

## Course Outline

COURSE:	LAWS 2502 V – Law, State and Citizen
TERM:	Summer 2014
PREREQUISITES:	1.0 Credit from LAWS1000 [1.0], PAPM 1000 [1.0], PSCI 1100[0.5] and PSCI 1200[0.5]
RE-BROADCAST:	Thursday & Saturday, 2:00 pm-5:00 pm
INSTRUCTOR: (CONTRACT)	Nick E. Milanovic
CONTACT:	Office: B442 LA (Loeb) Office Hrs: By Appt. Telephone: (613) 520-3690 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 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 view classes. Students should read the assigned materials before viewing 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 09, 2014** (topics to be posted on cuLearn) 50%

(b) Final Exam (August 2014, formally scheduled, 3 hours in length, closed book) 50%

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 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. July 05	Law, State, and Social Goals and Techniques	Ch. 1
2. July 10	Administrative Law Structure & Action	Ch. 2
3. July 12	Non-Judicial & Judicial Control	Ch. 3
4. July 17	Judicial Review and Procedural Control	Ch. 4
5. July 19	Substantive Review	Ch. 5
6. July 24	Theory, Problems, and Review	Ch. 6
7. July 26	Basic Values and Their Protection	Ch. 7
8. July 31	Scope of the Charter	Ch. 8
9. August 02	Fundamental Freedoms & Fundamental Justice	Ch. 9
10. August 07	Equality	Ch. 10
11. August 09	Group Rights *Please note: Essay due August 09, 2014	Ch. 11
12. August 14	Public International Law & Review/Recap	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.