

The Docket

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

July 2007
Issue 42

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The Research Committee for Comparative Judicial Studies (IPSA RC #9) is one of 49 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, m.tolley@neu.edu

2006 Interim Meeting

**Site: Arizona State University
Tempe, Arizona**

February 16-17, 2006

Host: Doris Marie Provine
Director, School of Justice
and Social Inquiry College of
Liberal Arts and Sciences
Arizona State University

Theme:

**Globalizing Justice--
International and Transnational
Law, Courts, and
Processes**

Panel 1. Transjudicial Communication

Chair: Michael Tolley
(Northeastern University)

Papers:

Francine Banner (Arizona State University), Kenneth Miller (Arizona State University), and Doris Marie Provine (Arizona State University): "The Myth of Global Judicial Activism: An Empirical Review of the U.S. Supreme Court's 2003 Docket"

Rhonda Evans Case (Claremont McKenna College) with the assistance of Candice Camargo, Phoebe Kinzie-

Larson, and Kevin Okie: "Spreading the Word: State Lawyers, Courts, and the Diffusion of International Human Rights Norms"

Lisa Parshall (Daemen College) and David Hutt (Le Moyne College): "Divergent Views on the Use of International and Foreign Law: Congress and the Executive versus the Court"

Noga Morag-Levine (Michigan State University College of Law): "Judges, Legislators, and Europe's Law: Aversive Constitutionalism and Foreign Precedents"

Christopher Whytock (Duke University): "Foreign Law in Domestic Courts: Different Uses, Different Theories"

Discussant: Jerold Waltman
(Baylor University)

Panel 2. Globalizing Justice and Its Impact on Africa

Chair: Doris Marie Provine
(Arizona State University)

Papers:

James L. Gibson (Washington University in St. Louis): "The Evolving Legitimacy of the South African Constitutional Court"

Lee R. Remington (University of Kentucky): "The Le-

gitimacy of African Courts:
An Analysis of Public Trust”

Rachel Ellett (Northeastern University): “Establishing Judicial Independence and the Rule of Law in Transitional Democracies: Uganda, Tanzania, and Malawi”

Joseph M. Isanga (University of Notre Dame): “Rule of Law in Uganda as an Emerging Democracy: The Role of International Actors”

Panel 3. Globalizing Justice and Its Impact on Latin America

Chair: Jodi Finkel (Loyola Marymount University)

Papers:

Walter Carnota (University of Buenos Aires): “How the International Law of Human Rights Changed the Argentine Supreme Court”

Raul A. Sanchez Urribari (University of South Carolina): “Constitutional Law in Latin America: Class Actions, the Struggle for Judicial Independence and the Protection of Fundamental Rights”

Discussant: Michael Dodson (Texas Christian University)

Roundtable 1: Trends in Transnational Jurisprudence

Moderator: Mary Volcansek (Texas Christian University)

Discussants: Scott Henson (Vanderbilt University)
James Gibson (Washington University of St. Louis)
David Jacobson (Arizona State University)

Panel 4. International, Transnational, and National Law: Decline of Westphalian Sovereignty?

Chair:

Papers:

Donald Jackson (Texas Christian University): “International and Transnational Law versus National Sovereignty: Pure Power or a Dialectical Process?”

Scott Henson (Vanderbilt University): “Power and Justice in the Application of International Law: Changes in Participants’ Profiles for the International Court of Justice 1947-2005”

Eugene E. Dais (University of Calgary): “Global Justice Post 9/11: A New Paradigm for International Law?”

Galya Ruffer (University of Chicago): “International Law Norms in Domestic Judicial Decision Making”

Discussant: Dale Holt (Center for the Study of Social, Religious and Political Freedom in America and Israel)

Panel 5. Courts Across Boundaries

Chair: Donald Jackson (Texas Christian University)

Papers:

Gregory Broberg (Arizona State University) and Doris Marie Provine (Arizona State University): “Criminal Courts and Immigration Control: Balancing Executive Leadership with the Demands of Due Process”

Charles Anthony Smith (University of Miami) and Heather M. Smith (University of California, San Diego): “The Electoral Disconnection: How the Institutional Structure of the Senate Explains US Hostility Towards the ICC”

Leila Kavar (New York University Law School): “Lawyers and the Implementation of International Refugee Law: The Cases of France and the United States”

Carlo Rossetti (University of Parma) and Michael Tolley (Northeastern University): “Fundamental Rights, the European Court of Justice, and the Constitutionalization of Europe”

Discussant: Dale Holt (Center for the Study of Social, Religious, and Political Freedom in America and Israel)

Roundtable 2. The Globalization of Judicial Politics

Moderator: Jerold Waltman (Baylor University)

Discussants:

Donald Jackson (Texas Christian University)
Kate Malleson (Queen Mary, University of London)
Mary Volcansek (Texas Christian University)
Doris Marie Provine (Arizona State University)

Business Meeting

Special thanks to Marie Provine for hosting a very successful meeting.

