

PPAS 4130 6.00 C 2024-5, Thursdays 2:30-5:30 DB 0011

## Politics, Law, and the Courts

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### ***Calendar Description:***

Students are introduced to the administration of justice in Canada. Its focus is on the relationship between the administration of the legal system and the outcomes of civil and criminal disputes. Course credit exclusion: AS/SOSC 3381 6.00, AS/POLS 4401 3.00.

### ***Course Description:***

This course introduces students to the administration of justice in Canada. Its focus will be on the relationships between judicial, legal, and political actors in the context of criminal, civil, and constitutional law. In doing so we will critically examine the extent to which changes to the legal system and in legal procedure can yield public policy goals and improve the administration of justice. In examining these relationships, we will study how legal decision-making is affected not only by the substantive law but also by other factors both internal and external to the courtroom.

### ***Learning Outcomes:***

1. Understand the appeals process in general and in particular how cases reach the Supreme Court of Canada.
2. Understand the actors involved in this process and their roles.
3. Understand why litigants and governments appeal or refer cases to the Court.
4. Understand the debates surrounding the role of the Court.
5. Critically evaluate the outcomes and implications of Supreme Court decisions.
6. Critically evaluate the court process itself.
7. Build social-science, policy, and legal research skills.
8. Build writing skills.
9. Build social science, policy, and legal case reading skills.
10. Build collaborative learning and oral presentation skills.

### ***Prerequisites:***

None

### ***Required Text(s):***

Our readings will usually be either court cases from the Supreme Court of Canada or academic commentary on the Court and its decisions. Supplemental material in the form of news stories and other information will be used as well. All readings will be available online via eClass or through the York University Library, sometimes directly through the catalogue but more often through online database services such as CanLii.

**Format:**

All sessions will be taught in a seminar format. This means that preparation and attention to the readings is essential. Everyone will be expected to actively participate in our discussion. Evidence of preparation and the quality of your contributions will go toward your participation score in the course.

In addition to our seminar sessions, some classes will incorporate workshops dedicated to actively developing your skills in certain areas. For those sessions, you will need to come prepared with partially-completed drafts that you can work on. These sessions are noted in the syllabus.

**Weighting of Course:***Fall term:*

- Position Paper #1: 5%
- Position Paper #2: 5%
- Presentation #1: 10%
- Proposal: 20%

*Winter term:*

- Position Paper #3: 5%
- Position Paper #4: 5%
- Presentation #2: 10%
- Final Paper: 30%

*From both terms:*

- Participation: 10%

Note that final course grades may be adjusted to conform to Program or Faculty grades distribution profiles.

**Description of Course Assignments**

There are four basic assignment types in this course. Three are entirely written while one has an oral component.

*Written assignments:*

- *Position Papers*  
You must complete four position papers, two each term. These are short (one to two double-spaced pages) and should focus on describing your 'take' on a particular week's reading(s). They will be evaluated based on your understanding of the readings, the sophistication of your analysis as well as for basic writing, grammar, and citation. These must be submitted on eClass *before* the class in which those readings are to be discussed. You may write on any class's material, as long as you do two each term.
- *Presentations*  
You must complete two presentations, one each term. You will sign up for these in the first class of the term. There are two types of presentations and you must do one of each, though you can do them in any order. These two presentations require you to take on one of two roles in discussing that week's reading(s):
  1. *Presenter*  
As the presenter of the reading(s) your job is to introduce the material and

explain it in the context of what we have been learning in the course. You need to go beyond simply summarizing the reading, in other words, and say something about it. You should provide me with a brief (three double-spaced pages at the most) summary of your presentation via eClass the night before class.

2. *Discussant*

The discussant is in charge of leading our class discussion. You should have 3-4 questions available to start discussion. You may also want to talk a little about the background of those questions and some ideas about follow-up questions, as needed. Just like the presenter, you will need to provide me with a brief (three pages max) summary of your questions via eClass the night before class.

Note that you may not do a position paper for the same class in which you are either the presenter or the discussant.

