

Communities and Public Law

AP/PPAS 2200 3.0 N
Winter 2022
Wednesday 7:00-10:00 PM
Accolade West (ACW) 204

Course Director: Adam Schachhuber

Email: aschachh@yorku.ca

Office Hours: By appointment

Office Location: Zoom

Course Description:

This course is an introduction to the Canadian legal system and the three main branches of public law: constitutional law, administrative law, and criminal law. Lectures and readings will address a variety of topics including the nature of law, the colonial origins of Canadian law, federalism, the role of the courts, the *Canadian Charter of Rights and Freedoms*, the judicial review of administrative decisions, the reform of criminal trials and sentencing, and ongoing efforts to improve access to justice. Particular attention will be paid to public law's role in the historical marginalization of Indigenous peoples, immigrants and refugees, and racialized minorities, but also to the ways in which members of these communities have made use of public law in their pursuit of rights, justice, and reconciliation. Students who take this course can expect to learn basic legal research and writing skills while gaining a better understanding of the Canadian legal system's historical and philosophical foundations.

Format:

This section of PPAS 2200 is scheduled to meet in person.

Required Readings:

There is one required textbook for this course:

John Fairlie, *A Brief Introduction to Law in Canada*, 2nd ed. (Toronto: Emond Publishing, 2021)

The paperback edition is available for purchase at the York University Bookstore.

Additional required readings – to consist mainly of online court decisions and the odd scholarly article, speech, or report – will be made available through hyperlinks on this syllabus and/or the course's eClass page.

Evaluation:

Participation:	10%
Midterm Test (in class, March 2):	30%
Essay (6-8 pp., due April 10):	30%
Final Exam (Winter exam period):	30%

Lecture and Reading Schedule:

Week 1 (Jan. 12): Introduction to the course

Week 2 (Jan. 19): The nature of law

Fairlie, Ch. 1, “What is Law?”

Week 3 (Jan. 26): The historical development of public law in Canada

Fairlie, Ch. 2, “Common Law, Civil Law, and Indigenous Legal Systems” and Ch. 3, “From the Reception of English and French Law into Canada to the *Charter*”

Week 4 (Feb. 2): Constitutional law I: Federalism

Fairlie, Ch. 4, “The Legislature and the Executive: The First and Second Branches of Government” and Appendix A: Constitution Act, 1867

[Reference re Environmental Management Act \(British Columbia\), 2019 BCCA 181](#)

Week 5 (Feb. 9): The courts and judicial review

Fairlie, Ch. 5, “The Judiciary: The Third Branch of Government”

Week 6 (Feb. 16): Constitutional law II: Human rights and the *Charter*

Fairlie, Ch. 6, “Civil Liberties” and Appendix B: Constitution Act, 1982

[Dominique Clément, Will Silver and Daniel Trottier, *The Evolution of Human Rights in Canada* \(Ottawa: Canadian Human Rights Commission, 2012\)](#)

Reading week (Feb. 23): No class!

In-class midterm test (March 2)

Week 7 (March 9): Administrative law I

Fairlie, Ch. 9, “Administrative Law”

[Canada \(Minister of Citizenship and Immigration\) v. Vavilov, 2019 SCC 65](#)

Week 8 (March 16): Administrative law II

[Canada \(Public Safety and Emergency Preparedness\) v. Chhina, 2019 SCC 29, \[2019\] 2 S.C.R. 467](#)

[Human Rights Watch and Amnesty International, “I Didn’t Feel Like a Human in There’: Immigration Detention in Canada and its Impact on Mental Health” \(Human Rights Watch, 2021\)](#)

Week 9 (March 23): Criminal law I

Fairlie, Ch. 10, “Criminal Law”

[Kent Roach, “A Charter Reality Check: How Relevant is the Charter to the Justness of Our Criminal Justice System?” *The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference* 40 \(2008\)](#)

Week 10 (March 30): Criminal law II

[R. v. Gladue, \[1999\] 1 S.C.R. 688](#)

[Jonathan Rudin, “Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going.” *The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference* 40 \(2018\)](#)

Week 11 (April 6): Access to justice

Fairlie, Ch. 12, “Access to Justice and Law Reform”

[Canada \(Attorney General\) v. Downtown Eastside Sex Workers United Against Violence Society, 2012 SCC 45, \[2012\] 2 S.C.R. 524](#)

Grades:

Grades for this course will be calculated according to the standard nine-point grading scheme used in all undergraduate programs at York University (e.g. A+=“Exceptional”=90-100%, A=“Excellent”=80-89%, B+=“Very Good”=75-79%, B=“Good”=70-74, C+=“Competent”=65-69%, C=“Fairly Competent”=60-64%, etc.). A detailed explanation of this scheme can be found in the School of Public Policy and Administration’s [Academic Calendar](#).

Assignment Submission and Late Penalties:

Written assignments should be submitted on or before the announced due date through the upload link(s) on the course’s eClass page. Late submissions will be assessed a penalty of five percent (ie. one half-letter grade) per day. Extensions will be granted only in exceptional circumstances.

Missed Tests/Exams:

Students who miss a test or exam for any reason should contact the Course Director as soon as possible. There is no automatic right to a make-up test.

Academic Honesty:

Students should familiarize themselves with their rights and responsibilities regarding academic honesty. These are clearly set out in the [Senate Policy on Academic Honesty](#) and the [Student Code of Conduct](#) as well as the [Academic Integrity Module](#) provided through the Student Papers and Academic Research Kit (SPARK). Additional resources can be found in the [Academic Honesty Letter](#) sent to undergraduate students of the Faculty of Liberal Arts & Professional Studies in 2020.

Several private, third-party tutoring companies have begun advertising their services to York University students through eClass. To help eliminate these advertisements, please change your eClass profile settings to private. To hide your email address in eClass: 1) Click your name on the top-right of the eClass website, then click “Profile” on the drop-down menu; 2) Under “User details” click “Edit profile”; 3) From the “Email display” drop-down menu choose “Hide my email address from non-privileged users”; 4) Scroll to the bottom of the page and click on the “Update profile” button.

Accommodations for Students with Disabilities:

Students with disabilities may seek academic accommodations in accordance with the [Senate Policy on Academic Accommodation for Students with Disabilities](#). Students who seek academic accommodations must register with Student Accessibility Services and provide the Course Director with a Letter of Accommodation at the beginning of the semester.