

Course Outline

COURSE:	LAWS 2302 A Criminal Law
TERM:	Summer 2026
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Tuesdays and Thursdays, Delivery: Online 11:35 a.m. – 2:25 p.m.
	Room: ONLINE (classes recordings accessible on Brightspace)
INSTRUCTOR:	Dr. Sébastien Malette
CONTACT:	Office Hrs: By appointment, Zoom virtual office (via Brightspace) Fridays 1-3pm, or by appointment.
	Telephone: 613-520-2600 ext. 3681
	Email: sebastien.malette@carleton.ca
BRIGHTSPACE:	Brightspace: TBD

CALENDAR COURSE DESCRIPTION

The legal and social dimensions of criminal liability and responsibility in Canada, including issues and problems surrounding mens rea, actus reus, and the attachment of liability. Excuses and justifications, the Canadian Criminal Code and the role of the Charter in the criminal legal system.

COURSE DESCRIPTION

This course offers a comprehensive and integrated study of Canadian criminal law, combining doctrinal analysis with sustained attention to how criminal law is produced, interpreted, and constrained in practice. Students are introduced to the core principles of criminal responsibility—including *actus reus*, *mens rea*, and the architecture of criminal liability—before engaging with the full range of defences, including justifications such as self-defence and necessity, and excuses such as mistake, incapacity, and duress.

Criminal law doctrines are examined as part of a broader institutional and constitutional system in which responsibility is constructed through judicial reasoning, shaped by police and prosecutorial

discretion, and constrained by the Canadian Charter of Rights and Freedoms. Particular attention is given to proportionality, fairness, and the exercise of state power, as well as to the ways legal rules operate in practice across different institutional contexts.

By integrating doctrinal analysis with institutional and constitutional perspectives, the course equips students to apply criminal law with precision and to understand its operation as a complex, contingent, and evolving legal system.

LEARNING OUTCOMES

By the end of the course, students will be expected to be able to:

1. Demonstrate a precise understanding of *actus reus*, *mens rea*, and the structure of criminal liability.
2. Apply rules governing liability, participation, and defences to complex fact patterns with clarity and precision.
3. Analyze party liability (including aiding, abetting, and common intention) and evaluate the extension of responsibility beyond the principal offender.
4. Distinguish and apply justification and excuse defences, including self-defence, necessity, mistake, and incapacity.
5. Explain how criminal law is produced and shaped by institutional actors, including Parliament, courts, police, and prosecutors.
6. Evaluate how discretion influences the selection and distribution of criminal liability across cases and populations.
7. Analyze how the Canadian Charter of Rights and Freedoms constrains criminal law by limiting arbitrary, overbroad, and disproportionate exercises of state power.
8. Critically assess the relationship between criminal doctrine, institutional practice, and constitutional limits, with attention to fairness, proportionality, legitimacy, and systemic inequality.

REQUIRED TEXTS

Bromwich, Rebecca, and Ron P. Saunders, eds. *Criminal Law in Canada : An Introduction to the Theoretical, Social and Legal Contexts : Cases, Excerpts and Materials*. 5th ed. Toronto, Ontario: Thomson Reuters, 2016.

This book is available for purchase from The Campus Store website for \$225:

<https://carletonshop.ca/Item?item=9780779872985#item=9780779872985>

Used copies of this text are completely acceptable, and there are many affordable copies available. You are welcome to purchase a used copy of the book so long as it is the 5th edition.

Prices will vary.

SUPPLEMENTARY TEXTS

All supplementary readings listed in the course schedule (see below), including articles and book chapters, can be accessed through Carleton University Library services (MacOdrum Library) and/or will be made available directly on Brightspace through ARES Course Reserves.

RECOMMENDED TEXTS

Jaremko Bromwich, Rebecca. *A Big (Legal) Picture* (Toronto: Kendall Hunt, 2025) (referred to on reading scheduled as BLP).

<https://he.kendallhunt.com/product/big-legal-picture-introduction-legal-studies-2>

This is an online text that can be downloaded from the publisher at the URL above. This text costs approximately \$75 and can be purchased from the publisher directly.

