



POL316H1F: Contemporary Canadian Federalism

Faculty of Arts and Science
Department of Political Science

Professor Elizabeth McCallion

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Land Acknowledgement

We wish to acknowledge this land on which the University of Toronto operates. For thousands of years, it has been the traditional land of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land.

Course Description

Is Canadian federalism working? This course explores how the rules and norms of Canadian federalism play out in practice. In the first part of the course, we examine theoretical underpinnings in the study of federalism in Canada and globally, such as classical federalism, co-operative federalism, and open federalism. Then, we will survey intergovernmental policy processes and ask whether federalism is working for people in Canada, including marginalized groups. Topics include the distribution of power, constitutionalism, judicial review and the notwithstanding clause, fiscal federalism, the social union, Indigenous governance, treaty federalism, and separatism in Quebec and the West.

Course Objectives

1. Students will develop a strong understanding of major issues in the field of Canadian federalism by attending lectures, engaging with class activities and participating in brief discussions during the lecture hours.
2. Students will strengthen their research skills and written communication skills by producing an interesting and relevant written essay outline and final essay. The essay outline and essay will

interrogate a topic of their choice assigned by the professor and make a persuasive argument about said topic.

3. Students will develop analytical skills and communication skills by writing a take-home final exam at the end of the term. The exam will require students to think broadly about key themes of Canadian federalism and tie together information from across multiple weeks of the course.

Course Requirements

Assignment	Weight	Due Date
Syllabus Quiz	3%	September 19 at 5 pm Makeup date: October 3 at 5 pm
Essay Outline	20%	October 17 at 5 pm
Essay	40%	November 21 at 5 pm
Meme Assignment	2%	November 28 at 5 pm
Take-Home Exam	35%	TBD – December Final Assessment Period

Syllabus Quiz: Before our second class, please read the syllabus and complete the short syllabus quiz, available in Quercus. The quiz will ask you to demonstrate your comprehension of the course syllabus. It is an open-book quiz (you can refer to the syllabus while answering questions). You are welcome to work with a classmate on the quiz if you wish – the purpose of the quiz is to ensure that you are aware of key course policies.

Essay Outline (600 words + reference list): The essay outline will be based on a topic you select from a list of topics provided by the professor. Include your thesis statement, main points of discussion, and the evidence you will use to support your arguments. In your references, list 5-7 sources, at least half of which should be peer reviewed. Remember to use your sources meaningfully to support your points.

Essay (3000 words + reference list): The final essay should make a convincing and sophisticated argument about a key debate in Canadian federalism. You should use at least 10 high quality sources; your reference list should be expanded after your essay outline feedback. It is strongly recommended that you write the essay based on your essay outline, unless you have compelling reasons for switching topics (in that case, it is recommended that you consult with the professor). Please see Quercus for more detailed instructions about the essay.

Meme Assignment: In the second-last week of class, submit a meme to the Quercus folder titled “Meme Assignment.” The meme should be related to some aspect of the course material. Please indicate in your submission note if you do not want the meme shared with the class or shared on social media, or if you do not want it credited to you. In addition to submitting to Quercus, feel free to share your meme on social media with the hashtag #POL316H1F!

Take-Home Exam: The take-home exam will encourage you to make connections across course themes and investigate key aspects of Canadian federalism. You will develop and share informed opinions in your answers to the questions. The exam will involve an element of choice – out of a list of five questions, you will choose three to answer. Answers will be a maximum of 600 words each. The exam is expected to take three hours to write, but you will have a period of 24 hours

between the exam release and its due date. This allows students to manage their own accommodations – if you need extra time, need to take breaks, need to have a snack, or write the exam in smaller stretches of time over the day, you may do so. The exam will be released on Quercus and circulated by email, and it must be submitted to Quercus before the deadline.

Assignment Submission Method

Assignments must be submitted online, through Quercus. If students run into a technical issue with Quercus submission close to the deadline, they should email their completed work to elizabeth.mccallion@utoronto.ca before the deadline to prove that it is complete. They should then upload their work to Quercus as soon as possible after the deadline once the technical issue is resolved.

