

FEDERALISM

POLSCI 3GG3

Fall 2022

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Lecture: Tuesday, 9:30am -11:20am

Wednesday, 3:30pm - 4:20pm

Room: KTH 104

Office: Held Virtually

Office Hours: By Appointment

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Course Description

From the calendar: An analysis of the constitutional framework, evolution, and structure of the federal system in Canada and/or other Western countries. The principles of federalism at least rhetorically inform the political systems under which two in five humans live. Formal federations such as Canada are institutionally structured in part to protect or give expression to such principles. This course pays particular attention to how these principles have been translated into Canadian political institutions, and the implications for political practices such as redistribution, intergovernmental relations, public policy making, and the accommodation of national diversity.

Course Objectives

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

- Understand the impact of federalism on the lives of citizens
- Distinguish differing governmental structures and their implementation (Unitary, Federal)
- Critically evaluate how federalism works as well as its benefits and drawbacks
- Understand the role of intergovernmental relations and asymmetry, especially in a multination context

Required Materials and Texts

- Canadian federalism: performance, effectiveness, and legitimacy, 4th Edition. Herman Bakvis and Grace Skogstad.
- Additional required readings shall also be available for free online as indicated in the weekly schedule.

Class Format

- Mondays – Lecture.
 - Attendance shall be taken.
- Wednesdays – Quizzes and Discussions
 - Participation is Key

Course Evaluation – Overview

1. Participation 10% - Weekly
2. Quizzes 20% - Weeks 2, 3, 5, 7, 8, 10, 11, 12 [On Wednesdays].
3. Tests 30% - Weeks 4, 9, 13 [On Tuesdays].
4. Research Paper Outline 10% - 5:00pm, Friday October 28, 2022 [Avenue Dropbox]
5. Research Paper 30% - 5:00pm, Friday November 25, 2022 [Avenue Dropbox].

Course Evaluation – Details

Participation (10%), Weekly

This course consists of 2 sessions each week. The first session will be primarily conducted in traditional lecture style in which the week's topic shall be presented and discussed. The second session of the week will be discussion based. Students are expected to have read the assigned readings and discuss with their peers. Discussion will take place in a variety of different ways [In-Class, Avenue Discussion Boards etc], and this will be discussed in our first lecture. You will be graded based on the quality of your contribution to the class discussion. Attendance will also be taken for each class. Attendance without participation will result in a lower grade.

Quizzes (20%), on Wednesday Weeks 2, 3, 5, 7, 8, 10, 11, 12.

The quizzes will be composed of multiple choice and short response questions. The quiz will cover the previous week's material. Quizzes will be completed using the "Quiz" function on Avenue. More details will be provided in Lecture.

Tests (30%), On Tuesday Weeks 4, 9, 13.

In lieu of a final exam, you will have three tests. The tests shall be composed of short response and essay style response questions. Each test shall cover specific weeks as outline in the schedule below. Tests will be completed using the "Quiz" function on Avenue. More details will be provided in Lecture.

Research Paper Outline (10%), due 5:00pm, Friday October 28, 2022.

The outline is an efficient approach to organize information on a paper topic that interests you. This process will help you build a rough idea of what your paper will look like. It also provides you with an opportunity to receive feedback on your ideas before you begin to write the actual paper. Additional details will be provided in class and will also be posted to Avenue. Your outline must be submitted to the Avenue Dropbox – Email submission will not be accepted.

Research Paper (30%), due 5:00pm, Friday November 25, 2022.

You are required to write a research paper fully utilizing a minimum of six academic sources beyond course readings. Papers will be graded based on the cogency and coherence of argument and the ability to incorporate and use supporting evidence. Grammatical errors, spelling mistakes, and poor organization affect the professionalism of your paper and will result in a penalty of a maximum of 10 percentage points.

- The paper must be 8-10 pages [excluding title page and bibliography] in length, standard font size, 1" margins, and double-spaced. Anything exceeding these requirements will be disregarded in the evaluation of your paper.

- Extensions will be granted only on humanitarian grounds or on medical grounds (for which written proof of substantial distress must be provided in accordance with university policy).
- Additional details will be provided in class.

Weekly Course Schedule and Required Readings

Week 1 (Sep 6, 7)

Sep 6 – Introduction: Setting the Stage

Course overview, expectations, evaluation scheme and administrative matters.

- Readings
 - Nothing to read!!!

Sep 7 – Quizzes and Discussions – A Discussion

Week 2 (Sep 13, 14)

Sep 13 – The Historical Evolution and Institutionalism of Canadian Federalism.

- Readings
 - GS, Chapter 2.
 - Russell. (2004). Constitutional odyssey can Canadians become a sovereign people? (3rd ed.). University of Toronto Press. Chapters 2, 3.
 - Bednar, J. 2011. “The Political Science of Federalism,” Annual Review of Law and Society 7: 269- 288
 - “Devolution, Federalism and Covid-19: The Road Ahead.” The 2021 Canada-United Kingdom Colloquim (CUKC) Available at: [CUKC-2021-Final-Report-V3.pdf \(utoronto.ca\)](#)

Sep 14 – Quiz 1, Discussion 1.

Week 3 (Sep 20, 21)

Sep 20 – The Evolving Power of Canada’s Provincial Governments:

- Readings
 - GS, Chapter 4.
 - “The House: Can Canadian federalism cope with 21st century threats?” Available at [The House: Can Canadian federalism cope with 21st century threats? | CBC Radio](#)
 - Russell. (2004). Constitutional odyssey can Canadians become a sovereign people? (3rd ed.). University of Toronto Press. Chapter 4.

