

**McMaster University  
Department of Political Science**

**POLSCI 760  
Political Institutions of the Canadian State  
FALL 2016, Term 1**

Instructor: Peter Graefe  
Class: Wednesday, 8:30-11:20  
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### **Objectives**

This course has two main objectives. First, it seeks to familiarize students with the scholarly literature and debates surrounding core institutions of the Canadian State, to the extent that they can lay out the major positions and take a nuanced position with respect to them. Second, it aims to problematize the a-sociological and ahistorical analysis of some strands of Canadian institutional analysis, by foregrounding questions of the origins of institutions, and of the manner in which institutions favour certain political actors and outcomes over others. Without eclipsing the question of how the institutions could or should change, the emphasis is on understanding why our institutions are as they are, and what effects they have.

### **Evaluation**

*Class Participation:* 20%  
*Class presentation:* 20%  
*Paper Outline:* 10% (due in class October 26th)  
*Final Paper:* 50% (due December 7, 16h00)

#### *Class Participation*

Students are expected to come having done all the required readings each week. They should arrive in class with the ability to summarize the main arguments and points of each reading, and with questions about the strength of the arguments and their relations to other arguments. While the instructor will lead the seminar discussion, that “leadership” will entail calling on class participants to discuss the readings and raise points for discussion. Participation will therefore be graded on the extent to which a student consistently contributes thoughtful reflection and analysis drawing on course readings.

#### *Class Presentation*

Students are to choose one additional reading with an asterisk (\*) beside it. They should prepare a presentation of **no more than** 10 minutes to be delivered as part of that week’s

seminar. The presentation should summarize the main arguments and findings of the reading, provide an assessment of these arguments, and most importantly, locate them with respect to the other readings of that week and the course more generally. A transcript of the presentation, of **no more than 5** double-spaced pages, should be submitted at the same time. The presentations will be graded based on both the oral presentation and written transcript. Attention will be paid to the quality of the synthesis in describing the reading's main contents, and the quality of the analysis assessing the arguments and relating them to other course materials.

The distribution of class presentations will take place on January 16, as only one student can choose a given reading.

### *Final Paper*

Students are expected to produce a 20 page paper on a Canadian political institution. The institution can be a highly visible one (e.g. the Senate, federalism), a narrower or more specific one (e.g. the franchise, the Council of the Federation, the Health Council of Canada, the Ontario Human Rights Commission), or a very specific one (e.g. Federal/Provincial/Territorial Advisory Committee on Governance and Accountability). The paper provides an opportunity for students to apply the themes and framework of the course to their own areas of interest. The paper should analyze the politics of the creation (or subsequent reform) of the institution in question OR analyze how the institution serves to favour certain actors and outcomes over others. Depending on the topic chosen, papers will have different dosages of critical literature review and primary research, as different institutions have different amounts of existing research and debate devoted to them.

### *Paper Outline*

As preparation for the final paper, students should submit a 1000-1500 word outline. The outline should set out the institution in question and the paper's argument, placing these within the context of existing research and arguments about that institution. It should include a bibliography that separates sources into those cited in the outline, and those sources that likely will be used for the final paper, but have not yet been consulted.

### **Academic Integrity**

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

It is the students' responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty, please refer to the Academic Integrity Policy, located at <http://www.mcmaster.ca/academicintegrity>

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g., the submission of work that is not one's own or for which other credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations.

### **Course Modification Statement**

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.

### **Accommodations for Students with Disabilities**

Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail [sas@mcmaster.ca](mailto:sas@mcmaster.ca). For further information, consult McMaster University's Policy for [Academic Accommodation of Students with Disabilities](#).

### **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.

Email Forwarding in MUGSI: <http://www.mcmaster.ca/uts/support/email/emailforward.html>

\*Forwarding will take effect 24-hours after students complete the process at the above link.

### **Electronic Resources**

In this course we will be using Avenue to Learn. Students should be aware that, when they access the electronic components of this course, 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 this course will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

## Schedule of Topics and Readings

Please note, students can substitute an additional reading for a required reading by consulting with the professor in advance of the class.

One copy of readings that are not available electronically through the library will be left in the photocopy room in advance of the class or otherwise be circulated.

We will be reading most of David Schneiderman, *Red, White, and Kind of Blue? The Conservatives and the Americanization of Canadian Constitutional Culture* (Toronto: University of Toronto Press, 2015), a number of copies of which should be available at the McMaster Campus Store.