- *Proposal*  
This your proposal for your final paper in this course. A full assignment sheet will be available on eClass.
- *Final Paper*  
This is the final paper for the course. It is designed to be a significant piece of work and a capstone to the course. A full assignment sheet will be available on eClass.

### ***Citation and Academic Honesty***

On *all* your written work you are expected to cite appropriately where necessary and uphold York's standards of academic integrity. In this course, we will use APA style for all non-legal sources and standard Canadian legal citation style of legal sources as the APA style defers to legal citation for these sources.

Information on academic integrity is available from the library at:

<https://www.library.yorku.ca/web/research-learn/academic-integrity/>

Information on citation style is at:

<http://researchguides.library.yorku.ca/styleguides>

Legal citation is challenging (and will be discussed in class), but some information is available at:

<http://researchguides.library.yorku.ca/legalcitation>

### ***On-line Component – eClass***

Use of eClass is mandatory for this course, as you will need it to access the readings and turn in written assignments. **Assignments will NOT be accepted by email.** If you are having trouble, please see:

[helpdesk@yorku.ca](mailto:helpdesk@yorku.ca)

### ***Seminar Schedule***

Note that there may be changes to the schedule or the readings over the course of the year. Always check eClass for updates.

<b>Seminar Topic</b>	<b>Reading List</b>
<b>Class 1 – Sept. 5 – Introduction</b> Reading Supreme Court Cases	<b>Required Reading:</b> Notes on Reading a Supreme Court of Canada Case
<b>Class 2 – Sept. 12 - Adversarial Justice</b>	<b>Required Reading:</b> Freiberg (2011) Kirchengast (2013)
<b>Class 3 – Sept. 19 - Adversarial Justice Ctd.</b> Legal Research Workshop I	<b>Required Reading:</b> Connolly (2006) Richler (2006)
<b>Class 4 – Sept. 26 - Role of the Legislature</b> Legal Research Workshop II	<b>Required Reading:</b> Hogg et al (2007) Baker and Knopff (2002) <i>Same-Sex Marriage Reference</i> <b>Recommended Reading:</b> Billingsley (2002)
<b>Class 5 – Oct. 3 - Courts as a Vehicle for Change</b> Discussion of proposal topics.	<b>Required Reading:</b> Bakan (1997) Smith (2020)
<b>Class 6 – October 10 – Introduction to Public Law Litigation I</b> Work on essay proposal draft	<b>Required Reading:</b> Chayes (1976) Manfredi (2007)
<b>Class 7 – Oct. 24 - Introduction to Public Law Litigation 2</b>	<b>Required Reading:</b> <i>Sauve v. Canada</i>

	Soussin (2007)
<b>Class 8 – Oct. 31 - Public Interest Cases and Litigation Expenses</b>	<b>Required Reading:</b> <i>Little Sisters v. Canada</i> <i>BC v. Okanagan Indian Band</i>
<b>Class 9 – Nov. 7 - Courts and Policy Making</b> Essay proposal draft workshop I	<b>Required Reading:</b> <i>Wynberg v. Ontario</i> Ontario Autism Resources
<b>Class 10 – Nov. 14 - Remedies</b>	<b>Required Reading:</b> <i>Schachter v. Canada</i> Bogart (2002)
<b>Class 11 – Nov. 21 - Remedies II</b> Essay proposal draft workshop II	<b>Required Reading:</b> <i>Vriend v. Canada</i> <i>Chaouilli v. Quebec</i>
<b>Class 12 – Nov. 28 - The Role of Interveners</b> Essay Proposals Due	<b>Required Reading:</b> Hein (2000) Sossin (2007)
<b>Class 13 – Jan. 9 – Judicial Impartiality</b> Moving Forward with your Essay	<b>Required Reading:</b> Why is Judicial Independence Important to You, CJC <i>R. v. Ewanchuck</i>
<b>Class 14 – Jan. 16 – Politics and the Legal System</b>	<b>Required Reading:</b> Trudeau (1996) <i>Reference re. Secession of Quebec</i>
<b>Class 15 – Jan. 23 – Aboriginal Canadians and the Courts</b>	<b>Required Reading:</b> Stenning and Roberts (2001) <i>Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.</i> <i>Barsh and Youngblood Henderson</i>

