

## Course Outline

COURSE:	LAWS 2501 T – Law, State and Constitution
TERM:	Summer 2013
PREREQUISITES:	1.0 credit from: LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1000 [1.0], PSCI 1001, PSCI 1002.
RE-BROADCAST:	Day & Time: Thursday & Sunday, 6:00 pm-7:59 pm
INSTRUCTOR: (CONTRACT)	Nick E. Milanovic
CONTACT:	Office: B442 LA (Loeb Bldg.) Office Hrs: By appointment Email: cuLearn only

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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](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://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/>

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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.

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)  
 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)

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

- (a) **Essay**            **50%**    **due on or before June 09, 2013** (topics to be posted on cuLearn)
- (b) **Final Exam**    **50%**    **June 2013**, formally scheduled - 3 hours in length, closed book, Instructor reserves the right to adjust the grades of students in appropriate (i.e. errors, omissions etc.) circumstances.

**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 09	<u>Introduction</u>	No Reading
2.	May 12	<u>Law and Public Law</u>	Ch. 1
3.	May 16	<u>The Constitution</u>	Ch. 2 & Ch. 8
4.	May 19	<u>The Constitution Act 1867</u>	Ch. 3
5.	May 23	<u>The Judiciary</u>	Ch. 4
6.	May 26	<u>Early Key Decisions</u>	Ch. 5 & Ch. 6
7.	May 30	<u>POGG, Trade &amp; Commerce, and other Powers: Modern Era</u>	Ch. 7
8.	June 02	<u>Constitution Act, 1982 and After</u>	Ch. 9
9.	June 06	<u>Constitution Act 1982, Specific Aspects</u>	Ch. 10
10.	June 09	<u>Formal &amp; Informal Constitutional Changes</u>	Ch. 11
11.	June 13	<u>Secession, Unity, and the Future</u>	Ch. 12
12.	June 16	Review & Recap Please note: Essay due June 09, 2013	

**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.