

INTERROGATING CONSTITUTIONALISM

19 SEPTEMBER 2019 | 10AM – 3PM

Moot Court, NUS Faculty of Law (Bukit Timah)

PANEL 1. CONSTITUTIONALISM AND INTERDISCIPLINARITY

- Ran Hirschl (University of Toronto)
 - Kevin YL Tan (NUS)
 - Mark Findlay (SMU)
 - Corinna Lim (AWARE)
- Moderator: Dian Shah (NUS)

OPENING AND CLOSING

- Andrew Harding (NUS)
- Jaclyn Neo (NUS)
- Maartje De Visser (SMU)

PANEL 2. CONSTITUTIONAL SUPREMACY IN AN AGE OF STATUTES

- Hui Choon Kuen (AGC Academy)
 - Chang Wen Chen (National Chiao Tung University)
 - Priscilla Chia (Peter Low & Choo LLC)
 - Lanx Goh (Klook Travel Technology Pte Ltd)
 - Kenny Chng (SMU)
- Moderator: Jack Lee (SAL)

There is no registration fee for this event but seats are limited.
Please register at <https://nus.edu/2YCH9xt> by Friday, 13 September 2019.
For enquiries, please contact Ms. Alexandria Chan at rescle@nus.edu.sg.



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1000 REGISTRATION

1015 - 1020

WELCOME AND INTRODUCTION

Jaclyn L Neo

(Associate Professor, NUS)

Maartje De Visser

(Associate Professor, SMU)

1020 -1030

INTRODUCTORY REMARKS

Andrew Harding

(Professor, NUS)

1030 - 1200

PANEL 1: CONSTITUTIONALISM
AND INTERDISCIPLINARITY

This panel will consider the imperatives of using non-legal methodologies to understand and study the constitution. Panellists will also discuss the prerequisites and challenges in using such methodologies responsibly and effectively.

Ran Hirschl

(Kwa Geok Choo Distinguished Visitor, NUS)

Kevin YL Tan

(Professor (Adj.), NUS)

Mark Findlay

(Professor, SMU)

Corinna Lim

(Executive Director, AWARE)

Moderator: Dian A. Shah

(Assistant Professor, NUS)

1200 - 1300 LUNCH

1300 - 1430

PANEL 2: CONSTITUTIONAL
SUPREMACY IN AN AGE OF
STATUTES

The frequency with which statutes are adopted is on the rise, concomitantly increasing the likelihood of bills being introduced with a constitutional dimension. This panel will debate some of the most pertinent questions that arise in this regard, including pre-enactment review, remedial interpretation and ouster clauses.

Hui Choon Kuen

(Dean, AGC Academy)

Chang Wen Chen

(Dean, National Chiao Tung University)

Priscilla Chia

(Peter Low & Choo LLC)

Lanx Goh

(Klook Travel Technology Pte Ltd)

Kenny Chng

(Assistant Professor, SMU)

Moderator: Jack Lee

(Singapore Academy of Law)

1430

CONCLUDING REFLECTIONS AND
FINAL REMARKS

Maartje De Visser

(Associate Professor, SMU)

Jaclyn L Neo

(Associate Professor, NUS)

1500 END OF EVENT

MAARTJE DE VISSER

Associate Professor & Associate Dean
Singapore Management University

Maartje de Visser is an Associate Professor of Law and currently also the Associate Dean for (Postgraduate Teaching & Curriculum) at the School of Law of the Singapore Management University. She read for law at Maastricht and Oxford (with distinction), and obtained her PhD (cum laude) at Tilburg University, which was subsequently published as a monograph with Hart. Her main research interests are in the fields of comparative constitutional law and regional integration, and her current work focuses on constitutional interpretation by State institutions other than courts and cross-border judicial networking. Maartje has published widely in these areas, with her work appearing in peer-reviewed international journals including the *American Journal of Comparative Law*, *Global Constitutionalism* and the *Asian Journal of Law and Society*. She has co-edited four books and contributed chapters to more than 20 edited volumes. Her second book, entitled *Constitutional Review in Europe – A Comparative Analysis*, was published by Hart in 2014. Maartje is the recipient of two consecutive Lee Kong Chian Fellowships and a member of the editorial board of the *European Yearbook of Constitutional Law*. She is the founding co-chair of the Singapore Chapter of ICON-S.

JACLYN L NEO

Associate Professor
National University of Singapore

Jaclyn Neo is Associate Professor of Law at the National University of Singapore (NUS). She specializes in constitutional law, and her work aims to forefront Asian jurisdictions and mainstream them in comparative constitutional law. Jaclyn has published in leading journals in her field, including the *International Journal of Constitutional Law* (I-CON), *Oxford Journal of Law and Religion*, *Human Rights Quarterly*, and the *Singapore Journal of Legal Studies*. She is the sole editor of *Constitutional Interpretation in Singapore: Theory and Practice* (Routledge, 2017) and co-editor of *Pluralist Constitutions in Southeast Asia* (Hart, 2019), and *Regulating Religion in Asia: Norms, Modes, and Challenges* (CUP 2019). Jaclyn has also served as a guest editor for the *Singapore Academy of Law Journal*, *Journal of Law, Religion, and State*, as well as the *Journal of International and Comparative Law*. Her article on domestic incorporation of international human rights law in a dualist state won the Asian Yearbook of International Law's DILA International Law Prize. Her work has been cited by the courts in Singapore and by the Supreme Court of India. In 2017, in recognition of her research on religious freedom in Southeast Asia, she was awarded the SHAPE-SEA Research Award. Jaclyn currently serves on the Singapore Law Society's Public and International Law Committee and the Singapore Academy of Law's Law Reform Committee. She is an elected Council Member of International Society for Public Law (ICON-S) and the founding co-chair of the Singapore Chapter of ICON-S.

PANELISTS

WEN-CHEN CHANG
Dean
National Chiao Tung University



Wen-Chen Chang is jointly appointed as Dean and Professor of National Chao Tung University School of Law and Professor of National Taiwan University College of Law. She is a leading scholar of constitutional law in Taiwan and has published major scholarly works on comparative constitutional laws, including *Asian Courts in Context*, with Jiunn-rong Yeh (Cambridge University Press, 2015) and *Constitutionalism in Asia: Cases and Materials*, with Kevin YL Tan, Li-ann Thio & Jiunn-rong Yeh (Hart Publishing, 2014). Her teaching and research interests lie in comparative constitutional law, international human rights, administrative laws, and law and society. She serves in editorial boards for leading academic journals including *International Journal of Constitutional Law*, *Cambridge Journal of Global Constitutionalism: Human Rights, Democracy and the Rule of Law*, *Asian Journal of Comparative Law*, and *National Taiwan University Law Review*.

PRISCILLA CHIA
Associate
Peter Low & Choo LLC



Priscilla Chia joined Peter Low & Choo LLC in 2016, starting as a Trainee Lawyer. She has assisted in a diverse and comprehensive range of complex civil, commercial, matrimonial and criminal litigation. Priscilla's experience includes assisting in civil proceedings relating to contractual disputes; advisory of an international media company regarding compliance with Singapore's Media Laws; employment disputes involving high-net-worth individuals; criminal defence of the co-founders of socio-political website "The Real Singapore" in their charges under the Sedition Act (2016) assisting in defending accused persons charged under various Penal Code and Misuse of Drugs Act offences; and contested and uncontested matrimonial proceedings for private clients, including proceedings involving matrimonial assets worth over \$5 million. Outside of her professional practice, Priscilla invests her time in non-profit and public interest work. She is a co-founder and Director of "We Believe In Second Chances", a youth-led non-governmental organisation which advocates against capital punishment in Singapore and provides support for family members of death row inmates.

KENNY CHNG
Assistant Professor
Singapore Management University



Kenny Chng is an Assistant Professor of Law at the Singapore Management University ("SMU"). A graduate of the SMU School of Law, Kenny joined SMU as a Lecturer of Law in 2016 and was later awarded the MOE-START Overseas Postgraduate Scholarship to pursue his LL.M. studies at Harvard Law School. At Harvard, he received the Dean's Scholar Prize for Public Law Workshop as the top student for the course. Kenny's main areas of interest are in Legal Theory, Public Law, and the Conflict of Laws, and he has published in leading international and local academic journals in these areas. Going forward, he intends to pursue a research agenda focusing on the intersection of legal theory and administrative law, comparative administrative law, and on stare decisis in constitutional law. Kenny has taught Legal Theory & Philosophy, Constitutional & Administrative Law, Contract Law and Business Law at SMU. In recognition of his excellence in teaching, he was awarded the Dean's Teaching Excellence Award AY16/17. Kenny is an executive committee member of the Singapore Chapter of International Society of Public Law (ICON-S).

