

## Myth of Rights

- Social change starts with a fundamental right and through litigation progress is achieved
  - ie Social change occurs through the courts
- However, Based on book by Scheingold titled "Politics of Rights" he states there is politics involved.
  - ie The mistake that when evaluating the law, there are only two possible judgments to arrive at
- "the ideological existence of the law takes shape and is a reflection of and a reaction to the law's more palpable presence" - Scheingold
- Profoundly difficult to quantify the psychological benefits of the "Myth of Rights"
- "We shall not even take the trouble to enlighten our philosophers by explaining to them that liberation is a historical and not a mental act" - Marx
  - For Marx, to subjectively "feel free" and to objectively "be free" are two entirely different things
- "To suggest that ideas [about the law] originate as a reflection of the economic situation, would not only be oversimplifying matters, it would be patent nonsense" - Weber

## Politics of Rights

- At the end of the day the constitution means what 9 judges say it means
- Grassroots efforts of Symbolic power
  - Mobilization
  - Pressure people with power
  - Raise awareness (Media Coverage)
- The law is either perfectly objective or entirely political
  - ie he who frames the question wins the argument
- Conception of the law is seriously political; it has to do with judges, lawyers, courtrooms, law books, decision management, implementation procedures, and branch relations
- Individuals will always act towards the law (and each towards each other) on the basis of the subjective meanings they hold for it
- Americans live in a "culture of the law" our everyday behaviors are formed and shaped by the impressions we carry; likewise, (since legislators and judges are people to) the impressions we have of the law will form and shape the law itself.