

RULE BY LAW

The Politics of Courts
in Authoritarian Regimes



Edited by Tom Ginsburg and Tamir Moustafa

CAMBRIDGE

- Arendt, Hannah. 1968. *The Origins of Totalitarianism*. New York: Harvest Books. Originally published in 1951.
- Argentine National Commission on the Disappeared 1986. *Nunca Más: The report of the Argentine National Commission on the Disappeared*. New York: Farrar, Straus, Giroux.
- Arnold, Wayne 2002. "Bloomberg News Apologizes to Top Singapore Officials." *New York Times*, August 27, section W p 1.
- Arriagada, Genaro 1974. *De la 'Via Chilena' a la 'Via Insurreccional'*. Santiago: Editorial del Pacífico.
- Arrow, K. J. 1979. "Pareto Efficiency with Costly Transfers," *Economic Forum* 10: 1–13.
- Arslan, Zuhru 2002. "Conflicting Paradigms: Political Rights in the Turkish Constitutional Court," *Critique: Critical Middle Eastern Studies* 11 (Spring) 9–25.
- Aybay, Rona 1977. "Some Contemporary Constitutional Problems in Turkey," *Bulletin* (British Society for Middle Eastern Studies) 4: 21–27.
- Ayubi, Nazih 1979. *Administrative Corruption in Egypt*. Cairo: National Center for Social and Criminal Research.
- Ayubi, Nazih 1980. *Bureaucracy and Politics in Contemporary Egypt*. London: Ithaca Press.
- Ayubi, Nazih. 1995. *Overstating the Arab State: Politics and Society in the Middle East*. New York: I.B. Tauris.
- Baglini, Norman 1976. *Risk Management in International Corporations*. New York: Risk Studies Foundation.
- Baker, Raymond 1978. *Egypt's Uncertain Revolution under Nassir and Sadat*. Cambridge, MA: Harvard University Press.
- Baker, Raymond 1981. "Sadat's Open Door: Opposition from Within," *Social Problems* 28: 378–384.
- Bannikov, S. G. 1974. "Verkhovnyi sud SSSR i sovershenstvovanie sovetskogo zakonodatelstva," in L.N. Smirnov (ed.) *Verkhovnyi sud SSSR*. Moscow.
- Barkan, Steven E. 1985. *Protestors on Trial: Criminal Justice in the Southern Civil Rights and Vietnam Antiwar Movements*. New Brunswick, NJ: Rutgers University Press.
- Barros, Robert. 2002. *Constitutionalism and Dictatorship: Pinochet, the Junta, and the 1980 Constitution*. Cambridge: Cambridge University Press.
- Barros, Robert 2003. "Dictatorship and the Rule of Law: Rules and Military Power in Pinochet's Chile," in J. M. Maravall and A. Przeworski (eds.) *Democracy and the Rule of Law*. Cambridge: Cambridge University Press.
- Bates, Robert. 1992. "The Impulse to Reform," in Jennifer Widner (ed.) *Economic Change and Political Liberalization in Sub-Saharan Africa*. Baltimore: Johns Hopkins Press.
- Baum, Lawrence 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton, NJ: Princeton University Press.
- Beattie, Kirk 2000. *Egypt during the Sadat Years*. New York: Palgrave.
- Belge, Ceren 2006. "Friends of the Court." *Law and Society Review* 40.
- Bell, Daniel 2000. *The End of Ideology*. Cambridge, MA: Harvard University Press.
- Benson, Miles and Wood, David 2002. "Terrorism Suspect's Detention by Military Faces Tide of Criticism," *Miami Herald*, June 16, p. 15A.
- Bentley, John 1994. *Egyptian Legal and Judicial Sector Assessment*. Cairo: U.S. Agency for International Development.