MARK FINDLAY
Professor
Singapore Management University



Mark Findlay is Professor of Law at Singapore Management University, since 2009 in parallel, Mark holds a research Chair at the Centre for Criminal Justice Studies, Law School, University of Leeds. He is also a Senior Associate Research Fellow at the Institute of Advanced Legal Studies, University of London He was for many years the Director of the Institute of Criminology, University of Sydney He retains a professorial association with the Law School at that University where he was previously Head of Department of the Law School in 1998 1999 and Pro Dean in 1999 His expertise and research area include Governance and Regulation as well as Legal Theory and Comparative and International Criminal Justice and Criminal Law An experienced socio legal researcher, Mark has worked as a research consultant for international agencies, governments and private consortia in many jurisdictions He has recently undertaken consultancy work for AusAID reviewing the law and justice sector in PNG Professor Findlay was Foundation Head of School at the University of the South Pacific, and earlier assisted in the establishment of the law programme at City University Hong Kong He has a deep commitment to research and teaching in the Asia Pacific region Mark is the joint chair of the Worldwide Universities Network International and Comparative Criminal Justice Network, which is helping shape the face of international criminal justice. Mark sits on the Advisory Board of the Singapore Chapter of the International Society of Public Law (ICON-S).



Lanx is the senior legal counsel, privacy and cybersecurity lead, and global data protection officer for Klook Travel Technology Pte Ltd. He was formerly the Head of Investigation with the Singapore Personal Data Protection Commission. Lanx is also an Adjunct Assistant Professor and Adjunct Lecturer with National University of Singapore Faculty of Law and Singapore Management University School of Law respectively where he developed and co-teach the Data Privacy Law courses. Further, Lanx is one of the authors for the 2nd Edition of Simon Chesterman (ed), Data Protection Law in Singapore: Privacy and Sovereignty in an Interconnected World. By invitations, he had published articles for peer-reviewed journals in Japan, Singapore and the United Kingdom on privacy, data protection and cybersecurity laws. Lanx had also spoken at various conferences and seminars such as IAPP Asia Privacy Forum, ISCA: Financial Forensic and Cybersecurity Conference and Data Protection in Digital World Summit. Lanx possess a wide range of experience in commercial and civil litigation at both State and Supreme Courts levels during my tenure as a lawyer. In his postgraduate studies, Lanx specialized in privacy and intellectual property laws, namely, the Certificate of Copyright Law with Harvard Law School, MSc degree in Criminology and Criminal Justice with the University of Oxford and LLM degree with University of California, Berkeley.



Andrew Harding is a leading scholar in the fields of Asian legal studies and comparative constitutional law. He commenced his academic career at NUS before moving to SOAS, University of London, where he became Head of the School of Law. He joined NUS from the University of Victoria, BC Canada, where he was Professor of Asia-Pacific Legal Relations and Director of the Centre for Asia-Pacific Initiatives. At NUS he has been Director of the Centre for Asian. Legal Studies, Director of the Asian Law Institute, and a Chief Editor of the Asian Journal of Comparative Law. Professor Harding has worked extensively on constitutional law in Malaysia and Thailand, and has made extensive contributions to scholarship in comparative law, and law and development, having published 20 books as author or editor. He is co-founding-editor of Hart Publishing's book series 'Constitutional Systems of the World', a major resource for contextual analysis of constitutional systems, and has authored the books on Malaysia and Thailand in that series (2011, 2012). His most recent book is Constitutionalism and Legal Change in Myanmar (2017). Andrew sits on the Advisory Board of the Singapore Chapter of the International Society of Public Law (ICON-S).

RAN HIRSCHL

Kwa Geok Choo Distinguished Visitor

National University of Singapore

Alexander von Humboldt Professor of Comparative Constitutionalism

University of Göttingen



Ran Hirschl is Professor of Political Science and Law at the University of Toronto, holder of the Alexander von Humboldt Professorship in Comparative Constitutionalism at the University of Göttingen and head of the Max Planck Fellow Group in Comparative Constitutionalism. He is the author of several major books including *City, State: Comparative Constitutionalism and the Megacity* (Oxford University Press, forthcoming in 2020); *Comparative Matters: The Renaissance of Comparative Constitutional Law* (Oxford University Press, 2014)—winner of the 2015 APSA Herman Pritchett Award for the best book on law and courts; *Constitutional Theocracy* (Harvard University Press, 2010)—winner of the 2011 Mahoney Prize in Legal Theory; and *Towards Juristocracy* (Harvard University Press, 2004), as well as over 100 articles and book chapters on constitutional law and its intersection with comparative politics. He has won academic excellence awards in five different countries and held distinguished visiting professorships at Harvard, Stanford, and NYU. His work on the intersection of social science and public law has been translated into various languages, discussed in numerous scholarly fora, cited by jurists and in high court decisions, and addressed in media venues from the *New York Times* to the *Jerusalem Post*. He is an elected Fellow of the Royal Society of Canada (FRSC)—the highest academic accolade in that country. The official citation describes him as “one of the world’s leading scholars of comparative constitutional law, courts and jurisprudence”. Ran served as co-president of the International Society of Public Law (ICON-S) from 2015-2018, and currently sits on the ICON-S Executive Committee as Honorary President.

