

**University of Victoria
Department of Political Science**

**POLI 201 A01 – Canadian Institutions of Government
CRN 22538**

Lecture Times: MR 1:00-2:30 pm

Lecture Location: DTB (David Turpin Building) A102

Instructor: James Lawson, PhD

Office: DTB (David Turpin Building) A-346

Office Hours: M 3-4 pm, R 11 am - 12 noon, or by appointment

Telephone messages: 250-721-7496 (Please mention POLI 201, your name, and contact information.)

Email: lawsonj@uvic.ca (Please put “POLI 201” as the first part of the subject heading.)

Tutorial	Day	Time	Location	Tutorial	Day	Time	Location
TF01	T	11:30-12:20	CLE B315	TF04	W	2:30-3:20	CLE D125
TF02	T	12:30-1:20	CLE B315	TF05	W	3:30-4:20	DSB C114
TF03	W	1:30-2:20	CLE C214				

Students must register separately for the lectures and for one tutorial period. Do this at the very beginning of term, if you have not already done so.

Failure to *register* officially for a tutorial results in an “N” grade (university policy).

If you still have to register, and if your schedule does not fit the tutorials still available, but does fit a tutorial that is full, register for any available tutorial. We will sort out individual scheduling problems early in the year.

Remember this is not a distance course! Missing multiple lectures and tutorials will impair your understanding. Lectures, tutorials, and readings do not simply repeat each other.

Course Learning Objectives

- a basic understanding of the history, structure, and functions of key Canadian governing institutions and of select debates about their relationship to democracy and to liberal-democracy in particular.
- a basic understanding of liberal-democracy and other concepts as they are defined, debated, and assessed in distinct and sometimes conflicting ways in the political and social sciences.
- analytical reading, speaking, and writing skills appropriate to social science research at the second-year university level
- research, reasoning, and presentation skills appropriate to social science research at the second-year university level

INSTRUCTOR'S NOTE

Please read this syllabus carefully, both now and when you have questions about course organization. It summarizes course themes, assignments, grading, weekly required readings and lectures, and other expectations.

Paper and/or electronic handouts may amend or supplement the syllabus. I will distribute them in lecture or tutorial, and post them on the CourseSpaces site. These may include detailed assignment requirements. Do not undertake an assignment before reading the syllabus and checking for any handout requirements.

The lectures and tutorials are both required components of this course. Lectures add important new information beyond the readings.

Learning to evaluate and analyze facts and arguments is part of the course, and the primary purpose of tutorials. But no one can evaluate and analyze facts one has not learned.

Your success depends on your time, effort, and ingenuity. The whole teaching staff is here to help. Contact us about problems about the material or the course. We intend to handle serious concerns seriously.

Introduction

Colonial, liberal-democratic, federal, and parliamentary, Canada's governing institutions have a long history marked by both continuities and changes. Whatever opinion you may have about Canada's governing institutions, understanding how they operate is useful. This course introduces Canada's governing institutions, their origins, and conceptual frameworks for understanding them.

Canada's constitutional framework emerged gradually, rather than emerging all at once in a comprehensive framework. It was the product of successive struggles among sharply different political views and interests. More than in some other liberal-democratic systems, the constitutional framework relies heavily on informal conventions, in addition to written constitutional documents. Because of these features of Canada's constitutional order, scholars and political actors alike interpret it in markedly divergent ways. Many distinct ways of understandings offer important insights.

Key topics for the course include the imperial legacy, Crown sovereignty, parliament, the prime minister and cabinet, the courts, federalism, and the charter of rights. The course notes contemporary debates about these institutions. It also looks at key turning points in Canadian history, when new elements of the constitutional framework were forged out of political debates and decisions. A brief overview of these institutions and their historical development is available in Appendices D and E, below.

Required Texts and Readings

- POLI 201 Custom Textbook (Special selections from Christopher Cochrane, Rand Dyck. *Canadian Politics: Critical Approaches*, 8th ed. (Toronto, ON: Thomson-Nelson, 2016). (different selections are assigned in POLI 101; if you have the full text, equivalent pages are offered in the reading list below)
- William E. Messenger et al., *The Concise Canadian Writer's Handbook*, 3rd edition. (Toronto, ON: Oxford University Press, 2017).

- Other readings listed as “required” in the syllabus. These are few, but are just as testable as the textbook assignments. They will usually be available at clickable URLs on the course’s CourseSpaces site, through the University Library’s electronic reserve system, or in the electronic version of the reading list. When different parts of the class are assigned different readings, the exam and other assignments will accommodate all parts of the class.

Note: One goal of POLI 201 is to develop your writing skills. Messenger et al. covers writing style and essay composition. Dr. Lawson will refer to this book in lectures. Short exercises to improve your skills (based on Messenger et al.) will be a small but important part of the grade. Apart from its own contribution to your grade, this component of the course should help to improve your results for the other written assignments.

Supplementary readings

The course includes some of these items if the topics interest you enough to do extra readings. You are not required to read the Supplementary readings for written assignments or for the exam. They are not on reserve or the CourseSpaces site; you have to look them up yourself.

In addition to these readings, the following reading may help your overall understanding and further study of Canadian institutions of government.

- Eugene Forsey, *How Canadians Govern Themselves* (sixth edition). Available at <http://www.parl.gc.ca/information/library/idb/forsey/index-e.asp> . Last accessed November 2, 2018.

The first edition came out in 1980, but Forsey and others have updated it. The main features of the constitution have not changed greatly, but rely on Cochrane et al. for more current details and for more precision. Recent changes in the observation of parliamentary conventions have led to debates about some things that Forsey correctly reported as the facts in his day. It is valuable to know what experts were saying about these conventions before the current controversies.

- William Cross, ed. *Auditing Canadian Democracy* (Vancouver, BC: University of British Columbia Press/Canadian Democratic Audit, 2010)

This book summarizes an important collection of recent volumes studying the Canadian political system from the standpoint of liberal-democracy. They operate within an international circle of researchers conducting “democratic audits” of major liberal-democratic countries.

COURSE EXPERIENCE SURVEY (CES)

I value your feedback on this course. Towards the end of term, as in all other courses at UVic, you will have the opportunity to complete an anonymous survey regarding your learning experience (CES). The survey is vital to providing feedback to me regarding the course and my teaching, as well as to help the department improve the overall program for students in the future. The survey is accessed via MyPage and can be done on your laptop, tablet, or mobile device. I will remind you and provide you with more detailed information nearer the time but please be thinking about this important activity during the course.

Assignments – Summary

Writing Assignments	40% (Total)	#1 – End of Saturday, February 9 – 15% #2 – End of Saturday, March 16 – 25%
Writing Skills Exercises	15%	Throughout the term, online.
Final Exam	30%	During regular exam period (Exact time to be announced)
Tutorial Attendance and Participation	15%	Throughout (10% attendance; 5% oral presentation)
TOTAL	100%	

NOTE: “N” grades normally go to all students who do not attempt all portions of a course.

This rule applies to all course components, without regard to their weight and without regard to the partial grade the students achieved.

Plan your work load carefully throughout the term, and review the rules below about late penalties, acceptable excuses, extensions, and deferrals.

Be sure to consult Dr. Lawson or your TA promptly about emerging problems.

Assignments – Expanded Outline **(Handouts to follow)**

<u>Writing Assignments</u> (#1: 15%) (#2: 25%)	I will distribute detailed requirements for both assignments in handouts, which I will distribute in class and post online. The first assignment is a short critical reflection on some key themes arising from early course readings. I will circulate a handout for the details in the first full week of class, and then posted on the CourseSpaces site. The second assignment compares and critiques a limited number of assigned works on a specific assigned topic (details to follow). You will be able to choose between assigned topics. This is a short “research essay”, with extra research beyond the assigned works being expected. I plan to hold an in-class library workshop class around reading break for this reason, and attendance at this session is expected. The first assignment should provide an accurate impression of the overall topic and main arguments of the work you review, and provide a reasoned, well-defended assessment of the work’s scholarly value. The second assignment should centre on a clearly stated claim or claims that you have decided to defend over the whole paper (the “thesis” or “thesis statement”), centring on the topic or topics laid out in the assigned readings. Your goal is to convince a fair but sceptical audience about your thesis by analyzing, contextualizing, and comparing the reasoning of the assigned readings. Adopt a formal tone of reasoned argument in both assignments, and support your arguments with evidence you can document from reliable sources (primarily the works assigned). The evidence and arguments you present in support of your thesis would normally include some thoughtful consideration of reasonable objections and
--	--

	alternative positions. Both kinds of assignment require analysis, not merely accurate summaries of information and arguments from the readings. In all writing assignments, you are responsible for correct spelling, grammar, and proper citation and bibliographic style. Canadian spelling is preferred; consistent, correct spelling is required. Typing or word-processing (12-point, double-spaced) is required. Use the Chicago citation and bibliographic style provided in Messenger et al., or as provided by the UVic history department. These styles are widely used in political science, history, and the humanities in Canada.
<u>Writing Skills Exercises</u> 15%	A wide range of initial writing skill levels are appropriate starting points for this class. For some students, this will be familiar material; for others, it will be new or difficult. 1) There is an early opportunity to complete a comprehensive quiz at the start of the course, based on the Messenger readings assigned. 2) If you do not attain the threshold grade for the comprehensive quiz, you can improve your grade using shorter quizzes that happen during the term. All quizzes are done online via the CourseSpaces site. Details on the writing skills exercises are to follow in class and posted on the CourseSpaces site. You keep the higher of the two results.
<u>Final Exam</u> (30%)	NOTE: DO NOT SCHEDULE YEAR-END DEPARTURES FROM CAMPUS, UNTIL YOU KNOW YOUR EXAM WILL BE FINISHED FIRST. WE CANNOT PROMISE SPECIAL EXAM DATES FOR PEOPLE WHO BOOK TRAVEL DURING THE EXAM PERIOD. This three-hour exam takes place in the regular exam period. The date will be widely publicized on campus weeks before the date, and I will announce it in class. The exam will cover all required readings and all the lectures for the entire course. This also includes any additional or substitute required readings assigned during the term. (Remember I supply supplementary readings strictly for your interest; they may also help you in the written assignments and final exam. I do not expect you to read the supplementary readings. I design all assignments with this in mind.) The smaller portion of the exam rests on several short-answer questions. You will select a number of key concepts and terms from a list, identify them, and explain their wider significance for Canadian institutions of government, mainly as we have discussed them in class. The larger portion of the exam will involve two analytical questions, which you will answer in essay form. Each of those essays rests on defending a clearly stated thesis statement that answers the analytical question. You will also select these questions from a list. I assign an “N” grade if you miss the final exam without a compelling and well-documented excuse, regardless of your results in the rest of the course.
<u>Tutorial Attendance and Participation</u> (10% A&P) (5% oral)	Your tutorial instructor assesses attendance and participation (10%). Attendance and effective note-taking also improve your overall performance in other assignments. If you do not register for a tutorial, or if you attend no tutorials, you will receive a final grade of “N” regardless of your performance in other respects. 1) Weeks marked with an asterisk (*) in the enclosed schedule include tutorials. The TAs take attendance in all tutorials; be sure to “sign in”.

