

**POL 316Y-University of Toronto  
Contemporary Canadian Federalism**

**COURSE OUTLINE**

**2013-2014**

**Class Hours: Thursday, 4:00 – 6:00 pm**

**Location: UC 163**

**Professor Michael Stein**

**Office (U of T): Sidney Smith 3120**

**Office Hours: Thurs., 2:00-4:00 pm**

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**Course content:**

**The course will address the major historical and current issues in Canadian federalism and intergovernmental policy, emphasizing the post-World War II period. It will also draw comparisons, where relevant, with other federal systems. The fall term will be devoted to theoretical, constitutional and institutional issues. It will be subdivided into 7 sections. In section 1 (Introduction) we will define the concepts of federalism and federation, and place them within a broader conceptual framework. Section 2 will cover the major approaches and value questions that are common to the study of federal systems. In section 3 we will consider some alternative views of the origin of the federal concept, and compare the pattern of historical development of federalism in Canada with that of other federal systems, particularly the United States. In sections 4-6 we will explore some historical and contemporary issues in the study of Canadian federalism. We will address these issues by analyzing the way federal structures such as the constitution, judicial review, and executive federalism influence and shape them. In the seventh section we will give special attention to the patterns of Quebec-Canada intergovernmental relations, including Quebec's desire for constitutional recognition of its special status, its relations in practice recently with both the current federal government and the other provinces and territories, and the possibility of either future federal constitutional reform or Quebec secession.**

**In the winter term we will survey intergovernmental policy processes and substantive policy concerns in a number of different economic, social and cultural areas of Canadian politics, and also consider some comparative intergovernmental policy issues. It will be subdivided into 8 sections, encompassing sections 8-15. Section 8 (Theoretical Approaches to the study of intergovernmental relations and**

public policy) will treat some of the ways that intergovernmental policy issues have been identified and addressed analytically by students of federalism. Sections 9-11 on intergovernmental economic policy will explore problems of national economic development, international trade and economic globalization, and vertical and horizontal disparities and inequalities in fiscal federalism. Sections 12-13 on intergovernmental social policy will cover health policy and post-secondary education. Section 14 will address intergovernmental relations and aboriginal self-government and Section 15 will deal with intergovernmental environmental policy.

**Course objectives:**

The major objectives of the course are:

1. to give students a broader historical and contemporary understanding of Canadian federalism and of intergovernmental policy issues, particularly in relation to experience in other federal systems, and in terms of the values it promotes.
2. to make students aware of the variety of theoretical and ideological perspectives used to analyze and address these problems.
3. to provide students with a more in-depth understanding of current issues in the contemporary operation of Canadian federalism and intergovernmental policy, a forum to debate alternative proposals for federal system and intergovernmental policy reform, and an opportunity to frame possible scenarios for the breakdown of our federal system.

**Course requirements:**

There will be two hours of lectures, including in-class discussion, during most scheduled course times; however four one-hour tutorial sessions comprised of smaller groups of students will be scheduled intermittently during the year, as indicated in the course outline below. The tutorials will be led either by the instructor or the teaching assistant. Students are expected to attend and participate actively in all such tutorial sessions, since they will be earning most of their participation grade in them. Additional topic readings for these tutorials may occasionally be assigned to the students.

Students will write an in-class one hour mid-term test on THURSDAY, OCTOBER 17, 2013 in the fall term and on THURSDAY, FEBRUARY 27, 2014 in the winter term. They will also be asked to submit to the instructor each term a short (1-2 page) essay outline that includes the topic and major research question of their planned essay. These essay outlines are due on THURSDAY, OCTOBER 24, 2012 and on THURSDAY, FEBRUARY 13, 2014 respectively. A choice of essay topics

will be distributed early in each term, and the completed essay of about ten (10) typewritten double-spaced pages in length will be due on THURSDAY, OCTOBER 31, 2013 and THURSDAY, MARCH 6, 2014 respectively. All essay assignments should be submitted to the instructor at the beginning of the class on the due date. Students are strongly advised to keep rough draft work and hard copies of their essays and assignments before handing them in to the Department. These should be kept until the marked essays and assignments have been returned. A penalty of 0.5% of the final overall course grade per day will be deducted for late essays. Students will also be expected to write a one-hour in-class test at the end of each term. Course grades will be allocated as follows: 15% for each mid-term and end-of-term test, 15% for each essay, and 10% for tutorial and class participation. (both terms)

