The Dynamics of Canadian Federalism

Course Themes and Objectives

Along with parliamentary government and the Charter of Rights and Freedoms, federalism is one of the three constitutional pillars of governance in Canada. Federalism has been central to the Canada’s political, economic, social and cultural development. This course examines federalism through three related conceptual angles. First, and most fundamentally, the course explores how federalism shapes the practice of democracy in Canada. Second, it examines how federalism facilitates and hinders the recognition, accommodation and inclusion of a variety of territorial and non-territorial identities. Third, it investigates how federalism influences the development and implementation of public policy. The course provides an overview of the institutional structures and evolution of Canadian federalism as well as the relationship between these structures and Canadian society. It engages with contemporary debates about the performance of Canada’s federal institutions and explores possible reform options. Issues covered in the course include: the role of Quebec nationalism in the federation’s evolution; the relationship between the Charter of Rights and Freedoms and federalism; debates concerning fiscal “imbalances” in the federation; and the place of emerging “orders of government” – including municipalities and of Aboriginal governments – in the federation.

* Note: This course was conceptualized and designed by Dr. Kristen Good who is presently on sabbatical. This syllabus has been modified to allow for all required resources (other than the textbook) to be posted on BBLearn (New OWL). Copyright considerations have required that some content be changed to facilitate this.

Format

This course is offered in a lecture format with some in-class discussion and debate.

Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Mid-term test (October 18)</td>
<td>20%</td>
</tr>
<tr>
<td>Term Paper (November 8)</td>
<td>40%</td>
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<tr>
<td>Final Exam (Exam Period)</td>
<td>40%</td>
</tr>
</tbody>
</table>
Grading scale

Each assignment will receive a numerical grade. Final grades will be translated into letter grades using the following scale:

<table>
<thead>
<tr>
<th>Letter Grd.</th>
<th>% Grade</th>
<th>GP Value</th>
<th>Definition</th>
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<tbody>
<tr>
<td>A+</td>
<td>90-100</td>
<td>4.30</td>
<td>Excellent: Considerable evidence of original thinking; demonstrated outstanding capacity to analyze and synthesize; outstanding grasp of subject matter; evidence of extensive knowledge base.</td>
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<tr>
<td>A</td>
<td>85-89</td>
<td>4.00</td>
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<tr>
<td>A-</td>
<td>80-84</td>
<td>3.70</td>
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<tr>
<td>B+</td>
<td>77-79</td>
<td>3.30</td>
<td>Good: Evidence of grasp of subject matter, some evidence of critical capacity and analytical ability; reasonable understanding of relevant issues; evidence of familiarity with the literature.</td>
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<tr>
<td>B</td>
<td>73-76</td>
<td>3.00</td>
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<tr>
<td>B-</td>
<td>70-72</td>
<td>2.70</td>
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<tr>
<td>C+</td>
<td>67-69</td>
<td>2.30</td>
<td>Satisfactory: Evidence of some understanding of the subject matter; ability to develop solutions to simple problems; benefitting from his/her university experience.</td>
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<tr>
<td>C</td>
<td>63-66</td>
<td>2.00</td>
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<tr>
<td>C-</td>
<td>60-62</td>
<td>1.70</td>
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<tr>
<td>D</td>
<td>50-59</td>
<td>1.00</td>
<td>Marginal Pass: Evidence of minimally acceptable familiarity with subject matter, critical and analytical skills (except in programs where a minimum grade of ‘C’ is required).</td>
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<tr>
<td>F</td>
<td>0-49</td>
<td>0.00</td>
<td>Insufficient evidence of understanding of the subject matter; weakness in critical and analytical skills; limited or irrelevant use of the literature.</td>
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Test and exam

The mid-term exam will be held on October 18 in class. It will cover the lecture material and assigned readings up to October 18. The final exam will cover the material for the entire course and will be scheduled during the exam period in December.

Required Textbook


Readings

All other mandatory readings have been placed in BBLearn (New OWL) as either pdf documents or are linked to library resources.

Several supplementary readings have been placed on reserve at the Killam Library. The loan period is 2 hours for both articles and books.
COURSE AGENDA

Week 1 (Sept. 6) – Canadian Federalism: An Introduction to the Course
• Course expectations and themes.

