

Course Outline

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| COURSE: | LAWS 2501 B Law, State and the Constitution |
| TERM: | Winter 2026 |
| PREREQUISITES: | 1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003. |
| CLASS: | Day & Wednesdays, 2:35pm-5:25pm Time: Room: Online via Zoom |
| INSTRUCTOR: | Zoran Oklopčić |
| CONTACT: | Office Hrs: via Zoom, after classes or upon appointment Email: zoran.oklopovic@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 deals with some of the most important and foundational questions of public (constitutional) law: What is an adequate way to think about the constitution of a legitimate state? How should we organize political power in a new polity? Should we embrace the idea of the separation of powers, and, if so, which one of its variants? What are the merits and demerits of federalism? Can public (constitutional) law guide the most radical of political changes—secession? The aim of this course is to enable you to become familiar with the most important areas of public law, and its theoretical background. The focus of the course will be on Canadian constitutional law, but we will approach it from a comparative perspective, drawing on the theoretical insights and practical experience of other countries, such as the United States, Great Britain and France.

LEARNING OUTCOMES

Providing a panoramic overview of the most important issues of modern constitutional thought, the course will enable the students to gain familiarity with the central concepts of modern constitutional law, the major systems of representative government, and the most contentious

issues in the debates about the legitimate forms of constitutional change in present-day constitutional democracies.

EVALUATION

There are four formal evaluation components to this course:

- **10% a 5 minute video response** (to a question chosen from the list (to be made available on Brightspace and to be submitted there by the beginning of class 11 on March 25). If you would like to appeal this component of your grade, you will need to bring your concerns to the Teaching Assistant who graded it and who, in assessing the merits of your complaint, is authorized to ask substantive questions in order to determine your grasp of the chosen theme.
- **20 % Online exam**, to be held online, on February 4 (50-minutes, 25 multiple choice questions, covering classes 1 – 4)
- **30% Online exam** to be held online, on March 18 (70 minutes 35 multiple choice questions + one essay-like question, covering classes 1 - 10)
- **40% Final online exam**, to be held online during the formally scheduled exam period at the end of the semester (90 minutes, 45 multiple choice questions + two essay-like questions, covering the material covered in the course as a whole).

Please note that tests and examinations in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring>. The minimum computing requirements for this service are listed on the SES website (<https://carleton.ca/ses/online-exams/e-proctoring/e-proctoring-course-outline-template>)

Final Grade Approval

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. All components must be successfully completed in order to get a passing grade.

Late penalties and requests for extensions

For information about requesting short-term or long-term extensions, deferrals for final exams, or academic consideration due to illness, injury, or other extraordinary circumstances, please visit the Academic Consideration Policy page. <https://carleton.ca/registrar/academic-consideration-policy/>

Required texts

Students are not required to purchase textbooks or other learning materials for this course.

SCHEDULE**1. Introduction**

- Max Weber, 'Politics as Vocation' (Hackett Publishing 2004) 32-47

2. Sovereign power and the social contract

- Thomas Hobbes, *Leviathan* (Oxford University Press 2019) (select passages)
- John Locke, *Second Treatise on Government* (select passages)

3. Social contract and the ideal of popular sovereignty

- Jean Jacques Rousseau (select passages)
- Margaret Canovan, "The People", *The Oxford Handbook of Political Theory*, edited by John S. Dryzek, Bonnie Honig and Anne Phillip (Oxford: Oxford University Press 2008) 349–362

4. Modern constitution and its state

- Pasquale Pasquino, 'Classifying Constitutions: Preliminary Conceptual Analysis' (2013) *Cardozo L. Rev.* 999-1019.

5. Majority rule and representative government

- James Madison, 'Federalist No. 10' in Alexander, James Madison and John Jay. [1787] 2008. *The Federalist Papers* (Oxford University Press 2008 [1787] c67–72.

6. Parliamentary government as the form of representative government

- Giovanni Sartori on 'Parliamentarism' [excerpts]
- Walter Bagehot, *The English Constitution* (Oxford University Press) pp. 49-60.

7. Parliamentary government in Canada and its alternatives

- Ian Brodie, 'At the centre of government: The Prime Minister and the limits on political power' (McGill-Queen's Press-MQUP 2018) [excerpts].
- Giovanni Sartori on: 'Presidentialism' and 'Semi-Presidentialism' [excerpts]

8. The varieties of federalism, United States, Canada and beyond

- “Federalism”, Stanford Encyclopaedia of Philosophy <https://plato.stanford.edu/entries/federalism/>
- Ronald Watts, “The American Constitution in Comparative Perspective: A Comparison of Federalism in the United States and Canada” (1987) The Journal of American History, vol. 74, no. 3, pp. 769–91.

