Federalism and Diversity in Canada (and Beyond)
POL 428 / 2128

Wednesdays @ 12:00 – 14:00
Online Synchronous Seminar (via Zoom)

Instructor: Robert Schertzer / robert.schertzer@utoronto.ca
Office Hours: Wed @ 11:00 to 12:00 (via Zoom)

Course Description / Objective

This course treats Canada as a key case within the comparative study of federations. The 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. It will be run entirely online (through Zoom). Please prepare accordingly to participate via this format (with a stable internet connection, webcam and microphone), during the scheduled time of the class. The online discussion will be synchronous. Each week, students will be asked to present on a week’s topic.

**Additional details about the format and online components can be found on Quercus**

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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**Additional information on the assessment and format of the Participation / Presentation / Research Project are provided on Quercus**

Presentation dates (and formats) will be assigned in the first weeks of class. Assignments are to be handed in via Quercus on class days as indicated in the assignment instructions. Late assignments will receive a 5% penalty per day, including weekends. Papers will not be accepted after 7 days. Please keep a copy of work you have submitted.

We are living in exceptional times. We are all doing our best. However, extensions on term work will only be granted in circumstances beyond your control (e.g. illness, injury, death of a family member). See the policy on extensions due to circumstances beyond your control here: [http://www.artsci.utoronto.ca/current/petitions/common](http://www.artsci.utoronto.ca/current/petitions/common)

**Use of Turnitin.com**

Normally, students will be required to submit their course essays to Turnitin.com 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 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.

**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 compiled a rather comprehensive list of sources for each topic to facilitate useful discussion, and to provide a solid jumping off point for your presentation and research project.
- The vast majority of readings are available online (through the e-reserve portal).
- 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 16]

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

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

- E-Reserves

- Chapter 1
- E-Reserves

- E-Reserves

- E-Reserves

- E-Reserves
- Particularly the introduction and comparative conclusion (by Cheryl Saunders)
- E-Reserves

- Chapter 1 & 2
- E-Reserves

- Library Stacks

**Week Two: The foundational elements of a federation – social or institutional? [Sept 23]**

**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
- E-Reserve

- E-Reserves

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

**Other Readings**

- Library Stacks
- Chapters 1 to 3

Paquet, M. and J. Broschek (2017). “This is not a turn: Canadian political science and social mechanisms” Canadian Journal of Political Science 50(1)


  - Chapters 1 and 2
  - E-Reserves

  - E-Reserves

Week Three: Ethno-national identity and Federalism [Sept 30]

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:

  - Chapter 1
  - E-Reserves

  - E-Reserves

  - Chapter 11
  - E-Reserves
- E-Reserves

Other Readings

- Chapter 12
- E-Reserves

- E-Reserves

- E-Reserves

- E-Reserves

- Particularly Pg. 601 to 680.
- E-Reserves

- Chapter 20 by John McGarry and Brendan O’Leary
- Also, selected readings as appropriate from Part One
- E-Reserves

- E-Reserves

- E-Reserves
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:

  • E-Reserves

  • E-Reserves

  • Pages 329-354
  • E-Reserves

  • E-Reserves

Other Readings

  • E-Reserves

  • Library Stacks
- Library Stacks

- E-Reserves

- E-Reserves

- Pages 21 to 39
- E-Reserves

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

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:

- E-Reserves
- You should also read the three short commentary pieces following the article

- E-Reserves

- E-Reserves


- E-Reserves

**Other Readings**


- E-Reserves


- E-Reserves


- Chapter 5.
- E-Reserves


- E-Reserves


- Chapters 3 & 4.
- E-Reserves


- E-Reserves


- Chapter Five.
- E-Reserves


- Chapter 10, Division of Power: the Federal-Unitary and Centralized-Decentralized Contrasts
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)
  - E-Reserves

  - Chapters 3 & 4 (though others may be of interest)
  - E-Reserves

  - E-Reserves

  - 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).
  - Library Stacks
  - E-Reserves

Other Readings

  - Chapters 9 & 10
  - Library Stacks
- E-Reserves

- E-Reserves

- E-Reserves

Resnick P. (1994) Thinking English Canada (Stoddart Publishing)
- Library Stacks

Week Seven: The case for centralization and decentralization in Canada [Oct 28]