- Bermeo, Nancy 1986. *The Revolution within the Revolution: Workers' Control in Rural Portugal*. Princeton, NJ: Princeton University Press.
- Bernhardt, Kathryn, Huang, Philip, and Allee, Mark 1994. *Civil Law in Qing and Republican China, Law, Society, and Culture in China*. Stanford: Stanford University Press.
- Bian, Yanjie 1997. "Bringing Strong Ties Back in: Indirect Ties, Network Bridges, and Job Searches in China," *American Sociological Review* 62 (3): 366–385.
- Bian, Yanjie. 1999. "Getting a Job through a Web of Guanxi in China," in B. Wellman (ed.) *Networks in the Global Village: Life in Contemporary Communities*. Boulder: Westview Press.
- Bian, Yanjie, Shu, Xiaoling, and Logan, John 2001. "Communist Party Membership and Regime Dynamics in China," *Social Forces* 79 (3): 805–841.
- Bidart Campos, G. J. 1989. *Tratado Elemental de Derecho Constitucional Argentino*. Buenos Aires: EDIAR.
- Biddulph, S. 2004. "The Production of Legal Norms: A Case Study of Administrative Detention in China," *UCLA Pacific Basin Law Journal* 20: 217–277.
- Bila, Fikret 1998. "Baba'dan 'kuzu' benzetmesi," *Milliyet* (Internet Edition), <http://www.milliyet.com.tr/1998/03/22/index.html> (accessed on February 18, 2007).
- Bishop, W. 1990. "A Theory of Administrative Law," *Journal of Legal Studies* 19: 489–530.
- Bishop, W. 1998. "Comparative Administrative Law," in Peter Newman (ed.) *The New Palgrave Dictionary of Law and Economics*, pp. 327–35. London: MacMillan.
- Black, Henry Campbell, Nolan, Joseph R., and Connolly, Michael J. 1979. *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence*. St. Paul: West Publishing Co.
- Brabii, A. 2006. "Kto podnial ruku na prisiazhnykh?" *Tikhookeanskaia zvezda*, April 15.
- Braga da Cruz, Manuel 1988. *O Partido e o Estado no Salazarismo*. Lisbon: Editorial Presenca.
- Bravin, Jess 2003. "Capital Charges Thrown Out In Moussaoui Terrorism Trial," *Wall Street Journal*, October 3, p. A6.
- Brett, Sebastian 1992. *Chile: A Time of Reckoning*. Geneva: International Commission of Jurists.
- Brooker, Paul 2000. *Non-Democratic Regimes: Theory, Government, and Politics*. New York: St. Martin's Press.
- Brown, Nathan. 1997. *The Rule of Law in the Arab World: Courts in Egypt and the Gulf*. Cambridge: Cambridge University Press.
- "Brown Quer Soltos Cinco de Guantanomo." 2007. *Folha de Sao Paulo*, August 8, p. A4.
- Brumberg, Daniel 2001. *Reinventing Khomeini: The Struggle for Reform in Iran*. Chicago: University of Chicago Press.
- Brysk, Alison 1994a. *The Politics of Human Rights in Argentina: Protest, Change, and Democratization*. Stanford: Stanford University Press.
- Brysk, Alison 1994b. "The Politics of Measurement: The Contested Count of the Disappeared in Argentina," *Human Rights Quarterly* 16: 676–692.
- Brzezinski, Mark 1998. *The Struggle for Constitutionalism in Poland*. London: Macmillan.

- Buchta, Wilfried 2000. *Who Rules Iran? The Structure of Power in the Islamic Republic.* Washington: Washington Institute for Near East Policy.
- Bueno de Mesquita, Bruce, Smith, Alastair, Siverson, Randolph M., and Morrow, James D. 2003. *The Logic of Political Survival.* Cambridge, MA: MIT Press.
- Bueno de Mesquita, Bruce and Root, Hilton L. 2000. "When Bad Economics Is Good Politics," in Bruce Bueno de Mesquita and Hilton Root (eds.) *Governing for Prosperity.* New Haven: Yale University Press.
- Burkov, A. L. 2005. "Akty sudebnogo normakontrolia kak istochnik administrativnogo prava." Aftoreferat kandidatskoi dissertatsii. Tiumenskii gosudarstvennyi univ.
- Burkov, A. L. 2006. *Primenenie Evropeiskoi Konventsii o Pravakh Cheloveka v sudakh Rossii.* Ekaterinburg: Izd. Uralskogo universiteta. Available at: www.sutajnik.ru/rus/library/sborniki/echr6/echr6.pdf
- Butler, Judith 2002. "Guantánamo Limbo," *The Nation*, April, 1, pp. 20–24.
- Calveiro, Pilar 1995. *Poder y Desaparición: Los Campos de Concentración en Argentina.* Buenos Aires: Ediciones Colihue.
- Camp, Roderic 1992. *Generals in the Palacio. The Military in Modern Mexico.* New York: Oxford University Press.
- Camp, Roderic 1995. *Political Recruitment across Two Centuries: Mexico 1884–1991.* Austin: University of Texas Press.
- Cardoso, Fernando Henrique 1979. "On the Characterization of Authoritarian Regimes in Latin America," in David Collier (ed.) *The New Authoritarianism in Latin America.* Princeton, NJ: Princeton University Press.
- Carothers, T. 2003. *Promoting the Rule of Law Abroad: The Problem of Knowledge.* Washington, DC: Carnegie Endowment for International Peace.
- Carpizo, Jorge 1978. *El Presidencialismo Mexicano.* Mexico City: Siglo XXI.
- Carr, David 1979. *Foreign Investment and Development in Egypt.* New York: Praeger.
- Carrió, A. 1996. *La Corte Suprema y su Independencia.* Buenos Aires: Abeledo-Perrot.
- Casar, María Amparo 2002. "Executive-Legislative Relations: The Case of Mexico (1946–1997)," in Benito Nacif and Scott Morgenstern (eds.) *Legislative Politics in Latin America,* New York: Cambridge University Press.
- Catholic Church 1989. *Jurisprudencia: Delitos contra la seguridad del Estado.* Santiago: Arzobispado de Santiago, Vicaría de la Solidaridad.
- Carvallo, Ascanio, Salazar, Manuel and Sepulveda, Jorge 1989. *La Historia Oculta del Regimen Militar.* Santiago: Antártica.
- Cayuso, S. G. and. Gelli, M.A. 1988. "Ruptura de la legitimidad constitucional. La acordada de la Corte Suprema de Justicia de la Nación de 1930," *Cuadernos de Investigación.* Buenos Aires: Instituto de Investigaciones Jurídicas y Sociales "Ambrosio L. Gioja," Universidad de Buenos Aires.
- Cea, José Luis 1978. "Law and Socialism in Chile, 1970–1973." Ph.D. diss., University of Wisconsin-Madison.
- Celoza, Albert F. 1997. *Ferdinand Marcos and the Philippines: The Political Economy of Authoritarianism.* Westport, CT: Greenwood Publishing Group.
- Center for Human Rights Legal Aid. 1995. "*al-Qada' al-'Askiry fi Misr: Qada' Bighayr Damamat... Qada' Bidoun Hasana Mathamoun Bila Haqq*" [The Military Judiciary in Egypt: Courts without Safeguards, Judges without Immunity, and Defendants without Rights]. Cairo: CHRLA.

