

# JUDGES' LIBRARY MONTHLY NEWSLETTER

Vol: 2  
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## LIST OF BOOKS FOR THE MONTH OF MARCH, 2014

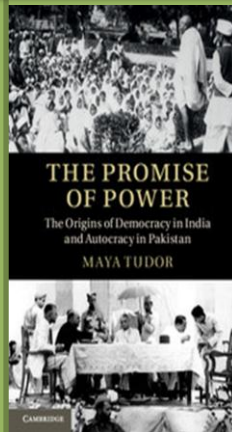
### THE PROMISE OF POWER MAYA TUDOR CAMBRIDGE UNI. PRESS, 2013 (ONE COPY)

At the stroke of midnight on August 14 and August 15, 1947, the former independence leaders Mohammed Ali Jinnah and Jawaharlal Nehru respectively presided over the creation of Pakistan and India, two new countries carved out from British India that should have been equally unlikely to become stable democracies. Both countries emerged from nearly a century of shared colonial rule with broadly similar state institutions, both were governed as infant democracies until their sovereign constituent assemblies wrote new constitutions, and both countries were beset by massive refugee crises, though Pakistan's was larger relative to its population. Both ethnically diverse countries were destabilized by external and sub-national challenges to their territorial integrities.

### JUDICIAL DECISION-MAKING IN A GLOBALISED WORLD ELAINE MAK

### HART PUBLISHING, 2013 (ONE COPY)

Why do judges study legal sources that originated outside their own national legal system, and how do they use arguments from these sources in deciding domestic cases? Based on interviews with judges, this book presents the inside story of how judges engage with international and comparative law in the highest courts of the United Kingdom, Canada, the United States, France and the Netherlands. A comparative analysis of the views and experiences of the judges clarifies how the decision-making of these Western courts has developed in light of the internationalization communication.

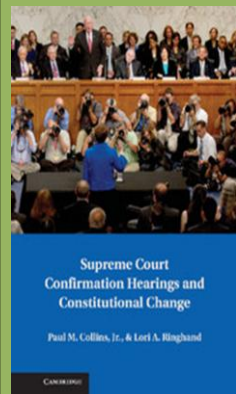
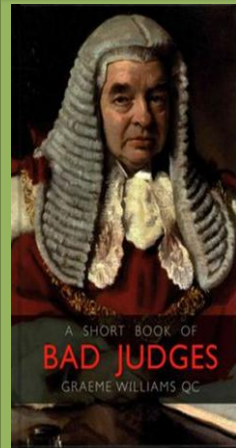


### A SHORT BOOK OF BAD JUDGES GRAEME WILLIAMS SIMMONDS AND HILL PUBLISHING, 2013 (ONE COPY)

As Graeme Williams states 'readers of John Milton and Beatrix Potter will know, reading about bad characters tends to be much more fun than reading about good ones. I confess to thinking that Paradise Lost and the Tales of Mr Tod, and of Two Bad Mice are all more entertaining to read than Paradise Regained or the Flopsy Bunnies and I have found that the same is true about writing about judges.' While there are plenty of books about Good English Judges: indeed their 'goodness' may well have been one of their authors' main reasons for writing them, there is as yet no book specifically about Bad Judges in this country, though there are quite a few in the United States. No doubt there are a number of reasons for this.

### SUPREME COURT CONFIRMATION HEARINGS AND CONSTITUTIONAL CHANGE PAUL M. COLLINS CAMBRIDGE, 2013 (ONE COPY)

Before Supreme Court nominees are allowed to take their place on the High Court, they must face a moment of democratic reckoning by appearing before the Senate Judiciary Committee. Despite the potential this holds for public input into the direction of legal change, the hearings are routinely derided as nothing but empty rituals and political grandstanding. In this book, Paul M. Collins and Lori A. Ringhand present a contrarian view that uses both empirical data and stories culled from more than seventy years of transcripts to demonstrate that the hearings are a democratic forum for the discussion change.

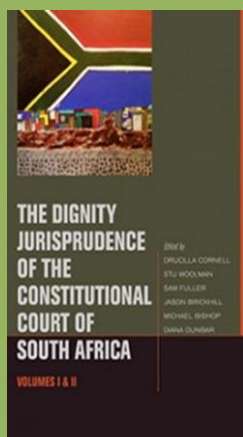


**THE DIGNITY JURISPRUDENCE OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA (I&II)  
DRUCILLA CORNELL  
FORDHAM UNIVERSITY PRESS,  
2013 (ONE COPY)**

*Since the Second World War, dignity has increasingly been recognized as an important moral and legal value. Although important examples of dignity-based arguments can be found in western European and North American case law and legal theory, the dignity jurisprudence of the Constitutional Court of South African is widely considered to be the most sweeping in the world. In part, this is related to the unique provisions of the South African Constitution in areas such as socioeconomic rights and allowing dignity to be taken into the sphere of economic justice as well as that of human rights. This book brings together the first sixteen years of constitutional jurisprudence addressing the meaning, role, and reach of dignity in the law of South Africa as a multiracial democracy. The case law is coupled with analysis from a range of selected contributors. The book will therefore be a crucial source for anyone seeking to evaluate dignity, whether in law or in human life more broadly.*

**TAKING THE CONSTITUTION AWAY FROM THE COURTS  
MARK TUSHNET  
PRINCETON UNIVERSITY PRESS,  
2000 (ONE COPY)**

*This is a thoroughly fascinating book by one of our major constitutional thinkers. What makes the book especially notable is that Tushnet not only assesses the possibility of constitutional interpretation outside the courts, but also goes on to deliver an assault on what might be termed constitutional interpretation 'inside' the judiciary. That is, the book becomes a ringing attack on judicial review. This will, no doubt, occasion much debate."—Sanford Levinson, University of Texas at Austin "A major work-a-potential classic that promises also to be an academic bestseller. Tushnet demonstrates that the case for judicial review and thick constitutionalism is far, far more complex than previous theorists have recognized.*



**THE NEW CONSTITUTIONAL ORDER  
MARK TUSHNET  
PRINCETON UNIVERSITY  
PRESS, 2004 (ONE COPY)**

*In his 1996 State of the Union Address, President Bill Clinton announced that the "age of big government is over." Some Republicans accused him of cynically appropriating their themes, while many Democrats thought he was betraying the principles of the New Deal and the Great Society. Mark Tushnet argues that Clinton was stating an observed fact: the emergence of a new constitutional order in which the aspiration to achieve justice directly through law has been substantially chastened. Tushnet argues that the constitutional arrangements that prevailed in the United States from the 1930s to the 1990s have ended. We are now in a new constitutional order--one characterized by divided government, ideologically organized parties, and subdued constitutional ambition. Contrary to arguments that describe a threatened return to a pre-New Deal constitutional order, however.*

**WORLD REPORT 2013  
HUMAN RIGHTS WATCH  
POLICY PRESS, 2013 (ONE COPY)**

*Human Rights Watch is one of the world's leading independent organizations dedicated to defending and protecting human rights. By focusing international attention where human rights are violated, it gives voice to the oppressed and holds oppressors accountable for their crimes. Its rigorous, objective investigations and strategic, targeted advocacy build intense pressure for action and raise the cost of human rights abuse. For more than 30 years, Human Rights Watch has worked tenaciously to lay the legal and moral groundwork for deep-rooted change and has fought to bring greater justice and security to people around the world.*

