliography so that readers may easily find supplementary information.

Do our federal courts, including the Supreme Court, lead or merely implement public policy? This is a critical question in the study and practice of law, with a long history of continued dispute and contradictory evidence. In Lighting the Way, Douglas Rice systematically examines both sides of this debate. Introducing compelling new data on the policy focuses of federal courts, Rice presents the first long-term, comprehensive consideration of the judicial agenda. In doing so, he details the conditional role of the Supreme Court and other federal courts in directing attention to issues in American politics through influential relationships with Congress, the presidency, and the public. The dynamics Rice illustrates grow from the strengths of political constituencies in various policy areas and the constitutional powers accorded to the courts. Lighting the Way provides strong evidence that, as long argued but never empirically demonstrated, the courts systematically lead the attention of other institutions on civil rights. The research speaks to a broad and growing literature in political science and sociolegal research on the interactive nature of policymaking and the critical role of legal institutions and social movements in shaping the policy agendas.

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.

This book examines how the judicialization of politics, and the politicization of courts, affect representative democracy, rule of law, and separation of powers. This volume critically assesses the phenomena of judicialization of politics and politicization of the judiciary. It explores the rising impact of courts on key constitutional principles, such as democracy and separation of powers, which is paralleled by increasing criticism of this influence from both liberal and illiberal perspectives. The book also addresses the challenges to rule of law as a principle, preconditioned on independent and powerful courts, which are triggered by both democratic backsliding and the mushrooming of populist constitutionalism and illiberal constitutional regimes. Presenting a wide range of case studies, the book will be a valuable resource for students and academics in constitutional law and political science seeking to understand the increasingly complex relationships between the judiciary, executive and legislature.

At a time when more nuanced understandings of Muslim countries and their legal and social practices are urgently needed in the West, the appearance of this collection is especially welcome. In these illuminating and accessible essays, the contributors explain how Islam sees itself in terms of social policy, how it treats women, and how it encourages charity, education, and general social welfare. The essays encompass many regional cultures and draw on court records and legal debates, field work on government ministries, and an extensive reading of Islamic law. In his overview of waqf (similar to the Western idea of a foundation, in which an endowment is set aside in perpetuity for specified purposes), Ahmad Dallal explains how charity, a central organizing principle in Islam, is itself organized and how waqf, traditionally a

source of revenue for charitable purposes, can also become a source of tension and conflict. Donna Lee Bowen, in her essay on the position of women in Islamic law, points out the crucial differences between the Islamic principles of family equity and the Western notion of individual equality. In a subsequent essay, Bowen addresses the problems surrounding family planning and the dilemmas that have arisen within the Muslim world over differing ideas about birth control. The two final essays look at specific instances of how the modern state has treated Islamic social policy. Gail Richardson examines zakat, an Islamic tax used to assist the poor, and its administration in Pakistan. Carol Underwood, meanwhile, explores public health policy in Iran, both before and after the Islamic revolution that deposed the Shah. Addressing some of the most profound misunderstandings between Islamic and Western societies, Islam and Social Policy will be of vital interest not only to scholars and policymakers but to anyone concerned with Islam's critical place in the modern world.

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.

Providing the breadth of a standard text and the depth of a contributed volume, Social Policy and Social Justice: Meeting the Challenges of a Diverse Society is built on a clear, conceptual social justice framework and provides up-to-date analyses of contemporary social policy issues, written by experts in their particular areas of research and practice. The book uses case studies and rigorous analysis to explore the relationship of social policy to economic, social, and culture transformation and the ongoing conflict between universal and population-specific conceptions of social welfare. The third edition addresses recent dramatic changes in social policy. It includes an assessment of policies adopted by the Obama administration, policy changes proposed and implemented by the Trump administration and Congress related to the country's social welfare system, and the effects of the Trump administration's immigration and criminal justice policies on communities of color. The #MeToo and Black Lives Matter

movements, recent changes in the electoral landscape, and timely Supreme Court decisions are also addressed. Additionally, the text considers the future of Social Security and Medicare, employment policies, health and mental health policies, and more. Throughout, the text explores the impact of economic and social changes on conceptions of need and helping, the role of social policies and social services in promoting or preventing social and political change, and the ways in which cultural, racial, ethnic, gender, and religious identity affect the development and implementation of social policies. Social Policy and Social Justice is ideal for undergraduate and graduate social work courses, as well as classes in cognate fields such as nursing, public policy, and political science. For a look at the specific features and benefits of Social Policy and Social Justice, visit cognella.com/social-policy-and-social-justice-features-and-benefits.

