

Course Outline

COURSE:	LAWS 4309B – State, Security and Dissent
TERM:	Winter 2015
PREREQUISITES:	Fourth-year Honours standing and one of LAWS 3305, LAWS 3503, or LAWS 3509 or HIST 3305
CLASS:	Day & Time: Friday, 11:35 a.m. – 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Yavar Hameed
CONTACT:	Office: B442 Loeb Office Hrs: By appointment only Telephone: (613) 232-2688 ext. 228 Skype: yhameed Twitter: @yavar_hameed Email: yhameed@hf-law.ca

Academic Accommodations

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 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/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures.
Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

Course Synopsis

Methods of state control vary through times of war and peace, constantly shifting in an attempt to reconcile the apparent tension between protecting civil liberties and ensuring security. This shifting tide is impacted by individual acts and broader social movements, which challenge the parameters of state control. This course explores counter-hegemonic resistance to state institutions that ideologically define security and in tandem exercise repressive control over Canadian society. Particular emphasis is given to laws in Canada that curtail basic civil liberties and legal challenges that test the limits of security for the state and "state apparatus". The impact, successes and relevance of individual and collective struggles for equality and human rights are considered both historically and in a contemporary context in an effort to investigate the role of dissent within Canada. To this end, dissent is presented as both a practical and theoretical lens through which we may interrogate the construction of security and hegemonic control exercised by ideological and repressive state institutions.

Evaluation Scheme:

The first three classes will take the form of a lecture followed by open discussion within the class. Students will be expected to hand in five questions pertaining to the readings that should be discussed during each seminar. These questions should be handed in every week at the end of class beginning in Week 2 until Week 12. Additionally the Twitter participation requirement is detailed below.

The remaining classes will consist of debates followed by general class discussion and/or a guest speaker.

Debate (30 % of Total Mark)

The remaining eight weeks will be structured around debate resolutions. The resolution for each debate is provided in the syllabus, but may be modified by the instructor in consultation with the class to provide greater clarity.

Either individually or in pairs students will take a position for or against the resolution for a selected week. One week prior to the selected week, students will be required to submit a factum (written and sourced argument) and will be responsible during the week in question to present an oral argument for or against the resolution.

The debates themselves will be judged by a panel of students, the instructor and/or the guest lecturer. The remainder of the class will act as a jury and, after the close of the debate, the jury will deliberate in private and come up with an independent conclusion. The jury and judges will then explain their conclusion to the class. The outcome of the debate (i.e. who wins and who loses, nb: a tie or hung jury is also possible) will not be determinative of the mark assigned, but the level of preparation, contribution and interventions of the student debaters will form part of their participation mark.

Each debate will be preceded by a short introduction by the instructor. Thereafter, the student debates will continue from 1 to 1.5 hours (with intervening questions from the judges and the class) depending upon the flow of discussion. A good debate will not necessarily be cut off at a precise time, but will be moderated by the panel of judges.

Brief of Argument and External Readings 30%

At least one week prior to the scheduled debate, the moving party (**for the Resolution**) is to identify a series of issues that are to be dealt with in the debate. The issues are necessary questions that must be answered in order to decide the ultimate resolution. Generally speaking, there should be approximately three issues to be addressed. One week before the debate, the students are to email the instructor with their factum (**brief of argument**). A precedent of the brief and detailed explanation on how to prepare the brief will be provided on CU Learn.

The brief will be approximately 10 to 15 pages in length. The brief should consist of a recitation and interpretation of the resolution question, an outline of the argument and a more detailed breakdown of the points to be argued, with appropriate footnotes and citations. The parties to the debate are required to exchange their main resources to be used in the argument at least one week before the debate. The parties are also responsible at that time to post their facta and list of resources to CU Learn for review by the class.

The brief should attempt to persuade the judges by drawing upon assigned and external readings. Where external readings are relied upon by either party, they are to be exchanged with the party opposite and the instructor prior to the debate. On the day of the debate, each group should have on hand an additional copy of its factum to submit to the instructor.

