

**Course Outline**

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**COURSE:** LAWS 2502A

**TERM:** FALL 2019

**PREREQUISITES:** 1.0 credit from LAWS 1000 (1.0), PSCI 1100, PSCI 1200 or PAPM 1000 (1.0)

**CLASS:**           **Day & Time:** Wednesdays 8:35-11:25  
                          **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:**           Prof. Philip Kaisary

**CONTACT:**           **Office:** D485 Loeb Building  
                          **Office Hrs:** TBA (please check cuLearn)  
                          **Telephone:** ext. 4181  
                          **Email:** philip.kaisary@carleton.ca

[\* Please put the course number (LAWS 2502A) in the email subject line\*]

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**CALENDAR COURSE DESCRIPTION**

Law relating to the state and its relationship to individuals and groups in society, with a focus on the administrative process, basic values and the Charter.

**COURSE DESCRIPTION**

Law, State and Citizen serves as an introduction to the law relating to the state and its relationship to individuals and groups in society. The course syllabus includes administrative process, basic values and the Charter, theories of the state, and judicial review. In addition to reading and analyzing a corpus of legal materials, including case law, statutory law, and secondary criticism, we will read and analyze Frantz Kafka's novel, *The Trial* and also view and discuss Orson Welles' film adaptation of this classic text. This will enable us to develop an informed and comparative critique of the relations between law, state, and citizen.

**REQUIRED TEXTS**

1. Franz Kafka, *The Trial*. (New York: Schocken Books, 1999)  
Available at the University Bookstore, Amazon, Octopus Books etc.  
**This edition:**  
<https://www.penguinrandomhouse.com/books/89257/the-trial-by-franz-kafka/9780805209990/>
2. Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Citizen* (Concord: Captus Press, 2015).  
Available at the University bookstore.

**SUPPLEMENTARY TEXTS**

The following texts will be helpful as you research and write your mid-term and final paper.

1. Gerald Graff and Cathy Birkenstein, *They Say/I Say: The Moves that Matter in Academic Writing*, (3<sup>rd</sup> ed. Norton, 2014)
2. Gordon S. Harvey, *Writing with Sources: A Guide for Students*, 2<sup>nd</sup> ed. rev. (Hackett, 2008)

There are copies of both in the University Library. Used copies are usually available on Amazon and/or Abe Books. However, neither are mandatory purchases.

The list of further readings below is offered as a suggestion should you wish to read beyond the assigned material to enhance your understanding. None of these books are mandatory purchases.

**Further readings:**

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, 2000)

Jones, David Ph. and Anne S. de Villars, *Principles of Administrative Law*, 3<sup>rd</sup> ed. (Scarborough: Carswell, 1999)

Knopff, R. and F.L. Morton, *Charter Politics* (Scarborough: Nelson, 1992)

Mandel, Michael, *The Charter of Rights and the Legalization of Politics in Canada*, rev. (2<sup>nd</sup> ed.) (Toronto: Thompson Educational Publishing, 1994)

Morton, F.L. and R. Knopff, *The Charter Revolution and the Court Party* (Peterborough: Broadview Press, 2000)

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.

- (i) Attendance and Participation: 20%
- (ii) *Abdelrazik v. Canada* 2009 FC 580. CU Learn Quiz: 20%
- (iii) *Bedford* case summary exercise (3–4 pages, double-spaced MAX): 20%
- (iv) Final Essay (2,500 words MAX): 40%.  
Essay topic to be announced in class. To be submitted on CU Learn.

**SCHEDULE****Please note: Fall Break is October 21–25.**

<b>Class Number &amp; Date</b>	<b>Topic</b>	<b>Assigned Reading</b>
<b>1. Wednesday, September 4</b>	<b>Introduction</b>	<b>None</b>
<b>2. Wednesday, September 11</b>	<b>Law, State, and Social Goals and Techniques</b>	<b>Milanovic Chapter 1 Kafka pp. 3–19</b>
<b>3. Wednesday, September 18</b>	<b>Administrative Law Structure and Action</b>	<b>Milanovic Chapter 2 Kafka pp. 20–34</b>
<b>4. Wednesday, September 25</b>	<b>Judicial Review and Procedural Control</b>	<b>Milanovic Chapter 4 Kafka pp. 35–54</b>
<b>5. Wednesday, October 2</b>	<b>Complete CU Learn Quiz on <i>Abdelrazik v. Canada</i> this week</b>	<b><i>Abdelrazik v. Canada, 2009 FC 580</i> [Available on CU Learn]  Kafka pp. 55–79</b>
<b>6. Wednesday, October 9</b>	<b>Basic Values and Their Protection</b>	<b>Milanovic Chapter 7 Kafka pp. 80–110</b>
<b>7. Wednesday, October 16</b>	<b>Scope and Interpretation of the <i>Charter</i></b>	<b>Milanovic Chapter 8 Kafka pp. 111–142 (end of paragraph)</b>

<b>FALL BREAK OCTOBER 21 – 25</b>		
<b>8. Wednesday, October 30</b>	<b>*NO CLASS*</b> <b>Bedford case summary exercise</b>	<b>Milanovic Chapter 9</b> <b>Kafka pp. 142–165</b>
<b>9. Wednesday, November 6</b>	<b>Equality</b>	<b>Milanovic Chapter 10</b> <b>Kafka pp. 166–198</b>
<b>10. Wednesday, November 13</b>	<b>Group Rights and</b> <b>Final Assignment Briefing</b>	<b>Milanovic Chapters 11</b> <b>Kafka pp. 199–231</b>
<b>11. Wednesday, November 20</b>	<b>Class viewing and discussion:</b> <i>The Trial</i> (1962) dir. Orson Welles	<b>Consult secondary materials on</b> <b>Kafka's <i>The Trial</i></b> <b>(list of suggestions to be provided)</b>
<b>12. Wednesday, November 27</b>	<b>Conclusion and Review</b>	<b>No assigned reading:</b> <b>work on your final paper</b>

**\*\*\* Final Paper due Wednesday, November 27, 23:55 on CULearn \*\*\***

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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: <https://carleton.ca/equity/accommodation/academic/students/>

**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: <https://carleton.ca/equity/accommodation/academic/students/>

**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). <https://carleton.ca/pmc/students/accommodations/>

### **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: <https://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:  
<https://carleton.ca/equity/accommodation/academic/>

### **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/>