

# Federalism and Diversity in Canada (and Beyond)

## POL 428 / 2128

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Wednesdays @ 12:00 – 14:00  
Room: LA 213

Instructor: Robert Schertzer / [robert.schertzer@utoronto.ca](mailto:robert.schertzer@utoronto.ca)  
Office Hours: Wed @ 11:00 – 12:00 (SS 3108) (or by appointment)

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### Course Description / Objective

This course treats Canada as a key case within the comparative study of federations. The particular focus is on the management of diversity and conflict, analyzing the socio-demographic and institutional aspects of Canada through the lens of applicable federal theory. The goal is to understand Canada through this lens, but also to reflect back on the broader theory and practices discussed.

The course is divided into two sections. The first introduces core elements of comparative federal studies, linking this to the different ways we can understand Canada and the general theory and policy related to the use of federalism to manage diversity and conflict. The second section turns to investigate three key elements of managing diversity via federalism in Canada, and elsewhere. These three elements are: 1) how power is distributed in a federation; 2) the role of the federal arbiter in managing conflict; and, 3) how minority groups are represented in federal institutions.

### Format

This is a seminar-style course. In the first hour, students will present on a question related to the week's topic, while another student chairs questions and discussion. In the second hour, I will lead a structured discussion.

There are no exams or tests for this course: it is focused on engaging discussion stemming from the readings and student presentations, as well as developing skills related to high-caliber, succinct, analytical writing.

### Evaluation

Assignment	Due Date	Weight
Participation	Ongoing	20%
Presentation	As Assigned	20%
Research Project		
• Proposal	Week 6	15%
• Paper	Week 12	45%

Failure to present or act as chair on your specified day, without a valid reason (see below) will result in a mark of zero. Assignments are to be handed in at the beginning of class on the identified date. Late assignments will receive a 5% penalty per day, including weekends. Papers will not be accepted after 7 days. Late papers are to be emailed to me and I will provide a confirmation of receipt via return email. Please keep a copy of work you have handed in until you receive your marked copy.

Extensions on term work will only be granted in exceptional circumstances beyond your control (e.g. documented illness, injury, death of a family member). More information on extensions/missed exams due to circumstances beyond your control can be found here: <http://www.artsci.utoronto.ca/current/petitions/common>

### Participation

Participation in this seminar is critical to making it worthwhile for everyone. It will be marked based on three equally weighted factors:

- constructive contribution to discussion (as demonstrated by knowledge of readings, insightful questions and comments during class and willingness to engage in discussion);
- performance as chair (where applicable); and,
- attendance.

### Presentation

Students will make a (approximately) 15-minute presentation answering one of the questions for the week (see Annex 1: Presentation and Chair Assignments).

The presentation should:

- Summarize the relevant aspects of the appropriate readings;
- Provide analysis/critical commentary of the relevant readings (linking the reading to the question and course themes);
- Directly answer the question, making an argument where applicable.

A short (e.g. 2 page) handout summarizing your presentation for the class is expected. No PowerPoint presentations. For guidelines: most individuals speak at approximately 100 words per minute; so, a “script” for a 15-minute presentation should be about 1500 words.

## Research Project

### *Research Proposal*

Students will complete a brief (approx. 5 page) research proposal. The proposal should:

- Identify a research question related to a topic in the class (**with a strong preference that you take the question from section two**);
- Propose an argument that directly responds to the research question (a thesis statement);
- Provide an outline for the paper that identifies how you would defend the argument, including identifying the main points and proof to support the argument;
- Provide a brief abstract that summarizes the argument and main points in 200 words; and,
- Provide an annotated bibliography. The annotations for the bibliography should, for each source, identify its main argument/point, how it will be used to support the proposed paper's argument and a key critical reflection on the source.
  - It is expected that undergraduate student proposals would have approx. 6 sources
  - It is expected that graduate student proposals would have approx. 10 sources.

The emphasis in putting together the research proposal should be to demonstrate how the argument would be defended.