In this remarkable inquiry into the bases of social theory, Gordon L. Clark argues that the heterogeneous nature of our society, with its pluralism of values, causes the rules of social conduct to be constantly made and remade. Examining the role of the courts in structuring and achieving social discourse, he contends that legal doctrine is no different from other social theories: judicial interpretations are constructed out of specific circumstances and conflicting values, not deduced from neutral and logical principles. There is, he asserts, no final arbiter somehow unaffected by our controversies and schisms. As concrete examples, Clark analyzes four court disputes in depth, showing that the concept of local autonomy has very different meanings and implications in each of them. These cases—Boston's defense of resident-preference hiring policies, conflict over urban land-use zoning in Toronto, a Chicago's suburb's fight against a sewage treatment plant, and the evolution of the City of Denver's power since 1900—demonstrate that legal reasoning is not impervious to other kinds of reasoning, and the solutions provided by the courts are not unique. To ground his explorations, Clark investigates both liberalism and structuralism, showing that both are inadequate bases for determining social policy. He mounts provocative critiques of the works of de Tocqueville, Nozick, Tiebout, and Posner on the one hand and Castells and Poulantzas on the other. This ambitious and important work will command the interest of geographers, political scientists, economists, sociologists, and legal scholars.

To what extent do courts make social and public policy and influence policy change? This innovative text analyzes this question generally and in seven distinct policy areas that play out in both federal and state courts—tax policy, environmental policy, reproductive rights, sex equality, affirmative action, school finance, and same-sex marriage. The authors address these issues through the twin lenses of how state and federal courts must and do interact with the other branches of government and whether judicial policy-making is a form of activist judging. Each chapter uncovers the policymaking aspects of judicial process by investigating the current state of the law, the extent of court involvement in policy change, the responses of other governmental entities and outside actors, and the factors which influenced the degree of implementation and impact of the relevant court decisions. Throughout the book, Howard and Steigerwalt examine and analyze the literature on judicial policy-making as well as evaluate existing measures of judicial ideology, judicial activism, court and legal policy formation, policy change and policy impact. This unique text offers new insights and areas to research in this important field of American politics.

Health care, welfare, Social Security, employment programs--all are part of ongoing national debates about the future of social policy in the United States. In this wide-ranging collection of essays, Theda Skocpol shows how historical understanding, centered on governmental institutions and political alliances, can illuminate the limits and possibilities of American social policymaking both past and present. Skocpol dispels the myth that Americans are inherently hostile to social spending and suggests why President Clinton's health care agenda was so quickly attacked despite the support of most Americans for his goals.

Using case studies drawn from Latin America, Africa, India and Eastern Europe, this volume examines the role of courts as a channel for social transformation for excluded sectors of society in contemporary democracies. With a focus on social rights litigation in post-authoritarian regimes or in the context of fragile state control, the authors assess the role of judicial processes in altering (or perpetuating) social and economic inequalities and power relations in society. Drawing on interdisciplinary expertise in the fields of law, political theory, and political science, the chapters address theoretical debates and present empirical case studies to examine recent trends in social rights litigation.

This title was first published in 2002: A collection of articles focused on women within a general study of medicine, ethics and the law. Topics covered include: areas where the institutions of medicine, ethics and the law intersect in women's reproductive and sexual lives; the impact of legal policies and dominant ethical beliefs on many aspects of women's health; and the health practices and policies of bioethics and health law. The editors recognise that it is important not to lose sight of social differences other than gender, such as race, ethnicity, class, age, sexuality, religion, level of physical and mental ability, and family relationships. In their approach they seek to consider the lives and experiences of women as primary. Hence, they focus on the question of how women's encounters with the health-care system are structured by gender and other socially significant dimensions of their lives (rather than the question of how women differ from the male "norm").

