

POLS*3140*01: The Charter of Rights and Freedoms

Credit Weighting: 0.5**Pre-/Co-Requisites:** POLS*2300 or
POLS*2350**Restrictions:****INSTRUCTOR INFORMATION****Name:** Andrew Mattan**Email:** amattan@uoguelph.ca**Office Location:** MCKN 506/507 (office hours virtual or by
appointment)**GENERAL DETAILS**

The decision to entrench the Canadian Charter of Rights and Freedoms in 1982 has dramatically changed the Canadian political landscape. This course examines the implications of the Charter by treating it not simply as a collection of rights and legal rules but as an important political institution. We will combine historical material, judicial decisions, and scholarly debates to investigate why the Charter was adopted, how courts have interpreted and applied it, and how it has influenced other political institutions—such as executives, legislatures, bureaucrats, interest groups, and social movements—and society.

The course begins by situating the Charter in its historical and political context, with an emphasis on patriation and the debates surrounding the Charter's adoption. We will then examine competing perspectives on judicial activism, the democratic legitimacy of judicial review, dialogue between courts and legislatures, and the notwithstanding clause. From there, we will consider how courts have interpreted and applied several important Charter provisions, including the reasonable limits clause, freedom of expression, equality rights, and the right to life, liberty, and security of the person. The course will conclude by returning to the broader political implications of the Charter. In particular, we will examine how more than four decades of Charter decision-making has shaped public policy, the powers of institutions, political participation, and the ways in which Canadians govern and are governed.

LEARNING OBJECTIVES

1. Explain the historical and political circumstances surrounding the patriation of the Constitution and entrenchment of the Canadian Charter of Rights and Freedoms.
2. Identify and explain important Charter provisions, constitutional principles, judicial doctrines, and leading decisions.
3. Analyse how courts interpret and apply Charter rights.
4. Critically evaluate competing arguments concerning judicial activism, the democratic legitimacy of judicial review, dialogue theory, and the notwithstanding clause.
5. Explain how the Charter has affected executives, legislatures, the judiciary, interest groups, social movements, public policy, and Canadian political culture.
6. Construct clear and evidence-based arguments using judicial decisions, assigned readings, and relevant academic research.
7. Communicate ideas effectively in written work, small group activities, and plenary discussions, while engaging professionally and respectfully with differing perspectives.

METHOD OF ASSESSMENT

Short Paper: 20%

Midterm: 20%

Final Paper: 30%

Final Exam: 30%

REQUIRED READING

Bateman, Thomas M.J., Janet L. Hiebert, Rainer Knopff, and Peter H. Russell. 2017. *The Court and the Charter: Leading Cases*. 2nd ed. Toronto: Emond Montgomery Press. Print: \$107; one-year eBook: \$86.

Morton, F.L., and Dave Snow. 2024. *Law, Politics, and the Judicial Process in Canada*. 5th ed. Calgary: University of Calgary Press. Print: \$84.99; no digital edition is available through the University Bookstore.

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