

Carleton University
Fall 2022
Department of Political Science
carleton.ca/polisci/

PSCI 3007A
Constitutional Politics in Canada
Meeting times: Thursdays 2:35-5:25PM
Location: TBA (Please Confirm on Carleton Central)

Instructor: Raffaele Iacovino
Office: Loeb C675
Email: raffaele.iacovino@carleton.ca
Office hours: Thursdays, 12-2PM
Phone: (613) 520-2600 ext: 1572

Brightspace:

On-line components of this course will be managed through Brightspace. Please visit the Brightspace site regularly to receive the most current information pertaining to important course announcements and materials.

Course Description:

Canada is one of the more stable and longstanding federations in the world yet curiously, it has failed to entrench a constitutional framework that has garnered the unanimous support of its constituent units. For long stretches of the country's political development, defining what the country stands for and which sociopolitical collective agents it recognizes as constitutional actors became entangled with day to day politics, culminating in a constitutional compromise that to many observers remains incomplete. This course examines the political context of the many constitutional issues in Canada since 1867. In the pre-1960 period, these issues primarily involved the evolution of Canadian federalism, the search for a constitutional amending formula, and a concern with rights and freedoms. The Quiet Revolution in Quebec, and later the mobilization of Indigenous Peoples, broadened the constitutional agenda and led to various attempts at mega-constitutional change, which preoccupied the country for about 30 years. The introduction of the Charter of Rights and Freedoms and a homegrown amending formula broadened the field of salient constitutive actors yet did little to quell fundamental concerns around competing visions of the purposes of the constitution, on both procedural and substantive grounds.

Class Format:

The class will proceed as a traditional lecture, yet the instructor strongly encourages interaction and discussion throughout the class. Students are expected to actively participate in these discussions and questions are encouraged. Following each class, the instructor will post the lecture notes on Brightspace.

Text:

- Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004).

Suggested Reading for Reference: Bernard W. Funston and Eugene Meehan, *Canada's Constitutional Law in a Nutshell, Fourth Edition*, (Toronto: Carswell, 2013). This book is not mandatory reading.

Please ensure that you access the proper edition of the book. The book will be available online through the Carleton Reserves desk, and a link to ARES will be available to students on the Brightspace course page.

Evaluation:

15%- Attendance and participation

15%- Short Assignment (**Due on Session 4, September 29, 2022**)

5%- Research paper proposal (**Due on Session 7, October 20, 2022**)

30%- Research paper (**Due on Session 13, December 8, 2022**)

35%- Final Take-Home Exam (To be posted on Brightspace on **Session 13, December 8, 2022**; Due on the last day of the formal examination period, **December 22, 2022**).

- **Attendance:** Students are expected to attend class having read the required materials for that week and be prepared to participate in class discussions. Attendance will be taken in class each week.
- **Short assignment:** On **Session 2 (September 15)**, the instructor will post a list of 4-5 articles on Brightspace. Students are expected to write a short review essay (700-1000 words) that provides a critical assessment of the author's contributions to the study of the constitution in Canada. It is not necessary to do any additional research for this assignment, and the aim is simply to allow students to engage more profoundly with particular theoretical, conceptual or methodological issues in the body of literature on constitutional politics in Canada. The short assignment is due on **Session 4 (September 29)**.
- **Research paper proposal:** All students are required to submit a research paper proposal. These proposals are due on **Week 7 (October 20)**. The proposal is intended to allow students to develop and frame their research topic through some preliminary work, and to receive feedback. The instructor will not provide a list of research

topics, but students are encouraged to discuss their intentions with the instructor prior to submitting their proposals. The proposals should be no longer than 500 words in length, should clearly state a research question, and should provide some preliminary sources. The proposal is worth only 5% of your final grade, so it does not have to be exhaustive.

