DEPARTMENT OF
POLITICAL SCIENCE

POLS*3140: The Charter of Rights and Freedoms

Credit Weighting: 0.5 **Pre-/Co-Requisites:** POLS*2300 or *2350 **Restrictions:**

INSTRUCTOR INFORMATION

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GENERAL DETAILS

The introduction of the 1982 Canadian Charter of Rights and Freedoms has changed the Canadian political landscape dramatically. This course will introduce students to the political implications of the Charter through a combination of historical material, judicial decisions, and scholarly debates. The early weeks of the course will situate the Charter in its historical context, exploring the debates surrounding Patriation and the effect of the Charter on society. The course will then shift to judicial decisions themselves, as students will become familiar with the development of judicial decision-making over the past three decades, and examine how the Supreme Court of Canada has shaped public policy in the post-Charter era. The course will conclude by moving from the courts to other political institutions, exploring the Charter's continuing influence on executives, legislatures, bureaucrats, electoral politics, interest groups, and society.

By the end of this course, students should be able to identify and critically evaluate the relevant political and scholarly debates, past and present, that surround the Canadian Charter of Rights and Freedoms. Students should be familiar with the historical development of the Charter, including the reasons for its successful entrenchment, its influence and popularity, and its continued significance in shaping public policy. Finally, students should be able to effectively communicate, in both oral and written form, how the Charter has changed the way Canadians govern and are governed, particularly with respect to the "judicialization of politics" and the "politicization of the judiciary."

LEARNING OBJECTIVES

This course will contribute to each of the Department of Political Science's five learning outcomes: critical and creative thinking, literacy, communicating, global understanding, and professional and ethical behaviour. Critical and creative thinking skills will be developed by applying knowledge of judicial review of the Charter to historical and recent controversies in Canadian politics. Literacy will be improved by written assignments and by the instructor's written feedback on those assignments. Communicating will be improved through a strong focus on in-class activities, group discussion, and larger class discussions. Studying the role of judicially-enforceable bills of rights with an eye to provincial, national, and comparative variations will enhance students' global understanding of similarities and differences. Finally, professional and ethical behaviour will be fostered through lectures and activities that focus on teamwork, thoughtful inquiry, and understanding of diverse perspectives.

METHOD OF ASSESSMENT

Case Brief Assignment (via CourseLink) 15%
Midterm (in class) 25%
Final Paper (via CourseLink) 30%
Final Exam (TBA) 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 edition. Toronto: Emond Montgomery Press.

Morton, F.L., and Dave Snow. 2018. Law, Politics, and the Judicial Process in Canada. 4th Edition. Calgary: University of Calgary Press.