	2) Participation marks also take account of thoughtful (and courteous) interventions, consistent attendance, attentive listening, and evidence that you have read and considered the readings assigned for that day. 3) Good marks do not depend on dominating class time, or attending while seriously ill. See the rules in this syllabus for excusable absences and late completion. An oral presentation (5%) will cover a theme related to one week's readings during tutorial. Your teaching assistant also assesses this. Depending on tutorial size, this may be a group presentation or an individual one. You must present at a set time in the tutorial schedule, and absence from your presentation date without a documented and acceptable excuse will cost you this portion of the grade. Your TA will set dates for presentation in consultation with you in tutorial early in the year. Format, scheduling, and evaluation are your TA's responsibility.
--	---

University Grading Scheme

In this class, assignments receive percentage grades for calculating the final grade. But typically, you will receive a letter grade that then converts to a fixed percentage. Your final grade goes to the registrar's office as a percentage in whole numbers.

Any simple letter grades you receive will correspond to the median value for each letter grade range, as laid out in university policy (see chart below). For example, an A- assignment counts as 82%, because it is the mid-point between 80% and 84%. (See the percentage range for "A-" below.)

Some students earn intermediate grades, such as "B+/A-." These grades correspond to the *lowest* percentage value for the *higher* letter grade. Thus, "B+/A-" receives 80%, the lowest percentage in the A- range.

The following chart explains what a particular percentage or letter grade communicates about your performance. These signals differ from some secondary schools and other universities. This chart goes on your final transcript after you graduate. Terms like "good comprehension" always depend for their meaning on the course level.

Passing Grades	Grade Point Value	Percentage *	Description
A+	9	90 – 100	An A+, A, or A- is earned by work which is technically superior, shows mastery of the subject matter, and in the case of an A+ offers original insight and/or goes beyond course expectations. Normally achieved by a minority of students.
A	8	85 – 89	
A-	7	80 – 84	
B+	6	77 – 79	A B+, B, or B- is earned by work that indicates a good comprehension of the course material, a good command of the skills needed to work with the course material, and the student's full engagement with the course requirements and activities. A B+ represents a more complex understanding and/or application of the course material. Normally achieved by the largest number of students.
B	5	73 – 76	
B-	4	70 – 72	

C+	3	65 – 69	A C+ or C is earned by work that indicates an adequate comprehension of the course material and the skills needed to work with the course material and that indicates the student has met the basic requirements for completing assigned work and/or participating in class activities.
C	2	60 – 64	
D	1	50 – 59	A D is earned by work that indicates minimal command of the course materials and/or minimal participation in class activities that is worthy of course credit toward the degree.

Failing Grades	Grade Point Value	Percentage	Description
F	0	0 – 49	Unsatisfactory performance. Wrote final examination and completed course requirements; no supplemental.
N	0	0 – 49	Did not write examination or complete course requirements by the end of term or session; no supplemental.

Incomplete Grades

If a student has not completed the exam, or the other major course requirements, but has submitted work that totals more than 49% of the total course grade, the instructor must still assign an N grade, because the work was incomplete.

- “DEF” – You may receive a DEF grade temporarily if you have experienced an unavoidable, serious disruption to your studies, normally a serious illness or family bereavement. A DEF grade allows a student to complete exam or paper assignments after term ends. The university posts a DEF grade **after** a student has filled in a Request for Academic Concession, accompanied by appropriate documentation (usually a medical or counsellor’s note) and **after** the instructor (Dr. Lawson) and the POLI department chair have approved it.
- Until an “Academic Concession” process ends, the process that allows for a DEF grade, the university may assign the affected student an “N” grade. This is a temporary formality. For students with a legitimate excuse, it simply means the course requirements are not complete and the Concession request is still unresolved.

When the paperwork is complete, the university administration changes the grade to DEF while the course work is being completed and marked. After you complete the course work in a DEF case, the instructor submits a form to change the grade to the full percentage the student has earned. If you do not complete the work or if the university denies the Concession request, the N grade stands and is worth an amount the instructor assigns in advance.

Disabilities that affect learning style, methods, or pace: If you have a documentable disability (or if you think you might have one) you are encouraged to contact the Centre for Accessible Learning (on the Ring Road next to the bookstore and bus stop) in the first weeks of class. The Centre can document your needs with your instructors and recommend appropriate accommodations for study and assignments in this course. **Such accommodations goes only to students with officially documented needs. Professors cannot make separate accommodations without Centre approval.**

University policy and law permit accommodations for accessible learning. They level the playing field rather than give an unfair advantage. They therefore guarantee the integrity of **everyone’s** results.

Submission and Late Policies

Submission by CourseSpaces Upload (Email if CourseSpaces fails): Writing assignments should go to the online class CourseSpaces site (submit .doc, .docx, .odt, or .rtf files only, please).

If you experience problems uploading an assignment, email the assignment to Dr. Lawson at lawsonj@uvic.ca.

- **Do not submit paper copies.** They use valuable timber resources, get lost readily, and require hand-written comments that are harder to read.
- **Do not use the drop boxes at the POLI department for this course.**
- **Do not slip a paper assignment under Dr. Lawson's door, the TA's door, or the door of the department office.** Papers can be mistaken for garbage or lost.

Meaning of Due Dates: An assignment is due by midnight at the end of the posted due date. CourseSpaces allows only 11:55 pm due dates, but any last minute submissions between then and midnight will count as on-time.

Late penalties: I exact a 5% penalty per day beyond the official due date, Monday through Sunday inclusive. Submit online or by email as above. See rules on submission and valid excuses.

Ten-Day Late-Submission Limit: **If the assignment is more than ten days late without a valid excuse, we will not grade it (i.e., you will receive zero on that assignment).** However, a creditable assignment submitted more than ten days after the due date will count towards your completion of required assignments, avoiding an "N" grade.

I always judge late work on its own merits first: Any penalties apply AFTER the instructor assesses the work itself.

Backup Copies: Retain at least one paper or electronic copy (preferably both) of the final version of every writing assignment until you receive a mark for it. Teaching staff make every effort to keep assignments secure.

Missing papers: If we have a problem locating or opening a paper, we may ask you by email to re-submit a copy quickly. Because we expect you to keep copies, we tend to assume that "missing" writing assignments are really non-existent ones.

Make-up Exams: With a valid, well-documented excuse, the university may allow supplementary ("make-up") exams. Without such an excuse, it will not. Missing the final exam without an accepted, documented excuse normally results in a course grade of "N", regardless of your other results.

Valid excuses: Documentation of these excuses must always satisfy the instructor (see "Documenting Valid Excuses"). This usually means written evidence from a third party, such as a medical professional or counsellor.

- The written evidence should clearly indicate that the excuse is or was serious enough to disrupt your studies during a period relevant to the assignment, that they were beyond the normal pressures of student life, and that they were beyond your control. The **details** of what went wrong **do not** have to be given unless you feel comfortable sharing them. Commonly accepted excuses include (for example) serious illness or loss of an intimate family member or friend. **These decisions are Dr. Lawson's.** He may consult your tutorial instructor.
- Overwork or overlapping due dates are *not* valid excuses. Students must organize their term to meet ordinary deadlines. Seek advice and help early from the instructor or the teaching assistants if you think you are going to have trouble managing deadlines.

Valid excuse are legitimate: It is entirely appropriate for you to seek extensions on deadlines **with a valid excuse.** Health professionals and counsellors normally document health and personal problems without compromising your privacy about the details. Dr. Lawson must ensure that excuses are legitimate, but must also handle requests discretely and confidentially.

If you have a legitimate excuse and you need academic accommodation, take the time to address your problems (e.g., see a doctor and get better) and then seek accommodation.

Protecting the university community while ill: If you are missing a deadline or test because of illness, you should visit a health professional while you still have symptoms. Phone ahead if you think you are infectious. If you are ill, do not infect the university community or hurt your health, simply to inform Dr. Lawson in person. An email note or phone message to Dr. Lawson would be fine, as soon as it is practical.

Follow-up after missing an assignment for a valid reason: Students should arrange a discussion with Dr. Lawson as soon as possible after an illness, bereavement, or similar hardship. The discussion usually involves a visit during Dr. Lawson's office hours. If these office hours do not fit your schedule, you can arrange an alternate

meeting time by email (lawsonj@uvic.ca), in person after lectures, or by telephone message at Dr. Lawson's office number (250-721-7496). At this discussion, the type of excuse and appropriate documentation will be discussed; arrangements may also be made for a suitable substitute due date. The substitute date is normally final. Failure to observe it will normally result in a grade of zero for the assignment.

End of Term and Deferrals: University regulations strictly limit extensions past the end of exam period. The university grants exceptions only for a deep disruption in a student's life that would clearly forbid timely completion (such as an extended, well-documented medical problem). Three exceptions apply. The most common one, **deferral**, allows the instructor to submit your final grades to the registrar after the normal deadline (see University Grading Scheme, above). **Retroactive withdrawal** may win approval, but more rarely. It means no fee rebate and no credit for the course, but keeps a failing grade off your transcript if the failure is due to excusable reasons. **Aegrotat** is unusual, but allows a grade based on only the work completed to date. All three require a formal application process (Application for Academic Concession), using a form available at the Registrar's Office at the University Centre or at <http://www.uvic.ca/registrar/assets/docs/record-forms/rac.pdf>.

Early Warning and Sensible Waiting: The **earliest possible contact** with Dr. Lawson about extensions, deferrals, and similar problems is always preferable to delayed contact, and contact of any kind is preferable to none at all. If you have a serious health or personal problem, however, I understand that **immediate contact may not be possible or desirable**. In particular, if you are ill as a deadline approaches, do not infect the university or hurt your health, simply to inform Dr. Lawson in person.

Attendance

This is not a distance course! Absences from lecture and tutorial will impair your understanding of the course. Lectures and tutorials do not simply repeat the content of the readings.

