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”


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


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”


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 (Queens 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”


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, Formula 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