CONSTITUTIONAL PRINCIPLE OF EQUALITY IN THE USA: EVOLUTION OR CHANGE OF PARADIGM?*

Boris NIKOLAEV**

Abstract. *This article examines the main developmental trends in the theory and practice of the constitutional principle of equality, from the point of view of groups protected from discrimination and in terms of the main areas of protection against discrimination. The study concludes that the current stage in the journey of ensuring equal rights for Americans embodies forms that are traditional for the United States alongside new paradigmatic problems and challenges related to the legal consolidation of the rights of new discriminated groups, the use of new forms of human rights and protest activities, the increasing polarisation of the American establishment and the public on the issue of equality, and the absence of a clear constitutional definition of the content of the principle of equality.*
Keywords: *equality*, *constitutional law*, *discrimination*, *human rights*, *segregation*.

Introduction

The entire history of humanity can be characterised by a constant shift between periods of either slow evolutionary development or rough revolutionary upheavals. The history of development of civil societies and democracies based on the rule of law in the modern and contemporary eras is directly linked to the idea of people's natural and inalienable rights and freedoms. This idea, which is in many respects connected with the concept of Christian universalism and providentialism, has in its various manifestations often gone against traditional religious views of the society in question, particularly in terms of its political and legal system. By opposing not only national but world religions, this new social and political doctrine of natural and inalienable rights has from its inception shown global ambition, stating that there are no limitations, including religious or national ones, to its application. This all-encompassing approach was set down as the principal idea of the new doctrine and, on the pretext of its complexity and the amount of time needed for its practical implementation, it was accompanied by a great number of provisions, elaborations and limitations. The last of these, in the eyes of the leaders of the new ideology, did not contradict the essence and key goal of the new philosophy, but rather bore a strategic character, thus bridging the gap between its ideal aims and the harsh realities of the real

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** Penza State University, Russian Federation; e-mail: nikolboris@yandex.ru.

world. Admitting the inevitable and global victory of the new idea, its advocates thus conceded to the numerous stages and significant limitations of its practical application when dealing with a number of important (at least in terms of numbers) social and ethnic groups: women, underage children, dependants, the poor, the disabled, less developed societies, etc.

One more important part of the new ideology, which transformed into a kind of "new religion," was its extreme intolerance towards contradictory or even partially dissenting views and principles. The intolerance associated with the new ideology was, to some extent, due to the very circumstances of its birth, in the midst of battles – intellectual ones at first and then actual ones – with the adherents of the old style of life. Yet the rigid and uncompromising character of the principles was partially linked to the idea of the existence of a universal "human nature" that does not depend on any later social, economic, political or cultural additions. The last of these are an inherent quality of the social characteristics of humans as "social animals," yet they can neither abolish nor even change the inborn and inalienable nature of a human. As voiced by John Ball in the fourteenth century, "When Adam delved and Eve span, who was then the gentleman?"

The changes in political and legal climate were also crucial for the development of the concept of human rights. Since the beginning of the Age of Revolutions, the proponents of human rights have sought not only scholastic victory but political and social gains that can be expressed in legal norms. Without such classic tools for establishing legitimacy as religion (combined with the power of the church) and holy tradition, the new power invented a new instrument of legitimation that, in its clarity and definitiveness, surpassed the Holy Scripture. This was the Constitution.

The USA became the ideal "training ground" for testing the constitutional principles of equality as one of the key concepts of human rights. Created through colonisation by members of various ethnic and religious groups, its birth pangs exacerbated by the original sins of genocide against the indigenous population and the trans-Atlantic slave trade – while at the same time expressing a yearning for freedom from metropole – the new American civilization was destined to come back time and time again to defining the philosophical and legal content of the principle of equality and adapting its application in the context of new approaches.

The current situation regarding the provision of the constitutional principle of equality in the United States cannot be assessed objectively without considering the historical context of the emergence of the theory and practical application of the principal of legal equality in the system of American constitutionalism, specifically, the changes which occurred at various stages of the development of American state and legal systems. This is crucial in circumstances wherein historical context is increasingly used to

justify contemporary legal and ideological constructs and political interests, that is, when the "reverse writing of history" is happening.

The US concept of human rights and the constitutional principle of equality developed in several stages. One can draw parallels with the idea of "great awakenings," in the context of which the development of the religious life of American society is viewed. Objective social, economic, political and cultural processes, expressed through subjective spontaneous intentional acts of particular people and social groups, lead first to the realisation of a crisis in the existing system for ensuring equality, and then follow this to the critical phase of the social and political crisis, which is then realised in the corresponding political response and, later, in legal confirmation, as well as through the evaluation of these elements in the theoretical and philosophical sense. These fundamental changes in social and political thought are similar, to some extent, to paradigm shifts in the framework of scientific revolutions, as described by Thomas Kuhn. The change in political and legal paradigms does not happen instantaneously but is a result of complex and diverse processes in the society and its political and legal systems. Moreover, this breakthrough in political and legal thinking, as well as the corresponding practical changes, is not straightforward but, on the contrary, contains many conflicting tendencies and experiences which, in their turn, lead in the majority of cases to the reactionary stage that makes it possible to turn the "revolutionary" phase into a "conservative" one. The first of such paradigm shifts climaxed with the events of the War of Independence and the establishment of the American state. The second period covered the Civil War and subsequent Reconstruction. The third period – the most incomplete of all in terms of its humanistic and legal context – was caused by the launch of Franklin D. Roosevelt's New Deal and by the events of World War II. The fourth period encompasses the Civil Rights movement of the 1950-70s. Finally, the end of the twentieth century saw the beginning of the latest paradigm shift in the theory and practice of human rights in the USA, the rising movement of which we are currently witnessing.

Methodology

This study is based on a multi-level qualitative analysis of the body of legal sources that includes the US Constitution, federal acts, subordinate law-making, judicial precedents, state constitutions and state legislation. The article also analyzes official statements made by US statesmen, analyses by higher education policymakers, and statistical data. The choice of particular research methods was determined by the nature of the sources. The use of diverse methods such as comparison, abstraction and systematisation made it possible to determine major developments in state policy regarding the constitutional principle of equal rights in the USA.

Results

From its inception, the American state has declared the fundamental importance of natural human rights and the idea of equality. However, at the same time it has introduced significant and, in their very essence, unjustifiable restrictions on this principle. The main message of the Declaration of Independence and the underlying ideas driving the American War of Independence were based on opposition to the unjust and discriminatory attitudes of the British Crown towards the people living in American colonies. The problem had two aspects, a political one and a legal one. The political aspect was the deprivation of American population of the right to sovereignty and the right to independently manage their own affairs. The legal aspect was the refusal of the British Crown to recognise people in America as equal to people in Great Britain, in terms of both law and ethics. The Declaration of Independence of 1776 proclaimed the basic tenet of the emerging American state, "that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."[1] However, the North American colonists, who so courageously fought against the injustice and arrogance of the British authorities for their recognition as full citizens, flatly refused to recognise the same "sacred rights" in relation to Native Americans, black slaves, and various categories of immigrants, the poor, representatives of non-Christian denominations and other groups. Estimates of the indigenous population of pre-Columbian America vary quite significantly, from one million to 18 million. As a result of the process of their "civilization," these peoples have lost, depending on the method of estimation, up to 90%[2] or even 95%[3] of their numbers due to wars, genocide, disease and other factors. It is this which allows researchers to talk of the "American Indian holocaust,"[4] noting that "the peoples have never experienced such a rapid growth and nor were they destroyed so quickly."[5] The main strategies defining the interaction between settlers and Native Americans were those of assimilation (George Washington and Henry Knox) and resettlement to the West (Thomas Jefferson). The ultimate inhumanity of this stance was the enactment of Indian Removal Act of 1830, which led to the forced displacement of around 100,000 American Indians. The Cherokee Indians alone had 15,000 people displaced, and more than 4,000 of them died. The Cherokees were far from being a danger to American society. They were an example of successful

[1] https://www.archives.gov/founding-docs/declaration-transcript, accessed 20 March 2021.
[2] Cook 1998, p. 1–14, 447.
[3] Riley, Carpenter 2016, p. 873.
[4] Thornton 1987, p. XV.
[5] Tocqueville 2000, p. 241.

integration, had a thriving economy, preserved and developed their culture and language in the face of change (they even created their own writing system and published a newspaper), established free schools and adopted their own constitution. When they tried to defend their rights in court (Cherokee Nation v. Georgia, 30 US (5 Peters) 1 (1831), they received an initial refusal based on "lack of jurisdiction" in the matter. The Supreme Court, however, ruled that the Georgia law violated the corresponding federal law and declared the sovereignty of Cherokee Indians in Georgia in Worcester v. Georgia, 31 US 515 (1832). The court rulings did not prevent the local authorities from enforcing the removal policy that notoriously became known as "the Trail of Tears."

The institution of slavery in the USA was the legacy of its colonial past, and the new country did not only fail to abandon it, but ensured its steady growth and established the required legal justification. According to A. de Tocqueville

> The negro enters upon slavery as soon as he is born.… If he becomes free, independence is often felt by him to be a heavier burden than slavery.… In short, he sinks to such a depth of wretchedness, that while servitude brutalizes, liberty destroys him.[6]

By 1790, blacks accounted for 19.3% of the population of the United States (by way of comparison, in 2010 the figure was 12.6% and in 2020, 12.4%). In some states, blacks made up a third (in Maryland in 1750) or even half (in Virginia in 1763) of the population.

