

## **2010 Meeting**

International Political Science Association  
RC 09 (Comparative Judicial Studies)

### *Judicial Review as 'Insurance Policy': Horizontal and Vertical Accountability in Democratic and Transitional States*

**Bologna, Italy**  
**June 21-23, 2010**

**Hosts:** Carlo Guarnieri, University of Bologna, Italy  
Daniela, Piana, University of Bologna, Italy

**Convenor:** James Kelly, Concordia University, Montréal, Canada

**Treasurer:** Matthew Hennigar, Brock University, St. Catharines, Canada

#### **Conference Location**

Facoltà di Scienze Politiche  
University of Bologna  
Strada Maggiore 45

**Registration Fee**     75 Euro

## Monday, June 21, 2010

Room: Aula Poeti  
Facoltà di Scienze Politiche

**8:30 – 9:00 Conference Registration**

**9:00 –9:15 Introductions and Greeting**

**9:15-11:00 *Constitutional Courts as Insurance Policy?***

Chair **David O'Brien** (University of Virginia)

Papers **Sylvain Brouard** (Sciences Po Bordeaux) and **Christoph Hönnige** (Universität Kaiserslautern) “Constitutional Courts as Veto Players – Composition rules and the Absorption Hypothesis”

**Nuno Garoupa** (UIUV) and **Tom Ginsburg** (University of Chicago) “Building Reputation in Constitutional Courts: Party and Judicial Politics”

**Dante B. Gatmaytan** (University of the Philippines) “The Judicial Review of Constitutional Amendments: The Insurance Policy in Post-Marcos Philippines.”

**Kathie Barrett** (Georgia State University) “Constitutional Courts, Legislative Power, and Democracy: What Price Rights?”

**11:00 – 11:15 Coffee Break**

**11:15 – 1:00 *Parliamentary Bills of Rights***

Chair **Michael Tolley** (Northeastern University)

Papers **David Erdos** (University of Oxford) “The Rudd Government’s Rejection of an Australian Bill of Rights: A stunted case of Aversive Constitutionalism?”

**Brian Galligan** (University of Melbourne) “Parliamentary and Judicial Oversight of Executive Action: Australia’s tentative national rights protection regime”

**Janet L. Hiebert** (Queen’s University) “Legislative Reliance on Case Law to Reduce Risk”

**James Kelly** (Concordia University) “Judicial Review as ‘No-fault’ Insurance: The New Zealand Bill of Rights Act, 1990”

**1:00 – 2:15 Lunch**

**2:15 – 4:15**     *Judicial Review in Transitional States/States of Conflict*Chair     **Walter Carnota** (University of Buenos Aires)Papers     **Marny Requa** (Queen's University Belfast) “States of Exception: Politicization of Justice in Transitions from Conflict”

**Peter H. Russell** (University of Toronto) “Constructing the Judiciary of a New Democracy: The Experience of Nepal”

**Menachem Hofnung** (the Hebrew University of Jerusalem) “State Security and Freedom of Movement”

**Rachel Ellett** (Beloit College) and **Alexei Trochev** (University of Indiana) “Victims, Villains, Heroes or Insurance Providers? Judicial Behavior in Uganda and Ukraine”

**Malcolm Feeley** (Berkeley) and **Zayn Siddique** (Princeton) “The Role of the Courts in a “Constrained” Democracy: the Case of Iran”

**4:15 -4:30**     **Coffee Break****4:30 – 6:15**     *EU Courts, Constitutionalism, and Judicial Independence*Chair     **Shimon Shetreet** (Hebrew University of Jerusalem)Papers     **Mary Volcansek** (Texas Christian University) “Transnational European Institutions: Accountability and Legitimacy.”