<p><b>Class 16 – Jan. 30 – Racism and the Justice System</b></p>	<p><b>Required Reading:</b></p> <p>Devlin (1995)</p> <p><i>R. v. S. (R.D.)</i></p>
<p><b>Class 17 – Notions of Equality – Feb. 6</b></p>	<p><b>Required Reading:</b></p> <p>Bouchard-Taylor Report</p> <p>Porter (2005)</p> <p>Newspaper story on Charles Taylor’s changing position</p>
<p><b>Class 18 – Courts and Public Policy I – Feb. 13</b></p> <p>Legal Citation Workshop</p>	<p><b>Required Reading:</b></p> <p><i>B. (R.) v. Children's Aid Society</i> (online)</p> <p><i>UBC Guide to Legal Citation</i></p>
<p><b>Class 19 – Courts and Public Policy II – Feb. 27</b></p>	<p><b>Required Reading:</b></p> <p><i>Multani v. Commission scolaire Marguerite-Bourgeois</i></p> <p>Supplemental reading TBA</p>
<p><b>Class 20 – Courts and Security I – Mar. 6</b></p> <p>Final Paper Workshop I</p>	<p><b>Required Reading:</b></p> <p><i>Suresh v. Canada</i></p> <p>Roach (2008)</p>
<p><b>Class 21 – Courts and Security II – Mar. 13</b></p>	<p><b>Required Reading:</b></p> <p><i>Charkaoui v. Canada</i></p> <p>Lyon (2006)</p>
<p><b>Class 22 – Judicial Interpretations of Equality I – Mar. 20</b></p> <p>Final Essay Workshop II</p>	<p><b>Required Reading:</b></p> <p><i>Andrews v. Law Society</i></p> <p>Other Reading TBA</p>
<p><b>Class 23 – Judicial Interpretations of Equality II – Mar. 27</b></p> <p>Course Evaluations</p>	<p><b>Required Reading:</b></p> <p><i>Law v. Canada</i></p> <p><i>Hunter v. Southam</i></p>

<b>Class 24 – Conclusion – Apr.3</b>	Course recap.
Final Essays Due	Make-up presentations if necessary.

**Grading, Assignment Submission, Lateness Penalties and Academic Integrity**

*Grading:* The grading scheme for the course conforms to the 9-point grading system used in undergraduate programs at York (e.g., A+ = 9, A = 8, B+ = 7, C+ = 5, etc.). Assignments and tests will bear either a letter grade designation or a corresponding number grade (e.g. A+ = 90 to 100, A = 80 to 90, B+ = 75 to 79, etc.) For a full description of York grading system see the York University Undergraduate Calendar.

*Assignment Submission :* Assignments for this course must be received on the due date specified for the assignment. All assignments must be submitted through eClass. Email submissions will not be accepted.

*Lateness Penalty:* Assignments received later than the due date will be penalized at the rate of 2.5% per day, including weekends. Exceptions to the lateness penalty for valid reasons such as illness, compassionate grounds, etc., may be entertained by the Course Director, but will require supporting documentation (e.g., a doctor’s letter).

*Academic Integrity:* The Senate Policy on Academic Integrity will be adhered to in this course (see below). If you have any concerns, please consult the course director or use the resources described earlier in this syllabus.

**Course Policies**

Please review the course policies in this section. All students are expected to familiarize themselves with the following information:

[Student Rights & Responsibilities](#)

[Academic Accommodation for Students with Disabilities](#)

**Academic Integrity**

Academic integrity is a fundamental and important value of York University. To maintain a fair and honest learning environment, you are responsible for understanding and upholding academic integrity in all courses and academic activities. You are encouraged to connect with reliable [on-campus resources](#) that support your coursework and academic honesty. To better understand the serious consequences of breaching academic honesty policies, familiarize yourself with the [Senate Policy on Academic Conduct](#). You can learn more about upholding academic integrity in your courses by exploring [Guiding Principles for LA&PS](#) and [Academic Integrity for Students](#).