- Center for Public Integrity 2004. *Global Access – Methodology Memo*. Washington DC: The Center for Public Integrity.
- Chan, Cassandra 2003. "Breaking Singapore's Regrettable Tradition of Chilling Free Speech with Defamation Laws," *Loyola of Los Angeles International and Comparative Law Review* 26: 315.
- Chaskalon, Arthur 2003. "From Wickedness to Equality: The Moral Transformation of South African Law," *International Journal of Constitutional Law* 1: 590–609.
- Chavez, Rebecca Bill 2004. *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina*. Stanford: Stanford University Press.
- Chehabi, Houchng E. 2001. "The Political Regime of the Islamic Republic of Iran in Comparative Perspective," *Government and Opposition* 36 (Winter 2001): 48–70.
- Cheibub, José Antonio 2004. *Political Institutions*. New Haven: Yale University Press.
- Cheibub, Jose Antonio and Jennifer Gandhi, 2004. "Classifying Political Regimes: A Six-Fold Measure of Democracies and Dictatorships." Paper prepared for annual meeting of the American Political Science Association, Chicago.
- Chen, Xueyi, and Shi, Tianjian 2001. "Media Effects on Political Confidence and Trust in the People's Republic of China in the Post-Tiananmen Period," *East Asia: An International Quarterly* 19 (Fall): 84–118.
- Chng Suan Tze v Minister of Home Affairs*, (1988) Singapore Law Reports 132.
- Choi, C. 2005. *Law and Justice in Korea*. Seoul: Seoul National University Press.
- Christopher Bridges v. Public Prosecutor*, 1 *Singapore Law Report* 406, (High Court, 1997)
- Chua, Mui Hoong, 1997. "PM: Precincts with Greater Support Get Upgraded First," *Straits Times*, January, 1, p 1.
- Clarke, Donald C. 1995. "The Execution of Civil Judgments in China," *China Quarterly* 141 (March): 65–81.
- Clarke, D., Murell, P. and Whiting, S. 2006. "The Role of Law in China's Economic Development" (January 27, 2006). GWU Law School Public Law Research Paper No. 187 Available at <http://ssrn.com/abstract=878672>
- Cohen, Jerome A. 1997. "Reforming China's Civil Procedure: Judging the Courts," *American Journal of Comparative Law* 45 (4): 793–804.
- Comisión Rettig (Comisión Nacional de Verdad y Reconciliación) 1991. *Informe de la Comisión Nacional de Verdad y Reconciliación. Texto Oficial Completo*. 2 vols. 2nd. ed. Santiago: La Nación and Las Ediciones del Ornitorrinco.
- CONADEP (Comisión Nacional sobre la Desaparición de Personas) 1984. *Nunca Mas. Informe de la Comisión Nacional sobre la Desaparición de Personas*. Buenos Aires: EUDEBA.
- Constable, Pamela, and Valenzuela, Arturo 1991. *A Nation of Enemies*. New York: W.W. Norton.
- Constitutional Court of the Republic of Turkey. n.d. *The Turkish Constitutional Court*, <http://www.anayasa.gov.tr/> (accessed on February 18, 2007)
- Cooter, Robert and Ginsburg, Tom. 1996. "Comparative Judicial Discretion – An Empirical Test Of Economic Models," *International Review of Law and Economics* 16: 295–313.
- Correa Sutil, Jorge 1993. "The Judiciary and the Political System in Chile: The Dilemmas of Judicial Independence during the Transition to Democracy," in I. Stotzky

