Instructor: Normand Perreault (Department of Political Science)
Classroom: RB 2044
Class time: Friday 11:30 – 2:30
Office: RB 2035
Email: nperreault@lakeheadu.ca
Office hours: Tuesday, Thursday and Friday: 14:30 – 15:00, or by appointment

Course description:
This course offers a survey of key issues and topics in the area of Constitutional Politics in Canada. The course is structured around important cases and questions in this field. Throughout the course of the semester, students will be exposed to important moments and issues in the history and development of constitutional politics, and to key political debates concerning questions of national sovereignty, provincial autonomy, indigenous rights, linguistic rights, minority rights and the rule of law. The course will also examine how the main institutions of governance in Canada operate and articulate different principles of constitutional law.

Required textbooks:
- Additional readings will be distributed to the class during the course of the semester.
Evaluation:
The evaluation will consist of three (3) short essay take-home exams, each 1,500 words maximum, and each worth 20% of the total grade.

- The first short essay take-home exam is due in class on October 3rd 2014.
- The second short essay take-home exam is due in class on October 24th 2014.
- The third short essay take-home exam is due in class on November 14th 2014.

There will also be a final research paper worth 40% of the total grade. This final research paper is due by e-mail on December 8th 2014.

Late assignments are not accepted.

Grading scale:
All components of this course will receive numerical grades. Your course average will then be converted to a final letter grade according to the following Grade Conversion Scale:

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<thead>
<tr>
<th>Grade</th>
<th>Numerical Course Average (Range)</th>
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<td>A</td>
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<td>B</td>
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Outline of weekly lectures and readings

Week 1 (12 September)

The types of constitutional questions that define a democracy. The long-standing Canadian obsession with sovereignty.

Readings:


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o Introduction
  o chapter 41: Peter H. Russell, "Canada: A Pioneer in the Management of Constitutional Politics in a Multi-National Society".

Week 2 (19 September)

Confederation: a clever ploy to solve an impossible situation.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 1: Robert MacGregor Dawson, "The Constitution"
  o chapter 2: James Mallory, "The Pattern of the Constitution"
  o chapter 3: James Mallory, "Responsive and Responsible Government"
  o chapter 4: Eugene Forsey and G.C. Eglinton, "The Question of Confidence in Responsible Government"
  o chapter 5: David E. Smith, "The Canadian Senate: What Is To Be Done?"
  o chapter 6: Ronald L. Watts, "The Federative Superstructure"

Week 3 (26 September)

Confederation: many diverging interests and visions, never resolved.

- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 7: George Stanley, "A Short History of the Constitution"
  o chapter 8: George Rawlyk, "The Historical Framework of the Maritimes and the Problems of Confederation"
  o chapter 9: A.I. Silver, "Confederation and Quebec"
  o chapter 10: Donald Creighton, "The Division of Economic Powers at Confederation"
  o chapter 11: Samuel La Selva, "Confederation and the Beginnings of Canadian Federalist Theory"
Week 4 (3 October)  (The first short take-home exam is due in class on October 3rd)

Provincial rights: a work in progress. The role of the Privy Council and of the courts in establishing provincial domain.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 17: Jennifer Smith, "The Origins of Judicial Review in Canada"
  o chapter 18: Alan Cairns, "The Judicial Committee and Its Critics"
  o chapter 19: John Saywell, "The Watson Era, 1889-1912"
  o chapter 20: Frank R. Scott, "Some Privy Counsel"
  o chapter 21: Alan Cairns, "The Living Canadian Constitution"
  o chapter 22: William Lederman, "The Independence of the Judiciary"
  o chapter 23: Peter Hogg, "Is the Supreme Court of Canada Biased in Constitutional Cases?"

Week 5 (10 October)

Wrestling Canadian autonomy from Great Britain. Defining Canadian sovereignty through autonomy.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 14: Peter H. Russell, "Provincial Rights"
  o chapter 15: Christopher Armstrong, "The Mowat Heritage in Federal-Provincial Relations"
  o chapter 16: Peter H. Russell, "The Supreme Court and Federal-Provincial Relations: The Political Use of Legal Resources"

Week 6 (17 October)

Defining two path toward sovereignty and autonomy: the Quebec question.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 24: A.I. Silver, "Manitoba Schools and the Rise of Bilingualism" (the QC problem starts in Manitoba!!!)
  o chapter 25: J.W. Dafoe, "Laurier: A Study in Canadian Politics"
  o chapter 26: Louis-Philippe Pigeon, "The Meaning of Provincial Autonomy"
  o chapter 27: Alexander Brady, "Quebec and Canadian Federalism"
Week 7 (24 October) (The second short take-home exam is due in class on October 24th)

Shifting the fight: redefining the fight for sovereignty as a fight for national unity. Nation-building as a new national obsession.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 34: Roger Gibbins and Loleen Berdahl, "Western Canadian Perspectives on Institutional Reform: Introduction and Context"  
  o chapter 35: Gordon Robertson, "The Holy Grail: Provincial Status"

Week 8 (31 October)

Nation-building under the guise of national autonomy: the patriation process and the Charter.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 30: Alan Cairns, "Reflections on the Political Purposes of the Charter"
  o chapter 31: John Whyte, "On Not Standing for Notwithstanding"
  o chapter 32: Peter H. Russell, "Standing Up for Notwithstanding"
  o chapter 33: Richard Sigurdson, "Left- and Right-Wing Charterphobia in Canada: A Critique of the Critics"

Week 9 (7 November)

A return to 1867, reaching for a compromise: Meech Lake.


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  o chapter 36: Gil Rémillard, "The Constitution Act, 1982: An Unfinished Compromise"

Week 10 (14 November) (The third short take-home exam is due in class on November 14th)

Return to Charlottetown: Re-starting the constitutional engine and fighting for Canada.

**Week 11 (21 November)**  (The fourth short take-home exam is due in class on November 21st)

**After Charlottetown: an uneasy truce.**


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  - chapter 38: Sujit Choudhry and Robert Howse, “Constitutional Theory and the Quebec Secession Reference”

**Week 12 (28 November)**

**Stuck in the doldrums: a new constitutional equilibrium, or a lack of direction and a river in Egypt?**


- Leuprecht, and Russell, Essential Readings in Canadian Constitutional Politics:
  - chapter 39: John Borrows, “Recovering Canada: The Resurgence of Indigenous Law”
  - chapter 40: Brian Slattery, “Making Sense of Aboriginal and Treaty Rights”

**The final research paper is due by e-mail on December 8th**