

**Research Committee for Comparative Judicial Studies**  
**Interim Meeting—Naples, Italy**  
**26—28 January 2005**

Host: Maria Elisabetta de Franciscis [medefra@tin.it](mailto:medefra@tin.it)  
University of Naples

Conference Site: International and European Studies Department, University of Naples  
Via Mezzocannone 4  
(The hall is on the side of the main building of the University, in the heart of the neapolitan  
“campus.”)

**Tentative Program (revised October 27, 2004)**

**Theme: Emerging Paradigms of Rights Protection**

**Wednesday, January 26**

**7:00 pm Reception/Registration (location to be announced)**  
(Sponsored by the Cultural Office)

**Thursday, January 27**

**8:30-10:15 am**

**Panel 1. The Protection of Rights in the Common Law and Civil Law Worlds**

Chair: Michael Tolley, Northeastern University, Boston, Massachusetts [m.tolley@neu.edu](mailto:m.tolley@neu.edu)

Papers:

“Constitutional Review and Judicial Review: Protecting Human Rights in Europe”

Mary L. Volcansek, Texas Christian University, Fort Worth, Texas [m.volcansek@tcu.edu](mailto:m.volcansek@tcu.edu)

“The U.S. Supreme Court’s Use of Comparative and International Law in the Construction of Individual Rights”

David M. O’Brien, University of Virginia, Charlottesville, Virginia [dmo2y@virginia.edu](mailto:dmo2y@virginia.edu)

“Integrating Asylum Rights in the EU and the Status of UNHCR Protections”

Galya Ruffer, DePaul University, Chicago, Illinois [gruffer@depaul.edu](mailto:gruffer@depaul.edu)

“Ties that Bind: Rights and Legitimacy in the European Union”

Helen E. Hartnell, Visiting Scholar, R.I.Z. (Law Center for European and International Cooperation), Universitaet zu Koeln, Germany [Helen.hartnell@uni-koeln.de](mailto:Helen.hartnell@uni-koeln.de)

**10:15-10:45 am (Break)**

**10:45-12:30**

**Panel 2. The Protection of Rights in Parliamentary Systems and Constitutional Democracies**

Chair: To be announced

Papers:

“Common Law/Civil Law, Parliamentary Sovereignty/Constitutional Limitation: Legal Structural Effects on Rights Protection across Nations and Time”

C. Neal Tate, Department of Political Science, Vanderbilt University, Nashville, Tennessee  
[n.tate@vanderbilt.edu](mailto:n.tate@vanderbilt.edu)

“Parliamentary Rights Model: What Does Political Rights Review Entail?”

Janet L. Hiebert, Department of Political Studies, Queen’s University, Kingston, Canada  
[hiebertj@post.queensu.ca](mailto:hiebertj@post.queensu.ca)

“American Paradigms of Rights Protection: From 1776-2001”

Eugene Dais, School of Law, University of Calgary, [eedais@shaw.ca](mailto:eedais@shaw.ca)

“The Price of Rights: The Courts, Governmental Largesse, and Fundamental Liberties”

Daniel Kramer, emeritus, College of Staten Island, City University of New York, New York, New York  
[dkramer1@si.rr.com](mailto:dkramer1@si.rr.com)

**12:30-2:00 pm (Lunch)**

**2:00-3:30 pm**

**Panel 3. The Protection of Rights in the United Kingdom, Australia, and New Zealand**

Chair: To be announced

Papers:

“Rights Protection Without a Bill of Rights: The Australian Case”

Brian Galligan, Department of Political Science, University of Melbourne, Victoria, Australia  
[galligan@unimelb.edu.au](mailto:galligan@unimelb.edu.au)

F.L. (Ted) Morton, University of Calgary [Morton@ucalgary.ca](mailto:Morton@ucalgary.ca)

“Assessing the UK Model of Rights Protection: The Human Rights Act Five Years On”

Kate Malleson, Law Department, London School of Economics, London, England

[Kate@mmasskm.demon.co.uk](mailto:Kate@mmasskm.demon.co.uk)

“Rights Protection in New Zealand”

James Kelly, Department of Political Science, Concordia University [jameskel@alcor.concordia.ca](mailto:jameskel@alcor.concordia.ca)

**3:30-3:45 (Break)**

**3:45-5:15 pm**

**Roundtable Discussion 1. Assessing the Field of Comparative Judicial Studies**

The Research Committee for Comparative Judicial Studies was founded in 1964 by several American political scientists who were beginning to study law and courts from a comparative perspective. What have we learned in 40 years and where do we go from here?