In the initial draft of the American Declaration of Independence, Thomas Jefferson accused George V of continuing the slave trade, but after criticism from representatives of North and South Carolina he was forced to leave this passage out.[7] The Preamble to the US Constitution begins with the democratic statement, "We the people of the United States" and defines the aim to "promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." However, in Section 2 of Article I of the Constitution, the formula for calculating the population in states to determine the appointment of representatives and taxation included the number of free persons and "three-fifths of all other persons." Section 9 of the same Article stated that the Congress had no power to restrict the importation of slaves into the US. It was repealed in 1808. Article IV outlined the policies towards fugitive slaves, stating that:

> No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation

[6] Ibid.

[7] Rodriguez 2007a, p. XXXIV.

> therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.[8]

It is in this period in US history that two divides that would later determine the civilizational split of the nation started to form. The first was the division between the slave-holding South and the abolitionist North. This led to one of the worst crises in country's history – the Civil War and the following Reconstruction. The second divide between the black (or mixed race) and the white population has been expressed in various forms throughout the country's subsequent history: in the slavery of the seventeenth to nineteenth centuries; through segregation in the nineteenth and the first half of the twentieth centuries; and in various aspects of economic, social and political discrimination in recent history.

Although slavery was originally practiced in all 13 colonies before 1787, it was gradually abolished in the northern states of Pennsylvania (1780), Massachusetts (1783), Connecticut (1784), Rhode Island (1784), New York (1785, 1799), New Hampshire (1783 or 1789) and New Jersey (1794). In 1794 Congress banned the slave trade between the United States and other countries, in 1807 it banned the domestic slave trade within the United States, and the law of 1819 made the slave trade a capital offense. In 1817 the American Colonization Society was founded to encourage the resettlement of freed slaves to Africa, and in 1822 Liberia was formed as a new colony for freed American slaves. In 1823, Middlebury College awarded a diploma to Alexander Twilight, the first black man to receive a college degree in the US.

In 1820, an actual territorial border divided the country into slave-owning and free states as part of the Missouri Compromise, when Missouri was granted statehood as a slave state and Maine as a free state. On the one hand, this law set the geographical limits for spreading slavery; on the other hand, it served as a legal instrument of institutionalised slavery and further contributed to the split in the society, economy and politics of the country. The legal and judicial support of slavery can be best exemplified by the infamous case Dred Scott v. Sandford, 60 US 393 (1857). The Supreme Court's ruling denied slaves, freed slaves and their descendants the right to American citizenship. It also stated that the Congress did not have the authority to prohibit slavery on the territory of the USA. The decision received criticism from both the judiciary (according to Charles Evans Hughes, later Chief Justice of the US, it was "the Court's greatest self-inflicted wound") and scholars (J. P. Rodriguez notes that it was "unanimously condemned as the worst decision of the US Supreme Court"[9] and, according

[8] https://constitutioncenter.org/interactive-constitution/interpretation/article-iv/clauses/37, accessed 22 March 2021.

[9] Rodriguez 2007b, p. 265.

to Bernard Schwartz, it was "the first in any list of the worst decisions of the US Supreme Court").[10]

Thus, the first stage in the building of the American political and legal system shows divergent and sometimes clearly opposing tendencies. On the one hand, there is a hard-line policy against English colonialism, the famous proclamation "We, the people…" and the pursuit of the ideals of freedom, including religious freedoms (after the adoption of the First Amendment, only four of the original states retained laws that established a particular religion, and in 1833 the last of these states, Massachusetts, revoked the corresponding constitutional provisions). On the other hand, we can observe the continuous growth of such inhumane practices as the restriction of rights and forced removal of Native Americans; the institution of slavery and the slave trade; the conspicuous absence in the Constitution of provisions related to relations with native Americans and immigration policy; and a lack of clarity in the statements of the first Amendment on religious freedoms. Indeed, the early constitution "embraced what nearly all Americans agreed on (namely, religious freedom) while leaving firmly open what Americans did not agree on (namely, exactly what religious freedom in this country meant or entailed)."[11] There is a stark contrast between theoretical constructs of natural rights theory on common human nature and equality before the law and the actual political and judicial policies directed at building a complex social hierarchy[12] in which different groups not only had unequal access to material wealth but also different rights, privileges and legal limitations in American society. The highest position in such a hierarchy was occupied by well-off white male Protestants, immigrants from the British Isles and North Europe. This privileged position was also expressed in US immigration laws. The Naturalization Act of 1790 guaranteed the "free white" immigrants significant advantages in obtaining residence and naturalisation rights.[13] This situation brings to mind Abraham Lincoln's bitter remark that the original phrase "all men are created equal" in the Declaration of Independence should be read as "all men are created equal, except negroes, and foreigners, and Catholics." He went on to say, "I should prefer emigrating to some country where they make no pretence of loving liberty – to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy."[14]

The legal developments that unfolded later seemed to signify a positive change. Among them were the Proclamation of Emancipation of 1863, the

[10] Schwartz 1997, p. 70.
[11] Smith 2014, p. 104.
[12] Aziz 2017, p. 781.
[13] Chin 2020, p. 1278.
[14] Quoted in Latypova 2019, p. 99.

repeal of the Fugitive Slave Acts in 1864, and the successive adoption of Amendments 8 (on abolition of slavery), 14 (on equal protection under the law for all born and naturalised US citizens) and 15 (on provision of the right to vote for the black population, sometimes described as a "superfluous" Amendment that "lives in the Fourteenth Amendment's shadow").[15] Other signifiers of change were the election of the first African American representative (Joseph Rainey) and senator (Hiram Revels); the establishment of the Bureau of Refugees, Freedmen and Abandoned Lands (the Freedman's Bureau) that assisted the former slaves; the adoption of the Civil Rights Act of 1866 (although vetoed by the president, it was adopted by the Republican majority in Congress); and the adoption of the Civil Rights Act of 1875 that guaranteed equal treatment to African Americans in public places and transport. All of these seemed to herald the beginning of a new era in the American society, an era devoid of racism and discrimination.

The grim reality, however, was expressed through the spread of the retaliatory measures of the racist South that sprang up as a counter-weight to abolitionist success of the Civil War. Racial discrimination grew to engulf the whole of the United States and was termed "the most terrible chapter in the American history after slavery and the conquest and property disposition of Indians."[16]

In 1866 Ku Klux Klan was founded in Tennessee. In 1868 approximately 300 African Americans were killed in the Opelousas massacre in Louisiana; in 1873 a clash between militia consisting predominantly of African Americans and representatives of the White League ended in more than 100 deaths; and in 1875 more than 20 African Americans were killed in the Clinton Massacre in Mississippi. In 1872 the Freedman's Bureau was dissolved. Two years later the pro-slavery Democrats gained a majority in both chambers of US Congress.

The pinnacle of these tendencies in racial policies was expressed through the series of Jim Crow laws and the Plessy v. Fergusson case,[17] which holds a dishonourable second place in the list of the worst Supreme Court decisions after the Dred Scott case. Jim Crow was the derogatory nickname for black people, originating from a minstrel routine by Thomas Rice, who performed with his face painted black with burnt cork and sang *Jump Jim Crow*. The name was picked up by newspapers, first appearing in 1892 in *The New York Times* in an article on the right to vote for black people. Soon after this, Jim Crow laws came to describe the dominating political trend of the late nineteenth century.

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[15] Crum 2020, p. 1549–1550.
[16] *The Truth* 2014, p. 35.
[17] Nikolaev et al. 2020b, p. 11716.

Jim Crow laws were adopted by Southern states as a counterbalance to federal laws and ensured the codification of racial segregation and the separate existence of black and white people in all spheres of life – education, healthcare and public spaces, including public transport, restaurants, hotels and public toilets. The first Jim Crow law was adopted in 1890 in Louisiana. It introduced separate spheres for black and white people on rail transport, but following legal restrictions it spread to other spheres, including the right to vote. In 1896 Louisiana registered 130,334 black voters, but by 1904 the numbers had dropped to 1,342.

Subsequent laws became ever more elaborate. For example, it became unlawful for people of different race "to play together or in company with each other in any game of cards or dice, dominoes or checkers" (Birmingham, Alabama, 1930); for white people "to be handcuffed or otherwise chained or tied to a negro prisoner" (Arkansas, 1903); or for a non-white hairdresser "to serve as a barber to white women or girls" (Atlanta, Georgia, 1926). Marriages were illegal if "one party is a white person and the other is possessed of one-eighth or more negro, Japanese, or Chinese blood" (Nebraska, 1911); white women who bore a child from a black or any non-white man were to be "sentenced to the penitentiary for not less than eighteen months" (Maryland, 1924); and those who tried to assist black people were deemed criminals. In addition:

> Any person ... presenting for public acceptance or general information, arguments or suggestions in favour of social equality or of intermarriage between whites and negroes, shall be guilty of a misdemeanour and subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment in the discretion of the court. (Mississippi, 1920)[18]

Judicial policies also diverged significantly from the ideals of the Civil War. The notorious decision of the Supreme Court in Plessy v. Ferguson, 163 US 537 (1896) caused the expansion of segregation policies to include new states and new spheres of public life. The case originated when Homer Plessy, who was seven-eighths white and one-eighth African American, violated segregation rules and refused to leave a white-only railway car. The court's specific interpretation of the 14th Amendment stated that its goal was to "to enforce the absolute equality of the two races before the law" but that it was never intended "to abolish distinctions based upon colour, or to enforce social, as distinguished from political, equality." The court also stated that the separation did not signify the inferiority of one race in relation to another, citing the example of the existence of separate schools for black and white

[18] Crow Laws 2021.

children even in northern states.[19] Associate Justice John Marshall Harlan voiced his notable dissent, stating that the Constitution of the USA is "colour-blind" and does not know classes among citizens.

