ARTICLES

TWO UNDERSTANDINGS OF SUPREMACY: AN ESSAY ........................................ Vincent J. Samar 339

IT TAKES TWO TO TANGO, AND TO MEDIATE: LEGAL CULTURAL AND OTHER FACTORS INFLUENCING UNITED STATES AND LATIN AMERICAN LAWYERS’ RESISTANCE TO MEDIATING COMMERCIAL DISPUTES ............. Don Peters 381

EVALUATING SOUTH AFRICA’S POST-APARTHEID DEMOCRATIC PROSPECTS THROUGH THE LENS OF ECONOMIC DEVELOPMENT THEORY .......................... Jonathan L. Marshfield 431

SIMPLIFYING THE PROPHECY OF JUSTICIABILITY IN CASES CONCERNING FOREIGN AFFAIRS: A POLITICAL ACT OF STATE QUESTION ......................... Deborah Azar 471
Information About the
Richmond Journal of Global Law and Business

The Richmond Journal of Global Law and Business is published annually by the University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173. Comments and suggestions regarding the content of this publication are invited at the above address or at (804) 287-6639.

Subscriptions: The cost per issue for a subscription to the Journal is $10.00. Detailed subscription information is available on the Journal website at http://rjglb.richmond.edu/. Regular mail or phone calls should be directed to the attention of the Executive Editor who can be reached at the Journal address or phone number listed above.

Copyright: Copyright © 2010 by the Richmond Journal of Global Law and Business, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost; (2) the Journal is notified of such use; (3) proper notice of copyright is affixed to each copy; and (4) the author and the Journal are identified on each copy.

Manuscripts: The Journal invites the submission of unsolicited articles, comments and essays. Manuscripts should include the author's biographical information under separate cover. Manuscripts will not be returned unless specifically requested and accompanied with proper return postage. Editorial operations of the Journal are conducted with Microsoft Word software. Send manuscripts to Richmond Journal of Global Law and Business at University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173.


CITE AS RICH. J. GLOBAL L. & BUS.
UNIVERSITY OF RICHMOND
SCHOOL OF LAW
FACULTY

Administration
Edward L. Ayers, B.A., M.A., Ph.D. .......................... President of the University
John G. Douglass, B.A., J.D. .......................... Dean and Professor of Law
W. Clark Williams, Jr., B.A., J.D. .......................... Associate Dean, Professor of Law
Kristine M. Henderson, B.A., J.D. .......................... Associate Dean
Robert Oster Sachs, B.S., M.P.A. .......................... Associate Dean
Timothy L. Coggins, B.A., M.S., J.D. .......................... Associate Dean, Library and Information Services and Professor of Law
Michelle Rahman .......................... Associate Dean
M. Denise Melton Carl .......................... Associate Dean

Faculty
Margaret I. Bacigal, B.A., J.D. .......................... Clinical Professor of Law and Administrative Director, Clinical Placement Program
Ronald J. Bacigal, B.S., LL.B. .......................... Professor of Law
W. Wade Berryhill, B.S., J.D., LL.M. .......................... Professor of Law, Emeritus
W. Hamilton Bryson, B.A., LL.B., LLM., Ph.D. .......................... Blackstone Professor of Law
Senior Justice Harry L. Carrico, B.A., J.D., LL.D. (Hon.) .......................... Visiting Professor of Law and Civic Engagement
John Carroll, B.S., J.D., LL.M. .......................... Director of Intellectual Property and Transactional Law Clinic and Assistant Clinical Professor of Law
Tara L. Casey, B.A., J.D. .......................... Director of Pro Bono Services
Henry L. Chambers, B.A., J.D. .......................... Professor of Law
Christopher A. Cotropia, J.D., B.S. .......................... Professor of Law
Joel B. Eisen, B.S., J.D. .......................... Professor of Law
Tamar R. S. Eisen, B.A., J.D. .......................... Assistant Professor of Law and Director of Lawyering Skills I & II
David Epstein, B.A., LL.B., LL.M. .......................... George E. Allen Chair Professor of Law
Jessica M. Erickson, B.A., J.D. .......................... Associate Professor of Law
William O. Fisher, A.B., J.D. .......................... Assistant Professor of Law
David Frisch, B.S., J.D., LL.M. .......................... Professor of Law
James Gibson, B.A., J.D. .......................... Professor of Law
Meredith J. Harbach, B.A., J.D. .......................... Assistant Professor of Law
Mary L. Heen, B.A., M.A.T., J.D., LL.M. .......................... Professor of Law
Azizah Y. al-Hibri, B.A., M.A., Ph.D., J.D. .......................... Professor of Law
Ann C. Hodges, B.S., M.A., J.D. .......................... Professor of Law
Melanie C. Holloway, B.A., J.D. .......................... Visiting Assistant Professor of Law and Director of Lawyering Skills IV
J. Rodney Johnson, B.A., J.D., LL.M., C.L.U. .......................... Professor of Law, Emeritus
John P. Jones, B.A., J.D., LL.M. .......................... Professor of Law
The Hon. Timothy M. Kaine, B.A., J.D. .......................... Senior Distinguished Lecturer on Law and Leadership
Corinna B. Lain, B.A., J.D. .......................... Professor of Law
Dale E. Margolin .......................... Assistant Clinical Professor of Law and Director, Family Law Clinic
Shari Motro, B.A., J.D. .......................... Associate Professor of Law
Daniel T. Murphy, B.A., J.D., LL.M. .......................... Professor of Law
Kristen R. Osenga, J.D., M.S., B.S.E. .......................... Associate Professor of Law
John R. Pagan, A.B., M.Litt., J.D., D.Phil. .......................... University Professor of Law
John F. Preis, B.A., J.D. .......................... Associate Professor of Law
Emmeline Paulette Reeves, B.A., J.D. .......................... Associate Professor for Academic Success
Kimberly Jenkins Robinson, B.A., J.D. .......................... Professor of Law
Noah M. Sachs, J.D., M.P.A., B.A. .......................... Associate Professor of Law and Faculty Director, Merhige Center for Environmental Studies
Jonathan K. Stubbs, B.A., B.A., J.D., LL.M., M.T.S. .......................... Professor of Law
Adjunct Faculty