### *Research Paper*

Students will complete a research paper. It must have a clear argument (a thesis statement) that directly responds to the chosen question. It is expected that you will do your research paper and proposal on the same topic; if, however, you wish to change topics, please discuss this with me as soon as possible. **Note, though, that your presentation and your paper/proposal must be on topics from different weeks (i.e. be on different topics).**

The research paper should provide only very brief context, with the focus squarely on presenting an argument, defending that argument and analyzing/refuting counter-arguments. In terms of format:

- Undergraduate student papers should be no more than 5,000 words (including notes and bibliography).
- Graduate student papers should be no more than 7,000 words (including notes and bibliography).
- Provide a cover page with the question, your name, and the word count;
- Use 11- or 12-point font, DOUBLE SPACED, with normal margins;
- Complete, proper and consistent citation practices are required, using one of the main approaches (APA/MLA/Chicago Style), for more info see: <https://owl.english.purdue.edu/owl/section/2/>

**Plagiarism**

Plagiarism – the representation of the work of someone else as one’s own – is a serious academic offence. Students should familiarize themselves with the definition and explanation of offences, penalties and procedures related to plagiarism as outlined in the University’s *Code of Behaviour on Academic Matters* (<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>).

**Accommodation and Accessibility**

The University will make every attempt to provide reasonable and appropriate accommodations to persons who have disabilities. If you require accommodation, please speak to Accessibility Services (<http://discover.utoronto.ca/students-with-a-disability>) and/or myself as soon as possible.

## COURSE OUTLINE / READINGS / QUESTIONS

A few notes on the reading list:

- I have tried to compile a rather comprehensive list of sources for each topic to facilitate useful discussion, while providing a solid jumping off point for your presentation and research project.
- Readings are either available via the web or are set aside as a course reserve at the Robarts Library (as identified on the syllabus).
- I expect undergraduate students to do 2 readings from the list for each week, preferably those on the required list.
- I expect graduate students to do 3 readings from the list, preferably those on the required list.

*Section One: Understanding comparative federal theory,  
and Canada's position in the field*

Week One: Logistics and approach | Key concepts of comparative federal studies [Sept 14]

*We will discuss the approach of the course this week, expectations and general concepts. We will also work to establish when individuals will present and chair discussion.*

While not required, the following readings may help students gain knowledge of the key concepts of comparative federal studies.

Watts, R. (1998) "Federalism, Federal Political Systems and Federations" *Annual Review of Political Science* 1998:1

- Blackboard via Link

Watts, R. (2008) *Comparing Federal Systems* (3rd) (Kingston: McGill-Queen's University Press)

- Chapter 1 & select cases you are interested in from Chapter 2.
- Course Reserve

Bednar, J. (2011) "The Political Science of Federalism" *Annual Review of Law and Society* 7: 269-288

- Blackboard via Link

Erk, J. & Swenden, W. (2010) "The New Wave of Federalism Studies" in Erk, J. & Swenden, W. (eds.) *New Directions in Federalism Studies* (Routledge)

- Blackboard via Link (Ebook)

Erk, J. (2007) "Comparative Federalism as a Growth Industry" *Publius* 37(2)

- Blackboard via Link

Le Roy, K. & Saunders, C. (eds.) (2006) *Legislative, Executive, and Judicial Governance in Federal Countries* (McGill-Queen's University Press)

- Particularly the introduction and comparative conclusion (by Cheryl Saunders)
- Course Reserve

King, P. (1982) *Federalism and Federation* (Baltimore: The Johns Hopkins University Press)

- Chapters 1, 2 and 6
- Course Reserve

Elazar, D. (1987) *Exploring Federalism* (University of Alabama Press)

- Course Reserve

Week Two: The foundational elements of a federation – social or institutional? [Sept 21]

*Points to structure discussion/presentations*

- Do socio-demographic factors drive institutional design?*
- What does an institutionalist approach to the study of federations tell us about how this form of government functions?*

**Required:**

Erk, J. (2008) *Explaining Federalism: State, society and congruence in Austria, Belgium, Canada, Germany and Switzerland* (Routledge)

- Chapters 1 and 4
- Blackboard via Link (Ebook)

Livingston, W. (1952) "A Note on the Nature of Federations" *Political Science Quarterly* 67(1) 81-95

- Blackboard via Link

Wheare, K. (1963) *Federal Government* (4<sup>th</sup> ed.) (Oxford University Press)

- Course Reserve
- Chapters 1 to 3.