### Course textbooks and coursepack readings:

There are three texts that have been ordered for the University of Toronto bookstore and also placed on Short Term Loan (reserve) in Robarts Library. They are: Herman Bakvis, Gerald Baier and Douglas Brown, *Contested Federalism: Certainty and Ambiguity in the Canadian Federation* (Don Mills: Oxford University Press, 2009), Herman Bakvis and Grace Skogstad (eds.), *Canadian Federalism: Performance, Effectiveness and Legitimacy*, 3rd ed. (Don Mills: Oxford University Press, 2012), and Ronald L. Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (Kingston: Institute of Intergovernmental Relations, Queen's University/McGill-Queen's University Press, 2008). The first two (Bakvis et al., 2009 and Bakvis and Skogstad, eds., 3<sup>rd</sup> ed., 2012) may be purchased in the bookstore as a joint package at a lower price than that charged for the two books individually. The third (Watts 2008) text will be used in the first term only. There will be reading assignments from these texts in most sections of the course outline. In addition to these textbook assignments, there will be other reading assignments in the syllabus which are available either in a coursepack (indicated by an asterisk or \*) or obtainable from the reserve (Short Term Loan) section of Robarts Library. The 2013-2014 coursepack can be ordered and purchased at the University of Toronto Campus Bookstore, 214 College Street, Toronto M5S 2B3 (Phone 416-978-7900) or obtained at [www.uoftbookstore.com](http://www.uoftbookstore.com). There will also be a limited number of books available in the U of T bookstore as Recommended full-length course readings..

### Plagiarism:

Plagiarism is a serious offence, and will be dealt with accordingly. For further clarification and information, please see the University of Toronto's policy on plagiarism at <http://www.writing.utoronto.ca/advice/using-sources.html>. Normally, students will be required to submit their course essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

**Accessibility Needs:**

The University of Toronto is committed to accessibility. If you require accommodations for a disability, or have any accessibility concerns about the course, the classroom or class materials, please contact Accessibility Services as soon as possible at: [disability.services@utoronto.ca](mailto:disability.services@utoronto.ca) or <http://studentlife.utoronto.ca/accessibility>.

**Blackboard:**

All information about additions or changes in course readings and assignments will be posted on the course website, Blackboard, by the instructor or his teaching assistant, and will also be announced in class. Class handouts and other teaching aids will also be made available on the Blackboard website.

**LECTURE/TUTORIAL/ ESSAY/TEST SCHEDULE AND WEEKLY READING ASSIGNMENTS (\*in coursepack)**

**FALL TERM (September to December, 2013):**

**Preliminary Organizational Matters:** Discussion of course content, objectives and requirements (September 12 [first hour only])

1. **Introduction:** What is Federalism? What are some of its Major Forms and Political Dimensions? How effective have the institutions of federalism been in Canada? (September 19, 26)

**Readings:**

\*Watts, Ronald L., "The Federal Idea and its Contemporary Relevance". In Thomas J. Courchene et al. (eds.), *The Federal Idea: Essays in Honour of Ronald L. Watts* (Montreal & Kingston: McGill-Queen's University Press, 2011), chapter 2 (on library reserve). Also in coursepack, chapter 1.

Bakvis et al., *Contested Federalism* (2009), Introduction and chapter 1 (pp. 1-7, 10-19, 21-23).

Bakvis and Skogstad (eds.), 3<sup>rd</sup> ed. (2012), chapter 1 (essay by Bakvis and Skogstad).

\*Rocher, Francois and Miriam Smith, "The Four Dimensions of Canadian Federalism" in Rocher and Smith (eds.) *New Trends in Canadian Federalism*,

2<sup>nd</sup> ed. (Peterborough: Broadview Press, 2003), chapter 1 (on library reserve). Also in coursepack, chapter 2.

\*Gagnon, Alain G., “The Political Uses of Federalism” in Francois Rocher and Miriam Smith (eds.) 1<sup>st</sup> ed. (1995), chapter 1 (on library reserve). Also in coursepack, chapter 3.

Watts, Ronald L., *Comparing Federal Systems*, 3<sup>rd</sup> ed. rev. (Kingston: Institute of Intergovernmental Relations, Queen’s University/McGill-Queen’s University Press, 2008), chapter 1 (sections 1.1-1.5, 1.7-1.8)

## 2. Theoretical Approaches and Normative (Value) Issues (October 3)

### Readings:

Bakvis et al., *Contested Federalism* (2009), chapter 1 (pp. 7-10, 19-21).