**20th IPSA World Congress
Fukuoka, Japan
July 9-13, 2006**

Session 1. Rule of Law and Courts in Emerging Democracies

Chair: Michael Tolley, Northeastern University

Papers:

“The Judicialization of Elections in India” Alexander Fischer, South Asia Institute, University of Heidelberg

“The Rule of Law and Judicial Independence in Newly Democratic Regimes” John Finn, Wesleyan University

Session 2. Epistemology and Methodology in the Field of Comparative Judicial Studies

Chair: Michael Tolley, Northeastern University

Papers:

“Comparative Assessment of Rights Revolutions: Political Dimensions” Brian Galligan, University of Melbourne and John Chesterman, University of Melbourne

“The Literature of Comparative Judicial Studies: A 110 Year Survey and Evaluation” C. Neal Tate, Vanderbilt University

Session 3. Terrorism, Security and Human Rights: Achieving a Proper Balance

Chair: John Finn, Wesleyan University

Papers:

“Canada’s Anti-Terrorism Act: Securing Balance Through Parliamentary Scrutiny” James Kelly, Concordia University

“Combating Terrorism: Need for a Just Order” Subrata Mukherjee, University of Delhi South Campus

“Internal Strife and Democratic Breakdown: The Limits of Occupation” Menachem Hofnung, The Hebrew University of Jerusalem

“Terrorism, War, and Emergency Powers in the West” Gerald Bursey, Northeastern University

Session 4. Transnational and International Courts: The Relative Decline of Westphalian Sovereignty?

Chair: C. Neal Tate, Vanderbilt University

Papers:

“Fundamental Rights, the European Court of Justice, and the Constitutionalization of Europe” Carlo Rossetti, University of Parma and Michael Tolley, Northeastern University

“International and Transnational Law versus National Sovereignty: Pure Power or a Dialectical Process?” Donald W. Jackson, Texas Christian University

“Penetrating Sovereignty: The Human Rights Act of 1998 and British Law” Mary Volcansek, Texas Christian University

2007 Interim Meeting: Melbourne, Australia

Host: Prof Brian Galligan

Site: University of Melbourne

January 17-18, 2007

Theme: The Politics and Politicization of Rights Protection

Introduction: Brian Galligan

Panel 1.

“The Politics of Rights Protection in Western Democracies”

John Chesterman, University of Melbourne

Brian Galligan, University of Melbourne

Panel 2.

“Comparative Rights Policy: A Methodological Approach” Andrew Banfield

“Rights Protection in Japan: The Political Dimension” Kenneth Holland

Panel 3.

“Parliamentary Scrutiny of Rights: Assessing the Work of the Joint Committee on Human Rights”

Michael Tolley, Northeastern University

Carl Baar

Panel 4.

“Human Rights or Trade Protection: US Politics and the World Trade Organization” Mary Volcansek, Texas Christian University

Donald Jackson, Texas Christian University

Tom Davis

Panel 5.

“The Politics of Litigating Human Rights: When Governments and National Human Rights Institutions Disagree: The Australian and New Zealand Experiences Compared”

Rhonda Evans Case, East Carolina University

“Theorizing Communities and the Politics of Rights Protection: The Australian Implied Rights Experiment”
Jason L. Pierce

Panel 6.
“Institutional Viability and High Courts: A Comparative Analysis”
Kirk Randazzo, University of Kentucky

“Courts as an Electoral Arena”
Menachem Hofnung,

I would like to thank Brian Galligan for all his efforts in making the 2007 Interim Meeting a success.

Future Meetings:

Law and Society Association Meeting

Conference: Joint Annual Meeting of the Law and Society Association (LSA) and the Research Committee on Sociology of Law (RCSL of ISA)
Co-sponsored by the Socio-Legal Studies Association of the UK, the Japanese Association of Sociology of Law, the Vereinigung für Rechtssoziologie, and the Sociology of Law Section of the German Sociological Association

Site: Humboldt University, Berlin, Germany

Date: July 25-28, 2007

In granting the Research Committee on Comparative

Judicial Studies (RC#9 of IPSA) "standing body" status, the Law and Society Association graciously has permitted us to organize and include two panels within the program of its next annual meeting. This meeting will be held at Humboldt University in Berlin, Germany on July 25-28, 2007, and the theme is "Law and Society in the 21st Century: Transformations, Resistances, and Futures."