- (ed.) *Transition to Democracy in Latin America: The Role of the Judiciary*. Boulder: Westview Press.
- Cossío, José Ramón 2000. "Comentario al Artículo 105 Constitucional," en Miguel Carbonell (coord.) *Constitución Política de los Estados Unidos Mexicanos. Comentada y Condordada*, México: Porrúa/UNAM.
- Cossío, José Ramón. 2001. "La Suprema Corte y la teoría constitucional," *Política y Gobierno* VIII (1).
- Cousó, Javier 2002. "The Politics of Judicial Review in Latin America: Chile in Comparative Perspective." PhD diss., University of California, Berkeley.
- Cover, Robert 1975. *Justice Accused: Antislavery and the Judicial Process*. New Haven: Yale University Press.
- Craig, Gordon 1955. *The Politics of the Prussian Army, 1640–1945*. New York: Oxford University Press.
- Cúneo Machiavello, Andrés 1980. "La Corte Suprema de Chile: Sus Percepciones acerca del Derecho, Su Rol en el Sistema Legal y la Relación de Este con el Sistema Político," in Javier de Belaúnde Lopez de Romana (ed.) *La Administración de Justicia en América Latina*. Lima: Consejo Latinoamericano de Derecho y Desarrollo.
- da Costa Filho, Milton Menezes 1994. *A Justiça Militar no Poder Judiciário*. Brasília: Superior Tribunal Militar, DIDOC, Seção da Divulgação.
- Dahl, Robert 1957. "Decision Making In A Democracy: The Supreme Court As A National Policy-Maker," *Journal of Public Law* 6: 279–95.
- Damaska, Mirjan R. 1986. *The Faces of Justice and State Authority*. New Haven: Yale University Press.
- "Death Penalty Ruled Out for Two British Detainees." 2003. *New York Times*, July, 23, p. A4.
- de Matos, Marco Aurélio Vannucchi Leme 2002. *Em Nome de Segurança Nacional: Os Processos da Justiça Militar contra a Ação Libertadora Nacional, ALN 1969–1979*. PhD diss., University of São Paulo.
- de Ramón, Armando 1999. *Biografías de Chilenos, 1876–1973, Miembros de los Poderes Ejecutivo, Legislativo, y Judicial*. Santiago, Chile: Ediciones Universidad Católica de Chile.
- de Soto, Hernando. 2000. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books.
- de Tocqueville, A., Furet, F. and Mélonio, F. 1998. *The Old Regime and the Revolution*. Chicago: University of Chicago Press. Originally published 1856.
- Del Carmen, Rolando 1973. "Constitutionalism and the Supreme Court in a Changing Philippine Polity," *Asian Survey* 13 (11): 1050–1061
- Delupis, Ingrid 1973. *Finance and Protection of Investments in Developing Countries*. Essex: Gower Press.
- "Detention Cases before Supreme Court Will Test Limits of Presidential Power." 2004. *New York Times*, April 18, p. 19.
- Devereux, Robert 1965. "Turkey's Judicial Security Mechanism," *Die Welt des Islams* 10: 33–40.
- Dezalay, Yves and Garth, Bryant 2002. *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States*. Chicago: University of Chicago Press.

