

## Course Outline

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

**TERM:** Summer 2011

**PREREQUISITES:** 1.0 credit from LAWS1000 [1.0], PAMP 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002

**BROADCAT:** **Day & Time:** Monday & Thursday 2:00 pm - 4:30 pm  
**Room:** Please check with Carleton Central for current room location

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

**CONTACT:** **Office:** C476 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 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](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 10, 2011 for Spring term exams and July 29, 2011 for Summer term exams. 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. (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 August 15, 2011** topics to be announced in class) 50%  
 (b) Final Exam (August 2011, 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 Friday 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 04   | Law, State, and Social Goals and Techniques | Ch. 1  |
| 2.  | July 07   | Administrative Law Structure & Action       | Ch. 2  |
| 3.  | July 11   | Non-Judicial & Judicial Control             | Ch. 3  |
| 4.  | July 14   | Judicial Review and Procedural Control      | Ch. 4  |
| 5.  | July 18   | Substantive Review                          | Ch. 5  |
| 6.  | July 21   | Theory, Problems, and Review                | Ch. 6  |
| 7.  | July 25   | Basic Values and Their Protection           | Ch. 7  |
| 8.  | July 28   | Scope of the Charter                        | Ch. 8  |
| 9.  | August 04 | Fundamental Freedoms & Fundamental Justice  | Ch. 9  |
| 10. | August 08 | Equality                                    | Ch. 10 |
| 11. | August 11 | Group Rights                                | Ch. 11 |
| 12. | August 15 | Public International Law                    | Ch. 12 |

**\*Please note: Essay due August 15, 2011**

**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.