

P1. Pluralist Constitutionalism and the Rule of Law

22 nd ASLI Conference 2025		
Panel Category	:	Public Law; Legal Pluralism
Panel Title	:	Pluralist Constitutionalism and the Rule of Law
Panel Abstract	:	
<p>This panel examines the relationship between pluralism and constitutionalism, beyond the initial stage of constitution-drafting to interrogate the role of pluralism in the process of constitutional interpretation and constitutional change over time. Discussions will be based on a book manuscript on pluralist constitutionalism, which argues that pluralism contributes to constitutional endurance and stability. This is because a pluralist constitution could serve as a framework for mutual recognition, thereby providing a platform for continuous engagement, contestation, and reconciliation. This pluralist constitutionalist account goes beyond the descriptive to propose how legal pluralism as an essential feature of the model creates a dynamic of that perpetuates pluralism normatively as part of the constitutionalist project. In this account the adjective 'pluralism' serves as a normative constraint and purpose of the constitutional project. It not only encompasses pluralities within the constitutional order but accounts for pluralism as an ongoing concern.</p>		

P1. Pluralist Constitutionalism and the Rule of Law

Name of Convenor	:	Jaclyn Neo
Designation / Academic Post	:	Associate Professor
Institution / Organisation	:	National University of Singapore, Faculty of Law
Title of Paper		
Pluralist Constitutionalism		
Abstract		
<p>The papers argue that a pluralist constitutionalist framework embraces pluralism in three aspects – in its constitutional authority, its constitutional identity, and its interpretive methodology. Furthermore, it argues that while a pluralist constitution often encompasses the political inclusion of multiple communities, pluralist constitutionalism as a theoretical model of constitutionalism critically encompasses legal pluralism, which ensures the endurance of a normatively pluralist constitution. This is because legal pluralism provides a pathway for cultural communities to resist the subsumption of their values through the imposition of a constitutional hierarchy. Instead, when a constitutional order adopts legal pluralism, it grants recognition to a cultural-legal community and creates a relationship of mutuality between the communities and the general society. Legal pluralism also provides a channel for courts to interpret the constitutional and legal order in a way that could give recognition to the values of the plural communities. In this way, pluralist constitutionalism contributes to a pluralist rule of law.</p>		
Brief Biography of Author		
<p>Dr Jaclyn Neo is an Associate Professor and the Director of the Centre for Asian Legal Studies at the National University of Singapore (NUS) Faculty of Law. A graduate of the NUS Faculty of Law (LLB) and Yale Law School (LLM and JSD), Dr Neo is a recipient of multiple academic scholarships, competitive research grants, teaching and research awards. Her co-authored article won the International Journal of Constitutional Law's 2022 Best Article Prize. She is also a recipient of the Asian Yearbook of International Law's DILA International Law Prize and a SHAPE-SEA Research Award, the latter in recognition of her work on religious freedom in Southeast Asia. Dr Neo is an executive committee member of the International Society of Public Law and serves on international advisory boards of the North-Rhein Westphalia (Germany) Academy of International Affairs, the Chinese University of Hong Kong's Centre for Comparative and Transnational Law, and the University of Otago's Centre for Law and Society. She is a member of the editorial boards of the Journal of Law and Religion, the Asian Journal of Comparative Law, Suprema (Revista de Estudos Constitucionais) and the ICONnect blog. Dr Neo has held visiting positions at Princeton, UT Austin, Melbourne, and the Max Planck Institute for the Study of Religious and Ethnic Diversity.</p>		