- **You must register for a tutorial section.** Failure to do so will result in an "N" grade.
- **You must prepare for and attend tutorials,** and participate effectively in them to do well. Attendance is taken there for your attendance and participation mark.
- **You should prepare for and attend lectures, and take good notes in them...**
- **...but attendance is NOT taken in lectures** for your attendance and participation mark.
- **Missing a single tutorial.** Tutorial leaders will **not** take special account of limited absences in the attendance grade. The impact on your grade for a single absence is minimal, unless it is the day for your presentation.
- **Longer or more frequent absences from tutorials** will obviously affect your attendance grade, unless your tutorial leader accepts a valid, documented excuse in the sense described above. In the case of such an excuse, tutorial leaders can adjust the attendance grade to account for missed time. They will require written documentation of the situation and the length of time it has interfered with attendance. See the rules for "valid excuses", above, and work the matter out with your tutorial leader. If your tutorial leader agrees that the excuse is valid, we may adjust the attendance grade. You will still have to catch up on your readings, complete any missed assignments by an agreed date, and borrow lecture or tutorial notes from friends to catch up.
- **You are responsible for drawing your TA's attention to lengthy absences, and for documenting valid excuses in a timely fashion. This documentation should go to your TA.** Your tutorial leader will not normally accept such notification or documentation after the last day of class or after a long period after you return to class, unless you can also document valid reasons for such a delay.
- **Repeated or exceptionally long absences** raise wider questions about your ability to catch up. Deferral or withdrawal may be in your own long-term best interest, even if the excuse is legitimate, and even if the teaching staff is personally sympathetic: you still have to meet the course requirements to get your grade. Whether you opt to apply for deferral or withdrawal in such situations is ultimately for you to decide.
- **If you have had problems with attendance, do discuss your options** with Dr. Lawson or your TA.
- **Counselling and Skills Training:** There can be many reasons for non-attendance at lectures or tutorials. Sometimes absences are not your fault; even if they are, you can get advice to address the problem. The university

offers counselling and chaplain services to help you deal with serious decisions or difficult personal circumstances. Workshops on supplementary study or time-management skills may also help. The teaching staff for this course supports students who face difficult circumstances. However, the other university-wide services offer more experience and expertise in handling strictly personal matters. We may suggest these services to you, if that seems sensible to us. However, any such suggestion is not an academic requirement nor is it the advice of a counselling professional.

- **Seeking and getting help:** You may have personal problems that hinder your performance during your time at the university. When you need counselling or skills training (or when you get strong advice to get this kind of help), seeking out these services is a sign of intelligence and maturity. Seeking help for problems is the very opposite of failure: it is a route for preventing failure.

Tutorials

Tutorials do not happen every week. They happen on weeks marked in the reading schedule (below) by an asterisk (*) and the note “(Tutorials)”. Your TAs take attendance and assess your participation. Participation includes ordinary attention and contributions on regular weeks, and contributing to a group presentation once during the course (combined value: 15%). Tutorial leaders mark these course components.

Beyond the grades assigned for attendance, attend and participate actively in tutorials for more positive reasons. Tutorials are opportunities to ask questions about difficult material, and to debate and discuss central questions. Debate and discussion with your peers are methods of learning, not a break from it. Tutorials normally take the form of round tables or other exercises designed to stimulate conversation and learning. They are not normally in a question-and-answer format.

You and your fellow students bear some responsibility for the tutorials’ success. The questions in the syllabus for each lecture may be starting points, but other approaches may also be used. Tutorials should be time for you to learn together, both from the tutorial leader and from one another. Even when preparing for assignments or tests, the tutorials are opportunities to get an overall picture of what the course is examining.

We expect you to have read the readings assigned for the week of the tutorial BEFORE the tutorial, and any readings assigned since the previous tutorial. You should come expecting to participate in the discussion, to raise points and questions, and to listen and respond to points and questions that others have, including the tutorial leader. Of course, we recognize that some of you are more comfortable talking and debating in class, and we assume some variation in *how* people participate. Courteous, reasoned interactions are in order from everybody. Serious or continuous disruptive behaviour, discourteousness, lack of preparation, or sheer disconnection from the discussion can undermine your mark.

Your tutorial leaders do much of the marking, grading, and individual counselling for this course. I (that is, Dr. Lawson) am always open to meeting with you. But the tutorial leaders are often your easiest contact point for the course. They are all graduate students who have done well and are working on their master’s degree or their doctorate in political science. They are LEAST useful if you use them as walking encyclopaedias. Think of them as a coach or mentor.

Not every lecture or tutorial is a life-changing experience. But if you have concerns that your tutorials or lectures are generally not positive learning experiences, please feel free to discuss them with the tutorial leader or with me. If something serious goes wrong in a class or lecture, or if an unhelpful dynamic is emerging over several class or lecture sessions, my door, email, and office phone are open.

Reading, Lecture, and Assignment Schedule

OCCASIONALLY, THESE READINGS MAY CHANGE, AND OTHER READINGS MAY BE ADDED OR SUBSTITUTED. I WILL GIVE PRIOR NOTICE IN CLASS FOR ANY SUCH CHANGES.

**WHERE POSSIBLE, CHANGE NOTICES WILL ALSO BE ISSUED THROUGH COURSESPACES
ATTEND CLASSES REGULARLY TO STAY UP TO DATE.**

Week 1	Introduction to the Course Thinking and Writing about the Canadian State (no tutorials) Required Reading: Cochrane et al., <i>Canadian Politics</i>, 22-27 (full edition 393-398) (Selection from “The Canadian Constitution and Constitutional Change”.) George Orwell, “Politics and the English Language” (1946) Available at http://www.orwell.ru/library/essays/politics/english/e_polit/ and other places on the web. Last accessed November 2, 2018. [Read especially for the special stylistic and grammatical defects in political speech that Orwell identifies, and why they have <i>political</i> implications. Making this essay available cost-free means a copy with (ironically) some spelling and grammar errors. Read carefully!] Steven Poole, “My problem with George Orwell” <i>The Guardian</i> January 17, 2013 https://www.theguardian.com/books/2013/jan/17/my-problem-with-george-orwell . Last accessed November 5, 2018. Please read this syllabus in full for next week’s first class. Supplementary Reading (Useful for Exam Overview, comparison with Cochrane et al.): Eugene Forsey, <i>How Canadians Govern Themselves</i>, 9th edition, 1-40. (Ottawa: Library of Parliament, 2016). Downloadable .pdf version available at http://www.parl.gc.ca/information/library/idb/forsey/index-e.asp . Last accessed November 2, 2018. Peter Hennessy, “Politics and the English Language” TEDx Talks Houses of Parliament. Jul 26, 2012. Available at https://www.youtube.com/watch?v=f5ud_4pbXPk . Last accessed in November 5, 2018.
Jan 7	Introduction: Welcome, Distribution of Syllabus, and Outline of Class Organization
Jan 10	Thinking and Writing about the Canadian State: Liberal-Democratic, Federal, and Parliamentary – and Colonial
Week 2	What is the “Canadian Constitution”? (no tutorials) Required Readings: <i>All read:</i> The Constitution Act, 1982 [Enacted as Schedule B to the <i>Canada Act, 1982</i>, (U.K.) 1982 c. 11] http://www.solon.org/Constitutions/Canada/English/ca_1982.html . Last accessed November 2, 2018. (Start with this reading, and start it by reading Part VII, then moving to the top and working through the rest). The Constitution Act, 1867 [The British North America Act, 1867] 30 & 31 Victoria, c. 3. http://www.solon.org/Constitutions/Canada/English/ca_1867.html . Last accessed November 2, 2018. (Part VIII of Constitution Act 1867 is less important to read in detail than the rest is, but do notice what this Part is about.) Andrew Heard, “Recognizing the Variety among Constitutional Conventions” <i>Canadian Journal of Political Science</i> Vol 21, no. 1 (March 1988): 63-81. (Look up this article in the library electronic catalogue. How? Sign into UVic’s website online with your ID and password, go to the library page by clicking the “Library” tab at the top of the page. Click the “Book & Media” tab in the middle of the library’s main webpage (scroll down a little to find the tab if you can’t see it at first), type the name of the journal into the catalogue box, select “Journal title begins with” from the drop-down menu under “Search in”, and click the blue “Search” button. Then choose the electronic version of the journal from the list that appears, and in the page that then

	opens, click the particular volume (21) and number (1) of the journal, which are found under the year 1988. Find Heard's article under 21.1 and click it, then download the PDF version for easier reading and storage, or for printing. If you do not want to download, you can also read the article online.) Supplementary Readings: http://www.solon.org/Constitutions/Canada/English/index.html
Jan 14	<i>What is "the Constitution of Canada"? What are its major elements? What subject matter do they cover? Do not be surprised if these two readings in constitutional law seem frustratingly opaque, especially at first. This is part of the point, the reason for taking the course. Do not bother with further research: the point is the texts. Look at them like a big jigsaw puzzle, and try to figure things out from the text itself and from the footnotes. Notice that the footnotes also indicate that the main text is an amendment OR that later legislation has made the main text obsolete; many footnotes include the original language, and the main text is the current language. Notice especially Section 52.2.b and the Schedule it refers to, which is found at the bottom of the Constitution Act 1982. Now look for other parts of the CA 1982 that mention previous documents. Take notice and think about both the Schedule and these other references this when you think about what the "Constitution of Canada" is. Take notes, and try to build up a picture or a diagram of what kind of institutions are being created in 1867 and then in 1982. Also take note of which institutions the documents seem to assume are already present, first in 1867 and then in 1982. What surprises you?</i>
Jan 17	<i>Listening for silences, and what the silence tells us: The side-lined Indigenous political orders; the question of individual citizen rights; how governments can lose power; what a Prime Minister is.</i> <i>Can the federal government levy a "direct tax", and by what authority? Does the federal government control foreign policy? Who regulates uranium mining, and by what authority? Which level of government regulates public pensions and by what authority? What procedure is involved if a province wants to leave Canada and either form a new country or join another one?</i>
Week 3*	Historical Turning Points in the Form of the Canadian State: Interlocking Transformations – State/Economy/Society (Tutorials) Required Readings: (20 + 26 = 46 pages) Cochrane et al., 1-19 (full edition 19-37) ("Institutional Foundations and the Evolution of the State"). Cochrane et al., 22-47 (full edition 393-418) ("The Canadian Constitution and Constitutional Change"). Messenger et al., 221-230 ("Common Sentence Problems", part 2) Supplementary readings: Bayard Reesor, <i>The Canadian Constitution in Historical Perspective</i> (Scarborough, ON: Prentice Hall Canada, 1992). Guy Laforest et al., <i>The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions</i> (Kingston-Montréal: McGill-Queen's University Press, 2015)
Jan 21	<i>The Beginnings of European-led Settlement 1608(?), Conquest 1763, Treaties and the Crown; Québec Act 1774; Constitutional Act 1791; Act of Union 1841 and Rebellion Losses Act 1848-9; Confederation 1867, First Provincial Premiers Conference 1887</i>

