Contents

Ackn	owledgments	vii
About the Contributors		viii
Table of Cases		X
	e of Statutes	xii
14016	e of ourmes	
	Introduction Jonathan Crowe and Rebecca Ananian-Welsh	1
1	Judicial Independence in Australia: Contemporary Challenges, Future Directions The Hon Sir Anthony Mason	7
	PART I Conceptualising Judicial Independence	
2	The Two Theses of the Philosophy of Separating Powers: Who Exercises Power and How? Suri Ratnapala	22
3	Human, All Too Human: Human Fallibility and the Separation of Powers <i>Jonathan Crowe</i>	37
4	The Advancement of Judicial Independence as a Universal Value: A Comparative Perspective HP Lee	49
	PART II Judicial Appointments and Tenure	
5	Is Talk of the Quality of Judging Sometimes Strained, Feigned or Not Sustained? James Allan	64
6	Practice and Persuasion: Women, Feminism and Judicial Diversity Heather Douglas and Francesca Bartlett	76
7	Judicial Exits: The Tenure of Judges in Three Apex Courts Brian Opeskin	89

JUDICIAL INDEPENDENCE

PART III Institutional Integrity

8	Comparative Constitutional Law and the <i>Kable</i> Doctrine <i>Rosalind Dixon and Melissa Vogt</i>	108
9	Constitutional Silences and Institutional Integrity Constance Youngwon Lee	124
10	Institutional Costs of Judicial Independence Gabrielle Appleby	141
	PART IV Judicial Reasoning and Rhetoric	
11	Keep Your Distance: Independence, Individualism and Decision-Making on Multi-Member Courts Andrew Lynch	156
12	The Judicial Scholar and the Scholarly Judge: Extra-Curial Writing and Intellectual Independence on the High Court David Tomkins and Katherine Lindsay	168
	PART V Extra-Judicial Activities	
13	Extra-Judicial Activities and Judicial Independence The Hon Justice Martin Daubney	184
14	State Judges as Lieutenant-Governors Rebecca Ananian-Welsh and George Williams	194
	PART VI Courts in Social Context	
15	Of 'Fragile Bastions', 'Political Judges' and 'Robust Debates': Judges and Their Critics John M Williams	210
16	Social Media and the Judiciary: A Challenge to Judicial Independence? Alysia Blackham and George Williams	223
17	Judicial Independence in an Age of Terror Rebecca Ananian-Welsh	241
Ind	ex	255