

15 January 2016, Friday ✦ 6.00pm – 8.00pm ✦
Moot Court, NUS Faculty of Law

CALS Distinguished Visitor Lecture

**“Varieties of Constitutionalism”
by Professor Mark Tushnet**

Chairperson: Professor Andrew Harding

ABSTRACT

Political scientist Diana Kapiszewski has shown that scholars of comparative constitutional are increasingly describing what she calls “adjectival constitutionalism.” This Lecture provides an introduction to adjectival constitutionalism. It begins with a brief discussion of studies of regional constitutional – “Asian” or “Latin American” constitutionalism, for example – and suggests that such a category is only modestly helpful, with the primary unifying theme for each region being a reaction to constitutionalism in one regionally important jurisdiction (China and the United States, respectively, for the examples).

The Lecture then turns to somewhat more normative matters. In contemporary discourse, the unmarked word “constitutionalism” generally refers to liberal constitutionalism. After offering a brief description of some of liberal constitutionalism’s seeming requirements, the Lecture examines first variations within liberal constitutionalism, and non-liberal forms of constitutionalism. Within liberalism, we can distinguish first between political and judicial constitutionalism, and then can identify situations in which the prerequisites of liberalism seem to be absent in nations that we would also certainly want to describe as liberal constitutionalist regimes. These situations involve historical contingencies such as restrictions on the franchise and, more interesting, shortfalls in which the regime does not fully implement core ideals of liberal constitutionalism such as freedom of expression.

ABOUT THE SPEAKER



Mark Tushnet is William Nelson Cromwell Professor of Law at Harvard Law School. He received his undergraduate degree magna cum laude from Harvard College in 1967. He received a J.D. and M.A. in history from Yale University in 1971. He clerked for Judge George Edwards and Justice Thurgood Marshall before beginning to teach at the University of Wisconsin Law School in 1973. In 1981 he moved to the Georgetown University Law Center, and in 2006 to Harvard Law School. He has been a visiting professor at the University of Texas, University of Southern California, University of Chicago, Columbia University, New York University, and Harvard law schools.

Professor Tushnet is the co-author of four casebooks, including the most widely used casebook on constitutional law, *Constitutional Law* (with Stone, Seidman, and Sunstein). He has written more than a dozen books, including a two-volume work on the life of Justice Thurgood Marshall, *A Court Divided: The Rehnquist Court and the Future of Constitutional Law*, *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*, and *Why the Constitution Matters*, and edited eight others. He has received fellowships from the Rockefeller Humanities Program, the Woodrow Wilson International Center for Scholars, and the John Simon Guggenheim Memorial Foundation, and has written numerous articles on constitutional law and legal history. He was President of the Association of American Law Schools in 2003. In 2002 he was elected a fellow of the American Academy of Arts and Sciences.

**Admission is free but seats are limited.
Refreshments will be served after the lecture.**

Please RSVP via email at cals@nus.edu.sg

Closing Date of Registration : 12 January 2016, Monday, 5pm