Jan 24	<i>Normalization of Prairie Provinces and Statute of Westminster 1931; Professionalization and Expansion of Bureaucracy 1918, 1930s-1940s; Supreme Court as Final Court of Appeal 1949; Mega-Constitutional Change 1970-1992; Charter and Full Judicial Review 1982; NAFTA 1994.</i>
For all lectures this week:	<i>What is a constitution designed to allow a state to do in a given territory? Which interests in society were ascendant when a new constitutional arrangement emerged, and how are they served by these powers afterwards? What interests are marginalized, and what alternative constitutional arrangements were excluded?</i> <i>What key constitutional events in Canadian history do the readings emphasize? Focus on the relative position of English-speaking colonists, French-speaking colonists, Indigenous (“Aboriginal”) people and nations, British officials in pre-Confederation history. How did they organize their work and trade, and their politics, both themselves and with each other? What did they need the state for? What institutions governed their relations? Consider also the different colonies and regions in these respects, especially as we consider Confederation. How did all this affect the colonial institutions that led to the Canadian constitution? How did this history affect the kinds of institutions Canada developed?</i>
Week 4*	Incomplete Conquest and the Assertion of Sovereignty: Crown, Colonies, and Exchange (1608-1763) (Tutorials) Required Readings: (13 + 18 + 12 = 43 pages) Gilles Havard, “Key Elements of Amerindian Diplomacy” <i>The Great Peace of Montreal of 1701: French-Native Diplomacy in the Seventeenth Century</i>, trans. by Phyllis Aronoff and Howard Scott. 15-27. (Montreal-Kingston: McGill-Queen’s University Press, 2001). Elizabeth Mancke, “Early Modern Imperial Governance and the Origins of Canadian Political Culture” <i>Canadian Journal of Political Science</i> 32, no. 1 (March 1999): 3-20. E.A. Heaman, “Negotiating the Ancien-Régime Frontier” <i>A Short History of the State in Canada</i> 71-82. (Toronto, ON: University of Toronto Press, 2015) Messenger et al., 389-405 (From “Research, Writing, and Documentation”) Messenger et al., 38-50 (“Argument”) Note on Havard reading: Available as an eBook on McPherson Library Catalogue. To read the right passage, use the pagination on the text pages themselves, and not the pagination of the eBook system. Note on Mancke reading: This item is available electronically through the UVic Library Catalogue entry for the <i>Canadian Journal of Political Science</i>. Search in the electronic webpage for the journal that the library catalogue leads you to. Alternatively, look up the article by choosing the year, volume, and number of the journal where the article was published. You can read the article online or download a pdf copy. General note: You cannot access academic journal articles easily through Google or similar search engines. The University Library catalogue is your best way in. But if you are off-campus, even accessing it through the University Library catalogue can sometimes be a problem. Using a VCN/Cisco Systems lock-on for university members is the ticket for easier access. On-campus electronic access is easier. Supplementary Readings: Donald Smith, “Bagehot, the Crown and the Canadian Constitution” <i>Canadian Journal of Political Science</i> 28, no. 4 (December 1995): 619-635. Tantoo Cardinal et al., eds., <i>Our Story: Aboriginal Voices on Canada's Past</i>. (Toronto: Anchor Canada, 2005).

	Menno Boldt and J. Anthony Long, “Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada’s Native Indians.” in <i>The Quest for Justice: Aboriginal Peoples and Aboriginal Rights</i>, eds. Menno Boldt and J. Anthony Long (Toronto, ON: University of Toronto Press, 1985), 333-345. Susan Mann Trofimenkoff, <i>The Dream of Nation: A Social and Intellectual History of Quebec</i>. (Toronto, ON: Gage, 1983). David E. Smith, <i>The Invisible Crown: The First Principle of Canadian Government</i>, 2nd ed. (Toronto, ON: University of Toronto Press, 2013) Joyce Green, “Towards a Detente with History: Confronting Canada's Colonial Legacy” <i>International Journal of Canadian Studies</i> 12, Fall 1995. Available at http://sisis.nativeweb.org/clark/detente.html . Last accessed January 2, 2017.
Jan 28	<i>What did the institution of the Crown and the practice of Sovereignty mean at the time of exploration and the early colonial periods? How did settlement change the relationships and significance of the Crown and what a sovereign state was tasked to do? Consider the First Nations in relationship to New France (1608-1763), as well as the British Conquest of New France (1759-63). What key changes did the so-called Pontiac Uprising, and the Royal Proclamation of 1763 bring about?</i>
Jan 31	<i>Why does Elizabeth Mancke think that American and Canadian ideas about the executive differ so much today? What does the historic role of the Crown in colonies have to do with this? Is the Crown the “appendix” of the Canadian body politic, i.e., something purely symbolic and unnecessary? Does it perform important functions? What could replace it, if anything? What does the practice of Sovereignty imply for how Canadians conduct their politics today? What is the significance of the Crown for treaty relationships with First Nations?</i>
Week 5*	Division and Electoral Representation (1774-1791: From Quebec Act to Constitutional Act) (Tutorials) Readings: (26 pages) <i>Students with Last (Family) Names A-L</i> Alan C. Cairns, “The Electoral System and the Party System, 1921-65,” <i>Canadian Journal of Political Science</i> 1 (1968): 55-80. <i>Students with Last (Family) Names M-Z</i> Pierre Toussignant, “Background for a New Approach to the 1791 Constitution (1973)” in <i>The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions</i>, Guy LaForest et al., eds. 254-279 (Kingston-Montréal: McGill-Queen’s University Press, 2015) <i>All read:</i> Messenger et al., 231-268 (“Punctuation”) Supplementary Readings: John A. Dickinson and Brian Young. “Preindustrial Quebec, 1650s-1810s”, in <i>A Short History of Québec</i>, 2nd ed., 45-63. (Toronto, ON: Copp Clark Pitman, 1993) Dennis Pilon, “Understanding Electoral Systems,” in Heather McIvor ed., <i>Election</i>, 35-56 (Toronto: Emond Montgomery, 2010). Dennis Pilon, “The 2005 and 2009 Referenda on Voting System Change in British Columbia,” <i>Canadian Political Science Review</i>, 4.2-3 (June-September 2010): 73-89. Amanda Bittner and Royce Koop, eds. <i>Parties, Elections, and the Future of Canadian Politics</i> (Vancouver, BC: University of British Columbia Press, 2013)

	John C. Courtney, <i>Elections</i> . (Vancouver, BC: University of British Columbia Press/Canadian Democratic Audit, 2004)
Feb 4	<i>Each Eastern colony of British North America was given “representative institutions” based on British Parliamentary principles – as they then existed. Nova Scotia gained representative government in 1758, when it still included what is now New Brunswick; PEI gained it in 1773; the newly created New Brunswick gained it at the time of its creation in 1784. What was happening at these times? What or whom was it important to represent?</i> <i>In 1791, Britain divided the territory of British-ruled Quebec into Upper and Lower Canada (now southern Ontario and southern Québec). This division came with the “Canadas”’ first colonial legislatures.</i> <i>How did the Conquest/Cession of New France affect the official British view of representative institutions in British North America? In what sense is the term, “equality” a complicated political problem in Canada? How do these complications relate back to the Conquest and the Constitutional Act of 1791?</i>
Feb 7	<i>How does the Canadian electoral system work today? In relation to the idea of equal influence for each individual adult citizen, how does electoral practice in Canada compare? Be concrete about the comparisons – say what precisely is different and what congruent with this idea of individual equality.</i>
Sat Feb 9	First Writing Assignment Due by End of Day (midnight)
Week 6	“Responsible Government” Part I: Crown as Formal Executive, Prime Minister, Central Agencies, Cabinet, and Party Discipline (1840-49: Act of Union to Responsible Government) Readings: (31 + 9 = 40 pages) Cochrane et al., <i>Canadian Politics</i>, 134-164 (full edition 507-537) (“The Executive: Crown, Prime Minister, and Cabinet”) J.M.S. Careless, “The Achievement of Responsible Rule, 1847-1849” <i>The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857</i>. 113-122. (Toronto, ON: McClelland and Stewart, 1967) Supplementary Readings: Cochrane et al., <i>Canadian Politics</i>, full edition 307-332 (“Political Parties and the Party System”) Walter Bagehot, “The Cabinet” in <i>The English Constitution</i>, 2-29 (1867, 1872; London: Oxford University Press, 1961). Colin Campbell and George J. Szabloski, “What Central Agencies May and Ought to Do: Structure of Authority” <i>Classic Readings in Canadian Public Administration</i> Barbara Wake Carroll, David Siegel, Mark Sproule-Jones, eds. 53-79. (Toronto, ON: Oxford University Press, 2005) Herman Bakvis, <i>Regional Ministers: Power and Influence in the Canadian Cabinet</i>. (Toronto, ON: University of Toronto Press, 1991). Donald Savoie, <i>Governing from the Centre: The Concentration of Power in Canadian Politics</i> (Toronto, ON: University of Toronto Press, 1999). Janine Brodie and Jane Jenson. <i>Crisis, Challenge, and Change: Party and Class in Canada Revisited</i>. (Ottawa, ON: University of Carleton Press, 1988). R. Carty, William Cross, Lisa Young. <i>Rebuilding Canadian Party Politics</i> (Vancouver, BC: University of British Columbia Press, 2000)
Feb 11	<i>In general, what does an “executive” do (i.e., what are “executive functions”)? How were executive functions affected by “responsible government” in the Province of Canada?</i>