### Week 1: September 7

Introduction to the course

### Week 2: September 14

Different Ways of Thinking about Institutions

Terry M. Moe, "Power and Political Institutions," *Perspectives on Politics*, 3:2 (2005) 215-231.

Siobhan Harty, "Theorizing Institutional Change," in André Lecours (ed.) *New Institutionalism: Theory and Analysis* (Toronto: University of Toronto Press, 2008), 51-79.

Walter Korpi, "The Power Resources Model," in Christopher Pierson and Francis G. Castles (eds) *The Welfare State Reader* (Polity Press, 2000), 77-88.

### Additional Readings:

Wolfgang Streeck and Kathleen Thelen, "Introduction: Institutional Change in Advanced Political Economies," in Wolfgang Streeck and Kathleen Thelen (eds) *Beyond Continuity: Institutional Change in Advanced Political Economies* (Oxford: Oxford University Press, 2005), 1-39.

James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in James Mahoney and Kathleen Thelen (eds) *Explaining institutional change: ambiguity, agency and power* (New York: Cambridge University Press, 2010), 1-37.

John L. Campbell, *Institutional Change and Globalization* (Princeton: Princeton University Press, 2004), esp. ch. 1-2.

**Week 3** September 21  
Confederation

Janet Ajzenstat, *The Canadian Founding: John Locke and Parliament* (Montreal: McGill-Queen's University Press, 2007), ch. 2.

Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History," *Canadian Historical Review* 81 (2000), 617-45.

David Schneiderman, *Red, White, and Kind of Blue? The Conservatives and the Americanization of Canadian Constitutional Culture* (Toronto: University of Toronto Press, 2015), ch. 1.

And one of:

Stanley B. Ryerson, *Unequal Union: Roots of the Crisis in the Canadas, 1815-1873* (Toronto: Progress Books, 1973), ch. 18.

Philip Resnick, *The Masks of Proteus: Canadian Reflections on the State* (Montréal: McGill-Queen's University Press, 1990), ch. 4

Peter J. Smith, "The Ideological Origins of Canadian Confederation," in Janet Ajzenstat and Peter J. Smith (eds) *Canada's Origins: Liberal, Tory or Republican?* (Ottawa: Carleton University Press, 1995), 47-78.

Additional readings:

\*Ian McKay, "Canada as a Long Liberal Revolution: On Writing the History of Actually Existing Canadian Liberalisms, 1840s-1940s" in Jean-François Constant and Michel Ducharme, *Liberalism and Hegemony: Debating the Canadian Liberal Revolution* (Toronto: University of Toronto Press, 2009), 347-452.

\*Elsbeth A Heaman, *A Short History of the State in Canada*. Toronto: University of Toronto Press, 2015. (esp. ch. 1-3).

\*Andrew Smith, *British Businessmen and Canadian Confederation* (Montreal: McGill-Queen's University Press, 2008).

Andrew Smith, "Toryism, Classical Liberalism, and Capitalism: The Politics of Taxation and the Struggle for Canadian Confederation," *Canadian Historical Review* 89 (2008), 1-24.

Reg Whitaker, *A Sovereign Idea* (Montreal: McGill-Queen's University Press, 1992), ch. 1.

Cole Harris, "The Spaces of Early Canada," *Canadian Historical Review* 91 (2010), 725-759.

**Week 4:** September 28  
Parliament and Senate

Janet Ajzenstat, *The Canadian Founding*, ch. 3.

David Docherty, "Imperfect Legislatures," in Patti Tamara Lenard and Richard Simeon (ed.), *Imperfect Democracies: The Democratic Deficit in Canada and the United States* (Vancouver: UBC Press, 2012), 181-203.

David Schneiderman, *Red, White, and Kind of Blue? The Conservatives and the Americanization of Canadian Constitutional Culture* (Toronto: University of Toronto Press, 2015), ch. 3, and one of ch. 2 and ch. 4.

Additional readings:

Peter Aucoin, Mark D. Jarvis and Lori Turnbull, *Democratizing the Constitution: Reforming Responsible Government* (Toronto: Emond Montgomery, 2011), ch. 2

Jonathan Malloy, "The Drama of Parliament Under Minority Government" in G. Bruce Doern and Christopher Stoney, (eds.), *How Ottawa Spends 2011-12* (Montreal: McGill-Queen's University Press, 2010).