Participation in the Course (20% of total mark)**Discussion Questions and Social Media Participation 10%**

At the end of each class you will be required to hand in five questions relating to the debate resolution assigned for that week and/or the seminar topic. Additionally, you are asked to create a Twitter handle, which will be followed by everyone in the course. Your task will be to tweet relevant news, current events and activities in the community that relate to the seminar topic of each week and/or your own writing or activities relating to the areas of the course. Discussion questions and Twitter participation will be respectively marked each out of 5 marks.

Self-Assessed Participation in Debates and Class Discussion 10%

In addition to participation in discussion as debaters, students will also be expected to contribute to class discussion as jury members, judges and in the plenary discussion/ seminar wherein active student participation is expected. The overall participation mark will be **self-assessed** by the students (i.e. you will determine your own participation mark out of 10) in consultation with the instructor at the end of the semester.

Major Project (MP) (50% of Total Mark)**MP Proposal 10% (due (WEEK 5) on Friday February 6, 2015)**

You are to propose a major project for the course to respond to one of a series of topics that the instructor will distribute at the start of the term. The project must engage directly with the questions provided, but can take any one of various forms including: organizing a public discussion or seminar, creating a short documentary film, creating a blog or website, doing policy analysis with a view to providing the analysis to an NGO, government or private actor, proposing and developing the framework for a conference or dialogue, or other format approved by the instructor in consultation with the student.

The specifics of how to design the proposal will be discussed in class and a precedent proposal will be posted on CU Learn.

MP Assignment and “Write Up” 40%

The major project or “MP” will be assessed on the basis of content, creativity, original thinking, ability to assimilate course themes and readings, external research, relevance to the audience that is chosen for dissemination, structure and feasibility. An accompanying document or “write up” (approximately 10 pages) must be provided to explain the relationship of the project to the course themes or relevant social problem discussed in seminar. Each final write-up should also include: a self-assessment component, which explains any difficulties or limitations in the project that would assist the instructor in the evaluation process as well as a section that explains the project within the broader literature and/or suggests further methods of developing or using the project. Unless otherwise stated by the instructor or in the case of an extension, the **MP and write up are due on the last day of seminar, April 3, 2015.**

Readings: ASSIGNED TEXT

Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000). (Electronic Resource)

AVAILABLE AS CARLETON LIBRARY ELECTRONIC RESOURCE: Canadian Electronic Library. Books Collection.

AND AT OCTOPUS BOOKS – 116 THIRD AVENUE

Recommended Texts: (these are not mandatory for the course, but you will find them very useful for your project and your own personal study)

David Barsamian. *Terrorism: Theirs & Ours* (An Interview with Eqbal Ahmed) (New York: Seven Stories Press, 2001).

Ward Churchill, *Acts of Rebellion*, (New York: Routledge, 2003).

J. Keri Cronin and Kristy Roberston, eds. *Imagining Resistance: Visual Culture and Activism in Canada*, (Wilfred Laurier University Press, 2011).

Paulo Freire, *Pedagogy of the Oppressed (30th Anniversary Edition)*, (New York: Continuum International Publishing Group Inc., 2007).

Joel Harden, *Quiet No More: New Political Activism in Canada and Around the Globe* (Formac Lorimer, 2013).

David Theodore Goldberg, *The Racial State* (Wiley Blackwell, 2001).

Mike Larsen, Kevin Walby, eds. *Brokering Access: Power Politics and Freedom of Information Process in Canada* (Vancouver: UBC Press, 2012).

Martin Luther King Jr., *Why we Can't Wait* (New York: The New American Library Inc., 1964).

Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010).

Gary Kinsman. et al. eds., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000).

Glen Greenwald, *No Place to Hide: Edward Snowden, the NSA and the U.S. Surveillance State* (Metropolitan Books, 2014).