	<i>How do modern prime ministers and their cabinets relate to “the Crown”, the monarch, and the governor-general? How did these features emerge, and how did they become constitutional? What is the relationship between “responsible government” and democracy? In modern British-style or parliamentary systems, how is the executive organized internally, and what is the relationship of executive institutions with other institutions of government? What are the implications after the coming federal election?</i> <i>What are the consequences of the recent growth in the powers of the Canadian prime minister?</i> <i>What are the key central agencies, and what do they do? What key developments led to their emergence? How do they affect liberal-democratic, parliamentary, and federal principles in Canada, and what has been good or bad about these impacts?</i>
Feb 14	TBA
Week 7	Reading Break (February 18-22) No lectures or tutorials
Week 8*	“Responsible Government” Part II: Parliament (Tutorials) Readings: (38 + 10 = 48 pages) Cochrane et al., <i>Canadian Politics</i>, 196-233 (full edition 569-606). (“Parliament”) J.M.S. Careless, “The Achievement of Responsible Rule, 1847-1849” <i>The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857</i>. 122-131. (Toronto, ON: McClelland and Stewart, 1967) Messenger et al., 405-476 (From “Research, Writing, and Documentation”) Supplementary Readings CES Franks, <i>The Parliament of Canada</i> (Toronto, ON: University of Toronto Press, 1987) John Bejerimi, <i>How Parliament Works</i> (Ottawa, ON: Borealis Press, 2000) Thomas D’Aquino, G. Bruce Doern, Cassandra Blair, <i>Parliamentary Democracy in Canada: Issues for Reform</i> (Toronto, ON: Methuen, 1983). Leslie Seidle and Louis Massicotte, <i>Taking Stock of Responsible Government in Canada</i> (Ottawa, ON: Canadian Study of Parliament Group, 1999). David Docherty, <i>Legislatures</i>. (Vancouver, BC: University of British Columbia Press, 2004). Bruce M. Hicks, “The Crown’s ‘Democratic’ Reserve Powers” <i>Journal of Canadian Studies</i> 44.2 (Spring 2010): 5-31, 232.
Feb 25	<i>In 1837-8, uprisings in Upper and Lower Canada attacked the governor-appointed executives of these colonies and their self-serving land and development policies. They were the only two eastern colonies to rebel in a year of economic crisis, agricultural hardship, and rebellions world-wide. In 1839-40, Lord Durham reported on the uprisings, and recommended two key changes. In 1840-1, the Act of Union followed through on one of them. It forced English-majority Upper Canada and French-majority Lower Canada to operate under a single legislature, but with separate laws and officials for many functions. Assimilation failed, but other changes endured, including municipal government.</i> <i>The year 1848 was another year of economic crisis and rebellions world-wide. In 1849, the principle of electoral control over the executive that Durham had recommended in 1840 (“responsible government”) was finally conceded in a clear-cut manner in the Province of Canada (formerly Upper and Lower Canada). Modern parliamentary began with their characteristic dual executives -- prime minister and cabinet responsible to an elected legislative chamber; governor responsible to the monarch and imperial cabinet. The governing elites of the Province of Canada (and after some persuading, much of Canada West, formerly Upper Canada) later became staunch supporters of Confederation.</i>

Feb 28	<i>Central to the concept of responsible government is the concept of “the confidence of the House”. What is this concept, and how has it evolved to today? What is the difference between a “minority Parliament” and a “majority Parliament”, particularly with respect to these questions?</i> <i>What is the “legislative” function (what does a legislature do, whether federal or provincial)? What are the main bodies that constitute the Canadian Parliament? What are their principal features and powers? Which are the most important body or bodies within Parliament, and why?</i> <i>How does Parliament represent Canadians today? Who is accountable to whom, and by what means? How are these tensions related to democracy? What role does party discipline play in answering these questions? What features of the modern British parliamentary system contrast with the features of the US presidential system? (What features are the same?)</i> <i>How do provincial legislatures resemble or differ from the federal Parliament?</i>
Week 9*	Federalism (1867: Confederation; 1930-1) (Tutorials) Readings: (28 + 22 = 50 pages) Cochrane et al., <i>Canadian Politics</i>, 50-77 (full edition 421-448) (“The Federal System”). Herman Bakvis, Gerald Baier, Douglas Brown, “The Economic, Social, and Institutional Bases of Canadian Federalism” <i>Contested Federalism: Certainty and Ambiguity in the Canadian Federation</i>. 24-45. (Toronto: Oxford University Press, 2009) Messenger et al., 332-345 (Selection from “Diction”) Supplementary Readings: Herman Bakvis and Grace Skogstad, eds. <i>Canadian Federalism: performance, effectiveness and legitimacy</i>. (Don Mills, ON: Oxford University Press, 2002) Christopher Armstrong, <i>The Politics of Federalism: Ontario's Relations with the Federal Government, 1867-1942</i>. (Toronto, ON: University of Toronto Press, 1981). J. Stefan Dupré, “Reflections on the Workability of Executive Federalism” <i>Intergovernmental Relations</i>, ed Richard Simeon, vol 63 of <i>Research Studies for the Royal Commission on the Economic Union and Development Prospects for Canada</i> (Toronto: University of Toronto Press, 1985), 1-32. Reprinted in <i>Classic Readings in Canadian Public Administration</i> eds. Barbara Wake Carroll, David Siegel, Mark Sproule-Jones. 398-426 (Toronto: Oxford University Press, [1984] 2005) Pierre Trudeau, “Quebec and the Constitutional Problem” <i>Federalism and the French Canadians</i>, 3-51. (Toronto: Macmillan, 1968). Richard Simeon, <i>Federal-Provincial Diplomacy</i> (University of Toronto Press, 1972) Miriam Smith and François Rocher (eds), <i>New Trends in Canadian Federalism</i>. (Toronto: University of Toronto Press, 2003)
Mar 4	<i>In 1867, the Province of Canada (formerly Upper and Lower Canada), Nova Scotia, and New Brunswick negotiated a wider federal system among themselves, with the oversight of the Colonial Office in London. The old Upper and Lower Canada returned as the separate provinces of Ontario and Québec. Two formal levels or “orders” of government – federal and provincial – were given different responsibilities under a written constitutional document. This document, the British North America Act of 1867 was passed as an ordinary law of the Imperial British Parliament.</i> <i>What is the definition of federalism, in contrast with unitary government or merely “devolution” of powers? Make an outline of the Canadian “division of powers”, as found in the Constitution Act of 1867 (formerly the British North America Act of 1867). What other constitutional provisions in 1867 affected the power relations between provincial and federal governments?</i>
Mar 7	<i>From 1930 to 1931, the three prairie provinces gained control over natural resources like other provinces (the Natural Resources Transfer Agreements of 1930), and Canada gained effective</i>

	<i>independence in internal and external affairs within the Empire through the Statute of Westminster (1931). In practical terms, the Depression limited the implications, but in legal terms, this ended two marked colonial features of Canadian federalism.</i>
Week 10*	The Court System and its Constitutional Role (1873-1949: The JCPC and the Canadian Supreme Court) (Tutorials) Required Readings: (21 pages) Cochrane et al., <i>Canadian Politics</i>, 238-258 (full edition 611-631) (“The Judiciary”). Messenger et al., 1-17 (“Principles of Composition” – primarily on paragraphing) Supplementary Readings: Alan C. Cairns, “The Judicial Committee and its Critics,” <i>Canadian Journal of Political Science</i> 4 (1971): 301-345. F.L. Morton and Rainer Knopff, <i>The Charter Revolution and the Court Party</i> (Peterborough, ON: Broadview Press, 2000) Miriam Smith, “Ghosts of the Judicial Committee of the Privy Council: Group Politics and Charter Litigation in Canadian Political Science,” <i>Canadian Journal of Political Science</i> 35.1 (2002): 3-29. Peter McCormick and Ian Greene. <i>Judges and Judging: Inside the Canadian Judicial System</i> (Toronto, ON: Lorimer, 1990). Emmett MacFarlane, <i>Governing from the Bench: The Supreme Court of Canada and the Judicial Role</i>. (Vancouver, BC: UBC Press, 2013).
Mar 11	<i>In 1873, the federal government arranged for the statutory creation of the Supreme Court of Canada. This is a prime example of an “organic law” – a statute of Parliament with constitutional effect. But the Supreme Court was not Canada’s final court of appeal for over 75 years. Over several decades, court cases could be appealed to the British Empire’s highest court, the Judicial Committee of the Privy Council. These included cases that required the interpretation of the British North America Act and other constitutional documents. Over the decades, the JCPC decisions on the BNA Act broadly expanded the powers of provincial governments, curtailed federal powers, and reduced the circumstances under which the federal government could interfere in or overrule provincial jurisdiction.</i> <i>JCPC-led decentralization of Canadian federalism happened without formal revision of the written constitution. This trend ended in 1949, when the Supreme Court of Canada, founded in 1873 as a subordinate court of appeal, became the final Canadian court of appeal. Both before and after 1949, British common-law rules of interpretation guided the courts in clarifying federal and provincial responsibilities under the 1867 constitution.</i>
Mar 14	<i>What does a judicial system do: what are its functions? What are the key institutions in the Canadian court system, and what key events contributed to their establishment and development? How are the courts appointed and maintained, and what were their key roles up to 1982?</i> <i>How do the common law and code-civil legal systems different in their conception of the law, the role of courts and the role of legislatures and Parliament? What were the main tendencies in the balance of power between the federal and provincial levels of government in the century after Confederation? Were the changes all in one direction, or can we separate out different periods in this evolution? How have political scientists explained these changes? What were the principal forces driving these changes? How have other aspects of the constitution (responsible government, etc.) affected the way these changes occurred?</i>
Sat Mar 16	Second Writing Assignment Due at End of Day (midnight)

Week 11*	Bureaucracy (1908, 1918, 1940s: Professionalization and Expansion) (Tutorials) Readings: (26 + 17 = 43 pages) Cochrane et al., <i>Canadian Politics</i>, 170-192 (full edition 543-565) (“The Bureaucracy”). Cochrane et al., <i>Canadian Politics</i>, 114-132 (full edition 487-504) (“The Policymaking Process and Policy Instruments”) Supplementary Readings: Donald Savoie, <i>Court Government and the Collapse of Accountability in Canada and the United Kingdom</i> (Toronto, ON: University of Toronto Press, 2008). Laurent Dobuzinskis, Michael Howlett, David Laycock, eds. <i>Policy Analysis in Canada: The State of the Art</i>, 2nd ed. (Toronto, ON: University of Toronto Press, 2007) Barbara W. Carroll, David Siegel, and Mark Sproule-Jones, eds. <i>Classic Readings in Canadian Public Administration</i> (Toronto: Oxford University Press, 2005) Michael Howlett, M. Ramesh, Anthony Perl, <i>Studying Public Policy: Policy Cycles and Policy Subsystems</i>, 3rd ed. (Toronto, ON: Oxford University Press, 2009) Leslie Pal, <i>Beyond Policy Analysis: Public Issue Management in Turbulent Times</i>, 5th ed. (Scarborough, Ont.: ITP Nelson, 2013).
Mar 18	<i>The state has always played important roles in Canadian society and economy. But appointing public servants solely on the basis of cabinet nomination and partisan loyalty became inefficient and politically toxic as the responsibilities of the public service became more technically demanding. Merit-based public service exams were introduced for higher level officials by the Conservative government of Robert Borden in 1908 and for field officers after 1918.</i> <i>After court decisions limited state responses to the Great Depression of 1929-1937, the Second World War of 1939-45 led to a major expansion in the social and economic roles of the federal government, and reforms in how bureaucracy was organized under the executive.</i>
Mar 21	<i>How have government departments changed in their relationships with cabinet and with the public over the years? What key developments were involved historically? What other institutional, social, and economic developments contributed to this change?</i> <i>What was the traditional “bargain” between public servants and the elected government? How and why has this bargain changed? What are the formal steps for making policy in Canada? What key institutions are involved, and at what points in the process are each of the particular institutions most important?</i>
Week 12*	1970-1992: The Charter, Constitutionally Recognized Aboriginal Rights, and Full Judicial Review (1982: Canada Act and Constitution Act of 1982) (Tutorials) Readings: (20 + 24 = 44 pages) Cochrane et al., <i>Canadian Politics</i>, 28-47 (full edition 399-418) (Selection from “The Canadian Constitution and Constitutional Change”) Cochrane et al., <i>Canadian Politics</i>, 82-107 (full edition 463-487) (“The Charter of Rights and Freedoms”). Supplementary Readings: Peter Russell, “Constitutional Politics: In a New Era Canada Returns to Old Methods.” In <i>Continuity and Change in Canadian Politics: essays in honour of David E. Smith</i>, eds. Hans Michelmann and Christine deClercy, 19-38. (Toronto, ON: University of Toronto Press, 2006). Keith Banting and Richard Simeon, ed. <i>And No-One Cheered</i>. (Toronto, ON: Methuen, 1983)

