COLLEGE OF INTEGRATIVE STUDIES
Year 2023-2024 – Term 2

COR-LAW2610 – CONSTITUTIONS, CULTURES, AND CONTEXT (SMU-X)

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COURSE DESCRIPTION

A constitution is a country's most important text: it creates State institutions, allocates powers and recognizes rights and responsibilities for those within its territory. More than that, constitutions express a state's identity and provide the framework for all other laws and policies. This course will expose students to the challenges attendant on making constitutions work in real life to address present-day societal problems and challenges. At the same time, it will sensitise them to the extent to which the wider social, political and economic context and a country's underlying culture affect the implementation of constitutional rules and values.

Instead of exploring models and constitutional solutions in the abstract, the course invites students to explore the practical impact and outcomes particular constitutional models and ideas produce in daily life. In other words, we look at how constitutions (fail) to work. To that end, we will amongst others compare the responses that different countries provide to contemporary challenges such as how to provide recognition for a country's constitutional identity in a manner that is intelligible and interesting for the general public; how to ensure effective public participation in governance without encouraging populism; the pervasiveness of migration for our understanding of citizenship and its entitlements; making sure that everyone is treated equally while respecting individual autonomy and personal life choices; the role of technology in public life and the implications for privacy and free speech; and the role of a constitution in fostering economic development.

This is a SMU-X course which combines academic with experiential learning through the heavy use of projects. It challenges talented students to use their disciplinary knowledge and skills to tackle real world problems through interdisciplinary approaches and activities. The course will partner with the Ministry of Education in project design and content delivery.

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

There are no prerequisites for this course.

ELIGIBILITY

1. This course will be delivered as an **SMU-X course**, and will be delivered in **partnership with the Ministry of Education**.
2. This course is open to **all** undergraduates from SMU.
3. For cohorts **<AY2019/2020**, this course is offered as a general elective.
4. For cohorts **≥AY2019/2020**, this course is part of the 'Cultures of the Modern World' basket, and satisfies the Asia Studies graduation requirement.

COURSE OBJECTIVES

By the end of this course, students should:
- Have a sound understanding of the manner in which a country's social, economic, political and cultural context affect the daily operation of the constitution;
- Have developed a critical awareness of contemporary challenges faced by constitutions;
- Be able to identify possible responses that State organs, agencies and others may take in ensuring the effective protection of constitutional rules and rights;
- Be comfortable in tackling the previous objectives from a comparative perspective.

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

None.

RECOMMENDED TEXT AND READINGS

There is no single book that will be used in this course: instead, for each seminar you will be asked to read chapters in leading textbooks, journal articles, blog posts and consult relevant primary materials.

General key texts to which reference may be made include:
- David S Law (ed), *Constitutionalism in Context* (CUP, 2023)
- M Rosenfeld and A Sajo (eds), *The Oxford Handbook of Comparative Constitutional Law* (OUP 2012);
- M Tushnet, T Fleiner and C Saunders (eds), *Routledge Handbook of Constitutional Law* (Routledge 2013);
- W-C Chang et al, *Constitutionalism in Asia* (Hart 2014);

Journal articles

English-language legal journals with an explicit comparative constitutional aim and focus include:

- *International Journal of Constitutional Law (I-CON)*
- *Global Constitutionalism (GlobCon)*
- *European Constitutional Law Review (EUConst)*

When journal articles are indicated as mandatory reading, you are expected to use the Library database to locate the full-text version of the relevant article. More information on how to use the Library databases to find law journal articles, you may consult the Research Guide "How do I Locate Law Journal Articles?", available at: http://researchguides.smu.edu.sg/content.php?pid=128577&sid=1103323.

Blogs

The best way to keep up to date with constitutional developments around the world is to subscribe to blogs and there are several excellent options available:

- I-CONnect (blog of the International Journal of Constitutional Law): http://www.iconnectblog.com;
- IACL/AIDC (blog of the International Association of Constitutional Law): https://blog-iacl-aidc.org

COURSE METHODS

This course takes seriously SMU's commitment to a participatory style of learning, which means that ample time will be devoted to dialogue and conversation regarding the topics examined. In this vein, the "class participation" grade should be seen as a contribution grade, in which I will assess not merely the number of times you spoke up, but also how your interventions helped shape the direction of the conversation and advance the development of ideas.

As for the writing assignments, note that late submission will result in a reduction of your grade. I also encourage you to allow yourself ample time to submit your assignment via eLearn to address any IT problems that may arise. Assignments will only be accepted via eLearn: attachments to emails sent to me shall not be accepted.

CONSULTATIONS

If you have any questions or concerns during the Term, please do reach out. I will be available in the class break as well as 15 minutes before and after class, and I can also be contacted via email to arrange for a consult. Whether the matter is large or small, I will make time to provide guidance.

PARTNER ORGANISATION FOR THE GROUP PROJECT – MINISTRY OF EDUCATION

ASSESSMENT METHOD

1. Class Participation   15%
2. Mid-term   25%
3. Group Assignment   40%
4. Individual Opinion Paper   20%

- Class participation (15%) – You are encouraged to actively participate in the discussions and activities that take place in class. Good class participation involves actively listening to your instructor and other students during class, joining class discussions, and asking questions which are thoughtful and helpful. Using a smart device in class for non-class related activities is a distraction for you and everyone else; this will negatively affect your class participation.

- Mid-Term (25%) – Students will need to answer two short response/essay questions within the allotted time. More information, including the date and time for the mid-term, will be announced in class.
- Group Assignment (40%) – Students will work in small interdisciplinary groups to submit a group project for the Ministry of Education. The details of this assignment will be released at the start of term. Consultation slots for guidance on the Group Project will be made known at a later date.
- Individual Opinion Paper (20%) – Students will work independently to submit a paper of no more than 800 words. The details of this assignment, including the deadline, will be released during the first two weeks of Term.

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

ASSIGNMENT FORMAT AND ACADEMIC INTEGRITY

All written assignments are to be submitted in double-spaced typing along with a total word count and a written anti-plagiarism declaration. There is a policy of zero tolerance for late submission (except in exceptional circumstances) and for non-submission of assignments.

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorised possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Violation of this policy may result in the student receiving zero marks for the component assessment or a fail grade for the course.

When in doubt, students should consult the instructor. Details on the SMU Code of Academic Integrity may be accessed at http://www.smuscd.org/resources.html

All written assignments must have the following declaration attached:

"By submitting this paper, I declare that this paper is my original work and solely done by me. All information obtained from other sources has been quoted or paraphrased. These sources have been cited and referenced accordingly. I understand that the violations of academic integrity will be dealt with severely. I declare that I have abided by SMU's Code of Academic Integrity."

ACCESSIBILITY AND ACCOMMODATIONS

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let me know immediately. You are also welcome to contact the university's disability services team if you have questions or concerns about academic provisions: DSS@smu.edu.sg.

Please be aware that the accessible tables in our seminar room should remain available for students who require them.

COVID19; EMERGENCY PREPAREDNESS FOR TEACHING AND LEARNING (EPTL)

As part of emergency preparedness, instructors may conduct lessons online via either the Zoom or WebEx platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom or WebEx platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.

COPYRIGHT INFRINGEMENT

Please note that only copyright holders are entitled to reproduce their work, publish their work, perform their work in public, communicate their work to the public and make an adaption of their work. Hence, making course materials (owned by the faculty) available for sale or posting such works on websites for gain, is strictly prohibited. Disciplinary action will be taken against those found infringing copyright.

CLASS SCHEDULE

Week No.	Topic
1	*THEME I: FUNDAMENTALS* **Notions of Constitution and Constitutional Change** - What belongs to 'the Constitution': 'big C' and 'small C'-versions - Daily relevance of the constitution - How rigid should a constitution be? How can it be changed, and by whom: rules, requirements and actors - Limits to constitutional change and the risk of rule of law backsliding/authoritarianism
2	*THEME I: FUNDAMENTALS* **Constitutional Identity, and Literacy – National Museum meet (group project)** - Meaning: what are the core features of identity and literacy and who decides? - Where should we look for constitutional identity or literacy? - Significance of constitutional identity in a country's daily life, including the relationship with 'others' - Designing for constitutional identity, literacy and multiculturalism: introduction to the group project
3	*THEME II: INSTITUTIONAL DESIGN* **Beyond the Trias Politica: Fifth Branch Institutions** - Range and number of 'fourth/fifth' branch institutions: from constitutional courts to human rights institutions, anti-corruption agencies and electoral and audit commissions - Rationales for creation and constitutionalization - Accountability and independence - Relationship vis-à-vis classic branches (legislature, executive, judiciary)
	THEME II: INSTITUTIONAL DESIGN

	Vertical Power-Sharing - Rationales for vertical power-sharing, including in ethnically/religiously divided societies; - Modalities, including the distribution of competences and rights across levels - Subnational constitutionalism - Secession
5	*THEME III: INDIVIDUALS* **Citizenship and Composition of 'the People'** - Acquisition and deprivation of citizenship; - Entitlements and duties; - Treatment of the diaspora; - Impact of migration and residence-based voting
6	*THEME III: INDIVIDUALS* **Public Participation in Governance** - Design of electoral and voting systems; - Role of non-citizens and the diaspora; - Establishment of political parties, regulation, banning and financing; - Mass popular participation: citizens' initiatives and referendums
7	Group project discussions and meeting with MOE
8	MID-TERM BREAK
9	*THEME III: INDIVIDUALS* **Dignity and Autonomy** - Meaning and scope of application, including interplay with other rights - Procreation and end-of-life decisions - Newer applications: access to basic necessities (e.g. right to water, sanitation), combatting modern slavery
10	*THEME III: INDIVIDUALS* **Equality** - Scope and 'new' proscribed grounds (in particular age, sexual orientation) - Meaning: formal, substantive, affirmative action - Application and enforcement in horizontal relationships (e.g. employment, landlord-tenant, sport associations)
11	*THEME III: INDIVIDUALS*

	Religion and the State - Meaning: what is part of a 'religion'? Who decides and on what basis? - Range of constitutional arrangements: from strict secularism to official state religion - Extent of religious freedom: the gap between text and practice - Politicization of religion for nationalist, socio-economic ends
12	Presentation of group project to the Ministry of Education

<u>Note</u>: The above syllabus/schedule is meant only as a guide and is subject to amendment.