**Other Readings**

Lecours, A. (eds) (2005) *New Institutionalism: theory and analysis* (University of Toronto Press)

- Chapters 1 and 2
- Blackboard via Link (Ebook)

Erik Wibbels (2006) "Madison in Baghdad? Decentralization and Federalism in Comparative Politics" *Annual Review of Political Science* 2006:9

- Blackboard via Link

Week Three: Ethno-national identity and Federalism [Sept 28]

*Questions to structure discussion/presentations*

- A. How does federalism approach the "problem of fit" between nations and states?
- B. Is national identity malleable or rigid?

**Required:**

Woods, E., Schertzer, R. and Kaufmann, E. (2011) 'Ethno-National Conflict and its Management' *Commonwealth and Comparative Politics* 49(2): 153-161

- Blackboard via Link

Wolff, S. (2011) 'Managing Ethno-National Conflict: Towards an Analytical Framework' *Commonwealth and Comparative Politics* 49(2): 162-195.

- Blackboard via Link

Horowitz, D. (2007) "The Many Uses of Federalism" *Drake Law Review* 55(4)

- Blackboard via Link

O'Leary, B. (2001) "An Iron Law of Nationalism and Federation? A (neo-Diceyan) theory of the necessity of a federal *Staatsvolk* and of consociational rescue" *Nations and Nationalism* 7(3) 273-296.

- Blackboard via Link

**Other Readings**

Gellner, E. (2006) *Nations and Nationalism* (2<sup>nd</sup> ed.) (Blackwell)

- Introduction and Chapter 1
- Course Reserve

Lecours, A. & Nootens, G. (2009) "Introduction: Nationalism and Identity in Contemporary Politics. Issues of Democratic Shared and Self-rule" in Lecours, A. & Nootens, G. (eds.) *Dominant Nationalism, Dominant Ethnicity: Identity, Federalism and Democracy* (P.I.E. Peter Lang)

- Course Reserve

Norman, W. (2006) *Negotiating Nationalism: Nation-building, federalism, and secession in the multinational state* (Oxford University Press)

- Blackboard via Link: (EBook)

Horowitz, D. (2000) *Ethnic Groups in Conflict* (University of California Press)

- Particularly Pg. 601 to 680.
- Course Reserve

Cordell, K. & Wolff, S. (eds.) (2010) *Routledge Handbook of Ethnic Conflict* (Routledge)

- Chapter 20 by John McGarry and Brendan O’Leary
- Also, selected readings as appropriate from Part One
- Blackboard via Link (EBook)

McGarry J. and O’Leary, B. (1993) ‘Introduction: The Macro-Political Regulation of Ethnic Conflict’ in McGarry, J. and O’Leary, B. (eds.) *The Politics of Ethnic Conflict Regulation* (Routledge)

- Course Reserve

Lijphart, A. (2008) ‘Constitutional Design for Divided Societies’ in Lijphart, A. (ed.) *Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice* (Routledge)

- Blackboard via Link (EBook)

Week Four: Canada as a Contested Federation – the competing perspectives on the socio-demographic basis and the institutional structures [Oct 5]

*Questions to structure discussion/presentations*

- A. *What are the main features of the competing federal visions in Canada – and what socio-demographic and institutional features of Canada support these views?*
- B. *Is congruence between one vision of the socio-demographic nature of Canada and its federal institutions possible and/or preferable?*

**Required:**

Rocher, F. and Smith, M. (2003) ‘The Four Dimensions of Canadian Federalism’ in Rocher, F. and Smith, M. (eds.) *New Trends in Canadian Federalism* (2<sup>nd</sup> ed.) (Peterborough: Broadview)

