

CANADIAN DEMOCRACY
POLSCI 2D03 (evening)
Winter 2022, Term 2

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Course Description

An introduction to institutions delimiting the practice of citizenship in Canada and of the political values they embody.

Course Objectives

By the end of the course students should be able to:

- Convey a reliable and sophisticated understanding of the main institutions of Canadian democracy, and particularly of how they work;
- Describe some of the political conflicts behind the creation of our existing democratic institutions;
- Assess the patterns of winners and losers created by the way Canadian democracy is translated into a set of institutions.

Required Materials and Texts

- The course textbook is Patrick Malcolmsen, Ricard Myers, Gerald Baier and Thomas M.J. Bateman, *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, 7th Ed. Toronto: University of Toronto Press, 2021. It is available at the Campus Store. Earlier versions of the text can be used, but please note that the chapter order has been changed for this edition.
- Most of the remaining materials are available on-line, either directly from the web, or through the library catalogue. The few resources not available in this manner will be posted on the course's Avenue to Learn page.

Class Format

The course is delivered through a weekly lecture, coupled with weekly tutorials to discuss course material. The tutorials will start on January 24.

Course Evaluation – Overview

1. Weekly questions. Due weekly from January 24-April 1. (5%)
2. Graded weekly questions. February 15, April 5. (20%)
3. Tutorial Attendance and Participation. (10%)
4. Term Paper. Due March 28. (30%)
5. Final Exam. Scheduled for the final exam period. (35%)

Course Evaluation – Details

Weekly Questions (5%), due each week before tutorial

Starting January 24, and continuing each week until the end of the course, students will submit a minimum of two questions to the appropriate folder on Avenue before the beginning of their tutorial. Students are welcome to submit them individually, or as part

of a group of two. Students may only participate in groups within their own assigned tutorial. If submitting as a group, the names of the two group members should figure in the submitted file name.

The weekly submission should include at least two questions that are drawn from the readings along with a brief summary of why the questions were not fully addressed in the course material and/or are relevant for further discussion. These questions will form the basis of the tutorial discussions – students are encouraged to submit questions concerning material that they seek further clarification and information on than what has been provided in the readings. The expected length is roughly 300 words.

Students will submit a total of ten (10) sets of questions. Each set of questions that is submitted before the beginning of each tutorial in which it is due will be automatically given a grade of 0.5.

Graded Weekly Questions (20%), due by February 18, April 8

Two of the weekly submissions will also be graded for content and will be worth ten percent each, for a total of twenty percent (20%). On February 18 and April 8, the instructor will randomly select a week for each tutorial and the teaching assistant will grade the questions on the basis of the group's understanding of the materials, the clarity and complexity of questions and the explanation as to why they are relevant. If students are unable to submit their questions in order to obtain the "hand-in" grade, they are still encouraged to submit their questions for the "content" based grades. Once the instructor chooses the weeks for the "content" grades (ie. February 18 and April 8), questions will no longer be accepted for those weeks, meaning students who did not submit questions for those weeks will get a grade of zero.

Tutorial Attendance and Participation (10%), weekly

Beginning the week of January 14, students will participate in tutorials in order to deepen their understanding of course material through discussion. This grade is based not only on attendance, but also on participation. High quality participation involves active listening, respectful dialogue, and engaging argument to further understanding (rather than to score debating points).

Term Paper (30%), due March 28

Students will produce a 12 page (double-spaced) term paper, making use of scholarly sources. A guide describing the paper in more detail and providing approved topics is available on Avenue to Learn.

Final Exam (35%), Scheduled for the final exam period

An exam covering all the material in the course will be scheduled during the final exam period. The exam will draw its questions closely from the weekly learning objectives found in the outline.

Weekly Course Schedule and Required Readings

Week 1 (Jan 10) Introduction

Week 2 (Jan 17) Thinking About Institutions and Regime Principles

Readings:

- Malcolmsen *et al.*, Preface and Chapter 1: Canada's Regime Principles
- Marshall, T.H. 2009 [1950]. "[Citizenship and Social Class](#)." In Jeff Manza and Michael Sauder (eds.) *Inequality and Society*. New York: W.W. Norton, 148-154.

Learning Outcomes for Week 2:

- Define the concepts of liberalism, democracy and citizenship
- Explain Marshall's arguments about the historical development of political rights of citizenship, and their relationship to civil and social rights.
- Discuss how institutions give meaning to ideas about rights.

Week 3 (Jan 24) Constitutions: Treaties and Confederation

Readings:

- Malcolmsen *et al.*, Chapter 2: The Constitution
- Miller, J.R. 2015. "Canada's Historic Treaties," in Jim Aldridge and Terry Fenge (eds.) *Keeping Promises: The Royal Proclamation of 1763, Aboriginal Rights, and Treaties in Canada*. Montreal: McGill-Queen's University Press, 2015. 81-104.

Learning Outcomes for Week 3:

- Describe the functions of a constitution.
- Discuss how the Canadian constitution bears the marks of the political conflicts around its creation.
- How does the constitutional nature of treaties push us to think differently about Confederation?