Unlike many other countries, the United States has few constitutional guarantees of social welfare rights such as income, housing, or healthcare. In part this is because many Americans believe that the courts cannot possibly enforce such guarantees. However, recent innovations in constitutional design in other countries suggest that such rights can be judicially enforced--not by increasing the power of the courts but by decreasing it. In Weak Courts, Strong Rights, Mark Tushnet uses a comparative legal perspective to show how creating weaker forms of judicial review may actually allow for stronger social welfare rights under American constitutional law. Under "strong-form" judicial review, as in the United States, judicial interpretations of the constitution are binding on other branches of government. In contrast, "weak-form" review allows the legislature and executive to reject constitutional rulings by the judiciary--as long as they do so publicly. Tushnet describes how weak-form review works in Great Britain and Canada and discusses the extent to which legislatures can be expected to enforce constitutional norms on their own. With that background, he turns to social welfare rights, explaining the connection between the "state action" or "horizontal effect" doctrine and the enforcement of social welfare rights. Tushnet then draws together the analysis of weak-form review and that of social welfare rights, explaining how weak-form review could be used to enforce those rights. He demonstrates that there is a clear

judicial path--not an insurmountable judicial hurdle--to better enforcement of constitutional social welfare rights.

The Court of Justice of the European Union (CJEU) has become famed - and often shamed - for its political power. In scholarly literature, this supranational court has been regarded as a 'master of integration' for its capacity to strengthen integration, sometimes against the will of member states. In the public debate, the CJEU has been severely criticized for extending EU competences at the expense of the member states. In An Ever More Powerful Court? The Political Constraints of Legal Integration in the European Union, Dorte Sindbjerg Martinsen challenges these views with her careful examination of how judicial-legislative interactions determine the scope and limits of European integration in the daily EU decision-making process. Methodologically, the book takes a step forward in the examination of judicial influence, suggesting a 'law attainment' approach as a novel method, combined with a large set of interviews with the current decision-makers of social Europe. Through a study of social policy developments from 1957 to 2014, as well as a critical analysis of three case studies - EU regulation of working time; patients' rights in cross-border healthcare; and EU posting of worker regulations - Martinsen reveals the dynamics behind legal and political integration and the CJEU's ability to foster political change for a European Union social policy.

This book focuses on the Reagan administration's broad attempt from 1980 to 1984 to strike thousands of Social Security disability recipients from government rolls. . . . Mezey] enriches her study with a brief history of federal disability policy and provides a review of contending arguments over public policy and judicial activism. Of particular interest is the legal battle over the medical criteria used for determining desability and the SSA's deliberate policy of nonacquiescence when confronted with adverse judicial rulings. . . . A well-documented and valuable addition to case studies on the Reagan administration's efforts to cut human services. "Choice" This book is a case study of judicial policy making. It focuses on the role of adjudication in the making and refining of federal policy. It goes beyond the scope of most treatments of social security and the disability policy to examine the stages of judicial review and subsequent legislative and bureaucratic responses to adjudication. It then proceeds to analyze the resulting changes in legislative policies. The study is devoted to two themes. First, it provides an opportunity for empirical analysis of the role of the lower federal courts in the policy making arena; second, it examines the role of litigation as a political activity. This issue serves as a timely opportunity to explore the impact of federal courts on bureaucratic and congressional policies by focusing on the interactions of institutions involved in the disability policy-making process. By examining the effects of the courts on social policy, this case study offers new perspectives on the role of the federal courts in the political system.

Why have conservatives decried 'activist judges'? And why have liberals - and America's powerful legal establishment - emphasized qualifications and experience over ideology? This transformative text tackles these questions with a new framework for thinking about the nation's courts, 'the judicial tug of war', which not only explains current political clashes over America's courts, but also powerfully predicts the composition of courts moving forward. As the text demonstrates through novel quantitative analyses, a greater ideological rift between politicians and legal elites leads politicians to adopt measures that put ideology and politics front and center - for example, judicial elections. On the other hand, ideological closeness between politicians and the legal

