# PREFACE

The book you are about to read is based on Julius Yam's doctoral thesis, which he completed in 2022. Julius was in the process of revising the thesis for publication when he died in 2024, at the age of thirty-two. In the months before his death we had many conversations with Julius about the book, and agreed that if he died before completing the project, we would guide it through its final stages. After his death, the time came for us to review his manuscript, and it was with mixed emotions. Mixed, because we were glad to find that the book needed only limited intervention, and that Julius' voice would speak clearly through the pages, but we were also saddened to realize just how close Julius had come to seeing the fruits of his hard work.

The two chapters that required most intervention were Chapters 6 and 7, each of which Julius had modified and published as articles. A version of Chapter 6 appeared as "Judging Under Authoritarianism" in *Modern Law Review* 87(4) (2024), 894–925, and a version of Chapter 7 appeared as "When Judges Are Not Judging" in *University of Toronto Law Journal* 75(1) (2024), https://doi.org/10.3138/utlj-2024-000. We knew, through our conversations with Julius, that these articles embodied his most recent thinking on the topics, and that he intended to use the articles as the basis for the revised chapters in his book. A certain amount of modification was needed to adapt these articles back into chapter form, particularly with Chapter 7, where, it seemed to us, Julius had omitted some valuable elements included in the original thesis to satisfy the space constraints of the journal. We are grateful to the editors for allowing us to use material from these articles. We also decided to include Julius' discussion of Hong Kong as an Appendix to Chapter 7. This discussion provides a sustained case study of the arguments in the book, and evinces Julius' deep love of, and concern for, his home.

In the preface to his thesis, Julius wrote:

> My doctoral journey would not have been possible without a number of wonderful souls. My most sincere thanks go to my supervisor, Nick Barber, for his outstanding guidance,



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incisive comments and always being so generous with his time and support. I am indebted to Anna Dziedzic, the best office-mate that I could ever ask for, who also read every chapter of my thesis (and is basically my unofficial second supervisor). I am also grateful to Ran Hirschl for taking me in as a visiting scholar at the Max Planck Fellow Group in Comparative Constitutionalism and Alexander von Humboldt Chair of Comparative Constitutionalism, University of Göttingen. The three months in Germany were not only intellectually stimulating, but also some of my fondest memories of the DPhil. I must also thank: Cora Chan for being a great personal and intellectual friend; Hualing Fu for supporting my academic career over the years; Lisa Bernstein and Gerald Rosenberg, who played important parts in my intellectual formative years at Chicago Law School; Richard Ekins, Jeff King and Paul Yowell for their most helpful suggestions during the transfer, confirmation and viva stages; and Charlotte, Bart, Ben, Laura, Mark, Mary and Michael for making Oxford a once-in-a-lifetime experience. I have benefited from discussions with and comments from Benjamin Boudou, Lisa Harms, Michael Hein, Alex Hudson, Eugénie Mérieau, Wei Tian and Martijn van den Brink. I acknowledge with gratitude the generous financial support of the RC Lee Centenary Scholarship. Finally, I must thank my father Bryan, my fountain of knowledge, my mother Agnes for her unconditional love and support, my brother Felix for being my rock and most of all J, my partner in crime and life.

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*Nick Barber*
*Cora Chan*

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