

BOOK REVIEWS

The Constitution of Singapore: A Contextual Analysis, BY KEVIN YL TAN [Oxford: Hart Publishing, 2015. xxiii + 251 pp. Paperback: £18.95]

Kevin Tan's *The Constitution of Singapore: A Contextual Analysis* gives a clear and easily digestible introduction to the constitutional law of Singapore. This is exactly what this series is designed to do. It is highly recommended to anyone who wants a very readable and informative introduction to Singapore's constitutional system.

Singapore's constitutional law is not easy to describe, much less describe clearly. As a young constitutional state, its constitutional processes do not have the historical clarifications that attend to more established constitutional systems. At the same time, as a city-state, the constitutional system of Singapore does not map directly onto the constitutional archetypes that have evolved out of more paradigmatic nation-state systems. There is therefore a kind of translation that is required here—one that locates the constitutional elements of a very young and very intimate constitutional practice in the vocabularies and conceptualisations developed to describe more mature and geographically expansive constitutional arrangements.

Perhaps because of the newness of Singapore's constitutional system, and because of its imperfect fit with constitutional vocabularies developed in the context of nation-states rather than city-states, Tan's analyses are framed primarily through reference to history rather than through more structural analyses. Singapore's constitutional system does not make much sense from the perspective of standard constitutional ideology, but it makes much more sense from the perspective of Singapore's political and social history. As Tan himself notes, Singapore's constitutional thinking is highly pragmatic. This makes it harder to locate within our established pantheon of constitutional ideal types (including anti-ideal types). But that pragmatism itself derives from historical experience. Understanding that historical experience allows us to make sense of the elements of this system that escape capture by more ideational analyses.

The book is divided into nine chapters, not including the Introduction. These chapters focus on Singapore's constitutional history, the nature of constitutional authority in Singapore (what Tan entitles 'constitutionalism'), the Parliament, the legislative process, the executive, the elected president, the judiciary, citizens' rights, and a conclusion.

Singapore's constitutional system, like all constitutional systems, is not without its problems, and Tan is not averse to discussing these in his analysis. In the balancing of state control versus citizen sovereignty, Singapore's constitution tips the scales

much more towards the former than is the case with those of other advanced industrial countries (including those of Asia), and Tan does point out numerous places where the constitutional emphasis on state control appears unnecessary.

Or outdated. One could argue that this book was actually written at the wrong time. Tan frequently notes how Singapore's constitutional imagination may be undergoing a kind of sea change at present. The older constitutionalist tropes about the state's pronounced vulnerabilities and the strategies of leadership in responding to these vulnerabilities is finding less social traction. Constitutional practices and attitudes that were well accepted a decade ago are now being reevaluated. The citizenry is becoming more politically active and autonomous, and the system is becoming more open to popular input. All of this is well detailed by Tan, but even he is unable to say at present where it all will lead.

Unfortunately, and perhaps because of the series' guidelines, Tan does not address two areas of Singapore's constitutional system that would have likely shed particularly useful light on this possible transitional process. These include (1) the constitutional structure of Singapore's dominant political party, the People's Action Party ("PAP"); and (2) the ways that the constitutional system, including the PAP, interact with civil society. Singapore is a party-state, and this gives the party a constitutional presence and significance that political parties do not have in multi-party constitutional systems. In the case of Singapore, there are some signs that the PAP may itself be becoming increasingly populist, and as an internal matter may also be becoming more responsive to popular political concerns (something that Tan himself has acknowledged in other writings). If this is the case, it would seem to have important implications for the transitional process. Similarly, one of the more unique aspects of Singapore's constitutional system involves its ability to control civil society through what might be called quasi-corporatist means. Tan discusses this somewhat in the context of religion, and to a lesser extent in the context of labour, but not with regards to other critical sectors in which corporatist regulation is prominent, such as the bar. Here too, evolutions in this relationship could be important harbingers of constitutional change, and thus might have warranted a more focused analysis.

One might also find the chapter on citizens' rights a bit light, if only because Tan does not really get into what are probably the two most controversial aspects of Singapore's constitutional system from a human rights perspective; those of the mandatory death penalty and the use of defamation and libel suits as a way of constraining public speech.

But these are minor quibbles and, as noted above, probably lie outside the scope of the series, which is to provide a clear and accessible introduction to the different constitutional systems of various states. For those looking for such an introduction, they will find no better text.

MICHAEL DOWDLE

Assistant Professor

Faculty of Law, National University of Singapore