

COURSE:	LAWS 2501A Law, State, and Constitution		
TERM:	Fall 2026		
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003		
CLASS:	Day & Time:	Mondays 11:35am-2:25pm	
	Room:	Please check Carleton Central for current Class Schedule	
INSTRUCTOR:	Dr. Stacy Douglas		
CONTACT:	Office Hrs:	Mondays 2:45-3:30pm	
	Telephone:	613-520-2600 x. 8028	
	Email:	Stacy.Douglas@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

What is law? What is a state? What is a constitution? How does each serve democratic life and how might each undercut it? This course looks at the practice of constitution-, law-, and state-making; explores concepts of sovereignty, democracy, and representation; and dives deeply into the constitutional foundations of Canada. Students can also expect to learn about the *Charter of Rights and Freedoms*, its historical context, and contemporary dilemmas.

REQUIRED TEXTS

All texts are available through Ares (accessible through our Brightspace page).

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.

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

Assignment	Value	Due Date
Attendance	10%	Throughout
Quizzes*	20%	Throughout, in class
Midterm Exam	30%	19 October, in class
Final Exam	40%	Winter exam period

* There will be five quizzes done during lectures throughout the term. Your grade will be composed of the best four out of five quizzes. There are no make-up quizzes. If you miss one, the remaining four will constitute your entire mark. The five quizzes will take place on: 21 September, 5 October, 9 November, 23 November, and 7 December.

GRADING

The following percentage equivalents apply to all final grades at Carleton:

A+	90-100	B+	77-79	C+	67-69	D+	57-59	
A	85-89	B	73-76	C	63-66	D	53-56	F 0-49
A-	80-84	B-	70-72	C-	60-62	D-	50-52	

When I grade your assignments I will be marking with the following criteria in mind:

Style

Has the author taken care in their formatting, grammar, attention to word count, and appropriate referencing? Where appropriate, have they attempted to infuse their work with creative flourish?

Structure

Has the author laid out a clear and effective argument for their reader? In particular did the author begin with a clear introduction and overview of their supporting points, and use signposting throughout? Is it a convincing argument overall?

Content

Has the author understood the material and conveyed it effectively to their reader? Have they supported their interpretations with page references and other academic sources?

Research

Has the author demonstrated a thoughtful and meticulous approach to their research? Have they been intellectually honest about their sources by seeking out primary material and bolstering their interpretation with appropriate secondary sources?

Critical Analysis

Has the author been able to understand the material, communicate about it clearly, **and** use their critical reading and writing skills to analyze the material? A demonstrated depth of critical analysis will be key for achieving high marks.

REFERENCING

The Law Department recommends that you follow the Legal Style set out here:
<https://library.carleton.ca/guides/help/uniform-legal-citation-style-mcgill-guide>

However, if you prefer another referencing style you may use it provided that you are consistent throughout and the style is academically recognized (e.g. Harvard, MLA, Chicago). If you are unsure about the proper format of a particular referencing style, please consult a referencing style guide from the library.

The Academic Writing Centre and Writing Tutorial Services provide students and faculty assistance with the teaching and learning of academic writing. Please contact them in advance and make use of their services:
<https://carleton.ca/csas/support/>

Tips for avoiding plagiarism (see also page 11 below):

- Give yourself enough time to work on your assignment, so you are not tempted to copy text from other sources.
- Take notes carefully so that you include specific sources and page numbers. Be sure to clearly identify which ideas are your own and which come from your sources.
- Reference as you write, rather than leaving all the referencing to the end. Even if you just use shorthand as you write (i.e. note the author's last name and page number), you can then go back and do the formatting later. But it is always better to reference as you go – it will save you time in the long run and you are less likely to forget something.
- Consult a referencing guide! If you are unsure about referencing format or procedure, check a referencing style guide.

For more help see: <https://library.carleton.ca/guides/subject/law>

Remember: Using another person's work without acknowledgment, or using work in a way that may mislead or deceive your reader is plagiarism. It does not matter whether you deliberately intended to deceive or not – it remains subject to the university's policies and penalties on academic misconduct. Plagiarism undermines the integrity of academic scholarship and is not acceptable.

***ALL INSTANCES OF PLAGIARISM WILL BE REPORTED
DIRECTLY TO THE DEAN.***

ACADEMIC CONSIDERATION

For information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), or exam deferral please visit the following link:
<https://carleton.ca/registrar/acp-procedure/>

AI POLICY

Artificial intelligence (AI) is increasingly baked into our daily lives – our phones, computers, apps, and service providers. There is no way to fully escape it. But please remember that its presence is not mystical, nor inevitable. It is the result of billions of dollars of investment into private corporations that are compelled to make a profit (OECD, 2026).¹ It will not *naturally* get better, but may improve with more and more investment dedicated to its enhancements. And while it may provide some use for sorting large data sets or helping with menial tasks, its ubiquity comes at a cost to ourselves, society, and the environment.