Hugh E. Aaron, B.S., M.H.A., J.D. Adjunct Associate Professor of Law
The Hon. Michael Allen, B.A., J.D. Adjunct Professor of Law
Farhad Aghdami, B.A., J.D., LL.M. Adjunct Assistant Professor of Law
Edward D. Barnes, Esq. Adjunct Assistant Professor of Law
Victoria Benjamin, B.A., J.D. Adjunct Assistant Professor of Law
William J. Benos, LL.B., J.D. Adjunct Professor of Law
Robert William Best, B.A., J.D., LL.M. Adjunct Assistant Professor of Law
J. Edward Betts, A.B., LL.M., J.D. Adjunct Assistant Professor of Law
Thomas O. Bondurant, Jr., B.A., J.D. Adjunct Associate Professor of Law
Claudia Brand, J.D. Adjunct Assistant Professor of Law
The Hon. Lynn S. Brice, B.A., M.S.W., J.D. Adjunct Professor of Law
Ann Burks, B.A., M.A., Ed.D., J.D. Adjunct Assistant Professor of Law
Craig Burshem, B.S., J.D. Adjunct Assistant Professor of Law
Jack W. Burch, Jr., B.A., J.D. Adjunct Professor of Law
Sean Byrne, B.A., J.D. Adjunct Professor of Law
Claire Cardwell, B.A., J.D. Adjunct Professor of Law
Michael P. Chiffolo, B.A., J.D. Adjunct Associate Professor of Law
Christopher J. Collins, B.A., J.D. Adjunct Professor of Law
Nancy D. Cook, B.S., J.D. Adjunct Associate Professor of Law
James C. Cosby, B.A., J.D. Adjunct Professor of Law
Ashley T. Davis, B.A., J.D. Adjunct Assistant Professor of Law
Marla Graff Decker, B.A., J.D. Adjunct Professor of Law
Duane Alan Deskevich, B.A., J.D. Adjunct Assistant Professor of Law
William J. Dinkin, B.A., J.D. Adjunct Associate Professor of Law
Morna P. Ellis, M.Ed., J.D. Adjunct Assistant Professor of Law
Andrea S. Erard, B.A., J.D. Adjunct Associate Professor of Law
Stephen M. Faraci, Sr., B.A., J.D. Adjunct Assistant Professor of Law
Bennett J. Fidlow, B.F.A., J.D., M.F.A. Adjunct Assistant Professor of Law
D. Hayden Fisher, B.A., J.D. Adjunct Assistant Professor of Law
Jacqueline M. Ford, B.A., J.D. Adjunct Assistant Professor of Law
Matthew P. Geary, B.S., J.D. Adjunct Assistant Professor of Law
Frederick R. Gerson, B.A., J.D. Adjunct Assistant Professor of Law
John Gibney, Jr., B.A., J.D. Adjunct Assistant Professor of Law
Michael Gill, B.A., J.D. Adjunct Associate Professor of Law
Paul G. Gill, B.A., J.D. Adjunct Associate Professor of Law
Michael L. Goodman, B.A., J.D. Adjunct Professor of Law
Carolyn V. Grady, B.A., J.D. Adjunct Professor of Law
Timothy H. Guare, B.A., J.D. Adjunct Professor of Law
Steven M. Haas, B.A., J.D. Adjunct Assistant Professor of Law
Sarah J. Hallock, B.A., J.D. Adjunct Assistant Professor of Law
Patrick R. Hanes, B.A., J.D. Adjunct Assistant Professor of Law
The Hon. Leroy R. Hassell, B.A., J.D. Adjunct Professor of Law
Robert Hawkins, B.A., LL.B., J.D. Adjunct Assistant Professor of Law
Michael N. Herring, B.A., J.D. Adjunct Assistant Professor of Law
The Hon. Henry E. Hudson, B.A., J.D. Adjunct Professor of Law
Vernon E. Inge, B.A., J.D. Adjunct Associate Professor of Law
John C. Ivins, Jr., B.A., J.D. Adjunct Associate Professor of Law
Herndon Jeffreys, III, B.A., J.D. Adjunct Professor of Law
Caroline Jennings, B.A., J.D. Adjunct Assistant Professor of Law
Dana Martin Johnson, B.A., J.D. ................. Adjunct Assistant Professor of Law
David J. Johnson, B.A., J.D. .................... Adjunct Associate Professor of Law
Christina M. Jones, B.A., J.D. ................ Adjunct Assistant Professor of Law
Jessica Sanders Jones, B.A., M.L.S., J.D. .... Adjunct Associate Professor of Law