Notes: Tutorials start January 24

Week 4 (Jan 31) Responsible Government

Readings:

- Malcolmsen *et al.*, Chapter 3: Responsible Government
- Janet Aizenstat, *The Canadian Founding: John Locke and Parliament* (Montreal: McGill-Queen's University Press, 2007), ch. 3.

Learning Outcomes for Week 4:

- Explain the mechanisms for forming a government under a system of responsible government.
- Describe how responsible government protects rights, and assess the strength of these protections.
- Compare how responsible government and the American Congressional system translate liberal values into the organization of governing institutions.

Week 5 (Feb 7) The Executive

Readings:

- Malcolmsen *et al.*, Chapter 4: The Crown and Its Servants
- Savoie, Donald, J. *Democracy in Canada: The Disintegration of Our Institutions*. Montreal: McGill-Queen's University Press, 2019. Chapter 10 ("The Cabinet: The Institution That Once Was.")

Learning Outcomes for Week 5:

- Explain why Canadian government is usually described as "executive dominated." Explain the mechanisms by which this domination occurs.
- Evaluate claims that too much power is concentrated in the hands of the Prime Minister.
- Describe the main restrictions on the power of the Prime Minister and explain how they restrict Prime Ministerial power.

Week 6 (Feb 14) Parliament

Readings:

- Malcolmsen *et al.*, Chapter 5: Parliament
- Morden, Michael, Jane Hilderman and Kendall Anderson. [*Flip the Script: Reclaiming the legislature to reinvigorate representative democracy*](#). Toronto: The Samara Centre for Democracy, 2019.

Learning Outcomes for Week 6:

- Describe the different roles ascribed to Parliament, and evaluate how well Parliament fulfills these roles.
- Explain how these roles sometimes enter in conflict.
- Assess possible reforms to Parliament that might increase its importance as an institution.

Notes: Weekly questions due February 18

Week 7 (Feb 21) Mid-term recess, NO CLASS

Week 8 (Feb 28) The Judiciary & the Charter of Rights and Freedoms 1

Readings:

- Malcolmsen *et al.*, Chapter 10: The Judiciary and Chapter 9: The Charter of Rights and Freedoms

Learning Outcomes for Week 8:

- Describe the different types of courts in Canada, and the governments who have authority to create them and appoint judges for them.
- Compare the various goals sought by actors promoting the adoption of a rights instrument like the Charter of Rights.
- Evaluate whether the Charter of Rights involves an Americanization of Canadian political institutions.

Week 9 (Mar 7) The Judiciary & the Charter of Rights and Freedoms 2

Readings:

- Hiebert, Janet. 2017. "The Notwithstanding Clause: Why Non-Use Does Not Necessarily Equate With Abiding by Judicial Norms." In Peter Oliver, Patrick Macklem and Nathalie Desrosiers (eds.) *The Oxford Handbook of the Canadian Constitution*. Oxford: Oxford University Press. 695-713.
- Petter, Andrew. 2009. "Legalise This: The *Chartering* of Canadian Politics." In James B. Kelly and Christopher P. Manfredi (eds.) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press. 33-49.

Learning Outcomes for Week 9:

- Describe how the Charter of Rights has affected the working of other political institutions, such as the executive (Cabinet and the bureaucracy) and Parliament.
- Evaluate the following statement: the notwithstanding clause undermines the protection of our rights in Canada.
- Assess whether the Charter of Rights strengthens or weakens the executive.

Week 10 (Mar 14) Federalism

Readings:

- Malcolmsen *et al*, Chapter 8: Federalism

- Graefe, Peter. "Intergovernmental Relations in Canadian Social Policy." In Karen Baehler et al. (eds.) *Oxford International Handbook of Public Administration for Social Policy: Promising Practices and Emerging Challenges*, expected fall 2021.

Learning Outcomes for Week 10:

- Describe the generic features of a federation, and explain how they are present (or absent) in the Canadian case.
- Assess the extent to which Canada is centralizing or decentralizing in the current context.
- Explain how the federal features of the Canadian constitution produce the sort of intergovernmental processes described by Graefe in his article.

Week 11 (Mar 21) Electoral Institutions

Readings:

- Malcolmsen *et al.* Chapter 6: Elections
- Pilon, Dennis. "The Electoral System: The Gendered Politics of Institutions." In Manon Tremblay and Joanna Everitt (eds.) *The Palgrave Handbook of Gender, Sexuality, and Canadian Politics*. New York: Palgrave Macmillan, 2020. 273-295.

Learning Outcomes for Week 11:

- Enumerate the key institutions involved in the organization of elections.
- Evaluate the relative presence of liberal and democratic values in the rules around election financing and spending.
- Describe the outcomes usually ascribed to the first-past-the-post electoral system and explain the process through which the system produces those outcomes.