Even more cynical was the application of the "separate but equal" doctrine in the case Berea College v. Kentucky, 211 US 45 (1908) in which the only integrated college in Kentucky was charged with violating the segregation law. The Supreme Court did not overturn the ruling of the State Court that insisted on separate education for black and white students, stating that "if only the twentieth century became the progress and development of civilization, it would be thanks to the unadulterated blood of the Anglo-Saxon white race and thanks to the outstanding representatives and geniuses of that race."[20]

The approach to race was expressed in the language choices of nineteenth and early twentieth US censuses as well. Only two race groups (white and black) were listed up to 1850, but from 1860 the census also included American Indians and Alaska Natives, and from 1870 Asian Americans (at first Chinese only). In 1890 it introduced the categories "quadroon" (one-quarter black ancestry) and "octoroon" (one-eighth or less black ancestry). The 1930 census used the racist "one-drop rule" under which mixed-race people were counted as black if they had even the smallest percentage of "Negro blood."[21]

The immigration policy at the time served as an effective means of legal regulation. In this case, the United States displayed not only discriminatory, but also arbitrary and even aggressive legislation and law enforcement practice. Relying on "the plenary power doctrine" and operating in conditions in which the Constitution turned a blind eye to such important matters as settlement and immigration, the federal government regulated immigration policy by adjusting it to the growing demand of the American economy for cheap labour, while simultaneously encouraging existing racial and national stereotypes.[22] The Page Act of 1875 (18 Stat. 477, March 1875) prohibits the immigration of "undesirables" from Asia (including in relation to forced labour migration and women supposedly entering the country as sex workers; as a result, female migration ceased almost completely). In 1822, an act to execute certain treaty stipulations relating to Chinese immigrants (Chinese Exclusion Act. 6 May 1882 Pub. L. 47–126) introduced a blanket ban on labour immigration from China (exceptions were made only for students and business people).

[19] Thomas 1997, p. 3–205.
[20] Lewis 2004, p. 24.
[21] Brown 2020.
[22] Rosenbaum 2020, p. 803, 820.

Discriminatory immigration policy was supported by judicial power. In 1922 (Takao Ozawa v. United States, 260 US 178, 1922), the Supreme Court ruled that the Japanese were not "white persons" from the point of view of modern science, and in the following year a similar decision was accepted in relation to Indian Sikhs (United States v. Bhagat Singh Thind, 261 US 204, 1923), which made these ethnic groups racially ineligible for naturalisation. In 1927 the Supreme Court denied birthright citizenship to people born to American parents who had never resided in the USA (Weedin v. Chin Bow, 274 US 657, 1927), and in 1928 the federal court refused birthright citizenship to persons born to Chinese parents on board an American ship while at sea (Lam Mow v. Nagle, 24 F.2d 316, 9th Cir. 1928).

Similar trends can be observed in relation to Hispanics, from the oppression and mass acquisition of Mexican lands (greatly increased by the Homestead Act of 1862) to acts of discrimination, segregation, violence and forced deportation against Hispanic immigrants.

In 1921, federal immigration law introduced a quota system on the basis of national origin which not only legitimised discrimination on the basis of skin colour but also targeted white immigrants (such as Jews, Catholics and immigrants from Southern and Eastern Europe).[23]

Less conspicuous and attention-grabbing was the introduction of a draft constitutional amendment in 1876 by James G. Blaine. Its intent was to deny public funding to schools with religious affiliations; in practice, the law openly targeted the Catholic Church and represented confirmation of the "sectarian" political approach to equality in religion. It was designed to serve political interests, rather than provide true equality before the law. Although rejected by Congress, the rules for admitting new states into the Union from then on included the requirement for them to be free "from any sectarian control."[24]

The 19th Amendment (1919) "opened the doors to greater women's engagement in US politics."[25] The perception of the significance of the next period in the development of the American concept of equality and human rights is contradictory and undeservedly underestimated. Indeed, the New Deal by Franklin D. Roosevelt was one of the brightest moments in the development of interaction between the American state, society and individuals. On the one hand, these reforms were fully consistent with the global development trends of that time, primarily increasing efforts to ensure social and economic rights and freedoms. They also represent the recognition of social justice as a cornerstone, as opposed to the formal legal aspects of

[23] Chin 2020, p. 1278.
[24] Kern, Solomon 1972, p. 117–118.
[25] Misra 2020, p. 417.

equality. The special role of the state in ensuring people's social and economic rights was recognised, and guarantees were created to embed real gender equality not only in political, but also in social and economic life. All these trends, which had been gaining strength in Europe since the second half of the nineteenth century, reached their climax in the first half of the twentieth century. Such large-scale changes led, on the one hand, to fundamental achievements such as the recognition of the political (including electoral) rights of women; state guarantees for workers (the 8-hour working day, social insurance, guarantees of safe working conditions for life and health, the right to strike); the right to self-determination; and, for the first time (albeit in a partial and incomplete manner), condemnation of colonialism, the fight against poverty, and the development of public education and health care. On the other hand, the intention to end once and for all the socioeconomic ills of humanity led to belief in a kind of political and legal panacea, as well as to extreme forms of political and legal idealism. This belief in the exceptional possibilities of a united will led to an unprecedented Bolshevik experiment and the building of a communist society, and, subsequently, to the inhuman regimes of fascism and National Socialism, imbued with the spirit of racism, chauvinism and statism.

The United States did not escape such contradictory turns in the development of public policy and the legal regulation of human rights. On the one hand, federal legislation and state policy were developing in ways aimed at reducing unemployment and poverty, developing social insurance, and establishing a system of guarantees for the socioeconomic rights of workers and the activities of trade unions. African American workers, who were an important part of the Democratic electorate, were also among the participants in the new policy, and the judicial system made a number of important decisions that favoured them, significantly expanding the educational rights of African Americans despite the dominance of the doctrine of "divided but equal."[26] Thus, in Missouri ex rel. Gaines v. Canada (305 US 337, 1938) the court applied the doctrine of "divided but equal" to protect the rights of a Lincoln University graduate and Missouri citizen who was denied admission to the law school solely because he was black. The state agreed to pay for his out-of-state tuition prior to the opening of a black law school in Missouri. The Supreme Court said that the state must address the issue of equal protection from the law within its own jurisdiction, thus formulating a dilemma that was difficult for segregated states: they would have to either try to open educational institutions separately for whites and blacks or destroy institutions for whites.

[26] Arsenault 2004, p. 25; Nikolaev, Pavlova 2018, p. 399.

On the other hand, this period saw the continued development of one of the most inhuman doctrines in the modern history of mankind and of the United States: the doctrine of eugenics. At the International Congress on Eugenics, which was held in New York in 1932, it was explicitly stated that by applying the sterilisation law in the United States, it would be possible "in less than a hundred years to eliminate at least 90 percent of crimes, insanity, dementia, idiocy and sexual perversion, not to mention many other forms of defectiveness and degeneration." By 1937, 32 states had passed forced sterilisation laws. It is thought that more than 60,000 people were forcibly sterilised in the United States; some researchers believe a "more realistic" number is 80,000 – half of whom were sterilised after the Second World War.[27] It is noted that such activities continued until the 1960s and 1970s.[28] The prominent American lawyer Oliver Wendell Holmes stated, in Buck v. Bell (1927):

> It will be better for the whole world if society hinders the continuation of the human race by those who are not fit for its continuation. It is better to discourage rather than wait for sentences against degenerate offspring for their future crimes, or let them suffer from their dementia.… Three generations of imbeciles is more than enough (Buck v. Bell, 274 US 200, 1927).

Another racist blemish[29] on the reputation of American government policy and the judiciary is the repressive policies of Asian Americans following Pearl Harbour. It was normal to see posters with slogans such as "Licenses to shoot Japanese are sold here" or "The season is open – no restrictions." K. Lightfoot noted that "since the days of the slave trade and wars to drive the Indians to the West, our country has not seen a more terrible treatment of an entire ethnic group than that experienced by all Americans of Japanese descent."[30] According to General DeWitt, in less than 90 days, 110,442 people of Japanese descent were "evacuated" from the West Coast.[31]

The legislative basis was Public Law No. 503, named by Ohio Senator Robert A. Taft as one of the "sloppiest" criminal laws he had ever encountered. In peacetime, it would have been impossible to use this law to condemn a person due to its extreme inaccuracy and uncertainty.[32] The Supreme Court, however, by a majority of 6 to 3, upheld the constitutionality of such action in Korematsu v. The United States. The need for effective

[27] Begos 2011.
[28] Stern 2005, p. 11–13.
[29] Johnson 2019, p. 1446.
[30] Laytfut 1983, p. 175.
[31] DeWitt 1943, p. vii-x.
[32] Irons 1993, p. 68.

protection against espionage was in this case deemed to outweigh the individual rights of Fred Korematsu and the rights of Japanese Americans. This case is traditionally recognised by both the judiciary and the scientific community as one of the worst in the history of the US Supreme Court, a kind of "anti-canon, which is inadmissible to refer to as a precedent, even in the absence of its formal abolition."[33] In particular, as it became known later, the prosecution used deliberately false information provided by the army leadership about Korematsu's alleged espionage activities.[34] Only in 1988, when President Ronald Reagan signed the Civil Rights Act of 1988, was the federal government's guilt for a political decision driven by "racial prejudice and military hysteria" officially recognised, and payment of up to $20,000 to each victim or their heirs (up to $1.6 billion in total for 82,219 people) was stipulated.

