

# The Docket

The Newsletter of the IPSA Research Committee on Comparative Judicial Studies (R.C.#9)

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Issue 35

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*The Research Committee on Comparative Judicial Studies (IPSA RC #9) is one of 38 active research committees of the International Political Science Association. Our purpose is to promote scholarly work on law, courts, and judicial processes from a comparative perspective. Ultimately, we seek to bring the study of the various dimensions of judicial systems within the mainstream of comparative political research. RC #9 encourages comparative research on judicial systems and the participation of scholars in our program regardless of the disciplinary origins and commitments of those who do the research.*

For inquiries regarding this newsletter, contact Michael Tolley, Secretary/Treasurer, at 303 Meserve Hall, Northeastern University, Boston, MA 02115 USA  
[mtolley@lynx.neu.edu](mailto:mtolley@lynx.neu.edu)

## Cape Town, South Africa Meeting January 7-9, 2001

### Revised Preliminary Program

Interim Meeting  
Research Committee on  
Comparative Judicial Studies,  
IPSA  
Cape Town, South Africa  
January 7-9, 2001

#### Co-Convenors:

Professor Jeremy Sarkin,  
University of the Western  
Cape  
Professor Ted Morton, Uni-  
versity of Calgary

#### Hosts:

Universities of the Western  
Cape, Cape Town, and Stel-  
lenbosch

#### Site:

Faculty of Law Buildings,  
University of Cape Town

### Panel I: Transitional Jus- tice: The South African Experience

Chair: Professor Jeremy  
Sarkin

#### Papers:

Professors James L. Gibson  
and Gregory A. Caldeira,  
"The Emerging Legitimacy  
of the South African Consti-  
tutional Court: Causes and  
Consequences"

Professor Bruce Archibald,  
"Truth and Reconciliation,  
Restorative Justice, and the  
Role of the Prosecution in  
Criminal Justice"

Commentator: Professor  
David Tucker

### Panel II: Transitional Jus- tice: A Comparative Per- spective

Chair: Professor Brian Galli-  
gan

#### Papers:

Professor Donald P. Ko m-  
mers, "Transitional Justice  
and the Croatian Constitu-  
tional Court"

Professor Kenneth H. Ho l-  
land, "Judicial Reform in  
China and the Rule of Law"

Commentator: Professor Mi-  
chael Tolley

### Panel III: Courts, Rights and Interests I

Chair: Professor Ted Morton

#### Papers:

Professor Janet Hiebert, "A Relational Approach to Constitutional Interpretation: Shared Legislative and Judicial Responsibilities"

Professors Linda Camp Keith, C. Neal Tate, and Stephen C. Poe, "Do Constitutional Provisions for an Independent Judiciary Promote Respect for Fundamental Human Rights?"

Commentator: Professor Michael Tolley

#### **Panel IV: Courts, Rights and Interests II**

Chair: Professor Michael Tolley

Papers:

Professor Brian Galligan, "Limits to Rights Protection without a Bill of Rights: The Australian Case"

Professor David Tucker, "The Role of Support Groups in Securing Rights: Evaluating Charles Epp's Evidence"

Commentator: Professor Janet Hiebert

#### **Panel V: Courts and Politics**

Chair: Professor Donald Kommers

Papers:

Professor Ted Morton, "The Institutional Redesign of the Supreme Court of Canada"

Professor Sergio Fabbrini, "State-Building and the Judiciary: The European Union Experience"

Chris W. Bonneau, "Perceptions of Fairness: Comparing the Supreme Court and Local Courts"

Commentator: Professor Melinda Gann Hall

#### **Panel VI: Database Research on Courts and Law**

Chair: Professor Michael Tolley

Papers:

Professors Melinda Gann Hall and Paul Brace, "Organized Interests and Judicial Decisions: Lessons from the American States"

Professors Stacie L. Haynie, Reginald S. Sheehan, Donald R. Songer, and C. Neal Tate, "Building a Cross-national Data Base on the Behavior of Supreme Courts: A Progress Report"

Commentator: Professor Jim Gibson

#### **Panel VII: Constitutional Change in South Africa I**

Chair: Professor Jeremy Sarkin

Papers:

Professor Amanda Gouws, "Perceptions of Crime and Their Relationship with the Legitimacy of the Political System"

Ms Bonnie Berkowitz, "The Effect of Crime on South Africa's Transition to a Democracy: A Constitutional and Human Rights Perspective"

