

McGill University

Department of Political Science  
POLI478B

**The Canadian Constitution: Rights and Liberties**

Winter 2018

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Office Hours: By appointment

**Required Texts** (Available at Bookstore)

Tom Bateman et al, eds., The Court and the Charter: Leading Cases, 2d edition.  
Toronto: Emond-Montgomery, 2017.

James B. Kelly and Christopher P. Manfredi, eds., Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms. Vancouver: UBC Press, 2009.

**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](http://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

Christopher Manfredi and Antonia Maioni, Health Care and the Charter (UBC Press, 2017), 3-18.

January 29: **Fundamental Freedoms**

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

Howard Kislowicz, “Freedom of Religion and Canada’s Commitments to Multiculturalism,” National Journal of Constitutional Law 31: 1-23.

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.

Christopher P. Manfredi and Antonia Maioni, “Judicializing Health Policy: Unexpected Lessons and an Inconvenient Truth,” in Kelly and, eds., Contested Constitutionalism, 129-143.

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**

*Egan v. Canada*, [1995] 2 S.C.R 513.

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1265/index.do>

*Vriend v. Alberta*

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13544/index.do>

Reference re Senate Reform, [2014] 1 S.C.R. 704.

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13614/index.do>

April 16: **Conclusion**