- Course Reserve / Chapter available on Blackboard via PDF

McRoberts, K. (2001) ‘Canada and the Multinational State’ *Canadian Journal of Political Science* 34(4): 683-713

- Blackboard via Link

Keating, M. (2002) ‘Plurinational Democracy in a Post-Sovereign Order’ *Northern Ireland Legal Quarterly* 53: 351-365

- Blackboard via Link



## Other Readings

Russell, P. (2004) *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press)

- Course Reserve

Mallory, J. (1977) 'Five Faces of Federalism' in Meekison, P. (ed.) *Canadian Federalism: Myth or Reality?* (Toronto: Methuen)

- Course Reserve

Black, E. (1975) *Divided Loyalties: Canadian Concepts of Federalism* Montreal: McGill-Queen's Press)

- Course Reserve

Rocher, F. (2009) "The Quebec-Canada Dynamic or the Negation of the Ideal of Federalism" in Gagnon, A. (ed.) *Contemporary Canadian Federalism* (Toronto: University of Toronto Press)

- Course Reserve

Romney, P. (1999) 'Provincial Equality, Special Status and the Compact Theory of Canadian Confederation' *Canadian Journal of Political Science* 32:1

- Pages 21 to 39
- Blackboard via Link

### *Section Two: Three Key Elements of Managing Diversity Via Federation in Canada, and Elsewhere*

Week Five: The distribution of powers in a diverse federation – asymmetry vs. symmetry and centralization vs. decentralization [Oct 12]

#### *Questions to structure discussion/presentations*

- Does territorially concentrated ethno-national diversity necessitate a measure of asymmetry in power & resource distribution?*
- What is the perceived value of centralizing or decentralizing power in a state to prevent/manage conflict?*

#### **Required:**

McGarry, J. (2007) "Asymmetry in Federations, Federacies and Unitary States" *Ethnopolitics* 6(1) 105 – 116.

- Blackboard via Link
- *You should also read the three short commentary pieces following the article*

Erk, J. & Koning, E. (2010) "New Structuralism and Institutional Change: Federalism Between Centralization and Decentralization" *Comparative Political Studies* 43(3) 353 – 378.

- Blackboard via Link

Roeder, P. (2009) "Ethnofederalism and the Mismanagement of Conflicting Nationalisms" *Regional and Federal Studies* 19(2) 203 – 219.

- Blackboard via Link

### **Other Readings**

Tarleton, C. (1965) "Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation" *Journal of Politics* 27(4) 861 – 874.

- Blackboard via Link

Erk, J. & Lawrence, A. "The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?" *Regional and Federal Studies* 19(2) 191 – 202.

- Blackboard via Link

Kymlicka, W. (2001) *Politics in the Vernacular* (Oxford University Press)

- Chapter 5.
- Blackboard via Link (EBook)

Hale, H. (2004) "Divided We Stand: Institutional Sources of Ethnofederal State Survival and Collapse" *World Politics* 56(2) 165 – 193.

- Blackboard via Link

Requejo, F. (2005) *Multinational Federalism and Value Pluralism* (Routledge)

- Chapters 3 & 4.
- Blackboard via Link (EBook)

Chhibber, P. & Kollman, K. (2005) *The Formation of National Party Systems: Federalism and Party Competition in Canada, Great Britain, India and the United States* (Princeton University Press)

- Chapter Five.
- Course Reserve

Lijpjtart, A. (2012) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (2<sup>nd</sup>) (Yale University Press)

- Chapter 10, Division of Power: the Federal-Unitary and Centralized-Decentralized Contrasts
- Blackboard via Link (EBook)

\*\*\*\*\* Research Proposals Due Today \*\*\*\*\*

*Questions to structure discussion/presentations*

- *Is Canada a multinational state – what are the implications of your view for how the federation ought to be organized?*
- *Should Quebec be granted more/different powers than other provinces, and if so which powers? What are the implications of your recommendation?*

**Required:**

Resnick, P. (2012) “Canada: A Territorial or a Multinational Federation?” in Requejo, F. & Caminal, M. (eds.) *Federalism, Plurinationality and Democratic Constitutionalism* (Routledge)

- This is Chapter 7 in the volume (but other readings may be of interest)
- Blackboard via Link (EBook)

Gagnon, A. (2010) *The Case for Multinational Federalism* (Routledge)

- Chapters 3 & 4 (though others maybe of interest)
- Blackboard via Link (EBook)

Schertzer, R. & Woods, E. (2011) “Beyond Multinational Canada” *Commonwealth & Comparative Politics* 49(2) 196 – 222.