- **Research paper:** The research paper must be between 14 and 17 typed pages – double-spaced, using 12 point font. The paper must follow proper essay style and structure, and must use a recognized referencing style (which must be consistent throughout). Students are expected to undertake research using sources beyond those listed in the course outline. The papers are due on **Session 13 (December 8)**, and are to be submitted on Brightspace. Secondary research is all that is required to write the paper, yet students may draw upon primary sources if they wish. The goal is to allow students to grasp the body of literature on a particular topic by providing a cogent and coherent synthesis, and to be able to articulate and defend a particular position based on the assessment of the literature. Please avoid overly drawn-out summaries in exposing what has been written on a topic – the exercise is meant to allow students to critically assess the state of research in their chosen topics.
- **Final Take-Home Exam:** On **Session 13 (December 8)**, the instructor will post the final take-home exam on Brightspace, which is due on **December 22, 2022**. The exam will consist of three sections, each containing three essay questions. Students will select one question from each section. Each answer should be about 800-1200 words. Moreover, students are expected to draw from class lectures and reading assignments in writing the essays, and students are not expected to include any research outside of class materials.

Other Information:

Submitting assignments and late policy: Due to COVID, instructors will not request or require a doctor’s note when students seek accommodation for missed term work or exams due to illness. Instead, students will be asked to complete the self-declaration form available through the registrar’s office.

All assignments are to be submitted through Brightspace. Extensions will only be granted if students fill out the self-declaration form as per University policy. The penalty for late assignments is 5% per day.

Grading: Assignments and exams will be graded with a percentage grade. To convert this to a letter grade or to the university 12-point system, please refer to the following table.

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5

80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

Office Hours and E-mail: My office hours are posted on this outline, and I strongly encourage students to use them for any reason related to the course material. If students cannot make it during the posted times, we can arrange individual appointments. If I have to cancel my office hours for any reason, I will make every effort to inform the class regarding make-up office hours. As per University regulations, I will only respond to emails that use a Carleton account.

Lecture and Reading Schedule:

-Session 1 (September 8, 2022):

Introduction and Thematic Overview of the Course

-Session 2 (September 15, 2022):

Origins and Sources

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapters 1 and 2

-Peter W. Hogg, *Constitutional Law of Canada, Student edition* (Toronto: Thomson Reuters, 2017)

*Chapter 1: Sources

-Samuel LaSelva, *Moral Foundations of Canadian Federalism: Paradoxes, Achievements and Tragedies of Nationhood*, (Montreal: MQUP, 1996)

*Chapter 2: Confederation and the Beginnings of Canadian Federalist Theory

-Session 3 (September 22, 2022):

Confederation and the B.N.A. Act, 1867

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapter 3

-Peter H. Russell et Al. (eds.), *Essential Readings in Canadian Government and Politics*, 2nd ed., (Toronto: Emond Montgomery Publishing, 2015).

*Chapters 2, 3

-Garth Stevenson, *Unfulfilled Union*, 4th ed. (Montreal: McGill-Queen's University Press, 2004),

*Chapter 2: Origins and Objectives of Canadian Confederation.

-Session 4 (September 29, 2022): *Short Assignment Due*

Early Debates on Federalism I: Quebec and Dualism

-Peter H. Russell et Al. (eds.), *Essential Readings in Canadian Government and Politics*, 2nd ed., (Toronto: Emond Montgomery Publishing, 2015).

*Chapter 4,

-Government of Quebec, *Quebec-Canada: A New Deal*

* https://www.sqrc.gouv.qc.ca/documents/positions-historiques/positions-du-qc/part3/Document11_en.pdf

-Government of Quebec, *Quebec's Political and Constitutional Status: An Overview*

* <https://www.sqrc.gouv.qc.ca/documents/institutions-constitution/statut-politique-qc-en.pdf>

-Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity*, (Toronto: OUP, 2019).