\*Smiley, D.V., *The Federal Condition in Canada* (Toronto: McGraw-Hill Ryerson, 1987), chapter 1 (on library reserve). Also in coursepack, chapter 4.

\*LaSelva, Samuel and Richard Vernon, “Liberty, Equality, Fraternity...and Federalism” in Martin Westmacott and Hugh Mellon (eds.), *Challenges to Canadian Federalism* (Scarborough: Prentice-Hall Allyn & Bacon, 1998), Part II (pp. 30-39) (on library reserve). Also in coursepack, chapter 5.

Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (2008), chapter 1 (section 1.6).

## 3. Historical Development of Canadian Federalism: Canada in Comparative Perspective (October 10, 17 [first hour])

### Readings:

Bakvis et al., *Contested Federalism* (2009), chapter 2.

\*Simeon, Richard and Ian Robinson, “The Dynamics of Canadian Federalism” in James Bickerton and Alain-G. Gagnon (eds.), *Canadian Politics*, 4<sup>th</sup> ed. (2004), pp, 101-126 (on library reserve). Also in coursepack, chapter 5.

\*Vipond, Robert C. “Canadian and American Federalism: A Comparative Perspective” in Westmacott and Mellon (eds.) *Challenges to Canadian Federalism* (1998), Part II (pp. 17-29) (on library reserve). Also in coursepack, chapter 6.

\*Simeon, Richard and Beryl A. Radin, “Reflections on Comparing Federalisms: Canada and the United States”, *Publius*, vol. 40, Issue 3 (Summer 2010), pp. 357-365 (on library reserve). Also in coursepack, chapter 7.

Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (2008), chapter 3.

TUTORIAL 1 (October 10)

MID-TERM TEST (October 17 [second hour])

ESSAY OUTLINES (October 24)

4. **Historical and Contemporary Constitutional Conflicts and Canadian Federalism** (October 24, 31)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 4, OR  
Smiley, *The Federal Condition in Canada* (1987), chapters 2-3 (on library reserve)

Smith, Jennifer, “The Constitutional Debate and Beyond” in Rocher and Smith (eds.) *New Trends in Canadian Federalism*, 2<sup>nd</sup> ed. (2003), chapter 2 (on library reserve), OR Clarke, Jeremy and Janet L. Hiebert, “Scholarly Debates About the Charter/Federalism Relationship: A Case of Two Solitudes” in Courchene et al. (eds.), *The Federal Idea* (2011), chapter 9 (on library reserve).

Russell, Peter H., *Constitutional Odyssey*, 3<sup>rd</sup> ed. (2008), chapters 1-2, Conclusion (on library reserve) OR\*McRoberts, Kenneth, “Bringing Quebec into the Constitution: Missing Two Chances” in McRoberts, *Misconceiving Canada* (Toronto: Oxford University Press, 1997), chapter 8 (on library reserve). Also in coursepack, chapter 9.

Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (2008), chapter 5, 11 (sections 11.1, 11.4, 11.6)

5. **Issues of Judicial Review of Federalism and of the Charter** (November 7, 14)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 5, OR

Baier, Gerald, “The Courts, the Constitution, and Dispute Resolution” in Bakvis and Skogstad (eds.), 3<sup>rd</sup> ed. (2012), chapter 5.

Verelli, Nadia, “Judicial Review and the Federalism Factor” in Courchene et al. (eds.), *The Federal Idea* (2011), chapter 12 (on library reserve).

\*Woehrling, Jose, “The Supreme Court’s Ruling on Quebec’s Secession: Legality and Legitimacy Reconciled by a Return to Constitutional First Principles”, in Hugh Mellon and Martin Westmacott` (eds.), *Political Dispute and Judicial Review: Assessing the Work of the Supreme Court` of Canada* (Scarborough: Nelson, 2000), chapter 5 (on library reserve). Also in coursepack, chapter 10, OR

Schneiderman, David (ed.), *The Quebec Decision: Perspectives on the Supreme Court Ruling on Secession* (Toronto: James Lorimer & Company, 1999), Introduction (on library reserve).

Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (2008), chapter 11 (sections 11.2, 11.3, 11.5).

**FIRST TERM ESSAY (November 7)**

**6. Issues of Executive Federalism (November 14, 21 )**

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapters 6-7.

\*Brock, Kathy L., “Executive Federalism: Beggar Thy Neighbour” in Rocher and Smith (eds.), *New Trends in Canadian Federalism*, 2<sup>nd</sup> ed. (2003), chapter 3 (on library reserve).