Philip Resnick, *The Masks of Proteus*, ch. 5.

Peter H. Russell, "Discretion and the Reserve Powers of the Crown," *Canadian Parliamentary Review*, 34:2 (2011), 19-25.

Bruce M. Hicks, "The Westminster Approach to Prorogation, Dissolution and Fixed Election Dates," *Canadian Parliamentary Review* 35:2 (2012)

\*David E. Smith, *The People's House of Commons: Theories of Democracy in Contention* (Toronto: University of Toronto Press, 2007).

\*Peter H. Russell, *Two Cheers for Minority Government* (Toronto: Emond Montgomery, 2008).

Peter H. Russell and Lorne Sossin (eds) *Parliamentary Democracy in Crisis* (Toronto: University of Toronto Press, 2009), chapters by Jean Leclair & Jean-François Goudreault-Desbiens (105-120), Peter Russell (136-149), and Graham White (150-60).

Johannes Wheeldon, "Constitutional Peace, Political Order, or Good Government? Organizing and Assessing Scholarly Views on the 2008 Prorogation." *Canadian Political Science Review* 8:1 (2014). <http://ojs.unbc.ca/index.php/cpsr/article/view/566>

Philip Resnick, *Parliament vs. People: An Essay on Democracy and Canadian Political Culture* (Vancouver: New Star Books, 1984), ch.1-4, 6.

David Smith, "The Senate of Canada and the Conundrum of Reform", and Janet Ajzenstat, "Harmonizing Regional Representation with Parliamentary Government: The Original Plan," in Jennifer Smith (ed.) *Democratic Dilemma: Reforming the Canadian Senate* (Montreal: McGill-Queen's University Press, 2009), 11-33.

Jennifer Smith, "Democracy and the Canadian House of Commons at the Millennium," *Canadian Public Administration* 42:4 (1999) 398-421.

\*David Docherty, *Legislatures* (Vancouver: UBC Press, 2005).

Rudy B. Andeweg, "Towards a Stronger Parliament? Electoral Engineering of Executive-Legislative Relations," *Acta Politica* 41 (2006) 232-248.

Institute of Intergovernmental Relations, 2008 Working Paper Series on Senate Reform, <http://www.queensu.ca/iigr/working/papers.html>

**Week 5:** October 5  
Cabinet and Executive

Donald J. Savoie, "The Rise of Court Government in Canada," *Canadian Journal of Political Science* 32:4 (1999) 635-664.

One of:

Graham White, "The 'Centre' of the Democratic Deficit: Power and Influence in Canadian Political Executives," in Patti Tamara Lenard and Richard Simeon (ed.), *Imperfect Democracies: The Democratic Deficit in Canada and the United States* (Vancouver: UBC Press, 2012), 226-247.

Herman Bakvis and Steven B. Wolinetz, "Canada: Executive Dominance and Presidentialization," in Thomas Poguntke and Paul Webb (eds) *The Presidentialization of Politics: A Comparative Study of Modern Democracies* (Oxford: Oxford University Press, 2005). (e-book, available from the library web catalogue).

One of:

David Good, *The Politics of Public Money* 2<sup>nd</sup> ed. (Toronto: University of Toronto Press, 2014), ch. 4.

G. Bruce Doern, Allan M. Maslove and Michael J. Prince, *Canadian Public Budgeting in the Age of Crisis* (Montreal: McGill-Queen's University Press, 2013), ch. 4.

Additional readings:

Dennis Baker, *Not Quite Supreme: The Courts and Coordinate Constitutional Interpretation* (Montreal: McGill-Queen's University Press, 2010), ch. 3-4.

\*Graham White, *Cabinets and First Ministers* (Vancouver: UBC Press, 2005).

\*Janice MacKinnon, *Minding the Public Purse* (Montreal: McGill-Queen's University Press, 2003).

\*Howard Pawley, *Keep True: A Life in Politics* (Winnipeg: University of Manitoba Press, 2011).

\*\*\*No Class October 12<sup>th</sup>\*\*\*

**Week 6:** October 19

Bureaucratic institutions

David Good, *The Politics of Public Money* 2<sup>nd</sup> ed. (Toronto: University of Toronto Press, 2014), ch. 1 (esp. p. 30-37), 2.

Jonathan Craft, *Backrooms and Beyond: Partisan Advisers and the Politics of Policy Work in Canada* (Toronto: University of Toronto Press, 2016), Introduction, ch 1.