- Diamant, Neil Jeffrey, Lubman, Stanley B., and O'Brien, Kevin J. 2005. *Engaging the Law in China: State, Society, and Possibilities for Justice*. Stanford: Stanford University Press.
- Diamond, Larry 2002. "Thinking about Hybrid Regimes," *Journal of Democracy* 13: 21–35.
- Dickson, Bruce J. and Rublee, Maria Rost. 2000. "Membership Has Its Privileges: the Socioeconomic Characteristics of Party Members in Urban China," *Comparative Political Studies* 33: 87–112.
- di Federico, Giuseppe and Guarneri, Carlo 1988. "The Courts in Italy," in Jerold L. Waltman and Kenneth M. Holland (eds.) *The Political Role of Law Courts in Modern Democracies*. London: Macmillan.
- Dobrovolskaia, T.N. 1964. *Verkhovnyi sud SSSR*. Moscow: Iuridicheskaiia literatura.
- Dodd, C. H. 1983. *The Crisis of Turkish Democracy*. Beverly, England: Eothen.
- Dodds, Paisley 2004. "Arraignments on Tap for Cuba Detainees." *Times-Picayune*, August 23, p. A-10.
- Domingo, Pilar 2000. "Judicial Independence: The Politics of the Supreme Court in Mexico," *Journal of Latin American Studies* 32.
- Dow Jones v. Attorney General of Singapore, 1989. *Singapore Law Reports* 70; 2MLJ 385.
- Drake, Paul 1996. *Labor Movements and Dictatorships: The Southern Cone in Comparative Perspective*. Baltimore: Johns Hopkins University Press.
- Dubber, Markus Dirk 1993. "Judicial Positivism and Hitler's Injustice," *Columbia Law Review* 93 (7): 1807–1831.
- Dyzenhaus, David 1991. *Hard Cases in Wicked Legal Systems; South African Law in the Perspective of Legal Philosophy*. New York: Oxford University Press.
- Dyzenhaus, David 1998. *Judging the Judges, Judging Ourselves: Truth, Reconciliation and the Apartheid Legal Order*. Portland, OR: Hart Publishing.
- Eisenstadt, Todd 2004. *Courting Democracy in Mexico*. Cambridge: Cambridge University Press.
- Egyptian Organization for Human Rights. 1996. *Recurrent Detention: Prisoners Without Trial*. Cairo: Egyptian Organization for Human Rights.
- El-Nazer, Gamal 1979. "The Legal Framework for Foreign Investment in Egypt," *Case Western Reserve Journal of International Lawyer* 11: 613–622.
- Epp, Charles R. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press.
- Etzioni, Amitai and Marsh, Jason H. 2003. *Rights vs. Public Safety after 9/11: America in the Age of Terrorism*. Lanham: Rowman & Littlefield.
- Farhang, Michael. 1994. "Terrorism and Military Trials in Egypt: Presidential Decree No. 375 and the Consequences for Judicial Authority." *Harvard International Law Journal* 35: 225–237.
- Ferejohn, John. 2002. "Judicializing Politics, Politicizing Law," *Law and Contemporary Problems* 65: 41–68.
- Ferejohn, John and Weingast, Barry R. 1992. "A Positive Theory of Statutory Interpretation," *International Review of Law and Economics* 12: 263–279.
- Fernandes, Octávio J.S. 1983. "O Superior Tribunal Militar e a Legislação de Segurança Nacional," *Revista do Superior Tribunal Militar* 7: 7–50.

- Ferreira, Célia Lobão 1984/85. "Crimes Contra a Segurança do Estado," *Revista do Superior Tribunal Militar* 8: 23–88.
- Fisman, R. 2001. "Estimating the Value of Political Connections," *American Economic Review* 91: 1095–1102.
- Fontana, Andres Miguel 1987. "Political Decision Making by a Military Corporation: Argentina, 1976–1983," Ph.D. diss. University of Texas, Austin.
- Fraenkel, Ernst 1969. *The Dual State: A Contribution to the Theory of Dictatorship*, E.A. Shils (trans.). New York: Octagon Books. Originally published in 1941.
- Frye, Timothy and Shleifer, Andrei. 1996. "The Invisible Hand and the Grabbing Hand," NBER Working Papers 5856, National Bureau of Economic Research.
- Fuller, Lon L. 1958. "Positivism and the Fidelity to Law – A Reply to Professor Hart," *Harvard Law Review* 71 (February): 630–672.
- Fuller, Lon L. 1964. *The Morality of Law* (revised ed.). New Haven: Yale University Press.
- "Further Talks on Guantanamo Britons." 2003. *Financial Times*, August 10, p. 2.
- Galanter, Marc 1974. "Why the 'Haves' Come out Ahead: Speculations on the Limits of Social Change," *Law and Society Review* 9: 95–160.
- Gallagher, Mary E. 2005. "Use the Law as Your Weapon! The Rule of Law and Labor Conflict in the PRC," in N. J. Diamant, S. B. Lubman and K. J. O'Brien (eds.) *Engaging the Law in China: State, Society, and Possibilities for Justice*. Stanford: Stanford University Press.
- Galleguillos, Nibaldo H. 1998. "From Confrontation to Friendly Persuasion: An Analysis of Judicial Reform and Democratization in Post-Pinochet Chile," *Canadian Journal of Latin American and Caribbean Studies* 23: 161–192.
- Gallo, Max 1974. *Spain under Franco: A History*. New York: E. P. Dutton and Company.
- Ganji, Akbar 2000. 'Alijenab-i Surkhposh va 'alienab-i khakestari: Asibshenasi gozara beh doulat-i demokratik-i tos'ehgara [English title: *The Red Eminence and the Gray Eminences: Pathology of Transition to the Developmental Democratic State*] Teheran: Tarh-e no.
- Garcia Villegas, Rene. 1990. *Soy Testigo* (Dicatdura – Tortura – Injusticia). Santiago: Editorial Amerinda.
- Garrido, Luis Javier 1982. *El Partido de la Revolución Institucionalizada*. Mexico City: Siglo XXI.
- Gathii, James T. 2003. "Torture, Extraterritoriality, Terrorism, and International Law," *Albany Law Review* 67: 335.
- Geddes, Barbara 1994. *Politicians' Dilemmas*. Berkeley: California University Press.
- Gee, Marcus 1997. "International Affairs: The Singapore Suits," *Globe and Mail*, March 12, p. A-15.
- Gelli, M. A. 2000. "El papel político de la Corte Suprema en las crisis institucionales." In A. Santiago and F. Alvarez (eds.) *Función Política de la Corte Suprema: Obra en Homenaje a Julio Oyhanarte*. Buenos Aires: Ábaco.
- George, Alexander, 1979. "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in Paul Gordon Lauren (ed.) *Diplomacy: New Approaches in History, Theory, and Policy*. New York: Free Press 43–67.
- Gerber, T. P. 2000. "Membership Benefits or Selection Effects? Why Former Communist Party Members do Better in Post-Soviet Russia. *Social Science Research*, 29: 25–50.

