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

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<tr>
<th>Assignment</th>
<th>Due Date</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Participation</td>
<td>Ongoing</td>
<td>20%</td>
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<tr>
<td>Presentation</td>
<td>As Assigned</td>
<td>20%</td>
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<tr>
<td>Research Project</td>
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<tr>
<td>• Proposal</td>
<td>Week 6</td>
<td>15%</td>
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<td>• Paper</td>
<td>Week 12</td>
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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](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](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.

  • Blackboard via Link

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

  • Blackboard via Link

  • Blackboard via Link (Ebook)

  • Blackboard via Link
  - Particularly the introduction and comparative conclusion (by Cheryl Saunders)
  - Course Reserve

  - Chapters 1, 2 and 6
  - Course Reserve

  - Course Reserve

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

*Points to structure discussion/presentations*

A. *Do socio-demographic factors drive institutional design?*
B. *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

  - Course Reserve
  - Chapters 1 to 3.

**Other Readings**

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

- Blackboard via Link

- Blackboard via Link

- Blackboard via Link

- Blackboard via Link

Other Readings

- Introduction and Chapter 1
- Course Reserve

- Course Reserve

- Blackboard via Link: (EBook)

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:


Other Readings

- Course Reserve

- Course Reserve

- Course Reserve

- Course Reserve

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

Required:

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

- Blackboard via Link


- Blackboard via Link

Other Readings


- Blackboard via Link


- Blackboard via Link


- Chapter 5.
- Blackboard via Link (EBook)


- Blackboard via Link


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


- Chapter Five.
- Course Reserve


- 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:

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

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

• Blackboard via Link

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

Other Readings

• Chapters 9 & 10
• Course Reserve

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.


- 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)


- 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)
Week Eight: The judiciary and the management of conflict in diverse federations
[Nov 2]

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

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

  • Chapter Ten: Judicial Review
  • Course Reserve

  • Blackboard via Link

Other Readings

  • Course Reserve

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

  - Blackboard via Link

  - Chapter Four
  - Course Reserve

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

  - Chapter One
  - Course Reserve

  - Blackboard via Link

**Week Nine: The Supreme Court of Canada (SCC) and federalism [Nov 9]**

*Questions to structure discussion/presentations:*
  A. *Has the SCC been a neutral umpire?*
  B. *What is the ideal role of the SCC in Canada as its federal arbiter?*

**Required:**

  - Chapter 1 & 5.
  - Course Reserve
• Blackboard via Link

• 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

• 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

• Blackboard via Link

• Pages 411 to 453
• Blackboard via Link

• Blackboard via Link

• Blackboard via Link
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:

* 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

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:

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

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

Other Readings

- Blackboard via Link

- Blackboard via Link

- Blackboard via Link

- Blackboard via Link

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

- Course Reserve

Week Twelve: Minority/regional representation in Canadian federal institutions [Nov 30]

**************** 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:

   • Blackboard via Link

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

   • 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

- Course Reserve

- Blackboard via Link (Ebook)

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

- Course Reserve

- Course Reserve

- 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