

Course Outline

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<b>COURSE:</b>	<b>LAWS 2501 A &amp; T – Law, State, and Constitution</b>
<b>TERM:</b>	<b>Fall 2018</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000 (no longer offered) PSCI 1100, PSCI 1200 or PAPM 1000 (1.0)</b>
<b>CLASS:</b>	<b>Day &amp; Time: Fridays 8:35 am - 11:25 am</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Nick E. Milanovic</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building (Contract Instructor's Office)</b> <b>Office Hrs: By appointment only</b>  <b>Email: cuLearn only</b>

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**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:** Please contact 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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**Academic Accommodations for Students with Disabilities:** If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

**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://carleton.ca/studentaffairs/academic-integrity/>

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: [students.carleton.ca/course-outline](http://students.carleton.ca/course-outline)

### **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://carleton.ca/law/current-students/>

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## **CALENDAR COURE DESCRIPTION**

Law relating to the state, society and the constitution, with a focus on the historical framework, federalism, and constitutional reform in Canada.

### **COURSE DESCRIPTION**

Law, State, and Constitution will examine the law relating to the state, and the Constitution, with a focus on the historical framework, federalism, and constitutional reform in Canada. We will review the role of the state, examining the Constitution with an emphasis on the federal system, its interpretation, change, and reform. Among other things, we will look closely at the text of the Constitution, the social forces responsible for its creation, and several early legal decisions responsible for its initial application. As well, we will review modern Supreme Court rulings that deal with key areas of the Constitution in order to understand how that document has evolved as Canada has matured as a country.

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 as the readings will serve as a departure point for the topics discussed each lecture. For more, please refer to the public schedule on [Carleton Central](http://carleton.ca/central).

## **REQUIRED TEXTS**

*Nick E. Milanovic, ed., Introduction to Public Law: Readings on the Law, State, and Constitution (Concord: Captus Press, 2015). This textbook is available in the campus bookstore.*

## **SUPPLEMENTARY TEXTS**

The following are suggested sources of optional readings which might further your understanding of this subject. 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*, 3<sup>rd</sup> ed. (Scarborough: Nelson Canada, 1994)

Hogg, Peter W., *Constitutional Law of Canada*, Student ed. (Scarborough: Carswell, 2014)

Jackson, Robert J. and Doreen Jackson, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 4<sup>th</sup> ed. (Scarborough: Prentice Hall Allyn and Bacon Canada, 1998)

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**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

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

- (a) Essay (**due on or before Nov. 16, 2018** topics to be announced in class) 50%
- (b) Final Exam (**December 9 - 21, 2018** formally scheduled, 3 hours in length, closed book, format will include multiple choice questions.) 50%

## **SCHEDULE**

The topics below generally correspond to the headings in the Table of Contents at the beginning of the required textbook. The assigned readings are to be read before the relevant class. The date 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 assigned reading to be completed prior to the lecture delivered each week.

1.	<b>September 07</b>	<b>Introduction</b>	<b>No Reading</b>
2.	<b>September 14</b>	<b>Law and Public Law</b>	<b>Ch. 1</b>
3.	<b>September 21</b>	<b>The Constitution</b>	<b>Ch. 2 &amp; Ch. 8</b>
4.	<b>September 28</b>	<b>The Constitution Act, 1867</b>	<b>Ch. 3</b>
5.	<b>October 05</b>	<b>The Judiciary</b>	<b>Ch. 4</b>
6.	<b>October 12</b>	<b>JCPC Early Decisions</b>	<b>Ch. 5 &amp; Ch.6</b>
7.	<b>October 19</b>	<b>POGG, Trade &amp; Commerce</b>	<b>Ch. 7</b>
		<b>*October 22-26, 2018 Fall Break, no classes.</b>	
8.	<b>November 02</b>	<b>Constitution Act, 1982 and After</b>	<b>Ch. 9</b>
9.	<b>November 09</b>	<b>Constitution Act 1982, Specific Aspects</b>	<b>Ch. 10</b>
10.	<b>November 16</b>	<b>Formal &amp; Informal Constitutional Changes</b>	<b>Ch. 11</b>
		<b>*Please note: Essay due November 16, 2018</b>	
11.	<b>November 23</b>	<b>Secession, Unity, and the Future</b>	<b>Ch. 12</b>
12.	<b>November 30</b>	<b>Review &amp; Recap</b>	<b>No Reading</b>