McGill University
Department of Political Science
POLI478B

The Canadian Constitution: Rights and Liberties

Winter 2018

Provost Christopher Manfredi
James Administration Building
398-4177
christopher.manfredi@mcgill.ca
provost@mcgill.ca
Office Hours: By appointment

Required Texts (Available at Bookstore)


Description and Requirements

The purpose of this course is to provide an overview of the constitutional protection of rights and liberties in Canada in the post-Charter era. In addition to examining the legal development of the rights and liberties protected under the Charter, the course will consider the broader impact of Charter adjudication on public policy and the nature of Canadian democracy. In particular, the course will examine the tension between constitutional supremacy and judicial supremacy.

The course requirements consist of a mid-term examinations (30%), a term paper (30%), class participation (10%), and a comprehensive final examination (30%). The mid-term examination will be held on February 12, 2018, and the term paper is due on April 9, 2018. A supplemental final examination will be available, but the privilege of additional work will not be granted. According to Senate regulations, instructors are not permitted to make special arrangements for final exams. Please consult the Calendar, section 4.7.2.1, General University Information and Regulations at www.mcgill.ca.

Policy Statements on Academic Integrity and Language

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other
academic offences under the Code of Student Conduct and Disciplinary Procedures (see www.mcgill.ca/integrity for more information).

In accord with McGill University’s Charter of Students’ Rights, students in this course have the right to submit in English or in French any written work that is to be graded.

L'université McGill attache une haute importance à l'honnêteté académique. Il incombe par conséquent à tous les étudiants de comprendre ce que l'on entend par tricherie, plagiat et autres infractions académiques, ainsi que les conséquences que peuvent avoir de tels actions, selon le Code de conduite de l'étudiant et des procédures disciplinaires (pour de plus amples renseignements, veuillez consulter le site http://www.mcgill.ca/integrity).

Conformément à la Charte des droits de l’étudiant de l’Université McGill, chaque étudiant a le droit de soumettre en français ou en anglais tout travail écrit devant être noté (sauf dans le cas des cours dont l’un des objets est la maîtrise d’une langue).

Schedule and Reading Assignments

January 8: Syllabus Distribution and Introduction (Jan. 8)

January 15: Contested Constitutionalism, the Charter, and Judicial Decisionmaking


January 22: Legal Mobilization and Judicial Policymaking


January 29: **Fundamental Freedoms**

Bateman et al., The Court and the Charter, Part B.


February 5: **Democratic Rights**

Bateman et al., The Court and the Charter, Part C.

February 12: **Mid-Term Examination**

Open Discussion

February 19: **Fundamental Justice and Legal Rights (1)**

Bateman et al., The Court and the Charter, Part D.

February 26: **Fundamental Justice and Legal Rights (2)**

Social and Economic Rights

Bateman et al., The Court and the Charter, Part E.


March 5: **No Class: Reading Week**

March 12: **Equality Rights (1)**

Bateman et al., The Court and the Charter, Part F (Excluding Case 28)

March 19: **Equality Rights (2)**

Language Rights


Bateman et al., The Court and the Charter, Part G.

Solski (Tutor of) v. Quebec (Attorney General), [2005] 1 S.C.R. 201,

Nguyen v. Quebec (Education, Recreation and Sports), [2009] 3 S.C.R.

March 26: Aboriginal Rights


April 2: No Class: Easter Break

April 9: Politics and Constitutional Litigation
Term Paper Due


Reference re Supreme Court Act, ss. 5 and 6, [2014] 1 S.C.R. 433.
April 16: **Conclusion**