Week 2 (Sept. 11 & 13) – Canadian Federalism: An Introduction
• What is federalism?
• Federal political institutions.
• The Canadian model of federalism in comparative perspective.
• The broad evolution of Canadian federalism.

Readings:

Supplementary Readings:

Week 3 (Sept. 18 and 20) – Canadian Federalism, Diversity and Political Identity: Who is ‘In’ and who is ‘Out’?
• Change and continuity in Canada’s ‘federal society’.
• Federalism and the Canadian ‘model’ of ethno-cultural/linguistic pluralism.
• Territorial and non-territorial identities.
• Multinational federalism.
• Regionalism and ‘new regionalism’.
• Who is “in” and who is “out”?• Is constitutional reform necessary?

Readings:

Supplementary Readings:


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**Class Discussion/Debate:**

**Is constitutional reform necessary?**

Yes: Kathy L. Brock – The Need for Constitutional Reform

No: Michael Lusztig – Megaconstitutional Reform is not Desirable.


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**Week 4 (Sept. 25 & 27) – Canadian Federalism and the Quebec “Sovereignty” Movement**

• The origins and significance of the ‘Quiet Revolution’ in Quebec.
• Quebec and the politics of Constitutional change.
• Quebec, federalism and the question of secession.
• Non-constitutional accommodation of Quebec.

**Readings:**


**Supplementary Reading:**


Week 5 (Oct. 2 and 4) – Executive Federalism and Intergovernmental Relations: Managing Federal-Provincial Interdependence

- Executive federalism.
- Institutions and processes of intergovernmental relations.
- Intrastate versus interstate federalism.
- Executive federalism and public policy.
- ‘Democratic deficits’?

Readings:


Supplementary Reading:


Class Discussion/Debate:
Are the Atlantic/Maritime provinces over-represented or under-represented in Canada’s political institutions?

Week 6 (Oct. 9 & 11) – Federalism, uneven development and regional disparities

- Federalism and regional development
- Uneven development and policy interventions

Readings:


Supplementary:

Week 7 (Oct 16 & 18) – Oct. 16th Review and discussion; October 18th MID-TERM EXAM

Week 8 (Oct. 23 and 25) – Fiscal Federalism
- Evolution of fiscal federalism.
- The federal ‘spending power.’
- Intergovernmental transfers.
- The politics of ‘fiscal balance.’

Readings:


Supplementary:


Week 9 (Oct. 30th & Nov. 1st) – The Division of Powers, the Charter, the Courts and Judicial Review
- Federal, provincial, and local responsibilities.
- Judicial review of the division of power.
- The Canadian Charter of Rights and freedoms and federalism.
- Federalism and human rights in Canada.

Reading:

Week 10 (Nov. 6 & 8) – Federalism and Aboriginal Governance; Term paper due Nov. 8th
- Who are the Aboriginal peoples of Canada?
- The evolution of the relationship between Aboriginal peoples and the Canadian state.
- Treaties.
- Self-government.
- Multi-level governance and Aboriginal peoples.
- Urban Aboriginals and Canadian federalism.

Readings:

Supplementary Reading:


• Municipalities in the Canadian federation.
• The political economy of cities and federalism.
• Social diversity, cities and Canadian federalism.
• The debate about urban autonomy.

Readings:


Supplementary Reading:


Week 12 (Nov. 20 & 22) – Environmental Federalism

- Super ‘wicked’ problems
- Federalism and environmental policy
- Canada, federalism and “Staples”

Readings:


Supplementary Reading:


Week 13 (Nov. 27 & 29) – Centralised and decentralised federalism: the cases for and against

- Exploring the merits and drawbacks of centralised and decentralised federalism
- Respecting jurisdictional difference
- Intergovernmental relations

Readings:


Supplementary Reading:


Class discussion/debate:
The cases for and against centralised and decentralised federalism

Week 14 (Dec. 4) Review for Final Exam

- Federalisms reviewed: ‘open’, co-operative, decentralized, centralised, asymmetric, fiscal, environmental and more…
ESSAY ASSIGNMENT

Due: November 8, 2012.