- Gibson, James L. 1986. "The Social Science of Judicial Politics," in Herbert Weisberg (ed.) *Political Science: The Science of Politics*. New York: Agathon Press, 141–166.
- Giles, Michael W. and Lancaster, Thomas D. 1989. "Political Transition, Social Development, and Legal Mobilization in Spain," *American Political Science Review* 83 (3): 817–833.
- Ginsburg, Tom 2002. "Comparative Administrative Procedures: Evidence from Northeast Asia," *Constitutional Political Economy* 13: 247–264.
- Ginsburg, Tom 2003. *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*. Cambridge: Cambridge University Press.
- Ginsburg, Tom 2007. "Law and the Liberal Transformation of the Northeast Asian Legal Complex in Korea and Taiwan," in Terrence Halliday, Lucien Karpik and Malcolm M. Feeley (eds.). *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Change*. Oxford: Hart Publishing.
- Ginsburg, Tom and Kagan, Robert 2005. *Institutions and Public Law: Comparative Approaches*. New York: Peter Lang Publishing.
- Global Governance Indicators (2005) available at <http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,contentMDK:20771165~menuPK:1866365~pagePK:64168445~piPK:64168309~theSitePK:1740530,00.html>
- Goh, S. 1991. "Asia Has Much to Offer West – BG Yeo." *Straits Times*, August 13.
- Gold, Thomas, Guthrie, Douglas, and Wank, David L., 2002. *Social Connections in China: Institutions, Culture and the Changing Nature of Guanxi*. New York: Cambridge University Press.
- Goldberg, Suzanne 2006. "Pentagon Breaks with Bush on Detentions," *The Guardian* (UK), July 12.
- Gomez, James 2005. "Free Speech and Opposition Parties in Singapore," *AsiaRights* 5, available at <http://www.jamesgomeznews.com/article.php?AID=221>
- Gonzales, Albert R. 2001. "Martial Justice, Full and Fair," *New York Times*, November 30, p. A25.
- González Compeán, Miguel and Peter Bauer. 2002. *Jurisdicción y democracia. Los nuevos rumbos del Poder Judicial en México*, México: Cal y Arena.
- Graber, Mark 1993. "The Nonmajoritarian Difficulty: Legislative Deference to the Judiciary," *Studies in American Political Development* 7.
- Graber, Mark 2001. "Thick and Thin: Interdisciplinary Conversations on Populism, Law, Political Science and Constitutional Change," *Georgetown Law Journal* 90: 233.
- Grigoreva, Nina. 2006. "Vpered! Evropy vsei: Rossianie lidiruiut po kolichestvu obrashchenii v Strasborgskii sud." *Rossiiskaia gazeta*, July 6.
- Groisman, E. I. 1989. "Los gobiernos de facto en el derecho Argentino," *Revista del Centro de Estudios Constitucionales* 4: 35–45.
- Guarnieri, Carlo and Pederzoli, Patrizia 2002. *The Power of Judges: A Comparative Study of Courts and Democracy*. New York: Oxford University Press.
- Guseva, Alya, and Akos Rona-Tas. 2001. "Uncertainty, Risk, and Trust: Russian and American Credit Card Markets Compared." *American Sociological Review* 66:623–646.
- Guthrie, Doug 1999. *Dragon in a Three-Piece Suit: The Emergence of Capitalism in China*. Princeton, NJ: Princeton University Press.

