

Carleton University
Department of Political Science
Carleton.ca/polisci

Fall 2024

PSCI 3007A
Constitutional Politics in Canada
Meeting times: Thursdays 8:35-11:25AM
Location: TBA (Please Confirm on Carleton Central)

Instructor: Raffaele Iacovino
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All email communication is to take place through official Carleton university e-mail accounts and/or Brightspace, not personal emails.

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.

Learning Outcomes:

Successful completion of this course will enable students to:

- Grasp the historical development, principal ideas and primary debates that form the bases of the Canadian constitutional framework
- Situate and contextualize key political, social and economic conflicts and turning points that have contributed to shaping Canada's legal architecture and terms of belonging
- Engage in collaborative learning with peers in a classroom setting
- Develop skills associated with planning and executing a research project, including synthesizing primary and secondary research, thinking critically, organizing your reflections and finally, defending an argument

Class Format:

The class will proceed as a traditional in-person 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).

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

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.

Evaluation:

15%- Attendance and participation

15%- Short Assignment (**Due on Session 4, September 26, 2024**)

30%- Research paper (**Due on Session 13, December 5, 2024**)

40%- Final Take-Home Exam (To be posted on Brightspace on **Session 13, December 5, 2024;** Due on the last day of the formal examination period, **December 21, 2024**).

- **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 12)**, the instructor will post a list of 4-5 articles on Brightspace. Students are expected to write a short review essay (700-1000 words) of one of these articles 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 26)**.
- **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 5)**, 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. The instructor will provide a list of suggested research topics, but students are encouraged to come up with a topic that aligns with their interests. If you do choose a topic, please ensure that it is cleared with the instructor.
- **Final Take-Home Exam:** On **Session 13 (December 5)**, the instructor will post the final take-home exam on Brightspace, which is due on **December 21, 2024**. 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: I 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 here: <https://carleton.ca/registrar/academic-consideration-coursework-form/>. Please note that this self-declaration must be completed at least 24 hours prior to the due date of a given assignment. 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.

Oral Examinations of Written Assignments: The instructor reserves the right to administer an in-person oral examination on the content of any student's written submissions. Moreover, the instructor may ask students to provide evidence of their own research (ie. Notes, screenshots of early drafts, etc.).

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 5, 2024):

Introduction and Thematic Overview of the Course

-Session 2 (September 12, 2024):

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 19, 2024):

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 26, 2024): *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 3, 2024):

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 10, 2024):

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 17, 2024):

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 21-25, Fall Break****

-Session 8 (October 31, 2024):

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 7, 2024):

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 14, 2024):

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 21, 2024):

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 year?) 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 (November 28, 2024):

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 5, 2024): *Research Paper Due*

Catch-up and Review

Appendix

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

Deferred final exams, which must be applied for at the RO, are available ONLY if the student is in good standing in the course. The course outline must stipulate any minimum standards for good standing that a student must meet to be entitled to write a deferred final exam.

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

Academic consideration for medical or other extenuating circumstances: Please contact your instructor if you are experiencing circumstances that (a) are beyond your

control, (b) have a significant impact your capacity to meet your academic obligations, and (c) could not have reasonably been prevented. Decisions on academic consideration are in your instructor's discretion; they will be guided by the course learning outcomes and the principle of good faith. Please see [here](#) for more details. For considerations relating to course work, your instructor may request that you complete the [Self-Declaration form](#). To apply for a deferral of your final exam, you must submit the Self-Declaration form to the Registrar's Office no later than three days after the scheduled examination or take-home due date.

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 to the university, that result from a student participating in activities beyond the classroom. Reasonable accommodation will 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. For more information, please [click here](#).

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (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.

Academic Integrity

Academic integrity is an essential element of a productive and successful career as a student. Carleton's [Academic Integrity Policy](#) addresses academic integrity violations, including plagiarism, unauthorized collaboration, misrepresentation, impersonation, withholding of records, obstruction/interference, disruption of instruction or examinations, improper access to and/or dissemination of information, or violation of test and examination rules. Students are required to familiarize themselves with the university's academic integrity rules.

Plagiarism

The 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.

Use of Artificial Intelligence

Unless explicitly permitted by the instructor in a particular course, any use of generative artificial intelligence (AI) tools to produce assessed content (e.g., text, code, equations, image, summary, video, etc.) is considered a violation of academic integrity standards.

Procedures in Cases of Suspected Violations

Violations of the Academic Integrity Policy are serious offences which cannot be resolved directly with the course's instructor. When an instructor suspects a violation of the Academic Integrity Policy, the Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student. Penalties are not trivial. They may include a mark of zero for the assignment/exam in question 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).

Permissibility of submitting substantially the same piece of work more than once for academic credit.

If group or collaborative work is expected or allowed, provide a clear and specific description of how and to what extent you consider collaboration to be acceptable or appropriate, especially in the completion of written assignments.

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 the 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.
