2018-2019 Law courses for MA / LLM specialization in Political and Legal Thought
Departments: Law, Philosophy, and Political Studies

NOTE: All courses in the Faculty of Law begin the week of September 4th, 2018.

Graduate students who are taking Law courses that are evaluated on the basis of an examination are required to write a paper or series of papers as an alternative form of evaluation and in satisfaction of course requirements. Students should consult with the course instructor before registering in a course to confirm details of course-specific requirements.

FALL 2018

LAW 821 / 221 Comparative Constitutional Law (Warren Newman)
Location: Macdonald Hall, Rm 300  Day/Time: Tues 2:30-5:30pm
Method of evaluation: 80% paper (30 pages) topic approved in advance; 20% class participation.

The Constitution Act, 1867 declares the Constitution of Canada to be "similar in principle" to that of the United Kingdom. The guarantees of the Canadian Charter of Rights and Freedoms are subject to reasonable limits prescribed by law that can be justified in a "free and democratic society." These statements beg further normative questions about the nature of Canadian constitutionalism and political culture. The objective of this seminar is to provide a broad understanding of constitutionalism in comparative perspective. Employing case law and commentary, we shall consider some of the major points of convergence and divergence in "written" and "unwritten" constitutional traditions, with reference to a variety of countries. We shall also examine the role of the courts in constitutional judicial review, and the extent to which fundamental principles such as the rule of law, the separation of powers, democracy, equality and the protection of minorities are implemented. Among the particular issues we shall address are the following: What texts, principles and practices make up a constitution? Why does a constitution have a continuing claim to legitimacy? What claims to institutional competence and legitimacy can the executive, legislative and judicial branches make? Why and how do some jurisdictions structure themselves as federal states? How do institutional and cultural contexts shape the scope and content of rights?

LAW 916/240 Colloquium in Legal and Political Thought (Jean Thomas/Grégoire Webber)
Location: Macdonald Hall, Rm 211  Day/Time: Mon 2:30pm-5:30pm
Method of evaluation: see course description below

NOTE: Manual application process will apply. Departments of Philosophy and Political Studies have different course codes

This Colloquium course explores new work in legal and political philosophy. Once every two weeks, a legal, moral, or political philosopher will present a paper falling within the general boundaries of the Colloquium’s ambit. In alternate weeks, students will meet with the Colloquium convenors to prepare for the forthcoming session, examining the paper in depth. Student evaluation will be a combination of participation (40%), six short reaction pieces (30%), and a term paper (30%). Participation will be evaluated by contributions during the seminar discussion in advance of the session with the author as well as engagement with the author during the session in which the author presents his or her paper.

WINTER 2019

Law 8xx / 407 Criminal Law Theory (Benjamin Ewing)
Location: Macdonald Hall, Rm 211  Day/Time: Tues 11:30am-2:30pm
Method of evaluation: 100% research paper; participation will resolve borderline grading decisions
(Graduate students will be registered as Audit in Law 407 and in a Law Reading Course for credit)

Criminal law is among the most theoretically rich areas of law. It raises fundamental questions about human agency, moral responsibility, the rule of law, and the limits of legitimate state coercion. In this course we will study the theoretical underpinnings-conceptual, moral, and political-of both the institution of criminal justice as a whole and various criminal offences and defences. Potential topics include (but are not limited to): the justifying aims and moral limits of punishment; the criminal law's conception of moral responsibility; the limits of legitimate criminalization; punishment versus alternative modes of behavioural regulation; the theory of possessory offences, attempts, and hate crimes; the foundations of justification and excuse in general; and the structure of specific defences such as self-defence, provocation, duress, and entrapment.

Law 809 / 410 International Criminal Law (Darryl Robinson)
Location: Macdonald Hall, Rm 211  Day/Time: Thurs 8:30am-11:30am
Method of evaluation: 75% open-book exam OR research paper; 20% participation; 5% comment.

This course explores the rapidly developing discipline of international criminal law (ICL), i.e. international efforts to prosecute individuals responsible for genocide, crimes against humanity and war crimes. We will examine: the major institutions, the politics that shaped them, and how they in turn shape politics; definitions of crimes; principles and defenses; issues of transitional justice, amnesties and truth and reconciliation; and the major controversies and perspectives on ICL. The course supplements traditional instruction methods with considerable emphasis on active and interactive learning. Accordingly, seminars will include lecture, interactive discussion, exercises and simulations.
This seminar provides a critical introduction to central issues in general jurisprudence, that is, the theory of law in general. The problems we explore will include: the relation between law and power; the functions and types of laws; legal rights and obligations; the idea of a legal system; uncertainty and disagreement in law; legal reasoning and argument; the connections between law and morality; and the nature of justice. The approach is philosophical, but no prior background or training in philosophy is necessary.

LAW 829 / 529  Advanced Constitutional Law (Grégoire Webber)
Location: Macdonald Hall, Rm 211  Day/Time: Wed 3:00pm-6:00pm
Method of evaluation: 10% participation; 20% presentation; 70% paper

This course will offer an in-depth analysis of select topics in constitutional law. We will focus mostly on the Canadian Charter of Rights and Freedoms but may also discuss matters pertaining to other parts of the Constitution of Canada. The course will be advanced, as compared to the basic first year constitutional law, in two ways. First, it will provide students with an opportunity to learn about constitutional issues not addressed in first year. Second, it will interrogate constitutional issues in a sustained and reflective manner. Topics for discussion may include: proportionality analysis under the Oakes test; the constitutional dialogue between the branches of governments; the role of precedent in Charter cases; and an in-depth study of some of the significant Supreme Court decisions of late (e.g. on medical assistance in dying; prostitution/sex work; Senate reform).

FALL and WINTER 2018-2019

LAW 692 / 693  Feminist Legal Studies Workshop (Lahey / Amani) Location: TBD  Day/Time: TBD
Method of evaluation: 20% questions per speakers; 30% briefing notes; 50% paper
Graduate students will be registered as Audit in Law 692 (Fall) and Law 693 (Winter) and in a Law Reading Course (Winter) for credit

The Feminist Legal Studies Workshop is offered for one course credit per term to students who enroll in this course. It is designed to enable students to work closely with faculty in analyzing and discussing with leading feminist theorists and scholars visiting Queens Faculty the topics of the speakers’ papers. Graduate Students registered in the fall term [Law 692] and winter term [Law 693] will receive 3 credits in the Law Reading course (winter term).