- Hägerstrand, Torsten 1967. *Innovation Diffusion as a Spatial Process*. Chicago: University of Chicago Press.
- Haggard, Stephan and Kaufman, Robert R. 1995. *The Political Economy of Democratic Transitions*. Princeton, NJ: Princeton University Press.
- Hale, William 1977. "Turkish Democracy in Travail: The Case of the State Security Courts," *World Today* 33 (May): 186–194.
- Hall, Bronwyn H., 2004. *Innovation and Diffusion*. National Bureau of Economic Research Available from <http://papers.nber.org/papers/>
- Halliday, Terence, Malcolm Feeley, and Lucian Karpik (eds.). 2007. *Fighting for Political Freedom: Comparative Studies of the Legal Complex for Political Liberalism*. Oxford: Hart Publishing.
- Hand, Keith J. 2006. "Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China," *Columbia Journal of Transnational Law* 45: 114–94.
- Hart, H.L.A. 1958. "Positivism and the Separation of Law and Morals," *Harvard Law Review* 71 (February): 593–629.
- Hart, H.L.A. 1961. *The Concept of Law*. Oxford: Oxford University Press.
- Hazama, Yasushi 1996. "Constitutional Review and the Parliamentary Opposition in Turkey," *Developing Economies* 34 (September): 316–338.
- He, X. 2006. "Notion of and Justifications for Gender Discrimination in Employment." LL.D. Thesis, Kyushu University.
- Helmke, Gretchen 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy," *American Political Science Review* 96: 291–303.
- Helmke, Gretchen 2005. *Courts under Constraints: Judges, Generals and Presidents in Argentina*. New York: Cambridge University Press.
- Hendley, Kathryn 1998. "Remaking an Institution: The Transition in Russia from State Arbitrash to Arbitrash Courts," *American Journal of Comparative Law* 44: 93–116.
- Heper, Metin 1985. *The State Tradition in Turkey*. Beverly: Eothen Press.
- Herb, Michael 1999. *All in the Family: Absolutism, Revolution, and Democracy in the Middle Eastern Monarchies*. Albany: State University of New York Press.
- Hershbarger, Robert and Noerager, John 1976. "International Risk Management," *Risk Management* (April 1976): 23–34.
- Hetherington, M.J. 1998. "The Political Relevance of Political Trust," *American Political Science Review* 92 (4): 791–808.
- Hilbink, Elisabeth C. 1999. "Legalism against Democracy: The Political Role of the Judiciary in Chile, 1964–94." PhD diss., Department of Political Science, University of California-San Diego.
- Hilbink, Elisabeth C. 2001. "Judges Like Soldiers: Lessons for Judicial Reformers from the Literature on Military Reform in Latin America." Paper presented at the 2001 Annual Meeting of the American Political Science Association, San Francisco.
- Hilbink, Elisabeth C. 2007. *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. New York: Cambridge University Press.
- Hinnebusch, Raymond 1985. *Egyptian Politics under Sadat: The Post-Populist Development of an Authoritarian-Modernizing State*. Cambridge: Cambridge University Press.

- Hirschl, Ran 2004. *Towards Juristocracy: The Origins and Consequences of New Constitutionalism*. Cambridge, MA: Harvard University Press.
- Holden, P. 1997. "Collateral without Consequence: Some Causes and Effects of Financial Underdevelopment in Latin America," *The Financier* 4: 12–21.
- Huang, Philip C. 2001. *Code, Custom, and Legal Practice in China : The Qing and the Republic Compared: Law, Society, and Culture in China*. Stanford: Stanford University Press.
- Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press.
- Hutchinson, Allan and Monahan, Patrick 1987. "Democracy and the Rule of Law," in Allan C. Hutchinson and Patrick Monahan (eds.) *The Rule of Law: Ideal or Ideology*. Toronto: Carswell.
- Iakovlev, Alexander 1993, January. Interview conducted by Todd Foglesong and Peter Solomon with Alexander Nikolaevich Iakovlev in Toronto.
- Iakovlev, M. 2006. "Prisiazhnye opravdateli: Pochemy organy sledstviia ne polzuiutsia doveriem 'narodnykh zasedatelei,'" *Gazeta Versii online*, March 3.
- Iarayczower, Matias, Spiller, Pablo T. and Tommasi, Mariano 2002. "Judicial Decision-making in Unstable Environment: Argentina 1935–1998." *American Journal of Political Science* 46: 699–716.
- Igoumet (h.), Oscar and Oscar Igoumet. 1985. *Codigo de Justicia Militar: Anotado, Comentado con Jurisprudencia y Doctrina Nacional y Extranjera*. Buenos Aires: Librería del Jurista.
- Inglehart, Ronald 1997. *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies*. Princeton, NJ: Princeton University Press.
- International Bar Association. Judicial Independence Undermined: A Report on Uganda, International Bar Association Human Rights Institute Report, September 2007 accessed at <http://www.ibanet.org/iba/article.cfm?article=129>
- Janos, Andrew 1970. "The One-Party State and Social Mobilization: East Europe between the Wars," in Samuel Huntington and C. Moore (eds.) *Authoritarian Politics in Modern Societies: The Dynamics of Established One-Party Systems*. New York: Basic Books.
- Jennings, M. Kent 1998. "Political Trust and the Roots of Devolution," in V.A. Braithwaite and M. Levi (eds.) *Trust and Governance*. New York: Russell Sage Foundation.
- Jiang, Z. 1998. "The Administrative Use of Law in China: The Baori Golf Club Tax Case," *Columbia Journal of Asian Law* 12: 191–249.
- Kahn, Peter 2002. "The Russian Bailiffs System and the Enforcement of Civil Judgments," *Post-Soviet Affairs* 18: 148–181.
- Kairys, David 1982. *The Politics of Law: A Progressive Critique*. New York: Pantheon.
- Katyal, Neal and Tribe, Laurence 2002. "Waging War, Deciding Guilt: Trying the Military Tribunals," *Yale Law Journal* 111 1259–1310.)
- Kaufmann, Daniel, Kraa, Aart and Mastruzzi, Massimo 2005. *Governance Matters IV: Governance Indicators for 1996–2004*. New York: World Bank.
- Kelly, Margaret 1974. "Evaluating the Risks of Expropriation," *Risk Management* (January 1): 23–43.
- Khiabani, Gholam and Sreberny, Anabelle 2001. "The Iranian Press and the Continuing Struggle over Civil Society, 1998–2000," *International Communication Gazette* 63: 203–223.

