**YCC Abstract Submission**

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Title of Paper: Towering Judges in Comparative Perspective

Abstract:

In constitutional courts around the world, especially in countries that have gone through recent democratic transitions, there arises a judge that is individually dominant and charismatic, and that has a great deal of influence on the course his or her court, and sometimes his or her country, takes. I refer to such a judge as a towering judge. While towering judges have been part of the global judicial landscape for a long time, not enough scholarly attention has been given to them as a unique phenomenon to date.

In January 2019, a conference on Towering Judges was convened at the Chinese University of Hong Kong. The conference brought together a diverse group of scholars to discuss the phenomenon of judges who, within their particular institutional and political settings, were able to fundamentally change their constitutional systems. By inviting participants from a range of jurisdictions, including newer and developing democracies, such as, Hong Kong, India, Nepal, South Africa, Hungary, Singapore, and Israel as well as well-established democracies like the United States, Canada, and Australia, the conference generated rich comparative insights into the phenomenon of towering figure judges that can be used to inform the strategies and jurisprudence of judges across the world. The conference sought to achieve greater understanding of how these judges emerge, what their effects are on their societies, and how they can be conducive to making their societies more resilient to serious political upheavals.

The aim of this paper, which will serve as the introduction to an edited volume arising from the conference, is to document and investigate the phenomenon of towering judges in both established and developing democracies, under the assumption that such judges can be key players in bringing about significant – often transformative – constitutional change. The paper will address the following questions: (1) Why do we tend to find towering figure judges in moments of constitutional and democratic change in some countries and not in others;  (2) how effective are towering judges in promoting democratic consolidation and in effectuating constitutional change; (3) what do we make of towering judges that have had a detrimental effect on democratic change, by deploying the wrong tactics, producing political backlash, and/or by actively promoting reactionary or anti-liberal ideas; (4) and what kind of legacy do towering figure judges leave: do their achievements carry on to the next generation of judges.

Some of the judges analyzed will include Justice William Brennan of the United States, Chief Justice Beverly McLachlin of Canada, Chief Justice Anthony Mason of Australia, Chief Justice Andrew Li and Justice Bokhary of Hong Kong, Chief Justice Arthur Chaskalson of South Africa, President László Sólyom of Hungary, President Manuel Jose Cepeda of Columbia, President Aharon Barak of Israel, Chief Justice P.N. Bhagwati of India, and Chief Justice Kalyan Shrestha of Nepal. While these judges emerged in different times and places, they all maximized their ability to affect constitutional change within their peculiar institutional and political settings. In other words, they were towering figures.