**Generative Artificial Intelligence (GenAI)**

Students are not permitted to use generative artificial intelligence (AI) in this course. Submitting any work created (in whole or part) through the use of generative AI tools will be considered a violation of York University’s [Senate Policy on Academic Conduct](#). Using AI apps such as ChatGPT, GPT-3, DALL-E, translation software among others to complete academic work **without your instructor’s knowledge or permission**, is considered to be a breach of academic honesty. For more information, please review [AI Technology & Academic Integrity: Information for Students](#).

If you’re not sure whether using an AI app for your academic work is acceptable, it is recommended that you:

Carefully review the guidelines for your assessments

Check for any messages from your instructor on eClass

Ask your instructor or TA if they are permitting the use of these tools

### ***Accessibility***

York University is committed to creating a learning environment which provides equal opportunity to all members of its community. If you anticipate or experience any barriers to learning in this course, please discuss your concerns with your instructor as early as possible. For students with disabilities, contact [Student Accessibility Services](#) to coordinate academic accommodations and services. Accommodations will be communicated to Course Directors through a Letter of Accommodation (LOA). Accommodations for tests/exams normally require three (3) weeks (or 21 days) before the scheduled test/exam to arrange.

### ***Religious Observance Accommodation***

York University is committed to respecting the religious beliefs and practices of all members of the community and making reasonable and appropriate [accommodations to adherents for observances of special significance](#). Should any of the dates specified in this syllabus for course examinations, tests, or deadlines conflict with a date of religious significance, please contact the instructor within the first three (3) weeks of class. If the date falls within the formal examination periods, you must complete and submit a [Religious Accommodation for Examination Form](#) at least three (3) weeks before the start of the exam period.

### ***Intellectual Property***

Course materials are designed for use as part of this particular course at York University and are the intellectual property of the instructor unless otherwise stated. Third-party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law. Students may not publish, post on an Internet site, sell, or otherwise distribute any course materials or work without the instructor's express permission. Course materials should only be used by students enrolled in this course.

Copying this material for distribution (e.g., uploading material to a commercial third-party website) may lead to a charge of misconduct according to York's [Code of Student Rights and Responsibilities](#), the [Senate Policy on Academic Conduct](#), and/or legal consequences for copyright violations.

### ***Student Support and Resources***

York University offers a wide range of student supports resources and services, including everything from writing workshops and peer mentorship to wellness support and career guidance. Explore the links below to access these on-campus resources:

[Academic Advising](#) is available to provide students support and guidance in making academic decisions and goals.

[Student Accessibility Services](#) are available for support and accessibility accommodation when required.

[Student Counselling, Health & Wellbeing](#) offers workshops, resources, and counselling to support your academic success.

[Peer-Assisted Study Sessions \(PASS\) Program](#) provides student study sessions for students to collaborate and enhance their understanding of course content in certain courses.



[Student Numeracy Assistance Centre at Keele \(SNACK\)](#) supports students in courses involving math, stats, and Excel.

[The Writing Centre](#) provides multiple avenues of writing-based support including drop-in sessions, one-to-one appointments, a Multilingual Studio, and an Accessibility Specialist.

[Centre for Indigenous Student Services](#) offers a community space with academic, spiritual, cultural, and physical support, including writing and learning skills programs.

[ESL Open Learning Centre \(OLC\)](#) supports students with building proficiency in reading, writing, and speaking English.

[Learning Skills Services](#) provides tips for time management, effective study and learning habits, keeping up with coursework, and other learning-related supports.

[Learning Commons](#) provides links to supports for time management, writing, study skills, preparing for exams, and other learning-related resources.

[Roadmap to Student Success](#) provides students with timely and targeted resources to help them achieve academic, personal, and professional success.

[Office of Student Community Relations \(OSCR\)](#) is responsible for administering the [Code of Student Rights & Responsibilities](#) and provides critical incident support.

[Peer Mentorship](#) helps students transition through their first year by connecting them with upper-year students. The mentors can help find supports and resources. They also lead a community hub on campus.

[goSAFE](#) is staffed by York students and can accompany York community members to and from any on-campus location, such as the Village Shuttle pick-up hub, parking lots, bus stops, or residences.

For a full list of academic, wellness, and campus resources visit [Student Support & Resources](#).