- Blackboard via Link

Trudeau, P. (1996) *Against the Current: Selected Writings 1939 – 1996*. Pelletier, G. (ed.) (McClelland & Stewart)

- Selected Readings:
  - “Federalism, Nationalism and Reason” (Pg. 182 – 208)
  - “Quebec and the Constitutional Problem” (Pg. 219-228)
  - “The Meech Lake Accord 1, 2 & 3” (Pg. 229 – 245).
- Course Reserve

**Other Readings**

Kymlicka, W. (1998) *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Oxford University Press)

- Chapters 9 & 10
- Course Reserve

Choudhry, S. (2007) “Does the World Need More Canada? The Politics of the Canadian Model in Constitutional Politics and Political Theory” *International Journal of Constitutional Law* 5(4)

- Blackboard via Link

Woods, E. (2012) "Beyond Multination Federalism: Reflections on Nations and Nationalism in Canada" *Ethnicities* 12(3)

- Blackboard via Link

Resnick P. (1994) *Thinking English Canada* (Stoddart Publishing)

- Course Reserve

Taylor C (1993) *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (McGill – Queen's University Press)

- Blackboard via Link (EBook)

Week Seven: The case for centralization and decentralization in Canada [Oct 26]

*This week builds on the last and will mainly consist of a debate on the actual and ideal distribution of power in the Canadian Federation. It will start with two presentations – as other weeks do – on the following questions, which will then be followed by debate.*

- A. *Defend this statement: responsibility, resources and power in Canada should be decentralized to the provinces to the extent possible.*
- B. *Defend this statement: responsibility, resources and power in Canada should be centralized in the federal government to the extent possible.*

**Required:** *Select an appropriate number of readings from those identified below.*

Hubbard, R. & Paquet, G. (eds.) (2010) *The Case for Decentralized Federalism* (University of Ottawa Press)

- Introduction (by Ruth Hubbard and Gilles Paquet)
- Chapter One – Federalism, Decentralization and Canadian Nation Building (by Thomas J. Courchene).
- Chapter Five – Re-Federalizing Canada: Refocusing the Debate on Decentralization (by Francois Rocher and Marie-Christine Gilbert)
- Blackboard via Link (EBook)

DiGiacomo, G. & Flumian, M. (eds.) (2010) *The Case for Centralized Federalism* (University of Ottawa Press)

- Introduction and Conclusion (by Gordon DiGiacomo)
- Chapter One – Ottawa's Deferential Approach to Intergovernmental Relations (by Gordon DiGiacomo)
- Chapter Five – The Practitioner's Perspective (by Maryantonett Flumian)
- Blackboard via Link (EBook)

*Questions to structure discussion/presentations:*

- A. *What are the different forms of arbitration in federations? Assess their strengths and weaknesses.*
- B. *What is the ideal role of the federal arbiter in a diverse federation – what should its objective be?*

**Required:**

Schertzer, R. (2016) *The Judicial Role in a Diverse Federation: Lessons from the Supreme Court of Canada* (University of Toronto Press)

- Chapter Two: The Role of the Federal Arbiter in a Diverse Federation
- Blackboard via PDF (Scan)
- Course Reserve

Halberstam, D. (2008) “Comparative Federalism and the Role of the Judiciary” in Calderia, G., Kelemen, R. & Whittington, K. (eds) *The Oxford Handbook of Law and Politics* (Oxford University Press)

- Blackboard via Link (EBook)
- Available on Blackboard via PDF

Hueglin, T. & Fenna, A. (2006) *Comparative Federalism: A Systematic Inquiry* (Broadview Press)

