Mandate of RC09

The Research Committee for Comparative Judicial Studies (IPSA RC09) 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. RC09 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 James Kelly, james.kelly@concordia.ca

RC 09 Executive Committee

Convenor     James B. Kelly, Concordia University (Canada)
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1 Remembering C. Neal Tate: RC 09 Convenor, 1985-1991

RC09 notes with sadness the sudden passing of C. Neal Tate on September 13, 2009 at the age of 65. Dr. Tate was a long-time member of RC 09 and served two terms as Convenor with distinction. He was the author of many significant studies on the judicial process and the judicialization of politics and his absence will be sorely missed at future RC09 meetings.

2 Next Meeting – University of Bologna, June 21-23, 2010

Judicial Review as ‘Insurance Policy’: Horizontal and Vertical Accountability in Democratic and Transitional States

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

Conference Location

Facoltà di Scienze Politiche
University of Bologna
Strada Maggiore 45
Monday, June 21, 2010

Room: Aula Poeti, Facoltà di Scienze Politiche

8:15 – 9:00  Conference Registration

9:00 – 9:30  Introductions and Greeting

9:30–11:15  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 Gaoupa (UIUV) and Tom Gingsburg (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?”

Pasquale Pasquino (Paris EHESS) “A Constitutional Court speaks of democracy. Is something wrong with that?”

11:15 – 11:30  Coffee Break

11:30 – 1:00  Parliamentary Bills of Rights
Chair      Michael Tolley (Northeastern University)

Papers  David Erdos (University of Oxford) “UK Labour’s British Bill of Rights and Responsibilities proposals – a stunted case of policy preserving constitutional insurance?”
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) “New Zealand’s ‘Uninsured’ Bill of Rights: Weak-form Judicial Review and the Stability of the Parliamentary Model”

1:00 – 2:30 Lunch

2:30 – 4:15 Judicial Review in Transitional States/States of Conflict
Chair tbd

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 Siddque (Princeton) “The Role of the Courts in a "Constrained" Democracy: the Case if 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

Donald Jackson (Texas Christian University) and Mary Volcansek (Texas Christian University) “Transnational European Institutions: Accountability and Legitimacy.”
Maria Popova (McGill University) “EU Conditionality and Judicial Reforms in Eastern Europe”

Michael C. Tolley (Northeastern University) “Judicial Review of Agency Action in the US and EU”

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 Carl Baar (Brock University)

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”

Martha H. Good (Miami University-Hamilton) “The Feminization of the Judiciary in Comparative Perspective: How and Why Women Become Judges”

Peter H. Solomon (University of Toronto) “Judges in Post-Soviet Russia and Ukraine: From Bureaucrats to Professionals?”
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 and Australia
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?”

Stefanie Lindquist (University of Texas School of Law), Jeffrey A. Segal (Stony Brook University) and Chad Westerland (University of Arizona) “Judicial Review in the United States Supreme Court: Are Justices Merely Legislators in Robes?”

Reginald Sheehan (Michigan State University) and Kirk Randazzo (University of South Carolina) “The Impact of Legal and Jurisdictional Transformation on the High Court of Australia”

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), “Judicial Development of the Grounds of Unreasonableness and Proportionality in the United Kingdom (and Elsewhere)”

1:00 – 2:30 Lunch
2:30 – 4:15  The Judicialization of Politics in Latin America and the Iberian Peninsula

Chair  tbd

Papers  Élida Lauris dos Santos (University of Coimbra) and Paula Fernando (University of Coimbra) “Can there be facilitating circumstances to the judicialization of politics? A comparative analysis between the Brazil and Portugal”

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?”

