

Course Outline

COURSE:	LAWS 2501B – Law, State, and Constitution
TERM:	WINTER 2019
PREREQUISITES:	1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000.
CLASS:	Day & Mondays Time: 18:05pm – 20:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Philippe Azzie
CONTACT:	Office: B442 Loeb Building (Contract Instructor's Office) Office Hrs: Mondays 16:00pm - 17:30pm Email: philippe.azzie@carleton.ca

CALENDAR COURSE 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

This course introduces students to the field of Canadian public law through an exploration of the Constitution of Canada, the supreme law of the country. Emphasis will be placed on two pillars of Canada's constitutional regime: Parliamentary and Federalism (a third pillar, the Canadian Charter of Rights and Freedoms, is explored in the course LAWS 2502). Students will also explore issues and approaches related to the interpretation of the constitution, procedures for amending it, and proposals for reforming it.

The main objective of this course is to familiarize students with core elements of the Canadian constitutional order and fundamental issues related to constitutional law and politics. Related objectives include the following:

- Provide students with an opportunity for a direct encounter with foundational documents and texts in the study of Canadian constitutional law and politics.
- Help students improve their interpretive and critical skills through close and careful examination of documents and texts.
- Provide students with an understanding of historical factors influencing the origin and development of Canada's constitutional order, as well as enduring themes and issues at the heart of constitutional law and politics.
- Help students better understand and interpret current issues and debates in Canadian politics.

Success in this course depends on attending lectures, taking notes, and reading required texts. Success is also achieved by engaging in dialogue with the instructor and with classmates/colleagues.

Required Readings

There is no textbook or course pack to purchase for this course. All required readings have been placed on reserve at the MacOdrum library or are accessible online through hyperlinks. Texts on reserve are available for two hour loan periods. All readings are identified in the lecture schedule below. In the case of readings available online, the hyperlink has been provided in parentheses.

The readings and lectures for this course complement each other. Neither one should be considered an adequate substitute for the other.

EVALUATION

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

The evaluation for this course will be based on the following:

- Research assignment 25% (due in class on February 11th)
- In-class quiz 15% (March 25th)
- Research assignment 25% (due in class on April 8th)
- Final Exam 35% (scheduled during official examination period, April 12-27)

IMPORTANT NOTE: Students must complete all course requirements in order to receive a passing grade. Standing in a course is determined by the course instructor subject to the approval 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 Dean.

Course requirements will be discussed in class on January 7th. Topics for the research assignments will be assigned through the course webpage, accessible through <http://culearn.carleton.ca>, and will be available to students on January 7th.

Research assignments

Students must submit research assignments in class (i.e. they will not be accepted by email). The first assignment is due on **February 11th**, and the second is due on **April 8th**. Assignments will be returned to students approximately 2 weeks after being submitted. Students who wish to have an assignment returned by mail should submit it with a stamped, self-addressed envelope.

Late assignments will be subject to a one-point deduction per day (excluding Saturdays and Sundays) unless students provide documentation proving that serious unforeseen circumstances have arisen (e.g. illness, accident, family affliction). For example, a paper submitted one day late that would have received a mark of 18/20 will receive a mark of 17/20).

Note: The Department of Law and Legal Studies has a drop box in the corridor outside C473 Loeb intended to collect late assignments if a student has extenuating circumstances and is unable to submit the paper directly in class. The drop box is emptied **every weekday at 4 p.m.** and all items collected at that time are date-stamped with that day's date. The late paper policy described above applies to any papers submitted by way of the drop box.

Final examination

The final examination for the course will be scheduled for three hours. It will be scheduled during the official examination period (i.e. April 12-27). **Students are reminded not to make any travel arrangements before they have checked the examination schedule.**

Email communication

Any email communication sent to the instructor should have as its subject heading: 'Laws 2501B'. **Carleton requires that students, staff and faculty use Carleton email accounts when conducting University business (i.e. do not send emails from personal accounts).** The instructor will make every effort to reply to student emails within 24 hours. As stipulated above, course work will not be accepted by email.

It is very important that students check their Carleton email accounts regularly as this is the way the instructor will communicate information and updates to them outside the classroom and discussion group settings.

LECTURE SCHEDULE

Below is the lecture schedule for the course, including assigned readings for each class. Students are expected to attend all lectures and to have done the assigned readings in advance of the class for which they are assigned. It is also strongly recommended that students bring or have access to a copy of the *Constitution Act 1867* and the *Constitution Act 1982*, as the lectures will routinely make reference to passages or sections from these core constitutional documents.

January 7	General introduction to course
January 14	<p>Constitutions and Constitutionalism</p> <p>Required readings: Peter Hogg, <u>Constitutional Law of Canada</u>, chapter 1, section 1.1; Malcolmson & Myers, <u>The Canadian Regime</u>, chapter 1 and chapter 2 sections 2.1 and 2.2; John A. Macdonald, 'Speech on the Subject of the Confederation of the British North American Provinces' (http://www.canadachannel.ca/macdonald/index.php/Macdonald%27s_Speech_at_Quebec)</p>
January 21	<p>The Canadian Constitution: What does it include?</p> <p>Required reading: Peter Hogg, <u>Constitutional Law of Canada</u>, chapter 1, sections 1.2-1.10.</p>
January 29	<p>Parliamentarism</p> <p>Required readings: Constitution Act 1867, Preamble, articles 9-39, 48-57 (https://laws-lois.justice.gc.ca/eng/const/page-1.html); Malcolmson & Myers, <u>The Canadian Regime</u>, chapters 3, 6-7.</p>
February 4	<p>Parliamentarism</p> <p>Required readings: same as above</p>

- February 11** Federalism
***First assignment due in class**
- Required readings:** Constitution Act 1867, articles 58 and 90-95; Malcolmson & Myers, The Canadian Regime, chapter 4.
- February 18 (No class due to Winter Break)**
- February 25** Federalism
- Required readings:** same as for February 11th
- March 4** Judicature/The courts
- Required reading:** Malcolmson & Myers, The Canadian Regime, chapter 8.
- March 11** Judicial review and interpreting the constitution
- Required readings:** Peter Russell, Federalism and the Charter, Introduction, pp. 3-28; Peter Hogg, Constitutional Law of Canada, chapter 5 section 5.5 a-c, chapter 15.
- March 18** Amending the constitution
- Required readings:** Constitution Act 1982, sections 38-45 (<https://laws-lois.justice.gc.ca/eng/const/page-1.html>); Peter Hogg, Constitutional Law of Canada, chapter 4, sections 4.1-4.7.
- March 25** Proposals for constitutional reform: Meech Lake and Charlottetown Accords
***In class quiz**
- Required readings:** Meech Lake Accord: (https://www.sqrc.gouv.qc.ca/documents/positions-historiques/positions-du-qc/part3/Document22_en.pdf);
 Charlottetown Accord (https://www.sqrc.gouv.qc.ca/documents/positions-historiques/positions-du-qc/part3/Document27_en.pdf)
- April 1** Looking to the future: Electoral reform and the constitution
- Required reading:** Strengthening Democracy in Canada: Principles, Process and Public Engagement for Electoral Reform: Report of the Standing Committee on Electoral Reform, chapter 2 (<https://www.ourcommons.ca/DocumentViewer/en/42-1/ERRE/report-3>).

April 8 Conclusion and Review
***Second assignment due in class**

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

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

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 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

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

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

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/>