

Course Outline

COURSE:	LAWS 2501C – Law, State and Constitution
TERM:	WINTER 2019
PREREQUISITES:	1.0 credit from LAWS 1000 (no longer offered) LAWS 1001, LAWS 1002, PSCI 1200 or PAPM 1000 (1.0)
CLASS:	Day & Time: Wednesdays 6:05pm – 8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Jeremy Hill
CONTACT:	Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: By appointment only Email: CULearn only

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

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](#).

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*, 3rd 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*, 4th 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

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

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.

- (a) Essay (**due on or before March 27, 2019** topics to be announced in class) **40%**
- (b) Final Exam (, **April 12 - 27, 2019** formally scheduled, 3 hours in length, closed book, format will include multiple choice questions.) **50%**
- (c) Class Participation **10%**

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 date of the class for the course and "Ch." indicates the corresponding chapter(s) of the assigned reading to be completed prior to the lecture delivered each week (exception January 9, where lecture will precede readings).

1.	January 9	Introduction Law and Public Law	Ch. 1
2.	January 23	The Constitution	Ch. 1 Ch. 2 & Ch. 8
3.	January 30	The Constitution Act, 1867	Ch. 3
4.	February 6	The Judiciary	Ch. 4
5.	February 13	JCPC Early Decisions	Ch. 5 & Ch.6
6.	February 20	Winter Break – No classes	
7.	February 27	POGG, Trade & Commerce	Ch. 7
8.	March 6	Constitution Act, 1982 and After	Ch. 9
9.	March 13	Constitution Act 1982, Specific Aspects	Ch. 10
10.	March 20	Formal & Informal Constitutional Changes *Please note: Essay due March 27, 2019	Ch. 11
11.	March 27	Secession, Unity, and the Future	Ch. 12
12.	April 3	Review and Recap	No Reading

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: <https://carleton.ca/registrar/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/>