

# Federalism and Diversity in Canada (and Beyond)

## POL 428 / 2128

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

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Office Hours: Wed @ 11:00 to 12:00 (via Zoom)

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### 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

Assignment	Due Date	Weight
Participation	Ongoing	20%
Presentation	As Assigned	20%

Research Project		
• Proposal	Week 6	15%
• Paper	Week 12	45%

**\*\*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>

### **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>).

### **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 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.

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

- E-Reserves

Skogstad, G., D. Cameron, M. Papillon and K. Banting. (2013) *The Global Promise of Federalism* (Toronto: University of Toronto Press)

- Chapter 1
- E-Reserves

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

- E-Reserves

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

- E-Reserves

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

- E-Reserves

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)
- E-Reserves

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

- Chapter 1 & 2
- E-Reserves

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

- 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

Broschek, J. (2010) "Federalism and Political Change: Canada and Germany in Historical-Institutionalist Perspective" *Canadian Journal of Political Science* 43(1)

- E-Reserves

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

- E-Reserve

**Other Readings**

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

- Library Stacks
- Chapters 1 to 3

Paquet, M. (2014) "The Federalization of Immigration and Integration in Canada" *Canadian Journal of Political Science* 47(3)

- E-Reserves

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

- E-Reserves

Schmidt, V. (2010) "Taking Ideas and Discourse Seriously: Explaining change through discursive institutionalism as the fourth 'new institutionalism'" *European Political Science Review* 2(1)

- E-Reserves

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

- Chapters 1 and 2
- E-Reserves

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

- E-Reserves

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

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

- Chapter 1
- E-Reserves

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

- E-Reserves

Lecours, A. (2019) "Federalism and Nationalism" in J. Kincaid (ed.) *A Research Agenda for Federalism Studies* (Cheltenham: Edward Elgar)

- Chapter 11
- E-Reserves

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.

- E-Reserves

### Other Readings

Keil, S. (2019) "Federalism as a tool of conflict resolution" in J. Kincaid (ed.) *A Research Agenda for Federalism Studies* (Cheltenham: Edward Elgar)

- Chapter 12
- E-Reserves

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

- E-Reserves

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)

- E-Reserves

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

- E-Reserves

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

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

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
- E-Reserves

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)

- E-Reserves

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

- 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:**

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)

- E-Reserves

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

- E-Reserves

Green, J. (2005) "Self-Determination, Citizenship and Federalism: Indigenous and Canadian Palimpsest" in M. Murphy (ed.) *Reconfiguring Aboriginal-State Relations* (McGill-Queen's University Press)

- Pages 329-354
- E-Reserves
- Also available here:  
<https://www.queensu.ca/iigr/sites/webpublish.queensu.ca/iigrwww/files/files/pub/archive/SOTF/SOTF2003.pdf>

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

- E-Reserves

**Other Readings**

Russell, P. (2017) *Canada's Odyssey: A country based on incomplete conquests* (Toronto: University of Toronto Press)

- E-Reserves

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

- Library Stacks

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

- Library Stacks

LaSelva, S. (1996) *The Moral Foundations of Canadian Federalism* (Montreal: McGill-Queen's University Press)

- E-Reserves

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)

- E-Reserves

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
- E-Reserves

*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 14]

*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.

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

Basta, K. (2018) "The State Between Minority and Majority Nationalism: Decentralization, symbolic recognition, and secessionist crises in Spain and Canada" *Publius* 48(1)

- E-Reserves



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

- E-Reserves

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

- E-Reserves

### **Other Readings**

McCulloch, A. (2014) "Consociational settlements in deeply divided societies: The liberal-corporate distinction" *Democratization* 21(3)

- E-Reserves

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

- E-Reserves

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

- Chapter 5.
- E-Reserves

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

- E-Reserves

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

- Chapters 3 & 4.
- E-Reserves

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

- E-Reserves

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.
- E-Reserves

Lijpjt, 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

- E-Reserves

Week Six: The case for and against asymmetrical federalism in Canada [Oct 21]

\*\*\*\*\* 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)
- E-Reserves

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

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

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

- E-Reserves

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).
- Library Stacks
- E-Reserves

**Other Readings**

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

- Chapters 9 & 10
- Library Stacks

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)

- E-Reserves

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

- E-Reserves

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

- 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.*

- Defend this statement: responsibility, resources and power in Canada should be decentralized to the provinces to the extent possible.*
- 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)
- E-Reserves

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)
- E-Reserves

### Other Readings

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

Lecours, A. (2019) “Dynamic De/Centralization in Canada, 1867-2010” *Publius* 48(1): 57-83.

