

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”

Dominic J. Nardi, Jr. (University of Michigan) – “When Do Dictators Rule by Law? A Cross-National Study of Judicial Empowerment under Authoritarian Regimes”

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
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- 3:45 – 4:00** **Coffee Break**
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- 4:00 – 5:45** *Judicial Politics in Brazil*
- Chair **Arturo Jimenez** (UCI)
- Papers: **Ênio 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)

Papers: **Pablo José Castillo Ortiz** (Spanish National Council for Scientific Research) – “Who is Afraid of Karlsruhe? The Judicial Politics of National Courts and the Processes of Ratification of EU Treaties”
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”
 Eliezer Gomes da Silva (Universidade Estadual do Norte do Paraná), Brazil) – “The Brazilian Ministério Público, Law, and Democracy: Another Look at the Topic, ‘Judicialization of Politics’”
 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