

PSCI 5101W
Canadian Federalism
Seminar: Mondays 2:35 p.m. – 5:25 p.m., D481 LA

Lecture: Mon 2:35 - 5:25 pm

Room: Loeb C-164

Instructor: S.A. Bottomley

Office Hours:

Office: Loeb A625

Mon. 11:45- 2:15

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Tues. 11:30- 1:00

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A study of the evolution and contemporary operation of the Canadian federal system, noting particularly the specific social, political, economic, and structural features which underlie its operational performance, its resilience in crisis, and its potential for adaptation. It focuses on contemporary issues and current trends in Canadian federalism.

The course is organized in a seminar format, with the entire class reading a common body of literature. All students are required to complete all the readings for each week and discuss issues brought up in the literature.

Grading:

Discussion Paper (due Feb. 13)	20%
Term Paper (due Mar. 20)	50%
Presentation	15%
Participation	15%

Textbook

H. Bakvis & G. Skogstad, *Canadian Federalism : Performance, Effectiveness and Legitimacy* (Oxford University Press, 2002).

All other readings are available on reserve at the library. In some cases the entire book is on reserve. For others only the required chapter(s) have been placed on reserve. Articles available on-line (either directly or through the Carleton Library) are indicated with an asterisk below.

Week-by-Week Seminar Overview

Jan. 9: Introduction to the course

Jan. 16: The Nature of Federalism

*Thomas Hueglin, "Federalism at the Crossroads: Old Meanings, New Significance," *Canadian Journal of Political Science*, June 2003. pp. 275-294.

*Ronald Watts, "Models of Federal Power Sharing," *International Social Science Journal*, (2001) 53 pp. 23-23.

Richard Vernon, "The Federal Citizen," in R. Olling and M. Westmacott, eds., *Perspectives on Canadian Federalism* (Prentice-Hall, 1988).

*Daniel Weinstock, "Towards a Normative Theory of Federalism," *International Social Science Journal*, (2001) 53. pp.75-83.

Jan. 23: Foundations of Canadian Federalism

Francois Rocher and Miriam Smith, "Four Dimensions of Canadian Federalism" in Rocher and Smith, *New Trends in Canadian Federalism* (Peterborough, Broadview, 2003).

Samuel LaSelva, *The Moral Foundations of Canadian Federalism*, McGill-Queens, 1996. Chapter 1.

*Kenneth McRoberts, "Canada and the Multinational State," *Canadian Journal of Political Science*, (December 2001). 683-713

H. Bakvis and G. Skogstad, "Canadian Federalism: Performance, Effectiveness and Legitimacy," in Bakvis and Skogstad, ed.

Jan. 30: Constitutional Politics and Canadian Federalism

Jennifer Smith, "Informal Constitutional Development," in Bakvis and Skogstad.

*Michael Lusztag, "Constitutional Paralysis: Why Canadian Constitutional Initiatives are Doomed to Fail," 1994 27 *Canadian Journal of Political Science*, 747-771.

Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People*, Third Edition (Toronto: University of Toronto Press, 2004). Chapter 12.

*Stephen McBride, "Quiet Constitutionalism in Canada: The International Political Economy of Domestic Institutional Change," (2003) 36 *Canadian Journal of Political Science*, 251-273

Feb. 6: Federalism and the Quebec Question

Alain G. Gagnon, "Quebec-Canada's Constitutional Dossier," in Alain G. Gagnon, ed., *Quebec State and Society*, (Peterborough : Broadview Press, 2004).

Andree Lajoie, "The Clarity Act in its Context," in Alan G. Gagnon, ed., *Quebec State and Society*, (Peterborough : Broadview Press, 2004).

Jacques Bourguault, "Quebec's Role in Canadian Federal Provincial Relations," In Peter J. Meekison, Hamish Telford and Harvey Lazar, *Canada and the State of the Federation 2002*, Institute of Intergovernmental Relations (Montreal and Kingston: MQUP).

*Thomas Courchene, "The Changing Nature of Quebec-Canada Relations: From the 1980 Referendum to the Summit of the Canadas," *IRPP Working Paper Series*, no. 2004-08. Available on-line at:
<http://www.irpp.org/miscpubs/archive/wp/wp2004-08.pdf>.

Feb 13: Regionalism and Decentralization:

Roger Gibbons, "Federalism and Regional Alienation" in Martin Westmacott and Hugh Mellon, eds., *Challenges to Canadian Federalism* (Toronto: Prentice Hall, 1998).

*Paul Romney, "Provincial Equality, Special Status and the Compact Theory of Confederation," *Canadian Journal of Political Science*, March 1999. pp. 21-39.

*Thomas J. Courchene, "Pan Canadian Provincialism – The New Federalism and the Old Constitution." *Policy Options*, November 2004. IRPP. Available on-line at: <http://www.irpp.org/po/archive/nov04/courchene.pdf>

Donald J. Savoie, "Regional Development: A Policy for All Seasons and All Regions," in Rocher and Smith, ed. *New Trends in Canadian Federalism*, 2nd Edition (Peterborough: Broadview Press). 2003.

