2011 Meeting

International Political Science Association
RC 09 (Comparative Judicial Studies)

The Judicialization of Politics from
International and Comparative Perspectives

Irvine, California, USA
July 21-23, 2011

Hosts:
Professor Charles Anthony Smith (University of California – Irvine)
Professor Diana Kapiszewski (University of California – Irvine)

Co-Conveners:
Professor James Kelly (Concordia University, Montreal, Canada)
Professor Charles Anthony Smith (University of California – Irvine)
Professor Diana Kapiszewski (University of California – Irvine)

Treasurer:
Matthew Hennigar (Brock University, St. Catharines, Canada)

Conference Location:
Social and Behavioral Sciences Gateway Building 1517
University of California, Irvine

Registration Fee: $125 (USD)
Thursday, July 21, 2011
Room: Social and Behavioral Sciences Gateway Building 1517

8:30 – 9:00 Conference Registration
9:00 – 9:15 Introductions and Greeting

9:15 – 11:00 The Judicialization of Politics in Democratic and Authoritarian Asia
Chair Chris Whytock (UCI Law School)
Papers Chin-shou Wang (National Cheng Kung University, Taiwan) – “The Rise of Judicial Politics in Taiwan”
Dante B. Gatmaytan (University of the Philippines), Sopfia Guira (University of the Philippines), Cielo Magno (University of the Philippines) – “The Queen’s Court: Supreme Court Voting and Loyalty to the Arroyo Administration”
Sung-Wook Paik (University of Maryland, College Park) – “Do Constitutional Courts Save or Kill Democratic Politics? Revisiting the Korean Constitutional Court’s Decision in the Capital Relocation Case”

11:00 – 11:15 Coffee Break

11:15 – 1:00 Judicialization, Environment, and Identity: Canada in Comparative Perspective
Chair Robert Nyenhuis (UCI)
Papers Greg Flynn (McMaster University, Canada) – “The Policy Impact of the Judicialization of Multi-Venue Disputes: Cross-Border Environmental Problems between Canada and the United States”
Vuk Radmilovic (University of Toronto, Canada) – “Statutory Invalidation, Remedial Discretion, and Strategic Judicial Behavior: Supreme Court of Canada under External Constraints”
Emmanuelle Richez (McGill University, Canada) – “The Tension between Nation-Building and Diversity Management Objectives in Canadian Constitutional Jurisprudence”
Dave Snow (University of Calgary, Canada) – “The Judicialization of Assisted Reproductive Technology Policy in Canada and Australia”

1:00 – 2:30 Lunch
2:30 – 3:45  Causes and Consequences of Rights Protection
Chair  Adam Shniderman (UCI)
Papers:  Mary Volcansek (Texas Christian University), Charles Lockhart (Texas Christian University) – “Explaining Support for Human Rights Protections: A Judicial Role?”
Daniel Brinks (University of Texas, Austin) and Varun Gauri (World Bank) – “The Distributive Impact of Social and Economic Rights Litigation”
Shawn Schulenberg (Marshall University) "The Construction and Enactment of Same-Sex Marriage in Argentina"

3:45 – 4:00  Coffee Break

4:00 – 5:45  Judicial Politics in Brazil
Chair  Arturo Jimenez (UCI)
Papers:  Énio Saraiva Leão (Federal University of Pernambuco, Brazil) – “Judicial Control of Public Policy and its Consequences on Brazilian Foreign Policy After 1988”
José Mário Wanderley (Catholic University of Pernambuco, Brazil), Danilo José Pacheco (Catholic University of Pernambuco, Brazil), Louise Dantas (Catholic University of Pernambuco, Brazil) – “Watching the Watchmen: Brazilian Supreme Court’s Chief Justice Role in Checking Lower Courts’ Judicial Activism”
Matt Ingram (University of Massachusetts, Dartmouth), Scott Desposato (UC San Diego), and Osmar Lannes (Câmara dos Deputados, Brasil) – “Judicial Ideology in New Democracies: Ideal Points of Justices on Brazil’s High Court”
Sídia Porto Lima (Federal University of Pernambuco, Brazil) – “Judicial Activism and Electoral Structure: An Essay about Legislative Activity by the Electoral Tribunal in Brazil”
Friday, July 22, 2011
Room: Social and Behavioral Sciences Gateway Building 1517

8:45 – 9:15  RC Business Meeting

9:15 – 11:00  The Effect of Processes on Judicialization
Chair  Adam Shniderman (UCI)
Mary Clark (American University) – “Judicial Recusal Practices in the U.K. and U.S. Supreme Courts and their Implications for the Judicialization of Politics”
David Brown (University of Colorado), Andrew Whitford (University of Georgia), Jeff Yates (Binghamton University) – “Perceptions of the Rule of Law: Evidence about the Impact of Judicial Insulation”
Alison Dundes Renteln (University of Southern California) – “An Analysis of Domestic Implementation of the Bangalore Principles of Judicial Conduct”

