

Course Outline

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| COURSE: | LAWS 2502 A & V – Law, State, Citizen |
| TERM: | Winter 2012 |
| PREREQUISITES: | LAWS1000 [1.0], PAPM 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002 |
| CLASS: | Day & Time: Thursday 6:05 pm – 9:00 pm |
| BROADCAST: | Day & Time: Monday 2:00 pm - 4:30 pm |
| INSTRUCTOR: (CONTRACT) | Nick E. Milanovic |
| CONTACT: | Office: B442 LA (Loeb) Office Hrs: By Appointment Telephone: (613) 520-3690 Email: WebCT only |

"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 . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by 7 March 2012 for Winter term exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

Law, State and Citizen examines 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

The required text is available in the Carleton University Bookstore. (Other required readings may be assigned in class.) 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)

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)

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 22, 2012** topics to be announced in class) 50%
- (b) Final Exam (**April 2012**, 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.

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| 1. January 05 | Law, State, and Social Goals and Techniques | Ch. 1 |
| 2. January 12 | Administrative Law Structure & Action | Ch. 2 |
| 3. January 19 | Non-Judicial & Judicial Control | Ch. 3 |
| 4. January 26 | Judicial Review and Procedural Control | Ch. 4 |
| 5. February 02 | Substantive Review | Ch. 5 |
| 6. February 09 | Theory, Problems, and Review | Ch. 6 |
| 7. February 16 | Basic Values and Their Protection | Ch. 7 |
| 8. March 01 | Scope of the Charter | Ch. 8 |
| 9. March 08 | Fundamental Freedoms & Fundamental Justice | Ch. 9 |
| 10. March 15 | Equality | Ch. 10 |
| 11. March 22 | Group Rights *Please note: Essay due March 22, 2012 | Ch. 11 |
| 12. March 29 | Public International Law | Ch. 12 |

DEPARTMENT POLICY & 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.