

**Course Outline**

<b>COURSE:</b>	<b>LAWS 2501 A &amp; T – Law, State and Constitution</b>
<b>TERM:</b>	<b>Fall 2012</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from: LAWS 1000 [1.0], PAMP 1000 [1.0], PSCI 1000 [1.0], PSCI 1001, PSCI 1002.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesday 6:05 pm – 9:00 pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Nick E. Milanovic</b>
<b>CONTACT:</b>	<b>Office: B442 LA (Loeb Bldg.)</b> <b>Office Hrs: By appointment</b> <b>Email: Web CT only</b>

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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](mailto: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). For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**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 examine 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 more recent Supreme Court cases concerning key areas of the Constitution in order to understand how that document has evolved as Canada has matured as a nation.

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 TEXTS**

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 (North York: Captus Press, 2007) – please note earlier editions are outdated

Nick E. Milanovic, ed., Constitution of Canada, 1<sup>st</sup> ed. (Toronto: Kendall Hunt Publishing, 2012) - Student PAK text + supplement

Both books will be available at Haven Books, 43 Seneca Street Ottawa, Ontario, T 613-730-9888  
[info@havenbooks.ca](mailto:info@havenbooks.ca); <http://www.havenbooks.ca/carletonsite/carletonhome-e.php>

**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*, 3<sup>rd</sup> ed. (Scarborough: Nelson Canada, 1994)  
 Hogg, Peter W., *Constitutional Law of Canada*, Student ed. (Scarborough: Carswell, 2011)  
 Jackson, Robert J. and Doreen Jackson, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 4<sup>th</sup> 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)

- (a) **Essay**            **50%**    (due on or before **November 14, 2012** (topics to be posted on WebCT))
- (b) **Final Exam**    **50%**    (**December 2012**, formally scheduled - 3 hours in length, closed book, format will be multiple choice questions.)

**SCHEDULE**

The topics below generally correspond to the headings in the Table of Contents at the beginning of the Sourcebook. The assigned readings are to be read before the relevant class. The number at the left side of the outline below indicates the 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. Readings from the Constitution of Canada will be announced after lectures to follow up on topics touched upon in lectures.

1.	<b>September 12</b>	<b><u>Introduction</u></b>	<b>No Reading</b>
2.	<b>September 19</b>	<b><u>Law and Public Law</u></b>	<b>Ch. 1</b>
3.	<b>September 26</b>	<b><u>The Constitution</u></b>	<b>Ch. 2 &amp; Ch. 8</b>
4.	<b>October 3</b>	<b><u>The Constitution Act 1867</u></b>	<b>Ch. 3</b>
5.	<b>October 10</b>	<b><u>The Judiciary</u></b>	<b>Ch. 4</b>
6.	<b>October 17</b>	<b><u>Early Key Decisions</u></b>	<b>Ch. 5 &amp; Ch. 6</b>
7.	<b>October 24</b>	<b><u>POGG, Trade &amp; Commerce, and other Powers: Modern Era</u></b>	<b>Ch. 7</b>
8.	<b>October 31</b>	<b><u>Constitution Act, 1982 and After</u></b>	<b>Ch. 9</b>
9.	<b>November 07</b>	<b><u>Constitution Act 1982, Specific Aspects</u></b>	<b>Ch. 10</b>
10.	<b>November 14</b>	<b><u>Formal &amp; Informal Constitutional Changes</u></b>	<b>Ch. 11</b>
		<b>Please note: Essay due November 14, 2012</b>	
11.	<b>November 21</b>	<b><u>Secession, Unity, and the Future</u></b>	<b>Ch. 12</b>
12.	<b>November 28</b>	<b>Review &amp; Recap</b>	

**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.