

The Expressive Function of Judicial Review and Social Change

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Abstract

With big pushes from the Grand Justices and the blessing of the legislature, Taiwanese family law has experienced a major transition in recent years. Gender equality has become the new norm of the family law. However, such paradigm shift in law has not yet translated into the substantial change in the real world, for the patriarchal tradition still casts a huge shadow on Taiwanese family practices. This article urges the Grand Justices to help combating the patriarchal norms by utilizing the expressive function of their Interpretations. That is, more profound judicial discourses would ignite and/or enrich more social dialogue and discussion on the issue of gender equality, and eventually help the transition in social norms and the change in society.

Keywords: gender equality, expressive function of law, expressive function of judicial review, family practices, family law reform, judicial activism, social norms, social change, law and society

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