

**Carleton University
Early Summer 2021
Department of Political Science**

**PSCI 4005A/5101A
Canadian Federalism
Online Course
Mondays and Wednesdays: 8:35AM-11:25AM**

Instructor: Raffaele Iacovino
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Brightspace:

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

Course Description:

This seminar focuses on some of the main theoretical approaches and concepts employed in the study of Canadian federalism. While it introduces many descriptive aspects of the Canadian federation – questions about sharing and dividing jurisdictions and as a way of organizing political institutions – the course will also emphasize some broader normative dimensions of federalism. As such, many of the themes covered draw from prescriptive elements in the scholarly literature, with the hope that students will engage with many of the current debates about the enduring challenges confronted by Canadian federalism, including the question of Quebec's place, Aboriginal claims, representation and accountability, intergovernmental dynamics, and so on. In short, the course emphasizes contemporary issues and current trends in Canadian federalism.

Class format:

The course is structured as a traditional seminar, through a weekly Zoom conference, led by student presentations. Students are expected to come to class having read the assigned readings and prepared to discuss them. The instructor will attempt to moderate student exchanges, yet it is expected that the weekly presenters lead the discussion and prepare themselves to take questions by both the instructor and fellow students.

Texts:

- There is one book assigned for this course, available in the bookstore:

Douglas Brown et Al., (eds.), *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019)

- The readings will be on reserve on ARES and at the MacOdrum Library.
- Please see weekly schedule for assigned readings. You are expected to come to class having read the assigned readings and prepared to discuss them.

Evaluation:

10%- Attendance and participation

10%- Short assignment (**Due on Session 4, May 19, 2021**)

15%- Oral presentation

30%- Research paper (**Due on Session 12, June 18, 2021**)

35%- Final Take-Home Exam (to be distributed on **Session 12, June 18, 2021**. Due on the last day of the formal examination period, **June 27, 2021**)

- **Attendance, participation and discussion groups:** Students are expected to join online meetings having read the required materials for that week and prepared to participate in class discussions. Attendance will be recorded in class each week.
- **Short assignment:** On **Session 2 (May 12th)**, the instructor will distribute a list of 4-5 articles drawn from the assigned readings. Students are expected to write a short review essay (1200-1500 words) that provides a critical assessment of the author's contributions to the study of Canadian Federalism. 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 to be covered in class. The short assignment is due on **Session 4 (May 19th)**, on the designated assignment tab on Brightspace.
- **Research paper:** The research paper must be between 18-22 pages for students registered in 4005, and 20-25 pages for students registered in 5101 – 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 will construct their topics in consultation with the instructor. The subject of the paper may be drawn from any of the themes covered in the course, or students may choose to select another aspect of Canadian federalism, with the approval of the instructor.

Students are expected to undertake research using sources beyond those listed in the course outline. The essays are due on **Session 12 (June 18, 2021)**. Students are not expected to defend an original argument in this paper. 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.

- **Presentation:** Each student will be responsible for an oral presentation on a given weekly theme. In this capacity, students should be prepared to take questions and to lead a discussion period. Depending on the number of students in the class, we may have to pair students together on certain weeks. The instructor will put together a weekly schedule of presenters following Session 1.
- **Final Take-Home Exam:** At the end of the last class, the instructor will distribute the final take-home exam, which is due on **June 27, 2021**. 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 1200-1500 words. Moreover, students are expected to draw from class lectures and reading assignments (including suggested readings) 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 here: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

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: All communication will be undertaken through email. I will not hold designated office hours, but students can feel free to contact me at any time, and I will try my best to respond as quickly as possible. Students may also provide a phone number if they prefer to speak to the instructor directly. As per university regulations, I will only respond to emails that use a Carleton account.

Lecture and Reading Schedule: (*indicates a suggested reading)

-Session 1 (May 10, 2021):

Introduction and Thematic Overview of the Course

- Course Overview
- Setting up presentation schedule.

- Session 2 (May 12, 2021):

Theoretical Approaches and Concepts in the Study of Canadian Federalism:

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 1: “Understanding Federalism and Intergovernmental Relations”; and Chapter 3: “The Constitution and Constitutional Change”.

-Jennifer Wallner, “Empirical Evidence and Pragmatic Explanations”, in Linda White, Richard Simeon, Robert Vipond, and Jennifer Wallner (eds), *The Comparative Turn in Canadian Political Science*, (Vancouver: UBC Press, 2008), pp. 158-193.

-Martin Papillon, “Is the Secret to Have a Good Dentist? Canadian Contributions to the Study of Federalism in Divided Societies”, in Linda White, Richard Simeon, Robert Vipond, and Jennifer Wallner (eds), *The Comparative Turn in Canadian Political Science*.(Vancouver: UBC Press, 2008), pp.123-139.

- Session 3 (May 17, 2021):

Foundations, Origins and the Federal Principle in Canada:

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 2: “The Economic, Social and Institutional Bases of Canadian Federalism”.