The culmination of the development of the human rights movement in the United States came with the Civil Rights Movement of the 1960s and 1970s, characterised by largescale public participation and active forms of public protest. A large number of human rights organizations defended the rights of various groups of the population. Various means of legal regulation were used (federal legislation, state legislation, presidential lawmaking, judicial activism) and attention was focused on the creation of a legal system that guaranteed equal rights for groups that were traditionally discriminated against.

A turning point in the development of racial equality in the United States was the decisions of the Supreme Court in the Brown case (Brown v. Board of Education 347 US 483 (1954) and Brown v. Board of Education 101 US 294 (1955), in which the Court found that in public education "shared educational opportunities are essentially unequal" and deemed this contrary to the 14th Amendment on Equal Protection by the Law. The decision is generally recognised as "a killing blow to the doctrine of divided but equal"[35] and considered "the most important American act of state, not counting the victories in the Civil War and World War II, since the adoption of the Declaration of Independence."[36] It represents "a turning point in America's willingness to face the consequences of centuries of racial discrimination dating back to the first settlements in the New World."[37]

Given the significance of this decision, it was necessary to adopt appropriate federal legislation to ensure a massive federal desegregation.

[33] Primus 1998, p. 243–303.
[34] Lee 2015, p. 395.
[35] Millington 1979, p. 318.
[36] Kern, Solomon 1972, p. 529.
[37] Kluger 1976, p. X.

Immediately after the Civil War, two Civil Rights Acts of 1866 and 1875 were adopted. The latter caused serious political and legal conflicts which were manifested in judicial challenges to the provisions of the Law in a number of lawsuits, collectively called "Cases of Civil Rights." The decision regarding these took place in a single proceeding in 1883.

According to the court, US Congress went beyond the prescriptions of the constitutional amendment, which applied only to actions (or inaction) of the state, but did not imply federal intervention in the case of private actions under the pretext of providing "equal protection from the law." In the words of Judge Bradley, the 14th Amendment to the US Constitution "does not authorize Congress to create a code of municipal law to regulate private rights."[38] The new social and political realities have made it possible to more effectively provide a legislative basis for desegregation through the adoption of a number of laws and, above all, the Civil Rights Act of 1964. The Civil Rights Act of 1964 is recognised as having special constitutional significance and is a prime example the so-called "super-statutes,"[39] endowed by legislators, the judicial system and its doctrine with systemic functions, given the presence of an archaic Constitution.

The law prohibited discrimination based on race, colour, religion[40] or national origin in various areas (including suffrage, available public institutions and services, education, labour relations, criminal justice). In its 1964 judgment on the Heart of Atlanta Motel Inc. v. United States, 379 US 241 (1964), the US Supreme Court upheld the constitutionality of this law. Later, laws were adopted that concretised and developed the system of guarantees for the rights of racial, religious and national minorities. The Higher Education Act of 1965 (Pub. L. 92–138) contained a provision excluding from the recipients of federal assistance those institutions of higher education (public and private) that violated the provisions of the legislation on discrimination on the basis of race, colour, or national origin. The Voting Rights Act of 1965 (an act to enforce the 15th Amendment of the Constitution of the United States, and for other purposes; Pub. L. 89–110) expanded guarantees pertaining to the electoral rights of racial and national minorities, while the Immigration and Nationality Services Act of 1965 (Pub. L. 89-236) facilitated immigration from Africa, Asia and Latin America to the United States. The Fair Housing Act of 1968 (42 USC 3601–3619) outlawed racial discrimination in buying or renting housing, which was of particular relevance to the Southern states The Civil Rights of Institutionalized Persons Act (CRIPA) of 1980 (42 US Code § 1997 et seq.) extended and clarified

[38] Landsberg 2004, p. 104.
[39] Eskrige, Ferejohn 2005, p. 198, 205.
[40] Nikolaev et al. 2020a, p. 6837.

constitutional guarantees to prisoners and certain other categories of persons. The Equal Credit Opportunity Act (ECOA) of 1974 (15 US Code § 1691) prohibited lenders from discriminating against borrowers on the basis of race, colour, religion, national origin, sex, marital status or age. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (Pub. L. 100–707) prohibited discrimination based on race, colour, religion, national origin, gender, age or economic status. The Civil Rights Act of 1968 (Pub. L. 90–284), along with the already mentioned guarantees of desegregation in housing policy, contained the so-called Indian Civil Rights Act of 1968, which extended the provisions of the Bill of Rights and other constitutional guarantees for members of Indian tribes.

A system of legal guarantees was also being developed in relation to other groups. According to Lawrence M. Friedman, "gender relations have changed much more than racial ones."[41] The Supreme Court decision in Roe v. Wade, 410 US 113 (1973) recognised the right of women to have an abortion prior to the autonomous viability of the foetus. From the very beginning, this decision caused heated discussion among both experts and the public.[42] In particular, it is still considered the main reason for defining the essence of the doctrine of stare decisis and it overcomes the challenge of possible revision in almost every abortion case.[43] Moreover, this case had a wide resonance which, according to researchers, allowed US conservatives to turn the tide with regard to the ratification of the constitutional amendment on gender equality (in 1971 and 1972 it was approved by both houses of Congress) in their favour, with fear of widescale female emancipation – including the destruction of the foundations of the institution of the family – that slowed down the process of ratification of the amendment by various states. Some states abandoned ratifications that had already taken place.[44]

During this period, jurisprudence also developed regarding the restriction of state funding for religious institutions and religious prayers and other rituals in schools and other public institutions. In 1968, in the case of Epperson v. Arkansas (393 US 97), the US Supreme Court unanimously struck down an Arkansas law prohibiting the teaching of evolutionary origins in public schools and universities as contrary to the establishment clause of the 1st Amendment to the US Constitution, which prohibits the government from making laws respecting an establishment of religion.

The end of the twentieth century was marked by the triumph of the humanitarian agenda throughout the world, under which the ideas of

[41] Friedman 2005, p. 534.
[42] Machado 2020, p. 231.
[43] Murray 2020, p. 310.
[44] Pendergast et al. 2001, p. 518–519.

democracy, the rule of law, natural rights and freedoms and equality seemed universally recognised, obvious and unshakable. An analogy with the Enlightenment as the cradle of these institutions involuntarily suggests itself; Leibniz's[45] philosophical and theological thesis that "we live in the best possible world" and that any evil is accompanied by even greater good echoed in 1992 in the idea of liberal democracy as "the end of history."[46] This new Hegelian thesis, by an American of Japanese descent (whose grandfather fell victim to the inhuman internment of Japanese Americans during the Second World War), quite accurately expresses not only the general spirit of Western political postmodernism, but even more the general trend in the development of the concept of democracy and human rights in the United States up to the 2020s.

A specific feature of this period is the development of a system of guarantees to protect new social groups from discrimination. This "rebellion of others" led to a significant expansion of the list of grounds for unacceptable discrimination, initially at the judicial and subordinate law-making level, and then at the level of federal and state laws. These new grounds included disability and health status, age, sexual orientation, genetic information and gender identity. While the recognition and protection of the rights of persons with disabilities and senior citizens developed evolutionarily and rather consistently based on a political and social consensus, from the outset the proclamation and implementation of the principle of equality in relation to the LGBT community was accompanied by a significant struggle between various political and social forces. Back in 1961, all US states identified sodomy as a crime, and even in 1975 this legislation remained in place in half the states. Gays and lesbians have been abused, imprisoned, set on fire, and even killed.[47] The Supreme Court put an end to this issue only with its decision in the case of Lawrence v. Texas 539 US 558 (2003). In 2009, crimes against members of sexual minorities were classified by law as "hate crimes" (The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, of 2009, 18 US Code § 249).