Gregory J. Inwood and Carolyn M. Johns, eds. *Commissions of Inquiry and Policy Change: A Comparative Analysis*. University of Toronto Press and the Institute of Public Administration of Canada, 2014.

Sherene Razack ed. *Race, Space and the Law: Unmapping a White Settler Society*, (Toronto: Between the Lines, 2002).

Sherene Razack, *Casting Out: The Eviction of Muslims from Western Law & Politics* (Toronto: University of Toronto Press, 2008).

Kent Roach, *September 11: Consequences for Canada* (Montreal: McGill-Queen's University Press, 2003).

Jeff Schmidt. *Disciplined Minds: A Critical Look at Salaried Professionals and the Soul Battering System that Shapes their Lives* (Rowman and Littlefield, 2000).

Maureen Webb, *Illusions of Security: Global Surveillance and Democracy in the Post-9/11 World* (San Francisco: City Lights, 2007).

Harsha Walia, *Undoing Border Imperialism* (AK Press, 2013).

Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation* (London: Verso Books, 2007).

LIST OF SEMINARS**Week 1 (Friday January 9, 2015): Introduction and Background: Hegemony and Modes of State Control**

State security in liberal democracies is created and maintained by the use of violence and by the construction of institutions that ideologically promote conformity and adherence to the Rule of Law. While civil society is constrained by the overt and ideological modes of state control, movements of resistance develop within civil society at historical moments of political disequilibrium. Such movements challenge the priorities of the “Security State” and its modes of activity. This seminar introduces notions of power, hegemony and the relationship between hegemonic control of the security state and policy and legislative formation.

Assigned Readings:

Louis Althusser, “Ideology and Ideological State Apparatuses: Notes Towards an Investigation” in *Lenin and Philosophy and Other Essays* (London: New Left Books, 1971) 127. –/CU LEARN or see: www.hu.mtu.edu/~rlstrick/rsvtxt/althuss1.pdf

Gary Kinsman et al., “How the Centre Holds- National Security as an Ideological Practice” in Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000) 278- 85.

Additional Suggested Reading:

Paulo Freire, *Pedagogy of the Oppressed (30th Anniversary Edition)*, (New York: Continuum International Publishing Group Inc., 2007), chapter 2 at pp. 72-86.

Antonio Gramsci, *Prison Notebooks* (New York: Columbia University Press, 1994).

PART I: Forming and Maintaining the Security of the Canadian State**Week 2 (January 16, 2015): State Formation and the Negotiation of National Interests**

As a White “settler society”, Canada was founded on principles, which privileged certain national and racial categories, while denying political and economic participation to other groups such as First Nations and immigrants from Asia and Africa. The formation of the Canadian State, therefore, reflects this hierarchy through an exclusionist immigration system and differential application of domestic laws based upon racial category.

GUEST SPEAKERS: Former 4309 B Students Share their Past Projects and Experiences in the Course

TASK: Choose Debate Topics and Form Groups for Weeks 4 through 12

Assigned Readings:

Sherene H. Razack, “Introduction: When Place Becomes Race” in Sherene H. Razack, ed., *Race, Space and the Law: Unmapping a White Settler Society*, (Toronto: Between the Lines, 2002) 1. **CU LEARN**

Andrew Parnaby & Gregory S. Kealey, “The Origins of Political Policing in Canada: Class, Law, and the Burden of Empire” (2003) 41 *Osgoode Hall L.J.* 211. **CU LEARN**

Harsha Walia, *Undoing Border Imperialism* (AK Press, 2013).

