

Course Outline

COURSE:	LAWS 2501B - Law, State and Constitution
PREREQUISITES:	LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1000 [1.0] (No longer offered), PSCI 1001 and PSCI 1002 (no longer offered), PSCI 1100 and PSCI1200.
TERM:	Winter 2015
CLASS:	Day & Time: Mondays 11:30am - 2:30pm Room: Please check with Carleton Central for current room location Tory 238
INSTRUCTOR:	Zeina Bou-Zeid, PhD
CONTACT:	Office: D598 Loeb Office Hrs: Mondays 10:30-11:30am Phone: (613) 520-2600 ext: 2591 Email: zeina.bouzeid@carleton.ca

Academic Accommodations:

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/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original

source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE OBJECTIVE AND CONTENT

The course examines the law relating to the state and the Constitution, focusing on the historical framework, federalism and constitutional reform in Canada. The course examines the development of the Canadian state from the *British North America Act of 1867*, until the latest formulation of the Canadian Constitution in 1982. The Canadian Constitution is a combination of written legal constitutional instruments and of informal constitutional conventions. The constitutional documents and the underlying forces responsible for their creation, interpretation, and application will be examined. The role played by early decisions by the Judicial Committee of the Privy Council and the Supreme Court of Canada in bringing about constitutional change will be focused on as well as more recent Supreme Court of Canada decisions since it became Canada's highest appeal court and since the inception of the *Constitution Act, 1982*. The course will examine disputes over executive accountability, the rights of individuals and groups, the division of powers between the federal and provincial governments and recent proposals for constitutional reform.

REQUIRED TEXTS

The required text is available at the University Bookstore.

Elliott, David, *Introduction to Public Law: Source Book*, 7th edition (Captus: Concord, Ontario), 2010.

Note: Other required readings will be placed on RSV in the library and can be accessed through cuLearn (View Course in Ares).

ADDITIONAL MATERIALS

Students may find it helpful to locate statutes and cases discussed in this course. Some key websites are:

- Department of Justice- Canada (Consolidated Statutes) <http://laws.justice.gc.ca/en/index.html>
- Access *Westlaw* or *Quicklaw* on the Carleton University Library website.

COURSE EVALUATION

Mid-Term Exam (February 9):	40%
Classroom Group Discussion Comments (Ongoing):	10%
Final Exam (During scheduled exam period):	40%
Attendance and Class Participation:	10%

All exams must be completed in order to pass the course.**Examinations:**

The examinations are **closed book**. The Mid-Term Exam will be held in class on the date indicated in the course outline. The Final Exam will be held during the scheduled exam period. The examinations will be comprised of multiple choice questions, short answer, long answer and hypothetical questions. The exams will be based on all materials covered during class lectures and the required readings.

Classroom Group Discussion Comments:

Students are required to complete and submit to the Instructor **5** in class group discussion comments out of a possible 10 available during the semester (2 marks per comment). Students are required to complete these comments as part of a small discussion group (4-5 students per group).

The Instructor will provide the Group Discussion Handouts each class. Students are required to discuss the issue with their fellow students and respond to the questions. The Instructor will reserve time in class to discuss some of the responses after collecting your comments. You will not receive feedback on your submission. If your group comments are serious and substantive that will suffice for the marks.

Due: These will be collected at the end of each class.

Attendance & Participation:

This course is structured as a lecture. Attendance in the course is critical. Students are expected to read the assigned materials prior to class and to participate in class discussions.

The professor will not repeat/review any lectures that students do not attend. Students are strongly encouraged to attend class regularly and to take detailed notes.

CLASS SCHEDULE & READINGS

Week 1. January 5	Introduction and Course Overview
Week 2. January 12	Elements of Public Law & the Constitution
	<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapters 1 & 2
Week 3. January 19	Origins and Structure of the <i>Constitution Act 1867</i>: Parliament & Executive Authority
	<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapters 3 & 8

Week 4: January 26	The Judiciary & Early Federalism
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapters 4 & 5 	
Week 5: February 2	Peace, Order & Good Government and Trade and Commerce (Mid-Term Exam Review)
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapters 6 & 7 	
Week 6: February 9	<u>Mid-Term Exam</u>
February 16:	Winter Break No Class or Office Hours
Week 7: February 23	Origins & Structure of the <i>Constitution Act 1982</i>
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapter 9 	
Week 8: March 2	Special Aspects of the <i>Constitution Act 1982</i>
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapter 10 	
Week 9: March 9	Criminal Law & Federalism
<ul style="list-style-type: none"> • Patrick Monahan & Byron Shaw. <i>Constitutional Law</i>, 4th Ed (Toronto: Irwin Law, 2013). Chapter: 11 (RSV) • <u>Elliott Text</u>: Pages 142-151. 	
Week 10: March 16	Aboriginal Peoples and the Canadian Constitution
<ul style="list-style-type: none"> • <u>Elliott Text</u>: pages 244-246, 250-252 • Patrick Monahan & Byron Shaw. <i>Constitutional Law</i>, 4th Ed (Toronto: Irwin Law, 2013). Chapter: 14 (RSV) 	
Week 11: March 23	Formal & Informal Constitutional Change
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapter 11 	
Week 12: March 30	Secession, Unity and the Future
<ul style="list-style-type: none"> • <u>Elliott Text</u>: Chapter 12 	

Week 13: April 6

Course Review

FINAL EXAM
(During Scheduled Exam Period)