JUDGING FOR DEMOCRACY

This book examines how constitutional courts can sustainably contribute to advancing democratic norms in hybrid regimes, i.e. regimes that are neither fully democratic nor fully authoritarian. Using a comparative approach analysing cases from across the globe, particularly from Hong Kong, Pakistan, and Uganda, Julius Yam makes the case that courts can assume a democracy-enhancing role in hybrid regimes. The book reveals the challenges faced by courts in performing such a role. It also proposes an adjudicative framework that systematically integrates principled judging with judicial strategy, and suggests nonadjudicative techniques that judges can adopt to reinforce democracy. While theoretical in substance, this book is informed by empirical studies and draws on a wide range of disciplines, including law, political science, sociology, and psychology. The book will be a key resource to judges, academics, and practitioners who are interested in the study of democracy and courts. Its insights are particularly pertinent in an age of democratic backsliding and resurgence of authoritarianism. This title is also available as open access on Cambridge Core.

DR JULIUS YAM (1992–2024) was Assistant Professor of Law at the University of Hong Kong. He was posthumously awarded the Wedderburn Prize for his article 'Judging Under Authoritarianism' (2024) 87(4) *Modern Law Review* 894. He obtained his LLB from the University of Hong Kong, LLM from the University of Chicago, and DPhil in Law from Trinity College, University of Oxford.

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JUDGING FOR DEMOCRACY

Principles and Strategies in Hybrid Regimes

JULIUS YAM
The University of Hong Kong

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