Week 3 (January 23, 2015): Surveillance and the Role of Security Intelligence

Surveillance of Canadian society is an intrinsic part of state security and has played an important role in the evolution of the infrastructure of Canadian security intelligence. After the McDonald Commission in 1981, the Canadian Security Intelligence Service (CSIS) succeeded the RCMP as a civilian body mandated to investigate threats to Canadian national security. While ostensibly national security policing and intelligence functions were separated, the new entity failed to engender appropriate reliability or accountability to meet its invasive investigatorial powers. CSIS struggled to find its feet in the years immediately following the demise of the Cold War, but has gained renewed importance in the post 9/11 era. CSIS has been criticized for improper surveillance of racialized communities (including but not limited to Muslims and Arabs in Canada) and individuals as well as civil society organizations, protestors and environmental groups opposing government policies. These complaints bring into relief the potential for abuse in terms of the use of Canadian intelligence as a tool of control and alienation of those who are considered as culturally or ideologically “deviant” within the normative framework of belonging defined by Canada’s national security elite.

Guest Speaker on History of CSIS and National Security in Canada

Assigned Readings:

Introduction in Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000) 1-8.

“Spymasters, Spies, and their Subjects: The RCMP and Canadian State Repression, 1914-39” in Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000) 18- 33.

BCCLA Complaint to SIRC re: Surveillance of Anti-Pipeline Protestors (February 6, 2014). **(CU Learn)**

Suggested Readings:

Michel Foucault, *Discipline and Punish: the Birth of the Prison* (New York: Vintage Books, 1995).

Week 4 (January 30, 2015): Oppression of Indigenous Rights

Colonization of First Nations communities in Canada has resulted in devastating social ramifications for indigenous rights including adverse health effects, staggering poverty and systemic substance abuse and violence. Whereas First Nations communities have repeatedly drawn attention to the deplorable treatment of indigenous people in Canada, widespread social problems are either ignored, superficially treated or aggravated by state intervention. One such problem is that of treatment of aboriginal women in Canada. The murder of Tina Fontaine in August 2014 raised renewed calls by First Nations leaders for a public inquiry into murdered and missing aboriginal women. The Harper government has rejected calls for such an inquiry citing, in part, the fact that an extensive study has been conducted by the RCMP in 2013. Is the RCMP led investigation sufficient to deal with the magnitude of the problem of violence against aboriginal

women in Canada? What would a national public inquiry reveal that is not already known? Is a public inquiry a mechanism that allows for action and response or does it curtail and divert attention from effectively responding to social problems under the veneer of creating public accountability?

RESOLUTION: BE IT RESOLVED THAT a national public inquiry into murdered and missing aboriginal women is not an effective method of responding to the problem of violence against aboriginal women.

Assigned Reading:

R. Centa, P. Macklem, « Securing Accountability through Commissions of Inquiry: A Role for the Law Commission of Canada » (2001) 39 Osgoode Hall L J 117 **CU LEARN**

J. Stutz, « What Gets Done and Why : Implementing the Recommendations of Public Inquiries » (2008) 51 Canadian Public Administration 501 **CU LEARN**

« Missing and Murdered Aboriginal Women : A National Operational Overview » RCMP, 2013 **CU LEARN**

« Forsaken : The Report of the Missing Women Commission of Inquiry » November 2012. **CU LEARN**

Week 5 (February 6, 2015): Racial Profiling as a Tool of Enhancing Public Safety (MAJOR PROJECT PROPOSAL DUE)

The use of immigration law to punish, exclude or remove persons from Canada is a growing phenomenon at the intersection of immigration and criminal law, and has been referred to in the literature as *Crimmigration*. There has been significant criticism of this agenda as constituting a pretextual basis for profiling racialized communities with a view towards monitoring and removing them without valid security grounds using short cut immigration procedures that lack due process. Canada has arguably prioritized crimmigration agenda in several recent proposed bills including in the area of cultural practices (S-7). In November 2014, Bill S-7 was introduced by the Conservative government in the Senate under the title, *Zero Tolerance for Barbaric Cultural Practices Act*. The Act seeks to amend Canada's immigration law to exclude persons who practice polygamy, tightens age requirements in respect of civil marriage and amends the Criminal Code to prohibit forced marriage as a criminal offense. Is this legislation a step in the right direction or is it based on harmful cultural stereotypes? What is the likely outcome of implementation and enforcement of this legislation?