Feb. 20: Reading Week – no class this week.

Feb. 27: Canadian Federalism and Aboriginal Self-Government

Frances Abele and Michael J. Prince "Alternative Futures: Aboriginal Peoples and Canadian Federalism," Backvis and Skogstad, chapter 12.

Michael Murphy, "Relational Self-Determination and Federal Reform," in Michael Murphy, ed., *Canada: The State of the Federation 2003*. (Montreal and Kingston: MQUP)

Kiera L. Ladner, "Treaty Federalism: An Indigenous Vision of Canadian Federalisms" in François Rocher and Miriam Smith, eds., *New Trends in Canadian Federalism* (Peterborough, Broadview Press, 2003).

*T. Flanagan and A. Cairns, "Flanagan and Cairns on Aboriginal Policy" in *Policy Options* (September, 2001), 43-53 available at <http://www.irpp.org/po/archive/sep01/tf-ac.pdf>

Mar. 6: Representation and Canadian Federalism

Brian Tanguay, "Political Parties and Canadian Democracy: Making Federalism Do The Heavy Lifting," Chapter 16 in Bakvis & Skogstad.

Gerald Baier, Herman Bakvis and Douglass Brown. "Executive Federalism, the Democratic Deficit and Parliamentary Reform," in Bruce G. Doern ed., *How Ottawa Spends, 2005-2006* (Montreal and Kingston: MQUP, 2005).

R. Kenneth Carty and Steven B Wolinetz, "Political Parties and the Canadian Federation's Coalition Politics, in Peter J. Meekinson et al. eds., *Canada: The State of the Federation 2002* (Montreal and Kingston: MQUP).

Rand Dyck, "Federalism and Canadian Political Parties" in Martin Westmacott and Hugh Mellon, eds., *Challenges to Canadian Federalism* (Toronto: Prentice Hall, 1998).

Mar. 13: The Institutional Framework of Canadian Federalism

Richard Simeon & David Cameron, "Intergovernmental Relations and Democracy: An Oxymoron if There Ever Was One?" in Bakvis & Skogstad, chapter 15.

Peter J. Meekison, "The Institutions of Executive Federalism: Myths and Realities," in Peter J. Meekinson et al. eds., *Canada: The State of the Federation 2002* (Montreal and Kingston: MQUP).

Gregory Inwood et al., "Intergovernmental Officials in Canada" in Peter J. Meekinson et al. eds., *Canada: The State of the Federation 2002* (Montreal and Kingston: MQUP).

Gerald Baier "Judicial Review and Canadian Federalism," in Bakvis & Skogstad, chapter 2.

Mar. 20: Fiscal Federalism and Trade Policy.

Douglass M. Brown, "Fiscal Federalism: The New Equilibrium Between Equity and Efficiency," Chapter 4 in Bakvis and Skogstad

Peter Leslie, Ronald H. Neumann and Russ Robinson, "Managing Canadian Fiscal Federalism" in Peter J. Meekinson et al. eds., *Canada: The State of the Federation 2002* (Montreal and Kingston: MQUP).

Mark R. MacDonald, "The Agreement on Internal Trade: Trade-Offs for Economics Union and Federalism" Chapter 8 in Bakvis and Skogstad.

Grace Skogstad, "International Trade Policy and Canadian Federalism: A Constructive Tension." Chapter 9 in Bakvis and Skogstad.

Mar. 27: Policy Issues and Canadian Federalism

Antonio, Maioni, "Health Care in the New Millennium," Chapter 5 in Bakvis and Skogstad.

Gerard W. Boychuk, "How Ottawa Gambles: Rolling the Dice in Health Care Reform," in Bruce G. Doern ed., *How Ottawa Spends, 2005-2006* (Montreal and Kingston: MQUP, 2005).

Linda A. White, "The Child Care Agenda and the Social Union," chapter 6 in Backvis and Skogstad.

Mark S. Winfield, "Environmental Policy and Federalism," Chapter 7 in Bakvis and Skogstad

April 3: Paper Presentations (These count only toward your participation mark),

Guidelines for Class Presentations

Each student in the class will participate in one presentation based on assigned readings. Normally, there will be two or three presenters each class. However, arrangements can be made for individual presentation.

Between the two or three of you, prepare a presentation of at least 45 minutes. It should not be shorter, but it can be as long as you want. All presenting students must speak.

Presentations should include the following: (1) your own discussion of the readings and (2) questions for further class discussion. **Presenters will be expected to lead discussions after the presentation and should prepare some good discussion questions in advance.** You may (and are encouraged to) present additional material that complements the assigned readings and is relevant to the topic. You may also raise topics that are related, but not explicitly discussed, by the readings. A handout should be distributed outlining your presentation.

