Communities and Public Law

AP/PPAS 2200 3.0 A
S1 2022

Monday Wednesday 16:00-19:00
Victor Phillip Dahdaleh Building (DB) 1016

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 philosophical debates over the nature of law and the relationship between law and morality, the colonial origins of the Canadian legal system, 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 members of those communities have used public law to pursue rights, justice, and reconciliation.

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, June 1):   30%
Essay (6-8 pp., due June 20):   30%
Final Exam (S1 exam period (June 22-24)):   30%

Lecture and Reading Schedule:

Week 1 (May 9): Introduction to the course

Week 2 (May 11): The nature of law

Fairlie, Ch. 1, "What is Law?"

Week 3 (May 16): 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 (May 18): 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

Victoria Day (May 23): No class!

Week 5 (May 25): The courts and judicial review

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

Valente v. The Queen, [1985] 2 S.C.R. 673

Ref re Remuneration of Judges of the Prov. Court of P.E.I., [1997] 3 S.C.R. 3

Week 6 (May 30): Constitutional law II: Human rights and the *Charter*

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

The Rt. Hon. Beverley McLachlin. "Human Rights Protection in Canada." *Osgoode Hall Review of Law and Policy* 2.1 (2014)

In-class midterm test (June 1)

Week 7 (June 6): Administrative law I

Fairlie, Ch. 9, "Administrative Law"

Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65

Week 8 (June 8): 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 (June 13): 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 Conferenc*e 40 (2008)

Week 10 (June 15): 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 (June 20): 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 course eClass page. Late submissions will be assessed a penalty of five percent (i.e., 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.

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.