Length: 10 double spaced pages (not including the title page and bibliography). Paper should be in 12-point Times New Roman font with 1-inch margins.

Value: 40% of course grade.

Late penalties for research papers: Papers that are not submitted on November 8 will be penalized 5% per day (excluding weekends). I will no longer accept papers after November 17.

Late papers can be submitted in class (in which case the penalty until that day would apply) or can be submitted to the Department of Political Science office (301 Henry Hicks). If you submit your paper to the Departmental office then please have it dated and initialed by a staff person. Papers that are submitted through the drop-box after normal business hours will be dated for the previous day. With documentation, late penalties will be waived for serious medical and family emergencies. I require a medical certificate for illness-related extensions and to waive late penalties. These documents must clearly state that a serious medical condition has made completing the assignment on time impossible. Since the deadline is known well in advance, you should plan to have your essay completed early in case a minor medical issue arises around the deadline.

*Please be advised that instructors and TAs are generally quite familiar with the literature pertaining to the courses that they teach and facilitate. With that in mind, please note that should you require help writing your essay contact the Writing Centre at 494-1963.

Publication Opportunity: Although it is not a requirement of the course, I strongly encourage students to submit their research paper for publication to the following online journal if they receive a grade of A- or higher on it in this course: Federalism-E: Canada’s Undergraduate Federalism Journal.

Grading rubric: Total points: _______/ 100

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<tr>
<th>Text Characteristic</th>
<th>100-80%</th>
<th>79-70%</th>
<th>69-60%</th>
<th>59-49%</th>
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<tr>
<td>Thesis</td>
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<td>Content/Ideas</td>
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<td>__/30</td>
<td>Thorough development of major ideas, strong grounding in the literature. (30-24 points)</td>
<td>Concrete support for each major point; adequate grounding in the literature. (23.7-21)</td>
<td>Illogical or incomplete development of ideas; poor grounding in the literature. (20.7-18 points)</td>
<td>Insufficient, vague, or illogical support; extremely weak grounding in the literature. (17.7-14.7 points)</td>
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<td>Organisation</td>
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<td>__/20</td>
<td>Logical arrangement of supporting points in coherent paragraphs; Effective transitions. (20-16 points)</td>
<td>Acceptable arrangement of ideas; Satisfactory paragraph construction; Adequate transitions. (15.8-14 points)</td>
<td>Confusing arrangement of ideas; Unclear paragraph construction; Weak transitions. (25-21 points)</td>
<td>No discernible pattern of organization; Unfocused paragraphs; Coherence problems. (11.8-9.8 points)</td>
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<td>Style and mechanics</td>
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<td>__/10</td>
<td>Appropriate tone; Clear sentences and structure; Strong, jargon-free diction. Few to no errors in usage, spelling, and punctuation. (10-8 points)</td>
<td>Appropriate tone; Clear sentences; Effective diction. No major errors in usage, spelling, or punctuation. (7.9-7 points)</td>
<td>Inappropriate tone; Little variety or emphasis in sentence structures; Vague diction, imprecise word choices. Distracting errors in usage, spelling, or punctuation. (6.9-6 points)</td>
<td>Inconsistent tone; Awkward or unclear sentences; Weak diction. Many or major errors in usage, spelling, or punctuation. (5.9-4.9 points)</td>
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<td>References</td>
<td>______/10</td>
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<td>__/10</td>
<td>Well-incorporated and thoughtful selection of references showing critical reading. (10-8 points)</td>
<td>Appropriate selection and use of references. (7.9-7 points)</td>
<td>Weak incorporation and selection of reference material. (6.9-6 points)</td>
<td>Inappropriate and inadequate use and selection of references. (5.9-4.9 points)</td>
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Essay Questions:

1. According to Jennifer Smith (2004), “inclusiveness” is one criterion by which to judge the democratic credentials of the Canadian federation. To what extent are Aboriginal peoples on their way ‘in’ as she suggests?

2. By constitutional division of powers, cities are often referred to as ‘creatures of the provinces’. Should cities/municipalities be more fully included in Canada's federal system? What are the limits and possibilities of this?