- Kili, Suna 1971. *Turkish Constitutional Developments and Assembly Debates on the Constitutions of 1924 and 1961*. Istanbul: Robert College Research Center.
- King, Gary, Murray, Christopher, Salomon, Joshua and Tandon, Ajay, 2003. "Enhancing the Validity and Cross-Cultural Comparability of Measurement in Survey Research," *American Political Science Review*, 97: 567–584.
- Kipnis, Andrew B. 1997. *Producing Guanxi: Sentiment, Self, and Subculture in a North China Village*. Durham: Duke University Press.
- Kirchheimer, Otto 1961. *Political Justice*. Princeton, NJ: Princeton University Press.
- Klaris, Edward J. 2002. "Justice Can't Be Done in Secret," *The Nation*, June 10, pp. 16–20.
- Kleandrov, Mikhail I. 2001. *Arbitrazhnye sudy Rossiiskoi Federatsii*. Moscow: Iurist.
- Knight, Frank 1971. *Risk, Uncertainty and Profit*. Chicago: University of Chicago Press.
- Knudson, Jerry W. 1997. "Veil of Silence: The Argentine Press and the Dirty War, 1976–1983," *Latin American Perspectives* 24: 93–112.
- Koçak, Mustafa and Örtücü, Esin 2003. "Dissolution of Political Parties in the Name of Democracy: Cases from Turkey and the European Court of Human Rights," *European Public Law* 9: 399–423.
- Köch, Hannsjoachim 1989. *In the Name of the Volk: Political Justice in Hitler's Germany*. London: I.B. Taurus and Co.
- Kogacioglu, Dicle 2003. "Dissolution of Political Parties by the Constitutional Court in Turkey: Judicial Delimitation of the Political Domain," *International Sociology* 18 (March): 258–276.
- Kogacioglu, Dicle 2004. "Progress, Unity, and Democracy: Dissolving Political Parties in Turkey," *Law and Society Review* 38 (3): 433–462.
- Kommersant 2006. "Vy prisizhnym doveriaete?" *Kommersant vlast*, April 10.
- Konstitutsionnyi sud RF 2004. "Po delu o proverke konstitutsionnosti otdelnykh polozhenii punkta 2 chasti pervoi stati 27, chastei pervoi, vtoroi i chetvertoi stati 251, chastei vtoroi i tretei stati 253 Grazhdanskogo protsessualnogo kodeksa Rossiiskoi Federatsii v sviazi s zaprosom Pravitelstva RF," *Rossiiskaia gazeta*, February 3.
- Kornia, A. 2006. "Advokat sude ne muzh. Sluzhiteliam femidy ogranicihat lichuiu zhizn," *Vedomosti*, February 28.
- Krastev, Ivan 2006. "Democracy's 'Doubles,'" *Journal of Democracy* 17: 52–62.
- Krug, Barbara 2004. *China's Rational Entrepreneurs: The Development of the New Private Business Sector*. New York: RoutledgeCurzon.
- Ku, Hok Bun. 2003. *Moral Politics in a South Chinese Village: Responsibility, Reciprocity, and Resistance*. Lanham, MD: Rowman & Littlefield.
- Kydland, F.E. and Prescott, E.C. 1977. "Rules Rather than Discretion: The Inconsistency of Optimal Plans," *Journal of Political Economy* 85: 473–491.
- Laitin, David 2002. "Comparative Politics: The State of the Subdiscipline," in Ira Katznelson and Helen Milner (eds.) *Political Science: The State of the Discipline*. New York: W.W. Norton and Company.
- Landes, William and Posner, Richard 1975. "The Independent Judiciary in an Interest-Group Perspective," *Journal of Law and Economics* 18: 875.
- Landry, Pierre F., and Mingming Shen 2005. "Reaching Migrants in Survey Research: The Use of the Global Positioning System to Reduce Coverage Bias in China," *Political Analysis* 13 (1): 1–22.