RESOLUTION: BE IT RESOLVED THAT Bill S-7, the *Zero Tolerance for Barbaric Cultural Practices Act*, is a form of racial and religious profiling of racialized minority and immigrant communities in Canada.

Guest speaker: TBA

Assigned Readings:

“Comparative overview of proposed changes in the Zero Tolerance for Barbaric Cultural Practices Act” (Government of Canada; modified 2014-11-05) **CU LEARN**
<http://news.gc.ca/web/article-en.do?nid=900359>

“Perpetuating Myths, Denying Justice: Zero Tolerance for Barbaric Practices Act” November 18, 2014 **CU LEARN**

“Culturally Driven Violence Against Women: A Growing Problem in Canada’s Immigrant Communities” Frontier Centre for Public Policy (July 2010) **CU LEARN**

“Who, if, when to marry: The Incidence of Forced Marriage in Ontario” South Asian Legal Clinic of Ontario (August 2013) **CU LEARN**

Bill S-7, “An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts”

<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?billId=6761928&Language=E&Mode=1&View=8>

PART II: STATE SECURITY AND DISSENT DURING TIMES OF WAR

Week 6 (February 13, 2015): Removal of Citizenship in Times of War

During periods of war, individual freedom is often subverted in the interest of building a common movement and collective “war effort”. The promotion of nationalism provides moral justification for the promotion of state interests abroad, while it also serves to create and consolidate a generally compliant attitude within civil society susceptible to the suggestions of the dominant class. Canada’s recent enactment of the *Strengthening of Canadian Citizenship Act* creates new mechanisms for the revocation of citizenship on various grounds, including revocation from persons who are members of a foreign army at war against Canada as well as revocation from people who committed terrorism offenses or other serious offenses. Is citizenship revocation a legally and morally appropriate response to a person’s commission of serious crimes? What are the implications of removal of citizenship and should there be limits to this practice?

RESOLUTION: BE IT RESOLVED THAT Canada should be permitted to revoke Canadian citizenship in the interest of protecting national security.

Assigned Readings:

A Macklin, “Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien” (2014) 40:1 *Queens Law Journal*. **CU LEARN**

Bill C-24, *Strengthening of Canadian Citizenship Act* ;

online: <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6684615&File=4>

Reference re: *Persons of Japanese Race* [1946] SCJ No. 7. **CU LEARN**

CLASSES SUSPENDED FOR WINTER BREAK FEBRUARY 16-20, 2015

Week 7 (February 27, 2015): Sexual Orientation and Ideological Security

Frank Wade was a distinguished professor and one of the founders of Carleton University’s department of psychology. His research was also at the forefront of the creation of the “Fruit Machine” - a device used by Canada during the Cold War designed to identify homosexuals and homosexual tendencies in subjects based on pupil dilation in response to images. He along with approximately 17 other Carleton Professors were involved in the development of research and technology for the Government of Canada for screening out homosexuals from the public service. Does this pattern of activity constitute a crime? Was Carleton deliberately involved in the persecution of and causing serious mental harm to homosexuals in Canada? Although

homosexual activities were deemed criminal at the time of the research, can Carleton University be indicted today at the Hague for Crimes Against Humanity?

RESOLUTION: BE IT RESOLVED THAT Carleton University should be indicted for crimes against humanity for its role in creating the “Fruit Machine”.

Assigned Readings:

“Constructing Gay Men and Lesbians as National Security Risks, 1950-70” in Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000) 143-153.

“Debilitating Divisions: The Civil Liberties Movement in Early Cold War Canada, 1946-48” in Gary Kinsman et al, ed., *Whose National Security? Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines, 2000) 143-153.

Recommended Reading:

Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010).