3. Smith writes, “federalism is a structure with the potential to enhance democracy or diminish it” (2004: 7, my italics). With reference to this, illustrate the two sides of this ‘potential’ with examples. In each case, show how political and bureaucratic actors and citizens use the structure of federalism.

4. The Harper Conservatives have developed a concept of federalism that they call 'open federalism.' Describe this approach and contrast it against past ‘federalisms’. How is ‘open federalism’ different or not? Does ‘open federalism’ adequately meet the demands of contemporary policy issues? Answer with reference to a specific example(s).

5. Is Constitutional reform necessary to tackle the concerns raised during the negotiation of the failed Meech Lake and Charlottetown Accords? To what extent are non-constitutional measures adequate to addressing the constitutional concerns that these two accords tackled? What about new constitutional concerns?

6. Erk (2006: 457) writes: “the written constitution of the Canadian federation is of limited use in explaining how the federal system works. A fuller apprehension of the political patterns at play requires the use of a society-based approach” (ibid., my italics). Explain the link between identity and federalism. How is a society-based approach critical to understanding the nature of Canadian federalism (or not)? Illustrate with reference to specific examples.

7. “...Federalism complicates democracy” (Smith, 2004: 37). Here Smith is referring to the interplay between majorities and minorities in federal systems. Explain this dichotomy. With reference to this, provide an example of the conflict that arises between majorities and minorities. Do the forms and formalities of Canadian federalism “hinder the conduct of democracy” or “capitalize on its democratic potential” in the example you’ve chosen (or both) (ibid.)?

8. A central theme throughout this course is that federalism is an evolving concept. It shifts and changes overtime. Given this, discuss how contemporary federalism differs (or not) from past federalisms. What are the major challenges facing federalism today? Can the existing “forms and formalities” of Canadian federalism meet these challenges, or is a rethink needed (why and how)? (Smith 2004).

9. Within Canadian federalism, Quebec is often said to be “pas comme les autres” (Smith 2004: 74). What this means and how it is enacted has long been a subject of contention. From the Meech Lake Accord’s ‘distinct society’ provision (1987) to the recognition of “Quebec as a nation” (2006), successive governments have sought to define this relationship. Describe the position of Quebec as ‘distinct’ within Canadian federalism. Does nationhood recognition fundamentally change the nature of Canadian Federalism? Why or why not and in what way(s)?
**ACADEMIC DISHONESTY**

All students in this class are to read and understand the policies on academic integrity and plagiarism referenced in the Policies and Student Resources sections of the academicintegrity.dal.ca website. Ignorance of such policies is no excuse for violations.

Any paper submitted by a student at Dalhousie University may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the University, or even to the revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. At Dalhousie there are University Regulations which deal with plagiarism and, prior to submitting any paper in a course, students should read the Policy on Intellectual Honesty contained in the Calendar or on the Online Dalhousie website. The Senate has affirmed the right of any instructor to require that student papers be submitted in both written and computer-readable format, and to submit any paper to be checked electronically for originality.

**DALHOUSIE REGULATIONS**

- From the University Calendar: "Students are expected to complete class work by the prescribed deadlines. Only in special circumstances ... may an instructor extend such deadlines."
- Late papers will be assessed a late penalty at the instructor's discretion. Students who miss a deadline on account of illness are expected to hand in the assignment within one week of their return to class, with a medical certificate, per academic regulations of the Dalhousie Calendar.
- Papers should be submitted directly to the instructor, or the teaching assistant, or in person to the Political Science office between 8:30 am and 4:30 pm on weekdays only. The instructor cannot assume responsibility for papers otherwise submitted.
- The final exam is scheduled by the Registrar's office. Make **no travel plans** until you know the date of the exam. Students who think they are obliged to be absent from an examination for some profoundly compelling reason need to elaborate that reason in the form of a letter to the chair of the department of Political Science well in advance of the scheduled exam, and the chair will render a decision on the matter.
- For Fall-term classes, the deadline by which a student may withdraw is November 5th. (October 5th is the last date by which a student may drop a fall-term class without a W appearing on the transcript).

**REQUEST FOR ACCOMMODATION**

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. A note taker may be required as part of a student's accommodation. There is an honorarium of $75/course/term (with some exceptions). If you are interested, please contact AASC at 494-2836 for more information.