- Chapter Ten: Judicial Review
- Course Reserve

Bzdera, A. (1993) “Comparative Analysis of Federal High Courts: A Political Theory of Judicial Review” *Canadian Journal of Political Science* 26(01)

- Blackboard via Link

**Other Readings**

Tierney, S. (2009) “Crystallizing Dominance. Majority Nationalism, Constitutionalism and the Courts” in Lecours, A. & Nootens, G. (eds.) *Dominant Nationalism, Dominant Ethnicity: Identity, Federalism and Democracy* (P.I.E. Peter Lang)

- Course Reserve

McCrudden, C. & O’Leary, B. (2013) *Courts and Consociations: Human Rights versus Power-Sharing* (Oxford University Press)

- Particularly Chapter One and Three
- Blackboard via Link (Ebook)

Hirschl, R. (2013) "The Constitutional Jurisprudence of Federalism and the Theocratic Challenge." In Skogstad, et. al (eds.) *The Global Promise of Federalism* (University of Toronto Press)

- Course Reserve

Hirschl, R. (2008) "The Judicialization of Mega-Politics and the Rise of Political Courts" *Annual Review of Political Science* 11: 93 – 118

- Blackboard via Link

Wheare, K. (1963) *Federal Government* (4<sup>th</sup> ed.) (Oxford University Press)

- Chapter Four
- Course Reserve

Lijpjt, A. (2012) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (2<sup>nd</sup>) (Yale University Press)

- Chapter 12, Constitutions: Amendment Procedures and Judicial Review
- Blackboard via Link (EBook)

Shapiro, M. (1981) *Courts: A Comparative and Political Analysis* (University of Chicago Press)

- Chapter One
- Course Reserve

Vaubel, R. (2009) "Constitutional Courts as Promoters of Political Centralization: Lessons for the European Court of Justice." *European Journal of Law and Economics* 28 (3)

- Blackboard via Link

Week Nine: The Supreme Court of Canada (SCC) and federalism [Nov 9]
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*Questions to structure discussion/presentations:*

- Has the SCC been a neutral umpire?*
- What is the ideal role of the SCC in Canada as its federal arbiter?*

**Required:**

Baier, G. (2006) *Courts and Federalism: Judicial Doctrine in the United States, Australia, and Canada* (UBC Press)

- Chapter 1 & 5.
- Course Reserve

Schertzer, R. (2008) 'Recognition or Imposition? Federalism, National Minorities, and the Supreme Court of Canada' *Nations and Nationalism* 14:1

- Blackboard via Link

Greschner, D (2000) "The Supreme Court, Federalism, and Metaphors of Moderation" *Canadian Bar Review* 79(2)

- Blackboard via Link

### **Other Readings**

Radmilovic, V. (2010) "Strategic Legitimacy Cultivation at the Supreme Court of Canada: Quebec Secession Reference and Beyond" *Canadian Journal of Political Science* 43(4)

- Blackboard via Link

Brouillet, E. & Tanguay, Y. (2012) "The Legitimacy of the Constitutional Arbitration Process in a Multinational Federative Regime: The Case of the Supreme Court of Canada" *UBC Law Review* 45 (1)

- Blackboard via Link

Kelly, J. & Murphy, M. (2005) "Shaping the Constitutional Dialogue on Federalism: Canada's Supreme Court as Meta-Political Actor" *Publius* 35(2)

- Blackboard via Link

Choudhry, S. & Gaudreault-DesBiens, J. (2007) "Frank Iacobucci as Constitution Maker: From the Quebec Veto Reference to the Meech Lake Accord and the Quebec Secession Reference" *University of Toronto Law Journal* 57(2)

- Blackboard via Link

Leclair, J. (2003) "The Supreme Court of Canada's Understanding of Federalism: Efficiency at the Expense of Diversity" *Queen's Law Journal* 28:2

- Pages 411 to 453
- Blackboard via Link

Swinton, K. (1992) "Federalism under Fire: The Role of the Supreme Court of Canada" *Law and Contemporary Problems* 55(1)

- Blackboard via Link

Monahan, P. (1984) "At Doctrine's Twilight: The Structure of Canadian Federalism" *University of Toronto Law Journal* 34(1)

- Blackboard via Link

Week Ten: Considering the *Secession Reference* and the Role of the SCC [Nov 16]

Questions to structure discussion/presentations:

What does the *Secession Reference* (and other landmark cases) tell us about how the Supreme Court of Canada...

