

PSCI 4005A
Stability, Justice and Federalism
Seminar: Thursdays 2:35 pm – 5:25 pm, 240 PA

Instructor: Dr. G.C. Kellow
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Office Hours: Tuesday & Thursday 11:45-1:15.

Course Outline

Federalism in Canada was born out of challenges even out of crisis. The Canadian founding and its federalist option were fundamentally informed by both the breakdown of politics in the Province of Canada and the descent of the U.S. Federal system into the Civil War. The study of Canadian federalism will commence with the pre-confederation period and continue up to and conclude with an analysis of current political, social and institutional conditions. Approaching the subject with an eye to its core assumptions and stated objectives the course will follow the inevitably parallel tracks of stability and change, of the desire for surety and the necessity of adaptability in the institutions and contour of Canadian Federalism.

Course Objectives

This seminar, through a series of student presentations and discussions, will closely examine and discuss the key issues in the history and present state of Canadian federalism. The course material and seminar structure aim at generating an understanding of federalism that emphasizes the deep connection between the historical provenance of national institutions, their current incarnations and the challenges which both informed their origins and continue to define their existence.

Course Requirements

Seminar Presentation 30%
Literature Review 30%
Term Paper 40%

Evaluation Criteria

1. Seminar Presentations: Each student is expected to present material and organize discussion and debate in **one** seminar on the readings assigned for that seminar.
2. Each student is expected to submit **six** two-page summaries of the assigned readings for seminars in which they are **not** presenting. The summaries are worth **5%** each.
3. Students will submit **one** research paper due in class on the final seminar date (March 30, 2006). Papers should be approximately 20 pages in length. Late papers will be penalized 10% per day. The weekend counts as one day.

Week 1 (January 5) Introduction

Week 2 (January 12) The Idea of Federalism

Samuel LaSelva, "Federalism as a Way of Life "Federalism as a Way of Life: Reflections on the Canadian Experiment", (1993) 26 *Canadian Journal of Political Science* 219-234

Ajzenstat, "*Constitution Making and the Myth of the People*", in *Constitutional Predicament*, ed. C. Cook, (McGill-Queens University Press)

Peter J. Smith, "The Ideological Origins of Canadian Confederation" in *Canada's Origins*, ed. Janet Ajzenstat & Peter J. Smith.

Week 3 (January 19) Historical Foundations

Frederick Vaughan, *The Canadian Federalist Experiment*, Chapter 2 "From Royal Prerogative to Responsible Government"

Lord Durham's Report, "General Review and Recommendations", ed. G.M. Craig McGill-Queens University Press, 2004.

James Madison, *Federalist Papers 10 & 51*, (Wesleyan U.P.)

Canada's Founding Debates, Chapter 9: Federal Union, eds. Ajzenstat et al.

Week 4 (January 26) Development and Change 1867-1939

Alan Cairns, "The Judicial Committee and its Critics" *Canadian Journal of Political Science*, 1971, 1-45

Paul Romney, "The Nature and Scope of Provincial Autonomy: Oliver Mowat, the Quebec Resolutions and the Construction of the *British North America Act*" *Canadian Journal of Political Science* 3 (1992)

Andrew Jackson, "Divided Dominion: Class and the Structure of Canadian Federalism from the National Policy to the Great Depression" in *Federalism in Canada: Selected Readings*, ed. G. Stevenson, (McClelland & Stewart)

Week 5 (February 2) Development and Change 1939-1982

James R. Mallory, "The Five Faces of Federalism," in *The Future of Canadian Federalism*, ed. A. Cr peau and C.B. Macpherson (University of Toronto Press)

Peter Russell, *Constitutional Odyssey*, (University of Toronto Press) Chapters 8 & 9

Kenneth McRoberts, *Misconceiving Canada*, Chapters 2 & 3. (Oxford University Press)

Week 6 (February 9) The Courts & Federalism

Richard Sigurdson, "Left and Right Wing Charterphobia in Canada: A Critique of the Critics" *International Journal of Canadian Studies*, Vo. 7-8 (Spring-Fall, 1993) 95-116

Rainer Knopf and F.L. Morton, *Charter Politics*, Nelson Canada, 1992. Chapter 13.