One of:

Rianne Mahon, "Canadian Public Policy: The Unequal Structure of Representation," in Leo Panitch (ed.) *The Canadian State* (Toronto: University of Toronto Press, 1977), 165-198.

Bryan Evans, "How the State Changes Its Mind? A Gramscian Account of Ontario's Managerial Culture Change," *Philosophy of Management* 5:2 (2005) 25-46.

Additional readings:

Donald Savoie, "The Canadian public service has a personality," *Canadian Public Administration* 49:3 (2006) 261-281.

J.E. Hodgetts, *Pioneer Public Service* (Toronto: University of Toronto Press, 1955), ch. XVI.

Denis Grube, "Public voices from anonymous corridors: The public face of the public service in a Westminster system," *Canadian Public Administration* 56:1 (2013) 3-25.

Donald Savoie, "Intrastate Federalism and the Civil Service," in Hans Michelmann and Christine de Clercy (eds) *Continuity and Change in Canadian Politics* (Toronto: University of Toronto Press, 2006), 64-88.

\*John Shields and Bryan Evans, *Shrinking the State: Globalization and Public Administration "Reform"* (Halifax: Fernwood, 1998).

Heather Whiteside, *Purchase for Profit: Public-Private Partnerships and Canada's Public Health-Care System* (Toronto: University of Toronto Press, 2015), ch. 3.

Gregory Albo, "Democratic Citizenship and the Future of Public Management," in Greg Albo, David Langille and Leo Panitch (eds.) *A different kind of state? Popular Power and Democratic Administration* (Toronto: Oxford University Press, 1993), 17-33.

Ian Brodie, "In Defense of Political Staff," *Canadian Parliamentary Review* 35:3 (2012)

**Week 7:** October 26  
Federalism

Barbara Cameron, "Social Reproduction and Canadian Federalism," in Kate Bezanson and Meg Luxton (eds) *Social Reproduction: Feminist Political Economy Challenges Neo-Liberalism* (Montréal: McGill-Queen's University Press, 2006), 45-74.

Alain Noël, "How do you limit a power that does not exist" and Andrew Petter, "The Myth of the Federal Spending Power Revisited," in John R. Allan *et al.*, *Canada: The State of the Federation 2008: Open Federalism and the Spending Power* (Kingston: Institute of Intergovernmental Relations, 2012), 167-182, 183-192.

One of:

Rianne Mahon and Deborah Brennan, "Federalism and the 'New Politics' of Welfare Development: Childcare and Parental Leave in Australia and Canada," *Publius* 43:1 (2013), 90-108.

Adam Harmes, "The Political Economy of Open Federalism," in *Canadian Journal of Political Science* 40:2 (2007) 417-437.

François Rocher and Marie-Christine Gilbert, "Red-Federalizing Canada: Refocusing the Debate on Decentralization," in Ruth Hubbard and Gilles Paquet (eds.) *The Case for Decentralized Federalism* (Ottawa: University of Ottawa Press, 2010) 116-158.

Additional readings:

Jean-François Caron, Guy Laforest and Catherine Vallières-Roland, "Canada's Federative Deficit," in Alain-G. Gagnon, *Contemporary Canadian Federalism: Foundations, Traditions, Institutions* (Toronto: University of Toronto Press, 2009), 132-162.

Julie M. Simmons, "Democratizing Executive Federalism: The Role of Non-Governmental Actors in Intergovernmental Agreements," in Herman Bakvis and Grace Skogstad (eds) *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 2<sup>nd</sup> ed. (Toronto: Oxford University Press, 2008), 355-379.

Eric Montpetit, "Easing Dissatisfaction with Canadian Federalism? The Promise of the Strategy of Disjointed Incrementalism," *Canadian Political Science Review* 2:3 (2008).  
<http://ojs.unbc.ca/index.php/cpsr/article/view/70>

Guy Laforest, "The Meaning of Canadian Federalism in Québec: Critical Reflections," *Revista d'estudis autonòmics i federals* 11 (2010), 10-55.  
[http://www10.gencat.cat/drep/binaris/\\_reaf11\\_Laforest\\_tcm112-132308.pdf](http://www10.gencat.cat/drep/binaris/_reaf11_Laforest_tcm112-132308.pdf)

\*Jennifer Smith, *Federalism* (Vancouver: UBC Press, 2004).