What to do then with this ever-present technology in the university classroom? If you would like to maintain good mental health and brain power, AI should not replace reading, critical thinking, difficult problem solving, or judgment. Use your brain first. Then, perhaps, you can use a chatbot to support (i.e., as a tutor to check your own work, for example) the dedicated time you are putting in to weekly reading, note-taking, and assignment preparation. Students that replace homework and studying time with AI answers, without engaging their own brain, show brief, short term grade enhancement, but long term grade decline (Economist, 2026), because they have not actually learned the material.² However, it is also possible to succeed in this class (and the world) by not using AI. In fact, if the reported environmental costs of using AI are to be relied upon, it may be incumbent upon us to dispense with it as soon as possible (UN News, 2026).³

For this course, I expect all submitted material to be composed by you, the individual student enrolled. I welcome human-made errors, misunderstandings, incomprehension, writing that needs improvement, and nuanced and detailed arguments that require refining. Making mistakes is one of the best ways to learn. Therefore, please do not cheat yourself out of the learning experience by using AI-enhanced corporate tools offered by ChatGPT, Grammarly, Adobe, and others. Their inclination to the “norm” will quash the human out of your work, producing easily digestible (a.k.a. boring) tracts fit for the dustbin of history, and you will have learned nothing along the way. Take a page from L. Frank Baum and remember that the wish we seek to be granted – whether it is a brain, heart, courage, or the best grade, the perfect job, the dream life – is but an illusion. As with all things in life, the journey – albeit difficult, scary, and without guarantee – is the destination.

¹ Organisation for Economic Co-operation and Development (OECD) “AI firms capture 61% of global venture capital in 2025”, 17 February 2026: <https://www.oecd.org/en/about/news/announcements/2026/02/ai-firms-capture-61-percent-of-global-venture-capital-in-2025.html>

² Economist, “Does AI stop children from learning?”, 18 August 2026: <https://www.economist.com/graphic-detail/2026/08/18/does-ai-stop-children-from-learning>

³ United Nations News, “AI’s environmental costs threaten water, land and climate”, 4 June 2026: <https://news.un.org/en/story/2026/06/1167658>

LAWS 2501 Course Overview		
Date	Week	Lecture
14 September	One	Law, State, & Constitution in a Settler Society
21 September	Two*	Introduction to the <i>Constitution</i>
28 September	Three	Rule of Law (I)
5 October	Four*	Rule of Law (II)
12 October	-----	UNIVERSITY CLOSED
19 October	Five	Midterm Exam (& Alberta Referendum!)
26 October	-----	READING BREAK
2 November	Six	Law, Politics, & Economics (I)
9 November	Seven*	Law, Politics, & Economics (II)
16 November	Eight	Indigenous Sovereignty and Settler Colonialism (I)
23 November	Nine*	Indigenous Sovereignty and Settler Colonialism (II)
30 November	Ten	Law's Violence
7 December	Eleven*	Exam Prep I Essay Writing
11 December	Twelve	Exam Prep II Review

*Indicates a week that a quiz will take place in lecture.

SCHEDULE**Week 1: Law, State, & Constitution in a Settler Society (14 September)**Recommended Reading:

1. *The Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

Questions:

What does 'law' mean? 'State'? 'Constitution'? What is the relation between them, if any?

What is settler-colonialism? Why does it matter to the study of Canadian constitutionalism?

Key Concepts:

arbitrary power – divine right of kings – settler-colonialism – Constitution Act, 1867 – Canada Act, 1982

Week 2: Introduction to the Constitution (21 September)Assigned Reading:

1. Borrows, John. "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government." In: *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*. Vancouver: University of British Columbia Press, 1997. 155-172. (17 pages)

Questions:

When was the *Charter* enacted?

How were individual rights protected before the *Charter*?

What is the Notwithstanding Clause?

What is the difference between s. 25 of the *Charter* and s. 35 of the *Constitution Act*?

Key Concepts:

Royal Proclamation – sovereignty – liberalism – the rule of law – Notwithstanding Clause

Week 3: Rule of Law (I) (28 September)Assigned Reading:

1. “Analysis of the Constitutional Principles”. In: *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217, 247-263 (16 pages)
2. Held, David (2006) “Direct Democracy and the End of Politics”. In: *Models of Democracy* (3rd Edition). Cambridge: Polity, 96-122. (26 pages)
3. Slayton, Phillip (2011) “Justice is in the Details”. In: *Canadian Lawyer*.
<http://www.canadianlawyermag.com/3700/Justice-is-in-the-details.html>. Accessed 15 August 2026.
 (2 pages)

Questions:

What is a *Reference*?

According to this *Reference*, what does the rule of law include? Is our understanding of the rule of law in Canada limited to this *Reference*?

What is Marx’s critique of liberalism, according to David Held?

What is leave to appeal and what are some of the concerns Slayton raises?