In 1998, President William J. Clinton issued Executive Order 13087 Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government (28 May 1998, 63 FR 30097, 2 June 1998), which pioneered countering the denial of employment or civil service because of sexual orientation as federal policy. In 1993, homosexuals were given their first opportunity to serve in the army under the "Don't ask, don't tell" law (Pub. L. 103–160, 30 Nov. 1993), and in 2010 equal rights to military

[45] Leibniz 1991, p. 53–55.
[46] Fukuyama 1992.
[47] Gilreath 2020, p. 48.

service were guaranteed (Don't Ask, Don't Tell Repeal Act of 2010 / Pub. L. 111–321, 22 Dec. 2010, 124 Stat. 3515). Finally, Supreme Court decisions of 2013 and 2015 guaranteed federal recognition of same-sex marriage. Despite the rapid stepping up of pressure (primarily by the Democratic presidential administrations of W. Clinton and Barack Obama) in promoting the rights of sexual minorities, the results of public opinion polls remained contradictory.[48] According to some researchers, "recent demographic changes and the liberalisation of social mores have contributed to a decrease in the role of the most conservative religious organizations" but this does not mean that they will "surrender without a fight."[49] Indeed, despite the "silence in the social and political" discourse, religious organizations remain highly active in the framework of the relevant trials. This leads to radical assessments that such organizations represent "one of today's main challenges to the constitutional order as a whole, but especially to its liberal iterations."[50] On the other hand, those who oppose these changes argue that "the gay rights movement was permitted, by free speech law, to disseminate views that were almost universally regarded as so offensive to religious sensibilities as to be intolerable."[51]

In this situation (as in previous periods), the position of the US Supreme Court is extremely significant. In Obergefell v. Hodges (576 US 644, 2015) the Court guaranteed the recognition of same-sex marriage throughout the United States, which resulted in serious conflicts between the rights of newly protected groups and the rights of religious organizations and believers.[52] The response was the submission of the US Congress of the draft Amendment I Defense Act, which provided for the prohibition of any federal sanctions against persons who, due to their religious or moral standards, believe in the exclusivity of heterosexual monogamous marriage and sexual relations within the framework of such a union.[53] By contrast, in Burwell v. Hobby Lobby Stores 573 US 682 (2014), which is considered one of the most significant in the modern practice of the Supreme Court on religious issues,[54] the right of commercial organizations to protect their religious rights (rejection of health insurance because of the use of a number of contraceptives for their female employees, since such forms of contraception are equal to abortion and, in accordance with their religious beliefs, kill life, which is a sacred gift from the moment of conception) was recognised

[48] Saad 2013.
[49] Ehrett 2018, p. 8, 12–13, 18.
[50] Hirschl, Shachar 2018, p. 425.
[51] Koppelman 2020, p. 29.
[52] Rains 2017, p. 223–225.
[53] McCormick 2017, p. 229–230.
[54] NeJaime, Siegel 2015, p. 2516–2518.

(although the reasoning is criticised in terms of lack of accuracy and certainty to resolve future disputes).[55]

In Masterpiece Cakeshop v. Colorado Civil Rights Commission (584 US__2018) by an overwhelming majority (7 to 2 – Judges Ginsburg and Sotomayor) the Supreme Court recognised the right of a pastry chef to refuse to make a wedding cake for a same-sex couple because it clashed with his religious beliefs. The majority opinion prepared by Judge Anthony Kennedy was a compromise, since it was based solely on the "hostility to religion" demonstrated by the Commission, which is a flagrant violation of the principle of the religious neutrality of the state authorities. A similar approach (as predicted by experts)[56] was demonstrated in the decision in the case of Fulton v. City of Philadelphia (593 US__2021).

The issues of sexual minorities' rights and the recognition of same-sex marriage are not the only subjects of the US's new "religious wars": judicial battles over the holding of religious rites in public places, the use of religious symbols and the status of religious monuments,[57] the grounds and procedures for abortion, and seemingly long-forgotten discussions between supporters of Darwinism and creationism[58] have also recently become fierce. The conservative turn after the lightning advance of "new values" supporters during the presidency of Barack Obama is expressively presented in the official statements of ex-President Donald Trump. In his 2020 Address, he stated:

> In America, we don't punish prayer. We don't tear down crosses. We don't ban symbols of faith. We don't muzzle preachers and pastors. In America, we celebrate faith. We cherish religion. We lift our voices in prayer, and we raise our sights to the glory of God.[59]

Against the background of increasingly fierce discussions between supporters of "new" and "traditional" values in the United States, it seemed that the traditional problems of racial, national and gender discrimination were a thing of the past. However, in the twenty-first century they became even more acute, expressed in the "war on terror,"[60] which affected immigrants from the Middle East; repeated cases of police violence that caused not only indignation but also uprisings among African Americans; and extreme aggravation of the immigration problem directed towards one of the largest and fastest-growing groups in the United States, Hispanics. A feature of the

[55] Chapman 2017, p. 1249.
[56] Howe 2020.
[57] Bray 2020, p. 1260–1261.
[58] Larson 2013, p. 998; Nikolaev et al. 2020c, p. 11764–11768.
[59] Trump 2020.
[60] Ahmed 2017, p. 1523–1525.

new stage is the popularisation and radicalisation of human rights movements actively using social networks and Internet technologies, unprecedented in modern history. The Me Too# and Black Lives Matter movements demonstrated not only the ongoing importance of gender and racial issues in the modern United States but also the ever-increasing politicisation and vulgarisation of human rights actions, which acquire the character of not dialogue, but aggression and conflict, by no means framed in the graceful form of modern kitsch. In a 2019 poll, only 51 percent of all Americans (compared to 72 percent in 2004) rated the relationship between blacks and whites as "good."[61] Even greater differences are seen in the assessment of existing restrictions on racial equality. When asked "Do you think restrictions still exist?," 78 percent of black respondents responded affirmatively, as did 48 percent of Hispanic respondents and 37 percent of white respondents. Split along partisan lines, 15 percent of Republicans versus 64 percent of Democrats (an impressive party polarisation in the assessment of racial relations in the United States) believed that restrictions still exist. African Americans overwhelmingly felt that they are treated unfairly compared to whites by the police (84 percent), the judiciary and penitentiary system (87 percent), in labour relations (82 percent), when seeking credit (74 percent), by grocery and restaurant services (70 percent), in electoral relations (58 percent), and when accessing medical services (59 percent). A majority of white respondents only agreed with the first two points (63 and 61 percent agreeing that black citizens are treated less fairly by the police and in labour relations, respectively); for the other areas of life, only a minority perceived unfair treatment (44, 38, 37, 30, 26 percent, respectively).[62] The results of this survey express a reality that is in contradictory opposition to the US-specific institution of "affirmative action."

At the same time, another specific (and seemingly opposite) trend is growing: the blurring of boundaries between traditional social groups in American society. Reflecting this, since 2000, the US census has provided the right to choose more than one racial group for self-identification, which led to the fact that "others" became the third most popular group in both the 2000 and 2010 census.[63] The rapidly increasing number of gender identifications and sexual orientations has eroded the previously usual dichotomous ("man–woman") gender structure of society.

Another special form of North American society secularisation has been growing, manifested not in the growth of atheistic beliefs, traditionally rejected by the majority of Americans (with those declaring themselves

[61] Younis 2019.
[62] Brown 2019.
[63] Brown 2020.

"atheist" increasing from 2% in 2009 to only 4% in 2019),[64] but in the increase (up to 20%) of so-called "non-aligned" ("None"), that is, those who do not refer themselves to any particular religious denomination in the framework of official and unofficial statistics. This trend is also manifested in the greater tolerance of the majority of Americans towards dogmas, institutions and adherents of other religious beliefs.

Conclusions

The principle of equality throughout all forms of societal development continues to be the cornerstone of American constitutionalism.[65] In this respect, the achievement of political and public consensus regarding its content and adequate legal consolidation, both in the form of legislation and relevant judicial precedents, is an imperative of the constitutional development of the United States, both in the past and at the present stage. The development of the theory and practice of constitutional equality in the United States demonstrates both significant continuity and essential and sometimes paradigmatic shifts.

The first period was characterised by the absence of a developed system for legal consolidation of this principle at the constitutional and legislative level; significant judicial practice; the existence of a clear social and legal hierarchy, at the top of which stood wealthy white men (Protestants, immigrants from the British Isles or other countries of Northern Europe); and gross violations of the principle of equality and basic natural rights of North American Indians, black slaves, immigrants, women and paupers. The achievements of the second stage – that is, the adoption of amendments to the US Constitution (above all, the 14th Amendment), the abolition of slavery, the expansion of the political rights of women, attempts at securing treaties and precedent legal regulation of interactions with the indigenous population – were largely undone by the emergence of a segregation system based on the doctrine of "divided, but equal," as well as discriminatory immigration policies (especially against Hispanics and Asians) and the neglect or direct violation of the rights of the poor and people with disabilities, the latter particularly affected by the birth of the inhuman doctrine of eugenics and the practice of forced sterilisation. The third period was characterised by the focus of federal legislation and state policy on reducing unemployment and poverty, the development of social insurance, and the establishment of a system of guarantees for the socioeconomic rights of workers and the activities of trade unions. The nationwide Civil Rights Movement of the fourth stage contributed to the formation of the first developed system of

[64] *In U.S.* 2019.