\*Alain-G. Gagnon and Raffaele Iacovino, *Federalism, Citizenship, and Quebec* (Toronto: University of Toronto Press, 2007).

François Rocher, "The Quebec-Canada Dynamic or the Negation of the Ideal of Federalism," in Alain-G. Gagnon, *Contemporary Canadian Federalism: Foundations, Traditions, Institutions* (Toronto: University of Toronto Press, 2009), 81-131.

Éric Montpetit, "Declining Legitimacy and Canadian Federalism: An Examination of Policy-Making in Agriculture and Biomedicine," in Hans Michelmann and Christine de Clercy (eds) *Continuity and Change in Canadian Politics* (Toronto: University of Toronto Press, 2006) 89-116.

Peter Graefe, "The Spending Power and Federal Social Policy Leadership: A Prospective View," in *Defining the Federal Government's Role in Social Policy: The Spending Power and Other Instruments* (Montreal: IRPP, 2008).

Alain Noël, "Power and Purpose in Intergovernmental Relations," *Policy Matters*, 2:6 (2001).

Janet Ajzenstat, *The Canadian Founding*, ch. 5.

Janet Ajzenstat *et al.* (ed.) *Canada's Founding Debates*, ch. 9.

Jörg Broschek, "Historical Institutionalism and the Varieties of Federalism in Germany and Canada," *Publius*, 42: 4 (2012) 662-687.

Julie M. Simmons and Amy Nugent, “Panacea or Peril: Intergovernmental Accountability and the Auditor General” in Peter Graefe, Julie M. Simmons and Linda A. White (eds) *Overpromising and Underperforming?* (Toronto: University of Toronto Press, 2012).

**Week 8:** November 2  
Courts and Charter

Andrew Petter, “Legalise This: The *Chartering* of Canadian Politics,” and James B. Kelly, “Legislative Activism and Parliamentary Bills of Rights: Institutional Lessons for Canada,” in James Kelly and Christopher Manfredi (eds) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms* (Vancouver: UBC Press, 2009), 33-49, 86-105.

David Schneiderman, *Red, White, and Kind of Blue? The Conservatives and the Americanization of Canadian Constitutional Culture* (Toronto: University of Toronto Press, 2015), ch. 5.

One of:

Andrew Petter, “Wealthcare: The Politics of the Charter Re-visited,” in Colleen M. Flood et al. (eds), *Access to Care, Access to Justice: The Legal Debate Over Private Health Insurance in Canada* (Toronto: University of Toronto Press, 2005).

Christopher P. Manfredi and Antonia Maioni, “Judicializing Health Policy: Unexpected Lessons and an Inconvenient Truth,” in James Kelly and Christopher Manfredi (eds) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms* (Vancouver: UBC Press, 2009). 129-143.

John Borrows, *Freedom and Indigenous Constitutionalism* (Toronto: University of Toronto Press, 2016), ch. 4.

Additional readings:

\*Dennis Baker, *Not Quite Supreme: The Courts and Coordinate Constitutional Interpretation* (Montreal: McGill-Queen’s University Press, 2010).

Janet Hiebert, “Wrestling with Rights: Judges, Parliament and the Making of Social Policy,” in Paul Howe and Peter Russell (eds.) *Judicial Power and Canadian Democracy* (Montreal: McGill-Queen’s University Press, 2001), 165-213

Erin Crandell, “DIY101: The Constitutional Entrenchment of the Supreme Court of Canada.” ?” In Emmett Macfarlane (ed.) *Constitutional Amendment in Canada* (Toronto: University of Toronto Press, 2016), ch.9.

Andrea Lawlor and Erin Crandell, "Questioning Judges with a Questionable Process: An Analysis of Committee Appearances by Supreme Court Candidates." *Canadian Journal of Political Science* 48: 4 (2015) 863-883.

Miriam Smith, "Ghosts of the JCPC," *Canadian Journal of Political Science*, 35:1 (2002), 3-29.

\*Emmett Macfarlane, "Administration at the Supreme Court of Canada: Challenges and Change in the Charter Era," *Canadian Public Administration* 52:1 (2009), 1-21.

Emmett Macfarlane, *Governing from the Bench: The Supreme Court of Canada and the Judicial Role* (Vancouver: UBC Press, 2013)

Nadia Verelli (ed.), *The Democratic Dilemma: Reforming Canada's Supreme Court* (Montreal: McGill-Queen's University Press, 2013).

