

Course Outline

COURSE:	LAWS 2502 A & V – Law, State, Citizen
TERM:	Winter 2014
PREREQUISITES:	LAWS1000 [1.0], PAMP 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002
CLASS:	Day & Time: Monday 6:05 pm – 9:00 pm Please check with Carleton Central for current room location
BROADCAST:	Day & Time: Wednesday 1:05 pm-3:25 pm
INSTRUCTOR: (CONTRACT)	Nick E. Milanovic
CONTACT:	Office: C476 LA (Loeb) Office Hrs: By Appointment Telephone: Email: cuLearn only

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 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/>

COURSE DESCRIPTION

Law, State and Citizen examine the law relating to the state and its relationship to individuals and groups in society, with a focus on the administrative process, basic values and the *Charter*. The course will first consider the theories of the state and then move to an evaluation of administrative law including judicial review. Finally, we will study basic constitutional rights including the *Charter of Rights and Freedoms*, and conclude by examining core concepts of

public international law. 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.

REQUIRED TEXTS

David W. Elliott, ed., *Introduction to Public Law: Readings on the State, the Administrative Process, and Basic Values*, 6th 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, 2000)

Jones, David Ph. and Anne S. de Villars, *Principles of Administrative Law*, 3rd ed. (Scarborough: Carswell, 1999)

Knopff, R. and F.L. Morton, *Charter Politics* (Scarborough: Nelson, 1992)

Mandel, Michael, *The Charter of Rights and the Legalization of Politics in Canada*, rev. (2nd) ed. (Toronto: Thompson Educational Publishing, 1994)

Morton, F.L. and R. Knopff, *The Charter Revolution and the Court Party* (Peterborough: Broadview Press, 2000)

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 24, 2014** topics to be announced in class) 50%(b) Final Exam (**April 2014**, formally scheduled, 3 hours in length, closed book) 50%**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 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	Law, State, and Social Goals and Techniques	Ch. 1
2. January 13	Administrative Law Structure & Action	Ch. 2
3. January 20	Non-Judicial & Judicial Control	Ch. 3
4. January 27	Judicial Review and Procedural Control	Ch. 4
5. February 03	Substantive Review	Ch. 5
6. February 10	Theory, Problems, and Review	Ch. 6
7. February 24	Basic Values and Their Protection	Ch. 7
8. March 03	Scope of the Charter	Ch. 8
9. March 10	Fundamental Freedoms & Fundamental Justice	Ch. 9
10. March 17	Equality	Ch. 10
11. March 24	Group Rights *Please note: Essay due March 24, 2014	Ch. 11
12. March 31	Public International Law	Ch. 12

DEPARTMENT POLICY & PROCEDURE:

For further instructions regarding prerequisites, assignments, and grading, etc., please consult the Department's Policy and Procedure Statement and the relevant pages of the Undergraduate Calendar.