

## POLS\*4070 Courts and Parliament

**CALENDAR INFORMATION**

The course critically examines the complex relationship between the judiciary and representative institutions. By comparing the treatment of current political controversies (assisted suicide, prostitution, drug treatment), students will better appreciate the often-subtle exchanges between the two institutions and further enhance their research abilities in regards to both legal and legislative processes.

**Credit Weighting:** 1.00**Pre-/Co-Requisites:** 1 of POLS\*2350,  
POLS\*3130,  
POLS\*3300**Restrictions:** This is a Priority Access Course. Enrolment may be restricted to particular programs or specializations or semester levels during certain periods. Please see the departmental website for more information.**INSTRUCTOR INFORMATION****Name:** Prof. Mark Harding**Email:** mark.harding@uoguelph.ca**Office Location:** MCKN 546**GENERAL DETAILS**

The relationship between the judiciary and the representative institutions in Canada has often been characterized in terms of institutional supremacy: pre-1982, it was common to speak of “Parliamentary sovereignty” and now, with the advent of the Charter, some observers warn of “judicial supremacy.” In truth, the relationship is more complex and requires an appreciation of the subtle exchanges between courts and legislatures. This course will consider the claim that, in developing public policy, these institutions are engaged in a ‘dialogue.’ To what extent do judges ‘listen’ to Parliamentarians? Do legislators have the capacity to interpret and apply judicial decisions? To explore these questions, we will examine several case studies – with topics ranging from rape shield laws to prisoner voting rights to same-sex marriage – to understand the inter-institutional dynamic. Students will be expected to identify and analyze their own ‘dialogue’ case study and present it to the class.

**LEARNING OBJECTIVES**

#### **COURSE FORMAT**

The course will be conducted as a face-to-face seminar. Seminar meetings will not be recorded or live streamed.

#### **METHOD OF ASSESSMENT**

Theory Summary (5%)  
Presentation Proposal (5%)  
Test (20%)  
Presentation (20%)  
Presentation Write-up (10%)  
Paper (30%)  
Participation (20%)

#### **REQUIRED READING**