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Name of Panelist	:	Aparna Chandra
Designation / Academic Post	:	Professor
Institution / Organisation	:	National Law School of India University
Title of Paper		
Pluralist Constitutionalism and Constitutional Identity		
Abstract		
<p>This presentation engages with the book manuscript on Pluralist Constitutionalism by interrogating its claim about pluralist constitutional identity. It examines the claim that legal pluralism is a constitutional claim for legal-cultural communities to seek recognition, and implicitly to pluralise the constitutional identity. The presentation will further critique the applicability of the book's claims from the South Asian perspective.</p>		
Brief Biography of Author		
<p>Aparna Chandra is a constitutional lawyer with an expertise in Indian constitutional law among other areas. She has previously worked at the National Judicial Academy, Bhopal and the National Law University, Delhi where she founded the Centre for Constitutional Law, Policy and Governance. She has assisted the Law Commission of India in various reports and has been appointed as amicus curiae by the Delhi High Court in matters involving the interface between constitutional and criminal laws.</p> <p>Aparna researches and writes on constitutional law, human rights, gender and the law, and judicial process reform. Her current research focuses on rights adjudication by courts, gender and the law, and empirical legal studies. In collaboration with the Centre for Reproductive Rights, New York, she undertook a study on legal barriers to accessing safe abortion services in India. She was also part of a European Research Council funded project by the Israel Democracy Institute on fundamental rights adjudication in various jurisdictions around the world. She is also a national co-convenor of the Indian Feminist Judgments Project.</p>		

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Name of Panelist	:	Dian AH Shah
Designation / Academic Post	:	Assistant Professor
Institution / Organisation	:	National University of Singapore, Faculty of Law
Title of Paper		
Pluralist Constitutionalism and Jurisdictional Pluralism		
Abstract		
<p>This presentation engages with the book manuscript on Pluralist Constitutionalism by interrogating its claim about legal pluralism as a constitutional claim for legal-cultural communities to seek recognition within the constitutional framework. It examines the relationship between religious and civil courts under the terms of jurisdictional pluralism, and considers the viability of the claims of semi-autonomy in pluralist constitutionalism. Lastly, the presentation will critique the applicability of the book's claims from the Southeast Asian perspective.</p>		
Brief Biography of Author		
<p>Dian A H Shah is an Assistant Professor at the Faculty of Law, National University of Singapore, where she teaches Constitutional Law and Comparative Law in Asia. She is also the Deputy Director of the Centre for Asian Legal Studies and the Co-Convenor of the Law and Religion research cluster. Her research interests span the fields of law and religion, comparative constitutional law and politics, and human rights, and her work focuses on the interaction between law and politics in plural and divided societies. She is author of <i>Constitutions, Religion and Politics in Asia</i>, in addition to various publications in the <i>International Journal of Constitutional Law</i>, <i>Constitutional Studies</i>, and <i>Journal of Comparative Law</i>. She is currently working on her second monograph, which examines the fragility of democratic constitutional commitments and political change in Asia's younger democracies. Outside academia she served as a member of Malaysia's Consultative Council on Foreign Policy.</p>		

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Name of Panelist	:	James Fowkes
Designation / Academic Post	:	Professor
Institution / Organisation	:	University of Münster
Title of Paper		
Pluralist Constitutionalism and Constitutional Authority		
Abstract		
<p>This presentation engages with the book manuscript on Pluralist Constitutionalism by interrogating its claim about constitutional authority and the need for a pluralist methodology to mediate conflicts between different normative claims. Specifically, it examines the book's claim that these conflicts of norms reflect different claims for recognition and how jurisprudential pluralism allows courts to recognize the mutuality of these different normative orders.</p>		
Brief Biography of Author		
<p>James Fowkes is Professor für Ausländisches und Internationales Recht at the Westfälische Wilhelms-Universität, Münster. He holds law degrees from Wits and Yale Law School, where he completed his doctorate. In 2008, James was law clerk at the South African Constitutional Court. He is the author of Building the Constitution: The Practice of Constitutional Interpretation in post-Apartheid South Africa (CUP, 2016) and, with Susan Rose-Ackerman and Stefanie Egidy, Due Process of Lawmaking: The United States, South Africa, Germany, and the European Union (CUP, 2015); he was also lead author of the International Commission of Jurists' report, Access to Justice: Human Rights Abuses Involving Corporations: South Africa (2010).</p>		