-Dimitrios Karmis, “The Multiple Voices of the Federal Tradition and the Turmoil of Canadian Federalism”, in Alain-G. Gagnon, (ed.), *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*, (Toronto: University of Toronto Press, 2009), pp. 53-75.

-Robert Vipond, “1787 and 1867: Federal Principle and Canadian Confederation Reconsidered”, in *Canadian Journal of Political Science*, Vol. 22, No. 1, (March 1989), pp. 3-25.

-Samuel LaSelva, “Confederation and the Beginnings of Canadian Federalism Theory” (chapter 2) *The Moral Foundations of Canadian Federalism; Paradoxes, Achievements, and Tragedies of Nationhood*, (Montreal and Kingston: McGill-Queens University Press, 1996).

-Session 4 (May 19, 2021): ***Short assignment due***

Critical Perspectives I: Quebec and the Federal Ideal

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 12: “Quebec and the Future of Canadian Federalism”.

-Arthur A. Silver, *The French-Canadian Idea of Confederation, 1864-1900*, Second edition, (Toronto: UTP, 1997), Chapter 2: pp. 33-50.

-François Rocher, “The Quebec-Canada Dynamic or the Negation of the Ideal of Federalism,” in Alain-G. Gagnon, (ed.), *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*, (Toronto: University of Toronto Press, 2009), pp. 81-13.

-Guy Laforest, “What Canadian Federalism Means in Quebec”, in *Review of Constitutional Studies*, Vol. 15, Issue 1, 2010, pp. 1-33.

May 24th, 2021, Victoria day, Classes suspended

- Session 5 (May 26, 2021):

Critical Perspectives II: A Democratic Deficit?

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 5: “Executive Federalism: Back to the Future”.

-Richard Simeon and Amy Nugent, "Parliamentary Canada and Intergovernmental Canada: Exploring the Tensions" in Herman Bakvis and Grace Skogstad (eds.), *Canadian Federalism: Performance, Effectiveness and Legitimacy*, Third Edition, (Don Mills, ON: Oxford University Press, 2012).

-Gerald Baier and Herman Bakvis, “Federalism and the Reform of Central Institutions: Dealing with Asymmetry and the Democratic Deficit”, in Ian Peach (ed.), *Constructing Tomorrow’s Federalism: New Perspectives on Canadian Governance*, (Winnipeg: University of Manitoba Press, 2007), pp. 89-114.

-Session 6 (May 31, 2021):

Critical Perspectives III: Canadian Federalism and Aboriginal Self-Government (Overview)

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 11: “Indigenous Peoples and Federalism”.

-Martin Papillon, “Adapting Federalism: Indigenous Multilevel Governance in Canada and the United States”, in *Publius: The Journal of Federalism*, Vol. 42, No. 2, Spring 2012, pp. 289-312.

-Christopher Alcantara and Jen Nelles, “Indigenous Peoples and the State in Settler Societies: Toward a More Robust Definition of Multilevel Governance” in *Publius: The Journal of Federalism*, (2013), doi:10.1093/publius/pjt013

-Michael McCrossan and Kiera L. Ladner, "Eliminating Indigenous Jurisdictions: Federalism, the Supreme Court of Canada, and Territorial Rationalities of Power", *Canadian Journal of Political Science*, Vol. 49, Issue 3, 2016, pp. 411-431.

-Session 7 (June 2, 2021):

Critical Perspectives IV: Canadian Federalism and Aboriginal Self-Government (Cases)

-Christopher Alcantara and Gary Wilson, "The Dynamics of Intra-jurisdictional Relations in the Inuit Regions of the Canadian Arctic: An Institutionalist Perspective", in *Regional & Federal Studies*, (2013), <http://dx.doi.org/10.1080/13597566.2013.818981>

-Janique Dubois and Kelly Saunders, "Just Do It!": Carving Out a Space for the Métis in Canadian Federalism", *Canadian Journal of Political Science*, Vol. 46, Issue 1, 2013, pp. 187-214.

-Brian Craik, "Multilevel Regional Governance in the Eeyou Istchee James Bay Territory", in Martin Papillon and Andre Juneau eds., *Canada: The State of the Federation 2013*, (Kingston, ON: IIGR, 2015)

-Hayden King, "New Treaties, Same Old Dispossession: A Critical Assessment of Land and Resource Management Regimes in the North", in Martin Papillon and Andre Juneau eds., *Canada: The State of the Federation 2013*, (Kingston, ON: IIGR, 2015)

-Session 8 (June 7, 2021):

Critical Perspectives IV: The Charter and Canadian Federalism

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 4: "Judicial Review and Dispute Resolution".

-Samuel LaSelva, *The Moral Foundations of Canadian Federalism*, (Montreal/Kingston: McGill-Queen's University Press, 1996); Chapter 5, "Nation-Saving or Nation-Destroying: The Impact of the Charter of Rights on Canadian Federalism", pp. 81-98.