[65] Nikolaev 2018, p. 129.

federal legislation and related jurisprudence in the 1950s to 1970s in relation to ensuring equality on the basis of gender, race, nationality and religious belief. At this stage, undoubtedly a progressive one for that time but causing heated discussions later, the doctrine of affirmative action was implemented, giving rise, in particular, to numerous legal proceedings in connection with reverse discrimination. The final stage has been characterised by the recognition and legal consolidation of the prohibition of discrimination on such new grounds as disability and health status, age, genetic information, sexual orientation and gender identity. The recent legalisation regarding the rights of sexual minorities, including same-sex marriage, followed the public and political consensus, but has been associated with the polarisation of not only the political establishment, but also of American society on a wide range of human rights issues. The demands to ensure freedom of sexual orientation and same-sex marriage have been described as violating the rights of supporters of "traditional values," and the desire to increasingly secularise state and public life has given rise to accusations of violating constitutional guarantees of freedom of religion. The struggle of African Americans against police brutality and disastrous socioeconomic conditions cemented by centuries of discrimination and widely unequal opportunities has given rise to fears and direct protests by the white population against growing violations of public order and what some see as arbitrary privileges for racial and national minorities in the fields of employment, education and social security, as well as against growth. The demands for an open and humane immigration policy is beset by fears of rising unemployment, government spending and a worsening crime situation.

It should be noted that the presence of deep deliberate disagreements, as American researchers mention, "poses a special threat to democratic equality in the definition of human rights." At the same time, over the centuries the development of various forms of "racial capitalism" has taken hold in the United States. This was a system in which white citizens and predominantly white institutions use people of colour to produce goods while they themselves take possession of the social and economic benefits.[66] This phenomenon undoubtedly has deep historical roots that determined the economic stratification of North American society: a kind of karma associated with the dependent labour of poor immigrant contract workers, the slavery of Africans and the exploitation of Chinese and Latin American immigrants.[67] It can be argued that "racism has been the linchpin of the US national identity for generations and part and parcel of settler colonialism."[68]

[66] Leong 2013, p. 2151–2152.
[67] Jones 2009, p. 59–71.
[68] Rosenbaum 2020, p. 807.

Three aspects seem to be particularly important in this regard. First, government policy, legislation and judicial practice should contribute to the formation of consolidated legal standards for all US citizens, and not generate a complex set of varied groups with different levels of rights and interests, often contradicting each other. Second, special attention should be paid not only to formal legal guarantees but also to socioeconomic guarantees for the realisation of citizens' equal rights. The United States has traditionally been sceptical about the idea of a welfare state, preferring mythologemes of "equal opportunities," "open borders," "the American dream" and "the self-made man" (although the idea of social equality and justice is now increasingly taking hold in the minds of Americans).[69] In the modern United States, despite the development of the welfare state concept and the New Deal by F. D. Roosevelt, the position of racial and national minorities is the most vulnerable precisely in the socioeconomic sphere (the happy, although not a complete exception, is, as already noted, Asian Americans). Finally, the lack of a developed enshrining in the US Constitution of a modern list of discriminatory grounds gives rise to inconsistent legislation and judicial practice, excessive politicisation of these issues, the radicalisation of an increasing number of human rights organizations and groups, and the growing polarisation of American society, which in recent years has led not only to political confrontation, but has come to threaten territorial delimitation, causing the spectre of the Civil War of the nineteenth century.

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LISTA ABREVIERILOR

Abgadiyat – Abgadiyat. Brill. Writing and Scripts Center (Bibliotheca Alexandrina).

ACD – Acta Classica Universitatis Scientiarum Debreceniensis. University of Debrecen.

Acmeology – Acmeology. Mezhdunarodnoy akademii akmeologicheskikh nauk, Rossiyskoy akademii obrazovaniya, kafedry akmeologii i psikhologii professional'noy deyatel'nosti Akademii pri Prezidente RF (RANKhiGS), Tsentra akmeologicheskikh issledovaniy. Moscova.

ActaAC – Acta Archaeologica Carpathica. Polish Academy of Arts and Sciences. Cracovia.

ActaMN – Acta Musei Napocensis. Muzeul Naţional de Istorie a Transilvaniei. Cluj-Napoca.

ActaMP – Acta Musei Porolissensis. Muzeul Judeţean de Istorie şi Artă Zalău.

AD – Archaeological Dialogues. Cambridge.

AÉ – Archaeologiai Értesitö a Magyar régészeti, müvésytörténeti és éremtani társulat tudományos folyóirata. Budapest.

AI – Amazonia Investiga. Editorial Primmate. Colombia.

AIIAI/AIIX – Anuarul Institutului de Istorie şi Arheologie „A. D. Xenopol" Iaşi (din 1990 Anuarul Institutului de Istorie „A. D. Xenopol" Iaşi). Iaşi.

AIIGB – Anuarul Institutului de Istorie „George Barițiu". Series Historica. Institutul de Istorie „George Barițiu" Cluj-Napoca.

AKÖG – Archiv für Kunde österreichischen Geschichts-Quellen. Wien.

Alt Schaessburg – Alt Schaessburg. Muzeul de Istorie Sighişoara.

AnAcad – Analele Academiei Române. Memoriile Secţiunii Istorice. Academia Română. Bucureşti.

AnB – Analele Banatului (serie nouă). Muzeul Naţional al Banatului. Timişoara.

Angustia – Angustia. Muzeul Carpaţilor Răsăriteni. Sfântu Gheorghe.

Antinomies – Institute of Philosophy and Law Ural Branch of the Russian Academy of Sciences. Ekaterinburg.

Antiquity – Antiquity. Durham University.

Apulum – Apulum. Acta Musei Apulensis. Muzeul Naţional al Unirii. Alba Iulia.

ArchKözl – Archaeologiai Közlemények. Pesten.
ArchMéd – Archéologie médiévale. Centre de Recherches Archéologiques Médiévales. Caen.
ArhMold – Arheologia Moldovei. Institutul de Arheologie Iaşi.
Arkheologiya – Arkheologiya. Kiev.
Arrabona – Arrabona. Xántus János Múzeum. Győr.
AS – Annals of Science. Taylor & Francis. Abingdon-on-Thames (UK).
Astra Sabesiensis – Astra Sabesiensis. Despărţământul Astra „Vasile Moga" Sebeş.
ASUI – Analele Ştiinţifice ale Universităţii „Al. I. Cuza" din Iaşi. Istorie. Iaşi.
ATF – Acta Terrae Fogarasiensis. Muzeul Ţării Făgăraşului „Valer Literat". Făgăraş.
AUASH – Annales Universitatis Apulensis. Series Historica. Universitatea „1 Decembrie 1918" din Alba Iulia.
AUASP – Annales Universitatis Apulensis. Series Philologica. Universitatea „1 Decembrie 1918" din Alba Iulia.
AUB – Analele Universităţii Bucureşti. Istorie. Universitatea Bucureşti.
AUVT – Annales d'Université Valahia Târgovişte, Section d'Archeologie et d'Histoire. Târgovişte.
AVSL – Archiv des Vereins für Siebenbürgische Landeskunde. Sibiu.
BAM – Bibliotheca Archaeologica Moldaviae. Iaşi.
Banatica – Banatica. Muzeul Banatului Montan. Reşiţa.
BAR – British Archaeological Reports (International Series). Oxford.
BarbSz – Barbarikumi Szemle. University of Szeged.
BB – Bibliotheca Brukenthal. Muzeul Naţional Brukenthal. Sibiu.
BCŞS – Buletinul Cercurilor Ştiinţifice Studenţeşti. Universitatea „1 Decembrie 1918" din Alba Iulia.
BerRGK – Bericht der Römisch-Germanischen Kommission des Deutschen Archäologischen Instituts. Frankfurt am Main.
BiblThrac – Biblioteca Thracologica. Institutul Român de Tracologie. Bucureşti.
BICS – Bulletin of the Institute of Classical Studies. Institute of Classical Studies. The University of London's School of Advanced Study. London.
BI-PSA – Biblioteca Istro-Pontică, Seria Arheologie. Tulcea.
BMA – Bibliotheca Musei Apulensis. Muzeul Naţional al Unirii Alba Iulia.

BMN – Bibliotheca Musei Napocensis. Muzeul Naţional de Istorie a Transilvaniei. Cluj-Napoca.
BMRBC – Buletinul Muzeului Regional al Basarabiei din Chişinău.
BMS – Bibliotheca Musei Sabesiensis. Muzeul Municipal „Ioan Raica" Sebeş.
Boabe de grâu – Boabe de grâu. Revistă de cultură. Bucureşti.
BS – Bibliotheca Septemcastrensis. Institutul pentru Cercetarea Patrimoniului Cultural Transilvănean în Context European. Sibiu.
BSNR – Buletinul Societăţii Numismatice Române. Societatea Numismatică Română. Bucureşti.
BULR – Boston University Law Review. Boston University School of Law. Boston (Massachusetts).
Brukenthal – Brukenthal. Acta Musei. Muzeul Naţional Brukenthal. Sibiu.
Byzantion – Byzantion. Revue Internationale des Études Byzantines. Peeters Publishers. Louvain.
ByzF – Byzantinische Forschungen. Internationale Zeitschrift für Byzantinistik. Amsterdam.
Bylye Gody – Bylye Gody. Cherkas Global University Press. Washington.
BYULR – Brigham Young University Law Review. J. Reuben Clark Law School. Provo (Utah).
CACS – Central Asia and the Caucasus Studies. The Ministry of Foreign Affairs of Islamic Republic of Iran. Tehran.
CAF/FHA – Cahiers d'Archéologie Fribourgeoise. Freiburger Hefte für Archäologie. Zürich.
CAH – Communicationes archaeologicae Hungariae. Budapest.
Caietele ARA – Caietele Ara. Asociaţia „Arhitectură. Restaurare. Arheologie". Bucureşti.
Caietele CIVA – Asociaţia Cercul de Istorie Veche şi Arheologie, Universitatea „1 Decembrie 1918" din Alba Iulia.
Calitatea vieţii – Calitatea vieţii. Institutul de Cercetare a Calităţii Vieţii. Bucureşti.
CASS – Canadian-American Slavic Studies. Brill. Leiden.
CCA – Cronica cercetărilor arheologice. cIMeC. Bucureşti.
CCDJ – Cultură şi civilizaţie la Dunărea de Jos. Călăraşi.
CEJC – Central European Journal of Geosciences.
CH – Construction History. The Construction History Society. Ascot (UK).
CI – Cercetări istorice. Muzeul de Istorie a Moldovei. Iaşi.
Concept – Concept. Universitatea Naţională de Artă Teatrală şi Cinematografică „I. L. Caragiale" din Bucureşti (UNATC). Bucureşti.

