

## Course Outline

COURSE:	LAWS 2501 C – Law, State, and Constitution
TERM:	Winter 2016
PREREQUISITES:	LAWS 1000 [1.0], PAMP 1000 [1.0], PSCI 1000 [1.0 ] (No longer offered), PSCI 1001 and PSCI 1002 (no longer offered), PSCI 1100 and PSCI1200
CLASS:	Day & Time: Wednesdays 11:35 pm-2:25 pm
	Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Nick E. Milanovic
CONTACT:	Office: B442 LA (Loeb Bldg.) Office Hrs: By appointment only
	Email: cuLearn only

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**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://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://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](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*) at <http://carleton.ca/pmc/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://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://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://carleton.ca/law/current-students/>

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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 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 TEXTS**

A revised version of David W. Elliott, ed., *Introduction to Public Law: Sourcebook*, 7th ed. (North York: Captus Press, 2007) is expected to be released by January 2016. An announcement will be made in class concerning the text to be purchased. Please note any earlier editions are outdated.

## **SUPPLEMENTARY TEXTS**

The following are suggested sources of optional readings which might further your understanding of this subject. Note none of these books needs to be bought 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, 2014)  
 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 (**due on or before March 16, 2016** topics to be announced in class) 50%
- (b) Final Exam (**April 11 – 23, 2016**, formally scheduled, 3 hours in length, closed book, 50% format will include multiple choice questions.)

\*\* Please note: standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

### **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.	January 06	Introduction	No Reading
2.	January 13	Law and Public Law	Ch. 1
3.	January 20	The Constitution	Ch. 2 & Ch. 8
4.	January 27	The Constitution Act 1867	Ch. 3
5.	February 03	The Judiciary	Ch. 4
6.	February 10	Early Key Decisions *February 15-19, 2016 Winter Break, no classes.	Ch. 5 & Ch. 6
7.	February 24	POGG, Trade & Commerce	Ch. 7
8.	March 02	Constitution Act, 1982 and After	Ch. 9
9.	March 09	Constitution Act 1982, Specific Aspects	Ch. 10
10.	March 16	Formal & Informal Constitutional Changes *Please note: Essay due March 16, 2016	Ch. 11
11.	March 23	Secession, Unity, and the Future	Ch. 12
12.	March 30	Review & Recap	No Reading