

**COURSE:** LAWS 2502 C & V – Law, State and Citizen

**TERM:** Winter – 2018

**PREREQUISITES:** 1.0 credit from LAWS 1000 [1.0], PAPM 1000 [1.0], PSCI 1000, PSCI 1001 [1.0], PSCI 1002

**CLASS:** **Day & Time:** Thursdays 6:05 pm-8:55 pm  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Nick E. Milanovic  
**(CONTRACT)**

**CONTACT:** **Office:** B442 LA (Loeb)  
**Office Hrs:** By Appointment  
**Email:** cuLearn only

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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:** 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](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*). **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](http://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 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://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/>

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## **COURSE DESCRIPTION**

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 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 of Rights and Freedoms, 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). This textbook is available at the University bookstore.

## **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**

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 completed in order to get a passing grade)**

(a) Essay (due on or before **March 15, 2018** topics to be announced in class) 50%

(b) Final Exam (During **April 14 - 26, 2018**, formally scheduled, 3 hours in length, closed book) 50%

**SCHEDULE**

The topics generally correspond to the headings in the Table of Contents at the beginning of each of the required text. The assigned readings are to be read before the relevant class. The number at the left side of the outline below indicates the date of each week of the course in the relevant term and "Ch." indicates the corresponding chapter(s) of the required reading to be completed prior to the lecture delivered each week.

<b>1. January 11</b>	<b>Law, State, and Social Goals and Techniques</b>	<b>Ch. 1</b>
<b>2. January 18</b>	<b>Administrative Law Structure &amp; Action</b>	<b>Ch. 2</b>
<b>3. January 25</b>	<b>Non-Judicial &amp; Judicial Control</b>	<b>Ch. 3</b>
<b>4. February 01</b>	<b>Judicial Review and Procedural Control</b>	<b>Ch. 4</b>
<b>5. February 08</b>	<b>Substantive Review</b>	<b>Ch. 5</b>
<b>6. February 15</b>	<b>Theory, Problems, and Review</b>	<b>Ch. 6</b>
<b>*Winter Break: February 19 – 23, No class.</b>		
<b>7. March 01</b>	<b>Basic Values and Their Protection</b>	<b>Ch. 7</b>
<b>8. March 08</b>	<b>Scope of the Charter</b>	<b>Ch. 8</b>
<b>9. March 15</b>	<b>Fundamental Freedoms &amp; Fundamental Justice</b>	<b>Ch. 9</b>
<b>10. March 22</b>	<b>Equality</b>	<b>Ch. 10</b>
<b>11. March 29</b>	<b>Group Rights</b> <b>*Please note: Essay due March 15, 2018</b>	<b>Ch. 11</b>
<b>12. April 05</b>	<b>Public International Law</b>	<b>Ch. 12</b>