	Alan C. Cairns, <i>Disruptions: Constitutional Struggles, from the Charter to Meech Lake</i>. (Toronto, ON: McClelland and Stewart, 1991). James Tully, <i>Strange Multiplicity: Constitutionalism in an Age of Diversity</i> (Cambridge, UK: Cambridge University Press, 1995) Peter W. Hogg and Allison Bushell. “The Charter Dialogue between Courts and Legislatures (Or Perhaps the Charter of Rights isn’t Such a Bad Thing After All)” <i>Osgoode Hall Law Journal</i> 35.1 (1997): 75-124. Access via electronic catalogue for library through journal title. F.L. Morton and Rainer Knopff, <i>The Charter Revolution and the Court Party</i> (Peterborough, ON: Broadview Press, 2000) Peter Russell, “The Effect of a Charter of Rights on the Policymaking Role of the Canadian Courts” <i>Canadian Public Administration</i> (Spring 1982) find volume, number page references. Alan Cairns, <i>Reconfigurations: Canadian Citizenship and Constitutional Change</i> Toronto, ON: McClelland and Stewart, 1995. Irwin Cotler, “Globalization and the Canadian Charter of Rights and Freedoms” <i>Canadian Issues</i> (Fall 2007): 57-61 Heather MacIvor, <i>Canadian Politics and Government in the Charter Era</i> (Toronto, ON: Thomson-Nelson, 2006) Michael Mandel, <i>The Charter of Rights and the Legalization of Politics in Canada</i>, rev. ed. (Toronto, ON: Thompson Education Press, 1994)
Mar 25	<i>The Constitution Act of 1982 has been the most important structural change to the constitution since 1867. It created a domestic process for amending the Canadian constitution and a court-enforced Charter of Rights and Freedoms. The latter limited the power of federal and provincial governments over individuals and groups. The former was an important symbolic step in Canada’s gradual independence from Britain, but it also greatly complicated the formal rules for amendment in the course of clarifying them.</i> <i>This was the result of repeated, rancorous debate between different levels of government. The whole debate occurred against the backdrop of a growing Québec independence movement and powerful Western alienation over resource powers and influence in Ottawa.</i> <i>Why did Canadian governments move to amend the Canadian constitution comprehensively? Why was agreement so difficult? What were the key initiatives, and what were the key accomplishments in constitutional reform in 1982? What further initiatives were made to amend the constitution after 1982, and why? What were key reasons for their failure? Can a constitution with democratic provisions be amended democratically? What counts as “democratic”?</i>
Mar 28	<i>What rights does the Charter of Rights and Freedoms entrench? What things are left out? How does the Charter compare with earlier approaches to rights? What have been leading consequences of the 1982 amendments for the judicial system and for Canadian citizens? What is the Oakes test, and why has it been significant?</i> <i>With court-enforced rights came greater power for the Canadian courts. Are there “bad” things that court-enforced rights bring into politics, and even if they are “bad”, can they be justified as necessary?</i>
Week 13	Conclusion and Review (No tutorials) Required Reading: H.V. Nelles, Preface, <i>A Little History of Canada</i>, 2nd ed. (Toronto, ON: Oxford Univ. Press, 2011) Peter Russell, “Introduction,” <i>Canada’s Odyssey: A Country Based on Incomplete Conquests</i> 3-19 (Toronto: University of Toronto Press, 2017)
Apr 1	TBA
Apr 4	Review

Final Exam Period: Apr 8-27	Consult university postings for exact exam time and location. These details will be announced in class. (Note that Apr 19 and 22 are statutory holidays: no exams on those days.)
--	--

Appendix A: Academic Integrity

Please read the university calendar's academic integrity policy on page 45 in the calendar section on undergraduate information < https://web.uvic.ca/calendar2018-09/pdfs/undergraduate-201809_Part4.pdf >. This course is bound by this policy.

Dr. Lawson and the teaching assistants are obligated to identify and punish academic dishonesty. Under Political Science department policy, Dr. Lawson generally assigns a grade of zero (0) for an offending assignment. Heavier or lighter penalties may apply. Serious or repeated abuse typically involves department- or university-level deliberations and harsher penalties.

Some dishonesty is obvious, or should be (sneaking notes into an exam, writing someone else's work, or impersonating another student during exams).

One area that surprises and confuses many people is “**plagiarism**”: **the failure to identify and give full credit for the ideas and/or exact words of others.**

In some secondary schools and jobs, copying word-for-word without formal acknowledgement is common; that fits with learning based on memorization and repetition. Some parts of the world even emphasize this, as a form of learning by emulation. With computer and internet, copying is obviously simple.

Different norms apply in universities and higher-level academic work. Referring to the ideas and discoveries of others is fine: indeed, it is integral to academic work. Carefully identified, word-for-word quotations are equally fine. **Failure to acknowledge these borrowings properly is plagiarism.**

Plagiarism penalties are not limited to intentional fraud. Anyone whom the instructor accuses of plagiarism would probably deny it, so lack of sufficient care or knowledge about plagiarism is not a full excuse.

In any written academic work, partly excepting tests and exams, always give **full credit** for 1) the **actual words** of other people, and 2) the **ideas** of other people, even if you express them in your own words. (Usually expressing the ideas in your own words is best, unless the phrasing is especially memorable or distinctive.) You should always give credit for the words and ideas of others in your work, because by implication, you are presenting anything uncredited as your own work.

Limited exceptions include undisputed or indisputable matters (like the accepted dates of well-known events or the known capitals of provinces), especially if they are generally known, and are mere background factors in the central discussion of your paper.

This practice is universal in North America, Australia, New Zealand, and most of Europe. For historical reasons, this tradition dominates world scholarship.

To sum up, all scholars, including you, have to

- learn note-taking and paper-writing skills that keep track of the credit they need to give for the work of others (see below);
- show clearly in written work where their own ideas end, and where those of others begin;
- **do their own work!**

Reasons for Academic Honesty

First, it is the “right thing to do”. Research and creative thinking are hard and deserve credit.

Second, universities strongly disapprove of academic dishonesty and penalize it heavily.

Third, individual academics, including your professors, treat plagiarism with strong personal and moral disapproval. They remember cases of plagiarism, and watch the perpetrators with greater suspicion and less respect. Most feel that the perpetrator was being stupid, dishonest, or both. Who needs that?

Fourth, academic honesty prepares you for work life. Plagiarism can result in severe civil penalties and embarrassment, even for respected scholars. Federal and provincial laws increasingly limit the borrowing of ideas and creative work outside academe. Non-university law and institutions increasingly treat new ideas as “intellectual property”. Failing to give appropriate credit to others is often equivalent in law to literal fraud or theft.

Fifth, in the long run, cheating is a waste. Your own time and money are really worth sacrificing for a university degree, only if you yourself are learning how to think.

Sixth, without proper footnoting and bibliographies, a *reader* cannot learn who developed particular ideas, and how different scholars relate to one another. (Free learning tip: You yourself can learn much more from assigned readings by looking at the documents and bibliographies. They tell you where to find out more about a topic, which authors have influenced the author you are reading, and so on.)

Seventh, the risks of being caught are real. Your professor and tutorial leaders are obliged to search for, detect, and report cases of academic dishonesty. They can usually recognize key sentences or words that are not your own, and will begin to hunt for the original. If you can find a published or web-based source and use it improperly, your professor or tutorial leader probably can too.

People do “get away with” plagiarism. They may boast about it, or encourage you to do the same. This is dangerously stupid (sorry, but it is true). People also “get away with” playing Russian roulette. (See the film, *The Deerhunter*, for the definitive cinematic explanation of why the latter is still unwise.)

So start building good preventive habits! Read and follow Appendixes B and C, below.

Appendix B: **Practicing Academic Integrity**

Practicing academic integrity begins with **good time-management** and **careful note-taking**. Planning your work-load and keeping to a schedule of work reduce the temptation to cheat. (Being in control of your work is also good for your health and happiness!) Student counselling services, the McPherson Library, and the Teaching and Learning Centre can help you develop these skills. Here are some practical tips:

Note-taking

Careful note-taking is its own reward at the writing stage. It is also harder than copying. You have to “translate” the author’s words constantly into your own words, while remaining true to the author’s meaning. If you do copy out the author’s direct words, take pains to make an exact copy, including the original spelling and punctuation. If you find grammar or a fact in a source that does not look right to you, **do not “correct” it**: a direct quotation should reproduce what is really there. (Besides, maybe you are the one who is wrong!)

(An exception to “correcting” the original can happen, but *at the writing stage*. Then, you can replace or add words to make the core of the other person’s idea better understood in the new context of your own text. For details, see below in this appendix “Adjusting a direct quotation”.)

1) When you take notes on someone else’s written work, begin with a full bibliographic entry for the work, in proper bibliographic style (see below). This is a nuisance: everyone knows it is a nuisance. For your own sake, do it anyway. Remember to record the particular edition of the book you use, putting it right after the title.

2) If you use multiple pages for your notes, all notes you take on subsequent pages should begin with the author’s last name, and a short version of the title of the particular work. If you take notes electronically, consider putting this information in the header or footer of the document. Again, this is a nuisance. Everyone knows it is a nuisance. I know it is a nuisance. For your own sake, do it anyway.

3) In addition to the information in 2), you should also label specific ideas or direct quotations clearly, with **the specific page number(s)** from which the ideas or wordings are taken.

4) Be very careful to avoid **un-credited** copying of the author’s own unique phrasing or sentence structure: this can lead to inadvertent plagiarism in your final text.

5) Every time you copy the exact words from the text, or even the exact terms for a concept that is new to you, you should enclose those words in “quotation marks” in your own notes.

Writing*

1) Pick one footnote, endnote or parenthetical style, and stick to it. **For this course, follow the Chicago standard given in Messenger et al.**

It is both good style and good learning to report most of the ideas of others **in your own carefully chosen words**. (Anyone can copy out someone else’s exact words without thinking for themselves.) You have to do this without distorting what the original author meant. **You still have to cite the original author in a citation, including an exact page number or page range where you found the idea.** Make clear by careful phrasing where your ideas begin and those of others end.

2) The most sensible words to quote directly are those that stand out: memorable, innovative, or insightful words. If you are quoting dull, descriptive sentences, ask yourself why you could not say the same thing using a fresh sentence of your own making. **However, even if you are opting to repeat unremarkable wording, you must place any wording or phrasing that comes directly from another author in “quotation marks” or (for quotations over four lines in length) in indented, single-spaced paragraphs. Immediately after these words must come a citation that shows precisely where you found these words, including a page number.**

3) The end of a writing assignment must include a bibliography or reference list, organized alphabetically by author’s last name. (If a government report, a newspaper article, website, or a periodical article lists no individual authors, follow the style guide you use to specify the author.) The bibliography lists **all** the sources – articles, books, newspaper articles, websites, etc. – used in your citations. It should **not** include sources that do not show up in your citations.

4) This course’s writing assignments require properly formatted documents or endnotes and a properly formatted bibliography. Again, for this course, follow the Chicago standard given in Messenger et al.

Adjusting a direct quotation This is sometimes required, and it is also permitted **if** you document the changes properly. The rules for such changes follow. Be careful: it is bad (and it looks bad on you) to distort the original meaning.

First, some words or phrases from the quotation may become unimportant, ungrammatical, or confusing in the new context of your work. You may drop such unimportant words or phrases from direct quotations. To do this, place three ellipsis dots (...) in place of the removed words.

For instance, authors may refer to another part of their book in the middle of a sentence you want to use: “The problem of constitutional reform, discussed earlier in chapter six, was the albatross around the neck of Canadian politics for most of the 1970s.” The chapter reference is likely irrelevant for your readers. You could therefore shorten this sentence this way: “The problem of constitutional reform ... was the albatross around the neck of Canadian politics for most of the 1970s.”

Second, you may need to adjust some words grammatically in the new context of your own writing. Alternatively, you may need a brief clarification to put the quotation in context. Enclose such minor changes in [square brackets].

For instance, an author may have written in 1919 about an event that had just happened, or was happening then: “The failure of the General Strike in Winnipeg has been a crushing blow to Bolshevism in Canada”. Now in 2018, you want to use the quotation (properly documented). But “has been” doesn’t sound right: it happened so long ago. In this case, you could change the tense of the verb: “The failure of the General Strike in Winnipeg [was] a crushing blow,” etc.

Do this only **if** this improves the reader’s understanding of the quotation and your use of it, and only **if** you avoid distorting the author’s meaning.

6) **Key safety tip:** keep your notes and rough copies, as well as final drafts, until I return the paper to you.

What Should I Document?

* These hints are adapted from Heather Avery, et al., *Thinking it Through: A Practical Guide to Academic Essay Writing* (Peterborough, ON: Academic Skills Centre, Trent University, 1989), 85.

Some judgement is involved. In perfectly honest published work, many facts are not documented, and do not have to be. In most work on the Canadian constitution, for instance, it is not necessary to document the fact that Confederation occurred in 1867. (An unlikely exception would be if new evidence emerged that somehow cast doubt on the date.)

Which facts have to be documented? It can be difficult to decide what needs a document. Here are some rules of thumb:

- 1) It is never *wrong* to document too much, though you may get advice from me if some footnoting was not really necessary. Whenever you are in doubt, DOCUMENT!
- 2) Document **each** direct quotation – any set of the exact words of another person. Identify the exact words borrowed with quotation marks or (if it runs more than four lines in length) in a single-spaced indented paragraph, and include a page reference for the exact place those words can be found.
- 3) Document **each** phrase or concept a) that the author claims to be his or her invention or something he or she re-conceived, b) that the author himself has failed to document (thus claiming it as his or her own) but clearly emphasizes as significant to his or her own argument, or c) that you personally are seeing for the first time in the author's work. An example might be Pierre Trudeau's concept of the "Just Society". Again, identify the exact words that you have borrowed with quotation marks or single-spaced indentation. Also, check documentation in the area around the phrase, to see whether the author is actually quoting someone else. After you have done this once, you need not repeat it for subsequent uses of the phrase.
- 4) Document the author's thesis statement (or your paraphrase of it), or other key claims associated primarily with that author, particularly if the thesis statement or claim is disputed, discussed, or not universally known. (No need to provide a document for a passing reference in a political science paper to the fact that Einstein discovered the mathematical and physics principle that $E = mc^2$.)
- 5) Document evidence or reasoning that is crucial either to discussing your own points and advancing or challenging your own argument, especially your thesis statement, or to demonstrating arguments or ways of thinking in other academic or popular literature. (This principle explains why most people (most of the time) do not have to document simple facts like the date of Confederation: such facts are usually not debated.)
- 6) Document things that appear only in one author's work, and not in the work of others you have read.
- 7) Another indicator that you should document is if other authors credit the author for some point or term. An example is Donald Savoie's discussion of "court government". Many other authors have mentioned this concept, and cited him specifically for it. Quite right: he invented the term! But do not put the original source in your document unless you have read it yourself. Instead, give credit to the original author *through* the source that you actually consulted. (The usual format for this is as follows: "Donald Savoie, quoted in Herman Bakvis, [title of Bakvis' article, and the rest of the publication details on Bakvis' article].") Cite the original only if you actually did go back to look at it, but in that case, also cite the person who drew your attention to the original.
- 8) If a work directly influenced your ideas and arguments in a written assignment, but is not showing up in documents when you finish your writing, check to see whether you have been footnoting appropriately. If the influence is broad rather than specific, create a document where that influence starts to be particularly apparent in your paper, acknowledging the work's influence and specifically how it influenced you.
- 9) Do not include items in your bibliography that you do not document and did not influence the final work. (This is considered "padding" a bibliography. It is also bad form.)

Appendix C: Citation and Bibliographic Style

Citations show precisely which ideas and direct quotations you have borrowed from other works, and exactly where each idea or direct quotation can be found in their original context. In the social sciences and humanities, citations should always provide the precise page number for an idea or quotation, unless they are referring to the

overall argument or an overall feature of the whole article, chapter or book. Authors provide citations either as sequentially numbered documents or endnotes,[†] or as parenthetical citations.

A number of different styles have emerged for citations and bibliographies. A **citation style** normally goes with a complementary **bibliographic style**. The different styles are equally valid, but different disciplines, journals, and publishing houses have set preferences. History scholars and many political scientists prefer documents or endnotes. Many other political scientists prefer parenthetical citations.

For this course, use the Chicago citation style given in Messenger et al. You should use this style for all writing assignments for this course. It is similar to others commonly used in political science.

The **bibliography**, or **list of references**, is an alphabetic list of all books, articles, and other materials that you quote or document in a work. Give the bibliography at the end of the writing assignment or essay, beginning on a fresh page. (Some academic books and articles that use documents or endnotes do not use bibliographies, but they do give the same detailed information in the first document or endnote referring to a particular work.)

Appendix D: Historical Overview

This course is delivered on the traditional lands of the Lekwungen people (often known as Coast Salish, Strait Salish, and – to be more precise about local communities today – the Songhees and Esquimalt peoples). That is not a historical curiosity – it reflects some important, if neglected legal principles and governance structures that continue today. First Nations’ political systems long pre-date the arrival and evolution of European governing institutions on Canadian soil. They evolved, sometimes profoundly, over time. Settler society and colonial powers disrupted, ignored, and banned some of their key features, including the practices of storytelling and institutional feasting (‘potlatch’) in this region. While some important features set the pre-contact political arrangements of all First Nations apart from contemporary Canadian political institutions, deep differences also existed from place to place in political philosophy and organization. Canada’s roots in the French and British Empires and Canada’s economic reliance on immigration settlement, resource extraction, and industrial capitalism have together influenced a constitutional order that ignores and actively represses this political legacy. So, too, have sexist, racist, and other oppressive patterns in Canada’s society.

Beyond this fundamental colonial characteristic, Canadian institutions are unique in some respects, because on this ‘settler’ foundation, they brought together British, French, and American institutional traditions. Some argue that Canada’s common-law principles and other institutions also recognize Indigenous social and political institutions, in ways that support Indigenous rights. This has been a highly compromised feature of these institutions, over-laden with powerful institutions of oppression, assimilation, and forgetfulness, but it has also contributed to some important political leverage for Indigenous people.

Canada’s liberal-democratic qualities (such as the right of virtually all adult citizens to vote, or the right to go to court to have laws overturned if they violated individual rights) were some of the last features to emerge in the constitution. From a European point of view, core regions of Canada initially came under a sovereign state as a colony of the French Empire. This did not include what is now British Columbia. Alaska was a Russian colony, and early Spanish explorers in the late 18th century contended with British and American explorers over who would control the BC Coast. Other parts of what is now Canada, including what is now British Columbia, emerged first as British colonies. In Atlantic Canada, and particularly Newfoundland, some British colonies are about as old as New France.

At the end of the Seven Years’ War in 1763, shortly before the American Revolution in 1776-83, all the French-claimed land came under British rule, with the exception of St. Pierre and Miquelon off the coast of Newfoundland, along with some associated fishing rights on the Labrador coast and the northeast coast of Newfoundland. At the end of the American Revolution in 1783, the new United States of America took over the part of New France/Québec south of the Great Lakes. We know this region now as the American Mid-West, south and west of the Great Lakes.

Hostility to the American Revolution and the anomaly of French-speaking Roman Catholic colonists in a Protestant British Empire delayed the extension of self-governing institutions to the colonies in what is now Canada.

[†] Endnotes are simply footnotes placed at the end of the text, rather than at the bottom or “foot” of each page. Endnotes and footnotes are otherwise identical in form. In this course, either footnotes or endnotes are acceptable. Most word-processing programmes allow you to switch from one method to another.

Over time, each of these colonies did gain a British colonial system of government, but the timing varied wildly from one colony to another. Apart from a common loyalty to the Crown, these colonies had little to do with one another, and the populations were tiny by today's standards. For the earliest colonies, all in central and eastern Canada, colonial institutions developed a "representative" system of government after many years of strong executive control. This happened in Nova Scotia in 1784 and in Upper and Lower Canada in 1791. (At this time, British Columbia did not exist in British colonial law. Most of what is now Western Canada, parts of the three northern territories, northern Québec, northern Ontario, and the interior of Labrador were – from a European viewpoint – under the direct rule of two competing British fur trading companies, the Hudson's Bay Company and the Northwest Company. These two companies united in the 1820s. Britain separately claimed the Arctic Archipelago. But I digress....)

The "representative" colonial government would be alien in many respects to modern Canadians, though some features would be recognizable. It differed from the current parliamentary system because executive offices were neither elected directly or indirectly, nor controlled by an elected legislative assembly. Elections to the legislative assemblies were often violent and rife with manipulation. Most adults, including almost all women and men without landed property, did not have the right to vote. But both the American and Canadian systems of government today evolved from these colonial systems.