- a. ...understands the federation?
- b. ...understands its own role in the federation?

**Required:**

*Reference re Secession of Quebec* [1998] 2 S.C.R. 217

- Blackboard via Link (full version)

**Other Readings**

Schertzer, R. (2016) *The Judicial Role in a Diverse Federation: Lessons from the Supreme Court of Canada* (University of Toronto Press)

- Chapter Four: The Exemplar of the Secession Reference
- Course Reserve

*Re: Resolution to Amend the Constitution* [1981] 1 S.C.R. 753

- Blackboard via Link

*Reference re Supreme Court Act, ss. 5 and 6* [2014] SCC 21

- Blackboard via Link

*Reference re: Senate Reform* [2014] SCC 32

- Blackboard via Link

Week Eleven: Representation of minority groups in central institutions [Nov 23]

Questions to structure discussion/presentations:

- A. What are the main ways theory and policy have tried to represent ethno-national diversity and minorities in central/federal government institutions?
- B. Are the approaches of granting minorities territorial autonomy and representing them in central institutions contrary or complementary?

**Required:**

Olson, D. & Franks, C.E.S (1993) "Representation and the Policy Process in Federal Systems: Introduction" in Olson, D. & Franks, C.E.S (eds.) *Representation*



*and Policy Formation in Federal Systems* (Institute of Governmental Studies Press, University of California, Berkeley / Institute of Intergovernmental Relations, Queens University)

- Course Reserve
- Blackboard via Link (Ebook) here:  
<http://www.queensu.ca/iigr/pub/archive/books.html>

Wolff, S. (2009) 'Complex Power Sharing and the Centrality of Territorial Self-governance in Contemporary Conflict Settlements' *Ethnopolitics* 8(1): 27-45

- Blackboard via Link

Lijphart, A. (2012) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (2<sup>nd</sup>) (Yale University Press)

- Chapter 15 & 16
- Blackboard via Link
- For a reminder on consociational theory, review Chapter Five

### **Other Readings**

Watts, R. (2008) "Federal Second Chambers Compared" *Working Paper 2008-02* (Institute of Intergovernmental Relations)

- Blackboard via Link

Kincaid, J. (1999) "Confederal Federalism and Citizen Representation in the European Union" *West European Politics* 22(2)

- Blackboard via Link

Bird, K. (2014) "Ethnic Quotas and Ethnic Representation Worldwide" *International Political Science Review* 35(1)

- Blackboard via Link

Htun, M. (2004) "Is Gender like Ethnicity? The Political Representation of Identity Groups" *Perspectives on Politics* 2(3)

- Blackboard via Link

Thorlakson, L. (2003) "Comparing Federal Institutions: Power and Representation in Six Federations" *West European Politics* 26(2)

- Blackboard via Link
- Of particular interest is the discussion from pages 16 to 20.

Swenden, W. (2004) *Federalism and Second Chambers: regional representation in parliamentary federations – the Australian Senate and German Bundesrat compared* (P.E.I. Peter Lang)

- Course Reserve

Brito Vieira, M. & Runciman, D (2008) *Representation* (Polity Press)

- Chapter Four (Representing Groups)
- Course Reserve

Banducci, S., Donovan, T. & Karp, J. (2004) “Minority Representation, Empowerment, and Participation” *Journal of Politics* 66(2)

- Blackboard via Link

<p>Week Twelve: Minority/regional representation in Canadian federal institutions [Nov 30]</p>
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\*\*\*\*\* Research Papers Due \*\*\*\*\*

*Questions to structure discussion/presentations:*

- A. *Does the senate in Canada represent and protect national minority groups and regions? Could/should it do this better?*
- B. *What institutions other than the senate play a critical role in representing national minority and regional interests?*
  - *Are they currently designed and functioning effectively?*
  - *What changes could – and should – be made, if any?*

**Required:**

Schertzer, R. (2016) ‘Quebec Justices as Quebec Representatives: National Minority Representation and the Supreme Court of Canada’s Federalism Jurisprudence’ *Publius: Journal of Federalism*.