Simeon, Richard and Amy Nugent, “Parliamentary Canada and Intergovernmental Canada: Explaining the Tensions” in Bakvis and Skogstad (eds.) 3<sup>rd</sup> ed. (2008), chapter 4.

Simmons, Julie M., “Democratizing Executive Federalism: the Role of non-Governmental Actors in Intergovernmental Agreements” in Bakvis and Skogstad (eds.), 3<sup>rd</sup> ed. (2012), chapter 17.

Watts, *Comparing Federal Systems*, 3<sup>rd</sup> ed. (2008), chapters 7, 10, 12.

**7. Issues in Quebec-Canada Relations and the Future of Federalism in Canada (November 28 [first hour])**

**Readings:**

Gagnon, Alain-G., “Quebec’s Constitutional Odyssey” in Bickerton and Gagnon

(eds.), *Canadian Politics*, 3<sup>rd</sup> ed. (1999), chapter 13 (on library reserve).

\*Young, Robert A., “Quebec’s Constitutional Futures” in Bickerton and Gagnon (eds.), *Canadian Politics*, 3<sup>rd</sup> ed. (1999), chapter 14 (on library reserve). Also in coursepack, chapter 9.

\*Rocher, Francois, “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), chapter 3 (on library reserve). Also in coursepack, chapter 10.

Watts, *Comparing Federal Systems*, 3rd ed. (2008), chapters 13-14

Cameron, David, “Quebec and the Canadian Federation”, in Bakvis and Skogstad (eds.), 3<sup>rd</sup> ed. (2012), chapter 3.

TUTORIAL 2 (November 21)

END OF TERM TEST (in class, second hour) (November 28)

-End of Fall Term-

WINTER TERM (January to April 2014):

**8. Theoretical Approaches to Intergovernmental Relations and Public Policy**  
(January 9, 16)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 3, especially pp. 55-67.

Bakvis and Skogstad, “Canadian Federalism: Performance, Effectiveness and Legitimacy” in Bakvis and Skogstad (eds.), 3rd ed. (2012), chapter 1 (reread).

\*Howlett, Michael, “Federalism and Public Policy”, in Bickerton and Gagnon (eds.), *Canadian Politics*, 3<sup>rd</sup> ed. (1999), chapter 24 (on library reserve). Also in coursepack, chapter 13.

Haddow, Rodney, “Globalization and Canadian Public Policy: Problems of Method and the Search for Explanatory Nuance” in Bickerton and Gagnon (eds.), *Canadian Politics*, 4<sup>th</sup> ed. (2004), chapter 20 (on library reserve). Also in coursepack, chapter 14.



9. **Intergovernmental Relations and Economic Policy (I): National Economic Development** (January 23, 30)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 11 (pp. 185-197).

\*Campbell, Robert M. , “Federalism and Economic Policy” in Rocher and Smith (eds.). 1<sup>st</sup> ed. (1995), chapter 8 (on library reserve). Also in coursepack, chapter 15.

\*Campbell, Robert M., “The Fourth Fiscal Era: Can There Be a ‘Post-Neo-Conservative’ Fiscal Policy?” in Leslie A. Pal (ed.), *How Ottawa Spends 1999-2000: Shape Shifting: Canadian Governance Towards the 21<sup>st</sup> Century* (Don Mills: Oxford University Press, 1999), chapter 4 (on library reserve). Also in coursepack, chapter 16.

\*Brown, Douglas M., “Canada and the Recession: Testing Decentralized Fiscal Federalism”(2012), in Alan Tarr (ed.), *Federalism and the Global Financial Crisis: Impacts and Responses* (Oxford University Press, 2012). Also in coursepack, chapter 17.

10. **Intergovernmental Relations and Economic Policy (II): The Impact of Free Trade and Economic Globalization** (February 6, 13)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 11 (pp. 198-204).

Rocher and Nimijean, “Global Economic Restructuring and Evolution of Canadian Federalism and Constitutionalism” in Rocher and Smith (eds.), *New Trends in Canadian Federalism* , 1<sup>st</sup> ed. (1995), chapter 9 (on library reserve).

Robinson, Ian, “Trade Policy, Globalization and the Future of Canadian Federalism,” in Rocher and Smith (eds.), 2<sup>nd</sup> ed. (2003), chapter 8 (on library reserve).

Skogstad, Grace, “Canadian Federalism, International Trade and Regional Market Integration in an Era of Complex Sovereignty” in Bakvis and Skogstad (eds.) 3rd ed. (2012), chapter 11.

