

## Course Outline

<b>COURSE:</b>	<b>LAWS 2501 D – Law, State and Constitution</b>
<b>TERM:</b>	<b>Fall 2010</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from: LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1000 [1.0], PSCI 1001, PSCI 1002.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Friday 2:35 pm - 5:25 pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Nick E. Milanovic</b>
<b>CONTACT:</b>	<b>Office: C476 LA (Loeb Bldg.)</b> <b>Office Hrs: By appointment Wednesday or Friday</b> <b>Email: Web CT only</b>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2010 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.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.

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*, 3<sup>rd</sup> ed. (Scarborough: Nelson Canada, 1994)  
 Hogg, Peter W., *Constitutional Law of Canada*, Student ed. (Scarborough: Carswell, 2000)  
 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**            **50%**    (due on or before **December 03, 2010** topics to be announced in class)  
 (b) **Final Exam**    **50%**    (**December 2010**, formally scheduled, 3 hours in length, closed book, format will include 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 Friday 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.	September 10	<u>Introduction</u>	No Reading
2.	September 17	<u>Law and Public Law</u>	Ch. 1
3.	September 24	<u>The Constitution</u>	Ch. 2 & Ch. 8
4.	October 01	<u>The Constitution Act 1867</u>	Ch. 3
5.	October 15	<u>The Judiciary</u>	Ch. 4
6.	October 22	<u>Early Key Decisions</u>	Ch. 5 & Ch. 6
7.	October 29	<u>POGG, Trade &amp; Commerce, and other Powers: Modern Era</u>	Ch. 7
8.	November 05	<u>Constitution Act, 1982 and After</u>	Ch. 9
9.	November 12	<u>Constitution Act 1982, Specific Aspects</u>	Ch. 10
10.	November 19	<u>Formal &amp; Informal Constitutional Changes</u>	Ch. 11
11.	November 26	<u>Secession, Unity, and the Future</u>	Ch. 12
12.	December 03	Review & Recap Please note: Essay due in class December 03, 2010	

**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.