

## Course Outline

|                           |                                                                                                                   |
|---------------------------|-------------------------------------------------------------------------------------------------------------------|
| COURSE:                   | LAWS 2501 T – Law, State and Constitution                                                                         |
| TERM:                     | Summer 2014                                                                                                       |
| PREREQUISITES:            | 1.0 credit from: LAWS 1000 [1.0], PAMM 1000 [1.0], PSCI 1000 [1.0], PSCI 1001, PSCI 1002, PSCI 1100 and PSCI 1200 |
| RE-BROADCAST:             | Thursday & Sunday, 2:00 pm-5:00 pm                                                                                |
| INSTRUCTOR:<br>(CONTRACT) | Nick E. Milanovic                                                                                                 |
| CONTACT:                  | Office: B442 LA (Loeb Bldg.)<br>Office Hrs: By apt.<br>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, investigating 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 this book is available in the Carleton University bookstore and earlier editions are outdated.

**SUPPLEMENTARY TEXTS**

The following are suggested sources of **optional readings**. Note none of these books needs to be purchased:

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 08, 2014** (topics to be posted on cuLearn)
- (b) **Final Exam**        **50% June 2014**, 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 date of the rebroadcast each week of the course and the “Ch.” indicates the corresponding chapter(s) of the required reading to be completed prior to the lecture delivered each week.

|     |         |                                                                 |               |
|-----|---------|-----------------------------------------------------------------|---------------|
| 1.  | May 08  | <u>Introduction</u>                                             | No Reading    |
| 2.  | May 11  | <u>Law and Public Law</u>                                       | Ch. 1         |
| 3.  | May 15  | <u>The Constitution</u>                                         | Ch. 2 & Ch. 8 |
| 4.  | May 18  | <u>The Constitution Act 1867</u>                                | Ch. 3         |
| 5.  | May 22  | <u>The Judiciary</u>                                            | Ch. 4         |
| 6.  | May 25  | <u>Early Key Decisions</u>                                      | Ch. 5 & Ch. 6 |
| 7.  | May 29  | <u>POGG, Trade &amp; Commerce, and other Powers: Modern Era</u> | Ch. 7         |
| 8.  | June 01 | <u>Constitution Act, 1982 and After</u>                         | Ch. 9         |
| 9.  | June 05 | <u>Constitution Act 1982, Specific Aspects</u>                  | Ch. 10        |
| 10. | June 08 | <u>Formal &amp; Informal Constitutional Changes</u>             | Ch. 11        |
| 11. | June 12 | <u>Secession, Unity, and the Future</u>                         | Ch. 12        |
| 12. | June 15 | Review & Recap                                                  |               |

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.