Camilo Emiliano Saavedra Herrera, (PhD Candidate, London School of Economics and Political Science) “Precedent and Constitutional Review: The Politics of Precedent in the Supreme Court of Mexico”

Royce A. Carroll (Rice University) and Lydia Tiede (University of Houston) “Chile’s Constitutional Tribunal as an Effective Check on Government”

4:15 – 4:30  Coffee Break


Chair  Zeev Segal (Tel Aviv University)

Papers  Karin Byland (PhD student, University of Geneva, Switzerland) “Administrative litigation through judicial review in Switzerland from 1990 to 2008: the case of environmental policy”

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

Wednesday, June 23, 2010

Room: Aula Facoltà di Scienze Politiche

9:30 – 11:00 Legal Mobilization
Chair tbd
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”

11:00 – 11:15 Coffee Break

11:15 – 12:45 Comparative Sources of Judicial Empowerment
Chair tbd
Papers: Lisa Hilbink (University of Minnesota) “‘‘The Constituted Nature of Constituents’ Interests: Historical and Ideational Factors in Judicial Empowerment.’’”
Patricia Woods (University of Florida) “The Ideological Foundations of Israel’s ‘Constitutional Revolution’.”

Silvia Inclán (UNAM) “Judicial Reform in Mexico: Political Insurance or the Search for Political Legitimacy?”

Hootan Shambayati (University of Kansas) and Esen Kirdis (University of Minnesota) “In Pursuit of ‘Contemporary Civilization’: Judicial Empowerment in Turkey.”

3 Conference Hotels – University of Bologna, June 21-23, 2010

A list of conference hotels has been posted on RC09’s website at http://rc09.ipsa.org

4 Past Meeting – Santiago, Chile, July 12-16, 2009

21st IPSA World Congress
Santiago, Chile, July 12-16, 2009

Panel 141 Role of International and Domestic Courts in Authoritarian and Transitional States

Sabrina Pinnell (San Jose State University) “The Second Russian Constitutional Court: A 12-Year Assessment of its Role in Center-Regional Conflicts”

Maria Fernanda (Vanderbilt University) “Courts in Uruguay: Independent, Incorruptible, and Insignificant?”

Madhukar Shyam Chaturvedi (University of Rajasthan) “Proclamations and Political Translations of Social Justice in India: A Study of Judicial Response in the Last Two Decades”
Panel 142  Indigenous Peoples and Post-Colonial Justice

Lorne Sossin (University of Toronto) “The Duty to Consult: Procedural Justice as Aboriginal Rights”

John Kilwein (West Virginia University) “Comparing Aboriginal Rights Litigation in the Canadian and U.S. Sub-National Courts of Last Resort and Federal Intermediate Appellate Courts

Peter Russell (University of Toronto) “Courts as Agents of Justice in Indigenous-Settler Relations”

Panel 143  Evolution of Judicial Systems in Europe

Carlo Guarnieri (University of Bologna) and Daniela Piana (University of Bologna) “Judicial and Prosecutorial Independence in the Fight Against Political Corruption: The Case of European States”

Mary Volcansek (Texas Christian University) “The ECJ’s Role in the Evolution of European Judicial Systems”

Panel 148  Legislative and Judicial Control of Executive Power in Comparative Perspective

James Kelly (Concordia University) “Executive Versus Parliamentary Supremacy: Victoria’s Charter of Human Rights and Responsibilities and Intra-Parliamentary Relationships”

Graham Dodds (Concordia University) “When Courts & Congress Contest the U.S. President’s Unilateral Directives”

Brian Galligan (University of Melbourne) “Legislative & Judicial Control of the Executive in Subnational Governments”
5 Future Meetings

2011 Interim Meeting
University of California – Irvine
July 21-23, 2011
Hosts: Professor Tony Smith and Professor Diana Kapiszewski

2012 Triennial Meeting
22nd IPSA World Congress
Madrid, Spain

6 Recent Publications by RC09 Members


7 Publications of Interest by RC09 Members


8 Membership List

We are in the process of updating the membership list for RC09. Please send a recent entry, in the following format, to James Kelly james.kelly@concordia.ca

Entry Format

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CANADA