Late Policy and Missed Term Work

In the interest of a Universal Design for Learning, assignments will have a 72-hour grace period after the deadline where no late marks are deducted. Students do not need to request an extension of up to three days (if an extension longer than three days is needed, please reach out to the professor via email). Assignments submitted after the 72-hour grace period will receive a penalty of 5% per day. Assignments submitted more than one week after the due date will not be accepted.

Please note that the grace period *does not* apply to the take-home exam. The take-home exam is due 24 hours after it is released, without exception. If extenuating circumstances prevent a student from writing the exam, you may request to write the exam at a later date by emailing elizabeth.mccallion@utoronto.ca, preferably one week before the exam. If you miss the exam due to emergency circumstances, please request a deferral within 48 hours of the exam (special exceptions can be made for students who were incapacitated for longer than 48 hours). Please note that all deferred take-home exams will be written at the same time in January, on a date of the professor's choosing.

Regrade Policy

You may request a regrade of your work. Requests for a regrade may not be made within 48 hours of receiving feedback and must be made within two weeks of receiving feedback.

If the TA originally graded your work: You must submit a written request (max 1 page) to the TA explaining the reason that you think your work should be regraded. The request for the regrade must be based on the manifest content of the work, not on external factors (such as the effort you put in, the grade you need to get into another program, etc.). If the TA does not agree to change the grade or if you are unsatisfied with the TA's resolution, you may ask the TA to escalate the appeal to the professor. The TA will send the professor a fresh (ungraded) copy of your work and she will assign it a new grade.

If the professor originally graded your work: You must submit a written request (max 1 page) to the professor explaining the reason that you think your work should be regraded. The request for the regrade must be based on the manifest content of the work, not on external factors (such as the effort you put in, the grade you need to get into another program, etc.). The professor will take another look at your essay and consider the points made in your appeal.

Remember that if work is regraded, there are three possible outcomes: the grade may be higher, it may stay the same, or it may be lower than the original grade. After the regrade, the original grade will be erased, and the new grade will stand.

Please note that if you are unsatisfied with the professor's decision at the end of the regrade process and you have made every effort to understand her reasoning, you have the right to apply for a Special Consideration Request to the Academic Department (the first level is an appeal to the Undergraduate Coordinator).

Weekly Topic Outline

Week 1 (September 12) – Introduction to the Course

No readings (please familiarize yourself with course policies in the syllabus)

Week 2 (September 19) – What is Federalism?

Syllabus Quiz Due

Hueglin, Thomas O., and Alan Fenna. 2020. *Comparative Federalism: A Systematic Inquiry*. Toronto: University of Toronto Press. → **Please read Chapter 1: “The Promise of Federalism” (pp. 1-15)**

Smith, David E. 2010. *Federalism and the Constitution of Canada*. Toronto: University of Toronto Press. → **Please read Chapter 3: “A Constitution in Some Respects Novel” (pp. 40-61)**

Dubois, Janique, and Kelly Saunders. 2013. “‘Just Do It!’: Carving Out a Space for the Métis in Canadian Federalism.” *Canadian Journal of Political Science* 46(1): 187-214.

Week 3 (September 26) – Federalism, Constitutionalism, and the Courts

Cameron, David. 2015. “Canada’s Constitutional Legitimacy Deficit: Learning to Live with It.” In K. Banting, R.P. Chaykowski, S.F. Lehrer, and T.J. Courchene (eds.), *Thinking Outside the Box: Innovation in Policy Ideas*. Montreal-Kingston: McGill-Queen’s University Press. 277-293.

Ladner, Keira. 2019. “Beyond Crown Sovereignty: Good Governance and Treaty Constitutionalism.” In K. Hanniman and E. Goodyear-Grant (eds.), *Canada at 150: Federalism and Democratic Renewal*. Kingston: Institute of Intergovernmental Relations. 227-251.