Week 8 (March 6, 2015): The War on ISIS and Protection from Terrorists

Canada has recently tabled new legislation in the form of Bill C-44, the “Protection of Canada from Terrorists Act” in the wake of the Ottawa and Quebec shootings in October 2014. The threat of ISIS looms as an important consideration for Canada in proposing the legislation, which seeks to enhance the power of the Courts to authorize surveillance abroad while increasing the level of secrecy for CSIS informants. Is this new legislation necessary? What are the implications of this agenda for the rights of Canadian citizens abroad and the rule of law?

RESOLUTION: BE IT RESOLVED THAT the Protection of Canada from Terrorists Act is an opportunistic and politically motivated legislative initiative.

Assigned Readings:

Government of Canada News Release: “The Government of Canada Introduces Protection of Canada from Terrorists Act” (modified: 2014-10-27) <http://news.gc.ca/web/article-en.do?nid=897129>

Bill C-44 “Protecting Canada from Terrorists Act”
<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6739855&Mode=1&Language=E&File=24>

Canada (Citizenship and Immigration) v. Harkat, 2014 SCC 37 (CanLII) [on human sources]

X (Re), 2013 FC 1275 (CanLII) [request for judicial authorization for foreign spying]

X (Re), 2014 FCA 249 (upholds original Federal Court decision)

Part III: DISSENT AND DISTURBING OF THE PEACE

Week 9 (March 13, 2015): Disturbing Campus

In order to practice law you need to first go to law school. But what does law school teach? Whereas many people view law as a vehicle to promote justice and protect those who are disenfranchised, the system of legal education reproduces the *status quo*. Many law schools define themselves as social justice law programs, but offer no meaningful way to practice law that is oriented towards social justice. Is the law a pathway to justice or is it an illusory system? What would a law program look like that “walks the walk” of social justice?

RESOLUTION: BE IT RESOLVED THAT legal education reinforces hierarchy and privilege and in so doing undermines rather than promotes social justice.

GUEST SPEAKER: TBA

Assigned Reading:

D. Kennedy, “Legal Education and the Reproduction of Hierarchy” (1982) 32 J Legal Educ (591)
CU LEARN

Week 10 (March 20, 2015): Preemptive Control of Public Assembly

The Quebec student strike of 2012 represents one of the strongest demonstrations of popular and sustained student organizing in recent history in North America. Referred to as the *Printemps érable* or the Maple Spring, the student demonstrations at their height saw up to 200,000 students in the streets demonstrating against the proposed Charest government tuition hikes. In May 2012, the City of Montreal amended an existing by-law (P-6) to curtail mass demonstrations by requiring that demonstrators notify the city at least 24 hours of the route of a proposed demonstration in addition to restrictions on wearing of masks and imposing a stiff fine for contraventions of approximately \$637. Although the amended by-law was not enforced until 2013 after the student demonstrations dissipated, it continues to be in force as a tool to effect mass arrests and has had the effect of chilling or limiting public assembly in Montreal. Is the Municipal by-law justified given the massive disruption caused by student demonstrations? Can a municipality exercise authority over matters which may be considered criminal? How far can the state go in restricting assembly and free speech?

RESOLUTION: BE IT RESOLVED THAT By-Law P-6 should be declared unconstitutional as a violation of freedom of assembly and freedom of association as protected by the *Canadian Charter of Rights and Freedoms*.

Assigned Reading:

City of Montreal, By-Law P-6 (Amendment: 12-024) **CU LEARN**

REQUÊTE INTRODUCTIVE D'INSTANCE de Julien Villeneuve RÉ-AMENDÉE EN SURSIS, EN NULLITÉ ET EN JUGEMENT DÉCLARATOIRE (Articles 2, 20, 33, 46 et 453 du Code de procédure civile) **CU LEARN**