CR	– Caietele restaurării. Asociaţia Art Conservation Support. Bucureşti.
Crisia	– Crisia. Muzeul Ţării Crişurilor. Oradea.
CSMÉ	– A Csíki Székely Múzeum Évkönyvei. Muzeul Secuiesc al Ciucului. Miercurea Ciuc.
CSP	– Canadian Slavonic Papers. Taylor & Francis. Abingdon-on-Thames (UK).
Dacia	– Dacia. Recherches et découvertes archéologiques en Roumanie. Bucureşti, I (1924)-XII (1948). Nouvelle série: Revue d'archéologie et d'historie ancienne. Bucureşti.
DLJ	– Duke Law Journal. Duke University School of Law. Durham (North Carolina).
DLR	– Denver Law Review. University of Denver Sturm College of Law. Denver (Colorado).
Dolgozatok	– Dolgozatok az Erdély Nemzeti Múzeum Érem – és Régiségtárából. Kolosvár (Cluj).
DOP	– Dumbarton Oaks Papers. Dumbarton Oaks. Trustees for Harvard University.
Drobeta	– Drobeta. Seria Etnografie. Muzeul Regiunii Porţilor de Fier. Drobeta-Turnu Severin.
DSŞ	– Dări de Seamă ale Şedinţelor. Comitetul Geologic. Institutul Geologic. Bucureşti.
EMúz	– Erdélyi Múzeum. Erdélyi Múzeum az Erdélyi Múzeum-Egyesület. Kolozsvár (Cluj).
EphNap	– Ephemeris Napocensis. Institutul de Arheologie şi Istoria Artei Cluj-Napoca.
Eurasia Antiqua	– Eurasia Antiqua. Deutsches Archäologisches Institut Eurasien-Abteilung. Berlin.
FK	– Földtani Közlöny. Budapest.
FK	– Földrajzi Közlemények. Magyar Földrajzi Társaság.
FolArch	– Folia Archaeologica. Magyar Történeti Múzeum. Budapest.
FVL	– Forschungen zur Volks -und Landeskunde, Sibiu.
GAS	– Geophysical Research Abstract. European Geosciences Union (EGU).
Gemina	– Gemina. Revista Muzeului Bănăţean din Timişoara.
Geoarchaeology	– Geoarchaeology. An International Journal.
GRBS	– Greek, Roman and Byzantine Studies. Duke University. Durham.
Harvard LR	– Harvard Law Review. Harvard Law School. Cambridge (Massachusetts).
HC	– Historia Constitucional. Centro de Estudios Políticos y Constitucionales de Madrid, adscrito al Ministerio español de la Presidencia, y el Seminario de Historia

	Constitucional "Martínez Marina" de la Universidad de Oviedo.
Hierasus	– Hierasus. Muzeul Judeţean Botoşani.
Historica	– Historica. Centrul de Istorie, Filologie şi Etnografie din Craiova.
HK	– Hadtörténelmi Közlemények (Évnegyedes folyóirat a magyar hadi történetírás fejlesztésére). Quarterly of Military History. Budapest.
HLR	– Houston Law Review. University of Houston Law Center. Houston (Texas).
HR	– Historical Research. Institute of Historical Research. University of London.
HT	– The History Teacher. Society for History Education. Long Beach (California).
IAA	– Istoriko-arkheologicheskij al'manakh. Armavir, Krasnodar. Moscova.
Ialomiţa	– Ialomiţa. Studii şi cercetări de arheologie, istorie, etnografie şi muzeologie. Muzeul Judeţean Slobozia.
IGC	– International Geological Congress. Prague.
Istros	– Istros. Muzeul Brăilei. Brăila.
JAHA	– Journal of Ancient History and Archaeology. Institutul de Arheologie şi Istoria Artei. Universitatea Tehnică Cluj-Napoca.
JAMÉ	– A Jósa András Múzeum Évkönyve. Nyíregyháza.
JAS	– Journal of Archaeological Science. Elsevier.
J. Biogeogr.	– Journal of Biogeography. Edited by Michael N. Dawson.
JIA	– The Journal of Indian Art. W. Griggs & Sons. London.
JKKCC	– Jahrbuch der Kaiserl. Königl. Central-Commission zur Erforschung und Erhaltung der Baudenkmale. Wien.
JLSt	– Journal of Lithic Studies. Edinburgh.
JSFU	– Journal of Siberian Federal University. Humanities & Social Sciences. Siberian Federal University. Krasnoyarsk.
JWP	– Journal of World Prehistory. Kluwer Academic.
Kavkazskii sbornik	– Kavkazskii sbornik. MGIMO MID Rossii. Moscova.
Közlemények	– Közlemények az Erdely Nemzeti Múzeum Érem és Régiségtárából. Kolosvár (Cluj).
Kratkie	– Kratkie soobshcheniya Instituta arkheologii. Institute of Archaeology Russian Academy of Sciences. Moscova.
LCP	– Law and Contemporary Problems. Duke University School of Law. Durham (North Carolina).
LŞ	– Lucrări ştiinţifice. Institutul de Învăţământ Superior Oradea.

Marisia – Marisia. Studii şi Materiale. Muzeul Judeţean Mureş. Târgu Mureş.

Marmatia – Marmatia. Muzeul Judeţean de Istorie şi Arheologie Baia Mare.

Materialy – Materialy po arkheologii, istorii i etnografii Tavrii. Tavria.

MCA – Materiale şi Cercetări Arheologice (serie nouă). Academia Română. Institutul de Arheologie „Vasile Pârvan". Bucureşti.

MemEthno – Memoria Ethnologica. Centrul Judeţean Pentru Conservarea şi Promovarea Culturii Tradiţionale Liviu Borlan Maramureş. Baia Mare.

Mittheilungen – Mittheilungen der K.K. Central-Commission zur Erforschung und Erhaltung der Baudenkmale. Wien.

MJSS – Mediterranean Journal of Social Sciences. Rome.

MLJ – Mississippi Law Journal. The University of Mississippi School of Law. Oxford (Mississippi).

MLR – Michigan Law Review. University of Michigan Law School. Ann Arbor (Michigan).

MN – Munţii Noştrii. Bucureşti.

MT – Mediaevalia Transilvanica. Muzeul Judeţean Satu Mare.

MTA – Multimedia Tools and Applications. Springer.

MuzNaţ – Muzeul Naţional de Istorie a României. Bucureşti.

NAV – Nizhnevolzhskij arkheologicheskij vestnik [The Lower Volga Archaeological Bulletin]. Volgograd State University.

Nemvs – Nemvs. Alba Iulia.

NLO – Novoe literaturnoe obozrenie. Moscova.

NPNP – Novoe proshloe / The New Past. Southern Federal University. Rostov-on-Don.

NULR – Northwestern University Law Review. Northwestern University Pritzker School of Law. Chicago (Illinois).

NumKözl – Numizmatikaí Közlöny. Budapesta.

OC – Orientalia Christiana. Roma.

ONV – Omskiy nauchnyy vestnik. Omsk.

OSR – Obshchestvo. Sreda. Razvitie (Terra Humana). Tsentr nauchno-informatsionnykh tekhnologii Asterion. Sankt-Petersburg.

ÖZBH – Österreichische Zeitschrift für Berg- und Hüttenwesen. Wien.

PA – Patrimonium Apulense. Direcţia Judeţeană pentru Cultură, Culte şi Patrimoniul Cultural Naţional Alba. Alba Iulia.

Palynology – Palynology. The Palynological Society.

PL – Ural State Pedagogical University. Ekaterinburg.

Pontica – Pontica. Muzeul de Istorie Naţională şi Arheologie. Constanţa.

PR – The Polish Review. Polish Institute of Arts and Sciences of America. New York.

Probleme economice – Probleme economice. Organ al Comitetului Superior Economic. Bucureşti.

PZ – Prähistorische Zeitschrift. Deutsche Gesellschaft für Anthropologie, Ethnologie und Urgeschichte, Institut für Prähistorische Archäologie. Berlin.

QR – Quaestio Rossica. Ural Federal University. Ekaterinburg.

Quat.Int – Quaternary International. The Journal of International Union for Quaternary Research. Elsevier.

RA – Revista Arhivelor. Arhivele Naţionale ale României. Bucureşti.

RB – Revista Bistriţei. Complexul Muzeal Judeţean Bistriţa-Năsăud. Bistriţa.

