OBJECTIVES AND COURSE DESCRIPTION

This course explores current issues in democratic constitutionalism, both in the Canadian and global context. It examines those issues from a comparative perspective, with particular attention to issues that arise in pluralist legal orders such as federations. The topics may include the following: the populist turn in western democracies and the rise of authoritarian governments; the use of comparative constitutional law in domestic forums; specific rights and freedoms, especially those not canvassed in the first-year course; constitution-making and amendment; responses in federal states to sub-national movements; the impact of international law on domestic constitutional interpretation; and the role, status and remit of constitutional courts in pluralist democracies. We may also discuss other topics.

This course complements other offerings on constitutional issues. Thus, care is taken to avoid overlap with the Equality Rights seminar, the Civil Liberties seminar, and courses in Indigenous Lands and Rights.

The first several weeks will likely introduce comparative constitutionalism and contemporary problems. For instance, in the 2017 and 2018 Summer Terms, in light of political events in Europe and the USA, the first weeks focused on populist challenges to democratic constitutionalism and the rise of authoritarianism. Topics depend in part on the number of enrolled students and their particular research interests. We always have a broad range of fascinating topics.

METHODOLOGY

Instruction is comprised of lectures, discussions, and class presentations. Reading materials for each week are posted on the Course Spaces website.

EXPECTED EVALUATION METHODOLOGY

Evaluation is a combination of written papers, oral presentations and class participation. There is NO final examination. Students may choose to fulfill their major paper requirement. They have wide latitude in choosing topics in consultation with the instructor. Papers may focus on comparative issues or topics specific to Canadian constitutionalism.

February 7, 2019