The American system took its own course after the end of the American Revolution. The Canadian one continued to follow the British parliamentary model as it evolved further in the 19th century. Beginning in the 1840s, several old colonies in what later became Canada moved towards "representative and responsible government". In particular, this happened in 1849 in the new Province of Canada. The latter was a Province of the British Empire. It emerged in 1840-41, when Britain forced its colonies of Upper and Lower Canada into a unique union. The Legislative Assembly was artificially balanced with equal seats between Canada West and Canada East (the former Upper and Lower Canada), despite populations of sharply unequal size. The plan was to overwhelm the new French Catholic minority (the majority in Canada East) with a solid English Protestant majority. Instead, political parties emerged that crossed these geographic, religious, and ethnic divides.

"Representative and responsible government" was the modern parliamentary form of government that had only recently taken shape in the United Kingdom itself. In the Province of Canada, representative and responsible government meant reducing the authority of British-appointed governors to ceremonial and neutral roles. It could happen because the British government was also moving towards free trade and away from protecting the imports that it received from its own colonies. Consequently, the turn to representative and responsible government threatened key business and ethnic interests in parts of the country, and briefly created unrest and uncertainty.

Confederation in 1867 marked the beginnings of a true federal structure for Canada. It brought together a core group of British North American colonies under a single self-governing "Dominion", still within the British Empire and subject to British foreign policy. State responsibilities divided between a federal government centred in Ottawa, and provinces corresponding mostly to existing colonial boundaries. At this time, the federal government appeared to have overriding powers in important areas of responsibility. *Provinces* received seats in the House of Commons based on their population; the appointed Senate represented *regions* equally, not provinces.

Canada's 1869 purchase of the vast interior lands of the Hudson's Bay Company sparked armed resistance under Métis leader, Louis Riel, and his military deputy Gabriel Dumont, a resistance based in what is now Winnipeg. This resulted in Riel's exile to the US, but also in the early formation of Manitoba as a small and weak province. It soon filled with settlers from the eastern provinces, mainly Ontario, and marginalized the Métis, the First Nations, Catholic rights, and the French language.

In a widely anticipated move, sparsely populated BC, recently assembled from two smaller colonies and western parts of the NWT, joined in 1871 as an equal province under minority white rule. Tiny Prince Edward Island joined two years later. Completion of a transcontinental railway, dispersal of the Métis from the Manitoba region, creation of the Northwest Mounted Police (the main part of the current RCMP) and subjection of First Nations as wards of the state under the Indian Act provoked a second uprising on the prairies with Riel as a key leader, this time in what is now Saskatchewan. The Canadians crushed the uprising and Riel hanged. The assassination, probably by Irish nationalists, of federal cabinet minister D'Arcy McGee led to the parallel formation of the Dominion Police, later folded into the RCMP, to protect federal buildings and to provide an embryonic security and intelligence force. In the 1880s, Britain formally transferred jurisdiction over the Arctic Archipelago to Canada.

From the 1880s to the 1930s, a long string of constitutional rulings by the British Empire's top court clarified questions surrounding the division of powers between the federal and provincial governments. In the process, the

JCPC broadly reduced the powers of the federal government and enhanced provincial powers. Ontario and Québec began to expand into nearby parts of the Northwest Territories. But most of the current Prairie Provinces remained under direct federal rule, along with the rest of the NWT, until 1905. Most Indigenous people went legally under the repressive provisions of the Indian Act, which by the 1880s treated them as dependent wards of the state (like orphans or mentally handicapped people). The RCMP played an ambivalent role in this period of settler-Indigenous relations, sometimes preventing overtly violent confrontations from settlers, but also maintaining a strict and oppressive legal framework for Indigenous people. In 1905, Canada created Alberta and Saskatchewan. But like Manitoba these former southern districts of the Northwest Territories remained anomalous entities. The three Prairie Provinces only gained jurisdictional control over their natural resources – a key provincial source of revenue and power – in 1930-1. This contributed to a sustained sense of regional grievance with important constitutional implications.

At the other side of the continent, the Dominion of Newfoundland had remained proudly independent of Canada within the British Empire. Economic collapse in the 1930s led to the suspension of self-governing representative and responsible institutions there. Under direct rule by an appointed commission, Newfoundland entered Canada in 1949 as its 10th province after a hotly contested two-part referendum. The result favouring Canada was narrow and many in Newfoundland doubt its legitimacy.

Remaining legal and constitutional ties to the British Empire declined slowly in the twentieth century. Voting restrictions on women fell near the end of World War I; after World War II Indigenous people, non-whites, immigrants from enemy states, and conscientious objectors gained the vote. In 1931, the Imperial Statute of Westminster transferred full autonomy to Canada and other Dominions for domestic and external affairs. In 1949, legal appeals to the British Judicial Committee of the Privy Council ended. (This left the Supreme Court of Canada, founded in the 1870s, as the final arbiter of the rule of law and constitutional interpretation in Canada.)

By the 1960s, movements favouring “national” status and even independence for Québec, Newfoundland and Acadian nationalism, the expression of regional grievances in both “the West” and “the East” (that is, Atlantic Canada), and a demand for greater protection of citizens’ rights all contributed to an extended period of constitutional negotiations. Increasing pressure for greater change from new Indigenous leadership quickly outstripped modest government reforms to the Indian Act. Once again, the intelligence services of the RCMP played controversial roles in infiltrating left wing, Québec-nationalist, and Indigenous groups. This role continued into the 1970s.

Beginning in the early 1970s, a wave of court rulings substantially altered the aboriginal rights acknowledged under the Canadian legal system, initially with respect to common-law recognition of some aboriginal land rights. Powers of responsible self-government and democratic institutions in the remaining northern territories slowly changed as well, emerging in stages from direct federal rule in the decades after 1970. To this day, the vast, sparsely populated territories remain heavily dependent on the federal government for revenues.

In Québec, the Parti Québécois (PQ) emerged in the early 1970s and won provincial government in 1976. In 1980, the PQ government of Québec held a referendum on a proposal to negotiate “sovereignty-association” with the rest of Canada. The proposal failed to pass, but the level of support it gained (about 40% of the voters in the referendum) provoked the federal government to promise major constitutional changes.

In 1982, after an extended period of federal-provincial conflict over the constitution, Britain’s Parliament passed the Canada Act, which contained the Canadian-negotiated Constitution Act of 1982. Its five-part amendment formula ended appeal to the British Parliament as the main tool for constitutional amendment. The Act also greatly enhanced the court system’s role, primarily by introducing the court-enforced Charter of Rights and Freedoms, and recognizing (without defining) existing aboriginal rights as constitutional rights. The aboriginal rights involved included common-law aboriginal rights (including the most recent interpretations), the Royal Proclamation of 1763, and all existing and future treaties. Major problems remain in clarifying and implementing these protections.

Investigations of the RCMP’s role in the 1970s led to the creation of CSIS as a separate intelligence-gathering organization. Two subsequent attempts to negotiate major revisions to the constitution failed in 1990 and 1992 (the Meech Lake and Charlottetown accords). In 1995, a second Québec referendum on negotiated independence from Canada failed by the closest of margins.

Since then, major changes have occurred to Canadian government structure, particularly with respect to the balance between rights and security and particularly with respect to new citizens or non-citizens with other status in Canada. These changes have been by ordinary statutes, government policies, and new constitutional conventions, rather than by formal constitutional amendment. The balance between rights and security shifted, in large part due to

new border control questions posed by the NAFTA agreement of 1994 and the sharpened security concerns that followed the events of September 11, 2001 in the United States.

Appendix E: **Canada's Governing Institutions Today**

Indigenous political systems and their legacies, as well as the legacy of their deliberate suppression, continue to influence Canadian constitutional politics. The political and constitutional rights of Indigenous peoples are highly controversial in many places today, and generally remain in real flux. Many processes are at work to revive or create distinctive First Nations', Inuit, and Métis political institutions.

Like all states, Canada's governing institutions rest on a claim of *sovereignty*. Sovereignty is both the *capacity* to exercise coercive power internally and externally, and the accompanying claim to have the exclusive *authority* to exercise that power *legitimately*. States such as Canada exercise their sovereignty within internationally recognized boundaries, and enforce their claims where necessary with the armed force of police and (usually) military organizations.

When one says that Canada's state is liberal-democratic, federal, and parliamentary, one is saying that Canada has a relatively rare combination of characteristics. Because the current arrangement emerged gradually rather than comprehensively at one time, this course adopts a historical perspective.

First, Canadian institutions are *liberal-democratic*. In particular, they include regular, competitive elections for key legislative and executive posts in all levels of government; equal voting rights for nearly all adult citizens; and the equalization and limitation of state power over citizens. Legal and administrative arrangements to ensure these arrangements include the principle of the rule of law, a judicial system relatively independent of the legislature and the executive, a relatively independent and non-partisan commission overseeing elections, and a written constitution adjudicated by courts, including (in Canada's case) a Charter of Rights and Freedoms that guarantees fundamental and democratic freedoms.

Second and third, Canada combines *federal* institutions like the USA (the division of final governing authority between federal and provincial orders of government), and *parliamentary* institutions like the UK (the linkage of executive and legislative power under a federal prime minister or provincial premier and their respective cabinets).

Canada's other borrowings include a British *common-law* legal system in most provinces, and a French-style *civil-code* system in Québec. This is a difference both in particular rules and in the overall structure and interpretation of the law.

Uniquely Canadian institutions, such as the appointed *Senate* and the quasi-diplomatic relationships between federal and provincial governments known as *executive federalism*, have expressed and protected regional, linguistic, and other groups within Canada, and have been the basis for managing relations between the different orders of government.

While some celebrate Canada's institutions, they have also been controversial. Critics of the Canadian government underscore the way it alienated or repressed certain regions, ethnic groups, and women; for being a colonial imposition on First Nations, Inuit, and Métis, and on the nations of Québec and Newfoundland and Labrador; for emphasizing the interests of southern Québec and Ontario to the detriment of the West, the North, and the East; for excessive centralization under prime ministers, premiers, central bureaucrats, and consultants; and otherwise for being unaccountable to most of its citizens. Other political structures, including social movement networks and institutions unique to First Nations, the Métis, and the Inuit, have supporters who also criticize Canada's political reliance on the concept of state sovereignty.

In recent years, continental economic integration under quasi-constitutional trade agreements like NAFTA and the WTO have further reshaped Canada's institutions. American ideas about government have increasingly influenced Canada, and other home-grown innovations have emerged. Security concerns about September 11, 2001 on both sides of the border have created some problems with economic integration and renewed power and authority for police, intelligence, and security forces. Particularly in the last decade, new concerns have arisen in the process about the security of charter and human rights, and about parliamentary traditions holding successive governments accountable.