\*Courchene, Thomas J., “Global Competitiveness and the Canadian Federation” in Thomas J. Courchene, *Rearrangements: The Courchene*

*Papers* (Oakville: Mosaic Press, 1992), chapter 5 (on library reserve). Also in coursepack, chapter 18.

ESSAY OUTLINE (February 13)

TUTORIAL 3 (February 13)

READING WEEK (February 17-21): NO CLASS

**11. Intergovernmental Relations and Economic/Social Policy (III): Fiscal Federalism**  
(February 27 [first hour], March 6 [first hour])

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapters 8-9.

Brown, Douglas M., “Fiscal Federalism: Searching for Balance” in Bakvis and Skogstad (eds.), 3rd ed. (2012), chapter 7.

\*Boadway, Robin, “The Vertical Fiscal Gap: Conceptions and Misconceptions” in Harvey Lazar (ed.) *Canadian Fiscal Arrangements: What Works, What Might Work Better* (Montreal & Kingston: McGill-Queen’s University Press, 2005), chapter 3 (on library reserve). Also in coursepack, chapter 19.

\*Paquet, Gilles, “Fiscal Imbalance as Government Failure” in G. Bruce Doern (ed.), *How Ottawa Spends 2004-2005: Mandate Change in the Paul Martin Era* (Montreal & Kingston: McGill-Queen’s University Press, 2004), chapter 2 (on library reserve). Also in coursepack, chapter 18.

MIDTERM TEST (in class, second hour) (February 27)

SECOND TERM ESSAY (March 6)

**12. Intergovernmental Relations and Social Policy (I): Health Care** (March 6 [second hour], 13)

**Readings:**

Bakvis et al., *Contested Federalism* (2009), chapter 10.

Maioni, Antonia, “Health Care”, in Bakvis and Skogstad (eds.) 3rd ed. (2012), chapter 9.

\*Rocher, Francois and Miriam Smith, “Federalism and Health Care: The Impact of Political-Institutional Dynamics on the Canadian Health Care System”, Commission on the Future of Health Care in Canada, Discussion Paper No. 18, August 2002 (on library reserve). Also in coursepack, chapter 21.

**13. Intergovernmental Relations and Social Policy (II): Post-Secondary Education (March 20)**

**Readings:**

Bakvis, Herman, “The Knowledge Economy and Post-Secondary Education: Federalism in Search of a Metaphor” in Bakvis and Skogstad (eds.), 2nd ed. (2008), chapter 10 (on library reserve)

\*Cameron, David M., “Collaborative Federalism and Postsecondary Education: Be Careful What You Wish For”, in Charles M. Beach, Robin Boadway and R. Marvin McInnis (eds.), *Higher Education in Canada* (Kingston: John Deutsch Institute, Queen’s University, 2005), section III (pp. 205-228) (on library reserve). Also in coursepack, chapter 22..

Tupper, Alan, “The Chretien Governments and Higher Education: A Quiet Revolution in Canadian Public Policy”, G.B. Doern (ed.), *How Canada Spends 2003-2004* (Toronto: Oxford University Press, 2003) (on library reserve). Also in coursepack, chapter 23.

**14. Intergovernmental Relations and Aboriginal Policy (March 27)**

**Readings:**

Bakvis et al. , *Contested Federalism* (2009), chapter 12.

Papillon, Martin, “Canadian Federalism and the Emerging Mosaic of Aboriginal Multilevel Governance” in Bakvis and Skogstad (eds.), 3rd ed. (2012), chapter 15.

\*Abele, Francis et al., “Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years”, in Leslie A. Pal (ed.), *How Ottawa Spends 1999-2000* (1999), chapter 8 (on library reserve). Also in coursepack, chapter 22.

**15. Intergovernmental Relations and Environmental Policy (April 3 [first hour])**

**Readings:**

**Bakvis et al., *Contested Federalism* (2009), chapter 12.**

**Bakvis and Skogstad, “Canadian Federalism: Performance, Effectiveness and Legitimacy”, Conclusion, in Bakvis and Skogstad (eds.) 3<sup>rd</sup> ed. (2012), chapter 18.**

**Winfield, Mark and Macdonald, Douglas, “Federalism and Canadian Climate Change Policy” in Bakvis and Skogstad (eds.), 3rd ed. (2012), chapter 13.**

**.TUTORIAL 4 (March 27)**

**END-OF-TERM TEST (in class, second hour) (April 3)**

**-End of Winter Term-**