

Contemporary Topics in Public Law

Wednesday, 24 June 2020, 17:30 – 19:00 (Hong Kong Time)

This webinar is organized by the Centre for Comparative and Public Law at The University of Hong Kong and will be held via Zoom Meeting. Prior registration will be required.

Chair: Cora Chan, Associate Professor, HKU

Court Curbing and Populist Rhetoric



Dr Alex Schwartz, Deputy Director of CCPL

So-called "populist" governments are associated with attacks on judicial power and judicial independence. It is assumed that populists are likely to target the courts because an independent judiciary is an obstacle to illiberal populist policies. In other words, court curbing is seen as instrumental to populist objectives. This paper proposes a different relationship between court curbing and populism; drawing on cross-national data, I argue that governing elites who become frustrated by recalcitrant courts are likely to employ "populist" rhetoric to legitimate their attacks on the judiciary. In short, it is argued here that populism is instrumental to court-curbing objectives.

Comparing Foreign Judges



Dr Anna Dziejczak, Associate Director of CCPL

Foreign judges sit on domestic courts in over thirty jurisdictions across the world. However, these jurisdictions use foreign judges in different ways and for different reasons. Drawing on global comparative experiences, this paper develops a framework for comparing the use of foreign judges across three fields: legal regulation, rationale and effect. Understanding the similarities and differences between jurisdictions, and the degree of concurrence between regulation, rationale and effect, can assist jurisdictions to tailor the use of foreign judges to their particular contexts.

Constitutional Convergence in East Asia



Professor Po Jen Yap, Director of CCPL

Hong Kong, Taiwan, and South Korea have the only courts in Asia that regularly use the Proportionality Analysis to invalidate laws. They also have the only courts in Asia that routinely apply innovative constitutional remedies such as Suspension Orders and Remedial Interpretation to rectify constitutionally flawed legislation. In a forthcoming monograph (co-authored with Chien Chih Lin) that will be published by Cambridge University Press, Professor Po Jen Yap will explain and explore this constitutional convergence in East Asia.



For Registration, please click [HERE](#)

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