*Chapter 1: Two Visions of Canada

-Session 5 (October 6, 2022):

Early Debates on Federalism II: Division of Powers and Provincial Rights

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapter 4

-Alan Cairns, "The Judicial Committee and Its Critics," in the *Canadian Journal of Political Science*, Vol. 4, No. 3, September 1971.

-F. R. Scott, "Centralization and Decentralization in Canadian Federalism", in G. Stevenson, (Ed.), *Federalism in Canada*, (Toronto: McClelland and Stewart Inc., 1989).

-Session 6 (October 13, 2022):

Constitutional Developments and the Quiet Revolution, 1900-1971

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapters 5 and 6

-Peter H. Russell et Al. (eds.), *Essential Readings in Canadian Government and Politics*, 2nd ed., (Toronto: Emond Montgomery Publishing, 2015).

*Chapters 5, 6, 7

-Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity*, (Toronto: OUP, 2019).

*Chapter 2: The 1960s: Coming to Terms with Duality and Quebec Nationalism

-Session 7 (October 20, 2022): *Research Proposal Due*

Towards Patriation, 1971-1982

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapters 7 and 8

-Donald Smiley, "A Dangerous Deed: The Constitution Act, 1982", in Banting and Simeon, eds., *And No One Cheered: Federalism, Democracy and the Constitution Act*, (Toronto: Methuen Publications, 1983).

-Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity*, (Toronto: OUP, 2019).

*Chapter 3: Trudeau and the New Federal Orthodoxy: Denying the Quebec Question

*Chapter 6: Federalism and the Constitution: Entrenching the Trudeau Vision

****Week of October 24-28, Fall Break****

-Session 8 (November 3, 2022):

The Charter of Rights and Freedoms

-Peter H. Russell et Al. (eds.), *Essential Readings in Canadian Government and Politics*, 2nd ed., (Toronto: Emond Montgomery Publishing, 2015).

*Chapters 47, 48, 50

-Alan C. Cairns, “The Charter and the Constitution Act, 1982,” in Cairns (ed), *Charter versus Federalism* (Montreal: McGill-Queen’s University Press, 1992).

-Sujit Choudhry, “Bills of Rights as Instruments of Nation-Building in Multinational States: The Canadian Charter and Quebec Nationalism”, University of Toronto Legal Studies Series, Research paper Number 1006905.

*https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1006905

-Session 9 (November 10, 2022):

Meech Lake Accord

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapter 9

-Charles Taylor, “Shared and Divergent Values”, in Guy Laforest, (ed.), *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*, (Montreal: McGill-Queen’s University Press, 1993), pp. 155-186.

-Richard Simeon, “Meech Lake and Shifting Conceptions of Canadian Federalism”, in *Canadian Public Policy*, Vol. 14, September 1988.

-Session 10 (November 17, 2022):

The Charlottetown Accord

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapters 10, 11

-Michael B. Stein, “Improving the Process of Constitutional Reform in Canada: Lessons from the Meech Lake and Charlottetown Constitutional Rounds”, in *Canadian Journal of Political Science*, Vol. 30, No. 2, June 1997.

-Matthew Coon Come, “Charlottetown and Aboriginal Rights: Delayed but not Relinquished”, in *Policy Options*, December 2002-January 2003.

*<http://policyoptions.irpp.org/wp-content/uploads/sites/2/assets/po/kyoto/cooncome.pdf>

-Session 11 (November 24, 2022):

The Constitution and Indigenous Peoples

-Peter H. Russell et Al. (eds.), *Essential Readings in Canadian Government and Politics*, 2nd ed., (Toronto: Emond Montgomery Publishing, 2015).

*Chapter 10,

-James Tully, “Introduction”, in Alain-G. Gagnon and James Tully, (eds.), *Multinational Democracies*, (Cambridge: Cambridge University Press, 2001).

-Radha Jhappan, “Inherency, Three Nations, and Collective Rights: The Evolution of Aboriginal Constitutional Discourse From 1982 to the Charlottetown Accord”, in *International Journal of Canadian Studies*, Vol 7-8 (Spring/Fall) pp. 225-259.