Commentator: Ms Esther Steyn

#### **Panel VIII: Constitutional Change in South Africa II**

Chair: Professor Hugh Corder

Papers:

Professor Lovell Fernandez, "The Limits of Judicial Re-

form in Countries Undergoing Change from Autocracy to Democracy with Special Reference to South Africa"

Dr. Elsa van Huysteen, "Politics by Other Means? The South African Constitutional Court as an Arena of Struggle"

Commentator: [tba]

## **Conference Events**

January 9 (Tuesday Evening)—African Banquet for all Conference Participants (cost \$15/person)

January 10—Tour of various wineries in the area for those who are interested (cost: transportation c. \$10, lunch c. \$10)

## **Future Meetings: Jerusalem**

### **Meeting, June 25-28, 2001**

#### **Call for Papers and Panels**

Paper and panel proposals for the Jerusalem Meeting of the Research Committee on Comparative Judicial Studies should be sent to Professor Mary L. Volcansek by **January 31, 2001**. Her address is: Professor Mary L. Volcansek, Dean, AddRan College of Humanities and Social Sciences, P.O. Box 297200, Texas Christian University, Fort Worth, Texas 76129 USA (fax-817-257-7709; Ph.-817-257-7160) (M.Volcansek@tcu.edu)

Dr. Menachem Hofnung will be hosting this meeting at his

university, The Hebrew University of Jerusalem.

## **Texas Meeting, March 2002**

A Texas meeting of the RCCJS is planned for March 2002. This meeting will be hosted by Professors C. Neal Tate (University of North Texas), John Blakeman (Baylor University), and Don Jackson and Mary Volcansek (Texas Christian University).

## **Past Meetings: Quebec World Congress, International Political Science Association Meeting, Quebec City, Canada, August 1-6, 2000**

RC 9.0 Comparative Judicial Systems

RC 9.1 The Role of Law/Courts in Dispute Resolution in the Global Economy

Chair: Donald Jackson, Texas Christian University, USA

Papers:  
The Role of Courts in Dispute Resolution in the Global Economy: An Indian Perspective  
Sarojini Sharan, Patna University, India

Courts in Globalizing Trade Regimes

Mary L. Volcansek, Texas Christian University, USA

Alternatives to Domestic Courts for Foreign Investors: The Case of Mexico and China  
Kenneth Holland, University of Memphis, USA

The Globalization of Conflict Resolution and the Emerging Hegemony of American Common Law  
Carl F. Pinkele, Ohio Wesleyan University, USA

Supplementary Papers:  
The Implications of the Formation of Human Rights' Chapters in Patterns of Litigation on Behalf of Interest Groups in Canada and Israel  
Yoav Dotan, Hebrew University, Israel

Human Rights in the Indian Courts  
R. Madhanagopal, Madurai Kamaraj, India

Discussants:

Roy Flemming, Texas A&M University, USA  
Albert Melone, Southern Illinois University, USA

RC 9.2 The Role of Law/Courts in Federal States

Chair: Peter Russell, University of Toronto, Canada

Papers:

Judicial Role of Federal Formation?  
Leslie F. Goldstein, University of Delaware, USA

The Indian Constitution, Courts and Federalism  
Syamal Kumar Ray, Burdwan University, India

Federalism and Judicial Review  
Christopher Manfredi, McGill University, Canada

Supplementary Papers:

Constitutional Foundations of Public Administration: A Comparative Study  
John A. Rohr, Virginia Polytechnic Institute, USA

Judicial Review in the Supreme Court of Argentina, 1983-1998  
N. Guillermo Molinelli, University of Buenos Aires, Argentina  
Jorge Bercholz, University of Buenos Aires, Argentina

Electoral Justice and the Consolidation of Brazilian Democracy: The Election in the Ceara State, 1994-1996  
Martonio Mont'Alverne and Barreto Lima, University of Fortaleza, Brazil

Discussants:

F.L. Morton, The University of Calgary, Canada  
John A. Rohr, Virginia Polytechnic Institute, USA

RC 9.3 The Status of Political Science at the Year 2000: Comparative Judicial Studies

Chair: Martin Edelman, University of Albany, USA

Papers:

A State-of-the-Art Survey of Significant Developments in Comparative Judicial Studies

Giuseppe Di Federico, University of Bologna, Italy

A Critical Evaluation of Comparative Judicial Studies  
Peter H. Russell, University of Toronto, Canada

