

Course Outline

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| COURSE: | LAWS 2502 B – Law, State and Citizen |
| TERM: | Winter 2010-11 |
| PREREQUISITES: | 1.0 Credit from LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002 |
| CLASS: | Day & Time: Tuesdays 11:35 A.M. to 2:25 P.M. Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: (CONTRACT) | Dr. Dwight Barnaby |
| CONTACT: | Office: Loeb C476 Office Hrs: By arrangement Telephone: (613) 562-2966 Email: 999ott@rogers.com |

"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 **June 11, 2010 for June exams and July 30, 2010 for August exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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COURSE DESCRIPTION

Laws 2502, Law, State, and the Citizen, corresponds to what used to be the second half of the year-long Public Law course. It examines the strategies which the modern, rationalized, liberal state employs to establish its legitimacy in the eyes of its citizens. The main devices used to accomplish this are entrenched rights, the rule of law, democratic decision-making, the fair exercise of bureaucratic power, and the observance of rational utility in the substantive policies enacted. The great difficulty of governance for the modern state arises from the tension among these various devices, since for example the state's respect for individual rights may conflict with the efficient realization of substantive policies; democratic demands may resist control by the rule of law; and rights may defy both the majority will and the efficient operation of the bureaucracy. This course will explore how Canada attempts to reconcile these tensions in light of its own peculiar history, culture, and traditions of government.

REQUIRED TEXTS

David Elliott, *Introduction to Public Law: Readings on the State, the Administrative Process, and Basic Values* (Concord, Ontario: Captus Press, 2007, 6th edition) will be used for the

course readings.

SUPPLEMENTARY TEXTS

No supplementary texts are required, though students may wish to consult the latest edition of Peter Hogg's *Constitutional Law in Canada* (Toronto: Thompson/Carswell) for further information on particular issues.

EVALUATION

(All components must be completed in order to get a passing grade)

Class attendance is not formally graded but it is important, given that the lectures complement but in no way replicate or merely summarize the assigned readings.

Class Comments: Students may earn up to 4% of their final grade for contributing useful questions or comments to the lectures.

Short Essay: From a list of four suggested essay topics, students should select two for a brief, original, critical analysis. No research other than acquaintance with the course materials is expected. Each essay should be no more than 500 words in length, for a total assignment of 1000 words maximum, or about four double-spaced pages. The essays are due on April 5, 2011 and are together worth 26% of the course grade.

Final Exam: A final exam covering all the material in the lectures and the reading for the entire course will be held during the examination period. It will consist of both objective short-answer questions as well as essay questions of a general nature. This exam will be worth 70% of the final grade.

SCHEDULE

January 4, 2011: The Basic Structures of Legitimacy in the Modern State

Please read the Elliott text, chapter 1.

January 11, 2011: Introduction to Administrative Law

Please read the Elliott text, chapter 2.

January 18, 2011: Procedural Review of Administrative Decisions

Please read the Elliott text, chapters 3 and 4.

January 25, 2011: Substantive Review of Administrative Decisions

Please read the Elliott text, chapters 5 and 6.

February 1, 2011: Democracy and Rights

Please read the Elliott text, chapter 7.

February 8, 2011: Canada's Troubled History with Rights

Please find on the internet and read the Canadian Bill of Rights (1960).

February 15, 2011: Canadian Philosophy of the State, Human Rights, and the Charter

Please find on the internet and read the Ontario Human Rights Act (1990) up to s. 45.10(2) and also read the Canadian Charter of Rights and Freedoms (1982).

February 22, 2011: Reading Week, no class

No assigned reading

March 1, 2011: Scope and Interpretation of the Charter

Please read the Elliott text, chapter 8.

March 8, 2011: Fundamental Freedoms and Fundamental Justice

Please read the Elliott text, chapter 9.

March 15, 2011: Group Rights

Please read the Elliott text, chapter 11.

March 22, 2011: Equality

Please read the Elliott text, chapter 10.

March 29, 2011: Further Rights Issues

No assigned reading

April 5, 2011: Public International Law

Please read the Elliott text, chapter 12.