-John Borrows, “(Ab)Originalism and Canada’s Constitution”, in *The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference*, Vol. 58. (2012).

-Session 12 (December 1, 2022):

The 1995 Quebec Referendum, the Secession Reference and the Clarity Act

-Peter H. Russell, *Constitutional Odyssey*, 3rd ed., (Toronto: University of Toronto Press, 2004);

*Chapter 12

-Robert Schertzer, “Recognition or Imposition? Federalism, National Minorities and the Supreme Court of Canada”, in *Nations and Nationalism*, Vol. 14, No. 1, 2008, pp. 105-126.

-François Rocher and Nadia Verrelli, “Questioning Constitutional Democracy in Canada: From the Canadian Supreme Court Reference on Quebec Secession to the Clarity Act”, in Alain-G. Gagnon, Montserrat Guibernau and François Rocher (eds.), *The Conditions of Diversity in Multinational Democracies*, Montreal: IRPP, 2003)

-Daniel Weinstock, “Constitutionalizing the Right to Secede” in *Journal of Political Philosophy* Vol. 9, No. 2, 2001, p. 182-203.

-Session 13 (December 8, 2022): *Research Paper Due*

Appendix

Covid-19 Pandemic Measures

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you should follow Carleton's [symptom reporting protocols](#).

Masks: Masks are no longer mandatory in university buildings and facilities. However, we continue to recommend masking when indoors, particularly if physical distancing cannot be maintained. We are aware that personal preferences regarding optional mask use will vary greatly, and we ask that we all show consideration and care for each other during this transition.

Vaccines: While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

Student Mental Health

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

- **Carleton Resources:**

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

- **Off Campus Resources:**

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

Requests for Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request, the processes are as follows:

Pregnancy accommodation: Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form ([click here](#)).

Religious accommodation: Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Accommodations for students with disabilities: If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation or contact your PMC coordinator to send your instructor your Letter of Accommodation at the beginning of the term. You must also contact the PMC no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, reach out to your instructor as soon as possible to ensure accommodation arrangements are made. For more details, [click here](#).

Accommodation for student activities: Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in

activities beyond the classroom experience. Reasonable accommodation must be provided to students who engage in student activities at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist.

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline.

Sexual Violence Policy

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated. Survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support.

Plagiarism

Carleton's [Academic Integrity Policy](#) defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include, but are not limited to: books, articles, papers, websites, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence which cannot be resolved directly with the course’s instructor. The Associate Deans of the Faculty conduct a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They may include a mark of zero for the plagiarized work or a final grade of "F" for the course.

More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

Intellectual property

Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

Submission and Return of Term Work

Papers must be submitted directly to the instructor according to the instructions in the course outline. The departmental office will not accept assignments submitted in hard copy.

Grading

Standing in a course is determined by the course instructor, subject to the approval of the faculty Dean. Final standing in courses will be shown by alphabetical grades. The system of grades used, with corresponding grade points is:

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5
80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Carleton E-mail Accounts

All email communication to students from the Department of Political Science will be via official Carleton University e-mail accounts and/or Brightspace. As important course and university information is distributed this way, it is the student's responsibility to monitor their Carleton University email accounts and Brightspace.

Carleton Political Science Society

The Carleton Political Science Society (CPSS) has made its mission to provide a social environment for politically inclined students and faculty. By hosting social events, including Model Parliament, debates, professional development sessions and more, CPSS aims to involve

all political science students at Carleton University. Our mandate is to arrange social and academic activities in order to instill a sense of belonging within the Department and the larger University community. Members can benefit through our networking opportunities, academic engagement initiatives and numerous events which aim to complement both academic and social life at Carleton University. To find out more, visit us on Facebook <https://www.facebook.com/CarletonPoliticalScienceSociety/>.

Official Course Outline

The course outline posted to the Political Science website is the official course outline.