

Panel 3: The rise of Eurolegalism: Western European perspectives

Panel description

Kelemen argues that “judicialization” is a much broader phenomenon than Eurolegalism. Although some overlap exists - notably (as he mentions) regarding the assessment of the influence of political fragmentation - Kelemen claims that the two are not synonymous. Overall, he views the judicialization of politics as a much broader and more profound transformation. Kelemen claims that although it has supported and furthered the rise of Eurolegalism, it does not offer an “adequate explanation for the spread of Eurolegalism.” The latter is concerned with the “less dramatic but equally important judicialization of day-to-day regulatory and administrative processes in the European Union.” Key elements of a judicialization of politics (i.e. the expansion of constitutional review), he continues, can develop without “adversarial legalism in the regulatory arena.”

Kelemen discusses three examples in the book – securities, competition and disability policy in France, the UK, Germany and the Netherlands. He acknowledges in all three cases that other factors, such as “crucial developments at the domestic level within member states” and globalization (securities), played a significant role as well. At times, the changes he discusses are also much more dramatic in some member states than in others (Germany being the frequent outlier). Not only that, he recognizes that the U.S. influence is stronger in some policy areas (competition) than in others.

Overall, Kelemen promotes an incremental model of change. His point is not the description of a single causal path but the identification of a common, distinctive yet broad trend – the rise of a European variation of adversarial legalism as a new mode of governance.

While Vanhala’s recent work also focuses on disability policy, she will be focusing on her more recent work on the UK’s environmental movement. Rothmayr Allison will be discussing bio technology in Switzerland/Canada and the United States, while Strünck will add consumer, labour market and health policy in Germany to the mix. All three are interested in disentangling the causal effects of changes they observe. While Vanhala’s primary interest is legal mobilization by advocacy organizations, Rothmayr Allison’s is the search for a common (judicializing) trend and its contributing factors, while Strünck’s is the role of domestic factors or their effectiveness in posing as barriers to the spread of Eurolegalism.

Ian Greene, University Professor, School of Public Policy and Administration, York University; PhD, University of Toronto (*panel chair*).

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Professor Greene's research focuses on Canadian public law, the Charter of Rights, judicial administration, program evaluation, political ethics, Canadian government, and public administration.

In 2010, Professor Greene's latest article, "The Tension Among Three Ethics Regimes: Government, House of Commons and Senate," was published in the *Canadian Journal of Parliamentary and Political Law*.

Christine Rothmayr Allison, Associate Professor, Department of Political Science, Université de Montréal; PhD, University of Zurich.

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Professor Rothmayr Allison is interested in comparative public policy, and courts and politics in comparative perspective, in particular, the impact of court decisions on public policy making in North-America and Europe. Her current projects include "Comparative Policy Agendas: the Supreme Court of Canada" and "The Judicialisation of Public Policy in Comparative Perspective: Governing with Judges", "La manégarialisation du droit" and "Policy studies: conceptual and methodological challenges".

Her recent publications include "Incrementalism at 50", special issue of *Policy & Society* (2011), edited together with Denis Saint Martin; "Direct Democracy and Biotechnology Policy-Making in Europe and North America", *Journal of Comparative Policy Analysis* (2009). She also co-edited (with Éric Montpetit and Frédéric Varone) the book *The Politics of Biotechnology in North America and Europe: Policy Networks, Institutions and Internationalization* (Lanham: Lexington Books, 2007).

Christoph Strünck, Professor, Department of Political Science, University of Siegen, Germany; PhD, Ruhr-University Bochum.

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Professor Strünck's research interests lie in the area of comparative public policy (social policy, labor market policy, consumer policy, regulatory politics), interest groups politics, and third sector research. He is currently conducting a survey on "local management of demographic change", questioning local administrations

about their capacities and strategies to influence demographic trends. Also, he is part of a research team that explores new ways of evidence-based consumer policy. He is member of the scientific advisory board, federal ministry of nutrition, agriculture and consumer protection. □□ In 2008, he was author and editor of "Re-Shaping Consumer Policy in Europe?", a special issue of *German Policy Studies*. In the same year he published the article "Puffing Away? Explaining the Politics of Tobacco Control in Germany", *German Politics* (with Thilo Grüning and Anna B. Gilmore)

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Dr. Vanhala is interested in comparative politics, law and courts, human rights, environmental policy, new social movements, □ socio-legal theory and methods. Her current research project attempts to solve the puzzle of why some environmental non-governmental organizations (NGOs) across Europe have chosen to be active participants before the courts while others have completely eschewed the use of legal strategies in pursuit of their policy goals. □□

Dr. Vanhala's first monograph *Making Rights a Reality? Disability Rights □ Activists and Legal Mobilization* was published by Cambridge University Press in □2011. She has also published in the *Canadian Journal of Political Science*, *Journal of European Public Policy* □ and co-authored an article with R. Daniel Kelemen in *Regional and Federal Studies*.

Renato (Rick) Russo, PhD Candidate (ABD), Political Science, University of Toronto (*discussant*).

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Rick Russo's research interests lie in Law and Politics, Public Law, Comparative Politics, Health Policy. In his PhD thesis, he compares patterns of judicialization in health care policy-making across civil and common law contexts. Judicialization is less something that is 'happening to' public policy because of judicial overreach, than it is something 'happening through' a convergence of policy response mechanisms across the judicial and legislative arenas. He compares how this process of convergence differs across civil (the Netherlands, Italy) and common law (Canada) regimes and how differences in policy legacies across these contexts reinforce or attenuate the patterns of judicialized health care policy-making that emerge.