

Natalie Davidson
The Domestic Political Implications of Universal Civil Jurisdiction:
The *Marcos* Class Action

This project consists of a case study of the political implications of universal civil jurisdiction in the countries in which the litigated human rights abuses occurred. Specifically, I seek to understand how the class action against former Filipino dictator Ferdinand Marcos brought by a class of 10,000 victims of torture, disappearance and extra-judicial killing in U.S. courts under the Alien Tort Statute (ATS) has affected deliberations about transitional justice in the Philippines and how it has contributed to the collective memory of the Martial Law era. I do not inquire into the moral or legal grounds of universal civil jurisdiction. Rather, adopting a law and society perspective, I analyze some of universal civil jurisdiction's repercussions.

The class action resulted in extraordinarily high damage awards against Marcos' estate in 1994 and 1995. Yet the Philippine government has turned into one of the plaintiffs' fiercest opponents to execution of the judgment, as it claims that the assets plundered by Marcos should be returned to the state for agrarian reform and not to a limited number of victims of the worst abuses. At first sight, this class action seems to offer a prime example of the depoliticizing effect of human rights: it transformed the leftist opposition to Marcos into a class of victim-plaintiffs, and tended to prioritize corrective justice for victims of physical violence over collective deliberation about redistribution. Through interviews in Manila and analysis of Philippine public discourse since the transition to democracy in 1986, I seek to understand whether the litigation has had such a depoliticizing effect, or instead might have been reinterpreted as telling a political narrative of repression, as well as been deployed for contestation and deliberation.

This is one of the rare studies on the impact of ATS litigation on communities in the South, and as such aims to contribute to the burgeoning literature on human rights in practice. Taking the ATS as a rich experiment with universal civil jurisdiction, my second, more normative goal is to suggest some institutional limitations and benefits of universal civil jurisdiction.