

#### THE RIGHTS REVOLUTION REVISITED

The rights revolution in the United States consisted of both sweeping changes in constitutional doctrines and landmark legislative reform, followed by decades of innovative implementation in every branch of the federal government – Congress, agencies, and the courts. In recent years, a growing number of political scientists have sought to integrate studies of the rights revolution into accounts of the contemporary American state. In *The Rights Revolution Revisited*, a distinguished group of political scientists and legal scholars explore the institutional dynamics, scope, and durability of the rights revolution. By offering an interbranch analysis of the development of civil rights laws and policies that features the role of private enforcement, this volume enriches our understanding of the rise of the "civil rights state" and its fate in the current era.

Lynda G. Dodd is the Joseph H. Flom Professor of Legal Studies and Political Science at the City University of New York, City College. She graduated from Yale Law School in 2000, completed a PhD in Politics at Princeton University in 2004, and was a member of the law school faculty at American University's Washington College of Law from 2005 to 2010. Her book, *Taming the Rights Revolution: The Supreme Court, Constitutional Torts, and the Elusive Quest for Accountability*, examines the history of civil rights litigation under Section 1983 and will be published by Cambridge University Press.



# The Rights Revolution Revisited

INSTITUTIONAL PERSPECTIVES ON THE PRIVATE ENFORCEMENT OF CIVIL RIGHTS IN THE US

Edited by LYNDA G. DODD





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For Matthew



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Paul Gardner is a postdoctoral fellow in the Department of Political Science at the Maxwell School of Citizenship and Public Affairs, Syracuse University, and received his PhD in politics at Princeton University in 2015. His research interests include American institutions, judicial politics, American political development, and law and society. His current book project examines the role of private litigation in American politics from statutory authorization to judicial decision, arguing that litigation opens the door for political actors, particularly interest groups, to have greater influence in federal policy enforcement.



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### Acknowledgments

This volume grew out of the "The Rights Revolution Revisited" workshop held at The City College of New York in 2012. As part of the two-day workshop, Thomas F. Burke, Charles Epp, Sean Farhang, Michael McCann, Shep Melnick, Quinn Mulroy, and Sarah Staszak presented their ongoing work on legal mobilization and the private enforcement of civil rights. Sean Farhang also delivered the D'Agostino Lecture in Law and Public Policy, and Charles Epp presented the Boudin Lecture in Civil Liberties. I thank them for their participation and for the lively and productive discussion. We are also grateful to the Skadden, Arps Honors Program in Legal Studies, the Department of Political Science, and the D'Agostino/Greenberg Program for their generous support of the workshop. Many of the contributors gathered together regularly as this volume began to take shape. In 2013, Jeb Barnes, Thomas F. Burke, Lynda Dodd, Charles Epp, Sean Farhang, and Quinn Mulroy presented their scholarship on rights enforcement and retrenchment at the annual meeting of the Law and Society Association. David Freeman Engstrom joined the project in 2014, and Ming Hsu Chen, Paul Gardner, and Jennifer Woodward in 2015. In 2015, Paul Gardner chaired and presented on a panel on private enforcement with Jeb Barnes, Lynda Dodd, Sean Farhang, Shep Melnick, and Quinn Mulroy at the annual meeting of the American Political Science Association. Thanks to all of the contributors' efforts at each stage, our dialogue was transformed into a book project about the institutional dynamics of the rights revolution. We would especially like to thank Michael McCann and Charles Epp for their incisive suggestions, and our editor Matthew Gallaway and the reviewers for Cambridge University Press for their insights and encouragement as we completed our chapters for this book.

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