Realitatea ilustrată – Realitatea ilustrată (sau Lucrurile aşa cum le vedem cu ochii). Cluj (1927-1928), ulterior Bucureşti.

RECEO – Revue d'études comparatives Est-Ouest. Institut des Sciences Humaines et Sociales. Paris.

REF – Revista de etnografie şi folclor. Bucureşti.

RESEE – Revue des Etudes Sud-Est Européennes. Academia Română. Bucureşti.

RevArh – Revista Arheologică. Centrul de Arheologie al Institutului Patrimoniului Cultural al Academiei de Ştiinţe a Moldovei. Chişinău.

Revue du Nord – Revue du Nord. Archéologie. Revue d'Histoire et d'Archéologie des Universités du Nord de la France. Lille.

RHSEE/RESEE – Revue historique du sud-est européen. Academia Română. Bucureşti, Paris (din 1963 Revue des études sud-est européennes).

RI – Revista de Istorie (din 1990 Revista istorică). Academia Română. Bucureşti.

RJMD – Romanian Journal of Mineral Deposits. Bucureşti.

RM – Revista Muzeelor. Bucureşti.

RMI – Revista Monumentelor Istorice. Institutul Naţional al Patrimoniului. Bucureşti.

RN – Revue Numismatique. Société française de numismatique.

RossArk – Rossijskaya Arkheologiya. Institute of Archaeology, Russian Academy of Sciences. Moscova.

Rossiya i ATR – Rossiya i ATR. Institut istorii, arkheologii i etnologii narodov Dal'nego Vostoka vo Vladivostoke.

	Dal'nevostochnoye otdeleniye Rossiyskoy akademii nauk. Vladivostok.
RR	– The Russian Review. University of Kansas. Lawrence.
RREI	– Revue Roumaine d'Études Internationales. Academia Română. Bucureşti.
RRH	– Revue Roumaine d'Histoire. Academia Română. Bucureşti.
RRHA	– Revue Roumaine d'Histoire de l'Art. Série Beaux-Arts. Academia Română. Bucureşti.
Rusin	– Obshchestvennoy assotsiatsiyey „Rus"' (Kishinev). Tomskiy gosudarstvennyy universitet. Tomsk.
SA	– Sovetskaya Arkheologiya. Moscova.
SAI	– Studii şi articole de istorie. Societatea de Ştiinţe Istorice şi Filologice din România. Bucureşti.
SAO	– Studia et Acta Orientalia. Societatea de Ştiinte Istorice şi Filologice din RPR. Bucureşti.
Sargetia	– Sargetia. Acta Musei Devensis. Muzeul Civilizaţiei Dacice şi Romane. Deva.
SCIATMC	– Studii şi Cercetări de Istoria Artei. Teatru, Muzică, Cinematografie. Institutul de Istoria Artei „G. Oprescu". Bucureşti.
SCIV(A)	– Studii şi cercetări de istoria veche (din 1974, Studii şi cercetări de istorie veche şi arheologie). Bucureşti.
SCN	– Studii şi cercetări de numismatică. Institutul de Arheologie Bucureşti.
SCŞMI	– Sesiunea de Comunicări Ştiinţifice ale Muzeelor de Istorie. Bucureşti.
SGEM	– SGEM. International Multidisciplinary Scientific GeoConference. Conference Proceedings. Sofia, Albena.
SlovArch	– Slovenská Archeológia. Archeologický ústav SAV. Nitra.
SMANS	– Southampton Monographs in Archaeology, new series. Southampton.
SMIM	– Studii şi materiale de istorie medie. Institutul de Istorie „Nicolae Iorga" al Academiei Române. Bucureşti.
SN	– Schäßburger Nachrichten. HOG Informationsblatt für Schäßburger in aller Welt. Heilbronn.
SoveEtno	– Sovetslaya Etnografiya (1931-1991) (vezi şi Etnograficheskoe Obozrenie). N. N. Miklukho-Maklai Institute of Ethnology and Anthropology of the Russian Academy of Sciences. Moscova.
SP	– Studii de Preistorie. Asociaţia Română de Arheologie. Bucureşti.

StComCaransebeş – Studii şi Comunicări de Istorie şi Etnografie (continuă cu Tibiscum. Studii şi Comunicări de Etnografie - Istorie), Caransebeş.

StComSibiu – Studii şi Comunicări. Arheologie-Istorie. Muzeul Brukenthal. Sibiu.

StComSM – Studii şi comunicări. Muzeul Judeţean Satu Mare.

STP – Slavery: Theory and Practice. Cherkas Global University Press. Washington.

Stratum plus – Stratum plus. Archaeology and Cultural Anthropology. Chişinău.

Studii – Studii. Revistă de istorie (din 1974 Revista de istorie şi din 1990 Revista istorică). Academia Română. Bucureşti.

Studime Historike – Studime Historike. Universiteti Shtetëror i Tiranës. Instituti i Historisë dhe i Gjuhësisë. Tirana.

SUBBB – Studia Universitatis „Babeş-Bolyai", Series Biologia. Universitatea „Babeş-Bolyai" Cluj-Napoca.

SUBBG – Studia Universitatis „Babeş-Bolyai", Series Geologia. Universitatea „Babeş-Bolyai" Cluj-Napoca.

SUCSH – Studia Universitatis Cibiniensis. Series Historica. Universitatea „Lucian Blaga" Sibiu.

SV – Sotsiologiya vlasti. Rossiyskaya akademiya narodnogo khozyaystva i gosudarstvennoy sluzhby pri Prezidente Rossiyskoy Federatsii. Moscova.

Terra Sebus – Terra Sebus. Acta Musei Sabesiensis. Muzeul Municipal „Ioan Raica" Sebeş.

TESG – Tijdschrift voor Economische en Sociale Geografie. Royal Dutch Geographical Society. Utrecht.

The Celator – The Celator: Journal of Ancient and Medieval Coinage. Lancaster (Pennsylvania).

Thraco-Dacica – Thraco-Dacica. Institutul Român de Tracologie. Bucureşti.

Tibiscum – Tibiscum. Studii şi Comunicări de Etnografie şi Istorie. Muzeul Regimentului Grăniceresc din Caransebeş.

TLR – Tulsa Law Review. The University of Tulsa College of Law. Tulsa (Oklahoma).

TxLR – Texas Law Review. University of Texas at Austin School of Law. Austin (Texas).

Transilvania – Transilvania. Centrul Cultural Interetnic Transilvania. Sibiu.

TV – Tyuremnyy vestnik. Izdanie Glavnogo tyuremnogo upravleniya. Sankt-Petersburg.

Tyragetia International – Tyragetia International, serie nouă. Muzeul Naţional de Arheologie şi Istorie a Moldovei. Chişinău.

Ţara Bârsei – Ţara Bârsei. Muzeul „Casa Mureşenilor" Braşov.

UCLR – The University of Chicago Law Review. The Law School of the University of Chicago. (Illinois).

UCLALR – UCLA Law Review. UCLA School of Law and the Regents of the University of California. Los Angeles (California).

UPA – Universitätsforschungen zur Prähistorischen Archäologie. Berlin.

VDB-MB – Veröffentlichungen aus dem Deutschen Bergbau-Museum Bochum. Bochum.

Vestnik instituta – Vestnik instituta: prestuplenie, nakazanie, ispravlenie. Vologodskii institut prava i ekonomiki Federal'noi sluzhby ispolneniya nakazanii. Vologda.

Vestnik SPb – Vestnik Sankt-Peterburgskogo gosudarstvennogo instituta kul'tury. Sankt-Peterburgskiy gosudarstvennyy institut kul'tury. Sankt-Petersburg.

Vestnik Tomskogo – Vestnik Tomskogo gosudarstvennogo universiteta. Istoriya. Tomskiy gosudarstvennyy universitet. Tomsk.

VHA – Vegetation History and Archaeobotany. The Journal of Quaternary Plant Ecology, Palaeoclimate and Ancient Agriculture. Official Organ of the International Work Group for Palaeoethnobotany.

VKZ – Vserossiiskii kriminologicheskii zhurnal/Russian Journal of Criminology. Federal State Budgetary Educational Institution of Higher Education Baikal State University. Irkutsk.

VLR – Vermont Law Review. Vermont Law School. South Royalton (Vermont).

WASJ – World Applied Sciences Journal, (Education, Law, Economics, Language and Communication). International Digital Organization for Scientific Information. Pakistan.

WLJ – Washburn Law Journal. Washburn University School of Law. Topeka (Kansas).

WLR – Washington Law Review. University of Washington School of Law. Seattle (Washington).

WMLR – William & Mary Law Review. William & Mary Law School. Williamsburg (Virginia).

WNELRW – Western New England Law Review. Western New England University. School of Law Springfield (Massachusetts).

WSNC – World of the Slavs of the North Caucasus. Krasnodarskii gosudarstvennyi universitet. Krasnodar.

YLJ – The Yale Law Journal. Yale Law School. Danvers (Massachusetts).

Ziridava – Ziridava. Studia Archaeologica. Muzeul Judeţean Arad.

ZMY – Zhurnal ministerstva yustitsii. Tipografiya pravitel'stvuyushchego senata. Sankt-Petersburg.

Zographe – Zographe. Revue d'art Medièvale. Institute d'histoire de l'art. Faculté de Philosophie. Belgrad.