Baier, Gerald. 2006. *Courts and Federalism: Judicial Doctrine in the United States, Canada, and Australia*. Vancouver: UBC Press. → **Please read Chapter 5, “The Canadian Supreme Court: Balanced Federalism” (pp. 123-155).**

Froc, Kerri and Carissima Mathen. 2022. “Preventing the use of the notwithstanding clause is a bad idea – and unnecessary.” *Policy Options*. November 14.

<https://theconversation.com/preventing-use-of-the-notwithstanding-clause-is-a-bad-idea-and-unnecessary-194097>

Week 4 (October 3) – Federalism and the National Parliament

Watts, Ronald L. 2003. "Bicameralism in Federal Parliamentary Systems." In S. Joyal (ed.) *Protecting Canadian Democracy: The Senate You Never Knew*. Montreal: McGill-Queen's University Press. 67-104.

Smith, David E. 2003. *The Canadian Senate in Bicameral Perspective*. Toronto: University of Toronto Press. → **Please read Chapter 5: "Federalism" (pp. 89-109)**

Skogstad, Grace. 2009. "Western Canada and the 'Illegitimacy' of the Liberal-NDP Coalition Government." In P. Russell and L.M. Sossin (eds.), *Parliamentary Democracy in Crisis*. Toronto: University of Toronto Press. 163-174.

Week 5 (October 10) – Executive Federalism and Intergovernmental Relations

Wallner, Jennifer. 2017. "Ideas and Intergovernmental Relations in Canada." *Politics Symposium: Canadian Politics at the 150th Anniversary of Confederation*. 717-722.

Alcantara, Christopher. 2013. "Ideas, Executive Federalism, and Institutional Change: Explaining Territorial Inclusion in Canadian First Ministers' Conferences." *Canadian Journal of Political Science* 46(1): 27-48.

Macdonald, Douglas. 2020. *Carbon Province, Hydro Province: the Challenge of Canadian Energy and Climate Federalism*. Toronto: University of Toronto Press. → **Please read Chapter 2: "Energy and Climate-Change Intergovernmental Relations" (pp. 35-62)**

Week 6 (October 17) – Indigenous Governments and Federalism

Essay Outline Due

Jourdeuil, Kaitie. 2022. "This Canada Day, settler Canadians should think about 'land back.'" *The Conversation*. June 29. <https://theconversation.com/this-canada-day-settler-canadians-should-think-about-land-back-184816>

Ladner, Kiera L. 2010. "Colonialism Isn't the Only Answer: Indigenous Peoples and Multilevel Governance in Canada." In M. Haussman, M. Sawyer, and J. Vickers (eds.), *Federalism, Feminism, and Multilevel Governance*. Burlington, VT: Ashgate. 67-82.

Henderson, James (Sa'ke'j) Youngblood. 2019. "UN Declaration on the Rights of Indigenous Peoples and Treaty Federalism in Canada." *Review of Constitutional Studies* (24)1: 17-41.

Week 7 (October 24) – Fiscal Federalism

Hueglin, Thomas O. 2021. *Federalism in Canada: Contested Concepts and Uneasy Balances*. Toronto: University of Toronto Press. → **Please read Chapter 5, “Mostly Fiscal Relations” (pp. 125-169)**

Lecours, André and Daniel Béland. 2009. “Federalism and Fiscal Policy: The Politics of Equalization in Canada.” *Publius: The Journal of Federalism* 40(4): 569-596.

Hanniman, Kyle. 2018. “Is Canadian Federalism Market-Preserving? The View from Bond Markets.” In E. Goodyear-Grant et al. (eds.), *Federalism and the Welfare State in a Multicultural World*. Montreal: McGill-Queen’s University Press. 49-72.

Week 8 (October 31) – The Social Union

Banting, Keith G. 2020. “The Three Federalisms and Change in Social Policy.” In H. Bakvis and G. Skogstad (eds.), *Canadian Federalism: Performance, Effectiveness, and Legitimacy*. Toronto: University of Toronto Press. 282-309.

Mahon, Rianne, and Cheryl Collier. 2010. “Navigating the Shoals of Canadian Federalism: Childcare Advocacy.” In M. Haussman, M. Sawyer, and J. Vickers (eds.), *Federalism, Feminism, and Multilevel Governance*. Burlington, VT: Ashgate. 67-82.