-Jeremy Clarke, "In the Case of Federalism v. the Charter: The Processes and Outcomes of a Federalist Dialogue", in *International Journal of Canadian Studies*, Vol. 36, 2007, pp. 41-71.

-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.

-Session 9 (June 9, 2021):

Contemporary Developments in Intergovernmental Relations I: Social Policy

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 7: “The Social Union”.

-Richard Simeon, “Social Justice: Does Federalism Make a Difference?” in Sujit Choudhry, Jean-Francois Gaudreault-Desbiens and Lorne Sossin, (eds.), *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation*, (Toronto: University of Toronto Press, 2006), pp.

-Keith Banting, “The Three Federalisms Re-Visited: Social Policy and Intergovernmental Decision-Making”, in Herman Bakvis and Grace Skogstad (eds.), *Canadian Federalism: Performance, Effectiveness and Legitimacy*, Third edition, (Don Mills, ON: Oxford University Press, 2012), pp. 141-164.

-Nicola McEwen, “The Territorial Politics of Social Policy Development in Multi-level States”, in *Regional and Federal Studies*, Vol. 15, No. 4, December 2005, pp. 537-554.

-Jennifer Wallner, “Beyond National Standards: Reconciling Tension between Federalism and the Welfare State”, in *Publius: The Journal of Federalism*, Vol. 40, No. 4, 2010, pp. 646-71.

-Session 10 (June 14, 2021):

Contemporary Developments in Intergovernmental Relations II: Fiscal Federalism

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Chapter 6: “Fiscal Relations: Basic Principles and Current Issues”.

-André Lecours and Daniel Béland, “Federalism and Fiscal Policy: The Politics of Equalization in Canada”, in *Publius: The Journal of Federalism*, Vol. 40, No. 4, October 2010, pp. 569-596.

-Andree Lajoie, “The Federal Spending Power and Fiscal Imbalance in Canada”, in Sujit Choudhry, Jean-Francois Gaudreault-Desbiens and Lorne Sossin, (eds.), *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation*, (Toronto: University of Toronto Press, 2006), pp.

-Peter Russell, “Fiscal Federalism: Not Resolvable by Constitutional Law”, in Sujit Choudhry, Jean-Francois Gaudreault-Desbiens and Lorne Sossin, (eds.), *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation*, (Toronto: University of Toronto Press, 2006), pp.

-Hubert Rioux Ouimet, “Quebec and Canadian Fiscal Federalism: From Tremblay to Séguin and Beyond”, *Canadian journal of Political Science*, Vol. 47, Issue 1, 2014; pp. 47-29.

-Session 11 (June 16, 2021):

Contemporary Developments in Intergovernmental Relations III: Open and Asymmetrical Federalism?

-Raffaele Iacovino, "Partial Asymmetry in Federal Construction: Accommodating Diversity in the Canadian Constitution", in Marc Weller, (ed.), *Asymmetrical State Design as a Tool of Ethnopolitical Conflict Settlement*, (Philadelphia: University of Pennsylvania, 2011).

-Alain-G. Gagnon, "Taking Stock of Asymmetrical Federalism in an Era of Exacerbated Centralization," in Alain-G. Gagnon, (ed.), *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*, (Toronto: University of Toronto Press, 2009), pp. 255-272.

-Kathy Brock, "The Politics of Asymmetrical Federalism: Reconsidering the Role and Responsibilities of Ottawa", *Canadian Public Policy* 34:2, in (2008).

-Éric Montpetit, "Easing Dissatisfaction with Canadian Federalism: The Promise of the Strategy of Disjointed Incrementalism", in *Canadian Political Science Review*, Vol. 2, No. 3, September 2008, pp. 1-17.

-Session 12 (Friday June 18, 2021): *Research paper due*

Contemporary Trends and Future Directions? Conceptual Challenges, National Pluralism, and the Federal Idea

-D. Brown et Al., *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, (Don Mills, ON: Oxford University Press, 2019); Conclusion, "Ambivalent Federalism".

-Thomas Hueglin, "Treaty federalism as a model of policy making: Comparing Canada and the European Union", in *Canadian Public Administration*, Vol. 56, Issue 2, June 2013, pp. 185-202.

-Will Kymlicka, "Justice and Security in the Accommodation of Minority Nationalism", in Stephen May et Al., (eds), *Ethnicity, Nationalism and Minority Rights*, (Cambridge: Cambridge University Press, 2004), pp. 144-175.

-François Rocher and Patrick Fafard, "Is There a Political Culture of Federalism in Canada? Charting an Unexplored Territory", in Grace Skogstad et Al., *The Global Promise of Federalism*, (Toronto: University of Toronto Press, 2013)

Academic Accommodations

Accommodations during COVID

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 here: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Pregnancy

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, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation

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, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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, meet with your instructor as soon as possible to ensure accommodation arrangements are made.

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and is 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

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 compete or perform 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

Plagiarism

The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- 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;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings;

- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.

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).