

**Course Outline**

**COURSE:** LAWS 2502 V – Law, State, Citizen

**TERM:** Summer 2012

**PREREQUISITES:** LAWS1000 [1.0], PAPM 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002

**RE-BROADCAST: Day & Time:** Monday & Thursday, 6:00 pm-7:59 pm

**INSTRUCTOR:** Nick E. Milanovic  
**(CONTRACT)**

**CONTACT:** Office: B442 LA (Loeb)  
Office Hrs: By Appointment  
Telephone: (613) 520-3690  
Email: WebCT only

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Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. 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 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**

The required text is available in the Carleton University Bookstore.

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, 2011)

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 August 13, 2012 (topics to be posted on WebCT) 50%

(b) Final Exam (August 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.

<b>1. July 05</b>	<b>Law, State, and Social Goals and Techniques</b>	<b>Ch. 1</b>
<b>2. July 09</b>	<b>Administrative Law Structure &amp; Action</b>	<b>Ch. 2</b>
<b>3. July 12</b>	<b>Non-Judicial &amp; Judicial Control</b>	<b>Ch. 3</b>
<b>4. July 16</b>	<b>Judicial Review and Procedural Control</b>	<b>Ch. 4</b>
<b>5. July 19</b>	<b>Substantive Review</b>	<b>Ch. 5</b>
<b>6. July 23</b>	<b>Theory, Problems, and Review</b>	<b>Ch. 6</b>
<b>7. July 26</b>	<b>Basic Values and Their Protection</b>	<b>Ch. 7</b>

<b>8. July 30</b>	<b>Scope of the Charter</b>	<b>Ch. 8</b>
<b>9. August 02</b>	<b>Fundamental Freedoms &amp; Fundamental Justice</b>	<b>Ch. 9</b>
<b>10. August 09</b>	<b>Equality</b>	<b>Ch. 10</b>
<b>11. August 13</b>	<b>Group Rights</b> <b>*Please note: Essay due August 13, 2012</b>	<b>Ch. 11</b>
<b>12. August 16</b>	<b>Public International Law &amp; Review/Recap</b>	<b>Ch. 12</b>

### **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.