**Michael C. Tolley** (Northeastern University) “Judicial Review of Administrative Action in the United States and the European Union”

**Carlo Rossetti** (University of Parma) “The Foreign Relations Subcommittee on terrorism and money-laundering and the BCCI case & the MORO Committee on president Moro assassination by the Red Brigades”

**Carlo Guarnieri** (University of Bologna) and **Daniela Piana** (University of Bologna) “Judicial Independence and the Rule of Law: the European Experience”

## Tuesday, June 22, 2010

Room: Aula  
Facoltà di Scienze Politiche

8:45 – 9:15     **RC Business Meeting**

9:15 – 11:00     *The Politics of Judicial Appointments and Selection*

Chair             tbd

Papers            **Lori Hausegger** (Boise State University), **Troy Riddell** (University of Guelph) and **Matthew Hennigar** (Brock University) “Evaluating Judges: The Effect of Different Selection Systems on the Quality of Judges”

**Peter H. Solomon** (University of Toronto) “The Accountability of Judges in Post-Communist States: From Bureaucratic to Professional Accountability”

**Sebastián Linares Lejarraga** (Universidad de Salamanca) and **Elena Martínez Barahona** (Universidad de Salamanca) “Searching for balance between Democratic Accountability and Judicial Independence: the Selection of High Justices in Latin America”

**Mariana Llanos** (GIGA Institut für Lateinamerika-Studien) and **Leany Barreiro Lemos** (University of Oxford) “On Presidential Constraints. The Politics of Judicial Appointments in Brazilian Democracy (1989-2009)”

11:00 – 11:15     **Coffee Break**

11:15 – 1:00     *The Judicialization of Politics in the UK, USA, Australia, and Israel*

Chair             **Yitzhak Hadari** (Tel Aviv University)

Papers            **Kate Malleson** (Queen Mary University London) “The judicialisation of politics in the UK: What difference will the new Supreme Court make?”

**Jason Pierce** (University of Dayton), **David L. Weiden** (Indiana University-Purdue University Indianapolis) and **Rebecca Wood** (University of Nevada-Las Vegas) “The Changing Role of the High Court of Australia”

**Margit Cohn** (Hebrew University of Jerusalem), “Form, Forumula and Constitutional Ethos: The Political Question/Justiciability Doctrine in the United States, the United Kingdom and Israel,”

- 1:00 – 2:30**      **Lunch**
- 2:30 – 4:15**      *The Judicialization of Politics in Latin America and the Iberian Peninsula*  
 Chair              **Sophie Turenne** (Cambridge)
- Papers              **Raul A. Sanchez Urribarri** (Tulane University) “The (Pernicious) Influence of Informal Connections on Judicial Power in Latin America – A Comparative Assessment”
- Jodi Finkel** (Loyola Maramount University) “Mexico’s National Commission of Human Rights Ten Years after Democratization: Why is the Ombudsman Office Still Unwilling to Enforce Accountability?”
- Royce A. Carroll** (Rice University) and **Lydia Tiede** (University of Houston) “Independence and Democratic Accountability: Assessing Chile’s Constitutional Tribunal,”
- Silvia Inclán** (UNAM) “Judicial Reform in Mexico: Political Insurance or the Search for Political Legitimacy?”
- 4:15 – 4:30**      **Coffee Break**
- 4:30 – 6:15**      *Judicial Policy Making: Health and Social Welfare Policy*  
 Chair              **Zeev Segal** (Tel Aviv University)
- Papers              **Christine Rothmayr Allison** (Université de Montréal) “Variations of Judicialization: litigation patterns and judicial policy-making in comparative perspective”
- Andrea Chandler** (Carleton University) “The Constitutional Court and Supreme Court As Actors in Social Welfare Policy in Russia”
- Assaf Meydani** (The Academic College of Tel-Aviv-Yaffo) “The Supreme Court as a political entrepreneur: The Case of Israel”
- 8 pm**              **RC 09 Dinner**
- Ristorante C’era una Volta, via D’Azeglio 9**  
 (located 100 metres from Piazza Maggiore)

## Wednesday, June 23, 2010

Room: Aula

Facoltà di Scienze Politiche

**9:30 – 11:15**    *Legal Mobilization*

Chair            **James Kelly** (Concordia University)

Papers            **Yoav Dotan** (Hebrew University of Jerusalem) “Understanding Judicial Behaviour and Legal Mobilization by Analyzing Governmental Positions in Litigation”

**Rhonda Evans Case** (East Carolina University) “Judicialization of Refugee Policy in Australia: Assessing the Role of Support Structures for Legal Mobilization”

**Madalena Duarte** (University of Coimbra) “Social Movements and Legal Mobilization”

**Lisa Vanhala** (University of Oxford) “The Environmental Movement and Judicial Review in the UK: The Recursive Relationship between Law and Social Movement Identity”

**11:15 – 11:30**    **Coffee Break**

**11:30**            **Conference Adjourns**