

Washington International Law Journal

Volume 25
Number 3 *Asian Courts and the Constitutional
Politics of the Twenty-First Century*

6-1-2016

Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wilj>

Recommended Citation

anon, Table of Contents, *Contents*, 25 Wash. Int'l L.J. i (2016).
Available at: <https://digitalcommons.law.uw.edu/wilj/vol25/iss3/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington International Law Journal by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

Washington International Law Journal

VOLUME 25, NUMBER 3

CONTENTS

Asian Courts and the Constitutional Politics of the Twenty-First Century

INTRODUCTION

Foreword: Note from the Editor-in-Chief *John G. Brumbaugh* vii

ARTICLES

Constitutional Fig Leaves in Asia *Po Jen Yap* 421

The “Chaudhry Court”: Deconstructing the “Judicialization of
Politics” in Pakistan *Moeen H. Cheema* 447

The Rise and Fall of Heroic Chief Justices: Constitutional Politics
and Judicial Leadership in Indonesia *Stefanus Hendrianto* 489

The Politics of the Constitutional Common Law in Hong Kong
under Chinese Sovereignty *Eric C. Ip* 565

Moving Towards a Nominal Constitutional Court? Critical
Reflections on the Shift from Judicial Activism to Constitutional
Irrelevance in Taiwan’s Constitutional Politics *Ming-Sung Kuo* 597

Globalization, Rights, and Judicial Review in the Supreme Court of
India *Manoj Mate* 643

On the Uneven Journey to Constitutional Redemption: The
Malaysian Judiciary and Constitutional Politics *Yvonne Tew* 673

ABOUT THE WASHINGTON INTERNATIONAL LAW JOURNAL

The *Washington International Law Journal* (ISSN 2377-0872), formerly the *Pacific Rim Law & Policy Journal* (ISSN 1066-8632), is published three times a year by students of the University of Washington School of Law. Phone (206) 543-6649, Facsimile (206) 685-4457. Address all correspondence to *Washington International Law Journal*, University of Washington School of Law, William H. Gates Hall, Box 353020, Seattle, WA 98195-3020.

SUBSCRIPTIONS: Subscriptions in the United States and Canada, covering three issues per volume, are USD 42.50 per year and USD 56.54 elsewhere. Single issues and back volumes are available from William S. Hein Co., Inc., 2350 North Forest Rd., Getzville, NY, 14068. Phone (800) 828-7571, Facsimile (716) 883-8100. Domestic claims for non-receipt of issues should be made within 90 days of the month of publication, overseas claims within 180 days. Thereafter back issue rates will apply. Overseas delivery is not guaranteed.

CITATION: Cite as WASH. INT'L L.J.

MANUSCRIPTS: The *Washington International Law Journal* welcomes the submission of articles that focus on foreign, comparative, and international law or policy. Of particular interest to the *Journal* are articles that make use of foreign-language sources otherwise unavailable to English-language readers. The *Journal* also welcomes the submission of English translations of foreign-language legal materials and scholarship. If any part of a manuscript has been published previously, or is to be published elsewhere, the author must include this information at the time of submission. Citations should conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed. 2015) unless common sense dictates otherwise. For detailed submissions guidelines, please visit our website at: <http://www.law.washington.edu/winlj>.

COPYRIGHT: Copyright 2015 Washington International Law Journal Association. Except as otherwise specifically provided, the author of each article in this issue has granted permission for copies of his or her article to be made for classroom use, provided that 1) copies are distributed at or below cost, 2) the author and the *Washington International Law Journal* are identified on each copy, 3) proper notice of copyright is affixed to each copy, and 4) the *Journal* is notified of the use. Requests for reprint permission should be directed to Penny Hazelton, Business Manager, *Washington International Law Journal*.

LIBRARIANS: Prior to Volume 4, issues are designated as follows:

Winter 1992.....	Intramural Issue	Summer 1993.....	Vol. 2, No. 2
Winter 1992.....	Vol. 1, No. 1	1993.....	Vol. 3 Special Edition
Summer 1992.....	Vol. 1, No. 2	June 1994.....	Vol. 3, No. 1
Winter 1993.....	Vol. 2, No. 1	February 1995.....	Vol. 3, No. 2

Beginning with Volume 4, each issue is designated by a month, year, volume, and number, and is consecutively paginated.

Prior to Volume 24, each issue is designated by the *Journal's* former name, the *Pacific Rim Law & Policy Journal*, cited as PAC. RIM L. & POL'Y J.

