



Legal Mobilization: Assessing the Potential and Limits of Law-based Civic Advocacy

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BOOK REVIEW

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Jeff Handmaker's *Legal Mobilization: Assessing the Potential and Limits of Law-based Civic Advocacy* offers a timely and carefully argued contribution to socio-legal scholarship on the role of law in contemporary struggles for justice. Rather than examining law in the abstract, Handmaker focuses on legal mobilization as a practice: how civil society actors strategically deploy legal norms, institutions, and discourse to advance political and social claims. The book intervenes in ongoing discussions within international and European law concerning the relationship between legal institutions, human rights advocacy, and political contestation. These debates are particularly visible in areas such as migration governance, emergency governance, the regulation of political expression across European jurisdictions, and restrictions on civil society, which includes constraints on NGO funding, public demonstrations, and advocacy campaigns. By grounding his analysis in empirical case studies, Handmaker provides a nuanced account of both the possibilities and the limitations of law-based civic advocacy.

Handmaker, Associate Professor of Legal Sociology at the International Institute of Social Studies (ISS), Erasmus University Rotterdam, draws on extensive experience working with international organizations and human rights bodies. This includes advisory and research roles related to refugee protection, development policy, and transnational justice efforts. Handmaker's dual academic and practitioner background shows through the book's emphasis on law as a socially embedded practice rather than a purely doctrinal system. The book consistently resists viewing legal institutions as isolated arenas detached from political realities. Instead, Handmaker situates legal mobilization within larger struggles over power, legitimacy, and social change.

Legal Mobilization begins by developing a conceptual framework for understanding legal mobilization within socio-legal scholarship. Handmaker adopts a broad understanding of legal mobilization that extends beyond litigation to include advocacy, public engagement, coalition building, and political contestation. In doing so, he places himself within an established body of socio-legal literature, particularly scholarship associated with Michael McCann's work on legal mobilization and rights consciousness.¹ Handmaker does not claim to invent a new theory of legal mobilization. Rather, his contribution lies in refining and applying these theoretical insights to contemporary

political and legal conflicts, particularly within European and transnational contexts marked by increasing polarization and shrinking civic space. The originality of the book lies less in proposing a wholly new theory than in demonstrating how established theories of legal mobilization operate under contemporary conditions of democratic backsliding, transnational governance, and contested civic space.

The empirical chapters demonstrate how legal mobilization unfolds in practice across a range of areas. One set of chapters focuses on migration governance in the Netherlands, illustrating how lawyers, advocacy groups, and civil society actors challenge restrictive asylum and migration policies through both litigation and wider public campaigns. Handmaker shows that these efforts rarely operate solely through courts. Legal claims are often advanced simultaneously through media engagement, grassroots organizing, strategic partnerships, and public pressure. This broader understanding of legal mobilization is one of the book's most significant strengths because it captures the reality that legal disputes are frequently fought as much in the public sphere as in formal legal proceedings.

One chapter that is especially relevant to contemporary debates examines the legal and political struggles surrounding the Boycott, Divestment, and Sanctions (BDS) movement. Handmaker explores how activists advocating for Palestinian rights have faced legal restrictions, administrative barriers, and political pressure across multiple jurisdictions. For example, *Legal Mobilization* discusses how anti-BDS measures in certain European contexts have framed boycott advocacy as discriminatory conduct, thereby narrowing the space for political expression and assembly. The analysis raises important questions concerning freedom of expression, anti-discrimination law, and the extent to which states may restrict forms of political advocacy. The discussion also resonates with jurisprudence from the European Court of Human Rights (ECtHR), particularly *Baldassi and Others v France*. In this case, the Court held that criminal convictions imposed on BDS activists violated freedom of expression protections under Article 10 of the European Convention on Human Rights.² The decision underscores how legal disputes surrounding BDS advocacy intersect not only with domestic constitutional questions but also with international and European human rights frameworks. Particularly compelling is Handmaker's discussion of how legal systems themselves may become

sites of political contestation, capable of being mobilized both to protect dissent and to suppress it. In this context, legal mobilization becomes a double-edged phenomenon: law may create openings for accountability while simultaneously reinforcing existing structures of power.

The chapters dealing with emergency governance during the COVID-19 pandemic further reinforce the book's central theme that legal institutions can simultaneously function as mechanisms of accountability and instruments reinforcing state authority during periods of crisis. Handmaker examines how states invoked emergency powers to restrict movement, assembly, and other civil liberties while many courts across Europe and elsewhere initially showed considerable deference to executive authority, particularly during the early stages of the pandemic. At the same time, some courts later adopted a more interventionist posture. For example, Spain's Constitutional Court ruled that aspects of the country's lockdown measures unlawfully infringed constitutional rights, illustrating the uneven judicial responses that emerged across jurisdictions.³ These examples illustrate the contingent nature of legal protections during moments of crisis and demonstrate the limits of relying exclusively on formal legal mechanisms to protect civil liberties, democratic accountability, and participatory governance during periods of emergency rule. At the same time, Handmaker avoids adopting an entirely cynical view of law. Although legal institutions may constrain transformative change, they also remain important arenas through which to articulate, contest, and legitimize political claims.