It is a recommended online text and students can purchase a licence; it is not mandatory for this course. This resource was developed with a specific view to support Carleton LAWS courses.

EVALUATION

The final grade in this course will be calculated on the basis of three summative components.

1. ONLINE Midterm Examination – 35% (Date TBD, in the week of May 26, 2026)

Value: 35%

Format: ONLINE

Duration: 35 minutes

Structure:

- 3 short development questions
- 15 multiple-choice questions

Material Covered: All course materials assigned up to the date of the examination. Unless otherwise indicated, the examination is closed book.

Assessment Criteria:

The short development section (3 development questions) will be evaluated on accuracy of

legal knowledge, clarity of reasoning, precision of terminology, capacity to apply legal principles, and quality of written expression. Multiple-choice questions assess comprehension of course materials, doctrinal accuracy, and analytical recognition of legal issues.

Additional Information:

Further logistical details, permitted materials, modality instructions, and exact timing will be posted on Brightspace. Students will be able to review their completed examination in accordance with departmental procedures.

2. ONLINE Final Quiz – 35% (Final Online Quiz – 35% Date TBD; to be held during the formally scheduled examination period)

Value: 35%

Format: Online timed quiz through Brightspace

Duration: 1 hour

Structure:

- 60 multiple-choice questions

Material Covered: Cumulative. The quiz will cover all course materials, including materials covered earlier in the term. Unless otherwise indicated, the quiz is closed book.

Assessment Criteria:

Questions assess comprehension of core concepts, legal doctrine, case recognition, statutory interpretation, and the ability to distinguish among closely related legal principles under time constraints.

Additional Information:

The quiz must be completed during the scheduled availability window indicated on Brightspace. Once opened, students must complete the quiz within the allotted time.

3. Short Essay – 30% (Due date June 11, 2026)

Value: 30%

Length: Approximately 1,500–1,800 words (about 5 pages, excluding title page and bibliography)

Format Requirements:

- Title page required
- Pagination required
- Clear subtitles/headings encouraged
- 12-point standard font
- 1.5 line spacing
- McGill citation style

- Bibliography required

Topic: A legal question related to the course, to be announced by the instructor.

Submission Method: Electronic submission through Brightspace only, unless otherwise authorized.

Assessment Criteria:

The essay will be evaluated on quality of legal analysis, strength of argumentation, use of course materials, doctrinal accuracy, organization, clarity of writing, citation accuracy, and overall presentation. A detailed rubric and further instructions will be posted on Brightspace.

General Grading Standards

Across all evaluations, grades may be affected by:

- Accuracy of legal analysis
- Quality of reasoning
- Use of supporting authorities
- Organization and coherence
- Grammar, spelling, and syntax
- Citation compliance
- Professional presentation
- Following instructions

Early Feedback

An early feedback mechanism will be provided in accordance with university policy, normally through initial coursework, quiz performance, or formative class assessment.

Grade Appeals

Students seeking clarification or appeal of grades must follow the official Carleton University procedures: <https://carleton.ca/registrar/appeal-of-grade/>

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.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Unless an extension or academic consideration has been approved, late essays are subject to a penalty of 5% per day, including weekends, to a maximum of 7 days, after which the submission may receive a grade of zero.

The granting of extensions is at the discretion of the instructor, who will confirm whether an extension is approved and its duration. 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. All requests must be submitted to the instructor before the assignment due date or, in the case of exam deferrals, directly to the Registrar's Office. Full details and instructions can be found here: <https://carleton.ca/registrar/academic-consideration-policy/>.