11:00 – 11:15  Coffee Break

11:15 – 1:00  International Rights Protection
Chair  Seth Alexander (UCI)
Papers:  Walter Carnota (University of Buenos Aires, Argentina) – “Conventionality Control, the Inter-American Court of Human Rights, and Domestic Courts: An Interaction”
Jeffrey Staton (Emory University) and Alexia Romero (Stanford University) – “Clarity and Compliance in the Inter-American Human Rights System.”
Druscilla Scribner (University of Wisconsin, Osh Kosh) “Decriminalization of Abortion: Strategic Litigation at the Inter-American Court”
Wayne Sandholtz (UC Irvine) – “International Law, Constitutions, and Human Rights”
Alison Brysk (UC Santa Barbara) and Arturo Jimenez (UC Irvine) – ”The Globalization of Law: Implications for the Fulfillment of Human Rights”

1:00 – 2:30  Lunch
2:30 – 4:15  High Courts in Latin America
Chair  Arturo Jimenez (UCI)
Papers: Gabriel Pereira (University of Oxford) – “The Impact of Judicialization on the Process of Re-Constructing the Legitimacy and Authority of Courts: The Case of the Argentine Supreme Court”
Marcelo Leiras (University of San Andrés, Argentina), Agustina Giraudy (University of North Carolina, Chapel Hill), Guadalupe Tuñón (University of San Andrés, Argentina) – “Who Wants an Independent Court? Political Competition and Supreme Court Instability in the Argentine Provinces (1984-2008)”
Mónica Castillejos-Aragón (UC Berkeley) – “The Transformation of the Mexican Supreme Court Into an Arena of Political Contestation”
Royce Carroll (Rice University) and Lydia Tiede (University of Houston) – “Conflict on Chile’s Constitutional Tribunal”

4:15 – 4:30  Coffee Break

4:30 – 6:15  Brazilian Justice Institutions: Beyond the High Court
Chair  Matt Ingram (UMASS-Dartmouth)
Papers: Ernani Carvalho (Federal University of Pernambuco, Brazil) and Natália Leitão (Federal University of Pernambuco) – “Procuracy Office and Independence”
Lígia Mori Madeira (Federal University of Rio Grande do Sul, Brazil) – “Getting Access to Justice in Context of Judicialization of Politics: A Study of the Role and Effectiveness of the Public Defender’s Performance in Brazil”
Azul Aguiar (Italian Institute of Human Sciences, Italy) – “Reforms to the Public Prosecutor’s Office in Brazil, Mexico, and Chile”

8:00  RC 09 Dinner
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Saturday, July 23, 2011  
Room: Social and Behavioral Sciences Gateway Building 1517

9:15 –11:00  Judicialization in Africa and the Middle East  
Chair  
Antonio Gonzalez (UCSB)  
Papers:  
Rachel Ellett (Beloit College) – “Judicial Supremacy in Regional Courts: A Comparative Analysis of the Caribbean and East African Courts of Justice”  
Joseph Isanga (Ave Maria School of Law) – “Constitutional Courts and the Judicialization of Politics in Sub-Saharan Africa”  
Abolfazl Masoumi (University of Ottawa, Canada) – “Judicialization of Politics in Iran”  
Mahmoud Hamad (Drake University/Cairo University Egypt) and Mohamed Samir Helmy (Administrative Prosecution Authority) – “Judicialization without Democratization: the Council of State and Political Accountability in Egypt”

11:00 – 11:15  Coffee Break

11:15 – 1:00  Judicialization in Europe  
Chair  
Tyler Hunt (UCI)  
Papers:  
Adam McAuley (Dublin College University, Ireland) – “The Ebb and Flow of Judicial Review in Ireland”  
Lucia Dalla Pellegrina (Bocconi University, Italy) and Nuno Garoupa (University of Illinois) – “Choosing Between the Government and the Regions: An Empirical Analysis of Italian Constitutional Court Decisions”  
Simone Benvenuti (University of Rome, Italy) – “A Study on Judicial Culture in Countries from Ex-Yugoslavia: The Supreme Courts of Slovenia, Serbia, and Croatia”  
Michael C. Tolley (Northeastern University) – “Judicialization of Politics in Europe: Keeping Pace with Brussels, Luxembourg and Strasbourg”

1:00 – 2:15  Lunch

2:15 – 4:00  Judicialization, Rights, and the “Other”  
Chair  
Adam Shniderman (UCI)  
Papers:  
Sophia Muller (University of Ottawa, Canada), Helaina Gaspard (University of Ottawa, Canada) – “Queer Federalism: a
Comparative Study of Lesbian and Gay Rights Advocacy within the Context of Canada and Australia”
Rebecca Hamlin (Grinnell College) – “Judicialization and Non-Citizens in Comparative Perspective”
Charles Anthony Smith (UC Irvine) and Heather Smith (Lewis and Clark College) – “International Cheap Talk: The Dutch Government and the ABC Islands Human Trafficking in the Absence of Judicialization”
Heidi Haddad (UC Irvine) – “Judicial Institution Builders: NGOs and International Criminal and Human Rights Courts”

4:00 Conference Adjourns // Closing Reception