

Communities and Public Law

**AP/PPAS 2200 3.0 B
F 2022**

**Tuesday 7:00-10:00 PM
Accolade West (ACW) 204**

Course Director: Adam Schachhuber

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Office Hours: Tuesday 5:30-6:30 PM or by appointment

Office Location: McLaughlin College (McL) 127

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 assigned readings will address a variety of topics including philosophical debates about the nature of law and the relationship between law and morality, the primary divisions of law, the colonial origins of the Canadian legal system, federalism, the courts and judicial review, the *Canadian Charter of Rights and Freedoms*, administrative law, criminal law, 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 minority groups, but also to the ways in which some 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.

Expected Learning Incomes:

Upon completion of the course, students will have gained a better understanding of:

1. The Canadian legal system's philosophical foundations and history.
2. Canadian constitutional principles such as federalism, responsible government, liberal democracy, the rule of law, and respect for minorities.
3. The structure of the court system, judicial review, judicial independence, and the political role of the judiciary.

4. The key provisions of the *Canadian Charter of Rights and Freedoms* and the development of the Supreme Court of Canada's *Charter* jurisprudence.
5. Administrative law principles governing the delegation of powers and the judicial review of administrative decisions.
6. Sources and principles of criminal law such as the federal criminal law power and the *Criminal Code*, the distinction between true crimes and regulatory/public welfare offences, and the legal rights guaranteed by the common law and the *Charter*.
7. Steps taken to improve access to justice in Canada.
8. The skills needed to engage in legal research and to read and comprehend legislation and case law – skills that will be of value to any student contemplating further study in law, politics, and/or public administration.

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. A link to the eBook version will be made available through the course eClass page.

Additional required readings – consisting mainly of online court decisions as well as some historical documents, statutes scholarly articles, speeches, and/or NGO reports – can be accessed through the hyperlinks on this syllabus.

Evaluation:

Participation:	10%
In-Class Midterm Test (October 25):	30%
Essay (6-8 pp., due December 2):	30%
Final Exam (Fall Examination Period):	30%

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 appropriate Turnitin link on 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. Any take-home test or exam submitted after the announced due date will not receive a grade.

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 York Libraries' 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 seeking academic accommodations must register with Student Accessibility Services and provide the Course Director with a Letter of Accommodation.

Lecture and Reading Schedule:

Week 1 (September 13): Introduction to the course

Week 2 (September 20): An introduction to the study of law

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

Week 3 (September 27): The history 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*"

[*The Royal Proclamation of 1763*](#)

[The Quebec Act, 1774](#)

Week 4 (October 4): Constitutional law I: Federalism and responsible government

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

[Greenhouse Gas Pollution Pricing Act, S.C. 2018, c. 12, s. 186](#)

[References re Greenhouse Gas Pollution Pricing Act, 2021 SCC 11](#)

Fall reading week (October 11): No class!

Week 5 (October 18): Constitutional law II: 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 (October 25): Constitutional law III: Human rights and the Charter

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

[Hugh Segal, “How we got the Charter: a reality check” \(Policy Options, 2007\)](#)

[R. v. Oakes, \[1986\] 1 S.C.R. 103](#)

In-class midterm test (November 1)

Week 7 (November 8): Administrative law I

Fairlie, Ch. 9, “Administrative Law”

[Canada \(Minister of Citizenship and Immigration\) v. Vavilov, 2019 SCC 65, \[2019\] 4 S.C.R. 653](#)

Week 8 (November 15): Administrative law II

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

[Human Rights Watch/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 (November 22): Criminal law I

Fairlie, Ch. 10, “Criminal Law”

[Hon. Marc Rosenberg, *Twenty-Five Years Later: The Impact of the Canadian Charter of Rights and Freedoms on the Criminal Law* \(Court of Appeal for Ontario, 2010\)](#)

Week 10 (November 29): Criminal law II

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

[R. v. Ipeelee, 2012 SCC 13, \[2012\] 1 S.C.R. 433](#)

[R. v. Sharma, 2020 ONCA 478](#)

Week 11 (December 6): Access to justice

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

[R. v. Caron, 2011 SCC 5, \[2011\] 1 S.C.R. 78](#)

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