Robin Elliott, "Morton and Knopff's *The Charter Revolution and the Court Party: A Legal Critique*," in in Gerald Kernerman and Philip Resnick (eds.) *Insiders & Outsiders* (Vancouver: UBC Press, 2005), 117-131.

Robert Schertzer, "Recognition or Imposition? Federalism, national minorities, and the Supreme Court of Canada," *Nations and Nationalism* 14:1 (2008) 105-126.

\*Ian Greene, *Courts* (Vancouver: UBC Press, 2005).

Institute of Intergovernmental Relations, Special Working Paper Series on the Federal Dimensions of Reforming the Supreme Court of Canada.  
<http://www.queensu.ca/iigr/working/papers.html>

**Week 9:** November 9  
The New Constitution

Alan Cairns, *Reconfigurations* (Toronto: McClelland and Stewart, 1995), ch. 4.

One of:

Janet L. Hiebert, "Compromise and the Notwithstanding Clause: Why the Dominant Narrative Distorts our Understanding," in James Kelly and Christopher Manfredi (eds) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms* (Vancouver: UBC Press, 2009), 107-125.

Frédéric Bastien, "Britain, the Charter of Rights and the spirit of the 1982 Canadian Constitution," *Commonwealth & Comparative Politics* 48:3 (2010), 320-47.

Dennis Baker and Mark D. Jarvis, "The End of Informal Constitutional Change in Canada?" In Emmett Macfarlane (ed.) *Constitutional Amendment in Canada* (Toronto: University of Toronto Press, 2016), ch.9.

And one of:

Guy Laforest, "The Internal Exile of Quebecers in the Canada of the Charter," in James Kelly and Christopher Manfredi (eds) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms* (Vancouver: UBC Press, 2009), 251-262.

Sujit Choudhry, "Bills of Rights as Instruments of Nation Building in Multinational States: The Canadian Charter and Quebec Nationalism," in James Kelly and Christopher Manfredi (eds) *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms* (Vancouver: UBC Press, 2009), 233-250.

John Borrows, *Freedom and Indigenous Constitutionalism* (Toronto: University of Toronto Press, 2016), 3.

Additional Readings:

Reg Whitaker, *A Sovereign Idea* (Montreal: McGill-Queen's University Press, 1992), ch. 7.

James Tully, "Introduction," in Alain-G. Gagnon and James Tully (eds.) *Multinational Democracies* (Cambridge: Cambridge University Press, 2001), 1-33.

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

Alexandra Dobrowolsky, "Of 'Special Interest': Interest, identity and Feminist Constitutional Activism in Canada," *Canadian Journal of Political Science* 31:4 (1998) 707-742.

\*Matt James, *Misrecognized Materialists: Social Movements in Canadian Constitutional Politics* (Vancouver: UBC Press, 2006).

Peter H. Russell, "Can the Canadians Be a Sovereign People?" *Canadian Journal of Political Science*, vol. 24, no. 4 (1991) 691-709.

Matt James, "The Politics of Honourable Constitutional Inclusion and the Citizens' Constitution Theory," in Gerald Kernerman and Philip Resnick (eds.) *Insiders & Outsiders* (Vancouver: UBC Press, 2005), 132-147.

**Week 10:** November 16

Electoral Institutions and Political Parties

Alan Cairns, "The Electoral System and the Party System in Canada, 1921-1965," *Canadian Journal of Political Science*, 1:1 (1968) 55-80.

And one of:

Dennis Pilon, "Explaining Voting System Reform in Canada, 1874 to 1960," *Journal of Canadian Studies*, 40:3 (2006), 135-161.

Veronica Strong-Boag, "The Citizenship Debates: The 1885 Franchise Act," in Robert Adamoski, Dorothy E. Chunn, & Robert Menzies (eds) *Contesting Canadian Citizenship* (Peterborough: Broadview Press, 2002), 69-94.

And one of:

Richard S. Katz, "Finance Reform and the Cartel Party Model in Canada," in Lisa Young and Harold J. Jansen (eds) *Money, Politics and Democracy: Canada's Party Finance Reforms* (Vancouver: UBC Press, 2011), 60-81.

Royce Koop, "Party Constituency Associations and the Service, Policy and Symbolic Responsiveness of Canadian Members of Parliament." *Canadian Journal of Political Science*, 45:2 (2012) 359-378.

