Singapore's Westminster parliamentary system of government was adopted as a historical result of it being a British colony. In its post-independence constitutional development, the dominant People's Action Party political leadership had made a series of constitutional amendments to its original electoral system, introducing innovative schemes such as Group Representation Constituencies, Non-Constituency Members of Parliament, Nominated Members of Parliament and the Elected Presidency. These changes have resulted in an electoral system that is so different and divergent from the Westminster model that it should be regarded a unique regime of its own. This paper advances the view that the constitutional evolution of its electoral system is reflective of a political vision structured along elitist lines – underscored by a desire to restructure the voting behaviour of its citizens, and ensure predictability and the preservation of the status quo. It has been driven by paternalistic assumptions about what is beneficial for its citizens. This paper examines the subsequent implementation of the schemes, before reflecting on how it is a system that has the potential to affect adversely the development of political participation and political pluralism, and dilute democratic politics in Singapore.

1. POLITICAL DOMINANCE AND CALIBRATED INNOVATIONS

'If you have plain, straightforward Westminster rules, I would tell you frankly, we would never have worked... You are going to have a musical set of chairs. Good speakers? Every election will throw up a few. Then what? Then misgovernment and down the slippery slope.' Lee Kuan Yew

Singapore has been, in effect, under one-party rule since its expulsion from Malaysia in 1965. Under Art 5, a two-thirds majority in Parliament is generally required to amend the Constitution. However, given the unchallenged political dominance of the ruling party, People's Action Party (PAP), coupled with the discipline of the Whip that forces even the protesting to vote in line with the party stance, the political leadership has managed to push through a series of constitutional amendments over the years without any hindrance. The overwhelming political dominance thus allows the political leadership to translate its entire agenda into legislative reality.

* I am grateful to Professor Michael Hor for his insightful and thoughtful review and comments, and Elaine Chew for excellent research assistance.
In its post-independence constitutional development, Singapore’s dominant political leadership had made a series of constitutional amendments to its original electoral system, introducing innovative schemes such as the Group Representation Constituencies (GRCs), the Non-Constituency Members of Parliament (NCMPs), the Nominated Members of Parliament (NMPs) and the Elected Presidency. These have resulted in an electoral system that is so different and divergent from the Westminster model that it should now be regarded as a unique regime of its own.

In official representations, the political leadership has justified modifying the Westminster model electoral system by reference to what it perceived to be the unique domestic needs. Such changes, it has been argued, help to accommodate the imperatives of Singapore’s multi-racial, multi-lingual and multi-religious society. The social and political circumstances, it is said, necessitated the evolution of its parliamentary system. Unlike many other newly independent Commonwealth nations where one politically dominant party has held sway for any considerable period of time, Singapore’s politics has neither become ossified nor corrupt. Its economy is a picture of vitality. For a small nation with an estimated population of 4.5 million, Singapore’s gross domestic product (GDP) was ranked 44 by the International Monetary Fund in 2006, 41 by the World Bank in 2005. In US dollars, its GDP per capita was ranked 25 out of 180 members of the International Monetary Fund, at close to US$30,000. At GDP at purchasing power parity per capita, Singapore was ranked 17 out of 179 members by the International Monetary Fund in 2006. It is frequently held up as a modified political system that works. With decades of peace and stability, Singaporeans today enjoy a first-world prosperity and standard of living.

This paper seeks to examine the rationale of the constitutional amendments that provided for GRCs, NMPs, NCMPs and the Elected Presidency, as well as the subsequent implementation of the schemes. It seeks to show that, whilst its unique electoral regime plays a role in moving Singapore’s politics from the more adversarial model, to one that is conducive to nation-building, the constitutional evolution of its electoral system is reflective of a political vision formed out of elitist tendencies that make paternalistic assumptions about what is beneficial for its citizens.

It also seeks to examine the substance of the allegations that the amendments have served to secure and entrench the near political hegemony of the ruling party in domestic politics. The result is an electoral system that accurately reflects the political leadership’s determination to remain politically dominant, and correlates to the lack of substantive alternative voices within the parliamentary system.

This paper advances the view that the constitutional amendments have systematically and successfully limited political participation on the part of the citizens in general, obstructed political opposition and created a Parliament that has moved away from the Westminster model, which emphasised the right to vote and equality of votes. They constitute a significant departure from what was originally conceived to be democratic politics.

5. See, eg, Sing Parlimentary Debates vol 69, col 131 (1 June 1998) (Mr Wong Kan Seng).
2. NON-CONSTITUENCY MEMBERS OF PARLIAMENT — FOR THE BEST LOSERS?

'From my experience, Constitutions have to be custom-made, tailored to suit the peculiarities of the person wearing the suit. Perhaps, like shoes, the older they are, the better they fit. Stretch them, soften them, re-sole them, repair them. They are always better than a brand new pair of shoes.' Lee Kuan Yew

'[W]e inherited the British Westminster system of government and made it work ... Singapore has succeeded so far because we are willing to adapt and evolve the system that we have inherited according to the changing social and political circumstances and according to the imperatives of our multi-racial, multi-lingual and multi-religious society.' Wong Kan Seng

One of the first significant post-independence divergences from the Westminster model was the introduction of the NCMPs. Article 39(1)(b) of the Constitution provides for NCMPs to ensure the representation in Parliament of a minimum number of members from political parties not forming the government, even though they may have lost in the elections. The Constitution now provides for up to six NCMPs at any one time.

There are two significant characteristics that mark the NCMP scheme. First, the NCMP’s privileges are severely curtailed and this limits the NCMP’s effectiveness as an alternative voice in Parliament. Under Art 39(2), an NCMP cannot vote in Parliament on any motion pertaining to a Bill to amend the Constitution, a Supply Bill, Supplementary Supply Bill or Final Supply Bill, a Money Bill, a vote of no confidence in the Government or removing the President from office.

Secondly, for a candidate to qualify as an NCMP, the candidate must have polled a minimum of 15% of the total number of votes, which distinguishes the NCMP from the NMP who does not take part in the election process. NCMP seats are offered according to a hierarchy determined in descending order by the highest percentage of votes fielded. The logic of this system is that the NCMP is a representative of the dissenting minority of the electorate.

However, even if the NCMP system is meant to ameliorate the effects of the first-past-the-post system (where a substantial number of dissenting voters that consistently vote for opposition are not heard), the source of the NCMP’s legitimacy nevertheless remains confused. It is neither fully based on a clear electoral mandate like the elected MP, nor on expertise or specialisation like the NMP. It is not entirely clear that his legitimacy derives from his position as the representative of a minority of the electorate.

