

20 January 2017, Friday ✦ 1.00pm – 2.00pm
Executive Seminar Room, Block B, Level 3, NUS (Bukit Timah Campus)

Courts and Democracies in Asia

Associate Professor (Dr) Yap Po Jen

The University of Hong Kong

Chairperson & Discussant: Assistant Professor Swati Jhaveri

ABSTRACT

In his forthcoming Cambridge University Press sole-authored monograph entitled "Courts and Democracies in Asia", Associate Professor Yap Po Jen explores the role that Asian courts play in the democratisation of their political systems and illuminates how law and politics interact in the judicial construction of constitutional doctrines. In dominant-party democracies (e.g. Singapore, Malaysia, and Hong Kong), courts can only take a limited range of actions before their judges outrun the government's zone of tolerance and the latter retaliates by deploying constitutional or unconstitutional means to discipline the courts. On the other hand, in dynamic democracies (e.g. India, South Korea, and Taiwan), where political power regularly rotates between competing political parties, their courts have more 'policy' space as active cooperation between rival factions in the legislature to overrule the judiciary occurs less frequently, especially since constitutional review by an independent branch of government provides a form of insurance for political parties when fortunes turn. In such circumstances, their courts have more opportunities to innovate and make systemic changes to the electoral system. Finally, in fragile democracies (e.g. Thailand, Pakistan, and Bangladesh) where the military is not under the firm control of the civilian government and the country regularly oscillates between martial law and civilian rule, high-octane judicial review by partisan or imprudent judges can easily facilitate or precipitate a hostile takeover by the armed forces, and lead to the demise of the rule of law.

ABOUT THE SPEAKER



Dr Yap Po Jen is an Associate Professor at The University of Hong Kong (HKU), Faculty of Law, where he specialises in Constitutional and Administrative law. He graduated from the National University of Singapore with an LLB degree and he obtained LLM qualifications from both Harvard Law School and University College London. He also has a PhD degree from the University of Cambridge. He is an Advocate and Solicitor of the Supreme Court of Singapore and an Attorney at Law in the State of New York (USA). He is the author and editor of over 50 books, book chapters, journal articles, and case commentaries. His first sole-authored monograph "Constitutional Dialogue in Common Law Asia" was published by Oxford University Press in 2015 and was awarded HKU's University Research Output Prize in 2016. He is also the recipient of HKU's 2016 Outstanding Young Researcher Prize. His second sole-authored monograph "Courts and Democracies in Asia" will be published by Cambridge University Press in late 2017.

REGISTRATION

There is no registration fee for this seminar but seats are limited.

Closing Date: **18 January 2017, Wednesday**

For enquiries, please contact Maha at cals@nus.edu.sg

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