Washington International Law Journal

EDITORIAL BOARD 2016 – 2017

Editor-in-Chief

TARYN JONES

Associate Editors-in-Chief

JASON A. SLAYBAUGH

MICHELLE RUSK

CAROLYN WHITE

Chief Articles Editor

MICHAEL GRAVES

Chief Translation Editor

YUTAKA ISHIDA

Chief Managing Editor

LUCY INFELD

Chief Comments Editor

JORDAN WADA

Executive Articles Editor

ELLIE PAGE

Executive of Content Solicitation

JASON PARFET

Executive Managing Editor

RAZ BARNEA

Executive Comments Editor

KELSEY CHRISTIANSON

Senior Articles Editors

HATHAWAY BURDEN

LAURA DAUGHERTY

ROBERT FRANCESCHINI

JAYME STATEN

Senior Managing Editors

ALISON CHYAN

ANDREA LEE

ALEXANDRA POLLACK

JAMES PRESCOTT

JEFFERY READ

Senior Comments Editors

ELLEN MACOMSON

JULIA NORWOOD

BLAKE RISENMAY

EDITORIAL STAFF

ZACHARY BROWNING

JESSICA BURRUS

JENNIFER CALKINS

CAMERON CARLSON

NATHALY CECCHET-AULAR

MALINA DUMAS

NATHANIEL FREI

BRIDGET GROTZ

JENNA GUSTAFSON

ALISON HARPER

ADAM HAYNIE

MIKI HOY

MICHELLE HUR

ANNIKA KAUFMAN

DYLAN OLSON

MADHU PANJINI

MAIA ROBBINS

CHE SCHIRMER

JONATHAN SHI

KELLY SKAHAN

ADAM STERLING

KENNETH TSENG

VICKY WEI

CHRISTINA WEIDNER

VANESSA WILLIAMS-HALL

BOARD OF DIRECTORS

DANIEL CAIRNS

DWIGHT DRAKE

PENNY HAZELTON

MARY HOTCHKISS

CLARK LOMBARDI

VALENTIN POVARCHUK

BRIAN SCHWARZWALDER

DONGSHENG ZANG

BUSINESS OFFICE

JONATHAN FRANKLIN

PENNY HAZELTON

CHOONG KIM

University of Washington School of Law 2015–2016

OFFICERS OF ADMINISTRATION

Kellye Y. Testy, B.A., J.D., Toni Rembe Dean & Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Vice Dean, Professor of Law
Michele Storms, B.A., J.D., Assistant Dean for Students and Academic Life
Anita K. Krug, B.A., M.A., J.D., Ph.D., Associate Dean for Faculty Research and Development, Associate Professor of Law
Mathiew Le, B.A., J.D., Assistant Dean for Admissions and Financial Aid
Kojay Pan, M.P.A., Assistant Dean for Finance and Operations
Pontus Niklasson, M.A., Assistant Dean for Academic Services & Registrar

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.
Robert H. Aronson, B.A., J.D.
James H. Hardisty, A.B., LL.B.
Roland L. Hjorth, A.B., LL.B.
Linda Hume, B.A., J.D.
John Huston, B.A., J.D., LL.M.
John M. Junker, B.A., J.D.
John R. Price, A.B., LL.B.
Roy L. Prosterman, B.A., J.D.
Marjorie D. Rombauer, B.A., J.D.
Charles Z. Smith, B.S., J.D.
Frank W. Smith, B.A., J.D., LL.M.
Philip A. Trautman, B.A., J.D.
Louis Wolcher, B.A., J.D.

FACULTY OF LAW

Craig H. Allen, B.S., J.D., LL.M., Professor of Law
Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer
Helen A. Anderson, B.A., J.D., Professor of Law
Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law
William Bailey, B.A., J.D., Law Lecturer
Karen E. Boxx, B.A., J.D., Professor of Law
Steve P. Calandrillo, B.A., J.D., Professor of Law
Ryan Calo, B.A., J.D., Assistant Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property
Angelica Chazaro, B.A., J.D., Acting Assistant Professor
John A. Clynh, B.A., J.D., LL.M., Law Lecturer
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer
Molly M. Cohan, B.A., J.D., Law Lecturer
William Covington, B.A., J.D., Senior Law Lecturer
Dwight J. Drake, B.S., J.D., Associate Professor of Law
Melissa J. Durkee, B.A., J.D., Assistant Professor of Law
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project
Jennifer Fan, A.B., J.D., Managing Director, **Entrepreneurial Law Clinic & Law Lecturer**
Mary D. Fan, B.A., J.D., M.Phil., Professor of Law
Julia Gold, B.A., J.D., Principal Law Lecturer
Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM, Co-director of the Center for Advanced Study and Research on Intellectual Property
Benjamin Halasz, B.A., J.D., Law Lecturer
Michael Hatfield, B.A., M.A., J.D., Professor of Law
Penelope A. Hazelton, B.A., J.D., M.L.L., Professor of Law
Gregory A. Hicks, B.A., J.D., Professor of Law
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Law Lecturer
Maureen A. Howard, B.A., J.D., Associate Professor of Law, Director of the Trial Advocacy Program
Stewart M. Jay, A.B., J.D., Professor of Law
Sarah Kaltsounis, B.S., M.Ed., J.D., Senior Law Lecturer
Lisa Kelly, B.A., J.D., Professor of Law, Director of Children & Youth Advocacy Clinic
Alan Kirtley, B.A., J.D., Associate Professor of Law
Sanne Knudsen, B.S., M.S., J.D., Assistant Professor of Law
Anita K. Krug, B.A., M.A., J.D., Ph.D., Associate Dean for Research and Faculty Development, Associate Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Vice Dean, Professor of Law
Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate Professor of Law in International Affairs
Lisa Manheim, B.A., J.D., Assistant Professor of Law
Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program
Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law
Shannon McCormack, B.A., J.D., LL.M., Associate Professor of Law
Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer
Jacqueline McMurtrie, B.G.S., J.D., Professor of Law, Director of Innocence Project Northwest
Theodore A. Myhre, B.A., M.A., M.A., J.D., Senior Law Lecturer
Peter Nicolas, B.A., M.P.P., J.D., Professor of Law
Sean O'Connor, B.A., M.A., J.D., Professor of Law, Chair of the Center for Advanced Study and Research on Intellectual Property, Boeing International Professor
Kathleen O'Neill, B.A., J.D., Professor of Law
Elizabeth Porter, B.A., M.Ed., M.A., J.D., Assistant Professor of Law
Anita Ramasastry, B.A., M.A., J.D., Professor of Law
Jeffrey Riedinger, B.A., J.D., M.A., Ph.D., Professor of Law, Vice Provost for Global Affairs
Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law

