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Edward D. Re

St. John's University School of Law; United States Court of International Trade

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Book Note

L'indipendenza Della Giustizia, Oggi Judicial Independence Today: Liber Amicorum in Onore di Giovanni E. Longo, Milano.
By Dott. A. Giuffrè Editore—1999. Pp. 402.

Edward D. Re*

After many years of extraordinary dedicated service as a judge, and after more than twenty years of invaluable, devoted service as Secretary General of the *Union Internationale des Magistrats* (International Association of Judges), the many colleagues and friends of Justice Giovanni E. Longo decided that it was fitting and proper to celebrate his seventieth birthday by presenting him with a *liber amicorum* on a topic of great interest and concern not only to him but to the entire legal community. This *liber amicorum* was presented to Justice Longo to celebrate his distinguished service as a judge on the Supreme Court of Cassation of Italy and his indefatigable service as Secretary General of the International Association of Judges.

In his Foreword, "*Presentazione*," written in Italian, Justice Ramon Rodriguez-Arribas states that, during his second term as President of the International Association of Judges, he decided to undertake the publication of a collection of articles on judicial independence, that is, a *Liber Amicorum* in honor of Justice Longo. In addition to his dedicated service as a judge, it seemed most appropriate to honor Justice Longo for his extraordinary devoted service of more than twenty years as Secretary General of the International Association of Judges. Justice Rodriguez-Arribas attributes much of the success of the Association to Justice Longo, whose leadership and industry brought about an Association with a mem-

* Distinguished Professor of Law, St. John's University School of Law; Chief Judge Emeritus, United States Court of International Trade.

bership of national associations of judges in fifty-two countries on five continents.

Justice Rodriguez-Arribas, honorary president of the Association, refers to the felicitous coincidence that the seventieth birthday of Justice Longo coincided with the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations on December 10, 1948. Justice Rodriguez-Arribas also notes that the experience of history reveals that human rights protection requires an impartial and independent judiciary. In his words, "it is the judges that in the final analysis must protect human rights." In view of the indispensable role of a judiciary that is independent and, therefore, capable of giving legal effect to human rights, it was most appropriate for those friends and colleagues responsible for this volume to choose as the central theme or subject "*L'indipendenza della Giustizia, Oggi*" ("Judicial Independence, Today").

This *liber amicorum*, in honor of H.E. Giovanni E. Longo, dedicated and scholarly Justice of the Supreme Court of Cassation of Italy, contains twenty-nine articles of varying length written by some of the world's most distinguished judges and professors on the subject of the role and independence of the judiciary in modern society. More particularly, the articles discuss the indispensable requirement of judicial independence for an effective judiciary, where human rights are to be regarded as not merely abstract ideals but also legal rights capable of being legally enforced.

This attractive volume of 402 pages consists of twenty-nine articles, each of which is written in one of five languages. Four articles are in Italian, eleven are in French, eight are in English, four are in Spanish and two are in German. Although most of the articles are written by distinguished judges, some are written by outstanding professors from some of the leading universities of the world.

The book is a veritable gold mine for the comparative law scholar who would wish to have the viewpoint and insight of a jurist or professor from the various countries represented. To give an idea of the wide variety of countries represented, one may refer to the article by the former President of the Supreme Court of Uruguay, the Chief Justice of the Supreme Court of Israel, the Chief Justice of Australia, the President of the National Chamber of Cassation (penal), Buenos Aires, Argentina, a Judge of the Constitu-

tional Court of Spain, a Judge of the Supreme Court of Canada, the President of the Court of Cassation of Belgium and the President of the Court of Appeals of Athens, Greece.

In addition to the contributions by judges of the highest courts, the articles written by outstanding professors add to the scope and breadth of the work. Examples are: an article on Judicial Independence in the United Kingdom; an article by a professor of the University of Rome whose contribution in Italian covers "The Autonomy of the Judiciary, Independence of the Judge, and Powers of the Ministry of Grace and Justice;" an article in Italian on the Independence of the Judiciary in Hungary by a professor at the Catholic University of Budapest; and an article on the "Independence of the Judiciary: An American Contextual Perspective" by a professor of law at the University of California at Berkeley.

The article contributed in English by your reviewer entitled "Judicial Independence, Judicial Discipline and Removal of Federal Judges in the United States" discusses the two complementary values of judicial independence and accountability of all public officials in the United States. More specifically, it discusses the 1980 Act of Congress which, for the first time in the history of the United States, provided for a complaint procedure against federal judges appointed during "good behavior."¹ These federal judges, pursuant to Article III of the Constitution of the United States, are appointed "during good behavior,"² words that popularly denote "for life," and can only be removed by the constitutional process of impeachment. The article also covers the recent cases involving the impeachment of several Article III federal judges, the impeachment procedure set forth in the United States Constitution and the recommendations of the National Commission on Judicial Discipline and Removal established pursuant to a 1990 Act of Congress.³

After duly noting the importance of judicial independence in the enforcement of human rights, Justice Rodriguez-Arribas indicates that the independence of the judiciary is the "principal objective" of the International Association of Judges. Hence, it was

1. See 28 U.S.C. § 372 (1999).

2. See U.S. Const. art. III, § 2, cl. 2.

3. See Supplemental Appropriations, Transfers, and Rescissions Act of 1992, Pub. L. No. 102-368, § 408, 106 Stat. 1117 (1992).

clear that the subject of judicial independence would be most fitting to honor the life and work of the honoree.

Both Justice Rodriguez-Arribas in his "*Presentazione*" and Chief Justice Vittorio Sgroi of the Supreme Court of Cassation of Italy in his "*Introduzione*" make reference to Justice Longo's expertise on the subject of judicial independence and his contribution to the subject as set forth in the "Basic Principles on the Independence of the Judiciary" adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from August 26, 1985 to September 6, 1985 and endorsed by General Assembly resolutions 40/32 of November 29, 1985 and 40/146 of December 13, 1985.⁴

It is regretted that a reviewer could not do justice to the entire book, unless the reviewer possessed a thorough knowledge of all of the five languages in which the various articles are written. Although it is hoped that all of the articles will be republished in English and in other languages so that they may be read more widely, it is no exaggeration to say that, if only the eight articles in English were to be read, one would have a splendid idea of the role and independence of the judge and the judiciary in the English-speaking world. Justices Rodriguez-Arribas and Vittorio Sgroi and all of those who played a part in the publication of this *liber amicorum*, as well as all of the contributors, have not only honored a deserving judge, but have also made a valuable contribution to a topic of great importance not only to the legal profession, but also to the just and fair administration of justice.

4. See 1 United Nations, Human Rights, A Compilation of International Instruments 386, 387 (1994).