Roundtable on Politics of Divided Societies and the Limits of Constitutional Design

Participants of the ‘Politics of Divided Societies and the Limits of Constitutional Design’ roundtable discussion.

The ‘Politics of Divided Societies and the Limits of Constitutional Design’ roundtable discussion, organized by the Centre for Asian Legal Studies (CALS), was held on 23 February 2018 at the Faculty of Law, National University of Singapore (Bukit Timah Campus).

Convened by Assistant Professor (Dr.) Jaclyn L. Neo, the roundtable discussed the challenges that divided societies pose to constitutional design by critically examining the realities of various divided societies in Asia (specifically India, Indonesia, Malaysia, Myanmar, Singapore, and Sri Lanka). Together with expert commentators, participants at the Roundtable interrogated various limitations on constitutional design options, identified gaps in constitutional design theories, and proposed future trajectories for constitutional design in such societies.

The event first started off with a welcome address by Associate Professor Dan W. Puchniak, Director of NUS Centre for Asian Legal Studies (CALS). He emphasized the need to rethink assumptions of homogeneity even in societies that do not conventionally present themselves as divided.
Associate Professor Dan W. Puchniak, Director of NUS Centre for Asian Legal Studies (CALS).

This was followed by an introduction by Assistant Professor Jaclyn Neo who shared an anecdote on how the idea for roundtable came about over a dinner conversation in Melbourne. She then set the tone by interrogating the concept of ‘constitutional design’ and identifying various constraints that have emerged in the exercise of designing constitutions.

Workshop Convenor, Assistant Professor Jaclyn Neo (Principal Investigator).
Thereafter, Professor Donald Horowitz (Duke University), one of the leading experts on constitutional design and ethnic politics, provided his preliminary thoughts on the current state of the scholarship and practice on constitutional design in divided societies.

The country presentations kicked off with Dr Dian A.H. Shah (National University of Singapore), whose paper compared the ‘The Politics of Religion and Decentralization in Malaysia and Indonesia’.
This was followed by Dr Mario Gomez (International Centre for Ethnic Studies), who shared his analysis and suggestions for institutional change for Sri Lanka in his presentation titled ‘Sri Lanka’s Long Walk: Compromise and Accommodation through Incremental Constitutional Change’.

After lunch, Assistant Professor Rehan Abeyratne (The Chinese University of Hong Kong) examined the origins of Hindu nationalism and its recent rise in his presentation on ‘Hindu Nationalism and Caste-Based Politics: Is India a Deeply Divided Society?’
Dr Nyi Nyi Kyaw (National University of Singapore) provided insights on challenges in forging a constitutional order in Myanmar in his presentation on ‘From ‘Union’ to ‘Federal Democratic Union’ in Myanmar: An Emerging Case of Constitutional Centrifugalism’. Assistant Professor Jaclyn Neo rounded off the presentations with her paper on ‘Ethnic Representation without Ethnic Politics? Contrasting Singapore’s Group Representation Constituency and Reserved Election Schemes’.

The event concluded with expert commentary from Donald Horowitz, Kevin Tan (National University of Singapore), Associate Professor Eugene Tan (Singapore Management University), and Assistant Professor Jaclyn Neo.

Associate Professor Eugene Tan (Singapore Management University) shared his observations as an expert commentator at the end of the afternoon session.
Professor Kevin Tan (NUS), sharing a humorous moment here with Associate Professor Arif Jamal (NUS) and Dr Nyi Nyi Kyaw (NUS), shared his insights as an expert commentator. Among others, he emphasized the need to go beyond conventional approaches in drafting constitutions and designing institutions for divided societies.