9. Constitutional change and unwritten constitutional principles

- Reference re Secession of Quebec [1998] 2 SCR 217 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do> (paras 33 - 60)
- David Schneiderman, “Unwritten Constitutional Principles in Canada: Genuine or Strategic?” Pp. 1- 30.

10. Constituent power and unconstitutional constitutional amendments

- Emmanuel Sieyes, *What is the Third Estate?* [excerpts on constituent power]
- Yaniv Roznai, ‘ Necrocracy or Democracy? Assessing Objections to Constitutional Unamendability’ in Richard Albert and Bertil Omrah Oder, *An Unamendable Constitution? Unamendability in Constitutional Democracies* (Springer) 29-6.

11. At the limits of constitutional law: a right to secession?

- Reference re Secession of Quebec [1998] 2 SCR 217 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do> (paras 60 - 110)
- Zoran Oklopčić, "Secession Reference and Its Intellectual Legacy: Sceptical Notes from the European Peripheries." *The Canadian Contribution to a Comparative Law of Secession: Legacies of the Quebec Secession Reference* (Springer 2018) pp. 209-229.

12. Modern constitutionalism and the crisis of liberal constitutional democracy

- John Dunn, “Crisis of Democracy or Crises in Democracies?” (2025) *Chinese Political Science Review*, p. 1-20.

| LAWS 2501 Winter 2026 SUMMARY | | |
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| | DATE | TOPIC AND READINGS |
| 1 | January 7 | Introduction. Weber, pp. 32-47. |
| 2 | January 14 | Sovereign power and the social contract, Hobbes and Locke [selected excerpts] |
| 3 | January 21 | Social contract and the ideal of popular sovereignty, Rousseau [selected excerpts], Canovan. Pp. 349-362. |
| 4 | January 28 | Modern constitution and its state. Pasquino, pp. 999-1019. |
| 5 | February 4 | Majority rule and representative government, Madison, pp. 67-72 |
| 6 | February 11 | Parliamentary government over the course of history Sartori, pp.101-110 and Bagehot, pp. 49-60. |
| Reading week – no classes | | |
| 7 | February 25 | Parliamentary government in Canada and its alternatives, Brodie [excerpts], Sartori pp. 80-91. p. 121-135. |
| 8 | March 4 | The varieties of federalism, United States, Canada and beyond, "Federalism" [article, SEP, online], Watts, pp.769-91. |
| 9 | March 11 | Constitutional change and unwritten constitutional principles Reference re Secession of Quebec [online, paras 33-60]; Schneiderman, pp. 1-30 |
| 10 | March 18 | Constituent power and unconstitutional constitutional amendments Sieyes [select excerpts], Roznai, pp.29-60. |
| 11 | March 25 | At the limits of constitutional law: a right to secession? Reference re Secession of Quebec [online, paras 60-110], Oklopovic, pp. 209-229. |
| 12 | April 1 | The crisis of liberal constitutional democracy, Dunn, pp. 1-20. |

Permissibility of the use of generative artificial intelligence tools

Students may use AI tools for basic word processing functions, including grammar and spell checking (e.g. Grammarly, Microsoft Word Editor, Copilot). This policy ensures that student

voices and ideas are prioritized and authentically represented, maintaining the integrity of the work produced by students while allowing basic support to enhance clarity, correctness, layout and flow of ideas. The goal of adopting a limited use of AI is to help students develop foundational skills in writing and critical thinking by practicing substantive content creation without the support of AI.

Policy on Classroom Recording

Students are prohibited from recording class sessions and are also prohibited from the distribution of class recordings.

| Winter 2026 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/ | |
| January 5, 2026 | Winter term begins. |
| January 16, 2026 | Last day for registration and course changes (including auditing) for Winter courses. |
| January 31, 2026 | Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment. |
| February 16, 2026 | Statutory holiday. University closed. |
| February 16-20, 2026 | Winter break. No classes. |
| March 15, 2026 | Last day for academic withdrawal from Winter courses. Last day to request Formal Examination Accommodations for April full winter, late winter, and fall/winter final examinations from the Paul Merton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specified deadlines. |
| March 25, 2026 | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period. |
| April 3, 2026 | Statutory holiday. University closed. |
| April 8, 2026 | Winter term ends. Last day of winter and fall/winter classes. Classes follow a Friday schedule. |
| | Last day for take home examinations to be assigned. |
| April 9-10, 2026 | No classes or examinations take place. |
| April 11-23, 2026 | Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held. |
| April 23, 2026 | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |

UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>

- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/PMC/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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. You can find the Paul Menton Centre online at: <https://carleton.ca/PMC/>

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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade. More information about the academic consideration can be found [here](#).