Key Concepts:

fundamental justice – unwritten constitutional principles – proportionality – leave to appeal – direct democracy

Week 4: Rule of Law (II) (5 October)Assigned Reading:

1. *Canada (Citizenship and Immigration) v. Harkat*, 2014 SCC 37 (86 pages)

Questions:

What are the facts of the case?

Does an investment in “national security” conflict with the promises of individual liberty set out by the *Charter*? If so, how wide is the scope for such conflict?

Should there be courts not open to the public?

Key Concepts:

Section 7, 9, 10 – national security – terrorism – sovereignty – liberalism – the rule of law – the state of exception

Week 5: Midterm Exam & the Alberta Referendum! (19 October)

Study all assigned reading and your notes from lecture for this mid-term exam. It will be made up of multiple choice, true and false, as well as short answer questions.

HAPPY READING WEEK!

Week 6: Law, Politics, And Economics (I) (2 November)Assigned Reading:

1. *Fair Voting BC v. Canada (Attorney General)*, 2025 ONCA 581 (45 pages)

Questions:

What is the appellants' argument?

Does the court agree or not? Why?

What does this case tell us about the relation between law, politics, and economics?

Key Concepts:

Proportional representation – electoral reform – right to vote – meaningful participation

Week 7: Law, Politics, And Economics (II) (9 November)Assigned Reading:

1. *Mathur v. Ontario*, 2024 ONCA 762 (36 pages)

Questions:

What is the applicants' argument?

Does the court agree or not? Why?

What does this case tell us about the relation between law, politics, and economics?

Key Concepts:

Climate change – positive rights – positive statutory obligations – justiciability

Week 8: Indigenous Sovereignty and Settler Colonialism (I) (16 November)

Assigned Reading:

1. Borrows, John. "Indigenous Constitutionalism: Pre-existing Legal Genealogies in Canada". In: *The Oxford Handbook of the Canadian Constitution*. Eds. Oliver, Peter C. (Peter Crawford), Patrick Macklem, and Nathalie Des Rosiers. New York: Oxford University Press, 2017. 50-87. (37 pages)

Questions:

What are some of the interesting elements of constitutional orders that Borrows points to?

How are these indigenous orders like that of Canada's settler-colonial constitution? How are they different?

Key Concepts:

Section 25 of the Charter – section 35 of the Constitution – federalism – self-government

Week 9: Indigenous Sovereignty and Settler Colonialism (II) (23 November)

Assigned Reading:

1. Pasternak, Shiri. "Jurisdiction and Settler Colonialism: Where Do Laws Meet?" *Canadian Journal of Law and Society / Revue Canadienne Droit et Society* 29, no. 2 (2014): 145–61. (16 pages)
2. Osler Law Blog, "Aboriginal title and private property: divergent approaches in Cowichan and Wolastoqey," 20 March 2026: <https://www.osler.com/en/insights/blogs/indigenous/aboriginal-title-and-private-property-divergent-approaches-in-cowichan-and-wolastoqey/>

Questions:

What is the difference between jurisdiction, territory, and sovereignty that Pasternak draws out? Why does it matter?

What is significant about the recent case of *Cowichan Tribes v. Canada (Attorney General)*, 2025 BCSC 1490?

Key Concepts:

jurisdiction – fiction – territory – colonial-settlement – fee simple land – Aboriginal title

Week 10: Law's Violence (30 November)Assigned Reading:

1. Alam, Mariful, Patrick Dwyer, and Katrin Roots, "Socio-Legal Perspectives on Law's Violence." In: *Violence, Imagination, and Resistance : Socio-Legal Interrogations of Power*. Eds. Mariful Alam, Patrick Dwyer, and Katrin Roots. First edition. Athabasca, AB: AU Press, Athabasca University, 2023: 1-34. (34 pages)

Questions:

Where does the concept of "slow violence" come from and what do the authors do with it?

What do the authors mean by "structuralist perspectives"?

What is a "law as governance" approach?

What is socio-legal studies?

Week 11: Exam Prep | Essay Writing Practice (7 December)

Come prepared to practice the essay writing skills we have worked on throughout the term.

Week 12: Exam Prep | Content Review (11 December)

We will review key concepts, arguments, and problems. Bring lingering questions about content.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:

<https://carleton.ca/law/student-experience-resources/>.

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.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

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/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

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 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](#).

Unauthorized Student Recording

Unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Unauthorized recording is unethical and may also be a violation of University policy. Students requesting the use of assistive technology as an accommodation should contact the **Paul Menton Centre**. Unauthorized use of classroom recordings – including distributing or posting them – is also prohibited. Under the **University's Copyright Policy**, faculty own the copyright to instructional materials – including those resources created specifically for the purposes of instruction, such as lectures slides, lecture notes, and presentations. Students cannot copy, reproduce, display, or distribute these materials or otherwise circulate these materials without the instructor's written permission. Students who engage in unauthorized recording, unauthorized use of a recording, or unauthorized distribution of instructional materials will be referred to the appropriate University office for follow-up.