Moderator: Michael Tolley, Department of Political Science, Northeastern University

Discussants:

Mary Volcansek, Texas Christian University

Menachem Hofnung, The Hebrew University of Jerusalem

C. Neal Tate, Vanderbilt University

Kate Malleson, London School of Economics

Carlo Rosetti, University of Parma

**7:00 pm (Conference Dinner)**

**Friday, January 28**

**8:30-10:15 am**

**Panel 4. Competing Models of Rights Protection**

Chair: To be announced

Papers:

“Sexuality, Marriage and Family: Same-Sex Relationships in Comparative Perspective”

Donald W. Jackson, Department of Political Science, Texas Christian University, Fort Worth, Texas

[d.w.jackson@tcu.edu](mailto:d.w.jackson@tcu.edu)

“Judicial Activism: The Role of Courts and Protection of Rights”

Margit Cohn, Faculty of Law, University of Leicester, Leicester, United Kingdom

[mc118@leicester.as.uk](mailto:mc118@leicester.as.uk) and Mordechai Kremnitzer, Israel Democracy Institute and Professor of Law, The Hebrew University of Jerusalem

“Litigating Military Service at Civil Court”

Menachem Hofnung, Department of Political Science, The Hebrew University of Jerusalem

[msh@mscc.huji.ac.il](mailto:msh@mscc.huji.ac.il)

“The Human Rights Ombudsman in Latin America: The Case of Peru”

Jodi Finkel, Loyola Marymount University, Los Angeles, California [jodifinkel@yahoo.com](mailto:jodifinkel@yahoo.com)

**10:15-10:45 am (Break)**

**10:45-12:30**

**Panel 5. Role of Courts and the Protection of Rights**

Chair: To be announced

Papers:

“The Origins of an Independent Judiciary in the United States: A View from the States”

Scott Gerber, Law College, Ohio Northern University, Ada, Ohio [s-gerber@onu.edu](mailto:s-gerber@onu.edu)

“The Role of Egyptian Administrative Law Courts in Protecting Citizen Rights”

Mahmoud M. Hamad, Political Science Department, University of Utah, Salt Lake City, Utah  
[u0308775@utah.edu](mailto:u0308775@utah.edu) and Counselor Samir

“Judicial Protection of Political Rights in a Transitional Democracy: The Courts and Electoral Politics in Malawi”

Rachel Ellett, Northeastern University, Boston, Massachusetts [ellett.r@neu.edu](mailto:ellett.r@neu.edu)

“Secession Crises and the Search for Coherence in International Legal Principles”

Charles Anthony Smith, Department of Political Science, University of Miami, Coral Gables, Florida  
[csmith@exchange.sba.miami.edu](mailto:csmith@exchange.sba.miami.edu)

Nedžad Basic, Faculty of Law, University of Bihac, Bihac, Bosnia and Herzegovina  
[nbasic\\_hrcpc@yahoo.com](mailto:nbasic_hrcpc@yahoo.com)

David Goetze, Department of Political Science, Utah State University, Logan, Utah  
[dgoetze@hass.usu.edu](mailto:dgoetze@hass.usu.edu)

**12:30-2:00 pm (Lunch)**

**2:00-3:30 pm**

**Panel 6. Terrorism, Security and Human Rights: Achieving a Proper Balance**

Chair: Massimo Javane, Professor of International Law, Faculty of Law, University of Napoli Federico II [massimo.Jovane@unina.it](mailto:massimo.Jovane@unina.it)

Papers:

“Raison d’etat and Individual Rights: The United States Supreme Court and Recent Cases”  
Elisabetta de Franciscis, University of Naples, Italy [medefra@tin.it](mailto:medefra@tin.it)

“Liberty in an Age of Terror: The Role of Courts in the United States and the United Kingdom”  
Michael Tolley, Department of Political Science, Northeastern University, Boston, Massachusetts [m.tolley@neu.edu](mailto:m.tolley@neu.edu)

“Conspiracy, Democracy, and International Terror”  
Aaron Fichtelberg, Department of Sociology and Criminal Justice, University of Delaware, Newark, Delaware [afichte@UDel.Edu](mailto:afichte@UDel.Edu)

**3:30-3:45 pm (Break)**

**3:45-5:15 pm**

**Roundtable Discussion 2. Anti-terrorism Efforts in Comparative Perspective**

Moderator: John E. Finn, Department of Government, Wesleyan University, Middletown, Connecticut [jfinn@wesleyan.edu](mailto:jfinn@wesleyan.edu)

Discussants:

Clive Walker,  
David Barnum,  
Harold Hyman,  
George Thomas,  
Carlo Rosetti, Department of Political and Legal Studies, Legal Studies Unit, University of Parma, Parma, Italy [grosset@ipruniv.cce.unipr.it](mailto:grosset@ipruniv.cce.unipr.it)

Kirk A. Randazzo, Department of Political Science, University of Kentucky, Lexington, Kentucky [Kirk.Randazzo@UKY.EDU](mailto:Kirk.Randazzo@UKY.EDU) “Multiple Preferences and Competing Constraints in Foreign Policy Litigation before the U.S. Federal Courts”

**5:15-5:45 RC#9’s Business Meeting**

**Agenda: Next Interim Meeting**

**IPSA World Congress (July 9-13, 2006)**

**IPSA’s new book series—RC#9’s Volume**

**5:45 pm Meeting Adjourns**