7. Sing Parliamentary Debates vol 69, col 131 (1 June 1998) (Mr Wong Kan Seng).
8. Note however that s 52(1) of the Parliamentary Elections Act (Cap 218, 2007 Rev Ed Sing) restricts the number of NCMPs at the moment to '3 ... less the total number of Opposition Members elected to Parliament'.
11. Parliamentary Elections Act, s 52(2).
12. See, eg, Sing Parliamentary Debates vol 54, col 810 (30 November 1989) (Dr Arthur Beng Kian Lam); contra, Sing Parliamentary Debates vol 54, col 788 (30 November 1989) (Mr Davinder Singh).
During the Second Reading of the NCMP Bill, the then Prime Minister Lee Kuan Yew cited three reasons for ensuring that Parliament should have a few opposition members. First, the benefit to the younger ministers and members of Parliament was that they would have the chance to ‘sharpen their debating skills’. However, this alone cannot be a sufficient reason. It is unlikely that the government would have gone through the trouble of enacting a constitutional amendment solely or primarily to provide younger members of the government with a sparring partner to practise debating skills.

Secondly, the reason for adopting the NCMP scheme was so that ‘the people will learn the limits of what a constitutional opposition can do’. PAP ministers have often spoken of their preference for a consensus-building system as opposed to an adversary-for-adversary’s-sake opposition politics. At the same time, they have described the role of the opposition, in terms of the cliché, that an opposition is obliged to oppose or so lose its validity. While the NCMP amendment was introduced in response to a perceived need for alternative voices in Parliament beyond that of the PAP, it appears that the dominant party itself had reservations as to whether or not the NCMP scheme would serve to raise the level of debate within the House. From that viewpoint, the NCMP scheme would seem to be an exercise in futility.

The third justification offered was that ‘some non-PAP MPs will ensure that every suspicion, every rumour of misconduct, will be reported to the non-PAP MPs, at least anonymously . . . This approach of Opposition members will dispel suspicions of cover-ups of alleged wrongdoings’. It is submitted that this reason stands up best to logical scrutiny, going back as it does to the institutional system of checks and balances built into the Westminster parliamentary system of adversarial politics.

Even taking the then Prime Minister’s reasons at its highest bar, the NCMP scheme would seem to be designed specifically to institutionalise political pluralism and to introduce checks and balances within the system. However, the check and balance that has been introduced by the presence of the NCMP is artificially induced.

What has the PAP political leadership in fact tried to achieve by the introduction of the NCMP scheme? According to a speech by the then Prime Minister Goh, ‘[the] aim is to enable opposition parties to have at least three seats in Parliament’. Though he did not go on to explain why, the sub-heading of that section, ‘Widening Political Participation’, might prove instructive.

The then Prime Minister Lee Kuan Yew stated in Parliament in 1984:

‘Its main purpose is to encourage the serious contenders who are now on the sidelines and are thinking of waiting for the old guards to pass on before they

13. See, eg, Sing Parliamentary Debates, vol 54, col 851 (30 November 1989) (Mr Goh Chok Tong).
14. See, eg, Sing Parliamentary Debates vol 69, col 140 (1 June 1998) (Mr Wong Kan Seng).
15. See, eg, Sing Parliamentary Debates vol 54, col 815 (20 November 1989) (Mr Loh Meng Seng).
contest. I am saying to them, "Come out. Take advantage of the next four to five years of exposure. Build up." And if we find that they accept our parameters, we may well develop a two-party system.20

Presumably then, the NCMP scheme was designed, at first blush, to promote greater political participation by affording a training ground for potential opposition hopefuls, though that participation was contingent on an acceptance of the 'parameters' set by the PAP.21

The Bill, however, needs to be set against the historical backdrop of the PAP's unbroken hegemony in Parliament from 1968 until 1981 when Mr JB Jeyaretnam won a seat in the Anson by-election.22 The NCMP scheme was not introduced until 1984, 3 years after JB Jeyaretnam's historic victory in Anson, and in the same year that the general elections were to be called.23 In Parliament, opposition member of Parliament, Mr JB Jeyaretnam questioned the motives for the introduction of the Bill. He raised as a point of objection, the haste with which the Bill had been introduced,24 and declared, 'this Bill is a fraud on the electorate. If the Prime Minister is genuine in his desire to see Opposition Members in Parliament and therefore bring about parliamentary democracy in Singapore, then may I tell him that there are other ways of doing this, far better ways than this sham Bill'.25

The alternative argument that one academic put forth is that the Bill was 'to quell demands for more opposition members in parliament'.26 The PAP enjoyed unbroken total hegemony in Parliament in 1968–1981, and even thereafter, never lost more than a maximum of four seats despite the introduction of the NCMP scheme.27 Perhaps the effect (no matter what its motivations) of the NCMP scheme on the Westminster system has not been to encourage the growth of a robust opposition, but merely to ensure the continuity of an opposition voice within Parliament. This inhibits the natural growth of an elected opposition voice in Parliament as voter motivation to vote in an opposition member into Parliament is conceivably diluted by the assurance that a default mechanism exists for the 'best losers'.

What has been the history of the NCMP scheme in Parliament? During the first elections after the constitutional amendment was passed, the number of those voting for the PAP dropped by 13.4%.28 One NCMP seat was offered, but there were no takers.29 In the 1988 elections, Chiam See Tong of the Singapore Democratic Party was the only elected opposition member. Dr Lee Siew-Choh became the first NCMP in Singapore's electoral history. The 1991 elections saw the election of four

22. See also 'Lee warns voters against swing to the opposition' Financial Times 24 December 1984, p 1.
28. See Ho Khai Leong, above n 19, p 188.

© 2008 The Author. Journal Compilation © 2008 The Society of Legal Scholars
opposition members and consequently no NCMP seats were offered. In the 1997
election, two opposition members were elected and Mr JB Jeyaretnam occupied the
NCMP seat in an about-face.30 Steve Chia of the National Solidarity Party became the
next NCMP in the 2001 elections, followed by Ms Sylvia Lim in 2006.31

The two-party system has not, to date, materialised in Singapore, though the
minimal representation of opposition members in Parliament seems to have become
an institutionalised practice by now. The effectiveness of the NCMP scheme is limited
by the perception that the NCMP is obliged to be adversarial by virtue of being party
to the opposition.32 So far, NCMPs have precious little to show since the inception
of the scheme in 1984. No Bills have been successfully introduced by them. Rather,
several references have been made to the 1984 scheme, emphasising that the NCMPs
owe their places in Parliament to the benevolence of the PAP.33 Since the NCMP is
neither a formally elected representative of the populace nor a technocrat of special
expertise, reservations as to the legitimacy and weight of the NCMP’s representatives
can easily be made,34 leading one to question exactly what has been gained so far by
the compromise of the Westminster model in the form of the NCMPs.

Against allegations that the NCMP scheme was introduced to manage the increasing
demand for a viable opposition, it should be noted that it was openly acknowledged that
the PAP was under no obligation to ease the situation of the opposition parties.35 It seems
that the NCMP scheme is designed to make the public content with the status quo more
than anything else,36 since the government’s professed intent to grow a viable opposition
in Singapore is contradicted by its general attitude towards the opposition. An
ineffective opposition would trip itself up in Parliament.37 Opposition members are
often ridiculed for their theatrics,38 indiscretions39 or the insufficiencies of their argument40
by the domestic media – which is tightly controlled – and in Parliament.

30. See ‘Jeyaretnam to take up offer of non-constituency MP seat’ Business Times Singapore,
31. See ‘Singapore’s Workers’ Party names chairman Sylvia Lim as next NCMP’ Channel
singaporelocalnews/view/207449/1.html; General Elections Special Issue, available at http://
www.mfa.gov.sg/washington/April_May06.pdf.
32. Sing Parliamentary Debates vol 54, col 729 (29 November 1989) (Mr Lim Boon Heng).
33. See, eg, Sing Parliamentary Debates vol 54, col 756 (29 November 1989) (Mr Peh Chin
Hua); Sing Parliamentary Debates vol 54, col 788 (30 November 1989) (Mr Davinder Singh);
Sing Parliamentary Debates vol 54, col 831 (30 November 1989) (Dr Koh Lip Lin).
34. See Thio Li-ann ‘The Elected President and the legal control of government’ in KYL Tan
106.
35. See, eg, Sing Parliamentary Debates vol 44, col 1769 (24 July 1984) (Maj Fong Sip
Chee).
37. See, eg, Sing Parliamentary Debates vol 44, col 1743 (24 July 1984) (Encik Wan Hussin
Zoohri); ‘Opposition will expose their own flaws – PM’ The Straits Times 29 December 2003.
38. See, eg, Sing Parliamentary Debates vol 55, cols 1047–1049 (29 March 1990) (Mr Goh
Chok Tong).
39. See, eg, ‘Who says I’m a “No Clothes” MP?’ The Straits Times 28 March 2004; ‘Nude
photos of Steve Chia and maid found in his home’ The Straits Times 20 December 2003.
40. See ‘Sylvia Lim ticked off for questioning courts’ integrity’ The Straits Times 17 July
2007 and ‘“Conspiracy theory” revived and rebutted’ Channel News Asia (17 July 2007),
.html.
Unfortunately, the constitutional amendment has weakened the one-man one-vote representative nature of the electoral system, without necessarily raising the quality of debate in the process. While the presence of an opposition is desirable in order to maintain the system of political checks and balances which is at the heart of the Westminster model, it is questionable if the forcible introduction of an alternative voice to the dominant party does not in fact dilute the representative nature of Parliament, despite claiming to enhance its representative nature on a pragmatic basis. It causes a dilution by entrenching the presence of a nominal opposition, potentially reducing voter motivation to elect a real opposition, impeding any genuine, substantive change to the political make-up. The NCMP scheme in fact shores up the machinery of a political system dominated by a single party.  

Supporters of the original Westminster model would argue that if the citizens had wanted opposition members in Parliament, they would have elected them through the electoral process. The NCMP scheme, they would argue, is more a manifestation of the paternalistic mindset of the PAP political leadership. The political leadership does not trust the electorate to return suitable members to Parliament, thus the necessary quota, in the form of the opposition element, is institutionalised in the name of pragmatism.

The political leadership has often spoken of the ‘constructive opposition’ instead of adversarial politics for its own sake. Presumably, the NCMP scheme caters to those who want an opposition voice, but not an opposition government, so that they would continue to vote for the PAP and still be assured that the best losers will be there to mount a certain constructive form of opposition. Yet, inconsistently, it constantly asserts that the opposition is by nature adversarial, and indeed obliged to be so even if privately the member can apprehend the benefits of the proposed policies. The inconsistency brings us back to the issue of the exact function that the NCMP scheme is supposed to serve. Is the NCMP the voice of the silenced minority in the first-past-the-post system? Or is the NCMP to meet the felt need for an alternative voice, without jeopardising the performance of the PAP in the elections?

The theoretical basis of the NCMP is unclear. Whatever its rationale, the NCMP scheme appears to have succeeded in demonstrating the little that a weak opposition can do.

3. GROUP REPRESENTATION CONSTITUENCIES – ENSURING OR UNDERMINING THE CREDIBILITY OF MINORITY REPRESENTATION?

The next significant divergence from the Westminster model took the form of the GRCs introduced in 1988. In addition to the Presidential Council for Minority Rights

41. See also Thio Li-ann ‘Lex Rex or Rex Lex? Competing conceptions of the rule of law in Singapore’ (2002) 20 UCLA Pacific Basin LJ 1 at 16.
43. See also Thio Li-ann ‘Recent constitutional developments: of shadows and whips, race, riots and rights, terror and tudungs, women and wrongs’ (2002) SJLS 328 at 331.
45. See also Thio Li-ann ‘The post-colonial constitutional evolution of the Singapore legislature: a case study’ (1993) SJLS 80 at 98.
provided for in the Constitution, GRCs were introduced by a constitutional amendment in 1988. In the official publicity, this was said to be to ensure the representation in Parliament of members from the Malay, Indian and other minority communities in Singapore, which together form around one-quarter of the population.

The Westminster model of democracy, which predicates itself upon majority rule, is perceived as 'being unsuitable for plural societies divided by ethnic differences' and 'the GRC concept seeks to ensure multiracial representation, affording a counter-majoritarian check via minority representation'. Or, as the then Prime Minister Goh put it, the GRC was an innovation 'to preserve multi-racialism in Parliament'.

Under Art 39A of the Constitution, the President may declare any constituency a group representation constituency to enable any election in that constituency to be held on a basis of a group of not less than three but not more than six candidates. Two types of group representation constituencies are possible. Either the constituency is one where 'at least one of the candidates in every group shall be a person belonging to the Malay community', or one where 'at least one of the candidates in every group shall be a person belonging to the Indian or other minority communities'. Thus, on appearance, the multi-racial element in politics is entrenched.

Yet, there was more to the political background than first meets the eye. In 1984, the then Prime Minister Lee acknowledged in Parliament that the PAP had clearly lost the Malay ground in the 1968 elections, the first after Singapore's separation from Malaysia in 1965. Consistent with these assertions, PAP candidates performed poorly in seats where Malays were relatively well represented in the 1988 elections.

Weak Malay electoral support for the PAP has since been counteracted by a specific and targeted policy – the 1989 ethnic residential quotas in public housing estates. These quotas have ensured that the Malays in Singapore do not constitute more than roughly 20% of the total population in any constituency. The Chinese quota of about 80% assures that they shall remain the numerically and electorally dominant community in all constituencies throughout Singapore.

46. Above n 2, Art 39A(1).
48. See also Tan Seow Hon 'The constitution as “comforter”? – an assessment of the safeguards in Singapore’s constitutional system' (1995) 16 Sing L Rev 104 at 145.
49. Above n 2, Art 39A(2)(a)(i).
51. See also Wan Wai Yee, above n 47, at 308.
52. S Mafoot 'Malay support a yo-yo no more' Straits Times Interactive 18 May 2006; Sing Parliamentary Debates vol 44, col 1825 (25 July 1984) (Mr Lee Kuan Yew).
The quota prevents ethnically concentrated ghetto areas from forming where elections may swing on racial feeling. The practical effect is a guarantee of moderate politics, PAP style – the Malay candidate cannot become too extreme because that will lose Chinese votes; nor can the Chinese candidate become too chauvinistic – that will lose Malay votes which might be crucial in a close contest.

However, this also means that the Malay community cannot determine the electoral outcome in any constituency in any influential manner except where the Chinese are closely divided; whereas the Chinese population, as the overwhelming majority of the community, has arguably more clout.

Despite the avowed claims that the GRC scheme was introduced to entrench the multi-racial nature of Singapore, criticisms have been levelled against the GRC scheme for significantly weighting the electoral regime in favour of the PAP. The ‘racial precondition greatly exacerbates the unevenness of the electoral playing field from the opposition’s point of view. It is hard enough for the opposition to attract candidates of any degree of calibre into its fold, let alone compile the right racial mix with its limited manpower resources’.55

The effect of the amendment and the GRCs is that political parties in Singapore are now obliged to field a multi-racial slate of candidates56 – a disadvantage to the opposition. In addition, the candidates have to run as a team under the large GRC concept where the maximum number of seats within a GRC has been increased over time from four to six. As such, the opposition has cited the GRC scheme as another electoral obstacle that the PAP has come up with, in order to retain its dominance in Parliament.57

The result of the introduction of the GRC scheme in 1988 is clear. It created a serious impediment to opposition efforts to gain a foothold in Parliament. The reality is that, to date, no opposition party has successfully contested a GRC in Singapore.58 It is a fact that since the introduction of the GRC scheme, walkovers (uncontested elections) have become a much more predominant feature in the political landscape of Singapore than they were before.

While it is not the PAP’s job to nurture an opposition, it is doubtful that the GRC scheme, and its expansion since, has done more to entrench multi-racialism than it has, in substance, to propagate and enhance the political hegemony of the PAP regime.

The PAP’s agenda of electoral dominance was perhaps again served by the expansion of the GRC team from four to six in 1996, as well as the incongruously divergent reasons given for the growing number of GRCs. For instance, in 1996, the GRC expansion was justified on the grounds that it would allow GRCs to tie in better with Community Development Councils.59 Yet not long after the 2006 elections, Senior Minister Goh acknowledged that the GRC allowed for easier recruitment into the PAP

55. See Thio Li-ann Choosing Representatives: Singapore Does it Her Way Paper delivered at the Second LAWASIA Comparative Constitutional Law Conference on Representation (Kathmandu, Nepal, December 1994) p 15, s V(D)(1).
political leadership and helped ensure the relatively smooth passage for the highly qualified and highly successful new PAP candidates. Where the multi-racial rationale can be served by a GRC of two, a GRC of six clearly serves other additional political purposes.

Another charge that has been levelled is that the GRC scheme, coupled with the relative ease of redrawing electoral boundaries, allows new candidates to be elected when teamed up with strategic vote-pullers. The political manoeuvring and the placement of new candidates in strong incumbent wards weakens the identification the voter has with his member, as the candidate may be shifted out in the next elections if the party strategy so calls for it.

In addition, as most of the seats are considered safe, it is the party that determines the composition of MPs and ultimately the ministerial posts. The clear illustration was shown in the 1991 election, when new PAP candidates were teamed up with incumbents and cabinet ministers, helping to ensure that the new candidates would not lose to the opposition candidates. The result is that the electorate is held hostage to electing candidates they might not have entire confidence in, if they want the incumbents to continue in office. Furthermore, in 1988, Anson was incorporated as a GRC, effectively obliterating an opposition stronghold. GRCs dilute the representative link between the represenator and the represented, since MPs are shuffled between constituencies from one election to the next to maximise the chances of winning.

The GRC scheme shows that it leads to a pernicious situation where it becomes harder for the opposition to win four seats instead of a single one, although it is also true that the GRC scheme may not always work to the advantage of the dominant party. In the 1988 and 1991 elections for example, the PAP almost lost the Eunos GRC. Several other GRCs were also closely contested. Whatever the actual motivations and good intentions that lay behind the GRC scheme, the effect and appearance of its implementation is undesirable. Due to the increased prevalence of walkovers, the results show that it is possible to secure 74% of the seats in Parliament with less than 37% of the votes cast under the GRC scheme, so that in the 1991 general elections, the PAP secured 95% of the seats in Parliament based on a mere 59.3% of the votes cast. Holding the GRC to the smallest necessary size would go far towards alleviating the situation.

The GRC scheme only helps to achieve the appearance of a united, multi-racial Parliament where each minority candidate is in fact not allowed or required to vote specifically with his race’s interests in mind, but has to vote according to the party line. However, the move was criticised by some members of the ethnic minorities themselves, despite the expressed official representations and the advantages of

63. See also Wan Wai Yee, above n 47, at 320.
66. ‘GRC changes risk being seen as tied to coming polls’ The Straits Times 2 October 1996.
67. Chia Shi Teck ‘Notes from the margin: reflections on the first Presidential Election, by a former Nominated Member of Parliament’ in Tan and Lam, above n 34, pp 196–197.
ensuring their political representation. Concerns have been expressed that the GRC scheme would diminish the status of Malay members of Parliament due to the inevitable perception that they are unable to be elected on their own. This might have affected the Malay members of Parliament’s standing in their community. This, at times, has invited challenges of political leadership from within their community. It has also attracted allegations that PAP Malay members of Parliament have not been able to be effective and forceful in representing their community’s material and religious concerns.

Such challenges from within the community were taken seriously, and at times attracted the government leadership to weigh in with a clear warning of adverse consequences for such challenges to the political leadership of the PAP Malay members of Parliament in their community. If the government’s intention, in diverging from the Westminster model was to institutionalise multi-racialism as a part of the domestic political scene, the achievements of GRCs may well be a matter of form only. The racial minority candidates that are fielded are representative of minority interests only insofar as they happen to be of an ethnic minority; they do not compete on a racial platform, nor are they charged specifically with any duties that would have arisen from competing on a racial platform.

Contrary to expectations that the GRC scheme would strengthen the representative nature of parliamentary democracy in Singapore, it ironically dilutes that very representation by artificially imposing a racial quota where a natural development could have been encouraged instead. Similar to the NCMP scheme, the artificial imposition may have served instead to stunt the development of the very voice that the scheme sought to encourage. In Singapore’s de facto one-party state, the GRC scheme has

68. ‘Only the best will be appointed’ The Straits Times 22 July 1991.
become increasingly entrenched, despite widespread concern of its negative impact on the democratic fabric of society from the very beginning.

4. NOMINATED MEMBERS OF PARLIAMENT

In addition to the NCMP scheme, the Westminster model was departed from by constitutional amendment again in 1990, to provide for NMPs. Again, the official justification was that of another attempt to introduce alternative voices.\textsuperscript{73} This idea was first introduced in the President's speech at the opening of the Parliament in 1989.\textsuperscript{74} The difference between the NCMP and the NMP is that the NMPs are supposed to be independent and non-partisan persons who have rendered distinguished public service or who have distinguished themselves in various fields.\textsuperscript{75} They are not appointed based on any reference to the electoral process whatsoever: "They were supposed to be known public figures who are expected to bring their expertise and fresh ideas into parliament to enrich the debates".\textsuperscript{76} Unlike the NCMPs, they were to be neutral voices untainted by the demands of politics.\textsuperscript{77}

The NMP scheme was passed despite the protest of several PAP members of Parliament, through the use of the Party Whip.\textsuperscript{78} The NMP scheme met with criticism in the press as well.\textsuperscript{79} Most of the objections stemmed from the perceived retrogressive nature of the scheme,\textsuperscript{80} and the dilution of the democratic legitimacy of Parliament that the introduction of nominated, rather than elected, members would entail.\textsuperscript{81} In 1988, a suggestion to nominate Malays or Indians in the event of their underrepresentation in Parliament had been rejected on the basis that it was 'not democratic because they are not elected by the people', and was therefore 'against the principle of democracy'.\textsuperscript{82} Yet, the NMP proposal was accepted in 1990, despite its undemocratic nature, and for arguably reasons less important than that which drove the debate on the GRC scheme.

\textsuperscript{73} Sing Parliamentary Debates vol 54, col 695 (29 November 1989) (Mr Goh Chok Tong); Sing Parliamentary Debates vol 54, col 851 (30 November 1989) (Mr Goh Chok Tong).

\textsuperscript{74} Sing Parliamentary Debates vol 54, cols 14–15 (9 January 1989), (President Wee Kim Wee).

\textsuperscript{75} Above n 2, Fourth Schedule, s 3(2).

\textsuperscript{76} Mutalib, above n 29, p 330.

\textsuperscript{77} Sing Parliamentary Debates vol 54, col 850 (30 November 1989) (Mr Goh Chok Tong).

\textsuperscript{78} See, eg, Sing Parliamentary Debates vol 54, col 727 (29 November 1989) (Mr Tan Cheng Bock); Sing Parliamentary Debates vol 54, col 765 (29 November 1989) (Dr Arthur Beng Kian Lam); Sing Parliamentary Debates vol 54, col 816 (30 November 1989) (Dr Augustine H H Tan); Sing Parliamentary Debates vol 54, col 764 (29 November 1989) (Dr Arthur Beng Kian Lam).

\textsuperscript{79} See, eg, 'No good reason to have nominated MPs' The Straits Times 17 October 1989, Forum; 'Good people can serve outside Parliament too' The Straits Times 9 December 1989; 'The problems which may arise from the NMP Scheme' Shin Min Daily News The Straits Times 12 December 1989; 'Upper House would provide alternative voice' The Straits Times 9 December 1989.

\textsuperscript{80} Sing Parliamentary Debates vol 54, col 722 (29 November 1989) (Mr Tan Cheng Bock); Sing Parliamentary Debates vol 54, col 735 (29 November 1989) (Mr Chiam See Tong); Sing Parliamentary Debates vol 54, col 756 (29 November 1989) (Dr Lee Siew-Choh).

\textsuperscript{81} Sing Parliamentary Debates vol 54, col 727 (29 November 1989) (Mr Tan Cheng Bock); Sing Parliamentary Debates vol 54, cols 842–848 (30 November 1989) (Mr Lee Kuan Yew).

\textsuperscript{82} Sing Parliamentary Debates vol 50, col 332 (12 January 1988) (Mr Goh Chok Tong).
Each Parliament has to decide for itself within 6 months after it first meets if there are to be NMPs in the House.\textsuperscript{83} Unlike the debate over the introduction of the Amendment Bill, the Whip is lifted during these motions. The President makes NMP appointments on the advice of a special Select Committee\textsuperscript{84} appointed by the PAP-dominated Parliament. While each successive Parliament decides for itself if there should be NMPs during its term of office,\textsuperscript{85} there is no formal constitutional provision that restricts the NMPs from taking on a ministerial position.\textsuperscript{86} In Parliament, it was disclosed that:

\begin{quote}
'[it is] not the intention of Government that NMPs should be eligible to become Ministers or other office holders. The principle that office holders must come from the ranks of elected MPs will remain. If the provisions are not specific on this point, suitable amendments can be made.'\textsuperscript{87}
\end{quote}

However, following the Select Committee recommendations to the contrary,\textsuperscript{88} no such provisions ever came into existence.\textsuperscript{89} The citizens are dependent on the good faith of the government to ensure that Ministers continue to be appointed from those who are elected, or who have won through walkovers. Furthermore, the scheme, which originally provided for up to six NMPs, has since been extended to up to nine NMPs following the 1997 elections,\textsuperscript{90} and the original 2-year term has since been extended to 2\textsuperscript{1/2} years.\textsuperscript{91}

The initial emphasis was on the way in which such a system could draw on talented individuals and people with specialist expertise. It should be noted, however, that the special expertise drawn on in practice has tended to focus on the representation of discrete interests. From the very beginning, the appointments were weighted towards functional representation of discrete interests,\textsuperscript{92} including domestic business, labour, women's and ethnic organisations.

The NMP scheme in effect introduces a greater element of elitism to Parliament through the appointment of technocrats. The NMP scheme reinforces the PAP's technocratic and elitist view of politics.\textsuperscript{93} Throughout the 1990s, the concept of functional representation was explicitly acknowledged and increasingly broadened to include a range of professional organisations.\textsuperscript{94} The electorate is thus deprived of its

\textsuperscript{83} Above n 2, Fourth Schedule, s 1(1).
\textsuperscript{85} Above n 2, Fourth Schedule, s 1(1) and 1(2).
\textsuperscript{86} Ibid, Art 25(1) and 25(2).
\textsuperscript{87} Sing Parliamentary Debate vol 54, col 698 (29 November 1989) (Mr Goh Chok Tong).
\textsuperscript{88} Report of the Select Committee on the Constitution of the Republic of Singapore (Amendment No 2) Bill [Bill No 41/89], Parl 4 of 1990 at [29].
\textsuperscript{90} Above n 2, Fourth Schedule, s 3(1).
\textsuperscript{91} See Sing Parliamentary Debates vol 75, col 796 (27 August 2002) (Mr Lee Hsien Loong).
\textsuperscript{92} See, eg, Sing Parliamentary Debates vol 74, cols 571–572 (05 April 2002) (Mr Wong Kan Seng).
\textsuperscript{93} G Rodan 'State–society relations and political opposition in Singapore' in G Rodan (ed) Political Oppositions in Industrializing Asia (London: Routledge, 1996) p 104. See also Report of the Select Committee, above n 88, at [31].
\textsuperscript{94} Sing Parliamentary Debates, above n 92.
right to evaluate personally the candidate’s credentials and exercise control over who
gets into Parliament, at least insofar as the choice of NMP is concerned.

As was raised in Parliament, the very fact that the candidate has neither the
temperament nor the inclination to go through the electoral process makes the depth
of commitment of the NMP and the degree of sacrifice he is willing to make for the
people’s sake suspect. Furthermore, the effectiveness of the NMP scheme depends
largely on the ability and determination of each individual NMP appointed.

The NMP scheme thus implicitly recognises the inadequacy of the present system
and the existing structures of political representation. The constitutional amendment
introducing the NMP scheme, coming as it did in 1990, just before the 1991 elections,
has given rise to allegations that the NMP scheme is another way in which the PAP has
sought to undercut support for the opposition.95

It has been argued that the NMP’s non-partisan nature might make it more politi-
cally palatable for the PAP political leadership to accept their views than that of the
NCMP’s criticisms. Since an NMP would have no need to play to the gallery, unlike
an opposition MP, he was unlikely to introduce a more aggressive adversarial element
into Parliament.

Pragmatism aside, in view of the fact that the government has been so concerned
about ‘freak’ election results, it is ironic that the introduction of NMPs could make the
situation worse by allowing the ‘freak government’ to appoint its supporters as NMPs.
It is now even more imperative that the government must continue to remain in the
hands of no one other than honourable and above-board politicians.

5. THE ELECTED PRESIDENT – SCREENING AND SELECTION
VERSUS ELECTION?

The most recent modification of the Westminster model came in the form of consti-
tutional amendments to provide for an Elected President who was to act as a formal
check on the executive and legislative powers, as a ‘second-key’96 to a ‘two-key
safeguard mechanism’.97 Under the Westminster model, the head of state is a titular
office. The provisions for an Elected President came into force in 1991, though the
idea of an elected president had been mooted by the then Prime Minister Lee as early
as 1984.98

The Elected President is not to exercise significant executive powers, but serves
only as a watchdog.99 Amongst various functions and duties, the Elected President is
empowered to withhold his assent to certain Bills,100 disapprove budgets that eat into

96. Sing Parliamentary Debates vol 56, col 519 (3 January 1994) (Mr Goh Chok Tong); Sing Parliamentary Debates vol 52, cols 15–16 (9 January 1989) (President Wee Kim Wee); Sing Parliamentary Debates vol 56, col 461 (4 October 1990) (Mr Goh Chok Tong).
100. Above n 2, Arts 22E, 22H and 148A.
reserves not accumulated during the current term of office, \textsuperscript{101} refuse restraining orders under the Maintenance of Religious Harmony Act subject to preconditions, \textsuperscript{102} grant pardons, \textsuperscript{103} give consent to Corrupt Practices Investigation Bureau investigations where the Prime Minister has refused, \textsuperscript{104} and veto certain appointments including directors of government companies, \textsuperscript{105} members of statutory boards \textsuperscript{106} and other public offices. \textsuperscript{107}

These powers, however, are not in themselves unconditional. \textsuperscript{108} For example, the Elected President can only refuse restraining orders under the Maintenance of Religious Harmony Act if the advice of the Cabinet and the Presidential Council differs. \textsuperscript{109} Similarly, on the issue of the budget, the Elected President’s actions can be overridden if his assent to Supply Bills is withheld contrary to the recommendations of the Council of Presidential Advisers. \textsuperscript{110} In the matter of appointments, the veto of the Elected President may be overridden by a parliamentary resolution passed by not less than two-thirds of the total number of the elected members of Parliament. \textsuperscript{111} However, the mechanism of the Elected President may potentially have the effect of drawing attention to the subject of his veto by virtue of the extra measures necessary to override his decisions.