- 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

Popelier, P. (2017) “Federalism Disputes and the Behavior of Courts: Explaining Variation in Federal Courts’ Support for Centralization.” *Publius* 47 (1): 27–48.

- E-Reserves

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)

- E-Reserves

Aroney, N. and J. Kincaid. (2017). *Courts in Federal Countries: Federalists or unitarists?* (Toronto: University of Toronto Press)

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

## Other Readings

Bzdera, A. (1993) "Comparative Analysis of Federal High Courts: A Political Theory of Judicial Review" *Canadian Journal of Political Science* 26(1)

- E-Reserves

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

- Chapter Ten: Judicial Review
- Library Stacks

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)

- E-Reserves

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

- Particularly Chapter One and Three
- E-Reserves

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)

- E-Reserves

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

- E-Reserves

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

- Chapter Four
- Library Stacks

Lijpjtart, 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
- E-Reserves

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

- Chapter One
- Library Stacks

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)

- E-Reserves

### **November 11 – READING WEEK – NO CLASS**

Week Nine: The Supreme Court of Canada (SCC) and federalism [Nov 18]

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:**

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

- Chapter 1 & 5
- E-Reserves

Brouillet, E. (2017) "The Supreme Court of Canada: The concept of cooperative federalism and its effect on the balance of power." In Aroney, N. and J. Kincaid. (2017). *Courts in Federal Countries: Federalists or unitarists?* (Toronto: University of Toronto Press)

- Chapter 5
- E-Reserves

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

- E-Reserves

#### **Other Readings**

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)

- 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

Schertzer, R. (2018) "Collaborative Federalism and the Role of the Supreme Court of Canada." In E. Macfarlane (ed.) *Policy Change, Courts, and the Canadian Constitution* (Toronto: University of Toronto Press)

- Chapter 5
- E-Reserves

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)

- E-Reserves

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
- E-Reserves

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

- E-Reserves

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

- 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...*

- ...understands the federation?*
- ...understands its own role in the federation?*

**Required:**

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

- 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

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

- 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

Week Eleven: Representation of minority groups in central institutions [Dec 2]

*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)

- Pages 1-32
- 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-Part1.pdf>



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

- E-Reserves

Byrne, S. and McCulloch, A. (2012). "Gender, Representation and Power-Sharing in Post-Conflict Institutions" *International Peacekeeping* 19(5)

- E-Reserves

Vikers, J., J. Grace and C. Collier (2020) *Handbook on Gender, Diversity and Federalism* (Cheltenham: Edward Elgar)

- Introduction
- E-Reserves

### **Other Readings**

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

- 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

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

- E-Reserves

Williams, M. and R. Schertzer. (2019). "Is Indigeneity like Ethnicity? Theorizing and assessing models of Indigenous political representation" *Canadian Journal of Political Science* 52(4)

- E-Reserves

Schertzer, R. (2018) "Mapping Institutional Mechanism of Ethno-National Representation: Towards a better measurement approach" *Nations and Nationalism* 24(4)

- E-Reserves

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

- E-Reserves

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

- E-Reserves

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

- E-Reserves
- 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)

- E-Reserves

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

- Chapter Four (Representing Groups)
- E-Reserves

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

- E-Reserves

Week Twelve: Minority/regional representation in Canadian federal institutions

[Dec 9]

\*\*\*\*\* Research Papers Due \*\*\*\*\*

*Questions to structure discussion/presentations:*

- Does the senate in Canada represent and protect national minority groups and regions? Could/should it do this better?*
- 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*.

- E-Reserves

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

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

Williams, M. (2005) "Sharing the River: Aboriginal representation in Canadian Political Institutions" In R. Thomsen and N. Hale (eds.) *Canadian Environments: Essays in culture, politics and history* (New York: P.I.E. Peter-Lang)

- Page 25-52
- E-Reserves

### Other Readings

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)

- 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

E. Crandall and R. Schertzer (2019) "Competing Diversities: Representing 'Canada' on the Supreme Court." In E. Goodyear-Grant and K. Hanniman (eds.) *Canada: The state of the federation 2017* (Kingston: McGill-Queen's University Press)

- 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

Bakvis, H. & Tanguay B. (2020) "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)

- Library Stacks

Manning, S. (2020) "The Canadian Senate: An Institution of Reconciliation" *Journal of Canadian Studies* 54(1)

- E-Reserves

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.)

- E-Reserves

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

- E-Reserves
- Via direct link, here:  
<https://www.queensu.ca/iigr/sites/webpublish.queensu.ca/iigrwww/files/files/pub/archive/DiscussionPapers/discussionpaper5frominterstatetointrastatefederalism-cairns.pdf>

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)

- 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-Part1.pdf>

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

- Library Stacks

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)

- E-Reserves

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

- E-Reserves