SCHEDULE

Class	Date	Topic	Readings
1	Thu May 7	Criminal Law as Exceptional State Power	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, <i>Criminal Law in Canada</i>, ch 1 <p>Recommended:</p> <ul style="list-style-type: none"> • Bromwich, <i>A Big Legal Picture</i>, ch 1 <p>Supplemental:</p> <ul style="list-style-type: none"> • Garland, <i>Punishment and Modern Society</i>, ch 1 • Cornford (2024), <i>Criminal Law and Philosophy</i>
2	Tue May 12	Defining Crime and Criminalization	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 1 (criminalization sections) <p>Supplemental:</p> <ul style="list-style-type: none"> • Husak, <i>Overcriminalization</i>, ch 1 • Chiao (2019), <i>Criminal Law and Philosophy</i>
3	Thu May 14	How to Study Criminal Law	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 2 <p>Supplemental:</p> <ul style="list-style-type: none"> • Duff, <i>Punishment, Communication, and Community</i>, ch 2 • Ramsay (2025), <i>King's Law Journal</i>

4	Tue May 19	Architecture of Criminal Liability	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 6 (intro) <p>Recommended:</p> <ul style="list-style-type: none"> • Bromwich, <i>A Big Legal Picture</i>, ch 5 <p>Supplemental:</p> <ul style="list-style-type: none"> • Fletcher, <i>Rethinking Criminal Law</i>, ch 3 • Tadros, <i>Wrongs and Crimes</i>, ch 9
5	Thu May 21	Actus Reus and Criminal Conduct	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 6.1 <p>Recommended:</p> <ul style="list-style-type: none"> • Bromwich, <i>A Big Legal Picture</i>, ch 4 <p>Supplemental:</p> <ul style="list-style-type: none"> • Moore (2010), <i>Act and Crime</i> • Simester & Sullivan (2005), <i>Defining Crimes</i>
6	Tue May 26	Mens Rea and Fault	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 6.1.2 <p>Recommended:</p> <ul style="list-style-type: none"> • Bromwich, <i>A Big Legal Picture</i>, ch 4 <p>Supplemental:</p> <ul style="list-style-type: none"> • Simester et al., <i>Criminal Law: Theory and Doctrine</i> • Lacey (2016), <i>In Search of Criminal Responsibility</i>
7	Thu May 28	Strict & Absolute Liability	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 6.1.3 <p>Supplemental:</p> <ul style="list-style-type: none"> • Duff, <i>Answering for Crime</i>, ch 6 • Horder (2005), <i>Appraising Strict Liability</i>
8	Tue June 2	Limits of Liability & Discretion	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, chs 4 & 6.3 <p>Supplemental:</p> <ul style="list-style-type: none"> • Robinson (2008), <i>Distributive Principles</i> • Tonry (2014), <i>Federal Sentencing Reporter</i>
9	Thu June 4	Charter Limits on Criminal Law	<p>Required:</p> <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 3 (pp 87–106; 114–122; 141–172) • Saunders & Jaremko Bromwich, ch 7.3.2

			Supplemental: <ul style="list-style-type: none"> • Roach, <i>Constitutional Remedies in Canada</i> • Berger (2007), <i>Osgoode Hall LJ</i>
10	Tue June 9	Justification Defences	Required: <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 7.1 Supplemental: <ul style="list-style-type: none"> • Duff, <i>Punishment, Communication, and Community</i>, ch 7 • Ferzan (2021), <i>Law & Philosophy</i>
11	Thu June 11	Excuses & Capacity	Required: <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, chs 7.2 & 7.4 Supplemental: <ul style="list-style-type: none"> • Hart & Gardner, <i>Punishment and Responsibility</i> • Tillim (1951), <i>JCLC</i>
12	Tue June 16	Punishment, Proportionality & Sentencing	Required: <ul style="list-style-type: none"> • Saunders & Jaremko Bromwich, ch 5 Recommended: <ul style="list-style-type: none"> • Bromwich, <i>A Big Legal Picture</i>, ch 4 Supplemental: <ul style="list-style-type: none"> • Ashworth, <i>Sentencing and Criminal Justice</i> • Duff, <i>Punishment, Communication, and Community</i>

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

As institutional and pedagogical understandings of artificial intelligence continue to evolve, students are responsible for consulting the course instructor before using AI tools in any manner not expressly authorized below. This is necessary to ensure that all uses of AI remain consistent with the learning objectives of the course and with university standards of academic integrity.

Students may consult guidance on citing and using generative AI through Carleton University Library resources, including the [MacOdrum Library website](#).