William H. Rodgers, B.A., J.D., Professor of Law
Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property
Lauren Sancken, B.A., J.D., Law Lecturer
Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law
Eric Schnapper, B.A., M.A., B.Phil., LL.B., Professor of Law
Scott A. Schumacher, B.A., J.D., LL.M., Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation
Hugh D. Spitzer, B.A., J.D., LL.M., Acting Professor
Toshiko Takenaka, B.A., LL.M., Ph.D., Professor of Law
Kellye Y. Testy, B.A., J.D., **Toni Rembe Dean & Professor of Law**
Anna Tolin, B.A., J.D., Law Lecturer
Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Lea B. Vaughn, A.B., J.D., Professor of Law
Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law
Kathryn Watts, B.S., J.D., Professor of Law
Todd Wildermuth, B.S., M.S., Ph.D., Law Lecturer
Brenda Williams, B.A., M.P.A., J.D., Law Lecturer
Jane K. Winn, B.Sc., J.D., Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property
Dongsheng Zang, LL.B., LL.M., S.J.D., Associate Professor of Law, Co-Director Asian Law Center
Lara Zarowsky, J.D., Law Lecturer
David Ziff, A.B., J.D., Law Lecturer

ADJUNCT AND VISITING FACULTY

Susan Allan, B.A., J.D., M.D., M.P.H., Associate Professor, Health Services
Betsy Baker, B.A., J.D., LL.M., Counsel to the Dean - Alaska Programs & Affiliate Professor of Law
Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law
Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program, Sociology
Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law
Rachel Cichowski, B.A., M.A., Ph.D., Associate Professor, Law, Societies and Justice Program, Political Science
Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities
Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy
Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law
Ryan Kelly, B.S., M.A., M.Phil., Ph.D., J.D., Assistant Professor of Marine Affairs
Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program
Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law
Steve Pfaff, B.A., M.A., M.A., Ph.D., Professor of Sociology
Thomas Schoenbaum, B.A., J.D., Visiting Professor
Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law
Nathalie Williams, B.S., Ph.D., Associate Professor of International Studies

GALLAGHER LAW LIBRARY STAFF

Crystal Alberthal, B.A., M.L.I.S., Library Specialist, Serials
Karen Ballard, B.A., Library Specialist, Cataloging
Rob Britt, B.A., M.A., M.A., East Asian Law Library Services Coordinator
Judy Davis, B.A., M.L.I.S., Librarian, Resource Sharing
Anna Endter, B.A., J.D., M.L.I.S., Librarian, Reference
Flora Escarez, B.S., Library Specialist, Cataloging
Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Reference
Jonathan Franklin, A.B., A.M., J.D., M.L.I.S., Interim Director of Library and Computing Services, Associate Law Librarian
Sharon Hall, Library Specialist Supervisor, Cataloging
Tricia Hart, B.A., M.L.I.S., Librarian, Cataloging
Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor
Peggy Jarrett, B.A., M.S.L.I.S., Librarian, Collection Development & Reference
Richard Jost, B.A., M.A., M.A., Information Systems Coordinator
Choong Kim, B.A., Fiscal Specialist, Washington Law Review, Washington International Law Journal
Kaden Mack, B.A., Library Technician, Circulation
Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator
Vickie Northington, B.A., Library Supervisor, Circulation
Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Reference
Nikki Pike, Information Specialist, CILP
Patty Roberts, B.A., Library Technician Lead, Evening Circulation Supervisor
Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor
Dave Tawatao, Senior Computer Specialist
Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development
Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Coordinator of Reference Services
Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference; CILP Co-Editor
Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions