

UGRD_CIS_2520_COR-LAW2610_MAARTJE DE VISSER



Singapore Management University

COURSE INFORMATION

Course Code & Title	Academic Year / Term	Effective Start Date
COR-LAW2610 - Constitutions, Cultures, and Context	AY2025-26 January Term	25/08/2025

Offering Unit / Department / School	Course Career
CIS	Undergraduate

Course Units	Grading Basis
CU:	GRD - Graded

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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. 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. Evergreens like the separation of powers, constitutional enforcement and dilemmas in ensuring equality and dignity will be explored through comparative study of experiences in a diverse range of jurisdictions. 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 everyday life. To that end, we will amongst others compare the constitutional responses that different countries provide to contemporary challenges such as how to ensure effective public participation in governance without encouraging populism; the pervasiveness of migration for our understanding of citizenship and its entitlements; ensuring that everyone is treated equally while respecting individual autonomy and 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.

Course Learning Outcomes

- 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.

SMU Graduate Learning Outcomes

Multidisciplinary knowledge, Critical thinking & problem solving, Collaboration and leadership, Intercultural understanding and sensitivity, Understanding of global and Asian perspectives, Self-directed learning

Discipline Specific Competencies

Regulatory Compliance, Legal Drafting and Writing

Course Area(s)

AREA - Asia Studies (Intake 2019 to 2023), AREA - Business Options, AREA - Business-Oriented Electives, AREA - Communities - Cultures of the Modern World, AREA - Econ Major Rel/Econ Options, AREA - General Education, AREA - Law Electives, AREA - Legal Studies Electives, AREA - Social Sciences/PLE Major-related, ENRL - SS Enrolment: 6 ISEP; 1 SUSEP

CLASS SECTION INFORMATION

Instructor(s)
MAARTJE DE VISSER -
(mdevisser@smu.edu.sg)

Course Instructor(s)
Maartje DE VISSER

Instruction Mode
In Person

Consultations and Teaching Assistants
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.

Office Location
Yong Pung How School of Law, Level 4, Room 4.32

Assessment Components (New)

Category Class Participation	Weightage 15
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Category Projects/Assignments	Description Written Assignment	Weightage 25
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Category	Description	Weightage
Projects/Assignments	Group Assignment	40

Category	Description	Weightage
Projects/Assignments	Individual Opinion Paper	20

Instructional Methods and Expectations

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 one short response/essay question 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 Law to enable ordinary Singaporeans to better understand the relevance of the Rule of law and promote active citizenship. 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 blog post 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.

Weekly Lesson Plan

CLASS SCHEDULE

Week No.	Topic
1	<u><i>THEME I: FUNDAMENTALS</i></u> Notions of Constitution and Constitutional Change <ul style="list-style-type: none">- 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	<p><u><i>THEME I: FUNDAMENTALS</i></u></p> <p>Constitutional Identity, and Literacy</p> <ul style="list-style-type: none"> - 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:
3	<p><u><i>THEME II: INSTITUTIONAL DESIGN</i></u></p> <p>Introduction to the group project</p> <p>Beyond the Trias Politica: Fifth Branch Institutions</p> <ul style="list-style-type: none"> - Range and number of 'fourth/fifth' branch institutions - Rationales for creation and constitutionalization - Accountability and independence - Relationship vis-à-vis classic branches (legislature, executive, judiciary)
	<p><u><i>THEME II: INSTITUTIONAL DESIGN</i></u></p> <p>Vertical Power-Sharing</p> <ul style="list-style-type: none"> - 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	<p><u><i>THEME III: INDIVIDUALS</i></u></p> <p>Citizenship and Composition of 'the People'</p> <ul style="list-style-type: none"> - Acquisition and deprivation of citizenship; - Entitlements and duties; - Treatment of the diaspora; - Impact of migration and residence-based voting

6	<p><u>THEME III: INDIVIDUALS</u></p> <p>Public Participation in Governance</p> <ul style="list-style-type: none"> - 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	<p><u>THEME III: INDIVIDUALS</u></p> <p>Dignity and Autonomy</p> <ul style="list-style-type: none"> - 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	<p><u>THEME III: INDIVIDUALS</u></p> <p>Equality</p> <ul style="list-style-type: none"> - 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	<p><u>THEME III: INDIVIDUALS</u></p> <p>Religion and the State</p> <ul style="list-style-type: none"> - 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

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

Recommended Textbooks and Readings

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 journals with an explicit comparative constitutional aim and focus include:

- *International Journal of Constitutional Law (I-CON)*
- *Global Constitutionalism (GlobCon)*
- *Comparative Constitutional Studies*
- *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/>

UNIVERSITY POLICIES

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized 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. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx>.

Responsible Use of AI

The University recognises the importance of equipping students with the skills to navigate an AI-driven world. While AI tools may support learning, they must be used judiciously and responsibly. Students must not present AI-generated output as their own work.

Each course may set specific guidelines on the use of AI in assessments. Students are required to follow these guidelines carefully and should seek clarification from the instructors if uncertain.

Misuse of AI constitutes a breach of academic integrity and will be subject to the same penalties as other acts of academic dishonesty.

Copyright Notice

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For the full copyright notice, please visit <https://researchguides.smu.edu.sg/copyright>.

Accessibility

SMU strives to make learning experiences accessible for all. Students who anticipate or experience physical or academic barriers due to disability are encouraged to inform the course instructor as soon as possible. Students may also contact the university's disability services team if they have questions or concerns about academic provisions:

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

Digital Readiness for Teaching and Learning (DRTL)

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