A Study of Current Methodology, Concepts, Training and Research in Comparative Judicial Studies  
C. Neal Tate, University of North Texas, USA

The Global Expansion of Judicial Power: Origins and Consequences  
Ran Hirschl, University of Toronto, Canada

Discussants:

Michael Dreyer, University of Jena, Germany  
Mary L. Volcansek, Texas Christian University, USA

## Requests for Membership Dues and Information Update

In an effort to update RC #9's Membership file, please send the following information, along with your check (\$10.00 USD) for membership dues, to Michael Tolley, 303 Meserve Hall, Northeastern University, Boston, MA 02115:

Name, Office Mailing Address, Office Phone, Fax, E-mail Address. The annual dues are \$10.00. Make checks payable to "Research Committee on Comparative Judicial Studies."

## Request for New Publications

Members are invited to forward information about new books and articles that would be of interest to scholars in the field of comparative law and courts. This information will be included in the Spring issue of *The Docket*. Send a brief abstract along with full bibliographic information to Professor Michael Tolley, Secretary.

## New Web Site

Visit the new home of the RC #9 web site

[www.casdn.neu.edu/~polisci/cjs.htm](http://www.casdn.neu.edu/~polisci/cjs.htm)

If there are announcements you would like posted on this web site, please forward that information to:  
[mtolley@lynx.neu.edu](mailto:mtolley@lynx.neu.edu).

Conference participants wishing to include their papers on the web site are asked to send them by email attachment to the same email address.

## New Officers

### Convenor:

Mary L. Volcansek  
Texas Christian University

### Secretary/Treasurer

Michael C. Tolley  
Northeastern University

## Cape Town Conference Participants

Professor Bruce Archibald  
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"Truth and Reconciliation, Restorative Justice, and the Role of the Prosecution in Criminal Justice"

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303 S. Kedzie Hall  
East Lansing, MI 48824-1032  
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"Perceptions of Fairness: Comparing the Supreme Court and Local Courts"

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"Organized Interests and Judicial Decisions: Lessons from the American States"

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"The Emerging Legitimacy of the South African Constitutional Court: Causes and Consequences"

Professor Sergio Fabbrini  
Trento University  
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Via Verdi 26  
38100 Trento Italy  
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"State-Building and the Judiciary: The European Union Experience"

Professor Brian Galligan, Head  
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"Limits to Rights Protection without a Bill of Rights: The Australian Case"

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"Organized Interests and Judicial  
Decisions: Lessons from the Ameri-  
can States"

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"The Emerging Legitimacy of the  
South African Constitutional Court:  
Causes and Consequences"

Professor Stacie L. Haynie,  
Louisiana State University  
pohayn@lsu.edu  
"Building a Cross-national Data  
Base on the Behavior of Supreme  
Courts: A Progress Report"

Professor Janet L. Hiebert  
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hiebertj@qsilver.queensu.ca  
"A Relational Approach to Constit-  
utional Interpretation: Shared Legisla-  
tive and Judicial Responsibilities"

Professor Kenneth H. Holland  
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fax: 901-678-5596  
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"Judicial Reform in China and the  
Rule of Law"

Linda Camp Keith  
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"Do Constitutional Provisions for an  
Independent Judiciary Promote Re-  
spect for Fundamental Human  
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"Transitional Justice and the Croa-  
tian Constitutional Court"

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"The Institutional Redesign of the  
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"Do Constitutional Provisions for an  
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spect for Fundamental Human  
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"Building a Cross-national Data  
Base on the Behavior of Supreme  
Courts: A Progress Report"

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"Building a Cross-national Data  
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"Building a Cross-national Data  
Base on the Behavior of Supreme  
Courts: A Progress Report" and "Do  
Constitutional Provisions for an  
Independent Judiciary Promote Re-  
spect for Fundamental Human  
Rights?"

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"The Role of Support Groups in  
Securing Rights: Evaluating Charles  
Epp's Evidence"

**IPSA—Research Committee on Comparative  
Judicial Studies**

C/O Professor Michael C. Tolley  
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Address Correction Requested

**Important Dates:**

**January 7-9, 2001 Interim Meeting—Cape Town, South Africa**

**January 31, 2001 Deadline For Submitting Proposals for the  
Interim Meeting—Jerusalem, Israel**

**June 25-28, 2001 Interim Meeting—Jerusalem, Israel**

**March 2002 Interim Meeting---Texas**