

## Department of Law – Selected Topics 2007-2008

### **LAWS 3509A (winter): The *Canadian Charter of Rights and Freedoms*: Equality Rights**

Instructor: Bahaa Sunallah

The purpose of this course is to explore issues surrounding equality rights under the *Charter of Rights and Freedoms (Charter)* in addition to a study of the applicability of the *Charter* and remedies available to the Courts. The course will first examine the entities to which the *Charter* applies under s. 32, followed by the Supreme Court of Canada's analysis of the limitation clause in s. 1 of the *Charter* and the remedies available under s. 52 of the *Constitution Act*.

The course will briefly visit the early division within the Supreme Court of Canada about the application of s.15 of the *Charter* and examine the current approach of the Court to equality. We will then examine the litigation arising under s. 15 in various contexts such as employment, health and social benefits on the grounds of: age, marital /common-law status, sexual orientation, citizenship, and aboriginal status amongst other enumerated or analogous grounds. Consideration will be given to the relationship, and dialogue, between Parliament and the Courts.

The course format is lecture style, with heavy emphasis on class discussions and students' participation. You are expected to participate actively in class discussions. It is recognized that the class will include students with various and diverse views, and a respectful dialogue should be maintained at all times. You are, of course, free to disagree with opinions expressed by other students and myself, but should do so in a respectful and non-personalized way. All students should be permitted an equal opportunity to voice their opinions.

**Prerequisite: One of LAWS 2004, LAWS 2005 or LAWS 2105**

### **LAWS 3903A (fall): Correctional Policies in Historical Perspective**

Instructor: Maeve McMahon

This course will examine the historical underpinnings of the modern Canadian criminal justice system with particular emphasis on the evolution of prisons, penitentiaries, probation, parole and other sentencing alternatives. The course objective is to understand, analyze and be better able to explain the historical events and the social forces and dynamics that have shaped the particular forms of punishment that have been chosen over time and that have contributed to Canada's current system.

International comparisons will be utilized for explanatory purposes. While some attention will be paid to the more distant past, the emphasis will be on 19 and 20th century developments that have been of particular relevance.

**Note:** *This course has been approved as a Criminology and Criminal Justice elective.*

**Prerequisite: LAWS 2004 and third-year standing**

### **LAWS 4209B (winter): Government Procurement Law**

Instructor: Samuel Schwisberg

A unique body of law has developed in respect of the sale of goods and services to governments around the world, including the Government of Canada. Governments are major purchasers of goods and services, and often use their enormous buying power to influence public policy and achieve social objectives. Government procurement contracts often include terms and conditions that require private business to implement socially desirable policies. For example, the Government of Canada requires many contractors to implement an employment

equity program. Governments may also try to favour businesses located within their own borders.

Such practices, however, may be inconsistent with the objective of securing the best goods at the lowest possible cost. They also run counter to neo-classical and neo-liberal economic thought which posits that free markets and trade liberalization hold the key to global wealth maximization. Governments can also sometimes fail to draw a proper distinction between the promotion of socially desirable objectives and those that serve the narrower interests of the party in power.

Laws, both on an international and domestic level, strive to secure a proper balance among these competing objectives. However, one's sense of the "proper balance" may largely hinge on one's economic philosophy. Similarly, do international conventions covering government procurement, such as those that discourage bribery, corruption and nepotism, reflect universal values, or do they represent a form of cultural imperialism that promotes a Western viewpoint which values efficiency over social relationships?

Canada's government procurement laws and processes, as well as the most relevant international conventions, will be reviewed and analyzed in the context of these issues. A limited review of US procurement laws relevant to Canadians will also be conducted in this context

### **LAWS 4306A (fall) & B (winter): Organized Crime**

Instructor: Barry Leighton

This course examines the problem of organized crime (OC) from an interdisciplinary and comparative perspective, including a series of key legal, law enforcement and social issues, with a focus on Canadian OC and "enterprise crime" in comparative Perspective. Topics are *expected* to include: the concept and definition of OC; a range of disciplinary and theory perspectives; the relationship between white collar, criminal organized crime, enterprise crime and non-criminal economic activity; historical origins; ethnic connections; international linkages; models of organized crime; major organized crime groups; major organized criminal activities; emerging organized criminal activities; corruption of public officials and institutions; strategies for combating organized crime; tools to implement these strategies; and the future of organized crime.

**Note:** *This course has been approved as a Criminology and Criminal Justice elective.*

**Prerequisite:** fourth-year Honours standing

### **LAWS 4903A (fall): Weapons of Mass Destruction and International Law**

Instructor: Tara Ashtakala

It is hard to understand how the most indiscriminate and disproportionate killing machines developed by humankind could be regulated under the larger body of rules that govern the normal interactions among States. Yet such weapons have profound implications for international law and security, not only in terms of the obvious belligerent effects of their use, but also with regard to the fact that efforts to eliminate such weapons will depend upon both the evolution of the law and the security perceptions of states. The adoption of a number of global treaties has contributed substantially to the rules of arms control and of armed conflict. This course will examine the major international instruments and negotiations that have attempted to control and disarm countries of their arsenals of all weapons that cause massive destruction, as well as look at current civil society campaigns and legal actions to curb the effects of military armaments that are presently deemed "legal". It is hoped that this course will help the student gain a better understanding of current situations in the news relating to WMD (such as North Korea and the nuclear non-proliferation regime, Iraq's WMD history and the use of cluster

bombs in the recent Israel-Lebanon conflict), and ultimately appreciate how international law offers the best means for preventing, regulating and eliminating such global confrontations.

### **LAWS 4904A (winter): Correctional Law: Human Rights in Canadian Prisons**

Instructor: Maeve McMahon

This course will examine the history, structure, and place of correctional law within the Canadian criminal justice system. We will examine primary correctional statutes and legislation. The legal underpinning of major correctional programmes will be established. We will discuss the competing objectives of punishment, incapacitation and rehabilitation in the context of respect for the rule of law and human rights. The protection of the human rights of prisoners will be a primary theme, and we shall consider the role of judicial inquiries (notably the work of Louise Arbour as Commissioner 'Concerning Certain Events at the Prison for Women in Kingston') in protecting these rights.. We shall also address the human rights situations concerning correctional staff, and especially with respect to women working in prisons for men. While our primary focus is on Canada, we shall also be considering matters concerning imprisonment and human rights in international and comparative contexts.

**Note:** *This course has been approved as a Criminology and Criminal Justice elective.*

**Prerequisite:** fourth-year Honours standing

### **LAWS 4904B (winter): Knowledge & Failures of Justice**

Instructor: Diana Young

This course focuses on causes of wrongful convictions and wrongful discounting of complaints by victims of crime. Topics will include a discussion of extralegal professional disciplines and fact-finding in criminal cases, normative knowledge and impartiality in investigation, and the effect of political and social pressures on prosecutions.

### **LAWS 4904C (winter) : Poverty, Welfare and Legal Regulation**

Instructor: Rosemary Warskett

This course explores the way in which governments regulate aspects of the lives of low income or poor people. We will begin the course by examining classical approaches to poverty, followed by a focus on theories of class, gender, race/ethnicity, and age and their intersections.

Following this conceptual introduction we will examine various kinds of poverty found in Canada, examining in particular how certain kinds of regulation perpetuates the subordination of poor people and children, especially in the present context of neo-liberal globalization. We will also examine the actions and demands of poor people to redress their situation. Included will be a focus on the working poor; people on welfare; poor children and their mothers; aboriginal peoples; migrant workers; and homeless and transient people.

**Prerequisite:** fourth-year Honours standing