Phyllis C. Katz, B.A., MURP, J.D. .......... Adjunct Assistant Professor of Law
Katharine M. Kelley, B.A., J.D. ........... Adjunct Assistant Professor of Law
Laura W. Khatcressian, B.A., J.D. ........ Adjunct Assistant Professor of Law
Elizabeth B. Lacy, B.A., J.D., LL.M. ...... John Marshall Professor of Judicial Studies
The Hon. M. Hannah Lauck, A.B., J.D. .. Adjunct Professor of Law
Jodi Elizabeth Lemacks, B.A., J.D. ... Adjunct Associate Professor of Law
Bethany G. Lukitsch, B.S., J.D. .......... Adjunct Assistant Professor of Law
Mary E. Maguire, B.A., J.D. ............... Adjunct Associate Professor of Law
Courtney M. Malveaux, B.A., M.A., J.D. .. Adjunct Assistant Professor of Law
Bruce Matson, B.A., J.D. ....................... Adjunct Associate Professor of Law
Steven C. McCallum, B.A., J.D. ........ Adjunct Assistant Professor of Law
James M. McCauley, B.A., J.D. .......... Adjunct Associate Professor of Law
Kathleen M. McCauley, B.A., J.D. .... Adjunct Associate Professor of Law
Patricia McCullagh, B.S., J.D. .......... Adjunct Assistant Professor of Law
Stephen Miller, B.A., J.D. ................ Adjunct Associate Professor of Law
Dale G. Mullen, B.A., B.S., J.D. .... Adjunct Assistant Professor of Law
Nancy V. Oglesby, B.A., J.D. ............ Adjunct Assistant Professor of Law
James Phillips, B.A., J.D., Ph.D. ........ Adjunct Professor of Law
Cortland Putbrese, B.A., J.D. ............ Adjunct Associate Professor of Law
Geetha Ravindra, B.A., J.D. ............... Adjunct Assistant Professor of Law
John V. Robinson, B.A., B.L., J.D. ...... Adjunct Professor of Law
The Hon. Frederick G. Rockwell, III, B.A., J.D. .... Adjunct Professor of Law
Thomas P. Rohman, B.B.A., J.D. ...... Adjunct Professor of Law
Randy B. Rowlett, B.A., J.D. .............. Adjunct Associate Professor of Law
Mark Rubin, B.A., J.D. ................... A.L. Philpott Adjunct Chair in Law
Doron Samuel-Siegel, B.A., J.D. .... Adjunct Assistant Professor of Law
Connelia Ross Savage, B.S., J.D. .... Adjunct Assistant Professor of Law
Debra M. Schneider, B.A., J.D. .......... Adjunct Assistant Professor of Law
Cullen Seltzer, B.A., J.D. ................. Adjunct Associate Professor of Law
Reginald M. Skinner, B.A., J.D., M.P.A. Adjunct Assistant Professor of Law
The Hon. Beverly W. Snukals, B.A., J.D. .. Adjunct Professor of Law
James M. Snyder, B.A., J.D. ............... Adjunct Professor of Law
John Thomas, B.A., J.D. ....................... Adjunct Associate Professor of Law
Paul M. Thompson, B.A., J.D. ........ Adjunct Professor of Law
Brent M. Timberlake, B.A., J.D. .......... Adjunct Assistant Professor of Law
Robert J. Wagner, B.A., J.D. ........... Adjunct Associate Professor of Law
Kristin P. Walinski, B.A., J.D. .......... Adjunct Assistant Professor of Law
John R. Walk, B.A., J.D. ................ Adjunct Professor of Law
Margaret Ann Walker, B.A., J.D. ........ Adjunct Professor for Academic Success
Michelle Welch, B.A., J.D. ............... Adjunct Assistant Professor of Law
Thomas M. Wolf, B.A., J.D. ............... Adjunct Associate Professor of Law

Library Faculty and Staff

Paul M. Birch, B.A., M.A., J.D. ............... Computer Services Librarian
Joyce Manna Janto, B.S., M.L.S., J.D. .... Deputy Director
Suzanne B. Corriell, B.A., J.D., M.L.I.S. .. Head, Reference and Research Services
Sally H. Wambold, B.A., M.S.L.S. ............ Technical Services Librarian
Gail F. Zwirner, B.A., M.S.L.S. ............ Head, Access Services