Sep 21 – Quiz 2, Discussion 2.

Week 4 (Sep 27, 28)

Sep 27 – Test 1

Notes: Covers material from Weeks 1, 2 and 3.

Sep 28 – Research Paper Discussion.

Week 5 (Oct 4, 5)

Oct 4 – First Nations' Peoples, Canadian Federalism and The Constitution.

- Readings
 - “Pope Francis: Did the pontiff's apology in Canada go far enough?” Available at [Pope Francis: Did the pontiff's apology in Canada go far enough? - BBC News](#)
 - “The pope's apology to Indigenous people doesn't go far enough, Canada says.” Available at [Canada says pope's apology to Indigenous peoples is not enough : NPR](#)
 - “Fighting 'denialists' for the truth about unmarked graves and residential schooling.” Available at [Fighting 'denialists' for the truth about unmarked graves and residential schooling | CBC News](#)
 - Royal Commission on Aboriginal Peoples – Final Report, 1996 (Pages 1-19).
 - The Truth and Reconciliation Commission of Canada – Final Report, 2015 (Executive Summary).
 - BS, Chapter 15.

Oct 5 – Quiz 3, Discussion 3.

Week 6 (Oct 11, 12)

Oct 11, 12 – Mid-term recess, No Class

Week 7 (Oct 18, 19)

Oct 18 – Canada as a Multinational and Multicultural State

- Readings
 - BS, Chapters 2, 3 and 14.
 - Kenneth McRoberts, “Canada and the Multinational State,” Canadian Journal of Political Science, Volume 34 , Issue 4 , December 2001 , pp. 683-713.
 - Laforest, Guy & Roy, Jean-Olivier. (2012). The Canadian State and the Political Freedom of Québec: the Ideas of James Tully and Michel Seymour. Available at: [\(PDF\) The Canadian State and the Political](#)

[Freedom of Québec: the Ideas of James Tully and Michel Seymour \(researchgate.net\)](#)

- Will Kymlicka (2021) The Precarious Resilience of Multiculturalism in Canada, *American Review of Canadian Studies*, 51:1, 122-142.

Oct 19 – Quiz 4, Discussion 4.

Week 8 (Oct 25, 26)

Oct 25 – Mega-Constitutional Politics

- Readings
 - BS, Chapter 6.
 - Russell. (2004). *Constitutional odyssey can Canadians become a sovereign people?* (3rd ed.). University of Toronto Press. Chapters 9, 10, 11.

Oct 26 – Quiz 5, Discussion 5.

Week 9 (Nov 1, 2)

Nov 1 – Test 2

Notes: Covers material from Weeks 5, 7 and 8.

Nov 2 – Open Discussion

Week 10 (Nov 8, 9)

Nov 8 – The Various Faces of Canadian Federalism: Fiscal Federalism and the Economic Union

- Readings
 - BS, Chapters 7, 8 and 9.

Nov 9 – Quiz 6, Discussion 6.

Week 11 (Nov 15, 16)

Nov 15 – The Supreme Court of Canada, Federalism and the Canadian Charter of Rights and Freedoms

- Readings
 - BS, Chapter 5.
 - Hiebert, Janet L.. "Parliamentary Engagement with the Charter: Rethinking the Idea of Legislative Rights Review." *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 58. (2012). Available at: [Parliamentary Engagement with the Charter: Rethinking the Idea of Legislative Rights Review \(yorku.ca\)](#)

- Dennis Baker. "The notwithstanding clause is the wrong way to fix a bad 'life without parole' Supreme Court decision," Centre for Civic Engagement and Hub Canada Media (August 19, 2022). Available at: [The notwithstanding clause is the wrong way to fix a bad 'life without parole' Supreme Court decision - The Hub](#)

Nov 16 – Quiz 7, Discussion 7.

Week 12 (Nov 22, 23)

Nov 22 – Environmentalism and Federalism – Negotiating Policy Gridlock

- Readings
 - BS, Chapter 13.
 - Dayna Scott, "Federalism, the Environment and the Charter in Canada," The Law Society of Upper Canada, Special Lectures 2017: Canada at 150: The Charter and the Constitution, (Toronto, 2018), pp. 188-201. Available at: [Federalism, the Environment and the Charter in Canada \(yorku.ca\)](#)
 - Klaudt, Dustin W. "Can Canada's "Living Tree" Constitution and Lessons from Foreign Climate Litigation Seed Climate Justice and Remedy Climate Change?" Journal of Environmental Law and Practice 31.3 (2018): 185-243.
 - Keele, Denise M. "Climate Change Litigation and the National Environmental Policy Act." Journal of Environmental Law 30.2 (2018): 285-309.

Nov 23 – Quiz 8, Discussion 8.

Week 13 (Nov 29, 30)

Nov 29 – Test 3

Notes: Covers material from Weeks 10, 11 and 12.

Nov 30 – Makeup Day for Missed Quizzes.

Week 14 (Dec 6,)

Dec 6 – Course Wrap-Up

- Readings
 - No thing to read today!!!

Course Policies

Submission of Assignments

All assignments must be submitted to the appropriate **drop box** in Avenue to Learn. Emailed submissions will not be accepted unless expressly approved well before the deadline.

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

Late assignments will be penalized 15 percentage points if they are not received by the deadline. Technical problems, such as hard drive crashes, are not grounds for an extension - please ensure that you routinely 'back-up' your work.

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](https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/), 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.

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.