establishment leads legal elites to have significant influence on the selection of judges. Ultimately, the judicial tug of war makes one point clear: for good or bad, politics are critical to how judges are selected and whose interests they ultimately represent.
This comprehensive book compares the intersection of political forces and legal practices in five industrial nations--the United States, England, France, Germany, and Japan. The authors, eminent political scientists and legal scholars, investigate how constitutional courts function in each country, how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics, and how both ordinary citizens and large corporations use the courts. For each of the five countries, the authors discuss the structure of courts and access to them, the manner in which politics and law are differentiated or amalgamated, whether judicial posts are political prizes or bureaucratic positions, the ways in which courts are perceived as legitimate forms for addressing political conflicts, the degree of legal consciousness among citizens, the kinds of work lawyers do, and the manner in which law and courts are used as social control mechanisms. The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country, judicial responsiveness to perceived public problems is not a uniquely American phenomenon.
The U.S. Supreme Court is not a unitary actor and it does not function in a vacuum. It is part of an integrated political system in which its decisions and doctrine must be viewed in a broader context. In some areas, the Court is the lead policy maker. In other areas, the Court fills in the gaps of policy created in the legislative and executive branches. In either instance, the Supreme Court’s work is influenced by and in turn influences all three branches of the federal government as well as the interests and opinions of the American people. Pacelle analyzes the Court’s interaction in the separation of powers system, detailing its relationship to the presidency, Congress, the bureaucracy, public opinion, interest groups, and the vast system of lower courts. The niche the Court occupies and the role it plays in American government reflect aspects of both the legal and political models. The Court has legal duties and obligations as well as some freedom to exercise its collective political will. Too often those studying the Court have examined it in isolation, but this book urges scholars and students alike to think more broadly and situate the highest court as the "balance wheel" in the American system.
In The Supreme Court and Constitutional Democracy John Agresto traces the development of American judicial power, paying close attention to what he views as the very real threat of judicial supremacy. Agresto examines the role of the judiciary in a democratic society and discusses the proper place of congressional power in constitutional issues. Agresto argues that while the separation of congressional and judicial functions is a fundamental tenet of American government, the present system is not effective in maintaining an appropriate balance of power. He shows that continued judicial expansion, especially into the realm of public policy, might have severe consequences for America's national life and direction, and offers practical recommendations for safeguarding against an increasingly powerful Supreme Court. John Agresto's controversial argument, set in the context of a historical and theoretical inquiry, will be of great interest to scholars and students in political science and law, especially American constitutional law and political theory.

Social scientists have convincingly documented soaring levels of political, legal, economic, and social inequality in the United States. Missing from this picture of rampant inequality, however, is any attention to the significant role of state law and courts in establishing policies that either ameliorate or exacerbate inequality. In Judging Inequality, political scientists James L. Gibson and Michael J. Nelson demonstrate the influential role of the fifty state supreme courts in shaping the widespread inequalities that define America today, focusing on court-made public policy on issues ranging from educational equity and adequacy to LGBT rights to access to justice to worker's rights. Drawing on an analysis of an original database of nearly 6,000 decisions made by over 900 judges on 50 state supreme courts over a quarter century, Judging Inequality documents two ways that state high courts have crafted policies relevant to inequality: through substantive policy decisions that fail to advance equality and by rulings favoring more privileged litigants (typically known as "upperdogs"). The authors discover that whether court-sanctioned policies lead to greater or lesser inequality depends on the ideologies of the justices serving on these high benches, the policy preferences of their constituents (the people of their state), and the institutional structures that determine who becomes a judge as well as who decides whether those individuals remain in office. Gibson and Nelson decisively reject the conventional theory that state supreme courts tend to protect underdog litigants from the wrath of majorities. Instead, the authors demonstrate that the ideological compositions of state supreme courts most often mirror the dominant political coalition in their state at a given point in time. As a result, state supreme courts are unlikely to stand as an independent force against the rise of inequality in the United States, instead making decisions compatible with the preferences of political elites already in power. At least at the state high court level, the myth of judicial independence truly is a myth. Judging Inequality offers a comprehensive examination of the powerful role that state supreme courts play in shaping public policies pertinent to inequality. This volume is a landmark contribution to scholarly work on the intersection of American jurisprudence and inequality, one that essentially rewrites the "conventional wisdom" on the role of courts in America's democracy.

The interaction between military and civilian courts, the political power that legal prerogatives can provide to the armed forces, and the difficult process civilian politicians face in reforming military justice remain glaringly under-examined, despite their implications for the quality and survival of democracy. This book breaks new ground by providing a theoretically rich, global examination of the operation and reform of military courts in democratic countries. Drawing on a newly created dataset of 120 countries over more than two centuries, it presents the first comprehensive picture of the evolution of military justice across states and over time. Combined with qualitative historical case studies of Colombia, Portugal, Indonesia, Fiji, Brazil, Pakistan, and the United States, the book presents a new framework for understanding how civilian actors are able to gain or lose legal control of the armed forces. The book's findings have important lessons for scholars and policymakers working in the fields of democracy, civil-military relations, human rights, and the rule of law.

