

**York University**  
**AP/PPAS- POLS 2200 3.0 N**  
**Communities and Public Law**  
**Winter Term 2023**

**Course Director: Dr. Sirvan Karimi**  
**Class Hours: Wednesday 7-10 PM**  
**Class Location: DB 1016**  
**Office Hours: Wednesday 5-6 PM**  
**Office Location: 133 McLaughlin College**  
**Office Phone: (416) 736-2100X 22782**  
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**Land Acknowledgment**

York University recognizes that many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. York University acknowledges its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit, and Métis communities. We acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is the subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region (LA&PS Land Acknowledgement).

**Course Description:**

This course is designed to introduce students to Canadian public law and explore how the relationship between Canadians as both individuals and communities and their governments are governed by three main components of public law which are: constitutional law, administrative law, and criminal law. Throughout the semester, there will be an intensive review of the major contemporary issues in Canadian public law including administrative tribunals, criminal law, the division of powers and federalism, the role of the Courts, judicial interpretation of the Constitution, and judicial activism, and recent challenges to the Constitution. Furthermore, the discussion will focus on formal constitutional interpretation, the politics of the judicial process, and the interaction between law, communities, public policy, and administration in Canada.

## **Course Objectives:**

By the end of the course, students should be able to:

- 1- learn a foundational understanding of the constitutional and administrative structures of Canadian law and government.
- 2- Understand the legal institutions and legal arrangements that structure the relationship between the individual and the state and between the constituent parts of the state itself.
- 3- Understand the sources of governmental authority in Canada; the distribution of powers between the federal government and the provincial governments; the separation of powers among the legislative, the executive, and the judicial branches of government; and the constraints on the power of the state over its citizens
- 4- critically dissect key constitutional principles, including the rule of law, democracy, federalism, minority rights, and judicial independence;
- 5- illustrate through concrete examples how administrative law; criminal law and constitutional law are sub-divisions of public law
- 6- Understand basic elements of the common law system such as precedent and *stare decisis*.
- 7- equip students with an invaluable background in public law that would be an asset for studying advanced public law courses.

**Format: Format:** The course will consist of lectures, interactive discussions of the readings, and occasional audio-visual presentations. **Lecture notes and course announcements will be posted on the eClass.** Course lecture takes place during the first part of the class. During the second part of the class, there will be a class discussion. In order to facilitate class discussion and participation, students are expected to read the assigned readings.

## **Course Communication:**

Students are encouraged to bring their questions and concerns to the attention of the course director during scheduled office hours which will be held on Wednesday(s) from 5-6 PM. Students can also communicate with the course director via email. In order for students to communicate with one another, Students are encouraged to post questions in discussion forums on eClass)

COURSE EVALUATION

Assessment	Due Date	Weight %	Course Learning Outcome
Mid-Term	Feb 8	30	A Foundational understanding of course materials
Research Paper	March 20	30	Adhering to guidelines governing a conventional research paper
Final Exam	In April	30 ( is not cumulative)	A foundational comprehension of course materials
Participation		10	Attendance and participation in discussion
		<b>100%</b>	

GRADE	GRADE POINT	PERCENT RANGE	DESCRIPTION
A+	9	90-100	Exceptional
A	8	80-89	Excellent
B+	7	75-79	Very Good
B	6	70-74	Good
C+	5	65-69	Competent
C	4	60-64	Fairly Competent
D+	3	55-59	Passing

D	2	50-54	Marginally Passing
E	1	40-49	Marginally Failing
F	0	0-39	Failing

**Required textbook:**

**John Fairlie and Philip Sworden. (2019). Introduction to Law in Canada. Second Edition. Emond Publishing**

**\*\*\* During the course of study, additional readings may be assigned or recommended.**

**Web Resources:**

**Supreme Court of Canada homepage:**

[http://www.scc.csc.gc.ca/welcome/index\\_e.asp](http://www.scc.csc.gc.ca/welcome/index_e.asp)

**Reported Decisions of the Supreme Court 1983 to Present:**

<http://scc.lexum.unmontreal.ca/en/index.htm>

**Canadian Legal information Institute (a search engine for reported court cases in all Canadian jurisdictions).**

<http://www.canlii.org/en/index.html>

**Lecture and Reading Schedule**

**Week 1- Introduction.**

Providing an overview of the course materials and course requirements.

**Week 2: Institutional Structures of Canadian political System: The Judiciary**

Ch 4, Ch 5, Ch 6

**Week 3: Law and categories of Law:**

Ch 1, ch 2

**Week 4- Constitutional Law.**

Ch 4, Ch5

Ch 3, Appendix A and B

Hogg, Peter W. "Canadian Constitutional Law: Presentation to the Annual Conference of International Association of Law Libraries." *International Journal of Legal Information* 41.1 (2013): 58-64.  
[http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2051&context=scholarly\\_works](http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2051&context=scholarly_works)

## **Week 5: Administrative Law**

### **Ch 11**

#### **Suggested Readings:**

Carolyn Brandow. JUDICIAL REVIEW OF TRIBUNAL DECISIONS. *The litogator*, 2009

<http://www.lerners.ca/wp-content/uploads/2016/05/200912judicialreviewoftribunaldecisions.pdf>

An Introduction to Judicial Review:  
[http://www.publiclawproject.org.uk/data/resources/6/PLP\\_Short\\_Guide\\_3\\_1305.pdf](http://www.publiclawproject.org.uk/data/resources/6/PLP_Short_Guide_3_1305.pdf)

## **Week 6- Criminal Law and Criminal Justice System**

### **Ch 12**

Canadian Centre for Justice Statistics. Understanding Canadian Criminal Justice System <http://www.justice.gc.ca/eng/csj-sjc/just/img/courten.pdf>

[http://publications.gc.ca/collections/collection\\_2016/statcan/CS85F0005-1993-eng.pdf](http://publications.gc.ca/collections/collection_2016/statcan/CS85F0005-1993-eng.pdf)

## **Week 7- Criminal law and the Charter:**

### **Ch 3, ch 7**

Hon. Marc Rosenberg. 2009. Twenty-Five Years Later: The Impact of the *Canadian Charter of Rights and Freedoms* on the Criminal Law  
[http://wwwv.ontariocourts.on.ca/coa/en/ps/publications/twenty\\_five\\_years\\_later.htm](http://wwwv.ontariocourts.on.ca/coa/en/ps/publications/twenty_five_years_later.htm)Tim Quigley.