REQUÊTE EN INCONSTITUTIONALITÉ DE JAGGI SINGH – 22 novembre 2013 **CU LEARN**

“RÉPRESSION, DISCRIMINATION ET GRÈVE ÉTUDIANTE: ANALYSE ET TÉMOIGNAGES”
Rapport de la Ligue des droits et libertés, de l'Association des juristes progressistes
et de l'Association pour une solidarité syndicale étudiante - Avril 2013 – **CU LEARN**

Week 11 (March 27, 2015): Disturbing of the Peace

The Canadian State is based on the constitutionally enshrined principles of “peace, order and good governance”. These principles, however, legitimize the values of the state, maintaining the integrity of private property and the authority of corporations and their owners. At what point does mere speech and the power of words become a criminal offense when it criticizes the consequences and reach of global capitalism? At the 2010 G20 summit, community organizer Jaggi Singh made a public statement regarding his opinion of the large encompassing fence that enclosed the perimeter for G20 leaders. He was charged with counselling mischief for this speech. What is the state interest in criminalizing speech? Does incendiary speech that motivates political action properly fit within the boundaries of criminal law or is it the criminalization of dissent?

RESOLUTION: BE IT RESOLVED that Jaggi Singh was guilty of counselling mischief at the G20.

GUEST SPEAKER: TBA

Assigned Readings:

John Clarke, “Social Resistance and the Disturbing of the Peace” (2003) 41 *Osgoode Hall L.J.* 491. **CU LEARN**

Jackie Esmonde, *The Policing of Dissent: The Use of Breach of the Peace Arrests at Political Demonstrations* (2002), 1 *J.L. & Equality* 246. **CU LEARN**

Youtube Clip of Jaggi Singh speech at G20 (June 2010, Toronto)

<https://www.youtube.com/watch?v=4ymRoN54CCc>

Week 12 (April 3, 2015): Speaking truth to Power

As the security state expands its role in controlling and monitoring personal information and communications, the scope for abuse and the consequences for invading personal privacy are increasing. For those who sit complacently within the machine of state surveillance, there is a tacit understanding that “Big Brother” is watching us for the greater good. However, for those who critically reflect on the significance of the state’s unauthorized invasion into personal privacy an ethical quandary arises that challenges the otherwise unassailable dogma of national security. For those who choose to blow the whistle on perceived unlawful practices of the state by unauthorized disclosure of sensitive information, the consequences are profoundly significant for democracy, the Rule of Law and state control and come at great personal risk. Does Canada have a role to protect whistleblowers and should it extend such protection to whistleblowers who reveal Canada’s own state secrets?

BE IT RESOLVED THAT Edward Snowden should be granted asylum in Canada as a Convention Refugee.

ALTERNATIVE TOPIC: Hegemonic Masculinity and the Ghomeshi Factor

The Jian Ghomeshi scandal has created an exceptional moment of social commentary and reflection in which the nation is attempting to understand how a once beloved radio interviewer could possibly become the subject of what is now a long and growing list of sexual assault allegations from many women. Most of these women, however, have not made formal

complaints. At Carleton University women journalism students have, apparently, anonymously tweeted about abuse by Ghomeshi. On Parliament Hill there have also been allegations of sexual harassment against MPs although no formal complaint made. In the workplace, the reality of women not reporting serious crimes and human rights violations must be understood in the context of *hegemonic masculinity* – or the patriarchal, spatial and cultural control of workplaces that fosters a precarity of employment for women workers. Should women in precarious working conditions be required to make complaints or should the government be involved proactively in investigation and enforcement of human rights?

BE IT RESOLVED THAT: human rights bodies in Canada should investigate workplaces where women are involved in precarious work without the need for a formal complaint.

Week 13 (April 10, 2015 -OPTIONAL ATTENDANCE) Presentation of Major Project

During this class, students will have the option of attending to share with the class the product of their work from the semester. The format of this session is very informal and serves as an opportunity to share, exchange, brainstorm and consider directions for future development of the major project as a matter of interest or further academic study. This session tends to be very popular, informative and entertaining for all those who attend.