McGinn, Dave. 2022. “How much parents benefit from the national child-care plan depends on where they live.” *The Globe and Mail*. July 9. <https://www.theglobeandmail.com/canada/article-10-a-day-child-care-fees-canada/>

November 6 – Last Day to Drop Fall Courses

-----**READING WEEK – NOVEMBER 7 – NO CLASS**-----

Week 9 (November 14) – Guest Lecture

Week 10 (November 21) – Laboratory Federalism, Policy Diffusion and Variation

Essay Due

Boyd, Brendan. 2021. “Introduction: Theorizing about Provinces as Provincial Laboratories for Policy Diffusion and Transfer.” In B. Boyd and A. Olive (eds.), *Provincial Policy Laboratories: Policy Diffusion and Transfer in Canada’s Federal System*. Toronto: University of Toronto Press. 3-31.

Wallner, Jennifer. 2014. "Learning to School: Federalism and Public Schooling in Canada." Toronto: University of Toronto Press. → **Please read Chapter 1, "Defying the Odds I: Investments and Achievements in Canadian Elementary and Secondary Education."** 35-56

Johnstone, Rachael. 2017. *After Morgentaler: The Politics of Abortion in Canada*. Vancouver: UBC Press. → **Please read Chapter 3, "Abortion in the Provinces" (pp. 81-106)**

Week 11 (November 28) – The Spectre of Separatism

Meme Assignment Due

Supreme Court of Canada. 1998. *Reference re: Secession of Quebec*. [1998] 2 SCR 217. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do> → **Please read the head note (i.e., from the top of the document until "Cases Cited" on p. 223)**

Cowie, Chadwick. 2021. "Quebec Sovereignty and Indigenous Nationhoods: Critiquing the Quebec Secessionist Movement from 'an Indigenous' Lens." *Journal of Australian, Canadian, and Aotearoa New Zealand Studies* 1(1): 7-44

Anderson, Drew. 2019. "Analysis: Anger, anxiety, and the 'deep story' behind Wexit." *CBC News*. November 16. <https://www.cbc.ca/news/canada/calgary/analysis-alberta-wexit-democracy-1.5359857>

Week 12 (December 5) – Exam Review

Please come prepared with questions about the course material and the take-home exam

Course Policies

Academic Integrity

Academic integrity is constituted by the five core fundamental values of honesty, trust, fairness, respect and responsibility (see <https://academicintegrity.org/about/values>). These values are central to the building, nurturing and sustaining of an academic community in which all members of the community will thrive. Students are responsible for familiarizing themselves with the University's policies and procedures on academic integrity (<https://www.academicintegrity.utoronto.ca/>).

A WARNING ABOUT PLAGIARISM

Plagiarism is an academic offence with a severe penalty.

It is essential that you understand what plagiarism is and that you do not commit it. In essence, it is the theft of the thoughts or words of others, without giving proper credit. You must put others' words in quotation marks and cite your source(s). You must give citations when using others' ideas, even if those ideas are paraphrased in your own words. Plagiarism is unacceptable in a university. What the university calls "plagiarism", non-university institutions might call "fraud".

The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. In the Department of Political Science, suspected evidence of plagiarism must be reported to the Chair; in most cases, the Chair passes the case on to the Dean.

A faculty member may not mark an assignment or assess a penalty if he or she finds evidence of plagiarism – the matter must be reported. Penalties are assigned by the Chair, by the Dean or by the University of Toronto Tribunal.

The following are some examples of plagiarism:

1. Submitting as your own an assignment written by someone else.
2. Quoting an author without indicating the source of the words.
3. Using words, sentences, or paragraphs written by someone else and failing to place quotation marks around the material and reference the source and author. Using either quotation marks or reference alone is not sufficient. Both must be used!
4. Adapting an author's ideas or theme and using it as your own without referencing the original source.
5. Seeking assistance from a friend or family member in respect to work you claim as your own.