In follow-up studies, dozens of reviews, and even a book of essays evaluating his conclusions, Gerald Rosenberg's critics—not to mention his supporters—have spent nearly two decades debating the arguments he first put forward in The Hollow Hope. With this substantially expanded second edition of his landmark work, Rosenberg himself steps back into the fray, responding to criticism and adding chapters on the same-sex marriage battle that ask anew whether courts can spur political and social reform. Finding that the answer is still a resounding no, Rosenberg reaffirms his powerful contention that it's nearly impossible to generate significant reforms through litigation. The reason? American courts are ineffective and relatively weak—far from the uniquely powerful sources for change they're often portrayed as. Rosenberg supports this claim by documenting the direct and secondary effects of key court decisions—particularly Brown v. Board of Education and Roe v. Wade. He reveals, for example, that Congress, the White House, and a determined civil rights movement did far more than Brown to

advance desegregation, while pro-choice activists invested too much in Roe at the expense of political mobilization. Further illuminating these cases, as well as the ongoing fight for same-sex marriage rights, Rosenberg also marshals impressive evidence to overturn the common assumption that even unsuccessful litigation can advance a cause by raising its profile. Directly addressing its critics in a new conclusion, The Hollow Hope, Second Edition promises to reignite for a new generation the national debate it sparked seventeen years ago.

The 'global rise of judicial power' has been called one of the most significant developments in late twentieth and early twenty-first-century politics. In this book, Jeb Barnes and Thomas F. Burke examine the political consequences of 'judicialization' - the growing reliance on courts, rights and litigation in public policy - by analyzing the field of injury compensation, in which judicialized and bureaucratized programmes operate side-by-side.

The judiciary in the United States has been subject in recent years to increasingly vocal, aggressive criticism by media members, activists, and public officials at the federal, state, and local level. This collection probes whether these attacks as well as proposals for reform represent threats to judicial independence or the normal, even healthy, operation of our political system. In addressing this central question, the volume integrates new scholarship, current events, and the perennial concerns of political science and law. The contributors—policy experts, established and emerging scholars, and attorneys—provide varied scholarly viewpoints and assess the issue of judicial independence from the diverging perspectives of Congress, the presidency, and public opinion. Through a diverse range of methodologies, the chapters explore the interactions and tensions among these three interests and the courts and discuss how these conflicts are expressed—and competing interests accommodated. In doing so, they ponder whether the U.S. courts are indeed experiencing anything new and whether anti-judicial rhetoric affords fresh insights. Case studies from Israel, the United Kingdom, and Australia provide a comparative view of judicial controversy in other democratic nations. A unique assessment of the rise of criticism aimed at the judiciary in the United States, The Politics of Judicial Independence is a well-organized and engagingly written text designed especially for students. Instructors of judicial process and judicial policymaking will find the book, along with the materials and resources on its accompanying website, readily adaptable for classroom use.

Written opinions are the primary means by which judges communicate with external actors. These sentiments include the parties to the case itself, but also more broadly journalists, public officials, lawyers, other judges, and increasingly, the mass public. In Creating the Law, Michael K. Romano and Todd A. Curry examine the extent to which judges tailor their language in order to avoid retribution during their retention, and how institutional variations involving intra-chamber dynamics may influence the written word of a legal opinion. Using an extensive dataset that includes the text of all death penalty and education decisions issued by state supreme courts from 1995–2010, Romano and Curry are the first to examine the connection between retention incentives and language choices. They utilize text analysis techniques developed in the field of communications and apply them to the text of judicial decisions. In doing so, they find that judges write with their audience in mind, and emphasize duelling strategies of justification and persuasion in order to please diverse audiences that may be paying attention. Furthermore, the process of drafting a majority opinion is a team exercise, and when more individuals are involved in its crafting, the product will reflect this complexity. This book gives students the tools for understanding how institutional variation affects judicial outcomes and shows how language relates to decision-making in the judiciary more specifically.

This book critically evaluates different models of judicial leadership in Indonesia to examine the impact that individual chief justices can have on the development of constitutional courts. It explores the importance of this leadership as a factor explaining the dynamic of judicial power. Drawing on an Aristotelean model of heroism and the established idea of judicial heroes to explore the types of leadership that judges can

exercise, it illustrates how Indonesia's recent experience offers a stark contrast between the different models. First, a prudential-minimalist heroic chief justice who knows how to enhance the Court's authority while fortifying the Court's status by playing a minimalist role in policy areas. Second, a bold and aggressive heroic chief justice, employing an ambitious constitutional interpretation. The third model is a soldier-type chief justice, who portrays himself as a subordinate of the Executive and Legislature. Contrary perhaps to expectations, the book's findings show a more cautious initial approach to be the most effective. The experience of Indonesia clearly illustrates the importance of heroic judicial leadership and how the approach chosen by a court can have serious consequences for its success. This book will be a valuable resource for those interested in the law and politics of Indonesia, comparative constitutional law, and comparative judicial politics.

