Course Description:
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. Students will be required to find, read and interpret judicial decisions (using LawSource) and legislative records (using LegisINFO).

Course requirements:

- Theory Summary: 5%
- Presentation Proposal: 5%
- Theory test (in class): 20%
- Presentation: 20%
- Presentation Write-up: 10%
- Paper: 30%
- Participation: 10%

Required texts: