

Justitia

*The Newsletter of the Law & Courts Standing Group
of the European Consortium for Political Research*

Letter from the Conveners



A New Standing Group in 2010 and the First General Conference Section in 2012

Judicial bodies as the third branch of political systems play an increasingly important role in contemporary politics in every part of the world and in the concepts of comparative politics (Ginsburg 2003; Sadurski 2002; Tate/Vallinder 1995). In spite of this importance, research about Constitutional Courts and Judicial Politics in Western and Eastern Europe is under-developed compared to the US where one finds very regular and lively debates. Whittington, Kelemen, Caldeira (2008: 10) state: "...the subfield of comparative politics largely ignored law and politics, while the subfield of law and politics largely ignored law and courts outside the US". This statement is confirmed by a short look at the number of articles being published on courts: While we find 56 articles in the years between 1995 and 2005 in the AJPS and APSR, at the same time there have been only 10 articles in West European Politics and the European Journal of Political Research.

Unlike in other research areas (electoral studies, party manifestoes, public policy...), in the field of judicial politics we do not find a coherent development of theories or research strategies, there is only limited experience with the special methodological problems courts as a research subject constitute, there are no major datasets available for analysis and scholars working on the subject are distributed all across

European and US universities. Furthermore European researchers being interested in the field of Courts and Judicial Politics has found so far neither at the national nor at the European level appropriate working structures to convene, meet and exchange ideas. They are isolated in their work and usually only meet at international conferences at APSA, at IPSA or at the Law and Society Association.

In reaction to this situation, we took the initiative to ask for the creation of an ECPR standing group with the support of a group of scholars. The aim of the group is to overcome the limits described above by creating a network of scholars being interested in the field of Law & Politics and to promote comparative and cross-national research on this topic by the exchange of ideas, discussion of current issues and the facilitation of joint research. We sincerely hope the group will be helpful in stimulating the judicial politics field regarding issues, theories, methods and data. In detail, the group has the following aims:

- to facilitate the exchange of ideas and flow of information
- to foster collaborative work
- to provide a catalyst for joint research proposals
- to initiate new research agendas
- to promote and consolidate judicial politics as a distinct area of the discipline

To achieve this, four basic types of activities are planned after the start of the group:

1. *An up-to-date website*

A website run by the group will contain relevant information about the group and its activities, a membership list, news, discussion forums, the newsletters, databases and the mailing list.

2. *Provision of a newsletter*

A newsletter will be provided with a frequency of two times a year. It will firstly contain an information section with news about upcoming conferences, job offers, announcements and datasets. Secondly, a literature section giving information about new publications of group members and book reviews and thirdly a regular update about relevant developments in the member states.

3. *Endorsement of workshops at ECPR conferences*

The group will offer at least one section at the ECPR General Conference and apply for workshops at the Joint Sessions regularly. This will allow the members to keep in contact and facilitate cooperation regarding joint research proposals. In

the long run it enables the group to develop and push research strategies.

4. *Mailing list*

A mailing list can be used to distribute important information.

5. *Long-term activities*

After the consolidation of the group further activities might be initiated such as the organisation of specific conferences, summer schools or editing a peer-reviewed journal for the field of Courts and Judicial Politics.

Each of these activities will need the involvement of all the available good will to work on the long run. Neither the conveners nor the members of the steering committee alone will be able to build a lively academic community about Law & Courts without scholars volunteering to take care of some of the activities listed above.

Among them, organizing section and workshop for the ECPR general conference and joint sessions is crucial for our field. In this perspective we successfully applied for a section for the ECPR general conference in Reyjavick in 2011. This is a clear signal that the ECPR supports the building of a strong European research network about judicial politics. You will find in the newsletter the presentation of the section proposal we sent and the next step of the process. We strongly urge you to seriously consider sending a paper proposal for the section.

We sincerely hope the standing group, the newsletter and the section will contribute to stimulate and foster a fruitful and collaborative research dynamics in the Law & Courts field in Europe.

Best regards.



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Section Proposal: General Conference 2011, Reykjavik, Iceland Courts and Judicial Politics

The Standing Group will offer a section titled *Courts and Judicial Politics* including four panels at the next ECPR General Conference in Reykjavik, 25-27 August 2011.

Abstract

Courts play an increasingly important role in contemporary politics in every part of the world, but also in the concepts of comparative politics. In spite of this fact, comparative research about Constitutional Courts is under-developed except in United States. Scholars have mainly focused on the Judicialization hypothesis. Beyond Judicialization, to understand the role of Constitutional Courts and Judicial Politics in different political systems accurately, we need to base our knowledge on explicit comparisons. In order to do so, data, methodologies and theories should be truly and rigorously comparative. The aim of this workshop is to focus on approaches, issues and methods that will stimulate comparative studies on Constitutional Courts and Judicial Politics.

Four panels are proposed.

- The first panel focuses on international and regional Courts given the worldwide spread of these new judicial bodies, their growing relevance and the various issues raised by this trend.
- The second panel is dedicated to the various approaches and theories of Courts in democratic system testing and discussing the comparative relevance of the numerous research dedicated to the Supreme Court.
- The third panel is interested in analyzing Courts in non-democratic systems as well as in the processes of democratic break-down and democratization.

In the three panels, we expect papers to deal comparatively and empirically with number of issues regarding courts and judicial politics: institution-building, institutional settings, intra-court decision-making and the relation between courts and other actors.

- The last panel is dedicated to the methodological issues of the analysis of judicial politics. The specificity of judicial politics (e.g. usually processes are hidden) has to be carefully explored as well as the challenge of analysing judicial decisions written in different languages.

The workshop will be used as an opportunity to gather the authors of possible chapters for an edited volume at the ECPR Press.

For more information see the website of the General Conference.

The next steps are:

- **June 2010 – Application for Panel proposal**
- **September 2010 – Application for Paper proposal**

Editors

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The newsletter is edited by Béatrice Barthélémy at SPIRIT-Sciences Po Bordeaux

Governance of the Standing Group

As proposed in the application for the creation of the standing group, the governance of the standing group **Law & Courts** is based on two conveners and a steering committee.

The standing group will be convened by Sylvain Brouard (Sciences Po Bordeaux, France) and Christoph Hönnige (TU Kaiserslautern, Germany) until the standing group meeting at the ECPR general conference in Reykjavik.

The steering committee is composed by the conveners as well as:

- Thomas Gschwend (Manheim University, Germany);
- Christin Rothmayr (Montréal University, Canada);
- Renaud Dehousse (Sciences Po Paris, France);
- Claudio Guarnieri (Bologna University, Italy);
- Cornell Clayton (Washington State University, USA).

A standing group meeting will be held at every ECPR general conference to appoint the conveners as well as the members of the steering committee for the next 2 years.

Announcement

JUSTITIA, the Newsletter of the Law & Courts Standing group of the ECPR.

- Call for a **book review editor** in charge of the literature section of the newsletter. This section will give information about new publications of group members and publish short book reviews.
- Call for **national correspondent** for the main events section. This section of the newsletter will present an annual concise update about the relevant developments in judicial politics in the correspondent's country.

Any interested people should contact S. Brouard (s.brouard@sciencespobordeaux.fr).

Other Announcements

- The IPSA RC09 Research Committee of Comparative Judicial Studies will hold its next conference at Bologna at June 21st-23rd 2010, the conference in 2011 will be hold at the University of California, Irvine.
- The standing group will also submit a proposal for the ECPR joint sessions in 2012.
- A website of the standing group with further information will be available in September 2011.