Crime and Social Policy discusses the criminal justice system in England and Wales in an accessible and engaging manner. This title guides students through the system's complexities, reviewing its history, highlighting current problems, and offering recommendations as to where and how it can be improved.

Reformulating a problem of both constitutionalism and liberalism discussed in the works of Ernst-Wolfgang Böckenförde, Hannah Arendt, and Alexis de Tocqueville, the book examines one generally overlooked manifestation of constitutionalism: the role of the courts in shaping democratic politics and the inter-relationship between citizens and state. Drawing on constitutional history, law, and political theory, David Miles argues that constitutionalism cannot be seen merely as an institutional mechanism to limit government, as it also has a crucial civic dimension upon which the liberal state depends. Utilising the works of Böckenförde, Arendt, and Tocqueville, constitutionalism is conceived in the book as part of a broader system of communal norms which sustains representative democracy and liberalism. Through an analysis of judicial interventions in the electoral processes of the United States and Germany, Miles explores the role of civil society actors in transforming constitutionalism through legal challenges to oligarchical or exclusionary practices. He assesses how, in adjudicating these cases, the US Supreme Court and the German Constitutional Court have mediated the tension between threats to stability and the imperative of democratic renewal. Democracy, the Courts, and the Liberal State will be of interest to scholars, students, and practitioners interested in comparative politics, political theory, and constitutional law and history.

This practical, comprehensive, and engaging introduction to the American judicial system is designed primarily for undergraduate students in criminal justice, liberal arts, political science, and beginning law. It differs from other texts not only by delivering an insider's view of the courts, but also by demonstrating how the judicial process operates at the intersection of law and politics. Unlike the many dull and inaccessible texts in this field, May It Please The Court conveys the human drama of civil and criminal litigation. With an updated epilogue, case studies, and discussion questions, this third edition is a robust resource for criminal justice students.

Criticizes current social policies suggests new policies tha would strengthen social structures and values, and describes

ways to reinforce the incentive to work

Social Work and the Courtsis a collection of important and cutting-edge court decisions in the field of human services, now in its third edition. Pollack and Kleinman present an array of legal cases in everyday language, with clear explanation of the facts and issues, and in-depth examinations of the reasoning and implications of each decision. This new edition includes over twenty new cases, all of which happened between 2010 and 2014, making this one of the most significant and timely investigations of how social work and the law intersect. Special attention is paid to recent rulings in child welfare and social worker liability. The dissection and analysis of these influential cases makes this volume an excellent teaching tool and an essential resource for both social workers and policy makers.

In recent years, the power of American judges to make social policy has been significantly broadened. The courts have reached into many matters once thought to be beyond the customary scope of judicial decisionmaking: education and employment policy, environmental issues, prison and hospital management, and welfare administration—to name a few. This new judicial activity can be traced to various sources, among them the emergence of public interest law firms and interest groups committed to social change through the courts, and to various changes in the law itself that have made access to the courts easier. The propensity for bringing difficult social questions to the judiciary for resolution is likely to persist. This book is the first comprehensive study of the capacity of courts to make and implement social policy. Donald L. Horowitz, a lawyer and social scientist, traces the imprint of the judicial process on the policies that emerge from it. He focuses on a number of important questions: how issues emerge in litigation, how courts obtain their information, how judges use social science data, how legal solutions to social problems are devised, and what happens to judge-made social policy after decrees leave the court house. After a general analysis of the adjudication process as it bears on social policymaking, the author presents four cases studies of litigation involving urban affairs, educational resources, juvenile courts and delinquency, and policy behavior. In each, the assumption and evidence with which the courts approached their policy problems are matched against data about the social settings from which the cases arose and the effects the decrees had. The concern throughout the book is to relate the policy process to the policy outcome. From his analysis of adjudication and the findings of his case studies the author concludes that the resources of the courts are not adequate to the new challenges confronting them. He suggests various improvements, but warns against changes that might impair the traditional strengths of the judicial process.