HUI CHOON KUEN

Deputy Chief Counsel (Civil Division)

Attorney General’s Chamber

Dean

AGC Academy



Hui Choon Kuen is presently the Deputy Chief Counsel (Advisory) of the Civil Division, Attorney General’s Chamber (AGC) and the Dean of the AGC Academy. Prior to his current appointments, he has served in a wide range of government legal positions, including Director Legal of the Ministry of Defence (MINDEF) and the Ministry of Manpower (MOM), Deputy Chief Prosecutor, AGC, District Judge of the then Subordinate Courts and Assistant Registrar of the Supreme Court.

JACK TSEN-TA LEE
Deputy Research Director
Singapore Academy of Law



Jack Tsen-Ta Lee is the Deputy Research Director of the Singapore Academy of Law, where he works in law reform. He graduated from the National University of Singapore with an LLB (Hons) in 1995, and was called to the Bar as an advocate and solicitor of the Supreme Court of Singapore the following year. After practising for about six years as a litigator, during which time he qualified as a solicitor of the Senior Courts of England and Wales, he completed an LLM at University College London in 2003 on a British Chevening Scholarship. In 2012, he was conferred a PhD for research into the interpretation of bills of rights by the University of Birmingham, which was funded by a teaching assistantship from the University. Jack previously taught at the Singapore Management University School of Law, during which he was a 2009 Lee Foundation Fellow for Research Excellence, and won the School's Most Promising Teacher Award for 2010–2011. He maintains research interests in constitutional and administrative law, heritage law, and media law. Jack is an executive committee member of the Singapore Chapter of International Society of Public Law (ICON-S).

CORINNA LIM
Executive Director
Association of Women for Action and Research



Corinna Lim is the first Executive Director of AWARE, the Association of Women for Action and Research. She has led AWARE to contribute to reforms in laws affecting women in Singapore, including laws relating to domestic violence, sexual harassment and sexual assault. Prior to joining AWARE as Executive Director, Corinna practised law for more than 10 years in Allen & Gledhill, Khattar Wong & Partners and Koh Ong & Partners. She was also a co-founder and CEO of Bizibody Technology, a technology business which services the legal industry. Corinna has a Masters in Public Administration (with focus on social entrepreneurship) from Columbia University and is a Fulbright Scholar. She graduated with an LLB from the National University of Singapore and was called to the Singapore Bar in 1988.

DIAN A H SHAH
Assistant Professor
National University of Singapore



Dian A H Shah was previously a Research Fellow of the Centre for Asian Legal Studies, and a Senior Lecturer at the Faculty of Law, University of Malaya, where she taught constitutional law. Dian completed her LL.M and SJD degrees at Duke University Law School, and prior to that she graduated with an LL.B from Warwick University. Her research interests span the fields of law and religion, comparative constitutional law, and human rights, and her work focuses on the interaction of law, religion, and politics in plural and divided societies. Dian is the author of *Constitutions, Religion and Politics in Asia: Indonesia, Malaysia and Sri Lanka* (CUP 2017) and the co-editor of a volume on *Law and Society in Malaysia: Pluralism, Religion and Ethnicity* (Routledge 2018). She has also published in the *International Journal of Constitutional Law* (I-CON), *Oxford Journal of Law and Religion*, and the *Indonesian Journal of International and Comparative Law*. She serves as the Deputy Editor of the *Asian Journal of Comparative Law* (AsJCL) and the Editor of the AsJCL's Special Issue on 'Religion and Constitutional Practices in Asia' (December 2018). Dian is an executive committee member of the Singapore Chapter of International Society of Public Law (ICON-S).

KEVIN YL TAN
Professor (Adj.)
National University of Singapore



Kevin YL Tan is a graduate of the National University of Singapore Faculty of Law (NUS Law) and Yale Law School. He taught full-time at NUS Law from 1986 to 2000. In 2000, he founded Equilibrium Consulting Pte Ltd, a boutique consultancy focused on history, heritage and publishing. He is active in many civic organizations including the Singapore Heritage Society, the International Council on Monuments and Sites (ICOMOS), Singapore, and the Foundation for the Development of International Law in Asia (DILA). He has edited and written over 40 books on the law, history and politics of Singapore. He is currently Adjunct Professor at the Faculty of Law, National University of Singapore as well as at the S Rajaratnam School of International Studies, Nanyang Technological University. Kevin specializes in constitutional law, the Singapore legal system, international human rights, and legal history. Kevin is also Executive Editor of the *Asian Journal of Comparative Law* and Consulting Editor of the *Asian Yearbook of International Law*. Kevin sits on the Advisory Board of the Singapore Chapter of the International Society of Public Law (ICON-S).