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)
- E-Reserves

- Introduction and Conclusion (by Gordon DiGiacomo)
Other Readings

- Chapter One – Ottawa’s Deferential Approach to Intergovernmental Relations (by Gordon DiGiacomo)
- Chapter Five – The Practitioner’s Perspective (by Maryantonett Flumian)
- E-Reserves

Other Readings

- Anyone doing their paper on de/centralization should also read:

  - E-Reserves

Week Eight: The judiciary and the management of conflict in diverse federations
[Nov 4]

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
  - E-Reserves

  - E-Reserves

  - E-Reserves

- Chapter 1 (Introduction) (Pages 3-28).
  - E-Reserves
Other Readings
- E-Reserves

- Chapter Ten: Judicial Review
- Library Stacks

- E-Reserves

- Particularly Chapter One and Three
- E-Reserves

- E-Reserves

- E-Reserves

- Chapter Four
- Library Stacks

- Chapter 12, Constitutions: Amendment Procedures and Judicial Review
- E-Reserves

- Chapter One
- Library Stacks
November 11 – READING WEEK – NO CLASS

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
- E-Reserves

- Chapter 5
- E-Reserves

- E-Reserves

Other Readings

- E-Reserves

Kelly, J. & Murphy, M. (2005) “Shaping the Constitutional Dialogue on Federalism: Canada’s Supreme Court as Meta-Political Actor” Publius 35(2)
- E-Reserves
- Chapter 5
- E-Reserves

- E-Reserves

- Pages 411 to 453
- E-Reserves

- E-Reserves

- E-Reserves

Week Ten: Considering the Secession Reference and the Role of the SCC [Nov 25]

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:

- E-Reserves

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
- E-Reserves
Radmilovic, V. (2010) “Strategic Legitimacy Cultivation at the Supreme Court of Canada: Quebec Secession Reference and Beyond” Canadian Journal of Political Science 43(4)
  • E-Reserves

  • E-Reserves

Other Cases Worth Reading

Re: Resolution to Amend the Constitution [1981] 1 S.C.R. 753
  • E-Reserves

Reference re Supreme Court Act, ss. 5 and 6 [2014] SCC 21
  • E-Reserves

Reference re: Senate Reform [2014] SCC 32
  • E-Reserves

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:

  • Pages 1-32
  • E-Reserves
  • Via direct link to E-book here:
  • E-Reserves

  • E-Reserves

  • Introduction
  • E-Reserves

Other Readings

  • Chapter 15 & 16
  • E-Reserves
  • For a reminder on consociational theory, review Chapter Five Bird, K. (2014)

“Ethnic Quotas and Ethnic Representation Worldwide” International Political Science Review 35(1)
  • E-Reserves

  • E-Reserves

  • E-Reserves

  • E-Reserves

  • E-Reserves
  • E-Reserves

  • E-Reserves
  • Of particular interest is the discussion from pages 16 to 20.

  • E-Reserves

  • Chapter Four (Representing Groups)
  • E-Reserves

  • E-Reserves

Week Twelve: Minority/regional representation in Canadian federal institutions [Dec 9]

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

  • E-Reserves

• Chapters Four (Representation) & Five (Federalism)
• E-Reserves

• Page 25-52
• E-Reserves

Other Readings

• Chapter 7 – Pages 291-322
• E-Reserves
• Via direct link to E-book here: https://www.queensu.ca/iigr/sites/webpublish.queensu.ca.iigrwww/files/files/pub/archive/books/RepresentationAndPolicyFormationInFederalSystems-Olson-Part2.pdf

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)
• E-Reserves

• Chapter 6
• E-Reserves

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)
• E-Reserves

Journal of Canadian Studies 54(1)
• E-Reserves

Constructing Tomorrow’s Federalism: New Perspectives on Canadian Governance
(University of Manitoba Press.)
• E-Reserves

Cairns, A. (1979) “From Interstate to Intrastate Federalism in Canada” (Institute of Intergovernmental Relations, Discussion Paper)
• E-Reserves
• Via direct link, here:

• E-Reserves
• Via direct link to E-book here:

• Library Stacks

• E-Reserves

Smith, J. (ed) (2009) The Democratic Dilemma: Reforming the Canadian Senate (Institute of Intergovernmental Relations, Queen’s University)
• E-Reserves