The long gestation period leading up to the actual constitutional amendments points rather clearly to the deliberate intent behind the Elected Presidency scheme. \textsuperscript{112} The office of the President is now more tightly entrenched than most other provisions under the Constitution. Article 5(2A) \textsuperscript{113} now requires that any Bill to amend Arts 17–22 and 22A–22O of the Constitution, pertaining to the post of the President, cannot be passed by Parliament unless it has been supported at national referendum by not less than two-thirds of the total numbers of votes cast. Clearly, the intention of the PAP-dominated Parliament was to doubly-entrench the post of the Elected President in Singapore’s constitutional structure.

In the first of two White Papers, the rationale for the creation of an Elected Presidency was mainly that the Elected President was a safeguard against irresponsible government, where the national reserves could be squandered on vote-buying and popularity stunts, \textsuperscript{114} and where key appointments to public service and statutory boards may be made otherwise than by merit. \textsuperscript{115}

---

101. Ibid, Arts 22B and 22D.
103. Above n 2, Art 22P.
104. Ibid, Art 22G.
105. Ibid, Art 22C.
106. Ibid, Art 22A.
110. Above, n 2, Art 148D.
111. Ibid, Arts 22(1)(A), 22A(1)(A), and 22C(1)(A).
112. Sing Parliamentary Debates vol 56, col 460 (4 October 1990) (Mr Goh Chok Tong).
113. Above n 2, Art 5(2A).
114. Constitutional Amendment to Safeguard Financial Assets and the Integrity of the Public Services Cmd 10 of 1988 at [6].
The departure from the Westminster model was justified by a distrust of the electorate’s discernment in always returning a good slate of candidates. It acts as a provision for a worst-case scenario – that of a government which holds differing views to those which the current ruling party believes to be the cornerstones of national stability in Singapore.

Yet, in safeguarding the population from ‘bad government’ through the means of the Elected President, Parliament was not content to repose complete trust in the integrity of the Elected President either, as seen from the many restrictions on the Elected President’s powers. A ruling of the constitutional tribunal that the President could not veto a Bill to amend Art 22H of the constitution leaves one wondering exactly what clear powers the Elected President possesses and how effectively those powers can be exercised.

In 1994, when the Government wanted to tweak Art 22H of the Constitution (which provided that if a President used his veto when Parliament attempted to amend parts of the Constitution, his veto would be the decisive one should the courts rule that the proposed amendment would curtail his powers), a constitutional reference was decided such that Art 22H itself could be amended without the President’s consent. The President clearly has not been handed an office of absolute trust. Such adjustments to the role of the President were done despite the government’s own expression, that it was clipping its own wings through the introduction of the Elected President.

The main criticism levelled against the Elected Presidency concerns doubts as to its independence from the present government. Arguably the stringent pre-selection criteria rule out all but pro-establishment candidates and involves the absolute discretion of three unaccountable ‘wise men’ of the Presidential Elections Committee. According to Art 18(2), the Presidential Elections Committee shall consist of (a) the Chairman of the Public Service Commission; (b) the Chairman of the Accounting and Corporate Regulatory Authority established under the Accounting and Corporate Regulatory Authority Act 2004; and (c) a member of the Presidential Council for Minority Rights nominated by the Chairman of the Council. It follows in Art 18(3) that the Chairman of the Public Service Commission shall be the chairman of the Presidential Elections Committee and if he is absent from Singapore or is for any other reason unable to discharge his functions, he shall nominate a Deputy Chairman of the Public Service Commission to act on his behalf. The Committee has considerable latitude given that the Presidential Elections Committee may regulate its own

117. Sing Parliamentary Debates vol 56, cols 466–467 (4 October 1990) (Mr Goh Chok Tong).
118. ‘Outstanding issue – “And this was one of them” – NII’ The Straits Times 17 July 1999; ‘I had a long list of problems . . .’ The Straits Times 17 July 1999; ‘Public officers “need change of mindset” ’ The Straits Times 17 July 1999; ‘Issues raised by President Ong Teng Cheong at his press conference on 16th July 1999 (Statements by the Prime Minister and Minister for Finance)’ Sing Parliamentary Debates vol 70, cols 2018–2068 (17 August 1999); The Principles for Determining and Safeguarding the Accumulated Reserves of the Government and the Fifth Schedule Statutory Boards and Government Companies Cmd 5 of 1999; Sing Parliamentary Debates vol 82, col 1238 (12 February 2007) (Professor S Jayakumar).
120. Sing Parliamentary Debates vol 56, cols 462–463 (4 October 1994) (Mr Goh Chok Tong).
121. (Cap 2A, 2005 Rev Ed Sing).
procedure and fix the quorum for its meetings, and may act notwithstanding any vacancy in its membership.

A set of stringent criteria listed under Art 19(2) has to be met if one wishes to run for Presidency. Amongst other requirements, the candidate is to be a citizen of Singapore, not be less than 45 years of age, satisfy the Presidential Elections Committee that he is a ‘person of integrity, good character and reputation’, not be a member of any political party on the date of his nomination for election, and held office for not less than 3 years in stipulated positions such as Minister or Chief Justice, chairman or chief executive officer of a statutory board, or any similar or comparable position of seniority and responsibility that has, in the opinion of the Presidential Elections Committee, given him such experience and ability in administering and managing financial affairs as to enable him to carry out effectively the functions and duties of the office of President. The string of requirements emphasise the vision of the Elected President as a mature person of integrity and moral standing, who has also the ability to monitor the financial affairs of the state and the management of the public service sector.

However, the stringent criteria also means that the position of the Elected President is likely to be an elitist and pro-establishment one; one likely to be filled by a candidate with substantial experience in the public service, and who by virtue of having spent so much time in the establishment, is likely to identify himself with it. In a press report, it was estimated that ‘only just over 400 people have the necessary financial or administrative experience to qualify as spelt out in the Constitution’.

The allegation of elitism is worsened by the fact that the Presidential Elections Committee’s certificate of qualification is final and cannot be subject to appeal or review in any court. This places too much discretionary power in the hands of a small group of persons, with no guarantee that they are qualified to judge others as being of integrity and good character or are unbiased, as there is no provision for any independent election commission. The manner in which the Presidential Election is structured demonstrates a marked distrust of the electorate. In instituting the pre-qualifying round of the Presidential Elections Committee, the post of the Elected President has moved one more step away from popular choice – towards an institutionalised screening and selection process that potentially undercuts the legitimacy of the electoral process. Whereas most electoral systems have a qualifying round, the degree of candidate filtering is much greater for the Elected Presidents under this scheme.