2008. The Impact of the Charter on the Law of Search and Seizure.  
<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1112&context=sclr>

Stribopoulos, James, Search of Dialogue: The Supreme Court, Police Powers, and the Charter. Volume 31 (2005), p. 1-74.

[http://digitalcommons.osgoode.yorku.ca/scholarly\\_works/2319](http://digitalcommons.osgoode.yorku.ca/scholarly_works/2319)

## **8- Human Rights codes and the Charter**

### **Ch 7**

Holms, Nancy. 1997. "Human Rights Legislation and The Charter: A Comparative Guide" <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/MR/mr102-e.htm>

Dominique Clément and Daniel Trottier. 2012. "The Evolution of Human Rights in Canada", Minister of Public Works and Government Services. [https://www.chrc-ccdp.ca/sites/default/files/ehrc\\_edpc-eng.pdf](https://www.chrc-ccdp.ca/sites/default/files/ehrc_edpc-eng.pdf)

## **Week 9: Justice System and Access to Justice**

### **Ch 17**

Rudin, Jonathan. "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. (2008). <http://digitalcommons.osgoode.yorku.ca/sclr/vol40/iss1/22>

La Prairie, Carol. "The overrepresentation of Aboriginal Offenders." in *Criminal Justice in Canada: A Reader*, eds Julian Roberts and Michelle Grossman. Toronto: Thomson/ Nelson, 2004: pp.269-279.

Patricia Hughes and Mary Jane Mossman. 2001. *Re-thinking Access TO Criminal Justice in Canada: A Critical Review of Needs, Responses and Restorative Justice Initiatives*. Ottawa, Department of Justice. [http://www.aboriginallegal.ca/assets/restorativejustice\\_dep\\_tofjusticereport.pdf](http://www.aboriginallegal.ca/assets/restorativejustice_dep_tofjusticereport.pdf)

## **Week 10- Race, Criminal Sentencing and Jury selection**

*The Right Honourable Beverley McLachlin*. 2002. *Racism and the Law: The Canadian Experience*. University of Toronto Journal of Law and Equality 1 J.L. & Equality 7 - 24. [http://www.canadianlawyermag.com/legalfeeds/index.php?option=com\\_k2&id=69&lang=en&task=download&view=item](http://www.canadianlawyermag.com/legalfeeds/index.php?option=com_k2&id=69&lang=en&task=download&view=item).

: Law,

Cynthia Peterson. *Institutional Racism: the need for Reform of the Criminal Jury Selection Process*. McGill Law Journal, 38(1), pp. 147-179.

Israel, Mark. *The Underrepresentation of Indigenous Peoples on Canadian Jury Panels* LAW & POLICY, Vol. 25, No. 1, January 2003 <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1467-9930.00139>

## **Week 11- Public International Law and Domestic law: The Globalization of law and the rising significance of transnational activism and Human Rights**

### **Ch 13**

Armand de Mestral & Evan Fox-Decent. 2008. "Rethinking the Relationship Between International and Domestic Law" 2008) 53 McGill L.J. 573 [http://lawjournal.mcgill.ca/userfiles/other/1233672-De\\_Mestral\\_and\\_FoxDecent.pdf](http://lawjournal.mcgill.ca/userfiles/other/1233672-De_Mestral_and_FoxDecent.pdf)

Daniela Bassan, 1996. The Canadian Charter and Public International Law: Redefining the State's Power to Deport Aliens. *Volume 34, Number 3 (Fall 1996)*  
<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1625&context=ohlj>

Terence C. Halliday and Pavel Osinsky. " Globalization of Law, Annu. Rev. Social. 2006. 32:447–70  
<http://www.annualreviews.org/doi/pdf/10.1146/annurev.soc.32.061604.123136>

Jacobson, David, and Galya Benarieh Ruffer. (2003). " Courts cross borders: the Implications of judicial Agency for Human Rights and Democracy", Human Rights Quarterly 25, pp.74-92  
(**electronically available**).

### **Week 12: Exam Review.**

#### **Written Assignment:**

Students are required to write a research paper of **7 pages** in length. The essay paper is worth **30%** of the final mark. Students will be expected to pick a topic from the list below. **However, students can select their own research essay topic as long as their topic is related to the course, and they receive prior approval from the instructor.** The essay should be double-spaced, with standard margins and standard font size. You should have at least **5 sources** (books, journals, government reports/documents). A late paper will lose 2% of its grade for each day that it is late. The extension will only be granted for exceptional circumstances. Written assignments should be submitted either in class or during my office hours.

### **Accommodation for Disability:**

Students with disabilities who require adaptations or services must discuss their needs with the instructor. Accommodation for disabilities must be arranged in conjunction with the Office for Persons with Disability.

### **Plagiarism:**

Plagiarism is generally considered to be the most serious academic misconduct that a student can commit. Whether intentionally or unintentionally, instances of plagiarism will have serious academic consequences. In order to avoid slipping into the realm of plagiarism, students are advised to familiarize themselves with York University's definition of academic dishonesty.

