

COURSE: LAWS 2501 T – Law, State and Constitution

TERM: Summer 2012

PREREQUISITES: 1.0 credit from: LAWS 1000 [1.0], PAMP 1000 [1.0], PSCI 1000 [1.0], PSCI 1001, PSCI 1002.

RE-BROADCAST: Day & Time: Monday & Thursday, 6:00 pm-7:59 pm

**INSTRUCTOR:
(CONTRACT)** Nick E. Milanovic

CONTACT: Office: B442 LA (Loeb Bldg.)
Office Hrs: By appointment
Email: Web CT only

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.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 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 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, 2011)
 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)

- (a) **Essay** **50%** (due on or before **June 11, 2012** (topics to be posted on WebCT))
- (b) **Final Exam** **50%** (**June 2012**, formally scheduled - 3 hours in length, closed book, format will be multiple choice questions.)

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.	May 07	<u>Introduction</u>	No Reading
2.	May 10	<u>Law and Public Law</u>	Ch. 1
3.	May 14	<u>The Constitution</u>	Ch. 2 & Ch. 8
4.	May 17	<u>The Constitution Act 1867</u>	Ch. 3
5.	May 24	<u>The Judiciary</u>	Ch. 4
6.	May 28	<u>Early Key Decisions</u>	Ch. 5 & Ch. 6
7.	May 31	<u>POGG, Trade & Commerce, and other Powers: Modern Era</u>	Ch. 7
8.	June 04	<u>Constitution Act, 1982 and After</u>	Ch. 9
9.	June 07	<u>Constitution Act 1982, Specific Aspects</u>	Ch. 10
10.	June 11	<u>Formal & Informal Constitutional Changes</u>	Ch. 11
11.	June 14	<u>Secession, Unity, and the Future</u>	Ch. 12
12.	June 18	Review & Recap Please note: Essay due June 11, 2012	

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.