Ignorance of the rules against plagiarism is not a defence; students are presumed to know what plagiarism is and how to avoid it.

Students are especially reminded that material taken from the web must be quoted and cited in the same manner as if it came from a book or printed article.

If you are not sure whether you have committed plagiarism, it is better to ask a faculty member or teaching assistant than risk discovery and be forced to accept an academic penalty.

Plagiarism is **cheating**. It is considered a serious offence against intellectual honesty and intellectual property. Penalties can be severe, ranging from a mark of “0” for the assignment or test in question, **up to and including expulsion from the university**.

Website listed below on avoiding plagiarism:

‘How to Use Sources and Avoid Plagiarism’ - available at:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

****To simplify plagiarism investigations (and to protect yourself from plagiarism accusations), please keep your research notes from your assignments until after you receive grades for them****

Ouriginal Plagiarism Detection

Normally, students will be required to submit their course essays to the University’s plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool’s reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University’s use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).

If you would like to opt out of submitting your assignments through Ouriginal, please notify the professor before September 19. Alternate modes of plagiarism checking will be used instead.

Artificial Intelligence Policy

The use of generative artificial intelligence tools or apps for assignments in this course, including tools like ChatGPT and other AI writing or coding assistants, is prohibited. Representing as one’s own an idea, or expression of an idea, that was AI-generated may be considered an academic offense in this course. Students may not copy or paraphrase from any generative artificial intelligence applications, including ChatGPT and other AI writing and coding assistants, for the purpose of completing assignments in this course. This course policy is designed to promote your learning and intellectual development and to help you reach course learning outcomes.

Accessibility Services

Students with disabilities may receive accommodation from the University and need to register with accessibility services. Instructors are notified with a request for accommodation and can give the request consideration. For best practices around accommodations, visit Accessibility Services <https://studentlife.utoronto.ca/departments/accessibility-services/> or email accessibility.services@utoronto.ca or Tel: 416-978-8060.

I am more than happy to entertain requests for accommodations, and I encourage students to approach me regarding these requests as soon as possible. I will do my best to accommodate students’ requests, including requests for extensions, modified assignments, and changes to the physical classroom environment (including microphones, seating, lighting, PowerPoint slides, etc.).

Writing Centre Support

All students are encouraged to make use of the writing centres at their colleges. Writing centres will provide you with feedback on your work before submission, and they can give you useful tips for planning and executing assignments. More information about the writing centres at the various colleges can be found here: <https://writing.utoronto.ca/writing-centres/arts-and-science/>

Technology Support for Students

If you encounter any technical issues during the course, please try restarting your internet browser and restarting your computer. If that does not resolve the problem and you have exhausted all other solutions, please report the technical problem to the course instructor and/or the Information Commons Help Desk, as appropriate.

For Quercus and all other technology support, contact the Information Commons Help Desk: help.desk@utoronto.ca. For more details, visit Info Commons Help Desk, Robarts Library.

Online Communication Policy

I monitor my email from Monday to Friday, 9 am to 5 pm. Any response to emails outside of that time should not be interpreted as an ongoing commitment to monitor emails during the evenings or weekends. You can expect a response from me within two business days – if you do not hear back from me within two business days, you are welcome to follow up on your email to make sure that I saw it.

Equity, Diversity, and Inclusion

The University of Toronto is committed to equity, human rights and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect where all members of our community can express themselves, engage with each other, and respect one another's differences. U of T does not condone discrimination or harassment against any persons or communities.

Health and Wellness

Students can access a wide range of programs and services to support their health and wellbeing. Many of these programs are listed at:

<https://studentlife.utoronto.ca/department/health-wellness/>

For Students - U of T

- U of T Health & Wellness uoft.me/5EB
- 416-978-8030
- Support if Students are Feeling Distressed uoft.me/5EC
- U of T Telus Health Student Support <https://mentalhealth.utoronto.ca/telus-health-student-support/>
- Community Safety Office communitysafety.utoronto.ca/ 416-978-1485
- U of T Safety & Support safety.utoronto.ca/