AI Use in this Course: Minimal Use – Basic Assistance Only

In this course, students may use AI tools only for limited mechanical assistance related to presentation and language correction. Permitted uses include:

- grammar checking
- spelling correction
- punctuation correction
- formatting assistance
- minor stylistic clarity suggestions
- proofreading support

Examples may include Grammarly, Microsoft Word Editor, or comparable editing tools.

Students may not use AI tools for substantive academic work, including but not limited to:

- generating arguments, analysis, or thesis statements
- drafting paragraphs or full assignments
- summarizing readings in place of completing readings
- producing citations or legal references without verification
- answering exam or quiz questions
- rewriting original work in a manner that substitutes for the student's own reasoning
- producing research content, outlines, or case analyses for submission

Documentation of AI Use

Students are not required to disclose AI use when it is limited strictly to the permitted mechanical functions listed above. Any use beyond those narrow purposes must be discussed with and approved by the instructor in advance. Unauthorized use may constitute a breach of academic integrity.

Rationale for this Policy

This policy is intended to preserve the authenticity of student work by ensuring that ideas, arguments, analysis, and written reasoning remain the student's own. Limited AI use is permitted only where it assists clarity, correctness, and presentation without replacing the intellectual labour required by the course. The objective is to support the development of independent writing, legal reasoning, and critical thinking skills.

Reuse of Prior Work (Self-Plagiarism)

Students may not submit work previously completed for another course, in whole or in substantial part, unless they obtain prior written permission from the instructor. Reuse of prior work without authorization may constitute academic misconduct. "Substantially the same" includes materially similar arguments, structure, research content, or previously graded submissions.

Individual Work Requirement

Unless expressly stated otherwise, all work in this course must be completed individually. Group work, shared drafting, unauthorized collaboration, or joint preparation of graded submissions is not permitted.

Policy on Recording Class Sessions

Students are prohibited from recording class sessions without prior written authorization. Students are also prohibited from distributing, uploading, sharing, or circulating any class recordings, lecture materials, or course discussions without express permission.

Summer 2026 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
May 6, 2026	Summer term begins. Early summer and full summer classes begin.
May 12, 2026	Last day for registration and course changes (including auditing) in early summer courses.
May 18, 2026	Statutory holiday. University closed.
May 20, 2026	Last day to withdraw from early summer courses with a full fee adjustment.
May 31, 2026	Last day to withdraw from full summer courses with a full fee adjustment.
June 1, 2026	Last day for academic withdrawal from early summer courses.
	Last day to request Formal Examination Accommodations for June examinations from the Paul Menton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specific deadlines.
June 11, 2026	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade in early summer term undergraduate courses before the official examination period.
June 18, 2026	Last day of early summer classes. (NOTE: full summer classes resume July 2.) Classes follow a Monday schedule.
	Last day for take-home examinations to be assigned, 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.
June 19-20, 2026	No classes or examinations take place.
June 21-27, 2026	Final examinations in early summer courses and mid-term examinations in full summer courses will be held. Examinations are normally held all seven days of the week.
June 27, 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.
July 1, 2026	Statutory holiday. University Closed.

July 2, 2026	Late summer classes begin and full summer classes resume.
July 8, 2026	Last day for registration and course changes (including auditing) in late summer courses.
July 15, 2026	Last day to withdraw from late summer courses with a full fee adjustment.
August 1, 2026	Last day for academic withdrawal from full and late summer courses.
	Last day to request Formal Examination Accommodations for August final examinations from the Paul Menton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specified deadlines.
August 3, 2026	Statutory holiday. University closed.
August 7, 2026	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade in late summer and full summer term undergraduate courses, before the official examination period.
August 14, 2026	Last day of late summer and full summer classes. Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, 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.
August 15-16, 2026	No classes or examinations take place.
August 17-23, 2026	Final examinations in late summer and full summer courses will be held. Examinations are normally held all seven days of the week.
August 23, 2026	All final take-home examinations are due on this day, with the exception of those conforming to the examinations 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](#).