Additional readings:

\*Elections Canada, *A History of the Vote in Canada*, 2<sup>nd</sup> ed. (Ottawa: Elections Canada, 2007) [http://www.elections.ca/res/his/History-Eng\\_Text.pdf](http://www.elections.ca/res/his/History-Eng_Text.pdf)

\*John C. Courtney, *Elections* (Vancouver: UBC Press, 2004).

\*Harold D. Clarke et al. *Absent Mandate: Canadian Electoral Politics in an era of restructuring* (Vancouver: Gage, 1996).

Matthew Mendlsohn and Sujit Choudhry, *Voter equality and other Canadian values: Finding the Right Balance*. Toronto: Mowat Centre for Policy Innovation, 2011.

<http://www.mowatcentre.ca/research-topic-mowat.php?mowatResearchID=37>

Michael Pal and Sujit Choudhry, "Is Every Ballot Equal: Visible Minority Vote Dilution in Canada," *Choices* 13:1 (2007), 1-21.

<http://www.irpp.org/choices/archive/vol13no1.pdf>

**Week 11:** November 23

The Crown

David E. Smith, *The Invisible Crown* (Toronto: University of Toronto Press, 1995), ch. 2, 5.

Philippe Lagassé, “Parliamentary and judicial ambivalence toward executive prerogative powers in Canada,” *Canadian Public Administration*, 55:2 (2012), 157-180.

Philippe Lagassé and Patrick Baud. “The Crown and Constitutional Amendment after the Senate and Supreme Court References ” In Emmett Macfarlane (ed.) *Constitutional Amendment in Canada* (Toronto: University of Toronto Press, 2016), ch.12.

Additional readings:

Barbara Cameron, “The Office and Powers of the Governor General: Political Intention and Legal Interpretation,” *Journal of Parliamentary and Political Law* 6 (2012), 87-106.

Edward McWhinney, *The Governor General and the Prime Ministers: The Making and Unmaking of Governments*, (Vancouver: Ronsdale Press, 2005), ch. 4.

**Week 12:** November 30

Aboriginal Peoples and Colonial Institutions

Jeremy Webber, “We Are Still in the Age of Encounter: Section 35 and a Canada beyond Sovereignty,” in Patrick Macklem and Douglas Sanderson (eds.) *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights* (Toronto: University of Toronto Press, 2016)

Michael Asch, *On Being Here to Stay* (Toronto: University of Toronto Press, 2014), ch. 2.

And one of:

Michael Morden, “Theorizing the resilience of the Indian Act,” *Canadian Public Administration* 59: 1 (2016) 113-133.

Hayden King, “New Treaties, Same Old Dispossession: A Critical Assessment of Land and Resource Management Regimes in the North.” In Martin Papillon (ed.) *Canada State of the Federation 2013: Aboriginal Multilevel Governance*. (Kingston: Institute for Intergovernmental Relations, 2015), 83-98.

Ian Peach, “Who speaks for whom? Implementing the Crown's duty to consult in the case of divided Aboriginal political structures.” *Canadian Public Administration* 59: 1 (2016) 95-112.

Christopher Alcantara and Adrienne Davidson, “Negotiating Aboriginal Self-Government Agreements in Canada: An Analysis of the Inuvialuit Experience.” *Canadian Journal of Political Science* 48:3 (2015) 553-575.

Additional readings:

Christa Scholtz, "Part II and Part V: Aboriginal Peoples and Constitutional Amendment." In Emmett Macfarlane (ed.) *Constitutional Amendment in Canada* (Toronto: University of Toronto Press, 2016), ch. 4.

Kiera Ladner, "Negotiated Inferiority: The Royal Commission on Aboriginal People's Vision of a Renewed Relationship," *American Review of Canadian Studies* 31 (2001), 241-64.

Graham White, "Treaty Federalism in Northern Canada: Aboriginal-Government Land Claims Boards," *Publius* 32:3 (2002), 89-114.

Greg Poelzer and Ken Coates, "Aboriginal Peoples and the Crown in Canada: Completing the Canadian Experiment," in Hans Michelmann and Christine de Clercy (eds) *Continuity and Change in Canadian Politics* (Toronto: University of Toronto Press, 2006), 147-169.

Reg Whitaker, "Sovereignties Old and New: Canada, Quebec and Aboriginal Peoples," *Studies in Political Economy* 58 (1999) 69-96.

**Week 13: December 7**

Conclusions and informal presentation of student papers.