Panel 1: Rights, Remedies, and Justice in National and International Courts

Chair: Menachem Hofnung, Hebrew University (Israel)

Papers:

Sonja Starr, Harvard Law School (USA) "Rights and Remedies in International Courts"

Deidre S. Powell, Queen Mary University of London (UK) "Caribbean Court of Justice--Breaking New Grounds"

Assaf Meydani, The Academic College of Tel-Aviv Yaffo, and Gideon Doron (Israel), "Constitutional Court versus 'Non-Governability': The Israeli Case"

Jeff Redding, Yale University (USA) "Administration of Islamic Law in India"

Discussant: Menachem Hofnung

Panel 2: Comparative Perspectives on Legal Mobilization

Panel chair: Michael Tolley, Northeastern University (USA)

Papers:

Dagmar Soennechken, University of Toronto (Canada) "Assessing the Global Growth of Judicial Power: A Neo-institutionalist's Take"

Rhonda Evans Case, East Carolina University (USA) "Footing the Bill? The Role of State Funding in Shaping Bill of Rights Litigation in New Zealand"

Satya Prateek, The National University of Juridical Sciences (India) "Justicing the 'Family': Rethinking Personal Law Reforms in India"

Discussant: Michael Tolley, Northeastern University

2008 Interim Meeting of the Research Committee on Comparative Judicial Studies:

Theme: "Courts and the Separation of Powers"

Site: Concordia University, Montreal, Canada

Date: 24-26 June 2008

Host: Prof Jim Kelly, Concordia University

Call for Papers

Paper and panel proposals for the 2008 meeting of the Research Committee on Comparative Judicial Studies are now being accepted. The

meeting is open to all scholars interested in the study of law and courts from a comparative perspective.

The theme of next year's meeting is "Courts and the Separation of Powers." The theory of the separation of powers forms a vital part of modern constitutionalism. That the governmental powers should be divided and the judiciary made independent of the executive and legislature are principles generally accepted by constitution makers around the globe. Nevertheless, the function of courts in parliamentary systems and constitutional democracies is not without its controversies. Tensions rise as courts adjudicate matters related to the leading social, political, economic, and moral issues of the day. On occasion this increased tension leads to conflict between courts, executives, and legislatures. The conflicts may take many forms ranging from the removal of jurisdiction to removal of judges. The Montreal meeting of the Research Committee on Comparative Judicial Studies seeks to bring together scholars interested in understanding more fully the nature of these threats to judicial independence and rule of law.

Paper and panel proposals devoted to the following topics would be especially welcome: Conflicts between Courts, Executives, and Legislatures; Threats to Judicial Independence; Competing Models of Judicial Review;

The Global Expansion of Judicial Power—A Retrospective; Judicial Policymaking in Comparative Perspective; and Political Influence on Judicial Recruitment and Selection.

Proposals from scholars whose work in the field of comparative law and courts may not be directly related to the meeting's "Separation of Powers" theme are also welcome. Conference organizers anticipate several panels related to such topics as conflict resolution in non-traditional settings (such as the WTO), law and religion in different cultural contexts, comparative studies of sub-national courts, constitutional courts in emerging democracies, rights protection in parliamentary systems and constitutional democracies, etc. **Please submit your proposals by September 15, 2007, to the conference convenor (Professor Michael Tolley, 301 Meserve Hall, Northeastern University, Boston, MA 02115 USA email: m.tolley@neu.edu) and the conference host (Professor James Kelly, Department of Political Science, Concordia University, 1455 de Maisonneuve Blvd. West, Montreal, Quebec H3G 1M8, email: james.kelly@concordia.ca).**

Current RC#9 Officers:

Convenor: Michael Tolley
Northeastern University
Boston, Massachusetts
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m.tolley@neu.edu

Secretary/Treasurer:
Prof. Carlo Rossetti
Department of Political and
Social Studies
Legal Studies Unit
University of Parma
Bgo Carissimi 11
43100 Parma, Italy
grosset@unipr.it

Elections of New RC9 Officers:

The terms of the current convenor and secretary/treasurer end in 2008. Members interested in serving may nominate themselves or have someone nominate them. Election of new officers will be conducted at the Business Meeting of the next interim meeting (Montreal 2008).

New Website Address:

www.cjs.neu.edu

RC#9 Membership Renewal

Name: _____

Institution _____

Address: _____

Membership Dues: \$10.00 USD

Make checks payable to:

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Address Correction Requested