One of the more compelling aspects of *Legal Mobilization* is its focus on what Handmaker describes as "legal learning." This theme recurs throughout the book's case studies and reflects the book's broader understanding of legal mobilization as an iterative and evolving process in which activists, lawyers, and communities refine strategies over time. Even unsuccessful legal claims may generate important effects by clarifying legal arguments, shaping public discourse, or strengthening activist networks. For instance, unsuccessful asylum litigation or failed constitutional challenges may nevertheless influence subsequent advocacy campaigns or generate public scrutiny concerning state practices. This insight resonates strongly with existing scholarship on strategic litigation before international and regional tribunals, including work examining the European Court of Human Rights.⁴ By emphasizing these indirect and long-term effects, Handmaker encourages readers to move beyond simplistic understandings of legal success measured solely through courtroom victories.

Additionally, the book's comparative approach strengthens its relevance. By examining legal mobilization across different institutional and thematic settings, Handmaker identifies both recurring patterns and context-specific dynamics. At the same time, the analysis remains focused on European and transnational settings. While this focus is entirely justified given the scope of the book, additional engagement with experiences from other regions could have further enriched the analysis. For example, legal mobilization in parts of Latin America has often operated under significantly different political and institutional conditions, particularly in relation to indigenous rights, transitional justice, and socio-economic rights litigation.⁵ Similar dynamics are also evident in the Inter-American human rights system, where non-governmental organizations and transnational advocacy networks have played a particularly significant role in advancing indigenous rights, accountability efforts, and democratic protections through strategic litigation and regional human rights mechanisms. Incorporating such examples might have provided additional comparative insight into how legal mobilization functions under varying democratic and institutional environments.

Moreover, *Legal Mobilization* contributes to wider debates about the relationship between law and power. Handmaker consistently rejects both overly optimistic accounts that portray rights litigation as inherently transformative and deeply sceptical approaches that dismiss law as merely an instrument of domination.⁶ Instead, he adopts a more balanced and pragmatic position. Law, in his view, is neither inherently emancipatory nor inherently oppressive; its political significance depends on how legal institutions operate within broader social and political struggles. This balanced approach gives the book much of its analytical credibility and avoids some of the conceptual rigidity that characterizes more polarized discussions of law and social change.

For scholars of international and European law, *Legal Mobilization* offers a useful framework for understanding how legal mobilization operates within contemporary governance structures. For practitioners and activists, it provides practical insight into how legal strategies interact with political advocacy, media engagement, and grassroots organizing. Particularly valuable is Handmaker's insistence that effective legal advocacy requires attention not only to doctrine and litigation strategy, but also to the larger social and political environments in which legal claims are advanced. The book also invites reflection on emerging areas of legal mobilization that may increasingly shape future scholarship, including climate litigation, environmental justice campaigns, collective housing rights claims, and digital rights advocacy. These evolving struggles further demonstrate the continuing relevance of legal mobilization frameworks in addressing contemporary forms of inequality and governance.

Ultimately, *Legal Mobilization* stands out for its treatment of law not as an autonomous system standing above politics, but as a deeply contested social institution embedded within ongoing struggles over rights, legitimacy, and power. Handmaker's work offers a sophisticated and empirically grounded account of the opportunities and limitations of law-based civic advocacy in the contemporary world. The book will be of considerable interest not only to scholars of socio-legal studies and human rights, but also to activists, practitioners, and policymakers seeking to understand the evolving relationship between legal institutions and movements for social and political change.

NOTES

1. Michael W McCann, 'Legal Mobilization and Social Movements: Notes on Theory and Its Applications' (1991) 11 *Studies in Law, Politics, and Society* 225; Michael W McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (University of Chicago Press 1994).
2. *Baldassi and Others v France* App no 15271/16 (ECtHR, 11 June 2020).
3. Spanish Constitutional Court, Judgment No 148/2021, 14 July 2021.
4. Dilek Kurban, *Limits of Supranational Justice: The European Court of Human Rights and Turkey's Kurdish Conflict* (Cambridge University Press 2020).
5. James L Cavallaro, 'The Crucial Role of Human Rights NGOs in the Inter-American System' in Laurence Burgorgue-Larsen and others (eds), *The American Convention on Human Rights and its New Interlocutors* (Intersentia 2020).

6. Gerald N Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (2nd edn, University of Chicago Press 2008).

COMPETING INTERESTS

The author has no competing interests to declare.

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