The stringent criteria coupled with the need to be vetted by the Presidential Elections Committee has led to results similar to the walkovers in the GRCs, where in the absence of an alternative candidate, a presidential candidate has been automatically appointed to office without the benefit of an election. The first presidential election was held on 28 August 1993, when Mr Ong Teng Cheong was elected. Mr SR

122. Above n 2, Art 18(6).
123. Ibid, Art 18(7).
125. Why so few takers for this job? The Straits Times 4 June 2005.
126. Above n 2, Art 18(9).
127. See VS Winslow “The election of a president in a parliamentary system: choosing a pedigree or a hybrid?” in Tan and Lam, above n 34, p 96.
Nathan became the next Elected President on 1 September 1999. He was sworn in for his second term of office on 1 September 2005 – Mr SR Nathan was elected to the post unopposed during both his terms of office.\textsuperscript{130}

Although the Elected President is designed as a watchdog institution to strengthen the structure of countervailing check in certain areas,\textsuperscript{131} it is not a satisfactory deviation from the Westminster model in several respects. It has further diluted the voting system through the intermediary step of the Presidential Elections Committee, bred elitism\textsuperscript{132} through the pre-qualifying criteria, and in general assumed that the electorate is unsophisticated enough, first, to return good candidates to Parliament, and, second, independently choose a suitable candidate for the post of the Elected President.\textsuperscript{133} Parliament has attempted to write the Constitution like an insurance policy\textsuperscript{134} – reflecting the heavily paternalistic political instinct of the political leadership.\textsuperscript{135} Unsurprisingly, it has generated political apathy.\textsuperscript{136}

6. SYSTEMIC FRAGILITY – GOVERNMENT BY THE PEOPLE OR SOPHISTICATED PERPETUATION OF POLITICAL DOMINANCE?

‘... I am not totally overwhelmed by the idea that the electorate always knows the best and brings about peace and stability and happiness for the people.’
Lee Kuan Yew\textsuperscript{137}

‘The problem with popular democracy ... is that during elections, candidates are not judged on how well they can govern, but on their persuasive power.’
Lee Kuan Yew\textsuperscript{138}

‘[I]t is not the Constitution or any law that determines the success of our parliamentary democracy. Indeed, it is not any law or constitution that determines the success of any institution. It is not just Parliament. We need people who are honest, people with integrity, people with the nation’s interest at heart, in order to make sure that we have a good and clean system.’ Wong Kan Seng\textsuperscript{139}

\textsuperscript{130} ‘Outgoing Singapore President says “teething problems” will pass’ Associated Press Newswires 30 August 1999 and ‘Ex-civil servant S.R. Nathan wins Singapore’s presidency’ Asian Political News 23 August 1999.
\textsuperscript{131} See Thio Li-ann, above n 34, p 134.
\textsuperscript{133} VS Winslow ‘Singapore has perhaps tried to ensure a safe result’ in Tan and Lam, above n 34, p 96; ‘A contest will be good for the Elected President’ The Straits Times 31 July 1993.
\textsuperscript{134} Winslow, above n 133, p 96.
\textsuperscript{137} ‘MM: It’s Singapore’s turn’ Today 26 June 2008.
\textsuperscript{138} ‘MM Lee on freak poll results – 5 years all it takes to ruin Singapore’ The Straits Times 26 June 2008.
\textsuperscript{139} Sing Parliamentary Debates vol 69, col 134 (1 June 1998) (Mr Wong Kan Seng).
Seldom in the history of countries with constitutions modelled on the Westminster electoral democracy has so much deliberate and persistent effort been devoted to calibrating an electoral regime in such an elaborate and painstaking manner, over decades of fine-tuning and critical changes to its essential features. Singapore's PAP political leadership has utilised its overwhelming dominance in Parliament to pass a series of constitutional amendments apparently aimed at institutionalising the principles that it deems foundational to the security and stability of the nation, and to institutionalise a system of checks and balances to provide against possible future 'bad government'.

Yet, none of these critical constitutional amendments have given rise to a satisfactory workable system of checks and balances. The checks and balances were designed to hamstring a potential future government with radically different ideas from the present one – not to supervise and check on the existing government. In a system in which walkovers predominate, where PAP members are continually returned to office unopposed in several GRCs, and where two out of three times a presidential candidate has been returned unopposed, the system of checks and balances that the political leadership had sought to introduce through the constitutional amendments might be even more fragile than first presumed.

Rather, each of the schemes introduced has successively moved the Constitution further and further away from its original Westminster model. The ultimate check and balance that is election by the votes of its citizens has slowly and consistently been diluted by an increasingly paternalistic system of tight screening and deliberate selection. It is now an electoral system that is tilted heavily towards the PAP political leadership's vision – of what its citizens need, rather than an affirmation of what its citizens want – one that fails to serve its representative function in a meaningful way.

It may well be that it is now a calibrated system that is conducive to keeping Singapore's politics away from the more adversarial mode; one that is conducive to nation-building, the maintenance of economic progress, social and political stability in Singapore – albeit of the vision of its political leadership. It may also be the case that such a calibrated electoral system bears a certain causal relationship with the possibility, and consistent delivery, of such remarkable economic progress, good governance, uninterrupted political stability, and law and order in Singapore.

But it is an electoral system that is uniquely calibrated for the needs of its political leadership. It is a system that has proved durable in systematically obstructing political opposition, and has been hugely successful in preventing political pluralism or any form of substantive organised political competition to the current political leadership. The ideological rationale of the political leadership is writ large in these innovative schemes. And yet, it is, in essence, an electoral regime that contains systemic fragility. Its so-called in-built defence mechanisms all seem to point to one dependency. It is a system that is almost entirely dependent on the integrity and good faith of its core political leadership, who could choose to, or not to, abuse its political hegemony and executive dominance.

---

140. See, eg, Elections Department Singapore, above n 27.
141. Above n 138.
142. See, eg, 'Effective leadership, Singapore-style' The Straits Times 19 October 2000.
143. See, eg, 'Not drifting with the tide but evolving with each step forward' The Straits Times 7 October 2006; M Chew 'Human rights in Singapore: perceptions and problems' (1994) 34(11) Asian Survey 933.

© 2008 The Author. Journal Compilation © 2008 The Society of Legal Scholars