Week 12 (Mar 28) Institutions of Colonialism, Institutions of Reconciliation

Readings:

- Truth and Reconciliation Commission of Canada. 2015. *Final Report – Canada's Residential Schools: Reconciliation*. Volume 6. Montreal: McGill-Queen's University Press. pp. 33-40; 42-43 (calls to action 46, 47), 81-95.
http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume_6_Reconciliation_English_Web.pdf
- Joyce Green, "The Impossibility of Citizenship Liberation for Indigenous People." In Jatinder Mann (ed.) *Citizenship in Transnational Perspective*. New York: Palgrave, 2017. 175-188.

Learning Outcomes for Week 12:

- Describe the set of institutions regulating the relationship of Indigenous peoples to the Canadian state, and compare them across time.
- Describe the new institutions that the Truth and Reconciliation Commission recommended to oversee the reconciliation process.
- Evaluate the adequacy of these proposed institutions for their intended purposes
- Assess Green's contentions about the limitations of a citizenship-based strategy for Indigenous people.

Notes: Term Paper due March 28

Week 13 (Apr 4) Institutions of Industrial Citizenship

Readings:

- Judy Fudge, "[After Industrial Citizenship: Market Citizenship or Citizenship at Work?](#)" *Relations Industrielles* 60:4 (2005), 631-656.
- Workers Action Centre. [Still Working on the Edge: Summary Report](#). Toronto: Workers Action Centre, 2015.

Learning Outcomes for Week 13:

- Describe the institutions that give form to industrial citizenship in Canada.
- Compare the industrial citizenship provided by unionization to that provided by human rights legislation and minimum labour standards.

Notes: Weekly questions due April 8

Week 14 (Apr 11) Institutions of Social Citizenship

Readings:

- Porter, Bruce and Martha Jackman. [Advancing Social Rights in Canada](#). Toronto: Irwin Law, 2014. 1-22

Learning Outcomes for Week 14:

- Describe the institutions that give form to social citizenship in Canada.
- Assess whether the Supreme Court's treatment of claims to social and industrial citizenship vindicate or challenge the arguments of Left-Wing Charterphobes.

Course Policies

Submission of Assignments

All assignments should be submitted to the appropriate submission folder on Avenue to Learn.

The weekly questions must be submitted by the start of tutorial if they are to receive the grade for submission.

Final papers received after March 28th will be considered late, and subject to a late penalty of 2% per day. Recognizing the need to accommodate minor illnesses and the complications of life, including those giving rise to an MSAF, four days of late penalties will be forgiven.

Grades

Grades will be based on the McMaster University grading scale:

MARK	GRADE
90-100	A+
85-90	A
80-84	A-
77-79	B+
73-76	B
70-72	B-
67-69	C+
63-66	C
60-62	C-
57-59	D+
53-56	D
50-52	D-
0-49	F

Late Assignments

Please see the section on “Submission of Assignments”.

Absences, Missed Work, Illness

McMaster Student Absence Form (MSAF): In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar “Requests for Relief for Missed Academic Term Work”.

Courses With An On-Line Element

Some courses may use on-line elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in a course that uses on-line elements will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

Online Proctoring

Some courses may use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and

record their computer activities, and/or lock/restrict their browser or other applications/software during tests or exams. This software may be required to be installed before the test/exam begins.

Authenticity / Plagiarism Detection

Some courses may use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software.

All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). For more details about McMaster's use of Turnitin.com please go to

www.mcmaster.ca/academicintegrity.

Copyright and Recording

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors

The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done by either the instructor for the purpose of authorized distribution, or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the [RISO](#) policy. Students should submit their request to their Faculty Office **normally within 10 working days** of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

Academic Integrity Statement

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and

academic integrity. **It is your responsibility to understand what constitutes academic dishonesty.**

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university. For information on the various types of academic dishonesty please refer to the [Academic Integrity Policy](#), located at <https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/>

The following illustrates only three forms of academic dishonesty:

- plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
- improper collaboration in group work.
- copying or using unauthorized aids in tests and examinations.

Conduct Expectations

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [Code of Student Rights & Responsibilities](#) (the “Code”). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online.**

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students’ access to these platforms

Academic Accommodation of Students with Disabilities

Students with disabilities who require academic accommodation must contact [Student Accessibility Services](#) (SAS) at 905-525-9140 ext. 28652 or sas@mcmaster.ca to make arrangements with a Program Coordinator. For further information, consult McMaster University’s [Academic Accommodation of Students with Disabilities](#) policy.

Faculty of Social Sciences E-mail Communication Policy

Effective September 1, 2010, it is the policy of the Faculty of Social Sciences that all e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student’s own McMaster University e-mail account. This

policy protects confidentiality and confirms the identity of the student. It is the student's responsibility to ensure that communication is sent to the university from a McMaster account. If an instructor becomes aware that a communication has come from an alternate address, the instructor may not reply at his or her discretion.

Course Modification

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check his/her McMaster email and course websites weekly during the term and to note any changes.

If the instructor or a teaching assistant is not able to pass the daily COVID screening, they cannot provide an in-class meeting. In the case that the instructor cannot attend the lecture, this will be announced on Avenue to Learn by 3pm on the day of the lecture. The lecture will be replaced by either an on-line lecture (which will be audio-recorded and posted to Avenue) or asynchronous lecture(s) posted to Avenue.

Extreme Circumstances

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.