Presentations may be staggered. For example, you may speak for a few minutes on one article, engage in class discussion and then resume with the second article.

Do not just summarize the readings. While it is important to review what the readings say, the goal is to also discuss the issues in and stemming from them. Your comments should demonstrate a good command of the articles and how they relate to each other and the issue at large.

In addition to reviewing the specific issues raised in the articles (the most important part of the presentation), presentations should discuss questions about the articles themselves.

- What is the authors' thesis and how effectively do they argue it? Did you find it convincing?
- How do the different readings fit together? Do they compliment or counter each other? How do they fit with earlier readings in the course?
- What type of methodology and research are used in each article? Were the author's choices appropriate?

- Which reading did you prefer and why?
- What interesting issues or questions does the subject matter raise? These may only be implied by the articles themselves. Presenters are encouraged to comment with their own thoughts on the issue, beyond the articles themselves and may draw on literature beyond the class readings.

Innovative presentations are encouraged. In the past, students have shown videos, done skits, put on game shows, engaged the class in role playing, even filmed their own videos. All different forms of media have been used. Feel free to push the envelope as long as the content is relevant to the topic and will enhance everyone's learning experience.

No matter what style of presentation you use, a few rehearsals before hand make for significantly better presentations.

Discussion Paper

For this assignment, you will write a short paper of 1000-1500 words answering one of the following questions. Your answers should rely significantly on the course readings and explicitly incorporate readings from two or more weeks (up to and including Feb 13), in your answer. Later readings may be used, but no outside research is required. I am more interested in your own arguments (backed up by readings) than research.

Papers are due in class Feb 13. Papers submitted after Feb. 13 but on or before Feb. 17 will be penalized 5 percent. Papers submitted after Feb. 17 will be penalized 5 percent *per day* (weekends count as one day in total). Discussion papers will not be accepted after Feb. 27.

1. Is there a certain morality inherent to a federal system of government? Is federalism ethically superior to other forms of state organization?
2. Assess the current state of Canadian federalism. Is Canada continuing to decentralize? Is this trend reversible?
3. Research on federalism in Canada tends to be more qualitative than quantitative, and normative more than positive. Reviewing the course readings, what are the strengths and weaknesses of these different approaches?
4. Assess the different visions of Canadian federalism? Which constitutional vision of Canadian federalism is best supported by constitutional fact?
5. Can the idea of Canada as a multinational state be reconciled by the constitutional demands of Quebec?

Answers will be evaluated on their ability to go beyond simple arguments to explain and analyze federalism and/or research on federalism in Canada. The papers must demonstrate a strong command of the readings as they relate to each other, and not just summarize the author's argument.

Any standard citation format may be used.

The Research Paper

For this assignment you will write a research paper exploring an aspect of Canadian federalism. Papers must be 20-25 pages. Do not tinker with fonts or margins in order to meet the required length. Topics are open. However, there are some guidelines.

Research papers are due in class on March 20. Late papers that are submitted by the end of class on March 27 will be penalized 5 percent. After March 27, late papers will be penalized 5 percent *per day*. Weekends count as 1 day in total. Research papers will **not** be accepted after April 3. Extensions will not be given except in the case of illness (with medical documentation) or other exceptional reasons.

You will be asked to briefly discuss your paper with the class during the last seminar.

- The paper must present a clear thesis; it cannot simply describe some aspect of federalism, but must present a clear argument.
- Comparisons between Canada and other federations are welcome as long as there is significant Canadian content.

Possible Topics:

1. How does federalism affect citizenship and identity in Canada?
2. Review any policy issue that crosses jurisdictional boundaries in Canada (or one that has overlapping federal/provincial activity). What does that issue say about the operation of Canadian federalism. Does it demonstrate any particular problems or strengths of Canadian federalism?
3. Discuss and compare current problems or perceived problems regarding federalism? Is Canada better or worse off than other countries?
4. Discuss the federal spending power in the Canadian constitution? Does it federal spending power violate the spirit of Canadian federalism, or is necessary as an agent of national unity and to ensure national standards.

5. Assess the impact of the Charter on Canadian Federalism in terms of identity and/or policy? Has the Charter had the centralizing impact that its authors hoped for.

Other potential themes (frame your own question):

Federalism and democratic representation.

Federalism and international trade.

Canadian political parties and Canadian federalism. You could also consider the link between federal and provincial parities.

Federalism and the Canadian identity

Intrastate v. interstate federalism

Regionalism and Canadian federalism

Asymmetrical federalism and Quebec

Quebec separation, sovereignty association

The Clarity Act and/or Reference re Succession of Quebec

Issues relation to Aboriginal self-governance

Regionalism and provincialism

Federalism and Gender

The institutional setting of Canadian federalism

Aboriginal issues (including self government) and federalism

Executive federalism

Canada's constitutional crisis

Any standard citation format may be used.

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.