

Course Outline

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<b>COURSE:</b>	<b>LAWS 2502B – Law, State and Citizen</b>
<b>TERM:</b>	<b>FALL 2019</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200 or PAPM 1000 (1.0)</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays, 6:05 pm - 8:55 pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Dylan McGuinty Jr.</b>
<b>CONTACT:</b>	<b>Office: Room B442 Loeb Building (Contract Instructor’s Office)</b> <b>Office Hrs: By Appointment only</b> <b>Email: cuLearn only</b>

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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**

This course in “Law, State and Citizen” reviews the 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 Canadian *Charter of Rights and Freedoms* (“Charter”). The course will first consider the theories of the state and then move to an evaluation of administrative law including judicial review. Finally, we will study basic constitutional rights including the *Charter*, and conclude by examining core concepts of public international law. 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.

**REQUIRED TEXTS**

Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Citizen*, (Concord: Captus Press, 2015). The text may be purchased at the University bookstore. Earlier versions of this text will be out of date.

**SUPPLEMENTARY TEXTS**

The following are suggested sources of optional readings which might further your understanding of this course.

**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, 2000)
- Jones, David Ph. and Anne S. de Villars, *Principles of Administrative Law*, 3rd 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. (2nd) 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)

- (a) Essay (due on or before November 14, 2017 topics to be announced in class) 50%
- (b) Final Exam (During December 9 - 21, 2017, formally scheduled, 3 hours in length, closed book) 50%

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.

### **SCHEDULE**

<b>September 5</b>	Law, State, and Social Goals and Techniques	Ch. 1
<b>September 12</b>	Administrative Law Structure & Action	Ch. 2
<b>September 19</b>	Non-Judicial & Judicial Control	Ch. 3
<b>September 26</b>	Judicial Review and Procedural Control	Ch. 4
<b>October 3</b>	Substantive Review	Ch. 5
<b>October 10</b>	Theory, Problems, and Review	Ch. 6
<b>October 17</b>	Basic Values and Their Protection	Ch. 7
<b>October 24</b>	<b>NO CLASS - Fall Term Break (October 21-25)</b>	
<b>October 31</b>	Scope of the Charter	Ch. 8
<b>November 7</b>	Fundamental Freedoms & Fundamental Justice	Ch. 9
<b>November 14</b>	Equality (Essay due on or before November 14)	Ch. 10
<b>November 21</b>	Group Rights	Ch. 11
<b>November 28</b>	Public International Law & Review	Ch. 12
<b>December 5</b>	Recap	
<b>December 9 – 21</b>	<b>Formally Scheduled exams take place (final exam TBD)</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: <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/>