James B. Kelly, "Reconciling Rights and Federalism During Review of the Charter of Rights and Freedoms: The Supreme Court of Canada and the Centralization Thesis 1982 to 1999", *Canadian Journal of Political Science*, 34(1999):

Week 7 (February 16) First Nations and Federalism

Ladner "Treaty Federalism" ch. 7 in *New Trends in Canadian Federalism*

Frances Abele and Michael J. Prince, "Alternative Futures: Aboriginal Peoples and Canadian Federalism" in Bakvis & Skogstad *Canadian Federalism*
Cairns, Alan C. "Aboriginal Canadians, Citizenship and the Constitution" in
Reconfigurations: Canadian citizenship and constitutional change : selected essays by Alan C. Cairns ; edited by Douglas E. Williams (McClelland & Stewart)

Week 8 (March 2) Quebec & Canada

Charles Taylor, "Alternative Futures", in *Reconciling the Solitudes*, 1933
Lachapelle, "The Three Failures in Modern Canadian Federalism: Why is it Impossible To Find A New Quebec-Canada Partnership?" 7 *Constitutional Forum*: 1996.
Balthasar, Louis & Manfredi C. "Quebec and the Ideal of Federalism" McGill Institute for the Study of Canada Working Paper available at: <http://www.misc-iecm.mcgill.ca/publications/bathazar%20manfredi.pdf>

Week 9 (March 9) Federalism in a Multicultural Context

Will Kymlicka, "Multinational Federalism in Canada" in *Beyond the Impasse* Roger Gibbins and Guy Laforest (McGill-Queens University Press)
Breton, R. "Multiculturalism and Canadian Nation-Building" In A. Cairns & C. Williams (Eds.), *The politics of gender, ethnicity and language in Canada*, Ottawa, Supply and Services Canada., 1986
Charles Taylor, "Shared and Divergent Values, in *Reconciling the Solitudes*, (McGill-Queens)

Week 10 (March 16) Federalism and Gender

Janine Brodie, "Women Outside Quebec: Political Action and National Institutions" in *Canada Outside Quebec*, ed. K. McRoberts, 1995
Linda Trimble, Jane Arscott , *Still counting : Women in politics across Canada* Chapters 5 & 6
Richard Matland and Donley Studlar, "The dynamics of women's representation in the Canadian provinces: 1975-1994" *Canadian Journal of Political Science* (1996)

Week 11 (March 23) Regionalism & Federalism

D.M Cameron "Whither Canadian Federalism: The Challenge of Regional Diversity and Maturity" in *Canadian Federalism, Myth or Reality*, Methuen. 1977
Elisabeth Gidengil, Andre Blais, Richard Nadeau and Neil Nevitte, "Making sense of Regional Voting in the 1997 Federal Election: Liberal and Reform Support Outside Quebec" *Canadian Journal of Political Science*, 1999
G. Stevenson, "Canadian Regionalism in Continental Perspective" in *Perspectives on Canadian Federalism*. ed. Olling & Westmacott, 1988. (reading room)

Week 12 (March 30) The Political Economy of Federalism & Concluding Discussion

H.A. Innis, "The Importance of Staple Products" and "The Fur Trade," in *Approaches to Canadian Economic History*, ed. W.T. Easterbrook and M.H. Watkins
Douglas Brown "Fiscal Federalism: The New Equilibrium Between Equity and Efficiency" in Bakvis and Skogstad *Canadian Federalism: Performance, Effectiveness and Legitimacy* (Oxford University Press)

Academic Accommodations

For Students with Disabilities: Students with disabilities requiring academic accommodations in this course are encouraged to contact the Paul Menton Centre (PMC) for Students with Disabilities (500 University Centre) to complete the necessary forms. After registering with the PMC, make an appointment to meet with the instructor in order to discuss your needs **at least two weeks before the first in-class test or CUTV midterm exam**. This will allow for sufficient time to process your request. Please note the following deadlines for submitting completed forms to the PMC for formally scheduled exam accommodations: **November 7th, 2005** for fall and fall/winter term courses, and **March 10, 2006** for winter term courses.

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Plagiarism: The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: www.carleton.ca/polisci/undergrad/styleguide.pdf

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

Submission and Return of Term Work: Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at 4 p.m., stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

Approval of final grades: Standing in a course is determined by the course instructor, *subject to the approval of the Faculty Dean*.

Course Requirements: Students must fulfill all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam

will result in a grade of ABS. FND (Failure – No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Connect Email Accounts: The Department of Political Science strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Connect email system. See <http://connect.carleton.ca> for instructions on how to set up your account.