

COURSE:	LAWS 2501 A & T
TERM:	Fall 2013
PREREQUISITES:	LAWS Undergraduate level LAWS 1000 Minimum Grade of D- or Undergraduate level PAPM 1000 Minimum Grade of D- or Undergraduate level PSCI 1000 Minimum Grade of D- or (Undergraduate level PSCI 1001 Minimum Grade of D- and Undergraduate level PSCI 1002 Minimum Grade of D-)
CLASS:	Day & Time: Wednesday 6:05 pm-8:55 pm Room: Please check with Carleton Central for current room location
BROADCAST:	Day & Time: Thursday 9:05 pm -11:25 pm
INSTRUCTOR:	Nick E. Milanovic
CONTACT:	Office: B442 LA (Loeb Bldg.) Office Hrs: By appointment Telephone: Email: cuLearn only

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

Law, State and Constitution will examine the law relating to the state, and the Constitution, with a focus on the historical framework, federalism, and constitutional reform in Canada. We will review the role of the state, examining the Constitution with an emphasis on the federal system, its interpretation, change, and reform. Among other things, we will look closely at the text of the Constitution, the social forces responsible for its creation, and several early legal decisions responsible for its initial application. As well, we will review modern Supreme Court rulings that deal with key areas of the Constitution in order to understand how that document has evolved as Canada has matured as a country.

This class will be delivered on the basis of interactive lectures. Students will be expected to regularly attend classes; attempt to answer questions put to them and discuss the topics under consideration in a respectful and courteous manner. Students should read the assigned materials before attending the relevant class as the readings will serve as a departure point for the topics discussed each lecture.

REQUIRED TEXT

David W. Elliott, ed., *Introduction to Public Law: Sourcebook*, 7th ed. (North York: Captus Press, 2007) – please note earlier editions are outdated

SUPPLEMENTARY TEXTS

The following are suggested sources of **optional readings** which might further your understanding of this course. Note none of these books needs to be purchased for this course:

Cairns, A., *Citizens Plus* (Vancouver: UBC Press, 2000)

Cheffins, Ronald I. and Patricia A. Johnson, *The Revised Canadian Constitution: Politics as Law* (Toronto: McGraw-Hill Ryerson, 1986)

Flanagan, T., *First Nations? Second Thoughts* (Montreal and Kingston: McGill-Queen's University Press, 2000)

Gibbins, Roger, *Conflict and Unity*, 3rd ed. (Scarborough: Nelson Canada, 1994)

Hogg, Peter W., *Constitutional Law of Canada*, Student ed. (Scarborough: Carswell, 2000)

Jackson, Robert J. and Doreen Jackson, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 4th ed. (Scarborough: Prentice Hall Allyn and Bacon Canada, 1998)

Reesor, Bayard, *The Canadian Constitution in Historical Perspective* (Scarborough: Prentice Hall, 1992)

Russell, P.H. et al., *Federalism and the Charter: Leading Constitutional Decisions* (Ottawa: Carleton U.P., 1989, any recent reprints)

Whittington, Michael S. and Richard J. Van Loon, *Canadian Government and Politics: Institutions and Processes* (Toronto: McGraw-Hill Ryerson, 1996)

EVALUATION

(All components must be completed in order to get a passing grade)

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| (a) Essay (due on or before November 25, 2013 topics to be announced in class) | 50% |
| (b) Final Exam (December 2013 , formally scheduled, 3 hours in length, closed book, format will include multiple choice questions.) | 50% |

SCHEDULE

The topics generally correspond to the headings in the Table of Contents at the beginning of each of the required text. The assigned readings are to be read before the relevant class. The number at the left side of the outline below indicates the Monday of each week of the course in the relevant term and “Ch.” indicates the corresponding chapter(s) of the required reading to be completed prior to the lecture delivered each week.

1.	September 11	<u>Introduction</u>	No Reading
2.	September 18	<u>Law and Public Law</u>	Ch. 1
3.	September 25	<u>The Constitution</u>	Ch. 2 & Ch. 8
4.	October 02	<u>The Constitution Act 1867</u>	Ch. 3
5.	October 09	<u>The Judiciary</u>	Ch. 4
6.	October 16	<u>Early Key Decisions</u>	Ch. 5 & Ch. 6
7.	October 23	<u>POGG, Trade & Commerce, and other Powers: Modern Era</u>	Ch. 7
8.	November 06	<u>Constitution Act, 1982 and After</u>	Ch. 9
9.	November 13	<u>Constitution Act 1982, Specific Aspects</u>	Ch. 10
10.	November 20	<u>Formal & Informal Constitutional Changes</u> Please note: Essay due November 25, 2013	Ch. 11
11.	November 27	<u>Secession, Unity, and the Future</u>	Ch. 12
12.	December 04	Review & Recap	No Reading

Departmental Policy and Procedure:

For further instructions regarding prerequisites, assignments, and grading, etc., please consult the Department of Law’s Policy and Procedure Statement and the relevant pages of the Undergraduate Calendar.