

Course Outline

COURSE:	LAWS 2502A – Law, State, and Citizen
TERM:	Summer (Early) - 2018
PREREQUISITES:	Laws 1000, PAPM 1000, PSCI 1100 and PSCI 1200
CLASS:	Day & Time: Tuesdays and Thursdays 11:35 – 2:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Philip Kaisary
CONTACT:	Office: Loeb D485 Office Hrs: By appointment Telephone: 613-520-2600 x. 4181 Email: Philip.Kaisary@carleton.ca

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: 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: <http://carleton.ca/equity/>

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: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact 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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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/>

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 classic novel, *The Trial*; 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.
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*, (3rd ed. Norton, 2014)

2. Gordon S. Harvey, *Writing with Sources: A Guide for Students*, 2nd 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*, 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

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: 10%
- (ii) Group presentation: 25%
- (iii) Mid-term Essay (1,500 words MAX): 25%. **Due Friday, May 18, 23:55.** Essay topic to be announced in class. To be submitted on CU Learn.
- (iv) Final Essay (2,000 words MAX): 40%. **Due Friday, June 15, 23:55.** Essay topic to be announced in class. To be submitted on CU Learn.

SCHEDULE

All chapter numbers in the schedule below refer to the required text: Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Citizen* (Concord: Captus Press, 2015).

The assigned readings are to be read before the relevant class.

Class Number & Date	Topic	Assigned Reading
1. Tuesday, May 8	Introduction	None
2. Thursday, May 10	Law, State, and Social Goals and Techniques	Milanovic Chapter 1 Kafka pp. 3–19
3. Tuesday, May 15	Administrative Law Structure and Action	Milanovic Chapter 2 Kafka pp. 20–34
4. Thursday, May 17	Judicial Review and Procedural Control	Milanovic Chapter 4 Kafka pp. 35–54
*** Mid-Term due Friday, May 18, 23:55 *** Submit via CU Learn		
5. Tuesday, May 22	Theory, Problems, and Reform	Milanovic Chapter 6 Kafka pp. 55–79

6. Thursday, May 24	Basic Values and Their Protection	Milanovic Chapter 7 Kafka pp. 80–110
7. Tuesday, May 29	Scope and Interpretation of the <i>Charter</i>	Milanovic Chapter 8 Kafka pp. 111–142 (end of paragraph)
8. Thursday, May 31	Fundamental Freedoms and Fundamental Justice	Milanovic Chapter 9 Kafka pp. 142–165
9. Tuesday, June 5	Equality	Milanovic Chapter 10 Kafka pp. 166–198
10. Thursday, June 7	NO CLASS	Catch-up with any missed readings and read ahead
11. Tuesday, June 12	Group Rights	Milanovic Chapters 11 Kafka pp. 199–231
12. Thursday, June 14	Conclusion and Review	No assigned reading: work on your final paper
*** Final Paper due Friday, June 15, 23:55 *** Submit via CU Learn		