- Blackboard via Link

Smith, D. (2003) *The Canadian Senate in Bicameral Perspective* (University of Toronto Press)

- Chapters Four (Representation) & Five (Federalism)
- Blackboard via Link (EBook):

Watts, R. (1993) “Representation in North American Federations: A Comparative Perspective” in Olson, D. & Franks, C.E.S (eds.) *Representation and Policy Formation in Federal Systems* (Institute of Governmental Studies Press, University of California, Berkeley / Institute of Intergovernmental Relations, Queens University)

- Course Reserve
- Blackboard via Link (Ebook) here:  
<http://www.queensu.ca/iigr/pub/archive/books.html>

## Other Readings

Sossin, L. (2013) "Should Canada Have a Representative Supreme Court?" in Verrelli, N. (ed) *The Democratic Dilemma: Reforming Canada's Supreme Court* (Institute of Intergovernmental Relations, Queen's University)

- Course Reserve
- Initial working papers are also available here:  
<http://www.queensu.ca/iigr/pub/archive/DemocraticDilemma/ReformingTheSCC/SCCpapers.html>

Bakvis, H. & Tanguay B. (2012) "Federalism, Political Parties and the Burden of National Unity: Still Making Federalism Do the Heavy Lifting?" in Bakvis and Skogstad (eds) *Canadian Federalism: Performance, Effectiveness and Legitimacy*, (Oxford University Press)

- Course Reserve

Baier, G. & Bakvis, H. (2007) "Federalism and the Reform of Central Institutions: Dealing with Asymmetry and the Democratic Deficit" in Peach, I (ed) *Constructing Tomorrow's Federalism: New Perspectives on Canadian Governance* (University of Manitoba Press.)

- Blackboard via Link (Ebook)

Cairns, A. (1979) "From Interstate to Intrastate Federalism in Canada" (Institute of Intergovernmental Relations, Discussion Paper)

- Blackboard via Link, here:  
<http://www.queensu.ca/iigr/pub/archive/DiscussionPapers.html>

Stewart, I. (1993) "No Quick Fixes: The Canadian Central Government and the Problems of Representation" in Olson, D. & Franks, C.E.S (eds.) *Representation and Policy Formation in Federal Systems* (Institute of Governmental Studies Press, University of California, Berkeley / Institute of Intergovernmental Relations, Queens University)

- Course Reserve
- Blackboard via Link (Ebook) here:  
<http://www.queensu.ca/iigr/pub/archive/books.html>

Smiley, D. And Watts, R. (1985) *Intrastate Federalism in Canada* (Toronto: University of Toronto Press)

- Course Reserve

Carty, R. & Wolinetz, S. (2002) "Political Parties and the Canadian Federation's Coalition Politics" in Meekison, P. et al. (eds.) *Canada: The State of the Federation 2002: Reconsidering the Institutions of Canadian Federalism* (Montreal: McGill-Queen's University Press)

- Blackboard via Link (EBook)

Smith, J. (ed) (2009) *The Democratic Dilemma: Reforming the Canadian Senate* (Institute of Intergovernmental Relations, Queen's University)

- Course Reserve
- Various chapters would be of interest

Crandall, E. (2013) "Intergovernmental Relations and the Supreme Court of Canada: The Changing Place of the Provinces in Judicial Selection Reform" in Verrelli, N. (ed) *The Democratic Dilemma: Reforming Canada's Supreme Court* (Institute of Intergovernmental Relations, Queen's University)

- Course Reserve
- Initial working papers are also available here:  
<http://www.queensu.ca/iigr/pub/archive/DemocraticDilemma/ReformingTheSCC/SCCpapers.html>